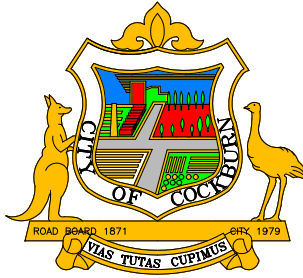


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR**

**THURSDAY, 11 MARCH 2010**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 MARCH 2010 AT 7:00 PM

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	Page
1. DECLARATION OF MEETING .....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	1
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER) .....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	1
5. APOLOGIES AND LEAVE OF ABSENCE.....	1
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	1
7. PUBLIC QUESTION TIME.....	1
8. CONFIRMATION OF MINUTES .....	2
8.1 (OCM 11/03/2010) - SPECIAL COUNCIL MEETING - 04/02/2010.....	2
8.2 (OCM 11/03/2010) - ORDINARY COUNCIL MEETING - 11/02/2010.....	2
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE .....	2
10. DEPUTATIONS AND PETITIONS.....	2
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED) .....	2
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER.....	2
13. COUNCIL MATTERS.....	3
13.1 (OCM 11/03/2010) - LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN (1332) (P WESTON) (ATTACH) .....	3
14. PLANNING AND DEVELOPMENT DIVISION ISSUES.....	5
14.1 (OCM 11/03/2010) - PROPOSED AMENDMENT TO POSITION STATEMENT PSPD19 'STREET ADDRESSING' (3002) (G AMOS) (ATTACH) .....	5
14.2 (OCM 11/03/2010) - AMENDMENT NO. 74 - REZONING OF LOTS 512 TO 515 COCKBURN ROAD, AND PORTIONS OF KIESEY STREET AND BEACH ROAD, COOGEE (ADOPTION FOR FINAL APPROVAL) - APPLICANT: CITY OF COCKBURN - OWNER: MAIN ROADS WA (93074) (D DI RENZO) (ATTACH).....	7

14.3	(OCM 11/03/2010) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 76 FOR FINAL APPROVAL - 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) (D DI RENZO) (ATTACH) .....	14
14.4	(OCM 11/03/2010) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 OF LAND ADMINISTRATION ACT 1997 - PORTION OF LOT 460 (PLAN 48298) WATTERTON AND CASSIO PLACE, HAMILTON HILL - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: DEPARTMENT OF HOUSING (450395, 450399, 6004493) (K SIM) (ATTACH).....	27
14.5	(OCM 11/03/2010) - FINAL CONSIDERATION OF AMENDMENT NO. 77 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 - REZONING PORTION OF LOT 503 PHOENIX ROAD, BIBRA LAKE FROM 'LIGHT AND SERVICE INDUSTRY' TO 'INDUSTRY' AND 'MIXED BUSINESS' AND FINAL CONSIDERATION OF LOCAL PLANNING POLICY APD59 'PHOENIX BUSINESS PARK DESIGN GUIDELINES' - OWNER: PRIMEWEST - APPLICANT: GREG ROWE AND ASSOCIATES (93077) (M CARBONE) (ATTACH).....	29
14.6	(OCM 11/03/2010) - AMENDMENT TO POLICY AFCS6 'RENEWAL OF LEASES AND LICENSES FOR COUNCIL OWNED OR CONTROLLED PROPERTY' (L GATT) (CC/P/003) (ATTACH) .....	33
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES.....	35
15.1	(OCM 11/03/2010) - LIST OF CREDITORS PAID - JANUARY 2010 (5605) (N MAURICIO) (ATTACH).....	35
15.2	(OCM 11/03/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS (5505) (N MAURICIO) (ATTACH) .....	36
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	40
17.	COMMUNITY SERVICES DIVISION ISSUES.....	40
17.1	(OCM 11/03/2010) - TENDER NO. 44/2009 - SECURITY SERVICES (MOBILE PATROLS ETC.) (RFT 44/2009) (D GREEN) (ATTACH).....	40
18.	EXECUTIVE DIVISION ISSUES.....	48
18.1	(OCM 11/03/2010) - LOCAL GOVERNMENT REFORM PROCESS - REGIONAL TRANSITION GROUP RESPONSE (1054) (S CAIN) (ATTACH) .....	48
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	52
19.1	(OCM 11/03/2010) - NOTICE TO REVOKE SUB-RECOMMENDATION (2) OF PREVIOUS COUNCIL DECISION - 12 NOVEMBER 2009 (MINUTE NO.4093) (1054) (D GREEN) (ATTACH) .....	52
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING .....	55

21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS .....	55
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE .....	55
23.	CONFIDENTIAL BUSINESS .....	56
24.	(OCM 11/03/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995) .....	56
25.	CLOSURE OF MEETING .....	56

## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 MARCH 2010 AT 7:00 PM**

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- 1. DECLARATION OF MEETING**
- 2. APPOINTMENT OF PRESIDING MEMBER (If required)**
- 3. DISCLAIMER (To be read aloud by Presiding Member)**

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
- 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
- 5. APOLOGIES AND LEAVE OF ABSENCE**
- 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 11/03/2010) - SPECIAL COUNCIL MEETING - 04/02/2010**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Thursday, 4 February 2010 be adopted as a true and accurate record.

**COUNCIL DECISION**

**8.2 (OCM 11/03/2010) - ORDINARY COUNCIL MEETING - 11/02/2010**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 11 February 2010, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

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

**13. COUNCIL MATTERS**

**13.1 (OCM 11/03/2010) - LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN (1332) (P WESTON) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Local Government Compliance Audit Return for the period 1 January 2009 to 31 December 2009, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

Since 2000, completion of the Local Government Compliance Audit Return has been mandatory for all local governments in this State in accordance with Regulations 14 and 15 of the Local Government (Audit) Regulations 1996

**Submission**

To adopt the Return in its submitted form.

**Report**

The Annual Compliance Audit Return is to be presented to, and adopted by Council.

Following adoption, a certified copy of the Return, signed by the Mayor and Chief Executive Officer, along with a copy of the relevant Section of the Council Minutes, is submitted to the Director General, Department of Local Government and Regional Development in accordance with Regulations 14 and 15 of the Local Government (Audit) Regulations 1996.

The Return indicates a conformity rating of 99% for the year.

The issue of reviewing the Council's Consolidated Local Laws is currently being addressed by Council and the process will be completed by June 2010.

The matter which requires some management consideration is that pertaining to the number of employee reviews which have not been undertaken for the year. It is proposed that an internal strategy be implemented to ensure this requirement is complied with in future years.

### **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**

Regulations 14 and 15 Local Government (Audit) Regulations 1996 refer.

### **Community Consultation**

N/A

### **Attachment(s)**

Completed Compliance Audit Return 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 (OCM 11/03/2010) - PROPOSED AMENDMENT TO POSITION STATEMENT PSPD19 'STREET ADDRESSING' (3002) (G AMOS) (ATTACH)****RECOMMENDATION**

That Council amends Position Statement PSPD19 "Street Addressing", as shown in the attachment to the Agenda.

**COUNCIL DECISION****Background**

Position Statement PSPD19 "Street Addressing" was first adopted by Council on 13 December 2007. Its purpose was to formalise the principles and practices relating to street numbering within the City of Cockburn ("City"). The Position Statement has operated effectively to date, however further amendments are now required to formalise additional street numbering methods which have evolved over time. This will assist in the assignment of street numbers going forward.

