

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 AUGUST 2011 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 AUGUST 2011 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Mr I Whitfield	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

#### IN ATTENDANCE

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

### 1. DECLARATION OF MEETING

The Presiding Member formally declared the meeting open at 7.01 pm.

Mayor Howlett made the following announcements:

#### **WALGA Award**

I am pleased to advise that Cr Ian Whitfield received a Local Government Merit Award for his contribution to local government and the wider community over the past 10 years at the recent WALGA Convention.



Cr Whitfield joined 49 Local Government Members who were honoured with an Eminent Service Award, Long and Loyal Service Award or Local Government Merit Award.

WALGA President, Mayor Troy Pickard said the annual Local Government Honours Awards recognised community representatives for their willingness to go above and beyond the call of duty in making their communities a better place for everyone.

“They have all made a significant contribution to serving their communities and have displayed exceptional community leadership skills,” Mayor Pickard said.

“I am delighted to have the opportunity to recognise the incredible personal investment they have made and congratulate all recipients on their outstanding careers in Local Government.”

Cr Whitfield, I join with the Councillors, staff and community in congratulating you on this significant achievement.

### **ICLEI AWARD**

The City received an International Council for Local Environmental Initiatives Water Campaign Award for achieving Milestone 1, 2 & 3 ‘Corporate and Community’ in the Water Campaign.

The Water Campaign assists local governments to quantify and qualify water resource use, develop local water action plans, set targets, act on their plans, and track and report goal achievement.

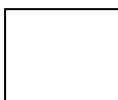
### **WALGA Greensense Award**

The City has also received a WALGA Greensense Award –certifying that it had achieved Level 1 – Emissions Aware status on the WALGA/Greensense Emissions Reporting Platform Program.

Congratulations go to the staff across all disciplines within the City and their engagement in the wider community to achieve results that have led to this recognition.

## **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 (OCM 11/8/2011) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Helen Attrill – Apology

**5. APOLOGIES AND LEAVE OF ABSENCE**

Nil

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

Nil

**7 (OCM 11/8/2011) - PUBLIC QUESTION TIME****ITEMS NOT IN WRITING, NOT ON THE AGENDA****Mr Santo Pasqua, Bibra Lake***Delayed Development of Public Open Space on Coogee Road, Munster*

Q1. There has been no effort to start development of the park – public open space at the new Lake Coogee Gardens Estate in Munster by the Council in spite of the fact that the developer (Urban Focus), has in addition to the land contribution, committed a large amount of money to assist with the work.



As owners affected by the dilapidated state of the undeveloped public open space we would like to know when the Council intends to take advantage of the financial assistance offered by the developer and start work?

It is currently overgrown with weeds, a rubbish dump and a catchment for water when it rains heavily, encouraging mosquito breeding.

A1. This question will be responded to in writing.

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 4581)** (OCM 11/8/2011) - ORDINARY COUNCIL MEETING - 14/07/2011

#### **RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 14 July 2011, as a true and accurate record, subject to the following amendment to page 112:

Delete the words "SECONDED Clr I Whitfield", and insert the words "SECONDED Deputy Mayor K Allen".

#### **COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 9/0**

## 9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

## 10. DEPUTATIONS AND PETITIONS

Nil

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

Nil





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

Nil

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 4582) (OCM 11/8/2011) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 26 JULY 2011 (CR/G/003) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council: Council receive the Minutes of the Grants and Donations Committee meeting held on 26 July 2011, and adopt the recommendations contained therein.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Limbert that Council received the Minutes of the Grants and Donations Committee meeting held on 26 July 2011 and adopt the recommendations contained therein, subject to withdrawing Minute Number 40 "Native Arc Submission for Funding" which is to be withdrawn and considered separately.

**CARRIED 9/0**

**(MINUTE NO 4583) (OCM 11/8/2011) - MINUTE NO 40 (GAD 26/07/2011) - NATIVE ARC SUBMISSION FOR FUNDING (CR/G/003) (V HARTILL)**

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr S Limbert that Council adopt the recommendation subject to the inclusion of the following sub-recommendation (1) 3:

- "3. Native Arc to provide an audited financial statement that accounts for the Council donation of \$51,000 for 2010/11 prior to the first instalment of 2011/12 (\$22,500) being forwarded."

**CARRIED 8/1**



## Reason for Decision

Native Arc received a grant of \$51,000 in 2010/11 to carry out an agreed set of activities. While a report has been presented to meet this requirement the audited statements provided do not account for the allocated funds. Evidence needs to be provided that the funds have been correctly accounted for before any more funds are released to the group.

## Background

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

## Submission

N/A

## Report

Council approved a budget for grants and donations for 2011/12 of \$806,000. The Grants and Donations Committee is empowered to recommend to Council how these funds should be distributed.

## Strategic Plan/Policy Implications

### Governance Excellence

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

### Budget/Financial Implications

Council approved a budget for grants and donations for 2011/12 of \$806,000.

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

Committed/Contractual Donations	\$195,776
*Specific Grant Programs	\$430,224
*Donations	\$140,000
*Sponsorship	\$40,000
<b>Total</b>	<b>\$806,000</b>
Total Funds Available	\$806,000
<u>Less Total of Proposed Allocations</u>	<u>\$806,000</u>
Balance	\$0



*\* These allocated funds are available to be drawn upon in response to grants, donations and sponsorship applications from organisations and individuals.*

### **Legal Implications**

N/A

### **Community Consultation**

The position of Council is for the availability of grants and donations to be advertised through the City's website, local media, Cockburn Soundings, Council networks and related means.

It is recommended that advertising commence immediately following the Council decision to ensure a wider representation of applications.

### **Attachment(s)**

Minutes of the Grants and Donations Committee Meeting on 26 July 2011, including Summary of Grants, Donations and Sponsorship Committee Recommended Allocations 2011/12.

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

N/A

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

Nil

### **13.2 (MINUTE NO 4584) (OCM 11/8/2011) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 21/07/2011 (FS/A/001) (S DOWNING) (ATTACH)**

#### **RECOMMENDATION**

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on 21 July 2011 and adopt the recommendations contained therein.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

A meeting of the Audit and Strategic Finance Committee was conducted on 21 July 2011.

**Submission**

N/A

**Report**

The Audit and Strategic Finance Committee received and considered the following items:

1. Contract for Internal Auditing Services – July 2011 to June 2015.

Quotes were received from three(3) of the five (5) selected firms on the WALGA Preferred Supply Contract panel for internal auditing services.

The City requested quotations from five (5) of the seven (7) contract panel suppliers. The two suppliers not approached were AMD Chartered Accountants (regionally based supplier), and Grant Thornton (current provider of external audit services).

2. Draft Enterprise Risk Management Policy and Guidelines.

The policy and guidelines have been developed to provide a systematic overview of the risks faced by the organisation. The process is consistent with the relevant Standards, ISO 31000 Risk Management – Principles & Guidelines and *AS/NZS 4360:2004 - Risk Management*. As the City embraces a more structured approach to risk management and mitigation, our systems and processes will mature. These guidelines will be reviewed to capture improvement and to continue to challenge the organisation's approach to risk.



3. Internal Audit Log Review – Part III.

A substantial and comprehensive audit plan was carried out over the preceding two financial years. Overall, the majority of audit findings and recommendations have been implemented, or are in progress. Over the life of the audit program, 80% of agreed actions have been actioned. This can be viewed as a reasonable measure of the success and effectiveness of Council's internal audit function

4. Internal Audit Report – Health Income.

Council's internal auditor (Paxon Group) completed an internal audit of the City's Health Income raising and collection processes during the first half of 2011.

Two findings were identified, namely, lack of formalised procedural documentation and lack of independent checking and monitoring.

Auditor's recommendations have been agreed to by the Manager, Environmental Health. Due to some IT issues only some of these procedures have been implemented before 30 June 2011. However, the balance of these procedures is expected to be completed by 30 December 2011.

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

#### **Governance Excellence**

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

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

As contained in the Minutes.

#### **Legal Implications**

As contained in the Minutes.

#### **Community Consultation**

N/A

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

Minutes of the Audit and Strategic Finance Committee – 21 July 2011.



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

N/A

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

Nil.

**13.3 (MINUTE NO 4585) (OCM 11/8/2011) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 27 JULY 2011 (P1192) (S CAIN) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 27 July 2011, as attached to the Agenda, and adopt the recommendations contained therein.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 27 July 2011. 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.

**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 27 July 2011 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 11 August 2011 OCM.

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

Committee Minutes refer.



**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 4586) (OCM 11/8/2011) - PROPOSED SCHEME AMENDMENT NO. 88 - LOCATION: LOTS 1 AND 2 BELLION DRIVE, HAMILTON HILL - OWNER: KARISMA P/L - APPLICANT: PETER D WEBB AND ASSOCIATES (93088) (C CATHERWOOD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 88 to City of Cockburn Town Planning Scheme No. 3 ("scheme");
- (2) modify the advertised version of Amendment No. 88 to the scheme to:
  1. renumber the Conditions in point 2. of the amending text from "8. to 14." to "1. to 7.
- (3) in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:
  1. rezoning Lots 1 and 2 Bellion Drive, Hamilton Hill from 'Mixed Business' to 'Special Use No. 27';
  2. introducing a new 'Special Use No. 27' into Schedule 4 as follows:

No	Description of Land	Special Use	Conditions
SU 27	Mixed Use (Cockburn Coast District Structure Plan)  Lots 1 and 2 Bellion Drive, Hamilton Hill.	<ol style="list-style-type: none"> <li>1. Bed and Breakfast Child Care Premises Civic Use Office Club Premises Motel Reception Centre Recreation - Private Restaurant Consulting Rooms Health Studio Convenience Store Lunch bar Bank Cinema/Theatre Funeral Parlour Hardware Store</li> <li>2. Dwellings (R160): Aged or Dependent Persons Caretaker's Dwelling Grouped Dwelling Multiple Dwelling</li> <li>3. Showroom</li> <li>4. Residential Building</li> </ol>	<ol style="list-style-type: none"> <li>1. These uses shall be treated as 'P' uses pursuant to clause 4.3.3.</li> <li>2. Where buildings front the public street these uses are only permissible where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as 'D' uses in accordance with clause 4.3.3</li> <li>3. Showroom limited to a floor area of 750m<sup>2</sup> as a stand alone development unless it is part of a comprehensive mixed use development, and shall be treated as a 'D' use pursuant to clause 4.3.3.</li> <li>4. These uses shall be treated as 'D' uses pursuant to clause 4.3.3.</li> </ol>





		<p>Tourist Accom. Garden Centre Market Vet. Consulting Rooms Veterinary Hospital Amusement Parlour Betting Agency Medical Centre Hospital Motor Vehicle Hire Premises Motor Vehicle Wash Petrol Filling Station Service Station Cottage Industry Light Industry Service Industry Warehouse Motor Vehicle Repair Hotel/Tavern</p> <p>5. Place of Worship 6. Fast Food Premises 7. Shop</p>	<p>5. This use shall be treated as a 'D' use, pursuant to clause 4.3.3 however advertising of development applications may be required.</p> <p>6. This use is only permissible where it does not support drive through facilities, and it shall be treated as a 'D' use pursuant to clause 4.3.3.</p> <p>7. Shop floor area restricted to a floor area between 150m<sup>2</sup> and 750m<sup>2</sup>, and this use shall be treated as a 'D' use pursuant to clause 4.3.3.</p>
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3. amend the Scheme Map, accordingly.
- (4) receive the amendment documentation, once modified in accordance with 2 above, be signed and sealed without modification and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions with a request for the endorsement of final approval by the Hon. Minister for Planning; and
- (5) advise those parties that made a submission be advised of Council's decision accordingly.

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

**CARRIED 9/0**

**Background**

At its ordinary meeting held 10 March 2011, Council initiated Amendment No. 88 to its Town Planning Scheme No. 3 to consider the introduction of a new Special Use No. 27 to guide development for Lots 1 and 2 Bellion Drive, Hamilton Hill.



Community consultation occurred between 10 May and 21 June 2011, a period of 42 days. Eight submissions, seven of these from government agencies, were received. As per section 17 of the Town Planning Regulations 1967, this matter is now presented for Council's consideration of submissions.

The land is located within the planning area known as the Cockburn Coast which stretches between South Beach and Port Coogee marina. The WA Planning Commission has endorsed a District Structure Plan for this area known as the 'Cockburn Coast District Structure Plan' ("CCDSP"). The CCDSP was developed to provide guidance for future land uses and transport initiatives. The CCDSP area is divided into seven separate precincts, generally based upon precinct characteristics and objectives. The subject site is situated within the 'Newmarket' Precinct (Precinct No. 7) which is located within the District Structure Plan area, and is bound by Rockingham Road to the north, Cockburn Road to the west and the 'Primary Regional Roads' reservation to the south and east.

