

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 MAY 2012 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 MAY 2012 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms L. Boyanich	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02 p.m. and made the following announcements:

I welcome Mayor Sue Doherty from the City of South Perth to tonight's meeting.

I acknowledge the Noongar people who are the Traditional Custodians of the Land on which we are meeting tonight. I pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Indigenous Australians who may be present.



Before moving to the Agenda proper I would like to make comment on the following:

Vale Mr Laurie Humphreys JP

Mr Laurie Humphreys JP passed away at 11.00pm on Tuesday 8 May 2012 after a long battle with cancer.

Laurie was councillor with the then Town of Cockburn from 1976 to 1979 and continued to serve as a member of the Council of the City of Cockburn through until 1992. He was elected again in 1997 serving through until the year 1999 and then was elected in the year 2000 serving through until 2003.

In all, Laurie served the Cockburn community for nearly a quarter of a century as a councillor.

He also served the community as a Justice of the Peace for nearly 30 years and was involved with a number of community organisations – in fact he spent a significant period of his life volunteering in the communities where he lived, enriching those communities with his knowledge, experience and focus on the Aussie battler.

The City extends its condolences to Mr Laurie Humphrey's family and friends on his passing and acknowledges his significant contribution to the growth and development of our City and the communities across the South West Metropolitan region.

Co-Health Project

In May 2011, the City was selected as one of four local governments in Western Australia for the Federal Government's Healthy Communities Initiative Grants, the amount being \$703,000 over a three year period.

The City's project titled 'Co-Health Lifestyle' was both innovative and focused in that it ostensibly reached out to those people at-risk of poor health outcomes in our community.

The project offers community classes in healthy living, nutrition, cooking and food budgeting. It includes an annual Healthy Lifestyle Awareness week, community events, an innovation fund, the development of a community garden and a comprehensive range of other activities.

Importantly, it complements many existing programs that inform, educate and engage our community in transitioning to a healthier lifestyle.

Last week a representative from the Federal Department of Health and Ageing reviewed the City's progress one year on and announced that the City had the most advanced of all the programs offered across Australia. Indeed, the City's



co-ordinator of the project, Gillian Street, recently presented to a national forum on the City's successes.

I congratulate Gillian Street and Carlie Robinson and other members of staff and the community members who are driving the many program activities across our City.

Battle of the Burbs 2012 – Blood Challenge

Local governments across the Perth metropolitan area recently partnered with the Australian Red Cross Blood Service in the 'Battle of the Burbs 2012 Blood Challenge'.

The intent of the Challenge was to raise community awareness about the importance of donating blood on a regular basis to ensure various blood products are available within our health system to meet daily requirements and importantly any large scale emergency that may arise.

Volunteering WA

National Volunteer Week is being celebrated between 14 – 20 May 2012 and culminates in the awards being presented in seven categories to individuals, volunteer management, corporate volunteering, community volunteering and a volunteer award for ethnic communities.

I am pleased to say that two Cockburn residents have been nominated; Mr Keith Drayton (State Emergency Services and South Coogee Volunteer Bush Fire Brigade) and John Glisenti (Meals on Wheels and for his support of dementia patients).

As we know, volunteers play a significant role in our communities and the Volunteer of the Year Awards are one opportunity to recognise them.

Mother's Day

On behalf of Elected Members I take this opportunity to wish all Mothers the very best for Sunday 13 May – Mother's Day. Here's hoping that you all have the opportunity to relax on the day and that you are surrounded with family and friends on what is a very special day on the calendar.

Metropolitan Local Government Review

The Metropolitan Local Government Review has been released for public comment with a closing date of Friday 25 May 2012. I urge all ratepayers and residents of the City to forward their comments to the Metropolitan Local Government Review Panel.



On the closing of public submissions the Panel will then consider the submissions and formulate their final report to the State Government for consideration. The Report is due to be delivered by 30 June 2012.

iPads

Tonight's meeting will see the initial introduction of iPads being used by Elected Members and Staff.

Therefore you may see some interaction by staff from the City's IT staff with Elected Members. The introduction of iPads will eventually see a significant reduction in the amount of Agenda documents being printed.

Other initiatives are currently being worked through in terms of those sitting in the public gallery being able to more easily follow the Agenda.

Late Agenda Items

There are two late Agenda Items for tonight's meeting. They are:

21.1 Local Government Reform – Submission on the Draft Findings of the Metropolitan Local Government Review.

21.2 Amendment of the City of Cockburn Jetties, Waterways and Marina Local Law 2012.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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

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

4 (OCM 10/05/2012) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

➤ Clr Tony Romano - Conflict of Interest in Item 14.3.



5 (OCM 10/05/2012) - 5 APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor Kevin Allen	-	Apology
Clr Val Oliver	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 10/05/2012) - PUBLIC QUESTION TIME

ITEMS IN WRITING, NOT ON THE AGENDA

Jacqueline Birch, Coolbellup

Re: Skate park and vandalism at Len Packham Reserve

Q1: What action is contemplated on addressing the problem associated with the skateboard facility situated at the Len Packham reserve in relation to the youths/children congregating due to the skateboard facility? What action is being taken to address the vandalism occurring there?

I have only been in the area since last June and I have since then been continually been picking up the rubbish surrounding the facility. I have spoken to the children who are not interested and I'm just wondering if there is anything that can be done, perhaps neighbourhood watch etc?

A1: *This matter will be investigated in further detail to determine the extent of the issues raised and a response provided.*

ITEMS NOT IN WRITING, ON THE AGENDA

Bruce Gilmore, Spearwood

Item 14.6 – Consideration of Draft Lease Agreement and Associated Future Management of Reserve 24308 (Naval Base Shacks).

Q1: I am the President of the Naval Base Holiday association and I would like to request that the Council defer the adoption of the lease proposed tonight, for one month, given the fact that a lot of our members are elderly people and do not have the access to computers, and given also, that we only received the information 2 – 3



days ago. We do agree entirely in principal of the draft lease, but we would like to make that request of you.

A1: *This matter will be considered at tonight's meeting.*

ITEMS NOT IN WRITING, NOT ON THE AGENDA

Robert Butcher, Jandakot

Item 14.6 – Consideration of Draft Lease Agreement and Associated Future Management of Reserve 24308 (Naval Base Shacks).

Q1: I am here on behalf of the Jandakot Residents and Ratepayers Association and I am here representing our neighbourhood regarding an approval that went through 21st April for a Tattoo Parlour to be placed opposite a children's park at a small shopping centre on the corner of Dean Road and Berrigan Drive. As soon as we found out by rumour only, we contacted the Councillors, Mr Steven Portelli and copied to Clr Yaz Mubarakai and Clr Lee-Anne Smith. I have constantly phoned over the last 3 days to speak to the Councillors, the only one I have been able to speak to is Clr Portelli.

This particular type of business, in the last 3 years in your domain, has seen a fire bombing and an attack by 20 people almost beating someone to death in Bibra Lake. The WA police itself suggests that these parlours are only there as a front for criminal activity.

The letter I wrote to Mr G Bowering, Manager of Statutory Planning, was responded to very promptly and in a very meaningful way as far as the City is concerned, but the answer was very benign as far as the Ratepayers association is concerned. This doesn't add to the safety or amenity of our community. What it does do, is put our people at risk and I think for the Council staff to say that there is nothing we can do, it's a part of State Legislation, is not sufficient duty of care as far as we are concerned. These activities have been going back to 1980, the bombing of these locations and the police are that concerned, and again in January this year, stated they would really like to have control of these licensing of these locations, I would like to see the Council hand that responsibility back to the Police.

Will the Council involve itself in looking at that application to see whether it is possible to overturn it? Will the Council, if it is not in a position to make a position, look to pass that responsibility back to the Police? Does the Council believe that it is not responsible for providing a secure environment for the people that pay rates and taxes in this community?



Would the same Councillors adopt the same approach and principals if this was a brothel being opened up, a massage parlour being opened up, or if in fact it was going to be a children's wear location that was going to be run by some sort of paedophile, I'm sure politically there would be throwback on the Council to make some decision other than that of what's involved in statutory regulation and would be treating this perhaps with a little more sense of urgency.

A1: The City and its Elected Members are concerned about public safety and providing a safe environment for the community. There are State planning laws that the City is bound to abide by, and those laws have been adhered to. The Mayor has been out personally to see some of the residents who have complained who live adjacent to the shop, and there has been discussion in the administration, however at this point, the administration under delegated authority by the CEO and Director of Planning, have issued approval and the Council itself has no ability to withdraw that.

Essentially a Tattoo Parlour has been identified as a 'shop' and as such, shops are permitted within shopping centres. There is no provision that differentiates a tattoo parlour from any other commercial business that would normally be considered within commercial premises. For this reason, that is why the application was granted approval. It is a shop within the shopping centre. The State Government have clearly indicated that they don't differentiate between Tattoo Parlours and any other shops and until such time that the State Government decides that Tattoo Parlours should be dealt with differently, the Council is not in the position to deal with the application differently.

There has however been some general discussion about the City writing to the State Government and pointing out that this is of concern to not only our Local Government but other Local Governments' and that matter will be further discussed with the CEO and Director of Planning and it may be that the matter comes back to this Council or may be handled administratively in terms of approaching the State Government to look at the situation that we currently find ourselves in with the Town Planning laws etc.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 4756) (OCM 10/05/2012) - ORDINARY COUNCIL MEETING - 12 APRIL 2012

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 12 April 2012, as a true and accurate record.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

8.2 (MINUTE NO 4757) (OCM 10/05/2012) - SPECIAL COUNCIL MEETING - 16 APRIL 2012 (ATTACH)

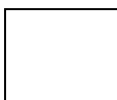
RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Monday, 16 April 2012, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0



9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 10/05/2012) - DEPUTATIONS AND PETITIONS

- Skillbuilders Therapy & Products for Children – represented by Ms Caryn Mincherton and Penny Melsom (Directors) re: Item 14.3.

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

Nil

12 (OCM 10/05/2012) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.30 PM THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COUNCIL:

13.1	14.1	15.1	17.2			
	14.2	15.2	17.3			
	14.7					

13. COUNCIL MATTERS

13.1 (MINUTE NO 4758) (OCM 10/05/2012) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING 17 APRIL 2012 (CR/G/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 17 April 2012, and adopt the recommendations contained therein.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

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

Report

Council approved a budget for grants and donations for 2011/12 of \$806,000 to be distributed as grants, donations and sponsorship.

At its meeting of 26 July 2011 the Committee recommended a range of allocations of grants, donations and sponsorship which were duly adopted by Council on 11 August 2011.

Following the September 2011 round of grants, donations and sponsorship funding opportunities, the Committee, at its meeting of 1 November 2011, recommended a revised range of allocations which were duly adopted by Council on 10 November 2011.

The March 2012 round of grants, donations and sponsorship funding opportunities has now closed and the Committee at its meeting of 17 April 2012, considered revised allocations for the remainder of the 2011/12 grants and donations budget, as well as the following applications for donations and sponsorship.

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



City of Cockburn Pipe Band.....	\$8,000
Hamilton District Council (Chaplaincy).....	\$9,000
Lakelands District Council of the CCE.....	\$9,000
South Lake Ottey Family & Neighbourhood Centre.....	\$10,000
Constable Care Child Safety Foundation.....	\$10,000
Business Foundations.....	\$10,000
Yangebup Family Centre.....	\$5,000

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

Beeliar Primary School P & C.....	\$500
Caitlin Bridgland - Ironman and Long Course World Championships.....	\$2,000
Scott Uttley - 2012 Asia Pacific Deaf Games.....	\$2,000
Melville Water Polo Club.....	\$10,000
Coogee Jetty to Jetty.....	\$10,000
Phoenix Lacrosse Club.....	\$10,000
Melville Cockburn Chamber of Commerce.....	\$20,000

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Council approved a budget for grants and donations for 2011/12 of \$806,000 to be distributed as grants, donations and sponsorship.

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

Description	Allocated 2011/12	Proposed Amended Allocations	Balance remaining
Committed/Contractual Donation	\$195,776	\$198,329	\$ 0
Specific Grant Programs*	\$430,224	\$406,671	N/A
Donations	\$140,000	\$ 120,500	\$ 0
Sponsorship	\$ 40,000	\$ 80,500	\$ 0
Total	\$806,000	\$806,000	\$0
Balance 2011/12			\$0

* Specific Grant Programs include a range of funding programs with varying expenditure to date and committed future expenditure.

Legal Implications

N/A

Community Consultation

In the lead up to the March 2012 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

- Three advertisements running fortnightly in the Cockburn Gazette's City Update on 21/02/12, 6/03/12 and 20/03/12.
- Four advertisements running fortnightly in the City of Cockburn Email Newsletter.
- Advertisement in the February Cockburn Soundings.
- Promotion to community groups through the Community Development Service Unit email networks and contacts.
- All members of the Cockburn Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.

Attachment(s)

Minutes of the Grants and Donations Committee Meeting on 17 April 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 **(MINUTE NO 4759)** (OCM 10/05/2012) - SINGLE DWELLING (TWO STOREY WITH UNDERCROFT) - LOCATION: 35 BEACH ROAD, COOGEE - OWNER: L & D QUEIROS - APPLICANT: SHAYNE LE ROY DESIGN (3309604) (L REDDELL) (ATTACH)

RECOMMENDATION

That Council

- (1) grant Planning Approval for a single dwelling at No. 35 (Lot 35) Beach Road, Coogee, in accordance with the attached plans and subject to the following conditions and advice notes:

CONDITIONS

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
3. The proposed crossover must be located and constructed in accordance with the City's requirements.
4. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.

ADVICE NOTES

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
- (2) In regard to Condition 1, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of a five minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0

Background

Zoning:	MRS: Urban
	TPS3: Residential R20
Land use:	Single House
Lot size:	1227m ²
Use class:	P

The subject site is located approximately 20m east of the intersection of Beach Road and Fairview Street in Coogee. The site is currently developed with a brick and tile dwelling and associated outbuildings.

The proposal does not comply with the City's Local Policy APD 53 "Coogee Residential Height Requirements" with regard to maximum top of wall (roof over) heights and therefore requires Council determination.

The application was originally submitted on 22 September 2011 and showed wall heights of up to 8.6m above natural ground level and retaining of up to 2.2m on the front boundary. The applicant was advised that the City had serious concerns in respect to the bulk and scale of the proposal and the design was subsequently revised to reduce the overall height of the building and to minimise the need for retaining on the front boundary. This assessment is based on the plans submitted to the City on 30 March 2012.

Submission

The applicant seeks approval to construct a two-storey dwelling with an undercroft garage and storeroom. The proposed dwelling has a maximum wall height of 7.6 metres above natural ground level at the north-west corner of the house. This is the only section of the dwelling which does not comply with the requirements of APD 53.

Because the proposal does not comply with the 7m maximum wall height (roof over) specified by Part 1 of APD 53 the proposal is being referred to Council for determination



Report

The following section provides a discussion of the various issues affecting the proposal.

Coogee Residential Height Requirements Policy APD 53

The Coogee Residential Height Requirements Policy APD 53 was prepared to guide the height of residential development in the suburb of Coogee and was adopted by Council on 14 August 2008. The policy states that:

“Maximum building height of residential development shall be limited to:

- (i) Top of wall (roof over) - 7m*
- (ii) Top of Wall (parapet) – 8m*
- (iii) Top of pitched roof – 10m”*

The proposed development does not comply with this policy as the proposed maximum top of wall height (roof over) proposed is 7.6 metres at the north-west corner of the dwelling which exceeds the 7 metre maximum.

The policy states that building heights for residential development shall be limited to those specified in the policy and that any proposal which exceeds the specified requirements shall be advertised for public comment. The subject proposal was advertised to adjoining neighbours and one submission was received (refer to Community Consultation section of the report below).

The only section of the proposal which does not comply with the 7m maximum wall height is the north-west corner of the dwelling which is punctuated by a large balcony under the main roof line. Refer to Attachment 2 which clearly demonstrates the minor extent of the variation to the building height limit.

While the R-Codes require outdoor living areas elevated more than 500mm above natural ground level to be calculated as a wall with a major opening, the location of a balcony at the highest point of the building achieves an open feeling to this corner of the building and helps to provide relief for the additional height. The variation in height above natural ground level across the front of the dwelling is a result of the fall across the site from east to west.

The siting of an undercroft garage on the western side of the frontage makes use of the natural fall across the site and prevents the need for excessive retaining to the street. The design is generally respectful of



the natural contours of the land and the requirements of APD 53. The extent of the proposed variation is minor in nature and is not expected to have any significant impacts on the amenity of any adjoining dwelling.

The facade of the dwelling has been designed to be staggered allowing for shadow play across the frontage and comprises an appropriate mix of materials and finishes which provide good articulation and interest to the streetscape, with numerous windows and a balcony assisting in providing passive surveillance and activation of Beach Road. In addition, it is noted that a number of similarly proportioned dwellings are located in the immediate vicinity of the site, ensuring that the impact of the over height wall on the streetscape is limited.

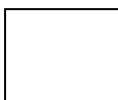
R-Code Variations

The proposal generally complies with the 'Single House' requirements of the R-Codes except in relation to the setbacks provided to the eastern side of the dwelling. Part 6.3.1 "Buildings Setback from the Boundary" requires a setback of 1.8m from the eastern boundary based on a wall height (with no major openings) of 4.2m and a length of 22m. The proposal provides setbacks of between 1.5-2.4m which means that only part of the eastern elevation complies with the setback requirements and a variation to the standard is required. Given the site is approximately 1.6m lower than the adjacent property to the east and only the second storey of the dwelling will be generally visible above boundary fence, the impact of the dwelling will be minimised. The proposal satisfies the performance criteria by ensuring that adequate sunlight and ventilation is available to the adjacent property, visual privacy is not compromised and there will be no unreasonable visual bulk. The proposed variation can therefore be supported.

It is noted that the wall height has been calculated as a height above the natural ground level of the adjacent property as the relevant performance criteria of the R-Codes in this instance are concerned with the impact of the proposal on the adjacent dwelling, not on the subject site itself.

Conclusion

In light of the above comments and recognising the proposal responds appropriately to the streetscape character of Beach Road and the amenity of the surrounding properties it is recommended that Council approve the application, subject to appropriate conditions.



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

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

Community Consultation

In accordance with Council's Local Policy APD53, the proposal was advertised to five surrounding (5) neighbours for comment.

One objection was received which raised concern in regard to overshadowing in winter, overlooking from the balcony on the north-west corner of the house and noise from the pool. The objection also questioned whether a retaining wall would be required on the boundary and whether stormwater could be accommodated on site.

In response to the points raised in the objection the following comments are made:

- As per Part 6.9.1 of the R-Codes, overshadowing is measured at midday on 21 June. Given the north-south orientation of the lot, shadow cast at this time would only affect the subject site itself and not any adjacent property;
- The first floor balcony in the north-west corner of the proposed dwelling complies with the cone of vision requirements of Part 6.8.1 of the R-Codes. A 7.5m vertical cone of vision applied at 1.65m above the finished floor level of the balcony indicates that the proposal is compliant with the visual privacy provisions of the R-Codes. The potential for overlooking was inadvertently advertised to the neighbouring property to the west. As indicated above however, the proposal complies with the R-Codes;
- It is not expected that the noise resulting from activity in the pool area of the proposed dwelling would be any higher than the



noise generated from any normal residential property and pool and is not a valid planning consideration;

- A retaining wall is not proposed on the western boundary of the site. Rather a retaining wall has been utilised on the eastern side of the 'right of way' to allow access to the rear of the property should it be subdivided in future;
- All stormwater will be required to be accommodated on site as a condition of any planning approval.

The application was not advertised to the properties to the rear as the proposed variations were not considered to have the potential to adversely affect the amenity of these properties.

Attachment(s)

1. Location Plan
2. Variations to height limits
3. Submitted plans

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 May 2012 Council Meeting.

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

Nil

14.2 (MINUTE NO 4760) (OCM 10/05/2012) - SINGLE DWELLING (TWO STOREY WITH UNDERCROFT) - LOCATION: 46 CASTELLON CRESCENT, COOGEE - OWNER: JUMOKEBJ PTY LTD - APPLICANT: ATRIUM HOMES (3316993) (T CAPPELLUCCI) (ATTACH)

RECOMMENDATION

That Council grant Planning Approval for a single dwelling at No. 46 (Lot 644) Castellon Crescent, Coogee, in accordance with the attached plans and subject to the following conditions and advice notes:

CONDITIONS

1. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.



