

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 JUNE 2010 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 JUNE 2010 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor
Mrs R O'Brien	-	Councillor

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr A. Trosic	-	Acting Director, Planning & Development
Mr N. Mauricio	-	Manager, Budgeting & Management Accounting
Mrs B. Pinto	-	PA – Directors, Finance & Corporate Services/Administration & Community Services
Mrs S. Seymour-Eyles	-	Acting Communications Manager
Ms L. Boyanich	-	Media Liaison Officer

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.04 pm.

The Presiding Member made the following announcements:

Mayor Howlett acknowledged the presence of former Mayors of the City, Mr Ray Lees JP and Freeman as well as former Mayor, Mr John Grljusich JP.

Mayor Howlett also welcomed Deputy Mayor Dennis Wood and Councillors Sherilyn Wood, Ruth Alexander and Tanya Dupagne from the Town of



Kwinana who are attending tonight's Council meeting as participants in the Diploma for Local Government studies program.

He also mentioned that the City also has a number of Elected Members studying the same course.

#### Go Red for Women's Day

**Go Red for Women's Day** Is the Heart Foundation's campaign to raise awareness of heart disease as a women's health issue and in order to promote healthier lifestyle choices for women.

The campaign has been accepted by the City as an in-house fundraiser in support of improving research and education into women's heart health. Donation tins were placed around the Administration Building and all donations will be matched by the City.

#### Aubin Grove Sport and Community Facility

The \$3M Aubin Grove Sport and Community Facility was officially opened on Thursday, 27 May 2010.

The facility meets the growing expectation from our community and stands alongside the recently opened \$10M Success Regional Sport and Community Centre as another 'state of the art' facility.

The facility will also complement the new Aubin Grove Primary School that is currently under construction and provide another example of shared resources with the Department of Education.

#### Coolbellup Community Hub

Works on the \$4.5M Coolbellup Community Hub are well underway with members of staff eagerly surveying the new facilities in terms of preparing to move in and commence the provision of a range of library and social welfare services.

The official opening date has been set down for the latter part of August 2010.

#### **Achievements**

At this point in time I would like to advise that the City has been the recipient of a National Award.

The Excellence in e-Government Awards, were introduced in 2006 by the Australian Government to promote excellence in the use of information and communications technology (ICT) in all spheres of government across Australia.



The City of Cockburn has won the Systems Architecture Award which reflects the City's Information Technology Group that has been involved in the implementation of the VMware View-based desktop strategy to improve service to its end users.

Through the use of VMware vSphere and thin client technology, the City has been able to deliver a consistent, scalable, highly available desktop service while reducing its carbon footprint and achieving tangible cost savings.

#### Cockburn Youth Diversion Service Program

The City has been selected as the preferred respondent by the Department of Corrective Services for the Cockburn Youth Diversion Services Program valued at \$660,000.

The funds will be used to provide a Youth and Family Support Service and ensures the retention of the existing number of Cockburn Youth Services staff currently funded by the Department of Corrective Services, and in addition to this, the City will be able to employ one more full time youth worker for a three year contract period.

The City's success was largely attributed to the quality of the proposed model of service delivery and the excellent reputation that Cockburn Youth Services has with the Department of Corrective Services for the existing high quality and innovative services provided to Cockburn's young people and their families.

The result also highlighted the state of the art purpose built Cockburn Youth Centre and the extensive range of services and programs provided from that Centre.

#### Heritage Awards

The City is also a finalist in the Heritage Council Awards which will be announced tonight at an Awards Ceremony.

## **2. APPOINTMENT OF PRESIDING MEMBER (If required)**

Nil

## **3. DISCLAIMER (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 (OCM 10/06/2010) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

Mayor Logan Howlett	-	Item 13.3
Deputy Mayor Kevin Allen	-	Item 13.3
Clr Val Oliver	-	Item 13.3

**5 (OCM 10/06/2010) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Lee-Ann Smith	-	Apology
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**6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**7 (OCM 10/06/2010) - PUBLIC QUESTION TIME**

**Mark Peselj, Hamilton Hill**

*Agenda Item 16.3 – Tender No.RFT33/2009 – Cleaning Services – Public, Community and Administration Facilities*

Q1 Has it been clearly demonstrated and quantified that there is at least an added 18% value to ratepayers in accepting a tender that is \$105,000 per year higher (for up to 5 years) than a lower proven Preferred Supplier for the whole tender?

A1. The difference in price between MP Cleaning and the recommended tenderer is \$95,512 representing a 15% cost differential. This has been clearly articulated in the evaluation spreadsheets and supplementary reports to Council. Under the selection criteria published in the documentation, cost represented 25% of the evaluation and MP Cleaning scored highly (the 2<sup>nd</sup> highest bidder) under this specific criteria in both Group 1 and 2 evaluations.

Q2 Has the possible extent of variations to the tender price been identified as the new specifications call for 1,044 less BBQ cleans per year and 854 less toilet cleans per year than is currently being provided for Group 1 – Public Facilities (Public Toilets and Barbecues)? The new cleaning schedules also does not include extra cleans during school holidays at Naval Base, Coogee Beach, Manning Park and Bibra Lake. There may also be less cleaning frequencies for Group 2 – Community and Administration facilities?

A2 The new scope represents an optimization of cleaning services. The schedule was developed by staff responsible for managing these contract services and where aimed at consolidating the cleans to





better align with community facility bookings and the expected usage (for instance popularity of some park areas as opposed to others). The schedules provide a base program of cleans with provision for additional services on an "as needs" basis as demand on the facilities varies through the year. This will enable staff to tailor cleaning services to better meet the demands of the facility or park and reduce the potential of over-servicing.

It should be noted that all tenderers made submissions based on the scope and schedule included in the tender document. The evaluation was based on a consistent specification. Whilst the quantum of the additional services may vary, the outcome of the evaluation will not change.

Q3 The report indicates that there are added controls on cleaning standards, including KPI's. Please outline what these changes are as it is my view that they do not substantially differ from those in the previous document?

A3 Section 8.11 to 8.14 of RFT33/2009 clearly outlines the methodology to be applied to performance management throughout the duration of this contract. It is substantially different to the contract let in 2003.

Q4 What is the purpose of placing such a high weighting on Environmentally Managed Cleaning Services, when the specification specifies the materials to be used? The recently tendered Security Services had no environmental component.

A4 Council sees itself as a leader in the sustainability debate. Council is endeavoring to be more sustainable in its own operations and seeks to engage its contractors on a similar basis. Officers believed that as Council's cleaning services would impact on staff and community health and hygiene and the use of chemicals in the delivery of the service was prominent, some form of environmental management system and process would be appropriate. 20% of the evaluation criteria was allocated on that basis. The manner in which staff were to assess this criteria was also clearly published in the tender documentation.

I am unable to comment on the recent Security Services Tender.

Q5 The non-cost evaluation score for each tenderer in the scoring table is the same for Group 1 and Group 2, although the Groups involve different facilities to clean, cleaning methods, firms having different expertise etc. If it was the City's intention to have separate tenders for the two Groups, why use the same evaluation scores for both Groups?

A5 The information provided by each tenderer was assessed against the non-price (qualitative) criteria incorporated in the tender document.



None of the Tenderers provided particularly differing information that supported their claims against the scope of Group 1 compared to Group 2. On that basis the same assessed scores were applied across both Groups.

- Q6 It has been noted that there is an approximate increase of 11% in costs with the recommended tenderer. Does this take into account the variations required to increase the cleaning frequencies to match the current cleaning frequencies and servicing, although the new tender specifications and frequencies require 1,044 less BBQ cleans per year and 864 less public toilet cleans per year in the basic price? The new specifications do not allow for extra facility cleans in the basic price. Should not these be added to the 11% increase?
- A6 The 11% cost variation specified in the Financial Implications tries to quantify the cost increase from the current service provider to the proposed tendered rates. The agenda item and additional detail provided to Council clearly outlines the value of the service specified and the schedule of rates proposed for additional ad-hoc services that may be necessary throughout the term of the contract.

**Ray Lees, JP and Freeman, Hope Valley**

*Agenda Item 16.3 – Tender No.RFT33/2009 – Cleaning Services – Public, Community and Administration Facilities*

- Q1 Can you quantify where at least \$100,000 per year extra value in cleaning services is going to be achieved?
- A1. The relative value of the service is not restricted to price alone. Evaluation of the service to be delivered was assessed against 8 criteria which were clearly outlined in the tender documentation.
- Q2 Will there be variations to this price once the contract is in place as I understand that the new specifications require over 1,000 less public BBQ cleans per year and over 800 less public toilet cleans per year than is currently provided?
- A2 The contract allows for additional and ad-hoc cleaning services to be provided on an 'as needs' basis. Those services will be provided for the schedule of rates accepted by Council. The new scope represents an optimization of cleaning services. The schedule was developed by staff responsible for managing these contract services and where aimed at consolidating the cleans to better align with community facility bookings and the expected usage of facilities and reserves.
- Q3 They are a north of the river company – have they indicated that they have the necessary available trained cleaning staff locally available for cleaning BBQs and toilets?



- A3 The evaluation panel believed that Arrix had the capacity to undertake both Group 1 and Group 2 services as required under RFT 33/2009 Cleaning Services.
- Q4 To what extent has the recommended tenderer undertaken the cleaning of public BBQs and toilets in the past, and has this been reflected in scoring them in Group 1?
- A4 The information provided by each tenderer was assessed against the qualitative criteria incorporated in the tender document. As I understand it, MP Cleaning has provided services consistent with the Group 1 services for in excess of 27 years. The assessment however was undertaken against the information provided by the tenderer. None of the Tenderers provided particularly differing information that supported their claims against the scope of Group 1 as compared to Group 2. On that basis the same assessed scores were applied across both Groups.
- Q5 Why is the environmental evaluation given such high weighting whilst environmental requirements are clearly spelt out in the specifications? Yet environmental requirements were not even included in the recent security services tender where it would have been more critical?
- A5 Council sees itself as a leader in the sustainability debate. Council is endeavoring to be more sustainable in its own operations and seeks to engage its contractors on a similar basis. Officers believed that as councils cleaning services would impact on staff and community health and hygiene and the use of chemicals in the delivery of the service was prominent, some form of environmental management system and process would be appropriate. 20% of the evaluation criteria was allocated on that basis. The manner in which staff were to assess this criteria was also clearly published in the tender documentation.
- Q6 Why is the non-cost evaluation scores the same for both Groups 1 and 2 when these require different cleaning procedures and cleaning firms have different experiences and expertise in these?
- A6 The information provided by each tenderer was assessed against the qualitative criteria incorporated in the tender document.
- Q7 What is the percent increase in costs if variations as detailed above are added in?
- A7 The recommended tenderer represents a cost differential of \$95,500 or 15% over MP Cleaning for the lump sum stipulated for both Group 1 & 2 services. MP Cleaning has also provided a more competitive schedule of rate for additional or ad-hoc cleaning services than Arrix. These facts have been taken into consideration during the evaluation



and this has been quantified to Council in the attachments.

- Q8 Can it be confirmed that all the panel that assessed this tender do not have shares or an interest in Spotless Services?
- A8 The panel members have not disclosed an interest in any of the companies that are represented in this evaluation.
- Q9 Can the Council confirm that the ratepayers are not getting a reduced frequency of cleaning?
- A9 It can be confirmed that the Council is getting a decreased frequency of cleaning against both the BBQs and public toilets. The quality of service is not being reduced to the ratepayer in doing so.
- Q10 Can this 150% of extra cost to the community be qualified by differing the contract and does the substantial additional expense over and above the established long term contract represent value to the community?
- A10 The purpose of the evaluation was to determine the most advantageous tender for Council to accept. The manner in which that was assessed was by the Evaluation Panel independently assessing each submission against the 8 criteria published in its tender documentation. The evaluation presented to Council tonight suggests that the recommendation is supported by the evaluation process and represents the most advantageous bid for Council.

### **Jacky Hill, Munster**

*Agenda Item 21.1 – Proposed Recycling & Recovery of Natural and Inert Materials – Lot 51 Russell Road, Wattleup*

- Q1 Regarding the application for a Crushing and Recycling Plant made by Mineral Haulage and Earthmoving Company, are the Councillors aware that, and I quote “EPA guideline is that there is a need for a 1,00 metre buffer between homes and the crushing of building materials’. This is due to the fact that crushing plants emits ongoing dull impulsive noises which adds another 10 decibels to the noises already emitted, which will be excessive as the closest home to the edge of the ex-quarry is a mere 35 metres and not a 1,000 metres as suggested by the Environmental Protection Authority?
- A1. The EPA buffers are a guide, the City takes them very seriously and only in unique circumstances would the City recommend an acceptance of a reduction in the recommended generic buffer. The policy identifies that potential impacts associated with crushing of building materials are noise and dust and the recommended generic buffer from boundary to boundary is 1,000m. The Policy states that



“where the separation distance is less than the generic distance, a scientific study based on site and industry - specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts”. In this case scientific information clearly indicates that the proposal is able to comply with relevant dust and noise limits. The short term and transient nature of the project means that if it is found to breach legislation then the operations can be modified quickly or closed without a claim of substantial lost earnings. The set up costs for this project are very low therefore the proponent if required could clear the site in less than a week. The nearby residents are in a rural zone that is adjacent to similar land uses including the massive Cockburn Cement quarry. There are about 70 residences within 1,000m of the proposed site and all are in a rural zone. The EPA buffer distances are based upon boundary to boundary measurements which is inappropriate in this case because the principle issue of concern is the crushing plant which will be located in the same position on the site, it will not be located on/or near the boundary with residential properties. The EPA buffer distances also allow for potential expansion of an industry which is not relevant in this case. In relation to noise, the crusher will be located about 280m from the nearest residence. Claims that the noise will be impulsive and should therefore warrant an additional penalty of 10dB to the modelled levels are incorrect. Impulsive noise has a specific definition in the Noise Regulations and is typically noise that is crushing and banging. The noise is not considered to be impulsive because the materials being handled are rocks, bricks and concrete which when dropped or crushed do not emit a crush or bang that is more commonly associated with dropping steel, hammer blows and gun shots.

Q2 Unfortunately the Acoustic report carried out for this proposal was modeled as if it were a 150 metres from homes as this was the distance given continually in the Management Plan. The noise report showed that the noise from the crushing plant, loaders, trucks etc. is far in excess of the allowable noise decibels. The report says that the bunding along Russell Road would need to go up another 3 metres. Can the Councillors begin to imagine what the actual noise reading would be if taken at the true distance of 35 metres to the closest home?

A2 In relation to noise, the crusher will be located about 280m from the nearest residence. The acoustic consultant did not depend upon reference measurements (examples of similar plant) he actually measured the crusher in operation at another site. He modelled the noise source (crusher) located in the centre of the block as is normal practice although the actual location of the crusher will be about 90m further away from the residences. He has however made a mistake in his assessment because he omitted to recognise that this land is within the boundary of Area B of the Kwinana Industrial Buffer which means that the residential land must be treated as commercial premises. This means that the permitted noise levels increase by 8dB



and the operations are predicted to comply with the Noise Regs with or without the additional 3m bund.

**Sharon Ellard, Munster**

*Agenda Item 21.1 – Proposed Recycling & Recovery of Natural and Inert Materials – Lot 51 Russell Road, Wattleup*

Q1 Do the Councillors know that in the proponents management plan he has stated that the prevailing winds are strong and predominantly from the south west for 86% of the time, and this means all the homes on the other side of Russell Road which are not on scheme water and rely on clean rooftops to collect water for drinking and all domestic use will be on the receiving end of all the dust and noise?

A1. Dust from the proposed operations is able to be controlled so that unreasonable levels of dust are not permitted to pass beyond the boundary. Stockpiles and roads must be treated to prevent unreasonable dust lift off. Operations on the site must cease during high wind events. The operator is required to ensure that the materials being crushed do not include contaminated materials.

**Paula Squibb, Kardinya**

*Agenda Item 16.3 – Tender No.RFT33/2009 – Cleaning Services – Public, Community and Administration Facilities*

Q1 Hours of Work (page 56, 57) I propose that the scoring for this evaluation criteria is seriously flawed as follows and, given the critical nature and high weighting of this criteria, presents a high risk to the council. The Agenda Report on page 56 lists the Compliance Criteria, in particular Item F, “Compliance with and completion of the Price Schedule & Cost Analysis Spreadsheets”. The report states that with the exception of Presidential Contract Services, all tenderers were compliant and therefore were included in the tender evaluation. Then on page 57 of the agenda report, the Evaluation Criteria for weighted assessment are listed. One of the items included for evaluation is “Hours of Work” with a heavy evaluation weighting of 20%. This heavy weighting is appropriate due to the critical effect that estimated hours of work will have on the cleaning standard. One would assume that, within reason, the higher the estimated “hours of work” for completion of works under the tender, the higher the score for this criteria, given the fact that cleaning standard and hours of work are so highly correlated, assuming equal supervision and training. Can Council then please explain why all tenderers were scored equally under such a heavily weighted and critical criteria? Even more of concern, the reason given in the report for this equal scoring, is that all tenderers submitted the required schedules!! This criteria was not part of the



compliance criteria, but part of the weighted evaluation. Surely the content of the schedules is what should be scored, not whether or not they were completed??? Further strengthening the this argument is the fact that in the next evaluation criteria "Pricing Schedules", with an evaluation weighting of a mere 5%, the evaluation panel chose to differentiate the tenderers based on the quality of completion of the schedules. How then is it that, in an evaluation item as fundamentally important as hours of work, where differentiation of submissions is paramount, all tenderers were scored equally for simply submitting the required schedules?

- A1. Section 5.3 Selection Criteria of RFT 33/2009 clearly articulated the type of information required against each qualitative criteria to be assessed and provides an indication of how the evaluation would be conducted.