The Newmarket Precinct is the only land within the District Structure Plan area and the City of Cockburn which has current urban development opportunities; given that it is zoned 'Urban' under the MRS and 'Residential', 'Business', 'Mixed Business' and 'Local Centre' under the City of Cockburn Town Planning Scheme No. 3 ("the Scheme"). For this reason, management of the existing zoning provisions against the District Structure Plan's anticipated outcomes is critical.

The City is currently progressing an Amendment to the Scheme within the Newmarket Precinct, being Amendment No. 82, which introduces special use provisions including 'Special Use No. 24' (SU24). This proposal was advertised including the subject land at Lots 1 and 2 Bellion Drive as part of SU24. The proponent wishes to provide for an increase in the residential density of R60 accorded by both the current scheme provisions and the proposed SU24 provisions.

To consider this request, these lots were excised from the proposed SU24 under Amendment 82. A separate SU27 via this amendment is now proposed. The provisions are exactly the same with the exception of the residential density which is proposed to be R160. This proposal, Amendment 88, will complement Amendment 82 in proposing SU27 and will ensure the entire Newmarket Precinct is appropriately rezoned to implement the objectives of the Cockburn Coast DSP. Given the background to these amendments, it is important that the matters of land use permissibility be addressed consistently in both amendments.



## Submission

The proposed rezoning has been requested by the applicant to facilitate the higher residential density of R160 on the subject land, while still providing for the wide variety of permissible uses envisaged for the Newmarket Precinct.

As per proposed SU24, this proposed SU27 also proposes that ground floors (street level) of buildings within this Precinct are designed to accommodate non-residential uses such as restaurants and cafes to contribute to the vibrancy of this area.

The applicant has submitted Scheme amendment documentation in support of this proposal.

## Report

The report to Council to consider initiating the amendment discussed in significant detail the basis for the amendment, the relationship to Amendment 82 for the remainder of the Newmarket area, and the relationship to the Cockburn Coast District Structure Plan. It is not intended to repeat all of the above issues in this report, except where they relate to an issue raised in the submission period.

### Height: Relationship with proposed Local Planning Policy – Newmarket Precinct

A draft Local Planning Policy for the Newmarket Precinct has been prepared to ensure that new developments within the Newmarket Precinct are designed with regard to the District Structure Plan.

The intent of this Policy is to support developments which conform to the general Precinct provisions, however with the important requirement that the designation of gateway and landmark elements (which have significant height allowances) must be undertaken in a comprehensive manner.

An existing development approval which was granted for this land was assessed against this policy and was considered to be consistent.

City officers are comfortable that the Local Planning Policy provides appropriate and sufficient guidance on the matter of height.

### Land Use Permissibility: Mixed Use Area – Proposed Special Use No. 27 (SU27)

This portion of the Newmarket Precinct has been identified as 'mixed use' under the District Structure Plan. The subject lots are currently



zoned 'Mixed Business', and while Lot 1 is vacant, Lot 2 has been previously used for a motor repair business. It is proposed to rezone these lots to 'Special Use No. 27' (SU 27).

The purpose of the mixed use area is to allow the opportunity for a mix of uses to promote the redevelopment of the Cockburn coast into a vibrant and sustainable environment that integrates living, working and leisure opportunities.

The District Structure Plan outlines that uses in the mixed use area should demonstrate a positive contribution to promoting a vibrant mixed use urban environment, contribute to a continuous active street frontage and encourage pedestrian use of Cockburn Road. It outlines that planning controls should not be overly prescriptive in terms of use. Therefore on this basis the proposed 'Special Use No. 27' identifies a wide variety of permissible uses. Where it is considered that such uses could potentially impact on residential development they have been designated as 'D' uses to enable an assessment to be made of any potential impacts ('D' uses require planning approval pursuant to clause 4.3.3 of the Scheme).

Showroom uses that are stand-alone have been identified as permissible only where they have a floor area of no more than 750m<sup>2</sup>, unless they are part of a comprehensive mixed use development. This restriction is proposed to prevent a large showroom(s) consuming a large proportion of the mixed use area, which would be contrary to the objective of creating a vibrant mixed use urban environment.

Residential uses at a density of R160 (in recognition this is a 'gateway' site) have been identified as permissible only where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as 'D' uses in accordance with clause 4.3.3. The purpose of this requirement is to ensure that mixed use potential is created even at the early stages of development when the market might not yet support non-residential use. The draft Local Planning Policy for the Newmarket Precinct outlines design measures to be considered in this regard.

While the District Structure Plan identifies small retail as being appropriate there is concern that if small retail is permissible in the mixed use area there will be no ability to ensure that the local activity nodes will be the focal point for retail. It is considered imperative that there is a distinction between the mixed use and local activity node, otherwise Cockburn Road will become a long stretch of mixed use development with no focal points. Restricting 'shop' uses in the mixed use area will provide a better framework to ensure that the objectives of the local activity node are achieved. This is why it is recommended



that shop floor area in the mixed use area be restricted to a floor area between 150m<sup>2</sup> and 750m<sup>2</sup>.

The District Structure Plan identifies that 'service industry' is not appropriate in the mixed use area, however it is considered that such uses at an appropriate scale could serve the resident population in this area, rather than residents having to travel outside the area for such services. Therefore this use has been identified as a 'D' use, which requires planning approval.

City officers are comfortable that the land use permissibility is consistent with the vision outlined by the Cockburn Coast District Structure Plan. Furthermore, it is important that this amendment is consistent with Amendment 82 which covers the remainder of the Newmarket precinct.

### **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.

#### **Employment and Economic Development**

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

### **Budget/Financial Implications**

The Scheme Amendment fee for this proposal has been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

### **Legal Implications**

N/A



## **Community Consultation**

### Methods of consultation

Community consultation was carried out for a period of 42 days, from 10 May till 21 June 2011. An advertisement was placed in the Cockburn Gazette on 10 May 2011.

For several months the City's website has included details of the proposed amendment, including links to other relevant documentation people may wish to review.

Nearby landowners were advised in writing of the proposal and provided with copies of the amendment report to review.

A front foyer display was provided at the administration office including copies of the amendment report.

### Results of consultation

Details of individual submissions are included in the Schedule of Submissions appended to this report.

A total of eight submissions were received. Seven of these were from agencies. The remaining submission was from a private landowner. The majority of submissions raised issues which will arise as development approvals are sought in the future.

Two submissions raised a concern with the issue of height. The private landowner was concerned high buildings would set a precedent for the area. This submission was not supported as the Cockburn Coast District Structure Plan already sets this expectation.

The Department of Planning suggested height should be mandated through this scheme amendment. This submission is also not supported as the Newmarket Local Planning Policy already includes guidance on heights, consistent with the vision outlined in the Cockburn Coast District Structure Plan.

The issue of land use permissibility was also raised by the Department of Planning. Changes were suggested to a number of land uses which the Department are concerned do not align with the shared visions of the Department and the City of Cockburn to date.

The agency was queried why this was now a concern, however had not been raised in the formal submission on Amendment 82. City officers have strong concerns with creating a different set of requirements for these two lots.



DoP officers advised the land use permissibility had been discussed early in the process of preparing Amendment 82, however, it is clear these comments were never formalised through the consultation process. The assessment of that proposed amendment has now moved to a request for final endorsement from the Minister. Regardless, the City is comfortable with the proposed land use designations as they are and Amendment 82 interprets the vision the City has for the Newmarket Precinct of Cockburn Coast. Combined with the desire to be consistent, there are no changes recommended to this amendment in terms of land use permissibility.

### **Attachment(s)**

1. Cockburn Coast District Structure Plan
2. Scheme Amendment (extracts)
3. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 August 2011 Council Meeting.

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

Nil

## **14.2 (MINUTE NO 4587) (OCM 11/8/2011) - PROPOSED CLOSURE OF PUBLIC ACCESS WAY BENEDICK ROAD TO ROSALIND WAY COOLBELLUP (450343) (L GATT) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) subject to the construction and ceding of the North/South road, including footpaths, from Benedick Road to Cordelia Avenue as proposed in the Local Structure Plan submitted by RPS Environment and Planning Pty Ltd for the old Koorilla School Site;
- (2) request that the Minister for Lands approve the closure of the PAW and make the land available for purchase by the adjoining land owners;
- (3) advise the owners of the adjoining properties of the decision; and
- (4) advise all persons who lodged submissions of the decision.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The Pedestrian Access Way (PAW) is located between Benedick Road and Rosalind Way Coolbellup and is 4m wide and 92.8m long. The PAW is currently unzoned and if the closure request is successful, then the PAW will need to be zoned to be consistent with the adjoining land. This can be undertaken as part of a separate omnibus amendment.

The PAW land is currently owned by the State of Western Australia and provides access from Benedick Road through to the Coolbellup Town Centre via Rosalind Way.

**Submission**

The City received a letter from RPS Environment and Planning Pty Ltd requesting the City to consider the closure of the PAW as part of the Local Structure Plan submission for the former Koorilla Primary School site. It is proposed that the land be amalgamated with the adjoining properties and replacement access would be provided through the new development. See Attachment A.

**Report**

A Local Structure Plan (LSP) was submitted by RPS Environment and Planning Pty Ltd on behalf of LandCorp and Delfin Lend Lease seeking approval for the redevelopment of the former Koorilla Primary School site for residential purposes including aged care accommodation.

Council at its meeting held on the 12<sup>th</sup> May 2011 resolved to approve the structure plan and it has been referred to the Western Australian Planning Commission for endorsement.

The LSP proposes the construction of a new access road (including pedestrian paths) that will link Benedick Road to Cordelia Avenue therefore facilitating safe and direct pedestrian access to the Coolbellup Town Centre. A copy of the Proposed Structure Plan indicating the PAW closure is attached at B.





Part 1.1(a) of the City's Policy APD21 Pedestrian Access Way Closures details that a request for closure should be in writing supported by justification for the closure (e.g. details of nuisance experienced) and signed by at least two of the owners or occupiers adjoining or abutting the PAW. The purpose of the policy is to provide guidance to the City when evaluating a proposal to close a PAW.

The City has received two supporting letters however the request to close this PAW has deviated from the guidelines and been based on the proposal detailed in the LSP. The recommendation to close the PAW is based on orderly and proper planning principals and the City's Officers believe it would be prudent to amalgamate the land with the neighbouring properties and provide a future access way through the new development as proposed in the LSP.

The City wrote to residents and ratepayers in the walkable catchment area requesting them to make a submission or comments on the proposed PAW closure. Of the 117 letters sent we received six submissions. The table at Attachment C details the comments received.

A sign was erected at both ends of the PAW on 28 June 2011 for a period of 28 days no responses have been received.

The owners of the two neighbouring residential properties have agreed to purchase the half portion of the PAW land should the closure of the PAW proceed.

All service providers have been advised and the assets that are currently located in the PAW will need to be considered by State Lands Services as part of the negotiations between State Lands Services and the proposed future purchasers of the land.

If Council recommends the closure of the PAW based on the development as detailed in the LSP submitted by RPS Environment and Planning Pty Ltd on behalf of LandCorp and Delfin Lend Lease a further report is to be prepared and submitted to Western Australian Planning Commission (WAPC). The report is to address the considerations highlighted in Planning Bulletin no. 57/2009A and seek the approval of WAPC prior to making a final submission to State Lands Services to close the PAW and make the land available for purchase.

Should the construction and ceding of the road as detailed in the LSP not proceed then the closure of the PAW will need to be addressed as part of a future report to Council based on the guidelines included in Council Policy APD21.



## **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 construct and maintain community facilities that meet community needs.

## **Budget/Financial Implications**

N/A

## **Legal Implications**

N/A

## **Community Consultation**

Sign erected 28 June 2011  
Letters to 117 Ratepayers

## **Attachment(s)**

1. Letter from RPS
2. Old Koorilla School Site Structure Plan June 2011
3. Schedule of Submissions received

## **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 11 August 2011 Council Meeting.

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

Nil.



**14.3 (MINUTE NO 4588) (OCM 11/8/2011) - PROPOSED SCHEME AMENDMENT NO. 73 - LOCATION: LOT 100 BERRIGAN DRIVE AND LOT 31 HOPE ROAD, JANDAKOT (ADOPTION FOR FINAL APPROVAL) - OWNER: TREELAND INVESTMENTS PTY LTD - APPLICANT: GRAY AND LEWIS LAND USE PLANNERS (93073) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 73 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”);
- (2) adopt for final approval Amendment No. 73 to the Scheme for the purposes of:
  - 1. Rezoning portion of Lot 100 Berrigan Drive, portion Lot 31 Hope Road, and Wakely Circus unconstructed road reserve, Jandakot from ‘Resource’ zone and ‘Local Reserve - Local Road’ to ‘Special Use’ zone; and including a new ‘Special Use No. 28’ within Schedule 4 as follows:

No.	Description of Land	Special Use	Conditions
SU 28	Lot 101 Berrigan Drive, Jandakot	1. Office. Objectives: In considering an application for Planning Approval the Council, in addition to any other matter it is required to consider, shall have regard for the following objectives: i) The need to achieve development that integrates with proposed development on adjacent airport land (in accordance with the adopted Jandakot Airport Master Plan) in terms of architectural style, appearance and design. (ii) To facilitate a landmark corner development in landscaped surrounds.	1. This use shall be treated as ‘D’ use pursuant to Clause 4.3.3.