**Submission**

N/A

**Report**

The City is responsible for assigning and administering street numbering. This is undertaken in accordance with the following legislative components:

- Part IX Division 5 of the City of Cockburn Local Laws 2000 provides the authority for officers to assign and change street numbers, prescribes how street numbers are to be displayed and provides enforcement powers to ensure compliance.
- Geographic Information - Rural and Urban Addressing Standards A/NZ 4819:203 and A/NZ 4819:203/Amdt 1:2006 prescribes the

general principals for street numbering to ensure consistency and clarity particularly and most importantly for emergency vehicles.

- Position Statement PSPD19 'Street Addressing' references Part IX Division 5 of the City of Cockburn Local Laws 2000, and expands upon Geographic Information - Rural and Urban Addressing Standards A/NZ 4819:203 and A/NZ 4819:203/Amdt 1:2006. It provides acceptable alternatives in the allocation of street addresses in specific situations, and administrative procedures for changing a street address.

The Position Statement was adopted by Council on 13 December 2007. Officers have since identified two specific situations which are not included in either the above standards or the Position Statement. These are explained as follows together with the required changes to adequately address them:

1. Amend the standard frontage of future lots in residential development sites to acknowledge that lots zoned under different R-Codes can have different minimum frontages. The existing standard frontage assumes that all future lots will be zoned R20.
2. Cottage lots with a rear laneway are not addressed in the current position statement or standards. This paragraph formalises the numbering method that the Council officers have successfully applied over the past several years.

It is recommended that Council adopt the amendments to Position Statement PSPD19 "Street Addressing" as shown in the attachment to the Agenda.

### **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**

N/A

#### **Legal Implications**

Consistent with the City of Cockburn Local Laws 2000.

#### **Community Consultation**

N/A

**Attachment(s)**

Proposed amendments to Position Statement PSPD19 'Street Addressing'

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

N/A

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

Nil.

**14.2 (OCM 11/03/2010) - AMENDMENT NO. 74 - REZONING OF LOTS 512 TO 515 COCKBURN ROAD, AND PORTIONS OF KIESEY STREET AND BEACH ROAD, COOGEE (ADOPTION FOR FINAL APPROVAL) - APPLICANT: CITY OF COCKBURN - OWNER: MAIN ROADS WA (93074) (D DI RENZO) (ATTACH)**

<b>RECOMMENDATION</b>		
(1)	That Council endorse the Schedule of Submissions prepared in respect of Amendment No. 74 to City of Cockburn Town Planning Scheme No. 3 ("scheme").	
(2)	That Council adopt for final approval Amendment No. 74 to the scheme for the purposes of:	
	1. Rezoning Lots 512, 513, 514 and 515 Cockburn Road, Coogee from 'no zone' and 'Residential R20' to 'Development Zone' as shown on the Scheme Amendment map.	
	2. Rezoning unzoned portions of Kiesey Street and Beach Road, Coogee to 'Local Road'.	
	3. Amend the Scheme Map to designate Lots 512, 513, 514 and 515 Cockburn Road, Coogee as 'DA 31'.	
	4. Amend 'Schedule 11 – Development Areas' by including 'DA 31 – Cockburn Road, Coogee' as follows:	
Schedule 11 – Development Areas		
Ref No.	Area	Provisions
DA 31	Cockburn Road  (Development Zone)	1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.

		<ol style="list-style-type: none"> <li>2. The Structure Plan is to provide for residential development and may include the sympathetic adaptation of the Heritage Places for commercial and tourist related uses that are compatible with residential amenity and consistent with the Conservation Plan.</li> <li>3. The Structure Plan is to facilitate the conservation and protection of the cultural heritage significance of the Heritage Places and their setting, consistent with the Conservation Plan.</li> <li>4. The Structure Plan is to provide coordinated access to Lots 513 - 515 Cockburn Road from Kiesey Street.</li> <li>5. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with Clause 6.2.6.3.</li> <li>6. No subdivision or development will be supported within the Development Area until the Structure Plan has been approved by the local government and endorsed by the Western Australian Planning Commission (WAPC).</li> <li>7. The local government may adopt Detailed Area Plan(s) pursuant to Clause 6.2.15 for any part of the Development Area as defined on the approved Structure Plan. All subdivision, land use and development for a particular lot(s) the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan including any incorporated special development controls and guidelines in addition to any other requirements of the approved Structure Plan and the Scheme.</li> </ol>
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Subject to the following modifications being undertaken first:

1. renumbering the proposed 'Development Area' to DA 32; and
2. modifying the Scheme Amendment map so that the proposed 'Local Road' reflects the amendment to the Metropolitan Region Scheme for Beach Road.

- (3) That the amendment documentation once modified in accordance with 2 be signed and sealed without modification and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning.
- (4) That those parties that made a submission be advised of Council's decision accordingly.

## COUNCIL DECISION

### Background

Lots 512 to 515 Cockburn Road and adjacent portions of Kiesey Street and Beach Road, Coogee were rezoned on 1 May 2007 from 'Primary Regional Road' to 'Urban' under the Metropolitan Region Scheme ("MRS"). A Scheme Amendment is now required to ensure the City of Cockburn Town Planning Scheme No. 3 ("the Scheme") is consistent with the MRS, in accordance with clause 124(3) of the *Planning and Development Act 2005*.

Lot 512 Cockburn Road, Coogee contains the Coogee Hotel and Post Office, and these places are included on the City's Municipal Heritage Inventory ("MHI"), and the Heritage List pursuant to the Scheme. Together they are also included on the State Register of Heritage Places pursuant to section 46 of the *Heritage of Western Australia Act 1990* (Place no. 03648).

A Conservation Plan was prepared for the Coogee Hotel and Post Office in December 1999 on behalf of Main Roads Western Australia. It outlines the heritage significance of Coogee Hotel and Post Office, and identifies general conservation policies to provide guidance and direction in their future use, development and conservation.

Council adopted Scheme Amendment No. 74 at the meeting of 13 August 2009 (Min No. 4013). It was subsequently advertised for public comment ending on 22 December 2009.

### Submission

Nil

## Report

A Scheme Amendment has been prepared for Lots 512 to 515 Cockburn Road, and portions of Beach Road and Kiesey Street, Coogee.

The Scheme Amendment proposes the following:

### 1. Rezoning

The subject land has been rezoned under the MRS from 'Primary Regional Road' to 'Urban', and it is now unzoned pursuant to the Scheme, with a portion of Lot 512 currently zoned 'Residential R20'. To ensure the Scheme is consistent with the MRS it is proposed to rezone Lots 513 to 515 Cockburn Road, Coogee to 'Development Zone', within a 'Development Area'. This will allow the land to be subdivided and developed once a structure plan and all relevant approvals have been prepared and adopted. This is the usual zoning for development areas within the City, and provides an excellent degree of flexibility particularly with regard to focusing on a performance based planning outcome. It also allows the initiation of a Scheme amendment in advance of detailed proposals being prepared, expediting the process.

Importantly, the inclusion of all lots within a 'Development Area' will provide the opportunity for an integrated development, focused on protection of cultural heritage values.

The amendment also proposes to rezone portions of Kiesey Street and Beach Road, Coogee to 'Local Road', consistent with the MRS and Scheme. The MRS has been amended since Amendment No. 76 was initiated by Council, resulting in a minor change to the MRS zoning of Beach Road (near the intersection with Cockburn Road). Therefore it is recommended that the Scheme Amendment map be modified to reflect the MRS zoning.

### 2. Development Area Provisions

The subdivision and development of all land in the City that is zoned 'Development' is controlled by appropriate provisions contained in 'Schedule 11 - Development Areas' of the Scheme. It is proposed to designate this area as 'DA 32 – Cockburn Road'. This area was previously proposed to be designated 'DA 31'; however, this number has already been allocated to another area.

