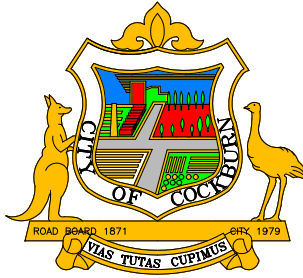


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 8 OCTOBER 2009

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 OCTOBER 2009 AT 7:00 PM

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 OCTOBER 2009 AT 7:00 PM

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (OCM 8/10/2009) - ORDINARY COUNCIL MEETING - 10/09/2009

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 10 September 2009 be adopted as a true and accurate record.

COUNCIL DECISION

8.2 (OCM 8/10/2009) - SPECIAL COUNCIL MEETING - 17/09/2009 (ATTACH)

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Thursday, 17 September 2009 be adopted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (OCM 8/10/2009) - SCHEDULED ORDINARY COUNCIL MEETING - JANUARY 2010 (1704) (D GREEN) (ATTACH)

RECOMMENDATION

That Council not conduct an Ordinary Council Meeting in January 2010.

COUNCIL DECISION

Background

Council Policy SC3 'Council Meetings' (copy attached) determines the day and time that Ordinary meetings of Council will be held each month. The current scenario, that of the meeting on the second Thursday of each month commencing at 7.00 pm has been in place since June 2005.

Council initially resolved in December 2007, to relax this requirement for the month of January 2008, to enable recess from the normal meeting schedule. No issues of concern were raised by residents or ratepayers of the district. In addition, other council stakeholders, in both the public and private sectors were not adversely affected and no concerns were forthcoming from these areas.

Submission

N/A

Report

Elected Members were advised in November 2007, that it was intended to bring as much business of Council to its December 2007, Ordinary Council Meeting, in order to enable Council to consider going into recess for the month of January 2008, as it is traditionally relatively quiet during this period and many of Council's major customers in the development and building sector are also winding down while their

workforces take holidays. This procedure was subsequently applied for the January, 2009, Council Meeting. Accordingly, with much of the priority business able to be presented to or prior to the December 2009, meeting for Council to consider, there is an opportunity for Council to take leave from its normal routine for January 2010. Should an urgent need arise for Council to convene, a Special Council Meeting can be arranged at short notice. By advertising Council's intention this far in advance will give Council's customers in the development industry every opportunity to finalise any issues which may require Council consideration prior to the end of 2009.

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

Sec. 5.3 of the Local Government Act, 1995 refers.

Community Consultation

N/A

Attachment(s)

Council Policy SC3 'Council Meetings'.

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 (OCM 8/10/2009) - DELEGATED AUTHORITY - SECTION 374 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (J WEST)

RECOMMENDATION

That Council:

- (1) delegate its authority to approve or to refuse to approve plans and specifications or unauthorised building work to Council's Building Surveyor, Graeme John Bissett; and
 1. Under Section 374 & 374AAB of the Local Government (Miscellaneous Provisions) Act 1960.
 2. To the extent permitted by the Local Government (Building Surveyors) Regulations 2008, as a Level 2 Building Surveyor. (i.e. a building with a maximum floor area of 2000m² and not more than three storeys).
- (2) issue to Graeme John Bissett a Certificate of Authorisation in relation to recommendation (1) above as required by Section 9.10(2) of the Local Government Act 1995.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Mr Graeme John Bissett commenced work with the City on 2 September 2009. Part of Mr Bissett's duties is to approve or refuse to approve Building Licence applications and Building Approval Certificate Applications under delegated authority of Council.

Submission

N/A

Report

Mr Bisset is qualified as a Level 2 Building Surveyor and as such has the qualifications to accept this delegation to the extent permitted under legislation (i.e. buildings with a maximum floor area of 2000m² and not more than three storeys).

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

The Building Service net position is currently more favourable than estimated in the 09/10 budget due to the resilience within the building industry and the number of applications being received. The salary for the twelve month contract duration can currently be found within budget parameters.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (OCM 8/10/2009) - DRAFT MANAGEMENT PLAN AND PROPOSED SALE OF LAND - LOTS 14 AND 22 PROGRESS DRIVE, BIBRA LAKE (1117891) (D DI RENZO/R AVARD) (ATTACH) ?

RECOMMENDATION

That Council:

(1) endorse the Bibra Lake Management Plan contained in Attachment 5 for Lots 14 and 22 Progress Drive, Bibra Lake subject to the following modifications:

-0--

1. Inclusion on the Subdivision and Land Use Plan of the location of the memorial for the heritage listed Moreton Bay Fig Trees;
2. Modification to the Subdivision and Land Use Plan to control access from the proposed Adventure World car park to the site of the heritage listed trees and memorial.
3. Modification to the Subdivision and Land Use Plan to widen the width of the fauna corridor to 50m between Proposed Lots 2 and 3.
4. modification to the Subdivision and Land Use Plan to renumber the southern most portion of 'Proposed Lot 1' to become 'Proposed Lot 5';
5. Indication that the pedestrian pathway circling the wetland (as shown on the Landscaping and Revegetation Concept Plan) is a 'potential pathway subject to future investigation'.
6. Modification to the Landscaping and Revegetation Concept Plan to include native vegetation rather than grass to enhance the fauna corridor function across the wetland and Proposed Lot 1;
7. Inclusion of a recommendation in the Management Plan that any future upgrades to Progress Drive take into consideration the potential to include a fauna underpass, particularly to connect Tappers Lake and Bibra Lake;
8. Inclusion of a recommendation in the Management Plan regarding the type of kerbing in future development, with box kerbing avoided where there may be tortoise movement, and incorporated in areas that are not suitable for them to pass through.
9. Inclusion of additional information in the Environmental Management Plan stipulating that no groundwater can be

used until there is confirmation that the groundwater is suitable for use. If it is found that groundwater is not suitable for use, then it will not be permitted to be used for any purpose including irrigation, due to the close proximity of sensitive receiving environments.

- (2) submit the Management Plan with the modifications outlined in (1) above to the Western Australian Planning Commission for endorsement under Clause 16(3)(e) of the Metropolitan Region Scheme;
- (3) proceed with the subdivision of Lots 14 and 22 Progress Drive, Bibra Lake, in accordance with the Management Plan;
- (4) advertise the Business Plan for the sale of land as identified in the Subdivision and Land Use Plan, in accordance with the requirements of Section 3.59 of the *Local Government Act 1995*;
- (5) authorise the CEO to seek new Expressions of Interest for Proposed Lot 4, with the outcome of this to be reported back to Council for future consideration and determination;
- (6) clearly specify in the Business Plan that in addition to the purchase price of Proposed Lots 2, 3 and 4, prospective purchasers will be proportionately responsible for paying all servicing and conveyance costs associated with achieving subdivision of the land; and
- (7) advise submissioners of Council's decision accordingly.

COUNCIL DECISION

Background

The City of Cockburn ("City") owns in freehold Lots 14 and 22 Progress Drive, Bibra Lake ("subject land"), both of which are reserved 'Parks and Recreation' under the Metropolitan Region Scheme ("MRS").

The subject land has been identified as an important link between Bibra Lake and South Lake, and there are several areas on the subject land that have conservation value. This includes Tappers Lake, which is a resource enhancement wetland. There are also substantial degraded areas on the subject land, which has presented an

opportunity for Council to establish 'private recreation' uses, in support of an integrated recreation and leisure precinct as provided by the endorsed Bibra Lake Management Plan. This precinct is bound by Gwilliam Drive, Progress Drive and North Lake Road, and this proposal seeks to build upon the current activities taking place in the area (Bibra Lake Recreation Area, Adventure World, Bungee Jumping etc).

Council resolved at its meeting of 13 December 2007 to call for Expressions of Interest in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*, for the possible development of the subject land with the intent to facilitate this regional recreation and leisure precinct. Registrations of Interest were called for purchase or lease options for portions or the whole of the subject land, closing on 19 February 2008.

Following assessment, a number of submissions were shortlisted, including Adventure World, Oceanic Water Babies Pty Ltd and Cockburn Ice Arena Pty Ltd. Independent consultants Plan E were commissioned to develop a number of concept plan options to accommodate the shortlisted proposals on the subject land.

Council considered these options at its 11 December 2008 meeting, and resolved to:

- (1) *support the Concept Plan Option 2 for the sale of land that forms Lot 14 and Lot 22 Progress Drive, Bibra Lake as attached to the Agenda with the following conditions:*
 1. *Maximise the opportunities for reciprocal parking between created lots.*
 2. *Retain the land on which heritage listed trees and the memorial stand.*
- (2) *in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 Clause 6.2.6 prepare a Local Structure Plan for the development of Lots 14 and 22 Progress Drive Bibra Lake;*
- (3) *reconsider the plan prepared in (2) above following the closure of the submission period;*
- (4) *seek the approval of the Western Australian Planning Commission for a land swap for Reserve 26954 for the revegetation areas shown on Concept Plan Option 2 should the Structure Plan for the development of the land proceed as proposed; and*

- (5) *allocate all funds generated from the sale of land comprising of Lots 14 and 22 Progress Drive Bibra Lake in accordance with the adopted of the Bibra Lake Management Plan.*
- (6) *advise Adventure World of Council's decision.*

This concept plan forms Attachment 1 to this report.

Submission

N/A

Report

The City engaged ENV Australia to prepare a Management Plan for the subject land, in accordance with the concept plan previously endorsed by Council. The Draft Management Plan was advertised for public comment, during which nine submissions were received.

The Draft Management Plan is now referred to Council for consideration for endorsement. A Business Plan has also been prepared for the sale of the proposed lots, in accordance with Section 3.59 of the *Local Government Act 1995*.

Management Plan

The subject land is reserved for 'Parks and Recreation' under the MRS. This prevents a structure plan being prepared for the subject land, by virtue of the land not being administered through the Local Planning Scheme (City of Cockburn Town Planning Scheme No. 3).

While not being able to prepare a structure plan under the Local Planning Scheme, a suitable alternative was found in the form of preparing a Management Plan for the land pursuant to Clause 16(3)(e) of the MRS. As provided by the MRS, a Management Plan is subject to endorsement by the Western Australian Planning Commission ("WAPC"), and once endorsed effectively guides how subdivision and development of land reserved 'Parks and Recreation' can take place. This was an important direction to take, given the need to clearly limit the scope of potential uses for the subject land to only those consistent with the 'Parks and Recreation' reserved purpose and broader Bibra Lake Management Plan.

The purpose of this Management Plan is to facilitate private recreation uses on the degraded portions of the subject land while enhancing conservation values of the balance areas to be protected through a subdivision process. This is consistent with the endorsed Bibra Lake Management Plan, which identifies the subject land as being within the leisure precinct (bounded by North Lake Road, Progress Drive and Gwilliam Drive).

The Draft Management Plan is divided into two sections - the Subdivision and Land Use Plan and the Environmental Management Plan. The entire Draft Management Plan is provided in Attachment 5. The two sections of the Management Plan are discussed following:

Subdivision and Land Use Plan

The Subdivision and Land Use Plan (Attachment 2) forms part of the Management Plan and has been developed as the principal plan to guide subdivision and development of the subject land. Any proposal for future subdivision or development needs to be consistent with the Subdivision and Land Use Plan.

The Subdivision and Land Use Plan shows the proposed lot boundaries generally based on the concept plan endorsed by Council. The proposal is to subdivide the subject land into four lots, with three lots being made available for the development of private recreation uses. The remaining area of land is to be contained within Proposed Lot 1, and reserved for 'Conservation and Recreation' purposes.

The Subdivision and Land Use Plan includes provisions to guide future development on the subject land. This includes design guidelines, provisions for access, protection of heritage conservation and the requirement for the submission and approval of a landscape and revegetation plan as a condition of subdivision.

Importantly, the Subdivision and Land Use Plan restricts development of Proposed Lots 2, 3 and 4 to uses defined as 'recreation - private' and 'car park' in the Local Planning Scheme, as well as incidental uses that are deemed to be consistent with the Management Plan.

The Subdivision and Land Use Plan specifies that Proposed Lot 1 is to be reserved for 'Conservation and Recreation' purposes also.

Visual Impact

The Subdivision and Land Use Plan stipulates setback requirements and design guidelines for future development to ensure such are sympathetic to the surrounding environment. This includes design criteria to ensure that walls facing public streets or car parking areas incorporate suitable architectural treatments so as to avoid large unrelieved expanses of wall, and to reduce the apparent bulk of buildings. These requirements, in conjunction with additional landscaping to Progress Drive, will provide some natural screening to the development.

Heritage Conservation

Lot 14 Progress Drive contains three mature Moreton Bay Fig Trees located adjacent to Progress Drive. The trees have aesthetic and historical significance. The trees are included on the Heritage List pursuant to Clause 7.1 of the Local Planning Scheme, and are identified within the City of Cockburn Municipal Heritage Inventory (Place No. 36).

