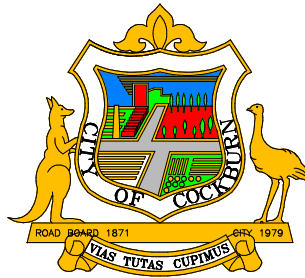


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 12 MAY 2011**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 MAY 2011 AT 7:00 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 MAY 2011 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 12/5/2011) - ORDINARY COUNCIL MEETING - 14 APRIL 2011**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 14 April, as a true and accurate record, subject to amendment to the "Deputations and Petitions", by deleting the words "Anna Friar", and replacing with the words "a friar, and also by her mother, Mrs Micheline van der Beken,".

**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 12/5/2011) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 02 MAY 2011 (CR/G/003) (R AVARD) (ATTACH)

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee meeting held on 2 May 2011, and adopt the recommendations contained therein

**COUNCIL DECISION****Background**

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

**Submission**

To receive the Minutes of the Grants and Donations Committee and adopt the recommendations of the Committee.

**Report**

Council approved a budget for grants and donations for 2010/11 of \$816,057. The Grants and Donations Committee is empowered to recommend to Council how these funds are to be distributed.

At its meeting of 19 July 2010 the Committee recommended a range of allocations of grants, donations and sponsorship which were duly adopted by Council on 12 August 2010.

Following the September 2010 round of grants, donations and sponsorship funding opportunities, the Committee, at its meeting of 13 October 2010, recommended a revised range of allocations which were duly adopted by Council on 11 November 2010.

The March 2011 round of grants, donations and sponsorship funding opportunities has now closed and at its meeting of 02 May 2011, considered revised allocations for the remainder of the 2010/11 grants and donations budget, as well as the following applications for donations and sponsorship.

A summary of the donations for general operating expenses recommended to Council are as follows:

- Colosoul Group Inc..... \$1,000
- Birthrites: Healing After Caesarean Inc ..... \$1,400
- City of Cockburn Pipe Band ..... \$8,000
- Lakelands District Council ..... \$9,000
- Hamilton District Council (Chaplaincy) ..... \$9,000
- Business Foundations Inc. .... \$10,000
- South Lake Ottey Family & Neighbourhood Centre..... \$5,000

A summary of the sponsorship recommended by the Committee is as follows:

- Terry Rees – Blind Ten Pin Bowling Nationals ..... \$300
- Jessica Cox – Dance Training..... \$1,500
- Nicola Beynon – Publishing Pilgrimage ..... \$2,000
- Jasmyn Burnett - World Challenge ..... \$2,000
- Success Primary School P & C - Fete ..... \$1,500
- Cockburn Southsiders ..... \$5,000
- Melville Cockburn Chamber of Commerce ..... \$20,000

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

#### **Governance Excellence**

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

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

Council approved a budget for grants and donations for 2010/11 of \$816,057.

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

Committed/Contractual Donations.....	\$186,366
Specific Grant Programs .....	\$437,011
*Donations.....	\$152,680
*Sponsorship.....	<u>\$40,000</u>
Total .....	\$816,057



The next Grants and Donations Committee Meeting will be held in July 2011 to recommend allocations for 2011/12. The next round of grants, donations and sponsorship funding will be advertised in August/September 2011.

### **Legal Implications**

N/A

### **Community Consultation**

In the lead up to the March 2011 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

- Three advertisements running fortnightly in the Cockburn Gazette's City Update on 15/02/11, 1/03/11 and 15/03/11.
- Four advertisements running fortnightly in the City of Cockburn Email Newsletter on 3/02/11, 15/02/11, 1/03/11 and 15/03/11.
- Promotion to community groups through the Community Development Service Unit email networks and contacts.
- All members of the Cockburn Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.

### **Attachment(s)**

Minutes of the Grants and Donations Committee Meeting held on 2 May, 2011.

### **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 12/5/2011) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (T WATSON) (PS/C/005) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) appoints Clr \_\_\_\_\_ and Clr \_\_\_\_\_ to the South West Metropolitan Area Joint Development Assessment Panel; and
- (2) provides the names of its nominated members to the Minister for Planning for appointment.

**COUNCIL DECISION**

**Background**

In a bid to streamline and improve the planning approvals process in Western Australia, State Parliament passed the *Approvals and Related Reforms (No. 4) (Planning) Act 2010* (the '2010 Amendment Act') in August 2010. With the exception of Part 3, the bulk of the provisions of the 2010 Amendment Act came into effect on the 22<sup>nd</sup> November 2010.

**Submission**

N/A

**Report**

The 2010 Amendment Act resulted in a number of amendments to the *Planning and Development Act 2005* (PD Act). Part 3 in particular, introduces a new Part 11A – Development Assessment Panels, into the PD Act. To give new effect to these provisions, the *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP Regulations') have been introduced. The DAP Regulations

provide the heads of power enabling the operation, constitution and administration of DAPs.

As described in the Western Australian Planning Commission (WAPC) Planning Bulletin 106/2011, *DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision making authority. The introduction of DAPs is one of the fundamental principles of the national Development Assessment Forum's leading practice model for development assessment.*

A total of 15 DAPs will be established by the Minister for Planning on 2 May 2011. DAPs will comprise the following membership:

- Two (2) local government representatives.
- Three (3) specialist members, one of whom will be the presiding member, one who will be the deputy presiding member, and one who will otherwise possess relevant qualifications and/or expertise.

Local authorities are responsible for nominating their two DAP representatives from their pool of elected members (Councillors). When determined, a Local Authority provides the names of its nominated panel members to the Minister for appointment, following which the names of members appointed to each DAP will be published on the DAP website maintained by the Department of Planning.

A local authority is also required to nominate two (2) alternate members. The alternate members replace permanent local government DAP members when required (due to illness, leave or other cause). Alternate members can only sit in replacement of a permanent local member where they generally share the same knowledge and/or experience as the permanent member.

In the event a local authority fails to nominate two elected representatives within the specified time frame, the Minister has the power to appoint two alternative community representatives. The DAP Regulations require these persons to be local residents, with sufficient local knowledge and/or appropriate experience whereby in the opinion of the Minister, they can suitably represent the interests of their local community.

In all instances, nominated DAP and alternate members are required to undergo mandatory training before they can sit on a DAP. Training addresses the Western Australian planning and development framework, planning law, the operation of a DAP, the DAP Code of Conduct and the expected behavior of DAP members.

DAP members will be paid by the Department of Planning where they successfully complete the required training (\$400). DAP members attending a DAP meeting will also be paid a sitting fee of \$400 per meeting. Similarly, reimbursement of all travel expenses incurred when attending a DAP meeting is provided for by the DAP Regulations.

All DAP members are appointed for a term of two (2) years.

DAPs will typically meet on a monthly basis. The City of Cockburn will form part of a Joint Development Assessment Panel (JDAP) for the South West Metropolitan Area. Other local authorities comprising this JDAP include the Cities of Fremantle and Rockingham, and the Town's of East Fremantle and Kwinana.

The two appointed local government members are required to attend a JDAP meeting when an application for development within their local authority is to be determined. It is unlikely, therefore, that Cockburn members will be required to attend meetings every month (notwithstanding the holding of a meeting should applications from other local authorities be required to be determined).

In accordance with the DAP Regulations, local authorities are required to submit the names of their nominated DAP and alternate members to the Minister within 40 days of the establishment of the DAPs. As the DAPs will be formally created on 2 May 2011, local government authorities need to submit their member names by 13 June 2011.

## **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**

There are no budgetary or financial implications arising from the nomination and appointment of Councillors to the JDAP. Sitting fees will be provided directly to the members by the Commission.

### **Legal Implications**

Planning and Development Act 2005 (as amended)  
Approvals and Related Reforms (No. 4) (Planning) Act 2010  
Planning and Development (Development Assessment Panels) Regulations 2011

**Community Consultation**

N/A

**Attachment(s)**

Planning Bulletin 106/2011 – New legislative provisions for Development Assessment Panels.

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

N/A

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

Nil.

**14.2 (OCM 12/5/2011) - OUTBUILDING - LOCATION: LOT 705 (NO. 14) MERSEY CLOSE SUCCESS - OWNER: KIM JOHNSON - APPLICANT: JOSHUA BROOK PTY LTD (5519700) (L REDDELL) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant approval for an outbuilding at Lot 705 (No 14) Mersey Close, Success, in accordance with the attached plans and subject to the following conditions:
1. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
  2. No construction related activities causing noise and/or inconvenience to neighbours after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
  3. Prior to the construction of the outbuilding subject of this application, the existing outbuilding located on the property must be demolished and removed from the property (not relocated on site).
- (2) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION****Background**

Zoning:	MRS: Urban
	TPS3: Residential (R20)
Land use:	Single House
Lot size:	976m <sup>2</sup>
Use class:	Single House (Outbuilding)

The subject site contains an existing single house and a small outbuilding. The owner intends to remove the existing outbuilding, replacing it with the outbuilding subject of this application.

**Submission**

The applicant seeks approval to construct an outbuilding with a wall height of 3.35 metres and a ridge height of 4.2 metres. Upon completion of the construction of the outbuilding (including the demolition of the existing outbuilding) the floor area of outbuildings on the property will be 54.6 m<sup>2</sup>.

The development of the proposed outbuilding conflicts with the height restrictions in Council Policy APD18 "Outbuildings" and the Residential Design Codes of Western Australia 2008 in the following manner:

- A proposed outbuilding wall height of 3.35m in lieu of the 2.4m considered acceptable under the Council Outbuilding Policy (APD18) and the Residential Design Codes of Western Australia 2008.

The applicant has provided justification for this departure from Council Policy and the R-Codes (see attachment) which is summarised as being required to provide for the secure storage of a boat.

**Report**

In respect to the proposed variation to the maximum wall height outlined in Policy APD18, it is noted that the Policy incorporates a provision to increase maximum wall heights by a further 10% i.e. a wall height of 2.64 metres is considered acceptable. In the case of the subject proposal, the maximum wall height is 3.35 metres. While the proposed wall height represents a variation to Council Policy,

relaxation of the height restriction in the case of this development is considered to be acceptable, as the proposed structure will not have a significant impact on the amenity of the locality, nor that of adjoining property owners based on the following:

- The subject site is located at the end of a dead end street and the proposed outbuilding will be located behind the existing dwelling, preventing views to the outbuilding from the street.
- The proposed outbuilding will generally only be visible from the rear of No.s 82 & 84 Bannigan Road. The proposed outbuilding has a setback of 1m from the boundary shared with these properties. The proposed setback generally accords with the setback requirements for 'walls with no major openings' as dictated by Table 2a of the R-Codes. Given that the R-Codes allow for the construction of a dwelling in such close proximity to the boundary, it is considered unreasonable to require greater setbacks for an outbuilding.
- The rear boundary of No. 82 Bannigan Avenue is abutted by an electricity transmission line easement for approximately 40% of its length. This results in a minimum of 40% of their rear outlook being protected from development which ameliorates any impact of the proposed outbuilding.
- Despite the variation in ground level between the site and No. 82 Bannigan Avenue, the sitting of a pitched roof pergola structure adjacent to the common boundary ameliorates the impact of the proposed outbuilding.

APD18 indicates that outbuildings which do not conform to the standard requirements may be approved by Council following consideration of the *'proposed use of the outbuilding, visual amenity, impact on the natural landscape and streetscape and any other matter determined relevant'*. The outbuilding is to be utilised for the storage of recreational equipment that is unable to be stored in an outbuilding that meets the acceptable wall height requirements of the Council. The proposed development will not have a negative impact on the amenity of adjoining property owners, the locality, the natural landscape or the streetscape and is considered to be consistent with the intent of APD 18 and the performance criteria of the R-Codes and conditional approval is recommended.

In response to the objections made in regard to the potential for the proposed outbuilding to reduce the rental desirability and value of the property, it is noted that these are not valid planning considerations and have not informed the assessment of this application.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Governance Excellence**

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

## **Budget/Financial Implications**

N/A

## **Legal Implications**

N/A

## **Community Consultation**

Two (2) surrounding property owners were consulted with regards to the proposed development. One letter of objection was received that indicates that the subject site is higher than its neighbour and that the proposed outbuilding would result in the obstruction of views and reduce the value, aesthetic and rental desirability of the adjacent property

## **Attachment(s)**

1. Aerial Photograph
2. Site plan
3. Elevation plan
4. Justification

## **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 12 May 2011 Council Meeting.

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

Nil.



**14.3 (OCM 12/5/2011) - OUTBUILDING - LOT 228 (NO 8) GICHA CLOSE MUNSTER - OWNER: DALZON AND TERESA SEPAROVICH - APPLICANT: DALZON SEPAROVICH (6012618) (R SIM) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant approval for an outbuilding at Lot 228 (No 8) Gicha Close, Munster, in accordance with the attached plans and subject to the following conditions:
1. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
  2. No construction related activities causing noise and/or inconvenience to neighbours after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
  3. The boundary wall having a maximum height of three (3) metres.
- (2) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**

**Background**

Zoning:	MRS: Urban
	TPS3: Residential (R20)
Land use:	Single House
Lot size:	751m <sup>2</sup>
Use class:	Single House (Outbuilding)

The subject site contains a partially constructed single house. A building licence was issued for a single house (single storey) on 4 November 2010.

The proposal does not comply with the City's "Outbuildings" Policy APD 18 and the Residential Design Codes with regard to the maximum

wall height. Applications for outbuildings which are not in accordance with this Policy require Council determination.

### **Submission**

The applicant seeks approval to construct a face brick outbuilding incorporating a skillion roof design with a maximum wall and ridge height of 3.257 metres built up to the rear lot boundary. Upon completion of the construction of the outbuilding, the floor area of the proposed outbuilding will be 54m<sup>2</sup>.

The development of the proposed outbuilding conflicts with the maximum wall height restrictions of Council Policy APD18 "Outbuildings" and the Residential Design Codes of Western Australia 2008 in the following manner:

- A proposed outbuilding maximum wall height of 3.257m in lieu of the maximum wall height of 2.64m under Council Policy APD18 "Outbuildings".
- A proposed outbuilding maximum wall height of 3.257m in lieu of the 2.4m maximum wall height considered acceptable under the Residential Design Codes of Western Australia.

The applicant has provided justification for this departure from Council Policy (see attachment). In this submission, the applicant states that the outbuilding will be used to store a boat, an additional vehicle and miscellaneous equipment associated with residential living.

### **Report**

It is noted that the overall height of the proposed outbuilding is significantly less than the acceptable development standard of 4.2m under the Residential Design Codes. The outbuilding has a wall height of 2.903m at the front of the outbuilding, which increases to a maximum wall height of 3.257m at the rear.

APD18 indicates that outbuildings which do not conform to the standard requirements may be approved by Council following consideration of the *'proposed use of the outbuilding, visual amenity, impact on the natural landscape and streetscape and any other matter determined relevant'*.

While some variation to the wall height of the outbuilding to accommodate the proposed use of the outbuilding is considered acceptable, a boundary wall height of 3.257m abutting the rear property is considered excessive in regard to impact on the adjoining landowner at 46 West Churchill Street. A reduction of the wall height of the outbuilding to a maximum height of 3m will meet the provisions of

APD 18 to the extent that it will not unduly impact the amenity of the surrounding streetscape and adjoining landowners.

*Adjoining Neighbour Comment*

Comment was sought from the landowner to the rear of the subject site at 46 West Churchill Avenue for the variation to wall height. A submission was received from the rear landowner, requesting that the maximum height of the outbuilding comply with the acceptable development standards of the Residential Design Codes.

While it is noted that the wall height of the proposed outbuilding does not comply with Council's Outbuildings Policy APD18 and the Residential Design Codes of Western Australia (design element 6.10.1), the proposed face brick boundary wall which will abut the adjoining property at 46 West Churchill Avenue Munster can equally be considered as a standard boundary wall associated with a residential dwelling or garage.

Under the City's APD49, boundary walls up to a maximum height of 3m (no average) in areas coded R20 and R25 are permitted. By reducing the maximum wall height of the proposed outbuilding to 3m in accordance with the City's APD49, the proposed outbuilding will not unduly impact on the adjoining property at 46 West Churchill Avenue Munster in terms of amenity nor restrict direct sun to major openings to habitable rooms and outdoor living areas. This is considered on the basis that it could otherwise be approved as part of a dwelling or garage. In light of the above, the proposed outbuilding is recommended for approval subject to standard planning conditions and a condition restricting the maximum wall height of the proposed outbuilding to 3m.

**Strategic Plan/Policy Implications**

- 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 provide an appropriate range of recreation areas that meets the needs of all age groups within the community.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

One (1) adjoining landowner was consulted in respect of this proposal. The rear landowner at 46 West Churchill Avenue provided a submission to the City on 24 March 2011 requesting a maximum wall height of 2.4m in accordance with the provisions of the Residential Design Codes Design element 6.10.1.

**Attachment(s)**

1. Aerial Image
2. Site Plan
3. Elevation plan
4. Justification

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

**14.4 (OCM 12/5/2011) - AMENDMENT TO LOCAL PLANNING POLICY APD18 'OUTBUILDINGS' (PS/A/001) (A LEFORT) (ATTACH)**

**RECOMMENDATION**  
That Council

- (1) resolves to modify Policy APD18 'Outbuildings', as shown in the attachment to the agenda; and
- (2) publishes notice of the amended policy in accordance with Clause 2.5.1(a) of Town Planning Scheme No. 3.

**COUNCIL DECISION**

## Background

The current Policy relating to outbuildings (APD18) contains several clauses that have led to determination of a number of outbuildings by Council rather than under delegation. To address this, a number of minor amendments are proposed to the existing policy. It should be noted that there have been a total number of 20 outbuilding applications that have been referred to Council for determination over the past 5 years and out of those, only 5 have been determined with minor modifications to the staff recommendation, the remainder being determined as recommended.

The proposed modifications to ADP18 should assist in expediting the assessment process for what are essentially minor planning applications.

## Submission

N/A

## Report

The proposed amendments to the existing policy are as follows:

	Change	Reason
1	Modification to the table in Clause 1 in relation to the maximum floor area, wall height and ridge height for outbuildings in the resource zone.	Prior to an amendment to the policy in 2008, the floor area of outbuildings combined for each lot within the resource zone was permitted to be a maximum of 300m <sup>2</sup> with a wall height of 5m and ridge height of 7m which was the same as the outbuilding requirements permitted in the rural zone. The amendment in 2008 amended the floor space from 300m <sup>2</sup> to 200m <sup>2</sup> , wall height from 5m to 4m and ridge height from 7m to 6m consistent with the rural living zone requirements. The reason for the 2008 amendment to reduce the floor area allowed was due to the environmentally sensitive nature of the area. However, in practice, given that most resource zoned lots have a minimum lot size of 2ha with building envelopes of 2000m <sup>2</sup> , it is considered reasonable to allow a

		<p>combined floor area of outbuildings to be 300m<sup>2</sup>, wall height of 5m and ridge height of 7m provided that the outbuilding(s) are contained within the designated building envelope. These revised requirements would be unlikely to negatively impact on the amenity of the area. Outbuildings within resource zoned lots that do not contain building envelopes would need to comply with the setback requirements of the scheme. It should be noted that Clause 8.2.1 (i) (iii) exempts outbuildings within the resource zone from obtaining planning approval where the floor area is 200m<sup>2</sup> or less with a 4.5m wall height.</p>
2	<p>Modification to the table in Cause 1 in relation to the wall height of outbuildings in Rural Living zone from 4.0m to 4.5m.</p>	<p>The policy limits outbuilding wall heights in the Rural Living and zone to 4m which is inconsistent with Clause 8.2.1 (i) (ii) of TPS 3 which exempts proposals for outbuildings within the rural living zone from the requirement to obtain planning approval where the wall height is up to 4.5m. The policy should therefore be amended to reflect this.</p>
3	<p>Deletion of Clause 2.</p>	<p>Clause 2 requires outbuildings in residential areas that do not comply with the acceptable development provisions of the R-Codes (Clause 6.10.1 A1) being subject to a planning application. This is inconsistent with Clause 8.2 (i) (i) of TPS 3 which exempts outbuildings from requiring planning approval which are 100m<sup>2</sup> or less with a wall height of 3m in the Development and Residential zone.</p>
4	<p>Modification of Clause 4 (renumbered as Clause 6) so that staff have full delegation to determine all outbuilding applications which may not comply with</p>	<p>Clause 4 of the policy states that any outbuildings exceeding the prescribed floor area, wall height and ridge height by more than 10% are required to be determined by Council. The proposed change</p>

	the prescriptive requirements of the policy in terms of floor areas, wall and ridge heights but which still result in an acceptable development outcome.	would inevitably result in fewer outbuilding applications having to be determined by Council which will result in faster processing and determination times for these application types.
5	Deletion of Clause 5.	Clause 5 allows outbuildings in the rural zone up to 400m <sup>2</sup> to be determined under delegation with any outbuilding exceeding this to be determined by Council. The proposed change would inevitably result in fewer outbuilding applications having to be determined by Council which will result in faster processing and determination times for these application types.
6	Rewording of the 'Background' and 'Purpose' section of the policy to remove reference to the Residential Design Codes and provide further clarification about when the policy is applicable.	The policy provides guidance for determination of outbuildings within non-residential zones therefore reference to the Residential Design Codes is not applicable.
7	Deletion of Clause 7 which states that all outbuildings require a building licence.	This is a requirement of the Building Regulations, not a policy requirement and therefore does not need to be included in the policy text which should be amended.
8	Modification of the Council policy status from 'Building Services' to 'Statutory Planning'.	The correct service unit for the policy is 'Statutory Planning' as opposed to 'Building Services'.
9	Insertion of a new clause	This new clause will provide clarity

	(Clause 7) stating that the floor area of any approved sea containers will contribute to the combined maximum floor area of outbuildings contained in this policy.	with regards to the keeping of sea containers on rural, rural living and resource zoned lots.
10	Insertion of a new clause (Clause 8) stating that outbuildings will not be supported in the absence of a dwelling on site that is constructed to plate height.	This new clause will discourage the use of outbuildings for habitation and/or commercial storage.

