

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 DECEMBER 2007 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 DECEMBER 2007 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr K Allen	-	Deputy Mayor
Mr R Graham	-	Councillor
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S Cain	-	Chief Executive Officer
Mr D Green	-	Director, Administration & Community Services
Ms M Tobin	-	Acting Director, Finance & Corporate Services
Mr M Littleton	-	Director, Engineering & Works
Mr D Arndt	-	Director, Planning & Development
Mrs B Pinto	-	PA to Directors - Finance & Corporate Services / Administration & Community Services
Ms L Boyanich	-	Media Liaison Officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.03 pm.

Mayor Lee announced that the City had received a Certificate from ICLEI acknowledging Council's commitment to undertake an action agenda which will work towards an integrated freshwater resource management within the City.

The City also received two prestigious Awards from the Planning Institute of Australia, namely the WA Planning Minister's Award for Cockburn Central.



The same development received commendation for its urban planning achievement.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

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

4 (OCM 13/12/2007) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Chief Executive Officer advised the meeting that he had received declarations of interest from Mayor Lee, Deputy Mayor Allen, Ctrs Graham, Attrill, Whitfield, Reeve-Fowkes, Romano, Baker, Limbert and Oliver, which would be read at the appropriate time.

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 13/12/2007) - PUBLIC QUESTION TIME

Ben Lisle, Linc Property Group, Subiaco - Agenda Item 14.12: Proposed Amendment to the Solomon Road Development Area Structure Plan - Lot 9501 Armadale Road, Jandakot

Q1. Could you please advise as to whether Council has received submissions or correspondence from concerned residents in relation to existing traffic conflicts and dangers associated with the current intersection of Tapper and Armadale Roads?

A1. Yes. Council has forwarded these concerns along with letters supporting a more detailed assessment of the intersection to MRWA.



- Q2. What is the current timeframe for the upgrading of the intersection of Tapper and Armadale Roads by Council/Main Roads WA compared to that to be undertaken as part of the proposed development on Lot 9501?
- A2. MRWA does not have any immediate proposals to fund an upgrade of the Tapper/Armadale Road intersection. It is recognised that the proposed development will facilitate an initial upgrade of the intersection at Armadale and Tapper Roads, through the provision of a roundabout. I understand that MRWA have reviewed the intersection configuration proposed by the developer and have supported the concept proposed.
- Q3. Could you please advise as to the nearest location of existing retail and commercial facilities similar to those to be developed on Lot 9501 which can be accessed by the Cockburn community?
- A3. The nearest compatible showroom/bulky good sales facilities are located approximately 10-15km away in Myaree, although it is recognised that Jandakot City (at the Jandakot Airport) will provide opportunities for similar developments.

Susan Pippet, South Fremantle - Agenda Item 14.1: Single Strata (Grouped Dwelling)

- Q1. Would Council please advise why they are recommending the height variation be approved when they have already had objections from 5 properties, as well as correspondence from the strata management company (on 25/5/07, Council responded on 18th September) which followed our strata meetings on 20/9/06 and 16/5/07 where members voted to 1) ask council to enforce restrictions and 2) to seek legal advice on enforcing restrictions, as this does not comply with 5.6.2 (b) of the Town Planning Scheme?
- A1. The applicant has requested that his proposal is considered under the Performance Criteria of the Residential Design Codes (Clause 3.7.1 P1) in relation to the height of the development. He has justified the additional height, and has demonstrated (in his submission contained in the attachments) how re-arrangements of the spaces in his development in order to comply with the Acceptable Development Provisions could have a more detrimental impact on views, neighbours amenity and the overall visual amenity of the development, whilst producing a more "box like" structure. Clause 5.6.2 (b) of TPS3 relates to development which is not covered by the Residential Design Codes and therefore does not apply in this case. In accordance with Clause 2.5 of the Residential Design Codes 'The opinions of affected adjoining landowners can inform, but cannot be a substitute for, the exercise of professional advice by Council's officers'. As stated in the report, in the opinion of the Council Officers



the proposal and the justification provided adequately satisfies the Performance Criteria of the Residential Design Codes, in this particular circumstance.

- Q2. Would Council please advise how they have reached the conclusion that there will be no loss of "access to views of significance" as my house has already been completed as per original development approval (April 2002) and the variation to the council requirement of 7m height will result in a total loss of "access to views of significance" to my property by all parts of this development on lot 3 that are over 7m.
- A2. The subject lot, Lot 3 of the strata development at 12 Boyd Crescent is not directly in front of either Lot 10 or Lot 11 of the overall strata development (refer strata plan in attachments). For this reason, the development at Lot 3 will not result in a total loss of views for either of the two strata properties.
- Q3. How does Council support their statement on page 20 of the agenda that "there will be opportunities for views on either side of highest portion of the development" as this is incorrect? The objections I am raising are to do with the height of the majority of the building, if this were to be restricted to 7m I would not necessarily have an objection to a variation of 1.13m to the stair housing only, and has the council considered this option?
- A3. The direct westerly view from lot 11 (the lot owned by Ms. Susan Pippet) has views over the garage and terrace which is less than 5m in height. For this reason, Council Officers consider that westerly views will be available on either side of the highest portion of the development.

Robyn Scherr, Coogee - Agenda Item 16.1: Temporary Closure of Beach Road

- Q1. At the November meeting of Council it was proposed to temporarily close Beach Road at Cockburn Road from 17 December. Signs were erected and letters sent to residents of the areas deemed to be affected by the proposal. Comments were to be sent to the Engineering Department by 4 December. I and others commented on the proposal and have had no notification from Council as to the outcome of the submissions and no prior advice of the change to the proposal. Will Council now advertise the amended proposal and if not, why not? I also ask that Councillors disregard any claim that the membership of the Coogee Beach Progress Association (on whose executive sit Councillors Allen and Reeve-Fowkes) has supported this new proposal. There was a discussion of the road closures under the auspices of the CBPA, and those present were asked to vote on various propositions. The vote represented those present, most of



whom were not members of the association.

- A1. At the November meeting of Council Clr Romano requested through a 'Matter to be noted for investigation without debate' that a report be prepared by Council staff, to be brought to the December 2007 Ordinary Meeting of Council, on the temporary closure of Hillcrest Street on the corner of Beach Road, Coogee, so as to reduce the flow of traffic in the local area.' The report before Council tonight addresses not only the option requested by Clr Romano, but a number of others including the closure of Beach Road at Cockburn Road. Officers choose to advertise the proposed temporary closure and consult on this option as they believed that it represented the best option to address the problem of 'rat running' vehicles through residential streets. This was done to ensure that the community had an opportunity to give some feedback into the proposal and to ensure that Council had an opportunity to take that feedback into consideration when making its decision. In the notice provided to the residents it was clearly stated that the closure of Beach at Cockburn was only being proposed, was of a temporary nature and the final decision would be made by council at its December meeting. Throughout November Officers undertook a detailed assessment of the traffic flows in the area and have prepared a report based on those findings. The recommendation has been developed to address the actual issue as opposed to any perceived problem and generally addresses all of the concerns raised through the consultation. Staff intends to letterbox drop the affected residents advising of the outcomes tomorrow.

Dan Scherr, Coogee - Agenda Item 13.6: Proposed Amendment to Locality Boundaries of Coogee, Munster, Henderson, Beeliar, Success and Wattleup

- Q1. Do the proposed changes to the boundary between Henderson and Munster have any relation to a possible northern extension of the Kwinana buffer zone by the EPA?
- A1. The proposed locality boundary changes between the suburbs of Henderson and Munster does not have any relationship to the proposed amendments to the Kwinana Air Quality Buffer Zone.
- Q2. How is this in the interest of residents and ratepayers of Munster, Coogee and adjoining neighbourhoods? Do you expect that the broader community will have a chance to comment on the extension of the buffer zone?
- A2. Not applicable as outlined in the answer to the first question.
- Q3. Will Council seek such comment and/or comment itself?



- A3. The determination of amendments to the Kwinana Air Quality Buffer Zone is being made by the WAPC, as such any queries regarding the advertising of the amendments to the buffer should be made directly to the Commission. Council Officers have attended meetings of the Technical Working Group on the review of the Kwinana Air Quality Buffer Zone and have clearly stated Council's formally adopted position in relation to proposed changes to the buffer to include the Woodman Point Wastewater Treatment Plant odour buffer area within the Kwinana Air Quality Buffer Zone. As the process is being conducted by the WAPC the Council has due regard to their procedures on this matter and as such any consultation should be undertaken by the Commission and not Council.

Logan Howlett, North Lake - Agenda Item 13.2.; Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting - 15 November 2007

Due to the Presiding Member having declared a financial interest in this item, the question was deferred to the Chief Executive Officer for a response.

- Q1 Would you please provide a copy of all the legal opinion(s) provided to Council on the matter of 'Legal Expenses' and a complete copy of the Department of Local Government and Regional Development's recent probity audit of the City of Cockburn?

- A1 Legal opinions are provided to the City on a private and confidential basis. On this occasion, the opinion has been provided to enable Council to consider the text and content of a Policy statement. It is not general practice to make legal advice publicly available, however, Council may resolve to do so.

The Departmental probity review resulted from a request from the CEO to verify the City's compliance processes. The report has been forwarded to the CEO and he has initiated the remedial actions identified in that review. A number of reports have now been presented to Council dealing with this issues raised in the report. Upon completion of the process the CEO will be presenting a full report to Council on this matter.

- Q2. Which elected members/officers have accessed the ' Legal Expenses' account to date?

- A2. Only Mayor Lee has been provided with funds pursuant to the Policy since 2000, since the Policy was introduced.

- Q3. Can the full contact of elected members be provided, including their residential addresses?



- A3. While there is no requirement for the residential addresses of Elected Members to be made publicly available, this is a matter for individual Members to consider. There is no formal Council position on this issue.

Logan Howlett, North Lake - Agenda Item 13.4: Scheduled Ordinary Council Meeting - January 2008

- Q1. Can the community be assured that if there is a need for Special Council Meeting in January 2008 that it will be called by our Mayor or at least three of our elected members?

A1. The answer is – YES.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3613) (OCM 13/12/2007) - ORDINARY COUNCIL MEETING - 08/11/2007

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 8 November 2007, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 10/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil



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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 3614) (OCM 13/12/2007) - MINUTES OF THE AUDIT COMMITTEE MEETING - 15 NOVEMBER 2007 (5017) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Audit Committee Meeting held on 15 November 2007, as attached to the Agenda and the recommendations contained therein be adopted.

COUNCIL DECISION

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

CARRIED 10/0

Background

A meeting of the Audit Committee was conducted on 15 November 2007.

Submission

To receive the Minutes of the Audit Committee and adopt its recommendations.

Report

The Committee considered the following reports:

1. Annual Financial Report 2006/07 presented in accordance with the Local Government (Financial Management) Regulations, 1996 - Part 4.
2. Internal Audit Compliance Review - prepared by Internal Auditor, KPMG, for the period ended 30 June 2007.



3. Legal Proceedings between Council and other parties. This report tracks the cost and current status of legal issues to which Council is a party.

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 Committee Meeting - 15 November 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

MAYOR LEE LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.28 PM.

DECLARATION OF INTEREST

The Chief Executive Officer advised the meeting that he had received a declaration of a financial interest from Mayor Lee in relation to Item 13.2. The nature of the interest being that he recently received funding on an issue that is still current, pursuant to Policy SES4 'Legal Representation - Reimbursement of Costs', which was considered at the Delegated Authorities, Policies and Position Statements Committee Meeting held on 15 November 2007.



At this point in the meeting the Chief Executive Officer mentioned that as Policy SES4 'Legal Representation - Reimbursement of Costs' also affected other Elected Members, which meant that they would also need to declare an interest in the same matter, resulting in there being no quorum, a request was made to the Department of Local Government and Regional Development for Councillors Romano, Graham, Oliver, Whitfield, Allen, Reeve-Fowkes, Baker, Limbert and Attrill, to fully participate in the discussion and decision-making process, relating to the proposed amendment to Policy SES4. The Chief Executive Officer advised the meeting that in accordance with authority delegated by the Minister for Local Government, the Acting Director General has approved the City's application under Section 5.69(3) (a) of the Local Government Act 1995 to allow disclosing members, mentioned above to fully participate in the discussion and decision-making process, subject to the following conditions:

1. the approval is valid for the meeting of Council to be held on 13 December 2007;
2. the disclosing members declare the nature and extent of their interest at the Council meeting when this matter is considered together with the approval provided;
3. the Chief Executive Officer is to provide a copy of the Department's letter advising of the approval to each declaring member; and
4. the Chief Executive Officer is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the Minutes of the meeting when this matter is discussed.

DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had a declaration of financial interest in Item 13.2 - Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 15 November 2007, and had also received declarations of financial interest on the same matter from Clrs Romano, Graham, Oliver, Whitfield, Reeve-Fowkes, Baker, Limbert and Attrill. The nature of the interest being that they may be beneficiaries of funding up to \$6,000 pursuant to Policy SES4 'Legal Representation - Reimbursement of Costs', which was considered at the Delegated Authorities, Policies and Position Statements Committee Meeting held on 15 November 2007.



13.2 (MINUTE NO 3615) (OCM 13/12/2007) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 15 NOVEMBER 2007 (1054) (D GREEN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 15 November 2007, as attached to the Agenda and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr H Attrill SECONDED Cllr T Romano that the recommendation be adopted subject to Minute No.243 (Item 12.1) 'Purchase of Council Plant, Vehicle and Equipment - Light Fleet Sustainability' and Minute No.244 (Item 13.1) 'Youth Art Scholarship Programme' being withdrawn and dealt with separately.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 15 November 2007. 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

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 15 November 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

(MINUTE NO 3616) (OCM 13/12/2007) - MINUTE NO.243 - DAP&PS 15/11/2007 - PURCHASE OF COUNCIL PLANT, VEHICLE AND EQUIPMENT, LIGHT FLEET SUSTAINABILITY (1015) (M LITTLETON)

COUNCIL DECISION

MOVED Cllr H Attrill SECONDED Cllr T Romano that Council:

- (1) endorse the sustainability criteria developed for the purchase of the light vehicle fleet as follows:

Level 3 Managers

- No sports models
- RRP \$40,000 (\$07/08 equivalent value)
- Star Rating \geq 3 Star



- CO₂e =/<240g/km
- Fuel consumption =/< 12ltr/100km (16ltr/100km for LPG)

Level 4 Managers

- No sports models
- Fit for purpose
- RRP <\$35,000 (\$07/08 equivalent value))
- Star rating =/> 3½ Star
- CO₂e =/<190g/km
- Fuel consumption =/< 9ltr/100km (14ltr/100km LPG)

All other vehicles

- No sports models
- Fit for Purpose
- RRP <\$35,000 (\$07/08 equivalent value)
- Star rating =/> 3½ Star (only lower if FFP)
- CO₂e <240g/km (only higher if FFP)
- Fuel consumption <9ltr/100km (ULP and Diesel and 14ltr/100km LPG Passenger vehicle, only higher if FFP)

- (2) receive a report at the March 2008 DAPPS Meeting outlining recommendations to amend SES3 "Evaluation of Tenders" and PSES15 "Reports to Council - Tenders", to incorporate the 'Sustainable Procurement' requirements required by Policy SC38.

CARRIED 9/0

Reason for Decision

Some of the information in relation to fuel consumption and star rating has been amended to reflect that contained in the Report on Page 31 of the Committee Minutes.

(MINUTE NO 3617) (OCM 13/12/2007) - MINUTE NO.244 - DAP&PS 15/11/2007 - YOUTH ART SCHOLARSHIP PROGRAMME (8154) (D GREEN) [Minute No.3617](#)

COUNCIL DECISION

MOVED Cllr H Attrill SECONDED Cllr I Whitfield that Council:

- (1) deletes Policy ACS9 'Youth Art Scholarship Programme' and associated instrument of delegated authority; and

- (2) adopt instrument of delegated authority LGACS10 'Youth Art Scholarship Programme'.

as shown in the attachments to the Minutes.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Reason for Decision

The criteria for applicants has been amended to be consistent with similar programmes offered by Council.

MAYOR LEE RETURNED TO THE MEETING THE TIME BEING 7.40 PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE OF THE DECISION OF COUNCIL WHILE HE WAS ABSENT FROM THE MEETING.

