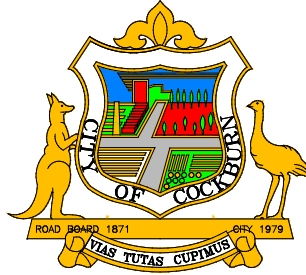


# CITY OF COCKBURN



## ORDINARY COUNCIL

## MINUTES

## FOR

**THURSDAY, 14 JULY 2016**

These Minutes are subject to Confirmation

Presiding Member's Signature

\_\_\_\_\_  
Date: 11 August 21016

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JULY 2016 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JULY 2016 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

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

##### IN ATTENDANCE

Mr D. Arndt	-	Acting Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr N. Mauricio	-	Acting Director, Finance & Corporate Services
Mr A. Lees	-	Acting Director, Engineering & Works
Ms C. Murphy	-	Media & Communications Officer
Mr J Ngoroyemoto	-	Governance & Risk Co-ordinator
Mrs L. Jakovcevic	-	PA – Directors, Planning & Development and Engineering & Works

#### 1. DECLARATION OF MEETING

The Presiding Member formally declared open the 14 July 2016 Ordinary Meeting of Council and in so doing welcomed everyone tonight.

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

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

I welcome Mr Anton Lees, A/Director Engineering & Works and Mr Nelson Mauricio, A/Director Finance & Corporate Services to the meeting.



## Lotterywest Grants

The City has received two Lotterywest grants in recent weeks; the first was for \$70,000 towards the Coogee Maritime Dive Trail which has been in the news with 33 different pods going into the waters around the Omeo wreck in the last few days.

Also, we have received a second grant for \$484,220 going towards the Cockburn Men's Community Shed. The Shed will also accommodate youth activities and other community activities.

As always our thanks go to Lotterywest for their contribution to these two projects in Cockburn, and their support over many years have allowed a lot of our community and infrastructure projects to proceed and likewise across the state of Western Australia. As it has been stated quite often, Lotterywest as an organisation where the monies go back to the community so we need to be very proud of that.

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

Nil.

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

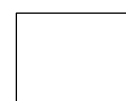
Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before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

### **4 (OCM 14/7/2016) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

- Cr Kevin Allen - Impartiality Interest - Item 17.5

### **5 (OCM 14/7/2016) - APOLOGIES AND LEAVE OF ABSENCE**

- Dr C Terblanche - Apology
- Ms L Smith - Apology
- Mr P Eva - Apology
  
- Mr S Cain - Leave of Absence
- Mr S Downing - Leave of Absence
- Mr C Sullivan - Leave of Absence



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

Nil

**7 (OCM 14/7/2016) - PUBLIC QUESTION TIME**

Items on the Agenda

Maria Gaglia – Wattleup

Item 14.3 – Six multiple dwellings & Child Care Premises Lot 57 Whadjuk Drive, Hammond Park

Q1. We have strongly objected to the approval of this development at this point in time citing lack of adequate transport infrastructure. Given that the City of Cockburn has not budgeted for the extension of Hammond Road this financial year, what contingencies does it have in place to fund the extension if development contributions from DCA9 and DCA10 are insufficient.

A1. The City does have a significant forward works program, in particular the provision of roads. As incorrectly noted, there is provision for funding that will come from either the DCA's and/or together with funding the Council will obtain, grant funding and funding from the municipal budget for road work projects.

I will need to defer the answer as to when this is scheduled for in relation to Hammond Road and provide this information in writing.

Mr Ron Blake - Coogee

Item 17.4 - Coogee Beach Reserve Dogs on Leads

Q1. What is the status of this item will it be dealt with tonight.

A1. Yes this matter will be dealt with tonight.

Q2. Are all Councillors aware that Cockburn residents responded to this motion by various means. There were two independent petitions; there was a direct response to the Council website and a survey conducted within the Coogee Beach Progress Association. In all instances, a significant majority of the residents were opposed to this motion. Mr Avard recommends Council prohibits dogs on Coogee Beach and Reserves.

A2. I am not sure if all Councillors are aware.



Q3. Are Councillors aware that I personally consulted with Maggie, the proprietor of the Coogee Beach Café and her words are she does not care if dogs are allowed or not allowed in the alfresco area. Are Councillors aware?

A3. I am not certain of that statement.

### Items not on the Agenda

Ray Woodcock - Spearwood

Q1. Would the Councillors of the West Ward show what action they have taken to see Police officers of the Cockburn Police Station stay there to ensure local business and rate payers have a local Police Station to serve them. How can they be sure of the proximity when the Cockburn Police Station is closed and police operations are moved several kilometres further east, taking into consideration approximately 1,000 new residents moving into an area bounded by Mell Road, Hamilton Road, Ocean and Entrance Road and in addition to Cockburn Road.

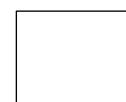
A.1 Council's position on this matter has been stated for many years is that Council supports the retention of the Cockburn Police Station. We are aware of the travel distances, the response times and the increase in population in that vicinity and further afield. We are aware of that and spoken out many times about the retention of the Cockburn Police Station, following the opening of the new Police Hub in Cockburn Central.

Q2. What Action have the Councillors of the West Ward done about this publicly; we have not seen anything. I have collected over 2,500 signatures which have been presented here to this Council to see that the Police Station in Cockburn is retained and remained open.

A2. Council is aware of the petition and also we have engaged with the WA Police on previous occasions about the retention of the Police Station in Cockburn. Council has resolved previously that it should be retained and remain open when the WA Police Hub is opened at Cockburn Central.

Mr Michael Separovich – Spearwood

Q1. In the last week you may have seen in the news about the Pokémon craze that is going around absolute everywhere. I was wondering if Council is aware of this and the sudden influx of people in parks and gardens and public areas which I have certainly noticed, and whether they were anticipating any problems that might arise from erosion on dunes and trampling on vegetation as a result of people looking for Pokémon's





A1. Not to my knowledge, no we are not aware.

Mr Anthony Pittorino – Spearwood

Q1. I have a petition here regarding Phoenix Road/Doolette Road Intersection, Spearwood – Removal of Sign not allowing U-Turn. I have lived in Phoenix Road since 1970. I want to have a U-turn at Bullfinch Road and reduce speed limit to 60km/hr. At one stage this was nice and comfortable; this was once a one way and now ended up two-ways. Every time my family and friends come and it's time to go home, they have to go around to Rockingham Road, then Spearwood Avenue and Bullfinch Street and go down. A lot of people are complaining and saying why don't you do a U-turn on Bullfinch Street or do a round-about at the crescent and remove the sign at Doolette Road. You can't go through Phoenix Road any more, why. I can't see my daughters and friends, I have to go around. I have to travel too far now. Look how much I have to travel now.

A1. The City acknowledges receipt of your petition and will respond in due course.

## 8. CONFIRMATION OF MINUTES

### 8.1 (MINUTE NO 5831) (OCM 14/7/2016) - SPECIAL COUNCIL MEETING - 3 DECEMBER 2015

#### **RECOMMENDATION**

That Council confirms the Minutes of the Special Council Meeting held on Thursday, 3 December 2015, as a true and accurate record.

#### **COUNCIL DECISION**

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

**CARRIED 7/0**



**8.2 (MINUTE NO 5832) (OCM 14/7/2016) - ORDINARY COUNCIL MEETING - 9 JUNE 2016**

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday 9 June 2016, as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**8.3 (MINUTE NO 5833) (OCM 14/7/2016) - SPECIAL COUNCIL MEETING - 23 JUNE 2016**

**RECOMMENDATION**

That Council confirms the Minutes of the Special Council Meeting held on Thursday, 23 June 2016 as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr L Sweetman SECONDED Clr S Portelli that the recommendation be adopted.

**CARRIED 7/0**

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

Nil



## 10 (OCM 14/7/2016) - DEPUTATIONS AND PETITIONS

### Deputations

- Mike Bethan, Director, Heritage Works, State Heritage Office (proponent) in relation to Item 14.7 – Proposed Local Structure Plan (Old Coogee Hotel and Post Office).
- Mr Jon Burgess, Director, Burgess Design Group (applicant), in relation to Item 14.7 – Proposed Local Structure Plan (Old Coogee Hotel and Post Office).
- Mr Murray Smith, Land Owner within Structure Plan zone, in relation to: Item 14.7 – Proposed Local Structure Plan (Old Coogee Hotel and Post Office).
- Robert Van Deuren, President of Jandakot Park Cricket Club and Damien Boyle, Vice President of Jandakot Park Cricket Club, in relation to Item 17.3 – Proposal for the Installation of two Cricket Pitches at Atwell Reserve.

AT THIS POINT IN THE MEETING, THE TIME BEING 7.48 P.M. CLR KEVIN ALLEN LEFT THE MEETING

### Petitions

- Mr Antony Pittorino – 171 Phoenix Road Spearwood presented the following petition:  
“Phoenix Road/Doolette Road Intersection - Removal of Sign not allowing U-Turns”.
- Cr Portelli presented the following petition from some of the residents and ratepayers of City of Cockburn.  
“Grant access to alternative off leash dog exercise area at Lakelands Reserve or at the unused parcel of land beneath the pylons situated at South Lake Drive, corner of Stillwater Gardens, South Lake. Glen Mia Park on Glenbawn Avenue, South Lake is an unsafe area to exercise dogs due to the several used syringes and fallen debris lying around the park. The only other off leash area is at Dean Road, Jandakot and although this facility is an excellent dog exercise area, the area can get extremely crowded thereby limiting the freedom and exercising of the dogs”.

AT THIS POINT IN THE MEETING, THE TIME BEING 7.50 P.M. CLR KEVIN ALLEN RETURNED TO THE MEETING



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

Nil

**12 (OCM 14/7/2016) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil.

**13 (OCM 14/7/2016) - COUNCIL MATTERS**

AT THIS POINT, TIME BEING 7.55PM, THE FOLLOWING ITEMS WERE DEALT WITH "EN BLOC".

14.1	14.5	15.1	16.1	17.1
14.2	14.8		16.2	17.2
14.3				
14.4				

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 5834) (OCM 14/7/2016) - CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN STRATA PLAN 52152 AND LOT 495 HEAL STREET, HAMILTON HILL - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: CITY OF COCKBURN (160/001) (G LILLEY) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) request that the Minister for Lands permanently close the pedestrian access way between Strata Plan 52152 and 495 Heal Street, Hamilton Hill and include the land in Lot 495 Heal Street, Hamilton Hill; and
- (2) advise the applicant of this decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

A request has been received by the City of Cockburn (“the City”) on behalf of the adjoining landowner to close the pedestrian access way located between Strata Plan 52152 and Lot 495 Heal Street, Hamilton Hill as shown in Attachment 1 and Attachment 2. The pedestrian access way (PAW) is owned by the State and is managed by the City.

The PAW comprises a sewer line, which is the reason for its initial existence. If the PAW is closed, an easement would instead be imposed to protect the sewer pipe. The purpose of this report is to consider the PAW for closure.

**Submission**

The proposal requests that this PAW serves no function as an access way to pedestrians or cyclists and should therefore be permanently closed.

**Report**

The proposed pedestrian access way is located between Strata Plan 52152 and Lot 495 Heal Street, Hamilton Hill. This pedestrian access was originally imposed to protect a below ground utility service (sewer line) and due to it not connecting to anywhere serves no function. It is a 3 metre wide strip between two properties concluding at the back fence of the third property. Due to the fact that it doesn't provide any benefit for either pedestrian or cycling connectivity, it exists as an unused, vacant strip of land.

The City in contemplating closure of the PAW has contacted servicing authorities. There is no objection raised to its closure, on the basis that the existing utilities be protected via an easement. An easement based approach is commonly the approach taken to sewer lines in urban areas where they don't fall within a road or road verge.

The landowner requesting the PAW closure will still be able to utilise the land through providing for a driveway should they choose to



redevelop the rear portion of land. Supporting the PAW closure is considered the right decision, and will assist in maximising the use of land available.

### **Moving Around**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Section 87 of the Land Administration Act 1995

### **Community Consultation**

Servicing authorities were contacted, and have no objection to the closure. In terms of community consultation, this is not applicable as the City of Cockburn was granted relief from the obligations to comply with the requirements of the *Procedure for the Closure of Pedestrian Access Ways: Planning Guide* (October 2009) by the Western Australian Planning Commission on the grounds that no other landowners would be affected by the closure of this pedestrian access way.

### **Risk Management Implications**

Should the PAW not be supported for closure, the main risk is that the City is left with an unusable piece of land that it must maintain at a cost without any benefit for the community.

### **Attachment(s)**

1. Landgate – Diagram of pedestrian access way.
2. City of Cockburn - Proposed pedestrian access way closure map.

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

N/A

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

Nil.



**14.2 (MINUTE NO 5835) (OCM 14/7/2016) - DEMOLITION OF EXISTING SALES OFFICE (HERITAGE PLACE – HAMMOND ROAD COTTAGE) - LOCATION: LOT 9015 HAMMOND ROAD, SUCCESS - OWNER: JH PROPERTY DEVELOPMENT PTY LTD - APPLICANT: BLUEGOLD PROJECT MANAGEMENT. (DA16/0275) (D BOTHWELL) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant Planning Approval for the Demolition of the existing Sales Office (Heritage Place – Hammond Road Cottage) at Lot 9015 Hammond Road Success, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. Within 90 days of the date of demolition occurring (or other timeframes as agreed to in writing by the City), the developer/landowner shall prepare and install interpretive material to the satisfaction of the City.
2. The existing mature Oak Tree (Quercus SP) on the subject site within close proximity to the cottage (as highlighted in red on the figure 2 of the approved plans) shall be protected during demolition, retained on site and shall not be removed from its current location.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
  2. A demolition permit is required to be obtained from the City's Building Department prior to the commencement of demolition works.
  3. In regards to condition 1 above, the developer/landowner is advised to liaise with the City in regards to the preparation and installation of the interpretive material.
- (2) notify the applicant of Council's decision.



**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

The subject site is located in a development area, currently undergoing subdivision, known as 'Lakeside Success' on Hammond Road, Success. Once subdivision works are complete, the land will contain single detached residential lots and public open space. The subject site has been cleared for subdivision with the exception of an existing building (the subject of this application) which until recently has been used as a sales office for the development.

On 23 May 2013, the City issued Planning Approval for a change of use to the existing dwelling (formerly a farm cottage) to a sales office for a period of two years. The cottage is located where an approved stormwater basin is proposed to be located in accordance with an approved Local Structure Plan.

On 8 September 2015, the City issued Planning Approval for a new temporary sales office building fronting Jubilee Avenue, which means that the existing dwelling that was previously being used as a sales office is no longer required by the developer.

At its Ordinary Meeting held on 12 May 2016, Council made the following resolution to add the subject building to its Heritage Inventory:

- “(1) Include ‘Hammond Road Cottage, Success’ on the City of Cockburn Local Government Inventory as a ‘Management Category C’ place;*
- (3) adopt the Place Record for ‘Hammond Road Cottage, Success’ found at Attachment 2; and*
- (4) advise the developer and landowner of the inclusion of ‘Hammond Road Cottage, Success’ on the Local Government Inventory, and that preparation of an archival record and installation of interpretation, such as a plaque near the oak tree which is to be retained, will be a requirement of any such approval to provide an insight for users of the future Public Open Space into the history of the area.”*





The matter was required to be considered by Council for inclusion on the Local Government Inventory (LGI) after a nomination of the place from a member of the public.

As the dwelling is now included on the LGI, demolition of the building requires planning approval. The proposal for demolition is being presented to Council for determination as there is no delegation for staff to approve demolition of a heritage place.

### **Submission**

N/A

### **Report**

#### Proposal

The proposed application is for the demolition of the existing sales office (Hammond Road Cottage) at lot 9015 Hammond Road, Success. Included with the application is the following supporting information:

- Copy of deposited plan and aerial photograph showing the location, floor plan and elevations of the cottage to be demolished.
- Location of Cottage with adopted Structure Plan overlayed; & Archival Record of the cottage submitted to the City prior to the lodgement of the development application for the demolition.

#### Consultation

The application has not been the subject of public consultation. It is noted however, that the proposal to include the building on the Local Government Inventory (LGI) as a 'Management Category C' place, was advertised for a period of 21 days, which included letters to the landowner and developer, and advertisements in the newspaper seeking comment. The outcome of the consultation period is discussed in further detail in the *Report* section below.

#### Statutory Framework

##### *Zoning*

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Development' under the City of Cockburn's Town Planning Scheme No. 3 (TPS 3). A development zone under TPS 3 provides for development in accordance with a structure plan prepared and adopted under the Scheme. On 12 July 2012, the City adopted a Local Structure Plan (LSP) known as 'Lakeside Success – Hammond Road' for the



subject land. This was subsequently endorsed by the Western Australian Planning Commission (WAPC) on 5 March 2013 and on 14 October 2015 was subject to modification which was approved by the City under delegated authority. The cottage is located on land identified as 'public open space' located outside the identified wetland buffer to the Conservation Category Wetland to the south. The LSP does not contemplate retention of the building and all planning of the site to date has anticipated its demolition.

#### *Local Planning Policy 4.4 – Heritage Conservation Design Guidelines*

The City's Local Planning Policy 4.4 – *Heritage Conservation Design Guidelines* (LPP 4.4) states that for places identified as management category C: "demolition may be supported, subject to consideration of heritage significance together with other relevant planning issues". The heritage significance of the subject building is discussed in further detail below. LPP 4.4 also states that if demolition of a management category C place is supported, an archival record will be required as a condition of development approval for the demolition. The applicant has submitted an archival record which has been provided as an attachment to this report which is in accordance with Heritage Council of WA's requirements for Archival recording of Heritage places.

#### Other Considerations

##### *Heritage Significance*

During the advertising period for the inclusion of the subject building to be registered as a Heritage Place, a submission was received from the nominator of the Heritage Place who requested that the place be protected and relocated if it cannot remain in this area. Despite the above comments, it was concluded by the City's Officers that when assessed against the criteria for local heritage places produced by the Heritage Council, the cottage is not considered to have high heritage value hence the recommended and adopted category 'C' classification.

The nominator of the heritage place further commented that the cottage should be retained (or relocated) due to its historical and educational potential. It was considered by the City's Offices that the cottage would have limited potential to offer educational value as the interior of the cottage has been completely modified, and does not offer any insight into a former use or way of life. Furthermore, there is very little historical information known about the cottage. It is unknown when the cottage was constructed, who constructed it or lived in the former dwelling and what land use it may have been associated with. The building is therefore considered to have limited heritage value.



### *Heritage Interpretation*

In accordance with Council's resolution at its ordinary meeting on 12 May 2016 regarding the heritage listing, should Council support demolition of the building, a condition should be imposed requiring the preparation and installation of interpretative material such as a plaque near the existing mature Oak Tree providing an insight into the history of the area for users of the future public open space. In addition, a condition can be imposed requiring retention of the existing mature Oak Tree (*Quercus SP*).

### **Conclusion**

The structure planning of the area has never contemplated retention of the building and it does not form part of the approved Local Structure Plan for the area. The subject building has limited heritage value and this is reflected in its recent 'Management Category C' listing in the LGI, adopted by Council. Notwithstanding this, the recent heritage listing of the building has been beneficial as it has resulted in an archival record for the place being produced and the ability to require interpretation of the place to be installed which is a good outcome for the community. Demolition of the building is therefore supported subject to conditions.

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

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

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A



### Risk Management Implications

Should the applicant lodge a review of the decision with the State Administrative Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged.

### Attachment(s)

1. Development Application Plans
2. Location of cottage with Structure Plan overlaid
3. Archival Record

### Advice to Proponent(s)/Submissioners

N/A

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

Nil.

**14.3 (MINUTE NO 5836) (OCM 14/7/2016) - SIX MULTIPLE DWELLINGS & CHILD CARE PREMISES – LOCATION: LOT 57 WHADJUK DRIVE, HAMMOND PARK – OWNER: CHRISTOPER SIMPSON – APPLICANT: DESIGNWISE CONCEPTS (DA16/0049) (R TRINH) (ATTACH)**

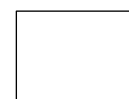
#### RECOMMENDATION

That Council

- (1) grant planning approval for Six Multiple Dwellings & Child Care Premises at Lot 57 Whadjuk Drive, Hammond Park, in accordance with the attached plans and subject to the following conditions and advice notes:

#### Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or tenancy. The approved development has approval to be used for 'Multiple Dwellings' and 'Child Care Premises' only.
2. Prior to the issue of a Building Permit, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for:
  - Hammond Park (DCA 9); and



- Community Infrastructure (DCA 13).

3. The Child Care Premises is restricted to a maximum of 18 employees working from the premises and 92 children at any one time.
4. The hours of operation of the Child Care Premises are restricted to between 6:30am and 7:00pm Monday to Friday.
5. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. All mechanical plant and service related hardware, including antennae, satellite dishes and air conditioning units, shall be screened from view of adjoining properties and the primary and secondary street frontages to the satisfaction of the City. The details in respect of which are to be provided to the City's satisfaction prior to the issue of a Building Permit. The location of plant and equipment shall also minimise the impact of noise on future occupants of the development and adjoining residents.
7. Prior to the initial occupation of the development hereby approved, the 42 car parking bays (28 allocated to the Child Care Premises and 14 allocated to the Multiple Dwellings), driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
8. All vehicle parking, access ways, footpaths and external lighting shall be constructed and maintained in accordance with the *Australian Standard AS2890* in the form and layout depicted on the approved plans to the satisfaction of the City.
9. Visitor bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible and suitably sign posted to the satisfaction of the City of Cockburn.
10. The vehicle crossovers shall be designed, located and constructed to the City's specifications.
11. A detailed landscaping plan shall be submitted to and approved by the City, prior to the issue of a Building Permit and shall include the following:



- (a) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (b) any lawns to be established;
  - (c) those areas to be reticulated or irrigated; and
  - (d) verge treatments.
12. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with an approved 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.
13. The front fence within the primary street setback of the multiple dwelling building shall be visually permeable 1.2 metres above natural ground level in accordance with the deemed to comply with provisions of the Residential Design Codes of Western Australia.
14. Where a driveway and/or parking bay abuts a public street, associated walls, fences and/or adjacent landscaping areas shall be truncated within 1.5 metres thereof or limited in height to 0.75 metres.
15. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
16. Clothes drying shall not occur on open balconies at any time unless behind purpose built screening approved as part of the development.
17. A Construction Management Plan (CMP) shall be submitted to and approved by the City prior to the commencement of works. The CMP shall be implemented to the satisfaction of the City.
18. Prior to the issue of a Building Permit, the owner/applicant shall:
  - (a) submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - (b) submit to the City for approval an 'Application for Art Work Design';



- (c) enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.
19. The art work shall then be installed prior to occupation of the building and maintained thereafter to the satisfaction of the City.
  20. A schedule of the materials, finishes and colours shall be submitted to and approved by the City prior to the issue of a Building Permit. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.
  21. All earthworks, cleared land and batters shall be stabilised to prevent sand or dust blowing to the satisfaction of the City.
  22. All noise attenuation measures, identified by the Gabriel's Environmental Design Environmental Noise Report (dated 20 January 2016) shall be complied with and implemented, to the satisfaction of the City.
  23. Written confirmation from a recognised acoustic consultant that all recommendations made in the Acoustic Report prepared by Gabriel's Environmental Design Environmental Noise Report (dated 20 January 2016) have been incorporated into the proposed development, shall be submitted to the City at the time of lodgement of the Building Permit Application.
  24. The builder shall provide written confirmation that the requirements of the Acoustic Report referred to in Condition 22 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
  25. A 2.4m high noise wall is to be provided to the Western boundary of the lot in accordance with the recommendations of the Acoustic Report prepared by Gabriel's Environmental Design Environmental Noise Report (dated 20 January 2016).
  26. The development site shall be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.



27. The residential building shall be constructed in accordance with the approved plans and to the required standard for the Bushfire Attack Level (BAL 12.5), with the exception of minor variations endorsed by the Manager Building Service as necessary by detailed design.
28. The Waste Management Plan dated 9 February 2016 approved by the City shall be implemented at all times.
29. The street number(s) shall be clearly displayed on the façade of each building prior to occupation of the buildings hereby approved and remain in perpetuity to the satisfaction of the City.

#### Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition 2 will be deemed to have been complied with. The principles and administrative requirements for Developer Contribution Plans are set out in the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at [www.cockburn.wa.gov.au/communityinfrastructure](http://www.cockburn.wa.gov.au/communityinfrastructure).
3. With regards to Condition 3, the restriction on the number of employees and children is based on the number of parking bays provided in accordance with Town Planning Scheme No.3.
4. A plan and description of any signage and advertising not exempt under Town Planning Scheme Schedule 5 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
5. With regards to Condition 10, copies of crossover specifications are available from the City's Engineering Services and from the City's website [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au).



6. With respect to Condition 13, visually permeable means vertical surface that has:
  - Continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm. occupying at least one half of the face in aggregate as viewed directly from the street; or
  - A surface offering equal or lesser obstruction to view.
7. With respect to Condition 15, all stormwater drainage shall be designed in accordance with the Australian Standard, and the design shall 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.
8. With regards to Condition 17, the Construction Management Plan shall address the following items:
  - (a) Access to and from the site;
  - (b) Delivery of materials and equipment to the site;
  - (c) Storage of materials and equipment on the site;
  - (d) Parking arrangements for contractors and subcontractors;
  - (e) Management of construction waste; and
  - (f) Other matters likely to impact on the surrounding properties.
9. With regards to Condition 18, the art work shall be in accordance with Council's Local Planning Policy LPP 5.13 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
10. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
11. The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (noise) Regulations 1997. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall



not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).

12. All food businesses shall 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 shall obtain prior approval for the construction or amendment of the food business premises.

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

The plans are to include details of:

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

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

13. All food handling operations shall 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 shall complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the Act.
14. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the Sewerage (Lighting, Ventilation and



Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and condensing clothes dryers installed.