Conclusion

These modifications to the Policy would result in fewer outbuilding applications having to be determined by Council, as variations to the Policy, which will result in a more efficient processing and shorter determination times for these application types.

**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**

Costs involved in the advertising of the amendment to the policy which can be accommodated from the operational budget.

**Legal Implications**

N/A

**Community Consultation**

The proposed modifications, if adopted for the purpose of advertising, will be advertised in accordance with Clause 2.5.1 of Town Planning Scheme No. 3.

**Attachment(s)**



Proposed Amended Policy APD18 'Outbuildings'.

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

N/A

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

Nil.

**14.5 (OCM 12/5/2011) - AMENDMENT TO LOCAL PLANNING POLICY APD49 'RESIDENTIAL DESIGN CODES - ALTERNATIVE ACCEPTABLE DEVELOPMENT PROVISIONS' (PS/A/001)(A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) resolves to modify Policy APD49 'Residential Design Codes – Alternative Acceptable Development Provisions', as shown in the attachment to the agenda; and
- (2) publishes notice of the amended policy in accordance with Clause 2.5.1(a) of Town Planning Scheme No. 3.

**COUNCIL DECISION**

**Background**

The current Statutory Planning Policy APD49 'Residential Design Codes – Alternative Acceptable Development Provisions' requires updating to provide several administrative and technical improvements. These amendments will result in faster application processing times for residential applications proposing minor variations (usually as a building licence application) to acceptable development provisions of the Residential Design Codes which are routinely approved by Statutory Planning. These variations generally have minimal impact on

the amenity of nearby residents and the locality in which the development is situated.

**Submission**

N/A

**Report**

The proposed amendments to the existing policy are as follows:

	<b>Change</b>	<b>Reason</b>
1	Addition of clause 'Primary Street Setbacks' allowing a reduced average primary street setback from 6m to 5m for R20 zoned lots, 6m to 4m for R25 zoned lots and 4m to 3m for R30 zoned lots.	<p>The City receives a large number of residential planning applications seeking minor front setback variations which are usually approved. a minor reduction in front setbacks for new dwellings and extensions to existing dwellings brings dwellings closer to the street resulting in greater connection and surveillance between the dwelling and the street and reduction of potentially unusable front setback areas containing large, unsustainable areas of lawn. a reduced front setback also allows a larger private outdoor living area at the rear of the property.</p> <p>In addition, many detailed area plans approved by the city allow for front setback variations consistent with the proposed changes. it should be noted that the reduction of the front average setback would not affect the minimum setback for the dwelling or minimum garage setback required by the r-codes.</p>
2	Addition of a clause allowing the amount of an outdoor living area without permanent roof cover to be reduced from two thirds to one half and allowing down to one third without permanent roof cover if the roofing material is translucent.	<p>With reductions in lot sizes and provision of minimum sized outdoor living areas, many landowners seek to construct patios with permanent roof cover to provide year round, all-weather protection but the R-codes requires these areas to be at least two thirds uncovered. In many instances, providing two thirds of the area without permanent roof cover provides insufficient protection from rain and sun therefore resulting in a</p>

		large number of applications for this minor variation. Allowing one half of the required outdoor living area without permanent roof cover and just one third to remain uncovered if the material used is translucent is considered an acceptable outcome which will provide weather protection but also allow access to winter sun where possible.
3	Addition of a clause that allows carports in the front setback of existing dwellings to be setback 3m from the primary street where there is clear visibility between the street and the dwelling, where the carport remains open on each side (except for the dwelling) and where no garage door is installed. The clause would not require vehicles to be parked parallel to the street.	The R-codes acceptable development provisions provide for carports within the front setback but do not provide a minimum setback distance. This clause will provide assurance to landowners and developers and will become more important in areas such as Spearwood and Hamilton Hill where subdivision is occurring, existing dwellings are retained and new carports are constructed in front setback areas.
4	Amendment to Clause 6.2 (Boundary Setbacks) to delete the words "and" and "number".	The wording is incorrect as it suggests that the number of boundary walls shall remain as per the R-codes, but splitting the length of boundary walls between more than one boundary results in more than one boundary wall. The clause should therefore be amended to correct this.
5	Addition of a clause that allows outbuildings associated with single houses an area of 100m <sup>2</sup> and a wall height of 3m in lieu of the acceptable provisions of the R-codes which allow 60 m <sup>2</sup> and a wall height of 2.4m.	Clause 8.2.1 (i) (i) of TPS 3 provides an exemption for planning approval for outbuildings within the residential zone with an area of 100m <sup>2</sup> and a wall height of 3m. This clause should therefore be amended to seek consistency with the TPS 3.
6	Amendment to Clause 6.2 by adding the words "in areas coded R20 or R25".	The existing clause should not apply to R30 or higher codes as it would represent a more onerous requirement as to what is required in the R-codes acceptable development criteria. The modification therefore provides clarity and avoids confusion.
7	Clause 7.12 which provides for open space variations being	This modification effectively allows an open space variation and a setback

	<p>reworded from “the setback requirements being met” to “the setback requirements of the R-codes and this policy being met”.</p>	<p>variation contained under this policy.</p>
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**Conclusion**

The proposed modifications will provide further clarity to Council and its officers in the planning decision making process and are likely to lead to a reduction in residential planning applications for minor variations which are routinely approved and are unlikely to impact on amenity. This will result in better use of planning resources and less administrative processes for the development of residential buildings.

**Strategic Plan/Policy Implications**

**Demographic Planning**

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

**Governance Excellence**

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

**Budget/Financial Implications**

Costs involved in the advertising of the amendment to the policy which can be accommodated from the operational budget.

**Legal Implications**

N/A

**Community Consultation**

The proposed modifications, if adopted for the purpose of advertising, will be advertised in accordance with Clause 2.5.1 of Town Planning Scheme No. 3.

**Attachment(s)**

Proposed Amended Policy APD49 'Residential Design Codes – Alternative Acceptable Development Provisions'.

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

N/A

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

Nil.

**14.6 (OCM 12/5/2011) - AMENDMENT TO LOCAL PLANNING POLICY APD56 'SINGLE BEDROOM DWELLINGS' (PS/A/001) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) resolves to modify Policy APD56 'Single Bedroom Dwellings', as shown in the attachment to the agenda; and
- (2) publishes notice of the amended policy in accordance with Clause 2.5.1(a) of Town Planning Scheme No. 3.

**COUNCIL DECISION****Background**

The current Statutory Planning Policy APD56 'Single Bedroom Dwellings' was adopted in December 2008. Through implementation, staff have identified several minor modifications that should be made to the policy that will further encourage this type of accommodation within the City and result in improved built form outcomes.

Minor changes to this policy as recommended are pertinent given the City has recently received a number of applications for single bedroom dwellings which are being privately developed through the National Rental Affordability Scheme (NRAS) financial incentives. According to the Federal Government, NRAS is a long term commitment by the

Australian Government to invest in affordable rental housing. One such private developer has indicated that they have plans to develop up to 82 single bedroom dwellings in the City of Cockburn by July 2012.

### Submission

N/A

### Report

The proposed amendments to the existing policy are as follows:

	Change	Reason
1	Modification of clause 3 (vii) of the policy to substitute the word "average" with the word "minimum".	<p>Clause 3 (vii) of the existing policy contains states that:  <i>"In the case of a Single Bedroom Dwelling proposal involving the retention or construction of a single house, the site area for the Single House is to be in accordance with the Average prescribed in Column 3 of Table 1 (General site requirements) of the R-Codes."</i></p> <p>This clause results in no lot being less than the average prescribed in Column 3 of Table 1. It is considered acceptable however, that the single house should comply with the minimum prescribed in Column 3 of Table 1 instead of the average. The reason for this is that there may be other lots in the locality which have been subdivided to the minimum lot area of any particular density code. The implication of this policy change is that landowners would essentially require less land to be able to undertake the development of a single bedroom dwelling. For example under the R20 zone, the current minimum area required to construct a single bedroom dwelling and retain an existing dwelling is 793m<sup>2</sup> whereas the proposed change would result in a requirement of only 733m<sup>2</sup>.</p>

2	<p>Insertion of a new clause (7.6) that provides acceptance of a single bedroom dwelling with a maximum plot ratio of 60m<sup>2</sup> that provides limited accommodation suitable for one or two persons but which does not restrict the creation of an additional room that could be capable of use as a bedroom if required.</p>	<p>Given the housing affordability issues currently being experienced in Western Australia and the increase of single person households, the single bedroom dwelling option is considered to be an important housing option within the community which the City should seek to promote.</p> <p>The definition of a 'single bedroom dwelling' in the Residential Design Codes is:  <i>"A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom"</i>.</p> <p>The acceptable development provisions of the R-Codes relating to single bedroom dwellings (Clause 6.11.3 A3) provides for:  <i>"Single bedroom dwellings with a maximum plot ratio of 60m<sup>2</sup>"</i>.</p> <p>The performance criteria provisions of the R-Codes relating to single bedroom dwellings (Clause 6.11.3 P3) provides for:  <i>"Dwellings that provide limited accommodation suitable for one or two persons"</i>.</p> <p>Staff recognise the importance of the acceptable development provision that limits the floor area of a single bedroom dwelling to 60m<sup>2</sup> however the restriction on number of rooms capable of use as a bedroom is considered highly restrictive in today's housing market. Given that the performance criteria objective provides for housing suitable for one or two persons, the limitation of only one room capable for use as a bedroom prejudices the use of the dwelling for two people other than a couple. There may be many instances</p>
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		<p>where a parent and child, two siblings, two friends/flatmates or other non-couples wish to reside together in a small dwelling without being restricted to one bedroom.</p> <p>It is envisaged that in the majority of instances however, the second room will typically be used as an ancillary or utility type space such as a study, a spare room, an activity room or a guest bedroom. This extra space is consistent with modern expectations and standards in contemporary housing and provides for greater flexibility generally regarding occupancy and use.</p> <p>This proposed modification is unlikely to cause any impact on the amenity of an area or adjoining neighbours; it simply provides a more flexible floor plan that will suit more household types which will result in the development of more housing of this type and encourage resident diversity in the City of Cockburn.</p>
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### Conclusion

The proposed changes to this policy will encourage single bedroom dwelling development in the City of Cockburn by providing additional flexibility to the Residential Design Codes. An increase in the number of single bedroom dwellings in the City will lead to a larger number of affordable housing options in the City and a greater diversity of residents thus contributing to the provision of housing sustainability in the City of Cockburn.

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

#### **Demographic Planning**

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



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

**Governance Excellence**

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

**Budget/Financial Implications**

Costs involved in the advertising of the amendment to the policy which can be accommodated from the operational budget.

**Legal Implications**

N/A

**Community Consultation**

The proposed modifications, if adopted for the purpose of advertising, will be advertised in accordance with Clause 2.5.1 of Town Planning Scheme No. 3.

**Attachment(s)**

Proposed Amended Policy APD56 'Single Bedroom Dwellings'.

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

N/A

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

Nil.

- 14.7 (OCM 12/5/2011) - RESTAURANT/CAFE & FOUR MULTIPLE DWELLINGS - LOCATION: 70 (LOT 1) PHOENIX ROAD HAMILTON HILL - OWNER: BARTOLOMEO MARANO, FRANCESCO CARBONE, GIULLIANA CARBONE, MARIA MARANO & MARIA CARRELLO - APPLICANT: H MIRIAN (2206519) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) refuse to grant planning approval for a restaurant/cafe and four multiple dwellings at 70 (Lot 1) Phoenix Road Hamilton Hill based on the following reasons:
1. The proposal is considered to detract from the desired streetscape which is inconsistent with the provisions of Clause 5.9.3 (c) of Town Planning Scheme No. 3 in relation to amenity of commercial uses which requires buildings to enhance the streetscape and add to the attractiveness of the locality of which they form part.
  2. The proposal is inconsistent with the provisions of Clause 10.2.1 (o) of Town Planning Scheme No. 3 with regards to the relationship of the proposal to development on adjoining land or on other land including the likely effect of the appearance of the proposal.
  3. The proposal is inconsistent with various provisions of the Residential Design Codes of Western Australia (clause 7.3.1 A1 Outdoor Living Areas, clause 7.3.3 A3.1 On-site parking provision and clause 7.4.7 A7.3 Essential Facilities).
- (2) notify the applicant and submissioners of Council's decision.

**COUNCIL DECISION**

## Background

Zoning	MRS: Urban TPS 3: Residential R40
Land Use	Restaurant/Cafe & Multiple Dwellings
Lot Size	1039m <sup>2</sup>
Use Class	Restaurant – “A” Multiple Dwellings – “D”

The subject site is located on the eastern corner of Phoenix Road and Grandpre Crescent in Hamilton Hill and contains an existing older-style single dwelling and several outbuildings, all in relatively poor condition. The dwelling has vehicle access from Phoenix Road and contains a fall of approximately 1.6m from east to west. The site contains a 3m wide easement in favour of the Water Corporation for sewer across the northern portion of the property.

The subject site is located within the City's *'Phoenix Central Revitalisation'* Area which was rezoned from R20 to R40 in August 2010 making it suitable for medium density residential development. The site is in close proximity to commercial development including the 'Local Centre' on the corner of Phoenix and Rockingham Roads, and the commercial development on the west side of Grandpre Crescent, fronting Phoenix Road, which is zoned 'Mixed Business'.

The application is referred to Council for determination as the non-residential component of the proposal constitutes an 'A' use in the City's Town Planning Scheme No.3. The proposal was advertised to nearby landowners and several objections were received.

## Submission

The applicant seeks planning approval to construct a two-storey mixed use development consisting of a ground floor restaurant and café and associated car parking, with four multiple dwellings.

The restaurant is 251m<sup>2</sup> in area and is proposed to accommodate 46 patrons and 5 staff members and is proposed to open from 5:00pm – 10:00pm daily. The applicant has advised that the restaurant will be BYO alcohol. The café portion of the restaurant is 52m<sup>2</sup> and is proposed to accommodate 25 patrons and 3 staff members and is proposed to be open from 8:00am – 4:00pm (to avoid an overlap of restaurant and café opening hours). The restaurant and café are to be operated by the same owner.

The restaurant and café are provided with 13 car parking bays and a 9m<sup>2</sup> bin store. The building proposes a 4m setback to Phoenix Road and a 1.21m setback to Grandpre Crescent with bi-fold doors opening to both streets. Due to patron numbers and limited parking provision alfresco dining is not possible. Vehicle access is proposed solely from Grandpre Crescent via a 6m wide crossover.

The four multiple dwellings proposed on the first floor and accessed from an internal ground floor foyer each contain 3 – 4 bedrooms, 2 bathrooms, living areas and balconies. Store rooms and 2 car parking bays in tandem, resulting in a total of eight car parking bays for the residential apartments, are proposed at the ground floor level. The average floor area per dwelling is 129sqm excluding balcony areas.

The building is proposed to be constructed of rendered and painted brickwork with a flat colourbond roof concealed behind large fascia panels. Coloured perspectives have been provided (see Attachment 4).

## **Report**

### Strategic Framework

The subject site is located within the area subject to the *'Phoenix Central Revitalisation Strategy'* which is the City of Cockburn's strategic framework for improvements to the Phoenix town centre and parts of Hamilton Hill from 2009-2019. The strategy proposes a suite of zoning changes which include an expansion of the town centre precinct, new commercial zoned property mostly along Rockingham Road and increased residential densities for residential zoned land. The subject site was recoded from low density R20 to medium density R40 in August 2010 in accordance with the strategy.

It is important to note that the subject site was not rezoned (or proposed to be rezoned) to a commercial zone, rather remaining residential. It is therefore considered that new commercial development proposed within the *'Phoenix Central Revitalisation Strategy'* area should ideally be located within the proposed expanded town centre precinct in accordance with the strategy, rather than within residential zoned land (as proposed in the subject application). Concentrating the commercial and mixed use residential uses within the town centre precinct will contribute to the revitalisation of the town centre precinct whereas approval of commercial uses outside the town centre precinct may detract from the centre itself.

### Statutory Framework

*Town Planning Scheme No. 3*

The subject site is zoned Residential R40 under the City's Town Planning Scheme No. 3 (TPS 3). A restaurant is an 'A' use in the residential zone. This means that *"the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4"*. The application was therefore advertised to nearby landowners (see 'Neighbour Consultation' section below). Multiple dwellings are a 'D' use which means that *"the use is not permitted unless the local government has exercised its discretion and has granted planning approval."* Council therefore has the discretion to issue planning approval for the proposed development.

#### *State Planning Policy 3.1 - Residential Design Codes of Western Australia*

The residential component of the proposal has been assessed under the Residential Design Codes of Western Australia (R-Codes) which were modified in November 2010 to incorporate provisions for multiple dwellings in areas with a coding of R30.

The dwellings are deemed to comply with acceptable development provisions of the R-Codes with the exception of:

- First floor balcony sizes, none of which comply with clause 7.3.1 A1 which require a minimum dimension of 2.4m and area of 10m;
- Provision of visitor car parking which comply with clause 7.3.3 A3.1 which requires 1 visitor car bay for the 4 dwellings. The proposal provides no separate visitor car parking bay for the residential units; and
- Provision of an adequate outdoor clothes drying area for each dwelling or a communal clothes drying area which comply with clause 7.4.7 A7.3. The proposal provides no individual or communal clothes drying area.

The R-Codes do not contain assessment criteria for the commercial portion of the development; this has been assessed in accordance with the City's TPS 3. Whilst the use, setbacks and vehicle car parking are compliant with the provisions of the scheme, the overall design and appearance of the proposed building is a significant concern. This is covered in detail below in the Built Form section of the report.

#### Neighbour Consultation

The proposal was advertised to 8 nearby landowners considered to be potentially affected by the proposal. Six responses were received consisting of 3 objections and 3 non-objections (two of the non-

objections are conditional). The planning issues arising out of the consultation process include the following:

- *Lack of Car Parking* - Residents expressed concern that the proposal provides insufficient car parking which will lead to restaurant patrons parking on Grandpre Crescent and on nearby resident's verges as overflow parking which in the opinion of some residents is undesirable and potentially dangerous.
- *Increase in Traffic* – Residents expressed concern about the additional traffic that will result from the proposal. Residents are concerned that Grandpre Crescent is already used as a shortcut between Phoenix and Rockingham Roads for drivers seeking to avoid the traffic lights at Rockingham Road and the proposed development will make this worse. Residents expressed general concerns about the functionality of the intersection between Grandpre Crescent and Phoenix Road and dangerous driving habits that currently occur around this intersection.
- *Noise* – Residents expressed concern about noise from restaurant patrons and from functions, a concern they believe will get worse given the trading hours of the proposed restaurant. Concerns were also expressed due to the serving of alcohol and additional noise that could occur from this.
- *Antisocial Behaviour* – Residents expressed concern about antisocial behaviour occurring in the area due to alcohol consumption on the premises including vandalism, graffiti and theft.
- *Odour* – Residents expressed concern about potential odour emanating from cooking and waste from the restaurant.
- *Zoning* – Residents expressed concern about the commercial nature of the development in a residential zoned area which may affect their level of residential amenity.

### Traffic

The impact of the proposal on local traffic has been assessed by the City's Engineers who consider that the existing road network can adequately accommodate additional traffic movements resulting from the proposed development.

In response to concern about the junction between Grandpre Crescent and Phoenix Road which allows full traffic movement and that it would be made worse by the proposal, the City's Engineering department advised that this junction has been reviewed over many years with many alternate design options considered. However, due to

community feedback, the City has no plans to modify this intersection at this time.

### Car Parking

The City's TPS 3 (Table 3 – Commercial Use Classes) requires the restaurant/cafe to provide parking at the rate of 1 bay per 4 seats or 1 bay per 4 people accommodated. The applicant proposed to accommodate a maximum of 46 restaurant patrons and 5 staff members which equates to 51 persons. At the rate specified above this requires 13 car parking bays which have been provided on the plans.

The residential component requires 1.25 bays per dwelling and visitors bays at the rate of 0.25 per dwelling in accordance with Clause 7.33 of the R-Codes which equates to a total of 6 bays. The proposal provides 8 parking bays in total (two each in tandem for each dwelling) but no separate visitor car parking bay which is a requirement of the R-Codes.

### Noise

The proposal, if approved would have to comply with Noise Regulations and hours of operation would be restricted to 8:00am to 10:00pm if approved. Should Council consider approving the proposal a condition should be imposed requiring the construction of masonry dividing fences between the subject site and adjoining residential properties at the applicants cost. In addition, a condition should be imposed restricting delivery times which may cause noise to nearby residents.

### Odour

The proposal, due to its type and scale is not anticipated to produce offensive odours that would affect nearby landowners. In any case, the proposal, if approved, would be required to comply with the City's Environmental Health requirements including the relevant Australian Standards and the Food Act which contain provisions that control odour.