AT THIS POINT MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.

13.3 (MINUTE NO 3618) (OCM 13/12/2007) - 2006/07 ANNUAL REPORT (1712) (D GREEN) (ATTACH) [Minute No.3618](#)

RECOMMENDATION

That Council accept the 2006/07 Annual Report as presented, in accordance with Section 5.54(1) of the Local Government Act, 1995.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted subject to the addition of the following:

and as amended on Page 29 by deleting the text under the heading 'Human Resource Service' and substituting the text attached to the Minutes'.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Reason for Decision

An error occurred in the printing of the draft document which requires correction.

Background

Council is required to accept the 2006/07 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday, 5 February 2008. The Act requires Council to accept the Report no later than 31 December 2007. Elected Members were provided with the Financial Report and Auditor's Report, in November. The consolidated report is now presented for acceptance.

Submission

N/A

Report

The 2006/07 Annual Report is in conformity with the following requirements of the Act and contains:

1. Mayoral Report
2. Chief Executive Officer's Report
3. Progress of the Plan for the Future of the District
4. Legislative Review Report/Competitive Neutrality Statement
5. Financial Report (including Remuneration of Senior Employees)
6. Auditor's Report
7. Overview of Outcomes required pursuant to the State Disability Act.
8. Progress on Implementation of Record-Keeping Plan

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 300 copies of the Report is provided for in Council's Governance Budget.

Legal Implications

As provided in the report.



Community Consultation

N/A

Attachment(s)

Draft 2006/07 Annual Report.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.4 (MINUTE NO 3619) (OCM 13/12/2007) - SCHEDULED ORDINARY COUNCIL MEETING - JANUARY 2008 (1704) (D GREEN) (ATTACH)

RECOMMENDATION

That Council not conduct an Ordinary Council Meeting in January 2008.

COUNCIL DECISION

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

CARRIED 10/0

Background

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

Submission

N/A

Report

Officers were advised in November 2007, that it was intended to bring as much business of Council to its December 2007, ordinary Council



Meeting, in order to enable Council to go into recess for the month of January 2008, as it is traditionally relatively quiet during this period and many of Council's major customers in the development and building sector are also winding down while their workforces take holidays. Accordingly, with much of the priority business presented to the December 2007, meeting for Council to consider, there is an opportunity for Council to take leave from its normal routine for January 2008. Should an urgent need arise for Council to convene, a Special Council Meeting can be arranged at short notice.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Council Policy SC3 "Council Meetings".

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.5 (MINUTE NO 3620) (OCM 13/12/2007) - PERTH AIRPORTS MUNICIPALITIES GROUP (1212) (D GREEN)

RECOMMENDATION

That Council:

- (1) renew its membership of the Perth Airports Municipalities Group;



- (2) nominate (Elected Member) _____, as delegate and (Elected Member) _____, as deputy delegate; and
- (3) advise the Perth Airports Municipalities Group accordingly.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that Council:

- (1) renew its membership of the Perth Airports Municipalities Group;
- (2) nominate Clr Tony Romano, as delegate and Deputy Mayor Kevin Allen, as deputy delegate; and
- (3) advise the Perth Airports Municipalities Group accordingly.

CARRIED 10/0

Reason for Decision

Clr Tony Romano has expressed an interest in being a delegate and Deputy Mayor Kevin Allen has expressed his interest in being deputy delegate on this Committee.

Background

The Perth Airports Municipalities Group (PAMG) is constituted primarily

- “(1) to provide a forum for meaningful discussion on issues which affect metropolitan airports and their environs;*
- (2) to investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of these airports; and*
- (3) to monitor their use and environmental impact on neighbouring communities.”*

The City of Cockburn was a member of PAMG for at least 7 years.

At the Ordinary Meeting of Council held on 15 October 2002, Council resolved to:-

- “(1) withdraw from membership of the Perth Airports Municipalities Group; and*
- (2) advise the Perth Airports Municipalities Group accordingly”.*



This decision was reaffirmed by Council at its meeting held on 18 March 2003.

The matter was again considered by Council on 8 February 2007, where a decision was deferred, pending a request for the City to be allowed to attend a meeting of the Group in an observer capacity. This request was granted and Cllr Oliver attended the Group's Annual and Ordinary meetings held on 16 August 2007.

Submission

On 2 January 2007, the Mayor of Belmont, Councillor Glenys Godfrey, wrote to Council requesting the City of Cockburn consider joining PAMG. Councillor Godfrey is also the chairperson of PAMG.

Report

The business dealt with by the PAMG is predominately Perth Airport related and not directly relevant to the City of Cockburn.

In recent years, the Jandakot Airport Community Consultative Committee (JACC) has provided a more relevant forum for addressing matters related to Aircraft noise and airport related issues affecting the City of Cockburn.

It was therefore not recommended that Council seek membership of the Perth Airports Municipalities Group, in the past. However, Cllr Oliver has stated that she believes there would now be a benefit to the city to renew its membership to gain a better perspective of relationships between Commonwealth controlled Airport Land and Local Government. Jandakot Airport Holdings are also members of the PAMG and regularly reports on its activities and plans to the Group's Meetings.

Meetings are held on a quarterly basis at the offices of member Councils on rotation, plus an Annual General Meeting.

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

Annual membership fees are \$500.



Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

PAMG has been advised that the matter will be considered by Council at its meeting to be held on 13 December 2007.

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

Nil.

13.6 (MINUTE NO 3621) (OCM 13/12/2007) - PROPOSED AMENDMENT TO LOCALITY BOUNDARIES OF COOGEE, MUNSTER, HENDERSON, BEELIAR, SUCCESS AND WATTLEUP (1050) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) conducts a survey of landowners affected by the proposal to change the boundaries of the localities of Coogee, Munster, Henderson, Beeliar, Success and Wattleup, as shown in the attachments to the Agenda; and
- (2) subject to a majority of affected landowners supporting the proposed locality changes, submit an application to the Geographic Names Committee requesting the recommended amendments.

COUNCIL DECISION

MOVED C/r H Attrill SECONDED C/r S Limbert that Council:

- (1) conducts a survey of landowners affected by the proposal to change the boundaries of the localities of Coogee, Munster, Henderson, Beeliar, Success and Wattleup, as shown in the attachments to the Agenda; and



- (2) subject to majority of affected responding landowners in each of the proposed realigned localities and a majority overall of respondents supporting the proposed locality changes, submit an application to the Geographic Names Committee requesting the recommended amendments.

CARRIED 10/0

Reason for Decision

This ensures overall support for the proposed changes while mitigating against a single group in a particular location being able to influence changes not supported by landowners in all of the localities affected. This amendment is necessary to assess the capacity for one or more localities to impact on the overall majority.

Background

The suburb boundaries for the localities of Coogee, Munster, Henderson, Beeliar, Success and Wattleup have existed for some time, as shown on Attachment 1.

The purpose of this report is to consider the suitability of this situation and whether adjustments to the boundaries of these suburbs is more appropriate.

Submission

To amend the boundaries of these suburbs, as shown at Attachment 2 (a) and (b).

Report

Currently the suburb of Munster spreads from the coastline in the west, including the area known as Woodman Point and heads eastward to join the boundary of the suburb of Beeliar. The suburbs of Coogee, Spearwood and Beeliar abut to the north, with the suburbs of Henderson and Wattleup adjoining to the south. As such, its current land uses include extensive Public Open Space areas, industrial (Australian Marine Complex and Cockburn Cement) and rural pursuits, in addition to a significant area of residential lots. With such a diverse mix of property types, it is now considered a suitable time to review the community of interest factors of this area and seek to realign the suburb boundaries to achieve a more rational outcome for the future.

In doing so, the primary factors for consideration are the current use of the affected areas and what is planned for the future of these parts of the District.



The Woodman Point Recreation Reserve could logically fit within the suburb of Coogee. In addition, the current southern boundary of Coogee, which is the Beeliar Drive alignment, could be relocated south to coincide with the northern boundary of the suburb of Henderson, which runs along Russell Road. The eastern boundary of Henderson would be formed by the southern extension of Hamilton Road, along the property boundary of the nearest lot, as shown on the attachment. It is recommended that the remainder of the land located south and east of the proposed amended Coogee locality boundary be amalgamated into Henderson. It is also recommended that the eastern boundary of Henderson be the Rockingham Road alignment. There seems little logic in the suburb traversing Rockingham Road eastwards to the railway line which currently forms the suburb boundary with Wattleup.

Rockingham Road forms a natural boundary and could sensibly be used to define the Henderson Industrial Area in a more rational way than currently exists. However, it is suggested that the locality of Henderson could also be extended north of the Russell Road alignment, to incorporate the development currently taking place as part of the Australian Marine Complex. This would require the area south of Frobisher Avenue (and extending westwards to Fawcett Road) being incorporated into Henderson, as this is consistent with the zoning and proposed land use for the area.

The remaining area north of that alignment would stay in the current locality of Munster. It is also recommended that the eastern boundary of Munster be aligned with Rockingham Road as it forms a natural distinction. It is proposed that those parts of Munster and Henderson previously located east of Rockingham Road are mostly extended into Wattleup, as these areas form part of the Hope Valley Wattleup Redevelopment Area (Latitude 32). The exception will be the area to the west of the current Munster boundary with Beeliar and zoned rural. This land is not proposed to be absorbed into the Latitude 32 area and therefore is more logically aligned to the adjacent properties to the east in the suburb of Beeliar, which abut the Thomsons Lake Nature Reserve. Therefore, it is recommended that these properties are annexed to the locality of Beeliar.

Finally, there is a small area in the extreme north east of Beeliar, zoned commercial and is soon to be developed. It abuts the suburb of Success and is more logically aligned with that suburb. The area to the east is located in Beeliar as part of the Regional Park.

In summary, this report has focussed on the most logical methodology which can be applied to rationalise suburb boundaries which are currently incongruous and irrelevant.

No attempt has been made to address approaches made by individual landholders over the years who have a specific interest in having parts



of the current residential base of Munster renamed or ceded to a surrounding locality, often citing reasons which relate only to personal disapproval of the name and have no other sound basis for support.

This proposal is likely to attract similar comment from some residents in the area, who are not subject to consultation on the proposed locality boundary amendments.

It is proposed to provide a standardised response to these comments that the Geographic Names Committee criteria for renaming of suburbs specifies that any renaming suggestions are submitted before development occurs. In addition, there are minimum size and property number criteria which also need to be complied with. These are shown on Attachment 3.

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

A full costing estimate of \$20.00 per property has previously been determined for Council to undertake surveys of this kind. Some 200 properties are affected, making a total of \$4,000. This would be funded from the Community Consultation Account.

Legal Implications

The Department of Planning and Infrastructure, through the Geographic Names committee, is the responsible authority for approving amendments to suburb boundaries.

Community Consultation

The affected community will be consulted through the landowners survey, the results of which will determine whether the proposal can proceed.

Attachment(s)

- (1) Maps identifying current and proposed locality boundaries - Attachments 1 and 2(a) and (b).
- (2) Geographic Names Committee Guidelines – attachment 3.

Advice to Proponent(s)/Submissioners

N/A



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

Nil

DEPUTY MAYOR ALLEN, CLRS REEVE-FOWKES AND GRAHAM LEFT THE MEETING THE TIME BEING 7.45 PM.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received declarations of a Conflict of Interest from Deputy Mayor Allen, Clrs Reeve-Fowkes and Graham in Item 13.7 'Minutes of the Grants and Donations Committee Meeting held on 22 November 2007 pursuant to Regulation 11(1) of the Local Government (Rules of Conduct) Regulations..

DEPUTY MAYOR ALLEN

The nature of the interest being that he is a sponsor of an organisation which his seeking a donation from Council.

CLR REEVE-FOWKES

The nature of the interest being that she is an employee of the Yangebup Family Centre which is a recipient of a grant/donation.

CLR RICHARD GRAHAM

The nature of the interest being that he is a sponsor of an organisation which his seeking a donation from Council.

13.7 (MINUTE NO 3622) (OCM 13/12/2007) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING HELD ON 22 NOVEMBER 2007 (5930) (R AVARD) (ATTACH) [Minute No.3622](#)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 22 November 2007 and adopt the recommendations contained therein.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr S Limbert that Council:

- (1) receive the Minutes of the Grants and Donations Committee held on 22 November 2007;



- (2) adopt the Minutes of the Grants and Donations Committee held on 22 November 2007 and the recommendations contained therein, as attached to the Minutes;
- (3) donate the sum of \$20,000 to the Melville Cockburn Chamber of Commerce with the funds to be drawn from the Grants and Donations annual budget allocation; and
- (4) require the Grants and Donations Committee to provide to Council for consideration funding guidelines for a City of Cockburn Corporate Sponsorship Fund.

CARRIED 7/0

Reason for Decision

Council has for a number of years supported the Melville Cockburn Chamber of Commerce through a contribution of \$20,000 to provide an important level of support to local business and industry to achieve an economically sustainable local economy. There are a number of opportunities the City can utilise to raise its profile and support local endeavours through a corporate sponsorship program. To achieve the best outcome an agreed set of funding guidelines needs to be established.

Background

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and nature of Grants and Donations provided to external organisations.

Submission

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

Report

The Committee considered a number of applications for donations from external organisations and made recommendations as per the Minutes attached to the 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.*



Budget/Financial Implications

In accordance with Policy SC35 Council has allocated 2% of its rates income for distribution as grants and donations.

Legal Implications

N/A

Community Consultation

The availability of donations to organisations were widely advertised in the local media and Council publications.

Attachment(s)

Minutes of the Grants and Donations Committee Meeting - 22 November 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

DEPUTY MAYOR ALLEN, CLRS REEVE-FOWKES AND GRAHAM RETURNED TO THE MEETING THE TIME BEING 7.50 PM.

THE PRESIDING MEMBER ADVISED DEPUTY MAYOR ALLEN, CLRS REEVE-FOWKES AND GRAHAM OF THE DECISION OF COUNCIL WHILE THEY WERE ABSENT.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3623) (OCM 13/12/2007) - SINGLE STRATA (GROUPED DWELLING) - OWNER: MIGUEL DEFREITAS - APPLICANT: MICHAEL LITTLE (2213719) (V LUMMER) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to a grouped dwelling on strata Lot 3, Lot 6 (12) Boyd Crescent, Hamilton Hill in accordance with the approved plan subject to the following conditions:-



STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.
5. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council
5. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
6. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
7. All stormwater being contained and disposed of on-site.
8. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
9. All outdoor living areas must be fully developed with appropriate paving and landscaping with visually

permeable front fences above 1.2 metres in height.

10. All plant and equipment i.e. air conditioning condenser units, solar hot water units etc are to be placed and/or erected so as to not be visible from public view.

SPECIAL CONDITIONS

11. The surface finish of the boundary wall abutting adjoining lots is to be either face brick or rendered the same colour as the external appearance of the respective dwellings unless otherwise agreed with the adjoining property owner/s. In all instances, the standard of work is to be of a high standard.

Conditions to be Complied Prior to Applying for a Building Licence

12. All **stormwater** drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be **certified by a suitably qualified practicing Engineer**, and designed on the basis of a 1:10 year storm event.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regards to Condition No. 13, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.

- (2) Issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).



- (3) Advise those people who made submissions of Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

Zoning:	MRS:	Urban
	TPS3	Residential R60
Land use:	Vacant	
Lot Size:	180.31m ²	
Use Class:	Grouped dwelling "P"	

The original development approval for the strata development at 12 Boyd Crescent was issued in April 2002. The houses approved were 2 storey with a roof terrace. They were 2 bedroomed, with courtyards and uncovered parking. The heights were approximately 6.5 m. On the basis of this approval the development was strata titled and sold off to individual owners. The new and subsequent owners have individually applied for dwellings on each lot.

The development has a strata management plan which refers to the lots along the western side of the development (strata lots 1-6) extending their lots to a second level only. The management plan does not refer to building height.

Submission

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

- The building is significantly less bulky than it could potentially be.
- The majority of the building has been kept to a height of 7.7 m to provide a suitable balustrade to the roof garden; the only exception is the roof over the stairs which is at a height of 8.6m.



- The varying height of the building allows lots on the other side of the common driveway to retain a significant portion of their views.
- There is a far more bulky building 3 lots up from this one in the same strata development.

