

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 APRIL 2013 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 APRIL 2013 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mr S Pratt	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

IN ATTENDANCE

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

1. DECLARATION OF MEETING

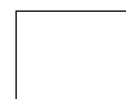
Presiding Member declared the meeting open at 7.00pm.

Mayor Howlett then made the following announcements:

Summer of Fun Events

The City's Summer of Fun events have now concluded with the Coogee Beach Festival having been held on Sunday 7 April the last event.

I congratulate the City of Cockburn staff involved in the program of activities and the Cockburn community for their support by way of attendance.



From John Williamson, to the Western Australian Symphony Orchestra, to our movie nights and the Cockburn Idol competition the range of free community events have been well received by all who attended.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

3. DISCLAIMER (To be read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4 (OCM 11/04/2013) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received two declarations which would be read out at the appropriate time, being for:

Clr Yaz Mubarakai	-	Conflict - Item 14.1
Clr Bart Houwen	-	Conflict - Item 14.9

5 (OCM 11/04/2013) - APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor K Allen	-	Apology
Councillor L Smith	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil



7 (OCM 11/04/2013) - PUBLIC QUESTION TIMEITEMS IN WRITING, ON THE AGENDA**Robyn O'Brien, Munster***Item 14.9 – Woodman Point Waste Water Treatment Plant Odour Buffer*

Q1 Point 1 - The telephone survey was recommended by Cllr Reeve-Folkes in November 2012 and agreed by all Councillors unanimously; allegedly to determine what if any odour impacted the area zoned Urban Deferred in Munster, the area which was the subject of a request by myself and other landowners in March 2012 to Council to amend their Council imposed WPWWTP buffer in their wording in the new TPS No3 linked to a map in the 1999 Local Planning Strategy.

A1. *This statement is not correct. Council's resolution was to "conduct a statistically valid telephone survey of all residential properties within 1.5km of the centre of the WPWWTP, in order to obtain up-to-date feedback from residents as to the current situation in respect of odour associated with the WPWWTP. The results of the survey reveal that 1 in 3 respondents reported experiencing problems with unpleasant odours that have affected their health or made it unpleasant living in their home in six months since May 2012.*

Q1 Point 2 - We made this request because the Corp had successfully reduced odours by 95% from the WPWWTP and there was no odour reason to maintain a restriction on urban and residential development in the Urban deferred Area and we had a Buffer Definition Study completed by Robin Ormeroud from PAE Holmes in Nov 2011 which said there was no odour impacting the area above accepted guidelines. However the telephone survey report says a telephone survey was conducted on residents within a 1.5 kl radius of the WPWWTP including the Woodman Point Caravan Park. The Caravan Park and the northern Coogee residents that reside within a 1.5 kl radius are not in the Urban Deferred area and given that odour is experienced differently in different locations of north, west, east because of wind directions, light wind or no wind conditions in some areas versus others, and odour experts have stated odour is more prevalent to the west and north of the plant, these responses are entirely irrelevant to any determination of whether there is odour in the urban deferred area. Why were these areas included in the telephone survey given they are not within the area subject to the buffer and given the different wind direction and the effect on those areas of the Egg Digesters which is located to the north of the plant, their response is no indicator of any odour being smelt in the urban deferred area?



- A1. *As previously indicated Council's resolution was to "conduct a statistically valid telephone survey of all residential properties within 1.5km of the centre of the WPWWTP, in order to obtain up-to-date feedback from residents as to the current situation in respect of odour associated with the WPWWTP. Accordingly this was undertaken as per the Council's resolution. The survey report reveals the details for Council's decision making.*
- Q2. There are only 26 homes or households in the urban deferred area. Why were not every single one of these households rung for the survey to find their experience if any of odour impact if you want to know what is the experience in the buffer area?
- A2. *As per Council's resolution, the population for the project was defined as the 353 dwellings within a 1.5km radius of the WPWWTP - 281 residences on properties and 72 sites on long term leases within the Woodman Point Holiday Park. In order to provide a sampling precision of +5.0% at the 95% confidence interval, utilising a maximum variability of 0.5, a random sample of 184 respondents was required. This reflects Council's resolution for a statistically valid survey to be undertaken.*
- Q3. The landowners have been detrimentally affected by statistically questionable telephone surveys twice previously in relation to the Water Corp commissioning Telephone surveys that were statistically inaccurate because of a disproportionately small sample size of population within the Urban Deferred odour Buffer area. Those surveys only had three responses from within the buffer compared to 126 responses from the northern residential Coogee area. When I questioned this and received replies from Mr Patterson head of the research company at a WPWWTP Community Reference Meeting he said the three replies had to be the only ones from our area because the 26 houses were few and to maintain the sample proportional representation of 120 responses from a possible 3000 in Coogee residential area within the 1.5 radius, our area had to be only three. To have three responses from the Urban deferred Area and over 120 from the northern residential area that is subject to odour because of the light wind conditions only gives an indication of what odour is experienced in the northern residential area which is not in a proposed or real buffer. The survey results was skewed by the large sample size in a different location and wind direction entirely and over a kilometre away from Munster in the other direction. Therefore the survey should have concluded responses for the north Coogee area and not for the east Munster area. The survey company noted in both surveys that caution should be applied in interpreting the results because of a small sample size but this was in small letters and the general summary conclusion and individual conclusions in different



headings saying "a large percentage smelled odour" was published in various formats throughout the report and allowed to remain despite my written protests to the Water Corporation and the DEC. The astounding and completely wrong conclusions in this current telephone survey which says 1 in 3 people felt impacted by odour from the plant in the 6 months prior to Nov 2012 is a complete misrepresentation of the truth of odour experience in the Urban Deferred Area unless evidence is shown of how many people or responses were gained from the Urban deferred Area versus how many from different locations and wind directions. Will Council commission a survey of every resident within the urban deferred Area and east of the area in the new housing up to Coogee Rd which will give a more accurate report of any odour impacting the Urban Deferred Area?

- A3. *The City refutes the suggestion that its survey misrepresents the odour issue associated with the WPWWTP. The results of locations of the survey reports indicate impacts being felt to the east and north east of the WPWWTP.*

Maria Rafala, Munster

(Question read out by Sebastiano Rafala, Munster)

Item 14.9 – Woodman Point Waste Water Treatment Plant Odour Buffer

- Q1. In relation to the Council initiated survey on the WOODMAN POINT WASTE WATER TREATMENT PLANT ODOUR BUFFER. At no time was I asked that the survey was in relation to odours from the WOODMAN POINT WASTE WATER TREATMENT PLANT. I was only asked if I had an issue with any odours. Why was I not asked if I had an odour issue supposedly coming from the WPWWTP as stated in a letter received to the City's previous correspondence seeking feedback from surrounding residents in respect of odour associated with the WPWWTP?

- A1. *The Council resolution required a statistically valid survey of all residential properties. To ensure that the survey was statistically reliable and valid the questionnaire was designed to understand what environmental health issues were being experienced by respondents in the area, rather than simply asking a question on whether they felt odours were emanating from the WPWWTP. This was to try to remove factors which may impact on the validity of the survey result.*

The interviewers were explicitly briefed to not prompt the respondent with the source of the odour and were provided with pre-codes to capture this extra information for their convenience. Where the source was not readily identifiable, the interviewer wrote down the information provided by the respondent.



This is the reason why the survey and questions were designed in this way to address the requirements of validity.

Peter Goff (MGA Town Planners), West Perth

Item 14.6 – Local Structure Plan (Robb Jetty) Cockburn Coast (Consideration of Adoption for Final Approval)

Q1. In the light of affected landowners having completed all requirements listed by Council on 9 February 2012 and having carried out scientific odour studies to the satisfaction of DEC, will Council delete recommendation (1)8 so that no buffer is required to the pump station thereby requiring the Water Corporation to design facilities appropriately or acquire land?

A1. *This will be considered by Elected Members and a decision given at tonight's meeting.*

Frank Arangio, East Perth

Item 14.6 – Local Structure Plan (Robb Jetty) Cockburn Coast (Consideration of Adoption for Final Approval); and

Item 14.8 – Proposed Local Planning Policy Robb Jetty and Emplacement Design Guidelines (Consideration of Adoption for Final Approval).

Q1 How are the Local Structure Plan and the accompanying Design Guidelines going to appropriately address the on-going long term operation on Lots 4 and 303 Darkan Avenue?

A1 *Interim buffer arrangements have been considered as part of the Local Structure Plan. As mentioned in the report, a plan is included which maps existing uses which generate an off-site buffer impact. These have been established with regard to the generic buffers set out in the relevant State Planning Policy and Environmental Protection Authority's Guidance Statement, then further examined in light of their current approval conditions and the City's knowledge of the nature of their operation.*

A process has been provided for, as per the relevant State Planning Policy, for developers seeking to establish a sensitive land use within those buffers (i.e. residential), whereby a potential developer must undertake a further technical analysis in order to reduce or refine a buffer. If this doesn't provide for a reduced buffer, then the buffer as secured through the Local Structure Plan will protect existing uses from sensitive development within the buffer. This is relevant to Lots 4 and 303 Darken Avenue as well as other industrial type businesses.



Q2 What mitigating measures does the Council propose to put in place to prevent an adverse impact on the operation of the existing business and the amenity of the future residents in the area?

A2 *As per my previous response Interim buffer arrangements have been considered as part of the Local Structure Plan.*

No sensitive development (i.e. residential) will be permitted within the buffers until such time as the buffers are reduced. Likewise, existing industrial type businesses with a buffer are not permitted to expand in their magnitude or development, consistent with the non-conforming use rights under the Scheme. This reflects the vision for Cockburn Coast as a future high density coastal village.

Q3 Will the Council be advocating retention of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive (originally intended), in view of the Main Road's recently expressed intention to pursue removal of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive once Cockburn Rd is upgraded?

A3 *The current position of the City is that Cockburn Coast Drive is a Primary Regional Road reserved under the Metropolitan Region Scheme. Any decision to remove this road would have implications on Cockburn Coast, including the future role of Cockburn Road. Currently MRWA and Landcorp are considering a design concept for how Cockburn Road could function in order to not require Cockburn Coast Drive. This will be subject to future consideration, including the likelihood that any decision would need to be supported by a business case from MRWA confirming how and when Cockburn Road would be upgraded.*

Q4 Will the Rollinson Road overpass continue to be part of the arterial road planning, and what is the timing for its construction?

A4 *Similar to my previous response, the City understands that MRWA and the applicant have been in discussion about the future of Cockburn Coast Drive, and this itself also impacts on the future of Rollinson Road Primary Regional Road link. At this stage no formal proposal has been indicated, however it is likely that the City will be very focussed on understanding a clear business case for changes and when MRWA would be planning to fund such road changes.*



ITEMS NOT WRITING, NOT ON THE AGENDA

Robyn O'Brien, Munster

Item 14.9 – Woodman Point Waste Water Treatment Plant Odour Buffer

Q1. The telephone survey that was released to the public as an attachment to the agenda had 5 pages blacked out. When I requested those pages from Mr Trosic, he replied that it was to protect the anonymity of people responding to the survey. Given that they were only dots on a map and 2 Water Corp. surveys had never been blacked out and were publicly released and dots in Coogee or Caravan Park or anywhere don't identify a house number or street even, that seems unreasonable and inaccurate. But in any case to try to still get information to determine if the conclusion of 1 in 3 in the survey was valid for the buffer, I asked him in writing yesterday whether he could give me a general approximate numbers just by counting the dots of people responded that they had odour in 5 different areas.

- 1 – the area to the west
- 2 – the area to the north
- 3 – Munster to the north of Mayor Road
- 4 – to the east of the houses in the buffer area
- 5 – and to the east of that

He replied that to give me numbers would still breach their anonymity and I'd like to ask, how can you possibly think or what's your argument that giving numbers would breach anyone's anonymity because the smaller sample section is in the buffer of 23 houses and if you have a number just picking them out of the air of 1 or 5, if you give that to me or anyone else, nobody would know which house responded in which way. Can you give me an example using the smallest size in the buffer being 23. How could any possibly identify any number in that region?

A1. *Given the size of the survey and the survey questionnaires when they ask them, make it very clear that the details will not be provided that could be used to identify who answered the survey questions. It is not appropriate for us to give out the information given the size of the survey area. The issue is because of the low numbers that are there, depending on the locations that you're talking about, it could be fairly easy to figure out who responded. If there are 23 people in that particular area and we had 18 responses and those responses were identifying, there will be a very clear indication of who the likely people have responded, given that if they knew who the 5 didn't responded.*



- Q2. I was advised by Mr Trosic that the Councillors have a full copy of the telephone survey including those five blacked out pages, but in speaking to Councillor Portelli today, he didn't have a full copy. The Councillors who received their agenda items and attachments by email have only got a blacked out copy. I am really concerned and I would like to know whether every Councillor has a copy that includes maps or are you just going on memory of seeing a map in the briefing a week ago.
- A2. *The Councillors were provided with two copies of the agenda. One was a copy that the public were given and one was a copy with all confidential attachments included.*
- Q3. As the only conclusion that the telephone survey makes is one sentence, saying one in three people are affected by unpleasant odours, how do you Council and officers, think that statistically valid survey that surveyed a wide area all around the plant can be used in any way by Council tonight to determine whether there is any odour in the buffer. The reason I am asking this is that if you have a survey on if people like ice cream in Perth, it doesn't matter where you live, the survey will be statistically valid. But given the odours experienced according to different wind directions, different localities will have a different experience and the buffer is only on a small section of the eastern area, how can you argue that that conclusion which is a general conclusion applies to one small section in a different location?
- A3. *As previously indicated, Councils resolution was to undertake a statistically valid survey of all residents within 1.5km of the WPWWTP. That is what has been undertaken and that is what has been presented.*

ITEMS NOT WRITING, ON THE AGENDA

Ashley Palmer, Hamilton Hill

Item 14.6 – Local Structure Plan (Robb Jetty) Cockburn Coast (Consideration of Adoption for Final Approval)

- Q1. Does Council think that after 5 years of planning, many members of the Council have been part of and submissions that have been in since December last year, that putting it on the website Friday last week and giving businesses four days to do a thorough response to a 65 page document is long enough?



- A1. *The consultation period statutory requirement was 21 days, the actual consultation period was 28 days. Correspondence when out to all land owners at the beginning of that 28 day period so in fact there were 28 days to respond, during which time Council officers also held an information session for all land owners at the beginning of this period, so that land owners could easily ask any questions of Council officers or staff as well as the consultants. There was additional information provided on the website, Council officers also handled queries after the consultation had closed on people who were making any further queries and we did accept a number of late submissions.*
- Q2. Has Council responded in writing to anyone that has put in a submission yet with direct questions regarding the District and Local Structure Plan?
- A2. *Council officers have responded to those people who have raised questions or queries. As for those people who have made submissions, as Council hasn't made any determination in respect to the Local Structure Plan, the answer is no, we haven't responded back as we are unable to until Council reaches a decision. Those people and organisations that made a submission on the item were advised in writing that Council would be considering the matter at tonight's meeting.*
- Q3. I made a submission in December and I am still yet to receive a confirmation that it has been accepted. I made a second submission on Friday and there was no facility to get a receipt so one of the ladies was nice enough to hand write out a receipt for me. I received a letter the next day from Carol advising me that the submission was late and not acceptable. I then had to scan and prove that I had got it in time and Carol then contacted me to say the submission would go in. There are a number of questions our submission raises and we have requested meetings with Council as one of the major businesses in the area and on all occasions have been told no.
- A3. *The Manager of Strategic Planning has indicated to me that they have had a number of meetings with land owners in the area out there and phone conversations with a number of land owners also so if the gentleman would like to give me his details after the meeting I will certainly follow through.*



ITEMS NOT WRITING, ON THE AGENDA

Frank Arangio, East Perth

Item 14.6 – Local Structure Plan (Robb Jetty) Cockburn Coast (Consideration of Adoption for Final Approval); and

Item 14.8 – Proposed Local Planning Policy Robb Jetty and Emplacement Design Guidelines (Consideration of Adoption for Final Approval).

Q1. Obviously it is a pretty big deal the Cockburn Coast project and a few issues have arisen tonight and there has only been a relatively short time for people to respond, it would be great if the items could be deferred for further negotiations and discussions between the parties.

A1. *This item will be considered by Council tonight.*

ITEMS NOT WRITING, NOT ON THE AGENDA

Howard Shepherd, North Lake

Footpath Request

Q1. I would like to request if it's possible for a pedestrian pathway at Du Maurier Road where it turns left into Monaco Avenue, to be extended at least to the first crossover. It is a pedestrian hazard for people coming down with prams or children to have to leave the verge to walk on the footpath and we have the hazards of traffic coming up Du Maurier, swinging right and it is a scatter to avoid the cars or who avoids the pedestrians. As there are currently contractors in the area building footpaths can they come up, it's only 22 steps for an old man like me so I'm sure it wouldn't cost very much to extend the footpath around and it be safer.

A1. *The Director of Engineering and Works will get back to you regarding planned footpath works in the area.*

ITEMS NOT WRITING, NOT ON THE AGENDA

Ray Woodcock, Spearwood

Request correction to the March OCM Minutes, and questions regarding the proposed Cockburn Central West Recreation and Aquatic Facility.

Q1. Can I go back to a question I raised at the last Ordinary Council Meeting? On page 10, there was an incorrect word put in the question that I asked. My questions was "Is there any news for a public



forum?", the question was printed incorrectly and used the word "used" instead of the word "news". Could I have that corrected please?

- A1. *The Director of Governance and Community Services will arrange the amendment.*
- Q2. Now that the State Election is over, has the Council made any attempt to organise a public forum for the ratepayers of Cockburn with the Minister of Police, on the matter of the proposed closure of Cockburn Police Station and the high resignation rate of the WA Police?
- A2. *This matter will be discussed between the Mayor and Director of Governance and Community Services in the coming days on how we will approach the request for a public meeting with the Minister and Commissioner of Police. We will advise you of the outcome.*
- Q3. Have any studies been done on the groundwater that may be effected by the usage of watering that would be needed to maintain the grounds of a football stadium proposed for Cockburn Central.
- A3. *There isn't a football stadium proposed at Cockburn Central, there is actually a football oval proposed there. Secondly, at this stage there has been some preliminary work done in relation to investigations in terms of watering or irrigation requirements necessary for the standard of oval to be provided. There has also been investigations undertaken by Landcorp, with the Department of Water in relation to available water sources and those preliminary investigations indicate that there is adequate groundwater supplies to irrigate the oval and playing fields.*
- Q4. Is the City of Cockburn prepared to give assurances to the ratepayers of Cockburn that they will not be called upon to make up the shortfall of costs overruns for the proposed football stadium at Cockburn Central? When you read the publicity in the local rag, it appears almost to be a foregone conclusion that there is going to be a football stadium there.
- A4. *Again, there is not a football stadium to be built at Cockburn Central West, it is an aquatic centre with some playing fields and the Fremantle Dockers may or may not come, depending on whether they get their funding etc. The issue for us is that the matter is still to be decided by Council on whether they proceed with the construction of the facility depending on a whole range of scenarios, one of which any subsidies that would go to the aquatic centre as we pay subsidies now for the South Lake Leisure Centre. It would be a matter for*



Council to determine once they get the final numbers which will be available not only for Elected Members, but also for the public.

ITEMS NOT WRITING, NOT ON THE AGENDA

Robyn O'Brien, Munster

Proposed Road works

- Q1. I received a letter on Friday from the maintenance section of City of Cockburn saying they are going to do road alterations on Fawcett Road, next to Lake Coogee from the 15th April. They talk about from between West Churchill and McGrath Road. I went to Council on Monday and asked to speak to the person who wrote the letter who wasn't available. I asked him to phone me and I haven't heard back. Given there is one working day before they may start work, can someone from Council ring me on that because last year when they sent letters around to ask peoples opinion on whether we wanted road works done on Fawcett Road, which they explained to us will raise the road level by nearly 6 inches, we and my neighbours on Fawcett Road all said no and I put my answer in writing because our driveways which have cost a good deal of money and are handmade bricks, will then be 6 inches lower than the road and as it already floods in that area, we will have the stormwater run-off as well. Now, we spoke to the men that came around to talk to us about this a year ago and said that we didn't want it and why are you resurfacing a road that is supposed to only be a little road and not a run through from Mayor Road to Russell Road which is what it's changed into.
- A1. *The Director of Engineering and Works will ensure that someone gives you a call tomorrow.*

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 5008) (OCM 11/04/2013) - ORDINARY COUNCIL MEETING - THURSDAY 14 MARCH 2013

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 14 March 2013, as a true and accurate record.



COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr Y Mubarakai that Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 14 March 2013, as a true and accurate record, with an amendment being made to page 5, agenda item 7. Public Question Time - Items not on the agenda, not submitted – Question 2 asked by Mr Ray Woodcock – replace the word “use”, with the word “news”, so the question now reads:

“Is there any news for a public forum for the ratepayers of the City of Cockburn regarding the closing of Cockburn Police Station?”

CARRIED 8/0

8.2 (MINUTE NO 5009) (OCM 11/04/2013) - SPECIAL COUNCIL MEETING - WEDNESDAY 27 MARCH 2013 (ATTACH)

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Wednesday, 27 March 2013, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil



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

Nil

12 (OCM 11/04/2013) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil.

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7:46 PM, THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COUNCIL:

13.1	14.3	15.1	16.1	17.2	18.1
	14.4	15.2	16.2	17.3	
	14.5		16.3		

13. COUNCIL MATTERS

13.1 (MINUTE NO 5010) (OCM 11/04/2013) - PROPOSED AMENDMENTS TO MUNSTER SUBURB BOUNDARY (159/008) (D GREEN) (ATTACH)

RECOMMENDATION

That Council

- (1) advise the Geographic Names Committee (GNC) that it supports the proposal to amend the boundary of the suburb of Munster to be included in the adjoining locality of Beeliar, as shown in the attachment to the Agenda; and
- (2) advise those landowners affected by this proposal that it is neither Council's nor the State Government's intention to rezone land contained within this area and that there will be no financial affect to the current circumstances associated with ownership of the land as a result of a change in locality name from Munster to Beeliar.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

At the December, 2012, Ordinary Council Meeting, the following resolution was carried:

(1) *conducts a survey of landowners affected by the proposals to change boundaries to the following localities :*

1. *Spearwood to Coogee.*
2. *Munster to (a) Henderson, (b) Coogee (c) Wattleup and (d) Beeliar.*
3. *Henderson to Wattleup; and,*
4. *The excision of part of Munster to form the new locality of "South Coogee".*

as shown in the attachments to the Agenda;

(2) *subject to the majority of responses to each of the relevant surveys supporting the proposals, advise the Geographic Names Committee (GNC) of the outcome and request that the proposals be supported by the GNC; and*

(3) *formally reconsider any of the proposals which are not supported by the majority of respondents to those proposals.*

Subsequently, correspondence was sent to all relevant landowners together with a submission form to be returned by the landowner to indicate either support or opposition to the various proposals.

In all but one case, there was significant support for each of the proposed amendments and these will be recommended to GNC in accordance with Council's previous resolution of December, 2012. The response data is provided as Attachment 2.

This report deals only with the area in which there was a greater number of submissions opposing the proposal than there was in support (Munster to Beeliar).



