

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 FEBRUARY 2012 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 FEBRUARY 2012 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

|                    |   |                          |
|--------------------|---|--------------------------|
| Mr L Howlett       | - | Mayor (Presiding Member) |
| Mr S Portelli      | - | Councillor               |
| Ms L Smith         | - | Councillor               |
| Mrs C Reeve-Fowkes | - | Councillor               |
| Mr T Romano        | - | Councillor               |
| Mr S Pratt         | - | Councillor               |
| Mrs V Oliver       | - | 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                                      |
| Mrs L. Jakovich | - | PA to Director of Planning & Development and<br>Engineering and Works |
| Ms L. Boyanich  | - | Media Liaison Officer   |

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.01 pm.

Mayor Howlett made the following announcements:

#### **Premiers Active Citizenship Australia Day Awards**

Mrs Kimberley Parker was the recipient of the "active citizenship award" for a person over 25 years". Kimberley volunteers her time providing support and helping to improve the lives of people with autism through the Autism Association of WA. Kimberley's work has also been recognised at the Disability Services Commission "Count Me In Awards" in 2011.



Ashah Wright was the recipient of the “active citizenship award” for a person under 25 years”. Ashah is a member of Council’s Youth Advisory Council and also volunteers her time at a local church working with children between 5 and 11. Earlier this year, Ashah went to Cambodia to help out with a missions’ trip. Ashah has been mentoring a younger child with learning difficulties and made a significant and positive contribution to her classroom attendance and her reading and writing skills.

The Coogee Beach Surf Life Saving Club was the recipient of the award for Community Group or Event for their ongoing and significant contribution to the training and development of members, the provision of active beach patrol services and other activities that support the community.

### **Australian Honours**

On Australia Day the City of Melville Chief Executive Officer Dr Shayne Silcox was awarded the Public Service Medal by the Australian Government for outstanding public service, particularly to local government in Western Australia.

### **Tree Planting & Dedication Ceremony – Diamond Jubilee of Her Majesty Queen Elizabeth II Accession to the Throne**

On Monday 6 February a tree planting & dedication service was held to commemorate the occasion of Her Majesty Queen Elizabeth II’s Diamond Jubilee accession to the throne.

An English Oak tree was planted in the grounds of Manning Park, an area of significant historical importance in our district. Approximately 60 people were in attendance.

Nearby, an English oak tree planted to commemorate Her Majesty’s father’s (King George V1) Coronation stands tall.

### **Awards**

I am pleased to announce that the City received a 2011 Planning Institute of Australia Award for the Muriel Court Structure Plan and associated strategies.

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

Nil.



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

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

**4 (OCM 09/02/2012) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

Clr Lee-Anne Smith – Item 14.2

**5 (OCM 09/02/2012) - APOLOGIES AND LEAVE OF ABSENCE**

|                |   |              |
|----------------|---|--------------|
| Mr K Allen     | – | Deputy Mayor |
| Mr Y Mubarakai | – | Councillor   |

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

Nil

**7 (OCM 09/02/2012) - PUBLIC QUESTION TIME**ITEMS NOT IN WRITING, NOT ON THE AGENDA**Mr Ray Woodcock**

Q1. Has the Council learnt of the location where the material from the Watsonia site will be deposited? If it is within the City of Cockburn Waste Recovery site, is there a fee per tonnage that would be charged.

A1. I am not aware where the material from the Watsonia site is being disposed off, but I can advise that if it was to come to the Henderson Recovery site, they would be required to pay the gate fees as stipulated.

Q2. Has the Watsonia site ever been checked to see if it is contaminated?

A2. Yes, a detailed site contamination report has been prepared and that



contamination report has also been assessed by the DEC.

- Q3. Have Council members visited the intersection of Barrington Road and Spearwood Avenue and viewed the south east corner, where there should be a free left hand turn.
- A3. I responded to this question on Tuesday night. Since Mr Woodcock expressed his concerns, I have not viewed the design, but will do so.
- Q4. Have Council members been to the site and would they are to have a look at the site themselves.
- A4. A couple of Elected Members have been down to look at the site, and they will wait to see a report from the Director. (Mayor Howlett and Clrs Smith and Portelli have been to see the site).
- Q5. Has staff of Cockburn City Council visited the site of an old limestone dwelling located west side of Hamilton Road and the south of Entrance Road to verify who the property belongs to and who issued an authority for its demolition. Will Council please advise if this dwelling came within the scope of Heritage listed buildings?
- A5. This question will be taken on notice and responded to in writing.
- Q6. Has the Council made any enquires as to when private property may become public space. I refer to places like Phoenix Park Shopping Centre, or any other shopping centre within the City of Cockburn.
- A6. There is a legal position with private property and access to it by the public for an unrestrained period, but it is fairly complex. Therefore, rather than answer tonight, it will be taken on notice and responded to in writing.
- Q7. Does the City of Cockburn have any intentions of extending the pedestrian way, the footpath on Barrington Road? If so, when will this be done. This is back to approximately 300 metres going west on the south side of Barrington Road, there is no footpath and what drew my attention to this is just recently I saw an elderly gentleman endeavouring to walk down through that area with a walking frame and having to negotiate through sand, trying to get over the railway track and the hazards of traffic. I think that the footpath should be extended all the way through to Stock Road on the south side.
- Q8. This question will be taken on notice and responded to in writing.





**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 4703) (OCM 09/02/2012) - ORDINARY COUNCIL MEETING 08/12/2011**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 8 December 2011, as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

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

Nil

**10 (OCM 09/02/2012) - DEPUTATIONS AND PETITIONS**

MGA Town Planners – Item 14.2

Mr John Schaffer (speaker)  
Mr Paul Paino  
Mr Jamie Pasqua  
Mr Peter Goff (speaker)

SMRC – Item 21.1

Mr Tim Youe (speaker)  
Mr Brendon Dohty (speaker)

Mr Youe tabled a fact sheet.



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

Nil

**12 (OCM 09/02/2012) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.44 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

|      |      |      |  |
|------|------|------|--|
| 14.1 | 15.1 | 16.1 |  |
|      | 15.2 | 16.3 |  |
|      |      |      |  |

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 4704) (OCM 09/02/2012) - COUNCIL DELEGATE - JANDAKOT REGIONAL PARK COMMUNITY ADVISORY COMMITTEE (HS/E/004; CC/C/016) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council appoints \_\_\_\_\_ (Elected Member) as a delegate to the Jandakot Regional Park Community Advisory Committee (JRPCAC).

**COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Cllr T Romano that Council appoint Cllr Reeve-Fowkes (Elected Member) as a delegate to the Jandakot Regional Park Community Advisory Committee (JRPCAC).

**CARRIED 8/0**

**Reason for Decision**

Cllr Reeve-Fowkes indicated an interest in being associated with this group.



## **Background**

The JRPCAC is a community based organisation, the primary objectives of which are to oversee the implementation of the Jandakot Regional Park Management Plan, which was prepared in 2010. The City of Cockburn was previously represented by now retired Cllr Whitfield.

## **Submission**

JRPCAC has requested Council appoint a replacement elected member to its Committee.

## **Report**

The Jandakot Regional Park comprises of protected bush and nature reserves in areas of Cockburn, Kwinana and Armadale, as indicated in the attachment. The Park is subject to a Management Plan, which was prepared by the Conservation Commission and is administered by the Department of Environment and Conservation, in conjunction with participant Councils and the JRPCAC. The Committee comprises representation of each of the organisations, plus community representatives and meets quarterly (4<sup>th</sup> Tuesday of February, May, August and November) at the Cockburn Wetlands Education Centre at 5.30 pm.

## **Strategic Plan/Policy Implications**

### **Natural Environmental Management**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Extract – Jandakot Regional Park Management Plan.



**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 4705) (OCM 09/02/2012) - CLOSURE OF WESTERN POWER PADMOUNT SITE LOCATION: ORSINO BOULEVARD AND LOT 9076 COCKBURN ROAD, NORTH COOGEE OWNER: AUSTRALAND HOLDINGS LTD APPLICANT: TAYLOR BURRELL BARNETT (451918) (L GATT) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) requires evidence of written agreement being reached between the applicant and Western Power regarding costs to deal with the padmount site infrastructure;
- (2) requests the Minister for Lands to close portion of Orsino Boulevard, North Coogee which encompasses the Western Power padmount site in accordance with Section 58 of the *Land Administration Act 1997* once evidence of a written agreement regarding the cost of the relocation of the existing infrastructure has been provided;
- (3) supports the land resulting from the road closure being purchased by the adjoining landowner (Australand Holdings Ltd) as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of this decision accordingly.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**



## Background

A request has been received on behalf of the adjoining landowner to close portion of Orsino Boulevard, North Coogee which encompasses a Western Power padmount site adjoining Lot 9076 Cockburn Road. The purpose of this report is to consider this request.

## Submission

By way of letter, Taylor Burrell Barnett requested that the City initiate the closure of the portion of Orsino Boulevard, North Coogee (refer to Attachment 1). The subject area is a Western Power padmount site adjoining Lot 9076 Cockburn Road (refer to Attachment 2). The proponent has agreed in writing to meet all costs associated with the proposed road closure, a copy of which is provided within Attachment 1.

## Report

At the time of creating Lot 9076 Cockburn Road, a small road widening of 17m<sup>2</sup> was created to accommodate a Western Power transformer. This now conflicts with the proposed development for Lot 9076, and accordingly removal of the transformer is proposed as part of the development of the land. As the transformer sits within a portion of the adjoining Orsino Boulevard road reserve, formal road closure processes must occur to allow the land to be transferred into the title of the adjoining Lot 9076.

In accordance with *Land Administration Act 1997* the proposed road closure was formally advertised, with no objections being received.

There is no other utility infrastructure in the Western Power padmount site, and all service providers have responded advising that they have no objections to the proposal. Western Power has indicated that there will be costs associated with relocation of the transformer, and these costs will be factored into the eventual sale price of the closed road reserve. These costs will be the responsibility of Western Power and the proponent to agree on.

It is recommended that Council support the request, but only once evidence of suitable agreement between Western Power and the applicant has been provided. Once evidence of written agreement has been provided, it is recommended Council write to the Minister for Lands requesting formal closure of the portion of Orsino Boulevard in accordance with Section 58 of the *Land Administration Act 1997*.



## **Strategic / 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**

The proponent will be required to meet all associated costs. It is recommended that Council require evidence of written agreement between the applicant and Western Power regarding costs to deal with the padmount site infrastructure relocation.

### **Legal Implications**

To be undertaken in accordance with Section 58 of the *Land Administration Act 1997*.

### **Community Consultation**

Advertised on 28 November 2011, in accordance with Section 58 of the *Land Administration Act 1997*. No objections have been received.

### **Attachment(s)**

1. Letter of request from Taylor Burrell Barnett
2. Location Plan

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

The Proponent has been advised that this matter is to be considered at the 9 February 2012 Council Meeting.

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

Nil.



CLR SMITH LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.47 PM.

**DECLARATION OF INTEREST**

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

**CLR SMITH**

Declared a financial interest in Item 14.2 “Scheme Amendment No. 89 to City of Cockburn Town Planning Scheme No. 3 (Cockburn Coast) and Cockburn Coast District Structure Plan Part 2 Consideration of Adoption for Final Approval”, pursuant to Section 5.62(1) of the Local Government Act 1995.

The nature of my interest is that the applicant has provided sponsorship to my employer Halo to fund disadvantaged participants’ uniforms.

**14.2 (MINUTE NO 4706) (OCM 09/02/2012) - SCHEME AMENDMENT NO. 89 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 (COCKBURN COAST) AND COCKBURN COAST DISTRICT STRUCTURE PLAN PART 2 CONSIDERATION OF ADOPTION FOR FINAL APPROVAL - LOCATION: COCKBURN COAST - OWNER: VARIOUS - APPLICANT: LANDCORP (SM/M/053, 93089) (C CATHERWOOD) (ATTACH)**

|  |
|--|
| <p><b>RECOMMENDATION</b></p> <p>That Council:</p> <p>(1) require the inclusion of a further chapter to the Employment and Economic Development Strategy to outline the implementation approach for LandCorp and other relevant agencies/stakeholders to facilitate the successful delivery of the initiatives;</p> <p>(2) following compliance with (1) above, adopt the Draft Cockburn Coast District Structure Plan Part 2 (“CCDSP Part 2”), for the purpose of providing a guiding document to inform the preparation of future Local Structure Plans (“LSP’s”) within the District Structure Plan area, subject to the following modifications:</p> <p>1. All plans contained within the CCDSP Part 2 depicting the “potential marina” annotation are to recognise the important consideration processes which have yet to</p> |
|--|



have been undertaken by the supplementary annotation:

*'Subject to additional consideration processes including, but not limited to:*

- *lifting of MRS Urban Deferred,*
- *submission, assessment (including community consultation) and approval of a local structure plan for the Power Station Precinct discussing:*
  - *environmental feasibility (impacts upon the marine environment including relationship to other coastal features); and*
  - *social feasibility.*

2. Modification to the public open space ("POS") in the Hilltop/Emplacement Local Structure Plan area to delete the POS shown in the Draft CCDSP Part 2 and replace it with POS as shown in Attachment 8.
3. Inclusion of an annotation on Figure 31 (Land use plan) as follows:
 

*"At-grade crossings will need to be designed, constructed and maintained to the satisfaction of the Office of Rail Safety, within the Department of Transport".*
4. Inclusion of references within the CCDSP Part 2 report to the role of urban corridors with reference to the future function and surrounding land use of Cockburn Road and Cockburn Coast Drive, as outlined in the Connected City model in *Directions 2031 and Beyond*.
5. Modifying Table 5 (Provision of Public Open Space) to refer to the 'gross subdivisible area' rather than 'gross residential area', in accordance with Table 11 of *Liveable Neighbourhoods*.
6. The annotation of 'low density residential' in Figure 31 (Land use plan) being amended to refer to 'medium density'.
7. The north-south road adjacent to the active playing field as shown in the CCDSP Part 2 being shifted west as much as feasible to accommodate a wider oval, to the satisfaction of the City of Cockburn.
8. Figure 31 (Land use plan) being updated to reflect the road adjustment outlined in 6 above, and the title of Figure 32 being corrected to 'Playing Field Concept Plan'.





9. Adjustment to the Land use plan and Building height plan (Figures 29 and 31) so that no sensitive land uses are located within 50m from the boundary of the waste water pumping station site (Reserve 5239).
10. Section 4.4.4 (Draft State Industrial Buffer Policy and EPA Guidance) of the CCDSP Part 2 report be modified to clarify that the Mixed Use zone itself is not intended to function as a transitional zoning, and to clarify the situation relating to existing businesses remaining.
11. Updating of Section 5.2.3 (Mixed Business) of the CCDSP Part 2 report to clarify that retention of heavy and general industrial uses would not be consistent with the Mixed Business zoning. This section of the CCDSP Part 2 report should clarify that the Local Structure Plans may set out a different range of permissible uses than those currently set out in the Scheme, if this is the intention. Alternatively, these terminologies be modified so that they are consistent with land uses set out in the Scheme as another level of refinement from the CCDSP.
12. Section 10.4 of the CCDSP Part 2 being modified to identify a 50m buffer from the boundary of the wastewater pumping station (Reserve 5239), rather than the wet well;
13. Section 10.4 (Wastewater Pump Station) being amended as follows:
  - (a) All references to the required buffer stipulating the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3.
  - (b) Figure 79 depicting a 50m buffer from the boundary of Reserve 5239 (wastewater pumping station site), rather than the wet well.
  - (c) Delete references to a requirement for a 150m buffer, and instead make reference to the recent decision of the Minister for Water to direct the Water Corporation to limit the planned ultimate capacity of the pump station to a maximum of 350 Litres/second, in order to avoid the need to implement a larger 150m radius odour buffer required under EPA Guidance Statement No.3 for pump stations >350l/s.



- (d) Section 9.1.1.1(Sewerage) being amended to refer to the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3, and the delete references to the potential requirement for an increase in capacity to 350 Litres/second.
- 14. Section 11.1.1 (Metropolitan Region Scheme) being updated to reflect the gazettal of the MRS amendment for the Cockburn Coast area.
- (3) adopt Scheme Amendment No. 89 for final approval, subject to the following modifications:
  - 1. Rezoning the portion of the Cockburn Coast area that is 'unzoned' to 'Development' zone and placing it within 'Development Area (No. 33)'.
    - 2. Inclusion of the following additional provisions under 5.0 Local Structure Plans:
      - (a) 3.19 Contaminated Sites
        - (i) Describe how contaminated sites will be (or have been) suitably dealt with across the whole Local Structure Plan area in accordance with the Contaminated Sites Act 2003.
        - (ii) Describe how the land use plan responds to issues of contamination across the whole Local Structure Plan area.
        - (iii) While recognising the obligations for landowners under the Contaminated Sites Act 2003, list for each lot contained within the whole Local Structure Plan area as part of the Local Structure Plan report, whether any investigation of contamination sites has been undertaken. Where no investigation has been considered warranted also list details of previous and historic land uses to assert the conclusion the site is not potentially contaminated. Where sites have been reported to DEC as a potentially contaminated site, also list the details of the referral and if available the outcome of the referral.



## (b) 3.20 Existing Development

- (i) Identify and describe any existing lawful development within the Local Structure Plan area which has associated offsite impact(s).
- (ii) Identify and describe how future land use and development in accordance with the Local Structure Plan will be managed so that areas experiencing offsite impacts from existing lawful development are either avoided or managed.

(c) 5.0 Local Structure Plans – 3.20 *Flora and Fauna Survey (where Local Structure Plan includes vegetated areas)*.

## (d) 5.2.8 Environmental Feasibility

- (i) impacts upon the marine environment including relationship to other coastal features shall be discussed in any local structure plan proposing the inclusion of a marina or similar modifications to the coastline.

## (e) 5.2.9 Social Feasibility

- (i) any local structure plan proposing the inclusion of a marina or similar modifications to the coastline shall discuss the social feasibility of such a proposal in contrast to the opportunities afforded by the existing coastline.