To a large degree, RFT 33/2009 is a lump sum contract. This means that the service provider is required to clean the facilities in accordance with the scope and specification stipulated. The hours of work and pricing schedules submitted have been assessed and have given Council an insight into the relative risk of accepting one submission over another. I can confirm that both Cleandustrial and Arrix were regarded as representing a low risk to Council.

The Evaluation Panel assessed the submissions of the hours of work and pricing schedule as complying primarily with the requirements stipulated in the selection criteria provided, which was in Part 5 of the documentation. Subsequent to that is an assessment of the information of the detail provided in the hours of work and pricing schedules which has been taken into consideration as part of Council's risk assessment accepting one bid over another. A benchmark number of hours was identified using industry standards and experience and the relative number of hours provided by the respective tenders was used to assess whether the broad quality stipulated by the specification could be achieved by the hours of work provided by each bid.

- Q2 Transition Plan and Implementation Strategy (page 59) I propose that the scoring for this evaluation criteria is again seriously flawed as follows:- The report states on page 59 that Arrix proposed a transition plan which it considered would be able to ensure a smooth transition into the new contract and therefore were scored the maximum 5%, along with Cleandustrial Services. It is however proposed in the recommendation on page 55 that council seek a commitment from Arrix to contact the previous companies to discuss opportunities for staff placement during the transition period? Obviously their transition plan relies on the co-operation of Cleandustrial Services whereas the opposite is not true. Can council please advise how a company entering into a new contract can provide an equally smooth transition as a company which is already performing the greater portion of the



contract? And can Council please advise why they feel the need to seek this commitment from Arrix, when they scored equally in the evaluation criteria.

- A2 Arrix convinced the Evaluation Panel that any transition could be managed without substantial impact on service delivery. The recommendation merely seeks a commitment from Arrix to contact both of the incumbent contractors as a means of ensuring that any displaced staff are given an opportunity to be subsequently employed. The intent was simply to minimize the impact on current staff. Council accepts however that this is a matter for the respective parties to resolve.

**John Grljusich JP, Coogee**

*Agenda Item 16.3 – Tender No.RFT33/2009 – Cleaning Services – Public, Community and Administration Facilities*

- Q1 How does the assessment take place when the Council requests the tenderers to provide their assessment on environment on what materials need to be used?

- A1 The tender documentation specifies a range of things, but what was specifically requested as part of the tender submission and was sought to be assessed were the following:

- (a) Details including certificates of their environmental management system and compliance ISO 14001
- (b) Details of their environmental and/or sustainable procurement policy
- (c) Details of how you would integrate the principles of the sustainable procurement policy into your contract management system and/or procedures;
- (d) Details of any eco label products currently being procured and equipment currently owned and a list of eco label proposed products or material.

What was requested as part of the tender submission, was that each tenderer was requested to provide detail against those criteria and the evaluation panel assessed each bid on the basis of the information provided.

**Ray Woodcock, Spearwood**

*Agenda Item 16.3 – Tender No.RFT33/2009 – Cleaning Services – Public, Community and Administration Facilities*

- Q1 Who makes up the Evaluation Panel to discuss these cleaning





contracts?

- A1 The Evaluation Panel is identified in the Agenda Report. In this instance the Evaluation Panel was made up of an independent consultant and two internal staff associated with the service delivery.
- Q2 Why was it necessary to get an independent consultant when it is the City's contract?
- A2 The City has been re-evaluation the contract scope for a period of time. It was felt that to effectively prepare a detail specification which the met the needs of a responsive efficient contract moving forward that some industry representation would assist and on that basis a consultant was commissioned to provide that assistance.
- Q3 What did the consultant charge?
- A3 Not aware of the cost.
- Q4 Can the cost of the consultant be established?
- A4 Yes that can be done and advised to you.

### **Dan Scherr, Coogee**

*Agenda Item 13.3 – Endorsement of the Plan for the District 2010 – 2020*

- Q1 How does the developer contribution scheme work in relation to the Surf Club? Who is the owner and who is the developer?
- A1 In WA the Western Australian Planning Commission passed new legislation in the last 18 months which brings WA into line with the Eastern States in allowing local governments to levy subdividing landowners to make a contribution towards facilities considered necessary for the community. The model introduced in WA has a very clear framework, which focuses on 'need and nexus' relationships having to be demonstrated. This will be the basis for which developer contributions will be sought for facilities such as the Coogee Surf Lifesaving facility.

The owner of the land on which the Surf Lifesaving facility is located is the Crown. The City of Cockburn will have a management order for the reserve.

All the facilities that are contained in the Plan for the district are owned by the City of Cockburn. The land which it sits is vested in the City of Cockburn. There will be a leasehold agreement provided by the City of Cockburn to the Surf Lifesaving Club operated on behalf of the



community groups.

Q2 Where is the \$2.51M coming from?

A2 The Surf Lifesaving facility represents a cost of approximately \$9M. Of this, \$2.6M has been identified to come from the developer contributions framework.

Q3 Are you relying on this population growth to pay for these facilities?

A3 There is no tax on small landowners or large landowners. It is a tax that would be applied equally across all developers.

Q4 Is the Surf Lifesaving Club dependent on the developer contribution scheme getting through Council?

A4 The developer contribution framework has been before Council to initiate the process of public advertising. The City is waiting for the EPA to grant their consent for advertising to occur. This project and other projects are seeking funds from developer contributions of some \$50M, to put towards a total cost of some \$300M of infrastructure. If the City does not adopt this developer contribution framework then it is some \$50M short which can either be made up from (a) higher rates (b) loans of \$50M to be paid by ratepayers or (c) deferment of infrastructure.

Q5 Are there any developers who have contributed to the Scheme?

A5 The City has extensive developer contributions already in place. In regards to developer contributions towards community infrastructure, there are four other Councils that have Scheme amendments in process. The WAPC only endorsed its new State Planning Policy framework recently, and accordingly most local governments are still in the preparation and finalization stages.

**Norman Wilson, Munster**

*Agenda Item 13.3 – Endorsement of the Plan for the District 2010 – 2020*

Q1 What measures would Council take to ensure the safety of pedestrians when Beeliar Drive develops into 6 lanes of traffic?

A1 Pedestrian access across Beeliar Drive will be provided principally through pedestrian phases at signals. The six lanes of traffic is substantial and can only be facilitated either through green phase times at traffic signals and also using the underpass that currently exists linking the town centre with Gateways. Obviously part of Gateways redevelopment if that is approved is an improvement of



pedestrian and cycling linkages using that underpass.

**Felicity McGeorge, Bibra Lake**

*Agenda Item 13.3 – Endorsement of the Plan for the District 2010 – 2020*

Q1 With regard to the extension of Beeliar Drive to the west, what impact would this have on Beeliar Regional Park and in particular Lake Coogee?

A1 The proposal to extend Beeliar Drive to the west has this year, in the Plan for the District been moved to 2018, primarily because the City needs to determine whether that link is necessary, in the first instance from a traffic view point and if the answer is yes, then whether it can actually be facilitated from an environmental view point. The City needs to justify its need and whether it can be built, hence it has been moved to 2018.

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 4270) (OCM 10/06/2010) - SPECIAL COUNCIL MEETING - 06/05/2010**

**RECOMMENDATION**

That Council adopt the Minutes of the Special Council Meeting held on Thursday, 6 May 2010, as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 9/0**

**8.2 (MINUTE NO 4271) (OCM 10/06/2010) - ORDINARY COUNCIL MEETING - 13/05/2010**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 13 May 2010, as a true and accurate record.



**COUNCIL DECISION**

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

**CARRIED 9/0**

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

Nil

**10 (OCM 10/06/2010) - DEPUTATIONS AND PETITIONS**

Two deputations were received.

The first deputation was from Messrs Laurie Cassissi and Lindsay Stephens from Mineral Haulage and Earthmoving. The deputation was in relation to a late item, namely 21.1 which relates to a proposed recovery and recycling operation at Lot 51 Russell Road, East Wattleup.

The Presiding Member thanked the deputation for their input and advised that the matter is for deliberation at tonight's meeting.

The second deputation was from Mr Joe Branco, North Lake Residents Association Inc. which relates to Item 13.3 - Plan for the District, in particular the duplication of Farrington Road.

The Presiding Member thanked the Mr Branco for his input and advised that the matter is for deliberation at tonight's meeting.

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

Nil

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

Nil

**13. COUNCIL MATTERS**

**NOTE:** AT THIS POINT IN THE MEETING, THE TIME BEING 7.28 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:



14.1	15.1
14.2	15.2
14.3	

**13.1 (MINUTE NO 4272) (OCM 10/06/2010) - PROPOSED AMENDMENT TO POLICY SC3 'COUNCIL MEETINGS' (1704) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council adopt proposed amendment to Policy SC3 'Council Meetings', as attached to the Agenda, and in accordance with Clause 3 not conduct an Ordinary Council Meeting in January of each year.

**COUNCIL DECISION**

MOVED Cllr H Attrill SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 8/1**

**Background**

Council Policy SC3 'Council Meetings' (copy attached) determines the day and time that Ordinary meetings of Council will be held each month. The current scenario, that of the meeting on the second Thursday of each month commencing at 7.00 pm has been in place since June 2005.

Council resolved in 2007, 2008 and 2009, to relax this requirement for the month of January, to enable recess from the normal meeting schedule. No issues of concern were raised by residents or ratepayers of the district. In addition, other council stakeholders, in both the public and private sectors were not adversely affected and no concerns were forthcoming from these areas.

**Submission**

N/A

**Report**

Elected Members were initially advised in November 2007, that it was intended to bring as much business of Council to its December 2007, Ordinary Council Meeting, in order to enable Council to consider going into recess for the month of January 2008, as it is traditionally relatively quiet during this period and many of Council's major customers in the



development and building sector are also winding down while their workforces take holidays. Accordingly, with much of the priority business able to be presented to or prior to the December meeting for Council to consider, there is an opportunity for Council to take leave from its normal routine for January and to amend its Policy to maintain the practice of breaking from a regular Council meeting routine in January. Should an urgent need arise for Council to convene, a Special Council Meeting can be arranged at short notice. By advertising Council's intention this far in advance will give Council's customers in the development industry every opportunity to finalise any issues which may require Council consideration prior to the end of each calendar year.

**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**

Sec. 5.3 of the Local Government Act, 1995, refers.

**Community Consultation**

N/A

**Attachment(s)**

Proposed amended Policy SC3 'Council Meetings'.

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

N/A

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

Nil.



**13.2 (MINUTE NO 4273) (OCM 10/06/2010) - REVIEW OF CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (P WESTON) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) pursuant to Section 3.16(4) of the Local Government Act 1995 resolves to amend the City of Cockburn (Local Government Act) Local Laws 2000;
- (2) pursuant to Section 3.12(3) of the Act give notice that it proposes to make a Local Law to amend the City of Cockburn (Local Government Act) Local Laws 2010; and
- (3) pursuant to Section 3.12(4) of the Act considers the matter following the closure of the period for which submissions can be received.

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

**COUNCIL DECISION**

MOVED C/r H Attrill SECONDED Deputy Mayor K Allen that adopt the recommendation subject to amending sub-clause recommendation (2) by the addition of the following words:

'as attached to the Agenda, subject to the deletion of the proposed modified penalties of \$250 shown in Part 9 of Schedule 2 (pages 87 and 88) and substituting an amount of \$100.'

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/2**

**Reason for Decision**

There has been no recommended increase in the modified penalties applicable to other Parts of the Local Laws and an increase of 150% to one area does not appear to be justified. A \$100 penalty is in line with penalties generally applied by local governments for the same issue.

**Background**

Pursuant to Section 3.16(1) of the *Local Government Act 1995* a local government authority must conduct a periodic review of its local laws every eight (8) years to determine whether or not it considers that any local law be repealed or amended.



Pursuant to Section 3.16(4) when Council has considered the report the local government may determine whether or not it considers that the local law should be repealed or amended by way of an absolute majority.

### **Submission**

In accordance with Section 3.16(2) of the *Local Government Act 1995* and Council resolution of 11 February 2010 (Minute No 4151) Statewide public notice was given stating that;

1. The City of Cockburn proposed to review its local laws.
2. A copy of the proposed amendments may be inspected or obtained from places specified in the Statewide notice.
3. Submissions about the proposed amendments may be made to the City of Cockburn before the day specified in the notice, being a day that is not less than six (6) weeks after the notice was given.

### **Report**

The Statewide notice appeared in the '*West Australian*' newspaper on 17 March 2010 giving notice of Council's intention to review the City of Cockburn's (Local Government Act) Local Laws 2010 with inspection or copies obtainable from the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Public Libraries during office hours. Submissions were to be made by 3 May 2010. No submissions were received.

Therefore, it is now proposed that Council amends the proposed City of Cockburn (Local Government Act) Local Laws 2000, as attached to this Agenda.

The purpose of the Local Law, as proposed, is to ensure compliance with the review provisions of the Act. The effect is to amend the Street Numbering provisions of the Local Laws contained in Part 9, Division 5 of the Local Laws.

The proposed amendments have been drafted in consultation with Council staff who have the responsibility for the administration and enforcement of such laws.

If Council resolves to proceed with this matter, an advertisement will be placed in the '*West Australian*' newspaper giving notice of Council's intention to promulgate the City of Cockburn's (Local Government Act) Local Laws 2010.





Interested parties will be able to inspect a copy of the local laws or obtain a copy of the local laws from Council or from one of the City's Libraries as mentioned in the advertisement and may make a representation to Council in response to the proposed amendments to the current local laws. The submission period for representations is 42 days from the date of the advertisement.

Council staff have proposed amendments to Clauses 9.13 to 9.15 of the City's local laws.

The proposed amendments are highlighted in the attached report (Note pages 74, 75, 87 and 88).

The amendments are intended to improve functionality of street numbering requirements.

The amendments clarify that either Council, or an authorised person can appropriately deal with the administration and enforcement of the local laws relating to street numbering.

This is an important aspect to have clearly clarified so that authorised persons are not left with any doubt in relation to the enforceability of the local laws. Currently there is some ambiguity in this respect.

It is also proposed to increase the fines for non-compliance with the local laws to \$250, reflecting the extent of time which has passed since the fines were last increased.

Authorised Council Staff do however only view the use of fines as an absolute last resort, and in most cases are able to deal with property owners in an appropriate way to achieve the correct level of compliance.

It should be noted that Local Laws that have been initiated independently of these Consolidated Local Laws (eg. Waterways Management, Parking and Standing Orders) are not included in this process.

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

#### **Governance Excellence**

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



**Budget/Financial Implications**

N/A

**Legal Implications**

Sections 3.12 and 3.16 of the Local Government Act 1995 refer.

**Community Consultation**

Advertisement of the proposed amendments placed in the *West Australian* on 17 March 2010. Further advertising of the proposed amendments will be advertised in the *West Australian* calling for public submissions, which will be received for a minimum period of 6 weeks.

**Attachment(s)**

Copy of the Draft Local Laws identifying proposed amendments/deletions to Part 9 Division 5 'Street Numbering'.

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

N/A

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

Nil.

**DECLARATION OF INTEREST**

The Chief Executive Officer advised the meeting that he had received declarations of interest from the following:

Mayor Howlett disclosed a proximity interest in Item 13.3 "Plan for the District 2010-2020", pursuant to Section 5.60B(1)(C) of the Local Government Act, 1995. The nature of the interest being that he is the owner of property adjoining Farrington Road reserve in North Lake, which is listed in the proposed Road Projects contained within the Plan.

Deputy Mayor Allen disclosed a proximity interest in Item 13.3 "Plan for the District 2010-2020", pursuant to Section 5.60B(1)(C) of the Local Government Act, 1995. The nature of the interest being that he is the owner of property adjoining North Coogee Regional Open Space Reserve which is listed in the Proposed Regional Infrastructure Projects contained within the Plan.



MAYOR HOWLETT AND DEPUTY MAYOR ALLEN LEFT THE MEETING THE TIME BEING 8.45 PM.

**(MINUTE NO 4274) (OCM 10/06/2010) - APPOINTMENT OF PRESIDING MEMBER**

**COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr I Whitfield that pursuant to Section 5.6(3) of the Local Government Act, 1995, Cllr Sue Limbert be appointed to act as Presiding Member in the absence of Mayor Howlett and Deputy Mayor Allen during consideration of this item.

**CARRIED 7/0**

**Reason for Decision**

As both Mayor Howlett and Deputy Mayor Allen are absent due to their declarations of interest in this item, it is necessary to appoint a Presiding Member.

CLLr LIMBERT ASSUMED THE ROLE OF PRESIDING MEMBER THE TIME BEING 8.47 PM.

**(MINUTE NO 4275) (OCM 10/06/2010) - DISPENSATION TO DEPUTY MAYOR KEVIN ALLEN TO PARTICIPATE IN THE MEETING**

**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr I Whitfield that pursuant to Sec. 5.68(1)(ii)(l) of the Local Government Act 1995, Deputy Mayor Allen be allowed to participate in the decision-making process in Item 13.3 as the matter associated with this item is considered trivial and insignificant and unlikely to influence his conduct in relation to the item,.

**CARRIED 7/0**

**Reason for Decision**

Deputy Mayor Allen has declared a financial interest in this matter on the basis of the proximity of property he owns adjoins the reserve, which has been identified as a site for the possible construction of a



Golf Complex in 2019/20. The extent of his interest is that the property concerned is his principal place of residence, the value of which could be affected by the development of the adjoining Reserve and also involves the timeframe associated with the project.

DEPUTY MAYOR ALLEN RETURNED TO THE MEETING THE TIME BEING 8.49 PM.