The proposed 'Development Area' provisions include the requirement for the adoption of a structure plan as required by the Scheme. A structure plan will effectively zone and designate R-Codes to the land, and outline development requirements.

The proposed 'Development Area' provisions stipulate that the structure plan is to provide for residential development and may include the sympathetic adaptation of the Heritage Places for commercial and/or tourist based uses that are compatible with residential amenity and the Conservation Plan. This will provide the opportunity for the Coogee Hotel and Post Office to have an appropriate viable use into the future.

The proposed 'Development Area' provisions also outline that the structure plan is to facilitate the conservation and protection of the cultural heritage significance of the Heritage Places and their setting, in accordance with the Conservation Plan. The Conservation Plan outlines general conservation policies that provide guidance and direction in the future use, development and conservation of the places. This includes policies relating to the physical context of the Coogee Hotel and Post Office, to ensure that any future development retains an appropriate setting for these buildings.

The proposed 'Development Area' provisions also stipulate that the structure plan is to provide coordinated access to Lots 513 - 515 Cockburn Road from Kiesey Street, so that there is no new access provided to Cockburn Road.

## **Consultation**

The proposed Scheme Amendment was advertised for public comment, and a total of 26 submissions were received. There were no objections received from government agencies.

20 submissions were received from members of the community, and 19 of these were objections. All submissions are outlined and addressed in the Schedule of Submissions (Attachment 3).

The following key issues were raised in the submissions:

- \* Objection to commercial uses on the subject land and concern regarding the impact that these uses may have in regard to noise and traffic.
- \* Concern regarding the protection of the heritage places.

The proposed 'Development Area' provisions clearly state that the structure plan is to provide for residential development, and may include the sympathetic adaption of the Heritage Places for commercial and tourist related uses that are compatible with residential amenity. It is not intended that the subject land will function as a commercial centre; rather the provisions seek to enable some flexibility to accommodate a viable use within the heritage listed buildings, in conjunction with residential development.

*State Planning Policy No. 3.5 Historic Heritage Conservation* ("SPP 3.5") acknowledges that in some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Adaptive re-use of a heritage building without compromising its heritage qualities can often be one of the best ways of ensuring its future conservation. This is why it is considered important to provide some flexibility under the proposed 'Development Area' provisions to consider other uses within the heritage buildings.

It is not considered that rezoning the subject land to 'Residential' is a preferred alternative, because it would enable the land to be subdivided in an ad hoc manner (without a comprehensive structure plan). It is also important to note that if the subject land were rezoned to 'Residential' discretion would still exist under the Scheme for commercial uses to be considered.

The requirement for a structure plan will provide the opportunity for orderly and proper planning, which will ensure appropriate access, land use and development. The structure plan would also be advertised for public comment, providing the community with the opportunity to comment on a specific proposal for the subject land in the future.

Furthermore, any proposal for commercial use(s) on the subject land would require planning consent, and would be subject to rigorous assessment, including the traffic and noise impacts.

The Coogee Hotel and Post Office are included on the State Register of Heritage Places, and pursuant to the *Planning and Development Act 2005* any development of a place on the State Register requires approval from the local government on the advice of the Heritage Council of WA. As outlined in SPP 3.5, demolition of a State heritage place is rarely appropriate. Main Roads WA currently own the subject land, and they are in the process of preparing a Heritage Agreement pursuant to section 29 of the *Heritage of Western Australia Act 1990* that will outline the remaining conservation works to be completed by a future purchaser.

In accordance with Section 79 of the *Planning and Development Act 2005*, the Amendment was referred to the Heritage Council of WA for advice, and they advised that they had no objections.

### **Conclusion**

The proposals outlined above and shown on the Scheme Amendment map included in the Agenda attachments are consistent with the normal practice applied to development areas within the City. They will ensure coordinated development of the subject land, and the appropriate integration and protection of the Coogee Hotel and Post



Office. Accordingly it is recommended that Council adopt Scheme Amendment No. 74 for final approval, subject to minor modifications.

### **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.

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

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

#### **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**

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

Scheme Amendment No. 76 was advertised for comment from 3 November 2009 to 22 December 2009, and included the following:

- \* letters to surrounding landowners
- \* a sign on the site (corner of Beach Road and Cockburn Road)

### **Attachment(s)**

1. Location Plan
2. Scheme Amendment map
3. Schedule of Submissions

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

The landowner of the subject land and all submissioners has been advised that this matter is to be considered at the 11 March 2010 ordinary meeting of Council.

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

Nil.

**14.3 (OCM 11/03/2010) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 76 FOR FINAL APPROVAL - 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) (D DI RENZO) (ATTACH)**

<b>RECOMMENDATION</b>		
(1) That Council endorse the Schedule of Submissions prepared in respect of Amendment No. 76 to City of Cockburn Town Planning Scheme No. 3 ("Scheme").		
(2) That Council adopt for final approval without modification Amendment No. 76 to the scheme for the purposes of:		
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Amending Schedule 3 - Restricted Uses of the scheme text to introduce Restricted Use 15 as follows:</li> </ol>		
No.	Description of Land	Restricted Use
RU15	Lot 431 (No. 1) Rodd Place, Hamilton Hill	Aged or dependent persons' dwelling and/or hospital for aged or dependent persons.  1. Development is restricted to a density of R35 unless it can be demonstrated

		<p>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:</p> <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> <p>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.</p>
<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' to 'Local Reserve - Local Road' as shown on the scheme amendment map.</li> <li>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</li> </ol>		

'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.

- (3) That the amendment documentation be signed and sealed without modification and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning.
- (4) That those parties that made a submission be advised of Council's decision accordingly.

## **COUNCIL DECISION**

### **Background**

#### Phoenix Central Revitalisation Strategy

The Phoenix Central Revitalisation Strategy ("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.

### Overview of Preparation and Community Consultation

Preparation of the Revitalisation Strategy included a comprehensive community consultation program that commenced in October 2007 with a visioning phase, followed by an Enquiry by Design workshop in November 2007 to prepare draft plans and ideas. These plans were then advertised to the wider community for comment during May and June 2008, including brochures sent to all landowners within the study area outlining some of the key ideas and proposals, and two community forums.

### 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).

### Packham (Development Area 1)

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 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.

At the meeting of 10 September 2009 Council rescinded a previous resolution dated 9 March 2006 (Minute No. 3098) which adopted Scheme Amendment No. 31 for final approval.

Council resolved 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.

Subsequent to Council's decision the Amendment No. 31 documentation was resubmitted to the Western Australian Planning Commission along with the stated reasons why Council does not wish to proceed with the amendment.

#### Council Adoption of Scheme Amendment No. 76

At its meeting held on 10 September 2009 (Item 14.1) Council adopted Scheme Amendment No. 76 for the purposes of community consultation.

#### **Submission**

For Council to consider adopting Scheme Amendment No. 76 for final approval.

#### **Report**

Scheme Amendment No. 76 primarily seeks 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.

The proposed scheme amendment was advertised for public comment from the 22 December 2009 to 16 February 2010.

The amendment is discussed in detail below, including a summary of the key outcomes of community consultation in relation to the proposals. All of the submission that have been received have been specifically addressed in the Schedule of Submissions (Attachments 4).

#### 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 represent a radiating density plan that is consistent with the proposed zoning plan contained within 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; 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.

There were a total of 41 submissions received from members of the community regarding the proposed residential rezonings in the Phoenix area. There were 37 submissions of support received, and one objection.

