

CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 11 JUNE 2009

CITY OF COCKBURN

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 JUNE 2009 AT 7:00 PM

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

5. APOLOGIES AND LEAVE OF ABSENCE

6 (OCM 11/6/2009) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

A response to Mr Thompson on Agenda Item 14.11 of the Ordinary Council meeting held on 14 May 2009 was forwarded to him on 29 May 2009.

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (OCM 11/6/2009) - ORDINARY COUNCIL MEETING - 14/05/2009

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 14 May 2009, be adopted as a true and accurate record

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

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

13. COUNCIL MATTERS

13.1 (OCM 11/6/2009) - ELECTION OF COUNCILLOR TO PERFORM ROLE OF DEPUTY MAYOR (1701) (R AVARD)

RECOMMENDATION

That Council conduct an election to appoint an Councillor to perform the duties of Deputy Mayor pursuant to Section 5.35 of the Local Government Act 1995 for the period that the Deputy Mayor is on leave of absence.

COUNCIL DECISION**Background**

The Deputy Mayor can fulfill the role of Mayor during periods that the Mayor is on leave or not available.

Deputy Mayor, Mr Kevin Allen has advised the Chief Executive Officer of his intention to seek leave of absence. The period of leave is anticipated to be up to three(3) months.

Submission

Deputy Mayor, Mr Kevin Allen has advised the Chief Executive Officer of his intention to seek leave of absence.

Report

There are occasions such as the Citizenship ceremony due to be held on 26 June 2009, where Deputy Mayor Allen would have to officiate in the absence of the Mayor. Section 5.35 of the Local Government Act, provides for the election of a Councillor to fulfil the role of Deputy Mayor should the Deputy Mayor not be available or is unable or unwilling to perform the functions of Mayor.

The election is to be conducted in accordance with the procedure prescribed by the Mayor. The Mayor has given notice that he has appointed the Chief Executive Officer ('CEO') to conduct the election, and has informed all Councillors that they may nominate themselves for the position, in writing, prior to the meeting. The election is to be conducted in accordance with the Act.

If a Councillor is nominated by another Councillor, the person conducting the election, is not to accept the nomination unless the nominee has advised the person conducting the election (orally or in writing), that he/she is willing to be nominated for the office.

The Council Members are to vote on the matter by secret ballot as if they were voting at an election.

The votes are to be counted and the successful candidate is the candidate who receives the greater or greatest number of votes in accordance with Schedule 4.1, Division 2 of the Local Government Act 1995.

If a Councillor is not elected to fulfil the role of Deputy Mayor due to an equity of votes, that count is to be discontinued and not more than seven(7) days later, a Special Meeting of Council is to be held.

Any nominations may be withdrawn and further nominations may be made before or when the Special Meeting is held.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Section 5.35 of the Local Government Act 1995 applies.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

- 14.1 (OCM 11/6/2009) - HOME OCCUPATION - BEAUTY THERAPY - LOCATION: NO. 7 AUGUSTUS COURT, AUBIN GROVE - OWNER: HOWARD BOURNE - APPLICANT: NANTHIPHAK BOURNE 6006301 (B HOGARTH-ANGUS) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval to the proposed home occupation (beauty therapy) in accordance with the approved plan subject to the following conditions:

STANDARD CONDITIONS

1. The home occupation can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of development.
3. The development complying with the Home Occupation Provisions and Definition set out in the Town Planning Scheme.
4. All materials and/or equipment used in relation to the Home Occupation shall be stored within the residence or an approved outbuilding.
5. The Home Occupation can only be undertaken by the owner of the land and is not transferable pursuant to Clause 5.8.5 (a) (ii) of Town Planning Scheme No. 3.
6. On the sale of the property or change in ownership of the land the home occupation entitlement ceases pursuant to Clause 5.8.5 (a) (iii) of Town Planning Scheme No. 3.

SPECIAL CONDITIONS

7. The maximum number of clients being restricted to 5 per day with at least 15 minutes between each appointment.
8. The hours of operation being restricted to 9:00 a.m. – 4:00 p.m. Monday, Tuesday, Wednesday & Friday, 9:00 a.m. – 7:00 p.m. Thursdays and not at all on Sundays or Public Holidays.
9. All parking is to be contained completely within the Lot. Clients are required to park on the driveway of the property and NOT on the verge, to preserve the amenity and convenience for the adjoining neighbours.
10. In the instance that the City receives substantiated complaints regarding the operation being run contrary to the conditions of this approval, the City reserves the right to revoke this approval notice.

FOOTNOTES

“Home Occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

- (a) does not employ any person not a member of the occupier's household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

COUNCIL DECISION

Background

Zoning:	MRS:	Urban
	TPS3	R20
Land use:	Residential	
Lot size:	612 m ²	
Use class:	“D”	

Submission

The application seeks planning approval for a home occupation (beauty therapy) to be operated from the study of 7 Augustus Court, Aubin Grove.

The applicant has provided the following justification in support of the proposal which has been summarised accordingly:-

The home occupation is to provide the following beauty treatments:-

- Facial massage (manual and machine)
- Face mud masks
- Exfoliation
- Cream treatments
- Manicure/pedicure
- Acrylic nails
- Nail art

The home occupation occupies a 3 m x 2.8 m room (study) which is 8.4m² and well within the 20 m² aggregate area allowed for home occupations.

The hours of operation are as follows:

Mon, Tues, Wed & Fri = 9:00 a.m. – 4:00 p.m.

Thursdays - 9:00 a.m. – 7:00 p.m.

To alleviate concerns regarding traffic, the applicant has reduced the initial appointment times from 5:00 p.m. to 4:00 p.m.

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Report

The subject land is zoned R20 under the City of Cockburn Town Planning Scheme No. 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

Scheme Requirements

The proposed home occupation complies with the standards and provisions of the City's Town Planning Scheme No. 3.

Community Consultation

In accordance with Clause 9.4.2 of the Scheme, the application was advertised for public comment. In addition, the applicant provided five (5) letters of support from the surrounding residents. At the conclusion of the advertising period, three (3) letters of objection were received.

The following table is a summary of the issues raised in the submission:

Submitter	Objection/Support	Issue/s
Emma & Paul Lambert 9 Augustus Court, Aubin Grove	Objection	<ul style="list-style-type: none"> • Traffic concerns • Pedestrian safety • Privacy and security
Matthew & Joanna Lyon 6 Augustus Court, Aubin Grove	Objection	<ul style="list-style-type: none"> • Traffic
M Perera & K Kanankerarachchi 5 Augustus Court, Aubin Grove	Objection	<ul style="list-style-type: none"> • Street amenity

Recommendation

The concerns raised in the submission are addressed below: -

Increases in traffic will be minimal as the number of clients is limited to five per day with 15 minutes between each appointment. The minor increase in traffic volumes does not compromise pedestrian safety or the privacy of any of the residents.

Conclusion

It is recommended that the application for home occupation (beauty therapy) on be conditionally approved as there are no expected impacts on the residential amenity of the locality from this development and the application complies with the Town Planning Scheme No. 3 requirements for home occupations.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3.

Planning and Development Act 2005

Community Consultation

N/A

Attachment(s)

1. Location Plan – Mark where submissions of objection and support have been received
2. Site Plan and House Plans
3. Applicant's justification

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 June 2009 Council Meeting.

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

Nil.

14.2 (OCM 11/6/2009) - LAND CLEARING AND FILLING (RETROSPECTIVE), STORAGE SHED, OPEN STORAGE AREA , COMMERCIAL VEHICLE PARKING & HOBBY FARM - LOCATION: LOT 8 COLLIS ROAD WATTLEUP - OWNER: ACCENT NOMINEES PTY LTD - APPLICANT: VICKO PECOTIC (4411260) (A LEFORT) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse the application for land clearing and filling (Retrospective), storage shed, open storage area, commercial vehicle parking and hobby farm at Lot 8 Collis Road Wattleup for the following reasons:
 1. The proposed storage shed and open storage area do not comply with the objectives of the Rural zone as provided for in the City of Cockburn's Town Planning Scheme No. 3.
 2. The proposed commercial uses will cause a negative impact on the amenity of the area.
 3. The land clearing and fill has resulted in dust issues, loss of rural character and amenity and environmental degradation.

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal;
- (3) require the applicant/owner to prepare and submit a comprehensive Revegetation Plan (including management details) to the satisfaction of the City to ensure that the land is appropriately revegetated. The plan shall be prepared by a suitably qualified Environmental/Landscape consultant and submitted to the City within 45 days of the date of this refusal notice; and
- (4) require the applicant/owner to revegetate the cleared land in accordance with a revegetation plan approved by the City within 90 days of this refusal notice.

COUNCIL DECISION

Background

The subject site is located in Collis Road Wattleup, is 1.0497ha in area and is zoned 'Rural' under the City's Town Planning Scheme No. 3 (TPS 3). The site has frontages to Collis Road and Lorimer Road, contains no buildings and is cleared of almost all vegetation.

It was brought to the City's attention in November 2008 that the subject site was cleared of virtually all vegetation (without any planning approval) with the exception of a small bank of trees on the eastern portion of the site facing Lorimer Road. Fill was also placed on the land (without any planning approval) which was levelled and compacted. Council issued a letter at this time requiring the landowner to cease work immediately and they were given 28 days to obtain retrospective planning approval for the development. Several dust complaints were subsequently received by the City and the applicant was instructed to submit a dust management plan by Council's Heath Services. To date, no dust management plan has been received by the City.

In December 2008, the City issued a Section 214 Direction Notice to immediately stop and to not recommence development. The City has not prosecuted the landowner pending the outcome of this planning application. Appendix 3 shows aerial photos of the lot prior to and after the clearing.

Submission

A planning application has been lodged dated 31 March 2009 to develop the site in the following manner:

- Clearing of virtually all native vegetation from the site and filling of the site (retrospectively);
- The construction of a 288 sqm shed set back 20 m from the Collis Road boundary. The applicant proposes to use the shed for purposes associated with a future hobby farm (including storage of a tractor and farm related equipment) and parking of an 8 tonne truck. The shed is proposed to contain a toilet and kitchen for daily use but the applicant has advised that it is not intended for use as a residence;
- The use of approximately 2580 sqm of the lot for open storage purposes associated with the proponent's son's building business including storage of building materials (such as bricks and timber), scaffolding, site sheds and site toilets from building sites;
- Commercial vehicle parking of an 8 tonne truck which the proponent's son also uses as part of the building business. The truck is proposed to park in the storage shed.
- Two unsealed crossovers, one to Collis Road and one to Lorimer Road (which have already been constructed).

