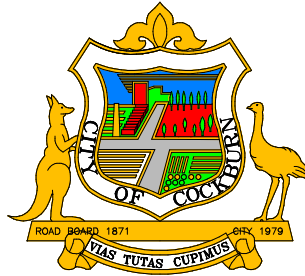


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 8 APRIL 2010**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 APRIL 2010 AT 7:00 PM

---

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED) .....	1
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER).....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER) .....	1
5. APOLOGIES AND LEAVE OF ABSENCE .....	1
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	1
7. PUBLIC QUESTION TIME .....	1
8. CONFIRMATION OF MINUTES.....	1
8.1 (OCM 08/04/2010) - SPECIAL COUNCIL MEETING - 25/02/2010.....	1
8.2 (OCM 08/04/2010) - ORDINARY COUNCIL MEETING - 11/03/2010.....	2
8.3 (OCM 08/04/2010) - SPECIAL COUNCIL MEETING - 22 MARCH 2010.....	2
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	2
10. DEPUTATIONS AND PETITIONS .....	2
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED) .....	2
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER .....	2
13. COUNCIL MATTERS.....	3
13.1 (OCM 08/04/2010) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING 18/03/2010 (5009 & 5103) (S DOWNING) (ATTACH).....	3
13.2 (OCM 08/04/2010) - DRAFT PLAN FOR THE DISTRICT 2010-2020 AND PUBLIC CONSULTATION PROCESS (1029) (S CAIN) (ATTACH) .....	4
14. PLANNING AND DEVELOPMENT DIVISION ISSUES .....	8
14.1 (OCM 08/04/2010) - ADOPTION OF LOCAL PLANNING POLICY, SPD9 'WASTE MINIMISATION, STORAGE AND COLLECTION IN MULTIPLE UNIT DEVELOPMENTS' (9003) (T WATSON/L DAVIESON) (ATTACH).....	8

14.2	(OCM 08/04/2010) - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT NO. 1180/41 (COCKBURN COAST DISTRICT STRUCTURE PLAN) - LOCATION/OWNER: VARIOUS (D DI RENZO) (ATTACH) .....	11
14.3	(OCM 08/04/2010) - CONSIDERATION TO ADOPT DRAFT LOCAL PLANNING POLICY APD58 'RESIDENTIAL DESIGN GUIDELINES' - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93076) (D DI RENZO) (ATTACH) .....	16
14.4	(OCM 08/04/2010) - FINAL CONSIDERATION OF AMENDMENT NO. 75 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 - MINOR REZONING PROPOSALS FOR LOTS 144 AND 145 THE COVE, COOGEE; THE CLOSED PEDESTRIAN ACCESS WAY BETWEEN EGEUS WAY AND WAVERLEY ROAD, COOLBELLUP; LOT 188 BUCAT STREET, HAMILTON HILL AND; LOT 915 GOLDSMITH ROAD, SPEARWOOD - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93075) (M CARBONE) (ATTACH) .....	23
14.5	(OCM 08/04/2010) - DETAILED AREA PLAN FOR LOT 749 PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (PS/A/001) (T WATSON) (ATTACH) .....	27
14.6	(OCM 08/04/2010) - PREPARATION OF DRAFT LOCAL PLANNING POLICY APD60 'MURIEL COURT STRUCTURE PLAN DESIGN GUIDELINES' AND MINOR MODIFICATION TO MURIEL COURT STRUCTURE PLAN - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (9681) (M CARBONE) (ATTACH) .....	31
14.7	(OCM 08/04/2010) - PROPOSED OUTBUILDING - LOCATION: 4 CRESTIA COURT, BIBRA LAKE - OWNER / APPLICANT: M HILL (1115544) (B HOGARTH-ANGUS) (ATTACH) .....	35
14.8	(OCM 08/04/2010) - CONSIDERATION FOR FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 79 LOCATION: LOT 885 WENTWORTH PARADE, SUCCESS - OWNER: VARIOUS - APPLICANT: N/A (93079) (R DONG) (ATTACH) .....	40
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES .....	45
15.1	(OCM 08/04/2010) - LIST OF CREDITORS PAID - FEBRUARY 2010 (5605) (N MAURICIO) (ATTACH).....	45
15.2	(OCM 08/04/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - FEBRUARY 2010 (5505) (N MAURICIO) (ATTACH) .....	46
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	51
16.1	(OCM 08/04/2010) - TEMPORARY CLOSURE OF NAUTICAL DVE IN HENDERSON TO THE PASSAGE OF VEHICLES (ES/R/002) (S HUSSAIN) (ATTACH) .....	51
16.2	(OCM 08/04/2010) - TENDER NO. RFT 33/2009 - CLEANING SERVICES - PUBLIC, COMMUNITY & ADMINISTRATION FACILITIES (RFT 33/2009) (D VICKERY) (ATTACH) .....	54

17.	COMMUNITY SERVICES DIVISION ISSUES.....	61
17.1	(OCM 08/04/2010) - TENDER NO. RFT44/2009 - SECURITY SERVICES (MOBILE PATROLS ETC.) (RFT 44/2009) (D GREEN) (ATTACH) .....	61
17.2	(OCM 08/04/2010) - INTEGRATED HEALTH AND COMMUNITY FACILITIES - WENTWORTH PARADE, SUCCESS (CR/M/111) (R AVARD) (ATTACH).....	69
18.	EXECUTIVE DIVISION ISSUES .....	72
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	72
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	73
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS .....	73
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	73
23.	CONFIDENTIAL BUSINESS.....	73
23.1	(OCM 08/04/2010) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 18 MARCH 2010 (1192) (S CAIN) (ATTACH) .....	73
24	(OCM 08/04/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	74
25.	CLOSURE OF MEETING.....	75

**CITY OF COCKBURN****AGENDA TO BE PRESENTED TO THE ORDINARY  
COUNCIL MEETING TO BE HELD ON  
THURSDAY, 8 APRIL 2010 AT 7:00 PM**

---

---

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

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**
  - 8.1 **(OCM 08/04/2010) - SPECIAL COUNCIL MEETING - 25/02/2010**

**RECOMMENDATION**

That the Minutes of the Special Council meeting held on Thursday, 25 February 2010 be adopted as a true and accurate record, subject to amendment to the "Reason for Decision" associated with Minute Nos. 4180 and 4181 by deleting the word "Suspending" and substituting the words "Extending time in accordance with".

**COUNCIL DECISION**

**8.2 (OCM 08/04/2010) - ORDINARY COUNCIL MEETING - 11/03/2010**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 11 March 2010, be adopted as a true and accurate record.

**COUNCIL DECISION**

**8.3 (OCM 08/04/2010) - SPECIAL COUNCIL MEETING - 22 MARCH 2010**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Monday, 22 March 2010 be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

Nil

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

**13. COUNCIL MATTERS**

**13.1 (OCM 08/04/2010) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING 18/03/2010 (5009 & 5103) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on Thursday, 18 March 2010, as attached to the Agenda and the recommendations contained therein be adopted.

**COUNCIL DECISION**

**Background**

A meeting of the Audit and Strategic Finance Committee was conducted on 18 March 2010.

**Submission**

To receive the Minutes of the Audit and Strategic Finance Committee and adopt its recommendation.

**Report**

The Audit and Strategic Finance Committee received and considered the following items:

- (1) Internal Audit Project No.18 – Leave Entitlements
- (2) Internal Audit Project No.9 – Property Leases
- (3) Internal Audit Project No.14 – Credit Card Payments
- (4) Internal Audit Project No.12 – Hiring of Halls, Recreational Facilities and Reserves
- (5) Internal Audit Project No.13 – Library Services Fees and Charges
- (6) Internal Audit Project No.23 – Termination Processes
- (7) Internal Audit Project No.2 – Timesheets

(8) Internal Audit Project No.20 –Freedom of Information

(9) Internal Audit Project – Jean Willis Centre

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

As contained in the Minutes.

**Legal Implications**

As contained in the Minutes.

**Community Consultation**

N/A

**Attachment(s)**

Minutes of the Audit and Strategic Finance Committee Meeting held on 18 March 2010.

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

N/A

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

Nil.

**13.2 (OCM 08/04/2010) - DRAFT PLAN FOR THE DISTRICT 2010-2020 AND PUBLIC CONSULTATION PROCESS (1029) (S CAIN) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the draft Plan for the District 2010 –2020;
- (2) initiate a public consultation process over the next six weeks, to include a briefing to community representatives through the Community Development Strategy forum;.



- (3) make the draft available via the City's website and initiate other means of communicating the draft plan; and
- (4) following consultation, bring the Plan back to Council for its final consideration at the June 2010 Ordinary Council Meeting.

## COUNCIL DECISION

### Background

The 2005 review of the Local Government Act 1995 (the Act) required all local authorities to replace their Principle Activities Plan with a 'Plan for the Future', with this reviewed every two years. In June 2008, the City adopted the current plan, this being the second iteration in the new format. Since then, considerable progress has been made on implementing this Plan. As required under the Act, a new version of the Plan has now been produced.

### Submission

N/A

### Report

The City's Strategic Plan identifies the *Plan for the District* as one of the major subordinate plans that guides the development of the City. The Plan provides a detailed ten-year program for infrastructure development, services expansion (including future staffing requirements) and the financial projections for future operating and capital finance requirements.

Plan Development – Over the past year the City's staff have developed the draft revision of the Plan. This process was done in conjunction with the strategic planning review process and has incorporated the findings from the 2009 *Community Perceptions Survey* and *Community Needs Survey*, completed in March 2008. The Plan also incorporates data from the *Sports and Recreation Facilities* Plan presented to Council in February 2010. While the essence of the Plan is about providing infrastructure and services the community wants, it has been developed in the context of what is more broadly needed and can be afforded.

Format – The Plan contains a significant amount of information about the City's future development. The existing format has been retained

with a background section that is intended to give the reader some context about the factors that will affect the City. The background data has been expanded making use of forecasting tools now available to the staff (and residents) through the City's recent purchase of the *Forecast.id* and *Economy.id* planning tools. Additionally, the City commissioned an update of its traffic model, which formed part of the City's District Traffic Study 2016 and 2031. As a growing Local Government it is critical that we ensure our road infrastructure is being targeted in the appropriate areas.

The Plan is presented in three main sections, as follows:

*Infrastructure Plan* – This section contains details on all of the infrastructure projects, including proposed location, development timeframe, capital and operating costs. The projects are separated into:

- Community Infrastructure Projects
- City Infrastructure Projects
- Road and Park Projects

*Services Plan* – This section contains details of the City's service programs, including a description of the new staff proposals and the requirement for them.

*Financial Management Plan* – This section details the financial implications of the above development programs. It includes projections of capital costs, sources of funds (existing and new) and projected increases in service charges (rates).

Communication – Upon adoption by Council of the draft Plan it is intended to take this to a public consultation phase. As much of the Plan relates to community infrastructure and services development, it is intended to again use the City's Community Development Strategy forum as a vehicle for soliciting feedback. Community leaders will be provided with copies of the document for further dissemination and additional briefings will be offered to local community groups as required.

The Plan will also be made available via the City's website and information about it communicated via other media, such as *Cockburn Soundings* and the local newspapers.

Some aspects of the Plan are likely to generate significant community input, while others will have little direct interest. While the Plan is a continuation of its predecessor, it will remain in a draft version with the option for amendment prior to final adoption, scheduled for June 2010.

Review – As the plan is an updated version of the current version, the public consultation phase will run for six weeks at the end of which a

final version will be presented to Council. Upon final adoption of the Plan the document will be made available to the community via the website.

While the Plan extends until 2020, it will be reviewed again in two years time. As the 2008 version of the Plan incorporated lessons learned since the first adoption in 2006, it is anticipated that future versions of the Plan will continue to improve as a result of the experiences gained from this version.

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

#### **Demographic Planning**

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

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

N/A

#### **Legal Implications**

N/A

#### **Community Consultation**

The Plan will be advertised for six weeks for public comment as well as being made available via the City's website.

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

Draft Plan for the District 2010-2020.

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

N/A

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

The Plan is being adopted as the City's 'Plan for the Future', required under s5.56 of the Local Government Act.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 08/04/2010) - ADOPTION OF LOCAL PLANNING POLICY, SPD9 'WASTE MINIMISATION, STORAGE AND COLLECTION IN MULTIPLE UNIT DEVELOPMENTS' (9003) (T WATSON/L DAVIESON) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopts the Policy 'SPD9 'Waste Minimisation, Storage and Collection in Multiple Unit Developments' as a Local Planning Policy in accordance with Clause 2.5 of Town Planning Scheme No. 3;
- (2) publish a notice in the local newspaper advising of the new policy in accordance with Clause 2.5.3 (b) of Town Planning Scheme No. 3; and
- (3) forward a copy of the policy to the Western Australian Planning Commission in accordance with Clause 2.5.3 (b) of Town Planning Scheme No. 3.

