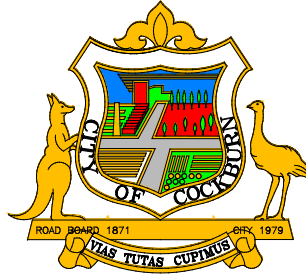


# CITY OF COCKBURN



## ORDINARY COUNCIL

## MINUTES

FOR

**THURSDAY, 9 JUNE 2016**

These Minutes are subject to Confirmation

Presiding Member's Signature

\_\_\_\_\_

Date: \_\_\_\_\_

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 JUNE 2016 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 JUNE 2016 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Councillor
Mr S Portelli	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms C. Murphy	-	Media & Communications Officer
Ms A Santich	-	Media & Communications Officer
Mr J Ngoroyemoto	-	Governance & Risk Co-ordinator
Mrs B. Pinto	-	PA – Directors, Fin. & Corp. Serv./Gov. & Comm. Serv.

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm and acknowledged the Nyungar People who are the traditional custodians of the land where this meeting is held and pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.

Mayor Howlett also made the following announcements:

He welcomed Antonia Santich, the new Media and Communications Officer to her first Council meeting at the City.



*Library & Information Services*

The City of Cockburn's Success Library has earned 2<sup>nd</sup> place at the inaugural worldwide International Federation of Library Associations and Institutions (IFLA) Green Library Award for its sustainable building design and programs.

The IFLA Award attracted 30 submissions from countries including Columbia, Germany, the USA, India, Ghana and Taiwan. The top three awards winners were:

1<sup>st</sup> place was The Little Sun Ecological Library in Mexico which judges said was found to be *a project where sustainability was in the soul of the project from the first starting of the idea until the new library.*

3<sup>rd</sup> place was The Land for those who sow, Columbia, which was found to be *Good working for sustainability with the community!*

The Success Library also won the 2016 Library Board of Western Australia for Excellence Award for its innovative business model after co-locating with a number of medical and health services having partnered with Curtin University, Centrelink and two not-for-profit job assistance programs. The project is designed to attract target demographics such as the Indigenous community, seniors and migrants to use accessible and affordable services; these include adult reading groups, free health checks and English conversation groups.

Two great achievements for the City's Library and Information Services.

*Official Opening of Woolworths, Port Coogee Village*

On Wednesday, 8 June Ms Simone McGurk, MLA, Member for Fremantle and Mayor Howlett officially opened Woolworths in the Port Coogee Village.

It was great to see the hundred plus people there for the official opening. The speciality stores will be officially opened in the coming week.

Importantly all leases have been let for the complex.

*2016 Pioneers Luncheon*

Another very successful Pioneers Luncheon was conducted on Friday, 3 June with close to 400 guests in attendance.

Mr Bill Wallington was the recipient of the 2016 Cockburn Citizen of the Year Award given his contributions to the Cockburn Community & Cultural Council, the promotion of the Arts and Sport within the district for over 40 years and his more recent contribution to the local government reform process.



Mayor Howlett congratulated Mr Bill Wallington on behalf of the Elected Members and the City.

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

Nil.

**3. DISCLAIMER (Read aloud by Presiding Member)**

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

**4 (OCM 9/6/2016) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received a written declaration from Cllr Kevin Allen in relation to Item 16.2, which will be read at the appropriate time.

**5 (OCM 9/6/2016) - APOLOGIES AND LEAVE OF ABSENCE**

Dep. Mayor Carol Reeve-Fowkes	-	Apology
Cllr Lee-Ann Smith	-	Apology
Cllr Lyndsey Sweetman	-	Apology
Cllr Chamonix Terblanche	-	Apology

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

Nil

**7. PUBLIC QUESTION TIME**

Nil



**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 5806) (OCM 9/6/2016) - MINUTES OF THE ORDINARY COUNCIL MEETING - 12 MAY 2016**

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday, 12 May 2016 as a true and accurate record.

**COUNCIL DECISION**

MOVED Cllr P Eva SECONDED Cllr K Allen that the recommendation be adopted.

**CARRIED 6/0**

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

Nil

**10 (OCM 9/6/2016) - DEPUTATIONS AND PETITIONS**

The Presiding Member invited the following deputations:

- Mark Re, Associate - Planning Solutions; Ray Pardo - McDonald's Australia; and Benham Bordbar – Traffic Engineer/Managing Director, Transcore in relation to: Item 14.3 – Phoenix Activity Centre Structure Plan, Design Guidelines, Local Planning Policy and concept for Rockingham Road upgrade.

The Presiding Member thanked the deputation for their presentation

- Mike Davis, Associate - TPG Town Planning, Urban Design and Heritage on behalf of landowner of Phoenix Shopping Centre, Rockworth Capital in relation to Item 14.3 – Phoenix Activity Centre Structure Plan, Design Guidelines, Local Planning Policy and concept for Rockingham Road upgrade.

The Presiding Member thanked the deputation for their presentation

- Pam Thomson, resident acting on behalf of concerned petitioners in relation to Item 16.1 – Relocation of Five Casuarina Equisetifolia





Subspecies Incana adjacent to the Ocean Edge Apartments Community Consultation Results.

The Presiding Member thanked the deputation for their presentation

The Presiding Member advised the meeting he had received two petitions in relation to Council's objection to allow dogs on Coogee Beach Reserve 24306 from Rob Blake and Janet Barbanich respectively.

**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**

AT THIS POINT IN THE MEETING, THE TIME BEING 7.40 PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

13.2	14.1	15.1	16.3
13.6			16.5

**13.1 (MINUTE NO 5807) (OCM 9/6/2016) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 26 MAY 2016 (182/001; 182/002; 086/003) (B PINTO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 26 May 2016, and adopt the recommendations contained therein.

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



**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0**

**Background**

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 26 May 2016. The Minutes of the meeting are required to be presented.

**Submission**

N/A

**Report**

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders. The primary focus of this meeting was to review the Delegated Authorities pursuant to the Local Government Act and Extraneous to the Local Government (other Acts), including those DAPPS which were required to be reviewed on an as needs basis.

**Strategic Plan/Policy Implications**

**Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

**Budget/Financial Implications**

As contained in the Minutes.



**Legal Implications**

N/A

**Community Consultation**

As contained in the Minutes.

**Risk Management Implications**

Failure to adopt the Minutes may result in inconsistent processes and lead to non-conformance with the principles of good governance, and non-compliance with the Local Government Act 1995 for delegations made under the Act.

**Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 26 May 2016.

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

N/A

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

Nil.

**13.2 (MINUTE NO 5808) (OCM 9/6/2016) - MINUTES OF THE COCKBURN COMMUNITY EVENTS COMMITTEE MEETING - 30/5/2015 (152/010) (S SEYMOUR-EYLES) (ATTACH)**

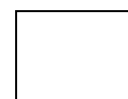
**RECOMMENDATION**

That Council receive the Minutes of the Cockburn Community Events Committee Meeting held on Monday, 30 May 2016, and adopts the recommendations contained therein.

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 6/0**



## **Background**

The Cockburn Community Events Committee conducted a meeting on 30 May 2016. The Minutes of the meeting are required to be presented.

## **Submission**

N/A

## **Report**

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

The primary focus of this meeting was to consider the proposed Calendar of Events for 2016/17.

## **Strategic Plan/Policy Implications**

### **Community & Lifestyle**

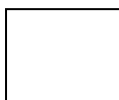
- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.
- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Safe communities and to improve the community's sense of safety.
- Conservation of our heritage and areas of cultural significance

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A



**Community Consultation**

N/A

**Risk Management Implications**

1. Low Level 'Brand' reputational risk exists should Council significantly amend the proposed 'Calendar of Events'.
2. Moderate Level of 'Performance' risk exists should Council significantly amend the proposed 'Calendar of Events'.

**Attachment(s)**

Minutes of the Cockburn Community Events Committee Meeting – 30 May 2016.

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

N/A

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

Nil.

**13.3 (MINUTE NO 5809) (OCM 9/6/2016) - STRATEGIC COMMUNITY PLAN 2016-2026 (021/004) (M TOBIN) (ATTACH)**

**RECOMMENDATION**

That Council adopt the proposed Strategic Community Plan 2016-2026, as attached to the Agenda.

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

**COUNCIL DECISION**

MOVED Clr P Eva SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0**

**Background**

The Strategic Community Plan 2016–2026 has been prepared in accordance with the Local Government Act, the Department of Local Government Integrated Planning Framework, the City of Cockburn Community Engagement Framework and other relevant City of



Cockburn guidance documents. The next stage is for the plan to be adopted by Council.

### **Submission**

N/A

### **Report**

This Plan was developed over the period September 2015 to date. Full community consultation took place in January and February 2016 with a draft Plan released for community comment in April 2016. Comment was considered and where appropriate, incorporated into the final draft. Several workshops and briefings were held with Elected Members and key staff to ensure that this Plan is aligned with community expectations and resourcing capacity.

This Plan is an aspirational document, written from a community perspective. It is supported by the Corporate Business Plan, Long Term Financial Plan and Workforce Plan as well as many other strategies and action plans which are designed to detail the strategic objectives stated in the Strategic Community Plan. This plan is reviewed every two years and every four years, community consultation is required.

Following adoption by Council, the plan will be launched, promoted across various media and copies distributed to key stakeholders. This plan needs to be adopted before the Corporate Business Plan 2016/17-2019/20 as the latter is dependent on the Strategic Community Plan.

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

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.

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

The Strategic Community Plan 2016–2026 is budgeted in accordance with the Long Term Financial Plan.



## Legal Implications

Regulation 19C of the Local Government (Administration) Regulations 1996 refer.

## Community Consultation

Prior to consultation with the community on this Plan, the City reviewed feedback from sources such as our Community Perception Survey Results 2015, our Business Perception Survey Results 2015, the 2015 Customer Satisfaction Results and the community engagement workshop *Community Conversation* conducted by Community Development last year.

This year an online method of community consultation, branded as *Comment on Cockburn*, gathered feedback through an online portal and Facebook. There were over 1,000 site visits to *Comment on Cockburn*. The City also held face to face *Comment on Cockburn* consultation workshops which involved community members, Reference Group Members and associates, young indigenous people and some of the City's employees (most of whom live locally). The outcomes of this consultation resulted in the planned strategic objectives.

Further, the draft Strategic Community Plan 2016–2026 was distributed throughout the community and feedback requested. Feedback was received and where appropriate, changes made to the final document.

## Risk Management Implications

If Council do not endorse the Strategic Community Plan 2016–2026 prior to 30 June 2016, the City will not have met the legislative requirement to have a new Strategic Community Plan adopted by the end of the financial year 2015/16.

## Attachment(s)

Strategic Community Plan 2016-2026.

## Advice to Proponent(s)/Submissioners

N/A

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

Nil.



**13.4 (MINUTE NO 5810) (OCM 9/6/2016) - CORPORATE BUSINESS PLAN 2016/17-2019/20 (021/008) (M TOBIN) (ATTACH)**

**RECOMMENDATION**

That Council adopt the proposed Corporate Business Plan 2016/17–2019/20, as attached to the Agenda, subject to minor information and typographical amendments being included in the final document

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

**COUNCIL DECISION**

MOVED Clr B Houwen SECONDED Clr S Portelli that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0**

**Background**

The Local Government (Administration) Regulations 1996 requires that a local government annually reviews its Corporate Business Plan. The Corporate Business Plan 2016/17–2019/20 has been prepared in accordance with the Department of Local Government Integrated Planning Framework, the Long Term Financial Plan and other relevant City of Cockburn guidance documents. The next stage is for the Corporate Business Plan to be adopted by Council.

**Submission**

N/A

**Report**

The Corporate Business Plan was developed concurrent with the later stages of the Strategic Community Plan 2016-2026. Internal stakeholder consultation took place in April and May 2016 with a draft Plan released for comment late April 2016. Comment was considered and where appropriate, incorporated into the final draft. Several briefings were held with key stakeholders to ensure that this Plan is aligned with the strategic objectives listed in the Strategic Community Plan.

The Corporate Business Plan contains the priorities, objectives, service delivery unit details and delivery date estimates. Relevant information from the Long Term Financial Plan, Asset Management Plans, Workforce Plan and key strategies and action plans has been





incorporated into this Corporate Business Plan. It also contains a discussion on risk, emerging challenges, how the plan will be resourced and how the activities are measured in terms of performance.

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

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.

### **Budget/Financial Implications**

The Corporate Business Plan 2016/17–2019/20 is supported by the Long Term Financial Plan and for the first year of its life, budgeted in the Annual Municipal Budget 2016/17.

### **Legal Implications**

Regulation 19DA of the Local Government (Administration) Regulations 1996 refer.

### **Community Consultation**

External community consultation is not required for this plan as it is largely an internal business document to guide the organisation toward achieving the strategic objectives listed in the Strategic Community Plan. Internal stakeholders have been consulted and have provided significant input to this plan.

### **Risk Management Implications**

If Council does not endorse the Corporate Business Plan 2016/17-2019/20 prior to 30 June 2016 the City will not have met the legislative requirement to have a Corporate Business Plan based on the new Strategic Community Plan, adopted by the end of the financial year 2015/16.

### **Attachment(s)**

Corporate Business Plan 2016/17–2019/20.



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

N/A

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

Nil.

**13.5 (MINUTE NO 5811) (OCM 9/6/2016) - LONG TERM FINANCIAL PLAN 2016/17-2025/26 & WORKFORCE PLAN 2016/17-2021/22 (021/004; 021/010) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council adopt:

- (1) proposed Long Term Financial Plan 2016/17-2025/26; and
- (2) proposed Workforce Plan 2016/17-2021/22

as attached to the Agenda

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr K Allen that the recommendation be adopted subject to amending Table 4 – Cockburn ARC Business Plan Financials 2017-2020 of the Long Term Financial Plan 2016/17-2025/26 to include Total Expenditure and Surplus/(Deficit), Appendix Statement of Comprehensive Income by Program and Cashflow Statement.

**CARRIED 6/0**

**Reason for Decision**

Table 4 Cockburn ARC Business Plan Financials 2017-2020 did not include the lines 'Total Expenditure and Surplus/(Deficit)', the inclusion of which will make the table complete.

The inclusion of the Statement of Comprehensive Income by Program and Cashflow Statement with the other financial statement appendices meets the requirements of the LTFP guidelines' issued by the Department of Local Government and Communities.



## Background

As required by the Integrated Planning Framework issued by the Department of Local Government and Communities, the Council is to prepare a Long Term Financial Plan (LTFP) and a Workforce Plan (WFP). Both documents are considered informing strategies to the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP).

The LTFP is a ten year view of the financial position of the Council. The first year of the LTFP reflects the actual budget to be adopted for 2016/17. Years two to four have a high level of accuracy whereas years five to ten are estimates. The LTFP is based on a series of assumptions for revenue and expenditure (both operating and capital). The LTFP will be subject to review every two years.

The WFP is the plan for staff employed by Council over the period 2016/17 to 2021/22. The aim of the Plan is to ensure Council has the correct skill and relevant numbers of staff to deliver services required by Council to meet the aspirations of the SCP and CBP.

## Submission

N/A

## Report

### *Long Term Financial Plan*

The LTFP covers the years 2016/17 to 2025/26 and includes the following:

- Forecast income statement
- Forecast statement of cashflows
- Forecast rate setting statement
- Forecast statement of financial position
- Forecast equity statement
- Forecast capital income and expenditure plan
- Forecast reserves and borrowings
- Key performance indicators

The strategic objective of the LTFP is financial sustainability so as to ensure community assets and services can be maintained and provided by Council at a reasonable cost over the life of the LTFP. The Council remains financially sustainable during the life of the LTFP.

There are twelve objectives which form part of the strategy, these include:



1. Maintain the existing range and level of service provision whilst developing the capacity to grow and add new services
2. Maintain a strong cash position, ensuring Council remains financially sustainable in the short, medium and long term
3. Achieve operating statement surpluses
4. Maintain debt/borrowing levels within prudent guidelines
5. Continue to pursue grant funding for strategic capital projects from the State and Commonwealth Governments
6. Provide for rate increases that enable appropriate capital works (asset renewal, growth/expansion & upgrade) and asset maintenance
7. Ensure value for money is a key objective in all council expenditure
8. Provide a remuneration structure that will ensure Council attracts and retains high quality staff to provide services
9. Use of cash reserves to achieve inter-generational equity, smooth out year on year rate increase and reduce reliance on debt
10. Planning for the optimal funding of asset renewals and maintenance as determined within asset management plans
11. Improving trends in the key financial ratios
12. Maximise revenue from fees and charges through full cost recovery or market pricing where appropriate

A number of financial risks have been identified including a reliance on external funds for the completion of the capital program including grants, developer contributions and loans. Approval times for capital projects appear to be a risk causing lengthy delays and cost increases.

There are eleven assumptions forming the basis of the LTFP, which are noted below:

1. Rates in 2016/17, being the first year of this LTFP are based on an increase of 3.0% over 2015/16 whilst for the remaining years of the LTFP base rate revenue has been estimated to increase by also



by 3.0% per annum and growth of properties is estimated at 2.5% to 3.5% per annum over the life of the LTFP.

