

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 SEPTEMBER 2009 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 SEPTEMBER 2009 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr K Allen	-	Deputy Mayor (Presiding Member)
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr N Mauricio	-	Acting Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mrs L. Boyanich	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.04pm.

#### 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 10/9/2009) - APOLOGIES AND LEAVE OF ABSENCE**

Mayor Logan Howlett	-	Apology
Councillor Sue Limbert	-	Apology
CEO Stephen Cain	-	Apology

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

Nil

**7 (OCM 10/9/2009) - PUBLIC QUESTION TIME**

**Frank D'Ortona, Beeliar**

*Written question – Item on the Agenda – 14.6*

*Agenda Item 14.6 – Proposed Amendment to APD7 – Rural Subdivision Policy*

Q1: Regarding sub-division in East Churchill, Britannia Ave and Fanstone Ave, why can't we subdivide when 90% are in favour of it. We only want to subdivide these three streets, not other side of Cockburn Cement, Henderson Road to only from 1 ha to Half ha

A1. *The Policy is being presented with the recommendations that no further subdivision is permissible within Areas 1 or 3. Area 1 is the rural buffer between Latitude 32 and Thomsons Lake, and Area 3 is the smaller 'Rural Living' allotments to the north of Cockburn Cement which are within the Kwinana Air Quality Buffer.*

*In terms of Area 3 (within which East Churchill, Britannia and Fanstone Avenues fall within), there is a prohibition on any further subdivision within the area, by virtue of the fact that the land is affected by the Kwinana Air Quality Buffer. This is a statutory buffer enacted by the State Government through the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999, and functions to prohibit any further subdivision of land. The Policy recognises that it is not appropriate to allow further residential*



*development within the buffer, and therefore prohibits subdivision of existing properties taking place.*

**Ms Jacky Hill, Munster**

*Written question – Item on the Agenda – 14.6*

*Agenda Item 14.6 – Proposed Amendment to APD7 – Rural Subdivision Policy*

Q1. In June this year, on behalf of many of the landowners living on the westerly side of Thomsons Lake, I provided the Councillors with past and current WAPC information regarding their policy of no further subdivision of these bush blocks.

I refer to page 13 of the final WAPC Friars Report, “Rural areas north of Russell Road and between Thomsons Lake and Cockburn Cement should be retained as a buffer between this important wetland and other uses”.

On the 11 June 2009, I received a letter signed by John Day, the Minister for Planning. He stated that he was aware the City of Cockburn had deferred the endorsement of Policy APD7 and was consulting further with landowners. An accompanying letter from the WAPC reinstated the Policy that the WAPC does not support subdivision in this area because of possible environmental impacts associated with Thomsons Lake.

Since then, submissions from landowners show that the majority of residents in Area 1 living close to Thomsons Lake are still against further subdivision.

My question is: “Can the Councillors begin to imagine the ongoing stress all this uncertainty is causing the majority of rural landowners and that you have the power tonight to vote against any further subdivision, thereby abiding by not only the wishes of the landowners but also the West Australian Planning Commission”.

A1. *Ms Hills comments are noted. The report and recommendation to Council clearly addresses and supports the position of the WAPC, in that any further subdivision within Area 1 (the rural buffer between Latitude 32 and Thomsons Lake) is clearly not supported.*

*The City acknowledges that the review of Policy APD7 has taken a significant period of time however it considers that this has enabled all aspects of the Policy to be fully researched and the views of all residents to be taken into consideration before a final determination is made.*



**Dr Katinka Ruthrof, Beeliar**

*Written question – Item on the Agenda – 14.6*

*Agenda Item 14.6 – Proposed Amendment to APD7 – Rural Subdivision Policy*

Q1: Whilst I agree with the current changes to the ADP7 so that no further subdivision is permitted in Area 1 outside the EPP buffer, are the Councillors aware that some of the information in the agenda regarding the FRIARS report is incorrect, in particular that:

“It remains silent in terms of policy measures for rural land subdivision outside the air quality buffer?” (Item 14.6, p.35). This is not correct. The FRIARS report states that:

“It is important that no further subdivision of these properties is permitted?” (p39-40). The WAPC clearly does not want this area subdivided and have also stated this through their submission regarding this APD7 policy.

A1. *The Officer report and recommendation to Council clearly addresses and supports the position of the WAPC, being not to support any further subdivision within Area 1 (the rural buffer between Latitude 32 and Thomsons Lake). The FRIARS document fails in clearly articulating this statement of not supporting further subdivision, so it is therefore important that APD7 make it conclusive that no further subdivision will be supported by the City. This is consistent with the position of the WAPC and proper and orderly planning principles.*

*To clarify for the ratepayers who are here in support of the subdivision, the way subdivision is dealt with in WA is that subdivision applications are referred to the Council for its comment in terms of whether it supports or does not support an application. Council is not the determining body in respect to subdivision, this is actually undertaken by the WAPC. The WAPC is the determining body and would make the decision based on what they consider a proper and orderly planning and taking into account whatever Council’s submission is.*

**Murray O’Brien, Munster**

*Question not submitted – Item on the Agenda*

*Agenda Item 14.6 – Proposed Amendment to APD7 – Rural Subdivision Policy*

Q1: To clarify what is being put through Council tonight as Policy APD7, this will not affect our land at all? The issue I have is that in 05/06 the City of Cockburn planning department tried to rezone our land back to





rural. Can you confirm that this is not happening?

A1: *The draft policy does not cover your area. The policy relates to the subdivision of land within rural zone areas only. In this case we are talking about rural living zones and rural zoned areas which are covered in attachment 2 which clearly indicates the areas we are talking about.*

### **Ray Woodcock, Spearwood**

*Question not submitted – Item on the Agenda*

*Agenda Item 17.1 – Melville/Cockburn Community Security Service (CSS)*

Q1: Regarding the possible discussion that may take place between the City of Cockburn and Melville City Council. Will this Council put to the Melville City Council, that security personnel record all the activities or their patrols such as the areas they are in and the times of their visits to these areas. The reason I ask this is that I understand as a result of the Briefing Session last Thursday, that these CSS patrol officers are not recording anything other than the time where they may be involved in an incident so that the rest of the time there is no record of where they have been or what they have been doing. I think as ratepayers, we are entitled to know what we are paying for.

A1 *That is precisely one of the issues that we have had with the City of Melville and the current service that we haven't been able to ascertain a lot of that specified information. It is a problem for us, so what we are saying is that perhaps there is a better way of progressing this service. The recommendation as it stands, is simply to let the current contract run for the remainder of this financial year during which time we will investigate alternative methods that are available to us.*

Q2: Will these people be accountable as to where they may be at any time on their patrols so that the City knows it is getting value for its money.

A2 *That is certainly one of the issues that we are keen to address. We will be ensuring that there is more accountability and far more information such as that for us to be able to ascertain those specific details. The City will write to the City of Melville to address this issue.*

Q3: With the recent announcement by Mr O'Callaghan, the Commissioner of Police, that the WA Police have a surplus of Police Officers, will this Council enquire from the Minister of Police, what is the surplus over the approved strength of the WA Police so that additional Police can be posted at the Cockburn Police Station to enable it to be open to the public on weekends.

A3: *It's certainly not the intention of this particular item, to address the matter to that extent.*



**A Petkovich, Beeliar**

*Question not submitted – Item on the Agenda*

*Agenda Item 14.6 – Proposed Amendment to APD7 – Rural Subdivision Policy*

Q1: I believe the Council and the State Government proposal is to scrap the subdivision in the area because of the Kwinana Air Buffer. Sometime ago we had in the area, 5 acre blocks. Now they have all been sub-divided to 1 acre blocks. Why can the Council and the State Government approve that? What is the difference? 1 house per 1 acre or 4 houses per 1 acre. Can someone tell me that?

A1: *Unfortunately the City is not in a position to tell you why historically 1 hectare lots were actually approved, however what we can indicate is the current policy by the State Government is not to support any further subdivision of the land within the Kwinana Air Quality Buffer Area and hence Council is reflecting this position. That hasn't changed because that provision in terms of the policy has remained consistent. Council is not proposing to change that within the policy. The WAPC has clearly indicated that this is still their view.*

**Tracy Anderson, Beeliar**

*Question not submitted – Item on the Agenda*

*Agenda Item 14.6 – Proposed Amendment to APD7 – Rural Subdivision Policy*

Q1: I would like to ask the Council to defer a decision with regard to this recommendation tonight in light of the people here in support of the subdivision. I would also like to ask, why is it ok for all of us to live there and no-one else to live there? For what reason, health reasons? Has there been any consideration taken into account for the prevailing winds? Will my questions be passed onto the WAPC?

A1: *Clearly the view of the WAPC is that they consider it not appropriate to increase the number of people. The issue being that the EPA have indicated that these areas have the potential to be impacted by the Kwinana Industrial Area and the issue being that the WAPC recognises that there are existing residents within those areas however what it is putting in place, is saying there shouldn't be any further intensification or increase in the actual address of the properties.*

*This is the WAPC's position in terms of the State Governments advice to the Council. The determination of any subdivision is made by the WAPC. This is a reflection of their position. In saying that, Council can*



*certainly pass your comments on to the WAPC and they can give a specific response in terms of why the policy exists. I will need your contact details so we can respond back to you.*

**Robyn Scherr, Coogee**

*Question not submitted – Item on the Agenda*

*Agenda Item 17.1 – Melville/Cockburn Community Security Service (CSS)*

Q1: I would ask Council to consider expansion of Council Ranger Services in any plans they have for the Community Security Service. People are parking on the footpaths on our street routinely. People can't walk on the footpath, they have to go out onto the road. This is happening every single day. There are dogs on the beach at Coogee. There are jet skis performing between the jetties in the shallows where there are swimmers present. I see a greater need for ranger services than I do for community security patrols. I'm quite happy with the police service that we are provided with and that's what we pay taxes for, but we do need to have rangers otherwise there is no law and order in our community.

A1: *The City will certainly take those comments on board.*

**Ray Woodcock, Spearwood**

*Question not submitted – Item not on the Agenda*

*Coogee Beach Fencing*

Q1: With the recent destruction of over 100m of pole and wire fencing facing the ocean surrounding the sand dunes located south of the Port Coogee Marina. Will the Cockburn City Council ask Australand to pay for the repairs to the pole and wire fencing? Could someone also tell me who installed that fencing and who paid for it?

A1: *The City paid for the installation of the fencing along Coogee Beach. There is no current proposal to seek recompense from Australand to reinstall.*

**Murray O'Brien, Munster**

*Question not submitted – Item not on the Agenda*

*CEO Pay Increase & Procedures for Complaint*

Q1: For the CEO to receive a pay increase, is it required that all Councillors vote unanimously because it was voted on behind closed door?

A1: *Yes, it is.*



Q2: What sort of payrise did the CEO earn, the reason being that I have written to the City to no less than 3 occasions and have not yet received a reply on this matter. We are under financial strain and have had an increase in the rates this year, I would like to know what the CEO and any other public officers received as a payrise?

A2: *This is a confidential process and is required to be discussed and deliberated behind closed doors. The annual accounts for the 2008/2009 year budget come out the City is required to disclose the remuneration for the senior staff ie. CEO, and that will be made clear in this document.*

Q3: I have applied in writing several times and have not yet received the information?

A3: *You have the right to ask for the details of certain contracts of senior staff including the CEO. I am not aware of why you have not received answer to your request if you have followed the correct procedure.*

Q4: With regards to misconduct of a senior officer, who in the Council would deal with that type of situation? And what would be the formal process? Would I receive a reply?

A5: *The City would encourage you put complaint you may have involving a City Officer in writing and address it to the CEO.*

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 4030)** (OCM 10/9/2009) - ORDINARY COUNCIL MEETING - 13/08/2009

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 13 August 2009, be adopted as a true and accurate record.

#### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**



**8.2 (MINUTE NO 4031) (OCM 10/9/2009) - SPECIAL COUNCIL MEETING - 26/08/2009**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Wednesday, 26 August 2009, be adopted as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 7/1**

NOTE: CLR REEVE-FOWKES REQUESTED THAT HER OBJECTION TO THIS DECISION BE NOTED FOR THE RECORD.

**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 (OCM 10/9/2009) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7:47PM THE FOLLOWING ITEMS WERE CARRIED BY AN 'EN BLOC' RESOLUTION OF COUNCIL.

13.1	14.2	14.6	15.1	16.1	16.4	18.1		
	14.3	14.7	15.2	16.2	16.5			
	14.4			16.3	16.6			



**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 4032) (OCM 10/9/2009) - MINUTES OF THE AUDIT COMMITTEE MEETING - 16 JULY 2009 (5017) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on Thursday, 16 July 2009, as attached to the Agenda and the recommendations contained therein be adopted.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

A meeting of the Audit Committee was conducted on 16 July 2009.

**Submission**

To receive the Minutes of the Audit Committee and adopt its recommendation.

**Report**

Interim Audit

The Interim External Audit Report for the period ending 30 June 2009 was received from Council's Auditors Grant Thornton in June 2009. The Interim Report covers a review of the Accounting and Internal Control Procedures in operation, as well as testing of transactions in:

- Capital asset additions and purchases
- Rate debtors and receipts
- Payroll
- Disposal site revenue
- Review of Council's investment portfolio and current market value

**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 Committee Meeting held on 16 July 2009.

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

N/A

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

- 14.1 (MINUTE NO 4033) (OCM 10/9/2009) - PROPOSED SCHEME AMENDMENT NO. 76 - REZONING VARIOUS PROPERTIES IN SPEARWOOD AND HAMILTON HILL IN ACCORDANCE WITH THE PHOENIX CENTRAL REVITALISATION STRATEGY; MINOR REZONING OF VARIOUS DRAINAGE RESERVES, ROAD RESERVES AND PEDESTRIAN ACCESS WAYS AND; PREPARATION OF DRAFT LOCAL PLANNING POLICY NO. APD58 (MEDIUM DENSITY RESIDENTIAL DESIGN GUIDELINES) - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93076) (A TROSIC / D DI RENZO) (ATTACH)**

**RECOMMENDATION**

- (1) That in respect of Scheme Amendment No. 31 which proposed to downcode Development Area 1 (Packham) from 'Residential R30' to 'Residential R20', Council rescinds its previous resolution dated 9 March 2006 (Minute No. 3098) adopting the Scheme amendment;
- (2) That Council resolves not to proceed with Amendment No. 31 to the Scheme for the following reasons:



1. The proposed downcoding is not consistent with the Phoenix Central Revitalisation Strategy, which seeks to build critical mass and density in the residential precincts of Spearwood and Hamilton Hill surrounding the Phoenix Town Centre.
  2. The proposed downcoding is contrary to the strategies outlined in the Network City Planning Strategy and Draft Directions 2031 document. Both of these documents establish a direction for suburban centres such as Phoenix to evolve into 'activity centres'. Activity centres are designed to facilitate higher density residential development, in association with a mixture of uses including office, retail, entertainment, cultural and civic activities.
  3. The proposed downcoding is contrary to the strategies included as part of the Network City Planning Strategy and Draft Directions 2031 document, which aim to critically increase the levels of urban consolidation taking place within the metropolitan area. Downcoding of residential density as proposed by Amendment No. 31 is completely contrary to this planning objective.
  4. The proposed downcoding was not supported by the clear majority of landowners, for reasons that it would remove development potential and the ability for them to redevelop their properties allowing for closer residential development into the future.
  5. For the reasons mentioned above, the proposed downcoding is not in accordance with proper and orderly planning principles, by virtue of it being contrary to planning objectives for Perth's future growth.
- (3) That Council in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate an amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:
1. Rezoning various properties within parts of Spearwood and Hamilton Hill to 'Residential R30', 'Residential R30/40', 'Residential R40', 'Residential R60' and 'Residential R80' in accordance with the adopted Phoenix Central Revitalisation Strategy as shown on the Scheme Amendment Map.
  2. Rezoning Lot 431 Rodd Place, Hamilton Hill from 'Residential R35' to 'Residential R35/80' and 'Restricted Use 15 (RU 15)' as shown on the Scheme Amendment Map.
  3. Amending Schedule 3 - Restricted Uses of the Scheme Text





to introduce Restricted Use 15 as follows:

No.	Description of Land	Restricted Use
RU 15	Lot 431 (No. 1) Rodd Place, Hamilton Hill	<p>Aged or dependent persons' dwelling and/or hospital for aged or dependent' persons.</p> <ol style="list-style-type: none"> <li>1. Development is restricted to a density of R35 unless it can be demonstrated by way of a comprehensive redevelopment proposal (submitted as an application for planning approval) that the following criteria will be achieved to the satisfaction of the local government:               <ol style="list-style-type: none"> <li>i. Attractive built form in relation to architectural design, site layout, materials, colour, tone, texture and fencing;</li> <li>ii. Provision of safe, functional and attractive access arrangements, which contribute to the overall aesthetics of the development;</li> <li>iii. Building heights at the street frontages maintain a compatible scale with adjacent development where appropriate.</li> </ol> </li> <li>2. The density bonus applicable to aged or dependent persons' dwellings under Section 6.1.3A3i of the R-Codes may only be utilised in respect of the base R35 residential coding.</li> </ol>
<ol style="list-style-type: none"> <li>4. Rezoning Lot 2242 Amberley Way, Hamilton Hill, Lot 100 Lintott Way, Spearwood and Lot 68 and Lot 393 Scroop Way, Spearwood from 'Local Reserve - Lakes and Drainage' to 'Residential R40' as shown on the Scheme Amendment Map.</li> <li>5. Rezoning Lot 18 Scales Way and Lot 13 Edeline Street, Spearwood from 'Local Reserve - Lakes and Drainage' to 'Residential R30' as shown on the Scheme Amendment Map.</li> <li>6. Rezoning Lot 4732 Sussex Street, Spearwood from 'Local Reserve - Local Road' to 'Local Reserve - Parks and Recreation' as shown on the Scheme Amendment Map.</li> <li>7. Rezoning portions of road reserves along Caffrey Place and Sykes Place, Hamilton Hill, and the corner of Rockingham Road and Newton Street, Spearwood from 'Residential R20'</li> </ol>		

to 'Local Reserve - Local Road' as shown on the Scheme Amendment Map.