The Subdivision and Land Use Plan provides for the protection of the heritage listed Moreton Bay Fig Trees, by locating them within Proposed Lot 1 which is to be reserved for 'Conservation and Recreation'. It also includes a requirement for them to be protected as part of any application to subdivide and/or develop.

The proposal was referred to the Heritage Council of Western Australia and they stated that they do not object to the proposal.

It is noted that the Subdivision and Land Use Plan does not specify the location of the memorial for the heritage listed Moreton Bay Fig Trees, and it is recommended that this be identified accordingly.

It is also noted that pedestrians from the proposed Adventure World car park may walk through the area of the Moreton Bay Fig Trees, increasing the possibility of disturbance to the trees and memorial. It is therefore recommended that the Subdivision and Land Use Plan include the requirement to control access from the proposed Adventure World car park to the site of the heritage listed trees and memorial.

Reserve 26954 - Corner of Progress Drive and Gwilliam Drive

Reserve 26954 is currently used by Adventure World for car parking (640 bays) at no cost beyond the cleaning and maintenance of the area. There are no known legal arrangements between the City and Adventure World for the use of the car park area.

At the meeting of 11 December 2008 Council resolved to seek the approval of the WAPC for a land swap for Reserve 26954 for an equal valued portion of Proposed Lot 1 (the portion of the subject land identified for conservation and reservation). In accordance with Council's resolution, a proposal has been submitted to the Minister for Lands to swap Reserve 26954 for an equal valued portion of Proposed Lot 1. As this 'equal valued' portion of Proposed Lot 1 is likely to encompass the portion of land between Proposed Lots 2 and 3 (including Tappers Lake), it is prudent to renumber the southern most portion of Proposed Lot 1 (triangular shape) in order to clearly differentiate it. This forms part of the Officer's recommendation.

If this land swap occurs, the City can then negotiate with Adventure World for a market value lease for the car park area they currently use.

Further funds raised could then be expended in accordance with the endorsed Bibra Lake Management Plan.

Fauna Movement

The Subdivision and Land Use Plan proposes a 40m wide fauna corridor between Proposed Lots 2 and 3. This area forms part of Proposed Lot 1 which is to be reserved for 'Conservation and Recreation'. Such is intended to provide a fauna corridor between Tappers Lake and Bibra Lake. To enhance the function of this corridor it is recommended that it be widened to 50m, by reconfiguring slightly the boundaries of Proposed Lots 2, 3 and 4. To ensure that the same lot areas are achieved, Proposed Lot 4 will be located slightly further south. This will subsequently reduce the size of the area of Proposed Lot 1 in the southern corner (to be revegetated); however such reduction will be more than offset by widening the fauna corridor from Tappers Lake to Bibra Lake.

To improve fauna movement it is also recommended that any future upgrades or modifications to Progress Drive take into consideration the potential to include a fauna underpass to connect Tappers Lake and Bibra Lake. It is also proposed that a recommendation be included in the Management Plan regarding the type of kerbing in future development, with box kerbing avoided where there may be tortoise movement, and incorporated in areas that are not suitable for them to pass through.

Environmental Management Plan

The Environmental Management Plan includes a comprehensive assessment of the environmental opportunities and constraints of the subject land. It sets out the environmental management strategy and framework to inform future subdivision and development. It sets out objectives for the following to be considered in more detail at the development and subdivision stage:

- Urban Water Management;
- Revegetation and Landscape Plan;
- Fauna Management;
- Construction Management.

Landscaping and Revegetation Plan

The Environmental Management Plan sets out objectives for a detailed revegetation and landscape plan, which will be required at the subdivision stage. It includes a Landscaping and Revegetation Concept Plan (Figure 2) which will be used to guide the revegetation and landscape plan.

This Plan identifies a grassed area within the fauna corridor between Proposed Lots 2 and 3. It is considered that this area is an important

corridor for fauna movement between Tappers Lake and Bibra Lake, and it is recommended that the Landscaping and Revegetation Concept Plan be revised to include native vegetation to enhance its function as a fauna corridor.

The Landscaping and Revegetation Concept Plan shows a pedestrian pathway circling the wetland. While this may provide the opportunity for passive recreation around the wetland, this access may be detrimental to the revegetation of this area. This matter should be considered in further detail as part of the detailed landscaping and revegetation plan. It may be the case that a path or firebreak is required in this location, which could also serve as a pedestrian pathway. Accordingly it is recommended that the pedestrian pathway shown on the Landscaping and Revegetation Concept Plan (Figure 2) of the Environmental Management Plan adjacent to North Lake Road be identified as a potential pathway subject to future investigation'.

Potential Groundwater Contamination

There were a number of landfill sites known to have operated around Bibra Lake, and these may impact on the groundwater quality of surrounding land. The City has recently engaged Golder and Associates to test groundwater in this area for potential contamination, however the results will not be known until early 2010. In the meantime, it is important to note that this is a potential issue, and while it would not preclude development of the subject land, no groundwater can be used until there is confirmation that it is suitable for such use.

Any interested parties must be aware of this potential issue, as some uses may be reliant on the use of groundwater for their operations. It is recommended that the Environmental Management Plan (Section 9.2.1) include additional information regarding this matter.

Submissions

All of the submissions received by the City during the advertising period are outlined in the Schedule of Submissions (Attachment 3), and specific responses and recommendations have been made in relation to each submission.

The Draft Management Plan was supported by all government agencies that provided a response, including the Department of Environment and Conservation, the Heritage Council of Western Australia, Department of Water, and the Department of Planning (formerly Department of Planning and Infrastructure).

Three objections were received from community groups/surrounding residents expressing the view that the subject land should be wholly revegetated and reserved for 'Conservation and Recreation' under Section 152 of the *Planning and Development Act 2005*. However, the

proposal is consistent with the concept plan endorsed by Council, which seeks to facilitate private recreation uses on the degraded portions of the subject land.

The proposal is consistent with the Bibra Lake Management Plan (Section 7.3.5), which identifies the subject land within the leisure precinct. Management actions for this zone relate to new development opportunities on underutilised areas (particularly Lots 14 and 22) and improving public transport options for visitors.

Sale of Land

There is a requirement under Section 3.59 of the *Local Government Act 1995* for a Business Plan to be prepared and advertised for a major land transaction such as that proposed. There is a six week advertising period required for public comment. A copy of the Business Plan for the major land transaction is attached to the agenda (Attachment 4), and it reflects the concept plan endorsed by Council and the Subdivision and Land Use Plan.

The concept plan endorsed by Council at its meeting of 11 December 2008 included proposed land allocations for the three Expressions of Interest that met the criteria established by Council, being Adventure World, Cockburn Ice Arena Pty Ltd and Oceanic Water Babies.

On 16 September 2009 Oceanic Water Babies withdrew their Expression of Interest. As a result the area allocated for this purpose is now available for sale to another party. It is proposed that Council advertise this land for sale and authorise the Chief Executive Officer to negotiate the sale of the land in accordance with McGees valuation.

Conclusion

The Management Plan facilitates private recreation uses on the degraded portions of the subject land in accordance with the concept plan endorsed by Council, and consistent with the endorsed Bibra Lake Management Plan. It is considered that the Management Plan will ensure that any proposed subdivision or development of the subject land adequately addresses the environmental constraints, and enhances the conservation values.

Therefore it is recommended that Council endorse the Management Plan, subject to modifications, and advertise Proposed Lots 2, 3 and 4 for sale.

Strategic Plan/Policy Implications

Governance Excellence

- To develop and maintain a financially sustainable City.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

The funds required for the preparation of the Management Plan is available within the existing budget. In addition to the purchase price of Proposed Lots 2, 3 and 4, prospective purchasers will also be proportionately responsible for paying all servicing and conveyance costs associated with achieving subdivision of the land.

It is proposed that any funds generated from the sale of the land be utilised in accordance with the recommendation of the Bibra Lake Management Plan.

Legal Implications

Section 3.58 of the *Local Government Act 1995* applies.

Community Consultation

The Draft Management Plan was advertised for public comment from the 3 August 2009 to the 26 August 2009, which included an advertisement in the Cockburn Gazette for two weeks, referral to 58 surrounding landowners and a number of community groups and government agencies. As a result five submissions were received from government agencies, and four submissions from community groups/members of the community. All submissions are outlined and addressed in the Schedule of Submissions (Attachment 3).

Attachment(s)

1. Concept Plan
2. Draft Subdivision and Land Use Plan
3. Schedule of Submissions
4. City of Cockburn Business Plan
5. Bibra Lake Management Plan

Advice to Proponent(s)/Submissioners

The proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 October 2009 Council Meeting.

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

Nil.

14.3 (OCM 8/10/2009) - PROPOSED SCHEME AMENDMENT NO. 77 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 - REZONING PORTION OF LOT 503 PHOENIX ROAD, BIBRA LAKE FROM 'LIGHT AND SERVICE INDUSTRY' TO 'INDUSTRY AND MIXED BUSINESS' AND PREPARATION OF DRAFT LOCAL PLANNING POLICY APD59 'PHOENIX BUSINESS PARK DESIGN GUIDELINES' - OWNER: PRIMEWEST - APPLICANT: GREG ROWE AND ASSOCIATES (93077) (M CARBONE) (ATTACH)

RECOMMENDATION

- (1) That Council, in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Amendment No. 77 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:
 1. Rezoning portion of Lot 503 Phoenix Road, Bibra Lake from 'Light and Service Industry' to 'Industry' and 'Mixed Business';
 2. Amend the Scheme Map accordingly.
- (2) That as the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967* ("Regulations"), and upon the preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.
- (3) That Council in pursuance of Clause 2.3.1 of the scheme resolves to adopt for the purposes of advertising, a local planning policy ("Policy") applying design guidelines to Lot 503 Phoenix Road, Bibra Lake.
- (4) That Council publishes notice of the proposed policy in accordance with Clause 2.5.1(a) of the scheme.

COUNCIL DECISION

Background

Council previously supported an application to rezone Lot 503 Phoenix Road from Special Use 12 - 'Paper Mill' to 'Industry', 'Mixed Business, Light and Service Industry' and 'Parks and Recreation'. This amendment (Scheme Amendment No. 63) was approved by the Minister for Planning and gazetted on 5 May 2009. The amendment was required to allow the site to be subdivided as an industrial/commercial subdivision.

Council supported design guidelines for this site as part of the approval of Scheme Amendment No. 63; however, they were not formally adopted as a local planning policy under the Scheme.

Two subdivision approvals have been granted for the site - one consisting of 105 lots and the other consisting of 54 lots. These were approved by the Western Australian Planning Commission in April and August 2009 respectively. The applicant intends to subdivide incorporating aspects of both subdivision approvals (refer to consolidated plan within Agenda Attachment 3).

Submission

Greg Rowe and Associates on behalf of Primewest have submitted another Scheme amendment application to rezone portion of the site from 'Light and Service Industry' to 'Mixed Business' and 'Industry'. This will ensure that the zoning is consistent with the adjoining property as well as not requiring subdivision boundaries to follow the redundant 'Light and Service Industry' zoning boundaries.

Greg Rowe and Associates have also submitted a modified version of the design guidelines to be considered as a local planning policy under the scheme and to be advertised accordingly.

Report

Proposed Scheme Amendment

The site has a 95 m wide strip of land along its eastern boundary which is zoned 'Light and Service Industry' which is surrounded by land entirely zoned 'Industry' to the east, west and south. The Scheme Amendment proposes to rezone this strip of land from 'Light and

Service Industry' to 'Industry' and 'Mixed Business' (refer agenda attachment 2).

The Light and Service Industry zoning reflects the original subdivision and accordingly under the latest subdivision plan an unusual lot boundary alignment is required for the south eastern lots to match the existing zoning boundaries. The zoning change will avoid the need for these unusual cadastral boundaries and will also ensure that the subject land has the same zoning as the adjoining land.

Usually 'Light and Service Industry' zones are used to provide a land use transition or buffer between industrial and sensitive land uses such as residential. In this case, this 'Light and Service Industry' zone does not serve any purposes as the land to the east, west and south are already zoned 'Industry' and there are no residential uses in these directions. There is already a 'Mixed Business' zone to the north, together with a landscaping buffer on either side of Phoenix Road which provides a suitable land use transition or buffer to the residential properties to the north. The proposed change will not bring industrial lots any closer to residential properties than what currently exists on the subject and adjoining site.

Draft Local Planning Policy APD59 'Phoenix Business Park Design Guidelines'

Council supported design guidelines for the subject site as part of the approval of Scheme Amendment No. 63 in June 2008. However, the design guidelines were not formally adopted as a local planning policy under the Scheme and were not advertised. Adopting the design guidelines as a local planning policy provides greater enforcement powers under the Scheme. Furthermore, a condition on the latest subdivision approval requires the design guidelines to be amended and approved by the City to reflect the latest subdivision plan. The applicant has updated the design guidelines to reflect their consolidated subdivision plan and add suitable provisions for the new dual frontage lots along the eastern boundary of the site.