### Built Form

The proposed building is located in a relatively prominent position and if approved would be in full view by all motorists (the number of which is significantly high) and pedestrians using this part of Phoenix Road and Grandpre Crescent. The proposed building consists of rendered brick walls with a flat colourbond roof concealed behind large white fascia panels. The exterior design of the building is considered unsatisfactory due to the following reasons:

- The design of the first floor windows are considered to significantly detract from the presentation of the building to the street. The windows are small with vertical panes which provide somewhat institutional appearance and are not consistent with the windows proposed on the ground floor;
- The proposed large fascia panels that conceal the colourbond roof behind provides a heavy and imposing facade that is highly likely to detract from the streetscape; and
- The overall appearance of the building is considered lacking in detail, to be of no particular architectural style or character, and is therefore considered unattractive and likely to detract from the streetscape.

It should be noted that concerns about the visual aspect of the built form were raised with the applicant, however no changes were made as a result of those issues being raised.

Clauses 10.2 of TPS 3 outlines matters that Council shall have due regard to when considering an application for planning approval. Clause 10.2.1 (o) deals with the relationship of the proposal on adjoining land or other nearby land in the locality including the appearance of the proposal. The appearance of the proposal forms a crucial design element of the proposal which in the opinion of the City is unsatisfactory.

### Conclusion

The proposed mixed use development would provide additional dwellings and commercial opportunities within close proximity to the Phoenix Central Activity Centre and the majority of the technical aspects of the proposal comply with the Residential Design Codes and Town Planning Scheme. However, the presentation of the building to the street is considered unsatisfactory and will significantly detract from the visual amenity of the area which is inconsistent with provisions of the Town Planning Scheme. In addition, the location of the development is somewhat inconsistent with the City of Cockburn's *'Phoenix Central Revitalisation Strategy'* due to its location outside the town centre precinct identified in the strategy. It is therefore recommended that the proposal be refused.

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

#### **Demographic Planning**

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



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

### **Employment and Economic Development**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

This was undertaken and 6 responses were received including 3 objections and 3 non-objections (2 with additional comments). Further detail is contained in the Neighbour Consultation section of the report above.

### **Attachment(s)**

1. Location Plan
2. Site Plan
3. Floor Plan – Ground Floor
4. Floor Plan – First Floor
5. Elevation Plan 1
6. Elevation Plan 2
7. Perspective Plan
8. Submissions Received

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

**14.8 (OCM 12/5/2011) - PROPOSED MODIFICATIONS TO HARVEST LAKES VILLAGE CENTRE STRUCTURE PLAN - LOCATION: LOTS 9033 AND 9038 LYON ROAD, ATWELL - OWNER: LANDCORP - APPLICANT: ROBERTS DAY (SM/M/054) (R COLALILLO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopts the Schedule of Submissions;
- (2) adopts the modified Harvest Lakes Village Centre Structure Plan ("HLVCSP") as shown within Attachment 4 subject to the addition of a notation onto the Structure Plan as follows:  
  
"Any residential development within the Local Centre zone of the Structure Plan shall require the provision of cash-in-lieu of public open space in accordance with Section 153 of the *Planning and Development Act 2005*."
- (3) advise the Western Australian Planning Commission, the proponent and submissioners of Council's decision accordingly;
- (4) advise the proponent that Council is currently in the final processes of an amendment to City of Cockburn Town Planning Scheme No. 3, which seeks to introduce new developer contribution arrangements across the City towards community infrastructure. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme Amendment becomes operational. This is expected mid 2011; and
- (5) continue to promote the importance of Success train station to the Public Transport Authority, Department for Transport, Minister for Transport and State Government. This is to emphasise that such public transport infrastructure is considered to be a significant priority for the Perth to Mandurah railway and south west corridor. This priority is supported through the surrounding development being delivered based upon transit orientated design principles, and also that the Cockburn train station is experiencing issues in respect of its functionality and broad accessibility.

**COUNCIL DECISION**

## Background

The original Harvest Lakes Village Centre Structure Plan (“HLVCSP”) was approved by Council on 14 July 2005 and endorsed by the Western Australian Planning Commission (“WAPC”) on 3 January 2006. Since then, the Structure Plan has been subject to minor modifications, which were dealt with in accordance with the statutory requirements of City of Cockburn Town Planning Scheme No. 3 (“Scheme”). The current version of the Structure Plan is dated 6 February 2009, a copy of which is contained in Attachment 2 to this report.

Roberts Day (on behalf of LandCorp) has submitted a proposal to modify the HLVCSP by removing the existing dwelling cap limitation and introducing an R80 coding within the Local Centre zone portion of the Structure Plan. Consideration of these proposed modifications to the HLVCSP forms the basis of this report.

## Submission

N/A

## Report

### Background

The existing HLVCSP contains an annotation which ultimately restricts the density of residential development within its boundaries. The annotation is as follows:

*“Note: No more than 151 dwellings to be created under the Structure Plan.”*

Since the adoption of the original HLVCSP by the City, the WAPC has released an updated State Planning Policy No. 4.2 (*Activity Centres for Perth and Peel*) (“SPP 4.2”). SPP 4.2 seeks to *“encourage and consolidate residential and commercial development in activity centres so that they contribute to a balanced network”*.

The applicant has stated that in order for the Structure Plan area to function as a true activity centre it is considered important to provide adequate residential density and diversity to support development. This is proposed to be more appropriately facilitated through the removal of the dwelling restriction, which will allow for the Structure Plan to more readily deliver the intended mixed use development in accordance with SPP 4.2. Such will also enable redevelopment and maturation of the Structure Plan area into the future

The applicant has proposed a residential density of R80 for the Local Centre zoned portions of the Structure Plan as it matches the residential density to the immediate north and provides a logical transition to a mixed residential and retail precinct to the south. A concept plan showing the potential integrated residential and retail development of the Local Centre zoned portion is shown within Attachment 3 to this report.

The proposed modifications to the HLCVSP seek to deliver:

- Residential mixed use densities in accordance with WAPC requirements for activity centres, specifically SPP 4.2.
- A logical transition from the residential uses to the north to the retail and commercial uses to the south.
- Flexibility in built form to enable the development on the site to cater for the Structure Plan area as it matures.
- Compliance with the adopted principles of the Structure Plan, specifically:
  - comprehensive development of an R80 zoned site;
  - improved quality of pedestrian environments and walkability near the local centre;
  - a more urban environment closer to the neighbourhood centre; and
  - retaining the capacity to provide a viable centre.

The above is also based on confirmation from retail developers that surplus land exists within the Local Centre zoned portion of the Structure Plan and that a viable and vibrant commercial/retail centre of 5000m<sup>2</sup> NLA can be accommodated in addition to greater residential development. This therefore creates an opportunity to provide a site for residential development as a transition between the Local Centre zone and the surrounding residential area.

#### Current Harvest Lakes Village Centre Structure Plan

The existing dwelling yield restriction imposed as part of the HLCVSP was based on public concern at the time regarding density and the perceived social issues it may present. The final maximum yield figure of 151 dwellings was based on a 'Harvest Edge' style concept development plan which was prepared by Simon Youngleson Architects on behalf of LandCorp. Given the uncertainty over the final built outcomes and the considerable public negativity which existed at the time toward the mid to high density range proposed by the HLCVSP, it was considered necessary to implement a dwelling cap on residential development within the precinct.

Since the HLCVSP was endorsed by the WAPC in 2006, sections of the Harvest Edge precinct have been developed and are considered to

be excellent examples of how appealing medium to high density residential development can be delivered with a suburban context. From a design excellence viewpoint, the Harvest Edge development was also recognised in 2010 in winning the UDIA WA Award for Excellence in the medium density category.

Recent development and subdivision approvals for the Harvest Edge stages have respectively resulted in the previously applied 151 dwelling yield being met.

In view of the standard of development which has so far been achieved within the HLCVSP area, it is considered that removing the dwelling cap and permitting similar residential development within the Local Centre zoned portion will be a positive addition to the Structure Plan. Such will be considered to enhance the overall amenity and functionality of the future Local Centre, and aid the future sustainability of retail and commercial development by increasing the critical mass of people living nearby. The promotion of walkability to the resulting Local Centre development will also be enhanced through the provision of residential development.

#### State Planning Policy No. 4.2 (*Activity Centres for Perth and Peel*)

SPP 4.2 supersedes the previous WAPC Metropolitan Centres Policy and differs from its predecessor by way of removing prescriptive retail floor space caps, and promoting a greater diversity of land uses and mixed residential development in activity centres. SPP 4.2 sets out the location, distribution and broad land use and urban design criteria for activity centres. The Policy reiterates the WAPC's objectives of encouraging and consolidating residential and a range of commercial land uses in activity centres.

The HLCVSP area is classified as a 'Neighbourhood Centre' in accordance with SPP 4.2, and this is identified as for providing "important local community focal points that help provide for the main daily to weekly household shopping and community needs. They are also a focus for medium-density housing."

It is considered that the removal of the stipulated dwelling cap and introduction of an R80 zoning for the Local Centre zoned portion of the Structure Plan will provide sufficient incentive for the centre to be developed in an integrated manner and provide for greater activity and surveillance within the centre site. Such will aid the future sustainability of retail and commercial development by increasing the critical mass of people living nearby, consistent with the Harvest Lakes area being designed upon principle of medium density mixed use development.

Although commitment to the delivery of a Success train station is yet to be secured from the State Government, the addition of more medium density residential development within the 400m walkable catchment to the future train station is reflective of transit orientated development principles. By maintaining a commitment to such transit orientated development objectives, the City will be able to continue to demonstrate why the Success train station should be considered a high priority for the State Government to deliver in the immediate term. This also forms part of the officer's recommendation.

### Consultation

The modified HLCVSP was not referred to the WAPC for comment in accordance with Clause 6.2.7.2 of the Scheme as it does not propose the subdivision of land. As such, the modified Structure Plan was advertised for public comment from 8 to 29 March 2011 in accordance with the relevant Scheme requirements. Two submissions were received, one from a government authority and one from a surrounding landowner. The submissions that were received are set out and addressed in detail within the Schedule of Submissions (Attachment 5).

No modifications to the modified HLCVSP are recommended as a result of the formal advertising process. It is noted that only a single objection was received to the proposal, with this based upon a perceived loss of service provision as part of allowing residential development within the Local Centre zone. As discussed in the report, the size of the centre will not be compromised through the addition of residential development, on the basis that there is considered spare design capacity for the future delivery of built form.

It is also worth noting that the original concerns raised about medium to high density residential development within Harvest Lakes have been overcome (and not an issue for objection in this case) through the City ensuring the high quality of development which has been delivered to date. This leads by example in terms of the type of medium to high density development which will be expected to be delivered through the development of the Village Centre.

In addition to the above consultation undertaken by the City, late in 2010 LandCorp undertook a briefing session on Harvest Lakes which was arranged by the Harvest Lakes Residents Association. At the session LandCorp advised of their development program for the balance of its residential holdings and the retail centre. Although the session was not directly related to this proposal, the concept of integrating additional residential development within the retail centre was raised. LandCorp advised that during the City's consultation period they received one phone call on the proposal however no objections were received.

## Public Open Space

Within the overall Harvest Lakes estate, public open space ("POS") was to be provided at a rate of 8.5% of the subdividable area. An assessment of the actual POS provided to date within the estate demonstrates a minor shortfall in POS provision. The WAPC and City are aware of this and it was previously agreed that any future development of the Village Centre would account for the minor shortfall.

Given the shortfall is only minor in nature, requiring the landowner/applicant to provide the additional POS in the form of a physical contribution (pocket park) is not considered appropriate in this case. Therefore as an alternative, the landowner/applicant has agreed to a cash-in-lieu contribution in accordance with Section 153 of the *Planning and Development Act 2005* as part of any future residential development of the Local Centre zone. This is to be reflected on the modified HLCVSP spatial map.

## Conclusion

It is recommended that Council approve the proposed modifications to the HLCVSP. Conditional approval is recommended on the basis that it will facilitate the development of the Village Centre in a manner which is more consistent with SPP 4.2. Approval will also aid the future sustainability of retail and commercial development by increasing the critical mass of people living nearby, consistent with the Harvest Lakes area being designed upon principle of medium density mixed use development.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

The Planning Policies which apply to this item are:

SPD4 'Liveable Neighbourhoods'  
APD4 'Public Open Space'

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

The modified structure plan was advertised in the newspaper, on the City's website and letters were sent to affected landowners.

### **Attachment(s)**

1. Location Plan
2. Existing approved Harvest Lakes Village Centre Structure Plan
3. Concept Development Plan - Harvest Edge
4. Proposed modified Harvest Lakes Village Centre Structure Plan
5. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

**14.9 (OCM 12/5/2011) - SCHEME AMENDMENT NO. 55 AND PROPOSED STRUCTURE PLANS - LOCATION: FORMER COOLBELLUP PRIMARY SCHOOL SITES (RESERVES 38242, 38243 AND 30233) - OWNER: DEPARTMENT OF EDUCATION - APPLICANT: RPS AND LANDCORP (93055) (D DI RENZO) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 55 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") and the Proposed Structure Plans for the former Coolbellup, Koorilla and North Lake School Sites ("Proposed Structure Plans").
- (2) modifies Amendment No. 55 to the Scheme in accordance with the following requirements:
  1. Renumbering the 'Development Area' to 'Development Area 34' (DA 34).



- (3) once Amendment No. 55 has been modified in accordance with 2, adopts Amendment No. 55 to the Scheme for purposes of:
1. Rezoning Reserve 38242 (Lot 2719) Hilory Street, Reserve 38243 (Lot 2718) Benedick Road and Reserve 30233 (Lot 2168) Montague Way, Coolbellup from 'Public Purposes - Primary School' to 'Development' and 'Development Area 31';
  2. Rezoning Reserve 30565 Capulet Street, Coolbellup from 'Lakes and Drainage' reserve to 'Development' and 'Development Area 31';
  3. Adding a new 'Development Area 31' to Schedule 11 of the scheme text as follows;

Ref	Area	Provisions
DA 31	<p>COOLBELLUP SCHOOL SITES</p> <p>Reserve 38242; Lot 2719 Hilory Street, Coolbellup</p> <p>Reserve 38243; Lot 2718 Benedick Road, Coolbellup</p> <p>Reserve 30233; Lot 2168 Montague Way, Coolbellup</p> <p>Reserve 30565 Capulet Street, Coolbellup</p> <p>(DEVELOPMENT ZONE)</p>	<ol style="list-style-type: none"> <li>1. An approved structure plan for each of the former school sites together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. Structure plans will be required to fulfil the following design objectives to the satisfaction of Council:               <ol style="list-style-type: none"> <li>i. Provide for a range of residential densities, dwelling types and lot sizes.</li> <li>ii. Provide for medium to higher density development on the former Koorilla Primary School site, taking advantage of its location adjoining the Coolbellup Town Centre.</li> <li>iii. Provide for medium density development on the former Coolbellup and North Lake Primary School sites.</li> <li>iv. Ensure the layout and urban form of structure plans responds appropriately to the surrounding neighbourhood environment. Structure plans must specifically be seen to facilitate a 'natural' extension to the surrounding</li> </ol> </li> </ol>

		<p>neighbourhood environment, through providing for appropriate integration with the neighbourhood layout and pattern of residential development.</p> <ul style="list-style-type: none"> <li>v. Ensure the layout and urban form of structure plans responds appropriately to existing and planned areas of public open space.</li> <li>vi. Ensure that the layout and urban form of structure plans provides for the practical retention of significant trees/vegetation. This shall include the appropriate allocation of public open space areas, as well as opportunities to retain significant trees/vegetation within road reserves.</li> <li>vii. Ensure environmentally sustainable design approaches are achieved in terms of solar orientation of lots.</li> <li>viii. Ensure general consistency with the findings of the Coolbellup Enquiry By Design Workshop Outcomes Report.</li> </ul> <p>3. Land uses classified on the structure plans apply in accordance with Clause 6.2.6.3.</p> <p>4. 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(s). All land use and development for a particular lot or lots the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan.</p> <p>5. A total of 3.79 hectares shall be provided across the three former school sites for the purposes of public open space and/or community purposes.</p>	
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- (4) authorises the amendment documentation to be signed, sealed 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;
- (5) advise the proponent that Council is currently in the final processes of an amendment to the Scheme, which seeks to introduce new developer contribution arrangements across the City towards community infrastructure. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme Amendment becomes operational. This is expected mid 2011.
- (6) in pursuance of Clause 6.2.9.1 of the Scheme, adopts the Proposed Structure Plans for the former Coolbellup, Koorilla and North Lake Primary School Sites without modifications;
- (7) in pursuance of Clause 6.2.10.1 of the Scheme, the Proposed Structure Plans be sent to the Western Australian Planning Commission for endorsement;
- (8) request that the Minister for Regional Development and Lands make available for purchase by the City of Cockburn an unencumbered 2 ha portion of Crown Reserve 38243 (former Koorilla Primary School) utilising provisions of the Government Guidelines (Public Open Space) Policy, Disposal of Section 152 *Planning and Development Act 2005* Reserves. The unencumbered 2ha portion of Crown Reserve 38243 is to be consistent with that shown on the Koorilla School Site Structure Plan; and
- (9) foreshadow a budget item of \$200,000 in the 2012/2013 Council budget to cover the purchase the land in Item (7) and associated administrative costs.

## COUNCIL DECISION

## **Background**

In June 2002 the Minister for Education announced a review of schools in Coolbellup, which resulted in the closure of the three primary school sites (Coolbellup, North Lake and Koorilla) and the construction of a new consolidated school on Len Packham Reserve.

Council resolved at its December 2002 meeting to advise the Education Department that it would support the proposal for a new primary school for Coolbellup to be constructed on a portion of Len Packham Reserve. This was subject to a number of conditions including:

“Land of equivalent monetary and recreational value to the area of reserve land relinquished for the new school being replaced within the Coolbellup area.”

In September 2003 the City of Cockburn, in collaboration with the then Department for Planning and Infrastructure, Department for Housing and Works and the Department for Education and Training conducted an Enquiry-by-Design Workshop. This workshop sought input from local stakeholders as part of a strategy to revitalise the Coolbellup Shopping Centre and surrounding areas. This process included consideration of the proposed new consolidated primary school and the redevelopment of the three primary school sites.

The outcomes of this Workshop relevant to the primary school sites included preparation of broad redevelopment concepts for the three sites, identification of the importance of preserving mature trees and remnant vegetation where appropriate within the sites, and the identification of notional areas of public open space for each site.

The consolidated school was developed on portion of Len Packham Reserve in 2005/06.

Signifying the State Government’s desire for development of the former school sites to now take place, Delfin Lend Lease have recently entered into a Partnering Agreement with Landcorp, and are responsible for the progression of rezoning, structure planning and the ultimate redevelopment of the former school sites. The Coolbellup Community Reference Group, which consists of local residents, including Councillor Val Oliver, was set up by the joint venture partners late last year to provide a mechanism for residents and the developers to discuss issues in relation to the future redevelopment of the school sites.

Council at the Ordinary Meeting of Council 12 August 2010 initiated Scheme Amendment No. 55 to City of Cockburn Town Planning Scheme No. 3 (“the Scheme”) to rezone the former School sites.

Structure plans for each of the sites were subsequently adopted for advertising under delegated authority as per the requirements of the Scheme. The Scheme amendment and structure plans were advertised for a period of 60 days, ending on 1 April 2011.

The purpose of this report is to now consider both the Scheme amendment and structure plans for final approval, in light of the advertising and public consultation which has taken place.

## Submission

The applicant seeks to rezone the three former primary school sites to 'Development' zone, and include them within a new 'Development Area', with appropriate provisions in Schedule 11 of the Scheme. These provisions require all subdivision and development in the Development Area to be in accordance with an adopted structure plan.

Local structure plans have also been prepared for each of the former school sites to guide future subdivision and development of the land.

The existing and proposed zoning maps are contained within Agenda Attachments 2 and 3 respectively, and the structure plans are contained within Attachment 4.

## Report

### Subject Sites and Zoning

The proposed Scheme amendment relates to the three former school sites in Coolbellup which are described as follows:

Former School site	Reserve No	Address	Area (ha)
Coolbellup	38242	Lot 2719 Hilory Street	4.6
Koorilla	38243	Lot 2718 Benedick Road	4.2
North Lake	30233	Lot 2168 Montague Way	4.1

*Note: The North Lake site also includes the adjacent drainage sump (Reserve 30565; 792m<sup>2</sup>). Part of the Koorilla School site is also affected by a Western Power easement.*

Agenda Attachment 1 shows the location of the three former school sites.

The three sites are zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and are reserved as 'Public Purposes - Primary School' under the Scheme. There is a drainage sump next to North Lake primary school site which is reserved as 'Lakes and Drainage'. The Scheme amendment proposes to rezone the school sites, including the drainage sump, to 'Development', within a 'Development Area'.