8. Rezoning the Pedestrian Access Way ("PAW") between Rodd Place and Stanyford Place, Hamilton Hill, the PAW south of Lot 431 Rodd Place, Hamilton Hill and portion of the PAW adjacent to the cul-de-sac head of Fenton Way, Hamilton Hill from 'Local Reserve - Road Reserve' to 'Residential R30' as shown on the Scheme Amendment Map.
9. Modifying Development Area 1 in Schedule 11 of the Scheme Text by deleting Provision 3 and renumbering the subsequent provisions.
10. Modifying Clause 8.2.1(h) of the Scheme Text to read as follows:

*8.2.1(h) the erection on a single lot of two grouped dwellings (including extensions and ancillary outbuildings) where a grouped dwelling is designated with the symbol 'P' in the cross-reference to that Use Class and a Zone in the Zoning Table, and where the development complies with Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines) and the Residential Design Codes.*

11. Adding a new Clause 5.8.7 to the Scheme Text as follows:

**5.8.7 Medium Density Residential Development**

- (a) *When considering applications for the development of grouped and/or multiple dwellings, the Council shall have due regard to Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines). Where an application does not fulfil the provisions or objectives of Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines), Council may refuse the application notwithstanding its level of compliance with the Residential Design Codes.*
- (b) *In considering applications for the subdivision of land within any of the R30/40 split coded areas depicted on the Scheme Map, the Council may only support subdivision (in the absence of built*



development) up to a maximum density of R30.

- (c) *In considering applications for the development of land within any of the R30/40 split coded areas depicted on the Scheme Map, the Council may support development up to the maximum density of R40 subject to the application fulfilling the provisions and objectives of Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines).*
- (d) *Where residential land abuts a regional road reserve or major road as prescribed by Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines), vehicle access to that road shall be subject to the approval of the local government and the relevant responsible authority (if any).*

12. Amending the Scheme Map accordingly.

- (4) That as the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967* ("Regulations"), and upon receipt of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment;
- (5) That the amendment documentation be prepared in accordance with the standard format prescribed by the Regulations;
- (6) That Council in pursuance of Clause 2.3.1 of the Scheme, resolves to prepare a Local Planning Policy ("Policy") for the purposes of applying medium density residential design guidelines throughout the Scheme Area.
- (7) That Council publishes notice of the proposed Policy in accordance with Clause 2.5.1(a) of the Scheme. Furthermore, in accordance with Clause 2.5.1(b) of the Scheme, Council publishes notice of the proposed Policy as part of the advertising of the amendment in accordance with Part 2 of this resolution;

- (8) That the amendment documentation be resubmitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions and steps taken to advertise the amendment and the reasons why Council does not wish to proceed with the amendment;
- (9) That Council advises the Western Australian Planning Commission that the proposal to permanently retain the 'Residential R30' coding within Development Area 1 will be advertised widely to the public and considered as part of this new Scheme Amendment No. 76.

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

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**8/0**

**Note**

Sub-recommendation (1) of this item is subject to a Notice of Rescission, which has been provided in accordance with statutory requirements.

**Background**

Scheme Amendment No. 31 was previously adopted by Council on 9 March 2006. This proposed to effectively downcode Development Area No. 1 (Packham) from 'Residential R30' to 'Residential R20', in an attempt to address some concerns about medium density development at the time. It was also proposed in order to clarify the unclear and unworkable provisions which related to Development Area No. 1 at the time.

Since adopting this amendment, Council has embarked on the Phoenix Central Revitalisation Strategy (as discussed in this report), which seeks to create an activity centre for Phoenix. As part of this, a key objective is for building critical mass and density in the residential precincts of Spearwood and Hamilton Hill surrounding the Phoenix Town Centre. Scheme Amendment No. 31 is now directly contrary to these planning objectives for Phoenix, which have been widely advertised and supported by the community through the Phoenix Central Revitalisation Strategy process.



The purpose of this report is therefore two-fold:

- i. For Council to consider a rescission motion of its previous resolution dated 9 March 2006 (Minute No. 3098) which adopted Scheme Amendment No. 31 for final approval; and
- ii For Council to initiate a new Scheme Amendment to commence implementation of the Phoenix Central Revitalisation Strategy ("Revitalisation Strategy"), which was granted final approval by Council on 14 May 2009 (Minute No. 3956).

The Revitalisation Strategy provides a strategic framework for improvements to the Phoenix Town Centre, which includes the surrounding suburbs of Spearwood and Hamilton Hill. This is to specifically guide changes to the study area over the next ten years, focussed on the 800m walkable catchment surrounding the Phoenix Town Centre.

The Revitalisation Strategy includes proposed zoning changes within the study area to increase the residential density, and the proposed Scheme amendment seeks to implement these changes.

The amendment also seeks to correct a number of minor zoning anomalies within the study area including portions of various road reserve and pedestrian access ways ("PAWs"), and the rezoning of a number of drainage reserves owned by the City of Cockburn ("the City") that are surplus to the drainage requirements of the area.

The Revitalisation Strategy included a recommendation for the preparation of design guidelines to encourage good development, and encourage surveillance of public open space ("POS"). A draft Policy has been prepared (Attachment 3) to provide a comprehensive set of criteria for new medium density residential development within the City of Cockburn, which will apply in addition to the *Residential Design Codes of Western Australia* ("R-Codes").

### Overview of Preparation and Community Consultation

Preparation of the Revitalisation Strategy included a comprehensive community consultation program as follows:

- \* Visioning stage (October 2007) which included a comprehensive landowner survey, a survey of retail traders and a community vision forum.
- \* Enquiry by Design workshop (November 2007) to prepare draft plans and ideas for how the area could be improved.
- \* Advertising of plans to the community for comment during May and June 2008. A brochure was sent to all landowners in the study area outlining some of the key ideas and proposals. The



draft plans were also advertised to the wider community through the local newspapers, Council's website and at the Phoenix Shopping Centre. During this community consultation period, the City also held two community forums which were attended by approximately 160 people.

#### Interim Council Consideration of Revitalisation Strategy

At its meeting held on 12 June 2008 (Item 21.1), Council resolved:

1. not to support the compulsory acquisition of any residential property within the study area for the purpose of creating new road links;
2. not to support the inclusion of a bus way or transit way in Rockingham Road; and
3. not to proceed with the development of aged persons development on MacFaul Park.

#### Council Consideration to Adopt Revitalisation Strategy

At its meeting held on 11 December 2008 (Item 14.12) Council considered adopting the Revitalisation Strategy, which included a recommendation to modify the proposed zoning in the outer residential area from proposed R30 to proposed R25. Council resolved to defer its consideration of the Revitalisation Strategy, so as to ascertain further feedback from the community on the issue.

In February 2009 further consultation was undertaken on the proposed coding in the outer residential area, including a survey to all landowners and a landowner workshop.

At its meeting held on 14 May 2009 (Item 14.11) Council considered the feedback from this consultation and adopted the Revitalisation Strategy for final approval. This includes the proposed zoning plan (Attachment 2).

#### **Submission**

N/A

#### **Report**

A Scheme amendment has been prepared to implement the proposed residential zoning changes outlined in the Revitalisation Strategy (Attachment 2). This includes proposed zoning change in accordance with the Scheme Amendment Map (Attachment 1) and changes to the Scheme text.

A draft Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines) (Attachment 3) has been prepared in accordance



with the recommendations of the Revitalisation Strategy, and it is proposed that this applies to all medium density development in the City.

The proposed Scheme Amendment and draft Policy are discussed in detail below.

### Proposed Scheme Amendment

#### *Proposed Zoning Changes*

The amendment proposes the rezoning of various properties in parts of Spearwood and Hamilton Hill to increase the residential codings to 'Residential R30', 'Residential R30/R40', 'Residential R40', 'Residential R60' and 'Residential R80' as shown on the Scheme Amendment Map (Attachment 1).

These proposed rezonings are consistent with the proposed zoning plan contained with the Revitalisation Strategy that was adopted by Council on 14 May 2009 (Attachment 2). It represents a radiating density plan as follows:

- R40 proposed generally within the 400m walkable catchment,
- R30 proposed in the outer residential areas, generally coinciding with the 800m walkable catchment.
- Rezoning of lots fronting parks to R30/R40.
- Expansion of the existing R60 zone around Glendower Way and Shallow Street, on the east side of the Phoenix Town Centre to create a more consistent land use pattern, centred generally around the POS on Shallow Street. This R60 zone was originally based on the location of the sewer and does not follow a logical pattern.
- Rezoning 3, 5, and 7 Glendower Way, Spearwood to 'Residential R80', given the proximity to the Phoenix Town Centre.

The Revitalisation Strategy includes other proposed commercial rezonings, including the rezoning on the western side of Rockingham Road (north of Kent Street), and the intersection of Rockingham Road and Spearwood Avenue to 'Business/R60'. The Revitalisation Strategy also proposes the rezoning of the City's administration site to 'District Centre/R160'.

However, this amendment does not include any of the proposed commercial rezonings. These areas will require specific design guidelines to ensure appropriate heights and uses to avoid overlooking and any potential conflicts with existing residential development, and these design guidelines are yet to be developed. This proposed amendment does not include any proposed zoning changes to the City's Administration site, as a comprehensive master plan is required



for the community hub, which will include further studies and community consultation.

Therefore, in the interest of expediting the rezoning process it is proposed to initiate an amendment at a later stage for these commercial rezonings, and they will be advertised in conjunction with the relevant design guidelines.

*Rezoning of 1 Rodd Place, Hamilton Hill*

The Revitalisation Strategy proposes the rezoning of an existing retirement village at Lot 1 Rodd Street, Hamilton Hill from 'Residential R35' to 'Residential R35/80' to enable redevelopment of the site to accommodate more aged accommodation. This was in recognition of the need for aged accommodation in this area.

The proposed zoning plan included within the Revitalisation Strategy identified this site to be rezoned to 'Special Use (Retirement Housing) R35/R80' with special conditions in place to ensure that it will be only be developed for this purpose.

On further consideration of this matter it is considered more appropriate for the property to remain in the 'Residential' zone, but to be rezoned from 'Residential R35' to 'Residential R35/R80', with a 'Restricted Use', to restrict the use to aged or dependent dwellings and a hospital for aged or dependent persons. The latter would facilitate the potential for a high dependency aged care facility or hospice which would be defined as a 'hospital' under the Scheme.

The proposed 'Restricted Use (RU 15)' sets out criteria for the higher coding to be applicable, including provisions for good built form outcomes to ensure development is attractive and compatible with the surrounding area.

The R-Codes (clause 6.1.3) provide a density bonus for the development of aged or dependent persons dwellings, in that the minimum site area may be reduced by up to one third where there is compliance with the requirements set out in section 7.1.2 of the R-Codes. The intention of this density bonus under the R-Codes is to encourage the development of dwellings that accommodate the special needs of aged or dependent persons on residential zoned land.

The proposed rezoning of 1 Rodd Place from 'Residential R35' to a split coding of 'Residential R35/R80' is intended to provide a potential density bonus on the basis that the site will only be developed to facilitate more aged and dependent persons accommodation. Therefore the proposed 'Restricted Use (RU 15)' provisions stipulate that the density bonus provided under the R-Codes is not applicable, as the intention is that R80 will be the highest achievable density on the site. The surrounding residential area is proposed to be rezoned to





'Residential R30', and it is considered that a maximum density of R80 is appropriate in this location.

*Rezoning various drainage reserves*

There are a number of drainage reserves within the Revitalisation Strategy study area that are owned by the City in freehold and that are surplus to the drainage requirements of the locality. It is proposed that these sites be rezoned in accordance with the proposed coding outlined in the Revitalisation Strategy to facilitate residential development consistent with the character of the surrounding areas.

It is therefore proposed that 13 and 14 Scroop Way and 374 Lintott Way, Spearwood and Lot 2242 Amberley Way, Hamilton Hill be rezoned from 'Local Reserve - Lakes and Drainage' to 'Residential R40'; and that Lot 18 Scales Way and 86 Edeline Street, Spearwood be rezoned from 'Local Reserve - Lakes and Drainage' to 'Residential R30', as shown on the Scheme Amendment Map (Attachment 1).

*Rezoning portion of road reserve*

There is a zoning anomaly adjacent to Beale Park whereby a 1495m<sup>2</sup> portion of closed road reserve south of the Sussex Street cul-de-sac head and north of Spearwood Avenue (72 Sussex Street, Spearwood) is still reserved 'Local Reserve - Local Road' under the Scheme. It is proposed to rezone this to 'Local Reserve - Parks and Recreation'. This is consistent with the current use of the land which functions as part of the adjacent Beale Park and contains the RSL War Memorial.

There are some other zoning anomalies within the study area where small portions of road reserves (containing constructed roads) are currently zoned 'Residential'. This includes a portion of road reserve at the cul-de-sac head of Caffrey Place, Hamilton Hill (adjacent to 8 Caffrey Place); a portion of road reserve on Sykes Place, Hamilton Hill (adjacent to 9A Sykes Place), and the truncation of road reserve on the corner of Rockingham Road and Newton Street, Spearwood (adjacent to 2 Newton Street). It is proposed to tidy these up as part of this Scheme amendment by rezoning these to 'Local Reserve - Local Road' consistent with the current use.

*Rezoning various PAWs identified for closure*

The proposed amendment includes the rezoning of a number of PAWs in the Southwell area of Hamilton Hill that are identified for future closure. The Southwell area has a number of unnecessary PAWs that contribute to anti-social behaviour within the locality and future closure of the PAWs is consistent with the Southwell Master Plan adopted by Council on 10 November 2005.



It is proposed to rezone the PAW between Rodd Place and Stanyford Place; the PAW south of 1 Rodd Place, Hamilton Hill and portion of the PAW adjacent to the cul-de-sac head of Fenton Way to 'Residential R30', which is consistent with the proposed zoning of the adjacent land and the Revitalisation Strategy. These PAWs will be formally closed in the future and that process will include community consultation.

*Proposed Scheme text changes*

The proposed amendment includes changes to the Scheme text to insert provisions for medium density development, in particular to ensure that it is consistent with the draft Policy. These proposed provisions set out the statutory framework to ensure that the proposed split codings (R30/R40) are implemented in accordance with the Policy. Proposed clause 5.8.7 sets out that when considering development applications for grouped or multiple dwellings the Council is to have due regard Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines).

Proposed clause 5.8.7(b) stipulates that in considering applications for the subdivision of land within any of the R30/40 split coded areas, the Council may only support subdivision (in the absence of built development) up to a maximum density of R30.

Proposed clause 5.8.7(c) stipulates that in considering applications for the development of land within any of the R30/40 split coded areas depicted on the Scheme Map, the Council may support development up to the maximum density of R40 subject to the application fulfilling the provisions and objectives of Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines). The draft Policy then sets out the performance criteria.

In order to ensure safe and efficient traffic flows are maintained within urban infill areas proposed clause 5.8.7(d) sets out that where residential land abuts a regional road reserve or major road as outlined by Local Planning Policy No. APD58 (Medium Density Residential Design Guidelines), vehicle access to that road shall be subject to the approval of the local government and the relevant responsible authority.

*Scheme Amendment No. 31 - Packham*

Scheme Amendment No. 31 was previously adopted by Council on 9 March 2006. This proposed to effectively downcode Development Area No. 1 (Packham) from 'Residential R30' to 'Residential R20', in an attempt to address some concerns about medium density development at the time. It was also proposed in order to clarify the unclear and unworkable provisions which related to Development Area No. 1 at the time.