Submission

N/A

Report

The area in question is located in the far eastern sector of Munster, adjoining the current boundary of Beeliar. It comprises the land which has been excluded from the Latitude 32 development zone and is used for rural purposes. The rationale for including this land in the suburb of Beeliar is to primarily differentiate the land use from the adjoining industrial zone. It is not expected this rural zoning will change in the future as the land consists largely of operating business enterprises and are in multiple ownership, which would tend to favour the retention of the status quo in the foreseeable future.

This was a point of contention in the past with some landowners concerned that this would present an opportunity to attract land developers and promote an extension of the Beeliar residential area as an alternative. This position was not based on any plans to rezone this area and would be unlikely in the future given the State Government interests in adjoining land which effectively sterilises the potential for nearby urban development.

However, as most of the landowners in this area are long term residents, this concern still appears to be present and the anecdotal feedback from those who oppose this proposal is that they wish to remain as is and not be subject to major lifestyle changes that would occur if the land is rezoned and developed for residential purposes.

Another issue of concern for some was the potential for increased land valuations, resulting in increased rates (Council and Watercorp) and insurance premiums.

The survey undertaken in this area was sent to 93 landholders. 26 respondents (28%) supported the change, while 32 respondents (34%) were opposed. There were 35 non respondents (38%). Significantly, of these, 25 individual properties are in the ownership of one State Government agency, being the Water Corporation. This represents 72% of those non respondents. On this basis, contact was made with the Property Branch of Watercorp to discuss its position on the proposal. The response was that as it had no effect on its landholdings, it was not concerned about the associated locality name. Consequently, it stated no interest in either supporting or opposing the proposal. Given this ambivalence, it can be reasonably concluded that only about one third of the landowners in this area of Munster actively



oppose the proposal, while the remainder either support or have no interest, or concern, about the outcome.



Given that it is not possible to exclude this part of the proposal in isolation, and that there is general support for all other associated boundary adjustments by other affected landowners, it is recommended that Council supports the change to this locality and simultaneously informs those who registered their opposition that any concerns about a name change are unfounded and would not impact on the future land use or be associated with any negative financial impact as a result of being integrated with the suburb of Beeliar.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.
- Conservation of our heritage and areas of cultural significance

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

There are no legal implications however if the recommendation is adopted, the proposal is required to be submitted to and approved by the Geographic Names Committee (GNC), which operates under the auspice of the Department of Planning.

Community Consultation

All landholders affected by this and other proposed boundary amendments were contacted in writing and provided with an opportunity to support or oppose the proposals.

Landowners in the area of Munster directly affected by this specific proposal who did not initially respond were given a second and third



opportunity to lodge their opinion. The Water Corporation, as a 27% stakeholder in this area, was subsequently contacted to verbally solicit feedback.

Attachment(s)

1. Map of Munster highlighting area directly affected by this report.
2. Results of survey responses (overall).

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the April 2013 Council Meeting.

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

Nil.

AT THIS POINT, CLR Y MUBARAKAI LEFT THE MEETING, THE TIME BEING 7.47 PM.

DECLARATION OF INTEREST – CLR Y MUBARAKAI

The Presiding Member read a declaration of Interest in item 14.1 “Proposed Liquor Licence – Jandakot Jets Senior Football Club”, pursuant to Regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that his son is a member of the Jandakot Jets Junior Football Club.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 5011) (OCM 11/04/2013) - PROPOSED LIQUOR LICENCE - JANDAKOT JETS SENIOR FOOTBALL CLUB (5517049) (N JONES) (ATTACH)

RECOMMENDATION

That Council lodge a submission with the Director of Liquor Licencing supporting the proposed Club Restricted Liquor Licence for Jandakot Jets Senior Football Club at the Atwell Clubrooms, Brenchley Drive, Atwell, for the times specified in the report.



COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr T Romano that Council lodge a submission with the Director of Liquor Licencing supporting the proposed Club Restricted Liquor Licence for Jandakot Jets Senior Football Club at the Atwell Clubrooms, Brenchley Drive, Atwell, on Saturdays from 12 noon until 10pm and on Thursdays from 7pm until 9pm.

MOTION LOST 1/6

MOVED Clr C Reeve-Fowkes SECONDED Clr B Houwen that Council lodge a submission with the Director of Liquor Licencing supporting the proposed Club Restricted Liquor Licence for Jandakot Jets Senior Football Club at the Atwell Clubrooms, Brenchley Drive, Atwell, for the times specified in the report.

MOTION PUT AND CARRIED 6/1

NOTE: Clr S Portelli wished to have his vote against the decision recorded.

Background

The Jandakot Jets Senior Football Club has expressed its intention to submit an application with the Director of Liquor Licensing for a Club Restricted Liquor Licence at the Atwell Clubrooms, Brenchley Drive Atwell. Guided by the City's *Position Statement – Liquor Licensed Premises*, the City will form an opinion on each new liquor licence and lodge a submission to the Director of Liquor Licensing to outline this opinion.

Submission

Jandakot Jets Senior Football Clubs, proposed Club Restricted Liquor Licence Application and Public Interest Assessment Report.

Report

The Jandakot Jets Senior Football Club (the Club) is entering its fifth season of operation at Atwell Clubrooms, Brenchley Drive Atwell. For the past four years the Club has provided liquor to its members under the authority of occasional liquor licences.

The Club has submitted a Public Interest Assessment Report (PIA) to the City's Health Services for assessment. The City's Health Services



requested a number of changes and inclusions to the PIA, which have been completed to Health Services satisfaction. It is considered that the Public Interest Assessment is now ready for submission to the Director Liquor Licensing for a final decision to be made on granting of a Club Restricted Licence to the Jandakot Jets Senior Football Club. The following information within the PIA is particularly significant:-

“The Jandakot Jets Senior Football Club is applying for a Club Restricted License which will permit the serving of Members and their guests only during competition days and nights. No admission to the general public is permitted; nor is permission for the sale of liquor for consumption offsite sort.

Jandakot Jets Senior Senior Football Club is based at Atwell Oval with defined Bar and Serving areas (during operating hours) which doesn't allow for the admission of unaccompanied minors; or non-club members (as defined within the Club Restricted License guidelines).

Our club is a local sporting club which draws its members from the surrounding suburbs, therefore we have strong and eternal ties with our local community and the respect of that community towards our club and our club's members is vital to our survival and prosperity.

To control harm or ill health issues from the consumption of alcohol onsite, the club has created a Licensed Area – Code of Conduct for display within the club and on the club's website, a club Responsible Service of Alcohol policy also for display in the club. We also have produced a detailed management plan which all committee, members or employee's involved in the management or service of alcohol will be given. This will also be stored for reference in the licensed serving area.

The proposed hours of trade for the Club Restricted Licence are:

- Tuesday..... 6.00 pm – 9.00 pm*
- Thursday 6.00 pm – 9.00 pm*
- Saturday 12.00 noon – 10.00 pm*

The Jandakot Jets Senior Football Club has operated out of the Atwell Oval premises for 4 years without incident or complaint.”

The Jandakot Jets Senior Football Club, Clubrooms are located within 50 metres of nearby residential properties and within approximately 200 metres of Atwell High School. However, as the Club Restricted Licence only permits to the sale of alcohol to the Football Club members and their guests, the impact of increased accessibility and availability of liquor within the immediate community, is considered to be negligible. It is also important to note, that the proposed hours of



trade for the Club do not coincide with normal school hours of operation.

With regard to direct impacts on residents and the general management of harm or ill health, the Club has developed and included with their Public Interest Assessment, a Licensed Area – Code of Conduct, Responsible Service of Alcohol Policy and a Venue Management Plan. These documents will assist in communicating and guiding the decision making processes and expectations of all staff and members of the Club, associated with alcohol service and consumption.

As the Club is operating from premises located on City of Cockburn land (Reserve No. 43583R), the Director Liquor Licensing requires the consent of the City, as landowner, for approval of a liquor licence to be issued.

In conclusion the measures proposed to be employed by the club to restrict access by juveniles to alcohol and to minimise impact and harm on the local community are considered to be adequate. In addition, the approval of this liquor licence does not appear to represent a proliferation of liquor outlets in this area.

Therefore, it is recommended that the City advise the Director of Liquor Licensing that it has no objection to the proposed Club Restricted Liquor Licence for Jandakot Jets Senior Football Club located at the Atwell Clubrooms premises, Brenchley Drive, Atwell, and that it gives consent for a Club Restricted Liquor Licence to be granted by the Director of Liquor Licensing on City of Cockburn owned land, subject to:

- All advertising requirements detailed within the Department of Racing Gaming and Liquor's Club & Club Restricted Licence – Information Bulletin 17 being enforced (refer to details provided below under the heading "Community Consultation")

Strategic Plan/Policy Implications

Community & Lifestyle

- Safe communities and to improve the community's sense of safety.
- Promotion of active and healthy communities.

Environment & Sustainability

- Identification and minimisation of impacts to human health risk.



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

In accordance with The Department of Racing, Gaming and Liquor requirements, the proponent will be required to give notice to the local community, as follows:

1. Undertake a letter drop to residents and businesses within a 200 metre radius of the proposed premises, giving notice of the application and the intended manner of trade. This letter must be delivered on the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority. The advertising period will be 28 days for a club licence and 14 days for a club restricted licence.
2. Serve notice of the application and intended manner of trade on all: schools and educational institutions; hospitals; hospices; aged care facilities; any drug and alcohol treatment centres; any short term accommodation or refuges for young people; child care centres; churches; any local government authority; and any local police stations, which may be situated in the specified locality of the proposed premises. This notice must be served on the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority.
3. Advertise the application in The West Australian and on the site of the premises for a 28 day period (club licence).
4. Advertise the application on the site of the premises for a 14 day period (club restricted licence).
5. Make a copy of the Public Interest Assessment submissions available for public inspection at the place that has been identified in the letter drop and notice served.

The City will also consult with other users of the facility to ensure that their proposal is supported and does not cause any inconvenience to other users.



Attachment(s)

Diagram showing location of the area where liquor will be stored and served.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.

CLR Y MUBARAKAI RETURNED TO THE MEETING, THE TIME BEING 7:54 PM.

THE PRESIDING MEMBER ADVISED CLR Y MUBARAKAI OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.

14.2 (MINUTE NO 5012) (OCM 11/04/2013) - PROPOSED LIQUOR LICENCE - PHOENIX LACROSSE CLUB (2200366) (N JONES) (ATTACH)

RECOMMENDATION
That Council lodge a submission with the Director of Liquor Licencing, advising that it has no objection to the proposed Club Restricted Liquor Licence for Phoenix Lacrosse Club at the Goodchild Park Clubrooms Ely Street, Hamilton Hill, 6163, for the times specified in the report.

COUNCIL DECISION
MOVED Clr S Portelli that Council lodge a submission with the Director of Liquor Licencing, advising that it has no objection to the proposed Club Restricted Liquor Licence for Phoenix Lacrosse Club at the Goodchild Park Clubrooms Ely Street, Hamilton Hill, 6163, on Saturdays from 12 noon until 10pm and on Wednesdays from 7pm until 9pm.
MOTION LAPSED FOR WANT OF A SECONDER



MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that Council lodge a submission with the Director of Liquor Licencing, advising that it has no objection to the proposed Club Restricted Liquor Licence for Phoenix Lacrosse Club at the Goodchild Park Clubrooms Ely Street, Hamilton Hill, 6163, for the times specified in the report.

MOTION PUT AND CARRIED 7/1

NOTE: Clr S Portelli wished to have his vote against the decision recorded.

Background

The Phoenix Lacrosse Club has expressed its intention to submit an application with the Director of Liquor Licensing for a Club Restricted Liquor Licence at the Goodchild Park Clubrooms Ely Street, Hamilton Hill, 6163. Guided by the City's *Position Statement – Liquor Licensed Premises*, the City will form an opinion on each new liquor licence and lodge a submission to the Director of Liquor Licensing to outline this opinion.

Submission

Phoenix Lacrosse Club's, proposed Club Restricted Liquor Licence Application and Public Interest Assessment Report.

Report

The Phoenix Lacrosse Club (the Club) has been operating at, Goodchild Park Clubrooms Ely Street, Hamilton Hill, 6163 for the past 12-months. The previous tenant of Goodchild Park Clubrooms (another sports club) is understood to have held a restricted club licence at the premises for many years, and therefore, this type of licence has been well tested in this location. The Phoenix Lacrosse Club operated with occasional liquor licenses throughout the past Lacrosse season.

The Club has submitted a Public Interest Assessment Report (PIA) to the City's Health Services for assessment. The City's Health Services requested a number of changes and inclusions to the PIA, which have been completed to Health Services satisfaction. It is considered that the Public Interest Assessment is now ready for submission to the Director Liquor Licensing for a final decision to be made on granting of a Club Restricted Licence.



By way of summary, the following details have been extracted from the Phoenix Lacrosse Club's Public Interest Assessment:

"Phoenix Lacrosse Club requests the grant of a restricted club liquor licence consistent with the type that is operated by the other 5 incorporated lacrosse clubs in Lacrosse WA (East Fremantle, Subiaco, Bayswater, Wembley and Wanneroo).

Phoenix Lacrosse Club is a well-managed community sporting organisation that has a strong history in engaging the local community in participating in the sport. The Club successfully ran the 2012 National Senior Lacrosse Championships in the Cockburn area, utilizing an Occasional Liquor Licence for the event, at two separate locations, without incident.

There will be no sale of packaged take away liquor.

A restricted club licence will benefit the Club to cater to the expectations of our members. The club will be able to increase memberships and provide more service to the community, such as greater involvement in local schools (coaching clinics), and involvement in local council initiatives, such as the City of Cockburn's Champion Club Super Workshops.

Any financial benefit gained through liquor sales will be directed at improving the facilities which include:

- equipment for members,*
- clubroom maintenance,*
- training of junior players,*
- promotional events to improve the recruitment rate of new members,*
- maintaining and developing the club's fundraising activities targeted at our local community.*

In conclusion, the management committee believes that the grant of a restricted club liquor licence to Phoenix Lacrosse Club is in the public interest as detailed within and in accordance with provisions of section 48 of the Liquor Control Act 1988."

The proposed hours of trade for the Club Restricted Licence are:

Monday 6.00 pm – 9.00 pm
 Wednesday 6.00 pm – 9.00 pm
 Saturday 2.00 pm – 10.00 pm

The Phoenix Lacrosse Club, Goodchild Park Clubrooms are located within 50 metres of nearby residential properties and within approximately 300 metres of Southwell Primary School. However, as the Club Restricted Licence only permits the sale of alcohol to Club's



members and their guests, the impact of increased accessibility and availability of liquor within the immediate community, is considered to be negligible. It is also important to note, that the proposed hours of trade for the Club do not coincide with normal school hours of operation.

With regard to direct impacts on residents and the general management of harm or ill health, the Club has developed and included with their Public Interest Assessment, a House Management Policy – Code of Conduct and a Club and Liquor Management Plan. These documents will assist in communicating and guiding the decision making processes and expectations of all staff and members of the Club, associated with alcohol service and consumption.

As the Club is operating from premises located on City of Cockburn land (Goodchild Park – Property No. 2200366), the Director Liquor Licensing requires the consent of the City, as landowner, for approval of a liquor licence to be issued.

In conclusion the measures proposed to be employed by the club to restrict access by juveniles to alcohol and to minimise impact and harm on the local community are considered to be adequate. In addition, the approval of this liquor licence does not appear to represent a proliferation of liquor outlets in this area.

Therefore, it is recommended that the City advise the Director of Liquor Licensing that it has no objection to the proposed Club Restricted Liquor Licence for Phoenix Lacrosse Club located at the Goodchild Park Clubrooms, Ely Street, Hamilton Hill, 6163, and that it gives consent for a Club Restricted Liquor Licence to be granted by the Director of Liquor Licensing on City of Cockburn owned land, subject to:

- All advertising requirements detailed within the Department of Racing Gaming and Liquor's Club & Club Restricted Licence – Information Bulletin 17 being enforced (refer to details provided below under the heading "Community Consultation")

Strategic Plan/Policy Implications

Community & Lifestyle

- Safe communities and to improve the community's sense of safety.
- Promotion of active and healthy communities.

Environment & Sustainability

- Identification and minimisation of impacts to human health risk.



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

In accordance with The Department of Racing, Gaming and Liquor requirements, the proponent will be required to give notice to the local community, as follows:

1. Undertake a letter drop to residents and businesses within a 200 metre radius of the proposed premises, giving notice of the application and the intended manner of trade. This letter must be delivered on the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority. The advertising period will be 28 days for a club licence and 14 days for a club restricted licence.
2. Serve notice of the application and intended manner of trade on all: schools and educational institutions; hospitals; hospices; aged care facilities; any drug and alcohol treatment centres; any short term accommodation or refuges for young people; child care centres; churches; any local government authority; and any local police stations, which may be situated in the specified locality of the proposed premises. This notice must be served on the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority.
3. Advertise the application in The West Australian and on the site of the premises for a 28 day period (club licence).
4. Advertise the application on the site of the premises for a 14 day period (club restricted licence).
5. Make a copy of the Public Interest Assessment submissions available for public inspection at the place that has been identified in the letter drop and notice served.

Attachment(s)

Diagram showing location of the area where liquor will be stored and served.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the April 2013 Council Meeting.



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

Nil.

14.3 (MINUTE NO 5013) (OCM 11/04/2013) - PROPOSED SCHEME AMENDMENT NO. 93 LOCATION: LOT 9014 BARTRAM ROAD AND 9015 WENTWORTH PARADE, SUCCESS OWNER: GOLD ESTATES APPLICANT: ROBERTS DAY (93093) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council

(1) in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above Town Planning Scheme by:

1. Rezoning Lot 9015 Wentworth Parade and Pt Lot 9014 Bartram Road, Success, from 'Residential R20' to 'Development' zone, and placing this within a new 'Development Area 36'.
2. Modifying Schedule 11 – Development Areas of the Scheme Text to include a new DA 36 – Bartram Road as follows:

Schedule 11

Development Areas

REF. NO.	AREA	PROVISIONS
DA 36	BARTRAM ROAD (DEVELOPMENT ZONE)	<ol style="list-style-type: none"> 1. Structure Plan/s adopted and endorsed in accordance with clause 6.2 of the Scheme to guide subdivision, land use and development. 2. To provide for residential development and associated protection and enhancement of the Conservation Category Wetland and associated natural environment on the subject land. 3. In addition to the minimum requirement of 10% Public Open Space, any proposed Structure Plan shall include the provision of an additional 7240m² of Public Open Space which represents the balance of Public Open Space required for the Thomsons Lake residential development. <p>The 7240m² balance of additional POS comprises the following sites which were previously not included in the calculation of the gross subdivisible area for the Thomsons Lake residential development:</p>



		<ul style="list-style-type: none"> · Lot 858 Bannigan Avenue, Success which was originally zoned Local Centre and comprised a 2000m² area of open space, which was to be dedicated free of cost as a community purposes site to coexist with the local shopping centre. In 2005, the site was rezoned from Local Centre to Residential R40 subject to the provision of the previously deducted Public Open Space contributions of 10% of the subject site being 1240m² plus 2000m² for the area no longer provided for community purposes. · Lot 810 Wentworth Parade, Success which was 4000m² of land originally ceded for public open space/community purposes site for a police station. The site is no longer required for a police station and therefore the previous deduction in Public Open Space attributed to the site is not applicable given its current zoning for Residential purposes. In accordance with a Deed of Covenant between the Western Australian Planning Commission, GSC Gold Pty Ltd, Gold Estates of Australia (1903) Ltd and Minister for Lands the 4000m² is to be ceded for use as Public Open Space within DA36. <p>4. Any Proposed Structure Plan shall include a Wetland Management and Rehabilitation Plan covering the Conservation Category Wetland to the satisfaction of the City of Cockburn. The Wetland Management and Rehabilitation Plan shall address the following requirements:</p> <ul style="list-style-type: none"> · Delineation of management plan boundaries. · Description of existing environment and the environmental values of the management areas. · Description of proposed land ownership and management arrangements. · Description of management recommendations for the management areas such as: fencing, access, signage, fire management, weed control, revegetation and rehabilitation. · Description of an implementation schedule detailing, timing, responsibilities, funding arrangements,
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		<p>for recommended actions.</p> <p>5. Any Proposed Structure Plan shall include a Bushfire Management Plan detailing appropriate Bushfire mitigation measures and design responses in respect of the Proposed Structure Plan.</p> <p>6. Any Proposed Structure Plan shall include a Mosquito and Midge Management Plan.</p> <p>7. Any Proposed Structure Plan shall include a Local Water Management Strategy detailing appropriate urban water management and water sensitive urban design measures in respect of the Proposed Structure Plan.</p>
<p>3. Modifying the Scheme Map accordingly.</p> <p>(2) note as the amendment is in the opinion of Council consistent with Regulation 25(2) of the <i>Town Planning Regulations 1967</i> ("Regulations"), the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations</p>		

COUNCIL DECISION
 MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

The land subject of proposed Amendment No. 93 to Town Planning Scheme No. 3 ("TPS3"), comprises two lots being Lot 9015 Wentworth Parade and Pt Lot 9014 Bartram Road, Success. The amendment proposes to zone the subject site from the 'Residential R20' zone to the 'Development' zone. The proposed amendment will facilitate the optimal development of the site given the central location of the development and the environmental values of the subject site - particularly the Conservation Category Wetland ("CCW").



The purpose of the rezoning of the land to 'Development' zone is to facilitate the opportunity for some increased residential density while respecting and preserving the environmental values associated with the CCW and its surrounds. The amendment will also ensure the provision of additional public open space required to finalise open space contributions for the Thomsons Lake estate.

The proposed amendment introduces provision for the preparations of the structure plan over the subject land which relate specifically to these matters.

Submission

N/A

Report

Proposal

It is proposed to rezone the subject site from the 'Residential R20' zone to the 'Development' zone, more specifically DA36 – Bartram Road Development Zone (refer to Attachment 2 for the Proposed Zoning Plan). The proposed amendment will allow the land to be subdivided and developed once a structure plan has been prepared and adopted.

Under TPS3 the 'Development' zone requires the preparation of a structure plan prior to development or subdivision taking place. The structure plan provides the opportunity for increased residential density over the site while respecting and preserving the environmental values associated with the CCW and its surrounds. The structure plan will also ensure the provision of additional public open space required to finalise open space contributions for the Thomsons Lake estate. The provisions for DA36 set out in Amendment No.93 require that these matters be addressed to the satisfaction of the City by a structure plan. The specific additional POS requirements are captured through the following provisions:

Lot 858 Bannigan Avenue, Success which was originally zoned Local Centre and comprised a 2000m² area of open space, which was to be dedicated free of cost as a community purposes site to coexist with the local shopping centre. In 2005, the site was rezoned from Local Centre to Residential R40 subject to the provision of the previously deducted Public Open Space contributions of 10% of the subject site being 1240m² plus 2000m² for the area no longer provided for community purposes.

Lot 810 Wentworth Parade, Success which was 4000m² of land originally ceded for public open space/community purposes site for a police station. The site is no longer required for a police station and therefore the previous



deduction in Public Open Space attributed to the site is not applicable given its current zoning for Residential purposes. In accordance with a Deed of Covenant between the Western Australian Planning Commission, GSC Gold Pty Ltd, Gold Estates of Australia (1903) Ltd and Minister for Lands the 4000m2 is to be ceded for use as Public Open Space within DA36.

Regional Planning Context

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme ("MRS"). The subject site is currently zoned 'Residential' under the provisions of TPS3 with a designated residential density code of R20.