The applicant has notated on the plans that they propose to construct a hobby farm including mixed fruit trees (Stage 2) and a dwelling (Stage 3). The applicant has however verbally advised the City that they proposed to develop the hobby farm at the same time as the shed.

Report

Zoning

The subject site is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Rural' under the City's TPS 3. The objective of the Rural zone in TPS 3 is to "provide for a range of rural pursuits which are compatible with the capabilities of the land and retain the rural character and amenity of the locality".

The illegal clearing and filling that has occurred on the site suggests that any rural character has been lost and this has negatively impacted on the amenity of the area. The development of a hobby farm would clearly comply with the objectives of the rural zone as would a small shed to accommodate this purpose. However, the use of a significant portion of the land for an open storage yard for building materials is

unlikely to contribute positively to the amenity of the area or assist in retaining the rural character of the area.

A storage yard is an 'A' use under TPS 3 which means the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving its special notice in accordance with clause 9.4. The application was advertised to nearby affected landowners and four submissions were received (responses are discussed in the Neighbour Consultation section below).

The proposed use of the shed as a warehouse for storage of building materials is an 'X' use which means that the use is not permitted by the scheme nor can the shed be used for Home Business or as an outbuilding for domestic purposes as there is no dwelling on site. Therefore, Council can only approve the shed for the hobby farm use.

Commercial Vehicle parking on the site is a 'D' use which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. The parking of one 8 tonne commercial vehicle on the site is not considered to cause a detrimental impact on the amenity of the site. So, given that the shed can only be used for hobby farm purposes and for the parking of one 8 tonne truck associated with this application, Council should consider whether a 228sqm shed is entirely appropriate.

Neighbour Consultation

The proposal was advertised to nearby affected landowners for comment in accordance with the requirements of TPS 3. Five submissions were received, all objections. A summary of the submissions is included in the schedule below:

Name	Address	Summary of Comments
J Wallhead	51 Lorimer Road WATTLEUP	Object to commercial use in Rural Area.
		Object to the illegal clearing of the lot.
		Concerned about dust from the proposal and its affect on water supply from rain water.
		Concerned that a shed of this size is not required for one truck and farm equipment.
		Concerned about lack of native vegetation.
A Harris	56 Lorimer Road WATTLEUP	Concerned that the proposal will end up like Lot 7 Collis Road.
		Concerned about dust from the property and its impact on drinking water collected from roof.
		Request that the property be revegetated.
M & C Murphy	27 Lorimer Road WATTLEUP	Concerned about the industrial nature of the proposal in a rural zone.
		Concerned that the proposal will end up like Lot 7 Collis Road.
		Very concerned about the clearing of all vegetation from the lot.

		Concerned that the proposal is contrary to the orderly and proper planning of the area.
		Concerned about the commercial nature of the proposal and it being developed as a salvage yard.
		Concerned that the proposal will end up like Lot 7 Collis Road.
A Knox	40 Lorimer Road WATTLEUP	Objects to the desecration of what was a beautiful timbered block.
		Concerned that the block is now denuded of all vegetation with piles of unsightly dirt and gravel fenced to both Lorimer and Collis Roads.
R & L Busellato	39 Lorimer Road WATTLEUP	Objects to any type of industrial operation in the rural zone.
		Concerned about dust from the property.
		Concerned about traffic noise from the proposed development.
		Wants the rural corridor to remain rural.

It can be seen from the schedule above that nearby landowners are concerned about the future use of the site given the extensive removal of vegetation particularly in relation to what has previously occurred on the adjoining Lot 7 Collis Road. In December 2004 Lot 7 Collis Road (which abuts the northern boundary of the subject site) gained approval by the City for parking of four commercial vehicles and in 2005, road base was placed over a large portion of the lot. The lot contained minimal vegetation due to its previous market garden use. A condition was imposed requiring the lot to be bitumen sealed which has not occurred and there are up to 15 cars parked on the site each day. The use of this site in relation to the previous planning approval is currently being investigated by the City.

In addition to concerns about dust and its impact on drinking water from rain water, nearby residents do not wish to see the rural character and amenity eroded and commercial and/or industrial uses introduced into an area that is zoned for rural purposes.

Visual Amenity

The proposed shed complies with the size requirements as set out in Council's Outbuilding Policy. However, the shed does not constitute an outbuilding as there is no dwelling on the site and the applicant has advised that the construction of a dwelling will occur as a future stage. Due to the extensive vegetation clearing, the open storage yard and shed will be highly visible from both streets and will have an impact on the visual amenity of the area.

Dust Issues

As discussed previously in the report, many dust issues and complaints have emerged from the illegal clearing of the lot. Specifically, neighbours expressed concern that due to there being no scheme

water in the area, many residents rely on house and shed rooves to collect drinking water. The dust caused by clearing and unknown fill material has therefore raised serious health concerns. Whilst the landowner has installed some temporary dust suppression measures, a dust management plan is yet to be lodged with the City. Whilst sealing of the entire site would eliminate dust, it would have an extremely negative environmental impact. The preferred option involves revegetation of the land.

Revegetation

To contribute to the elimination of dust issues and to restore some rural amenity to the lot, it is recommended that the lot be revegetated with locally native species. The mass clearing that occurred on the land is clearly environmental degradation and rectifying this is of the utmost importance. Either full or partial revegetation should occur whether Council approves the proposal or not.

Conclusion

It is recommended that the proposal for a land clearing (Retrospective), storage shed, open storage area, commercial vehicle parking and hobby farm at Lot 8 Collis Road Wattleup be refused based on the following reasons:

1. The clearing of the land which occurred in November 2008 removed virtually all vegetation from the site which comprised of locally native species. The clearing has resulted in dust issues, loss of rural character and amenity and environmental degradation.
2. The proposed open storage area is inconsistent with the objectives of the Rural zone in Council's Town Planning Scheme No. 3 and therefore inappropriate in the Rural zone.
3. The proposal is likely to result in the loss of rural amenity and character.
4. The proposed Storage Shed is considered excessive for the needs of a small hobby farm and parking of an 8 tonne truck.
5. The proposal is not in the interest of orderly and proper planning for the area.

Strategic Plan/Policy Implications

Demographic Planning

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

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

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

Consultation to nearby landowners was conducted in accordance with Clause 9.4 of TPS 3. The schedule of submissions is contained in the Neighbour Consultation section of the report above.

Attachment(s)

1. Location Plan
2. Site Plan, Floor Plan & Elevations
3. Aerial Photos

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 June 2009 Council Meeting.

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

Nil.

14.3 (OCM 11/6/2009) - PROPOSED 55 LOT SUBDIVISION - LOCATION: 381 (LOT 503) PHOENIX ROAD BIBRA LAKE - OWNER: PRIMEWEST PTY LTD - APPLICANT: GREG ROWE & ASSOCIATES (139773) (A LEFORT) (ATTACH)

RECOMMENDATION

That Council request the Western Australian Planning Commission that the proposed subdivision application (139773) for 55 lots at 381 (Lot 503) Phoenix Road, Bibra Lake be approved subject to the following conditions and advice notes:

CONDITIONS

1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the applicant/owner's cost, to the satisfaction of the Western Australian Planning Commission.
2. Street corners within the subdivision being truncated to the standard truncation of 14 metres
3. Satisfactory arrangements being made for the construction and drainage/upgrade of Phoenix Road and Sudlow Road at the proposed intersections with the new subdivision roads to the satisfaction of the Western Australian Planning Commission.
4. Traffic management treatments/devices are to be designed and constructed in accordance with the requirements and specifications of the Local Government for the new subdivision road intersections at Phoenix Road and Sudlow Road to the satisfaction of the Western Australian Planning Commission.
5. Arrangements being made satisfactory to the Western Australian Planning Commission to ensure that the design levels for roads, lots and retaining walls are suitable for integration with the existing and proposed roads and adjoining lots.
6. Footpaths being constructed as part of all proposed internal roads to the satisfaction of the Western Australian Planning Commission.
7. The land being filled and/or drained at the applicant's cost to the satisfaction of the Western Australian Planning Commission, and any easements and/or reserves

- necessary for the implementation thereof, being provided free of cost.
8. The land being graded and stabilised at the applicant's cost to the satisfaction of the Western Australian Planning Commission.
 9. The applicant providing a geotechnical report certifying that the land is physically capable of industrial development, to the satisfaction of the Western Australian Planning Commission.
 10. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted, to the satisfaction of the Western Australian Planning Commission.
 11. Subdivision construction drawings and earthworks shall be approved by the local government prior to the commencement of subdivision works.
 12. Proposed Lot 55 is to be shown on the Deposited Plan as a 'Drainage Reserve' and is to be vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
 13. The proposed drainage sump to be located within proposed Lot 55 shall be designed and constructed to the specifications of the Local Government to the satisfaction of the Western Australian Planning Commission. The design and construction is to adopt appropriate water sensitive urban design treatments including nutrient stripping, pollution traps as may be required, suitable native landscaping and fencing.
 14. The proposed Parks and Recreation reserve shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
 15. The applicant shall prepare and implement a landscape, planting and maintenance programme of two years for the Reserve for Recreation to the satisfaction of the Western Australian Planning Commission.
 16. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification

and protection of any vegetation on the site worthy of retention not affected by necessary subdivision works prior to commencement of subdivision works.

17. The Amcor facility building(s) to be retained on proposed Lot 9 are to be setback from the proposed boundaries of Lot 9, in accordance with the requirements of the Building Code of Australia, unless a lesser setback is deemed acceptable to the satisfaction of the Western Australian Planning Commission.
18. Existing on-site effluent disposal systems are to be decommissioned and filled to the satisfaction of the Western Australian Planning Commission.
19. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the identification and filling of redundant bores and/or wells or the certification of any bore and/or well to be retained on the land.
20. Uniform fencing (visually permeable) is to be constructed along the common boundary of the proposed Lot 1 with the proposed Reserve for Recreation, or alternatively the design guidelines being amended and approved by the Local Government to require visually permeable uniform fencing between the boundary of proposed Lot 1 and the Reserve for Recreation to the satisfaction of the Western Australian Planning Commission.
21. A temporary fence is to be erected during subdivision works along the boundary between the proposed lots and the Reserve for Recreation abutting Phoenix Road to prevent damage to existing vegetation to the satisfaction of the Western Australian Planning Commission.
22. Notification in the form of a restrictive covenant to be placed on the Certificates of Title of all lots adjoining Sudlow Road advising the existence of a restriction on the use of the land, in accordance with section 129BA of the Transfer of Land Act 1893, and notice of this restriction to be included on the Deposited Plan, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost.

