

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 SEPTEMBER 2015 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 SEPTEMBER 2015 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

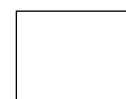
Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr N. Mauricio	-	A/Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms C. Murphy	-	Media & Communications Officer
Mr R. Hodgson	-	Communications & Marketing Co-ordinator
Mrs L. Jakovcevic	-	PA – Directors, Planning & Development/ Engineering & Works

1. DECLARATION OF MEETING

The Presiding Member declared the Ordinary Council Meeting of 10 September 2015 open at 7.00 pm and welcomed everyone.

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

Before moving to the agenda proper the Presiding Member made the following statement:



Firstly, I welcome Mr Nelson Mauricio, Manager Financial Services and Mr Richard Hodgson, Communications & Marketing Co-ordinator to tonight's meeting.

Secondly, the City was the recipient of the Heart Foundation (WA) 2015 Local Government Award in the category of Councils with a population greater than 25,000.

The award recognises best practice in creating healthy communities including the Your Move Program, using the Heart Foundation's Healthy Active by Design Tool to improve walkability around the Phoenix Town Centre in Spearwood and delivering a myriad of health related programs across our community with an emphasis on continuing the fight against heart disease – the single biggest killer of Australian men and women.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

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

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

4 (OCM 10/9/2015) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST

❖ Clr Steven Portelli – Impartiality Interest on Item 14.12.

5 (OCM 10/9/2015) - APOLOGIES AND LEAVE OF ABSENCE

❖ Clr Lyndsey Wetton – Apology

❖ Clr Yaz Mubarakai – Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.



7 (OCM 10/9/2015) - PUBLIC QUESTION TIME

Written Questions - Council Items not on the Agenda

Questions submitted by Mr Ian Thurston – Banjup Residents Group, were withdrawn on his request.

Non Written Questions - Council Items on the Agenda

Geoffrey Sasche – Coogee

Items 14.5 – Closure of portion of Orsino Blvd, North Coogee

Q1. How can Councillors be asked to consider partial closure of Orsino Blvd when they have not had the opportunity to consider the Port Coogee structure plan variation which could retain Orsino Blvd in-situ if the variation is not approved.

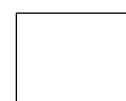
A1. The portion of Orsino Blvd in question is a relatively minor section of the road which was created as part of an existing sub-division as it would either be part of a subdivision under the proposed amended structure plan or a subdivision of land in accordance with the current structure plan. It does not necessarily require exiting in its current form. It would be subject to that subdivision approval that was dealt with at that time. It can be closed, and then it would be subject to a subdivisional approval. In relation to the current or modified structure plan; it would not set precedence in relation to current considerations on the proposed amended structure plan.

Richard Browton – Coogee

Item 21.1 – Application of Rates concession for 2015/2016 Financial Year

Q1. I am the recipient of major rate increases and I may have missed the presentation here explaining what is happening with that. I forwarded a number of emails to Mr Downing and I thought he might be here tonight explaining that a number of rates are extremely high you would have done some forward modelling to work out where you would have been before you handed out the rates, did anyone go down that road.

A1. The City did not see the extent of the impact on individual ratepayers; as it didn't do modelling on individual GRV's. It has since come about that an error was made in the determination of the rate in the dollar adopted in the 2015/16 budget and that is the subject of an item to Council on the Agenda tonight.



Non Written Questions - Council Items Not on the Agenda

Michael Separovich – Spearwood

Q1. *My question is on the major roadworks plan from 2013 – 2030, specifically how the City stands with the Perth Freight Link. If we are campaigning for an outer harbour to be constructed as soon as possible, but looking at the plan it still says for the roundabout specifically the area between Stock Road and Rockingham Road, the roundabout at Mayor Road and Beeliar Drive that section through there which every day is banked up with traffic. The plans still have an upgrade to the roundabout being built, I think 8 years before the planned Perth overpass at Stock Road is to be built. If we're seriously advocating the construction of an outer harbour, wouldn't it make sense to reverse the order of those of those two and not build the paths before so that the acts of traffic are not getting congested at those roundabouts?*

A1. One of our tasks in this financial year is to do a complete review the forward works program that you just referred to. A number of matters like that will be conceded in the plan. The impact of the Perth Freight Link on that plan is something we can't call up just yet. That situation won't become apparent until probably November or December after which time a revision of our overall future road works plan.

In terms of Mayor Road, we are already looking based on recent traffic counts at what can be done in years to come with improvement in traffic situation on Mayor Road particularly the roundabouts in question.

The City has been waiting for the release from the State Government of its plans of the outer harbour for the last five years. Each year we are being told the outer harbour has been land packed for an in-situ plan to be released so we can see what the outcome is that will allow us to facilitate connections from Latitude 32 and the industrial estate. As it stands now we still can't see any of that or any time soon when the outer harbour will be constructed.

Q2. *Has the Council considered the possibility again of doing the pre consideration of the outer harbour installing a roundabout at the corner of Barrington and Rockingham Road and putting in right and left hand turn lanes on Stock Road and Barrington, thereby doubling traffic at this intersection.*

A2. We are certainly looking at that as part of our annual road review with that and a number of other locations in the land west of Stock Road between Cockburn Road.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 5582) (OCM 10/9/2015) - MINUTES OF THE ORDINARY COUNCIL MEETING - 13 AUGUST 2015

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 13 August 2015, as a true and accurate record.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva that the recommendation be adopted.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

9.1 (MINUTE NO 5583) (OCM 10/9/2015) - REQUEST FOR LEAVE OF ABSENCE - CLR KEVIN ALLEN (083/005) (D GREEN)

RECOMMENDATION

That Council grant leave of absence to Clr Kevin Allen for the 8 October 2015 Ordinary Council Meeting.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr L Smith that the recommendation be adopted.

CARRIED 8/0

Background

By email received 10 September 2015, Clr Allen has requested leave of absence from the Ordinary Council Meeting scheduled for 8 October 2015.

Submission

To grant Clr Kevin Allen leave of absence, as requested.



Report

Council may, by resolution, grant leave of absence to a member. Approval is recommended on this occasion.

Strategic Plan/Policy Implications

Leading & Listening

- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

N/A

Legal Implications

Sec. 2.25(1) of the Local Government Act, 1995, refers.

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.

10 (OCM 10/9/2015) - DEPUTATIONS AND PETITIONS

Deputations

- ❖ Ian Thurston and Neil Raine from the Banjup Residents Association regarding Cockburn Rates for 2015/16 in relation to Item 21.1.
Note: During the deputation, Mr Thurston criticised the officer's report which used the word "purported" in relation to the Group's presentation at the August Ordinary Council Meeting, claiming that the word has an offensive meaning.
- ❖ Ken Manolas, Yvette Stott and Marcia Manolas of Hamilton Hill in relation to Item 14.12.



- ❖ Carmelina Pruiti and Marisa Leccese of Hamilton Hill in relation to Item 14.12.
- ❖ Ross Underwood, Senior Planner, Planning Solutions in relation to Item 14.10.

Petitions

Clr Reeve-Fowkes tabled the following petition:
 Petition from Oceanedge Beachside apartment owners – To remove five Casurina Trees on Socrates Parade, Port Coogee due to health and safety concerns.

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

Nil

13. COUNCIL MATTERS

AT THIS POINT, TIME BEING 7.56PM, THE FOLLOWING ITEMS WERE DEALT WITH 'EN BLOC'

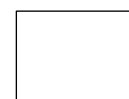
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14.2	14.7	15.3
14.3	14.8	
14.4	14.11	

13.1 (MINUTE NO 5584) (OCM 10/9/2015) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 2 JUNE 2015 (086/003; 182/001; 182/002) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 27 August 2015, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 27 August 2015. The Minutes of the meeting are required to be presented.

Submission

N/A

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

The primary focus of this meeting was to review the Engineering and Works Directorate's Delegated Authorities, Policies and Position Statements including those DAPPS which were required to be reviewed on an as needs basis.

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

As contained in the Minutes.



Legal Implications

N/A

Community Consultation

As contained in the Minutes.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 27 August 2015.

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 (MINUTE NO 5585) (OCM 10/9/2015) - CONSIDER ADOPTION OF PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 109 (109/04) (C CATHERWOOD) (ATTACH)

RECOMMENDATION													
That Council													
(1)	note no submissions were received in respect of Amendment 109 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”);												
(2)	adopt Scheme Amendment No. 109 for final approval for the purposes of:												
	1. Deleting the current land use permissibility contained within Table 1 Zoning Table for the land use ‘Club Premises’ for the following zones and replacing as described below:												
	<table border="1"> <thead> <tr> <th rowspan="2">Zone*</th> <th colspan="2">Land Use permissibility for ‘Club Premises’</th> </tr> <tr> <th>Delete current:</th> <th>Replace with:</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>A</td> <td>X</td> </tr> <tr> <td>Regional Centre</td> <td>P</td> <td>D</td> </tr> </tbody> </table>		Zone*	Land Use permissibility for ‘Club Premises’		Delete current:	Replace with:	Residential	A	X	Regional Centre	P	D
Zone*	Land Use permissibility for ‘Club Premises’												
	Delete current:	Replace with:											
Residential	A	X											
Regional Centre	P	D											



District Centre	P	D
Local Centre	D	A
Mixed Business	P	D
Business	D	A
Light and Service Industry	P	D
Industry	P	D
Rural Living	A	X

**Zones not mentioned are to remain as currently designated*

- (3) ensure the amendment documentation, be signed and sealed and then submitted to the Western Australian Planning Commission along with a request for the endorsement of final approval by the Hon. Minister for Planning.

COUNCIL DECISION

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

CARRIED 8/0

Background

From time to time, the City of Cockburn receives development applications for ‘Club Premises’ and is required to assess these and determine whether they are appropriate for the proposed zone and location.

Given the range of different clubs which fall within this land use, it would be useful to provide further guidance and clarity to both potential applicants and City officers as to:

- Where this land use is considered appropriate or otherwise;
- What will be considered in the exercise of Council’s discretion; and
- What types of conditions may be imposed on approvals for this land use.

The latter two are matters which can be dealt with via a local planning policy. Land use permissibility is set out in the City’s Town Planning Scheme No. 3 (TPS3) and this proposed amendment proposes changes to the current land use table.



Submission

N/A

Report

The purpose of this report is to consider submissions and final adoption of Scheme Amendment No. 109 to change the land use permissibility for the land use 'Club Premises' in some zones under Town Planning Scheme No. 3.

Council resolved to initiate the Amendment for the purposes of advertising at the Ordinary Meeting of 14 May 2015. It was advertised for public comment for a period of 42 days from 30 June to 11 August 2015. No submissions were received. This is not considered unusual given the administrative nature of this amendment.

The definition for 'Club Premises' within TPS3 is consistent with the Model Scheme Text, and reads:

"club premises" means premises used by a legally constituted club or association or other body of persons united by a common interest"

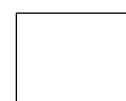
This is a reasonably broad definition and can encompass a range of different types of clubs, often with differing impacts on the surrounding land uses.

This amendment seeks to adjust the land use permissibility for this land use in some zones. A local planning policy ('LPP') could then form the assessment criteria to guide the assessment and approval process.

It is proposed to delete the current land use permissibility contained within Table 1 Zoning Table for the land use 'Club Premises' for the following zones and replacing as described below:

Zone*	Land Use permissibility for 'Club Premises'	
	Delete current:	Replace with:
Residential	A	X
Regional Centre	P	D
District Centre	P	D
Local Centre	D	A
Mixed Business	P	D
Business	D	A
Light and Service Industry	P	D
Industry	P	D
Rural Living	A	X

*Zones not mentioned are to remain as currently designated



The proposed changes would ensure that 'Club Premises' are not in any zone a 'P' use, and that they are either a 'X' use or 'D' or 'A' use where they are not permitted without Council discretion being exercised.

Should the changes be adopted, Council could consider implementing a Local Planning Policy for 'Club Premises' to provide specific assessment criteria. Particular issues a local planning policy could assist in clarifying for potential applicants include:

- Definition of potential amenity impacts;
- Locational attributes; and
- Differentiation between low and high impact activities.

This work would form within the responsibility of the City's Statutory Planning Business Unit.

Conclusion

It is recommended that Council note there were no submissions received and adopt the amendment for final approval.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.

Budget/Financial Implications

Nil

Legal Implications

Planning and Development Act 2005

Community Consultation

The amendment was advertised for public comment for a period of 42 days from 30 June to 11 August 2015. No submissions were received.

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 14.2 **(MINUTE NO 5586) (OCM 10/9/2015) - DEDICATION AS ROAD RESERVE - LOT 956 (PLAN 55528) ROE HIGHWAY, LOT 1004 (PLAN 55544) KWINANA FREEWAY, LOT 970 KAREL AVENUE (PLAN 55528) JANDAKOT AND LEEMING - OWNER MAIN ROADS WESTERN AUSTRALIA - APPLICANT: MAIN ROADS WESTERN AUSTRALIA (041/001) (KSIM) (ATTACH)**

RECOMMENDATION

That Council

- (1) request that the Minister for Lands dedicate Lot 956 and 970 on Plan 55528 and Lot 1004 on Plan 55544 as road reserve pursuant to Section 56(1) of the *Land Administration Act 1997*; and
- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting the request in (1) above.

COUNCIL DECISION

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

CARRIED 8/0

Background

Main Roads Western Australia have over the years acquired the three lots the subject of this request and other land in order to assemble all of the land required to complete the sections of the Kwinana Freeway and Roe Highway in the north eastern portion of the City of Cockburn.

The three lots are freehold lots in the ownership of Main Roads Western Australia. Now that the road works have been completed, Main Roads require that all of the land making up Kwinana Freeway and Roe Highway be dedicated as road reserve. This relates to the



existing road itself, not the proposed extension west of Kwinana Freeway which the City is opposed to.

Submission

A letter from Main Roads Western Australia details a request that Council dedicate Lots 956, 970 and 1004 Roe Highway, Karel Avenue and Kwinana Freeway. A copy of the letter can be reviewed at Attachment 2.

Report

Roads under the control of Main Roads Western Australia are declared a "public highway" or "main road" in the Government Gazette. Additionally all Main Roads controlled roads have to be dedicated as road reserve which can only be undertaken pursuant to section 56 of the Land Administration Act 1997. The Act stipulates that this action can only be undertaken by the Local Authority where the road is located. The land is removed from the control of the Transfer of Land Act 1893 and re vested in the crown as road reserve.

Land to be dedicated as road reserve per Section 56 of the LAA can be one of three different forms. The subject land falls into subsection one (1)(a) and (1)(b) being land that has been acquired for use by the public, has been constructed and maintained to the satisfaction of the local authority and the application comes from the holder of the freehold title of the land.

In its letter Main Roads have also asked that the City of Cockburn accept a number of their surplus land parcels as reserves for conservation and management by the City of Cockburn. The location of these land parcels are generally in the vicinity of the Kwinana Freeway Roe Highway intersection and are generally isolated and difficult to access and maintain.

Main Roads have not offered to meet ongoing costs to maintain these potential crown reserves. Accordingly the City does not support this proposal. This matter may be presented to a future ordinary council meeting if a source of ongoing funding can be negotiated with Main Roads.

The letter also requests that a small section of unconstructed Marriot Road be closed pursuant to section 58 of the Land Administration Act This request is being addressed elsewhere in this agenda.

Main Roads have indemnified the City for any costs and claims associated with this application.



The Department Lands have advised that a road dedication request pursuant to Section 56 of the *Land Administration Act 1997* requires a Council resolution.

Following Council's resolution, the request will be forwarded to the Department of Lands. They will then instigate a process whereby the dedication will proceed and the road will be dedicated as road reserve.

Strategic Plan/Policy Implications

Leading & Listening

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

Moving Around

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

Budget/Financial Implications

N/A

Legal Implications

Provisions of the *Land Administration Act 1997*.

Community Consultation

N/A

Attachment(s)

1. Plan of subject land
2. Letter from Main Roads

Advice to Proponent(s)/Submissioners

The applicants have been advised that the matter will be considered at the Ordinary Council Meeting 10 September 2015.

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

Nil.



14.3 (MINUTE NO 5587) (OCM 10/9/2015) - CLOSURE OF PORTION OF MARRIOT ROAD, JANDAKOT - LOCATION: ADJOINING LOT 12, SURVEY DIAGRAM 62671 - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: MAIN ROADS WA (041/001) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) request that the Minister for Lands permanently close portion of Marriot Road Jandakot, pursuant to Section 58 of the *Land Administration Act 1997* subject to the land being amalgamated with Lot 12 on Diagram 62671; and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

The majority of Marriot Road, Jandakot has been closed and acquired by the Commonwealth of Australia as part of the land comprising Jandakot Airport. A further road section that traversed the Railway reserve has been transferred to the State of Western Australia. The northern most portion remains as road reserve and does not serve any road function.

Submission

Main Roads WA has written to the City of Cockburn requesting closure of portion of Marriot Road, Jandakot adjacent to Lot 12 on Plan 7148, Jandakot.

Report

The request for closure submitted by Main Roads WA included a plan of the proposed Road Reserve to be closed. A Deposited Plan 55528 has been lodged at Landgate with the subject area shown as Lot 706. Lot 706 has an area of 304 square



All of the service authorities have been advised of the proposal, and there have been no objections. The proposal has also been publicly advertised in accordance with the requirements of the *Land Administration Act 1997*, with no objections received.

Although Main Roads WA has control of Roe Highway, it is only via Section 58 of the *Land Administration Act 1997* that roads can be permanently closed. This requires the Local Authority to manage the road closure process including advertising and necessary Council resolutions.

It is recommended that Council proceed with the road closure request as per the officer recommendation.

Strategic Plan/Policy Implications

Growing City

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

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

N/A

Legal Implications

Section 58 of the *Land Administration Act 1997* refers.

Community Consultation

The proposal has been advertised in the West Australian in accordance with the requirements of the *Land Administration Act 1997*.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2015 Ordinary Council Meeting.

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

Nil.



14.4 (MINUTE NO 5588) (OCM 10/9/2015) - CLOSURE OF PORTION OF HOPE ROAD, JANDAKOT - LOCATION: ADJOINING LOT 1 HOPE ROAD, JANDAKOT - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: WESTERN POWER (450009) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) request that the Minister for Lands permanently close portion of Hope Road, Jandakot pursuant to Section 58 of the *Land Administration Act 1997*;
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

Western Power is the only occupier of property in the section of Hope Road, Jandakot between Training Place and the Roe Highway. Western Power operates their southern Depot facility on the southern boundary of the road reserve. The land that abuts the northern boundary of the road reserve is controlled by Main Roads Western Australia.

Submission

Western Power has written to the City requesting that the section of Hope Road between the railway reserve and Roe Highway be closed so that they can use the area for parking. The resulting parking area can then be secured with fencing and gates.

Report

Main Roads as the owner of the land north of the road land have given consent to the closure and also agreed that all of the land should be made available to Western Power. Once closed, the City of Cockburn will cease to have the responsibility of maintaining the road pavement and associated costs. Following closure Western Power will have access to their depot via Training Place which runs off Karel Avenue.



Training Place is not a road reserve and is freehold land owned by Main Roads Western Australia. Western Power has been advised to liaise with Main Roads to ensure that they have continued access to their site via the land parcel known as Training Place.

Main Roads have been advised that on the same principle that Hope Road is not required as road reserve then there is no need for Training Place to be dedicated as road reserve. All of the service authorities have been advised of the proposal, and there have been no objections. The proposal has also been publicly advertised in accordance with the requirements of the *Land Administration Act 1997*, with no objections received.

It is recommended that Council proceed with the road closure request as per the officer recommendation.

Strategic Plan/Policy Implications

Growing City

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

Budget/Financial Implications

N/A

Legal Implications

Section 58 of the *Land Administration Act 1997* refers.

Community Consultation

The proposal has been advertised in the West Australian in accordance with the requirements of the *Land Administration Act 1997*.

Attachment(s)

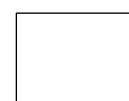
Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2015 Ordinary Council Meeting.

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

Nil.