		<p>(iii) To eradicate weed infestations and utilise native species in landscaping which provides a continuation of landscaping themes for development in adjacent airport land.</p> <p>(iv) To provide for the safe movement of vehicular and pedestrian traffic.</p> <p>(v) To incorporate water sensitive urban design and ecological sustainable development principles.</p>	
<p>(3) 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.</p>			

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

**CARRIED 9/0**

**Background**

The subject land comprises Lot 100 Berrigan Drive, Lot 31 Hope Road and Wakely Circus unmade road reserve within the locality of Jandakot, close to the entry to Jandakot Airport. The subject land is zoned 'Resource' and 'Local Road' reserve pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme") (refer to site plan within Attachment 1). Under the Metropolitan Region Scheme ("MRS"), the subject land is zoned 'Rural Water Protection'.

The subject land previously contained a dwelling, which was demolished in 2007.



Currently there are road and drainage infrastructure encroachments on Lot 100 Berrigan Drive and Lot 31 Hope Road, Jandakot as follows:

- \* Main Roads WA constructed a portion of Berrigan Drive on the subject land. This occurred as a result of Berrigan Drive being realigned to the east in conjunction with Roe Highway interchange at Karel Avenue, as part of major modification to Karel Avenue and Hope Road connection to Jandakot Airport.
- \* Currently stormwater from a large section of the road works completed as part of the Roe Highway works is directed to an area at the lowest point on the subject land. There is no alternative location for a stormwater sump, and it is important that the City secures access to this land accordingly.

To resolve these issues, the City has entered into a Memorandum of Understanding ("MOU") with Treeland Investments to facilitate a land exchange, subdivision and road closure as shown at Attachment 3.

Wakely Circus is an unmade dedicated road reserve located immediately to the east of the subject land which is surplus to road requirements. Council at the Ordinary Meeting on 14 February 2008 resolved (Minute No. 3657) to request closure of this road in accordance with the *Land Administration Act 1997*.

It is proposed that the landowners cede the 2286m<sup>2</sup> of land required as road widening (i.e. the constructed portion of Berrigan Drive), and land required for a drainage basin (3030m<sup>2</sup>) through subdivision, in exchange for the acquisition of the 2950m<sup>2</sup> closed road reserve (Wakely Circus). The road widening will result in Berrigan Drive being within a dedicated road reserve, and not on private property as it currently is.

A subdivision application was approved by the Western Australian Planning Commission ("WAPC") on 1 November 2010 to facilitate this land exchange.

Council at the Ordinary Meeting on 9 December 2010 initiated Scheme Amendment No. 73 to rezone Lot 100 Berrigan Drive and Lot 31 Hope Road, Jandakot and Wakely Circus road reserve from 'Resource' zone and 'Local Road' reserve to 'Special Use' zone. The Amendment was subsequently advertised for public comment ending on 1 June 2011.

### **Submission**

The proposed rezoning has been requested by the applicant in order to facilitate office uses on the subject land. The applicant has submitted



Scheme Amendment documentation in support of the proposal, and an environmental report.

## **Report**

### Proposal

Scheme Amendment No. 73 proposes to rezone Lot 100 Berrigan Drive and Lot 31 Hope Road, Jandakot and Wakely Circus road reserve from 'Resource' zone and 'Local Road' reserve to 'Special Use' zone to facilitate 'office' uses (refer to Attachment 2).

A new 'Special Use' zone (No. 28) is proposed to be included in Schedule 4 of the Scheme for the subject land, which sets out that 'office' is a 'D' use pursuant to the Scheme. It also proposes to set out objectives for proposed development, and these objectives are outlined and discussed later in this report.

The Amendment also proposes to correct the zonings over the existing road and drainage infrastructure encroachments, as follows:

- \* Rezone the 3030m<sup>2</sup> southern portion of Lot 31 Hope Road from 'Resource' zone to 'Local Reserve - Lakes' to reflect the proposed use of the land as a drainage basin.
- \* Rezone the portion of Lot 100 Berrigan Drive and Lot 31 Hope Road that is proposed to be ceded for road widening (reflecting the constructed portion of Berrigan Drive) from 'Resource' zone to 'Local Reserve - Local Road'.

### Jandakot Airport Master Plan

The subject land is located adjacent to the Jandakot Airport Master Plan area, and is under the same ownership (by affiliated company) as the lessee of Jandakot Airport.

Jandakot Airport is recognised as a 'Regional Specialised Centre' in *Directions 2031 and Beyond* and State Planning Policy No. 4.2 (Activity Centres for Perth and Peel). The City's Local Commercial Strategy also recognises Jandakot Airport as a future mixed business area.

The Jandakot Airport Master Plan identifies a development strategy for land that is surplus to requirements for long term aviation and ancillary support services. This includes the airport land immediately to the east of the subject land (Precincts 4B and 5).

Precinct 4 is intended to provide a mixed use business park-like setting supporting a landscaped entrance to the airport. Precinct 4 is currently



partially under construction and will include business, office, bulk retail, showroom, warehouse and storage uses consistent with the Master Plan. Precinct 5 is proposed to provide a mixed-use business park-like setting which is responsive to its proximity to the nearby rural-residential development bordering the western boundary of the airport. Precinct 5 will support warehouse and storage uses.

The subject land is isolated from the 'Resource' zone area by Berrigan Drive and the airport land. It is considered that inclusion of the subject land within the commercial area provides a logical boundary to the airport development. It is considered appropriate that any development of the subject land complement the development proposed within the airport land, and the amendment proposes to facilitate 'office' uses consistent with the planned development for adjacent airport land.

'Special Use' zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme. Therefore a 'Special Use' zone is considered to be the most appropriate zone to facilitate only 'office' uses on the subject land.

To ensure that any development achieves good built form outcomes, consistent with proposed development for the airport land, it is proposed that a set of objectives be included in the new 'Special Use No. 28'. Council shall have due regard to these objectives when assessing any application for planning approval on the subject land, as follows:

1. The need to achieve development that integrates with proposed development on adjacent airport land (in accordance with the Master Plan) in terms of architectural style, appearance and design.
2. To facilitate a landmark corner development in landscaped surrounds.
3. To eradicate weed infestations and utilise native species in landscaping which provides a continuation of landscaping themes for development in adjacent airport land.
4. To provide for the safe movement of vehicular and pedestrian traffic.
5. To incorporate water sensitive urban design and ecological sustainable development principles.



### Jandakot Groundwater Mound

The subject land is zoned 'Rural - Water Protection' under the MRS. The objective of the 'Rural - Water Protection' zone is to minimise the risk of contamination of the water source. Land use in the 'Rural - Water Protection' zone is managed in accordance with the principle of risk minimisation, and only low-risk land development is compatible.

State Planning Policy 2.3 (Jandakot Groundwater Protection Policy) ("SPP 2.3") seeks to ensure development over the Jandakot groundwater protection mound is compatible with the long term use of the groundwater. It seeks to prevent land uses that are likely to result in contamination of groundwater through nutrient or contaminant export.

The subject land is within the Jandakot Underground Water Pollution Control Area ("JUWPCA") which is a Public Drinking Water Source Area according to the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*. Accordingly, SPP 2.3 applies to the subject land which has been designated 'Priority 2 Water Source Protection Area'. 'Priority 2 Areas' have a high priority for public water supply use, and the management objective is to ensure there is no increased risk of pollution to the water source.

SPP 2.3 includes a list of land uses in Table 1 as a guide for local governments. Within the 'Priority 2 Area' local governments can consider land uses such as 'aquaculture', 'dog kennels', 'floriculture', 'hobby farms', 'extractive industry', 'orcharding', 'plant nursery', and 'poultry farms'.

It is noted that SPP 2.3 specifies that uses not mentioned in the land use table should not be introduced into the list of permissible or discretionary uses. It also outlines that when considering Scheme amendments local governments should ensure that consideration is taken of land capability/suitability criteria, particularly in relation to the net effects that the proposed land use changes are likely to have on the risk of polluting the groundwater.

Pursuant to Section 77(1)(a) of the *Planning and Development Act 2005* local governments are required to have due regard to any State Planning Policy in preparing or amending a local planning scheme.

The proposed rezoning constitutes a variation to SPP 2.3, however in considering this variation due regard has been given to the overall objectives of the policy which seek to prevent land uses that are likely to result in contamination of groundwater through nutrient or contaminant export.





A portion of the adjacent airport land (Precinct 4B and 5) is also within the JUWPCA, although as a higher priority category ('Priority 1 Area') than the subject land. It has been demonstrated through the Jandakot Airport Master Plan and Environmental Strategy that commercial uses can be accommodated on this adjacent land without impacting on groundwater or undermining the objectives of SPP 2.3. The strict environmental management controls to prevent pollution to groundwater that are proposed for development of commercial areas immediately adjacent to the subject land would be extended to the subject land, as outlined in the environmental report submitted by the applicant. It is therefore considered that 'office' uses can be accommodated on the subject land in a manner that does not compromise the objectives of SPP 2.3.

The proposal was supported by the Department of Water ("DoW"), and they have advised that the potential groundwater contamination risks posed by 'Special Use No. 28' are in accordance with the objectives of SPP 2.3 provided that the following recommendations are followed:

1. *The proposed offices are connected to deep sewerage.*
2. *The use of pesticides within the Jandakot UWPCA should comply with the DoW's State-wide Policy No. 2: Pesticide Use in Public Drinking Water Source Area's and the Department's of Health Circular PSCBB: Use of herbicides in water catchment areas.*
3. *Any storage and use of toxic and hazardous substances within the P2 area of the Jandakot UWPCA should be assessed by DoW.*
4. *Where toxic and hazardous substances are stored and used on the site, there should be pre and post development spill management and emergency response plans.*
5. *Utilisation of best management practice during construction of the offices, as outlined in the relevant Water Quality Protection Notes.*

These recommendations are matters that will require consideration when a planning application is submitted for development of the land.

#### Community Consultation

The Amendment was advertised for a period of 42 days, which included letters to nearby landowners and letters to relevant government agencies.



During the advertising period there were a total of three submissions received, with two submissions of support and one objection. All submissions are outlined and addressed in the Schedule of Submissions (Attachment 5).

There was one objection received from a landowner in the area, raising the following key issues:

- \* *Jandakot Airport Commission have already developed and cleared significant areas of land around the airport, which has displaced birds and fauna. They should be required to eradicate weeds and revegetate the area with native species as a token of their support for conservation.*

The subject land is degraded, and it is not considered to have significant conservation value that would warrant revegetation of the whole parcel of land, and reservation of the land for conservation purposes. It is also noted that there have been no objections raised by the Department of Environment and Conservation regarding the proposed zoning change.

- \* *The subject land provides a buffer for the residential properties and the large commercial site which the Airport has and continues to develop.*

It is considered that Berrigan Drive provides a natural edge to the Jandakot Airport area, and it also provides separation between the subject land and the 'Resource' zoned land. It is also noted that Airport land is located directly adjacent to 'Resource' zoned land along its southern boundary, and it is considered that an acceptable interface can be achieved.

### Conclusion

The proposed rezoning is considered to represent a logical 'rounding off' of the airport land, and will facilitate development consistent with the commercial development proposed for the adjacent land under the Jandakot Airport Master Plan. The proposed rezoning will also ensure that the correct zoning applies to the subject land, and the drainage and road encroachments.

Accordingly, it is recommended that Council adopt Scheme Amendment No. 73 for final approval.



## Strategic Plan/Policy Implications

### Demographic Planning

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

### Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

## Budget/Financial Implications

The Scheme Amendment fee for this proposal has been calculated in accordance with the Planning and Development Regulations 2009, including the cost of advertising and this has been paid by the applicant.

## Legal Implications

N/A

## Community Consultation

In accordance with the Town Planning Regulations 1967 consultation was undertaken subsequent to the Environmental Protection Authority ("EPA") advising that the proposal was environmentally acceptable.

Consultation was undertaken between the 12 April 2011 and 1 June 2011 with adjacent landowners and government agencies, including the DoW and Department of Environment and Conservation. An advertisement was included in the Cockburn Gazette on 12 April 2011.

Community consultation was also previously undertaken in relation to the closure of Wakely Circus, as required by Section 58 of the *Land Administration Act 1997*. No objections were received to the proposed road closure.

## Attachment(s)

1. Location Plan
2. Existing Zoning
3. Lot Layout Plan
4. Aerial Photograph
5. 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 11 August 2011 Council Meeting.

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

Nil.