The restrictive covenant is to state as follows:

"Direct vehicular ingress and egress is not permitted onto Sudlow Road. For enquiries please contact the City of Cockburn - Statutory Planning Services".

23. Notification in the form of a restrictive covenant to be placed on the Certificates of Title of proposed Lots 50 to 54 (inclusive) advising the existence of a restriction on the use of the land, in accordance with section 129BA of the Transfer of Land Act 1893, and notice of this restriction to be included on the Deposited Plan, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost.

The restrictive covenant is to state as follows:

"The existing retaining wall on the lot boundary is of a design that incorporates geo-textile and therefore any proposed development on this lot must not adversely affect the structural elements of the existing wall. The design engineer of a proposed structure is required to confirm the design would not adversely affect the existing retaining wall. The wall design details are included as part of City of Cockburn Building Licence No. BA05/0077".

24. Arrangements being made to the satisfaction of the Western Australian Planning Commission to ensure prospective purchasers are aware of the restrictive covenants, the subject of Conditions 22 and 23, and development design guidelines approved by the Local Government as they apply to the proposed lots.

25. The subdivision plan shall be modified so that:

- i) all lots boundaries are consistent with zoning boundaries. In this regard, the design of proposed Lots 1 and 50 shall be modified; and
- ii) all lots shall contain a minimum frontage of at least 25 m. In this regard, the design of proposed Lots 10-15 shall be modified.

ADVICE

1. Condition 1 includes a requirement that the proposed road reserves be a minimum 20 metres in width and carriageways a minimum 10 metres in width and provided with street lighting. The applicant is advised to liaise with the Local Government regarding the carriageway design and traffic control devices.
2. The applicant is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management

Plans for development sites. Further information on the guidelines can be obtained from the Department or the local government.

3. The applicant is advised that a building licence is required from the Local Government prior to the construction of any retaining walls or other structures proposed as part of the subdivision.
4. No activities associated with the subdivision site works causing noise and/or inconveniences to neighbours should be carried out after 6.00 p.m. or before 7.00 a.m. Monday to Saturday, and not at all on Sunday or public holidays.
5. There should be no damage to the land contained in the proposed Reserve for Recreation caused by any subdivision works including the placement of fill, rubble, rubbish, or any other material. No removal, clearing or damage should occur to any vegetation within this area.
6. The development design guidelines for the relevant proposed lots should consider the issue of maintaining solar access for the property the subject of Submission 7 of Amendment No. 63 to the City of Cockburn Town Planning Scheme No. 3.

COUNCIL DECISION

Background

A subdivision application has been referred to the City by the Western Australian Planning Commission (WAPC) requesting the City's recommendation regarding the subdivision of 381 (Lot 503) Phoenix Road Bibra Lake.

It should be noted that a previous application to subdivide the subject site into 105 lots (WAPC Ref 136552) was referred to Council at its ordinary meeting held on 12 February 2009 (item 14.15). Council resolved to recommend to the WAPC that the application be approved subject to conditions. The application was subsequently approved. Due to current market conditions, the applicant has submitted this new

application with a reduced number of lots (which are generally larger in size) and modified road network.

The subject site is 38.1406 ha in area and contains the Amcor box plant and recycling paper mill plant. The paper mill is no longer in operation whilst the box plant continues to operate from the site. The landowner proposes to retain the box plant on a portion of the site and subdivide the remainder of the land into 55 lots of various sizes.

Council staff has delegation to provide a response to the WAPC however when Council initiated a scheme amendment to rezone the subject land at its meeting held on 12 June 2008, Council resolved (resolution No.15) that:

“The subdivision application for the subject property be referred to Council for consideration and determination;”

Therefore Council is requested to consider the application and provide the WAPC with an appropriate recommendation.

The subject land was rezoned from ‘Special Use 12 – Paper Mill’ to ‘Industry’, ‘Mixed Business’, ‘Light and Service Industry’ and ‘Parks and Recreation’ (Amendment No. 63) which was gazetted 5 May 2009. The concept plan that was presented to Council in conjunction with Amendment 63 differs from the subdivision layout proposed by this subdivision application.

Submission

This proposal will facilitate the subdivision and redevelopment of the subject site to allow for future new industrial, light industrial and mixed business uses to be established. This application proposes the creation of 55 freehold lots of various sizes, four access roads to the site and includes a 20 m wide landscape strip abutting Phoenix Road to be ceded as a parks and recreation reserve (refer to the proposed subdivision plan in Appendix 1). Lot sizes range from 1069 sqm to 6.6903 ha. All buildings and structures on the existing site are to be demolished except for the Amcor Box plant which is to remain on proposed Lot 9.

The subdivision design differs to the concept plan that was presented with Amendment No. 63 and from the previous subdivision application (136552). The main modifications are:

- The creation of 55 lots instead of 105 (smaller) lots.
- The creation of Lot 1 (6.6903 ha) which would be the largest lot in the subdivision.
- The deletion of the east-west internal subdivision road connection to Sudlow Road closest to Phoenix Road.
- Modification to the road layout on the southern portion of the site.

- The creation of five dual-frontage lots to the east of the subdivision area.

Report

Zoning

The subject land is zoned 'Industrial' under the Metropolitan Region Scheme (MRS) and 'Industry', 'Mixed Business', 'Light and Service Industry' and 'Parks and Recreation' under the City of Cockburn Town Planning Scheme No. 3 (TPS 3).

The proposed subdivision is generally consistent with MRS and TPS 3 zoning however the proposed subdivision will result in two lots being dual-zoned. The northern portion of proposed Lot 1 will be zoned 'Mixed business' and the southern portion 'General Industry' whilst half of proposed Lot 50 will be zoned 'Light and Service Industry' and the other half 'General Industry'. The creation of dual-zoned lots is undesirable in land use planning and could lead to difficulties in managing potential uses on the site. Should Council consider supporting this subdivision application, a condition should be recommended to the WAPC requiring a modification to the plan so that lot boundaries are consistent with the zoning boundaries. This would affect proposed Lots 1 and 50 only.

Should Council decide not to recommend this condition, an alternative condition could be imposed requiring a notification to be lodged on the certificates of title of dual-zoned lots to alert prospective purchasers of the dual-zones and the impact on potential uses. In addition, Council should request development concept plans demonstrating how these lots could be suitably developed to comply with TPS 3.

WAPC Policy DC 4.1 – Industrial Subdivision

This WAPC policy provides guidance to the Commission in determining applications for industrial subdivisions on such matters as design and shape of lots, road layout, and servicing and open space requirements. The proposed subdivision application complies with this policy in all aspects.

City of Cockburn Industrial Subdivision Policy APD 2

Council's Industrial Subdivision Policy APD 2 provides guidelines for Council recommendations for freehold industrial subdivisions with regards to minimum lot areas and dimensions, fencing and access. The proposed subdivision application complies with this all aspects of this policy except for minimum lot frontages. The policy requires 25 m wide frontages and Lots 10-15 propose 23 m wide frontages. Should Council support the application, a condition should be imposed requiring all lot frontages to comply with the policy and this could be

easily achieved through the modification of proposed Lot 19 which has a 33 m wide frontage.

Design Guidelines

Design Guidelines for the site which will ensure adequate levels of development and amenity in the area were adopted by Council at its meeting held on the 11 December 2008. The requirement for Design Guidelines will therefore not be required to be imposed as a condition of subdivision. The revised subdivision layout may result in the requirement for changes to the Design Guidelines. Should Council support this application, a condition requiring the Design Guidelines to be amended should be recommended to the WAPC.

Road Network

The proposed road network shows two full access road intersections to Phoenix Road with one of the intersections being the upgrading of the existing driveway access to the site. The 20m wide 'Parks and Recreation' reserve will prevent any direct vehicle access from lots onto Phoenix Road. One road connection is proposed to Sudlow Road and one connection is proposed to the adjoining Lot 9008 to the east of the site which is owned by Landcorp but remains undeveloped. Should Council support the subdivision application, a condition should be imposed requiring Lots 45-49 to be held in a balance title lot until such time as the indicative road shown on Lot 9008 is constructed.

Lot Sizes

The subdivision plan proposes a variety of lot sizes which will accommodate different types of industry and business uses within the area. The various lot sizes will facilitate larger showroom and bulky goods developments as well as providing the potential for strata developments and the smaller lots are appropriate for single owner/occupant use. Most of the lots are between 1069 sqm and 2.0361 ha with the exception of Lot 1 (6.6903 ha) and Lot 9 (4.0211 ha). Whilst the City has not been provided with any development concept for Lot 1 (which is 6.6903 ha in size) and the reason for such a large lot, proposed Lot 9 is to accommodate the existing Amcor box plant facility.

Existing Vegetation Retention

The proposed subdivision layout includes a 20 m wide 'Parks and Recreation' reserve abutting Phoenix Road. The purpose of the reserve is to facilitate the retention of existing vegetation which will act as a buffer to the residential zoned land on the northern side of Phoenix Road. It is recommended that a condition be imposed requiring the applicant to lodge a landscape plan and planting schedule

and also to install a temporary fence during subdivision works to prevent damage to existing vegetation.

Environmental Issues

The subject site has been reported to the Department of Environment and Conservation (DEC) as a known or suspected contaminated site and has been classified under the Contaminated Sites Act 2003. The site is classified as Contaminated – Remediation Required. The DEC advised the City in a letter dated 18 June 2008 that the contamination was reported because it has been used as a paper mill and visual indications of oil staining reportedly from leaking equipment were confirmed by a preliminary site assessment.

The subdivision application was referred by the WAPC to DEC for comment and it is anticipated that a condition(s) will be imposed requiring full remediation of the site. It is understood that remediation works have commenced.

Conclusion

The proposed subdivision application is supported (subject to modifications) for the following reasons:

- Except for Lots 1 and 50, the proposal is consistent with the zoning.
- The proposal complies with WAPC and Council policies relating to industrial subdivision.
- The City has no objection to the proposed subdivision design, road layout, drainage or any other aspect to the proposal.

It is therefore recommended that the City send a recommendation supporting the application to the Western Australian Planning Commission who is the determining authority.

Strategic Plan/Policy Implications

Demographic Planning

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

Employment and Economic Development

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

- To pursue high value employment opportunities for our residents.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Previous Subdivision Plan
2. Current Subdivision Plan

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 June 2009 Council Meeting.