2. All stormwater being contained and disposed of on-site to the satisfaction of the City.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. The proposed crossover must be located and constructed in accordance with the City's requirements.
5. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
6. **Prior to the application for a Building Permit**, revised plans are to be submitted showing the ground floor dining room windows on the southern elevation, in accordance with part 6.8 of the Residential Design Codes with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.

ADVICE NOTES

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regard to Condition 2, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of a 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0



Background

Zoning:	MRS: Urban
	TPS3: Residential R20
Land use:	Single Dwelling
Lot size:	722m ²
Use class:	P

The subject site is located on the corner of Castellon Crescent and Luscombe Way in Coogee and is currently a vacant site.

The proposal does not comply with the City's "Coogee Residential Height Requirements" Policy APD 53 with regard to maximum top of wall (roof over) and top of pitched roof heights. As the proposal is not in accordance with this Policy Council approval is required.

Submission

The applicant seeks approval to construct a two-storey dwelling with undercroft garage. The proposed new dwelling results in a maximum top of wall (roof over) height of 7.85 metres as well as a maximum pitched roof height of 10.05 metres directly above natural ground levels on the southern elevation.

The proposal does not comply with the height limits specified in Council's Coogee Residential Height Requirements Policy APD 53 which is why the proposal is being referred to Council for determination. The proposed variations were advertised to surrounding landowners. Three (3) submissions were received supporting the application and no objections were received.

Report

The following section provides a discussion of the various issues affecting the proposal.

Coogee Residential Height Requirements Policy APD 53

The Coogee Residential Height Requirements Policy APD 53 was prepared to guide the height of residential development in the suburb of Coogee and was adopted by Council on 14 August 2008. The policy states that:

"Maximum building height of residential development shall be limited to:



- (i) Top of wall (roof over) - 7m*
- (ii) Top of Wall (parapet) – 8m*
- (iii) Top of pitched roof – 10m”*

The proposed development does not comply with this policy as the proposed maximum top of wall (roof over) height proposed is 7.85 metres on the southern elevation, which exceeds the maximum height of 7 metres. In addition, the proposed maximum top of pitched roof height proposed is 10.05 metres on the southern elevation, which exceeds by 5 centimetres the maximum height allowed by this policy which is 10 metres.

The policy states that building heights for residential development shall be limited to those specified in the policy and that any proposal that exceeds the requirements is to be advertised for public comment. The subject proposal was advertised to adjoining neighbours where three submissions of support were received (refer to Community Consultation section of the report below).

Building Height

As mentioned above, the proposal will result in a building with a wall height exceeding the maximum wall height specified by Council policy by 0.85 metres. While the top of pitched roof height proposed on the southern elevation is 10.05 metres directly above natural ground level which exceeds the maximum pitched roof height by 5 centimetres.

Whilst the top of wall and top of pitched roof heights exceed Council's policy on the southern elevation of the proposed development, the building on the southern elevation is compliant with boundary setbacks on both the ground and upper floors and the proposed overshadowing onto the southern property at No. 4 Luscombe Way complies with the requirements of the Residential Design Codes.

The steep gradient of the land from the frontage of the block on Luscombe Way rising up to the rear means that the wall height variation is limited to the front left hand corner of the site (as viewed from the street). The dwelling has generally been designed in relation to the natural ground levels existing on-site by incorporating an undercroft level consisting of a garage as well as a raised ground floor in order to avoid the need for excessive retaining.

In regard to the 10.05 metre top of roof height in lieu of the maximum 10 metres policy APD 53 allows notes A1.1 (ii), (iii) and (iv) of the Residential Design Codes to be considered. Note (iii) of the Residential Design Codes in regards to building height is as follows:



“Applies to ridges greater than 6 metres long. Short ridges: add 0.5 metres height for each 2 metre reduction in length”.

On the southern elevation, the length of the ridge where the maximum top of pitch roof height occurs is 1.7 metres in length and therefore, given the above, the height of the top of the roof can be an additional 1 metre in height (11 metres). Therefore, the permitted height of the ridge where the maximum top of pitched roof height occurs is 11 metres, and is therefore compliant with the Residential Design Codes requirements.

Visual Privacy and Overlooking

The only variation to the R-Codes is the ground floor dining room windows on the southern elevation. However, the applicant has indicated that the proposed ground floor windows to the dining room will be applied with a film to 1.65 metres above the finished floor level of the dining room. This is not an acceptable treatment under the R-Codes. To ensure that suitable screening is applied, condition no. 7 is recommended as permanent screening is required to eliminate overlooking of the neighbouring property and bring the development into compliance with the Acceptable Development provisions contained in Clause 6.8.1 A1 of the Residential Design Codes.

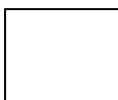
The balconies comply with the acceptable development provisions of the R-Codes. There is therefore no other visual privacy or overlooking issues caused by the proposal.

Streetscape

Along both Castellon Crescent and Luscombe Way, there are a number of similar sized two-storey dwellings with relatively similar heights, design and scale to that of the proposed dwelling, which indicates that the visual impact on both streetscapes is not out of context. The adjoining southern dwelling on Luscombe Way is two storey with a pitched roof, but the ground floor has been raised by retaining walls and this minimises the visual difference in building height.

The over height portion of the dwelling is located in the south western corner of the site but instead of proposing a third storey, an undercroft has been cut into the sloping lot. The proposed development appears to only impact the eastern property in regards to access to views. However, during the advertising period, a letter of support was received.

The contemporary facade of the dwelling is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to the streetscape, with a balcony



assisting in providing passive surveillance of the Castellon Crescent and Luscombe Way and will make an attractive addition to the streetscape for what amounts to a minor variation.

Conclusion

In light of the above, as the proposed maximum top of wall (roof over) height on the southern elevation is considered to not adversely impact on the amenity of the surrounding area. It is recommended that Council approve the application, subject to the conditions confirmed in the officer's recommendation to address the above matters.

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

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

Community Consultation

In accordance with Council's policy APD53, the proposal was advertised to the surrounding six (6) neighbours for comment. Three neighbours responded consisting of three (3) non-objections being received.

Attachment(s)

1. Location Plan
2. Site Plan
3. Floor Plans
4. Elevations
5. Overshadowing Plan



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 May 2012 Council Meeting.

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

Nil.

CLR ROMANO LEFT THE MEETING AT THIS POINT, THE TIME BEING 7:31 PM.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received a Declaration of Interest as follows:

CLR ROMANO

Declared a conflict of interest in Item 14.3 "Change of Use from Warehouse to Warehouse and Consulting Room" pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

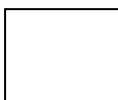
The nature of the interest is that his employer, De Freitas & Ryan Property Consultants, are acting for the applicant to lease the premises in question.

- 14.3 (MINUTE NO 4761) (OCM 10/05/2012) - CHANGE OF USE FROM WAREHOUSE TO WAREHOUSE AND CONSULTING ROOM - LOCATION: 1/24 HAMMOND ROAD COCKBURN CENTRAL - OWNER: G & F BUCCINI - APPLICANT: P MELSOM & CARYN MINCHERTON (6009733) (L REDDELL) (ATTACH)**

RECOMMENDATION

That Council refuse planning approval for a change of use from Warehouse to Warehouse and Consulting Room at 1/24 Hammond Road, Cockburn Central for the following reasons:

1. The proposed development is contrary to the requirements of Clause 5.9.5 and Tables 3 and 4 of the City of Cockburn Town Planning Scheme No. 3 in that the car parking provision is deficient to the detriment of the amenity of the development and the safety of the locality.



2. The proposed development is contrary to Clause 10.2.1(b) of the City of Cockburn Town Planning Scheme No. 3 in that it does not represent orderly and proper planning

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr C Reeve-Fowkes that Council

- (1) grant planning approval for a change of use from 'Warehouse' to 'Warehouse and Consulting Room' at 1/24 Hammond Road subject to the following conditions and advice notes:

Conditions

1. The approved Consulting Room is limited to a maximum of one consultant/practitioner operating from the premises at any one time with a maximum of 2 patients per consultant/practitioner per session.
2. The sale of therapy products from the premises shall be incidental to the primary use of the premises which is Warehouse and Consulting Room.

Advice Notes

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
 - b) The approved uses for the subject lot are 'Consulting Room' and 'Warehouse', however, if these uses change, an application for change of use must be submitted to the City for determination.
 - c) With regards to Condition 1, this condition has been imposed due to the number of car parking bays (4) allocated to the tenancy as part of the original planning approval for a Warehouse.
- (2) notify the applicant and those who made a submission of Council's decision.

CARRIED 7/0



Reason for Decision

The majority of land owners and the Strata Manager of the complex have offered no objections and only one owner has objected. The general definition of a consulting room has been applied and has not considered the speciality consulting that applies here. That is; it has one customer on an hourly basis with a 15 minute gap between, unlike a medical type practice where the numbers are considerable. Besides having adequate parking for the current tenants, there is ample overflow parking available in the slip road adjacent Hammond Road that is safe to use. Upon visiting at 10.30am on Wednesday it was seen to have a dozen spare bays plus a parking potential of 40 to 50 along the slip road.

Further, four of the owners in the complex have agreed to share parking facilities with one owner representing 3 bays saying no. The 4 owners who have agreed are responsible for 8 car bays and 9 communal parking bays. Hence we have owners representing 17 bays agreed to share.

Section 5.9.7 (a) of the Town planning Scheme No 3 states that car parking facilities may be provided jointly by 2 or more of separate buildings. The application is consistent with this.

Unit 1 has 4 bays allocated and the application states it can operate with 5 bays. The applicant can control the number of people/cars accessing their unit at any one time. The applicant needs 4 bays for Therapy business. The fifth bay is for the warehouse staff member and this employee's hours can be staggered to avoid peak trading hours. The applicant therefore only needs one bay for limited periods of the day on top of their 4 bays allocation.

Skillbuilders [the applicant] will be an asset to Cockburn; Skillbuilders was founded in 1995 as a private WA-owned allied health service provider specialising in the delivery of multidisciplinary treatment and therapy for children. In addition to its exceptional team of highly qualified specialists, Skillbuilders also sells a range of top quality therapy and educational toys and resources across Australia. Skillbuilders provides services to children with a range of learning, behavioural, communication and motor skill difficulties.

Background

Zoning:	MRS: Industrial
	TPS3: Mixed Business
Land use:	Warehouse and Consulting Room
Lot size:	288m ²
Use class:	P



The subject site is located on the western side of Hammond Road, Cockburn Central approximately 320m south of its junction with Merino Entrance. The site is developed with a group of six commercial units.

A previous application for change of use from Warehouse to Warehouse and two Consulting Rooms (DA12/0048) was refused in respect to the car parking deficiencies

Submission

The applicant seeks approval to change the use of the site from Warehouse to Warehouse and Consulting Room

Report

The application seeks to allow the use of the site for the purposes of a warehouse and consulting room associated with "Skillbuilders" which sells children's therapy products and offers therapy services such as occupational and speech therapy and physiotherapy. The proposed use would include up to 100sqm of warehousing as well as one consulting room which would offer therapy services Monday to Saturday from 9.00am to 5.00pm.

The proposal requires the provision of 6 car parking spaces as per Tables 3 & 4 (Part 5) of the Scheme which requires:

- 1 parking space for the warehouse component (1 space per 100sqm of floor area)
- 5 spaces for the therapy component (5 spaces per consulting room)

The applicant has indicated that a maximum of 5 spaces will be required by the business on the basis of:

- 1 space for the warehouse
- 1 consultant with a maximum of 2 children per practitioner per session (for a total of 3 spaces)
- 1 space for part-time administration staff

The strata plan for Unit 1 indicates that the unit is allocated four car spaces which results in a technical shortfall of two car spaces. The provision of four spaces on the strata plan for Unit 1 is consistent with the original planning approval DA06/0923 for the site which allows warehouse/showroom units, with parking calculated at a rate of 1 space per 50sqm of floor area. This accords with the provision of a total of 26 car spaces for the six units at No. 24 Hammond Road.



A review of the strata plans for the remaining units within the complex revealed that Unit 2 is allocated three car spaces while Units 3-6 are allocated two car spaces per unit with the remaining nine car spaces being for communal use.

Despite the provision of communal spaces within the development, it is noted that the original approval provides for either warehouse or showroom use for all of the units. As Showroom attracts a car parking a rate of 1 space per 50sqm of floor area, any use of the remaining units in this way would trigger the need for up to four exclusive parking spaces in accordance with the car parking requirements of the Scheme.

Unfortunately this eventuality has not been catered for by the strata plan but is considered possible given a review of the City's records shows that none of the other units at No. 24 have applied to change the permitted Warehouse/Showroom use.

It therefore must be assumed that all of the tenancies can comprise a Showroom use and therefore there are no spare car parking spaces available.

In addition it is noted that there are no marked car parking spaces on the street in front of the site and a review of the historical aerials for the local area and a site visit indicate that street parking is already a problem on Hammond Road.

A variation to the car parking requirements may have been able to be supported with consent from all of the other owners within the complex. However, the objection relating to parking indicates that it is an issue of concern for the other owners. Concern regarding parking provision is evident in commercial and industrial areas throughout the City. It is therefore recommended that the application be refused based on the lack of sufficient parking provision and lack of support from all owners within the complex.

Conclusion

In light of the lack of support from all owners within the complex and the potential for the proposed use to impact on the parking needs of the other commercial units on the site, it is recommended that planning approval be refused.

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.



Employment and Economic Development

- To pursue high value employment opportunities for our residents.

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

Strata body approval for the proposed change of use was not provided with the application and accordingly the application was advertised to the owners of the other five commercial units on the site. One submission was received from Unit 2/24 which objected to the proposal on the basis that the existing car parking spaces are required by the staff and customers of that site

Attachment(s)

1. Location Plan
2. Floor Plans
3. Submitted Plans

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 May 2012 Council Meeting.

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

Nil.

CLR ROMANO RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 7:40 PM.

THE PRESIDING MEMBER ADVISED CLR ROMANO OF THE RESOLUTION OF COUNCIL.



14.4 (MINUTE NO 4762) (OCM 10/05/2012) - OFFER TO PURCHASE LAND FROM DEPARTMENT OF HOUSING - LOCATION: PORTION OF LOT 341 LAKEFRONT AVENUE, BEELIAR - OWNER/APPLICANT: DEPARTMENT OF HOUSING/PRM JOINT VENTURE (6007077) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) accept the offer to purchase 866m² of Lot 341 Lakefront Avenue, Beeliar, from the Department of Housing for a consideration of \$480,000 (GST Exclusive), which comprises the existing car park;
- (2) advise Department of Housing that the City of Cockburn is not prepared to surrender the public access easement that burdens Lot 341 Lakefront Avenue; and
- (3) utilise Cash in Lieu of Public Open Space funds to meet all the costs associated with (1) above.

COUNCIL DECISION

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

- (1) accept the offer to purchase 866m² of Lot 341 Lakefront Avenue, Beeliar for a consideration of \$480,000 (GST Inclusive), which comprises the existing car park;
- (2) advise the Department of Housing that the City of Cockburn is not prepared to surrender the public access easement that burdens Lot 341 Lakefront Avenue;
- (3) utilise Cash in Lieu of Public Open Space funds to meet all the costs associated with (1) above; and
- (4) under Section 152 of the Planning & Development Act that the land acquired in Point (1) above is to be incorporated into the adjacent Reserve.

CARRIED 7/1



Reason for Decision

An amendment to the recommendation needs to be made in terms of substituting the word 'Exclusive' to 'Inclusive' in point (1) and a Point (4) added to the recommendation to make it clear that the land to be acquired is to be incorporated into the adjacent Reserve.

Background

Council at its meeting held on 9 June 2011 deferred consideration of this matter until a future Ordinary Council Meeting. The deferral was on the basis of needing to undertake further investigation of the issue, particularly in respect of understanding the utilisation nature of the car park under question and also to undertake further consultation on the matter.

This report provides a summary of the investigations that have taken place, and provides a recommendation to Council on which to consider proceeding forward with.

Submission

The Department of Housing / PRM Joint Venture has written to the City with notice that the car park on portion of Lot 341 Lakefront Avenue is not required by the adjoining shopping centre. They have accordingly indicated an intention to dispose of the entire land parcel including the car park, given it represents freehold land. The Joint Venture has formally made an offer to the City to purchase the 866m² portion of Lot 341 which comprises the existing car park.

The asking price of \$480,000 is made up of \$485/m² for land (\$420,000), and \$60,000 being the value of the built car park.

In associated correspondence they have requested that if the offer is not accepted by the City, that the City agree to surrender the public access easement in gross on Lot 341, and construct a new access for the Beeliar Community Centre from Lakefront Avenue.

Report

Overview

By way of background, Lot 341 Lakefront Avenue is owned by the Department of Housing and comprises an area of 2340m². The subject land is zoned 'Local Centre' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). This zoning is the same as the shopping centre recently completed on the opposite side of Lakefront Avenue, on Lot 840.



The Department of Housing with Joint Venture partner PRM has developed a residential subdivision known as Meve Estate. The Joint Venture, as part of the subdivision of the town centre, constructed a car park consisting of 25 bays on Lot 341. The car park is linked with associated car parking on the Beeliar Community Centre site (27 bays).

This provision of car parking preceded the development of the shopping centre on Lot 840, but was intended to potentially be linked with the shopping centre by way of an offsite (cash in lieu) car parking arrangement. There was the expectation that when Lot 840 was developed as a shopping centre, portion of the required parking for the shopping centre would need to be located off site. Funds to cover this car parking cash in lieu arrangement would then be utilised to secure the existing developed car park.

It transpired that the development of Lot 840 achieved all the parking requirements onsite. This has accordingly created a situation whereby the car parking located on Lot 341 has no identified purpose other than associated with the Beeliar Community Centre. This has prompted the landowner to make an offer to the City to purchase the land.

The asking price sought by the Department of Housing is that determined in a report from Licensed Valuers Herron Todd White. An assessment by Licensed Valuers used by the City indicated that this value represents, or is close to, the market value.

Council officers made approaches to both PRM and the Department of Housing to ascertain whether in the interest of the local community it was possible for them to accept less than market value for the subject land. Both parties responded to the City advising that such a proposition would be against Department of Housing / State Government requirements and would not be supported on that basis.

It is clear that the position of the Department of Housing and PRM Joint Venture is that market value will need to be paid for the car park if the City wishes to secure the car park in perpetuity.

Option to Secure the Car Park

While it is unfortunate that a negotiated position could not be reached whereby the land was made available, in the interests of the community, at no cost or a heavily discounted cost, officers believe that the purchase should still take place. The car park is utilised as part of the utilisation of the active reserve and the Beeliar Community Centre, and while utilisation does vary, at peak times it must be said that the car park is used. Feedback from the community (on site meeting with Beeliar Residents Action Group) was also that members of the



community would feel unsafe in parking away from the active reserve and Beeliar Community Centre in night time hours, and would be discouraged from using the reserve and Centre if the amount of car parking was effectively halved. This was a concern especially given that the peak utilisation of the reserve was known to occur in evenings for training and the like.

Given this relationship between the car park and the active reserve, the opportunity exists for the City to utilise cash in lieu of open space funds to purchase the portion of the subject land. This power is made available under Section 154 of the *Planning and Development Act 2005* as follows:

154. How money received in lieu of open space to be dealt with

- (1) *All money received by a local government under section 153 is to be paid into a separate account of the trust fund of the local government established under section 6.9 of the Local Government Act 1995.*
- (2) *The money is to be applied —*
 - (a) *for the purchase of land by the local government for parks, recreation grounds or open spaces generally, in the locality in which the land included in the plan of subdivision referred to in section 153 is situated;*

It is recommended that Council proceed to utilise its available cash in lieu of public open space funds which exist for the Beeliar locality, as described following.

There is currently \$234,137 held in Council's Cash in Lieu account for the Beeliar locality. Two subdivisions in Tindal Avenue where a Cash in Lieu of Public Open Space condition is applicable are also nearing completion. In this regard, invoices of \$208,500 and \$317,500 have been sent to these two developers. These will create a total pool of funds of \$760,137.

The monies held and anticipated have been collected from an area within the suburb of Beeliar. These funds are therefore allocated for expenditure in Beeliar. The approximate distance between where the funds have been collected and where the funds will be expended is 870m. This expenditure of Cash in Lieu funds is considered to be a valid use of the monies collected, and in accordance with the requirement of the Act under s154. There is also an expectation that future home owners in the Tindal Avenue area will utilise the facilities at the Beeliar Community Centre.



An evaluation of the approved Structure Plan Cell 10 Beeliar also shows that, over time, there is sufficient land where cash in lieu of POS will be collected to adequately address future requirements for POS for the entire cell.