The purpose of the 'Development' zone in this instance is to provide for future residential development in accordance with a comprehensive structure plan. A set of requirements have been developed by officers in consultation with the proponent, and are outlined below:

Ref	Area	Provisions
DA 34	<p>COOLBELLUP SCHOOL SITES</p> <p>Reserve 38242; Lot 2719 Hilory Street, Coolbellup</p> <p>Reserve 38243; Lot 2718 Benedick Road, Coolbellup</p> <p>Reserve 30233; Lot 2168 Montague Way, Coolbellup</p> <p>Reserve 30565 Capulet Street, Coolbellup</p> <p>(DEVELOPMENT ZONE)</p>	<ol style="list-style-type: none"> <li>1. An approved structure plan for each of the former school sites together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. Structure plans will be required to fulfil the following design objectives to the satisfaction of Council: <ol style="list-style-type: none"> <li>i. Provide for a range of residential densities, dwelling types and lot sizes.</li> <li>ii. Provide for medium to higher density development on the former Koorilla Primary School site, taking advantage of its location adjoining the Coolbellup Town Centre.</li> <li>iii. Provide for medium density development on the former Coolbellup and North Lake Primary School sites.</li> <li>iv. Ensure the layout and urban form of structure plans responds appropriately to the surrounding neighbourhood environment. Structure plans must specifically be seen to facilitate a 'natural' extension to the surrounding neighbourhood environment, through providing for appropriate integration with the neighbourhood layout and pattern of residential development.</li> <li>v. Ensure the layout and urban form of structure plans responds appropriately to existing and planned areas of public open space.</li> <li>vi. Ensure that the layout and urban form of structure plans provides for the practical retention of significant trees/vegetation. This shall include the appropriate allocation of public open space areas, as well as opportunities to retain significant trees/vegetation within road</li> </ol> </li> </ol>

		<p>reserves.</p> <p>vii. Ensure environmentally sustainable design approaches are achieved in terms of solar orientation of lots.</p> <p>viii. Ensure general consistency with the findings of the Coolbellup Enquiry By Design Workshop Outcomes Report.</p> <p>3. Land uses classified on the structure plans apply in accordance with Clause 6.2.6.3.</p> <p>4. 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(s). All land use and development for a particular lot or lots the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan.</p> <p>5. A total of 3.79 hectares shall be provided across the three former school sites for the purposes of public open space and/or community purposes.</p>
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Dealing with land use and design through the structure planning process is appropriate in areas requiring comprehensive planning such as the former school sites. Rezoning the sites 'Development' and placing them within a 'Development Area' establishes the statutory framework to require structure plans for each of the school sites to be prepared and approved.

#### Coolbellup Enquiry-by-Design and POS Agreement

To assist with the revitalisation of the Coolbellup area, an Enquiry-by-Design Workshop was carried out from 22-24 September 2003. An Enquiry-by-Design Workshop is a tool used to provide a general planning consensus regarding how a project should be approached. This involved designers, planners, engineers, representatives of regulatory agencies, centres owners, business operators and community members invited to work together to establish principles and draw plans as part of an investigative process as to how future development may occur in a given place. An outcomes report was prepared following the workshop and the following provides a summary of the issues identified for the three school sites:

1. North Lake and Coolbellup school sites being developed for residential purposes with opportunity for medium density.
2. The retention of bushland and significant trees within the proposed POS areas.

3. Conceptual POS areas primarily focused on the North Lake and Coolbellup school sites. Minimal POS, if any, on the Koorilla site as it is close to two large areas of public open space (Len Packham Reserve and Tempest Park).
4. The Koorilla school site was identified as a desirable site for the relocation of the commercial/shopping centre, or if developed for residential purposes, then the most desirable form of development was considered to be aged persons independent living units.

In relation to the possibility of relocating the commercial/shopping centre to the Koorilla site, this was investigated further which included community consultation and financial feasibility. Following these investigations, the Council determined in July 2009 that the relocation of the shopping centre on the Koorilla school site was not viable and would not be pursued further.

The consolidation of the three school sites into one central school on Len Packham reserve was a core element of the Enquiry-by-Design workshop. In this regard, Council at its meeting held on 17 February 2004 resolved to *“support the development of the new Coolbellup Primary School on portion of Len Packham Reserve, subject to receiving written agreement from the Department for Education and Training on the following:*

*An area of open space which will be in the order of 2 hectares which is equivalent to that taken from Len Packham Reserve is to be provided within the existing school sites to ensure there is no net loss of open space in Coolbellup. This is separate and in addition to the open space requirement of 1.6496 hectares that will apply to the subdivision and development of the school sites.”*

The Department of Education and Training wrote to the City in early 2005 confirming that any transfer, sale and development of the North Lake, Koorilla and/or Coolbellup school sites will be conditional on the agreed POS areas being provided. This means a total POS area of 3.79 ha is required.

The three former school sites have a combined area of 12.9 ha and the agreed POS area of 3.79 ha equates to over 29% of the three school sites. Given this high percentage of POS and the proximity to existing POS, particularly in regards to the Koorilla school site, consideration has been given to providing POS in a different form such as community purposes.

The City of Cockburn’s ‘Aged Friendly’ Strategic Plan - need for affordable aged care accommodation



Council adopted the 'Aged Friendly' Strategic Plan in September 2009 and also resolved to consider the potential for the development of aged care accommodation in future when considering options for the development/redevelopment of land which may be suitable for such purposes. The strategic plan highlighted the severe shortage of affordable aged care accommodation which is projected to increase in the future.

Within the City of Cockburn, it is estimated that in 2011 there will be a shortfall of 48 aged care beds. This is expected to increase to a shortfall of 435 beds by 2021. The increase in the anticipated shortfall of beds is due to the ageing of the population and the limited land available to create additional aged accommodation, particularly in the older parts of the City such as Coolbellup. The opportunity to provide affordable age care is further hindered by the need to acquire large land parcels (which are limited) and the high costs to purchase such land. To make affordable aged care accommodation viable, the land is usually required to be provided free to the not-for-profit operator or leased at a reduced rate. However, there is currently no funding for the purchase of land by the Commonwealth and there is insufficient funding by the Commonwealth for capital works construction and operation funding. This highlights the importance of providing affordable land to enable not-for-profit organisations to operate.

To assist with providing affordable land to community based age care providers, opportunity exists to provide portion of the required POS area in the form of a reserve or freehold land title for not-for-profit aged care accommodation. This is a City of Cockburn led initiative which was presented to a briefing session with Councillors in February 2010. The aim of this briefing was to discuss whether the 2 ha to match the area excised for the new school on Len Packham Reserve could be provided on the Koorilla school site in the form of community based (not-for-profit) aged care accommodation.

The City's officers have pursued this idea further and have presented this concept to the Coolbellup Community Reference Group, officers from the Department of Planning and Department of Lands. The outcome of these discussions was there were no major concerns raised provided that an adequate distribution of POS is achieved.

Department of Lands has advised that the most suitable method of implementing this arrangement is for the area required for the not-for-profit aged care accommodation to be acquired by the City for 5% of its unimproved market value as provided for by the Government Guidelines (Public Open Space) Policy, Disposal of Section 152 *Planning and Development Act 2005* Reserves. This will then enable the City to partner with a not-for-profit age care provider in developing the land. To retain greater control over the land and any future

operators, the preference is for the City to lease the land to a not-for-profit organisation at a substantially reduced rate, rather than sell the land. This will ensure that the land is provided as affordable aged care accommodation in perpetuity.

Without the incentive of reduced rent, the site would not be economically viable to the not-for-profit sector.

Any development on the future 2 ha site will be based on the ageing in place model whereby a mixture of independent living, low care, high care and dementia specific care accommodation is provided. The benefit of this model is that it allows individuals or couples to remain in the same location as their health deteriorates, rather than being moved to different locations as circumstances change. Although age care providers usually prefer sites in the order of 4-8ha to develop age care accommodation, the City has engaged an Architect who has demonstrated that the 2 ha site is of a sufficient size to accommodate a development based on the aging in place model although it will need to be predominately two-storeys in height.

#### Local Structure Plans

Structure plans have been prepared for each of the three former school sites to guide future subdivision and development. These structure plans allocate the residential densities (between R30 and R60), POS, and proposed roads.

These structure plans are generally consistent with the principles established within the Enquiry-by Design workshop which includes; providing a range of densities, retain existing vegetation and the possibility of aged care accommodation on the Koorilla School site. The structure plans are based on the indicative concept plans for the sites that were presented to Council at the 12 August 2011 Meeting. The structure plans provide a total of 3.79 ha of POS.

The structure plans are each accompanied by a Preliminary Environmental Constraints Assessment report; Traffic Report; Landscaping Plan and Servicing Report, and Drainage Plan to support the proposals.

Each of the structure plans includes the following:

1. Requirements for Detailed Area Plans ("DAPs") which will ensure critical design elements such as setbacks, parking, vehicle access, fencing and landscaping are incorporated into the eventual development of these sites to ensure that they are responsive to the existing local streetscape and desired character of the area.

2. All dwellings that are proposed to have rear access will be designed to address the street/POS in a manner that ensures good visual surveillance is achieved.
3. Requirement for a detailed tree survey to be undertaken at the subdivision design stage, so that the final subdivision design can be adjusted to achieve the practical retention of vegetation.
4. Requirement for development on the grouped housing sites to be appropriately designed to ensure dwellings front public areas and adjacent streets to provide passive surveillance.

### North Lake

For the North Lake School site there are a range of residential densities proposed between R30 and R50. The structure plan includes a large linear public open space system, and includes opportunities for active recreation such as a grassed kick-to-kick area, walking paths and exercise equipment.

The structure plan includes annotations which set out critical planning and design principles for future development. These annotations outline that residential development with frontage to Capulet Street, Montague Way and Juliet Street are to be appropriately designed to ensure an integrated streetscape reflective of the single residential character of the area, predominately 1-2 storeys in height. Internally development may extend to a maximum of 3 storeys in height.

### Coolbellup School Site

The structure plan for the Coolbellup school site proposes a range of residential densities between R30 and R50.

Public open space has been located to allow for the retention of significant vegetation and bushland, and roads have been aligned wherever possible to allow significant trees to be retained within the road reserves.

The annotations on the structure plan outline that residential development with frontage to Ebert Street and Hilory Street is to be appropriately designed to ensure an integrated streetscape reflective of the single residential character of the area, predominately 1-2 storeys in height. Internally development may extend to a maximum of 3 storeys in height.

### Koorilla School Site

In relation to the Koorilla school site, the structure plan proposes that the 2.0 ha of public open space be provided in the form of community based (not-for-profit) aged care accommodation. The provision of public open space in this manner is consistent with the Western Australian Planning Commission's *Liveable Neighbourhoods* policy which states under R27:

*"In consultation with the relevant local government, the WAPC may agree to community purposes sites (e.g. community centre, meeting halls, branch libraries, kindergartens) being provided as part of an overall public open contribution. For the purposes of calculating public open space contributions the area of community purposes sites should not be less than 2000m<sup>2</sup>."*

The proposed not-for-profit age care accommodation site will provide an important community benefit and is considered consistent with the purpose of the above community purpose definition. The land will become freehold land for the City to utilise for affordable aged-care accommodation, based upon the City purchasing the land in accordance with the Government Guidelines (Public Open Space) Policy, Disposal of Section 152 *Planning and Development Act 2005* Reserves.

This will assist in providing for the severe shortage of affordable aged care accommodation that exists particularly within the western parts of the City of Cockburn. As the aged care portion of the site could be developed comprehensively, it will allow existing vegetation to be retained around buildings. The City's Architects have prepared a concept plan which illustrates how the site could be developed to accommodate a 100 bed aged care facility and an additional 100 independent living dwellings (refer Attachment 5).

The remainder of the Koorilla site is identified for proposed medium density residential development (R30-R60) to capitalise on the site's proximity to the Town Centre.

The structure plan includes annotations which outline that residential development with frontage to Rosalind Way and Benedick Road are to be appropriately designed to ensure an integrated streetscape reflective of the single residential character of the area, predominately 1-2 storeys in height. Internally development may extend to a maximum of 3 storeys in height.

The structure plan includes an annotation on the grouped housing site stipulating a single storey interface adjacent to existing residential development.

#### Outcomes of Community Consultation

The Scheme amendment and structure plans were advertised concurrently for a period of 60 days, ending on 1 April 2011.

A total of 115 submissions were received from landowners, members of the community and government agencies.

Of the submissions received there were 80 that did not object to the proposal which equates to 69% of the total submissions received. The key reasons for supporting the proposals were:

- increased housing diversity/housing options;
- support for proposed aged housing;
- support on the basis that the proposed development will enhance the area.

There were 4 submissions that did not object to the proposal, but raised some concerns.

There were 31 submissions of objection received, and the key concerns that were raised are outlined in the Table below, including the frequency of the issue being raised.

<b>Key Issues Raised</b>	<b>Frequency of issue raised</b>
Proposed residential densities and building heights considered too high/incompatible with existing character of Coolbellup	15
Concern about impact on environmental values/removal of trees	9
Insufficient provision of POS generally across the sites	8
Increased traffic	6
Objection to loss of POS for aged accommodation	5
Concern regarding social/public housing/future tenure	5

All of the issues raised have been addressed in the Schedule of Submissions included at Attachment 6, and the key issues are discussed below.

### Residential Densities

The greatest issue of concern that was raised related to the proposed residential densities either being too high, or incompatible with the surrounding area of Coolbellup.

*Directions 2031 and Beyond* is a Western Australian Planning Commission ("WAPC") document that sets the spatial framework for how the metropolitan region will grow. It seeks to ensure urban growth

is managed, and to make the most efficient use of available land and infrastructure, particularly prioritising the development and use of land that is already zoned urban.

*Directions 2031 and Beyond* recognises the benefits of a more consolidated city to accommodate future population growth. It sets out housing targets, and seeks to achieve innovative infill development

*Directions 2031* is supported by *Liveable Neighbourhoods*, which is an operational WAPC policy for the design and assessment of new development areas. *Liveable Neighbourhoods* seeks to facilitate new development which supports the efficiency of public transport systems where available. It outlines that the achievement of more sustainable urban outcomes will require higher residential densities in many urban areas.

The three former Coolbellup school sites are considered to present an ideal opportunity to achieve a better use of existing urban land within an existing urban area.

A number of submissions that objected to the proposed residential densities have also stated that Coolbellup already has a high proportion of medium and high density residential zoned land. While it is noted that Coolbellup does currently have a diversity of housing stock, it is still predominately zoned 'R20'. The proposal will further improve the diversity of housing in Coolbellup.

Smaller dwellings are needed to accommodate the changing demographics. Within the whole of the City of Cockburn the household type that is forecast to have the largest increase is lone person households. There is also an aging population in Cockburn, and the age group which is forecast to have the largest proportional increase (relative to its population size) by 2021 is 80-84 year olds. Therefore it is important for the City to be planning for the types of households that will be needing housing in to the future.

#### Impact on Conservation Values and Loss of Trees

Nine of the objections received raised concerns regarding the environmental impact of the proposed development, in particular the loss of trees and bird habitat.

The proposed structure plans have included retention of existing trees within POS. In addition, all of the structure plans include annotations which specify that a detailed tree survey is to be undertaken at the subdivision design stage, so that the final subdivision design can be adjusted to achieve the practical retention of vegetation. The Detailed

Area Plans will also be required to address the retention of significant vegetation on the proposed lots.

For each former school site there were Preliminary Environmental Constraints Assessment reports undertaken to support the proposed structure plans. These outline that a vegetation survey should be undertaken, consistent with the Environmental Protection Authority (EPA) Guidance Statement No. 51, prior to development if there is clearing of vegetation required.

These reports do acknowledge that bird species may use the vegetation on the Coolbellup School site as a stepping stone to larger areas of intact bushland (e.g. Beeliar Regional Park). The report outlines that the retention of vegetation on the eastern side of the site will enable the retention of fauna habitat and food sources.

The Environmental Report for the former North Lake School site outlines that the retention of vegetation in the south west corner of the site will ensure fauna habitat and food sources will remain.

The Environmental Report for the Koorilla School Site identified that remnant vegetation is degraded and scattered however would provide for some foraging grounds for fauna and the presence of a hollow bearing tree indicates the potential for breeding sites. The report recommends a fauna expert should be consulted to determine the significance of hollow-bearing trees within the site for conservation purposes, if clearing of trees is proposed.

It is also noted that the proposed Scheme Amendment and structure plans were referred to the Department of Environment and Conservation who did not object to the proposals.

### Affordable Housing

Five objections were raised concerns regarding proposed 'social housing', and what proportion this would constitute of the proposed development.

Lend Lease and LandCorp have advised the City that they aim to deliver affordable housing as part of the redevelopment of the former School sites.

The aim is to achieve a total of 10% of dwelling units (i.e. approx. 25 dwellings) as affordable housing across all three former school sites. This will be achieved through diversity of product and delivery mechanisms. It should be noted that affordable housing does not mean "social" housing, as it can be delivered in various forms, including bench marking house and land packages.

In 2010 the Department of Housing published a report *More than a Roof Four Walls* which identifies that if current trends continue an increasing number of Western Australian will be excluded from affordable housing. Indeed, if the trends of the last decade continue, the Social Housing Taskforce believes there could be close to 65,000 households on the waiting list for social housing by 2020. It is therefore considered that provision of affordable housing is an important element of the proposed redevelopment of the school sites.

#### Aged Care Facility

The Coolbellup Community Reference Group objected to the proposal for 2 ha of public open space being provided in the form of the not-for-profit aged care facility, and four other objections were also received on this matter. However there were also four submissions which specifically supported the proposed aged care facility, in addition to the support expressed for the proposals generally.

The objections were based on the loss of POS, however, Liveable Neighbourhoods (R27) does provide for the possible inclusion of a community purpose site as part of an overall public open space contribution. The proposed aged care facility will provide an important community benefit, and is consistent with this provision. The POS for the former school sites has been considered across the three school sites, and is reflective of a wider analysis of the locality which has an extensive range of both active and passive recreational areas. It is considered that overall an appropriate range and quantity of POS is being provided across Coolbellup as part of the proposals.

#### Purchase of Not-For-Profit Aged Care Facility

It is recommended that Council proceed with the proposal for an affordable (not-for-profit) aged care facility on 2 ha of the former Koorilla School site.

As previously discussed, Department of Lands have advised that the most suitable method of implementing this arrangement is for site to be acquired by the City of Cockburn for 5% of its unimproved market value as provided for by the Government Guidelines (Public Open Space) Policy, Disposal of Section 152 *Planning and Development Act 2005* Reserves.

It is proposed that the City would lease the land to a not-for-profit organisation at a substantially reduced rate, given that without the incentive of reduced rent, the site would not be economically viable to the not-for-profit sector. This is considered preferable rather than selling the land because it enables Council to have greater control over



the land and operators. Importantly, this will ensure that the land is provided as affordable aged care accommodation in perpetuity.

The City has now obtained an estimated valuation of the land from McGees. This estimated valuation has determined the market value for the 2ha of land is \$3.3m. Therefore 5% of this value is \$165,000. This can be used as a guide to the purchase price which will be determined by Department for Regional Development and Lands on advice of the Valuer Generals Office.

It is therefore recommended that Council request that the Minister of Regional Development and Lands make available for purchase by the City of Cockburn an unencumbered 2 ha portion of Crown Reserve 38243 (former Koorilla Primary School) utilizing provisions of the Government Guidelines (Public Open Space) Policy, Disposal of section 152 of the Planning and Development Act Reserves .

It is also recommended that a budget item of \$200,000 be foreshadowed in the 2011/2012 council budget to cover the purchase the land and associated administrative costs.

### Conclusion

The consolidation of the three school sites into one new school on Len Packham reserve provides the opportunity for the three former school sites to be redeveloped consistent with the objectives of the Coolbellup Enquiry-by-Design.

The proposed rezoning of the school sites and the proposed structure plans will ensure that 3.79ha of public open space is achieved, as previously agreed. The proposals are consistent with *Directions 2031* and *Liveable Neighbourhoods* to achieve innovative infill development, while achieving an appropriate interface with adjacent residential development.

It is therefore recommended that Council adopt the scheme amendment to the three former school sites and structure plans for final approval, subject to minor modifications.

The proposed not-for-profit age care facility will provide an important community benefit, and it is recommended that Council proceed with the purchase of the site for this purpose.

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

### **Lifestyle and Aspiration Achievement**

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

### **Natural Environmental Management**

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

### **Budget/Financial Implications**

The City will be required to purchase the 2.1486 ha of the Koorilla school site at 5% of its unimproved value as provided by the Government Guidelines (Public Open Space) Policy, Disposal of Section 152 *Planning and Development Act 2005* Reserves.

The estimated value of the land is \$3.3m; therefore, 5% of this value is \$165,000. This can be used as a guide to the purchase price which will be determined by Department for Regional Development and Lands on advice of the Valuer Generals Office.

### **Legal Implications**

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

### **Community Consultation**

Community consultation has been undertaken in accordance with the *Town Planning Regulations 1967*, and the Scheme.

The scheme amendment and structure plans for each of the school sites were advertised concurrently for an extended period of 60 days (1 February 2011 – 1 April 2011), given the nature of the proposal.

Letters were sent to all landowners in Coolbellup with copies of the three draft structure plans, inviting them to comment. An advertisement was also placed in the Cockburn Gazette.