The applicant has liaised extensively with the City's planning staff and the design guidelines are acceptable to guide future development. The design guidelines will ensure quality development is achieved and are similar to the design guidelines for the adjacent Cockburn Commercial Park. It is therefore recommended that Council, in pursuance of Clause 2.3.1 of the Scheme, resolves to adopt the attached Policy for the purposes of applying design guidelines for the subject site as per agenda attachment 3 and advertise the Policy in accordance with the scheme requirements.

The Policy is consistent with the structure and content of similarly adopted design guidelines for industrial parks within the City, most notably Cockburn Commercial Park. The specific built form controls

are focussed on producing an attractive and functional design outcome, which capitalises on the site's strategic location within the Bibra Lake Industrial Area.

Conclusion

The proposed Scheme amendment ensures that the subject portion of the site has the same zoning as the adjoining land to the east, west and south and will avoid the need for unusual cadastral boundaries.

Accordingly, it is recommended that Council initiates Scheme Amendment No. 77 and undertake landowner, government agency and community consultation in accordance with the normal amendment procedures. It is also recommended that Council resolves to prepare the local planning policy for the Phoenix Park Design Guidelines in pursuance of Clause 2.3.1 of the scheme, and undertake advertising with surrounding landowners.

Strategic Plan/Policy Implications

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.

The planning policy which applies to this item is Policy APD2 'Industrial Subdivision Policy'.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 2
Town Planning Regulations 1967

Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority advising that the proposal is environmentally acceptable.

The draft Policy will be advertised in accordance with Clause 2.5 of the scheme. This includes a notice of the proposed policy in a newspaper for two consecutive weeks in accordance with Clause 2.5.1(a).

Attachment(s)

1. Location Plan
2. Proposed Zoning Plan
3. Draft Local Planning Policy APD59
4. Phoenix Business Park Design Guidelines

Advice to Proponent(s)/Submissioners

The Proponent has been advised that the matter is to be considered at the 8 October 2009 Council Meeting.

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

Nil.

14.4 (OCM 8/10/2009) - NEW FOOD LICENCE FEES AND ADDITIONAL ENVIRONMENTAL HEALTH OFFICER (6209) (N JONES) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopts the new licensing system for food premises in accordance with the Food Act 2008, as from 1 January 2010;
- (2) implement a program to inform and educate food premises proprietors and staff about the new Food Act 2008;
- (3) employ an additional Environmental Health Officer (permanent position) from January 2010
- (4) increase the Health Salaries budget by \$40,000;
- (5) increase the Health Preventative Services income budget by \$85,000 for 2009/10; and
- (6) advertise the introduction of fees associated with the introduction of the Food Act 2008, as attached, as from 1 January 2010.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

In July 2009 the Food Act 2008 received Royal Assent. Part 1 - Preliminary, Sections 1 and 2 of the Act came into operation immediately. The remaining sections of the Act will come into operation when dates of proclamation are determined which is anticipated to be the end of October 2009. For the first time Australia will have national legislation to regulate the food industry.

Licensing and annual fees will apply to all food premises rather than the current system that only applies to eating houses selling meals. Until now, premises such as supermarkets, butchers and food manufacturers have never paid for the regulatory system including frequent inspections by the City's Environmental Health Officers as required by the WA Department of Health.

With the introduction of the *Food Act 2008* the *City of Cockburn Health (Eating Houses) Local Law 2000* will be repealed. This will mean the existing Eating House Licensing and Registration process will no longer apply.

The Food Act gives autonomy to Local Government to impose and recover fees under the *Local Government Act 1995 Part 6 Division 5 Subdivision 2* for functions such as notification, registration, assessments, transfers etc.

All WA Councils including the City of Cockburn will be able to determine their own fee arrangements within the content of the Acts. The fees should reflect the cost incurred in providing the service. This would involve risk assessment, sampling procedure, education/training support, and administration.

At present fees for Eating House Registrations are issued on the calendar year. It is proposed to continue with this time frame introducing the new food business fee structure on 1 January 2010.

The new Food Act will result in a new system of auditing and regulating food premises that will inevitably require increased workload for the City's Environmental Health Service. A greater number of food premises will require notification and registration. Risk assessments are likely to be more complex with a reemphasis upon outcomes rather than prescriptive requirements. A new system of auditing certain

premises involving vulnerable persons such as nursing homes and child care centres will commence.

In accordance with the Plan for the District the employment of an additional Environmental Health Officer (EHO) is overdue. The plan for the District indicated a need for an additional EHO in 2008/09 and an additional EHO in 2009/10, neither of these positions were filled. The last additional EHO was employed in December 2005, since then there has been a significant increase in workload including the Gateway Shops, 107 new food premises which is an increase of 26%, plus Contaminated Sites, a greater role in development applications through the Development Control Unit, and a significant increase in public events/concerts.

The income from the new fee structure will generate an additional \$80, 000 annually which is greater than the cost of a new EHO. It is recommended that the City employ a new EHO from January 2010.

Submission

N/A

Report

The *Food Act 2008 Section 107* requires all premises selling (as defined under the Act) food operating within the municipality to notify the City on a prescribed form. This will include premises ranging from food manufacturers down to the newsagent and chemist.

The notification must be accompanied by a fee if prescribed. – This fee will be referred to as the Notification Fee in the attachment. Existing Eating Houses will not be required to pay this fee because the City already holds the required information.

The notification process will allow the premises to be classified by their risk potential into one of four categories via the use of a matrix. These categories will be High, Medium, Low or Very Low as specified in the Australia New Zealand Food Authority (ANZFA) – Priority Classification System for Food Businesses.

The risk assessment matrix is sophisticated and uses rating criteria including the type of food, extent and method of food processing, size/scale of the premises. High and medium risk food premises include restaurants, butchers, supermarkets, and food manufacturers. Low and very low risk premises include newsagents and hairdressers that provide coffee.

All those food businesses subject to a risk assessment/inspection will be required to register with the City (Section 110). This will be completed at the same time as notification. If approved a registration

certificate will be issued. The registration will stay in force until cancelled (Section 111). It does not expire like the existing Eating House Licenses. These businesses will be charged an annual risk assessment / inspection fee payable on a pro rata basis from the date that a premises opens. This fee will reflect the number of inspections required per year, sampling regime and other related costs including administration.

The recommended fees are outlined in the attachment.

Those premises already paying a City of Cockburn Eating House License and Registration (typically \$403 p/year) will not be paying any more under the new system. However a significant number of food premises will be paying fees for the first time. This will include premises such as supermarkets, butchers and food manufacturers. This is a more equitable system as premises not captured by the Eating House Registration system are now covered.

Those premises such as supermarkets which have multiple areas of different classifications in the one premise such as butcher, deli, baker, fruit and vegetable area will attract a combined fee calculated on individual functions of the various classifications. This combined fee will help reflect the additional time required to assess such premises.

Some food premises will be exempted from registration.

Exempted food premises are defined under the proposed *Food Regulations 2009* and will include those food businesses conducted to raise money solely for purposes that are of a charitable or community nature where the food is not potentially hazardous or the food after cooking is for immediate consumption (e.g. sausage sizzle).

Although notification is still required, a fee would not be charged for exempted food premises. This is one of many ways that the City supports its community organizations. Most Councils in WA are likely to adopt a similar system of registration with similar fee structures. The City's proposed fee structure is based upon cost recovery only.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The estimated income for license and registration of food premises in the existing 2009 -10 budget report is \$60,000. Most Eating Houses currently pay \$403 per year.

At present the City has approximately 395 classified food premises of which 172 are registered Eating Houses.

Anticipated income from these premises for 2010 would be:

Notification \$ 9,500
Annual risk assessment/inspection fee \$136,400

Additional notification fee will be received from premises not presently regarded as selling food e.g. chemist, newsagents etc

Anticipated income for 2009 - 10 will be in excess of \$146,000.

Legal Implications

The Food Act gives autonomy to Local Government to impose and recover fees under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2 for:

Notification (s107)
Registration (s 110)
Any function performed under Act (s 140 (1))
Provision of information or for carrying out of any inspection (s140 (12)).

Section 6.19 of the Local Government Act 1995 requires Council to give local public notice when introducing fees and charges outside the annual budget process. The Notice is to give the intention of introducing the fee and when the fee would become effective.

Community Consultation

The City of Cockburn food premises proprietors have been made aware of the imminent changes to the food legislation for some time now through written information and Environmental Health Officers inspections, although this has been occurring since 2002.

It is planned to conduct extensive community consultation prior to enactment and proclamation of the Act. This will be done through Information sessions for all food proprietors and dissemination of written information. A total of \$10,000 exists for this purpose in the Public Health, Preventative Services – Food Marketing account. The proposed fees will be advertised in a Local newspaper.

Attachment(s)

Schedule of Fees

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.5 (OCM 8/10/2009) - DRAFT 2009 JANDAKOT AIRPORT MASTER PLAN - OWNER: JANDAKOT AIRPORT HOLDINGS (1211) (A TROSIC, R DONG) (ATTACH)

RECOMMENDATION

That Council:

- (1) forward a submission regarding the Draft 2009 Jandakot Airport Master Plan to Jandakot Airport Holdings ("JAH") on the basis of the officer's report, emphasising the following specific points:
 1. While the City does not object to the proposed fourth runway and associated aviation development, issues with the proposed non-aviation commercial development on the airport must be adequately addressed to the satisfaction of relevant State Government agencies and the City before support can be indicated. The City also needs to be satisfied that environmental issues have been adequately managed, and that threats to the Jandakot Water Mound have been mitigated against. The City also requires JAH to ensure that residents adjoining the airport site will not experience adverse amenity impacts associated with the commercial development;
 2. All specific requirements in relation to traffic and transport infrastructure as discussed under the 'Traffic and Transport Issues' section of the officer's report being undertaken by JAH;
 3. JAH being responsible for the constructing/upgrading of all the existing infrastructure outside of the airport site identified as being required to facilitate the Master Plan;
 4. All environmental issues and concerns raised by the City being suitably addressed by JAH to the satisfaction of the City. In this respect, the City maintains significant concerns whenever extensive clearing of vegetation is proposed and in terms of the Master Plan, the loss of almost 167ha of good to excellent quality bushland will have a significant impact, both on flora diversity and

fauna movement in the immediate area;

5. The clearing and development of Precinct 5 not taking place until it can be clearly demonstrated that rehabilitation of Precincts 7 and 8 by JAH (outside the airport site) is producing viable and successful rehabilitation results to the satisfaction of the City. In making this determination, the City will be seeking evidence which demonstrates that the rehabilitation will produce an adequate environmental offset to the bushland proposed to be cleared as part of Precinct 5;
6. The description of zones and land use permissibility within the commercial development precinct being consistent with the provisions of the Local Planning Scheme;
7. A detailed Economic Impact Assessment being prepared by JAH which demonstrates that their proposed major retail and commercial development can coexist and remain viable in conjunction with other existing and planned centres, and without adversely affecting the viability of such centres;
8. Any retail activity being considered on the basis of serving the immediate airport precinct, and being most suitably located in close proximity to the residential colleges. In this respect retail development should be limited to limited to a 'Local Centre' scale, with a total maximum aggregated floor space of 2000m², in order to minimise the impact on the City's Local Commercial Strategy;
9. A formal protocol being established by way of Memorandum of Understanding between the City and JAH which requires involvement by the City in terms of the preparation and processing of structure plans, the processing of subdivision and development applications including parks and landscaping design and construction standards for infrastructure;
10. The Master Plan being modified to indicate the provision of an appropriate buffer between the interface of all commercial land use which adjoins 'Resource' zoned allotments within the City;
11. Precincts 6 and 6A being clearly labelled as subject to a future Master Plan, so as to make it clear that this is not approved as part of the 2009 Master Plan. Similar to Precinct 5, the City will also base its future position

regarding Precinct 6 and 6A on whether rehabilitation of Precincts 7 and 8 by JAH outside the airport site has produced viable and successful rehabilitation results to the satisfaction of the City;

12. Should the fourth runway be approved, all residences located within the 25-30 and 20-25 ANEF contour being acoustically treated at JAH's expense;
 13. If the fourth runway is approved, the number of flights per year being permanently capped at 514,000 fixed wing and 76,000 helicopter flights;
 14. The informal night time curfew and Fly Neighbourly Policy being converted into a legally binding set of regulations upon both JAH and pilots;
 15. JAH to provide copies of all sub-leases within the commercial precinct to the City, upon JAH entering into any sub-lease within that precinct;
 16. Adequate servicing (especially reticulated sewer) being a pre-requisite for any expansion of existing aviation or non-aviation development on the airport;
 17. The Bush Forever Officer of the Department of Planning being specifically consulted by JAH regarding any future development that may impact on remnant bushland.
 18. The Department of Water being specifically consulted by JAH regarding future water and drainage management design, with the view to implementing best practice water sensitive design treatments to manage both water and drainage runoff;
- (2) provide a copy of its submission to the City of Melville, City of Canning and Western Australian Planning Commission for their information.