Since adopting this amendment, Council has embarked on the Phoenix Central Revitalisation Strategy (as discussed in this report), which seeks to create an activity centre for Phoenix. As part of this, a key objective is for building critical mass and density in the residential precincts of Spearwood and Hamilton Hill surrounding the Phoenix Town Centre. Scheme Amendment No. 31 is now directly contrary to these planning objectives for Phoenix, which have been widely advertised and supported by the community through the Phoenix Central Revitalisation Strategy process.

Amendment No. 31 has also not received support at an officer level by the Western Australian Planning Commission, by virtue of it being largely contrary to current day planning objectives concerning urban consolidation as a key component to managing Perth's future growth.

As the Phoenix Central Revitalisation Strategy proposes amendments within Development Area No. 1, and considering the stated opposition from the Western Australian Planning Commission, it is recommended that Council rescind its previous resolution to adopt Scheme Amendment No. 31. In place of this, it is recommended that Council resolves not to proceed with Amendment No. 31 to the Scheme for the following reasons:

1. The proposed downcoding is not consistent with the Phoenix Central Revitalisation Strategy, which seeks to build critical mass and density in the residential precincts of Spearwood and Hamilton Hill surrounding the Phoenix Town Centre.
2. The proposed downcoding is contrary to the strategies outlined in the Network City Planning Strategy and Draft Directions 2031 document. Both of these documents establish a direction for suburban centres such as Phoenix to evolve into 'activity centres'. Activity centres are designed to facilitate higher density residential development, in association with a mixture of uses including office, retail, entertainment, cultural and civic activities.
3. The proposed downcoding is contrary to the strategies included as part of the Network City Planning Strategy and Draft Directions 2031 document, which aim to critically increase the levels of urban consolidation taking place within the metropolitan area. Downcoding of residential density as proposed by Amendment No. 31 is completely contrary to this planning objective.
4. The proposed downcoding was not supported by the clear majority of landowners, for reasons that it would remove development potential and the ability for them to redevelop their properties allowing for closer residential development into the future.



5. For the reasons mentioned above, the proposed downcoding is not in accordance with proper and orderly planning principles, by virtue of it being contrary to planning objectives for Perth's future growth.

If Council supports this, the amendment documentation will be resubmitted to the Western Australian Planning Commission along with the stated reasons why Council does not wish to now proceed with the amendment. This will allow the new Scheme Amendment No. 76 relevant to the Phoenix Central Revitalisation Strategy to include provisions which seek to maintain the 'Residential R30' coding within Development Area No. 1. It is important to note that this is not a guaranteed outcome, as the amendment (together with all the other associated parts) will be subject to comprehensive community consultation. This may result in further changes to the specific coding provisions for Development Area No. 1.

#### Draft Local Planning Policy No. APD58 - Medium Density Residential Design Guidelines

One of the recommendations of the Revitalisation Strategy was the preparation of design guidelines to encourage good development, and encourage surveillance of POS. Section 2.5.5 of the R-Codes provides for the development of local planning policies which vary specific design elements of the R-Codes.

A draft Policy has been prepared to provide a comprehensive set of criteria for new medium density residential development within the City of Cockburn (Attachment 3). It is considered appropriate that these design guidelines apply to all medium density development in the City to ensure that all new development throughout the City enhances and revitalises existing neighbourhoods, and appropriately embraces principles of sustainability.

The requirements of the Policy aim to ensure the City's objectives in relation to streetscapes, residential amenity, local character, safety and sense of community, are achieved in a sustainable manner. The Policy seeks to expand on the requirements of existing statutory documents (including the R-Codes and *Building Code of Australia*) to significantly contribute to the revitalisation of the City's existing urban areas. Specific sections of the Policy are outlined below.

#### *Retained Dwellings*

This section of the Policy applies to developments which seek to retain one or more existing dwellings as part of a grouped dwelling development. Section 6.2.9 of the R-Codes stipulates that where an existing dwelling is retained as part of a grouped dwelling development the dwelling appearance is to be upgraded externally to an equivalent standard to the rest of the development.



The draft Policy seeks to provide more details on what is expected in this regard, given that the upgrading of existing housing stock will enhance existing streetscapes and contribute greatly to the revitalisation of urban areas where recoding has occurred. The extent of upgrading will depend on the condition of the individual retained dwelling and could include upgrading external walls, roofs, driveways, window frames, gutters, down pipes, landscaping and removal of unauthorised or poorly maintained additions. The upgrading of retained dwellings will not only improve existing streetscapes and contribute to an enhanced sense of place, but will also add to the landowners' investment.

#### *Minimum Lot Frontages*

The width of a residential lot can determine the built form and presentation of the dwelling to the street. Whilst there is a general move to narrower lots, the garaging of vehicles is also a key requirement for many home owners and developers. Narrow lots with dominating double garages can detract from streetscapes, reduce surveillance opportunities between the dwelling and the street and contribute negatively to the character of an area. The R-Codes do not require a minimum lot frontage for medium density coded areas so this Policy seeks to impose minimum lot frontages suitable for single storey dwellings with single garages, double storey dwellings with single or double garages and single storey dwellings with double garages.

#### *Vehicle Access and Parking*

The paving width of access ways, design of car parking spaces and siting of crossovers are important to ensure safe and efficient traffic flows are maintained within urban infill areas. This section of the Policy seeks to minimise crossovers and require new carports and garages to remain in keeping with the retained dwelling.

#### *Corner Lot Development*

Redevelopment of corner lots provides an excellent opportunity to remove blank fences and provide new frontages to former secondary streets, thus increasing passive surveillance and enhancing existing streetscapes. To ensure this occurs, the Policy prescribes general dwelling layouts and subdivision design.

#### *Sustainable Building Design*

This section ensures that all new medium density residential development embraces the principles of sustainability through innovative dwelling design. The requirements are relatively simple and often inexpensive but can make a big difference to the overall energy consumption (and costs) and comfort of the home whilst reducing



carbon emissions. The requirements include location of indoor and outdoor living areas, positioning of windows, provision of eaves and selection of external colours.

### *Outdoor Living Areas*

Outdoor living areas are a requirement for all dwellings and should provide useable and functional living spaces but can also provide passive surveillance and activity to the street. This section of the Policy provides for the location of the outdoor living area in relation to the dwelling and street and also the appearance of any covered alfresco areas or patio structures visible from the street.

### *Boundary Walls*

Boundary walls within medium density areas are an effective way of minimising wasted space and making the best use of the site. This section of the Policy provides greater flexibility than the R-codes for the location of boundary walls on different adjoining property boundaries.

### *Landscaping and Fencing*

The provision of landscaping in an urban area can contribute greatly to streetscapes and add to a sense of place and character of an area. Specifically in medium density housing, landscaping can provide vital shade and screening to outdoor living areas. The Policy requires landscape plans for larger grouped dwelling developments and encourages the use of native low-water usage species. The fencing section of the Policy requires all fencing for retained and new dwellings that abuts public streets to remain open-style in order to contribute positively to streetscapes and maintain passive surveillance.

### *Lots Abutting, Opposite or Adjacent to Public Open Space and Split Coded Lots*

The draft Policy sets out the criteria for when flexible coded residential sites (located opposite, abutting or adjacent to POS) may be developed up to the stated maximum R40 density.

The Revitalisation Strategy proposed that the higher coding would be applicable where properties were amalgamated, on the basis that this would provide the opportunity for better built form outcomes. However, during the development of the draft Policy this matter was given further consideration, and it is considered that this requirement would not provide a significant incentive, and it is likely that the majority of landowners would develop their property individually at the base coding of R30. This would not achieve the objective of the split coding, which is to provide better surveillance of POS, and to facilitate more dwellings within close proximity to POS.



As an alternative, the draft Policy seeks better design outcomes for split coded lots opposite, abutting or adjacent to POS. The provisions provide an opportunity for landowners in these locations to achieve a density bonus subject to specific dwelling design requirements, rather than requiring amalgamations.

The specific requirements aim to provide a variety in the design, height and roofline of dwellings and maximise passive surveillance of POS areas. To ensure these specific requirements are achieved, landowners wishing to subdivide in the absence of dwellings being constructed, will be limited to the lower coding (ie. R30).

### **Conclusion**

The proposals shown on the Scheme amendment map (Attachment 1), and the proposed Scheme text changes are consistent with the adopted Revitalisation Strategy. Accordingly it is recommended that Council adopt Scheme Amendment No. 76 and undertake landowner, government agency and community consultation in accordance with the normal amendment procedures.

The draft Policy is consistent with the recommendations of the Revitalisation Strategy, and will provide a comprehensive set of criteria for new medium density residential development within the City of Cockburn, encouraging good development that contributes to the revitalisation of urban areas. It is therefore recommended that that Council, in pursuance of Clause 2.3.1 of the Scheme, resolves to prepare a Policy for the purposes of applying medium density residential design guidelines throughout the Scheme Area.

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

#### **Demographic Planning**

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

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

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

### **Budget/Financial Implications**



The funds required for the preparation, advertising and finalisation of the proposed Scheme amendment and draft Policy are covered within the 2009/10 budget for the Revitalisation Strategy.

### **Legal Implications**

N/A

### **Community Consultation**

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

The draft Policy will be advertised in accordance with clause 2.5 of the Scheme. This includes a notice of the proposed Policy in a newspaper for two consecutive weeks in accordance with clause 2.5.1(a), and furthermore notice of the proposed Policy will be included as part of the advertising of the amendment.

Extensive community consultation has been undertaken in the preparation of the Revitalisation Strategy which forms the basis for the proposed amendment and draft Policy.

### **Attachment(s)**

1. Scheme Amendment map
2. Phoenix Central Revitalisation Strategy Proposed Zoning Plan
3. Draft Local Planning Policy No. APD58 Medium Density Residential Design Guidelines.

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

N/A

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

Nil.

## **14.2 (MINUTE NO 4034) (OCM 10/9/2009) - DEDICATION OF LAND AS ROAD RESERVE - LOT 150 ON PLAN 188799 (6994090, 450002) (K SIM) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) request the Minister for Lands to dedicate Lot 150 on Plan 188799 as a road reserve, pursuant to Section 56 of the *Land*





*Administration Act 1997; and*

- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting this request.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Lot 150 is a triangular shaped lot being utilised as road way located approximately 60m north of the Cockburn Road, Zedora Turn intersection. The lot is a freehold lot in the ownership of LandCorp.

**Submission**

LandCorp have made a written request to have this lot dedicated for road purposes.

**Report**

Lot 150 together with other land extending to Russell Road was acquired by Landcorp around 1989 in order to re-route Cockburn Road away from the coast. The re-routing of Cockburn Road facilitated the marine based Henderson precinct. This section of Cockburn Road has now been constructed and is open to the general public.

It is therefore necessary that the City request the Minister for Lands to vest Lot 150 on Plan 188799 as a public road, reflective of its use for this. The procedure for the dedication is set out under Section 56 of the *Land Administration Act 1997*. Lot 150 will need to be transferred to the State of Western Australia before dedication can be completed by State Land Services. LandCorp are aware of this requirement, and have agreed to prepare and lodge the transfer documents. The land once dedicated will be incorporated into Cockburn Road as shown in the Metropolitan Region Scheme. Section 56(4) of the *Land Administration Act 1997* requires the local government to indemnify the Minister in respect of all costs and expenses reasonably incurred by the Minister in considering and granting the request. This is also recommended.

**Strategic Plan/Policy Implications**



**Demographic Planning**

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

**Budget/Financial Implications**

The dedication is pursuant to Section 56 of the *Land Administration Act 1997*, which requires the City to indemnify the Minister in respect to all costs and expenses, incurred considering and granting the request. These cannot be quantified at this time, but are expected to be minor.

**Legal Implications**

*Land Administration Act 1997* Section 56 is relevant.

**Community Consultation**

N/A

**Attachment(s)**

Location Plan.

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

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2009 Council Meeting.

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

Nil.

**14.3 (MINUTE NO 4035) (OCM 10/9/2009) - MODIFIED STRUCTURE PLAN FOR LOTS 706 AND 707 ROCKINGHAM ROAD, MUNSTER - OWNER: MR J RADONICH - APPLICANT: SJB TOWN PLANNING (9642) (M CARBONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the modified structure plan for Lots 706 and 707 Rockingham Road, Munster prepared by SJB Town Planning and Urban Design as shown within Attachment 3;



- (2) adopt the officer's recommendations on the schedule of submissions contained in the Agenda attachments and forward a copy of the modified structure plan and schedule of submissions to the Western Australian Planning Commission; and
- (3) advise the proponent and submissioners of Council's decision accordingly.

### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

### **Background**

The original local structure plan for the site was approved by Council in May 2005 and endorsed by the Western Australian Planning Commission in November 2006.

### **Submission**

SJB Town Planning and Urban Design, on behalf of the landowner, have submitted a modified structure plan for Lots 706 and 707 Rockingham Road, Munster. The modified structure plan proposes to change the subject lots from Residential R20 to Residential R40.

### **Report**

The current zoning along this section of Rockingham Road consists of a mixture of R20 and R40. The subject lots were nominated as R20 to reflect the nature of existing development of single houses on the lots.

The modified structure plan involves changing the zoning of the two lots to Residential R40 which is consistent with the land to the south. No other changes are proposed.

The subject land is considered more suitable for R40 development for the following reasons:

- The land is within the 400 m walkable catchment of the local centre on the corner of Rockingham Road and West Churchill Avenue.
- The lots are along a high frequency bus route.
- The lots to the south are zoned Residential R40 and land on the opposite side of Rockingham Road have been identified as Residential R40 under recent structure plans.



Various Western Australian Planning Commission policies such as Liveable Neighbourhoods and Network City support medium and higher densities within the walkable catchments of shopping centres and along major public transport routes. The proposed modification is consistent with these policies. The proposed modification will provide a consistent zoning with the land to the south and assist in providing a diversity of housing types.

Lot 707 is 765 m<sup>2</sup> and contains an existing house and Lot 706 is 783 m<sup>2</sup> and is currently vacant as the existing homestead has been demolished. Under the proposed R40 zoning each lot could accommodate 3 grouped dwellings or 6-7 dwellings if developed together.

The modified structure plan was advertised for public comment from 10 July to 31 July 2009. Six submissions were received, five from services authorities providing no objections and/or advice and one no objection from a surrounding landowner (Department of Housing and Works). The submissions are summarised in the schedule of submissions included in the Agenda attachments and do not require explanation over and above that outlined in the schedule of submissions.

It is recommended that Council adopt the modified structure plan and submit it to the Western Australian Planning Commission for its endorsement.

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

#### **Demographic Planning**

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

The Planning Policy which applies to this item is:  
SPD4 - 'Liveable Neighbourhoods'

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

N/A

#### **Legal Implications**

N/A

#### **Community Consultation**



The structure plan was advertised on the City's website and letters were sent to the affected landowners and the servicing authorities.

#### Attachment(s)

1. Location Plan
2. Existing approved structure plan
3. Proposed modified structure plan
4. Schedule of submissions

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

The proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 September 2009 Council Meeting.

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

Nil.

- 14.4 (MINUTE NO 4036) (OCM 10/9/2009) - PROPOSED SCHEME AMENDMENT NO. 75 TO TOWN PLANNING SCHEME NO. 3 - MINOR REZONING PROPOSALS FOR LOTS 144 AND 145 THE COVE, COOGEE; THE CLOSED PEDESTRIAN ACCESS WAY BETWEEN EGEUS WAY AND WAVERLEY ROAD, COOLBELLUP; LOT 188 BUCAT STREET, HAMILTON HILL AND; LOT 915 GOLDSMITH ROAD, SPEARWOOD - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93075) (M CARBONE) (ATTACH)**

#### RECOMMENDATION

- (1) That Council, in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Amendment No. 75 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:
1. Rezoning portion of Lots 144 and 145 The Cove and Lot 230 (Reserve 46261) Mayor Road, Coogee from Local Reserve - 'Parks and Recreation' to 'Residential R20'.
  2. Rezoning portion of Lot 149 Shoal Court, Coogee from Local Reserve - 'Local Road' to 'Residential R20' and portion of Reserve 44789 from Local Reserve - 'Local Road' to Local Reserve - 'Parks and Recreation'.
  3. Rezoning portion of the Egeus Way/Waverley Road closed pedestrian access way (Lot 55) adjacent to Lot 1



- Egeus Way, Coolbellup from 'No Zone' to 'Residential R40'.
4. Rezoning portion of the Egeus Way/Waverley Road closed pedestrian access way (Lot 55) adjacent to Lots 386 and 387 Waverley Road, Coolbellup from 'No Zone' to 'Residential R20'.
  5. Rezoning Lot 188 Bucat Street, Hamilton Hill from Local Reserve - 'Lakes and Drainage' to 'Residential R20'.
  6. Rezoning portion of Lot 915 Goldsmith Road, Spearwood from Local Reserve - 'Parks and Recreation' to 'Residential R20'.
  7. Amending the Scheme Map accordingly.
- (2) That as the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967* ("Regulations"), and upon the preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Council initiated Scheme Amendment No. 75 at the August 2009 Ordinary Council Meeting. The purpose of this is to correct two minor zoning anomalies within the localities of Coogee and Coolbellup.