### Attachment(s)

1. Location plan
2. Existing zoning plan
3. Proposed zoning plan
4. Structure Plans for the three school sites
5. Indicative concept plan for the aged care accommodation
6. Schedule of Submissions

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

### 14.10 (OCM 12/5/2011) - SCHEME AMENDMENT NO. 84 AND MODIFICATION TO STRUCTURE PLAN LOCATION: LOT 424 KIRKLEY COURT AND LOT 519 PEARSONS DRIVE, SUCCESS - OWNER: GOLD ESTATES OF AUSTRALIA PTY LTD - APPLICANT: ROBERTS DAY (93084) (D DI RENZO) (ATTACH)

#### RECOMMENDATION

That Council

- (1) endorses the Schedule of Submissions prepared in respect of Amendment No. 84 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) modifies Amendment No. 84 to the Scheme be modified in accordance with the following requirements:
  1. Lot 519 Pearson Drive, Success being rezoned from 'Residential R40' to 'Residential R60' instead of 'Residential R80'.
- (3) once Amendment No. 84 has been modified in accordance with (2), Council adopt for final approval Amendment No. 84 to the

Scheme for purposes of:

1. Rezoning Lot 424 Kirkley Court, Success from 'Residential R40' to 'Residential R60'.
2. Rezoning Lot 519 Pearson Drive, Success from 'Residential R40' to 'Residential R60'.
3. Amending 'Development Area 14' under Schedule 11 of the Scheme Text by including additional provisions as follows:

Ref.No.	Area	Provisions
<b>DA 14</b>	Beenyup Road (Development Zone)	<ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To provide for residential development.</li> <li>3. Land uses classified on the structure plan apply in accordance with <i>clause 6.2.6.3</i>.</li> <li>4. A Detailed Area Plan(s) is required to be approved by the local government for Lot 424 Kirkley Court and Lot 519 Pearson Drive prior to subdivision or development, and the Detailed Area Plan(s) shall address, but not be limited to, the following issues:                             <ol style="list-style-type: none"> <li>a. Development that achieves an appropriate interface with the adjacent residential development, with minimal street setbacks to Pearson Drive facilitating the location of car parking and communal open space to the rear of the subject land (southern boundary); and the height and design of buildings maintaining a compatible scale and form with adjacent development.</li> <li>b. Development that is designed to give emphasis to the street corners, particularly the corner of Wentworth Parade and Pearson Drive.</li> <li>c. Open style fencing to Pearson Drive.</li> <li>d. Provision of safe, functional and attractive access arrangements.</li> </ol> </li> </ol>

(4) adopts the revised Structure Plan (Wentworth Heights) for final

approval subject to the following modifications being undertaken first.

1. Lot 519 Pearson Drive, Success being rezoned from 'Residential R40' to 'Residential R60'.
2. The concept plan contained with the Structure Plan report for Lot 519 Pearson Drive, Success being modified to reflect an R60 coding, and indicate a maximum of two storeys for units 1, 2 and 7, 8; and a maximum of 3 storeys for units 3-6.
3. The concept plan contained with the Structure Plan report for Lot 424 Kirkley Court, Success being modified as follows:
  - (a) units 1 and 2 being setback 1.5m from Monet Lane; and
  - (b) a wider landscaping area on the southern side of the access way from Monet Lane (adjacent to the existing residential property); and
- (5) authorises the amendment documentation to be signed and sealed and then submitted to the Western Australian Planning Commission along with details of the steps taken to advertise the amendment, with a request for the endorsement of final approval by the Hon. Minister for Planning.
- (6) advise the proponent that Council is currently in the final processes of an amendment to City of Cockburn Town Planning Scheme No. 3, which seeks to introduce new developer contribution arrangements across the City towards community infrastructure. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme Amendment becomes operational. This is expected mid 2011.

## COUNCIL DECISION

### Background

The subject land comprises Lot 424 Kirkley Court and Lot 519 Pearson Drive, Success, which are currently zoned 'Residential R40' and are within 'Development Area 14' pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme") (refer to site plan within Attachment 1).

Council adopted Amendment No. 84 to the Scheme at the meeting of 11 November 2010 for community consultation. It was subsequently advertised for public comment from 31 January 2010 to 14 March 2011.

## **Submission**

The proposed rezoning and Structure Plan modification has been requested by the applicant in order to facilitate a more comprehensive development of the subject land for medium density residential purposes. The applicant has submitted Scheme amendment documentation, a revised Structure Plan proposal and indicative development concept plans in support of the proposal.

## **Report**

### Proposal

Scheme Amendment No. 84 proposes to rezone Lot 424 Kirkley Court, Success from 'Residential R40' to 'Residential R60', and Lot 519 Pearson Drive, Success from 'Residential R40' to 'Residential R80' (refer to Attachment 2). It also proposes modifications to the existing 'Development Area 14' provisions pursuant to the Scheme, to introduce the requirement for a Detailed Area Plan ("DAP") for the subject land, and outlining the matters that must be addressed by the DAP.

The land is subject to an endorsed Structure Plan (Wentworth Heights), which reflects the zonings under the Scheme. Therefore, the proposal also includes a modification to the Structure Plan, to be progressed concurrently with the Scheme amendment.

*Directions 2031 and Beyond* is a Western Australian Planning Commission ("WAPC") document that sets the direction for how the metropolitan region will grow, building on the themes identified in previous metropolitan plans such as *Network City* (now superseded). It seeks to ensure urban growth is managed, and to make the most efficient use of available land and infrastructure. This is particularly in terms of prioritising the development and use of land that is already zoned 'Urban'.

*Directions 2031* is supported by *Liveable Neighbourhoods*, which is an operational WAPC policy for the design and assessment of new

neighbourhood areas. Liveable Neighbourhoods seeks to facilitate new development which supports the efficiency of public transport systems where available, and provide safe, direct access to the system for residents. It outlines that the achievement of more sustainable urban outcomes will require higher residential densities in many urban areas. The areas considered most appropriate for higher densities are those associated with activity centres, and areas well served by public transport routes.

Both Lot 424 Kirkley Court and Lot 519 Pearson Drive, Success has these associated characteristics.

A key objective of *State Planning Policy 4.2 Activity Centres for Perth and Peel* ("SPP 4.2") is to increase the density and diversity of housing in and around activity centres to improve land efficiency and support centre facilities. SPP 4.2 seeks to optimize residential growth within the walkable catchment of centres through appropriately scaled buildings and higher-density development.

Cockburn Central is identified as a 'secondary' activity centre in SPP 4.2. The subject land is located within 500 m of the 'Gateways' precinct of the centre. The subject land is located within 100m of two bus stops which directly connect to the Cockburn Central train station (approximately 2km from the subject land). Therefore the proposed rezoning is considered to provide an important opportunity to optimise residential development within the catchment of Cockburn Central.

The proposed zoning is compatible with the zoning of land on the northern side of Pearson Drive which is coded 'R80' and 'R160', with residential development generally ranging in height between two and four storeys.

The lots directly adjacent to the subject land to the south are zoned 'Residential R40', with single lots ranging in size from 380m<sup>2</sup> to 430m<sup>2</sup>. The majority of these lots have been developed (one and two storey dwellings). Therefore, it is considered particularly important that an appropriate interface is achieved with the adjacent residential development.

#### Future built form outcomes

The proposed amendment includes modification to the existing 'Development Area 14' provisions under Schedule 11 of the Scheme. Importantly these changes will specifically require a DAP for the subject land prior to subdivision or development. The proposed Development Area provisions also outline the key issues that the DAP will need to address, as follows:

1. Development that achieves an appropriate interface with the adjacent residential development, with minimal street setbacks to Pearson Drive facilitating the location of car parking and communal open space to the rear of the subject land (southern boundary); and the height and design of buildings maintaining a compatible scale and form with adjacent development.
2. Development that is designed to give emphasis to the street corners, particularly the corner of Wentworth Parade and Pearson Drive.
3. Open style fencing to Pearson Drive.
4. Provision of safe, functional and attractive access arrangements.

It is considered that these requirements will ensure that built form outcomes on the subject land are appropriate.

The applicant submitted indicative concept plans for each lot, which were advertised for public comment with the draft amendment and draft revised structure plan. These concept plans are intended to inform future DAPs for the subject land, and indicate the following built form outcomes:

Lot 424 Kirkley Court - Proposed R60 (Attachment 3)

Two storey residential development, which is a consistent height to the adjacent single residential dwellings in Monet Lane and Sheringham Lane.

Lot 519 Pearson Drive - Proposed R80 (Attachment 4)

Two four-storey buildings on the corner of Wentworth Parade and Pearson Drive, with development stepping down to three and then two storeys adjacent to the lower density residential development.

Outcomes of Community Consultation

The City received six objections to the proposed rezoning from adjacent landowners, and three submissions of support from government agencies. These submissions are outlined and addressed in the Schedule of Submissions (Attachment 6). The key issues and recommendations in response to these issues are discussed below.

Lot 519 Pearson Drive:



There were a number of objections received from adjacent landowners regarding the proposed rezoning of Lot 519 Pearson Drive from R40 to R80.

While Lot 519 Pearson Drive is located adjacent to R40 zoned land it is acknowledged that this land has actually been developed to a density more akin to R20 or R25. There is a significant difference between the plot ratio and maximum heights in the *Residential Design Codes* for R40 and R80. This will inevitably express itself in the height and bulk of development on the site. This will result in high density built form outcomes directly abutting low density development. It is therefore considered that an alternative R60 coding is more appropriate for this site.

This will importantly provide a more sympathetic graduation of development which exists south of the subject land to the typology of development which has been delivered as part of Stella Apartments. It is also recommended that the concept plan for Lot 519 Pearson Drive demonstrate a maximum of two storeys for units 1, 2 and 7, 8; and a maximum of 3 storeys for units 3-6. This will achieve a more appropriately scaled interface with the adjacent existing residential area.

Lot 424 Kirkley Court:

It is recommended that the concept plan for Lot 424 Kirkley Court be modified so that units 1 and 2 are setback 1.5m from Monet Lane to achieve a 7.5m setback from the rear boundary of the property on the other side of the laneway (which has a courtyard in this area). This will ensure protection of visual privacy in accordance with the normal requirements under the *Residential Design Codes*.

It is also recommended that the wider landscaping area on the southern side of Unit 1 (on the northern side of the crossover to Monet Lane) be shifted to the southern side of the accessway adjacent to the existing residential property to provide a greater buffer to the rear boundary of this property.

### Conclusion

The proposed rezoning and modification to the Structure Plan is considered to achieve a more efficient use of 'Urban' zoned land, consistent with *Liveable Neighbourhoods, Directions 2031* and SPP 4.2. However, it is considered that R60 is a more appropriate coding for Lot 519 Pearson Drive.

Accordingly it is recommended that Council adopt Scheme Amendment No. 86 and the revised Structure Plan, subject to modification discussed in this report and outlined in the recommendations.

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

#### **Demographic Planning**

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

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

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

#### **Transport Optimisation**

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

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

The Scheme amendment and structure plan fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

#### **Legal Implications**

NA

#### **Community Consultation**

Community consultation was undertaken in accordance with the *Town Planning Regulations 1967*, subsequent to the Environmental Protection Authority (“EPA”) advising that the proposal is environmentally acceptable. Advertising of the revised structure plan was undertaken in accordance with the requirements of the Scheme; however, the Scheme amendment and structure plan were advertised concurrently from 31 January 2011 to 14 March 2011. A total of nine submissions were received, with six objections from adjacent landowners and three submissions of support from government agencies.

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

1. Location Plan
2. Scheme Amendment Map
3. Indicative Concept Plan Lot 424 Kirkley Court, Success
4. Indicative Concept Plan Lot 519 Pearson Drive, Success
5. Revised Local Structure Plan (Wentworth Heights)
6. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

### **14.11 (OCM 12/5/2011) - OFFER TO SELL LAND TO CITY OF COCKBURN - LOCATION: PORTION OF LOT 341 LAKEFRONT AVENUE, BEELIAR - OWNER/APPLICANT: DEPARTMENT OF HOUSING/PRM JOINT VENTURE (6007077) (KSIM)**

#### **RECOMMENDATION**

That Council defers consideration of the matter until the Ordinary Council Meeting to be held on 9 June 2011.

#### **COUNCIL DECISION**

### **Background**

At the Ordinary Council Meeting held on 14 April 2011, Council considered an offer from the landowner for Council to purchase the existing car park located on portion of Lot 341 Lakefront Avenue, Beeliar. The Council resolved to defer the item to the Ordinary Council Meeting to be held 12 May 2011, to allow for community consultation on the proposal.

### **Submission**

N/A

## Report

The situation which lead to the offer being made to Council to purchase the existing car park located on portion of Lot 341 Lakefront Avenue, Beeliar, is summarised as following:

- Lot 341 is owned by the Department of Housing and Joint Venture Development Partner PRM, and comprises a land area of 2340m<sup>2</sup>. The land is zoned 'Local Centre' under City of Cockburn Town Planning Scheme No. 3, and is located within the town centre of the residential subdivision known as the Merve Estate;
- As part of developing the town centre, the Joint Venture Developer constructed a car park consisting of 25 bays on portion of Lot 341 (865m<sup>2</sup>). The car park adjoins the car parking associated with the Beeliar Community Centre (27 bays) and sports ground located on the adjoining reserve (Reserve 45286);
- This provision of 25 car bays on portion of Lot 341 preceded the development of the shopping centre on Lot 840, but was intended to be linked with the shopping centre by way of an offsite (cash in lieu) car parking arrangement;
- There was the expectation that when Lot 840 was developed as a shopping centre, portion of the required parking for the shopping centre could be located off site (i.e. on the portion of Lot 341 comprising the existing car park, with cash in lieu funds used to secure this land);
- It has transpired however that the development of the shopping centre on Lot 840 achieved all its parking requirements onsite. This has accordingly created a situation whereby the car parking located on portion of Lot 341 has no identified purpose other than associated with the Beeliar Community Centre and adjoining sports ground. This has prompted the landowner to make an offer to Council to purchase the land for \$480,000, made up of \$485/m<sup>2</sup> for land (\$420,000) and \$60,000 being the value of the built car park.

In the previous report presented to Council on 14 April 2011 the officers recommended that the City did not accept the offer to purchase the portion of Lot 341, given that it is not considered to be an appropriate utilisation of funds. It was also recommended that a replacement car park can be constructed within adjoining Reserve 45286.

Council deferred making a decision pending community consultation taking place, and the matter being presented back to Council at the

May 2011 meeting. Community consultation is currently underway, involving a mail-out to affected landowners as well as users of the Beeliar Community Centre and sports reserve. Due to the need to allow sufficient time to respond, and also to undertake an onsite meeting requested by the Beeliar Residents Association Group, a report is not able to be presented at the May meeting.

The purpose of this report is for Council to note that community consultation is currently being undertaken, in relation to the proposed replacement car parking for the Beeliar Community Centre and associated sporting reserve (Reserve 45286), with a report on the matter, including the results of the consultation, to be presented at the June Ordinary Council Meeting.

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

#### **Demographic Planning**

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

#### **Infrastructure Development**

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

#### **Governance Excellence**

- To develop and maintain a financially sustainable City.

### **Budget/Financial Implications**

To be discussed as part of the future report back to Council on the matter in June.

### **Legal Implications**

N/A

### **Community Consultation**

Community consultation is currently underway, involving a mail-out to affected landowners as well as users of the Beeliar Community Centre and sports reserve and an onsite meeting with the Beeliar Residents Association Group.

### **Attachment(s)**

N/A

### **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 12/5/2011) - LIST OF CREDITORS PAID - MARCH 2011 (FS/L/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for March 2011, 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 March 2011 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – March 2011.

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

N/A

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

Nil.

**15.2 (OCM 12/5/2011) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MARCH 2011 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for March 2011, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

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

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

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

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

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

### **Submission**

N/A

### **Report**

The City had a closing actual position of \$34.5M for March, \$3.3M higher than the forecast YTD budget of \$31.2M. This result continues to reflect outperformance of the budget in several key revenue areas and a general underspending of operating budgets.

The full year revised budget has a built in surplus position of \$0.72M, versus the balanced budget position adopted last June (nil surplus or deficit). Various budget adjustments made throughout the year have contributed to this as outlined in Note 3 of the financial report, including the impact of the mid-year budget review adopted in February. However, in view of the YTD closing actual position, the surplus is expected to come in well above this budgeted amount.

### **Operating Revenue**



Despite some resetting of revenue budgets at the mid-year budget review, certain revenue items continue to outperform the budget.

Interest earnings are ahead of the YTD budget by \$0.8M. This performance is being driven by the continued high rates of return on TD investments, and the strong state of the City's cash position (\$84M) as indicated by the Cash & Investments Positions chart within the financial statements. Earnings on Reserve funds in particular comprise this variance at \$0.45M over budget, although the additional interest on Reserves is quarantined and hence does not impact the overall end of year budget position.

Property rating income has continued its strong result in March, advancing to \$0.9M ahead of the YTD budget. This is predominantly being driven by steady growth in the property rate base.

The South Lake Leisure Centre is \$0.27M ahead of budget for their revenue. This may in part be due to the record hot summer experienced in Perth this year. Both the Aquatic and Fitness segments of the centre have done particularly well this year.

Human Services grant funding is currently reporting a net YTD surplus of \$0.34M. However, these funds are restricted in purpose and will therefore not impact the year end position.

After realignment in the midyear budget review, income from the Waste Disposal operation has once again outperformed the budget. It was \$0.11M over at the end of March with revenue from sale of salvaged materials contributing mostly.

### Operating Expenditure

Operating expenditure maintains a steady path at \$3.1M below the YTD budget (\$3.2M last month). Most business units of the City are generally running within budget. This is due in part to a general lag in receiving monthly accounts from suppliers, or delays in receiving the actual goods or services. This is largely caught up during year end processing. However, it should be noted that materially large commitments are accrued into the monthly accounts to lessen the impact (e.g. security patrol costs, RRRC gate fees, landfill levy etc.).

The exception to this trend in expenditure is Infrastructure Services at \$0.54M over YTD budget. This comprises excessive expenditure within the areas of facilities maintenance (\$0.39M) and plant maintenance (\$0.27M).

The Parks & Environment unit is showing an underspend of \$0.5M across their operational budgets, which has narrowed \$0.2M from last

month. This area is not expected to materially contribute to the end of year surplus.

Payment of the State Landfill Levy was estimated to be \$0.45M under budget as at the end of March and general operating costs at the landfill were down \$0.2M. The quantum of landfill levy is governed by tonnage to landfill, so is always offset against fees & charges income.

From a nature & type perspective, underspending on materials and contracts (\$1.8M), and employee costs (\$1.0M) are the greatest contributors to the budget variance. It is envisaged that these areas will have a significantly positive impact on the end of year budget position.

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

### Capital Program

The City's capital budget is showing an overall underspend of \$7.6M on a YTD basis against a budget of \$22.3M. With committed orders factored in, the variance reduces to \$2.9M. This indicates that works have been scoped and are progressing, albeit behind cash flow projections. Public infrastructure works is the biggest contributor to the underspend variance at \$5.0M, Plant acquisition and replacement contributes \$1.1M, and land & buildings adds \$1.3M.

A point of note is the fact that a large proportion of the total \$40.3M capital budget is cash flowed in June and is unlikely to be spent in the current financial year. Roads, parks, landfill & buildings infrastructure comprise mostly this budget allocation and the majority of these will be carried forward into the new financial year.

For specific details on under/over spent projects as at 31 March, refer to the CW Variances section of the monthly report.

### Cash & Investments

Council's cash and current/non-current investment holdings reduced to \$84.1M (from \$90.4M in February). This is well above the YTD budget forecast of \$70.5M due to a number of contributing factors, not least being the underspend within the capital program.

Of this total cash and investment holding, \$41.9M represents the City's cash reserves, whilst another \$4.7M is held for other restricted purposes such as bonds and capital contributions. The balance of \$37.5M represents the cash component of the working capital required to fund the City's operations and the municipal funded portion of the capital program over the remainder of the financial year.

The City's investment portfolio made an annualised return of 6.27% for the month of March, up from 6.00% in February. The average rate of return has increased steadily during the year as lower yielding investments mature and then are reinvested at higher yielding rates. Investment decisions made during the month continued to follow the strategy of using short to medium dated TD's with APRA regulated Australian banks.

### Description of Graphs and Charts

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

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

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

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

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

### **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 identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item). Some of these were addressed in the mid-year budget review as adopted at the February

Council meeting, which will be incorporated within the February statement.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated statements – March 2011.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (OCM 12/5/2011) - AMENDED POLICY AEW1 'STREET VERGE IMPROVEMENTS' (ES/V/001 ) (D SMITH) (ATTACH)**

**RECOMMENDATION**

That Council adopt the proposed changes to Policy AEW1 'Street Verge Improvements'.

**COUNCIL DECISION**

**Background**

In a matter to be noted for investigation Mayor Howlett requested that:

*'a report be prepared to review Council Policy on Verges with respect of providing alternatives for property owners regarding water-wise options.'*

The City of Cockburn adopted Policy AEW1 Street Verge Improvements in 1997 with a review undertaken in 2006. Whilst it is acknowledged that a number of verge treatments have been installed by residents over the years that contravene the current policy, it is still important that Council clearly articulate what can and cannot be established on the verge area.

The intent of the amendment to the policy is to provide greater flexibility in verge treatments to the community, maintain a safe verge environment for users and to provide a range of verge treatments that minimise the requirements for water.

### **Submission**

N/A

### **Report**

The policy has been significantly amended to the extent that the amended policy bears little resemblance to the original policy of 2006. Both policies have been provided to enable Councillors to cross reference amendments.