Easement in Gross Issue

An easement in gross currently exists across a small part of the car park on Lot 341, and secures access to the car parking associated with the Beeliar Community Centre. Being an easement in gross which benefits the City (and public at large), it can only be surrendered by the City. The terms of the easement require that the owner of Lot 341 maintain the pavement; keep it clear at all times and not to fence off the access points.

The acquisition of portion of Lot 341 will require a subdivision application and survey. The costs associated with the application survey and transfers are also valid uses of the Cash in Lieu funds.

The Department of Housing have in the past sought the surrender of this easement if the offer to sell portion of Lot 341 was not taken up by the City. If the option to purchase portion of Lot 341 is taken up by the City there will only be a small portion of the easement affecting the balance land held by the Department of Housing. Nonetheless, the City should not consider removing this given it secures the required access into the car park.

Conclusion

In conclusion it is recommended that Council accept the offer from Department of Housing to sell to the City of Cockburn 866m² of Lot 341 Lakefront Avenue, Beeliar for a consideration of \$480,000 (GST Exclusive), which comprises the existing car park. Purchase is to be undertaken via the utilisation of cash in lieu of public open space funds.

It is also recommended that Council advise the Department of Housing that the City of Cockburn is not prepared to surrender the public access easement that burdens Lot 341 Lakefront Avenue.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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



Governance Excellence

- To develop and maintain a financially sustainable City.

Budget/Financial Implications

Funds are available in the Cash in Lieu reserve account.

Legal Implications

Adherence to provisions of the *Planning and Development Act 2005* in relation to the use of Cash in Lieu funds are applicable.

Community Consultation

N/A

Attachment(s)

Plan showing car parking on Lot 341, adjoining car parking on Beeliar Community Centre and extent of easement in gross across Lot 341.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

14.5 (MINUTE NO 4763) (OCM 10/05/2012) - SALE OF LAND - PORTION OF LOT 11 BRENCHLEY DRIVE, ATWELL - OWNER: CITY OF COCKBURN (5515393) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) sells the 2417sqm portion of Lot 11 Brenchley Drive, Atwell for a consideration of \$185,000 to Atwell Greens Pty Ltd subject to no objections being received as a result of the statutory advertising required by Section 3.58 of the *Local Government Act 1995*; and
- (2) allocates proceeds of the sale to the Land Development Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr S Pratt that defer this matter to a Special Council Meeting, pending a further report to Council on the monetary return to the City if it were to proceed with the proposed sale and the value derived by Atwell Greens Pty Ltd if the sale were to proceed.

CARRIED 5/3

NOTE: Clr L Smith and Clr C Reeve-Fowkes requested their vote against the decision be noted for the record.

Reason for Decision

It would appear that the City is not gaining the best monetary return from the proposed sale of the said land and a further report to Council justifying the consideration of \$185,000 from Atwell Greens Pty Ltd needs to be provided.

Background

Lot 11 Brenchley Drive, Atwell has been owned by the City of Cockburn since 1977. It exists as an unusual 'L' shaped piece of land, with the east-west leg utilised as an open drain and the north-south leg undeveloped. The section under consideration of this offer to purchase is the 2417sqm north-south leg.

Submission

An offer to purchase the land in the form of an Offer and Acceptance Contract has been received from Atwell Greens Pty Ltd. A valuation report and update to that report has been received from Licensed Valuer Wayne Srhoy from McGees Property. A subdivision layout proposed for Lot 10 and the subject portion of Lot 11 Brenchley Drive has also been received via the Western Australian Planning Commission who are currently considering the proposed subdivision.

Report

The land being purchased is portion of Lot 11 Brenchley Drive, Atwell. This is shown in the attached Plan of Proposed Subdivision as the hatched portion. The balance of the land the subject of the subdivision plan is all of Lot 10 Brenchley Drive, Atwell.



The proposed purchaser of the land, Atwell Greens Pty Ltd, has a contract in place to purchase Lot 10 Brenchley Drive. Initially Atwell Greens made application to the Western Australian Planning Commission to subdivide only Lot 10. Council officers approached the project manager for the development with a proposal to sell to the developer that portion of Lot 11 that would add value to the subdivision development. This approach was taken because if the original subdivision was to have proceeded, it would have left a 15 metre wide strip of undeveloped land between the rear of the proposed residential lots and the Kwinana Freeway. It would have most likely remained this way in perpetuity.

If the strip of land isn't integrated for subdivision as part of Lot 10 Brenchley Drive, it would likely be interfaced by an acoustic wall on its eastern boundary. This would effectively isolate the land, making it impossible to access and maintain. The City would none the less be responsible for the land including FESA required fire breaks.

A valuation report was obtained based on the added value of the City's land to the developer of Lot 10. McGees licensed valuer Wayne Srhoy determined the value of the purchase land to be \$250,000. This value was the basis of an initial offer to sell the land to Atwell Greens Pty Ltd.

Atwell Greens counter offered with \$175,000. A compromise was arrived at whereby the purchase price was increased to \$185,000 utilising the margin scheme but with settlement when the Deposited Plan for the subdivision of the combined land was in order for dealings at Landgate.

Although the purchase price does not reflect the Licensed Valuers value, it needs to be acknowledged that the City is in a weak position to negotiate. Atwell Greens Pty Ltd has made the point that the subject land does require some filling, and irrespective the size and shape of Lot 10 Brenchley Drive is such that it can proceed with a subdivision design irrespective of the portion of Lot 11 being included.

The prospective purchaser has also pointed out that being adjacent to the Kwinana Freeway the land is less attractive due to the noise generated by the Freeway and railway line. If a sale does not proceed and the developer proceeds to subdivide Lot 10, the City's land would become isolated and virtually unsalable. Additionally the cost of fire breaks and rubbish removal going forward would be added to the City's costs.

Advertising as required by Section 3.58 of the *Local Government Act 1995* will be undertaken if Council decide to proceed with the land sale. The advertisement will indicate the proposed sale price and the value



determined by the Licensed Valuer. If there are any objections a further report will be presented to Council.

A copy of the McGees Valuation report and an addendum email statement is attached to this confidential 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.

Governance Excellence

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

Budget/Financial Implications

Proceeds of the sale totalling \$185,000 will be transferred to the Land Development Reserve Fund.

Legal Implications

Provisions of Section 3.58 of the *Local Government Act 1995* apply.

Community Consultation

Details of the sale will be advertised in a newspaper for State wide publication, as required by Section 3.58 of the *Local Government Act 1995*.

Attachment(s)

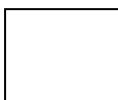
1. Map showing subject land
2. Plan of Proposed Subdivision

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 May 2012 Council Meeting.

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

Nil.



14.6 (MINUTE NO 4764) (OCM 10/05/2012) - CONSIDERATION OF DRAFT LEASE AGREEMENT AND ASSOCIATED FUTURE MANAGEMENT OF RESERVE 24308 (NAVAL BASE SHACKS) - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: CITY OF COCKBURN (SM/L/002) (L GATT / A TROSIC) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorse the lease agreement as provided within the Attachment, specifically noting all the modifications to the draft lease agreement which was subject to community consultation;
- (2) endorse the lease term as a single five year term only, at the agreed lease fee of \$2,000.00 per annum with CPI increases annually. The lease fee to include rent, waste, community surveillance and emergency services levy;
- (3) endorse the reduced demolition levy of \$300.00 per annum fixed for two years, and following the fixed term to be increased annually by CPI;
- (4) endorse the negotiation and preparation of a separate Commercial Lease for the Kiosk at Reserve 24308; and
- (5) endorse the preparation of a Management Plan for Reserve 24308 which will include the following components for the future management of the Reserve:
 1. The lease assignment process
 2. Internal office procedures
 3. Emergency management procedures
 4. Site maps
 5. Facilities management information
 6. Detailed planning for infrastructure upgrades, including financial planning to ensure infrastructure upgrade costs are met through the lease fee and associated reserve funds.
- (6) advertise the draft lease in accordance with section 3.58 of the Local Government Act.



COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr S Portelli that Council:

- (1) endorse a lease term of five years with an option for a further five year term at the absolute discretion of the City of Cockburn at the agreed lease fee of \$2,000 per annum with CPI increases annually. The lease fee includes rubbish collection charges, the emergency services levy and security services charges;
- (2) endorse a reduced demolition levy of \$300.00 per annum fixed for two years and, following the fixed term, the levy to be increased annually by CPI. Amend the Schedule to show the 'Heading' 8b;
- (3) endorse the amended Lease Agreement and Schedule in the Attachments reflecting points (1) and (2) above;
- (4) advertise the draft leases in accordance with Section 3.58 of the Local Government Act and if no objections are received proceed to endorse each of the leases. If an objection(s) are received then a report is to be prepared for the consideration of Council with the stated objections. The lease agreements to be signed by the Mayor and the Chief Executive Officer;
- (5) as recommended; and
- (6) as recommended.

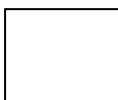
MOVED Cllr Portelli that the meeting be closed to members of the public, to allow Council to discuss confidential information relating to the item.

MOTION LAPSED FOR WANT OF A SECONDER

CARRIED BY CASTING VOTE OF PRESIDING MEMBER 4/4

Reason for Decision

Providing an option for a further 5 year term at the absolute discretion of the City of Cockburn affords lessees a level of confidence going forward while allowing the City of Cockburn to determine at its absolute discretion the right to not extend the lease. The Schedule omitted Heading 8b. If no objections are received then the Administration can proceed to progress the lease agreements.



Background

At the Ordinary Council Meeting on 12 August 2010 Council determined to defer a decision on the future of the management of Reserve 24308 until further consultation had been conducted. This decision is provided following:

That Council:

- (1) *not endorse any draft preferred option regarding the future management of Reserve 24308 at this stage;*
- (2) *prior to considering any future report regarding a preferred option for the future management of Reserve 24308, consultation be undertaken with the current lessees and the results of this consultation be given due regard in preparing a future report;*
- (3) *the consultation with current lessees to involve the following aspects:*
 1. *A formal letter being sent to all current lessees, setting out the potential options for the future management of Reserve 24308, inviting their comments. This being for a comment period of 42 days.*
 2. *A public forum briefing being held at the City of Cockburn. This is to be held midway through the public consultation process, for the purpose of answering questions that may arise.*
 3. *For the entire duration of the consultation, a specific page on the City's website being established which includes details regarding the consultation.*

In accordance with Council's decision the City has undertaken detailed consideration and consultation on the future of Reserve 24308. Key to this has been the development of a new lease agreement, which sets the cornerstone of the future management and upgrading of structures on Reserve 24308. The purpose of this report is for Council to consider adoption of the new lease agreement, and the endorsement of the preparation of a management plan for the Reserve going forward.

Submission

Future management of Reserve 24308 has been under consideration by the City over the last two years. The objective for improved management includes creating the right leasing framework for shack sites, which importantly supports the City's administration of shack



structures and associated infrastructure. This report is focussed mostly on the consideration of the new leasing framework, which has been developed in a collaborative way via the Naval Base Shacks Community Reference Group ("NBSCRG") and recently advertising to all shack lessees.

Report

Site Description

Reserve 24308 is located at Lot 373 Cockburn Road, Henderson and consists of an area of 4.5468ha. It has 178 shacks located on it, but with little uniformity in shack positioning, design and current built condition.

Reserve 24308 has a sound internal road system that permits vehicle movement at restricted speed, with adequately installed speed reduction devices (speed humps). Reserve 24308 also contains two common user ablution facilities, which were constructed by the City for use by shack lessees. The ablution facilities have mains electricity and a potable water supply.

A potable water supply for shack lessees is provided through the strategic location of water taps within Reserve 24308, with connection via a hose system. The shacks do not have access to other utilities, such as mains electricity, reticulated gas or sewer. The majority of shacks have been fitted with bottled gas, and generate their own electricity supply through mechanisms such as solar panels, small wind turbines and power inverters. There exists no regulatory framework around such infrastructure to date.

A shack at the entrance to Reserve 24308 has been converted into a small shop. The shop is connected to mains power and reticulated water with its own individual meter for each.

History of Reserve 24308

Anecdotal records from the City indicate that parts of the area, now represented by Reserves 24308 and 24309, were used as an informal camping ground possibly as early as 1933. Historically, Reserves 24308 and 24309 were created and set aside for the purposes of public utility in 1955, following transfer of the land from the Commonwealth. The original vesting of Reserves 24308 and 24309 to the Cockburn Roads Board was approved by the Executive Council and granted on 10 July 1957 for the purposes of recreation and camping. The Vesting Order for Reserve 24309 contained the power to lease. The Executive Council also designated Reserves 24308 and 24309 as A Class reserves at the same time.



Original structures placed on the land consisted of caravans with annexes. Over time the structures have become more permanent in nature and no longer represent a caravan with a soft or rigid annexe.

The Reserve was originally managed as a Caravan Park, with a register of City of Cockburn residents being allocated a site each time a lessee rescinded their lease. It has now evolved into exclusive holiday accommodation with the sites and structures being sold on the open market and the number of City of Cockburn Ratepayers reducing to less than 30% of the current lessees.

Current Tenure of the Land

Part 4 of the *Land Administration Act 1997* provides the legislative basis for the creation, management, amendment and cancellation of reserves of Crown land. A reserve represents Crown land which has been set aside or dedicated for a particular purpose in the public interest. There are hundreds of reserve purposes utilised across the State, recognising the diverse role and function which reserves have to perform in the public interest. The purpose of Reserve 24308 is 'Recreation and Camping'.

In terms of management, once a reserve is created it is placed under the care, control and management of a State Government department, Local Government or incorporated community group by way of a Management Order registered against the relevant parcel of Crown land and endorsed on the Certificate of Land Tenure. In terms of Reserve 24308, a Management Order exists with the City which includes a power to lease for up to 21 years. The Management Order does however limit use to being consistent with the reserve purpose ('Recreation and Camping'), with all leases subject to the Minister for Lands approval.

In addition to the reserve purpose and Management Order requirements, Reserve 24308 is also classified as an A Class reserve which affords the greatest degree of protection under the *Land Administration Act 1997*. In terms of historical appreciation, the *Land Act 1933* provided for reserves of Crown land to be classified as Class A, B or C reserves. This approach was extinguished under the *Land Administration Act 1997*, with a new approach in the form of classifying all reserves as one and the same - but keeping the notion of A Class reserves which would continue to be classified separately representing their importance and need for high level protection. Any proposal to undertake a major amendment to an A Class reserve, including modifying a reserve purpose, can only take place by tabling the proposal in both Houses of Parliament in accordance with Section 43 of the *Land Administration Act 1997*.



State Government Position

On 29 April 1999 the then Minister for Lands (Hon Doug Shave MLA) advised the City that the *“leases are only an interim measure, which the State has accepted, to recognise the existence of the shacks until such time as the situation is rectified”*. In further correspondence dated 26 April 2001, it was stated that the then Department of Land Administration *“would prefer a policy that allowed for replacement of existing structures, rather than one that encouraged expansion or major development. This would ensure that lessees were under no misapprehension that their tenure is both short term and finite.”*

This position of the State Government has evolved to the point that the State Government acknowledges the use of Reserve 24308 consistent with its current use. This is most clearly acknowledged by the recent Legislative Council Environment and Public Affairs Committee's Inquiry into Shack Sites in Western Australia. The Committee finalised their report in April 2011 and below is an extract relevant to Naval Base Shacks. Naval Base features three specific findings of the Committee (Findings 49 to 51), but with no specific recommendations given. Accordingly, the findings provide a useful indication as to the Committee's views for Reserve 24308.

The Committee noted particularly the collaborative process which the City was working through in determining an appropriate shack standard and a new management approach. The Committee suggested this to be a logical next step into a new management plan for the Reserve:

- 10.44 *A distinguishing difference between this site and other shack sites is that Naval Base is the only shack site located within metropolitan Perth. Also, unlike a number of other sites, the shacks are arranged in a reasonably ordered manner (compared to the ad hoc nature of other sites) on a heavily bituminised area.*
- 10.45 *The Committee note that the leasehold tenure at this site differs from sites such as Peaceful Bay and Dampier Archipelago. Although the City has renewed the shack leases annually, there is no obligation to do so and, under the terms of the lease, the lease may be cancelled with 14 days notice. The Naval Base lease does not set building or health standards or provide for an increase in standards. Unlike other shack sites, the City has not established any management plan or strategy for the site. The Council provides basic facilities at the site.*
- 10.47 *The Committee accepts that there is social heritage at Naval Base, formed by people and families sharing the experience of staying at this site and enjoying the experiences this site offers.*



10.49 If shacks are to remain, the City of Cockburn should develop a management plan which may incorporate short term holiday accommodation as an option for the public.

Finding 49: The Committee finds that the City of Cockburn manages 178 shacks at Naval Base. This reserve was vested in the City of Cockburn decades prior to the Squatter Policy. The shacks are leased for a period of one year. To date, the City of Cockburn has offered a lease each year.

Finding 50: The Committee finds that the City of Cockburn is currently undertaking a public consultation process to consider the future of Naval Base, including whether to remove the shacks and bring the vested reserve under the Caravan Parks and Camping Grounds Act 1995. The Council will consider the results of the public consultation and deliberate on this issue in due course.

Finding 51: The Committee finds that the City of Cockburn should continue to manage the process, including community consultation, they are presently undertaking to determine the future of Naval Base.

To provide the City with a clear and concise document that will enable the future of the Naval Base Shacks Reserve 24308 to be managed effectively, a new lease agreement has been formed. This provides the cornerstone to lead to broad improvements in both the regulatory management of shacks and standards of shacks. This new lease agreement, which has been subject to extensive consultation, is a key recommendation to Council in this report.

As specified in Recommendation 10.45 the Committee identified the need for the formal preparation of a Management Plan as the logical next step in improving the Reserve. Once the formal lease agreement becomes operational, the management plan will be able to complement critical operational matters for the Reserve including:

- (a) The lease assignment process;
- (b) Internal office procedures;
- (c) Emergency management procedures;
- (d) Site maps;
- (e) Facilities management information;
- (f) Detailed planning for infrastructure upgrades, including financial planning to ensure infrastructure upgrade costs are met through the lease fee and associated reserve funds.

City of Cockburn Local Government Inventory

The City resolved on 20 April 2004 to insert the Naval Base Caravan Park into the second volume of the City's Municipal Heritage Inventory



as Place No. 67. This has recently been updated as part of the City's 2011 Local Government Inventory, which is the new name of the Municipal Heritage Inventory. As part of this, Reserve 24308 is now identified as a Heritage Area. This reflects the unique characteristics of the area in totality, and something that requires comprehensive responses to protect the values of the Heritage Area.

The Draft Local Heritage Policy which supports the Heritage Area designation under the Scheme has been prepared for Reserve 24308. This was advertised widely to all shack lessees, with a number of submissions having been received. Finalisation of the Draft Local Heritage Policy will be presented to the next DAPPS Committee Meeting of Council.

Defining the City's Regulatory Responsibilities

The City's responsibilities broadly fall into the following two categories:

1. Regulatory (i.e. planning, building and health); and
2. Property management (leasing).

In terms of building regulation, there is now the requirement for Building Permits to be issued for building at Reserve 24308, following the commencement of the new *Building Act 2011*. This will require the application of the regulatory standards of the Building Code of Australia as part of building works at the Reserve. The City's Building Services team are responsible for this process.

From a planning viewpoint, the subject land is reserved as 'Parks and Recreation' under the Metropolitan Region Scheme ("MRS"). This triggers an application and assessment process to be undertaken under the MRS (as opposed to under City of Cockburn Town Planning Scheme No. 3), with the decision making responsibilities being with the Western Australian Planning Commission ("WAPC"). Applications will still be made to the City (Statutory Planning division), who will also be able to provide a recommendation of the applications to the WAPC.

Public health involvement is largely under the auspices of the *Health Act 1911*. This now involves annual inspections of shacks, to consider the standard of each shack and to report any upgrading requirements that need urgent action. The City's Property and Lands Officer follows through to require this work to be undertaken.

The new lease agreement will also support the City in its property management functions at the reserve. The new lease agreement does involve a wide variety of regulatory requirements, which will be administered to ensure the reserve is appropriately managed.



Community Consultation

Following the Council's Decision of 12 August 2011, the City commenced the consultation process by sending a letter to all Naval Base Shack Lessees advising of its determination. A specific web page was set up on the Council's website, and information was advertised in the Soundings Newsletter. The City organised a public meeting which was held on 25 October 2010 at which the City advised that it would look to establish a Community Reference Group early in 2011.