2. Non-statutory fee revenue has been estimated to increase by 3% (or to recover costs occurred in the provision of the service). The City looks to recover the full cost of providing a range of services including Co-Safe, Waste Collection and Co-Safe services. Fees for the receipt of commercial waste vary as a result of competition and the movement in the value of the Landfill Levy (the State Government tax on the disposal of waste).
3. Statutory fees are set by legislation and are frequently not indexed on an annual basis. An estimated increase of 2% per annum has been allowed in the model. The introduction of the new Building Act in 2014 imposed the payment of up to 50% of building fees to the Building Commission.
4. Grants and subsidies have been budgeted with a conservative economic outlook at 1.5% to 2% per annum.
5. Based on projected average cash balances held during the year and using current Term Deposit interest rates. Interest rates of 2.75% have been factored into the LTFP.
6. Salary costs are forecast to increase by 2.25% as a result of low inflation data. The provision of new staff is also in the forecast at 2% per annum.
7. General utility costs - an estimate of 4.5% has been allowed for in 2016/17 and based on estimates sourced from State Government.
8. Materials and Contracts have been forecast to increase by 3.0% over the life of the LTFP.
9. Insurance costs have been increased by 4% per annum in the LTFP as a result of more built and contributed assets, higher payroll costs and higher public liability claims impacting on premiums paid by the Council.
10. Other expenditure which is primarily costs associated with the State Government's Landfill Levy has been forecast to rise by 9% in 2016/17, 8.3% in 2017/18 and 7.7% in 2018/19. Cost increases beyond that date have been contained to 4% per annum. Fuel for the Fleet has been kept to 3% pa. The final item in this category is the Donations Budget. This budget will increase in line with the rates increases. For 2016/17, the proposed budget is \$1.31m.



11. Depreciation has been estimated to increase by 4% per annum as a result of the Council's strong asset building program in addition to the contributed assets received by the Council from land developers. These assets include roads, paths, drains, parks and buildings.

Population statistics demonstrate the Council continues to grow at 2.5% to 3.5% per annum and remains a "growth" council. This is a positive impact on the City but requires additional funds to finance this growth. Cockburn's Population is set to increase from 110,614 in 2016 to 148,477 in 2025.

The economic outlook for Australia remains positive but subdued for WA as a result of the resources downturn. This may impact on their ability to provide grant funds for road and community projects.

The Council will take on two new services being Cockburn ARC at Cockburn Central West and the Port Coogee Marina. The Council will also close down the South Lake Leisure Centre.

The LTFP has income of \$1.688B and will expend \$1.638B. The Council will outlay \$736m on new capital projects. There is a stronger alignment with Asset Management and Revitalisation Plans within the LTFP.

Cockburn currently employs 463 full time equivalent staff. Over the life of the Workforce Plan the Council plans to employ an additional 131 staff to ensure it meets its service delivery targets.

A series of performance measures have been developed to accompany the LTFP to ensure that the plan is meeting the targets. This is both for the statutory key performance indicators as well as financial objectives.

#### *Workforce Plan*

Workforce planning is one of the core components of the WA Department of Local Government Integrated Planning and Reporting Framework. The Workforce Plan is an informing strategy to both the Strategic Community Plan and Corporate Business Plan. By definition, Workforce Planning is "a continuous process of shaping the workforce to ensure that it is capable of delivering organisational objectives now and in the future" (1).

The Workforce Plan will allow the City of Cockburn to set its priorities within its resourcing capacity and deliver short, medium and long term community priorities and aspirations. It is a plan that is continually



evolving to ensure the Council has the right people in the right place at the right time.

The City of Cockburn is administered through a structure of five Divisions, eighteen Business Groups and over forty Service Units. These units are managed by a Chief Executive Officer, Directors, Strategic Business Unit Managers and other managers. The structure is changed when the City embarks on new business opportunities, divests itself of service functions or when there is a need to reorganise functions into different units for better management.

The down turn in the WA economy's reliance on the resources sector has created significant liquidity in the labour market.

Lag indicators such as staff turnover rates and exit interview surveys, and lead indicators such as the 2015 Employee Survey, indicate a strongly engaged, positive and stable workforce.

Council workforce demographic data indicates a growing proportion of the workforce in the retirement, or close to retirement, age brackets. This requires a renewed focus on succession planning. It is noted that female representation in senior leadership roles is still lower than optimum.

The opening of the City's new Recreation Centre in early 2017 will see a significant increase in both FTE and headcount. In addition, the Council is taking over the Port Coogee Marina from the developer Frasers Property Australia (formerly Australand).

The Council is continuing to grow at an above average rate, compared to many metropolitan Councils, placing further expectations on current and anticipated resources.

The labour required to meet these increased expectations will see total FTE increase by 131 over the 2016 – 2022 period.

## **Strategic Plan/Policy Implications**

### **Infrastructure**

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.
- Partnerships that help provide community infrastructure.

### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.



- Manage our financial and infrastructure assets to provide a sustainable future.
- A skilled and engaged workforce.

### **Budget/Financial Implications**

The budget implications contained in both the LTFP and the WFP are explained in the actual documents and attachments to the two documents.

### **Legal Implications**

N/A

### **Community Consultation**

External community consultation is not required for these plans as they are largely internal business documents to guide the organisation toward achieving the strategic objectives listed in the Strategic Community Plan. Internal stakeholders have been consulted and have provided significant input to these plans.

### **Risk Management Implications**

If Council does not endorse the Long Term Financial Plan 2016/17 – 2025/26 and the Workforce Plan 2016/17 – 2021/22 prior to 30 June 2016, the Council would have not met the legislative requirement to have a Long Term Financial Plan and Workforce Plan, adopted by the end of the financial year 2015/16.

### **Attachment(s)**

1. Long Term Financial Plan 2016/17-2025/26
2. Workforce Plan 2016/17-2021/22

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

N/A

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

Nil.





**13.6 (MINUTE NO 5812) (OCM 9/6/2016) - REVIEW OF CITY OF COCKBURN LOCAL LAW RELATING TO STANDING ORDERS (025/001) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) pursuant to Section 3.16 of the Local Government Act 1995 (the Act), conduct a review of City of Cockburn Local Law Relating to Standing Orders, as contained in the attachments to the Agenda; and
- (2) pursuant to Section 3.12 of the Act, make a Local Law Relating to Standing Orders, as contained in the attachments to the Agenda.

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 6/0**

**Background**

The current City of Cockburn Standing Orders have not been subjected to formal Council scrutiny since 2005, thus making it necessary for Council to now undertake a review of its meeting and business procedures.

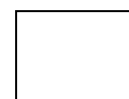
This review was due in November 2013, however, was superseded by events at the time related to the state government's local government reform agenda. Given the failure of that process, it is now timely for Council to consider its Local Law Related to Standing Orders to ensure that any anomalies and potential improvements to the current procedures can be identified and updated.

**Submission**

N/A

**Report**

The purpose of the proposed Local Law is to ensure that the proceedings of Council meetings and associated business practices of the City of Cockburn are conducted in accordance with acceptable contemporary standards.



The effect of the proposed Local Law is to ensure a lawful, consistent and orderly approach to the conduct of City of Cockburn Council business is undertaken.

The main body of Council's current Standing Orders have not been comprehensively reviewed since 1999, even though they were subject to amendment in 2005.

Accordingly, Council appointed a Reference Group, comprising the Mayor, Deputy Mayor and two councillors, to conduct a comprehensive oversight of the current document, with the assistance of administrative staff. The process was conducted over a two month period from March to May 2016 and a Draft document has now been prepared which is considered suitable to be released for public comment and submissions.

A number of issues were raised through the internal review process which have been captured and highlighted in the attached updated Draft document.

Many of the proposed changes are minor in nature and reflect current practices adopted and implemented within the Council decision making processes. There are, however, some recommended changes to the current protocols and mechanisms which require further explanation, as they will, if accepted, have some impact on the manner in which some elements of Council business are administered in future. These are listed as follows:

Part 1 – Preliminary

Changes to a number of definitions to modernise this Part of the document. No major matters of concern.

Part 2 – Meetings Of Council

Minor amendments proposed to a number of clauses to enhance the document. No major matters of concern.

Part 3 – Quorum

Some changes made to reflect current practice. No major concerns.

Part 4 – Business Of The Meeting

- Clause 4.1 - Deletion of some unnecessary provisions.
- Clause 4.2 – Re - arrangement to Order of Business.



- Clause 4.4 - Emphasis on this time being for Question Time only and not for the raising of general issues. Also, deletion of unnecessary provisions.
- Clause 4.5 – Deletion of unnecessary provisions.
- Clause 4.6 – Minor amendments to manner by which petitions are administered.
- Clause 4.7 – Time limit proposed for length of Deputations at Council Meetings and requirement for questions to Deputations through presiding member.
- Clause 4.10 – Notice of Motion period extended to 14 days to align with Agenda preparation timeframe and time for providing amendment to Notice aligned to Alternative Recommendation timeframe.
- Clause 4.12 – Matters for Investigation procedure proposed to be required in writing, in order to comply with Rules of Conduct provisions that prevent individual members from directing staff.
- Clause 4.13 – Greater emphasis on confidentiality requirements.
- Clause 4.14 – Minor grammatical amendment.

Part 5 – Public Access To Agenda Material

- Clause 5.1 – Expanded to include broader public information sources.

Part 6 – Production Of Documents

- Clarification changes proposed.

Part 7 – Open Doors – Except As Provided

- Minor clarification change proposed.

Part 8 – Conduct Of Members At Council And Committee Meetings

- Clause 8.2 – Requirement to indicate to presiding member when leaving meetings.
- Clause 8.3 – Minor clarification.
- Clause 8.4 – Clarification to emphasise no unauthorised recording of proceedings allowed.
- Clause 8.6 – Clarification to reflect current practice.
- Clause 8.7 – Grammatical corrections.
- Clause 8.8 – New clause proposed to ensure appropriate use of electronic devices.



Part 9 – Conduct Of Members During Debate

- Clause 9.4 and 9.5 – Provision to include asking of questions during debate
- Clause 9.6 – Procedural clarification.

Part 10 – Procedures For Debate Of Motions

- Clause 10.3 – Procedural clarifications.
- Clause 10.14 – Amendment proposed to reflect current practice.
- Clause 10.15 – Provisions proposed to reflect current practice of enabling questions being raised during debate.

Part 11 – Procedural Motions

- Modifications proposed to reflect current practice.

Part 12 – Effect Of Procedural Motions

- Clause 12.1 – Deleted. Superseded practice.

Other clauses renumbered and proposed Clause 12.1 amended to reflect contemporary terminology.

Part 14 – Voting

- Clause 14.1 – Amended to reflect changed statutory requirement.

Part 15 – Preserving Order

- Clause 15.3 and 15.8 – Amended to reflect contemporary practice.
- Clause 15.4 – Proposed amendment to include provision for “incorrect facts” to be raised as a Point of Order.

Part 16 – Motion For Revocation

- Clause 16.3 – Proposed amendment to extend time required for submission of revocation Notice to align with agenda preparation timeframe.
- Clause 16.4 – Change to reflect statutory requirement.
- Clause 16.5 – Change required reflects correct application of this process.
- Clause 16.7 – Change to reflect current process.
- Clause 16.12 – Grammatical changes only.



Part 17 – Committees

- Clause 17.2 - Terminology and grammatical changes only.
- Clause 17.3 - Changes to reflect statutory requirement and current practice.
- Clause 17.4 – Grammatical changes only.
- Clause 17.8 – Grammatical and terminology changes only.
- Clause 17.9 – Change to reflect current practice.
- Clause 17.10 – Proposed changes to reflect contemporary practice and reduce wastage.
- Clause 17.13 – Change to reflect statutory requirement.
- Clause 17.17 – Amendments to reflect current practice.

Part 18 – Electors` Meetings

- Clause 18.1 – Grammatical change only.

Part 19 – Disclosure Of Members` Financial Interests

- Clarification to terminology and statutory or current practices.

Part 20 – Disclosure Of Employees` Financial Interests

- Clarification of intent.

Part 21 – Declaration Of Impartiality Interest

- Clause 21.1 – Major amendment to comply with parliamentary (Standing Committee) directive to remove requirement for declaring members to leave meeting and not participate in decision making process. Proposed requirement for declaring members to remain and participate fully in decision making process.

Part 22 – Administrative Matters

- Clause 22.1 – Clarification only.
- Clause 22.4 – Proposed amendment to reflect current practice.
- Clause 22.5 – Proposed amendment to enable Mayor to implement Dispute Resolution Procedure.

The preceding proposed amendments are now incorporated into a final Draft document which is proposed to replace the current Standing Orders, following the release of the Draft proposed (and current) Local Laws for a statutory public comment and submission period, which is for a minimum period of 6 weeks. Dependent on the number and content of submissions received, it is envisaged that a final



recommendation will be provided for Council consideration at the August 2016 ordinary Council meeting.

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

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.
- Quality customer service that promotes business process improvement and innovation that delivers our strategic goals.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

### **Budget/Financial Implications**

Minor costs associated with compliance of statutory advertising requirements is available within Council's Governance Budget.

### **Legal Implications**

Sections 3.12 and 3.16 of the Local Government Act 1995 refer.

### **Community Consultation**

A six (6) week statutory public comment period will be advertised in the "West Australian" and "Cockburn Gazette" newspapers as well as displayed on the City of Cockburn website.

### **Risk Management Implications**

A "Low" level "Brand" risk is likely to impact on the City in the event proposed changes to the Standing Orders are not adopted by Council.

A "Moderate" level "Performance" risk to Council business process is likely in the event proposed changes to the Standing Orders are not adopted by Council.

### **Attachment(s)**

1. Standing Orders Local Law (current) for advertising.
2. Draft Proposed Standing Orders Local Law for advertising.
3. Notes of Reference Group Meetings.



### Advice to Proponent(s)/Submissioners

The Parliamentary Joint Standing Committee on Delegated Legislation has been notified that the matter is to be considered at the 9 June Council Meeting.

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

Nil.

## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 **(MINUTE NO 5813) (OCM 9/6/2016) - CHANGE OF USE FROM FAST FOOD OUTLET TO PETROL FILLING STATION - LOCATION: NO. 114 (LOT 505) ROCKINGHAM ROAD, HAMILTON HILL OWNER: VERI PTY LTD - APPLICANT: 3 MOON DESIGN PTY LTD - (2211938 & DA16/0144) (G ALLIEX) (ATTACH)**

#### RECOMMENDATION

That Council

- (1) grant planning approval for a Petrol Filling Station at No. 114 (Lot 505) Rockingham Road, Hamilton Hill, in accordance with the attached plans and subject to the following conditions and footnotes.

#### Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or a tenancy. The approved development has approval to be used as a 'Petrol Filling Station' only. In the event it is proposed to change the use of the subject site, a further application needs to be made to the City for determination.
2. A revised site plan shall be lodged as part of the Building Permit application with the following modifications:
  - i. Deletion of car parking bays 1-5; and
  - ii. Increased hardstand area to be shown on plans as required for tanker turning path.
3. Prior to the lodgement of a Building Permit application, a Pollution and Drainage Plan shall be submitted to and approved by the City. The Pollution and Drainage Plan shall detail the treatment of spills and control drainage and pollution to further assist in the mitigation of odour



impacts associated with the proposal. Measures contained in the approved plan shall be implemented at all times to the satisfaction of the City.

4. Prior to the lodgement of a Building Permit application, a Lighting Management Plan shall be submitted to and approved by the City. The Lighting Management Plan shall address operational aspects of minimising the use and treatment of lights after hours on adjoining residential properties. Measures contained in the approved Lighting Management Plan shall be implemented at all times.
5. Prior to the lodgement of a Building Permit application, a Safety and Risk Management Plan shall be submitted to and approved by the City on advice from the Department of Mines and Petroleum. The Safety and Risk Management Plan shall detail risk and safety management measures including communication and evacuation protocols. Measures contained in the approved Safety and Risk Management Plan shall be implemented at all times.
6. Prior to the lodgement of a Building Permit application a Waste Management Plan shall be submitted to and approved by the City. The Waste Management Plan shall detail how waste is stored and removed from the site. Measures contained in the approved Waste Management Plan shall be implemented at all times.
7. A plan or description of all signs for the proposed development (including signage on the canopy) shall be submitted to and approved by the City as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the City prior to the erection of any signage on the site/building.
8. The hours of operation for the Petrol Filling Station are limited to between 7am to 9pm seven days per week.
9. Bulk fuel delivery trucks and waste collection is to occur between the hours of 7am and 6pm, Monday to Friday.
10. A 2.4m acoustic wall shall be constructed on the eastern and northern boundaries in accordance with the requirements of the AAP Acoustics and Audio Production Acoustic Report entitled "Vibe Petrol Station 114 Rockingham Road Hamilton Hill Noise Impact





Assessment” (dated 4 February 2016). Details of the acoustic wall shall be included as part of the Building Permit application.

11. All noise attenuation measures, identified by the AAP Acoustics and Audio Production Acoustic Report entitled “Vibe Petrol Station 114 Rockingham Road Hamilton Hill Noise Impact Assessment” (dated 4 February 2016) or as additionally required by the City, shall to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.
12. A detailed landscaping plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application and shall include the following:-
  - i. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - ii. any lawns to be established;
  - iii. any existing landscape areas to be retained;
  - iv. those areas to be reticulated or irrigated; and
  - v. verge treatments.
13. Landscaping (including verge planting) shall be installed, reticulated and/or irrigated in accordance with the approved landscaping plan and maintained thereafter to the satisfaction of the City of Cockburn. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
14. A minimum of six (6) bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided in close proximity to the entrance of the building prior to occupation of the building.
15. Prior to use of the development hereby approved vehicle parking bays, vehicle manoeuvring areas, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use to the satisfaction of the City.
16. The supply, storage or sale of liquefied petroleum gas (LPG) for refuelling purposes is not permitted.
17. All stormwater must be contained and disposed of on-site



to the satisfaction of the City.

18. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
19. All plant and equipment (such as air conditioning condenser units and communications hardware etc) is to be purposely located on site, or screened so as not to be visible from the street.
20. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
21. The premises must clearly display the street number at all times.
22. The development site shall be connected to the reticulated sewerage system of the Water Corporation before commencement of any use
23. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
24. All onsite waste water disposal systems, including all tanks and pipes and associated drainage systems (soak well or leach drains) as well as any stormwater disposal systems, shall be decommissioned, prior to the commencement of the use or occupation.
25. No vacuum services are to be provided for customer vehicles on-site.
26. No mechanical repairs are to be undertaken on site.
27. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).