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

Report

The subject land is zoned Residential R 60 under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

12 Boyd Crescent is bordered to the west by lower lying land zoned R 60 with similar unit development existing. The land to the east is zoned Mixed Business with an additional use for Grouped Dwellings. It is higher than No.12 and vacant. The land to the south is zoned Mixed Business, is lower than No.12 and fronts Rockingham Road.

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No 3/Residential Design Codes with the exception of the following:-

- Height – 7 m required to the top of the external wall - 8.83m proposed.
- Northern side setback, ground floor 1.5 m required, 1.15 m proposed.
- Northern side setback, upper floor 1.5m required, 1.2 m proposed.
- Northern side setback, roof garden 1.5m required, 1.2 m proposed.
- Western side setback ground floor 1.5 m required, 0-1.15 m proposed.
- Western side setback upper floor, 1.9 m required, 1.8m-1.15m proposed.
- Western side setback, roof garden 1.3m required, 1.2 m proposed.
- Southern side setback ground floor, 1 m required, 0 m proposed.
- Southern side setback upper floor, 1.2 m required, 950mm proposed.

Building Height

The issue which requires Council determination in relation to this development is building height. Four of the five objectors have objected to the height of the development, although only one of those has viewed the plans. There were no objections to the setback variations and given the minor nature of these variations they are supported.



The height provisions of the Codes restrict the height of development under the Acceptable Development Criteria to 7m for developments with a concealed roof.

The performance criteria of the Codes (clause 3.7.1.P1) states:

Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *Adequate direct sun to buildings and appurtenant open spaces;*
- *Adequate daylight to major openings to habitable rooms; and*
- *Access to views of significance.*

As the application complies with the overshadowing requirements of the Codes, the increased height does not affect access to sun or daylight for major openings.

The views from the properties on the eastern side of 12 Boyd Crescent will be partially obscured by this development. However, given the additional height does not extend over the whole of the dwelling, there will be opportunities for views on either side of highest portion of the development.

The developments approved under delegated authority in 2005 and 2006 for units 1 and 2 of 12 Boyd Crescent are over 7m in height, creating a precedent for this development. Approval of the proposed height this development will be consistent with buildings in the locality.

Recommendation

It is recommended that the application be approved subject to conditions. It is considered that the development allows sufficient access to the view enjoyed by the other strata lots.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:-

APD8	Strata Titles
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions



Budget/Financial Implications

The applicant could lodge an application for review against conditions of approval. The City would defend this with funds currently in the budget.

Legal Implications

Town Planning Scheme No. 3
Residential Design Codes 2002
Planning and Development Act 2005

Community Consultation

The specific variations to the Acceptable Development requirements of the Residential Design Codes were advertised for comment from five (5) affected and abutting neighbours by means of letters sent to owners.

Five (5) submissions have been received have been received. All submissions object to the development and four request that it be limited to 7m in height as it will affect views.

Attachment(s)

- (1) Location Plan
- (2) Strata Plan for 12 Boyd Crescent
- (3) Site Plan and Elevations
- (4) Applicant's justification

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at 13 December 2007 Council Meeting.

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

Nil

- 14.2 **(MINUTE NO 3624) (OCM 13/12/2007) - SUBMISSION OF REVISED MASTERPLAN - LOCATION: LOT 809 PEARSON DRIVE (CNR WENTWORTH PARADE SUCCESS) - OWNER: ACEPARK PTY LTD - APPLICANT: DESIGNINC (6002227) (C SCHOOLING) (ATTACH)**

RECOMMENDATION

That Council grant its approval to the revised Master Plan for Lot 809 Pearson Drive, Success subject to the following conditions:-

1. The Master Plan being referred to Jandakot Airport Holdings



Pty Ltd seeking advice on whether or not the proposed apartment towers intrude into the Obstacle Limitation Surface (OLS) and procedures for Air Navigational Services, accepting that comments may also be required from the Civil Aviation Safety Authority (CASA) and Air Services Australia. The development must comply with the Airports Act (Protected Airspace) Regulations.

2. No crossovers are permitted directly onto Wentworth Parade for apartments except for the two main driveways shown on the Master Plan. The owner of Lot 809 is to contribute to the cost of upgrading Pearson Drive.
3. The proponent engaging into an agreement to facilitate public access for pedestrians and cyclists to the primary communal open space within the development, with the exception of the Community Amenity Precinct. Such an agreement being prepared by Council's solicitors and being at the cost of the proponent.
4. Satisfactory arrangements being made for the preparation of a Drainage and Nutrient Management Plan consistent with the requirements of Cockburn Sound Catchment Policy SPD8 and being to the satisfaction of Council.
5. The land being provided with an adequate outlet drainage system for a 1:100 year storm event or otherwise provide a fully self-contained drainage system to the satisfaction of the Council.
6. The café/home store components of the proposed development will require formal advertising prior to the Council's approval of a development approval of a development application pursuant to Clause 9.4 of Town Planning Scheme No. 3. Approval for the Master Plan is not to be construed as fettering Council's ability to either refuse or approve (with or without conditions) any commercial aspects of the proposed development.
7. A variation to the building height requirements of Table 3 of the Residential Design Codes is supported subject to impacts of privacy and overshadowing being contained on-site and not adversely affecting the amenity of surrounding residents.
8. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Council and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to commencement of development works. The notification should (at the full

cost of the applicant) be prepared by Council's solicitors and be executed by both the landowner and the Council. This notification is to be sufficient to alert prospective purchasers as follows:-

"The subject land is situated adjacent to the Kwinana Freeway and Perth to Mandurah railway where the amenity of future residents may be affected by noise and vibration from traffic and rail use."

9. Land use and development of the land is to proceed generally in accordance with the Master Plan while recognising that the Master Plan may require enhancements once detailed development plans are prepared.

COUNCIL DECISION

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

CARRIED 10/0

Background

Zoning:	MRS:	Urban
	TPS3	Residential R160
Land Use:	Vacant, Partially constructed Precinct 1	
Lot Size:	6.9815ha	
Use Class:	Grouped (R-Code) Dwelling 'P', Multiple (R-Code) Dwelling 'D', Lunch Bar 'A', Home Store 'A', Convenience Store 'A'.	

The original Master Plan was submitted to Council at the Ordinary Council Meeting on 15 February 2005. The recommendation that this Master Plan should be adopted was carried 10/0, and subsequently was granted conditional approval. Since the submission of the original Master Plan construction has commenced on the first of four original Precincts proposed.

Submission

The applicant has developed a revised Master Plan in response to changing market conditions. The applicant states that at present medium rise development are not supported at this location and the revised Master Plan will facilitate the construction of lower rise dwellings in the near future, progressing to medium and higher rise development in years to come as construction costs stabilise and high



density accommodation is generally accepted in the local housing market.

The revised Master Plan proposes a total of 718 dwellings to be constructed in 5 Precincts, excluding the original Precinct 1 which is currently under construction. In comparison, the original Master Plan proposed 861 dwellings which were to be constructed in 4 Precincts. The proposed yield of the development is distributed as follows:-

Precinct 1:	109 dwellings (under construction)
Precinct 2:	82 dwellings
Precinct 3:	129 dwellings
Precinct 4:	93 dwellings
Precinct 5:	84 dwellings
Precinct 6:	221 dwellings

Total Yield: 718 Dwellings

The applicant has provided the following justification in support of the amendments to the Master Plan which has been summarised accordingly:-

- Staged development is to occur in increasingly higher densities across the remainder of the lot. This staged development is intended to create contexts of higher rise development as construction progresses, thereby lowering the visual impact of the development's built form.
- The range of dwellings proposed in the original Master Plan still remains. The proposed development will comprise 1, 2 and 3 bedroom dwellings. The balanced range of dwellings is intended to provide a variety of accommodation options, to cater for differing family types, ultimately leading to a diversity of residents.
- Landscaped pedestrian spines are present throughout the development, maintaining a constant theme which prevents possible distinctions caused by staged construction. Landscaped spines are intended to connect the dwellings with the environment, in particular pedestrian access ways, thereby increasing casual surveillance and promoting walkability.
- There has been a slight redistribution of density across the proposed development. The revised Master Plan includes the deletion of some three storey residential towers in the development, in favour of towers of varying height across the remainder of the Precincts to compensate for the decrease in density of Precinct 2.
- The proposed density of the Master Plan, when averaged, achieves the outcome of a high density urban village, which meets the City's



vision for the site, as well as the objectives of Liveable Neighbourhoods.

- The built form of the development, increasing in height towards the shopping centre, is intended to reduce the impacts of high rise development located adjacent to the retirement village on the lot's south-east boundary. Low rise development as part of Precinct 2 will prevail here, increasing in height to a proposed twelve storey tower adjacent to the activity centre of Cockburn Central.
- Car parking provision has been included in the revised submission in accordance with the original Master Plan. A total of 86% of the R-Code requirement for resident car parking will be provided, in addition to the full requirement for visitor bays. Vehicles are intended to have a minimal presence throughout the development, highlighting pedestrian orientation.
- The proposed café/home store components of the original Master Plan remain in the revised version; and the applicant proposes to locate them in the vicinity of the Community Amenity Precinct. The location of these facilities places them in an activity centre, or recreation hub, within the development, as opposed to in a residential building. The café/home store is located on the pedestrian thoroughfare linking the development directly with the Cockburn Central Train Station.
- As with the original Master Plan, the revised Master Plan should be considered dynamic in terms of social, political and economic change

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

Report

Site Context

The site is situated to the south of the existing Gateways shopping centre, Cockburn Central, and is bounded by Wentworth Parade, Pearson Drive, the Southern Cross Retirement Village, the Kwinana Freeway and an access road for the shopping centre. The site is located within 800 metres of the Thomsons Lake regional centre and in close proximity to the Cockburn Central Train Station and Kwinana Freeway interchange. The location of the site in terms of its proximity to commercial facilities and transport infrastructure highlights its strategic importance as an area which is most suitable for medium to high density development in a similar form to a transit oriented development.



Zoning

The subject land is zoned Residential R160 under the City of Cockburn Town Planning Scheme No 3. This zoning illustrates the desirability of this site for high density development, reflective of its proximity to transport infrastructure and commercial facilities. Council has the discretion to either approve (with or without conditions) or to refuse the application.

Density

The current R160 density Code has the capacity to yield up to 1,117 dwellings. The original Master Plan proposed 861 dwellings, which was comparable to an R124 Coding. By comparison the revised Master Plan proposes 718 dwellings, comparable to an R119 Coding. This proposed density is intended to incorporate the potential for future development of the site.

The change in density is acceptable from a planning perspective, as it still permits high density residential development. The location of varying densities across the development creates areas where the density is greater than R160 and areas where it is much lower. As such, to achieve a total density for the site each area must be averaged. By developing the site to a lower density than it is zoned, future development of the site is able to occur without the need for the zoning to be revised.

Master Plan

The best approach to the planning and development of the site is through the preparation of a Master Plan. The original Master Plan submission was intended to provide a comprehensive basis for the analysis of the development opportunities and constraints. The revised Master Plan submission is intended to form a structured plan for the site, which will inform its progressive development.

Network City

Network City has been prepared by the State Government to provide a detailed planning framework for the strategic planning for Perth and has evolved from the Dialogue with the City as a strategy to shape Perth's planning over the next 25 years.

The concept of Network City is based on optimising land use and transport linkages between centres and for public transport to be supported by a range of activities at the centres as well as the land uses along the corridors linking the centres. Cockburn Central is an Activity Centre on an activity corridor (Kwinana Freeway and Beeliar Drive).



There is also an encouragement of mixed-use development in activity centres, including higher density residential developments and employment generators, especially where centres are well served by public transport and have high amenity walkable environments.

Network City recognises that residential densities, employment location and increasing use of car travel are key elements in the better integration of land uses and transport. By integrating land use and transport it is possible to achieve a more sustainable city and a high quality of life for current and future generations. The past inadequacies of the planning system have been recognised for not delivering effective mechanisms. There is now a desire to achieve higher density nodes at train/bus stations, which with the incorporation of commercial facilities leads to the formation of activity centres.

The revised Master Plan achieves the objectives of Network City. The development is situated within close proximity to transport linkages, thereby providing a variety of land uses in conjunction with the commercial facilities. The proposal of a high density residential development in this location emphasises the connections between residential location, transport infrastructure and centres of employment illustrated in Network City. The proposal for a residential development with clear linkages between the adjoining shopping centre and the Cockburn Central train station, meets the network city objectives of encouraging mixed-use development in activity centres.

Open Space

The proposal complies with the open space requirements within the development area and communal open space requirements for future residents. A community amenity precinct has been proposed for the development, incorporating a swimming pool and other recreation facilities. With the exception of the proposed café/home store in this location, all of the community amenity facilities are to be for the exclusive use of residents of the development. Pedestrian linkages throughout the development are for the use of non-residents as well.

This level of public access allows the development to be integrated within the locality. It also assists in limiting residential segregation within the development.

There is no requirement within the development area of Lot 809 to provide additional public open space because the land was formerly owned by Gold Estates (Australia) Pty Ltd who provided 10% POS within the Thomsons Lake Estate.

Urban Design

Urban design principles would support the establishment of landmark buildings on key corner sites and within the town centre. The applicant



states that the built form will largely be 'Contemporary Australian', and has remained unchanged since the submission of the original Master Plan. While the applicant proposes each Precinct to have an individual form of development, the precincts will be integrated together through continuous landscaped streetscapes.

Retail Facilities

As in the original Master Plan submission, the revised Master Plan proposes the inclusion of a café/home store in the community amenity precinct.

More information is required from the applicant regarding the actual floor space proposed for these facilities, and in accordance with the previous Council resolution, advertising with regards to the land use will need to occur as stated in Town Planning Scheme No. 3. This will occur at the development application stage.

Plot Ratio

The proposed development complies with the maximum plot ratio requirements of the R-Codes and site area per dwelling requirements. The revised master plan proposes a slightly reduced plot ratio of 1.03, in comparison with the plot ratio proposed in the original Master Plan of 1.10.

Building Height

A relaxation of the requirements of Table 3 of the R-Codes is required to permit a building height that is consistent with the desired building heights in the locality. The R-Codes would otherwise prescribe a maximum building height of 123 metres.

The revised master plan submission proposes four six storey apartment towers, three eight storey towers, two ten storey towers and one twelve storey tower. These heights are not consistent with the standards described for residential development in the R-Codes; however, they comply with the performance criteria of Part 3.7.1 of the R-Codes. Additionally, there is a clear provision in Town Planning Scheme No. 3 to achieve a high density development on this site, comprising of landmark buildings. Where proposed development abuts existing development, particularly in the case of the single storey retirement village, proposed building heights are scaled to three storeys. This provides a suitable interface between developments of differing densities, and does not result in extensive overlooking and overshadowing issues.

A variation to building height requirements is supported if it can be demonstrated that all impacts of privacy and overshadowing of the proposed development are able to be contained on-site.



Access & Parking

In accordance with the previously approved Master Plan, car parking provided totals 86 per cent of that required under the R-Codes. It is anticipated that the full requirement of car parking bays will not be necessary, given the location of the site in close proximity to public transport. Most of the dwellings would have two car parking bays provided; however, it is reasonable to expect that not every dwelling will have two bays. In similar inner city developments which are located in close proximity to transport infrastructure relaxed car parking standards similar to those proposed in the revised master plan have been approved. The applicant proposes to provide the full requirement of visitor parking bays.

A relaxation in car parking is considered acceptable from a planning perspective. The location of the development in relation to transport infrastructure and commercial facilities reduces the necessity for residents to rely on private vehicles for transportation. The transit oriented nature of the development is intended to reduce the need for private vehicles and alleviate the demand for visitor parking spaces. Relaxations in car parking provisions are considered acceptable under the Cockburn Central Town Centre Parking Strategy, which recommends limiting car parking bays pertinent to the number of bedrooms per dwelling in order to promote the development as transit oriented.

There are no new road connections proposed as part of the revised master plan. The internal road network has changed, with a single 'ring road' through the development connecting with Wentworth Parade and Pearson Drive in the locations originally proposed. The revised master plan proposes to maintain a traffic flow which effectively circulates the precincts, rather than passing through them. This is intended to promote walkability throughout the development and allows for the establishment of landscaped pedestrian corridors, providing greater connections between the dwellings and the public open space.