COUNCIL DECISION

Background

At its meeting held on 8 September 2005 Council resolved to support the fourth runway addition to Jandakot Airport in accordance with selected Option 1 of the Draft 2005 Jandakot Airport Master Plan ("2005 Master Plan") (Attachment 1 refers). This support was subject to a series of recommended conditions, in order to ensure that the proposal would be implemented in an acceptable manner (Attachment 2 refers). The Draft 2005 Master Plan included plans for the construction of a fourth runway, and the allocation of non-aviation land for commercial development. The proponent was Jandakot Airport Holdings ("JAH").

Following approval of the Draft 2005 Master Plan by the Federal Government in 2006, the City of Cockburn ("City") received a copy of the Draft Major Development Plan ("MDP") which proposed to undertake development of the airport in accordance with the 2005 Master Plan. Council considered the Draft MDP on 8 November 2007 and resolved to recommend approval subject to a number of recommended conditions (Attachment 3 refers). The City advised JAH on 15 November 2007 of Council's decision in this respect.

JAH have now released the Draft 2009 Master Plan for public comment, with comments closing on 30 October 2009 (Attachment 4 refers). This report considers the new Draft 2009 Master Plan, in the context of it being the strategic plan for development of the airport over the next 20 year period.

Submission

NA.

Report

Overview

In terms of statutory context, the development of airports is undertaken within the regulatory framework of the *Airports Act 1996*. This requires that for each airport, there is to be an approved Master Plan that indicates the airport planning for the next 20 years. A requirement of the *Airports Act 1996* is the preparation of a Master Plan every five years, and accordingly this Draft Master Plan represents a review and refinement of the approved 2005 Master Plan. The Master Plan is subject to approval of the responsible Federal Minister, being the Minister for Infrastructure, Transport, Regional Development and Local Government (Hon Anthony Albanese MP).

Part 5 of the *Airports Act 1996* sets out the statutory process for preparing and consulting in relation to a Draft Master Plan. In specific respect of consultation, Section 79(2) of the *Airports Act 1996* states:

- (2) *If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by:*
- (a) *copies of those comments; and*
 - (b) *a written certificate signed on behalf of the company:*
 - (i) *listing the names of those members of the public; and*
 - (ii) *summarising those comments; and*
 - (iii) *demonstrating that the company has had due regard to those comments in preparing the draft plan; and*
 - (iv) *setting out such other information (if any) about those comments as is specified in the regulations.*

The Federal Government have released guidelines in respect of consultation, making it clear that the responsible Federal Minister expects that consultation is undertaken with all stakeholders and that prudent consideration is given to comments received during the consultation period, with the stakeholders' comments adequately summarised and the airport-lessee company (JAH) response appropriately documented in this respect. This information, along with copies of the public comment provided during the consultation period, forms part of the package that the Minister has regard to when considering whether to approve or refuse the Draft Master Plan.

In terms of local government, the responsible Minister expects detailed and meaningful consultation to occur, within the specified timeframe of 60 days. As the consultation period for this Draft Master Plan closes on 30 October 2009, it is imperative that the City makes its submission direct to JAH, in accordance with the relevant legislative requirements. JAH must then, before submitting the Draft Master Plan to the responsible Minister for approval, demonstrate that they have had due regard to all the comments received in relation to the Draft Master Plan. It is stated that:

“the Minister must be satisfied that the airport-lessee company gave regard which is adequate in all the circumstances to the comments received.”

Relevant to this would be matters such as how the issues raised in the consultations will be/have been dealt with by the JAH, whether JAH considered properly those comments received, whether the comments were accepted or not into the Draft Master Plan and the grounds for rejecting particular comments. It does, however, need to be remembered that having due regard to public comment does not mean that the draft documents must automatically be changed to reflect those comments. This philosophy exists across most phases of public

consultation, especially in relation to local government and town planning.

Draft 2009 Master Plan

The Draft 2009 Master Plan indicates both aviation and non-aviation development across the airport site. This has been planned on a precinct basis, with six main precincts (and additional sub-precincts) identified as follows:

Precinct 1A (31ha) - This is a new conservation area to protect significant flora located within this area of the airport and retain connectivity to Ken Hurst Park. Precinct 1A was previously identified for commercial development under the approved 2005 Master Plan.

Precinct 1B (47ha) - This is an existing conservation area identified under the 2005 Master Plan which includes significant flora. This conservation area has been amended to take into account potential aviation requirements at the end of the runways and the requirement for the East Link road.

Precinct 2 (39ha) - This is an existing conservation area identified under the 2005 Master Plan. The conservation area has been amended to take into account potential aviation requirements at the end of the runways.

Precinct 3 (225ha) - This is the proposed aviation development that includes the following facilities:

- Enhancements to runways 06L/24R and 12/30 (future 12R/30L);
- No changes to runway 12L/30R;
- The proposed fourth runway 12L/30R;
- Existing and proposed taxiways and aprons;
- Aircraft support facilities.

Precinct 4A (22ha) - This is existing commercial development identified for bulky goods/showrooms under the 2005 Master Plan.

Precinct 4B (9ha) - This is also existing commercial development identified for office/commercial land uses.

Precinct 4C (13ha) - This is an area subject to a minor variation of the 2005 Master Plan which is now identified for commercial mixed use and aviation land uses.

Precinct 4 (72ha) - This is existing commercial development identified for warehouse/storage land uses.

Precinct 5 (40ha) - This is a new commercial area identified for warehouse/storage land uses in exchange for Precinct 1A, which was previously identified for commercial development in the 2005 Master Plan 2005.

Precinct 6 and 6A (53ha) - This precinct is identified as future development under the Draft 2009 Master Plan. The development of Precinct 6 will be further investigated following a review of this Master Plan in five years as required by the *Airport Acts 1996*.

In summary, the abovementioned precincts have resulted in land use within the airport site as being:

Conservation (Precincts 1A, 1B, 2, 6 and 6A) - 170ha (27.3%) including 53ha being earmarked for 'future development'. There is an additional 32ha of bushland identified for conservation under the Draft 2009 Master Plan, however this 32ha of bushland may be potentially used future runway extensions and operations.

Aviation Development (Precinct 3, includes runways and taxiways) - 225ha (36.2%).

Non-aviation Development (Precincts 4, 4A, 4B, 4C, and 5) - 156ha (25.1%).

Roads and Services - 39ha (6.3%).

Land Use Issues

In terms of land use, the Draft 2009 Master Plan retains the principal concepts of the approved 2005 Master Plan with the following revisions:

- The confirmation, provision and location of the fourth runway and associated taxiways;
- Proposed extension of runways 06L/24R and 12/30 (future 12R/30L);

- Proposed South Link - this road is proposed to connect from Karel Avenue to Jandakot Road and Berrigan Drive at the existing Road/Berrigan Drive/Dean Road intersection;
- Proposed East Link - The connection of this road outside of the airport boundary will be determined in discussions with the State Government and local governments;
- Change Precinct 1A from mixed business to conservation;
- Change Precinct 5 from conservation to mixed business.

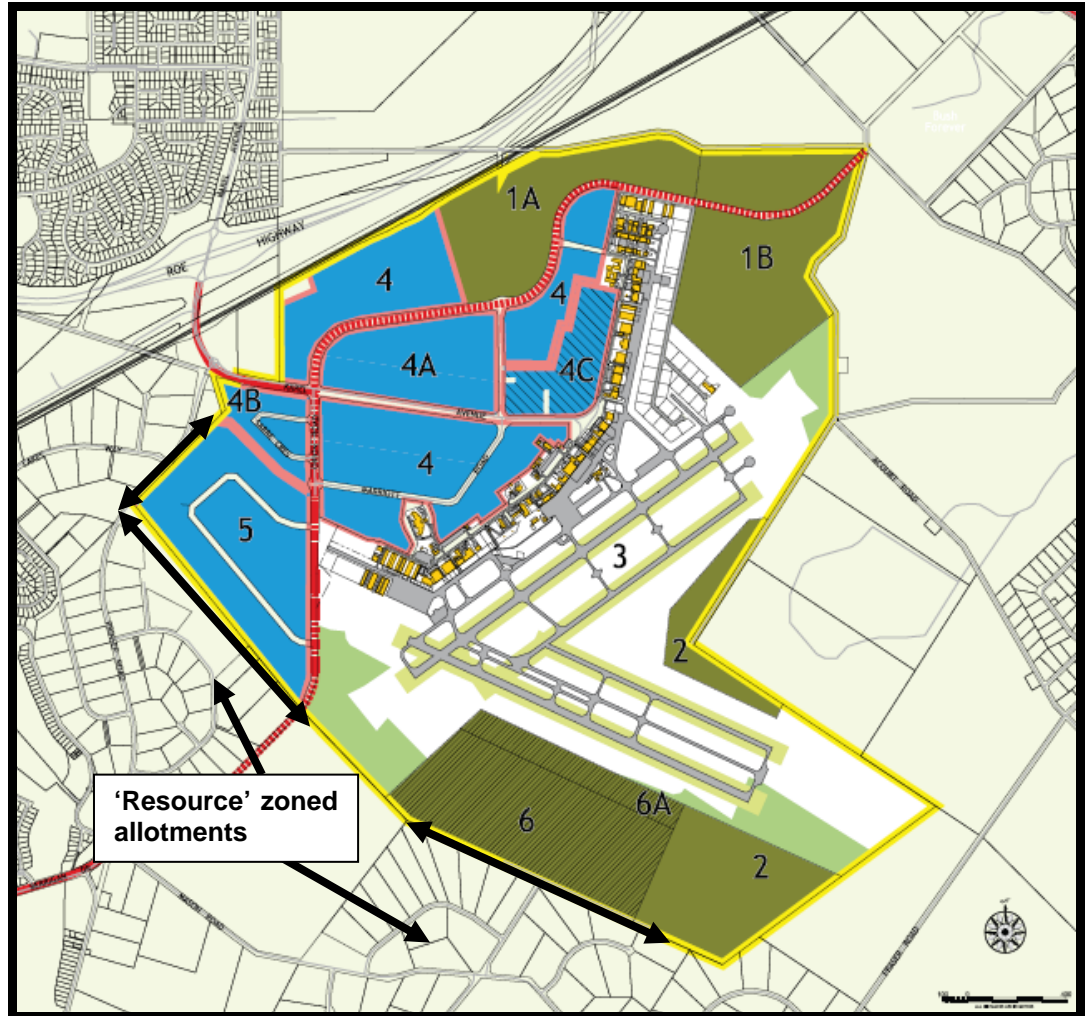
Once complete, the proposed mixed business development will provide for up to 40,000m² of business and office space; 80,000m² of bulk retail and showroom space; and 470,000m² of warehouse and storage space. Once the commercial estate is fully occupied, it is predicted to accommodate approximately 190 businesses and 5,753 workers. This is of major significance and importance to the local, regional and state economies of Western Australia.

While stating this economic importance, it is also very important to ensure that this major commercial development does not undermine the viability of existing or planned commercial centres within the City. The City's Local Commercial Centres Strategy identified a portion of the airport land as future mixed business, but with no retail floor space recommended. The objective of this was to minimise the impacts on the planned and existing centres within the City, consistent with the prevailing state planning policy.

It is acknowledged that state planning policy is significantly changing in this respect, so as to remove the anti-competitiveness of restricting retail and commercial floorspace across the metropolitan area. The changing policy still however imposes a requirement for economic impact assessments to be produced, in order to demonstrate that major retail or commercial development can coexist and remain viable in conjunction with other existing or planned centres.

It is noted that the Draft 2009 Master Plan does not include a robust Economic Impact Assessment to reveal the positive or negative impacts associated with the planned retail and commercial developments at the airport. It is therefore considered imperative to require an Economic Impact Assessment to be prepared, so that the City has confidence that the extent of development will be appropriate in the context of the retail and commercial hierarchy which exists.