## 3. Modifying clause 4.0 (k) of the proposed 'Development Area' provisions as follows:

*'Where residential or noise-sensitive development is proposed in a situation where it may be exposed to noise impacts from existing non-residential uses and activities, the onus will be on the designers and developers of the new residential development to demonstrate to the Local Government's satisfaction that potential noise impacts have been considered and addressed. This includes addressing State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" where relevant.'*



4. Modifying clause 4.0 (f) of the proposed 'Development Area' provisions as follows:

*Each subdivision for the creation of additional lots (as opposed to amalgamation proposals) and development application shall achieve at least 85% of the potential number of dwellings achievable under the R-code designated for the application area on the adopted Local Structure Plan. In calculating the potential number of dwellings for the purposes of this provision, the following average lot size will apply unless specified by the adopted Local Structure Plan:*

- \*  $R30 = 300m^2$
- \*  $R40 = 220m^2$
- \*  $R50 = 180m^2$
- \*  $R60 = 180m^2$
- \*  $R80 = 125m^2$
- \*  $R160 = 62.5m^2$ .

5. Modifying clause 5.9 of the proposed 'Development Area' provisions as follows:

*A Coastal Hazard Risk Assessment is required to be prepared for the full length of coastline adjacent to the Development Area as an additional detail of the Local Structure Plan(s) to the satisfaction of the Local Government and the Western Australian Planning Commission.*

- (4) endorse the Schedule of Submissions prepared in respect of the CCDSP Part 2;
- (5) forward a copy of the endorsed CCDSP Part 2 to the Western Australian Planning Commission for information purposes only;
- (6) advise landowners within the CCDSP Part 2, affected landowners, and affected public authorities notifying of the adoption of the District Structure Plan, as modified;
- (7) once modified, ensure the amendment documentation be signed and sealed and then submitted to the Western Australian Planning Commission along with details of the steps taken to advertise the amendment, with a request for the endorsement of final approval by the Hon. Minister for Planning; and
- (8) advise the Department of Planning that in their consideration of Amendment 82, forwarded for their consideration 20 April 2011,



given the progression of time and consideration of Amendment 89 for Cockburn Coast, Restricted Use 9 ('RU9') needs to be deleted from Schedule 3 and there is now no need to introduce Special Use 26 ('SU26') into Schedule 4 of the City's Town Planning Scheme No. 3.

#### **COUNCIL DECISION**

MOVED Cllr S Portelli SECONDED Cllr C Reeve-Fowkes that

(1) & (2) as recommended;

(3) Points 1 – 2 as recommended with the following correction in sub point 8 to read as follows:

8. Figure 31 (Land use plan) being updated to reflect the road adjustment outlined in 7 above, and the title of Figure 32 being corrected to 'Playing Field Concept Plan'.

(3) 3. to be reworded as follows:

*Modify clause 4. (k) of the proposed 'Development Area' provisions as follows:*

*'Where residential or noise-sensitive development is proposed in a situation where it may be exposed to noise impacts from existing non-residential uses and activities, the onus will be on the designers and developers of the new residential development to demonstrate to the Local Government's satisfaction that potential noise impacts have been considered and addressed. This includes addressing State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" where relevant any noise or vibration studies shall be undertaken by appropriately qualified professionals, at the developer's cost, and to the satisfaction of the Local Government.'*

4 – 5 as per the recommendation;

6. modify clause 5.2.5 of the proposed 'Development Area' provisions as follows:

*'Local Structure Plans shall identify specific measures to achieve the affordable housing targets set out in the Cockburn Coast District Structure Plan (2009) for each Local Structure Plan area, to the satisfaction of the Local*



*Government and the Western Australian Planning Commission with the exception the social housing component target is modified to 2%’.*

(4) to (8) as recommended.

AMENDMENT TO MOTION

MOVED Clr T Romano SECONDED Clr C Reeve-Fowkes that Council:

- (1) as recommended;
- (2) as recommended, with the following correction in sub point 8 and the inclusion of an additional point 15:
  8. Figure 31 (Land use plan) being updated to reflect the road adjustment outlined in 7 above, and the title of Figure 32 being corrected to ‘Playing Field Concept Plan’.
  15. The CCDSP be amended to include an acknowledgement that the odour buffer may be refined within the Local Structure Plans, subject to suitable scientific studies detailing the extent of the impact of odour on the surrounding properties, to the satisfaction of the City and the Department of Environment and Conservation.

**AMENDMENT CARRIED 6/1**

**AMENDED MOTION PUT AND LOST 2/5**

MOVED Clr C Reeve-Fowkes SECONDED Clr T. Romano that Council:

- (1) & (2) as recommended; with the following correction in sub point 8 and the inclusion of an addition point 15 to read as follows:
  8. Figure 31 (Land use plan) being updated to reflect the road adjustment outlined in 7 above, and the title of Figure 32 being corrected to ‘Playing Field Concept Plan’.
  15. The CCDSP be amended to include an acknowledgement that the odour buffer may be refined within the Local Structure Plans, subject to suitable scientific studies detailing the extent of the impact of odour on the surrounding properties, to the satisfaction of



the City and the Department of Environment and Conservation.

(3) Points 1., 2., 4. and 5. as recommended.

3. to be reworded as follows:

3. *'Where residential or noise-sensitive development is proposed in a situation where it may be exposed to noise impacts from existing non-residential uses and activities, the onus will be on the designers and developers of the new residential development to demonstrate to the Local Government's satisfaction that potential noise impacts have been considered and addressed. This includes addressing State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" where relevant any noise or vibration studies shall be undertaken by appropriately qualified professionals, at the developer's cost, and to the satisfaction of the Local Government.'*

(4) – (8) as recommended.

**CARRIED 7/0**

### **Reason for Decision**

There will be an impact of freight train traffic in such close proximity to proposed residential areas. To ensure the impact is adequately addressed the relevant 'Development Area' provision should be clarified making it clear that any noise or vibration studies are to be undertaken by appropriately qualified professionals, with the developer paying the cost of these studies, and for the Local Government to be satisfied that these studies adequately address SPP 5.4.

Land owners need to be aware that whilst the City is currently of the view that the odour buffer around the existing sewerage pump station be 50m, measured from the property boundary, the City is prepared to refine the extent of the odour buffer following more detailed scientific studies being submitted that justify such a change.

### **Background**

#### **Cockburn Coast District Structure Plan**

The Cockburn Coast District Structure Plan 2009 ("CCDSP") has been prepared to guide future land use and transport initiatives within the



area stretching between South Beach and the Port Coogee marina (Attachment 1). The Western Australian Planning Commission ("WAPC") endorsed the CCDSP in August 2009.

The CCDSP sets a framework for future redevelopment of the Cockburn Coast area as an intensive, vibrant, mixed use coastal urban environment. It contains provisions relating to the desirable character of identified precincts, including land use mix, height and built form elements. It provides a framework for guiding development, and furthering local level planning and decision making.

The Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.

Amendment No. 82 (Cockburn Coast Industrial Area and Newmarket Precinct)

Council previously adopted Amendment No. 82 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") at the meeting of 17 March 2011 for final approval. Amendment No. 82 was subsequently referred to the WAPC on 20 April 2011 with a request for the approval of the Minister for Planning, and a decision is still pending.

The purpose of Amendment No. 82 is to modify the Scheme in such a way so as to implement the outcomes of the Cockburn Coast District Structure Plan ("CCDSP") for the Newmarket Precinct. It also seeks to facilitate appropriate interim uses on the current 'Industry' zoned land within the CCDSP area, and to ensure industrial uses become subject to greater limitations than what is currently provided for under the Scheme.

It had been anticipated that Amendment No. 82 would be gazetted ahead of proposed Amendment No. 89, and could then facilitate a range of benign light industrial uses in the interim period. Unfortunately Amendment 82 has not progressed and two specific elements of the amendment would now be superfluous given Amendment 89 would introduce Development Area 33 which will see the ultimate Cockburn Coast vision facilitated. The elements of Amendment 82 which would be superfluous should Amendment 89 be gazetted are:

- \* Modification of the Restricted Use 9 ('RU9') in Schedule 3
- \* Introduction of Special Use 26 ('SU26') into Schedule 4.





The Department of Planning should be advised in writing that in their consideration of Amendment 82, RU9 simply needs to be deleted from Schedule 3 and there is no need to introduce SU26 into Schedule 4.

### Amendment No. 89 and Draft Cockburn Coast District Structure Plan (Part 2)

Council at the Ordinary Meeting of 14 July 2011 resolved to adopt the Draft Cockburn Coast District Structure Plan (Part 2) for community consultation, subject to a number of modifications.

These modifications were undertaken and the proposals were advertised for public comment for 42 days, ending on 1 December 2011.

### **Submission**

The Cockburn Coast District Structure Plan (Part 2) has been submitted by HASSELL on behalf of Landcorp.

### **Report**

The purpose of this report is for Council to consider adopting Amendment No. 89 and the Cockburn Coast District Structure Plan (Part 2) for final approval.

### Purpose of the Cockburn Coast District Structure Plan (Part 2)

The Cockburn Coast District Structure Plan (Part 2) applies to the Cockburn Coast project area south of Rollinson Road only. It excludes the Newmarket and Fremantle Village Precincts, which were included in the CCDSP, as these precincts are subject to separate planning processes.

The CCDSP provides the statutory and land use framework intended to inform future detailed planning and the preparation of Local Structure Plans. The Draft CCDSP Part 2 illustrates the next layer of detail, and describes the approach to the provision of local roads, key infrastructure, public open space, drainage, land use and built form; as a precursor to the preparation of Local Structure Plans. The Draft CCDSP Part 2 (Land Use Plan) is included in Attachment 2.

It is intended that the both the CCDSP and the CCDSP Part 2 will be used as guiding documents to inform the assessment of Local Structure Plans. It is therefore intended that the CCDSP Part 2 will be endorsed by Council as a guiding document, not as a structure plan pursuant to Clause 6.2.9 of the Scheme.



As the CCDSP Part 2 provides the next layer of detail to the CCDSP, to the extent of any inconsistencies between the CCDSP and the CCDSP Part 2, the CCDSP Part 2 will prevail.

Draft Cockburn Coast District Structure Plan (Part 2)

The CCDSP Part 2 is consistent with the underlying intent of the CCDSP, however it does incorporate some key changes which have evolved from a 'preferred land use' concept developed by LandCorp. This was prepared concurrently with the preparation of an Integrated Transport Plan ("ITP"). The ITP has driven several of these changes.

The development of the preferred concept considered two land use scenarios to achieve the CCDSP's objectives. One land use concept retained the highest concentration and mix of uses along Cockburn Road as presented in the CCDSP. The alternative shifted these core areas westward towards the coast (Attachment 6). The 'coastal nodes' concept was selected to take advantage of the proximity to the coast for scenic views and physical access to the foreshore. It also allowed for the first stage of development, which would occur on land owned predominantly by LandCorp, to create a high quality main street.

By relocating the main street activities to other streets (rather than Cockburn Road), this land use concept was considered to create more flexibility for the future of Cockburn Road as an interim through route for regional traffic. While ultimately Cockburn Coast Drive will take on this function; completion of Cockburn Coast Drive is unfunded and its construction date is uncertain. Without the pressure of transforming this roadway from its current function, conflicts between competing roles can be minimized.

Therefore one of the key points of difference between the Draft CCDSP Part 2 and the CCDSP is that commercial activity is no longer focussed along Cockburn Road. The CCDSP Part 2, in line with the evolving policy context relating to Directions 2031 and the Activity Centres policy, creates a hierarchy of coastal activity nodes which will be serviced by a dedicated rapid public transit system with the potential to accommodate light rail in the future.

Additional work is being undertaken to provide a business case to support a rapid transit route through Cockburn Coast. The broader regional network potential for rapid transit is also being reviewed by the applicant and the Cities of Cockburn, Fremantle and Melville. This work will ensure the regional context is considered rather than just the proposed Cockburn Coast development.

To summarise, the key differences between the CCDSP and the Draft CCDSP Part 2 are:



- A shift in the rapid transit corridor alignment from Cockburn Road to a new north south road to the west (as shown in Attachment 6).
- The concept of the 'Local Activity Nodes' along Cockburn Road being replaced a shift in the Activity Centre focus and Main Street to reflect the new proposed rapid transit corridor.
- Provision of additional POS within the Emplacement Crescent precinct and widened POS corridors to the east of Cockburn Road.
- Modification to the shape of the proposed primary school site and active playing field to enable a minimum sized playing field to be accommodated.

### Land Use Plan

The CCDSP Part 2 includes a land use plan which is based on the following key principles:

- Focusing intensity and diversity of land use along the rapid transit alignment and at proposed transit stations.
- Locating employment, tourism and recreational opportunities at the Power Station site, in accordance with the objectives of the CCDSP.
- Locating a second activity centre along a more localised main street to service day to day needs of local residents.
- Focusing recreational and entertainment opportunities at specific beach nodes - Catherine Point, Robb Jetty and the Power Station.
- Providing for a range of residential opportunities, with height and density of residential buildings generally responding to topography, green linkages and proximity to the coast and activity centres.

### Activity Centres

The CCDSP Part 2 identifies two activity centres (Robb Jetty and Power Station), which are intended to contain a mix of land uses. They have been strategically located on the proposed rapid transit line at proposed transit station locations. Their location ensures that residents and workers are within easy walking distance of their transit and daily/weekly shopping needs.



One of the proposed activity centres is located at the Robb Jetty Main Street. The Robb Jetty Activity Centre will focus on the provision of daily shopping needs for residents, including an opportunity for a supermarket site. It could also accommodate restaurants, cafes and small scale office opportunities that will not only service local residents, but will have a wider catchment.

The Robb Jetty Activity Centre also includes the proposed primary school site along a portion of the main street. The primary school site is intended to be developed as a multi-level 'urban' school on a 1.5ha property. The school will be designed to address the main street.

The CCDSP Part 2 identifies that the Robb Jetty Activity Centre may potentially be bookended by an urban plaza on the beach side of the railway line, which will provide a further incentive for people to travel through Main Street, past the shops and cafes, to the beach. This is conceptual at this stage, and all development of the foreshore area will be subject to a detailed Foreshore Management Plan and Hazard Risk Assessment Study.

The Power Station Activity Centre was identified as a 'Local Activity Node' in the CCDSP, surrounded by a large area of 'Mixed Use' zoning. The CCDSP Part 2 designates this corresponding area as an Activity Centre.

The Power Station Activity Centre is a longer term prospect, given the significant infrastructure works, stakeholder negotiations and site preparation works required to de-risk the site in preparation for the market.

The Power Station Activity Centre is intended to provide a range of opportunities relating to recreation, entertainment and tourism. The CCDSP Part 2 identifies that this is the preferred site for a hotel or short stay accommodation.

The Power Station Activity Centre will present the opportunity for office and commercial buildings with a district and sub regional catchment, and it is anticipated that it will be the primary employment generator for Cockburn Coast.

The CCDSP Part 2 outlines that uses such as office, restaurants, community facilities, and shops would be the types of uses likely to be supported within the Power Station Activity Centre. Residential development would be encouraged on the upper levels of commercial/retail multi-storey buildings, to facilitate all hours activation of activity centres and providing surveillance of the streets below.



## Mixed Use

A Mixed Use zoning has been identified throughout much of the project area, and along Cockburn Road in order to allow a range of compatible uses to co-locate adjacent to one another, and vertically in individual buildings. This is consistent with the CCDSP.

The Mixed Use zone is critical in promoting sustainable living opportunities by allowing people to pursue a lifestyle that integrates living, working and leisure in one location.

The Mixed Use zoning needs to be carefully managed so that it does not detract or disperse activity from the two proposed activity centres. Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans will be required to set out the specific permissibility of land uses. Design guidelines will also be critical in ensuring the desirable built form outcomes are achieved for the Mixed Use zone. In accordance with the CCDSP, the Mixed Use zoning is not intended to be overly prescriptive, providing that the uses can demonstrate a positive contribution to promoting a vibrant mixed use urban environment and do not detract from the two primary activity centres.

In accordance with the CCDSP uses such as residential, small showrooms, shops, offices and community facilities will be generally supported within the Mixed Use zone.

While the CCDSP Part 2 assumes a long term transition of industrial uses to urban, interim buffer arrangements need to be considered at the Local Structure Plan stage. The CCDSP Part 2 has sought to address this issue by generally establishing a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term. The CCDSP Part 2 report describes the Mixed Use zone as “a flexible category, which will allow for existing businesses to remain, while allowing for a transition to other non-sensitive land uses, which do not omit offensive products, with a longer term transition to sensitive land uses such as residential, at a point in time that the industrial use has relocated”.

However, the CCDSP does not describe the Mixed Use zoning in this way. The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include ‘light and service industry’ and ‘general industrial’ uses. Therefore it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.



It is therefore recommended that Section 4.4.4 (Draft State Industrial Buffer Policy and EPA Guidance) of the CCDSP Part 2 report be modified to clarify that the Mixed Use zone itself is not intended to function as a transitional zoning, and to clarify the situation relating to existing businesses remaining. It may be that the range of permissible uses are specifically tailored through the Local Structure Plans to function as a buffer where appropriate, however this should be clarified.

### Mixed Business

The CCDSP Part 2 proposes a Mixed Business zoning for a portion of Darkan Crescent. The CCDSP Part 2 report outlines that this has been nominated in recognition of existing industrial business, including the Fremantle Coldstores and Sealanes. The Mixed Business zoning will also ensure a diversity of employment opportunities for the Cockburn Coast area.

In accordance with the CCDSP, uses such as 'light and service industry' and 'office' are likely to be considered suitable within the Mixed Business zone. Land uses such as 'residential', 'general industry' and larger floor area 'showrooms' would generally not be considered suitable for the Mixed Business zone.

It is also noted that Section 5.2.3 (Mixed Business) of the CCDSP Part 2 report stipulates that the Mixed Business zoning will allow the retention of more heavy industrial uses to co-exist with a range of other businesses from service industrial through to office and other commercial opportunities. However 'heavy industrial' uses are then subsequently listed as uses not suitable within the Mixed Business zone. It is acknowledged that this concept was also expressed in the CCDSP; however, it is recommended that this discrepancy be clarified through the CCDSP Part 2 prior to it being adopted.

It is also important to note that there is an existing Mixed Business zone within the Scheme, and 'General Industry' is not a permissible use. This section of the CCDSP Part 2 report should clarify that the Local Structure Plans may set out a different range of permissible uses than those currently set out in the Scheme, if this is the intention.

The CCDSP Part 2 makes reference to a number of different uses that are considered suitable or unsuitable within the Mixed Business zone. This terminology is consistent with the CCDSP, however it does not align with the definitions in the Scheme. It is therefore recommended that these terminologies be modified so that they are consistent with land uses set out in the Scheme as another level of refinement from the CCDSP.



## Residential

Residential development will constitute the majority of development within the Cockburn Coast area. The intent is that residential development will be of a density mix and built form character more intensive than typically created in Greenfield locations on the urban fringe, thus ensuring more sustainable outcomes can be achieved.

