

**CITY OF COCKBURN**

**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR**

**THURSDAY, 8 DECEMBER 2011**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 DECEMBER 2011 AT 7:00 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 DECEMBER 2011 AT 7:00 PM**

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

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

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 8/12/2011) - ORDINARY COUNCIL MEETING 10/11/2011**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday 10 November 2011, as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

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

**13. COUNCIL MATTERS**

**13.1 (OCM 8/12/2011) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 17 NOVEMBER 2011 (FS/A/001) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on 17 November 2011 and adopt the recommendations contained therein.

**COUNCIL DECISION****Background**

A meeting of the Audit and Strategic Finance Committee was conducted on 17 November 2011.

**Submission**

N/A

**Report**

The Audit and Strategic Finance Committee received and considered the following items:

1. Proposed Internal Audit Schedule:
  - Project 2011/12 – 1: Risk Review – A general risk review of potential exposures the City may have, which will cover the areas of Internal Controls and Risk Assessment of key business processes.
  - Project 2011/12 – 2: Review of Fraud Control – The focus is two-fold, firstly the City having a better understanding of its fraud risks and any steps necessary to manage such risks and secondly, both staff and the City being able to gain a better understanding of what constitutes fraud, corruption and misconduct.

The Council has now appointed a new Internal Auditor, Deloitte Touche Tomatso (Deloitte) effective July 2011 for a period of four years.

2. Annual Financial Statements and External Audit Report.

**Strategic Plan/Policy Implications****Governance Excellence**

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

**Budget/Financial Implications**

As contained in the Minutes.

**Legal Implications**

As contained in the Minutes.

**Community Consultation**

N/A

**Attachment(s)**

Minutes of the Audit and Strategic Finance Committee – 17 November 2011.

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

N/A

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

Nil.

**13.2 (OCM 8/12/2011) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 24 NOVEMBER 2011 (CC/P/001) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 24 November 2011, as attached to the Agenda and adopts the recommendations contained therein.

**COUNCIL DECISION**



## **Background**

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 24 November 2011. The Minutes of the meeting are required to be presented to Council and its recommendations considered by Council.

## **Submission**

The Minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

## **Report**

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

## **Budget/Financial Implications**

As contained in the Minutes.

## **Legal Implications**

Section 5.42 of the Local Government Act requires an absolute majority for delegations of powers to the Chief Executive Officer or his appointees.

## **Community Consultation**

As contained in the Minutes.

## **Attachment(s)**

Minutes and Attachments of the Delegated Authorities, Policies and Position Statements Committee Meeting – 24 November 2011.

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

N/A

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

Nil.

**13.3 (OCM 8/12/2011) - 2010/11 ANNUAL REPORT (IM/B/009) (S SEYMOUR-EYLES) (ATTACH)**

**RECOMMENDATION**

That Council accept the 2010/11 Annual Report in accordance with Section 5.54(1) of the Local Government Act, 1995, as attached to the Agenda.

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

**COUNCIL DECISION**

**Background**

Council is required to accept the 2010/11 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday, 7 February 2012. The Local Government Act 1995 ('the Act') requires Council to accept the Report no later than 31 December each year. Elected Members were provided with the Financial Report and Auditor's Report at the Audit and Strategic Finance Committee meeting in November. The consolidated report is now presented for acceptance.

**Submission**

N/A

**Report**

The 2010/11 Annual Report is in conformity with the following requirements of the Act and contains:

1. Mayoral Report
2. Chief Executive Officer's Report
3. Measuring our performance data
4. Overview of the Plan for the Future of the District
5. Report in relation to the Complaints Register subject to Section 5.121 of the Act
6. Report required under Section 29(2) of the Disabilities Services Act 1993
7. Divisional Reports
8. Financial Statements
9. Auditor's Report

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

#### **Governance Excellence**

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

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

The cost of producing 50 copies of the Report is provided for in Council's Governance Budget.

#### **Legal Implications**

As provided in the report.

#### **Community Consultation**

The report will be available for public access by 7 February 2012, in time for the Annual Electors Meeting.

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

Draft 2010/11 Annual Report.

#### **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 8/12/2011) - NOMINATION OF ELECTED MEMBER PROXY MEMBERSHIP FOR JANDAKOT AIRPORT COMMUNITY AVIATION CONSULTATION GROUP (SM/M/002) (A TROSLC)**

**RECOMMENDATION**

That Council

- (1) endorse \_\_\_\_\_ as the Elected Member Proxy Membership to Cr Lee-Anne Smith's membership on the Jandakot Airport Community Aviation Consultation Group; and
- (2) note the membership of Andrew Trosic, Manager Strategic Planning as a technical officer on the Jandakot Airport Community Aviation Consultation Group.

**COUNCIL DECISION**

**Background**

A Community Aviation and Consultation Group ("CACG") has been established for Jandakot Airport. While consultation between the community and Jandakot Airport has, and continues to be, undertaken via various methods, the Federal Government has recently moved to implement a new nationwide system of CACG's for all airports coming under the genus of the *Airports Act 1996*.

In this respect Council on 11 November 2010 resolved to:

- "(1) endorse Cr Lee-Anne Smith as the Elected Member representative on the Jandakot Airport Community Aviation Consultation Group; and*
- (2) note the membership of Andrew Trosic, Manager of Strategic Planning as a technical officer on the Jandakot Airport Community Aviation Consultation Group."*

The purpose of this report is to nominate an additional Elected Member as a proxy member for Cr Lee-Anne Smith on the Jandakot CACG. This is to better ensure an Elected Member is able to attend the quarterly CACG meetings.

**Submission**

N/A

**Report**

In terms of scope and terms of reference, the Federal Government has provided the following advice in relation to role of CACG's across Australia:

- *The Australian Government will require all airports subject to the planning framework in the Airports Act to establish and lead Community Aviation Consultation Groups.*
- *The Community Aviation Consultation Groups will address planning and development issues and a range of other operational matters, such as aircraft noise, which may affect airports' relations with their neighbours.*
- *In recognition of the variety of community and operational contexts that different airports operate within, each lessee company shall have the flexibility to define the scope and membership of the Community Aviation Consultation Groups, as long as the following core prescribed conditions are met:*
  1. *the chair is to be independent;*
  2. *a record of the outcomes of key discussions is to be published;*
  3. *a report on the group's work is to be reviewed as part of the annual lease review; and*
  4. *the activity is to be funded by airports.*

A new Chair has recently been appointed to the CACG, being Mr Graham Muir the former CEO of Perth Airport. In respect of the chair of the CACG, the Federal Government guidelines prescribe the following information in relation to this:

- *The independent conduct of the Chair is critical for the effective functioning of the Community Aviation Consultation Group. An independent Chair will:*
  1. *ensure the input of the full membership is sought as to agenda items;*
  2. *ensure adequate discussion time is devoted to issues of significance;*
  3. *allow for discussion of unanticipated 'other business' at Group meetings;*

4. *ensure agenda materials and papers are meaningful and facilitate effective engagement of members in Group discussions;*
5. *encourage open discussion and a frank exchange of views; and*
6. *provide for effective follow-up of action items.*

Membership of the CACG includes the Cities of Canning, Gosnells and Melville, Department of Planning, Department of Transport, Royal Aero Club of WA and the Jandakot Residents Association. Andrew Trosic, Manager Strategic Planning, is also a member and provides technical officer input.

To ensure wide community views and aspirations can be voiced, it is important that an Elected Member be part of the CACG. Through nominating an additional Elected Member as a proxy member for Cr Lee-Anne Smith on the Jandakot CACG, the City will be able to ensure attendance at the quarterly CACG meetings.

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

#### **Demographic Planning**

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

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

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Administration costs associated with hosting the CACG are met by Jandakot Airport. There are no other costs or payments associated with membership on the CACG.

### **Legal Implications**

N/A

**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.

**14.2 (OCM 8/12/2011) - HOBBY FARM (STABLES) - LOCATION: 12 (LOT 23) HARDEY STREET HAMILTON HILL - OWNER: MAIN ROADS WESTERN AUSTRALIA - APPLICANT: T MILLER (22201366) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council

- 1) grant planning approval for a hobby farm (stables) at 70 (Lot 23) Hardey Street Hamilton Hill subject to the following conditions and advice notes:

**CONDITIONS**

1. The approved stable building shall be finished in non-reflective colours which are sympathetic to the existing stable building on site to the satisfaction of the City. A detailed colour schedule is to be supplied with the Building Licence Application.
2. The existing heritage listed stable building identified on the approved plan is to be protected from damage by all on-site works to the satisfaction of the City.
3. The stable building approved as part of this application shall accommodate no more than 1 (one) horse at any one time.

4. No construction activities associated with the stable building causing noise and/or inconvenience to neighbours being carried out before 7:00am or after 7:00pm, Monday to Saturday, and not at all on Sundays or public holidays.

ADVICE NOTES

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. If dust is detected at an adjacent premises and is deemed to be a nuisance by an Environmental Health Officer, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City's Manager of Health Services.

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

**COUNCIL DECISION**

**Background**

The subject site is located on Hardey Street in Hamilton Hill and forms part of a larger collection of lots known as the heritage place "Randwick Stables". The land parcels associated with Randwick Stables include five separate lots consisting of three lots fronting Rockingham Road (Lots 25, 26 & 27 Rockingham Road) which contain an existing dwelling and Lots 23 & 24 Hardey Street which contain an existing stable building (approximately 150m<sup>2</sup>), an outbuilding (approximately



60m<sup>2</sup>) and horse exercise yards. The area of the lot in which the stable is proposed is 721m<sup>2</sup>.

Main Roads Western Australia own all of the lots associated with Randwick Stables and leases the subject land to the applicant who resides in the existing dwelling and has done so for the past 11 years. The tenant uses the horse stables for private purposes and the use is classified as a "Hobby Farm" which currently accommodates four horses.

Randwick Stables is listed on the City's Heritage List pursuant to Town Planning Scheme No. 3 (TPS 3) and is classified as Category A. According to the City of Cockburn's Municipal Heritage Inventory (MHI), the residence and stables known collectively as Randwick Stables have aesthetic, historical, social, representativeness, rarity and cultural heritage significance. The MHI details the rustic charms of the built elements of the place.

The Heritage Place is also listed on the State Register of Heritage Places. Because of Randwick Stable's Category A classification in TPS 3, staff do not have delegation to determine the application which is why it is forwarded to Council for determination.

### **Submission**

The applicant seeks development approval to construct a 16m<sup>2</sup> stable building on Lot 23 adjacent to the existing main stable building and horse exercise yards. The stable building is proposed to contain external metal cladding with jarrah panelling to internal walls and seeks to be sympathetic to the style and colour of the existing stables on site. The stable building has a maximum wall and roof height of 3.6m.

The proposed stable building will accommodate one additional horse (resulting in a maximum of five horses accommodated on site) and there are no other changes to any existing buildings on site.

### **Report**

#### Statutory Framework

##### *Metropolitan Region Scheme*

The portion of Lot 23 in which the stable building is proposed is reserved under the Metropolitan Region Scheme (MRS) for Primary Regional Roads (Category 3) for the future Roe Highway extension. In accordance with the Department of Planning's Instrument of Delegation under the *Planning and Development Act 2005*, the City referred the

application to Main Roads for comment (see External Agency referrals section of the report below) who provided no objection to the proposal. Whilst the use of land for hobby farm purposes would not normally be appropriate within an MRS Primary Regional Road Reserve, the non-objection by Main Roads and the landowner and Management Authority indicates that the proposal is an acceptable use.