As also mentioned above, the Draft 2009 Master Plan proposes an important shift in both the location and distribution of commercial development on the airport site. This poses some important questions, specifically related to how the interface between higher intensity commercial development will be managed with the lower intensity 'Resource' zoned lots which adjoin the airport site. This is diagrammatically depicted following:



Considering that the current 2005 Master Plan depicts these Precincts 5 and 6 as part of the wider conservation area which spans the southern interface of the airport site, there will be implications for those lots which are now proposed to adjoin commercial precincts. Given such lots currently benefit from a well vegetated buffer between the developed parts of the airport and its perimeter boundaries, there needs to be consideration given to the potential impacts of this change and what can be done to manage such impacts. Questions to be asked include:

- i. Will the resulting commercial development have external impacts? Given the nature of the airport as a specialised centre dealing with logistical warehousing and storage functions, it is reasonable to suggest that some land uses by their nature will have some external impacts. This could include potential noise, traffic and light spill impacts. Given also that the hours of operation for such uses may extend into the night, such impacts may have a higher degree of magnitude than if just restricted to daytime hours. It will therefore be important to ensure that the placement of higher

impact commercial uses is not on the boundary close to sensitive residential development, but alternatively placed internally on the airport site. Lower intensity uses could then buffer those higher intensity uses as the transition occurs out to the boundary of the airport site. This should be managed by the City continuing to be involved with the planning of the airport as has been facilitated by JAH.

- ii. At what typography level will the resulting commercial development operate? It is noted that the current topography of the airport site at its external boundaries is quite undulating. As resulting commercial development will need to tie in with the current operational level of the airport, there will need to be significant cutting and/or filling of the current topography. Depending on how this alteration to the topography is managed at the interface with the 'Resource' zoned lots, will depend on whether potential noise and other amenity impacts are able to be reduced. While it is acknowledged that the Master Plan is not the mechanism in which to delve into such technical detail, this issue should be identified and addressed by the City continuing to be involved with the detailed planning of the airport site.
- iii. How will the resulting commercial precinct be arranged? While the 2009 Draft Mater Plan indicates a basic road pattern for Precinct 5, this is only indicative and will be subject to further detailed planning. The road layout is important in terms of how traffic and other impacts can be mitigated against. For instance, should a commercial road interface be proposed against the 'Resource' zoned lots, then it is likely that traffic impacts will be exacerbated. Alternatively, should the road layout be designed such that the back of commercial lots are provided at the interface with the 'Resource' zoned lots, then this may help buffer against commercial traffic impacts. Such is another detailed design issue that can be pursued through the City continuing to be involved with the detailed planning of the airport site.

From the above it is essential that a continued protocol occur in terms of dealing with the detailed planning of the proposed retail and commercial areas. This needs to cover the preparation and adoption of structure plans for the precincts, development standards, zones and permitted uses and specifications for roads, drainages and other infrastructure. This collaborative approach is supported by JAH, and is logical given that mutual benefits can be achieved if the airport development takes place in an optimal planning manner.

Traffic and Transport Issues

Proposed access to the airport includes the following connections:

- Access from Berrigan Drive or Karel Avenue via the Karel Avenue extension (existing);

- South Link - this road is proposed to connect from Karel Avenue to Jandakot Road and Berrigan Drive at the existing Jandakot Road/Berrigan Drive/Dean Road intersection;
- Proposed East Link - The connection of this road outside of the airport boundary will be determined in discussions with the State Government and local governments.

In respect of the proposed access and development, there are a number of issues in terms of the traffic, transport and road system which need to be addressed. These include:

- Karel Avenue needs to be a full four lanes all the way between Farrington Road and the airport to accommodate the increased traffic and to seamlessly tie in with the existing four lanes north of Farrington Road. The railway and Roe Highway bridges will need to be widened to accommodate this and a pedestrian/cycling path link retained;
- Berrigan Drive South will need to be widened to four lanes between the South Link Road and Kwinana Freeway to accommodate the additional traffic generated by the airport development;
- The airport roads are considered public roads, and they should integrate with and complement the existing surrounding road system. In this respect, the new South Link Road through the airport connecting Karel Avenue and Berrigan Drive South should replace Berrigan Drive North as a District Distributor A in the City's road hierarchy. Consequently, it should be a four lane road through the airport with limited and controlled property access, and encouraged as the priority route;
- Through traffic needs to be discouraged from using Berrigan Drive North, and its connections to Karel Avenue and the South Link Road need to take this into account;
- The connections at South Link Road/Dean Road/Jandakot Road/Berrigan Drive will require detailed consideration, particularly as a large number of roads converge at this interchange. Private land acquisition may be required for provision and construction of South Link Road connection (outside of the airport). Should the feasibility of land acquisition become an issue, alternative options for this road connection will need to be identified as part of this Master Plan;
- Fraser Road is an unmade road. It is shown as carrying traffic under the airport's development plan. If this road is required to facilitate the airport's road access system, then it needs to be constructed as part of the airport's road development program;

- As the airport may be subject to emergency situations, ready, separate and controlled full turn emergency access should be provided to and from the adjacent Roe Highway away from the regular interchanges. This would be appropriate with the new Fiona Stanley Hospital being located off Roe Highway. This access point could also be utilised by other vehicles in order to reduce traffic impacts on the regular interchanges;
- A separate study is required to model the traffic, access requirements and upgrades to accommodate the traffic generation and transport impacts on the road feeder system and the freeway/highway system. The upgrade options for Karel Avenue, Berrigan Drive, Jandakot Road, freeway accesses etc (including treatments to encourage Karel Avenue traffic to drive through the airport rather than using Berrigan Drive North) can be modelled for various scenarios to identify the most appropriate treatments. A traffic model of the area was set up by the Roe7 Alliance and this model, if available, could be readily calibrated and modified to reflect the current traffic flow characteristics and the scenarios required for the airport development;
- The airport roads function as public roads and consequently should be designed and constructed to a minimum standard, particularly for public safety. They should be designed and constructed to the minimum requirements and procedures set by the new Local Government Guidelines for Subdivisional Development, published by the Institute of Public Works Engineering Australia (WA Division). Such should also be consistent with the City's Guidelines and Standards for the Design, Construction and Handover of Subdivision within the Municipality;
- The subdivision process and civil works will need to be guided and monitored to ensure compliance with drawings, standards and the guidelines, and appropriate records and conformance declarations kept for any subsequent legal requirements, on-going asset management or should the care and management of the infrastructure be handed over into the future;
- The cost of all required civil upgrade works to external infrastructure as a result of the airport's expansion is considered the responsibility of JAH to fund.

It is noted that the proposed South and East Link Roads traverse some of the best quality vegetation on the site. The East Link Road also goes through a resource enhancement wetland. Recommendations are made to request JAH to reassess the specific location of these alignments so as to avoid these sensitive environmental features where practical.

The City also strongly supports JAH's initiative in terms of its proposed action in liaising with the State Government to provide feeder bus services to and from Murdoch Station on the Perth to Mandurah railway. JAH's commitment to pedestrian and cycling facilities is also strongly supported. The City also notes the importance of ensuring the flexibility of a future bus station/interchange to be integrated with the airport's development.

Environmental Issues

Philosophically, the City maintains significant concerns whenever extensive clearing of vegetation is proposed. In terms of the Draft 2009 Master Plan, the loss of almost 167ha of good to excellent quality bushland will have a significant impact, both on flora diversity and fauna movement in the immediate area.

The City also acknowledges JAH's intention to rehabilitate the ex-sand mining areas adjoining the airport to the east (identified as Areas 7 and 8 in Attachment 6). These areas measure approximately 120ha in size, with approximately 90ha proposed for rehabilitation. While rehabilitation will never produce the same outcome as remnant bushland, it is still some form of an offset in this respect.

Attachment 5 contains the comments made by the City's Environmental Services Division in relation to the Draft 2009 Master Plan, associated Draft 2009 Environmental Strategy as well as the associated referral which has been received under the *Environment Protection and Biodiversity Conservation Act 1999*. This referral indicates that the Draft 2009 Master Plan and its associated environmental impacts are being formally assessed in terms of their acceptability or not under the genus of the *Environment Protection and Biodiversity Conservation Act 1999*.

It needs to be noted that the comments made under Attachment 5 have already been provided to the Federal Department of the Environment, Water, Heritage and the Arts. This was on the basis that the advertising process for the *Environment Protection and Biodiversity Conservation Act 1999* formal assessment process closed on 3 October 2009, making it important for the City's Environmental Services Division to make its comments before this date.

Similar to the state process of environmental impact assessment, it is appropriate that the environmental acceptability of any proposal be determined relatively independent of other non-environmental related matters. That is, a proposal is either environmentally acceptable or not, and that an impartial environmental assessment can stand up to scrutiny where it has been based on environmental issues. JAH's willingness to request formal assessment of their Draft 2009 Master Plan under the *Environment Protection and Biodiversity Conservation*

Act 1999 indicates a commitment to it being impartially judged as whether it is environmentally acceptable.

In addition to this formal assessment, it is recommended that all of the environmental issues and concerns raised by the City should be addressed by JAH.

Noises Issues

Aircraft Noise

The proposed fourth runway is predicted to increase annual fixed wing flights by about 14,000, reaching a maximum of 514,000 flights per year in 2015. The Australian Noise Exposure Forecast ("ANEF") system is the recognised method of predicting likely impacts of aircraft noise on the general public. The Draft 2007 MDP recognised that *"for affected residents, the noise impacts associated with the use of the 12/30 direction runways will be intense, at frequent intervals and of relatively short duration"*.

Following a review of the ANEF contours, the predicted new 20-25 and 25-30 ANEF contours will result in noise impacts on increased numbers of residences in the City. It is recognised that some of the affected properties are industrial and/or commercial in nature and are not noise sensitive. However any increase in the noise contours is certain to have an impact on a larger number of residents and it is estimated that there will be between 70 and 80 more residential properties located within the new 20-25 contour within the City. Of these, there will be about 20 residential lots located within the new 25-30 contour.

The 25-30 contour is recognised in AS2021 Table of Building Site Acceptability as the category 'unacceptable' for houses and schools. The 20-25 contour is recognised in AS2021 as the category 'conditional' for houses and schools. 'Conditional' typically acknowledges that buildings should be acoustically treated to minimise noise nuisance. In addition, the Draft MDP states that *"at the 20 ANEF approximately 10% of people are "seriously affected" and approximately 45% are "moderately affected" by aircraft noise"*.

Should the fourth runway be approved, all residences located within the 25-30 contour will be significantly affected by aircraft noise and these properties (approximately 20 within the City) need to be acoustically treated at JAH's expense. All existing houses and residential accommodation located within a 20-25 contour should also be acoustically treated at JAH's expense. This will mitigate some of the aircraft noise experienced inside the buildings, however it is noted that the noise nuisance will continue to exist when residents are enjoying their external living areas. It is also noted that the aircraft noise will be

restricted to daytime only as the runways will not be lit for night time flights.

Full capacity in terms of aircraft flights and therefore aircraft noise impacts is predicted to be reached by about 2025. The predicted number of flights in the Draft 2007 MDP did not anticipate the significant increase in helicopter flights and this has resulted in the proposed development of a dedicated helicopter training area for the maximum 76,000 helicopter movements per year predicted by 2030. The reason for making this point now is to clarify for local residents, the ultimate worst case scenario of noise from the airport. This capacity is based upon no further runways, no additional helicopter training areas, and in particular, extremely limited flights during the night time.

At this strategic planning stage it is important to identify the final capacity of the airport which will be determined due to several criteria especially safety and noise impacts. The 25-30 contour is recognised in AS2021 as unacceptable for houses and schools and there is a compelling argument that this contour should not be permitted to extend into residential areas. However the ANEF map for 2025 indicates that the 25-30 contour does extend into residential areas. If the fourth runway is approved then the number of flights per year should be capped at 514,000 fixed wing and 76,000 helicopter flights. This will represent the final fixed capacity of the airport and will provide certainty for all stakeholders.

On top of this cap, it is recommended that a cap also be applied to the permitted number of night time flights and that the informal night time curfew and the Fly Neighbourly Policy be converted into a legally binding set of regulations upon both JAH and pilots. This reflects the common complaint that some pilots do not comply with the policy and that there appears to be no legal compulsion to ensure compliance.

Trucks and Vehicle Noise

The proponent should provide a comprehensive acoustic consultant's report showing that the development will comply with the State Planning Policy concerning road and rail transport noise.

Industrial Premises and Impacts

When fully developed, the airport will have the potential to accommodate 250 businesses. While the potential employment and economic benefits are noted, the large scale of this proposal is significant. The most significant cause of both noise complaints and related health effects is excessive night time noise. This occurs rarely around the airport due to the low number of night time flights. However the occurrence of noise nuisance from industries operating 24 hours a day including vehicle movements, plant, machinery and reversing beepers is considered to be a possibility due to the local topography

and the limited buffer to residential allotments. This needs to be carefully considered and responded to so as to ensure that no external noise impacts occur from commercial development on adjoining residential development.

There are concerns also about the potential for the scale of commercial development to impact upon the Jandakot Water Mound. A significant part of the site is located over the Jandakot Water Mound, specifically proposed Precincts 4B and 5 and a portion of Precincts 4, 6 and 6A. These exist within Priority 1 Source Protection Area as shown under State Planning Policy No. 2.3 (Attachment 7 refers). It is therefore crucial that potentially polluting industries are not permitted to operate and/or that these industries are regulated to minimise the chance of contaminating this water supply. Any permission of these land uses must only occur if State and Federal Government regulatory bodies are satisfied regarding the level of risk on the Jandakot Water Mound.