There were six requests for various modifications to the boundaries of the proposed rezonings. Each of these requests has been specifically addressed in the Schedule of Submissions (Attachment 4). Essentially, the proposed rezonings reflect the proposed zoning plan that formed part of the Revitalisation Strategy which has been adopted by Council.

There were three submissions received from Government agencies, and none of these raised any objections.

#### 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 Amendment seeks to rezone this property 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 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 clause 7.1.2 of 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.

The landowner of Lot 1 Rodd Street provided a submission expressing strong support for the proposed rezoning, and supporting the proposed 'Restricted Use' provisions which align with their intentions for the subject land. There were no comments received regarding the proposed rezoning of Lot 1 Rodd Street from surrounding landowners or government agencies.

#### 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, as shown on the scheme amendment map (Attachment 1), and outlined in the scheme amendment text.

There were no submissions received regarding the proposed rezoning of various drainage reserves.

#### Rezoning portion of road reserve

The Amendment includes the correction of some zoning anomalies, including rezoning a portion of closed road reserve adjacent to Beale Park from 'Local Reserve - Local Road' to 'Local Reserve - Parks and Recreation', 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'. 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.

There were no objections received regarding any of the proposed rezoning of road reserves.

#### 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. These PAWs will be formally closed in the future and that process will include community consultation.

There were no objections received regarding the proposed rezonings of these PAWs identified for closure.

#### 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.

There were no submissions received regarding the proposed changes to the scheme text.

#### Development Area No. 1 (Packham)

The Amendment includes the following proposals in relation to Development Area No. 1:

- \* Proposed deletion of the current restriction under the scheme on the percentage of properties that are able to be subdivided (Provision 3 of Development Area No. 1);
- \* Proposed rezoning of properties along Rockingham Road from 'Residential R30' to 'Residential R40', as depicted in the Revitalisation Strategy.

There were six submissions received regarding the proposed changes within Development Area No. 1. There were three submissions of support, two objections, and one submission from a landowner adjacent to the area requesting rezoning from 'R20' to 'R30' (addressed in the Schedule of Submissions - Attachment 4).

The proposed deletion of Provision 3 of Development Area No. 1 is consistent with *Network City: Community Planning Strategy for Perth and Peel* and *Directions 2031* which seek to achieve a more compact urban form, and more efficient use of existing urban land.

It is also noted that many of the properties within 'Development Area No. 1' that are 600m<sup>2</sup> or larger contain substantial dwellings that could not be subdivided without removing the dwelling. Many properties within this area have already been subdivided.

For this reason, it is recommended that Council adopt Scheme Amendment No. 76 for final approval, including the proposed deletion of Provision No. 3 of Development Area 1 (Schedule 11 of the Scheme Text).

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

The Revitalisation Strategy included a recommendation for the preparation of design guidelines to encourage good development, and encourage surveillance of public open space. 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").

This draft Policy was advertised for public comment in conjunction with the amendment, however it is still being finalised, taking into consideration comments that have been received from the Department of Planning. When the draft Policy has been finalised it will be presented to Council for consideration pursuant to clause 2.5.2(b) of the Scheme.

### **Conclusion**

The proposals shown on the scheme amendment map (Attachment 1) and the proposed scheme text changes are consistent with the adopted Revitalisation Strategy.

The Amendment has been widely advertised for public comment, with majority support received for the proposals. Accordingly it is recommended that Council adopt Scheme Amendment No. 76 for final approval.

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

#### **Demographic Planning**

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- 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 are covered within the 2009/10 and 2010/2011 budget for the Revitalisation Strategy.

### **Legal Implications**

N/A

### **Community Consultation**

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

The scheme amendment was advertised in the following manner:

- \* Letters to all affected landowners within the Phoenix and Packham areas, and landowners adjacent to these areas;
- \* Advertisements in the Cockburn Gazette;
- \* Display of information at the City's administration building and Spearwood Library, including information brochure.

### **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.
4. Scheme Amendment No. 76 Schedule of Submissions

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

All submissioners received a letter advising that this matter was going to be considered by Council at this meeting. A notice was included in the Cockburn Gazette advising that this matter was going to be considered by Council at the 11 March 2010 Ordinary Meeting of Council.

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

Nil.

- 14.4 (OCM 11/03/2010) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 OF LAND ADMINISTRATION ACT 1997 - PORTION OF LOT 460 (PLAN 48298) WATTERTON AND CASSIO PLACE, HAMILTON HILL - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: DEPARTMENT OF HOUSING (450395, 450399, 6004493) (K SIM) (ATTACH)

**RECOMMENDATION**

That Council:

- (1) request the Minister for Lands to dedicate portion of Lot 460 on Plan 48298 Watterton and Cassio Place, Hamilton Hill as 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****Background**

The land to be dedicated is in two sections - the first being a 0.8 m wide strip at the head of Watterton Place and the second being a 2.2 m wide strip at the head of Cassio Place, Hamilton Hill. McMullen Nolan consulting surveyors (on behalf of the landowner of adjoining Lot 452 Cassio Place) have forwarded a written request to have the land dedicated as road reserve.

**Submission**

NA

**Report**

The section of land to be dedicated as road reserve was formally a Pedestrian Access Way ("PAW"). Agreement to close the PAW was approved by the relevant State Government agency many years ago. Until last year however the Department of Housing had not formally

undertaken to purchase the closed PAW. This essentially held up the process of disposing of the PAW, including the section which is proposed to be included in the Watterton and Cassio Place road reserves.

The Department of Housing have now committed to purchase the 3m full width section of the PAW between Watterton and Cassio Place. The balance of the PAW land will be included in the Watterton and Cassio Place road reserves (this report) as well as amalgamated and purchased with the adjoining Lot 2 Watterton Place and Lot 452 Cassio Place.

This proposed allocation of land from the former PAW is consistent with the Phoenix Rise Master Plan. It is recommended that Council facilitate the road widening by requesting the Minister for Lands to dedicate the required portion of land as road reserve. The procedure for dedication is set out in Section 56 of the *Land Administration Act 1997*, with Section 56(4) specifically requiring the local government to indemnify the Minister in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request. This forms the essence of the officer recommendation.

### **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*

### **Community Consultation**

Undertaken as part of previous process to close PAW and as part of Phoenix Rise Master Plan.



**Attachment(s)**

Location Plan

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

N/A.

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

Nil

- 14.5 (OCM 11/03/2010) - FINAL CONSIDERATION OF AMENDMENT NO. 77 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 - REZONING PORTION OF LOT 503 PHOENIX ROAD, BIBRA LAKE FROM 'LIGHT AND SERVICE INDUSTRY' TO 'INDUSTRY' AND 'MIXED BUSINESS' AND FINAL CONSIDERATION OF LOCAL PLANNING POLICY APD59 'PHOENIX BUSINESS PARK DESIGN GUIDELINES' - OWNER: PRIMEWEST - APPLICANT: GREG ROWE AND ASSOCIATES (93077) (M CARBONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (3) adopt, pursuant to Clause 2.5.2(b) of the Scheme, Local Planning Policy APD59 "Phoenix Business Park Design Guidelines";
- (4) publish notice of the adopted Local Planning Policy APD59 in accordance with Clause 2.5.3(a) of the scheme; and
- (5) advise the proponent, people who made submissions and the Western Australian Planning Commission of Council's decision

**COUNCIL DECISION**

## **Background**

Council at its meeting held on the 8 October 2009 resolved to initiate Amendment No. 77 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of advertising. The amendment proposed to rezone portion of Lot 503 Phoenix Road from 'Light and Service Industry' to 'Mixed Business' and 'Industry'.

At the same meeting Council also resolved to advertise Local Planning Policy APD59 "Phoenix Business Park Design Guidelines".