15. The proposal shall comply with the *Child Care Services Regulations 2007*, and the requirements of the Education and Care Regulatory Unit and the applicant is advised approval shall be obtained from the Department of Local Government and Communities.
16. It is recommended that multiple dwellings be constructed using light colours in the interest of sustainable building design. Please refer to the City's LPP 1.2 - Residential Design Guidelines for further information.

(2) notify the applicant and those who made a submission of Council's decision.

#### **COUNCIL DECISION**

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

**CARRIED 7/0**

#### **Background**

The subject site is 2997m<sup>2</sup> in area and is located at Lot 57 Whadjuk Drive, Hammond Park. The subject site is currently vacant and fronts three public roads – Whadjuk Drive to the north, Snowden Street to the East and Vivaldi Street to the south. The site has a fall from south to north of approximately 1.1m. The western boundary of the site abuts an undeveloped lot containing an existing single dwelling and land being used for rural purposes. The surrounding area comprises of predominantly single houses and vacant lots for future single houses or commercial development in accordance with the approved Local Structure Plan.

The proposed development is being referred to Council for determination as an objection was received during public consultation.



**Submission**

N/A

**Report**Proposal

The proposal will facilitate the development of a three storey multiple dwelling (apartment) building on the northern portion of the site (1192m<sup>2</sup>) and a two storey Childcare Premises on the southern portion of the site (1805m<sup>2</sup>).

The residential component of the development comprises:

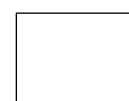
- Three storey building fronting Whadjuk Drive with a central foyer entrance;
- Six multiple dwellings - Two multiple dwellings are proposed on each storey;
- Each dwelling comprising two bedrooms and two bathrooms;
- 12 car parking bays are proposed for residents and two car parking bays are proposed for visitors; and
- All vehicular access from Snowden Street via a separate double-width crossover.

The child care centre comprises:

- Two storey building facing north with the entrance from the car parking area.
- Play spaces on both lower and upper floors.
- 28 car parking bays access from a separate double-width crossover to Snowden Street.
- Operating hours are proposed to be Monday to Friday between 6:30am and 6:30pm.
- A maximum of 18 staff and 92 children at any one time.
- Outdoor play areas proposed to be used Monday to Friday between 7:00am and 6:30pm

Consultation

Under the City's Town Planning Scheme No.3 (TPS 3), the proposal was not required to be advertised however Local Planning Policy 3.1 – Child Care Centres (LPP 3.1) requires all applications for child care centres to be advertised for a period not less than 14 days. Therefore, the proposal was advertised to 23 nearby land owners in accordance with clause 9.4 of TPS 3 and a total of two submissions were received during the advertising period. One submission indicated no objection



but provided comments about the development. One objection was received for the proposed development.

The main issues raised within the comments received during the public consultation period are considered to have planning merit as they refer to:

- Request for Landscaping on Snowden Street;
- Traffic congestion;
- Obstructions to visibility;
- Disruptions during construction;
- Increased risk of collisions; and
- Insufficient access through the existing road network.

Other comments were received during the public consultation period which were not valid planning considerations having due regard to TPS 3.

### Statutory Framework

#### *Metropolitan Region Scheme (MRS)*

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and the proposal is consistent with this zone.

#### *Town Planning Scheme No. 3 (TPS 3)*

The subject site is zoned 'Development' under TPS 3 and is located within Development Area 26 - Rowley Road (DA 26) and Development Contribution Areas 9 (DCA 9) and 13 (DCA 13).

The objective of the 'Development' zone under TPS 3 is

*'To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme'*

A Local Structure Plan (LSP) has been adopted and endorsed for this site. DA 26 requires a Structure Plan to guide subdivision, land use and development and is to provide for residential development and compatible land uses. The site is identified as a 'Local Centre – Residential R80' under the approved LSP. The LSP demonstrates predominantly a 'Local Centre – Residential R80' zoning immediately surrounding the subject site.

Clause 27 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

*'A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure*



*plan that has been approved by the Commission is to have due regards to, but is not bound by, the structure plan when deciding the application.'*

The 'Multiple Dwellings' and 'Child Care Premises' uses are 'P' (permitted) uses within a 'Local Centre' zone and are therefore permitted by TPS 3.

#### *Residential Design Codes (R-Codes)*

The proposed multiple dwelling component of the development generally complies with the provisions of the R-Codes and is not anticipated to detrimentally impacting the amenity of the area.

The street setback of the proposed development ranges from 1m to 2.64m along Whadjuk Drive in lieu of 1m minimum and 2m average which is deemed to comply with provision of the R-Codes. The proposed reduced setbacks are minor, contribute to the desired streetscape, add interest and reflect the character of the street without impacting on the appearance of bulk over the site. The reduced setbacks are sufficiently setback from vehicle access points and would not create visual obstructions to sight lines for motorists.

The proposed residential development and requires nine car parking bays for the six multiple dwellings and three visitor car parking bays in accordance with the deemed to comply provisions of the R-Codes. A total of 12 car parking bays and two visitor car parking bays are proposed on the subject site. The one visitor car parking bay shortfall is considered to meet the relevant design principle of the R-codes (Clause 6.3.3 P3.1) which is:

*'Adequate car and bicycle parking provided on site in accordance with projected need related to:*

- *The type, number and size of dwellings;*
- *The availability of on-street and other off-site parking; and*
- *The proximity of the proposed development in relation to public transport and other facilities.'*

There are four existing embayment car parking bays are immediately adjacent to the site on Whadjuk Drive. The reduction of one visitor bay is considered to meet the above design principle and result in sufficient visitor car parking in and around the site.

#### *Local Planning Policy 1.2 – Residential Design Guidelines*

Local Planning Policy 1.2 – Residential Design Guidelines (LPP 1.2) requires 10% of the lot area to be landscaped and the proposal has provided 9.24% which represents a minor variation. Landscaping is proposed around the edge of the site with trees planted along the



western boundary and shade trees in other permissible locations on the site. The variation is minor and it is considered that further landscaping of the verge could compensate for the minor shortfall. This can be imposed as a condition should Council support the proposal.

#### *Local Planning Policy 3.1 – Child Care Centres*

The proposed Child Care Premises generally is generally consistent with the provisions of Local Planning Policy 3.1 – Child Care Centres (LPP 3.1). The proposal is consistent with the expected scale and character of the locality, is sympathetic to the surrounding development and the uses are consistent with the type of development expected within a Local Centre.

The proposed development complies with the minimum lot area of 1000m<sup>2</sup> and minimum 20m frontage required by LPP 3.1. The proposed development covers approximately 25.46% of the site area and is well below the 50% maximum site coverage permitted.

A ground floor outdoor play area is screened by a 1.8m high wall on all sides and landscaping along the eastern side to prevent noise from disrupting nearby land owners and to protect the play areas from traffic. Another ground floor play area is also proposed on the western side and is also sufficiently screened by landscaping and a 1.8m high wall. A large connected play area is proposed on the first floor balcony and screened by a brick wall with glass screening up to 1.8m in height. All play areas proposed are partially covered by shade structures. No signage is proposed as part of this application and further approvals from the City would be required to erect any future signage.

#### *Local Planning Policy 5.13 – Percent for Art*

The estimated cost of development of the proposed Child Care Premises meets the value for a commercial development stipulated in Local Planning Policy 5.13 – Percent for Art (LPP 5.13). It therefore requires one per cent (1%) of the value to be set aside for artworks on the subject site that reflect the place, locality and/or community. The application proposes murals to be fixed to the wall along the northern and southern portions of the site facing Snowden Street. Should Council support the proposal, further details of these murals can be required as a condition of approval.

#### *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*

The subject site is located within a Bushfire Prone Area and therefore required to provide a Bushfire Attack Level (BAL) assessment under State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP



3.7). A BAL assessment was provided that demonstrates a BAL rating of 12.5. A condition will be imposed to comply with the determined BAL rating should Council support the proposal.

#### Car parking and Access

The carpark for the Childcare Premises is proposed to be accessible via Snowden Street and screened from view by 1.8m high rendered brick walls. A 2m wide landscaping strip is also proposed along Snowden Street to screen the 1.8m high walls and a 1m wide landscaping strip will screen the building along Vivaldi Street.

The car parking area has been designed specifically for the child care centre use and predominantly screened from view. 28 car parking bays are proposed to cater for up to 92 children and 18 staff. This is compliant with TPS 3 which requires one car parking bay per employee and one car parking bay for every 10 children which equates to 28 bays.

To alleviate the impact of danger to pedestrians surrounding the site, all vehicles are capable of entering and exiting the site in a forward gear and consideration has been given for safe pedestrian movements across the site.

#### Traffic

The volume of peak hour traffic estimated to be generated by the proposed development would not result in what could reasonably be considered traffic congestion. The City's Engineering Services are already planning to submit a request to Main Roads WA to reduce the speed limit on Wattleup Road to 70km/h.

The traffic generated by the proposed development will not create any greater safety issues than any other development permitted within a 'Local Centre' zone generating a similar volume of traffic. There is no valid justification why motorists travelling to or from the development would drive more dangerously than other road users.

The existing road network is only a portion of the entire planned road network within the vicinity. The staged development of the road network in the area is a result of ad hoc development of individual land owners with different development timeframes. The future road network to connect Frankland Avenue to Wattleup Road will provide improved accessibility for Hammond Park residents and an efficient route for regional north-south traffic movement between Russell Road and Wattleup Road. This link is tentatively planned to be completed in approximately 2021.





### Child Care Premises Landscaping

TPS 3 requires a minimum of 10% of the lot area to be set aside for landscaping or reduced to 5% if the street verge area is included to be maintained. 7.4% of landscaping is proposed as part of this proposal and therefore landscaping of the verge will be maintained to increase the visual amenity and restrict vehicles from parking on the verge. A 2m wide landscaping strip has been proposed along the primary street (Snowden Street) and a 1m wide landscaping strip has been proposed along the secondary street (Vivaldi Street). Should Council support the proposal, a condition can be imposed requiring detailed landscaping plan to be submitted for approval.

### Noise

An Acoustic Report was supplied with the application that demonstrates that noise levels for the operations of the multiple dwellings and child care centre are not expected to cause an amenity issue, however must comply with the *Environmental Protection (Noise) Regulations 1997*. Should Council support the proposal, further standard conditions can be imposed to ensure that the recommendations made in the Acoustic Report are incorporated into the development.

### Construction Management

Should Council support the proposal, a condition could be imposed requiring the lodgement of a comprehensive Construction Management Plan (CMP) prior to work commencing to ensure minimal disruptions to surrounding residents during construction. This will address issues such as staging of construction works, noise, material delivery and storage, contractor parking, protection of street furniture and infrastructure, traffic generation of construction vehicles and access.

### Conclusion

The proposal for six multiple dwellings and child care premises is supported as it is generally consistent with the planning framework for the site and will not negatively impact on the amenity of the area or the streetscape. The proposed design complements the surrounding residential area and future development in the immediate area and provides land uses that are suitable within a Local Centre. It is therefore recommended that Council approve the application, subject to the conditions.



## Strategic Plan/Policy Implications

### City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets.
- Ensure growing high density living is balanced with the provision of open space and social spaces.
- Ensure a variation in housing density and housing type is available to residents.

### Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development.
- Increase local employment and career opportunities across a range of different employment areas through support for economic development.

## Budget/Financial Implications

N/A

## Legal Implications

N/A

## Community Consultation

The application was advertised to 23 nearby landowners in accordance with clause 9.4 of the City of Cockburn's Town Planning Scheme No. 3, with a total of two submissions received. See Consultation section of the report.

## Risk Management Implications

Should the applicant lodge a review of the decision with the State Administrative Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged.

## Attachment(s)

1. Location Plan
2. Overall Site Plan
3. Child Care Centre Ground Floor Plan
4. Child Care Centre Upper Floor Plans



5. Child Care Centre Elevations
6. Child Care Centre Landscaping Plan
7. Multiple Dwellings Ground Floor Plan
8. Multiple Dwellings Upper Floor Plans
9. Multiple Dwellings Elevations
10. Multiple Dwellings Landscaping Plan
11. Child Care Centre – Artist Impression
12. Multiple Dwellings – Artist Impression

#### **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 14 July 2016 Council Meeting.

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

Nil.

**14.4 (MINUTE NO 5837) (OCM 14/7/2016) - PROPOSED AMENDMENT TO PHASE 2 & 3, MAGNOLIA GARDENS STRUCTURE PLAN – LOCATION: LOTS 6-10 BILOXI LOOP, SUCCESS – OWNER: SANDOWE PTY LTD – APPLICANT: BUILDING DEVELOPMENT GROUP (110/152) (T VAN DER LINDE) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) endorse the Schedule of Submissions prepared in respect of the proposed amended Phase 2 & 3, Magnolia Gardens Structure Plan (“amended Structure Plan”);
- (2) endorse the Bushfire Attack Level (BAL) Contour Assessment prepared by RUC Fire in respect of the proposed amended Structure Plan dated June 2016 (reference: 5389);
- (3) pursuant to *Schedule 2, Part 4, clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, recommend to the Western Australian Planning Commission the proposed amended Phase 2 & 3, Magnolia Gardens Structure Plan be approved, subject to the following modifications:
  1. Include additional Development Requirements within Part 1, Section 4 table of Structure Plan amendment report stating:
    - a) “A detailed Noise Management Plan shall accompany any subdivision and/or development application to clarify



*any actual mitigation measures”.*

- b) *“Applications for development over the subject lots are to incorporate a pedestrian path along the entirety of the front boundary within the Biloxi Loop road reserve, linking in with the existing path along Rutherford Entrance and providing access from the subject land to the future Aubin Grove Train Station carpark”.*
2. Include an additional Development Requirement within Part 1, Section 4 table of Structure Plan amendment report stating *“In accordance with the Bushfire Attack Level (BAL) Contour Assessment prepared by RUIC Fire and dated June 2016 (ref: 5389), the radiant heat impact to the development site is equivalent to BAL-LOW and thus applications for development over the subject lots are not subject to higher construction standards as per AS3959-2009.”*
  3. Include the above mentioned BAL Contour Assessment as an appendix to the Structure Plan amendment report and refer to appropriately within Part 2 of the Structure Plan amendment report.
  4. Include the Noise Impact Assessment Report as an appendix to the Structure Plan amendment report and refer to appropriately within Part 2 of the report.
- (4) advise the proponent and those persons who made a submission of Council's decision.

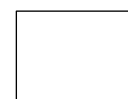
#### **COUNCIL DECISION**

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

**CARRIED 7/0**

#### **Background**

The Phase 2 & 3, Magnolia Gardens Structure Plan (“Structure Plan”) was adopted by Council on 17 February 2004 but has not been endorsed by the WAPC.



A proposal to modify the Structure Plan pertinent to Lots 6-10 Biloxi Loop, Success ("subject land") has been lodged with the City in order to affect a density code change for the subject land from R40 to R80.

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

### **Submission**

The amended Structure Plan (as shown in Attachment 4) was lodged by Jason Moore on behalf of Building and Development Group. The amended Structure Plan comprises the following:

- Removing the existing R40 coding over Lots 6-10 Biloxi Loop and replacing with an R80 coding.

### **Report**

#### Planning Background

The subject land is 2246m<sup>2</sup> in size and consists of some of the few remaining lots to be developed under the Phase 2 & 3, Magnolia Gardens Structure Plan, with existing residential development occurring directly north and west. The Kwinana Freeway exists approximately 90m to the east of the subject land. The future Aubin Grove train station is currently being constructed approximately 200m south-east of the subject land, with the southern and eastern boundaries of the subject land being adjacent to the regional reservation of the railway Park and Ride.

A Local Development Plan ("LDP") was previously prepared and approved on 21 June 2013 over a portion of the Structure Plan area which includes the subject land. A Noise Impact Assessment was prepared in conjunction with the LDP addressing noise issues due to the proximity of the Kwinana Freeway and is referred to within the provisions of the LDP. The LDP currently identifies the land as R40 and includes provisions relevant to the R40 density code. Thus, as per section 5 of the Part 1 Implementation section of the Structure Plan amendment report, an amendment to the LDP is required to be lodged prior to development to ensure any increase in coding over the subject land is appropriately reflected on the LDP.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within Development Area 8 ("DA 8"), Development Contribution Area



No. 2 ("DCA 2") and Development Contribution Area No. 13 ("DCA 13").

### Proposed Amended Structure Plan

The proposed amendment to the existing Structure Plan is considered to be relatively minor and appropriate for the area given the close proximity to the proposed Aubin Grove train station. The implications of the amendment are discussed below.

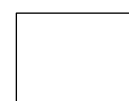
### Design and Density

The existing Structure Plan provides for a coding of R40 for the subject land. This is supported by the current LDP which specifies that the subject land is to be developed as duplex lots.

Under the current coding, there is potential for 10 dwellings to be developed whereas the proposed amendment would result in a maximum yield of 18 dwellings. The increased number of dwellings will allow more people to live in close proximity to the proposed Aubin Grove train station and is thus consistent with the City's Local Planning Strategy which seeks to maximise development close to public transport routes.

State government documents also promote higher density surrounding public transport with a key purpose of Liveable Neighbourhoods being "Increased emphasis on achieving density targets and lot diversity, particularly around activity centres and public transport nodes." An objective of Liveable Neighbourhoods is to provide for smaller lots and lots capable of supporting high density development in and around town centres, public transport stops and parks. Perth and Peel@3.5million also encourages urban consolidation and higher density development surrounding public transport corridors and station precincts, in order to reduce dependency on the private vehicle.

The majority of the Phase 2 & 3, Magnolia Gardens Structure Plan area has already been developed in accordance with the Structure Plan. However, despite much of the Structure Plan area being coded R40 allowing a minimum average lot size of 220m<sup>2</sup>, particularly to the north and north-east of the subject land, much of this land has been underdeveloped with most R40 coded lots being greater than 350m<sup>2</sup>. As an example, the street block directly opposite the subject land and bounded by Biloxi Loop, Covington Loop and Rutherford Entrance consists of an area of 4141m<sup>2</sup> and has been subdivided into 12 lots accommodating 12 single dwellings. However, under the R40 coding 18 lots/dwellings could have been achieved if the minimum average density was met. Thus, the proposed amendment to increase the density of the subject land allows for an increased number of dwellings



at the site to compensate for the lack of density provided for in surrounding development within the Structure Plan area.

### Community Consultation Outcomes

The amended Structure Plan was advertised for public comment for a period of 28 days from 10 May 2016 until 7 June 2016 in accordance with the Scheme requirements. A total of fourteen (14) submissions were received, with eleven (11) being from government agencies, some providing minor comments and one (1) raising objection to the proposal (Main Roads WA). The Department of Transport's advice has been addressed in point (3)1.a) and b) of the recommendation to Council and proposes minor modifications to the Structure Plan amendment documentation. Three (3) submissions were received from nearby landowners all objecting to the proposal. Concerns raised by landowners and Main Roads are addressed in the following sections of the report.

All submissions have been outlined and addressed in detail in the Schedule of Submissions (Attachment 5). However the specific key issues raised in the submissions are addressed following:

#### Fire Management

At the time of lodgement of the Structure Plan amendment, a bushfire assessment had not been undertaken in support of the application due to recent clearing of vegetation surrounding the subject land. Despite this, updated Department of Fire and Emergency Services Bushfire Prone Area mapping released on 20 May 2016 identified a portion of the subject land as bushfire prone. Thus, under State Planning Policy 3.7, a bushfire assessment is required to accompany the Structure Plan amendment. A BAL Contour Assessment was prepared by RUIIC Fire and is yet to be incorporated into the Structure Plan document. This is addressed within point (2) and (3)3 of the recommendation above.

The BAL Contour Assessment demonstrates that there is insufficient risk of fire to the subject land to warrant specific construction standards to reduce fire risk.

#### Noise Management

A Noise Impact Assessment was prepared in 2012 to accompany the LDP prepared over the subject land and surrounding lots. A Noise Management Plan will be required at the development application stage to clarify any actual mitigation measures and is also to be addressed in the LDP amendment discussed previously in this report. This has been addressed in point (3)1.a) of the above



recommendation. This also addresses the concerns raised in the submissions by Main Roads regarding compliance with the LDP noise requirements at development stage, as well as by landowners who are concerned that future development of the subject land at an R80 density with result in increased noise impacts.

### Pedestrian Access

The Aubin Grove train station park and ride is proposed immediately south of the subject land with pedestrian access to the carpark and train station proposed to the east of the subject land extending from Rutherford Entrance. It is logical that future development at the subject land includes provision of a footpath along Biloxi Loop (no footpath currently exists along this road) to provide future residents with access to the train station. The Department of Transport have requested in their submission that pedestrian and cycle routes planned for the Structure Plan area link in with the existing strategic network infrastructure as well as to the park and ride facility. This has been addressed in point (3)1.b) of the above recommendation.

### Traffic

All three (3) submissions lodged by landowners expressed concerns over increased traffic on local roads and parking impacts as a result of the proposal. However, a Traffic Technical Note was prepared and lodged with the Structure Plan Amendment proposal and the City's traffic engineers have reviewed the Technical Note and are satisfied that the increased traffic as a result of an increased number of dwellings can easily be accommodated within the existing road network. Parking bays will need to comply with the provisions of the Residential Design Codes (R-Codes) at Development Application stage. Furthermore, much of the land within the Phase 2 & 3 Magnolia Gardens Structure Plan area has been underdeveloped as lot sizes are much larger than the minimum allowed under the Structure Plan. Thus, traffic numbers are far less than what would have been allowed had lots been subdivided at the minimum lot size allowed.

One (1) landowner submission also expressed concerns over traffic generated by the future Aubin Grove train station car park which was originally proposed to be accessed via Rutherford Entrance, in close proximity to the subject land. Vehicle access to the Aubin Grove train station car park is no longer proposed via Rutherford Entrance. Furthermore, this is a separate proposal and the Public Transport Authority is responsible for engaging in traffic studies relevant to the development of the train station and ensuring the road network can accommodate the expected vehicle numbers.





### Security and Land Tenure

Two (2) submissions lodged by landowners raised concerns over security as a result of an increase in density at the subject land. The City does not support that medium-high density development alone will compromise security. On the contrary, a greater number of dwellings and residents will result in greater opportunities for passive surveillance of the street and future Aubin Grove Train Station car parking, which is likely to result in a higher level of security.

One (1) landowner submission raised concerns that future dwellings may be occupied by renters which would have a negative effect on existing residents. The City does not control the tenure of privately owned dwellings and also does not support that the presence of renters alone will result in conflict between residents. Furthermore, the City's Housing Affordability and Diversity Strategy promotes a mix in land tenure and housing stock, and particularly recognises the shortfall of smaller housing options in the Aubin Grove area. A mix in land tenure and housing stock provides diversity and housing options for a variety of incomes and is thus inclusive of a wider demographic. Thus, the proposed increase in density is consistent with adopted City strategies.

### Existing Development

All three (3) landowner submissions believed the proposal should not be supported due to the existence of other grouped and multiple dwelling developments in close proximity to the subject land, as well as the availability of new land releases elsewhere in the locality. The City does not support that the existence of approved nearby developments or new land releases in the area is a reason to prevent medium-high density development at the subject land, particularly due to the close proximity to the proposed Aubin Grove Train Station. The existing multiple and grouped dwellings developments are compliant with the designated coding provided under the Structure Plan. Much of the land within the Structure Plan area has been underdeveloped as lot sizes are much larger than the minimum allowed under the Structure Plan. Thus, the proposed amendment is an opportunity to recover part of this lost development opportunity.

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

#### **City Growth**

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



## Budget/Financial Implications

The Structure Plan fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

Subdivision and development of the subject land is also subject to the requirements of the City's Development Contribution Plan 13 – Community Infrastructure and Development Contribution Plan 2 – Success Lakes. While the DCA 2 liability has been met by an earlier subdivision, there will be a DCA 13 liability for any additional lot/dwelling yield created by a future subdivision or development application.

## Legal Implications

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

## Community Consultation

Community consultation was carried out for a period of 28 days from 10 May 2016 until 7 June 2016. The proposal was advertised in the newspaper, on the City's website and letters were sent to affected landowners and relevant government agencies in accordance with the Scheme requirements.

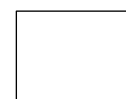
Fourteen (14) submissions were received during the advertising period. Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions.

## Risk Management Implications

If the subject land is not recoded, future development will only be permitted at the R40 coding despite the subject land's proximity to the future Aubin Grove train station, resulting in an underutilisation of land, lost opportunity for residents to live in close proximity to the train station and lost opportunity to implement State and Local strategic documents promoting high density surrounding train stations.

## Attachment(s)

1. Location Plan
2. Existing Phase 2 & 3 Magnolia Gardens, Structure Plan



3. Existing 'Lot 443 and 444 Rutherford Entrance, Success' Local Development Plan
4. Proposed Amended Phase 2 & 3 Magnolia Gardens, Structure Plan
5. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 July 2016 Council Meeting.

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

Nil.

**14.5 (MINUTE NO 5838) (OCM 14/7/2016) - PROPOSED STRUCTURE PLAN AMENDMENT - SOUTH BEACH VILLAGE - 1/52 ROLLINSON ROAD, 1/9, 13, 15, 19 AND 23 O'CONNOR, CLOSE NORTH COOGEE – OWNERS: VARIOUS – APPLICANT: CITY OF COCKBURN (110/154) (L SANTORIELLO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) in pursuance of Clause 20 (2) (e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the W A Planning Commission the approval of the proposed structure plan amendment for the South Beach Village Structure Plan; which aims to rezone the 'Mixed Business' zone to the 'Mixed Use' zone;
- (2) endorse Attachment 4 'schedule of submissions' prepared in respect of the proposed structure plan amendment;
- (3) advise those persons who made a submission of Council's recommendation and refer them also to the endorsed schedule of submissions; and
- (4) pursuant to Clause 22 (7) of the *Planning and Development (Local Planning Schemes) Regulations 2015* request that the Commission provides written notice of its decision to approve or to refuse to approve the proposed structure plan amendment.