A Traffic Impact Analysis was completed pertaining to the previous master plan. In view of the fact that the location of the three access ways into and out of the development have not changed, it can be considered that the findings of the original Traffic Impact Analysis, that the traffic generated by the proposed development will not adversely effect the traffic using Wentworth Parade, have not changed significantly with the submission of the revised master plan. Other issues raised in the Traffic Impact Analysis, such as footpath provision and lighting of the internal roads can be addressed at the development application stage.



Pearson Drive

As part of the redevelopment of the area the City upgraded Pearson Drive to a suburban standard. Developers, whose land fronts onto Pearson Drive, have already provided pro-rata contributions to Council towards the upgrading of this road. The applicant should be required to contribute towards the cost of the Pearson Drive upgrade. Contribution estimates are approximately \$50,000 from the owner of Lot 809.

Stormwater

As was part of the original master plan submission, all stormwater disposal based on a 1:10 year event must be contained on-site and it should be demonstrated how a 1:100 year event can be managed to minimise flooding. A landscaped stormwater drainage swale is proposed as part of the development, which will include a boardwalk to facilitate its use as public open space connected with the Community Amenity Precinct. The applicant proposes to engage in further discussions with the City regarding the development of this area at the development application stage for precinct 2.

Conclusions

It is recommended that Council proceed to adopt the revised master plan subject to conditions addressing the matters discussed in this report and outlined in the recommendations.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

Planning your City

- *“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”.*

The planning policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
SPD8	Cockburn Sound Catchment Policy
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions
	Cockburn Central Town Centre Parking Strategy

Budget/Financial Implications

Council's decision is appealable. Legal representation will be required if an appeal is lodged with the Tribunal.



Legal Implications

Town Planning Scheme No. 3
Residential Design Codes 2002

Community Consultation

The proposal is a Permitted (P) use under Town Planning Scheme 3 and does not require advertising for public comment. The proposed retail facilities are likely to be an Advertised (A) use under Town Planning Scheme No. 3 and will require advertising for public comment; however, this is not likely to occur until the submission of a development application.

Attachment(s)

- (1) Planning and Design Considerations document
- (2) Landscape Plan
- (3) Applicant's justification

Advice to Applicant

The applicant has been advised in writing that this matter is to be considered at 13 December 2007 Council Meeting.

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

None.

- 14.3 **(MINUTE NO 3625) (OCM 13/12/2007) - RETROSPECTIVE PLANNING APPROVAL - RETAINING WALL- LOCATION 31 TREATY OAK COVE BIBRA LAKE - APPLICANT: DANIEL PETER KRISPLER (1116711) (B HOGARTH-ANGUS) (ATTACH)**

RECOMMENDATION

That Council:-

- (1) **refuse** to grant its approval to the retrospective retaining wall for the following reasons:-
 1. The retaining wall has an adverse impact on the amenity of the adjoining owner.
 2. The retaining wall has been built on top of two (2) existing retaining walls which are not designed for this use.
 3. The City holds safety concerns regarding the retaining wall, as there is evidence the retaining walls underneath are collapsing.
 4. No engineering certification has been provided to certify the construction.



- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and
- (3) require the removal of the retaining wall and any soil retained by the wall within 60 days of this decision.

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

CARRIED 10/0

Background

Zoning:	MRS:	Urban
	TPS3	R20
Land Use:	Residential	
Lot Size:	750m ²	
Use Class:	"P"	

The subject land is on the Northern side of the lot adjoining 29 Treaty Oak Cove. The Finished Floor Level (FFL) of the house on 31 Treaty Oak Cove is 9.00, falling to a level of 7.4 for the residence at 29 Treaty Oak Cove.

A building license issued in June 1997 for the residence at 31 Treaty Oak Cove included two (2) retaining walls, a twinside retaining wall and another limestone retaining wall running to the rear boundary.

Submission

The application is for a retrospective retaining wall 6.43 m long x 1.25m high. The wall will sit on top of the two existing walls.

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

The twinside retaining wall left a 1m pit which runs the length of the house foundation. This retrospective retaining wall attempts to address this void by continuing on the existing limestone retaining wall along the entire length of the side boundary.

The applicant believes this to be the correct course of action to address safety concerns and keep the adjoining neighbour happy.



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

The applicant has tried to fill in the 1m pit in the interests of safety. However, the solution of the retaining wall extension has not prevented sand and stormwater from spilling over to the adjoining lot and the retaining walls below are not designed to carry the extra weight imposed.

Report

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

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No 3/Residential Design Codes with the exception of the following:-

- The retaining wall is above 500mm in height and is required to be setback from the boundary a distance of 1m.

Amenity

It is considered that the retrospective retaining wall has a negative effect on the amenity of the adjoining owner. Each time a retaining wall has been built, a fence has been erected, resulting in 3 fences being built along and adjacent to the boundary. Whilst not affecting the distribution of sunlight, there are habitable rooms on this side of 29 Treaty Oak Cove which are facing onto a 4m high wall (including dividing fence), located only 1m from the windows.

Safety

Building this wall on top of the existing two poses a safety risk where by the walls which are being built on are seemingly unable to cope with the additional weight load being imposed. The owners of 29 Treaty Oak Cove has attempted to solve this issue by slotting an additional beam along the fence to support it.

The overspilling of soil indicates that the retaining walls are not sufficient to hold the soil. No certification has been received for the walls and a site inspection has revealed that certification is unlikely to be possible.

Community Consultation

In accordance with Clause 9.4 of the Scheme, the application has been advertised for public comment. The application came about due to a complaint from the residents of 29 Treaty Oak Cove, who objected to



the retrospective application within the timeline of the advertising period.

The following list is a summation of their concerns:-

- 1) The continual shedding of stormwater sand and rubbish into their yard
- 2) Damage caused to the fence and existing retaining walls by the new retaining wall
- 3) The height of the new fence placed on top of the retaining wall.

Recommendation

It is recommended that the application be refused on the basis of the amenity and safety concerns mentioned and the valid objection of the adjoining neighbour.

Whilst filling the 1m gap, the retaining wall has given rise to greater problems and safety issues, with soil and stormwater continuing to spill onto the neighbouring property instead of being contained on site.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:-

APD50 Residential Design Codes – Neighbour Consultation Guidelines

Budget/Financial Implications

The applicant may make an application for review to SAT, which will be defended by the City. Funds are available in the Council's budget for this.

Legal Implications

Town Planning Scheme No 3
Residential Design Codes 2002
Planning and Development Act 2005
State Administrative Tribunal Regulations



Attachment(s)

- (1) Location Plan
- (2) Pre Construction Plan
- (3) Construction Plan
- (4) Pre Construction elevation
- (5) Construction Elevation
- (6) Applicant's justification

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at 13 December 2007 Council Meeting.

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

Nil

14.4 (MINUTE NO 3626) (OCM 13/12/2007) - PROPOSED JANDAKOT AIRPORT DRAFT MAJOR DEVELOPMENT PLAN - HOPE ROAD JANDAKOT - OWNER & APPLICANT: JANDAKOT AIRPORT HOLDINGS PTY LTD (1211) (D ARNDT) (ATTACH)

RECOMMENDATION

That Council endorses the response by the Mayor in relation to the draft Major Development Plan for Jandakot Airport.

COUNCIL DECISION

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

CARRIED 10/0

Background

Zoning:	MRS:	Public Purposes – Commonwealth Government
	TPS:	Public Purposes – Commonwealth Government – Regional Reserve – Water Catchment – Special Control Area – Jandakot Airport
Land Use:	Aviation	
Lot Size:	512 ha	



The Jandakot Airport Master Plan which was approved by the Minister for the Department of Transport and Regional Services (DoTaRS) in January 2006 includes plans for the construction of a fourth runway and the allocation of non-aviation land for a commercial development precinct.

The City was invited to comment on the Master Plan in 2005. Council at its meeting dated 8 September 2005 resolved to support the fourth runway being in accordance with "Option 1" of the Master Plan subject to a series of conditions (Minute No 2951 refers). The three options referred in the Master Plan are as follows:

- Do nothing option;
- Option 1 – New parallel 12R/30L (990m x 18m) touch and go runway of the existing 12/30 runway; and
- Option 2 – New parallel runway (1390 x 30m) south of the existing 12/30 runway.

A Major Development Plan (MDP), generally speaking, is a more detailed plan to the Master Plan. Under the Airport Act 1996, a MDP for the proposed works, as well as formal advertising and consultation are required before the draft MDP can be submitted to the Minister for the DoTaRS for approval.

The City has received a letter from the Jandakot Airport Holdings Pty Ltd (JAH) on the 8 August 2007, in which the JAH has notified the City of its intention to submit a draft MDP to the Minister for DoTaRS under the Airport Act 1996.

The advertising of the draft MDP commenced on August 22, 2007 and concluded on November 15, 2007. The City intends to comment on the draft MDP and make a submission to JAH. The draft MDP has been assessed by the City's internal technical departments including Strategic Planning, Engineering, Environmental, Parks and Health. This report provides some recommendations for Council's consideration on the MDP. Adoption of these recommendations will then form a formal position of the Council on the Draft MDP, and be forwarded to the JAH.

Council at its meeting on November 8, 2007 considered a report on the draft MDP and resolved to defer the matter and:

- (1) instruct the Mayor to arrange a briefing of Councillors by Jandakot Airport Holdings;
- (2) the Mayor, Chief Executive Officer, Director Planning and Deveopment and Director Finance and Corporate Services meet with Jandakot Airport Holdings to discuss strategic issues and to seek an extension to the submission period; and



- (3) the letter requesting the extension to be copied to each of the candidates representing the Fremantle area who are standing for election in the forthcoming Federal Election.

Correspondence seeking an extension of the submission period was prepared and sent to JAH on November 9, 2007. A meeting was subsequently held on November 13, 2007 between the Mayor, Chief Executive Officer, Director Planning and Development Services, Director Infrastructure Services, and the Director Finance and Corporate Services met with representatives of Ascot Capital Limited to discuss the proposed Council recommendations.

A briefing of Councillors by Ascot Capital Limited (JAH) was subsequently held on November 14, 2007. A formal response on the draft MDP was then prepared and sent by the Mayor (refer Attachment 1), based on the information provided by Council Officers and the advice provided by Ascot Capital Limited.

Submission

N/A

Report

Draft Major Development Plan (MDP)

The draft MDP shows the proposed development including:

- A new parallel 12R/30L (990m x 18 m) touch and go runway north of the existing 12/30 runway. ("Option 1" refers, which was supported by Council at the Master Plan consultation stage).
- A road to the east to link with Ranford Road (not proposed in the Master Plan 2005).
- A road to the south to link with Jandakot Drive (not proposed in the Master Plan 2005).
- Civil works including sewer, power and water services (proposed in the Master Plan 2005).
- Clearance of 62ha of bushland to facilitate a commercial development (proposed in the Master Plan 2005).

Land Use Proposals

The approved 2005 Master Plan identifies 148 ha of non-aviation land development in the northern portion of the site for commercial development. Figure 10 – Land Use Precincts plan for the commercial



development area identifies a series of land use precincts including the existing aviation building area:

- Central Core – containing high density offices and destination uses as food and beverage outlets, local retail, entertainment and leisure, etc.
- Inner frame – containing uses such as offices and showrooms that have a relatively high visitor demand or a relatively high worker population.
- Outer frame – containing uses such as trade-related showrooms, light industry, and logistics and storage that generate truck traffic and have either relatively few workers or visitors.
- Aviation support – containing uses that provide support to aviation operators.
- Aviation core – containing central and intensive uses relating to aviation operations – e.g. Hotel and shared terminal.
- Aviation operations – containing aviation operators with direct access to the airside of the airport.

The general allocation of land use activities is supported. However, for clarity and ease of interpretation of the proposed land uses, recommendation should be made to ensure that the description of the zones and land uses activities within the commercial development precincts be consistent with the City of Cockburn Town Planning scheme No. 3. Furthermore, it is considered that any retail activity within the development precinct would only serve the local catchment (the commercial development and aviation areas) and should be limited to a “Local Centre” scale (i.e. maximum floor space of 2000m²), in order to minimise the impact on the City’s Local Commercial Strategy. Retail being defined under the City of Cockburn’s Town Planning Scheme and does not include the display, sale or hire of goods of a bulky nature (i.e. showrooms)

The Land Use Precinct plan shows the internal road network and accesses, but no details are provided on how the land is to be developed. It is desirable that future development of the land occurs in accordance with the City’s standards as the commercial development area will be subleased as opposed to a traditional subdivision and freehold title arrangement. It is therefore recommended that JAH be requested to prepare detailed structure plans for each area to guide future development in close consultation with the City of Cockburn.

The detailed structure plan should be prepared in consultation with the City and should address matters such as land use proposals, indicative



road layout, cycle and pedestrian networks, typical road sections, drainage, open spaces etc. The structure plan should include the details listed in Clause 6.2.6.1 of the City's Town Planning Scheme No 3.

Should the land within the commercial development area be subdivided in the future, it is essential that an agreement is reached with the City of Cockburn for the potential management of roads, drainage, open space and other appropriate reserves. It is recommended that JAH should liaise with the City of Cockburn to discuss the details of the infrastructure management should that be a likely option.

The proposed development on the airport is not subject to normal State Government or local government subdivision or development processes. However, it is essential for Council to be closely involved and consulted. All infrastructures in this area should be constructed to Council's specifications and it is recommended that any further development in this area be to standards agreed between Council and JAH and that JAH engineers certify that infrastructure has been constructed accordingly, if it is to be handed over to the City to maintain and manage.

The City has requested during the Mater Plan advertising in 2005 that a protocol between JAH and the Council to cover matters including the preparation and adoption and adoption of a structure plan for the precincts, development standards, zones and permitted uses and specifications for roads and drainage etc. particularly if the area is to be freehold in the future under the City's management. This has been discussed with JAH and there was agreement to further identify items that could be included and possible procedures.

In general, the items important to Council have been identified as follows:

- The use of terms, definitions, zones and development standards that is consistent with City of Cockburn Town Planning Scheme No. 3.
- Adoption of a structure plan by JAH in consultation with Council which shows adequate details guide subdivision and development of the area.
- Referral of subdivision and development applications to Council for its information and comment.
- Procedures for certification that infrastructure including roads and drainage have been constructed to Council specifications, if they are to become public responsibility.



Transport Issues

The two roads proposed to the East to link with Ranford Road and to the South to link Jandakot Road have considerable merit as they provide alternative traffic routes to the existing Hope Road. If Hope Road was blocked due to a crash or other accidents could lead to the following risks:

- Emergency access is lost – this has severe ramifications for the Royal Flying Doctor Service (RFDS).
- Access to RFDS by St John of God Ambulance is restricted.
- Evacuation due to a chemical spill or bushfire is limited.

The new road links will alleviate much of the identified risks as the proposed road network affords increased flexibility for airport access.

Notwithstanding the above, the City has concerns on the impact of the increased traffic volume on the road infrastructure as a result of the development on the airport. The City's most recent traffic forecasting model for 2016 has now been considered by JAH and general discussion with Council Officers have identified the following issues, which need to be addressed in a detailed traffic assessment:

- Upgrading Berrigan Drive (between Freeway and Jandakot Road) from 2 lanes to 4 lanes divided. If North Lake Road Bridge is constructed prior to 2016, then Berrigan Drive may cope with 2 lanes.
- Downgrade Berrigan Drive (Jandakot Road to Hope road) from a District Distributor Road to a Local Distributor Road. This will require changing the infrastructure and slowing the speed limit so that most of the traffic will be deflected onto Hope Road and the proposed South Link (Lancaster Drive). JAH suggest that traffic calming treatments may be required on Berrigan Drive in order to restrict the road to "local residents" only.
- Traffic signals will be required at the intersection of Karel Avenue/Hope Road/Berrigan Drive (north).
- Queuing lengths on Karel Avenue approaching the Hope Road/Berrigan Drive intersection, area identified as an issue, particularly if there is a strong demand for a right turn in the evening peak hour into Berrigan drive. JAH propose to restrict green time in peak periods for traffic moving in/out of Berrigan Drive (north).
- A new T-intersection is proposed at the intersection of the South Link (Lancaster Drive) and Berrigan Drive (south). This will function under STOP controls. JAH advised they would reconsider the



design of the intersection by providing wide median island so that motorists can egress out of Berrigan Drive in two stages.