## **Submission**

As per Council's previous resolution the Scheme Amendment and Design Guidelines were advertised for 42 days. This report considers the submissions received and recommends adoption of the Scheme Amendment and Design Guidelines.

## **Report**

### Proposed Scheme Amendment

The scheme amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7 of the *Environmental Protection Act 1986*. The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act 1986*. The amendment was subsequently advertised seeking public comment in accordance with the *Town Planning Regulations 1967* for 42 days.

The scheme amendment attracted six submissions, one from a surrounding landowner providing comment and five from State Government agencies/service authorities providing advice or no objections. It is considered that the submissions do not require explanation over and above that outlined in the schedule of submissions contained within the agenda attachments.

The purpose of the amendment is to rezone portion of the site (3.6ha) from 'Light and Service Industry' to 'Industry' and 4178 m<sup>2</sup> of the site from 'Light and Service Industry' to 'Mixed Business'. The zoning change will avoid unusual cadastral boundaries and will also ensure that the subject land has the same zoning as the adjoining land.

Usually 'Light and Service Industry' zones are used to provide a land use transition or buffer between industrial and sensitive land uses such as residential. In this case, the 'Light and Service Industry' zone does not serve any purpose as the land to the east, west and south are already zoned 'Industry' and there are no residential uses in these directions. There is already a 'Mixed Business' zone to the north, together with a landscaping buffer on either side of Phoenix Road

which provides a suitable land use transition or buffer to the residential properties to the north. The proposed change will not bring industrial lots any closer to residential properties than what currently exists on the subject and adjoining site.

#### Draft Local Planning Policy APD59 “Phoenix Business Park Design Guidelines”

Council at its meeting held on 8 October 2009 resolved to prepare Local Planning Policy APD59 “Phoenix Business Park Design Guidelines” and undertake advertising in accordance with the Scheme requirements. The design guidelines were advertised for a period of 42 days, including two consecutive notices in the local newspaper and letters to all adjoining and affected landowners. Refer agenda attachment 4 for copy of the design guidelines.

One submission was received from a landowner on the northern side of Phoenix Road, raising concerns with building height, signage and dust. These issues are adequately addressed in the schedule of submissions (refer agenda attachment 3) and does not require further explanation.

The applicant has liaised extensively with the City’s planning staff and the design guidelines are acceptable to guide future development. The design guidelines will ensure quality and functional development can be achieved and are similar to the design guidelines for the adjacent Cockburn Commercial Park. The design guidelines supplement and provide additional controls to the Scheme requirements.

#### **Conclusion**

It is recommended that Amendment 77 be adopted by the Council and forwarded to the WA Planning Commission for final approval. It is also recommended that Council formally adopts Local Planning Policy APD59 “Phoenix Business Park Design Guidelines” under the Scheme.

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

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

- To plan and promote economic development that encourages business opportunities within the City.

##### **Natural Environmental Management**

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

Following receipt of advice from the EPA, the amendment and design guidelines were advertised for a 42 day period. This concluded on 2 February 2010. The Scheme amendment attracted six submissions, one from a surrounding landowner providing comment and five from State Government agencies/service authorities providing advice or no objections.

The design guidelines attracted one submission from a surrounding landowner raising concerns with the proposal.

### **Attachment(s)**

1. Location plan
2. Proposed zoning plan
3. Schedule of submissions
4. Local Planning Policy No. APD59 "Phoenix Business Park Design Guidelines"

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 March 2010 Council Meeting.

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

Nil

**14.6 (OCM 11/03/2010) - AMENDMENT TO POLICY AFCS6 'RENEWAL OF LEASES AND LICENSES FOR COUNCIL OWNED OR CONTROLLED PROPERTY' (L GATT) (CC/P/003) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt amendments to Policy AFCS6 'Renewal of Leases and Licenses for Council Owned or Controlled Property', as attached to the agenda; and
- (2) adopt for inclusion in the Policy the new checklist titled 'Request for Approval by CEO under Delegated Authority in accordance with Policy AFCS6'.

**COUNCIL DECISION**

**Background**

Policy AFCS6 concerns the process whereby existing leases or licences of Council owned/controlled property may be extended. The current Policy requires minor amendment to improve both its application and administration by Council staff.

**Submission**

N/A

**Report**

Policy AFCS6 'Renewal of Leases and Licenses for Council Owned or Controlled Property' was first adopted 8 June 2006. The purpose of the Policy was to provide a method for renewing a lease or license (provided it met detailed criteria) in a more expeditious manner. These criteria concerned ensuring that only those leases/licences which had demonstrated compliance with all associated requirements and which were essentially seeking a continuation of the existing lease/licence in accordance with the applicable terms; could be dealt with under delegated authority. Where there were problems, or new

terms/conditions were being sought by either party, the Policy would require the lease/licence to be presented back to Council.

This report seeks to modify the Policy to improve both its application and administration by Council staff. The amendments concern specifying officer roles more clearly, as well as providing a new checklist in order to clearly record each renewal proposal in accordance with the Policy. It is recommended that the Policy modifications be adopted as 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**

N/A

#### **Legal Implications**

These amendments are in accordance with current legislation and policies.

#### **Community Consultation**

N/A

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

1. Policy AFCS6 'Renewal of Leases and Licenses for Council Owned or Controlled Property' with amendments, track changes detailed.
2. New Policy Checklist.

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

N/A

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

Nil.

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

**15.1 (OCM 11/03/2010) - LIST OF CREDITORS PAID - JANUARY 2010 (5605) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for January 2010, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

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

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – January 2010

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

N/A

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

Nil.

**15.2 (OCM 11/03/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS (5505) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statements of Financial Activity and associated reports for January 2010, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

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

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



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

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

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

### **Submission**

N/A

### **Report**

Council's financial performance to the end of January continues to track within global budgetary parameters. There are no unexpected results of any material nature or concern.

Several significant and permanent budget variances previously identified were addressed in the mid-year budget review adopted by Council at the February meeting. The required changes will be reflected in the February Statement of Financial Activity.

### Closing Funds

Council's closing funds (adjusted net current position) continues to reflect a healthy financial position. At \$35.5M, this is \$6.7M higher than the forecast set for this time of year. This is mainly due to our operating expenses tracking behind the ytd budget by \$5.3M. The main reason for this is a lag in receiving and processing supplier invoices.

Council's cash and investment holdings (including restricted items) stands at \$71.7M. Cash reserves and other restricted cash comprise \$35.5M of this total, with the balance of \$36.2M available to fund remaining commitments and operations for the 2009/10 year.

### Operating Revenue

On a consolidate level, operating revenues are right on the ytd budget. However, there are several major variances that compensate for each other.

Investment earnings on both municipal and reserve funds continue to outperform the budget, mainly due to rising yields from bank issued

Term Deposits. To the end of January, this area contributed \$444k to the overall variance. The budget was revised upwards in the mid-year budget review.

General purpose grant revenue is showing a favourable variance of \$347k, although this is a timing issue only.

Rubbish removal charges levied are \$272k ahead of ytd budget and \$136k ahead of the full year budget. However, these funds are applied to waste collection services and it is proposed that any year end surplus over service costs be quarantined and used to subsidise future costs.

Income from building licences was \$122k ahead of budget and will outperform the full year budget target for 2009/10. This item was addressed in the mid-year budget review.

Conversely, landfill income is below ytd budget by \$1.3M. The majority of this variance is due to the delayed introduction of the new waste levy fee structure by the State Government. The reduced income is offset by budget savings in waste levy expenses payable. Both items were addressed in the mid-year budget review.