**COUNCIL DECISION**

**Background**

The City is increasingly receiving development applications for large scale grouped and multiple dwelling proposals, and multiple tenancies in the case of retail, commercial and industrial proposals. When occupied, these developments generate considerable waste. To ensure new development is functional, and for the purpose of protecting the amenity of a locality, particularly residential amenity in the vicinity of larger developments, on-site management and collection of waste requires far greater consideration.

Greater attention also needs to be paid to issues of waste minimisation during the construction stage of the development process (reducing landfill volumes), and the potential for resource recovery across the life of a project.

**Submission**

N/A

## Report

The policy details requirements pertaining to waste management and minimisation - to be considered in the redevelopment and/or design, construction and function of larger developments. The policy is informed in part by the principles and objectives of the City's Sustainability Policy and the State Government's Waste Avoidance and Resource Recovery Act.

The general objective of the policy is to achieve consistent, orderly and proper practices in relation to the management and minimisation of waste associated with larger development, both residential and non-residential, within the City. If this objective is achieved, several environmental objectives will also be achieved including: the more efficient use of, and the greater recovery and recycling of, materials.

The main sections of the policy deal with the following:

- Categories of development in respect of which waste management is to be addressed.
- Application requirements, most notably the submission of a Waste Management Plan as part of a Development Application.
- Requirements to be satisfied in respect of both residential and non-residential development. These requirements are either specific to one type of development, or are generally applicable.

## Consultation

The draft policy was advertised for public comment in August 2009. The document was also provided to a number of developers undertaking multiple unit development within the City for consideration and comment. In response, one (1) submission was received (from Australand). The main points raised in the submission are summarised below, followed by the City's comment in respect of each:

- *The City's m<sup>2</sup> storage requirement for residential dwellings is excessive.*  
Comment – the one (1m<sup>2</sup>) square metre proposed is considered appropriate; catering for an increase in waste volumes and/or changes in waste management practices should such occur. The area required also takes into account potential changes in use, particularly in mixed use development/s.
- *The requirement for bulky storage rooms or enclosures is excessive.*  
Comment – this requirement has been shifted to the "preferred/recommended" section of the policy.
- *The requirement for waste to be collected on-site is excessive.*  
Comment – this is considered appropriate and in part one of the

reasons for the policy. Waste management aspects to a development should occur on-site, and should be considered 'up-front' as part of the design of a development (and incorporated during construction). On-site waste management protects and preserves the use of the public realm more appropriately for purposes including pedestrian movement and amenity.

- *The requirement for physical separation of waste storage in mixed-use development is negligible and unreasonable.* Comment – this requirement is considered appropriate, protecting the interests of residential and non-residential occupants in a development. Other considerations in requiring separation include: the separation of residential and commercial waste, often different in nature and requiring different storage arrangements/methods, and different collection times.

Having regard for the above, it is recommended Council adopt the local planning policy. Whilst the draft policy has been amended to ensure that it is easy to understand and interpret, the technical content remains largely unchanged.

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

#### **Demographic Planning**

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

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

N/A

#### **Legal Implications**

In accordance with Town Planning scheme No. 3 requirements.

#### **Community Consultation**

Advertised in August 2009.

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

Policy SPD9 'Waste Minimisation, Storage and Collection in Multiple Unit Development'

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

The submissioner has been advised the Policy is to be considered by Council at the 8 April 2010 Council Meeting.

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

N/A

**14.2 (OCM 08/04/2010) - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT NO. 1180/41 (COCKBURN COAST DISTRICT STRUCTURE PLAN) - LOCATION/OWNER: VARIOUS (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the Metropolitan Region Scheme Amendment No. 1180/41; and
- (2) make a submission to the Western Australian Planning Commission as follows:
  1. Requesting that the railway crossing points identified on the Cockburn Coast District Structure Plan be rezoned from 'Railway' reserve to 'Urban Deferred' to ensure that some form of grade separated access is both acknowledged and permitted at these strategic points along the railway line.
  2. Supporting the remaining proposals contained within Metropolitan Region Scheme 1180/41.

**COUNCIL DECISION****Background**

The Western Australian Planning Commission ("WAPC") has resolved to amend the Metropolitan Region Scheme ("MRS") in accordance with the provisions of the *Planning and Development Act 2005*. The purpose of the amendment is to rezone the North Coogee industrial area to reflect the outcomes of the now adopted Cockburn Coast District Structure Plan ("District Structure Plan") (Attachments 2 and 3).

The WAPC has recently commenced advertising of the proposed MRS amendment. Submissions are due by 14 May 2010, and as a directly affected agency it is necessary that the City of Cockburn makes submission on the amendment

## **Report**

### Cockburn Coast District Structure Plan

The District Structure Plan has been prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina. The WAPC resolved to endorse the District Structure Plan in August 2009.

The District Structure Plan proposes the following key elements:

- An urban, mixed development, focussed on a bus rapid transport system connecting to Fremantle.
- Predominately medium to high density development, with a potential future population of 10,800 residents;
- Regeneration of the South Fremantle power station, as the hub of the new town centre.
- Construction of Cockburn Coast Drive to facilitate regional traffic movements and enable Cockburn Road to facilitate transit oriented development.
- Linear open space corridors connecting the Beeliar Regional Park and the coastal foreshore.

The rezoning of this land under the MRS is one of the first steps that are required to implement the District Structure Plan.

### MRS Amendment Details

The purpose of the amendment is to rezone the North Coogee industrial area to 'Urban Deferred', and to rationalise the 'Parks and Recreation' and 'Primary Regional Road' reservations to reflect the outcomes of the District Structure Plan (Attachment 2).

The amendment includes the following key proposals which are listed below, with an explanation of their specific purpose.

1. Rezone approximately 91.55 hectares from the industrial zone to the urban deferred zone.

The rezoning the majority of the District Structure Plan area to 'Urban Deferred' is proposed, given that there are a number of strategic and statutory issues that need to be resolved prior to the urban zone being applied to the subject land.



The WAPC Development Control Policy *Guidelines for the Lifting of Urban Deferment* (2007) set out the criteria for the lifting of urban deferment, and these requirements will need to be addressed prior to the WAPC agreeing to the transfer of land from 'Urban Deferred' to 'Urban'. In addition, the WAPC have set out further details regarding what will be required in this regard, including:

- \* Substantially progressed, advertised draft amendments to the Local Planning Scheme.
  - \* Preparation of a district water management strategy; and
  - \* An infrastructure master plan indicating the necessary provision of major infrastructure.
2. Realignment and rationalisation of the Primary Regional Roads reservation between Rockingham Road and the Fremantle Port freight rail line.

The Fremantle to Rockingham "Controlled Access Highway" (CAH) 'Primary Regional Roads' reservation is currently located to the western extent of Manning Reserve. Transport analysis undertaken to support the District Structure Plan has identified the need for construction of this portion of the CAH (referred to as Cockburn Coast Drive), to support the redevelopment of the Cockburn coast area, and growth in the corridor generally. Therefore realignment and rationalisation of the Primary Regional Roads reservation is proposed to enable the establishment of a lower design speed road. This realignment will also reduce the potential impact on Beeliar Regional Park and the ridgeline in this location, with Cockburn Coast Drive proposed to be located to the western aspect of the ridgeline.

The portions of the existing 'Primary Regional Road' reserve (to the east of the realigned reserve) are proposed to be rezoned to 'Parks and Recreation' reserve.

3. Minor rationalisation of parks and recreation reservation to the west of the primary regional roads reservation (Fremantle to Rockingham Controlled Access Highway) and within the coastal Parks and Recreation Reserve (CY O'Connor Reserve), to the Urban Deferred zone.

The realigned Primary Regional Road results in 2.65 ha of fragmented 'Parks and Recreation' reserve to the east of the proposed road. This land is not covered by the Beeliar Regional Park Management Plan or the Bush Forever site, and the vegetation is in degraded condition. This land is proposed to be rezoned to 'Urban Deferred'.

To the west of existing freight rail line there is 2.3 ha of 'Parks and Recreation' reserve proposed to be rezoned to 'Urban Deferred'. This corresponds with the land development area depicted in the District Structure Plan, which will serve to provide passive surveillance and activation adjacent to the coastal foreshore.

4. Rezoning part of the South Fremantle Power Station site (part of Lot 3) from 'Parks and Recreation' to 'Public Purposes – Special Use' and a portion of Lot 3 and all of Lot 2 Robb Road to 'Urban Deferred'.

The South Fremantle Power Station site is currently reserved for 'Parks and Recreation'; however, public access to the site is prohibited, given that it is owned in freehold by Verve Energy, and there are safety risks associated with the current state of the building.

The purpose of the proposed rezoning of this site to 'Public Purposes – Special Use' is to enable the future retention and adaptive reuse of the power station building, while providing ongoing development approval responsibility with the WAPC. The site would remain in state ownership and be developed on a leasehold basis to ensure that outcomes relating to public use, land use mix and access are met.

It is proposed that 2.13 ha of land within the balance of Lots 2 and 3 are to be rezoned to 'Urban Deferred' to enable private land development to support the refurbishment of the Power Station building. The remainder of Lot 3, adjacent to the coast, is proposed to be retained as 'Parks and Recreation' reserve.

#### City of Cockburn's Comments

The proposals contained within the MRS Amendment are consistent with the outcomes of the District Structure Plan. It is considered that 'Urban Deferred' is the appropriate zoning for land identified for future urban uses where there are still environmental and planning issues to be resolved. This is certainly the case for the land within the Cockburn Coast District Structure Plan.

The proposed rezoning of the South Fremantle Power Station site supports the intent outlined in the District Structure Plan for the future regeneration of the South Fremantle Power Station as the mixed use hub of the redevelopment.

#### Specific Comment - Crossings of the 'Railways' Reservation

The District Structure Plan (Attachment 3) appropriately shows four strategic access points across the 'Railways' reserve. It is

recommended that these crossings be rezoned to 'Urban Deferred', as it is considered that the success of the District Structure Plan will be largely measured by the manner in which it reunites the public with the coast. By rezoning these crossing points from 'Railway' reserve to 'Urban Deferred' this will ensure that some form of grade separated access is both acknowledged and permitted at these strategic points along the railway line.

### Town Planning Scheme Implications

In terms of implications on City of Cockburn Town Planning Scheme No. 3 ("TPS3"), the MRS Amendment will require amendments to be undertaken to ensure consistency between the MRS and TPS3.

The majority of the area identified for proposed 'Urban Deferred' under the MRS is currently zoned 'Industry' under TPS3. The City intends to rezone this land to 'Development' zone. This area will also be included within a 'Development Area', and a 'Developer Contribution Area'. The 'Development Area' provisions for the area will underpin the 'Development' zoning for the area, and will set out more detailed guidance on the development of local structure plans (within Schedule 11 of the Scheme).

It is therefore recommended that Council make a submission to the WAPC as per the content of this report.

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

#### **Demographic Planning**

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

#### **Natural Environmental Management**

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

#### **Transport Optimisation**

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

### **Budget/Financial Implications**

Nil

### **Legal Implications**

Nil

### **Community Consultation**

Submissions on the MRS Amendment are due to the WAPC by 14 May 2010.

The District Structure Plan was subject to extensive community consultation, and was advertised for four months between June and October 2008.

No consultation on the MRS Amendment is required by the City of Cockburn; however, a notice has been included on the City's website advising that the amendment is being advertised for public comment. Affected landowners have also been advised by the WAPC.

The City of Cockburn will undertake community consultation on all future amendments to TPS3 in accordance with the *Town Planning Regulations 1967*

### **Attachment(s)**

1. Location Plan
2. Proposed MRS Amendment 1180/41
3. Cockburn Coast District Structure Plan

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

NA

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

Nil

### **14.3 (OCM 08/04/2010) - CONSIDERATION TO ADOPT DRAFT LOCAL PLANNING POLICY APD58 'RESIDENTIAL DESIGN GUIDELINES' - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93076) (D DI RENZO) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) in pursuance of Clause 2.5.2(b) of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), resolves to adopt Local Planning Policy APD58 'Residential Design Guidelines' with modifications reflected in Attachment 1;
- (2) publishes a notice of the adopted Local Planning Policy APD58 'Residential Design Guidelines' in accordance with Clause 2.5.3(a) of the Scheme; and

- (3) advise those who have made a submission of Council's decision accordingly.

## COUNCIL DECISION

### Background

The Phoenix Central Revitalisation Strategy ("Revitalisation Strategy") provides a strategic framework for improvements to the Phoenix Town Centre, and the surrounding suburbs of Spearwood and Hamilton Hill.

The Revitalisation Strategy includes a recommendation for the preparation of design guidelines to encourage good development and encourage surveillance of public open space ("POS"). At its meeting held on 10 September 2009 (Item 14.1) Council adopted a Draft Local Planning Policy APD58 (Medium Density Residential Design Guidelines) for the purposes of community consultation.

### Scheme Amendment No. 76

At their meeting of 11 March 2010 Council resolved to adopt Scheme Amendment No. 76 for final approval. The main purpose of Scheme Amendment No. 76 is to implement the proposed residential zoning changes that were identified in the Phoenix Central Revitalisation Strategy. It also includes changes to the Scheme text to insert provisions for medium density development, in particular to ensure that it is consistent with the draft policy.