Footnotes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of



the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.

2. The primary use of the development hereby approved is 'Petrol Filling Station' defined in the City of Cockburn Town Planning Scheme No. 3 as "*land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery*".
3. With regards to Condition No. 17, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. This is to be provided at the time of applying for a building permit.
4. All food businesses must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must obtain prior approval for the construction or amendment of the food business premises.
  - (a) An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

The plans are to include details of:

- i. the structural finishes of all floors, walls and ceilings;
- ii. the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc);



- and
  - iii. all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.
  - (b) The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
  - (c) With regards to Condition 24 above, under the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 the onsite waste water disposal system is to be removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all components such as the septic tanks, soak wells, leach drains and any associated pipework have been removed.
- (2) notify the applicant and those who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 6/0**

**Background**

The subject site is located at No. 114 Rockingham Road, Hamilton Hill. It is bound by Blackwood Avenue to the north, Carrington Street to the west, Rockingham Road to the south and residential properties to the east.

The subject site is zoned 'Local Centre' under the City's Town Planning Scheme No. 3 (TPS 3). The subject site contains two buildings of



which the northernmost building has been approved for 'Shop' purposes and is used currently for as a 'Pawnbroker' shop. The southernmost building includes a retail building and canopy and is currently operating as a 'Fast Food Outlet' (Drive through coffee). The proposed change of use only impacts the southernmost building where the 'Fast Food Outlet' is currently operating from.

The site was originally approved as 'Shopping Development and Petrol Filling Station' in 1988. A Change of Use was approved in 2011 from Petrol Filling Station to Showroom (DA11/0531) and subsequently in 2012 another Change of Use was approved from Showroom to Fast Food Outlet (DA12/0367).

The proposal for a Petrol Filling Station is an 'A' use within TPS 3 for Local Centre zoned land and as such advertising to adjoining landowners was undertaken in accordance with Scheme requirements.

During the consultation period one submission was received, which was an objection to the proposal. Given the proposed use of the land and the receipt of the objection during the public consultation period, the application is referred to Council for determination.

### **Submission**

N/A

### **Report**

The proposal is for the conversion of the existing building on-site to a Petrol Filling Station and includes the retention of the existing building for the proposed convenience store fitout and the installation of 4 fuel bowsers under the existing canopy. The proponent proposes to operate from 7.00am to 9.00pm, seven days per week. It should be noted that no mechanical repairs are to be undertaken on site. The applicant has provided a comprehensive Transport Statement Report and an Acoustic Report which is further discussed in the report. The proposal does not include vehicle servicing.

### **Consultation**

In accordance with TPS3, Clause 9.4, the application was advertised directly to nearby landowners for comment given the proposed use is an 'A' use in the Local Centre zone. During the consultation period, one submission was received, objecting to the proposal. The objection is in relation to the gaseous impact, odour, risk and lighting associated with the Change of Use. In particular the objection refers to the EPA's Guidance Statement for separation distances between industrial and sensitive land uses (see attached submission response).



## Zoning and Use

The site is located within the Local Centre zone in TPS 3, the objective of which is to provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre.

Under the Local Centre zone, a Petrol Filling Station is listed as an 'A' use in the TPS 3 Zoning Table. Petrol Filling Station is defined as:

*"land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery."*

The proposal is consistent with the Petrol Filling Station definition as the floor area does not exceed 300m<sup>2</sup> and accommodates a convenience store incidental to the main purpose of providing fuel for patrons attending the site. The applicant has not provided information to demonstrate that the convenience store component is significant.

It should be noted that Council adopted Amendment 116 to TPS 3 which incorporates the deletion of the 'Petrol Filling Station' definition and modification of the 'Convenience Store' and 'Service Station' definitions. However, the amendment has not yet been sent to the WAPC for final approval by the Minister as it is pending a response from the Environmental Protection Authority (EPA) that the amendment is not subject to formal environmental assessment. The amendment is therefore not yet seriously entertained. Based on this, the applicant was able to request approval for the 'Petrol Filling Station' use and it would be open to Council to determine the use.

## Local Planning Policy LPP 3.4 – Service Stations and Petrol Filling Stations

The City's Local Planning Policy 'LPP 3.4 Service Stations and Petrol Filling Stations' (LPP 3.4) provides context for the feasibility of these land uses in context to adjoining land. The policy states that petrol filling stations should be located adjoining or part of a shopping centre/ commercial and/or industrial use. The subject lot was initially approved for a Shopping Development and Petrol Filling Station in 1988. The policy further elaborates that these uses should be serviced by primary regional roads.

The subject lot is bound by two 'District Distributor A' roads and one Local Distributor road. The applicant has prepared a comprehensive Transport Statement Report which is further discussed in the report.



The Statement elaborates on access and egress to the site, and safety of vehicles and sightlines.

The policy requires applicants to demonstrate compliance with noise regulations and State Planning Policy 4.1 – State Industrial Buffer. A comprehensive Acoustic Report has been provided, which is further elaborated in the report below.

It is considered that the proposed development complies with the objectives of LPP 3.4.

### Signage

Advertising signage is not proposed as part of the application therefore a separate application will be required for any future signage.

### Landscaping

Existing landscaping to the site will need to be removed in order to facilitate turning circles for the fuel tanker, which will be explained in more detail below. The existing landscaping forms part of the required landscaping requirements as per Clause 5.9.2 of TPS3 and therefore needs to be relocated within the site. Should Council resolve to approve the proposal, it is recommended that a condition be imposed regarding the requirement for a landscape plan for the site.

### Parking

A total of 10 parking bays are shown on the site-plan, with an additional 8 refuelling bays. It should be noted that the parking bays are within common area and can be used by patrons using the Shop to north of the site. However the Transport Statement Report notes that the parking bays adjacent to the Shop are currently underutilised and as such will not result in parking bays adjacent to the Petrol Filling Station being used by patrons using the Shop.

An assessment of parking against the TPS 3 is outlined below.

	TPS 3 requirements	Assessment
Car parking Required	Petrol Filling Station 1 car parking bay per 15m <sup>2</sup> NLA  1 car parking bay per employee	$103 \text{ m}^2 \text{ GLA} / 15 = 7$  1 employee at any one given time  = 8 bays required  10 bays + 8 refuelling bays = 18 bays in total provided



Bike racks required	1 bike rack per 20m <sup>2</sup> NLA	103m <sup>2</sup> GLA / 20 = 6 bike racks required  8 bike racks provided
Total	8 bays required 6 bike racks required	18 bays provided 8 bike racks provided

The proposal includes a surplus of car parking bays and bike racks and is therefore compliant with the Town Planning Scheme in this regard. The City's Traffic Engineer has reviewed the proposal and for access reasons has recommended that car parking bays 1-5 be deleted, which is further detailed below.

Access & Traffic

Access and egress to the site is via two existing crossovers onto Rockingham Road and a crossover to Blackwood Avenue. Primary vehicle access/egress to the Petrol Filling Station would be via the two existing crossovers to Rockingham Road, which were utilised as part of the original Petrol Filling Station and subsequent uses.

In regards to traffic movements, the applicant has provided a comprehensive Transport Statement report prepared by Porter Consulting Engineers (22 February 2015). The City's Traffic Engineer has assessed the report and has found it to be generally sound and its conclusion that the proposed development will have no significant impact on traffic is supported.

The Transport Statement includes a turning path diagram showing fuel tankers accessing the site via the Rockingham Road crossovers. The turning path diagram indicates that there will be some minor work required on the landscape strip at the front of the lot to accommodate the turning tanker. The landscaping that is removed in order to facilitate the tanker turning path should be replanted in another location within the site as per the requirements of the TPS3 (which can be imposed as a condition should Council approval the proposal) .

Car parking bays 4 and 5 are also located within the tanker turning path and therefore should be deleted from the site plan. The deletion of parking bays 4 and 5 will also allow for better vehicle movement within the site during peak times, which is important given the forecourt is a constrained area. Parking bays 1-3 should also be deleted as these bays are within close proximity to the vehicles parked at the bowlers and may create problems when two vehicles are exiting/entering the site via the easternmost crossover on Rockingham Road at the same time.

The location of the bicycle parking bays does not appear to be in compliance with AS2890.3 (2015) as they will be located next to the





proposed acoustic barrier (as required in the acoustic report) and any rack/rail needs to be located far enough away from structures so that bicycles don't hit them and cyclists parking/collecting bicycles have good access. This can be addressed with a condition of approval requiring the bicycle parking to be provided in compliance with AS2890.3 (2015).

Should Council resolve to approve the proposal, it is recommended that conditions be imposed regarding an amended site plan being provided to the City demonstrating the removal of car parking bays 1-5, relocation of the bicycle parking bays, the extra hardstand area required for the tanker turning circle and the location of the relocated landscaping that needs to be removed for tanker turning path.

### Noise

The applicant has provided an acoustic report prepared by Acoustics and Audio Production (4 February 2016) which demonstrates to the City's satisfaction that noise emissions from the site will comply with the *Environmental Protection (Noise) Regulations 1997* provided that an acoustic barrier be constructed along the northern and eastern side of the site (abutting residential dwellings) as per figure 3 of the Acoustic Report. The acoustic barrier should be 2.4m above the natural ground level. The acoustic barrier shall be constructed using lapped timber (minimum 40% overlap), masonry, fibre cement sheet, hebel, perspex, plywood, or any other material with a minimum surface density of 10kg/m<sup>2</sup>. The barrier must be free of air gaps and holes and may be fixed to the existing boundary wall to meet the required height.

The acoustic report also recommends the following measures be taken in order to comply with the *Environmental Protection (Noise) Regulations 1997*:

- Avoid loud telephone extension bells and background music that are clearly audible away from the forecourt;
- Bolt down drain grates to avoid noise caused by vehicle driving over them;
- Arrange deliveries outside of noise sensitive hours; and
- Fit silencers on compressors

Should Council resolve to approve the proposal, a condition should be imposed requiring full compliance with the Acoustic report and construction of the acoustic barriers in the locations noted in figure 3 of the Acoustic Report and to a height of 2.4m.



### Odour, Lighting, Safety and Risk Management

The application for the Petrol Filling Station does not address odour, lighting, safety and risk management. The submission received from the adjoining land owner is in relation to odour, lighting, safety and risk management therefore it is important that these impacts are addresses by the applicant. It should be noted that The Department of Mines and Petroleum require all service stations to hold a Dangerous Goods License to operate. The issue of the license and its continued renewal is subject to compliance with installation, maintenance and safe operation of equipment. Mandatory requirements include set back and clearance distance requirements for fuel systems, emergency stop, spill containment, emergency procedures and record keeping. The Department carries out random inspections of sites without notice and issues breach/rectification notices and fines if any items are found to be non-compliant.

Should Council resolve to approve the proposal, appropriate conditions should be imposed requiring the applicant to provide the following plans prior to lodging a Building Permit for the Building fit out and/or commencement of use:

- Pollution and Drainage Plan;
- Lighting Management Plan; and
- Safety and Risk Management Plan.

### Conclusion

The proposed Petrol Filling Station is supported for the following reasons:

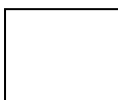
- The proposed use is considered an appropriate land use for the locality and is consistent with the objectives of the Local Centre zone and development requirements of TPS 3;
- Objections raised by neighbours in relation to odour, lighting, safety and risk management can be managed; and
- The proposed use is not considered to negatively impact on the character and amenity of the area.

The proposal is recommended for approval subject to conditions contained in the recommendation.

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

#### **Growing City**

- Development that is soundly balanced between new and existing areas.



**Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines

**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005  
State Administrative Tribunal Regulations  
Environmental Protection (Noise) Regulations 1997

**Community Consultation**

In accordance with Clause 9.4 of TPS3, the application was advertised to nearby landowners for comment with one submission received, objecting to the proposal. See Consultation section of the report.

**Risk Management Implications**

Should the applicant lodge a review of the decision with the State Administrative Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged. Should Council approve the proposal there is a risk that odour and light spill will not be effectively managed which would impact negatively on the amenity of adjoining residents.

**Attachment(s)**

1. Site Plan
2. Acoustic Report
3. Traffic Statement Report
4. Neighbour Submission

**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 9 June 2016 Ordinary Council Meeting.

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

Nil.



**14.2 (MINUTE NO 5814) (OCM 9/6/2016) - CHANGE OF USE FROM SINGLE HOUSE TO CONSULTING ROOMS (DENTAL CLINIC) AND SINGLE HOUSE - LOCATION: 282 (LOT 252) LYON ROAD, AUBIN GROVE - OWNER: VINCENZO FIGLIOMENI - APPLICANT: TAYLOR BURRELL BARNETT (6002929 & DA16/0143) (R TRINH) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant approval for a Change of Use – Single House to Consulting Rooms (Dental Clinic) and Single House at No. 282 (Lot 252) Lyon Road, Aubin Grove, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or tenancy. The approved development has approval to be used for 'Consulting Rooms' and 'Single House' only. In the event it is proposed to change the use of the tenancy, a further planning application needs to be made to the City for determination.
2. Prior to the commencement of the use (Consulting Rooms), arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for:  
- Aubin Grove (DCA 7).
3. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
6. The car parking areas, access ways and landscaping located in front of the building shall be maintained to the



satisfaction of the City, and shall not be used for storage of any type.

7. All works associated with this approval as shown on the approved plans shall be completed prior to occupation or use of the approved Consulting Rooms subject of this approval.
8. Prior to use of the building for Consulting Rooms, the 12 parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
9. Visitor bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible and suitably sign posted to the satisfaction of the City of Cockburn.
10. The crossover shall be designed, located and constructed to the City's specifications. The redundant crossover (or portion of) shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover(s).
11. A detailed landscaping plan shall be submitted to and approved by the City, prior to the issue of a Building Perm for the fit out of the Consulting Rooms, and shall include the following:-
  - i. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - ii. any lawns to be established;
  - iii. any existing landscape areas to be retained;
  - iv. those areas to be reticulated or irrigated; and
  - v. verge treatments.
12. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
13. The front fence within the primary street setback area shall be visually permeable 1.2 metres above natural

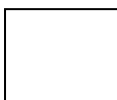


ground level in accordance with the deemed to comply provisions of the Residential Design Codes of Western Australia.

14. Where a driveway and/or parking bay abuts a public street, associated walls, fences and/or adjacent landscaping areas shall be truncated within 1.5 metres thereof or limited in height to 0.75 metres.
15. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
16. A Construction Management Plan (CMP) shall be submitted to and approved by the City prior to the commencement of works. The CMP shall be implemented to the satisfaction of the City.

Footnotes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition 2 will be deemed to have been complied with. The principles and administrative requirements for Developer Contribution Plans are set out in the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at [www.cockburn.wa.gov.au/communityinfrastructure](http://www.cockburn.wa.gov.au/communityinfrastructure).
3. Approval for the 'Consulting Rooms' is granted based on a maximum of two (2) practitioners working from the premises at any one time. Any increase in practitioners will generate the provision of additional parking spaces. This would require a revised development application to be submitted to and approved by the City which may not be supported.
4. The scale of the operation shall at all times be limited to the extent that sufficient parking is available. For the purpose of this condition, parking shall be determined at a rate of 5 bays per consulting room.



5. You are advised that a Sign Permit may be required in accordance with the City's Local Laws (2000) prior to the erection of the sign. A permit is obtainable from the City's Building Services Department.
6. A plan and description of any signage and advertising not exempt under Town Planning Scheme Schedule 5 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
7. With regards to Condition 8, the parking bay/s, driveway/s and points of ingress and egress shall be designed in accordance with the Australian Standard for Off-street Car parking (AS2890.1) and be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
8. With regards to Condition 10, copies of crossover specifications are available from the City's Engineering Services and from the City's website [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au).
9. With respect to Condition 13, visually permeable means vertical surface that has:
  - Continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm. occupying at least one half of the face in aggregate as viewed directly from the street; or
  - A surface offering equal or lesser obstruction to view.
10. With respect to Condition 15, all stormwater drainage shall be designed in accordance with the Australian Standard, and the design shall be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event.
11. With regards to Condition 16, the Construction Management Plan shall address the following items:
  - i. Access to and from the site;
  - ii. Delivery of materials and equipment to the site;
  - iii. Storage of materials and equipment on the site;

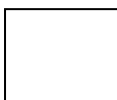


- iv. Parking arrangements for contractors and subcontractors;
  - v. Management of construction waste; and
  - vi. Other matters likely to impact on the surrounding properties.
12. The occupier of premises in which clinical waste is produced shall comply in all respects with the *Environmental Protection (Controlled Waste) Regulations 2004*. For further information please contact the Department of Environmental Regulation.
13. The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (noise) Regulations 1997. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
- (2) notify the applicant and those who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED Cllr S Portelli SECONDED Cllr K Allen that

- (1) refuse to grant approval for a Change of Use – Single House to Consulting Rooms (Dental Clinic) and Single House at No. 282 (Lot 252) Lyon Road, Aubin Grove, subject to the following reasons:
- 1. The proposed commercial use is incompatible with the surrounding residential area which does not constitute orderly and proper planning and is therefore inconsistent with the aims of Town Planning Scheme No. 3.
  - 2. The proposed commercial use is likely to detract from the amenity of the area with regards to residential character.
  - 3. The proposed commercial use is likely to have a detrimental impact on traffic flow and safety in the immediate vicinity.
  - 4. The proposed signage associated with the commercial





use is likely to have a detrimental impact on the visual amenity of the area and streetscape.

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

**CARRIED 4/2**

### **Reason for Decision**

This is not proper and orderly planning. It is a residential area with specific sites already planned for activity hubs on the same street. There are more sites still available where through proper planning small activity hubs have been designed. With the proposed signage and extra parked clientele cars it will spoil the visual amenity.

