

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 SEPTEMBER 2012 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 SEPTEMBER 2012 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mr S Pratt	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr J. Snobar	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

1. DECLARATION OF MEETING

The presiding member declared the meeting open at 7.00pm and made the following statement:

I formally declare the September 2012 ordinary meeting of Council open and in so doing welcome you all here tonight.

'I acknowledge the Noongar people who are the Traditional Custodians of the Land on which we are meeting tonight.'

'I pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Indigenous Australians who may be present'.



Before moving to the Agenda proper I take this opportunity to make the following announcements:

Firstly I welcome Mr Rob Avard, A/Director Administration & Community Services to tonight's meeting.

2012 FESA – Emergency Services Awards

Mr Keith Drayton has been nominated for the FESA State Emergency Services Award (the Peter Keillor Award) in recognition of his service to the community through membership of the Cockburn SES.

Mr Steve Crawford has been nominated for the FESA State Emergency Services Award (the Youth Achievement Award) in recognition of his service to the community through membership of the Cockburn SES.

2012 FESA Firefighting Awards– Bushfire Brigade Awards

Mr Nathan Ramage, a member of the South Coogee Bushfire Brigade has been listed as a finalist in 2012 FESA Firefighting Awards – Youth Achievement Award.

Our best wishes go to each of them for the forthcoming final in November 2012.

Telethon Home

Earlier tonight, I had the pleasure of officially opening the 2012 Telethon Home located in Port Coogee. I encourage everyone to visit the Telethon Home in the coming weeks and pass the information on to their family and friends.

It was pleasing to see that Australand donated the land valued at \$450,000 and In-Vogue constructed the home, their 7th consecutive Telethon Home.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

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

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



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

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

- Deputy Mayor Kevin Allen - Leave of Absence
- Clr Bart Houwen - Apology
- Clr Lee-Anne Smith - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 13/09/2012) - PUBLIC QUESTION TIME

ITEMS IN WRITING, ON THE AGENDA

Brian Casson, Munster

Item 14.6 – Proposed Structure Plan – Lots 3 and 4 West Churchill Avenue, Munster

Q1: Will the new sewage infrastructure be solely based on the new development or tapped into the current sewage system junction utilising existing inspection plate on the south side of Fiore Crt.

A1: *The servicing of the proposed development, including the connection to sewer, is an issue which will be addressed by the proponent in collaboration with the Water Corporation at the subdivisional stage. Essentially it is an issue that Water Corporation, who are the providers of the sewer, will have to be satisfied it is a suitable arrangement.*

ITEMS IN WRITING, NOT ON THE AGENDA

Vanja Sekizovic, Success

Vanja Sekizovic was not present at the meeting. A written response will therefore be provided to her.

ITEMS NOT IN WRITING, ON THE AGENDA

Nil



ITEMS NOT IN WRITING, NOT ON THE AGENDA

Seamus Doherty, Spearwood

Agenda Item 19.2 of the August Ordinary Council Meeting (Notice of Motion – Tuart Tree on BP Australia Pty Ltd High Pressure Oil Pipeline Corridor)

Q1: Many questions were asked at the last Council Meeting regarding the Tuart Tree on Healy Road. After the Council Meeting had deliberated, we, the ratepayers, found out the following day, that Daniel Arndt already knew the permission had already been given to go ahead with building on Healy Road. This information was not provided to the Council or the residents. He let the meeting go ahead knowing full well that the permission was already given. If what I am saying is correct, what disciplinary action can you take on behalf of the residents and councillors on the City of Cockburn, for his actions?

A1: *Matters to do with staff cannot be dealt with in an open forum such as this Council Meeting. If you have a complaint, you can submit this in writing to Chief Executive Officer, Stephen Cain.*

Q2: The residents who are trying to protect the tree at Healy Road, have now been there almost 9 weeks. We have had discussions with the developer, with politicians, with the Council. We are trying to get this resolved. We are trying to protect this tree and it is vulnerable at any stage. We now have a Memorandum of Understanding (MOU). We have got the local MP to sign it, he supports our actions and the deliberation between the developer and BP, the people whose land the tree is on. We are hoping that the Council can have a look at this and endorse it as well so we can get back to living in our homes instead of sitting around the base of a tree. I don't know if you want me to table this or leave it with the Council? Over 1000 residents on facebook support us. We would like the Council to support us as well.

A2: *The CEO has seen a draft of the MOU between the parties. It should be noted for the record, any MOU between two parties doesn't entail any connection to the City of Cockburn. The City of Cockburn isn't party to such arrangements and therefore cannot consider it as it is a private agreement. If the parties can reach consensus amongst themselves, then that will adequately fall back to the City. But in the absence of that, the City has already approved a development application. We would encourage you to get agreement between the parties.*



Amanda Joy, Hamilton Hill

Agenda Item 19.2 of the August Ordinary Council Meeting (Notice of Motion – Tuart Tree on BP Australia Pty Ltd High Pressure Oil Pipeline Corridor)

Q1: Is the public purposes reserve which the BP easement is classified as in the Town Planning Scheme (TPS), a regional or local public purposes reserve and who represents the public interest when development is proposed on that reserve that could have a negative impact on the amenity of that public purposes reserve.

A1: *It is actually a local reserve, but it is public purposes, for the purpose of a pipe line. It is not a public reserve in terms of public access to the reserve. It is actually privately owned and only for the purposes of the pipeline.*

Q2: What is the definition of public purposes reserve is in that context?

A2: *The reserve being for public purposes can be for different types of public purposes. We have public purpose reserves for drainage, which means that it is only required for drainage. We have public purpose reserves for recreation, which means that it is only required for recreation. This one is a public reserve for pipelines and therefore for the provision of a pipeline.*

Ray Woodcock, Spearwood

Cockburn Police Station

Q1: Did the Council write to the Minister for Police and the Commissioner for Police, inviting them to attend a public forum, on the matter of the Cockburn Police Station. Has there been a reply from either and if so, what is the nature of the reply?

A1: *The Mayor has received an acknowledgement letter from the Minister for Police saying that the letter has been received and that a response will be provided in due course. We have not yet received a response from the Commissioner for Police. The City will follow up accordingly with both offices.*



Paul Watson, Hamilton Hill

Significant Trees Register

Q1: The Council has recently called for nominations for significant trees to go on a register for the Council. I am a little bit concerned that unlike the Heritage Sites that are listed under European and Aboriginal Heritage, there is no criteria published in which to base any nomination. I ask the Council first of all, will they extend the deadline from October 28 until such time as they have established a process and a list of criteria for which people can nominate a tree, but also by which it can be judged. Would they give us a timeframe for developing such a proposal.

A1: *Part of the resolution of Council was that a tree criteria be developed. The officers are currently working on it at the moment. It was seen prudent in terms of people to nominate trees through this process and by the time the nomination period closes we will have put together a criteria, that criteria will then have to be considered by Council in terms of whether it is suitable. We can then assess anybody's nominations. That does not stop people from nominating if they choose to after the nomination period has expired. We commonly and occasionally have had heritage buildings that are nominated and we include those in a list and bring them up to Council when we have a consolidated list. If there is an issue, we can certainly consider trees outside of the nomination period.*

Q2: I would ask the Council, whether the Council will commit towards a degree of public consultation on the development of the criteria in which the trees can be nominated and assessed.

A2: *Normally in terms of these sort of criteria there wouldn't be consultation with the public, we would actually consult with professional bodies in this case being the Heritage Council, but we would probably look at other professional associations as well to give us professional input into the assessment because the criteria needs to be clearly objective and one that are comfortable and sit well within the framework established by the Heritage Council.*



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 4844) (OCM 13/09/2012) - ORDINARY COUNCIL MEETING - 09/08/2012

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Council Meeting of 9 August 2012, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 7/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 13/09/2012) - DEPUTATIONS AND PETITIONS

Deputations were given by:

- Banjup Residents Group, represented by Mr Neil Raine and Mr Ian Thurston

Regarding Item 17.2 – Amendment to City of Cockburn Local Law – Construction of Fire Breaks

- Hammond Park Family Medical Practice, represented by Mr Pushpa Pushpalingam and Dr Mike Gendy

Regarding Item 14.10 – Two Consulting Rooms – Location: Lot 453 Macquarie Boulevard, Hammond Park



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

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.38 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COMMITTEE:

13.1	14.1	14.4	14.11	15.1	16.1	17.1
	14.2	14.5		15.2	16.2	17.3
	14.3	14.7				17.4

13.1 (MINUTE NO 4845) (OCM 13/09/2012) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 16 AUGUST 2012 (CC/C/017) (S CAIN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 16 August 2012, as attached to the Agenda, and adopt the recommendations contained therein.

COUNCIL DECISION

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

CARRIED 7/0



Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 16 August 2012. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

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 independent confirmation, as requested under the Committee Recommendation at Item 17.1 of the Minutes, was provided by the CEO to all Committee Members via email on 24 August 2012.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 16 August 2012 are provided to the Elected Members as confidential attachments.



Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the 13 September 2012 OCM.

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

Committee Minutes refer.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 4846) (OCM 13/09/2012) - AMENDMENTS TO DETAILED AREA PLAN AND JETTY DESIGN GUIDELINES FOR STAGE 4A PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: CONSOLIDATED MARINE DEVELOPMENTS AND ANCHORAGE INDUSTRIES PTY/LTD (PS/A/001) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the amended Detailed Area Plan and Jetty Design Guidelines presented for Stage 4C Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Consolidated Marine Developments and Anchorage Industries Pty Ltd, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant accordingly.

COUNCIL DECISION

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

CARRIED 7/0

Background

At its 12 June 2008 meeting the Council approved the original Detailed Area Plan (DAP) and Jetty Design Guidelines for Stage 4A within the



Port Coogee development area. Stage 4A provides for low density residential development (R25) and forms one of the 'Water Based Residential' precincts within Port Coogee. The approved DAP and Guidelines provide development direction for 36 single residential lots within the stage, including 18 waterside lots on the southern side of the subdivision. The 18 lots forming the northern edge of the subdivision abut foreshore public open space.

Whilst the DAP is primarily aimed at guiding builtform outcomes on all lots, the Guidelines deal with the control and development of jetties and related structures in mooring envelopes at the rear of the water side lots. To date, the DAP and Jetty Design Guidelines have been successfully applied in the assessment and determination of several Development Application/Building Licence proposals lodged with the City.

Council at its March 2012 meeting approved an amended DAP and Guidelines for the Stage. The owners of two adjoining waterside lots made application to the Western Australian Planning Commission (WAPC) to adjust the alignment of the common boundary dividing the lots. In granting approval to the subdivision, the WAPC imposed the recommended condition of the City requiring "*Revised Detailed Area Plans to be prepared for all lots within the proposed subdivision.*"

A further approval to subdivide two lots in the Stage into three lots was recently granted by the WAPC (1 August 2012). The same condition requiring the DAP to be amended was imposed on the approval. Taylor Burrell Barnett (TBB) have again been engaged to revise the applicable DAP and Jetty Design Guidelines (having produced the original DAP in consultation with the City i.e. on behalf of Australand).

Submission

The DAP and Jetty Design Guidelines have been amended to reflect the revised lot layout involving the land in question (formerly Lots 909 and 910, now Lots 21, 22 and 23 Chelydra Point). The new lots each have a 10 metre frontage to Chelydra Point (previously 15.0 metres wide).

The changes proposed include the following:

1. Alternate setback arrangements for the lots given their reduced frontage.
2. The inclusion of a note encouraging 4.5 metre garage setbacks on the lots (given their reduced frontage and the inability to incorporate parking perpendicular to the street i.e. within a large basement or ground floor parking area as some owners have).



3. The amendment of the DAP to include reference to the lots (21, 22 and 23) where relevant or necessary i.e. in conjunction with the other lots comprising the subdivision (and referred to in the DAP and Design Guidelines).
4. The inclusion of the lots to the 'Typical Setback Requirements' box for Lot 50 (included as part of the original amendment to the DAP).
5. The amendment of both the DAP and Jetty Design Guidelines to show a reduced mooring envelope width (12.0 metres reduced to 8.0 metres).

All other aspects of the DAP and Jetty Design Guidelines remain the same.

Report

The amendments and changes made to the DAP and Jetty Design Guidelines have been made by TBB in consultation with the City. The involvement of TBB to facilitate the amendments is fortunate given their involvement in the production of the first DAP for Stage 4A. Maintaining the integrity of the documents and the principles that underlie their content is important to ensuring the built environment develops in an orderly and proper manner.

As stated by Taylor Burrell Barnett:

"The modifications to the DAP for proposed Lots 21, 22 and 23 have been deliberately configured to maintain original development principles and lot interface requirements contained on the approved detailed area plan. This was a primary objective within the modification process, thereby limiting any impact on properties neighbouring Lots 21 and 23."

Bearing the above in mind, approval of the amended DAP and Jetty Design Guidelines is recommended. Approval is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP (and Design Guidelines) and the process for adopting such (Clause 6.2.15.8 provides scope for a DAP to be amended).

Where a DAP/Guidelines may affect landowners other than the owner/s of the subject land, the City may undertake consultation. In the subject instance, the status quo is generally maintained where the new lots interface with adjoining lots. Specifically, the controls that apply are essentially the same as they currently exist. That is, there is no material impact anticipated on the adjoining lots by virtue of the proposed changes.



Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

No consultation has been undertaken.

Attachment(s)

1. Location/Structure Plan
2. Detailed Area Plan
3. Jetty Design Guidelines

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 September 2012 Council Meeting.

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

Nil.



14.2 (MINUTE NO 4847) (OCM 13/09/2012) - INITIATION OF CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 PROPOSED AMENDMENT NO. 97 (93097) (C CATHERWOOD)

RECOMMENDATION

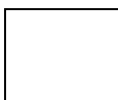
That Council

(1) in pursuance of Section 75 of the *Planning and Development Act 2005* (“Act”), initiate an amendment to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) for the purposes of:

1. Providing additional clarification as to the methodology of the calculation for development contributions for Development Contribution Plan 13 into Schedule 12 as follows (additional words shown in bold text):

<p>Method for calculating contributions</p>	<p>The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the demand for a facility that is generated by the current population in existing dwellings.</p> <p>Contributions shall be calculated on the basis of the number of new lots and/or dwellings created. Existing dwellings on a lot or lots to be subdivided or developed will be exempt from the contribution. Land required for public roads, public open space, drainage and other uses not including residential development will not be assessable. Where a lot may have further subdivisional potential, for example as a grouped dwelling site, contributions will be sought at the next development approval stage where additional dwellings or lots are created.</p> <p>Contributions applying to development of aged or dependant person's dwellings or single bedroom dwellings shall be calculated on the number of dwelling units permitted prior to the application of the variations permissible under clause 6.1.3.A3.1 of State Planning Policy Residential Design Codes.</p> <p>Notwithstanding the definition of 'lot' listed in Schedule 1, for the purposes of calculating cost contribution liability within DCA13, the term lot will be inclusive of green title, survey strata and built strata subdivisions.</p>
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(2) note as the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967* (“Regulations”), the amendment be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and on receipt of a response from the



EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations.

COUNCIL DECISION

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

CARRIED 7/0

Background

Development Contribution Plan 13 ("DCP13") was included in City of Cockburn Town Planning Scheme No. 3 ("Scheme") via Amendment No. 81, gazetted in August 2011 and relates to community infrastructure.

Community infrastructure is the land, structures and facilities which help communities and neighbourhoods function effectively. This includes facilities such as sporting and recreational facilities, community centres, child care and after care centres, libraries and cultural facilities. They are often highly valued by their communities and add greatly to the overall quality of life by providing opportunities for physical activity and social interaction.

It is widely accepted that the use of community facilities has a direct correlation to the number of people using them. This is clear in the intent and basis of the relevant State Planning Policy 3.6 Development Contributions for Infrastructure as well as the City's DCP13.

What has also become clear with some applicants, being quite a complicated matter, is that they require some further clarity in the wording of Council's Scheme to ensure they understand the intent behind DCP13 and their cost contribution liability is as clear to them as possible. This is the purpose of this amendment.

Submission

N/A



Report

To introduce clarity to the Scheme wording, in particular the methodology described for DCP13 within Schedule 12, some additional words are recommended. These are minor in nature, and do not affect the statutory application of DCP 13 - rather it is to ensure that applicant's understand their obligations clearly in respect of DCP 13.

The first insertion at paragraph two ensures even if the sentence is read in isolation, rather than the context of the whole paragraph, it is clear either lots or dwellings are used in the calculation of the cost contribution liability.

The insertion at the end of the table section clarifies the use of the term 'lot' is inclusive of strata and green title allotments. This again is consistent with the intent of both the SPP and Section 6.3 of the Scheme which discusses development contributions more broadly. It also rectifies a potential concern with the definition of the term 'lot' within Schedule 1 of the Scheme.

It is recommended that Council initiate the amendment, as a way of ensuring that the Scheme is as clear as possible for applicants reading the Scheme and ascertaining their obligations in respect of land use and development within the City.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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

Budget/Financial Implications

N/A

Legal Implications

These will provide additional clarity for applicants, developers and landowners and their representatives.



Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 14.3 **(MINUTE NO 4848) (OCM 13/09/2012) - CLOSURE OF PORTION OF ROAD LOCATION: MARABOO WHARF, NORTH COOGEE OWNER: PORT CATHERINE DEVELOPMENTS PTY LTD APPLICANT: TAYLOR BURRELL BARNETT (6004074) (L GATT) (ATTACH)**

RECOMMENDATION
That Council

- (1) requests the Minister for Lands to close a small triangular portion of Maraboo Wharf, North Coogee in accordance with Section 58 of the *Land Administration Act 1997*;
- (2) supports the land resulting from the road closure being purchased by the adjoining landowner (Port Catherine Developments Pty Ltd) as per the normal procedures of the *Land Administration Act 1997*; and
- (3) advise the applicant of this decision accordingly.

COUNCIL DECISION
MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.
CARRIED 7/0



Background

A request has been received on behalf of the adjoining landowner to close a small triangular portion of Maraboo Wharf, North Coogee which will be amalgamated with the development to the south to provide an additional site area to accommodate a proposed marine services building and cafe/restaurant. The purpose of this report is to consider this request

Submission

By way of letter, Taylor Burrell Barnett requested that the City initiate the closure of the portion of Maraboo Wharf, North Coogee (refer to Attachment 1).

The subject area is a 41m² triangular portion of the road reserve which will be amalgamated with the adjoining development to the south to provide an additional site area to accommodate a proposed marine services building and cafe/restaurant (refer to Attachment 2).

The proponent has agreed in writing to meet all costs associated with the proposed road closure, a copy of which is provided within Attachment 3.

Report

Maraboo Wharf is within the Port Coogee development and was approved via a previous conditional subdivision – only a portion of the approved road has been constructed.

The City advertised the road closure in the local newspaper on 24 July 2012 and no submissions have been received. It represents a very minor proposal, effectively seeking to rationalise a small piece of the road reserve to enable efficient development of land to take place. All service providers have been contacted and there were no objections to the closure.

An application for subdivision has recently been submitted to the Western Australian Planning Commission (WAPC) proposing to create Lots 1 and 2 via the subdivision of Lot 9096 including the small portion of closed road. A copy of the sketch from this application, which provides details of how the road is proposed to be configured, is at Attachment 4.

It is recommended that Council support the request, and write to the Minister for Lands requesting formal closure of the portion of Maraboo



Wharf in accordance with Section 58 of the *Land Administration Act 1997*.

Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

Advertised on 24 July 2012, in accordance with Section 58 of the *Land Administration Act 1997*. No objections have been received.

Attachment(s)

1. Letter of request from Taylor Burrell Barnet
2. Location Plan
3. Letter confirming Port Catherine Developments Pty Ltd will pay all associated costs.

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 13 September 2012 Ordinary Council Meeting.

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

Nil.



14.4 (MINUTE NO 4849) (OCM 13/09/2012) - PROPOSED STRUCTURE PLAN LOCATION: LOT 39 GAEBLER ROAD, HAMMOND PARK OWNER: NIKOLA AND PAMELA BASKOVICH APPLICANT: GRAY & LEWIS LANDUSE PLANNERS (SM/M/063) (R SERVENTY) (ATTACH)

RECOMMENDATION

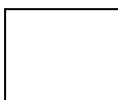
That Council:

- (1) adopts the Schedule of Submissions;
- (2) adopts the Structure Plan for Lot 39 Gaebler Road, Hammond Park prepared by Grey & Lewis Landuse Planners as shown within Attachment 2, subject to the below modification:
 1. an annotation being added to the Structure Plan requiring a Detailed Area Plan to be approved by the City prior to subdivision approval over the two proposed lots, north of Weetman Street and immediately adjacent to Lot 42 Frankland Avenue, Hammond Park in order to ensure they adequately address the future POS on Lot 42 Frankland Avenue.
- (3) advise the Western Australian Planning Commission, the proponent and submissioners of Council's decision accordingly;
- (4) advise the proponent of the Structure Plan that Council has currently re-advertised Amendment No. 28, which will introduce developer contribution arrangements for infrastructure within the Hammond Park and Wattleup Development Areas. Landowners subdividing to create residential allotments will be required to make contributions in accordance with Amendment No. 28 once it becomes operational; and
- (5) advise the proponent that Development Contribution Area 13 - Community Infrastructure is now in operation under the Scheme. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with the development contribution plan requirements.

COUNCIL DECISION

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

CARRIED 7/0



Background

The Structure Plan for Lot 39 Gaebler Road, Hammond Park has been submitted to the City on behalf of the landowner to guide future residential subdivision.

The Proposed Structure Plan is effectively an extension of the urban development occurring immediately east and south of the subject site as part of the 'Hammond Rise Estate' and also the approved future residential development to the south east of the subject site. This development is occurring in accordance with the following Structure Plans:

	Council Adoption Date	WAPC Adoption Date
Hammond Park Local Structure Plan	8 November 2007	4 March 2010
Lots 43 & 44 Frankland Avenue Structure Plan	10 November 2011	3 February 2012
Lot 40 Gaebler Road Local Structure Plan	14 November 2011	7 March 2012

The subject site as shown in Attachment 1 is located on the southern side of Gaebler Road, between Barfield Road and Frankland Avenue, Hammond Park.

Submission

The Proposed Structure Plan has been submitted by Grey & Lewis Landuse Planners on behalf of Nikola and Pamela Baskovich.

Report

The subject site is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development (DA9)' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a structure plan is required to be prepared and adopted prior to any subdivision and development of land within DA9 occurring.

The Proposed Structure Plan (shown in Attachment 2) will facilitate the development of the majority of this land for residential purposes at a density of R25, with the remainder of the land being identified for public open space and road reserve. The Structure Plan will result in the creation of 20 front-loaded lots.