The City asked for nominations from the Lessees for the Naval Base Shacks Community Reference Group ("NBSCRG") of the nominations received six lessees were appointed to the NBSCRG along with five City of Cockburn Officers and two Elected Members

The purpose of the NBSCRG was to formulate a new draft lease based on consultation with the lessees of the Naval Base shacks. The first meeting was held on 15 February 2011 and was chaired by Cr Houwen.

The NBSCRG held monthly meetings and the first draft of the lease was finalised in December 2011. This draft was then sent to all lessees on the 6 January 2012, providing them with 60 days to submit their comments. The submissions received are detailed in the table attached at Attachment 2.

It is evident that a variety of issues, concerns and general feedback was provided through the advertising of the draft lease. While Attachment 2 details each specific point made in each specific submission, and how Officers have responded to these and formed a set of amendments to the draft lease agreement as per Attachment 1, it is important to highlight some of the key themes that came through the submissions. These are detailed and discussed following:

Submission – Involvement of the NBHA in preparation of a Management Plan for the Park and consultation with Lessees regarding the management plan before it is adopted by Council.

Response – All lessees will have the opportunity to comment on the proposed Management Plan prior to the plan being submitted to Council for adoption. It is expected that input into the preparation of the Management Plan will be via the NBSCRG.

Submission – Clause 7.2 Insurance. Request the City's assistance in identifying appropriate insurance providers with terms and costs which are reasonable and acceptable to Lessees to ensure this obligation to obtain insurance is achievable and affordable.



Response – The City currently has public liability insurance for areas surrounding the shacks however this will not cover any incident which occurs within or as a result of a shack. It is not the City’s responsibility to take out insurance for privately leased sites. Members of the NBHA have advised that some insurance companies are prepared to cover for both Public Liability and Building insurance.

Submission – Clause 12.2 Short Term Accommodation Only. The allowing of 3-4 people located throughout the park who meet certain criteria to live permanently in the park so they can act as caretakers and provide a level of security which is important to us. We support the involvement of the NBHA in identifying the criteria for these positions and to assist in the selection of relevant people.

Why only 120 days. What is the reasoning, it is related to Kwinana, what info has it been based upon?

Response – Kwinana is the State’s major heavy industrial area. Many of these industries are located in Kwinana because they are potentially dangerous and they could not be located anywhere else in/near Perth. The recommended (by EPA) buffer from residences to a typical heavy industry is 1km to 5km. This is to provide protection to the residents by ensuring that any emissions are able to be diluted in the atmosphere before they reach the residential areas. It is also to provide some protection to these major industries of state and sometimes national significance so that they are not required to invest significant funds in excessive emission control and operational safety systems. The City’s requirement is that the Shack is to be used for 120 days in any year no matter who is staying in the shack. The City is not supportive of some lessees using their shack for longer than 120 days in any year whatsoever, based on public health reasons.

Submission – Clause 12.6 Use of Generators. The ability to use generators during daylight hours. Such as 8am to 8pm and provided they do not exceed a maximum decibel level.

Response – The restriction on the generators was agreed to during the negotiations with the NBSCRG. It was recommended by the group that the noise level was intolerable due to the close proximity of the shacks. It is not the view of officers that generators be permitted at the Reserve (note requirements in the lease on this point).

Submission – The inclusion of an option for a further term of 5 years on the lease.

Response – The current proposed lease whilst providing some short term certainty also allows the City to look at further improvements to the Reserve as it develops an improved management structure over the



next five years. The increase in current lease periods from 12 months to five years is a significant increase, and no option period is considered to be appropriate given the nature of the shacks as an informal, low key area. The granting of exclusive lease rights of up to ten years is considered to create unrealistic expectations about how the reserve will function into the future.

Submission – Clause 5.2 Removal Bond. The reduction in the annual cost of the removal bond to a maximum of \$100 a year and the return of the bond to Lessees upon sale of their lease.

Response - The introduction of the demolition levy in 2010/11 was to cover the City in the case where a shack had to be removed and the leaseholder either did not want to pay or could not pay for its removal. The figure of \$600 was based on quotes from reputable demolition service providers to remove the shack and dispose of the material in a regulated Landfill Facility (including asbestos costs). The City has agreed to quarantine these funds so that in the eventuality the shack is removed by the relevant leaseholder and at their cost, the leaseholder would receive the funds back plus interest. This was implemented so that the City would not have to resort to expensive civil litigation to recover any outstanding debt. The issue of recovery in the Courts of unpaid demolition levies is very expensive and one that a litigant rarely recovers their costs or in a lot of instances the actual debt. The City is attempting to ensure that ratepayers will not have to incur legal costs unnecessarily. The recommended charge for the demolition levy effective 1 September 2012 will be decreased to \$300.00. This fee will be fixed for the first two years, with CPI increases following.

Submission - Request a clear Explanation of our lease fee, and how it is made up, in ref to Lease, Bond, and Rubbish removal. FESA, & Maintenance. Please note at this stage we are paying alot more for rubbish removal without having any bins supplied than that of my residential address in the Cockburn District.

Response - The Lease fee was based on an independent property valuation. The site rental charges for 2011/12 and 2010/11 are the same being \$21.80 per week. At the June 2011 Council budget meeting, the site rental fee was fixed at the same rate at 2010/11. This was done in context that a new lease was being discussed between the Council and the Community Reference Group. The original intention was to increase the site rental fee over three years to coincide with the valuation. As part of the new lease, Council officers will recommend an all inclusive fee (excluding the demolition levy), which for the 2012/13 will be \$2,000 per annum. This fee will include rent, waste, emergency services levy and community surveillance levy. The City has agreed to use the funds raised by the lease fees, net of any running costs for the facility, for the capital improvements required at the facility. The



demolition levy funds are not included in this general undertaking and have been put in a separate reserve.

As a result of the public consultation a number of modifications to the draft lease are recommended to Council. The proposed amendments are highlighted as “track changes” in Attachment 1.

The establishment of a more robust lease agreement will provide the City with a clear and concise document that has been established through working collaboratively with representatives of the NBSCRG and consultation with lessees through the group.

The current Memorandum of Agreement provided only a one year term this has been extended in the new draft lease with a five year term which provides the lessees with security of tenure for this period. It is not recommended that any option period be granted in the lease, as the logistics of administering the leases internally would be made very difficult as some lessees would take up the option and other lessees would decline. At the end of the five year term, the City will be in a position to review what has been upgraded, the standard of the facilities and shacks at the Reserve prior to considering new leases.

Facilities at Reserve 24308 will be planned for upgrading during the five year lease term, which will include investigations into reticulated water connection and soakwells to each shack, an investigation into connection of electricity and further upgrades to the facilities at the Reserve. This however needs to be appropriately prepared through the new Management Plan for the Reserve.

With the introduction of the new *Building Act 2011* any new structures will be subject to approval by the City’s Building Department which will enable the City to bring new structures under the control of this new legislation and will reduce the risk to public safety and the City in the future.

The City’s Health Department has now undertaken external inspections of each shack and some Lessees have completed renovations to improve the safety standards of the shacks. The City’s Health Department will continue to monitor the safety aspects of the shacks by inspecting them on an annual basis.

It is proposed that a Management Plan be prepared which will encourage the creation of a structured plan for the management of the Reserve that proactively tackles (or manages) the whole Reserve including the City's regulatory and 'management' roles together with associated risks identified to date and which may occur in the future. The preparation of a Management Plan for the Reserve was a key



finding made by the Environment and Public Affairs Committee Inquiry into Shack Sites in Western Australia.

It is therefore recommended to Council to endorse a new lease agreement for the reserve, and the various associated actions contained in the officer's recommendation.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

The new lease fee is constructed in a way to reflect the value of shack leases based on two external valuations. The income from the lease fee and the special demolition levy are to be quarantined into two specific reserves respectively. The lease fee is to fund the operating costs as well as the capital expenditure program. The special demolition fee is to fund future removal of a shack should a lessee fail to do so. If a lessee removes a shack in accordance with their lease the full amount of the levy will be refunded to them, on completion of the removal, including interest accumulated on the levy.

178 Shacks @ Lease Fee \$2,000 = \$356,000.00.

178 Shacks @ Demolition Levy \$300.00 = \$53,400.00

Legal Implications

Land Administration Act 1997

Property Law Act 1969

Building Act 2011

Health Act 1911

Planning and Development Act 2005

Council has to advertise all of the Naval Base Leases including the names of the lessees in accordance with Section 3.58 of the Local Government Act. Subject to no objections being received following the



advertising of the leases under Section 3.58 of the Local Government Act Council endorse the draft lease otherwise a report to council will be submitted with stated objections

Community Consultation

In accordance with Council's previous decision, the City has undertaken the following consultation:

- a) advertising in the City of Cockburn Soundings Newsletter;
- b) establishing a specific page on the City of Cockburn website;
- c) a letter was sent to all Naval Base Shack Lessees;
- d) a public meeting was held on 25 October 2011;
- e) a Community Reference Group was established to prepare a draft lease; and
- f) January 6 2012 the draft lease was forwarded to all lessees providing them with 60 days to comment.

The culmination of advertising and responses to the draft lease agreement are contained in Attachment 2, and the recommended changes to the draft lease agreement are identified in Attachment 1.

Attachment(s)

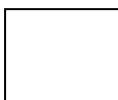
1. Draft Lease Agreement Showing Changes
2. Schedule of Submissions
3. Site Plan
4. Copy of Management Order

Advice to Proponent(s)/Submissioners

All Submissioners have been advised that the report will be presented to Council at its Ordinary Council meeting 10 May 2012.

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

Nil.



14.7 (MINUTE NO 4765) (OCM 10/05/2012) - CONSIDERATION TO PREPARE CONSOLIDATION OF CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 - LOCATION: CITY OF COCKBURN DISTRICT - APPLICANT: CITY OF COCKBURN (9485) (A TROSIC) (ATTACH)

RECOMMENDATION

That Council:

- (1) in accordance with Section 88(1) of the *Planning and Development Act 2005* ("Act"), resolves to prepare a consolidation of City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) in accordance with Section 89(1) of the Act, requests approval of the Scheme consolidation by the Western Australian Planning Commission ("WAPC");
- (3) following approval of the Scheme consolidation by the WAPC, invites submissions from the public (for a period of 42 days) regarding the effectiveness of the Scheme, the need for amendment of the Scheme and the need for the making of a new Scheme. Following this process a report to be presented back to Council for consideration in accordance with Section 90 of the Act; and
- (4) consider in the next iteration of the Plan For The District (Strategic Community Plan), the timing for development of a new Local Planning Strategy and Town Planning Scheme within the next five years to replace the current operative document.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0

Background

This matter is being represented to Council following it being deferred at the April 2012 Ordinary Meeting of Council to enable further consideration by Elected Members.



The purpose of this report is to seek Council resolution to prepare a consolidation of City of Cockburn Town Planning Scheme No. 3 ("Scheme"). This consolidation is being sought to comply with the Scheme review requirements specified under Section 88 of the *Planning and Development Act 2005* ("Act"), and in acknowledgement that the current Scheme and its associated Local Planning Strategy continue to plan effectively for the strategic land use matters of the City of Cockburn ("City").

Under the Act a Scheme consolidation is advocated for when there is limited need for strategic or land use changes to the current Scheme, and where there is a need to comply with the Scheme review requirements specified by the Act. The City's Scheme is considered to meet these key criteria in that it continues to effectively plan for the strategic land use of the City, and should be consolidated to operate for a further five years.

This consolidation will importantly grant an appropriate period of time for the Scheme to continue, during which the Local Planning Strategy will be comprehensively reviewed and renewed, allowing it to be used to inform a new Scheme prior to the five year time period being reached.

This report will effectively seek to justify to Council why a Scheme consolidation is appropriate considering:

1. The currency and successful operation of the Local Planning Strategy which underpins the Scheme.
2. The ability to which the Scheme addresses the state and regional planning context.
3. The realisation that previous and planned amendments to the Scheme will not be seeking to substantively alter the Scheme, and will importantly reflect the direction provided within the Local Planning Strategy.

A consolidation copy of the Scheme can be referenced via the WAPC's website. It is not included as an attachment to this item, due to the size of the document.

Submission

N/A

Report

Background to Town Planning Schemes

Town Planning Schemes are made under Part 5 of the Act, which sets out the general objects of schemes, the matters which may be



addressed in schemes and the requirements for review of schemes. Where schemes involve the zoning or classification of land, they are required to reflect the format prescribed by the Model Scheme Text ("MST"), contained within the *Town Planning Regulations 1967*. The City's Scheme has been based upon this prescribed format of the MST.

The MST sets out the following as purposes of a scheme:

1. Set out the local government's planning aims for the scheme area, and implement the local planning strategy.
2. Set aside land as reserves for public purposes, in accordance with the aims of the scheme and the local planning strategy.
3. Zone land within the scheme area in accordance with the aims of the scheme and the local planning strategy.
4. Control and guide land use and development in accordance with the aims of the scheme and the objectives of the respective zones and reserves.
5. Make provision for the administration and enforcement of the scheme where necessary to supplement the provisions in the Act.
6. Provide for such other matters as set out in Schedule 7 of the Act as are necessary and appropriate to the local area.

These are replicated in basically the same wording under Clause 1.5 of the City's Scheme.

In respect of the City's Scheme and its relationship to the MST, various provisions relating to local planning matters are prescribed. These cover the following areas:

1. Zoning
2. Development standards and controls
3. Special control areas including structure planning
4. Development agreements and cooperation including cost sharing arrangements
5. Other general and ancillary matters.

Schemes need to also be consistent with relevant region schemes (which for the City is the Metropolitan Region Scheme) and have due regard to State Planning Policies ("SPP's") which affect the local area. The primary State Planning Policies affecting the City, and which are covered by the Scheme, are as follows:

Environment and Natural Resources Policy (SPP 2)

SPP 2.3 - Jandakot Groundwater Protection Policy

SPP 2.4 - Basic Raw Materials

SPP 2.5 - Agricultural and Rural Land Use Planning

SPP 2.6 - State Coastal Planning Policy

SPP 2.7 - Public Drinking Water Source Policy

SPP 2.8 - Bushland Policy for the Perth Metropolitan Region

SPP 2.9 - Water Resources



Urban Growth and Settlement (SPP 3)

- SPP 3.1 - Residential Design Codes
- SPP 3.4 - Natural Hazards and Disasters
- SPP 3.5 - Historic Heritage Conservation
- SPP 3.6 - Development Contributions for Infrastructure

Economy and Employment (SPP 4)

- SPP 4.1 - State Industrial Buffer Policy
- SPP 4.2 - Activity Centres for Perth and Peel

Transport and Infrastructure (SPP 5)

- SPP 5.2 - Telecommunications Infrastructure
- SPP 5.3 - Jandakot Airport Vicinity
- SPP 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

Schemes are also subject to environmental assessment by the Environmental Protection Authority, with reference to relevant environmental policies, principals, plans and strategies. This was undertaken as part of the development of the current Scheme.

The basic tools of land use planning which the City's Scheme utilises at the local planning level are:

1. Local planning policy
2. Local reservation
3. Local zoning
4. Additional and restricted uses
5. Non-conforming uses
6. Special use zones
7. Special control areas
8. Structure planning and development contribution cost sharing arrangements
9. Heritage provisions and listing.

As mentioned in the introductory section, Schemes require timely review either by consolidation or by the preparation of a new Scheme. As per the introduction to this report, the City is seeking to consolidate its current Scheme on the basis of limited need for major strategic and/or land use changes, with the main aim being to comply with the Scheme review timeframe as outlined in the Act.

Scheme Consolidation Versus Review

Under the Act there is a requirement to review Schemes. The Act provides two avenues by which to review a Scheme - being either by consolidation of an existing Scheme and all its amendments (effectively



continuing the current Scheme), or by the preparation of a new Scheme.

A consolidation is an appropriate path to consider if there is little need for major strategic or land use change under the current Scheme. This has a direct relationship back to the associated Local Planning Strategy as explained following.

The Local Planning Strategy provides the strategic vision and framework for planning over a time period usually between five to 15 years into the future. It is not uncommon for this to be even as far out as 20 to 30 years. The key point being that provided a Local Planning Strategy has been prepared in a very robust manner, which considers and responds to the local and regional planning context appropriately, and then there is no practical reason why the Strategy cannot run for at least 10 to 15 years without being re-written. Accordingly, a Scheme based upon its Local Planning Strategy should be able to be consolidated at least one, provided it has been prepared appropriately based upon the Local Planning Strategy.

Where there is a need to comprehensively update the strategic and land use direction under the Scheme, then a new Scheme will be required. This also necessitates the preparation of a new Local Planning Strategy, to provide the strategic and policy basis to inform the new Scheme's preparation.

Rationale For Scheme Consolidation

While it would seem attractive to pursue a Scheme consolidation in the first instance, it is important that this decision not be taken just because of its relative ease compared to a Scheme review. Decision between either a Scheme consolidation or Scheme review needs to take into account the following specific criteria:

1. Age of Scheme
2. Number of amendments
3. Whether Scheme aims are being achieved
4. Any limitations in administration and effectiveness of Scheme provisions in controlling land use and development
5. Extent to which the Scheme complies with the Metropolitan Region Scheme ("MRS")
6. Extent to which Scheme is fulfilling strategic vision under the Local Planning Strategy.

These form the basis of assessment following.

Age of Scheme

The Scheme was gazetted on 20 December 2002, based upon an associated Local Planning Strategy. This places the Scheme at under



10 years old, with the effective age of the Local Planning Strategy at approximately 15 years old. This reveals in an initial sense scope for consolidation of the current Scheme for a further five year period.

The age of the Scheme is also an important consideration in respect of the timing of key changes to the *Town Planning Regulations 1967* ("Regulations"). In October 1999, the *Town Planning Amendment Regulations 1999* were gazetted which gave effect to the Model Scheme Text - MST. The MST is set out in Appendix B of the Regulations and is prescribed under the Act as a set of general provisions for Schemes.

In its approach, the MST allows the separation of the strategic component of Schemes (the Local Planning Strategy) from the legal and administrative component (the Scheme Text and Map). The Regulations require Schemes to comply with the MST except where otherwise approved by the Minister.

The MST utilises conventional zoning as the content of Schemes but enables the incorporation of other planning approaches into the Scheme especially through the use of special control areas. The standardised format also enables the adoption of planning policies, precinct plans, performance planning and standardised layout throughout WA. The MST forms the structure of the Scheme but does neither dictate nor guide land use content of Schemes - this remains a function for local government to consider and determine, based upon the strategic and policy based vision and framework created through the Local Planning Strategy.

In respect of the City's Scheme, this has been based entirely on the prescribed format of the MST. Its local content provisions have been drawn from the strategic and policy based content of the Local Planning Strategy, and specifically expressed through the following key parts:

Part 1 - Specifically Clause 1.6 identifying the aims of the Scheme with a relationship back to the Local Planning Strategy vision/strategic objectives.

Part 4 - Specifically Clause 4.2, which specifies Scheme zones and their associated objectives. This then leads on to the zoning table, contained under Table 1. This provides the control over whether certain land uses are permitted within certain zones, and what form of approval is required.

Part 5 - This sets out the general requirements which apply to land use and development within the Scheme area, and the specific requirements which apply to particular uses and forms of development. The City's Scheme includes criteria such as site requirements, access,



parking, building design, setbacks and landscaping, residential, industrial uses, commercial uses etc. Similar to the aims of the Scheme and arrangement of zones and objectives, these general Scheme requirements have been informed by the strategic basis of the Local Planning Strategy.

Part 6 - This sets out the Scheme's special control areas. This is particularly pertinent to the City's Scheme, through the use of Development Area and Development Contribution Area provisions in order to guide land use, development and subdivision. This occurs through the basis of structure planning and associated development contribution planning to enable comprehensive planning of large areas for development, and the equitable sharing of common infrastructure (both civil and community based) for development.

In essence, the City's Scheme reflects the content and expectations of the MST as established through the Regulations and the Act. This establishes a basic test to determine that the Scheme is capable for consolidation.

In terms of the age of the Scheme, it is useful to consider this against similar growing outer metropolitan local governments. Accordingly the City's Scheme dated December 2002 compares to the following:

City of Wanneroo Town Planning Scheme No. 2 - July 2001
 City of Gosnells Town Planning Scheme No. 6 - February 2002
 City of Armadale Town Planning Scheme No. 4 - November 2005
 Town of Kwinana Town Planning Scheme No. 2 - November 1992
 City of Rockingham Town Planning Scheme No. 2 - November 2004

This simple age comparison reveals the City's Scheme being generally in line with the age of other Schemes from similar growing local government areas.