- Traffic signals are required at the intersection of Jandakot Road South/Dean Street /Berrigan Drive (south).
- The construction of Lancaster Road (South Link). JAH is waiting for final approval from the DoTaRS and indicated that construction of Lancaster Road (South Link) would begin straight away and be completed within a year.

It is assumed that JAH would be responsible to fund and construct the above infrastructure that fall inside of the JAH land. Whilst some infrastructure outside of JAH area is normally under the responsibility of the City of Cockburn and Main Roads, JAH should be responsible for this infrastructure given that the significant traffic impact was generated by the future development on the airport. It is therefore recommended that JAH fund the construction of the identified infrastructure required by 2016.

The City also has concerns with the future increased traffic volume on Prinsep and Warton Roads which are not discussed in the MDP document. The few residential houses already there need to be screened by a service road away from the future increased demands on that road by heavy commercial traffic as a result of the commercial development on the airport.

Environmental Issues

The City has concerns over the amount of clearing natural bushland for the development on Jandakot Airport although it is recognised that the approved Jandakot Airport Master Plan identified these areas as being able to be developed and that in order to facilitate this development these areas would need to be cleared.

Whilst a detailed flora and fauna survey and management plan has been prepared by JAH, the City of Cockburn has had limited input into the plan. It is acknowledged that JAH has liaised with State Department of Conservation & Environment and the Kings Park Botanic Gardens and Parks Authority in respect to the flora and fauna survey and that the details of which are required to be referred to the Commonwealth Department of Environment and Water Resources for assessment under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). It is therefore recommended that JAH provide the City with details of the outcomes/assessment by the department of Environment and Water Resources.

A detailed urban water management plan is required to address surface and ground water management, given that the site is located on the Jandakot Groundwater Mound. This is particularly important for



different types of runoff for the aircraft runway and service areas, distributor roads and urban areas. It is recommended that a water management plan be prepared by JAH in close consultation with the City of Cockburn and the Department of Water.

In respect of the Construction Environment Management Plan, the City has the following comments:

- Concern is expressed that the City of Cockburn was not consulted in relation to the clearing bushland of Stage 1, although it is recognised that in order to facilitate the development, as contained with the approved Jandakot Airport Master Plan these areas would need to be cleared.
- With regard to Section 5.1.6 of the Construction Environment Management Plan (CEMP), topsoil cannot be stockpiled for long periods as the seeds may become unviable due to the effect of moisture in the soil. Soil from dieback infested areas should not be mixed with soil from dieback free areas.
- With regard to Section 5.1.9, all refuelling should be undertaken on hard areas to reduce the risk of groundwater contamination.
- Section 5.1.11 – W6 is a Resource Enhancement Wetland and should be adequately buffered. A 50m buffer is normally required by the Department of Water. No clearing should occur within this buffer and the demarcation line should be adequately pegged and visible to machinery operators.
- Section 5.1.13 – Bushland salvage initiatives should be implemented prior to clearing. This should include seed collection, harvesting hollow logs from existing trees that could then be utilised in other areas of the airport as nesting hollows or habitat logs. Transplantation of plants could also be undertaken for use in landscaping. The City of Cockburn would be keen to undertake some seed collection in areas destined to be cleared.
- Section 5.1.13 – Prior to any clearing approval bushland salvage initiatives should be implemented.
- Section 5.1.16 – Prior to the commencement of any earthworks in the area or translocation of the Protected Flora approval from the Commonwealth Department of Environment and Water resources will need to be obtained.
- Section 5.1.17 – care must be taken to ensure that translocation of plants does not transfer diseases such as dieback to other sites.
- Section 5.1.21 – Clearing should be undertaken when reptile species are active. Clearing in colder periods when reptiles are



least active is not advised. Clearing in mid to late spring is also not advised as many bird species will be nesting. It is suggested that a qualified fauna (particularly reptiles) expert be on site during clearing to ensure that any injured, distressed or trapped fauna can be assisted.

- Section 5.4.2 – Given that the works are occurring within the municipality of City of Cockburn the City of Cockburn would like to be notified of any significant environmental incident or emergency.

Aircraft Noise

The proposed fourth runway will increase annual flights by 14,000 approximately reaching a maximum of 514,000 flights per year in 2015.

The Australian Noise Exposure Forecast (ANEF) system of predicting likely impacts of aircraft noise to the general public is limited where there is a significant increase in the frequency of flights. The draft MDP recognises that “for affected residents, the noise impacts associated with the use of the 12/30 direction runways will be intense, at frequent intervals and relatively short duration” as the fourth runway (12R/30L) is parallel to the north of the existing 12/30 runway.

The ANEF maps for 2005 indicates that the 20-25 contour will extend about 265, into the residential areas to the northeast and to a lesser extent to the southwest. The 20-25 ANEF contour is recognised in AS2021 Table of Building Site acceptable as the category “Conditional” for houses and schools. “Conditional” typically acknowledges that buildings should be acoustically treated to minimise noise nuisance. In addition, the Draft MDP states that “at the 20 ANEF approximately 10% of people are “seriously affected” and approximately 45% are “moderately affected” by aircraft noise”.

Should the fourth runway be approved it is recommended that all existing houses and residential accommodation located within a new 20-25 ANEF contour (or over) be acoustically treated at JAH’s expense. This will mitigate some of the aircraft noise experienced inside the buildings. However, it is likely that the noise nuisance will continue to exist when residents are enjoying their external living areas. It is noted that the aircraft noise will be restricted to daytime only as the runways will not be lit for night time flights.

The 25-30 ANEF contour is recognised in AS2021 as unacceptable for houses and schools. The ANEF map for 2025 indicates that the new 25-30 contour extends slightly into residential areas. This suggests that any further increase in the frequency of flights in the future shall not be approved by the Minister for the Department of Transport and Regional Services given the non-compliance with AS2021.



Financial Issues

Subject to an agreement between the parties for the payment of rates on all commercial property, the provision of information pertaining to lease rentals from third parties will ensure transparency of data in the calculation of relevant gross rental values from the Valuer General of WA so as to correctly determine fair and equitable rating.

Lancaster Road

The proposed southern link follows the alignment of an existing road reserve – Lancaster Road, as there is already an existing Lancaster Street within the City, it is strongly recommended that Lancaster Road, which is not constructed be renamed to avoid any confusion in the future.

Conclusion

Despite that the proposed fourth runway will result in an increase in aircraft movements and hence the extended ANEF contours, the development on Jandakot Airport proposed in the draft MDP is likely to provide economic and social benefits to the airport and the district as a whole. The fourth runway will improve aviation safety. The two proposed link roads provide alternative traffic routes to existing Hope Road, and alleviate the risks in case of emergency.

Strategic Plan/Policy Implications

Infrastructure Development

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

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.*

Transport Optimisation

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

The Planning Policies which apply to this item are:

SPD1 Bushland Conservation Policy

SPD3 Native Fauna Protection Policy

APD33Town Planning Scheme No. 3 Provisions



Budget/Financial Implications

N/A

Legal Implications

Under the Airport Act 1996, a Major Development Plan for the proposed works, as well as formal advertising and consultation are required before the draft MDP being submitted to the Minister for the DoTaRS for approval.

Community Consultation

N/A

Attachment(s)

Mayoral response to draft MDP

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.5 (MINUTE NO 3627) (OCM 13/12/2007) - HORSE STABLES & EXERCISE YARDS - LOCATION: 12 & 10 (LOTS 22 & 23 HARDEY STREET HAMILTON HILL - OWNER: COMMISSIONER OF MAIN ROADS - APPLICANT: THEODORE MILLER (2201366) (L PALERMO) (ATTACH)

RECOMMENDATION

That Council:-

- (1) grant its approval to construct horse stables and exercise yards on No 10 & 12 Hardey Rd, Hamilton Hill in accordance with the approved plans subject to the following conditions:-
 - 1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
 - 2. **Earthworks** over the site and batters must be **stabilised** to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that



sand is blown from the site.

3. All **stormwater** being contained and disposed of **on-site** to the satisfaction of the Council.
4. The proposed development shall be **clad or coloured** to complement the surroundings, and/or adjoining developments, in which it is located, and shall use non reflective materials and colours.
5. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.
6. The construction of every building, shed, loose-box, shelter and stall and its situation with respect to adjacent buildings must be in accordance with the Building Code of Australia.
7. Every loose-box or stall shall have an area of not less than 11m² and walls not less than 3 meters measured either horizontally or vertically.
8. A shelter provided in a yard for the protection of horses from inclement weather shall have an area of not less than 9 m² and a height of not less than 2.5 meters. It shall not be capable of being closed and shall have at least one side completely open to the outside air.
9. Every stable shall have approved impervious rodent-proof receptacles for the storing of chaff, bran, pollard or grain intended for horse feed.
10. No part of the stable shall be located any less than 15 meters from any dwelling house.
11. Any paddock or yard used for the keeping of any horse shall have a fence or railing at a distance of not less than 15 meters from any dwelling house.



FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.
 3. The property is registered on the City of Cockburn's Heritage Inventory and has been permanently entered on the Heritage Council of Western Australia's Register of Heritage Places (data base No. 09242).
 4. Prior to housing additional horses, the applicant must make an application to amend their stable licence. Stable is required to be inspected by the City's Health Service prior to approval to keep additional horses is granted. Please contact Council's Health Services in relation to these requirements on 9411 3589.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

COUNCIL DECISION

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

CARRIED 10/0

Background

Zoning:	MRS:	Primary Regional Roads
	TPS3	Primary Regional Roads
Land Use:	Stables & exercise yards	
Lot Size:	721m2	
Use Class:	Existing non-conforming use	

Submission

The applicant has provided the plans of the proposed development, which stated that the proposed freestanding stable structure will be



constructed using jarrah frame and corrugated iron cladding in keeping with the existing buildings on the site.

The application for development was signed and indorsed by the Main Roads Department – the owner of the land.

Report

The subject land is reserved for Primary Regional Roads under the Metropolitan Region Scheme and the City of Cockburn Town Planning Scheme No 3.

Council has delegated authority to determine the applications on a regional road reservation in accordance with the Western Australian Planning Commission Act 1985 Delegation to Local Governments Clause 2, subject to a referral procedure being carried out in accordance with Clause 3 of the Delegation.

In this case the proposal was referred to the Department for Planning and Infrastructure (DPI) – Urban Transport Systems for comment. The following advice was received from DPI Urban Transport Systems:

“The Department for Planning and Infrastructure is prepared to support the proposal on condition that the applicant agrees that the presence of these structures, at the time when the reserved land is required for the construction of Roe Hwy (Stage 8) shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable to Council by the WA Planning Commission”.

The size of the proposed stable does not exceed the requirement for an outbuilding under the R-Codes, which can be used as a guide in this case. The proposed stable is located well away from any adjoining property or dwellings and is not likely to have any negative impact on the surrounding properties.

The proposal was assessed by the Council’s Health Department and all the recommended conditions were included in the Officer’s recommendation.

Heritage Matters

The subject property has a ‘Category A’ listing in the Municipal Inventory. Any development in respect of ‘Category A’ heritage places is required to be dealt with by Council in accordance with the Council Policy APD 41 – “District Heritage – Significant Places.”

A referral to the Heritage Council of WA was also required as the property “Randwick Stables” also has a permanent listing on the State Register of Heritage Places.



Council received a referral response from the Heritage Council of WA stating that the proposal is supported as the proposed new horse stables and exercise yards do not significantly impact on the cultural heritage of the place.

The proposed new stable is positioned towards the back of the property and away from the significant buildings and structures. There is no alteration to the existing heritage buildings proposed.

Recommendation

It is recommended that the application for a new stable and exercise yards be conditionally approved. It is considered that due to the positioning of the proposed new structures well away from the significant heritage buildings on the lot, the proposed development would not affect the heritage value of the place.

It is also considered that due to the small scale of the proposed development and its location away from any adjoining dwellings it would not have any negative impact on the surrounding properties.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

The Planning Policies which apply to this item are:-

N/A

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No. 3
Residential Design Codes 2002
Planning and Development Act 2005
State Administrative Tribunal Regulations

Community Consultation

The application was not required to be advertised to the adjoining properties.

Attachment(s)

1. Location Plan



2. Site Plan & Building Plan

Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 13 December 2007 Council Meeting.

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

Nil

14.6 (MINUTE NO 3628) (OCM 13/12/2007) - TWIN BARTRAM SWAMP - LOCATION: WENTWORTH PARADE SUCCESS (6120) (A BLOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) not initiate any action to amend the zoning of the Twin Bartram Swamp area at this time.

COUNCIL DECISION

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

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R 20 and Public Purpose (Western Power)
LAND USE:	Vacant rural	

At the Council meeting held on 13 September 2007 Clr Whitfield requested that Council staff prepare a report for a future Council meeting detailing the current zoning of Twin Bartram Swamp, the size of the wetland, the owners of the land, the current mechanisms to protect the wetland and what the most appropriate zoning would be for this wetland to protect its wetland values from development, including buffers and adjacent land zonings. The report is to also provide the history of previous studies of this wetland and any conditions or recommendations relating to its conservation arising from these



previous studies or rezoning (for example the Semeniuk Study of 1989).

Submission

N/A

Report

The following report on Twin Bartram Swamp (TBS) has been prepared in response to Clr Whitfield's request (OCM 13/9/07) and draws on information from a 2004 review of all reports on the Twin Bartram Swamp including the Semeniuk report and additional information provided by the Environmental Services Manager. A full copy of the 2004 literature review is included in the agenda attachments.

Twin Bartram Swamp is the wetland area located south of Steiner Road and west of Wentworth Parade in the locality of Success. Land to the west, north and east has been subdivided by Gold Estates for residential purposes. The TBS area and land down to Bartram Road remains the only undeveloped land in this portion of Success.

TBS is described as a seasonally inundated sump land situated within the Bassendean dunes. It is an irregular shape with 2 basins with the eastern basin being the deepest at 60cm. In wetter years the two basins are connected. The basins are considered to be a surface expression of the ground water table in the area. The average maximum ground water levels in the area are between RL 22.00 and 23.00 AHD.

The vegetation complex is Bassendean Complex - central and south. This vegetation complex is made up of a number of different vegetation communities including Banksia dominated woodlands with flooded gums and paperbarks within the wetland. The perimeter of the wetland is in poor condition and has been heavily impacted by grass and woody weeds. The understory in the western portion of the wetland is dominated by introduced typha, presumably due to lower water levels as a result of lower rainfall and Water Corporation pumping from the Jandakot Ground Water Mound.

In previous reports there has been differing opinions as to the quality of the wetland and therefore its classification. The vegetation appears to be in better condition in the eastern and central portion of the wetland which is still inundated during the wetter months whilst the buffer area is generally degraded with weeds and little if any understory. The extent of the wetland dependant vegetation was mapped by the City's environmental officers in 2002 using a GPS and was provided to Gold Estates for their information. In 2003 detailed wetland vegetation of TBS was mapped by the City's environmental officers and was submitted to the Department of Environment (DoE) in support of a



request for the reclassification of TBS as a “Conservation” category wetland which is the highest level and also afforded the highest level of protection by DoE policies on wetlands. By letter dated 3 March 2004 DoE advised the City that TBS had been reclassified as a “Conservation” category wetland.

Currently the wetland is on privately owned land being lots 9014 Bartram Rd and 9012 Wentworth Pde which are owned by Gold Estates of Australia 1903 Ltd. The associated buffer is also located on those lots and partially on adjoining lot 545 Bartram Rd owned by J & W Beisley. The core of the wetland encompasses an area of approx 12.2ha whilst the area of wetland dependant vegetation mapped by the City in 2002 encompasses an area of approximately 17.3ha. The total area of the wetland and its associated buffer which includes some upland vegetation is approximately 20-22ha depending on the width of the buffer. The extent of the wetland and its buffer relative to the affected lots is shown on the location plan included in the Agenda attachments.

Under the Metropolitan Region Scheme the land is zoned Urban. Under the City of Cockburn Town Planning Scheme No. 3 the western portion of TBS is under the Western Power high voltage power lines which are reserved ‘Public Purpose’ (Western Power) whilst the balance is zoned Residential R20. Lot 545 is included in development area 14 which requires the preparation and adoption of a structure plan to guide development and subdivision of that land. Lots 9014 and 9012 are not included in a development area and accordingly there is no requirement for the preparation of a structure plan.