### Operating Expenditure

Cash operating expenditure is tracking well below the ytd budget at \$34.9M (\$5.3M below). The major contributing items at a nature & type summary level is materials and contracts at \$3.0M and other expenses at \$1.5M. Councils biggest expense line item, employee costs, is tracking the budget in accordance with expectations.

Most business units are tracking below budget, however several significant areas contribute mostly to the \$5.3M variance.

Waste Services have a ytd budget variance of \$2.4M comprising:

- RRRC entry fees - down \$750k;
- Waste Recovery Park operating expenses - down \$340k;
- Landfill levy expenses - down \$1.3M (offsetting reduced income) due to delayed introduction of new fee structure by the State Government.

Operating costs within the Parks & Environment are down \$966k, whilst those within Community Services are down \$460k respectively.

The apparent underspending in materials and contracts across the board can be largely attributed to the lag in supplier invoicing and processing. This is a common phenomenon for the City each year and tends to rectify itself the closer we get to end of financial year.

## Capital Expenditure

Council's capital spend continues to follow the historical pattern of underperforming the budget on a cash basis. As at 31 January, the actual spend was \$13.3M, being \$8.6M below YTD budget targets.

Council's building infrastructure program contributes \$4.5M to this variance and our land development program \$1.5M. These underspends are temporary in nature, as most of the funds have been committed to works and contracts.

The upside to this scenario is that the monies from internal funding sources (mainly reserves and consolidated revenue) are able to contribute additional investment earnings to Council's bottom line.

## Description of Graphs & Charts included within Statements

Consistent with the aim of continually improving the quality of the information reported in the monthly statements, the format of the Capital Expenditure graph has been revised. This now includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being consumed, than purely actual cost alone.

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

Council's overall cash & investments position is also provided in a line graph with a comparison to last year's numbers. This is currently showing a very strong position.

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

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

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

**Budget/Financial Implications**

Material variances of a permanent nature (ie. not due to timing issues) were included in the mid-year budget review adopted at the February Council meeting. These changes will be reflected in the February statements.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Statements of Financial Activity and associated Reports - January 2010.

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

N/A


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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

Nil

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 11/03/2010) - TENDER NO. 44/2009 - SECURITY SERVICES (MOBILE PATROLS ETC.) (RFT 44/2009) (D GREEN) (ATTACH)** 

**RECOMMENDATION**

That Council:

- (1) accepts the tender submitted by Perth Security Services for Tender No. 44/2009 – Security Services - for the provided contract value of \$790,398.72 (GST exclusive) and the rates for additional services, as contained in the Schedule of Rates (GST exclusive);
- (2) provide funds of up to \$30,000 for the immediate establishment and fit out of office space and base for the Service, located adjacent to the current Ranger Services accommodation at the

Council Operations Centre;

- (3) provide funds of up to \$20,000 in the 2009/10 Municipal Budget to provide for the employment of a Contract Supervisor / Service Support Officer to assist in the initial establishment and administration and the ongoing monitoring of the Service; and
- (4) draw funds required for the implementation of (2) and (3) above from the Community Surveillance Levy Reserve Fund.

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

### **COUNCIL DECISION**

### **Background**

Council at its meeting of 10 September 2009 resolved as follows:

- (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;*
- (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.*
- (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.*

In accordance with the Council decision tender documentation was prepared and advertised on 4 November 2009. Elected Members were provided with a briefing on the tender on 19 November 2009 and a copy of the presentation was also emailed to all Elected Members.

An alternative proposal for an expanded Ranger Service was prepared by the Rangers and Community Safety Manager in lieu of a tendered security patrol service. This was prepared and evaluated completely independent of the external security tender. A copy of relevant content of the proposal is attached to the Agenda.

### **Submission**

The Security Services (Mobile Security Patrols etc) Request for Tender (RFT) 44/2009 closed on 19 November 2009. There were 8 tenders received.

1. Charter Group Security Pty Ltd
2. Wilson Security
3. Southern Cross Protection Pty Ltd
4. Australian Assets Protection Pty Ltd
5. Accord Security Pty Ltd
6. ANSS Australian Pty Ltd
7. Kencross Pty Ltd T/A TMS Services
8. MCW Corporation Pty Ltd T/A Perth Security Services

### **Report**

Of the 8 tenders received 7 were deemed compliant. The tender submission from Australian National Security Service was deemed non compliant with regards to Price Schedule and Conditions of Tendering. Wilson Security deemed themselves non complaint as they have been advised by their own legal firm that they would be unable to comply with the indemnity clauses in the tender. The City's insurers have advised that the requirements related to Insurance Indemnity in the standard tender are not appropriate for the specific tender for the security service and hence the tender from Wilson Security can be accepted.

### Compliance Outcome

<b>Tenderer's Name</b>		<b>Compliance Criteria Overall Assessment</b>
1	Charter Security	Compliant
2	Wilson Security	Compliant
3	Southern Cross Security	Compliant
4	Australian Asset Protection	Compliant

5	Accord Security	Compliant
6	TMS Services	Compliant
7	Perth Security	Compliant
8	Australian National Security Services	Non Compliant

<b>Assessment Criteria:</b>	
Price	35%
Demonstrated experience	20%
Response times and Contactability	15%
Tenders Personnel	15%
Tenders resources	15%
<b>TOTAL</b>	<b>100%</b>

The services required include but are not limited to:

- Random and targeted mobile security patrols available on a twenty-four (24) hours a day 365 days a year basis.
- Community relations role on behalf of the Principal
- Liaising with and reporting to Western Australia Police
- Provision of a staffed Control Room; twenty-four (24) hours a day 365 days a year, with the ability to include CCTV monitoring at a future stage.
- Provision of an opening and closing (securing) service for specified facilities
- Provision of security escort services of the Principal's staff at nominated facilities or on a 'as requested' basis.

Tender submissions were evaluated by:

1. Robert Avard - Manager Community Services.
2. Nelson Mauricio - Manager, Management Accounting and Budgeting
3. Philip Crabbe - Facilities and Plant Manager

<b>Scores:</b>			
<b>Tenderer's Name</b>	<b>Non-Cost Criteria Assessment Score</b>	<b>Cost Criteria Assessment Score</b>	<b>Total Score</b>
Charter Security	41.50%	22.95%	64.45%
Wilson Security	57.75%	30.36%	88.11%
Southern Cross Security	51.25%	25.55%	76.8%
Australian Asset Protection	50.75%	34.09%	84.84%
Accord Security	44.25%	33.31%	77.56%
TMS Services	38.00%	32.27%	70.27%
Perth Security Services	53.75%	35%	88.75%

Perth Security Service is a small firm with local government experience at the Cities of South Perth and Gosnells both of whom gave extremely positive feedback on their contract performance. Their price is very competitive and their industrial pay arrangements stable. Perth Security Service have committed to establishing a 24/7 control centre to meet the needs of the City and will have the allocated premises located at the City's Depot as the Cockburn operational base. The core team proposed for the City contract is experienced and appear competent.

In-house submission.

In accordance with Councils decision of September, 2009, a comprehensive submission was prepared by Council staff based on utilising an expanded Ranger Service to deliver a similar model as that requested by the Tender.

An abridged copy of the submission has been provided to Elected Members under separate cover as a confidential attachment, together with comments from senior Council Financial staff on the validity of the document.

In summarising the submission, it provides a credible alternative to the outsourced tender model, in that it would provide Council with complete control over the resources allocated to the Service, together with the inherent benefit of flexibility that in house resources can provide.