Number of Scheme Amendments

To date 92 amendments to the Scheme have taken place, with seven still currently in process. These amendments cover a wide spectrum of purposes, and importantly reflect the ongoing management and improvement of the Scheme. The Scheme amendments are strategically informed through the Local Planning Strategy, providing broader level guidance to consider when an amendment should or should not be contemplated.

Scheme amendments have also been undertaken to ensure the Scheme maintains statutory compliance with the Act and associated *Town Planning Regulations* 1967. This places significant importance upon Scheme consistency with the following:



1. Section 69 of the Act, which provides the general objectives of Schemes.
2. Schedule 7 of the Act, which provides the matters which may be dealt with by Schemes.
3. The MRS, which represents the statutory form of regional town planning for the Perth Metropolitan Area. and
4. State Planning Policies, which provide the key policy guidance relevant to general planning and facilitating the coordination of planning throughout the State by local government Schemes.

These represent tests to which an amendment must comply before it will be granted final approval by the WAPC and Hon Minister. In terms of the alignment of Scheme amendments to the City's Local Planning Strategy, Attachment 1 contains a table identifying how each Scheme amendment undertaken has addressed strategic actions contained within the City's Local Planning Strategy.

Attachment 2 further shows the status of current Scheme amendments which are in their final stages of progress. These are specifically awaiting determination by the WAPC.

The Scheme amendments undertaken have kept the City's Scheme valid and up-to-date in terms of the statutory requirements placed upon it under the Act. The scope of the Scheme amendments are aligned with the Local Planning Strategy, and accordingly the Scheme continues to implement this going forward. This is considered to support the capability of the Scheme to be consolidated for a further five year, as is recommended by this report.

Whether Scheme aims are being achieved

Schemes are made up of a variety of zones and accompanying statutory planning provisions which combine to provide for control of land use and development. This combination reflects a set formula of land use possibilities and zoning arrangements, with the intent being that the formula achieves the aims of the Scheme, which itself is derived from the strategic vision of the Local Planning Strategy.

Schemes function as regulatory devices, and therefore come under significant statutory interpretation focussed commonly at one or a group of clauses. This narrow view of Schemes is a common and expected occurrence, recognising the need for statutory instruments to have regard for principles of statutory interpretation in all aspects.

Taking a narrow view of Schemes as is often the case in statutory assessment does drive home the need to reflect about how the whole Scheme is helping achieve (or otherwise) its stated aims. The ideology and vision for the Scheme area is captured at its highest level through



the Scheme aims, derived from both planning theory and community values held. Provided that such aims are being supported through the statutory application of the Scheme, then the narrow aspects of land use and development control should be helping achieve such aims as measured in a broad sense.

In terms of the City's Scheme, its aims are as follows:

- (a) *ensure that development and the use of land within the district **complies** with accepted standards and practices for public amenity and convenience; and*
- (b) *ensure that the future development and use of land within the district occurs in an **orderly and proper** way so that the quality of life enjoyed by its inhabitants is not jeopardised by poor planning, unacceptable development and the incompatible use of land.*

The Scheme is considered to be fulfilling these aims, with examples as follows:

1. Zoning maintains an appropriate spatial allocation of land uses.
2. Scheme controls provide an appropriate balance between being prescriptively based (absolute controls) versus performance based (which seek to promote and encourage innovation in development).
3. The approach to zoning, while still cognisant of the protection of residential and public amenities, has provided the opportunity for the mixing of compatible uses.
4. Scheme controls have not remained static, but have evolved through associated amendments, local planning policy and design guidelines to respond to drivers for change.
5. Scheme controls have helped balance both local and regional planning interests. The embracing of medium to high density zoning based around activity centres has been embraced by the Scheme, consistent with the associated Local Planning Strategy and State Planning Policy.
6. Scheme controls have been supported through local planning policies and design guidelines which place a focus on both the use acceptability as well as the quality of design and built outcome.

These are key conclusions taken from the current assessment of how the Scheme is achieving its associated aims.

Any limitations in administration and effectiveness of Scheme provisions in controlling land use and development

There are no current limitations in administration associated with the Scheme. Being based upon the MST, the Scheme utilises conventional zoning and development controls as the statutory basis for administration and implementation. Unique aspects of the Scheme are



best reflected by the rigorous use of Special Control Areas under Part 6 of the Scheme.

The City has been a leader in respect of the use and application of both Development Areas and Development Contribution Areas to enable the comprehensive development of otherwise fragmented land to achieve identified outcomes. This is best reflected through the use of Structure Plans and their associated Development Contribution Plans as a statutory mechanism akin to the Scheme to help to coordinate the equitable arrangement of land uses as well as the equitable sharing of infrastructure costs.

The standardised format of the City's Scheme has also enabled the adoption of local planning policies to help inform the application and administration of Scheme provisions providing for discretion to be exercised. Accordingly while the MST forms the structure of the City's Scheme, it neither dictates nor guides land use content - this remains a function for the City to consider and determine, based upon the strategic and policy based vision and framework created through the Local Planning Strategy.

In terms of land use control, it is worth emphasising that the Scheme maintains an appropriate focus upon the protection of public health and amenities from inappropriate land use and development taking place - a clear purpose behind the reason for local planning. The preparation and administration of Schemes to control land use and development has remained as the primary responsibility for local government planning.

Recent planning reforms however, passed as the *Approvals and Related Reforms (No. 4) (Planning) Act 2010*, have somewhat started to erode this through the introduction of Development Assessment Panels ("DAPs"). DAPs have been introduced to effectively remove the decision making responsibilities for certain (qualifying) development types from local government, and placing this decision making responsibilities within an allocated DAP made up by a majority of 'technical experts'. While this impacts upon local planning in respect of decision making responsibilities for certain development types, in all cases the Scheme still provides the statutory mechanism by which development is assessment and determined - whether that is by the City or a DAP.

Extent to which the Scheme complies with the Metropolitan Region Scheme ("MRS")

This has been effectively ensured by the strengthening of relevant provisions contained within the *Planning and Development Act 2005*, as well as the recent reforms introduced as part of the *Approvals and*



Related Reforms (No. 4) (Planning) Act 2010. Scheme compliance with the MRS is achieved through the following key provisions:

1. Planning Control Area provisions of the Act prevail over a Local Scheme to the extent of any inconsistency.
2. The provisions of the Act relating to Region Schemes prevail over any inconsistent provision of the Act relating to Local Schemes.
3. A Local Scheme or amendment is not to be approved unless the provisions are in accordance with any relevant Region Scheme.
4. If a Region Scheme/amendment is made which renders a Local Scheme inconsistent with it, the local government must within 90 days resolve to prepare a new Local Scheme/amendment to be consistent with the Region Scheme.
5. The Minister may direct a local government to prepare a Local Scheme/amendment to ensure consistency with a Region Scheme/amendment.
6. Amendment of a Region Scheme reserve automatically amends the relevant Local Scheme to reflect the reservation.

Extent to which Scheme is fulfilling strategic vision under the Local Planning Strategy

The extent of consistency with the Local Planning Strategy is an important aspect which needs final consideration. As mentioned, the Scheme is the statutory tool which is used by the City to set out the planning aims for the Scheme area, and implement the Local Planning Strategy as the Scheme area's primary strategic plan. The Local Planning Strategy has a strategic purpose, addressing medium to long term planning and strategies which guide land use, development control and infrastructure management. Broad environmental, social and economic goals are integrated into these strategies.

The Local Planning Strategy provides the strategic vision and framework for planning over a time period usually between five to 15 years. Provided the Local Planning Strategy it is not uncommon for this to be even as far out as 20 to 30 years. The key point being that provided a Local Planning Strategy has been prepared in a very robust manner, which considers and responds to the local and regional planning context appropriately, then there is no practical reason why the Strategy cannot run for at least 10 to 15 years without being re-written. Accordingly, a Scheme based upon its Local Planning Strategy should be able to be consolidated at least one, provided it has been prepared appropriately based upon the Local Planning Strategy.

The City's Local Planning Strategy was developed in conjunction with the Scheme, and accordingly has been used to provide the strategic planning consideration as part of the statutory administration of the Scheme. In respect of the relationship between the Local Planning



Strategy and Scheme, Clause 1.1 of the Local Planning Strategy states that it supports and is to be read in conjunction with the Scheme. Clause 1.2.2 then states that the Local Planning Strategy is particularly pertinent for "providing the planning context for...statutory provisions contained in the town planning scheme" and that it "will become a central part of the scheme, being a consideration the Council will have to have regard to in making planning decisions, and will carry significant weight in planning appeals".

This portrays the emphasis placed upon strategy in respect of the preparation and administration of Schemes. In a statutory context, Clause 2.1.1 of the City's Scheme states:

"Except to the extent that the Local Planning Strategy is inconsistent with this Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy."

This makes the Local Planning Strategy a living document, whereby applicants are particularly directed to carefully review the Local Planning Strategy prior to the lodgement of any planning proposal. This helps establish both strategic planning aims and objectives the City is pursuing, as well as highlighting planning obstacles that impact upon land use and development taking place.

In respect of how the Local Planning Strategy has been functioning as a living document to inform planning actions of the City, Attachment 3 contains an analysis of the action plan associated with the Local Planning Strategy. This discusses how the various strategies remain relevant to the City's planning, and also how the Scheme has implemented the actions.

Conclusion

As mentioned previously, it is considered that the Local Planning Strategy was developed with an effective life of between 10 to 15 years. Accordingly this places the need for review of the Local Planning Strategy within the coming 5 years, and in association with a new Scheme should be a key action for Council to pursue over the next five year period. But to ensure consistency with the requirements of the Act, the Council should in the meantime consolidate the current Scheme to operate for a further five year period. This will provide adequate time in which to develop both the Local Planning Strategy and Scheme together, undertake the required public participation in both documents, and proceed through the statutory processes prescribed by the Act and *Town Planning Regulations 1967*.



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.

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

The Scheme consolidation process comprises of [Sections 88(1); 89(1); 89(2); 90; 91(1); 92(1); 92(2); and Section 95 of the Planning and Development Act].

Community Consultation

Should Council resolve to proceed with a Scheme consolidation, approval will be required from the WAPC. Following approval, advertising of the Scheme consolidation will take place inviting submissions from the public (for a period of 42 days) regarding the following aspects:

1. The effectiveness of the Scheme;
2. The need for amendment of the Scheme;
3. The need for the making of a new Scheme.

Following this process, a report needs to be presented back to Council within six months for consideration in accordance with Section 90 of the Act. This report will be required to include:

1. All submissions received during advertising.
2. Recommendations in respect of the submissions received.
3. Recommendations as to whether or not the Scheme is satisfactory in its existing form; should be amended; should be repealed and a new Scheme prepared in its place, or; should be repealed.



Attachment(s)

1. Table identifying scheme amendments.
2. Table showing status of current Scheme amendments awaiting determination by WAPC.
3. Table showing analysis of Local Planning Strategy.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 4766) (OCM 10/05/2012) - LIST OF CREDITORS PAID - MARCH 2012 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for March 2012, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A



Report

The List of Accounts for March 2012 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 – March 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.2 (MINUTE NO 4767) (OCM 10/05/2012) - STATEMENT OF FINANCIAL ACTIVITY & ASSOCIATED REPORTS - MARCH 2012 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statements of Financial Activity and associated reports for March 2012, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0

Background

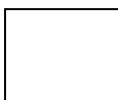
Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets);
- (b) 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 chooses 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 2011/12 financial year.

Submission

N/A

Report

Closing Funds

The City's closing municipal funds of \$47.7M were \$13.0M higher than the YTD revised budget. This represents favourable operating revenue and expenditure positions, underspending in the capital program and \$4.2M of transfers to Reserve not yet completed.

The full year revised budget is showing a closing funds position of \$393k, little changed from last month. The budgeted closing funds position will fluctuate moderately throughout the year as it is impacted by various Council decisions and minor system adjustments and corrections. Details of these are outlined in Note 3 to the financial report.

Operating Revenue

Overall, operating revenue is tracking ahead of budget by \$2.9M, which is less than last month's variance by \$0.2M. This continues to be impacted by several regular items. Interest earnings on investments were \$0.7M ahead of YTD budget due to the strong cash flow position. Rates revenue was \$0.4M ahead of budget. Revenue from the Henderson Waste Recovery Park was also \$0.8M ahead of the YTD budget despite the MYBR. This has reduced from last month due to the impact of the revised budget target adopted in the mid year review.

Operating Expenditure

Operating expenditure is showing an overall underspend of \$3.3M, being 4% of the YTD budget and \$0.2M more than last month. Key contributors to this result include:

- a YTD under spend of the Council grants program of \$0.4M,
- General budget under spend within Parks and Environmental Services of \$0.7M,
- Overall budget under spend within Roads Maintenance and Construction Services of \$1.5M, including an allocation of \$1.0M for



underground power and \$0.5M in street lighting costs not yet expensed due to ongoing negotiations for revised charges.

The following table shows the budgetary performance from a nature or type perspective:

Nature or Type Classification	Actual	Amended YTD Budget	Variance to YTD Budget
	\$	\$	%
Employee Costs	\$26.47M	\$27.00M	2.0%
Materials and Contracts	\$21.67M	\$23.39M	7.9%
Utilities	\$2.35M	\$3.05M	29.8%
Insurances	\$1.73M	\$1.67M	-3.6%
Other Expenses	\$5.11M	\$5.59M	8.6%
Depreciation (non cash)	\$16.50M	\$15.57M	-5.9%

There is traditionally a lag effect in the incurring of materials and contracts and utility expenses. The basis for street lighting costs is currently being disputed with Synergy, which is impacting the variance.

Depreciation is tracking ahead of budget due to the impact of the revaluation on road infrastructure performed during the 2011/12 end of year financial reporting.

Capital Program

The City's capital budget is showing an overall under spend of \$13.4M against a YTD budget of \$34.9M and full year budget of \$60.3M. The majority of the City's largest infrastructure projects are under construction, which will lead to an increased rate of expenditure over the remainder of the year.

Capital related funding sources are conversely down \$11.4M against the ytd budget, largely as a result of the capital expenditure underspend. The main impacts are Council's cash reserves at \$8.3M and proceeds from the sale of assets (land) of \$3.9M.

The more significant project spending variances are disclosed in the attached CW Variance analysis report.

Cash & Investments

Council's cash and current/non-current investment holdings reduced to \$102.9M (from \$109.6M in February). This is \$18.8M ahead of YTD budget estimates mainly due to the impact of the capital budget variances, as well as the favourable operating budget. This continues to boost the City's interest earning capacity.



Of this total cash and investment holding, \$46.8M represents the City's cash reserves, whilst another \$6.2M is held for other restricted purposes such as bonds and capital contributions. The balance of \$49.9M represents the cash and investment component of the City's working capital, available to fund ongoing operations and the municipal funded portion of the capital program.

The City's investment portfolio made an annualised return of 6.02% for the month, versus the benchmark BBSW performance of 4.70%. The Reserve Bank again failed to reduce interest rates in April, thus allowing the City to continue investing its funds at yields of around 6%.

The majority of investments held continue to be in term deposit products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These mainly range in terms of up to six months, as this is where the current value in the yield curve lies.

Description of Graphs and Charts

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

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

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

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

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



Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item).

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – March 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.3 (MINUTE NO 4768) (OCM 10/05/2012) - PROPOSED MULTI-STOREY CAR PARK AT COCKBURN CENTRAL (PS/L/001) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council

- (1) approach WAPC to explore the acquisition of Lot 24 Stockton Bend, Cockburn Central or Lot 23 Tea Tree Bend, Cockburn Central for the purpose of developing a multi-storey car park; and
- (2) allocate \$25,000 in the 2012/13 Municipal budget to enable a design of a multi-storey car park to be completed and costed.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr S Portelli that Council:

- (1) formally approach the Western Australian Planning Commission (WAPC) to explore the acquisition of Lot 24 Stockton Bend, Cockburn Central or Lot 23 Tea Tree Bend, Cockburn Central for the purpose of developing a multi-storey car park;
- (2) formally approach the WAPC, Public Transport Authority (PTA), the Fire and Emergency Services Authority (FESA), Landcorp, Australand and other parties who may be interested in a joint venture for the construction of a paid multi storey car park at Cockburn Central; and

allocate \$25,000 in the 2012/13 Municipal Budget to enable a design of a multi storey car park to be completed and costed.

CARRIED 8/0

Reason for Decision

Adding Point 2 allows for formal approaches to be made to the WAPC, PTA, FESA, Landcorp, Australand and other parties who may be



interested in a joint venture for the construction of a paid multi storey car park at Cockburn Central and allows the necessary enquiries to be conducted in parallel as opposed to a 'step by step' approach. It also allows 'other parties' who may be interested in a joint venture for the construction of a paid multi storey car park at Cockburn Central to be included.

Background

At the Ordinary Council Meeting of 8 March 2012, Mayor Howlett requested that a report be presented to the May 2012 Council meeting outlining the business case or otherwise for the provision of a multi-storey car park at Cockburn Central either as a project solely funded by the City or in conjunction with other potential stakeholders, including the State Government.

Submission

N/A

Report

Cockburn Central is a Transport Orientated Development (TOD) where the use of cars is actively discouraged by planning and design. This in turn has created a need for parking as the use of cars continues to dominate the building landscape. One solution is the construction of a multi-storey car park aside from the current parking solutions in the precinct and the parking provided on the eastern side of the Freeway.

As such a number of land options suitable for the construction of a multi-story car park are being and have been investigated for the purposes of this report.

Lot 24 Stockton Bend, Cockburn Central

This 6,011 sq. m. lot is currently being used as a "secure" car park that is a guard is in place to monitor the ingress and egress of vehicles into the car park, for general public car parking on a "first in first served basis". The lot is owned by the WA Planning Commission (WAPC) but leased to the Public Transport Authority (PTA) for ten years for the purposes of a car park. The car park currently has 205 ordinary car bays, 6 Acrod bays and 10 motor cycle bays. The PTA charge users of the facility \$2 per day. Initial discussions with WAPC have been favourable and they would consider any proposal on its merits for the construction on a paid multi-storey car park.



Lot 23 Tea Tree Close, Cockburn Central

This 7,231 sq. m. lot is currently being used as an “unsecure” car park, that is “no-guard” is in place to monitor the ingress and egress of vehicles into the car park, for general public car parking on a “first in first served basis”. The lot is owned by the WA Planning Commission (WAPC) but leased to the Public Transport Authority (PTA) for ten years for the purposes of a car park. The car park currently has 197 ordinary car bays, 3 Acrod bays and 6 motorcycle bays. The PTA does not charge users of the facility \$2 per day. Initial discussions with WAPC have been favourable and they would consider any proposal on its merits for the construction on a paid multi-storey car park.

Lot 7 Linkage Avenue, Cockburn Central

The City of Cockburn owns Lot 7 freehold. This is a 4,646 sq. m. site. The zoning of this land is for a commercial building. Originally it was intended to construct a three storey commercial building incorporating a library and parking plus a residential tower. Planning approval has been granted for the construction of this facility. The site is currently vacant but is being used as a paid temporary car park for construction workers as various buildings in Cockburn Central are constructed. The original intention was for a three storey above ground car park to be constructed to service the parking needs of the tenants of the building. Planning consent could be amended to provide for a further three levels of public parking providing an estimated 460 car bays.

Other Lots in Cockburn Central

Landcorp is the owner of other land totalling 3.6ha in the Cockburn Central precinct. If a multi-storey car park is to be constructed, the assumption would be that the Council would have to acquire it from Landcorp. As a TOD this may prove problematic for the purposes of a stand alone multi-storey car park as it would be contrary to the original purposes of the precinct. As with the WAPC, Landcorp would review any proposal from the City on its merits as they are ultimately a profit making body for the State Government.

FESA Building

A further option is altering the existing car park on the FESA building site. The City has been approached by FESA about parking for staff with a non-FESA vehicle. Whilst a number of temporary solutions are being canvassed with FESA, a permanent solution with FESA may be the construction of a multi-storey car park on their current parking facility, which is approximately 2,500 sq m. The benefits of this are FESA has the additional parking required for non-FESA vehicles and



secondly, additional storeys are then available for public parking. FESA is yet to be approached about this latter model.

Cost

Final costing for any multi-storey car park is subject to a final design, which to date has not occurred. The City has consulted a leading firm of quantity surveyors and has been advised of the following:

1. Multi-Storey Car park similar to the Fiona Stanley Hospital Car Park (near the Freeway) - \$35,000 per car bay inclusive of all professional fees but exclusive of land costs.
2. Multi-Storey Car Park similar to a CDB Car Park (appearing like an office building which would fit into the design of Cockburn Central Precinct) - \$40,000 per car bay inclusive of all professional fees but exclusive of land cost.