**14.4 (MINUTE NO 4589) (OCM 11/8/2011) - PACKHAM NORTH DISTRICT STRUCTURE PLAN - LOCATION: PACKHAM NORTH PROJECT AREA, SPEARWOOD & COOGEE - OWNER: VARIOUS - APPLICANT: N/A (SM/M/005) (R COLALILLO) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) subject to approval of the Packham North District/Local Water Management Strategy by the Department of Water, adopt the Draft Packham North District Structure Plan ("Draft District Structure Plan"), as modified, 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;
- (2) endorse the Schedule of Submissions prepared in respect of the Draft District Structure Plan;
- (3) forward a copy of the endorsed District Structure Plan to the Western Australian Planning Commission for information purposes only; and
- (4) advise landowners within the Draft District Structure Plan, affected landowners, and affected public authorities notifying of the adoption of the District Structure Plan, as modified.

**COUNCIL DECISION**

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

**CARRIED 9/0**



## **Background**

At its Ordinary Meeting held on 10 March 2011 Council resolved to endorse the Draft Packham North District Structure Plan for the purposes of providing a guiding document to inform the preparation of future LSP's within the District Structure Plan area and publish notice of the proposed Draft District Structure Plan.

Community consultation has now occurred and the purpose of this report is to consider Draft District Structure Plan for final adoption as a guiding document in light of the submissions received during the advertising period.

## **Submission**

N/A

## **Report**

### Packham North District Structure Plan

In order to facilitate proper and orderly planning across Development Area 31 (Packham North), the City of Cockburn ("City") has prepared the Draft District Structure Plan.

The area comprised by Development Area 31 is shown in the attachments to this report. The Draft District Structure Plan will facilitate the development of the former Watsonia Abattoir and Small Goods Factory, together with the surrounding land that was previously zoned 'Rural' and was within the odour buffer of the abattoir.

The Draft District Structure Plan includes the following components:

1. a Draft District Structure Plan report;
2. the Draft District Structure Plan;
3. associated technical reports regarding district/local drainage, servicing, environmental studies etc.

The Draft District Structure Plan will provide an overall planning framework to guide future LSP's, given the fragmented nature of landownership which exists.

### Consultation

Community consultation was carried out for a period of 30 days, from 13 June to 13 July 2011. A total of 10 submissions were received. The submissions that were received are set out and addressed in detail within the Schedule of Submissions (Attachment 3).



In response to submissions, the Draft District Structure Plan has been amended as follows:

- Removal of small and impractical areas of POS from the DSP spatial plan, where appropriate.
- Removal of the northern roundabout shown on the DSP spatial plan.
- Addition of the requirement for LSP's in the vicinity of the existing freight railway line to demonstrate compliance with the WAPC's 'Statement of Planning Policy 5.4 - Road And Rail Transport Noise and Freight Considerations in Land Use Planning'.
- Expansion of the generic 50 metre service station buffer to 200 metres in accordance with the requirements of the Environmental Protection Authority's 'Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses'.
- Modifying the prerequisite for Detailed Area Plan's for aged and/or dependent persons so that the City may waive the requirement where matters relating to development design have been satisfactorily addressed at the LSP stage.

#### District Water Management Strategy

In accordance with Department of Water ("DoW") requirements, landowners or groups of landowners within Development Areas need to prepare a District Water Management Strategy ("DWMS"), Local Water Management Strategy ("LWMS") and Urban Water Management Plan as part of structure planning and subdivision processes. Given the fragmented landownership within the project area and its relative size, the City has prefunded a hybrid DWMS/LWMS for the project area, with these monies to be recouped through the developer contribution arrangements being introduced for the project area under draft Scheme Amendment No. 87.

The City engaged the consultant Cardno to prepare the DWMS/LWMS. The draft DWMS/LWMS has now been assessed by the DoW and some minor modifications have been requested to the document prior to final endorsement/approval being granted.

As the changes are only minor in nature, it is recommended that approval of the Draft District Structure Plan may proceed subject to the submission and final endorsement of the revised DWMS/LWMS by the DoW.



## Conclusion

It is recommended that Council, subject to the final endorsement/approval of the associated DWMS/LWMS, adopts the Draft District Structure Plan, as amended. Officers are of the view that it adequately responds to the site characteristics of the land, and provides a robust guideline to help in the preparation of future LSP's.

## **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.

### **Lifestyle and Aspiration Achievement**

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

### **Natural Environmental Management**

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

## **Budget/Financial Implications**

The Draft District Structure Plan falls within draft Development Contribution Area 12 – Packham North which is the subject of Amendment No. 87 to the Scheme and is yet to be formally adopted by Council or approved by the WAPC. Once adopted, all landowners within DCA 12 will be required to make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Packham North Development Contribution Area.

Such future subdivision and development will also be subject to the proposed Scheme Amendment No. 81 dealing with community based infrastructure contributions.

## **Legal Implications**

As mentioned, it is proposed to consider the Draft District Structure Plan as a guiding document. It is important this distinction is made from a Local Structure Plan, given the way in which the Scheme deals with a



Local Structure Plan as an extension to the statutory requirements of the Scheme.

### **Community Consultation**

Community consultation was carried out for a period of 30 days, from 13 June to 13 July 2011. The proposed district structure plan was advertised in the newspaper, on the City's website and letters were sent to affected landowners and government/servicing authorities.

### **Attachment(s)**

1. Location Plan
2. Packham North District Structure Plan
3. Schedule of Submissions

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 August 2011 Council Meeting.

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

Nil

- 14.5 (MINUTE NO 4590) (OCM 11/8/2011) - PROPOSED BRANCH CIRCUS DISTRICT STRUCTURE PLAN LOCATION: VARIOUS LANDHOLDINGS BETWEEN HAMMOND ROAD AND BRANCH CIRCUS, SUCCESS OWNER: VARIOUS LANDOWNERS APPLICANT: CITY OF COCKBURN (SM/M024) (R SERVENTY) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) write to the Department of Planning requesting the lifting of urban deferment under the Metropolitan Region Scheme from Lots 3, 4, 12, 13, 22, 81, 125, 126 and Portion on Unallocated Crown Land (UCL) Hammond Road, Portion of Lot 760 Gadd Street, Portion of Lots 761 and 80 Branch Circus, Success;
- (2) subject to approval of the Branch Circus District Water Management Strategy by the Department of Water, adopt the Draft Branch Circus District Structure Plan ("Draft District Structure Plan"), as modified, for the purposes of providing a guiding document to inform the preparation of future Local Structure Plans within the District Structure Plan area;





- (3) endorse the Schedule of Submissions prepared in respect of the Draft Mell Gardens Local Structure Plan for Lots 480 & 483 Rockingham Road, Spearwood;
- (4) forward the Branch Circus District Water Management Strategy, as modified, to the Department of Water for their endorsement;
- (5) forward the Draft District Structure Plan to the Western Australian Planning Commission for their consideration in light of the request to lift urban deferment; and
- (6) write to landowners within the Draft District Structure Plan, affected landowners and occupiers, and affected public authorities notifying of the adoption of the Draft District Structure Plan, as modified and the request for lifting of urban deferment.

#### **COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr S Limbert that Council adopt the recommendation with the following amendment to sub-recommendation (3):

- (1) & (2) as recommended;
- (3) endorse the Schedule of Submissions prepared in respect of the Draft District Structure Plan; and
- (4) to (6) as recommended.

**CARRIED 9/0**

#### **Reason for Decision**

The recommendation contained a typographic error, in that it included reference to Mell Gardens which is not the subject of this item.

#### **Background**

At its Ordinary Meeting held on 10 February 2011 Council resolved to endorse the Draft Branch Circus District Structure Plan ("Draft District Structure Plan") for the purposes of providing a guiding document to



inform the preparation of future Local Structure Plans (LSPs) within the District Structure Plan area and publish notice of the proposed Draft District Structure Plan.

Community consultation occurred between 8 March 2011 and 11th April 2011, a period of 30 days, and 17 submissions were received.

In response to submissions received from the Department of Planning (DoP), Department of Environment and Conservation (DEC) and landowners within the Draft District Structure Plan area, the Draft District Structure Plan has been amended. The substantial changes include:

1. Removal of the Conservation Zone over Lots 2, 3, 4 & 9000 Branch Circus and identification of the Lots as having 'no potential for urban development or closer settlement'.
2. Addition of a perimeter road to separate residential development from the POS and Conservation Category Wetland (CCW) buffer.
3. Requirement for road reserves adjacent to Public Open Space to accommodate all battering related to road construction.
4. Addition of a dual use path linking the existing dual use path within the Thomsons Lake Nature Reserve to the dual use path within the residential development to the east of the District Structure Plan area.
5. Recoding of the street block directly to the east of the centrally located POS within Lot 760 Gadd Street from R25 to R-40.
6. Addition of text within Section 6.8- Parks and Recreation, providing direction the future treatment of the CCW buffers.
7. Addition of a requirement for a Wetland Management Strategy as part of any future subdivision application.

The Draft District Water Management Strategy (DWMS) has been amended in response to comments from the Department of Water (DoW). These modifications were minor in nature.

The purpose of this report is to consider the Draft District Structure Plan for final adoption.

### **Submission**

N/A



## Report

### Branch Circus Draft District Structure Plan

In order to facilitate proper and orderly planning across the undeveloped portion of Development Area 13 (Branch Circus), the City prepared a Draft District Structure Plan. In preparing the Draft District Structure Plan, regard has been given to the frameworks provided by both Liveable Neighbourhoods and the City's Scheme.

The Draft District Structure Plan provides guidance for the future development of LSPs, prescribing land uses, the local street network and local parks. In contrast to other District Structure Plans prepared and adopted by the City, the Branch Circus Draft District Structure Plan is less conceptual in nature and provides more detail to guide the preparation of LSPs and plans of subdivision. This level of detail is appropriate due to the highly fragmented nature of the subject land, and the important environmental value of the wetlands on the site.

The Draft District Structure Plan will also form the basis of an application to the Western Australian Planning Commission to lift the urban deferment under the MRS over a portion of the . Draft District Structure Plan area.

The Draft District Structure Plan as set out in the appendices shows:

1. a report
2. a spatial plan
3. associated technical reports as necessary to support the spatial plan.

### *Subject Land*

The area within the Draft District Structure Plan relates to the area of land bound by Hammond Road to the east, the Metropolitan Region Scheme ("MRS") 'Parks and Recreation' reserve to the north, Branch Circus to the west and the Bartram Road Buffer Lakes to the south. The subject land includes Lots 3, 4, 12, 13, 22, 81, 125, 126 & UCL Hammond Road, Lots 2, 3, 4, 80, 761 & 9000 Branch Circus and Lot 760 Gadd Street, Success.

### *Statutory Planning Framework*

The Draft District Structure Plan area is zoned 'Development' in the City's Town Planning Scheme No. 3 (the "Scheme") and included in Development Area 13. The Draft District Structure Plan area is zoned 'Urban Deferred' under the MRS.



The Scheme requires the preparation of Local Structure Plans in order to coordinate future subdivision and development within Development Areas. These LSPs are adopted under the statutory process prescribed by Clause 6.2 of the Scheme, which results in LSPs (once adopted) forming part of the Scheme. Once adopted, all zones, reservations, land use permissibility and the like which are designated within LSPs function as if they were designated by the Scheme. This is as per the powers conferred by Clause 6.2.6.3 of the Scheme.

In areas of highly fragmented land ownership it is often difficult to coordinate individual LSPs without some form of broader district framework in which to guide planning. This is overcome through the preparation of District Structure Plans to act as 'guiding documents' for future structure planning processes.

### Response to Issues Raised through Community Consultation

Community consultation was carried out for a period of 30 days, from 8 March to 11 April 2011. An advertisement was placed in the Cockburn Gazette during this period. A total of 17 submissions were received.

In response to submissions the Draft District Structure Plan has been amended in the following ways:

1. In response to comments from the DEC and DoP, the Conservation Zone over Lots 2, 3, 4 & 9000 Branch Circus has been removed and replaced with an annotation stating that the lots have 'no potential for urban development or closer settlement'.
2. In response to comments from the DEC, a perimeter road has been added to separate residential development from the POS and Conservation Category Wetland (CCW) buffer.
3. In response to comments from the DEC, the requirement for road reserves adjacent to Public Open Space to accommodate all battering related to road construction has been included on the Draft District Structure Plan.
4. In response to comments from the DEC, a dual use path has been added which links the existing dual use path within the Thomsons Lake Nature Reserve to the dual use path within the residential development to the east of the DSP area.
5. In response to comments from the DEC, text within Section 6.8- Parks and Recreation providing direction the future treatment of the CCW buffers has been included in the Draft District Structure Plan Report.
6. In response to comments from the DEC, the requirement for a Wetland Management Strategy as part of any future subdivision application has been included in the Draft District Structure Plan Report.



7. In response to comments from a landowner, the street block directly to the east of the centrally located POS within Lot 760 Gadd Street has been recoding from R25 to R-40.
8. In response to comments from the DoW, the Draft DWMS and the relevant section of the Draft District Structure Plan Report have been amended. These modifications were minor in nature, including small text and figure changes.