The Scheme provisions proposed by Scheme Amendment No. 76 set out the statutory framework to ensure that the proposed split codings (R30/R40) are implemented in accordance with the Policy. This includes a provision stipulating that in considering applications for the subdivision of land within any of the R30/40 split coded areas, the Council may only support subdivision (in the absence of built development) up to a maximum density of R30.

Proposed Clause 5.8.7(c) stipulates that in considering applications for the development of land within any of the R30/40 split coded areas depicted on the Scheme Map, the Council may support development up to the maximum density of R40 subject to the application fulfilling the provisions and objectives of Local Planning Policy No. APD58 'Medium Density Residential Design Guidelines'. The draft policy then sets out the performance criteria.

## **Submission**

N/A

## **Report**

The purpose of the draft policy is to provide a comprehensive set of criteria for new grouped dwellings; and single house developments on lots less than 350 sqm within the City of Cockburn. It is considered appropriate this Policy applies across the City to ensure that all new development enhances and revitalises existing neighbourhoods, and appropriately embraces principles of sustainability. The Policy seeks to expand on the requirements of existing statutory documents, including the *Residential Design Codes of Western Australia* ("R-Codes") and *Building Code of Australia*.

The draft policy was advertised for public comment in conjunction with Scheme Amendment No. 76 from 22 December 2009 to 16 February 2010.

There were a total of seven submissions received regarding the draft policy. There were five submissions of support, and one objection which have been addressed in the Schedule of Submissions (Attachment 2).

The advertised draft policy included some policy provisions duplicating requirements of the R-Codes, and the Scheme. To prevent duplication and simplify the policy it is recommended that some of these provisions be deleted.

Specific sections of the Policy are outlined below, including the recommended changes that have been incorporated into a reviewed draft policy (Attachment 1). All recommended changes and the reason for these changes have also been summarised in Attachment 3.

### *Retained Dwellings*

This section of the draft policy applies to developments which seek to retain one or more existing dwellings as part of a grouped dwelling development. Section 6.2.9 of the R-Codes stipulates that where an existing dwelling is retained as part of a grouped dwelling development the dwelling appearance is to be upgraded externally to an equivalent standard to the rest of the development.

The draft policy seeks to provide more details on what is expected in this regard, given that the upgrading of existing housing stock will enhance existing streetscapes and contribute greatly to the revitalisation of urban areas where recoding has occurred. The extent of upgrading will depend on the condition of the individual retained dwelling and could include upgrading external walls, roofs, driveways,

window frames, gutters, down pipes, landscaping and removal of unauthorised or poorly maintained additions. The upgrading of retained dwellings will not only improve existing streetscapes and contribute to an enhanced sense of place, but will also add to the landowners' investment.

#### *Minimum Lot Frontages*

The width of a residential lot can determine the built form and presentation of the dwelling to the street. Whilst there is a general move to narrower lots, the garaging of vehicles is also a key requirement for many home owners and developers. Narrow lots with dominating double garages can detract from streetscapes, reduce surveillance opportunities between the dwelling and the street and contribute negatively to the character of an area. The R-Codes do not require a minimum lot frontage for medium density coded areas so this policy seeks to clarify that for lots with a frontage less than 10 m single storey dwellings with a double carport or garage will not be supported.

It is recommended that the policy provision stipulating that lots must have a minimum frontage of 8 m where single width garages are proposed should be removed, as this would be problematic for lots under 350 m<sup>2</sup> that have already created.

#### *Vehicle Access and Parking*

The paving width of access ways, design of car parking spaces and siting of crossovers are important to ensure safe and efficient traffic flows are maintained within urban infill areas. This section of the Policy seeks to minimise crossovers and require new carports and garages to remain in keeping with the retained dwelling.

It is recommended that the provision relating to the required width of battleaxe legs be deleted, as this is covered by WAPC policy.

#### *Corner Lot Development*

Redevelopment of corner lots provides an excellent opportunity to remove blank fences and provide new frontages to former secondary streets, thus increasing passive surveillance and enhancing existing streetscapes. To ensure this occurs, the Policy prescribes general dwelling layouts and subdivision design.

#### *Sustainable Building Design*

This section ensures that all new development of grouped dwellings and single houses on lots less than 350 m<sup>2</sup> embrace the principles of sustainability through innovative dwelling design. The requirements are relatively simple and often inexpensive but can make a big difference to the overall energy consumption (and costs) and comfort of the home

whilst reducing carbon emissions. The requirements include location of indoor and outdoor living areas, positioning of windows, provision of eaves and selection of external colours.

#### *Outdoor Living Areas*

Outdoor living areas are a requirement for all dwellings and should provide useable and functional living spaces but can also provide passive surveillance and activity to the street. This section of the Policy provides for the location of the outdoor living area in relation to the dwelling and street and also the appearance of any covered alfresco areas or patio structures visible from the street.

#### *Landscaping*

The provision of landscaping in an urban area can contribute greatly to streetscapes and add to a sense of place and character of an area. Landscaping can provide vital shade and screening to outdoor living areas. The Policy requires landscape plans for larger grouped dwelling developments and encourages the use of native low-water usage species.

#### *Fencing*

The fencing section of the Policy (Section 10) seeks open style fencing abutting the street for new dwellings in order to contribute positively to streetscapes and maintain passive surveillance.

This section makes reference to the requirement for front walls and fencing to comply with the R-Codes and it is recommended that this be deleted to avoid duplication. It is recommended that the provision relating to secondary street fencing should be retained, as the R-Codes are silent on fencing in the secondary street.

#### *Boundary Walls*

The draft policy encompassed matters relating to boundary walls; however these matters are already covered by the R-Codes. The purpose of including this provision was to set out circumstances where Council considered certain development met the relevant performance criteria of the R-Codes in relation to boundary walls. Therefore, it is considered more appropriate that these matters be included in the City of Cockburn Local Planning Policy APD49 'Residential Design Codes – Alternative Acceptable Development Provisions' when it is next reviewed.



### *Split Coded Lots (R30/R40)*

The draft policy sets out the criteria for when split coded lots (located opposite or adjacent to POS) may be developed up to the stated maximum R40 density.

The draft policy seeks better design outcomes for split coded lots opposite or adjacent to POS. The provisions provide an opportunity for landowners in these locations to achieve a density bonus subject to specific dwelling design requirements.

The specific requirements aim to provide a variety in the design, height and roofline of dwellings and maximise passive surveillance of POS areas. To ensure these specific requirements are achieved, landowners wishing to subdivide in the absence of dwellings being constructed will be limited to the lower coding (i.e. R30).

The majority of the properties proposed to be rezoned to R30/R40 are between 600 m<sup>2</sup> and 800 m<sup>2</sup> in area. However, it is noted that there are some substantially larger lots that will make it difficult to apply the proposed criteria for achieving the higher R40 coding. On larger lots the provision of one two-storey dwelling, potentially amongst a number of single storey grouped dwellings will not achieve the objectives of the split-coding. Therefore, on further consideration of this matter the inclusion of an additional clause under this section is recommended to ensure the objectives of the split-coding are taken into consideration on larger lots.

The draft policy that was advertised for public comment included a Section 13 that duplicated the Scheme provisions proposed by Scheme Amendment No. 76. It is recommended that this section be deleted as it is not required.

### Other Recommended Changes to Draft Policy

It is recommended that the background section and purpose section of the draft policy be amalgamated and reworded so that they do not focus primarily on development within existing areas and infill development. While these are the key areas where the policy will be applicable, it is still considered appropriate to apply it to all development of grouped dwellings and single houses on lots less than 350 m<sup>2</sup>, including in newer areas to achieve better built form outcomes where there are no Detailed Area Plans ("DAPs") to guide development. It is recommended as an alternative that further details are included in the 'Purpose' section of the report; including refined objectives that reflect the specific policy provisions contained within the Policy (see Attachment 1).

It is also recommended that the Policy be renamed to avoid confusion with definition of 'medium density' as defined in the R-Codes. The R-

Codes define 'medium density development' as R30 to R60; however, the intention of the draft policy is that it applies to all grouped dwelling developments, which may occur on lots coded R20.

### **Conclusion**

The draft policy is consistent with the recommendations of the Revitalisation Strategy, and will provide a comprehensive set of criteria for new grouped dwelling developments, and development of single houses on lots less than 350 m<sup>2</sup> within the City of Cockburn. This will encourage good development that contributes to the revitalisation of urban areas.

A summary of the recommended modifications are included in Attachment 3, and it is not considered that any of the proposed modifications change the intent of the policy, or represent a major modification.

It is therefore recommended that that Council, in pursuance of Clause 2.5.2(b) of the Scheme, resolves to adopt Local Planning Policy APD58 'Residential Design Guidelines' with modifications as reflected in Attachment 1.

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

#### **Demographic Planning**

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

#### **Lifestyle and Aspiration Achievement**

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

### **Budget/Financial Implications**

The funds required for the preparation, advertising and finalisation of the draft policy are covered within the 2009/10 and 2010/2011 budget for the Revitalisation Strategy.

### **Legal Implications**

N/A

## Community Consultation

Extensive community consultation has been undertaken in the preparation of the Revitalisation Strategy which included the recommendation to develop residential design guidelines.

The draft policy was advertised in accordance with Clause 2.5 of the Scheme. This included a notice of the proposed Policy in a newspaper for two consecutive weeks in accordance with Clause 2.5.1(a), and notice of the draft policy was also included as part of the advertising of the amendment as follows:

- \* Letters to all landowners within the Phoenix and Packham areas, and landowners adjacent to these areas.
- \* Advertisements in the Cockburn Gazette.
- \* Display of information at the City's administration building and Spearwood Library, including information brochure.

## Attachment(s)

1. Draft Modified Local Planning Policy APD58 'Residential Design Guidelines'.
2. Schedule of Submissions.
3. Summary of Recommended Key Changes.

## Advice to Proponent(s)/Submissioners

All submissioners received a letter advising that this matter is to be considered at the 8 April 2010 Council Meeting.

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

Nil.

- 14.4 (OCM 08/04/2010) - FINAL CONSIDERATION OF AMENDMENT NO. 75 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 - MINOR REZONING PROPOSALS FOR LOTS 144 AND 145 THE COVE, COOGEE; THE CLOSED PEDESTRIAN ACCESS WAY BETWEEN EGEUS WAY AND WAVERLEY ROAD, COOLBELLUP; LOT 188 BUCAT STREET, HAMILTON HILL AND; LOT 915 GOLDSMITH ROAD, SPEARWOOD - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93075) (M CARBONE) (ATTACH)**

### RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions;

- (2) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise the people who made submissions and the Western Australian Planning Commission of Council's decision.

## COUNCIL DECISION

### Background

Council at its meeting held on 10 September 2009 resolved to initiate Amendment No. 75 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of advertising. The amendment involves rezoning various lots to resolve minor zoning anomalies and allow for land exchanges within the localities of Coogee, Coolbellup, Hamilton Hill and Spearwood.

The amendment consists of four proposals as detailed below:

#### ***Proposal 1:***

- Rezoning portion of Lots 144 and 145 The Cove and Lot 230 (Reserve 46261) Mayor Road, Coogee from Local Reserve - 'Parks and Recreation' to 'Residential R20'.
- Rezoning portion of Lot 149 Shoal Court, Coogee from Local Reserve - 'Local Road' to 'Residential R20' and portion of Reserve 44789 from Local Reserve - 'Local Road' to Local Reserve - 'Parks and Recreation'.

#### ***Proposal 2:***

- Rezoning portion of the Egeus Way/Waverley Road closed pedestrian access way (Lot 55) adjacent to Lot 1 Egeus Way, Coolbellup from 'No Zone' to 'Residential R40'.
- Rezoning portion of the Egeus Way/Waverley Road closed pedestrian access way (Lot 55) adjacent to Lots 386 and 387 Waverley Road, Coolbellup from 'No Zone' to 'Residential R20'.

#### ***Proposal 3:***

- Rezoning Lot 188 Bucat Street, Hamilton Hill from Local Reserve - 'Lakes and Drainage' to 'Residential R20'.

**Proposal 4:**

- Rezoning portion of Lot 915 Goldsmith Road, Spearwood from Local Reserve - 'Parks and Recreation' to 'Residential R20'.

**Submission**

The amendment has been advertised for the required period and is being presented to Council for final consideration.

**Report**

The amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7 of the *Environmental Protection Act 1986*. The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act 1986*. The amendment was subsequently advertised seeking public comment in accordance with the *Town Planning Regulations 1967* for 42 days.

The amendment attracted eight submissions, five from government agencies/service authorities providing advice, two no objections from adjoining landowners and one no comment from a landowner. It is considered that the submissions do not require explanation over and above that outlined in the schedule of submissions contained within the agenda attachments.

The proposed Scheme Amendment will resolve zoning anomalies which have resulted from the closure of a road reserve, PAW and drainage sump within Coogee, Coolbellup and Hamilton Hill respectively. The zoning changes are required in order to reflect existing and proposed changes to cadastral boundaries and will ensure that the subject lots and reserves are correctly and entirely zoned for their intended purpose.