When you extrapolate the above cost estimates, it will translate to a draft cost of \$21m to \$24m for a three level, 600 car bay multi-storey car park exclusive of land costs on a site of approximately 6000 sq. m. of 28 sq. m. per bay.

Land may cost \$5m to \$6m for a 6,000 sq. m. block unless the City obtains a block leasehold or enters into a joint venture with a current landowner such as the WAPC.

Fee Structures

The last review the City did for paid parking did not proceed because of the perception that the City could not recover the cost of the capital investment into a multi-storey car park. The cost recovery rate was set at \$1.00 to \$1.50 per hour for a 24 hour cycle. This paper and the draft numbers completed to support the rate of \$1.30 to \$1.50 per hour. This rate would make a multi-storey car park feasible. In part, there would be day or commuter shift and then a night shift as TOD residential occupiers of the precinct seek to park their cars securely. A permanent work force in the precinct could also occupy part of the facility and be subsidised by their employer. Australand have approached Council about cash in lieu of parking for one of their developments. This policy could also apply to other developments in the Cockburn Central precinct.

The rate per bay has been struck to recover the loan the Council would have to borrow to facilitate the construction of the building and to fund the operations of the parking station including a sinking fund to maintain the parking station. No margin has been built into the above hourly rate.



Funding the cost of a 600 bay facility will cost between \$21m to \$24m. The Council could provide an equity contribution of up to 20% or \$4 to \$5m. The Council would have to borrow the balance accessing a long term loan from WA Treasury Corporation at the State Government's AAA credit rating. An alternative funding strategy is to strata part or all of the facility as a real estate investment to provide the initial capital funding or the Council could on-sell a portion of the balance so as to minimise financial risk.

The City has noted the increasing push for paid parking at Fiona Stanley Hospital. Although no cost has been projected, nursing and other hospital staff at other public hospitals is required to pay \$8 to \$10 per 8 hour day/afternoon shift. The City of Stirling is now also discussing the introduction of paid parking in the industrial/commercial precinct of Herdsman for street parking. This is without them investing in a multi-storey car park. The cost for building parking stations is very expensive and this cost should be recovered from users. A recent article in the West Australian indicated car parking rates in the City (outskirts of the CBD) of \$1.94 to \$2.30 per five hour day for parking (single level asphalt car park). This is around \$2 per hour but the commuter would have to drive the car into the city with the increasing traffic delays pushing up the cost of this part of the journey. Multi-storey parking in the CBD is \$4.20 to \$8.00 per hour.

No designs for a parking station have been drawn up for the purposes of this report, but pictures of the Fiona Stanley Hospital car park and a City of Perth "building" style of car park are attached.

One note of caution is that an investment in car parking facility will provide an irregular/casual income stream as against a regulated income stream obtained from an office complex.

Conclusion and Recommendations –

A formal design should be completed and costed. A formal approach should be made to a number of landholders including WAPC, PTA, FESA, Landcorp and Australand to discuss a joint venture for the construction of a paid multi-storey car park.

Strategic Plan/Policy Implications

Infrastructure Development

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



Transport Optimisation

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

Budget/Financial Implications

An allocation of \$25,000 in the 2012/13 Budget is recommended.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Map of Cockburn Central - highlighting the potential lots mentioned in the report.
2. Pictures of the Fiona Stanley Hospital car park and a City of Perth car park – office appearance.
3. Map of Cutler Road – 401 Private Car Park Facility

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

NOTE: DURING DISCUSSION ON THIS ITEM, CLR MUBARAKAI LEFT THE MEETING, THE TIME BEING 8:22. PM.

CLR MUBARAKAI RETURNED TO THE MEETING, THE TIME BEING 8:22 PM AS THIS ITEM WAS STILL BEING DISCUSSED. A DECISION WAS NOT MADE UNTIL AFTER HIS RETURN.



15.4 (MINUTE NO 4769) (OCM 10/05/2012) - PROPOSED DIFFERENTIAL RATES FOR LAND CLASSIFIED SPECIAL INDUSTRIAL - CEMENT WORKS 2012/13 (FS/T/001) (S DOWNING)

RECOMMENDATION

That Council write to the Minister for Local Government seeking approval under Section 6.33 (3) of the Local Government Act in relation to imposing a differential rate on land classified as Special Industrial – Cement Works, for financial year 2012/12 to rise from 11.12¢ in the dollar to 11.676¢ in the dollar.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that Council write to the Minister for Local Government seeking approval under Section 6.33 (3) of the Local Government Act in relation to imposing a differential rate on land classified as Special Industrial – Cement Works for the financial year 2012/13 to increase from 11.120 cents in the dollar to 11.676 cents in the dollar.

CARRIED 8/0

Reason for Decision

An amendment needs to be made to the financial year, being 2012/13.

Background

Section 6.33 (3) of The Local Government Act requires a Council to seek the permission of the Minister for Local Government when it wishes to impose a differential rate which is twice the lowest differential general rate. As in prior years, permission has been granted by the Minister to impose such a rate once Council has endorsed the rate proposed by Council Officers.

Submission

N/A



Report

For the financial years 2010/11 and 2011/12, Council has imposed a differential rate on land classified by Special Industrial – Cement Works.

The rate in the dollar imposed was greater than the two times permitted under section 6.33 (3) of the Local Government Act. For 2011/12 the lowest rate in the dollar was 4.65¢ with the rate for Special Industrial – Cement Works being 11.12¢, in the dollar or 38% greater than the limit allowed. Prior to making this determination Council wrote to the landowner advising of the imposition of the differential rate. No correspondence was subsequently received from the landowner.

For the new financial year Council is seeking, subject to the adoption of the Municipal Budget and permission from the Minister for Local Government to impose a rate similar to one imposed in financial year 2011/12, plus an increase of 5%. The determination will impose a differential rate of 11.676¢ in the dollar or 39% higher than the limit imposed under section 6.33 (3) of the Act.

The increase is similar to one proposed for all commercial and industrial properties in the municipality. Council will also correspond with the affected landowner advising them of this approval.

Strategic Plan/Policy Implications

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

The additional rate as proposed on the affected land will derive approximately \$28,000 more in rate income compared to financial year 2011/12.

Legal Implications

Local Government Act 1995 – Section 6.33(3).



Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 4770) (OCM 10/05/2012) - COOGEE BEACH SHARK EXCLUSION ZONE FEASIBILITY STUDY (ES/V/001) (D VICKERY) (ATTACH)

RECOMMENDATION

That Council

- (1) receive the attached Feasibility Study for information; and
- (2) take no further action on the installation of a shark exclusion net or other device at this time.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr T Romano that Council defer this item until the June 2012 Council Meeting.

CARRIED 8/0

Reason for Decision

Clr Allen is unable to attend this meeting and, as he requested the report in the first place, it seems reasonable that consideration of the item by Council could easily await his presence.



Background

Over the last several years there has been an increased incidence of fatal shark attacks on swimmers, surfers and divers along Western Australia's west coast, including the Perth Metropolitan area. Each of these attacks has been attributed to great white sharks.

At the 10th November 2011 Ordinary Council Meeting, Deputy Mayor Kevin Allen requested that officers prepare a report to be provided to a future Council meeting, investigating the feasibility of installing shark nets on a section of Coogee Beach.

The report presented is to address all necessary issues, including, but not limited to costs, engineering feasibility, effect on the marine environment, length of deployment, community consultation and any other issues considered relevant by the officer compiling the report.

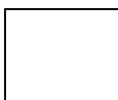
Submission

N/A

Report

A feasibility study has been undertaken (report attached) that:

- a) Explores what form of shark exclusion net or other devices may be appropriate for installation at Coogee Beach. The Study has investigated what forms of swimmer protection have been installed elsewhere in Australia and the world and assesses their suitability for the Coogee Beach/Cockburn Sound environment. This includes consideration of potential adverse impacts on non targeted marine species and how this would be perceived by relevant Agencies and the Community as a whole.
- b) Provides the statistics to do with shark sightings and incidences with people over the last 120 years as relates to Cockburn Sound and wider metropolitan Perth coastline and draws some conclusions in respect to relative risks for swimmers utilising Coogee Beach.
- c) Explores and reports on the jurisdiction of the City to install shark exclusion nets or other devices and what external agency approvals may be required to proceed with an installation.
- d) Looks at potential impacts on other beach and near shore aquatic activities arising from any exclusion net or other device installation, and at the potential benefits versus dis-benefits of drawing additional people to a section of beach, if that were the outcome of installing some form of protection.



- e) Reports on the current State Government initiative and actions of the Shark Response Unit set up within the Department of Fisheries, this unit conducting research on shark movements and options for providing additional protection for persons entering the water.
- f) Details the existing protective measures and warnings in place through the State Government and the Surf Life Saving Association.
- g) Presents the results of a small community survey of people visiting Coogee Beach in regard to their perception of the need and worth of some form of shark exclusion net at Coogee Beach and whether that would influence them entering the water at that location.
- h) Explores the cost for installation and maintenance of what would appear from the study to be the most appropriate form of shark exclusion net for a section of Coogee Beach, if it were determined to proceed with a detail design and trial.

Conclusions

The nature of Coogee Beach, including the gently sloping and relatively shallow sea bed, and absence of swell generated waves and strong currents, suggest that a net installed over the warmer months of the year is feasible. Further, the City appears to be empowered to install a shark exclusion net at Coogee Beach, subject to certain approvals and permits.

There is however already a very low likelihood of a swimmer being seriously or fatally injured by an encounter with a shark at Coogee Beach, based on historical data. There is no record of any person being seriously or fatally injured from a shark attack in the vicinity of Coogee Beach since records commenced in the 1800's.

The low risk of serious or fatal injury for persons swimming at Coogee Beach has been enhanced by the metropolitan beaches aerial patrols, the (limited) presence of Surf Life Savers at Coogee Beach and public information of the hazards of swimming at certain hours of the day etc.

There is opportunity to expand existing protective measures other than by installing a shark exclusion net, by way of the provision of Surf Life Saving patrols on additional days each year, for instance over school holiday week days, through arrangements with Surf Life Saving Australia and be funded by the City. Similarly the provision of elevated viewing platforms could be considered, to aid the monitoring of swimmers at the beach and through that a rapid response in the event of any incident.



The State Government has established the Shark Response Unit, which is researching shark movements and is expected to report to the Minister later this year on protective measures including exclusion nets at swimming beaches. As it stands any installation of a shark exclusion net at Coogee Beach would be a first for Western Australia and provide a precedent for other Local Authorities. It may also alter the balance of liability of the Council in regard to beach users.

A highlighted issue associated with installing a shark exclusion net at Coogee Beach is the risk arising of entanglement and mortality of marine creatures, including protected species. To minimise the risk of entanglement any net would likely need to be wire marine mesh or a monofilament nylon net hung in a "flag" pattern, whereas a conventional fishing gill net over anything but a very small length would not be recommended on account of the risk to marine life and fouling. Use of non enclosure nets and drum lines as installed off New South Wales and Queensland beaches is certainly not recommended, for the reasons outlined in the study.

The suggested size of any net to provide a decent enough area of enclosure is approximately 275 metres long (along the beach) by 75 metres wide (off shore), with the deepest part of the net being in about 2.5 to 3 metres depth of water. Very preliminary costings suggest for a net length of around 400 metres total the cost to Council may be around \$150,000 initial cost and around \$72,000 per annum for operating costs including installation and removal, cleaning and depreciation expenses.

The installation of a net of any kind will restrict activities on or in the water at this location other than swimming, such as the use of water craft, wind and kite surfing and also fishing (especially if appended to the Coogee Beach jetty). As well, the installation of a net may lead to over popularity, with consequences for overcrowding and strain on existing facilities and infrastructure. Alternatively the installation of a net may actually deter people from swimming at Coogee Beach, due to the perception that Coogee Beach is a high risk area for sharks.

The community's attitude to the possible installation of a shark exclusion net at Coogee Beach is untested. Whilst a very preliminary beach user survey provided some insight to attitudes (suggesting a 2/3rds in favour - refer to the attached feasibility study findings), a far greater community consultation and education process would be advisable if the Council sought to further consider the installation of a shark exclusion net at Coogee Beach.

Noting the above points, the recommendation arising from the feasibility study is that the City not proceed with the installation of a shark exclusion net at Coogee Beach at this time.



Strategic Plan/Policy Implications

Infrastructure Development

- To construct and maintain community facilities that meet community needs.
- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do 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.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

Budget implications are outlined in the report.

Legal Implications

None ascertained.

Community Consultation

Consultation has been undertaken with the President and a number of members of the Coogee Beach Progress Association and the Coogee Beach Surf Life Saving Club. In addition a survey of beachgoers was conducted over 18 – 20 April 2012, the findings of which are detailed in the attached Feasibility Study Report.

Attachment(s)

Coogee Beach Shark Exclusion Zone Feasibility Study.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 4771) (OCM 10/05/2012) - FINAL ADOPTION - PARKING AND PARKING FACILITIES (AMENDMENT) LOCAL LAW 2012 (CC/P/099) (P WESTON) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to section 3.12(4) of the Local Government Act, 1995, proceed to adopt the *Parking and Parking Facilities (Amendment) Local Law 2012*, as shown in the attachment to the Agenda, and
- (2) authorise the affixing and witnessing of the Common Seal to the adopted local law.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

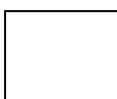
MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

In accordance with Section 3.12(3) of the *Local Government Act 1995* and Council resolution of 8 March 2012 (Minute No 4731) Statewide public notice was given in the 'West Australian' newspaper on 14 March 2012 stating that:

1. The City of Cockburn proposed to amend the *Parking and Parking Facilities Local Law 2007*.
2. A copy of the proposed local law may be inspected or obtained from places specified in the notice.



3. Submissions about the proposed local law may be made to the City of Cockburn before the day specified in the notice, not less than six (6) weeks after the notice was given (25 April, 2012).

Submission

To adopt the *City of Cockburn Parking and Parking Facilities (Amendment) Local Law 2012*.

Report

The amendments are a requirement of the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) namely:

1. to modify clause 4 of the local law by insertion of identified definitions,
2. amend clauses 9 and 11,
3. amend clause 17(3) and,
4. delete existing clause 72, and insert a new clause 72 to include the definitions and clauses pertaining to 'special purpose vehicle' and 'emergency vehicle'.

The effect of the amendment is that:

1. the amending of clause 9 and other clauses will require the creation of a "parking station" by way of amending the local law by the process laid out pursuant to section 3.12 of the *Local Government Act, 1995* ('the Act') and inclusion it in Schedule 1 of the Local Law, rather than by a resolution of Council, as required by the JSCDL and,
2. 'special purpose' and 'emergency' vehicles may, when expedient and safe to do so, stop and /or park the vehicle in any place, at any time.

As stated, the JSCDL imposed requirements on the City, through the City's lawyers, to make amendments to the local law.

The JSCDL noted a number of terms within the local law had inadequate definitions outlined in clause 4.

Also the JSCDL considered the decision to constitute land as a "parking station" was not a decision of the type that may be considered administrative in nature.

The JSCDL considered that clause 9 required amending so as not to allow the making of a "parking station" by way of a Council resolution rather than amending the local law and listing the "parking station" in Schedule 1 of the local law.



This provided both public and Parliamentary scrutiny, as required in the process laid out in section 3.12 of the Act, which includes both public advertising notices and ultimate referral to the JSCDL by way of a completed explanatory memoranda.

In other words, the JSCDL regarded the existing clause 9 to be administrative in nature (i.e. Council resolution), rather than legislative (i.e. the process of making a local law as laid out in section 3.12).

The amendment to clause 11(2) required that the effect of a resolution under clause 11(2) must be indicated by signs.

The JSCDL required an amendment to clause 17(3) pertaining to 'Special Event Parking' to reflect that it was properly characterised as an administrative power by specifying a reasonable defined limit to the possible dates for the special event and require local public notice for a reasonable period before it came into effect.

The amended Clause 72 provides for instances requiring either a 'special purpose vehicle' or an 'emergency vehicle' to be allowed to park anywhere in the District, where safe and expedient to do so.

As there were no submissions received, it is now proposed that Council resolve to adopt the make the *City of Cockburn Parking and Parking Facilities (Amendment) Local Law 2012* and authorise two officers of the City, nominally the Mayor and the Chief Executive Officer, to affix the Common Seal of the City, thus progressing the processing of the local law and having it gazetted in the *Government Gazette* ultimately bringing the local law into force.

Strategic Plan/Policy Implications

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

Minor expenditure relevant to advertising and publishing costs are provided for within Council's governance budget.

Legal Implications

Sections 3.12 and 9.10 of the Local Government Act, 1995, refer.



Community Consultation

Advertisement of the proposed amendments was placed in a statewide public notice, on 14 March, 2012. No submissions were received.

Attachment(s)

Copy of proposed City of Cockburn Parking and Parking Facilities (Amendment) Local Law, 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.2 (MINUTE NO 4772) (OCM 10/05/2012) - TENDER NO. RFT 01/2012 - CONSULTANCY SERVICES - MARKET RESEARCH SERVICES - CUSTOMER SATISFACTION AND OTHER SURVEYS (PART RFT 01/20129) (S SEYMOUR-EYLES) (ATTACH)

RECOMMENDATION
That Council accept the tender submitted by Research Solutions WA Pty Ltd for Tender No. RFT 01/2012 – Market Research Services – Customer Satisfaction (KPI) Surveys, for:

- (1) an estimated Contract total of \$160,000.00 GST Excl. (\$176,000.00 GST Incl.) over four (4) years, and
- (2) the additional Schedule of Rates for determining variations and additional services, as shown in the attachments to the Agenda.

COUNCIL DECISION
MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0



Background

The City conducts annual Customer Satisfaction KPI Surveys, Annual Community Perceptions and Needs Surveys and other market research surveys as required to guide the City's strategic direction and to underpin business decisions.

The cumulative spend has reached a level that requires a tender process. Additionally having a tender in place will make for more efficient processes.

A specification and tender document was prepared in conjunction with Procurement and tenders were subsequently called.

Tender Number RFT 01/2012 - Market Research Services was advertised on Wednesday 18 January 2012 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's E-Tendering website between the 18 January 2012 and 2.00pm (AWST) on 2 February 2012.

The Tender was divided into two (2) segments to enable potential providers to lodge submissions for either, or both, elements of the Consultancy.

Accordingly, following the closure of Tenders, the Contract for undertaking the Community Perceptions Survey was awarded to Catalyse Pty Ltd, under Delegated Authority.

However, following the evaluation of the Customer Satisfaction Survey portion of the Tender, it is necessary to submit this to Council for determination, as the recommended Tender is more than 25% more expensive than the lowest priced conforming Tender.

Therefore, the following Report refers only to that part of the Tender relative to the Customer Satisfaction (KPI) research requirements of the City.

Submission

Tenders closed at 2.00pm (AWST) on Thursday 2 February 2012 and five (5) tender submissions were received from:

1. Bodhi Alliance Pty Ltd – Trading as Bodhi Alliance
2. Catalyse Pty Ltd
3. Research Solutions WA Pty Ltd
4. Dr Shane Langsford and Ms Jeanette McQueen – Trading as Savant Surveys & Strategies
5. Insync Surveys Pty Limited (Late Tender)



Report

a. Compliant Tenderers

	Compliance Criteria
A	Compliance with the Specification
B	Compliance with the Conditions of Tendering
C	Compliance with Insurance Requirements and completion of Clause 3.2.6
C1	Public Liability Insurance \$10,000,000.00 Australian
C2	Professional Indemnity Insurance \$5,000,000.00 Australian
C3	Workers Compensation Insurance or Personal Accident
D	Compliance with the OSH Requirements and completion of Appendix A
E	Compliance with Anti-Competitive Conduct Requirements and completion of Appendix B
F	Compliance with the Fixed Price and completion of Clause 3.4.2
G	Compliance with Sub-Contractors Requirements and completion of Clause 3.5
H	Compliance with and completion of the Price Schedule in the format provided.

	Tenderer's Name	Compliance Assessment
1	Bodhi Alliance	Compliant
2	Catalyse	Compliant
3	Research Solutions	Compliant
4	Savant Surveys	Compliant
5	Insync Surveys	Non-Compliant

Research Solutions WA Pty Ltd submitted only a tender for the Customer Satisfaction (KPI) Surveys and other market research services but was deemed compliant and their submission was evaluated.