**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

The proposed structure plan amendment was initiated by the City of Cockburn Strategic Planning Department pursuant to Clause 16 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Under this Clause; “the Local Government may prepare a Structure Plan [amendment] in the circumstances set out in Clause 15”.

The Structure Plan amendment proposal relates specifically to the ‘Mixed Business’ zone including the following properties, namely 1/52 Rollinson Road, 1/9, 13, 15, 19 and 23 O`Connor Close, North Coogee (“the subject site”). The proposal aims to re-zone the ‘Mixed Business’ zone to the ‘Mixed Use’ zone.

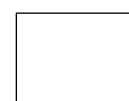
The subject site is approximately 1.19346ha in area which has a predominant frontage to O`Connor Close to the east with a 15 metre strip of public open space to the west which separates the rear of the subject site from the railway reserve.

The southern portion of the subject site abuts both Rollinson Road and O`Connor Close. The norther portion abuts a residential (R60-100) property which has been developed with ‘grouped’ and ‘multiple’ dwellings. Generally speaking the subject site is located in the south west of the ‘South Beach Village’ Structure Plan. The underlying density code (range) of the subject site is R60-R80.

The Proposed Structure Plan amendment was advertised for a period of 28 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The purpose of this report is for Council to consider the proposed Structure Plan amendment in light of the information received during the advertising process.

In total the City received 13 submissions during the advertising period of which nine supported the proposal, three objected to the proposal and one party neither objected nor supported the proposal, rather they sought clarification with regards to the details of the proposal. The



submissions are discussed in the 'Report' section below and elaborated on in detail under Attachment 4 of this report.

### **Submission**

N/A

### **Report**

#### Planning Background

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within Development Area 16 ("DA16") and Development Contribution Area No. 13 ("DCA13").

DA 16 provides a number of Development Area provisions. These include requirements for an approved Structure Plan to guide subdivision and land use development. The associated uses are required to be consistent with the zonings and reserves in the MRS and classified in accordance with the scheme and/or the Planning Regulations. Provision four of DA 16 specifies, *all residential development must be designed and constructed to comply with the South Beach Village Noise Management Plan dated August 2002.*

The below sections aim to give due regard to the DA 16 scheme provisions and are discussed as follows.

#### Details of the Proposal

The City's strategic Planning Department proposes to amend the South Beach Village Structure Plan by re-zoning the 'Mixed Business' zone to the 'Mixed Use' zone for the following properties; 1/52 Rollinson Road, 1/9, 13, 15, 19 and 23 O'Connor Close, North Coogee (Refer to Attachments 1, 2 & 3 for details).

Since the preparation of the original South Beach Village Structure Plan, in 2002, a better suited zone, the 'Mixed Use' zone, has been incorporated into the City of Cockburn Town Planning Scheme No. 3 ('TPS 3').

By way of the abovementioned DA 16 provisions, should the Structure Plan be amended the permissibility of 'land uses' over the subject site will be as per the TPS 3 'Zoning Table' and Schedule 1 'Land Use Definitions'.



Any future development applications, following approval of this proposed amendment, would be assessed under the 'Mixed Use Zone' provisions and follow normal planning processes.

### The Broader Strategic Context of the Proposal

The 'Mixed Use' zone was included into TPS 3 on 23 June 2015, 13 years after the South Beach Village Structure Plan was originally approved.

Under the current zone 'Shops' (including hairdressers or beauty therapist) are not permitted in the ground floor commercial tenancies; however industrial type uses, which are potentially incompatible with the 'residential flavour' of the locality, are permitted subject to an application for planning approval.

The objective of the 'Mixed Business' zone (the current zone as shown on Attachment 2 of this report) is as follows:

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

The City considers the objectives of the recently approved 'Mixed Use' zone to be more appropriate in this location. The objective of the Mixed Use zone as outlined within TPS 3 is considered to be more appropriate in this area and hence both the City's Strategic and Statutory Departments are in support of the proposed amendment. Please note the objective of the Mixed Use zone (the proposed zone as shown on Attachment 3 of this report) is as follows:

*"To provide for a mixed use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments."*

The proposed Structure Plan amendment aims to shift the land uses from 'light and service industrial' to a 'mixed use environment including residential and smaller scale commercial uses'. This is the broad objective of the proposal.

### Analysis of Land Use Permissibility

The list of land uses applicable to the current zone 'Mixed Business' and the proposed zone 'Mixed Use' cover a range of categories



including residential, commercial, industrial and rural. Attachment 4 provides the full list of land uses within their respective categories and specifies the permissibility of each use under the respective zones.

Attachment 4 of this report identifies the following uses, which is currently permitted on the subject site:

- Industry – cottage
- Industry – light
- Industry – service
- Storage yard
- Warehouse
- Motor Vehicle repair

The ‘industry – service’ land use definition is as follows:

**industry - service:**

means -

- (a) an industry - light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.

### *Existing Street Scape of the Subject Site (Residential)*



The following land uses are currently not permitted on the subject site;

- Convenience store
- Shop
- Dwelling – aged or dependent persons

The ‘shop’ definition is as follows;

**shop:**

means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store and nursery.



Under the proposed amendment the above land uses would be permitted. For example a 'hairdresser' is currently not permitted to operate a 'hairdresser studio' on any of the ground floor commercial tenancies.

The City has had enquiries from prospective tenants in this regard. Unfortunately City staff has had to advise the prospective tenants that their proposed land use is not permitted under the current zone. This amendment will allow the City's Statutory Planning department to exercise their discretion in the assessment of any future applications for hairdresser studios (shops) as an example, subject to the WAPC approving the proposed amendment and an applicant making application with the City.

### Objections and Clarification of Details

Of the three objections the City received, as a result of the advertising period, all three objected on the grounds of parking related issues. Please refer to Attachment 5 of this report for details. The objectors have advised; *"There is not enough parking in the area. Street parking is getting scarce for visitors and there is still 4 blocks of apartments to be built/ completed in the close area."*

The objections relating to parking are issues relating to the next stage of planning, namely development applications. The proposed Structure Plan amendment seeks to control the allowable land uses over the subject site and does not directly control discretionary parking number considerations.

The proposed Structure Plan amendment does not propose to alter the land use approvals already granted by the City. The Structure Plan amendment does not act retrospectively by way of car parking allowances. Any future development applications will be assessed on their merits with regards to Town Planning Scheme No. 3 parking requirement and the applicable land use at that time.

The Public Transport Authority ('PTA') supported the proposal however advises the WAPC's *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4)* is of relevance to the proposal.

The PTA recommends that a detailed noise assessment be undertaken at this stage rather than at the development application stage to ensure that the requirements of SPP 5.4 can be met.

Provision four of DA 16 specifies, *all residential development must be designed and constructed to comply with the South Beach Village*





*Noise Management Plan dated August 2002.* On this basis the advice from the PTA has been met.

The Strata Manager of 9 O'Connor Close, North Coogee sought clarification regarding the proposed amendment. Following the assessing officers response via email the Strata Manager did not raise further concerns. The response to the Strata Manager is provided under point 3 of Attachment 5. The questions related to short stay accommodation and the permissibility of operating a business from a residential unit. The proposed amendment does not result in any negative implications for the residential land owners/ tenancies in either regard. Please refer to Attachment 4 for details.

#### 'Strategic Planning Proposals' in Designated Bushfire Prone Areas

The subject site is classified as 'Bushfire Prone' under the Department of Fire and Emergency Services Map of Bushfire Prone Areas ('DFES').

Under *State Planning Policy 3.7 'Planning in Bushfire Prone Areas'* the proposal is classified as a 'Strategic Planning Proposal'. Strategic Planning Proposals are defined within SPP 3.7 as;

*'Any strategic-level planning proposal including: region scheme amendments; district structure plans; local planning strategies; local planning schemes and amendments; and structure plans and master plans...'*

Under section 6.3 of SPP 3.7 any 'Strategic Planning Proposal' is to be accompanied by the following information prepared in accordance with the Guidelines:

- a) (i) the results of a BHL assessment determining the applicable hazard level(s) across the subject land, in accordance with the methodology set out in the Guidelines. BHL assessments should be prepared by an accredited Bushfire Planning Practitioner; or
- (ii) where the lot layout of the proposal is known, a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. The BAL Contour Map should be prepared by an accredited Bushfire Planning Practitioner; and
- b) the identification of any bushfire hazard issues arising from the relevant assessment; and
- c) clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.



On this basis SPP 3.7 under 6.3 (a) (i), a Bushfire Hazard Level Assessment should be prepared for the subject site by an accredited Bushfire Planning Practitioner. The report should aim to identify any bushfire hazard issues arising from the relevant assessment and demonstrate compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.

It is important to note, as identified in the below images, the subject site is predominantly developed. In the relevant circumstances AS 3959 should be applied for new development as a matter of priority. It is noted the standard also applies to extensions of existing structures in some circumstances.

The two northern lots are in private ownership. The City's Planning department has not been advised that either of these land owners is seeking to develop in the immediate future.



This application for a structure plan amendment is unique as the applicant is the City on behalf of the community. The proposed amendment does not involve any new development. The proposal aims to apply a more appropriate zone over the subject site to improve the residential environment for the residential community members. This mainly relates to the ground floor existing commercial tenancies.

The SPP 3.7 requirements are relevant and under normal circumstances the City would mandate compliance. Under this



proposal the City seeks approval from the Commission to waive the bushfire requirements at this stage and defer them to the later stages of planning and/ or building permit. In support of this recommendation the following points are noted;

1. Policy is not to be construed and applied with the nicety of a statute. Due regard is to be had with regards to Policy [2009] WASC 196 and therefore discretionary consideration can be applied by the decision makers to defer the bushfire requirements.
2. The *Guidelines for Planning in Bushfire Prone Areas December 2015* ('The Guidelines') under section 5.8.2 states; for development of Class 1, 2 or 3 buildings or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in a bushfire prone area, the bushfire construction requirements of the Building Code of Australia will be applied at the building permit stage irrespective of the planning assessment process.

The proposal does not involve any proposed development and the subject site is already predominantly built. The remaining private landholdings upon development of the appropriate class of building will be required to be built to AS 3959 under the Building Code of Australia. On this basis the proposed amendment is not likely to result in exposing any current or future residents to bushfire risks. It is also not considered appropriate that the City uses ratepayer funds to prepare a BHL assessment for private landholdings.

### Conclusion

The proposed Structure Plan amendment aims to shift the land uses from '*light and service industrial*' to a '*mixed use environment including residential and smaller scale commercial uses*'.

As indicated in the above images, the subject site is predominantly residential including '*multiple dwelling*' and '*grouped dwelling*' residential development. The ground floor commercial tenancies are currently vacant and the appropriate smaller scale commercial uses are not currently permitted in these locations.

This proposal aims to utilise the more recently created 'Mixed-Use' zone provisions to allow more appropriate land uses over the subject site.

The communities concerns relating to parking will be addressed at development application stage. The PTAs advice is accepted and has been adhered to under the DA 16 scheme provisions and the current Structure Plan report/ appendices. The residential community, via their strata Manager, have sought clarification regarding the proposal.



These concerns have been addressed and provided for in Attachment 4 of this report.

The Proposed Structure Plan amendment was initiated by the City of Cockburn Strategic Planning Department pursuant to Clause 16 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Under this Clause; “*the Local Government may prepare a Structure Plan [amendment] in the circumstances set out in Clause 15*”.

In pursuance of Clause 20 (2) (e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* it is recommended Council seeks the approval of the Proposed Structure Plan Amendment for the South Beach Village Structure Plan from the Commission.

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

#### **Community & Lifestyle**

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

### **Budget/Financial Implications**

As this application was initiated by the City of Cockburn Planning Department no fee was required/ applicable. There are no other direct financial implications associated with the Proposed Structure Plan Amendment.

### **Legal Implications**

Clause 20 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the City to prepare a report on the Proposed Structure Plan amendment and provide it to the Commission no later than 60 days following the close of advertising.



## **Community Consultation**

Public consultation was undertaken for a period of 28 days. The advertising period commenced on 10 May 2016 and concluded on 7 June 2016.

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

In total the City received 13 submissions during the advertising period of which nine supported the proposal, three objected to the proposal and one party neither objected nor supported the proposal, rather they sought clarification with regards to the details of the proposal.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions. See Attachment 4 for details.

## **Risk Management Implications**

The officer's recommendation takes in to consideration all the relevant planning factors associated with this proposal. It is considered that the officer recommendation is appropriate in recognition of making the most appropriate planning decision, and ensuring utility of land. Failure to progress such amendments may hinder the ongoing effective use of land which best reflects compatibility with the nearby residential village.

## **Attachment(s)**

1. Location Plan and Aerial Photograph
2. Current (approved) Structure Plan
3. Proposed Structure Plan (showing amendment area)
4. Land Use Comparison table
5. Schedule of Submissions

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 July 2016 Council Meeting.

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

Nil.



AT THIS POINT, TIME BEING 7.53 P.M. CLR PORTELLI LEFT THE MEETING.

AT THIS POINT, TIME BEING 7.56 P.M. CLR PORTELLI RETURNED TO THE MEETING.

**14.6 (MINUTE NO 5839) (OCM 14/7/2016) - ACQUISITION OF LOTS 12 AND 51 BRIGGS STREET SOUTH LAKE (5113342, 5519841) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) purchase Lots 12 and 51 Briggs Street, South Lake for a purchase price of \$65,000; and
- (2) amend the 2016/17 adopted municipal budget so as to facilitate (1) above by transferring \$65,000 from the Cash in Lieu Public Open Space Reserve - South Lake and creating a new Capital Works Account – Purchase of Lots 12 and 51 Briggs Street South Lake.

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

**COUNCIL DECISION**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

**Background**

Council has a long term improvement strategy related to the powerline corridor of land, which stretches from North Lake Rd (Anning Park) through to the northern section adjoining the freight railway line within South Lake. Council recently received a briefing on the project, noting how approximately half of the upgrade works have occurred.

As part of Council's consideration of The Lakes Revitalisation Strategy, at the meeting held on 12 May 2016 Council resolved specific to the next stages of upgrade as follows:



5. *Amend the table on page 39 of the Strategy to state:  
Stage 5 (North of Elderberry) Delivery in 2016/17  
Stage 6 (Lots 12 & 26) Delivery 2017/2018*

*Noting: the priority order of these stages will be reviewed when the City secures ownership over Lots 12 and 26 of which relate to Stage 6 works. This is requires before the works can occur.*

This was basically to deliver the next major component of works, being across the section north of Elderberry Drive and on Lots 12 and 26 Briggs Rd.

As noted in the decision, the land at Lots 12 and 26 Briggs St is privately owned, and the City needs to purchase it before it can proceed to implementation. This is the purpose of this report.



### **Submission**

The owners of Lots 12 and 51 Briggs Street South Lake have indicated that they will accept \$65,000 for the purchase of both lots.

### **Report**

Lots 12 and 51 Briggs Street, South Lake have a combined area of 2.209 ha. The owner of the land is JM and PJ Sultana. The land is burdened by a Western Power High Tension transmission line.



Western Power has the benefit of an easement that restricts any structures being built on the land.

The land is zoned SU23 in the in the City of Cockburn Town Planning Scheme No. 3. The permitted uses for this zoning are:

- Carpark
- Civic Use
- Community Purpose
- Nursery
- Public Amusement
- Recreation – Private

Prior to the commencement of negotiations with the owners a Valuation Report was obtained from Licensed Valuer Wayne Srhoy. The valuation instruction stipulated that the report reference provisions of the Land Administration Act Compulsorily Acquisition for a public work. The valuation report determined the value of the 2 Lots at \$22,100. It is customary for the compensation amount to be increased by 10% solatium.

Although the amount sought by the owners is more than the value determined by the Licensed Valuer, it is considered prudent to accept the amount sought. If compulsory acquisition based on the Valuation was pursued, additional valuation and legal costs when added to the final value could easily surpass the recommended purchase price sought by the owners. It would also delay the project, which is considered by the broader community to be a high priority.

With the acquisition of the subject land and bearing in mind that the City of Cockburn owns the lot to the south, Lot 13 Thomas Street, and manages Reserve 44976 in Impson Gardens, the City will be able to establish the linkage between Briggs Street and Thomas Street and Impson Gardens. This would be efficiently done in one project, and not done in a piecemeal fashion.

This linkage will be extended northward to Berrigan Drive when negotiations for the purchase of Lot 26 Briggs Street are completed. Initial contact with the owner of Lot 26 has been made. A report on this negotiation will be presented to a future meeting.

Following the recommended acquisition there is potential for the continuation of the South Lake Precinct Upgrade and Redevelopment plan. This plan will provides for sweeping garden beds integrated with open irrigated grass areas and meandering footpaths linking existing pedestrian networks.

The landscaped garden beds have been designed in accordance with CPTED (Crime Prevention Through Environmental Design) principles





to ensure pedestrian safety. Planting will be small to medium sized damp land plant species sympathetic to the existing natural environment and will conform to Western Power requirements. Fire concerns will be addressed also. Trees will be strategically placed to the perimeter of the reserves to curtail growth through the Western Power clearance zones and complement the existing street trees though the precinct.

Irrigated grass areas are identified in selected locations principally adjacent to surrounding streets to frame the park and provide an attractive view for adjoining property owners. With the area having a relatively high water table the remaining non irrigated grass areas should thrive throughout of the year with possible “browning off” during the summer period.

Footpath connectivity is a key element of the project facilitating pedestrian movement north to south under the powerline corridor. These works will complement the landscape already completed under South Lake Precinct Upgrade and Redevelopment plan. The completion of the plan is listed in the Parks Capital Works Program 2016-2026 subject to land tenure resolution.

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

#### **Leading & Listening**

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

#### **A Prosperous City**

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.
- Investment in the local economy to achieve a broad base of services and activities.

### **Budget/Financial Implications**

The adopted 2016/17 Municipal Budget will be required to be amended to facilitate the abovementioned land purchase. The amendment will need to transfer \$65,000 from the Cash in Lieu Public Open Space Reserve – South Lake to a new capital works account – purchase of Lots 12 and 51 Briggs Street, South Lake.



### Legal Implications

The Planning and Development Act makes provision for the use of funds held in the cash in lieu reserve to be used to acquire recreational land in the vicinity of the area where the funds were raised.

### Community Consultation

Community consultation has been undertaken as part of the *Lakes Revitalisation Strategy*. Numerous respondents to the consultation sought the completion of the landscaping of the Transmission line corridor.

### Risk Management Implications

A low level of financial impact exists if Council adopts or rejects the recommendation.

A moderate level of brand/reputational damage to Council exists should the recommendation be rejected.

### Attachment(s)

1. Site Plan
2. Valuation Report

### Advice to Proponent(s)/Submissioners

N/A

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

Nil.

**14.7 (MINUTE NO 5840) (OCM 14/7/2016) - LOT 512 COCKBURN ROAD, COOGEE – PROPOSED STRUCTURE PLAN (OLD COOGEE HOTEL AND POST OFFICE) - OWNER: MRWA - APPLICANT: BURGESS DESIGN GROUP (110/143) (D DI RENZO) (ATTACH)**

#### RECOMMENDATION

That Council

- (1) adopts the Schedule of Submissions prepared in respect to the proposed structure plan;
- (2) pursuant to Schedule 2, Part 4, clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western



Australian Planning Commission the proposed structure plan for Lot 512 Cockburn Road, Coogee, be approved, subject to the following modifications:

1. Modify the residential coding 'R50' over the 'Mixed Use' zone to 'R40'.
2. Delete clause 3.6.7 (Earthworks) in the Structure Plan report.
3. Correct references to Local Planning Policy ADP53 (Coogee Residential Heights Requirements) to LPP 1.7 (Coogee Residential Heights Requirements) throughout the Structure Plan report.
4. Include additional information in Part One of the Structure Plan report regarding Waste Vehicles movements being accommodated with an adequate turning circle.
5. Include in Part One (Subdivision and Development Requirements) there may be a requirement for the developer to proportionally contribute to the upgrade of the intersection of Cockburn Road and Beach Road at subdivision or development, with the appropriate proportion to be determined at that time.
6. Corrections to the Traffic Impact Statement to remove the assumption regarding current trip generation for the site. It is recommended that this be corrected.

- (3) advise the landowners within the structure plan area and those who made a submission of Council's recommendation accordingly.

**COUNCIL DECISION**

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

- (1) as recommended
- (2) pursuant to Schedule 2, Part 4, clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission the proposed structure plan for Lot 512 Cockburn Road, Coogee, be approved, subject to the following modifications:
  1. Modify the proposed residential coding of 'R50' over the 'Mixed Use' zone to 'R25'.
  - 2.-6.as recommended



7. Include additional information in Part One of the Structure Plan report (Clause 4.4 Development Conditions) requiring future development to be compatible with dwelling styles in the local area to ensure the existing residential character of the area is maintained.
8. Include additional information in Part One of the Structure Plan report (Clause 4.4 Development Conditions) requiring all development, including non-residential uses, to comply with Local Planning Policy 1.7 (Coogee Residential Heights Requirements).

(3) as recommended.

**MOTION LOST 3/4**

MOVED Cllr B Houwen SECONDED Cllr S Pratt that the officer's recommendation be adopted with the inclusion of the following sub-clause (2) 7 as follows:

- (2) 7. Include additional information in Part One of the Structure Plan report (Clause 4.4 Development Conditions) requiring all development, including non-residential uses, to comply with Local Planning Policy 1.7 (Coogee Residential Heights Requirements).

**CARRIED 4/3**

Note: Deputy Mayor Carol Reeve-Fowkes requested their vote against the decision be recorded.

### Reason for Decision

Coming back from a Liveable Neighbourhood conference I find one of the biggest problems we have is our communication with our ratepayers. The concerns people have about single residential areas, medium density developments simply does not translate in terms of the modern architecture used to development these activity nodes like mixed use. It is a big job for us to educate the community. We need to lead in this area.



## **Background**

The purpose of the report is to consider making a recommendation to the WAPC for the Proposed Structure Plan for the Old Coogee Hotel and Post Office Site, located at Lot 512 Cockburn Road, Coogee. It is a prominent and well known site, being opposite Coogee Beach and forming a gateway to the suburb of Coogee.

The Proposed Structure Plan responds to the zoning of the land as a Development zone, requiring the preparation of a structure plan in order to guide future land use, subdivision and development. Full details of the Proposed Structure Plan are set out under the report section.

The Proposed Structure Plan provides the unique opportunity to facilitate the compatible redevelopment of the place, in order to secure the protection that these deserving heritage buildings need. Providing for comprehensive and flexible development options is considered a fundamental strength of the proposal, while still being generally compatible with the context it exists.

The Proposed Structure Plan has been advertised for community consultation, and the purpose of this report is to consider making a recommendation on such to the WAPC, in light of the advertising that has taken place.

## **Submission**

The proposed Structure Plan has been submitted by Burgess Design Group on behalf of Main Roads WA (the landowner) and the Heritage Council who have been involved in the preparation of the Structure Plan and associated Design Guidelines.

## **Report**

### Subject land

Lot 512 Cockburn Road, Coogee is owned by Main Roads WA and was previously surplus to road reservation requirements. The site is 6445sqm and contains the Old Coogee Hotel and Post Office buildings. It is zoned 'Development', within 'Development Area No. 32'.

### Scheme Amendment No. 74

The subject land and the lots to the north were rezoned on 1 May 2007 from 'Primary Regional Road' to 'Urban' under the Metropolitan Region Scheme ("MRS"). A Scheme Amendment was subsequently required to ensure the City of Cockburn Town Planning Scheme No. 3 ("the



Scheme”) was consistent with the MRS, in accordance with clause 124(3) of the Planning and Development Act 2005.

Amendment No. 74 was therefore initiated by Council, and was adopted at the meeting of 13 August 2009 (Min No. 4013).

Amendment No. 74 proposed to rezone Lots 512, 513, 514 and 515 Cockburn Road, Coogee from ‘no zone’ and ‘Residential R20’ to ‘Development Zone’, and ‘Development Area Np. 32’ (“DA 32”).

The purpose of this was to allow the land to be subdivided and developed once a structure plan and all relevant approvals have been prepared and adopted. This is the usual zoning for development areas within the City, and provides an excellent degree of flexibility particularly with regard to focusing on a performance based planning outcome.

Amendment No. 74 was subsequently advertised for public comment from 3 November 2009 until 22 December 2009. Advertising included the following:

- \* Letters to surrounding landowners
- \* Sign on the site (corner of Beach Road and Cockburn Road)

At the meeting of 11 March 2010 Council deferred a decision given that a number of questions and issues were raised at the meeting, and further information was requested (Min No. 4191).

In response to submissions raised at that time, Council included some additional provisions to ‘DA 32’, including a requirement for all buildings to comply with the maximum heights set out in Local Planning Policy (Coogee Residential Building Height Requirements).

The Minister for Planning adopted the Amendment with modifications. Council’s proposed Amendment No 74 included the subject land and the lots to the north to facilitate the best opportunity for coordinated development of this area, however the Minister adopted the Amendment with these lots excluded from the ‘Development’ zone.

#### Old Coogee Hotel and Post Office

The Coogee Hotel and Coogee Post Office were included on the then City of Cockburn Municipal Heritage Inventory (“MHI”) and Heritage List pursuant to the Scheme on 15 December 1997, and were permanently added to the State Register of Heritage Places on 14 May 2002.



The Coogee Hotel is one of the earliest notable places of the Coogee area. During its operation as Hotel and Post Office the place was the social and commercial focus of the Coogee community. The place is associated with the many individuals who visited or lived at Coogee Hotel and Post Office when it was used as a children's holiday home and then as a permanent children's home over a period of 37 years.