CLR LIMBERT ADVISED DEPUTY MAYOR ALLEN THE DECISION OF COUNCIL WHILE HE WAS ABSENT FROM THE MEETING.

DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER.

**(MINUTE NO 4276) (OCM 10/06/2010) - EXTENSION OF TIME**

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr S Limbert that Council extend the duration of the meeting for a further one hour, the time being 8.58 pm in accordance with Clause 14.4 of Council's Standing Orders Local Law.

**CARRIED 8/0**

**Note:** At this point in the meeting the Presiding Member ordered that Item 13.3 be considered complex, in accordance with Clause 10.5 of Council's Standing Orders Local Law and put in the form of several sequential motions.

**(MINUTE NO 4277) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - SANTICH PARK - UPGRADE (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr R O'Brien SECONDED Clr C Reeve-Fowkes that Santich Park Upgrade work be brought forward to the 2010/11 Budget.

**CARRIED 8/0**

**Reason for Decision**

Council made decisions in relation to Santich Park at the May Council Meeting and these should be reflected in the modified Plan for the



District. Council previously adopted the Sport and Recreation Plan Strategic Plan subject to the deletion of the proposal to relocate the Cockburn Lakes Football Club to Santich Park and to commit an allocation of funds in its 2010/11 Budget to address the issues of parking, signage and the upgrade of current facilities at Santich Park as soon as possible.

**(MINUTE NO 4278) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - ANNING PARK - MINOR UPGRADE (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr R O'Brien that Anning Park minor upgrade works be scheduled for 2010/11.

**CARRIED 8/0**

**Reason for Decision**

Council made decisions in relation to Anning Park at the May Council Meeting and these should be reflected in the modified Plan for the District. The Cockburn Lakes Senior Football Club is to remain at Anning Park and upgrade works were determined as a result of consultation with members of the Football Club.

**(MINUTE NO 4279) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - COCKBURN CENTRAL PLAYING FIELDS PRECINCT (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr R O'Brien SECONDED Clr I Whitfield that a masterplan for the Cockburn Central playing fields precinct be commenced in 2010/11, followed by consultation with the State Government agencies on land use.

**CARRIED 8/0**



**(MINUTE NO 4280) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - COOGEE SURF LIFE SAVING CLUB (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Limbert that the City underwrite Stage 2 of the Surf Life Saving Club project, ie. the building, by providing an additional \$2M 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.

**CARRIED 6/2**

CLR O'BRIEN REQUESTED HER VOTE AGAINST THE MOTION TO BE RECORDED

**Reason for Decision**

The Coogee Beach Surf Life Saving Club has developed a strong membership supported by a rapidly growing population to the East. The current building is inadequate forcing the Club to currently cap membership numbers at approx 640 members. There is also currently a clash of usage with the casual beachgoers at the current site. Once constructed, this facility will have in excess of 1,200 members making it by far the largest club membership based club in Cockburn. Reallocating these required funds reinforces Council's previous decisions, and its support and commitment to ensure this facility is built. It will also ensure the facility can proceed to tender stage in a timeframe of around the third quarter of 2010. By recommitting to this project with these funds will also ensure previous grant allocations confirmed for the project will be met.

**(MINUTE NO 4281) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - WETLANDS EDUCATION PRECINCT (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr R O'Brien SECONDED Clr I Whitfield that detailed design work be undertaken for the Wetlands Education Precinct in 2010/11, subject to a successful application being made for funding to the Grants and Donations Committee.

**CARRIED 8/0**



**(MINUTE NO 4282) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - FARRINGTON ROAD & FORREST ROAD BYPASS (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr H Attrill that consultation only be undertaken with Department of Environment and Conservation and no budget be allocated by this Council for any planning, building, clearing or earthworks on Farrington Road or the suggested Forrest Road bypass unless formally adopted by full Council.

**CARRIED 5/3**

**Reason for Decision**

This Council must be kept fully informed by the DEC and the EPA in regard to environmental reports and evidence of the endangered Graceful Sun Moth and the Black Carnaby's Cockatoo' habitat and colonies within the land along Farrington Road and in the Roe 8 reserve, which has been suggested as a Forrest Road Bypass. No budget is allocated by this Council, for any planning, building, clearing or earthworks of Farrington Road or the suggested Forrest Road bypass unless formally adopted by full Council.

MAYOR HOWLETT RETURNED TO THE MEETING THE TIME BEING 9.41 PM

MAYOR HOWLETT ASSUMED THE ROLE OF PRESIDING MEMBER.

**(MINUTE NO 4283) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - BEELIAR DRIVE - VARIOUS WORKS (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Clr I Whitfield that Council requires:

- (1) detailed transport analysis be undertaken on the Beeliar Drive (Stock Road – Cockburn Road) project during the next two years;
- (2) provision be made in the design for Beeliar Drive (Dunraven Drive – Hammond Road) for a wildlife crossing around the

wetlands; and

- (3) detailed road designs for the Beeliar Drive widening project ensure provision of safe pedestrian movement corridors from the shopping centre to the train station.

**CARRIED 9/0**

**(MINUTE NO 4284) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - FORREST ROAD BYPASS (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Limbert that the Forrest Road Bypass be deleted from the Plan.

**CARRIED 9/0**

**Reason for Decision**

This Council has a formal position on Roe8/9 and this Council and the ratepayers must not pay for this road twice, which is what will occur if this 'Forrest Road Bypass' is implemented. The Ratepayers must be protected from paying for the single lane carriageway and then be expected to pay for it again through their income tax. The Graceful Sun Moth - an endangered species is inhabiting this area and has confirmed habitat within the Roe 8 reserve and the State Government is carrying out studies on the environmental considerations. Evidence of Carnaby Cockatoo habitat is found along this reserve also. Considering the State Government is doing Environmental studies on this already, this Council must not waste ratepayers money completing similar surveys.

**(MINUTE NO 4285) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - ROCKINGHAM ROAD - UPGRADE (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Deputy Mayor K Allen that upgrading of Rockingham Road (Coleville Crescent - Phoenix Road) be included in the roads plan, with a provisional sum of \$4M from 2013/14 to 2014/15.

**CARRIED 9/0**





**(MINUTE NO 4286) (OCM 10/06/2010) - SUSPENSION OF STANDING ORDER**

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Clr S Limbert that Clause 4.14 of the Standing Orders be suspended, the time being 9.58 pm, for the meeting to continue and the remainder of the business to be conducted.

**CARRIED 8/1**

CLR O'BRIEN REQUESTED HER VOTE AGAINST THE MOTION TO BE RECORDED

**(MINUTE NO 4287) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - POSITION OF STRATEGY CO-ORDINATOR (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the Staff Plan not include a Strategy Co-ordinator in the Executive Unit in 2013/14.

**MOTION LOST 3/6**

MOVED Deputy Mayor K Allen SECONDED Clr S LIMBERT that the Staff Plan be amended to include a Strategy Co-ordinator in the Executive Unit in 2013/14.

**CARRIED 6/3**

**DECLARATION OF INTEREST**

Mayor Howlett disclosed a proximity interest in the following item "Plan for the District – Farrington Road – 2<sup>nd</sup> Carriageway' pursuant to Sec.5.60B(1)(c) of the Local Government Act, 1995. The nature of the interest being that he is the owner of property adjoining Farrington Road reserve in North Lake, which is listed in the proposed Road Projects contained within the Plan.

MAYOR HOWLETT LEFT THE MEETING THE TIME BEING 10.10 PM

DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER



**(MINUTE NO 4288) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - FARRINGTON ROAD - 2ND CARRIAGEWAY (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr R O'Brien SECONDED Clr C Reeve-Fowkes that the construction of Farrington Road - 2nd carriageway be deleted from the list of Road Projects.

**CARRIED 6/3**

**Reason for Decision**

As Farrington Road may not require the construction of a second carriageway in future, reference to this project should be deleted from this Plan. In omitting this from the Plan the Council could use and forward plan for other things.

MAYOR HOWLETT RETURNED TO THE MEETING THE TIME BEING 10.10 PM

THE PRESIDING MEMBER ADVISED MAYOR HOWLETT OF THE DECISION OF COUNCIL WHILE HE WAS ABSENT

MAYOR HOWLETT ASSUMED THE ROLE OF PRESIDING MEMBER

**(MINUTE NO 4289) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - RELOCATION OF A SENIOR AFL CLUB TO SANTICH PARK (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr R O'Brien SECONDED Clr I Whitfield that reference to the relocation of a Senior AFL Club to Santich Park and the 'increased usage and needs of the Seniors Club' in the 'requirement' column of Local Level Infrastructure Projects be deleted.

**CARRIED 9/0**

**Reason for Decision**

Reasons for this decision were referred to in the Sport and Recreation Strategic Plan 2009 which was adopted by Council in May 2010.



**(MINUTE NO 4290) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - ANNING PARK TENNIS CLUB (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr R O'brien SECONDED Clr C Reeve-Fowkes that the words 'South Lake' from the 'Location' column and the words 'the demolition of the existing clubrooms and sale of freehold land will help fund the project' from the 'Requirement' column of the Anning Park Tennis Club Project on the list of 'sub-Regional Level Community Infrastructure Projects, be deleted.

**CARRIED 9/0**

**Reason for Decision**

This reflects the decision of Council made in reference to the adoption of the Sport and Recreation Plan at the May 2010 Council meeting.

**DECLARATION OF INTEREST**

The Presiding Member advised the meeting that he had received a declaration of interest from Clr Val Oliver pursuant to Section 5.60B(2)(b) of the Local Government Act, 1995 on Item 13.3 – Plan for the District 2010-2020. The nature of the interest being that her property is located in close proximity to the Roe Highway Road Reserve.

CLR OLIVER LEFT THE MEETING THE TIME BEING 10.15 PM.

**(MINUTE NO 4291) (OCM 10/06/2010) - PLAN FOR THE DISTRICT - ROE HIGHWAY EXTENSION (CC/M/003) (S CAIN)**

**COUNCIL DECISION**

MOVED Clr R O'Brien SECONDED Clr C Reeve-Fowkes that Council reiterates its opposition to the Roe Highway extension through Bibra Lake and a statement to this effect be included in the Plan for the District.

**CARRIED 6/3**

**Reason for Decision**

It is considered appropriate for Council to reiterate its opposition to the construction of Roe Highway through Bibra Lake, given that the project is now being progressed by the State Government. It is quite obvious



from the community concerns that they do not wish for the Roe Highway Extension to go through the proposed alignment.

CLR OLIVER RETURNED TO THE MEETING THE TIME BEING 10.21 PM.

THE PRESIDING MEMBER ADVISED CLR OLIVER OF THE DECISION OF COUNCIL WHILE SHE WAS ABSENT FROM THE MEETING.

**13.3 (MINUTE NO 4292) (OCM 10/06/2010) - ENDORSEMENT OF THE PLAN FOR THE DISTRICT 2010 - 2020 (CC/M/003) (S CAIN) (ATTACH)**

**RECOMMENDATION**

That Council adopt the draft Plan for the District 2010 –2020 as its approved 'Plan for the Future' for the period 2010 – 2020, with the following modifications:

- (1) Santich Park upgrade work brought forward to the 2010/11 budget;
- (2) Anning Park minor upgrade works being scheduld for 2010/11;
- (3) a masterplan for the Cockburn Central playing fields precinct being commenced in 2010/11, followed by consultation with State Government agencies on land use;
- (4) Stage two of the Surf Club project being deferred to 2011/12 pending the outcome the Developer Contributions for Community Infrastructure framework;
- (5) detailed design work being undertaken for the Wetlands Education Precinct in 2010/11, subject to a successful application being made for funding to the Grants and Donations Committee;
- (6) consultation with the Department of Environment being undertaken on the proposed Farrington Road and Forrest Road bypass projects;
- (7) detailed transport analysis being undertaken on the Beeliar Drive (Stock Road – Cockburn Road) project during the next two years;
- (8) provision made in the design for Beeliar Drive (Dunraven Drive – Hammond Road) for a wildlife crossing around the wetlands;



- (9) detailed road designs for the Beeliar Drive widening project ensuring provision of safe pedestrian movement corridors from the shopping centre to the train station;
- (10) the Forrest Road bypass project being moved to 2015/16, with initial environmental analysis being undertaken prior to the 2012 Plan being prepared;
- (11) upgrading of Rockingham Road (Coleville Crescent – Phoenix Road) being included in the roads plan, with a provisional sum of \$4M from 2013/14 to 2014/15; and
- (12) amend the Staff plan to include a Strategy Co-ordinator in the Executive Unit in 2013/14.

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

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the Plan for the District 2010-2020 be adopted subject to amending those sections of the Plan, as endorsed at tonight's meeting and specified in Minute Nos.4277 to 4285 (inclusive) and 4287 to 4291 (inclusive).

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

**Background**

At the April Ordinary Council Meeting Council resolved to:

- (1) *advertise the draft Plan for the District 2010–2020;*
- (2) *initiate a public consultation process over the next six weeks, to include a briefing to community representatives through the Community Development Strategy forum;*
- (3) *make the draft available via the City's website and initiate other means of communicating the draft plan; and*
- (4) *following consultation bring the Plan back to Council for its endorsement at the June 2010 Ordinary Council Meeting.*



## Submission

At the close of the consultation period fourteen submissions on the Plan were received, details of which are covered in the body of this report. Additionally, Council resolved at its May Ordinary Council Meeting to:

- (1) *adopt the Sport and Recreation Strategic Plan 2009, subject to the deletion of the proposal to relocate the Cockburn Lakes Football Club to Santich Park;*
- (2) *commit an allocation of funds on its 2010/11 Municipal Budget to address the issues of parking, signage and the upgrade of the current facilities at Santich Park as soon as possible; and*
- (3) *review the proposed Anning Park redevelopment in line with the Plan for the District and further consultation with the Cockburn Lakes Football Club on their future options.*

The changes that emanate from this decision also need to be factored into the Plan for the District.

## Report

The Plan for the District is a detailed ten-year program for infrastructure development, services expansion (including future staffing requirements) and a financial management plan. Since it was adopted for public comment in April 2010 it has been displayed in the City's website, libraries and copies provided to community groups.

Consultation Program: Following the agenda briefing to Elected Members, the Plan was formally presented to community leaders at the Community Development Strategy forum on 31 March 2010. After that briefing correspondence was sent to all of the member groups with additional copies of the plan, in order to promote community discussion.

A briefing was also arranged for members of State Parliament to occur on 14 May 2010. However, due to clashes with other events, only Mr Peter Tinley MLA was able to attend. Copies of the Plan were sent to those unable to attend

Advertising: The Plan was advertised in the Cockburn Gazette on 13 April and in the Cockburn Herald on 24 April. Following the April 2010 Council meeting A3 posters promoting the Plan is were placed in the libraries and articles appeared in the local newspapers.



A copy of the Plan was placed on the City of Cockburn Website on 14 April. The April edition of the Cockburn Soundings also referenced this, noting the closure period for public submissions was 21 May 2010.

Submissions: At the closing date for submissions, eleven public submissions, two staff submissions and a submission from a State Government agency were received. A brief synopsis of the issues raised in these is detailed below:

- Road projects – six submissions that either objected to or queried the need for the Forrest Road, Farrington Road, Beeliar Drive and Hammond Road projects. One submission sought a design provision to cater for wildlife.
- Surf Club project – a submission that seeks to allocate additional funding to this project.
- Wetland's Education Precinct – a submission that seeks allocation of funding to commence detailed design.
- Cockburn Coast – a submission that seeks to have the infrastructure needs of this project included in the Plan for the District.
- Sustainability – a submission that requests the City to initiate an impact analysis of peak oil on the economic and social development of the City.
- Youth and Children's facilities – a submission that seeks to include an adventure playground and skate park into the Cockburn Central playing fields project.
- Activity Centres and Parking – a submission that queries locations for future activity centres and parking restrictions.
- General – one submission that makes recommendations on the formatting of the document.

Following analysis of the submissions, as well as implications arising from Council's decision regarding the *Sport and Recreations Strategic Plan (2009)*, some modifications are being recommended to the current draft Plan. Where a public submission was received but no modifications to the Plan are recommended, justification for this is also provided below.

Community Infrastructure Plan: A number of changes to various community recreation facilities are recommended. Council's decision on the *Sport and Recreation Strategic Plan* requires the following amendments to be incorporated:

- Santich Park – the upgrade works, including kitchen refurbishment, car park extensions and minor alterations to the clubrooms, are to be brought forward a year to the 2010/11 budget (cost \$0.35M);
- Anning Park – the proposed tennis facilities are to be deferred until 2018, which will allow for further assessment of the need for this



facility to be undertaken in later years. Provision for additional lighting of the reserve and a small extension of change rooms is to be included in the 2010/11 budget (cost \$0.35M);and

- Cockburn Central Playing Fields – preparation of a draft master plan for the site be undertaken in 2010/11 (cost \$50K). This is to incorporate all proposed sporting and recreation facilities, including the staff proposal for the children’s adventure playground and skate park, as well as the possible road linkage from North Lake Road to Cockburn Central. These plans will be required in order to get planning approval for this development, as the land is vested in the West Australian Planning Commission, not the City of Cockburn. The cost for all elements of this project is to be detailed for consideration in the 2012 iteration of the Plan.

Surf Life Saving Club and Beach Access Node: The submission from Coogee Beach SLLC seeks provision of additional funding to this project, as there is a funding shortfall to continue this project as is. The Beach Access Node (stage one of the project) is currently under construction and will be finished in September 2010. During the past year funding support was sought from the State Government and Lotterywest to commence the next stage, which includes clubrooms and public amenities. While funding of \$1.2M has been provided, this is less than half the amount requested. The only way that sufficient funding would be available to commence this project, is if the City’s proposed ‘Developer Contributions for Community Infrastructure (DCCI)’ framework was in place. The draft Plan identifies a provisional allocation of \$2.6M from this funding source. This sum, together with the \$1.2M State contribution and funding from the Municipal funds (residual balance \$1M and proposed \$1M additional provision), would be sufficient to put the project to tender. As such, it is recommended that stage two be deferred for 12 months to allow the DCCI amendment to be resolved by Council.