The proposed amendments to the existing policy are as follows:

	<b>Change</b>	<b>Reason</b>
1	Addition of a clause 'Community Value'	The clause has been included to advocate that the verge area has value within the streetscape and provides a range of important and valuable roles, many of which the community may not be aware of.
2	Addition of a clause 'Pride and Ownership'	In many situations residents consider the verge as the responsibility of the City. The intent of this clause is to engender pride in the appearance of a verge and create a sense of ownership by the resident to maintain the verge to an acceptable level. This will improve the appearance of verges within the streetscape and in a broader context across the City.
3	Addition of a clause 'Amenity'	It is important that streetscapes within the City are presented, maintained and improved in a way that provides improved visual amenity.
4	Addition of a clause 'Natural Treatments'	This clause has been included to advise residents that should treatments other than

		hardstand be applied to the verge, the treatments need to be hardy, sustainable and effectively managed to ensure an acceptable appearance.
5	Addition of a clause 'Hardstand Treatments'	The current policy permits residents to install paving or hardstand that will not exceed 33% of the total verge area. There has been an increasing incidence of residents paving and installing a range of hardstand treatments to a large section of or the entire verge area. This has occurred in both established as well as new suburbs. The City does not have the resources to manage compliance with the existing policy. Increased verge hardstands are required to include a range tradeoffs
6	Addition of a clause 'Hardstand tradeoffs'	Any increase in verge hardstand areas in excess of 33% will require the implementation of water management strategies to retain water on the verge and accommodate water infiltration on the verge. This is further addressed in 'Stormwater Management'. Additionally, planting of street trees will ameliorate reflective heat and soften the harsh built streetscape. The provision of root barrier will minimise disturbance and damage to hardstand verge treatments.
7	Amendment to 'Stormwater Management'	The intention is to retain water on the verge without flowing onto adjoining verges and road pavement. The amendment recommends that should large sections of the verge be installed with hardstand, the verge is to be graded to a collection point on the verge, either being a grated soak-well or tree pit to provide infiltration of water on the verge.
8	Addition of a clause 'Water-wise Verges'	Grass verges have traditionally been the standard treatment applied to most street verges. Grass verges that are watered and maintained to an acceptable level are unsustainable. Alternative verge treatments that minimise the requirement for reticulation and provide amenity, are aesthetically pleasing and sustainable are preferred.
9	Addition of a clause 'Reticulation'	Water is becoming an increasingly precious resource that needs to be managed carefully. The amended policy advocates that the installation of reticulation may not be required at all. The only requirement for water may be during the initial establishment period when a water-wise verge is created.

The policy review has been carried out with extensive input from Parks Technical Officers as well as other officers within the Engineering and Works Section.

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

#### **Demographic Planning**

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

#### **Infrastructure Development**

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

#### **Natural Environmental Management**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

The amended policy bears little resemblance to the original policy of 2006; therefore a copy with tracked changes has not been included.

1. Policy AEW1 'Street Verge Improvements' – original policy.
2. Policy AEW1 'Street Verge Improvements' – amended policy.

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

N/A

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

Nil.

**16.2 (OCM 12/5/2011) - ESTABLISHMENT OF A MEMORIAL WALK TRAIL (CR/L/001) (D SMITH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) provide in principle support to the establishment of a Memorial Walk Trail;
- (2) identify the Cockburn Central Recreational reserve as the preferred location for the establishment of a Memorial Walk; and
- (3) include the creation of a Memorial Walk into the detailed planning for the site.

**COUNCIL DECISION**

In a notice of motion for investigation Mayor Howlett requested that:

*'a report be provided to the 12 May 2011 Ordinary Meeting of Council addressing the opportunity to establish a Memorial Walk Trail within the City. The report will investigate potential site locations, including the western side of Lake Kogolup and the wetland/bushland reserve at the corner of Beeliar Drive and North Lake Road, known as Cockburn Central Recreation Reserve. The report addresses land tenure issues, costs, funding sources, potential project partners, and the opportunity for public subscriptions, corporate sponsorship as well as other project related matters.'*

The intent was to establish a Memorial Walk Trail is to recognise those who have served Australia in past and current theatres of war, peacekeeping forces, United Nations representatives, Police, FESA and other endeavours deemed appropriate for recognition. The provision of a venue in a natural setting to facilitate peaceful contemplation for those that have served or are serving in conflicts and their families and friends is requested. The area can be a resource for school children and the general community to learn more about Australia's contribution in terms of war, peacekeeping and other efforts.



Mayor Howlett also sought a briefing by Members of the Cockburn Memorial Steering Committee to outline the proposal and provide necessary information pertaining to this matter.

### **Submission**

N/A

### **Report**

The proposal includes the construction of or use of an existing walking trail where at regular intervals interpretive signage would identify and provide a brief description of each of the 32 conflicts commencing with pre-colonial conflicts and include the current military engagement in Afghanistan. Even though there would be information regarding the abovementioned 32 conflicts, each interpretive sign could refer to groups of related conflicts. This approach would minimise the number of signs required and mitigate the overall cost of the proposal. The proposal would include an open grassed area where recognition ceremonies could be held, signage, barbecue areas, seating, and plaques where the community could gather informally or at formal occasions for contemplative recognition of these conflicts.

### Site Selection

The possible sites identified for a proposed Memorial Walk Trail is quite restrictive as people of all ages including those with disabilities and confined to a wheelchair will be accessing the site. Additionally, the proponents indicated that the City has memorial sites at Beale Park and Hamilton Hill, but does not have a substantial memorial location within or close to the geographical centre of the City in the vicinity of Cockburn Central.

#### Lake Kogalup

The western side of Lake Kogalup was originally identified as the preferred location for this proposal. This site presents a number of constraints in that the land is part of Beeliar Regional Park and managed by the Department of Environment and Conservation. The area has been cleared sometime in the past and is currently being regenerated to enable the vegetation to return to its former healthy bushland state.

The site has an informal track that is used as access to undertake maintenance activities to the area and other sites further south within the Beeliar Regional Park. The site does not include any constructed infrastructure that is required to enable this proposal to proceed. A constructed access road, carpark, toilet facilities as well as utility

services including water and electricity will be required, all of which are currently unfunded and costly components of the project.

A range of traffic management issues including safely accessing the site from both directions from Beeliar Drive and leaving the site with the need to cross Beeliar Drive is not desirable. The access point is close to a crest to the west on Beeliar Drive and these issues compromise this site as a viable option.

As the site is managed by the Department of Environment and Conservation and is part of Beeliar Regional Park, it is highly unlikely that approval for this proposal would be granted from the Department.

#### Cockburn Central Recreation Reserve

The site bounded by Beeliar Drive, Poletti and North Lake roads on the western perimeter of Cockburn central, known as the Cockburn Central Recreation Reserve, is the preferred location however there are currently structure plans being prepared over this site.

The northern portion of the site has previously been identified as the potential location for multi-functional regional aquatic and recreation facility, to replace the existing Southlake Leisure Centre. The central/eastern portion of the site has an identified wetland area. Landcorp are also seeking to use portion of the site for stormwater drainage originating from Cockburn Central.

Under *Directions 2031 and Beyond*, the site has been identified as undeveloped urban land, ideally suited for residential infill. In recognising the State Government's aspirations, the City and Landcorp are in the process of developing a Structure Plan for the Cockburn Central Recreation Reserve, which will assess what land uses are suitable and appropriate within this area. At this stage whilst a number of draft options have been prepared there is still considerable consultation with relevant state government agencies that needs to be undertaken.

It is recognized that any urban bushland areas within the Cockburn Central Recreation Reserve could incorporate walking trails, which could include a Memorial Walking Trail, with interpretive signage, whilst demonstrating consideration and respect to the retention of high quality vegetation.

The site is within walking distance of Cockburn central and is accessible to rail and bus transportation, as well as being accessible by vehicles.

The proponents have recognized the limitations between the two sites and have identified Cockburn Central Recreation Reserve as the preferred site rather than the Lake Kogalup site.

As the site is still subject to more detailed planning, it is recommended that the City identifies this site as the preferred location for a Memorial Walk and incorporate the proposal into the detailed planning for the site.

### Land Tenure

#### Lake Kogalup

The western side of Lake Kogalup forms part of Beeliar Regional Park and is managed by Department of Environment and Conservation.

#### Cockburn Central Recreation Reserve

The Cockburn Central Recreation Reserve is currently owned by the Western Australian Planning Commission. The City has identified that it considers that a management order to the City should be prepared to facilitate the use of the site for public recreation.

### Project Cost

The cost of the project is currently unknown and is dependent on the number of interpretive signs, extent of construction of walkways and associated infrastructure that is required. It is therefore premature to nominate a cost estimate for the proposal.

### Possible Funding Opportunities

The proponents intend to engage in discussion with the Premiers' office to gauge the level of support that may be available. Representations are also being made to the Federal Government to ascertain whether funding is available through this agency. Should the City provide approval for the proposal to proceed, Lottery West will be approached to assist with funding.

### Timeframes

The preparation of a Structure Plan for the Cockburn Central Recreation Reserve is currently being undertaken. A number of draft options have been prepared however; considerable consultation with relevant state government agencies is still required. Following the adoption of a Structure Plan, timeframes for development of the site can be established.

## **Strategic Plan/Policy Implications**

### **Infrastructure Development**

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

### **Lifestyle and Aspiration Achievement**

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

## **Budget/Financial Implications**

The proponents are exploring all avenues to secure external funding for the proposal and may be looking to the City to provide some funding for the project.

## **Legal Implications**

N/A

## **Community Consultation**

The Manager Parks & Environment met onsite at Lake Kogalup with Mr Kevin Bovill to initiate the consultation process. A further meeting was held with Mr Bovill and Mr Donald Barrett to further discuss options regarding the proposal.

## **Attachment(s)**

1. Proposed location of the Memorial Walking Trail at Lake Kogalup
2. Proposed location of the Memorial Walking Trail at Cockburn Central Recreation Reserve.

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

The Proponent(s) have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

**16.3 (OCM 12/5/2011) - ESTABLISHMENT OF A BRAVERY GARDEN (CR/L/001) (D SMITH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) provide in principle support for the construction of a Bravery garden at Manning Park; and
- (2) establish a joint venture with the Australian Bravery Association (WA) to further pursue this proposal.

**COUNCIL DECISION**

In a matter to be noted for investigation Mayor Howlett requested that:

*'a report be provided to the 12 May 2011 Ordinary Meeting of Council outlining the potential to establish a Bravery Garden within the City. The report will investigate potential site locations, including the north west section of Manning Park and address land tenure, costs, funding sources, potential project partners, the opportunity for public subscriptions, corporate sponsorship and other project related matters.'*

Mayor Howlett also sought a briefing by representatives of the Australian Bravery Association (WA) to provide a comprehensive overview of the proposal and to obtain all the necessary information pertaining to this matter.

**Submission**

N/A

**Report**

Over the past 36 years Australian Bravery Awards have been made to persons performing acts of great courage in situations involving almost every conceivable hazard. Bravery awards have been made to private citizens and to members of the police, fire, ambulance and armed services. Some of these awards have been made posthumously. The only Bravery Garden in Australia was officially opened in the year 2000

and is located in the grounds of the Governor General's residence in Canberra. Currently there is no Bravery Garden constructed in Western Australia

### Rationale for Establishment of a Bravery Garden

The intent to establish a Bravery Garden is to provide recognition by way of a suitable memorial at a 'local' venue of the many distinguished acts of bravery or gallantry by members of the community and uniformed services. The following reasons for establishing a bravery garden include:

- A suitable memorial at a venue in Western Australian to recognize and commemorate distinguished acts of gallantry or bravery by members of the community and uniformed services.
- The provision of a venue where peaceful contemplation in a natural setting may be observed. This may be observed by recipients of a Bravery decoration; the families of those who have received posthumous Bravery decorations; those who have been rescued from hazardous situations and for those who have been aided/and or rescued when they have been victims of criminal actions.
- The Bravery Garden would provide a place of contemplation where the general public could visit in order to relax and recognize acts of bravery undertaken by members of the community.
- The Memorial Garden would provide a resource for school children to learn about the Australian Honours and Awards System, the Australian Bravery Association and those who have been recognized for their acts of bravery, particularly recipients of bravery awards for those residing in Western Australian.

It is the intention of the Australian Bravery Association (WA) to conduct an annual Memorial Service at the Bravery Garden for those specifically mentioned above, with an open invitation for the general public to attend. This would provide an opportunity for all attendees to reflect upon the reasons for the creation the Garden and contemplate the acts of bravery by members of the community.

### Design Proposal

It is proposed that the Bravery Garden would include a circular garden surrounded by a small pathway with an entrance to admit wreath layers to a central Memorial of granite or similar with an appropriate plaque attached to the central Memorial area. The inclusion of seating to

provide time for reflection and contemplation is appropriate for the area. The proposal would include the construction of a gazebo, the design of which would complement the ambiance, aesthetics and history of Manning Park.

A long term proposal would include the construction of a Memorial Wall aligning with the perimeter of the gazebo. The wall would be constructed to a height to enable seating and include small plaques containing the names of as many Western Australian recipients that can currently be identified, with provision for additional plaques for future bravery recipients. A design sketch of the proposed Bravery Garden is attached.

### Site Selection

The site for a proposed Bravery Garden is quite restrictive, as people of all ages including those with disabilities and others who may be confined to wheelchairs will be accessing the site. Therefore, the site needs to be relatively level with suitable gradients to provide adequate access for all members of the community.

Along with the abovementioned access issues there is a requirement for access to toilet facilities with sufficient car-parking to accommodate those visiting the site along with other users of Manning Park.

The site selection process, which has been discussed with the Australian Bravery Association (WA) includes the three following locations:

### Manning Park

The grassed area between the Azalea Lay Museum and the caretakers residence provides a suitable site in that it is close to toilet facilities has sufficient parking and all access issues can be accommodated at this location. If located at Manning Park, the garden may be subject to less vandalism than others sites including those identified as options at Bibra Lake.

The Historical Society have been consulted about the proposal and are supportive of the location of the garden, in that it would suit the needs of the Australian Bravery Association (WA) and be of assistance to the Historical Society. Manning Park is an increasingly popular location where people choose to conduct wedding ceremonies. Currently the verandas of the Azalea Ley Museum are generally used for these events, either to provide shade from the sun or protection from other climatic conditions. The construction of a gazebo as part of this proposal would assist in relocating weddings from the homestead to

use the gazebo and surrounds as a more appropriate location for these events.

It is acknowledged that a Conservation Plan for Manning Park is currently at draft stage and this may impact on the way that the site is developed. The proposed location of the Bravery Garden at Manning Park is attached.

#### Bibra Lake – Progress Drive (northern precinct of picnic area)

This area has been developed as a passive recreation area a number of years ago. In accordance with the Bibra Lake Management Plan, the area is identified for refurbishment within the next 12 months, subject to securing the Department of Indigenous Affairs approval under Section 18 of the Aboriginal heritage Act 1972. Should this site be nominated as the proposed location for the Bravery Garden, it must be identified as part of the abovementioned Section 18 approval process.

The site already accommodates a car-park and toilet facilities which negates the cost to provide this infrastructure as part of the proposal. The area is level which provides ease of access to and mobility within the site.

#### Bibra Lake - Bond Swamp (off Bibra Drive)

As identified in the Bibra Lake Management Plan, Bond Swamp is to be developed in a future stage of implementation works in 2012/13. The management plan advises that the site is proposed to be improved to cater for weddings and other functions with the construction of a gazebo, toilet facilities and pathways to access the gazebo as well as a car parking area.

Even though this site will be developed in the future, the infrastructure required to accommodate a location for weddings will complement the requirements for the establishment of a bravery garden. Should this site be nominated as the proposed location for the Bravery Garden, it must be identified as part of the abovementioned Section 18 approval process.

The proposed location of the Bravery Garden at Bibra Lake Progress Drive and Bond Swamp is attached.

#### Land Tenure

Manning Park is a recreation area that is owned by Western Australian Planning Commission and leased by the City of Cockburn. Therefore, the management and maintenance of the site is undertaken by the City of Cockburn.



Bibra Lake is a significant reserve under the management of the City of Cockburn.

### Project Cost

The project cost is currently unknown and is dependent on the preparation of both a detailed landscape design and a cost estimate. It is therefore premature to nominate a cost estimate for the proposal although to do a project of this nature justice, a capital cost in the order of \$200,000 would be anticipated as a minimum.

### Possible Funding Opportunities

To assist in the funding of this proposal, the National Vice President (WA) Australian Bravery Association intends to approach Lottery West and both the Federal and State Governments for financial support.

### Possible Project Partners

The (WA) Australian Bravery Association will pursue project partners once in principle approval has been provided for the proposal.

### Opportunity for Public Subscriptions

There is an option for the (WA) Australian Bravery Association to engage the Governor of Western Australia to launch a public subscription appeal to contribute to the project.

### Corporate Sponsorship

It is the intention of the (WA) Australian Bravery Association to seek financial assistance from the local business community to assist in offsetting costs of the proposed Bravery Garden.

## **Strategic Plan/Policy Implications**

### **Infrastructure Development**

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

### **Lifestyle and Aspiration Achievement**

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

**Budget/Financial Implications**

The National Vice President (WA) National Bravery Association is pursuing a number of avenues to fund the proposal.

**Legal Implications**

N/A

**Community Consultation**

The Manager Parks & Environment and Parks Technical Officer met onsite at Manning Park with Mr Vic Boreham, the National Vice President (WA) National Bravery Association regarding the proposal.

**Attachment(s)**

1. Bravery Garden Design proposal sketch
2. Proposed location of the Bravery Garden at Manning Park in relation to surrounding buildings
3. Proposed location of the Bravery Garden at Bibra Lake – Progress Drive and Bond Swamp

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

The Proponent(s) have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

**16.4 (OCM 12/5/2011) - AUSTRALIAN MARINE COMPLEX - TRAFFIC CONGESTION (6004495) (J KIURSKI)**

**RECOMMENDATION**

That Council receive a further report on the AMC traffic congestion issues at the July 2011 OCM.

**COUNCIL DECISION**

## **Background**

The Australian Marine Complex (AMC) is being developed to combine marine, defence and resource based industries, establishing a focus area for the repair, maintenance and construction of ships and infrastructure for offshore oil and gas mining and distribution.

AMC developments in and south west of the Henderson precinct in recent years have contributed to the increase in traffic volume in Rockingham Road, Russell Road, Cockburn Road, Sparks Road and Quill Way. This is contributing to the on-going traffic congestion at intersections primarily during the morning and afternoon peaks.

At the Ordinary Council Meeting on 10 February 2011 Mayor Howlett requested a report be prepared for the May 2011 Ordinary Meeting of Council addressing the access and egress problems being experienced by business owners, contractors and visitors to the Australian Marine Complex with particular attention being given to the Russell Road/Rockingham Road and Sparks Road/Russell Road intersections. The report is to include traffic count/speed details and the cost of traffic signals or other control measures, including roundabouts being installed at the Sparks Road/Russell Road or Cockburn Road/Sparks Road intersection and any other actions required to reduce the traffic congestion, particularly during peak hour periods.

## **Submission**

N/A

## **Report**

An assessment of the current traffic environment is currently being completed. The assessment includes a video survey of the intersections as well as a review of traffic count data and traffic crash data for the intersections and the general precinct. This data and subsequent analysis is currently being collated thus staff have not been able to complete the detailed review sought. The video analysis was commissioned in March 2011 and completed in April 2011 and the state crash data was only made available to local governments at the end of April which has not given sufficient time to enable staff to prepare the report. We therefore seek additional time to complete the assessment and prepare the report.

It is also important to acknowledge that Cockburn Road and Rockingham Road are not local government roads. They are currently under the care, control and management of MRWA thus some of the data needs to be provided by them in order for the City's officers to complete the assessment. At this stage MRWA have not released the necessary information and staff anticipate receiving it by June 2011.

Staff are considering various intersection configurations as requested. If the option to install traffic signal installation is supported by the assessment, the City will need to complete a SIDRA analysis and preliminary design for costing and MRWA consideration. Similarly, a roundabout would also need an initial design to assess land requirements and project costs.

Actions outstanding or currently being completed include:

- complete traffic counts for the nominated section of Rockingham Road, Russell Road, Cockburn Road, Sparks and Quill Road;
- complete a review of traffic crash data for intersections and section of roads requested;
- liaise with MRWA to obtain information related to traffic accident data, future planning for road/intersection improvement and relevant criteria;
- to install a traffic treatment;
- complete preliminary design and cost estimate of intersection Russell Road/Rockingham Road intersections and Sparks Road/Russell Road; and
- complete report that addresses all option for traffic improvement within area of access to AMC.

Officers believe that the remaining actions will take a further 4-6weeks to complete and are therefore seeking agreement to present an item to the July OCM for consideration.

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

#### **Transport Optimisation**

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.
- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

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

The City has currently allocated \$50,000 for the traffic safety management and an amount of \$15,000 will assigned to this project.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

**Attachment(s)**


N/A

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

A subsequent letter has been sent to all business owners of AMC advising them that this item will be on the Agenda for 14 July 2011 Council Meeting.

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

Nil.

**16.5 (OCM 12/5/2011) - TENDER NO. RFT 02/2011 - TREE PRUNIING SERVICES (RFT 02/2011) (LV, HV AND GENERAL ) (A LEES) (ATTACH) **

**RECOMMENDATION**

That Council accept Tender for RFT 02/2011 Tree Pruning Services (LV, HV and General) – Three (3) Year Contract submitted by Beaver Tree Services Pty Ltd, for an estimated total Contract value of \$932,625.00 (Inc GST) (\$847,840.91 Ex GST) at the Schedule of Rates submitted, price variation mechanism, and additional services.

**COUNCIL DECISION****Background**

The City of Cockburn currently manages approximately 11,000 trees that require pruning to prevent interference with overhead powerlines and other essential services as defined under section 54 of the Energy Operators (powers) Act 1979.

The City of Cockburn also has several thousand trees within its Parks, Environment, Community Facilities and Streetscapes requiring pruning, removing or other associated works.

Previously the City of Cockburn's Parks and Environment Department has engaged various tree pruning contractors to perform tree maintenance as required.

These contractors performed works associated with Low Voltage (LV) and High Voltage (HV) pruning, stump grinding, tree removal and mulching. To improve the service delivery and management of the City of Cockburn's trees, a Tender for Tree Pruning Services including specifications was developed in conjunction with Procurement Services.