### **Background**

The subject property is 1177m<sup>2</sup> in area and is located at 282 Lyon Road, Aubin Grove. A single house is currently situated on the site which is used for residential purposes. The dwelling comprises 3 bedrooms and 2 bathrooms with 2 car parking spaces located within a garage. The subject site is predominantly surrounded by single houses that are used for residential purposes.

The subject site is zoned 'Development' under Town Planning Scheme No. 3 (TPS 3) and is located within Development Area 11(Lyon Road) and Development Contribution Areas 7 and 13. A Structure Plan has not been approved over the subject site and the adjoining lot to the north but the surrounding lots have an approved Structure Plan that demonstrates predominantly a 'Residential-R20' zoning immediately surrounding the subject site.

The proposed development is subject to comply with the Residential Design Codes (R-Codes) and TPS 3. The 'Single House' component is a 'P' (permitted) use within a 'Residential' zone and is permitted by TPS 3 providing that it complies with the relevant development standards and requirements of TPS 3. The 'Consulting Rooms' is a 'D' (discretionary) use within a 'Residential' zone and is generally not permitted unless the local government has exercised its discretion by granting planning approval.

The application was advertised to nearby landowners in accordance with clause 9.4 of TPS 3 as the proposed use would generate greater traffic movements than a residential use and has the potential to impact



on the amenity of nearby properties. The proposed development is being referred to Council for determination as objections were received during public consultation.

### **Submission**

N/A

### **Report**

The proposed change of use to 'Consulting Rooms' (Dental Clinic) and 'Single House' seeks to make modifications to the existing dwelling to accommodate the dental clinic within the existing front portion of the dwelling (82.5m<sup>2</sup>) and retaining the rear portion of the dwelling for residential purposes (117.5m<sup>2</sup>) with the intention to operate the dental clinic whilst residing at the property. No changes to the frontage of the dwelling, or signage are proposed. The proposal does however result in a modification to the existing raised garden bed to facilitate the new parking area and a new rear entrance for the residential component of the building.

The dental clinic proposes to operate Monday to Saturday between 8:00am and 6:00pm with a maximum of two (2) dentists, two (2) dental nurses and a receptionist operating from the subject site at any one time. The proposal includes 12 car parking bays (car bays 1 and 2 are in tandem).

### *Consultation*

Under TPS 3, the proposal was not required to be advertised but the City did undertake consultation with nearby land owners that were seen to be potentially affected by the proposal.

The proposal was advertised to sixteen (16) nearby land owners for the Consulting Rooms use in accordance with clause 9.4 of TPS 3 and a total of five (5) submissions were received during the advertising period. One (1) of the submissions indicated no objection and four (4) objections were received for the proposed development.

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

- Danger to pedestrians;
- Increased noise and traffic;
- Inappropriate use for a residential area; and
- Verge parking.



To alleviate the impact of danger to pedestrians and verge parking, the car parking bays proposed onsite must comply with the car parking requirements of TPS 3 and the R-Codes. This would ensure that vehicles are capable of safely entering and exiting the subject site without visual obstructions. Verge parking would also be deterred by maintaining high quality landscaping within the verge which could be imposed as a condition should Council support the proposal.

Other comments were received during the public consultation period which were not valid planning considerations having due regard to TPS3. The full Schedule of Submissions can be found in Attachment 4 of this report.

### *Statutory Framework*

#### Metropolitan Region Scheme (MRS)

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

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

The subject site is zoned 'Development Zone' under TPS 3 and is located within Development Area 11(Lyon Road) and Development Contribution Areas 7 and 13.

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

*'To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme'*. However in this situation no structure plan has been adopted for this site. Development Area 11 requires a Structure Plan to guide subdivision, land use and development and is to provide for residential development.

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

*'a decision-maker for an application for development approval or subdivision approval in a area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that –*

- (a) The proposed development or subdivision does not conflict with the principles of orderly and proper planning; and*
- (b) The proposed development or subdivision would not prejudice the overall development potential of the area.'*



Given that the area surrounding the subject site is zoned 'Residential-R20', the City is allowing further development of the site under the 'Residential-R20' zoning where Consulting Rooms is a discretionary use. Preparation of a Structure Plan for a single lot of this size is considered onerous and unnecessary considering the residential nature of the existing and proposed use in context with the surrounding land uses. The proposal clearly is consistent with orderly and proper planning and does not prejudice the future development potential of the area. It is therefore open to Council to approve the proposal in the absence of an approved structure plan over this lot.

The 'Single House' component is considered a 'P' use within a 'Residential' zone and is permitted by TPS 3 providing that it complies with the relevant development standards and requirements of TPS 3. The 'Consulting Rooms' is considered an 'D' use within a 'Residential' zone and is generally not permitted unless the local government has exercised its discretion by granting planning approval.

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

The proposed dwelling component of the development generally complies with the requirements of the R-Codes and does not impact the amenity of the surrounding area.

#### *Car parking, Access & Traffic*

The proposed development and requires ten (10) car parking bays for the two (2) consulting rooms in accordance with Table 3 of TPS 3 and two (2) car parking bays in accordance with the requirements of the R-Codes.

A total of twelve (12) car parking bays are proposed on the subject site and therefore no car parking bay shortfall is proposed. The applicant supplied supporting information regarding car parking as two (2) car parking bays required for residents have not been accounted for when calculating the car parking requirement for the 'Consulting Rooms' component of the development. The residents of the dwelling on the subject site also intend to operate the dental clinic. This arrangement alleviates the strain on car parking and further supports that all car parking can be contained onsite.

Access to and from the property is proposed from a single crossover that is accessible from Lyon Road and allows vehicles to enter and exit in a forward gear. The single access point and manoeuvrability proposed on the subject site allows for safe access to and from the property and considers the residential nature of the locality.



Considering that Lyon Road is a Regional Distributor road, the increased traffic volumes caused by the proposed development are minor in context with the number of vehicles that traverse the road on a daily basis.

### *Landscaping*

TPS 3 requires a minimum of ten percent (10%) of the lot area to be set aside for landscaping or reduced to five percent (5%) if the street verge area is included to be maintained. Only six percent (6%) of the existing landscaping is proposed to be retained in front of the dwelling as part of this proposal and therefore landscaping of the verge will be maintained to increase the visual amenity and restrict vehicles from parking on the verge.

### *Noise*

Noise levels for the operations of the dental clinic are not expected to cause an amenity issue, however must comply with the *Environmental Protection (Noise) Regulations 1997*.

### *Conclusion*

The proposal for to change the use of the dwelling to incorporate Consulting Rooms (Dental Clinic) is supported as it complies with the provisions of TPS 3 and will not negatively impact on the amenity of neighbours or the streetscape. The proposal has addressed car parking and access issues and is visually consistent with surrounding residential dwellings. It is therefore recommended that Council approve the application, subject to the conditions contained in the recommendation.

## **Strategic Plan/Policy Implications**

### **Growing City**

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

### **A Prosperous City**

- Investment in the local economy to achieve a broad base of services and activities.

## **Budget/Financial Implications**

Nil.



### **Legal Implications**

Nil.

### **Community Consultation**

The application was advertised to sixteen nearby landowners in accordance with clause 9.4 of the City of Cockburn's Town Planning Scheme No. 3, with a total of five (5) submissions received. See Consultation section of the report.

### **Risk Management Implications**

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

### **Attachment(s)**

1. Location Plan
2. Site Plan, Floor Plan & Elevations
3. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 June 2016 Council Meeting.

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

Nil.

## **14.3 (MINUTE NO 5815) (OCM 9/6/2016) - ADOPTION FOR ADVERTISING - PHOENIX ACTIVITY CENTRE STRUCTURE PLAN, DESIGN GUIDELINES LOCAL PLANNING POLICY AND CONCEPT FOR ROCKINGHAM ROAD UPGRADE (110/088 & 110/043) (D DI RENZO) (ATTACH)**

### **RECOMMENDATION**

That Council

- (1) adopt the draft Phoenix Activity Centre Structure Plan as contained within Attachment 1 to this report for the purposes of advertising for a period of 28 days;
- (2) undertake the advertising by:



1. Giving notice of the proposed Activity Centre Structure Plan to owners and occupiers who, in the opinion of the City, are likely to be affected by the plan.
  2. Publishing notice of the proposed Activity Centre Structure Plan in a newspaper circulating in the district.
  3. Publishing a notice of the proposed Activity Centre Structure Plan via the City's website.
- (3) seek comments in relation to the proposed Activity Centre Structure Plan from any public authority or utility service provider that the City considers appropriate;
- (4) provide to the Western Australian Planning Commission a copy of the proposed Activity Centre Structure Plan and all accompanying material as well as the details of the advertising and consultation arrangements;
- (5) adopt the Draft Local Planning Policy Phoenix Activity Centre Design Guidelines as shown in Attachment 2 for the purposes of community consultation, pursuant to City of Cockburn Town Planning Scheme No. 3; and
- (6) adopt the draft Rockingham Road concept plan for community consultation.

#### **COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr S Portelli that the recommendation be adopted subject to amending clause (1) and the inclusion of clause (7) as follows:

- (1) adopt the draft Phoenix Activity Centre Structure Plan as contained within Attachment 1 of the Agenda for the purposes of advertising for a period of 60 days, subject to the approval of the WA Planning Commission;
- (7) provide the 2008 Traffic Study report to the community at large for consideration.

**CARRIED 6/0**

#### **Reason for Decision**

Extending the timeframe from 28 to 60 days allows business owners to have more time to investigate the traffic impacts and that the proposal



does not adversely affect access to these businesses.

Publicly providing the 2008 Traffic Study would allow the consultants and engineers to carry out detailed modelling and analysis of the proposed modifications to Rockingham Road and the significant changes as outlined in the Phoenix Activity Centre Structure Plan, Design Guidelines.

## **Background**

At the 14 August 2014 OCM, Council endorsed the commencement of a multidisciplinary internal workgroup represented by Strategic Planning, Parks and Engineering Services. The intention of the workgroup was to prepare an Activity Centre Structure Plan, design guidelines and concept for the upgrade of Rockingham Road through the town centre.

This work has been undertaken to the point that this report now seeks Council endorsement to undertake community consultation on these three discrete but interrelated elements:

- i. The Activity Centre Structure Plan
- ii. The Design Guidelines
- iii. The Rockingham Road upgrade project

A similar report was presented to the May Council meeting, whereby Council resolved to defer consideration of the item pending a further briefing of Elected Members. This further briefing took place on 26 May 2016.

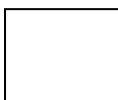
The report recommends that Council adopt the Activity Centre Structure Plan, Design Guidelines and Rockingham Road upgrade project for advertising.

## **Submission**

NA.

## **Report**

The purpose of this report is for Council to consider adopting a Draft Phoenix Activity Centre Structure Plan (Attachments 1), Draft Design Guidelines (Attachment 2) and Draft Concept Plan for Rockingham Road (Attachment 3) for the purposes of community consultation.





### *Requirement for Activity Centre Structure Plan*

State Planning Policy 4.2 Activity Centres For Perth and Peel (“SPP 4.2”) was gazetted in 2010, and its main purpose is to specify broad planning requirements for the planning and development of new activity centres, and the redevelopment and renewal of existing centres in Perth and Peel.

Activity centres are community focal points. They include activities such as commercial, retail, higher-density housing, entertainment, tourism, civic/community, higher education and medical services. They should be designed to be well-serviced by public transport, and to be highly accessible.

SPP 4.2 sets out a policy requirement for activity centre structure plans to be prepared for all district level centres and above.

Activity centre structure plans set out the spatial plan and strategy to achieve a compact, pedestrian-friendly, mixed use activity centre that will offer a range of lifestyle choices, reduce car dependency, and limit environmental impact. They are important strategic planning documents which guide land use, urban form, transport and infrastructure planning for larger activity centres.

The City of Cockburn’s Local Commercial and Activity Centres Strategy (“LCACS”) was adopted by Council in 2012 and sets out the strategic vision and broad framework to guide the planning and development of the City’s activity centres over the next 15 years.

The LCACS sets out that its successful implementation will require early, targeted activity centre structure planning for major commercial activity centres likely to experience significant future growth in the short-medium term. It sets out the requirement for activity centre structure plans to be prepared for district and larger centres.

For this reason a draft activity centre structure plan has been prepared for Phoenix District Centre in line with SPP 4.2 and the LCACS.

There has already been a considerable amount of strategic planning work completed for both the Phoenix Activity Centre. The Phoenix Revitalisation Strategy was adopted by Council for the Phoenix Centre in 2009. It sets out a vision for the activity centre, and key recommendations to achieve this.

However the Revitalisation Strategy in itself does not provide the type of framework that can specifically guide development within the activity centre. This will be the role of the activity centre structure plan.



### *Rockingham Road Upgrade Concept Plans*

The Revitalisation Strategy identified several actions to address this aspect of the Strategy which included the need to:

- Improve the amenity of the public realm, particularly along Rockingham Road.
- Improve connectivity for various transport modes including pedestrians and cyclists.
- Enhance bus stop facilities.
- Promote mixed use development along the western side of Rockingham Road.
- Overall streetscape enhancement.
- Reduce the negative impact of excessive signage along Rockingham Road.
- Reduce the negative impact of excessive car parking and crossovers along Rockingham Road.

As a result, the first task undertaken by the work group was to identify key objectives and preliminary concept plan options for the revitalisation of Rockingham Road.

The workgroup identified four options and these were presented to Porters Consulting Engineers to review assess against surveys and infrastructure servicing plans to determine the feasibility of these options before undertaking community consultation.

The outcomes of their review and further investigation eliminated three of the options and resulted in one viable option that is considered to meet the key objectives of the project.

The next step is to undertake community engagement work. Therefore Council's support is sought to proceed with community engagement on the Rockingham Road concept plan.

### Spearwood District Centre

The Phoenix Revitalisation Strategy was adopted by Council for the Phoenix Centre in 2009. The Strategy was the first of the City's revitalisation strategies that sought to identify infill development opportunities in line with Directions 2031 objectives. It also addressed infrastructure needs resulting from the planned growth. The Strategy is focused on residential infill development, improvements to public open space and streetscapes, and opportunities for improved public spaces.

The Revitalisation Strategy has resulted in an increase to the residential densities within the 800m catchment around the centre, and the introduction of a new 'Mixed Use' zoning on the western side of



Rockingham Road. This has facilitated significant development of grouped and multiple dwellings throughout the area.

There have also been a number of improvements to the public realm, including parks upgrades and street tree planting in line with the Revitalisation Strategy.

The Phoenix Shopping Centre is likely to require refurbishing in the near future, and is also likely to increase its floor area. Therefore, the structure plan provides further guidance is required to identify how this will occur.

The draft Activity Centre Structure Plan has a particular focus on built form, connectivity and movement. Many of these issues were identified in the Revitalisation Strategy.

#### *Proposed Activity Centre Structure Plan boundary*

The proposed Phoenix Centre activity centre boundary is consistent with that set out in the LCACS. It encompasses the 'District Centre' zoned land, the proposed 'Mixed Use' zoned land on the western side of Rockingham Road, some adjacent residential zoned lots, and the City's administration site. This area will enable comprehensive consideration of land use and movement.

#### *Draft Activity Centre Structure Plan*

The Phoenix Revitalisation Strategy set out key principles that were developed during the preparation and visioning phases of the project which included extensive community input.

These principles have been further refined and consolidated to create a vision for the Activity Centre, which is to create a place that is:

**Adaptable** - A place that can respond to the diverse and changing needs of the community.

**Easy to move around** - A place that is easy for all users to move around, particularly pedestrians and cyclists, and that connects well to existing movement networks and key areas of interest in the surrounding area.

**Safe and welcoming** - A place where people feel safe and secure, and that encourages positive social interaction.

**Distinctive** - A place that reflects local identity and has a distinctive character.



Attractive - An attractive, enjoyable place where people will want to live, work, and visit

Sustainable - A place that is environmentally sustainable

The draft Structure Plan seeks to identify actions to assist in achieving these objectives. The key actions identified in the Structure Plan are as follows:

- \* Adoption of Design Guidelines Local Planning Policy for the Activity Centre – these design guidelines will assist in achieving coordinate development in the new Mixed Use zone on the western side of Rockingham Road. These
- \* Adoption of a vehicle access plan for the Mixed Use zone on the western side of Rockingham Road to ensure safe and legible access.
- \* Upgrade of Rockingham Road between Coleville Crescent and Phoenix Road to slow traffic, provide opportunities for more landscaping, and to improve the pedestrian and cyclist environment.
- \* Investigation of reconfiguration of car parking in the northern end (BP site) to ensure safe traffic movement.
- \* Formulation of an Artworks and Wayfinding Strategy that identifies themes to strengthen a unique identity for the Phoenix Activity Centre and improve legibility within the centre, and within the surrounding area.
- \* Improvements to Bavich Park and Gerald Reserve to improve their appearance, and make them more attractive pedestrian connections to the Activity Centre.
- \* A Master Plan for the Administration site to determine the future of this site, and this should include investigation of the following key elements:
  - Retention of a ‘civic presence’
  - Identification of mature trees and vegetation to be retained.
  - Adaptive reuse of the existing administration building
  - Creation of a new ‘community space’
  - Residential development with an appropriate interface with surrounding development.



- \* Monitor the performance of the activity centre by undertaking a review every two years, addressing the elements discussed within this Structure Plan, relating to:
- Land use mix diversity targets;
  - Residential density targets;
  - Built form and streetscape intensity;
  - Attracting strategic employment;
  - Floor space demand requirements;

The design and placement of the shopping centre presents visual and functionality issues. Key to this issue is the internal nature of the Phoenix shopping centre with entrances located away from surrounding roads. Whilst not unusual in a shopping centre complex, the entrances do not face the street fronts, creating issues of legibility and reducing pedestrian connectivity and limiting the sense of place. This is an issue that has arisen due to the original frontage of the shopping centre addressing Coleville Crescent, rather than Rockingham Road. Incremental expansion of the centre, particularly the decked parking areas, has therefore closed off opportunities for frontages to the street.