Below is a funding plan for the construction of the facility inclusive of contributions from all parties including the City of Cockburn.

Funding of Surf Life Saving Club and Beach Access Node	
Contribution from Federal Government	\$2.00M
Contribution from State Government Agencies	\$1.20M
Contribution from City of Cockburn (see below)	\$3.00M
Developer Contributions Scheme**	\$2.61m
Surf Club Contribution	\$1.00m
<b>Total</b>	<b>\$9.81M</b>
Contribution from City	
Budget 2009/10	\$1.00M
Prior Budgets (Funds remaining \$0.436M)	\$1.00M
Budget 2010/11	\$0.30M





Plan for the District 2010 - 2020 (in 2012/13)	\$0.70M
Total Contribution from the City	\$3.00M

\*\* Developer Contributions yet to be approved by Council

Wetland's Education Precinct: The submission for the Cockburn Wetlands Precinct Steering Committee (CWPS) seeks the provision of funding to commence detailed design work. In 2009 the City provided a community development grant, which allowed the CWPS to develop a Masterplan for the site in 2009. Following subsequent discussions with Lotterywest, the group is seeking \$100,000, being jointly funded by Lotterywest and CWPS, to initiate the detailed design. The current Plan proposes that the City would fund \$930K towards the overall development from its proposed DCCI framework, with additional funding sourced by CWPS. It has already been noted that the DCCI framework is not in place; however, it would be feasible to provide \$50,000 from the Municipal budget, possibly from the Grants and Donations fund. It is recommended that this advice be given to CWPS.

Engineering Infrastructure Plan – Road Projects: The Plan identified twenty major road projects over the ten-year period. Of these, four projects were the subject of submissions. A submission was also received seeking to add the upgrade of a section of Cockburn Road, within the Cockburn Coast Structure Plan area, into the Plan. During Elected Member briefings it has also been suggested by Councillor Romano that the upgrade of Rockingham Road, as part of the Phoenix Central Revitalisation project, be included in the Plan. These points are discussed below:

- Farrington Road duplication – this issue was included in four submissions. The City has proposed the construction of a second carriageway along this alignment in order to meet the future traffic demands forecast in the *District Traffic Study 2016 and 2031*. That study identified the requirement for additional east-west routes across the District. The study also noted that the proposed extension of the Roe Highway would negate the requirement for the duplication of Farrington Road. While the Council has resolved that it will not reconsider its position on the Roe Highway until after it has been briefed by the Commissioner of Main Roads (scheduled for 1 July), the State Government is continuing the planning for the project with an additional \$6M allocated to it in the 2010/11 State budget. The City's proposed duplication of Farrington Road isn't scheduled until 2015/16 – 2016/17, approximately two years after the new Fiona Stanley Hospital is due to open. This timeframe allows for a final decision from the State on the Roe extension project and for confirmation of the additional traffic demand from the Hospital to be demonstrated. It would also allow the City to enter dialogue with the Department of Environment on matters that have been raised in the public submissions. It is therefore recommended



that the project be retained, with the matter to be reviewed again in the 2012 iteration of the Plan.

- Forrest Road bypass- this item was included in one submission, the primary concern being the development seen to strengthen the demand for the Roe Highway extension. As outlined above, the City is not seeking the development of the Roe Highway, but in the absence of this, it still requires better east-west transport links. The development of the Cockburn Coast will see another 10,000 residents move into the City. There will be a demand to move these people across and outside the district for work, education, social and recreation purposes. The existing transport network will not cope with these requirements, without becoming further constrained and congested. The City is not seeking to link this project to the Roe development and if that road proceeds, the bypass proposal may not be viable in its envisaged form. However, as the Cockburn Coast Structure Plan requires considerable planning work, moving the Forrest Road project to 2015/16 will not have a deleterious impact. This would also allow more time for the Roe project to be resolved and some initial flora and fauna surveying to be undertaken by the City. It is therefore recommended that this project be deferred two years, with its inclusion reconsidered in 2012.
- Beeliar Drive (Stock – Cockburn Road) – this item was included in three submissions. This project is included in the District Structure Plan, where it is a 'blue road', ie a local distributor road. It forms part of a continuous link intended to move traffic from coast across the district to Cockburn Central. It is acknowledged that the current road reservation passes through the Beeliar Regional Park and affects some wetland areas. Given the sensitivity of these, it is recommended that detailed planning, including demand modelling be undertaken in the next two years to better inform future iterations of the Plan. The project is not scheduled until 2017/18 – 2018/19, which leaves Council considerable time to consider the results of the transport and environmental reviews.
- Beeliar Drive (Wentworth – Kwinana Freeway – this was the subject of one submission, the primary concern raised was pedestrian safety for people moving between Cockburn Central station and the shopping centre. This project is one of several measures designed to improve movement of vehicles around the shopping centre and across the Freeway, both of which are vital to traffic management in this precinct. While detailed road design has not yet been undertaken, it would include provision for pedestrian movement. The activation of the bus way, which is already constructed, under the Freeway will also provide a convenient link for residents moving between these points. The retention of this project is recommended, with the safety issues to be resolved in the design process.



- Beeliar Drive (Dunraven Drive – Hammond Road) – this was the subject of one submission, which requested provision of wildlife crossing as part of the construction. While the City has not yet commenced detailed design of the project, the request is feasible and will be included in the requirement.
- Hammond Road duplication – this item was included in one submission, the primary focus of concern was the impact it might have on the Thompson's Lake nature reserve. Hammond Road is also a local distributor road. In the past two years it has been significantly upgraded, with full duplication to take place by 2015/16. The road alignment should not require further land acquisition and will not directly impact on surrounding nature reserves. The retention of this project is recommended.
- Cockburn Road upgrade – this item was included in one submission. That submission noted that the Cockburn Coast Structure Plan is not yet fully developed, with the infrastructure requirements not yet quantified or costed. Council recently appointed Councillor Reeve-Fowkes to a project steering committee being run by LandCorp. While there are a range of infrastructure items that will be identified in the more detailed structure planning phase, it is expected that much of this will be funded by Developer Contributions. During the next two years the level of funding required for this infrastructure, as well as the quantum required from Municipal funds, should become clearer. It is recommended that these details be factored into the 2012 iteration of the Plan. It should also be noted that this is currently a Main Roads controlled road and that authority is ultimately responsible for maintenance of this road.
- Rockingham Road upgrade – this issue was raised by Councillor Romano during briefings on the Plan. The City adopted the plan for this project in May 2009 and the final scheme amendment in March 2010. The plan includes an upgrade of Rockingham Road, making it more pedestrian friendly and improving access and viability for commercial development along the western side of the road. Previous proposals to improve this section of roadway were deferred by Council in 2005 due to the prohibitive cost of undergrounding power and relocating some services. However, with the approval of the scheme amendment Council has resolved to reconsider this and a new design is required. For planning purposes a provisional allocation of \$4M is recommended, with the project to start in 2013/14. More detailed design work is to take place in the next two years, which will firm up the cost of the project and allow Council to reconsider its timing.
- Sustainability – this issue was raised by a staff member, particularly in regard to the future of peak oil and its social and economic



impact. While noting the genuine concerns that the availability of fossil fuels has, this issue is considered to be outside the scope of the Plan. Many of the transport measures contained in the plan, including the road improvements, are designed to address congestion and in turn help conserve fuel. Likewise the City is supportive of increased public transport provision and is actively engaged in promotion of a range of sustainability measures, including its recently adopted workplace travel plan.

Employees. The preparation of this iteration of the plan, together with work being undertaken on the next iteration of the City's Strategic Plan, has highlighted the paucity of staff resources available to coordinate these reviews. After reviewing the structure of several other Local Governments the Chief Executive has recommended that an additional employee be added to the City's Executive area in 2013/14, to coordinate the delivery of the City's strategic plans.

A submission was also received that noted the proposed increase in the number of rangers. However, as the subsequent queries it raised were more directly related to the potential parking restrictions and not issues that are germane to this Plan, this matter has been responded to separately.

Plan Endorsement: An updated version of the Plan, incorporating the modifications recommended above, will be prepared after Council's consideration of this report. The revised document will also address the formatting issues raised in one of the submissions.

The Local Government Act (1995) requires the City to adopt a Plan for the Future and the City's Plan for the District 2010 – 2020 meets the requirements of the Act. As the Act also requires the Council to reconsider the Plan biennially, the specific requirement for several of the controversial road projects will become clear by the next iteration of the Plan. This will also be improved by the City undertaking the various reviews that have been included in the recommendation.

As with the current version of the Plan, several of the projects listed in it are currently out to tender, or going to tender in the near future. Others will be the subject of Council review as part of the 2010/11 Budget adoption process. The Plan for the District will remain an evolving document that, in light of normal community consultation, will see variations to the scope or timing of projects occur at each of its iterations.

## **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.



### **Budget/Financial Implications**

Each of the items contained in the Plan will be subject to separate budget submission, during the life span of the Plan.

### **Legal Implications**

N/A

### **Community Consultation**

There has been extensive advertising of the draft Plan via local newspapers, presentation to Regional Community Group and the document being displayed at the City's libraries and on its website.

### **Attachment(s)**

Copies of submissions from:

1. Ms Marion Shaw - resident
2. Mr Norman Wilson – resident (three submissions)
3. Mr Philip Jennings – on behalf of the Wetlands Conservation Society Inc
4. Mr Joe Branco – on behalf of the North Lake Residents Assoc Inc (less attachment)
5. Mr Daryl Smith - on behalf of the Coogee Beach Surf Life Saving Club
6. Ms Lauren Aitken - on behalf of the Dept of Planning
7. Dr Felicity McGeorge – on behalf of the Beeliar Conservation and Heritage Council
8. CWPSC – a joint submission on behalf of the group
9. Mr John Cagney - resident
10. Ms Hana Jestríkova – staff submission
11. Ms Gail Bowman – staff submission

A submission from Mr Tim Hegney has not been included as it only related to formatting issues. These suggestions will be considered in the final review of the document.

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

Each of the submissioners has been advised that this matter is to be considered at the June Council meeting.

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

The Plan is being adopted as the City's 'Plan for the Future', required under s5.56 of the Local Government Act.



**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 4293) (OCM 10/06/2010) - LOCAL STRUCTURE PLAN ADOPTION - LOTS 91, 500, 501 AND 1 - 5 HOWE STREET, BEELIAR; WHELANS (SM/M/023) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopts the Schedule of Submissions;
- (2) adopts the Structure Plan for Lots 91, 500, 501 and 1 – 5 Howe Street, Beeliar;
- (3) refer the Structure Plan to the Western Australian Planning Commission with a request for the Structure Plan to be endorsed;
- (4) advise the landowners within the Structure Plan area and those who made a submission of Council's decision accordingly; and
- (5) advise the proponent of the Structure Plan that Council is currently in the process of progressing an amendment to City of Cockburn Town Planning Scheme No.3, which seeks to introduce new developer contribution arrangements across the district towards community infrastructure. Landowners subdividing to create residential allotments will be required to make contributions in accordance with the new developer contribution arrangements once the Scheme amendment becomes operational.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 9/0**

**Background**

A proposed Local Structure Plan was received on 25 January 2010 for Lots 91, 500, 501 and 1 – 5 Howe Street, Beeliar (Attachment 1). It was referred to the Western Australian Planning Commission ("WAPC") for comment, as required by clause 6.2.7.2 of the City of Cockburn Town Planning Scheme No. 3 ("the Scheme"). The WAPC provided their comments, which are outlined and addressed in the Schedule of Submissions (Attachment 3). The Structure Plan was subsequently advertised for public comment under delegation.



**Submission**

N/A

**Report**

The subject land is zoned 'Development' and is located within 'Development Area No.4' under the Scheme. Pursuant to clause 6.2.4.1 of the Scheme a Structure Plan is required prior to subdivision or development of the land.

The proposed Structure Plan proposes a coding of 'Residential R20', which would facilitate a potential lot yield of 25 lots, all with direct road frontage to Howe Street.

A residential coding of R20 is considered appropriate for this area, and is consistent with the recommended coding set out in *Liveable Neighbourhoods* for residential areas that are not within close proximity to public transport and/or a local or neighbourhood centre. This is also consistent with the residential coding on the northern side of Howe Street which is predominantly R20. This will provide a consistent streetscape on both sides of Howe Street.

While it is noted that the proposed Structure Plan encompasses a relatively small area of land it will not compromise orderly and proper planning of the surrounding area, given that various lots along Howe Street have previously been subdivided (as shown in Attachment 2), and the remaining length of Howe Street can be subdivided with direct road access. There is an endorsed Structure Plan for a portion of the northern side of Howe Street and the proposed Structure Plan forms a logical boundary by encompassing the remaining length of Howe Street.

The Structure Plan includes indicative lot boundaries; however, these are shown only for the purposes of demonstrating how the area could be subdivided to create lots that are a regular shape with direct road frontage.

**Outcomes of Consultation**

The proposed Structure Plan was advertised for public comment from 6 April 2010 to 27 April 2010. All of the submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 3).

Three submissions were received from government agencies and servicing authorities and none of these objected to the proposal.



One submission of 'concern' was received from a landowner within the Structure Plan area. Each of the specific concerns raised in the submission are addressed in the Schedule of Submissions (Attachment 3).

The main concern expressed by the landowner was that they had not been consulted on the proposed Structure Plan (ie. prior to it being advertised). The process for preparing and processing Structure Plans is set out in the Scheme. This does not require the consent of all landowners for a Structure Plan to be prepared, however under the Scheme all affected landowners must be consulted and this is why all affected landowners were consulted.

The actual subdivision of land is a separate process that requires the approval of the Western Australian Planning Commission, and the properties that are located within the Structure Plan area cannot be subdivided without the landowners consent.

As previously mentioned, the potential future lot boundaries shown on the proposed Structure Plan are indicative only. The purpose of them being shown is only to demonstrate how the land could potentially be subdivided.

The endorsement of a Structure Plan does not compel landowners to subdivide, however if at any time in the future they chose to do so the Structure Plan will already be in place.

The inclusion of all lots on Howe Street is considered to be a logical boundary for the Structure Plan, and it is therefore recommended that the boundary of the Structure Plan remain unchanged, with all properties adjacent to Howe Road included, as shown in Attachment 1.

### Conclusion

It is recommended that Council approve the Local Structure Plan for Lots 91, 500, 501 and 1 to 5 Howe Street, Beeliar without modification, and pursuant to clause 9.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

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

#### **Demographic Planning**

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





**Budget/Financial Implications**

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent.

**Legal Implications**

N/A

**Community Consultation**

Public consultation was undertaken between 6 April 2010 and 27 April 2010. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

**Attachment(s)**

1. Structure Plan
2. Aerial Photograph of Subject Land
3. Schedule of Submissions

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

The proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 June 2010 Council Meeting.

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

Nil.

- 14.2 **(MINUTE NO 4294) (OCM 10/06/2010) - FINAL CONSIDERATION OF AMENDMENT NO. 42 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 - REZONING VARIOUS LAND HOLDINGS AFFECTED BY WESTERN POWER TRANSMISSION LINE CORRIDORS FROM 'PARKS AND RECREATION' AND 'PUBLIC PURPOSE' LOCAL RESERVES TO 'SPECIAL USE' - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93042) (M CARBONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the schedule of submissions;
- (2) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western



Australian Planning Commission; and

(3) advise the people who made submissions and the Western Australian Planning Commission of Council's decision.

**COUNCIL DECISION**  
 MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the recommendation be adopted.

**CARRIED 9/0**

**Background**

Council at its meeting held on the 12 November 2009 resolved to initiate Scheme amendment No. 42 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of advertising. The amendment involves the following:

1. Rezoning various land holdings affected by Western Power transmission line corridors as shown on the Scheme Amendment Map from 'Parks and Recreation' and 'Public Purposes' local reserves to 'Special Use' and being designated as 'SU23'.
2. Inserting the new Special Use No. 23 provisions into Schedule 4 of the scheme text as follows:

No.	Description of Land	Special Use	Conditions
SU 23	All land within transmission line corridors designated as SU23 on the Scheme Map.	- Carpark - Civic Use - Community Purpose - Nursery - Public Amusement - Recreation - Private	Planning Approval.  'Carpark' and 'Nursery' are designated as 'P' (permitted) uses pursuant to Part 4 of the Scheme.  'Civic Use', 'Community Purpose', 'Public Amusement' and 'Recreation - Private' are designated as 'A' (discretionary subject to special notice) uses pursuant to Part 4 of the Scheme.  All other uses are not permitted ('X' uses).

3. Amending the Scheme Map accordingly.



**Submission**

N/A

**Report**

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

The Scheme amendment attracted thirteen submissions which included four concerns/objections, four no objections/support, three providing advice and two providing no comment. As required by the *Town Planning Regulations 1967*, each submission is addressed in detail in the Schedule of Submissions which is contained within the Agenda attachments. In specifically noting the four submissions of concern/objection received, these raised the following key points:

1. Unaware that the power line corridor was privately owned and/or could be potentially developed;
2. Concerns that development would create noise impacts on adjoining landowners;
3. Concerns regarding public safety and welfare.