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

Nil

14.4 (OCM 11/6/2009) - CONVERSION OF MEDICAL CENTRE AND USE OF SITE FOR LODGING HOUSE PURPOSES - LOCATION: LOT 103 (NO. 316) ROCKINGHAM ROAD, SPEARWOOD - OWNER: A & L GASPAR - APPLICANT: BERNARD SEEBER PTY LTD (T WATSON) (2200813) (ATTACH)★

RECOMMENDATION

That Council:

- (1) grant its approval to the development of a lodging house on Lot 103 (No. 316) Rockingham Road, Spearwood, in accordance with the approved plan and related information subject to the following conditions:
 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.

2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
3. The use being managed strictly in accordance with the Management Plan lodged at the time of application.
4. Upon the completion of Stage 2, the lodging house accommodating no more than 38 lodgers at any one time.
5. The ablutions/laundry and recreation buildings being relocated toward the rear of the existing building on-site, the details in respect of which are to be provided to the City's satisfaction prior to the release of a building licence for the development. In turn, the lodging modules displaced by these buildings can be located toward the north east corner of the lot, to the City's satisfaction prior to the release of a building licence.
6. The upper level walkway being situated on the western side of the upper level lodging rooms, the details in respect of which are to be provided to the City's satisfaction prior to the release of a building licence for the development.
7. The submission of a Waste Management Plan for the use to the City's satisfaction prior to the release of a building licence for the development.
8. The preparation and submission of a detailed landscaping plan, dealing with amongst matters, landscaping (both soft and hard elements) intended for the front and rear of the existing building on-site, and boundary fencing. With respect to landscaping and fencing along the eastern boundary of the lot, the concerns of the adjoining property owners to the east are to be considered. The landscaping plan (for both Stages 1 and 2) is to be provided to the City's satisfaction prior to the release of a building licence for Stage 1 of the development.
9. All landscaping and fencing at the front of the site is to be undertaken and completed in accordance with the approved landscape plan prior to the occupation of the existing building the subject of Stage 1. The remaining landscaping/fencing is to be completed prior to any buildings the subject of Stage 2 being occupied.
10. The landscaping installed in accordance with the

approved landscape plan is to be reticulated/irrigated and maintained to the City's satisfaction.

11. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
12. The submission of materials, finish and colour details for the development to the City's satisfaction prior to the releases of a building licence for the development.
13. All car parking and access complying with the minimum requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking), the details of which are to be provided to the City's satisfaction prior to the release of a building licence for the development.
14. The provision of bicycle parking for the development. The bicycle parking details are to be provided to the City's satisfaction prior to the release of the building licence for the development.
15. All service areas and related hardware, including antennae and/or satellite dishes being suitably located from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the release of a building licence for the development.
16. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City.
17. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.
18. The installation of outdoor lighting (if proposed) is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
19. All stormwater being contained and disposed of on-site to the satisfaction of the City.
20. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the

basis of a 1:100 year storm event. See City's specification, enclosed. This is to be provided at the time of applying for a building licence.

21. Compliance with the appended Environmental Health conditions to the City's satisfaction prior to the release of a building licence for the development (Stage 1).
22. No building (or related) activities associated with this approval causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

FOOTNOTES

1. The application has been determined on the basis of the plans and information provided to the City for assessment. This includes the Management Plan which is to be in operation at all times as per the requirement of condition 3.
2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Planning Services should be consulted.
3. Conditions 3, 5, 6 and 8 are in part concerned with protecting the amenity of adjoining property owners and the locality generally.
4. With respect to condition 8, the concerns raised by the adjoining property owners to the east relate to the height of the fence and existing/proposed plant/tree types (having regard for a number of existing problems with existing tree types).
5. Condition 7 is to be addressed in conjunction with, and to the satisfaction of the City's Waste Manager.
6. On-site noise levels are to be maintained in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997. In the event noise issues arise, the City's Environmental Health team will pursue the issue/s in accordance with these Regulations.
7. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

- (2) issue a Notice of Determination of Application for Planning Approval under the City of Cockburn Town Planning Scheme No. 3; and
- (3) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

Background

The subject land is currently occupied by a vacant single storey building that addresses Rockingham Road. The building is in a blighted state, suffering from vandalism and graffiti. In March (2009), the City received a complaint regarding vermin, long grass and rubbish on the site.

The most recent use of the building was for the purpose of a medical centre. Parking is situated at the rear of the building, access to which is gained from Edeline Street. The access, protected by an easement, extends across the eastern part of the adjoining lot to the south (occupied by a disused church).

The land adjoining to the east is occupied by 20 aged persons' dwellings. Access to these dwellings is also gained via Edeline Street. Adjoining the subject land to the north are two residential buildings (314 and 314b Rockingham Road), one approved by Council for lodging house purposes at its 14 May 2009 meeting.

The immediate location is characterised by a mix of use which includes: the subject land for non-residential purposes (medical centre), the church site, and aged persons' dwellings adjoining to the east, and consulting rooms adjacent to the site on the western side of Rockingham Road. The broader locality is characterised by a greater mix of land use including a service station and shops to the south, the City's offices and Phoenix shopping centre to the north, and a single bedroom dwelling development approximately 75 metres north of Spearwood Avenue.

The local environment is characterised by the major roads of Rockingham Road and Spearwood Avenue, and the Fremantle Ports rail line to the south. The lot is situated approximately 70 metres north of the rail line and 45 metres south of Spearwood Avenue.

Submission

Application has been made to establish a lodging house on the subject property. Specifically, the following is proposed:

- Stage 1. The recycling of the existing building on-site to provide for 14 lodging rooms, an office, kitchen, recreation and dining area. This stage also proposes the creation of an outdoor barbecue area adjacent to Rockingham Road;
- Stage 2. The erection of several two storey building modules to the rear of the existing building providing for an additional 24 lodging rooms. Additional to the lodging rooms, ablutions/laundry and recreation buildings are proposed adjacent to the northern boundary of the site. Parking for the development will initially consist of 24 bays, reducing to 19 upon the completion of Stage 2.
- Stage 3. The provision of two (2) parking bays at the front of the property, adjacent to Rockingham Road (amounting to 21 bays in total).

In addition to the lodgement of plans, the lodging house operator (Urban Fabric) has provided a written overview of the proposal. This document provides background information on the lodging house use, customer information and management details. A brief excerpt of relevant information is provided below.

There are three main reasons people choose to live in lodging houses:

1. *Affordability*
2. *Location (Lodging Houses are usually located in areas that are close to public transport, shops and work opportunities)*
3. *Convenience, amenity and social/work networking opportunities.*

In the last ten years the number of lodging house beds has halved whilst demand has increased. The number of lodging house places for our target market (mostly unskilled/semi skilled/skilled working men) has seen a greater decrease during the same period. As private lodging houses have closed, charity based groups such as St Patrick's have attempted to fill the gap; however, these organisations give priority to the most needy.

It is noted Urban Fabric currently operates Winterfold House at 17-19 Winterfold Road, Hamilton Hill. Winterfold House was approved by Council for lodging house use at its June 2006 meeting. Based on the Winterfold House experience, the following type of tenant is expected for the proposed lodging house:

- *Average length of stay - 1+ years*
- *Average age – 35 (estimate)*

- *Gender – all male*
- *Nationality – English speaking of various origin (no new migrants)*
- *Education – high school, trade qualification, tertiary qualification*
- *Occupations – trades and semi-skilled mostly*

With respect to management, noise and length of stay, the operator provides the following:

- *Spearwood lodge will retain a full-time on-site and general manager*
- *The manager will ensure maintenance of grounds and buildings and safety equipment*
- *24 hour on-site contact person (onsite manager)*
- *Management reserves the right to evict any resident without notice*
- *Residents are to comply with the rules regarding noise contained in the house rules and code of conduct supplied*
- *The on-site manager is the responsible person that ensures compliance with house rules and code of conduct ... according to the lodging house agreement*
- *Spearwood lodge is for long term residential use. Financial penalties apply to discourage short stays*

Report

The following report deals with planning considerations relevant to the determination of the subject application, followed by the outcomes of consultation undertaken.

Town Planning Scheme No. 3

Under the zoning of the land, a lodging house is an 'A' use. An 'A' use can be approved at the discretion of Council following consultation (covered below).

In considering the merits of the proposal, the following points are made:

1. The City's objectives for residential development include the provision of a *variety of housing to meet the needs of different household types*. The subject proposal addresses this objective by providing lodging accommodation for the type of tenant detailed above.
2. The subject site is well located for the use proposed. In this regard, the site is well connected to the immediate region (via Rockingham Road and Spearwood Avenue), is well served by public transport (the Fremantle – Rockingham bus service), and is walking distance to the Phoenix shopping and civic precinct.

3. The proposal involves the recycling of a former commercial building for residential use. The re-use of existing building stock provides a sustainable development outcome, whereby the energy expended to construct the building is preserved through its continued use for alternative purposes.
4. The building modules proposed as part of Stage 2 have been designed with sustainable principles in mind and will be constructed using sustainable building techniques. The following is proposed: light weight, fully insulated timber framed structures; diagonally opposite operable windows for cross ventilation; solar water heaters; rain water harvesting and the retention where appropriate of existing natural vegetation.
5. The establishment of an engaging edge to Rockingham Road. At present, the building provides a neutral response to the street environment across a 39 metre frontage. As proposed, the building will 'open-up' adjacent to the street, providing opportunities for surveillance and interaction.
6. The lodging house use will be managed in accordance with the Management Plan submitted with the application. Winterfold House (Hamilton Hill) provides a good reference in this regard. Despite concerns raised during the application process, the approved lodging house has been operating for 12 months without adjoining owner concern in respect of tenant behaviour. A minor issue relating to on-site parking has been addressed by Urban Fabric.
7. Parking for a lodging house is required to be provided at a rate of one (1) bay for every four (4) lodgers on-site. These amount to 10 bays, whilst 21 are proposed (making the proposal compliant with the Scheme requirement). The additional bays reflect an approach whereby approximately two (2) parking bays are provided for every three (3) lodgers (based largely on the experience of Winterfold House).

Typically, concerns raised in relation to lodging house proposals include the following:

1. The type of person/s accommodating within a lodging house. There is often a preconceived view that lodging houses cater for homeless or itinerant persons and/or persons with significant personal or social issues or problems – and as a result there are increased risks associated with the establishment of such a use in an area. In response to this concern, it is recognised some lodging house establishments do cater for a particular clientele and are more akin to crisis centres or refuges. The lodging house

model presented as part of the subject application, however, is not aligned to providing for a particular type of lodger.