Since the August meeting, two similar minor zoning anomalies have been identified for correction. The first relates to an obsolete drainage sump in Bucat Street, Hamilton Hill which is being transferred to an adjoining landowner. This requires a rezoning from Local Reserve - 'Lakes and Drainage' to 'Residential R20'. The second relates to a



portion of Local Reserve - 'Parks and Recreation' being rezoned to 'Residential R20' in order to facilitate a land exchange within Goldsmith Road, Spearwood.

Rather than initiate a separate Scheme amendment which will incur additional time and financial costs for the City of Cockburn, it is appropriate that Amendment No. 75 be added to include the two additional matters.

Agenda Attachment 1 shows the location of all of the above proposed zoning changes.

### **Submission**

N/A

### **Report**

The two new additions to Scheme Amendment No. 75 are described as follows:

#### Lot 188 Bucat Street, Hamilton Hill

Lot 188 Bucat Street, Hamilton Hill is currently zoned Local Reserve - 'Lakes and Drainage' and was previously used as a drainage sump. The land is owned by the City of Cockburn in freehold and is land locked through having no street frontage and being surrounded by privately owned residential land. The subject lot no longer functions as a drainage sump, as stormwater is now piped through the adjoining Lot 189 and into the existing drainage sump on the corner of Forrest Road and Frederick Road.

The City of Cockburn has an agreement with the owner of Lot 189 to transfer Lot 188 into their property. This is in exchange for the owner of Lot 189 consenting to the construction of the piped stormwater line within their property, and for the pipe to be protected by an easement in favour of the City of Cockburn. This was specifically resolved by Council on 10 November 2005 (Minute No. 3010) vis:

*"That Council transfer Lot 188 on Diagram 35997 to SF and ML Halissy conditional on being granted a drainage easement along the western boundary of Lot 189 Forrest Road, Hamilton Hill"*

As alternative arrangements have been made relating to drainage and commitment made to transfer the land to private ownership, Lot 188 should be rezoned to 'Residential R20' consistent with the adjoining land. This will enable the subject land to be used for residential purposes once it is amalgamated with the adjoining lot. The proposed zoning change is represented in the agenda as attachment 2.



Portion of Lot 915 Goldsmith Road, Spearwood

Lot 915 Goldsmith Road, Spearwood is currently zoned Local Reserve - 'Parks and Recreation' and is owned by the City of Cockburn in freehold. The adjoining land (Reserve 38537) is zoned 'Residential R20' and is owned by the State of Western Australia. Reserve 38537 was previously used as a stormwater drainage area. The City of Cockburn has recently reconstructed the drainage so all stormwater is now redirected to underground stormwater tanks on the western portion of Lot 915.

The City of Cockburn is currently processing a land exchange whereby Reserve 38537 will be purchased from the State of Western Australia, and the portion of Lot 915 containing the underground stormwater drainage will be transferred from the City of Cockburn to the State of Western Australia (refer to Agenda Attachment 4). The portion of Lot 915 which does not contain stormwater drainage is proposed to be combined with the adjoining residential zoned land (currently Reserve 38537) to create regular shaped land parcels. This 400m<sup>2</sup> of Lot 915 is therefore proposed to be rezoned from Local Reserve - 'Parks and Recreation' to 'Residential R20', consistent with that of the adjoining land which it will become part of.

The zoning change will create regular shaped land parcels which will make both the public open space ("POS") area and residential zoned land more functional and useable. The minor zoning change will have minimal impact on the provision of POS, as the area will still be serviced well in excess of the standard 10 per cent requirement.

Conclusion

It is recommended that the proposed zoning changes for Lot 188 Bucat Street and Lot 915 Goldsmith Road be added to Scheme Amendment No. 75. This will ensure that the two lots are appropriately zoned for the proposed land exchanges. This will also save substantial time and staff resources for the City of Cockburn.

It is therefore recommended that Council proceed to initiate the Scheme amendment with the addition of the two sites mentioned in this report.

**Strategic Plan/Policy Implications**

**Infrastructure Development**

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

**Natural Environmental Management**





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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

The proposed Scheme amendment will be advertised for a period of 42 days with notices in the local paper and letters sent to relevant government agencies, affected landowners and surrounding community upon initiation of the amendment

### **Attachment(s)**

1. Location plan (all changes)
2. Existing/proposed zoning plan (Bucat Street)
3. Existing/proposed zoning plan (Goldsmith Road)
4. Proposed land exchanges (Reserve 38537 and Lot 915)

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

N/A

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

Nil.

## **14.5 (MINUTE NO 4037) (OCM 10/9/2009) - AMENDMENT TO DELEGATED AUTHORITY APD 54 TO INCLUDE BUILT STRATA APPLICATIONS (9003) (T WATSON) (ATTACH)**

### **RECOMMENDATION**

That Council amend delegated authority APD 54 to include the following clauses:

1. "2.5 The authority to determine built strata subdivision applications (Form 24)".
2. "2.6 The authority to endorse a Form 26 on behalf of the WAPC".



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

**COUNCIL DECISION**

MOVED C/r I Whitfield SECONDED C/r V Oliver that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**8/0**

**Background**

As part of the planning reform currently being undertaken by the Department of Planning, a consultation paper was circulated by the Department in March 2009 entitled "Delegation of Built Strata Subdivision Applications to Local Government".

This paper sought local government comments and feedback on the proposal to delegate the determination of built strata subdivision applications to local government. As the numbers of applications received are not large and as the assessment of these applications is reasonably straightforward, the City indicated no objections to the proposal.

Without any further warning, the Western Australian Planning Commission delegated the above powers to Local Governments and this was gazetted on 9 June 2009.

**Submission**

N/A

**Report**

The City will now deal with two parts of the approval process under section 25 of the Strata Titles Act as follows:

1. Applications for Built Strata subdivisions made on a "Form 24" (forms are from the Strata Titles Act). These applications will be for developments that have already had a planning approval (DA approval) and are usually nearing completion of construction. The main requirement when dealing with these applications is to confirm that the strata plan is in accordance with the approved DA plan and that the conditions of DA approval have been fulfilled. There are generally no new "planning issues" to deal with as any issues would have been resolved at the DA stage.



2. The City will also have to endorse a "Form 26" on behalf of the Western Australian Planning Commission. The endorsement of the Form 26 basically certifies that all of the planning conditions have been actioned and complied with in respect of the approval issued from the "Form 24" application. The Form 26 is from the Strata Titles Act and has space for the WAPC to endorse the certificate. This form cannot be altered; hence the City must sign on behalf of WAPC.

These delegated authorities, need to be officially delegated on to the relevant officers in accordance with APD 54.

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

#### **Demographic Planning**

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Sec 16 Planning and Development Act, 2005, and Sec 25 Strata Titles Act, 1985, refer.

### **Community Consultation**

N/A

### **Attachment(s)**

1. Amended delegation APD54
2. Gazetted delegation of power from WAPC

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



N/A

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

Nil.

**14.6 (MINUTE NO 4038) (OCM 10/9/2009) - PROPOSED AMENDMENTS TO APD7 'RURAL SUBDIVISION POLICY' - LOCATION: LAND ZONED RURAL, RURAL LIVING AND RESOURCE - OWNER: VARIOUS - APPLICANT: N/A (9332) (R DONG) (ATTACH )**

**RECOMMENDATION**

That Council:

- (1) adopt the proposed amendments to APD7 "Rural Subdivision Policy", as per Attachment 6; and
- (2) advise affected landowners and those who made a submission accordingly.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

At its meeting held on 14 December 2006 (Minute No. 3332) Council requested that the Rural Subdivision Policy (APD7) be reviewed so that it may support limited subdivision within the Wattleup Rural Zone. The City's Strategic Planning Services also identified the need to review APD7 as there were some anomalies between it and Town Planning Scheme No. 3 in terms of zonings and zoning descriptions referred to in APD7.

Following Council's request, Strategic Planning Services undertook the policy review in accordance with Clause 2.5 of Town Planning Scheme No. 3. The City conducted the formal community consultation process from 3 June 2008 to 29 June 2008, which included advertisements in the Cockburn Gazette for 2 consecutive weeks (3 and 10 June 2008). A letter was also sent to affected landowners and government agencies requesting comment, and information made available at Council's Administration Office and on Council's website.



The officer's first report went up to the Council's DAPPS meeting held on 20 November 2008. The report provided two key recommendations:

1. not to introduce the 2000 m<sup>2</sup> minimum lot size for Area 3 as most properties within Area 3 fell within the EPP buffer. Subdivision within the EPP buffer would be in conflict with the relevant EPP buffer policies; and
2. introduce a 1ha minimum lot size for land outside of the EPP buffer in Area 1, which was in keeping with the prevailing lot size in Area 1.

Subsequently, the Council's DAPPS meeting and the following Council meeting on 11 December 2008 resolved to defer the item for "a period of up to three months to give submissioners time to respond to issues that were raised in the officer's report".

The main reason that Council deferred its consideration related to Area 3 (Rural Living zone), where recommendation was made to delete the introduction of a minimum lot size of 2000m<sup>2</sup> for Area 3 (proposed by SJB Planning Consultant), was due to the issues relating to the EPP buffer which were raised in the submissions of the Western Australian Planning Commission (WAPC), Kwinana Industries Council (KIC) and the City's internal departments, including Health, Environmental, and Statutory Planning.

A second letter was sent out to submissioners on 22 December 2008 advising them of Council's resolution, and giving submissioners the additional time to respond to the issues that were raised in the previous Council report.

Two additional submissions of objections were received as a result of this further consultation. All issues raised by the two submissions and officer's comments are included in the Schedule of Submissions – 1 (Attachment 3 refers).

Submission 139 (Attachment 3 refers) in particular, made by SJB Planning Consultant on behalf of one of the landowners in Area 3, objected to the deletion of a minimum lot size of 2000 m<sup>2</sup> in Area 3. The justifications provided in the submission were not justified from a planning viewpoint, therefore did not overturn the officer's recommendation (i.e. not to introduce the 2000 m<sup>2</sup> minimum lot size in Area 3).

Consequently, the officer's report with the same recommendation went to the Council's DAPPS Committee meeting held on 19 March 2009. The DAPPS Committee recommended that the officer's recommendation be adopted.



Council at its meeting held on 9 April 2009 however again defer the item, in order “to allow Councillors sufficient time to investigate further the details contained within the report”. The main debating point this time was focused on the recommendation of a 1ha minimum lot size for Area 1 outside of the EPP buffer.

This agenda item is to address the above remaining issue relating to the review of APD7 with the aim to finalising this policy review.

### **Submission**

SJB Planning Consultant, on behalf of landowners in the Rural Living Area lodged a submission detailing the argument for the minimum lot size in Area 3 to be 2000 m<sup>2</sup>, and requested that this be considered by Council. It was agreed that the matter be considered as part of the review of APD 7.

### **Report**

As mentioned above, after all the meetings and debate relating to the review of APD7, the only main issue remaining is the recommendation of a 1ha minimum lot size for Area 1 outside of the EPP buffer.

In terms of background, the recommendation was initially based upon the following justification:

- The prevailing lot size in Area 1 was approximately 1ha, and therefore the introduction of the 1ha minimum lot size for land outside of the EPP buffer would be in keeping with the prevailing lot size in the area.
- There was a limited number of lots (three only) sized 2ha or over, which would have subdivision potential under a 1ha minimum lot size. Hence the environmental impact of this was considered negligible.

Notwithstanding the above justification, some of the landowners raised concerns relating to the limited subdivision potential which may negatively impact on the natural environment in Area 1. In particular, they referred to the FRIARS study (Fremantle-Rockingham Industrial Area Regional Strategy 2000), and interpreted that the study recommended “no further subdivision” be supported in Area 1.

The relevant conclusion/recommendation of the FRIARS study is Recommendation 3 on page 51 of the document, which states as follows:

***“3. The WAPC should instruct the Minister for Planning to ensure that appropriate planning controls are developed for the rural***



***areas within the air quality buffer to prevent further subdivision for residential purposes on these properties.”***

It clearly suggests that subdivision for rural land within the air quality buffer should be prevented. However, it remains silent in terms of policy measures for rural land subdivision outside of the air quality buffer. This means that the recommendation of a minimum 1 ha lot size for Area 1 outside of the EPP buffer would not necessary be in conflict with the FRIARS recommendation. In addition, the initial intent of this recommendation was to respond to Council’s resolution of 14 December 2006, being to “support limited subdivision” in Area 1 outside of the buffer.

Nevertheless, Council at its meeting held on 9 April 2009 resolved to defer the agenda item and requested further investigation be carried out particularly on the issue of a minimum 1ha lot size for Area 1. Accordingly, the City undertook the following two tasks:

1. The City revisited the WAPC’s comment in Submission 72 (Attachment 3 refers). It is noted that although the WAPC’s comment did not refer to the FRIARS study, the comment was in a similar tone as the FRIARS recommendation: that is, its position against rural land subdivision was firmer in areas within the EPP buffer, than areas outside of the buffer. Notwithstanding this, the WAPC did state a view against further subdivision within Area 1, regardless of whether land was or was not within the EPP buffer although its comment may not be entirely consistent with its policies such as SPP 2.5 and DC 3.4.
2. The City also reconsidered its position on the minimum 1ha lot size for Area 1 (outside of the buffer), considering the advice of the WAPC and the concerns raised by landowners and Councillors. It was considered necessary to consult with all affected landowners on the deletion of the 1ha minimum lot size for Area 1, in order to give all landowners the opportunity to comment on this change. Accordingly, a letter was sent out to all landowners in Area 1 on 16 June 2009.

At the close of this consultation period, 13 submissions were received including 10 of no objection and 3 of objection on the deletion of the minimum 1ha lot size. All the submission comments and Officer’s recommendations in respect of these are in the Schedule of Submissions – 2 (Attachment 7).

The consultation suggests that the majority of landowners in Area 1 are in favour of the deletion of the 1ha minimum lot size. Given the landowners’ position and the WAPC’s submission, it is therefore recommended that “no further subdivision” be supported in Area 1 for land both inside and outside of the EPP buffer. Considering the WAPC’s



stated opposition to further subdivision in this area, a policy provision attempting to support subdivision would be rendered inoperable.

### **Conclusion**

The final version of proposed amendments to Policy APD7 (Attachment 6) has addressed all the issues and controversies raised in all the relevant Council meetings. It is therefore recommended Council adopt the proposed amendments to APD7 "Rural Subdivision Policy" as per Attachment 6, and advise the affected landowners and those who made a submission accordingly.

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

#### **Natural Environmental Management**

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

N/A

#### **Community Consultation**

Community consultation was undertaken in accordance with Clause 2.5 of Town Planning Scheme No. 3. This included letters being sent to all affected owners and referral authorities, advertisements in the local paper and a copy available at the Administration Centre and on the City's website.

Further consultation undertaken by sending letters to directly affected landowners in Area 1 advising further changes proposed and inviting them to comment

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

1. Existing Subdivision Policy (APD7) map
2. New Rural Subdivision Map
3. Schedule of Submissions – 1
4. Rural Subdivision Policy (APD7) – Advertised Version
5. Analysis Map





6. Final Version Proposed Amendments to Rural Subdivision Policy (APD7)
7. Schedule of Submissions – 2

### 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 10 September 2009 Council Meeting.

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

Nil.

## 14.7 **(MINUTE NO 4039) (OCM 10/9/2009) - REQUEST TO MINISTER FOR LANDS TO ACQUIRE AS CROWN LAND LOT 155 ON PLAN 19841 AND PORTION OF CERTIFICATE OF TITLE 273/100 (450953) (6002154) (450946) (K SIM) (ATTACH)**

### RECOMMENDATION

That Council request the Minister for Lands to acquire as Crown Land Lot 155 on Plan 19841 and portion of Certificate of Title 273/100 south of Beeliar Drive, Yangebup, pursuant to Section 52 of the *Land Administration Act 1997*.

### COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

### Background

Certificate of Title 273/100 is the balance of land remaining in a Diagram of Survey dated 1903. The land has been identified as a private road by Landgate. The title remains in the name of the original subdividers, James Hicks, John Anderson and George Willis.

Lot 155 on Plan 19841 is the subject of Certificate of Title 2033/177, and was created as a condition of subdivision in 1995. It is shown as a 0.1m wide Pedestrian Access Way. The purpose of this at the time was to deny legal access onto Beeliar Drive.