#### *Lots 2, 3, 4 & 9000 Branch Circus*

Further to the first amendment outlined above, the DEC and the DoP both raised concerns regarding the designation of Lots 2, 3, 4 & 9000 Branch Circus as Conservation Zone. Both agencies are of the opinion that the subject lots are not suitable for urban development.

In the advertised Draft District Structure Plan the City of Cockburn recognised that the development potential of the subject lots is highly constrained by the configuration of CCWs and their buffers, but also by issues of bush fire risk and interface issues with the Beeliar Regional Reserve.

Officers from the City of Cockburn, the DEC and the DoP meet in July 2011 to discuss the appropriate planning framework for the subject lots and the DEC and DoP firmly reiterated their position that the subject lots had very limited potential for further intensification of the development already on the lots. As such the Draft District Structure Plan has been updated to remove the Conservation Zone over Lots 2, 3, 4 & 9000 Branch Circus. The lots are now annotated as having 'no potential for urban development or closer settlement'.

#### Lifting of Urban Deferment

The Draft District Structure Plan will form the basis of an application to the Western Australian Planning Commission to lift the urban deferment under the MRS.

It is intended that the City of Cockburn will request the lifting of urban deferment from only a portion the Draft District Structure Plan area (Refer Attachment 3). The request to lift urban deferment will not include Lots 2, 3, 4 & 9000 Branch Circus, as the Draft District Structure Plan has identified this land as not suitable for urban development or closer settlement.

### **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 foster a sense of community spirit within the district generally and neighbourhoods in particular.

**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**

N/A

**Legal Implications**

It is proposed to consider 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 30 days, from 8 March to 11 April 2011. An advertisement was placed in the Cockburn Gazette during this period. A total of 17 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. Draft Branch Circus District Structure Plan – August 2011.
2. Proposed Amendment to Metropolitan Region Scheme- Urban Deferred to Urban.
3. Schedule of Submissions.

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

The Proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 August 2011 Council Meeting.

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

Nil



## 15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

### 15.1 **(MINUTE NO 4591) (OCM 11/8/2011) - LIST OF CREDITORS PAID - JUNE 2011 (FS/L/001) (N MAURICIO) (ATTACH)**

#### **RECOMMENDATION**

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

#### **COUNCIL DECISION**

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

**CARRIED 9/0**

#### **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 June 2011 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

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

#### **Governance Excellence**

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

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

N/A



**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – June 2011.

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

N/A

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

Nil.

**15.2 (MINUTE NO 4592) (OCM 11/8/2011) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JUNE 2011 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) receive the interim and unaudited Statement of Financial Activity and associated reports for June 2011, as attached to the Agenda; and
- (2) adopt to continue applying a materiality threshold of \$100,000 variance from the appropriate base amount for the 2011/12 financial year in accordance with Financial Management Regulation 34(5).

**COUNCIL DECISION**

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

**CARRIED 9/0**





## 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 has chosen to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2010/11 financial year.

## Submission

N/A

## Report

Due to ongoing end of financial year (EOFY) processing and the unaudited state of the accounts, the June Statement is an interim one. Whilst our current closing budget position is showing a surplus, the final budget surplus cannot be ratified until all EOFY processing is complete and the carried forward projects reviewed and reconciled. Accordingly, the final surplus position for 2010/11 will be reported to the October 2011 Ordinary Council Meeting, together with a list of the 2010/11 carried forward projects and the final June Statement of financial activity.



### Operating Revenue

Interest earnings came in \$0.85M ahead of budget. This performance was primarily driven by the strong cash position throughout the year as a result of the under-spend in the capital budget. The extent of this can be viewed in the Cash and Investments Positions chart within the financial statements. Earnings on Reserve funds in particular comprise this variance at \$0.65M over budget, although the additional interest on Reserves is quarantined and hence does not impact the overall end of year budget position.

Property rating income was \$0.59M ahead of the budget at year end. This predominantly resulted from the growth in the property base over and above conservative estimates.

The South Lake Leisure Centre exceeded their revenue budget by \$0.34M. Perth's record hot summer contributed to this result with both the Aquatic and Fitness segments of the Centre having done particularly well this year.

Grant funding for Child Care Services is currently in surplus by \$0.27M. However, these funds are restricted in purpose and will be quarantined during year end processing.

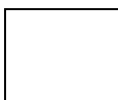
Income from the Waste Disposal operation slightly outperformed the annual budget by \$0.39M or 3%.

### Operating Expenditure

Operating expenditure is showing a \$2.4M under spend of the budget, slightly down from \$2.8M last month. Most business units of the City came in within budget, with the exceptions being Infrastructure Services and Financial Services.

Infrastructure Services are \$0.90M over budget due to higher operating costs within the areas of facilities maintenance (\$0.65M) and plant maintenance (\$0.39M). This was somewhat offset by salaries underspending of \$0.12M for project management due to long term vacancies.

Financial Services are showing an overall budget over spend of \$0.25M. This is due to workers compensation premium calls from LGIS Workcare for the 2008/09 year totalling \$291k, as a result of ongoing payments for unsettled claims. This extra cost is able to be mitigated through a draw down from the City's Workers Compensation Reserve. The cost of the triennial GRV property valuation has also come in over budget by \$0.12M. This reflects both increased costs from Landgate and a greater number of properties in the district.



Payment of the State Landfill Levy is an estimated \$0.62M under budget at the end of the June quarter. General operating costs at the landfill were also down \$0.2M against budget. The quantum of landfill levy is governed by tonnage to landfill, so is offset against the associated commercial revenue.

The Parks and Environment unit came in \$0.47M under budget across their operational budgets, with Parks at \$0.16M or 2% and Environment at \$0.27M or 11% under budget.

From a nature and type perspective, under spending on employee costs (\$1.1M) is the greatest contributor to the budget underspend. This has primarily resulted from funded positions remaining vacant for extended periods across several units. However, end of year accruals are expected to reduce this result.

Further details of the material variances within each Business Unit are shown in the Variance Analysis section of the financial report.

### Capital Program

The City's capital budget is showing an overall under spend of \$20.1M (49.5%) against a budget of \$40.6M or \$29.3M (72%) including commitments. Several significant projects have contributed to this big variance including construction of the Hammond Rd second carriageway, Cell 7 construction at the landfill, and stage two of the surf club facilities. All of these have been delayed for various reasons.

For specific details on under/over spent projects, refer to the CW Variances section of the monthly report.

### Cash & Investments

Council's cash and current/non-current investment holdings reduced to \$73.6M (from \$77.3M in May). This is well above the budget forecast of \$47.3M due to the previously stated factors, not least being the under spend within the capital program.

Of this total cash and investment holding, \$51.4M represents the City's cash reserves, whilst another \$7.3M is held for other restricted purposes such as bonds and capital contributions. The balance of \$14.9M represents the cash component of the working capital required to fund the City's operations and the municipal funded portion of the capital program.

The City's investment portfolio made an annualised return of 5.94% for the month of June, slightly down from 5.96% in the previous month. Generally, the average rate of return has averaged around the 6% in



the latter part of the year. Investment decisions made during the month continued to follow the strategy of using short to medium dated TD's (out to six months) with APRA regulated Australian banks.

### Description of Graphs and Charts

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

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

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

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

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

### Material Variance Threshold for 2011/12

For the purpose of identifying material variances in the Statement of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian accounting standards.

It is proposed that Council continues to apply a materiality threshold for the 2011/12 financial year at the variance amount of \$100,000 (from the appropriate base amount). The use of this threshold has worked effectively in focusing attention and financial management endeavours to those more significant matters.

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

#### **Governance Excellence**

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



- To develop and maintain a financially sustainable City.

**Budget/Financial Implications**

Material variances identified in the attached analysis will impact Council's final budget position.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – June 2011.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

Nil

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 4593) (OCM 11/8/2011) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2011/12 (CR/F/008) (S SEYMOUR-EYLES) (ATTACH)**

**RECOMMENDATION**

That Council adopt the proposed 2011/12 Summer of Fun Calendar, as attached to the Agenda.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that Council:

- (1) adopt the recommendation subject to the date of the Ward Concert scheduled for Beeliar Reserve (15 October, 2011) being deleted and substituted with "Saturday 14 January, 2012."; and
- (2) advise Beeliar Residents Advancement Group (BRAG) accordingly of the change in schedule.

**CARRIED 9/0**

**Reason for Decision**

The date originally scheduled for the Beeliar Reserve concert was considered potentially not warm enough for an outdoors event at that time of year and it has been recommended to be moved to January 2012, accordingly.

**Background**

Council has requested a calendar of the 2011/12 Summer of Fun Events.

The events team has reviewed the Summer of Fun Program for the 2011/12 season, because:

- The program has not been reviewed for several years.
- The January 2011 Ward concerts did not attract the numbers the team felt the investment warranted.
- Council formed a Reference Group of Elected Members to provide input to the process.

Council is asked to consider the calendar early in the financial year, as marketing for the season needs to commence in September.

**Submission**

N/A



## Report

In addition to the strategic plan and policy implications, which relate to the Summer of Fun Events Season (below) it is proposed that the Summer of Fun Events:

- Provide the opportunity for the Community to experience different life styles and cultures.
- Showcase local WA talent.

Dates have been considered in light of key events around Perth and the Cockburn District, Community events (non-Summer of Fun) which the City of Cockburn Events Team support including ANZAC ceremonies, Hello Baby, Celebrate Ability and more.

The proposal recommends that the three Ward concerts are reduced to two smaller concerts, one in East and one in Central Ward and that a new Australia Day family event (January) and 4 movie nights in February are added to the calendar.

The bias towards the West Ward for venues is due to the high suitability of certain West Ward venues for events, such as the Dalmatinac Club for Seniors nights (capacity) and Manning Park (shade, parking, road safety) is rated the most popular venue for events by the community (Community Perceptions Survey, Catalyse, 2010).

A discussion paper on the proposed review was circulated to Elected Members on Friday, 10 June and as a result the proposed 2011/12 Summer of Fun Events Calendar has been developed following a meeting of the Reference Group on 29 June 2011.

### West Australian Symphony Orchestra (WASO)

It was requested at the Reference Group meeting between Elected Members and officers on the proposed 2011/12 Calendar that staff investigate the feasibility of engaging WASO to play in the City of Cockburn. The Events team will investigate the feasibility for 2013 (earliest date available) and report back to Council at a later date.

## Strategic Plan/Policy Implications

### Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To facilitate and provide an optimum range of community services and events.



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

Policy SC34 'Budget Management (last reviewed 9 April 2009) states a budget amount of up to a maximum of 1% of rates revenue for the Summer of Fun events.

### **Budget/Financial Implications**

Funds of \$364,500 are available in the 2011/12 budget for such events.

### **Legal Implications**

N/A

### **Community Consultation**

In 2010 the Community Perceptions Survey (Catalyse) showed 82% of those surveyed were familiar with festivals, events and cultural opportunities in the City of Cockburn and 86% were satisfied; 48% of residents were delighted. Those least satisfied were younger singles/couples.

The 2010 Community Perceptions Survey (Catalyse) has been used to determine alternative music genres, which the Cockburn public have indicated they would be interested in and has been used to determine the most popular venues for events.

### **Attachment(s)**

Proposed 2011/12 Summer of Fun Calendar of Events.

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

N/A

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

Nil.





**17.2 (MINUTE NO 4594) (OCM 11/8/2011) - ADOPTION OF THE CITY OF COCKBURN 'YOUTH SERVICES STRATEGIC PLAN 2011-2016' (CR/M/005) (G BOWMAN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the City of Cockburn Youth Services Strategic Plan 2011-2016, as attached to the Agenda; and
- (2) ensures that any financial implications of the Plan are included for consideration in Council's strategic and annual budget planning documents.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Council's Youth Services functions have increased in profile and activity in recent times, particularly since the opening of the Youth Centre in 2008. It has become apparent that there was a need to consider the future strategic direction of this important demographic segment in Cockburn. Funds were therefore allocated by Council in 2010/11 financial year to develop a Youth Services Strategy which will assist staff to be better prepared for the expectations of the community and Council in this area of service delivery over the next five years.

**Submission**

To adopt a Youth Services Strategic Plan for the Cockburn community in the future.

**Report**

Following a request for quotation process the City appointed Bluebottle consulting to assist the City in the development of the Youth Services Strategic Plan. The following tasks were undertaken by the consultants:



- (1) Provided demographic analysis, and undertook relevant research to identify current and future needs for young people in the Cockburn District.
- (2) Provided comprehensive written information on currently available community services, groups and programs either actively targeting or predominantly catering to young people 12-25 years in the Cockburn District.
- (3) Conducted consultation/s with young people and the broader community and service providers.
- (4) Recommended strategies suggested a forward plan outlining the required type and location of future services for young people over the next five years.