#### *Town Planning Scheme No. 3*

The subject land in which the stable building is proposed is identified as a Region Reserve under the City's Town Planning Scheme No. 3 (TPS 3). The proposed use is a "Hobby Farm" under TPS 3 which:

*"means the use of land for rural living, the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any building normally associated therewith."*

Approval of a "Hobby Farm" use within the Primary Regional Road Reserve is not usual, however the place has been used for stables since its establishment in the early 1920s (hence its heritage significance) which makes this site somewhat unique. In addition, the structure constitutes a relatively minor addition to the land compared to the main stable building and existing dwelling and is considered to comply with the objectives of TPS 3 in this regard.

#### *City of Cockburn Local Planning Policy APD 64 Heritage Conservation Design Guidelines*

Local Planning Policy APD 64 applies to the subject land due to its inclusion on the Heritage List pursuant to clause 7.1 of TPS 3 and clause 4 of the policy relates specifically to the construction of new buildings/structures.

The proposal has been assessed against this policy and is considered to be consistent with its provisions. The proposed stable building does not detract from the heritage significance of the place. It should be noted that there is no existing conservation plan for the heritage place. The proposed size and scale of the proposed stable is not considered to warrant the requirement for a conservation plan to be written for the place. It is considered with the support of the HCWA that the preparation of a formal Heritage Impact Assessment is not required for this proposal given its limited size and scale.

## External Agency Referrals/Consultation

### *Heritage Council of Western Australia*

The proposal was formally referred to the Heritage Council of Western Australia (HCWA) for comment due to Randwick Stables inclusion on the State Register of Places. HCWA confirmed that it supports the proposal subject to a condition being imposed requiring a colour schedule for the new horse stable being sympathetic to the existing buildings and structures on site. Should Council approve the proposal, it would be recommended that a condition be imposed requiring a detailed colour schedule be lodged with the City for approval.

### *Main Roads Western Australia*

The proposal was formally referred to Main Roads Western Australia (MRWA) for comment due to the subject land on which the stable is proposed being reserved under the MRS for Primary Regional Roads. MRWA advised that it has no objections to the proposal.

## Visual Amenity Impact

The proposed stable building will not be clearly visible from Rockingham Road or Hardey Street and given its size and scale will not detract from aesthetic significance of the existing dwelling or stables. Should Council resolve to approve the proposal, a condition can be imposed requiring the external cladding and painted finish shall be sympathetic to the existing stable building so as not to detract from the character of the existing dwelling and stables. The maximum wall and roof height of the stable building is 3.6m which is considered consistent with the height, bulk and scale of development in this location.

## General Amenity Impact

The proposal to keep an additional horse will result in a total of 5 horses being kept on the subject land. Given the nearest residence is located approximately 65m from the subject land, the additional horse is not considered likely to have a negative impact on the amenity of the area and is supported.

## **Conclusion**

The proposed stable building is supported for the following reasons:

- The proposal is minor in nature and supplementary to the existing main stable building;

- The proposal will result in one additional horse being kept on the site which is not considered to cause any detrimental impact the amenity on the area;
- The proposal is considered to be sympathetic towards the existing heritage listed dwelling and stables;
- No objection was raised from Main Roads WA with regards to development within a primary regional road reserve under the MRS.
- No objection was raised from the Heritage Council WA with regards to the state heritage listing.

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

#### **Demographic Planning**

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

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

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

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

Nil.

#### **Legal Implications**

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

#### **Community Consultation**

N/A

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

1. Location Plan
2. Site Plan
3. Elevation Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 December 2011 Council Meeting.

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

Nil.

#### 14.3 (OCM 8/12/2011) - PROPOSED STRUCTURE PLAN - LOCATION: LOTS 4, 125 & 126 HAMMOND ROAD, SUCCESS - OWNER: MUNTOC PTY LTD - APPLICANT: RPS (SM/M/061) (J GOULD) (ATTACH)

##### RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lots 4, 125 and 126 Hammond Road, Success;
- (2) adopt the Proposed Structure Plan pursuant to Clause 6.2.9.1(a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") subject to the following modifications being undertaken first:
  1. Inclusion of the following table on the Structure Plan (i.e. Figure 3 contained within the Structure Plan report):

Description of Land	Special Use	Conditions
<b>Lot 125 Hammond Road, Success</b>	'Recreation Private' –	Planning approval required - This use shall be treated as an 'A' use pursuant to clause 4.3.3.

2. Inclusion of the endorsed Branch Circus District Structure Plan within the Structure Plan report.
3. Inclusion of an annotation on the Structure Plan (ie. Figure 3 contained within the Structure Plan report) stating: 'The road connections across Lot 801 Darlot Avenue are subject to agreement with the Water Corporation. Such agreement is to adequately address issues of final road location, detailed crossing design, pavement location and land acquisition. Should agreement not be reached the Structure Plan will need to be redesigned and assessed in accordance with the requirements of City of Cockburn Town Planning Scheme. Agreement must be reached prior to subdivision or development taking place in accordance with the Structure Plan.'

- (3) refer the Structure Plan to the Western Australian Planning Commission with a request for endorsement in accordance with Clause 6.2.10 of the Scheme; and
- (4) advise the proponent that Developer Contribution Area 13 – Community Infrastructure is now operational under the Scheme. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with the developer contribution plan requirements.

## **COUNCIL DECISION**

### **Background**

Council has received a Proposed Structure Plan for Lots 4, 125 and 123 Hammond Road, Success.

The subject area is zoned 'Urban Deferred' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is located within 'Development Area 13' ("DA 13") and Development Contribution Area No.1 ("DCA 1").

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted to guide future subdivision and development of the land.

The Proposed Structure Plan was adopted for community consultation under delegated authority, and was subsequently advertised for a period of 21 days in accordance with the Scheme, ending on 21 November 2011. The purpose of this report is for Council to consider adopting the Proposed Structure Plan for final approval.

### **Branch Circus Draft District Structure Plan**

The subject land is located within the Branch Circus District Structure Plan area, which relates to the area of land bound by Hammond Road to the east, the MRS 'Parks and Recreation' reserve to the north,

Branch Circus to the west and the Bartram Road Buffer Lakes to the south.

The Branch Circus District Structure Plan was adopted by Council at the Ordinary Meeting of 11 August 2011 (Min No. 4590).

The District Structure Plan was prepared to facilitate proper and orderly planning across the undeveloped portion of Development Area 13 (Branch Circus). The District Structure Plan provides guidance for the future development of local structure plans, prescribing land uses, the local street network and local parks.

In contrast to other District Structure Plans prepared and adopted by Council, the Branch Circus Draft District Structure Plan provides a greater level of detail to guide local structure plans and subdivision. This level of detail was considered appropriate due to the highly fragmented nature of the subject area, and the important environmental value of the wetlands on the site.

The Draft District Structure Plan also formed the basis of an application to the Western Australian Planning Commission ("WAPC") to lift the urban deferment under the MRS over a portion of the Draft District Structure Plan area.

### **Submission**

The Proposed Structure Plan has been lodged by RPS Group on behalf of the landowner, Muntoc Pty Ltd

### **Report**

#### Proposal

The proposed Local Structure Plan (included at Attachment 3) is wholly consistent with the District Structure Plan. The proposed street network, zonings and public open space ("POS") all correspond to those shown on the District Structure Plan.

The Proposed Structure Plan provides for predominantly residential development, with densities ranging between R25 and R40, and will yield approximately 71 residential lots.

It includes provision of 3970m<sup>2</sup> POS, which represents 11% of the gross subdivisible area.

Lot 125 Hammond Road, Success

Lot 125 Hammond Road is identified as 'Special Use' zone for swimming school facility, which is currently under construction on the site. 'Special Use' zones are used to provide for uses which have unique development requirements that cannot be easily accommodated by the objectives of any other zones included in the Scheme.

While the Proposed Structure Plan annotates this site as 'Special Use' it does not specify the range of permissible uses in the manner that 'Special Uses' are ordinarily set out in Schedule 4 of the Scheme. 'Swimming pool facility' is not a land use defined in the Scheme; rather it fits within the land use definition for 'Recreation – Private'. It is therefore recommended that the 'Special Use' be renamed 'Recreation – Private'.

This would potentially allow for a wider range of uses on the site than just a swimming pool facility. Therefore it is recommended that 'Recreation – Private' be allocated as an 'A' use, which means that planning approval will be required prior to development, and the proposal will need to be advertised for public comment prior to a decision being made.

It is therefore recommended that the Proposed Structure Plan include a table reflecting the format of Schedule 4 of the Scheme, setting out the Special Use and the conditions which are applicable. This will ensure there is no ambiguity regarding the permissibility of land uses on Lot 125 Hammond Road.

*Local Water Management Strategy*

The Proposed Local Structure Plan has not been accompanied by an approved Local Water Management Strategy ("LWMS"). This is normally a requirement of the Department of Planning's *Better Urban Water Management* document, the policy measures outlined in State Planning Policy 2.9 - Water Resources, and Planning Bulletin 92 - Urban Water Management.

However, given the small size of the Proposed Local Structure Plan area, the sites higher location in the localised catchment (as per the approved DA13 – Branch Circus District Water Management Strategy) and the presence of adequate POS for drainage retention/infiltration, the Department of Water have advised that they are satisfied for the Local Structure Plan to proceed in the absence of an LWMS.

This means that water management issues will need to be addressed in the future Urban Water Management Plan ("UWMP") as a condition



of subdivision. The approved DWMS will provide high level guidance for the future UWMP.

### Consultation

Community consultation was undertaken in accordance with the requirements of the Scheme for a period of 21 days from 1 November 2011 until 21 November 2011.

All submissions are outlined and addressed in detail in the Schedule of Submissions (refer Attachment 4).

The Water Corporation have objected to the number of proposed road crossings over Lot 801 Darlot Avenue, which contains a section of the Armadale to Thomson's Lake transfer main. However, this objection is inconsistent with their previous advice received in relation to the District Structure Plan, where they did not state any objection to the proposed road crossings. The proposed road crossings are consistent with the District Structure Plan, and retention of both road crossings is consistent with achieving a permeable road network. This is an important objective of Liveable Neighbourhoods.

However, it is noted that the developer will need to enter into negotiations with the Water Corporation to acquire the land for the road crossings. This will include negotiations regarding detailed design and location of the road. If these road connections cannot be achieved this will require redesign of the Structure Plan. It is therefore recommended that an annotation be included on the Proposed Structure Plan as follows:

*'The road connections across Lot 801 Darlot Avenue are subject to agreement with the Water Corporation. Such agreement is to adequately address issues of final road location, detailed crossing design, pavement location and land acquisition. Should agreement not be reached the Structure Plan will need to be redesigned and assessed in accordance with the requirements of City of Cockburn Town Planning Scheme. Agreement must be reached prior to subdivision or development taking place in accordance with the Structure Plan.'*

### Conclusion

The Proposed Local Structure Plan is consistent with the Branch Circus District Structure Plan, and it is therefore recommended that Council adopts the Local Structure Plan for final approval, subject to modifications.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

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

### **Lifestyle and Aspiration Achievement**

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

## **Budget/Financial Implications**

The Structure Plan fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and have been paid by the applicant

## **Legal Implications**

Clause 6.2.9.1 of the Scheme requires Council to make a decision on a local structure plan within 60 days from the end of the advertising period or such longer period as may be agreed by the applicants. The advertising period concluded on 21 November 2011

## **Community Consultation**

Community consultation was carried out for a period of 21 days, from 1 November 2011 until 21 November 2011.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the Schedule of Submissions (Attachment 4).

**Attachment(s)**

1. Location Plan
2. Branch Circus District Structure Plan
3. Proposed Local Structure Plan
4. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 December 2011 Council Meeting.

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

Nil.