14.5 (MINUTE NO 5589) (OCM 10/9/2015) - CLOSURE OF PORTION OF ORSINO BOULEVARD, NORTH COOGEE – LOCATION: ADJOINING LOT 9137 AND 9146 COCKBURN ROAD, NORTH COOGEE - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: AUSTRALAND (160/001) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) request that the Minister for Lands permanently close portion of Orsino Boulevard, North Coogee pursuant to Section 58 of the *Land Administration Act 1997*; and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr K Allen that Council:

- (1) defers its decision on the permanent closure of portion of Orsino Boulevard, North Coogee, until after it has determined, whether to support the proposed modifications to the Port Coogee Local Structure Plan; and
- (2) advises the applicant of Council's decision accordingly.

CARRIED 7/1

Reason for Decision

Council is currently advertising, proposed modifications to the Port Coogee Local Structure Plan, and approving the permanent closure of this portion of Orsino Boulevard, may be perceived to be supporting the changes to the structure plan, when no such determination has been made by Council.

Background

Current planning would have resulted in Orsino Boulevard being extended north to facilitate the creation of the next stage of residential lots. A small section of this future road extension has been created with the current subdivision. This small section of road reserve will not be



required in the road layout as is proposed in an amended Port Coogee Structure Plan

Submission

McMullen Nolan Consulting Surveyors have written to the City of Cockburn with a request to close portion of Orsino Boulevard north of Lullworth Terrace, North Coogee.

Report

The letter from McMullen Nolan points out that Orsino Boulevard north of Lullworth Terrace will not be extended and will be replaced by Public Open Space in a future subdivision. The plan provided by McMullen Nolan indicates the small section of road reserve that becomes redundant. On completion of the road closure process it is proposed that land be added to a future residential lot and Public Open Space.

The proposed road closure is not dependent on the amended Port Coogee Structure Plan being gazetted and can be independently proceeded with. Once closed the land the subject of the closure will be acquired from the State of Western Australia by the adjoining land owner Australand. The City has no role in this process.

All of the service authorities have been advised of the proposal, and there have been no objections. The proposal has also been publicly advertised in accordance with the requirements of the *Land Administration Act 1997*, with no objections received.

It is recommended that Council proceed with the road closure request as per the officer recommendation.

Strategic Plan/Policy Implications

Growing City

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

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

Nil

Legal Implications

Section 58 of the *Land Administration Act 1997* refers.



Community Consultation

The proposal has been advertised in the West Australian in accordance with the requirements of the *Land Administration Act 1997*.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2015 Ordinary Council Meeting.

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

Nil.

- 14.6 **(MINUTE NO 5590) (OCM 10/9/2015) - CLOSURE OF PORTION OF ADELA PLACE, SPEARWOOD - LOCATION: ADJOINING LOT 827 ADELA PLACE, SPEARWOOD - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: D A LENTHALL (160/001) (K SIM) (ATTACH)**

RECOMMENDATION

That Council

- (1) request that the Minister for Lands permanently close portion of Adela Place, Spearwood pursuant to Section 58 of the *Land Administration Act 1997*, and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

Historical aerial photography shows that up until around 1974 Adela Place was a constructed road extending south from its current location



across the Railway to connect with Mell Road. After this date it appears that the railway level crossing was removed and the road formation in this section of Adela Place also removed.

Submission

The owner of Lot 827 Adela has written to the City of Cockburn seeking the closure of a small section of Adela Place where the road reserve truncation impacts on the north-west corner of Lot 827.

The owner has previously made application to subdivide their land but has been advised by the Department of Planning to seek this partial closure before the application will be considered.

Report

Following the receipt of the application an investigation was undertaken to ascertain whether the full width of the road reserve should be closed and acquired by the City for a future residential lot.

Once the location of all the services was obtained it became obvious that this option was not viable mainly due to the location of a fibre optic cable that runs from north to south. The location of the fibre optic cable does not impact on the portion of closure proposed by the applicant.

All of the service authorities have been advised of the proposal, and there have been no objections. The proposal has also been publicly advertised in accordance with the requirements of the *Land Administration Act 1997*, with no objections received.

It is recommended that Council proceed with the road closure request as per the officer recommendation.

Strategic Plan/Policy Implications

Growing City

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

Budget/Financial Implications

Nil

Legal Implications

Section 58 of the *Land Administration Act 1997* refers.



Community Consultation

The proposal has been advertised in the West Australian in accordance with the requirements of the *Land Administration Act 1997*.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2015 Ordinary Council Meeting.

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

Nil.

- 14.7 **(MINUTE NO 5591) (OCM 10/9/2015) - CLOSURE OF BULL ROAD NORTH COOGEE - LOCATION: ADJOINING LOT 1598 AND UNALLOCATED CROWN LAND COCKBURN ROAD NORTH COOGEE - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: LANDCORP (160/002) (K SIM) (ATTACH)**

RECOMMENDATION

That Council

- (1) request that the Minister for Lands permanently close Bull Road North Coogee, pursuant to Section 58 of the *Land Administration Act 1997*; and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

Bull Road is only 13 metres in length and joins Cockburn Road to Fremantle Town Lot 1925. It is unclear why or when the road reserve was created but historic aerial photography shows that around about



1974 there were two buildings with connections to the road reserve. The road reserve may have been created to maintain access to the rear building. The building at the rear housed the Potato Marketing Board.

Submission

Landcorp has written to the City of Cockburn requesting closure of Bull Road, North Coogee so that the land can be consolidated with the adjoining Reserves 28573 and 26087.

Report

The buildings on Reserves 28573 and 26087 were formerly occupied by the Potato Marketing Corporation. The Department of Lands as the owner will be disposing of the two crown reserves to Landcorp.

The closure of the road reserve and inclusion of the land into the adjoining reserves will result in a logical land parcel that has a road frontage to Cockburn Road.

All of the service authorities have been advised of the proposal, and there have been no objections. The proposal has also been publicly advertised in accordance with the requirements of the *Land Administration Act 1997*, with no objections received.

It is recommended that Council proceed with the road closure request as per the officer recommendation.

Strategic Plan/Policy Implications

Growing City

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

Budget/Financial Implications

N/A

Legal Implications

Section 58 of the *Land Administration Act 1997* refers.

Community Consultation

The proposal has been advertised in the West Australian in accordance with the requirements of the *Land Administration Act 1997*.



Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2015 Ordinary Council Meeting.

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

Nil.

14.8 (MINUTE NO 5592) (OCM 10/9/2015) - PROPOSED LOCAL STRUCTURE PLAN - LOTS 1 & 760 GADD STREET, SUCCESS - OWNERS: VARIOUS - APPLICANT: RPS (110/106) (C HOSSEN) (ATTACH)

RECOMMENDATION					
That Council					
(1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the proposed structure plan for Lots 1 & 760 Gadd Street, Success, subject to the following modifications:					
1. modify section 7.1 of Part 1 – Statutory section of the structure plan to state as follows:					
7.1	<table border="1"> <tr> <td style="width: 20%;"><i>Other land use, development and subdivision requirements</i></td> <td><i>The following matters are required to be addressed as a condition of subdivision approval:</i></td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> <i>i) Fauna relocation survey</i> <i>ii) Wetland management plan</i> <i>iii) Landscaping management plan</i> <i>iv) Mosquito management plan</i> <i>v) Upgrade and modification of the intersection of Darlot Avenue and Hammond Road to the satisfaction of the City of Cockburn</i> </td> </tr> </table>	<i>Other land use, development and subdivision requirements</i>	<i>The following matters are required to be addressed as a condition of subdivision approval:</i>		<ul style="list-style-type: none"> <i>i) Fauna relocation survey</i> <i>ii) Wetland management plan</i> <i>iii) Landscaping management plan</i> <i>iv) Mosquito management plan</i> <i>v) Upgrade and modification of the intersection of Darlot Avenue and Hammond Road to the satisfaction of the City of Cockburn</i>
<i>Other land use, development and subdivision requirements</i>	<i>The following matters are required to be addressed as a condition of subdivision approval:</i>				
	<ul style="list-style-type: none"> <i>i) Fauna relocation survey</i> <i>ii) Wetland management plan</i> <i>iii) Landscaping management plan</i> <i>iv) Mosquito management plan</i> <i>v) Upgrade and modification of the intersection of Darlot Avenue and Hammond Road to the satisfaction of the City of Cockburn</i> 				
2. The intersection analysis, dated 11 August 2015, be included in Part 3 of the structure plan as an appendix.					
(2) subject to compliance with (1) above, pursuant to Clause					



- 6.2.10.1 of the Scheme, send the structure plan once modified to the Western Australian Planning Commission for endorsement;
- (3) endorse the schedule of submissions prepared in respect to the structure plan;
 - (3) advise the landowners within the structure plan area and those who made a submission of Council's decision accordingly; and
 - (4) request that all referral authority letters be passed on to the applicant to ensure they address their requirements.

COUNCIL DECISION

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

CARRIED 8/0

Background

The subject land area is 8.65 hectares in size; it is bound by Parks and Recreation Regional Reserve to the north and west; existing residential development to the east and; undeveloped urban zoned land to the south. The site is traversed by the Armadale to Thomson Lake Water Pipeline. The entirety of the subject site is currently undeveloped and vacant (refer attachment 1).

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and zoned 'Development' under City of Cockburn Town Planning Scheme No. 3 (Scheme). The subject land is located within Development Area No. 13 (DA 13), Development Contribution Area No. 13 (DCA 13) and Development Contribution Area No. 1 (DCA 1).

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme; a Structure Plan is required to be prepared and adopted to guide future subdivision and development.

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



Submission

RPS on behalf of the landowner has lodged a structure plan for the subject land.

Report

The subject land exists within the Branch Circus District Structure Plan area, which was prepared in order to guide site specific detailed Structure Plans (like this) to achieve coordinated subdivision and development.

Branch Circus Draft District Structure Plan

The Branch Circus District Structure Plan was adopted by Council at the Ordinary Meeting of 11 August 2011 (Min No. 4590).

The District Structure Plan was prepared to facilitate proper and orderly planning across the undeveloped portion of Development Area 13 (Branch Circus). The District Structure Plan provides guidance for the future development of local structure plans, prescribing land uses, the local street network and local parks.

The Branch Circus Draft District Structure Plan provides a greater level of detail to guide local structure plans and subdivision compared to other District Structure Plans. This level of detail was considered appropriate due to the highly fragmented nature of the subject area, and the important environmental values associated with extensive wetlands in the area.

The District Structure Plan also formed the basis of an application to the Western Australian Planning Commission to lift the urban deferment under the MRS over a portion of the District Structure Plan area.

Proposed Structure Plan

The proposed structure plan as shown within Attachment 2 provides for residential development, with public open space (POS) and an associated road network; it is anticipated that the proposed structure plan will yield approximately 142 lots. An expected residential population of 398 persons can be expected on completion of the development.

The proposed structure plan satisfies the density objectives, POS requirements and provides a suitable road network. There is however a number of minor matter that will require modification of the proposed structure plan, these are discussed following. Subject to these



modifications, the proposed structure plan is recommended for adoption.

Residential Density

Proposed densities allow for the provision of variety in lot sizes and are conducive to the densities outlined in the Branch Circus District Structure Plan.

The projected density of the subject site is 16.5 dwellings per gross hectare or 31 dwellings per site hectare. This exceeds the requirements of Liveable Neighbourhoods and Directions 2031 and is generally consistent with the District Structure Plan.

Public Open Space

The proposed structure plan allocates 1.8 hectares of the subject site for the purposes of Public Open Space ('POS'). The POS is divided into a number of distinct cells with varying functions. In the centre of the subject area is an area of POS co-located with the area identified on the adjoining structure plan. The remaining area, which forms the majority of the balance of the POS forms parts of the wetland and associated buffers to the Conservation Category Wetlands in the west of the subject site. The POS is generally consistent with the District Structure Plan and meets the requirements of Element 4 of Liveable Neighbourhoods.

Traffic

The expected dwelling yield and the road layout are consistent with District Structure Plan and therefore traffic volumes and flows have already been assessed by the City as acceptable.

One submitter raised concerns relating to traffic, which is discussed in detail in the Community Consultation section below.

This concern was addressed by the applicant post advertising and a modification to the Structure Plan to account for the required change has been proposed as part of the officer recommendation.

Bushfire Management

The subject site adjoins the Beeliar Regional Park and Thomsons Lake specifically. The area is heavily vegetated and therefore was required to be supported by a Bushfire Management Plan ("BMP"). The BMP has been undertaken in line with the relevant State Government State Planning Policy and the Planning for Bushfire Protection Guidelines.



Importantly, the design of the Structure Plan is done in such a way that there is no expectation placed on the aforementioned reserves to be cleared or impacted on by the recommendations of the BMP. Adequate setbacks have been incorporated into the Structure Plan design. Lots within 100m of identified vegetation will be required to build to the standards outlined in AS3959-2009 and all proposed Bushfire Attack Levels are within those acceptable to the City.

Community Consultation

The proposed structure plan was advertised for public comment from 18 May 2015 to 8 June 2015. All submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 3). A total of nine (9) submissions were received.

Seven (7) submissions were received from government agencies and servicing authorities; none of these objected to the proposal. A number of submissions raised points of comment which have been addressed in the schedule of submission.

Two (2) submissions were received from adjoining landowners; one provided an objection to the proposal.

The objection raised concerns relating to access and egress from the site onto Hammond Road and through the existing local road network. Noting that the current 'left-in, left-out' arrangements at the Darlot Avenue and Hammond Road intersection will lead to increased traffic flows through the existing local road network. The City supported these concerns, particularly as the staged nature of future development of the Branch Circus District Structure Plan area further exacerbates this.

Following a request from the City, the applicant has undertaken intersection monitoring and analysis. The monitoring indicated the current flows experienced at the Darlot Avenue and Hammond Road intersection and provides projections out to 2020.

The analysis proposes modifications to the intersection that would remove the current 'left-in, left-out' arrangements in favour of a full movement intersection. An indicative design showing this outcome can be seen in Figure 1 below. This approach has been assessed by the City's traffic engineer and found to be safe and satisfactory, when assessing projected traffic volumes, prior to the eventual widening and upgrade of Hammond Road in the future.



Figure 1 : Proposed Intersection Modifications

The officer recommendation provides for the need to addresses as a condition of subdivision the upgrade to the intersection, to the satisfaction of the City. All other minor matters raised by submitters are addressed in detail in the Schedule of Submissions.

Conclusion

It is recommended that Council adopt the Local Structure Plan for Lots 1 & 760 Gadd Street, Success with modification and pursuant to clause 6.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

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

Budget/Financial Implications

The required fee was calculated on receipt of the proposed structure plan and has been paid by the proponent.

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period or



such longer period as may be agreed by the applicant. The advertising period concluded on June 8 2015.

Community Consultation

Public consultation was undertaken between 18 May 2015 and 8 Jun 2015. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

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

Attachment(s)

1. Location Plan
2. Proposed Local Structure Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submitters

The proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 September 2015 Ordinary Council Meeting.

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

Nil.

14.9 (MINUTE NO 5593) (OCM 10/9/2015) - PROPOSED NEW HERITAGE PLACE - WWII ARMY SERVICE CAMP BIBRA LAKE (SITE) (FINAL ADOPTION) (095/001) (A TROSIC) (ATTACH)

RECOMMENDATION

That Council

- (1) include the 'WWII Army Service Camp, Bibra Lake (Site)' on the Local Government Inventory, and adopt the amended Place Record as included at Attachment 1;
- (3) include the 'WWII Army Service Camp, Bibra Lake (Site)' on the Heritage List pursuant to clause 7.1.3(d) of City of Cockburn Town Planning Scheme No. 3;
- (4) nominate the place for inclusion on the State Register of Heritage Places by requesting the Heritage Council consider the heritage significance of the place as part of 'P5317 Bibra Lake



and North Lake’;

- (5) advise South Metro Connect and Main Roads WA of Council’s decision to include the ‘WWII Army Service Camp, Bibra Lake (Site)’ on the City of Cockburn Local Government Inventory and Heritage List, and
- (6) request that South West Connect undertake an archaeological assessment of the area immediately, given their proposed works will impact on the site area, while reiterating Council’s opposition to the proposed Roe Highway extension and that impacts on an important heritage place is further reason why the extension should not occur.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that Council:

- (1) include the ‘WWII Army Service Camp, Bibra Lake (Site)’ on the Local Government Inventory, and adopt the amended Place Record as included at Attachment 1;
- (2) include the ‘WWII Army Service Camp, Bibra Lake (Site)’ on the Heritage List pursuant to clause 7.1.3(d) of City of Cockburn Town Planning Scheme No. 3;
- (3) nominate the place for inclusion on the State Register of Heritage Places by requesting the Heritage Council consider the heritage significance of the place as part of ‘P5317 Bibra Lake and North Lake’;
- (4) advise South Metro Connect, Main Roads WA and those parties who made a submission of Council’s decision to include the ‘WWII Army Service Camp, Bibra Lake (Site)’ on the City of Cockburn Local Government Inventory and Heritage List;
- (5) request that South Metro Connect undertake an archaeological assessment of the area immediately, given their proposed works will impact on the site area, while reiterating Council’s opposition to the proposed Roe Highway extension and that impacts on an important heritage place is further reason why the extension should not occur;
- (6) advise the Federal Minister for the Environment, Department of the Environment of Council’s decision and advise that the site is considered by the community to be under threat for the following



reasons:

1. Immediate threat of damage of conservation values through unauthorised access to the site.
 2. Threat through the progression of plans for the Western Australian State Government Roe Highway extension which is within close proximity to the site.
- (7) request that the Minister emergency heritage list the site to ensure its protection while further investigation is undertaken to fully understand the heritage values of the site.

CARRIED 7/1

Reason for Decision

Point (3), (4), (5) and (6) need to be renumbered to Points (2), (3), (4) and (5) respectively and a Point (6) added. The renumbered Point (4) needs to include a reference to responding to those who responded to the City's call for public submissions during the advertising period. Point 5 needs to have the word 'West' changed to 'Metro'. Point (6) is added to ensure that the Hon Greg Hunt MP, Minister for the Environment, Department of the Environment is informed of Council's decision given the City's request of the 4 August 2015 to the Minister to emergency heritage list the place to ensure its protection while further investigation is undertaken to fully understand the heritage values of the site.

Background

In May 2015 the Bibra Lake Residents Association alerted the City to a former Australian Women's Army Service ("AWAS") World War II Army Camp site on Hope Road in Bibra Lake.

'We answered the call' by Eileen (Reilly) Tucker makes reference to the camp site in Bibra Lake.

The site is located on Hope Road, and comprises the ruins of a World War II army camp. Although all prefabricated buildings and infrastructure were removed immediately after the War in 1945, there are sufficient traces on the surface to identify latrines, shower blocks, and tracks.

Further information and photographs of the site are included at Attachment 1.



The traces of the camp extend over an extensive area, but there is no evidence that they have ever been investigated archaeologically, and no plans of the camp are known to exist.

The City engaged Heritage Consultant, Eddie Marcus from History Now to undertake a heritage assessment of the place and to make a recommendation as to whether it should be included on the City's Local Government Inventory and/or Heritage List.

Council resolved to adopt the 'Australian Women's Army Service Camp, Bibra Lake (Site)' as a draft place record for the purposes of community consultation; and to advertise the proposed inclusion of 'Australian Women's Army Service Camp, Bibra Lake (Site)' on the Local Government Inventory and Heritage for a period of 21 days.

Advertising was subsequently undertaken for a period of 21 days, and ten submissions were received. During the advertising period the place was nominated for emergency inclusion on the National Heritage Register.

Submission

N/A

Report

The purpose of this report is for Council to consider the submissions received during the advertising period and to make a decision regarding the proposed inclusion of the former WWII army camp in Bibra Lake on the City of Cockburn Local Government Inventory and Heritage List.

Subject Land

The site is located on Reserve 46787 Progress Drive, Bibra Lake. The site itself is located close to Hope Road, opposite Native Arc (172 Hope Road), Bibra Lake Scouts (174 Hope Road), and the Cockburn Wetland Education Centre (184 Hope Road).

The site is owned by the State of Western Australia, with a Management Order to the City of Cockburn.

It is reserved 'Parks and Recreation' under the Metropolitan Region Scheme ("MRS") and City of Cockburn Town Planning Scheme No. 3 ("the Scheme").