### Submission



The Western Australian Planning Commission (“WAPC”) has written to the City seeking the acquisition of these two parcels of land by the Minister for Lands, as the first stage to amalgamating the land with adjoining WAPC owned land. The land is required for the Beeliar Regional Park, and is reserved in the Metropolitan Region Scheme (“MRS”) for ‘Parks and Recreation’.

## **Report**

The land the subject of the request is the southern portion of a private street that starts on the south side of Beeliar Drive, continuing south for approximately 224 m at a width of 10 m. The balance of Certificate of Title 273/100 runs from the northern boundary of Beeliar Drive through to Yangebup Road, and is not affected by the proposed request to the Minister.

A request to the Minister pursuant to Section 52 of the *Land Administration Act 1997* is the appropriate way to transfer land where links to the ownership of the land has been lost due to time lapse. All public utility service providers have been given notice of the request, and have all given their consent to the acquisition.

Given that 106 years have elapsed since the registered proprietors names were endorsed on the Certificate of Title, no attempt has been made to contact the owners of the land.

This portion of land is shown in the attachment, and can be seen to only relate to the land south of Beeliar Drive. It should be noted that portions of this private road do exist on the north side of Beeliar Drive. These are not being considered for rationalisation at this stage, and will be subject to future planning decisions associated with the development of adjoining land.

## **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.

### **Transport Optimisation**

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

## **Budget/Financial Implications**



All associated costs are to be paid by the proponent.

**Legal Implications**

Section 52 of the *Land Administration Act 1997* refers.

**Community Consultation**

N/A

**Attachment(s)**

Location Plan

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

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2009 Council Meeting.

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

Nil.

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

**15.1 (MINUTE NO 4040) (OCM 10/9/2009) - LIST OF CREDITORS PAID - JULY 2009 (5605) (K LAPHAM) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

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



**Submission**

N/A

**Report**

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

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – July 2009.

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

N/A

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

Nil.

**15.2 (MINUTE NO 4041) (OCM 10/9/2009) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2009 (5505) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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



**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

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

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

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

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

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

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

**Submission**

N/A

**Report**

The July numbers show Council having a strong liquidity position, as is traditionally the case at this time of the financial year. This is due to the raising of the rates charges, which comprise a significant proportion of Council's annual operating revenue.



Conversely, cash operating expenses reported in July are lower than ytd budget, mainly due to a lag in material and contract costs. This is caused by the concerted effort during July to finalise the previous year's accounts and the focus on ensuring those year's payables are correctly captured. Actual business activity as well as invoicing from suppliers is seasonally lower in July.

Capital spending reported is also low at this time for much the same reasons as the above. Works and asset replacement programs have not yet incurred significant costs, being the start of the new financial year.

Material variances are explained in more detail within the attached report. Note that this month's report is the first using the new \$100k budget variance threshold.

As previously advised when announcing the change of reporting format (May 09 report), the format is being continuously reviewed and improved. This month sees the introduction of several new graphs and charts and the use of symbols to more simply reflect performance.

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

There is also a bar graph tracking business unit expenditure against budget.

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

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

#### **Governance Excellence**

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

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

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

#### **Legal Implications**



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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – July 2009.

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

N/A

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

Nil.

**15.3 (MINUTE NO 4042) (OCM 10/9/2009) - CHANGE OF PURPOSE OF A RESERVE FUND AND BORROWING FUNDS AS PER 2009/10 ADOPTED BUDGET- SEPTEMBER 2009 (S DOWNING)**

**RECOMMENDATION**

That Council:

- (1) advertise the change in use of the funds as described in the report of the Land Development Reserve giving one month's local public notice;
- (2) change the name of the Land Development Reserve to the Land Development and Investment Fund Reserve;
- (3) adopt the purpose of the Land Development and Investment Fund Reserve so as to accommodate and facilitate the purchase, development and disposal of land under the Council's land development strategies with the ability to loan funds on an interest payable basis to other reserve funds of the City;
- (4) transfer \$4.0M from the Land Development and Investment Fund Reserve to fund the completion of the Hammond Road Regional Recreation Facility at Success; and
- (5) amend the Adopted 2009/10 Budget accordingly.

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



**COUNCIL DECISION**

MOVED Clr H Attrill SECONDED Clr T Romano that Council adopt (1), (2) & (5) as recommended and adopt amended (3) & (4) as follows:

- (3) adopt the purpose of the Land Development and Investment Fund Reserve so as to accommodate and facilitate the purchase, development and disposal of land under the Council's land development strategies, with the ability to fund capital projects on behalf of other reserve funds on a repayable basis including reimbursement for lost opportunity cost of investment.
- (4) transfer \$4.0M from the Land Development and Investment Fund Reserve to fund the completion of the Hammond Road Regional Recreation Facility at Success to be repayable over a 4 year term.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/2**

**Reason for Decision**

To more closely reflect the intent of the Local Government Act (1995) and regulations in respect to reserve funds and to make it clear to future Councillors as to the amendment to the purpose of the refund reserve in respect to the payment and nature.

**Background**

The Adopted Budget for 2009/10 details the need to borrow up to \$4M to complete the Regional Recreation Facility in Hammond Road, Success. The reason why the funds are to be borrowed stem from the Report submitted to Council in May 2008 which approved bringing forward the construction of the Facility over two years rather than the original planned construction time of five years.

As part of the Report, the requirement to borrow \$4M was identified to fund the expedited construction program. This financial year requires the funds to be borrowed so as to balance the budget as adopted by Council on the 16 June 2009.

**Submission**

N/A

**Report**

In normal circumstances, the City would borrow the funds from the WA Treasury Corporation (WATC - the financing arm of the State Government and used by all local governments in Western Australia as a source of affordable borrowings).





The repayment would then be over the next four years (first year interest only) as envisioned in the May 2008 report to Council – Item 17.3 Hammond Road Recreation and Community Facilities. The funds would be repaid from the municipal fund.

Instead of borrowing from the WATC and paying a profit margin above the WATC's cost of funds, the proposal is to borrow from the City's Reserve funds located in the Land Development Reserve. The City would then pay the Reserve the interest normally payable on the WATC debt.

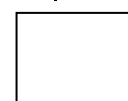
The proposal is to fund the \$4m borrowing program from internal sources saving the City the margin between the deposit rates currently:

- 30 day – 3.55%
- 90 day - 3.75%
- 1 years - 4.85%
- 2 years - 5.27%
- 3 years – 5.55%
- 4 years - 5.75%
- Average – 4.78%

The current interest rate from WATC for a 4 year (semi annual repayment) loan is 5.34%.

- The City will save the margin of 0.56% or \$33,600 over the life of the loan,
- The City however will be still be debt free and will not have to pay WATC \$320,400 in interest.
- The repayments will be put into the 10 year plan and the 2010/11 – 2012/13 annual budgets.

Term	4 years first year interest only as from 1/1/2010			
Limit	\$4.00 million			
Source:	Land Development Reserve			
Interest rate	5.34%			
<b>Loan and repayment schedule</b>				
<b>Financial Year</b>	<b>Principal</b>	<b>Repayment</b>	<b>Balance c/f</b>	<b>Interest</b>
2009/10	\$4,000,000	\$0	\$4,000,000	\$106,800
2010/11	\$4,000,000	-\$1,333,333	\$2,666,667	\$142,400



2011/12	\$2,666,667	-\$1,333,333	\$1,333,334	\$71,200
2012/13	\$1,333,334	-\$1,333,334	\$0	
<b>Total</b>		<b>-\$4,000,000</b>		<b>\$320,400</b>
<b>Based on Interest Foregone 4.78%</b>				
<b>Financial Year</b>	<b>Principal</b>	<b>Repayment</b>	<b>Balance c/f</b>	<b>Interest</b>
2009/10	\$4,000,000	\$0	\$4,000,000	\$95,600
2010/11	\$4,000,000	-\$1,333,333	\$2,666,667	\$127,467
2011/12	\$2,666,667	-\$1,333,333	\$1,333,334	\$63,733
2012/13	\$1,333,334	-\$1,333,334	\$0	\$0
<b>Total</b>		<b>-\$4,000,000</b>		<b>\$286,800</b>

By doing this, the City will remain debt free whilst retaining the capacity to borrow in the case of a major project in the next four years.

The Land Development reserve has been chosen as it contains funds earmarked for commercial development of the Council's freehold land assets. The \$4m would be in the capacity of the Land Development Reserve to fund in addition to funding the development of further freehold land as approved by the 2009/10 budget. The development is for Lot 18 Grandpre Crs, Lot 183 Southwell Crs, Lot 702 Bellier Place and Lot 65 Erpingham Road.

It will be required to advertise the use of the funds as the current purpose as identified in the 2009/10 Adopted Budget is:

"This Reserve Fund accommodates and facilitates the disposal and purchase of land under Council's land development strategies"

This description is not sufficient to justify the transfer/borrowing of the funds to construct a community infrastructure asset as an interim funding mechanism. As such the City would need to advertise the change in purpose.

At the same time, a title change from Land Development Reserve to Land Development and Investment Fund Reserve, to make it clear to readers of the Budget and Annual Report that the City will loan the money to other reserves, but charge out the interest differential to them. Effectively, a smaller version of the Federal Government's Future Fund.

So the new purpose of the Land Development and Investment Fund Reserve will be to accommodate and facilitate the purchase, development and disposal of land under the Council's land development strategies with the ability to loan funds on an interest payable basis to other reserve funds of 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**

In accordance with the Council's Adopted Budget to borrow \$4M and repay the funds over a four period.

**Legal Implications**

Section 6.11 (2) (b) of the Local Government Act, 1995, the City will be required to advertise the use of the reserve for another purpose than set out in the adopted purpose of the Land Development Reserve including the change in name of the Land Development Reserve to the Land Development and Investment Fund Reserve. The City is required to give one month's local public notice of the proposed change of proposed use.

**Community Consultation**

N/A

**Attachment(s)**

Nil

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**



**16.1 (MINUTE NO 4043) (OCM 10/9/2009) - TENDER RFT 18/2009 - LANDSCAPE MAINTENANCE SERVICES - ATWELL ESTATES, PARKS & RESERVES (RFT18/2009) (A JOHNSTON) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by Westate Landscaping and Maintenance, for Landscape Maintenance Services – Atwell Estates, WA, public open space and landscaped areas over a three (3) year period with options to extend to a maximum of five (5) years, for the lump sum price for year one of \$280,278.90 GST Inclusive (\$254,799 GST Exclusive), and additional schedule of rates for determining variations.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Parks and Environment Services for a number of years have contracted the Landscape Maintenance of Atwell Estate. It is considered beneficial to continue to carry out this service under a contract basis, as it provides a direct comparison of the market rate costs of public open space maintenance with that of the Council's internal labour and reduces the need for plant and equipment storage space at the Operations Centre.

The Local Government (Functions & General) Regulations 1996 (As amended March 2007) require tenders to be called for contracts for the supply of goods or services where consideration under the contract is, or is expected to be, more or worth more, than \$100,000. A specification was developed and tenders subsequently called.

**Submission**

Tenders closed at 2:00pm (AWST) on Tuesday 14th July 2009; nine (9) tender submissions were received from:

1. Gecko Contracting Pty Ltd;
2. Dowfield Contractors;
3. Gemlodge Pty Ltd – Trading As Westate Landscaping & Maintenance;
4. Landscape Project Management (LPM);
5. ELM (WA) Pty Ltd – Trading As Estate Landscape Maintenance;
6. Environmental Industries Pty Ltd;



7. Palmgate Nominees – Trading As Newscape Contractors;
8. Programmed Property Services; and
9. McAllister Landscapes – Late Tender.

### Compliant Tenderers

Seven (7) of the nine (9) submissions received were deemed compliant.

Dowfield Contractors were deemed non-compliant with the Conditions of Tendering having failed to provide an electronic copy of their tender submission and failing to complete Clause 3.2.8 (Insurance Coverage) of the Tenderer's Offer.

McAllister Landscapes tender submission was received the day after tenders closed (Wednesday 15 July 2009) however on investigation by Procurement Services it was found that the tender had been delivered on time on Tuesday 14 July 2009 but at the incorrect location (Operations Centre); therefore deemed non-compliant for this reason; their submission was not further considered.

	<b>Compliance Criteria</b>
A	Compliance with the Specification
B	Compliance with the Conditions of Tendering
C	Compliance with Fixed Price and Completion of Clause 3.4
D	Compliance with Insurance Requirements and completion of Clause 3.2.8
D1	Public Liability Insurance \$10,000,000.00 Australian
D2	Workers Compensation or Personal Accident Insurance
D3	Full Comprehensive Motor Vehicle Insurance
E	Compliance with attendance at Mandatory Tender Briefing
F	Compliance with the Occupational Safety & Health Requirements and completion of Appendix A
G	Compliance with and completion of the Price Schedule

### Compliance Outcome

	<b>Tenderer's Name</b>	<b>Compliance Criteria Overall Assessment</b>
1	Gecko Contracting Pty Ltd	Compliant
2	Dowfield Contractors	Non-Compliant
3	Westate Landscaping & Maintenance	Compliant

4	Landscape Project Management	Compliant
5	Estate Landscape Maintenance	Compliant
6	Environmental Industries Pty Ltd	Compliant
7	Newscape Contractors	Compliant
8	Programmed Property Services	Compliant
9	McAllister Landscapes	Non-Compliant

### Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Relevant Experience	25%
Key Personnel Skills and Experience	10%
Tenderer's Resources and Delivery/Availability	25%
Tendered Price	40%
<b>Total</b>	<b>100%</b>

### Tender Intent/Requirements

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

### Evaluating Officers

The tender submissions were evaluated by:

1. Adam Johnston - Parks Operations and Environment Coordinator
2. Lou Vieira – Parks Supervisor
3. Andy Jarman – Parks Technical Officer

### Scoring Table

<b>Scores</b>			
<b>Tenderer's Name</b>	<b>Non-Cost Evaluation Score 60%</b>	<b>Cost Criteria Evaluation Score 40%</b>	<b>Total Score 100%</b>
Gecko Contracting	38.66	30.25	<b>68.93</b>
Westate Landscaping	45.96	38.85	<b>84.82</b>
Landscape Project Management	40.76	33.72	<b>74.49</b>



Estate Landscape Management	44.40	40	<b>84.40</b>
Environmental Industries	47.65	32.19	<b>79.84</b>
Newscape Contractors	38.73	35.64	<b>74.37</b>
Programmed Property Services	37.13	18.49	<b>55.62</b>

## Evaluation Criteria Assessment

### Relevant Experience

All tenders were considered to have satisfactory level of relevant experience.

### Key Personnel Skills and Experience

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

### Tenderers Resources and Delivery/Availability

All tenderers demonstrated they had sufficient resources and ability to deliver the requirement of the contract although Landscape Project Management planned to subcontract the bulk of the works.

### Summation

Evaluation was undertaken by three (3) internal staff members independently of each other. The combined officer's assessment supports awarding the tender to Westate Landscaping and Maintenance, consequently officers recommend that Council accept their tender submission for the lump sum price of \$280,278.90 (GST inclusive) for year one of the service.

## Strategic Plan/Policy Implications

### Infrastructure Development

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

### Governance Excellence

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

## Budget/Financial Implications



The recommended tender requires funding of \$280,278.90 GST inclusive (\$254,799 GST exclusive) for year one of the contract. \$395,084 has been allocated in the Parks 2009/10 Operating Budget for the maintenance of Atwell Estate. The total estimated contract value based on the three year term is \$866,311.60 GST Inclusive (\$787,556 GST Exclusive).

The surplus of \$114,805 is required for works outside of the contract specifications including:

- 1) \$60,000 Garden bed refurbishment
- 2) \$20,000 Vandalism
- 3) \$34,805 Infrastructure maintenance, repair and replacement.

### **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**

Tender number RFT 18/2009 Landscape Maintenance Services – Atwell Estates was advertised on Saturday 20 June 2009 in the Local Government Tenders section of “The West Australian” newspaper. It was also displayed on the City’s website from 20 June – 14 July 2009.

### **Attachment(s)**

1. Compliance Criteria Checklist
2. Tender Evaluation Sheet – Separate Confidential Attachment
3. Tendered Prices – Separate Confidential Attachment

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 10 September 2009 Council Meeting

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

Nil.





**16.2 (MINUTE NO 4044) (OCM 10/9/2009) - LOT 1 LYON ROAD SUBDIVISION - DEDICATION OF ONE WAY ROAD (4201R) (S.HUSSAIN) (ATTACH)**

**RECOMMENDATION**

That Council request Main Roads WA to approve the one-way road at Lot 1 Lyon Road, Aubin Grove, situated at the north-east corner of the lot, to allow exit only at Lyon Road.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

In the structure planning stage for the subdivision of Lot 1 Lyon Road, a laneway was created for rear access to the local centre to be situated in the subdivision. The laneway intersects Lyon Road, which is a local distributor road, and therefore was identified as a one-way road to restrict accesses from Lyon Road to improve the traffic safety and movement in the area.