In respect to these points, most of the land affected by the Western Power transmission line corridor is unused and in many cases being used for illegal activities such as motor bike riding. The intention of the proposed Scheme amendment is to clarify which limited uses may be allowed within the Western Power transmission line corridor. Only a limited number of passive land uses are proposed, and these do not encourage people to congregate underneath the power lines. Buildings are not permitted within the corridor and any structure will need to comply with Western Power's strict requirements. Given the power line transmission corridor transverses residential or future residential land, careful consideration will also be given to the assessment of any subsequent development application to ensure that the amenity of residential areas is maintained. There are adequate controls within the City's Town Planning Scheme in this respect, namely Clause 10.2 'Matters to be Considered by Council' which allows the Council to consider amenity and other issues in determining development applications. Accordingly it is considered that these areas of concern can be fully managed.

The purpose of the amendment is to clarify the limited uses which are allowed on the privately owned constrained land. These uses are



consistent with the urbanised context within which the identified land exists. The Scheme amendment sets up the statutory framework necessary to assess future development applications in the event that landowners wish to explore land use options for their landholdings. Any future application would be referred to Western Power to ensure their requirements can be met.

### Conclusion

The Scheme amendment is necessary as landowners have recently approached the City to discuss what potential there is to better utilise land beneath transmission line infrastructure. Being privately owned land, landowners have a legitimate right in exploring potential uses for their land. The Scheme amendment has therefore identified a number of limited land uses which are possible for privately owned land beneath transmission line infrastructure, whilst noting the obvious constraints that exist on the land. The identified set of land uses are quite narrow, but this is a requirement given such land exists within an urbanised residential context and must therefore be consistent with protecting and maintaining residential amenity.

The Scheme amendment is considered appropriate for the constrained land and is therefore recommended to be adopted by the Council and forwarded to the Western Australian Planning Commission for final approval.

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

The City has been responsible for preparing and progressing the Scheme Amendment documentation through to final approval. These costs are relatively minor.

### **Legal Implications**

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



### Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. This concluded on the 6 May 2010. The Scheme amendment attracted thirteen submission which included four concerns/objections, four no objections/support, three providing advice and two providing no comment.

### Attachment(s)

1. Map showing land ownership
2. Existing zoning map
3. Proposed zoning map
4. Schedule of submissions

### Advice to Proponent(s)/Submissioners

Those who lodged a submission have been advised that the matter will be considered at the 10 June 2010 Council meeting.

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

Nil.

**14.3 (MINUTE NO 4295) (OCM 10/06/2010) - PROPOSED OUTBUILDING - LOCATION: 15 HERMIONE WAY, COOLBELLUP - OWNER: K SHACKELFORD - APPLICANT: TROJAN OUTDOOR (1103763) (M SCARFONE) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) grant approval for an outbuilding at 15 Hermione Way, Coolbellup in accordance with the approved plan and subject to the following conditions:-

#### STANDARD 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 being undertaken after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays.
3. The approved shed shall be clad or coloured to complement the surroundings using non reflective materials and colours to the satisfaction of the City.



(2) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**  
 MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the recommendation be adopted.  
**CARRIED 9/0**

**Background**

Zoning:	MRS:	Urban
	TPS3	Residential (R20)
Land use:	Single House (Outbuilding)	
Lot size:	728 m <sup>2</sup>	
Use class:	P	

**Submission**

The applicant proposes an outbuilding with a total floor area of 75.6 m<sup>2</sup>. The applicant has provided the following justification in support of the need for an outbuilding which has been summarised accordingly:-

- To store two (2) cars; and
- Utilise the remaining area as a storage area for camping gear, tools, bikes etc.

A copy of the applicant's email justification may be read in conjunction with this report and is contained in the agenda attachments. During a site visit undertaken on 19 May 2010, the owner indicated that they currently own four vehicles, including a work vehicle which they wish to keep undercover. Two of these vehicles will be kept in the proposed shed with the other two to be kept in the existing garage.

**Report**

Policy Framework

The subject land is zoned 'Residential' with an associated density of R20 under the provisions of the City of Cockburn Town Planning Scheme No. 3 (TPS No 3). In accordance with the requirements of TPS No. 3, the Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed development has been assessed against the standards and provisions of TPS No. 3, Clause 6.10.10 of the Residential Design



Codes (R-Codes), and Council Policies APD18 'Outbuildings' and APD49 'Residential Design Codes Alternative Acceptable Development Provisions'. The proposed development conflicts with the Acceptable Development standards of this Policy Framework for the following reasons:

1. The proposed outbuilding has a floor area of 75.6 m<sup>2</sup> which conflicts with Clause 6.10.10 of the R-Codes and Council Policy APD18 which restrict the floor area of such structures in the 'Residential' zone to a maximum of 60 m<sup>2</sup>.
2. Under Policy APD 18, outbuilding wall heights should not exceed 2.4 m in a Residential zone, and ridge heights are to not exceed 4.2 m. In this case a maximum wall and ridge height of 3.7 m is sought.
3. Under the provisions of Clause 6.3.2 A2 (ii) of the R-Codes and Council Policy APD49 a building can be constructed on the boundary of a property provided the wall height does not exceed 3.0.m, and it's length does not exceed 9.0.m. As indicated above a maximum wall height of 3.7 metres is proposed.

#### Comment

In respect of the increase sought to the maximum floor area provisions of Policy APD18, it is considered that the 75.6 m<sup>2</sup> floor area sought by the applicant is acceptable in this case. This conclusion is reached as the subject lot, at 728 m<sup>2</sup> in area, has a substantial rear garden area which can readily accommodate an outbuilding of this size without prejudice to the levels of residential amenity enjoyed by its residents or the surrounding landowners.

In respect of the increase sought to the maximum wall and ridge height provisions of 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 m is considered acceptable. In the case of the subject proposal, the maximum wall height is 3.7 m at the ridge and the height to the underside of the gutter is 3.05 m. While the proposed wall height represents a significant variation to Council Policy, it is not considered that it will be detrimental to the residential and visual amenity of the adjoining neighbours to the south or east. This conclusion is reached as the adjoining owner to the south has a number of outbuildings in their backyard which would obscure the proposed outbuilding on the subject site. The neighbour to the east has a large tree growing adjacent to the proposed outbuilding which again has the effect of obscuring it from view.

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 owners of the property have indicated the use of the outbuilding will be for residential purposes, and have been made aware that a separate approval will be required should this change in the future. The proposed outbuilding is essentially screened from view of affected properties and shall be clad in non – reflective materials (as per Condition 3) thereby ensuring visual amenity is not impacted upon. With respect to the natural environment the subject site is essentially devoid of vegetation and as such the proposal has no impact and finally the proposed outbuilding is not visible from the street.

The proposed 'Outbuilding' is considered to be consistent with the intent of APD18 and therefore conditional approval is recommended.

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

#### **Demographic Planning**

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

#### The Planning Policies which apply to this Item

APD18 'Outbuildings'				
APD49 'Residential Design Codes- Development Provisions'		Alternative		Acceptable

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

Two (2) landowners were advised of the development application. One non-objection was received.

### **Attachment(s)**

1. Location Plan.
2. Site Plan
3. Applicant's justification





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

The proponent has been advised that this matter is to be considered at the 10 June 2010 Council Meeting.

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

Nil.

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

**15.1 (MINUTE NO 4296) (OCM 10/06/2010) - LIST OF CREDITORS PAID - APRIL 2010 (5605) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**  
That Council received the List of Creditors Paid for April 2010, as attached to the Agenda.

**COUNCIL DECISION**  
MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.  
**CARRIED 9/0**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for April 2010 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 – April 2010

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

N/A

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

Nil.

**15.2 (MINUTE NO 4297) (OCM 10/06/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - APRIL 2010 (5505) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 9/0**



## Background

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

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

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

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

The regulations require the information reported in the statement to be shown either by nature 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 2009/10 financial year

## Submission

N/A

## Report

Council's financial performance to the end of April shows the ytd budget in surplus by \$6.2m. This amount is largely representative of underspending in operating expenses on a ytd basis and on a lesser basis additional operating revenues. There are no areas of major concern within the results.

## Closing Funds

Council's closing funds (adjusted net current assets position representing liquidity) remains well above the budget target, reflecting a healthy financial position. At \$25.37M, this is \$6.2M higher than the forecast (\$0.8M lesser than at the end of March). The major reason for



this continues to be our cash operating expenses tracking behind budget by \$4.4M. However, this has reduced being (\$1.0M less than last month). Additional operating revenue is also contributing to the surplus being \$0.9M at 30 April.

Council's cash and investment holdings (including restricted items) stand at \$61.4M. Cash reserves and other restricted cash comprise \$34.4M of this total, with the balance of \$27.0M available to fund remaining commitments and operations for the 2009/10 year.

### Operating Revenue

Operating revenues exceed the ytd budget by \$0.9M. There are four main areas comprising this variance.

Investment earnings on both municipal and reserve funds continue to outperform the budget (\$487K at the end of April). This is despite of an upwards revision for earnings in the mid-year budget review.

Rate revenue is \$315K ahead of the ytd budget and also \$162K ahead of the full year budget.

Rubbish removal charges levied are \$131K ahead of both the ytd and full year budget. However, these funds are applied to waste collection services and any year end surplus over and above service delivery costs, will be quarantined and used to subsidise future costs in the delivery of the service.

Operating grants for Aged Services are \$239K ahead of ytd budget projections. These have no impact on Council's closing budget position.

### Operating Expenditure

Operating expenditure of a cash nature is tracking below the ytd budget by \$4.4M. The major contributing items at a nature and type summary level is materials and contracts at \$2.9M and other expenses at \$0.8M (comprising mainly landfill levy). Utility costs are also \$0.4M below budget due to a lag in billing.

Council's biggest expense line item - employee costs is tracking the budget in accordance with expectations at above 98%.

The majority of the Business Units are tracking below budget; however, several contribute mostly to the variance of \$4.4M.

Waste Services have a ytd budget variance of \$1.41M comprising:

- RRRC entry fees - down \$0.5k
- Waste Recovery Park operating expenses - down \$0.4M;



- Landfill levy payments are \$0.2M less than budgeted.

Operating costs are down within Parks and Environment by \$1.0M within Roads by \$0.5M and within Community Services by \$0.5M.

The apparent underspending in materials and contracts across the board can be largely attributed to the lag in supplier invoicing and processing. This is a common phenomenon for the City each year and tends to rectify itself incrementally the closer we get to the end of financial year. The underspend reduced by \$1.0M in the month of April

### Capital Expenditure

Council's capital spend continues to follow the historical pattern of underperforming the budget on a cash basis. As at the end of April, the actual spend was \$20.7M, being \$7.1M below the ytd budget target. However, with the value of committed orders factored in, actuals plus commitments are on track against the ytd budget. This is graphically illustrated in the Capital Expenditure chart accompanying the statements.

It is unlikely the commitments will be fully realised by the end of June, as this would translate to full delivery of the annual capital budget. The Capital Expenditure chart shows that a substantial amount of the capital budget is cash flowed to occur in June, which tends to indicate a large quantum of carry forwards into next year.

Council's building infrastructure program contributes \$3.7M to the variance and our land development program is \$1.6M. Council's other infrastructure capital programs are collectively \$1.8M behind budget.

Variances for specific projects can be found within the variance analysis schedule for Capital Expenditure accompanying the statements.

The delay in out flowing cash results in additional investment earnings accruing towards Council's bottom line or to the cash backed reserve funds.

### Description of Graphs and Charts included within Statements

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, 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. This month's position is quite consistent with that of last year at the same time.

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. This is currently showing a stronger position than budgeted and is consistent with the information reported above.

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 (i.e. not due to timing issues) may impact on Council's final budget position (depending upon its nature).

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Statements of Financial Activity and associated Reports - April 2010.

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

N/A

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

Nil.



DEPUTY MAYOR ALLEN LEFT THE MEETING AT 10.28 PM AND RETURNED AT 10.29 PM.

**15.3 (MINUTE NO 4298) (OCM 10/06/2010) - ADOPTION OF MUNICIPAL BUDGET 2010/11 AND ANNUAL BUSINESS PLAN 2010/11 (5402) (S DOWNING/N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt:

- (1) the Municipal Budget for 2010/11 and associated Schedules, as attached to the Agenda; and
- (2) the Annual Business Plan for 2010/11, as attached to the Agenda.

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

**COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr R O'Brien that Council defer this item to a workshop to be held on Saturday, 19 June 2010 (or first available date) with Elected Members and Officers.

**MOTION LOST 2/7**

MOVED Mayor L Howlett SECONDED Deputy Mayor K Allen that Council:

- (1) adopt the Municipal Budget for 2010/11 and associated Schedules as attached to the Agenda, subject to the inclusion of the following projects:
  1. Public Accessway (PAW) upgrade (Kent Street to Bushy Road, Spearwood (\$35,000).
  2. Re-erection of fence adjacent to Dual Use Path (DUP) near the roundabout of Hope Road and Progress Drive, Bibra Lake (\$5,000).
  3. Frederick Road/Dodd Street, Hamilton Hill – Installation of Low Profile Speed Humps and Speed Limit Signage (\$10,000).
- (2) adopt the Annual Business Plan for 2010/11, as attached to the Agenda;
- (3) amend the Municipal Budget 2010/11 to include a \$200,000



grant from the Department of Corrective Services for the delivery of a youth diversion service to young people; and

- (4) amend the Schedule of Fees and Charges to include the charges for the Lease of the Naval Base Caravan Park (\$2,079), FESA Levy (\$46.35) and Security Levy (\$45).

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/1**

CLR O'BRIEN REQUESTED HER VOTE AGAINST THE MOTION TO BE RECORDED

**Reason for Decision**

- (a) Public Access Way (PAW) Upgrade (Kent Street to Bushy Road, Spearwood (\$35,000))

The public access way between Kent Street and Bushy Road, Spearwood has been the subject of at least one previous application from the neighbours adjoining the property for its closure. The City received an application from the adjoining owners again this year requesting that the PAW be closed due to continual anti-social behaviour, damage to the fencing along the PAW, the accumulation of rubbish including used syringes and the dumping of shopping trolleys (up to 15 on some occasions).

A visit to the location with the Director, Engineering and Works resulted in a quote of \$35,000 being obtained to upgrade the PAW including the installation of a retaining wall, replacement of the damaged super six fencing, erection of entry rails at both ends and lighting considerations.

Opinion on the value of PAW's is divided in the community and the City receives regular complaints from the adjoining property owners (in the main) of continual anti-social behaviour, damage to the fencing along the PAW, the accumulation of rubbish including used syringes and in some cases, the dumping of shopping trolleys.

If the City supports the retention of PAW's, then it is incumbent on the City to ensure that the PAW's are maintained on a regular basis ie the removal of weeds, rubbish including used syringes, shopping trolleys etc. and that the damage done to the adjoining fences by PAW users is repaired ie smashed by shopping trolleys being 'ridden' down the PAW, kicked in, pushed over etc.

- (b) Re-erection of Fence adjacent to Dual Use Path (DUP) near the round-a- bout of Hope Road and Progress Drive Bibra Lake (\$5,000)





The current upgrade of infrastructure and facilities around the Bibra Lake foreshore has seen a large proportion of the DUP being resurfaced or in some cases re-aligned. In 2004 the community applied for and received a fence along a section of the DUP near the round-a-about of Hope Road and Progress Drive, Bibra Lake given the inherent danger of motorists potentially coming into contact with pedestrians/cyclists at the location.

Just prior to the fence being removed a motorist hit a section of the fence (approximately 30metres). The fence prevented the vehicle from crossing the DUP where an increasing number of people of all ages and abilities are recreating.

The fence should be re-erected as a matter of urgency.

- (c) Frederick Street/Dodd Street, Hamilton Hill - Installation of Low Profile Speed Humps and Speed Limit Signage (\$10,000)

Residents of Frederick Street, Hamilton Hill have long complained of speeding traffic and hoon activity in their road which appears to be a convenient short cut route for drivers travelling through that locality, particularly from the Hamilton Hill Shopping Centre.

- (d) Youth Diversion Service

A grant of \$200,000 was received for the delivery of a youth diversion service within the Metropolitan area, to which the City of Cockburn was one of the preferred respondents.

- (e) Naval Base Caravan Park

The lease fees together with the FESA levy and Security Levy were not included when the Budget papers were circulated. Hence these charges are required to be included in the Schedule of Fees and Charges which forms the Municipal Budget for 2010/11.

## **Background**

Council is required to adopt an Annual Budget by 31 August each year. To this end the City adopts its budget in June of each year.

In addition, the City also presents the Annual Business Plan for 2010/11 which is a detailed plan for the new financial year. The purpose of adopting an Annual Business Plan allows for each financial year to be based on the broader Plan for the District. This is done so as to allow ratepayers to have certainty that the Plan for the District is the guiding document governing the financial planning for the City.



## **Submission**

N/A

## **Report**

The Municipal Budget, in the prescribed statutory format, is attached to the Agenda.

### Annual Business Plan 2010/11

The Annual Business Plan, detailing the business activities of the City's Service Units for 2010/11 is attached to the Agenda.

The Draft Plan for the District 2010/11 sets out the future for the district over the next ten years. The Business Plan concentrates on the activities over the next twelve months, ie. the 2010/11 financial year.

The Business Plan (the Plan) sets out a summary of the activities to be undertaken by Council during the year. The Plan sets out by Division and Service Unit, projects to be undertaken, key performance measures and budgets for income and expenditure. The Annual Report for 2009/10 will report on the actual achievements for the year compared to these project lists, measures and budgets.

### Municipal Budget 2010/11

The Municipal Budget for the financial year 2010/11 is proposed to be adopted on 10 June 2010. In addition, to the Statutory Budget as required by the Local Government Act 1995, are Schedules covering the Capital Works and Operating Job Programs together with the Schedule of Fees and Charges for the new financial year.