#### Proposed Structure Plan

The proposed Structure Plan (Attachment 1) proposes the following zones:

- \* 'Local Centre' zone on the portion of land containing the 'Coogee Hotel'.
- \* 'Residential R25' on the eastern portion of land adjacent to existing residential development.
- \* 'Mixed Use' (with a residential coding of R50) over the portion of land containing the 'Old Post Office'.

The intent is for the 'Local Centre' zone to facilitate possible commercial uses within the Old Coogee Hotel.

The proposed 'Mixed Use' zone is intended to facilitate the adaptive reuse of the Old Post Office.

The provisions of 'Development Area 32' are clear that any commercial uses must be associated with the adaptive reuse of the heritage buildings. This means that the addition of completely separate commercial buildings on the site (not associated with the adaptive reuse of the heritage buildings) would not be supported.

The Structure Plan includes a set of Design Guidelines (Attachment 2) to guide future development of the site, and to ensure future development is complementary to the heritage buildings.

#### Outcomes of community consultation

There were a total of 59 submissions received. Nine of these submissions were from government agencies, raising no major concerns.

Of the 50 community submissions there were six submissions of support, and 44 objections.

All submissions are outlined and addressed in the Schedule of Submissions; however, the key issues that have been raised are also discussed in detail below.



*Future use of the site*

A number of the submissions assert that the subject land should be utilised for a community purpose, such as a museum or community centre, with no residential or commercial development.

It is important to note that there is no identified need for such a use or uses in this area. In order for museums or community facilities to be successful there must be a clearly identified purpose and funding available.

The City's Azalea Ley Homestead Museum is currently the base for the City's historical society, and is only approximately 2.5km from the subject site.

It is critical to find an appropriate viable use for heritage buildings into the future to ensure their ongoing conservation. This matter was considered when the subject land was zoned in 2011, and the 'DA 32' provisions reflected a desire for the subject land to facilitate residential development, with commercial uses where they were associated within the adaptive reuse of the heritage buildings.

Consideration was given at that time to zoning the land "Residential R20", however it was not deemed to be appropriate because it could allow ad-hoc development of the land to occur in a manner that didn't respect the heritage significance of the place.

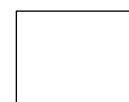
*Concern regarding possible commercial uses*

A number of submissions expressed concern regarding commercial uses on the subject land being inappropriate.

State Planning Policy No. 3.5 Historic Heritage Conservation ("SPP 3.5") identifies that adaption of buildings for new uses will often be the key to conservation of heritage places that no longer serve their original function, and will often require imagination and flexibility.

SPP 3.5 acknowledges that in some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Adaptive re-use of a heritage building without compromising its heritage qualities can often be one of the best ways of ensuring its future conservation. This is why it was considered important to provide some flexibility under the 'Development Area' provisions to consider other uses within the heritage buildings.

The proposed Structure Plan is therefore consistent SPP 3.5, as in conjunction with the provisions of 'DA 32' it will allow consideration of a





range of uses where they are associated with the adaptive reuse of the heritage buildings.

Any proposal for commercial use(s) on the subject land would require planning consent, and would be subject to rigorous assessment, including traffic and noise impacts.

The proposed 'Local Centre' zone is considered appropriate for the portion of the site that contains the heritage buildings in order to facilitate possible commercial uses as envisaged by the DA32 provisions. There are many instances of 'Local Centre' zones in the City abutting residential development, as the purpose of these zones is to facilitate shops and services to meet the needs of the local community.

It is also important to note that within each of the zones in the Scheme there are a wide range of permissible land uses. This does not mean that these uses are always appropriate. Each proposal is always considered on its merits, assessed against the relevant Scheme provisions, local planning policies and State Planning Policies.

For example, even within the 'Residential' zone there are a wide range of 'commercial' land uses that are permissible. This means that there are a wide range of uses that Council has discretion to consider. This includes uses such as 'Restaurant', 'Motel', 'Public Amusement', 'Reception Centre', 'Medical centre', 'Hospital', 'Convenience store', 'Lunch Bar', 'Child care premises', 'Educational Establishment', 'Place of Worship', 'Bank' and 'Office'. This does not mean that these uses are appropriate in all scenarios in the Residential zone. Any such proposals are considered against the provisions of the Scheme, and any relevant Local Planning Policies adopted pursuant to the Scheme.

#### *Objection to proposed R25 coding*

The Structure Plan proposes a coding of R25 adjacent to the existing R20 area to the east of the subject land. A number of submissions objected on the basis that a coding of R25 is not an appropriate and compatible interface with R20. There was concern that this would change the character of the area.

The key differences between a coding of R20 and R25 are the average lot size requirements, being 350sqm for R25 and 450sqm for R20; and minimum lot areas – 300sqm for R25 and 350sqm for R20. It is however considered that R25 and R20 are very similar residential codings for the following reasons:

- \* The amount of required open space and outdoor living areas is the same for R20 and R25,



- \* Primary and secondary street setbacks are the same for R20 and R25;
- \* Many of the 'deemed provisions' in the R -Codes are the same for R20 and R25, which includes requirements for solar access and development on the boundary. These requirements all change at a coding of R30 and greater.

It is therefore considered reasonable to say that R20 and R25 are compatible residential codings.

*Objection to proposed R50 'Mixed Use'*

A number of objections have been received expressing concerns regarding the proposed R50 'Mixed Use' zone.

This zone has been proposed over a portion of the subject land that includes the old post office building. This is a small building that is separated from the hotel; therefore, accommodating a viable use in this building is likely to require additional associated development. The proposed 'Mixed Use' zone would allow an additional building to the rear of this building that could contain some commercial use(s), and also potentially multiple dwellings at a maximum of two storeys.

This is considered to be a reasonable interface given that the 'Mixed Use' zone is intended to be a zone that accommodates uses that are compatible with residential uses. This is because it is intended to be a zone that accommodates residential and non-residential uses adjacent to each other, and even within the same development or building. The 'R50' coding over the 'Mixed Use' zone has been proposed to provide flexibility for the adaptive reuse of the post office building.

However, the applicant has agreed to reduce this coding to R40 to reduce the number of potential dwellings on this portion of the site and provide a more appropriate interface with the adjacent R20 to the north.

The built form outcome on this portion of the site would essentially be a maximum of two storeys, and is restricted by the size of the area and the location of the post office building. Therefore, a building with a 140sqm footprint represents the likely outcome (as shown on the concept plans within the Structure Plan report), which would look very similar to a two-storey single dwelling. At a height of two storeys, this could accommodate four multiple dwellings, or two upper floor dwellings over ground floor commercial development. The occupancy and activity associated with such dwellings would not be dissimilar to that of two large single houses.



*Negative impact on the character of Coogee and precedence*

The subject land is zoned 'Development' which requires a Structure Plan to guide subdivision and development. It is not zoned 'Residential R20', and when the land was zoned in 2011 it was specifically not included in the 'Residential' zone, in order to require a comprehensive Structure Plan for the site.

A number of submissions expressed concern that the proposal will change the character of Coogee as a 'low-density' residential area.

It is important to note that the subject land is not capable of being developed in the same manner as the surrounding area. It is not possible for the subject land to be subdivided in that manner because of the size, shape, and access requirements. It is also constrained by the siting of the two heritage listed buildings, and the requirement to maintain the setting of these buildings.

The subject land presents an entirely unique situation from other landholdings in Coogee area, for the following reasons:

- \* It contains two State Registered heritage structures, separated from each other, with a desire to retain the space between the buildings to protect their spatial relationship which is an important part of their landmark quality.
- \* It is 6445sqm, much larger all other lots in the suburb.
- \* Access can only be gained to the site from Beach Road.

The proposed zoning(s) pursuant to the Structure Plan therefore must take into consideration the specific constraints of the site, and to treat it as a vacant site and assign a coding of 'Residential R20' is not considered to be appropriate.

In this regard, assigning a blanket 'Residential R20' coding to the site creates the potential for the addition of dwellings on the site to appear 'ad-hoc' if they are sited arbitrarily on the site around the two heritage buildings.

The intent behind creating the R25 area is to clearly delineate a portion of the land for residential development to the rear of the heritage buildings, with design guidelines to ensure they create an appropriate backdrop. It is considered that residential development to the rear of the site with some uniformity would provide the best way in which to accommodate residential dwellings on the site without detracting from the heritage buildings.



The proposal is not considered to represent a potential precedent because the subject land contains state registered heritage buildings, is zoned 'Development' (with specific Development Area provisions), and there is no correlation between these circumstances and other lots in Coogee.

#### *Traffic concerns*

A number of submissions expressed concern regarding increased traffic, and the inadequacy of the Cockburn Road and Beach Road intersection.

The projected traffic numbers can be accommodated within the existing road network, noting that access to the site will be primarily from Beach road, accessed from Cockburn Road.

It is important to note that exact traffic numbers cannot be known at this time given that the exact future uses are not known. Traffic and parking will be matters again considered at the development stage when the exact use and scale of the uses are known in specific detail.

However, it is noted that the intersection of Cockburn Road and Beach Road is very basic, and that upgrades to the intersection would improve safe access from Cockburn Road. The future development of the subject land in itself is not considered to be likely to generate additional traffic that would trigger a full upgrade to the intersection. However, the additional traffic generated from development of the subject site may be sufficient to warrant a contribution to the upgrade, with Council funding the remaining costs.

It is therefore recommended that the Structure Plan report be amended to include in Part One (Subdivision and Development Requirements) there may be a requirement for the developer to proportionally contribute to the upgrade of the intersection of Cockburn Road and Beach Road at subdivision or development, with the appropriate proportion to be determined at that time.

It is also noted that the Traffic Impact Statement contains some errors whereby there is an assumption regarding current trip generation for the site. It is recommended that this be corrected.

The concept plans contained within the Structure Plan report do not demonstrate adequate waste truck movements. The exact details of this will need to be determined at the development or subdivision stage; however, a full 18m turning circle will be required. It is therefore recommended that this requirement be included in Part One of the Structure Plan report. There may be a number of different ways that



this can be accommodated, depending on the development and subdivisional outcomes of the site.

### *Impact on Cultural Heritage Significance*

A number of submissions expressed concern regarding the impact of the Structure Plan on the cultural heritage significance of the place. It is important to note that the Structure Plan has been prepared in conjunction with the Office of Heritage, who have had input on the preparation of the Structure Plan and Design Guidelines.

Retaining and reusing historic buildings has long-term benefits for the communities that value them. That is why it is so important that the Structure Plan include enough flexibility to facilitate adaptive reuse.

In considering the possible impact of the Structure Plan on the cultural heritage significance of the place it is important to examine the 'statement of significance' of the place. This is set out in the State Register assessment documentation.

The statement of significance places a lot of importance on the place as the former Coogee Hotel. It also highlights the fact that the former Coogee Hotel was the 'social and commercial heart of the Coogee locality'. These statements support the notion of commercial uses on the site.

The proposed Design Guidelines contained within the Structure Plan report will be important to ensure that future development is sympathetic to the heritage buildings (Attachment 2).

### *Earthworks and lot levels*

There was concern expressed that the Structure Plan was proposing greater fill levels for the future residential lots to achieve greater building heights. It is not intended for different standards to apply to the subject land, and it is intended that building heights comply with LPP 1.7 (Coogee Residential Heights Requirements). It is therefore recommended that clause 3.6.7 (earthworks) be removed from the Structure Plan report, and such matters will be dealt with appropriately at the subdivision and/or development stage.

### Conclusion

It is considered that the proposed Structure Plan is consistent with the provisions of 'DA 32' which sets out the intent of the 'Development' zone for the subject land.



The proposed Structure Plan with the recommended modifications is considered to provide sufficient flexibility to facilitate the adaptive reuse of the heritage buildings, whilst ensuring the heritage significance of the site is not compromised, and residential amenity is protected.

It is therefore recommended that Council recommend to the WAPC that the Structure Plan be approved, subject to modifications.

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

#### **City Growth**

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

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

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

### **Budget/Financial Implications**

The Structure Plan fee was calculated in accordance with the Regulations and has been paid by the applicant.

### **Legal Implications**

N/A.

### **Community Consultation**

The proposed Structure Plan was advertised from 24 March 2016 until 26 April 2016. This included letters to landowners in the area, to the Coogee Beach Progress Association, and government agencies.

### **Risk Management Implications**

If Council defers a decision and does not make a recommendation on the Structure Plan the WAPC may make a decision in the absence of a report from Council in accordance with Schedule 2, Part 4 Clause 22 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015.



If Council recommend that the Structure Plan be adopted without the modifications as set out in the Officer Recommendation then an R50 coding may be adopted by the WAPC over the proposed 'Mixed Use' site. The other recommended modifications are considered to be minor but provide clarification on matters that are considered to be beneficial.

If Council recommend refusal of the Structure Plan against the staff recommendation and the applicant seeks a review of a WAPC decision of refusal in accordance with the Planning and Development Act 2005 Part 14. The City may then be called to participate in the appeal process.

### **Attachment(s)**

1. Draft Structure Plan
2. Design Guidelines
3. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 July 2016 Council Meeting.

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

Nil.

**14.8 (MINUTE NO 5841) (OCM 14/7/2016) - CLOSURE OF PORTIONS OF DODD STREET & STRAUGHAIR STREET, HAMILTON HILL (ADJOINING LOT 51 DODD STREET) - OWNER: STATE OF WA - APPLICANT: PANTHEON DEVELOPMENTS PTY LTD (2201012) (K SIM) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) request that the Minister for Lands permanently close portion of Dodd and Straughair Streets, Hamilton Hill pursuant to Section 58 of the Land Administration Act 1997;
- (2) request that the Minister for Lands include the land, the subject of the closure into Lot 51 Dodd Street; and
- (3) advise the applicant of Council's decision accordingly.



**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

No. 5 Dodd Street being Lot 51 is the site of the former Hamilton Hill Post Office. The building appears to have had several ownerships since being sold in to private hands. The post office function has been relocated nearby. The building is not occupied and the owner has prepared plans to rejuvenate the building incorporating a mix of office and residential uses.

This process has led to the landowner seeking to close a small rear portion and internal truncation portion of public road, shown in the image following. The purpose of this report is to consider the request.





## Submission

The owner of Lot 51 has requested that the two portions of road reserve be closed and amalgamated with Lot 51 so that the best possible utilization can be made of the site. Noting the portions as a small rear portion and an associated corner truncation not required for site line safety of roads or pedestrians.

## Report

In accordance with the requirements under the *Land Administration Act 1997*, all of the service authorities have been advised of the proposal, and there have been no objections. The proposal was then publicly advertised in accordance with the requirements of the same Act, with no objections received.

Comment was however made from the landowner of adjoining property 10 Churm Street, Hamilton Hill. The owner of 10 Churm Street in response has requested that a 50% portion of the proposed road closure off Straughair Street, be made available for amalgamation with 10 Churm Street. This is basically shown following:



This created the situation whereby the City had two competing interests for the land in question, one from No. 5 seeking all the land and one from No. 10 seeking half of the land. In considering the current lot configurations, it is more logical to consider ALL of the land going to No. 5. This will avoid an ad hoc boundary being created which is off centre to the side boundary between No. 5 and No. 10. This may be considered compelling enough in its own right.

However, the City also considered what the road closure may facilitate in respect of improvement to the overall town centre. The plans of the redevelopment for No. 5 were thus examined. The redevelopment utilizes the skeleton of the existing structure of the building, and through this the requested road closures when implemented will facilitate logical vehicular access to the proposed units, and a more comprehensive outcome for the broader local centre.

As part of facilitating any proposal to close a public road, it is necessary to consider what broader benefit may be created given that the public land will ultimately become a private asset. While an immediate benefit of not being required to look after the road asset may be calculated by the City, it is arguably more important to think about how the closure may help to catalyse a more optimal form of private development as the case may be on the lots which adjoin the pieces of road being closed. This is especially important where there may be competing requests for the portion of road.

It is for this reason that it is recommended that Council support the road closures, on the basis that both whole portions of land are made available for inclusion within No 5 (Lot 51) Dodd Street.

### **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*.

### **Risk Management Implications**

The key risk that the City faces in not progressing this closure and inclusion of the road closure land into Lot 5 Dodd Street is that a less than optimal re development will occur at the location.

### **Attachment(s)**

Site plan including plan of proposed road closure

### **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 14 July 2016 Council Meeting.

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

Nil.

## **14.9 (MINUTE NO 5842) (OCM 14/7/2016) - LATITUDE 32 – PROPOSED AMENDMENT 18 TO THE MASTER PLAN AND FUTURE OF HENDERSON WASTE RECOVERY PARK (110/013) (C CATHERWOOD) (ATTACH)**

### **RECOMMENDATION**

That Council

- (1) adopt the schedule of comments (Attachment 4) on the Draft Amendment 18, with particular emphasis of the following points:
  1. The amendment documents are not described in a manner which is clear enough to encourage active community engagement.
  2. There is a lack of strategic intent, clarity and informing information to this proposal.
  3. It is unreasonable, via amendments such as this, to set up broader issue matters which affect the whole Latitude 32 area.
  4. This amendment provides little comfort that matters such as the reservation and planning control area needed for the future intermodal freight terminal will be dealt with through the appropriate mechanisms.



5. There is concern the opportunity to differentiate the Latitude 32 from other industry developments will be lost.
  6. The City will need to give further consideration to the notion of future land uses (and potential for development contribution liability) for the Henderson Waste Recovery Park.
  7. The limited timeframe given to consider what amounts to a complete change in planning for the Henderson Waste Recovery Park is disappointing given the years of works undertaken to date.
  8. References to the draft Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Bill 2015 should be removed given this has not been subjected to an appropriate level of community engagement and has not been formally introduced to Parliament.
  9. The amendment is not considered to be consistent with orderly and proper planning.
  10. Should the amendment progress, discussions need to continue to confirm the correct land areas (including correction of areas which are not suitable for landfilling) before this is finalised for advertising.
  11. Comments on land use permissibility are offered on a 'without prejudice' basis as the City requires further time to consider these with regard for our own town planning scheme and the future review of that document which is scheduled to commence in 2016/17.
- (2) refer the Schedule of Comments to Landcorp for their consideration; and
- (3) request Landcorp undertake to liaise more readily with the City's administration in relation to upcoming proposals.

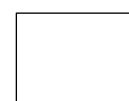
**COUNCIL DECISION**

MOVED Cllr S Pratt SECONDED Cllr L Sweetman that Council defers the matter pending further discussions with Landcorp.

**CARRIED 7/0**

**Reason for Decision**

Landcorp have formally advised that they are prepared to extend the timeframe for comments on Amendment No. 18 to the Latitude 32



Master Plan, until after a workshop is held between the City and Landcorp at which Landcorp have advised that they are prepared to discuss the issues contained within the officer's report.

## **Background**

Correspondence has been received from Landcorp relating to two matters; the future of the Henderson Waste Recovery Park and proposed Amendment 18 to the Hope Valley Wattleup Master Plan (Latitude 32 development).

The subject land falls within the Hope Valley Redevelopment Area and therefore Landcorp are responsible for the planning in this area. A more detailed discussion on this may be found in the Legal Implications section of this report.

Feedback is being sought from the City of Cockburn by 15 July 2016.

## **Submission**

Landcorp has provided a draft Amendment 18 document as well as a Proposed Land Use Plan for the Henderson Waste Recovery Park (see Attachment 1) which summarises a number of ideas from the site over the last decade.

In simple terms, Amendment 18 moves some master plan boundaries in the northwest quadrant of the Latitude 32. This land affects a precinct which contains the City's Henderson Waste Recovery Park. The boundaries proposed to be moved relate to:

- Planning Precincts (see map 1 of amendment document)
- Development Areas and Development Contribution Areas (see map 2 of amendment documentation)

There are two new precincts proposed, to be named 'Latitude 32 General Industry' and 'Latitude 32 Light Industry'. The land use table for the Master Plan will have new columns inserted to list land use permissibility for these new precincts. There are no changes proposed by this amendment to the other precincts. Based on the discussion in amendment documents, there seems to be intent to apply these precincts in a broader fashion progressively across the whole of Latitude 32.

In terms of the Henderson Waste Recovery Park, the land is currently in Precinct 8 'Resource Recovery' which acknowledges the current use. This proposal, which would in part be facilitated via Amendment 18, is to modify the boundaries between existing Precinct 10 and 8 (Resource Recovery). Precinct 10 is to the north of the Henderson site



and would be renumbered to 6A. This is no proposal as part of this amendment to change land use permissibility in this remaining section of Precinct 8 (only the portion that moves into Precinct 10 to form part of the renumbered Precinct 6A) or impact on current operation.

## Report

Discussion on the two matters attached to Landcorp's correspondence is set out separately below:

### Proposed Amendment 18

#### *Lack of clarity, strategic intent and informing information*

Proposed Amendment 18 is the latest in a number of proposed master plan amendments in recent years. It comes across as quite difficult to follow, even for those City officers who have been dealing with Landcorp on this project for a number of years. A primary concern though is the ability for affected landowners and the broader community to understand these amendments.

It is not an unrealistic expectation that documents which seek public comment, should be relatively easy to follow. Planning documents often need to follow a prescribed 'format' and may discuss technical information. There is quite a bit of information contained in the draft Amendment 18 documents that does seek to give a bit of an overview of matters such as the role of the Master Plan and the Hope Valley Wattleup Act. There is also discussion of the proposed Planning Framework and that this amendment is one of those seeking to implement this revised approach to planning in Latitude 32.

The volume of these types of amendments is undesirable, as each time, an affected party is expected to assess through a significant amount of background information in order to try to establish what the purpose of the amendment is. City officers feel it would be better to undertake these amendments in a more cohesive manner and deal with the whole development cell together, rather than fragment it.

Some of these amendments also seek to set in place matters which affect the broader Latitude 32 area. For example, this amendment will set up land use permissibility for two new precincts: 'Latitude 32 General Industry' and 'Latitude 32 Light Industry' over land with few private landowners. Ultimately these precincts will be 'rolled out' through the development as the current precincts are changed by future amendments. Potentially those affected landowners may struggle to have genuine input on land use permissibility in that situation. This is likely to put them at a disadvantage and therefore the strategic intent needs to be made much more upfront.



A decision in this regard should be given careful consideration with the benefit of an overall development perspective, given the strategic nature of Latitude 32 requiring a longer term approach which may include holding land from the market to enable the right kind of industrial investment that responds to the growth priorities of the economy.

Landcorp's land should be considered carefully in respect of what is the most optimal timing in which to release land for the market, and the strategy it adopts to attract targeted investment that will assist in growing other parts of the industrial economy. Landcorp should have a hold objective associated with some of its landholdings if it is to realise the ultimate vision for Latitude 32. Market realities are short term, and in this case appear to distract from achieving a longer term vision we should expect of this land.

The Amendment document talks about *“updating the Master Plan in a manner that advances towards the ultimate planning framework for Latitude 32. This amendment presents an incremental step towards a contemporary planning framework that is reflective of the strategic intent for Latitude 32, the aims of the Act and key strategic and statutory policy documents on which it was created, including FRIARS, the Economic and Employment Lands Strategy (EELS) and more recently, the draft Perth and Peel @ 3.5 million”.*

Reference is then made to a separate Amendment 13 which is still being progressed (but yet to be advertised) and sought to deal with the precincts in an overall and more cohesive manner. The initial draft of that amendment had indicated the Henderson site as being within its own ‘Resource Recovery’ precinct, so it is presumed this portion of that future amendment would need to change. It is questionable whether it is appropriate to advance Amendment 18 without the overall matters of Amendment 13 being advertised and considered prior.

This would enable proper consideration by the City and the WA Planning Commission as to whether these proposals are consistent with the informing information. For example while FRIARS (2000) may have initially indicated a General and Light Industry approach, EELS (2012) is more specific and discusses a land use hierarchy as follows:

*“Transport industry around major infrastructure (intermodal terminal, Rowley Rd), supported by General Industry (capitalising on close proximity to Kwinana) and light industry on eastern and northern boundaries to minimise land use conflict.*

Rather than commenting on a ‘piecemeal’ section, it would be better to see this intent has flowed through with an amendment which dealt with



Latitude 32 in its entirety. This would enable the City's concerns expressed over a number of years about seeking to introduce industrial zoning within close proximity to land that will remain rural and for sensitive purposes and development. There are many examples of General Industry uses which require separation from sensitive land uses in excess of 1km. Considering the State Planning Policy intent to contain buffers to new industrial uses within those developments, the approach taken by Landcorp is inconsistent with a detailed consideration of the likely impacts that General Industry zoning will deliver, notwithstanding the small amount of light industry.

There is also little indication whether this amendment is in line with the draft *Perth and Peel @ 3.5 million*, which whilst still a draft document is proposed to be finalised by the Commission in the second half of 2016. In respect to Latitude 32 *Perth and Peel @3.5 Million* indicates a Railway area, which seems substantially different to the reserve contained in Appendix 2 – Hope Valley Wattleup – Reserves Map). It also indicates a Railway Investigation area to the east of the rail reserve. This could logically be shown (similar to Rowley Rd) as a Planning Control Area on the Reserves Map. At this point in time, the City is concerned that neither of these aspects are adequately addressed in the future Amendment 13, or in the current draft Amendment 18.

*Lack of market differentiation and planning rigour*

The amending report includes the suggestion that:

*"The amendment seeks to respond to the changes in industry requirements and provide for ongoing development of Latitude 32, in a manner which better responds to the direction of industrial development by providing greater land use flexibility..."*

There does not appear to be any rigour to this suggestion, and of course it is difficult to justify without considering the whole of Latitude 32 but also its position as part of the broader Western Trade Coast.

The City is concerned that Latitude 32 may lose the opportunity to differentiate from other general industry precincts across the metropolitan area. Latitude 32 was meant to provide for the state's strategic industry needs, and not merely be an avenue to dispose of land for industrial development. Latitude 32 is the last remaining opportunity to secure strategic industrial clusters and sectors for WA which has all the advantages that come with access to knowledge workers, port, road and rail access, and relatively cheap utility costs. To abandon this in the absence of a strategic review of the entire project is of serious concern to the city.