The proposed amendment aligns with the objectives of the Directions 2031 Draft Outer Metropolitan Perth and Peel Sub Regional Strategy which identify the area as 'urban zoned undeveloped'. This will provide for a planning response which encourages a mixture of residential densities and built form typologies, which is considered highly conducive to a site with these unique environmental and locational characteristics.

Ross River Virus

A report provided by the WA Department of Health (DoH) in September 2012 highlighted the elevated risk of Ross River Virus (RRV) infection from mosquitoes in the proximity of Thomsons Lake. The report outlines a likely link between the large number of RRV cases and the kangaroos in the Thomsons Lake reserve because they act as hosts and reservoirs of the virus. DoH recommend that new residential developments should not occur or be approved within 2 km of recognised breeding sites including Thomsons Lake unless the proponent can demonstrate that human exposure to nuisance and/or disease vector mosquitoes can be permanently maintained at acceptable levels. The subject land lies within this 2km buffer to Thompsons Lake.

DOH raise an important issue which must be considered in land use planning for this area. Noting the land is already approved for residential development, the most appropriate way of addressing this issue is to include a Mosquito and Midge Management Plan as part of the structure plan, as well as a memorial on title to alert landowners through the subdivision process.

Conclusion

In summary it is recommended that the City initiate the proposed Amendment No. 93 to TPS3. The purpose of the rezoning of the land to 'Development' zone is to facilitate the opportunity for:



- increased residential density while respecting and preserving the environmental values associated with the CCW and its surrounds; and
- the provision of additional public open space required to finalise open space contributions for the Thomsons Lake estate.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.

Community & Lifestyle

- Communities that take pride and aspire to a greater sense of community.
- Promotion of active and healthy communities.

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

Attachment(s)

1. Locality plan
2. Proposed and Existing Zoning Plan



Advice to Proponent(s)/Applicant

The Proponent(s) have been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.

14.4 (MINUTE NO 5014) (OCM 11/04/2013) - PROPOSED STRUCTURE PLAN - LOCATION: LOT 19 AND 25 ROCKINGHAM ROAD, MUNSTER - OWNER: GARBIN - APPLICANT: GREG ROWE AND ASSOCIATES (SM/M/081) (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Proposed Structure Plan for Lot 19 and 25 Rockingham Road, Munster subject to the following modifications:
 1. A finalised version of the Landscape Concept Plan is to be developed and integrated into the Structure Plan to the satisfaction of the City.
 2. A finalised version of the Bushfire Management Plan is to be developed and integrated into the Structure Plan to the satisfaction of the City.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
- (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
- (4) advise the proponent and those persons who made a submission of the Council's decision; and
- (5) advise the proponent that the site is subject to both Development Contribution Areas No. 6 and No. 13.



COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lots 19 and 25 Rockingham Road, Munster ("subject land"). The Proposed Structure Plan seeks to provide the development framework for the subject land incorporating a range of densities and accommodating a Resource Enhancement Wetland and associated buffers.

The Proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. This report now seeks to specifically consider the Proposed Structure Plan for adoption, in light of the advertising process and assessment by officers.

Submission

N/A

Report**Planning Background**

The subject land is 2.01 ha in size and extends from Rockingham Road on its eastern boundary to the resource enhanced wetland to the west. Undeveloped former market garden land adjoins the subject site to both the north and south. A location plan is shown in Attachment 1.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ('MRS') and 'Development' under the City of Cockburn Town Planning Scheme No. 3 ('Scheme'). The subject land is also located within Development Area 5 (DA5) and is subject to both Development Contribution Areas No. 6 (DCA6) and No. 13 (DCA13).

The western third of the site contains a Resource Enhanced Wetland ('REW') and associated buffers and is also within the buffer zone of an Environmental Protection Policy wetland ('EPP'). The site also contains Bush Forever site 429 along this western edge.



Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision and development of land within a Development Area.

In accordance with the above, a Proposed Structure Plan has been submitted to the City by Greg Rowe & Associates on behalf of the landowner.

Proposed Structure Plan

The Proposed Structure Plan provides for a diversity of lot sizes and housing types with approximately 30 residential lots proposed with densities of R30 and R40. The remainder of the lot comprises of roads, public open space, drainage and resource enhanced wetlands and buffers as indicated in Attachment 2.

Residential Density

The proposed densities of R30 and R40 will assist in the provision of a range of dwelling choices across the site. Directions 2031 and Beyond (“Directions 2031”) and Liveable Neighbourhoods (“LN”) promote 15 dwellings per gross hectare as the standard density for new greenfield development in urban areas. These densities are generally conducive to the densities found in surrounding residential areas which are predominantly either R20 or R40. The structure plan area is projected to achieve 15 dwellings per gross hectare and 22.26 dwellings per site hectare.

Higher density lots have been proposed adjacent to the public open space to encourage overlooking, safety and to discourage anti-social behaviour. Lots adjacent to Rockingham Road have also been coded R40 in keeping with existing coding along this roadway. Detailed Area Plans will be required over all lots fronting POS, laneway lots and lots smaller than 350m².

The residential density coding has been arranged to allow seamless streetscape with those proposed on the endorsed Structure Plan on Lot 18 Rockingham Road to the south.

Public Open Space

The Proposed Structure Plan requires a total of 10% of the gross subdividable area to be ceded as Public Open Space (‘POS’) across the site. With the exclusion of the land within EPP and REW wetlands and their associated buffers and Bush Forever site, this equates to a total of 1,375 m² of public open space to be provided. Liveable Neighbourhood identifies that up to 2% (275m²) of the 10% POS requirement may be provided as restricted public open space.



The Structure Plan as submitted shows 5.2% (720 m²) of unrestricted public open space. The applicant requests a further 3.4% (380m²) of restricted public open space in Bush Forever Site No. 429 is included as part of the public open space contribution. Therefore the applicant is requesting that 4.76% (655m²) of restricted public open space be included in the public open space calculation.

The inclusion of Bush Forever sites as public open space is provided for under SPP2.8 Bushland Policy for the Perth Metropolitan Region ('Bush Forever'). This states that:

“The WAPC may accept whole or part of the conservation area may be considered as a component of the 10% open space contribution where it can be demonstrated that –

The conservation area or portion serves a local passive recreation function which is consistent with the values of bushland and the conservation management objectives of the site;

Management infrastructure and other measures are provided that support the use and management of the conservation area in accordance with an endorsed management plan;

It is acceptable to the future proposed management body, relevant environmental agencies and local government;

The overall “land take’ for open space is likely to jeopardise the overall development viability of the project, based on evidence supplied to the decision making body; and

Other planning and environmental considerations and policies of the WAPC have been taken into account.”

The WAPC had granted a similar exception for land located directly to the south of this lot subject to the “*subdivision application being appropriately conditioned to require both the entire POS being ceded and betterment works to be undertaken requiring the POS to be comparable and compatible with adjoining POS to the south’*. The WAPC has advised that historical considerations are favoured over the approach outlined in Liveable Neighbourhoods. This position clearly accounts for the significant component of the land being protected by way of the wetland and bush forever components, in excess of 35% of the site area.

The applicant has submitted a draft landscape concept plan for this property and for property to the south known as Lot 18 Rockingham Road indicating how the Bush Forever Site would be comparable and compatible with the unrestricted open space adjacent. This plan would



be expected to be refined in collaboration with the City's Parks department. This forms a specific recommendation.

The public open space as proposed is to be located adjacent to the wetland and will serve as a natural buffer from development to the wetland and also act as part of the Building Protection Zone as outlined in the fire management plan. The open space will contain a continuation of the dual use path from the south, and an additional footpath adjacent to the R40 zoned properties. This corridor of open space will provide a functional 'break out' strip of public open space adjacent to the wetland that will be accessible to the public with good natural surveillance from adjacent properties.

Access

The Proposed Structure Plan is dissected by the extension of two 15m road reservations running approximately 60m north through the site. A temporary cul-de-sac will be required at the northern end of these roads until such a time as the lot to the north is constructed and the roadways are extended.

An 8m laneway is proposed at the rear of the R40 coded lots to ensure access and improve visual surveillance over the Public Open Space.

Midge Buffer

The entire site falls within the 500m buffer for lakes and wetlands subject to midge infestation. While this doesn't preclude development, all future lots within the buffer should feature a suitably worded Section 165 notification under the *Planning and Development Act 2005* to be imposed at the subdivision stage in order to advise prospective purchasers of the midge impacts associated with being close to nearby wetlands.

Bushfire Prone Area

A Fire Management Plan ("FMP") was prepared to support the design of the proposed structure plan. The FMP indicated a level of risk emanating from the Bush Forever Site and has provided a number of acceptable solutions to the identified risk. The two westerly R40 development cells are identified on the Structure Plan map as being required to construct to BAL 12.5 under Australian Standard AS3959-2009.

Comments received from the Western Australian Planning Commission noted the need for the FMP to be amended in respect of the consistency of approach with the Bush Fire Hazard Assessment for the



endorsed Structure Plan at Lot 18 Rockingham Road, Munster. This forms a specific recommendation.

Community Consultation

The Proposed Structure Plan was advertised in the Cockburn Gazette for public comment for a period of 21 days from 26 February 2013 to 19 March 2013. The Proposed Structure Plan was advertised to nearby and affected landowners and also referred to relevant government authorities.

In total 6 submissions were received from government agencies for the Proposed Structure Plan, no objections were received. No submissions were received from adjoining landowners.

All of the submissions received are set out and addressed in the Schedule of Submission (Attachment 3).

Conclusion

It is recommended that the Council adopt the Structure Plan for Lot 19 and 25 Rockingham Road, Munster, subject to modification and pursuant to Clause 6.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Budget/Financial Implications

The required fee was calculated on receipt of the Proposed Structure Plan and has been paid by the proponent. The site is subject to both Development Contribution Areas No's 6 and 13. There aren't any other direct financial implications associated with the Proposed Structure Plan.



Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 19 March 2013.

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme, the Proposed Structure Plan was advertised from 26 February 2013 to 19 March 2013. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 3).

Attachment(s)

1. Location Plan
2. Structure Plan
3. Schedule of Submissions

Advice to Proponent(s)/Applicant

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.



14.5 (MINUTE NO 5015) (OCM 11/04/2013) - COCKBURN CENTRAL PUBLIC ART PROJECT LOCATION: COCKBURN CENTRAL TRAIN STATION OWNER: PUBLIC TRANSPORT AUTHORITY APPLICANT: N/A (110/006/SM/M/003) (A VAN BUTZELAAR / A TROSIC)

RECOMMENDATION

That Council:

- (1) formally request the Minister for Transport and CEO of the Public Transport Authority to complete the design proposal for the Cockburn Central Train Station public artwork *The Face of the Community*, by providing clock face features on the remaining two sides of the tower which are currently blank; and
- (2) as part of this request, suggest that the clock face features be completed by way of two LED screens, which provide an additional opportunity for a dynamic digital canvas to also be provided as a way of trying to engage people in the space of the Train Station and Cockburn Town Centre.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

At the Council meeting on 13 September 2012, Cr Carol Reeve-Fowkes passed the following notice of motion:

“request that a report be presented to a future Council Meeting regarding the future of the artwork faces at Cockburn Central. This including the promises made by Landcorp to the Cockburn Central Steering Committee that a clock would be installed on that tower above the Cockburn Central Station. The artwork is receiving some negative attention and some consideration should be given to the public perceptions and perhaps some more suitable digital display giving time and temperature could be considered in light of the previous agreement with Landcorp”.



The artwork affixed to the clock tower of Cockburn Central Train Station is entitled *The Face of the Community*. The artwork consists of two faces, one of a middle-aged lady and another of a young boy. The faces were produced by artists Marco Marcon and Rodney Glick using hundreds of photos of local residents digitally combined to provide an interesting interpretation of the community and public transport users.

The artwork was contracted directly by the Public Transport Authority ("PTA") as part of the State Government percent for art contribution for the MetroRail project. The State Government percent for art policy requires up to one percent of the construction budget for new works over \$2 million to be expended on artwork.

The purpose of this report is to consider the current status of the artwork, and recommend a response to the Minister for Transport and CEO of the PTA in light of the notice of motion.

Submission

N/A

Report

Background to the artwork

The art project was intended to be a bold, civic statement that contributed to a sense of place by helping to create a distinctive identity and character for the train station, making the train station building a more stimulating and enjoyable environment for commuters and staff. Artists were encouraged to use light, shadow, and colour to create a work that changed throughout the day and night. There were no set themes for this art work, although artists could draw thematically upon the natural and built physical characteristics of the site and its surrounds.

An evaluation panel consisting of the Project Architect, Art Coordinator, Regional Director of Woodhead International BDH and the City of Cockburn Community Arts Officer were responsible for short listing artists. Three artists were shortlisted by the evaluation panel, from an initial pool of ten artists, as having the requisite skills and experience to carry out the works.

A Request for Proposal was issued to the three artists short-listed, requesting proposals addressing the specific requirements of the proposed public art project at the Cockburn Central Train Station by 9 September 2003. Proposals were individually assessed by the evaluation panel members on 19 September 2003 on a set of evaluation criteria. The evaluation panel then carried out a group



evaluation to establish the capability scores. The evaluation panel agreed that Rodney Glick and Marco Marcon provided the best value for money proposal and recommended that they be awarded the contract for the provision of artworks for the Cockburn Central Train Station art project. This was a cost of \$40,000.

The City's interests were represented during the artwork selection process through the input of the City's Community Arts Officer. The City's Community Arts Officer was one of four members that formed the Evaluation Panel that ultimately selected which artwork to commission. To date LandCorp have not had any involvement in the selection or maintenance of the Cockburn Central Train Station public artwork. Landcorp has requested the installation of an alternative piece of public art by the PTA on several occasions.

The selected artwork was completed in 2006. The artwork is reprinted and re-erected by the PTA upon signs of deterioration.

The value of public art

Art is abstract and subjectively experienced. There is no process by which artworks can be disassembled into specific attributes that can be measured. Each and every person will realise different meanings of an artwork, with no single meaning being more accurate than the next. It is understood that social media (facebook) has provided a forum by which people have aired their views of the artwork, and it is noted that such views range from positive to negative (with negative views appearing to be more prominent than positive).

When commissioning a public artwork there is often a wide range of views, positive and negative, with such views often evolving through time. Historically however, there has always been a gap between what the public 'likes' in art and what the avant-garde produces. Public artwork experiences a higher degree of criticism as it takes the art to the audience rather than waiting for the audience to come to it, as would be found in a gallery experience. It is important for the City to recognise the presence of multiple and conflicting value judgments when analysing any piece of public art.

The public artwork at Cockburn Central Train Station was commissioned and financed by the PTA in accordance with the State Government Percent for Art Scheme. The artwork is maintained by the PTA and is erected on property owned by the PTA. As such the future status of the Public Artwork will ultimately be determined by the PTA, with the City having some influence but not a significant amount.



The current status of the artwork

According to the State Percentage for Art Scheme the status of a public artwork may come under review if the following factors are regarded to be of reasonable impact on the integrity of an artwork:

- * The security of the work cannot be guaranteed against constant damage or vandalism.
- * The work requires excessive maintenance due to design or workmanship faults, material use or other environmental factors.
- * The work has deteriorated to a point of endangering public safety.
- * Significant changes in the use, character or design of the site have impacted considerably on the integrity of the work in its present location.

The public artwork at Cockburn Central Train Station has not received constant damage or vandalism; does not require excessive maintenance; and has not deteriorated to a point of endangering public safety. Furthermore, the artwork was always intended for the current use, character and design of Cockburn Central Train Station and its surrounds. On this basis there isn't any grounds to call for the artwork's removal.

However, it is considered that there is an opportunity for Council to seek a review of the artwork by the PTA for activation or enhancement (e.g. interesting lighting, interesting artwork setting etc) to assist the community with interpretation and/or appreciation of the artwork. This would be considered a positive action for the PTA to consider, especially considering the shared objective across community and government about encouraging public transport use and creating a sense of place at Cockburn Central.

This opportunity particularly presents itself on the basis that the tower which the artwork sits on hasn't been completed as originally designed by the PTA.

The clock face opportunity

During the initial stages of commissioning a public artwork for the Cockburn Central Train Station, the PTA proposed installing two clock faces on the two sides of the clock tower that do not house artwork. As the public art project evolved, the PTA felt there were other priorities which resources should be allocated to, and the clock face was never progressed. The PTA did not specifically commit to the installation of a clock face to the clock tower, and currently they have no plans to install a clock to the clock tower. This is considered a disappointing state of affairs, but in itself represents an opportunity for the City to advocate



the PTA to finish the tower in a way which also addresses the desires for a more activated experience from the tower.

To this end, staff have considered the idea of approaching the clock face by way of LED screens, which provide an additional opportunity for a dynamic digital canvas to also be provided (in conjunction with the clock face) as a way of trying to engage people in the space of the Train Station and Cockburn Town Centre.

Digital art has come a long way over the last decade, and it is considered that having the clock face digitally projected in turn allows that same digital canvas to be used in other engaging ways. There is a wide array of opportunities, and it is considered that such opportunities should be examined to reflect on how the State Government can make public transport as an enjoyable experience as possible.

It is therefore recommended that Council formally request the Minister for Transport and CEO of the Public Transport Authority to complete the design proposal for the Cockburn Central Train Station public artwork *The Face of the Community*, by providing clock face features on the remaining two sides of the tower which are currently blank. This should be considered by way of LED screens, which provide an additional opportunity for a dynamic digital canvas to also be provided as a way of trying to engage people in the space of the Train Station and Cockburn Town Centre.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Community and Lifestyles

- Community environments that are socially cohesive and embrace diversity.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14.6 (MINUTE NO 5016) (OCM 11/04/2013) - LOCAL STRUCTURE PLAN (ROBB JETTY) COCKBURN COAST (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/06) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Robb Jetty Local Structure Plan, in line with the proposed rezoning of this area to 'Development' zone via Amendment No. 89 to the City's Town Planning Scheme No. 3 and subject to the following:
 1. Modification and Adoption of the Local Planning Policy Robb Jetty and Emplacement Design Guidelines.
 2. Local access road detail to be removed from the local structure plan as per the Department of Planning's Structure Plan Guidelines.
 3. Update Part 1 to include discussion on the development contribution plan as per the Department of Planning's Structure Plan Guidelines.
 4. Update Part 2 to note that the indicative cross-sections shown for Rollinson Rd/South Beach under 'Movement Network' do not supersede the development standards and requirements for the South Beach development.
 5. Update Part 1 and Part 2 to reflect a revised public open space schedule which does not include the proposed oval as local public open space.
 6. Update the cover page to either remove the imagery or update to more accurately reflect the existing freight railway line.



7. Update Part 2 to attribute the statement about current operation in non-peak periods to Brookfield Rail.
8. Update figure of Existing Buffer Zones to correctly reflect current technical analysis data, including the Waste Water Pumping Station as a 25m buffer measured from the property boundary.
9. Remove all references to a community and/or commercial facility at Catherine Point and update to ensure text reflects location at 'Main Street'.
10. Remove all references to horse facilities being located at Catherine Point and update to reflect the location being McTaggart Cove Rd beach car park.
11. Remove all non-numbered full page photographs and drawings as they are not required by the Department of Planning's Structure Plan Guidelines.
12. Ensure the Height Plan correlates appropriately to the Local Structure Plan, specifically the area designated as Residential R40.
13. Remove the footnote from the bottom of the Land Use Table contained in Part 1 and replace with text within Part 1 to explain when discretion may be granted by Council for Singles Houses (in line with the explanation given in Part 2).
14. Replace the residential density assigned the District Centre with RAC-0 and specify development standards are prescribed in the Design Guidelines Local Planning Policy.
15. Update the Affordable Housing sections to reflect the updated Australian Bureau of Statistics data.
16. Update the Affordable Housing sections to reflect an incentive based approach, all references to mandatory requirements are to be removed.
17. Update the Affordable Housing sections to also include a further bonus for 2 bedroom dwellings (relative the bonus given for 3 bedroom dwellings).
18. Update the Affordable Housing section to revise the



definition of Affordable Housing to be:

“For the purposes of this Local Structure Plan, ‘affordable housing’ refers to either of the following:

- * Dwellings that are sold to Eligible Households at or below the benchmark price outlined in Table 4; or
- * Dwellings that are sold or transferred to a recognised affordable housing provider, which in turn leases or sells the properties to Eligible Households (under an approved affordable housing program); or
- * Private Provider selling to Eligible Households; or
- * Commonwealth or State endorsed affordability program”.

and include supplementary definitions for the terms “Eligible Households” and “Recognised affordable housing provider”.

19. Update Part 1 to also require assessment as appropriate for the issue of vibration (from the freight rail).
20. Update Part 1 to delete the reference to car parking standards being a ‘maximum’ rather than a ‘minimum’ and update the reference from the benchmarks being the Residential Design Codes to being as per the City of Cockburn’s Town Planning Scheme No. 3.
21. Update the sections regarding Detailed Area Plans to provide clarity as to when they may be required and that in some instances the need may be negated due to the Design Guidelines Local Planning Policy.
22. Update the designation of ‘Mixed Business’ and ‘Mixed Use’ to reflect a thicker line marking on the local structure plan.
23. Expand the discussion in Part 2 (Regional Planning) to broaden the reference to Directions 2031 to discuss other elements of this plan.
24. Update the discussion in Part 2 (Policies) to include reference to State Planning Policy 1 State Planning Framework.
25. Review entire document to identify and correct basic grammar and typographical errors, including section numbering.



26. Update Part 2 (Residential Zone) list of criteria where Council may choose to use its discretion to punctuate this list and include the term 'and' so it is clear all of these items are expected to be met, not one or the other.
 27. Update Part 2 (Residential – Densities) to remove the unnecessary replication of the Town Planning Scheme No. 3 provision relating to calculation of density targets.
 28. Update Part 2 (Movement Networks) to ensure correlation between cross-sections and network plans.
 29. Delete any references to the 'Cockburn Coast Redevelopment Area'.
 30. Corrections to Figure 1 within the Local Structure Plan report to include a scale.
 31. Inclusion of a scale and cadastre on Figure 25 (Existing industrial buffers) to make the extent of the buffers clear.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
 - (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
 - (4) advise the proponent and those persons who made a submission of the Council's decision; and
 - (5) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as a future Development Contribution Area (Cockburn Coast) which is in the final stages of preparation.

COUNCIL DECISION

MOVED C/r T Romano SECONDED C/r S Pratt that Council adopt the recommendation with the following amendment to sub-recommendation (1)8, as follows:

- (1) 1 to 7 as recommended;



8. Update figure of Existing Buffer Zones to correctly reflect current technical analysis data with the exception that the buffer to the Waste Water Pumping Station be indicated as confined to within the property boundary of that facility (Reserve 5239 Rollinson Road, North Coogee);

9 to 31 as recommended;

(2) to (5) as recommended.

MOTION WITHDRAWN

Moved Cllr T Romano SECONDED Cllr C Reeve-Fowkes that Council defer consideration of the Local Structure Plan (Robb Jetty) Cockburn Coast, until the May 2013 Ordinary Council Meeting, to allow for further consultation to be undertaken with the local community.