Whilst it is important to note, therefore, that someone with mental illness or behavioural problems may lodge at the proposed establishment, the proposal is aimed principally at providing a different type of housing that is affordable relative to traditional alternatives. Further, the establishment is to be privately managed. Compared to some government or not for profit lodging arrangements, there is no obligation or charter that restricts management in exercising discretion in relation to its choice of tenants.

Given the above, and has been evidenced by the establishment and operation of Winterfold House, issues associated with the establishment (including the tenant mix) of the proposed lodging house are not anticipated.

2. Impacts on residential amenity. Impacts such as noise and disturbance represent a fundamental consideration in the determination of any application where residential amenity is to be protected. In this regard, the subject site and buildings to be contained thereon are well positioned relative to adjoining development. Pedestrian movement of persons to and from the site is expected to occur mostly via Rockingham Road. With the exception, therefore, of the proposed ablution/laundry and recreation buildings, the 'set-up' of the site and activity within is likely to have limited, if any impact on the amenity of adjoining properties.
3. With respect to the ablution/laundry and recreation buildings, it is recommended these be relocated toward the rear of the existing building on-site (by an appropriate condition on approval). In turn, the lodging modules displaced by these buildings can be located toward the north east corner of the lot (in a manner to the satisfaction of the City). This change resolves any potential conflict with the adjoining properties and respects the residential interface.
4. Parking. A shortfall in parking provision is often a concern, irrespective of the use proposed. As mentioned, the subject proposal complies with the requirements of the City's Scheme (10 bays required, 21 proposed).

Consultation

Consultation in respect of the application commenced Monday 11 May 2009, concluding Monday 25 May. Letters were sent to 11 adjoining property owners. In response, the City has received nine submissions objecting to the proposal. A petition has also been received.

The main concerns raised in objection to the proposal are listed below, followed by a planning comment in respect of such. The concerns are taken primarily from the written submissions.

- The use is inappropriate relative to the adjoining 'over 55's' complex.

Comment: The site is considered well suited to the intended use given the manner in which it relates to Rockingham Road as well as adjoining development (including the 'over 55's' complex adjoining to the east). Additionally, it is considered the confined nature and relative security of the adjoining aged accommodation should provide a higher degree of security than would otherwise be the case.

- Total number of lodgers in the locality taking into account the lodging house approved for 314 Rockingham Road.

Comment: The Council resolved to approve the adjoining lodging house at its 14 May 2009 meeting. The subject proposal has been assessed on its merits taking into account Scheme requirements, the suitability of the site for the purpose intended and matters such as management etc. The City of Cockburn does not have a Policy limiting the establishment of a specific use within a particular location.

- The two (2) storey modules will impact on views of adjoining properties, whilst the construction type and use of the modules will depreciate property values.

Comment: There are no rights to views. Application could be made to erect a second storey atop the existing building with a far greater impact on existing views. With respect to the modules, the sustainable approach underlying the design and construction of these is supported. Planning decisions are made independent of property value considerations or speculation regarding such.

- Overlooking (from the upper level lodging rooms to the adjoining dwellings (over 55's) to the east).

Comment: Overlooking in similar instances is typically controlled via the requirements of the Residential Design Codes. Under the Codes the proposed modules could be setback 7.5 metres from the adjacent boundary; just over 16 metres is proposed. Given the particular circumstances relating to this concern, however, it is recommended the access to the upper level lodging rooms be situated on the western side of the modules (to be addressed by condition to the City's satisfaction).

- Noise, including the impact of such day and night.

Comment: The management intentions for the use should ensure noise other than that generated by vehicle movements to and from the site are minimal. In the event noise issues arise, the City's Environmental Health team will deal with the matter in accordance with the Environmental Protection (Noise) Regulations 1997.

- Location of the ablutions/laundry and recreation buildings (and issues arising from such i.e. noise and odour).

Comment: As mentioned above, it is recommended these be relocated toward the rear of the existing building on-site (by an appropriate condition on approval). As stated in one of the written submissions, *If the project is passed by the Cockburn Council we would need to request the outside toilet and recreation room be relocated to the position of rooms 15, 16, 17, 18 and 19.*

- Landscaping and fencing.

Comment: A particular condition on approval regarding landscaping and fencing is recommended. The concerns raised in respect of the landscaping and fencing can be taken into account and addressed prior to the release of a building licence for works on-site.

- Lack of security and safety.

Comment: The Management Plan for the lodging house details security and access arrangements for the use. The details include: restricted access to the establishment and measures regarding guests. Application of the Management Plan to the lodging house use is to be required by an appropriate condition on approval.

- Refuse Disposal.

Comment: The submission of a Waste Management Strategy is to be required by an appropriate condition on approval.

Petition

The petition submitted in opposition to the proposal has been signed by 58 persons. It is noted a small number of persons (4) signed the petition twice. The petition does not raise specific concerns regarding the proposed lodging house. Eight (8) signatories live some distance from the subject land.

Conclusion

The proposed lodging house is supported as a use that will contribute to the provision of a broader range of accommodation within the City of

Cockburn. The site in question is well suited relative to adjoining development, supported by good access to transport, local shopping and services. The proposal also provides for the sustainable use of an existing building, whilst the lodging modules incorporate 'ESD' (Environmental Sustainable Design) principles.

With respect to concerns that have been raised, it is believed the majority of these (where relevant) will be addressed through the management of the use. To further facilitate the successful integration of the use within its environment (addressing concerns regarding the juxtaposition of certain aspects of the proposal to adjoining development), a number of changes are recommended. These relate specifically to the relocation of the ablutions/laundry and recreation buildings.

Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

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

Employment and Economic Development

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

Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of the Council's determination, there may be a cost to be borne by the City (out of the existing operational budget).

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

Adjacent property owners were consulted on the proposal.

Attachment(s)

1. Location plan
2. Lodging house plans
3. Lodging house overview, including Management Plan
4. Submissions received and petition
5. Health Conditions and Advice Notes

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 June 2009 Council Meeting.

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

Nil.

14.5 (OCM 11/6/2009) - FINAL ADOPTION OF LOCAL PLANNING POLICIES (9003) (V LUMMER) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopts the following local planning Policies:
 1. APD18 'Outbuildings';
 2. APD26 'Control Measures for Protection Water Resources in Receiving Environments';
 3. APD49 'Residential Design Codes – Alternative Acceptable Development Provisions';
 4. APD54 'Alfresco Dining';
 5. APD55 'Relocation of Building Envelopes';
 6. APD56 'Single Bedroom Dwellings';
 7. APD 57 'Crossovers – Industrial and Commercial Development';
- (2) publish a notice in the local newspaper in accordance with Clause 2.5.3(b) of Town Planning Scheme No.3; and
- (3) forward a copy of the Policies to the Western Australian Planning Commission in accordance with Clause 2.5.3(b) of Town Planning Scheme No.3.

COUNCIL DECISION

Background

At the Council meeting of 8 December 2008 Council resolved to adopt the Minutes of the Delegated Authorities, Policies and Position Statements Committee meeting held on 20 November 2008 which included amendments to existing policies APD18, APD26, APD49, and new policies APD54, APD55, APD56 and APD57.

The DAPPS resolutions included the necessity to advertise the policies in accordance with Town Planning Scheme No.3 in order that they become properly adopted Local Planning Policies. It was noted that the advertising would be held over so that advertising of all policies could take place in bulk.

The policies have now completed advertising.

Submission

N/A

Report

The Policies listed have been advertised for public comment in the Cockburn Gazette over 2 consecutive weeks on 28 April 2009 and 5 May 2009. A period of 21 days was provided for written submissions to be received by the City, closing on 19 May 2009.

No submissions were received in regard to the 7 policies listed.

There are no modifications to Policies APD18, APD26, APD49, APD55, APD56 and APD57. There is one modification to APD54, Clause 4.6 as follows:

4.6 The City of Cockburn shall be indemnified against any damage which may arise, with the indemnity being Public Liability Insurance cover of over \$10 million minimum;

It is considered, that to make this requirement comparable to other recent Public Liability cover, the figure should be increased from \$5 million to \$10 million, which is reflected in the attached policy document.

In view of the above, it is recommended that the advertised policies be finally adopted as Local Planning Policies without modification.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

The cost of placing a notice in the newspaper will be covered in the operational budget.

Legal Implications

Town Planning Scheme No.3 requirements.

Community Consultation

Advertised from 28 April to 19 May in the Cockburn Gazette.

Attachment(s)

1. APD18 'Outbuildings';
2. APD26 'Control Measures for Protection Water Resources in Receiving Environments';
3. APD49 'Residential Design Codes – Alternative Acceptable Development Provisions';
4. APD54 'Alfresco Dining';
5. APD55 'Relocation of Building Envelopes';
6. APD56 'Single Bedroom Dwellings';
7. APD 57 'Crossovers – Industrial and Commercial Development;

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (OCM 11/6/2009) - LIST OF CREDITORS PAID - APRIL 2009 (5605)
(K LAPHAM) (ATTACH)**

RECOMMENDATION

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

COUNCIL DECISION

Background

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

Submission

N/A

Report

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – April 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 11/6/2009) - STATEMENT OF FINANCIAL ACTIVITY - APRIL 2009 (5505) (N MAURICIO) (ATTACH)

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

COUNCIL DECISION

Background

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and

- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for April 2009. These include explanations for material variances within operating revenue and expenditure, as well as for capital works & project expenditure.

Note 1 shows the program split for grants and contributions received towards asset purchase and development.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed reserves). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standards.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.

The materiality threshold adopted by Council for the 2008/09 financial year is \$50,000 or 10% (whichever is the greater). In applying the

threshold, officers give due regard to the nature of the data and how it is best consolidated (e.g. at an individual project level, specific works program, distinct activity, nature and type level etc).

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Where variances reported are of a permanent nature (i.e. not due to timing issues), they will impact Council's end of year surplus/deficit position.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports - April 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 11/6/2009) - NORTH LAKE ROAD - PROPOSED RIGHT TURN POCKET AT HAMMOND ROAD (450010) (J RADAICH) (ATTACH)

RECOMMENDATION

That Council:

- (1) remove the project CW2296 – North Lake Road at Hammond

Road – Right Turn Slip Lane from the current Budget and amend the Budget accordingly; and

- (2) incorporate these works when the second carriageway is constructed in North Lake Road between Hammond Road and Midgegooroo Avenue, as indicated in the Plan for the District 2008-2018 as amended.