Main Roads WA has advised that, before they will approve and sign off for the one-way road, they require a Council resolution requesting that the one-way be approved and implemented.

**Submission**

The subdivisional development of Lot 1 Lyon Road is currently underway and roads have been built as per the approved drawings submitted to Council by the developer. The subdivision has one access road which serves all the green titled lots and it intersects with existing Lyon Road just north of Rowley Road. There is also a rear laneway which serves the local centre. The laneway intersects at one end with Lyon Road and the other end with the access road as shown in the attachment. As identified in the structure plan this laneway would solely be used by delivery vehicles servicing the local centre backing onto this laneway. There is no need for this laneway to be accessed via Lyon Road which is a local distributor road, for safety reasons. The laneway should therefore be a one-way road allowing vehicles to exit only onto Lyon Road.

The access road will enable vehicles to access the subdivision and the local centre, and it is only 50 metres south of the laneway exit.



At the access road intersection, Lyon Road was widened and a passing lane was also constructed to allow uninterrupted and safe vehicle movements on Lyon Road.

Main Roads WA is the sole authority to approve and install line marking and signage on local roads and they require a Council resolution requesting Main Roads for its approval of the proposed one-way road as per Regulation 291 of the Road Traffic Code 2000.

**Report**

N/A

**Strategic Plan/Policy Implications**

**Transport Optimisation**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

The access way proposed is part of an approved development.

**Attachment(s)**

Plan of Lot 1 Lyon Road Subdivision.

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

N/A

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

Nil.

**16.3 (MINUTE NO 4045) (OCM 10/9/2009) - TENDER NO. RFT 22/2009 - HOT ASPHALT - SUPPLY AND LAYING (RFT 22/2009) (C MACMILLAN) (ATTACH)**

**RECOMMENDATION**  
That Council accept the submission for Tender No. RFT 22/2009 –



Asphalt – Supply and Laying from Asphalt Surfaces Pty Ltd at the tendered schedule of rates.

### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

### **Background**

The City of Cockburn requires the following materials to deliver capital works road construction projects for a three (3) year period from the date of award of Contract:

- Hot Asphalt - Supply and Laying

The previous Contract RFT 17/2007 expired on the 30 June 2009, and the necessary documentation and specification were prepared in conjunction with Procurement Services and tenders called in accordance with the Local Government Act 1995 and the associated Regulations.

### **Submission**

Tenders closed at 2:00 p.m. (AWST) on Tuesday 15 July 2009 and four (4) tender submissions were received from:

1. Asphaltech Pty Ltd
2. Boral Resources (WA) Ltd
3. Asphalt Services Pty Ltd
4. Downer EDI Works

### **Report**

#### Compliant Tenders

	<b>Compliance Criteria</b>
A	Compliance with the Specification
B	Compliance with the Conditions of Tendering
C	Compliance with Insurance Requirements and completion of Clause 3.2.6
C1	Public Liability Insurance \$10,000,000.00 Australian
C2	Workers Compensation Insurance

C3	Full Comprehensive Motor Vehicle Insurance
D	Compliance with the Fixed Price Clauses
E	Compliance with and completion of the Price Schedule
F	Compliance with the Occupational Safety & Health Requirements and completion of Appendix A

Tenderer's Name		Compliance Criteria Overall Assessment
1	Asphaltech Pty Ltd	Compliant
2	Boral Resources (WA) Ltd	Compliant
3	Asphalt Services Pty Ltd	Compliant
4	Downer EDI Works	Compliant

### Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Specification Compliance	10%
Demonstrated Safety Management, Organisational Structure and References.	15%
Delivery Response Time	20%
Quality Assurance	5%
References	10%
Insurance Coverage	5%
Tendered Price – Estimated Lump Sum Contract Value	35%
<b>TOTAL</b>	<b>100%</b>

### Tender Intent/ Requirements

For the Supply and Laying of Hot Asphalt to nominated locations throughout the City of Cockburn; with hot bituminous asphalt products provided in a range of various sizes and forms. This includes collect or ex plant Hot Asphalt products for use of City of Cockburn roads for maintenance and minor improvements.

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



Evaluating Officers

The tender submissions were evaluated by:

1. Colin MacMillan – Works Coordinator
2. Dave Hall (Colin Lane) – Works Construction Supervisor
3. John Radaich – Manager Engineering

Scoring Table

<b>SCORES</b>			
<b>Tenderer's Name</b>	<b>Non-Cost Criteria Evaluation Score 65%</b>	<b>Cost Criteria Evaluation Score 35%</b>	<b>Total Score 100%</b>
Asphaltech Pty Ltd	62.8%	27.6%	90.4%
Boral Resources (WA) Ltd	59.6%	28.9%	88.5%
Asphalt Services Pty Ltd	64.4%	35.0%	99.4%
Downer EDI Works	62.2%	33.0%	95.2%

**Evaluation Criteria Assessment**General

All Tenderers evaluated have the necessary relevant experience and personnel to satisfy the contract with an established history of experience in the supply and laying of hot asphalt.

Specification Compliance

Asphaltech Pty Ltd completed all the specification compliance criteria.  
Boral Resources (WA) Ltd completed all the specification compliance criteria.

Asphalt Services Pty Ltd completed all the specification compliance criteria.

Downer EDI Works completed all the specification compliance criteria.

Demonstrated Safety Management

Asphaltech Pty Ltd completed the OH&S requirement, provided safety policies and procedures related to the works they perform, including organisational profile. They advised that a full Safety Management Plan would be forwarded if tender was successful. Their tender submission also provided the following certifications:



1. SAFETY CERTIFICATION to AS/NZS ISO 4801:2001.
2. ENVIRONMENTAL CERTIFICATION to AS/NZS ISO 14001:2004.

Boral Resources (WA) Ltd completed the OH&S requirement, provided safety policies and procedures including safety management plan related to the works they perform, and also attached an organisational profile.

Asphalt Services Pty Ltd completed the OH&S requirement, provided safety policies and procedures related to the works they perform, including organisational profile and safety management plan with risk assessments and safe work practices.

Downer EDI Works completed the OH&S requirement, provided safety policies and procedures related to the works they perform, including organisational profile and safety management plan with risk assessments and safe work practices. Downer EDI Works provided Safety Certification to AS/NZS ISO 4801:2001 and Environmental Certification to AS/NZS ISO 14001:2004.

#### Delivery Response Time

Asphalttech's period required to deliver the first consignment order under the Contract is 10 working days. Referees were consulted with a few reported instances of failure to deliver and the range of comment were from bad, not too bad, goodish and good for delivery response times.

Boral Resources' referees were consulted with a few reported instances of failure to deliver (prior to a staff shake up) and the range of comments were pretty good and good occasionally.

Asphalt Services' referees were consulted and no reports of failure to deliver other than when bad weather strikes with delivery response time described as good. Asphalt Services are the current successful tenderer and have provided the City on most occasions with prompt delivery response times.

Downer EDI Works did not specify response times. Referees were consulted and no reports of failure to deliver other than due to inclement weather with the delivery response described as relatively good to good.

#### Quality Assurance

Asphalttech has a Quality System in place to AS/NZS ISO 9001:2000 and achieved Quality Assurance Certification in June 1996.



Boral Resources' materials comply with IPWEA, MRWA standards and other relevant Australian standards. Boral Asphalt has attained Quality Assurance Certification to AS/NZS ISO 9001:2000. Boral Asphalt is also a Certified Priority Access Employer.

Asphalt Services included Quality Assurance Certification to AS/NZS ISO 9001:2000 issued in November 2008 for production, supply and placement of asphalt. They included copies of independent reports showing product performance, and their documented methodology to ensure product quality.

Downer EDI Works included Quality Assurance Certification to AS/NZS ISO 9001:2000). Downer EDI also provided certification from the federal safety commissioner having met the requirements of the Australian government building and construction OHS accreditation scheme.

### References

Referees were consulted asking if they were happy with the level of service, the products performance, instances of failure to deliver, workplace safety and delivery response times. An overall score was requested out of 10.

Asphaltech provided seven (7) local government, four (4) civil contractor and three (3) written references from various local governments. Overall rating from combined scores was 7.4 out of 10 (6 referee responses)

Boral Resources provided four (4) referees all from various local governments and the responses varied with regard to delivery response and quality of work with 2 out the 3 councils contacted describing the quality of work as average and 1 describing the quality as good. 1 referee also described workplace safety as ordinary. Overall rating from combined scores was 8 out of 10 (3 referee responses).

Asphalt Services Pty Ltd provided three (3) Local Government and three (3) civil contractor referees. All referees were satisfied with delivery response times and quality of work. No reports of failure to deliver other than bad weather. Overall rating from combined scores was 8.5 out of 10 (4 referee responses)

Downer EDI Works provided six (6) local government and six (6) civil contractor (including Main Roads WA) referees. All referees were satisfied with delivery response times and quality of work. No reports of failure to deliver other than bad weather. Overall rating from combined scores was 7.5 out of 10 (4 referee responses)



### Insurances

Asphaltech provided certificates of currency for products and public liability (\$10,000,000 each under broad cover), motor vehicle and workers compensation (\$50,000,000) insurances.

Boral Resources provided the following insurance details- public liability (\$10,000,000), professional indemnity (\$10,000,000), product liability (\$10,000,000), industrial special risk (\$1,000,000,000), workers compensation (\$50,000,000) and motor vehicle insurance (\$5,000,000), and all current until June 2010.

Asphalt Services provided certificates of currency for products and public liability (\$10,000,000 each under broad cover), motor vehicle (\$30,000,000) and workers compensation (\$50,000,000) insurances.

Downer EDI provided works public liability (\$20,000,000), workers compensation (\$200,000,000) and motor vehicle insurance (\$10,000,000).

### Summation

Asphalt Services provided the best overall score from the assessment criteria and therefore their tender should be supported.

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

#### **Governance Excellence**

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

#### **Transport Optimisation**

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.
- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.
- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

### **Budget/Financial Implications**

The cost of Hot Asphalt products are in the annual Budget allocations for road construction capital works budgets. The estimated expenditure for 2009-2012 is \$3M GST exclusive over 3 years. The price submitted by Asphalt Services Pty Ltd represents an 8.6% increase overall from the current contracted prices. The rates of increase vary from 5% to





6% for the majority of products used by council. Cost to collect asphalt increased by 0.5%. Due to escalating fuel prices this increase is in line with the industry.

### **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**

Tender RFT 21/2009, Supply and Laying Hot Asphalt were advertised on Saturday 27 June 2009 in the Local Government Tenders section of 'The West Australian' newspaper. The Tender was also displayed upon the City of Cockburn's website during the tender response period from 27 June 2009 until the closing date 15 July 2009.

### **Attachment(s)**

4. Compliance Criteria Checklist.
5. Tendered Prices – "Confidential" – (provided under separate cover).
6. Tender Evaluation Sheet – "Confidential" – (provided under separate cover).

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 10 September 2009 Council Meeting.

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

Nil

## **16.4 (MINUTE NO 4046) (OCM 10/9/2009) - TENDER NO. RFT 27/2009 - CIVIL WORKS - COOGEE INTEGRATED COMMUNITY FACILITY (RFT 27/2009) (D VICKERY) (ATTACH)**

### **RECOMMENDATION**

That Council accept the tender submitted by Industrial Roadpavers (WA) Pty Ltd for the construction of Stage 1a of the Integrated Community Facility at Coogee Beach for an estimated contract value of \$1,814,367.06 GST inclusive (\$1,649,424.60 excluding GST).



**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

Note.

- 1 These contracted Stage 1a works for the Integrated Community Facility at Poore Grove, Coogee Beach, will comprise, but not be limited to:
  - a) earthworks and site works, including retaining walls;
  - b) new carpark construction (including kerbing and line marking), beach access pathways, dual use paths and concrete paving;
  - c) new site services (including power, water, sewerage, communication);
  - d) lighting to carpark, paths and landscaped areas, fencing, gates and balustrades;
  - e) landscaping, including provision of a grassed area, irrigation, shade structures, barbeques, drink fountain and a beach shower).
  
- 2 These contracted works do not include construction of the new surf club building, its associated public kiosk and public toilets, all of which are proposed to be constructed under a separate contract by Council or others when funding is available.

**Background**

The need was identified in the City's Plan for the District 2008-2018, Community Infrastructure Projects, for a new facility to house the Coogee Beach Surf Life Saving Club and provide the community improved beach access and recreation facilities at Poore Grove, Coogee Beach.

The Coogee Beach Integrated Community Use Facility is a joint project venture between the City of Cockburn and the Coogee Beach Surf Life Saving Club to meet the ever increasing demand for a multi-purpose community facility and new regional beach access node in Cockburn Sound, WA.

This project, when all stages are completed, will meet the current, short term and long term needs of the local community and growing Southern Perth regional population catchment of over 500,000 from within the LGA's of Cockburn, Kwinana, Gosnells, Canning, Melville and Armadale, to whom the development will deliver:



- Surf lifesaving facilities to support the provision of essential aquatic emergency and first aid services to the Cockburn coastal beaches, and to undertake community training activities in aquatic safety, lifesaving, and first aid.
- Improved access to Coogee Beach and user-friendly public space to increase participation in family, community and aquatic activities.
- Community facilities that offer flexible use by a wide range of organisations for a variety of healthy lifestyle activities (e.g. sporting and social recreation, training, events, youth development, entertainment, fitness and gymnasium).
- Public beach facilities and disabled persons access facilities, including change rooms and showers, with disabled beach wheel chairs, a first for any Perth metropolitan beach.
- A showcase of Environmentally Sustainable Development, with grid connected solar power and wind generation, water harvesting and greywater recycling, use of recycled materials, a publicly accessible Sustainability Interpretation Centre, and rehabilitation and revegetation of some four hectares of degraded Woodman Point Regional Park.

A determination was made on the basis of funding availability to proceed with the construction of the facility in stages, the first stage (Stage 1a) to establish in 2009/10 an upgraded beach access node complete with new carpark and landscaped public recreation facilities. Subsequent stage(s) will include the construction of the new surf life saving club building and public kiosk. An interim provision until the new building is constructed will be the installation of a relocatable public toilet; this proposed to be funded under the current budget, as an adjunct to the currently tendered Stage 1a works.

Funding toward the Integrated Community Facility project was sought from the Federal Government's economic stimulus Community Infrastructure Program and a grant for \$2M was received under this program.

Tender Number RFT 27/2009 Civil Works – Coogee Integrated Community Facility, being for Stage 1a of the project works, was advertised on Wednesday 5<sup>th</sup> August 2009 in the Local Government Tenders section of “The West Australian” newspaper. It was also displayed on the City's website between the 5 and 20 August 2009.



## Submission

The Tender closed at 3:00pm (AWDT) on Thursday 20 August 2009, with nine (9) submissions received, these from:

1. Sambor Contracting Pty Ltd
2. Industrial Road Pavers(WA) Pty Ltd
3. D.M. Drainage & Construction Pty Ltd
4. VDM Earthmoving Pty Ltd, T/A Malavoca
5. Environment Industries Pty Ltd
6. Gavin Civil
7. Prime Contracting Pty Ltd
8. Downer EDI Works Pty Ltd
9. Vespoli Group (Late Submission)

## Report

1. Compliance Criteria

	Compliance Criteria
A	Compliance with the Specification
B	Compliance with the Conditions of Tendering
C	Compliance with Insurance Requirements and completion of Clause 3.2.6
C1	Public Liability Insurance \$10,000,000.00 Australian
C2	Workers Compensation Insurance
C3	Full Comprehensive Motor Vehicle Insurance
D	Compliance with the Fixed Price Clauses
E	Compliance with and completion of the Price Schedule
F	Compliance with the Occupational Safety & Health Requirements and completion of Appendix A

	Tenderer's Name	Compliance Criteria Overall
1	Industrial Road Pavers(WA) Pty Ltd	Compliant
2	Prime Contracting Pty Ltd	Compliant
3	Downer EDI Works Pty Ltd	Compliant
4	VDM Earthmoving t/a Malavoca	Compliant
5	Gavin Civil	Compliant
6	D.M. Drainage & Construction Pty Ltd	Non Compliant
7	Sambor Contracting	Non Compliant
8	Environment Industries Pty Ltd	Non Compliant
9	Vespoli Group	Non Compliant



The four (4) Tenderers D.M. Drainage & Construction Pty Ltd, Sambor Contracting, Environmental Industries Pty Ltd and Vespoli Group were deemed non compliant in accordance with the provisions of the tender document, and were not assessed further. The non compliances were on the basis that Sambor Contracting did not supply an electronic copy and a second hard copy of the submission, Environmental Industries Pty Ltd did not supply a second hard copy of the submission, D.M. Drainage & Construction Pty Ltd did not supply a full electronic copy of the tender submission, and Vespoli Group was a late submission.