Insync Surveys Pty Limited were deemed non compliant and not evaluated as they failed to comply with the Conditions of Tendering as their tender submission was received late at 3:04pm (AWST) on Thursday 2 February 2012 and was submitted by electronic mail.

b. Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	20%
Knowledge of Benchmarking	10%
Key Personnel and Resources	20%
Methodology	20%
Tendered Price	30%
TOTAL	100%



c. Tender Intent/Requirements

The City of Cockburn is seeking the services of a suitably qualified, experienced and resourced Market Research Consultant(s) to undertake its annual Community Needs and Perceptions, and Customer Satisfaction (KPI) surveys, bi-annual Business Perceptions survey; and other as required/requested ad-hoc surveys, social and market research services.

The scope of services includes:

1. Qualitative and quantitative research.
2. Engaging and consulting with the Principal's internal stakeholders.
3. Identification of strategic issues.
4. Production of reports with firm, actionable recommendations.
5. Microsoft Power Point presentations.

d. Evaluation Panel

The tender submissions were evaluated by:

1. Samantha Seymour-Eyles – Manager Corporate Communications (Chairperson)
2. Greg Bowering - Manager Statutory Planning
3. Jennifer Harrison – Climate Change Officer

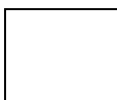
SCORING TABLE

Customer Satisfaction (KPI) Surveys

Tenderer's Name	Percentage Scores		
	Non Cost Evaluation	Cost Evaluation	Total
	70%	30%	100%
Savant Surveys	62.11%	30.00%	92.11%
Research Solutions **	59.30%	15.02%	74.32%
* Catalyse	43.40%	20.09%	63.48%
Bodhi Alliance	39.92%	21.75%	61.68%

R

** Recommended Submission



a. Evaluation Criteria Assessment

1. Demonstrated Experience

Research Solutions and Savant Surveys provided comprehensive details that demonstrated the depth of their experience in market research services. Bodhi demonstrated their experience to a lesser degree whilst Catalyse did not provide sufficient details to demonstrate their experience.

2. Knowledge of Benchmarking

Research Solutions, Savant Surveys and Bodhi provided detailed responses demonstrated their familiarity and knowledge of benchmarking. Catalyse provided less details of their familiarity and knowledge of benchmarking.

However, Catalyse has extensive access to ongoing community perceptions survey data. Collection of this data commenced in 2003 and includes up to twenty-two (22) Perth metropolitan local governments.

Research Solutions has access to customer satisfaction survey data from four (4) metropolitan local governments but has access to City of Cockburn survey data for a ten (10) year period. Savant has provided one-off customer satisfaction surveys to four (4) metropolitan local governments whilst Bodhi has only provided this survey to one (1) metropolitan local government.

3. Key Personnel Skills and Resources

Research Solutions and Savant Surveys provided comprehensive details of their key personnel, skills, experience and their role in the performance of the proposed contract as well as details of their resources.

Catalyse and Bodhi provided details of key personnel and resources to a lesser degree.

4. Methodology

Research Solutions and Savant Surveys provided comprehensive details of their proposed market research services methodology. Catalyse and Bodhi detailed their proposed methodologies to a lesser extent.



The City still requires seven of their business survey units to be undertaken through phone surveys, as although email addresses could be secured in many cases, the relevant staff primarily responsible for outcomes in these areas believe there is little likelihood of a high success rate for the completion of online services in relation to subjects such as how planning, building or health applications were dealt with. Recreation Services believe the same is true for their area and that telephone surveys, albeit more expensive, remain the preferred method of surveying.

The Youth Centre, Henderson and Customer Service front counter surveys are better undertaken as intercept (face to face) surveys (more expensive), as we do not possess reliable telephone contact lists or emails addresses for these customers. Savant Surveys has costed for these to be undertaken online.

Additionally the surveys are mostly small samples sizes of around 50 and if conducted online each one would have to be set up individually as an online survey and follow up phone calls may need to be made to finalise the responses.

Savant Surveys' tender submission is based on online surveys as their core survey method, hence the price difference between Savant Surveys and Research Solutions. Savant Surveys has also clarified (their email dated Thursday 5 April 2012) that they would need to outsource large scale phone surveys, as their specialist area is online work.

This methodology may be useful for community consultation work and other surveys, but is not currently considered appropriate for the City's relatively small sample sizes for the Customer Satisfaction KPI survey.

Savant Surveys were asked after the initial tender submission to provide a cost for data collection as per the city's preferred methodology but they chose not to provide that, given that it was not a Tender requirement to do so. Accordingly, while the Savant Tender submission complies with the criteria requested, there is no doubt the amount tendered would be subject to a cost variation to reflect the cost of any telephone surveying, should it be awarded the Contract.



Analysis of Online Versus Phone Survey Considerations

Survey	City survey preferred methodology	Could be done Online?	Comment
Halls	Telephone	Yes, City has email addresses	Recreation Services believe that phone surveys are likely to get higher response
Youth Services	Intercept	No	No email addresses. Would not do self-complete on prior attempts.
Recreation Services (sports clubs)	Telephone		Recreation services believe that phone surveys are more likely to get higher response
Libraries	Online	Yes	The City has a large email database and self-complete online surveys will work well for this service, as it is a service customers have chosen to use and are generally engaged.
Seniors	Self Complete	No	
Henderson Waste Centre (x 2 surveys)	Intercept	No	
Customer Service front counter	Intercept	No	
Customer Service contact centre	Added to the other intercept and phone surveys		
Swimming Pool	Telephone	Do not currently collect email addresses	Consideration to be given to the fact that it is highly unlikely that many people will complete an online questionnaire in relation to their swimming pool inspection.
Strategic Planning	Telephone although emails could be secured	Yes	Considered more likely that surveys will be not be given priority and that phone surveys would be preferable
Health x 2	Telephone.	Could trial online as have 30% of contacts with emails.	Consideration to be given to the fact that it is highly unlikely that many people will complete an online questionnaire on this subject and phone surveys are still the preferred method.

Survey	City survey preferred methodology	Could be done Online?	Comment
Statutory Planning	Telephone	Do not currently have enough email addresses	Consideration to be given to the fact that it is highly unlikely that many people will complete an online questionnaire and phone surveys are still the preferred method.
Building Services	Telephone	Do not currently have enough email addresses	Consideration to be given to the fact that it is highly unlikely that many people will complete an online questionnaire and phone surveys are still the preferred method.

SUMMATION:

Customer Satisfaction (KPI) Surveys

Savant Surveys and Research Solutions submitted comprehensive tenders that clearly demonstrated their experience and capabilities in providing these surveys to local governments. Savant scored higher in the cost evaluation but this is a result of two differing core methodologies being utilised – online surveys by Savant and telephone surveys by Research Solutions.

The evaluation panel recommends the City retain telephone, intercept and self- complete surveys for the KPI Customer Satisfaction Surveys as its preferred response to the original tender brief.

The panel recommends the award of the contract for the Customer Satisfaction (KPI) Surveys to Research Solutions due to their greater depth of experience and expertise in these surveys coupled with the fact that Savant Surveys stated they would need to outsource the telephone surveys if this was required.

Other Market Research Services

All four Tenderers have demonstrated that they have sufficient experience and expertise to undertake ad hoc market research services. As the volume of requirement for these ad hoc services is unknown, the evaluation panel recommends that Research Solutions be awarded the contract for the provision of these additional 'as required' Market Research Services.



Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

Operational funding is available in the 2011/2012 Budget for undertaking the Customer Satisfaction (KPI) and Community Needs and Perceptions Surveys, whilst the Business Perceptions Survey (awarded to Catalyse) shall be funded from the 2012/2013 Budget.

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 relevant Tender was advertised in the print and electronic media publications, with submissions closing on 2 February, 2012.

Attachments

The following Confidential Attachments are provided under a separate cover:

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

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)/Applicants

Those who lodged a tender submission have been advised that this matter is to be considered at the 10th May 2012 Council Meeting.

Implications of Section 3.18(3) Local Government Act 1995

Nil.

17.3 (MINUTE NO 4773) (OCM 10/05/2012) - TENDER NO. RFT 02/2012 - ARCHITECTURAL SERVICES (DESIGN & PROJECT MANAGEMENT) COCKBURN BOWLING & RECREATION CLUB VISKO PARK YANGEBUP WA (R AVARD) (ATTACH)

RECOMMENDATION

That Council accepts the tender submission by Fratelle Group Pty Ltd for RFT 02/2012 – Architectural Services (Design & Project Management) Cockburn Bowling & Recreation Club – Visko Park, Yangebup, for the lump sum contract price for Concept Design of \$86,625.00 (Inc GST) (\$78,750.00 Ex GST), plus additional fees payable totalling between 6.02% to 6.19% of the final construction cost, as contained in the confidential attachments to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 8/0

Background

At its meeting of the 4th April 2012 Council resolved to “advise the Cockburn Bowling and Recreation Club that:

- (1) *It remains committed to the future relocation of the Club to Visko Park, Yangebup;*
- (2) *The timing of the relocation is contingent on a future Council decision to sell the land upon which the current premises are located, such decision and funding commitments to be*



determined in conjunction with the adoption of the Plan for the District, scheduled for June 2012;

- (3) *The terms and conditions of occupancy of the new premises by the Club will be negotiated with the Club's Board of Management in future to coincide with the timing of the relocation, as determined by Council pursuant to (2) above; and*
- (4) *As an interim measure, City of Cockburn will commit to expenditure of up to a maximum of \$100,000 in the 2011/12 financial year to address urgent repairs and maintenance issues at the current premises".*

The repairs on the Bowling Club building have been completed.

An allocation of a further \$100,000 was made in the 2011/12 budget to allow for the development of design drawings for the proposed facility by an architect. This will enable a detailed proposal to be developed for an application for a Department of Sport and Recreation Community Sport and Recreation Facilities Fund Grant which is due to close in October 2012.

The results of the application will be known in March 2013.

An area within Visko Park has been excised out to allow for the construction of the Bowling club.

Public car parking and tennis/netball facilities are proposed to abut the bowling club building.

Submission

Tenders closed at 2:00pm (AWST) on Thursday 7 February 2012 and the following twenty two (22) tender submissions were received.

- Bollig Design
- Cameron Chisholm
- Christou Design Group
- Coniglio Ainsworth Architects
- Cox Howlett & Bailey Woodland
- DesignInc Perth Pty Ltd
- Donovan Payne Architects Pty Ltd
- Fratelle Group Pty Ltd
- Gresley Abas
- Griffiths Architects
- Hodge Collard Preston Architects
- Holton Connor Architects & Planners
- Jackson Clements Burrows Pty Ltd



- Motus Architecture
- The Buchan Group
- Paradigm Architects Pty Ltd
- R.I. Allan Architect Pty Ltd
- Sandover Pinder Architects Pty Ltd
- Site Architecture Studio
- Spaceworks Australia
- Urbanize Architect
- Woodhead Pty Ltd

Report

a. Compliance Criteria

Compliance Criteria	
A	Compliance with the Specification
B	Compliance with the Conditions of Tendering
C	Compliance with Insurance Requirements and completion of Clause 3.2.7
C1	Public Liability Insurance \$10,000,000.00 Australian
C2	Professional Indemnity Insurance \$5,000,000.00 Australian
C3	Workers Compensation Insurance or Personal Accident
D	Compliance with the OSH Requirements and completion of Appendix A
E	Compliance with Anti-Competitive Conduct Requirements and completion of Appendix B
F	Compliance with the Fixed Price and completion of Clause 3.4.2
G	Compliance with Sub-Contractors Requirements and completion of Clause 3.5
H	Compliance with and completion of the Price Schedule in the format provided.

b. Compliant Tenders

Tenderers Name		Compliance Assessment
1	Bollig Design	Compliant
2	Cameron Chisholm	Compliant
3	Christou Design Group	Compliant
4	Coniglio Ainsworth Architects	Compliant
5	Cox Howlett & Bailey Woodland	Compliant
6	DesignInc Perth Pty Ltd	Compliant
7	Donovan Payne Architects Pty Ltd	Compliant
8	Fratelle Group Pty Ltd	Compliant



9	Gresley Abas	Compliant
10	Griffiths Architects	Compliant
11	Hodge Collard Preston Architects	Compliant
12	Holton Connor Architects & Planners	Compliant
13	Jackson Clements Burrows Pty Ltd	Compliant
14	Motus Architecture	Compliant
15	The Buchan Group	Compliant
16	Paradigm Architects Pty Ltd	Compliant
17	R.I. Allan Architect Pty Ltd	Compliant
18	Sandover Pinder Architects Pty Ltd	Compliant
19	Site Architecture Studio	Compliant
20	Spaceworks Australia	Compliant
21	Urbanize Architect	Compliant
22	Woodhead Pty Ltd	Compliant

c. Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Relevant Experience	20%
Tenderers Key Personnel	15%
Tenders Resources	10%
Methodology	15%
Tendered Price	40%
TOTAL	100%

d. Tender Intent/Requirements

The scope of services was divided into three discrete areas which allows for the project to be staged. Should the project either not proceed, or a decision made at any point, the contract can be terminated prior to proceeding to the next stage.

The first stage includes concept design options with cost estimates for grant applications.

Second stage is design documentation to tender and contract administration, with the final stage being defects liability.



e. Evaluation Panel

The tender submissions were evaluated by the following City of Cockburn officers:

- Robert Avard - Manager Community Services (Chair)
- Peter McCullough - Project Manager Facilities
- Adrian Lacquiere - Recreation Services Coordinator

f. Scoring Table

	Tenderers Name	Non-Cost Criteria Score	Cost Criteria Score	Total Score
1	<i>Fratelle Group Pty Ltd **</i>	47.28	34.98	82.26
2	Bolilig Design	44.92	35.26	80.18
3	The Buchan Group	42.82	30.84	73.66
4	Christou Design Group	43.13	29.82	72.95
5	Donovan Payne Architects Pty Ltd	40.83	31.05	71.88
6	Hodge Collard Preston Architects	37.28	34.37	71.65
7	Spaceworks Australia	38.95	32.55	71.50
8	Griffiths Architects	31.43	40.00	71.43
9	DesignInc Perth Pty Ltd	38.32	33.09	71.41
10	Sandover Pinder Architects Pty Ltd	40.98	27.98	68.96
11	Gresley Abas	38.17	30.70	68.87
12	Holton Connor Architects & Planners	37.12	31.46	68.58
13	Paradigm Architects Pty Ltd	35.10	29.83	64.93
14	Motus Architecture	33.22	31.53	64.75
15	Coniglio Ainsworth Architects	36.47	28.26	64.73
16	Site Architecture Studio	34.32	29.66	63.98
17	Jackson Clements Burrows Pty Ltd	33.67	27.97	61.64
18	Woodhead Pty Ltd	36.22	23.78	60.00
19	Cameron Chisholm	36.28	22.51	58.79
20	R.I. Allan Architect Pty Ltd	26.63	29.56	56.19
21	Cox Howlett & Bailey Woodland	41.00	12.30	53.30
22	Urbanize Architect	27.13	24.71	51.84



**** Recommended Submission****EVALUATION CRITERIA ASSESSMENT****1. Relevant Experience**

Most firms that tendered had the relevant experience to perform a project of this nature.

Fratelle Group demonstrated experience in working with local government in community and recreation facilities provision and had strong experience in the construction of bowling clubs for local government and private interest such as seniors villages.

Fratelle had strong experience and commitment to achieving high NABERS ratings.

2. Tenders Key Personnel

Similar to relevant experience many tenders had demonstrated experienced personnel.

Fratelle had well qualified staff, with the project architect in particular.

3. Tenders resources

A number of tenders were from larger firms in Perth with apparent surplus capacity.

Fratelle is a middle size firm which presented a clear senior staff resource allocation and good office and administrative support and will be well capable of providing a high level of architectural services.

They provided an experienced specialist consulting team.

4. Methodology

Fratelle Group provided a clear demonstration of its methodology for projects completed and provided a detailed understanding of the methodology proposed for this project.



5. Summation & Recommendation

The tender for Architectural services for the Cockburn Bowling Club Project was very competitive with many larger firms in Perth submitting tenders.

The percentage scoring for price was based on the total estimated construction cost of seven (7) million dollars (Ex GST).

The Fratelle Group submitted a very competitive submission that is advantageous to the City of Cockburn.

The Group has both strong local government and commercial experience in community and recreation facilities construction, including bowling clubs.

They were able to demonstrate a good understanding of the need to involve community stakeholders in the design process, while recognising the need to construct a cost effective and financially viable facility with good whole of life value.

Environmental Design was demonstrated as intrinsic to their architectural practice. Local government referees were very complimentary on their design and project management performance.

Therefore it is the Evaluation Panel's recommendation to Council that The Fratelle Group be awarded the tender for RFT 02/2012 - Architectural Services (Design & Project Management) Cockburn Bowling & Recreational Club, Visko Park, Yangebup.

Strategic Plan/Policy Implications

Infrastructure Development

- To construct and maintain community facilities that meet community needs.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within 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

A Council budget allocation of \$100,000 has been made for design and construction costs estimates for 2011/12. Funds are held in account CW 4322 with unspent funds to be carried forward to 2012/13.

If Council resolve to proceed with the project, further Architect fees of approximately \$430,000 will need to be included in the final cost, (based on a construction cost of \$7m).

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

There was extensive community consultation carried out at the planning application stage to develop the site for a Bowling Club to meet statutory requirements.

Attachments

The following Confidential Attachments are provided under a separate cover:

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

Advice to Proponent(s)/Applicants

Those who lodged a submission on the tender have been advised that this matter is to be considered at the 10 May 2012 Council Meeting.

Implications of Section 3.18(3) Local Government Act 1995

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil



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

Nil

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

21.1 (MINUTE NO 4774) (OCM 10/05/2012) - LOCAL GOVERNMENT REFORM - SUBMISSION ON THE DRAFT FINDINGS OF THE METROPOLITAN LOCAL GOVERNMENT REVIEW (CC/L/002) (S CAIN) (ATTACH)

RECOMMENDATION

That Council

- (1) notes that many of the points articulated in the City's 2011 Submission are consistent with the Panel's Draft Report findings;
- (2) advises WALGA and the Reform Panel that the City:
 - a. Does not Support – Finding 13 in its current form;
 - b. Partly Supports – Findings 8b, e, f and g; 11, 15 and 16;
 - c. Supports in Principle the remainder of the Panel's Draft Report Findings;in accordance with the assessment detailed in this report;
- (3) subject to more dialogue with the Local Government sector, considers supporting structural reform that leads to a consolidation into approximately 15 Local Government entities in the metropolitan area, in accordance with the 'Alternative Option' detailed in this report; and
- (4) initiates further dialogue with neighbouring Local Governments with a view to developing a model that achieves the objectives of sub recommendation 3 above, within the South West region of the metropolitan area.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that adopt the recommendation with the addition of sub-recommendation (5) and (6), as follows:



- (1) to (4) as recommended;
- (5) request the Reform Panel ensures that the Final Reform Report clearly outlines the financial and non-financial benefits that have been achieved through similar amalgamations promoted under the Finding 13 options, thereby providing evidence that fully support their conclusions; and
- (6) Council seeks a further report from the Panel, prior to the issuing of the Final Reform Report, clearly providing evidence of benefit, cost savings and comparisons, based on factual evidence identified, after Local Government Reform was undertaken in Auckland, Queensland, Victorian and other relevant Cities.

CARRIED 7/1

Reason for Decision

The current Draft Report is lacking in detail to support conclusions that there would be wide scale benefits from the reform process. The panel has cited examples of reform in New Zealand, Queensland and Victoria, so they should be able to demonstrate that there were clear financial and non-financial benefits achieved in these jurisdictions through their respective reform processes. If there are no clear benefits that can be demonstrated, then the City may wish to consider further submissions to the State Government after the Final Report is released.

Proof is required that, based on evidence from other amalgamated Councils, this process is tracking correctly and mistakes are not made through a hasty, ill-considered process.

Costings need to be provided on potential amalgamation costs and Council needs certainty that those costs are not passed onto ratepayers, when at this point in time, there is no clear justification for so many amalgamations and no justification to spend millions of dollars on an uncertain outcome.

Council cannot support open-ended Reform without clearly identified positives and must ensure that the local community is not tasked with paying for an exorbitant experiment, which does not have clear benefits.



If no clear benefits are identified for the City of Cockburn and bordering Councils at this time, then the State Government should keep its promise that there will be no forced amalgamations.