Southern Suburbs District Structure Plan – Stage 3

The subject site is located within the Southern Suburbs District Structure Plan – Stage 3 (“SSDSP3”) area as shown in Attachment 3. The SSDSP3 identifies that this site should meet an urban density target of 12 dwelling units per hectare. The Proposed Structure Plan has a density of approximately 16 dwelling units per net hectare and therefore exceeds the targets set by the SSDSP3 however it should be noted that the SSDSP3 was adopted in 2005 and has moderate targets in comparison to recent similar documents. SSDSP3 is in the final stages of review, with a separate report on this agenda dealing with the review outcome.

This Proposed Structure Plan is consistent with the reviewed SSDSP3 document.

Public Open Space

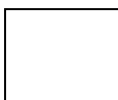
The SSDSP3 requires all landowners to provide their 10% public open space (“POS”) requirement within their own landholding. A 1,201m² area of POS is proposed as part of the Structure Plan, which accounts for 10% of the Development Area. The POS is located immediately abutting POS created as part of the ‘Hammond Rise Estate’, thus creating a square park, just under 3,000m² in area.

Two of the residential lots abutting Lot 42 Frankland Avenue, Hammond Park, north of Weetman Street, are highly likely to abut POS containing a Conservation Category Wetland Buffer once the Lot 42 Frankland Avenue is structure planned and developed. Therefore, to ensure that the future dwellings on these lots appropriately address the POS it is recommended that an annotation be added to the Structure Plan requiring a Detailed Area Plan to be approved by the City prior to subdivision approval.

It should also be noted that this Proposed Structure Plan represents a Stage 1 proposal for the subject site. A further Structure Plan will be submitted into the future, and will need to specifically respond to the constraints posed by the adjoining Conservation Category Wetland.

Local Water Management Strategy

Generally a Structure Plan should be supported by an approved Local Water Management Strategy (“LWMS”). However, the Department of Water has previously advised the City of Cockburn that due to the size of the site, a full LWMS would not be required to support the Structure Plan. It was concluded that supporting information would still need to be provided in the Structure Plan to demonstrate that stormwater can be managed in accordance with best practice. The supporting



document provided within the Structure Plan was deemed satisfactory to the Department of Water as noted in correspondence dated 15 June 2012.

Consultation

The Proposed Structure Plan was referred to the WAPC for comment in accordance with Clause 6.2.7.2 of the Scheme as it proposes the subdivision of land. No comments were received from the WAPC and as such the City proceeded to advertise the proposal for public comment.

The Structure Plan was advertised for public comment for a period of 21 days ending on 7 August 2012 in accordance with the Scheme requirements. Four submissions were received from government authorities and servicing agencies and one submission from an adjoining landowner. All submissions were supportive of the Proposed Structure Plan. The submissions that were received are set out and addressed in detail within the Schedule of Submissions (Attachment 4).

Conclusion

The Proposed Structure Plan is consistent with the SSDSP Stage 3 and surrounding residential development. The design of the Structure Plan conforms to Liveable Neighbourhoods principles and integrates with the adjacent road network and lot layout in a logical manner. It is therefore recommended that Council adopt the Structure Plan subject to an annotation being added requiring a Detailed Area Plan to be approved by the City over the two proposed lots, north of Weetman Street and immediately adjacent to Lot 42 Frankland Avenue, Hammond Park. The Detailed Area Plan will require they are designed to address the future POS on Lot 42 Frankland Avenue.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:

SPD4 'Liveable Neighbourhoods'
APD4 'Public Open Space'



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The Proposed Structure Plan was open for community consultation for a period of 21 day ending on 7 August 2012. The proposed Structure Plan was advertised in the newspaper. Five submissions were received and all were supportive.

Attachment(s)

1. Site Location
2. Proposed Lot 39 Gaebler Road Local Structure Plan
3. Southern Suburbs District Structure Plan – Stage 3
4. Schedule of Submissions

Advice to Proponent(s)/Applicant

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 September 2012 Council Meeting.

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

Nil

- 14.5 **(MINUTE NO 4850) (OCM 13/09/2012) - ACQUISITION PORTIONS OF LOT 6 AND 50 HAMMOND ROAD, COCKBURN CENTRAL AND ASSOCIATED ROAD CLOSURES FOR THE CREATION OF RE-ALIGNED HAMMOND ROAD / BEELIAR DRIVE INTERSECTION - OWNER CITY OF COCKBURN -- APPLICANT CITY OF COCKBURN (450012) (K SIM) (ATTACH)**

RECOMMENDATION

That Council

- (1) acquire 4430 square metres of Lot 6 Hammond Road for a purchase price of \$1,478,400 exclusive of GST;
- (2) acquire 535 square metres of Lot 50 Hammond Road for purchase price of \$117,000 exclusive of GST;



- (3) meet all costs associated with the surveying and application for new certificates of title for 1 and 2 above;
- (4) dedicate portions of Lots 6, 50 and 77 as road reserve pursuant to Section 56 of the *Land administration Act 1997*;
- (5) request that the Minister for Lands close the redundant road reserve portions of Hammond Road and include the land into adjoining Lots 146 and 147 pursuant to Section 58 of the *Land Administration Act 1997*, subject to there being no objection at the conclusion of the statutory 35 day advertising period; and
- (6) indemnify the Minister for Lands against reasonable costs incurred in considering and granting the request in 5 above

COUNCIL DECISION

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

CARRIED 7/0

Background

The intersection of Hammond Road and Beeliar Avenue, Cockburn Central is in the form of two staggered 'T' intersections, approximately 140 metres apart. This layout, created in 1993 was at the time considered an appropriate layout to deal with the then reasonably low traffic volumes. However with the advent of time and major development, the intersection no longer functions effectively and requires redevelopment in order to address known safety and congestion problems.

The intersection has one of the highest frequencies of reported crashes in the City, with 115 crashes reported to have occurred at the intersection in the 5-year period to the end of 2011. The majority of those crashes were rear-end crashes involving vehicles turning left out of both legs of Hammond Road, which can be a difficult movement because of the limited availability of safe gaps in traffic approaching along Beeliar Drive during busy periods. This is made more difficult when motorists turning left out of one leg of Hammond Road want to



immediately cross the 2 through traffic lanes to turn right into the other leg of Hammond Road.

To improve safety at the intersection a Black Spot Program fund grant has been approved to combine the two T-intersections as a four-way intersection by realigning the northern section of Hammond Road, and installing traffic signals there to control traffic movements. This will dramatically improve safety at the intersection by enabling motorists to negotiate the intersection under signal control. This does however require the purchasing of privately owned land, in order to affect the new design.

The purpose of this report is to consider the required land for purchase.

Submission

Valuation reports have been prepared by Licensed Valuer McGees Property on behalf of the City and from Licensed Valuer Glenndin Miller Property Consultants on behalf of Walter Lenz, the owner of Lot 6 Hammond Road.

Report

An initial plan was prepared by the City's Engineering Department depicting how the road pavement in Hammond Road could be diverted through Lots 50, 6 and 77 to create a new four way intersection at Beeliar Drive. From this initial plan the bounds of the land required for the new road reserve was drawn. The plan also determined the extent of the existing road reserve that would become redundant.

The land requirement plan was sent to the owners of Lots 6 and 50 Hammond Road for comment. Both owners requested minor modification to facilitate access to future commercial projects that are either planned or envisaged on their respective properties.

The area of concern centred on how a common access point could be achieved for the benefit of each of the properties.

A modified plan incorporating the owner's requests plus further refinement by the Engineering department has now been finalized. The plan addresses the difficult road geometry and drainage requirements of the deviation.

There is a minor land requirement (194 square metres) from the western most portion of Lot 77 Beeliar Drive. The owner of Lot 77 Beeliar Drive was also sent a copy of the initial plan. The area required for the new road has not changed with the most recent plan. The owner of Lot 77 has in the mean time made application for a fuel outlet /



convenience store on the site. The plan attached to that application acknowledges the location of the future road widening.

Surveying and amendments to the title of Lot 77 Beeliar Drive will be dealt with in the same manner as those to create new boundaries and balance titles for Lots 6 and 50 Hammond Road.

The owner of Lot 6 requested that the City of Cockburn pay for an independent valuation by a licensed valuer of his choosing. Glenndin Miller Licensed Valuer as the Licensed Valuer nominated by the owner of Lot 6 has provided a valuation that reflects the requirements of a compulsory acquisition pursuant to the *Land Administration Act 1997*.

The report prepared by Licensed Valuer Wayne Srhoy for the City and that prepared by Glenndin Miller for the owner of Lot 6 differ in that the rate per square metre for the road land has been determined to be \$260 by Wayne Srhoy and \$300 per square metre by Glenndin Miller.

The report by Glenndin Miller included an additional 10% solatium and an amount of \$15,000 being severance damage pursuant to section 241(7) (a) of the *Land Administration Act 1997*.

The report prepared by Glenndin Miller is dated June 2012 whereas the report by Wayne Srhoy is dated January 2012. This fact could account for the difference in the square metre rate. Discussions with the owner of Lot 6 left officers in no doubt that he would only accept payment that reflected that determined by his Licensed Valuer.

It was deemed to be expedient to accept the valuation by the owner's Licensed Valuer in order to commence construction in 2012. This is considered to only feasible way to affect this required road upgrade poste haste.

The owner of Lot 6 has a long standing approval to construct a tavern on Lot 6. Due to funding uncertainties for this project the City has not been able to give the owner of Lot 6 a clear undertaking as to when the project was to commence. The owner has delayed his development and agreed to modify the plans to show the tavern development adjacent to the re-aligned Hammond Road. Given the owner of Lot 6 has suffered delays and there being no guarantee that further negotiation and possible legal action would reduce the purchase price for the land, it is deemed to be expedient to accept the valuation by the owner's Licensed Valuer. Construction is due to commence in the latter half of 2012.

Pursuant to provisions of the *Land Administration Act 1997* the road closures were advertised on 13 August 2012 in the West Australian. To date there have been no objections to the proposal.



Following Council's resolution seeking closure of the two portions of road reserve a request will be forwarded to the Minister for Lands via the Department for Regional Development and Lands (DRL). In order for the closed road land to be included into Lots 146 and 147 (land owned in freehold by the City) the land will need to be purchased from the State of Western Australia by the City of Cockburn. This transaction will be concurrent with the dedication of the land acquired from Lots 6, 50 and 77 to road purposes.

Depending on land valuations undertaken by DRL for both the closed road portions and the land to be dedicated the cost of the closed road land is expected to be a nominal amount.

Although the future consolidated portion of land comprising the closed road portions and Lots 146 and 147 will have an area of approximately 4,500 square metres it has an irregular shape and is encumbered by stormwater sumps that cater for run-off from existing and new road pavements. There is scope in the future to enhance this site. This land has been included into Scheme Amendment 90 which on gazettal will render the land as a Development Zone.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

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

Budget/Financial Implications

The Municipal Budget contains \$2.394m for purchase of the land and construction on the intersection. The funds for this project come from municipal fund - \$1.074m and Land Development Reserve - \$1.32m. As part of the land transaction, the City estimates an amount of land will become available for development and sale post construction. The estimate at this stage is still yet to be quantified as the final design of the intersection has not been completed nor the exact amount of the surplus land.

Legal Implications

Provisions of the Land Administration Act 1997 refer.



Community Consultation

Section 58 of the *Land Administration Act 1997* require proposed road closures to be advertised in a newspaper circulating in the district and for a 35 day period for the receipt of objection.

Attachment(s)

1. A plan of the proposed land acquisition and road closures has been attached
2. Road upgrade plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 September 2012 Council Meeting.

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

Nil.

14.6 **(MINUTE NO 4851) (OCM 13/09/2012) - PROPOSED STRUCTURE PLAN - LOTS 3 AND 4 WEST CHURCHILL AVENUE, MUNSTER - OWNER: ESTATE OF EUNICE SANTICH - APPLICANT: DYKSTRA PLANNING (SM/M/069) (C HOSSEN) (ATTACH)**

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopts the Structure Plan for Lots 4 and 4 West Churchill Avenue, Munster;
- (2) subject to compliance with (1) above, in pursuance of Clause 6.2.10.1 of the Scheme, the Structure Plan be sent to the Western Australian Planning Commission for endorsement;
- (3) endorse the Schedule of Submissions prepared in respect to the Structure Plan;
- (4) advise the landowners within the Structure Plan area and those who made a submission of Council's decision accordingly;



- (5) advise the proponent that Development Contribution Area 13 - Community Infrastructure is now in operation under the Scheme. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with the development contribution plan requirements; and
- (6) write to the Department of Health advising of the decision of Council.

COUNCIL DECISION

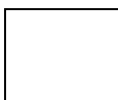
MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that Council:

- (1) in pursuance of Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopts the Structure Plan for Lots 4 and 4 West Churchill Avenue, Munster subject to the following modification:
 - (i) A notation being added to the Structure Plan advising that a suitably worded Section 165 notification under the Planning and Development Act 2005 is required to be imposed at the subdivision stage in order to advise prospective purchasers of the midge impacts associated with being close to nearby wetlands.
- (2) to (6) as recommended.

CARRIED 7/0

Reason for Decision

It is considered important to ensure that a Section 165 notification under the Planning and Development Act 2005 is imposed at the subdivision stage to advise prospective purchasers of the midge impacts associated with being close to nearby wetlands. The extent of these midge impacts are considered to represent a factor seriously affecting the use or enjoyment of the land, meaning that a notification under Section 165 of the Act is appropriate.



Background

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lots 3 and 4 West Churchill Avenue, Munster ("subject land"). The Proposed Structure Plan seeks to provide for urban development of the subject land, comprising a range of densities and reservations as well as the associated structural elements to facilitate an urban outcome.

The Proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. This report now seeks to specifically consider the Proposed Structure Plan for adoption, in light of the advertising process and assessment by officers.

Submission

Dykstra Planning has lodged the proposal for the subject land.

Report

Planning Background

The subject land area is 2.1875 hectares in size and generally bound by the existing road network, the existing residential development to the east and a portion of the Woodman Point Waste Water Treatment Plant ("WPWWTP") Buffer. Attachment 2 contains a location plan.

The subject area is zoned 'Urban' and 'Urban Deferred' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is also located within Development Contribution Area No. 6 ("DCA 6") and No. 13 ("DCA 13").

The portion of Lot 4 West Churchill Avenue affected by the WPWWTP Buffer has been excluded from the subject land.

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a structure plan is required to be prepared and adopted to guide future subdivision and development.

Proposed Structure Plan

The Proposed Structure Plan as shown in Attachment 3 provides for residential development, with an area of Public Open Space ("POS") and an associated road network. Based on the design, approximately 27 single residential lots and 4 grouped/multiple housing sites will eventuate.



The Proposed Structure Plan satisfies density objectives, POS requirements and provides a suitable road network.

Residential Density

Proposed densities allow for the provision of variety in lot sizes and dwelling types and are conducive to the density found in the surrounding residential developments. Densities range from R25 to R60; with R25 being the predominant zoning.

Directions 2031 and Beyond (“Directions 2031”) and Liveable Neighbourhoods (“LN”) promote 15 dwellings per gross hectare as the 'standard' density for new greenfield development in urban areas.

Medium and higher residential densities are generally considered to be appropriate adjacent to areas of POS as these areas offer a high level of amenity and convenience. Medium densities also provide increased opportunity for passive surveillance and capitalise on the amenity values of such open space areas.

Lots fronting Fiore Court are coded R25. The base coding of R25 will, considering the lot sizes and width, allow for orderly residential development that is consistent with the existing dwellings on Fiore Court. The allowance for a R40 density bonus triggered by the amalgamation of lots was removed post advertising following concerns raised by existing residents of Fiore Court.

An area of R60 zoned land, being approximately 2,173m² in size, is identified in the south west portion of the subject site. This area and how it will interface with the WPWWTP Buffer will be discussed in detail later in this report. Land coded R60 will be required to be developed at a minimum of 2 stories and require a Detailed Area Plan to ensure that an optimal built form outcome is achieved.

An area of R40 zoned land is identified adjoining the area of POS, as per Element 3 and Element 4 of Liveable Neighbourhoods. The inclusion of higher densities around areas of POS encourages overlooking and safety. A Detailed Area Plan will be required over all land zoned R40 to ensure that such issues are addressed to the satisfaction of the City.

In general the lot yield and proposed densities are consistent with those outlined in Directions 2031 and the Outer Metropolitan Perth and Peel Sub-Regional Strategy.



Public Open Space

The Structure Plan provides for a total of 2,228m² of POS, approximately 10% of the overall area. A small drainage swale, of approximately 179m², or 0.8% of the subject area, is proposed within the area of POS.

An indicative footpath is shown linking the extension of Gicha Close and West Churchill Avenue through the proposed area of POS. This connection is deemed important to the wider pedestrian connectivity of the area. The exact location of the path through the area of POS will be determined at a later stage.

The provision of POS in the Proposed Structure Plan is in keeping with the requirements of Liveable Neighbourhoods.

Interface with land affected by the WPWWP Buffer

A portion of both lots within the subject site are affected by the WPWWTP Buffer. The Buffer as defined in 1996 extends between 1.65km and 1.8km to the east across Lake Coogee. Council has previously advised of its aspiration for the operations of the WPWWTP to be improved so that the extent of the buffer can be reduced to (at most) the eastern foreshore of Lake Coogee. The WAPC, Department of Planning, Minister for Planning and Environmental Protection Authority have all formally responded to the City advising of the current status of the WPWWTP Buffer and decision making in respect of its future. Copies of this correspondence is provided in Attachment 5.

This Proposed Structure Plan is consistent with the statutory application of the buffer as it currently exists. This is on the basis of not providing for residential development within the WPWWTP Buffer.

Land broadly between West Churchill Avenue and the extension of Fiore Court, which is affected by the Buffer, has been indicated as being for POS. The inclusion of POS within the WPWWTP Buffer and Kwinana Air Quality Buffer has previously been approved by Council.

Land in the southern portion of Lot 4 West Churchill Avenue is excluded from the Proposed Structure Plan area. However, this excluded land must form part of a lot not wholly contained within the WPWWTP Buffer. A serif arrangement for these lots is annotated on the Structure Plan map. Council will not support the creation of a whole lot contained within the Buffer and any future subdivision of this land must accurately reflect the intention of the Structure Plan. The creation of lots wholly contained within the WPWWTP Buffer is not an acceptable practice to be contemplating given the issues currently associated with the WPWWTP Buffer.



The Proposed Structure Plan indicates that this requirement of Council has been met. The lots shown as R60 include the portion of land inside the buffer which must stay connected to the R60 lots as per the requirements of the Structure Plan.

The Proposed Structure Plan outlines possible uses for this land. These being uses which do not constitute habitable living such as vehicle access, car parking, storage space and collection of refuse, all associated with the future complex that may be built on the R60 coded portion of land. The full utilisation of this land by such uses would lessen the likelihood that the area would fall into disrepair and lowering the amenity of the wider neighbourhood. Additional requirements that the R60 coded lots be developed to at least 2 stories will also contribute to this land being utilised at a higher level. A Detailed Area Plan will be required for the entire site prior to development.

The provision of a Detailed Area Plan for this site is deemed a high importance to ensure that any future R60 development appropriately addresses the issue of the buffer and also the existing lower density residential land surrounding it.

Access

The movement network of the Proposed Structure Plan is broadly an extension of the existing road network. Gicha Close will be extended westward approximately 130m ending in a cul-de-sac. No changes are proposed to Fiore Court and West Churchill Avenue.

The proposed extension of Gicha Close will take the distance between Syndicate Link and the cul-de-sac to approximately 190m with 20 single residential lots and two grouped lots gaining access of the extended road.

The transport impact assessment provided as an attachment to the Proposed Structure Plan notes that although the length of the cul-de-sac is beyond the desirable length, the expected traffic volumes are below those seen as desirable for a cul-de-sac arrangement.

The design of the Proposed Structure Plan is not envisaged to lead to an adverse outcome in respect of traffic generation.

Community Consultation

The Proposed Structure Plan was advertised for public comment from 26 June 2012 to 17 July 2012. The Proposed Structure Plan was advertised to nearby and affected landowners published in the



Cockburn Gazette for 21 days and also referred to relevant government authorities.

In total 10 submissions were received for the Proposed Structure Plan, including:

- 3 from adjoining landowners.
- 1 from the registered proprietor of the subject land.
- 6 from government agencies.

Two submissions from adjoining landowners raised concerns regarding the nature of the proposed density along the northern side of Fiore Court. Specifically, the potential for R40 type development to occur through the amalgamation of the lots as shown on the advertised Structure Plan. Concerns went to amenity, car parking, traffic and noise. The Structure Plan has thus been amended to remove the split coded R25/40 from lots fronting Fiore Court. The lots are now shown as R25 with the potential for only one dwelling on each lot. This is considered to address the issues raised in submissions.

A submission was received from the Department of Health objecting to the Proposed Structure Plan, specifically their concerns went to:

1. Proximity of residential development to the WPWWTP Buffer.
2. Proximity of residential development to operating market gardens.
3. General health implications of 1 and 2 above.

The Department of Health's submission does not reflect how the Department of Planning and WAPC have viewed and applied decision making in respect of the WPWWTP Buffer. The buffer currently exists as a line which residential development is not permitted to take place within. To now start viewing residential development outside the buffer as not appropriate, would create an unworkable and improper application of the planning process and Scheme, and would not constitute orderly and proper planning. It needs to also be emphasised that residential development already exists up to the extent of the buffer. To therefore consider this Structure Plan as inappropriate (in line with the view of the Department of Health) would clearly raise questions as to the appropriateness of all other residential development in the Munster area outside the buffer which has been created recently.

Previous advice on the buffer is that an expansion of the boundary is not expected, nor would this be contemplated for any support by the City. The view of the Council is to aspire to have the buffer restricted to the eastern foreshore of Lake Coogee.



Therefore as the subject land of the Structure Plan is zoned 'Urban' under the MRS and the development proposed is entirely consistent with that zoning, it is considered appropriate. This is consistent with the views taken previously by the Department of Planning and WAPC in permitting subdivision for residential development throughout the Munster locality up to (but not within) the buffer.

The advice from the Department of Health appears to be inconsistent with all other advice given. Council and the WAPC have approved residential development, including medium density development, directly adjacent to the WPWWTP Buffer.

An additional item has been included in the officer recommendation for officers to write to the Department of Health to request an explanation to clarify their position on this matter.