The tender called for submissions from suitably qualified tree contractors for a period of three (3) years with Principal instigated options to extend the period for a subsequent one (1) year period and up to an additional twelve (12) months after that to a maximum of five (5) years.

Tender Number RFT 02/2011 Tree Pruning Services (LV, HV and General) Three (3) Year Contract was advertised on Saturday 5<sup>th</sup> February 2011 in the Local Government Tenders section of "The West Australian" newspaper; the tender was also displayed on the City's e-Tendering website between the 5<sup>th</sup> and 23<sup>rd</sup> February 2011.

However due to the catastrophic earthquake in New Zealand the e-Tendering website was unable to accept submissions on the advertised closing date and was subsequently extended and closed on the 3<sup>rd</sup> March 2011.

### **Submission**

Tenders closed at 2:00 p.m. (AWST) on Thursday 3<sup>rd</sup> March 2011 with tender submissions being received from the following five (5) companies:

1. Tree Amigos Tree Surgeons Pty Ltd;
2. Active Tree Services Pty Ltd;
3. Beaver Tree Services Pty Ltd;
4. Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA; and
5. Radiant Nominees Pty Ltd.

## Report

### Tender Compliance

Tenders Name		Compliance Assessment
1	Tree Amigos Tree Surgeons Pty Ltd	Compliant
2	Active Tree Services Pty Ltd	Compliant
3	Beaver Tree Services	Compliant
4	Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA	Compliant
5	Radiant Nominees Pty Ltd	Compliant

### Alternative Tenders

In addition to a conforming tender, Tree Amigos Tree Surgeons Pty Ltd and Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA submitted an alternative tender for consideration. However the Evaluation Panel found that the alternative tenders did not provide value to the City of Cockburn and therefore were not considered for evaluation.

### Evaluation Criteria

Tenders were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	20%
Key Personnel Skills and Experience	20%
Tenderer's Resources	20%
Tendered Price – Estimated Lump Sum	40%
<b>TOTAL</b>	<b>100%</b>

### Tender Intent / Requirement

The purpose of this Tender was to select an experienced, competent and reliable Tree Pruning Contractor to perform the tree pruning, removal, stump grinding and mulching services within the City of Cockburn.

### Evaluation Panel

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

1. Anton Lees – Parks Manager (Chair);
2. Lou Vieira – Parks & Environment Operations Coordinator; and
3. Teresa Searle – Parks Administration Support.

#### Scoring Table

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
<b>Beaver Tree Services **</b>	<b>53.33%</b>	<b>40.00%</b>	<b>93.33%</b>
Tree Amigos Tree Surgeons Pty Ltd	48.33%	37.49%	85.83%
Active Tree Services Pty Ltd	37.00%	34.29%	71.29%
Radiant Nominees Pty Ltd	35.67%	27.67%	63.34%
Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA	45.33%	13.74%	59.08%

#### **\*\* Recommended Submission**

#### Evaluation Criteria Assessment

##### Demonstrated Experience

All tenderers have had previous experience in performing tree pruning services for local government authorities, provided sound referees and details of their Occupational and Health Policies.

Beaver Tree Services, Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA were ranked higher than the remaining tenderers as they able to clearly demonstrate how they managed issues, i.e. environmental, resourcing, political, etc that arose during tree projects.

##### Key Personal Skills and Experience

Beaver Tree Services scored the highest in this category with Tree Amigos Tree Surgeons Pty Ltd, Active Tree Services Pty Ltd and Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA coming in second with similar scores.

Although all submissions provided documentation on the skills of personnel and their experience, Beaver Tree Services demonstrated a thorough submission detailing information on personnel to be applied to the Contract with all having relevant experience in works of this nature.



### Tenderer's Resources

Tree Amigos Tree Surgeons Pty Ltd, Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA and Beaver Tree Services were all assessed as having the appropriate resources to perform the works within the Contract.

In addition to their resources, all three (3) were able to provide sound contingency measures or provide backup resources where it was applicable.

In addition to resourcing, all Tenderers were requested to demonstrate their capability to complete a minimum of fifty (50) trees per day or two hundred and fifty (250) trees per week.

The submissions from Tree Amigos Tree Surgeons Pty Ltd, Beaver Tree Services Pty Ltd and Excelsior Arboriculture Pty Ltd T/as Tree Surgeons of WA were determined to show a sound understanding of this benchmark.

### Tendered Price

The price schedule provided by each tendered was benchmarked against a set volume of work that is anticipated to be completed over one year of the contract. Beaver Tree Service submitted the lowest price across all schedules within the Tender.

In addition to submitting the lowest price, Beaver Tree Services provided an alternative "Price Variation Mechanism" for the second and third year of the contract. This mechanism is based on the Labour Price Index (private) published by the Australian Bureau Statistics (ABS) and has been approved by the City of Cockburn's Accounting & Financial Control Services as an appropriate measure for the price variation mechanism, as the primary cost for tree pruning Contractors labour.

### Summation

Taking in consideration all of the submitted response criteria, the Evaluation Panel recommends to Council that the submission received from Beaver Tree Services Pty Ltd as being the most advantageous to carry out Tree Pruning Services the City of Cockburn for an estimated total Contract value of \$932,625.00 (Inc GST) (\$847,840.91 Ex GST) at the Schedule of Rates submitted, price variation mechanism, and additional services and thus be supported as the successful Tenderer based on the following:

- Significant demonstrated experience in performing works of similar size;
- A range of personnel that have the experience to undertake these works;
- Appropriate resources to conduct works as required; and
- The price and a alternative price variation mechanism submitted is considered fair and reasonable for the scope of works to be performed.

### **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**

Pruning expenditure has steadily increased since 2009 based on an increased focus by the Office of Energy for power line clearances, customer requests and changing environmental conditions. Costs have exceeded the threshold requiring a formal contract and this item addresses that compliance requirement.

The table below shows the actual expenditure for 2009 /2010 and the expected expenditure for 2010/2011 based on figures supplied as at 4<sup>th</sup> May 2011 and the percentage increase from each year.

The estimated contract value of \$310,875 (p/a) will be an increase of 22.5% based on the 2010 /2011 expenditure and is largely a reflection on the demand to improve maintenance of street trees in our community.

**Expenditure Table**

Financial Year	Contract Pruning (\$)	Increase from previous year (%)
2009 / 2010	\$208,800	12%
2010 / 2011	\$253,200	21%
2011 / 2012	\$310,875	22.5%

#### **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**

Nil Required.

## **Attachment(s)**

The following Confidential Attachments are provided under a separate cover:

1. Compliance Criteria Checklist
2. Tender Evaluation Sheet (s)
3. Tendered Prices

### **NOTE:**

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

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

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 12<sup>th</sup> May 2011 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 12/5/2011) - ADOPTION OF THE CITY OF COCKBURN - RECONCILIATION ACTION PLAN (CR/M/113) (G BOWMAN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the City of Cockburn Reconciliation Action Plan, as attached to the Agenda;
- (2) ensure that any financial implications of the Plan are included for consideration in Council's Strategic and Annual Budget planning documents; and
- (3) require a progress report to be received by Council in July 2012

**COUNCIL DECISION**

**Background**

The City of Cockburn has been taking action over the past years to build and strengthen relationships with Aboriginal and Torres Strait Islander people in the district. For example, the City formed the Aboriginal Advisory Group in 2002 which was then changed to a Committee of Council. This led to the appointment of the part-time Aboriginal Community Development Officer position in 2003. The City has also organised NAIDOC and Reconciliation Week activities for many years. Additionally, the City provides a number of culturally appropriate groups and support services for Aboriginal people.

**Submission**

N/A

**Report**

ABS 2006 census data identified that the City had 1.7% of its population of Aboriginal or Torres Strait Islander descent, with an estimated population of 88,500. This equates to 1500 Aboriginal

people living in the District. Reconciliation requires both Aboriginal and non-Aboriginal people working together to build and strengthen relationships and achieve common goals. The successful implementation of a Reconciliation Action Plan (RAP) will therefore benefit the whole community.

The City's Aboriginal Reference Group considers that Council has undertaken significant acts of Reconciliation such as adopting Policy SC44 which formally acknowledges that the Nyungar people are the traditional owners of the land contained in the Cockburn District. This combined with the "Welcome to Country" acknowledgements by traditional Elders at community events and the installation of an acknowledgement plaque at the front of the Administration building was considered progressive.

The City would like to formalise a number of current actions and to be part of a larger movement for reconciliation across Australia. Reconciliation Australia (RA) is a not-for-profit community organisation that assists other organisations to develop RAP's. A number of Local Government authorities have developed a RAP and many more have signed a commitment to develop one in the next 12 months. One of the main goals of RAP's is to close the unacceptable 17 year life expectancy gap between Aboriginal and non-Aboriginal children.

The City signed a Statement of Commitment to develop a RAP by 30 April 2011. The Statement of Commitment outlined that development of this RAP will involve consultation with RA; Aboriginal and Torres Strait Islander and non-Aboriginal staff; and external consultation with Aboriginal and Torres Strait Islander stakeholders. Areas for action committed to include:

- Training in cultural awareness and development for Council staff in order to strengthen communication and service delivery.
- Creating opportunities to build and strengthen relationships between Aboriginal and Non-Aboriginal people across City of Cockburn.
- Increasing the participation of Aboriginal and Torres Strait Islander residents in mainstream activities.
- Increasing the visibility of Aboriginal and Torres Strait Islander culture and peoples across City of Cockburn.
- Embedding Aboriginal and Torres Strait Islander views in service delivery.

The City has now completed the draft RAP by following the process outlined by RA.

This process included the formation of a Steering Group with membership of Aboriginal and Non-Aboriginal City staff, Aboriginal

Reference Group members, and Aboriginal and Non-Aboriginal community members. The aim was to achieve a 50:50 ratio of Aboriginal and non-Aboriginal people in attendance at the steering group meetings. Staff from a wide variety of Service Units attended the meetings including Human Services, Community Services, Libraries, Strategic Planning, Infrastructure, Human Resources, Parks, Environmental Services, Community Safety, and Communications.

The City organised consultation forums and focus groups with the Aboriginal Reference Group, seniors, youth, Walyalup Reconciliation Group, 'My Time' Aboriginal group and a general public meeting. In total 100 community members have been consulted regarding the RAP key focus areas. In addition to this staff have been consulted with across all Service Unit areas via a survey and through the Reconciliation Action Plan Steering Group.

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

- Need to strengthen relationships between Aboriginal and non-Aboriginal people.
- Need to increase employment, educational, health, Cultural and social opportunities for Aboriginal people in Cockburn.
- Need to improve the cultural appropriateness of some Council Services.
- Need to visibly acknowledge and respect Nyungar culture and history.
- Need to increase positive perceptions of Aboriginal people in the community.

These needs have been developed into a comprehensive draft action plan for the City of Cockburn spanning over a two year period from July 2011 until 2013. These actions have been identified because they are realistic and achievable within a two year timeframe and address the most pressing needs identified in the community consultation process.

The RAP is categorised into three standard areas Relationships, Respect, and Opportunities.

The relationships focus area contains actions that work towards:

- Creating opportunities to build and strengthen relationships between Aboriginal and Non-Aboriginal people across City of Cockburn.

The respect focus area contains actions that work towards:

- Increasing the visibility of Aboriginal and Torres Strait Islander culture and peoples across City of Cockburn; and
- Training in Aboriginal Cultural Awareness and Development for Council staff and others, in order to strengthen communication and service delivery.

Note: As action 5 “Flag Raising” recommends the daily flying of the Aboriginal and Torres Strait Islander flags, an amendment to Council Policy SC45 will be required.

The opportunities focus area contains actions that work towards:

- Increasing the participation of Aboriginal and Torres Strait Islander residents in mainstream activities; and
- Embedding Aboriginal and Torres Strait Islander views in service delivery.

All actions are allocated to a responsible officer, outline whether existing or new resources are required and are measureable. The Plan will be monitored and progress reported to the Steering Group quarterly and to Council and RA on an annual basis.

The City’s draft RAP has been endorsed by the Reconciliation Action Plan Steering Group, and the City has received correspondence from RA that the attached draft Plan meets their required standards.

If the attached RAP is adopted by Council then the final plan will be sent to RA for ratification.

However, if more than minor changes are made to the attached plan Reconciliation Australia may need to recommend further changes and then the revised document may need to be considered by Council at a future meeting.

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

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

- Council Policy SC44 “Acknowledgement of Traditional Owners” refers.
- Council Policy SC45 “Flying of Flags – City of Cockburn Administration Building” refers.

### **Lifestyle and Aspiration Achievement**

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

### **Budget/Financial Implications**

As contained in the Plan.

One of the requirements is for casual administrative assistance to support the functions of the RAP Steering Group, and assist the Aboriginal Community Development Officer and the Family Services Manager to report progress regarding the RAP. The Administration Assistant will be employed on a casual basis for a maximum of 2 hours per week. The net cost to Council for this administration support for the 2011/12 financial year will be \$3,500.

All other actions which require additional Municipal resources will be considered by Council through the 2011/12 Budget process or 2012/13 Budget process.

The items that require new Municipal resources in the 2011/12 financial year are:

- \$3,500 RAP Steering Group and administrative support
- \$2,000 Cultural Bus Tour
- \$3,000 printing of Aboriginal History Brochure
- \$4,700 installation of 4 flag poles at Administration Building
- \$15,000 Feasibility Study for an Aboriginal Cultural Centre contingent upon matching funds from a TQUAL Grant application
- \$3000 Aboriginal Student Award

The net cost to Council for 2011/12 financial year is \$31,200.

### **Legal Implications**

N/A

### **Community Consultation**

Extensive community consultation was undertaken with the RAP Steering Group, the Cockburn Aboriginal Reference Group, a public meeting was held, a Seniors meeting was held, and a Youth focus group was held. A total of 100 community members have been consulted regarding the proposed RAP.



**Attachment(s)**

City of Cockburn Reconciliation Action Plan

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

Reconciliation Australia and Stakeholders consulted in the preparation of the Plan have been advised that this matter is to be considered at the May 2011 Council Meeting.

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

Nil.

**17.2 (OCM 12/5/2011) - CITY OF COCKBURN CRIME PREVENTION PLAN 2011-2014 (CR/L/007) (R AVARD) (ATTACH)****RECOMMENDATION**

That Council adopt the Crime Prevention Plan 2011 - 2014, as attached to the Agenda.

**COUNCIL DECISION****Background**

Local Government is responsible to its local community for the quality of life issues that impact on residents. Local Government is increasingly involved with crime prevention throughout Australia which indicates that Local Governments are being responsive to their community's concerns.

In September 2004, the City was one of the first Councils to sign a Partnership Agreement with the Office of Crime Prevention to prepare a Community Safety and Crime Prevention Plan on behalf of the community and in accordance with WA Government guidelines.

The following strategies are intended to set out the broad shape of the Crime Prevention Plan 2011 to 2014. This is the second CSCP plan to be developed and facilitated by the City with the assistance of the Office of Crime Prevention and is a direct result of that original

partnership agreement between the State Government and the City of Cockburn.

### **Submission**

N/A

### **Report**

The review and development of a new Crime Prevention Plan required the following processes to be undertaken in line with the requirements of the Office of Crime Prevention:

1. Evaluate current safety and security initiatives. (What works and what doesn't?)
2. Identification of future requirements in line with current security and criminal activity trends.
3. Investigation into possible options to enhance the security management within Cockburn. This is to include any operational and financial considerations.
4. Consolidation and co-ordination of proposed initiatives.
5. Consultation with the community and other stakeholders.
6. Conduct community security and safety survey in line with the Office of Crime Prevention requirements.
7. Approval of the Community Safety & Crime Prevention Technical Reference Group.
8. Completion and submission of new Crime Prevention Plan 2011 to 2014 for ratification by Council and the Office of Crime Prevention.

The original plan written in 2004 was not based on any clearly defined plan and generally worked well, however in 2009 the Office of Crime Prevention set a base standard that outlined a basic process to be followed. As a result the Community Safety and Crime Prevention Introductory Planning Manual was produced for developing a local Community Safety and Crime Prevention Plan.

The plan was to involve an analysis of crime data supplied by the various sources such as the Office of Crime Prevention, Western Australian Police and was to involve pro-active consultation with key stakeholders. This was to be used as a basis in the identification of proposed strategies and partnerships, which was to include shared responsibilities and funding opportunities eg. grants and in-house funding.

From this research the following six strategies were identified:

1. Promotion and Development of Security Awareness and Crime Prevention within the City of Cockburn.

2. Strategic use of CoSafe.
3. Development of Safe Environs.
4. Facilitate community Involvement Education and Empowerment.
5. Youth Education and Programs.
6. Dealing with Reality versus Perception of Crime.

Each of these strategies has a subset of tactics to be employed to achieve the desired outcome.

Full details of these strategies are outlined in Chapter 5 of the Crime Prevention Plan.

The plan's strategies are designed to have multiple agencies work in a collaborative process to address crime. To this end the original Community Safety and Crime Prevention Technical Reference Group will take a more hands on approach to the strategies and their implementation.

The strategies in most cases are already being applied in some form. If adopted by Council this will add weight to subsequent grants the City may apply for either through the Office of Crime Prevention or other State and or Federal authorities.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

- To construct and maintain community facilities that meet community needs.
- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

### **Lifestyle and Aspiration Achievement**

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

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

### **Budget/Financial Implications**

The Crime Prevention Plan's strategies are currently mostly budgeted for. Any new or additional resource requirements will need to be sourced through grant funding or through the standard municipal budget processes and timeframes.

### **Legal Implications**

N/A

### **Community Consultation**

Consultation was carried out via a survey (see Chapter 4 of the Plan) and through consultative groups such as the Neighbourhood Watch and the Community Safety and Crime Prevention Technical Reference Group.

### **Attachment(s)**

City of Cockburn Crime Prevention Plan 2011 – 2014.

### **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 May 2011 Council Meeting.

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

Nil.

**17.3 (OCM 12/5/2011) - COOGEE BEACH SURF LIFE SAVING CLUB LEASE (CR/M/106) (R AVARD) (ATTACH)****RECOMMENDATION**

That Council

- (1) allocate over the 2011/2012 and 2012/13 municipal budgets, the total sum of \$6,500,000 for the construction of the Coogee Beach Surf Life Saving and Multi Functional Community Facility.
- (2) approve the appointment by the Coogee Beach Surf Life Saving Club of Pindan Pty Ltd at the negotiated lump sum contract price of \$5,806,213 (GST exclusive);
- (3) enter an Agreement for Lease and Lease with the Coogee Beach Surf Life Saving Club (Inc) for premises to be constructed on a portion of lot 172 Cockburn Road Coogee subject to the following conditions:
  1. The lessee will construct on the land a Regional Surf Life Saving and Multipurpose Community Facility in accordance with the approved plans and specifications.
  2. The lease shall be for a period of 20 years with an option for a further 10 years for the premises as shown on the attached plan.
  3. The lease fee shall be a peppercorn.
  4. The lessee will pay all outgoings and maintenance costs in accordance with the term and conditions prescribed in the attached lease.
  5. Other terms and conditions as provided for in the attached Agreement for Lease and Lease.
- (4) require a formal commitment from the Coogee Beach Surf Life Saving Club to release all funds received from Lotterywest (\$500,000) and the Department of Sport and Recreation (\$750,000) toward the cost of the construction works as approved by the Project Manager/ Superintendant on behalf of the City.

**COUNCIL DECISION**

**Background**

A Memorandum of Understanding (MOU) was approved by Council at its meeting of 12 July 2007 in which it was a requirement for the Coogee Beach Surf Life Saving Club to construct a Club and multi functional community facilities on the identified site and enter a lease with the City of Cockburn for the management and control of the facilities constructed.

Council at its meeting of the 14<sup>th</sup> of October 2010 resolved as follows:

*(1) approve the building design for the Coogee Beach Surf Life Saving Club (Inc.) facilities and public amenities development as attached to the Agenda; and*

*(2) consider any allocation of funding toward the development of the club rooms and the public amenities for the Coogee Beach Surf Life Saving Club (Inc.) following receipt of advice from the Club on the preferred tender, scheduled for February 2011, in accordance with the proposed development schedule.*

**Submission**

The Coogee Beach Surf Life Saving Club has written to the City advising that the negotiated tender price of \$5,806,213 has been achieved and are seeking the Council's approval to proceed with the development of the facilities in accordance with the terms of the MOU. It is noted that the tender price includes a kiosk available to the public.

**Report**

The proposal to develop the Poore Grove Beach access node and Coogee Beach Surf Life Saving and Multi functional facilities has been before Council on a number of occasions and the matters have been progressed in accordance with the MOU between the Club and the City adopted by Council at its meeting of July 2007. The plans for the building were considered by Council at its meeting of October 2010.

The Club have been responsible for the appointment of the architect and seeking funds from external sources for the project. To give both the Club and the Council security and to ensure clarity in

responsibilities an Agreement for Lease and Lease between the two parties has been prepared and is attached to the agenda. These documents supersede the MOU currently in place. The Agreement in part defines the responsibilities of the parties' in relation to the construction of the facilities. The Club will hold the contract with the builder. Of note is the requirement for the Club to gain the approval of the City to the design and specifications for the construction and for Council to approve the proposed successful tender for the construction works. This was formally done by the Council decision of the 14<sup>th</sup> of October 2010.

There has since this time been a change to the design which provides for the inclusion of a kiosk to serve the public who visit the beach. The City has reached agreement with the Club for the City to appoint the project manager/superintendent for the construction works which has an indicative fee of \$50,000 to reduce the risk to the City in the building construction phase of the project. Under the previous contractual arrangement between the Club and the architect this task was to be undertaken by the architect.