Whilst there are a number of planning policies that apply to the protection of wetlands, the greatest protection is through the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 (EPP) which protects EPP wetlands and makes activities including filling, draining, excavating, polluting and clearing of EPP wetlands an offence unless authorised by the EPA. Twin Bartram Swamp is a nominated EPP wetland and this together with its “Conservation” category affords it the highest level of protection under environmental legislation.

In addition to the environmental protection, the western portion is a nominated aboriginal site (No. SO2731) which on review could also extend to the balance of the wetland. Accordingly for TBS to be developed Gold Estates would need to get approval from the EPA and a Section 18 clearance. It is highly unlikely that these approvals would be granted given the significance and importance of TBS.

In previous overall estate plans for the land owned by Gold Estates between Beeliar Drive and Bartram Road, TBS has been shown as being retained and has also been identified on POS schedules and maps. There have been no discussions with Gold Estates



representatives regarding TBS for some 2 years but prior to that discussions were about the extent of the wetland dependant vegetation, the width of the buffer, POS credits, drainage and if the wetland and an adjoining developable area could be retained in private ownership for some specific purpose such as research. Whilst there have been attempts in the past by the owners to get compensation for giving up such a large area, there has not been a threat of developing or subdividing it.

Officers are of the view that being a "Conservation" category EPP wetland the environmental legislation affords TBS the highest level of protection against development and that the questions to be resolved are the extent of the wetland, what width buffer should be applied, the extent of enhancement works that would be undertaken if the buffer were to be reduced and if TBS is to be handed over to the City to manage and maintain or it is to be retained in private ownership.

In respect to the zoning options the following are noted:

- The Residential R20 zoning does not override the need to meet the legislative environmental requirements.
- Rezoning the land Development in TPS 3 and incorporating it in a Development Area (DA) subject to the requirement to prepare a structure plan does not afford any higher level of protection to TBS than the current zoning. A specific provision could be incorporated in the DA provisions prohibiting development of the TBS area but this could lead to a claim for financial compensation.
- Rezoning the land to Parks and Recreation in TPS 3 could expose the City to a claim for financial compensation. It is considered that such rezoning should only occur after the TBS land is provided as a Reserve for Recreation as a condition of a subdivision approval for the land.
- It is highly unlikely that the Western Australian Planning Commission would agree to amend the MRS to include TBS as a Reserve for Parks and Recreation as the wetland is not regionally significant and reservation would expose them to a claim for financial compensation.
- The land could be rezoned to the new Conservation zone under TPS 3. This would afford a high level of protection and management/maintenance but could force TBS to be retained in private ownership where as it is strongly preferred that such a significant and important wetland is managed and maintained by the City and is accessible for the enjoyment of existing and future generations. Rezoning to Conservation would be appropriate if TBS is to be retained in private ownership.

In respect to compensation for TBS, it is noted that in early to mid 1990's Gold Estates unsuccessfully appealed to the then Minister for



Planning against a requirement to give up TBS as public open space free of cost as part of the overall subdivision of their land between Beeliar Drive and Bartram Road. This matter and determination is no longer valid and is not raised here as a precedent that can be relied on but rather to highlight the previous thinking of Gold Estates who, like many owners, want compensation for giving up such a large area of their landholding. It is also acknowledged that the ownership of Gold Estates changed several years ago but the same advisors are still involved with the project and that view may still prevail. The EPA and Planning Commission are not responsible for compensating owners for wetland or bushland areas except for those reserved under the MRS. Accordingly Councils are seen as the only real target by landowners for compensation and the City needs to be extremely careful in its deliberations and decisions on all conservation bushland and wetland areas including the Twin Bartram Swamp area to ensure that it does not become liable for compensation.

Having regard to the above it is considered that the current zoning together with the legislative environmental requirements applying to EPP wetlands and the "Conservation" status has the capacity to deliver an acceptable outcome to protect Twin Bartram Swamps from development and that rezoning the land to an alternative zone at this time is neither warranted or prudent.

In general significant subdivisions and developments in residential and industrial areas are the subject of structure plans that have been considered and adopted by the Council. Accordingly within these areas the processing of a subdivision application referred to the City by the Planning Commission can be easily dealt with by officers under delegated authority.

In the case of the Twin Bartram Swamp area there is no requirement for the preparation of a structure plan and it is likely that the City's consideration will be limited to responding to a subdivision application referred to it by the Planning Commission. This can be dealt with by officers under delegated authority or there may be a preference that such applications should be referred to Council for determination. Should this be the case the recommendation of this Agenda item can be amended to require any subdivision or development application for the Twin Bartram Swamp area or its buffer area be referred to Council for determination.

Strategic Plan/Policy Implications

Natural Environmental Management

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



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

The Planning Policies which apply to this item are:

SPD5 Wetland Conservation Policy
APD20 Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas

Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

Nil

Attachment(s)

1. Literature review – 2004
2. Location Plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil

MAYOR LEE AND CLR OLIVER LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.51 PM

AT THIS POINT DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received declarations of a conflict of interest from Mayor Lee and Clr Oliver, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, in Item 14.7 'Coolbellup Town Centre Project'.



MAYOR STEPHEN LEE

The nature of the interest is that it appears that he was the recipient of a notifiable gift from a developer in relation to the 2005 election at which he was elected, and a former employee of the company now has an interest in property located in the Coolbellup Town Centre.

CLR VAL OLIVER

The nature of the interest is that she received a notifiable gift, relative to the 2005 election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person who now has an interest in property within the area subject to this item.

14.7 (MINUTE NO 3629) (OCM 13/12/2007) - COOLBELUP TOWN CENTRE PROJECT (93010) (A BLOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) seek community, landowner and tenant feed back on the options and proposals prepared by Syme Marmion to gauge the level of support for the redevelopment of the Coolbellup Town Centre Precinct, which of the four scenarios outlined above is preferred and the view of owners in respect to the implementation options.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

AMENDMENT TO MOTION

MOVED Clr S Limbert SECONDED Clr H Attrill that the recommendation be adopted subject to the addition of Clause (3) as follows:

- (3) that community consultation commence in early 2008 for a minimum of four weeks.

CARRIED 8/0

AMENDED MOTION PUT AND CARRIED 8/0



Reason for Decision

Council felt that the community should be made aware that consultation with the public will take place as part of the Coolbellup Town Centre Project.

Background

On 20 November 2001 Council agreed to request the Department for Housing and Works (DHW) and the Department for Planning and Infrastructure (DPI) undertake a joint planning study on the Coolbellup Town Centre Precinct.

An Enquiry-By-Design community consultation workshop was established as a result of the agreement and the workshop investigated options for the redevelopment of the existing under performing Coolbellup Town Centre. One of the options investigated – “Scenario 3”, involved the relocation and redevelopment of the existing Town Centre on the former Koorilla Primary School site.

Council at its meeting held 17 February 2004 (Minute No. 2316) resolved to pursue Town Centre - Scenario 3 as the preferred option for the redevelopment of the Coolbellup town centre and to establish a consultative process to include landowners and lessees within the commercial precinct, government agencies and Council, to further investigate Town Centre Scenario 3 and to develop an implementation strategy.

Council at its meeting held on 14 December 2006 resolved to accept the tender by Syme Marmion & Co to assess the possible redevelopment of the Coolbellup Town Centre on the former Koorilla Primary School site and the existing Town Centre site (Item 14.13, Minute No. 3335).

Submission

A draft preliminary report has been received from Syme Marmion & Co.

Report

Syme Marmion in conjunction with Mackay urban design have assessed the options for the redevelopment of the Coolbellup Shopping Centre and undertaken a financial assessment.

The possible scenarios identified were as follows:

Scenario 1: Develop a new shopping centre on the former Koorilla Primary School site and redevelop the shopping centre land for residential purposes.



Scenario 2: Retain the shopping centre on the current site but reduce and reconfigure the existing centre and develop surplus land for residential purposes.

Scenario 3: Develop a new shopping centre on the “hot-spot” corner at the intersection of Coolbellup Avenue and Waverley Road and redevelop the balance land for residential purposes.

Scenario 4: Do nothing. Under this scenario the centre would continue unchanged with the owners undertaking minor repairs, upgrades and refurbishment on an as needed basis. As this does not require any major capital this option was not assessed further.

The plans for Scenarios 1-3 prepared by Mackay urban design are included in the Agenda attachments.

Syme Marmion and Mackay urban design do not consider the former Koorilla Primary School site as a suitable location for the shopping centre as it is removed from the area of highest accessibility and energy which is at the corner of Coolbellup Avenue and Waverley Road and has little opportunity of being integrated and hence develop synergies with the City’s community facilities. Accordingly a plan has not been prepared for a new centre on the Koorilla site but rather what could happen on the former shopping centre site if Scenario 1 was to proceed.

The financial analysis of Scenarios 1-3 is as follows;

	Total Development costs (Land, const, int, leasing, reloc, fees) \$m	Revenue (res + commercial) \$m	Return Range	
			low	high
Scenario 1	21.3 – 23.4	19.3 – 22.7	- \$4.1m	+ \$1.4m
Scenario 2	16.0 – 17.4	14.4 – 17.3	- \$3.1m	+ \$1.3m
Scenario 3	22.3 – 24.0	19.8 – 23.3	- \$4.1m	+ \$1.0m

In summary there is very little difference between the Scenarios although the total cost of undertaking Scenario 2 is lower and therefore has a potentially higher percentage rate of return (7.5%). The overall analysis indicates that the project is high risk with a potentially low rate of return at best and a significant loss at worst and would unlikely attract a private sector commercial developer.

In respect to project implementation it is noted that the commercial area comprises four separate lots, two of which are strata titled. In total



there are 38 separate owners. This is a major impediment to the redevelopment of the commercial area and accordingly one of the keys issues is the implementation options. Identified implementation options are as follows;

- Redevelopment by the current owners on either the existing site.

It would be necessary for all of the owners on all of the lots to agree to a redevelopment strategy. Given the number of owners involved and having regard to information provided in earlier landowner surveys, it is extremely unlikely that 100% landowner agreement will be achieved to enable the redevelopment of the existing centre on the current site as per scenario 2.

- Purchase and redevelopment by a major commercial developer.

It would be necessary for all of the owners to sell to a commercial developer. Given the number of owners involved and having regard to information provided in earlier landowner surveys, it is extremely unlikely that 100% landowner agreement will be achieved to enable the purchase and redevelopment of the site by a commercial developer. It is also noted that a major commercial developer attempted to buy out all of the shop owners some 2 or 3 years ago but failed to get all of the owners on board.

- Joint venture with a major commercial developer.

Under this option the current owners would put up the land and the commercial developer the funding for development and project management expertise and the profits then divided in accordance with a pre arranged formula. As with the two previous options, it would be necessary for all of the owners to enter in to a joint venture arrangement. Given the number of owners involved and having regard to information provided in earlier landowner surveys, it is extremely unlikely that 100% landowner agreement will be achieved to enable the redevelopment of the site by through a joint venture arrangement with a commercial developer. Also it is unlikely that a commercial developer would enter into such an arrangement with a large number of participants for a high risk low return project.

- Town Planning Scheme with resumptive powers.

Under the Planning and Development Act, Council has the power to prepare a Town Planning Scheme covering the town centre land which includes the power for the City to compulsorily resume all of the land from the current owners and undertake the development either in its own right, joint venture or sell off the consolidated land to a private developer. In the past there have also been development schemes where the Council only compulsorily resumes land from dissenting owners and undertakes a joint venture with owners who elect



participate in the scheme. Under this scenario participating owners would stand to share in either the profit or loss in accordance with a prearranged formula. Strata lots owned by non participating owners would be compulsorily resumed by the City and they would have no further interest or liability.

Adoption of a development scheme and compulsorily resuming all or part of the land would be a major undertaking by the City. Given the high level of risk it is considered that this should not be contemplated unless there is significant community support for the redevelopment of the Coolbellup shopping centre and or the majority of owners strongly support the proposal.

- Approve the development of a smaller shopping centre at the corner of Coolbellup Avenue and Waverley Road and allow the existing centre to redevelop over time.

This would only occur if the new centre could attract the major tenants from the existing centre (supermarket, chemist and news agent/post office in particular) or one of the other supermarket chains was interested in establishing in the area.

Having undertaken the above review, Syme Marmion are of the view that redevelopment of the Coolbellup Town Centre area is unlikely to occur without a state government agency promoting and underwriting the development or the City taking an interventionist role through a Town Planning Scheme with resumptive powers. It is also noted that redevelopment is likely to bring about significant benefits to the community by delivering a new functional shopping centre servicing the daily and weekly needs of the community which has the capacity to be integrated with new community facilities being considered by Council which together would form a new and vibrant hub for the community.

It is considered that Syme Marmion and Mackay urban design have adequately assessed the available development scenarios which could deliver a good outcome to the community and owners but there is no clear or easy way forward. Based on the information available there are two courses of action Council could take at this point in the study. These are to firstly abandon the project on the basis that it is unlikely to occur given the level of risk, the difficulty to implement the project given the multiplicity of owners and the previous lack of interest in the project by the owners, tenants and local community association or secondly to seek community and landowner views before making a final decision.

It is recommended that Council seek community, landowner and tenant feed back on the options and proposals to gauge the level of support for the redevelopment of the Coolbellup Town Centre Present, which of the four scenarios outlined above is preferred and the view of owners in respect to the implementation options.



Should Council agree proceed and consult with the community, it is proposed to prepare a summary brochure setting out the development Scenarios including the "Do Nothing" option and to circulate this together with a survey to all landowners in Coolbellup inviting comment. The survey will seek information such as likes and dislikes about the existing centre, where they shop now and how often they use the Coolbellup centre, which option is supported and why. In respect to landowners and tenants it is proposed to include additional questions to establish their interest and views on the implementation options. The information sheet and landowner survey will be posted to all owners in Coolbellup, delivered to tenants in the shopping centre and will also be available on website with notices in the media.

Given that the Christmas and holiday period is just weeks away and the logistics of preparing and distributing the information, it is proposed that community consultation would commence mid to late January 2008 and for a period of two (2) months. Following the consultation period the survey results will be summarised and presented to Council for further consideration.

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.*

Lifestyle and Aspiration Achievement

- *To foster a sense of community spirit within the district generally and neighbourhoods in particular.*
- *To identify community needs, aspirations, expectations and priorities for services that is required to meet the changing demographics of the district.*

The Planning Policies which apply to this item are:

Nil

Budget/Financial Implications

The community consultation process is likely to cost \$10,000-\$12,000 to cover the cost of printing, processing and postage.

At this time Syme Marmion and Mackay urban design have completed a preliminary study and it is unlikely that they will be required to undertake any further work. On that basis there are surplus funds in the



Coolbellup Town Centre budget (OP 9817) to cover the community consultation costs.

Legal Implications

Nil

Community Consultation

Proposed subsequent to Council consideration of this Agenda item.

Attachment(s)

- Scenarios 1 - 3

Advice to Proponent(s)/Submissioners

N/A.

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

Nil

MAYOR LEE AND CLR OLIVER RETURNED TO THE MEETING THE TIME BEING 7.59 PM

THE PRESIDING MEMBER ADVISED MAYOR LEE AND CLR OLIVER OF THE DECISION OF COUNCIL WHILE THEY WERE ABSENT FROM THE MEETING.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER

14.8 (MINUTE NO 3630) (OCM 13/12/2007) - DEVELOPMENT AREA 19 - MURIEL COURT DRAFT STRUCTURE PLAN - LOCATION: COCKBURN CENTRAL - OWNER: VARIOUS (9681) (A BLOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorse the draft Structure Plan for Development Area No 19 – Muriel Court for the purpose of advertising and public consultation; and
- (2) submit the draft structure plan and supporting report when it is completed to relevant government and servicing agencies for comment.