**14.4 (OCM 8/12/2011) - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT NO. 1221/41 - LOCATION: LOT 9002 JANDAKOT ROAD, LOTS 9004 AND 1 ARMADALE ROAD AND LOT 132 FRASER ROAD, BANJUP - OWNER: STOCKLAND WA DEVELOPMENT PTY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (5513086) (M CARBONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the Metropolitan Region Scheme Amendment No. 1221/41;
- (2) make a submission to the Western Australian Planning Commission supporting the Metropolitan Region Scheme Amendment 1211/41;
- (3) request the WAPC investigate rezoning the adjoining land from 'Industrial' to 'Urban' under the Metropolitan Region Scheme; and
- (4) advise the WAPC that the City does not support a concurrent amendment to its local Town Planning Scheme as permitted under section 126(3) of the *Planning and Development Act 2005*. A subsequent local Town Planning Scheme amendment in this case should be initiated by Council as comprehensive Development Area and Development Contribution Area provisions will be required to support a Development Zone.

## COUNCIL DECISION

### Background

The Western Australian Planning Commission ("WAPC") has resolved to amend the Metropolitan Region Scheme ("MRS") in accordance with the provisions of the *Planning and Development Act 2005*. The purpose of the amendment is to rezone approximately 151.75ha of land in Banjup from 'Rural – Water Protection' to 'Urban' under the MRS. The amendment also seeks to reserve 1.13 ha as Primary Regional Roads. The urban zoning will allow for residential development of the land following a local scheme amendment, detailed structure planning and subdivision approval.

The WAPC has recently commenced advertising of the proposed MRS amendment. Submissions are due by 3 February 2012, and as a directly affected agency it is necessary for the City of Cockburn to make a submission on the amendment.

It is noted that the WAPC sought preliminary comments from the City of Cockburn and other government agencies last year on the proposal, prior to formally initiating the MRS amendment. Council at its meeting held on the 9 December 2010 resolved to write to the WAPC indicating its support to the proposed MRS amendment.

It is recommended that Council remains in support of this proposal as it is beneficial in achieving the strategic objectives of the City. It is considered to represent a strategically important addition of urban development to the Cockburn Regional Centre, which is a fundamental objective for future development within the City.

### Submission

N/A

### Report

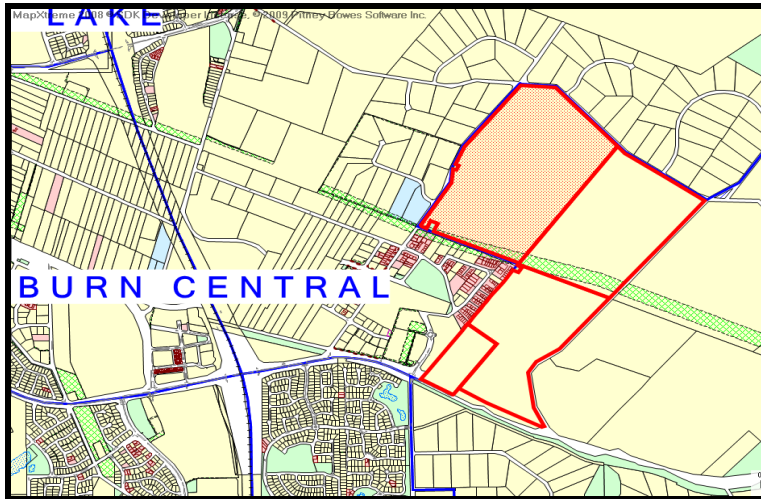
#### Proposal

The proposal constitutes rezoning of the following land parcels from 'Rural - Water Protection' to 'Urban' under the MRS:

- Lot 9002 Jandakot Road - 62.91ha

- Lot 9004 Armadale Road - 36.52ha
- Lot 132 Fraser Road - 45.32ha
- Lot 1 Armadale Road – 8.08ha

The total land area represents approximately 153ha. The area is illustrated below.



The MRS Amendment report was produced by the WAPC and the following provides details of the key issues and justification:

#### Strategic and State Planning Policy Implications

In addressing the strategic framework (and the ultimate merit of the MRS amendment proposal), it is important that consideration be given to the five key themes embodied in Directions 2031. These themes - a liveable city, a prosperous city, an accessible city, a sustainable city and responsible city - provide a key test to whether the MRS amendment proposal reflects the strategic planning context which is being used to support it.

In this respect the following comments against the five key themes are relevant of this proposal:

#### A Liveable City

1. The proposal represents an example for urban expansion in an appropriate location which is considered rational on a regional scale.
2. The proposal will enhance the activity and diversity of the Cockburn Activity Centre.
3. The urban community will be an accessible, well-connected and sustainable community that supports and enables effective participation and inclusion in the community for all residents.

4. The proposal provides for urban growth and residential living opportunities in close proximity to activity and employment centres and public transport corridors.
5. The proposal has the ability and the potential to contribute to the supply of strategically located affordable housing within the existing urban fabric.

#### A Prosperous City

1. The proposal will enhance the economic activity of the Cockburn Activity Centre, and other lower order activity centres in the district, by providing a greater residential catchment to support these centres.
2. The proposal will increase the catchment for the Cockburn Train Station and enhance the economic efficiency of the public transport system.
3. An increase in the workforce servicing nearby industrial, light industrial, service commercial, retail and other economic activities can be expected as a result of the proposal.
4. The proposal will provide an economic use for a degraded ex-sand quarry site.
5. The proposal will create a diverse mix of housing types, services and amenities that facilitate economic development and employment.

#### An Accessible City

1. The future community will be highly connected to employment, education, recreation and community services given the immediate proximity to the Cockburn Activity Centre, Cockburn Train Station, Kwinana Freeway and other regional roads.
2. Community members will have ready access to the nearby Perth to Mandurah railway line via the Cockburn Train Station and other public transport networks operating on the surrounding regional road system.
3. Due to the proximity of Cockburn Train Station, the proposal will contribute towards increased usage of the railway as an alternative transport mode and will contribute to managing and reducing road congestion through reduced use of private cars.
4. The proposal will contribute to maximising the efficiency of road infrastructure given the immediate proximity to a number of regional roads, including the Kwinana Freeway.
5. Based on proximity, the proposal will support and sustain public transport use and will achieve integration of land use and public transport infrastructure.

### A Sustainable City

1. The proposal will protect the groundwater resource as a key consideration through adapting beyond best practice water sensitive urban design principles to the land, ensuring this resource is able to keep being drawn upon as a public drinking water supply into the future.
2. The proposal provides for the creation of a diverse range of housing types on land that has been totally degraded through previous land use activities.
3. The proposal will ensure that areas of biodiversity value are protected and managed.
4. The proximity to the railway line and a Cockburn Activity Centre provides significant opportunity to reduce car dependency and therefore reduce greenhouse gas emissions and other air quality concerns.
5. The proposal assists with the optimisation of the economic utilisation of existing and proposed urban infrastructure.

### A Responsible City

1. The proposal is contiguous with the existing physical and social infrastructure network surrounding the site.
2. The proposal represents a true infill development opportunity through the use of degraded land and the surrounding physical and social infrastructure.
3. The proposal assists in optimising and supporting increased and effective utilisation of existing urban infrastructure.

In terms of infrastructure, current road based infrastructure within the Activity Centre is recognised to have reached its capacity, and accordingly development of the Banjup precinct will place additional demands on already utilised infrastructure. It is therefore important to consider regional infrastructure (and upgrading) requirements associated with the Banjup proposal.

So while the proposal represents the utilisation of existing infrastructure, there will need to be a specific focus on upgrading infrastructure as part of future zoning, structure planning and subdivision processes.

The recurrent points within the five key themes above are succinctly that the proposal:

1. Increases economic and social support for the Cockburn Activity Centre.
2. Increases connection between people, jobs and services.

3. Increases efficiency, effectiveness and economic utilisation of the Perth to Mandurah railway.
4. Increases efficiency of the surrounding road infrastructure.
5. Protects the groundwater and surface water resources as a P3 area and recognises the wellhead protection zones.
6. Contributes to the reduction in greenhouse gas emissions and improvement in air quality through reduced car dependency.
7. Resents the effective utilisation of degraded land located within 20km of the Perth City Centre.
8. Provides strong potential for housing diversity adding to the housing supply needed to accommodate Perth's predicted growth.
9. Represents a key opportunity for urban infill, considering its potential to supply more than 2,000 new dwellings and a population of more than 6,000 people within 20km of the Perth City Centre and within 1km of the Cockburn Activity Centre and Train Station. Sustainability gains associated with this form of development (compared with fringe urban development which is now more than 50km away from the CBD) are compelling. Such fringe development is isolated from public transportation infrastructure, and imposes significant travel demands on residents given the dislocation between jobs and where people live. The Banjup proposal is a key shift to creating more sustainable urban development within Perth.

It is on this basis that the proposal is considered to demonstrate key strategic merit.

#### State Planning Policy Implications

Given the strategic implications mentioned above, it is also important to consider the proposal in the context of the prevailing relevant State Planning Policies ("SPP's"). These are specifically:

- SPP 1 – State Planning Framework
- SPP 3 – Urban Growth and Settlement
- SPP 2.3 – Jandakot Groundwater Protection Policy
- SPP 2.7 – Public Drinking Water Source Policy
- SPP 5.3 – Jandakot Airport Vicinity

Key points of these are analysed following:

#### *SPP 1 State Planning Framework*

The proposal is consistent with the five guiding principles of the State Planning Framework and State Planning Strategy:

1. Environmental: Contains measures to protect the groundwater resource (as a P3 area) and to protect and enhance the limited



- remaining natural assets of the subject site and deliver development based on environmentally sustainable principles.
2. Community: Aims to create a vibrant, accessible, safe and self-reliant community.
  3. Economic: Aims to maximise the potential of the area and opportunities for economic activity, while also protecting the groundwater resource as a P3 area.
  4. Infrastructure: Can be economically provided with all the necessary infrastructure and services and makes efficient use of existing infrastructure and services.
  5. Regional: Proposes residential development taking advantage of its strategic location within the Perth Metropolitan Region, immediate vicinity to Cockburn Activity Centre and Train Station and major private and public transport routes.

### SPP 3 Urban Growth and Settlement

The proposal is consistent with the key requirements for sustainable communities set out in SPP 3, in particular:

- Making efficient use of land within the existing urban area.
- Supporting residential development in a highly accessible location.
- Giving proper consideration to the environment by recognising the need to protect the groundwater.

The site is located almost adjacent to the Perth to Mandurah railway providing immediate access for residents to employment opportunities in the Cockburn Activity Centre, Perth Central Area and elsewhere in the metropolitan region.

### SPP 2.3 Jandakot Groundwater Protection Policy

The proposal is consistent with the objectives of SPP 2.3 being:

1. The proposed change of land use will be demonstrated to be compatible with the protection of groundwater for public supply and maintenance of associated ecosystems.
2. The proposal will be delivered to mitigate the risk of contamination of groundwater through nutrient or contaminant export (as a P3 area).
3. The proposal represents an appropriate balance between environmental and water resource protection and economic viability of the existing land uses.
4. The proposal can maintain the limited remaining natural vegetation cover of importance on the subject land.
5. The proposal will protect groundwater quality and quantity in the Jandakot Underground Water Pollution Control area ("UWPCA") in order to maintain the ecological integrity of important wetlands

hydraulically connected to that groundwater, including wetlands outside the UWPCA.

SPP 2.7 Public Drinking Water Source Policy

The proposal is consistent with the objective of SPP 2.7 being that the proposed land use will be demonstrated as being compatible in a P3 area with the protection of water resources for public water supply.

SPP 5.3 Jandakot Airport Vicinity

1. The whole of the subject land is located within the “Frame Area” (not the “Core Area”) of the Jandakot Airport. The “Frame Area” includes land located between the 20 Australian Noise Exposure Forecast (“ANEF”), as mapped in 2006, and Roe Highway, Warton Road, Armadale Road and the Kwinana Freeway;
2. Land within the 20 ANEF is considered to be significantly affected by aircraft noise and residential development is not acceptable.
3. Land within the Frame Area but outside the 20 ANEF can be rezoned to allow residential development if the proposal complies with certain criteria - demonstrated strategic need for more intensive development, and development of the land represents a logical infill which will complete, rather than extend, an established pattern of development.