A project team has been agreed comprising a representative of the Club, project manager/superintendent, architect and a representative of the City of Cockburn. Whilst the ultimate authority for the construction decisions lies with the City there are dispute resolution clauses in the Agreement which deal with issues if they arise during the construction works.

The Club called for Expressions of Interest and invited selected tenders. As a result of the tender process and subsequent negotiations with the lowest tenderers, Pindan Pty Ltd have been recommended and have agreed to a fixed price lump sum for 90 days which expires on the 11 June 2011 and have proposed a 52 week construction period. There may be scope to have the fixed price tender extended for a short period but the construction period of approximately 52 weeks is more constrained and will impact on the budget allocations as the majority of the funds will be spent in 2011/12.

On the completion of the construction works the Lease Agreement will come into effect. The City will manage the public toilets within the new building which have been designed to allow access by the public without the other facilities being open. The Club will manage and operate the rest of the building including responsibility for the walls and fences that surround the building.

Both the Agreement for Lease and the Lease documents attached have been agreed to by the Club.

Given the somewhat isolated nature of the facilities it is proposed that Poore Grove will be closed at night to prevent public access to the area. Experience at Point Catherine has demonstrated that extensive vandalism will occur to public buildings in isolated beach side areas if access is not restricted after hours. The building design includes numerous initiatives to prevent and reduce the opportunities for vandalism and illegal entry and Crime Prevention Through Environmental Design (CEPTD) principles have been utilised. At the Ordinary Council Meeting held 10 June 2010, it was resolved as follows:

*"That the City underwrite Stage 2 of the Surf Life Saving Club project, ie. the building, by providing an additional \$2,000,000 over financial year 2011/12 to financial year 2012/13, in the event that the Developer Contributions framework is not in place or agreed to by the City by this timeframe".*

This infrastructure item is listed in Developer Contribution Plan<sup>13</sup> which seeks a proportion (37.29%) of the funding for this item from developer contributions. The Council needs to be aware that it is proceeding with this development with no commitment from the Minister of Planning for a contribution through the Developer Contribution Plan. It should also be note that SPP3.6 specifies that the City is unable to collect any funds until the amendment has been gazetted. It does not appear to prevent proceeding with the construction of a project which has been included in the DCP as advertised and receiving a contribution for that purpose.

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

#### **Infrastructure Development**

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

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

The budget for the building construction phase of the project is as follows (excluding GST):

• Construction tender	\$5,806,213
• Building contingency	\$500,000
• Project Manager/Superintendent	\$70,000
• Architect/Engineers construction advice	<u>\$125,000</u>
Total (rounded)	\$6,500,000

There is a further \$54,000 required for some redesign and modification to the engineer's drawings to address the changes made as a result of



the negotiations with the recommended tender and the inclusion of the kiosk. There are sufficient funds in the current budget to meet these costs.

The Coogee Beach Surf Life Saving Club will be responsible for all financial aspects of operating the leased premises and have prepared the attached budget. Most surf club facilities in the state are managed and operated under similar arrangements. The Club has been in operation for a number of years and to date has demonstrated an ability to be financially sustainable.

The Club has received a grant of \$500,000 from Lotterywest and another of \$750,000 from the State Government Department of Sport and Recreation through the Community Sporting and Recreation Facilities Fund toward the construction of these facilities. It is proposed that the Club formally confirm that it will release all funds provided from these sources to the City as contributions towards the project and that they will not retain any of the funds for their purposes.

It is proposed that an amount of \$4,350,000 be placed on the 2011/12 Draft Budget to fund the capital work in 2011/12 with a further \$2,150,000 to be placed on the 2012/13 Budget to fund the balance of the \$6.5m building cost which includes the cost of construction, contingency funds, architect and project manager fees.

The funds will be derived from the municipal fund of \$1,500,000, borrowings of \$3,750,000 and grants from Dept of Sport and Recreation/Lotterywest \$1,250,000.

### **Legal Implications**

The Local Government is exempted from the requirements of Section 3.58 of the Local Government Act by way of the Clause under the Local Government (Functions and General regulations) 1996 Section 30 (b) (i) that the Coogee Beach Surf Life Saving Club (Inc) is deemed to be an organisation the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

### **Community Consultation**

The development of the Poore Grove beach access node and the associated facilities has had extensive previous community consultation.

**Attachment(s)**

1. Draft agreement for Lease between the City of Cockburn and the Coogee Beach Surf Life Saving Club
2. Draft Club Operating Budget

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

The Proponent(s) have been advised that this matter is to be considered at the May 2011 Council Meeting.

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

**19.1 (OCM 12/5/2011) - CLR WHITFIELD - COMMUNICATION BETWEEN CITY OF COCKBURN AND FESA (RS/J/005) (D GREEN)**

**RECOMMENDATION**

That Council requires the Captains of its Bush Fire Brigades to be notified of any matters which have the potential to impact on the operations of the respective Brigades, prior to any discussion on those matters being held with FESA officers.

**COUNCIL DECISION**

**Background**

By email received on 20 April, 2011, Clr Whitfield submitted the following Notice of Motion for consideration at the May Council Meeting:

“That Council make a resolution that no meeting / correspondence or conversations will be held with any FESA officer or agent with any member of Council staff without the full prior knowledge and attendance / involvement at all such occasions of the Captains of the Brigades and the Elected members of the City of Cockburn Bushfire Advisory Committee (BFAC) being present.”

### **Submission**

N/A

### **Report**

The Notice of Motion in its submitted form would be impractical to implement if adopted by Council. This is because Council staff in the building and planning areas of the City often have discussion with FESA staff in relation to regulatory matters, specifically with regard to fire hydrant requirements and other statutory issues.

Dialogue also involves Councils Environmental Services Section and Rangers discussing Fire Management Plans and other prevention strategies. In addition, Councils Rates Department is required to liaise on aspects of the Emergency Services Levy, for which FESA is the responsible State Government Administrative Authority.

This interaction would be prohibited under the proposal, as presented. Given it is clearly the intent of the original proponent (Jandakot Volunteer Bush Fire Brigade) to be kept apprised of issues which could be perceived as having an effect on its viability in the future, it is considered more prudent for Council to adopt the recommended position put forward, if such a decision is deemed necessary at all.

It is generally considered sufficient for the administration, through the Chief Executive Officer, to provide such an undertaking to any stakeholder who would hold such concerns in a less formal manner.

Such an outcome was discussed with Cllr Whitfield; however, Council's Standing Orders do not provide any officer discretion to withdraw a Motion submitted within the specified time frame, unless it is formally withdrawn by the mover.

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

#### **Infrastructure Development**

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

**Lifestyle and Aspiration Achievement**

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

**Governance Excellence**

- To 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**

Clause 4.10 of Council's Standing Orders Local Law refers.

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**19.2 (OCM 12/5/2011) - CLR LIMBERT - REMOVAL OF LONDON PLANE TREE AT 36 HEDGES RETREAT ATWELL (FS/I/002) (D SMITH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) not remove the street tree at 36 Hedges Retreat, Atwell;
- (2) engage the services of an independent qualified arboricultural consultant to undertake a comprehensive assessment of the tree and recommend appropriate remedial action;
- (3) provide a brief report to the 9 June 2011 Ordinary Council Meeting outlining the arboricultural consultants report and recommendations; and,
- (4) advise Mr & Mrs Ivester of Council's decision in writing following the 12 May 2011 Ordinary Council Meeting.

**COUNCIL DECISION**

**Background**

Councillor Sue Limbert requested the following notice of motion be presented to the 12 May 2011 Ordinary Meeting of Council:

That Council:

- a) remove the London Plane tree at 36 Hedges Retreat, Atwell;
- b) replace the street tree with another suitable street tree species
- c) advise the residents accordingly

Councillor Limbert states the following reasons to support her notice of motion:

- The London Plane Tree has invasive roots which are causing damage to the driveway pavers and foundation of the home at 36 Hedges Retreat, Atwell.
- Council has on three occasions removed some of the trees' roots but unfortunately they continue to grow causing damage and safety issues.

Officers have reviewed the notice of motion and provide the following information to assist Council in its deliberations.

### **Submission**

N/A

### **Report**

Council officers have inspected the verge tree on a number of occasions and have undertaken a range of remedial works to remove surface roots on private land that had caused minor lifting to pavers at the edge of the driveway at 36 Hedges Retreat. These remedial works on private land were undertaken prior to the City in conjunction with the Local Government Insurance Scheme (LGIS) recently preparing a documented process to manage tree liability issues which precludes entry onto private property to undertake remediation works.

Mr Jim and Ms Jo Ivester are the owners of 36 Hedges Retreat Atwell and have provided Cr Limbert with a history of events associated with the management of this issue. A copy of these events is attached. It is evident that Council officers have assisted in the management of this situation over an extended period of time.

Each request to remove a street tree that is received by the City is inspected and a decision is based on specific criteria contained in Policy – PSEW15 – Removal and Pruning of Trees. It is important to recognise that no two requests to remove a tree are the same and no two trees possess identical growth characteristics even if both trees are of the same species. The decision to retain or remove a tree is based on situational merits, individual characteristics and specific policy criteria.

### The Location – Hedges Retreat

The street tree at 36 Hedges Retreat is a Plane Tree (*Platanus x acerifolia*) located on the verge, the central point of the tree being 2.4 metres from the kerb, 0.8 metres from the front boundary and 7.3 metres from the front of the brick dwelling constructed on the allotment.

At one metre above natural ground level, the diameter of the trunk is 0.35 metres with the trees canopy possessing an 11 metre spread. An aerial photograph of 36 Hedges Retreat including the verge area is attached.

All verge trees planted in Hedges Retreat and a number of surrounding streets are Plane Trees. These trees were planted when the subdivision was developed approximately 15-18 years ago. An aerial

photograph showing verge tree planting within the subdivision is attached.

Generally Plane Trees are deep rooted specimens however, when residents reticulate the verge and front lawn areas, this generates an artificial water source not normally available to a tree. A water source that is easily accessible and close to the ground surface encourages trees, including plane trees to access this water, producing copious quantities of surface roots, rather than developing a normal deep root pattern.

### Characteristics of Plane Tree

It is difficult to provide an accurate assessment depicting the characteristics of a typical Plane Tree, as the harsh climatic and unique soil conditions of Western Australia produce altered growth habits from most locations where plane trees are located, both in the southern and northern hemispheres. A plane tree growing in Western Australian conditions would typically possess the following characteristics:

- Hardiness – Hardy to very hardy, tolerates cold winters, temperate conditions and hot summers
- Habit – Deciduous
- Growth Rate – Moderate
- Requirements – Sun to light shade tolerating a wide range of soil types, air pollution tolerant
- Form – Pyramidal when young; large, open habit with large branches when mature
- Size – 20 metres with a domed canopy when mature

### The Management Process

A recently developed process - "Process to Manage Tree Liability Issues", now provides City officers with clear direction in dealing with routine tree enquiries including tree roots causing damage to private property. A copy of this process is attached.

Each claim for financial restitution and/or remedial action forwarded to the City for alleged damaged to private property is addressed on its merits in accordance with the abovementioned Process to Manage Tree Liability Issues.

When a written request for financial restitution and/or remedial action is received from a claimant, officers undertake the collection of all background information and documentation. This information is subsequently forwarded to LGIS for assessment. LGIS will accept or deny liability for the claim, based on the evidence and documentation provided by the City. In this case the claim was denied.

### Timeframe for Resolution

A tree is only removed as a last resort after all avenues to resolve the issue, mitigate risk and minimise damage have been exhausted. In some cases it may appear that the timeframe to resolve tree issues are protracted.

Trees are living entities and from the time of the first request to undertake remedial action there may be a range of additional issues that become evident during the resolution process. Each separate issue needs to be worked through, remediated and resolved. In many cases it is a complex process, made even more complicated when a claimant does not agree with the recommendations of Council staff, LGIS or qualified arboricultural consultants.

### When a Claim is Denied

In the event that a claim is denied, LGIS inform the claimant in writing. Usually this will result in additional dialogue between LGIS and the claimant. In this case Mr Ivester contacted LGIS to discuss the reasons why the claim was denied and was not satisfied with the outcome.

The claimant has now contacted Cr Limbert to request that this matter be resolved by the Elected Members at the 12 May 2011 Ordinary Council Meeting.

### Policies and Documentation

There are a number of policies and documentation associated with tree liability issues. This documentation will be updated on a progressive basis to address current and emerging issues relating to the management of street trees. The documentation includes:

#### Position Statement

- PSEW15 Removal and Pruning of Trees

#### Documentation

- Process to Manage Tree Liability Issues
- Tree Inspection Process to Engage Tree Consultant
- City of Cockburn Tree Inspection Report

This documentation was included in a report regarding Tree Liability Issues presented to the Ordinary Council Meeting of 12 May 2011.

### Managing Street Trees as a Valuable Asset

It is important to recognise that trees are valuable in the urban environment. Valid, robust and substantiated evidence needs to be



provided for assessment before approval is given to remove a street tree.

It is essential that all avenues to mitigate damage are explored and investigated prior to removing a tree.

It is common practice to use the same species as a street tree within a street or subdivision, which is the case in this situation. Should approval be provided for a specific tree to be removed, it is likely that this will establish an undesirable precedent, in that other requests for tree removal will be received for similar or other minor reasons.

#### Additional Investigation

It is suggested that an independent arboricultural consultant be engaged to determine whether the use of a root barrier at the front boundary of the allotment would be suitable to address the problem and negate the need for the tree to be removed. It is envisaged that this investigation could be undertaken within the timeframe required to provide a further report at the June Ordinary Council Meeting.

It must be understood that there are a range of important factors to be considered when using root barrier as a mitigating treatment. The size of roots that will be severed and the distance where severing of roots occur in relation to the trunk of the tree determine whether the treatment will be effective or will likely cause other safety and structural issues associated with the tree.

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

#### **Demographic Planning**

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

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

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

### **Budget/Financial Implications**

Position Statement PSEW 15 Removal and Pruning of Trees states:

Where the Council has resolved to authorise removal of a tree at the request of an adjacent property owner:

- 1 Removal shall be at full cost to the property owner who made the request for removal;

- 2 The tree shall be dismantled to the ground, removed from the site and the stump shall be ground out;
- 3 The tree shall be removed by a suitable contractor engaged by the City for the purpose;
- 4 The tree shall not be removed until the City has received payment for the full cost of removal; and
- 5 The City at the Council's cost shall plant a replacement tree suitable for the location, within six months of removing the original tree.

It is estimated that the cost to remove this tree would be in the vicinity of \$800.00.

### **Legal Implications**

LGIS have denied this claim to have the tree removed. LGIS Liability assesses all claims on a common law negligence basis. Claims will generally only be paid if LGIS determine that Council would most likely be found liable in a civil court, based on any applicable legislation and case law (precedents set by the courts in previous judgements for similar cases).

A component of the reason Councils pay to have a public liability insurance policy is so that the insurance company can manage these claims on the City's behalf, and when appropriate, defend claims where the City is not liable for a particular loss.

### **Community Consultation**

There has been significant consultation with the owners of 36 Hedges Retreat over a significant period of time in an effort to resolve this matter.

### **Attachment(s)**

1. History of events provided by Mr Ivester.
2. Aerial photograph of 36 Hedges Retreat including the verge area.
3. Aerial Photograph showing verge tree planting within the surrounding subdivision.
4. Process to Manage Tree Liability Issues.

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

The Proponent(s) have been advised that this matter is to be considered at the 12 May 2011 Council Meeting.

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

Nil.

**19.3 (OCM 12/5/2011) - DEPUTY MAYOR ALLEN - JANDAKOT VOLUNTEER BUSHFIRE BRIGADE - LOCATION, RESOURCES AND OTHER ISSUES (RS/L/005; RS/L/006) (R AVARD)**

**RECOMMENDATION**

That Council:

- (1) reaffirms its position of April, 2006, that it supports the retention of the Jandakot Volunteer Bush Fire Brigade (JVBFB) and it staying at the current location (Liddelow Road, Banjup);
- (2) maintains the current arrangement with FESA to provide a Community Emergency Management Officer on a 50/50 cost share basis; and
- (3) seek the involvement of FESA, Jandakot and South Coogee Volunteer Bush Fire Brigades to undertake a complete review of the resources required to satisfactorily address the Bush Fire Management and operational obligations of the City.

**COUNCIL DECISION**

**Background**

By email received on 20 April, 2011, Deputy Mayor Allen submitted the following Notice of Motion for consideration at the May Council Meeting:

**RECOMMENDATION**

That Council:

1. reaffirm its position of 2006, that they support the retention of the Jandakot Volunteer Bush Fire Brigade (JVBFB) staying in

situ at their current location and not merging with the South Coogee VFBF, moving to Poletti Rd building or being shut down and that all current resources remain with this volunteer brigade.

2. Withdraw their 50% funding of the Bush Fire Control Officer with FESA.

### **Submission**

N/A

### **Report**

The Council at its Ordinary Council meeting of 20 April 2006 resolved as follows:

*.... the Jandakot Volunteer Bushfire Brigade continue to be housed at its present location for the foreseeable future; and*

*Oppose the reduction of any resources by FESA with the construction of the new headquarters as there remain significant hazards in the semi rural and reserve areas of the City.*

There is nothing that would constrain the Council of the City of Cockburn to reaffirm its decision of 20 April 2006 that it supports the retention of the Jandakot Volunteer Bushfire Brigade at its present location.

The City of Cockburn and FESA have an MOU which spells out the arrangements for the contracting by the City for FESA to perform the role of Chief Bushfire Officer/Community Emergency Services Manager (CESM is the current title) for the City of Cockburn. This arrangement has been in place since 2003 and has a number of clear advantages to both parties and improved capacity to deal with wild fires in the City of Cockburn.

1. A CESM provides the City with a direct contact to FESA management through the District Manager and Regional Director.
2. A FESA CESM provides the City with the support of the entire regional office at a large incident and guaranteed back-up support in the case of the CESM being off duty for reasons of sickness or annual leave.
3. Shared costs reduce the burden on Council in regards to wages, vehicle and office facilities.

4. Provides the capacity for FESA to provide a range of expertise to support other departments within the City, for example, the development of fire management plans and new legislation related to fire risk areas.
5. Provides direct internal contact with FESA when working on Emergency Services Levy (ESL) funding and operational grants. This has been seen when negotiating funding for the New Facilities for the Emergency Services building in both the design and support from the regional office.
6. Direct link to the FESA Training Centre and training information and courses.
7. The current incumbent has access to senior level Emergency Management Courses funded by FESA at no cost to Council.
8. FESA meets all overtime costs at no charge to Council.
9. Provides a direct line of communication with Fire and Rescue Services (FRS) which has enabled the City's resources to be used at incidents within adjoining areas.
10. Direct access to FESA communication centre.
11. By being a FESA employee allows the City to have at its disposal a Senior Trainer Assessor to ensure skills and training levels are maintained within the brigades.
12. Has monthly briefings and regional training with FESA managers, both local Brigades and FRS.

An argument has been put by representatives of the Jandakot Volunteer Bushfire Brigade and others that the current arrangement between the City and FESA is a conflict of interest and that the person should be employed to defend the position of the Volunteers and the City. It is considered that of far greater importance to the volunteers and the Council is to have a strong and co-operative arrangement with FESA. Any matters of difference are better dealt with by the senior administration of both services, not the officer acting as the Chief Fire Control Officer.

Of most benefit to the City of Cockburn under the current arrangement is to mitigate the risk to Council associated with its responsibilities in wild fire situations. Wild fires are by their very nature extremely high risk to property and life, unpredictable and problematic. Should the City revert to having a significant role in wild fires through the employment of a Chief Bushfire Control officer it also increases its risk of claims against it. The problem is further exacerbated by the

likelihood that the City would not be able to employ a person with the necessary skills and experience to fulfil the role to the standard that can be achieved through the current arrangement with FESA.

It is, at this stage, recommended that the Council retain the current arrangement with FESA to fulfil the role of Chief Bushfire Control Officer.

Following on from the Briefing Session with representatives of FESA and JVBF, conducted on 2 May, 2011, it is suggested that this issue be included in the review proposed as an outcome. There was general agreement that the review group could comprise of equal representation from each of the stakeholder groups to eliminate the perception of any decisions being preconceived. While there has been resistance to any review being necessary from the Captain of the JVBF, it is considered appropriate for this course of action, on the basis that many of the arrangements currently in place are as a result of the previous review, undertaken in September, 2002. Given that nearly 9 years has elapsed, a comprehensive review is recommended involving all affected parties. At the very least, this should occur as a demonstration of good governance practice being followed.

Furthermore the Inquiry into the Armadale Fires will likely provide advice and recommendation on many matters including the relationship between the FRS and the Volunteer Brigades.

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

#### **Infrastructure Development**

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

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

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Under the current arrangement with FESA the City pays 50% of the wages and on costs for one employee for 2010/11 was \$45,000 and 50% of the vehicles expenses which was \$7,873 for 2010/11.

Should Council employ a person directly the annual cost to Council would be in the vicinity of \$90,000 inclusive of wages and on costs. Vehicle expenses of \$16,000 and office and general expenses of \$10,000 giving a total of \$116,000.

**Legal Implications**

Clause 4.10 of Council's Standing Orders Local Law refers.

Part 3 Section 12 (2) (e) and (f) of the Fire and Emergency Services Authority of Western Australia Act, 1998.

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

- 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 12/5/2011) - 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**