The Scheme amendment will also ensure Lot 915 Goldsmith Road, Spearwood is appropriately zoned for a proposed land exchange.

**Conclusion**

It is recommended that Amendment No. 75 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

## **Strategic Plan/Policy Implications**

### **Infrastructure Development**

- To construct and maintain parks and bushland reserves that is convenient and safe for public use, and does not compromise environmental management.

### **Natural Environmental Management**

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

## **Budget/Financial Implications**

NA

## **Legal Implications**

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

## **Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. This concluded on 19 January 2010. The Scheme Amendment attracted eight submissions, five from government agencies/service authorities providing advice/no objections, two from adjoining landowners providing no objections and one landowner providing no comment.

## **Attachment(s)**

1. Location plan
2. Proposed zoning plans
3. Schedule of submissions

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

Those who lodged a submission have been advised that the matter will be considered at 8 April 2010 Council Meeting.

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

Nil

**14.5 (OCM 08/04/2010) - DETAILED AREA PLAN FOR LOT 749 PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (PS/A/001) (T WATSON) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the Detailed Area Plan (DAP) presented for Lot 749 Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3 subject to, the illustration of Lot 749 in the DAP being amended to extend vehicular access restrictions for the length of Orsino Boulevard i.e. between Cockburn Road and Perlinte View;
- (2) delegate authority to the Manager of Statutory Planning to consider and approve the required change to vehicular access where depicted on the DAP; and
- (3) advise the applicant of Council's decision, and that a further DAP (or DAP's) will be required in the event subdivision of the land into smaller lots is proposed (to be approved by Council).

**COUNCIL DECISION**

**Background**

The DAP for Lot 749 has been prepared noting the following:

- The development area provisions in the City's Scheme (DA22) require DAP's to be prepared for designated parcels of land within Port Coogee including Lot 749;
- The City has recently provided clearance to the Title for Lot 749 in the knowledge:
  - the ground levels of the lot have been reworked to reflect the requirements of the Structure Plan (Australand was advised to remove additional fill from the land to comply with the Structure Plan); and

- on the basis a DAP would be prepared for the lot, to be submitted to and approved by Council for the purposes of determining basic development parameters for the land;
- Australand is in the process of selling the lot.

Lot 749 is situated at the southern end of the Port Coogee project area. Under the current Local Structure Plan (April 2007), the land is identified for development as a 'Local Centre' with an underlying residential density of R80. Under the revised Local Structure Plan (the subject of mediation at the State Administrative Tribunal (SAT)), the land is identified for residential development with the requirement for a minimum 200 square metres of retail use on the southern tip of the lot.

The ground levels of Lot 749 are currently being reworked to reflect the requirements of the Structure Plan. Australand was recently advised to remove additional fill from the land to comply with the Structure Plan. In some parts, 1–1.5 metres of additional fill have been placed on the land, that is, additional to the 2.0 metres permitted under the Structure Plan (i.e. above pre-development levels).

### **Submission**

The DAP presented for Lot 749 assumes multiple dwelling development in the first instance and details basic development parameters for the land. The DAP presented addresses amongst matters:

- The interface of future development on the land to the lot frontages, including Cockburn Road, Orsino Boulevard and Perlinte View Coogee.
- Building design considerations, including: open space provision, the requirement for engaging street elevations, appropriately located service areas and positioning of related hardware.
- Vehicular access limitations.
- Fencing (along Cockburn Road in particular).

Where the DAP does not refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Design Codes (R-Codes) and Town Planning Scheme No. 3 where the R-Codes do not apply. For instance, the parking standards for residential development on the subject land are those detailed in the R-Codes, to be considered in conjunction with the access requirements of the DAP.

It is noted a general statement regarding building height has been incorporated in the DAP, stating this is to be as per the Local Structure Plan. The applicable heights will be those agreed or determined via the SAT.



## Report

The DAP for Lot 749 provides a site-specific layer of planning information to be considered in the design and development of the land in question. The information is to be considered within the framework of the Local Structure Plan for Port Coogee, as well as the City's Planning Scheme and the R-Codes. With the exception of a concern regarding the potential for vehicular access across the Orsino Boulevard frontage of the lot, the DAP is generally considered acceptable.

The concerns regarding access from Orsino Boulevard are as follows:

- The principle pertaining to vehicular access within Port Coogee serves to reduce the emphasis and impact of this aspect of development. To this end, the majority of DAP's for the area refer to a hierarchy of preferred access arrangements: from a laneway first (1<sup>st</sup>), a secondary street second (2<sup>nd</sup>) and the primary street last. This approach should also apply to Orsino Boulevard, the main north-south road traversing the project. The intersection of laneways with this important road should be minimised;
- The section of Orsino Boulevard shown as available for access on the DAP is the same location of a future bus stop. Concern is expressed in regard to the conflict likely to arise if access is permitted in the same location as the bus stop (all in close proximity to the intersection of Orsino Boulevard and Cockburn Road).

Bearing the above points in mind, it is recommended the illustration of Lot 749 in the DAP be amended to extend vehicular access restrictions for the length of Orsino Boulevard i.e. between Cockburn Road and Perlinte View.

Additionally, if in the event application is made to subdivide the land into smaller lots, the requirement for a DAP dealing with small lot development will apply.

## Conclusion

The DAP for Lot 749 generally reflects the content of the Structure Plan for the site and location. It is, therefore, recommended the DAP be adopted by Council subject to the requirement for access arrangements on Orsino Boulevard to be amended, and advice to the applicant explaining that in the event subdivision of the land is proposed, the requirement for a further DAP (or DAP's) will apply.

Approval of a DAP is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP and the process for adopting such.

Where a DAP may affect landowners other than the owner of the land subject of the plan, the City may undertake consultation. Four (4) lots in private ownership sit adjacent to the north eastern boundary of the lot. The main impact on these lots from development on Lot 749 will be building height. This is not proposed to change under the revised Local Structure Plan, in part recognising the private ownership of the adjacent lots. The northern part of Lot 749 continues to provide for development up to 10 metres in height (to top of pitch). Accordingly, the DAP has not been the subject of consultation.

Clause 6.2.15.8 provides scope for a DAP to be amended.

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

Policy APD31 'Detailed Area Plans'

#### **Demographic Planning**

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005

### **Community Consultation**

The DAP has not been the subject of consultation.

### **Attachment(s)**

1. Structure/Location Plan
2. Detailed Area Plan

### Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 8 April 2009 Council Meeting.

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

Nil.

#### 14.6 (OCM 08/04/2010) - PREPARATION OF DRAFT LOCAL PLANNING POLICY APD60 'MURIEL COURT STRUCTURE PLAN DESIGN GUIDELINES' AND MINOR MODIFICATION TO MURIEL COURT STRUCTURE PLAN - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (9681) (M CARBONE) (ATTACH)

##### RECOMMENDATION

That Council:

- (1) in pursuance of Clause 2.3.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), resolves to prepare a Local Planning Policy for the purposes of applying design guidelines to the Muriel Court Structure Plan area;
- (2) notes the minor modifications proposed to the Structure Plan in the form of additional laneways within the R60 area adjacent the realigned Semple Court and southern R80 to R160 coded areas as part of the Draft Local Planning Policy; and
- (3) publishes notice of the Draft Local Planning Policy in accordance with Clause 2.5.1(a) of the scheme as well as advertising the proposed minor modifications to the Structure Plan.

##### COUNCIL DECISION

### Background

Council approved the Muriel Court Structure Plan ("Structure Plan") in November 2008 following which it was endorsed by the Western Australian Planning Commission ("WAPC") on 16 February 2010 (refer agenda attachments for copy of the Structure Plan).

Both the Structure Plan and City of Cockburn Town Planning Scheme No. 3 ("Scheme") require design guidelines to be adopted, in order to achieve some degree of uniformity in design outcomes notwithstanding the highly fragmented land ownership which exists. This is also important given the range of densities as part of the Structure Plan (R20 to R160), and that the Structure Plan seeks to accommodate a transit orientated development which takes advantage of the Cockburn train station.

Following a tendering process, the City engaged Hassell in March 2009 to prepare design guidelines for the Structure Plan. Hassell has liaised extensively with the City's officers and the design guidelines are now considered suitable to present to Council as a Draft Local Planning Policy.

The design guidelines seek to establish the character of the buildings, public spaces and streets and will guide development and subdivision applications. The design guidelines also require a minor modification to the Structure Plan, in the form of additional laneways in the southern R80 to R160 coded areas of the Structure Plan.

### **Submission**

N/A

### **Report**

The Muriel Court Structure Plan has been based on transit orientated development principles given the proximity to the Cockburn train station. It aims to provide a range of dwelling types and maximise the number of people living and working near the Cockburn Central Activity Centre. The design guidelines are important to create an attractive and well designed urban village, which readily allows the principles and intent of the Structure Plan to be achieved. The design guidelines will be similar to those within the Cockburn Central Town Centre.

The design guidelines stipulate a number of standards that are different or beyond the requirements of the R-Codes and the Scheme which are important to be considered within this precinct. The design guidelines encourage good urban design principles such as buildings addressing the street, interesting and articulated facades, building expression and safety in design.

The requirements for the design guidelines have generally been categorised according to density such as low density (R20 to R25), medium density (R40 to R60) and high density (R80 to R160). Different standards have been applied to each of the density categories to ensure suitable provisions apply to the different precincts

The table below provides a summary of some of the requirements for the different densities. A full copy of the design guidelines document is located in the agenda attachments.

	Low Density	Medium Density		High Density		
	<i>R20 &amp; R25</i>	<i>R60</i>	<i>R40</i>	<i>R80 Low Rise</i>	<i>R160 Low Rise</i>	<i>R160 Tower</i>
Build to line (front setback)	3-4.5m	2-4m	2-4m	4m	4m	Podium: 4m Tower: 8m
Side setback	R-Codes	0m	R-Codes	Nil	Nil	Podium: 5m Tower: 8m
Rear setback	R-Codes	R-Codes	R-Codes	4m	4m	Podium: 5m Tower: 9m
Minimum lot width	12m	6m	6m	24m	24m	30m
Maximum lot width	20m	8m	10m	30m	30m	60m
Minimum height	-	Two storeys 6m wall 8.5m roof	No minimum	3 storeys and 9m	3 storeys and 10m	18m
Maximum height	Two storeys 6m wall 9m roof	12m wall 15m roof	9m wall 12m roof	5 storeys and 15m	18m	29m

### Car Parking

Given the subject land is a transit orientated development with good access to the Cockburn train station and bus services, it is proposed that the car parking provisions relating to R40 to R160 development be as follows:

- Single bedroom dwellings (up to 60 m<sup>2</sup>) - 1 bay only.
- Dwellings containing 2 or more bedrooms - minimum of 1 bay and maximum of 2 bays.

The car parking standards for land zoned R20 and R25 are as per the requirements of the R-Codes.

### Single Bedroom Dwellings

Single bedroom dwellings are encouraged in this important strategic location to assist in providing a range of dwellings types and accommodate smaller households. For mixed use and multiple dwelling developments where more than 5 dwellings are proposed, a minimum of 1 or 10% (whichever is the greater) single bedroom dwellings shall be required. This will ensure a suitable amount of

smaller dwellings are provided to meet the future housing needs and provide more affordable housing options.

#### Flexibility within the Design Guidelines

The design guidelines will not be able to accommodate every development scenario and accordingly need to include some flexibility. Development that varies from the requirements of the design guidelines can be approved if the variations are consistent with the objectives and neighbourhood character statement of the design guidelines and Clause 5.6 of the scheme.

#### Variation to the Structure Plan

Through the preparation of the design guidelines and the assessment of the possible development scenarios, it has been determined that in some of the medium and high density areas additional laneways are required to accommodate the intended built form outcome. These new laneways are identified in the agenda attachments.

In order to accommodate this aspect, the Structure Plan needs to be modified. It is recommended that this minor modification be advertised at the same time as the Draft Local Planning Policy, in order to clearly establish the reasoning behind the modifications.

#### Conclusion

It is therefore recommended that Council resolves to prepare a Draft Local Planning Policy for the purposes of applying design guidelines to the Muriel Court Structure Plan area. As part of this, Council should also note the minor modifications proposed to the Structure Plan in the form of additional laneways within the R60 area adjacent the realigned Semple Court and southern R80 to R160 coded areas. This will enable both the Draft Local Planning Policy and minor modifications to be advertised for public comment.

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

#### **Demographic Planning**

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

#### **Employment and Economic Development**

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

**Transport Optimisation**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

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

**Community Consultation**

The Draft Local Planning Policy and minor modifications to the Structure Plan will be advertised in accordance with the requirements of the scheme. This includes a notice of the Draft Local Planning Policy in a newspaper for two consecutive weeks in accordance with Clause 2.5.1(a) of the scheme.

**Attachment(s)**

1. Adopted Muriel Court Structure Plan
2. Draft Local Planning Policy No. APD60 'Muriel Court Structure Plan Design Guidelines'
3. Minor modifications to Muriel Court Structure Plan

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

N/A

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

Nil.