Guidance on how to deal with issues arising from the proximity of residential development to operating market gardens is outlined in the WAPC's Planning Bulletin 63 Section 5.0 – Policy Measures which notes a number of options available to decision makers for dealing with proposed residential development on 'Urban' zoned land adjoining operating market gardens. The Department of Health's submission states that no residential development should occur within 300m of an operating market garden. As per Planning Bulletin 63 such a requirement only applies where residential development occurs on land zoned 'Rural' under the MRS.

The objections from the Department of Health are therefore noted but not supported.

All of the submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 4).

Conclusion

It is recommended that Council adopt the Structure Plan for Lots 3 and 4 West Churchill Avenue, Munster and pursuant to Clause 9.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

Strategic Plan/Policy Implications

Demographic Planning

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



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

Budget/Financial Implications

N/A

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 17 July 2012.

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme, public consultation was undertaken from 26 June 2012 to 17 July 2012. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 4).

Attachment(s)

1. Location and Context Plan
2. Aerial Locality Plan
3. Proposed Local Structure Plan
4. Schedule of Submissions
5. Letters from Minister for Planning; Department of Planning; Office of the EPA

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 13 September Council Meeting.

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

Nil.



14.7 (MINUTE NO 4852) (OCM 13/09/2012) - PURCHASE OF PORTION OF LOT 58 ERPINGHAM ROAD, HAMILTON HILL AND DEDICATION OF PUBLIC ACCESS WAY LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 LOCATION: LOT 65 ERPINGHAM ROAD, HAMILTON HILL OWNER / APPLICANT: CITY OF COCKBURN (2200882) (LGATT) (ATTACH)

RECOMMENDATION

That Council

- (1) delegate authority to the CEO to negotiate the purchase of the small portion of Department of Housing's Lot 58 Erpingham Road, Hamilton Hill (being approximately 306sqm), for the purpose of creating legal access to the City's land at Lot 65 Erpingham Road, Hamilton Hill;
- (2) request that the Minister for Regional Development and Lands dedicate pedestrian access way Lot 155 on Plan 11049 as Road Reserve pursuant to Section 56(1) of the *Land Administration Act 1997*;
- (3) indemnify the Minister for Regional Development and Lands against reasonable costs incurred in considering and granting this request; and
- (4) note the planned subdivision design for Lot 65 Erpingham Road and actions being taken to proceed with the development of the land.

COUNCIL DECISION

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

CARRIED 7/0

Background

By way of Amendments No. 38 and 76 to City of Cockburn Town Planning Scheme No. 3, the City previously supported the rezoning of the following land parcels:



- Lot 65 Erpingham Road from 'Parks and Recreation Reserve' to 'Residential' with a density code of R40;
- The pedestrian access way running north-south between Lots 65, 460 and 58 Erpingham Road from 'Local Road' to 'Residential' with a density code of R40.

These specific rezonings had links to the Phoenix Rise Master Plan and the Phoenix Central Revitalisation Strategy. These have both created a framework to develop areas of land within the Phoenix Rise area, associated with upgrades to the public realm in partnership with the Department of Housing and Satterley Property Group.

In respect of the land development components, the City's Land Management Strategy was adopted by Council in March 2011, which programmed various landholdings for development. Lot 65 Erpingham Road, Hamilton Hill is identified for development this financial year (2012/13) and Council's budget has made available funds to achieve the development of the subject land.

The purpose of this report is to affect statutory decisions of Council to enable the development to begin.

Submission

N/A

Report

Lot 65 Erpingham Road, Hamilton Hill was rezoned to provide for residential development under the Scheme. A location plan is provided at Attachment 1.

The development and subdivision of this land forms a key aspect of the Phoenix Rise Master Plan. The Phoenix Rise Master Plan was prepared and advertised in 2005, and adopted in 2006 in which the subsequent zoning changes were based. The Master Plan incorporates a number of primary elements that focus on achieving the key objectives of reducing crime, increasing safety and revitalisation of the area overall. A copy of the Master Plan and summary is attached in Attachment 2.

The City's Land Management Strategy 2011 – 2016 identifies Lot 65 Erpingham Road, Hamilton Hill as the next land parcel for development. This has been supported through the current financial year budget for Council to enable development to proceed.



The City's officers have been progressing the development for the past few months in line with the endorsed program, involving negotiating with BP Australia for an informal road access across the BP pipeline for the City's rubbish trucks to be able to access/egress from the future subdivision of Lot 65 Erpingham Road. Also locating the pipeline for the sewer design and surveying the land to create the future subdivision plans. The propose subdivision plan is provided in Attachment 3.

As the City's land is currently land locked it has been necessary to create legal access to the lot via Erpingham Road. City's Officers have initiated negotiations with the Department of Housing to purchase a portion of their Lot 58 Erpingham Road. When purchased the portion of the Department's land will be amalgamated with the adjoining Public Access Way (PAW) to create the legal access road to the City's future subdivision. Department of Housing have provided in principle agreement to the excision of the portion of their land, provided it does not interfere with their aged care facility.

This report seeks Council resolution to delegate authority to the CEO to negotiate the purchase of the portion of the Department's land and to support the PAW land being dedicated to road reserve which will be amalgamated with the Department's land to create the legal road access to the City's future development.

Separate to this, the City has prepared a letter to surrounding landowners advising them of the timeline and planning of the redevelopment of Lot 65 Erpingham Road. As Lot 65 currently comprises a playground and some limited remnant vegetation and trees, it is important that communication with all landowners be undertaken to make them aware of the planned redevelopment. A copy of the proposed letter is at Attachment 4.

Importantly the redevelopment seeks to affect the ongoing implementation of the Phoenix Rise Master Plan, which is aimed at a broad rejuvenation of the Phoenix Rise area. In terms of access, while a physical connection will exist between Erpingham Road and Eliza Court, this will not be permitted to operate as a public thoroughfare, instead being limited to access by residents and the City's rubbish trucks servicing the area.

Strategic Plan/Policy Implications

Demographic Planning

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



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

Governance Excellence

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

Budget/Financial Implications

Budget requirements for the planned redevelopment of Lot 65 Erpingham Road are provided by the current 2012/13 budget. These cover costs including land acquisition and the development of the resulting subdivision itself.

Legal Implications

Provisions of the Land Administration Act 1997 refer.

Community Consultation

Past consultation has already been undertaken with the adjoining owners regarding the proposed changes to Lot 65 Erpingham Road, which have now been formally gazetted. The City has also prepared a letter to surrounding landowners advising them of the timeline and planning of the redevelopment of Lot 65 Erpingham Road. As Lot 65 currently comprises a playground and some limited remnant vegetation and trees, it is important that communication with all landowners be undertaken to make them aware of the planned redevelopment.

Attachment(s)

1. Location Plan
2. Master Plan and Summary
3. Sketch and Subdivision Plan
4. Copy of letter sent to landowners

Advice to Proponent(s)/Applicant

N/A.

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

Nil.



14.8 (MINUTE NO 4853) (OCM 13/09/2012) - ADDITIONS AND ALTERATIONS TO EXISTING WAR MEMORIAL PARK - LOCATION: 38912R (LOT 594) ARMADALE ROAD, BANJUP - OWNER: CITY OF COCKBURN - APPLICANT: GRIFFITHS ARCHITECTS (5514436) (T CAPPELLUCCI) (ATTACH)

RECOMMENDATION

That Council recommends that the application be approved by the Western Australian Planning Commission (WAPC), for additions and alterations to the existing War Memorial Park at No. 38912R (Lot 594) Armadale Road, Banjup, in accordance with the attached plans and subject to the inclusion of the following conditions and advice notes:

CONDITIONS

1. The proposed new timber post and rail fencing is to be in the same material, finish, texture and colour as the existing fencing.
2. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
3. The proposed vehicle crossover being constructed in accordance with the City of Cockburn specifications.
4. The existing and new trees landscaping proposed for the site must be reticulated or irrigated and maintained to the satisfaction of the City.
5. The installation of outdoor lighting is to be provided within the vicinity of the proposed granite memorial block. This is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
6. An additional plaque to remember the men of Banjup who served their country in wars subsequent to World War I being provided on-site, in a location and design agreed upon by the Banjup Residents Group and Cockburn RSL to the satisfaction of the City.

ADVICE NOTE

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. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
3. Routine maintenance does not require development approval. This includes the following:
 - (i) repainting previously painted surfaces in the same colour scheme.

If there are any questions regarding what constitutes routine maintenance, the City's planning services should be consulted.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that Council recommends that the application be approved by the Western Australian Planning Commission (WAPC), for additions and alterations to the existing War Memorial Park at No.38912R (Lot 594) Armadale Road, Banjup in accordance with the attached plans and subject to the inclusion of the following conditions and advice notes:

CONDITIONS

1. to 6. As recommended.
7. A photographic record of the current War Memorial site to be provided to the City;
8. A suitably sized sign describing the War Memorial site and its history to be installed on the site or adjacent to the site; and
9. Electrical power points and a water tap to be installed at a suitable location on the site.

ADVICE NOTE

1. to 3. As recommended.

CARRIED 7/0



Reason for Decision

A photographic record of the existing War Memorial site needs to be provided to the City for historical purposes. A sign describing the War Memorial and its history needs to be installed on the site or adjacent to the site to inform anyone stopping at the site of its significance in the history of the Banjup community. Electrical power points and a water tap need to be installed at the locality to assist with meeting the needs of catering for the growing number of people attending ceremonial activities at the War Memorial.

Background

The City was approached by Main Roads WA earlier this year requesting information about the Banjup Memorial Park. Their specific enquiry related to their plans for the upgrade of Armadale Road, and how this may impact on the Memorial site.

From the outset the City advised Main Roads WA of the importance of the Memorial park, and the proposals which potentially impacted on the Memorial would be of great community interest. Effectively, the City advised Main Roads WA of the need to approach this issue in a consultative manner, and as a minimum, engage suitably qualified heritage expertise to identify any impacts on the Memorial Park and determine how they could be managed.

The subject site is included on the City's Heritage List and is subsequently protected by the City's Town Planning Scheme No. 3. It has a 'Category B - Considerable significance' management classification under the City's Local Government Inventory which prescribes the following:

- *“Very important to the heritage of the locality.*
- *Conservation of the place is highly desirable.*
- *Any alterations or extensions should be sympathetic to the heritage values of the place.”*

A search of City's records has confirmed that site was originally vested to the City by the Governor of Western Australia on 2 August 1988 under Section 33 of the then *Land Act 1933*. The purpose of the vesting is stated as being for a “War Memorial”.

As mentioned above the City received a request from Main Roads WA to modify the boundaries of the subject site, in order to address the future land requirements needed for the future widening of Armadale Road.



The City subsequently advised Main Roads WA that it will not support the excision of the land until such time that a comprehensive study is undertaken to determine the suitability or otherwise of the proposed works.

In this regard, the City advised Main Roads WA that a development application will need to be lodged with the City for approval and will need to include a detailed heritage assessment of the site. As such, given the above has now been received through a formal development application, the proposed works to the War Memorial Park are now being considered.

As the proposed development will take place on land reserved under the Metropolitan Region Scheme (MRS) for 'Regional Reserve – Parks and Recreation', the approval of the Western Australian Planning Commission (WAPC) is required in accordance with the Public Works Act and Planning and Development Act 2005.

Therefore, the City of Cockburn has forwarded the application to the WAPC for determination by the WAPC in accordance with Part IV – Development Division 1, Clause 29 (1) of the MRS.

It should be noted that the City considers the overall support of the Cockburn Returned and Services League Sub Branch and the wider Banjup community being of key importance. As such the input of the Returned and Services League (RSL) and the Banjup Residents Group has been sought as part of this application and as a result of the sites associated importance, has been referred to Council before a recommendation to the WAPC is provided.

Submission

N/A

Report

A search of City's records has confirmed that site was originally vested to the City by the Governor of Western Australia on 2 August 1988 under Section 33 of the then *Land Act 1933*. The purpose of the vesting is stated as being for a "War Memorial".

As mentioned above the City received a request from Main Roads WA to modify the boundaries of the subject site, in order to address the land requirements needed for the future widening of Armadale Road.

The City subsequently advised Main Roads WA that it will not support the excision of the land until such time that a comprehensive study is



undertaken to determine the suitability or otherwise of the proposed works.

In this regard, the City advised Main Roads WA that a development application needed to be lodged with the City for development approval and would require a heritage assessment of the site and impacts.

As the proposed development will take place on land reserved under the Metropolitan Region Scheme (MRS) for 'Parks and Recreation', the approval of the Western Australian Planning Commission (WAPC) is required.

Further the works are not considered to fall under the Public Works act or exemptions for Public Authorities as the scope of the works are not directly related to the construction of roads by MRWA and are not being conducted by the vested authority (City of Cockburn) or in accordance with a Management Plan approved by the WAPC.

On receipt of the application the City forwarded the application to the WAPC for determination in accordance with Part IV – Development Division 1, Clause 29 (1) of the MRS.

In assessing the application the City considered the support of the Cockburn Returned and Services League Sub Branch and the wider Banjup community being of primary importance. As such the input of the Returned and Services League (RSL) and the Banjup Residents Group has been sought as part the City's assessment. Due to the site's social importance and heritage significance, the matter has been referred to Council for a recommendation to the WAPC to be provided.

As part of the application, a Heritage Impact Statement for the modifications to the park has been prepared and is an attachment to this Report (Attachment 2) given the site is included in the City of Cockburn's Municipal Inventory 'Category B' being of considerable significance.

The proposal involves the removal of 5 metres of the memorial from the front of the lot to provide a larger distance between the widened Armadale Road and the park. In addition, the rear fence will be removed and the park extended 7 metres to the northern site boundary.

In order to mitigate the effects of the modification, a number of improvements are proposed to enhance the social and heritage values of the place. The alteration works involve the following:



1. A more substantial memorial, located towards the rear of the reserve, designed and developed in consultation with the Cockburn RSL Sub Branch.
2. A flag pole and new trees (of suitable species) to 'stand guard' of the new memorial - tree selection to be in accordance with the City's 'Grow Local Plants Guide'.
3. Safer access/egress to the site including driveway and parking area as part of the new upgraded Armadale Road design;
4. Suitable lighting to signify and highlight the prominence of the site.
5. Upgraded fencing.
6. Demonstration that any reduction in the size of the site being suitably offset by improvements to its overall aesthetic value and function.
7. Suitable seating and resting facilities.

In addressing the above, the proposed application has provided a new granite memorial block, 1.5 metres high, at the rear of the site, flanked by two (2) new trees and a new steel flagpole. The new trees are to replace the removal of the front trees which are need to be removed due to the road widening. Flooded Gums (*Eucalyptus Rudis*) have been selected from the City's "Grow Local Plants" guide as they grow to a tall height and do well in the area.

Consultation was undertaken by Griffiths Architects for MRWA with the Cockburn RSL local sub branch to ascertain their aspirations for the place in order to retain the social values associated with the Memorial. As confirmed by the Cockburn RSL when asked to provide comments on the proposal after being referred the application by the City, the RSL requested a new granite memorial block to be included as part of the new development. As such, the memorial will have the original dedication plate fixed to the new block with commemorative inscriptions to be devised by the RSL, which the RSL has confirmed.

In addition, the flagpole proposed for the rear of the site will be used by the RSL and by the community for remembrance ceremonies which currently is not the case and will enhance the value of the place and reinforce its purpose as a memorial.

The modification of moving the memorial away from Armadale Road by approximately 5 metres is a result of ensuring the natural bush context of the place will be preserved due to the Memorial Park protruding into the Armadale Road reserve. During pre-lodgement discussions, the City of Cockburn requested the provision of safer access and egress to the site via a driveway and small parking area which is now proposed. The provision of two (2) car parking bays in the road reserve is seen as being suitable given the low intensity of use and likely need for parking at the site.



The proposed works are considered to improve the safety of and access to the site and will also enhance the memorial's visibility from Armadale Road which will result in it being a more recognisable place of remembrance.

In regard to lighting, no details have been provided as to how this will be addressed in order to highlight the prominence of the site given that the site is not powered. However, it is considered important that the site does provide lighting to highlight the prominence of the site and as such, a condition has been recommended that around the proposed new granite memorial block, lighting is to be provided.

The fencing locations are to be modified by this proposal. As a result, new fencing is proposed for the front and rear of the site. Rotting timbers will be replaced and the fence painted to match the existing colour scheme. The new fencing will match the timber post and rail fencing, and is compatible with the values of the site.

Given the modification to the site layout, improvements have been proposed to ensure the heritage value and function of the place is enhanced. As outlined earlier in this report, two (2) new trees, a new flagpole, new granite memorial block and relocation of park bench away from Armadale Road have been provided. These improvements and additions are seen as potentially enhancing the social heritage values of the place and providing necessary upgrades in order to promote the importance and use of the site.

Conclusion

Through the retention of the majority of the trees on-site, a commemorative block that is more substantial than the existing dedication plaque and the introduction of a flagpole to the rear of the lot, the overall scale of development proposed for the site is seen as enhancing the popularity and awareness of the place compared to the site currently.

The proposed additions and alterations to the site are seen as enhancing the site's significance. In addition, the Cockburn RSL, State Heritage Office and Banjup Residents Group have all indicated support of the proposed works.

In light of the above, it is considered that the proposed modification of the lot boundary and improvements proposed for the War Memorial Park is able to be supported as it is generally consistent with the provisions of the City's APD64 – Heritage Conservation Design Guidelines.



It is recommended that Council recommends the application be approved by the WAPC, subject to conditions set out in the proposed recommendation to address the above matters.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

The costs will be borne by Main Roads, WA.

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005
State Administrative Tribunal Regulations
State Register of Heritage Places

Community Consultation

Given the City considers the overall support of the Cockburn RSL Sub Branch and the wider Banjup community, the proposed works have been referred to the Cockburn RSL Sub Branch and the Banjup Residents Group as well as the RSL WA Branch and the State Heritage Office for comment.

A copy of the schedule of submissions is detailed in attachment 5.

Attachment(s)

1. Existing and Proposed Location Plan
2. Photos of existing site
3. Heritage Impact Statement
4. Schedule of Responses from consulted Organisations

Advice to Proponent(s)/Submissioners

The Proponent and those organisations who were consulted to provide comments on the proposal have been advised that this matter is to be considered at the 13 September 2012 Council Meeting.



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

Nil.

- 14.9 (MINUTE NO 4854) (OCM 13/09/2012) - EIGHTEEN (18) MULTIPLE DWELLINGS - LOCATION: 509L (LOT 509) CARRINGTON STREET, HAMILTON HILL - OWNER: BETTY JUNE MATTHEWS - APPLICANT: DEVELOPTIONS (2200638) (T CAPPELLUCCI) (ATTACH)**

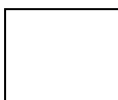
RECOMMENDATION

That Council:

- (1) grant planning approval for eighteen (18) multiple dwellings at No. 509L (Lot 509) Carrington Street, Hamilton Hill, in accordance with the attached plans and subject to the following conditions and advice notes:

CONDITIONS

1. Prior to the application for a Building Permit, revised plans are to be submitted showing the first and second floor balconies on the northern elevation, in accordance with part 7.4.1 of the Residential Design Codes with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.
2. Prior to the application for a Building Permit, details of a proposed security gate and fencing towards Wheeler Road and Carrington Street entrances to the site is to be provided.
3. Prior to the issue of a Building Permit, a construction management plan is to be prepared and submitted to the satisfaction of the City. The plan should address the following items:
 - a) Access to and from the site.
 - b) Delivery of materials and equipment to the site.
 - c) Storage of materials and equipment on the site.
 - d) Parking arrangements for contractors and subcontractors.
 - e) Management of construction waste.
 - f) Other matters likely to impact on the surrounding properties.



4. Prior to the issue of a Building Permit, a materials schedule shall be submitted to and approved in writing by the City. The schedule should include reference to the materials proposed and include their finish and colour. The development shall be constructed in accordance with the approved materials schedule.
5. Outdoor lighting is to be provided to pathways, communal open space and car-parking areas, the details of which are to be shown on the plans submitted for building permit approval to the satisfaction of the City.
6. Landscaping including verge planting is to be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented prior to the occupation of the dwellings hereby approved. Any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
7. Visitor parking bays (as shown on the approved Site Plan) are to be located and constructed to the City's specifications with the cost to be fully borne by the applicant/owner and made available for use by visitors to the site at all times.
8. All service areas (bin stores) and service related hardware, including antennae, satellite dishes, air-conditioning units etc, being suitably located away from public view and/or screened, the details of which are to be provided to the satisfaction of the City of Cockburn prior to the issue of a Building Permit.
9. The parking bays, driveways and points of ingress and egress to the parking bays and subject site shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
10. Crossovers and bin pads are to be located and constructed to the City's specifications. Copies of specifications are available from the City's Engineering Services.
11. 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.

12. The premises must clearly display the street number.
13. All stormwater being contained and disposed of on-site to the satisfaction of the City.
14. During the construction phase, no activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
15. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
16. Arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata subdivider contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
17. The surface finish of the boundary wall abutting the adjoining lots is to be finishes and maintained to the satisfaction of the City.
18. All storage rooms abutting proposed car parking bays are to have their doors opening inwards.
19. During the construction phase, measures to the satisfaction of the City are to be undertaken to prevent sand and or dust blowing onto adjoining properties in accordance with an approved Dust Management Plan (the subject of Condition 20)
20. Vehicle access to and from the subject site is restricted to Wheeler Road with no vehicle access between the subject site and Carrington Street being permitted.
21. Prior to occupation of the development hereby approved, the proposed eight (8) covered bicycle stands are to be provided in close proximity to the entrance of the building and thereafter maintained to the satisfaction of the City.
22. The development to comply with the provisions of the approved Waste Management Plan dated received 15



August 2012.

23. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
24. Adequate refuse bins shall be provided to service the development and bins are to be screened from view to the satisfaction of the City before the development is occupied or used.
25. No earthworks shall encroach onto the Carrington Street road reserve.
26. No stormwater drainage shall be discharged onto the Carrington Street road reserve.

ADVICE NOTES

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In relation to Condition 4, the schedule of materials, finishes and colours must be directly related to the information and details shown in the approved perspective.
3. Condition 13 requires the on-site storage capacity be designed to contain a 1 in 20 year storm of a 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.
4. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, condition 16 will be deemed to have been complied with.
5. In regards to Condition No. 17, the surface finish of the boundary walls of the adjoining lots should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a



- clean or rendered finish to the satisfaction of the City.
6. Condition No. 18 has been applied in order to ensure that storage room doors do not open into car spaces as per the Australian Standards.
 7. With reference to Condition 24, external bin enclosure(s) must be and of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. Further information can be obtained from the City's Environmental Health Service.
 8. As this property is in close proximity to the possible future intersection of Roe Highway and Carrington Street, it is recommended that a transport noise assessment is undertaken and any noise amelioration measures or quiet house design principles recommended in this assessment be included in the final design and construction of these units.
 9. The installation of outdoor lighting (if proposed) shall be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
- (2) notify the applicant and those who made a submission of the Council's decision.