Therefore a range of residential densities are proposed, generally in accordance with those nominated in the CCDSP, ranging from R40 to R160. The CCDSP set out targets for different housing types/densities and the land use plan included in the CCDSP Part 2 achieves these targets.

It is noted that Section 5.2.2 (Architecture and Design) of the CCDSP Part 2 report refers to the development as 'low/medium' density. This is not considered to accurately reflect the densities and built form that are proposed which generally range between a residential coding of R40 and R160 which are 'medium/high' density. It is therefore recommended that this section be modified prior to advertising to refer to 'medium/high' density rather than 'low/medium' density.

## Public Purpose (Primary School)

The CCDSP process included investigation and consultation with the Department of Education and Training, and it was identified that only one primary school was required. This is partly due to the existing capacity of adjoining primary schools and also in anticipation that the socio-economic mix is likely to consist of a lower percentage of families with children than the Perth metropolitan average, due to the high percentage of apartments.

The primary school site has been co-located with the district playing fields, and it is intended to be a multi-level school adjacent to the playing fields and the Robb Jetty Main Street.

The primary school site is centrally located within the project area, so as to maximise its catchment and accessibility. It has also been sited in close proximity to a transit station, at the western end of Main Street, to ensure a safe walking environment for children commuting to and from school.

## Local Structure Plan Areas

The CCDSP Part 2 does not include the 'Newmarket Precinct' and 'Fremantle Village' precincts, which were encompassed by the CCDSP, as these areas will be dealt with separately. The Newmarket



Precinct has been dealt with separately through Amendment No. 82, given that this area is already zoned 'Urban' under the MRS.

The CCDSP Part 2 identifies three Local Structure Plan areas (shown in Attachment 4) as follows:

- Emplacement/Hilltop (incorporating Emplacement and Hilltop Precincts from the CCDSP).
- Robb Jetty (incorporating Robb Jetty and Darkan Precincts from the CCDSP).
- Power Station.

A Local Structure Plan will be required for each of these areas prior to subdivision or development of the land in accordance with the CCDSP Part 2.

The CCDSP included character guidelines for each precinct, setting out the types of land uses, built form character and building heights that are considered appropriate for each precinct. These guidelines are still relevant, and preparation of the Local Structure Plans and Design Guidelines will require regard to be had for these character guidelines contained within the CCDSP.

Proposed Amendment No. 89 provides further detail regarding the requirements for Local Structure Plans.

#### Amendment No. 89

Amendment No. 89 proposes to rezone the majority of the CCDSP area to 'Development' zone, and place it within a new 'Development Area'.

This will require the subsequent preparation of Local Structure Plans, in order to effectively demonstrate how coordinated development of the subject land can occur. This 'Development' zone is the most appropriate zone for new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate development.

'Development Areas' are Special Control Areas pursuant to the Scheme, and they are included in Schedule 11, with provisions that apply to the 'Development Area'. Schedule 11 sets out a description of the 'Development Area' and sets out the specific purposes and requirements that apply to the area. The draft provisions are included in Attachment 5.

The development of land within a 'Development Area' is to be generally in accordance with a Local Structure Plan that applies to the land.





## Development Area Provisions

The draft provisions set out the objectives for the 'Development Area', and outline the hierarchy of plans that will apply to the area.

The draft provisions include a range of key requirements that will apply to the whole 'Development Area'. These provisions set out that an approved Local Structure Plan together with all approved modifications shall apply to each Local Structure Plan area identified in the CCDSP Part 2 in order to guide subdivision and development.

An overview of the structure of the provisions is outlined below, and a discussion of some of the key requirements is made later in this section:

- 1.0 Objectives of the Development Area
- 2.0 Hierarchy of Plans
- 3.0 District Structure Plan(s)
- 4.0 General Development Area provisions
- 5.0 Local Structure Plans
  - 5.1 Content of Local Structure Plans
  - 5.2 Matters to be addressed by Local Structure Plans
  - 5.3 Design Guidelines
  - 5.4 Fire Management Plan
  - 5.5 Local Water Management Strategy
  - 5.6 Noise and Vibration Management Plan
  - 5.7 Cultural Heritage Strategy (European and Indigenous)
  - 5.8 Public Art Strategy
  - 5.9 Coastal Risk Management Plan
  - 5.10 Foreshore Management Plan

## Requirements for Local Structure Plans

The proposed provisions set out the required content of the Local Structure Plans, and the specific matters that the Local Structure Plans must address to ensure they comprehensively deal with these issues.

The proposed required content for Local Structure Plans is generally in accordance with the WAPC's Draft Structure Plan Preparation Guidelines, with some additional requirements that are considered to be relevant specifically to the Cockburn Coast area. The WAPC's Draft Structure Plan Preparation Guidelines have not yet been adopted, so it is still considered important that the 'Development Area' provisions set out the content required for Local Structure Plans to ensure that all Local Structure Plans comprehensively deal with all critical issues.

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn



Coast area. Therefore, it is considered imperative that Local Structure Plans deal with matters such as landscaping to ensure continuity between Local Structure Plan areas. This includes identifying proposed landscaping themes and verge treatments to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not established through the Local Structure Plans then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

The CCDSP sets out a variety of targets for the area, and where appropriate the proposed 'Development Area' provisions seek to ensure that these targets are met, or that future Structure Plans will address those matters.

### Achieving Minimum Densities

The provisions set out the requirement for minimum densities to be achieved, with a similar approach to that used within 'Development Area 19' (Muriel Court Structure Plan area). The proposed 'Development Area' provisions require that each subdivision and development application in the Development Area shall achieve at least 85% of the potential number of dwellings achievable under the R-Code designated.

This is to ensure that land is not underdeveloped, and vision for Cockburn Coast that has been set by the CCDSP can be achieved.

### Design Guidelines

The 'Development Area' provisions specify that Local Structure Plans must have associated Design Guidelines. These must be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan. Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

The provisions set out the matters that Design Guideline shall address, which include: Building heights, bulk and scale; private open space; walls and fencing; parking and access arrangements; affordable housing and housing diversity; and sustainable building design.

The 'Development Area' provisions also provide further guidance on the key design principles which are applicable to the 'Development Area'. These key principles seek to achieve sustainable development that contributes positively to the streetscape. The provisions set out a range of general development guidelines, which include the requirement for development to facilitate close interaction with the



pedestrian activity along footpaths; and provision of bicycle parking and end of trip facilities for mixed use and commercial buildings, and larger scale residential developments.

The provisions require all proposals that include residential development to demonstrate diversity in dwelling types, through the incorporation of different sized and designed dwellings. There is an expectation that a number of different types (size and design) comprise every proposal that includes residential development.

The Design Guidelines will provide more detailed guidance based on these principles.

For the Mixed Use/Activity Centres one of the key design principles requires buildings that front a public street to be constructed in a robust way that will allow for retrofitting to occur at a later date (e.g. residential capacity on the ground floor with the ability to retrofit into the future to intended commercial uses).

The Development Guidelines shall also include measures to facilitate sustainable mixed land use urban environments where a diverse range of carefully designed and constructed land uses can successfully co-exist with noise sensitive and noise emitting premises.

#### Affordable Housing

The CCDSP sets a target of achieving 20% affordable housing across the Cockburn Coast project area.

The Department of Housing's report 'More than a Roof and Four Walls' (2010) identified that if current trends continue an increasing number of Western Australians will be excluded from affordable housing. If the trends of the last decade continue, the Social Housing Taskforce believes there could be close to 65,000 households on the waiting list for social housing by 2020. Therefore, affordable housing is considered to be a critical element of the proposed development of Cockburn Coast.

Affordable housing does not just mean "social" housing, and there are many current and potential residents facing affordability problems in the Perth Metropolitan Area who would fall outside the eligibility criteria for public housing, or would be unlikely to meet criteria for priority housing allocation. Therefore consideration must be given to different types of affordable housing models to meet this target.

The DoP have engaged Judith Stubbs and Associates to prepare a report entitled 'Achieving Affordable and Diverse Housing in Regeneration Areas in Western Australia', and this uses Cockburn



Coast as one of the case study areas. The purpose of this report is to provide a thorough evidence base for the identification of those most likely to be excluded from affordable housing if it is not provided in three selected redevelopment areas in Greater Perth Metropolitan Area, and the target groups and price, types, tenure and location of housing required to meet identified needs in each of the case study areas.

It seeks to recommend feasible, legal, reasonable and equitable planning mechanisms and strategies to ensure the provision within or associated with the three redevelopment sites, which may also wider implications for affordable housing provision in Western Australia.

It includes a range of draft recommendations which could be implemented in the Cockburn Coast area to achieve the 20% affordable housing target. This document is still a draft, however it is intended that it will be used to inform an Affordable Housing Strategy

It would therefore be premature to mandate specific affordable housing measures in the proposed 'Development Area' provisions ahead of this report and an Affordable Housing Strategy being finalised. However, it is imperative that the 'Development Area' provisions specify that the Local Structure Plans are to provide details on how the affordable housing targets will be achieved. If this is not specified in the provisions then there will be no way for any recommendations of the Affordable Housing Strategy to be implemented.

#### Employment and Economic Development Strategy

The CCDSP sets out employment self-sufficiency targets and the 'Development Area' provisions set out the requirement for Local Structure Plans to identify the specific measures to achieve these targets.

The land use plan has a significant impact on the employment self-sufficiency targets. If the CCDSP Part 2 is adopted prior to the Employment and Economic Development Strategy being completed this makes it more difficult to make changes to the land use plan if they are required.

The proponent has provided Employment and Economic Development Strategy in support of the CCDSP Part 2, which was a requirement of Council's decision of 14 July 2011.

The report provides a logical and feasible outline for how the employment self-sufficiency targets can be met under a high and moderate growth scenario. The last chapter of the report outlines the employment initiatives required to achieve the two scenarios.



Inclusion of a further chapter to outline the implementation approach for LandCorp and other relevant agencies/stakeholders to facilitate the successful deliver of the initiatives is needed. This would ensure all affected parties can have a clear picture of implementation measures proposed, minimise potential for duplication and assist in applications for grant funding if sought. This could include actions, potential partnerships, areas of research, feasibility studies, critical threats, opportunities and timeframes.

### Requirements for Further Studies

The proposed provisions set out the requirements for important future studies to be undertaken, including the following:

- \* Local Water Management Strategy
- \* Noise and Vibration Management Plan
- \* Cultural Heritage Strategy (European and Indigenous)
- \* Public Art Strategy
- \* Coastal Risk Management Plan
- \* Foreshore Management Plan
- \* Fire Management Plan(s) (where relevant)

For some of these studies the provisions also set out the scope and content of the studies, to ensure that critical matters are addressed.

### Existing Businesses/Land Uses

It is acknowledged that there are a number of existing businesses and land uses (most of an industrial nature) within the Cockburn Coast area that will continue to operate into the future, dependent on the aspirations of landowners.

Under the Scheme, when the zoning changes to 'Development' zone any existing lawful development within the area that would not ordinarily be permitted under the new proposed zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change. Non-conforming use rights also allow the carrying out of development that was approved prior to the date of gazettal of the zoning change.

Pursuant to clause 4.9 of the Scheme a person cannot alter or extend a non-conforming use without planning approval. If a non-conforming use is discontinued for a period of six months the use of the land and buildings thereafter must be consistent with the provisions of the Scheme relating to the new zoning.



### Future Scheme Amendment – Development Contribution Area(s)

The proposed 'Development Area' for Cockburn Coast will be subject to another amendment to the Scheme in the future to introduce a new 'Development Contribution Area' ("DCA"), or a number of 'Development Contribution Areas' (depending on the infrastructure items and the method of apportionment).

The purpose of a DCA is to:

- Identify areas (DCA) requiring Cost Contributions that relate to subdivision and development.
- Provide for the equitable sharing of costs of Infrastructure between owners, and in particular, to ensure that Cost Contributions are only required towards such Infrastructure as is reasonably required as a result of the subdivision and development of land in the DCA.
- Co-ordinate the timely provision of infrastructure.

The DCA cannot be introduced at this stage as part of Amendment No. 89 because a Development Contribution Plan ("DCP") (which will accompany the amendment) is still in the process of being developed, and because the items will arise from local structure planning.

State Planning Policy 3.6: Development Contributions for Infrastructure ("SPP 3.6") will provide the overarching statutory guidance as to the type and extent of infrastructure which can be included in the DCP.

LandCorp have engaged APP Corporation Pty Limited to prepare the DCP, and they are currently finalising a Directions Report to assess the infrastructure items to be included in the DCP and develop key principles to underpin preparation of the DCP and cost apportionment methodology. The key outcomes sought by this report include:

- A comprehensive list of all infrastructures identified for inclusion in the DCP.
- Indicative costs where known for infrastructure.
- Cost apportionment principles (calculation method).
- Identification of key DCP mechanisms (i.e. timing, indexation, works in kind).

### Community Consultation Outcomes

The Draft CCDSP Part 2 and Amendment No. 89 were advertised for public comment for a period of 42 days, ending on 1 December 2011.



A total of 45 submissions were received, with 13 submissions of support, 26 submissions expressing concerns or objecting, and six providing comments.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 7). The key issues that have been raised are discussed in further detail below.

### *Waste Water Pumping Station*

An objection was received from the Water Corporation expressing concern regarding the proposed buffer included within the Draft CCDSP Part 2 for the Fremantle Waste Water Pump Station No.1 (Bennett Avenue) (Reserve 5239) and the required odour buffer around the pump station.

Previously the Water Corporation had advised that the capacity of the waste water pumping station would increase, thereby requiring a larger buffer of 150m buffer. However in October 2011, in response to direct approaches from landowners within close proximity of the Bennett Avenue pump station, the Minister for Water directed the Water Corporation to limit the planned ultimate capacity of the pump station to a maximum of 350 Litres/second. This means that there will be no need to implement a larger 150m radius odour buffer required under EPA Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses) for pump stations >350l/s.

EPA Guidance Statement No. 3 specifies that the separation distance for wastewater pumping stations (</350L/s) is 50m. This is to be measured as the shortest distance between the boundary of the area that may potentially be used by an industrial land use, and the boundary of the area that may be used by a sensitive land use.

The CCDSP 2009 identified a 50m buffer from the boundary of Reserve 5239, and it is therefore not considered appropriate that the CCDSP Part 2 indicate a buffer from the wet well.

It is recommended that CCDSP Part 2 be modified to reflect a 50m buffer from the boundary of the waste water pumping station site (Reserve 5239). Specifically the following modifications are recommended:

1. *Adjustment to the Land use plan and Building height plan (Figures 29 and 31) so that no sensitive land uses are located within 50m from the boundary of the waste water pumping station site (Reserve 5239).*



2. *Section 10.4 of the CCDSP Part 2 being modified to identify a 50m buffer from the boundary of the wastewater pumping station (Reserve 5239), rather than the wet well.*
3. *Section 10.4 (Wastewater Pump Station) being amended as follows:*
  - *All references to the required buffer stipulating the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3.*
  - *Figure 79 depicting a 50m buffer from the boundary of Reserve 5239 (wastewater pumping station site), rather than the wet well.*
  - *Delete references to a requirement for a 150m buffer, and instead make reference to the recent decision of the Minister for Water to direct the Water Corporation to limit the planned ultimate capacity of the pump station to a maximum of 350 Litres/second, in order to avoid the need to implement a larger 150m radius odour buffer required under EPA Guidance Statement No.3 for pump stations >350l/s.*
  - *Section 9.1.1.1(Sewerage) being amended to refer to the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3, and the delete references to the potential requirement for an increase in capacity to 350 Litres/second.*

#### *Material Recovery Facility*

A submission was received from the proponent of Lot 1 Bennett Avenue, North Coogee expressing concern that once Amendment No. 89 is gazetted there will be no ability for Council to approve an extension to the existing use (material recovery facility), which represents a large capital investment. Their concern is that the market for housing, including apartments, is currently depressed, and market conditions may lead to delays in the redevelopment of particular sites. They therefore request that interim usage should be permitted to occur where amenity impacts are minimised.

Scheme Amendment No. 82 proposed provisions to potentially allow a one off extension of up to five years to the current planning approval which is due to expire on 12 January 2013 where it was considered:





- An extension in planning approval will not inhibit the ability for adjoining or nearby land to be developed for residential or other urban purposes.
- An extension in planning approval will facilitate the orderly transition of the existing use away from the land.

It had been anticipated that Amendment No. 82 would be gazetted ahead of proposed Amendment No. 89, and could then facilitate a range of benign light industrial uses in the interim period. As discussed earlier in this report, this has not occurred and it is recommended the Department of Planning should be advised in writing that in their consideration of Amendment 82, RU9 simply needs to be deleted from Schedule 3 and there is no need to introduce SU26 into Schedule 4.

Regardless, the current use is an 'Industry - General' use pursuant to the Scheme, and it is not considered that further extensions to existing 'Industry – General' uses, or establishment of new 'Industry – General' uses is appropriate in Cockburn Coast because they are incompatible with urban development due to off-site impacts. This is why changes to 'RU 9' envisaged by Amendment No. 82 generally only allowed for a range of benign light industrial interim uses subject to five year approvals.

Pursuant to clause 6.2.4.2 of the Scheme, there is discretion for development to be approved prior to the adoption of a local structure plan coming into effect if the local government is satisfied that the development will not prejudice the specific purposes and requirements of the 'Development Area'. However, once a local structure plan(s) is adopted for the area all development will need to be consistent with the zonings and requirements set out in the local structure plans. It is not considered that the waste recovery facility is a use that is consistent with the proposed objectives of the 'Development Area', as it is not compatible with residential development or sensitive land uses generally.

It is therefore not recommended that any further changes be made to the proposed 'Development Area' provisions to facilitate an extension to this use.

#### *Interim Uses*

A number of submissions from landowners within the Cockburn Coast area raised concerns regarding the fact that once Amendment No. 89 is gazetted there would be no discretion for other interim uses (such as 'light industrial' uses) to be approved within the Cockburn Coast area. This included concerns relating to utilising vacant land, and extensions of current approvals for existing uses.



Pursuant to clause 6.2.4.2 of the Scheme, there is discretion for development to be approved prior to the adoption of a local structure plan coming into effect if the local government is satisfied that the development will not prejudice the specific purposes and requirements of the 'Development Area'. However, once a local structure plan(s) is adopted for the area all development will need to be consistent with the zonings and requirements set out in the local structure plans.