Young people make up 21% of the City of Cockburn's estimated population of 91,448 residents and their numbers are forecast to increase by 9.5% over the next five years. This is a significant population for the City to consider in its future planning. The consultation strategy gained a representative view of young people and interested community members.

The consultation strategy focused on four main groups:

- Young people living in Cockburn  
86 young people contributed their views via questionnaires, workshops and interviews.
- Wider community, including Elected Members.  
76 community members either spoke directly to Bluebottle or completed questionnaires.
- Service providers  
32 service providers were contacted with 23 offering their opinions based on their experiences working with young people who live in Cockburn.
- City of Cockburn staff  
Face to face interviews were conducted with 30 staff members.

In total 175 young people and community members were consulted, and 30 staff.

In summary, young people wanted to increase the vibrancy of Cockburn and they want to make sure that activities and programs are inclusive of all young people including those with disabilities, Indigenous or from other cultural and linguistically diverse (CaLD) backgrounds.



Community members indicated that they would like to know more about what the City offered young people. They wanted young people to be able to easily access events. They wanted to see more young people involved in decision-making. Community members also made a number of suggestions for programs that the City might consider running.

Service providers indicated that they believed that the City of Cockburn's youth services have a solid foundation to build from. The City's youth services are perceived to have a combination of great staff and facilities within a Council that offers a broad range of complementary support and services.

During the consultation phase service providers also identified some gaps in services for young people living in the Cockburn. There is an opportunity for the City of Cockburn to work in partnership with other agencies, both government and not-for-profit organisations to address the gaps in service provision in the community.

Gaps in service provision were identified from the analysis of the current services available to young people database and from initial consultations with youth services staff and other community based organisations:

- programs for young people from culturally and linguistically diverse (CaLD) backgrounds
- housing – lack of supported, crisis and transitional housing
- emergency relief – lack of service providers
- literacy and numeracy programs for at risk 13–15 year olds
- programs for 17–24 year olds
- mentoring and leadership for Aboriginal youth
- parenting programs for new fathers
- young women – relevant programs
- poor public transport within the region.

Interviews with City of Cockburn staff reflected many of the comments made by the other groups who were consulted. However, staff members also contributed a number of suggestions in relation to how departments can work together to improve services for young people.

During the consultation and research undertaken the following focus areas were consistently highlighted as needing to be addressed in the development of any future strategy:

1. outreach services
2. public transport
3. vibrancy of the City (built and natural environment)
4. education and employment



5. increasing young people’s involvement in decision making and increasing participation in the community
6. recreation and entertainment
7. building on existing youth services

A forward plan was developed from these key focus areas for the next five years (2011–2016). All strategies are allocated to a responsible officer, and outline resource requirements.

While the City successfully partners with the Federal and State Governments to provide services and programmes aimed at supporting young people in our community there is a need for all levels of government to work together in facilitating positive outcomes for young people.

Additionally, the City will continue to seek grant opportunities for the increased provision of its current services and programs to the Cockburn community into the future.

**Strategic Plan/Policy Implications**

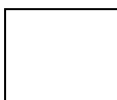
**Lifestyle and Aspiration Achievement**

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

**Budget/Financial Implications**

The following estimated costing for the new initiatives in the Youth Strategy will be considered by Council through normal budget processes.

Strategy No.	Action	Budget Category	12/13	13/14	14/15	15/16	16/17	Total
1.1	Youth Officer Lv 6				\$75,000	\$76,800	\$78,706	\$230,506
1.4	Outreach Services				\$75,000	\$75,000	\$75,000	\$225,000
2.4	Buses (2)	Capital – 50% Grant Funded	\$88,400					\$88,400
2.4	Buses (2)	Operating	\$25,000	\$26,250	\$27,563			\$78,813
3.1	Community Planning Officer Lv 6						\$78,706	\$78,706
4.4	Training Facility Capital	Capital		Grant Funded				\$0
4.5	Driver Training Program				Grant Funded			\$0



Strategy No.	Action	Budget Category	12/13	13/14	14/15	15/16	16/17	Total
5.3	Interactive Online Forum				\$30,000			\$30,000
7.2	Youth Services Marketing		\$75,000	\$35,000	\$35,000	\$35,000		\$180,000
7.11	English Language			\$25,000				\$25,000
7.12	Youth Disability Access – Buildings		\$15,000	\$15,000	\$15,000	\$15,000		\$60,000 *
			<b>\$203,400</b>	<b>\$101,250</b>	<b>\$257,563</b>	<b>\$201,800</b>	<b>\$232,412</b>	<b>\$996,425</b>

*\*To be included in building maintenance budgets.*

### Legal Implications

N/A

### Community Consultation

Extensive community consultation was undertaken with a total of 175 members of the community being consulted.

#### Young people

In order to obtain feedback from young people:

- two student workshops with 7 primary schools being represented and two secondary schools were conducted
- meetings were held with members of the Youth Advisory Council
- young people at the youth centre were interviewed
- a focus group with young people at a local not for profit youth organisation was conducted

Overall 86 young people contributed their views.

#### Community members

To invite feedback on youth services from community members, the following tasks were undertaken:

- an article was published in Cockburn Soundings
- an advertisement was placed in the Cockburn Gazette inviting public submissions
- a public meeting was advertised and held
- a online survey was conducted on the City's website
- a questionnaire was mailed to all rate payers
- telephone interviews were offered to City of Cockburn Council Elected Members.



Overall, feedback from 76 community members was received.

Service Providers

To include feedback from service providers working with young people 32 services were contacted by telephone and then by a follow-up email seeking their participation in the project. By the end of the consultation process 23 service providers had contributed their views.

**Attachment(s)**

City of Cockburn Youth Services Strategic 2011-2016.

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

Major stakeholders consulted in the preparation of the Plan have been advised that this matter is to be considered at the August 2011 Council Meeting.

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

Nil.

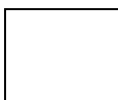
**17.3 (MINUTE NO 4595) (OCM 11/8/2011) - CLOSED CIRCUIT TELEVISION (CCTV) STRATEGY (CR/L/015) (D GREEN) (ATTACH)**

**RECOMMENDATION**  
That Council

- (1) adopt the Draft Closed Circuit Television (CCTV) Strategy 2011-2015, as attached to the Agenda; and endorses the recommendations made therein; and
- (2) refers Draft Policy SC46 'Installation and Use of Closed Circuit Television (CCTV) in the City of Cockburn' and associated Code of Practice for consideration by the Delegated Authorities, Policies and Position Statements (DAPPS) Committee.

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

**CARRIED 9/0**



## Background

The use of CCTV technology is becoming increasingly utilised as a means of addressing criminal and anti-social activities. CCTV footage is now used consistently by law enforcement agencies as a means of investigating incidents which otherwise may remain undetected.

Government agencies and private businesses now regularly deploy CCTV cameras to either pro-actively investigate matters or areas of interest or as a means of identifying offenders after an incident has occurred.

Inevitably, local governments are now being expected to engage CCTV technology for similar purposes. This is particularly applicable to the City of Cockburn given the diverse growth of its District and the significant infrastructure investment in both the private and public sectors.

A significant area of concern for the City of Cockburn is to address the risks associated with community facilities being exposed to potential damage through a lack of protective mechanisms which, if installed, could effectively mitigate against these occurrences.

There should be a strong emphasis on combining CCTV with Crime Prevention Through Environmental Design (CPTED) principles. Future systems might investigate the integration of CCTV with social as well as situational, initiatives to achieve maximum benefit.

For this purpose, the Crime Prevention Plan 2011-2014 identifies the need for a CCTV Strategy, including specific initiatives emanating from it, to be developed.

## Submission

N/A

## Report

The key themes covered by the Strategy include:

- CCTV locations, need and priority matrix;
- Equipment specifications and current/future technological considerations;
- Monitoring considerations;
- Potential for future expanded role of CCTV (eg. Facility access);
- Funding Program for an initial 4 year installation program;
- Governance and probity measures;
- Potential partnership opportunities.



### Location Priority

The Strategy contains a table of 18 prominent facilities and/or known areas of vulnerability. Each of these has been assessed a risk rating based on an analysis of incidents reported and applied a recommended priority for the installation of CCTV coverage.

It is proposed that this table becomes the basis of the City's CCTV Camera Program, which will determine the installation program to be implemented over the timeframe of the Strategy (i.e. 2011-2015).

While this data specifically focuses on Council facilities, there is anecdotal evidence to suggest that there are other areas within the City, under private ownership and/or management, which are the subject of criminal/anti-social activities. These include industrial estates, shopping centres, taverns and other businesses which are situated in remote locations. A secondary focus of this strategy is to seek partnership arrangements with stakeholders in these locations in an endeavour to address issues most related to their premises which could be assisted/mitigated by the presence of CCTV cameras being included in the City wide network.

### Equipment Requirements

The Strategy proposes that the Program be established using wireless technology (microwave link) pending the installation of cabling, scheduled to be available in coastal environments by 2014.

This will enable the initial high priority projects (Coogee Beach and North Coogee) to be installed and reviewed for effectiveness in the interim period.

While cameras and software will be interchangeable and upgraded in accordance with technology advancements over time, the introduction of a 'hard wire' system will provide improved efficiencies for the system when ultimately available.

The specification for the initial 'pilot site' (Coogee Beach) is currently being prepared and will be delivered utilising the most recent hardware, equipment, software and capability available.

### Monitoring Considerations

The Strategy includes a comparison of monitoring options for the CCTV sites into the future, however, does not recommend this occur from the outset, due to cost limitations. This is an issue which would be best addressed following a review of the initial installation program and whether Council and the community favour an extension of the





service provided. A comparison of three monitoring options follows, identifying the pros and cons of each.

MONITORING COMPARISONS			
Option	Advantages	Disadvantages	Cost
Partial Monitoring	Low cost	System tends to rely heavily on good communication with Staff. Higher risk of failure of detection due to the officers being involved in some other activity.	Minimal cost addition. (Estimated \$55,000 p.a. min. - \$250,000 p.a. max.)
Full Monitoring – In-house	<ul style="list-style-type: none"> <li>• Can do more than just monitor the CCTV. Could also provide afterhours contact service and eventually provide alarm detection and access control monitoring.</li> <li>• Other advantage could be monitoring partnerships with third parties.</li> <li>• Reduce alarm callouts to community facilities.</li> <li>• Prevent buildings being left unlocked and disarmed.</li> </ul>	Costly option but could be mitigated by replacing current afterhours service (approx. 50K) and could utilise Call Centre Staff on day shift only or broader.	If using contractor (such as Wilsons) - \$382,458 however this could be mitigated by hybrid version. (eg. replace afterhours service and utilise Call Centre Staff on day shift).
Outsourced Monitoring	Rate at cost	Technology compatibility issues. Limited number of monitoring services available. Would not be able to supply afterhours service or monitor and attend to access control.	Unknown. Would require a tender process.

Future Expanded Role of CCTV

There is the potential for CCTV to perform an extended role in the future, given the capability of technology to enable remote access to



facilities and improved security control. However, these options will require significant additional resources which could be considered in the future following a review of the outcomes of the initial (and subsequent) installations and the wishes of Council at that time.

The Strategy includes an optimum capacity scenario which outlines the increased functions which could be performed by the system, subject to the provision of adequate additional resources in the future.

### Governance and Accountability

The importance of an effective system of governance oversight is imperative at the commencement of the process, to ensure all compliance and probity measures are adequately addressed.

The Strategy has included a Draft Policy and Code of Practice which provides for a thorough accountability process to be applied to the CCTV Program.

In addition, all statutory issues relevant to CCTV installations (eg. privacy provisions, storage requirements) are identified and addressed in the overall Strategy.

### Conclusion

This proposed strategy provides a framework for identifying Council's CCTV objectives and priorities and is based on a strong political desire and commitment by its Elected Members (as representatives of the community) to assist in the effective development of public space CCTV infrastructure.

The strategy identifies and clarifies critical elements of a CCTV Camera Program that is considered to be justified and sustainable for a period covering the immediate to short term (i.e. 4 year period concluding in 2014/15) following which an extensive evaluation of data will determine the best course of action for the City to take beyond that timeframe.

## **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.



### **Lifestyle and Aspiration Achievement**

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

### **Governance Excellence**

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

### **Budget/Financial Implications**

It is proposed that Council's financial commitment to the CCTV network be limited in the first 4 years to \$800,000, to be expended within the parameters of highest priority in line with the following timeframes:

2011/12	\$300,000
2012/13	\$200,000
2013/14	\$150,000
2014/15	\$150,000
	<b><u>\$800,000</u></b>

This will allow Council to limit the increase of the Security Levy on ratepayers to a reasonable and consistent level during this period, while maintaining a guaranteed revenue source to undertake necessary works on an identified priority basis. The impact of this on the Security Levy over the corresponding period is estimated to be:

2011/12	\$5 to \$50 p.a. (adopted)
2012/13	\$4 to \$54 p.a.
2013/14	\$3 to \$57 p.a.
2014/15	\$3 to \$60 p.a.