COUNCIL DECISION

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

CARRIED 7/0

Background

Zoning:	MRS: Urban
	TPS3: Mixed Business – R60
Land use:	Multiple Dwellings
Lot size:	1629m ²
Use class:	D



The subject site is located at No. 509L Carrington Street in Hamilton Hill and contains an existing older building previously used as a dance studio as well as an existing car park. The site is zoned 'Mixed Business' however as per Clause 5.8.3 (b) of the Town Planning Scheme No. 3, the residential zoning for the site is R60. The site has vehicular access from Wheeler Road and contains a fall of approximately 3 metres from east to west. The subject site is also in close proximity to several commercial developments including the 'Local Centre' and 'Mixed Business' zoned areas on the corners of Carrington Street and Rockingham Road to the south of the site.

The application was initially submitted to the City on the 22 December 2011 for seventeen (17) multiple dwellings over two-storeys. However, the City had been involved in pre-lodgement meetings with the applicant well before the application was submitted for Approval. One of the main issues resolved as part of the pre lodgement process was vehicular access. As Carrington Street is a Primary Regional Road Reserve (Category 3) the applicant was advised to contact the Department of Planning for further advice regarding suitable access arrangements from Carrington Street. The result was that the Department of Transport recommended that all vehicle access to the subject site be from Wheeler Road.

After the application was initially submitted, additional details, reports and modifications were provided before the subject development was initially put on advertising to the directly affected neighbours on the 24 April 2012. The application was advertised as a result of variations proposed to upper floor side setbacks to the northern and southern abutting properties of No. 62 Wheeler Road and No. 402 Carrington Street.

As a result of this consultation, an objection was received from the Port School site. The prominent reason for the objection was the school's concerns of the developments ground and upper floor outdoor living areas/balconies being orientated towards the north facing courtyard of the school which is the predominant meeting point of the school and as a result, substantial noise is generated from this area.

As a result of the school's objection, the applicant was informed of the subject issue and prepared amended plans accordingly to ensure the balconies on the upper floors facing the school were screened accordingly. However, given the application was brought to the attention of Councillors by the Principal of the Port School, an on-site meeting was conducted on the 31 May 2012. In attendance at the on-site meeting were the applicants, the Principal of the Port School, representatives from the City's Statutory Planning department and the Mayor with a few Councillors.



The result of this on-site meeting was that the applicants had to revise their plans in order to reduce the prominence of outdoor living areas and balconies facing the school site.

The applicants then prepared modified plans dated stamped 20 July 2012. Given these new plans also proposed variations to the other northern property at No. 62A Wheeler Road, a meeting was organised at the City's offices on the 31 July 2012 with all three (3) adjoining landowners, the applicants, the City's officers, the Mayor and Councillor Lee-Anne Smith in attendance. The meeting provided the opportunity for the applicants to explain the proposed modified application (detailed in the submission section of this report) as well as allowing the adjoining landowners to provide any comments they wished to raise on the new proposal.

Given the previous consultation with neighbours conducted, all the adjoining landowners were sent out copies of the modified plans and given 14 days to provide their final comments on the development. As such, this application has been referred to Council for determination as the proposal constitutes a 'D' use in the City's Town Planning Scheme No.3 which was advertised to nearby landowners and two (2) objections to the proposal were received.

Submission

The applicant seeks approval to construct eighteen (18) multiple dwellings. The development comprises of two (2) buildings consisting of ground floor car parking for the residential units, four (4) ground floor units, ten (10) first floor units and four (4) second floor units, drying areas, store rooms, bicycle parking, communal drying courtyard, bin storage as well as ample visitor parking.

The intent of the development is to provide affordable housing options to both first home buyers and local residents of Hamilton Hill. The development is intended to be sold to the market or to the Department of Housing and works as part of the Affordable Housing Strategy providing housing diversity and options to the area other than single and grouped housing typologies.

After the on-site meeting conducted on the 31 May 2012, the applicants had no further discussions with the neighbouring properties relating to the design until the meeting held at the City's offices on the 31 July 2012 with all affected parties. Given the response to the on-site meeting and on-going consultation with the City's Planning Officers, the plan has been revised with the following being a summary of the main changes to the design which have occurred:



1. Four dwellings on the ground floor instead of eight with the previous design, significantly less boundary walls therefore less bulk on the boundary and no boundary walls on the southern side.
2. Dispersion of the bulk of the first floor development over the entire development site rather than just towards the Carrington Street frontage which includes two separate buildings.
3. The introduction of a second floor at the two street frontages to provide better interaction with the streets at both ends of the development site.
4. Activation of the Wheeler Street frontage for better streetscape and urban design presentation.
5. Additional (18th) Ground floor adaptable living unit to Wheeler Street frontage to provide housing choice to those who require universal accessibility.
6. No courtyards facing the Port School to maximise privacy and lessen the potential for acoustic disruption of the school onto our development.
7. Introduction of a communal open space area for the benefit of all residents on site.
8. Skillion roof style to minimise the overall height of the building and lessen the bulk and scale of the development.
9. One (1) vehicle parking bay has now been provided per unit including one (1) adaptable bay and adequate and compliant visitor parking bays.

The proposal does not comply with ground floor setbacks to the southern boundary. The final plans proposed, as presented at the meeting held at the City's offices on the 31 July 2012, were advertised to the directly adjoining landowners for comment. Three (3) submissions were received with two (2) objections and therefore, the subject development is being referred to Council for determination given multiple dwellings is a 'D' discretionary use within a mixed business zone.

Report

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

Statutory Framework

Town Planning Scheme No. 3

The subject site is zoned Mixed Business under the City's Town Planning Scheme No. 3 (TPS 3) and multiple dwellings are a 'D' use which means that *"the use is not permitted unless the local government has exercised its discretion and has granted planning approval."*



Council therefore has the discretion to issue planning approval for the proposed development.

State Planning Policy 3.1 - Residential Design Codes of Western Australia

The proposal has been assessed under the Residential Design Codes of Western Australia (R-Codes) which were modified in November 2010 to incorporate provisions for multiple dwellings in areas with a coding of R30 or greater. This section of the R-codes provides development assessment criteria for multiple dwellings.

The dwellings have been assessed against the residential provisions of the R-Codes and are deemed to comply with acceptable development provisions with the exception of the ground floor setback of the stairs/stores/bin storage on the southern boundary. The stairs/stores and bin storage proposes a 1.2 metre setback. The total length of the wall is 57.41 metres and the height of wall is less than 3.5 metres, with no major openings and therefore the required setback is 1.5 metres. However, the proposed minor setback variation is considered acceptable as it satisfies the performance criteria of Clause 7.1.4 of the R-Codes in the following ways:

1. Does not impact on the amount of sunlight available and ventilation for buildings and open space associated with them.
2. The articulation in the wall allows for the moderation the visual impact of the building bulk.
3. This wall is predominantly adjacent to a neighbouring driveway.
4. Adjoining properties to the south have access to direct sun.
5. The proposal complies with the R-Code requirement relating to privacy.

In addition, with the first and second floor balconies within the cone of vision of the northern properties at No. 64A Wheeler Road and No. 402 Carrington Street, a condition has been recommended requiring the balconies to be screened in accordance with part 7.4.1 of the Residential Design Codes with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level.

Neighbour Consultation

The proposal was advertised to the three (3) adjoining landowners considered to be potentially affected by the proposal. Three (3) responses were received consisting of two (2) objections and one (1) non-objection. The planning issues raised during the consultation process are detailed in attachment 8, schedule of submissions.



Traffic

Given the nature of the site, a request for a traffic impact study was requested to ensure that the City is provided with adequate information to assess the transport related impacts of the development.

The development fits into the WAPC Transport Assessment Guidelines for Developments category of having a moderate impact, for which a transport statement should be provided. The impact of the proposal on local traffic has been assessed by the City's Engineers who consider that the existing road network can accommodate additional traffic movements resulting from the proposed development. This is due to the scale and number of expected vehicle movements generated by the residential dwellings.

In addition, as the site abuts a Red Primary Regional Road (Carrington Street) the application was referred to Main Roads for comments. As noted earlier in this Report, the applicant prior to lodging the application for approval with the City contacted the Department of Transport who informed them that future vehicle access from Carrington Street would not be available to service the proposed site. Given therefore the site is accessed from Wheeler Road, the development was considered acceptable by Main Roads subject to conditions and an advice note which have been considered.

Built Form

The proposed development consists of two (2) buildings within the site with it being split between two and three storeys. The heights of the proposed site are compliant with the R-Code requirements for multiple dwellings site zoned R60, with a maximum external wall height allowed of 9 meters and top of concealed roof height of 10 metres above natural ground level.

The contemporary facade of the buildings, in particular towards the Wheeler Road elevation, which comprises a select range of attractive external wall surface treatments that will provide articulation and interest to the streetscape, balconies assisting in providing passive surveillance of the Wheeler Road streetscape and will make an attractive addition to the streetscape.

Conclusion

The proposal for a three-storey multiple dwelling development consisting of a eighteen (18) dwellings is considered to provide additional dwellings within close proximity to the Hamilton Hill Activity Centre. The proposal has been assessed on its merits and is supported for the following reasons:



1. The development component complies with the requirements of the Residential Design Codes.
2. The proposal is consistent with the State Government's Directions 2031 document which promotes density nearby designated activity centres.
3. The proposal is considered to increase vibrancy and activity to a site currently occupied by a vacant building.
4. The proposal will provide a housing type (apartments) which is relatively uncommon in the area adding to a diversity of housing and residents within the Phoenix precinct.
5. The proposal is considered to enhance surveillance of the area.
6. Only highlight windows and screened balconies are provided to the northern elevation, therefore no visual privacy issues are prevalent.
7. The bulk and scale of the building is mitigated through the use of skillion roof design and through the provision of two buildings with the third level only being provided to the front sections of both buildings.
8. Traffic generated by the development is not considered excessive and is considered to be adequately accommodated within the existing road network.

In light of the above, it is recommended that Council approve the application, subject to the conditions confirmed in the officer's recommendation to address the above matters.

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

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



Community Consultation

In accordance with Council's Town Planning Scheme No. 3, Clause 9.4, the original proposal was initially advertised to the northern and southern neighbouring properties of No. 62 Wheeler Road and No. 402 Carrington Street for comment given the variations proposed for side setbacks on the proposed upper floor of the subject development. As a result of this initial consultation, an on-site meeting was conducted on the 31 May 2012 with the applicants, the City's officers, select Councillors and the Mayor, along with the Principal of the adjoining Port School, Mr Barry Finch.

As a result of this on-site meeting, the applicant then lodged amended plans dated stamped 12 July 2012 to address the City's and Port Schools concerns. With these new plans submitted, given variations where now proposed towards the other northern property at No. 64A Wheeler Road, a meeting was held at the City's officers on the 31 July 2012 with all three (3) adjoining land owners, the City's officers, the applicants, the Mayor and one (1) councillor. The meeting gave the opportunity for the applicants to explain the changes they have made from the initial application as well as provide an opportunity for the adjoining landowners to view the modified plans and get an understanding of the proposed development.

As agreed upon at this meeting, the City sent copies of the new plans to each of the three (3) neighbouring properties for them to provide comments on. This resulted in the City receiving three (3) submissions with two (2) objections received. A copy of the schedule of submissions is detailed in attachment 8.

In addition, as the proposed development abuts a Red Primary Regional Road (Carrington Street) the application was referred to Main Roads for comment. As access to the site is from Wheeler Road, this development was acceptable to Main Roads subject to conditions and an advice note, which have been included in the recommended conditions. Details of the submission have been included in attachment 8.

Attachment(s)

1. Site Plan
2. Overshadowing Plan
3. Landscaping Plan
4. Floor Plans
5. Elevations
6. Existing Site Plans
7. Waste Management Plan
8. Traffic Report



9. Applicants Response to Final Submissions
10. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those landowners who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 September 2012 Council Meeting.

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

Nil.

14.10 (MINUTE NO 4855) (OCM 13/09/2012) - TWO CONSULTING ROOMS - LOCATION: LOT 453 (NO. 3/1) MACQUARIE BOULEVARDE, HAMMOND PARK - OWNER: BUCKOS WA PTY LTD ANORS - APPLICANT: ERWIN BIEMEL AND ASSOCIATES (6006998) (R SIM) (ATTACH)

RECOMMENDATION

That Council :

- (1) refuse to grant approval to commence development for an additional consulting room at Tenancy 3 No.1 Macquarie Boulevard for the following reasons:
 1. The proposed development does not comply with the car parking standards of Town Planning Scheme No.3.
- (2) advise the owners of 1 Macquarie Boulevard of the extent of the existing onsite parking shortfall in writing.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr C Reeve-Fowkes that Council:

- (1) approves the development for an additional consulting room at Tenancy 3, No.1 Macquarie Boulevard, Hammond Park, subject to the following conditions and advice notes:
 1. This use is limited to the operation of two consulting rooms only.



2. Signage not listed in Schedule 5 of the City of Cockburn Town Planning Scheme No. 3 requires a separate Planning Approval from the City.
- (2) advise the owners of 1 Macquarie Boulevard of the extent of the existing onsite parking shortfall in writing.

CARRIED 7/0

Reason for Decision

The proponent has verbally advised his intention to operate a GP after hours service which complements the City's Vision and Lifestyle Aspirations.

This proposal clearly identifies and responds to community needs, expectations and priorities for services that are required to meet the changing demographics of the district. This will also ensure that we achieve higher levels of convenience for our citizens by providing after hours medical facilities.

We must not deny those residents who live within walkable distances of this medical practice access to a GP after hours, nor should public transport passengers be denied this facility purely on vehicle parking bays.

Today's communities need efficient medical service and studies show there is an acute shortage of local doctors. By allowing another Doctor into this community will ensure a better service to this community and instead of causing a parking problem, will move or shift vehicles faster from the area

A flexible approach will produce a more convenient outcome for our residents.

Background

The proposal seeks to modify an existing approval (DA12/0554) for a Medical Consulting Room at 3/1 Macquarie Boulevard Hammond Park. The Change Of Use to medical consulting room for Unit 3 was approved under delegated authority by the City on 19 July 2012 as the development was within the extent of officer delegation. The applicant chose not to apply for two consulting rooms at the time to ensure that the use could commence without needing to wait for a determination at a Council meeting. Approval to increase the number of consulting



rooms to two is beyond Officer delegation due to the size of the variation to car parking standards at the shopping centre.

Submission

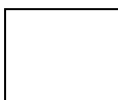
The applicant now seeks to modify the existing approval to increase the number of practitioners from 1 to 2. The previous planning approval contained a condition which restricted the number of practitioners operating from the approved consulting room at any one time to 1 practitioner as there was no delegation to issue an approval which further increased the car parking shortfall. At the time the applicant only sought approval for a single consulting room to allow the application to be determined under delegated authority.

Report

Lot 453, No. 1 Macquarie Boulevard is zoned 'Local Centre' under The City of Cockburn Town Planning Scheme No. 3. The site consists of a supermarket and 5 specialty shops and was approved by Council as part of development application consisting of a supermarket, shops, tavern and drive through bottle shop on Lots 453 and 454, No.'s 1 and 2 Macquarie Boulevard. (Refer OCM 13/11/2008 Minute Number 3833). The supermarket and 5 specialty shops at Lot 453 No. 1 Macquarie Boulevard was approved by Council with an onsite provision of 69 parking spaces in lieu of the required 101 parking spaces under the provisions of the scheme.

On 24 March 2011, the City approved a change of use from shop to consulting rooms under delegated authority at tenancy 2a 1 Macquarie Boulevard, which has a floor space of 100m². The parking standard for the use class 'shop' under the Scheme is 1 parking bay per 12m² of GLA, while the use class 'consulting room' attracts a parking standard of 5 parking bays per medical practitioner or consulting room. Given that this change of use was approved with a condition restricting the number of medical practitioners to 1 practitioner at any given time, the overall parking shortfall at 1 Macquarie Boulevard was reduced from 32 to 28 parking bays.

An application for a change of use from shop to consulting room was approved under delegated authority by the City for tenancy 3, on 19 July 2012 which has a floor space of 83m². A condition restricting the number of medical practitioners operating from the subject site at any given time to 1 medical practitioner was also imposed, which further reduced the onsite parking shortfall to 26 bays. Should an additional medical practitioner be approved to operate from the tenancy 3, the onsite parking shortfall at 1 Macquarie Boulevard would increase to 29 parking bays.



An assessment of the current onsite parking provision at Lot 453, No 1 MacQuarie Boulevard and Lot 454, No 2 MacQuarie Boulevard is as follows:

LOT 453, NO. 1 MACQUARIE BOULEVARD HAMMOND PARK		
APPROVED USE	REQUIRED PARKING SPACES	CAR SPACES
TENANCY 1 SUPERMARKET (800M ² NLA)	1 CAR SPACE: 12M ² NLA	66.7 CAR SPACES
TENANCY 2A (HAMMOND PARK FAMILY PRACTICE) (CONSULTING ROOM – 1 PRACTITIONER 100M ² NLA)	5 CAR SPACES PER MEDICAL PRACTITIONER	5 CAR SPACES
TENANCY'S 2 (PHARMACY) (131M ² NLA SHOP/PHARMACY)	1 CAR SPACE PER 12M ² NLA	10.9 CAR SPACES
TENANCY 3 (PROPOSED CONSULTING ROOMS WITH 2 PRACTITIONERS APPROX 77M ² NLA)	5 CAR SPACES PER PRACTITIONER	10 CAR SPACES
TENANCY 4 (SHOP/CAFE 100M ² NLA)	1 CAR SPACE PER 12M ² NLA	8.3 CAR SPACES
	TOTAL REQUIRED: 101 CAR SPACES	TOTAL PROVIDED: 69 CAR SPACES

LOT 454, NO. 2 MACQUARIE BOULEVARD HAMMOND PARK		
TAVERN (306M ² SEATED, 122M ² STANDING)	1 CAR SPACE PER 4 SEATS (SEATED AREA) 1 CAR SPACE PER 2M ² NLA (STANDING AREA)	77 CAR SPACES 61 CAR SPACES



SHOP (DRIVE THROUGH BOTTLE SHOP 176M2	1 CAR SPACE PER 12M2 NLA	14.7 CAR SPACES
	TOTAL REQUIRED: 152 CAR SPACES	TOTAL PROVIDED: 101 CAR SPACES

The City's APD 10; *Discretion to modify development standards – non residential development* permits variations to the acceptable development standard with regard to matters such as onsite parking of up to 20% to be approved under delegated authority. Any applications for development such as a change of use which result in a car parking variation of 20% or more are required to be determined by Council. The current proposal DA12/0660 will increase the total parking shortfall to 29 parking spaces. As the variation exceeds 20% Council determination is required.

Despite the reciprocal parking arrangement between the Tavern and Shopping Centre sites, there is a substantial car parking variation. Given that there is a large existing onsite parking shortfall, the expansion of the centre to two practitioners will exacerbate the car parking shortfall further and this is contrary to the objective of providing well serviced accessible retail centres.

The applicant has provided letters of support from the adjoining tenancies at 1 Macquarie Boulevard, the Fremantle Health Service and members of the immediate surrounding community in Hammond Park.

Letters and a multi party signature letter with around 250 supporting signatures have been lodged with the application and are at Attachment 2.

In light of the above, the proposal is recommended for refusal due to the extent of non compliance with Town Planning Scheme No.3 car parking requirements at the Centre.

Strategic Plan/Policy Implications

Demographic Planning

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



Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Application plans
2. Site plan
3. Letters of support

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 13 September, Council Meeting.

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

Nil.

14.11 (MINUTE NO 4856) (OCM 13/09/2012) - TWO GROUPED DWELLINGS - LOCATION: 19 TANUNDA ROAD, COOGEE - OWNER: ALAN MARIN & JACKIE PECOTIC - APPLICANT: ANTHONY RECHICHI ARCHITECTS (3316858) (T. CAPPELLUCCI) (ATTACH)

RECOMMENDATION

That Council

- (1) grant approval for two grouped dwellings at No. 19 (Lot 78) Tanunda Road, Coogee, in accordance with the attached plans and subject to the following conditions and advice notes:

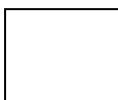


CONDITIONS

1. Walls, fences and landscaped areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
2. All stormwater being contained and disposed of on-site to the satisfaction of the City.
3. During the construction phase, no activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. The proposed crossover must be located and constructed in accordance with the City's requirements.
5. The dwellings must be connected to the reticulated sewerage system of the Water Corporation prior to occupation.
6. The surface finish of the boundary walls abutting adjoining lots and reserves are to be either face brick or rendered the same colour as the external appearance the dwellings.
7. The boundary walls to the adjoining Public Open Space reserve shall be finished with an anti graffiti coating to the satisfaction of the City.
8. *Arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata subdivider contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.*
9. Any vegetation removed or damaged on Rotary Park reserve during construction is to be reinstated to the satisfaction of the City.
10. *Pedestrian access between Rotary Park and Tanunda Close shall not be restricted during construction.*

ADVICE NOTES

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



- the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regard to Condition 2, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of a 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.
 3. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition No. 5 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 6.3 of the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at: www.cockburn.wa.gov.au/communityinfrastructure
 4. This development has been assessed and approved as 'grouped dwellings' and should not be construed as an approval to subdivide the land which will be assessed if and when an application is referred from the Western Australian Planning Commission.
- (2) advise those who made submissions on the proposal of the Council's decision.

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

CARRIED 7/0

Background

Zoning:	MRS: Urban
	TPS3: Residential R20
Land use:	Grouped Dwellings
Lot size:	920m ²
Use class:	P



Submission

The applicant seeks approval to construct two grouped dwellings with a 2.5 story profile. The proposed new dwellings result in a maximum top of wall (roof over) height of 8.14 metres and 8.21 metres above ground level respectively which is a variation to Policy.

The proposed variations were advertised to surrounding landowners. One (1) submission was received which objected to impacts on views.

Report

Coogee Residential Height Requirements Policy APD 53

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

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

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

The policy states that building heights for residential development shall be limited to those specified in the policy and that any proposal that exceeds the requirements is to be advertised for public comment.

Building Height

As mentioned above, the proposal will result in two dwellings both with a portion of their wall height exceeding the maximum wall height by 1.14 metres (front unit) and 1.21 metres (rear unit).

The top of wall heights exceed Council's policy for the front dwelling on the street (northern) and west (common driveway side) elevations and the rear dwelling on the east (side), north (internal) and west (driveway) elevations.