The approach to impose a General Industry and Light Industry zone will inhibit Landcorp's ability to tailor certain areas within Latitude 32 towards certain land use outcomes and seems to depart from the intent reflected in EELS (2012). For example, the creation of a logistics and warehousing cluster could be inhibited as there appears now a far wider scope of land use permissibility. Apart from being able to allow the private market more flexibility, it is questionable as to whether there is any planning reason to progress down such a path, when local precedents like the internationally competitive Australian Marine Complex have relied upon tight land use control to ensure only synergistic development takes place. This could see the loss of opportunities to businesses and industries which could genuinely maximise the strategic locational benefits this site will provide.

#### *Development Contributions*

It is noted this amendment does not deal with the issue of development contributions. These are proposed to be dealt with as part of a separate future amendment. A development contribution plan would provide details for administering the development contribution area. The imposition of a development contribution area is necessary where there is a clear need to contribute towards identified shared infrastructure.

The City considers that further thought should be given as to how the possibility of future land uses (following landfilling) should be facilitated from a planning point of view. Once satisfactory options have been discussed, the City can advise Landcorp how it would expect these ultimate land uses to be enabled. Given the complexities of the contaminants, applying the full suite of industrial land uses may not be appropriate. By extension, a liability towards development contributions might also require special consideration.

#### *City of Cockburn's Henderson Waste Recovery Park*

The City has put a number of years into working with Landcorp on the future planning for the Henderson Waste Recovery Park. The short period of consultation is considered inadequate given the importance of this major asset to the City.

The City considers that Landcorp have made a number of assumptions in relation to the future of the Henderson Waste Recovery Park, without consulting with the City, in its capacity as the landowner, operator and local government authority. The City has had insufficient time to discuss the impact of these assumptions with the community or the elected members.



The City understood it had agreement with Landcorp, in its purchase of land from Cockburn Cement, to undertake a contra agreement to organise a land swap with the City to achieve its long term vision for the Henderson Waste Recovery Park, and to enable the State Government to secure key components of land assembly such as for the Intermodal terminal and Wattleup DA2 precinct. Landcorp appear to directly prevent this occurring, by undertaking a zoning of the precinct 6A land which does not provide for the specific use of waste recovery that had been agreed.

*Referencing incorrect legislation*

There is mention of the Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Bill 2015. This draft legislation has not been formally introduced to parliament, nor has it received appropriate levels of public engagement as discussed in the City's critical analysis that was presented at the 3 December 2015 Special Council Meeting. All reference to this should be removed. Instead, discussion should be replaced with a commitment to the protection of the rural interface and transition area, which would be consistent with adopted informing strategies and plans.

*Orderly and proper planning*

Based on the above discussion, the City believes the discussion in the amendment document that it is consistent with orderly and proper planning is not correct.

*Proposed land use permissibility – General Industry and Light Industry*

A number of concerns involve the land use permissibility indicated for the new precincts. To a degree, there should be consistency between the Latitude 32 Master Plan and the schemes of the affected local government areas. In Cockburn's instance a scheme review has also been scheduled to commence in 2016/17 and this may be a matter which needs to be addressed. Detailed comments may be found in the Schedule of Comments (see Attachment 4).

Henderson Waste Recovery Park

The extent of Amendment 18 as proposed would not implement in full the Proposed Land Use Plan for the Henderson Waste Recovery Park shown in Landcorp's correspondence. It would be the first step with a view to applying an 'Additional Use' designation (likely via a future structure plan). It is important as part of Amendment 18 though to ensure the proposed boundary of the Master Plan precincts acknowledge the City's intent for this site.



From an operational point of view the following matters arise for consideration:

1. The City has the potential to construct an additional Landfill Cell 8 to the east of Landfill Cell 4 (see Attachment 2). This is only possible if the nib of Lot 6 (owned by Caratti) that protrudes westwards is also zoned Resource Recovery. This does not appear to be acknowledged by Landcorp's Additional Use proposal. The buffer distance to the existing eastern Caratti dwelling (Lot 6 Caratti Road Wattleup) in Precinct 9 (North East Gateway) may impact or prevent landfilling on Cell 8. EPA Guide to Buffers currently recommends 150m to a Class 2 and 3 Putrescible Landfill.
2. The Proposed Resource Recovery Zone does not include the northwest corner of Cell 6 which the City purchased in 2006 from WA Limestone and which is now covered in landfill. Please refer to the latest cadastral boundaries.
3. It is the City's intention to create a 'front of house' entrance off Dalison Avenue (see Attachment 3 extract of plan from Future Development Strategy). Buffer distance to the existing eastern Antic (Lot 8 Dalison Ave) dwelling in Precinct 7 (Northern Transport) may impact or prevent the construction and operation of a Material Recovery Facility and associated waste processing activities (crushing and screening of Construction and Demolition Waste). EPA Guide to Buffers currently recommends 200m to a Waste Depot.
4. The Proposed Resource Recovery Zone includes an area (11.4ha) the City has quarantined from its use to make way for the potential Intermodal Facility. This area contains numerous old growth tuart trees that would result in significant vegetation offsets cost for the City should a clearing permit be issued. This area represents no value to the City zoned as Resource Recovery. Any land needed for the potential Intermodal Facility should be appropriately reserved under Appendix 2 – Hope Valley Wattleup Reserves Map and acquired by the State Government for these purposes.
5. The existing Resource Recovery Zone covers 54ha. The proposed Resource Recovery Zone covers 67.8ha (land already owned by the City) minus the 11.4ha of unusable Intermodal land = 56.4ha. Discussions need to continue to confirm the correct land areas (including correction of areas which are not suitable for landfilling) before this is finalised for advertising.
6. Once all landfill cells are completed and capped, waste decay continues and differential settlement occurs. Therefore buildings



cannot be constructed on landfill cells. Hardstand for container storage and solar array are two of the potential uses for the flat surfaces on top of the landfill cells post closure. City officers will need to give further thought to how this should be facilitated from a planning point of view. Once satisfactory options have been discussed, the City can advise Landcorp how it would expect these ultimate land uses to be enabled. Given the complexities of the contaminants, applying the full suite of industrial land uses may not be appropriate.

## **Strategic Plan/Policy Implications**

### **Moving Around**

- Continue advocacy for a better solution to regional freight movement.

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

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

### **Leading & Listening**

- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management.

## **Budget/Financial Implications**

There are significant strategic financial implications arising from this report for the City's Long Term Financial Plan and Waste Management Strategy. The City needs more time to assess the financial and waste management implications.

## **Legal Implications**

### Planning and Development Act 2005

This act provides for the making of local planning schemes; however Part 5, Division 1, clause 71 prohibits the local government from making a local planning scheme in the area covered by the Hope Valley Wattleup Redevelopment Act 2000.

### Hope Valley Wattleup Redevelopment Act 2000

In light of the above provision in the Planning and Development Act, the WA Land Authority (Landcorp) are tasked with the function of planning, undertaking, promoting and coordinating development in this



area. This includes the need to prepare and keep under review a master plan.

Part 3 of this act relates to the Hope Valley Wattleup Master Plan.

Division 2 deals with preparation and approval of a master plan. The contents of a master plan are discussed in Clause 11(1), which states:

*“A master plan to be prepared and submitted under this Division may make any provision that the Authority considers will promote the orderly and proper planning, development and management of the redevelopment area, including any provision that may be made by a local planning scheme under the Planning and Development Act 2005”.*

Clause 12(3) states (emphasis added):

*“A proposed master plan is not to be submitted to the Commission unless sections 18 and 19 have been complied with in respect of that master plan and it was prepared –*

- a) After consultation with the City of Cockburn and Town of Kwinana (whether that consultation occurred before or after the commencement of this Act); and*
- b) Having regard to the views of those local governments”.*

Division 3 deals with amendment of the master plan. Clause 17(3) states (in part):

*“The following provisions apply for the purposes of this section, with all necessary changes –*

- a) Sections 12(3) and (4), 13 and 15, as if references in those sections to a, or the, proposed master plan were references to the proposed amendment to the master plan”.*

The above provisions mean these comments on the proposed amendment prior to public consultation are an important opportunity to express the local government’s view and highlight matters which should be clarified to enable meaningful public consultation. These comments are provided prior to the WA Planning Commission’s consent to advertise.

### **Community Consultation**

N/A at this stage.



## **Risk Management Implications**

There are two distinct areas of risk, which relate to the different items covered in Landcorp's correspondence. These are set out separately below.

### Proposed Amendment 18

Landcorp has requested preliminary comments, in line with the provisions of the Hope Valley Wattleup Act discussed in the 'legal implications' section of this report. If comments are not provided, or any concerns are not highlighted as part of our response, the City would miss the opportunity for Landcorp to have 'due regard' to those comments, and for the WA Planning Commission to be aware of them prior to consenting to advertising.

### Henderson Waste Recovery Park

In this instance, the City is the landowner, operator and local government authority for this site. Accordingly, we have a range of interests and associated risks.

Without clear expression of our long term expectations of this site, the City cannot expect these to be accommodated by Landcorp who need to undertake the long term planning for this area.

The City needs to have a clear vision of its future for this site, how long it will continue to be used for waste recovery and where that fits within the long term vision for Latitude 32. This needs to inform the response provided to Landcorp, and if it is not known, it may result in a less than ideal outcome for the site.

Should the local government ultimately inherit the development contribution plan administrator role for Latitude 32 (and associated shortfall responsibilities), there is a risk if the future of the site is not clear (and accordingly the DCP liability or otherwise not clear). This could lead to a shortfall in the DCP which would need to be made up by the fund's administrator. To avoid this, if there is no intent or ability to develop this site for industrial within the timeframe of the Latitude 32 development, then the City should ensure there is no DCP liability assigned to this site to ensure funds are only collected from developable land and the shortfall risk is minimised.

### **Attachment(s)**

1. Correspondence from Landcorp including draft Amendment 18.
2. Aerial – Future Landfill cells



3. Extract of plan from City's Future Development Strategy for Henderson Waste Recovery Park
4. Schedule of Comments

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

Landcorp have been advised that this matter is to be considered at the 14 July 2016 Council Meeting.

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

Nil.

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

**15.1 (MINUTE NO 5843) (OCM 14/7/2016) - LIST OF CREDITORS PAID - MAY 2016 (076/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the List of Creditors Paid for May 2016, as attached to the Agenda.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**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 May 2016 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.



## **Strategic Plan/Policy Implications**

### **Leading & Listening**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Risk Management Implications**

The report reflects the fact that the payments covered in the attachment are historic in nature. The non-acceptance of this report would place the City in breach of the Regulation 13 of the Local Government (Financial Management) Regulations 1996.

### **Attachment(s)**

List of Creditors Paid – May 2016.

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

N/A

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

Nil.





**15.2 (MINUTE NO 5844) (OCM 14/7/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MAY 2016 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the Statement of Financial Activity and associated reports for May 2016, as attached to the Agenda; and
- (2) amend the 2015/16 Municipal Budget in accordance with the detailed schedule in the report as follows:

Revenue Adjustments	Increase	180,660
TF from Reserve Adjustments	Increase	1,146
Expenditure Adjustments	Increase	19,000
TF to Reserve Adjustments	Increase	162,806
<b>Net change to Municipal Budget Closing Funds</b>		<b>Nil</b>

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

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr K Allen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

**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 has adopted a materiality threshold of \$200,000 for the 2015/16 financial year.

Whilst this level of variance reporting helps to inform the mid-year budget review, detailed analysis of all budget variances is an ongoing exercise. Certain budget amendments are submitted to Council each month where necessary.

### **Submission**

N/A

### **Report**

#### *Opening Funds*

The opening funds of \$13.7M brought forward from last year has been audited and the budget has been amended to reflect this final position. These compare closely to the opening funds used in the adopted budget of \$13.5M and include the required municipal funding for carried forward works and projects of \$9.7M (versus the original \$10.5M estimated in the adopted budget). The additional \$1.0M of available municipal funding was redirected into the Roads and



Drainage Infrastructure Reserve at the November 2015 Ordinary Council meeting.

### *Closing Funds*

The City's actual closing funds of \$18.55M is \$1.0M higher than the YTD budget target. This result comprises a combination of favourable and unfavourable cash flow variances across the operating and capital programs (detailed throughout this report).

The budgeted end of year closing funds is currently stated at \$0.41M, unchanged from last month.

The budgeted closing funds fluctuate throughout the year due to the ongoing impact of Council decisions and the recognition of additional revenue and costs. Details on the composition of the budgeted closing funds are outlined in Note 3 to the Financial Statement attached to the Agenda.

### *Operating Revenue*

Consolidated operating revenue of \$124.93M was over the YTD budget target by \$2.02M.

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

<b>Nature or Type Classification</b>	<b>Actual Revenue \$M</b>	<b>Revised Budget YTD \$M</b>	<b>Variance to Budget \$M</b>	<b>FY Revised Budget \$M</b>
Rates	(89.09)	(87.65)	1.44	(89.03)
Specified Area Rates	(0.34)	(0.27)	0.07	(0.27)
Fees & Charges	(20.38)	(20.55)	(0.17)	(22.06)
Service Charges	(1.06)	(1.07)	(0.01)	(1.07)
Operating Grants & Subsidies	(7.48)	(7.15)	0.33	(7.51)
Contributions, Donations, Reimbursements	(1.27)	(1.08)	0.19	(1.17)
Interest Earnings	(5.31)	(5.13)	0.17	(5.57)
<b>Total</b>	<b>(124.93)</b>	<b>(122.91)</b>	<b>2.02</b>	<b>(126.69)</b>

The significant variances at month end were:

- Rates revenue was over the YTD budget by \$1.44M due to higher interim rating related to strong growth in the rating property base.
- Subsidies received for childcare services were \$0.58M ahead of YTD budget. These are offset by higher payments to the Caregivers.



- Income from development application fees was \$0.25M behind the YTD budget target of \$1.23M.

### *Operating Expenditure*

Reported operating expenditure (including asset depreciation) of \$106.54M was under the YTD budget by \$6.06M.

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

Nature or Type Classification	Actual Expenses \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Employee Costs - Direct	41.58	42.90	1.32	46.75
Employee Costs - Indirect	1.08	1.07	(0.01)	1.13
Materials and Contracts	30.97	34.35	3.38	38.39
Utilities	4.16	4.18	0.02	4.57
Interest Expenses	0.05	0.04	(0.00)	0.07
Insurances	2.13	2.13	0.00	2.13
Other Expenses	5.54	5.42	(0.11)	6.83
Depreciation (non-cash)	22.92	25.23	2.31	27.53
Internal Recharging-CAPEX	(1.88)	(2.72)	(0.84)	(3.02)
<b>Total</b>	<b>106.54</b>	<b>112.60</b>	<b>6.06</b>	<b>124.37</b>

The significant variances at month end were:

- Material and Contracts were \$3.38M under YTD budget with the main contributors being Waste Collection (\$1.00M) and Parks & Environment Maintenance (\$0.55M). Environmental Health project spending was also down (\$0.35M), mainly due to underspending of the contaminated sites budget (although \$0.18M of this budget was spent on internal tipping fees).
- Salaries and direct employee on-costs were \$1.32M under the YTD budget with Community Development salaries under by \$0.30M, Roads Construction under by \$0.35M and Human Resources under by \$0.25M. Waste Collection wages were over the YTD budget by \$0.31M.
- Under Other Expenses, fuel costs for the City's fleet was \$0.33M below YTD budget due to the low petrol price. Conversely, the landfill levy was \$0.51M over the adjusted YTD budget (although this will be accommodated within the full year budget).
- Total depreciation on assets was \$2.31M under the YTD budget due to lower depreciation for road assets of \$0.83M (due to EOFY revaluations), lower depreciation for parks infrastructure of

\$0.29M and lower depreciation for buildings of \$0.81M (due to review of useful life for all buildings and their components).

- The internal recharging of overhead costs to the CAPEX program was \$0.84M behind the YTD budget setting, particularly due to a \$0.62M shortfall in roads labour charged to infrastructure projects.

### *Capital Expenditure*

The City's total capital spend at the end of the month was \$59.64M, representing an under-spend of \$22.26M against the YTD budget.

The following table details the budget variance by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	FY Revised Budget \$M	Commit Orders \$M
Roads Infrastructure	5.86	10.29	4.43	13.11	4.68
Drainage	0.66	0.82	0.16	1.44	0.09
Footpaths	0.89	0.90	0.01	1.17	0.03
Parks Hard Infrastructure	3.67	6.04	2.36	7.51	3.06
Parks Soft Infrastructure	0.53	1.24	0.71	1.37	0.46
Landfill Infrastructure	0.22	0.36	0.14	0.48	0.06
Freehold Land	0.37	1.10	0.73	1.61	0.06
Buildings	44.45	54.27	9.82	64.82	51.18
Furniture & Equipment	0.01	0.01	(0.00)	0.01	0.00
Computers	0.29	0.90	0.61	0.98	0.04
Plant & Machinery	2.69	5.98	3.28	6.21	2.47
<b>Total</b>	<b>59.64</b>	<b>81.90</b>	<b>22.26</b>	<b>98.69</b>	<b>62.14</b>

These results included the following significant items:

- Buildings – had a net under spend against YTD budget of \$9.82M comprising the Cockburn ARC project (\$3.08M), Operations Centre upgrade (\$4.78M), Bibra Lake main toilet block (\$0.35M), Civic building energy reduction initiative (\$0.25M) and Atwell clubrooms upgrade (\$0.45M).
- Roads Infrastructure - The roads construction program was \$4.43M under-spent against the YTD budget, mainly due to Beeliar Drive [Spearwood Ave to Stock Rd] under by \$2.6M; Berrigan Drive [Jandakot improvement works] under by \$1.3M; and North Lake Road [Hammond to Kentucky] under by \$0.49M.
- Plant & Machinery - The plant replacement program was \$3.28M behind the YTD budget comprising \$2.79M in heavy plant and \$0.49M in light fleet items. \$2.47M is currently on order and awaiting delivery.



- Parks Hard Infrastructure - The parks capital program is collectively \$2.36M behind YTD budget with the adventure playground at Bibra Lake underspent by \$0.86M. The remaining balance of \$1.50M comprises many below threshold under spends across the remainder of the program.
- Parks Soft Infrastructure - The parks streetscaping program is collectively \$0.71M behind the YTD budget.
- Development costs for the City's freehold land sales were \$0.73M behind YTD budget, with \$0.29M attributable to lot 804 Beeliar Drive.
- Computers - The City's technology capital spend budget is collectively \$0.61M behind its YTD budget, comprising mainly of software development and website projects.

### *Capital Funding*

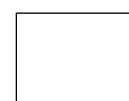
Capital funding sources are highly correlated to capital spending, the sale of assets and the rate of development within the City (developer contributions received).

Significant variances for the month included:

- Transfers from financial reserves were \$21.98M below YTD budget, in line with the capital budget under spend.
- Developer contributions received under the community infrastructure plan were \$1.56M over the YTD budget.
- Developer contributions under road infrastructure plans were \$0.66M ahead of YTD budget.
- External funding for Cockburn ARC was \$7.31M behind YTD budget comprising \$6.12M from development partner contributions and \$1.19M from government grants.
- Road construction grants were \$0.80M ahead of YTD budget.
- Proceeds from sale of land were \$13.16M below the YTD budget due to several unrealised land sales on Beeliar Drive (\$11.8M) and Davilak Avenue (\$1.3M).
- Proceeds from the sale of plant items were \$0.8M behind YTD budget, in line with the lag in the replacement program.

### *Transfers to Reserve*

Transfers to financial reserves were \$13.45M behind the YTD budget, mainly due to the delayed sale of land (\$12.51M) and waste revenue transfers (\$2.69M). Conversely, transfers relating to developer contributions were \$2.39M higher and interest earnings \$0.39M higher than YTD budget.



*Cash & Investments*

The closing cash and financial investment holding at month's end totalled \$136.52M, down from \$144.92M the previous month. \$105.31M of this balance represented the amount held for the City's cash backed financial reserves. Another \$6.62M represented restricted funds held to cover deposit and bond liabilities. The remaining \$24.59M represented the City's liquid 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).

*Investment Performance, Ratings and Maturity*

The City's investment portfolio made a weighted annualised return of 3.06% for the month, slightly up from 3.05% the previous month and 3.03% the month before that. This result compares favourably against the UBS Bank Bill Index (2.63%) and has been achieved through diligent investing at optimum rates and investment terms. The cash rate set by the Reserve Bank of Australia was reduced to 1.75% at its April meeting. Financial markets and commentators are expecting another downwards movement of at least 0.25% in the coming months, especially given the Brexit result.

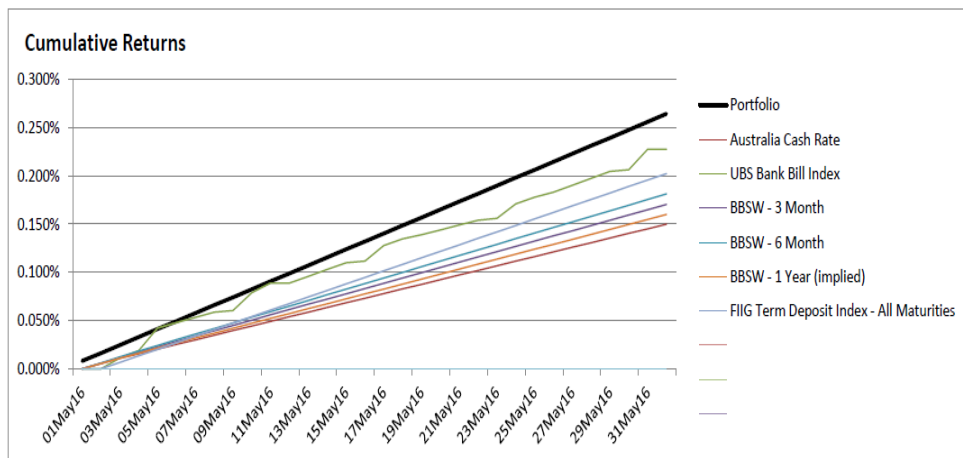


Figure 1: COC Portfolio Returns vs. Benchmarks

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

The City's TD investments fall within the following Standard and Poor's short term risk rating categories:



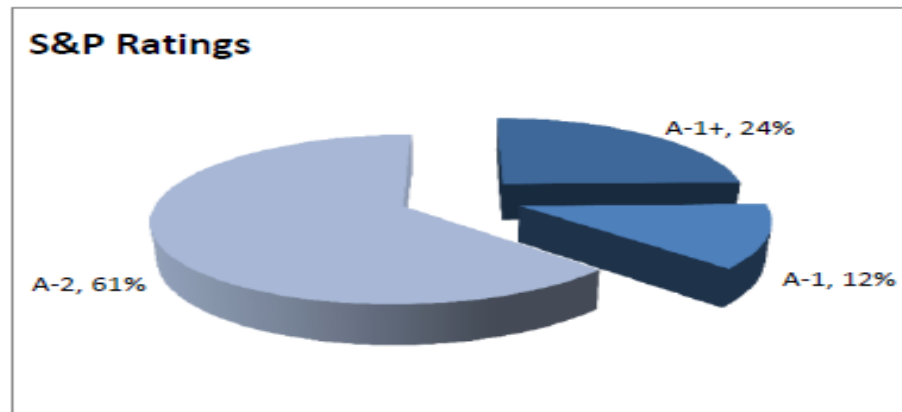


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the highest possible rate on offer over the longest duration (up to 12 months for term deposits), subject to cash flow planning and investment policy requirements. Value is currently being provided within the 4-12 month investment terms.

The City's TD investment portfolio currently has an average duration of 123 days or 4.0 months (down from 130 days the previous month) with the maturity profile graphically depicted below:

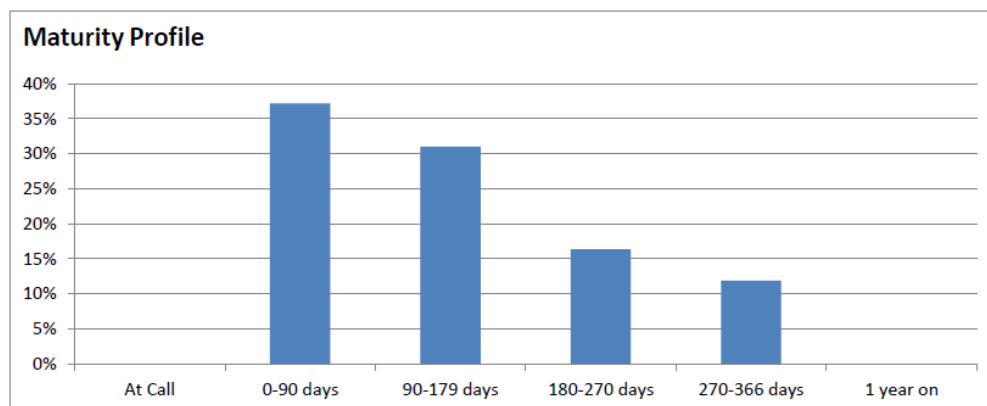


Figure 3: Council Investment Maturity Profile

### Investment in Fossil Fuel Free Banks

At month end, the City held 63% (\$86.38M) of its TD investment portfolio in banks deemed as free from funding fossil fuel related industries. This is slightly up from 61% the previous month and 36% around a year ago. Importantly, this outcome has been achieved without compromising investment return, through increased awareness and thoughtful funds placement.