The proposal is considered to fulfil these strategic criteria on the basis that:

1. It represents urban infill targeted around the Cockburn Activity Centre, creating strategic synergies between investment, infrastructure, employment and activity which are required as a component to achieving more sustainable urban development.
2. Increases economic and social support for the Cockburn Activity Centre.
3. Creates a clear connection between people, jobs and services.
4. Increases efficiency, effectiveness and economic utilisation of the Perth to Mandurah railway.
5. Increases efficiency of the surrounding road infrastructure.
6. Provides strong potential for housing diversity adding to the housing supply needed to accommodate Perth’s predicted growth.

It is noted that the adopted 2009 Jandakot Airport Masterplan includes new aircraft noise forecasts for the years 2029/30. The 2029/30 ANEF shows a very small portion of the subject land within the extremities of the predicted 20 ANEF. As outlined above, residential development is not acceptable within the 20 ANEF. This matter has been discussed

between the City and the proponent, as well as the proponent having discussion with Jandakot Airport. This will be an important matter to be addressed during subsequent structure planning phases if the proposal is supported by the WAPC.

On the basis of the above analysis the proposal is considered to reflect the prevailing State Planning Policy context.

#### Statutory Implications

According to the Commission's report, the Environmental Protection Authority (EPA) raised no objections to the amendment and no significant environmental issues that cannot be dealt with during the detailed planning process and in consultation with the Department of Water (DoW). The DoW requested a District Water Management Strategy for this site, which has since been produced and approved by the DoW on 1 July 2011.

Both Main Roads Western Australia (MRWA) and the Department of Transport (DoT) do not support the proposed MRS amendment until the long-term planning for the realignment of North Lake Road is finalised. MRWA does not support the proposed realignment of Fraser Road requesting that the intersection remains in its current location. The amendment report recommends that the amendment is initiated and advertised but not finalised, until the alignment and impact of North Lake Road has been determined. This approach is considered acceptable to the City.

The Register of Aboriginal Sites shows two Aboriginal sites overlapping the subject land. Both sites are artefact scatters and both have insufficient information to confirm their status. An archaeological field assessment will be undertaken in areas of the site considered to have archaeological potential. This amendment has been referred to the South West Aboriginal Land and Sea Council and consideration of any protection that may be required can be addressed more specifically at the detailed planning stage, such as during the local structure plan process.

#### Local Town Planning Scheme amendment and detailed planning

Where land is rezoned to urban under the MRS there is the opportunity, pursuant to section 126(3) of the *Planning and Development Act 2005*, for Council to request that the WAPC concurrently amend the City's local Town Planning Scheme so that it is consistent with the new MRS zoning. However, in this case the City's preference is for a separate Local Town Planning Scheme amendment to be initiated by Council as a number of specific issues and Development Area text provisions will need to be considered. This will deal with

detailed design provisions as well as the full suite of developer contribution requirements. It is therefore recommended that the WAPC be reminded of the City's preference.

Following the approval of the MRS amendment by the WAPC, the site will be subject to comprehensive planning to ensure suitable outcomes are achieved through the Local Structure Plan and local Town Planning Scheme amendment process. This will include studies on traffic/transport, noise, environmental assessment including flora and fauna, local water management strategies etc.

### Conclusion

The proposal is considered to fulfil the various strategic objectives embodied within Directions 2031, the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy and related State Planning Policies. It represents significant urban infill targeted around the Cockburn Activity Centre, creating strategic synergies between investment, infrastructure, employment and activity which are required as a component to achieving more sustainable urban development. It is on this basis that it is recommended that Council make a submission to the WAPC indicating its support for the proposal.

As part of this, it is also recommended that Council, consistent with its previous comments made on the Draft Strategy, request the WAPC to investigate a MRS amendment to rezone the portion of the Cockburn Activity Centre on the east side of the Kwinana Freeway/Cockburn Train Station from 'Industrial' to 'Urban' under the MRS. The 'Industrial' zoning under the MRS is considered to be a relic of previous planning approaches for the area, and considering the higher order mixed business and warehousing uses now taking place it is considered that this land precinct should be zoned 'Urban' under the MRS.

This is especially important to the overall objective of being able to see some residential development achieved immediately adjacent to the Cockburn Train Station, and also to ensure that the development of the Banjup land precinct actively integrates through the Cockburn Activity Centre.

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

#### **Demographic Planning**

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

**Lifestyle and Aspiration Achievement**

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

**Natural Environmental Management**

- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

**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**

If the MRS amendment is approved, the City will need to undertake amendments to the TPS3 to bring it into consistency with the MRS, and preparation, advertising and progression of these amendments would be covered by appropriate fees payable under the Planning and Development Regulations 2009.

**Legal Implications**

N/A

**Community Consultation**

Submissions on the MRS Amendment are due to the WAPC by 3 February 2012.

No consultation on the MRS Amendment is required by the City of Cockburn, however affected landowners have been advised by the WAPC, and copies of the MRS Amendment have been made available at the City of Cockburn administration building.

The City of Cockburn will undertake community consultation on all future amendments to the Scheme in accordance with the *Town Planning Regulations 1967*.

**Attachment(s)**

Advertised MRS amendment plan

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

The WAPC will be advised of the City's comments following Council's meeting.

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

Nil

**14.5 (OCM 8/12/2011) - PROPOSED CITY OF COCKBURN (LOCAL GOVERNMENT ACT) JETTIES, WATERWAYS AND MARINA LOCAL LAW (CC/C/015) (P WESTON/D ARNDT) (ATTACH)**

**RECOMMENDATION**

That Council pursuant to Sec. 31.2(4) of the Local Government Act, 1995, proceed to make the City of Cockburn (Local Government Act) Jetties, Waterways and Marina Local Law 2011.

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

**COUNCIL DECISION**

**Background**

In accordance with Section 3.12 (3) of the *Local Government Act 1995* and Council resolution of 9 April 2009 (Minute No.3929) Statewide public notice was given in the 'West Australian' newspaper on 16 September 2011 stating that:

1. *The City of Cockburn proposed to make the Jetties, Waterways and Marina Local Law.*
2. *A copy of the proposed local law may be inspected or obtained from places specified in the Statewide notice.*

**Submission**

N/A

## Report

The Port Coogee Marina is the first Marina to be developed within the City of Cockburn. The need to have the Jetties, Waterways and Marina Local Law and prescribed offences is an integral part of the control of behaviour of individuals on jetties, the waterways (control of movement of boats and other vessels) and the marina through the control of potential pollution, mooring of boats, the maintenance of waterway edge walls and any other activity associated with the marina, it's jetties and waterways.

The Statewide notice appeared in the *West Australian* newspaper on 16 September 2011 giving notice of Council's intention to make the City of Cockburn's (Local Government Act) Jetties, Waterways and Marina Local Laws 2011 with inspection or copies obtainable from the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Public Libraries during office hours.

Submissions were to be made by 28 October 2011.

No submissions were received.

As no submissions were received it is now proposed that Council resolve to make the proposed *City of Cockburn (Local Government Act) Jetties, Waterways and Marina Local Laws 2011*, as attached to this Agenda.

## Strategic Plan/Policy Implications

### Governance Excellence

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

### Budget/Financial Implications

Costs associated with the establishment of the Jetties, Waterways and Marina Local Law will be met within current budget allocations.

### Legal Implications

Section 3.12 of the Local Government Act, refers.

### **Community Consultation**

A copy of the Draft City of Cockburn Jetties, Waterways and Marina Local Law document is being provided to each prospective Marina Lease Holder.

### **Attachment(s)**

Proposed City of Cockburn Jetties, Waterways and Marina Local Law 2011.

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

N/A

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

Nil.

## **14.6 (OCM 8/12/2011) - DRAFT CITY OF COCKBURN LOCAL COMMERCIAL AND ACTIVITY CENTRES STRATEGY - LOCATION: CITY OF COCKBURN (SM/M/045) (R SERVENTY) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) in accordance with Regulation 12A of the *Town Planning Regulations 1967*, resolve to prepare a draft Local Planning Strategy in response to State Planning Policy 4.2 'Activity Centres for Perth and Peel' to guide the long term distribution of retail and commercial floorspace and housing supply via a network of centres;
- (2) adopt the draft Local Commercial and Activity Centres Strategy for the purposes of advertising, subject to the approval of the Western Australian Planning Commission ("WAPC") being received;
- (3) refer the draft Local Commercial and Activity Centres Strategy to the WAPC for approval to advertise in accordance with Regulation 12B(1) of the *Town Planning Regulations 1967*;
- (4) advertise the Local Commercial and Activity Centres Strategy in accordance with Regulation 12A of the *Town Planning Regulations 1967* subsequent to the Western Australian Planning Commission providing its consent; and



- (5) as part of the advertising of the Local Commercial and Activity Centres Strategy, consult with major stakeholders in planning and development of activity centres in Perth.

## COUNCIL DECISION

### Background

The City of Cockburn's Local Commercial Strategy ("LCS") was approved by Council in November 2002 and by the WAPC in 2006.

The draft Local Commercial and Activity Centres Strategy ("LCACS") represents a new strategic direction for the planning and development of activity centres within the City, and should LCACS receive the approval of both Council and the WAPC, it is intended to replace the 2006 Local Commercial Strategy.

The City of Cockburn's LCACS is an important planning document for implementing the new direction for the planning of activity centres in Perth and Peel set by the refreshed policy context outlined in Directions 2031 and beyond: Metropolitan planning beyond the horizon, and State Planning Policy No. 4.2 – Activity Centres for Perth and Peel. These two documents reflect a growing recognition within the State Government and the planning profession of the complex issues relating to sustainability and planning for the urban environment.

### Submission

N/A

### Report

#### An overview of the draft Local Commercial and Activity Centres Strategy

Reflecting the revised policy context in which it has been produced, the LCACS is not a traditional local commercial strategy. The previous focus of local commercial strategies upon commercial development and the application of floorspace caps have been completely reinvented through the new State planning framework.

There are a number of key differences to the approach taken by the LCACS, which include:

- the activity centre networks incorporating commercial, industrial and specialised centres;
- a shift towards evidence based planning;
- the avoidance of floorspace caps or triggers to control the planning and development of activity centres;
- centre planning is to be focused on the centre's user rather than subjective population catchments; and
- a focus on delivery of quality employment options within the City.

There are nine principles which form the core of the LCACS and will be used to guide all planning, decision making and investment undertaken by the City relating to its activity centres. These principles include:

Principle 1 – Efficient, Intense and Compact Centres

Principle 2 – Optimise Frequency, Concentration and Quality of Transactions

Principle 3 – Support Maturation of Centres

Principle 4 – Support Integrity of the Network of Activity Centres

Principle 5 – Optimise Access To and Within Centres

Principle 6 – Match Use with Purpose of Place

Principle 7 – Place Identity, Amenity and Integrity

Principle 8 – Place Equity

Principle 9 – Coherent, Logical and Legible Places

Many strategies spend a great deal of time and energy focused on the definition of scope, vision and goals with little or no detail on how these may be practically implemented. The LCACS aims to provide a comprehensive roadmap for translating the nine principles into a decision making framework.

Key to this approach is a strong link between the nine principles and a broad performance assessment framework that can be utilised in the City's various decision making responsibilities. This performance assessment framework aims to be:

- robust, defensible and evidence based; and
- able to be implemented within the context of the City's available resources and competencies.

The LCACS's assessment framework responds to both the scale of the proposal and the importance of the particular centre. The LCACS outlines the minimum reporting requirements of a proposal and seeks to provide both the City and proponents for development within the City's activity centres with a clear shared understanding of the expectations flowing from LCACS.