However, with the initial establishment costs estimated to be around \$300,000 in excess of the preferred external Contractor for year 1 and between \$200,000 - \$250,000 per year thereafter, it is difficult to develop a case for choosing the in house submission, based on cost – benefit comparisons, ahead of the outsourced option.

A primary consideration in recommending the outsource option is that the Service can be tailored to suit any circumstances and additional resources can allocated / reduced/ re – deployed on an as needs basis to satisfy the requirements of the City. The preferred tenderer has provided an assurance that any reasonable request for the provision of additional resources would be effected within ½ hour of the requirement.

Given these circumstances, there is a compelling position for the original service standard to adopt a “minimum standard” approach, which provides for 24/7 coverage of the District by a minimum of 2 patrol vehicles for 3 days each week, 3 vehicles 2 days each week and 4 vehicles 2 days each week, the latter designed to cater for the traditional “peak” periods of weekend activity. This is the level of service which can be expected for the recommended tender price of \$790, 398.72. Such an approach is recommended on the basis that there are extensive periods during the week when vehicles do little



more than patrol the streets, without any specific task or objective being assigned. This is considered predominantly to be unproductive time for which the Council (and ultimately ratepayers) are paying unnecessarily.

It is intended that Council staff can, in conjunction with the Patrol Officers, derive a more planned approach to the objectives of the Service and target priority functions and allocate resources accordingly. This is obviously contingent upon the assurance that additional resources can be allocated swiftly upon being requested by the City, as and when the need arises. While this part of the Service will necessarily require careful management and implementation, it is considered to be a more efficient method of resource utilisation, as an alternative to having non productive passive patrolling at periods of low activity.

Alternatively, should Council opt for the same service coverage as currently provided (i.e. 4 patrol vehicles 24/7) the associated tender cost has been calculated to be in the vicinity of \$1,300,000.

Should this be the level of coverage required by Council, then it is considered that the cost differential with a full in house provided service would be more significant and therefore an in house submission for comparative purposes has not been calculated.

### Summary

Consequently, it is recommended that the outsourced option as tendered, with the capacity to call out additional service at short notice as necessary, be selected as the preferred methodology.

While there are valid reasons in considering the cost savings apparent in the recommended outsourced Tender model, it must also be recognised that delivery standards can sometimes be compromised where the Service is ultimately controlled by another party. For this reason it is considered imperative that some in house resource be provided to the Service in a support role to assist in the establishment and to ultimately monitor the ongoing standard and overall performance of the Contractor.

This methodology is apparent in many Council awarded construction contracts where Council staff work closely with builders to ensure the ultimate outcome of the project is consistent with initial expectations.

In this case, there are not the spare resources available in house to provide the necessary up front and ongoing support and supervision to ensure a high level of quality control is provided to monitor that the objectives of the Service are being met on an ongoing basis.

It is proposed that a Contract Supervisor / Service Support Officer be employed as soon as possible to assist in the establishment and ongoing supervision of the Contract and its overall performance.

It is proposed that the advance expenditure required for both this and the establishment of a base facility for the Service to be located at the Operations Centre (being the transportable building previously used at Coolbellup Library) be drawn from the Community Surveillance Levy Reserve Fund and funded as a cost against the Security Levy.

The greater proportion of this expenditure will be required for the physical establishment, provision of utilities and fit out of a basic depot for the Patrol Officers, which also provides available space for the Contract Supervisor/ Service Support Officer to work from.

This will be offset to some extent in future by not having to employ a full time Clerical Support Officer for the Rangers / Community Safety Unit, which is proposed in the current Plan for the District (New Staff Plan) for 2010/11, as part of the duties proposed for that position would have been to provide administrative support to the Security Service, in whatever form it was to take in future.

### **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.

#### **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**

In the 2008/09 financial year there was a total of \$2,050,075 spent on the security patrol service with an allocation of \$2,000,000 for 2009/10.

Should Council proceed with the current level of service which is 4 cars on the road 24 hours per day 7 days per week the cost of the service will be in the vicinity \$1,500,000 depending on the tender selected.

A 24 hours per day 7 days a week service that has a minimum of 2 cars on the road at any one time and peaked at 4 cars on Friday and Saturday nights would cost in the vicinity of \$900,000 depending upon the selected tender.

The current security levy of \$50 per property may be reduced depending upon the decision of Council on the level and nature of the service required.

Besides the direct tender costs there will also need to be factored into the budget allocated internal costs which will be approximately \$90,000.

A service centre for the security staff to utilise is proposed to be established at the Council Operations Depot and accommodated in the demountable building recovered from the Coolbellup Library redevelopment. The provision of services, furnishing and fit out costs are estimated to be in the order of \$35,000.

It is also proposed to incorporate a Contract Supervisor role for the initial 2 year term of the contract, to ensure consistent management and monitoring of all aspects of the service to the City's satisfaction at an estimated annual cost of \$75,000.

Costs for the initial establishment and staff requirements can be provided from the Community Surveillance Levy Reserve Fund.

### **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**

The tender appeared in the West Australian Newspaper on 4 November 2009 and attracted eight (8) responses by the closing date of 19 November 2009.

### **Attachment(s)**

1. Extract from proposal for expanded Rangers Service (provided under separate confidential cover)
2. Comments – City of Cockburn Financial Services staff (provided under separate confidential cover)
3. Compliance Criteria Checklist (provided under separate confidential cover)
4. Tender Evaluation Sheet (provided under separate confidential cover)
5. Tendered Prices (provided under separate confidential cover)

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 March 2010 Council Meeting.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

### **18.1 (OCM 11/03/2010) - LOCAL GOVERNMENT REFORM PROCESS - REGIONAL TRANSITION GROUP RESPONSE (1054) (S CAIN) (ATTACH)**

#### **RECOMMENDATION**

That Council advise the Minister for Local Government that it does not intend joining a Regional Transition Group at this time.

#### **COUNCIL DECISION**

### **Background**

Following submission of responses from all Local Governments to the Minister for Local Government on structural reform in August 2009, the Minister has invited Local Governments to consider joining a Regional Transition Group (RTG). The RTGs would provide a pathway for Local Governments considering voluntary amalgamation, with the aim of harmonising their administrative systems over a two to four year period in preparation for amalgamation. The Minister has written to the City of Cockburn, copy attached, requesting that it consider forming a Regional Transition Group with neighbouring, but unnamed Local Governments. The deadline for a response is 26 March 2010.

### **Submission**

N/A

## Report

*Previous Reports and Council Decisions.* Structural reform of Local Government reform has been the subject of four reports to Council during 2009. Following the commencement of the Reform project in February 2009, the City completed the requisite Checklist and presented this at the April Ordinary Council Meeting for endorsement and submission to the Minister for Local Government. This was followed by a period of public consultation and development of a final submission on reform, which was presented to Council in August.

A Special Council Meeting was on held on 26 August 2009, which resolved the following:

*That Council:*

- (1) *Council submit a copy of the City's final submission on Local Government Reform to the Minister for Local Government, subject to deletion of Item 11 on page 2 of the submission;*
- (2) *Council write to the City of Cockburn residents located in Leeming and advise them of Council's decision and the rationale behind that decision;*
- (3) *Council write to the City of Fremantle requesting them to again consider voluntary amalgamation with the City of Cockburn; and*
- (4) *Council invite the Minister for Local Government to visit the City of Cockburn to receive a presentation from the City on its vision for the future.*

Subsequent to that decision, the City received further advice from the City of Fremantle that it wasn't interested in a voluntary amalgamation. No response was received from the Minister on the offer to visit the City.