Background

The State Government initiated a process for reform of Local Government in February 2009. While this process initially concentrated on a whole of sector approach through voluntary amalgamations, the uptake from the sector has lead to very limited change. Several country Local Governments have commenced merger discussions or have moved into a Regional Transition Group arrangements. But within the metropolitan area while two Local Governments commenced a merger process, this was subsequently discontinued.

In response, in August 2011 the Government established a three member advisory panel (the Panel) to enquire into and make recommendations on the future requirements for Local Government, focussing on the metropolitan area. The Panel was required to consider how Local Government should be reformed in the context of changes that would occur over the next 50 years.

The City of Cockburn made a submission to the Panel in December 2011. Following analysis of over 250 submissions the Panel released a report on their draft findings on 27 April 2012. The Panel have invited comments on these proposals, before they a final report to the Minister for Local Government, due at the end of June 2012.

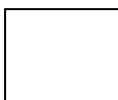
The deadline for comments on the draft findings back to the Panel is 25 May 2012. WALGA has also requested Local Government's provide them with a copy of this response by 15 May 2012, prior to the conduct of a forum with Mayors and CEOs to be held on 22 May 2012. This forum will finalise WALGA's response on behalf of the sector.

Submission

N/A

Report

During the first phase of the reform review, Council considered and made decisions on a number of matters to do with the Reform program. These decisions were made in the context of the Minister for Local Government's directive that Local Government considers consolidation of the sector through voluntary amalgamation. The following resolutions were made:



In May 2009:

That Council:

- (1) *receives a copy of the completed Local Government Reform Checklist for the City of Cockburn;*
- (2) *initiates further dialogue with the City of Fremantle and Town of Kwinana on possible amalgamation options;*
- (3) *gives authority to the City of Cockburn's Working Group (Mayor Howlett, Deputy Mayor Allen and the CEO, Mr Cain) to engage in reform process discussions with other local governments that have a common boundary with the City of Cockburn should the need arise and to provide a report to Council following discussions with the City's neighbouring Councils; and*
- (4) *initiates community consultation as soon as practicable to ensure the voice of the Cockburn community is reflected on this matter.*

In August 2009:

That Council:

- (1) *Council submit a copy of the City's final submission on Local Government Reform to the Minister for Local Government, subject to deletion of Item 11 on page 2 of the submission;*
- (2) *Council write to the City of Cockburn residents located in Leeming and advise them of Council's decision and the rationale behind that decision;*
- (3) *Council write to the City of Fremantle requesting them to again consider voluntary amalgamation with the City of Cockburn; and*
- (4) *Council invite the Minister for Local Government to visit the City of Cockburn to receive a presentation from the City on its vision for the future.*

In September 2009:

That Council:

- (1) *conducts a Referendum of its residents and ratepayers, as part of the forthcoming October 2009 Local Government Elections Postal Ballot, to ascertain the wishes of its ratepayers/residents towards the prospect of a Council amalgamation with the City of Fremantle.*



- (2) *ask the following question on the Referendum paper, "Do you support the Council of the City of Cockburn pursuing an amalgamation with the City of Fremantle",*
- (3) *allocate an amount of up to \$12,000 to be met from the CEO's consultancy account (project consultancy fund), for this costs of this Referendum, with this account to be reimbursed at the February Budget Review, should the need arise.*

In December 2009:

That Council:

- (1) *not pursue an amalgamation with the City of Fremantle, in recognition of the rejection of the proposal at the referendum held on 17 October 2009; and*
- (2) *inform the Minister for Local Government and the City of Fremantle of Council's decision*

Finally, in March 2010:

That Council advises the Minister for Local Government that it does not intend joining a Regional Transition Group at this time.

Recognising that the reform process was largely stalled and would lead to little sector initiated change, the Government established the advisory panel to consider how reform could be undertaken. The Panel's terms of reference were also confined to a review of the metropolitan area.

Reform Panel. The reporting process adopted by the Panel entailed dialogue with the sector; an analysis of national and international trends; production of a series of discussion papers and finally development of an Issues Paper released in October 2011.

Given the limited timeframe for a response on this, the City's submission was developed following feedback from Elected Members, but was not formally considered by Council. The City kept the community informed through an information page on the City's website and promotion in the local newspapers. A copy of the City's final submission was also placed on the City's website in December 2011.

The Executive Summary of the submission is contained at Attachment 1. In the first part of the submission six key principles were articulated for successful Local Government:



1. Growth and structure
2. Economic sustainability
3. Regional focus
4. Robust boundaries
5. Effective representation
6. Adaptation

It is noteworthy that these principles were (mostly) recognised by the Panel's draft findings. Points 2 to 5 were principles directly incorporated into the Draft Report, while points 1 and 6 were recognised, though the degree of recognition will only be evident when the Panel releases its final report.

The Panel's draft report made 23 Key Findings, which are summarised in Attachment 2. These findings are grouped under the following headings:

- Principles for the Metropolitan Local Government Review: findings 1 – 8
- Relationship, Roles and Functions: findings 9 - 12
- Working Towards an Ideal Structure for Local Government: findings 13 – 20
- Governance: findings 21- 23

Consideration of Findings. As previously mentioned, many of the Panel's finding are generically consistent with the principles articulated in the City's 2011 Submission. As the Panel's Draft Report, however, is a summary document, much of the background detail that relates to their findings is not well articulated. While it is anticipated that the final report will be a more comprehensive document, the discussion below is in the context of what information has been made available.

Against this backdrop an assessment of the Findings is as follows:

1. **Supported.** If growth of the Perth metropolitan area is to be well managed there needs to be 'strategic thinking' at the State and Local Government level.
2. **Supported.** The City's 2011 submission acknowledged the need for change.
3. **Partly Supported.** While recognising the need for change the Panel's report is lacking in sufficient detail. The Draft Report speaks of 'minor boundary changes' not being a suitable foundation for reform, as well as noting that most of the submissions received were about retaining the status quo; Finding 3, however, is too broad a statement to be endorsed without more detailed justification.



4. **Supported.** The City's 2011 submission spoke of the need for strong, effective and capable Local Government. If change is to occur this must be a key outcome.
5. **Supported.** The whole Reform process to date has created much uncertainty. A clear position is required from the State Government to end sector wide speculation.
6. **Supported.** Having a shared vision would require the State to actively consult with Local Government on development of this, which has not always been the case.
7. **Supported.** Retaining a 'sense of place' for local communities is an essential outcome. However, depending on the Reform model adopted (see Finding 13) this could get lost in the process. The Panel's report does not discuss what types of 'appropriate governance' could be achieved for each of the structural models. With a whole of metro area Local Government option, establishing suitable community governance arrangements are likely to be very difficult.
8. **Partly Supported.** This finding consists of a number of sub-recommendations:
 - a. *Supported.* Reform should lead to more 'capacity' within the sector.
 - b. *Partly Supported.* Structural adjustment has the potential to better distribute the mix of commercial / industrial and residential land, but simply sharing all types of income across all Local Governments is not an effective way to manage the sectors finances.
 - c. *Supported.* Structural reform would result in better infrastructure management, but would only reduce duplication if some functions managed by State and Local Governments were rationalised.
 - d. *Supported.* Reform would simplify the regulatory environment.
 - e. *Partly Supported.* Cost savings would be achieved in the long term, but there would be considerable costs associated with the transition process. As the creation of the Greater City of Geraldton required a \$5M investment from the State Government, a much larger sum would be required to support a whole of metro process.
 - f. *Partly Supported.* The Draft Report does not stipulate examples where improved influence was achieved elsewhere. It would be a leap of faith to assume this.
 - g. *Partly Supported.* This is more an aspirational statement, but it should be an outcome that the reform process seeks to achieve.
9. **Supported.** This is key issue; form should follow function so what Local Government looks like must match its role.



10. **Supported.** All recent State Government's have been slow in developing policy at a regional level, especially with waste management. More direct State involvement is required.
11. **Partly Supported.** The concept of having another regulatory body to manage the State – Local Government relationships has some benefit, but also downsides to it. The Panel's report consistently speaks about the need for better intergovernmental relationships, but 'outsourcing' this to a third party to manage may not be the best solution. If it is to be considered this recommendation would need much better justification and definition as to how it would work.
12. **Supported.** Depending on which model were adopted, the need for the recently introduced 'Joint Development Assessment Panel' process may become redundant.
13. **Not Supported.** As this is major area of disagreement with the Panel's findings it is discussed in more detail below.
14. **Supported.** The importance of the Capital City to the future of the sector is paramount. As the smallest of the major Australian Capital Cities, the City of Perth needs to increase in size to enhance its status and that of the State.
15. **Partly Supported.** As previously noted, the scale of change required has not been well defined. However, the need for Local Government to have robust boundaries, minimising the need for future change, is important for stability.
16. **Partly Supported.** A well defined process for boundary adjustment needs to be established, but the frequency of any external review needs to be consistent with the need for stability.
17. **Supported.** Having structural adjustment alone will not lead to appropriate reform.
18. **Supported.** The City's 2011 submission noted the importance of having good community engagement.
19. **Supported.** The City already invests in a number of community engagement mechanisms; such as the Regional Community Forum and the Cockburn Community Fund. The City is open to looking at further ways to improve grass roots engagement.
20. **Supported.** Having a forum for key local Government representatives to meet can only lead to better sector wide and inter-government communication.
21. **Supported.** The strategic leadership of the community by Elected Members should be a core responsibility.
22. **Supported.** The City has strongly advocated for the introduction of a 'Local Government Enterprises' model. This outcome would help to strengthen Local Government's financial capacity.
23. **Supported.** This finding consists of a number of sub-recommendations:



- a. *Supported.* Compulsory voting would enhance the authority of Elected Members as the endorsed representatives of their community.
- b. *Supported.* Elected Members need to be recognised as the leaders of their community.
- c. *Supported.* The City already elects its Mayor by popular election.
- d. *Supported.* The Salaries and Allowances Tribunal should examine and make recommendations on appropriate remuneration for Elected Members.
- e. *Supported.* The complexity of an Elected Members role requires that incumbents have appropriate training.
- f. *Supported.* Role clarity is important to ensure the responsibilities of these leadership roles are understood. But any proposed changes need sector (State) wide consultation, as there is no distinction in the Local Government Act between a metropolitan and country entity.

A Future Model. Finding 13 details the options considered by the Panel for structural adjustment. This is perhaps the most controversial element of the report, but it looks to one of the Panel's specific terms of reference:

'Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.'

Finding 13 proposed three options for structural reform; either

1. 10 to 12 councils centred on strategic activity centres;
2. five councils based on the central area and sub-regions;
or
3. one single metropolitan council.

The Panel reached this conclusion based on its assessment of other national and international reform outcomes, where options from the Queensland reform process for Local Governments with around 250,000 – 300,000 residents were developed, to the Auckland model where there is a single Local Government. In addressing these options it is easier to commence by ruling out the unlikely contenders.

Option 3. This is fraught with structural and political difficulties. From a structural perspective it would produce a Local Government that managed around 75% of the State's population. As reform is about producing more productive and strategic governance, the logical question would be then if one entity can manage 3 million residents why have a State Government? It would also produce an elected



leader whose authority and responsibilities would put them on par with the Premier. This outcome would undoubtedly lead to conflict.

Option 2. While more realistic, would be hard to achieve. While the State's strategic planning framework, Directions 2031 identifies 5 metropolitan regions (North-West, North-East, Central, South-West and South-East) and a Peel Region (see Attachment 2), it also has an 'inner and outer zone' structure. While the sub-regions or zones align with existing Local Government boundaries, they are not entirely aligned with local communities of interest. Although this may not be critical it makes Reform transition management more problematic. It was also one of the reasons for commencing the reform process.

The five 'outer metropolitan' regions will absorb 75% of all Perth's population growth over the next two decades. Directions 2031 does not see this growth as being evenly balanced across the sub-regions, indeed the North-West region has a future Strategic Centre (ie Yanchep) that does not yet exist. So in trying to create a model that looks 50 years ahead, it will potentially need some dissolution after 20 years as some Local Governments will have grown disproportionately larger than their counterparts.

Similar to option 3, a five Council model would produce a small number of key elected leaders (Mayors) whose authority could also potentially put them in conflict with their senior State counterparts. At the Council level, it would also see the proposed (up to) 12 Elected Members having a representation responsibility far greater than a Federal or State member of parliament. One of the notable features of the West Australian Local Government system is that the major political parties do not run 'party' tickets at the Local Government level. But with large wards (mini electorates) probably introduced as the only realistic means of managing constituent responsibilities, party politics would inevitably come to dominate the Local Government political landscape. This outcome is even more likely if the compulsory voting recommendation (Finding 23a) is adopted.

Option 1. This option has many elements that should lead to effective reform; it would retain a 'local' feel to process, but still lead to larger more capable entities. But in saying this, it also has some structural weaknesses. Modelling a breakup on Strategic Centres (see Attachment 3) would not lead to an easy dissection of the metropolitan area into new Local Government authorities. For instance, the City of Stirling has a clear focus around the Stirling centre, but its current boundaries go up to the edge of the Morley centre. In carving out a new Morley focussed centre large parts of the current City of Stirling would have to be carved off. There is no Strategic Centre in the western suburbs, so some of the Local Governments in this precinct would have to be aligned with Fremantle and others to Perth.



It would also leave the future Yanchep centre, which is still disconnected from the population growth of the North-West region as either a small under resourced Local Government or a future entity to be created, entailing a future breakup of the Local Governments in that region.

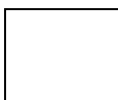
Noting that the Panel was to take a 50 year view, the Draft Report seems somewhat conflicted with 20 year outcomes (eg Directions 2031 structures), while still discussing a City with 3 million residents (50 year horizon). The 20 year horizon has not closely looked at what other '20 year' Secondary Centres have the potential to become '50 year' Strategic Centres. This outcome is something that the City of Cockburn anticipates will happen with the transition of Cockburn Central into a future Strategic Centre.

Alternative Option. As Perth does not have a population of 3 million now, a less radical and more balanced way of approaching this target would be to look at an amalgam of Local Governments that can proceed to this target, but at an orderly pace. Rather than seek entities that have 250,000 - 300,000 residents at the outset, look for combinations that have 100,000 -200,000, with potential to grow into the bigger version.

Such an outcome would also mean that more of the existing Local Government accommodation infrastructure could be used for the foundation of a successful transition. This outcome would also limit the amount of capital expenditure required by the sector to build new Administrative Centres; likely to be a considerable outlay under an Option 2 or 3 outcome.

Of concern is that the Draft Report only devoted less than half a page to consideration of transition management. Any business considering a potential 'merger or acquisition' proposal would not consider such an undertaking without having a robust transition plan in mind. The Panel acknowledges that Local Governments would have considerable budgets in future; \$200M or more, so it is essential the Reform process considers transition in the same context that commercial business would.

In minimising transition costs, a logical conclusion would be to commence restructuring through retention of current 'sizeable' Local Governments and look to build bigger entities upon these. Using the population thresholds mentioned above, it is estimated that around 15 Local Governments could be formed. The City's 2011 Submission to the Panel proposed such an outcome for the South West Region, which would have created 3 sizeable Local Governments in the region, compared to the current 6. Achieving a similar outcome across all sub-



regions would produce the 15 Local Government structure that has been suggested. This outcome should also consider what 'Secondary Centres' could become Strategic Centres, as Local Governments should have a local focus around their City planning.

Conclusion. The Panel's Draft Report has many solid suggestions for the future of Local Government in the metropolitan area. As the Draft Report is limited in detail it is not possible to fully explore or comment on rationale used to support its findings.

What is clear is that if change is to occur it needs to be built upon a solid foundation if it is to be successful. The Panel's recommendation (Finding 13) has proposed future structural models that will not necessarily achieve this. An alternative model that looks at around 15 Local Governments is more likely to be achievable. It would also allow more of the sector's current infrastructure to be used as foundation for a successful transition program.

The Draft Report's limited discussion of transition management is of concern. Noting that the amalgamation to create the Greater City of Geraldton required a State Government investment of \$5M, it is essential that the Final Report addresses how the State would support the considerable costs associated with a metro wide transition program.

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

There are no specific implications known at this time. Any projects that subsequently develop would need to be considered in the context of the FY 12/13 budget.

Legal Implications

N/A

Community Consultation

The City widely promoted its December 2011 submission to the Panel through media releases, advertising and on its website. The City has



similarly promoted the Panel's Draft Findings, prior to this matter coming to Council.

Attachment(s)

1. Local Government Reform Final Submission (Dec 11) – Executive Summary.
2. Reform Panel Draft Findings (Apr 12) – Key Findings
3. Directions 2031: Sub-regions and Activity Centres graphics

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

21.2 (MINUTE NO 4775) (OCM 10/05/2012) - AMENDMENT OF THE CITY OF COCKBURN JETTIES, WATERWAYS AND MARINA LOCAL LAW 2012 (1126) (P WESTON) (ATTACH)

RECOMMENDATION

That Council amend the *City of Cockburn Jetties, Waterways and Marina Local Law 2012* in accordance with the Parliamentary Joint Standing Committee – Delegated Legislation recommendations.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 8/0

Background

The *City of Cockburn Jetties, Waterways and Marina Local Law 2012* was gazetted in the *Government Gazette* on 23 February 2012.



Submission

N/A

Report

Subsequent to the local law being gazetted in the *Government Gazette*, the proposed local law was forwarded to the Parliamentary Joint Standing Committee – Delegated Legislation (JSCDL) for review in accordance with section 3.12(7) of the *Local Government Act 1995*.

The JSCDL has required the City to amend the local law as follows:

1. In clause 1.3 delete “AS 3191”, “AS 3679.1” and AS “3679.2” and insert “AS/NZS 3191”, “AS/NZS 3679.1” and “ AS/NZS 3679.2”; and
2. Delete the references to “the Standards Association of Australia” and insert with to “Standards Australia”; and
3. Delete the definition of “reasonable notice”.
4. Delete clause 4.12(e).

The JSCDL is of the view that the 1929 Standards Association of Australia dropped the term “Association” from its name in 1988 and became known colloquially as “Standards Australia”.

Further, the JSCDL is of the view that the definition be amended to reflect “AS/NZS” as indicated at point 1 above.

Originally the local law provided for a requirement for licensing of moorings, however, during the drafting process it was found that this was no longer required as the licensing provisions were not considered applicable to the marina, as the moorings were incorporated in the residential dwellings lots within the marina itself. Thus the JSCDL considers the term “reasonable notice” is not applicable and that this definition should be deleted.

Finally, the JSCDL considered the “miscellaneous prohibitions” inclusive of the offences involving anti-social behaviour and civil disturbance should be dealt with by the Police Service, not Local Government Rangers, and as such the Committee requires an undertaking to delete Clause 4.12(e).

The Committee indicated it had resolved to move a ‘protective’ *Notice of Motion* to disallow the Local Law in Parliament pending an undertaking by Council to initiate the amending process. The undertaking by Council to comply with the Committee’s directive is required by 15 May, 2012, hence the reason the matter is presented to Council for urgent consideration.



Upon Council resolving to carry this resolution, a statewide public notice of the proposed amendments will be advertised in the *West Australian* giving the opportunity for any submissions.

Once the six week advertising period has expired, this matter will be remitted to Council for a resolution for the amendments to be finalised and advertised in the Government Gazette to bring the amendments into force.

Strategic Plan/Policy Implications

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

N/A

Legal Implications

Section 3.12 of the Local Government Act refers.

Community Consultation

N/A.

Attachment(s)

1. Copy of the City of Cockburn Jetties, Waterways and Marina Local Law 2012.
2. Copy of Draft Gazette Notice.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



22 (OCM 10/05/2012) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

22.1 TATTOO PARLOURS – PLANNING APPROVAL

CLR STEVEN PORTELLI has requested that a report be presented to a future Council Meeting to see whether Council can look at avenues to be able to have jurisdiction over planning approvals for shops such as Tattoo Parlours.

22.1 TATTOO PARLOURS – TOWN PLANNING SCHEME AMENDMENT

CLR CAROL REEVE-FOWKES has requested that a report be presented to a future Council Meeting to see whether Council can look to amend its Town Planning Scheme number 3, so that it can identify something like a tattoo parlour as being a use not listed to ensure that Council considers whether or not a tattoo parlour is an appropriate use in a particular locality.

23. CONFIDENTIAL BUSINESS

Nil

24 (MINUTE NO 4776) (OCM 10/05/2012) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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



COUNCIL DECISION

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

CARRIED 8/0

25 (OCM 10/05/2012) - CLOSURE OF MEETING

Meeting closed at 8:38 PM

CONFIRMATION OF MINUTES

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

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