Initial Heritage Assessment

Upon discovery of remnant fabric at the site, the City engaged Eddie Marcus from History Now to undertake a heritage assessment of the place. This included a recommendation regarding whether it had heritage significance and was considered worthy of inclusion on the City of Cockburn Local Government Inventory and/or Heritage List.

The City's LGI is a comprehensive register of places in the City of Cockburn that are considered to have heritage significance. Each place is assigned a 'Management Category', which indicates its level of heritage significance.

In considering whether a place should be included on the LGI the assessment criteria set out in the 'Criteria for the Assessment of Local Heritage Places and Areas' published by the Heritage Council is used. The following assessment criteria are used in this process:

- * Aesthetic value;
- * Historic value;
- * Research value;
- * Social value;
- * Rarity;
- * Representativeness;
- * Condition, Integrity and Authenticity.

The heritage consultant assessed the Bibra Lake Australian Women's Army Service Camp site using these criteria, and considered that the place had heritage significance for the following reasons:

For its associations with the area's role in defending the western coastline during World War II.

For its association with the Australian Women's Army Service and their critical role in operating the searchlights during World War II.

For its archaeological potential for increasing our understanding of a World War II army camp.

For its educational potential to assist people to further understand the development of such sites during World War II.

Each place on the LGI is also allocated an assigned management category, which provides an indication of the level of significance of the place, as follows:

- A – Exceptional significance
- B – Considerable significance



C – Significant
D – Some Significance

Based on the heritage significance of the site it was recommended that it be included as a ‘Management Category B’ place, which means it has ‘considerable significance, as follows:

Very important to the heritage of the locality. Conservation of the place is highly desirable. Any alterations or extensions should be sympathetic to the heritage values of the place.

It was also recommended that this place be included on the Heritage List pursuant to Town Planning Scheme No. 3 (“the Scheme”).

Currently all Management Category A and B places on the LGI are also included on the Heritage List because these are the places with the most heritage significance. Therefore inclusion of this place on the Heritage List is consistent with the City’s approach to heritage listing.

In accordance with clause 7.1.1 of the Scheme, Council is required to establish and maintain a Heritage List to identify those places which are of cultural heritage significance and worthy of conservation pursuant to the Scheme. Pursuant to clause 7.1.2 of the Scheme, Council is to include on the Heritage List such places on the LGI that it considers to be appropriate.

The purpose of the Heritage List is to offer a greater level of statutory protection to heritage places by requiring planning approval prior to any works being undertaken. This therefore provides Council with the opportunity to assess the impact of development on the identified heritage values of a place through the development approval process.

However, in accordance with clause 3.2.3 of the Scheme, the approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

However, the provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Western Australian Planning Commission (“WAPC”) for the commencement or carrying out of any use or development on a Regional Reserve.

It is therefore still recommended that Council include the place on the Heritage List pursuant to the Scheme to reflect the heritage values of the site.



Community consultation outcomes

During the advertising period there were a total of ten submissions received.

Four submissions were received from existing or former residents of the area at the time stating knowledge of the army camp and/or accounts of seeing searchlights in the area. Another submission makes reference to various other accounts from family members of people who served at the camp during the war.

A submission was received from a local archaeologist who states that the age of material at the site is consistent with material from the war period.

Three other submissions were received in support of the proposed heritage listing, including from the RSL and Historical Society.

One submission was received from a military historian, Graham McKenzie-Smith, who refutes some of the content of the draft place record, and does not support the proposed heritage listing. This submission includes Location Statements of Searchlight stations and other military records.

Each of the submissions is outlined and addressed in the Schedule of Submissions (Attachment 3); however the content of the submissions is discussed in detail below in the context of other available information and research.

History of the site

The preliminary investigation undertaken by the City's heritage consultant identified that the site was a World War Two army camp established for a Searchlight Troop, staffed by the Australian Women's Army Service.

During the advertising period a number of submissions were received which have provided additional information for Council's consideration.

Subsequent to advertising the key sources of information regarding the history of the site are as follows:

- * "We Answered the Call" by Eileen Tucker;
- * Eyewitness accounts from relatives of people who served in the Army and/or lived in the Bibra Lake area;
- * Newspaper articles, primarily Government Disposal Auction notices from 1945;



- * Military records of the monthly Location Statements that show the location of all anti-aircraft searchlight positions throughout the war;
- * Information provided by a Military Historian which provides new information, and interprets some of the available information.

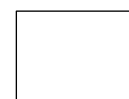
The following constraints in determining the history and use of the site are noted:

1. There are only a few visible physical remnants of the site.
2. There are limited military records relating to the site.
3. Certain details from "We Answered the Call" are not specific and cannot be verified (e.g. the photographs entitled '66AA Battery, Bibra Lake' do not have any names listed to enable service records to be checked).
4. There was another army camp site located in 'North Jandakot' (139 Heavy Searchlight Troop) from March to September 1944 which is known to have had searchlights, therefore it is possible that searchlights seen in the area during the war could have been from this site, rather than the Bibra Lake site.
5. It is possible that other sites around Bibra Lake and the area generally were used for temporary camping and training during the war.

However, in the first instance, it is considered that there is sufficient evidence to support that there was a WWII army camp at the site.

The City has received four written accounts from residents of the area during the Second World War that the site was an army camp. These eye witness accounts are very important to supporting the veracity of this site as indeed an important army camp site. This is also supported by the following information:

1. References to an army camp at Bibra Lake in the book "We Answered the Call".
2. Military records indicating that the Regimental Headquarters for 116LAA Regt (116 Light Anti-Aircraft Regiment) were located in Bibra Lake.
3. Historical aerial photographs indicating distinctive tracks through the area that are not associated with a farm or property.
4. The age of remnant material found at the site.
5. The type and extent of remnant structures currently found at the site which include concrete slabs and clay pipes, indicating that there were latrines and shower blocks at the site.



6. The site is recorded as site Lot 7, Searchlight Station 10, Bibra Lake corner of Warwick and Dixon Roads (which correlates to the subject land), having the following structures that were auctioned at the end of the war (reported in a number of newspaper notices):
 - a. Combined Kitchen, Mess and Recreation Room, in sections, weatherboard, corrugated asbestos, skillion roof, wooden floor in sections with lean-to at back;
 - b. Latrines, sheet asbestos; GI skillion roof, timber frame, cement floor;
 - c. Ablutions, sheet asbestos, G.I., G.I. skillion roof, timber frame, cement floor, cement bath; Engine Shed, GI, timber frame, cement floor (no engine);
 - d. Command Post (underground), timber;
 - e. Cement Slabs, Barbed Wire fence;
 - f. 2,000 gal tank on low stand;
 - g. Tank on stand (heavy bush timber) approx. 10ft high with 6in x 1.5 inch decking, piping and ball valve;
 - h. Bore, approximately 225 feet, casing 1.5 inch lead-off (engine room built over bore);
 - i. Septic System, three pedestals and cisterns;
 - j. 180 foot and 60 foot 1.5 inch piping.

Two possible key uses have been presented to the City through submissions and research undertaken, as follows:

1. Anti-Aircraft Searchlight Station manned by the AWAS;
2. Regimental Headquarters for 116LAA Regt with 116LAA Regt Sig Sec co-located, and AWAS attached to Regt HQ and signals section.

There is some evidence suggesting that the site was an Anti-Aircraft Searchlight Station manned by the AWAS. The AWAS were tasked with manning the searchlight stations for home defence with the aim of releasing more men for frontline service.

The Government Disposal Auction Notices refer to the site as a 'Searchlight Station'. There have also been four submissions received from residents of the area at the time that searchlights were seen from the site; and that AWAS were at the camp. It is therefore considered likely that the site was a Searchlight Station manned by the AWAS. While noting this likelihood, it is noted that:

- * There are no definitive military records confirming its use as a Searchlight Station and the site is not included in the monthly



Location Statements that show the location of all AA searchlight positions throughout the war.

- * There was another army camp site in North Jandakot which is known to have had searchlights (confirmed in military records); therefore it is possible that eyewitness accounts from former residents of the area could have been from the North Jandakot site.
- * It is possible that mobile searchlights were used at the site (and others in the area) on occasion.

There is evidence available suggesting that the site was the Regimental Headquarters for 116LAA Regt (116 Light Anti-Aircraft Regiment), with AWAS attached. This evidence includes:

- * Military records (including monthly Location Statements) which note the site as the HQ 116 LAA Rgt; and
- * Specific statement in Eileen Tucker's book, 'We Answered the Call' (1991).

At this stage the following conclusions can be made regarding the history of the site:

- * There is sufficient evidence to support the notion that the site was an important WWII army camp site of noteworthy scale;
- * The exact type of camp, the size of the camp, and the occupants cannot be absolutely confirmed at this stage;
- * Further archaeological investigation would be required to obtain further information regarding the use of the site, and it is likely that this will help solve:
 - (a) Whether it was a Searchlight Station manned by the AWAS.
 - (b) Whether it was the Regimental Headquarters for 116LAA Regt with 116LAA Regt Sig Sec co-located and some AWAS attached to Regt HQ.

Heritage significance of the site

Given that it has been established that the site was a WWII army camp, it is considered that this in itself is enough to deem the site as having 'historic value' and 'research value' for the City of Cockburn, and broader Western Australia and Australia. In particular the site has



value as being one of the remaining sites associated with WWII in the City of Cockburn.

Whether or not it was a searchlight station and/or was associated with the AWAS it is still considered to be significant enough to warrant inclusion on the City's LGI. Inclusion on the LGI enables the site and its location to be documented – information that could otherwise be lost over time if it were not included on the LGI. This is the reason why the City opts to still include 'sites' on the LGI, even if there are no physical remnants present.

While there were many war camp sites throughout the Perth Metropolitan Area during the Second World War, most of these have been re-developed. This is because the camps were only there for a few years; they were designed to be temporary in nature; and structures were sold off and removed immediately after the war. In some cases sites were developed for other uses within several years, for example the Mosman Park Searchlight Station was redeveloped for housing in the 1950s.

The subject site therefore has archaeological value and presents a unique opportunity to investigate and interpret remnant fabric.

The proposed management category B is considered to be appropriate at this stage, and should further information become available to indicate that a different level of significance is appropriate then this can be considered by Council at that time.

Place Record modifications

It is recommended that a number of modifications be made to the Place Record to reflect new information received during the advertising period.

The following changes are recommended, as shown in Attachment 1:

- * Renaming of the Place to 'WWII Army Camp' to reflect the fact that it cannot be confirmed at this stage that the camp was an AWAS camp.
- * Insertion of further details regarding the structures that were auctioned from the site, as set out in a Commonwealth Disposals Commission Auction Notice, published 16 September 1945.
- * Stipulating that the exact type of army camp, the likely occupation of the site, and the scale of the site cannot be confirmed at this stage - an archaeological investigation would



be required to determine the exact use, size and occupants of the camp.

- * Stating that based on the evidence available there are two possible uses for the camp:
1. Anti-Aircraft Searchlight Station manned by the AWAS.
 2. Regimental Headquarters for 116LAA Regt with 116LAA Regt Sig Sec co-located, and AWAS attached.

It is important to note that this place record reflects information about the site that is known at this time, and it can be updated in the future if required to clarify the use of the site.

However, it is considered important in the first instance to have the place included on the LGI and Heritage List to reflect the heritage significance of the place.

If significant new information comes to light that provides more evidence to suggest the site was a searchlight station, or was exclusively and AWAS camp or to refute these notions, then the place record can be amended accordingly.

Given the age of most heritage places this is not an unusual situation. For example, there is still significant uncertainty surrounding the history of the Peel Archaeological Town, however the place has still been included on the LGI and Heritage List. This is why the City undertakes an annual update of the LGI, whereby place records can be updated or additional information added if required.

Extent of the site

The exact extent of the site is not known, given that it has not been documented. An archaeological investigation would be required to determine the extent of the site.

Based on historical aerial photographs, and remnant evidence at the site, it is estimated that the site extends further north than initially thought, as shown in Attachment 2.

Aerial photography indicates that the possible extent of the site is 220m north from Hope Road and it is recommended that the site area be extended to encompass all of this area until such time as an archaeological investigation demonstrates differently.

Given that this area extends partially into the Primary Regional Road reservation (see Attachment 2) it is recommended that Council urgently request South Metro Connect undertake an archaeological assessment



of the area immediately to understand the extent and heritage value of this site. The site is considered to be under direct threat from the South Metro Connect project that is seeking to extend Roe Highway through this land, and therefore it is incumbent upon South Metro Connect to fully investigate this issue post haste.

Future of the Site

The cultural heritage significance of the site is most significant for its educational potential to assist people to further understand the development of such sites during World War II.

The site has the potential to be interpreted as an educational site, particularly given its location opposite Native Arc and the Cockburn Wetland Centre.

Should the site be included on the LGI and Heritage List the heritage consultant has recommended that an archaeological investigation be undertaken and a plan of the site produced? It is recommended that this be undertaken by South Metro Connect, as discussed.

It has also been recommended that an interpretive panel be placed near the entrance to the park there, so its history can be understood by visitors.

State Register Nomination

The subject site is located within a larger area ('P5317 Bibra Lake and North Lake') that has been identified by the Heritage Council Register Committee at their meeting on 24 September 2010 as a place that was likely to have cultural heritage significance. As such, it has been added to their assessment program.

This area is bounded by Bibra Drive, Farrington Road and Progress Drive, North Lake and Bibra Lake.

The area was identified by the Heritage Council as having the following values:

- * North and Bibra Lakes remains a significantly important cultural site for the Beeliar Aboriginal people;
- * North and Bibra Lakes have scientific value for their rich biodiversity, being one of the least disturbed wetland sites in the Perth Metropolitan area;



- * The area has scientific value as an educational site for environmental learning activities for primary, secondary and tertiary students;
- * The place is highly valued by the people of Perth who use the area for recreational purposes;
- * The place is a significant archaeological site within the Perth Metropolitan area;
- * The place has aesthetic value as a natural wetlands landscape in an area undergoing increasing urbanisation due to population pressures;
- * The mature Norfolk Island Pine Trees (c1900) have aesthetic and landmark value due to their location between North and Bibra Lakes;
- * The formation of a community Action Committee to oppose the proposed extension of the Roe highway through North and Bibra Lakes is further evidence of its social value to the community.

Therefore, should Council wish to nominate the place for inclusion on the State Register it is recommended that a request be made to the Heritage Council for its heritage significance to be considered as part of 'P5317 Bibra Lake and North Lake'.

Conclusion

There is sufficient available evidence demonstrating that the subject land was a WWII army camp.

While there is some uncertainty regarding the exact type of camp, its size, and the occupants during the war, the fact that the site was a WWII camp in itself is considered sufficient to warrant inclusion of the place on the LGI and Heritage List.

The amended place record documents the evidence available to date and outlines the possible uses of the site. This can be updated in the future if significant new information comes to light.

It is therefore recommended that Council adopts the amended Place Record as shown in Attachment 1, and resolves to include the place on the LGI as a Management Category B Place.

It is also recommended that the site area be extended to encompass the area where remnant material has been found, and where tracks can be seen on the historical aerial photograph. Given that this



extends into the Primary Regional Road reservation it is recommended that a request be made that South Metro Connect undertake an archaeological survey of the site to fully understand the heritage values and physical extent of the site. This is considered to represent further reason as to why this road project should not proceed, on the basis that it may destroy or significantly detract from the heritage value of the place.

Strategic Plan/Policy Implications

Infrastructure

- Facilities that promote the identity of Cockburn and its communities.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Conservation of our heritage and areas of cultural significance.

A Prosperous City

- Creation and promotion of opportunities for destination based leisure and tourism facilities.

Budget/Financial Implications

The heritage assessment of the site has been undertaken within the Strategic Planning operational budget.

Legal Implications

Nil.

Community Consultation

The proposed inclusion of the site on the LGI and Heritage List was advertised for a period of 21 days which included an advertisement in the newspaper and online, displays at City of Cockburn administration centre, libraries and the Azalea Ley Museum, and letters to the Bibra Lake Residents Association, Office of Heritage, South West Connect, Main Roads WA, and the Western Australian Planning Commission.

A total of ten submissions were received, as discussed in the report.

Attachment(s)

1. Amended Draft Local Government Inventory Place Record 'WWII Camp, Bibra Lake (Site)'
2. Proposed Site Area



3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Bibra Lake Residents Association and all submissioners have been advised that this matter is to be considered at the 10 September 2015 Council Meeting.

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

Nil.

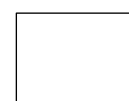
AT THIS POINT IN TIME 8.08PM CLR SMITH LEFT THE MEETING AND RETURNED TO THE MEETING. 8.10PM.

14.10 (MINUTE NO 5594) (OCM 10/9/2015) - COCKBURN CENTRAL ACTIVITY CENTRE STRUCTURE PLAN - SEEKING SUPPORT TO ADVERTISE (110/088) (A TROSIC / R PLEASANT) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the draft Cockburn Central Activity Centre structure plan as contained within Attachment 1 to this report for the purposes of advertising for a period of 28 days;
- (2) undertake the advertising by:
 - a. giving notice of the proposed Activity Centre structure plan to owners and occupiers who, in the opinion of the City, are likely to be affected by the plan;
 - b. publishing notice of the proposed Activity Centre structure plan in a newspaper circulating in the district;
 - c. publishing a notice of the proposed Activity Centre structure plan via the City's website;
 - d. ensure that methods (a) to (c) include a statement that submissions may be made to the local government within the 28 days advertising period; and
 - e. ensure all materials of the proposed Activity Centre structure plan are available for public inspection during business hours of the City during the advertising period;
- (3) seek comments in relation to the proposed Activity Centre structure plan from any public authority or utility service provider that the City considers appropriate;
- (4) provide to the Western Australian Planning Commission a copy of the proposed Activity Centre structure plan and all



accompanying material as well as the details of the advertising and consultation arrangements;

- (5) request the Western Australian Planning Commission to resolve to declare a Planning Control Area (Planning and Development Act 2005 – SECT 112) over all the land that forms part of the alternative Armadale Road deviation / North Lake Road bridge and extension design, as detailed within the draft structure plan; and
- (6) upon the Planning Control Declaration by the Western Australian Planning Commission, request that the responsible Minister for Planning approve this declaration to enable it to come in to affect.

COUNCIL DECISION

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

CARRIED 8/0

Background

The purpose of this report is to present to Council the Draft Cockburn Central Activity Centre Structure Plan (Draft Structure Plan). The purpose of the Draft Structure Plan is to confirm the shared vision for the City's largest activity centre, and to identify the necessary actions required to achieve this aspiration.

A key aim sought within this Draft Structure Plan is to identify an action plan to elevate Cockburn Central in the activity centres hierarchy (refer State Planning Policy 4.2) from a Secondary Centre to a Strategic Metropolitan Centre. This is reflective of the shared vision which was developed through stakeholder engagement undertaken as part of the overarching Activity Centre Plan in late 2014. The vision captured within the 2014 Plan and endorsed through the process of Council following detailed community consultation was that:

“Cockburn Central be positioned as a Strategic Metropolitan Centre and the most influential Activity Centre in the South West Metropolitan Sub-Region by 2031.”

The next step in moving towards this vision is the Draft Structure Plan, which is the focus of this report.



Cockburn Central is unlike many established urban/city centres that are physically constrained by existing development boundaries, and therefore requiring a focus on regeneration, land use mix and employment opportunities. Cockburn Central is instead continually emerging, with substantial “room to move”, and it is this room to move that creates the potential for Cockburn Central to become the most important centre in the southern corridor. This potential however can only be achieved if infrastructure delivery is coordinated, together with development responding in a timely and programmed way. This is a further key purpose of the Draft Structure Plan.

The failed delivery of an acceptable movement network by way of the North lake Road extension / Armadale Road deviation has effectively stalled the centre, and is a key basis for the Draft Structure Plan to drive a course to reach an outcome with the State Government on infrastructure delivery.

Therefore given the strategic importance of this document, the Draft Structure Plan is now presented to Council seeking support to advertise, inclusive of the community engagement approach identified within this report.

Submission

N/A

Report

Cockburn Central is an activity centre experiencing significant growth and undergoing considerable change. Over the last decade, centres of activity and influence have shifted with the concentration of populations creating a new core of population surrounding Cockburn Central, straddling the Kwinana Freeway and Perth – Mandurah Railway. This trend is continuing with the opening up of development land in the locality of Banjup.