The LCACS is structured to include 8 key sections:

Section 2 – Introduction to LCACS

Section 3 – LCACS Background Studies

Section 4 – LCACS Principles

Section 5, 6, 7 and 8 – Outline the framework and actions required to implemented the LCACS

Section 9 – Definitions

Appendices 1-8 also provide important contextual information to aid the reading and interpretation of the LCACS.

#### Process to date

Drafting of the strategy has involved liaison with the Department of Planning as well as interviews with key providers of Strategic Employment (i.e. employment that results from the creation and transfer of goods and services to an external market, as opposed to a centre's local market). A presentation was also given to the Melville Cockburn Chamber of Commerce seeking their early input.

Briefings to the Executive and Council have also been undertaken to build an appreciation of the scope and intent of the draft strategy.

#### Process from here

With the background studies and the draft strategy now prepared it is appropriate to seek permission from the WAPC to advertise LCACS formally (as required under Regulation 12B of the Town Planning Regulations 1967).

#### Summary

The LCACS provides a comprehensive and practical interpretation of the State's revised policy context for centres of employment activity. It is recommended that Council resolve to prepare such a strategy, adopt the draft LCACS for advertising (subject to WAPC approval) and request the approval of the WAPC to commence advertising.

### **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**

Preparation of the draft strategy has been undertaken using the funds allocated in the current 2011/12 budget. There will be minor costs incurred in advertising of the draft strategy; stationary (for notification letters), cost to place a minimum of two notifications in the local newspaper and staff time to respond to enquiries.

### **Legal Implications**

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

### **Community Consultation**

Consultation for the draft Local Commercial and Activity Centres Strategy will take place in accordance with the requirements of the *Town Planning Regulations 1967*. Approval of the WAPC is first required prior to an advertising period of not less than twenty one days. This period must include notification in a newspaper circulating in the area once a week, for 2 consecutive weeks.

Letters to persons or authorities with a direct interest in the draft strategy will also be required.

### **Attachment(s)**

Draft Local Commercial and Activity Centres Strategy (Available electronically and at the City's Admin Building and Libraries)

### **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 8/12/2011) - LIST OF CREDITORS PAID - OCTOBER 2011 (FS/L/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for October 2011, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for October 2011 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – October 2011.

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

N/A

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

Nil.

**15.2 (OCM 8/12/2011) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - OCTOBER 2011 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

**Background**

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

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

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

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

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

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2011/12 financial year.

### **Submission**

N/A

### **Report**

#### Closing Funds

The City's closing funds of \$65.4M are \$6.4M higher than the YTD revised budget target. This is broadly representative of favourable operating revenue and expenditure numbers.

The full year revised budget is showing a closing surplus position of \$133k, up on the \$30k adopted in the annual budget. This increase is primarily due to the final declared amount of Financial Assistance Grants (FAGS) payable to the City being slightly more than budgeted.

The revised closing budget position can fluctuate moderately throughout the year, as the City's budget is dynamic in nature. However, all new significant funding requirements are brought to Council for approval. Those budget adjustments made throughout the year impacting the closing budget position are outlined in Note 3 to the financial report.

#### Operating Revenue

Overall, operating revenue is tracking ahead of budget by \$2.4M, an increase of \$0.9M from last month. This continues to be due to several main items. Interest earnings on investments were \$0.39M ahead of budget due to the strong cash flow position. Revenue from the Henderson Waste Recovery Park was \$1.23M ahead of budget due to

consistently strong business activity. Operating grants for HACC Aged Services added \$0.29M to the budget variance and family day care and in-home care subsidies added \$0.23M.

Operating Expenditure

Operating expenditure is showing an overall underspend of \$2.68M (or 9%) of the budget, which has little changed from last month. Key contributors to this result include:

- a YTD under spend of the Council grants program of \$0.54M,
- general budget under spend in Parks and Environmental Services of \$0.34M (vs \$0.65M last month),
- general budget under spend in Roads Maintenance and Construction Services of \$0.46M, including an allocation of \$0.22M for underground power.
- increased tonnage through Henderson Waste Park has led to an unfavourable variance of \$0.5M in the cost of the landfill levy.

Most of the above mentioned budget variances are due to timing issues (other than the landfill levy). The operational expenditure budget is anticipated to closely approximate budget settings as the year progresses.

The following table shows the budgetary performance from a nature or type perspective:

<b>Nature or Type Classification</b>	<b>Actual \$</b>	<b>Amended YTD Budget \$</b>	<b>Variance to YTD Budget %</b>
Employee Costs	11.14M	11.94M	7%
Materials and Contracts	9.42M	10.57M	11%
Utilities	1.01M	1.38M	22%
Insurances	1.70M	1.66M	-2%
Other Expenses	0.86M	2.54M	66%
<b>Totals</b>	<b>24.13M</b>	<b>28.09M</b>	

Capital Program

The City’s capital budget is showing an overall under spend of \$9.7M against a YTD budget of \$17.9M. It should however be noted that \$21.5M of the capital budget has been committed against supplier contracts (as evidenced by Note 1 to the financial statement).



Capital related funding is conversely down \$8.0M against the YTD budget target as a result of the under spend. The main source is Council's cash reserves. Loan funds of \$1.95M have not yet been raised as originally budgeted, and the need for these is being reviewed as a consequence of the better than expected closing funds position for the 2010/11 year.

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

### Cash & Investments

Council's cash and current/non-current investment holdings increased to \$112.3M (from \$110.7.4M last month). This is \$21.8M ahead of YTD budget estimates due to the impact of the capital budget variances, as well as the favourable position of the operating budget. This position will continue to boost the City's interest earnings and is timely given interest rates have fallen across the board following the recent RBA decision to ease monetary policy. This response to a weakening world economy is unlikely to be reversed any time soon and interest yields are expected to continue falling.

Of this total cash and investment holding, \$51.6M represents the City's cash reserves, whilst another \$5.8M is held for other restricted purposes such as bonds and capital contributions. The balance of \$54.9M represents the cash and investment component of the City's working capital, available to fund operations and the municipal funded portion of the capital program.

The City's investment portfolio made an annualised return of 5.97% for the month, versus the BBSW benchmark performance of 4.76%.

The majority of investments held continue to be in term deposit products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These mainly range in terms of up to six months, as this is where the value has been recently.

### Description of Graphs and Charts

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

The Capital Expenditure graph tracks the YTD capital spend against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better

indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

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

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

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

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item). These will be assessed and considered for inclusion in the mid-year budget review at the appropriate time.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports – October 2011.

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

N/A

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

Nil.

**15.3 (OCM 8/12/2011) - REVIEW OF LEVIES - UNDERGROUND POWER - COOLBELLUP (ES/M/008) (S DOWNING) (ATTACH)**

**RECOMMENDATION**  
That Council:

(1) impose the following underground power fee for 2011/12 effective immediately:

Fee	Total \$	PA \$
Infrastructure Charge	2,550	510
Connection Charge	500	100
Discount – 50% of the infrastructure charge for registered pensioners		
Discount – 50% of the infrastructure charge for a property where a high voltage transmission line remains		
No connection fee for properties that already have the underground power 'green' dome installed		
Discount – 50% of the infrastructure charge for a property where all transmission line have been removed		

(2) advertise the fee in accordance with Sec.6.19 of the Local Government Act, 1995.

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

**COUNCIL DECISION**

**Background**

The City received advice from the Department of Local Government in relation to an error in the adoption of rates for the 2011/12 Budget. The City acted on the advice and submitted a report to Council seeking a Governor's Order as per Section 9.64 of the Local Government Act.

The Department of Local Government has now advised that the advice was incorrect as is relied on advice obtained from the Solicitor General's Office in 2000. New advice has now been received from the Department based on updated advice from the Solicitor General's Office which is detailed below.

### Submission

N/A

### Report

The underground power – infrastructure charge for Coolbellup was imposed as a minimum payment specified area rate so as to enable all affected ratepayers to receive the same charge that is \$2,550 payable over five years at \$510 p.a. The Department of Local Government has advised that the City should have used the rate in the dollar method and not the minimum payment method as in their opinion it did not comply with the Act. The issue with the rate in the dollar method would be that one neighbour may pay \$3,000 whilst another may pay \$2,300 for the same service.

In the mean time, the government has advised that they will amend the relevant legislation so as to entitle pensioners to receive the discount noted above when the Levy method is used from 2012 onwards.

So to ensure that the funds collected comply with the Act, the City will need to implement an underground power fee using Section 6.16 (2) of the Act. The table below are the fees applicable for the 2011/12 financial year:

Fee	Total \$	PA \$
Infrastructure Charge	2,550	510
Connection Charge	500	100
Discount – 50% of the infrastructure charge for registered pensioners		
Discount – 50% of the infrastructure charge for a property where a high voltage transmission line remains		
No connection fee for properties that already have the underground power 'green' dome installed		
Discount – 50% of the infrastructure charge for a property where all transmission line have not been removed		

In accordance with the Section 6.19 of the Local Government Act public notice is to be provided.

Revenue raised from the imposition of this fee will be the same as the existing minimum rate.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

### **Budget/Financial Implications**

There should be no budget implications from adoption of this report.

### **Legal Implications**

Section 6.19 of the Local Government Act states, “if a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed”.

### **Community Consultation**

As there is no direct impact to any ratepayer, no further consultation is recommended at this stage.

### **Attachment(s)**

1. WALGA Infopage – Local Government Amendment Bill 2011.
2. WALGA Comment – Summary Page – Local Government Amendment Bill 2011 – Summary Page.

### **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 8/12/2011) - PROPOSED 'NEW STATE OF SUSTAINABILITY REPORT' (HS/P/001) (V CUSACK) (ATTACH)**

**RECOMMENDATION**

That Council adopt the proposed new State of Sustainability Report, as shown in the attachment to the agenda.

**COUNCIL DECISION**

**Background**

In June 2006 Council first adopted Sustainability Policy SC37. The policy provided a context for the City to ensure that its activities and operations consider sustainability issues.

In December 2006 Council adopted its Sustainability Strategy. The strategy outlined objectives under a set of Sustainability Principles and it also committed to sustainability reporting.

The City has developed a Sustainability Framework which is a management tool for developing actions, and setting timeframes, to meet the objectives under the Sustainability Principles and Policy SC37.

The proposed State of Sustainability (SoS) Report details some of the key objectives and measurable outcomes from the Sustainability Framework through a set of Key Performance Indicators (KPI's).

The City has in the past produced a State of Environment Report (SoE) every four years. It is intended that the proposed SoS Report will replace the SoE as it reports on social, economic and governance objectives in addition to the environment objectives. The SoS will be updated annually.

The proposed SoS Report provides a snapshot of the City's current sustainability achievements, and needs to be viewed as a first step in realising a comprehensive sustainability report going forward.

**Submission**

N/A

**Report**

The SoS Report aligns with section 1.3 (3) of the *Local Government Act 1995* and the City's corporate approach to strategic planning and reporting.

The SoS Report is in line with the City's amended Policy SC37 and its definition of sustainability as adopted by Council at its meeting on 13 October 2011. The City's definition of sustainability is:

*Pursuing governance excellence to meet the needs of current and future generations through an integration of the environment, society and economy.*

The SoS Report is structured along the four sustainability themes of Environment, Social and Economic plus Governance, which reflects a modern triple bottom line plus one (TBL+1) approach to sustainable development.

The KPI's in the SoS Report were developed in conjunction with the Strategic Business Managers and directly relate to the sustainability principles contained in the Sustainability Strategy.

The next step is to review and update the Sustainability Strategy based on the TBL+1 sustainability objectives. It is envisaged that the review will strengthen the sustainability principles and will provide a more integrated sustainability framework.

Once updated, the Sustainability Strategy will help ensure that the City continues to embed relevant sustainability objectives into its core business activities.

It is intended to progressively strengthen the SoS Report in line with Policy SC37 and the pending Sustainability Strategy.

The review of the sustainability strategy is a precursor to the next iteration of the City's Strategic Plan.