Health Premises

It is the City's understanding that the State Health legislation relating to Food Premises, Lodging Houses, Public Buildings and the installation of onsite effluent treatment and disposal systems is applicable and will continue to be administered via the City.

Conclusion

The City does not object to the proposed fourth runway and associated aviation development. However, issues with the proposed non-aviation commercial development on the airport must be adequately addressed to the satisfaction of relevant State Government agencies and the City before complete support can be indicated. The City also needs to be satisfied that environmental issues have been adequately managed, and that threats to the Jandakot Water Mound have been appropriately mitigated against. The City also requires JAH to ensure that residents adjoining the airport site will not experience adverse amenity impacts associated with the commercial development.

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.

Transport Optimisation

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

Budget/Financial Implications

NA.

Legal Implications

In terms of statutory context, the development of airports is undertaken within the regulatory framework of the *Airports Act 1996*. This requires that for each airport, there is to be an approved Master Plan that indicates the airport planning for the next 20 years. A requirement of the *Airports Act 1996* is the preparation of a Master Plan every five years, and accordingly this Draft Master Plan represents a review and refinement of the approved 2005 Master Plan.

Community Consultation

NA.

Attachment(s)

1. Option 1 of 2005 Master Plan
2. Council resolution dated 8 September 2005
3. Council resolution dated 8 November 2007
4. Draft 2009 Master Plan
5. Environmental Services Unit Submission
6. Map Showing Proposed Rehabilitation Areas
7. Map From State Planning Policy No. 2.3

Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter will be considered at the Council meeting of 8 October 2009.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 8/10/2009) - LIST OF CREDITORS PAID - AUGUST 2009 (5605) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2009, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – August 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 8/10/2009) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - AUGUST 2009 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statements of Financial Activity and associated reports for August 2009, as attached to the Agenda.

COUNCIL DECISION

Background

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets);
- (b) explanations for each material variance identified between YTD budgets and actuals; and

- (c) any other supporting information considered relevant by the local government.

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

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

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

Submission

N/A

Report

Council's net current position (liquidity) remains very strong at \$55.6M. This will wind down progressively during the year as expenses exceed income. Council's major income sources (being rates and rubbish levies) are the major contributors to this result, as these are raised and recognised at the commencement of the financial year.

Council's cash position (excluding restricted cash) stands at \$41.6M. Rates collected during the 35 day payment period is comparable when compared to previous years at 54% of the amount levied (56% in 2008/09). This indicates that the elimination of the early payment discount had a minimal effect on Council's cash flows.

On a YTD budget comparison basis, operating income is slightly down by \$585k mainly due to a slight delay in receiving the financial assistance grants quarterly payment of \$501k (received 2 Sept). See the attached report for the other variations for this month.

Income on investments is performing well to date (+\$80k), due to favourable rates being received on our term deposit investments. With likely rate rises later in the financial year, this area should generate a budget surplus.

Cash operating expenses continue to track behind budget by \$2.9M, mainly in material and contract costs. Large variances appear within the Waste Services, Community Services and Parks and Environmental Business Units and these are explained in the attached report.

Council's capital spend is \$2.1M below YTD budget, the main contributors to this being the recreation facility projects at Success and Aubin Grove and the Coolbellup Community Centre upgrade. However, these are temporary in nature only, as the funds have already been committed.

Description of Graphs & Charts included within Statements

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.

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Where variances reported are of a permanent nature (ie. not due to timing issues), they will impact Council's end of year budget surplus/deficit position and will be assessed during the mid-year budget review.

Legal Implications

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial management) Regulations 1996.

Community Consultation

N/A

Attachment(s)

Statements of Financial Activity and associated reports – August 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (OCM 8/10/2009) - 2009/10 BUDGET AMENDMENTS - CARRIED FORWARD WORKS AND PROJECTS & 2008/09 BUDGET SURPLUS (5402) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council amend the 2009/10 Municipal Budget as per the following:

- (1) amend the figures for Carried Forward Works and Projects, as set out in the schedule attached to the Agenda, totalling adjustments of \$4,213,214 to both expenditure items and their designated funding sources;
- (2) reduce the budget for the 2009/10 Financial Assistance Grants (FAGS) by \$675,912 to reflect the advance payment received in June and include it within the end of year budget surplus position;
- (3) receive the final copy of the June Monthly Financial Activity Statement; and
- (4) Increase the opening funds in the 2009/10 Budget from \$2,148,890 to \$3,247,413.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

When Council adopted its Budget for 2009/10, estimates were used for Carried Forward Works and Projects. This practice is necessary due to the adoption of the budget before the previous year is finalised. Final figures are now available (subject to audit).

Submission

N/A

Report

Now that final figures have been calculated for Works and Projects Carried Forward from 2008/09 to 2009/10, it is appropriate for the Budget to be amended to reflect the actual amounts rather than the estimates used where there are sufficient variations. A schedule of the proposed amendments is attached to the Agenda. The net impact of these changes is an increase of \$422,611 in municipal funding required.

The final budget surplus for 2008/09 came in at \$3,247,413. This figure is above the \$2,148,890 forecast used to balance the 2009/10 budget. However, included within the additional amount of \$1,098,523 is a payment received from the Grants Commission totalling \$675,912. This represents an advance of the City's 2009/10 Financial Assistance Grants (FAGS). Accordingly, quarterly FAGS payments for 2009/10 will effectively be reduced to factor in this early payment. The payment was made as a stimulus measure to assist Council's fast track projects, otherwise delayed due to cash flow restrictions.

The balance of the additional surplus amount has been consumed by several projects that were not included within the initial list of carried forwards, totalling \$463,403. As the carried forwards are required to be predicted in April, it is not always possible to identify all the requisite projects.

There is also a small saving of \$40,792 in the balancing of the final carried forward amounts versus the forecast amounts for the projects included within the adopted budget.

The most significant item included within the total budget change of \$4,213,214, is the unrealised proceeds from land sales totalling \$2,823,272 at lot 5 Bartram Road, Atwell and the resultant transfer into the Land Development Reserve and Investment Fund.

This review of carried forwards has been able to maintain the balanced budget position for the 2009/10 financial year.

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 develop and maintain a financially sustainable City.

Budget/Financial Implications

The Budget will be amended to reflect the final and true value for carried forward works and projects rather than the forecasts used when adopting the Budget.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Schedule showing 2009/10 Budget Carried Forward Reconciliation.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

15.4 (OCM 8/10/2009) - REVIEW OF COMPLIANCE WITH TENDERS FOR PROVIDING GOODS AND SERVICES (4401) (S DOWNING)

RECOMMENDATION

That Council receive the report in the review of compliance with tenders for providing goods and services.

COUNCIL DECISION

Background

The 2008 Department of Local Government Statutory Compliance Audit Return Report received and adopted by Council at the Ordinary

Council Meeting of 12 March 2009. The Report was adopted by Council and included the following resolution:

A report be prepared and presented to Council in six months time in relation to compliance with tenders for providing goods and services.

The Return identified seven services provided to Council that inadvertently exceeded the tender limit without a formal tender being called even though the Purchasing Policy SC38 was initially followed.

Submission

N/A

Report

Subsequent to the issue of the Department of Local Government Statutory Compliance Audit Return, the City has initiated a number of changes to ensure that the City complies with Section 3.57 of the Local Government Act 1995 and Regulations 11-24 of the Local Government (Functions & General) Regulations 1996 that control the area of purchasing of goods and services on behalf of the City.

These changes include:

1. Establishment of a Tender Priority Panel – to assess priority for tenders.
2. Continuing training of relevant staff of the Local Government Act requirements to ensure compliance.
3. Amendment to financial systems report to pick up expenditure set at 80% of the relevant limit, that is \$100,000 for a supplier/contractor.

In addition, the Co-ordinator, Purchasing (who manages the tender process on behalf of the City) and the Manager, Finance have conducted a review of purchases subsequent to the 2008 Return to ensure compliance with Act and the Regulations. The review has considered two purchases that on the surface may have been contrary to the Act but after advice were considered satisfactory and in accordance with the Act and its Regulations.

The first review finding was the purchase of personal computers using the WALGA panel contract supplier to both, source the equipment and provide the operating lease. The initial view was that a tender should have been called to cover the sourcing of the equipment. However, advice from Mr Andrew Blitz, Manager – Contracts, WALGA was that the WALGA Panel contract supplier could provide the sourcing and operating lease. This was because the equipment belonged to the operating lease company and not the City. The obligation on the lease

company was to provide the equipment to the specification of the City including the operating lease. At the end of the four year operating lease period the equipment is returned to the lease company.

The second item reviewed was the calling of expressions of interest for personal trainers associated with the South Lakes Leisure Centre. All queries and responses were directed to the officers who requested the advert to be placed. This is not in accordance with the Council's practice, whereby all tenders and expressions of interest are directed through the purchasing department. This places a clear separation between supplier and requestor of services. In addition, it allows for a standard response to be provided to all tenderers or persons submitting an expression of interest.

Further training will be provided to relevant officers to ensure future compliance.

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

Section 3.57 of the Local Government Act, 1995

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 8/10/2009) - TEMPORARY CLOSURE OF COOGEE ROAD, ALBION AVE AND HOBSON AVE IN LAKE COOGEE SUBDIVISION TO THE PASSAGE OF VEHICLES (4201Z) (S HUSSAIN) (ATTACH)

RECOMMENDATION

That Council, in accordance with section 3.50 of the Local Government Act 1995, institutes a temporary closure of a section of Coogee Road, Albion Ave and Hobson Ave for a period of up to 5 months commencing 18 October 2009 during the construction of the development on Lake Coogee Stage 1 subject to:

1. There being no objection received as a result of advertising in a local newspaper.
2. There being no 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

Background

Lake Coogee subdivision has been approved by Western Australian Planning Commission, and as part of the approval, the developer has to reconstruct sections of Coogee Road, Albion Ave and Hobson Ave.

Submission

DM Civil, the developer's appointed contractor to carry out the construction works on Lake Coogee subdivision, has requested Council to implement procedures to close sections of Coogee Road, Albion Ave and Hobson Ave for a period of 5 months during the construction of the development on the subdivision. This will facilitate the subdivision works and the required reconstruction of those sections of road.

Report

During the construction activities of Lake Coogee subdivision the road closures will be required for the following reasons:

- 1) As per the planning approval of the subdivision, the developer is required to upgrade a section of Coogee Road, Albion Ave and Hobson Ave. The upgrading works involve total reconstruction of these sections of the roads and also drainage and sewer works. Road closure is therefore required to carry out the works in a safe manner.
- 2) All these roads carry very low volumes of traffic and the closure will not have any impact on the traffic flow surrounding the area. Detour signs are to be in place prior to the closure. All detour pavements are in good condition and also the short detour lengths will not cause any lengthy delay.
- 3) Access for local traffic will not be affected by this closure; access to the existing houses within the development will always be maintained.
- 4) DM Civil has appointed a certified traffic management contractor (WARP) to monitor the impact of the road closure on the area. WARP has already submitted a traffic management plan, which is in line with Australian Standards and Main Roads Field Guidelines. There is no foreseen issue with the traffic management plan and the closure will not create any undue congestion. Advance warning signs have also been installed and an advice of the proposed closure is placed in both the local newspaper and West Australian newspaper.

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)

- 1a & b Plan of the closure.
2. Aerial of sub-division.
3. Plan of sub-division.

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

16.2 (OCM 8/10/2009) - TENDER RFT 24/2009 - MOWING SERVICES - ROAD VERGES - RURAL, INDUSTRIAL AND UNDEVELOPED LAND (RFT24/2009) (A JOHNSTON) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Lovegrove Turf Services, for Mowing Services – Road Verges – Rural, Industrial and Undeveloped Land over a three (3) year period with options to extend to a maximum of five (5) years, for the lump sum price for one year of \$142,381 GST inclusive (\$129,438 GST exclusive), and additional schedule of rates for determining variations.

COUNCIL DECISION**Background**

Parks and Environment Services undertake mowing and rubbish removal services to road verges within Rural, Industrial and Undeveloped areas throughout the City so as to produce attractive, well maintained streetscapes. This service is scheduled twice per annum with ad hoc works as required.

The service is contracted as the works are seasonal and it reduces the need for additional labour, plant and resources plus equipment storage space at the Operations Centre.

Tender number RFT 24/2009 Mowing Services – Road Verges was advertised on Wednesday 1 July 2009 in the Local Government Tenders section of “The West Australian” newspaper. It was also displayed on the City’s website from 1 July – 16 July 2009.