COUNCIL DECISION

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

CARRIED 10/0

Background

ZONING:	MRS:	Urban Deferred
	TPS3:	Development Zone; Development Area 19 provisions in Schedule 12
LAND USE:	Rural living	
LOT SIZE:	Various	

Submission

Nil

Report

The Muriel Court - Development Area 19 (DA 19) is that land generally bounded by Semple Court, North Lake Road, Kwinana Freeway and Berrigan Drive in the locality of Cockburn Central as shown on the location plan included in the Agenda attachments. Development surrounding DA 19 is South Lake residential area to the west, North Lake Road and industrial to the south, Cockburn Central Town Centre to the immediate south east and Lakelands Senior High School to the north of Berrigan Drive.

Under the Metropolitan Region Scheme (MRS) the land is zoned Urban Deferred whilst under the City of Cockburn TPS No 3 the land fronting North Lake Road is zoned Mixed Business and the balance is zoned Development. It is also included in Development Area 19 which requires the adoption of a structure plan to guide subdivision and development.

The land comprises some 89 lots which range between 0.8ha and 2.3ha in area. The land along the North Lake Road frontage has been developed for a range of commercial activities including liquor store, service station, equipment hire, self storage, vet and holistic medicine. In the main the balance of the land is used for rural/lifestyle living but also includes a child care centre, the Dutch Windmill nursery and religious retreat. Much of the housing in the area has reached the end of its economic life and the owners wish to subdivide their landholdings.



Prior to the area being able to be subdivided or developed, it is necessary for the land to be transferred to the Urban zone in the MRS and the structure plan requirements of Scheme 3 and DA 19 satisfied. Given the multiplicity of land ownership and the relatively small lot sizes, it was considered by the City's Strategic Planning officers that the only practical way of progressing planning of the area and facilitating its development potential was for the City to take a lead role. On 9 November 2006 the Manager of Planning Services met with landowners and their representatives to outline the current situation, what was required to satisfy the MRS and Scheme requirements to enable them to subdivide and how this could be progressed by the City. The owners were advised that there was a need to prepare an overall structure plan and supporting reports addressing environmental, engineering, traffic, drainage and geotechnical matters and the preparation of an implementation strategy which would include cost sharing arrangements for items such as Public Open Space, upgrading of North Lake Road, drainage, POS enhancement and professional studies.

The owners were also advised that the City planners would work with consultants for the various owner groups to develop an overall plan for the area and in particular Koltasz Smith Planning Consultants representing a major landowner who has been prepared to prefund the traffic, engineering, drainage, geotechnical, and planning studies. The landowners at the meeting supported the City's initiative.

All of the required technical studies and investigations have been recently completed including an assessment of environmental factors by the City's Environmental Services officers. Advice has also been received from the Education Department confirming there is no need for an additional school in the area and the Perth Transit Authority in respect to possibly rerouting the bus services along Muriel Court and then connecting into Cockburn Central to provide a superior public transport service for the residents.

A draft structure plan has been prepared for the DA 19 – Muriel Court area by the City's Strategic Planning officers and Koltasz Smith and has been reviewed by the City's engineering, parks and environmental officers. It is considered that the draft structure plan incorporates sound planning and environmental principles consistent with the Planning Commissions "Liveable Neighbourhoods" and adequately addresses matters required by the Planning Commission for transferring the land to the Urban Zone and the structure plan requirements of Scheme 3 and DA19.

The plan proposes a range of residential densities including R160 in the south east corner which is within the walkable catchment of Cockburn Central transit interchange and railway station and is consistent with Cockburn Central Town Centre and the development south of Gateways fronting Wentworth Parade, R40 surrounding the



R160 area and R20 for the western and northern area outside the 800m walkable catchment for the station. The plan also proposes the provision of three large areas of public open space which could also be surrounded by R40 development. The location of the POS has been determined on the basis of incorporating areas of wetland vegetation and other significant areas of bushland identified by Environmental Services officers and their central location within the development area rather than by ownership.

The most significant issue to be addressed in the structure plan is the impact of increased traffic on existing roads, especially Semple Court. Traffic forecasts show that traffic at the northern end of Semple Court will increase from 4200 vpd to 9500 vpd whilst at North Lake Road the traffic volumes will increase from 3000vpd to 5500vpd. There would need to be traffic signals at North Lake Road and Berrigan Drive and also at the intersection of Berrigan Drive and Elderberry Drive. At the projected volumes Semple Court would be a District Integrator B and require special treatment. The current direct access of driveways onto Semple Court and the impact on residents living along Semple Court is an issue that needs to be properly resolved through the structure plan process.

A number of road options have been investigated including the widening of existing Semple Court by 5 -10 metres on the east side to allow for the construction of off street parking or access places, secondly deviating that portion of Semple Court north of Thomas Street some 60 metres to the east so that a new purpose built road can be constructed parallel to existing Semple Court or thirdly deviating that portion of Semple Court north of Thomas Street some 250m to the east thus creating a purpose built road that would form a four way intersection with Elderberry Road. It is considered that deviating Semple Court to form a four way light controlled intersection with Elderberry is the preferred strategy for overall traffic movements and accordingly is shown on the draft structure plan included in the Agenda attachments. It should be noted that both options 2 and 3 will require the acquisition/resumption of land between Verna Court and Berrigan Drive owned by the WA Planning Commission and privately owned land on the east side of Semple Court opposite Thomas Street. These costs would form part of the Development Contribution Plan for the area.

As previously noted there are some 89 separate lots within the DA 19 area which are relatively small compared to those being subdivided elsewhere within the City and it is not possible for owners to satisfy all the planning requirements etc on their own land. Accordingly it will be necessary for the City to prepare and administer developer contributions for the area to facilitate the development. This will include the following;



- Prorata contribution to the second carriageway of North Lake Road based on traffic generation.
- Widening/upgrading of Semple Court including traffic management devices, traffic lights, parking or access places or the over and over cost of a realigned Semple Court including the cost of land acquisition.
- Upgrading and widening of existing internal roads where this exceeds the normal subdivision requirement.
- Provision and enhancement/upgrade of POS.
- Internal and external drainage areas and works including gross pollutant traps and nutrient stripping.
- Preliminary professional studies including drainage, geotechnical, engineering, traffic and planning.
- The City's costs of administering the Development Contribution Scheme.

The Development Contribution Area (DCA) plan has not been finalised as there are still some unknowns, especially in respect to Semple Court options. It is expected that the scheme amendment introducing the DCA requirements will be presented to the February 2008 meeting of Council and sent to the owners in the latter portion of the structure plan advertising period.

It is recommended that Council endorse the draft structure plan for Development Area 19 – Muriel Court for the purpose of advertising and public consultation. Given that the advertising will be over the Christmas/new year period, that owners will possibly want to get expert advice and that the DCA provisions will not be presented to Council until February 2008, it is recommended that the structure plan be advertised for a period of 90 days. It is proposed to immediately forward a copy of the draft structure plan and letter of explanation to owners following Councils endorsement of the plan, for the supporting reports to be finalised and made available to owners by mid January and that a meeting be held with the owners and their representatives in the latter part of January 2008 so that the proposals can be explained and questions answered. Councillors will be advised of the date of the meeting through the Elected Members newsletter.

Following the conclusion of the advertising period a report on submissions will be prepared for Councils consideration and then forwarded to the Western Australian Planning Commission for approval. Also if the advertising period does not expose any fatal flaws, Council would also consider requesting the WAPC to transfer the land to the Urban zone in the MRS.



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.*

Lifestyle and Aspiration Achievement

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

Transport Optimisation

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

The Planning Policies which apply to this item are:

SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space

Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

To be undertaken following Council endorsement of the draft plan.

Attachment(s)

- (1) Location Plan
- (2) Draft Muriel Court – DA 19 Structure Plan
- (3) Proposed Vehicle Access Policy Plan (North Lake Road)

Advice to Proponent(s)/Submissioners

N/A

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

Nil



- 14.9 **(MINUTE NO 3631) (OCM 13/12/2007) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 59 - REZONING FROM REGIONAL CENTRE (DA 24) TO REGIONAL RESERVE - 'PRIMARY REGIONAL ROADS' - LOCATION: LOTS 801, 807 AND PORTION OF LOT 203 BEELIAR DRIVE, SUCCESS - OWNER: WESTERN AUSTRALIAN PLANNING COMMISSION AND PERRON INVESTMENTS PTY LTD - APPLICANT: CITY OF COCKBURN (93059) (M CARBONE) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted; the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise submissioners of Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

Council at its meeting held on 14 June 2007 resolved to initiate Amendment 59 to Town Planning Scheme No. 3 for the purpose of advertising. The amendment was to rezone Lots 801, 807 and portion of Lot 203 Beeliar Drive, Success from Regional Centre (DA 24) to Regional Reserve – 'Primary Regional Roads'.

Submission

The City initiated the amendment to ensure the zoning of the land is consistent with the zoning under the Metropolitan Region Scheme.

Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.



The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days. Two submissions were received during the advertising period, both having no objections to the proposal.

The proposal involves rezoning the land to Regional Reserve – ‘Primary Regional Roads’, consistent with the zoning under the Metropolitan Region Scheme. The Planning and Development Act requires Local Government Town Planning Schemes to be consistent with the Metropolitan Region Scheme. The Scheme Amendment will therefore ensure that the City meets its statutory obligations and accordingly it is recommended that Amendment 59 be forwarded to the Western Australian Planning Commission for final approval.

Strategic Plan/Policy Implications

Transport Optimisation

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

Budget/Financial Implications

Costs associated with preparing the documents in house.

The City has no financial responsibility for land reserved Primary Regional Roads under the Metropolitan Region Scheme.

Legal Implications

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

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 59 concluded on 6 November 2007. At the close of the advertising period 2 submissions were received.

Attachment(s)

1. Location Plan
2. Proposed Scheme Amendment map
3. Schedule of submissions



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 December 2007 Council Meeting.

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

Nil

14.10 (MINUTE NO 3632) (OCM 13/12/2007) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 61 - REZONING PORTION OF RESERVE 25918 JOYCE AVENUE HAMILTON HILL FROM LOCAL RESERVE 'PARKS AND RECREATION' TO 'RESIDENTIAL' R20 - LOCATION: RESERVE 25918 JOYCE AVENUE, HAMILTON HILL - OWNER/APPLICANT: CITY OF COCKBURN (93061 (M CARBONE) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise submissioners of Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

Council at its meeting held on 14 June 2007 resolved to initiate Amendment 61 to Town Planning Scheme No. 3 for the purpose of advertising. The amendment was to rezone portion of Reserve 25918 Joyce Avenue Hamilton Hill from Local Reserve – "Parks and Recreation" to "Residential" (R20).



Submission

The owners of 14 and 16 Frederick Road Hamilton Hill approached the City to purchase a 2m strip off the back of Reserve No. 25918 Joyce Avenue Hamilton Hill to enable each of the lots to be redeveloped as a duplex.

Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days. Three submissions were received during the advertising period, two having no objections and one providing comment.

The amendment is required as the owners of Nos. 14 and 16 Frederick Street which abut the rear of the reserve have applied to the State Land Service for each to acquire a strip of the reserve. The result will be that each will be in excess of 900m² and capable of being developed as a duplex. The proposed amendment will ensure that the acquired land will have the same zoning as the adjoining residential land.

Reserve 25918 is zoned Parks and Recreation in TPS No. 3 but is used as a fenced off drainage sump. The function of the drainage sump is not affected by the proposal.

State Land Services has agreed to the proposal and the Western Australian Planning Commission has approved the subdivision advising that the relevant area needs to be appropriately zoned in TPS No. 3. This amendment is giving affect to Council's previous decisions and requirements of the Western Australian Planning Commission.

Conclusion

It is recommended that Amendment No. 61 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

Strategic Plan/Policy Implications

Demographic Planning

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



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

The Planning Policies which apply to this item are:

Nil

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 61 concluded on 6 November 2007. At the close of the advertising period 3 submissions were received.

Attachment(s)

1. Site Plan
2. Proposed Scheme Amendment map
3. Schedule of submissions

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at 13 December 2007 Council Meeting.

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

Nil

14.11 (MINUTE NO 3633) (OCM 13/12/2007) - FINAL ADOPTION OF PROPOSED AMENDMENT NO. 20 TO TOWN PLANNING SCHEME NO. 3 - LOCATION: SOLOMON ROAD DEVELOPMENT AREA - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93020) (R DONG) (ATTACH)

RECOMMENDATION

That Council:



- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment for final approval subject to the following minor modification:
 1. Change Provision 9 in Schedule 11 to read as the follows:

“Landowners shall be responsible for the following:

 - Land required for the extension of North Lake Road as reserved “Other Regional Road” in the MRS being provided free of cost plus any localised widening required for intersections or turning pockets
 - Full earthworks
 - Construction of North Lake Road extension as a median divided single lane carriageway
 - Dual use path;
 - Lighting
 - Landscaping
 - Traffic management devices
 - Provision of drainage infrastructure
- (3) in anticipation of the Hon. Minister’s advice that final approval will be granted, the final documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (4) advise persons lodging submissions of Council’s decision accordingly

COUNCIL DECISION

MOVED Cllr J Baker SECONDED Cllr T Romano that Council defer its consideration of the final adoption of proposed Scheme Amendment No.20 to Town Planning Scheme No.3 to the February 2008 Council Meeting to enable it to consider additional comments from one of the affected landowners that does not appear to have been adequately addressed and requires further consideration.

CARRIED 10/0

Reason for Decision

The additional issues by Anchor Legal Commercial Lawyer, on behalf of the landowner of Lot 11 Solomon Road, need to be given further consideration and potentially addressed by Council's Solicitor.

The existing vehicle access on Lot 11 Solomon Road mentioned in the submission is affected by the proposed North Lake Road extension,



and therefore this issue will need to be addressed by Council prior to its determination.

Background

Zoning:	MRS:	Industrial, Urban, and Other Regional Roads
	TPS3:	Development (DA20)
Land Use:	Partly Developed and Partly Vacant.	
Lot Size:	N/A	

Council at its meeting held on 15 February 2005 resolved to initiate Scheme Amendment No. 20 to Town Planning Scheme No. 3 for the purpose of advertising.

Generally speaking, the Scheme amendment is to:

1. Including the Solomon Road area as Development Contribution area No. 8 in Schedule 12 – Development Contribution Plan of the Scheme to cover Arterial Drainage requirements.
2. Amending the Scheme map to introduce ‘Development Contribution Area No. 8’ (DCA 8) over part of the suburb of Jandakot.
3. Amendment Schedule 11 Development Area 20 (DA20) to include provisions relating to the North Lake Road Extension Vehicle Access Policy Plan and landowner obligations for the provision and construction of North Lake Road extension.

The proposal has been advertised for a period of 42 days. This report seeks council support to final adoption of Scheme Amendment No. 20.

Submission

N/A

Report

The scheme amendment was referred to the Environmental Protection Authority (“EPA”) in accordance with Section 7A(1) of the EPA Act.

The EPA considered that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and nevertheless provides some advice and recommendations (Attachment 3 refers). This advice and recommendations have been suitably addressed in the Schedule of Submissions (Attachment 3 refers).

Following clearance from the EPA, the amendment was advertised for public comment for a period of 42 days, concluding on 1 May 2007.



The advertising procedure included an advertisement being placed in the Cockburn Gazette newspaper, affected landowners being invited to comment on the proposal, and information made available at Council's Administration Office and on Council's website.

Advertising of the amendment has resulted in the receipt of 7 submissions including three submissions of objection. The issues raised in the submissions are suitably addressed in the Schedule of Submissions (Attachment 3 refers).

Of a particular note, the submission made by Lavan Legal on behalf of Lot 9501 Armadale Road raises objection to the proposed Provision 9 of Schedule 11 relating to construction contribution on the type of carriageways for North Lake Road. The construction contributions required in clause 3.3.4 of the WAPC Policy DC 1.7 and Schedule 1 of Planning Bulletin No. 18 include earthworks, a 2 lane unkerbed road and dual use path down one side of the road, where the planning for the area requires it. The proposed Provision 9 in the Scheme amendment document shows "a four-lane kerbed road with a median strip", which is inconsistent with the DC 1.7 and Planning Bulletin No. 18. It is therefore recommended Provision 9 be amended to more closely align with the provisions of the WAPC DC 1.7 and Planning Bulletin No. 18 but reflect local circumstances.

The first dot point of Provision 9 reads as:

" Land required for the extension of North Lake Road reserved 'Other Regional Road' in the MRS being provided free of cost."