Despite the wall height variation both dwellings are compliant with R-Codes boundary setback requirements except for the wall on the eastern boundary, abutting the Rotary Hill public open space reserve, where both dwellings have variations from the second floor as well as boundary wall length variations.



Overshadowing is fully compliant with the R-codes as only 2.7% (27m²) of the site area of No. 16 King Street is overshadowed where the R-codes permit up to 25% (or 250m²) to be overshadowed as of right.

The site has a very significant slope as the site rises approximately 5m from the front up to the rear and across the site. The steep gradient and cross fall of the land means that the wall height variations are limited to the western portion of the site for both dwellings along with the maximum occurring on the northern elevations for each dwelling.

Both dwellings have generally been designed to respect the natural ground levels existing on-site by incorporating ground floor levels below existing natural ground levels. The visual impression will be of the natural level of the site being maintained by stepping and retaining the development in sections across the site.

Building Side and Rear Setbacks

The application proposes side setback variations from the second floors of both dwellings to the eastern side boundary abutting Rotary Park. The second floor wall consisting of the Activity/Linen/Stair wall is setback 3 metres from the boundary in lieu of the required 4.3 metres as required by the R-Codes due to a major opening window proposed from the activity room overlooking the park.

The setback would comply without the windows overlooking the park, however it is considered beneficial to have windows to active living spaces overlooking public spaces in the interest of crime prevention. Passive surveillance of public space has been shown to improve to safety and security of public spaces. The side setback variations are therefore considered compliant with the Performance Criteria of Clause 6.3.1 of the R-Codes.

Garage Setback to Primary Street

The proposed front dwelling's garage is accessed from the common property access leg and is setback 1.65 to 2.6 metres from the street in lieu of the required 3 metres as per the R-Codes as well as being forward of the ground floor building line of the dwelling.

Given that the garage is a half basement due to the slope of the land and the 2.5 storey front from elevation, the impact of the garage setback variation is negligible and in context with the form of development proposed.



Front Elevation

The facade presented to the street beneath a low pitched gabled roof is a contemporary form consisting of a contrast between solid and void spaces in the building's massing plus a vertical layering of the building bulk. There is also a mixture of material with large expanses of glass and rendered block work providing articulation and interest to the streetscape.

In addition, the low roof pitch assists in reducing visual impact of the height and remains compatible with the existing streetscape. This has been achieved through the utilisation of materials and colours that maintain a consistency with adjoining properties, which themselves have predominately pitched rooves while the adjoining grouped dwellings to the west have concealed rooves.

Buildings on Boundary

The application proposes a parapet wall to each dwelling on the eastern boundary abutting the Rotary park. Both parapet walls are 10.21 metres in length, exceeding the maximum length required by the R-Codes for an R20 zoned lot (9 metres) up to one side boundary, for a single dwelling.

Given both parapet walls abut a parks and recreation reserve, the variation in regards to the length of each wall is considered minor and the walls will have no significant adverse effect on the amenity of the area in that they will not overshadow not over tower any development. The park also rises steeply away from the dwelling to the crest of the hill and the Rotary lookout point which is some 11m higher than the highest point of the subject site.

Visual Privacy

Both dwellings show balconies at the first floor level facing toward the west side neighbouring lot being 17A and 17 Tanunda Road.

The balconies are setback 5.6m which is less than the 7.5 metre cone of vision for balconies. This indicates that the potential for overlooking of a sensitive area needs to be assessed.

In this respect only the first floor balcony to the front unit potentially overlooks a sensitive area on the adjoining site. The courtyard of 17B Tanunda is within a direct line of sight of the balcony to the proposed front dwelling. As such the proposal was advertised to the neighbours for comment. However, no comments were received from the owners of either 17A or 17B Tanunda Road.



On detailed assessment the courtyard to 17b Tanunda Road is significantly lower than the proposed balcony and is roofed with a translucent polycarbonate sheet patio which is likely to block direct overlooking of the courtyard from the proposed balcony. The eastern facades of No's 17A and 17B Tununda Road also contain no major openings to the existing dwellings and therefore there are no other overlooking concerns raised by the proposal.

Given the lack of objection and the mitigating factor of the roofed courtyard and level difference no screening to the balcony to the front dwelling is considered necessary.

Conclusion

Despite a number of variations each individually is considered relatively minor and within the intent and objectives of the R-Codes, Town Planning Scheme 3 and the relevant Planning Policy. In light of the above, the proposed maximum top of wall (roof over) height for the front dwelling on the front elevation and the rear dwelling on the western elevation are considered to not adversely impact on the amenity of the surrounding area given that the total height is well within the maximum permitted under Policy. It is therefore recommended that Council approve the application subject to the conditions listed above.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

In accordance with Planning Policy APD53, the proposal was advertised to the surrounding five (5) neighbours for comment. One



neighbour responded consisting of one (1) objection being received from the owners of No. 16 King Street which is the property touching the SW corner of the subject site. The submission does not object to the height but impact on views and raises several other matters as observations.

Attachment 5 contains the submission and Officer's response. However two points raised in the submission are addressed here.

The submission raises a range of general concerns about the nature of infill development and building scale and bulk in Coogee. It should be noted that the overall density coding of Coogee at R20 is classified as Low Density. The topography and natural features of the area make the views that can be obtained highly valuable and sought after. High value development of scale and bulk often accompanies areas with such features but ultimately the form of development will remain consistent with the R-20 Density Code over the area.

The submission also raises the potential for impact on views from Rotary Hill lookout. It is apparent that the proposed top of roof height at 8.4m above the highest ground level on the site of approximately 34m (42.4m AHD total) is still 1m below the ground level at the lookout which is 43.4m AHD. And as stated above the top of roof height to the rear unit is below the 10m maximum roof height permitted under Policy.

Attachment(s)

1. Site, Landscaping and Overshadowing Plans
2. Floor plans
3. Elevations
4. Variations to Height Limits
5. Location plan
6. 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 13 September 2012 Council Meeting.

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

Nil.



14.12 (MINUTE NO 4857) (OCM 13/09/2012) - DRAFT SOUTHERN SUBURBS DISTRICT STRUCTURE PLAN - STAGE 3 AND SCHEME AMENDMENT NO. 28 - LOCATION: HAMMOND PARK - OWNER: VARIOUS - APPLICANT: N/A (SM/M/017 & 93028) (R COLALILLO) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of the Draft Southern Suburbs District Structure Plan - Stage 3 and Amendment No. 28 to City of Cockburn Town Planning Scheme No. 3;
- (2) adopt the Draft Southern Suburbs District Structure Plan - Stage 3 ("SSDSP3"), for the purpose of providing a guiding document to inform the preparation of future Local Structure Plans ("LSP's") within the District Structure Plan area, subject to the following modifications:
 1. SSDSP3 Spatial Map (Figure 7)
 - (a) Deleting the notional linear public open space spine abutting the future Rowley Road Primary Regional Road reservation on Lots 13 and 51 Rowley Road and Lot 301 Barfield Road, Hammond Park;
 - (b) Rewording Plan Note 1 to the following - 'Future residential development shall not directly abut Rowley Road. Future local structure planning is to demonstrate a suitable interface treatment (e.g. enlarged service road design with fronting residential development as a minimum) being provided to the future Rowley Road freight access route.'
 - (c) Adding 'subject to Main Roads WA approval' to the end of Plan Note 2;
 - (d) Adding 'This may be further rationalised through subsequent local structure planning to determine how this specific access is created.' to the end of Plan Note 3 ;
 - (e) Reducing the size of the extent of the 'Central Precinct' to only include Lots 114, 123 and 124 Wattleup Road, Hammond Park;



- (f) Adding interface/buffer roads to the southern boundary of Harry Waring Marsupial Reserve and northern boundary of Frankland Reserve;
- (g) Adding a major shared path along the existing Wattleup Road alignment;
- (h) Removing the roundabout at the intersection of Hammond Road and Wattleup Road intersection and indicating this as a traffic light controlled intersection.

2. SSDSP3 Report

- (a) Adding text to section '6.7.1 Rowley Road' stating that any interim construction or upgrades to Rowley Road not directly related to subdivision/development within the SSDSP3 area is the responsibility of the State and reiterating the City's preference for Main Roads WA to construct/upgrade Rowley Road using 'quiet grade' asphalt similar to that used in the construction of the Kwinana Freeway;
 - (b) Rewording section '5.6.4 Neighbourhood/Local POS - ongoing planning' to reflect that POS design details at the LSP stage are only anticipated to be conceptual and as a minimum in terms of future maintenance, the City would expect LSP's to outline an approximate unit rate per hectare for maintenance of proposed POS areas; and
 - (c) Adding to section '5.3.3 Shared Paths/Connections' reference to a major shared path being required to be provided along the existing and realigned portions of Wattleup Road.
- (3) forward a copy of the endorsed SSDSP3 (as modified) to the Western Australian Planning Commission ("WAPC") for information purposes only;
 - (4) advise landowners within the SSDSP3 area, affected landowners, and affected public authorities of the adoption of the District Structure Plan as modified; and
 - (5) adopt Scheme Amendment No. 28 for final approval as set out



in Attachment 4, subject to the following modifications:

1. Rewording provision 1 point 1 within the 'Infrastructure and administrative items to be funded' section of DCA's 9 and 10 as follows

'Construction of one carriage way comprised of two-lanes for Hammond Road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided';

2. Rewording provision 1 point 6 within the 'Infrastructure and administrative items to be funded' section of DCA's 9 and 10 as follows

'Land and infrastructure associated with the drainage of Hammond Road'; and

3. Deleting provision 3 within the 'Method for calculating contributions' section of DCA's 9 and 10 being -
'In relation to those portions of properties that have been identified on the Southern Suburbs District Structure Plan - Stage 3 for the purpose of a primary school, if these sites are not developed for school purposes in the future a proportional contribution to the regional drainage and road infrastructure will be required'.

- (6) once modified, ensure the amendment documentation be signed and sealed and then submitted to the Western Australian Planning Commission along with details of the steps taken to advertise the amendment, with a request for the endorsement of final approval by the Hon. Minister for Planning.

COUNCIL DECISION

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

CARRIED 7/0



Background

The Southern Suburbs District Structure Plan - Stage 3 ("SSDSP3") was adopted by Council in 2005 to guide future residential subdivision and development in the southern portion of Hammond Park. The 2005 adoption of the plan has enabled subdivision within the northern part of the subject area to proceed (e.g.) Hammond Rise estate. However, since the original SSDSP3 was adopted, a number of factors have led to the need for the City to undertake a review of the plan. This review was completed and led to the development of the (revised) Draft SSDSP3 which Council at its meeting held 8 March 2012 resolved to advertise for the purposes of providing a guiding document to inform the preparation of future LSP's within the subject area.

In order to cater for the future development of the SSDSP3 area, there is a need for development contributions towards the following regional infrastructure:

- Hammond Road extension - including widening and upgrading of existing Frankland Avenue
- Southern Lakes Main Drainage Scheme ("SLMDS") - including construction of a groundwater control point (swale) on Gaebler Road (within Lot 412 Gaebler Road).

To facilitate the collection of development contributions for the above regional infrastructure, Scheme Amendment No. 28 proposes to introduce two new development contributions areas within the locality, these being DCA 9 and DCA 10. Scheme Amendment No. 28 was originally adopted by Council at its 11 August 2005 Ordinary Council Meeting; however, the Amendment has not yet received final approval from the WAPC.

Since Amendment No. 28 was originally initiated in 2005, assessment by officers of the Department of Planning ("DoP") and a number of associated contributing factors have led to the need for the City of Cockburn ("City") to modify the Amendment provisions and readvertise the proposal in accordance with the direction given by the DoP in February 2012. In addition, a comprehensive review of the associated SSDSP3 has been undertaken to reflect the modified Amendment provisions. In particular, the following factors have influenced the requirement to update Amendment No. 28 and the SSDSP3:

- relocation of the future Mandogalup Train Station south of Rowley Road;
- Rowley Road designated as a strategic freight route;
- extension of the Kwinana Industrial (including Air Quality) Buffer;
- retention of Hammond Road extension alignment through Frankland Reserve.

In addition to the above, the timing of the update meant that it was necessary to ensure Amendment 28 and SSDSP3 were consistent with



all current government strategic planning initiatives including State Planning Policy 3.6 - Development Contributions for Infrastructure ("SPP 3.6"), Directions 2031 and beyond, Liveable Neighbourhoods - Edition 4 etc.

The area covered by the Draft SSDSP3 and Amendment No. 28 is shown within Attachment 1.

Both the Draft SSDSP3 and Amendment No. 28 were advertised for public comment for 42 days, ending on 25 July 2012. The purpose of this report is for Council to consider the Draft SSDSP3 and Amendment No. 28 for final adoption in light of submissions received on the proposals.

Submission

N/A

Report

Southern Suburbs District Structure Plan - Stage 3

The Draft SSDSP3 is provided within the attachments to this report and includes the following components:

1. A Draft District Structure Plan report.
2. The Draft District Structure Plan spatial map.

The Draft SSDSP3 provides an overall planning framework to guide future LSP's, given the fragmented nature of landownership which exists.

The Draft SSDSP3 has been prepared on Liveable Neighbourhoods design principles, and allows for future development of the land for urban purposes in a coordinated manner. It aims to provide for an appropriate response to the environmental characteristics of the land, as well as providing a mixture of residential densities based around a highly permeable neighbourhood design.

It is consistent with the WAPC's Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon ("Directions 2031") as it provides for a range of residential densities and housing types. Medium to high density housing will be located in high amenity areas, such as adjacent to neighbourhood centres and public open space reserves.

The Draft District Structure Plan retains the existing major road network, while providing for a new east-west road connection between Hammond Road and Barfield Road. An interconnecting network of



shared paths will also be provided, utilising the existing road network and new local roads. New pedestrian links will also provide connections to the proposed neighbourhood centres and new areas of public open space.

The public open space strategy adopted by the Draft District Structure Plan, balances environmental, recreational and drainage objectives through an integrated open space, conservation and drainage network.

Scheme Amendment No. 28

As mentioned previously, Scheme Amendment No. 28 has been subject to various modifications at the direction of the DoP. The specific modifications to original Development Contribution Plans ("DCP") and Development Areas ("DA") provisions proposed by the 2005 version of Amendment No. 28 are as follows:

DCA 9 - Hammond Park	
Modification	Justification
Specification of method of calculating cost contributions, period of operation, priority and timing for the provision of infrastructure and review process	SPP3.6 was gazetted in November 2009 and prescribes the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan under a local planning scheme. As such, the DCP has been modified to adhere to the requirements of SPP3.6.
Removal of requirement to contribute towards construction of Rowley Road between the Kwinana Freeway and Hammond Road reservation	Planning Control Area No. 95 has been designated over the alignment of Rowley Road and the Western Australian Planning Commission ("WAPC") has purchased some of the land required for the road. Given this road will become a freight route servicing the Latitude 32 industrial development and the proposed outer harbour, it is not appropriate for developers within the SSDSP3 area to contribute to the construction of Rowley Road. Acquisition, funding, design and construction of Rowley Road are therefore the responsibility of the State Government given the road will be a 'Primary Regional Road'.
Addition of requirement to contribute towards 'full earthworks' in relation to Hammond Road upgrading	This requirement has been added in order to maintain consistency with DCP 10 and is a standard requirement relating to the upgrading and widening of regional roads.
Removal of requirement to make 1% POS cash-in-lieu contribution toward purchase	The Department of Planning ("DoP") advised that the inclusion of POS as a DCP item cannot be supported as



of Lots 41 Gaebler Road and 42 Frankland Avenue, Hammond Park	conservation assets are not POS and the <i>Planning and Development Act 2005</i> does not provide for cash-in-lieu to be expended on the acquisition of conservation assets. In terms of the Conservation Category Wetland and its associated buffer, State Government requirements will dictate the need for this to be ceded to the crown free of cost in addition to POS requirements.
Addition of provision requiring contributions to be made toward the relocation of servicing infrastructure, where required.	This requirement has been added in order to maintain consistency with DCP 10 and is a standard requirement relating to the development and/or upgrading of infrastructure in greenfield areas.

DCA 10 - Wattleup	
Modification	Justification
Specification of method of calculating cost contributions, period of operation, priority and timing for the provision of infrastructure and review process	SPP3.6 was gazetted in November 2009 and prescribes the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan under a local planning scheme. As such, the DCP has been modified to adhere to the requirements of SPP3.6.
Removal of requirement to contribute towards construction of Rowley Road between the Hammond Road reservation and Lot 81 Wattleup Road	Planning Control Area No. 95 has been designated over the alignment of Rowley Road and the WAPC has purchased some of the land required for the road. Given this road will become a freight route servicing the Latitude 32 industrial development and the proposed outer harbour, it is not appropriate for developers within the SSDSP3 area to contribute to the construction of Rowley Road. Acquisition, funding, design and construction of Rowley Road are therefore the responsibility of the State Government given the road will be a 'Primary Regional Road'.
Removal of requirement to make 1% POS cash-in-lieu contribution toward purchase of Lots 41 Gaebler Road and 42 Frankland Avenue, Hammond Park	The Department of Planning ("DoP") advised that the inclusion of POS as a DCP item cannot be supported as conservation assets are not POS and the <i>Planning and Development Act 2005</i> does not provide for cash-in-lieu to be expended on the acquisition of conservation assets. In terms of the Conservation Category Wetland and its associated buffer, State Government requirements will dictate the need for this to be ceded to the crown free of cost in addition to POS requirements.



DA 26 - Rowley Road	
Modification	Justification
Removal of Provision 4. Mixed Business/Local Centre design requirements	Section 5.8 of the SSDSP3 details the requirements for the development of the neighbourhood centre and neighbourhood nodes within the Development Area. The design requirements will be further refined through the Structure Plan process.
Removal of Provision 5. Design Guidelines for development precincts	Sections 5.1 and 5.4 of the SSDSP3 provide guidance with regards to the City's objectives for the design of future subdivision and development. Future Structure Plans and Detailed Area Plans will provide further opportunities to refine the character of the Development Area.
Removal of Provision 6. Buffer requirements for Market garden and intensive horticulture uses	The majority of the sites listed within the provision have ceased operation and buffer requirements are detailed within Section 4.1.1 of the SSDSP3 and the WAPC's Planning Bulletin 63. The refinement of buffers and/or mitigation measures will be determined through the Structure Plan process.
Removal of Provision 7. 1% POS cash-in-lieu contribution for Lots 41 Gaebler Road and 42 Frankland Avenue, Hammond Park	The DoP advised that the inclusion of POS as a DCP item cannot be supported as conservation assets are not POS and the <i>Planning and Development Act 2005</i> does not provide for cash-in-lieu to be expended on the acquisition of conservation assets. Landowners will be required to provide 10% POS as per section 5.6.2 of the SSDSP3 and Liveable Neighbourhoods. In terms of the Conservation Category Wetland and its associated buffer, State Government requirements will dictate the need for this to be ceded to the crown free of cost in addition to POS requirements.
Removal of Provision 8. Rowley Road noise wall requirements	The SSDSP3 specifies that future residential development shall not directly abut Rowley Road. Future Structure Plans must demonstrate a suitable interface treatment being provided to the future Rowley Road freight access route, which includes how development will comply with the associated State Planning Policy 5.4 covering noise road impacts. This will need to include a detailed noise assessment which demonstrates how compliance can be achieved. The construction of noise walls specific to Rowley Road will be the responsibility of the State Government given Rowley



	Road's designation as a strategic freight route. SPP5.4 also specifies requirements with regards to future freight routes and sensitive land uses.
Removal of Provision 9. Kwinana Freeway and Railway noise amelioration requirements	Future Structure Plans for land in the vicinity of the Kwinana Freeway will need to demonstrate compliance with SPP5.4. It is noted this provision was developed prior to the gazettal of SPP5.4.

DA 27 - Wattleup Road	
Modification	Justification
Removal of Provision 4. Mixed Business/Local Centre design requirements	Section 5.8 of the SSDSP3 details the requirements for the development of the neighbourhood centre and neighbourhood nodes within the Development Area. The design requirements will be further refined through the Structure Plan process.
Removal of Provision 5. Design Guidelines for development precincts	Sections 5.1 and 5.4 of the SSDSP3 provide guidance with regards to the City's objectives for the design of future subdivision and development. Future Structure Plans and Detailed Area Plans will provide further opportunities to refine the character of the Development Area.
Removal of Provision 6. Buffer requirements for Market garden, poultry farm, orchard, turf farm and intensive horticulture uses	The majority of the sites listed within the provision have ceased operation and buffer requirements are detailed within Section 4.1.1 of the SSDSP3 and the WAPC's Planning Bulletin 63. The refinement of buffers and/or mitigation measures will therefore be determined through the Structure Plan process.
Removal of Provision 7. 1% POS cash-in-lieu contribution for Lots 41 Gaebler Road and 42 Frankland Avenue, Hammond Park	The DoP advised that the inclusion of POS as a DCP item cannot be supported as conservation assets are not POS and the <i>Planning and Development Act 2005</i> does not provide for cash-in-lieu to be expended on the acquisition of conservation assets. Landowners will be required to provide 10% POS as per section 5.6.2 of the SSDSP3 and Liveable Neighbourhoods. In terms of the Conservation Category Wetland and its associated buffer, State Government requirements will dictate the need for this to be ceded to the crown free of cost in addition to POS requirements.
Removal of Provision 8. Rowley Road noise wall requirements	The SSDSP3 specifies that future residential development shall not directly abut Rowley Road. Future Structure Plans must demonstrate a suitable interface



	<p>treatment being provided to the future Rowley Road freight access route, which includes how development will comply with the associated State Planning Policy 5.4 covering noise road impacts. This will need to include a detailed noise assessment which demonstrates how compliance can be achieved. The construction of noise walls specific to Rowley Road will be the responsibility of the State Government given Rowley Road's designation as a strategic freight route. SPP5.4 also specifies requirements with regards to future freight routes and sensitive land uses.</p>
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In addition to the above modifications, the southern boundaries of DCA's 9 and DCA 10 and DA's 26 and 27 have been modified on the proposed Scheme zoning map to reflect Planning Control Area 95 - Rowley Road extension.