Submission

Tenders closed at 2:00pm (AWST) Thursday 16th July 2009.
Tender submissions were received from:

1. Gecko Contracting
2. Firebreaks and Slashing
3. Lovegrove Turf Services

Compliant Tenderers

All tenders were deemed compliant with the conditions of tendering and compliance criteria.

Report

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Relevant Experience	20%
Skills and Experience	20%
Tenderer's Resources and Delivery/Availability	20%
Tendered Price	40%
Total	100%

Tender Intent/Requirements

Tender requirements were based on the City of Cockburn's Technical Specification Part Two of the tender document in accordance with the City of Cockburn's standard specifications for this work.

Evaluating Officers

The tender submissions were evaluated by:

1. Adam Johnston - Parks Operations and Environment Coordinator
2. Lou Vieira – Parks Supervisor
3. Mary Chesson – Acting Parks Technical Officer

Scoring Table

Scores			
Tenderer's Name	Non-Cost Evaluation Score 60%	Cost Criteria Evaluation Score 40%	Total Score 100%
Lovegrove Turf Services **	51.44%	35.38%	86.82%
Gecko Contracting	46.49%	38.84%	85.02%
Firebreaks and Slashing	41.58%	40.00%	81.58%

** Recommended Submission

Evaluation Criteria Assessment

Relevant Experience

There were six components to be scored against as part of this criterion. Lovegrove Turf Services submitted the most comprehensive responses and consequently scored highest with each of the evaluating officers. Each tenderer was considered to have a satisfactory level of relevant experience with Lovegrove Turf Services standing out with the most relevant experience based on the answers provided in their submission.

Key Personnel Skills and Experience

Tenderers were required to submit responses to six components under this criterion. Again all tenderers showed they had sufficient key skills and experience to undertake the works with Lovegrove Turf Services providing the most relevant and comprehensive responses and scoring highest with each of the evaluating officers.

Tenderers Resources and Delivery/Availability

Tenderers were assessed against three components of this criterion. All tenderers demonstrated they had sufficient resources and ability to deliver the requirement of the contract. Lovegrove Turf Services scored slightly higher in this criterion by the evaluating officers in respect to the available resources and contingency measures.

Summation

Evaluation was undertaken by three (3) internal staff members independently of each other. Scoring was evaluated against cost and non cost criteria. The cost component being 40% of the evaluation was competitive between all tenderers with Firebreaks and Slashing providing the lowest price. The non cost criteria being 60% of the evaluation was scored highest by Lovegrove Turf Services. When cost and non cost scores were combined Lovegrove Turf Services received the highest percentage score.

The combined officer's assessment supports awarding the tender to Lovegrove Turf services, consequently officers recommend that Council accept their tender submission for the lump sum price of \$142,381 (GST inclusive) for year one of the service.

Strategic Plan/Policy Implications

Infrastructure Development

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

Governance Excellence

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

Budget/Financial Implications

The recommended tender requires funding of \$142,381 GST inclusive (\$129,438 GST exclusive) for year one of the contract. \$220,000 has been allocated in the Parks 2009/10 Operating Budget for Mowing Services – Road Verges.

Competition in the market place has seen prices decrease significantly from the 2008/09 expenditure of \$204,306 GST inclusive.

The total estimated contract value based on the three year term is \$427,145. GST inclusive (\$388,314 GST exclusive).

Legal Implications

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

Community Consultation

N/A

Attachment(s)

1. Compliance Criteria Checklist
"Confidential" (provided under separate cover)
2. Tendered Prices
"Confidential" (provided under separate cover)
3. Tender Evaluation Sheet
"Confidential" (provided under separate cover)

NOTE

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

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

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 8 October 2009 Council Meeting

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

Nil.

16.3 (OCM 8/10/2009) - TENDER RFT 26/2009 - VERGE MOWING SERVICES - ARTERIAL ROAD RESERVES (PRIORITY ONE AND PRIORITY TWO AT SPECIFIC LOCATIONS) (RFT26/2009) (A JOHNSTON) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Gecko Contracting, for Verge Mowing Services – Arterial Road Reserves over a three (3) year period with options to extend to a maximum of five (5) years, for the maximum lump sum price for one year of \$345,468 GST Inclusive (\$314,062 GST Exclusive), and additional schedule of rates for determining variations.

COUNCIL DECISION

Background

Parks and Environment Services undertake mowing and rubbish removal services to Arterial Road Verges throughout the City so as to produce attractive, well maintained streetscapes. This service is divided into priority one road reserves and priority two road reserves. Priority one sites are scheduled to be maintained between four and six times per annum and priority two sites are scheduled between two and four times per annum. The number and timing of visits is dependent on seasonal growth conditions.

The service is contracted as the works are seasonal and it reduces the need for additional labour, plant and resources along with equipment storage space at the Operations Centre.

Tender number RFT 26/2009 Mowing Services – Road Verges was advertised on Wednesday 29 July 2009 in the Local Government Tenders section of “The West Australian” newspaper. It was also displayed on the City’s website from 28 July – 12 August 2009.

Submission

Tenders closed at 2:00pm (AWST) Thursday 13th August 2009.
One tender submission only was received from Gecko Contracting.

Compliant Tenderer

The sole tenderer was deemed compliant with the conditions of tendering and compliance criteria.

Report

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Relevant Experience	20%
Key Personnel Skills and Experience	20%
Tenderer's Resources and Delivery/Availability	20%
Tendered Price	40%
Total	100%

Tender Intent/Requirements

Tender requirements were based on the City of Cockburn's Technical Specification Part Two of the tender document in accordance with the City of Cockburn's standard specifications for this work.

Evaluating Officers

The tender submissions were evaluated by:

1. Adam Johnston - Parks Operations and Environment Coordinator
2. Ian Southall – Parks Supervisor
3. Laurie Murnane – Parks Supervisor

Scoring Table

Scores			
Tenderer's Name	Non-Cost Evaluation Score 60%	Cost Criteria Evaluation Score 40%	Total Score 100%
Gecko Contracting	52.40	40	92.40

Evaluation Criteria AssessmentRelevant Experience

The tenderer was considered to have satisfactory level of relevant experience.

Key Personnel Skills and Experience

The tenderer showed they had sufficient key skills and experience to undertake the works required to the desired level.

Tenderers Resources and Delivery/Availability

The tenderer demonstrated they had sufficient resources and ability to deliver the requirement of the contract.

Summation

Evaluation was undertaken by three (3) internal staff members independently of each other. The combined officer's assessment supports awarding the tender to Gecko Contracting. Consequently, officers recommend that Council accept their tender submission for the maximum lump sum price of \$345,468 (GST inclusive) for year one of the service.

Strategic Plan/Policy Implications**Infrastructure Development**

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

Governance Excellence

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

Budget/Financial Implications

The recommended tender requires maximum funding of \$345,468 GST inclusive (\$314,062 GST exclusive) for year one of the contract. This figure allows for the maximum six visits to priority one roads and four visits for priority two roads.

\$293,000 has been allocated in the Parks 2009/2010 Operating Budget for Verge Mowing Services – Arterial Roads.

It is not expected that the maximum number of maintenance visits will be required. In 2008/2009 priority one sites required four visits and priority two sites required three visits. In 2009/2010 based on current seasonal conditions, it is estimated that priority one sites will require five maintenance visits and priority two sites three visits; therefore, expected costs will be \$280,010 GST inclusive, which is within the budget requirements.

The total maximum estimated contract value based on the three year contract term is \$1,036,404.GST inclusive (\$942,186.GST exclusive).

Legal Implications

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

Community Consultation

N/A

Attachment(s)

1. Compliance Criteria Checklist
“Confidential” (provided under separate cover)
2. Tendered Prices
“Confidential” (provided under separate cover)
3. Tender Evaluation Sheet
“Confidential” (provided under separate cover)

NOTE

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

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

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 8 October 2009 Council Meeting.

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

Nil.

16.4 (OCM 8/10/2009) - TENDER NO. RFT 19/2009 - PLANT HIRE (RFT 19/2009) (C MACMILLAN) (ATTACH)

RECOMMENDATION

That Council accept the following tenders for Tender No RFT 19/2009 – Plant Hire: -

1. Coates Hire for Roller Hire (dry) at the rise and fall rates in their tender submission.
2. Mayday Earthmoving for Grader Hire (wet) at the rise and fall rates in their tender submission.
3. ERS Equipment Rental for Excavator Hire (dry) at the rise and fall rates in their tender submission.

COUNCIL DECISION

Background

The City of Cockburn requires hiring the following plant to deliver capital works road construction projects as required on an on-going basis:

Roller Hire (compactor type without operator, dry)

Grader Hire (with operator, wet)

Excavator Hire (with operator, wet)

Submission

Tenders were called for plant hire for a three (3) year period and closed at 2:00p.m. (AWST) on Tuesday 15 July 2009. Fourteen (15) tender submissions were received from:

1. Allwest Plant Hire
2. Breakwest
3. Budget Mini Excavators
4. Citywide Civil Construction
5. Coates Hire
6. Conplant
7. ERS Equipment Rental
8. Kwinana Hire
9. Mayday Earthmoving
10. Mini Excavators
11. Outlook contracting
12. PHS Pty Ltd
13. Pondplan Excavating
14. Titan Plant Hire
15. Trenchbusters

Report

Compliant Tenders

	Compliance Criteria
A	Compliance with the Specification contained in the Request.
B	Compliance with the Conditions of Tendering this Request.
C	Compliance with Fixed Price and completion of Clause 3.4.2
D	Compliance with and completion of the Price Schedule
E	Compliance with Insurance Requirements and completion of Clause 3.2.8.
E1	Public Liability Insurance \$10,000,000.00 Australian
E2	Workers Compensation Insurance Personal Accident Insurance
E3	Full Comprehensive Motor Vehicle Insurance

Tenderer's Name		Compliance Criteria Overall Assessment
1	Allwest Plant Hire	Compliant
2	Breakwest	Compliant
3	Budget Mini Excavators (T/As Miniquip)	Non compliant
4	Citywide Civil Contractors	Non compliant

5	Coates Hire	Compliant
6	Conplant	Compliant
7	ERS Equipment Rental	Compliant
8	Kwinana Hire	Compliant
9	Mayday Earthmoving	Compliant
10	Mini Excavators	Compliant
11	Outlook Contracting	Compliant
12	PHS Pty Ltd	Compliant
13	Pondplan Excavating	Compliant
14	Titan Plant Hire	Compliant
15	Trenchbusters	Compliant

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Specification Compliance	10%
Demonstrated Safety Management, Organisational Structure and References.	10%
Delivery Response Time	25%
Quality Assurance	5%
References	10%
Insurance Coverage	5%
Tendered Price – Estimated Lump Sum Contract Value	35%
TOTAL	100%

Tender Intent/ Requirements

The City is seeking suitable plant hire for civil construction works. Evaluations were broken up into three categories to maximise value and for fair comparisons. The three categories are shown below, being the main types of major construction equipment hired for use:

Plant Description	
1	COMPACTOR/ROLLER TYPE (DRY HIRE)
1a	Dual Steel Drum Ride-On Roller – 2.5 tonne
1b	Steel Drum/Rubber Tyre Roller – 10-15 tonne
1c	Multi Tyred Roller – 15 tonne
1d	Multi Tyred Roller– >20 tonne
2	GRADER (WET HIRE)
2a	Small Motor Grader - equivalent to <90 KW (<120 HP)
2b	Large Motor Grader - equivalent to >90 KW (>120 HP)
3	EXCAVATOR (WET HIRE)
3a	1.6 tonne
3b	4.5 tonne
3c	12.0 tonne
3d	20.0 tonne

The proposed Contract is for a period of three (3) years from the date of award.