It is anticipated that funds will be accumulated at the following rate for the corresponding period taking into consideration the funding of the Security Patrols:

2011/12	\$300,000 (committed to Pilot Project)
2012/13	\$500,000
2013/14	\$700,000
2014/15	\$900,000

This leaves a residual amount in excess of \$2 million over the ensuing 3 year period for the purpose of initiating other crime prevention initiatives, the majority of which would be required to further the installation of CCTV at strategic locations throughout the District.

In addition to this, Council officers will be diligently seeking grant funding and other contributory opportunities to maximise the amount



able to be expended on delivering the best CCTV outcomes for the City.

An example of this is the funding package being proposed for the initial Pilot Program at Coogee Beach Reserve, which has an estimated cost of around \$365,000. Separate grant funding applications have been lodged to three potential sources. Two have been confirmed successful (totalling \$85,000) and a further grant request for around \$200,000 is currently being considered. Should this be successful, the residual funds currently budgeted for the Coogee Beach project can be diverted towards another identified priority project.

In addition, there are ongoing maintenance costs which require factoring into annual budgets. These relate initially to licence fees and rental costs associated with microwave (wireless) installations, plus some minor equipment maintenance expenditure. This is likely to be in the vicinity of \$20,000 p.a. initially, with growth to be calculated dependent on the spread of the network.

### **Legal Implications**

Securities and Related Activities Act, 1996, Surveillance Devices Act, 1998 and State Records Act, 2000 refer.

### **Community Consultation**

Neighbourhood Watch Reference Group consulted during compilation of 'Crime Prevention Plan'. Extensive community information and awareness program will be delivered prior to commissioning of the initial installation.

### **Attachment(s)**

Draft CCTV Strategy 2011-2015.

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

N/A

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

The City of Cockburn CCTV installation program does not intend to duplicate those provided by the private sector or other public agencies. However, opportunities to partner with other providers will be considered where they are deemed suitable and beneficial.



**17.4 (MINUTE NO 4596) (OCM 11/8/2011) - TENDER NO. RFT08/2011 - BUILDING CONSTRUCTION SERVICES - BOTANY PARK SPORTING FACILITY, HAMMOND PARK (RFT08/2011) (A LACQUIERE) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by Gavin Constructions Pty Ltd, for Tender No. RFT08/2011 – Building Construction Services – Botany Park Sporting Facility, Hammond Park, for the total lump-sum price of \$ 669,793.89 GST Exclusive (\$736,773.28 GST Incl).

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Botany Park is located within the suburb of Hammond Park and is one of the latest active reserves to be developed for community sport and recreation within Cockburn. In line with the development, the construction of local sporting facilities has been identified within the Sport and Recreation Plan (adopted in May 2010) to service football, cricket and athletics clubs in the future. The facility is also listed in the City's Plan for the District for construction in 2011/12.

The City of Cockburn appointed Holton Connor Architects in December 2010 to undertake the design and documentation for a change room/pavilion facility at Botany Park and tenders documentation was developed.

The City of Cockburn has received a grant from the Commonwealth Government under the Regional and Local Community Infrastructure Program Round to the sum of \$126,000 towards the construction of the facility. An allocation of \$830,000 has been budgeted within the 2011/12 budget to complete the works.

Tender No. RFT08/2011 Building Construction Services – Botany Park Sporting Facility was advertised on Saturday, 4 June 2011 in the Local Government Tenders section of the “The West Australian” newspaper.



It was also displayed on the City's E-Tendering website between 4 and 30 June 2011.

### **Submission**

Tenders closed at 2.00 p.m. (AWST) on Thursday, 30 June 2011 and fifteen(15) tender submissions were received from:

1. RWE Robinson & Sons Pty Ltd – Trading As Robinson Buildtech
2. Metrocon Pty Ltd
3. ZD Constructions 93 Pty Ltd
4. Shelford Constructions Pty Ltd
5. Midland Constructions Pty Ltd
6. Gavin Constructions Pty Ltd
7. Dalcon Constructions Pty Ltd
8. CPD Group Pty Ltd
9. Classic Contractors Pty Ltd
10. Baroven Pty Ltd – Trading As Smith Constructions Bunbury
11. DMG Construction (WA) Pty Ltd
12. Briklay Pty Ltd
13. Pindan Pty Ltd
14. S & J Developments – Trading As Lansdown Construction
15. J-Corp Pty Ltd Trading As JCP Construction

### **Report**

#### Tender Requirement

The City of Cockburn advertised to seek the services of a suitably qualified and experienced Building Construction Contractor for the construction of a local sporting facility at lot 4000 Botany Parade, Hammond Park.

The scope of works includes the construction of a small sports facility comprising of change rooms, toilets, storage, kitchen, parking and lighting.

#### Compliant Tenders

All fifteen (15) tender submissions were deemed compliant and evaluated, although Smith Constructions Bunbury and Lansdown Construction failed to comply with the insurance requirements of the tender and if either had been recommended the successful Tenderer clarification of their insurance coverage would have been required prior to the issue of the Letter of Acceptance.



Index - Compliance Criteria	
a	Compliance with the Specification contained in the Request.
b	Compliance with the Conditions of Tendering this Request.
c	Compliance with Builder's Registration requirement. (Clauses 1.10.12 & 1.10.13)
d	Compliance with Insurance Requirements and completion of Clause 3.2.7.
d1	<i>Public Liability \$10 Million Australian</i>
d2	<i>Workers Compensation</i>
d3	<i>Comprehensive Motor Vehicle Insurance</i>
e	Compliance with Occupational Safety & Health Requirements and completion of Appendix A.
f	Compliance with Anti-Competitive Conduct Requirements and completion of Appendix B.
g	Compliance with Fixed Price and completion of Clause 3.6.2
h	Compliance with Sub-Contractors Requirements and completion of Clause 3.7
i	Compliance with and completion of the Price Schedule, in the format provided in this Request.

### Elevation Criteria

Evaluation Criteria	Weighted Percentage
Relevant Experience	25%
Financial Position	10%
Key Personnel Skills & Experience	10%
Tenderer's Resources	15%
Tendered Price	40%
<b>Total</b>	<b>100%</b>

### Evaluation Panel

The tender submissions were evaluated by:

Adrian Lacquiere – Recreation Services Coordinator

Phil Crabbe – Facilities and Plant, Manager

Rob Avard – Manager, Community Services

Terry Holton – Holton Connor Architects

### Scoring Table

Tenderer's Name	Cost Evaluation Score 40%	Non-Cost Criteria Evaluation Score 60%	Total Score 100%
Pindan Pty Ltd	37.88%	49.50%	87.38%
<b>Gavin Constructions Pty Ltd</b>	<b>40.00%</b>	<b>47.25%</b>	<b>87.25%</b>
Midland Constructions Pty Ltd	35.92%	45.25%	81.17%
Shelford Constructions Pty Ltd	36.46%	43.50%	79.96%
Smith Constructions Bunbury	38.96%	38.25%	77.21%
Classic Contractors Pty Ltd	35.99%	36.25%	72.24%
J-Corp Pty Ltd	35.37%	35.13%	70.50%
DMG Construction (WA) Pty Ltd	33.27%	35.88%	69.14%
Robinson Buildtech	31.00%	36.88%	67.87%
CPD Group Pty Ltd	35.90%	30.13%	66.02%

Lansdown Construction	32.42%	32.63%	65.05%
Dalcon Constructions Pty Ltd	37.22%	27.63%	64.84%
Briklay Pty Ltd	37.19%	24.38%	62.29%
Metrocon Pty Ltd	34.99%	21.88%	56.87%
ZD Constructions 93 Pty Ltd	31.02%	17.38%	48.39%

### Evaluation Criteria Assessment

Tenderers were required to provide adequate information in their tender submissions to allow for the scoring of each evaluation criteria.

### Demonstrated Experience

- Pindan Pty Ltd and Gavin Constructions both demonstrated strong experience with good company structures in place and gave good references and referees.
- Pindan also showed to have worked well under aggressive timeframes and within budget.
- Shelford Construction, Midland Constructions, Robinson Buildtech and Classic Contractors also demonstrated good experience
- The remaining submissions showed experience but no to the level of the others mentioned above

### Key Personnel Skills and Experience

- Midland Constructions, Gavin Constructions Pindan and J-Corp all demonstrated a very experienced management teams that had good track records in building and construction works.
- Robinson Buildtech, Shelford and DMG also scored well but compared to the above tenders provided slightly less details on key personnel.
- The remaining submissions showed experience but not to the level of the others mentioned above.

### Tenders Resources

- Shelford Constructions and Midland Constructions were the two tenders that demonstrated the best availability of resources compared to the other submissions.
- Pindan and Robinson Buildtech were the next two tenders that demonstrated good resources and built in contingency measures.
- All other tenders either did not provide enough detail on resources or contingency measure with some not providing any details that resulted in lower scores.





## Methodology

- Midland Constructions, Shelford, Gavin Constructions, Smith Constructions, DMG & Pindan all provided a detailed methodology and demonstrated to complete the works within the timeframe outlined in the tender.
- Shelford provided a basic project Gantt chart compared to the submissions above.
- Classic Contractors also detailed good methodology's and only scored slightly less than the above tenders due to level of detail difference.
- All other tenders did not compare to the tenders above due to a lack of detail or no detail.

## Summary

All compliant tenderers demonstrated their capacity to complete the project as detailed in the Specifications.

Pindan Pty and Gavin Construction Pty Ltd provided the best assessment against the selection criteria with only a 0.13% difference separating the two. Whilst there is little difference between the two tenders Gavin Constructions Pty Ltd is considered to provide the City with the best overall value for money and therefore the evaluation panel recommends to award the contract to Gavin Constructions Pty Ltd. Referees have been contacted for Gavin Constructions Pty Ltd and confirm they are highly regarded for this type of work.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

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

## **Budget/Financial Implications**

In 2010 the City was successful in receiving a grant from the Commonwealth Government under the Regional and Local Community Infrastructure Program Round to the sum of \$126,000.



Council has allocated \$830,000 in the 2011/12 budget to complete the works with the breakdown of funds outlined below:

Municipal Funds	\$704,000
Commonwealth Grant	\$126,000
Total	<u>\$830,000</u>

To date \$77,000 has been committed for architectural and project management services.

A pre-tender construction estimate by a Quantity Surveyor estimated that the building construction would be \$795,000 GST Exclusive. The recommended tender is within the Quantity Surveyor's estimate for the building works portion of the project.

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Tendered Prices.
2. Consolidated Tender Evaluation Panel Score Sheet.
3. Compliance Criteria Checklist.

### **Note:**

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

In accordance with Part 4, Regulation 16-3(c) and 17.3 of the Local Government (Functions and General) Regulations 1996 the Principal is only required to record the price of the winning Tenderer's in the tenders Register.

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 11 August 2011 Council Meeting.



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

Nil.

**17.5 (MINUTE NO 4597) (OCM 11/8/2011) - TENDER NO. RFT09/2011 - DESIGN, DEVELOPMENT & BUILDING CONSTRUCTION - VOLUNTEER EMERGENCY SERVICES HEADQUARTERS (RFT09/2011) (R AVARD) (ATTACH)****RECOMMENDATION**

That Council

- (1) accept Tender No. RFT09/2011 – Design, Development and Building Construction Services – Volunteer Emergency Services Headquarters, from Gavin Construction at the lump-sum tender price of \$2,643,212.26 GST Exclusive (\$2,907,533.49 GST Incl), subject to the construction contingency being adjusted to \$106,787.80, thus reducing the overall project cost to \$2,5000,000;
- (2) apply to the WA Treasury Corporation for a loan of \$1m, repayable over ten years, approved in the adopted 2011/12 Municipal Budget, to part fund the construction of the Volunteer Emergency Services Headquarters; and
- (3) advise the Fire and Emergency Services Authority (FESA) of the Council's intention to borrow \$1m so as to seek repayment from FESA of principal and interest over a ten year period.

**COUNCIL DECISION**

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

**CARRIED 9/0****Background**

The South Coogee Volunteer Bushfire Brigade is currently in a shed in the old township of Wattleup and is now in the area under the direct responsibility of the Fire and Rescue Service. The Group has a solid membership but its effectiveness is greatly limited by its location with a limited catchment population.



The Cockburn Volunteer Emergency Services is located in an old building on Kent Street, Spearwood that is poorly designed for the purpose it is now being used for and has no potential to be expanded.

It has been agreed between the South Coogee Volunteer Bushfire Brigade and the Cockburn Volunteer Emergency Service that the Groups would be co-located at a site on the corner of Buckley Street and Poletti Road in Cockburn Central. This co-location is supported by FESA the funding authority for these groups, being the Fire and Emergency Services Authority (FESA).