Refer to Attachment 4 for a full copy of the Amendment No. 28 document including the above modifications. Attachment 5 contains the Draft Cost Contribution Schedules for DCA's 9 and 10. As noted within the revised cost contribution schedule, the costs associated with developer contributions within the SSDSP3 area are summarised following:

DCA 9 (Hammond Park)		DCA 10 (Wattleup)	
Lots <i>within</i> SLMDS catchment area (i.e. all lots <i>except</i> Lots 51 Rowley Rd & 301 Barfield Rd)	Lots <i>outside</i> SLMDS catchment area (i.e. Lots 51 Rowley Rd & 301 Barfield Rd)	Lots <i>within</i> SLMDS catchment area (i.e. Lots 1, 2, 110 & 111 Wattleup Rd)	Lots <i>outside</i> SLMDS catchment area (i.e. all lots <i>except</i> Lots 1, 2, 110 & 111 Wattleup Rd)
\$28,841.75/ha	\$28,053.82/ha	\$29,816.88/ha	\$29,028.95/ha

Based on a typical average of approximately 15 lots per hectare, contributions will range from \$1870 to \$1988 per lot on average. This is considered an appropriate cost magnitude for the development. It should be noted that these figures do not include additional developer contributions which are required to be made in accordance with Development Contribution Plan 13 - Community Infrastructure.

The cost contribution schedules for DCA 9 and DCA 10 will be required to be updated no later than 90 days from the date of gazettal of



Scheme Amendment No. 28 in accordance with the provisions of SPP3.6.

Community Consultation Outcomes

The Draft SSDSP3 and Amendment No. 28 were advertised for public comment for a period of 42 days, concluding on 25 July 2012. A total of 26 submissions were received, with 15 submissions of support or support subject to conditions or modifications and 11 submissions expressing concerns or objecting.

All submissions have been outlined and addressed in detail in the Schedule of Submissions (Attachment 6). The key issues that have been raised are summarised below.

Central Precinct

A number of submissions objected to the requirement for a comprehensive LSP to be submitted for the area notated as the 'Central Precinct'. It was originally considered appropriate by the City that a comprehensive local structure plan be required for the central neighbourhood centre and adjacent development and to not consider individual structure plans in this location due to the need to ensure the suitable integration of development. Given the concerns outlined by the submissioners including the separation of the identified precinct by Hammond Road and the Neighbourhood Centre being located within only two to three landholdings, it is recommended that the 'Central Precinct' be reduced to only include Lots 114, 123 and 124 Wattleup Road.

Linear POS Abutting Rowley Road

A submission was received raising concerns in relation to the proposed linear POS spine adjacent to Rowley Road within the south east of the project area. The City identified the requirement for this POS area as a potential mitigation measure for noise and visual amenity associated with the future Rowley Road strategic freight route. Alternatives to the linear POS design have been provided by the submissioner including examples of how an enlarged service road with appropriate landscaping can provide adequate buffering and amenity to future residences. It is therefore considered appropriate to delete reference to the linear POS on the SSDSP3 spatial map and modify the associated notation accordingly. The design of this interface will be carefully considered at the LSP stage and the notation will stipulate the need for an appropriate design response. This will need to comply with the associated SPP 5.4, which dictates noise requirements and how these requirements will need to influence the final response in respect of Local Structure Plan designs.



Interface Roads to Conservation Reserves

The DEC raised concerns with the Draft SSDSP3 not prescribing the need for interface roads abutting large areas of conservation such as Frankland Reserve and Harry Waring Marsupial Reserve. Although the Draft SSDSP3 report and map detailed the need for Bushfire Management Plans to be prepared and influence design at the LSP stage it is recommended that the SSDSP3 spatial map be modified to include roads as appropriate separation measures adjacent to these conservation areas. This is seen as a positive change to embrace within the document.

Barfield Road Link

Submissions were received which raised concerns with the need, timing and practicalities of the proposed vehicular and pedestrian link for Barfield Road to connect with development to the south in the Town of Kwinana. The main issue of contention being the timing for the construction of the upgraded of Rowley Road not being known, and whether Main Roads WA will provide for such a link. This would therefore have implications in terms of timing of development adjoining the link.

Despite these concerns the City maintains that a future linkage to residential development and the Mandogalup Train Station to the south of the SSDSP3 area is important and desirable. This is also supported by the need for adequate access to be provided for future residents in the Mandogalup residential cell to access the future High School in the SSDSP3 area. The Town of Kwinana has also reiterated its support for this link given future residential development which is planned for the Mandogalup area in line with the Town's 'Eastern Residential Intensification Concept'.

At the District Structure Plan level, there is merit to protect future grade separated access at this point, however it is noted that this may be further rationalised through subsequent local structure planning to determine how this specific access is created, design and functions. It is recommended the associated notation will be modified to reflect this.

Other Modifications to Draft SSDSP3

The following minor modifications to the Draft SSDSP3 are recommended as a result of comments received during advertising -

- Adding a major shared path along the existing Wattleup Road alignment.



- Adding 'subject to Main Roads WA approval' to the end of Plan Note 2 in relation to the requirement for interim and possible future access to Rowley Road.
- Adding text to section '6.7.1 Rowley Road' stating that any interim construction or upgrades to Rowley Road not directly related to subdivision/development within the SSDSP3 area is the responsibility of the State and reiterating the City's preference for Main Roads WA to construct/upgrade Rowley Road using 'quiet grade' asphalt similar to that used in the construction of the nearby Kwinana Freeway.
- Rewording section '5.6.4 Neighbourhood/Local POS - ongoing planning' to reflect that POS design details at the LSP stage are only anticipated to be conceptual and as a minimum in terms of future maintenance, the City would expect LSP's to outline an approximate unit rate per hectare for maintenance of proposed POS areas.
- Removing the roundabout from the intersection of Hammond Road and Wattleup Road based on the requirement for traffic lights at this intersection.

Hammond Road extension

Some concern was raised in relation to the extent to which DCA's 9 and 10 would be contributing to the upgrading and extension of Hammond Road. It is therefore recommended that the wording of the Scheme provision outlined in Amendment No. 28 be modified to reflect the reality that the contributions will cover the construction of one carriage way comprised of two-lanes for the future Hammond Road which is in accordance with SPP3.6.

Contribution requirements for school sites

An objection was received in relation to the requirement for a non-government primary school to provide contributions in accordance with the proposed DCA. The basis for the proposed exemption was that the site was not a 'development' site in the traditional sense and would be providing a valuable social and community use. This is not considered appropriate by the City as the subject site will be receiving direct benefit from the infrastructure covered by the DCA's and the nature of the development is not reason enough to warrant an exemption from contributing to the DCA. It is also noted that development within the area would not be possible without the regional drainage network being in place and there is no evidence that confirms that patrons of the school site will not be using the upgraded/widened Hammond Road.



DCA's are ultimately intended to provide for the equitable sharing of the costs of infrastructure and administrative costs between owners/developers, ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area and coordinate the timely provision of infrastructure.

The State Government High School (within DCA9) and Primary School (within DCA10) sites will be subject to DCA contribution requirements as they too will be receive benefit from the infrastructure associated with the DCA. A review of the previous proposed DCA9 and DCA10 provisions showed that these sites were originally to be exempt from the requirement to contribute. However it should be noted that this was based on the framework available prior to the implementation of SPP3.6.

If an exemption were to be afforded to the school sites then, despite the reality of the demand they will be creating, then the additional costs arising from the exemptions will be borne by all other landowners and their associated DCA contributions will be far greater. This scenario would fail the test of 'Need and Nexus' and 'Equity' in terms of SPP 3.6.

It is therefore recommended that provision 3 within the 'Method for calculating contributions' section of DCA's 9 and 10 being 'In relation to those portions of properties that have been identified on the Southern Suburbs District Structure Plan - Stage 3 for the purpose of a primary school, if these sites are not developed for school purposes in the future a proportional contribution to the regional drainage and road infrastructure will be required' be deleted. This will ensure consistency with SPP3.6.

Other Modifications to Draft SSDSP3

The following minor modifications to the Draft SSDSP3 are recommended as a result of comments received during advertising:

- In the interests of further clarity is it recommended that provision 1 point 6 within the 'Infrastructure and administrative items to be funded' section of DCA's 9 and 10 be reworded as follows -
- 'Land and infrastructure associated with the drainage of Hammond Road'.

Conclusion

It is recommended that Council adopt the SSDSP3 for the purposes of providing a guiding document to inform the preparation of future Local



Structure Plans within the Southern Suburbs Stage 3 area, subject to the modifications outlined in this report and the recommendation.

Amendment No. 28 sets the framework for the coordinated development of the Southern Suburbs Stage 3 area in a manner that ensures the objectives of the SSDSP3 are achieved. It is therefore recommended that Council adopt the amendment for final approval, subject to modifications outlined in this report and the recommendation and refer the modified amendment to the WAPC for final consideration.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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

Natural Environmental Management

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

Budget/Financial Implications

Having DCP's in place will enable infrastructure costs which benefit groups of landowners to be shared equitably. Without such DCP's in place, it is likely that either the first subdividing landowner/s will need to fund the infrastructure in its entirety, or potentially the City will be requested to fund. Either scenario is unappealing due to inequity arguments.

Accordingly, a DCP is seen as the most appropriate mechanism to fund common infrastructure. The current rate is identified with the attached Draft Cost Contribution Schedules.

Subdivision and development within the SSDSP3 area is also subject to the requirements of the City's Development Contribution Plan 13 - Community Infrastructure.

Legal Implications

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



It is proposed to adopt the Draft District Structure Plan as a guiding document. It is important this distinction is made from a LSP, given the way in which the Scheme deals with a LSP as an extension to the statutory requirements of the Scheme.

Community Consultation

Community consultation was carried out for a period of 42 days, from 13 June to 25 July 2012. The proposals were advertised in the newspaper, on the City's website and letters were sent to affected landowners and government/servicing authorities in accordance with the Scheme requirements. A landowners' information evening was also held on the 11 July 2012. A total of 25 submissions were received.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions.

Attachment(s)

1. Location Plan
2. Draft Southern Suburbs District Structure Plan - Stage 3 Map
3. Draft Southern Suburbs District Structure Plan - Stage 3 Report
4. Scheme Amendment No. 28 Report
5. Draft Cost Contribution Schedules - DCA 9 and DCA 10
6. Schedule of Submissions

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal/s have been advised that this matter is to be considered at the 13 September 2012 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 4858) (OCM 13/09/2012) - LIST OF CREDITORS PAID - JULY 2012 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

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



COUNCIL DECISION

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

CARRIED 7/0

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 July 2012 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications**Governance Excellence**

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – July 2012.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 4859) (OCM 13/09/2012) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2012 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for July 2012.

COUNCIL DECISION

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

CARRIED 7/0

Background

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

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

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



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

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 from the corresponding base amount for the 2012/13 financial year.

Submission

N/A

Report

Closing Funds

The City's closing municipal position of \$78.0M was \$8.5M higher than the revised YTD budget target of \$69.5M. This is mainly comprised of underspending within the City's capital program, which is typical for July. The operating result has also contributed \$3.9M to this variance.

The budgeted year end closing funds position (currently at \$29k) will fluctuate throughout the year as it is impacted by various Council decisions and minor system adjustments and corrections. Details of these are outlined in Note 3 to the financial report.

Operating Revenue

Operating revenue at \$76.0M is tracking ahead of budget by \$1.5M. Key factors are \$0.8M of above budget Waste Services fees & charges revenue and \$0.5M of Human Services grants also ahead of budget.

Details of material variances are disclosed in the agenda attachment.

Operating Expenditure

Operating expenditure (including depreciation) is under budget overall by \$2.4M. This tends to be the case each July as all efforts at this time of year are focused towards finalising the accounts for the previous



year. Suppliers also tend to focus on invoicing for the previous financial year with \$1.8M of the variance coming from materials and contracts.

With the exception of Waste Service (\$28k over budget), all service units are well within their budgetary limits for operational expenditure. Parks has the greatest surplus variance at \$0.5M.

Details of material variances within the service units are disclosed in the agenda attachment.

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

Nature or Type Classification	Actual	Amended Budget	Variance to Budget
	\$	\$	%
Employee Costs	\$2.86M	\$3.19M	10.4%
Materials and Contracts	\$1.29M	\$3.16M	59.2%
Utilities	\$0.25M	\$0.37M	33.0%
Insurances	\$0.99M	\$1.02M	3.6%
Other Expenses	\$0.80M	\$0.56M	-41.9%
Depreciation (non cash)	\$1.59M	\$1.85M	13.9%

Given the early stage of the year, percentage variances appear significant but will only become more meaningful and relevant as the year progresses.

Capital Program

The City's capital budget has hardly incurred expenditure at \$0.6M of the YTD budget of \$6.3M. Several significant projects were back invoiced up to June 30 with July invoicing being compromised. However, August should show more solid expenditure numbers.

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

Turning to capital income, settlement of land sales for the Grandpre Crs and Bourbon St developments came in at \$1.3M for the month, \$1.1M ahead of the YTD budget. These proceeds will be transferred to the City's Land Development and Investment Fund Reserve in August.

Cash & Investments

Council's cash and current/non-current investment holdings reduced to \$76.0M (from \$83.9M at the end of June). This still reflects a healthy cash position ahead of major capital spending on projects such as the Cockburn Integrated Community Facilities and Coogee Beach



Integrated Community Facility. This balance is expected to rise to over \$100m at the peak of the collection of the City's rates in Aug/Sep.

\$62.5M of the total cash and investment holding represents the City's cash reserves.

Another \$7.0M of the cash position represents funds held for other restricted purposes such as bonds, restricted grants and capital infrastructure contributions. The remaining balance of \$6.5M represents the cash and investment component of the City's working capital, available to fund ongoing operations and the municipal funded portion of the capital program. At this stage, this mainly comprises the carried forward municipal funding for the uncompleted works program from 2011/12.

The City's investment portfolio made an annualised return of 5.68% for the month, versus the benchmark BBSW performance of 3.5%.

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

Whilst the Reserve Bank has reduced interest rates over the past several months by 75 basis points the City's investment strategy of rolling over TD's for six monthly terms has somewhat buffered the City's investment performance from a sudden fall. The 2012/13 budget has been premised on a reduced investment earnings potential as interest rates are likely to continue facing some downward pressure and the balance of funds held will diminish as a result of the large capital works budget.

Description of Graphs and Charts

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

The Capital Expenditure graph tracks the YTD capital 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

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and Associated Statements – July 2012.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.3 (MINUTE NO 4860) (OCM 13/09/2012) - OBJECTION TO IMPOSITION OF DIFFERENTIAL (COMMERCIAL) RATES (FS/T/001) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council

- (1) dismiss the objection; and
- (2) advise the objector of Council's decision.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr T Romano that Council:

- (1) dismiss the objection to the 2012/13 rates assessments from the owner of 17 Winterfold Road, Hamilton Hill and 316 Rockingham Road, Spearwood; and
- (2) advise the objector of Council's decision.

CARRIED 7/0

Reason for Decision

A full description of the address of the properties needs to be included in the recommendation

Background

The City has received an objection to the 2012/13 rates assessments for 17 Winterfold Road Hamilton Hill and 316 Rockingham Road Spearwood as per section 6. of the Local Government Act.

Submission

N/A

Report

The sole ratepayer of 17 Winterfold Road, Hamilton Hill (a former house modified to accommodate 30 persons and 316 Rockingham



Road Spearwood, a former doctors surgery (and commercial premises) has been modified to accommodate 38 persons) has objected to the rates assessment under section 6.76 (1)(b) of the Local Government Act:

6.76. Grounds of objection:

- (1) A person may, in accordance with this section, object to the rate record of a local government on the ground —
- (a) that there is an error in the rate record —
 - (i) with respect to the identity of the owner or occupier of any land; or
 - (ii) on the basis that the land or part of the land is not rateable land;
 - or
 - (b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.

The ratepayer is not objecting to part 1(a) above but rather to part (b) under differential rates. This is because the characteristics of the property have determined that the properties are commercial properties. The properties have planning approval for 30 and 38 rooms and to operate as lodging houses. This is a commercial concern not to be confused with a rental residential investment property. This is more akin to a one star suburban hotel. This is business venture. It might meet the market by providing lower cost accommodation but it is not a charity or not for profit business. Hence the characteristics of a lodging house which are akin to a low cost “hotel”.

As such the Council has applied the commercial rate in the dollar to the valuation provided by the Valuer General. No objection has been lodged with the Valuer General nor does there appear to be one going to be lodged.

The objector has advised that the Synergy charge electricity at residential tariffs rather than commercial tariffs. Electricity tariffs are similar for small businesses as for residential eg. our buildings. The City has similar tariffs for some of its buildings to residential homes.

Questions raised by Mr Townes:

1. Lodging house is private rental accommodation not a commercial concern.

Response:

This is a business of a lodging house, it is not a rental property. It involves multiple individuals renting rooms, using a communal



living area and have provided a linen service. The applicant is the planning application makes note of occupancy targets and strong occupancy rates.

2. The lodging house does not charge GST.

Response:

The City can't offer a comment on individual tax positions of ratepayers.

3. Synergy charge residential tariffs.

Response:

The City has some of its buildings on similar tariffs.

4. Why should residents of lodging house pay commercial rates and not residential rates.

Response:

The Council is not rating the residents, it is rating the owner of the property who runs a commercial lodging house. As a commercial entity, the rates form a deductible expense against income derived from renting out rooms.

The reason why the objection has been rejected is that the basis of the objection claims the lodging house properties are not commercial, a key characteristic. The properties exist to make a profit as they are not charities or not for profit facilities.

The outcome of an objection under section 6.76 (1) (b) is if the characteristics are incorrectly recorded, the objection succeeds in changing the characteristics. The characteristics lead to the conclusion that the two properties are commercial in nature.

Legal advice received from Mr Denis Mcleod of McLeods (a copy is attached) confirms this position.

The outcome of the rejection of the objection could be a challenge in the State Administration Tribunal, a position Mr McLeod believes could also defend.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The following table indicates the difference between residential and commercial rates:



Property	GRV	Current Rates	Residential
		Commercial	Rates
Healy Road Hamilton Hill	\$78,000	\$5,708.82	\$3,790.02
Rockingham Road Spearwood	\$103,740	\$7,592.73	\$5,040.73
Cost per room per week - Healy		\$3.66	\$2.43
Cost per room per week - Rockingham		\$3.84	\$2.55

Legal Implications

6.77. Review of decision of Local Government on objection:

Any person who is dissatisfied with the decision of a local government on an objection by that person under section 6.76 may, within 42 days (or such further period as the State Administrative Tribunal, for reasonable cause shown by the person, allows) after service of notice of the decision, apply to the State Administrative Tribunal for a review of the decision.

Community Consultation

N/A

Attachment(s)

1. Letter from the objector Mr Jason Townes
2. Legal Advice from Mr Denis McLeod of McLeods (provided to Elected Members under separate confidential cover)

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the September 2012, Ordinary Council Meeting.

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

Nil.



16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 **(MINUTE NO 4861)** (OCM 13/09/2012) - TENDER NO. RFT 13/2012 - ELECTRICAL SERVICES (INDUSTRIAL, COMMERCIAL & DOMESTIC) (RFT 13/2012) (P CRABBE) (ATTACH)

RECOMMENDATION

That Council accepts a panel arrangement for tender number RFT 13/2012 – Electrical Services (Industrial, Commercial & Domestic) consisting of the following Tenderers:

1. Northlake Electrical Pty Ltd;
2. JF Covich & Co Pty Ltd;
3. Pearmans Electrical & Mechanical Services Pty Ltd ;

for a period of three (3) years for an estimated total Contract value of \$1,210,325 GST Inclusive (\$1,100,295 GST Excl.) in accordance with the submitted Schedule of Rates and additional schedule of rates for additional services and determining variations.

COUNCIL DECISION

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

CARRIED 7/0

Background

The current Electrical Services Contract (No. RFT 34/2007) is due to expire on 31st December 2012 with the existing Contractor providing for much of the City's facility requirements. Additionally it was identified that Parks requirements for bore pump and reticulation electrical works has increased in value over the previous three years to a point where these works are now also required to be included within a service contract.

The schedule of rates for these works will enable the Capital Works and Operational programmes to be delivered according to approved schedules. Both Facilities and Parks business units are required to service Capital Works programs and Operational programmes through performing a significant number of electrical projects during each



financial year that require the utilisation of service providers to perform a range of services.

The electrical services required include:

- Maintenance, repair and servicing of existing & new electrical installations.
- New minor and major services installations – design, supply & testing.
- Removal of redundant installations as required.
- Consumer mains, Switchboards including alterations to existing.
- Submains cabling, distribution boards, earthing.
- Wiring, cables, enclosures and supports.
- Lighting, internal, external, street & flood (including piles, foundations, fittings and lamps).
- Testing of electrical equipment, emergency lighting and exit signs and completing relevant documentation.
- Metered pump cubicles, Bore pump controls.
- Underground electric supply.
- Access panels; and all other miscellaneous items.

The tender specifications have been written for the purpose of seeking suitably qualified, skilled and licensed Contractors capable of offering diverse, reliable and effective electrical services to meet the City's needs.

The Request for tender (RFT) called for submissions from electrical contractors for a period of three (3) years 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. A specification and tender document was prepared in conjunction with Procurement Services and tenders were subsequently called.

Tender Number RFT 13/2012 Electrical Services (Industrial, Commercial & Domestic) three (3) Year Contract was advertised on Wednesday, 4th July 2012 in the Local Government Tenders section of "The West Australian" newspaper.

The tender was also displayed on the City's e-Tendering website between the 4th July and 19th July 2012.

Submission

Tenders closed at 2:00 p.m. (AWST) on Wednesday 19th July 2012 with tender submissions being received from the following seventeen (17) companies:



	Company Name	Trading Name
1	Leedenn & Lorson Pty Ltd ATFT Graessin Family Trust	Elexacom
2	JF Covich & Co Pty Ltd	
3	Pearmans Electrical & Mechanical Services Pty Ltd	
4	Enviro Contracting Pty Ltd	
5	M & IE Holdings Pty Ltd	
6	Northlake Electrical Pty Ltd	
7	David Holden Pty Ltd	Holdens Electrical Contracting
8	Measurement Control Engineering Pty Ltd	
9	EAMCO Pty Ltd	EOS Electrical
10	Interlec (WA) Pty Ltd	Interlec Pty Ltd
11	Datatel Communications Pty Ltd	
12	Cockburn Group P/l	
13	KRE Electrical Pty Ltd	
14	Mondale Pty Ltd	Electek
15	Nilsen WA Pty Ltd	
16	Selectro Services Pty Ltd	
17	Thai Pacific Products Pty Ltd	Longmont

Report

Evaluation Criteria

1. Tender submissions were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	25%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Response Times	10%
Local Area Knowledge	10%
Tendered Price – Estimated Lump Sum	30%
TOTAL	100%



Tender Intent / Requirement

The purpose of this Tender was to select experienced, competent and reliable Electrical Contractors to perform Electrical Services (Industrial, Commercial & Domestic) within the City of Cockburn.