The Proposed Budget for 2010/11 is based on the following set of parameters:

#### *Rates*

The proposed 2010/11 Budget has been prepared with an increase of 4.5% in rates for improved residential properties and 5% for vacant land, commercial and industrial properties in the Municipality. The City is introducing several new differential rates for:

- special industrial properties (both GRV and UV) properties;
- a staged increase (over five years) for caravan parks in with an aim to increase them to minimum rate payment;
- Creation of Resources Development – which is looking at the development of former sand mining land into urban lifestyle land.



The City is seeking to continue to review the relevance of classifying land UV when it no longer has farmland as its main or predominant purpose. As such parts of Banjup and Jandakot will be reviewed as to the reclassification of this land from UV to GRV.

The City encourages ratepayers to use one of the many options to pay rates and has not increased the administration fee and accompanying interest rate for last two years.

Differential and Specified Area rates were advertised in accordance with the Local Government Act with the City receiving no submissions. The City has communicated with the Department of Local Government advising and requesting relevant sign off for differential rate adjustments in accordance with the Local Government Act.

### Levies and Service Charges

The Waste Management Service Charge will increase from \$325 to \$345 to offset the higher costs incurred in providing the service. The City has incurred substantial cost increases in its Waste Program as detailed below:

- an increase in MSW Gate Fees at the SMRC from \$155/tonne to \$185/tonne to accommodate the increase of 17.5% in electricity tariffs in April and July 2010 and to offset the loss of the City of Canning's waste stream. The fixed costs for running the waste composting facility will now be recovered over a smaller waste stream resulting a higher charge for processing each tonne of MSW waste through the WCF facility.
- an increase to assist in the funding of a weekly recycling service to commence in the City of Cockburn during the 2010/11 financial year.

The Community Surveillance Levy is being decreased from \$50 to \$45 a reduction of 11%. This reduction has coincided with the City contracting Wilsons Security to provide the City with a 24 hour patrol service after the previous provider of the service was advised that their contract would not be renewed. In addition, to providing a security patrol service, the City is reviewing the use of CCTV to complement the service, which is the subject of a report to Council.

The Emergency Services Levy is collected by Council on behalf of the State Government Fire and Emergency Services Authority. The State Government has flagged an increase in the cost to the levy of \$28. This will translate to an increase for the average Cockburn residential property of 18%. It is clear that the intention to shift the cost of the FESA service more to local government. In reviewing their budget papers, whilst local government contribution has increased by \$38.1m, the cash contribution from State Government has fallen from \$44m in 2009/10 to \$19m in 2010/11. It would appear the State Government is



looking at a program of full cost recovery from property owners of providing the service.

The City is maintaining a Specified Area Rate for the Port Coogee area to cover the additional maintenance required in future years at the 2008/09 rate in the dollar. The rate in the dollar will be 1¢.

The pool inspection levy will increase from \$19.65 to \$21.00. This increase will mean that the inspection program will only be funded by owners with pools and not all ratepayers.

All fees raised for levies and service charges are used solely for the purposes they are raised. Any surplus funds are quarantined and placed in an appropriate reserve or restricted fund account at the end of the year.

These increases account for 92.8% of the operating income derived by the City. The balance of \$6.5m or 7.2% is made up of operating grants provided by the State and Federal Government for programs funded by them and implemented by the City.

Overall the basket of goods provided by the City to the majority of ratepayers will increase by 4.3% as the following table demonstrates:

*Table 1: Impact of proposed increase in Council controlled charges*

Basket of Goods Charged by Council			
	2009/10	2010/11	Increase
Rates	\$689.00	\$720.00	4.50%
Waste	\$325.00	\$345.00	6.15%
Sec Levy	\$50.00	\$45.00	-10.00%
Total	\$1,064.00	\$1,110.00	4.32%

But after the increase of \$28 of the FESA levy, the increase Council will be forced to collect from its ratepayers will be 5.96%.

*Table 2: Impact of proposed increase in charges including FESA's ESL*

Basket of Goods Charged by Council and FESA			
	2009/10	2010/11	Increase
Rates	\$689.00	\$720.01	4.50%
Waste	\$325.00	\$345.00	6.15%
Sec Levy	\$50.00	\$45.00	-10.00%
ESL	\$144.00	\$170.00	18.1%
Total	\$1,208	\$1,280	5.96%

Fees and Charges

The City is proposing to increase the majority of fees controlled by Council by CPI, these range from swimming pool fees to halls and community facilities.



The Tip Fees for Henderson Resource Recovery Facility will rise by approximately 10% from \$100 to \$110 per tonne for its key commercial waste delivered to the facility. A range of other fees levied by the HRRF will also increase. Based on projected waste volumes the City will raise in excess of \$4m for the State Government through the Waste Landfill Levy. General operating cost increases have been absorbed to limit the extent of the gate fee increase beyond that imposed by the State Government despite falling commodity prices for recovered products (particularly steel) which will impact on revenue and general increases in operating costs.

The following table demonstrates the cost increases imposed by the State Government on the City of Cockburn for 2010/11:

*Table 3: Impact on 2010/11 budget from State Government cost increases*

Charge	2009/10 Cost	2010/11 Cost	\$ Increase	% Increase
Electricity	\$2,052,000	\$2,411,100	\$359,100	17.5%
Water	\$131,503	\$153,858	\$22,355	17%
Gas	\$96,495	\$106,144	\$9,649	10%
FESA ESL	\$41,642	\$49,553	\$7,912	19%
Total	\$2,321,640	\$2,720,655	\$399,015	17%

The above alone equates to a 1% increase in rates.

The City has a number of fees which will not rise in 2010/11 as a result of the heads of power to amend these fees residing with the State Government who has not authorised any increase in 2009/10. These are statutory fees such as planning, building and health fees and charges. It is noted that the State Government has approved only a 2.1% increase in planning fees effective 1 July 2010.

### Capital Works

The City is proposing to spend \$25.97m on Capital Works in 2010/11. The new financial year is significant as it will see a number of significant projects commence after extensive planning and design. These projects are:

- Operations Depot - \$1.35m
- Upgrade to halls, pavilions and other community facilities - \$0.5m
- Upgrade to Santich and Anning Parks - \$0.7m
- Bibra Lake Management Plan Stage 2 - \$1.00m
- North Coogee Management Plan - \$0.4m
- Other parks development - \$3.00m,
- Design of Success Library and Super Clinic - \$0.5m
- Roads, drains - \$8.86m
- Footpaths and cycleways - \$0.60m
- Waste and Landfill - \$3.15m
- Plant and equipment - \$3.4m



It is interesting to note that three major capital projects were completed in 2009/10, on budget and on time. These were:

- Regional Recreational Facility at Success - \$9.8m
- Aubin Grove Community Centre and Sporting Facility - \$2.8m
- Coolbellup Hub/Community Facility – Refurbishment - \$4.5m

The City also completed the much needed dual-carriage way along North Lake Road between Discovery Drive and Bibra Drive whilst constructing environmental accessways for native fauna between the various wetlands.

The City will redirect approximately \$700,000 of capital funding to expedite the work on Santich and Anning Parks (planned for 2012/13 in the Draft Plan for the District 2010 – 2020).

#### Carried Forward Expenditure

A number of unfinished works will be carried forward totalling \$12.9m of which \$1.0m comes from the municipal fund with the balance from external sources. An estimated \$4.0m works not yet started are also to be carried forward and are included in the above calculation. A full list of carried forward works is provided in the proposed 2010/11 Budget. This is currently an estimate with a final list of carried forward works to be provided to Council as part of the 2009/10 end of year Financial Statements in October 2010.

#### Non-Capital Operating Jobs

The City also funds work on non-capital operating jobs totalling \$0.29m. A schedule of these jobs is attached to the proposed budget. This budget has been substantially cut for 2010/11 in a response to falling revenues.

#### Payroll

The largest recurring operating cost incurred by the City is the salaries budget. 2010/11 will see an increase in line with at least Perth CPI. Coupled with the latter increase, “step” increases and new staff the proposed budget for salaries will increase by 7.04%. New staff will include:

- Community Ranger
- Security Patrol Service Co-ordinator
- Parks Administration Assistant,
- 2 Bushland Maintenance Officers
- Works Customer Liaison Officer,
- 2 Drainage Crew
- Strategic Planning Officer
- HR Officer



- Business Systems Officer

Details of all new appointments are contained in the Draft Plan for The District 2010 – 2020.

### General Operating Expenditure

Net cash expenditure in 2010/11 will see an increase of 5.3% over the adopted budget of 2009/10. Adjusted for Payroll expenditure general expenditure will only increase cash expenditure of 2.7% on the operating account. It is noted that the above does not include depreciation, which will increase by 8.3%, all of which the City cash backs and which in turn provides funds for capital expenditure and reserve transfers.

Further, it should be noted that this is the first budget, where the City has not taken a cash dividend from the Waste Disposal business but rather has allowed for the funds to be transferred to the relevant reserves in order to fund a land acquisition program and other costs in the next three to five years.

### Loan Funds

The City is not proposing to raise a loan to fund the capital program as outlined above and detailed in the attachment. It is worth noting that the Plan for the District 2010–2020 does indicate that loans will be required to complete the development on Wentworth Parade given all known information. At this stage a loan will be required to be raised in 2013/14. An application will be submitted to WA Treasury Corporation when the proposed Budget is adopted in the relevant year.

### Reserves

Transfers totalling \$16.6m will be placed into Council's reserves with \$16.5m being transferred from reserves to fund capital and operating works. The long term plan is to keep on placing surplus funds into reserves to fund the sizeable community infrastructure program as outlined in the Plan for the District.

### New Reserves

The City needs to create a number of new reserves in order to put aside funds that will be paid to the Council in the future:

#### *Waste Collection Reserve*

The City is required to quarantine any surplus funds generated by the Waste Management Levy. They in turn will be used to fund waste collection activities on behalf of the City. In this regard the City is setting aside any surplus funds to assist in the transition from the recycling facility located in North Coogee to the re-built facility at the



SMRC's Canning Vale facility. The current Waste and Recycling Reserve is for any surplus funds arising from the management of the Henderson Land Fill and Recovery Park which deals with waste disposal.

*Cockburn Super Clinic Reserve*

The City of Cockburn is to receive approximately \$6.4m for the construction of the Cockburn Super Clinic. As part of the agreement with the Federal Government the City will be required to quarantine funds received for specific construction of the facility and provide an account acquittal of the said funds. It is believed that the establishment of a reserve meets these requirements as outlined under the LGA.

Proposed Surplus for 2010/11

The proposed budget for 2010/11 is presented as a balanced budget with no surplus or deficit on the overall Municipal account (operating and capital) for 2010/11.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

The Budget provides funds for Council's activities in 2010/11. The above recommendation adopts the Budget for 2010/11.

**Legal Implications**

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

**Community Consultation**

N/A

**Attachment(s)**

1. Municipal Budget for 201/11 and associated Schedules.
2. Annual Business Plan 2010/11.

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

N/A





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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES****16.1 (MINUTE NO 4299) (OCM 10/06/2010) - POSITION STATEMENT PSEW15 'REMOVAL AND PRUNING OF TREES' (3002) (A JOHNSTON) (ATTACH)****RECOMMENDATION**

That Council accept Position Statement PSEW15 'Removal and Pruning of Trees' with no amendments.

**COUNCIL DECISION**

MOVED Clr H Attrill SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/1**

**Background**

At Council Meeting 11 February 2010, Council requested a review of Position Statement PSEW15 'Removal and Pruning of Trees'.

**Submission**

N/A

**Report****Position Statement Considerations**

In reviewing Position Statement PSEW15 'Removal and Pruning of Trees', consideration has been given to the following key issues:

1. Council position on tree pruning and removal is clear and concise without being open to ambiguity or interpretation.
2. Council's position supports factual information over emotion and perception.
3. Council's position on responsibility to make judgment as to whether a tree should be removed or pruned due to loss of amenity is clearly outlined.



4. Council's position is considered to be fair and equitable to private property owners.
5. Council's position is representative of other Metropolitan Local Government Authorities.

1) Clear and Concise Position Statement

Council officers may have varying levels of empathy to resident's requests for tree removals. The position statement needs to be clear in its direction to officers so the decision made by the officer is clearly supported by the documentation and not open to interpretation. Ambiguity will result in inconsistent decision making which may be seen as being more advantageous to some and penalising others therefore giving greater claim for debate on the decisions made.

2) Factual Information over Emotion and Perception

Removal of trees on public and private lands can be an emotive subject in which the factual information and evidence can become skewed. Officers decisions should be based on the facts available to them, these decisions can be reinforced or further substantiated through the consultation of an independent arboricultural consultant. The policy should give clear direction that can be supported factually.

3) Nuisance and Loss of Amenity to Private Property

The majority of requests for pruning or removal of trees with in the City is due to loss of amenity and the nuisance caused by trees on public land interfering with resident's private property and lifestyle. In order of request the main complaints in regard to trees are:

- Root encroachment – driveway paving being lifted, cracking of boundary walls. The city currently expends \$25,000.00 per annum in tree root control.
- Leaf litter - gutters and roof valleys being blocked
- Overhanging Branches
- Shading – turf / gardens not getting enough light
- Blocking of views

A significant contributing factor to the number of these types of requests has been the narrowing of the width of street verges over recent years leaving limited space for tree's to develop to maturity. Trees now have to compete to a greater degree for space with footpaths, utility services and structures on residential property. The City currently receives 3-4 requests per month for tree removal relating to loss of amenity; this is predicted to steadily increase as the City's trees mature. The level of loss of amenity is often difficult to quantify and leads to the following point.



#### 4) Fair and Equitable

The information outlined in point three is the most open to conjecture and needs careful consideration as to be determine what is a fair and equitable in a request to prune or remove a tree. It is often considered an easy option to remove the tree rather than put in place engineering solutions to prevent damage from trees. The City needs to consider the individuals level of loss of amenity as to the overall benefit to the wider community of retaining the tree.

Council regards trees as being highly desirable and integral to the urban landscape, providing a range of social, environmental and economic advantages. As such they are considered to be an integral part of the total public landscape amenity affecting and benefiting all residents within the locality, individually and collectively. It is anticipated that residents and ratepayers will accept some inconvenience associated with trees. Policy should give clear direction to officers as to Councils position with respect to what is fair and equitable if they are to make judgement on what constitutes a loss of amenity and the level of loss of amenity compared to the overall benefit to the community.

#### 5) Comparison to other LGA

A number of local councils were contacted in regard to their tree removal policies. City of Melville, City of Bayswater and the Town of Claremont all have policies of some degree but were not available for viewing as they were also under review.

The City of Stirling advertises a comprehensive policy on their website which as well as tree pruning and removal also outlines the planting and watering of street trees. It is similar in its direction to our current policy. A copy of their policy is attached with an extract of the policy detailed below:

The following are not considered sufficient reason for the removal of street trees:

- The tree obscures or potentially obscures views (other than traffic / pedestrian sight lines).
- The tree variety is disliked.
- The tree variety causes nuisance by way of leaf, fruit and / or bark shedding or the like.
- The tree causes allergy and / or health problems.
- The tree is in the way of a non-essential crossover or verge paving option.
- The tree shades private gardens, solar hot water installations or the like.



### Review of Current Position Statement

Based on the above considerations the current position statement has been dissected and reviewed.

A full copy of the City's current Position Statement PSEW15 'Removal and Pruning of Trees' has been attached.

The first section of the position statement relating to the pruning and removal of trees is very tangible in the fact that there is clear evidence that supports the officer's decision. The response for or against removal of trees is clearly justifiable. Officers can also if required have their position substantiated by an independent arboricultural consultant. Below is an extract from the position statement relating to this area.

Trees shall not be removed unless they are:

- 1 Dead
- 2 In a state of decline to the point that survival is unlikely.
- 3 Structurally unsound, to the point of constituting imminent danger to persons or property.
- 4 Damaging or likely to damage property, where alternatives to prevent damage are not possible.
- 5 Part of a tree replacement program; or
- 6 Obstructing a Council approved works program, such as road and drainage works.

The following part of the position statement is less tangible as it is relating to level of loss of amenity. This is the most controversial part of the position statement. This section of the document currently removes the power from the officer to make the decision on removal of trees and places the onus on Council to approve the trees removal.

The extract referencing this part of the position statement is detailed below:

### Loss of Amenity

Trees growing on land under the direct care, control and management of the City, that are considered to be unduly interfering with the amenity available to adjacent residents in the use of their land, may be removed at the discretion of the Council.

In such circumstances, trees shall not be removed unless:

- 1 A request in writing for removal of the tree has been received from the adjacent property owner by the City's officers, clearly stating the reasons for requesting removal.



- 2 An officer's report detailing the request and associated issues has been presented to the Council for its consideration, including any consultation undertaken.
- 3 The Council has formally resolved to authorise removal of the tree.

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.
- 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.

The remainder of the policy looks at Planning, Building and other approvals. Again, this area is clear in its direction to officers and the level of public reaction to this part of the policy is very low.

### Summary

Based on the information reviewed the current policy gives officers clear direction as how to proceed with the pruning or removal of trees where they meet one of the six tangible criteria as outlined in the policy. When an issue relates to loss of amenity the officer has the capacity to work within the policy in an attempt to find a resolution with the resident. If the resident is insistent that the tree is to be pruned or removed, the officer is bound by the policy and required to escalate the decision to the Elected Members for a consultative decision.

### Officer's Recommendation

Officers do not believe that a change is required to the Position Statement PSEW15 'Removal and Pruning of Trees'. The current policy is strong in its intent that trees are natural vegetation and a valued and important asset to the City. The current policy is clear and workable for Council officers and Elected Members to enforce. Any judgment required outside the current policy in regard to determining the level of loss of amenity to an individual or group should be undertaken by the communities elected members or alternatively a nominated panel of representatives.



## **Strategic Plan/Policy Implications**

### **Infrastructure Development**

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

### **Lifestyle and Aspiration Achievement**

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

### **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**

Under the current Policy, all costs to remove the tree is borne by the owner.