#### *Potential Marina*

The draft land use plan advertised for public comment included an indicative marina shown adjacent to the South Fremantle Power Station. The potential for a marina forms part of the master planning for the South Fremantle Power Station site, which is still zoned 'Urban Deferred' under the MRS.

Four objections were received in relation to the "potential marina" depicted in the Draft CCDSP Part 2. These objections primarily related to the lack of detail available regarding the design of the marina, which made it difficult for submissioners to determine the potential impact. Concern was expressed that endorsement of the CCDSP Part 2 with the inclusion of the "potential marina" will make it a seriously entertained proposal, and that this was inappropriate given that the community have had very limited information.

It is considered that this is a valid concern, and it is evident that the lack of detail regarding the "potential marina" has made it difficult for comments to be provided. It is therefore recommended that the "potential marina" annotation and indicative marina be removed from the CCDSP Part 2 and be replaced by an annotation as follows:

*'The Power Station precinct local structure plan is to adequately demonstrate how the coastal zone and associated ocean area is to be managed into the future. The extent of such consideration is to be in accordance with the boundary delineated on the CCDSP Part 2.'*

This means that any proposed local structure plan for the Power Station precinct will need to identify details regarding any proposed marina and the treatment of coastal zone, which will be subject to community consultation in accordance with the Scheme.

In addition, any proposal to lift the 'Urban Deferment' of this land will need to address certain criteria. This includes a detailed masterplan, separate from the local structure plan required for the broader Power Station precinct, for Lots 2, 3 and 2167 Robb Road. The masterplan is to be acceptable to the WAPC and must demonstrate consideration of,



amongst other criteria, consideration of the appropriate use of the foreshore area abutting the masterplan area.

### *Fremantle Village Caravan Park*

There were six submissions received raising concerns regarding the impact of the CCDSP Part 2 on the Fremantle Village Caravan Park. These were primarily from residents of the Caravan Park who are residing in park homes that they own, located on a site that they lease. The Fremantle Village Caravan Park is located within the City of Fremantle, and is therefore not subject to Amendment No. 89. While it was located within the CCDSP 2009, it is located outside the CCDSP Part 2 area, and will be subject to a separate structure planning process pursuant to City of Fremantle Town Planning Scheme No. 4.

A number of these submission have requested that another caravan park site be included within the CCDSP Part 2 to accommodate residents of the Fremantle Village Caravan Park should it be redeveloped in the future. The endorsed CCDSP 2009 did not contemplate the inclusion of a caravan park. In addition, the City of Cockburn has existing caravan parks at Coogee and Woodman Point, and has not identified any additional strategic locations for caravan parks. The planning for an alternative site and relocation of residents from the Fremantle Village Caravan Park is a matter for consideration by the City of Fremantle should redevelopment of the site be proposed.

### *Contaminated Sites*

Historically, the predominant land use in Cockburn Coast has been industrial, with a cluster of industries such as the abattoir, tannery, marshalling yards and the power station.

The Department of Health and Department of Environment and Conservation have raised concerns regarding potential public health impacts arising from remediation requirements for the extensive site contamination. While sections 4.3.9 and 10.3 of the CCDSP Part 2 acknowledge the extent of contamination and need for investigation and remediation prior to subdivision and/or development, the Department of Health are concerned that no information has been provided about the mechanisms for management of contamination, or the stages of development during which these will occur.

It is agreed that there is significant advantages to taking a strategic approach to contaminated sites, rather than leaving it to be dealt with on a site by site basis as development occurs. It is noted that doing this will enable opportunities to be identified to manage contamination through the land use plan.



The CCDSP 2009 identified that while the *Contaminated Sites Act 2003* is the main mechanism for identifying and managing known and suspected contaminated sites, the planning process remains the most effective mechanism for the identification and subsequent management of unknown contaminated sites. In essence, the land use planning process operates in parallel to the *Contaminated Sites Act 2003*.

Section 3.3.4 of the CCDSP 2009 sets out the requirements for local structure plans as outlined in the Scheme, but also stipulates that in addition to these standard requirements it may be necessary for additional inclusions due to the nature of development and the current site context. This includes addressing existing and previous industrial uses, buffer requirements, transitional arrangements and site remediation requirements.

It is therefore recommended that this matter be dealt with comprehensively at the local structure planning stage, and that additional requirements be included within the proposed 'Development Area' as requirements for local structure plans as follows:

### 3.19 Contaminated Sites

- (i) *Describe how contaminated sites will be (or have been) suitably dealt with across the whole Local Structure Plan area in accordance with the Contaminated Sites Act 2003.*
- (i) *Describe how the land use plan responds to issues of contamination across the whole Local Structure Plan area.*
- (ii) *Detail for each lot contained within the whole Local Structure Plan area whether the lot has, or has not been, reported to DEC as a potentially contaminated site. Where a lot has not been reported to DEC then details of previous and historic land uses to justify the conclusion the site is not potentially contaminated shall be provided in the Local Structure Plan report.*

It is also recommended that Section 10.3 of the CCDSP Part 2 be amended to reflect the requirement for local structure plans to address contamination issues, rather than being left to the subdivision and/or development stage.

### *Active Playing Fields*

At the meeting of 14 July 2011 Council resolved that the CCDSP Part 2 was to be adopted subject to, amongst other things, inclusion of a concept plan demonstrating that the active playing field meets the Australian Standard for a minimum size. This was demonstrated



through a more detailed concept plan prior to advertising, and was included in the Draft CCDSP Part 2 advertised for public comment.

However, the City's Recreation Services have reviewed the plan and consider that the site is very restricted.

At the time the City's Sport and Recreation Plan was being developed, the CCDSP 2009 showed the playing field as an area of POS that was approximately 3ha in size, and would just be able to accommodate the needs of organised sports for mainly juniors and some senior sports. Given the more recent population figures presented, this POS now has significant importance in providing space to the immediate community that will be seeking to take part in organised sports at both junior and senior levels. It is therefore critical that enough space is allocated to allow for multipurpose sports with AFL and cricket being the two identified sports required to service this area.

It is considered that the current design still lacks enough space due to various constraints such as road reserves, the school site and retention of heritage trees. The effects of not providing adequate space will result in overuse and possible closure of the reserve given the amount of traffic the reserve will take (including the use by the school).

Whilst the oval size is 135m x 110m (which is the minimum Australian Standard for AFL), it is preferable to have a larger sized oval so that senior football can be accommodated with better overflow to allow for training. Ideally the oval would have a minimum size of 155m x 115m.

It appears that it may be possible to accommodate this larger oval size if the eastern boundary is shifted further east slightly. It is therefore recommended that investigations be undertaken to shift the north south road westward to allow greater space on the western side of the playing fields. It is considered that it is possible to achieve this without any other negative impacts on the plan.

#### *Emplacement Crescent Public Open Space*

During Cockburn Coast stakeholder and landowner workshops held in early 2011, several landowners in the Emplacement Crescent Precinct expressed concern with the impact the proposed POS link through lots 114, 115 and 116 would have on the redevelopment potential of each lot. It was agreed during this process that the portion of the POS link through the Emplacement Crescent Precinct would be investigated in consultation with the affected landowners.

LandCorp have subsequently engaged in discussions with landowners to consider several alternative POS options that would achieve a balanced outcome. An alternative option is included at Attachment 8,



and has been identified by LandCorp as the preferred option. This option establishes a usable linear POS that incorporates the heritage listed Gun Emplacement, and establishes a view corridor for the Gun Emplacement which is a preferred outcome from a Heritage perspective.

To maintain the 'Ocean to Beeliar Reserve' concept in the broader CCDSP Part 2, the revised POS maintains the pocket park adjacent to Beeliar Regional Reserve and establishes a boulevard in the southern portion of Emplacement Crescent Road Reserve. This links both the pocket park and POS link through Robb Jetty Precinct. The new proposal provides adequate POS for the Hilltop/Emplacement Crescent Precinct.

The revised plan will allow the balance of Lots 114, 115, 116 and 120 Emplacement Crescent to stand alone as separate development parcels with vehicle access directly from Emplacement Crescent.

This plan has been generally met with landowner support, and it is recommended that CCDSP Part 2 be modified to reflect the POS shown in Attachment 8.

#### Other Recommended Modifications

##### *Existing Industrial Operations*

Subsequent to Amendment No. 89 being gazetted existing uses (operating under current and valid planning approvals) are afforded non-conforming use rights, and can continue to operate in accordance with those approvals (and any environmental approvals). Some of these uses have off-site impacts and therefore have the potential to conflict with future urban development.

This issue was discussed in the endorsed CCDSP 2009, whereby Section 3.4 (Transitional Arrangements) outlines that specific consideration would need to be given to transitional arrangements, given the potential land use conflict between current and proposed development. The CCDSP 2009 outlines the principles of transitional arrangements, and specifies that the local structure plans should implement the detail.

This is further supported by the MRS Amendment No. 1180/41 Cockburn Coast District Structure Plan Report on Submissions, whereby the Hearings Committee agreed that the transition from industrial to urban development will need to be carefully managed. The Hearings Committee was satisfied that the issue could be managed "through the implementation of the EPA Guidance Statement No. 3 separation distances between industrial and sensitive land uses



(2005) which should be implemented at the local structure planning stage”.

The Draft CCDSP Part 2 (Section 4.4.4) also outlines that local structure plans will be required to identify appropriate buffer and interface requirements in further detail.

To ensure that this matter is addressed through the local structure plans it is recommended that additional provisions be included in proposed ‘Development Area No. 33’ as follows:

### *3.20 Existing Development*

- (i) *Identify and describe any existing lawful development within the Local Structure Plan area which has associated offsite impact(s).*
- (ii) *Identify and describe how future land use and development in accordance with the Local Structure Plan will be managed so that areas experiencing offsite impacts from existing lawful development are either avoided or managed.*

### *Power Station Site Zoning*

When Scheme Amendment No. 89 was adopted by Council for advertising it did not include the South Fremantle Power Station site. It was considered at the time that this would be subject to a separate amendment to introduce a separate ‘Development Area’.

This site has been rezoned to ‘Urban Deferred’ under the MRS as part of MRS Amendment No. 1180/41 and has consequently been left unzoned in the Scheme. Upon further consideration it is considered appropriate to rezone the site to ‘Development’ zone, and include it within ‘Development Area (No. 33)’. It is considered that the requirement for the preparation of a comprehensive masterplan to lift the ‘Urban Deferment’ (amongst other criteria), in addition to the required Local Structure Plans will be ensure relevant issues are appropriately dealt with.

### *Minor Modifications*

A number of other minor modifications are recommended in response to submissions that have been received (outlined in detail in the Schedule of Submissions), including the following:

- Inclusion of an annotation on Figure 31 (Land use plan) outlining the requirement for at-grade crossings will need to be designed,



constructed and maintained to the satisfaction of the Office of Rail Safety, within the Department of Transport.

- Inclusion of references within the CCDSP Part 2 report to the role of urban corridors with reference to the future function and surrounding land use of Cockburn Road and Cockburn Coast Drive, as outlined in the Connected City model in Directions 2031 and Beyond.
- Modification to Table 5 (Provision of Public Open Space) to refer to the 'gross subdivisible area' rather than 'gross residential area', in accordance with Table 11 of Liveable Neighbourhoods.
- The annotation of 'low density residential' in Figure 31 (Land use plan) being amended to refer to 'medium density' to more accurately reflect the proposed building heights (3-5 storeys).
- Requirement for a Local Structure Plans to include Flora and Fauna Surveys where bushland may be impacted upon.
- Section 11.1.1 (Metropolitan Region Scheme) being updated to reflect the gazettal of the MRS amendment for the Cockburn Coast area.

### Conclusion

The CCDSP provides the highest level of strategic guidance for the Cockburn Coast area, and the CCDSP Part 2 represents a further level of planning refinement.

It is therefore recommended that Council adopt the CCDSP Part 2 for the purposes of providing a guiding document to inform the preparation of future Local Structure Plans within the Cockburn Coast area, subject to the modifications outlined in this report and the recommendation.

Amendment No. 89 sets the framework for the coordinated development of the Cockburn Coast area in a manner that ensures the objectives of the CCDSP are achieved. It is therefore recommended that Council adopt the amendment for final approval, subject to modifications.

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

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

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





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

### **Employment and Economic Development**

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

### **Natural Environmental Management**

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

### **Transport Optimisation**

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

### **Budget/Financial Implications**

The Scheme Amendment fee has been calculated in accordance with the Planning and Development Regulations 2009, and has been paid by the applicant.

### **Legal Implications**

N/A.

### **Community Consultation**

In preparing the Cockburn Coast District Structure Plan, the Department of Planning undertook an extensive consultation process. Initially, meetings were undertaken with stakeholders, community members and landowners. Following this, several variations of the plan were tested in conjunction with the Cockburn Coast reference group, comprising landowners, residents, community members and Government stakeholders. Further consultation was then undertaken through the statutory process period prior to adoption by the WAPC.

Following completion of the DSP by the Department of Planning, LandCorp as the State's land development agency and key proponent of the Cockburn Coast project has undertaken further consultation with stakeholders, landowners within the project area and Government agencies in preparing this Master Plan.

In May 2010 LandCorp undertook an information session informing landowners and stakeholders of LandCorp's intention to commence the master planning process. LandCorp then facilitated two workshops to



explore master planning options (4 September 2010 and 20 November 2010).

In May 2011 Landcorp undertook three information sessions (one for each proposed Local Structure Plan area) with landowners and government agencies regarding the Draft Master Plan, outlining the modifications that had been incorporated into the Master Plan from the previous drafts seen by landowners.

#### Advertising of the Draft CCDSP (Part 2) and Amendment No. 89

Prior to advertising the Amendment was also referred to the Environmental Protection Authority (EPA) for their advice that the proposal is environmentally acceptable.

The Cockburn Coast District Structure Plan (Part 2) and Amendment No. 89 were advertised concurrently by the City for a period of 42 days. This is the statutory timeframe required for advertising of Scheme Amendments pursuant to the *Town Planning Regulations 1967*.

Advertising included the following:

- Letters to all landowners with Cockburn Coast, Port Coogee, South Beach and the Newmarket precinct, and a number of landowners within nearby parts of Hamilton Hill.
- Notices in the Cockburn Gazette inviting comment and inviting community members to attend an Information Evening.
- Displays at the City's administration building, the City's libraries and Phoenix Shopping Centre.
- An information evening held on Wednesday 9 November at the City of Cockburn, attended by staff from the City of Cockburn, Landcorp and their consultants involved in preparing the proposals. All landowners who received letters were invited to attend the information evening, and the displays at the City's administration centre, libraries and Phoenix Shopping Centre also invited community members to attend.

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

1. Cockburn Coast District Structure Plan (2009).
2. Draft Cockburn Coast Master Plan Part 2 (Land Use Plan).
3. Draft Cockburn Coast Master Plan Part 2 (Height Plan).
4. Cockburn Coast Local Structure Plan areas.
5. Scheme Amendment No. 89 Draft 'Development Area 33' provisions.



6. Cockburn Coast Integrated Transport Plan – Recommended Transit and Core Areas Alignment.
7. Schedule of Submissions.
8. Proposed modification to Emplacement Crescent Public Open Space.
9. Existing zoning plan.
10. Proposed zoning plan.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 February 2012 Council Meeting.

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

Nil

CLR SMITH RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 8.04 PM.

#### **14.3 (MINUTE NO 4707) (OCM 09/02/2012) - PROPOSED CITY OF COCKBURN (LOCAL GOVERNMENT ACT) JETTIES, WATERWAYS AND MARINA LOCAL LAW (1126) (P WESTON / D ARNDT) (ATTACH)**

##### **RECOMMENDATION**

That Council:

- (1) pursuant to section 3.12(4) of the Local Government Act 1995 proceed to make the *City of Cockburn (Local Government Act) Jetties, Waterways and Marina Local Law 2012*; 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 V Oliver 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 9 April 2009 (Minute No 3929) state wide public notice was given in the 'West Australian' newspaper on 16 September 2011 stating that:

1. The City of Cockburn proposed to make the Jetties, Waterways and Marina Local Law.
2. A copy of the proposed local law may be inspected or obtained from places specified in the state wide notice.
3. Submissions about the proposed local law may be made to the City of Cockburn before the day specified in the notice, being a day that is not less than six (6) weeks after the notice was given, that being 28 October 2011.

A report was tabled at the Ordinary Council Meeting of 8 December 2011, where it was resolved to defer the matter, to the meeting of Council on 9 February 2012, due to the Department of Local Government requesting further information on elements of the proposed Local Law.

Officers from the City met with a representative from the Department on 12 January 2012 and the attached Local Law Gazette Notice has been amended following clarifications and appropriate recommendations made during that meeting. The meeting also allayed potential concerns of the Department.

Following this meeting and a subsequent comparison with other local government marina local laws, the Draft has been amended to include:

1. Reference to Australian Standards in the definitions.
2. The inclusion of the definition of 'animal'.
3. The inclusion of the definition of 'bait'.
4. The inclusion of the definition of 'fishing net'.
5. The inclusion of the definition of 'reasonable notice'.
6. The inclusion of the definition of 'regulations'.
7. The inclusion of the definition of 'State Authority'.
8. Minor variation to the wording of Clause 2.7 - 'Restrictions on Vessel Anti Fouling Paint'.
9. Variation to the wording of Clause 4.9 - 'Obstruction of Public Jetty or Bridge'.
10. The inclusion of Clause 4.13 - 'Application for Consent'.
11. The removal of the licence provisions in Part 7 - 'Use of Marina'.
12. The re-numbering of clauses in Part 8 - 'General Provisions'.
13. The inclusion of Clause 8.1 - 'Notice of Breach'.



14. The modifying of Clause 8.3 to include 'subsequent breach' penalties.
15. Inclusion of contemporary penalty provisions with modified penalties for first and subsequent offences.

### **Submission**

To adopt the *City of Cockburn (Local Government Act) Jetties, Waterways and Marina Local Law 2012*.

### **Report**

It is now proposed that Council resolve to make the *City of Cockburn (Local Government Act) Jetties, Waterways and Marina 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.

It is proposed that the Marina Manager, once appointed, will be provided with 'authorised person' status for the purpose of administering the local laws.

### **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**

Costs associated with the establishment of the Jetties, Waterways and Marina Local Law will be met within current budget allocations.

#### **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 state wide public notice, on 16 September 2011. No submissions were received.

### Attachment(s)

Draft City of Cockburn Jetties, Waterways and Marina Local Law 2012.