MOTION PUT AND CARRIED 8/0

Reason for Decision

I have been contacted by number of local business owners claiming that the Council's level of consultation and requests for detailed information on the proposed structure plan has been lacking and in many cases not forthcoming. I am also aware that the local business owners have raised concerns about the effects that the proposed rezoning will have on access to Cockburn Road. Whilst it is accepted that the redevelopment of the area is inevitable, it is incumbent on Council to work closely with the local land and business owners to ensure that the best possible outcomes are achieved for all. It should be remembered that many business owners have operated in this area for many years and have, in many cases, invested millions of dollars in their business which, in turn, has contributed to the local economy by way of employment of local people. This is a very sensitive issue for many local ratepayers and all efforts must be made to ensure that all voices are heard.

Furthermore, I have been informed that local business owners only received notification of this item coming to Council a few days ago. I hardly think this is sufficient time if the Council is serious about having a strong and open dialogue with the people who will be affected by the proposed structure plan.



Background

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station.

A number of planning stages have been realised in recent years briefly described below.

The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.

In 2012, this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of Landcorp.

The Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP Part 2. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.

Council has undertaken several modifications to its Town Planning Scheme to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket area and introduction of a 'Development' zone for the area south of Rollinson Rd.

This 'Development' zone is the most appropriate zone for new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate development.

The Scheme provisions, combined with the Department of Planning's Structure Plan Guidelines, set out the requirements to be addressed in local structure plans which will apply land use zoning and permissibility and subdivision and development requirements.

Submission

The Robb Jetty Local Structure Plan has been submitted by HASSELL on behalf of Landcorp.



Report

The purpose of this report is for Council to consider submissions on the Robb Jetty Local Structure Plan and whether endorsement of the plan is appropriate.

Purpose of the Robb Jetty Local Structure Plan

The Robb Jetty Local Structure Plan applies to the Cockburn Coast project area bounded by Rollinson, Cockburn and McTaggart Cove Roads and the foreshore reserve and freight railway line as shown in the Precinct Plan (Attachment 1).

The local structure plan proposes to develop this land for a mix of zones, including a dense activity centre, residential (ranging up to R160 density), public open space, mixed business, mixed use, and a primary school with a shared oval. The oval will fulfil a role in providing for junior sport for surrounding suburbs and is in addition to the local public open space a development ordinarily provides for.

On average the development provided for by this plan would be 3-5 storeys in height. There are development incentives included to encourage the provision of Affordable Housing. This was a target of the District Structure Planning. This encouragement is suggested by way of extra floor space being granted to a proposal. The outcome of this, if developers took up the opportunity could be a potential increase in the size of a building on a site. Given the need to set back from boundaries, this increase is most likely to be realised by building form becoming higher in storeys. For example, a 3 storey building through using the Affordable Housing bonus may become a 5 storey building (provided it can still meet other development requirements such as car parking and open space).

Included in the plan are proposals indicating how the foreshore area may be capable of improvements (note the foreshore is outside the development area). Ultimately the development in this area is the role of the City and the area has heritage values (both European and Indigenous) and the relevant approvals to undertake works in this area would need to be sought.

Along the western boundary of the Robb Jetty local structure area is an existing freight rail line and Cockburn Rd bounds the area to the east. On the east side of Cockburn Rd is the contiguous local structure plan area known as 'Emplacement'. This is also an item on this Council agenda.

It is intended Robb Jetty Local Structure Plan would be adopted as a structure plan pursuant to Clause 6.2.9 of the Scheme applying land



use zoning and permissibility. The Local Structure Plan needs to effectively demonstrate how coordinated development of the subject land can occur.

The Robb Jetty Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals. These modifications are set out in detail in the officer recommendation and discussed further below in the Report section of this agenda item under their respective headings. A number of modifications also arose from the community consultation process.

There are also some important projects associated with the local structure plans which are discussed at the end of the Report section of this agenda item. These include the Design Guidelines, Public Realm and Public Art.

Noise and Vibration Management

The Noise and Vibration Study indicates vibration is an issue ranging from 50-80m along the railway line. While vibration is discussed in Part 2 of the structure plan, it does not contain a related statutory requirement in Part 1. This needs to be modified to also include vibration to be assessed where applicable.

There is already a suitable Part 1 provision to deal with the issue of noise. For the freight rail this is within 150m of the railway line. For Cockburn Road, it is the first row of buildings affected.

Waste Water Pumping Station

The applicant has taken the opportunity afforded to them via the draft State Planning Policy 4.1 State Industrial Buffer ("SPP4.1") and the Environmental Protection Authority's Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses ("GS No.3") to submit a technical analysis to further assess and refine the buffer.

GS No. 3 notates the following impacts apply: Odour, Noise, Gas and Risk and the key agency for advice or approvals is the local government.

The Technical Analysis submitted as an appendix to the Robb Jetty Local Structure Plan has been referred for government agency comment. The only related submission was from Water Corporation



(owner of the infrastructure). They have Ministerial instruction a 25 metre buffer measured the property boundary may be applied.

The affected surrounding landowners have previously lodged a letter of advice from the Department of Environment and Conservation (“DEC”) noting odour is not an issue currently, but this does not consider if the infrastructure was upgraded.

The Technical Analysis is predominantly concerned with the issue of odour and pays very limited attention to the issues of gas, noise and risk. This is contained in a few paragraphs which appear to be assembled by the landowner’s town planner rather than a person or company who specialises in such assessments.

City officers are not comfortable endorsing the technical analysis at this stage given it has not given sufficient regard to three of the four impacts this infrastructure presents. The landowners are welcome to lodge an updated technical analysis which does consider all these issues sufficiently, should they choose to apply for subdivision or development approval. In the interim though, no sensitive land uses will be deemed acceptable in this area. The local structure plan will be modified to reflect the boundary of the buffer as 25m measured from the property boundary.

Affordable Housing

The CCDSP sets a target of achieving 20% affordable housing across the Cockburn Coast project area.

Affordable housing does not simply refer to public housing, and there are many current and potential residents facing affordability problems in the Perth Metropolitan Area who would fall outside the eligibility criteria for public housing, or would be unlikely to meet criteria for priority housing allocation.

Following on from studies undertaken by the Department of Planning, Landcorp have undertaken an Affordable Housing Strategy for the Cockburn Coast area. To examine the content of this and more importantly provide input into the local structure plan provisions regarding this issue, the City coordinated a working group to meet and discuss implementation. Representation was provided by Landcorp, the City of Cockburn, Department of Planning, Department of Housing and several affordable housing providers.

It has been made clear by the Department of Planning the only provisions which it would support in the local structure plans were to be non-mandatory. This is a shift from the CCDSP 2009 which recommended mandatory provisions. Given this change and the



advice of the working group, there are a number of modifications needed to the current wording in the local structure plan text.

Using an incentive driven approach, affordable housing provision will be encouraged by a range of 'bonuses' to the ordinary development standards which apply. Bonuses will be higher for those developments which provide for more than 1 bedroom in their affordable housing component.

Modification is also required to update the income and price point indicated as updated data is now available given the recent census data release.

As discussed earlier in this report, Elected Members should be comfortable with the potential built form impact by offering these incentives. If these incentives are included as proposed (and are taken up by developers) the height of the built form would increase.

Public Open Space

The area of public open space has been discussed with the applicant (Landcorp) as the proportion proposed in the Robb Jetty area was substantially higher than that proposed for the Emplacement area.

It should be remembered that the ceding of 10% of land suitable for subdivision is only a policy of the Commission and is variable according to the assessment of the circumstances of each case. It is not a statutory requirement and the need for public open space and drainage will differ from site to site, depending on the characteristics of the land, the availability of open space already existing within the locality and a number of other considerations. In the case of each of these areas, they are quite similar and accordingly should contain a similar proportion of public open space. Allowing for drainage capacity and noting the obviously higher densities, around 12% local public open space would be quite reasonable.

A key difference between the Robb Jetty and Emplacement areas is the location of an oval (to be shared with the primary school) in Robb Jetty which also provides for junior level clubs (AFL and cricket overflow). This oval will service an area slightly larger than just the Cockburn Coast development. It will cater for the whole suburb of North Coogee and Coogee. Therefore it is more appropriate to distribute the cost for this oval beyond this development to be a local item for Coogee and North Coogee.

A revised POS schedule has been provided and this now indicates the oval as a proposed item to include in Development Contribution Plan 13 (community infrastructure). Landcorp will need to justify this further



as part of an amendment to the City's Scheme to include this item. This means the proportion of local public open space for both the Robb Jetty and Emplacement local structure plans is just below 12%.

Community Facilities

Initially as part of the CCDSP 2009 a community/commercial facility had been proposed at Catherine Point. This has now been negotiated by City staff to more appropriately be located within the 'Main Street' area. This is reflected in the CCDSP Part 2. There are several references left within the local structure plan text which still need to be updated to reflect this.

A site has been appropriately annotated on the local structure plan which satisfies the principles listed below. The site is located directly adjacent to the railway line (east side) and south of the main street. It is noted this site also has the ability to be sleeved with retail/other uses facing the main street.

- * Good ability to integrate with sports oval site and associated parking.
- * Good ability to integrate with other main street uses, particularly school and also retail and cafe/food options.
- * An adjacent open space (such as the 'V' shaped POS west of the oval) which could enable spill over from some of the ground floor activities (such children's activities, mother's group meeting areas)
- * Not directly on the coast to avoid climatic conditions which would compromise particularly some of the ground floor activities and render the development essentially an enclosed 'function centre' rather than a proper community centre.

There are servicing difficulties with the Catherine Point site (being isolated on the west side of the railway line) and the location is at the northern most point of the land it is intended to service. It is more appropriately located in the 'Main Street'.

Annotation of local roads

Currently a number of local roads are shown on the local structure plans. These are not required by the Department of Planning's Structure Plan Guidelines and therefore it is acceptable to remove them. There are two lots within the Robb Jetty area on Garston Rd which are almost entirely taken up with road. One is required for the road which will also accommodate the bus route. This lot is under offer to purchase by Landcorp. As they are the applicant, this does not present a concern.



The other lot is further east and the local road shown would form an extension south of Garston of the existing Darken Ave. This landowner has noted this issue in their submission. Other local roads will eventuate through the subdivision process, this particular section of road is not an integral road (such as the 'Main St' or the bus route) and therefore does not need to be shown now.

What would be appropriate to annotate is any areas where a link does need to be provided. This can be provided with an arrow annotating where links are desirable. Designation of local roads over another landowner's property may result in the request of that owner to undertake purchase of the property. Council has other funding priorities and does not need to leave itself open for such a request.

Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City transforms towards more example of medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

Initially the local structure plans had proposed to provide for reduced car parking standards, in line with the Integrated Transport Plan ("ITP"). As recorded in the ITP, City officers expressed concern with the notion of reduced parking (i.e. less than the Scheme and Residential Design Codes would require) in the absence of the area being adequately serviced by public transport. In lieu of this public transport being provided, the Scheme requirements will apply.

Community Consultation Outcomes

The Robb Jetty Local Structure Plan was advertised for a period of 28 days, commencing on 20 November 2012.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 3). The key issues that have been raised are summarised below.

Coastline

Concerns were raised about sea level rise and the continuity of access to the existing sand beach, particularly for animals (dogs and horses).



The applicant has provided a Coastal Vulnerability Assessment (CVA) with their local structure plan. The document has been prepared by an appropriately qualified person and a company who specialise in these assessments.

The assumed sea level rise in the CVA is 0.9m to 2110. This is as per the current requirements of the Department of Planning. When the State Planning Policy 2.6 (SPP2.6) State Coastal Planning Policy was gazetted in 2003 a sea level rise of 0.38m needed to be included in assessments.

Based on updated data, the Department of Planning issued a new Position Statement in 2010 to increase the sea level rise to be factored into assessments to 0.9m to 2110. In February 2012, the Department advertised a new draft SPP2.6; this reiterates the requirement for 0.9m to 2110. No advice to the contrary has been provided to the City by the Department and therefore it is prudent to apply an assumed sea level rise of 0.9m to 2110.

In terms of access for animals, there was a desire for this to remain unchanged. This is not a matter which the local structure plans control, however it is worth noting this is not a realistic expectation.

The broader Perth Metropolitan Area is facing growth of half a million people over the next two decades. Within the City of Cockburn, it is expected the population will grow by approximately 30,000 people in that time. This development will be able to provide for 10,000 people. This growth will place additional pressure onto the CY O'Connor Beach.

The current extent of the Dog Exercise Area is nearly two kilometres in length. The Coastal Vulnerability Assessment indicates the area just south of the Point Catherine groyne (in line with Rollinson Rd) is likely to erode over time and is not expected to remain as a continuous sand beach in the longer term.

The beach is also important historically given the long term use of this beach to exercise horses. It should also be remembered that while some people have no issue with dogs being on the beach, there are people who do and want access to beaches where there is no dog access.

Council must be cognisant of all of these issues and the need to balance expectations. It is likely that use of the beach will be changed over time.



Public Open Space

Several submissions indicated a concern the amount of public open space in the Robb Jetty precinct was too high. There was a belief the public open space here was making up for a perceived shortfall in the Power Station precinct and this was unfair to landowners in Robb Jetty.

The proposed public open space adjacent to the Water Corporation pumping station also garnered concern due to its shape and the perception access would be limited.

The local POS to the north provides a local POS opportunity for some of the northern lots. This is where some of the higher density residential is located and it is appropriate to ensure those lots have good amenity POS. The POS is also adjacent to the existing Water Corporation Pump Station. Water Corporation has recently advised the City they plan to reduce the area which is currently fenced and landscape the area. This will be a welcome addition to the POS and enable access through to Bennett Avenue to the west.

Transport – Freight Corridors (Noise and Vibration)

As with previous consultations, the issue of freight corridors was raised. The issue of noise and vibration from the railway line and noise from Cockburn Rd and proposed Cockburn Coast Drive received much attention. Questions were raised as to the appropriateness of the methodology used in the noise and vibration assessments as well as the proposed mitigation measures proposed.

What has become very apparent in assessing these submissions is there are several interest groups and government agencies who do not believe the methodology has been followed properly. It must be acknowledged that these groups and agencies are not those responsible for the interpretation of the relevant State Planning Policy 5.4 (SPP5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning. No issue has been raised by the Department of Environment and Conservation (“DEC”), where appropriate expertise to assess such studies resides. This matter has been followed up with the DEC and at the time of writing this report, still no formal objection to the methodology undertaken had been made by DEC.

The approvals process will require each lot located in the nominated distances from the railway line and Cockburn road, to comply with noise and vibration constraints.

The Noise and Vibration Strategy forms an addendum to the local structure plan (“LSP”) and shows the impact zone. Text in the LSP also



makes reference to the Noise and Vibration Strategy. The Design Guidelines will also outline the requirements for compliance with noise and vibration for land within the impact zone. Both the LSP and the draft Design Guidelines also include requirements for Notification on titles and refer back to SPP5.4 where the specifications for these more detailed assessments reside.

The Department of Transport (representing the views of the Public Transport Authority and Main Roads) has specifically requested a Noise Management Plan be done at the local structure plan stage. The applicant has indicated this plan will be done at the development approval stage (i.e. on a lot by lot basis). This appears consistent with the intent of SPP5.4 which does not specify the Noise Management Plan must be done at the local structure plan. Looking at the content of a Noise Management Plan outlined in the guidelines which accompany the SPP5.4, it seems most of this information is already captured via the Noise and Vibration Assessment Study.

Spatially, the local structure plan would not change if this Noise Management Plan were undertaken at this early stage. Opportunities for setting back of development lots further from the railway line have effectively been lost. Planning since the CCDSP 2009 has indicated urban development abutting the railway line. This situation was compounded by the rezoning to 'urban' under the MRS and there is very little scope to see a different land use response to that of a built form response on a lot by lot basis.

City officers, given there is no indication otherwise from the DEC and given the apparently reasonable approach to the methodology used in the Noise and Vibration Assessment Study do not recommend withholding endorsement of this local structure plan on this matter. The Department of Transport are welcome to raise their concerns with the Department of Planning prior to their consideration of the plan.

Transport – Freight Corridors (Cockburn Road)

Several submissions have raised traffic concerns with access to Cockburn Road. Main Roads has noted work is being undertaken on a design concept and vehicle access strategy for Cockburn Rd. They have also expressed their intent to pursue removal of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive once Cockburn Rd is upgraded.

The applicant can be required to lodge the design concept and vehicle access strategy for Cockburn Road prior to the local structure plans being forwarded to the WA Planning Commission for their endorsement.



Density provision

Some submissions have suggested the densities indicated are too conservative. Others, primarily from landowners within the development area have expressed concern they should not be expected to deliver the same densities as the State Government owned land. These landowners feel they should be able to develop more traditional housing types which are easier to sell.

It is generally perceived that multiple dwelling developments are more difficult to undertake than standard green titled lots. This is for a variety of reasons including financing and building standards. However, it must be remembered the State Government has set a vision for how this area must be developed. Well located industrial zoned land has been rezoned by the State Government to provide for urban development. Both development types (industrial and urban) are important for the continuing growth of the Perth metropolitan area. The sacrifice of well-located industrial land must not be taken lightly and a substandard outcome in terms of housing density provided in Cockburn Coast must not be accepted.

To this end, the City has included specific Scheme provisions to ensure that density targets are adhered to. The allocation of residential densities on the draft local structure plans is considered appropriate and is intended to ensure the target of housing 10,000 residents overall within Cockburn Coast can be met. This may well mean that development takes a longer period to unfold than if the area was developed with single houses. It should not be disregarded that much of this land has been undeveloped for decades already. With this land now rezoned at no cost to landowners (to date all costs have been borne by the State Government) hopefully this will now incentivise development of this area.

Mixed Use zone and existing businesses

Several submissions raised the issue of modifying the intent of the Mixed Use zone to note their existing business operations and the contribution this makes in terms of employment. They appear to have interpreted the flexibility attributed to this zone to mean it should allow for their uses as well.

A Mixed Use zoning has been identified throughout much of the project area, and along Cockburn Road in order to allow a range of compatible uses to co-locate adjacent to one another, and vertically in individual buildings. This is consistent with the CCDSP.



The Mixed Use zone is critical in promoting sustainable living opportunities by allowing people to pursue a lifestyle that integrates living, working and leisure in one location.

The Mixed Use zoning needs to be carefully managed so that it does not detract or disperse activity from the two proposed activity centres. Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans set out the specific permissibility of land uses. Design Guidelines will also be critical in ensuring the desirable built form outcomes are achieved for the Mixed Use zone. In accordance with the CCDSP 2009 and CCDSP Part 2, the Mixed Use zoning is not intended to be overly prescriptive, providing that the uses can demonstrate a positive contribution to promoting a vibrant mixed use urban environment and do not detract from the two primary activity centres.

The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include 'light and service industry' and 'general industrial' uses. Therefore it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.

In accordance with the CCDSP uses such as residential, small showrooms, shops, offices and community facilities will be generally supported within the Mixed Use zone. In the land use table these uses are either permitted or discretionary.

Interim buffer arrangements are considered as part of the Local Structure Plan. A plan is included which maps existing uses which generate an off site buffer impact. These have been established with regard to the generic buffers set out in the relevant State Planning Policy and Environmental Protection Authority's Guidance Statement, then further examined in light of their current approval conditions and the City's knowledge of the nature of their operation. A process has been provided for, as per the relevant State Planning Policy for developers seeking to establish a sensitive land use within those buffers. They can undertake a further technical analysis which if approved may reduce or refine a buffer. In the meantime designation of a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term ensures landowners have the flexibility for options other than sensitive land uses available to them.

It is acknowledged that there are a number of existing businesses and land uses (most of an industrial nature) within the Cockburn Coast area



that will continue to operate into the future, dependent on the aspirations of landowners.

Under the Scheme, when the zoning changes to 'Development' zone any existing lawful development within the area that would not ordinarily be permitted under the new proposed zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change. Non-conforming use rights also allow the carrying out of development that was approved prior to the date of gazettal of the zoning change.

Pursuant to clause 4.9 of the Scheme a person cannot alter or extend a non-conforming use without planning approval. If a non-conforming use is discontinued for a period of six months the use of the land and buildings thereafter must be consistent with the provisions of the Scheme relating to the new zoning.

The non-conforming use rights provisions are the most appropriate method to accommodate the existing businesses. It is not considered in line with the vision for the Cockburn Coast area to alter the intent of the Mixed Use zone to make these uses permissible.

Associated Projects

As noted earlier in this report, there are some important projects associated with the local structure plans. These include the Design Guidelines, Public Realm, Public Art and Development Contributions.

Design Guidelines

The 'Development Area' provisions specify that Local Structure Plans must have associated Design Guidelines. These must be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan. Included in this Council agenda, is an item to consider adoption of the Design Guidelines as a Local Planning Policy for the Robb Jetty and Emplacement areas of Cockburn Coast. Should Council not adopt the Design Guidelines, then it is not able to endorse either of the local structure plans submitted. This is why the officer recommendation is predicated on the Design Guidelines being endorsed.

Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.



Detailed discussion on the Design Guidelines may be found in the related agenda item in this Council agenda. The Design Guidelines were recently advertised to affected landowners and government agencies. The Design Guidelines are recommended for adoption as a Local Planning Policy, subject to a number of modifications.

Public Realm

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. The need to ensure continuity between Local Structure Plan areas and different land ownership parcels is noted in the local structure plans; however, it will not be the structure plans themselves that provide this.

Guidance will need to be outlined at a detailed technical level which goes beyond the parameters which a local structure plan can achieve. This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

Landcorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff who approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

Development Contributions

Following on from the local structure plans will be the mechanism to equitably distribute some of the development's infrastructure costs.

An item mentioned earlier in this report is the oval proposed within Robb Jetty area. This is proposed for inclusion in the City's existing Development Contribution Plan 13 (DCP13) which is for community infrastructure as a 'local' catchment item for North Coogee/Coogee. The catchment of this oval will be greater than simply Robb Jetty area (and the entire Cockburn Coast development). It will be able to service the suburbs of North Coogee and Coogee. Other community infrastructure which similarly has a larger catchment will be proposed for Council's consideration as part of a Scheme Amendment.

There are also a number of Robb Jetty and Emplacement specific infrastructure, such as local public open space, which Landcorp will



also propose for Council's consideration as part of a Scheme Amendment.

The principles outlined in State Planning Policy 3.6 will need to be satisfied by any Scheme Amendment(s) which Landcorp lodge and these are subject to public consultation including the provision of a Cost Apportionment Schedule to clearly indicate to affected landowners an estimate of development contribution rates.

Public Art

The local structure plans for Robb Jetty and Emplacement areas are accompanied by a Public Art Strategy

Public Art is not intended for inclusion in a development contribution plan. This is a matter which would need to be the subject of a Percent for Art Policy, which at this stage has not been considered by Council and is a matter considered broader than Cockburn Coast.

City officers are currently preparing a report for Council to consider whether the implementation of a Percent for Art Policy is appropriate for the City of Cockburn. Any such policy would require public consultation should it be initiated.

Conclusion

The Robb Jetty Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals.

Subject to the modification of the Robb Jetty Local Structure Plan in line with the officer recommendation, it is recommended the plan be endorsed and forwarded to the Western Australian Planning Commission for their approval.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.



Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.

Budget/Financial Implications

The Structure Plan assessment fee has been calculated in accordance with the *Planning and Development Regulations 2009*, and has been paid by the applicant.

Legal Implications

N/A

Community Consultation

In preparing the Robb Jetty Local Structure Plan, the applicant (Landcorp) undertook a consultation process with relevant stakeholders. This included two landowner forums and liaison with various State agencies in the preparation of some of the draft background strategies which informed the local structure plan content.