In addition to population, large expanses of employment lands surround Cockburn Central and continue to grow. As a result, it is becoming vitally important to coordinate large transport infrastructure items so as to ensure the centre can function sustainably into the future.

At the centre of this objective is the current state of Beeliar Drive / Armadale Road and the devastating effect that congestion levels and current road design is having on the activity centre. These busy regional roads effectively fragment the core of the activity centre, separating the precincts of the Town Centre, Cockburn Central West,

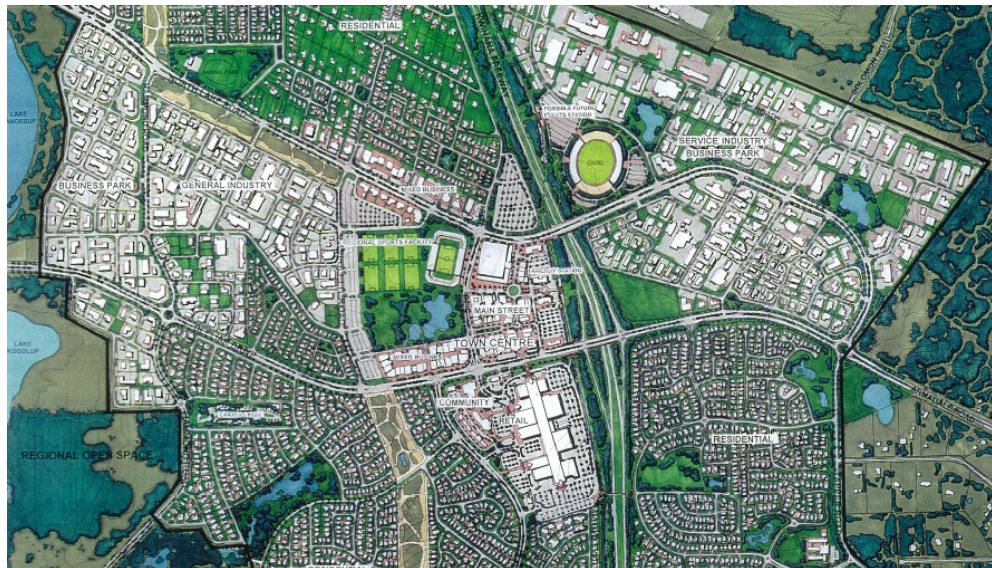


Gateways Retail Precinct, Cockburn Central East and the residential locality of Atwell.

This Draft Structure Plan identifies the strategic importance of delivering the Armadale Road deviation / North Lake Road bridge and extension, and why this is the only way in which to unlock the next stage in growth and prosperity of the Centre. Specific to the Draft Structure Plan, the associated Action Plan (refer Attachment 2) can only be implemented once support is provided for this important regional route.

The catalyst for the regional and local movement conflict experienced on Beeliar Drive / Armadale Road is attributed to the ongoing absence of the North Lake Road extension, and its intended function as a deviation to Armadale Road.

Main Roads modelling has long indicated that traffic and congestion currently experienced along Beeliar Drive / Armadale Road to the freeway can be alleviated through the delivery of the North Lake Road extension to act as a preferred freeway access route. This is not surprising given this issue was understood early on in the planning for the Thomsons Lake Regional Centre, as the locality was then known. To address this, the associated activity centre structure plan of the time (refer image below, dated 1997) demonstrated the creation of an Armadale Road / North Lake Road deviation to attempt to revert through traffic around the periphery of the activity centre. Refer to image following:

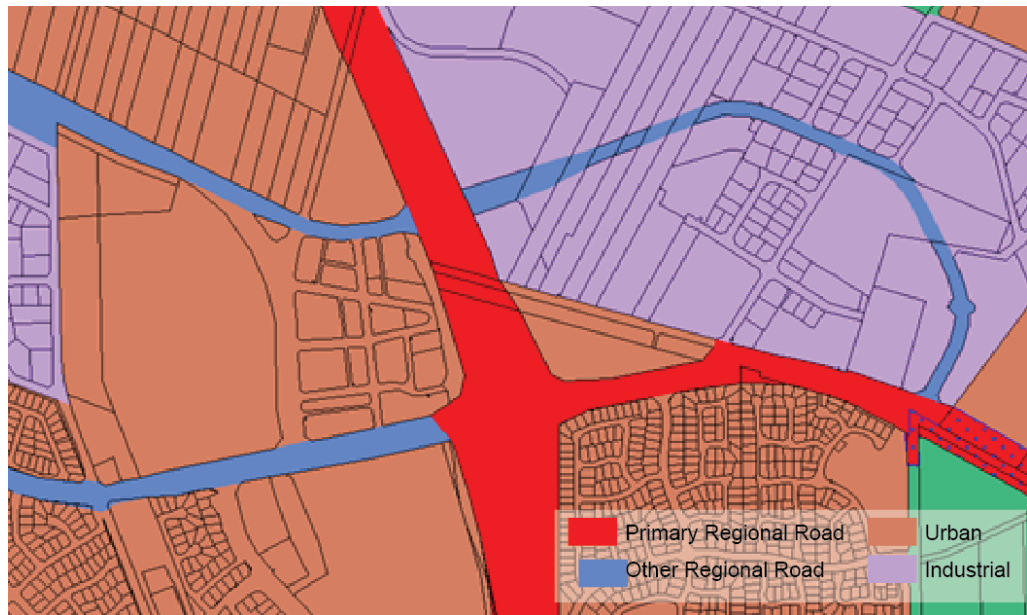


Proposed urban structure, illustrating the North Lake Road extension connecting through the Armadale Road (1997)

As part of the first recommendations of the 1997 plan, the Metropolitan Region Scheme was amended such that it delivered upon the new



regional road environment in order to affect the desired deviation of Armadale Road and North Lake Road around the periphery of the activity centre. Refer to image following:



MRS designating the North Lake Road extension as “other regional road” with the surrounding land identified for Industrial uses

The critical problem with this option is that, despite it being the basis of a State Government Regional Planning Reservation protection, it has not achieved appropriate levels of support from the agency that needs to deliver it – being Main Roads Western Australia (MRWA). ”). The City is aware of general concerns held by MRWA regarding the current planning for the road connection, which provides the impetus to consider what other options may exist to address the movement issue, and the concerns of MRWA. This has been the space that the City has been most interested in, to consider what other design solution may exist that better address the traffic issue and thereby create a more solid platform in which to obtain MRWA support for delivery.

The City through this activity centre structure plan formulation process has reflected on asking whether the current option, based on planning undertaken some 20 years ago and which has yet to be delivered, is the right option. The City in this process has engaged MRWA direct, as well as the State’s Department of Planning, in providing another option that is considered a more contemporary response to a traffic issue that has evolved beyond the original assumptions that underpinned the 1997 design. This design option is shown following:





City of Cockburn Concept - Armadale Road deviation / North Lake Road Bridge and extension

The key elements underpinning this design response include:

- Improving the current level of service of the primary regional road network (through splitting traffic between the two bridges of Armadale Rd/Beeliar Drive and North Lake Rd, which ensuring that traffic requiring regional mobility (access to the freeway) is not mixed with traffic requiring local accessibility to the activity centre.
- Creating a more flexible approach to accessing the primary regional road network (from each of the geographical quadrants entering into the interchange, with emphasis on the southeast and southwest quadrants.
- Creates a safe and consistent design response (through moving the current proposed deviation from North Lake Road / Verde Drive) to become a proper deviation of Armadale Rod that is carrying the majority of regional traffic flow.
- Removes the risks to businesses located within the Cockburn South Central precinct, which would be faced with losing the majority of access points in to and out of their premises if the current design response was followed. The image below highlights how all the business in Cockburn South Central relies on the high degree of accessibility from the current North Lake Road / Verde Drive.





- Enables a more natural deviation of Armadale Road, which will create the desired shifting of traffic from the current Armadale Road / Beeliar Drive routes to move away and enable to reinterpretation of the current Beeliar Drive to become a proper boulevard road / entrance gateway which the activity centre deserves.
- Addresses the concerns expressed by MRWA in respect of addressing needs of the primary regional roads network.
- Demonstrate a business case which sees a part of the project able to be funded through the value adding and development of State Government owned land, which is shown in the 'purple' of the concept map.



City of Cockburn Concept - Armadale Road deviation / North Lake Road Bridge and extension

This is an important element of the activity centre structure plan and is a key recommendation within the action plan.



For it to proceed there needs to be a whole of government commitment to its delivery, as well as adequate protection given to preserve the ability for the link to be provided. This explains part of the officer recommendation being the need to seek the Western Australian Planning Commission to resolve to declare a Planning Control Area over the affected land (and the Minister to approve this) so as to secure some short term control of the land in question. This will enable adequate time in which the State Government can begin the detailed process of design, in conjunction with the City and other stakeholders, and ultimately proceed to changes under the Metropolitan Region Scheme and land acquisition. Land which is impacted by the Planning Control Area is subject to the determination by the Western Australian Planning Commission for all development, rather than the local government in a sense that if the Planning Control Area did not exist. The general approach is to protect the Planning Control Area where the detailed design process takes place from private development.

Landowners are still protected while a Planning Control Area is in existence, by virtue of the right to seek a review by the State Administrative Tribunal of a decision made by the Western Australian Planning Commission. If a Planning Control Area materialises into a reservation under the Metropolitan Region Scheme, this opens up the normal provisions under the Planning and Development Act 2005 for landowners to pursue injurious affection proceedings for this land. This normally results in land being purchased by the State Government to enable to road to ultimately be provided.

How is Cockburn Central performing as an activity centre?

State Planning Policy 4.2 and the City's Local Commercial and Activity Centres Strategy (2011) highlight that activity centres are successful when they perform well in terms of "movement", "activity" and "urban form".

These three elements are inherently intertwined. For example if movement patterns for vehicles, public transport, pedestrians and cyclists are not appropriate then this will have a knock on effect when it comes to attracting businesses, residents, and services. These two elements greatly impact the response of built form. The current condition of Beeliar Drive demonstrates this point well given the lack of connectivity for pedestrians and reduced interface of buildings engaging with this stretch of road. This road is designed for private motor vehicles only, and is not reflective of a street environment that is expected down the main street of an important activity centre. For example compare the images of Beeliar Drive with that of Grand Boulevard through the Joondalup activity centre. This is a similar context with major shopping centre, freeway proximity and major passenger rail:



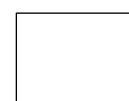


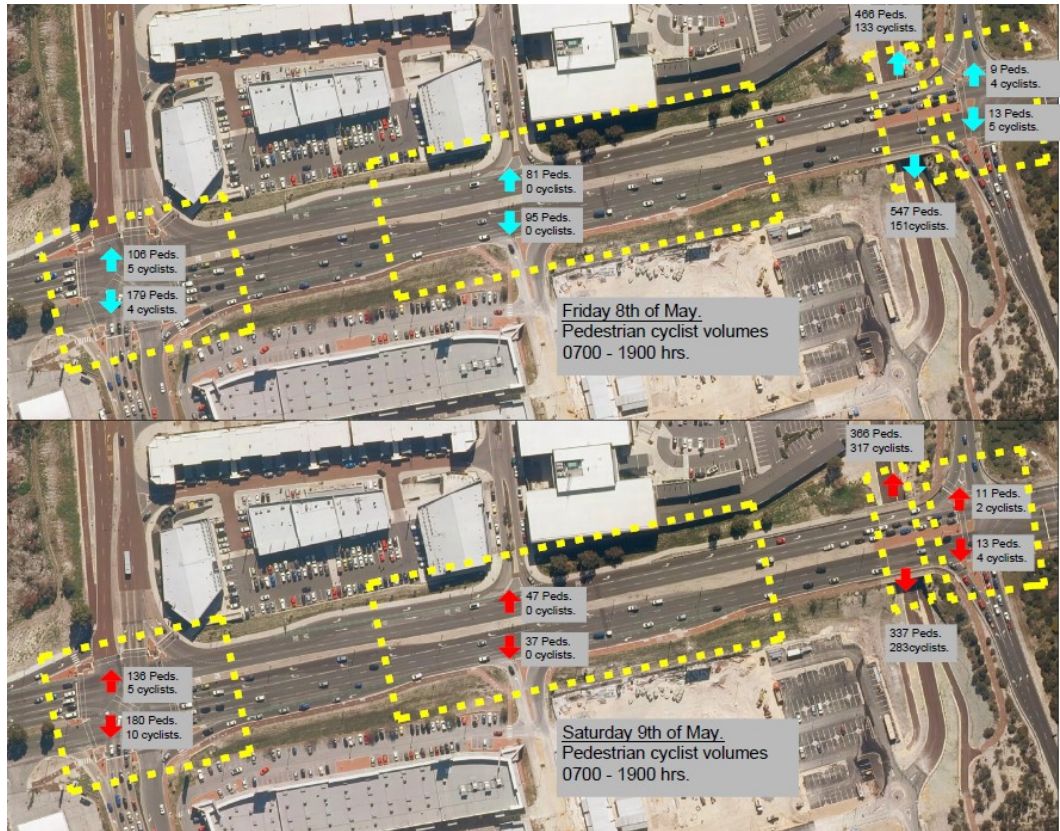
Grand Boulevard, Joondalup



Beelihar Drive, Cockburn Central

It is recognised a pedestrian underpass currently links the train station with Gateways Shopping Centre. In response to concerns regarding the safety of a lack of pedestrian crossing at Signal Terrace (of which is an obvious desire line between the Town centre and Gateways Shopping Centre), a pedestrian count was undertaken over 2 days in June 2015. The results identify that the majority of pedestrians utilise the underpass. Despite most people using the underpass the City recognises this is not a long term solution. If Beelihar Drive can be redesigned as a proper boulevard, by virtue of traffic seeking access to and from the freeway being diverted around this stretch of road both east and west of the freeway, then there appears no reason why its design cannot evolve to match something like the Grand Boulevard model.





Pedestrian counts on Beeliar Drive (June 2015) demonstrating most people utilise the underpass although also highlighting the obvious desire line for pedestrians

The City strongly advocates for the solution which will redesign Beeliar Drive in conjunction with changes that will precipitate as part of the Armadale Road deviation / North Lake Road Bridge and extension. The Draft Structure Plan presents a framework to work towards addressing this issue, starting by delivering the new road environment.

Beyond the issues surrounding Beeliar Drive, the Core Area is generally under performing in terms of urban form objectives. The figure below illustrates this point well. Black defines where buildings are currently located. White illustrates the amount of vacant space. This drawing demonstrates the lack of definition for pedestrians. Ideally, a busy urban centre should present more black than white, therefore producing more enclosed streets; the Town Centre precinct demonstrates a finer grained built form environment and should continue to serve as a benchmark for the remainder of the Core Area.





The excessive white space between buildings demonstrates the poor levels of built form intensity for an urban centre.

Landscaping in addition to built form can assist in this regard and this is the basis of the Greening Concept Plan within the Draft Structure Plan document, and the streetscape analysis evident throughout the document.

In terms of residential development, unlike many other centres, Cockburn Central has the distinct advantage of being able to easily meet residential density and land use diversity targets required by State Planning Policy 4.2.

Based on population projections, the Core Area is tracking well to deliver the required amount of commercial employment land. In the medium to longer term further land will be required and the Core Area east of the Kwinana Freeway is positioned well to deliver this need given its proximity to industry and transport connections.

The draft Structure Plan consolidates discussions by identifying Cockburn Central's strengths, aspirations and challenges as follows:



Strengths	Aspirations	Challenges
<ul style="list-style-type: none"> • An established vision for the future. • Significant population growth. • Surrounded by large expanses of employment lands. • A strong base of diverse activities with land use opportunities to further support this trend. • Structured precincts. • Good supply of vacant land in the 800m walkable catchment of the train station presents opportunities for further growth. • Regionally significant environmental assets in close proximity (Beeliar Wetlands). • A high performing shopping centre. • High levels of residential density. • Planning in place to encourage diversity. • Public transport availability. 	<ul style="list-style-type: none"> • Strategic Metropolitan Centre status. • Improve the perception of amenity for residents and businesses. • Improved intensity. • Attract strategic businesses and employment opportunities that support Cockburn's 6 strategic industries. • Better pedestrian connectivity especially between the 4 key precincts. • Unlock land within the core area for redevelopment. • Future development to improve impression of centre to drive-by-trade. • Create more flexible approach to accessing the primary regional road network (from each of the 4 geographical quadrants entering into the centre, with emphasis on the southeast and southwest quadrants). • Provide for increased mobility of regional traffic, and increased accessibility of local traffic (through enabling regional traffic to flow between the regional road network while at the same time enabling a local distributor network that enables accessibility of businesses, freight, customers and residents). 	<ul style="list-style-type: none"> • Activity centre divided by Armadale Road which impact Beeliar Drive due to the inappropriate mixing of traffic seeking mobility to freeway versus traffic seeking accessibility to the centre. • Reduce pedestrian/car conflict. • Intensifying streetscapes and built form. • Integrating Gateways Shopping Centre with the surrounding AC. • The coordinating of multiple stakeholders required to realise long term aspirations.

The Draft Structure Plan importantly does not override any adopted Local Structure Plan, rather it confirms the role of each individual precinct and identifies in one document how each contributes to the success of the activity centre as a whole.



How will we know when and if the activity centre structure plan has been successful?

A key recommendation in the action plan is to undertake periodic monitoring every two years to identify how targets are being met. Based on work undertaken in the City's Local Commercial and Activity Centres Strategy in 2011, Strategic Planning has prepared an assessment framework. This framework somewhat simplifies the way in which the City's strategic planning team can undertake regular assessments, inclusive of adopting the dials to demonstrate improvements over time.

The framework considers objectives relating to:

- Land use mix diversity targets;
- Residential density targets;
- Built form and streetscape intensity;
- Attracting strategic employment;
- Floor space demand requirements, and;
- The need for and delivery of major infrastructure and land use requirements to meet these objectives.

Conclusion

It is recommended that Council adopt the Draft Activity Centre structure plan for the purposes of community consultation. It is also recommended that Council seek the Western Australian Planning Commission to undertake the necessary formalities in order to declare a planning control area to protect the most critical element of the Plan, being the new structural alignment of the movement network.

Strategic Plan/Policy Implications

Growing City

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

Infrastructure

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

A Prosperous City

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.



Environment & Sustainability

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

Budget/Financial Implications

There are no specific financial implications associated with adopting this Plan for community consultation. Future planning and infrastructure delivery will attract a financial cost; however, these will be considered as part of the finalisation of the Activity Centre structure plan and will be reported back to Council for consideration.

Legal Implications

Nil

Community Consultation

The City has undertaken preliminary consultation with a number of the major property owners within the precinct as part of the preparation of this report.

Following Council's support, the City will:

- (1) advise stakeholders, including landowners within the frame area by letter, inviting their feedback on the draft structure plan; and,
- (2) as part of the advertising of the Strategy:
 - i. Meet with government stakeholders to discuss the structure plan with a particular emphasis on obtaining consensus with actions relating to the North Lake Road extension, and;
 - ii. Meet separately with landowners affected by the City's revised concept plan for the Armadale Road deviation / North Lake Road Bridge and extension.

Attachment(s)

1. Draft Cockburn Central Activity Centre Structure Plan.
2. Recommended action plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.11 (MINUTE NO 5595) (OCM 10/9/2015) - DUAL KEY APARTMENTS INVESTIGATION (052/001) (A LEFORT)

RECOMMENDATION

That Council note the information.

COUNCIL DECISION

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

CARRIED 8/0

Background

At Council's Ordinary Meeting held on 9 April 2015 Cr Bart Houwen requested under 'Matters to be Noted for Investigation, Without Debate', that a report to be presented to a future Council meeting on the impacts on the growth of developments called dual key units or apartments, and whether there is a need for a policy to be formulated should this type of unit become prevalent within the City.

This item was presented to Council at its Ordinary Meeting held on 9 July 2005 and a resolution was made for the item to be deferred and presented to a future meeting.

During the discussion on the item, Cllr Smith advised that she was aware that some dual key apartments had been built in Success. The report presented to Council outlined that there are no dual key apartments that exist within the City of Cockburn. It was therefore resolved to defer the determination of the matter to allow further investigations to be made and an updated report be presented back for consideration.