The built form along Rockingham Road does not signify entry into the town centre, given that it is either primarily setback from the street, or is interfaced with inactive frontage.

The Rockingham Road upgrade includes a new entry to the shopping centre. This entry would be from a roundabout at Kent Street and Rockingham Road, and would facilitate the closure of the existing southern entry point to the centre on Rockingham Road.

Importantly, this would allow the closure of the existing entry point which could be converted into a new 'public space' and pedestrian entry to the centre. This could include landscaping and seating, and could provide an active frontage and presence to Rockingham Road that the centre currently lacks. Such a proposal will be subject to full consultation with the shopping centre owners.

#### *Development Requirements and Staging Plan*

The Draft Structure Plan sets out development requirements for land within the Activity Centre. It identifies triggers for certain requirements, for example, for improvements to the pedestrian environment.



*LCACS Actions and Outcomes*

The Draft Structure Plan sets out how the actions address the issues identified for the centre in LCACS, and identify how the proposed actions are likely to improve the score for each element.

*Draft Local Planning Policy –Phoenix Activity Centre Structure Plan*

Draft Design Guidelines have been prepared to guide development within the activity centre (Attachment 2) to ensure the objectives of the plan are achieved.

The key objectives of the Local Planning Policy are -

- a) To create a high quality and safe pedestrian environment along Rockingham Road in the Phoenix Activity Centre.
- b) To create a new sense of place with high-quality and dynamic building and landscape design and landmark development sites.
- c) To create an activity centre with a readily identifiable character.
- d) To facilitate safe and convenient pedestrian and cyclist movement within the Activity Centre, resolving vehicle and pedestrian/cyclist conflict points.
- e) To create an Activity Centre that is highly legible.
- f) To create attractive, active frontages that provide visual interest and contribute to pedestrian and cyclist safety and comfort.
- g) To ensure that signage is not visually obtrusive, does not result in excessive visual clutter; and does not hinder passive surveillance.
- h) To ensure that signage is compatible with the scale, design and visual character of the building and activity centre.
- i) To provide adequate opportunities for commercial advertising to support and encourage business activity.
- j) To encourage an increase in pedestrian and cycling trips by maximising the convenience, safety and appeal of these modes of travel.
- k) To create safe, functional and attractive car parking areas that allow for landscaping, and facilitate safe and convenient pedestrian and cyclist movement.



- l) To encourage landmark development features which are integrated with buildings, and which improve legibility within the activity centre.
- m) To utilise artworks to create community identity; improve inactive frontages; improve legibility; and provide functional infrastructure for pedestrians and cyclists.
- n) To promote the integration of wayfinding with urban design, landscaping, architectural design and public art.
- o) To encourage mixed use development and a diversity of land uses.

### Rockingham Road Upgrade Concept Plan

The City's multidisciplinary internal workgroup identified objectives for the Rockingham Road upgrade that were in line with the Revitalisation Strategy. The following key objectives were identified:

#### *Objectives*

1. To promote pedestrian use across and along Rockingham Road, through the provision of a safe and attractive environment.
2. To improve the amenity around bus stops and encourage the use of buses by giving priority to the bus service.
3. A visual identity which reassures and welcomes people to the town centre by conveying its sense of place.
4. To create safe and legible vehicle access arrangements which serves the town centre as a destination.

The draft concept plan is included at Attachment 3. A key feature of the draft concept plan is the reduction from two lanes in each direction to one lane between Coleville Crescent and Phoenix Road. A reduced speed limit of 50km an hour is also proposed. This will slow traffic and improve safety and amenity for pedestrians and cyclists. Importantly this will allow the introduction of bicycle lanes and landscaping on Rockingham Road, which would not be currently possible within the very narrow road reservation.

The draft concept plan also reduces the number of crossovers to Rockingham Road. This is critical to improve safety for vehicles, and improve the pedestrian and cyclist environment, given that crossovers



interrupt pedestrian and cyclist movement and comfort, and reduce safety.

Two new roundabouts are proposed on Rockingham Road, at the intersection with Lancaster Street, and at Kent Street. These roundabouts will provide a means to turnaround to access businesses and properties where access is restricted. They will also provide breaks to the flow of traffic to provide safer access opportunities.

While the changes to access will affect some adjacent landowners and businesses the concept plan seeks to secure good alternatives. The draft concept plan has considered the servicing needs of each business. Furthermore, one on one consultation is proposed with all landowners and businesses on Rockingham Road given the proposed changes to access.

The draft concept plan includes a new entry to the shopping centre. This entry would be from a roundabout at Kent Street and Rockingham Road, and would facilitate the closure of the existing southern entry point to the centre on Rockingham Road. This area has the potential to create a new pedestrian entry and 'public space'.

The draft concept plan is considered to achieve the following:

- \* Minimises any land acquisition requirements – there are only very small portions of land required that will not negatively affect existing properties.
- \* Creates opportunities for landscaping to beautify the road (currently very limited).
- \* Reduces the number of crossovers to Rockingham Road while facilitating access to businesses through a 'roundabout system'.
- \* Reduces traffic speeds through new 50km speed limits, and a narrowing of the road and landscaping that will slow traffic.

It is not currently financially viable to underground the power as part of this project due to the high costs associated with such works in the area at this time. However, the road upgrade as proposed in the draft concept plan does not preclude the undergrounding of power at a point in the future when it may be viable.

### Conclusion

The Draft Activity Centre Structure Plan for Phoenix District Centre builds on the objectives and actions of the Revitalisation Strategy and will ensure there is a planning framework to support the growth and maturity of the town centre, including any future expansion of the centres. In conjunction with the proposed Design Guidelines (Local





Planning Policy) it will ensure development achieves the objectives of the Revitalisation Strategy.

It is therefore recommended that Council adopt the Draft Activity Centre Structure Plan; Local Planning Policy Design Guidelines for community consultation.

The Draft Concept Plan for Rockingham Road is a critical element of the activity centre, and was a key action of the Revitalisation Strategy. It is therefore recommended that Council adopt this concept plan for the purposes of advertising.

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

#### **Infrastructure**

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

#### **Community & Lifestyle**

- Safe communities and to improve the community's sense of safety.

#### **A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.

#### **Moving Around**

- Facilitate and promote healthy transport opportunities.

### **Budget/Financial Implications**

The preparation of the Activity Centre Structure Plan has been funded through the Strategic Planning budget, with further budgeting required at a later stage as the structure plans are formulated.

The Rockingham Road upgrade works have been budgeted for the 2016/2017 financial year with provision for \$4M for this project.

### **Legal Implications**

N/A

### **Community Consultation**

It is proposed that the draft Activity Centre Structure Plan and Local Planning Policy Design Guidelines be advertised for a period of 60 days to relevant landowners, business owners, government agencies and community groups.



This will include targeted consultation with the most affected landowners within the Activity Centre.

The Rockingham Road Concept Plan community consultation will include targeted, one on one consultation with all affected landowners and business owners on Rockingham Road.

Pre-consultation work has commenced with the Phoenix Working Group (comprised of a small group of interested local residents) and the Phoenix Shopping Centre, with a number of initial discussions and meetings having been undertaken regarding the Rockingham Road concept plan.

### **Risk Management Implications**

The key risk that the City faces in not progressing the Activity Centre Plan, Design Guidelines and Road upgrade concept is the missed opportunity in guiding the town centre's future growth in a comprehensive way. This would further impact the City's delivery of its Phoenix Revitalisation Strategy, which is the comprehensive plan to guide the future growth and prosperity of the suburb.

### **Attachment(s)**

- 1: Phoenix District Centre Activity Centre Structure Plan
- 2: Draft Local Planning Policy Phoenix Activity Centre Design Guidelines.
3. Draft Concept Plans – Rockingham Road

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

N/A.

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

Nil.

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

### **15.1 (MINUTE NO 5816) (OCM 9/6/2016) - LIST OF CREDITORS PAID - APRIL 2016 (076/001) (N MAURICIO) (ATTACH)**

#### **RECOMMENDATION**

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



**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 6/0**

**Background**

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

**Submission**

N/A

**Report**

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

**Strategic Plan/Policy Implications****Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

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



**Attachment(s)**

List of Creditors Paid – April 2016.

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

N/A

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

Nil.

**15.2 (MINUTE NO 5817) (OCM 9/6/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - APRIL 2016 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**  
That Council

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

Revenue Adjustments	Increase	310,906
TF from Reserve Adjustments	Increase	1,146
Expenditure Adjustments	Increase	-161,906
TF to Reserve Adjustments	Increase	-101,146
<b>Net change to Municipal Budget</b>	<b>Increase</b>	<b>49,000</b>
<b>Closing Funds</b>		

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

**COUNCIL DECISION**  
MOVED Clr B Houwen SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0**



## Background

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

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

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

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

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

Local Government (Financial Management) Regulations - Regulation 34 (5) states:

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details within monthly reporting. Council has adopted a materiality threshold of \$200,000 for the 2015/16 financial year.

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

## Submission

N/A



## Report

### *Opening Funds*

The opening funds of \$13.7M brought forward from last year has been audited and the budget has been amended to reflect this final position. These compare closely to the opening funds used in the adopted budget of \$13.5M and include the required municipal funding for carried forward works and projects of \$9.7M (versus the original \$10.5M estimated in the adopted budget). The additional \$1.0M of available municipal funding was redirected into the Roads and Drainage Infrastructure Reserve at the November 2015 Ordinary Council meeting.

### *Closing Funds*

The City's actual closing funds of \$33.6M is \$1.9M higher than the YTD budget target. This result comprises a combination of favourable and unfavourable cash flow variances across the operating and capital programs (detailed throughout this report).

The budgeted end of year closing funds currently shows \$0.41M, compared to \$0.36M last month and \$0.36M originally adopted. Budget amendments made during the month resulted in a net increase of \$49,000 to the budget surplus.

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

### *Operating Revenue*

Consolidated operating revenue of \$122.2M was over the YTD budget target by \$2.2M.

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

Nature or Type Classification	Actual Revenue \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Rates	(88.99)	(87.50)	1.49	(89.03)
Specified Area Rates	(0.34)	(0.27)	0.07	(0.27)
Fees & Charges	(19.06)	(19.12)	(0.06)	(22.06)
Service Charges	(1.06)	(1.07)	(0.01)	(1.07)
Operating Grants &	(6.76)	(6.48)	0.27	(7.51)



Nature or Type Classification	Actual Revenue \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Subsidies				
Contributions, Donations, Reimbursements	(1.14)	(0.89)	0.25	(1.01)
Interest Earnings	(4.88)	(4.71)	0.17	(5.57)
<b>Total</b>	<b>(122.24)</b>	<b>(120.05)</b>	<b>2.18</b>	<b>(126.54)</b>

The significant variances at month end were:

- Rates revenue was over the YTD budget by \$1.5M due to interim rating related to strong growth in the rating property base.
- Subsidies received for childcare services were \$0.49M ahead of YTD budget. These are offset by higher payments to the Caregivers.
- Income from development application fees of \$0.90M was \$0.22M behind the YTD budget of \$1.12M.

#### *Operating Expenditure*

Reported operating expenditure (including asset depreciation) of \$96.1M was under the YTD budget by \$4.8M.

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

Nature or Type Classification	Actual Expenses \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Employee Costs - Direct	36.4	37.6	1.2	46.8
Employee Costs - Indirect	0.5	0.6	0.1	1.1
Materials and Contracts	28.4	31.2	2.8	38.3
Utilities	3.7	3.8	0.1	4.6
Interest Expenses	0.0	0.0	(0.0)	0.1
Insurances	2.1	2.1	0.0	2.1
Other Expenses	5.0	5.0	(0.1)	6.8
Depreciation (non-cash)	21.5	22.9	1.4	27.5
Internal Recharging-CAPEX	(1.7)	(2.4)	(0.7)	(3.0)
<b>Total</b>	<b>96.1</b>	<b>100.9</b>	<b>4.9</b>	<b>124.4</b>

The significant variances at month end were:

- Material and Contracts were \$2.8M under YTD budget with the main contributors being Waste Collection (\$0.81M) and Parks &

Environment Maintenance (\$0.40M). Environmental Health was also down (\$0.28M), with \$0.18M of this budget being spent on internal tipping fees for a contaminated site clean-up.

- Salaries and direct employee on-costs were \$1.2M under the YTD budget with Community Development salaries down \$0.30M, Roads Construction down \$0.24M and Human Resources down \$0.23M. Waste Collection wages were over the YTD budget by \$0.27M.
- Under Other Expenses, Council's grants and donations scheme was running \$0.28M behind the YTD budget. Fuel costs for the City's fleet was also \$0.22M below budget due to low petrol prices. Conversely, the landfill levy was \$0.41M over the adjusted YTD budget.
- Depreciation on assets were \$1.4M under the YTD budget mainly due to lower depreciation for road assets of \$0.67M (due to EOFY revaluations) and lower depreciation for parks infrastructure of \$0.27M.
- The internal recharging of overhead costs to the CAPEX program was \$0.74M behind the YTD budget setting, particularly due to a \$0.61M shortfall in roads labour charged to infrastructure projects.

#### *Capital Expenditure*

The City's total capital spend at the end of the month was \$49.3M, representing an under-spend of \$23.9M against the YTD budget.

The following table details the budget variance by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	FY Revised Budget \$M	Commit Orders \$M
Roads Infrastructure	4.6	8.5	3.8	13.1	4.7
Drainage	0.6	0.8	0.2	1.4	0.1
Footpaths	0.8	0.6	(0.2)	1.2	0.0
Parks Hard Infrastructure	3.0	5.4	2.4	7.7	3.7
Parks Soft Infrastructure	0.3	1.0	0.7	1.3	0.5
Landfill Infrastructure	0.2	0.3	0.1	0.5	0.0
Freehold Land	0.4	1.1	0.7	1.6	0.1
Buildings	36.6	48.7	12.1	64.7	58.8
Furniture & Equipment	0.0	0.0	(0.0)	0.0	0.0
Computers	0.3	0.9	0.6	1.0	0.0
Plant & Machinery	2.4	6.0	3.6	6.2	2.3
<b>Total</b>	<b>49.3</b>	<b>73.2</b>	<b>23.9</b>	<b>98.7</b>	<b>70.3</b>





These results included the following significant items:

- Buildings – had a net under spend against YTD budget of \$12.1M comprising the Cockburn ARC project (\$5.6M), Operations Centre upgrade (\$4.8M), Civic building energy reduction initiative (\$0.25M) and Atwell clubrooms upgrade (\$0.36M).
- Roads Infrastructure - The roads construction program was \$3.8M under-spent against the YTD budget, mainly due to Beeliar Drive [Spearwood Ave to Stock Rd] under by \$3.2M; Berrigan Drive [Kwinana Fwy to Jandakot Rd] under by \$1.3M; and North Lake Road [Hammond to Kentucky] under by \$0.2M. There are also several roads projects ahead of their YTD budgets, offsetting the under spends to a small extent.
- Plant & Machinery - The plant replacement program was \$3.6M behind the YTD budget with \$2.3M of heavy and light fleet items currently on order and awaiting delivery.
- Parks Hard Infrastructure - The parks capital program is collectively \$2.38M behind YTD budget with the only material variance being the adventure playground at Bibra Lake (\$0.62M). The balance is comprised of below threshold under spends across the remainder of the program.
- Parks Soft Infrastructure - The parks streetscaping program is collectively \$0.67M behind the YTD budget.
- Development costs for the City's freehold land sales were \$0.74M behind YTD budget, with \$0.29M attributable to lot 804 Beeliar Drive.
- Computers - The City's technology capital spend budget is collectively \$0.59M behind its YTD budget, comprising mainly of software development projects.

### *Capital Funding*

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

Significant variances for the month included:

- Transfers from financial reserves were \$21.3M below YTD budget, in line with the capital budget under spend.
- Developer contributions received under the Community Infrastructure plan were \$0.9M over the YTD budget.
- External funding for Cockburn ARC was \$6.7M behind YTD budget comprising \$5.5M from development partner contributions and \$1.2M from government grants.
- Proceeds from the sale of land were \$13.16M below the YTD budget due to several unrealised land sales on Beeliar Drive (\$11.8M) and Davilak Avenue (\$1.3M).



- Proceeds from the sale of plant items were \$0.8M behind YTD budget, correlating to the lag in the replacement program.

*Transfers to Reserve*

Transfers to financial reserves were \$14.05M behind the YTD budget, mainly due to delayed proceeds from the sale of land (\$12.5M). Conversely, Interest earnings transferred to reserves were \$0.33M ahead of the YTD budget.

*Cash & Investments*

The closing cash and financial investment holding at month's end totalled \$144.9M, down from \$155.4M the previous month. \$104.1M of this balance represented the amount held for the City's cash backed financial reserves. Another \$7.1M represented restricted funds held to cover deposit and bond liabilities. The remaining \$33.7M represented the City's liquid working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments (e.g. end of year reconciling transfers to financial reserves).

*Investment Performance, Ratings and Maturity*

The City's investment portfolio made a weighted annualised return of 3.05% for the month, slightly up from 3.03% the previous month and 3.00% the month before that. This result compares favourably against the UBS Bank Bill Index (2.54%) and has been achieved through diligent placing of new investments at similar or higher rates to those on maturing investments. The cash rate set by the Reserve Bank of Australia was reduced to 1.75% at its April meeting, with financial markets and commentators expecting another downwards movement of 0.25% in the coming several months.