**14.7 (OCM 08/04/2010) - PROPOSED OUTBUILDING - LOCATION: 4 CRESTIA COURT, BIBRA LAKE - OWNER / APPLICANT: M HILL (1115544) (B HOGARTH-ANGUS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval for an outbuilding at 4 Crestia Court, Bibra Lake in accordance with the approved plan and subject to the following conditions:-

**STANDARD CONDITIONS**

1. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
2. No construction related activities causing noise and/or inconvenience to neighbours being undertaken after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays.
3. The approved shed shall be clad or coloured to complement the surroundings using non reflective materials and colours to the satisfaction of the City.

**SPECIAL CONDITIONS**

4. The existing outbuildings being demolished and removed from the property as indicated on the attached plan. Removal should occur within 28 days of the occupation of the new outbuilding hereby approved.
5. The outbuilding hereby approved shall be setback a minimum of 1m from the southern side boundary, as shown on the attached plan.
6. Notwithstanding the submitted details, no part of the wall along the southern elevation shall exceed a height of 2.72m. The outbuilding shall be re-designed to reflect this requirement, the details of which should be submitted to and approved by the City at Building Licence stage.

(2) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**

**Background**

Zoning:	MRS:	Urban
	TPS3	R20
Land use:	Single House (Outbuilding)	
Lot size:	703 sqm	
Use class:	P	



### **Submission**

The applicant proposes an oversized shed measuring 80 m<sup>2</sup>. The applicant has provided the following justification in support of the need for an oversized shed which has been summarised accordingly:-

- To store two (2) vintage cars and store a boat.
- To store other materials currently located in the existing sheds which will be demolished as part of this approval.
- To provide a workshop area, so home vehicles can have maintenance work carried out

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

### **Report**

The subject land is zoned for residential purposes with a density of R20 under the provisions of the City of Cockburn Town Planning Scheme No. 3 (TPS No. 3). In accordance with scheme requirements, the Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed development has been assessed against the standards and provisions of TPS No. 3, Clause 6.10.10 of the Residential Design Codes (R-Codes), and Council Policy APD18 "Outbuildings". The proposed development conflicts with the acceptable development standards of this Policy Framework for the following reasons:

- The proposed outbuilding has a floor area of 80 m<sup>2</sup> which conflicts with Clause 6.10.10 of the R-Codes and Council Policy APD18 which restrict the floor area of such structures in the Residential Zone to a maximum of 60 m<sup>2</sup>.
- Under Policy APD18, outbuilding wall heights should not exceed 2.4 m in a Residential zone, and ridge heights are to not exceed 4.2 m. In this case a maximum wall and ridge height of 4.3 m is sought.
- Under the provisions of Clause 6.3.2 A2 (ii) of the R-Codes and Council Policy APD49 "Residential Design Codes-Alternative Acceptable Development Provisions", a building can be constructed on the boundary of a property provided the wall height does not exceed 3.0 m, and its length does not exceed 9.0 m. The subject proposal has a wall constructed on the boundary to a length of 10.0 m.

### Comment

In respect of the increase sought to the maximum floor area provisions of Policy APD18, it is considered that the 80 m<sup>2</sup> floor area sought by the applicant is acceptable in this case. This conclusion is reached as the subject lot, at 703 m<sup>2</sup> in area, has a substantial rear garden area

which can readily accommodate an outbuilding of this size without prejudice to the levels of residential amenity enjoyed by its residents.

In respect of the increase sought to the maximum wall and ridge height provisions of Policy APD18, it is noted that the Policy incorporates a provision to increase maximum wall heights by a further 10% i.e. a wall height of 2.64 m is considered acceptable. In the case of the subject proposal, the maximum wall height is 4.3 m. This represents a significant variation to Council Policy, which if permitted would result in an over height and bulky structure, detrimental to residential and visual amenity.

In view of this, it is considered that the proposed outbuilding should be re-designed to reduce the wall heights to a level more commensurate with the expectations of Council Policy. To that end, the current design of the outbuilding, incorporating a gable pitched roof to the northern and southern boundaries, and a raised central ridge line, should be replaced with a design that incorporates a part hipped roof construction, with a maximum wall height of 2.72 m where it abuts its southern neighbour. This approach will enable a design that incorporates an over height wall on the northern internal elevation, safeguarding his domestic storage requirements whilst ensuring any adverse impact on neighbouring occupiers is minimised.

It is recommended that approval of this proposal should therefore be conditional upon the submission of suitable revised design details which can be endorsed by the City at Building Licence application stage.(Proposed Special Condition No. 6 refers).

In respect of the variation sought to the provisions of Council Policy APD49 in respect of the length of the proposed boundary wall, it is considered that the proposed outbuilding should be set back from the southern boundary by 1.0 m, and the applicant be required to provide a landscaped screen along that boundary. This will provide further mitigation to the over height structure in the interests of visual amenity.

It is recommended that approval of this proposal should therefore be conditional upon the outbuilding being setback a minimum of 1m from the southern side boundary (Proposed Special Condition No. 5 refers).

In general support of the proposed development, the applicant has provided the City with a letter of justification, a copy of which is attached to this report. This confirms that the applicant is a member of the Vintage Automobile Association of WA and has storage needs for two vintage cars in his ownership. In addition, the applicant has a boat to store, as well as general domestic paraphernalia, the bulk of which is currently housed in two existing sheds which would be removed should planning approval be granted for the current development proposal. (Proposed Special Condition No. 4 refers).

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

The Planning Policies which apply to this item are:-

APD18 'Outbuildings'

APD49 'Residential Design Codes- Alternative Acceptable  
Development Provisions'

### **Demographic Planning**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Council Policy  
Planning and Development Act 2005  
State Administrative Tribunal Regulations

### **Community Consultation**

Two (2) landowners were advised of the development application. No submissions were received.

### **Attachment(s)**

1. Location Plan.
2. Site Plan
3. Elevations
4. Applicant's justification

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

The proponent has been advised that this matter is to be considered at the 8 April 2010 Council Meeting.

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

Nil.

**14.8 (OCM 08/04/2010) - CONSIDERATION FOR FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 79 LOCATION: LOT 885 WENTWORTH PARADE, SUCCESS - OWNER: VARIOUS - APPLICANT: N/A (93079) (R DONG) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) adopt the schedule of submissions as contained in the agenda attachments;
- (2) adopt the amendment for final approval subject to the RU13 provisions be reworded to read as follows;

No	Description of Land	Restricted Use	Conditions
RU 13	Lot 885 Wentworth Parade, Success	1. Land use permissibility shall be in accordance with the Regional Centre Zone as set out in Table 1 - Zoning Table subject to the following requirements: <ul style="list-style-type: none"> <li>i. A 'shop' use being limited to the following subset of uses only - 'pharmacy', 'chemist', 'restaurant', 'café;</li> <li>ii. All other shop uses are prohibited.</li> </ul> 2. A 'pharmacy' or 'chemist' use shall be restricted to one tenancy only, with a maximum floor area of 150m <sup>2</sup> . 3. A 'restaurant' or 'café' use shall be restricted to one tenancy only.	Planning approval

- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the modified documents be signed, sealed and

- forwarded to the Western Australian Planning Commission; and
- (4) advise the persons lodging submissions of Council's decision accordingly.

## COUNCIL DECISION

### Background

The land subject of this amendment is located on the south-east corner of Wentworth Parade and Beeliar Drive, 20 km south of the Perth CBD (Attachment 1). The lot is currently known as Part Lot 885 Wentworth Parade and is owned by the City. A subdivision application (WAPC Ref: 136144) has been approved to subdivide Lot 885 into two lots (Lots 400 and 401) to accommodate the Youth Centre and the subject land respectively. Whilst the new titles have not been issued yet, the total area of the subject land (Lot 400) is expected to be 1.0004ha (Attachment 2 refers).

In 2009, the Federal Government approved funding to the City of Cockburn for the construction of a GP Super Clinic on the subject land, which prompted proposed Scheme Amendment No. 79. Council at its meeting held on 12 November 2009 resolved to initiate Scheme Amendment No. 79 to Town Planning Scheme No. 3, which is proposed to amend existing Restricted Use No. 13 (RU 13) to allow uses such as pharmacies, chemists, restaurants and cafés on the subject land (Attachment 3 refers).

The proposed amendment has been advertised for a period of 42 days. This report seeks Council support to the final adoption of Scheme Amendment No. 79.

### Submission

N/A

### Report

The amendment was referred to the Environmental Protection Authority ("EPA") in accordance with the requirements of the *Environmental Protection Act 1986*. The EPA decided that the amendment should not be formally assessed, and no advice and recommendations were necessary for the amendment proposal.

Following clearance from the EPA, the amendment was advertised for public comment for a period of 42 days, concluding on 16 March 2010. This included an advertisement being placed in the Cockburn Gazette and affected landowners and government agencies being notified in writing and invited to make comment. Information was also made available at the City of Cockburn ("City") Administration Office and on the City's website.

Advertising of the amendment resulted in a total 10 submissions being received, including eight non-objections and two objections. All the issues raised in these submissions have been suitably addressed in detail in the Schedule of Submissions (Attachment 4 refers).

It should be noted that with regard to the two submissions of objection, one is prepared by The Planning Group (TPG) on behalf of Perron Group (Owner of the Gateways) which objects to the proposed amendment in its current form; the other is submitted by the owner of Greg's Discount Chemist (Shop 104 Gateways Shopping Centre) concerning the possible pharmacy/chemist may cause competition to his business. The detailed justifications for their objections and the officer recommendation addressing their issues are articulated in the Schedule of Submissions, and further comment in this report is unnecessary.

It is worthwhile to bring up some of the issues raised by TPG's submission in this report. In the submission, TPG concludes that proposed Amendment No. 79 in its current form is not acceptable; however, it suggests that a revised amendment which restricts the scale and operation of the proposed activities to a level appropriate with the future intended use of the RU 13 area would be acceptable to Perron, and this includes the following suggestions:

1. Any pharmacy or chemist within the RU 13 area being a dispensary only and being restricted to a maximum size of 75 m<sup>2</sup>, to service any future development.
2. The number of restaurants and cafés within the RU 13 area being restricted to one tenancy only to service the patrons of any future development.

### Discussion

With regard to 2 in the above, it is considered that restricting the number of restaurants/cafes to one tenancy is a reasonable suggestion, and has the following planning merits:

- It offers necessary service to the patrons of future development within the RU 13 area without compromising the operation of compatible uses both within the Gateways Shopping Centre and Town Centre, which has been acknowledged by the TPG's submission.

- It provides certain degree of self-containment within the R U 13 area so that it reduces traffic as well as pedestrian movements.
- It offers the opportunity for more variety of restaurants and cafés to be located within the regional centre area, and therefore enhances the vibrancy of the centre without disadvantaging the compatible uses in the shopping centre.

For the above reasons, it is recommended that TPG's suggestion 2 in the above be upheld.

With regard to TPG's suggestion 1 relating to the size limit to a pharmacy or chemist within the RU 13 area, it is considered that the pharmacy/chemist is an essential part of the super clinic proposal, which should have the capacity to supply both prescription and non-prescription medicines in order to cater for the need for allied health services within this medical centre. This will require the pharmacy/chemist to have reasonable floor space in order to be able to deliver the above services. It is considered that the suitable size for a pharmacy/chemist to be able to deliver the above services is 150 m<sup>2</sup>; this was also confirmed by some of the experts in this industry.

In this respect, it is considered that TPG's Suggestion 1 in terms of restricting a pharmacy/chemist to a maximum size of 75 m<sup>2</sup> is not justified and should be dismissed.

In view of the above, it is recommended that proposed scheme provisions for RU13 be reworded to read as follows:

No	Description of Land	Restricted Use	Conditions
RU 13	Lot 885 Wentworth Parade, Success	<p>1. Land use permissibility shall be in accordance with the Regional Centre Zone as set out in Table 1 - Zoning Table subject to the following requirements:</p> <p>iii. A 'shop' use being limited to the following subset of uses only - 'pharmacy', 'chemist', 'restaurant', 'café.</p> <p>iv. All other shop uses are prohibited.</p> <p>2. A 'pharmacy' or 'chemist' use shall be restricted to one tenancy only, with a maximum floor area of 150 m<sup>2</sup>.</p>	Planning approval

		3. A 'restaurant' or 'café' use shall be restricted to one tenancy only.	
--	--	--	--

### Conclusion

Proposed Scheme Amendment No. 79 is consistent with the planning objectives for the Cockburn Central Regional Centre area. The future Super Clinic will provide essential community facilities in this Regional Centre area to cater for the community needs. The recommended changes to the RU 13 provisions suitably address the issues raised during the advertising of the scheme amendment. It is therefore recommended that the Council adopt Scheme Amendment No. 79 for final approval subject to the recommended changes being made to the proposed RU 13 scheme provisions.