The SoS Report uses the State – Pressure – Response – Indicator framework of reporting, which is an international model originally developed to analyse the interactions between environmental pressures, the state of the environment and environmental responses.

The report also uses the traffic light symbols to provide a visual snapshot of progress towards achieving a particular KPI.

- Green indicates that the City is on track in achieving its stated KPI;
- Amber indicates that while the City is making progress, more work is needed; and
- Red indicates that the City is yet to make progress in achieving a particular KPI.

A summary of the KPIs under the four TBL+1 headings and main achievements are provided below.

**Governance:** The SoS reports on 11 KPI's that measure the City's current progress towards achieving Governance Excellence. Some of the main achievements include:

- the City's Sustainability Policy has been updated in 2011;
- visits to the sustainability website pages were over 500 a month;
- 61 per cent of residents were satisfied with information on sustainable living;
- the City has partnered with Yangebup and Mater Christi primary schools to deliver the TravelSmart to schools program;
- the City incorporates Crime Prevention through Environmental Design (CPtED) principles in its structure plans; and
- the City's CoSafe services attended to an average of 800 call outs per month.

**Environment:** The SoS reports on 11 KPI's that measure the City's current progress towards achieving best practice in Environmental Management. Some of the main achievements include:

- 62 per cent of the City's bushland is in good or better condition at 2010;
- 35 per cent of coastal vegetation is in good or better condition at June 2011;
- the City has 380 solar panels generating renewable energy on seven of its community facilities;
- the City met its 2010 corporate greenhouse gas emissions reduction target of 20 per cent below 1996 levels for electricity and fuel; and
- the City introduced a weekly recycling service to its residents in January 2011.

**Society:** The SoS reports on 6 KPI's that measure the City's current progress towards achieving a more socially equitable, diverse and inclusive community. Some of the main achievements include:



- a demographic summary of residents living in Cockburn;
- membership to the City's Seniors' Centre reached 760 people, averaging 820 patrons per month;
- 90 per cent of Disability, Access and Inclusion Plan actions completed;
- the City adopted its Reconciliation Action Plan in 2010; and
- the City has committed to the completion of artworks along Friendship Way and to reviewing the Trails Master Plan.

**Economy:** The SoS reports on 7 KPI's that measure the City's current progress towards achieving best practice in Financial Management. Some of the main achievements include:

- a summary of the City's regional economic profile;
- in the 2009/10 financial year, the City's operating revenue was \$86 million and the operating expenditure was \$82.6 million;
- 13 per cent of tenders advertised in the 2010/11 financial year contained sustainability qualitative criteria;
- the City has developed an assets register and management plan to ensure that ongoing lifecycle costs are incorporated into project planning for all new capital infrastructure and equipment; and
- the City has adequate reserve funds to cover replacement of plant and machinery.

The proposed SoS Report will be updated annually and will continue to track the City's progress in meeting its stated TBL+1 key objectives.

The SoS Report is designed for and will only be available in electronic format on the City's website.

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

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

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

#### **Governance Excellence**

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

#### **Natural Environmental Management**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Proposed State of Sustainability Report 2011

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

N/A

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

Nil.

**16.2 (OCM 8/12/2011) - WASTE HANDLING SERVICE (4900) (L DAVIESON)**

<p><b>RECOMMENDATION</b> That Council</p> <p>(1) amend the 2011/12 budget to fund the capital purchases of:</p> <ol style="list-style-type: none"><li>1. Landfill Compactor (CW 7776)</li><li>2. Landfill Crawler Loader (CW 7777)</li><li>3. 8x4 Hook Lift Truck (CW 7778)</li></ol> <p>by transferring \$1,655,000 from the Waste and Recycling Reserve to fund the necessary plant purchases.</p> <p>(2) proceed to purchase the 3 plant items using the WALGA preferred supplier process:</p> <ol style="list-style-type: none"><li>1. Landfill Compactor to a maximum value of \$860,000.</li><li>2. Landfill Crawler Loader to a maximum value of \$470,000.</li><li>3. 8x4 Hook Lift Truck to a maximum value of \$325,000 subject to exchange rate variations.</li></ol>
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**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

**Background**

At the Council Meeting of 10 November 2011, Council resolved that the City undertake the waste handling service at the Henderson Waste Recovery Park using its own resources and proceed to tender for the purchase of a Landfill Compactor, Traxcavator and Hooklift Truck.

Given the risks associated with operating the Henderson Waste Recovery Park without a back up compactor and the significant lead time in the delivery of plant and machinery, officers have progressed the procurement through the WALGA Preferred Supplier process.

**Submission**

N/A

**Report**

Currently quotations have been sort through the WALGA Preferred Supplier process (contract No TPS 0814 and 0816 Heavy Plant and Equipment & General Plant and Utility Equipment) for the purchase of:

1. Landfill Compactor
2. Landfill Crawler Loader
2. 8 x 4 Hooklift Truck.

The City is able to use the Preferred Supplier List through WALGA instead of going to formal Tenders. Whilst the process requires the same level of documentation and evaluation, it does overcome the need to advertise and enter into an individual tender with a supplier.

1. Landfill Compactor – Specification in Brief.

*The City of Cockburn (The Principal) requires the supply and delivery of **One (1) NEW Refuse Compactor minimum 35 Ton** required for the*

*Henderson Waste Recovery Park operations. The equipment will be required to be floated down to the landfill site being in a serviceable condition for immediate operations. Complete with Council City of Cockburn decals.*

*The desired machine will have ten thousand 10,000 hour premium teeth for best compaction using vertical and horizontal pressures offering high performance on a wide range of waste materials.*

*Options to be included will be, Service agreement for a four year period, and a 60 month 10,000hr warranty.*

*One (1) spare set of pin style teeth to suit existing BC772RB-2 COMPACTOR YEAR: 2007 SERIAL NUMBER: 101570581049 will also need to be optioned.*

The City's staff will assess all submissions against the specification and upon consideration of reliability, design, performance, servicing and price will proceed to purchase a Landfill Compactor. The estimated cost of a Landfill Compactor will be \$860,000 excluding GST.

2. Landfill Crawler Loader – Specification in Brief.

*The City of Cockburn (The Principal) requires the supply and delivery of **One (1) NEW Crawler Loader** required for the Henderson Waste Recovery Park operations. The equipment will be required to relocate and condense garbage , load , sort , break and reduce material into smaller pieces to be floated down to the landfill site for compaction Complete with Council City of Cockburn decals.*

*The desired machine will require superior flotation capabilities over landfill materials along with excellent visibility also offering high performance in manoeuvrability over waste materials.*

*Options to be included will be, Service agreement for a four year period, and a 60 month 10,000hr warranty.*

The City's staff will assess all submissions against the specification and upon consideration of reliability, design, performance, servicing and price will proceed to purchase a Landfill Crawler Loader. The estimated cost of a Landfill Crawler Loader will be \$470,000 excluding GST.

3. 8x4 Hook Lift Truck – Specification in Brief.

*The City of Cockburn (The Principal) requires the supply and delivery of **One (1) 8 x 4 fully enclosed Cab chassis complete with hook lift***

***unit no less than 20 Ton required*** for the Henderson Waste Recovery Park operations to pick up their complete range of hook lift bins. The capacity is to take maximum advantage of the vehicle's legal GVM and volume capacity.

*The vehicle is to be a one person operated unit with single driver control from within the cab of the truck. The operation of the hook lift equipment will require that it can be easily operated from within the vehicle and externally and shall have single steering facilities with the appropriate instrumentation and foot controls. The parking brake control is to be easily operated.*

*The loading operation will be monitored by a camera closed circuit television (CCTV) system covering the lift operation at the rear of the vehicle for reversing, and the hook operation.*

The City's staff will assess all submissions against the specification and upon consideration of reliability, design, performance, servicing and price will proceed to purchase an 8x4 Hook Lift Truck. The estimated cost of an 8x4 Hook Lift Truck will be \$325,000 excluding GST.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

- To develop and maintain a financially sustainable City.

### **Natural Environmental Management**

- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

### **Budget/Financial Implications**

As at 30 June 2011, the Waste and Recycling Reserve had a balance of \$11,510,359. The purchase of all 6 plant items will cost approximately \$2.4 million. The initial purchase of the first 3 plant items (Landfill Compactor, Landfill Crawler Loader and Hooklift Truck) will cost a total of \$1,655,000 ex GST.

The cost of the 3 plant items is currently being finalised however values contained within this recommendation are consistent with the Business Case. If recommended plant exceeds the maximum identified in this report, it will be submitted to Council for approval.

We have projected and believe that the forecast income into the Waste Reserve over the next five years will be sufficient to meet the capital expenditure required to be funded out of the Waste Reserve and outlined in the current 2010-2020 Plan for the District. Net operational savings generated through this proposal will also be transferred directly into the Waste Reserve.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

N/A

**Advice to Submissioners**

N/A.

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

Nil.

**16.3 (OCM 8/12/2011) - EXTENSION OF TEMPORARY CLOSURE OF NAUTICAL DVE HENDERSON TO THE PASSAGE OF VEHICLES - APPLICANT: ALLERDING & ASSOCIATES ON BEHALF OF BOSKALIS AUSTRALIA PTY LTD (ES/R/002) (S HUSSAIN) (ATTACH)**

**RECOMMENDATION**

That Council, in accordance with section 3.50 of the Local Government Act 1995, institutes an extension of the temporary closure of a section of Nautical Dve, Henderson between two (2) crossings – at the intersection of Welding Pass to the north, and further south at the intersection of Stuart Dve for a period of up to 12 months commencing from 1<sup>st</sup> January 2012 to 31 December 2012 subject to:

- (1) there being no substantial objection received as a result of advertising in a local newspaper;
- (2) there being no substantial objection from service authorities, emergency services or adjoining owners;

- (3) the developer engaging a traffic management contractor to submit a certified traffic management plan to monitor and control traffic movements due to the closure;
- (4) all works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum; and
- (5) the proponent being fully responsible for public liability and damages arising from the works.

## COUNCIL DECISION

### Background

Council had previously given a conditional approval to an application for a temporary road closure of Nautical Drive in the Henderson locality for the passage of vehicles for the purposes of rock transportation for a period of up to 12 months commencing 1 January 2011 to 31 December 2011. These rock materials are required for landing jetties and associated infrastructure as part of the Barrow Island LNG Plant, a Gorgon Gas Project currently under construction off the northwest coast of WA. The rock storage operations are carried out by WA Limestone and they advised their client that they require additional time to transport the rock to the off-shore location on Barrow Island.

This application seeks an extension to this existing approval for an additional twelve (12) months from 1 January 2012 to 31 December 2012; this extension is required to expedite the rock transportation process.

### Submission

Allerding Associates on behalf of Boskalis Australia Pty Ltd has requested City's approval for the extension of temporary road closure of a portion of Nautical Dve, Henderson between two (2) crossings – at

the intersection of Welding Pass to the north, and further south at the intersection of Stuart Dve for a period of twelve months.

### **Report**

During the transportation activities of rock stockpiles the road closures will be required for the below reasons:

- 1) The road closure is a necessary component to assist in the overall transportation and administration of rocks required for a landing jetty associated with Barrow Island LNG Plant.
- 2) Mine site trucks with a capacity of approximately 75 tonnes will be used for the transportation of the rock materials and loading operations will be undertaken on a 24 hour per day basis. Due to frequency of truck movements and considering availability of alternative routes and public safety issues, road closure is required for the entire length of the operation.
- 3) The route through the section of Nautical Dve is the most appropriate and logical route to transport rock from Lot 101 Stuart Dve to the AMC CUF site. A 20cm crushed limestone base 10 metres wide will be placed over the road for the duration of the operation. At the completion of the operation the limestone material will be removed and the road reinstated to its original condition to the satisfaction of City of Cockburn.
- 4) The proposed detours are minor and efficient directing traffic along Nautical Dve eastward to Sparks Road where vehicles can still proceed in a north-south direction. The proposed closure will not incur an adverse impact on surrounding land uses and existing through traffic.
- 5) The proposal is for a twelve (12) months period and with appropriate traffic management controls in place, including road barriers, signage and protective surfaces covering public road, the closure will not create any undue congestion and impact on surrounding land uses. Advance warning signs will also be installed and an advice of the proposed closure will be placed in both the local newspaper and West Australian newspaper prior to the closure.