The City's Officers have since clarified that the development referred to by Cllr Smith comprises a single house and ancillary dwelling and is not considered to be a dual-key dwelling or apartment. The item is therefore presented back to Council.

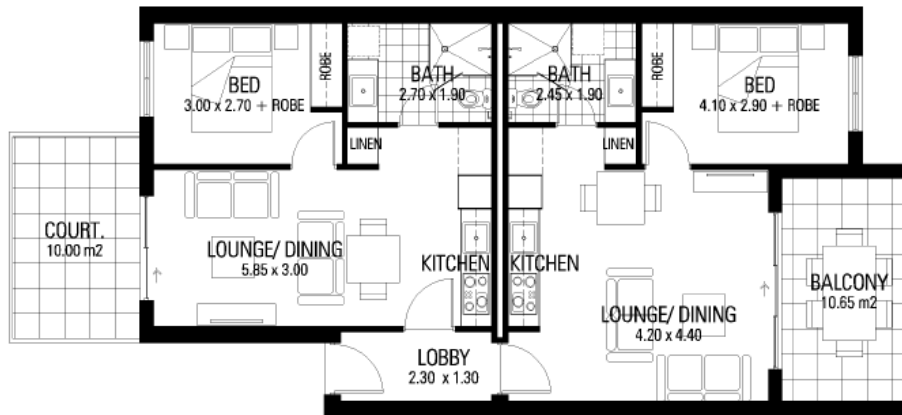
Submission

N/A



Report

Dual key apartments are a relatively new form of housing in Australia. However, they have been a common housing type in other countries including US, UK and some Asian countries. A dual key apartment is effectively one main dwelling on one title which is split internally into two self-contained dwellings; some may have shared space such as a common hallway or laundry. An example of a floor plan of a dual key apartment is shown below:



Dual key apartments may suit a number of scenarios such as:

- allowing a property owner to live in one portion of the dwelling and use the other portion as rental accommodation;
- Allowing a property owner to live in one portion and use the other portion for a relative or family member (such as an elderly parent or adult children);
- Allowing a property owner to rent out both portions of the dwelling to separate parties.

The only difference between a dual key apartment and two separate apartments is that a dual key apartment is considered one apartment on one title rather than two apartments on two separate titles.

Although the Residential Design Codes (R-Codes) does not reference or provide for dual key apartments, for the purposes of allocating car parking bays, the position of the City has been to allocate parking as if the dwellings were two separate dwellings. This is a logical approach given car parking requirements in the R-Codes are based on the size of each apartment. This would ensure sufficient parking, should the dwellings be used for dual key purposes accommodating two separate, independent households. It would also reduce the likelihood of dual key apartments being designed as a 'loophole' to under-provide car parking within a development.



The advantages of dual key apartments are:

- **Adaptability** – Dual key apartments can provide a flexible housing option that may be adapted over time depending on the needs of the resident. For example, a couple may wish to reside in a dual key apartment using it as a standard two bedroom apartment. Should circumstances change and one partner leaves the household, it could be used as two single bedroom apartments. Another example could be an elderly person who may benefit from being close to a family member but can still enjoy some independence with some self-containment. Alternatively a resident requiring a live in carer could benefit from this type of housing which would provide independent living for the resident and carer within one apartment but providing some independence;
- **Affordability** – Dual key apartments can provide an affordable housing option. For example, a single person may purchase a dual key apartment and chose to live in one portion and rent out the other portion for a period of time in order to reduce the cost of mortgage repayments. There may also be some on-going cost savings with regards to strata fees (only being paid for one dwelling) and other utility connection costs etc. which would be for only one dwelling instead of two;
- **Diversity of Housing** – Dual key apartments typically offer a smaller dwelling option which would provide a greater diversity of dwellings within the City which is dominated by single detached residential dwellings on larger lots. This in turn encourages a diversity of household types including single person and couple households.
- **Flexibility for Investors** – Dual key apartments can provide good flexibility for investors who can rent out each apartment separately or as one apartment depending on the market demand. For example, at one time, a two bedroom apartment may be in high demand but the market could change and single bedroom apartments may be in more demand. In this situation the investor has the flexibility to ensure that the market demand is met.

Whilst there are some examples of dual key apartments that have been approved within the City of Cockburn, none have been constructed, so it is difficult to realise any issues arising or disadvantages this type of development can result in.

Overall, dual key apartments are considered to be an innovative approach to housing which could lead to more adaptable and affordable housing opportunities within the City. Given the limited uptake of dual key apartments in the City of Cockburn, it is not



considered at this point in time that a Local Planning Policy is necessary.

Strategic Plan/Policy Implications

Growing City

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

Leading & Listening

- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

N/A

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.

AT THIS POINT IN TIME 8.14PM CLR PORTELLI LEFT THE MEETING.



DECLARATIONS OF INTEREST

The Presiding Member advised that he had received a written declaration of interest from Clr Portelli which was an Impartiality Conflict in relation to Item 14.12 "Reconsideration of Planning Application Petrol Filling Station & Signage 224 (Lot 55) Clontarf Road Hamilton Hill" pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of the conflict is that his aunty and uncle own and occupy a property adjacent to the subject site.

14.12 (MINUTE NO 5596) (OCM 10/9/2015) - RECONSIDERATION OF PLANNING APPLICATION PETROL FILLING STATION & SIGNAGE 224 (LOT 55) CLONTARF ROAD HAMILTON HILL (2206189) (ALEFORT) (ATTACH)

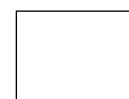
RECOMMENDATION

That Council

- (1) pursuant to S31 of the State Administrative Tribunal Act 2004 (WA), reconsider its previous decision of refusal; and
- (2) grant planning approval for a petrol filling station and associated signage at 224 (Lot 55) Clontarf Road Hamilton Hill, in accordance with the attached plans (drawing DA02 Revision H and Drawing DA03 Revision D) and subject to the following conditions and footnotes:

Conditions

1. Prior to the lodgement of a building permit application, a Noise Management Plan shall be submitted to and approved by the City. Recommendations and measures contained in the approved noise management plan shall be implemented at all times to the satisfaction of the City.
2. Prior to the lodgement of a building permit application, a Traffic Management Plan shall be submitted to and approved by the City. Recommendations and measures contained in the approved Traffic Management Plan shall be implemented at all times to the satisfaction of the City.
3. Prior to the lodgement of a building permit application, a Pollution and Drainage Plan shall be submitted to and approved by the City. Measures contained in the approved plan shall be implemented at all times to the satisfaction of the City.



4. Prior to the lodgement of a building permit application, a Lighting Management Plan shall be submitted to and approved by the City. Measures contained in the approved Lighting Management Plan shall be implemented at all times.
5. Prior to the lodgement of a building permit application, a Safety and Risk Management Plan shall be submitted to and approved by the City on advice from the Department of Mines and Petroleum. Measures contained in the approved Safety and Risk Management Plan shall be implemented at all times.
6. Prior to the lodgement of a building permit application, a Waste Management Plan shall be submitted to and approved by the City. Measures contained in the approved Waste Management Plan shall be implemented at all times.
7. Prior to the lodgement of a building permit application, a detailed colour and material schedule shall be submitted to and approved by the City for approval. The approved colour and materials schedule shall be implemented thereafter.
8. Prior to the lodgement of a building permit application, a detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:-
 - (1) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (2) any lawns to be established;
 - (3) any existing landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments.
9. Landscaping (including verge planting) shall be installed, reticulated and/or irrigated in accordance with the approved landscaping plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
10. Prior to the lodgement of a building permit application, a design audit shall be undertaken demonstrating safe manoeuvring for vehicles exiting the site via Carrington



Street to the satisfaction of the City.

11. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
12. Walls, fences and landscape areas are to be truncated within 1.5m of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75m.
13. All plant and equipment (such as air conditioning condenser units and communications hardware etc.) shall be screened from public view to the satisfaction of the City.
14. The vehicle access ways, parking areas and crossovers must be designed, constructed and line marked in accordance with the City's requirements.
15. Prior to use of the development hereby approved, vehicle parking bays, vehicle manoeuvring areas, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use to the satisfaction of the City.
16. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
17. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
18. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
19. No washdown of plant, vehicles or equipment is permitted on the premises.
20. No vacuum services are to be provided for customer vehicles on-site.
21. The supply, storage or sale of LPG gas for refuelling purposes is not permitted.
22. Prior to commencement of the use of the site for petrol



filling (post construction), a report from the builder/developer confirming compliance with the requirements of the acoustic report and that any structural recommendations of the report shall be incorporated into the development, to the satisfaction of the City.

23. During the construction phase, no activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
24. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
25. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
26. A minimum of ten (10) bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided in close proximity to the entrance of the building prior to occupation of the building.
27. The hours of operation of the approved petrol filling station (including convenience store component) are restricted to between 6:00am to 10:00pm seven days per week.
28. Prior to the commencement of the use of the site for petrol filling, a masonry wall and associated crash barriers shall be erected along the western boundary of the subject site (abutting No.222 (Lot 3) Clontarf Road) with as marked in red on the approved plans to the satisfaction of the City.
29. The three parallel car parking bays adjacent to the western boundary shall be used for staff parking only signed/marked accordingly to the satisfaction of the City.
30. Prior to the lodgement of a building permit application, the site plan shall be modified so that the landscaping strip along the western boundary is increased in width to a minimum of 1m to allow for sufficient screening landscaping to be installed to the satisfaction of the City.

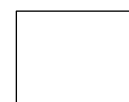
Footnotes

1. This is a Planning Approval only and does not remove the



responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.

2. A sign licence is required to be submitted to the City's Building Services Department in accordance with the City of Cockburn Local Laws, Section 8.5 of Part viii; Signs, Hoardings and Bill Posting Local Laws.
3. The primary use of the development hereby approved is 'Petrol Filling Station' defined in the City of Cockburn Town Planning Scheme No. 3 as "land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery".
4. With regards to Condition 1, the Noise Management Plan shall confirm that all recommendations made in the Environmental Acoustic Assessment submitted by Herring Storer Acoustics dated 10 October 2014 (Ref 18380-1-14211) and Additional Information dated 28 May 2015 have been incorporated into the proposed development and the design and location of all mechanical plant within the development will not result in noise emissions exceeding those set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
5. With regards to Condition No. 11, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. This is to be provided at the time of applying for a building permit.
6. With regards to Condition No. 14, line marking shall include the right of carriageway easement on the subject site.
7. All food businesses must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must obtain prior approval for the



construction or amendment of the food business premises.

8. An application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, cool-rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

The plans are to include details of:

- (i) the structural finishes of all floors, walls and ceilings;
 - (ii) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
 - (iii) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.
9. The development is to comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.
 10. The waste storage area must be of an adequate size to contain all waste bins and must be provided with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system.
 11. You are advised that Department of Mines and Petroleum (Resources Safety) approval is required for the storage of some of the materials included in this approval. Please provide documents confirming the plans have been assessed by the Department of Mines and Petroleum prior to the lodgement of a Building Permit Application for this development. Guidance on the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment should be obtained from the Resources Safety Section of the Department of Mines and Petroleum.



COUNCIL DECISION

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

- (1) pursuant to S31 of the State Administrative Tribunal Act 2004 (WA) reconsider its previous decision of refusal;
- (2) refuse to grant planning approval for a petrol filling station and associated signage at 224 (Lot 55) Clontarf Road Hamilton Hill, in accordance with the attached plans (drawing DA02 Revision H and Drawing DA03 Revision D) for the following reasons:
 1. The proposed petrol filling station does not comply with clauses 10.2.1(i), (j) and (n) of Town Planning Scheme No. 3, as the proposal is considered inappropriate and incompatible within the context of a residential setting and is likely to adversely impact on the amenity of nearby residents.
 2. The proposed petrol filling station does not comply with clause 10.2.1 (q) of Town Planning Scheme No. 3, in that it is considered that the traffic generated by the proposal would adversely impact on the traffic flow and safety in the area.
- (3) advise the State Administrative Tribunal, proponent(s) and residents representatives of Council's decision.

CARRIED 4/3

Reason for Decision

The proposed petrol filling station is an intensive commercial use generating a high amount of vehicular traffic, noise and odours and is therefore not considered to be a compatible use with the surrounding residential uses. The amount of traffic generated would adversely impact on the traffic flow of what is a problematic intersection, with significant constraints including buses and traffic queues currently.

The site itself has significant constraints including shared access. The separation distance between this proposal and adjacent residents is insufficient and likely to negatively impact on the amenity of nearby residents, which is inconsistent with the aims of Town Planning Scheme 3.



Background

The subject site is located at the intersection of Clontarf Road and Carrington Street in Hamilton Hill. The site is bounded by Carrington Road to the east, Clontarf Road to the south, a single storey residential dwelling to the west and a commercial building to the north containing several tenancies. Current vehicle access to the site is from Clontarf Road and to Carrington Street via a right of carriageway easement through the adjacent site (Lot 41 Carrington Street) to the north. The subject site is also burdened by an existing right of carriageway easement which provides vehicle access to Lot 41 Carrington Street from Clontarf Road.

The site is commercially zoned and contains a single level disused fast food outlet building (KFC), associated car parking and landscaping. A planning application for a Petrol Filling Station and Signage proposed to be constructed on the subject site was determined by Council at its ordinary meeting held on 12 February 2015 with the following resolution made:

'...that Council

- (1) *refuse to grant planning approval for a petrol filling station and signage at No. 224 (Lot 55) Clontarf Road Hamilton Hill based on the following reasons:*
 1. *The separation distance between the proposed petrol filling station and the existing residential dwellings is considered insufficient and is likely to negatively impact on the amenity of nearby residents with regards to noise, odour and other emissions which is inconsistent with the aims of Town Planning Scheme No.3 as outlined in Clause 1.6.1.*
 2. *The proposal is in close proximity to an existing petrol filling station (within 200m) and therefore this proposal is considered unnecessary.*
- (2) *notify the applicant and those who made a submission of Council's decision.'*

Subsequent to Council's decision, the applicant exercised their right to apply for a review of the decision by the State Administrative Tribunal (SAT). In response, Council engaged an external Planning Consultant to represent them in SAT where three mediation sessions have been held between the applicant, external planning consultant, several Elected Members and staff. Neighbour representatives attended two of the three mediation sessions and were invited by SAT to ensure the views of nearby residents were taken into account throughout the mediation process. As part of those mediation sessions, the neighbours were provided with copies of the Applicants materials provided to Council and were given the opportunity to make comment



on those at the mediation. Copies of the neighbour representative's written submissions prepared during the mediation process are included in Attachment 9.

After the third mediation session, the SAT made the following orders:

'On the application heard before Member Marie Connor on 17 June 2015, it is ordered that:

- 1. The applicant is to provide additional information as discussed at the mediation to the respondent by 26 June 2015.*
- 2. Pursuant to s 31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting of 13 August 2015.*
- 3. The matter is listed to directions hearing on 21 August 2015 at 10:30am.*
- 4. The respondent is to provide a copy of the Tribunal's orders to the two representatives of the residents' group by 22 June 2015.'*

The matter was subsequently presented to Council at its Ordinary meeting held on 13 August 2015 where the decision was deferred and the following resolution was made due to concerns raised by an adjoining landowner after the agenda was published:

'...that Council:

- (1) pursuant to S31 of the State Administrative Tribunal Act 2004 (WA), defer determination of the matter to the ordinary Council meeting on 10 September 2015, to allow the City to assess the revised plan and consult with the adjoining landowner(s) and resident representatives; and*
- (2) advise the applicant, the State Administrative Tribunal and resident representatives of the above decision.'*

Revised plans were subsequently lodged and circulated to the adjoining landowners to the north (Lot 41 Carrington Street) and the neighbour representatives and a meeting was held between those parties, the City's Officers, Elected Members and its representative and the applicant to specifically discuss the revised plans.

Council is therefore requested to reconsider its previous decision of refusal, based on a revised proposal.

Submission

The application proposes to develop the site for use as a petrol filling station and associated convenience store, specifically:

- Conversion of the existing fast food outlet (KFC) building of approximately 200m² in area into a convenience store;



- A forecourt consisting of eight refuelling bays and canopy;
- Three underground fuel tanks storing an approximate volume of 55,000 litres per tank;
- Tanker fill points located on the southern side of the tanker filling area (line marked), adjacent to the Clontarf Street boundary;
- Vent stacks within a landscaped area fronting Carrington Street;
- Primary customer vehicle access/egress to the site from the existing crossover to Clontarf Road with secondary access/egress from Carrington Street via the existing right of carriageway easement through the adjacent land to the north of the site (Lot 41 Carrington Street);
- Fuel tankers entering via Clontarf Road, circulating through the site (beneath the canopy) and existing via Clontarf Road;
- Service delivery vehicles entering via Carrington Street through Lot 41 and exiting via Clontarf Road;
- Removal of some of the rear additions to the building to facilitate access; and
- Associated signage.

As a consequence of the mediation process, further information and/or a number of changes have been effected by the Applicant to respond to the concerns expressed by the Council and neighbouring residents during the mediation process. The key changes and further information include:

- Operating hours restricted to between 6:00am to 10:00pm seven days per week. It should be noted that the hours of operation contained in the original proposal (that Council refused) were 24 hours;
- Additional information regarding treatment of lighting and application of Australian Standards;
- In addition to use of Stage 1 Vapour Recovery, agreement to use Stage 2 Vapour Recovery for all fuel dispensers to limit emissions during the refuelling process and mitigate odour concerns;
- Confirmation that LPG gas will not be supplied on site for refuelling purposes to mitigate odour concerns;
- Further information regarding traffic and truck movements which have subsequently been assessed by Council's independent traffic consultant;
- Updated acoustic assessment for noise associated with vehicle movement, truck refuelling and mechanical plant and associated updated recommendations that have been assessed by Council's independent acoustic consultant;
- Puma Energy's Health Safety and Environment Management procedures in relation to spill cleaning, emergency evacuation, environmental and waste management guidelines and dangerous goods management;



- Updated site plan, floor plan and elevation plan in response to the change in the Applicant's proposal as a consequence of the mediation process; and
- Additional information regarding the dangerous goods licencing process.

Consideration of these matters and issues raised during the mediation process, including by local residents, are discussed in this report.

Consultation

As part of the mediation process, local residents were invited to attend the initial site visit and then subsequently two representatives were invited to attend the two following mediation sessions. The further information provided by the Applicant to Council was also provided to the resident representatives for their consideration and comment and the following mediation sessions. Copies of the resident's submissions are included as part of Attachment 9. The resident's concerns can be categorised as follows:

- General amenity concerns
- Lack of compatibility with adjoining residential use
- Noise concerns
- Vibration concerns
- Traffic & Access
- Odour
- Lighting pollution
- Spills and safety
- Business hours and lack of need
- Refuelling tanker route and filling point
- Health concerns
- Concerns related to the legal usage of the right of carriageway that exists on the subject site to the benefit of Lot 41 Carrington Street.

The above concerns, along with those expressed by Council itself, have been considered in this report.

Report

This section shall address in detail, the matters and issues discussed throughout the mediation process which were seen by Council as most important.

Hours of Operation

The original application refused by Council proposed 24 hour operations including retail fuel sale and the convenience store with fuel and goods deliveries restricted to between 7:00am and 7:00pm. The



24 hour operation of the petrol station presented a concern to nearby residents and Council and was discussed at length during mediation. It was considered that the 24 hour nature of the operations would detract from the amenity of neighbours. Noise, lights, vehicles entering and exiting the site and other activities associated with the petrol filling station were cited as sources of impact – even if they could be demonstrated to comply with the relevant statutory controls. In response to these concerns, the applicant then proposed reduced hours of 5:00am to 12:00am arguing that these hours would serve the early morning commuters and evening business consistent with other commercial operators in the area including Red Rooster, Chinese Restaurant, Tavern and some other businesses. Council and residents remained concerned about potential impacts of the trading hours which were still generally beyond operating hours of the surrounding local centre.

In order to address Council's concerns, the applicant amended their proposal with operating hours restricted to between 6:00am to 10:00pm, seven days per week. The reduced operating hours are considered to be more in line with other commercial businesses in the immediate vicinity which tend to close around 10:00pm and will mean that the impact of the proposal on neighbours living close to the site will be reduced considerably. It also responds to the question of need associated with the original proposal to operate a 24 hour petrol filling station which wasn't justified by the Applicant and not supported by Council in the original determination.