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

#### **Demographic Planning**

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

#### **Infrastructure Development**

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

#### **Lifestyle and Aspiration Achievement**

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

### **Budget/Financial Implications**

The City will be responsible for the preparing and progressing the scheme amendment documentation through to final approval. The costs incurred by the City for advertising is relatively minor. There are adequate funds in GL Account 505 6206 which has been used to cover the advertising costs.

### **Legal Implications**

Town Planning Scheme No. 3  
 Planning and Development Act 2005  
 Town Planning Regulations 1967 (as amended)



### **Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Scheme Amendment No. 79 concluded on 16 March 2010. At the close of advertising, 10 submissions were received.

### **Attachment(s)**

1. Locality Plan
2. Deposited Plan
3. Scheme Amendment Document
4. 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 8 April 2010 Council Meeting.

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

Nil.

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

### **15.1 (OCM 08/04/2010) - LIST OF CREDITORS PAID - FEBRUARY 2010 (5605) (N MAURICIO) (ATTACH)**

#### **RECOMMENDATION**

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

#### **COUNCIL DECISION**

### **Background**

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

### **Submission**

N/A

**Report**

The list of accounts for August 2009 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – February 2010.

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

N/A

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

Nil.

**15.2 (OCM 08/04/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - FEBRUARY 2010 (5505) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

## **Background**

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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

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

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

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2009/10 financial year.

## **Submission**

N/A

## **Report**

Council's financial performance to the end of February continues to track within macro budgetary parameters. There are no unexpected results of any material nature causing concern.

The February statement budget figures include the mid-year budget review, as adopted at the February Council meeting. Several significant and permanent budget variances previously identified were addressed in the mid-year budget review.

### Closing Funds

Council's closing funds (adjusted net current position) remains well above the budget target, continuing to reflect a healthy financial position. At \$31.4M, this is some \$6.7M higher than forecast, little changed from last month's position. The main reason for this continues to be a lag in incurring and bringing our cash operating expenses to account. These are behind the YTD budget by \$4.5M (\$0.8M less than last month).

Council's cash and investment holdings (including restricted items) stand at \$71.9M. Cash reserves and other restricted cash comprise \$37.9M of this total, with the balance of \$34.0M available to fund remaining commitments and operations for the 2009/10 year.

### Operating Revenue

At a consolidated level, operating revenues are right on the YTD budget. However, there are several major compensating variances either way.

Investment earnings on both municipal and reserve funds continue to outperform the budget, mainly due to rising yields from bank issued Term Deposits. To the end of February, this area contributed \$413k to the overall variance. This is after already revising the budget upwards in the mid-year budget review.

Rate revenue is \$392k ahead of the YTD budget.

Rubbish removal charges levied are \$227k ahead of YTD budget and \$91k ahead of the full year budget. However, these funds are applied to waste collection services and it is proposed that any year end surplus over service costs be quarantined and used to subsidise future costs.

Conversely, landfill income is below YTD budget by \$512k. This variance is \$787k less than last month's, due to an adjustment for factoring in the delayed landfill levy increase in the mid year budget review.

Operating grants for Aged Services are \$284k ahead of YTD budget projections. These have no impact on Council's closing budget position.

### Operating Expenditure

Cash operating expenditure is tracking well below the YTD budget at \$39.9M (\$4.5M below). The major contributing items at a nature and type summary level is materials and contracts at \$2.5M and other expenses at \$1.1M. Council's biggest expense line item, employee costs, is tracking the budget in accordance with expectations.

Most business units are tracking below budget; however, several significant areas contribute mostly to the variance.

Waste Services have a ytd budget variance of \$1.6M comprising:

- RRRC entry fees - down \$496k
- Waste Recovery Park operating expenses - down \$386k;
- Landfill levy expenses - down \$652k (offset by reduced income) due to delayed introduction of new fee structure by the State Government.

Operating costs are down within Parks & Environment by \$897k, within Roads by \$408k and within Community Services by \$399k.

The apparent underspending in materials and contracts across the board can be largely attributed to the lag in supplier invoicing and processing. This is a common phenomenon for the City each year and tends to rectify itself the closer we get to the end of financial year.

#### Capital Expenditure

Council's capital spend continues to follow the historical pattern of underperforming the budget. As at the end of February, the actual spend was \$16.3M, being \$7.8M below the YTD budget targets.

Council's building infrastructure program contributes \$4.2M to this variance and our land development program \$1.3M.

These underspends are temporary in nature, as most of the funds have been committed to works and contracts.

The delay in out flowing cash allows additional investment earnings to accrue towards Council's bottom line.

#### Description of Graphs & Charts included within Statements

Consistent with the aim of continually improving the quality of the information reported in the monthly statements, the format of the Capital Expenditure graph has been revised. This now 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 consumed, than 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. This month's position is consistent with that of last year's at the same time.

Council's overall cash and investments position is also provided in a line graph with a comparison to last year's numbers. This is currently showing a stronger position than at the same time last year.

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

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

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

#### **Governance Excellence**

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

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

Material variances identified of a permanent nature (i.e. not due to timing issues) can impact on Council's final budget position (depending upon its nature).

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

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

Statements of Financial Activity and associated Reports - February 2010.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES****16.1 (OCM 08/04/2010) - TEMPORARY CLOSURE OF NAUTICAL DVE IN HENDERSON TO THE PASSAGE OF VEHICLES (ES/R/002) (S HUSSAIN) (ATTACH)****RECOMMENDATION**

That Council in accordance with section 3.50 of the Local Government Act 1995, institutes a temporary closure of a section of Nautical Dve, Henderson between two (2) crossings – at the intersection of Welding Pass to the north, and further south at the intersection of Stuart Dve for a period of up to 7 months commencing 1<sup>st</sup> June 2010 to 31 December 2010 subject to:-

1. there being no substantial objection received as a result of advertising in a local newspaper;
2. there being no substantial objection from service authorities, emergency services or adjoining owners;
3. the developer engaging an appropriately accredited traffic management contractor to submit a certified traffic management plan to monitor and control traffic movements due to the closure;
4. all works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in accordance with the “Public Utilities Code of Practice 2000”, “Restoration and Reinstatement Specification for Local Government 2002” and the City of Cockburn “Excavation Reinstatement Standards 2002” as a minimum; and
5. the proponent being fully responsible for public liability and damages arising from the works.

**COUNCIL DECISION****Background**

The City is currently reviewing a development application for the temporary storage use (rock material) for the western portion of Lot 101 Stuart Dve, Henderson.

These rock materials are required for landing jetties and associated infrastructure as part of the Barrow Island LNG Plant, a Gorgon Gas Project currently under construction off the northwest coast of WA. To transport these rocks stored on Lot 101 Stuart Dve, Henderson to the AMC CUF, temporary road closure for a portion of Nautical Dve is required for a period of up to six (6) months.

### **Submission**

Allerding & Associates on behalf of Boskalis Australia Pty Ltd has requested the City's approval for the temporary road closure of a portion of Nautical Dve, Henderson between two (2) crossings – at the intersection of Welding Pass to the north, and further south at the intersection of Stuart Dve for a period of seven months. This will facilitate the transportation of rocks stored on Lot 101 Stuart Dve, Henderson to the AMC CUF.

### **Report**

During the transportation activities of rock stockpiles the road closures will be required for the below reasons:

1. The road closure is a necessary component to assist in the overall transportation and administration of rocks required for a landing jetty associated with the Barrow Island LNG Plant.
2. Mine site trucks with a capacity of approximately 75 tonnes will be used for the transportation of the rock materials and loading operations will be undertaken on a 24 hour per day basis. Due to frequency of truck movements and considering availability of alternative routes and public safety issues, road closure is required for the entire length of the operation.
3. The route through the section of Nautical Dve is the most appropriate and logical route to transport rock from Lot 101 Stuart Dve to the AMC CUF site. A 20 cm depth of crushed limestone base 10 metres wide will be placed over the road for the duration of the operation. At the completion of the operation the limestone material will be removed and the road reinstated to its original condition to the satisfaction of City of Cockburn.
4. The proposed detours are minor and efficient in directing traffic along Nautical Dve eastward to Sparks Road where vehicles can still proceed in a north-south direction. The proposed closure will not incur an adverse impact on surrounding land uses and existing through traffic.
5. The proposal is for a seven (7) month period and with appropriate traffic management controls in place, including road barriers, signage and protective surfaces covering public road,



the closure will not create any undue congestion and impact on surrounding land uses. Advance warning signs will also be installed and an advice of the proposed closure will be placed in both the local newspaper and West Australian newspaper prior to the closure.

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

#### **Demographic Planning**

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

#### **Transport Optimisation**

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

### **Budget/Financial Implications**

All costs to the closure will be covered by the Developer

### **Legal Implications**

Section 3.50 of the Local Government Act.

### **Community Consultation**

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

### **Attachment(s)**

Application and plan of the closure

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

N/A

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

Nil.

**16.2 (OCM 08/04/2010) - TENDER NO. RFT 33/2009 - CLEANING SERVICES - PUBLIC, COMMUNITY & ADMINISTRATION FACILITIES (RFT 33/2009) (D VICKERY) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by Spotless Services Australia Ltd, T/A Arrix, for Tender No. RFT 33/2009 – Cleaning Services – Public, Community and Administration Facilities, for the lump sum of \$633,972.73 GST exclusive (\$697,370.00 GST inclusive) per annum and schedule of rates as submitted for post function, unscheduled and ad-hoc cleaning services, for a period of three (3) years commencing 1 April 2010.

**COUNCIL DECISION**

**Background**

Over a number of consecutive years since 2003 the City of Cockburn has acquired the majority of its Cleaning from two contractors, namely MP Cleaning and Cleandustrial Services. The existing Contract (No. RFT 18/2003) expired officially on 31 July 2007; but for expediency purposes the incumbent contractors have been continued to be utilised. The tender documentation and in particular, the specification; is now out of date and does not adequately provide for the many changes to the City's infrastructure and cleaning requirements that are now required by Council. A higher standard of cleaning; including for the first time key performance indicators, has been incorporated in the new tender documentation.

Cleaning requirements include:

- Scheduled cleaning of Administration and Community buildings and facilities.
- Scheduled cleaning of public toilets and BBQ's
- Ad hoc cleaning services after functions and as required.

It was decided that as part of the preferred supplier project that the most applicable option for Council, when considering expenditure over a three year Contract period, was to call public tenders. Subsequently, a consultant, John Clohessy of Changing Directions Pty Ltd was employed to assist in the process of preparing a comprehensive specification for cleaning services for the City of Cockburn, and to assist with tender assessment.

Tender Number RFT 33/2009 Cleaning Services - Public, Community & Administration Facilities was advertised on Wednesday 19 August 2009 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's website between the 18 August and 15 September 2009.

### Submission

Tenders closed at 3:00 p.m. (AWST) on Tuesday 15 September 2009 nine (9) tender submissions were received from:

1. Cleandustrial Services Pty Ltd
2. Peselj Family Trust – Trading as MP Cleaning Contractors
3. Tangata Pty Ltd – Trading as List's Cleaning Services
4. MPJ Cleaning Services
5. Office and Industrial Cleaning Pty Ltd
6. A Group of Companies – Trading as ALLclean Property Services Plus
7. Spotless Services Australia Ltd – Trading as Arrix
8. Dominant Property Services
9. Presidential Contract Services

### Report

Tenders closed at 3:00 p.m. (AWST) on Tuesday 15 September 2009. Nine (9) tender submissions were received from:

1. Cleandustrial Services Pty Ltd
2. Peselj Family Trust – Trading as MP Cleaning Contractors
3. Tangata Pty Ltd – Trading as List's Cleaning Services
4. MPJ Cleaning Services
5. Office and Industrial Cleaning Pty Ltd
6. A Group of Companies – Trading as ALLclean Property Services Plus
7. Spotless Services Australia Ltd – Trading as Arrix
8. Dominant Property Services
9. Presidential Contract Services

### Report

#### Compliant Tenderers

	<b>Compliance Criteria</b>
A	Attendance at the Mandatory Tender Briefing/Site Inspection
B	Compliance with the Specification
C	Compliance with the Conditions of Tendering
D	Compliance with Insurance Requirements and completion of Clause 5.2.7

D1	Public Liability Insurance \$10,000,000.00 Australian
D2	Workers Compensation or Personal Accident Insurance
D3	Employees Superannuation
E	Compliance with the Occupational Safety & Health Requirements and completion of Appendix A
F	Compliance with and completion of the Price Schedule & Cost Analysis Spreadsheets

Tenderer's Name		Compliance Assessment
1	Cleandustrial Services P/L	Compliant
2	MP Cleaning Contractors	Compliant
3	List's Cleaning Services	Compliant
4	MPJ Cleaning Services	Compliant
5	Office & Industrial Cleaning P/L	Compliant
6	ALLclean Property Cleaning Services Plus	Compliant
7	Arrix	Compliant
8	Dominant Property Services	Compliant
9	Presidential Contract Services	Non-Compliant

Presidential Contract Services was deemed non-compliant as it lodged another organisation's tender (Tender No. ETT1555-2009) in error with the City of Cockburn and therefore their submission was returned; and was not included in the evaluation.