COUNCIL DECISION

Background

There is a remaining allocation on the current budget of \$48,922 under account no. CW2296 to construct a right turn slip lane in North Lake Road at Hammond Road. To facilitate the slip lane treatment to Australian Standards will require prevention of the right turn movement at the previous intersection (Thomas Street).

Submission

Accordingly, a plan was prepared and consultation undertaken with the community during February. A copy of the consultation letter and plan is attached to the Agenda. At the close of the consultation period, forty four (44) responses were received, with twenty one (21) favouring the proposal and twenty three (23) in opposition.

Report

The opposition to the report stemmed mainly from the residents living in the residential area on the north side of Thomas Street:

1. Right turn ban out of Thomas Street will inconvenience residents and require them to undertake a big detour.
2. Traffic will be directed down Sycamore Avenue.
3. Traffic will be directed to use Semple Court to turn right into North Lake Road, and this will create congestion, particularly with the heavy westbound flow.
4. Semple Court intersection at North Lake Road will need to be improved first as traffic volumes will increase and it is difficult to turn right due to westbound traffic volume and setting sun.

5. North Lake Road should be made into a dual carriageway through to Beeliar Drive before the right turn bans at Thomas Street are imposed.
6. It will encourage potentially dangerous u-turns.

There would be a relatively minor increase in North Lake Road/Semple Court turning traffic should the right turn movement at North Lake Road/Thomas Street be prevented. North Lake Road is currently a dual carriageway at Thomas Street and a single carriageway at Semple Court. Consequently, Thomas St provides for a safer turning movement for motorists than Semple Court.

North Lake Road is also currently a dual carriageway at Hammond Road, which is between Thomas Street and Semple Court. The right turn slip lane proposed in the Budget is designed to improve safety at a relatively safe intersection, with two eastbound lanes providing passing opportunities when a vehicle is turning right.

North Lake Road is earmarked in the Plan for the District to have a second carriageway between Hammond Road and Midgegooroo Avenue completed in 2015. This will improve safety for turning vehicles at Semple Court, with a dual carriageway in place and address the concerns raised during the consultation process.

In view of the foregoing, and having regard for the objections and safety issues at the North Lake Road/Semple Court intersection, it is considered that construction of the right turn slip lane in North Lake Road at Hammond Road should be deferred until the second carriageway of North Lake Road is constructed between Hammond Road and Midgegooroo Avenue.

Strategic Plan/Policy Implications

Transport Optimisation

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

Budget/Financial Implications

The cancellation of the project will result in unspent funds of \$48,922 under account no. CW2296 being available as Budget surplus

Legal Implications

N/A

Community Consultation

The report to Council follows public consultation with affected householders and road users during February 2009.

Attachment(s)

1. Site location map.
2. Consultation letter and plan of proposal to affected householders and road users.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (OCM 11/6/2009) - TENDER RFT 06/2009 - TREE WATERING SERVICES - STREETSCAPES, PARKS AND RESERVES (RFT06/2009) (A JOHNSTON) (ATTACH)

RECOMMENDATION

That Council accept Tender No.RFT06/2009 – Tree Water Services – Streetscapes, Parks and Reserves submitted by Tree Watering Services, for over a three (3) year period with options to extend to a maximum of five (5) years, for the lump-sum price per service of \$6,074.20 GST inclusive (\$5522.00 GST exclusive), and additional schedule of rates for determining variations, with a total estimated contract value based on the \$6,074.00 per service rate being \$789,646.00 GST inclusive (\$717,760.00 GST exclusive).

COUNCIL DECISION

Background

Parks and Environment undertakes Streetscape, Landscape, Park and Reserve planting projects that require supplementary watering for the first two to three summers, to ensure 90% survival and vigour for trees planted and 70% for tube stock plantings.

During the 08/09 watering season there were 22,542 trees and shrubs that required watering using an average of 250,000 litres of water per service.

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

Submission

Tenders closed at 2:00pm (AWST) Thursday 30 April 2009 and two (2) tender submissions were received from:

1. Tree Watering Services; and
2. Independent Grain Handlers

Report

Compliant Tenderers

The tender receive from Tree Watering Services was deemed compliant with the conditions of tendering and compliance criteria.

The tender received from Independent Grain Handlers was deemed compliant with the conditions of tendering but non compliant with the following criteria.

- An Occupational Safety and Health declaration was not submitted.
- Motor Vehicle Insurance was advised as "To Be Advised" (TBA) on purchase of new vehicles.

As this non-compliance was considered by the evaluation panel as of a minor nature both submissions were evaluated.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	30%
Plant Equipment and Personnel	25%
Implementation Strategy	15%
Tendered Price	30%
Total	100%

Tender Intent/Requirements

Tender requirements were based on the City of Cockburn's Technical Specification for Tree Watering in accordance with the City of Cockburn's standard specifications for this work.

Evaluating Officers

The tender submissions were evaluated by the following officers:

1. Adam Johnston - Parks Operations and Environment Coordinator;
2. Mary Chesson - Acting Parks Technical Officer; and
3. Chris Beaton - Environment Manager.

Scoring Table

Scores			
Tenderer's Name	Non-Cost Evaluation Score 70%	Cost Criteria Evaluation Score 30%	Total Score 100%
Tree Watering Services	57.57%	30.00%	87.57%
Independent Grain Handlers	39.80%	3.8%	43.59%

Evaluation Criteria Assessment

Tree Watering Services have satisfied all the requirements of the Evaluation Criteria.

Tree Watering Services did not submit an Occupational Health and Safety Declaration and Motor Vehicles Insurances were outlined as To Be Advised on purchase of the new plant.

Demonstrated Experience

Tree Watering Services have been in operation since 2000. They have significant experience in the watering and care of trees and shrubs having provided services to other local government municipalities and private industry.

Independent Grain Handlers do not currently operate a Tree Watering Business, but want to diversify into this industry. Their experience is limited to the individual skills of the proprietors.

Plant Equipment and Personnel

Tree Watering Services currently have the required plant and experienced personal to undertake the required volume of works.

Independent Grain Handlers have advised that they would be purchasing the majority of the required plant and would be training employees who would be working on the contract.

Implementation Strategy

Tree Watering Services have provided a brief strategy based on their experience in Tree and Shrub Watering. The watering methods outlined are in line with good watering practices and industry practice.

Independent Grain Handlers have provided a strategy based on a comprehensive site inspection of the area's requiring watering under the contract. As they have not undertaken this type of works previously the strategy is based on their best estimation of what is required to achieve the contract requirements.

Summation

Evaluation was undertaken by three (3) internal staff members independently. The combined officer's assessment supports awarding the tender to Tree Watering Services consequently officers recommend that Council accept their tender submission for the lump sum price of \$6,074.20 (GST inclusive) per watering service and an estimated expenditure of \$157,929.20 per annum.

Strategic Plan/Policy Implications

Infrastructure Development

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

.Natural Environmental Management

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

Budget/Financial Implications

The projected costs for Tree Watering Services (RFT 06/2009) are as follows:

	Budget/	Actual Estimate/Actual
Operating Budget	\$169,000	\$157,924
Variance (Below Budget & Estimate)		\$11,076

Funds are available under individual OP Parks and Environment project account numbers in the 2009/10 budget totalling \$169,000.00.

Analysis of the previous four (4) financial years indicate an average actual expenditure of \$194,000 GST exclusive per annum.

Legal Implications

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

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

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

Community Consultation

Tender number RFT 06/2009 Tree Watering Services was advertised on Wednesday 15 April 2009 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's website from the 15 – 30 April 2009.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

All Tenderers who submitted a tender have been advised that this matter is to be considered at the 11 June 2009 Council Meeting.

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

Nil.

16.3 (OCM 11/6/2009) - STRATEGIC BICYCLE NETWORK AND FOOTPATH PLAN (4003) (J RADAICH) (ATTACH) ★

RECOMMENDATION

That Council:

- (1) receive the final draft report "City of Cockburn Strategic Bicycle Network and Footpath Plan";
- (2) utilise the Schedule of Works – Bicycle Network and Schedule

of Works – Pedestrian Network contained in the report as a basis for developing implementation programs and for consideration in future Council budgets and grant opportunities for built solutions;

- (3) develop an implementation schedule for both shared use and pedestrian path upgrades for consideration in the next iteration of the Plan for the District; and
- (4) acknowledge the need to promote non-built solutions:
 1. Town Planning Scheme Amendments to allow the use of cash in lieu for cycling and other green mode infrastructure.
 2. Formation of a Bicycle User Group.
 3. Employment of a Travel Smart Officer.
 4. Implementation of a Hazard Report Card system.
 5. Undertake a signage audit of all paths in the City.
 6. Development of an information page for cyclists and pedestrians on the City's webpage.

COUNCIL DECISION

Background

The City of Cockburn produced a Bicycle Plan in 2004. Since that time the City has undergone considerable growth and land development, necessitating a review of the existing Bicycle Plan so that Structure Plans and future road works will reflect the development and integration of bicycling infrastructure. In addition, bicycling infrastructure incorporates many key elements that are also used by pedestrians of all categories, including shared paths, "Safe Routes to School", identification of trip attractors, etc. Consequently, a review of the bicycle network should effectively also incorporate a review of the footpath network.

Submission

Accordingly, a consultant's brief for a review of the City's strategic network of bicycle and footpath infrastructure was prepared. The intention of the brief was to identify high level, strategic improvements to the existing bicycle and footpath networks and potential non-built solutions to enhance existing networks, their maintenance and future provision. The project was awarded to engineering consultants Worley Parsons Services Pty Ltd in March 2008, and now has been finalised for Council's consideration.

Report

The tasks undertaken by the consultancy included:-

1. A review of the existing bicycle plan "Cockburn Bike Plan 2005 and Beyond", bicycle network and footpath network.
2. Liaison with Engineering Services, Community Services and Planning Services staff.
3. A review of any relevant Structure Plans.
4. Consideration of 'Safe Routes to School' facilities in conjunction with the location of schools within the City of Cockburn.
5. Identification of major trip attractors such as town centres, railway stations, local shops etc.
6. Consultation with and the involvement of local cyclists, cycling groups, pedestrians, skaters, people with disabilities and other stakeholders that share off road facilities with cyclists.
7. Liaison with the Department for Planning and Infrastructure (Alternative Transport – Cycling Unit).
8. Analysis of crash statistics to determine any existing hazards for cyclists and pedestrians.
9. Provision of a program of new and improvement works including cost estimates and a priority order listing for such works.
10. Monthly project progress reporting.
11. A final report including drawings.