Evaluation Panel

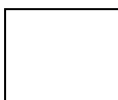
The Evaluated panel consisted of the following City of Cockburn Officers.

1. Philip Crabbe – Facilities & Plant Manager (Chair);
2. Anton Lees – Manager Parks & Environment; and
3. Robert Avard – Manager Community Services

Scoring Table

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	70%	30%	100%
Northlake Electrical Pty Ltd**	39.89	28.60	68.49
J F Covich & Co Pty Ltd**	39.92	26.22	66.14
Pearmans Electrical & Mechanical Services Pty Ltd**	38.57	27.13	65.70
Elexacom	40.50	22.98	63.48
Nilsen WA Pty Ltd	34.67	28.54	63.21
Datatel Communications Pty Ltd	33.91	28.66	62.57
Enviro Contracting Pty Ltd	33.84	28.16	62.00
Interlec Pty Ltd	37.52	23.53	61.05
KRE Electrical Pty Ltd	26.27	30.00	56.27
Electek	30.52	24.75	55.27
M & IE Holdings Pty Ltd	30.08	22.85	52.93
Selectro Services Pty Ltd	26.71	26.11	52.82
EOS Electrical	27.90	23.33	51.23
Measurement Control Engineering Pty Ltd	20.40	26.59	46.99
Holdens Electrical Contracting	26.33	20.38	46.71
Longmont	8.07	17.96	26.03

** Recommended Submissions



Evaluation Criteria Assessment

Demonstrated Experience

All sixteen (16) tenderers provided varying levels of detail relating to their demonstrated experience, track record of achieving outcomes and organisational structure. Northlake Electrical Pty Ltd, JF Covich & Co Pty Ltd, Pearmans Electrical & Mechanical Pty Ltd and Elexacom clearly demonstrated to the evaluation panel that they had the required level of experience to perform the tasks specified.

All Tenderers provided substantial documentation of similar works performed for other Local Government Authorities and private corporations with a focus on project management and achieving outcomes.

Longmont, Holdens Electrical Contracting, KRE Electrical, Measurement Control Engineering and Selectro Services only provided minimal documentation relating to some of the elements required within demonstrated experience, thus impacting on their score for this criteria.

Longmont failed to provide suitable levels of documentation on issues arising from previous works and demonstrated competency with regard to energy efficient products and referees thus having a direct bearing on their score for this criteria.

Key Personal Skills and Experience

Northlake Electrical Pty Ltd, JF Covich & Co Pty Ltd, Pearmans Electrical & Mechanical Pty Ltd, Datatel Communications Pty Ltd, Electek, Elexacom, Enviro Contracting Pty Ltd, Interlec Pty Ltd and Nilsen WA Pty Ltd all clearly demonstrated they had the necessary skills and experience in their respective key personnel.

Fifteen (15) of the tenderers provided documentation of personnel that had performed works in similar projects including well documented curriculum vitae's.

Longmont did not provide sufficient documentation regarding their key personnel and their experience which is reflected in their score for this criteria.

Tenderer's Resources

Fifteen (15) of the Tenderers provided documentation on the resources required to perform works. However, Northlake Electrical Pty Ltd, JF Covich & Co Pty Ltd, Pearmans Electrical & Mechanical Pty Ltd, Datatel Communications Pty Ltd, Elexacom, and Nilsen WA Pty Ltd all



clearly demonstrated to the evaluation panel that they had the appropriate quantity of resources and contingency measures in place to perform the required services.

Longmont did not provide adequate details of their resources to allow the panel to determine their ability to supply and sustain the resources required for the services.

Response Times

Fifteen (15) of the Tenderers provided documentation on response times relating to emergency call outs and programmed maintenance requirements and demonstrated to the evaluation panel that they would be able to perform the works under the Contract.

Longmont did not provide any documentation on response times.

Local Area Knowledge

All Sixteen (16) Tenderers demonstrated degrees of knowledge of the Cockburn area to the evaluation panel.

Six (6) of the Tenderers – JF Covich & Co Pty Ltd, Northlake Electrical Pty Ltd, Nilsen WA Pty Ltd, Pearmans Electrical & Mechanical Pty Ltd, Interlec Pty Ltd and Elaxacom demonstrated a good to high level of local area knowledge to the evaluation panel.

Tendered Price

The Tender required the submission of a schedule of rates for licensed electricians, apprentice electricians and trade assistant to be used to provide the required services.

The price schedule completed by each Tenderer was tallied based on an indicative total number of hours of work coupled with indicative value of materials to provide a single total price which was then scored against each Tender submission.

Summation

The tender submissions received from:

1. Northlake Electrical Pty Ltd;
2. JF Covich & Co Pty Ltd; and
3. Pearmans Electrical & Mechanical Services Pty Ltd



Have been assessed by the evaluation panel as being the most advantageous to Council to perform the Electrical Services (Industrial, Commercial & Domestic) contract based on the following:

- Significant demonstrated experience in performing works of similar scale.
- A range of personnel that have the experience to undertake the wide range of works required.
- The required resources to complete the works.
- The required measures in place to perform emergency callouts and programmed maintenance along with very sound knowledge of the Cockburn area.
- The tendered prices submitted are considered fair and reasonable for the wide range of works to be performed.

A panel of three (3) contractors would also provide the most beneficial and functional mechanism to complete various levels of electrical works offering maximum flexibility according to predetermined timeframes within current and future capital and Operational programmes. Therefore the panel recommends the Council award a Panel Contract to these Three (3) Tenderers.

Strategic Plan/Policy Implications

Infrastructure Development

- To maintain and improve our existing building and parks electrical infrastructure in a safe and reliable manner for public use, whilst continuously looking at products with high levels of energy efficiencies.

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

The required level of funding is allocated for each financial year for Electrical Services (Industrial, Commercial and Domestic) under operational and capital works expenditure.

The schedule of rates submitted will be utilised in the budgeting process to determine the funding required for individual projects.



The table below details indicative expenditure for Electrical Services (industrial, commercial and domestic) over the past five (5) years.

Financial Year	Indicative Turnover (inc GST)
2006/07	\$399,000
2007/08	\$468,000
2008/09	\$548,000
2009/10	\$571,000
2010/11	\$642,000
Total 2006 to 2011	\$2,280,000
Five Year Average (per annum)	\$525,600

Legal Implications

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

Community Consultation

N/A

Attachment(s)

The following Confidential Attachments are provided under a separate cover:

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

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 13 September 2012 Council Meeting.

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

Nil



16.2 (MINUTE NO 4862) (OCM 13/09/2012) - TEMPORARY CLOSURE OF INTERSECTION OF HAMMOND ROAD AND FERTITO ENTRANCE IN SUCCESS TO THE PASSAGE OF VEHICLES - APPLICANT: CITY OF COCKBURN (ES/R/002) (J KIURSKI & C MACMILLAN) (ATTACH)

RECOMMENDATION

That Council in accordance with Section 3.50 of the Local Government Act 1995, approves the temporary closure of the intersection Fertito Entrance and Hammond Road for a period of up to three (3) months from 1 October 2102, subject to:

1. There being no substantial objection received as a result of advertising in a local newspaper.
2. There being no substantial objection from service authorities, emergency service or adjoining owners.
3. An approved traffic management plan to monitor and control traffic movements due to the closure.
4. The proponent being fully responsible for public liability and damages arising from works; and managing detours.
5. Alternate access to be clearly signed.

COUNCIL DECISION

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

CARRIED 7/0

Background

Widening Hammond Road from Russell Road to Bartram Road is a project approved in FY 2011/12 and carried forward in the 2012/13 road construction budget. Project design and relocation of existing Telstra and Water Corporation services have been completed and the construction work is ready to commence.

The proposed construction works include road widening between Russell Road and Bartram Road and reconstruction of existing



intersections Hammond Rd/Awl Way and Hammond Road/Fertito. The intersection of Hammond Road and Fertito Entrance is to be reconstructed and left in and left out access is to be provided.

Submission

N/A

Report

City requires approval for the temporary road closure of Firtito Entrance at the intersection Hammond Road from 1st October 2012 to 31st December 2012 to complete the Hammond Road project.

The following construction options were explored by the Engineering team prior to settling on the fully isolated Hammond Road and Fertito Entrance intersection closure option:

- Half road closure of Hammond Road at intersection with Firtito Entrance

This option would not be feasible due to current intersection configurations and level difference between existing and proposed pavement. This may have been an alternative if the proposed pavement was wholly to one side of the existing pavement. This option is impracticable.

- Retention of Hammond Road – Firtito Entrance Intersection

The option of leaving the existing Firtito Entrance intersection in use with access to the side track is not practicable from a construction point of view. This option has a greatly increased risk of accident. The intersection is already regarded as a high risk exit due to the speed environment on Hammond Road.

While there would be speed restriction in place by way of signage, these are not physical restrictions. Driver behaviour in unfamiliar or altered traffic conditions poses a high risk of accident, most likely through speed, in this case. The best way to reduce or avoid this risk is to eliminate the hazard. This is done by closing Firtito Entrance for approximately 12 weeks.

Closure of Fertito Entrance will require the re-routing of traffic to Tangaroo Boulevard/Hammond Road roundabout (the plan of the proposed traffic diversion attached). These diversions would increase traffic on Tangaroo Boulevard, which could be inconvenient for residents but is manageable and the preferred scenario. A Traffic Management Plan has been prepared which will show how access will



be maintained throughout the closure period. The City will maintain closure for the shortest period of time possible to minimise disruption.

A concept plan of the proposed road closure and detour is attached to the Agenda.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

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

Budget/Financial Implications

The cost of the Hammond Road widening and associated work is in the annual budget allocations for road construction capital works budgets – CW 2365.

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

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

As Fertito Entrance is not a bus route, a consultation with the Public Transport Authority or Southern Coast Transit is not required.

Attachment(s)

Plan for proposed realignment and closure of intersection.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 4863) (OCM 13/09/2012) - ADOPTION OF COMMUNICATION STRATEGY 2012-2017 (CC/P/002) (S SEYMOUR-EYLES) (ATTACH)

RECOMMENDATION

That Council:

1. adopts the Communication Strategy 2012-2017, as attached to the agenda; and
2. includes any financial implications for the plan for consideration in Council's Strategic and Annual Budget planning documents.

COUNCIL DECISION

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

CARRIED 7/0

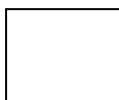
Background

The City of Cockburn's Communication Strategy 2006-2012 was adopted to take account of changing customer expectations and the increased use of technology in the field of communications.

Some outcomes include the introduction of a Contact Centre in 2008, which now takes and completes 80% of calls to the City and the availability of the majority of public documents on the City's website, which has resulted in corporate documents becoming more "reader friendly" over time.

The 2006-2012 strategy has now run its course with all outcomes completed or otherwise attended to, as detailed in Appendix 1 of the new Draft Communications Strategy 2012-2017. The next five years presents new communications challenges for the City.

The City's population continues to grow and much of the City is under development. Periods of great change will create a higher level of more complex communications requirements and issues.



Report

The City undertakes comprehensive annual community perception surveys, annual KPI customer satisfaction surveys and focus groups with residents on the subject of communications. The 2012-2017 Communications Strategy has been developed using:

- The results of this community research.
- A more contemporary approach to public relations.
- More attention to alignment with other strategies, plans, policies and charters (as detailed on p8 of the 2012-2017 Strategy).

This focus has identified the following principles to guide the strategy: Communications will:

- be accessible
- be honest
- be transparent
- be customer-focused
- be accountable
- present a more “human” side to council
- tackle the “hard” issues.

The updated strategy seeks to:

- Address the best and most sustainable ways for the City to communicate the breadth of facilities, events and services the organisation provides to its diverse Community;
- Provide a framework for communicating the City’s current and future strategic plan objectives;
- Inform stakeholders on areas which are of concern to them;
- Consider ways to increase two-way dialogue, and improve consultation and engagement between the City and its key stakeholders to improve the perceptions of transparency, honesty and trust; and,
- Build on the strengths of existing and emerging communication channels.

This updated strategy includes measureable actions, linked to the following ten communication outcomes:

1. To develop staff knowledge of City activity, the City’s vision and future direction, through internal Communications.
2. To improve the City’s community consultation and engagement processes.
3. To improve the community’s knowledge of the City’s Vision for the area.



4. To improve stakeholder awareness of the City's services and community facilities.
5. To keep stakeholders up-to-date with the status of major projects and issues.
6. To promote City-run events.
7. To improve the perception of local government through the continual improvement of customer service.
8. To ensure that the City of Cockburn primary brand is used consistently across all marketing communication and service points.
9. To achieve continual improvement in the perception of the City as a local government and the elected members as its leaders.
10. To ensure that communications material is accessible.

Each action identifies the estimated time for completion, the officer responsible, and the estimated budget implication. The strategy will be reviewed each year and updated in 2017.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To maximise use of technology that contributes to the efficient delivery of Council's services.

Budget/Financial Implications

All actions which require additional Municipal resources will need to be considered by Council through its strategic and annual budget process. The majority of resource implications are relatively minor in nature, but will still require Council consideration for them to be progressed.

Legal Implications

N/A

Community Consultation

1. Annual Community Perceptions Surveys
2. Annual Customer Satisfaction KPI Surveys
3. Focus Groups August 2011
4. Internal Communications (staff) Survey – July 2012



Attachment(s)

1. Draft Strategy
2. Results of Focus Groups August 2011

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.2 (MINUTE NO 4864) (OCM 13/09/2012) - AMENDMENT TO CITY OF COCKBURN LOCAL LAW - CONSTRUCTION OF FIRE BREAKS (FILE RS/J/002) (R AVARD) (ATTACH)

RECOMMENDATION

That Council pursuant to Section 3.12(4) of the Local Government Act, 1995:

- (1) adopt the City of Cockburn (Local Government Act) Amendment Local Law, 2012, as attached to the Agenda after having considered all submissions, incorporated appropriate amendments and determined that the Local Law is not significantly different from what was originally proposed; and
- (2) authorise the signing by the Mayor and Chief Executive Officer and affixing of the Common Seal to the Local Law.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr S Portelli that Council:

- (1) proceed to amend the City of Cockburn (Local Government Act) Local Laws, 2010 Section 2A, as follows:
 1. Clause 2A.1 – Delete the words after “between” and insert “30 November in any year until 31 May in the year following”.
 2. Clause 2A.2 (1) – Delete “1 October” and insert “30 November”.
 3. Clause 2A.2 (3) – Delete “30 November” and insert “30 November” and delete “31 March” and insert “31 May”.
 4. Clause 2A.3 (1) – Delete “31 October” and insert “30 November”.
- (2) in accordance with Section 3.12 of the Local Government Act, 1995, the above amendments, as shown in the attachment to the Agenda, be readvertised for a minimum period of 6 weeks.

MOTION LOST FOR WANT OF A SECONDER

MOVED Clr T Romano SECONDED Clr C Reeve-Fowkes that Council defer the decision until the October 2012, Ordinary Council Meeting, to allow further consultation between the residents, Council and Cockburn Bushfire Advisory Reference Group.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Reason for Decision

There appears to be a clear gap in the consultation process between all interested parties. We owe it to those parties to come together and find a mutually acceptable resolution by putting back this decision for a further month.



Background

The City of Cockburn Local Laws, 2010, Sec 2A, stipulates the dates by which firebreaks and fire mitigation measures on land within the district must be completed and maintained. The relevant sections of the local laws are as follows:

Construction of Firebreaks

“2A.2 Construction of Firebreaks

All owners and occupiers of land within the district shall clear flammable matter from the land in accordance with the following requirements:

- (1) As to land which is 2032m² or less in area, or which is zoned “Residential” under the town planning scheme, the owner or occupier is to remove all the flammable matter from the whole of the property, except living trees, shrubs, plants under cultivation and lawns, by slashing or mowing the matter to a height of not more than 50 millimetres, or otherwise to the satisfaction of the local government or an authorised person, and the property is to be maintained to the standard so stated in this subsection for the duration of the period 1 October to 31 May each year.
- (2) As to land, which is greater than 2032m² in area, shall have a trafficable firebreak three (3) metres in width cleared to mineral earth subject to the following requirements:
 - (a) immediately inside all external boundaries of the land;
 - (b) immediately surrounding buildings (if any) situated on the land;
 - (c) immediately surrounding all fuel dumps and ramps (if any) on the land; and
 - (d) in any event, clear the firebreaks to the satisfaction of the local government or an authorised person.
- (3) In reference to subsection (2) all firebreaks must be cleared by the owner or occupier of the land on or before 30 November in any year, and thereafter be maintained by the owner or occupier clear of flammable mater up to and including 31 March in the following year.
- (4) Where and owner occupier of land fails or neglects to comply with this Part of the Local Laws within the time specified, an authorised person may with such employees and/or contractors, vehicles and machinery as the authorised person deems necessary enter upon the land and do all such things as



necessary to comply with this Local Law and may recover costs and expenses of doing so as a due debt from the owner or occupier of the land pursuant to the Act, in addition to any penalty which might be imposed.

Variation to Fire prevention Measures

2A.3. (1) If for any reason an owner or occupier considers it impractical to clear firebreaks in accordance with subsection (2) of section 2A.2, the owner or occupier may apply in writing to Council or an authorised person no later than 31 October in any year for approval to construct a firebreak in an alternative position on the land.”

Any person who fails to comply with any provisions of this Section commits an offence and a penalty shall be prescribed by the Bushfire Act 1954. The maximum fine is \$5,000.

At its meeting of April 2012 Council resolved as follows

- (1) proceed to amend the City of Cockburn (Local Government Act) Local Laws, 2010 Section 2A, as follows:
 5. Clause 2A.1 – Delete the words after “between” and insert “1 November in any year until 31 May in the year following”.
 6. Clause 2A.2 (1) – Delete “1 October” and insert “1 November”.
 7. Clause 2A.2 (3) – Delete ‘30 November’ and insert ‘1 November’ and delete “31 March” and insert “31 May”.
 8. Clause 2A.3 (1) – Delete “31 October” and insert “1 October”.
- (2) in accordance with Section 3.12 of the Local Government Act, 1995, the above amendments, as shown in the attachment to the Agenda, be advertised for a minimum period of 6 weeks.

Submission

In accordance with the requirements of the Local Government Act the proposed changes to the Local Law was advertised in the Government Notices section of the West Australian on the 18th April 2012. An article was also placed in the Cockburn Soundings of June 2012 advising of the proposed change to the Local Law and copies sent to the relevant Ministers for consideration.



Formatting comments were received from the Minister for Local Government; Heritage, Citizenship and Multicultural Interest, and have now been incorporated into the proposed amendments.

Submissions were received from the Banjup Residents Group and Mr Stephen Dobson in a private capacity.

Report

The purpose of the amendment is to standardise the dates within the City of Cockburn for fire mitigation measures to be installed on specified land.

The effect of the amendment is to change the dates applicable to the installation of fire prevention measures to vacant (urban) and rural properties within the District.

The term firebreak is used for and includes the clearing of land to prevent fires such as required on land of less than 2032m².

At its meeting of 6 December 2011 the Cockburn Bushfire Reference Group supported the fire break period starting on the 1st November of each year. There was, however, no record in the minutes of the agreed date for the end of the required firebreak period as identified by Mr Dobson in his submission.

Representatives of the Banjup Residents Group (Inc) gave a presentation to the Cockburn Bushfire Advisory Reference Group at its meeting of 24 July 2012. There were a number of concerns raised by the Banjup Residents Group in relation to proposed changes to the fire break period. The key concerns of the Banjup Residents Group as presented to the Reference Group are as follows:

1. Lack of notice and consultation of the proposed changes with the Banjup Residents Group.

Council consideration of the changes to the firebreak period was following initial consultation with the Cockburn Bushfire Advisory Reference Group at its meeting of 6 December 2012. Changes to Local Laws require public advertising and consultation, and hence the initial consideration by Council was the start of the process to recommend a change the firebreak period. The proposed changes affect all property owners within the City of Cockburn and no community group was considered more than any other.

2. The Banjup Residents Group believes that there is insufficient evidence that any wild fires have been caused by firebreaks not being in place prior to the existing firebreak season.



There is anecdotal evidence that the climate in the area in which Perth is located is becoming drier and hence the risk of wild fires is increasing. Firebreaks and the clearing of blocks are a mitigation strategy and are considered effective steps to reduce destructive wild fires and need to be taken with the onset of drier conditions.

3. The rainfall and temperatures for the Jandakot Airport Bureau of meteorology monitoring station for the past 16 years do not support a change to the firebreak period.

It is evident from the figures provided by the Banjup Residents Group that rainfall from year to year is highly variable and attempting to draw conclusions on rainfall figures over a short period of 16 years is not highly representative. December remains a month of very low rainfall notwithstanding that in some years there is an increase in rainfall. November is generally getting drier with again some years of higher rainfall. The fact remains that in any summer month in the Perth metropolitan area there may be unseasonal rainfall that can cause regrowth and the need for repeat firebreak clearing. Similarly, the rainfall in April and May is highly variable.

4. Fire break contractors have not been contacted in relation to the proposed changes to the firebreak season.

Firebreak contractors have been advised by the Chief Bushfire Officer and members of the Volunteer Bushfire Brigades that Council was prepared to consider a change to the firebreak installation season. The advice is that the contractors are able to operate within the requirements of the proposed changes to the Local Law. As the contacted contractors operate in the south metropolitan area of Perth it is plausible that the City of Cockburn, by having an earlier start date to its firebreak season, will allow the contractors to complete firebreaks prior to the adjoining local authorities which have a start date of 1 December. With the generally drier climate there are fewer areas in the District that are wet in November and should there be such areas, a variation can be readily obtained through the City. In summary, it is considered there are very few areas in the District that could not have firebreaks installed by 1 November in an 'average' rainfall season.

5. Standardising dates.

The Banjup Residents Group argue that there is no need to 'standardise' the firebreak period across the City as they believe that there is no confusion between the residential areas having a firebreak period that runs from the 31 October to the 31 May and in rural area from the 30 November to the 31 March. It is the view of the Reference Group that this is confusing for owners of properties in the City of



Cockburn. The proposed change which aligns the requirements for property owners in both urban and rural areas in line is clear.

The start of the season being proposed (1 November) is not the same as the adjoining local authorities, but it does allow for consistency across the City and for firebreaks to be in place prior to the requirements of adjoining local authorities. It is worth noting that the City of Gosnells requires all land not General Rural or Special Rural to be compliant all year round.

The following table shows the dates for the firebreak season for adjoining local authorities that are similar to the City of Cockburn (ie having significant residential areas and rural/semi rural areas.)