The existing closure has worked well and continued closure is in the best interest of the project. The minor detours did not appear to have any impact on traffic movements along surrounding road networks. Council did not receive any complaints from motorists using the alternate route or with the appropriate traffic management controls in



place. The extension of the road closure is considered to be the most effective way to assist in the overall transportation of the rock material.

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

#### **Demographic Planning**

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

#### **Transport Optimisation**

- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

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

All costs to the closure will be covered by the Developer

#### **Legal Implications**

Section 3.50 of the Local Government Act.

#### **Community Consultation**

Advice will be provided to service authorities, emergency services, adjoining owners and AMC Management.

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

1. Application and plan of the closure

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

N/A

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

Nil.

**16.4 (OCM 8/12/2011) - WASTE TO FUEL PRODUCTION FACILITY - BIOMASS PROPOSAL - WASTE GAS RESOURCES (4900) (L DAVIESON)**

**RECOMMENDATION**

That Council:

- (1) approve in principle the development of a Waste to Energy production Facility at the Henderson Waste Recovery Park provided:
  1. The pilot project receive a DEC Works approval and Licence if required and meet minimum emission standards.
  2. The pilot project receive Planning Approval and Building Licences if required.
  3. Clearing permits are issued.
- (2) develop a Memorandum of Understanding with Waste Gas Resources which would define the basis of the alliance and its goals in Phase 1 only; and
- (3) receive a report on the outcomes of the pilot plant and options to proceed to phase 2 if the outcomes of the pilot are successful.

**COUNCIL DECISION**

**Background**

Waste Gas Resources (WGR) own and operate the power plant at the Henderson Waste Recovery Park (HWRP). This plant extracts landfill gas from the 6 existing waste cells and converts the methane to electricity.

In September 2009, a 3<sup>rd</sup> generator was installed increasing the plant's capacity to 3.1 megawatts. WGR Manager, Barry Elliot, now wishes to increase his renewable energy production by trialling an innovative process to create fuel pellets, superior to coal, from suitable materials from the incoming waste stream at the HWRP.

**Submission**

N/A

**Report**

Waste Gas Resources (WGR) has analysed the feasibility of developing technology and process to undertake conversion of wood and timber packaging based waste materials into carbon neutral fuel. WGR believe that 'torrefaction' is the most appropriate technology to develop into a commercial process for the conversion of variable composition waste material into a fuel resource that is compatible with existing solid fuel combustion infrastructure.

Torrefaction is the low temperature thermal devolatilization of woody material which produces biological inert energy densified material. Torrefaction can be described as a mild form of pyrolysis at temperatures typically ranging between 220° – 300°C. It is a thermo chemical treatment of biomass which is undertaken by the application of heat to the biomass material.

Torrefaction as a process has been used over decades for the production of roasted coffee beans and for the manufacture of timber products stabilised against biological degradation. Torrefaction has recently attracted significant attention from researchers and start up companies involved in biomass energy conversion due to its simplicity, low environmental impacts and positive structural changes that it imparts to biomass to allow its use as a fuel source.

Torrefaction of organic material when combined with densification technology (pelletisation) can produce an end product comparable to coal. This similarity between torrefied/pelletized material and coal extends to other important physical and thermal characteristics such as energy density, grindability, material handling, moisture uptake and biological stability. Biomass which has been torrefied and densified via pelletisation is converted to an amenable source of carbon neutral fuel for co-firing at base load coal fired power stations.

Provided the economics of producing torrefied biomass pellets from waste materials can be demonstrated, reasonably sized markets for production sales should be available, especially given the mandatory renewable energy target of 20% and the impending introduction of a price on carbon emissions. It is anticipated that these pellets will have a higher calorific value and produce less greenhouse gasses than coal.

The HWRP recovers 15,000m<sup>3</sup> of timber packaging and 5,000m<sup>3</sup> greenwaste annually. This equates to 4,700 tonnes in total annually that would be available for processing by WGR. This feed stock could

be increased by implementing improved recovery practices in the commercial waste stream.

### Project Development

The project would be developed in three distinct phases which would systematically address and resolve all issues relating to technology suitability and application, environmental impacts, commercial viability and project sustainability.

#### *Phase 1 - Research & Development Pilot Plant*

This is a research and development phase. This phase of the project is expected to operate for a period of between 26 to 40 weeks, from receipt of approvals. Preliminary discussions with the DEC have set a realistic approval for February 2012.

#### *Phase 2 - Pre-commercialization Pilot Plant*

This is a commercialization of the research and development phase. Phase 2 can be considered to have 3 stages.

##### Stage 1

Scaling and construction of developed R&D stage torrefaction process and plant. This is expected to take between 20 to 26 weeks.

##### Stage 2

Production operations and verifications of the process and product characteristics. It is envisaged this stage will require between 10 – 14 weeks.

##### Stage 3

Exploiting small scale commercial opportunities for finished product and obtaining agreement for and undertaking product test burn(s) with major commercial product end use opportunities. This stage will be ongoing until commercial plant status evaluations have been completed and decisions taken on the development of a commercial plant. It is difficult to predict a time frame for this stage at such an early point in the projects life. It is envisaged this Stage would take a minimum of 26 weeks.

#### *Phase 3 - Commercial Plant Development*

Phase 3 of the project is the development of a commercial scale waste to torrefied fuel facility. The design, capacity and operating structure of the commercial torrefaction plant will be determined from the pilot plant

phases of the project. The target capacity for the commercial plant modules is in the ten tonne per hour range.

### Project Benefit

The overarching goal of the proposed project is the beneficial conversion of waste material into a useful commercially valued product. The process to be used to achieve this conversion of waste material to product can be classified as a relatively benign activity in relation to negative environment impacts. Its development and consequent commercial use in conversion of waste material, especially material destined for landfill, will accrue advantages and beneficial outcomes in comparison to a “business as usual” scenario of landfill placement of the targeted waste material.

The successful development of the process and its commercial operation at the HWRP will potentially provide a number of beneficial outcomes to the City of Cockburn as outlined below.

- A potential reduction in cumulative greenhouse gas emissions being accounted to HWRP under future federal government carbon abatement regulations.
- Extensions to the longevity of the HWRP operational life from diversion of waste material received at the landfill for processing into torrefied fuel.
- Provide a long term use for timber packaging.
- Potential for increase revenue from the sale of feedstock.
- Provide a mechanism to assist the City in achieving state government waste to landfill reduction targets.
- Demonstrate the City of Cockburn’s commitment to development of sustainable waste management practices and a serious contribution towards the transition from fossil fuel power generation to more benign sources of carbon neutral fuel usage.
- An improved long term fiscal return from waste management activities undertaken by the City.
- Recognition of the City’s commitment to value added to waste products and partner innovative renewable technologies.

The successful commercial operation of the project may provide impetus to accelerate sustainable waste management practices in Western Australia and in doing so will also provide an increased percentage of base load electricity which is generated from sustainable renewable energy sources.

### Technology Risk

Torrefaction is viewed as having low to mid risks attached to its selection for use in the projects process. Potential risks associated with this technology are:

- Inability to achieve temperature zone stability (inconsistent material treatment).
- Inability to treat non homogenous material (inconsistent material treatment).
- Non-viable process throughput volume (capital/production costs exceed available revenue).
- Excessive plant maintenance (production cost/downtime exceed available revenue).
- Inconsistent production quality (market resistance/rejection of fuel product).

With these potential risks in mind, the project development was structured in phases to allow these risks to be examined and addressed at the low cost end of the project. WGR evaluation is that the potential risks of adapting torrefaction to the projects raw material stream are capable of being addressed through structured R & D phases.

### Commercial Risks

Given successful pilot plant stages and subsequent viable technology and plant development, the project will face the normal commercial risks associated with any start up business such as sufficient capital, available staff, insurance, supply obligations etc.

The commercial plant could be at risk from several specific external factors which could affect its income stream.

- Renewable energy certificate value (an oversupply of RECS to the market causing low prices).
- Competing waste management technology development (causing a reduction of available suitable input material).
- Fossil fuel price drop (coal prices drop if demand decreases).
- Changes in government policy (reduction of waste levy).

Commercial risks to the project will need to be assessed and appropriate sensitivity analysis applied to the commercial business models developed during phase 2 of the project.

## Strategic Alliance

### *Participation Structure Overview*

WGR propose that the City of Cockburn and Waste Gas Resources enter into a strategic alliance to undertake phase 1 of the proposed project. This alliance can be based on a memorandum of understanding which would define the basis of the alliance and its goals.

Following completion of analysis of the outcomes from phase 1 of the project, both stakeholders would evaluate their commercial participation and roles within the pre-commercial and commercial phases of the project and enter into a binding heads of agreement prior to undertaking phase 2 of the project.

### *Project Participation Options*

A number of Options are available to the City if the project proceeds to phase 2 including:

1. Full equity participation
2. Partial equity participation
3. No equity participation with product sales based royalty

WGR is amenable to the City of Cockburn determining the project participation structure which best suits the City from an economic perspective and legal requirements basis.

### *Preferred Phase 1 Participation Option*

Unless the City of Cockburn has a particular stakeholder structure preference for phase 1 of the project, officers consider the most appropriate stakeholder structure for the research and development phase of the project is a strategic alliance between the City of Cockburn (COC) and Waste Gas Resources (WGR) which is structured to provide minimal economic impact or risk to the City. Phase 1 of the project development and operation capital would be provided by WGR. The company would also undertake pilot plant/technology development and project assessment.

The City would provide a supply of chipped wood waste for the research and development phase along with disposal to landfill of processed material in excess of requirements. The City would also provide support or, ideally, take a lead role in promoting the profile of the project in order to provide project visibility to enhance grant applications status that may be made for the future phases of the project.

## Conclusion

1. WGR has investigated the feasibility of converting waste materials into a commercially viable, carbon neutral fuel.
2. From its investigations, WGR has concluded that the most feasible method to achieve this conversion is through a process known as torrefaction.
3. WGR investigations also elucidated the need for a staged development approach in applying torrefaction in the conversion of waste materials to a viable fuel source.
4. WGR proposes that the waste materials for the conversion process be sourced from the waste stream entering the City of Cockburn Henderson Waste Recovery Park.
5. The project development plan will be based on a systematic methodology of research – technical verification – demonstration – development. This methodology will allow all technical barriers within the process design to be eliminated and ensure the availability of information on which accurate economic analysis of the process can be determined.
6. The City of Cockburn would have limited risk exposure during the research and development phase of the project (phase 1) and will have, at its option, after completion of phase 1, the choice of zero to equal equity participation within the project.
7. WGR will provide the total capital required for phase 1 of the project and in doing so will accept the economic risk attached. WGR will also provide up to the full amount of capital required for the pre-commercial and commercial phases of the project subject to the stakeholder participation option chosen by the City of Cockburn.
8. The proposed project has potential to deliver strong benefits in waste management, environmental abatement, increased renewable energy production and value added derived income.
9. Successful commercial development of the project would potentially provide a catalyst for a significant shift in sustainable waste management practices in Western Australia. If this shift occurred, it would provide a significant amount of the energy required to reach the government's 20% renewable energy target within the state.



## **Strategic Plan/Policy Implications**

### **Governance Excellence**

- To develop and maintain a financially sustainable City.