## 2. Evaluation Criteria

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

## 3. Evaluating Officers

The tender submissions were evaluated by:

1. Rui Ho - Project Engineer
2. Doug Vickery - Manager Infrastructure Services
3. Craig Grundmann - Bateman Grundmann Architects
4. Scoring Table

Tenderer's Name	Percentage Scores		
	Non Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>Industrial Road Pavers(WA) Pty Ltd**</b>	<b>46.42%</b>	<b>40%</b>	<b>86.42%</b>
Prime Contracting Pty Ltd	48.00%	36.97%	84.97%
Downer EDI Works Pty Ltd	51.67%	29.95%	81.61%
VDM Earthmoving t/a Malavoca	46.50%	35.63%	82.13%
Gavin Civil	38.83%	31.83%	70.67%

Deleted D.M. Drainage & Construction Pty Ltd

\*\* recommended tenderer



### Evaluation Criteria Assessment

All the compliant tenderers are considered to have the capacity to meet the City of Cockburn's requirements as detailed in the specification, as well as comply with the General and Special Conditions of Contract as stated in the tender document.

### Relevant Experience

All the respondent tenderers were considered to have a satisfactory level of relevant experience.

### Financial Position

All tenderers has provided a statement indicating that they are able to fulfil the requirements of the contract and be able to pay all of their debts in full when they fall due.

### Key Personnel skills and experience

All the respondent tenderers showed they had sufficient key personnel skills and experience to complete the works within the required timeframe.

### Tenderer's Resources

All respondents' tenderers had sufficient resources to complete the required works.

## 4. Additional Federal Government Funding Requirements

As part of the Community Infrastructure Program funding agreement the recommended tenderer needs to also be assessed against a checklist of prudential items provided by the Federal Department of Infrastructure, Transport, Regional Development and Local Government. The City's assessment is that the recommended tenderer complies with these requirements, and confirmation has been sought from the Department to confirm this.

## 5. Summation

Industrial Roadpavers (WA) Ptd Ltd provided the best assessment against the combined price and non price assessment criteria. Industrial Roadpavers (WA) also offered the lowest tender price, and accordingly their tender is recommended.



## 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.

### Lifestyle and Aspiration Achievement

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

## Budget/Financial Implications

There is an allocation of \$3,000,000 for the Integrated Community Facility project at Coogee Beach under account number CW4332 in the 2009/10 Budget. This funding incorporates the \$2,000,000 provided through the Community Infrastructure Program from the Federal Department of Infrastructure, Transport, Regional Development and Local Government.

## 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

Along with the tender advertising, there is a long and an extensive history of consultation with the public dating back to 2002. Page 10 of the June 2009 edition of Cockburn Soundings featured the Director of Development/Public Affairs from the Coogee Beach Surf Life Saving Club with the Mayor and promoting the Integrated Community Facility at Coogee Beach along with Melissa Parker the Federal Member of Parliament for Fremantle.

In addition, large signs were installed at each of the existing entrances to the site detailing the proposed works, and a sign detailing the proposed revegetation program has also been erected since June 2009.

## Attachment(s)

1. Compliance Criteria Checklist
2. Tender Prices – “Confidential” – (provided under separate cover)



3. Tender Evaluation Sheet – “Confidential” – (provided under separate cover)

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

Those who lodge a tender submission have been advised that this matter I to be considered at the 10 September 2009 Council Meeting

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

The Cockburn Coast Structure Plan Identified the need for another beach access node at Poore Grove. It is acknowledged Local Government responsibility to provide such facilities.

## **16.5 (MINUTE NO 4047) (OCM 10/9/2009) - NON STANDARD STREET LIGHTING - PORT COOGEE MARINA DEVELOPMENT (4271) (3209006) (4303) (J RADAICH) (ATTACH)**

### **RECOMMENDATION**

That Council endorse the extension and adjustment of the Reflecta D private lighting on the local public roads within the Port Coogee estate to cover all areas as shown in green on the Local Structure Plan attached, except for the northern residential peninsula and the northern residential island, and in lieu of decorative Western Power lights, subject to the following technical and operational conditions:

- (1) The proponent provides complete standards and specifications of the lighting design and styles proposed and a recommended maintenance schedule for the ongoing care and upkeep of the infrastructure;
- (2) The proponent provides a statement by the lighting consultant outlining the intended application for the lighting proposed and a signed certification that the lighting is designed and installed in accordance with the relevant Australian Standard;
- (3) The proponent agrees to be responsible for all costs associated with the commissioning of the “private” lighting and for the ongoing maintenance of the lighting for a 2 year period after commissioning. At the expiration of the 2 year period representatives of the developer, consultant and the City shall meet to inspect the lighting to satisfy themselves that the network is in good working order;
- (4) The proponent provides an additional 10% (minimum) of the total number of light poles, fittings, luminaries or any other fixture established as part of the network to be used as spares to ensure the ongoing operation of the lighting system, or a cash sum in lieu to enable the City to establish a reserve account for





the same purpose; and

- (5) Any additional costs for maintenance, repair and replacement at the expiration of the 2 year period of the “private” lighting (exceeding the operation of a network using the Western Power decorative range) is funded from the specified area rate proposed to be established over the estate.

#### **COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

#### **Background**

At the Ordinary Meeting of Council held on 14 September 2006, consideration was given to the style of “private” street lighting to be established by the developer (Port Catherine Developments) at the Port Coogee Marina development. Council resolved to adopt the Option 1 Reflecta D “private” street lighting on the local collector roads as shown on the attachments, and decorative Western Power lights throughout the remainder of the estate.

#### **Submission**

Port Catherine Developments, through their consultants (JDSI Engineering Consultants), have requested an amendment to the extent approved for the “private” street lighting. Since Council’s approval for the street lighting, town planning for the estate has been reviewed with significant changes proposed in the Marina Village and waterfront area. To maintain the visual amenity and focus on the key roads and access points, they have requested that the Option 1 Reflecta D “private” street lighting now be extended to cover the peninsula and island roads of the marina, and not be installed at the northern end of the future Orsino Boulevard.

In addition, Port Catherine Developments are preparing a separate lighting proposal for the off-road public areas at the water front and adjoining areas. This will be the subject of a separate submission for approval.

#### **Report**

At the Ordinary Meeting of Council held on 13 July 2006, it was resolved that Council conditionally accept the proposal to establish



“private” street lighting at the Port Coogee Marina development, which included the following technical and operational conditions:

- The proponent provides complete standards and specifications of the lighting design and styles proposed and a recommended maintenance schedule for the ongoing care and upkeep of the infrastructure.
- The proponent provides a statement by the lighting consultant outlining the intended application for the lighting proposed and a signed certification that the lighting is designed and installed in accordance with the relevant Australian Standard.
- The proponent agrees to be responsible for all costs associated with the commissioning of the “private” lighting and for the ongoing maintenance of the lighting for a 2 year period after commissioning. At the expiration of the 2 year period representatives of the developer, consultant and City shall meet to inspect the lighting to satisfy themselves that the network is in good working order.
- The proponent provides an additional 10% (minimum) of the total number of light poles, fittings, luminaries or any other fixture established as part of the network to be used as spares to ensure the ongoing operation of the lighting system or a cash sum in lieu to enable the City to establish a reserve account for the same purpose.
- Any additional costs for maintenance, repair, and replacement at the expiration of the 2 year period of the “private” lighting (exceeding the operation of a network using the Western Power decorative range) is funded from the specified area rate proposed to be established over the estate.

Council has endorsed its preference for the style of “private” street lighting to be established in the Port Coogee Marina development and the associated conditions, the only variable being the extent of this lighting in lieu of the alternative decorative Western Power street lights. The developer has now identified an extension to the more publicly accessible and visible roads within the development that would justify the installation of “private” street lighting to enhance the visual amenity of the area. This extension should be supported except for the northern residential peninsula and the northern residential island developments. These are considered to be zones of lower public attraction for the marina village.



## Strategic Plan/Policy Implications

### Demographic Planning

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

The Policy, which applies to this item is SEW2 - Street and Public Area Lighting.

### Budget/Financial Implications

If lighting infrastructure other than from those approved by Western Power is endorsed by Council, the City will be wholly responsible for ongoing maintenance and replacement costs in perpetuity. Any additional costs will be offset by the proposed specified area rate to be established over the estate.

### Legal Implications

N/A

### Community Consultation

N/A

### Attachment(s)

1. Adopted alternative street lighting proposal – Option 1 Reflecta D
2. Approved extent of Option 1 Reflecta D street lights
3. Proposed new Private Lighting Layout Plan

### Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 10 September 2009 Council Meeting.

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

Nil.

## 16.6 **(MINUTE NO 4048) (OCM 10/9/2009) - TENDER NO. RFT17/2009 - CORROSION PROTECTION & COATING SERVICES COOGEE BEACH JETTY (P CRABB) (RFT17/2009) (ATTACH)**

### RECOMMENDATION

That Council accept the tender submitted by Shorewater Water Marine, for Tender No. RFT 17/2009 – Corrosion Protection & Coating Services – Coogee Beach Jetty for the lump sum of \$412,665.00 (Inc

GST) (\$375,150.00 Ex GST), with the following works included :

- (1) Protection of Structural Steelwork in the tidal splash and splash zone \$168,000.00 (Ex GST).
- (2) Structural Steelwork above the splash zone \$149,000.00 (Ex GST).
- (3) Handrails \$56,000.00 (Ex GST); and
- (4) Treatment Plan (Decking & Grating) \$2,150.00 (Ex GST).

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The Coogee Jetty was constructed in 1999 for the value of \$691,120.00 and has been the subject of several maintenance reports with various recommendations over the past 10 years. During 2007/09, a sacrificial anode cathodic protection system was installed and commissioned as a result of a technical condition survey and the proposal currently before Council is the continuation of the protective works to extend the life of this jetty.

A Condition Survey Report of the jetty was prepared by Savcor Group Ltd on 4 June 2008 and has been referred to by the City of Cockburn (the Principal) in formulating the current specification. Works required to be carried out on the Coogee Jetty are predominately to prolong the life of the steel pilings below and above the water line and the steel superstructure above the piles.

The treatment proposed will include cleaning of built up corrosion, barnacles etc. and application of suitable rust inhibiting products, epoxy coatings and for the piles the application of a suitable marine piling tape and protective sheathing. The hand rails on the main jetty structure also require remedial repairs, including the removal and reglvanising or replacement with new handrails of a suitable material such as stainless steel or heavy duty galvanised steel.

The successful Contractor is also required to submit within the first three (3) weeks after award of the Contract a treatment plan with priced cost options to undertake repairs and restoration of the timber decking and timber support structure and the fibreglass grating on the jetty, including the stainless steel clips used to secure the grating to the



wooden structure. This priced proposal will be assessed and if suitable dealt with as a priced variation under the contract.

Tender number RFT 17/2009 Corrosion Protection & Coating Services was advertised on Wednesday 10th June 2009 in the Local Government Tenders section of 'The West Australian' newspaper; the tender was also displayed on the City of Cockburn website from the 10th June – 1st July 2009 inclusive.

### Submission

Tenders were called to undertake a corrosion protection & coating services closing at 2:00 pm (AWST) on Wednesday 1st July 2009; four (4) submissions were received from the following company's:

1. Savcor Finn Pty Ltd;
2. Shorewater Water Marine;
3. Phoenix Corrosion Control; and
4. EPTEC Pty Ltd.

### Report

#### Compliant Tenderers

All four (4) tender submissions received were deemed compliant with the conditions of tendering and compliance criteria.

	Compliance Criteria
A	Compliance with the Specification contained in the Request.
B	Compliance with the Conditions of Tendering contained in this Request.
C	Attendance at the Mandatory On-Site Tender Briefing.
D	Compliance with the Occupational Safety & Health requirements and completion of Appendix A
E	Compliance with Insurance Requirements and completion of Clause 3.2.7.
F	Compliance with and completion of the Price Schedule.

#### Compliance Outcome

	Tenderer's Name	Compliance Criteria Overall Assessment
1	Savcor Finn Pty Ltd;	Compliant
2	Shorewater Water Marine;	Compliant
3	Phoenix Corrosion Control; and	Compliant
4	EPTEC Pty Ltd.	Compliant

**Evaluation Criteria**

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	25%
Resources, Personnel & proposed Methodology	20%
OH&S/ Environmental MGT Capability	20%
Environmental Sustainability	5%
Tendered Price – Lump Sum	30%
<b>TOTAL</b>	<b>100%</b>

Tender Intent / Requirements

To continue to facilitate our ongoing maintenance programme by ensuring City of Cockburn public facilities are maintained in a suitable operational state so that public safety is paramount along with ensuring that our assets life cycle is maximised through ongoing scheduled maintenance.

Our maintenance programme, aided by the condition survey report, identified that the following specific areas required attention at the Coogee Jetty structure;

- a) Protection of Structural steelwork in the tidal & splash zone.
- b) Structural steelwork above the splash zone
- c) Handrails
- d) Decking & Grating

Evaluation Panel - Officers

The submitted tenders were evaluated by the following City of Cockburn Officers:

1. Phil Crabbe – Facilities & Plant Manager;
2. Pieter Zietsman --Facilities Coordinator; and
3. Chris Beaton – Environment Manager.

Scoring Table Combined Totals

<b>Scores</b>			
<b>Tenderer's Name</b>	<b>Non-Cost Evaluation Score</b>	<b>Cost Criteria Evaluation Score</b>	<b>Total Score</b>
	<b>60%</b>	<b>40%</b>	<b>100%</b>
Shorewater Water Marine****	56.50%	20.90%	77.40%
Savcor Finn Pty Ltd	50.17%	30.00%	80.17%



Phoenix Corrosion Control	50.00%	19.29%	69.29%
EPTEC Pty Ltd	51.00%	15.99%	66.99%

\*\*\*\* Recommended Submission

## **Evaluation Criteria Assessment**

All compliant tenderers are considered to have the capacity to meet the City of Cockburn's requirements as detailed in the Specifications, as well as comply with the General and Special Conditions of Contract as stated in the tender document.

### Demonstrated Experience

The Evaluation Panel determined that all submitted tenders were considered to have a satisfactory level of relevant experience.

Referees were consulted by the Evaluation Panel and very little separates the relevant experience as they are all highly regarded in these types of projects.

The Evaluation Panel determined that Shorewater Marine's demonstrated experience in being a licensed marine contractor, including having completed the Denso seashield training programme, rated them equal or higher than each of the other tenderers.

### Key Personnel Skills and Experience

The Evaluation Panel determined all tender submissions showed they had sufficient key personal skills and experience to complete the works within the required time frame.

### Respondents' Resources

The Evaluation Panel determined all submitted tenders had sufficient resources to complete the required works.

### Methodology

The Evaluation Panel determined that Shorewater Marine's methodology for undertaking the contract works provided a superior treatment as compared to the other tenderers, across a number of key areas as detailed below.

Shorewater Marine's proposed pile treatment to the full height of the piles as detailed in their alternative tender (which was subsequently priced by the other tenderers on request), was seen to provide a more comprehensive pile protection as compared to that put forward by the other tenderers.



Shorewater Marine's proposed treatment of the superstructure, especially in the area under the timber bearers, was seen to provide a more comprehensive steel corrosion protection as compared to that put forward by the other tenderers.

Shorewater Marine's proposed treatment of the handrails, which involved removal of the handrail sections off site, for full re hot dipped galvanising treatment, was seen to provide a more comprehensive corrosion protection as compared to that put forward by the other tenderers.

In addition, Shorewater Marine's proposed handrail treatment importantly provides a superior treatment in respect to the protection of the environment on account of removing the need for abrasive blasting, power tooling, cleaning and coating of the handrails on site, over the water, thus reducing risk of exposure to chemical spills and contamination of the sea water below.

#### Recommendation

The Evaluation Panel determined that the Shorewater Marine tender provided the best assessment against the qualitative selection criteria. In particular their proposed treatment methodology (offered within both their conforming tender and non conforming tenders) will ensure the completion of a superior treatment program in a timely manner.

This can be expected to provide the City of Cockburn with the best fit with the intent of the contract works, including attaining a comprehensive corrosion protection to the structure completed prior to the summer school holidays, thus causing least disruption to the public.

On the basis of the evaluation, the Evaluation Panel recommends that, whilst not having the lowest tender price, not achieving the highest total combined score (marginal difference) on account of the tender price differential, the tender submission from Shorewater Marine was sufficiently superior to warrant recommendation.

As the Shorewater Marine tender is more than 25% above the lowest compliant tender, the recommended tender is required to be referred to Council for consideration.