## **Legal Implications**

N/A

## **Community Consultation**

N/A

## **Attachment(s)**

1. A copy of Position Statement PSEW15 "Removal and Pruning of Trees"
2. A copy of City of Stirling Street Tree Policy

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

N/A

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

Nil.



**16.2 (MINUTE NO 4300) (OCM 10/06/2010) - TENDER QR08/2010 TWO  
(2) REFUSE COMPACTOR TRUCK - 6 X 4 29M3 SIDE LOADING  
(QR08/2010) (P CRABBE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) accept the quote submitted by WA Hino for the purchase of Two (2) Hino Series 2630, 234Kw Side Loading Refuse Compactor Trucks with a six (6) speed Allison 3500 transmission complete with 29m3 MacDonald Johnson compactor unit for a total cost of \$692,754.02 (Ex GST);
- (2) fund the purchase of the two trucks from budget Item CW7748 and CW7754 respectively with the increased funds to be drawn from the Plant Replacement Reserve;
- (3) accept WA Hino's offer to trade the Iveco Acco F2350G (Plant No.PL7481) for \$53,636.36 (ex-GST);
- (4) retain the current Iveco Acco F2350G refuse compactor truck PL7542 to be used for the weekly recycling service; and
- (5) upon receipt of the new Refuse Compactor Trucks, assign a new plant number to Plant Item PL7542 and transfer a sum of \$53,636.36 (representing the current trade value of Plant No.PL7542) from the Waste Collection Reserve.

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

**COUNCIL DECISION**

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

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

**Background**

The refuse compactors operated by the City of Cockburn are primarily used for the transport of domestic recycle waste from dwellings within the City of Cockburn to material recovery facilities (MRF), and/or the collection of domestic MSW waste to the City's Henderson waste facility.

The current Refuse Compactor Trucks Iveco Acco F2350G Plant No's. PL7481 & PL7542 used for transporting recycle waste were purchased



in Nov 2005 and are due replacement in accordance with the City of Cockburn's guidelines, based on hour meter readings and purchase date.

Specifications were prepared for acquisition of two refuse compactor trucks fitted with either a McDonald Johnson or a Superior Pack 29m3 compactor unit, and quotations were sought from listed suppliers under the WALGA Contract TPS 0815 inclusive of priced options for trade of the current trucks PL7481 & PL7542.

Subsequent to the receipt of quotations, consideration was given to the retention of one of the proposed trucks to be traded, to ensure that Council maintains operational capacity to cater for the commencement of weekly recycling in FY10/11.

**Submission**

Submissions were received from the following companies for supply of two new 29m3 waste compactor trucks, fitted with McDonald Johnson compactors GENVSL or Superior Pak - 'Raptor' compactor units, and priced trade of the current Iveco Acco F2350G trucks (Plant No's 7481 and 7542) purchased by the City of Cockburn in Nov 2005:

1. Skipper Trucks
2. WA Hino
3. Major Motors

**Report**

Compliant Suppliers

All Suppliers were deemed compliant with the conditions of quote and compliance criteria; the trade-in and outright purchase offers for Plant No. 7481 and 7542 were included in the evaluation.

Compliance Criteria	
A	Compliance with the Conditions of Quote
B	Compliance with Fixed Price (Clauses 1.8 And 4.4) and completion of Clause 3.4.2
C	Compliance with and completion of the Price Schedule
D	Compliance with and completion of the Delivery period – Clause 4.2

Compliance Outcome

Suppliers Name		Compliance Criteria Overall Assessment
1	Skippers Trucks	Yes





2	Hino WA	Yes
3	Major Motors	Yes

### Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Technical Specifications	15%
Workshop Serviceability	10%
Backup Services	10%
Operators/Operations Suitability	15%
Tendered Price – Lump Sum	50%
<b>TOTAL</b>	<b>100%</b>

### Intent / Requirements

The City of Cockburn Waste Services requires the purchase of Two (2) Refuse Compactor Trucks - 6 x 4 Side Loading, for the collection of recyclable waste from residential dwellings within the City of Cockburn, as replacement for existing refuse compactor trucks that are due for replacement in accordance with the City's plant replacement program.

Proposed as part of this report is the retention of one of the waste recycle trucks (PL7542) that was offered for trade, which will ensure that the City has sufficient capacity when implementing the weekly recycling collection later this year.

### Evaluation Panel – Officers

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

Phillip Crabbe - Facilities & Plant Manager;  
 Brian Farmer - Workshop Coordinator; and  
 Murray Ladhams - Waste Collection Coordinator

### Scoring Table

<i>Scores for the Refuse Compactor Truck – 6 x 4 29m3 Side Loading</i>			
<b>Suppliers Name</b>	<b>Non-Cost Evaluation Score 60%</b>	<b>Cost Criteria Evaluation Score 40%</b>	<b>Total Score</b>
Skipper Trucks (Option 2) Raptor	44.00	49.50	93.50



Skipper Trucks (Option 1) MJE	44.00	49.00	93.00
WA Hino (Option 1) Raptor	44.00	50.00	94.00
WA Hino (Option 2) MJE	46.00	49.70	95.70
Major Motors MJE	41.00	45.00	86.00

### Evaluation Criteria Assessment

#### *Technical Specification:*

All units offered met or exceeded the minimum technical specifications.

All vehicles had comparable technical specifications, similar transmissions and output specifications and offered diesel in line six (6) cylinder engines.

The Evaluation Panel rated the Hino & Isuzu trucks as offering superior fuel consumption & Co2 emissions over the Iveco Acco.

#### Workshop Serviceability

All vehicles offered can easily be serviced and maintained internally within the City of Cockburn's own workshop facilities.

The Evaluation Panel considered the Hino and MacDonald Johnson combination superior based on better utilisation and servicing costs expected to be achieved by the City of Cockburn as compared to the other combinations offered.

#### Backup Services

As backup and for warranty purposes each of the vehicles offered can be serviced by the supplier if required.

#### Operators/Operations Suitability

All supplier vehicles were broadly comparable in their suitability for operators, however the WA Hino model was rated highest by the Evaluation Panel in overall suitability and cab layout and operator comfort.

With the City's other recently acquired recycle trucks being Hino, the new units will compliment overall fleet dynamics through common servicing requirements and operator familiarity, with operators being able to switch from truck to truck in a timely and safe manner.



## References

All references provided by the suppliers for each of their submissions proved satisfactory.

## Evaluation Summary and Recommendation

The Evaluation Panel recommends the acceptance of the quote submitted by Hino WA for two (2) new refuse compactor trucks fitted with 29 m<sup>3</sup> MacDonald Johnson compactors for the collection of domestic waste from dwellings within the City of Cockburn

The Evaluation Panel's recommended Hino and MacDonald Johnson combination units in part based on expected best utilisation and least servicing costs and operational functionality in combination with the City's other waste collection fleet, as compared to the other combinations offered.

## Trade-in and Retention Proposal

It is proposed for existing refuse compactor truck Plant No. PL7542 to be retained (not traded) by Council for the purpose of providing additional recycle waste capacity for weekly recycling. This will ensure that the City has the capacity to maintain service delivery standards to ratepayers inclusive of the weekly recycle collections.

A weekly recycling service is expected to commence in the 10/11 FY. The trigger for the commencement of weekly recycling will be the securing of the budgeted staff and vehicles.

Expectations are that four refuse compactor trucks will be required to deliver weekly recycling whilst the MRF is located in Hamilton Hill. Additional recycling fleet numbers may be required in the future to deliver recyclables to the rebuilt Canning Vale MRF at the SMRC.

Currently the City has three trucks utilised in (fortnightly) recycle waste collection, including the two trucks proposed to be replaced (PL7481 & PL7542). The delivery of the City's low profile rear loading vehicle will release a 29m<sup>3</sup> recycling truck for use in the weekly recycling service. The new trucks associated with the current request for quotation can be expected to be delivered in approximately six months, around November 2010.

The withholding of the trade in of PL7542 will provide a buffer to the fleet, drivers and the workshop staff in the event of mechanical failure. Current fleet numbers and operations facilitate a truck service during normal work time and if fleet numbers are not increased with the weekly recycling we can expect a reduction in our servicing capability and increased costs undertaking essential repairs and servicing after hours.



Holding the current refuse collection truck PL7542 back from trade and retaining it for a spare will ensure minimal impact to operational requirements within the waste collection service and the mechanical workshop service. Until the weekly recycling program impact on the fleet, drivers and workshop can be fully assessed, retention of the trade is recommended.

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

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

- To facilitate and provide an optimum range of community services and events.
- To deliver our services and to manage resources in a way that is cost effective without compromising quality.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

### **Budget/Financial Implications**

Officers estimated the purchase price for a new waste Compactor unit of approximately \$325,000 with a projected trade value of \$65,000. The actual purchase price for the proposed Hino Trucks are \$346,377.01 with a trade value of \$53,636.36. The net cost to Council is \$292,740.65. This represents a net increased draw on the Plant Replacement Reserve of \$32,740.65. The Plant Replacement Reserve has sufficient funds to cover these additional costs.

As officers propose to retain PL7542 for a period of time, we will effectively be adding an additional vehicle to the fleet register. The Plant Replacement Reserve should not be negatively impacted by the decision to retain the vehicle therefore it is proposed to transfer funds from the newly created Waste Collection Reserve to cover the costs of retaining the vehicle (ie. transfer \$53,636.36 from the Waste Collection Reserve to the Plant Replacement Reserve). The Waste Collection Reserve has been established using surplus funds generated from the Waste Levy and this vehicle is necessary to continue to provide waste collection services.

### **Legal Implications**

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

### **Community Consultation**

N/A



**Attachment(s)**

Quote Evaluation Sheet – Confidential attachment provided under separate cover.

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

N/A

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

Nil.

**16.3 (MINUTE NO 4301) (OCM 10/06/2010) - TENDER NO. RFT 33/2009 - CLEANING SERVICES - PUBLIC, COMMUNITY & ADMINISTRATION FACILITIES (RFT 33/2009) (M LITTLETON / D VICKERY) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) accept the tender submitted by Spotless Services Australia Ltd, T/A Arrix, for Tender No. RFT33/2009 – Cleaning Services – Public, Community and Administration Facilities, for the lump sum of \$633,972.73 GST exclusive (\$697,370.00 GST inclusive) per annum and the schedule of rates submitted for post function, unscheduled and adhoc cleaning services, for a period of three(3) years commencing 1 August 2010;
- (2) seek a commitment from Arix that they will contact both MP Cleaning and Cleandustrial to discuss opportunities for staff placement during the transition period; and
- (3) write to both MP Cleaning and Cleandustrial thanking them for their 29 years and 7 years cleaning services respectively to the City and wishing them well in their future endeavours.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

**MOTION LOST 4/5**

MOVED Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that the matter be deferred and a workshop be held to determine whether the City and its ratepayers are receiving value for money.

**CARRIED 5/4**



## **Reason for Decision**

It was the general view of the Council that they need to be fully informed of the extent of the services that the City will be receiving from the new contract being proposed and the reasons why the City is considering changing its cleaning contractor who has been serving the City for some 27 years.

## **Background**

Since 2003 the City of Cockburn has had the majority of its building, facility and public barbeque cleaning undertaken by two contractors. Cleandustrial Services undertook cleaning of the City's Administration and Community Facility buildings on a scheduled and adhoc basis, whilst MP Cleaning undertook most of the scheduled cleaning of toilet blocks, changerooms and public barbeques.

The end date for the existing Contract No.RFT 18/2003 was 31 July 2007. Throughout that period it was identified that the contract did not meet the City's needs on account of the many changes to the City's infrastructure and the increased standards being expected of the cleaning. Officers commenced a review of the general scope and in the interim, the incumbent contractors were utilised to continue to provide cleaning services.

The City engaged the services of Consultant John Clohessy of Changing Directions Pty Ltd to assist officers in preparing a comprehensive specification for our cleaning services and to assist with the tender assessment. A new contract was developed that offers an improved cleaning regime, added controls on cleaning standard, including key performance indicators, and more targeted pricing for various, as required ad hoc cleaning activities.

Tender No.RFT 33/2009 Cleaning Services - Public, Community and Administration Facilities was advertised on Wednesday, 19 August 2009 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's website between 18 August and 15 September 2009. The evaluation has taken a considerable period of time and the matter was presented to Council at its April Ordinary Council meeting. The matter was deferred at that meeting with Council seeking copies of the detailed assessment undertaken by Changing Directions Pty Ltd.

## **Submission**

*Tender Intent/ Requirements*



The contract is for the provision of daily, other scheduled and adhoc cleaning services for the City of Cockburn's facilities and buildings over a three year contract period.

Tender submissions were received from:

1. Cleandustrial Services Pty Ltd
2. Peselj Family Trust – Trading as MP Cleaning Contractors
3. Tangata Pty Ltd – Trading as List's Cleaning Services
4. MPJ Cleaning Services
5. Office and Industrial Cleaning Pty Ltd
6. A Group of Companies – Trading as ALLclean Property Services Plus
7. Spotless Services Australia Ltd – Trading as Arrix
8. Dominant Property Services
9. Residential Contract Services

## Report

### *Compliant Tenderers*

With the exception of Presidential Contract Services all tenderers were compliant with the following criteria:

Compliance Criteria	
A	Attendance at the Mandatory Tender Briefing/Site Inspection
B	Compliance with the Specification
C	Compliance with the Conditions of Tendering
D	Compliance with Insurance Requirements and completion of Clause 5.2.7
D1	Public Liability Insurance \$10,000,000.00 Australian
D2	Workers Compensation or Personal Accident Insurance
D3	Employees Superannuation
E	Compliance with the Occupational Safety & Health Requirements and completion of Appendix A
F	Compliance with and completion of the Price Schedule & Cost Analysis Spreadsheets

Presidential Contract Services was deemed non-compliant as it lodged another organisation's tender (Tender No. ETT1555-2009) in error and therefore their submission was returned and not included in the evaluation.

All compliant tenderers other than Office and Industrial Cleaning Pty Ltd completed price schedules for both Groups 1 and 2., Office and Industrial Cleaning completed a price schedule for Group 2 only (which was allowable under the conditions of tendering).



*Evaluation Criteria*

Tenders were assessed against the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Hours of Work	20%
Pricing Schedules	5%
Demonstrated Cleaning Services Experience	15%
Environmentally Managed Cleaning Services	20%
Past & Current Contracts	5%
Evidence of Company Stability	5%
Transition Plan and Implementation Strategy	5%
Tendered Price – Lump Sum	25%
<b>TOTAL</b>	<b>100%</b>

*Evaluation Panel*

The tender submissions were evaluated by:

1. Phil Crabbe - Facilities & Plant Manager, Infrastructure Services
2. Pieter Zietsman - Building Maintenance Coordinator, Infrastructure Services
3. John Clohessy - Consultant, Changing Directions Pty Ltd.

*Evaluation Result – Combined Scoring Tables*

<b>Group 1 - Public Facilities ( Public Toilets &amp; Barbecues)</b>			
<b>Tenderer's Name</b>	<b>Percentage Score</b>		
	<b>Non Cost Evaluation</b>	<b>Cost Evaluation</b>	<b>Total</b>
	75%	25%	100%
Arrix **	66.78	20.49	87.26
Cleandustrial Services P/L	65.42	18.14	83.55
ALLclean Property Services Plus	46.73	10.98	57.71
MPJ Cleaning Services	25.50	25.00	50.50
MP Cleaning Contractors	26.05	23.43	49.49
List's Cleaning Services	28.11	20.75	48.85
Dominant Property Services	22.23	16.85	39.08





Group 2 - Community & Administration Facilities			
Tenderer's Name	Percentage Score		
	Non Cost Evaluation	Cost Evaluation	Total
	75%	25%	100%
Arrix **	66.78	21.78	88.56
Cleandustrial Services P/L	65.42	20.85	86.27
ALLclean Property Services Plus	46.73	14.6	61.33
Office and Industrial Cleaning	35.39	18.52	53.91
MPJ Cleaning services	25.50	25.00	50.50
MP Cleaning Contractors	26.05	24.06	50.11
Dominant Property Services	22.23	21.64	43.87
List's Cleaning Services	28.11	13.49	41.60

*\*\* Recommended Submissions*

#### *Evaluation Criteria Assessment*

##### Hours of Work

All the tenderers scored equal on this item, having submitted required schedules, containing useful information that allowed for evaluation.

##### Pricing Schedules

All the tenderers submitted the pricing schedules as per the spreadsheets provided for this purpose. The quality of some of the submissions was not as thorough as others and this is reflected in the scores, with Arrix and Cleandustrial Services scoring highest in this criteria.

##### *Demonstrated Cleaning Services Experience*

The assessment of this criteria was based on information provided by the tenderers in their submissions. The three tenderers that scored highest in these criteria were Arrix, Cleandustrial Services and ALLclean Property Services Plus.

Cleandustrial Services is currently contracted by Council to do cleaning of the Administration building and various other Council buildings. They are doing a good job and can be expected to continue to do so if given more work. They also provided references to support their claim.

Arrix is a well established cleaning company and have shown in their submission, and references, that they have the necessary experience to do the work.



Whilst MP Cleaning have been providing cleaning services to the City for in excess of 27 years, their cleaning quality has not been rated as highly as either Cleandustrial or Arrix. Referees spoken to as part of the assessment and the subsequent review have referenced quality of clean and process issues. Whilst MP Cleaning have proved to be responsive when contacted by staff, these issues have increased officer time in managing the contractor and represent a failure in MP Cleaning's internal management systems.

*Environmentally Managed Cleaning Services*

Cleandustrial Services and Arrix rated highest on this criteria. The companies provided adequate information and were judged as being able to deliver the service within the City's guidelines.