All compliant tenderers completed price schedules for both Groups 1 and 2, except for Office & Industrial Cleaning Pty Ltd who completed price schedules only for Group 2, which was allowable under the conditions of tendering.

#### Evaluation Criteria

This criterion is applicable to both Group 1 and Group 2 submissions.

Evaluation Criteria	Weighting Percentage
Hours of Work	20%
Pricing Schedules	5%
Demonstrated Cleaning Services Experience	15%
Environmentally Managed Cleaning Services	20%
Past & Current Contracts	5%

Evidence of Company Stability	5%
Transition Plan and Implementation Strategy	5%
Tendered Price – Lump Sum	25%
<b>TOTAL</b>	<b>100%</b>

### Tender Intent/ Requirements

The contract is for the provision of daily, other scheduled and adhoc cleaning services for the City of Cockburn's facilities and buildings over a three year contract period.

The tender specification has been divided in two sections Group one and Group two. Group one being Public Facilities (Public Toilets and Barbecues) and; Group two Community and Administration Facilities (Community Centres, Administration Offices and Libraries).

### Evaluation Panel

The tender submissions were evaluated by:

1. Pieter Zietsman - Building Maintenance Coordinator, Infrastructure Services
2. Phil Crabbe - Facilities & Plant Manager, Infrastructure Services
3. John Clohessy - Consultant, Changing Directions Pty Ltd.

### Scoring Table - Combined Totals

<b>Group 1 - Public Facilities ( Public Toilets &amp; Barbecues)</b>			
<b>Tenderer's Name</b>	<b>Percentage Score</b>		
	<b>Non Cost Evaluation</b>	<b>Cost Evaluation</b>	<b>Total</b>
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>Arrix **</b>	<b>66.78</b>	<b>20.49</b>	<b>87.26</b>
Cleandustrial Services P/L	65.42	18.14	83.55
ALLclean Property Services Plus	46.73	10.98	57.71
MPJ Cleaning Services	25.50	25.00	50.50
MP Cleaning Contractors	26.05	23.43	49.49
List's Cleaning Services	28.11	20.75	48.85
Dominant Property Services	22.23	16.85	39.08

\*\* Recommended Submission

<b>Group 2 - Community &amp; Administration Facilities</b>			
<b>Tenderer's Name</b>	<b>Percentage Score</b>		
	<b>Non Cost Evaluation</b>	<b>Cost Evaluation</b>	<b>Total</b>
	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>Arrix</b>	<b>66.78</b>	<b>21.78</b>	<b>88.56</b>
Cleandustrial Services P/L	65.42	20.85	86.27
ALLclean Property Services Plus	46.73	14.6	61.33
Office and Industrial Cleaning	35.39	18.52	53.91
MPJ Cleaning services	25.50	25.00	50.50
MP Cleaning Contractors	26.05	24.06	50.11
Dominant Property Services	22.23	21.64	43.87
List's Cleaning Services	28.11	13.49	41.60

**\*\* Recommended Submission**

#### Evaluation Criteria Assessment

1. **Hours of Work**  
All the tenderers scored equal on this item. All tenderers submitted useful information that allowed for evaluation. This information was entered in a spreadsheet provided by the consultant and a cross check was done on whether the tenderer's nominated hours per activity appeared reasonable against industry benchmarks. Both Arrix and Cleandustrial nominated hours that compared favourably to what were considered to be an industry standard for the particular activities.
2. **Pricing Schedules**  
All the tenderers submitted the pricing schedules as per the spreadsheets provided for this purpose. The quality of some of the submissions was not as thorough as others and this is reflected in the scores, with Arrix and Cleandustrial Services scoring highest in this criteria.
3. **Demonstrated Cleaning Services Experience**  
Although two of the tenderers currently do work for the City their submissions were taken on face value. The three tenderers that scored highest in these criteria were Arrix, Cleandustrial Services and ALLclean Property Services Plus.

Cleandustrial Services is currently contracted by Council to do cleaning of the Administration building and various other Council buildings. They are doing a good job and can be expected to continue to do so if given more work. They also provided references to support their claim. Arrix is a well established cleaning company and have shown in their submission, and references, that they have the necessary experience to do the work.

4. **Environmentally Managed Cleaning Services**  
Both Arrix and Cleandustrial Services provided adequate information on this criteria. Cleandustrial scored 1% higher than Arrix. Both Cleandustrial and Arrix were judged as being able to deliver the service within the City's guidelines.

The remaining tenderers made an effort to address this criteria; however, the City of Cockburn's policies would not be addressed in full, based on the submissions received from these tenderers.

5. **Past & Current Contracts**  
Most tenderers have had done similar work and have held similar contracts in the past and as well as currently. The only tenderers who did not score the full 5% (possible highest) were MP Cleaning, MPJ Cleaning, List's Cleaning Services and Dominant Property Services. MP Cleaning is currently responsible for City of Cockburn's barbecue, public toilet and some community centre cleaning. They have not done cleaning to the scale as required by this tender and they were considered to not have the capacity to fulfil all the stringent requirements of the Contract.
6. **Evidence of Company Stability**  
Of all the submissions only Cleandustrial Services, Arrix and ALLclean Property Services Plus provided sufficient information to substantiate their company's stability; all three companies scored the maximum 5% on these criteria. The City of Cockburn undertook a financial risk assessment of Cleandustrial Services P/L and Spotless Services Australia Ltd (T/as Arrix) by obtaining a full Dun and Bradstreet credit reference report. Both companies were reported to be stable and rated with a low to medium risk to Council.
7. **Transition Plan and Implementation Strategy**  
Cleandustrial Services, Arrix and ALLclean Property Services Plus all scored the maximum 5% on this criterion. Cleandustrial already undertakes the cleaning on various of the Council's buildings and would be expected to have very few problem takings on more of Council's properties. Arrix have proposed a transition plan in conjunction with City of Cockburn and were

considered would be able to ensure a smooth transition into the new contract.

8. Summation

The tender submitted by Spotless Services Australia Ltd, trading as Arrix, scored highest in the combined price and non price score for both the Group 1 and Group 2 parts of the cleaning contract. The Company were assessed as having the capacity to undertake the work to the required standard and to achieve a smooth transition from the existing contract. The company's tendered price is also lower than the next highest scoring tenderer (Cleandustrial) and are recommended for both Groups.

Cleandustrial Services provided a quality tender submission and achieved the second highest combined price and non price score for both Groups. They rated highly across all criteria, including a potential smooth transition into a new contract and were it not for the superior scored tender from Arrix, would have been recommended for either of the two Groups.

None of the other tenderers scored highly in the combined price and non price score for either Group 1 or Group 2 to be in contention against the recommended tenderer.

**Strategic Plan/Policy Implications**

The Strategic plan 2008-2018 has a commitment to:

**Infrastructure Development**

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

**Lifestyle and Aspiration Achievement**

- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

**Budget/Financial Implications**

The price represents an approximate 11% increase in costs which was anticipated given the increased scope of this contract. The expenditure is budgeted for in the normal building and facilities operational and general ledger budgets of every year.

**Legal Implications**

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

**Community Consultation**

N/A



**Attachment(s)**

The following confidential attachments are provided under a separate cover:

1. Compliance Criteria Checklists
2. Tender Evaluation Sheet (s)
3. Tendered Prices
4. Changing Directions Pty Ltd's evaluation report (Executive Summary only)

**Note**

The tendered prices are not disclosed at the opening of Tenders nor entered into the Tender Register.

In accordance with Part 4, Regulation 16-3(c) and 17-3 of the Local Government (Functions and General) Regulations 1996 the Principal is only required to record the price of the winning tenderer/s in the Tenders Register.

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 8 April 2010 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (OCM 08/04/2010) - TENDER NO. RFT44/2009 - SECURITY SERVICES (MOBILE PATROLS ETC.) (RFT 44/2009) (D GREEN) (ATTACH)****RECOMMENDATION**

That Council:

- (1) accepts the tender submitted by Perth Security Services for Tender No. RFT 44/2009 – Security Services - for the provided contract value of \$790,398.72 (GST exclusive) and the rates for additional services, as contained in the Schedule of Rates (GST exclusive);
- (2) provide funds of up to \$30,000 for the immediate establishment and fit out of office space and base for the service, located adjacent to the current Ranger services accommodation at the Council Operations Centre;

- (3) provide funds of up to \$20,000 in the 2009/10 Municipal Budget to provide for the employment of a Contract Supervisor / Service Support Officer to assist in the initial establishment and administration and the ongoing monitoring of the service; and
- (4) draw funds required for the implementation of (2) and (3) above from the Community Surveillance Levy Reserve Fund.

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

#### **COUNCIL DECISION**

#### **Background**

Council at its meeting of 10 September 2009 resolved as follows:

- (1) *advises the City of Melville that it intends to withdraw from the current Community Safety Service (CSS) partnership arrangement upon the expiry of the current term on 30 June 2010;*
- (2) *calls tenders for the provision of a similar security patrol service to be contract managed internally by the City of Cockburn;*
- (3) *requires a fully costed internal community security service, based on the expansion of Council's Ranger services to an 'around the clock' operation, to be provided as a comparison to the external provision of this function.*
- (4) *include in the service brief that options for the delivery of the service other than on a "24/7" basis will be considered; and*
- (5) *conduct a workshop of Elected Members following the October 2009 Council elections to ensure they are all fully conversant with the intent and purpose of the proposed service.*

In accordance with the Council decision tender documentation was prepared and advertised on 4 November 2009. Elected Members

were provided with a briefing on the tender on 19 November 2009 and a copy of the presentation was also emailed to all Elected Members.

An alternative proposal for an expanded Ranger service was prepared by the Rangers and Community Safety Manager in lieu of a tendered security patrol service. This was prepared and evaluated completely independent of the external security tender. A copy of relevant content of the proposal is attached to the Agenda.

At the Ordinary Council Meeting held on 11 March 2010, Council deferred the item for the purpose of conducting a workshop with Elected Members, prior to the matter being represented to Council in April 2010.

A workshop was conducted with Elected Members on Saturday 27 March 2010, at which a number of issues were raised relevant to both the tendered proposals and the internal submission. Further information has since been consolidated and forwarded to Elected Members.

### **Submission**

The security services (Mobile Security Patrols etc) Request for Tender (RFT) 44/2009 closed on 19 November 2009. There were 8 tenders received.

1. Charter Group Security Pty Ltd
2. Wilson Security
3. Southern Cross Protection Pty Ltd
4. Australian Assets Protection Pty Ltd
5. Accord Security Pty Ltd
6. ANSS Australian Pty Ltd
7. Kencross Pty Ltd T/A TMS Services
8. MCW Corporation Pty Ltd T/A Perth Security Services

### **Report**

Of the 8 tenders received 7 were deemed compliant. The tender submission from Australian National Security Service was deemed non compliant with regards to Price Schedule and Conditions of Tendering. Wilson Security deemed themselves non complaint as they have been advised by their own legal firm that they would be unable to comply with the indemnity clauses in the tender. The City's insurers have advised that the requirements related to Insurance Indemnity in the standard tender are not appropriate for the specific tender for the security service and hence the tender from Wilson Security can be accepted.

Compliance Outcome

	<b>Tenderer's Name</b>	<b>Compliance Criteria Overall Assessment</b>
1	Charter Security	Compliant
2	Wilson Security	Compliant
3	Southern Cross Security	Compliant
4	Australian Asset Protection	Compliant
5	Accord Security	Compliant
6	TMS Services	Compliant
7	Perth Security	Compliant
8	Australian National Security Services	Non Compliant

<b>Assessment Criteria</b>	
Price	35%
Demonstrated experience	20%
Response times and Contactability	15%
Tenders Personnel	15%
Tenders resources	15%
<b>TOTAL</b>	<b>100%</b>

The services required include but are not limited to:

- Random and targeted mobile security patrols available on a twenty-four (24) hours a day 365 days a year basis.
- Community relations role on behalf of the Principal.
- Liaising with and reporting to Western Australia Police.
- Provision of a staffed Control Room; twenty-four (24) hours a day 365 days a year, with the ability to include CCTV monitoring at a future stage.
- Provision of an opening and closing (securing) service for specified facilities
- Provision of security escort services of the Principal's staff at nominated facilities or on an 'as requested' basis.

Tender submissions were evaluated by:

1. Robert Avard - Manager Community Services.
2. Nelson Mauricio - Manager, Management Accounting and Budgeting.
3. Philip Crabbe - Facilities and Plant Manager.

<b>Scores:</b>			
<b>Tenderer's Name</b>	<b>Non-Cost Criteria Assessment Score</b>	<b>Cost Criteria Assessment Score</b>	<b>Total Score</b>
Charter Security	41.50%	22.95%	64.45%
Wilson Security	57.75%	30.36%	88.11%
Southern Cross Security	51.25%	25.55%	76.8%
Australian Asset Protection	50.75%	34.09%	84.84%
Accord Security	44.25%	33.31%	77.56%
TMS Services	38.00%	32.27%	70.27%
Perth Security Services	53.75%	35%	88.75%

Perth Security Service is a small firm with local government experience at the Cities of South Perth and Gosnells both of whom gave extremely positive feedback on their contract performance. Their price is very competitive and their industrial pay arrangements stable. Perth Security Service have committed to establishing a 24/7 control centre to meet the needs of the City and will have the allocated premises located at the City's Depot as the Cockburn operational base. The core team proposed for the City contract is experienced and appear competent.