Tender No.RFT09/2011 - Design Development and Building Construction – Volunteer Emergency Services Headquarters was advertised on Wednesday, 15 June 2011 in the Local Government Tenders section of The West Australian and closed at 2.00pm on 7 July 2011. It was also displayed on the City’s E-Tendering website between 15 June and 7 July 2011.

**Submission**

Tenders closed at 2:00 p.m. (AWST) on Thursday, 7 July 2011 with tender submissions being received from the following nine (9) companies:

1. Midland Constructions
2. CPD Group Pty Ltd
3. Badge Constructions (WA) Pty Ltd
4. DMG Construction WA Pty Ltd
5. Niche Construction WA Pty Ltd
6. Gavin Constructions Pty Ltd Trading As Morago Nominees Pty Ltd
7. JCP Construction Trading as J-Corp Pty Ltd
8. Pindan Pty Ltd
9. National Buildplan Group Pty Ltd (late tender)

**Report**

Compliance Criteria

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

Index - Compliance Criteria	
a	Compliance with the Specification contained in the Request.
b	Compliance with the Conditions of Tendering this Request.
c	Compliance with Fixed Price and completion of Clause 3.4.2
d	Compliance with Insurance Requirements and completion of Clause 3.2.7.



Index - Compliance Criteria	
d1	<i>Public Liability Insurance</i>
d2	<i>Workers Compensation</i>
d3	<i>Comprehensive Motor vehicle</i>
e	Compliance with Occupational Safety & Health Requirements and completion of Appendix A.
f	Compliance with ACCC Requirements and completion of Appendix B.
g	Compliance with and completion of the Price Schedule, in the format provided in this Request.
h	Compliance with Operators and Sub Contractors Qualification requirements and completion of Clause 3.7 and 3.8
i	Compliance with Subcontractors (Proposed) and completion of Clause 3.6

### Tender Compliance

Tenders Name		Compliance Assessment
1	Midland Constructions	Compliant
2	CPD Group Pty Ltd	Compliant
3	Badge Constructions (WA) Pty Ltd	Compliant
4	DMG Construction WA Pty Ltd	Compliant
5	Niche Construction WA Pty Ltd	Compliant
6	Gavin Construction Pty Ltd	Compliant
7	JCP Construction	Compliant
8	Pindan Pty Ltd	Compliant
9	National Buildplan Group Pty Ltd*	Non-Compliant

\* Late tender submitted by electronic mail

### Evaluation Criteria

Tenders were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	25%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Methodology	10%
Tendered Price – Estimated Lump Sum	40%
<b>TOTAL</b>	<b>100%</b>



Tender Intent / Requirement

The City of Cockburn sought a suitably qualified, registered and experienced Commercial/Industrial Building Construction Contractor to undertake the design, development and construction of the Cockburn Volunteer Emergency Services headquarters building (being a commercial building), Lot 52 Buckley Street (the corner of Buckley Street and Poletti Road), Cockburn Central Western Australia. The building will serve as an Emergency Services Headquarters for the Cockburn Volunteer Emergency Services and the South Coogee Volunteer Bushfire Brigade.

Evaluation Panel

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

1. Robert Avarad – Manager Community Services (Chair)
2. Doug Vickery- Manager Infrastructure
3. Mike Ricci -Acting Community Fire Manager (FESA)

Scoring Table

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
Gavin Constructions Pty Ltd	52.55	40.00	92.55
Pindan Pty Ltd	48.00	38.51	86.51
Badge Constructions (WA) Pty Ltd	49.76	28.60	78.36
DMG Construction WA Pty Ltd	45.32	32.87	78.19
JCP Construction	36.04	35.27	71.30
Niche Construction WA Pty Ltd	40.19	29.58	69.75
Midland Constructions	35.51	29.83	65.34
CPD Group Pty Ltd	27.65	34.72	62.37

EVALUATION CRITERIA ASSESSMENTDemonstrated Experience

All tenderers have had previous experience in the construction industry. Several such as Pindan and Badge have had diverse experience with a range of larger projects. Gavin Construction has experience with



projects of a similar size and complexity to the Emergency Services headquarters.

### Key Personal Skills and Experience

All companies that submitted tenders have experienced personnel. There was little discernable difference across the spectrum of companies on the level of expertise and experience of their personnel. The main difference was the varying sizes of the organisations and the level of support and experience available within the company. JCP Construction (member of the BGC) has extensive backup experience and skills within the Group as does Pindan and Badge to a lesser extent.

### Tenderer's Resources

Most companies that submitted tenders had limited construction equipment and leased their equipment for specific projects. This is a well recognised and effective resourcing practise for companies of this type. Once again the larger companies such as Pindan, Badge and JCP have resources in experience and expertise of staff.

### Tendered Price

The range of tender prices was large with the highest price being 1/3 higher than the lowest price. There were two experienced companies with the lower prices which suggests that the tendered price is achievable.

### Summary

All eight compliant tenders received were from companies with the capacity to construct a building of this nature. Gavin Construction and Pindan had the lowest tender prices. Pindan are a larger firm with more diverse experience however Gavin Construction do have the capacity to carry out the work and have submitted a somewhat lower tender price.

## **Strategic Plan/Policy Implications**

### **Infrastructure Development**

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

### **Governance Excellence**

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



### **Natural Environmental Management**

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

### **Budget/Financial Implications**

A grant of \$1,500,000 from the Commonwealth Regional Community Infrastructure Fund has been approved in principle subject to a firm tender price being received. FESA has agreed to provide \$1,000,000 toward the project in the form of a loan that will be repaid to the City over 10 years with interest.

The Tender price recommended is from Gavin Construction at \$2,643,212.26 (ex-GST). There is a \$250,000 contingency sum included with the tender price. The costs required for the project will be monitored and should there be any additional funds required outside the budget of \$2.5M, the matter will be considered in the 2011/12 Budget Review.

### **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 separate cover:

1. Tendered Prices.
2. Consolidated Tender Evaluation Panel Score Sheet.
3. Compliance Criteria Checklist.

### **Note:**

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

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





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

The Tenderers have been advised that this matter is to be considered at the August 2011 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 4598) (OCM 11/8/2011) - ORDER FOR THE IMPOSITION OF DIFFERENTIAL RATES (FS/T/010) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council seek a order under section 9.64 of the Local Government Act for omission of compliance with sections 6.33 (3) and 6.35 (3) of the Local Government Act in respect of the imposition of differential rates as contained in the 2011/12 adopted municipal budget.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 9/0**



## Background

The Department of Local Government has written to the City drawing the attention of the City to a potential non-compliance issue with Sections 6.33 and 6.35 of the Local Government Act – Issue of Differential Rates. A copy of the Department’s letter is attached.

## Submission

N/A

## Report

The letter referred to above has drawn the City’s attention to two potential non-compliance issues associated with the Statement of Rating in the 2011/12 Adopted Budget. The first non-compliance issue is Section 6.33 (3) of the Local Government Act –

- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

The City received permission in 2010/11 to impose the above and extended the permission to the 2011/12 budget. The Department has advised that the City is required to seek approval each budget year as the budget is adopted annually. As such the Department indicates that the rates raised could be challenged by the affected ratepayer. The City acknowledges the advice and seeks to rectify the oversight using the remedy recommended by the Department.

The second non-compliance issue is section 6.35 (3) of the Local Government Act –

### 6.35. *Minimum payment*

- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than—*

- (a) *50% of the total number of separately rated properties in the district; or*
- (b) *50% of the number of properties in each category referred to in subsection (6),*

*on which a minimum payment is imposed.*



The City imposed a minimum on eight (8) properties incorrectly. The imposition has a minimal value (less than \$2,400, that is the minimum rate imposed and the other minimum rate that should have been imposed). The City acknowledges the advice and seeks to rectify the oversight using the remedy recommended by the Department.

Remedy to the oversight:

*9.64 Governor may rectify omissions and irregularities*

- (1) This section applies if through an impediment or accidental omission anything required to be done by or under this Act is not done, or is not done in the prescribed time, manner or form.*
- (2) If this section applies, the Governor for the purpose of giving effect to the intention and purposes of this Act, may by order take such measures as are necessary for rectifying the omission or removing the impediment.*
- (3) The order may validate anything which has been done otherwise than in the prescribed time, manner, or form.*

The City will with the adoption of this recommendation apply to the Department for a Governor's Order to rectify the two errors in regards to sections 6.33 (3) and 6.35 (3) in order for them to be validated.

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

#### **Governance Excellence**

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

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

By seeking the Governor' Order to rectify the oversight, there will be no impact on the 2011/12 Adopted Budget.

#### **Legal Implications**

Sections 6.33 (3), 6.35 (3) and 9.64 of the Local Government Act 1995.



**Community Consultation**

N/A

**Attachment(s)**

Correspondence from the Department of Local Government dated 27 July 2011.

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

N/A

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

Nil.

**21.2 (MINUTE NO 4599) (OCM 11/8/2011) - AMENDMENT TO DIFFERENTIAL RATES - RESOURCE GENERAL (FS/T/010) (S DOWNING)**

**RECOMMENDATION**

That Council

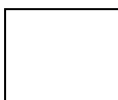
- (1) amend the Resource – General rate in the dollar from 0.0022 cents in the dollar to 0.0018 cents in the dollar of unimproved value;
- (2) re-issue assessment notices to affected Resource – General properties:
  1. amend the 2011/12 Adopted Budget – Rates income (Resource – General) from \$833,191 to \$717,349.
  2. amend the 2011/12 Adopted Budget – Rates Income (Interim) from \$123,297 to \$350,000.

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

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**



## Background

Council adopted the Municipal Budget for 2011/12 in accordance with the Local Government Act and associated regulations. The adoption of the differential rate in the dollar for properties rated as Resource General was not in accordance with the rate advertised and as no amending advice was provided when adopting the Municipal Budget as to why a higher rate was proposed, Regulation 56 of the Local Government (Financial Management) Regulations requires the adoption of the advertised rate in the dollar.

## Submission

N/A

## Report

Council advertised its differential rates on 29 April 2011 in accordance with section 6.36 of the Local Government Act. In adopting the differential rates for Resource – General, the advertised rate in the dollar of 0.0018 cents per dollar on unimproved value was replaced with the rate in the dollar used for Resource – Commercial and Industrial which was 0.0022 cents per dollar of unimproved value.

A number of complaints were received from property owners of Resource General properties and upon investigation, the error was discovered.

The intention of this report is to seek to amend the rates assessment notices issued to affected properties owners. The average property owner has been overcharged \$264. A letter of explanation and apology will be sent with the amended rates assessment.

The rate in the dollar was kept at 0.0018 cents per dollar of unimproved value as the intention was to review the viability of the mainly residential properties (on two hectare lots) being valued under the gross rental value methodology. This would have completed the last of the reviews undertaken over the last three years to correctly value non-farmland using gross rental value rather than the current unimproved value methodology.

## 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**

The impact of this amendment will reduce the budget by \$115,842. This will be offset by higher interim rates of \$226,706. Higher interim rates are partly due to more development in the Municipality than originally estimated. The adopted budget will remain in a surplus position of \$140,864.

**Legal Implications**

Local Government (Financial Management) Regulations No. 56

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

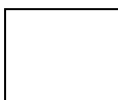
**Implications of Section 3.18(3) Local Government Act, 1995**

Nil.

**22 (OCM 11/8/2011) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

**22.1** CLR CAROL REEVE-FOWKES has requested that a report be prepared for Council on the possibility of setting up a "Men's Shed" in Spearwood/Hamilton Hill, along similar lines to what is already successfully implemented within the City of Fremantle. The report should provide potential locations, possible costs and potential services that could be offered from a project like this and the report be provided to the October 2011 OCM.

**22.2** CLR CAROL REEVE-FOWKES has requested that a report be prepared for Council to review and update the 2004 Coogee Beach Structure Plan, specifically to address pedestrian safety with the speed of traffic at the Cockburn Road entry point into Port Coogee. During the Summer months, the beach area is heavily utilised by residents and visitors, and these numbers will increase with a growing population. The report should specifically provide information on potential safety improvements and safer road crossing points that Council could implement, if Main Roads do not have any



upgrading plans in the foreseeable future. This report to be provided to the October 2011 OCM to provide opportunities to implement improvements prior to the summer season.

- 22.3** CLR CAROL REEVE-FOWKES has requested that a report be prepared to consider options for a 22 seater replacement bus for the Cockburn Seniors in Young Place Hamilton Hill. Currently they utilise a very old 22 seater which is reported to be 24 years old. This bus realistically will not last many more years and the seniors will need a replacement bus to assist them in keeping mobile and active within the Community. The report could specifically provide advice on funding for a new bus, or options involving sharing with other user groups. This report to be provided to the October 2011 OCM.

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

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 4600) (OCM 11/8/2011) - 24 RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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



**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr C Reeve-Fowkes the recommendation be adopted.

**CARRIED 9/0**

**24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

Nil

**25 (OCM 11/8/2011) - CLOSURE OF MEETING**

Meeting closed at 7.40 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: ...../...../.....