Noise

As part of the consultation process associated with the original proposal nearby residents raised concern about potential noise and queried some of the information contained in the applicant's original noise assessment reporting. In response, Council engaged its own expert noise consultant to undertake a peer review of the applicant's report. The initial peer review dated 6 May 2015 (Appendix 5) identified several areas where further technical information and/or assessment were required including:

- Locations of receivers provided in the noise model;
- Additional information regarding noise emissions from the tyre air fill point;
- Confirmation regarding noise emissions from the mechanical services;
- Location of air compressor; and
- Noise emissions from tanker engine start and air brake air release.



The above further information was provided and Council's noise consultant has considered it to be satisfactory to address the initial concerns.

It should be noted that in order to comply with the Noise Regulations in relation to air brake release from the tanker engines, the applicant had originally revised the proposal to include the construction of a new 2.4m high colorbond fence along the western boundary of the property adjacent to the existing house for a length of 20m. However, the revised plan relocates the fuel tanker refilling location away from the western neighbour to the southern side of the site which negates the need for a 2.4m high fence on the western boundary. The western boundary now contains a landscaping strip and 3 parking bays which, if approved should be used for staff parking only. Notwithstanding this, a masonry wall (or similar) with a minimum height of 1.8m is considered to be a more visually appropriate and robust interface between a residential and commercial property of this nature and should be imposed as a condition should Council approve the proposal.

In addition, should Council approve the proposal, a condition should be imposed requiring the preparation and implementation of a Noise Management Plan to ensure that measures and recommendations outlined in the Acoustic report are implemented.

Traffic & Access

Impacts of the proposal on the surrounding traffic network and also vehicle access in and around the site were a major cause for concern shared by nearby residents and Council. Similar to the noise report, the validity of the applicant's traffic report was queried and some of the assumptions on which the report was based were challenged. Council therefore engaged an independent Traffic Engineer to undertake a peer review of the traffic report with the purpose of either confirming or alleviating its traffic and access concerns. The completed peer review including an update (dated 1 September 2015) taking into account the revised traffic movements proposed is in Appendix 6.

Based on the peer review which raised a need for additional information, the applicant undertook further analysis and assessment including further traffic counts, analysis regarding tanker movements and comparison with traffic generated from the previous fast food use.

In summary, the Traffic Engineer engaged by Council to undertake the peer review concurs with the assumptions and information provided by the applicant and agrees that traffic generated by the proposal can be satisfactorily accommodated by the existing road network. Notwithstanding this, confirmation of safe manoeuvring of eastbound outbound vehicles from the Carrington Street crossover from Lot 41 to



navigate into the northbound-eastbound right-turn pocket at the signalised Carrington Street/Winterfold Road intersection is still required as a design audit of the site and should be imposed as a condition of approval should Council approve the proposal.

Should Council approve the proposal, a condition should be imposed requiring the preparation and implementation of a Traffic Management Plan to ensure that all recommendations and measures outlined in the Traffic Impact Assessment Report are implemented.

Site Access and Manoeuvrability

With regards to fuel tanker and service delivery vehicle access and egress to the site, the previous officer report (OCM 12 February 2015) stated that the proposal for fuel tankers to enter the site via the easement across Lot 41 from Carrington Street and exit via Clontarf Road was not supported. This was due to the impact on pedestrian amenity that would be caused by the widened crossover in this location. However as part of the peer review, both Traffic Engineers disagreed with this recommendation and believe that the proposed fuel tanker access via Carrington remains the safest and best option. There is still concern by nearby residents that fuel tankers accessing the site from Carrington Street via the adjoining site is problematic. Concerns include:

- Traffic congestion caused for Carrington Street traffic northbound due to the turning movement required for a 19m tanker.
- Concerns that two-way vehicle movement will not be able to occur within the right-of-way when the tanker is traversing the site.
- Concerns that the site is simply too small to accommodate the manoeuvrability of the tanker.

Notwithstanding the above, it has now become apparent that the 19m fuel tanker cannot be contained fully within the confines of the right of carriageway on Lot 41 in order to enter the site from Carrington Street. Therefore, the revised plan and tanker locations are based on Puma utilising a 13m fuel tanker using only Clontarf Road to enter and exit the site. This involves the fuel tanker manoeuvring through the site under the bowser canopy to exit the site. A revised Swept Path drawing has been undertaken (Attachment 6) which demonstrates that there is sufficient vehicle manoeuvrability in and around the site to accommodate a 13m tanker.

Right of Carriageway Easement

As discussed above, a right of carriageway easement exists over the subject site to the benefit of Lot 41 that provides legal access between



Lot 41 and Clontarf Road. The easement is a legal agreement between the owners of the subject site and Lot 41 and Council is not a party to the easement. The revised plans contain no building, parking or loading bay is proposed within the existing right of carriageway easement that provides vehicle access between Lot 41 and Clontarf Road.

However, during consultation, serious concerns have been raised by the owner of the adjoining Lot 41 to the north of the site regarding traffic generated from the proposal that they believe may result in queuing within the easement area which may restrict their legal access to the carriageway. In response to this, the applicant has provided a queuing assessment from their Traffic Consultant (attached) demonstrating that there is sufficient queuing area outside the easement. The independent Traffic Engineer engaged by Council concurs with the applicant's Traffic Engineer that the proposed queuing is satisfactory and will not negatively impact ingress and egress to the site. In addition, Council has obtained legal advice (Confidential Attachment 13) which clarifies its position in relation to determination of the proposal in relation to the easement.

This landowner is also concerned about the right of carriageway easement that exists over their own Lot (Lot 41) that provides the subject site with vehicle access to Carrington Street. They are concerned that the size of waste and service vehicles will result in portions of the vehicles protruding into their site outside the easement area. In response to this, the applicant has indicated that they can utilise an alternative option whereby service and waste vehicles access the site from Clontarf Road only and should Council approve the proposal, this can be included in the Traffic Management Plan which can be imposed as a condition.

Odour

As discussed in the previous report, control of odour in relation to the fuel delivery and sale is legislated by the Department of Mines and Petroleum (DMP) and the applicant will require a Dangerous Goods Licence to operate. The vapour recovery system used by the applicant was discussed during mediation and the applicant provided information about Stage 1 (during tanker refuelling) and Stage 2 (during vehicle refuelling) recovery systems being used. The Stage 1 vapour recovery system returns displaced vapour back to the delivery tanker through a vapour tight connection line. The Stage 2 vapour recovery system will be installed in the fuel dispensers and will connect with the underground fuel storage tanks to limit emissions during the regular vehicle refuelling process. The vapour recovery systems being installed as part of this proposal are expected to remove gaseous



odour from the site and shall not pose an unreasonable amenity impact for nearby residents.

It should also be noted that the proposal does not include sale or storage of LPG which can be a source of odour emissions on petrol station filling sites. In addition, should Council approve the proposal, it is suggested that conditions be imposed requiring the applicant to prepare further management plans for the treatment of spills and control of drainage and pollution management to further assist in the mitigation of odour impacts and also a condition restricting the sale, storage or supply of LPG from the site.

Safety

Nearby residents and Council expressed concerns about public safety in relation to the proximity of the proposal to residential dwellings. Recent examples of other petrol stations in the metropolitan area experiencing explosions were raised. Concerns were also raised regarding potential spillage of fuel in the site.

As discussed in the Odour section above, the applicants will be required to obtain a Dangerous Goods and Handling Licence to store and sell petrol in accordance with Dangerous Goods legislation. The legislation specifies separation distances to adjoining properties and setbacks, site accessibility for fuel delivery tankers, spill containment, emergency procedures, maintenance, operator training and equipment to be installed. Whilst a Dangerous Goods and Handling Licence has not yet been obtained from the DMP, the applicant will be required to obtain this prior to operation of the proposal as a separate application process.

In addition to the DMP requirements, the applicant has a number of company procedures and guidelines in relation to safety including:

- Safe Work Procedure – Cleaning Spills (over 5 litres).
- Safe Work Procedure – Cleaning Spills (under 5 litres).
- Emergency Evacuation Procedure.
- Environmental and Waste Management Guidelines.
- HS&E Dangerous Goods Management Guidelines.

It is considered that through compliance with the DMP legislative process and the applicant's own internal processes and procedures, that the safety of those visiting and working at the site and importantly, nearby residents is being adequately considered and managed. In addition, to ensure that the planning approval appropriately contemplates risk and safety management measures including communication and evacuation protocols, a condition could be



imposed for the preparation and implementation of a Safety and Risk Management Plan to the City's satisfaction on advice from DMP.

Lighting

The potential impacts of lighting spill associated with the proposal caused some concern from adjacent and nearby residents and Council. In response, the applicant has provided a Light Spill Elevation and Lighting Design plan (Attachment 8) prepared by their lighting consultant. The Light Spill Elevation clearly indicates that all external lighting emitted will be contained on site and will not extend into adjacent properties. The lighting has been designed to adhere to the *Australian Standard AS4282 – Control of obtrusive effects of outdoor lighting*. Should Council approve the proposal, a condition can be imposed requiring compliance with this which is a standard condition imposed on most commercial developments along with a lighting management plan to address the operational aspects of minimising the use and treatment of lights after hours on adjacent residential properties.

Health Impacts

Nearby residents raised concerns regarding their health, in relation to potential exposure to benzene. However, health impacts are not noted as an environmental factor that is relevant for consideration of petrol filling stations adjacent to residential developments or sensitive premises and no evidence has been presented to Council to suggest that the proposal is likely to impact the health of nearby residents.

Conclusion

The proposed petrol filling station is a use than can be considered for approval within a Local Centre. The proposal, if approved is likely to service both local residents and passing traffic and is reasonably well located to do so. However, due to the site's close proximity to existing residential dwellings, a number of issues and concerns were raised by residents and Council resulting in Council's initial decision to refuse the proposal. As part of the SAT mediation process, Council engaged independent noise and traffic consultants and the applicant provided further information in relation to a number of matters and concerns.

The recommendation of officers is that subject to the modifications undertaken by the Applicant and the introduction of additional conditions as part of the approval process to address the issues raised, the proposal is suitable for approval subject to conditions. It is important to note that the Applicant will also require separate licensing to operate the petrol filling station through the Department of Minerals and Petroleum as well as operate within other Environmental



Protection Act regulations. Notwithstanding the above, the recommendation conditions have sought to ensure that the proposal will operate in accordance with appropriate management controls addressing the specific issues outlined in this report.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines.

Budget/Financial Implications

Further budget implications should the matter proceed to a full hearing in the State Administrative Tribunal.

Legal Implications

The requirement to defend Council's decision should the matter proceed to a full hearing in the State Administrative Tribunal.

Community Consultation

The original proposal (refused by Council at the 12 February 2015 OCM) was advertised to nearby residents for comment and five submissions were received and discussed in the previous report.

As discussed in this report, two people representing the adjacent and nearby residents were involved in the mediation process through SAT in the capacity of providing their views on all information presented. The resident representatives were provided with additional information supplied by the applicant throughout the mediation process. Additional consultation has been undertaken with the adjoining landowner to the north (Lot 41 Carrington) with regards to the revised plans and their concerns are contained in Attachment 10.



Attachment(s)

1. Aerial View Plan
2. Site Plan, Floor Plan & Elevation Plan
3. Certificate of Title/Right of Carriageway
4. Applicant's Acoustic Report and Additional Information
5. City of Cockburn's Peer Review of Acoustic Report
6. Applicant's Traffic Report and Additional Information (including update 20/08/15)
7. City of Cockburn's Peer Review of Traffic Report (including update 01/09/15)
8. Lighting Plan and Light Spill Elevation Plan
9. Neighbour Representative Concerns (17/6/15)
10. Lot 41 Carrington Street Neighbour Concerns (28/08/15)
11. Applicant's Queuing Assessment
12. Applicant's Dangerous Goods Licencing Process Document (15/04/15)
13. Council's Legal Advice regarding the right of carriageway (*Confidential and provided under separate cover*)

Advice to Proponent(s)/Submissioners

The Proponent(s) and resident representatives have been advised that this matter is to be considered at the 10 September 2015 Council Meeting.

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

Nil.

CLR PORTELLI RETURNED TO THE MEETING THE TIME BEING 8.24 PM.

THE PRESIDING MEMBER ADVISED CLR PORTELLI OF COUNCIL'S DECISION.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 5597) (OCM 10/9/2015) - LIST OF CREDITORS PAID - JULY 2015 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

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



COUNCIL DECISION

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

CARRIED 8/0

Background

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

Submission

N/A

Report

The list of accounts for July 2015 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – July 2015.



Advice to Proponent(s)/Submissioners

N/A

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

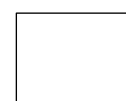
Nil.

15.2 (MINUTE NO 5598) (OCM 10/9/2015) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2015 (071/001) (N MAURICIO) (ATTACH)**RECOMMENDATION**

That Council

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

OP 6818-5324	Lot 786 Orsino Boulevard North Coogee	LESS	5000
OP 8173-5110	Kidsport - DSR Grant	LESS	10,000
OP 8173-6200	Kidsport	LESS	10,000
OP 8597-5110	C Y O'Connor Beach Nourishment Work - CAP Grant	ADD	75,000
OP 8597-6200	C Y O'Connor Beach Nourishment Work	ADD	75,000
CW 4614-4133	Caretakers' Residence - Trf from Major Buildings Refurb Reserve	ADD	96,000
CW 4614-6200	Caretakers' Residence	ADD	96,000
CW 1539-9900	Lot 702 Bellier Pl & Lot 65 Erpingham Rd - Proceed of Sale	ADD	1,097,273
CW 1539-7152	Lot 702 Bellier Pl & Lot 65 Erpingham Rd - Trf to Land Development Rsv	ADD	1,097,273
CW 7657-5765	Speed Alert Trailer - Funded from Sundry Reimbursement	ADD	14,000
CW 7657-6200	Speed Alert Trailer	ADD	14,000
GL 480-6333	RRRC Funding Payment	ADD	63,758

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

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

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

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

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

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

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

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

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details within monthly reporting. Council adopted a materiality threshold of \$200,000 for the 2015/16 financial year at its August meeting.



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

Submission

N/A

Report

Opening Funds

Due to ongoing end of financial year (EOFY) processing, the current opening funds reported in the July financial statement is not finalised and is also subject to audit. The actual opening fund is currently showing \$13.2M versus the adopted budget opening funds of \$13.5M. These include the municipal funding for carried forward projects, currently sitting at \$9.9M versus the \$10.5M forecast in the budget. However, this may change due to further EOFY processing and audit.

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

Closing Funds

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

The City's closing funds of \$104.8M are \$2.8M higher than the YTD budget target. This comprises net favourable cash flow variances across the operating and capital programs as detailed later in this report and the impact of the opening funds variance described earlier.

Further EOFY processing will impact this closing fund's position, but an uncommitted end of financial year closing Municipal Fund of approximately \$3.0M is expected due to favourable variances across the City's operating activities (detailed further within this report). In contrast, the revised budget is showing end of year closing funds of \$0.3M. The EOFY uncommitted funds will be transferred into one or more of Council's reserve accounts in accordance with the City's Budget Management Policy. This will be reported to Council in October



2015 along with the final June monthly financial activity statement and carried forwards listing.

Operating Revenue

Consolidated operating revenue of \$95.9M was just under the YTD budget target by \$0.03M. The significant variances in this result were:

- Commercial landfill fees at \$8.5M ended up \$0.2M behind the adjusted YTD budget.

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

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$9.0M was under the YTD budget by \$1.7M and comprised the following significant items:

- Material and Contracts were \$1.5M under YTD budget and continues a trend of less activity in July following concerted efforts to complete works and issue invoices for the previous financial year.
- Salaries and direct on-costs incurred were \$0.3M under the YTD budget.

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

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

Nature or Type Classification	Actual Expenses \$M	FY Revised Budget \$M	Variance to Budget \$M
Employee Costs - Direct	3.22	3.56	0.33
Employee Costs - Indirect	0.03	0.06	0.03
Materials and Contracts	1.52	3.06	1.55
Utilities	0.50	0.41	(0.09)
Interest Expenses	0.00	0.00	0.00
Insurances	1.17	1.22	0.05
Other Expenses	0.43	0.36	(0.07)
Depreciation (non-cash)	2.3	2.31	0.01
Internal Recharging-	(0.16)	(0.31)	(0.15)



Nature or Type Classification	Actual Expenses \$M	FY Revised Budget \$M	Variance to Budget \$M
CAPEX			
Total	9.02	10.67	1.66

Capital Expenditure

The City's total capital spend at end of July was \$0.9M, representing an under spend of \$4.6M against the YTD budget of \$5.5M.

The following table shows the budget variance analysis by asset class:

Asset Class	Actual Expenses \$M	FY Revised Budget \$M	Variance to Budget \$M
Roads Infrastructure	0.20	1.20	1.01
Drainage	0.04	0.08	0.04
Footpaths	0.01	0.01	0.00
Parks Hard Infrastructure	0.13	0.26	0.13
Parks Soft Infrastructure	0.00	0.04	0.04
Landfill Infrastructure	0.04	0.05	0.02
Freehold Land	0.01	0.53	0.52
Buildings	0.42	2.99	2.57
Furniture & Equipment	0.00	0.00	0.00
Computers	0.01	0.13	0.12
Plant & Machinery	0.00	0.17	0.17
Total	0.85	5.47	4.62

The CCW project is responsible for \$2.1M of the net \$2.6M underspend variance under Buildings.

The roads construction program was \$1.0M under the full year budget mainly due to Beeliar Drive (Spearwood – Stock) under by \$0.5M and Berrigan Drive (Kwinana Fwy to Jandakot Rd) under by \$0.3M.

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

Capital Funding

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



Significant variances for the month included:

- Transfers from financial reserves were \$10.1M below full year budget due to the capital budget under spends and a delay in the transfer of DCP13 reserve monies into the CCW Development Reserve.
- Developer contributions received under the Community Infrastructure plan were \$0.29M over the YTD budget.
- Development partner contributions for the CCW RPAEC project were \$0.5M behind the full year budget forecast.
- Proceeds from the sale of land and plant were also collectively \$0.7M behind the full year budget.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$132.0M, down from \$133.5M the previous month. \$104.1M of this balance represented the amount held for the City's cash backed financial reserves. Another \$6.3M represented restricted funds held to cover deposit and bond liabilities. The remaining \$21.6M represented the cash and financial investment component of the City's working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments (e.g. end of year reconciling transfers to financial reserves).

The City's investment portfolio made a weighted annualised return of 3.29% for the month, marginally down from 3.36% the previous month and 3.41% in May. Whilst this result compares favourably against the UBS Bank Bill Index and the various short term BBSW indices, it continues to trend downwards. This is due to lower rates being offered for new or renewed investments than those on currently held investments. The cash rate still currently sits at 2.00%. Industry expectations of a possible further cut later this calendar year will put pressure on the City achieving its interest earnings budget of \$5.4M for the 2015/16 financial year.