Once the draft Robb Jetty Local Structure Plan was lodged with the City advertising of the proposal took place in line with the requirements of the City's scheme for local structure plan proposals. This advertising period ran for an extended period of 28 days (the Scheme only requires 21 days) from 20 November to 17 December 2012.

Advertising included the following:

- * Letters to all landowners with Cockburn Coast, Port Coogee, South Beach and the Newmarket precinct, and a number of landowners within nearby parts of Hamilton Hill;
- * Notices in the Cockburn Gazette inviting comment and inviting community members to attend an Information Evening;
- * Displays at the City's administration building and the City's libraries;
- * Signage at the beach car parks at Rollinson Road and McTaggart Cove Road;
- * Dedicated webpage on the City of Cockburn's website;



Attachment(s)

1. Cockburn Coast Precinct Plan
2. Draft Robb Jetty Local Structure Plan (plan only)
3. Schedule of Submissions Robb Jetty Local Structure Plan

Advice to Proponent(s)/Submissioners

The applicant and persons/agencies who lodged a submission have been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.

14.7 (MINUTE NO 5017) (OCM 11/04/2013) - LOCAL STRUCTURE PLAN (EMPLACEMENT) COCKBURN COAST (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/067) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Emplacement Local Structure Plan, in line with the proposed rezoning of this area to 'Development' zone via Amendment No. 89 to the City's Town Planning Scheme No. 3 and subject to the following:
 1. Modification and Adoption of the Local Planning Policy Robb Jetty and Emplacement Design Guidelines.
 2. Preparation of a Fire Management Plan in accordance with Planning for Bushfire Protection, which includes any interim fire management measures.
 3. Updates to Section 3.4 of the Local Structure Plan report (Bushfire Hazard) and Figure 16 to reflect the Fire Management Plan, and to demonstrate a fire hazard assessment which includes the Emplacement Local Structure Plan area and adjacent Beeliar Regional Park.
 4. Modification to Section 3.1 (Environmental Assets and Constraints) to specifically address the recommendations of the associated Ecological Assessment, and to specify the requirement for a spring flora and vegetation survey to be undertaken by individual landowners prior to



subdivision or development of the land (where development proposes works to the land).

5. Modification to Figure 12 (Vegetation Type Analysis) within the Local Structure Plan report to reflect the mapping included within the Ecological Assessment.
6. Modification to Appendix E - Local Transport and Traffic Management Strategy of the Local Structure Plan report to include current and future intersection operations for the two intersections of Emplacement Crescent and Cockburn Road and to include one intersection that maintains a right hand turn from Emplacement Crescent if possible.
7. Modification to Figure 1 and Figure 9 of the Local Structure Plan report to reflect the indicative location of the switchyard/power substation as shown in the Infrastructure and Servicing Report (Appendix F).
8. Corrections to Public Open Space ("POS") figures in Table 3, Table 9, and throughout the Local Structure Plan report to accurately reflect the quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.
9. Identifying Alba Edible Oils as a current land use in Section 1.2.2 of the Local Structure Plan report.
10. Deletion of reference to an 'activity centre' zone under Section 6.1 of the Emplacement Local Structure Plan report.
11. Inclusion of additional provisions in Section 8 (Part 1) requiring development proposals to ensure adequate interface, including fencing, to the Primary Regional Road Reserve to protect the conservation value of the Beeliar Regional Reserve.
12. Advising affected landowners in the Emplacement Local Structure Plan area of the requirement for a spring flora and vegetation survey to be undertaken by individual landowners prior to subdivision or development of the land (where development proposes works to the land).
13. Removing the footnote from the bottom of the Land Use Table contained in Part 1 and replace with text within Part



1 to explain when discretion may be granted by Council for Singles Houses (in line with the explanation given in Part 2).

14. Update the Affordable Housing sections to reflect the updated Australian Bureau of Statistics data.
15. Updating the Affordable Housing sections to reflect an incentive based approach with all references to mandatory requirements are to be removed.
16. Updating the Affordable Housing sections to also include a further bonus for 2 bedroom dwellings (relative the bonus given for 3 bedroom dwellings).
17. Updating the Affordable Housing section to revise the definition of Affordable Housing to be: "*For the purposes of this Local Structure Plan, 'affordable housing' refers to either of the following:*
 - i. Dwellings that are sold to Eligible Households at or below the benchmark price outlined in Table 4; or*
 - ii. *Dwellings that are sold or transferred to a recognised affordable housing provider, which in turn leases or sells the properties to Eligible Households (under an approved affordable housing program); or*
 - iii. Private Provider selling to Eligible Households; or*
 - iv. Commonwealth or State endorsed affordability program".*
 - v. and include supplementary definitions for the terms "Eligible Households" and "Recognised affordable housing provider".*
18. Updating Part 1 to delete the reference to car parking standards being a 'maximum' rather than a 'minimum' and update the reference from the benchmarks being the Residential Design Codes to being as per the City of Cockburn's Town Planning Scheme No. 3.
19. Updating the sections regarding Detailed Area Plans to provide clarity as to when they may be required and that in some instances the need may be negated due to the Design Guidelines Local Planning Policy.



20. Expanding the discussion in Part 2 (Regional Planning) to broaden the reference to Directions 2031 to discuss other elements of this plan.
 21. Updating the discussion in Part 2 (Policies) to include reference to State Planning Policy 1 State Planning Framework.
 22. Updating Part 2 (Residential Zone) list of criteria where Council may choose to use its discretion to punctuate this list and include the term 'and' so it is clear all of these items are expected to be met, not one or the other.
 23. Updating Part 2 (Residential – Densities) to remove the unnecessary replication of the Town Planning Scheme No. 3 provision relating to calculation of density targets.
 24. Updating Part 2 (Movement Networks) to ensure correlation between cross-sections and network plans.
 25. Corrections to Table 05 of the Local Structure Plan report to include all landholdings within the local structure plan area.
 26. Deletion of any references to 'Cockburn Coast Redevelopment Area' within the Local Structure Plan report.
 27. Corrections to Figure 1 within the Local Structure Plan report to include a scale and to relabel 'low density' to 'medium density'.
 28. Inclusion of a scale and cadastre on Figure 27 (Existing industrial buffers) to make the extent of the buffers clear.
 29. Reviewing the entire document to identify and correct basic grammar and typographical errors, including section numbering.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
- (3) endorse the schedule of submissions prepared in respect of the Structure Plan;



- (4) advise the proponent and those persons who made a submission of the Council's decision; and
- (5) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as a future Development Contribution Area (Cockburn Coast) which is in the final stages of preparation.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr Y Mubarakai that Council defer consideration of the Local Structure Plan (Emplacement) Cockburn Coast to allow for further consultation to be undertaken with the local community.

CARRIED 8/0

Reason for Decision

I have been contacted by number of local business owners claiming that the Council's level of consultation and requests for detailed information on the proposed structure plan has been lacking and in many cases not forthcoming. I am also aware that the local business owners have raised concerns about the effects that the proposed rezoning will have on access to Cockburn Road. Whilst it is accepted that the redevelopment of the area is inevitable, it is incumbent on Council to work closely with the local land and business owners to ensure that the best possible outcomes are achieved for all. It should be remembered that many business owners have operated in this area for many years and have, in many cases, invested millions of dollars in their business which, in turn, has contributed to the local economy by way of employment of local people. This is a very sensitive issue for many local ratepayers and all efforts must be made to ensure that all voices are heard.

Furthermore, I have been informed that local business owners only received notification of this item coming to Council a few days ago. I hardly think this is sufficient time if the Council is serious about having a strong and open dialogue with the people who will be affected by the proposed structure plan.



Background

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station.

A number of planning stages have been realised in recent years briefly described below.

The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.

In 2012, this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of Landcorp.

The Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP Part 2. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.

Council has undertaken several modifications to its Town Planning Scheme to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket area and introduction of a 'Development' zone for the area south of Rollinson Rd.

This 'Development' zone is the most appropriate zone for new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate development.

The Scheme provisions, combined with the Department of Planning's Structure Plan Guidelines, set out the requirements to be addressed in local structure plans which will apply land use zoning and permissibility and subdivision and development requirements.

Submission

The Emplacement Local Structure Plan has been submitted by HASSELL on behalf of Landcorp.



Report

The purpose of this report is for Council to consider submissions on the Emplacement Local Structure Plan and whether endorsement of the plan is appropriate.

Purpose of the Emplacement Local Structure Plan

The Emplacement Local Structure Plan applies to the Cockburn Coast project area bounded by Cockburn Road to the west, and the Primary Regional Road Reservation to the east, as shown in the Precinct Plan (Attachment 1).

On the western side of Cockburn Road is the local structure plan area known as 'Robb Jetty'. This is also an item on this Council agenda for Council's consideration.

The Emplacement Local Structure Plan proposes a mix of zones, primarily being residential with a density ranging from R40 to R160.

A Mixed Use zone is proposed along Cockburn Road, with a residential coding of R100 applying to any residential component within this area.

The local structure plan includes a land use table that sets out the range of permissible uses, which varies slightly from that in the Scheme, and which includes a range of uses for the Mixed Use zone, because it is not a zone included in the Scheme.

The local structure plan provides for building heights generally between 6-8 storeys, with greater heights provided along the eastern boundary. These building heights are consistent with those shown in the CCDSP Part 2.

There are development incentives included to encourage the provision of Affordable Housing. This was a target of the District Structure Planning. This encouragement is suggested by way of extra floor space being granted to a proposal. The outcome of this, if developers took up the opportunity could be a potential increase in the size of a building on a site. Given the need to set back from boundaries, this increase is most likely to be realised by building form becoming higher in storeys. For example, a 3 storey building through using the Affordable Housing bonus may become a 5 storey building (provided it can still meet other development requirements such as car parking and open space).

The Emplacement Local Structure Plan includes the provision of 12% Public Open Space ("POS"), consistent with what was shown in the CCDSP Part 2. The gun emplacement is proposed to be retained in a



neighbourhood park, and a number of other POS corridors are proposed to provide a variety of recreational opportunities.

It is intended Emplacement Local Structure Plan would be adopted as a structure plan pursuant to Clause 6.2.9 of the Scheme applying land use zoning and permissibility. The Local Structure Plan needs to effectively demonstrate how coordinated development of the subject land can occur.

The Emplacement Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, address issues raised during the advertising period, and to ensure that it can provide sufficient guidance to future subdivision and development proposals. These modifications are set out in detail in the officer recommendation and discussed further below in the Report section of this agenda item under their respective headings.

There are also some important projects associated with the local structure plans which are discussed at the end of the Report section of this agenda item. These include the Design Guidelines, Public Realm and Public Art.

Affordable Housing

The CCDSP sets a target of achieving 20% affordable housing across the Cockburn Coast project area.

Affordable housing does not simply refer to public housing, and there are many current and potential residents facing affordability problems in the Perth Metropolitan Area who would fall outside the eligibility criteria for public housing, or would be unlikely to meet criteria for priority housing allocation.

Following on from studies undertaken by the Department of Planning, Landcorp have undertaken an Affordable Housing Strategy for the Cockburn Coast area. To examine the content of this and more importantly provide input into the local structure plan provisions regarding this issue, the City coordinated a working group to meet and discuss implementation. Representation was provided by Landcorp, the City of Cockburn, Department of Planning, Department of Housing and several affordable housing providers.

It has been made clear by the Department of Planning the only provisions which it would support in the local structure plans were to be non-mandatory. This is a shift from the CCDSP 2009 which recommended mandatory provisions. Given this change and the



advice of the working group, there are a number of modifications needed to the current wording in the local structure plan text.

Using an incentive driven approach, affordable housing provision will be encouraged by a range of 'bonuses' to the ordinary development standards which apply. Bonuses will be higher for those developments which provide for more than 1 bedroom in their affordable housing component.

Modification is also required to update the income and price point indicated as updated data is now available given the recent census data release.

As discussed earlier in this report, Elected Members should be comfortable with the potential built form impact by offering these incentives. If these incentives are included as proposed (and are taken up by developers) the height of the built form would increase.

Public Open Space

Within the Emplacement Local Structure Plan report there are some discrepancies between the stated quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.

It is therefore recommended that corrections be made to the POS figures in Table 3, Table 9, and throughout the Local Structure Plan report to accurately reflect the quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.

Annotation of local roads

Currently a number of local roads are shown on the local structure plans. These are not required by the Department of Planning's Structure Plan Guidelines and therefore it is acceptable to remove them. What would be appropriate to annotate is any areas where a link does need to be provided. This can be provided with an arrow annotating where links are desirable.

Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City transforms towards more example of medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to



reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

Initially the local structure plans had proposed to provide for reduced car parking standards, in line with the Integrated Transport Plan (“ITP”). As recorded in the ITP, City officers expressed concern with the notion of reduced parking (i.e. less than the Scheme and Residential Design Codes would require) in the absence of the area being adequately serviced by public transport. In lieu of this public transport being provided, the Scheme requirements will apply.

Community Consultation Outcomes

The Emplacement Local Structure Plan was advertised for a period of 28 days, commencing on 20 November 2012.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 3). The key issues that have been raised are summarised below.

Assessment of Fire Management

The Emplacement Local Structure Plan report does not include a bushfire hazard assessment, with the relevant section only addressing the fire hazard associated with the Foreshore Reserve located within the Rob Jetty area. Beeliar Regional Park and remnant vegetation within the Primary Regional Road reservation and the Local Structure Plan area itself pose a fire hazard which should be addressed.

Planning for Bush Fire Protection Guidelines (Edition 2) Guidance Statement A1 and stipulates that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level any new proposals to intensify development should include a bush fire hazard assessment; and should identify any bush fire hazard issues arising from that assessment and address those issues in a report which demonstrates that all fire protection requirements can be achieved.

The Emplacement Local Structure Plan proposes development within 100m of vegetation which may be considered a ‘moderate to extreme’ bush fire hazard, being Beeliar Regional Park, the Cockburn Coast Primary Regional Road Reservation, and vegetation within privately owned land. Therefore according to the Planning for Bushfire Protection the Local Structure Plan should be supported by a bush fire hazard assessment.



The Department of Planning and the Department of Environment and Conservation have raised this issue in their submission (see Schedule of Submissions at Attachment 3).

It is therefore recommended that a bush fire hazard assessment and fire management plan be prepared, and any requirements that result from the fire management plan be incorporated into the local structure plan.

Assessment of Flora and Fauna

The Local Structure Plans are each supported by Ecological Assessments undertaken by GHD. The Department of Environment and Conservation ("DEC") have noted in their submission that these field studies were not conducted in spring, which is considered the optimal time for flora surveys within the Swan Coastal Plain Bioregion. The DEC therefore do not consider that these surveys have been conducted in accordance with Environmental Protection Authority's (EPA's) Guidance Statement 51 - Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia.

The timing of the flora and vegetation survey is not an issue for the Robb Jetty Local Structure Plan, given the degraded condition of the vegetation. However, the Ecological Assessment for the Emplacement LSP outlines the identified vegetation type 1 located on the eastern side of the project site has similarities to a DEC-listed threatened ecological community. DEC have advised that to accurately determine the floristic community types present at the project site, plots need to be established and scored (typically spring and late spring), and data analysed using appropriate statistical techniques. An appropriately timed flora survey in accordance with Guidance Statement 51 is required to determine the presence of priority and/or threatened ecological communities within the Emplacement Local Structure Plan area.

The Ecological Assessment also indicates that rare flora (e.g. *Caladenia huegefit*) and priority flora (e.g. *Dodonaea hackettiana*) are likely to occur within the Emplacement Local Structure Plan area. DEC recommends that another flora and vegetation survey of all potentially affected areas of native vegetation be conducted by an environmental consultant, in accordance with Guidance Statement 51. The survey should determine the presence of priority flora, rare flora or other significant flora.

It is therefore recommended that a spring flora and vegetation survey be undertaken within the Emplacement Local Structure Plan prior to subdivision or development of the land (where development proposes works to the land). It is recommended that the Emplacement Local



Structure Plan report be modified to reflect this requirement, and that Council advise landowners of this requirement to ensure they can factor it into the timing of any proposals.

The Ecological Assessment identifies that there are patches of vegetation in good condition that would provide potential foraging habitat for Carnaby Black Cockatoos. DEC have reiterated that Carnaby's Black Cockatoo are protected by the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 ("EPBC Act"). Therefore, regardless of any decision under Western Australian planning or environmental approvals processes, the proponent should contact the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) to determine what responsibilities they have under the EPBC Act.

DEC concurs that clearing of high quality foraging habitat for Carnaby's Black Cockatoo should be minimised or avoided, if possible; and recommends that it is retained and incorporated into future POS. The Emplacement Local Structure Plan identifies the proposed areas of POS, being a neighbourhood park containing the gun emplacement, and a number of other green linkages. This is consistent with the CCDSP Part 2.

Vegetation within the green POS links will be retained where possible to provide a physical and ecological link between the foreshore and Beeliar Regional Park. However, the key function of the proposed POS is to provide a variety of recreational functions for residents and visitors, cognisant of the fact that it will be a high density environment. The local impact of some clearing of vegetation in the Emplacement Local Structure Plan area must be balanced against the outcomes of the district structure planning for Cockburn Coast, which seek to facilitate a dense and diverse urban environment with high levels of accessibility.

It is noted that the local structure plan report does not address the recommendations of the Ecological Assessment. It is therefore also recommended that the report be modified to address the specific recommendations.

Interface with Beeliar Regional Reserve

The DEC have recommended in their submission that until such time that the Cockburn Coast Drive is constructed, the proponent should ensure there is adequate fencing between any development site and areas retained for conservation, and between any development site and Beeliar Regional Park.



To address this issue it is recommended that additional provisions be included in Section 8 (Part 1) requiring development proposals to ensure adequate interface, including fencing, to the Primary Regional Road Reserve in order to protect the conservation value of the Beelii Regional Reserve.

Transport – Freight Corridors (Cockburn Road)

Several submissions have raised traffic concerns with access to Cockburn Road. Main Roads has noted work is being undertaken on a design concept and vehicle access strategy for Cockburn Road. They have also expressed their intent to pursue removal of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive once Cockburn Road is upgraded.

The applicant can be required to lodge the design concept and vehicle access strategy for Cockburn Road prior to the local structure plans being forwarded to the WA Planning Commission for their endorsement.

The Transport and Traffic Management Strategy does not include designs for the intersections for Emplacement Crescent and Cockburn Road, however the Local Structure Plan report states that both of these intersections will be left in left out only intersections.

Currently the southern intersection of Emplacement Crescent and Cockburn Road allows for right turns; and two objections were made to the proposed restriction. In the future this will pose significant problems for existing businesses in Emplacement Crescent. It is therefore recommended that the Local Transport and Traffic Management Strategy (Appendix E) be modified to include intersection designs for Cockburn Road and Emplacement Crescent, and to provide for one of the intersections of Emplacement Crescent and Cockburn Road to maintain a right hand turn from Emplacement Crescent.

Existing Industrial Land Use Buffers and Transitional Arrangements

There are a number of existing businesses and land uses (most of an industrial nature) within the Cockburn Coast area that will continue to operate into the future, dependent on the aspirations of landowners.

Under the Scheme, when the zoning changes to 'Development' zone any existing lawful development within the area that would not ordinarily be permitted under the new proposed zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the



purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change.

Several submissions raised the issue of modifying the intent of the Mixed Use zone to note their existing business operations and the contribution this makes in terms of employment. They appear to have interpreted the flexibility attributed to this zone to mean it should allow for their uses as well.

A Mixed Use zoning has been identified throughout much of the project area, and along Cockburn Road in order to allow a range of compatible uses to co-locate adjacent to one another, and vertically in individual buildings. This is consistent with the CCDSP.

The Mixed Use zone is critical in promoting sustainable living opportunities by allowing people to pursue a lifestyle that integrates living, working and leisure in one location.

Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans set out the specific permissibility of land uses. The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include 'light and service industry' and 'general industrial' uses. Therefore it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.

The non-conforming use rights provisions are the most appropriate method to accommodate the existing businesses. It is not considered in line with the vision for the Cockburn Coast area to alter the intent of the Mixed Use zone to make these uses permissible.

A number of submissions have expressed concerns that the proposed transitional arrangements are inadequate, and do not sufficiently protect existing businesses. However existing businesses can continue to operate in accordance with their non-conforming use rights. The proposed Emplacement Local Structure Plan addresses potential conflict between existing industrial uses and future sensitive land uses through noise attenuation requirements in Sections 8, and requirements for sensitive land uses proposal within buffers to industrial uses to demonstrate through technical analysis how impacts from the industrial uses are to be mitigated in Section 4.7 Industrial Activities (Part 2).

Interim buffer arrangements have been identified on a plan that maps the existing uses which generate an offsite buffer impact. These have



been established with regard to the generic buffers set out in the relevant State Planning Policy and Environmental Protection Authority's Guidance Statement, then further examined in light of their current approval conditions and the City's knowledge of the nature of their operation. This is why some of the identified buffers differ from the generic buffers set out in the Environmental Protection Authority's Guidance Statement No. 3.

A process has been provided for, as per the relevant State Planning Policy for developers seeking to establish a sensitive land use within those buffers. They can undertake a further technical analysis which if approved may reduce or refine a buffer. In the meantime designation of a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term ensures landowners have the flexibility for options other than sensitive land uses available to them.

The Local Structure Plan reports could include further information regarding each of the existing industrial buffers. It is also recommended that Figure 27 include a scale and the cadastre to make the extent of the buffers clear. It is recommended that the LSP be amended accordingly.

Heritage Conservation

A number of submissions raised concerns regarding the impact of the proposals on the heritage values of the area. Both Local Structure Plans are supported by a Cultural Heritage Strategy which builds on the Cockburn Coast Heritage Strategy that accompanied the CCDSP (2009).

The Emplacement Local Structure Plan and associated Cockburn Coast Cultural Heritage Strategy will ensure the retention and protection of the gun emplacement. Specifically, the Emplacement Local Structure Plan includes the gun emplacement within public open space to ensure that this important feature is not subject to development pressure. It should be noted that the two other gun emplacements were dismantled circa 1970 and the area where these two emplacements were has been redeveloped. The preparation of the Heritage Strategy included liaison with the Army Museum of Western Australia and a site visit to the Leighton Battery did not reveal that tunnels were associated with the South Beach Battery site.

There were also concerns expressed regarding the impact on the use of the area as a horse exercise area. It is agreed that this is an important consideration, which is why it has been considered from the District Structure Planning stage through to the Local Structure Plans. The Local Structure Plans and associated Cockburn Coast Cultural



Heritage Strategy identify and recognise the importance and heritage value of the South Beach Horse Exercise Area. The Local Structure Plan states ‘the aim is for horse facilities to remain at McTaggart Cove to provide facilities for horses with a horse float car park, where the dunes are lower and there will be less disturbance to future residential uses, thus minimising potential land use impacts.’ A key objective of the Heritage Strategy is that “South Beach should continue to be used for the horse training, a use with which it has had a long association”.

Minor Modifications

There are a number of other modifications that are recommended to ensure that the report accurately reflects the appendices:

- * Figure 12 (Vegetation Type Analysis) within the Local Structure Plan report should be modified to show the full extent of the vegetation mapping included within the Ecological Assessment.
- * The Local Structure Plan report shows the incorrect indicative location of the switchyard/power substation, and should be amended to reflect what was shown in the CCDSP Part 2, and the Infrastructure and Servicing Report.