### 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 4707) (OCM 09/02/2012) - LIST OF CREDITORS PAID - NOVEMBER 2011 AND DECEMBER 2011 (FS/L/001) (N MAURICIO) (ATTACH)

#### RECOMMENDATION

That Council receive the List of Creditors Paid for November 2011 and December 2011, as attached to the Agenda.

#### COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver 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 November 2011 and December 2011 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)**

1. List of Creditors Paid – November 2011
2. List of Creditors Paid – December 2011.

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

N/A

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

Nil.

**15.2 (MINUTE NO 4708) (OCM 09/02/2012) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - NOVEMBER 2011 AND DECEMBER 2011 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statements of Financial Activity and associated reports for November 2011 and December 2011, as attached to the Agenda.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver 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

As a consequence of no meeting being held in January, Council is required to receive the monthly financial statements for both November and December at the February meeting. This report however, is only addressing the December results, being the most current & relevant.

### Closing Funds

The City's closing funds of \$58.8M at 31 December were \$6.9M higher than the YTD revised budget. This is broadly representative of continuing favourable operating revenue and expenditure numbers.

The full year revised budget is showing a closing surplus position of \$133k, up on the \$30k adopted in the annual budget. This increase is primarily due to the final declared amount of Financial Assistance Grants (FAGS) payable to the City being slightly more than budgeted.

The revised closing budget position may fluctuate moderately throughout the year, as minor adjustments and budget corrections are made. Whilst this allows for more dynamic and relevant budgetary control, all new and significant funding requirements are brought to Council for approval in accordance with policy. Those budget adjustments made throughout the year that have impacted the closing budget position are outlined in Note 3 to the financial report.

### Operating Revenue

Overall, operating revenue is tracking ahead of budget by \$4.5M, an increase of \$0.6M over last month and \$2.1M over October. This continues to be impacted by several main items. Interest earnings on investments were \$0.6M ahead of YTD budget due to the strong cash flow position. Rates revenue was also \$0.8M ahead of budget. Revenue from the Henderson Waste Recovery Park was \$2.1M ahead of budget due to continuing strong tonnage through the business. Revenue from Building Licences bucks the general trend being down just over \$0.2M.

### Operating Expenditure

Operating expenditure is showing an overall underspend of \$3.4M (8% of the YTD budget), which has increased by \$0.8M from last month. Key contributors to this result include:

- a YTD under spend of the Council grants program of \$0.5M,
- general budget under spend in Parks & Environmental Services of \$0.7M,



- general budget under spend in Roads Maintenance & Construction Services of \$0.6M, including an allocation of \$0.3M for underground power.
- Increased tonnage through Henderson Waste Park has led to an unfavourable variance of \$0.7M in the cost of the landfill levy.

Most of the above mentioned budget variances are due to timing issues (other than the landfill levy). The operational expenditure budget is anticipated to closely approximate budget settings the further the year progresses.

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                | \$16.22M | \$17.94M           | 10%                    |
| Materials and Contracts       | \$14.87M | \$16.21M           | 9%                     |
| Utilities                     | \$1.72M  | \$2.04M            | 19%                    |
| Insurances                    | \$1.74M  | \$1.67M            | -4%                    |
| Other Expenses                | \$2.71M  | \$3.99M            | 32%                    |

There is a lag effect in the recording of materials & contracts and utility costs and the budget gap should close at the end of the financial year. Employee costs are also expected to increase during the remainder of the year as vacant positions are filled.

### Capital Program

The City's capital budget is showing an overall under spend of \$6.2M against a YTD budget of \$18.5M. This has increased sharply from the reported November variance of \$1.3M, where project cash flows were recast. Before then, the October underspend had been \$9.7M. This reflects a number of big value projects being delayed for various reasons.

Capital related funding is conversely down \$8.9M against the ytd budget, largely as a result of the capital expenditure under spend. The main impacts are Council's cash reserves at \$3.5M and loan funds of \$3.9M. The need for loan funding in 2011/12 is being reviewed as a consequence of the better than expected closing funds position for the 2010/11 year and delayed spending of several large projects. This will be addressed in the mid-year budget review.

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 increased to \$110.6M (from \$107.9M last month), mainly due to the third rates instalment falling due and proceeds from the sale of lot 183 Southwell Crescent. This is \$8.9M ahead of YTD budget estimates due to the impact of the capital budget variances, as well as the favourable position of the operating budget. This position will continue to boost the City's interest earnings and is timely given interest rates have fallen across the board following recent RBA decisions to ease monetary policy. This response to a weakening world economy is likely to continue and interest yields are expected to continue falling.

Of this total cash and investment holding, \$50.8M represents the City's cash reserves, whilst another \$5.8M is held for other restricted purposes such as bonds and capital contributions. The balance of \$54.0M represents the cash and investment component of the City's working capital, available to fund operations and the municipal funded portion of the capital program.

The City's investment portfolio made an annualised return of 6.13% for the month, versus the BBSW benchmark performance of 4.85%.

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 value has been recently.

## 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).

### Differential Rates – Resources

The 2011/12 Municipal Budget was adopted on 12 June 2011, which included a typographical error for the Rates classification Resources General. The rate was advertised at \$0.0018 in the dollar of Unimproved Value. The rate assessment notices were issued subsequently at \$0.0022 in the dollar of Unimproved Value. Council amended this on 11 August 2011 and new rate assessment notices were sent.

The budget adopted by Council contained the word "cents" when it should not have. Legal advice from Mr Neil Douglas of McLeod's confirmed that the objections failed section 6.76 of the Local Government Act but a "Resolution of Note" should be tabled at the next ordinary Council meeting noting that the word cent should not have been included. Council does not accept reports where the only action is to note the tabled report, hence the inclusion of this comment in the report.

The amended rate assessments were sent with the correct rate in the dollar to affected ratepayers. The two objectors have also been advised of the outcome of their objection in accordance with the Local Government Act. There are no budget implications. The majority of the rates have now been paid.

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

#### **Governance Excellence**

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

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

Material variances identified of a permanent nature (i.e. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item). These have been assessed and included in the mid-year budget review where appropriate.



**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated Reports – November & December 2011.

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

N/A

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

Nil.

**15.3 (MINUTE NO 4709) (OCM 09/02/2012) - REVIEW OF BUSINESS PLAN 2011/12 AND BUDGET REVIEW PERIOD ENDING 31 DECEMBER 2011 (IM/B/006; IM/B/007) (S DOWNING) (ATTACH)**

**RECOMMENDATION**  
That Council

- (1) receive the Business Plan Review for 2011/12; and
- (2) amend the Municipal Budget for 2011/12 as set out in the Schedule of Budget amendments, as attached to the Agenda; and
- (3) create two Reserve accounts in accordance with Section 6.11 of the Local Government Act which are named:
  1. Bibra Lake Management Plan Reserve, and
  2. Environmental Offsets Reserve.

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

**COUNCIL DECISION**  
MOVED Clr T Romano SECONDED Clr S Portelli that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## **Background**

Section 33A(1) of the Local Government (Financial Management) Regulations 1996 requires Council to review its annual budget between 1 January and 31 March in each year.

Council adopted its annual Business Plan at the Ordinary Council Meeting in June 2011. In accordance with Policy SC34 *Budget Management*, a formal report on the progress of the Plan is to be presented at the February 2012 Ordinary Council Meeting.

## **Submission**

N/A

## **Report**

### Business Plan Review 2011/12

The attached Business Plan Review outlines the progress made in achieving Council's business activity plan and program budgets for the FY 2011/12. The review identifies that the operational income and expenditure forecasts are running close to expectations. There has also been considerable progress in achieving the program objectives of each of the City's Business Units.

The capital works program is progressing, but with year-to-date expenditure being behind projections on a cash basis. The majority of capital works will still be delivered as per the Budget. Further details on the Business Plan are available in the attachment.

### Mid-Year Budget Review

A detailed report on the review of the Municipal Budget for the period 1 July 2011 to 31 December 2011 is attached to the Agenda. The report sets out details of all proposed changes and a brief explanation as to why the changes are required. All forecasts are post allocation of ABC cost charges or income recoveries. A list of significant revenue and expenditure items are noted below with a detailed budget reference linking to the attached schedules.

### Rating Income

There is additional income from interim rating for this budget review. The City is still benefiting from growth in commercial and industrial land and associated developments. What has been slow in the first half of the financial year are housing starts and limited land releases for



residential housing. There has been limited new subdivision work in the commercial and industrial parts of the Cockburn Commercial Park as well as Phoenix Business Park being rated for the first time and more completed developments at Jandakot City. The estimate for additional rating income is \$700,000. There could be additional rating income in the second half of the financial year but this will depend on major industrial projects being completed and rated.

### Interest Income

Interest rates on deposit funds with major financial institutions have been maintained at around 5.5% pa although the interest rate curve is falling with rates on offer also falling in line general expectations that the RBA will continue to cut interest rates over the next six months. Overall this will add approximately \$150,000 to the Municipal Fund interest income account. However, interest in Reserve funds was under budgeted by approximately \$700,000 primarily due to higher balances in Reserves including Waste Management (Disposal and Collection), Land Development and POS Land. Interest income from Reserve funds will increase and will go directly to the Reserve fund, unfortunately not impacting of the budget surplus for 2011/12.

### Federal Grants

The Financial Assistance Grant received for the 2011/12 financial year will exceed the budget by \$96,000. In addition there are several other minor income items totalling \$7,000 that will exceed their budgets. These were adjusted during the first half of the financial year.

### Waste Related Income

Overall Landfill income will increase by an estimated \$1.67M. The majority of this will be from Gate Fees arising from stronger activity in the commercial disposal sector. This but will be offset by an increase in the landfill levy paid to the State Government. The Landfill Levy budget will increase from \$4.1M to \$6.4M for 2011/12. This is due to additional tonnages through the Gate but also provisioning for a potential claim. Royalties from the sale of landfill gas to Waste Gar Resources have been budgeted to increase by \$43,000. Sales in the Recycling Shop have also been budgeted to increase by \$30,000 and sales of iron and non-ferrous metals have been budgeted to increase by \$75,000.

Overall the landfill is budgeted to produce a surplus for 2011/12 after all expenditure (including landfill levy) and transfers to reserves of \$831,000. The benefits of in-sourcing are still yet to be reflected in the bottom line, this is expected to have a larger impact in 2012/13.



Waste Collection Levy income will be higher by \$200,000 resulting from higher interim rates. There will also be greater savings from the renewed recyclables' contract of \$300,000. This in turn will be used to fund the higher costs of the waste collection service resulting from higher tonnages collected from MSW bins and disposed of at the SMRC for the first five months of the financial year. It is noted that the higher tonnages of MSW waste have significantly fallen so the forecast is for a small deficit or breakeven outcome. This budget has a zero impact on the municipal budget as all funds are quarantined within the Waste Collection Reserve.

*Major Expenditure Items*

Comments are provided on major items of \$30,000 or over.

Impairment Charge

The impairment charge of \$1.57M is a reversal of an amount provided as at 30 June 2011. The amount reflected the diminution of the carrying amount as at balance date only and reversed on 1 July 2011. The belief is that the amount will be fully recovered when the capital is repaid. The asset is the Emerald Reverse Mortgage investment. There is no impact on the municipal fund as the charge impacted on reserves as does the reversal of the charge.

Information Technology

An additional amount is sought for the rollout out of new desktops for the City's 400 employees requiring a desktop computer. Rather than have a two year rolling program, the City will replace all computers in one period, saving is help desk costs and standardising all employees on the same equipment.

A further amount of \$63,500 is requested as part of the Asset management system implementation program. This is requested so as to match the \$100,000 grant provided by the State Government.

Law and Order

Additional revenue from parking infringements is anticipated at \$58,050, but partially offset with higher legal costs of \$16,000 and printing \$6,000 in printing new books.

Men's Shed

An amount of \$15,000 has been provided to fund the study as per Council's resolution.





### Building Services

Funds of \$50,000 are no longer required at the depot for storage.

### Health Services

A Budget has been set up for the Healthy Communities totalling \$189,000. This program has been fully funded by the Federal Government and has no impact on the municipal fund.

An amount of \$62,500 is sought for the Travel Smart officer. This was overlooked by the relevant manager even though the employee has been employed for at least 12 months. This cost has been offset by a grant.

In addition \$20,000 is requested for legal fees as the indication is that further legal action on a number of items may be incurred.

### Strategic Planning

Additional income of \$35,000 has been achieved from Scheme Amendments with \$10,000 from the lodgement of structure plans. This has been offset by higher legal costs of \$30,000 and the early commencement of a Developer Contributions officer to manage the \$55M DCP Fund totalling \$15K. It is noted these funds will be received from the DCP Reserve.

### Land Administration

An amount of \$1.1M from the sale of Lot 183 Southwell Crs has been transferred to the Land Development Reserve as per policy. The sale of the land totalling \$1.78m, next to Adventure World has now been settled with the proceeds also banked. The funds will be transferred to the new Bibra Lake Management Plan Reserve as per the resolution of Council. The priority for use of the funds in this case is for the rehabilitation of the land next to the land sold.

A further \$409,000 is requested to complete the Grand Pre subdivision. The funds will be transferred from the Land Development Reserve. These costs will be recouped on the sale of the lots within the development.

### Park Construction and Maintenance

The changes requested are self-funded in respect of the municipal fund. A number of changes are required as a result of the breakdown of pumps and bores ahead of the general life cycle change namely at



Visko Park, Hagen Park, Sawle Road and Davilak Reserves. These changes amount to \$106,500.

### Environmental Management

An amount of \$50,000 has been provided to start the planning phase of the Wetlands Education Centre. This is provided so grants can be applied for and to determine with some accuracy the final cost and Council's future potential contribution given the current plan is for the project is to externally funded with some development contribution plan money. This is a project that will be managed by the City only but there will be extensive consultation on the final location, design and occupancy of the facility. This has been provided from savings within the environmental budget.

### Road Construction and Maintenance, Sumps and Drainage

Changes to this Capital Works Budget are cost neutral apart from the car park modifications to the Coolbellup Hub totalling \$31,000. The funds for this have been sourced from the Community Infrastructure Reserve.

A new reserve is to be created to fund environmental offsets associated with new road works as determined by the Federal Govt. first amount is \$450,000 which is for the Spearwood Ave (Sudlow to Barrington). The funds are sourced from this project and were budgeted for in the grants received from Main Roads. The name of the reserve is The Environmental Offsets Reserve.

### Building Improvements – Capital Works and Operations Budget

Building improvements has seen a number of items run over budget due to various complications. The additional funds sought equates to \$351,000. The list below summaries the projects and the cost over runs:

- Bakers Sq Toilet \$55,000 additional disability requirements.
- Coogee Beach Toilets \$67,000 additional work to pass building standards.
- Council Facilities \$70,000 Various air con upgrades.
- Seniors Centre \$94,000 Additional work on disability requirements and parking.
- Various facilities \$42,000 additional works at Wally Hagen (electrical) and fencing at Dalmatinac Park.
- Various facilities \$200,000 additional costs for water, power, cleaning and electrical works and statutory costs.



Summary of Capital Expenditure to 31 December 2011

| Program                                     | Fully yr Budget | Ytd Spend & Commitment | %   | Full yr Spend Est | %    |
|---|-----------------|------------------------|-----|-------------------|------|
| Roads                                       | \$11.98M        | \$5.35M                | 45% | \$9.98M           | 83%  |
| Drainage                                    | \$0.97M         | \$0.71M                | 74% | \$0.97M           | 100% |
| Sumps                                       | \$0.95M         | \$0.43M                | 46% | \$0.95M           | 100% |
| Footpaths and Bike paths                    | \$1.49M         | \$0.67M                | 45% | \$1.40M           | 94%  |
| Parks                                       | \$6.67M         | \$1.74M                | 26% | \$4.67M           | 70%  |
| Environment                                 | \$0.46M         | \$0.46M                | 13% | \$0.46M           | 100% |
| Waste Management                            | \$8.54M         | \$8.23M                | 96% | \$8.23M           | 96%  |
| Land admin                                  | \$1.68M         | \$1.49M                | 88% | \$1.68M           | 100% |
| Buildings                                   | \$29.27M        | \$14.7M                | 50% | \$14.7M           | 50%  |
| Furniture & Equipment                       | \$0.001M        | \$0.001M               | 33% | \$0.1M            | 100% |
| Computers                                   | \$1.13m         | \$0.02M                | 2%  | \$1.13M           | 100% |
| Plant & Machinery                           | \$6.60M         | \$4.84M                | 73% | \$6.60M           | 100% |
| Lib, SLLC L&O                               | \$1.13M         | \$0.43M                | 35% | \$1.00M           | 88%  |
| Total Capital Expenditure as at 31 Dec 2010 | \$70.94M        | \$38.72M               | 55% | \$51.41M          | 72%  |

*Comment*Plant and Machinery

The plant and machinery replacement program is expected to be completed in the second half of the financial year

Buildings and Facilities

1. GP Super Clinic/Success library and Integrated Health Facility – Under way. Expected to deliver it within 76 weeks of Nov 11 commencement. Budget spend in 2011/12 was \$15M of the \$38M spend. Expected now to spend \$10m in 2011/12.
2. Emergency Headquarters – now underway. Completion time is August 2012. Original budget of \$2.5M from state and federal govt requires topping up of \$100K from M/F. Expected to spend \$1.8M in 2011/12.
3. Depot Upgrade – Architects appointed. Budgeted spend of \$3.066M in 2011/12 has now been delayed. Expected spend now \$0.5M. The balance of the funds for this project has been set aside in 2012/13.
4. Coogee Beach Surf Club – Stage Two not yet commenced. The Budget spend of \$4.3M will now be only \$2.5m.
5. Coogee Beach Surf Club – Stage One still being finalised. Stage One will run over budget prior to rectification costs of approximately \$250,000. These costs are expected to be

recovered from the contractor by way of with-holding payments, bank guarantees or legal action.

6. Santich Park additions have been completed.
7. Anning Park additions have been completed.
8. Botany Park Clubrooms has been completed.
9. Cockburn Bowling Club upgrades have been completed.
10. New Bowling Club at Visko Park – design tender being advertised.

### Roads

#### MRRG Road Construction:

1. Spearwood Avenue (Sudlow to Barrington) – Has now been opened after some delays about retaining walls and relocation of gas pipelines and other service infrastructure.
2. The Beelihar Drive (Hammond to Dunraven) program will commence in February and be completed this financial year.
3. Hammond Road (Russell to Bartram) – This will commence in 2012 with the relocation of Telstra, Water Corp and Western Power service assets. The road construction will commence in 2012/13 budget year. The budget, which is funded by developer contributions, will have to be supplemented by municipal funds as the service relocation costs were not calculated as part of the original budget.
4. Russell Road (Freeway to Ashendon) will be completed this financial year.