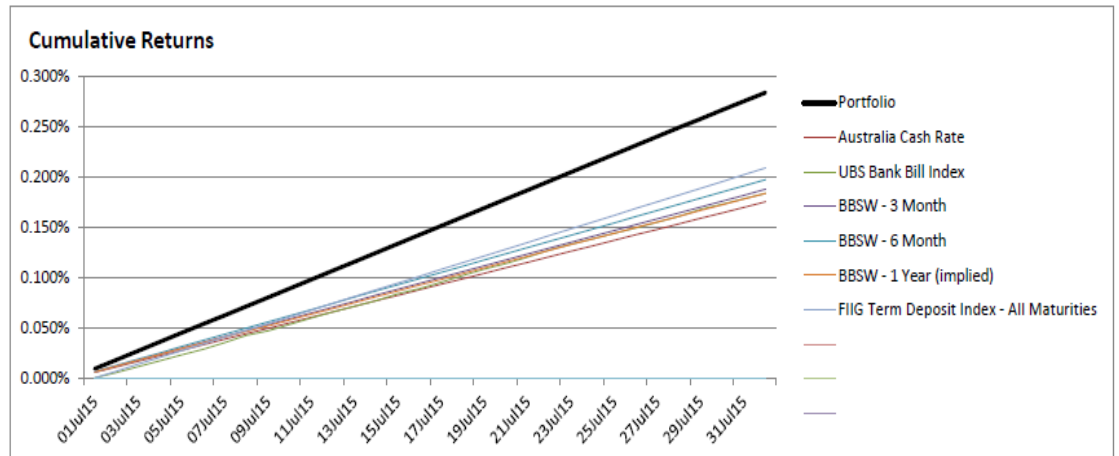


Figure 1: COC Portfolio Returns vs. Benchmarks

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

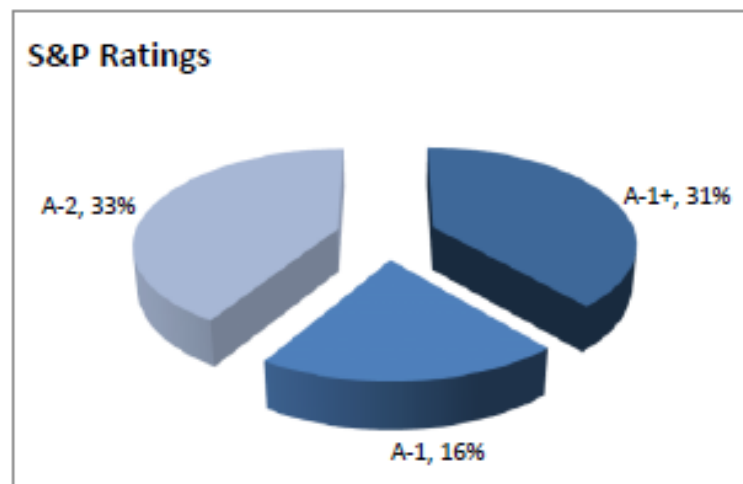


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the best possible rate on offer over the longer duration terms allowed under legislation and policy (6 to 12 months for term deposits), subject to cash flow planning requirements. The City’s investment portfolio currently has an average duration of 115 days (down from 132 days last month) as graphically depicted below:



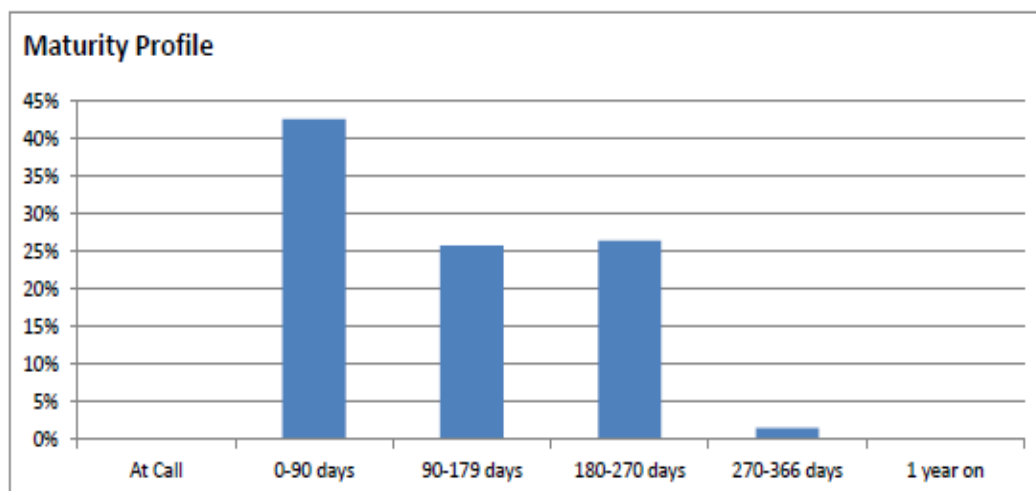


Figure 3: Council Investment Maturity Profile

Budget Revisions

Several budget amendments are recommended to deal with the following matters:

- Removing lease income of \$5K from Lot 786 Orsino Road as the site is now unoccupied.
- Reducing grant income and expenditure budget from Kidsport project by \$10K. The initial amount was inaccurate.
- The City has secured \$75K grant for C Y O'Connor Beach Remediation project. This grant is supplement to the \$150K municipal funding already allocated to this project.
- Refurbishment to the caretakers' residence requiring \$96K which is funded from Major Buildings Refurbishment Reserve.
- Adjusting the sale price of Lot 65 Erpingham Road and Lot 702 Bellier Place, Hamilton Hill by an extra \$1.1M which brings the total proceed up to \$2.5M.
- Another speed alert trailer is going to be purchased \$14K. This trailer is going to be used across various Engineering Service Units.
- RRRC funding payment has to be increased by \$64K in line with SMRC proposed annual budget contribution.

Description of Graphs and Charts

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



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

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

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

Strategic Plan/Policy Implications

Leading & Listening

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

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – July 2015.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (MINUTE NO 5599) (OCM 10/9/2015) - WIFI SERVICES IN PUBLIC PLACES WITHIN THE CITY OF COCKBURN (191/001) (M SAPSWORTH)

RECOMMENDATION

That Council proceed with the Request for Quote for the provision of public WiFi.

COUNCIL DECISION

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

CARRIED 8/0

Background

At the June 2015 Ordinary Council Meeting Clr Pratt requested the following under 'Matters to be Noted, for Investigation':

That a report be presented to a future meeting of Council on options for expanding public WiFi services across the City with a prior briefing given to all Elected Members on the matter.

Wi-Fi is a technology that allows computers, smartphones and other devices to connect to the internet or communicate with one another wirelessly within a particular area. The technology has had significant impact in allowing people to detach from wired internet connectivity and become mobile.

The City of Cockburn provides public Wi-Fi services at various locations including its three public libraries and Youth and Seniors Centres. This report provides a background on Western Australian Local Government public Wi-Fi initiatives and discusses possible opportunities for public Wi-Fi expansion in the City of Cockburn.



Submission

N/A

Report

Public Wi-Fi – A Local Government Perspective

Government provision of free public Wi-Fi is becoming popular and has had positive impacts including, but not limited to:

- economic development (free Wi-Fi draws people, marketing opportunities)
- space activation (free Wi-Fi draws people to an area)
- increased security (by drawing people to an area)
- community development (supports the digitally disadvantaged)
- infrastructure improvements (existing services can run on the same network e.g. CCTV)
- efficiency (free Wi-Fi can be provisioned on existing council infrastructure)
- information collection and analysis.

The provision of free public Wi-Fi is almost ubiquitous in Western Australian local government public libraries. Additionally many local governments are providing public Wi-Fi services in café strips, leisure and recreation centres, tourist attractions, skate parks, community centres, youth centres, senior's centres and parks.

The network infrastructure used to deliver public Wi-Fi by local governments can be provisioned either by an external service provider or internally using existing Council resources. A survey of Western Australian local governments indicates about a 50% split between the two models.

Additionally all evidence suggests that public Wi-Fi provided by local governments in Western Australia is funded by each individual Council.

Wi-Fi services in the City of Cockburn

Free public Wi-Fi is provided at the Libraries, Seniors Centre and Youth Centre. The service is outsourced to Acurix Networks at approximately \$500/site/month and is funded by the City via business unit budgets. The City also provides a number of desktops (approximately 40) terminals for members of the public to also use to access the internet free of charge.

A survey of library staff indicated that Wi-Fi at the Libraries was used by a broad demographic including tourists, students, professionals and



children. It was noted that an increasing number of elderly customers with tablets were using the Wi-Fi services at the libraries.

The City's Seniors Centre staff also noted a large patronage of Wi-Fi users. The Centre conducts a successful iPad training program that uses the Wi-Fi at the site. Additionally, the Youth Centre also has a number of its visitors use the public Wi-Fi on a daily basis.

It should also be noted that internet access using a standard computer is also provided at each of the above sites (approximately 40 terminals). This very popular service allows customers who do not have a laptop, tablet or smart phone to also access the internet.

The following statistics on Wi-Fi and internet access were collated;

Use of Wi-Fi at Libraries

- >7000 sessions/month

Use of kiosk terminals at Libraries

- > 5000 sessions/months

Use of Wi-Fi at Seniors and Youth Centre

- > 300 and 500 sessions/month

The provision of public Wi-Fi and internet services at the City of Cockburn has been very successful.

The City is investing in improving Wi-Fi services for its own purposes. Wi-Fi is provided at most sites and allows for staff to connect smartphones and other mobile devices to the City's network. A mobile application for Rangers relies on Wi-Fi connectivity to update the City's systems. Progress has also been made to allow City staff to bring their own devices and connect to a staff only Wi-Fi network.

Due to procurement requirements the City is now required to conduct a Request for Quotation(RFQ) process for the provision of public Wi-Fi.

Future expansion and opportunity

The following locations have been identified as possible locations where public Wi-Fi could be provisioned;

- South Lake Leisure Centre
- Coogee Beach
- Port Coogee Marina
- Coogee Surf Club
- Bibra Lake Adventure Playground and environment precinct
- North Lake



The City's Libraries, Seniors Centre, Leisure Centre etc. are able to deliver relatively cheap public Wi-Fi because they are able to provision ADSL access from each building. The provision of public Wi-Fi at outdoor areas, such as Bibra Lake, is more difficult because no phone line is likely to exist at the location. Instead another method of delivering internet access to the location would need to be developed.

Options to deliver public Wi-Fi at outdoor locations include mobile 4G internet access points or microwave links from the site back to the City's network. The advantage to the City running its own microwave links to outdoor locations, such as Bibra Lake, is that it could also provision CCTV services to the same location.

The City also has the opportunity to develop a communication and planning program using public Wi-Fi. The City can use the Wi-Fi capture portal to promote the City and advertise local events. Additionally Wi-Fi can be used to collect information about people using the service, such as demographics and physical location, and use this information for planning purposes.

Recommendation

It is recommended that the City of Cockburn continue with the Request for Quotation process to deliver public Wi-Fi services for a two year period at the following locations:

- Spearwood Library
- Success Library
- Coolbellup Library
- South Lake Leisure Centre
- Youth Centre
- Seniors Centre

The RFQ should include information collection and analytical services as part of the delivery of public Wi-Fi for marketing and planning purposes.

During the two year contract an analysis of the value derived from the public Wi-Fi implementation at the above locations should be conducted to evaluate the expansion of public Wi-Fi services to the Bibra Lake Adventure Playground and entertainment precinct, Port Coogee Marina, Coogee Beach and the Coogee Surf Club.



Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.
- People of all ages and abilities to have equal access to our facilities and services in our communities.

Budget/Financial Implications

Funding for public Wi-Fi for the Libraries, Youth and Seniors Centres and SLLC will be funded under existing arrangements.

Funding for public Wi-Fi services at the Bibra Lake Adventure Playground and entertainment precinct, Port Coogee Marina, Coogee Beach and the Coogee Surf Club will require assessment.

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.



16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 **(MINUTE NO 5600)** (OCM 10/9/2015) - TENDER NO. (C100262) RFT06/2015 - CONSTRUCTION SERVICES - BUILDING ADDITIONS TO EXISTING CLUBROOMS AND RELOCATION OF PRACTICE CRICKET NETS - ATWELL PARK WA (078/002) (RUI HO) (ATTACH)

RECOMMENDATION

That Council

- (1) increases the budget allocation against CW4485 - Atwell Clubrooms and Playing Surfaces Upgrades by \$260,747 to \$959,321 to allow for the works as tendered to be completed, with the additional funding to be drawn from the Community Infrastructure Reserve; and
- (2) accepts the Tender submission for Tender No. RFT06/2015 – Construction Services – Building Additions to Existing Clubrooms and Relocation of Practice Cricket Nets – Atwell Park WA from Shelford Constructions Pty Ltd for the Lump Sum Contract value of \$1,024,518.00 (Inc. GST) (\$931,380.00 Ex GST); and the additional Schedule of Rates for determining variations and additional services.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

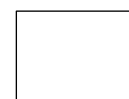
COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Atwell Clubrooms is located on Brenchley Drive in the suburb of Atwell. The existing clubrooms services 2 ovals that accommodate junior and senior football in the winter and junior and senior cricket in the summer. The clubrooms were first built in 1998 and have had only minor modifications since. As the clubs have grown over the years there is now a need to increase the capacity of the clubrooms to meet their needs and which can be accommodated by an extension of the northern and southern ends of the building.



The City contracted Vernon Design Group to develop and prepare a design for the upgrade of the facilities at Atwell Clubrooms, which was completed late 2014. Through this period there has been ongoing consultation through the City’s Recreation Services with the club members that use the Atwell Clubrooms. After that the project underwent a process of gaining DA Approvals and Certificate of Design Compliance (CDC).

The scope of works entail an extension of the existing kitchen(~2.5m) with a larger function room(14mx12m), new ramp access facilities for the adjacent carpark, additional 4 external storerooms, new toilet facilities(including disability toilets and umpire’s change room), and a relocation and realignment(north-south) of cricket practice nets.

During the Tender briefing it has been noted to the Tenderer’s that the Atwell Clubrooms undergo a heavy use period during the month of April to September where there can be 1000+ users of the reserve and building at any one time.

Submission

Tenders were called for the clubroom extensions and cricket practice net relocation works which closed at 2:00pm (AWST) Wednesday, 27 May 2015. Tender submissions were received from the following six (6) companies:

Tenderer’s Name:	Registered Business Name
LKS Constructions (WA) Pty Ltd	LKS Constructions (WA) Pty Ltd
Safeway Contracting Pty Ltd	Safeway Building & Renovations Pty Ltd
BE Projects	BE Projects (WA) Pty Ltd
Shelford Constructions Pty Ltd	Shelford Constructions Pty Ltd
McCorkell Constructions (WA) PTY LTD	McCorkell Constructions (WA) Pty Ltd
Palace Homes and Construction Pty Ltd	Palace Homes and Construction Pty Ltd
CPD Group Pty Ltd**	

****Note:** CPD Group’s submission failed to be uploaded to the City’s Tenderlink site before the advertised closure time; no submission was received.



Report

A. Compliance Criteria

Criteria Ref.	Description
A	Compliance with the Conditions of Tendering (Part 1) of this Request.
B	Compliance with the Specification (Part 2) contained in the Request.
C	Compliance with Insurance Requirements and completion of Clause 3.3.7
D	Compliance with Qualitative Criteria requirements and completion of Section 3.4.2 (Separate Document).
E	Compliance with Fixed Price and completion of Clause 3.7.2
F	Compliance with Sub-Contractors Requirements and completion of Clause 3.6
G	Compliance with and completion of the Price Schedule (Separate Document) in the format provided in Part 4. (Refer to Clause 1.10.2)
H	Compliance with OSH Requirements & completion of Appendix A.
I	Compliance with ACCC Requirements and completion of Appendix B.
J	Compliance with and completion of Clause 3.1 & 3.6 (refer to Clause 1.11.16)
K	Acknowledgement of any Addenda / Clarification issued.

B. Compliant Tenders

Tenderers Name	Compliance Assessment
LKS Constructions (WA) Pty Ltd	Compliant
Safeway Contracting Pty Ltd	Compliant
BE Projects	Compliant
Shelford Constructions Pty Ltd	Compliant
McCorkell Constructions (WA) Pty Ltd	Non - Compliant
Palace Homes and Construction Pty Ltd	Compliant

All submissions were subject to Criteria Compliance check by Procurement Services. Four submissions had minor non-compliance issues regarding unclear information within each of their price schedules, which was subsequently resolved through the use of clarifications through Procurement Services.

McCorkell Constructions (WA) Pty Ltd was not able to provide a complete price schedule after clarifications were sought due to their



sub-contractor failing to submit a price in time; therefore they were deemed non-complaint under Part 1 of the Conditions of Tendering.

C. Evaluation Criteria

Tenderers were assessed against the following criteria:

Evaluation Criteria	Weighing Percentage
(A) Relevant Experience	20%
(B) Company Profile	5%
(C) Tenderer's Resources	10%
(D) Methodology	20%
(E) Sustainability Experience	5%
Tendered Price	40%
Total Weightings	100%

D. Tender Intent / Requirements

The City of Cockburn (The Principal) requires a suitably experienced and licensed Building Contractor to conduct the extensions of the proposed upgrade of the Atwell Clubroom facilities in Atwell Reserve on Brenchley Drive, Atwell.

It was requested of the tenderers to provide their priced response based on four (4) separate elements of the scope of work, being North Extension, South Extension, Cricket Pitch Relocation & Conversion of an existing window into a door.

E. Evaluation Panel

The tender submissions were evaluated by the following City of Cockburn Officers and external Consultant. The Procurement Services representative attended in a probity role only.

Name	Position & Organisation
Mr Rui Ho	Engineering Technical Officer (Chairman) City of Cockburn
Mr Robert Avard	Manager – Community Services (SBMG Representative) – City of Cockburn
Mr Matthew Sapsworth	IT Services Manager – City of Cockburn
Mr Richard Vernon	Consultant - Vernon Consulting
Probity Role Only	
Mr Tony Natale	Strategic Procurement Manager - City of Cockburn



F. Scoring Table

The table below represents the scoring of the tender submissions from a Qualitative Criteria (Non-Cost) and Cost perspective. The assessment panel evaluated the Qualitative Criteria of the tender submission in the absence of the tendered price (two-envelope system) and then the price scores were incorporated.

Tenderer's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	60%	40%	100%
Shelford Constructions Pty Ltd	46.75	32.58	79.33
BE Projects	44.96	33.79	78.75
LKS Constructions (WA) Pty Ltd	46.45	30.29	76.74
Safeway Contracting Pty Ltd	41.84	32.61	74.45
Palace Homes & Construction Pty Ltd	29.99	40.00	69.99

Evaluation Criteria Assessment

Each of the compliant tenders was assessed by the Evaluation Panel in respect to the Qualitative (Non Price) Criteria as listed above. Coupled with the review of the tenders, a reference check was also undertaken on all the compliant tenderers. The information from the Tenderer's nominated project's representative referees was used by the evaluation panel to confirm and/or adjust their qualitative scores ahead of finalising their assessments.

Relevant Experience

The Evaluation Panel determined that all tenderers presented an extensive range of construction experience with similar scope to the project in question.

Shelford Constructions Pty Ltd presented 5 projects that involved additions and alterations of existing buildings (Cost range \$340k-\$1.9m).

BE Projects presented a range of projects of relevant experience and in particular 3 projects that involved additions and alterations of an existing building (cost range \$800k-\$900k).



LKS Constructions (WA) Pty Ltd presented a range of projects of relevant aspects and elements including 4 projects with a cost range of \$700k-\$6.8m.

Safeway Contracting Pty Ltd presented a range of projects with relevant aspects and elements associated with the project including 5 projects with a cost range of \$380k-\$1.1m.

Palace Homes & Construction Pty Ltd presented 3 projects that involved additions and alterations of existing buildings (Cost range \$600k-\$1m).

Company Profile

Shelford Constructions Pty Ltd has been involved in commercial construction for 22 years. In that time, they have completed a wide range of civil, industrial and commercial projects including for the City of Cockburn. Shelford Constructions has a quality management system in place however is not certified to ISO 9001.

BE Projects was established in 2010 and provides project management and construction services to various building project. BE Projects also does not have ISO 9001 certification.

LKS Constructions (WA) Pty Ltd was established in 2010 and has undertaken Government and Commercial projects. LKS Constructions are ISO 9001 certified.

Safeway Contracting Pty Ltd is a company that has worked in various areas of the building trade on both large and small projects. Safeway Contracting are not ISO 9001 certified however they are working towards independent accreditation.

Palace Homes and Construction Pty Ltd is a small Western Australian owned and operated company established in 1995 and have undertaken projects for the commercial, government and private sector for 20 years. They are not ISO 9001 certified.

Tenderer's Resources

The Tenderers provided responses indicating that they have the resources and experience in the building and construction industry. Tenderers were considered by the evaluation committee to be capable of completing the project.



Methodology

There was a range of different styles and methods of timing and staging of construction that was received from the Tenderers.

Shelford Constructions Pty Ltd provided a Gantt chart and program list with an estimate period for construction of approximately 33 weeks.

BE Projects provided an estimate period for construction of 20 weeks.

LKS Constructions (WA) Pty Ltd provided a Gantt chart with an estimate period for construction of approximately 7½ months.