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

##### **Infrastructure Development**

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





**Lifestyle and Aspiration Achievement**

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

**Governance Excellence**

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

**Budget/Financial Implications**

The tender was priced in four (4) parts as follows:

- (Part 1) 'The Protection of Structural Steelwork in the Tidal Splash Zone'
- (Part 2) 'Structural steelwork above the splash zone'
- (Part 3) 'Handrails'
- (Part 4) 'Decking and Grating'

Funding availability in Capital Works budget items (CW4321 & 4334) totalling \$525,000 allow for all works proposed under this contract to be completed, consequently the tenders were assessed on this basis.

The recommended tender requires funding of \$375,150 in the first instance, with possible further funding for the deck treatment plan works to be determined post award.

It is proposed that the awarded contract be funded as follows:

\$250,000 from account no CW4334 – Coogee Jetty additional corrosion protection; and

- \$125,150 plus any variations from account no CW4321 – Coogee Jetty additional corrosion protection.

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

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



### Advice to Proponent(s)/Submissioners

All Tenderers who submitted a tender have been advised that this matter is to be considered at the Council meeting being held on the 10th September 2009.

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

Nil.

## 17. COMMUNITY SERVICES DIVISION ISSUES

### 17.1 **(MINUTE NO 4049)** (OCM 10/9/2009) - MELVILLE/COCKBURN COMMUNITY SECURITY SERVICE (CSS) (8959) (D GREEN) (ATTACH)

#### RECOMMENDATION

That Council:

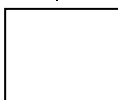
- (1) advises the City of Melville that it intends to withdraw from the current Community Safety Service (CSS) partnership arrangement upon the expiry of the current term on 30 June 2010;
- (2) calls tenders for the provision of a similar security patrol service to be contract managed internally by the City of Cockburn; and
- (3) requires a fully costed internal community security service, based on the expansion of Council's Ranger Services to an 'around the clock' operation, to be provided as a comparison to the external provision of this function.

#### COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr J Baker that Council adopt the recommendation subject to the addition of the following sub recommendations (4) and (5):

- (4) include in the Service Brief that options for the delivery of the service other than on a "24/7" basis will be considered; and
- (5) conduct a workshop of Elected Members following the October 2009 Council elections to ensure they are all fully conversant with the intent and purpose of the proposed service.

**CARRIED 6/2**



## Reason for Decision

It is important for an optional service delivery model to be available for submission by interested parties, which may reduce the cost but not compromise its functionality. With the possibility of some new members being elected to Council in October, it is important for all Elected Members to be fully conversant with the overall objectives and outcomes of the service being sought by Council.

## Background

In December 2004 the City of Melville and the City of Cockburn resolved to create an alliance to provide Security Services to the community of both municipalities.

The Community Safety and Security Service (CSS) partnership operates under a Service Level Agreement and a Memorandum of Understanding (MOU).

It was agreed that the Service would at all times be under the operational control of the City of Melville and that the City of Melville would acquire the required personnel and the necessary infrastructure to allow the service to operate on a full time basis for the entire district of Cockburn for the duration of the term of the MOU (expiration on 30 June 2010).

It was further decided that the City of Cockburn would pay a proportion of costs of the Security Service, as agreed between Cockburn and Melville from time to time.

The costs the City of Cockburn would incur under this arrangement are:

- Provision of 4 patrol vehicles, with 1 patrol officer per vehicle per shift
- 50% cost of a patrol vehicle for a Roving Patrol and 100% cost of 4 Patrol Officers per shift.
- 50% cost of a Team Leader per shift and Patrol Vehicle.
- 50% cost of one Customer Service Officer and 1 Administration Officer on an annual basis.
- 50% cost of Business Manager annual basis.
- 25% cost of Manager, Neighbourhood Amenity annual basis
- 54% of training costs.
- 54% of additional infrastructure cost.
- 54% of ancillary costs, ie. Fuel servicing etc.



## Submission

To call Tenders for the provision of a Security Patrol service to be contract managed by the City of Cockburn.

## Report

A comprehensive review of the current arrangements is considered appropriate, given that the MOU for the provision of the service expires on 30 June 2010.

The outcomes of the review are largely explained in the attachment, with the exception of the financial details, which are considered to be of a 'commercial-in-confidence' nature and have been provided to Elected Members under separate cover.

In summary, the review has identified the primary weakness of the current arrangement to be a lack of control over the operational methodology and standards adopted by the service. This is mainly as the result of the employees being deemed to be the responsibility of the service provider (City of Melville), which caused a number of difficulties related to operational issues which the City of Cockburn cannot have addressed satisfactorily. These matters are mostly due to a lack of flexibility in the service being able to provide a response to incidents and for situations which are perceived to be outside the discretion of patrol officers. This is quite often related to 'add on' services, such as attendance to gate or reserve closures after hours, which, while technically outside the scope of the arrangement, are considered to be a function which could be provided on a value added basis to reinforce the quality of the service.

Notwithstanding this, the review also noted that exponential cost increases in the provision of the service did not reflect an increase in either community satisfaction or incident responses by the service provider.

Overall, while the service has provided many positives in the community, the number of operational inadequacies of the service has led to the opinion that a more flexible arrangement could be sourced to deliver improved outcomes for Cockburn residents.

Feedback received from Elected Members relate mainly to the preferred method of delivering the service. Comments range from concern that the principle of resource sharing is being abandoned at a time when the industry is being encouraged to examine more opportunity for collaborative and co-operative service provision to being an opportunity to expand the expertise of current service units (eg. Ranger Services) to deliver a best value model based on knowledge and experience of incumbent employees.



In order to address these issues, it is imperative to ensure the service specifications are clear in their intent.

For this purpose, it is proposed that the service description will include the expected deliverables of the service through an extensive range of Key Performance Indicators necessary to fulfil the objectives of the organisation.

This will ensure that under any delivery model, the service will be able to demonstrate the achievement of its goals and its satisfactory attention to the needs of the organisation. It will also be able to clearly identify its capacity to deal with issues over which it has a degree of control and those which are not within its jurisdiction or ability to influence

It is expected that a more focussed Cockburn service will be able to work co-operatively with the Police Service on such occasions, however, there will also be a greater public awareness of the limitations of the service in dealing with criminal activity.

With this in mind, it is recommended that Council seeks expressions of interest to deliver a streamlined mobile security service focussed on the Cockburn community as a means of comparing standards and costs against that which could be provided by enhancing its in-house capacity.

Should Council accept this position, the City of Melville will be informed in Council's advice that it may wish to lodge an interest in continuing to provide this service to the City of Cockburn.

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

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

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

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

Annual cost estimates for a contracted service have been provided to Elected Members under separate cover compared to around \$2.1M levied for the current shared service arrangement. Cost will be funded by the security levy.

#### **Legal Implications**

Sec.6.38(1) of the Local Government Act, 1995 and Regulation 54(d) of the Local Government (Financial Management) Regulations refer.



### Community Consultation

Since 2006, Council's Community Perceptions Survey has measured community satisfaction levels of Mobile Security Patrols in the City of Cockburn. The results are:

2006	65% respondent satisfaction;
2007	60%;
2008	55%;and
2009	59%

### Attachment(s)

1. 'Review of the Melville/Cockburn Community Security Service (CSS)' Report. (excluding Part 6)
2. Extract from 'Review of the Melville/Cockburn Community Security Service (CSS)' Report. (Part 6) – "Confidential" – (provided under separate cover)

### Advice to Proponent(s)/Submissioners

The City of Melville has been advised that this matter is to be considered at the 10 September 2009 Council Meeting.

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

Local Government is able to provide security and surveillance services to the community and is to satisfy itself that any service it provides is managed efficiently and effectively.

## 17.2 **(MINUTE NO 4050) (OCM 10/9/2009) - ADOPTION OF 'AGE FRIENDLY' STRATEGIC PLAN (8420) (D GREEN) (ATTACH)**

### RECOMMENDATION

That Council:

- (1) adopts the City of Cockburn 'Age Friendly' Strategic Plan, as attached to the Agenda; and
- (2) considers the potential for the development of identified facilities in future when considering options for the development/redevelopment of land which may be suitable for such purposes.



**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr H Attrill that Council adopt the recommendation subject to the addition of the following sub recommendation (3):

- (3) ensure that any financial implications of the Strategy are included for consideration in Council's strategic and statutory planning documents for the future.

**CARRIED 8/0**

**Reason for Decision**

Given the significance of the seniors' demographic, as identified in future population forecasts, it is important that Council ensures that its own planning for the future reflects those initiatives identified in the Implementation Plan.

**Background**

In March 2004, Bertram Healthcare Consulting was contracted by the City of Cockburn to undertake a Strategic Plan for Seniors. The Strategic Plan outlined community services, senior citizen's groups and accommodation facilities and identified current and future needs for senior's living within the Cockburn District.

In October 2007 this plan was reviewed in line with the World Health Organisation (WHO) guidelines for Global Age-Friendly Cities.

**Submission**

To adopt a Strategic Plan for the provision of 'Age Friendly' services and facilities to the Cockburn community in the future.

**Report**

During the consultation undertaken at the time of the original 2004 report the following issues were consistently highlighted as being key issues to be addressed in the development of any future strategy:

- Insufficient affordable housing options and respite services;
- Insufficient home help services;
- Access and funding issues related to current services;
- Social isolation;
- Lack of affordable and culturally appropriate social and recreational services;
- Lack of co-ordination of information and services supporting 'healthy ageing';
- Lack of promotion of services that Council provide;



- Inadequate safety and security for some seniors both in home and the community; and
- Inadequate affordable access to public spaces, services and events.

These needs have been developed into a comprehensive strategic plan for the City of Cockburn that reflects the principles and best practice outlined in the Global Age Friendly Cities: A Guide developed by the World Health Organisation.

With the most pressing need into the future likely to be associated with the accommodation of an ageing population, this matter has been identified as the highest priority in the Draft Plan.

While the City successfully partners with the Federal and State Governments to provide services and programmes aimed at supporting seniors to remain in home accommodation, there is a demonstrated shortfall in supported (high care) accommodation for those unable to continue to be self-sufficient.

In acknowledging that this is essentially a Federal Government responsibility, the reality is that governments at all levels are not in the 'business' of constructing and operating such facilities. The Commonwealth is able to identify where the demographic need for such facilities is likely to be the highest, but will not become directly involved in their provision. Rather, funding is provided to 'not for profit' agencies to subsidise the cost of these facilities. Local government is rarely involved as a provider of facilities but can assist by identifying and facilitating the provision of adequate land for the facilities.

From the City of Cockburn's point of view, it may be that opportunities could arise in the future for Council to participate in a significant way when development/redevelopment of landholdings in which Council has an interest are considered. Examples of such involvement could be the Phoenix Redevelopment Plan or the development of council owned land on Yangebup Road, Beeliar.

If adopted, all other issues identified in the Plan will continue to be addressed by Council in the manner and according to timeframes as detailed.

Additionally, the City will continue to seek 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**

As contained in the Plan.

### **Legal Implications**

Aged Care Act, 1997, refers.

### **Community Consultation**

Extensive community consultation was undertaken with Local and Regional Seniors Groups and organisations and Commonwealth and State Government agencies which assist local government in the provision of Seniors services and facilities.

### **Attachment(s)**

Draft 'Age Friendly' Strategic Plan.

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

Stakeholders consulted in the preparation of the Plan have been advised that this matter is to be considered at the 10 September 2009 Council Meeting.

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

The Commonwealth and State Governments are primarily responsible for Aged Care Services within the community. Significant funds are available for the provision of Aged Care Services and facilities and are available to both local government and private organisations to facilitate the localised provision under contract between the Federal/State Government and the Agency deemed by the funding body to be best placed to deliver the Government's preferred outcomes.

More recently, the City of Cockburn has accepted that government/private sector funding will not adequately provide for all Aged Care requirements in the future and significant capital and ongoing operational expenditure is incurred by Council to address identified requirements in the Community.



**18. EXECUTIVE DIVISION ISSUES**

**18.1 (MINUTE NO 4051) (OCM 10/9/2009) - PROPOSED AMENDMENTS TO POLICY AES5 'PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD' (2806) (M TOBIN) (ATTACH)**

**RECOMMENDATION**

That Council adopt proposed amendments to Policy AES5 'Payments to Employees in Addition to Contract or Award', as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The current policy needs to be amended to change the word 'accumulated' to 'continuous' when referring to recognition of long periods of service.

**Submission**

Council to adopt the revised Policy AES5 'Payments to Employees in Addition to Contract or Award'.

**Report**

In August 2008 Council adopted changes to the Policy which recognised long periods of service with cash awards or additional leave. The wording was 'accumulated service' although the intention was that the service be continuous. Since the Policy was adopted the City has had cases of staff who claimed an entitlement to the additional payment even though they had once resigned from the City and returned some years later. The intention was to reward continuous service and for record-keeping purposes this is significantly easier to apply fairly and objectively. Employees who may have taken maternity leave or leave without pay are not disadvantaged by the change as their service is seen to be continuous. However, where employees resigned and completely left the employ of the City, the service is deemed to be broken.



**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**

The additional benefits are included in budgets.

**Legal Implications**

The Policy is in accordance with current legislation.

**Community Consultation**

N/A

**Attachment(s)**

Proposed amended Policy AES5 "Payments to Employees in Addition to Contract or Award".

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

N/A

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

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 4052) (OCM 10/9/2009) - REFERENDUM OF CITY OF COCKBURN RESIDENTS CONCERNING AMALGAMATION (1054)**

**RECOMMENDATION**

That Council:

- (1) conducts a Referendum of its residents and ratepayers, as part of the forthcoming October 2009 Local Government Elections Postal Ballot, to ascertain the wishes of its ratepayers/residents towards the prospect of a Council amalgamation with the City of Fremantle.
- (2) ask the following question on the Referendum paper, "Do you support the Council of the City of Cockburn pursuing an amalgamation with the City of Fremantle",
- (3) allocate an amount of up to \$12,000 to be met from the CEO's consultancy account (project consultancy fund), for this costs of this Referendum, with this account to be reimbursed at the February Budget Review, should the need arise.

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 5/3**

NOTE: CLR WHITFIELD REQUESTED THAT HIS OBJECTION TO THIS DECISION BE NOTED FOR THE RECORD.

**Reason for Decision**

At the moment there is a degree of strong debate amongst residents of Cockburn and also amongst Elected Members with regards to the various benefits or disadvantages of an amalgamation with our neighbours at the City of Fremantle. The City has conducted Referendums in the past on matters of major significance to its residents and in the interest of good community consultation it is believed it should do so again.



**21.2 (OCM 10/9/2009) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE (1030)**

MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that Council:

- (1) reforms its Delegated Authorities, Policies and Position Statements Committee
- (2) prepares an item for the October Ordinary Council Meeting calling for nominations for membership of the committee
- (3) conducts the first meeting of the reformed committee in November 2009, in conjunction with the CEO performance review.

**MOTION WITHDRAWN**

**Note:** Acting CEO informed the meeting that as this is a matter that Council has already approved to be re-considered following the October, 2009, Council Elections, any decision to the contrary will require its former decision to be revoked in accordance with statutory provisions (ie. Via a formal written notice of revocation). Accordingly, the motion was withdrawn.

**21.3 (MINUTE NO 4053) (OCM 10/9/2009) - REQUEST INTERIM DESIGN SKETCHES FOR THE DEVELOPMENT/CONSTRUCTION OF A RECTANGULAR WORLD CLASS SPORTING FACILITY TO BE LOCATED AT COCKBURN CENTRAL (1081)**

**RECOMMENDATION**

That Council instruct Acting Chief Executive Officer Mr Don Green to immediately (tomorrow 11 Sep 2009) engage consultants to commence interim design sketches for the development/construction of a rectangular world class sporting facility to be located at Cockburn Central.

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 7/1**



### Reason for Decision

At the July 2009 OCM Council resolved to engage consultants to prepare draft plans/diagrams/sketches for the construction of a State Government funded rectangular stadium at the Cockburn Central "Greenfields Site".

This has still not occurred and it is now reaching a critical point in the State Governments decision making processes. Council has recently written to the Premier inviting him to an onsite meeting at Cockburn Central, a response from the Premier is imminent and as we all know, a picture paints a thousand words.

It is now vital to Councils aspirations, with regards to this site, to have basic plans available to present to the Premier and or his Ministers, in the likely event of an on site meeting.

The City has recently been approached by a Local Member of Parliament with regards to how the City's plans are progressing and we have had to inform them that no progress has been made on what had been a unanimous decision of Council. Clear instruction must now be given as to how Council wishes to proceed.

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

Nil

## 23. CONFIDENTIAL BUSINESS

Nil

## 24. **(MINUTE NO 4054) OCM 10/9/2009 - 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 V Oliver SECONDED Clr H Attrill that the recommendation be adopted.

**CARRIED 8/0**

**25 (OCM 10/9/2009) - CLOSURE OF MEETING**

8:35 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: ...../...../.....