*Budget Revisions*

Several budget amendments were processed in May as per the following schedule:

PROJECT/ACTIVITY LIST	USE OF FUNDING +/-		FUNDING SOURCES (+)/-		
	EXP	TF to RESERVE	TF FROM RESERVE	EXTERNAL	MUNI
Report Development – use to fund surf club retention release	-14,000				- 14,000
Release of retention – Coogee Beach surf club construction	15,000			1,000	14,000
Carbon tax refund - TF to Greenhouse Emissions Reserve		161,660		161,660	
NRM Community Grant Bibra Lake revegetation project	10,000			10,000	
Jandakot Lions Club Fundraising	8,000			8,000	
Cockburn Early Years Salaries (LSL)		1,146	1,146		
	<b>19,000</b>	<b>162,806</b>	<b>1,146</b>	<b>180,660</b>	<b>0</b>
<b>Surplus: (Increase)/Decrease</b>					<b>0</b>

*Description of Graphs & Charts*

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

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

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



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

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

#### **Leading & Listening**

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

### **Budget/Financial Implications**

The City's closing Municipal Budget position remains at \$409,698 as proposed budget amendments are self-funded.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Risk Management Implications**

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

### **Attachment(s)**

Statement of Financial Activity and associated reports – May 2016.

### **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 5845) (OCM 14/7/2016) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE - MATURE TREES ON THE ADMINISTRATION SITE/SENIORS CENTRE/BOWLING CLUB WITH A VIEW TO INCORPORATE IN THE CITY'S HERITAGE SIGNIFICANT/MATURE TREE INVENTORY (148/004) (A LEES) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) receive the report; and
- (2) advertise the proposed inclusion of the 45 trees located on the City's administration site / bowling club / seniors centre to the Local Government Inventory Significant / Mature Tree Registry for a period of 30 days.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

At the Ordinary Council Meeting in February 2016, Deputy Mayor Carol Reeve-Fowkes raised the following matter for investigation:

*"That a report be prepared and presented to Council on the mature trees on the Administration Site/Senior Centre/Bowling Club with a view to incorporating in the City's Heritage Significant Tree Inventory".*

**Submission**

N/A



## Report

### Subject Land

The City's administration centre / senior centre/ bowling club are located on Lot 20 Coleville Crescent, Spearwood which is owned by the City in fee simple. The land extends over 5.93Ha and in addition to the built infrastructure has a mature landscape reflecting the fluctuating topography and environmental constraints. The landscape is framed through a series of mature trees which have been strategically located throughout the site creating a unique character that can be admired and treasured by the community.

### City of Cockburn Criteria for Significant Trees

The Significant Tree Registry pursuant to the City of Cockburn Local Government Inventory requires the execution of a nomination form to enable consideration of the trees location and status within the environment. The list of key attributes are outlined below however not all require addressing for the submission to be received and assessed.

#### Historical Significance

Tree(s) commemorating a particular occasion including plantings by notable people and/or having associations with an important event in local, state or national history. Tree(s) that possess a history specifically related to the City or its surrounding areas.

#### Horticultural Value

Tree(s) of outstanding horticultural or genetic value and that which could be an important source of propagating stock, including specimens particularly resistant to disease or exposure.

#### Rare or Localised

Tree/s species or variety rare or very localised in distribution, enhancing the diversification of the local urban forest.

#### Location or Context

Tree(s) that occur in a unique location or context so as to provide a major contribution to landscape and/or local place character. Includes outstanding aesthetic value which frame or screen views, or act as a landmark.



### Exceptional Size, Age and Form

Tree(s) noted for particular age, size or irregular form relative to other normal mature tree species that currently reside within the City. Also includes curious forms, particularly abnormal outgrowths, fused branches or unusual root structures.

### Indigenous Association

Tree/s that has a recognised association with Indigenous people, or that is valued for continuing and developing cultural traditions

### Site Evaluation

Although the site has a vast number of trees, an inspection by officers and the City's Arboricultural consultant identified 45 tree species for consideration in the Local Government Inventory Significant Tree Register. Each tree has been assessed in accordance with the nomination criteria, photographed and mapped with GPS locations enabling loading into the City's Intramaps layer. Typically these trees are valuable in terms of the exception size and age, have prominent canopies and are of good health and vitality. In addition they make a major contribution to the landscape character and are prominent within the immediate precinct.

### Community Consultation

Clause 45 (4) of the *Heritage of Western Australia Act* requires that local governments compile a LGI with proper public consultation.

This will include letters to the landowner and developer, and advertisements in the newspaper seeking comment within 21 days.

### Conclusion

To enable the request by the Deputy Mayor, it is recommended that Council advertise the proposed inclusion of the 45 trees located on the City's Administration site / bowling club / seniors centre to the Local Government Inventory Significant Tree Registry.

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

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

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



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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

The trees located within the administration site have been identified as significant and the City needs to minimise the risk of their removal and ensure retention in perpetuity.

**Attachment(s)**

City of Cockburn Administration Site Significant Tree Map and Trees 1-45 Cockburn Admin. Centre – Significant Tree Register (inclusive)

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

N/A

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

Nil.

**16.2 (MINUTE NO 5846) (OCM 14/7/2016) - TENDER NO. RFT 05/2016 (C100348) - EDUCTING / CLEANING SERVICES - GULLY AND ACCESS PITS (C MACMILLAN) (ATTACH)**

**RECOMMENDATION**

That Council accepts the tender submitted by Riverjet Pty Ltd, for Tender No. RFT 05/2016 – Educting / Cleaning Services – Gully and Access Pits for an estimated total contract value of \$755,000 GST exclusive (\$830,500 GST inclusive), for the three (3) year contract period, based on the Schedule of Rates submitted and additional schedule of rates for determining variations and additional services.



**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

The City of Cockburn's current contract for educting/cleaning of the Principal's estimated 16,300 gully and access pits, and gross pollutant traps at locations throughout the City of Cockburn area expired on 31 January 2016. The documentation was reviewed and subsequently a tender was called.

RFT 05/2016 Educting/Cleaning – Gully and Access Pits was advertised on Wednesday 6 April 2016 in Local Government Tender Section of The West Australian newspaper.

The Tender was also displayed on the City of Cockburn's E-tendering website from 6 April 2016 to Thursday, 21 April 2016 inclusive.

No Elected Member has requested that this tender be submitted to Council for acceptance.

**Submission**

Tenders closed at 2:00 p.m. (AWST) on Thursday 21 April 2016; tender submissions were received from the following eight (8) companies:

	<b>Tenderer Name</b>	<b>Trading Name</b>
1	Cleanaway Operations Pty Ltd	Cleanaway Waste Management Ltd
2	Drainflow Services Pty Ltd	Drainflow Services Pty Ltd
3	Perth Pressure Jet Services	Perth Pressure Jet Services Pty Ltd
4	Riverjet Pty Ltd	Riverjet Pipeline Solutions
5	Rico Enterprises Pty Ltd, ATF The Rico Family Trust	Solo Resource Recovery
6	Cape Holdings Pty Ltd as Trustee For The Lewis Trading Trust	TBH Industrial Solutions



7	Veolia Environmental Services (Australia) Pty Ltd	Veolia Environmental Services (Australia) Pty Ltd
8	Western Maze Pty Ltd	Western Educating Service

## Report

### Compliance Criteria

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

	<b>Compliance Criteria</b>
(a)	Compliance with the Conditions of Tendering ( <b>Part 1</b> ) of this Request.
(b)	Compliance with the Specification ( <b>Part 2</b> ) contained in the Request.
(c)	Completion and submission of Form of Tender – <b>Clause 3.1</b> .
(d)	Compliance with Insurance Requirements and completion of <b>Clause 3.2.8</b> .
(e)	Compliance with Fixed Price and completion of <b>Section 3.4.2</b> .
(f)	Compliance with and completion of the Price Schedule in the format provided in <b>Part 4</b> .
(g)	Compliance with ACCC Requirements and completion of <b>Appendix A</b> .
(h)	Acknowledgement of any Addenda issued.

### Compliant Tenderers

All eight (8) Tenderers were deemed compliant and evaluated.

### Evaluation Criteria

Tenderers were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	25%
Demonstrated Safety Management	10%
Delivery / Supply of Services	20%
Sustainability	5%





Tendered Price – Lump Sum	40%
<b>TOTAL</b>	<b>100%</b>

### Tender Intent/ Requirements

The City of Cockburn (The Principal) requires the services of suitably qualified and experienced educting/cleaning of the Principal's estimated 16,300 gully and access pits, and gross pollutant traps at locations throughout the City of Cockburn area.

The scope of services (both scheduled and unscheduled) required, include inspecting, programming, reporting (including defect reports) and educting/cleaning, but not repair, of gully and access pits; pipes and gross pollutant traps.

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

### Evaluation Panel

The tender submissions were evaluated by:

1. Colin Macmillan – Works Coordinator – Roads (Chair);
2. Nick Jones – Manager, Health Services (SBMG); and
3. Nabin Paudel – Engineering Technical Officer

### Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>**Riverjet Pty Ltd</b>	<b>49.42</b>	<b>40.00</b>	<b>89.42</b>
Perth Pressure Jet Services	41.92	38.51	80.43
Western Maze Pty Ltd	39.25	40.00	79.25
Cleanaway Operations Pty Ltd	46.25	32.49	78.74



Rico Enterprises Pty Ltd, ATF The Rico Family Trust	45.17	33.25	78.42
Veolia Environmental (Australia) Pty Ltd	47.58	29.25	76.83
Drainflow Services Pty Ltd	36.25	39.10	75.35
Cape Holding Pty Ltd As Trustee For The Lewis Trading Trust	17.75	4.50	22.25

**\*\* Recommended Submission**

Evaluation Criteria Assessment

Demonstrated Experience

Riverjet scored highest in this criterion and demonstrated they have the necessary experience and knowledge to complete the Council's educting program. They listed two other councils they have current contracts with and they have been the City's contractor for the past 6 years for these services.

Veolia Environmental scored second, listing relevant contracts with over 15 years of experience including work for 5 other councils.

The remainder all scored closely and provided relevant examples of contracts with other councils, with the exception of Cape Holdings who scored lowest.

Demonstrated Safety Management

Veolia Environmental and Cleanaway scored equal highest in this criterion, both providing detailed safety policy and quality management plans.

Riverjet scored next detailing they work with council officers to ensure all planned and reactive works are conducted to Council's OSH guidelines providing a safe workplace for workers and road users.

The remainder all scored closely and provided various details of safety management plans and/or policies. The exception was Cape Holdings who scored lowest providing a Job Safety/Environmental Analysis (JSEA) for Water Blasting and Vac Loading only.

Delivery / Supply Services

Riverjet scored highest and demonstrated they can deliver the planned program to educt all pits within the City of Cockburn annually. They can



provide ad hoc unplanned works and schedule major works on short notice. They have assigned a dedicated resource to the City for all planned and reactive works.

Veolia Environmental and Cleanaway scored equal second, closely followed by Rico Enterprises, Perth Pressure Jet Services then Western Maze and all indicated they can provide 24 hour service and deal with call outs in a timely manner.

Drainflow Services was lacking information and Cape Holdings did not address this criterion.

### Sustainability Experience

Veolia Environmental and Cleanaway scored equal highest in this criterion, both providing detailed sustainability and environmental policies and listed a number of initiatives and achievements.

Riverjet and Drainflow Services scored equal second both provided an Environmental Policy and Environmental Management Plan and listed initiatives to reuse educted material in mulch and landscaping products.

Rico Enterprises scored next and provided an Environmental and Sustainability Policy statement, Environmental Management Plan and listed initiatives and achievements.

Perth Pressure Jet Services and then Western Maze Pty Ltd scored next and provided brief details of their Environmental Policy. Cape Holdings scored lowest and did not address this criterion.

### Summation

Riverjet achieved the best overall score for both cost and non-cost assessment criteria with a competitive price. They demonstrated the necessary experience and resources to provide the services required.

The Chairperson received strong and positive feedback from referees, demonstrating competent provision of educting/cleaning services.

The Evaluation Panel recommends that the Council accept the submission from Rivertjet Pty Ltd as being the advantageous tender.

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

#### **City Growth**

- Maintain service levels across all programs and areas.



**Economic, Social & Environmental Responsibility**

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

**Leading & Listening**

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

**Budget/Financial Implications**

Educting/cleaning Services will be funded from the Council's 2016/17 operational budget for Drainage Maintenance (OP8509). The estimated expenditure for educting services based on planned works for the City's 16,300 gully and access pits, and the submitted Schedule of Rates, for an indicative cost of \$244,500 per year. There is a no price increase.

**Legal Implications**

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

**Community Consultation**

N/A

**Risk Management Implications**

If Council was not to support the recommendation the risk would be that the Council's drainage systems would be prone to failure and localised flooding. Scheduled educting ensures that Council drains function as designed. With no contract in place Council would be required to use quotations to comply with its Procurement policy with potentially an increase in operating costs.

**Attachment(s)**

The following Confidential attachments are provided under a separate cover:

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

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 14 July 2016 Council Meeting.



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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 5847) (OCM 14/7/2016) - GRANT OPPORTUNITIES FOR NOT-FOR-PROFIT ORGANISATIONS (162/003) (R AVARD)**

**RECOMMENDATION**

That Council receive the report on grant opportunities for not-for-profit organisations.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

At the Ordinary Council Meeting held on 12 May 2016 Cllr Lee-Ann Smith requested the following report under Matters to be Noted for Investigation, Without Debate

*“That a report be provided to the July Ordinary Council Meeting on grant opportunities available for not for profit organisations in order to build governance and capacity of those organisations.”*

**Submission**

N/A

**Report**

Council Policy SC35 “Grants, Donations & Sponsorships – Community Organisations & Individuals” states:

*“Council has limited the total amount allocated in grants, donations and sponsorships to 2% of the Council’s rates*



*income. To ensure that these funds are distributed in a rational way, eligibility and selection criteria are required.*

*The funds allocated to local community organisations, groups and individuals are to assist in the provision of the services they provide.*

*The following evaluation and selection criteria is established for the assessment and prioritisation of applications received for financial assistance from organisations, groups and individuals.”*

*Community Grants:*

*1. Eligibility Criteria:*

- (a) Organisations based within the City of Cockburn or whom primarily service residents and/or the interests of the City are eligible to apply for funds.*
- (b) Applications from not-for-profit organisations including sporting, welfare, educational, arts/cultural, youth, seniors, children, ethnic and related groups are eligible to apply.*

*2. Selection Criteria*

- (c) Primarily serve residents of the City*
- (d) Is an established not-for-profit organisation which can demonstrate a high level of community support.*
- (e) Can demonstrate it is financially sound or key personnel have demonstrated ability to manage the proposal for which funds are being sought.*

*3. Evaluation Criteria for Project or Activity*

- (f) Project or activity will be of long term benefit to the local community and/or City of Cockburn generally.*
- (g) Project meets an identified need.*
- (h) Applicants have a demonstrated ability to manage their affairs effectively.*



- (i) *Project will not require commitment to ongoing funding from Council.*
- (j) *Applications from Schools and other educational institutions must be in accordance with Council policy ACS7.*
- (k) *Applications from organisations that can demonstrate a financial or in kind contribution to the project will be considered favourable.*
- (l) *Project does not duplicate an activity already available in the local area.*

4. *Grant Limitations*

- (m) *The maximum grant available to any one group or organisation in the Community Grants category will not exceed \$15,000.*

Any not-for-profit organisation from the City of Cockburn could apply for a community grant to build governance and capacity of the organisation, provided the organisation and activity detailed in application meet the adopted criteria.

The Community Development team, assisted by the Grants and Research Officers, run annual training sessions focussed on grant writing tips specific to the City's Community Grants, as well offering some assistance for applications to other agencies. The Community Development team also offer training specific to office-bearers such as secretaries and treasurers, as well as training to increase organisational capacity such as running successful events and fundraising.

Throughout the year, and in particular during the two application periods in March and September, the Grants and Research Officers make themselves available to assist with grant enquiries over the phone, via email, and in person. In the Guidelines and Application Forms all applicants are encouraged to contact the Grants and Research Officers before proceeding.

The Community Grants Program became available in 1995 to support community projects that could not access funding through mainstream agencies such as Lotterywest and Healthway.

Externally, Lotterywest provide *organisational development* grants which are available to not-for-profit organisations year-round, to support the following activities:



- Developing strategic, business, marketing and fundraising plans
- Undertaking feasibility studies, including for a sector wide initiative
- Setting up operating policies and procedures or training materials
- Developing sound financial, human resource or industrial relations practices
- Travelling to explore and establish best practice
- Training and development for volunteers and Board members
- Carrying out a staff training needs assessment
- Developing quality assurance strategies
- Awards initiatives that support a specific not-for-profit sector or broader community development activities

Details of these grants and the application process are available at [www.lotterywest.wa.gov.au](http://www.lotterywest.wa.gov.au)

A review of the City of Cockburn application process and grant programs is planned for the new financial year to make applications available online in order to make the process more efficient for applicants and administrators. Results of the review will be made available to the Grants and Donations Committee and inform the recommendations for future funding programs and the online applications. The review of the application process and launch of the online applications is expected to be finished in time for the 2017 funding rounds.

## **Strategic Plan/Policy Implications**

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

- Provide residents with a range of high quality, accessible programs and services.

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

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

### **Leading & Listening**

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

## **Budget/Financial Implications**

Annually, Council allocates up to 2% of the rates income to a range of grants, donations, sponsorship and subsidies. In 2015/16 this budget was \$1,200,000, of which \$100,000 was allocated to Community Grants.





**Legal Implications**

N/A

**Community Consultation**

Previous Community Grant applicants, and Community Development contacts and representatives from not-for-profit organisations, will be invited to participate in the review of the application process.

**Risk Management Implications**

The Council allocates a significant amount of money to support individuals and groups through a range of funding arrangements. There are clear guidelines and criteria established to ensure that Council's intent for the allocation funds are met. To ensure the integrity of the process there is an acquittal process for individuals and groups to ensure funds are used for the purpose they have been allocated.

The reputation of the City of Cockburn could be seriously compromised should funds be allocated to individuals or groups who did not meet the criteria and guidelines and/or did not use the funds for the purposes they were provided. Adherence to these requirements is essential.

**Attachment(s)**

N/A

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

N/A

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

Nil.

**17.2 (MINUTE NO 5848) (OCM 14/7/2016) - SOUTH LAKE LEISURE CENTRE DECOMMISSING REPORT (154/010) R AVARD (ATTACH)**

**RECOMMENDATION**

That Council enter into a Deed of Agreement with the Western Australian Department of Education for the decommissioning of the City's South Lake Leisure Centre facilities, as attached to the Agenda.



**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

The South Lake Leisure Centre (SLLC) was opened on the 25<sup>th</sup> October 1991. There have been a number of upgrades and extensions since this time. The facility was constructed on land owned by the Education Department and in return the school had use of the adjoining South Lake Reserve during school hours. The reserve has also been used by the local community as a second tier sports ground.

Also an application has been made to the National Stronger Regions fund to construct a new home for the Fremantle Hockey Club on the site.

The day to day operational arrangements between the SLLC staff and the School staff has been very positive and guided by a Management Agreement between the two parties. There is no formal lease or license in place between the parties.

**Submission**

N/A

**Report**

It is anticipated that the City will close the SLLC in early to mid-2017 and move to the new CCW complex. The plan is to keep to a minimum the disruption between the closure of the SLLC and the opening of the new centre.

Both the City and the Department of Education are keen to ensure that the SLLC when vacated is maintained in a safe, usable and tidy condition. To this end an agreement has been reached between the two parties in the form of a Deed of Agreement as attached to the agenda.



The salient aspects of the agreement are as follows:

1. The City will remove all the external water playground features and retain the more significant trees and the external garrison fence.
2. The City will remove the entire internal pool plant from the site.
3. The City will construct a stud wall between the main pool hall and the Kiosk area to allow the school access to all areas of the facility other than the main pool and learn to swim/leisure pools.
4. The City will hand over all the facilities on the site to the Department of Education who from that point on will be solely responsible for all aspects. The City will have no liabilities for the facility or its surrounds.

The areas that were initially constructed by the City and retained for use by the school as shown on the attached plan and include:

- a. 1 Basketball Court.
- b. Fitness gymnasium and offices.
- c. Managers office and adjoining office.
- d. Staff room.
- e. First Aid Room.
- f. Meeting/Program Room with toilets.
- g. Crèche area.
- h. Current spin room.
- i. Main (Group Fitness) Program room.
- j. Kiosk Café area with accompanying seating areas.
- k. Public toilets and showers.
- l. Reception area.
- m. Entry foyer.
- n. 2 foyer store rooms.
- o. Car parking areas

The Education Department has no specific plans for the use of the facility previously operated by the City although with the closure of the Hamilton Hill Senior High School and its move to South Fremantle it is expected that Lakelands Senior High School will see growth in its numbers over the next few years.

The 2016/17 adopted municipal budget contains \$200,000 to fund the decommissioning of the South Lake Leisure Centre. The funds provided are to cover the works noted in the above report a. to o



## Strategic Plan/Policy Implications

### Moving Around

- Improve parking facilities, especially close to public transport links and the Cockburn town centre

### Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services
- Provide for community facilities and infrastructure in a planned and sustainable manner
- Create and maintain recreational, social and sports facilities and regional open space

### Leading & Listening

- Ensure sound long term financial management and deliver value for money

## Budget/Financial Implications

As part of the decommissioning of the South Lake Leisure Centre, the outstanding capital value of the facility will have to be written-off even though the City is “gifting” the asset valued in the balance sheet of Council at \$3.3m to the WA Government’s Education Department. As the Council is disposing of the facility at zero consideration (gift) any outstanding value in the balance sheet of Council will have to be removed and written-off in 2016/17 (to coincide with the opening of the Cockburn ARC and closure of the South Lake Leisure Centre).

## Legal Implications

The Deed of Agreement formalises the arrangements between the City of Cockburn and the Department of Education for the decommissioning of the South lake Leisure Centre and the vacating of the site.

## Community Consultation

N/A

## Risk Management Implications

As there is no formal lease arrangement between the City and the Department of Education either party could have claims made against them by the other. A formal Deed of Agreement is an appropriate means by which the parties can clarify the commitments and obligations of each without recourse to legal disputes. Should the



Department of Education require the City to make good the site there would be a substantial cost to the City.

**Attachment(s)**

Draft Deed of Agreement – South Lake Leisure Centre Decommissioning.

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

The Department of Education has been advised that this matter is to be considered at the 14 July 2016 Council Meeting.

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

Nil.

**17.3 (MINUTE NO 5849) (OCM 14/7/2016) - PROPOSAL FOR THE INSTALLATION OF TWO CRICKET PITCHES AT ATWELL RESERVE - BRENCHLEY DRIVE, ATWELL (146/004) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) supports the installation of two cricket pitches on Atwell Reserve for the 2016/17 cricket season with natural turf covering to be utilised during the winter months for football; and
- (2) amend the 2016/17 adopted municipal budget to facilitate (1) above by transferring \$70,000 from the Capital Works account CW 5750 - Botany Park Cricket Facilities and \$20,000 from the Operating account Contingency Fund to a new Capital Works account – Installation of two cricket pitches and one practice cricket net – Atwell Reserve - \$90,000.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**



## Background

Atwell Reserve is located on Brenchley Drive in Atwell and is one of the 29 active reserves that the City manages for sporting club use. The reserve is 3.94 (Ha) in size and is home to two Australian Rules football clubs (senior and junior) and two cricket clubs (senior and junior).

*“At the Ordinary Council Meeting of 9 June 2016, Clr Portelli requested a report under Matters to be Noted for Investigation, Without Debate for a proposal to install a second cricket pitch at Atwell Reserve.”*

## Submission

The Jandakot Cricket Club has advised the City that they would like to have 2 cricket pitches near the centre of the current football grounds and for them to be covered during the football season with synthetic grass.

A submission has been received from the Jandakot Junior Football Club advising that they are strongly opposed to pitches on the football playing surface. They have not offered a synthetic grass cover.

The Jandakot Jets Senior Football Club has provided written advice that they oppose the placement of cricket pitches on Atwell Reserve unless strict guidelines are followed by the City and the cricket club.

## Report

Atwell Reserve is a well utilised reserve, which throughout the year is enjoyed by hundreds of residents eager to play both football and cricket

The Reserve currently has two large football ovals, one cricket pitch, two cricket practice nets and clubrooms which are currently being upgraded to accommodate the growing membership numbers in all four clubs.

In considering the feasibility of developing a second cricket pitch at Atwell Reserve, staff has considered a number of factors including the current provision of cricket within the City, membership growth of Jandakot Cricket Clubs, suitability of pitch coverings and the practices of other Local Government Authorities (LGA's).



### Current Provision of Cricket within the City

The City is currently home to five cricket clubs, including Cockburn Senior Cricket Club, Cockburn Junior Cricket Club, Phoenix Cricket Club, Jandakot Lakes and Jandakot Park Cricket Clubs.

Below is a table of cricket pitches located in the City of Cockburn available for clubs to use in the summer season.

	<b>Reserve</b>	<b>Winter Sport</b>	<b>Level of Senior Football</b>	<b>Current Matting Type</b>
1	Anning	Football	C4 Amateurs	Synthetic
2	Anning	Football	C4 Amateurs	Synthetic
3	Beeliar	Soccer		Not Required
4	Davilak	Football	C4 Amateurs	Rubber Matting
5	Edwardes	Softball		Not Required
6	Enright	Softball		Not Required
7	Goodchild	Lacrosse		Rubber Matting
8	Lakelands	N/A – Future Hockey		Not Required
9	South Coogee	Soccer		Not Required
10	Tempest	Football	E1 Amateurs	Rubber Matting

Currently, Atwell Reserve is the only reserve shared by cricket and football where a cricket pitch is not located on a football oval.

Due to the size limitations of the City's Reserves, there are minimal opportunities for the development of a reserve with two cricket pitches, with only Beeliar and Atwell Reserve having the capacity to do so.

A senior cricket field requires a distance of 120 metres in width due to the boundary line being a radius of 60 metres from the centre of the pitch. Ideally, to accommodate two cricket pitches a reserve would be required to be at least 240 metres so the cricket fields do not overlap with each other. The width of Atwell Reserve from the edge of the clubroom to tree line on the eastern side of the reserve is 255 metres and therefore has sufficient space for a second cricket pitch.