Safeway Contracting Pty Ltd submitted a split Gantt chart with an estimated period for total construction of 32weeks.

Palace Homes and Construction Pty Ltd provided an estimate period for construction of 6 months.

Sustainability Experience

All tenderers provided information and documents supporting the Principal's key areas of Sustainability.

Summation and Recommendation

Each of the five compliant tenderers was assessed by the panel as having the appropriate experience and capability to undertake the tendered works. A financial risk assessment was conducted by an independent agency and taken into consideration in the selection of the recommended tenderer.

Based on having achieving the highest Qualitative (non-price) and highest combined qualitative (non-price) and price score , the evaluation panel recommends that Council accept Shelford Constructions Pty Ltd tender for the works, at an estimated lump sum value of \$931,380 ex GST.

Strategic Plan/Policy Implications**Infrastructure**

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

Community & Lifestyle

- Promotion of active and healthy communities.



Budget/Financial Implications

The current budget allocation (CW4485) for the construction upgrade of the Atwell Clubroom Facility is \$697,650. Award of the contract to Shelford Constructions Pty Ltd plus the provision of a contingency allowance of \$27,941 will require an additional budgetary allocation of \$260,747 for a total sum of \$959,321.

The total anticipated cost for these works based on this contract award is in line with an independent financial assessment of the cost of the work prior to proceeding to tender.

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

The Community Sporting groups that utilise the Atwell Clubrooms were consulted throughout the scoping and design of the project works.

Tender Number RFT 06/2015 Construction Services - Building Additions to Existing Clubrooms and Relocation of Practice Cricket Nets - Atwell Park WA was advertised on Saturday, 2 May 2015 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's e-tendering website between Saturday, 2 May 2015 and Wednesday, 27 May 2015.

Attachment(s)

The following attachments were provided under separate cover as confidential.

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

Advice to Proponent(s)/ Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 September 2015 Council Meeting.

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

Nil.



17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

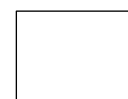
20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**21.1 (MINUTE NO 5601) (OCM 10/9/2015) - APPLICATION OF RATES CONCESSION FOR 2015 / 16 FINANCIAL YEAR (150 / 016) (D GREEN / N MAURICIO)****RECOMMENDATION**

That Council:

- (1) pursuant to Section 6.47 of the Local Government Act 1995 (the Act), grant a concession on the rates assessments issued to those 14,761 adversely affected residential improved properties identified through the 2015/16 rates setting review and confirmed through internal audit, totalling a sum of \$1,360,588 for the 2015/16 Financial Year and amend the rate record in accordance with Section 6.39 (2) (a) of the Act accordingly;
- (2) apply the concession to eligible residential improved properties receiving interim rates assessments during the 2015/16 year;
- (3) amend the 2015/16 Municipal Budget by reducing revenue from general rates by \$1,360,588 and increasing revenue from interim (part year) rates by the same amount;
- (4) write to affected ratepayers to advise:
 - a. the purpose of the concession is to restore the City's advertised objectives for its FY 2015/16 rate to restore residential improved properties to achieve the stated average increase in rates of 3.5% for non-minimum rated properties;



and

- b. the mechanism for reimbursements based on the procedures outlined in the report;
- (5) review Policy SC 34 “Budget Management” for the purpose of considering a strategy to incorporate Service Charges into the General rate charges on an ongoing basis and to include an “equalisation” concession to ensure reasonable equity is maintained for rate increases;
- (6) subject to the incorporation methodology being adopted as an outcome of 4. above:
- a. Request WALGA to strenuously oppose any proposal by the State Government to introduce a maximum limit on the amount of rebate that eligible pensioners are allowed to claim for local government rates charges pursuant to the Rates and Charges (Rebates and Deferments) Act 1992; and
 - b. Inform Pensioner Advocacy Groups of the potential for rebate capping to be introduced by the State Government; and
- (7) acknowledge the positive contribution of the Banjup Resident’s Group and Coogee Beach Progress Association in raising attention to this matter.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that Council adopts the recommendation subject to the addition of the following sub-recommendation (8):

- (8) requires the CEO to issue an apology on behalf of Council to affected ratepayers to be published in the Cockburn Gazette and Cockburn Herald newspapers and placed on the City of Cockburn website explaining the reasons for the rates miscalculation in the 2015 / 16 financial year.

MOTION LOST 2/6

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0



Reason for Decision

An explanation is required to the Cockburn residents to acknowledge that there was a miscalculation in the rates that affected many ratepayers adversely. The intention was to attract better rebates for our seniors and pensioners. Also to state that protocols will be put in place so the mistake is not repeated in the future.

Background

In 2011, the state pensioner rebate scheme was amended to include charges for underground power. At that time, the local government sector unsuccessfully lobbied the state government to broaden the scheme to also capture waste service charges. This has since led to a number of Councils incorporating their waste service charges into their general rating for the benefit of pensioners.

During the 2015 /16 Budget deliberations, the City of Cockburn proposed to incorporate the waste and security (Co Safe) service charges into the general rate in the dollar (RiD), the principal effect of which would result in registered pensioners being able to claim up to a 50% rebate on the equivalent value of these service charges, pursuant to the Rates and Charges (Rebates and Deferments) Act 1992, for the first time. This strategy is practiced in nine other local governments across the Perth Metropolitan area, including the adjacent Councils of Fremantle, East Fremantle and Melville, as well as the comparable high growth Local Government of Wanneroo.

Council accepted this proposal for the 2015/16 financial year and adopted a differential rating model in line with the advertised Objects and Reasons document for the purpose of implementing differential general rates. This model stipulated for residential improved properties an average increase in rates of 3.5% for non–minimum rated properties and up to 5.66% for minimum rated properties, based on a minimum rate amount of \$1250.

While the focus of Council's intent was for Cockburn's pensioner ratepayers to be more advantaged, the unintended consequence of the outcome was a disproportionately greater rates increase to those properties with a higher Gross Rental Valuation (GRV). This was due to the sharper increase in the RiD than is normally experienced, as a result of the incorporation of the service charges into the general rate for this year.

Consequently, the City is receiving an abnormally high volume of complaints from those ratepayers with higher GRV properties, who have been impacted by increases well in excess of 3.5%. In particular,



the Banjup Resident's Group (BRG) has been active in seeking an explanation from the City of Cockburn on the reasons behind the increase to the extent that it sought (and was granted) a Deputation to the 13 August 2015 Council Meeting. The purpose of its deputation was to present what it purported to be a miscalculation of the rating calculation applied by the City and the subsequent impact on rates assessments, particularly those applicable to properties in the Banjup locality. Following on from the presentation, Councillor Houwen requested, as a "Matter for Investigation Without Debate" that "A report be presented to Council on the deputation document in relation to "Rates for 2015 / 16" presented and submitted by the BRG"

Since that time, City officers have been reviewing the apparent rating irregularities that have led to an upwardly distorted average increase of greater than 3.5% and the reasons for high GRV properties receiving individual increases as high as 44%.

As a result of this investigation, errors were detected in the compilation of the City's waste budget. These errors have been verified by independent audit, as identified in the attached Report from Deloitte. A proposed solution has also been devised and is presented for Council to formally consider and provide a response to the findings of the review.

Submission

N/A

Report

When analysing the initial elements of the 2015/16 rate setting budget information, it was identified that the Waste Management budget model did not clearly articulate the number of waste service charges needing to be recovered through the incorporated RiD. It has since been revealed that this number was inadvertently overstated by the inclusion of growth (new properties), rates exempt properties and those properties with second bins, into the overall additional number of services needing to be recovered for non-strata group dwellings. This overstatement was to the value of approximately \$1.33M.

It is important to point out that this overstatement has inflated the revenue requirement for waste management, but is not attributable to any number of ratepayers not being charged for additional waste services, as had been purported by the Banjup Residents Group in their deputation to the August Council meeting. This key fact has been verified and confirmed as a factual finding from the independent audit review attached.



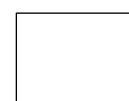
The overstated revenue requirement has translated into a year on year rates revenue increase of 6.41% from improved residential properties based on a RiD of \$0.07074. However, Council's adopted differential rating model (as per the Objects and Reasons) should have yielded a weighted average increase of 3.85%, based on increasing minimum rated properties by up to 5.66% (to an amount of \$1250) and increasing non-minimum rated properties by 3.5%. This yield would require a RiD of \$0.06835 to be applied.

A key outcome of the review and audit is that were the overstatement of revenue error not made, the incorporation strategy would have still adversely impacted high GRV properties, although to a lesser extent. The following table summarises the difference in impact between the two scenarios:

% Increase Band	0.07074 RiD	0.06835 RiD
Properties that had a rate increase less than 3.5%	10,004	16,752
Properties that had a rate increase between 3.5% & 5.66%	12,314	13,026
Properties that had a rate increase between 5.66% & 7.0%	2,637	2,607
Properties that had a rate increase between 7.0% & 10.0%	6,338	2,422
Properties that had a rate increase greater than 10.0%	5,806	2,292
Total	37,099	37,099

This table demonstrates that with the lower RiD of \$0.06835, the number of residential improved properties incurring a rates increase greater than 5.66% is 7,321 and 2,292 of these are greater than 10%. Whilst the average overall increase would have been 3.85%, individual properties with high GRV's would still have been adversely impacted.

Notwithstanding the error made in calculating the revenue requirements for waste management, an incorporation strategy results in 'advantaged' and 'disadvantaged' ratepayers across the GRV spectrum, when compared to the practice of applying separate uniform charges. The overbilling of \$1.33M in revenue now offers Council the opportunity to compensate those ratepayers disadvantaged by the incorporation, effectively equalising the impact of the incorporation. The Department of Local Government have ratified this approach and legal advice has confirmed the option for the City to adopt a rates concession under Section 6.47 of the Local Government Act 1995 as a proper mechanism to return these funds to ratepayers.



The City's officers have developed a proposed 'concession model' which, if adopted by Council, will enable a process to be developed to redistribute a large percentage of the disproportionate 2015/16 rates increase for those identified high GRV properties. The concession model aims to return a total sum of \$1.36m (comparable to the amount overbilled) to those adversely affected residential ratepayers across the district. However, some principles are required to be introduced for the model to be feasible and practical in its implementation.

These include:

- (1) Exclusion of minimum rated properties from the scheme as these received a rate increase of up to 5.66% in accordance with the Objects & Reasons adopted by Council.
- (2) Establishment of a two stage "materiality threshold" below which the concession will not apply.
- (3) The first stage threshold is recommended to be set at \$25 above a 3.5% year on year increase in rates, with all amounts below and up to this amount not qualifying for the concession. This threshold is necessary to compensate for those properties that received an increase below 3.5%.
- (4) The second stage of the materiality threshold excludes any concession derived above the \$25 threshold that is for less than \$5.
- (5) Ratepayers having paid their rates in full will receive a refund for concession amounts over \$50. Lesser sums and those applicable to instalment payments will be credited and offset against future rates debts.

Through the implementation of the concession scheme, the overall increase in the rating yield year on year will be 3.80% (slightly below the Objects and Reasons expected increase of 3.85%), with no single residential improved property receiving an effective year on year rates increase greater than 5.66%. This demonstrates the intended equalising impact of the concession scheme.

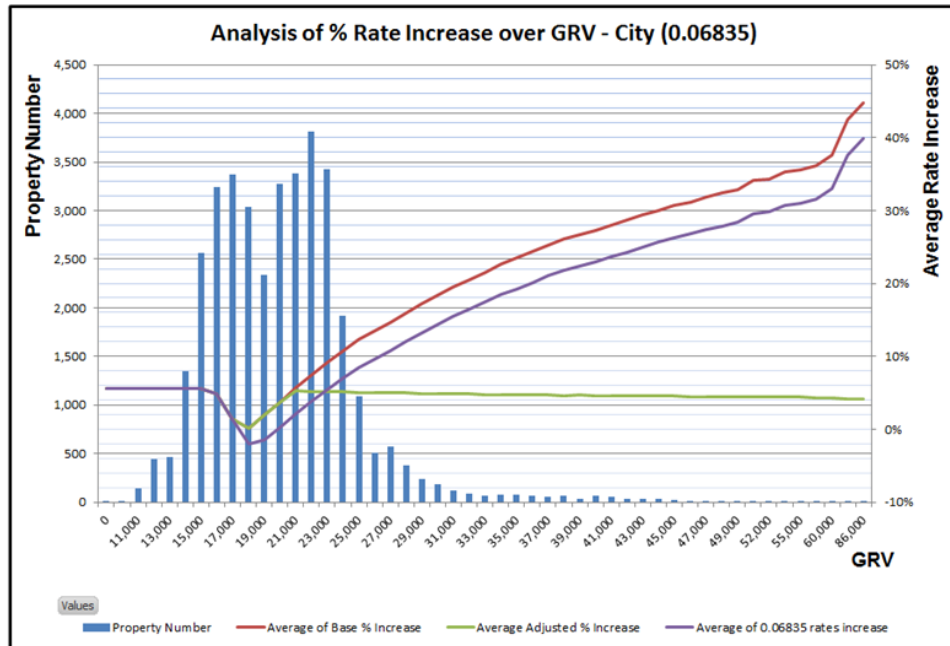
The following table summarises the number and value of proposed concessions applicable under the scheme, split across a number of value ranges:

Concession amount (\$)	No.	Value
>=5 to 50	5,531	148,383
>=50 to 100	5,342	369,226
>=100 to 200	2,548	354,028



>=200 to 400	878	242,417
>=400 to 1000	459	242,371
>=1000	3	4,163
Total	14,761	1,360,588

The following chart indicates the impacts across the City’s improved residential properties from both RiD’s and after applying the concession model. The concession has effectively equalised the distortion caused by the incorporation as seen in the green line.



In addition to these concessions which relate specifically to the properties included in the 2015/16 budget data, new residential improved “growth” properties added since in the 2015/16 financial year will also qualify for the proposed concession. The revenue impact from these will be managed through the interim rating budget and will be minimal.

The financial implications for the 2015/16 Budget from the adoption of this rates concession scheme are able to be mitigated somewhat through revenue adjustments within the overall rates budget. Interim (part year) rating is expected to strongly outperform the budget target, allowing for a compensating downwards revision to general rates in order to accommodate the cost of the concession scheme. The impact will be closely monitored during the remainder of 2015 and a decision made early in 2016 on whether any further financial adjustment needs to be considered as part of the mid – year Budget review next March.



Review Process

The following process for establishing the concession model and method for its application is now presented to Council:

1. Concession model developed (as described above) and tested to ensure that it achieves the amount required for rebate and would result in appropriate distribution to individual ratepayers.
2. Integrity and accuracy of model assessed and tested by independent Auditor (Deloitte) in accordance with specific Terms of Reference (ToR) – Purpose and scope points 1. – 6, as attached.
3. Legitimacy of model assessed and process confirmed by the receipt of formal legal advice (McLeods) and positive endorsement by the Department of Local Government.
4. Affected ratepayers will receive explanatory written advice, together with amended rates notice, or instalment notice if applicable, detailing the amount of the concession refundable or credited against future rates debts.
5. Payments will be generated for those ratepayers entitled to a monetary refund (i.e. have paid rates in full and concession entitlement is over \$50).

Strategy for the Future

To provide an assurance to Council and its ratepayers that mitigates against the likelihood of a repeat of these circumstances, it is important that a process which enables necessary checks and balances of the anticipated rates income is introduced for future years. A well-considered approach to this matter would result if Council employed the following strategy:

1. Review Policy SC34 “Budget Management” to incorporate:
 - The ongoing inclusion of a Waste Service Charge and Security Service (Co safe) Charge into the General Rates levied against rateable properties.
 - Grant provision of a “Waste and Co safe” equalisation Concession each year as a fundamental principle of the Rating Strategy to overcome inequitable variances to rates to higher GRV properties, but maintain the capacity for eligible pensioners to continue claiming a rebate on the rates assessment, inclusive of Waste and Security Service Charges.



- Detailed estimated rates income modelling will be prepared and independently reviewed, prior to being separately presented to a specific “Rates Setting Workshop” as a requirement of the annual Budget timetable
2. Engage Council’s appointed Internal Auditor (Deloitte) to corroborate the proposed Rate Setting schedule annually, prior to presentation of this information to elected members during the Budget Worksop dedicated for this purpose each year.

Note: for 2016 /17 this information will be presented to the November 2015 Audit and Strategic Finance Committee Meeting in accordance with the attached ToR “Purpose and scope” point 7.
 3. Advocate for the continued exclusion of a maximum limit for rebate to apply for rates that an eligible pensioner is to be allowed, pursuant to the Rates and Charges (Rebates and Deferrals) Regulations 1992

Conclusion

The 2015/16 budget process has been complex for staff with the first part of the year devoted to a simultaneous requirement to produce two budgets (i.e. for the proposed City of Jervoise Bay and the existing City of Cockburn); followed by the decision to incorporate some Service Charges (Waste and Security) into its General Rate in order to place the City’s pensioners on the same footing as neighbouring local governments.

Having said this, the generation of errors in the formulation of the waste budget was not identified and this compounded the impact of the incorporation of service charges for ratepayers with higher GRV properties.

The generation of the concession charge recommended in this report will rectify both of the issues; i.e. overcharging and disadvantage to higher GRV properties. A benefit that has come from advice received from the City’s Auditors and lawyers in reviewing the rating process, has been the identification of the capacity to continue to apply an ‘equalisation’ concession in future years to prevent similar recurrence of these problems without causing detriment to pensioners.

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.



- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.

Council Policy SC 34 “Budget Management” applies.

Budget/Financial Implications

The modelling exercise undertaken by the City’s officers and verified by the Auditor (Deloitte) identified an over allocation of \$1.33M in the estimated revenue requirement from general rates for waste services. The 2015/16 budget adopted by Council was balanced with the inclusion of this revenue.

The proposed concession model will cost the City a similar amount of \$1.36M to implement and it is proposed this amount be funded through an increase in the budget provision for interim rating. At the time of writing this report, the City had already raised \$2.1M against the 2015/16 interim rating budget of \$2.4M. This has been due to strong growth in the rating base since the budget was first adopted. The City also expects to soon raise several high value interim rates assessments for recently completed large commercial developments.

The mid-year budget review provides an opportunity for Council to assess the performance of the interim rating budget and make further adjustment if necessary.

Legal Implications

Section 6.47 of the Local Government Act 1995 refers.

Section 40 (9) of the Rates and Charges (Rebates and Deferments) Act 1992 and related Regulation 3 refer.

Community Consultation

Banjup Resident’s Group (BRG) and Coogee Beach Progress Association (CBPA), representing two of the localities within the City of Cockburn most adversely affected by the “incorporation” rating outcome, were provided with a detailed briefing of this proposal on 10 September 2015.

Subject to Council ratification, publicity and explanation of the Council decision will be provided to affected ratepayers and the general public.



Attachment(s)

1. Terms of Reference – Audit Review
2. Audit Report (Deloitte)
3. Legal Advice (McLeods)

Advice to Proponent(s)/Submissioners

The BRG and CBPA have been advised that this matter is to be considered at the 10 September 2015 Council Meeting.

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

Nil.

22 (OCM 10/9/2015) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

22.1 DEPUTY MAYOR CAROL REEVE-FOWKES has requested a report be prepared regarding the beautification of Spearwood Avenue, between Rockingham Road and Hamilton Road. The intention being to provide appropriate screening for the assortment of back fences and create a more visually appealing interface.

22.2 CLR STEVE PORTELLI has requested the following:
Can a policy be put in place that mandates that all reports, whether created internally or externally are provided to Council?.

Can all such reports be noted and dated as to when such reports were presented to Council?

Can a running list of all reports and all presentations be provided in the Elected Members Newsletter for the Financial year along with a link to such documents?

Can a draft of the policy be presented at the next DAPPS for their review and consideration?

Can the Council Meetings Agenda have a titled box for "Outstanding Investigations without Debate" items.

22.3 CLR KEVIN ALLEN has requested a report be prepared and presented at a future Ordinary Council Meeting into the feasibility of offering full concession of fees to all juniors participating in sports in the City to increase participation.



23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 5602) (OCM 10/9/2015) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva that the recommendation be adopted.

CARRIED 8/0

25. (OCM 10/9/2015) - CLOSURE OF MEETING

The meeting closed at 8:42 p.m.

CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