Key points in the development of the final report have been broadly identified as follows:-

Crash Statistics

Based on an analysis of reported crashes involving pedestrians and cyclists three key points have been identified that will be carried forward into planning for future networks. These include:

1. 6 intersections within the City's top 20 (based on crash frequency) are on existing Perth Bicycle Network (PBN) routes. This is a concern as cyclists are required to use these intersections, either on road or off road.

2. Most crashes involving cyclists occurred at un-signalised intersections.
3. Most crashes involving pedestrians occurred at mid-block locations suggesting that there may be a lack of safe mid-block crossing facilities available within the City.

Physical Barriers

Significant physical barriers to walking and cycling within the City include:

- Stock Road
- Kwinana Freeway
- Freight railways
- Beeliar Regional Park
- Regional parks surrounding North Lake, Bibra Lake, Little Rush Lake, Yangebup Lake, Kogolup Lake and Thompsons Lake.

It is important to note that physical barriers to walking and cycling are likely to be interpreted by each individual differently. What one person may perceive as a barrier may not be a barrier to another.

Review of Existing Bicycle Network

Each route within the City was travelled and qualitatively assessed against four criteria drawn broadly from Main Roads WA's 'level of service' assessment for on and off road bicycle routes. The table summarises the assessment criteria used for routes within the City.

Bicycle Route Assessment Criteria

Criteria	Factors considered
Traffic	Volume and traffic mix, speed limit, on street parking
Design	Operating space for cyclists, traffic management devices, continuity and legibility, signage
Intersections	Frequency, design, forced stops
Pavement	Condition, marking

Generally the PBN provides good coverage throughout the central portion of the City. Some minor additions to the network will improve this coverage and legibility of the network. The western suburbs of the City (Hamilton Hill, Spearwood, Coogee and Munster) are poorly served by the PBN and an additional route is required through these areas.

Review of Existing Footpath Network

Generally, the provision and condition of footpaths throughout the City is good and provides strong opportunities for walking. The review of footpaths throughout the various assessment precincts identified a number of locations where infrastructure is required.

Recommendations

Recommendations were grouped into three key areas:

1. Built Solutions – These include recommendations for new infrastructure/paths etc.
2. Non-Built Solutions – These are recommendations for the implementation of programs or activities that do not require physical infrastructure.
3. Further Investigations – These are areas where further more detailed investigations are required to determine the best solution to a particular issue.

Conclusion

The final draft report “City of Cockburn Strategic Bicycle Network and Footpath Plan” provides a robust and solid basis with which to review and plan the City’s bicycle and footpath infrastructure program to provide a consolidated, structured and strategically linked path and route network for cyclists and pedestrians within the municipality.

The City of Cockburn Bicycle Network and Footpath Plan represents a substantial review of the City’s network. The Plan is comprehensive and attached to this Agenda are the outcomes and schedules generated from the review. An abridged version of the document has been provided in all Council Libraries, the website and a digital copy provided to each Elected Member for their information.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

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

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

Budget/Financial Implications

The City of Cockburn Bicycle and Footpath Plan has identified a schedule of works to the total value of \$7.8m, with \$6.2m identified for works in upgrading the bicycle network and \$1.6m for the pedestrian network. Historically, the City has allocated between \$400,000 and \$600,00 for the improvement of these networks annually. In anticipation of adoption of the Plan, the budget allocation for the 2009/10 financial year has increased to \$1.2m. The development and implementation of a robust strategy to improve the City's bicycle and pedestrian movement throughout the City gives the City a greater opportunity to take advantage of external funding which is further evidenced in the 2009/10 draft budget. An implementation plan needs to be developed which takes into account Council's Budget constraints and incorporated into the next iteration of the Plan for the District.

Legal Implications

N/A

Community Consultation

The consultant consulted extensively with key stakeholders, the public, Council officers and government departments in the preparation of the plan report.

Attachment(s)

1. City of Cockburn Bicycle Network and Footpath Plan – Recommendations
2. Schedule of Works – Bicycle Network
3. Schedule of Works – Pedestrian Network

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.4 (OCM 11/6/2009) - TENDER RFT 10/2009 - WEED AND TURF/PLANT PEST CONTROL SERVICES (RFT10/2009) (C BEATON) (ATTACH)

RECOMMENDATION

That Council accepts Tender No. RFT 10/2009 – Weed and Turf/Plant Pest Control Services from a panel of service providers made up of:

- Turfmaster Facility Management;
- Lovegrove Turf Services P/L;
- Maxwell Robinson & Phelps;
- Ausmic Boomerang Weed and Pest Control; and
- Regen4

to supply Weed and Turf/Plant Pest Control Services over a three (3) year period with options to extend to a maximum of five (5) years for the prices as shown in Tendered Prices – schedule of rates.

COUNCIL DECISION

Background

Weed and Turf/Plant Pest Control is an essential and integral part of maintenance for turf sports fields, landscaped road verges, public open space, garden beds and managed bushland reserves and assists to reduce the risk of fire in natural areas.

The City of Cockburn sought suitably qualified, licensed and experienced Contractor(s) to undertake these weed and turf/pest control services. The service are to include but not be limited to the supply of all labour, plant and equipment, materials, chemicals, wetting agents and dye, administrative costs, and travelling expenses.

The tender document requested contractors to provide a schedule of rates for broad acre spraying, both boom and hand, of sports fields/reserves and POS areas and a schedule of rates for the hand spraying of garden beds and bushland areas where selective treatment of an area is required.

The successful tenderer/s will be deemed the Principal's "Preferred Supplier" for these services and any additional weed control services that may be required during the entirety of the proposed Contract.

As per Delegated Authority SES3 because the total cost of the tender is expected to exceed \$550,000 over the term of the contract the successful tenders must be approved by Council.

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

Submission

Tenders closed at 2:00pm (AWST) Thursday 28 May 2009 and 8 tender submissions were received from:

1. Maxwell, Robinson & Phelps
2. Biodiversity Aust. P/L – T/A Naturecall
3. Ausmic Boomerang Pest and Weed Control
4. Regen4 Environmental Services
5. Turfmaster Facility Management
6. Lovegrove Turf Services P/L
7. Lovegrove Turf Services P/L – Alternative Tender
8. Ghem Holdings

Report

Compliant Tenderers

The tenders received from The tenders received from Maxwell, Robinson & Phelps, Biodiversity Aust. P/L – T/A Naturecall, Ausmic Boomerang Pest and Weed Control, Regen4 Environmental Services, Turfmaster Facility Management, Lovegrove Turf Services P/L and Lovegrove Turf Services P/L – Alternative Tender were all deemed compliant with the conditions of tendering and compliance criteria.

The tender received from Ghem Holdings was deemed non compliant with the conditions of tendering because they failed to provide a copy of their submission together with an electronic copy on a CD.

Evaluation Criteria Assessment

- *Demonstrated Experience*
Tenderers were required to detail their experience undertaking weed and pest control services in the Principal's turf sports fields, landscaped road verges, public open space (POS), garden beds and managed bushland reserves.
- *Equipment*
Tenderers were required to supply a list of equipment that would be available and used to undertake weed and pest control services in

the Principal's turf sports fields, landscaped road verges, public open space (POS), garden beds and managed bushland reserves. Officers assessed the equipment described to determine if the tenderers had the necessary equipment to undertake the required services.

- *Personnel*
Tenderers were asked to supply a list of qualified personnel that would be engaged to undertake weed and pest control services in the Principal's turf sports fields, landscaped road verges, public open space (POS), garden beds and managed bushland reserves. Officers assessed the experience and qualifications of the personnel to determine if the tenderers had the necessary personnel to undertake the required services.
- *Environmental Sustainability*
Tenderers were required to demonstrate their ability to operate in an environmentally sustainable manner. The ability to minimise their environmental impact was used in the evaluation process.
- *Summation*
For the first time, the City has combined usually separate tendered works for weed control services in broad acre parklands, landscaped garden beds, roads and medians and for bushland areas. Evaluation was undertaken independently by two internal staff members. Consideration was given to each tenderers' experience in all of these service areas no one submission demonstrated resources, experience and skills across all three task types. For example, Maxwell Robinson Phelps has extensive experience and has the appropriate traffic management modified vehicles and plant for road side weed management. Regen4 on the other hand, have specialist staff and held equipment for detailed site specific weed control in unique wetland and bushland communities. Turfmaster and Lovegrove have specialised equipment for broad acre treatments.

The combined Officer's assessment supports awarding the tender to a panel of service providers made up of Turfmaster Facility Management, Lovegrove Turf Services P/L, Maxwell Robinson & Phelps, Ausmic Boomerang Weed and Pest Control and Regen4 for Weed & Turf/Plant Pest Control Services in Bushland Reserves, consequently officers recommend that Council accept their tender submission for the prices as detailed in the Tendered Prices – Separate Confidential Attachment.

A panel of service providers was chosen as they best demonstrate the ability to provide the required services at competitive prices compatible to their specific attributes and experience. The City has the opportunity to utilise specialist skills and gain experience of individual company's skills.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	30%
Tenderers Resources	15%
Tenderers Personnel	15%
Environmental Sustainability	10%
Tendered Price	30%
Total	100%

Tender Intent/Requirements

Tender requirements were based on the City of Cockburn's Technical Specification for Weed & Turf/Plant Pest Control Services in accordance with the City of Cockburn's standard specifications for this work.

Evaluating Officers

The tender submissions were evaluated by the:
Joanne Smith - Parks Manager and ;
Chris Beaton - Environment Manager.

Scoring Table

Tenderer's Name	Scores		Total Score 100%
	Non-Cost Evaluation Score 70%	Cost Criteria Evaluation Score 30%	
Maxwell, Robinson & Phelps	53	29.52	82.52
Turfmaster Facility Management	46.25	29.59	75.84
Lovegrove Turf Services P/L	55.5	14.8	70.30
Lovegrove Turf Services P/L – Alternative Tender	55.5	14.8	70.30
Ausmic Boomerang Pest and Weed Control	41.75	22.09	63.84
Regen4 Environmental Services	39.75	11.10	50.85
Biodiversity Aust. P/L – T/A Naturecall	22.25	21.65	43.9

Strategic Plan/Policy Implications

Infrastructure Development

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

Natural Environmental Management

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

Budget/Financial Implications

The projected costs for Weed Control Services (RFT 10/2009) for 2009/10 are as follows:

	Budget/ Estimate/Actual	Actual
Environment Operating Budget	\$216 738.00	\$216,738.00
Parks Operating Budget	\$101,698.00	\$101,698.00
Total	\$318,436.00	\$318,436.00

The total estimated contract value based on the schedule of rates for a three (3) year period is \$1,050,838.80 GST inclusive (\$955,308.00 GST exclusive).