### Resurfacing Program

This program valued at \$1.09M is continuing and will be completed in 2012.

### Footpaths and Bike paths

This program should be completed in the second half of the financial year.

### Waste Management

At this stage, the major project being Cell 7 Construction should be completed by June 2012. Other projects are progressing.

### Land Development

The Grand Pre Sub-Division is now completed and being actively marketed by Davies First National.



The following lots are also being marketed:

- Lot 237 Dacre Court (3 Lots),
- Lot 61 Gumina Place (2 Lots),
- Lots 485 & 459 Bourbon Street (3 Lots).

All proceeds will go to the Land Development Reserve as per Council Policy on disposal of surplus land.

#### Capital Budget (For balance of the Financial Year)

The Capital Budget will be amended with the following projects spending less than anticipated. The funds will be quarantined in the relevant reserves.

| Item                            | 2011/12 Budget | Recommendation | Reduction |
|---------------------------------|----------------|----------------|-----------|
| GP Super Clinic Library and IHF | \$15.00M       | \$10.00M       | \$5.00M   |
| Emergency Centre                | \$2.50M        | \$1.60M        | \$0.90M   |
| Depot Upgrade                   | \$3.06M        | \$0.50M        | \$2.56M   |
| Surf Club – Stage 2             | \$4.32M        | \$2.56M        | \$1.80M   |
| Parks Construction              | \$6.67M        | \$4.67M        | \$2.00M   |
| Total                           | \$31.55M       | \$19.53M       | \$12.26M  |

It is anticipated that the amended Capital budget for 2011/12 will be \$58.68M.

#### Municipal Budget position as at 31 December 2011

Based on the attached budget amendments, the City's municipal budget position for 2011/12 is projected to 30 June 2012 as follows:

*Projected Budget Position of 2011/12 at adoption of these recommendations:*

|   |                 |                           |
|---|-----------------|---------------------------|
| <b>Adopted Closing Municipal Position for 2011/12</b> | <b>-30,000</b>  | Surplus                   |
| Net revenue (external funding)                        | -8,239,759      | Increased revenue         |
| Loan Funds  | 8,500,000       | No borrowing required     |
| Net T/F to/from Reserves                              | 9,875,445       | Increased t/f to Reserves |
| Net expenditure (Cap & Op)                            | -8,880,983      | Reduced expenditure       |
| Impairment charge (reversal)                          | -1,575,000      | Reduced expenditure       |
| Debt Write Offs                                       | 133,741         | Increased expenditure     |
| <b>Revised Closing Municipal Position for 2011/12</b> | <b>-216,556</b> | Surplus                   |
| Depreciation (non-cash entry)                         | 1,875,468       | Increased expenditure     |



As per Council Budget Policy any surplus goes to the Community Infrastructure Reserve to fund community infrastructure.

The changes in the revenue budget represent 5.5% as against the original budget whereas expenditure has been amended by only 6.3%.

### **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**

A number of amendments to the Budget are recommended.

Reserves to be created as part of this Budget Review.

Bibra Lake Management Plan Reserve – Purpose of the reserve is to receive funds so as to implement the Bibra Lake Management Plan as adopted by Council.

Environmental Offsets Reserve – Purpose of the reserve is to receive funds so as to undertake environmental rehabilitation of land associated with road construction as approved by the relevant government agency.

### **Legal Implications**

Section 33A(1) of the Local Government (Financial Management) Regulations 1996 requires Council to review its annual budget between 1 January and 31 March in each year.

Section 6.11 of the Local Government Act in reference to the establishment of reserves.

### **Community Consultation**

N/A

### **Attachment(s)**

1. Business Plan Review 2011/12.
2. Mid Year Budget Review Schedule 2011/12.



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

N/A

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

Nil.

**15.4 (MINUTE NO 4710) (OCM 09/02/2012) - VARIOUS DEBTS - WRITE OFF (FS/L/001) (N MAURICIO) (ATTACH)****RECOMMENDATION**

That Council

- (1) adopts the write off of the following bad debts:
1. Various sundry debts totalling \$24,822.58 as per the attached listing.
  2. Parking infringements totalling \$58,896.
  3. Various animal, fire, litter & other local law infringements totalling \$45,887.99.
  4. Various health infringements totalling \$4,135.41.
- (2) amend the municipal budget to include a bad debts expense line item for the total of bad debts written off - \$133,741.

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

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0****Background**

Section 6.12 (1)(c) of the Local Government Act allows a local government to write off any amount of money which is owed to the local government. This is normally required in the situation where debts become delinquent in nature.



## **Submission**

N/A

## **Report**

Council last wrote off bad debts, inclusive of outstanding infringements, back in July 2008. Since then, several sundry debtor accounts and many infringements have become uncollectable and should be written off.

The recent annual audit of the 2010/11 financial accounts highlighted the need for these write-offs to occur immediately, given their lack of collectability.

Attached to the agenda are various listings of the debts and infringements requiring write off by Council. These have been categorised by their debt types and include relevant commentary on their status where applicable.

### Sundry Debtors

The balance comprises a mix of landfill trade debtors, community service debtors and other sundry type debts. Common causes of bad debts in these areas have been failing businesses and untraceable companies and individuals. Some are also too immaterial to apply formal debt recovery procedures.

### Law & Order Infringements

The City's infringements have various statute of limitations periods in order to effect the necessary legal action to enforce payment. For parking related matters, this period is two years. For Local Law infringements, General Local Law matters, Litter Act infringements and Dog Act simple matters, there is a statutes of limitation period of 12 months from the date of issue.

An internal audit process recently undertaken by the City identified a number of outstanding infringements as having fallen outside the statute of limitations period. Consequently, there are no more further legal avenues for the City to pursue in trying to enforce payment, including referral to the Fines Enforcement Registry (FER).

The proposed write off lists also includes all unpaid infringements to the end of 2009. Although these have been listed on the FER, history shows that the older the infringement, the less likely any payment will be received. Therefore, it is considered a prudent and realistic measure to write these off, with any subsequent payment to be treated as new revenue to the City.





A detailed analysis of the City's recovery of infringements issued has shown a long term average of around 62%. This compares reasonably with the City of Fremantle's estimated 60% recovery rate. Whilst these rates initially appear somewhat low, they do reflect the underlying ineffectiveness of the FER debt collection system.

#### Health Charges & Infringements

There are a number of outstanding charges and recoverable court costs within the Health Services unit that are not worth pursuing. This is mainly due to the age of the debt, the business entities no longer existing and relatively immaterial values. There are 17 in total worth a combined value of \$4135.41.

It should be noted that a number of large court imposed fines totalling over \$58,000, remain outstanding for various Health Act breaches. However, these have been previously referred to FER and payments are trickling in at varying degrees. Whilst this is the case, these debts will continue to be recognised, although some could require write off in the future.

#### Provision for Doubtful Debts

Given the value and volume of transactions generated by the City's trade and other debtors (over \$15M annually), bad debts are an unavoidable consequence that should be properly accounted for. Whilst best endeavours are made to manage and minimise this risk, it is considered prudent to make a small provision in future annual budgets to cover those debts that do become delinquent. A provision for doubtful debts is an effective financial management tool and has been consistently recommended in the past by the City's auditors. The size of the provision will be subject to annual review and guided by audit outcomes.

### **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**

A write off of bad debts totalling \$133,741.98 will be taken directly to the Income Statement. This will have a mildly negative impact on the City's closing budget position.



**Legal Implications**

Debts which are irrecoverable require Council authorisation in order to be written off under the provisions of the Local Government Act, Section 6.12 (1)(c).

**Community Consultation**

N/A

**Attachment(s)**

1. Infringements Write Offs List (Parking) February 2012
2. Infringements Write Offs List (Other) February 2012
3. Sundry Debts Write Offs List – February 2012
4. Outstanding Health Charges & Infringements Write Offs List – February 2012

**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 4711) (OCM 09/02/2012) - CLIMATE CHANGE DECLARATION (HS/M/008) (J HARRISON)**

**RECOMMENDATION**  
That Council:

- (1) indicate its in-principal support and agree to become a signatory of the Local Government Climate Change Declaration; and
- (2) endorse the adapted Local Government Climate Change Declaration.

**COUNCIL DECISION**  
MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 8/0**



## Background

In 2011 the Western Australian Local Government Authority (WALGA) prepared the *Local Government Climate Change Declaration* to consolidate its work on climate change and create a strong advocacy position for the sector.

The development of this declaration was informed by the *Nottingham Declaration on Climate Change*, of which over 90% of English local authorities have signed. The declaration has been considered by the Climate Change Councillors Group and endorsed by State Council, however can be amended by Local Government to reflect locally relevant targets, projects and policies.

The Declaration is a high-level political statement that acknowledges climate change and commits to the development of locally appropriate climate change management strategies.

WALGA encourages all local governments to become signatories of the Declaration and seeks in-principle support from Council by 24 February 2012.

The Declaration will be officially launched at a signing ceremony in early/mid 2012.

## Submission

N/A

## Report

The City of Cockburn is recognised as one of the leading Local Governments in WA for climate change management. In 2011 the City was recognised at both the National Awards for Local Government and WA State Environment Awards for its sustainability and climate change programs.

Whilst the City has been taking action on Climate Change for over a decade and has endorsed an emission reduction strategy and action plans, the City has not adopted a climate change policy per se.

The *Local Government Climate Change Declaration* is an important step forward as it demonstrates a strong political and public commitment to action and recognises the key role Local Governments play in the global response to climate change.

The Declaration acknowledges the reality of climate change and calls on local governments to participate in a sector wide leadership approach.



The wording of the Declaration has been considered by City of Cockburn staff and managers and amended to reflect the City's targets and strategies as follows:

The Western Australian Local Government Declaration on Climate Change

City of Cockburn acknowledges that:

1. Evidence shows that climate change is occurring.
2. Climate change will continue to have significant effects on the Western Australian environment, society and economy, and the Local Government sector.
3. Human behaviours, pollution and consumption patterns have both immediate and future impacts on the climate and environment.

City of Cockburn supports the:

1. Environmental, social and economic benefits of addressing climate change immediately.
2. Opportunity for Local Government to demonstrate leadership in climate change management at a community level.
3. Development of equitable and implementable State and Commonwealth strategies for climate change management.

City of Cockburn commits from date of signing to:

1. Work towards the emission reduction targets in the City of Cockburn Greenhouse Gas Emission Reduction Strategy.
2. Work with State and Federal Government to ensure achievement of greenhouse gas emissions reduction targets as set out in key National and International agreements.
3. Work with State and Federal Government to implement key actions and activities for climate change management at a local level.
4. Assess the regionally specific risks associated with climate change and implications for Local Government services, and identify areas where appropriate mitigation and/or adaptation strategies should be applied.
5. Develop an internal Climate Change Action Plan (CCAP) for climate change actions across all Local Government functions, with a focus on the three year future.
6. Ensure that, at appropriate review intervals, the strategic plan and policies for the Local Government are reviewed and amended to reflect climate change management priorities and emissions reduction targets.
7. Encourage and empower the local community and local businesses to adapt to the impacts of climate change and to reduce their greenhouse gas emissions.



8. Monitor the progress of climate change initiatives and ensure full communication of achievements for Council and Community.

This Declaration re-affirms the City's commitment to achieve its ambitious emission reduction targets and with its endorsement, Council continues to demonstrate leadership to the community through its response to climate change.

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

#### **Infrastructure Development**

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

#### **Natural Environmental Management**

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

### **Budget/Financial Implications**

Endorsement of the declaration will not have any financial implications to the City above and beyond its current commitments to climate change management.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment**

N/A

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

Nil

- 16.2 **(MINUTE NO 4712) (OCM 09/02/2012) - TENDER NO. RFT 26/2011 - CONSTRUCTION SERVICES (CIVIL) CATHERINE POINT GROUYNE UPGRADE (RFT 26/2011) (D SMITH ) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) accept the alternative tender submission from PMR Quarries



ATF WA Limestone Unit Trust trading as WA Limestone for the RFT 26/2011 – Construction Services (Civil) Catherine Point Groyne Upgrade for a total lump sum Contract value of \$792,979.72 (Ex GST) and a schedule of rates for additional materials and services; and

- (2) transfer the sum of \$100,000 (Ex GST) from CW 5582 to CW 5260 to offset the total cost of the project.

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

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

Catherine Point Groyne was initially constructed in 1959 in response to siltation issues at the then operational South Fremantle Power Station and to attempt to restore South Beach to the north.

The groyne experienced rapid shoreline accretion to the north and was extended in 1965 to its current configuration.

The groyne now protects a substantial area of land on the northern side including a car park, coastal dune system, an important passive recreational area and a linear coastal pedestrian/cycleway.

In 2008, the City of Cockburn prepared a North Coogee Foreshore Management Plan (*Ecoscape 2008*) for the section of foreshore north of the groyne; the first stage of which included dune rehabilitation and remediation and has since been implemented.

Stage 2 includes upgrade of the Catherine Point Groyne and improvements to the open space adjacent to the Rollinson Rd car park.

Catherine Point Groyne offers protection to the rehabilitated dunes and the proposed recreational areas which are the focus of future stages of the North Coogee Foreshore Management Plan.



MP Rogers and Associates (MPR), a highly credentialed company providing consulting engineering services for coastal and marine projects was engaged by the City of Cockburn to undertake a condition assessment of Catherine Point Groyne in 2008.

It was found that very little maintenance has been carried out to the groyne since its construction and is now in a very poor condition. The condition inspection noted:

- The structure had experienced a large degree of damage.
- There was evidence of overtopping, slumping and settlement, loss of interlocking as well as displaced and broken armour rock.
- Overall the structure was in poor condition but the existing rock could be of used in repairing the structure.

The City of Cockburn has engaged MPR to prepare a Technical Specification and Drawings for the repair and upgrade of the groyne for adequate coastal protection and to a level suitable for safe pedestrian access.

In 2010 an Expression of Interest (EOI) was prepared and released by the Department of Transport to Local Governments to attract submissions for funding various projects within their local areas; the City of Cockburn forwarded a submission for the repair and upgrade of the groyne.

On this occasion the City of Cockburn was unsuccessful however, in 2011 a further EOI was again released by the Department of Transport seeking submissions; the City of Cockburn on this occasion was successful in receiving \$300,000.00 from the Department of Transport as part of the Coastal protection Grants Program – 2011/12.

Parks and Environmental Services in conjunction with Procurement Services prepared a Request for Tender (RFT) requesting submissions from suitably qualified Civil Works contractors to remove existing armour rock, placement of new core over existing core material, placement of new rock armour as well as reinstatement and stabilization of any disturbed dunes.

RFT 26/2011 Construction Services (Civil) Catherine Point Groyne Upgrade was advertised on day Wednesday 9<sup>th</sup> November 2011 in the Local Government Tenders section of “The West Australian” newspaper; the tender was also displayed on the City’s e-Tendering website between 9 November and 1 December 2011.



## Submission

Tenders closed at 2:00 p.m. (AWST) on Thursday, 1st December 2011 with tender submissions received from the following six (6) companies, one (1) of which also provided an alternate tender:

1. DME Contractors Pty Ltd
2. Scott Construction and Development Pty Ltd
3. Yarnell Contracting;
4. PMR Quarries ATF WA Limestone Unit Trust T/as WA Limestone
5. PMR Quarries ATF WA Limestone Unit Trust T/as WA Limestone; (Alternate Submission)
6. VDM Construction Pty Ltd
7. MRCN Pty Ltd T as WestForce Construction.

## Report

### Tender Compliance

| Tenders Name |   | Compliance Assessment |
|--------------|---|-----------------------|
| 1            | DME contractors   | Compliant             |
| 2            | Scott Construction and development Pty Ltd                      | Compliant             |
| 3            | VDM Construction Pty Ltd  | Compliant             |
| 4            | PMR Quarries AFT WA Limestone Unit Trust                        | Compliant             |
| 5            | PMR Quarries AFT WA Limestone Unit Trust (Alternate submission) | Non - Compliant       |
| 6            | MRCN Pty Ltd T/as WestForce Construction                        | Compliant             |
| 7            | Yarnell Pty Ltd   | Compliant             |

PMR Quarries AFT WA Limestone Unit Trust, T/as WA Limestone submitted a compliant and alternative (non-compliant) submission for this RFT.

It was the decision of the Evaluation Panel that in the view of PMR Quarries AFT WA Limestone Unit Trust, T/as WA Limestone submitting a compliant RFT that the alternative submission would also be evaluated.

### Evaluation Criteria

Tenders were assessed against the following criteria:

| Evaluation Criteria                 | Weighting Percentage |
|-------------------------------------|----------------------|
| Demonstrated Experience             | 25%                  |
| Key Personnel Skills and Experience | 10%                  |





|                                |             |
|--------------------------------|-------------|
| Tenderer's Resources           | 10%         |
| Methodology                    | 15%         |
| Tendered Price – Cost Criteria | 40%         |
| <b>TOTAL</b>                   | <b>100%</b> |

### Tender Intent / Requirement

The purpose of this Tender is to select an experienced, competent and reliable civil contractor to undertake the Construction Services (Civil) Catherine Point Groyne Upgrade.

### Evaluation Panel

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

1. Dale Smith – Manager Parks & Environment (Chair);
2. Anton Lees – Parks Manager; and
3. Clinton Doak – Coastal Engineer MP Rogers & Associates (Consultant).

### Scoring Table

| Tenderer's Name  | Percentage Score    |                 |               |
|--|---------------------|-----------------|---------------|
|  | Non-Cost Evaluation | Cost Evaluation | Total         |
|  | 60%                 | 40%             | 100%          |
| <b>PMR Quarries AFT WA Limestone Unit Trust (Alternate Submission)**</b> | <b>40.75%</b>       | <b>35.50%</b>   | <b>76.25%</b> |
| PMR Quarries AFT WA Limestone Unit Trust                                 | 40.75%              | 30.12%          | 70.87%        |
| DME Contractors  | 19.68%              | 40.00%          | 59.68%        |
| VDM Construction Pty Ltd   | 31.54%              | 20.03%          | 51.57%        |
| Yarnell Pty Ltd  | 26.44%              | 24.93%          | 51.37%        |
| MRCN Pty Ltd T/as WestForce Construction                                 | 17.73%              | 25.46%          | 43.19%        |
| Scott Construction and Development Pty Ltd                               | 16.43%              | 11.14%          | 27.57%        |

\*\* Recommended Submission



### Demonstrated Experience

Three (3) companies clearly demonstrated that they had a range of previous experience in the construction and upgrade of sea groynes.