#### In-house submission

In accordance with Councils decision of September, 2009, a comprehensive submission was prepared by Council staff based on utilising an expanded Ranger service to deliver a similar model as that requested by the Tender.

An abridged copy of the submission has been provided to Elected Members under separate cover as a confidential attachment, together with comments from senior Council Financial staff on the validity of the document.

In summarising the submission, it provides a credible alternative to the outsourced tender model, in that it would provide Council with complete control over the resources allocated to the service, together with the inherent benefit of flexibility that in house resources can provide.

However, with the initial establishment costs estimated to be around \$300,000 in excess of the preferred external Contractor for year 1 and between \$200,000 - \$250,000 per year thereafter. It is difficult to develop a case for choosing the in house submission, based on cost – benefit comparisons, ahead of the outsourced option.

A primary consideration in recommending the outsource option is that the service can be tailored to suit any circumstances and additional

resources can allocated / reduced/ re – deployed on an as needs basis to satisfy the requirements of the City. The preferred tenderer has provided an assurance that any reasonable request for the provision of additional resources would be effected within ½ hour of the requirement.

Given these circumstances, there is a compelling position for the original service standard to adopt a “minimum standard” approach, which provides for 24/7 coverage of the district by a minimum of 2 patrol vehicles for 3 days each week, 3 vehicles 2 days each week and 4 vehicles 2 days each week; the latter designed to cater for the traditional “peak” periods of weekend activity. This is the level of service which can be expected for the recommended tender price of \$790, 398.72. Such an approach is recommended on the basis that there are extensive periods during the week when vehicles do little more than patrol the streets, without any specific task or objective being assigned. This is considered predominantly to be unproductive time for which the Council (and ultimately ratepayers) are paying unnecessarily.

It is intended that Council staff can, in conjunction with the Patrol Officers, derive a more planned approach to the objectives of the service and target priority functions and allocate resources accordingly. This is obviously contingent upon the assurance that additional resources can be allocated swiftly upon being requested by the City, as and when the need arises. While this part of the service will necessarily require careful management and implementation, it is considered to be a more efficient method of resource utilisation, as an alternative to having non productive passive patrolling at periods of low activity.

Alternatively, should Council opt for the same service coverage as currently provided (i.e. 4 patrol vehicles 24/7) the associated tender cost has been calculated to be in the vicinity of \$1,300,000.

Should this be the level of coverage required by Council, then it is considered that the cost differential with a full in house provided service would be more significant and therefore an in house submission for comparative purposes has not been calculated.

### Summary

Consequently, it is recommended that the outsourced option as tendered, with the capacity to call out additional service at short notice as necessary, be selected as the preferred methodology.

While there are valid reasons in considering the cost savings apparent in the recommended outsourced Tender model, it must also be recognised that delivery standards can sometimes be compromised where the service is ultimately controlled by another party. For this reason it is considered imperative that some in house resource be

provided to the service in a support role to assist in the establishment and to ultimately monitor the ongoing standard and overall performance of the Contractor.

This methodology is apparent in many Council awarded construction contracts where Council staff work closely with builders to ensure the ultimate outcome of the project is consistent with initial expectations.

In this case, there are not the spare resources available in house to provide the necessary up front and ongoing support and supervision to ensure a high level of quality control is provided to monitor that the objectives of the service are being met on an ongoing basis.

It is proposed that a Contract Supervisor / Service Support Officer be employed as soon as possible to assist in the establishment and ongoing supervision of the Contract and its overall performance.

It is proposed that the advance expenditure required for both this and the establishment of a base facility for the service to be located at the Operations Centre (being the transportable building previously used at Coolbellup Library) be drawn from the Community Surveillance Levy Reserve Fund and funded as a cost against the Security Levy.

The greater proportion of this expenditure will be required for the physical establishment, provision of utilities and fit out of a basic depot for the Patrol Officers, which also provides available space for the Contract Supervisor/ Service Support Officer to work from.

This will be offset to some extent in future by not having to employ a full time Clerical Support Officer for the Rangers / Community Safety Unit, which is proposed in the current Plan for the District (New Staff Plan) for 2010/11, as part of the duties proposed for that position would have been to provide administrative support to the Security service, in whatever form it was to take in future.

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

#### **Lifestyle and Aspiration Achievement**

- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

#### **Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

### **Budget/Financial Implications**

In the 2008/09 financial year there was a total of \$2,050,075 spent on the security patrol service with an allocation of \$2,000,000 for 2009/10.

Should Council proceed with the current level of service which is 4 cars on the road 24 hours per day 7 days per week the cost of the service will be in the vicinity \$1,500,000 depending on the tender selected.

A 24 hours per day 7 days a week service that has a minimum of 2 cars on the road at any one time and peaked at 4 cars on Friday and Saturday nights would cost in the vicinity of \$900,000 depending upon the selected tender.

The current security levy of \$50 per property may be reduced depending upon the decision of Council on the level and nature of the service required.

Besides the direct tender costs there will also need to be factored into the budget allocated internal costs which will be approximately \$90,000.

A service centre for the security staff to utilise is proposed to be established at the Council Operations Depot and accommodated in the demountable building recovered from the Coolbellup Library redevelopment. The provision of services, furnishing and fit out costs are estimated to be in the order of \$35,000.

It is also proposed to incorporate a Contract Supervisor role for the initial 2 year term of the contract, to ensure consistent management and monitoring of all aspects of the service to the City's satisfaction at an estimated annual cost of \$75,000.

Costs for the initial establishment and staff requirements can be provided from the Community Surveillance Levy Reserve Fund.

### **Legal Implications**

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

### **Community Consultation**

The tender appeared in the West Australian Newspaper on 4 November 2009 and attracted eight (8) responses by the closing date of 19 November 2009.



**Attachment(s)**

1. Extract from proposal for expanded Rangers service (provided under separate confidential cover).
2. Comments – City of Cockburn financial services staff (provided under separate confidential cover).
3. Compliance Criteria Checklist (provided under separate confidential cover).
4. Tender Evaluation Sheet (provided under separate confidential cover).
5. Tendered Prices (provided under separate confidential cover).

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

Those who lodged a tender on the proposal have been advised that this matter is to be considered at 8 April 2010 Council Meeting.

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

Nil.

**17.2 (OCM 08/04/2010) - INTEGRATED HEALTH AND COMMUNITY FACILITIES - WENTWORTH PARADE, SUCCESS (CR/M/111) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council advertise the Business Plan for Integrated Primary Health and Community Facilities in accordance with the requirements of Section 3.59 of the Local Government Act.

**COUNCIL DECISION****Background**

Council owns 2 hectares of freehold land on the corner of Wentworth Parade and Beeliar Drive in Success. On Lot 401 a Youth Centre has been constructed with associated car parking.

The whole of the adjoining Lot 400 and a portion of Lot 401 Wentworth Parade, Success remains available for development. There are a number of services and facilities that are required to serve the eastern portion of the City which can be readily accommodated on the site. For many years the Success Library has been operating from a small

leased area within the Cockburn Gateways Shopping Centre which is quite inadequate for the catchment population it is required to serve. The current lease for the Success Library expires on 13 November 2012 and the owners have indicated that they will require the library to move.

The Commonwealth Government has advised that they have committed \$6.65m toward the construction of a GP Super Clinic on the site due to the low number of GPs currently serving this population. The GP Super Clinic Funds have been provided on the basis of a co-operative submission between the City and the Fremantle GP Network. The Commonwealth has indicated that they seek the works to be completed by the end of 2011. A fast track program has been prepared and is to be considered by Council when details on the project are more advanced. A Draft Memorandum of Understanding has been prepared between the City and the Fremantle GP Network to guide the GP Super Clinic elements of the project. This will be considered following the advertising of the Business Plan. Centrelink has indicated that this site would be suitable for one of their offices and a submission has been prepared and submitted for this.

Council at its Ordinary Meeting of 12 November 2009 resolved to appoint Bollig Design Group for architectural Services for Integrated Health and Community Facilities to be located on the site. Quantity Surveyor, Davis Langdon has been appointed by the City to act on behalf of the City, independent of the architect and other consultants.

### **Submission**

N/A

### **Report**

The intent of the project as described in the business plan is a balance between two objectives. Firstly, to provide and facilitate the provision of community services, in particular the library, meeting rooms /additional office space and GP Super Clinic. Secondly, to generate income for the City through the leasing of property such as office accommodation, health services and a café.

An overview of the attached Business Plan is provided as follows.

The attached Concept Plan for the site has been prepared by Architects Bollig Design which indicates floor space as follows:

- GP Super Clinic ..... 1,300 m<sup>2</sup>
- Library/satellite office/support services ..... 1,400 m<sup>2</sup>
- Community meeting rooms/additional office space ..... 560 m<sup>2</sup>
- Café/restaurant ..... 100 m<sup>2</sup>
- Allied Health Services lease space ..... 1,532 m<sup>2</sup>

- Office accommodation ..... 1,352 m<sup>2</sup>
- Government Agency ..... 1,000 m<sup>2</sup>

The proposed structure will be two storeys over two buildings with the majority of the parking below the ground floor plate which is made more readily available due to the slope of the lot. The design brief is for a 5 green star building which will establish a high standard by the City and also assist in attracting government tenancies.

Section 3.59 of the Local Government Act 1995 requires that any land transaction worth more than \$1,000,000 or 10% of the operating expenditure incurred by the local government from its Municipal Funds in the last completed financial year is deemed to be a 'major land transaction' and requires a Business Plan. The value of the land is under normal market circumstances valued at approximately \$3,500,000 and hence is deemed as a "major land transaction".

A 'major trading undertaking' is defined as a commercial activity for a profit that is worth more than \$500,000 or 10% of the local government's operating expenditure. The income generated by the tenants will be in excess of \$500,000 p.a.

A Business Plan for the project in accordance with requirements of the Act has been prepared for public advertising and is attached to the Agenda.

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

#### **Lifestyle and Aspiration Achievement**

- To facilitate and provide an optimum range of community services and events.

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

The operational cost of the Library will be drawn from Municipal Funds, a significant portion of which will be reallocated from the Success Library located in the Gateways Shopping Centre. The current lease is \$170,000 p.a. which will be a saving and offset the estimated \$1,250,000 required annually to operate the Library from the larger premises. The current annual budget including the lease fee is \$560,000 for the Success Library. Hence, approximately a further \$700,000 from Municipal Funds annually is required for the new Library.

The Commonwealth funded GP Super Clinic will be operated by a legal entity that is separate from the City. A funding requirement is for a detailed business plan for the GP Super Clinic to be prepared that meets the requirements of the Commonwealth. No Council funds will be required for the Super Clinic operation.

Knight Frank property agents have indicated that the total gross value of the lease areas will be between \$1,200,000 and \$1,400,000 (total net income). The operating expenses will be primarily covered by the lessees with the City covering the library operating costs. A more detailed budget will be provided to Council for its consideration when a detailed design is more advanced and information on tenants is known.

### **Legal Implications**

Section 3.59 of the Local Government Act requires the preparation of a Business Plan for the development and publishing of a 'major land transaction' and a 'major trading undertaking'.

### **Community Consultation**

The prepared Business Plan for the project will be advertised for 6 weeks for public comment in accordance with the requirements of the Act. The Council is then required to consider any submissions and to decide whether to proceed or not.

### **Attachment(s)**

1. Business Plan
2. Concept Plan

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

N/A

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

The provision of a library service is clearly within the scope of Local Government and there is an expectation that government either provides and/or facilitates the provision of health services for its local community. The areas on the east side of the City have been deemed by the Commonwealth as a District of Workforce Shortage and falls within an affected Division of General Practice. Hence the market has not been able to provide a sufficient level of service to the current and future population growth.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

## **19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING
21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS
22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE
23. CONFIDENTIAL BUSINESS
- 23.1 (OCM 08/04/2010) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 18 MARCH 2010 (1192) (S CAIN) (ATTACH)

**RECOMMENDATION**

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 18 March 2010, as attached to the Agenda, and adopts the recommendations contained therein.

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

**COUNCIL DECISION****Background**

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 18 March 2010. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

The minutes of the Committee meeting are attached to the Agenda. items dealt with at the Committee meeting form the basis of the Minutes.

**Report**

The Committee recommendations are now presented for consideration by Council and, if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee

meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

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

#### **Governance Excellence**

- To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.

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

Committee Minutes refer.

#### **Legal Implications**

Committee Minutes refer.

#### **Community Consultation**

N/A

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

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 18 March 2010 are provided to the Elected Members as confidential attachments.

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

The CEO and senior staff have been advised that this item will be considered at the April 2010 OCM.

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

Committee Minutes refer.

## **24 (OCM 08/04/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

### **RECOMMENDATION**

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

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;

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

**25. CLOSURE OF MEETING**