Local Authority	Start	End	Area applicable
Current Cockburn	1 October	31 May	Residential area.
	30 November	31 March	Rural areas
Proposed Cockburn	1 November	31 May	All areas
Gosnells	30 November	30 April	General rural and special rural
	Fire breaks or land cleared all year	All year	All other areas (residential, commercial etc)
Kwinana	1 st December	31 st March	All areas
Armadale	30 November	14 March	All area
Rockingham	30 November	31 May	All areas
Mandurah	17 November	31 May	All areas



The Bushfire Advisory Reference Group unanimously resolved to support the fire break period for all areas within the City of Cockburn to be from the 1st November of one year to the 31st May of the following year.

Should Council resolve to amend the Local Law as proposed, there will be an impact on the inspection regime.

Currently, the appointed ranger carries out the inspections in the residential areas first, then moves to the rural areas when these areas are due to have their firebreaks in place. As the residential properties are less of a fire risk than the rural properties, it is proposed that the inspection be focussed on the rural areas and known high risk areas in the residential areas (such as large undeveloped properties and reserves). The inspection of small undeveloped residential lots will be performed as a result of complaints and by observation of rangers on normal patrol duties.

The long standing process in relation to 'fire break' infringements is as follows:

- Inspections are commenced by the appointed ranger for the various areas on the due dates (ie. 1 October and the 1 December of each year).
- If the owner's fire breaks were non-compliant in any of the last 3 years, they are issued an infringement and given 14 days to comply. If the property owner has been compliant before they are given 14 days to comply. The property is reinspected and if not compliant a contractor is brought for the work to be done and the ranger makes another inspection.

Where a property owner is not compliant and a contractor has to be brought in the ranger visits the property at least 3 times. This process requires a ranger to be taken off regular duties and to be put on fire break duties for the best part of 6 months. Further, the process takes so long that there are properties without compliant fire breaks well into February of each year, which is an obvious fire risk. To allow for the fire break inspections to be done more quickly, additional staff would be required unless the system can be streamlined. The technology used by the appointed ranger allows for ready identification of property owners and the ability to generate correspondence. The primary reason for the time taken to carry out fire break inspections is the number of inspections required each year.

The risks of wild fires are well publicized and owners of properties are well informed through rates notices and public advertising of their responsibilities in relation to fire mitigation measures they must take on their properties. It is strongly recommended that the City put the



responsibility to adhere to the requirements of the Fire Order on the owner, and it not be the responsibility to continually remind the owner of their legal responsibilities.

In summary, it is proposed that the following procedure be put in place in relation to fire break inspections in the district.

1. The City of Cockburn Local Law 2010 be amended to require all properties in the district to have fire mitigation requirements in place from the 1 November of each year to 31 May of the following year.
2. Authorised Officers carry out inspections of all properties in rural and semi rural areas and other known high risk areas in the District to ensure compliance with the requirements of the Local Law related to fire mitigation. All property owners found not to be compliant will be issued an infringement. Property owners can appeal against the infringement by application to the City of Cockburn's Rangers and Community Safety Services Manager. If they are unsuccessful in this appeal, they have recourse through the courts.
3. Firebreak and fire mitigation requirements in residential areas be monitored through reports from other parties and by observation by rangers while performing their usual duties. Following the initial firebreak inspections in rural areas, adherence to the requirements will be done through monitoring and observation by Rangers during their normal duties.

It is recommended that Council adopt the Local Law amendment as per Attachment 1 (Proposed Amendment – City of Cockburn (Local Government Act) Amendment Local Law 2012 – Firebreaks), as it does not significantly differ from what was originally proposed. The Local Law amendment can then be forwarded to the Minister of Local Government, Heritage, Citizenship and Multicultural Interests and following gazettal, to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

Strategic Plan/Policy Implications

Infrastructure Development

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



Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

The *Local Government Act, 1995*, section 3.12, states the requirements to be followed for proposed amendments to local laws.

Community Consultation

The amendment to a local Law requires public advertising and notification. The Cockburn Bushfire Volunteer Reference Group has advised on the proposals and their views are reflected in the report.

Attachment(s)

1. Proposed amendment – City of Cockburn (Local Government Act) Amendment Local Law 2012 – Firebreaks
2. Banjup Resident`s Group (Inc) 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 September, 2012, Council Meeting.

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

Nil.



17.3 (MINUTE NO 4865) (OCM 13/09/2012) - TS COCKBURN'S REQUEST TO RELOCATE TO KENT STREET SES BUILDING (FILE 22022027) (R AVARD) (ATTACH)

RECOMMENDATION

That Council defer consideration of the leasing of the Kent Street premises until the October 2012 Council meeting and advise the Cockburn TS Navel Cadets that it supports an arrangement which will allow the building to be used by both the TS Cockburn and the Spearwood Girl Guides or similar group.

COUNCIL DECISION

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

CARRIED 7/0

Background

The Cockburn Voluntary State Emergency Services (SES) Building on 15-19 Kent St, Spearwood WA 6163; a portion of Lot 7 on Plan P1764, will soon become vacant due to the relocation of the SES to the new facility on Poletti Road in Cockburn Central. The current conditions of the facilities have contributed to the need for the SES to relocate.

Submission

The City received a letter on 18 August 2012 from Lieutenant Hickey (ANC), Commanding Officer of Training Ship Cockburn. The letter conveying the units request to relocate to the SES building in Kent Street, Spearwood is attached.

Report

As detailed in the Phoenix Revitalisation Strategy, adopted by Council on the 14 May 2009, the SES building in Kent Street has been planned to be demolished and for the area to be returned to recreational space to compliment the adjoining lots of Beale Park and to meet the City's increasing need for recreational space. Beale Park is one of the City's largest and most used active reserves. As per the Sport and Recreation Strategic Plan, adopted in 2010, the upgrade would allow



the reserve to accommodate premier league soccer; any additional open space would assist with this provision.

Currently the Cockburn Navel Cadets operate out of the South Coogee Agricultural Hall on Rockingham Road in Munster which they feel is isolated from the community and is not safe for the Cadets to travel to and from without supervision. For this reason most cadets travel some distance by private vehicle. Entering and exiting the facility is also a concern for some parents. The Unit's increasing assets have also meant that offsite storage is used to store the unit's water craft. The unit has prepared a comprehensive rationale supporting their proposed relocation and have also provided a letter of support from the Royal Australian Navy. There is scope for TS Cockburn Naval Cadets to share space provided that there is a secure lockable area for their equipment.

While the Cadets' proposal does have merit, the facility in question is in poor condition although still deemed structurally acceptable. The buildings are aging and do not contribute positively to the amenity of the area. A building inspection has been conducted and has shown that the facility is structurally acceptable although cracking to the western and southern external wall does present an area of structural concern. The steel lintils over the windows and door openings on the western and southern elevations are displaying signs of extensive corrosion. The down pipes are in poor condition and rusted out with downpipes missing and draining onto the soil. The structural condition survey recommends the following remediation works:

- Replace corroded lintels.
- Replace damaged brickwork.
- Replace damaged and missing downpipes.
- Connect downpipes to sub-surface drainage or install soak-wells at least 2 meters from the building.

There would be a need to install a sub meter to allow power usage to be identified for the building should it be leased.

It is estimated that these repairs and the sub meter would cost approximately \$30,000.00 to bring the facility up to tenantable standard.

Based on the attached report, the City's increasing need for recreation space and the planned upgrade for Beale Park, it is recommended that the facility is decommissioned in the future in accordance with the requirements to meet the recreation needs on Beale Park In the mean time however the building could be leased for a period of say 3 years as an interim arrangement.



The Spearwood Girl Guides have operated from the Joe Cooper Recreation Centre for many years and currently have 42 members aged between 5 and 17 years. Community group HALO currently occupy a large part of the Joe Cooper building with other groups such as boxing. It is reasonable to suggest that the Girl Guides activities and their clientele are not readily compatible with other users of Joe Cooper. It is proposed that the Spearwood Girl Guides be given the opportunity to share space within the Kent Street premises as they have shown an interest in this proposal. The ability to share is quite practical as there is an enormous amount of secure storage space suitable for the Navel Cadets and numerous rooms in the building. The Spearwood Girl Guides meet on a Thursday night and the TS Cockburn on a Friday night.

To allow time to negotiate a share arrangement between the TS Cockburn and the Spearwood Guides it is proposed that this matter be deferred until the October meeting of Council.

Strategic Plan/Policy Implications

Infrastructure Development

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

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Budget/Financial Implications

The recommendation of the report will not result in any significant financial implications. Should Council resolve to proceed with a lease it would anticipate that the lease terms and conditions would be similar to that which applies for the use of the South Coogee Agricultural where the lease fee is a peppercorn and all out goings are funded by the Navel cadets.

An allocation could be made in the 2013/14 budget to address the immediate temporary maintenance issues with the building.

Legal Implications

N/A



Community Consultation

The Kent Street Building has been used for many years by the Cockburn Volunteer Emergency Service. The use of the building by the TS Cockburn navel cadets should it proceed would have little change to the impact on the local area.

Attachment(s)

Documentation supporting the relocation of TS Cockburn.

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 September, 2012 Council Meeting.

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

Nil.

17.4 (MINUTE NO 4866) (OCM 13/09/2012) - TENDER RFP 01/2012 - LEASE LAND - AGED FRIENDLY DEVELOPMENT COOLBELLUP, WA (RFP 01/2012) (GBOWMAN) (ATTACH)

RECOMMENDATION

That Council

- (1) accept the proposal submitted by Bethanie Group Incorporated, for Proposal No. RFP 01/2012 - Lease Land - Aged Friendly Development, Coolbellup WA;
- (2) enter into negotiations with the Bethanie Group Inc regarding an agreement to lease in accordance with the request for proposal for the two (2) hectare lease site situated at the corner of Cordelia and Coolbellup Avenues in Coolbellup; and
- (3) require that the key terms and conditions of the agreement to lease be considered by Council at a later meeting.



COUNCIL DECISION

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

CARRIED 7/0

Background

At its Ordinary Council meeting in May 2011, (Minute No 4510), Council resolved in part to:

“(8) request that the Minister for Regional Development and Lands make available for purchase by the City of Cockburn an unencumbered 2 ha of portion of Crown Reserve 38243 (former Koorilla Primary School) utilising provisions of the Government Guidelines (Public Open Space) Policy, Disposal of Section 152 Planning and Development Act 2005 Reserves. The unencumbered 2 ha portion of Crown Reserve 38243 is to be consistent with that shown on the Koorilla School Site Structure Plan;

Subsequent to the Council decision, approval has been gained from the Minister to proceed in accordance with this decision.

The intent was for the City to seek proposals from suitably qualified and experienced not for profit organisations to develop the site inclusive of a Residential Aged Care facility and affordable Independent seniors living units. The successful respondent be required to enter into a lease agreement with Council with all costs for the development to be borne by the respondent. The expectation was for the successful respondent to source capital works funds to construct at its own cost a minimum of one (100) hundred beds of Residential Aged Care accommodation, and a suitable number of seniors independent living units with at least twenty percent of the independent seniors living units deemed to be affordable to low income households. The successful respondent would also have to demonstrate that they are able to manage both facilities into the future with priority of access provided to Coolbellup and Cockburn residents.

Consequently, request for proposals for the proposed Lease Area were sought from not for profit organisations who could demonstrate that they are suitably qualified and experienced in the construction and operational management of affordable Seniors Independent Living Units, and Residential Aged Care facilities.



Request For Proposal Number RFP 01-2012 - Lease Land - Aged Friendly Development, Coolbellup WA was advertised on Wednesday 30 May 2012 in the Local Government Tenders section of "The West Australian: newspaper. It was also displayed on the City's E-Tendering website between the 30 May and 26 June 2012.

Submission

Request for Proposals closed at 2:00 p.m. (AWST) on Tuesday 26 June 2012 and two (2) submissions were received from:

1. Bethanie Group Inc
2. Southern Cross Care (WA) Inc

Report

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Company Profile	20%
Key Personnel Skills and Experience	10%
Interpretation, Methodology, Implementation	40%
Financial Position	30%
TOTAL	100%

Request For Proposal Intent/Requirements

The City of Cockburn sought proposals from suitably qualified and experienced not for profit organisations interested in a leasing opportunity, which requires the successful Respondent to establish an Age Friendly accommodation development on the lease site.

The two (2) hectare site is in the Coolbellup Town Centre precinct located on the corner of Cordelia and Coolbellup Avenues, Coolbellup WA and is adjacent to residential, medical, retail, commercial, and community facilities. The City required an outward facing high quality development to be achieved on the site.

The City sought innovative proposals that will provide a minimum requirement of a one hundred (100) bed Residential Aged Care facility and affordable independent seniors living units with at least twenty (20) percent proposed to be affordable to low income households.



The successful respondent was required to demonstrate that they have suitably qualified staff who have experience in project managing a significant capital works development in the order of approximately fifty (50) Million dollars.

The respondents were also required to provide a concept plan of the site with sufficient detail and a construction cost estimate from a quantity surveyor. The concept plan needed to provide the orientation of the buildings, car parking, entry and exit routes, and outdoor spaces, the number of residential aged care beds and the number of independent seniors living units. They also had to provide details of the location and number of affordable independent living units for low income households.

The successful respondent would have to demonstrate that they are able to source capital and operational funding, and have experience in managing both types of facilities into the future. The successful respondent was also required to demonstrate that they would provide priority access to Coolbellup and Cockburn residents to the proposed accommodation.

Due to tenure issues with the site the land will not be available for transfer to the City for approximately twelve (12) months. The agreement to lease provides the opportunity to select the preferred respondent and commence the planning and design stage of the development prior to the lease site being transferred which will reduce the construction timeline significantly. An agreement to lease will also provide the successful respondent the ability to commence negotiations with funding bodies such as the Department of Housing and the Department of Health and Ageing.

Evaluation Panel

The tender submissions were evaluated by:

1. Gail Bowman- Manager Human Services
2. Andrew Trosic- Manager Strategic Planning
3. Jill Zumach- Human services Operations Manager



Scoring Table - Combined Totals

Respondent's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	100%	0%	100%
Bethanie Group Inc **	84.44%	0%	84.44%
Southerncross Care (WA) Inc	73.89%	0%	73.89%

** Recommended Submission

The evaluation panel recommends the Bethanie Group Inc submission.

Evaluation Criteria AssessmentCompany Profile

Both submissions were considered to have relevant organisational structure, not for profit status, relevant experience and staff availability. Bethanie Group Inc demonstrated more experience as a Growth Housing provider for the Department of Housing.

Key Personnel Skills and Experience

Both submissions outlined that they had sufficient, and suitably qualified and experienced personnel to undertake their proposal.

Interpretation, Methodology, and Implementation

Bethanie Group Inc provided a superior outward facing, concept plan highly suited to the site. The Bethanie Group Inc proposal exceeded the City's minimum requirements for twenty (20) percent Affordable Independent Living Units for low income households by providing thirty three (33) percent, and their submission also exceeded the minimum requirements for one hundred (100) Residential Aged Care Beds through provision of one hundred and twelve (112) beds. The proposal was innovative and provided demonstrated community benefits. They also clearly demonstrated that they would provide priority access to Coolbellup and Cockburn Residents. Bethanie Inc provided a clear methodology regarding how they would ensure that thirty three percent of the independent living units would be affordable to low income households.

Southerncross Care (WA) Inc proposal did not commit to the minimum one hundred (100) bed Residential Aged Care Development through



provision of only sixty (60) beds, but exceeded the twenty (20) percent affordable Independent living unit criteria. The methodology regarding how the proponent would ensure the rent is affordable to low income households for the term of the proposed lease was not demonstrated. Both proponents demonstrated that they had previous experience in the construction and management of similar facilities.

Financial Position

Bethanie Group Inc provided a capital works project plan that demonstrated when and from what source capital works funding would be secured within the required timeframe for each stage of the five (5) year development.

Both proponents demonstrated their ability to gain Commonwealth funding for the Residential Aged Care Development they proposed.

Both proponents demonstrated that their organisation's financial position was stable and viable.

Summation

Both compliant tenders are considered to have the capacity to meet the City's requirements as detailed in the specifications as well as comply with the General and Special Conditions of Contract as stated in the request for proposal document.

Bethanie Group Inc provided the best assessment against the selection criteria. Bethanie Group Inc provided a superior concept plan for the site and their proposal exceeded all the minimum requirements sought by the City. Consequently, their tender should be supported and it is therefore recommended that the City commence negotiations for the agreement to lease.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.



Budget/Financial Implications

All terms and conditions including the rent component of the lease will be considered by Council at a later meeting.

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

Community consultation was undertaken during the Structure Plan process. No further community consultation was required.

Attachment(s)

The following Confidential Attachments are provided under a separate cover:

1. Consolidated Evaluation Panel Score Sheet
2. Adopted Structure Plan for lease area
3. Lease area
4. Advertisement authorisation

Advice to Proponent(s)/Submissioners

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

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil



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

21.1 **(MINUTE NO 4867) (OCM 13/09/2012) - APPROVAL TO ATTEND 20 SEPTEMBER 2012 SPECIAL COUNCIL MEETING BY INSTANTANEOUS COMMUNICATION (CC/C/002) (S CAIN) (ATTACH)**

RECOMMENDATION

That Council approves of the arrangements for Clr Lee-Anne Smith to participate in the Special Council Meeting of 20 September 2012, via telephone link from Wyalkatchem, Western Australia, between the hours of 6.00pm (Western Australian Standard Time) until the completion of the meeting.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 7/0

Background

The Local Government (Administration) Regulations enables Elected Members to participate in Council meetings under certain conditions via “instantaneous communication” channels, if they are unable to attend the meeting in person. Clr Lee-Anne Smith advised that she will be in Wyalkatchem, Western Australia on the date of the 20 September 2013 Special Council Meeting and would like to participate in the Council Meeting via telephone link.

Submission

For Council to approve of the arrangements for Clr Smith to participate in the Special Council Meeting to be held on 20 September 2012 by telephone link-up from Wyalkatchem, Western Australia.



Report

A briefing paper has been prepared outlining the likely issues which will require consideration by Council in advance of approving the arrangements and place being proposed to include Cllr Smith as a participant at the 20 September 2012 Special Council Meeting (see attachment). Cllr Smith has advised that she will be staying in a private room at the **Wyalkatchem Railway Barracks**, Grace Street, Wyalkatchem on the evening of 20 September 2012 Special Council Meeting and will be otherwise unaccompanied. It is intended to use the room as the place from which to participate in the meeting proceedings, either by way of a hotel provided telephone or personal mobile telephone, should the room telephone not have a hands free and speaker function.

As there will be no other persons present for the duration of the connecting call and all information will be provided to Cllr Smith via email to a Council computer address or, if necessary, to the hotel by facsimile, it is considered the hotel room is a suitable place for the purposes of the legislation. An appropriate telephone communication system is in place to accommodate Council's requirements.

In all other respects, the meeting processes are expected to comply with legislative requirements and it is therefore recommended that Council approves of the arrangements and place proposed to conduct the meeting.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

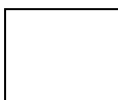
Funds are available in the Governance – Elected Members Expenditure Account 110-6246 – Councillor Communication Expenses for the cost of the telephone call.

Legal Implications

Regulation 14A of the Local Government (Administration) Amendment Regulations 2005 refers.

Community Consultation

N/A



Attachment(s)

Briefing Notes for Conducting a Council Meeting with an Elected Member(s) by Means of Instantaneous Communication.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

22 (OCM 13/09/2012) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

22.1 FUTURE OF ARTWORK – FACES AT COCKBURN CENTRAL

CLR CAROL REEVE-FOWKES has requested that a report be presented to a future Council Meeting regarding the future of the artwork faces at Cockburn Central. This including the promises made to Landcorp to the Cockburn Central Steering Committee that a clock would be installed on that tower above the Cockburn Central Station. The artwork is receiving some negative attention and some consideration should be given to the public perceptions and perhaps some more suitable digital display giving time and temperature could be considered in light of the previous agreement with Landcorp.

22.2 CAT BUS SERVICE

MAYOR LOGAN HOWLETT has requested that a report be presented to a future Council Meeting on the opportunity to extend the Cat Bus service that operates in the City of Fremantle, south to include the South Beach Village. Transport orientated developments require the provision of enhanced public transport options to encourage people to change their commuting habits.

23. CONFIDENTIAL BUSINESS

Nil



24 **(MINUTE NO 4868) (OCM 13/09/2012) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

RECOMMENDATION

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

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

COUNCIL DECISION

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

CARRIED 7/0

25 **(OCM 13/09/2012) - 25 CLOSURE OF MEETING**

Meeting closed at 8.11 pm.

CONFIRMATION OF MINUTES

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

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





BRIEFING NOTES FOR CONDUCTING A COUNCIL MEETING WITH AN ELECTED MEMBER(S) BY MEANS OF INSTANTANEOUS COMMUNICATION

Amendments to legislation controlling attendance at local government Council or committee meetings have now made it possible for elected members not able to be physically present at a meeting to now participate.

Eligibility requirements associated with the Regulations are:-

- (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting;
- (b) the person is in a suitable place, and
- (c) the council has approved by absolute majority of the arrangement.

A suitable place is defined as being in a townsite or other residential area and must be suitable for participating in the conduct of the meeting in as normal a manner as possible. In this regard, a suitable place must be quiet and free of noise intrusions and other disturbances.

In addition, it is essential for an adequate telecommunication link to be established between the Council meeting place and the location of the external participant. This would normally be by way of telephone connection between the two points, with a high definition voice pick up and transmission system to enable a two way conversation to be clearly audible at both ends.

A normal telephone at the external participant's location is all that will be required to ensure two way dialogue can occur. In practice, this will allow full participation by the absent member / members, provided the telephone link is maintained for the duration of the conversation.

As Council's meeting procedures require members to indicate by a show of hands of their intention to speak and / or vote on any matter at related meetings, the Presiding Member will be required to ensure that the external participant indicates by voice of their intention to speak on a matter when requested to do so by the Presiding Member and when voting, by responding "yes" to the call of "in favour" or "against" by the Presiding Member at the conclusion of debate on any matter. Similarly, if an external participant submits a declaration of interest in any item presented for discussion at the meeting, and is required to leave the meeting, the item or items should be deferred until the end of the meeting for consideration, thus enabling the meeting to continue uninterrupted until that time, at which point the call will be disconnected.

Where a meeting is scheduled to discuss confidential business, the external participant will be required to provide adequate assurance that such matters can be discussed with no other person being present at the meeting place approved by Council.

The external member will be required to be in possession of all business papers and other information relating to the relevant Council meeting in order to participate in the meeting. To facilitate this, it may be necessary to provide copies of information available to the meeting by either e-mail or fax copy via Council's executive services section.