A number of other corrections to the Emplacement Structure Plan report are also recommended as follows:

- * The current land use section of the report should identify Alba Edible Oils as a current land use.
- * The report makes reference to an ‘activity centre’, however there is no ‘activity centre’ zone in the Emplacement Local Structure Plan, and such references should be deleted.
- * Table 5 of the Plan report lists current landholdings, however some are missing. It is recommended that the table be corrected to include all landholdings within the local structure plan area.
- * The report includes references to ‘Cockburn Coast Redevelopment Area’ which should be deleted, as the subject area is not included within a redevelopment area.
- * The Emplacement Local Structure Plan does not include a scale which makes it difficult to identify the boundaries of each proposed zone.



Associated Projects

As noted earlier in this report, there are some important projects associated with the local structure plans. These include the Design Guidelines, Public Realm, Public Art and Development Contributions.

Design Guidelines

The 'Development Area' provisions specify that Local Structure Plans must have associated Design Guidelines. These must be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan. Included in this Council agenda, is an item to consider adoption of the Design Guidelines as a Local Planning Policy for the Robb Jetty and Emplacement areas of Cockburn Coast. Should Council not adopt the Design Guidelines, then it is not able to endorse either of the local structure plans submitted. This is why the officer recommendation is predicated on the Design Guidelines being endorsed.

Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

Detailed discussion on the Design Guidelines may be found in the related agenda item in this Council agenda. The Design Guidelines were recently advertised to affected landowners and government agencies. The Design Guidelines are recommended for adoption as a Local Planning Policy, subject to a number of modifications.

Public Realm

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. The need to ensure continuity between Local Structure Plan areas and different land ownership parcels is noted in the local structure plans; however, it will not be the structure plans themselves that provide this.

Guidance will need to be outlined at a detailed technical level which goes beyond the parameters which a local structure plan can achieve. This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.



Landcorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff who approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

Development Contributions

Following on from the local structure plans will be the mechanism to equitably distribute some of the development's infrastructure costs. This will require another Scheme Amendment to introduce a Development Contribution area.

There are a number of Robb Jetty and Emplacement specific infrastructure items, such as local public open space, which Landcorp will propose for Council's consideration as part of a Scheme Amendment.

The principles outlined in State Planning Policy 3.6 'Developer Contributions for Infrastructure' will need to be satisfied by any Scheme Amendment(s) which Landcorp lodge and these are subject to public consultation including the provision of a Cost Apportionment Schedule to clearly indicate to affected landowners an estimate of development contribution rates.

Public Art

The local structure plans for Robb Jetty and Emplacement areas are accompanied by a Public Art Strategy

Public Art is not intended for inclusion in a development contribution plan. This is a matter which would need to be the subject of a Percent for Art Policy, which at this stage has not been considered by Council and is a matter considered broader than Cockburn Coast.

City officers are currently preparing a report for Council to consider whether the implementation of a Percent for Art Policy is appropriate for the City of Cockburn. Any such policy would require public consultation should it be initiated.

Conclusion

The Emplacement Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals.



It is therefore recommended that the Emplacement Local Structure Plan be adopted subject to modifications and forwarded to the Western Australian Planning Commission for their approval.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.

Budget/Financial Implications

The Structure Plan assessment fee has been calculated in accordance with the *Planning and Development Regulations 2009*, and has been paid by the applicant.

Legal Implications

N/A

Community Consultation

In preparing the Emplacement Local Structure Plan, the applicant (Landcorp) undertook a consultation process with relevant stakeholders. This included two landowner forums and liaison with various State agencies in the preparation of some of the draft background strategies which informed the local structure plan content.

Once the draft Emplacement Local Structure Plan was lodged with the City advertising of the proposal took place in line with the requirements of the City's scheme for local structure plan proposals. This advertising period ran for a period of 28 days (the Scheme only requires 21 days) commencing on 20 November to 2012.

Advertising included the following:

- * Letters to all landowners with Cockburn Coast, Port Coogee, South Beach and the Newmarket precinct, and a number of landowners within nearby parts of Hamilton Hill;



- * Notices in the Cockburn Gazette inviting comment and inviting community members to attend an Information Evening;
- * Displays at the City's administration building and the City's libraries;
- * Signage at the beach car parks at Rollinson Road and McTaggart Cove Road;
- * Dedicated webpage on the City of Cockburn's website;

Attachment(s)

1. Cockburn Coast Precinct Plan
2. Draft Emplacement Local Structure Plan (plan only)
3. Schedule of Submissions Emplacement Local Structure Plan

Advice to Proponent(s)/Submissioners

The applicant and persons/agencies who lodged a submission have been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.



14.8 (MINUTE NO 5018) (OCM 11/04/2013) - PROPOSED LOCAL PLANNING POLICY ROBB JETTY AND EMPLACEMENT DESIGN GUIDELINES (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/051) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council adopt the draft Local Planning Policy (Robb Jetty and Emplacement Design Guidelines), as shown in Attachment 2, for final approval subject to the following modifications:

1. All changes as shown as 'tracked changes' in Appendix 1 of the draft Local Planning Policy.
2. All diagrams to be updated to be legible (including legends and increase in font size annotating dimensions).
3. Correction of all grammatical and typographical errors (especially use of semi colons).
4. Ensure Building Height plan reflects that in Local Structure Plans.
5. All imagery to be updated to ensure building materials contrary to the content of the Design Guidelines are removed.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr Y Mubarakai that Council defer consideration of the Proposed Local Planning Policy Robb Jetty and Emplacement Design Guidelines to allow for further consultation to be undertaken with the local community.

CARRIED 8/0

Reason for Decision

I have been contacted by number of local business owners claiming that the Council's level of consultation and requests for detailed information on the proposed structure plan has been lacking and in



many cases not forthcoming. I am also aware that the local business owners have raised concerns about the effects that the proposed rezoning will have on access to Cockburn Road. Whilst it is accepted that the redevelopment of the area is inevitable, it is incumbent on Council to work closely with the local land and business owners to ensure that the best possible outcomes are achieved for all. It should be remembered that many business owners have operated in this area for many years and have, in many cases, invested millions of dollars in their business which, in turn, has contributed to the local economy by way of employment of local people. This is a very sensitive issue for many local ratepayers and all efforts must be made to ensure that all voices are heard.

Furthermore, I have been informed that local business owners only received notification of this item coming to Council a few days ago. I hardly think this is sufficient time if the Council is serious about having a strong and open dialogue with the people who will be affected by the proposed structure plan.

Background

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station. A number of planning stages have been realised in recent years briefly described below.

1. The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") was prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.
2. In 2012 this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of Landcorp.
3. In 2011 the Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP Part 2. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.
4. During 2011 and 2012 Council undertook several modifications to City of Cockburn Town Planning Scheme No. 3 ("TPS3") to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the



Newmarket Precinct area and introduction of a 'Development' zone for the area south of Rollinson Rd.

5. At the January 2013 DAAPS Committee meeting and subsequent February 2013 Council meeting, the Design Guidelines were adopted as a Draft Local Planning Policy to enable them to be advertised for public consultation.

The Design Guidelines which are the topic of this report reflect the requirements of the City's TPS3 which require an appropriate set of Design Guidelines to be adopted either before or with the local structure plans. This forms the topic of this report, to specifically consider the Design Guidelines Local Planning Policy for adoption.

Submission

The Robb Jetty and Emplacement Design Guidelines have been submitted by HASSELL on behalf of Landcorp.

Report

The purpose of this report is for Council to consider adopting the Robb Jetty and Emplacement Design Guidelines Local Planning Policy for adoption.

The Design Guidelines have been prepared to guide the development and urban form of the Cockburn Coast redevelopment area. The design guidelines aspire to create a quality development that ensures the design aspirations of the Robb Jetty and Emplacement Local Structure Plans (LSPs) are achieved.

It is intended that these Design Guidelines be adopted as a Local Planning Policy pursuant to Clause 2.3.1 of TPS3. This will enable the Design Guidelines to be applied according to of TPS3.

The TPS3 provisions set out the matters that Design Guidelines shall address, which include: building heights, bulk and scale; private open space; walls and fencing; parking and access arrangements; and sustainable building design. This is achieved by the Draft Design Guidelines.

Modifications required

A number of modifications have been prepared to ensure the contents of the Design Guidelines are practical as well as capable of being assessed and implemented.



The majority of these modifications are shown as 'tracked changed' in the copy of Appendix 1 to the Design Guidelines. Most of the changes relate to minor corrections on the way the document is written - they are considered non-substantive in that regard.

Sections which have been recommended for deletion (on the basis they can be found elsewhere) include Affordable Housing, Ancillary Accommodation, Public Realm and sections of the Noise and Vibration Assessment section. These are more substantive changes.

Affordable Housing

It is unnecessary to duplicate the floor space bonus proposal which is outlined in the draft local structure plans and confusing to separate the incentives into two separate documents. The associated agenda item to consider the local structure plans includes recommendations to refine this section within the local structure plan documentation. This will include adding relevant definitions as well as providing a calculation methodology for the incentives proposed.

Ancillary Accommodation

The section on ancillary accommodation is also unnecessary. This aspect of development is already guided by requirements spelt out in the Residential Design Codes.

Public Realm

The section on public realm does not belong in a Local Planning Policy to guide private realm development. However, there is a need to document expectations for public realm development in areas such as this where there are multiple landowners.

This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

Landcorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff that approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).



Noise and Vibration Assessments

This section made no mention of the issue of vibration and this is recommended to be included. The scope of what a report into these matters needs to include should not be documented in the Design Guidelines. They should simply refer back to the relevant State Planning Policy and Quiet House Design Principles. This will ensure the robustness of the Design Guidelines should the requirements in these related documents ever change. It also makes clear to applicants the scope of such assessments.

Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City transforms towards more example of medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

Community Consultation Outcomes

The draft Robb Jetty and Emplacement Design Guidelines were advertised for public comment for a period of 21 days, ending on 25 March 2013.

Seven submissions were received on the Design Guidelines. Most submissions raised issues with the local structure plans which have already been raised as part of the reports on those items.

There were a number of typographical errors noted and these have been included in the attachment indicating the changes required. The most significant change recommended is to the 'end of trip' facilities for bicycles which seek to improve the standards proposed in the advertised version of the Design Guidelines.

Conclusion

The Robb Jetty and Emplacement Design Guidelines are generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of their content, ensure they are complementary to the associated local structure plans and that they can provide sufficient guidance to subdivision and development proposals.



Subject to the modification of the Robb Jetty and Emplacement Design Guidelines in line with the officer recommendation and as shown as 'tracked changes' (see Attachment 2), it is recommended the Design Guidelines be adopted as a Local Planning Policy and forwarded to the Western Australian Planning Commission for their information.

Strategic Plan/Policy Implications

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Once the draft Robb Jetty and Emplacement Design Guidelines were lodged with the City advertising of the proposal took place in line with the requirements of the City's Scheme for local planning policy proposals. This advertising period ran for a period of 21 days from 5 to 25 March 2013.

Advertising included the following:

- Letters to all landowners with Robb Jetty and Emplacement areas of Cockburn Coast;
- Notices in the Cockburn Gazette inviting comment;
- Displays at the City's administration building and the City's libraries;
- Dedicated webpage on the City of Cockburn's website;



Attachment(s)

1. Cockburn Coast Precinct Plan
2. Draft Local Planning Policy (Robb Jetty and Emplacement Design Guidelines) with changes shown tracked.
3. Schedule of Submissions.

Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.

AT THIS POINT, CLR B HOUWEN LEFT THE MEETING, THE TIME BEING 8:15 PM.

DECLARATION OF INTEREST – CLR B HOUWEN

The Presiding Member read a declaration of Proximity Interest in item 14.9 “Woodman Point Waste Water Treatment Plant Odour Buffer”, pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of his interest is that he is a landowner within the current odour buffer area.

14.9 (MINUTE NO 5019) (OCM 11/04/2013) - WOODMAN POINT WASTE WATER TREATMENT PLANT ODOUR BUFFER (A TROSIC) (3400024) (ATTACH)

RECOMMENDATION

That Council:

- (1) write to the Director General of the Department of State Development and the responsible Minister, the Premier of Western Australia, seeking commitment by the State Government to undertake the buffer definition study for the Woodman Point Waste Water Treatment Plant (WPWWTP) and its context within the Western Trade Coast;



- (2) as part of (1) above, request that the buffer definition study only be focussed on the WPWWTP and immediate context of the Western Trade Coast so as to not be delayed by a broader study of the entire Western Trade Coast;
- (3) continue with its position of advocating for improvements to the WPWWTP in order to retract the buffer to the eastern foreshore of Lake Coogee;
- (4) write to all residents within the buffer of the WPWWTP advising them of Council's resolution; and
- (5) write to the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation advising of the results of the community survey undertaken.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that Council defer consideration of this matter until a workshop has been conducted with:

- (1) Elected Members covering the following:
 1. The history of this buffer zone and its relationship to TPS3.
 2. The SAT decisions made in regard to this buffer zone.
 3. The Water Corporation's Odour Modelling Study to be provided to Elected Members and explained.
 4. Clarification on the Kwinana Air Quality Buffer Zone Review, its gazetting, and its impact on landowners in the area around Lake Coogee; and
- (2) interested community members and landowners on the survey and other related matters.

MOTION PUT AND CARRIED 7/0



Reason for Decision

Advice has been received that the State Government will not be doing any further Odour Studies on the Woodman Point Buffer zone. We need to have certainty that a further buffer study will actually be done. A lot of questions have been raised this evening so we must ensure all matters raised are fully understood and considered before making any decision and more time is needed for Elected Members for consideration of this.

Background

This report has the purpose of informing Council of the results of the actions required following Council's resolution of 8 November 2012, regarding the Woodman Point Waste Water Treatment Plant (WPWWTP) buffer issues. The report particularly focuses on:

1. The responses received from the relevant State Government agencies and Ministers in respect of Council's request for State Government commitment to undertake a buffer definition study to determine the future of the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast;
2. The results of the Council initiated survey undertaken of residential properties within 1.5km of the WPWWTP, which sought feedback from residents in respect of odour associated with the WPWWTP.

In considering these most recent actions as well as the position of the State Government previously communicated in respect of odour issues affecting the area, it is recommended that Council continue to seek the commitment by the State Government to undertake the buffer definition study as a matter of urgency. The responses received from the State Government remain uncommitted as to a timeline associated with the buffer definition study, though there is agreement that this is the important piece of work needing to be completed to enable a final decision on the buffer to be achieved. It is recommended that Council seek this commitment, and also ask that the study only be focussed on the WPWWTP and immediate context of the Western Trade Coast so as to not be delayed by a broader mega type study of the entire Western Trade Coast.

In association with this, it is recommended that Council continue to advocate for capital improvements to the WPWWTP. It is clear that the significant capital expenditure that has taken place over the last decade has improved odour impacts substantially. However the position of the State Government is such that odour impacts are still occurring, and may be likely to continue to occur into the future. It is considered that advocacy which continues to seek investment in new technology at the WPWWTP needs to be part of a strategy which seeks to limit odour impacts to the eastern foreshore of Lake Coogee. While the achievability of this is far from certain, the reality of advocating for the



buffer definition study as well as continuous improvement at the WPWWTP is seen as the best chance to manage impacts for the future.

The future remains especially uncertain noting the expected increases in processing that the WPWWTP will deal with as Perth's population grows.

Until there is clear scientific evidence that odour impacts have been overcome for the future of the WPWWTP, it is appropriate to continue to limit new residential development as per the current Metropolitan Region Scheme limitation which prevents residential development from occurring within the Urban Deferred zoning adjoining the eastern foreshore of Lake Coogee.

Submission

NA

Report

Background

At the 8 November 2012 Council meeting Council resolved to:

- (1) *acknowledge receipt of the correspondence from the Hon Minister for Planning; the Chairman of the Western Australian Planning Commission ("WAPC") and Director General of the Department for Planning; the Office of the Environmental Protection Authority ("EPA") and the Department of Environment and Conservation ("DEC") in response to Council's resolution of 12 April 2012;*
- (2) *advise the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation that:*
 - a. *Landowners and stakeholders require certainty and clarity in respect of the future of a buffer associated with the Woodman Point Waste Water Treatment Plant ("WPWWTP") and its broader setting within the Western Trade Coast.*
 - b. *To deliver this clarity, the WAPC and associated Heads of State Government commit to undertaking funding and completion of a buffer definition study to determine the*



future of the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast by no later than 1 July 2013 and request that the State Government provide a budget and time line for the carrying out of that study by an independent expert.

- c. If the deadline of 1 July 2013 cannot be achieved, the WAPC and associated Heads of State Government advise the Council of an alternative deadline by 31 December 2012.*
- (3) *conduct a statistically valid telephone survey of all residential properties within 1.5km of the centre of the WPWWTP, in order to obtain up-to-date feedback from residents as to the current situation in respect of odour associated with the WPWWTP. The results of this survey to be presented to the February 2013 Ordinary Council Meeting;*
- (4) *following the February 2013 Ordinary Council Meeting, write to the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation, advising of the results of the telephone survey;*
- (5) *note the advice of the City's Environmental Health Services that zero complaints have been received regarding odour associated with the WPWWTP;*
- (6) *note the advice from the Department of Environment and Conservation confirming that a total of eight complaints were received during the last three years following the odour reduction upgrades to the WPWWTP;*
- (7) *reaffirm its position that the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast should be reduced to the eastern foreshore of Lake Coogee; and*
- (8) *approve the funding for the telephone survey to be sourced from contingency funds to a maximum amount of \$10,000.*

This report responds specifically to Parts (2) and (3) of Council's resolution.



Responses received from State Government following Council's 8 November 2012 resolution

In accordance with Part (2) of Council's 8 November 2012 resolution, the City wrote detailed letters on 26 November 2012 to the following:

1. Hon Minister for Planning
2. Hon Minister for Environment
3. The Chairman of the WAPC and Director General of the Department for Planning
4. CEO of the Water Corporation
5. Director General of the Department for Environment and Conservation

There was a specific intent to ascertain a commitment by the State Government to undertake a buffer definition study to determine the future of the buffer associated with the WPWWTP. The responses received are provided as the following attachments:

1. Director General of the Department for Environment and Conservation
2. Hon Minister for Environment
3. COO of the Water Corporation

Form the responses there has been no commitment delivered in respect of undertaking a buffer definition study to determine the future of the buffer associated with the WPWWTP. The most pertinent advice received is that the Department of State Development have recently been given carriage of this buffer definition issue. This appears to signal intent on behalf of the State Government to advance the study, but notwithstanding this intent it is important that Council take this opportunity to now engage with the Director General of the Department of State Development and its responsible Minister, the Premier of WA Hon Colin Barnett MLA. This forms a recommendation of this report.

In terms of the Water Corporation's response, the City corresponded back advising that its survey would be robust as a survey lacking robustness was of no value to anyone.

Responses received from State Government following Council's 12 April 2012 Resolution

This is not the first time that Council has received similar advice from the State Government about the need for the buffer definition study. Previous advice has noted this also, but similarly not committed about when such a study will be undertaken.

Council at its 12 April 2012 meeting passed a resolution in respect of the WPWWTP buffer seeking response of the State Government to



ascertain whether there was valid scientific justification to support the maintenance of the current 750m buffer. This current 750m buffer is secured through the Metropolitan Region Scheme and the corresponding provisions of the City's Town Planning Scheme.

At that time the City wrote detailed letters on 24 April 2012 to the same Ministers / agencies as the City corresponded with following the November Council meeting.

In summarising the results of that exercise, the Environmental Protection Authority did not see it appropriate to attempt to confirm the scientific basis of a buffer. This is on the basis that the decision making responsibilities of such a decision lie with the WAPC. The DEC responded similarly, advising of their role in respect of providing advice and not as a decision maker, and also advised that the DEC were not able to "to comment outside of this process." It is correct that the actual decision making responsibilities do not exist with either the DEC or EPA; instead they do so with the WAPC and Hon Minister. This is by way of the buffer definition study process, under the genus of State Planning Policy No. 4.1.

In explaining this, the process for the WAPC to determine the extent of any industrial buffer is provided for under Clause 4 of State Planning Policy No. 4.1 (*State Industrial Buffer Policy*). This provides the key role for the WAPC in "evaluat[ing] buffer definition study recommendations when considering land use decisions that may need to be made in the relevant area."

While the Department of State Development has been given the task of the buffer definition study for the Western Trade Coast, the WAPC will maintain the key decision making role given they will effectively ensure land use planning decisions implement the results of the study.

As noted in 8 November 2012 Council report, previous responses were received from the Hon Minister and Department of Planning on the issue of the scientific basis for the buffer. Their correspondence stated:

"The Water Corporation released the report Results of the Odour Monitoring and Modelling Program (2010), for comment. The Water Corporation has now finalised its report in order to assess the success of the Stage 1 odour control upgrade works and this was issued to the DEC to close out the works approval for the upgrade.

The Water Corporation advised the WAPC in March 2012 that it had finalised its odour monitoring and modelling report, which recommends the retention of the existing 750 metre odour buffer.



Although the Odour Improvement Plan has resulted in the reduction of odour, it cannot guarantee that there will not be odours from the plant. The report indicates that there will still be an odour impact extending to roughly the eastern edge of the urban deferred land and accordingly, that the current buffer should be retained."

This position is noted, however the Council should seek to ensure that the buffer definition study looks at the issue with completely 'fresh eyes', so as to arrive at a position which is scientifically robust.

Outcomes of the Council initiated survey undertaken of residential properties within 1.5km of the WPWWTP

The second purpose of this report is to advise Council of the outcomes report of the Council initiated survey of residential properties within 1.5km of the WPWWTP, which sought to understand the perceptions of residents in respect of odours from the WPWWTP.

A mixed methodology (telephone and door to door) research approach was used to deliver the survey within the constraints of the budget; the timeframe; and to ensure the survey was deployed quickly to limit risks of bias.

The questionnaire itself was designed to reduce acquiescence bias in the recall of odour incidents from the Woodman Point Wastewater Treatment Plant. In this respect respondents were asked which of five common environmental health issues they'd experienced in the previous six months (May to November/December 2012). For each environmental health issue they'd experienced, the respondent was asked for more information. In the case of unpleasant odours, respondents were asked what kind of odours they were and where they felt they came from. It was the perception of odour impacts as viewed from the perspective of residents that was important.

Attachment 5 contains a copy of the survey that was used.

As per Council's resolution, the population for the project was defined as the 353 dwellings within a 1.5km radius of the WPWWTP - 281 residences on properties and 72 sites on long term leases at the Woodman Point Holiday Park. A sample of 184 was required to deliver a sampling precision of +5.0% at the 95% confidence interval.

The survey process commenced with the telephone interviewing, conducted by West Coast Field Services. Addresses whose telephone numbers were disconnected or where the number had been moved to outside the 1.5km radius were moved to the door to door list. Door to door interviewing was then used to obtain the rest of the sample.



Key Findings

A full copy of the survey report has been provided under Attachment 1.

The key findings were that 1 in 3 respondents reported experiencing problems with unpleasant odours that have affected their health or made it unpleasant living in their home in six months since May 2012.