Evaluating Officers

The tender submissions were evaluated by:

4. Colin MacMillan – Works Coordinator
5. Dave Hall (Colin Lane) – Works Construction Supervisor
6. John Radaich – Manager Engineering

Scoring Table

1. ROLLER SCORES			
Tenderer's Name	Non-Cost Criteria Evaluation Score 65%	Cost Criteria Evaluation Score 35%	Total Score 100%
Coates Hire	61.6%	34.6%	96.2%
Outlook Contracting	61.9%	18.9%	80.8%
Break West	57.1%	29.0%	86.1%
Kwinana Hire	54.6%	28.0%	82.6%
Mayday Earthmoving	60.3%	28.9%	89.2%
ERS Equipment Hire	61.2%	34.7%	95.9%

Conplant Pty Ltd	57.0%	28.9%	85.9%
Titan Plant Hire	55.0%	35.0%	90.0%
PHS Pty Ltd	57.6%	33.2%	90.8%
Allwest Plant Hire	56.4%	27.4%	83.8%
2. GRADER SCORES			
Tenderer's Name	Non-Cost Criteria Evaluation Score 65%	Cost Criteria Evaluation Score 35%	Total Score 100%
Outlook Contracting	61.8%	24.0%	85.8%
Kwinana Hire	54.7%	33.7%	88.4%
Mayday Earthmoving	60.3%	35.0%	95.3%
ERS Equipment Hire	61.2%	28.8%	90.0%
PHS Pty Ltd	57.5%	28.5%	86.0%
Allwest Plant Hire	56.4%	32.4%	88.8%
3. EXCAVATOR SCORES			
Tenderer's Name	Non-Cost Criteria Evaluation Score 65%	Cost Criteria Evaluation Score 35%	Total Score 100%
Trenchbusters	59.7%	30.2%	89.9%
Outlook Contracting	61.9%	27.5%	89.4%
Breakwest	57.1%	35.0%	92.1%
Kwinana Hire	54.7%	27.6%	82.3%
Mayday Earthmoving	60.3%	29.1%	89.4%
ERS Equipment Rental	61.3%	34.7%	96.0%

Pondplan Excavating	52.6%	21.4%	74.0%
Allwest Plant Hire	56.4%	29.1%	85.5%

Evaluation Criteria Assessment

General

1. Rollers (DRY HIRE) The following tenders evaluated have the necessary equipment to meet all of council's requirements for compaction roller hire (dry):

- Coates Hire (all 4 specified machine sizes)
- Outlook Contracting (all 4 specified machine sizes)
- Breakwest (all 4 specified machine sizes)
- Kwinana Hire (all 4 specified machine sizes)
- Mayday Earthmoving (all 4 specified machine sizes)
- ERS Equipment (all 4 specified machine sizes)
- Conplant Pty Ltd (3 of the 4 specified machines)
- Titan Plant Hire (all 4 specified machine sizes)
- PHS PTY LTD (3 of the 4 specified machines)
- Allwest Plant Hire (all 4 specified machine sizes)

2. Graders (WET HIRE). The following tenders evaluated have the necessary equipment and operators to meet all of council's requirements for grader hire (wet):

- Outlook Contracting (both >120 and <120 machines available)
- Kwinana Hire (>120 machines available)
- Mayday Earthmoving (>120 machines available)
- ERS Equipment Hire (both >120 and <120 machines available)
- PHS PTY LTD (>120 machines available)
- Allwest Plant Hire (both >120 and <120 machines available)

3. Excavators (WET HIRE). The following tenders evaluated have the necessary equipment to meet all of council's requirements for excavator hire (wet):

- Trenchbusters (all 4 specified machine sizes)
- Outlook Contracting (all 4 specified machine sizes)
- Breakwest (all 4 specified machine sizes)
- Kwinana Hire (all 4 specified machine sizes)
- Mayday Earthmoving (all 4 specified machine sizes)
- ERS Equipment Rental (three of the 4 specified machines)
- Pond plan Excavating (three of the 4 specified machines)
- Allwest Plant Hire (three of the 4 specified machines)

Other tender submissions for the various plant items were deemed insufficient to satisfy council's requirements.

Specification Compliance

Budget Mini Excavators were deemed non compliant under section B of the compliance criteria as no CD or copy was submitted. Citywide Civil were deemed non compliant under sections B, C and D of the compliance criteria as they did not complete the fixed price clause, price schedule and OH&S clause. Consequently, these tenders were excluded from the evaluation process.

All other tenders received complied with the conditions of tendering and compliance criteria. However, Mini Excavators only tendered on the Excavators, and then only could supply half of the range requested, and an additional different size range. Consequently, they could not be included in the assessment process.

Summation

The panel recommendation provides council with the best overall service and equipment required to complete capital works projects: -

1. Coates Hire provided the best overall score for roller hire from the assessment criteria and therefore their tender should be supported.
2. Mayday Earthmoving provided the best overall score for Grader Hire from the assessment criteria and therefore their tender should be supported.
3. ERS Equipment Rental provided the best overall score for Excavator Hire from the assessment criteria and therefore their tender should be supported.

Strategic Plan/Policy Implications

Governance Excellence

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

Transport Optimisation

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

Budget/Financial Implications

The cost of Plant Hire is incorporated in the annual Budget allocations for road construction capital works budgets.

1. The estimated expenditure for Roller Hire 2009-2012 using the recommended tenderer, Coates Hire, is \$164,000.00 GST exclusive over 3 years, which represents a 12% decrease overall from the current contracted prices.
2. The estimated expenditure for Grader Hire 2009-2012 using the recommended tenderer, Mayday Earthmoving, is \$445,000.00 GST exclusive over 3 years, which represents a 0% increase overall from the current contracted prices.
3. The estimated expenditure for Excavator Hire 2009-2012 using the recommended tenderer, ERS Equipment Rental, is \$110,000.00 GST exclusive over 3 years, which represents a 0% increase overall from the current contracted prices.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

1. Compliance Criteria Checklist
"Confidential" (provided under separate cover)
2. Tendered Prices
"Confidential" (provided under separate cover)
3. Tender Evaluation Sheet
"Confidential" (provided under separate cover)

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 8 October 2009 Council Meeting".

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES**17.1 (OCM 8/10/2009) - SPORT & RECREATION STRATEGIC PLAN 2009 (8163) (S HARRIS) (ATTACH) ?****RECOMMENDATION**

That Council:

- (1) receive the Sport and Recreation Strategic Plan 2009 for the City of Cockburn, as attached to the Agenda;
- (2) advertise the Plan for public comment;
- (3) provide a copy of the Plan to all sporting clubs and associations which have participated in the preparation of the Plan, seeking feedback from these organisations; and
- (4) reconsider the Plan in December 2009, following the receipt of feedback and public comment.

COUNCIL DECISION**Background**

The City of Cockburn has 22 active reserves currently operating, with two new active reserves being developed for operation from 2010. Of these reserves, 20 have some level of built facility on them ranging from toilet blocks to Community Centres.

The number and level of active reserve development across the City varies. Changes in the land development process which requires a higher percentage of the 10% public space allocation going to conservation and passive recreation areas in the eastern portion of the City has resulted in a shortfall in active recreation areas to meet population needs. In contrast the older areas tend to have higher levels of service provision but the infrastructure does not meet current community expectations. As such, the development of reserves and facilities does not provide consistent facility provision across the City. The development of sport within the City has seen main sports or those with strong sport development bodies dominate available grounds. The resulting mix sees a lack of sport diversity across the City and therefore reduced opportunities for the City's residents.

The City has developed a Sport and Recreation Strategic Plan aimed at providing guidance for the development of reserves and facilities, the upgrade of facilities and the development of sport within the City of Cockburn for the next 10 years.

Submission

N/A

Report

The Sport and Recreation Strategic Plan provides a background of the development of sport and recreation facilities within the City of Cockburn, focusing on active reserves and the facilities housed on them.

The Plan makes an assessment of the development of reserves and facilities across the City and identifies a number of limitations in the provision of sport, including low provision of active reserve space per head of population compared with other WA Metropolitan Local Governments. There has been some inconsistency in facility development and upgrades across the City. A number of the newer facilities have been constructed to serve as multifunctional community facilities which have inhibited the growth of sport clubs.

An analysis of sport participation shows that the participation rate for popular sports within the City of Cockburn is 8.7% of the population, compared with a WA average of 12.8% of the population. The significantly lower participation rates in organised sport within the City of Cockburn can be attributed to a number of factors including inadequate sport distribution, clubs not evolving to meet changing demographics, a lack of sport development in newer high population areas and a lack of sport diversity across the City.

The Sport and Recreation Strategic Plan identifies the changing population demographic across the City of Cockburn, trends within sport and State Sporting Association prediction, and describes a proactive sport development plan that seeks to provide a diverse mix of sporting opportunities across the City, while ensuring that sport clubs are sustainable into the future.

A number of capital items for inclusion in the Plan for the District are identified within the Sport and Recreation Strategic Plan. The capital program reprioritises some works on the current Plan for the District and introduces new works aimed to fulfilling the needs identified in the sport development plan and addressing the future recreation priorities of the City of Cockburn. These items are a mixture of refurbishment of existing infrastructure and the development of new council reserves and facilities.

Given the current state of recreation provision and sport participation within the City of Cockburn, the changing demographics across the City and the considerable resources required to meet future needs, the City needs to adopt a proactive approach to recreation and sport provision. The Sport and Recreation Strategic Plan looks at the sport and recreation needs of the City over the next 10 years and identifies strategies for meeting those needs.

Strategic Plan/Policy Implications

Infrastructure Development

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

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.

Budget/Financial Implications

The proposed capital works program identifies a number of capital items and significant financial commitment to the City of Cockburn over the next 15 years. The existing Plan for the District identifies \$55.4 million in recreation projects over the period 2010-2020. The Sport and Recreation Strategic Plan reprioritises some of the existing items and proposes \$52.8million of capital works for the period 2010-2020 and an additional \$19.5 million of works for the period 2020 – 2025.

A cash flow of the works program has been included in the Plan. It is proposed that this is reviewed bi annually for inclusion in the Plan for the District.

Legal Implications

N/A

Community Consultation

Sport clubs throughout the City were surveyed in late 2008 and early 2009, with information derived from the survey included in the Sport and Recreation Strategic Plan.

Additional community consultation with clubs, local residents and state sporting associations will be undertaken prior to implementing recommendations from the Plan.

For this purpose, it is proposed that the Plan be subject to a period of comment and feedback from interested organisations, before being re-considered for final adoption by Council in December 2009.

Attachment(s)

Sport and Recreation Strategic Plan 2009

Advice to Proponent(s)/Submissioners

N/A

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

Local Government traditionally provides the majority of sporting/leisure facilities in the community on a subsidised basis to the public. Some additional facilities are provided by the private sector.

The City of Cockburn has made a conscious decision to contribute to the ongoing cost of construction and maintenance of its sporting/leisure facilities and services.

17.2 (OCM 8/10/2009) - OLD JANDAKOT PRIMARY SCHOOL - LEASE (5514364) (R AVARD) (ATTACH)

<p>RECOMMENDATION</p> <p>That Council enter a lease agreement with the Old Jandakot Primary School Management Committee to lease the property located at 12 Poletti Road, Cockburn Central, subject to the following conditions:</p> <ul style="list-style-type: none">(1) a lease period of 5 years with an option of a further 3 years exercisable by the City;(2) for a peppercorn rental with the lessee responsible for all minor maintenance; and(3) capacity to sub-let the premises or portions of the premises subject to the agreement of the City.(4) other terms and conditions which may be required to protect the interests of the City.

COUNCIL DECISION**Background**

The City of Cockburn is the owner of Lot 33 (No. 12) Poletti Road, Cockburn Central, which accommodates the building known as the "Old Jandakot Primary School". The Old Jandakot Primary School has been listed on the Municipal Heritage list as a building of historical significance. The land area is 4290 sq.m. and is comprised of an old school brick building previously used as a class room and several smaller buildings that serve as toilets. For many years the Old Jandakot Primary School was managed by a community group under a management agreement with the City. An arrangement with the management group provides for several of the newer brick buildings on the site to be used

To ensure consistency in the management of the premises and provide some legal protection to all parties it is proposed that Council enter a lease arrangement with Old Jandakot Primary School Management Committee.

Submission

N/A

Report

The Portuguese Recreation and Cultural Council (PRCC) has operated from several brick buildings on the site under an arrangement with the management group. In 2005 the PRCC Group received a grant from Lotterywest toward the cost of expansion of the building to meet the needs of an aged service that operates from the Centre. This service is a mobile care service where frail aged, usually of Portuguese and southern European descent are picked up by bus to attend the Centre. The service is funded by the Commonwealth Home and Community Care Program. The other significant activity that occurs from the Centre is the Portuguese Radio Station 91.3FM. Council at its meeting in October 2004 resolved to approve the extension of the building and also to enter a lease with the PRCC. There was a considerable delay in the exterior works being completed and a lease was not entered.

As the building is in an isolated industrial area, not far from the Jandakot Hall and of historical significance there is little demand for the building. The current Old Jandakot School Management Committee

has run the facility well and been financially able to carry out minor maintenance.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To conserve the character and historic value of the human and built environment.

Governance Excellence

- To develop and maintain a financially sustainable City.

Budget/Financial Implications

The lease arrangement will not result in any increase in the operation of the Old Jandakot Primary School.

There is a budget allocation to pay for the cost of the lease to be drawn up by the City's Solicitors.

Legal Implications

The Local Government is exempted from the requirements of Section 3.58 of the Local Government Act by way of the Clause under the Local Government (Functions and General regulations) 1996 Section 30 (b) (i) that the Old Jandakot School Management Committee is deemed to be an organisation the *objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.*

Community Consultation

N/A

Attachment(s)

Site Plan.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 8 October 2009 Council Meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24 (OCM 8/10/2009) - 24 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

25. CLOSURE OF MEETING