### **Natural Environmental Management**

- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

### **Budget/Financial Implications**

The proposed waste to fuel production project is being developed on the basis of staged research and pre-commercial verification followed by commercial operations. The goal of this staged development is to validate the process (torrefaction) and subsequently develop commercially viable technology and plant with which to undertake fuel production operations.

Phase 1 of the proposed project is a venture seed capital expenditure with no return on WGR's investment. As with most startup development ventures, the proponent of the project will assess that the process or technology stands a strong chance of commercialization and providing a long term income to the proponent commensurate with the risk burden of the venture capital expenditure.

The City currently receives and processes wood waste. It charges commercial gate fees for the product. It separates the material and chips the wood waste instead of landfilling the material. Staff actively seek disposal options for the processed material and whilst we are successful in finding a re-use for the product, these sources are not guaranteed. The material is disposed of free of charge. On that basis there will be no cost impact by diverting this material to WGR for use in their pilot project.

### **Legal Implications**

WGR will be responsible for obtaining all necessary approvals. The proposal will require an amendment to the current lease agreement with the City.

### **Community Consultation**

N/A

**Attachment(s)**

N/A

**Advice to Proponent**

The Proponent has been advised that this matter is to be considered at the 8 December 2011 Council Meeting.

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

Nil.

**16.5 (OCM 8/12/2011) - TENDER NO.RFT 27/2011 - CIVIL WORKS - STORMWATER DRAINAGE MILGUN RESERVE, YANGEBUP AND HAMMOND PARK WA (RFT272011) (J KIURSKI) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) accept the tender submitted by Densford Civil Pty Ltd for RFT27/2011 - Stormwater Drainage Milgun Reserve Yangebup and Hammond Park WA, for the lump sum price of \$1,042,481.35 GST Inclusive (\$947,710.31 GST Exclusive);
- (2) transfer \$245,000 from Land Development Reserve to complete the drainage projects;
- (3) increase CW 2386 from \$600,000 to \$845,000 to cover the additional costs of drainage works;
- (4) investigate the sale of the drainage sump land at 39 Cervantes Loop, Yangebup with the proceeds returned to the Land Development Reserve; and
- (5) investigate opportunities to maximise the value and use of Reserve 49148 (Canopus), Reserve 50075 (Mohan), Reserve 48651 (Barfield) and Reserve 49292 (Princeton).

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

**COUNCIL DECISION****Background**

The supply and installation of stormwater drainage improvements at Milgun Reserve and Hammond Park (Gaebler Road to Baler Court) was identified as a part of 2010/11 Stormwater Sumps and Drainage improvement program. Throughout the process of design, officers identified opportunities to amend the piped system to enable a number of additional sump areas to be rationalised.

The stormwater drainage proposal for Milgun Reserve involves establishing a number of bubble-up facilities within the reserve area to cater for the necessary discharge of water. That will overcome the need for the stormwater sump at 39 Cervantes Loop which can be filled and disposed of dependant on Councils border intent (refer attachment 1).

The Hammond Park portion of the project is the last part of Southern Suburbs District Structure Planning Area – Russell Road Arterial Drain Scheme that conveys stormwater from the area east side of the freeway and provides a control mechanism to prevent groundwater rising above a stipulated level.

The proposal will improve the piped network to enable water to flow through to the Water Corporation outlet beyond Russell Road. Whilst water will continue to flow through a series of sumps and holding basins, the design removes the need for some of the smaller sumps that have formed part of network in the past (refer to attached plan at attachment 2). The proposal will free up Reserve 49148 (Canopus), Reserve 50075 (Mohan), Reserve 48651 (Barfield) and Reserve 49292 (Princeton) and Council will have an opportunity to determine how it can maximise the use and value from these reserves. The transmission line corridor will continue to be used as a control area to prevent standing water for long durations.

The scope of works includes:

1. Location and protection of existing services;
2. Clearance, removal and disposal of vegetation, rubbish, debris and other deleterious material;
3. Setting out;

4. Traffic Management/Control (Road and pedestrian);
5. Excavation (Including top soil removal, stockpiling and respreading; trenching and dewatering);
6. Drainage Pipe Supply and Installation (Including compaction, bedding, laying and backfilling);
7. Manholes and Gullies Supply and Installation (Including backfilling and compaction);
8. Site Clean-up and Reinstatement;
9. Provision of 'As Constructed' Documentation.

### **Submission**

Tenders closed at 2:00pm (AWDT) on Thursday, 24 November 2011. Four (4) tender submissions were received from:

1. TC Drainage Pty Ltd
2. All Earth Group Pty Ltd
3. Griffin Civil
4. Densford Civil Pty Ltd

### **Report**

#### Compliance Criteria

Tenderer's Name		Compliance Criteria Overall Assessment
1	TC Drainage Pty Ltd	Compliant
2	All Earth Group Pty Ltd	Non-Compliant
3	Griffin Civil	Compliant
4	Densford Civil Pty Ltd	Compliant

The All Earth Group Pty Ltd did not address the compliance criteria adequately and their tender offer included only a price schedule with the necessary Lump-Sum offer not submitted. Quality Assurance, Tender Resources and Subcontractors Listing were also not provided and Referees listed could not be contacted except for Transpacific Waste which would not disclose any information

#### Evaluating Officers

The tender submissions were evaluated by:

1. Martin Lugod, Works Manager
2. Colin McMillan, Works Coordinator
3. Jadranka Kiurski, Manager Engineering

### Evaluation Criteria

The table below lists the evaluation criteria were applied to all tenders.

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Demonstrated Experience	25%
Key Personnel Skills and Experience	10%
Tenderers Resources	10%
Methodology	15%
Tendered Price	40%
<b>TOTAL</b>	<b>100%</b>

### Non-Cost Evaluation

TC Drainage provided inadequate detail in their submission and did not address the criteria as comprehensively as others. For example, their submission did not provide adequate information regarding experience particularly with similar scoped projects. Although their main business is a drainage work their non-cost score reflects the information provided in their submission.

Griffin Civil scored highly for resources and experience with similar projects being delivered for other Local Governments. Griffin Civil have the capacity to deliver the project using their own resources and sub-contract in asphalt, kerbing, traffic management and material testing.

The Evaluation Panel noted that Densford Civil is an experienced contractor with the necessary experience. They have been used previously by Engineering Services for street lighting and subdivision works throughout the City of Cockburn. Densford Civil have the capacity to deliver the project using their own resources and will engage sub-contractors for groundwater control and road profiling.

### Methodology

Griffin Civil and Densford Civil both demonstrated the necessary qualifications and experience to carry out the stormwater drainage works and each outlined a suitable methodology for the project.

TC Drainage has the necessary qualifications and experience to carry out the projects but there was insufficient detail in their submission. Overall, the most preferred and concise submission was evaluated to be that of Densford Civil.

Cost Evaluation

The cost of the project was calculated and evaluated accordingly. Densford Civil represents the most economical price for the scope of work at \$947,710.31 (excl GST). In addition to submitting the lowest price, Densford Civil offered a further discount should they be awarded the contract prior to 12 December 2011.

Timeframe

All tenderers confirmed a completion time frame of 14 weeks as per the tender request. Overall, the most preferred and concise submission was evaluated to be that of Densford Civil and they are available to commence the works in middle of December 2011.

Scoring Table

Tenderer's Name	Percentage Scores		
	Non-cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
TC Drainage Pty Ltd	28.24	31.04	59.28
Griffin Civil	44.26	30.64	74.90
**Densford Civil Pty Ltd	44.42	40.00	84.42

*\*\*Recommended Submission*

Summary

Taking into consideration each Tenderers' response to the evaluation criteria advertised, the Evaluation Panel has determined that the submission received from Densford Civil is the most advantageous and recommends acceptance accordingly.

**Strategic Plan/Policy Implications****Infrastructure Development**

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

**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**

Costs for the service delivery have been budgeted under CW 3399 (\$46,896), CW2415 (\$77,000) and CW 2386 (\$600,000) with total fund of \$723,896 available in 2011/12. As the lowest and recommended tender received is greater than the available budget there will be a requirement to make provision of an additional \$245,000 in the 2011/12 budget to complete the projects. It is proposed to draw those funds from the Land Development Reserve and repay the reserve from funds generated by the disposal of land.

The scope of work will enable Council to rationalise the sump located in 39 Cervantes Loop Yangebup. The total land area freed up for future sale is approximately 0.17Ha which has an estimated market value of 0.6M after sub-division costs. The surrounding land is zoned R20 under TPS3 which would yield three lots for future sale.

Reserve 49148 in Canopus and Reserve 50075 in Mohan is a public recreation reserve and could be purchased for 5% of its value and then sold on the open market for full value. Profits have to be spent on recreational land in the vicinity of the land. This would need to be further explored.

Reserve 48651 Barfield and Reserve 49292 Princeton are a Drainage reserves which could be purchased from the State of Western Australia. The value can be assessed as being the value of a building lot less our costs to produce the finished lot. This would need to be further explored.

### **Legal Implications**

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

### **Community Consultation**

N/A

**Attachment(s)**

1. Site Plan
2. Milgun Reserve drainage design
3. Hammond Park sump rationalisation
4. Compliance Criteria Checklist (separate confidential cover)
5. Tender Evaluation Sheet (s) (separate confidential cover)
6. Tendered Prices (separate confidential cover)

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 December 2011 Council Meeting.

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

Nil

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 8/12/2011) - CITY OF COCKBURN RISK TO RESOURCE REFERENCE GROUP (RS/L/007) (R AVARD)**

**RECOMMENDATION**

That Council appoint (Elected Member) \_\_\_\_\_ as representative to the City of Cockburn Risk to Resource Reference Group.

**COUNCIL DECISION**

**Background**

Council at its meeting on 14 July 2011 resolved to:



*advise the Fire and Emergency Authority that it seeks the following representation on the City of Cockburn Risk to Resource Reference Group:*

- *Chair appointed by Council*
- *1 Elected Member*
- *3 representatives from the Jandakot Volunteer Bushfire Brigade*
- *3 representatives from the South Coogee Volunteer Bushfire Brigade*
- *A representative from the Department of Environment and Conservation*
- *2 officers of the City of Cockburn*
- *2 officers of FESA*

Council at its meeting on 8 September 2011, resolved:

*That Clr Lee-Anne Smith and Clr Sue Limbert be appointed as the Elected Member representatives to the City of Cockburn Risk to Resource Reference Group, with Clr Lee-Anne Smith as the Chairperson.*

#### **Submission**

N/A

#### **Report**

As Clr Limbert was appointed by Council to the Risk to Resource Reference Group and is no longer a member of Council a new member needs to be appointed. The opportunity exists for the new Council to also appoint a new chair for the Reference Group should it so desire.

The Chief Executive Officer will appoint the City of Cockburn officers to the Reference Group and the other representatives will be appointed by their respective organisations.

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

##### **Governance Excellence**

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

##### **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 limited funds required for the Reference Group are available within the current budget allocations.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

The City of Cockburn Bushfire Reference Group members have been advised that the appointment of Council representative's to the Risk to resource Reference Group will be considered at the December 2011 meeting of Council.

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

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

**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**

**23.1 (OCM 8/12/2011) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 17 NOVEMBER 2011 (1192) (S CAIN) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal committee dated 17 November 2011 as attached to the Agenda, and adopt the recommendations contained therein.

**COUNCIL DECISION**

**Background**

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 17 November 2011. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

The minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

**Report**

The Committee recommendations are now presented for consideration by Council and, if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

**Strategic Plan/Policy Implications**

**Governance Excellence**

- To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.

**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**

N/A

**Attachment(s)**

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 17 November 2011 are provided to the Elected Members as confidential attachments.

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

The CEO and Senior Staff have been advised that this item will be considered at the December 2011 OCM.

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

Committee Minutes refer.

**24 (OCM 8/12/2011) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

**25 (OCM 8/12/2011) - CLOSURE OF MEETING**