43.9% of those 1 in 3 (or 15.3% of all respondents) report to have experienced odours from the WPWWTP (described as rotten egg, sewage smells etc). The following table indicates where this health concern rated in comparison to other concerns mentioned:

Table 1.1: Summary of Environmental Health Concerns

Environmental Health Concern	Affects ...
Mosquitoes	31.7% of all respondents
Midges	20.1%
Dust from Cockburn Cement	18.5%
Odour from Woodman Point Wastewater Treatment Plant	15.3%
Odour from Cockburn Cement	14.3%
Noise from hoons	14.3%
Dust from building sites	10.6%

Q1 I have a list of the most common environmental health concerns experienced by City of Cockburn residents and I'd like to know which of the following you have experienced. Can you please tell me which of the following you have experienced in the last six months, that is since May this year? Have you experienced (n=189)

The above results provide some important feedback on the perception of mosquito and midge health impacts. In responding to this, the City has specific strategies and programs that target these nuisance insects. The Integrated Midge Control Strategy is administered by Environmental Services and the Integrated Mosquito Management Program is administered by Health Services. Both of these operational programs have ongoing monitoring and are able to respond to complaints and reports of high insect numbers.

The full survey report reveals an interesting analysis of the information, however for the purposes of feedback to Council in response to its November 2012 resolution, the findings relevant to the percentage of residents experiencing unpleasant odours is of main relevance.

The report makes recommendation that *"the City of Cockburn acknowledge that the community surrounding the Woodman Point Wastewater Treatment Plant continues to experience odour incidents from the Plant. Reported odour incidents identified from this survey of the community are similar to those found in the community survey taken after the 2008-2010 upgrade and remain fewer in number than those reported from surveys before the upgrade to the Plant."*



This recommendation attempts to capture the evidence that, from the perception of residents within 1.5km of the WPWWTP, there are health impacts associated with unpleasant odour emanating from the WPWWTP. This ranks in comparison to impacts from Cockburn Cement (dust and odour) but below the impacts associated with mosquitoes and midges.

Recommended Response

The Council has and continues to advocate for its community which is currently affected by the odour buffer associated with the WPWWTP. While there have been reductions in odour impacts emanating from the WPWWTP, the recent survey undertaken by the Council indicates the perception of residents of unpleasant odours which have emanated from the WPWWTP (15.3% of all responses). Added to this the uncertainties of increases volume required to pass through the WPWWTP means that a conservative (and risk based) planning approach needs to be exercised at all times. The City considers this to be achieved through always ensuring that its support for a reduction in odour impacts is scientifically based - not just based on limited evidence.

To this end it is clear that the buffer definition study needs to be completed by the State Government as a matter of urgency to arrive at a final position in respect of the buffer in the immediate vicinity of the Muster / Lake Coogee Foreshore. This will consider not only the impacts associated with the WPWWTP, but also the cumulative impacts of current and future volume expansion of the plant as well as broader industrial development within the Western Trade Coast Area.

The recommendation to Council is therefore one that seeks to ask the State Government's responsible Ministers and Premier to commit to finalise the buffer definition study. At the same time, the Council should continue advocacy as part of its governance seeking to have further investment undertaken in the WPWWTP as part of constant improvement philosophies which aspire to manage odour impacts back to the eastern foreshore of Lake Coogee.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Leading & Listening

- A responsive, accountable and sustainable organisation.



Environment & Sustainability

- Identification and minimisation of impacts to human health risk.

Budget/Financial Implications

N/A

Legal Implications

Metropolitan Region Scheme
Town Planning Scheme No. 3
Planning and Development Act 2005
Town Planning Regulations 1967

Community Consultation

A survey was carried out and the results contained in Attachment (1). Names and suburbs have been blacked out for confidentiality purposes.

Attachment(s)

1. Woodman Point Environmental Health Survey Report
2. Letter from Director General of the Department for Environment and Conservation
3. Letter from Hon Minister for Environment
4. Letter from COO of the Water Corporation

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

CLR B HOUWEN TO THE MEETING, THE TIME BEING 8:19 PM.

THE PRESIDING MEMBER ADVISED CLR B HOUWEN OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 5020) (OCM 11/04/2013) - LIST OF CREDITORS PAID - FEBRUARY 2013 (076/006) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for February 2013, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report

The List of Accounts for February 2013 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

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

N/A



Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – February 2013.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

15.2 (MINUTE NO 5021) (OCM 11/04/2013) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the Statement of Financial Activity and associated reports for February 2013, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

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

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



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

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

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses 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 2012/13 financial year.

Submission

N/A

Report

This revised budget figures include the budget review completed for the July to December period and adopted by Council at its February meeting.

Closing Funds

The City's closing municipal position of \$54.5M was \$7.5M higher than the revised YTD budget target of \$46.8M. This represents a favourable position overall made up of numerous factors as detailed further in this report.

The revised budget for the end of year closing position is currently showing a \$12k surplus, little changed from \$16k last month.

The closing funds position will fluctuate throughout the year as it is impacted upon by various Council decisions and minor system adjustments and corrections. Details on the composition of the budgeted closing position are outlined in Note 3 to the financial report.



Operating Revenue

YTD operating revenue of \$104.2M is tracking ahead of budget by \$3.7M. The key contributor to this result is \$1.8M of additional revenue from Waste Services commercial landfill fees.

Other significant areas of outperformance include:

- \$0.5M additional revenue from part year rating and rate interest and penalties.
- \$0.2M extra raised for underground power charges
- \$0.7M of operating subsidies received ahead of budget in the Human Services business unit.

Areas where actual performance is trending behind the budget include:

- \$0.2M of fees and charges in the Human Services business unit (particularly comprising out of school care service fees).
- Fees and charges for Community Services are \$0.1M behind target comprising Recreation Services, SLLC and Law & Order.
- \$0.2M of administration fees for administering the developer contribution schemes are yet to be accounted for.

Further details of material variances are disclosed in the Agenda attachment.

Operating Expenditure

Overall operating expenditure of \$69.2M (including depreciation) is tracking slightly under budget by around \$2.5M.

The significant areas contributing to this positive result include:

- Waste collection expenses are \$0.6M below budget due to lower RRRC gate fees incurred.
- Environment Services are showing a net underspend of \$0.4M against their YTD budget for materials and contracts.
- Parks Maintenance is \$0.3M under their YTD budget with underspending in overhead salaries and materials and contracts.
- Community Services is collectively \$0.5M under budget comprising favourable variances in Law and Public Safety (\$164k), SLLC (\$141k) and Council's donation program (\$152k).
- Corporate Communications are showing a budget underspend of \$0.3M under the Summer of Fun Events program.



- Health Services are \$0.2M under YTD budget primarily due to non-spending on contaminated sites remediation.
- Libraries costs are nearly \$0.2M below budget due to underspending in the salaries and contracts budget.
- Depreciation is tracking \$0.2M below budget overall.

Detracting from the overall positive result is the extra landfill levy accrued to cover a potential liability, resulting in a \$1.3M budget variance.

Material variances by business unit are also disclosed in the agenda attachment.

The following table shows operating expenditure budgetary performance at a nature and type level:

Nature or Type Classification	Actual	YTD Amended Budget	Variance to Budget
	\$	\$	%
Employee Costs	\$25.5M	\$25.7M	0.7%
Materials and Contracts	\$20.8M	\$23.5M	11.5%
Utilities	\$2.7M	\$2.9M	6.9%
Insurances	\$1.8M	\$1.9M	5.2%
Other Expenses	\$6.9M	\$5.9M	-16.9%
Depreciation (non cash)	\$13.7M	\$13.9M	1.4%

Other expenses are impacted by the additional accrual of landfill levy as referred to previously.

Capital Expenditure

The City’s capital budget has incurred expenditure of \$29.3M versus the YTD budget of \$47.9M, resulting in an YTD variance of \$18.6M.

The underspend is represented by the following asset classes:

- Building construction works - \$10.9M
- Roads, footpaths & drainage - \$3.0M
- Plant & machinery - \$1.6M
- Computer infrastructure & software - \$1.3M
- Land development and acquisition - \$1.1M
- Parks infrastructure development - \$0.5M

The significant project spending variances are disclosed in the attached CW Variance analysis report.



Capital Funding

Capital funding source movements highly correlated to capital spending and the sale of assets. Given the high underspend in the capital budget, capital funding sources are also showing large variance.

Significance variances include

- Proceeds from land sales are \$13.2M behind the YTD budget, comprised mainly of lot \$11.9M balance owing on lot 9001 Ivankovich Ave (settlement booked for 28th March) and subdivision of Lot 702 Bellier Place and Lot 65 Erpingham Road to yield \$1.1M.
- Proceeds from plant and vehicle sales are \$0.45M behind the YTD budget.
- Loan funds of \$1.0M for the Emergency Services building project are yet to be raised, but will be done so in June.
- Grants and developer contributions towards roads and buildings projects were collectively \$3.5M behind YTD targets. These are however subject to formal claims processes and will be achieved in due course.
- Transfers to Reserves are \$13.0M behind budget due to the outstanding proceeds from land sales.
- Transfers from Reserves are \$12.5M behind budget, consistent with the underspend in the capital budget.

Cash & Investments

Council's cash and current/non-current investment holding increased to \$103.6M from \$102.8M the previous month in line with the City's operating activities. This increase coincides with the last instalment due date for the payment of rates.

\$45.7M of this holding represents the City's cash backed reserves with another \$5.2M representing funds held for other restricted purposes (such as bonds, restricted grants and capital infrastructure contributions). The remainder of \$52.7M represents the cash and investment components of the City's working capital, required to fund ongoing operations and the capital program.

The City's investment portfolio made a weighted annualised return of 4.86% for the month of December, unchanged from the previous



month. The benchmark BBSW performance for the corresponding period was 2.97%.

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are predominantly invested for terms between three and six months, as this is where the main value lies within the current yield curve and also minimises cash flow liquidity risks.

Whilst the Reserve Bank has progressively reduced interest rates over the past several months by 100 basis points, the City's investment strategy of rolling over TD's for around six month terms has buffered the City's investment performance from a significant downturn.

Interest earnings are expected to achieve budget of \$5.1M, given the YTD performance and the imminent injection of funds from the sale of Ivankovich Ave.

Description of Graphs and Charts

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

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

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

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

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

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.



- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item).

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – February 2013.

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 5022) (OCM 11/04/2013) - TRAFFIC MANAGEMENT FOR EVENTS AND ROAD WORKS - INSTRUMENTS OF AUTHORISATION (160/003) (J MCDONALD) (ATTACH)

RECOMMENDATION

That Council endorse the Chief Executive Officer to sign the Instruments of Authorisation for Events on Roads and Works on Roads.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

In Western Australia, the Commissioner of Main Roads Western Australia (the Commissioner) is the sole authority with the responsibility to erect, establish or display and alter any road sign or traffic control signal on public roads. This includes traffic management signs and devices that are required for the safe implementation of traffic management for events on roads, and works on roads.

This responsibility is delegated by the Commissioner to specific Main Roads Western Australia (MRWA) officers to administer and can be delegated to authorised bodies such as local government authorities and service authorities. This delegation, in the form of an Instrument of Authorisation, is required for the City of Cockburn have the formal authority to implement traffic management for works on roads or for events on roads, and approve the traffic management plans of other parties for activities on the City's roads.

It is a MRWA requirement that the Chief Executive Officer, subject to a resolution of the Council, signs separate Instruments of Authorisation for Events and Roads and Works on Roads.

Submission

N/A

Report

The following is an extract from the MRWA website that explains the Commissioner of Main Road's responsibility and the ability for that responsibility to be delegated to other parties:

"Under Section 297(1) of the Road Traffic Code 2000 (RTC2000) the Commissioner of Main Roads (CMR) is listed as the only person with authority to erect, establish, or display, alter or take down any road sign or traffic signal signals on the State's road network. Under Section 297(2) of the RTC2000 the CMR can delegate this authority to 'Authorised Bodies' such as local Government, utility service providers



and Main Roads' Integrated Services Providers, subject to the terms and conditions set out in an Instrument of Authorisation.

Under Section 19 of the Occupational Safety and Health Act (1984), the CMR has an obligation as an employer to provide a safe place to work for his employees and contractors and to ensure that persons with access to the workplace (road users as well as road workers) are not exposed to hazards.

The above legislation places considerable responsibility on the CMR to ensure that traffic management is conducted in a safe manner for road workers and road users, including those managing and participation in events on Roads.

To encourage uniform, safe and appropriate traffic management, the CMR, requires all traffic management (whether carried out by Main Roads or Others) to be carried out in accordance with the requirements of the Traffic Management for Works on Roads and/or the Traffic Management for Events on Roads Code of Practice, as applicable. “

In addition, traffic management for events or works on roads shall comply with Australian Standard 1742.3 – 2009 Manual of Uniform Traffic control Devices, Part 3 – Traffic Control Devices for Works on Roads.

Being delegated this formal authority is essential for the City to have permission to implement traffic management for our own operational activities and to approve the frequent implementation of traffic management for road related works by third parties on public roads that the City manages. The authority to approve Events on Roads would apply to a range of potential activities such as walking/running/cycling events such as triathlons, fun runs, time trials etc; parades; marches; motor racing; street parties; and, community events.

The Commissioner delegates that authority subject to the following terms and conditions:

1. the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;



2. the authorised body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the authorised body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
3. the authorised body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the authorised body.

By executing and returning the acknowledgment at the foot of the authorisation, the Council agrees to observe, perform and comply with the above terms and conditions.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Moving Around

- A safe and efficient transport system.

Budget/Financial Implications

N/A

Legal Implications

The execution of any authority granted by the Instruments of Authorisation must be cognisant of the requirements of Section 3.50 of the Local Government Act, which requires roads to be closed partially or completely for no more than 4 weeks. Where partial or complete road closure is required for a longer period adequate public notice and consultation specified in that section of the Act must be performed in advance.

Community Consultation

N/A



Attachment(s)

1. Instrument of Authorisation relating to Traffic Management for Works on Roads.
2. Instrument of Authorisation relating to Traffic Management for events.

Advice to Proponent(s)/Submissioners

N/A

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

The acceptance of responsibility for traffic management for events or road works on the City's roads is consistent with the intent of Section 3.18(3) Local Government Act, 1995.

16.2 (MINUTE NO 5023) (OCM 11/04/2013) - TENDER NO. RFT 23/2012 - PLANT HIRE (RFT 23/2012) (J KIURSKI) (ATTACH)

RECOMMENDATION

That Council accept the tender submission received from Mayday Earthmoving for RFT 23/2012 - Plant Hire for an initial period of three (3) years.

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

The City of Cockburn hires, as required and on an on-going basis, numerous pieces of plant including: Rollers, Graders, Excavators, Trucks, Water Carts and Loaders throughout the year to assist in its capital works road construction projects.

The plant will be required to work with gravel, limestone, road base and other materials used by the Principal in the construction of roads, drainage and reserves.



Tender Number RFT 23/2012 Plant Hire – Wet and Dry (Rollers, Graders, Excavators, Trucks etc) was advertised on Wednesday, 10th October 2012 in the Local Government Tenders section of “The West Australian” newspaper.

The tender was also displayed on the City’s e-Tendering website between the 10th October and 25th October 2012.

Submission

Tenders were called for plant hire for a three (3) year period and closed at 2:00p.m. (AWST) on Tuesday 25 October 2012. Seven (7) tender submissions were received from:

1. All West Plant Hire
2. Brooks Hire Services
3. LKL Contracting
4. Mayday Earthmoving
5. Sherrin Rentals
6. Teryden
7. Trenchbusters

Report

a) Compliance Criteria

	Compliance Criteria
(a)	Compliance with the Specification contained in the Request.
(b)	Compliance with the Conditions of Tendering this Request
(c)	Compliance with Fixed Price and completion of Clause 3.4.2A
(d)	Compliance with Insurance Requirements and completion of Clause 3.2.7.
(e)	Compliance with Occupational Safety & Health Requirements and completion of Appendix A.
(f)	Compliance with ACCC Requirements and completion of Appendix B.
(g)	Compliance with and completion of the Price Schedule, in the format provided in this Request in Part 4.
(h)	Compliance with Subcontractors (Proposed) and completion of Clause 3.5



b) Compliant Tenderers

Tenderer's Name		Compliance Assessment
1	All West Plant Hire	Compliant
2	Brooks Hire Services	Compliant
3	LKL Contracting	Compliant
4	Mayday Earthmoving	Compliant
5	Sherrin Rentals	Compliant
6	Teryden	Non Compliant
7	Trenchbusters	Compliant

Six (6) Tender submissions were deemed compliant.

Teryden was deemed non-compliant as there Pricing Schedule was not supplied in the mandatory required format and did not respond to Clarification request to resubmit. Therefore Teryden was not evaluated.

c) Evaluation Criteria

Tenderers were assessed against the following criteria:

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	20%
Key Personnel Skills and Experience	15%
Tenderer's Resources	25%
Tendered Price – Estimated Lump Sum Contract Value	40%
TOTAL	100%

d) Tender Intent/ Requirements

The City is seeking suitable plant hire for civil construction works. Evaluations were broken up into three categories to maximise value and to enable fair comparisons. The three categories are shown below, being the main types of major construction equipment hired for use:



Plant Description	
1	Compactor/Roller Type (dry hire)
1a	Dual Steel Drum Ride-On Roller – 2.5 tonne
1b	Steel Drum/Rubber Tyre Roller – 10-15 tonne
1c	Multi Tyred Roller – 15 tonne
1d	Multi Tyred Roller– >20 tonne
1e	Tri star static drum steel roller 15 – 20 tonne
2	Grader (Wet Hire)
2a	Small Motor Grader - equivalent to <90 KW (<120 HP)
2b	Large Motor Grader - equivalent to >90 KW (>120 HP)
3	Excavator (wet hire)
3a	1.6 – 2.0 tonne rubber tracs
3b	3.5 – 5.0 tonne rubber tracs
3c	12.0 tonne
3d	20.0 tonne
3e	30.0 tonne
4	Tracks
4a	10 cubic metre cartage capacity
4b	15 cubic metre cartage capacity
4c	>20 cubic metre cartage capacity
4d	5 cubic metre cartage truck 3 way tipping
5	Water Cart
5a	10,000 to 15,000 rigid water carts 4 wheel drive
5b	5b 10,000 to 15,000 articulated 4 wheel drive (dinosaur or tractor drive)
6	Loaders
6a	Skid Steer rubber tracks
6b	Skid steer rubber tyres
6c	Loader Small Wheel 120-130HP – Front End
6d	Loader Small Wheel 130-150HP – Front End

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

e) Evaluation Panel

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



1. Jadranka Kiurski – Manager Engineering (Chairperson)
2. Colin McMillan – Works Coordinator
3. Martin Lugod – Works Manager

f) Scoring Table

Tenderer's Name	Percentage Scores		
	Non Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
Mayday Earthmoving**	30.22%	40.00%	70.22%
Brooks Hire Services	30.58%	37.75%	69.34%
All West Plant Hire	31.69%	36.70%	68.39%
Sherrin Rentals	28.03%	36.36%	64.39%
LKL Contracting	21.89%	33.02%	54.91%
Trenchbusters	33.06%	11.94%	45.00%

** Recommended Submission

g) Evaluation Criteria Assessment

Mayday Earthmoving submission demonstrated that they have a proven record in supplying a variety of machinery. They have provided the City of Cockburn with the Wet Hire of a Grader since 2005 and have on occasion supplied Rollers, Excavators, Water carts and various other plant. Mayday currently leave plant on site so which assist to reduce Mob/Demob costs and do not charge stand down rates for RDO's and public holidays. Mayday Earthmoving has a number of qualified operators. They have the resources required by the road services unit and they are capable of delivering plant on request.

Brooks Hire Services submission demonstrated the required experience. Brooks Hire have access to over 150 pieces of plant and equipment including Rollers, Excavators and Loaders however they offer dry hire plant only. They are currently providing services to the City of Gosnells and Town East Fremantle.

All West Plant Hire submission demonstrated required experience. Their range of equipment is available for dry hire only. They currently provide services to the City of Canning.

LKL Contracting, Sherrin Rentals and Trenchbusters tenders have demonstrated that they have the required experience and capacity to supply a variety of the machinery however their unit rates for plant hire are extremely high.



Summation

The Panel have evaluated all submissions and have formed the conclusion that Mayday Earthmoving represents the most advantageous tender. It is therefore recommended that Council accept the tender submission received from Mayday Earthmoving for RFT 23/2012 – Plant Hire for an initial period of 3 years and execute the contract accordingly.

as being the most and competitive tender, to the City of Cockburn for hire plants for a period of three (3) years for an estimated annual contract value of \$395,432.80 (Inc GST) (\$359,468.00 Ex GST), based on indicative 5 year average, in accordance with the submitted Schedule of Rates and additional schedule of rates for determining variations and additional services.

Strategic Plan/Policy Implications

Leading and Listening

- A responsive, accountable and sustainable organisation

Budget/Financial Implications

The five (5) year average spend included in the table below has been used as part of the evaluation of the Contract costs per annum for this tender.

Financial Year	Indicative Turnover (inc GST)
2007/08	\$352,337
2008/09	\$142,463
2009/10	\$293,309
2010/11	\$527,739
2011/12	\$481,491
5 year Average	\$359,468

The future cost of Plant Hire is incorporated in the annual Budget allocations for road construction capital works budgets. The schedule of rates submitted by the panel of contractors will be utilised in the budgeting process to determine the required budget.

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. Compliance Criteria Assessment;
2. Consolidated Evaluation Sheet; and
3. Tendered Prices

Advice to Proponent(s)/Tenderers

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.

16.3 (MINUTE NO 5024) (OCM 11/04/2013) - CITY OF COCKBURN TRAILS MASTER PLAN (8153) (C BEATON) (ATTACH)

RECOMMENDATION

That Council adopt the 2013 City of Cockburn Trails Master Plan.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

In August 2012 Council adopted the 2012 City of Cockburn Trails Master Plan (the plan) for the purposes of public comment. The Plan was subsequently advertised for a period of six weeks and a number of submissions were received. The Plan was prepared for the City by Transplan Pty Ltd and is a result of a review of the 1999 Trails Master



Plan. The City has made some changes to the draft that was prepared by Transplan. Given the year is now 2013, the Plan will now be known as the 2013 Trails Master Plan.

The Plan recommends a range of new trails and trail improvements throughout the City. The Plan details the progress of implementation of the 1999 Plan and sets out a schedule for further improvements and extensions to the existing trails network.

The intent of the Plan is to guide the establishment, promotion and maintenance of a comprehensive network of high quality recreation trails which will be available to all residents and visitors to the City. The trails within the Plan are managed by both the Department of Conservation (DEC) and the City. The Plan takes into consideration the unique character of the City of Cockburn including its cultural, social, economic and environmental qualities.

An interesting and varied suite of quality trails can perform a number of beneficial roles within the broader Cockburn community.

Trails can:

- Provide outstanding opportunities for local residents and visitors to engage in passive recreation;
- Increase the fitness and general well-being of trail users;
- Attract tourism to the City when marketed well;
- Help instil a conservation ethic amongst users; and
- Help inform users about the attributes of the area using good interpretative material.

The Plan outlines numerous opportunities to strategically improve the existing Cockburn trails network.

Comments from key internal and external stakeholders were sought and incorporated into the Plan where appropriate. The Plan was released for a period of 6 weeks for public comment and 9 submissions were received from Government agencies, community representatives and private residents.