Having only one pitch at each reserve presents the City's Cricket Clubs with the logistical issue of having a number of teams playing at a variety of reserves.



### Membership Growth

Atwell Reserve for many years now has been occupied by football in the winter months, with cricket utilising the reserve in the summer since 2010.

Over time, the Junior Cricket Club has experienced considerable growth, resulting in the Senior Cricket Club being formed in 2013.

Membership numbers of both clubs can be seen in the below table:

<b>Season</b>	<b>Junior Club</b>	<b>Senior Club</b>
2011/12	233	
2012/13	161	
2013/14	117	22 – 1 <sup>st</sup> Season
2014/15	275	33
2015/16	390	44

Given the increase in membership numbers, both Cricket Clubs are now at capacity and utilising a number of reserves in order to train and play.

### Cricket Pitch Covering Options

Cricket pitches are concrete pads with a synthetic grass covering on them. Due to the hardness of the pitch it is necessary to place a protective cover on the pitch to provide a cushioned surface for footballers to play on during winter months.

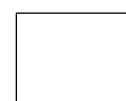
Different types of covers include:

1. Natural Turf
2. Synthetic Turf Matting.
3. Rubber Matting

The table below highlights the positives and negatives of each cricket pitch cover:

#### Natural Turf

<b>Positive</b>	<b>Negative</b>
No storage required in winter months	Grass potentially dies during season
Contractor can undertake the works	\$1.5k to \$2k installation + maintenance
Natural Turf across the whole field so there is no variation in surfaces	Additional watering on turf
	Players need to stay off for a week after installation





Synthetic (Currently utilised at Anning Park)

Positive	Negative
The WA Amateur Football League has played a state game at Anning Park.	Requires storage over winter months
Can be used up to 5+ years. Costs approximately \$9,000.	Gaps between grass and matting if not fitted correctly
	Potential for mats to move underfoot
	Unnatural for players running across the oval
	May not be level with turf

Rubber Matting

Positive	Negative
Can be used up to 5 years. Costs approx. \$8k	Requires storage over winter months
	Gaps between grass and matting if not fitted correctly
	Potential for mats to move
	Hard to land on.
	Unnatural for players running across the oval
	May not be level with turf

Other LGA Practices

It is common practice at a number of other LGAs to co-locate cricket pitches on football ovals. Some examples include Dalkeith Oval (City of Nedlands), Gilbert Fraser Oval and Dick Lawrence Oval (City of Fremantle), Beach Oval (City of Stirling), MacDonald Park (City of Joondalup), Kingsway Oval (City of Wanneroo), Gwynne Park (City of Armadale), City Beach Oval (Town of Cambridge) and Shelley Reserve (City of Canning).

In assessing the potential options for covering of cricket pitches, three other LGA's were consulted and provided the following details on their current practices for the covering of cricket pitches:

*City of Melville* – Undertake turf covering for all cricket pitches

*City of Fremantle* – Undertake a mix of synthetic and turf covering

*Shire of Kalamunda* – Undertake a mix of synthetic and turf covering

In reviewing the feedback provided by other LGA's, it was found that the two most popular pitch covering practices were synthetic and turf covering, with a case by case approach taken to determine the type of covering utilised depending on factors such as the level of use, irrigation, and soil quality and club preferences.



The cost of construction of the two cricket pitches and the one cricket practice net is as follows:

- Cricket Pitches (installation) \*2 ..... \$25,000
- Cricket Turfing \*2 (1<sup>st</sup> year)..... \$5,000
- Reticulation for two pitches ..... \$26,000
- Installation of practice net..... \$25,000
- Repair to reserve..... \$7,500
- Removal of materials..... \$2,500
- Total estimated cost ..... \$90,000

Summary

It is evident that the Cricket Club and the Football Clubs that use Atwell reserve have strong opposing views on the placement of cricket pitches on football grounds. As has been demonstrated in the report the placement of cricket pitches on football grounds is common practise across the metropolitan area. A natural turf placed over a pitch for the football season is considered the best option for player safety.

In summary, it is recommended that given the limited number of opportunities the City has to develop two cricket pitches on the one reserve within the City, together with the growth experienced by the two Jandakot Cricket Clubs, that a second pitch at Atwell Reserve be supported.

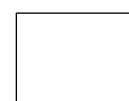
Should Council support the installation of the second pitch at Atwell Reserve, it is further recommended that the type of covering be natural turf with associated costs for the works to be derived from Account CW 5750.

Should Council not agree to the additional pitches to go onto Atwell Reserve there could be a pitch located on Botany Park in Hammond Park.

**Strategic Plan/Policy Implications**

**Community, Lifestyle & Security**

- Provide residents with a range of high quality, accessible programs and services
- Provide safe places and activities for residents and visitors to relax and socialise
- Create and maintain recreational, social and sports facilities and regional open space



### **Budget/Financial Implications**

The initial cost budget was for the work to be undertaken at Botany Park. The requirement to have the work undertaken at Atwell Reserve will require additional funds as there is a requirement to construct an additional practice net for the cricket club.

The work scheduled for Botany Park will be deferred until a future date as there is not the current demand for these cricket facilities at Botany Park and its current catchment basin.

### **Legal Implications**

N/A

### **Community Consultation**

The Club Presidents of the four sporting clubs based at Atwell Reserve attended a meeting with staff on Thursday, 23 June.

Presidents were presented with 3 options to consider:

1. Status quo with no second pitch to be installed;
2. Second pitch to be installed with turf covering; and
3. Second pitch to be installed with synthetic covering.

The Clubs were then requested to nominate their preferred option, with both Senior and Junior Cricket supporting the installation of two pitches, with synthetic covering being their preferred option.

### **Risk Management Implications**

Both the synthetic and turf coverings will provide a safe playing surface for footballers to play on during the winter months. However, there is a substantial level of financial injury and brand reputational risk retained by the City in the case of any serious injury attributable to the coverings.

The Jandakot Jets Junior Football Club opposes the placement of pitches on the Atwell Reserve football ground.

### **Attachment(s)**

1. Photos of different types of cricket pitch covers.
2. Map showing location of two cricket pitches on Atwell Reserve.
3. Correspondence from the Jandakot Jets Junior Football Club on the matter.



4. Correspondence from the Jandakot Jets Senior Football Club on the matter.
5. Correspondence from the Jandakot Park Cricket Club on the matter.

### **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 14 July 2016 Council Meeting.

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

Nil.

## **17.4 (MINUTE NO 5850) (OCM 14/7/2016) - COOGEE BEACH RESERVE DOGS ON LEADS (144/2016) (R AVARD) (ATTACH)**

### **RECOMMENDATION**

That Council prohibits dogs on all of Reserve 24306 and Reserve 46664 (known as Coogee Beach Reserve) including all beaches and the jetty (Coogee Beach Jetty) adjoining the reserves, pursuant to Section 31 of the Dog Act 1976.

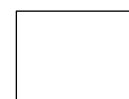
**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

### **COUNCIL DECISION**

MOVED C/r K Allen SECONDED Deputy Mayor C Reeve-Fowkes that Council prohibits dogs on all of reserve 24306 and reserve 46664 (known as Coogee Beach Reserve) including all beaches, dunes, picnicking areas and the jetty adjoining the reserves pursuant to section 31 of the Dog Act 1976 other than:

1. Allow dogs on leads on the portion of reserve 24306 north of Powell Road Coogee shown on the plan, as attached to the Minutes.
2. Allow dogs on leads in the Coogee Beach cafe lease grassed al fresco area at the discretion of the lessee and in accordance with the requirements of the Food Act 2008.
3. Allow dogs on leads in the Coogee Beach Surf Club Café al fresco area at the discretion of the Coogee Beach Surf Life Saving Club (Inc) and in accordance with the requirements of the Food Act 2008

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/1**



## Reason for Decision

Many people currently walk their dogs on the many paths and walkways in the Coogee and Woodman Point area and enjoy the opportunity to have refreshments at the Coogee Beach café and the Surf Club café. It is one of Council's goals to encourage active and healthy lifestyles for our residents and ratepayers and we even have a number of employees solely dedicated to developing healthy pursuits for residents and ratepayers. Limiting opportunities for healthy activities, such as dog walking, seems extremely counterproductive to Council's community health goals. Legally the Food Act permits dogs within both of the café's al fresco areas.

The Coogee Beach café and the Coogee Beach Surf Life Saving Club (Inc) each lease their building from the City of Cockburn. Under the terms of their leases they are permitted the discretion to allow certain activities which with this amendment can now include dogs on leads.

## Background

Council at its meeting of the 14th April 2016 resolved to seek public comment on a change to its local law in relation to dogs on Coogee Beach Reserve (24306) as shown on the plan attached to the agenda. In brief the proposal is that dogs on leads will be permitted in the area of reserve 24306 north of Powell Road but excluding the beach and the sand.

## Submission

N/A

## Report

A comprehensive public consultation has occurred in relation to the proposal for a portion of Reserve 24306 north of Powell Road for dogs to be permitted on leads. There was a strong response to the request for public comment with 964 submissions in various forms:

1. Petition x 2 ..... 839
2. Other responses ..... 99
3. Coogee Beach Progress Association ..... 26

Several large petitions were received as follows:



Petition 1

Petition stated:

“Petition against

The following citizens of the City of Cockburn, and regular visitors to Coogee Beach, are opposed to allowing dogs on leads on a portion of Reserve 24306 and are in favour of keeping the reserve completely dog free as it presently is.”

There were a total of 155 petitioners of which 139 were from residents of the City of Cockburn.

Petition 2

Petition stated

“Last year a Petition was submitted to Cockburn Council to allow dogs on Coogee Beach. Due to overwhelming opposition from residents and visitors the motion was not proceeded with and was withdrawn.

This year the City of Cockburn resolved to allow dogs on leads on a portion of Coogee Beach Reserve 24306 north of Powell road.

We are opposed to this local law amendment.”

There were a total of 684 petitioners of which 468 gave their address in the City of Cockburn. There were 205 that gave addresses outside of Cockburn and 11 with unknown addresses.

Other Responses

Local residents were invited through newspaper advertisements, signage and the City of Cockburn website to go to Cockburn Comment to respond to the following question:

“Do you support the proposed amendment that will allow dogs on leads on a portion of the Reserve north of Powell Road (24306)?”

For the period from 6 May through to 12 June 2016 there were a total of 246 who visited the site with 85 respondents to the question. There were 14 emails and other contacts resulting in a total of 99 responses. Of these:

- 42 supported the proposal
- 53 did not support the proposal.
- 4 maybe.



A response from the Coogee Beach Progress Association was received. They sought comment from its members on 3 options:

*Option 1 - Do not agree in total with the proposal to allow Dogs on leash on any part of the reserve i.e., no change to the current situation.*

*Option 2 - Agree with the Council decision as stated above.*

*Option 3 - Allow dogs on leash at the Coogee Cafe but only on the grassed area immediately to the north of the cafe and bounded by the limestone retaining wall to the west of the grassed area and including the northern Powell Road car park to the extent of the kerbing. No dogs allowed under any covered area surrounding the cafe. No dogs allowed on the grassed area to the west of the cafe where the BBQ and Beach Chalets are located.*

*Daryll Smith has proposed that the area around the Surfing Lizard Cafe and within the kerbed area of the Poore Grove car parks also be accessible to dogs on leashes.*

#### *Results of the Survey*

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
<i>Votes</i>	18	1	7

*It is clear from the results of the survey that the majority of members do not support the proposal to allow dogs on leads on any part of the reserve.*

As is evident there were a significant number of people who signed the petition who did not want dogs on leads on Coogee Beach Reserve. There were a much smaller response of 99 through the consultation process of signage, website and media coverage. The response for and against the proposal was much closer but in favour of prohibiting dogs on all of the Coogee Beach reserve area 53 to 42. The Coogee Beach Progress Association was clearly against the proposal.

There is currently an anomaly in the City of Cockburn Local Law as it makes reference only to Reserve 24306. As is shown on the attached plan there is a small Reserve 46664 located between the two portions of Reserve 24306. The proposed recommendation corrects this anomaly.



## **Strategic Plan/Policy Implications**

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

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

### **Leading & Listening**

- Deliver sustainable governance through transparent and robust policy and processes

## **Budget/Financial Implications**

Budget implications are minor and can be addressed within current allocations.

## **Legal Implications**

Section 31 of the Dog Act 1976, refers.

## **Community Consultation**

There was extensive community consultation on the proposal to permit dogs on leads on a portion of Reserve 24306 (Coogee Beach Reserve).

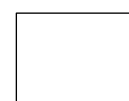
1. Signs were erected on the site advising of the proposal.
2. Notices were placed in public areas of the administration building and the City Libraries.
3. Notice placed on the City of Cockburn website.
4. The local Coogee Beach Progress Association was advised of the proposal.

## **Risk Management Implications**

Matters related to where dogs can and cannot be in areas are very divisive in the community. The Council can suffer damage to its reputation if it is perceived to give preferential treatment to one group over another. A mix of areas where dogs are not permitted, dogs are permitted on leads and dogs off leads are permitted provides a balance between the competing demands.

## **Attachment(s)**

1. Revised Plan of Reserve 24306 and 46664 and associated beach and jetty that was used for public comment.





2. Plan of Reserve 24306 and 46664 and associated beach and jetty recommended to prohibit dogs.

### **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 14 July 2016 Council Meeting.

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

Nil.

AT THIS POINT IN THE MEETING, THE TIME BEING 8.25 P.M. CLR KEVIN ALLEN LEFT THE MEETING

### **DECLARATION OF INTEREST**

The Presiding Member advised he had received a Declaration of Interest as follows:

#### **CLR KEVIN ALLEN**

Declared an Impartiality Interest in Item 17.5 - "Request for Proposal – RFP 06/2016 (C100342) – Solar Photovoltaic System (RPAEC) – 31 Veterans Parade, Cockburn Central WA".

The nature of his interest is that his company, Veda Advantage, the company of which he is the State Manager, undertook a tender assessment rating of the recommended tenderer, on behalf of the City of Cockburn.

- 17.5 (MINUTE NO 5851) (OCM 14/7/2016) - REQUEST FOR PROPOSAL - RFP06/2016 (C100342) - SOLAR PHOTOVOLTAIC SYSTEM (RPAEC) - 31 VETERANS PARADE, COCKBURN CENTRAL WA (078/006; 154/006) (D. VICKERY/T CHAPPEL) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) accepts the Request for Proposal submission from Solargain PV Pty Ltd for RFP 06/2016– Solar Photovoltaic System – Cockburn Aquatic and Recreation Centre to supply, install and maintain a (nominal) 900 kW PV system for the total fixed maximum lump-sum contract value of \$2,065,142 GST Inclusive (1,877,447 Ex GST);



- (2) accepts the award to include that the Contractor shall carry out more detailed modelling to verify the most cost effective whole of life PV system size, PV panel size and type, and to seek early Western Power approvals so as to ensure the system complies with their standards and installation and commissioning is not unduly delayed;
- (3) endorses the City to negotiate with Solargain PV Pty Ltd the potential novation of the design, supply, installation, testing and commissioning (not maintenance) components of the contract to Brookfield Multiplex Constructions Pty Ltd;
- (4) amend the 2016/17 Municipal Budget by transferring \$1,877,447 from Greenhouse Action Fund Reserve to the CW – Cockburn ARC Solar PV;
- (5) defer the CW – Coleville CR Car Park LED Lighting and solar battery trial project for \$170,000 and reallocate funding for this CW to the Greenhouse Action Fund Reserve; and
- (6) allocate \$36,122 from the Greenhouse Action Fund and \$61,054 from the 2016/17 contingency fund to CW Solar PV – Cockburn ARC for BMX contract fee.

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

**COUNCIL DECISION**

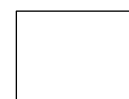
MOVED Cllr S Portelli SECONDED Cllr L Sweetman that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0**

**Background**

The City of Cockburn is in the process of having constructed via its contract with Brookfield Multiplex Pty Ltd the Cockburn Aquatic and Regional Physical Activity and Education Centre (RPAEC) now renamed to Cockburn ARC, within the Cockburn Central West Precinct and this facility is due for completion in early 2017.

The centre includes a heated indoor (25m) and outdoor (50m) pool, heated leisure pool and heated hydrotherapy pool, spa and sauna



facilities, café, crèche, indoor playground, gym, playing courts and changerooms. The facility is also to be home to the Fremantle Football Club (FFC) with training and administration areas for the Club and may provide an educational training facility for Curtin University's students and teachers.

Across all local government facilities, recreational and aquatic facilities are the most energy intensive due to the requirements for pumping heated water, large size, and long operating hours. With an expected average power demand of approximately 2,500,000kWH pa for power and gas, the facility will be a very energy intensive facility.

The City has a strong commitment to sustainability, reducing greenhouse gas emissions, and promoting the use of renewable energy. Specific targets against these commitments are outlined in the Cockburn Strategic Community Plan, Sustainability Strategy, and Greenhouse Gas Emissions Reduction Strategy.

Aligned to its aims to minimise emissions and maximise opportunities for usage of renewable energy, as well as achieve whole of life cost benefits in reducing grid supplied electricity costs, the City is looking to have installed on the Cockburn ARC facility a suitably sized solar photovoltaic (SPVS) system concurrent with the completion and commissioning of the building itself.

The FFC has determined to proceed with the installation of a PV system on their part of the building, under a separate contract with a provider.

Request for Proposal RFP 06/2016 – Solar Photovoltaic System – Cockburn Regional Physical Activity and Education Centre at 31 Veterans Parade, Cockburn Central, was advertised on Wednesday, 23 March 2016 under the Local Government Tenders section of The West Australian newspaper.

The RFP was also displayed on the City's E-Tendering website between the Wednesday 23 March 2016 and Wednesday 20 April 2016.

### **Submission**

The Request for Proposal closed at 2:00pm (AWST) Wednesday, 20 April 2016. Five (5) submissions were received from the following companies:



<b>Respondent's Name:</b>	<b>Registered Business Name</b>
EMC Solar Construction Pty Ltd	EMC Solar Construction Pty Ltd
Enigin Western Australia	Energy IO Pty Ltd ATF Enigin Western Australia Trust
Infinite Energy	Efficient Homes Australia Pty Ltd
Solargain PV Pty Ltd	Solargain PV Pty Ltd
Solgen Energy	Solgen Energy Pty Ltd

## Report

### a. Compliance Criteria

The following index was used to determine whether the submissions received were compliant.

<b>Description of Compliance Criteria</b>		
a	Compliance with the Conditions of Responding ( <b>Part 1</b> ).	<b>Yes/No</b>
b	Compliance with the Specification ( <b>Part 2</b> ) contained in this Request.	<b>Yes/No</b>
c	Completion of <b>Section 3.1</b> – Form of Response	<b>Yes/No</b>
d	Completion of <b>Section 3.2</b> – Respondent's Contact Person	<b>Yes/No</b>
c	Compliance with Sub-Contractors requirements and completion of <b>Section 3.3.3</b> .	<b>Yes/No</b>
d	Compliance with Financial Position requirements and completion of <b>Section 3.3.5</b> .	<b>Yes/No</b>
e	Compliance with Insurance Requirements and completion of <b>Section 3.3.6</b> .	<b>Yes/No</b>
f	Compliance with Qualitative Criteria and completion of <b>Section 3.4.2</b> .	<b>Yes/No</b>
g	Compliance with Fixed Price and completion of <b>Section 3.5.1</b> .	<b>Yes/No</b>
h	Compliance with and completion of the Price Schedule (including Breakdown of Lump Sum) <u>in the format provided in Part 4</u> .	<b>Yes/No</b>
i	Compliance with ACCC Requirements and completion of <b>Appendix A</b> .	<b>Yes/No</b>
j	Acknowledgement of any Addenda issued.	<b>Yes/No</b>



**b. Compliant Submissions**

A Compliance Criteria check was undertaken by Procurement Services; all submissions were deemed compliant and so therefore were further evaluated.

**c. Evaluation Criteria**

Submitted Proposals were assessed against the following criteria:

	<b>Criteria</b>	<b>Weighting</b>
A	Demonstrated Experience	<b>10%</b>
B	Specifications	<b>15%</b>
C	Respondents Resources	<b>10%</b>
D	Methodology	<b>20%</b>
E	Sustainability Experience	<b>5%</b>
	<b>Tendered Price</b>	<b>40%</b>
	<b>Total Weighting:</b>	<b>100%</b>

**RFP Intent / Requirements**

The Request for Proposal was structured so as to enable the selection of a Respondent best suited to obtaining necessary regulatory approvals and to supply, install and maintain an appropriate sized PV system for the Cockburn ARC facility.

Respondents were asked to nominate their tendered capital purchase price for the conforming system they would propose based on their initial modelling, and as an option their alternative tendered price in the form of peak and off-peak tariffs for the City to purchase the electricity generated by the PV system as a Power Purchase Agreement (PPA), whereby the successful contractor retains the ownership of the PV system.

For either capital purchase or PPA option selected by the City the selected contractor will undertake the detailed system design, seek all necessary approvals, including from Western Power, proceed with the installation of the system on the roof areas of the facility, and undertake the ongoing maintenance and output monitoring of the PV system for a 10 to 20 year period thereafter.



Evaluation Panel

Proposals were evaluated by the following City of Cockburn officers and an external consultant. The Procurement Services representative attended in a probity role only.

Name	Position & Organisation
Mr Doug Vickery (Chair & SBMG Representative)	Manager, Infrastructure Services
Mr Stuart Downing	Director, Finance & Corporate Services
Ms Jennifer Harrison	Sustainability Officer Environmental Services
Jeremy Newman	Business Development Manager (Cardno BEC)
<u>Probity Role Only</u>	
Ms Tammey Chappel	Contracts Officer

**d. Scoring Table**

The assessment panel individually evaluated the Qualitative Criteria of the proposals in the absence of the tendered prices (two-envelope system) and then the scores were consolidated.

At this point it was determined that a ranking of the proposals received based on both Qualitative and Price was not feasible due to the solar photovoltaic system sizes being offered by individual Respondents varying from 99.84kW at the lowest to 901.4kW at the largest.

This lack of comparability, including on price, lead to a second round of submissions being sought from the five Respondents based on the supply of a common (nominally sized) 900kW PV system.

Respondents were requested to provide in their submissions additional information on the technical features of their proposed PV system (including inverters, cabling, racking etc.) and to provide their tendered prices for an nominally sized 900kW system in the form of Capital Purchase and Maintenance, Power Purchase Agreement (PPA) over 10 years and 20 years, and a third option as a Lease of 10 years and 20 years. For each option the Western Power charges allowed for were to be identified.



Outright Purchase			
Respondent's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>Solargain PV Pty Ltd (Panel Size - 260W) **</b>	<b>44.00%</b>	<b>29.86%</b>	<b>73.86%</b>
Enigin Western Australia	32.85%	40.00%	72.85%
Solargain PV Pty Ltd (Panel Size - 280W)	44.00%	27.81%	71.81%
Solgen Energy	36.39%	34.31%	70.69%
Solgen Energy ( – With Options)	36.39%	29.92%	66.31%
Infinite Energy	32.84%	33.29%	66.12%
EMC Solar Construction Pty Ltd	33.75%	28.30%	62.05%

*\*\*Recommended Submission*

#### *Evaluation Criteria Assessment*

#### Demonstrated Experience

Solargain PV Pty Ltd presented a range of projects of comparatively large scale individually and as a bundled set of sites which demonstrated to the panel that they had relevant experience in delivering small to medium sized roof mounted PV systems in a Western Australian environment. Of particular note was their experience with installing a number of PV systems on leisure centre/pool complexes, including the one in Kalgoorlie enabling good data on system sizing to suit the electricity usage load characteristics. Key sites of relevance cited, with values ranging from \$43,000 to \$1M included projects for the City of Kalgoorlie-Boulder/Waste Water Treatment Plant; City of Mandurah (4 x Sites); City of Kwinana Recreation Centre and the West Australian Department of Housing. These projects demonstrated to the panel that Solargain PV Pty Ltd has the appropriate level of experience required to undertake the load vs output modelling, PV system configuration design, component sourcing, system installation and ongoing maintenance provision associated with the required works. As a company they have a large commercial, residential and local government PV market presence and have been in operation in WA since 2005.



Enigin Western Australia presented a range of projects showing relevant experience, these ranging from \$41,000 value up to a \$1.9M 665kW project to install rooftop solar PV on a shopping complex in Northam, this system still being in the design phase. They presented as being a small WA based company focussed on providing energy solutions.

Solgen Energy provided details of a number of comparatively large size PV systems they have installed in the Eastern States. Examples of their Western Australian projects were of size less than 100kW, including rural Councils, and thus has had a lesser extent of dealing with Western Power. As a company they are based in the Eastern States, with a very small presence in W.A.

Infinite Energy presented as examples of relevant experience a wide range of small scale (less than 100 kW) projects plus a 312kW system they installed at Broadway Fair. Their proposed sized system for Cockburn ARC was indicatively a small size system for this site. As a company they have been in business since 2009 and have a large focus on residential and commercial sales.

EMC Solar Construction provided examples of their experience in large scale installations, typically solar farm and/or off-grid installations including a PPA solar PV system at the Carnarvon Solar Farm. PPA projects were mentioned but they supplied little information on these project systems to use for reference. Overall they were judged to be a fair sized company geared for renewable power provision and having been in operation for a reasonable length of time.

### Specifications

Solargain PV Pty Ltd scored highest in this criteria, offering two alternative size quality PV panels (260W vs 280W Q-Cell) on racking, Fronius inverters, quality cables and what appeared to be a very well developed and thought out PV system configuration specifically suited to the issues and opportunities presented by the site. Their PV system of a size of 901 kW also maximises the use of the roof area and is indicatively well matched to the building's electricity load so as to reduce the draw off of the grid.