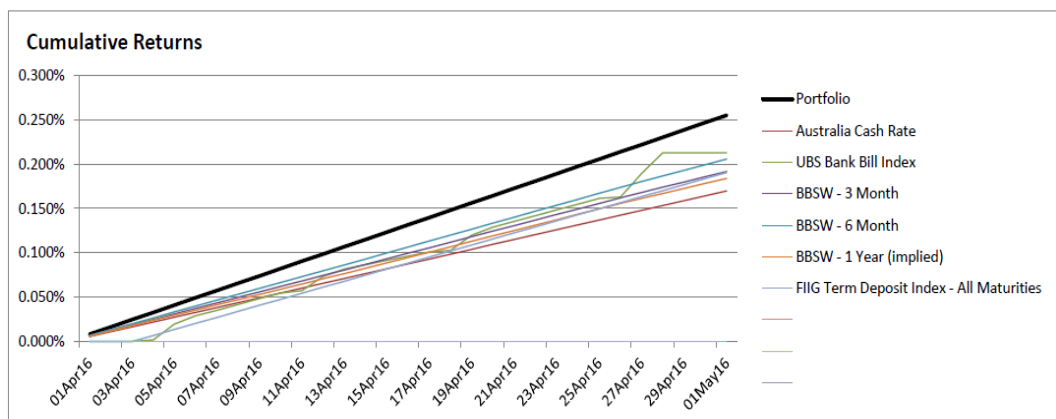


Figure 1: COC Portfolio Returns vs. Benchmarks

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation



Authority) regulated Australian and foreign owned banks. These are invested for terms ranging from three to twelve months. All investments comply with the Council’s Investment Policy other than those made under previous statutory provisions and grandfathered by the new ones.

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

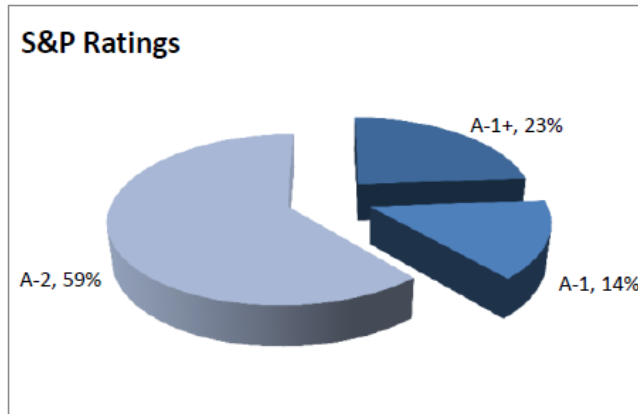


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the highest possible rate on offer over the longest duration (up to 12 months for term deposits), subject to cash flow planning and investment policy requirements. Value is currently being provided within 4-6 month investment terms.

The City’s TD investment portfolio currently has an average duration of 130 days or 4.3 months (down from 137 days the previous month) with the maturity profile graphically depicted below:

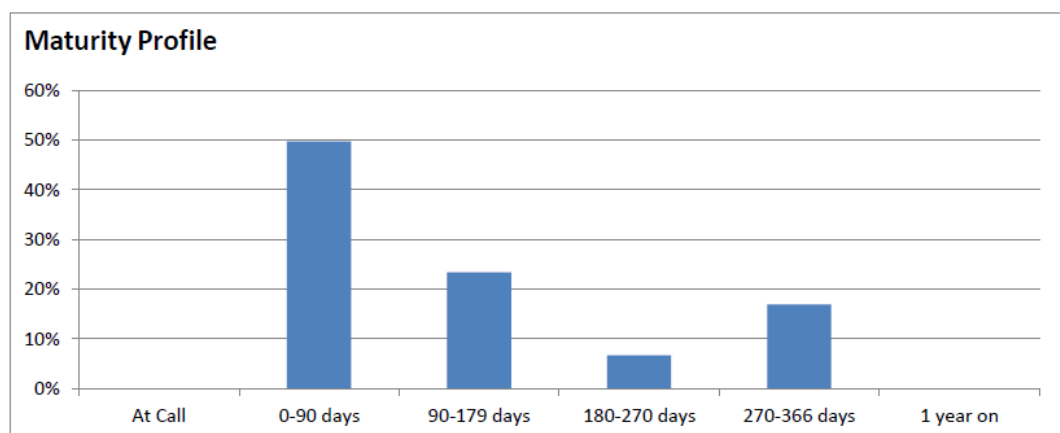


Figure 3: Council Investment Maturity Profile



### *Investment in Fossil Fuel Free Banks*

At month end, the City held 61% (\$86.9M) of its TD investment portfolio in banks deemed as free from funding fossil fuel related industries. This is unchanged from 61% the previous month and up from 36% around a year ago. This outcome has been achieved without compromising investment return through increased awareness and more thoughtful funds placement.

### *Budget Revisions*

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

PROJECT/ACTIVITY LIST	USE OF FUNDING +/-		FUNDING SOURCES (+/-)		
	EXP	TF to RESERVE	TF FROM RESERVE	EXTERNAL	MUNI
Youth Outreach Program – Grant Indexation	4006			(4006)	
Insurance – increased LGIS dividend (TF to Insurance Reserve)		100,000		(100,000)	
Lotterywest grant received – Port Coogee dive trail	78,000			(78,000)	
Cockburn health & community facility insurance premium – reimbursement	-	-		(49,000)	
Show Off art purchases	6,680				(6,680)
Report development expenses	(6,680)				6,680
Coastal vulnerability adaptation study – contributions received	79,900			(79,900)	
Cockburn Early Years Salaries (LSL)		1,146	(1,146)		
	<b>161,906</b>	<b>101,146</b>	<b>(1,146)</b>	<b>(310,906)</b>	<b>-</b>
<b>Surplus: (Increase)/Decrease</b>					<b>(49,000)</b>

### *Description of Graphs & Charts*

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

The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD



actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

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

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

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

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

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

The City's closing Municipal Budget position has increased by \$49,000 to \$409,698 due to the proposed budget amendments.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

#### **Risk Management Implications**

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



**Attachment(s)**

Statement of Financial Activity and associated reports – April 2016.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 5818) (OCM 9/6/2016) - RELOCATION OF FIVE CASUARINA EQUISETIFOLIA SUBSPECIES INCANA ADJACENT TO THE OCEAN EDGE APARTMENTS COMMUNITY CONSULTATION RESULTS (148/003) (A LEES) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) not proceed with the relocation of the *Casuarina equisetifolia subspecies incana*;
- (2) resolve to maintain the trees in accordance with the Port Coogee street tree master plan; and
- (3) advise the property owners of Councils decision in writing.

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr S Portelli that

- (1) proceed with the relocation of the 5 Casurina Equisetifolia from outside the Ocean Edge apartments to an appropriate location on the public open space to the west of the apartments;
- (2) replace the trees directly in front of these Apartments with an appropriate low growing shrubs in consultation with the Parks Department;
- (3) advise the proponents accordingly of Councils decision based on a 50/50 cost split with consideration given to keeping costs as low as possible; and



- (4) undertake the work quickly during winter to ensure best survival chances for the trees.

**MOTION LOST 2/4**

MOVED Clr B Houwen SECONDED Clr P Eva that the recommendation be adopted.

CLR STEVE PORTELLI REQUESTED HIS VOTE AGAINST THE MOTION TO BE RECORDED

**CARRIED 4/2**

### **Background**

The City received a petition for the removal of five *Casuarina equisetifolia subspecies incana* located within the Port Coogee streetscape directly adjacent to the Ocean Edge Apartments at the September 2015 OCM. A report was presented and received at the February 2016 OCM following a detailed investigation by an Ecologist and Arboriculturalist on the health and safety concerns raised by the petitioners. An alternative recommendation was resolved by Council as follows:

*MOVED Clr L Sweetman SECONDED Deputy Mayor C Reeve-Fowkes that Council:*

- (1) *defer the item to consider removal the 5 Casuarina equisetifolia subspecies incana, located on Socrates Parade adjacent to the Ocean Edge Apartments, pending full consultation with all owners who have balconies overlooking Socrates Parade, and a report being returned to Council that includes the outcomes of consultation, on the proviso that if Council were to support relocation to the north west region of the Park so as to avoid prevailing south westerly winds, the cost of relocation would be shared by supporting owners as per PSEW 15 Position Statement on Removal and Pruning of Trees; and*
- (2) *advise the petitioners of Council's decision in writing.*

The purpose of this report is to present the submissions received during the consultation period with the adjacent property owners, recommend a response to the issues raised and seek Council's support for the recommendation.



## Submission

N/A

## Report

Correspondence was distributed via the Ocean Edge strata management company on the 4 April 2016 to 35 residents directly adjacent to Socrates Parade. The correspondence (refer Attachment 1) outlined Council's proposal to consult with the owners and seek feedback on the retention of the *Casuarina equisetifolia subspecies incana* within the streetscape or relocation to the North West region of the park at the full cost of the supporting owners.

In addition, an estimated cost of \$14,500 was obtained for the relocation of the trees and included in the correspondence to ensure the owners were fully cognisant of their potential contribution. Following closure of the consultation period, nine submissions (refer Attachment 3) were received from the 35 property owners facing Socrates Parade. The submissions realised four opposing and five supporting views, subject to no contribution, with varying commentary on the rationale for their responses.

### Opposition to Relocation

The four property owners not supporting relocation provided comments with the following key points:

1. The original petition was signed by only 13 of the 35 owners adjacent to Socrates Parade and therefore not a majority.
2. Not all owners were presented with the original petition and unaware of the situation;
3. The removal / relocation would set a precedent for the trees residing in the streetscape on eastern side of the apartments.
4. The material issue is the trees growth will impact on views.
5. The growth habits of the tree species supports retention.
6. Trees were there at the commencement of the building and should be retained.
7. The trees provide shade.
8. The trees are not seen as a major issue.
9. Will not provide any contribution to the relocation of the trees.

### Supporting Relocation

The five submissions supporting relocation were also predicated on their opposition to contributing to the relocation costs. Four of the submissions were signatories to the petition presented at the





September 2015 OCM. A summary of the key points of these submissions is presented below:

1. Council's meeting minutes were unclear in regards to supporting owners and could lead to misinterpretation.
2. The misinterpretation could lead to owners on the 4<sup>th</sup> and 5<sup>th</sup> floors not responding as they are not impacted by the trees.
3. Reinforced the same health and safety concerns raised in the petition.
4. The petitioners presented a deputation to Council for the removal of the trees, not relocation.
5. The petitioners never indicated to Council that they would pay for the relocation.
6. Property owners challenge the Council's ability to invoke a charge to the property owners for relocation.
7. Requested officer's support to revoke the decision of Council.
8. Request the cost to the petitioners to be reduced to removal only.
9. Council to pay for the relocation costs entirely.
10. Request additional quotations be obtained as the relocation costs for the 5 trees is excessive and will be a burden for the five petitioners.
11. Council to consider paying for the relocation / removal from the Port Coogee SAR.
12. The owners are being asked to pay for a problem someone else created.

When considering the above results from the consultation, some key issues must be kept in mind, as described below. The discussion of the health issue was included in the agenda report to the February 2016 OCM and has not been repeated in this report.

#### Relocation of trees Citywide

Relocation of street trees is not a mechanism applied to the City's tree network as the constraints and typically low survival rate outweighs the substantial costs involved. Street tree relocations are only evidenced in new subdivisions where juvenile trees installed during development are planted in direct alignment to a crossover. The success rate for relocations in these instances is high due to the minimal root establishment and canopy spread. Generally, developers facilitate the relocation cost during the two year maintenance period thereby mitigating Council costs. Post this period, officers would evaluate the request in accordance with the policy, ensuring continuance of the streetscape theme.



Relocation of the *Casuarina equisetifolia* subspecies *incana*

A consultant was engaged by the City to determine the viability for relocation and an opinion of probable cost. The report (refer Attachment 2) outlined the suitability of the *Casuarina* species for relocation, opinion of probable cost and confirmation that no preparation of the trees root structures would be required prior to their removal. Discussions with the consultant and industry experts suggested an 80% transplant success rate for the *Casuarina equisetifolia* subspecies *incana*, subject to no impacts on the tree's structural integrity during relocation and future management requirements implemented accordingly.

Relocation Costs

The opinion of probable cost for the relocation of the five *Casuarina equisetifolia* subspecies *incana* is \$14,500. This value includes relocation costs, underground utility services identification, procurement and installation of new trees, works within the park and supervision cost. As outlined in the report, all supporting owners from the consultation would be required to share in the relocation costs which would be \$2,900 each in accordance with Council's resolution at the February 2016 OCM.

Position Statement PSEW 15 Removal and Pruning of Trees

PSEW 15 provides clear direction to City officers when requests are received for the removal and pruning of trees growing on land under the direct care, control and management of the City. The position statement specifically outlines that trees will not be removed unless they are dead, in state of decline, structurally unsound, damaging or likely to damage property when alternatives to prevent damage are not possible or part of a tree replacement program. The trees in question do not satisfy these criteria for removal and hence City officers do not support the proposed relocation.

Recommendation

It is recommended that Council not proceed with the relocation of the *Casuarina equisetifolia* subspecies *incana* and the City continues to maintain the trees in accordance with the Port Coogee street tree master plan and Policy PSEW15.

**Strategic Plan/Policy Implications**

**Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.



**Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

**Moving Around**

- Infrastructure that supports the uptake of public transport and pedestrian movement.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

The consultation process has demonstrated a clear apathy towards the City street tree network which contradicts the recent feedback received pertaining to trees during the advertising of the Strategic Community Plan. However the near 50 /50 decision on retention versus relocation does not demonstrate a majority desire to relocate, in view of the number of property owners who did not respond.

**Risk Management Implications**

The relocation and apportionment of costs of the street trees located on Socrates Parade has the potential to set an undesirable precedent for similar requests in the future. Council decision needs to give consideration of the existing policies and position statements, to enable clarity for the community and officers.

**Attachment(s)**

1. Correspondence to Property Owners
2. Consultant Report on Relocation of *Casuarina equisetifolia* subspecies *incana*.
3. Consultation Response Submissions.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 June 2016 Ordinary Council Meeting.



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

Nil.

CLR KEVIN ALLEN LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.15 PM

**DECLARATION OF INTEREST**

The Presiding Member advised the Meeting that he had received a declaration of interest from Clr Kevin Allen in relation to Item 16.2. The nature of the interest being that his Company undertook a tender assessment rating on behalf of the City of Cockburn, of the recommended tenderer.

**16.2 (MINUTE NO 5819) (OCM 9/6/2016) - TENDER NO. (C100334) RFT06/2016 - ROAD CONSTRUCTION SERVICES - BERRIGAN DRIVE IMPROVEMENT WORKS AND CONSTRUCTION OF PILATUS STREET, JANDAKOT WA (RFT06/2016) (O PEREIRA) (ATTACH)**

**RECOMMENDATION**

That Council accepts the Tender submission for Tender No. RFT 06/2016– Road Construction Services – Berrigan Drive Improvement Works and Construction of Pilatus Street, Jandakot WA from Tracc Civil Pty Ltd – Recycled Materials for the Lump Sum Contract value of \$5,068,343.49 GST Inclusive (\$4,607.584.99 Ex GST).

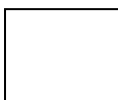
**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 5/0**

**Background**

The City proposes to construct the second carriageway of Berrigan Drive between the Kwinana Freeway and Jandakot Road, change the roundabout to traffic signals at the intersection with Dean Road and Jandakot Road, and construct a new road, Pilatus Street from the Berrigan Drive/Dean Road/Jandakot Road intersection to Jandakot Airport in the suburb of Jandakot, as part of the City's ongoing major



roadworks program that has been designed and proposed for construction in the 2016/17 financial year.

The contract is divided into three (3) separable portions of Part I, Part II and Part III.

Part I consists of works on Berrigan Drive from Ch 00 to Ch 700 (Kwinana Freeway to Jandakot Road), and includes road widening of the existing carriageway by duplicating the two existing traffic lanes to provide two lanes in each direction, divided by a median island and on road cycling lanes on both sides of the road.

Part II consists of works from Ch 1130 to Ch 1680 (end of Pilatus Street), and includes the construction of 0.55km of new single carriageway road to tie into the existing Pilatus Street located within Jandakot Airport.

Part III consists of all other works, including the removal of the roundabout at the intersection of Berrigan Drive/Dean Road/Jandakot Road and replacing it with a new traffic signal controlled intersection, and also a new three-way intersection at Berrigan Drive north and Pilatus Street.

The scope for all three portions includes upgrading the street lighting (to be undertaken by Western Power), relocation of Telstra cables (to be undertaken by Telstra), installing stormwater drainage, and the installation of line-marking and signage (by Main Roads WA), along with landscaping.

Tender No. RFT 06/2016 – Road Construction Services – Berrigan Drive Improvement Works and Construction of Pilatus Street, Jandakot WA, was advertised on Saturday, 19th March 2016 in the Local Government Tenders section of “The West Australian” newspaper.

The Tender was also displayed on the City’s e-tendering website between Saturday, 19<sup>th</sup> March 2016 and Thursday, 14 April 2016.

### Submissions

Tenders closed at 2:00pm (AWST) Thursday, 14 April 2016. Five (5) tender submissions were received from the following companies’:

Tenderer’s Name:	Registered Business Name
Ertech Holdings Pty Ltd	Ertech Pty Ltd
Georgiou Group Pty Ltd	Georgiou Group Pty Ltd
Jaxon Civil Pty Ltd	Jaxon Civil Pty Ltd

Tracc Civil Pty Ltd	Tracc Civil Pty Ltd
WBHO Infrastructure Pty Ltd	WBHO Infrastructure Pty Ltd

## Report

### a. Compliance Criteria

Criteria Ref.	Description
A	Compliance with the Conditions of Tendering (Part 1) of this Request.
B	Compliance with the Specifications (Part 2) contained in this Request.
C	Completion of Section 3.1 – Form of Tender
D	Completion of Section 2 – Tenderer's Contact Person
E	Compliance with Sub-Contractors Requirements and completion of Section 3.3.3
F	Compliance with Financial Position Requirements and completion of Section 3.3.5.
G	Compliance with Insurance Requirements and completion of Section 3.3.6.
H	Compliance with Qualitative Criteria requirements and completion of Section 3.4.2.
I	Compliance with Fixed Price and completion of Section 3.5.2.
J	Compliance with and completion of the Price Schedule (including breakdown of Lump Sum) in the format provided in Part 4
K	Compliance with ACCC Requirements and completion of Appendix A.
L	Acknowledgement of any Addenda issued.