Submission

N/A

Report

In August 2012 Council adopted the 2012 City of Cockburn Trails Master Plan for the purposes of public comment. The Plan was subsequently advertised for a period of six weeks and 9 submissions were received.



The submissions have been addressed and where appropriate changes have been made to the Plan. A list of the submissions and the responses has been attached.

All of the submissions received complimented the City on the preparation of the Plan. The main focus of the submissions was on the need to liaise with relevant stakeholders when undertaking works and when developing the material for signage. This has been acknowledged and the sections of the Plan have been strengthened to recognise this.

A summary of the changes that have been made to the Trails Master Plan is outlined below.

- All Trails Plans now include a scale.
- Three changes been made to the Trails Plans b, Mount Brown Lookout Trail, plan d, North Lake Circuit and plan k, Kogalup Trail to include respectively, an additional trail option, an additional informal trail and reflect the existence of an existing trail head on Beeliar Drive.
- The Executive Summary, Principles of Selection of Trails Projects, Lake Mount Brown Trail has been changed and the sentence relating to the establishment of a crushed limestone path off Rockingham Road has been removed.
- The Executive Summary, Program of Delivery has been changed to reflect changes in estimated costs and to acknowledge that DEC must consider program delivery across their state regional park network.
- The Executive Summary, Recommendations has been changed to acknowledge the requirement to liaise with other stakeholders not only DEC in relation to the regional parks mentioned in this plan
- The abbreviation of Department of Environment and Conservation to DEC has been made throughout the document.
- Any references to the DEC Regional Park Branch within the document have been changed to DEC Regional Park Unit.
- Any references to Nyerbup Circus within the document have been changed to Nyerbup Circle.
- Changes have been made to Section 2.4, Mountain Bike Opportunities in the City of Cockburn to suggest liaison with DEC's Recreation and Trails Unit in relation to regional mountain biking opportunities.
- Changes have been made to Section 3.3, The Trails Projects note that any proposed new trails will need to consider land tenure.
- Changes have been made to some of the trails costs in Section 3.3, The Trails Projects to reflect rounding to the nearest \$10, consider works that have already been completed and to reflect



some costs more accurately. This has resulted in an overall reduction in the costs of trail project implementation.

- Section 4.1, Timeframe for Implementation has been changed to reflect an possible increase in the timeframes for trails projects implementation and to note that DEC needs to consider project implementation across the metropolitan area and the state when prioritising projects for funding.
- Changes have been made to Section 5.1, Interpretation Signage on Trails to note that the Regional Parks Sign System and Brand Images Manual should be referred to when developing signs and that signage should also be considerate of Disability Access and Inclusion Principles.
- Section 5.2, Recommended Interpretation has been changed to acknowledge the need to consult a broader range of stakeholders when considering interpretative signage.
- Section 6.3, Signage has been changed to acknowledge the need for signage to be in keeping with the DEC Regional Parks Sign System and Brand Images Manual and also that signage should not impact the beauty of the natural surroundings.
- The entire document has been reformatted to accommodate the City's preferred font format, Arial 12.
- The front cover page has been updated to reflect the City's preferred document format.

Strategic Plan/Policy Implications

A Prosperous City

- Creation and promotion of opportunities for destination based leisure and tourism facilities.

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Moving Around

- Facilitate and promote healthy transport opportunities.

Budget/Financial Implications

The budget and financial implications have increased by \$149,110 since the draft plan was endorsed by Council in August 2012. This increase is predominantly for Year 5 of the implementation program and is thought to be a truer representation of costs into the future. These updated costs are outlined in Table 2 below.

The budget and financial implications previously identified and endorsed by Council in August 2012 were as follows:



Benefit

Financial benefit is likely to be gained by businesses operating within the City of Cockburn as tourism to the area increases. Opportunity will increase for new and existing tourism ventures to take advantage of the high quality trails network. Local supporting businesses (transport, food etc) will also benefit.

Cost

Estimates of the financial cost for each project were made at the time of writing the Plan. They assume that all works outlined are undertaken and are an indicative cost only. Table 1 outlines an estimate of cost, without grant assistance, for each year of implementation over a five year period.

Table 1 – Estimated cost to Cockburn to implement Trails Master Plan over 5 years without grant funding.

Year	Estimated Cost (\$)
1	307,070
2	220,055
3	217,415
4	412,610
5	1,101,650
TOTAL	\$2,258,800

Grant Funding

The costs shown above do not include access to grant funding. The actual costs to implement the program will likely be considerably less given that there are numerous funding opportunities available for trail creation and enhancement projects. A number of these funding opportunities are outlined in the Plan.

Table 2 – Updated estimate of costs to Cockburn to implement the Trails Master Plan over 5 years without access to grant funding.

Year	Estimated Cost (\$)
1	302,950
2	220,060
3	217,410
4	412,610
5	1,254,880
TOTAL	\$2,407, 910



Depending on the availability of funding, including grant funding, the Trails Program may be extended over a longer period, up to 15 years, as outlined in the plan.

Legal Implications

N/A

Community Consultation

The Plan has been advertised for the public comment period of six weeks. A total of 9 submissions were received and the comments have been considered and addressed where required within the plan.

Attachment(s)

- 1. City of Cockburn Trails Master Plan
- 2. Associated Maps
- 3. Submissions and responses

Advice to Proponent(s)/Applicant

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5025) (OCM 11/04/2013) - FIREBREAKS AND RELATED MATTERS (112/010) (R AVARD) (ATTACH)

RECOMMENDATION

That Council advertise for public consultation for a period of six(6) weeks, the proposed City of Cockburn Fire Order 2013/14, as attached to the Agenda.



COUNCIL DECISION

MOVED Clr S Portelli that adopt the recommendation subject to amendment by:

1. (a) extending the start date of the Order from 1 November to 30 November;
- (b) extending the date for variation applications from 30 September to 30 October, and;
2. Council reconsiders the requirement for firebreaks surrounding all buildings on land greater than 2032m², prior to final adoption of the Order.

MOTION LAPSED FOR WANT OF A SECONDER

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that Council advertise for public consultation for a period of six(6) weeks, the proposed City of Cockburn Fire Order 2013/14, as attached to the Agenda.

MOTION PUT AND CARRIED 7/1**Background**

Council at its meeting of 12 April 2012 resolved to amend its local laws section related to the firebreak season which proposed for all firebreaks across the City to be installed for the period 1 November to 31 May of the following year. In accordance with the requirements of the Local Government Act the proposed amendments were advertised for public comment.

At its meeting of 13 September 2012 Council resolved to defer the matter for further consideration by the community and the Bushfire Reference Group. The Reference Group reaffirmed its support for the firebreak period for all areas to be from 1 November to 31 May of the following year at its meeting of 9 October 2012.

Council at its meeting of 8 November 2012 resolved as follows:

- (1) *pursuant to sec.3.12 of the Local Government Act, 1995, make a local law to amend the City of Cockburn (Local*



Government Act) Local Law, 2010, by repealing Part IIA – Firebreaks and Related Matters;

- (2) *give State-wide public notice stating that:*

 1. *A copy of the proposed local law may be inspected or obtained at any place specified in the notice.*
 2. *Submissions about the proposed local law may be made to the City before the day specified in the notice, being not less than 6 weeks after the notice is given.*

- (3) *provide a copy of the proposed local law and notice to the Minister for Local Government and Minister for Emergency Services;*
- (4) *prior to further consideration of the amendment by Council, refer the matter to the Bushfire Reference Group and the Banjup Residents Group for consideration and comment;*
- (5) *further consider the content of the annual firebreak notice for the 2013/14 period following the forthcoming fire season.*
- (6) *advertise for public comment for a period of 6 weeks the proposed City of Cockburn Fire Order prior to a final decision on the Fire Order being made by Council.*

Submission

The Banjup Residents Group has made a separate submission on the matter, a copy of which is attached to the Agenda.

Report

There are two steps which need to be taken to implement the decision of Council of 8 November 2012.

1. Take the necessary steps to repeal the City of Cockburn Local Law 2010 in accordance with section 3.12 of the Act which will have the effect of removing the legal instruments the City has to instigate firebreak notices.
2. Adopt the City of Cockburn Fire Order which will then replace the repealed Local Law section related to firebreaks.



A copy of the proposed Fire Order is attached for information. Other than the removal of any reference to the City of Cockburn Local Law section which has been removed as they are proposed to be repealed, the only other change to the Fire Order that has been in place for many years is the fire break period for all areas in the City being from November of one year to 31 May of the following year. Also land owners wishing to apply for a variation date to this requirement will now be required to do so by 1 October each year, instead of 31 October which previously applied. All other matters in the Fire Order remain the same as has existed for many years, including the requirement for the Firebreaks to be mineral earth. The Bushfire Act section 33 (1):

'to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such a manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter'

A meeting was held on 13 March 2013 with representatives of the Banjup Residents Group on the proposed Fire Order which was attended by a number of Elected Members and officers of the City. The group has previously made representation to the Bush Fire Reference Group and Council on their concerns to the changes to the firebreak period and the need for the Firebreaks to be mineral earth.

The Banjup Residents Group argue there is no justification to change the firebreak period or establish the same period across the City. Their views are well known to Council and are again spelt out in the attached submission. In the letter from the Group it is stated that the fine has been increased from \$100 to \$5,000. This is incorrect and the infringement remains the same at \$100 and the Bushfire Act provides for the Courts to charge a maximum fine of \$5,000. This also has been the case for many years.

At its meeting of 12 March 2013 the Bushfire Reference Group unanimously supported the terms of the fire order and were of the view that ultimately the decision on the firebreak period and is one for Council.

It is the position of the Administration that the changes to the firebreaks conditions only relate to the firebreak period, all other conditions remain the same.

To ensure that Council has the legal power to require firebreaks to be in place it is proposed that in accordance with the Council decision of 8 November 2012, that the proposed Fire Order be advertised for public comment for a period of six (6) weeks and the consideration of the



public comments on the Fire Order and the repeal of the Local Law be considered concurrently at a future Council meeting.

Strategic Plan/Policy Implications

Community & Lifestyle

- Safe communities and to improve the community's sense of safety.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

Administrative costs will be borne within the current budget allocations.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Banjup Residents Group Letter.
2. Proposed City of Cockburn Fire Order.

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 April 2013 Council Meeting.

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

Nil.



17.2 (MINUTE NO 5026) (OCM 11/04/2013) - CCTV STRATEGIC PLAN IMPLEMENTATION (043/004) (R AVARD) (ATTACH)

RECOMMENDATION

That Council

- (1) proceed to tender for the provision of CCTV with appropriate lighting at Poore Grove, Coogee, as shown in Attachment 2 of the Agenda; and
- (2) place funds for consideration for the provision of CCTV and appropriate lighting to be installed at the City Administration building site, on the 2013/14 Municipal budget, as shown in Attachment 1 to the Agenda.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

The CCTV Strategy Plan 2011-2015 was adopted by Council at the Ordinary Council Meeting held 11th August 2011 and sets out the strategy for the roll out of CCTV at identified locations around the City.

The first area identified as a priority was the Coogee Beach Reserve off Powell Road, Coogee, more commonly known as the "Coogee Beach CCTV Pilot Project". These works were completed in September 2012.

It has become evident that for CCTV to operate sufficiently in all environments requires suitable lighting which is a significant cost in construction. The utilisation of new LED lighting will result in a lesser operational cost than was previously the case with traditional lighting types.

Submission

N/A



Report

The next three (3) facilities listed in priority within the CCTV Strategic Plan adopted by Council are:

- (1) City's Administration Facility, encompassing the Seniors Centre, Spearwood Library and related car park area.
- (2) New Coogee SLSC, and adjacent car park areas and parkland, (currently under construction off Poore Grove, Coogee).
- (3) Coolbellup Hub, and adjacent Len Packham Clubrooms and car park areas.

Costing for these areas to have CCTV and appropriate lighting installed has been prepared by consultants Sage Electrical and Amlec

Below is a report listing indicative cost for each individual facility to provide a guide for the Council to make a determination.

Indicative Costs for CCTV Expansion 2 and 3

Items	Coolbellup Hub	Coogee Surf Club	City's Admin Building
Lights	\$ 220,000.00	\$ 205,000.00	\$ 260,000.00
CCTV	\$ 101,400.00	\$ 98,700.00	\$ 101,700.00
Data Transfer			
Totals	\$ 321,400.00	\$ 303,700.00	\$ 361,700.00
		Recurrent Costs	
Power Increase	164W p.a	192 W P.A	2792W P.A
Cost of Lighting	\$ 139.00	\$ 163.00	\$ 2,365.00
Maintenance Cost Lights	\$ -	\$ -	\$ -
Maintenance Cost CCTV	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
Replacement Costs CCTV		\$ -	\$ -
Ongoing Licence Costs Software	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Ongoing Data Cost (IT)	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Total Recurrent Costs	\$ 9,139.00	\$ 9,139.00	\$ 9,139.00
These indicative / estimated ongoing costs are made based on previous prices and equate to near 10 per cent of the supply and install costs which would be reasonable for budget allocations.			

The current 2012/13 budget has \$260,000 remaining for CCTV installation which is probably sufficient to carry out the works at the Poore Grove site with some minor amendments to the specifications and scope of works should the tender price exceed the budget. Proceeding with these works would be in accordance with the Council Policy SC46 that CCTV is to be provided on new facilities. Further, the



coastal areas are prone to crime and anti-social behaviour and warrant the CCTV provision.

The City is also aware of the Councils Policy which states that all new facilities are to be given priority for CCTV and upon identifying this policy it is therefore believed that the new Coogee SLSC car park will then become the next facility to be considered for this allocation.

Strategic Plan/Policy Implications

Infrastructure

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Community & Lifestyle

- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Safe communities and to improve the community's sense of safety.

Budget/Financial Implications

Remaining on the 2012/2013 budget there is \$260,000, to be used for the CCTV and lighting program. \$50,000 of State Government Funding approved for the pilot project will not be acquitted until the 2013/14 financial year.

There will need to be funds placed on the 2013/14 Municipal budget to carry out any identified CCTV lighting projects. Additional funds for the maintenance of CCTV will be required and this is estimated to be \$9,000-\$10,000 per annum per site.

Additional operating cost of power is minor for the CCTV lighting. Funds will be required to maintain the CCTV cameras as identified in the report.

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

1. City's Administration and surrounding Facilities including parking areas cost and diagrams.
2. New Coogee SLSC and Community Integrated Facility including parking areas and park.
3. Coolbellup Hub and Len Packham Clubrooms including parking area.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.3 (MINUTE NO 5027) (OCM 11/04/2013) - PROPOSED DOG EXERCISE AREA - YARRA VISTA PARK - DEAN ROAD, JANDAKOT (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council

- (1) advertise on site and through the usual Council publicity channels the proposal for Yarra Vista Park on Dean Road, Jandakot to be fenced and equipped as a fenced dog exercise area; and
- (2) subject to their being community support for the proposal, place \$60,000 on the 2013/14 budget for consideration for fencing and equipping of the dog exercise park.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0



Background

Council at its meeting of 8 November 2012, Clr Smith requested under 'Matters to be Noted for Investigation Without Debate' that Council:

“prepare a report on a dog exercise park. Since 2005, residents have been asking for this. I believe in 2005 there was a proposal supported by Council but with objections so this did not go ahead. In the report I would like the following:

- a. Suitable sites*
- b. Costings*
- c. Time frames for construction*
- d. Community consulted.”*

In the City of Cockburn approximately 40% of households own one or more dogs, many of these regularly use the Dog Exercise areas where owners are allowed to run their dogs off lead. There are more than 27 Dog Exercise areas spread throughout the City.

These parks provide an alternative environment catering for dogs and their owners where dogs can play off lead in an specified area with other dogs.

Submission

N/A

Report

The development of a dog park would provide the City of Cockburn with a fenced off and landscaped area with equipment where dog owners can take their dogs to play and exercise in a pleasant environment. The park would provide an outlet for meetings by Dog Training Organisations dealing with dog nuisance issues and a venue for annual events such as Pets in the Park.

These venues would provide occasions for rangers to educate dog owners and provide leaflets giving information in relation to preventing and dealing with dog attacks, dog registration, and dog barking nuisances as well as educating them about responsibilities in relation to vet care.

There are a number of parks in the area which are considered as potentially suitable for development into a dog park. A dog park would indicatively be 100 metres in length and 75 metres in width or an area of 7,500m².



For a park to accommodate the needs of a dog park the following criteria will need to be met or be able to be met:

Required Criteria

- Currently a dog exercise area
- Parking close by
- Road access
- Toilets
- Water available close by for drinking fountain
- Suitable trees for shade
- Pooch Pouch Station on site
- Suitable Seating
- Lighting (desirable)
- Pathways on site (desirable)
- Playground nearby (Location acceptable provided desired fencing is in place to protect both parties)

Undesirable Criteria

- Wetlands close by
- Sporting activity on site
- Motorbike activity

With these criteria in mind a survey of all the parks was conducted by the Ranger Services Staff.

As a result ten (10) parks were visited, these being –

1. Dubove Park (Property No.2201177), Alfred and Dubove St, Spearwood
2. Jan Hammond Park (Property No.5517049), Bartram and Banning Ave, Success
3. Yarra Vista Park (Property No.5516339), Dean Road and Berrigan Drive, Jandakot
4. Atwell Reserve (Property No.5517049), Brenchley Ave, Atwell
5. MacFaull Park (Property No.2206933), Melun/Falstaff, Falstaff Crescent, Spearwood
6. Milgun RESERVE (Property No 4314604), Yangebup Road
7. Ramsay Park (Property No1108165), surrounded by Parkway Rd, Dowell Place and Tetlow Place, Bibra Lake
8. Steiner Park (Property No 5518696), Banning Ave, Success
9. Hargreaves Park, (Property No 268851), Dorcas Way and Counsel Ave, Coolbellup
10. Bibra Lake Reserve (Property No 1114553), Bibra Drive, Bibra Lake opposite the Lakeside Retirement Village.



From these parks, only three (3) are currently listed as Dog Exercise Areas. From the investigation on the above parks the following six (6) parks were selected in order of preference as meeting the required criteria:

1. *Yarra Vista Park Dean Road and Berrigan Drive, Jandakot*

This is a large park with pathways plenty of tree top coverage and provision for up to 12 cars in a small parking area located off Dean Road. No sporting groups are utilising this area for community programs and there is currently a Pooch Pouch station on site, minimal lighting with some seating provisions already at this location. The site is generally isolated from residential homes by roadways and additional parklands which incorporate the nearby golf club and other community facilities. There are no toilet facilities on site and a small playground is located on the southern side of this park, however, no provision for scheme water appears to be available at this location.

2. *Jan Hammond Reserve, Bartram and Banning Drive, Success*

This is another ideal park which is large in size and able to accommodate the need to house a Dog Park. Parking provisions are possible on the verge off Bartram Road, as well as approximately a further 8-10 bays in a small parking area off Marav Court. The park also has shady maturing trees, a small gazebo type structure with BBQ facilities and a nearby water fountain for public use and has a pathway through the park. The park is somewhat isolated from residential housing apart from Marav Court where two (2) houses may be minimally affected, but this is dependent on the location of the Dog Park. If this is proposed as the recommended Dog Park, then a recommendation from staff would be for the Dog Park itself to be built nearer to Bartram Road on the south eastern side of the park. This would ensure therefore, that there would be no effect on these residential properties identified. Minimal lighting is on site with a large area of vacant land on the eastern side where high voltage overhead wiring occupies this area. The park also has one (1), pooch pouch bin station, however, no toilet facilities were identified on site but the facility was reticulated.

3. *Bibra Reserve Bibra Drive, Bibra Lake opposite Lakes Retirement Village.*

This parkland area is easily accessible from Bibra Drive, however, there are no parking bays at this location, but plenty of provision for verge parking. The site has reticulation on the



reserve but there is no evidence of scheme water being available. The area is not listed as a dog exercise area and has no pooch pouch station in this location. There are various walkways through this area, and the area is well shaded with mature trees but no identifiable seating nearby. The site has no lighting at this location, no children's playground and will have no effect on any community groups or sporting organisations. Concerns have been raised as to the effect that this may have on the nearby wetlands, however, as the park area will be fenced off, this in itself will create a preventative measure to any direct effect to the nearby wetlands. The park area itself is sufficient to accommodate the Dog Park sizing requirements and if the above additional criterion is easily able to be implemented this area would be appropriate to accommodate the needs for a Dog Park and centrally located.

4. *Hargreaves Park, Counsel Avenue, Coolbellup*

This is another large very well developed park that is a gazetted dog exercise area with three pooch pouch stations. There are plenty of trees for shade all over the park and many benches throughout. There is no parking provisions but plenty of scope for this to be installed if needed. There are four sets of play equipment mostly on the eastern side off Dorcas Way. The park is reticulated. Parking is only available on the Dorcas Way side. Being a large park there are many locations within the park that would be appropriate for the dog park. There is no toilet facility, however, there is scheme water on this site but no lighting.

5. *McFaul Park, Falstaff Crescent, Spearwood*

This is a large reticulated park with plenty of trees for shade. It is a gazetted dog exercise area and has a pooch pouch station on site. There are many benches throughout the park and five sets of playground equipment located mostly on the north western corner. The Joe Cooper Centre is located within the park at the northern end, which may provide toilet facilities. There is a fairly large car park behind the Joe Cooper Centre, and this area could also be considered as an appropriate location for the dog park on the western side off Melun Street or the eastern side off Falstaff. These are also preferred sites with further off road parking being available at these locations.

6. *Dubove Park, Freeth Street, Spearwood*

This is the most under-developed park of the preferred parks listed and in the past was one of the parks from previous Council resolutions to receive the greatest objections from



residents living in and around this area, to this park being a proposed Dog Park. The park itself has excellent parking to the side in Bohemia Street and is reticulated. Although not a dog exercise area, there is a pooch pouch station installed and no sporting activities take place at this location. There is a disused toilet block at the southern end of the park, meaning mains water is available at this location. It is located in a quiet location with trees and bushes around the outside and again may be considered as an appropriate location. Consideration should be given that the park is positioned on the northern end of this park, if selected.

Attached is a summary of all parks inspected by Ranger personnel for your information and noting. On balance, Yarra Vista Park is recommended for the initial purpose of advertising and assessing community opinion.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Community & Lifestyle

- Promotion of active and healthy communities.

Environment & Sustainability

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

Budget/Financial Implications

\$60,000 will be proposed in the 2013 -2014 budget for this dog park. However if approval from Council is given and a proposed site for the Dog park is nominated then a more detailed scope of works and costs will need to be submitted at a later date.

Legal Implications

N/A

Community Consultation

To be undertaken to ensure affected residents are well informed of the City's intention and a right of reply is given.



Attachment(s)

1. Summary review of all parks inspected.
2. Copy of map of the five identified locations.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

18.1 (MINUTE NO 5028) (OCM 11/04/2013) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 21/02/2013

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee dated 21 March 2013 as provided under separate confidential cover, and adopt the recommendations contained therein.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 21 March 2013. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

N/A



Report

The Committee recommendations are now presented for consideration by Council and, if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Leading & Listening

- A skilled and engaged workforce.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 21 March 2013 are provided to the Elected Members under separate confidential cover.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the April 2013 OCM.

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

Committee Minutes refer.

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 5029) (OCM 11/04/2013) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr C Reeve-Fowkes the recommendation be adopted.

CARRIED 8/0



25. CLOSURE OF MEETING

MEETING CLOSED AT 8:25 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:/...../.....