Funds are available under individual OP Parks and Environment project account numbers in the coming 2009/10 budget totalling \$318,436.00.

Analysis of the previous (3) financial years indicate an average actual expenditure of \$353,009.00 GST exclusive per annum.

Legal Implications

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

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

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

Community Consultation

Tender number RFT 10/2009 Weed and Turf/Plant Pest Control was advertised on Friday 15 May 2009, in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's website from the 15 May 2009.

Attachment(s)

1. Tender Evaluation Sheet – separate confidential attachment
2. Tendered Prices – separate confidential attachment

Advice to Proponent(s)/Submissioners

All Tenderers who submitted a tender have been advised that this matter is to be considered at the 11 June 2009 Council Meeting.

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

Nil.

16.5 (OCM 11/6/2009) - DRAINAGE CATCHMENTS STUDY (4852) (J RADAICH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report "City of Cockburn Drainage Catchments Study",
- (2) utilise the attached Recommended Action Plan for flood critical stormwater disposal sites as a basis for developing a detailed implementation program for consideration in future Council budgets and incorporation into the next iteration of the Plan for the District.

COUNCIL DECISION

Background

The City encompasses an area of approximately 148 sq km. The stormwater drainage system comprises a combination of piped and open channel drains with concrete pipe diameters ranging in normal size between 225 mm and 150 mm. All stormwater runoff generally discharges into infiltration basins, inland lakes or main Water Corporation drainage systems.

The stormwater system includes:

- 380 km of drainage pipes
- 15,445 drainage pits and gullies
- 1,109 drainage catchment areas
- 185 drainage sumps
- 69 compensating basins
- 203 bubble-up structure basins
- 31 gross pollutant traps
- 61 lake outlets
- 73 soakwells
- 62 special drainage structures

There is a variety of stormwater discharge facilities that were established using ad hoc practices, with the subsequent inefficient utilisation of drainage reserve land. Improved and alternative technology and practices now provides the opportunity to review the stormwater drainage management system, particularly the discharge alternatives and requirements, and the opportunity to reduce the number of such facilities both in size and numbers.

In October 2005, Council adopted a Storm Water Sump Beautification Program to review and treat such stormwater discharge facilities. There has been an annual funding allocation to progress this program, which will be addressed to completion in the 2009/10 Budget.

Since 2005, concern has increased appreciably of the potential impacts of climate change on the environment, including associated with possible increases in rainfall intensities and an uncertainty as to the adequacy of the stormwater management system to cope with such events. In addition, knowledge of how our drainage system including basins will perform with predicted climate change effects will assist in a subsequent assessment of the implications of global warming on midge and mosquito populations, as particular mosquito species and disease carrying capacity is predicted to change with global warming. Consequently, it is opportune to review the City's stormwater catchment system, particularly in light of the climate change implications.

Submission

Accordingly, a consultant's brief for a review of the City's Stormwater Management System, particularly disposal, and appraisal of the capacity of our drainage system to cope with impacts of climate change, was prepared. The project was awarded to engineering consultants Shawmac in October 2008, and now has been finalised for Councils consideration

Report

The tasks undertaken by the consultancy included:-

- Collection of all data from the City including factual and anecdotal information from staff about existing problem areas in the disposal of stormwater.
- Tabletop review of catchments to identify potential for improving, reducing or relocating disposal structures.
- Site inspections of all existing stormwater disposal sites.
- Confirm sites where practical changes may be implemented.
- Analyse the disposal capacity of all disposal sites in accordance with the City's subdivisional guidelines for 5yr recurrence (residential) and 10yr recurrence (commercial/industrial) rainfall intensity events. In addition 100yr rainfall events were considered, to assess the effects of predicted climate change.
- Concept designs for potential changes prepared including landscaping of areas where possible.
- Works prioritised on the basis of adverse impact if no action taken and on the potential social and fiscal benefit from the works.
- Prepare the report on the study findings.

Key points in the development of the final report have been broadly identified as follows:-

Flood Mitigation

In considering the impact of a 100 year flood (mirroring a climate change event), an arbitrary system of rating was adopted. The following rating system be adopted:

- Criticality High – Likely to sustain considerable damage – flood waters landlocked with no overland flow path and housing or residential units likely to be significantly affected.
- Criticality Medium – Likely to sustain moderate damage – flood waters have semi free flowing overland flow path and lesser number of residential units likely to be affected.

- Criticality Low – Flooding likely to cause minimal damage and be contained within undeveloped land or reserve lands, overland flow path provides outlet.

Constraints

The ability to obtain accurate information on the as built drainage system constrained the accuracy of the assessment. Data deficiencies included:

- No documented dimensions of sump perimeters or volumes;
- No documented data on soakwell discharge details (sump sizes or volumes);
- No documented dimensions of other outlet swales, basins or other discharge areas;
- No site data regarding the infiltration rate throughout the catchment.

Accordingly, educated assumptions based on experience needed to be made in some situations.

As such, the findings must be viewed as preliminary findings whose purpose is primarily to identify criticalities, opportunities for rationalisation of systems and possible need for additional structures. These areas would need to be subject of further detailed investigation based on more accurate data for each catchment.

Climate Change Consideration

The Garnaut Climate Change Review reported that as well as changes to annual average rainfall the character of daily rainfall may change, and there is expected to be an increase in the intensity of rainfall events in some areas, and the number of days without rainfall is also expected to increase. This suggests that the future precipitation regime may have longer dry spells broken by heavier rainfall events.

With respect to the City of Cockburn's stormwater systems, should rainfall events become more intense, the risk of basins and sumps overtopping increases. Where sumps and basins are located in localised low points and where the 100 year flood path is constrained or travels across developed land rather than undeveloped land or road pavements this could increase the likelihood of flood damage to property.

Given the uncertainty in predicting future rainfall patterns, it was not possible to accurately model stormwater catchment efficiencies against future events. However the assessment undertaken as part of this study allowed different rainfall intensities and design storms to be applied to individual catchments, thereby allowing some predictions to be made as to the likely adequacies of disposal facilities under a range of scenarios. This provided a means to assess potentially vulnerable

catchments and to identify areas where more detailed hydrological and hydraulic studies are warranted. It should be noted that any assessment is within the boundaries of the constraints identified above.

The outcome of the study can also assist in subsequent assessments of the risk of increasing midge and disease carrying mosquito populations, on account of climate change affecting our drainage system, including basins.

General Findings

Within the constraints and assumptions stated, the study provides an initial assessment of the efficiencies of the drainage systems within the City and identifies:

- Catchments where disposal is adequate and no issues are evident. These include small isolated catchments that rely on localised soakage or disposal onto unkerbed road verges, discharge into large bodies of water such as lakes and wetlands and discharged into sumps and basins where capacity and infiltration rates are adequate.
- Catchments where disposal is inadequate. These catchments are typically those where sump or basin capacity is inadequate and where further detailed assessment based on measured catchment and basin characteristics.
- Catchments where improvements or alternative disposal may be possible. These include catchments where there may be opportunities for re-routing flows to alternative disposal via piped drains or catchments where there may be potential for reducing sump area.
- Catchments where the 100 year flood path is critical.

Report Recommendations

Recommendations for specific catchments as contained within the final report have typically fallen into the following categories:

- Where sump capacities are assessed as being inadequate, further detailed assessment should be undertaken. This should involve field measurement of the permeability of soil at the discharge basin, quantification of sump or basin dimensions to accurately determine volume and base area, determination of the depth of the water table relative to the basin floor and modelling of design inflow and outflow hydrographs for the catchment to determine basin suitability or otherwise. Where deficiencies are identified, consider options for the managing design flows including:
 - Expanding sump area and capacity to cater for design flows where land area is available;

- Reducing downstream accumulated flows at the discharge point by incorporating upstream inline disposal options.
- Where sump capacities are assessed as being significantly greater than required for design flows, further detailed assessment should be undertaken. This should involve field measurement of the permeability of soil at the discharge basin, quantification of sump or basin dimensions to accurately determine volume and base area, determination of the depth of the water table relative to the basin floor and modelling of design inflow and outflow hydrographs for the catchment to determine basin requirements. Where excess use of the sump or basin area is confirmed, consideration should be given to modifying the sump or basin to free land for alternative use. This may include land for resale (where area and tenure permits) or landscaped areas for community use.
- Where opportunities are identified for rerouting flows to alternative disposal, further investigation should be undertaken to assess economic and engineering feasibility.
- Where 100 year flood risk is identified as being critical, consideration should be given to increasing sump or basin capacities where possible, providing safe flood paths away from disposal points where possible, or providing upstream initiatives to moderate flows. Upstream interception and infiltration initiatives should be considered in line with Water Sensitive Urban Design (WSUD) principles and Structural Best Management Practices (BMP's) as outlined in the section below.

The report provides a priority listing of works (1 to 10) which will form the basis of activities to be included in future planning.

Conclusion

The report "City of Cockburn – Drainage Catchments Study" provides a robust and solid basis with which to review and plan our stormwater disposal program to provide a rationalised and upgraded stormwater management system that also takes into account the potential effects of future climate change. It represents a detailed technical review which will form the basis for development of more detailed action plans for consideration by Council in future years. The Drainage Catchment Study is not in a form which enables us to widely consult with the community.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

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

Budget/Financial Implications

The study identifies a range of actions requiring funding of approximately \$5M however much of the initial recommendations involve additional technical review. Officers need to complete further analysis of the actions presented prior to developing a more detailed Implementation Schedule for consideration by Council.

Inclusion of any of the recommendations in future budgets will be limited by available allocated funding, project priorities and budget constraints.

Legal Implications

N/A

Community Consultation

The consultant consulted with key stakeholders, Council officers and government departments in the preparation of the report.

Attachment(s)

1. Executive Summary – City of Cockburn Drainage Catchments Study
2. Recommended Action Plan – City of Cockburn Drainage Catchments Study.

Note: The full report is a large document and can be viewed by contacting the Manager Engineering.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

24. OCM 11/6/2009 - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

25. CLOSURE OF MEETING

Nil