### b. Compliant Tenders

A Compliance Criteria check was undertaken by Procurement Services, all submissions were assessed as compliant and evaluated.

### c. Evaluation Criteria

Tenderers were assessed against the following criteria:



<b>Evaluation Criteria</b>	<b>Weighing Percentage</b>
Demonstrated Experience	25%
Tenderer's Resources	20%
Methodology	10%
Sustainability Experience	5%
Tendered Price	40%
Total Weightings	100%

**d. Tender Intent / Requirements**

The City of Cockburn (The Principal) requires the services of a suitably qualified and experienced Road Construction Contractor for the construction of the improvement works for Berrigan Drive and the construction of Pilatus Street, Jandakot.

The requirements includes site preparation and earthworks, drainage (stormwater), roadworks, retaining walls, fencing, and completion of 'As Constructed' Drawings.

It is envisaged the construction should commence in July 2016 with the expected contract period of thirty (30) weeks.

**Evaluation Panel**

The tender submissions were evaluated by the following City of Cockburn officers. The Procurement Services representative attended in a probity role only.

<b>Name</b>	<b>Position &amp; Organisation</b>
Mr Ossie Pereira (Chair)	Engineering Road Design Manager
Mr Nelson Mauricio (SBMG Representative)	Manager Financial Services
Mr Ah Lek Tang	Road Contracts Coordinator
Probity Role Only	
Mr Gary Ridgway	Contracts Specialist

**e. Scoring Table**

The below table represents the scoring of the tender submissions from a Qualitative Criteria (Non-Cost) and Cost perspective.



The assessment panel evaluated the Qualitative Criteria of the tender submissions in the absence of the tendered prices (two-envelope system) and then the score was consolidated.

Tenderers were required to submit two (2) tender prices, one for the use of new construction materials and the other utilising recycled materials in accordance with the Waste Authority WA guidelines.

Tenderer's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>Tracc Civil P/L</b>	<b>41.63%</b>	<b>40.00%</b>	<b>81.63%</b>
Ertech P/L	45.75%	35.09%	80.84%
WBHO Infrastructure P/L	38.65%	38.01%	78.66%
Jaxon Civil P/L	38.33%	38.63%	74.96%
Georgiou Group P/L (Alternative Price)	43.70%	31.22%	74.92%
Georgiou Group P/L	43.70%	28.70%	72.40%

Recycled Materials			
Tenderer's Name	Percentage Scores		
	Qualitative Criteria Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>Tracc Civil P/L</b>	<b>41.63%</b>	<b>40.00%</b>	<b>81.63%</b>
Ertech Pty Ltd	45.75%	35.15%	80.90%
WBHO Infrastructure P/L	38.65%	37.83%	76.48%
Jaxon Civil P/L	38.33%	36.12%	74.45%
Georgiou Group P/L	43.70%	28.52%	72.22%

### Evaluation Criteria Assessment

#### Demonstrate Experience

Tracc Civil Pty Ltd ("Tracc") presented a vast range of projects of relevant experience and in particular five projects that involved the





same scope of works to the Berrigan Drive tender. The projects (cost range \$1.9M - \$7.8M) have been completed for the City of Swan, the City of Kwinana, the City of Rockingham and the Carey Baptist College Inc. Its submission endorsed the entire scope of the Works and demonstrated to the panel that it has identified a competent team with the appropriate level of experience required to undertake the works. Additionally, Tracc Civil also won the City of Cockburn's tender for the duplication of Beeliar Drive in Beeliar in February 2016, and construction is currently as scheduled and nearing completion.

Ertech Pty Ltd presented a vast range of projects of relevant experience and in particular five projects that involved scope of works relevant to the Beeliar Drive duplication project (cost range \$1.7M - \$6.6M).

Georgiou Group Pty Ltd presented a vast range of projects of relevant experience and provided four projects (cost range \$2.4M - \$65M) in particular that demonstrated elements relevant to the project in question.

WBHO Infrastructure and Jaxon Civil both demonstrated experience in similar projects, mostly providing details of road construction works to a lesser extent for Local Governments and Main Roads WA.

#### Tenderer's Resources

Tracc Civil, Ertech, Georgiou Group, WBHO Infrastructure and Jaxon Civil all scored comparatively high in this area, demonstrating that they have the key personnel with the required experience, a degree of depth in their resource pool and a capacity to undertake the work in respect to concurrent commitments.

#### Methodology

This qualitative criteria assessed the Tenderers understanding of the project and contract requirements in regards to the key issues they see likely to be encountered and require management of.

Tracc Civil and Ertech scored marginally higher than the other Tenderers, in particular demonstrating a good understanding of the key issues likely to be encountered and proposed approach to managing such issues.

The majority of the Tenderers confirmed that the estimated thirty (30) week construction period is accurate. Jaxson Civil estimated a 24 week period whilst Georgiou Group stated 37 weeks. Most Tenderers nominated a two week mobilisation period prior to commencement of the construction works.



### Sustainability Experience

Sustainability experience is centred on the company's current level of Environmental Management System certification and focus on sustainability across their organisation. All Tenderers rated well for this criterion, each having EMS certification, and/or environmental policies in place and other sound sustainability focussed practices.

### Summation and Recommendation

The Tracc Civil submission encompassed all endeavours to meet the commercial and technical objective of the contract and is ranked the highest on the consolidated score (qualitative and tender price). It scored highly in regard to the key non-price criteria including experience, capacity, understanding of the required works and an appropriate methodology in undertaking those works.

A referee check was undertaken on Tracc Civil, where the key representatives who were contacted responded with a positive view of their methodology, organisation systems, and capacity and in respect to the Project Director and Project Manager nominated in their tender.

Based on achieving the highest combined score, together with extensive demonstrated experience, resources experience and capability, understanding of the works to be undertaken and positive referee comments, the evaluation panel recommends that Council accept Tracc Civil Pty Ltd as the best value for monies submission.

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

#### **Infrastructure**

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

#### **Environment & Sustainability**

- A community that uses resources in a sustainable manner

#### **Moving Around**

- An integrated transport system which balances environmental impacts and community needs.
- A safe and efficient transport system.
- A defined freight transport network.
- Infrastructure that supports the uptake of public transport and pedestrian movement.



## **Budget/Financial Implications**

There is currently \$3.553M allocated in the 2015/16 budget for Berrigan Drive works and additional funding will be allocated in 2016/17 when external funding agreements are finalised.

Other project costs include the supply and installation of the traffic signals (by MRWA contractor) and the service relocations (Western Power, Telstra, Water Corporation). The total project cost will be approximately \$8M, excluding land acquisition.

## **Legal Implications**

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

## **Community Consultation**

After the tender is awarded, the City and the contractor will need to notify all adjacent and surrounding land owners of the forthcoming works and manage the community concerns during the contract period.

## **Risk Management Implications**

Failure to adopt the report recommendations will result in delays in construction that may affect the State grant funding for this project.

Failure to appoint the highest scoring applicant may create a perception of an unfair analysis procurement process, and ultimately result in an increase of cost for this project and possible time delays.

As per Procurement Policy SC38, which provides that for all tenders above \$1m, the City is to undertake a financial risk evaluation on the preferred tenderer. The City has undertaken such a financial assessment using Corporate Scorecard, a financial risk assessment agency, which is part of Veda, Australia's largest credit risk information service provider. The outcome of the financial risk assessment was that the preferred tenderer was a subtle company and sufficient financial backing to undertake the project on behalf of the City.

## **Attachment(s)**

The following confidential attachments are provided under separate cover:

1. Compliance Criteria Assessment
2. Consolidated Evaluation Score



3. Tendered Prices

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

Those who lodged a tender submission have been advised that this matter is to be considered at the Ordinary Council Meeting held on 9 June 2016 .

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

Nil.

CLR KEVIN ALLEN RETURNED TO THE MEETING THE TIME BEING 8.16 PM.

THE PRESIDING MEMBER ADVISED CLR ALLEN OF THE DECISION OF COUNCIL WHILE HE WAS ABSENT.

**16.3 (MINUTE NO 5820) (OCM 9/6/2016) - DRAFT WALGA AGM MOTION (028/021) (C SULLIVAN/L JAKOVCEVIC)**

**RECOMMENDATION**

That Council supports the Western Australian Local Government Association to:

- (1) continue to actively advocate for the implementation of a Container Deposit Scheme in Western Australia; and
- (2) include the implementation of a Container Deposit Scheme in the Associations Election Platform.

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 6/0**

**Background**

On 19 May 2016 the following Draft WALGA AGM Motion supporting Container Deposit Schemes was received by the City.

*Local Governments in Western Australia are long term supporters of Container Deposit Schemes (CDS). By placing an economic value on empty containers, these schemes provide multiple benefits, including:*



Shifting the cost of managing waste

Local Governments and their ratepayers currently cover the cost of collecting and managing containers that end up in kerbside collections, at drop off sites or as litter. Local Governments areas which attract tourists often have to manage waste generated by visitors who do not contribute financially to the 'clean-up' of various products through rates. The overall costs of managing these products need to be shifted onto the producers and consumers of products.

Modelling by the NSW Local Government Association showed that a CDS would result in Local Governments actually getting paid for their recycled products from the kerbside system - rather than having to pay to get it processed. This is because a CDS has the potential to reduce the uncertainty within the commodity market; it creates a 'cleaner' product, with a higher, more consistent value. It has also been found that a CDS could reduce the amount of material that is processed through the kerbside system by as much as 17% but increase the value of the remaining material by 19-47%.

Reducing the amount of litter

According to the 2013/14 Keep Australia Beautiful National Litter Index, WA has one of the highest volume of litter in the nation. In WA, of the top 12 littered items, 5 were beverage containers. In South Australia, beverage containers, covered by the Container Deposit Legislation (CDL), did not rate in the top 12 littered items. In SA, nearly 80% of the CDL containers that are sold are returned for the 10 cent refund. Introducing a CDS in WA would significantly reduce the amount of litter.

Improving our recycling rate

Western Australia's overall waste diversion from landfill is currently 39%, the target for waste diversion for 2014/15 was 55% diversion from landfill. A CDS is one way to help increase waste diversion. In South Australia the recycling rate is over 70%. As well as recovering more containers, there are additional benefits to a CDS. Such schemes can encourage businesses to establish 'collection depots' that not only collect containers but other forms of recyclables, such as scrap metals. This means that recycling becomes more accessible to the general population.

Interstate Progress on Container Deposit Schemes

In 2013/14 NSW was the most littered state. The NSW Government recently announced that they will progress the implementation of a



*Container Deposit Scheme, with a 10c deposit and a similar range of products covered as South Australia and the Northern Territory. Queensland are also progressing the development of a Container Deposit Scheme. Previously, there was a national process in place to investigate options for managing packaging. This was the main reason given for not progressing a CDS in WA. A breakdown in the national process, and interstate developments, presents WALGA and Local Government with an opportunity to strongly advocate for a Container Deposit Scheme in Western Australia.*

### **Submission**

N/A

### **Report**

The City Sustainability Strategy and Action Plans support such initiatives and it is recommended that all WALGA Member Councils support the Draft Motion.

### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- Identification and minimisation of impacts to human health risk.
- Community and businesses that are supported to reduce resource consumption, recycle and manage waste.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Risk Management Implications**

The risk is that if WALGA Member Councils do not support the Draft Motion then the opportunity for a Container Deposit Scheme in WA may be lost.



**Attachment(s)**

Nil

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

The Proponent(s) have been advised that this matter is to be considered at the 9 June 2016 Ordinary Council Meeting.

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

Nil.

**16.4 (MINUTE NO 5821) (OCM 9/6/2016) - WASTE MANAGEMENT - GREEN WASTE THIRD BIN (167/012) (C SULLIVAN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) endorses the Implementation Plan for the Third Bin (Green Waste);
- (2) issues a Notice of Withdrawal from the Project Participant's Agreement Regional Resource Recovery Centre Project of the Southern Metropolitan Regional Council (SMRC) prior to 30 June 2016, under clause 2.8 of that Agreement, in order to give effect to its decision to introduce this garden organic service;
- (3) remains a Member of the Project Establishment Agreement and assists the SMRC to undertake a restructure of its operations to enable transition to alternate waste disposal solutions; and
- (4) commence negotiations on a contract of service with the SMRC for the processing of MSW prior to the withdrawal of the Project Participant's Agreement taking effect.

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr S Portelli that defer this item until the values provided in the report can be verified by an independent external organisation.

**MOTION LOST 1/5**



MOVED Clr B Houwen SECONDED Clr S Pratt that the recommendation be adopted.

**CARRIED 5/1**

## **Background**

At the Ordinary Council Meeting 12 May 2016, Council resolved as follows (unconfirmed Minutes):

*That Council:*

- (1) maintain the third (green) waste bin service in the Hamilton Hill trial area post completion of the trial;*
- (2) make provision in the 2016/17 budget to commence the roll out of the green waste third bin across the City;*
- (3) prepare a detailed plan for the implementation of the third (green) waste bin across the City for the period 2016/17 to 2018/19;*
- (4) make application to the Waste Authority of WA for funding under the Better Bin Program Phase 2;*
- (5) share the preliminary findings of the third (green) waste bin trial with the SMRC Member Councils; and*
- (6) advise the SMRC Member Councils and the SMRC that the City will not introduce a Food Organic and Garden Organic (FOGO) collection service in future.*

Progress has been made on a number of parts in the resolution above, with a further briefing of Council at the forum of 26 May 2016. Following a meeting with representatives of the WA Waste Authority, the application for funding under the Better Bin Program is being prepared, in accordance with part (4) of the resolution above. Parts (5) and (6) of the Council resolution above have been actioned by correspondence dated 27 May 2016.

## **Submission**

N/A

## **Report**

### Implementation Plan

This report addresses the implementation of the third bin green waste service across the City in relation to the rest of the waste stream and the City's current arrangements with the SMRC. Further to the three waste forums conducted with Council, a more detailed Implementation Plan has been drafted in accordance with part (3) of Council's resolution from the Ordinary Council Meeting dated 12 May 2016 and has been included as Attachment 1. Upon consideration of the





operational and logistic requirements, the plan now spans four years with limited scope in 2016/17 to minimise Council's exposure to compensation costs. This matter is addressed further under Legal Implications.

### Tonnage to SMRC

Based on a four year plan, City officers have revisited the assessment of total tonnage in the waste streams in terms of delivery to the SMRC.

The summary is presented in the Table below.

Impact of 4 Year Transition to GO Bin on Tonnes to SMRC					
CoC Waste Streams	15-16	16 - 17	17 - 18	18 - 19	19 - 20
3rd Bin GO Tonnes	312	780	2,863	4,946	7,029
Recyclables	13,400	13,802	14,216	14,643	15082
		Contract	Contract	Contract	Contract
Bulk Green Waste	1,870	1,926			
MSW	28,488	28,020	25,937	23,854	21,771
<b>Total SMRC Tonnes</b>	<b>43,758</b>	<b>29,946</b>	<b>25,937</b>	<b>23,854</b>	<b>21,771</b>

The estimate of tonnes collected in the third bin is minimised in the 16/17 year, as noted above, and reaches expected maximum in year four. All green waste collected from bulk verge collections in 16/17 is delivered to the SMRC and from 17/18 will then be processed at the Henderson Waste Recovery Precinct. All recyclables will be delivered to the SMRC as at present, the sale of the Materials Recovery Facility (MRF) is expected to be concluded in early 16/17.

### Withdrawal from Project Participants Agreement

Following Council's resolution of 29 June 2015 to  
*“(6) withdraws the City from the Project Participants Agreement for green waste with effect FY16/17, in order to be able to expand the third bin system across the remainder of the District”;*

The City sought agreement from the other Project Participants (i.e. cities of Fremantle, Melville and Town of East Fremantle) to this effect; however, this was not forthcoming. Without a voluntary agreement the only option for the City to pursue Council's resolution at the least cost to ratepayers is to recommend withdrawal from all elements of the Participants Agreement.



The terms of the Participants Agreement require 12 months' notice before this can have full affect

The City by withdrawing from the PPA does not mean to withdraw from the Establishment Agreement and the various commitments contained therein. The City would firstly become a member similar to the City of Kwinana; secondly still deliver all MSW tonnes to the SMRC as noted in the table above on a set contract with the SMRC. The City would continue to meet its loan obligations to the SMRC in addition to other financial obligations. There is no need for the other Members to seek to wind up the SMRC.

### Reducing the Cost of the SMRC

As the major shareholder of the SMRC, the City seeks to restructure the SMRC so as to reduce costs back to member councils. The restructure would entail lowering the overhead cost structure that drives up the fees and charges back to member Councils. For example, the Greenwaste service provided by the SMRC involves a fee of \$78 for each tonne of Greenwaste delivered to the SMRC. The members deliver 7,500 tonnes of Greenwaste to the SMRC including the City of Cockburn. The SMRC provides this Greenwaste to a commercial off-take company and earns \$20 per tonne. Overall this costs Member Councils \$735,000. This could be cost saving to Member Councils, which translates to \$8 for every residential property for the Member Councils.

The real issue is the Waste Compost Facility (WCF). Based on the current statistics, of the approximate 30,000 tonnes of MSW the City will deliver to the SMRC, 45% will go to landfill whilst the other 55% will form compost that is provided free to rural properties (inclusive of the freight cost).

As you will note from the table below, the City pays \$232 per tonne for every MSW tonne delivered to the SMRC. After processing, the SMRC will landfill 45% of the tonnes delivered to the City of Rockingham, Millar Road landfill at \$129.09 plus freight costs. The balance of 16,500 tonnes is processed into compost (with some residual glass contamination) and given away at nil cost.