While the final submission included some survey data from the public consultation period, the issue of amalgamation had not been subject to broad community consultation. At the September Ordinary Council meeting Deputy Mayor Allen brought an item of Urgent Business seeking to hold a referendum in conjunction with the forthcoming Council Elections. At that meeting it was resolved:

*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.*

The referendum was conducted by the West Australian Electoral Commission and the results were: Turn out rate 16,219 voters (30% of eligible voters) – 10,752 No votes (66.3%) and 5, 467 Yes votes (33.7%). The distribution of yes and no votes was consistent across the three wards.

At the Ordinary Council Meeting held on 12 November 2009 Cllr Attrill, requested that the results of the referendum be formally presented to Council. A report was presented to the December 2009 Ordinary Council Meeting at which it was resolved:

*That Council:*

- (1) *not pursue an amalgamation with the City of Fremantle, in recognition of the rejection of the proposal at the referendum held on 17 October 2009; and*
- (2) *inform the Minister for Local Government and the City of Fremantle of Council's decision*

*Regional Transition Group.* The City has been requested to join an RTG and would have to select its partners. Logically this would be from within the South West Group (SWG) of Local Governments, as several are our immediate neighbours and the group is the body with whom we collaborate most closely. However, as the public consultation revealed that the respondents did not favour a merger with the Town of Kwinana, which was also the position of that Local Government and the referendum rejected a merger with the City of Fremantle, there is only one neighbouring Local Government that the City could consider, being the City of Melville.

While from an economy of scale perspective such a merger would not be without merit for consideration, the size of the joint entity with a population in excess of 260,000 residents by 2031 would then dwarf all other Local Governments in the metropolitan area. As both Cockburn and Melville are already strong Local Governments, the reform imperative, which seeks to merge smaller and less financially sound

Local Authorities, would not be advanced by such a merger. This course of action is therefore not recommended.

Future Considerations. While the status of the Government's reform agenda has been the subject of much media speculation and clouded in some uncertainty, the fact remains that voluntary reform still remains a key objective of WALGA.

The Minister has advised that submissions from Local Governments that had recommendations on boundary reform have been passed to the Local Government Advisory Board (LGAB) for review. As the immediate focus, however, is on assisting those parties that will join an RTG, consideration of the boundary submissions is not expected until later this year.

Several neighbouring Local Governments have made submissions to the LGAB that would impact on Cockburn's existing boundaries. It is therefore in the City's interest to take an ongoing interest in the reform process and remain open to active participation at a future date if this serves the City's interests at that time.

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

#### **Governance Excellence**

- To develop and maintain a financially sustainable City.

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

N/A

#### **Legal Implications**

N/A

#### **Community Consultation**

A referendum on amalgamation with the City of Fremantle was held at the October 2009 Council Elections. No further consultation has been conducted subsequently.

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

Letter from Minister for Local Government; Heritage; Citizenship and Multicultural Interests, dated 2 February 2010.

#### **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**

**19.1 (OCM 11/03/2010) - NOTICE TO REVOKE SUB-RECOMMENDATION (2) OF PREVIOUS COUNCIL DECISION - 12 NOVEMBER 2009 (MINUTE NO.4093) (1054) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council receives the report.

**COUNCIL DECISION**

**Background**

By letter dated 5 February 2010, Cllr Romano submitted a notice of revocation of the following Council decision made on 12 November 2009:

*13.9 (Minute No.4093) (OCM 12/11/2009)  
Council Committees*

*(2) not establish any other committees pursuant to  
Sec.5.8 of the Local Government Act, 1995*

A copy of the statutory notice is attached. In accordance with the notice, should the revocation be successful, it is the intention of Cllr Romano to move to establish a Committee to specifically attend to items of Delegated Authority, Policy and Position Statements, previously known as 'DAPPS', and to subsequently appoint membership of the Committee, should the motion to establish it be carried.

**Submission**

N/A



## Report

This matter has been the subject of previous reports to Council, most recently on 12 November, 2009 and prior to that on 14 May 2009.

The reports which accompanied these items are attached, identifying Council's current position and providing the information upon which the Council decision is based.

Since the Council resolution of November 2009, the following ancillary information is provided for consideration:

- One Policy report was presented for consideration at the November 2009 Council Meeting – not withdrawn for discussion and Carried 'en bloc'.
- Eight various 'DAPPS' reports presented for consideration at the December 2009, Council Meeting – 6 withdrawn for discussion. Of these, 5 were subsequently carried following discussions, one was deferred to be considered at a Special Council Meeting and 2 were not withdrawn and carried as part of the 'en bloc' resolution.
- Two Policy reports presented for consideration at the February 2010 Council Meeting – not withdrawn for discussion and carried 'en bloc'.
- The item deferred from the December council Meeting was considered at a Special Council Meeting on 4 February, 2010, where it was firstly debated for further deferral to the March Council Meeting. That motion was defeated, however, a subsequent motion to adopt the officer recommendation was also defeated, due to a lack of the required absolute majority vote required, after the voting was tied (5 for and 5 against).

Accordingly, the items associated with this Report, ie.

- Policy SC38 'Sustainable Procurement'
- Policy SES3 'Evaluation of Tenders'
- Delegated Authority SES3 'Evaluation of Tenders'
- Delegations made pursuant to the Local Government Act 1995 – LGAES4 'Contract Variation'
- Position Statement PSES15 'Reports to Council – Tenders'

remain in their current status until they can be reconsidered by Council (ie. May 2010).

This information tends to support the current regime of submitting policy and delegated authority matters direct to Council meetings as the most effective mechanism for dealing with these matters.

The single exception is the item which deals with Council's procurement and tendering processes which has been the subject of much enquiry by Elected Members and remains unresolved.

This can be explained by the fact that it deals with a multitude of documents which has been difficult for some members to completely comprehend given the extent of debate on the proposed amendments at both the 10 December 2009 Council Meeting and the 4 February 2010, Special Council Meeting.

All other information which is relevant to this matter is contained in the attached Reports to previous Council meetings and should be referenced for the purpose of ascertaining any further details.

Statistically, this information identifies the following:

- In the 12 months prior to Council disbanding DAPPS, 70 related matters were considered by the Committee, prior to being presented to Council.
- Since Council disbanded DAPPS, 49 related items have been directly presented to 8 Council Meetings for consideration (ie. 6 per meeting or 72 averaged annually).
- Six of these items were withdrawn for discussion at one Council Meeting (December, 2009) with a motion seeking to defer determination to a Special Council Meeting, to enable Elected Members more time to consider the items. Of these five were subsequently passed, in accordance with the officer recommendations, with one remaining unresolved.
- Forty-one(41) items considered at 7 separate Council Meetings were not withdrawn for discussion and were passed 'en bloc' in accordance with officer recommendations.

Accordingly it is considered that the current mechanism for submitting Policy, Delegated Authority and related matters directly to Council for resolution is largely satisfactory and remains the preferred administrative process.

All other aspects of the procedure indicate that efficiencies gained by submitting reports directly to Council continue to support Council's sustainability initiatives and provide staff with additional resources to devote to other higher value activities.

## **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**

Additional costs will be incurred by Council in the production of Committee Agendas and Minutes.

### **Legal Implications**

Sec.5.8 and 5.10 of the Local Government Act, 1995, refer.

### **Community Consultation**

N/A

### **Attachment(s)**

1. Copy of Notice of Motion submitted to Council Meeting of 11 February 2010.
2. Extract from previous Council Minutes – 12 November 2009.
3. Extract from previous Council Minutes – 14 May 2009.

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

N/A

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

Nil.

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

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

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

**23. CONFIDENTIAL BUSINESS**

**24 (OCM 11/03/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**