Enigin Western Australia scored overall lowest in this criterion, there was some uncertainty as to the quality of their proposed system elements with a limited amount of information provided. They initially proposed a 535kW PV system on tilt panels.

Solgen Energy scored comparatively well in this criterion, detailing quality system elements, however they did not understand the size of





the system to suit the scope, proposing 415kW each for the City and FFC systems. The FFC system is not part of the scope for this project.

Infinite Energy initially proposed systems of size 100kW, 250kW or 500kW, and EMC Solar Construction only proposed a 330kW nominal system, each response showing a lack of initial modelling and understanding of the load offset opportunity.

### Tenderer's Resources

Solargain PV Pty Ltd were assessed as having the greater depth of personnel and experienced staff within the organisation, back up personnel were identified, high degree of depth, knowledge and capabilities within their resource pool and their capacity to undertake the work in respect to concurrent commitments.

EMC Solar, Enigin Western Australia and Solgen Energy all scored comparatively in this area, demonstrating that they have a reasonable number of personnel with suitable experience, a degree of depth in their resource pool and capacity to undertake the work in respect to concurrent commitments. Solgen however, failed to demonstrate their ability to provide and sustain a WA presence through the full duration of the project installation and for the maintenance period.

Infinite Energy was assessed as having the lowest level of personnel experience and staffing capacity to undertake the works required.

### Methodology

The qualitative criteria assessed the Respondents understanding of the project and contract requirements in regards to the key issues they see likely to be encountered and require management of.

Solargain PV Pty Ltd scored significantly higher than other Respondents, in particular demonstrating a good understanding of the key issues likely to be encountered and proposed approach to managing such issues.

Enigin Western Australia, Solgen Energy and Infinite Energy scored comparatively the same in this area demonstrating a basic understanding of the key issues likely to be encountered and conveying varying degrees of confidence in the evaluation panel in regard to their installation timetable, economic viability of their systems, built in redundancy and allowances for routine maintenance.

EMC scored lowest in this criterion due to their proposed undertaking of the installation works between December 2016 and March 2017 when the scope stated an earlier undertaking and additionally their



submission provided a poor coverage of redundancy, lightning protection and maintenance after installation.

### Sustainability Experience

Sustainability experience is centred on the company's current level of Environmental Management System certification and degrees of focus on sustainability across their organisation. All Respondents rated satisfactorily for this criterion, each having environmental policies in place and other sound sustainability focussed practices and Solgen Energy having AS/ISO 14001 certification.

### Summation and Recommendation

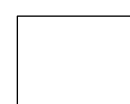
Solargain PV Pty Ltd ranked the highest on total score (qualitative and tender price) scored highest in regard to the key non-price criteria including experience, capacity, understanding of the required works and an appropriate methodology in undertaking those works.

A referee check was undertaken on Solargain PV Pty Ltd, where the key referees who were contacted responded with a positive view of Solargain PV's methodology, organisation systems, ongoing support and personnel.

A Capital Purchase of the PV system design, supply, installation and maintenance is recommended as compared to a PPA or lease. This is on account of the peak and off-peak tariffs offered by the Respondents differ little from the expected grid supplied electricity tariffs, a greater financial return or benefit will be gained by off-setting the power cost altogether through the PV system generation, paying for itself over time.

The recommendation is to award the contract to Solargain PV Pty Ltd based on a nominal 900 kW PV system utilising 260 watt PV panels for the total fixed maximum lump-sum contract value of \$1,877,447 (ex GST) provisional sum items, contingencies and maintenance.

Following award the City is to negotiate with Solargain PV Pty Ltd the novation of the design, supply, installation, testing and commissioning components of the contract to Brookfield Multiplex Constructions Pty Ltd. The maintenance component of the scope is to be awarded as a separate contract. Additionally the Contractor is to carry out more detailed modelling to verify the most cost effective whole of life PV system size based on the latest equipment loading information, as built available roof areas, comparison of the 280 watt PV panels versus the 260 watt panels and crucially seek early Western Power approvals so as to ensure the system complies with their standards and installation and commissioning is not unduly delayed.



Based on achieving the highest combined score, together with extensive demonstrated experience, resources experience and capability, understanding of the works to be undertaken and positive referee comments, the evaluation panel recommends that Council accept Solargain PV Pty Ltd as the most advantageous submission.

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

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

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

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

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

#### **Leading & Listening**

- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management.

### **Budget/Financial Implications**

There is no budget allocation in the 2015/16 or 2016/17 adopted budgets as the final determination of the tender was unknown at the time of the budget preparation and adoption.

The award amount of \$1,877,447 will cover capital and a ten year maintenance agreement:

Capital.....	\$1,847,447
Maintenance .....	\$30,000
Total Tender .....	\$1,877,447
BMX Contract Fee 5.26% (Capital) .....	\$97,175
Total Tender and Contract fee .....	\$1,974,622

The City has provided \$1.91m in the Greenhouse Action Fund Reserve for the installation of solar PV for Cockburn ARC. The balance in the Greenhouse Action Fund Reserve and an allocation of funds from the contingency fund totalling \$61,054 will cover the award of this tender.

The current demand for electricity is estimated at 7.4Mw per day with a 900 Kw solar array to provide approximately 3.6Mw or 48% of the daily power requirements. This will translate into a saving of approximately 52% of the cost of electricity or \$292,000 per annum.



## Legal Implications

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

## Community Consultation

N/A

## Risk Management Implications

The risk for Council associated with not proceeding with the award of the contract for installation of PV panels and associated inverters, cabling and control equipment at this time will:

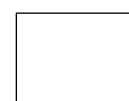
- (a) Lead to significantly higher electricity costs borne as higher ongoing operating expenses for the new facility;
- (b) Miss an opportunity to get equipment such as cabling and switchgear installed early whilst the builder is still on site, similarly the panels and support racking, thus ensuring the builder allows for these works concurrent with their works and are well integrated, especially if the contract works are novated to the builder.

The risk arising from selecting other than the recommended Respondent is that the PV system is poorly sized, leading to a lost opportunity for cost effectively off-setting the bulk of the day time peak tariff electricity load, or that the system is over sized and unnecessary capital outlay has occurred.

Selecting a comparatively low price Respondent in this case introduces risks around the quality of the work in labour and components, most especially in the crucial cabling and installation areas as far as system performance and ongoing durability is concerned.

The risk of selecting a Respondent with little experience dealing with Western Power (in respect to PV systems greater than 100 kW). PV system design and install in WA is that Western Power either fail to provide approval or take an inordinate time to provide their approval, leading to a major delay and extra costs associated with the PV system.

An independent financial risk assessment of the preferred Respondent, Solargain PV Pty Ltd was carried by Corporate Scorecard (a division of Veda Advantage Ltd. The report rated Solargain PV Pty Ltd as financially very strong and able to undertake the financial aspects of the contract to the satisfaction of the Council.



**Attachment(s)**

The following confidential attachments are provided under separate cover:

1. Compliance Criteria Assessment
2. Consolidated Evaluation Score
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 14 July 2016 Council Meeting.

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

Nil.

CLR KEVIN ALLEN RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 8.27 P.M.

THE PRESIDING MEMBER ADVISED CLR ALLEN OF THE DECISION OF COUNCIL IN HIS ABSENCE.

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

- 19.1 **(MINUTE NO 5852) (OCM 14/7/2016) - COMMUNITY CONSULTATION - PAYMENT OF RATES FOR SERVICES RECEIVED (024/002) (S DOWNING/D GREEN)**

**RECOMMENDATION**

That Council notes the information.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr K Allen that officers to compile a report and bring back to Council as follows:



- (1) engage and communicate with ratepayers of the City of Cockburn regarding value they receive from Cockburn for their rates;
- (2) provide examples of what ratepayers in other local government pay. Local Government's nominated Fremantle, Melville, Armadale, Kwinana, Wanneroo, Rockingham, Joondalup;
- (3) list the relevant incorporated and unincorporated calculation and total on GRV values as a chart;
- (4) nominate improved residential minimum payment rate charge
  - \$20,800
  - \$23,140
  - \$26,000
  - \$28,600
  - \$31,200
- (5) improved Commercial and Industrial - officers to nominate 3 values over the range;
- (6) improved large commercial and industrial - officers to nominate 3 values over the range;
- (7) improved rural UV - officers to nominate 3 values over the range;
- (8) commercial caravan park - officers to nominate 3 values over the range;
- (9) officers to provide a chart to compare values;
- (10) officers to provide any clarification as footnotes to any anomalies;
- (11) provide a list of unique services provided by each LG; any exceptions like grants & donations, community events, verge pick up, tip passes etc as identified by the Annual Report; and
- (12) present the report to Council in August with a view of presenting to the community of Cockburn via the Cockburn Soundings and Cockburn website thereafter, as soon as practical. To be done on an annual basis. Officers to vary the values as required reflecting a reasonable range in each classification.

**MOTION LOST 3/4**



Note:

Cr Portelli asked that all the names for and against the alternative recommendation be recorded.

For: Cr Portelli  
Cr Allen  
Deputy Mayor Reeve-Fowkes.

Against: Cr Pratt  
Cr Houwen  
Cr Sweetman  
Mayor Howlett

MOVED Clr S Pratt SECONDED Clr B Houwen that the officer's recommendation be adopted.

**CARRIED 4/3**

**Background**

By email received 23 June 2016, the following Notice of Motion was received by Clr Steve Portelli:

*To engage and communicate with the ratepayers of Cockburn the value they receive from Cockburn in return for their rates.*

*Provide examples of what ratepayers in other Local governments pay.*

*LGs nominated; Fremantle, Melville, Armadale, Kwinana, Rockingham, Wanneroo and Joondalup.*

*List relevant incorporated and the unincorporated calculation and total on GRV values as a chart.*

*Improved Residential*

- *Minimum payment rate charge.*
- *\$20800*
- *\$23140*
- *\$26000*
- *\$28600*
- *\$31200*



*Improved Commercial & Industrial*

- *Officers to nominate 3 values over the range*

*Improved Large Commercial & Industrial*

- *Officers to nominate 3 values over the range*

*Improved Rural UV*

- *Officers to nominate 3 values over the range*

*Commercial Caravan Park*

- *Officers to nominate 3 values over the range*

*Provide a chart to compare values.*

*Provide any clarification as footnotes to any anomalies.*

*Provide a list of unique services provided by each LG; any exceptions like Grants & Donations, Community Events, verge pick up, tip passes or any other value adding service that is unique to a particular LG.*

*Present the report to Council in August with a view of presenting to the community of Cockburn via the Cockburn Soundings and Cockburn Website thereafter, as soon as practical. To be done on an annual basis. Officers to vary the values as required to reflect a reasonable range in each classification.*

*Clr Portelli provided the following information in support of the Notice:*

*GRV is a common denominator with Local Governments. It will allow ratepayers to compare the return on their rates based on like for like GRV & UV values.*

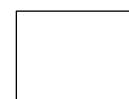
*This will reflect efficiencies of the LG and is meant as extra information that is provided already. This will be truly transparent and provide competition within the LGs.*

### **Submission**

N/A

### **Report**

The Notice of Motion as outlined in the Background section above is not supported.





The Council uses gross rental value as the basis of raising rates for 99% of the properties in its municipality and has done so for many years. The fact that there is:

- A range of gross rental values for its 39,900 residential improved properties, and
- Ratepayers pay varying amounts of rates depending on the value of their property will come as no surprise to any ratepayers. This particular fact is not just part of local government, but is also applicable to varying taxes such as water and sewer rates, land tax, Emergency Services Levy, income tax, Goods and Services Tax and insurance. The more each property is worth generally reflects the owners` higher income and their capacity to spend more as a bigger percentage contribution to society. By publishing a comparative table in Cockburn Soundings, the website or other Council publications could result in creating enmity and division in the community for no common or positive purpose.

The idea of preparing a table of rates at varying GRV levels for eight other nominated Councils only tells the ratepayers that some Councils rate more and some Councils rate less. This information is of no benefit to them unless they intend to move house. As the overwhelming majority of ratepayers are not intending to relocate, the provision of this information will prove of no importance or value to their daily lives.

Council does provide a diverse range of services in the City's fourteen Business Units and fifty or so Service Units. These services are regularly promoted in the Cockburn Gazette, Cockburn Herald, Cockburn Soundings, Council website, social media and through word of mouth. Council chooses to provide these services as a result of adopting strategies, plans and reports. Many of the services are not unique in that many Councils in Perth undertake similar activities. Most Councils provide libraries, waste management, sports ovals and many of the other services Cockburn provides.

Cockburn also provides services like summer of events and free concerts, which are now also provided by many Perth Councils. Cockburn also provides its grants and donations budget as do many other Councils. Cockburn's donations budget may be the largest but it is not unique to Cockburn. Even Cockburn ARC and Port Coogee Marina are not unique services. The individual local governments may do things to differing standards, but most are not unique in any discernible way.

Officers could spend many hours, if not days, researching other Council's annual reports or websites but still not achieve the Motion's desired aim of finding out what seven other Councils do differently to Cockburn.



What the Council knows from the Community Perceptions survey undertaken by Catalyse is that the Cockburn community believe Cockburn does a great job in a range of services and then identify services where the Council could improve, for example, traffic congestion.

The City communicates with its ratepayers and residents frequently using a variety of tools such as:

- Cockburn Soundings
- Full page advertising in the Cockburn Gazette
- Social Media including Facebook
- Brochure with Annual Rates Notice

The City also receives feedback via the Community Perceptions Survey, Community groups such as the BRG and the Coogee Beach Progress Association, customer requests and Elected Members.

Accordingly, the Motion cannot be supported on the basis that it would not provide any information of significant interest or advantage to the community and would only distract staff from attending to issues of greater priority.

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

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

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

#### **Leading & Listening**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A



**Community Consultation**

N/A

**Risk Management Implications**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**20 (OCM 14/7/2016) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT THE NEXT MEETING**

Clr Portelli has provided the following Notice of Motion

Receive a report for the August 2016 Ordinary Meeting of Council on the reasoning for the administrative recommendation adopted by Council at the Special Council meeting held on 23 June 2016 where the 2016/2017 budget was adopted whereby the proposed Bartram Road bridge be downgraded from a vehicular bridge to a pedestrian/cyclist bridge.

The report to include:

1. The extent of consultation with Main Roads WA and who is ultimately responsible for delivering the bridge in whatever format.
2. The indicative costs involved (for both options) and the community engagement process that will be adopted with ratepayers/residents in Atwell and Success to explain the change.

**REASON**

The sudden change from the long held view that the Bartram Road Bridge was to be constructed in the medium term to provide improved access between the suburbs of Atwell and Success has not been discussed within Council other than a few statements that Main Roads WA will not be funding the Bartram Road Bridge at any time into the future and that if a bridge was to be constructed it would be at the full cost of the City. The communities of Atwell and Success have seen the bridge as a necessity in terms of access to



education facilities and the Gateway City Shopping Centre thus avoiding the bottleneck at the Beeliar Road Bridge and Russell Road Bridge.

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

Nil

**22 (OCM 14/7/2016) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Deputy Mayor Reeve-Fowkes

1. In conjunction with the National Trust of Australia (WA) investigate the feasibility of purchasing the Old Hotel and Post Office sites from Main Roads WA with the intention of establishing a community historical precinct for these buildings.
2. Seek external funding opportunities through LotteryWest and any other heritage or historical based agencies which may be interested in partnering with the City of Cockburn in pursuing this outcome.

**23. CONFIDENTIAL BUSINESS**

Nil

**24 (MINUTE NO 5853) (OCM 14/7/2016) - 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 Cllr L Sweetman the recommendation be adopted.

**CARRIED 7/0**

**25 (OCM 14/7/2016) - CLOSURE OF MEETING**

The meeting closed at 8:44 p.m.



To the Cockburn City Council

My name is Robert van Deuren and I am the current serving President of the Jandakot Lakes Junior Cricket Club.

In the past couple of seasons we have seen a large growth in our sport plus the inclusion of a Senior Cricket Club at Atwell Reserve. This has now put a strain on the current playing and training facilities.

We have over many years requested for an expansion of the facilities we use at Atwell Reserve, this being in the form of 2 cricket pitches and 4 bay training nets.

Recently due to the clubroom expansion we have had new training nets constructed but only 2 bays were built. The upside to this was that for the past 7 years no Junior Teams were able to train at the old nets due to the safety concerns for bowlers. This was due to the nets being built in an East-West direction and having the sun directly in the bowlers eyes and not being able to see returning balls when hit.

Over the past 2 years Junior Cricket has now grown to a position that we are in desperate need of these upgraded facilities. We approached the council advising them that we are now struggling to find places for our teams to train and play. Our growth has also coincided with the Senior Cricket Club also having good growth since their inception.

Our last season numbers including development players was just under 500 players which was not the sort of numbers our club has ever seen, especially since Atwell Reserve became our home ground. It has also seen the Senior Cricket Club grow to 4 teams over their short period of their starting time.

The council gave the Senior Club priority for training days (Tuesday & Thursday) which is the norm at most cricket clubs. What this did though was reduce even more facilities for where the Junior Cricket Club could train.

Like Juniors, the Senior Cricket Club also requires training sessions on cricket pitches to assimilate match conditions this left the Junior Club with only being able to use Atwell Reserve one day a week for training. Having 2 pitches would allow both Junior & Senior Cricket Clubs to train at the same time and improve our goals of retaining players in cricket by having our older age group players train alongside the Senior players and so making the transition from Junior Cricket to Senior Cricket smoother as both players and their parents would have time to see the culture of the Senior Cricket Club.

Both the Junior and Senior Cricket Clubs feel that with this "future plan" of having the 2 age groups working together it helps our local community as players aren't just leaving sport at the end of the Junior playing time and being left with no direction afterwards.

Like many of the parents at Jandakot Lakes Junior Cricket Club, I have boys playing football at the Jandakot Jets Junior Football Club (one has since retired due to a medical condition) and our planning for 2 pitches has always been based on their player safety as well as improving our own playing and training position.

The Jets Footballers play on many grounds where there are cricket pitches in the middle of them. Some covered with rubber matting, grass & synthetic grass and even one which has no covering at all.

In the 9 years that I have been a part of the Jets football club as an assistant coach the club has never forfeited a match due to a cricket pitch being on the playing area and as such find it confusing as to how they feel it is safe to play at other grounds where cricket pitches are in the centre of the oval but then feel that it's dangerous if they were to have 2 pitches at Atwell Reserve.

JLT Insurance covers all Cricket & Football clubs and as such they insure all clubs that have cricket pitches located on football grounds. This has never been an issue for other football clubs when it comes to any injuries sustained while playing football. Unfortunately there are no written Facts anywhere that state what injuries have occurred due to having cricket pitches on football ovals but as many of you would know (if you're an AFL fan) injuries are just part of playing football and can happen anywhere on the ground or during rough tackles or heavy bumps.

South Fremantle Football Club has no issues with junior clubs playing football on grounds that have Cricket Pitches and some of the grounds such as Davilak Oval are regular grounds used for playing finals of which the Jets Football Club have been a part of.

Sadly the Junior Cricket Club has always been treated as an unwanted clubroom sitter in the Summer time for the Junior Football Club were the comments of "Can't you find somewhere else to play & there will never be 2 pitches here while I'm a part of this football club" are the standard attitude.

If the Junior Football Club feels so strongly about the safety of players playing on grounds where there are Cricket Pitches it would have to be asked "why is it safe for you to play at grounds where there are pitches but then not feel it is safe to do so at your own ground?" We have tried over many years to discuss the 2 pitches concept with the Junior Football Club but between an inground attitude of "Not at My Ground" and the fact that the clubs Presidents change so often we have made very little progress. We also feel that even though they come up with an assortment of excuses as to why they don't want 2 pitches they have not produced any facts to prove their stance even to the stage that they just sound like they are "grasping at straws" to find a genuine reason.

It has now come to a stage that both Junior & Senior Cricket Clubs urgently need for this upgrade to occur as our numbers are only going to get bigger. The extra pitch and nets for Junior Cricket alone will cater for up to 11 teams to train at home as well as assist in our planning of guiding the Junior players to Senior level. It will also mean that the upgrade of our clubrooms will be utilised in the best possible way as having 2 matches on a Saturday & Sunday offers the opportunity for the club to run a

canteen on those match days. Even better for both Junior & Senior Clubs is that we can actually have a true home ground because as it stands now both clubs play "Home" games at other grounds that are not even in our catchment area. It would also help with promoting our clubs in our local area where people can see games being played and having the comfort of being able to watch a match under the shelter of our clubrooms. These upgrades are also vital to retain our growth at Junior level and if the 2 pitches cannot go ahead the Junior Club may have to look at cutting Junior player numbers which is not what we would ever want to do but may not be given any choice.

It's true that the Junior Cricket Club doesn't have as many members as the Junior Football Club but we are heading towards their numbers rapidly and we are already under a large amount of pressure to accommodate what we do have and the best and most cost efficient way to do that now is for Atwell Reserve to have 2 pitches and 4 bay nets. With the pitches being covered in the synthetic matting as this allows for a quick transition from Cricket to Football and it is one of the preferred methods preferred by Cricket Australia and WA Amateur Football League (whom played State matches at Anning Park where synthetic covering is already used).

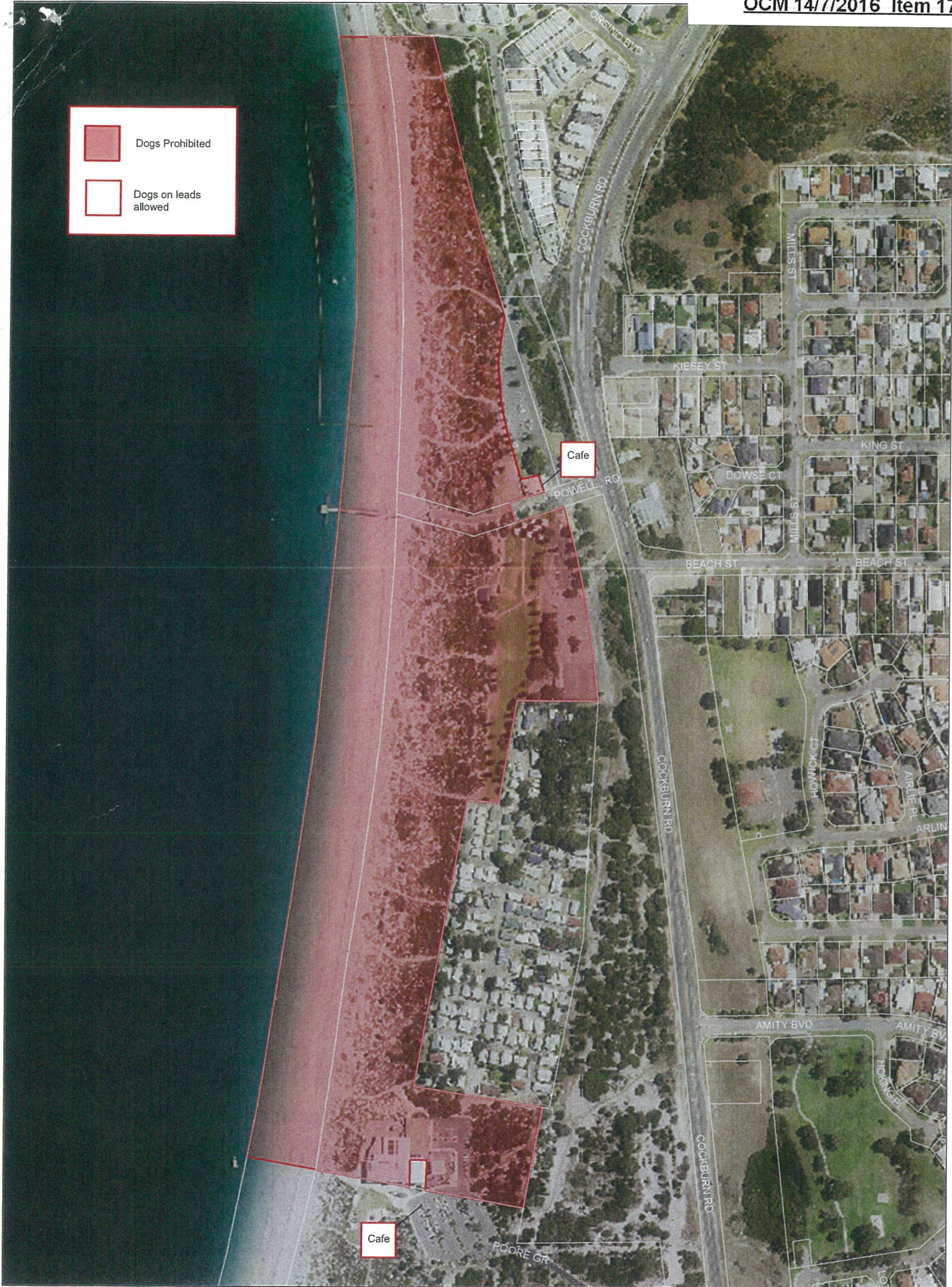
The Cockburn City Council has spent a lot of money upgrading the clubrooms at Atwell Reserve and now with the addition of 2 pitches we will be able to utilise the clubrooms to their full potential and take advantage of these great facilities. The upgrades to the clubrooms has also give Junior Cricket a safer place to train and play as toilet facilities are now able to cater for both boys & girls playing which is something we do not have at other grounds.

The Junior & Senior Cricket Clubs would also like to see some permanent shelters placed between the two ovals as there is no shelter for either football or cricket on the second oval besides the trees. When asking the Junior Football Club they had no interest and would rather concentrate on the new lights.

As it stands there are no "stand alone" cricket grounds this even includes the WACA, MCG, SCG, GABBA and Adelaide Oval which are all used for both cricket and football. Large grounds such as Tompkins Park where there are 5 cricket pitches they can still cater for both Rugby and Cricket.

Thanking you  
Robert van Deuren  
President JIJCC





**Coogee Beach Reserves 24306  
Dog Permissions**