	Tonnes	Process Costs per tonne	Total cost per process
Landfilled	14,580	\$129.09	\$1,882,145
Compost	15,420	\$329.30	\$5,077,855
Total	30,000	\$232.00	\$6,960,000

The amount of landfill is 48.4% which is from the latest statistics issued to Member Councils in May 2016.



The cost to process the compost is \$329 per tonne. This remains an expensive process to extract the contaminated compost product.

The impact of internally process Greenwaste for the City of Cockburn is even more substantial.

	Tonnes	Process Costs per tonne	Total cost per process
Greenwaste	9,000	\$30.00	\$270,000
Landfilled	10,500	\$129.09	\$1,355,455
Food waste	10,500	\$508.05	\$5,334,545
Total	30,000	\$232.00	\$6,960,000

As you will note the cost of processing the food waste is very expensive once you remove the Greenwaste component. The SMRC has recommended members introduce a weekly FOGO third bin. This will only increase the cost to Member Councils and ratepayers as the need to collect the third bin each week as against the fortnightly collection of the garden organics bin each fortnight. Council formally rejected this alternative as part of its 12 May 2016 decision.

As demonstrated above, the SMRC offers (and always has) a very expensive processing option for waste disposal. In part this is due to the substantial overhead cost structure of running a small Council. With the sale of the MRF and the exit from the bulk Greenwaste processing (as per the SMRC's strategic plan), this would leave the SMRC operating a single business (ie waste composting) at its Canning Vale facility.

Without significant restructuring, the SMRC will be left with a substantial overhead structure running just one of the current facilities; although in revenue terms it will be about two thirds of the current \$28M budget.

The proposed re-structure would see the SMRC slimmed down to a smaller administration, relocated to Canning Vale. It would dispose of the Booragoon office by way of sale or lease. Any profits from a sale could be directed to the renovation of the Canning Vale office and reduction of the debt on the overall entity. All Council meetings/briefings could be held at member council offices similar to the operations of the South West Group.

The cost of governance could also be minimised by adopting the South West Group model with Mayors (or delegated member) and CEO's (or delegated officer) assuming the role of the governance body.



Back office functions such as payroll, accounting (billings/reporting), Human resource and IT support could be provided by member councils similar to the arrangements for the South West Group. All statutory functions such as Department of Environmental Regulation licencing/maintenance could be retained by the new SMRC. Executive functions could be provided by member councils on a rotating basis through the Regional Executive Group.

The proposed savings from these changes would be substantial and could all be passed back to ratepayers in lower waste management charges (for Kwinana) and lower rates for Melville, Fremantle, East Fremantle and Cockburn, where waste is built into the rates.

### Sale of MRF

Following advice to the SMRC of the City's decision to pursue extension of the Garden Organics service, the City received advice that the SMRC would temporarily suspend the tender for the MRF.

A copy of the SMRC correspondence has been provided as a confidential attachment under separate cover. The tender evaluation panel decided to suspend the evaluation pending further advice from the City regarding the implementation above resolution, required before 30 June 2016. The SMRC believe, based on their advice, that to vary the existing Project Participants Agreement now would materially affect the sale by tender of the MRF. This matter is discussed further under Legal Implications.

The City's view is that this action is flawed for a number of reasons:

- The City has not proposed withdrawing from the SMRC, which is reiterated in the current recommendation to Council. There is no decision that would cause the SMRC to be wound up or in other ways impedes the sale of the MRF.
- The City has provided a guarantee of 10 years supply of recyclables for the MRF tender. Upon sale, that business would operate independently of the SMRC.
- Upon the sale, the SMRC will have to undertake some restructuring to accommodate reduction in revenue and expenditure. The tender has not impact on this.
- Even if the City were to withdraw from the SMRC and the entity was to be wound up, the asset disposal process would see the SMRC seek to dispose of the MRF. The option that delivers the best price to members is to continue with the current tender process.



## Conclusion

The report outlines a path for the City to pursue expansion of a Green Waste service for the benefit of residents, without causing the current SMRC waste disposal service to collapse.

It also outlines a path to restructure the SMRC and reduce the cost of waste disposal to residents of all SMRC members. This would allow transition to alternate waste disposal options, such as waste to energy, in a way that minimises the costs of step change from one waste disposal system to another at the appropriate time.

Council's authorisation of the CEO to negotiate a new Waste Disposal Agreement with SMRC for MSW processing will ensure seamless transition of this service.

## **Strategic Plan/Policy Implications**

### **Leading & Listening**

- Manage our financial and infrastructure assets to provide a sustainable future.

### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- Community and businesses that are supported to reduce resource consumption recycle and manage waste.

## **Budget/Financial Implications**

Provision has been made on the draft 2016/17 budget to commence the roll out of the third bin service for green waste, in accordance with part (2) of Council's resolution at the February 2016 OCM. A detailed cost estimate of the roll out of the service is included as Attachment 1, for Council's consideration in the future budgets. A summary of the estimated costs over the four year plan is presented in the Table below.



3 Bin Roll Out Costs Across the City	Year 0	2017	2018	2019	2020
	(2016)	1st Yr Rollout	2nd Yr Rollout	3rd Yr Rollout	4th Yr Rollout
Capital Cost Outlays	\$546,667	\$1,160,956	\$560,956	\$560,956	
Annual Operational Costs including WAFUNDING		\$264,427	\$823,941	\$1,176,254	\$1,538,951
Annual Savings		\$194,637	\$935,005	\$1,355,690	\$1,776,376
<b>Net Annual Cash Flow</b>		<b>-\$1,230,746</b>	<b>-\$449,892</b>	<b>-\$381,520</b>	<b>\$237,424</b>
<b>Discounted Cash Flow</b>		<b>-\$1,172,139</b>	<b>-\$408,065</b>	<b>-\$329,571</b>	<b>\$195,330</b>
<b>Net Present Value (upto end 2020)</b>		<b>-\$1,714,446</b>			
Annual Discount Rate	5.0%				
Inflation Rate for Rent fr 2016 onwards	1.5%				

## Legal Implications

Withdrawal from the PPA for the RRRC would be based on the requirements of Project Participants Agreement Regional Resource Recovery Centre Project clause 2.8, which requires the Member to give notice of the intention to withdraw under clause 8.10 of the Establishment Agreement and also clause 8.11 of the Establishment Agreement, which states:

*The withdrawal of a Project Participant shall take effect:*

- (a) *From the end of the financial year in which notice under clause 8.10 has been given by the Project Participant to the Regional Local Government: or*
- (b) *On any earlier date agreed by the Project Participants*

Under part (a) of the above clause, if Council chooses not to issue to notice until after 30 June 2016, then the compulsory 12 month notice period would not begin until 30 June 2018. This would result in a higher value of any compensation payable to the SMRC during that time for green waste not provided to the SMRC, which the City believes to be payable at the rate for green waste processing.

With reference to the correspondence from the SMRC dated 23 May 2016 (refer Confidential Attachment), the SMRC asserts that a decision by Council is need prior to 30 June 2016 due to the expiry date for the tender validity period of the submissions received for the sale of the MRF. The independent advice received by the SMRC on this matter defines this issue as being material information that the Procuring Entities must disclose to the bidders during the evaluation process to maintain the integrity of the evaluation.

As discussed at the waste forums, the intention is not to withdraw from the Establishment Agreement, which allows the City to retain membership of the SMRC. All recyclables collected would be sent to the MRF at the SMRC property based on the MOU signed by all the



Members to supply recyclables to the MRF for a period of ten years after the sale of the MRF to a private sector operator.

The City would enter a service agreement to keep sending all MSW collected to the Resource Recovery Centre at the SMRC as currently happens until such time as an energy from waste option becomes viable. Essentially, the City's membership of the SMRC would become the same status as the City of Kwinana.

### Community Consultation

Community consultation and education will be carried out in 2016/17 to raise awareness of the new service across the City, in particular the areas additional to the existing trial area in Hamilton Hill. Further consultation and education will follow in the following years to complete the introduction of the service.

### Risk Management Implications

A risk analysis based on the City's Risk Management Framework has been carried out. The framework requires risks to be assessed under different categories which are strategic, operational, financial, hazard and project. The risks for this project feature all the categories except hazard and are presented and assessed below.

Risk Category	Risk	Description	Response
Strategic	Failure at Strategic Delivery	SCP/CBP outcomes not satisfied External environment changes	Manage project to the requirements of the action plans Manage external parties to all legal and legislative requirements
Operational	Failure of Implementation	Level of service Waste tonnes recovered Customer Service inadequate	Measure service delivery to KPI's Education and auditing Staff training and monitor KPI's
Financial	Cost escalations	Impact on future budgets – whole of service	Tracking to cost estimates within whole of BU
Project	Project Management	Timeframes missed Project cost increase Integration with existing service fails	Tracking implementation plan Milestone and spend tracking to budget Manage database in BU with rates database to ensure accuracy.

**Attachment(s)**

- 1 Implementation Plan - Third Bin (Green Waste)
- 2 SMRC correspondence dated 23 May 2016 (Confidential attachment supplied under separate cover.

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

The City has advised the SMRC members CEO's and the SMRC CEO that this item would come to the June Ordinary Council Meeting.

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

Nil.

**16.5 (MINUTE NO 5822) (OCM 9/6/2016) - TENDER NO. RFT 03/2016 - PRE-MIXED CONCRETE - SUPPLY AND DELIVERY (RFT 03/2016) (C MACMILLAN) (ATTACH)**

**RECOMMENDATION**

That Council accepts the tender submitted by WA Premix, for Tender No. RFT 03/2016 – Pre-Mixed Concrete – Supply and Delivery for an estimated total lump sum of (\$850,000 GST exclusive) (\$935,000 GST Inclusive) for the three (3) year contract period, based on the schedule of rates submitted.

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 6/0**

**Background**

The current Pre-Mixed concrete supply contract has concluded and subsequently RFT 03/2016 Pre-Mixed Concrete – Supply and Delivery was advertised on Wednesday 17 February 2016 in the Local Government Tender Section of The West Australian newspaper.

The Tender was also displayed on the City of Cockburn's E-tendering website from 17 February 2016 to Thursday, 3 March 2016 inclusive.





## Submission

Tenders closed at 2:00 p.m. (AWST) on Thursday, 3rd March 2016; tender submissions were received from the following Two (2) companies:

	Tenderer Name	Trading Name
1	WA PREMIX	WA PREMIX
2	TDC Concrete Pty Ltd	TDC Concrete Pty Ltd

## Report

### Compliance Criteria

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

	Compliance Criteria
(a)	Compliance with the Conditions of Tendering – Part 1 of this Request.
(b)	Compliance with the Specification – Part 2 contained in the Request.
(c)	Completion and submission of Form of Tender – Clause 3.1.
(d)	Compliance with Insurance Requirements and completion of Clause 3.2.8.
(e)	Compliance with Qualitative Criteria Requirements and completion of Clause 3.3.2.
(f)	Compliance with Fixed Price and completion of Section 3.4.2.
(g)	Compliance with Sub-Contractor requirements and completion of Section 3.6.
(h)	Compliance with and completion of the Price Schedule – Part 4, in the format provided in this Request.
(i)	Compliance with ACCC Requirements and completion of Appendix B.
(j)	Acknowledgement of any Addenda issued.

### Compliant Tenderers

All Tenderers were deemed compliant and evaluated



Evaluation Criteria

Tenders were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	20%
Demonstrated Safety management	15%
Delivery / Supply Services	20%
Sustainability	5%
Tendered Price	40%
<b>TOTAL</b>	<b>100%</b>

Tender Intent/Requirements

The City of Cockburn (The Principal) is seeking a suitably experienced and equipped Contractor(s) for the manufacture, supply and delivery of Pre-Mixed Concrete; in the main of N20-20mm stone with 80mm nominal slump and kerbing mix; to the Principal's Operations Centre in Bibra Lake, WA or to any other site throughout the City of Cockburn area.

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

Evaluation Panel

Tender submissions were evaluated by the following City of Cockburn staff:

1. Colin MacMillan – Works Coordinator – Roads (Chairman)
2. Jadranka Kiurski – Manager, Engineering Services (SBMG Representative)
3. Terry Green – Infrastructure Asset Manager



Scoring Table - Combined Totals

Tenderer's Name	Percentage Scores		
	Cost Evaluation	Non - Cost Evaluation	Total
	40%	60%	100%
<b>WA PREMIX**</b>	<b>40.00</b>	<b>44.00</b>	<b>88.00</b>
TDC	35.29	12.50	47.79

**\*\*Recommended Submission**

Evaluation Criteria Assessment

## 1. Demonstrated Experience

WA Premix are the current successful tender and have demonstrated they have the capacity to meet road service's needs, referees were consulted and WA Premix received a combined rating of 9.5 out of ten (3 referees). Comments were "reliable delivery, always accommodating, and good relationship with all staff from batchers to truck drivers". Provided a Quality Management System certificate.

TDC Concrete failed to supply referee contact details, submission indicated they could supply council with pre-mixed concrete requirements. Provided a Quality Management System certificate.

## 2. Demonstrated Safety Management

WA Premix provided Safety management plan including Safety plan, internal policies OH&S Compliance Certificate and Safe work Method statements. Referees reported no safety concerns or incidents.

TDC Concrete provided Integrated Risk Management Policy and internal policies.

## 3. Delivery / Supply Services

WA Premix plant is located in Bibra Lake industrial area. Referees consulted scored them 10 out of 10 for delivery of concrete very reliable. WA premix showed deliver response times for all deliveries and if provided 24hrs notice they would be able to deliver on time.



TDC plant is located in Bibra Lake industrial area. TDC did not provide details of delivery response times.

4. Sustainability Experience

WA Premix provided Environmental Policy, Environmental Management Compliance Certificate (ISO) and three Sustainable initiatives implemented. Reuse water to limit use of potable water Eco Frog Trial planned to commence from May 2016.

TDC provided Environmental Management Compliance Certificate (ISO).

5. Summation

WA PREMIX provides the best overall score against the assessment criteria at a competitive price and has proven to be competent in supply of pre mixed concrete products.

The Evaluation Panel recommends to Council that the submission by WA Premix for RFT 03/2016 – Pre-mixed Concrete, be supported.

**Strategic Plan/Policy Implications**

**Moving Around**

- An integrated transport system which balances environmental impacts and community needs.
- Facilitate and promote healthy transport opportunities.
- A safe and efficient transport system.
- A defined freight transport network.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

**Budget/Financial Implications**

Premixed concrete supply will be funded from operational footpath maintenance, crossover and capital works budgets. The estimated spend was calculated using historical data and available funding from future budgets.



### **Legal Implications**

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

### **Community Consultation**

N/A

### **Risk Management Implications**

Negative risks if council do not support the recommendation; non-compliance with council purchasing policy, current tender has expired and cost of readvertising and time to retender.

Recommended tenderer has proven they can meet council demand, no adverse risk in supporting recommendation.

### **Attachments**

The following Confidential Attachments are provided under a separate cover:

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

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 9 June 2016 Council Meeting.

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

Nil.

## **17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

## **18. EXECUTIVE DIVISION ISSUES**

Nil



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

**19.1 (MINUTE NO 5823) (OCM 9/6/2016) - ROE 8/PERTH FREIGHT LINK (163/004) D GREEN (ATTACH)**

**RECOMMENDATION**

That Council requires all matters relating to the Roe Highway (Stage 8) and/or the Perth Freight Link projects to be referred to the Council for its consideration and determination.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr S Pratt that the recommendation be adopted.

**CARRIED 6/0**

**Background**

By email received on 2 June 2016 Mayor Howlett provided the following Notice of Motion for consideration at the June 2016 Ordinary Council Meeting:

“That Council has all matters relating to Roe 8 and/or the Perth Freight Link referred to the Council for its consideration and determination”

The reason provided in the Notice of Motion was:

“The Council needs to ensure that all matters relating to Roe 8 and/or the Perth Freight Link are brought before Council given the importance of this matter to the community.”

A copy of the Notice of Motion is attached.

**Submission**

N/A

**Report**

Since 2015, matters associated with this subject have been brought before Council on two separate occasions – in May 2015 and June 2015. Copies of Action Sheets related to the decisions of Council on those occasions are attached.



As the issues surrounding the progression of Roe 8 and the Perth Freight Link remain topical in the community and are regularly the subject of political statements referenced to the forthcoming Federal and State Elections, it is appropriate that any issues which require the input of the City of Cockburn on this matter are submitted for full consideration by Council.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

#### **Infrastructure**

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

#### **Community & Lifestyle**

- Conservation of our heritage and areas of cultural significance

#### **Leading & Listening**

- Effective advocacy that builds and manages relationships with all stakeholders.

#### **Environment & Sustainability**

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

#### **Moving Around**

- A defined freight transport network.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

The State Government proposal to construct the Roe Highway (Stage 8) within the City of Cockburn is currently subject to an appeal by the State against legal proceedings which have halted the project.

### **Community Consultation**

N/A



**Risk Management Implications**

There is a moderate reputational “brand” risk associated with decisions made by Council which may impact on this subject.

**Attachment(s)**

1. Notice of Motion submitted by Mayor Howlett
2. Copy of Council decision and relevant Action Sheet from 14 May 2015 Meeting
3. Copy of Council decision and relevant Action Sheet from 11 June 2015 Meeting

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

N/A

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

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**

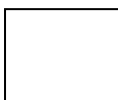
Nil

**22 (OCM 9/6/2016) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Clr Portelli – Proposal to install a second cricket pitch at Atwell Reserve.

**23. CONFIDENTIAL BUSINESS**

Nil





24 **(MINUTE NO 5824) (OCM 9/6/2016) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED C/r P Eva SECONDED C/r B Houwen that the recommendation be adopted.

**CARRIED 6/0**

25 **(OCM 9/6/2016) - CLOSURE OF MEETING**

8:35 pm.