These companies were VDM Constructions Pty Ltd, PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone and Yarnell Pty Ltd. Scott Construction and Development Pty Ltd noted previous relevant experience, though this was poorly outlined in their submission.

DME Contractors have had related experience in constructing small revetment and seawalls, beach access ramps and boardwalks, however lacked an adequate level of experience in the construction of sea groynes or other large structures.

The remaining company, MRCN Pty Ltd T/as WestForce Construction, whilst having considerable civil construction experience, did not demonstrate any previous experience in the construction of sea groynes.

VDM Constructions Pty Ltd and PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone were ranked higher than the other submissions as they were able to clearly demonstrate an extensive record of groyne construction, provided comprehensive company profiles and detailed organisational structures.

These two companies also demonstrated an elevated level of competency and a track record of achieving excellent outcomes with nominated referees supporting these claims.

### Tenderer's Resources

The submissions providing the most comprehensive overview of resources and plant availability were VDM Constructions Pty Ltd and PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone.

Both companies owned and/or had access to the necessary plant and machinery to deliver the service with excellent mechanical repair workshops to ensure plant downtime was minimised.

Each of the remaining submissions listed their resources and plant availability, however did not contain the same level of detail that VDM Constructions Pty Ltd and PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone provided in their submissions.

In addition to resources, all companies included statements indicating a capacity to provide contingency measures or backup resources.



### Skills and Experience of Key Personnel

Each company provided an overview of the skills and experience of their personnel who will be involved in the project.

VDM Constructions Pty Ltd provided a comprehensive overview and resumes for key personnel involved in the project.

PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone submitted a more detailed and comprehensive range of information of key personnel as well as inclusion of detailed resumes of a number of personnel with experience in construction of seawalls and groynes.

Scott Constructions and Developments Pty Ltd have relevant engineering and operational experience in groyne construction in a number of Australian States.

DME Contractors have significant experience in a range of disciplines including landscape and construction, large scale commercial and residential contracts with limited experience in civil works when compared to other submissions.

Both MRCN Pty Ltd T/as WestForce Construction and Yarnell Pty Ltd included only a basic overview of the key personnel that will be involved in this project.

### Methodology

PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone provided the most detailed, robust and comprehensive construction methodology, project scheduling including specific project tasks.

PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone have committed to a short construction period of six (6) weeks which minimises disruption to the use of surrounding infrastructure at North Coogee Beach by the public.

DME Contractors, Scott Construction & Developments Pty Ltd, VDM Construction Pty Ltd and Yarnell Pty Ltd generally provided the same level of detail; however it was lacking the robust detail provided by PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone.

MRCN Pty Ltd T/as Westforce Construction did not provide any information relating to methodology for the project.



Alternate Tender

PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone provided an alternate tender in addition to their conforming tender.

The alternate tender proposes a lump sum fee which includes supply and placement of a reduced volume of core and armour material compared to the volumes provided in the conforming tender.

A schedule of rates is then proposed for any additional material that may be required to be imported to complete the works.

The reasoning for this alternate tender arises due to the difficulty in predicting the volumes of material that would be required to complete the works.

The conforming tender provides for importing a volume of core and armour material that PMR Quarries AFT WA Limestone Unit Trust state to be at the upper end of their predicted volume requirements.

This approach has been used to reduce their risk as part of a lump sum contract.

In the alternate tender, material volumes have been based on the best estimate of quantities required to complete the works, however if additional materials are required to be imported they will be charged on a schedule of rates basis.

Quantities allowed for in the PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone tenders are provided in the table below, together with quantities estimated by MPR to complete the works and for the complete construction of the groyne as per the design.

Quantities Table

|   | <b>Armour<br/>Tonnage</b> | <b>Core Volume</b>   |
|---|---------------------------|----------------------|
|   | <b>t</b>                  | <b>m<sup>3</sup></b> |
| <b>PMR Quarries AFT WA Limestone Unit Trust (Alternate Submission)**</b>              | <b>5,143</b>              | <b>3,067</b>         |
| PMR Quarries AFT WA Limestone Unit Trust  | 7,143                     | 4,317                |
| Quantities required to complete the works (MPR Estimate)                              | 4,700                     | 2,500 – 3,300        |
| Quantities required to completely rebuild the groyne as per the design (MPR Estimate) | 7,500                     | 7,400                |



The volumes in the table show that the quantities provided by PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone in their alternate tender closely match those estimated by MPR as being required to complete the works.

On this basis the alternate tender is considered to provide acceptable quantities of material for completion of the works, with additional materials able to be imported on a schedule of rates basis if required due to unforeseen circumstances.

### Summation and Recommendation

PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone provided a complying tender which included quantities of core material and rock armour which they noted to be at the higher end of the range of their predicated volume requirements.

The higher end of the range of material volumes was used in their conforming lump sum submission to ensure they would have adequate material for the refurbishment.

PMR Quarries AFT WA Limestone Unit Trust's T/as WA Limestone alternate tender identified material quantities that better reflected the expected volumes required for the refurbishment.

The intent in providing an alternative tender was that the reduced quantity of materials would likely be sufficient to satisfactorily complete the project, thus providing a cost benefit to the City; however, if additional volume is required this would be provided on a schedule of rates basis in addition to the quoted amount.

The quantity of materials identified by PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone in their alternate tender closely match those estimated by MPR as being required to complete the works.

Representatives from MP Rogers & Associates who have been engaged by many WA Local Governments' to assist in the evaluation of similar projects advise that this contract approach has been accepted to construct similar sea groyne including:

- Floreat Beach Groyne – Town of Cambridge
- Quinn's Beach Groyne – City of Wanneroo
- Island Street Groyne – City of Fremantle.

Given the difference in price between PMR Quarries AFT WA Limestone Unit Trust's T/as WA Limestone conforming and alternate tenders, together with the volumes allowed for in each, the evaluation



panel is confident that acceptance of the alternate tender would result in less total cost to the City of Cockburn than the conforming tender.

However given that the amount of core material contained within the groyne is currently unknown, there is a potential for a slight increased project cost if additional core material is required. This will be determined in consultation between the City of Cockburn and MPR following removal of existing rock armour.

Not all Tenderer's are considered to have the capacity to meet the City of Cockburn's requirements to complete the project as detailed in the Technical Specifications as well as compliance with the General and Special Conditions of Contract as stated in the RFT.

Of all the tender submissions, PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone provided the shortest construction timeframe of six (6) weeks, which is highly advantageous in minimising disruption to the community at this highly utilised section of coastline.

Taking into consideration all of the submitted response criteria, the evaluation panel recommends that Council accept the Alternative Tender submission from PMR Quarries AFT WA Limestone Unit Trust T/as WA Limestone as being the most advantageous submission to carry out the Construction Services (Civil) Catherine Point Groyne Upgrade for a total lump sum Contract value of \$872,277.77 (Inc GST) (\$792,979.72 Ex GST) and thus be supported as the successful Tenderer based on the following:

- Significant demonstrated experience in performing works of similar size.
- A range of personnel that have the experience to undertake these works.
- Appropriate resources to conduct works as required.
- A short timeframe to complete the project.
- The price submitted is considered fair and reasonable for the scope of works to be performed.

### **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**

An allocation of \$436,000 (CW 5260 – Park Development North Coogee/Catherine Point Groyne), which has been carried forward for



two (2) years, has been included 2011/12 Parks Capital Works Programme.

These funds were included in the Parks CW program on the basis that external funding could be attracted to assist in funding the project.

In May 2011 the City of Cockburn applied for funding of \$350,000 under the Coastal Protection Grants Program administered by the Department of Transport. Due to the large number of funding requests received, funding of \$300,000 has been made available to the City.

A condition of accepting the grant funding is that the amount of \$300,000 is for up to 50% of the total estimated cost of the project and the City of Cockburn must formally commit to funding the remainder of the project.

It is proposed to aggregate the City of Cockburn's funding of \$436,000 with grant funding of \$300,000, so that when combined will amount to \$736,000.

Additional funds are required to cover the project cost of \$792,979.72 (Ex GST).

City of Cockburn Officers proposes to source the shortfall by transferring \$100,000 (Ex GST) from CW 5582 – North Coogee Foreshore Management Plan Implementation Stage 2 to CW 5260 – Park Development North Coogee/Catherine Point Groyne.

The transfer of these funds will cover the cost of the project as well as provide an allowance for contingencies associated with the project.

### **Legal Implications**

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

### **Consultation**

Liaison with a number of WA Government Departments as part of the approval process was carried out. The Department of Environment and Conservation (DEC) advised a clearing permit was not necessary to undertake upgrade works to the groyne.

The City of Cockburn applied to the Department of Indigenous Affairs (DIA) seeking consent under the Aboriginal Heritage Act 1972 to conduct repairs to Catherine Point Groyne.



There is one site of indigenous significance to the south of the groyne (DIA 3707(Robb Camp Jetty)) and the Regulation 10 approval provided by the DIA acknowledges that the reconstruction of the existing groyne will not impact on the site.

MP Rogers & Associates have been engaged to manage the project to ensure compliance with the technical specifications as well as general and special conditions of the tender document.

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Tender Evaluation Sheet (s)
2. Tendered Prices
3. Schedule of Rates
4. Design Drawings prepared by MP Rogers & Associates

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 9 February 2012 Council Meeting.

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

Nil.

## **16.3 (MINUTE NO 4713) (OCM 09/02/2012) - TENDER NO. RFT 22/2011 - NARMA KULLARCK (FAMILY PLACE) BOARDWALK AND BIRD HIDE, BIBRA LAKE (RFT 22/2011) (A JARMAN) (ATTACH)**

### **RECOMMENDATION**

That Council accept the tender submitted by Engineered Water Systems for Tender No. RFT 22/2011 – Design & Construction Services – Narma Kullarck (Family Place) Boardwalk and Bird Hide, Bibra Lake, for the lump sum contract value of \$590,771.01 (GST exclusive) and additional schedule of rates for determining variations and additional services.

### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 8/0**





## Background

The City of Cockburn engaged consultants Strategen to prepare a Management Plan for the future development and management of recreational and conservation facilities at Bibra Lake in December 2009. Council adopted the Plan in early 2010.

The Management Plan includes the construction of a boardwalk and bird hide close to the Wetlands Education Centre.

On 31 March 2010 Parks Services received tenders for a boardwalk using conventional pile and deck construction techniques. Subsequent to the design being tendered it became apparent that the design was unacceptable from a cultural point of view to the Aboriginal Community.

Sinking piles into the lake's bed was viewed as unacceptable due to local Aboriginal beliefs and values. Without the required support from the wider Aboriginal Community the Department of Indigenous Affairs (DIA) was unable to approve construction of the boardwalk under Section 18 of the Aboriginal Heritage Act 1972.

The site of the proposed boardwalk is listed by the DIA as an Aboriginal Heritage Property. The City commissioned Anthropological and Archaeological reports to establish constraints when considering constructing a boardwalk on the site.

Following these desk top studies a consultation process was entered into. The various native title applicants and other senior members of the Aboriginal Community held by the DIA to have a significant interest in Bibra Lake were invited to give their views concerning the design and location of the boardwalk.

The City then applied for and received permission from the DIA to construct and maintain a *floating* boardwalk on the lake under Section 18 of the Aboriginal Heritage Act.

Tender Number RFT 22/2011 Design & Construction Services (Design/Design Development & Construct) – Narma Kullarck ('Family's Place') Boardwalk and Bird Hide, Bibra Lake WA was advertised on Wednesday 7 September 2011 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's E-Tendering website between the 7 September and 6 October 2011.



## Submission

Tenders closed at 2:00 p.m. (AWST) on 6 of October 2011 with two tender submissions being received, and one alternative design, as follows:

1. Boss Machinery Pty Ltd - trading as Jetty Constructions
2. Gambetta Holdings Pty Ltd (as Trustee for CLM Trust) - trading as: Engineered Water Systems.
3. An alternative design from Gambetta Holdings Pty Ltd (as Trustee for CLM Trust) - trading as Engineered Water Systems for the construction of half the boardwalk described in the tender documents, for a reduced cost.

## Report

### Compliance Criteria

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

| Index - Compliance Criteria |   |
|-----------------------------|---|
| A                           | Compliance with the Specification contained in the Request.   |
| B                           | Compliance with the Conditions of Tendering this Request.   |
| C                           | Compliance with Builder's Registration requirement (Clauses 1.11.12 & 1.11.13) and completion of Clause 3.4 |
| D                           | Compliance with Insurance Requirements and completion of Clause 3.2.7                                       |
| E                           | Compliance with Occupational Safety & Health Requirements and completion of Appendix A.                     |
| F                           | Compliance with Anti-Competitive Conduct Requirements and completion of Appendix B.                         |
| G                           | Compliance with Fixed Price and completion of Clause 3.7.2  |
| H                           | Compliance with Sub Contractors (Proposed) and completion of Clause 3.6                                     |
| I                           | Compliance with and completion of the Price Schedule, in the format provided.                               |

### Tender Compliance

| Tenders Name |  | Compliance Assessment |
|--------------|--|-----------------------|
| 1            | Jetty Constructions                    | Compliant             |
| 2            | Engineered Water Systems               | Compliant             |
| 3            | Engineered Water Systems – Alternative | Non-Compliant         |



During the tender review process it was revealed that Jetty Constructions did not comply with criteria C and Engineered Water Systems (EWS) did not comply with criteria D. Following a request for further clarification from Parks Services both Tenderers agreed to comply with the requirements of these items, as set out in the original tender documents.

### Alternative Tender

The evaluation panel found that the alternative submission received by Engineering Water Systems did not comply with the specifications of the tender document and subsequently not evaluated.

### Evaluation Criteria

Tenders were assessed against the following criteria:

| <b>Evaluation Criteria</b>              | <b>Weighting Percentage</b> |
|---|-----------------------------|
| Demonstrated Experience                 | 20%                         |
| Key Personnel Skills and Subcontractors | 10%                         |
| OSH and Site Management                 | 10%                         |
| Methodology                             | 20%                         |
| Tendered Price – Estimated Lump Sum     | 40%                         |
| <b>TOTAL</b>                            | <b>100%</b>                 |

### Tender Intent / Requirement

The purpose of this Tender was to select an experienced, competent and reliable Contractor to design and construct a floating boardwalk at Bibra Lake for the City of Cockburn.

### Evaluation Panel

The Evaluation panel consisted of the following City of Cockburn officers:

1. Andy Jarman – Parks Technical Officer (Chair)
2. Anton Lees – Parks Manager
3. Dale Smith – Manager Parks & Environment



Scoring Table

| Tenderer's Name                             | Percentage Score    |                 |               |
|---|---------------------|-----------------|---------------|
|   | Non-Cost Evaluation | Cost Evaluation | Total         |
|   | 60%                 | 40%             | 100%          |
| EWS – Deck Type A (Grating)                 | 44.90%              | 36.83%          | 81.73%        |
| <b>EWS – Deck Type B (Timber) **</b>        | <b>44.90%</b>       | <b>34.25%</b>   | <b>79.15%</b> |
| Jetty Constructions – Deck Type A (Grating) | 40.00%              | 28.50%          | 68.51%        |
| Jetty Constructions – Deck Type B (Timber)  | 28.5%               | 39.67%          | 68.19%        |

\*\* Recommended Submission

Evaluation Criteria AssessmentDemonstrated Experience

The size and organisational experience of EWS exceeds Jetty Construction's. EWS were able to demonstrate they are well versed in installing floating pontoon structures and listed numerous prestige marina facilities using prefabricated systems, whereas Jetty Constructions failed to provide evidence of having used this construction technique in the past.

Key Personal Skills and Experience

Jetty Constructions relies on a small team of highly experienced tradesmen, whereas EWS employ a large team of qualified designers, tradesmen and dedicated management staff.

OSH and Site Management

Jetty Construction were aware of the practical steps necessary to conduct a Site Risk Assessment, however the techniques proposed for construction and the small number of staff described in the team proposed for the project indicated they had a smaller capacity to overcome unforeseen contingencies such as poor site access due to the thickly vegetated condition of the site and its propensity to flood during winter time.

EWS has a large team of specialist staff and equipment available 'in-house'. This is viewed by the Parks Services as a distinct advantage when working in a paperbark wetland environment. Bushfires, flooding



and delays due to weather conditions favour an organisation able to work on both land and water with equal ease.

### Tendered Price

The tendered price was higher than anticipated due to the special nature of the design brief (no piling, restrictions to site access and one off structural design requirements).

### Summation

Considering all of the submitted response criteria, the panel recommends that Council accept the submission received from EWS for a timber decked boardwalk contract price of (\$590,771.01 GST exclusive) and (\$649,848.11 GST inclusive) as being the most advantageous based on the following:

- Significantly demonstrated experience in performing works of similar scale.
- A range of personnel that have the experience to undertake the wide range of works required under the tender.
- The required resources and contingency measures to complete the works.
- The price schedule submitted is considered fair and reasonable for the range of works to be performed.
- The timber decking option (as opposed to the GRP open grating) would be more in keeping with the character of the natural and environmental surroundings of Bibra Lake and would form a more cohesive design when combined with the recycled timber bird hide.

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

#### **Infrastructure Development**

- 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 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**

The Bibra Lake Masterplan was prepared in 2009, and adopted in 2010. The City's consultants for the Plan (Strategen) advised an



Opinion of Probable Cost of \$300,000 for the boardwalk. At the time of compiling the Masterplan the difficulties of constructing the boardwalk in an area of seasonally inundated protected vegetation, on an Aboriginal Heritage Site were not fully appreciated.

The tender included pontoon construction, specialist design and structural certification services. These components were not anticipated when the original estimate was provided in 2009. Therefore the cost has increased significantly.

It is evident that:

- the cost of using a pontoon construction (as required by the Department of Indigenous Affairs) has inflated the price,
- the number of companies interested in competing for this work is very limited, and
- due to the unique nature of the site and the design criteria, estimates of the project cost varies widely.

In light of the above factors, the recommended tender from EWS does represent good value for money as well as providing an excellent recreational facility for the community at Bibra Lake.

There is sufficient funding required for this project in CW 5261-Park Development Stage 2 - Bibra Lake Management Plan which has a budget allocation of \$833,156. The increased cost of the project will necessitate a reduction in other improvement works on the western side of Bibra Lake due for construction this financial year. A reduced amount of other works will be undertaken and any improvement works not completed in the 2011/12 financial year will be deferred until subsequent financial years.