The remaining tenderers made an effort to address this criteria, however based on their submissions it was not evident that the City's policies would be addressed sufficiently.

*Past & Current Contracts*

Most tenderers have had and/or are currently engaged in contracts for similar works to that being tendered by the City. Each of the tenderers scored full marks for this criteria other than MP Cleaning, MPJ Cleaning, List's Cleaning Services and Dominant Property Services, these companies being marked down on account of the limited scope or scale of contracts they have been involved in.

The panel concluded that MP Cleaning have not done cleaning to the scale as required by this tender and they were considered to not have the capacity to fulfil all the stringent requirements of the Contract.

*Evidence of Company Stability*

Cleandustrial Services, Arrix and ALLclean Property Services Plus provided sufficient information to substantiate their company's stability. All these three companies scoring the maximum 5% on this criteria. As part of the assessment the City commissioned a financial risk assessment of both Cleandustrial Services P/L and Spotless Services Australia Ltd (T/as Arrix) by obtaining a full Dun and Bradstreet credit reference report. Both companies were reported to be stable and rated with a low to medium risk to Council.

*Transition Plan and Implementation Strategy*

Cleandustrial Services, Arrix and ALLclean Property Services Plus all scored the maximum 5% on this criterion, with the other tenderers variously rating lower. Cleandustrial already undertakes the cleaning on various Council buildings and would be expected to have very few problems taking on the cleaning of more of Council's properties.



Arrix have proposed a transition plan that it considered would be able to ensure a smooth transition into the new contract.

MP Cleaning currently also undertake some cleaning services for Council, however did not provide the panel with confidence of a satisfactory transition into the new contract.

#### *Assessment Summation*

The tender submitted by Spotless Services Australia Ltd, trading as Arrix, scored highest in the combined price and non-price score for both the Group 1 and Group 2 parts of the cleaning contract. The Company were assessed as having the capacity to undertake the work to the required standard and to achieve a smooth transition from the existing contract. The company's tendered price is also lower than the next highest scoring tenderer (Cleandustrial) and based on this assessment would be recommended for both Group 1 and 2.

Cleandustrial Services provided a quality tender submission and achieved the second highest combined price and non-price score for both Groups. They rated highly across all criteria, including a potential smooth transition into a new contract and officers are more than happy with the quality of service that they have provided to the City to date. Arrix price however is 8% lower than Cleandustrial and they offer further savings through a more competitive schedule of rates for additional and ad-hoc cleaning.

### **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.

### **Budget/Financial Implications**

The price represents an approximate 11% increase in costs which was anticipated given the increased scope of this contract. The expenditure is budgeted for in the normal building and facilities operational and general ledger budgets every year.

### **Legal Implications**

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



**Community Consultation**

N/A

**Attachment(s)**

The following confidential attachments are provided under a separate cover:

1. Tender Evaluation Sheets
2. Supplementary Assessment
3. Changing Directions Pty Ltd's Evaluation Report

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 10 June 2010 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

Nil



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

**21.1 (MINUTE NO 4302) (OCM 10/06/2010) - PROPOSED RECYCLING AND RECOVERY OF NATURAL AND INERT MATERIALS - LOT 51 (NO.332A) RUSSELL ROAD, WATTLEUP - OWNER: LANDCORP - APPLICANT: MINERAL HAULAGE AND EARTHMOVING (3318973) (M SCARFONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) advise the Western Australian Planning Commission (WAPC) that the City supports the application for the recycling and recovery of natural and inert materials at Lot 51 Russell Road East, Wattleup subject to the following conditions and footnotes, and that this report be referred to the WAPC as supporting documentation.

**CONDITIONS**

1. If dust is detected at an adjacent premises and is deemed to be a nuisance by an Environmental Health Officer, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped immediately until the process, equipment and/or activity has been altered to prevent the dust to the satisfaction of the City's Manager of Health Services.

The City of Cockburn (Local Government Act) Local Laws 2000 requires that a detailed Dust Management Plan must be submitted to the City's Health Service. The Dust Management Plan must comply with the City's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn". The Plan must be approved by an authorised officer prior to the commencement of the approved use.

2. Any wash down of plant, vehicles or equipment must be carried out over a wash down pad with waste water treated to remove solids and hydrocarbons prior to discharge to the environment.
3. With regard to vehicle refuelling and minor vehicle maintenance, where petrol, benzine or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed wash down area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment and

Conservation.

4. All noise attenuation measures, identified in the Noise Assessment Report prepared by Herring Storer Acoustics for the subject site are to be implemented prior to commencement of the development or as otherwise required by the City and the requirements of the Plan are to be observed at all times.
5. Crossovers are to be located and constructed to the City's specifications. Existing crossovers that are not required as part of the development, shall be removed and the verge reinstated within a period of 60 days of the approval, to the satisfaction of the City.
6. A plan shall be submitted to the City and approved in writing, prior to the commencement of the use herein approved, which depicts the entire area of the lot being allocated either as untouched/unused, trafficked and sealed, kerbed and drained, storage or lay down areas or building. Any proposed hardstand areas shall be paved and drained to the satisfaction of the City.
7. The applicant/owner is required to prepare and submit a comprehensive Revegetation Plan (including management details) to the satisfaction of the City to ensure that the land not occupied by the proposed development is appropriately revegetated. The Plan shall be prepared by a suitably qualified environmental/landscape consultant and submitted to the City within 60 days of this approval.
8. A landscape plan for the proposed rehabilitation and noise attenuation bund must be submitted to and approved by the City within 60 days of this approval and shall include the following:
  - 1) the location, number and type of proposed trees and shrubs;
  - 2) any natural landscape areas to be retained;
  - 3) those areas to be reticulated or irrigated; and
  - 4) verge treatments.

FOOTNOTES

1. With regard to Condition 2, any petrol and oil arrestor such as a vertical gravity separator must be able to consistently produce a discharge having less than 15ppm hydrocarbons. A *Health Act 1911* application including detailed plans and specifications of the facility and the appropriate fee must be submitted together with building



plans prior to commencement of the approved use. The facility should include a bunded area, draining to a petrol and oil arrestor system, and is to be protected by a roof and a spray barrier.

- (2) advise the Department of Planning and Infrastructure of its revised recommendation accordingly.

### **COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr S Limbert that Council:

- (1) in accordance with Section 26(4) of the Hope Valley Wattleup Redevelopment Act 2000 ('Act'), recommend that the WAPC refuse the proposed Concrete Crushing Facility for Lot 51 Russel Road, Wattleup for the following reasons:
1. The proposed development will adversely impact the amenity of nearby landowners and is incompatible on this basis;
  2. The proposed development represents an industrial use with the potential to generate real offsite impacts, and is therefore not appropriate for location on the periphery of Hope Valley Wattleup Redevelopment Area.
  3. The proposed development is not in accordance with proper and orderly planning.
- (2) re-emphasizes its position to the WAPC and Landcorp that it supports the retention of the rural allotments between Latitude 32 and the Thomsons Lake/Harry Waring Marsupial conservation reserves, and will not support development within Latitude 32 which has the potential to generate adverse offsite impacts on these rural properties.
- (3) advise the WAPC that these rural allotments do not have access to reticulated scheme water, and therefore rely on rainwater tanks for their water supply. Accordingly, any potential dust contaminants entering the water supply could have detrimental health implications.

**CARRIED 9/0**

### **Reason for Decision**

Clearly a Concrete Crushing and Building Material recycling business this close to rural residential homes will have a detrimental impact on



the amenity of those residents no matter how careful the proponent may intend to be. This last year has been considered by the community to be the worst ever for fugitive dust and with the site located on the junction of Moylan and Russell Roads the potential impact on the nearest house at a mere 35 meters away is unacceptable.

These rural homes are not on Scheme water and potential run off into their rainwater tanks from unspecified loads of concrete, building rubble which hopefully would not contain asbestos dust, is too big a risk to take and must not be inflicted upon our residents. With one local adjacent resident suffering a debilitating lung condition, Council cannot support this proposal.

### **Background**

On 25 January 2010 the City received a detailed application for the use of land at Lot 51 Russell Road East, Wattleup, as a recycling and material recovery facility.

In accordance with the provisions of the *Hope Valley Wattleup Redevelopment Act 2000* ("Act"), the details of the application were referred to the Western Australian Planning Commission ("WAPC") in their role as determining authority for a development of this nature in this location.

Under the provisions of Section 26 of the Act, the City is afforded a period of 42 days to consider the details of the application, and make recommendations concerning it, to the WAPC. On that basis the City, in a letter dated 24 February 2010, recommended conditional approval for the proposed development. This recommendation was made following consultation with the City's internal departments who indicated that the proposed development could comply with all relevant standards, particularly in relation to dust and noise issues, subject to compliance with the recommended conditions (refer to agenda attachment).

On 26 May 2010, the Department of Planning provided the City with a copy of a submission it had received from a local resident (refer to agenda attachment). This raised a number of significant concerns regarding the proposed development. In doing so, the WAPC also offered the City an opportunity to review its recommendation.

Given the level of community concern with regard to this proposed development, the application and associated recommendation is now presented to Council for consideration. The WAPC has been informed that this action is being followed in respect of the matter. Under the provisions of Section 26(4) of the Act, the 42 day consultation period can be extended at the discretion of the WAPC.





The recommendation presented to Council for its consideration and endorsement closely reflects that originally provided to the WAPC.

### Planning Policy Background

#### *Hope Valley Wattleup Redevelopment Act 2000*

As stated, the subject site is located within the Hope Valley Wattleup Redevelopment Area and is affected by the provisions of the Hope Valley Wattleup Redevelopment Act 2000. Under the provisions of the Act, the City's Town Planning Scheme No. 3 ceases to apply and the WAPC becomes the determining authority. Under the provisions of Clause 26 of the Act, the City may make recommendations to the WAPC within 42 days of receiving an application for planning approval, or within a longer timeframe if agreed with the WAPC. It is important to note that the City is a referral agency only, and the WAPC is the ultimate determining authority.

#### *Hope Valley Wattleup Redevelopment Project Master Plan – Proposed Amendment No. 4*

The Hope Valley Wattleup Redevelopment Project Master Plan ("Master Plan") acts as a defacto Town Planning Scheme for the Hope Valley Wattleup Redevelopment Area. Amendment No. 4 to this document is currently undergoing public consultation. The Master Plan identifies the subject site as being located within 'Precinct 10 - Russell Road Industrial'.

#### *Hope Valley Wattleup Draft District Structure Plan*

The Draft Hope Valley Wattleup District Structure Plan has been prepared by Landcorp and its partners to guide future development of the area. The Draft District Structure Plan identifies the subject site as being within Planning Area No. 5, an area considered appropriate for land uses such as the Kwinana Intermodal Terminal, transport related industry, general industry and light industry. The subject site is located within a 'General Industry' zone.

The Hope Valley Wattleup Redevelopment Area, commonly known as Latitude 32, is identified by both the Master Plan and Draft District Structure Plan as being a future industrial area, providing opportunities for regional employment.

It is considered that the proposed use is consistent with the future vision for the locality and is acceptable in land use terms. This is fundamental to the City's consideration of the subject proposal, and was one of the key considerations in recommending conditional approval to the WAPC in February of this year.



### *Planning Application Submission*

The planning application submission includes a comprehensive Management Plan which describes the activities to be undertaken on the subject site and outlines the measures to be put in place to ensure that the development can operate within legislative parameters and without compromise to the levels of residential amenity currently enjoyed by local residents. To that end, the Management Plan provides details with regard to site operations, including hours of operation, pollution control, waste management, proposed landscaping and bunding. It also includes a summary of revegetation measures proposed to be undertaken.

The main aspects of the proposal are summarised in the table below:

ASPECT	PROPOSAL CHARACTERISTIC
Total area of operation	6 hectares.
Processing, recycling and sorting	2 hectares.
Stockpiles	4 hectares
Recycling and screening	50 000 to 100 000 tonnes per year
Life of project	20 years.

### **Submission**

N/A

### **Report**

On 25 January 2010, Mineral Haulage and Earthmoving lodged a planning application . On 1 February 2010 the application was referred to the WAPC in accordance with Section 26 of the Act for its determination. This referral indicated that the City would provide a recommendation to the WAPC in due course. The application was the subject of internal consultation at the Development Control Unit meeting on 3 February 2010. Each of the City's internal departments were satisfied that the proposed use was consistent with the future intent for the Hope Valley Wattleup Redevelopment Area and that issues relating to dust and noise could be satisfactorily addressed subject to compliance with recommended conditions. The City's recommendation of 24 February was reflective of this position. A copy of this is provided in the Agenda attachments.

On 26 May 2010, the Department of Planning provided the City with a copy of a detailed submission it had received from a local resident (refer to Agenda attachments). This raised a number of concerns regarding the proposed development. The Department of Planning in turn gave the City an opportunity to review its recommendation.

The submission raised three key questions:

1. *Did the planners visit the proposed site?*



A visit to the subject site was undertaken by the Case Officer prior to the issue of the recommendation to the WAPC on 24 February 2010. The main purpose of this inspection was to gain an understanding of the site's topography, as this is considered integral to reducing the impact of noise on adjoining residences.

2. *Are they aware of the groundwater situation?*

Groundwater extraction is an issue dealt with by the Department of Environment and Conservation. As such, this matter was not taken into account by the City in its consideration of the proposal.

3. *Did they bother to contact any of the closest homeowners?*

Community consultation was not undertaken prior to the issue of a recommendation. Under the provisions of the Act, the City's Town Planning Scheme No. 3 ceases to apply and the WAPC becomes the determining authority. In these circumstances, and as determining Authority, the onus for public consultation typically rests with the decision maker. In addition, the standard 42 day consultation period made available for the City to consider the proposed development meant there was insufficient time in which to undertake community consultation.

In addition to the three main questions posed, the submission raises objection to the development on the grounds of dust management concerns, noise concerns, concern regarding the lack of available water for dust suppression, traffic management issues and the potential for contaminants to be contained in materials to be recycled.

In response to these concerns the following is noted:

In view of the potential for noise and dust emissions, the recommended buffer distance between an industry involving crushing of building materials to residential properties is 1000 metres. Any variation to this minimum buffer requirement must be supported via the submission of a detailed justification statement.

In this case, the justification for a reduction in the buffer is included within the detailed Management Plan submitted with the planning application which includes an Acoustic Consultant's assessment report. This report recognises that the proposed mobile crusher is the most significant noise source associated with the proposed development, and this will be located on the old quarry floor at least 280m from the nearest residence.



Noise from this area will be mitigated by the existence of a 10m high earth bund located on the north western boundary of the site between it and the nearest residential properties on Russell Road.

In accordance with the recommendations contained within the Acoustic Consultants Report, it is proposed to increase the height of this bund to 13 metres. This will ensure that noise from the proposed development is compliant with the limits found in the Noise Regulations.

In addition, crushing activities will be limited to daytime hours only and will not take place on Sundays or Public Holidays. Other activities and the use of other plant and machinery on the site are not predicted to generate significant noise emissions. It should be noted that the crushing operations require a licence from the Department of Environment and Conservation and non compliance can be addressed using the provisions the Environmental Protection (Noise) Regulations by either the DEC or the City's Health Services Team.

The dust management measures provided in the Management Plan will control dust to prevent unreasonable impacts on adjacent residential premises. Dust control measures include the use of water trucks, water sprayers/sprinklers, sealing of stockpiles with sealant chemicals, sealing of access roads where necessary, and the use of a crusher and screening plant that are able to accept damp materials. In addition the operator must not carry out any dust generating activities during high wind events. Non compliance can be addressed through the enforcement of conditions on the DEC licence, the planning approval (assuming such conditions are imposed by the WAPC), or via action taken under provisions of the City's Dust Local Laws.

Concerns with regard to contaminants such as asbestos are considered to be ill founded in this instance. The proponents will be required to have regard to a number of pieces of legislation, which cover the disposal of materials such as asbestos. Failure to do so could result in prosecution. It is likely that the licensing of the Crushing Plant by the DEC will be subject to conditions regarding the types of materials which may be disposed of at the facility.

Finally, while traffic generation is a material planning consideration, Russell Road is classed as an 'Other Regional Road' under the provisions of the Metropolitan Region Scheme. Such routes are considered to be appropriate for the high volumes of traffic typically associated with the industrial



development proposals such as the development the subject of this application.

### Conclusion

The proposed 'Recycling and Recovery Facility' is considered to be an appropriate land use given its location within the Hope Valley Wattleup Redevelopment Area.

Furthermore, subject to the development operating in accordance with the requirements of the Management Plan, and subject to the imposition of planning conditions derived from the recommendations contained within the Management Plan, Planning and Environmental Health Officers of the City are satisfied that the proposed development can be satisfactorily accommodated on the subject site without prejudice to residential amenity.

It is recommended therefore that Council support the development proposal and confirm as such in writing to the WAPC.

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

#### **Governance Excellence**

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

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

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

#### **Natural Environmental Management**

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

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

N/A

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A



**Attachment(s)**

1. Resident Submissions
2. Previous Officer Recommendation to the WAPC

**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 10 Juen 2010 Council Meeting.

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

Nil.

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

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 4303) (OCM 10/06/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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



**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/1**

CLR O'BRIEN REQUESTED HER VOTE AGAINST THE MOTION TO BE RECORDED

The Presiding Member took the opportunity to commend the Director – Finance & Corporate Services, Mr Stuart Downing, his members of staff and the other Directors and their staff on the preparation of the 2010/11 Municipal Budget papers and the associated outcomes in terms of rates and service delivery in what continues to be very challenging times.

**25 (OCM 10/06/2010) - CLOSURE OF MEETING**

11.26 pm.

**CONFIRMATION OF MINUTES**

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

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