### **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 Bibra Lake Management Plan was subjected to full community consultation prior to adoption by Council.

The approvals process required by the DIA under Section 18 of the Aboriginal Heritage Act has required a further process of consultation with the Native Title applicants and other senior Aboriginal community members deemed by the DIA to have a cultural interest in the site.



**Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Consolidated Evaluation Sheet
2. Revised Price Schedule
3. Tendered Prices
4. Aerial photograph of Bibra Lake
5. Aerial photograph showing site location of boardwalk and bird hide.
6. Ministerial

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

The Proponent(s) and those who lodged a submission on the tender have been advised that this matter is to be considered at 9 February 2012 Council Meeting.

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

Nil.

**16.4 (MINUTE NO 4714) (OCM 09/02/2012) - FOOTPATH CLOSURE AND TEMPORARY ACCESS (LOT 8) 2 SIGNAL TCE, COCKBURN CENTRAL - APPLICANT: AUSTRALAND HOLDINGS LTD (ES/R/002) (S HUSSAIN) (ATTACH)**

**RECOMMENDATION**

That Council in accordance with section 3.50 of the Local Government Act 1995, institutes a temporary closure of the northern section of footpath along Stockton Bend between North Lake Road and Sleeper Lane, Cockburn Central for a period of 12 months commencing 16 February 2012 during the construction of the development on Lot 8 Signal Terrace, Cockburn Central subject to:-

1. There being no substantial objection received as a result of advertising in a local newspaper.
2. There being no substantial objection from service authorities, emergency services or adjoining owners.
3. The developer engaging a traffic management contractor to submit a certified traffic management plan to monitor and control traffic movements due to the closure.
4. All works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in



accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum.

5. The proponent being fully responsible for public liability and damages arising from the works.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that Council adopts the recommendation with the following amendment:

Reference to "North Lake Road" in line 3 be replaced with 'Midgegooroo Avenue'.

**CARRIED 8/0**

**Reason for Decision**

This will rectify the incorrect reference to North Lake Road.

**Background**

The proposed development works involve the construction of an apartment complex in Cockburn Central surrounded by North Lake Road, Signal Tce, Stockton Bend and Sleeper Lane.

**Submission**

Australand Holdings Ltd, the developer of (Lot 8) 2 Signal Tce, Cockburn Central has requested Council to implements procedures to close the northern section of footpath along Stockton Bend between North Lake Road and Sleeper Lane, Cockburn Central for a period of 12 months commencing 16 February 2012 during the construction of the development on the lot. The applicant also requested temporary access to the site from Signal Tce via the car parking bay to facilitate the construction works of the proposed apartment complex.

**Report**

During the construction activities of (Lot 8) 2 Signal Tce, Cockburn Central the footpath closure and temporary access can be supported for the below reasons:





1. The proposed temporary access from Signal Tce will allow safe access and egress of large construction vehicles from the area. Appropriate road signage will be installed to inform vehicles of the site entrance and that large vehicles will access and egress from the area.
2. The footpath on the northern side of Stockton Bend abutting the worksite will remain closed until the completion of works and appropriate signage will be installed to direct pedestrians to the other side of Stockton Bend. Australand will maintain the footpath area and will make good any damage caused by construction vehicles on completion of the project. The footpath closure will have minimum impact on pedestrian movements as pedestrians will be able to use the existing footpath on southern side of Stockton Bend.
3. Australand will install temporary perimeter fencing to the rear of car parking bays to Stockton Bend as detailed on the site fencing plan. The temporary fence will be a mesh panel fencing system and the remainder of the site will be surrounded by a combination of a solid and mesh fencing system.
4. Australand will make available the 25 car parking bays to the PTA car park adjacent to Lot 4 and the 16 bays to Junction Bvd surrounding Australand's Lot 4 development to the public at the end of February. Australand will also keep the temporary car park to Lot 11 available until the commencement of construction works on Lot 11. Cockburn Central will therefore gain an additional 49 car parking bays in February 2012.
5. Australand has appointed a certified traffic management contractor (Altus Traffic) to monitor the impact of the footpath closure and access arrangement for the site. Altus Traffic has already submitted a traffic management plan, which is in line with Australian Standards and Main Roads field guidelines. There are no foreseen issues with the traffic management plan and the footpath closure and access arrangements with appropriate signage and fencing system will improve pedestrian and vehicle safety during the construction activities of the apartment complex.

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

#### **Demographic Planning**

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



**Transport Optimisation**

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

**Budget/Financial Implications**

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

**Legal Implications**

Section 3.50 of the Local Government Act.

**Community Consultation**

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

**Attachment(s)**

Plan of the closure

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

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

Nil



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

**21.1 (MINUTE NO 4715) (OCM 09/02/2012) - SOUTHERN METROPOLITAN REGIONAL COUNCIL REPORT (ES/L/004 ) (M LITTLETON) (ATTACH)**

**RECOMMENDATION**

That Council Council endorses a letter to be sent to the Hon Bill Marmion, Minister Environment and Water supporting a three year licence renewal for the SMRC to operate the Waste Composting and Green Waste Facilities located at the Regional Resource Recovery Centre (RRRC) in Bannister Road, Canning Vale.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The City of Cockburn is a participant in the SMRC which is a statutory local government authority established for developing environmentally sustainable waste management solutions and climate change abatement measures for the communities of Cockburn, East Fremantle, Fremantle, Kwinana, Melville and Rockingham. The SMRC is committed to assisting the state government to work towards achieving its zero waste objectives by 2020.

Each year the SMRC diverts more than 60,000 tonnes of waste from landfill and prevents about 70,000 tonnes of carbon dioxide from entering the atmosphere which is equivalent to taking more than 16,000 cars off the road. The Regional Resource Recovery Centre (RRRC) in Canning Vale produces more than 25,000 tonnes of compost each year for use in agriculture and soil amendment programs.

The SMRC employees 60 staff and provide work for 100 local small businesses and contractors each month. This contributes more than \$20 million to the economy.

The RRRC's Waste Composting Facility operates under a Department of Environment licence. The current licence expires 31 March 2012



and a new licence application has been submitted. The current licence was issued for a period of six months as opposed to the industry norm of three years at the request of the minister.

### **Submission**

N/A

### **Report**

#### The Odour Issue

The reduced licence term was imposed due to concerns regarding odour emissions from the facility raised in the Community Odour Monitoring Programme (COMP) conducted by the DEC between January and June 2011 despite the DEC reporting an 89 % reduction in odour complaints compared to the previous year. The current licence was issued with conditions that required SMRC to identify and report on further odour management improvement initiatives.

Improvement initiatives include:

1. Temporary removal of Green Waste Processing off site between Mid December 2011 and 30 April 2012.
2. Engage external consultants to review existing systems and assess:
  - suitability and effectiveness of the systems;
  - compliance with ministerial statements and licence conditions relating to odour monitoring and control; and
  - audit of the systems and documentation in use and verify that the systems and procedures are being adhered to by staff.

SMRC staff continues proactive daily odour surveys of the surrounding suburbs. The odours reported from these surveys are centred mainly on Bannister Rd adjacent to the facility. This profile is mirrored by City of Canning's own in-house odour surveys.

Independent odour specialist organisation *The Odour Unit* (TOU), have conducted ambient field surveys for odour in the Leeming area at the end of January and will be carrying out odour measurements of the modified green waste operation in the first week of February. This information will then be used to quantify the odour reductions resulting from the modified green waste operating approach through modelling and reported to the DEC.

Performance assessment and total emission rates of all bio-filters will be undertaken by TOU in the second week of February to check



compliance with approved odour emission rates and also reported to the DEC.

The review of odour management systems by Emerson Stewart has now been completed and a draft report will be issued to SMRC for review in early February and reported to the DEC.

The City of Canning made an appeal to the existing licence conditions to Office of Appeals Convenor in November 2011. In short, the appeal rested on two key grounds:

1. That the words "unreasonable odour" be replaced with the words "offensive odour".
2. That odour reports due on 1 December 2011 and 17 March 2012 are compiled by independent consultants.

The SMRC responded to these appeals in writing by the due date of 8 December 2011 and subsequently hosted a site tour of the RRRC by the Appeals Convenor in January 2012 prior to them meeting with City of Canning Elected Members and officers. The minister's decision in this instance was to reject the appeal (refer attachment 1).

#### The Letter of Support

The SMRC have taken proactive measures to improve odour management systems at the RRRC over a period of time and seek continuous improvements in this respect. The expectation is that the DEC should issue a new licence for a three year period albeit with some amended conditions.

This expectation is, however, in jeopardy of being undermined by some detractors of the SMRC. Specifically, the position of the City of Canning clearly demonstrates concerted opposition to a licence renewal and instead seeks to shut down the RRRC operation.

The SMRC is to be acknowledged for its efforts to reduce odour annoyance over the past five years, investing more than \$6 million in plant upgrades, modifications and research. These initiatives have resulted in an 89 per cent reduction in odour complaints from the community. The SMRC continue to invest resources into research and innovative odour management solutions.

Given that independent research commissioned by the SMRC during November 2011 reveals that 83 per cent of residents and ratepayers in the SMRC catchment support the RRRC as an alternative to landfill and in light of current opposition, it is critical that the key stakeholders in the SMRC demonstrate unified support for the licence renewal in



order to deliver on the community's environmental aspirations, protect the community's economic investment and assist the State Government achieve its Towards Zero Waste by 2020 vision. A letter of support of the SMRC and of the 3 year licence renewal has been drafted and is attached.

The City of Cockburn and its community have invested much to ensure that we continue to act to improve our environmental sustainability and it is important that we continue to demonstrate our commitment to this process and technology. We must also strive to ensure that the process or technology does not cause unnecessary impacts to those living in close proximity and we will continue to work with the SMRC to address the issue of odour.

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

#### **Infrastructure Development**

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

#### **Governance Excellence**

- To maximise use of technology that contributes to the efficient delivery of Council's services.

#### **Natural Environmental Management**

- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.
- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A



**Attachment(s)**

1. Minister's Appeal Determination
2. Letter of support for the SMRC to Minister of Environment and Water.
3. Stakeholder Update

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

N/A

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

Nil.

**21.2 (MINUTE NO 4716) (OCM 09/02/2012) - REGIONAL CONCERT - MANNING PARK - 17 MARCH 2012 (CR/F/008) (D GREEN)**

**RECOMMENDATION**

That Council

- (1) promotes the Regional 'Summer of Fun' Concert to be held at Manning Park on 17 March 2012 as an 'alcohol free' event, pursuant to Clause 3.3(s) of the City of Cockburn (Local Government Act) Local Law; and
- (2) following the Concert, arrange a meeting between all stakeholders, including Elected Members, to examine options which may be available to allow the responsible consumption of alcohol at this event in future.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

As part of Council's 'Summer of Fun' community events program, a Regional Concert is conducted at Manning Park in March annually.



Typically, this event features a high profile main act and attracts a crowd of around 10,000-15,000 people to the venue.

In recent years, the event has also featured a 'Cockburn Idol' competition as a preliminary to the feature act, to encourage mainly young, local talent to develop their artistic skills in a competitive environment. As a result, the event spans a four hour timeframe from 6pm to 10 pm.

The event is promoted as Council's most high profile community event and is allocated a budget in the vicinity of \$200,000 to source quality performers and provide an adequate and safe venue for the large numbers of attending public.

As it is a free event, there are no restricted entry/exit points, which is consistent with the easy access available to the location.

Since its inception, the event has technically been subject to Council's Local Laws which do not allow for the consumption of alcohol on public Reserves. This provision has not been enforced in the past, as the audience is typically a mix of families and young teenagers who are attracted to the type of performers usually engaged for the event.

Accordingly, incidents of anti-social behaviour at the event have been isolated and generally dealt with effectively and with minimal disruption to the public at large.

In summary, the bringing and consumption of alcohol to the event has been tolerated, even though it has technically been in breach of Council's prohibition contained in its Local law (Clause 3.3).

This level of acceptance has been based on the general desire of the public to be able to responsibly enjoy a moderate amount of alcohol while watching the performance. In normal circumstances, the vast majority of public attending the event adopt a responsible attitude and anti-social behaviour is limited.

## **Submission**

N/A

## **Report**

### Local Laws

During the preliminary event briefing with stakeholders, representatives of the WA Police raised the issue of alcohol consumption at the concert. When told that the area (i.e. a public reserve) is technically an





alcohol prohibited location, the Police were supportive of this stance and would actively apply these provisions to the event. It was mentioned that in the past, the responsible consumption of alcohol had not been denied to patrons who were obviously not abusing the 'privilege'. The Police were concerned that such a stance by Council created a difficult situation for those responsible for law enforcement (Police). In other words, an activity is either legal, or illegal, and the consumption of alcohol at the event should either be approved, or prohibited. On this issue, the status quo is that Council's Local Law prohibits the consumption of alcohol on any Reserve under its care, control and management, unless approval is granted by Council otherwise. The clear preference of the WA Police is to prohibit the consumption of alcohol. Once such a position is made aware to persons proposing to attend the event, it is then a clear indication to law enforcement authorities to enable them to exercise the necessary control to prevent the bringing of alcohol to the event and its consumption within the venue.

Should Council wish to approve the bringing and consumption of alcohol at the event, then the only discretion available to law enforcement personnel is to deal with any subsequent unlawful activity or behaviour. It could not be reasonably expected for these personnel to determine what is an acceptable limit of alcohol to be brought to the venue. In other words, the concern of Police is that they will be required to deal with the consequence of any irresponsible level of alcohol consumption, as a result of Council approval to allow the consumption of alcohol at the event.

#### Health Promotion

Another factor which favours the event being promoted as alcohol free is that the City of Cockburn was the recipient of a Federal Government Grant to promote 'healthy lifestyle' choices to the community.

In practice, a major demographic target of this Program is those who are vulnerable to alcohol and other substance abuse that typically come from an under-privileged lower socio-economic background.

This concert typically attracts considerable representation from this demographic, given the free entry status for the event. It is heavily promoted as such and encourages the attendance of residents on this basis in particular.

However, the opportunity to promote the event as an 'alcohol free' one is consistent with this message and complements the ideals of the Program.



Conversely, a decision to specifically make the event a 'bring your own' alcohol occasion is at odds with this objective and could be seen as a direct contravention with the intent of the Program.

### Other Local Governments

As part of the review of this matter the City contacted a number of other Local Governments to ascertain their policy and promotion of similar events.

The City of Swan promote their Family Fun Day for the Avon Descent as an alcohol free event, but do not act if people turn up with a bottle of wine.

The City of Melville's Point Walter Family Concert is not advertised as alcohol free and people do bring alcohol. The event is about half the size of the City of Cockburn's regional Concert.

The City of Wanneroo advertises all of their events as alcohol free. However, they do not check people's bags but drink gets confiscated.

The City of Joondalup do not advertise events as alcohol free, but if contacted by residents they advise them that it is illegal to consume alcohol in a public place.

The City of Armadale does not promote alcohol free events, but similarly does not encourage public consumption of alcohol and advise residents it is an offence to consume alcohol in a public place and they do so at their own risk.

The City of Rockingham state that the majority of their events are alcohol free and are promoted as such. The recent New Year's Eve event was advertised as alcohol free.

The City of Fremantle advised that most of their festivals are alcohol free as there is no drinking permitted on reserves. Alcohol is served at the Blues and Roots and Chilli festivals through licensed vendors only in a controlled location.

Fremantle advised that the fireworks on Australia Day; the Indian Ocean Skyshow, was promoted as an alcohol free event. The only exclusion was promotion of one of the sponsors (Little Creatures), but alcohol consumption was restricted to a venue for the sponsors VIPs. It should be noted, however, that a lot of Fremantle events are street events where licensed establishments can sell alcohol through their premises.



## Risk Management

Of greatest concern to the Police is the intangible, but undeniable, increase in risk associated with the approval to allow uncontrolled alcohol consumption in a confined area occupied by a large crowd, early estimates of which could be 10,000 to 20,000 people.

Events with more than 10,000 people are considered high risk events by the Department of Health. To manage the risk the City has a risk management plan in place, which includes risk mitigation measures such as:

- A higher presence of WA Police than in previous years
- Two CoSafe Officers dedicated to patrolling the car parks
- Crowd controllers and security (60 persons)
- Crowd Carers (5 persons)
- Traffic Management of the surrounding roads by WARP
- SES managing parking
- Volunteer Fire Brigade present in case of fire
- St John Ambulance, with 2 paramedics in addition to other first aiders
- Fencing of the children's play area (being considered)

While it is impossible to predict what incidents may arise as a result of a decision to approve the consumption of alcohol at this event, it is reasonable to assume that the likelihood of associated behavioural issues will increase as a result of this approval.

## Conclusion

Given the concerns raised by the Police and the reliance of their presence at the event as a vital component of security and their role in providing protection to the community, it is recommended that this event be promoted specifically as an 'alcohol free' concert.

This recommendation is supported by the unknown, but very real, increase in risk to Council that such a decision could bring, in the event that an unforeseen incident could result in the potential for Council to be involved in legal proceedings.

In order to allow time to more effectively deal with all issues associated with the provision of alcohol at such events organised by Council in future, it is suggested that Council enters into discussions with all key stakeholders following this concert to examine in more detail the options available to possibly introduce a responsible alcohol consumption regime acceptable to all participants.



## **Strategic Plan/Policy Implications**

### **Lifestyle and Aspiration Achievement**

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

### **Budget/Financial Implications**

As a result of the recent meeting with WA Police and in order to meet the Department of Health Regulations in regard to large events it is recommended that additional budget is provided to provide the following whether or not BYO alcohol is approved.

Crowd control officers are increased from 30 to 60 officers – that 2 CoSafe officers are engaged for the evening; a donga for the police control centre, additional toilets, 2 paramedics, an electrician on site, and other considerations such as fencing around the play area. These additional costs are estimated at \$25,000.

### **Legal Implications**

Clause 3.3(s) of Council's Local Government Act Local Law prohibits the consumption of alcohol on Council controlled Reserves, unless specific approval is granted by Council.

### **Community Consultation**

No community consultation has been undertaken to gauge public opinion on whether alcohol consumption should be allowed at this event.

### **Attachment(s)**

N/A

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

The WA Police Service has been advised that this matter is to be considered by Council at its Meeting of 9 February 2012.

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

Nil.



**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 4717) (OCM 09/02/2012) - 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 Cllr V Oliver SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 8/0**

**25. (OCM 09/02/2012) - CLOSURE OF MEETING**

Meeting closed at 8.14 p.m.

**CONFIRMATION OF MINUTES**

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

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