It is also recommended that this dot point be amended to read as:

"Land required for the extension of North Lake Road reserved 'Other Regional Road' in the MRS being provided free of cost plus any localised widening required for intersections or turning pockets."

The recommended change to this dot point is to better incorporate the City's engineering requirements into the planning provisions for this area.

DCA 8 Contribution

Currently, the City is still unable to provide the figure for the contribution rate as the Arterial Drainage Scheme Review has not been finalised by the engineering consultant David Wills and Associates. The City is still working towards the finalisation of this contribution rate for DCA 8.



Conclusion

Proposed Amendment No. 20 includes the introduction of DCA8 and adding more Scheme provisions in Schedule 11 for DA20. The introduction of DCA8 to Town Planning Scheme No. 3 will provide a cost sharing planning mechanism for landowners/subdividers to share the cost of the arterial drainage system which will benefit the area as a whole. Given the increasing number of subdivisions occurring in the area which puts the pressure on the need of this arterial drainage system, it is recommend that Council adopt proposed Scheme Amendment No. 20 with the recommended modifications in order to facilitate the development of this area.

Strategic Plan/Policy Implications

Infrastructure Development

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

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.*

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

Nil

Legal Implications

Town Planning Scheme No. 3
Metropolitan Region Scheme
Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period in accordance with Town Planning Regulations 1967. The 42 day public consultation period for Scheme Amendment No. 20 concluded on 1 May 2007. At the close of advertising, 7 submissions were received.



Attachment(s)

- (1) Locality Map
- (2) Scheme Amendment Document
- (3) Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 13 December 2007 Council Meeting.

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

Nil

14.12 (MINUTE NO 3634) (OCM 13/12/2007) - PROPOSED AMENDMENT TO THE SOLOMON ROAD DEVELOPMENT AREA STRUCTURE PLAN - LOCATION: LOT 9501 ARMADALE ROAD JANDAKOT - OWNER: SOUTH CENTRAL WA PTY LTD - JOINT VENTURE BETWEEN SATTERLEY GROUP AND LINC PROPERTY - APPLICANT: THE PLANNING GROUP (9329) (R DONG) (ATTACH)

RECOMMENDATION

That Council:

- (1) pursuant to Clause 6.2.14.1 (a) of Town Planning Scheme No 3, adopt the proposed amendment to the Solomon Road Development Area Structure Plan for lot 9501 Armadale Road subject to the owners agreeing in writing to the following:
 - 1. A bond equal to the final costing of \$163,778.34 being paid by the landowner to the City of Cockburn to ensure that proposed rehabilitation works for the entire Resource Enhancement Wetland (REW) including revegetation, weed control, watering and appropriate maintenance are undertaken by the landowner.
 - 2. A Deed of Agreement be prepared by the City's solicitor at the proponent's cost to formalise amongst other things the scope of rehabilitation works, specification, timetable, maintenance regime, arrangements and conditions for the release of the bond. Should the works not be completed to the satisfaction of the City at the proposed milestone dates the portion of the bond deemed proportional to the outstanding works will be used by the City to complete the works.
 - 3. The landowner is to obtain agreement with South Australian



Cold Store Pty Ltd to gain access to the portion of the wetland on their land for the purpose of carrying out the rehabilitation plan, maintaining the rehabilitation works for the initial 5 years and ongoing access permission for the City of Cockburn to undertake maintenance work after the handover.

4. Appropriate fencing be provided by the landowner along the northern side of Biscayne Way prior to construction to ensure there are no impacts to the wetland.
 5. A footpath be constructed by the landowner on the wetland side of Biscayne Way with a limestone retaining wall and permanent fence to form a clear edge between the footpath and wetland and to control access. No earthworks will be permitted from the footpath into the wetland.
 6. The access arrangements to Lot 9501 shall be amended to incorporate the changes required by the City's Engineering Services shown on Attachment 5.
- (2) subject to receiving agreement to (1) above, forward a copy of the amended Solomon Road Development Area Structure Plan to the Western Australian Planning Commission; and
- (3) advise the applicant and the Department of Environment and Conservation of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 10/0

Background

ZONING:	MRS:	"Industrial" and a small portion of "Urban"
	TPS:	Development Zone: DA20
LAND USE:	Partly developed and partly vacant.	
LOT SIZE:	N/A	

The Solomon Road Development Area Structure Plan (Attachment 2) was adopted by the Council on 17 June 2003 as an interim Structure Plan (Council Minute No. 2062 refers). Generally speaking, the Structure Plan provides for the extension of North Lake Road through

the subject land joining with Armadale Road at its intersection with Tapper Road. The Structure Plan proposes the development of Mixed Business, Light and Service Industry land uses and shows access arrangements.

The applicant submitted a development application for Lot 9501 Armadale Road (Corner of Armadale Road and the North Lake Road extension) in July 2007, which involves the development of 36 showroom/bulky goods tenancies including Bunnings with 991 landscaped car parking bays (Attachment 4), namely South Central Commercial Development. The proposed development also includes the construction of a roundabout at the intersection of Armadale Road and Tapper Road and the construction of a portion of the North Lake Road extension to provide interim access to the development.

Submission

The Planning Group (applicant) at the request of the landowner (South Central WA Pty Ltd) has submitted an application to amend the Solomon Road Development Area Structure Plan (the Structure Plan) to facilitate the submitted development application for Lot 9501. The applicant seeks the following minor modifications to the Solomon Road Development Area Structure Plan:

1. Realignment of proposed Biscayne Way through Lot 9501 to follow the northern boundary of the subject land and deletion of a small area of POS (the wetland buffer).
2. Amendments to the access arrangements from Armadale Road and the proposed North Lake Road extension to the proposed development lots within lot 9501 that are east and west of the North Lake Road extension.

The proposed amendment to the Structure Plan can be approved by Council under Clause 6.2.14.1 (a) of Town Planning Scheme No. 3 as it is considered that the variation does not alter the general intent of the structure plan, and as such it does not require approval by the Western Australian Planning Commission.

Report

Realignment of the proposed extension of Biscayne Way through Lot 9501 to North Lake Road and deletion of a small area of POS.

The Structure Plan shows that Biscayne Way is to be extended through Lot 9501 to intersect with North Lake Road with a small portion of public open space (POS) to the north (Attachment 2 refers). The alignment of Biscayne Way was determined to provide suitable buffer to the Wetland (Resource Enhancement type) which is on land to the north of lot 9501. The provision of POS along the northern boundary



and the alignment of Biscayne Way shown on the adopted structure plan has a significant impact on the development of Lot 9501 with implications for the built form and layout of the proposed development. The applicant seeks approval from Council to realign Biscayne Way from its existing proposed alignment as shown on the adopted structure plan to an alignment immediately adjacent to the northern boundary of Lot 9501 (Attachment 3 refers). This would result in the proposed POS being deleted. The applicant provides the following justification for the proposed change:

- The proposed realignment of Biscayne Way to the northern boundary of lot 9501 allows for an optimal interface between the buildings on the development portions of the site east and west of North Lake Road and as such allows the development form and type to be controlled.
- The alignment involves relocating Biscayne Way along the northern boundary of Lot 9501 on land previously identified as POS. However, there is no statutory requirement for provision of POS in non-residential developments. Furthermore, it is noted that the area identified as POS is designated a Resource Enhancement Wetland (REW) but a portion has been cleared as a firebreak.

Given the proposed realignment of Biscayne Way and deletion of the POS area, the applicant engaged ENV Australian to undertake an environmental assessment of the portion of land for the realignment of Biscayne Way.

The initial draft ENV report provides the following summary of the findings:

- Lot 9501 adjoins an area of wetland to the north which is classified by the Department of Environment of Conservation (DEC) as a Resource Enhancement Wetland (REW). This is a Dampland which is described as a seasonally waterlogged basin. The wetland is shown as Parks and Recreation area in the current structure plan prepared for the area and has been transferred to the City as part of the subdivision of the adjoining land. A small portion of the DEC mapped wetland extends into lot 9501. It also extends onto adjoining land owned by South Australian Cold Store Pty Ltd.
- It is proposed that Biscayne Way is truncated at the northern boundary of lot 9501 to run along the property boundary. This will make the road closer to the wetland within the area identified on the current structure plan as Parks and Recreation.



- It is not proposed to seek to amend the geomorphic wetland database but identify that the proposed road realignment will not impact on the environmental values of the wetland.
- A flora and vegetation survey was conducted on the 17 June 2007 to collect information regarding the flora and vegetation in the vicinity of the northern boundary of lot 9501. The vegetation assessment also included the area on lot 9501 mapped as REW.
- There are currently two existing tracks/fire breaks traversing the boundary of lot 9501 in this location. One of the tracks runs approximately along the northern boundary of Lot 9501 and the other runs along the southern boundary of the neighbouring Lot 11. The width of the two tracks is approximately 12 metres.
- The vegetation along the southern side of the track is nearly devoid of native flora species. The majority of vegetation assessed on this lot is either weed species or bare ground (exposed sand).
- The 20 metres strip at the boundary is regarded to be in degraded condition. There is no vegetation structure present and there have been a few plant deaths across the survey area. Due to the degraded nature, low species diversity and the high percentage of weed cover, the vegetation would have limited habituated opportunities for flora and fauna.
- ENV considers the land to the south of the tracks to have minimal ecological value in its current state, and therefore this would be an appropriate location for the road alignment.
- In regards to the REW on Lot 11 to the north, there is approximately 20 metres of degraded land from the boundary before the vegetation improves in condition. Therefore there appears to be a good case for locating the road within the degraded area of the northern boundary of lot 9501.
- The northern realignment of the road will in effect bring development closer to the wetland (REW). Depth to groundwater on the lots is considered such that CGL is not proposed to be used on lot 9501; therefore the wetland will not be affected.
- All stormwater collected from the roads will be conveyed to the existing infiltration basin located on the corner of Abaya and North Lake Road. As this is down gradient of the REW it should not affect groundwater level or water quality in the REW.



- The runoff from the realigned Biscayne Way is to be collected and transported via a piped system to the infiltration basin on the corner of Abaya and North Lake Road. Provided that there is no direct drainage to the REW it is considered that there should be no additional impact on REW from the proposed road.

In summary ENV considers that the realignment of Biscayne Way can be achieved without impact on the adjacent REW if the following management recommendations are implemented:

1. Degraded areas of the REW to the north of the subject land are revegetated with locally endemic species.
2. Weed control from Biscayne Way to the boundary of the good condition vegetation of the REW and adjacent to the wetland be discussed with City of Cockburn.
3. The wetland should be fenced off during the construction of the road to ensure that impacts are contained on site and the wetland is not impacted.

The proposed amendment to the Structure Plan was referred to the City's internal technical sections and the DEC for comment.

The DEC's Wetland Program Branch acknowledges that the proponent has proposed mitigation measures to potentially reduce impacts to the wetland from the realignment of Biscayne Way. However, DEC officers believe that the proposed mitigation measures (i.e. revegetation and weed control, temporary fencing and stormwater management) are not considered to replace the values of a wetland buffer. Therefore, it does not support the proposed realignment of Biscayne Way as it will not provide a buffer to a priority wetland that has been identified for protection. DEC officers consider that based on the preliminary information provided by ENV the proponent did not justify that the wetland would be able to maintain or improve its values without a buffer. Comments made by the City's Environmental Management Services officers are similar to what the DEC has provided.

It is understood that the proponent has had further negotiations with the DEC and provided further information in order to gain its support to the realignment of Biscayne Way. According to the proponent, DEC has verbally agreed to leave the final decision to the City in terms of the wetland issue. However, there is no written information provided in this regard.

To gain the City's support, the proponent sought additional information from the City's Environmental Management Services. A revised ENV



report (Wetland Management and Rehabilitation Strategy – Solomon Road Wetland) outlines the following commitments by the landowner;

1. Revegetate degraded areas of the entire REW including weed control and maintenance for a period of five years.
2. The proponent agrees to pay \$163,778.34 (GST inclusive) as a bond to the City to ensure the revegetation, weed control and maintenance works for the entire REW are carried out to the satisfaction of the City.
3. The wetland should be fenced off during the construction of the road to ensure that impacts are contained on site and the wetland is not impacted.

The City's Environmental Management Services indicates that it will not change its position in terms of the realignment proposal. However, should Council support the proposed deletion of the POS and realignment of Biscayne Way then the following issues need to be addressed:

1. There is no indication as to how the proponent intends to gain permission to access the section of wetland that is currently in private ownership (owned by South Australian Cold Store Pty Ltd) to undertake the proposed revegetation and maintenance works. Details in relation to access approval will need to be formalised via a letter of agreement or memo of understanding between South Australian Cold Store Pty Ltd and South Central WA Pty Ltd. A copy of this agreement should be attached to the Wetland Management and Rehabilitation Strategy.
2. It is suggested that the City insist on a bond equal to the final costing (estimate of \$163,778.34) to ensure that the proposed works are completed to the City's satisfaction in accordance with the Wetland Management and Rehabilitation Strategy.

Should the works not be completed to the satisfaction of the City at the proposed end date, the bond will be used by the City to complete the works and any unused monies, if any returned to the proponent.

3. The Wetland Management and Rehabilitation Strategy states that in 2012 the site will be handed to the City for management if the completion criteria are achieved. This should be 5 years from the date rehabilitation works are completed, that is some time in 2013. Also at present only part of the reserve is vested with the City of Cockburn. The western section of the reserve is currently owned by South Australian Cold Stores Pty Ltd. It is recommended that future ownership of the reserve be resolved by the proponent prior to accepting the offset proposal.



4. It is recommended that the proponent be required to construct a footpath on wetland side of Biscayne Way. This will offer some additional separation between the wetland and vehicles. There should be no batters from the footpath into the wetland. Limestone blocks and a permanent fence should be used to form a clear edge between the footpath and reserve and control public access.
5. The DEC will need to be convinced to support the realignment of Biscayne Way and deletion of the buffer.

Discussion

It is clear that there are competing environmental and planning considerations in respect to the proposed realignment of Biscayne Way and there is no overall consensus view. This matter has been the subject of extensive internal meetings and consultation and having regard to all the matters raised it is considered that Council should support the proposed realignment of Biscayne Way and deletion of the small area of POS subject to a raft of conditions that address the concerns of DEC and Environmental Services Officers outlined above. The rationale for this recommendation is as follows;

1. Whilst environmental sustainability is one the triple bottom line factors which needs to be addressed in any planning proposals, a balance between environmental, economic and social sustainability needs to be sought.
2. The proposed showroom / bulky goods development on lot 9501 is predicted to be a significant economic and employment centre which is likely to have a catalytic economic effect within the Solomon Road Development Area and the Cockburn Central Town Centre area.
3. The proposed development will provide for essential community needs as well as employment opportunities to residents within the district.
4. Notwithstanding that the realignment of Biscayne Way is unlikely to change the role of this proposed development economically or socially, it does affect the built form, layout and scale of the desirable development outcomes.
5. The current wetland buffer is in degraded condition with no vegetation structure, and as such it is unlikely to perform its proper functions as a buffer.
6. The entire REW requires a comprehensive program of revegetation, weed control and appropriate maintenance to



rehabilitate it to its desirable environmental functions. The City has no budget set aside to carry out these works.

7. Implementing a rehabilitation plan for the REW at this time will halt the continuing degradation of the wetland and be more effective than if this is undertaken by the City at some undetermined time in the future.

Amendments to the Access Arrangements for Lot 9501

The proposed vehicle access to the development on Lot 9501 has been assessed in respect to interim road access and the ultimate construction of North Lake Road by Transcore Pty Ltd at the request of the proponent. The submitted traffic assessment report outlines the following summary of findings:

- Biscayne Way is proposed to be extended across the northern boundary of the eastern area with a 14 metre reserve (inclusive of a 2 metre wide of footpath). This reserve width is in accordance with City of Cockburn standards. The proposed access points to the subject site have taken into consideration this future road extension.
- Both the western and eastern areas of the proposed development are designed with a permeable car park access and circulation system. The proposed crossovers are designed such that they will interface effectively with North Lake Road extension when it is first constructed as a single divided carriageway and would continue to maintain its integration with the North Lake Road extension when this road is upgraded to a dual divided carriageway and the 4-way crossover intersection is upgraded with a roundabout. The availability of access points to Armadale Road, North lake Road extension and Biscayne Way also ensures that the traffic generated by the proposed development can be effectively distributed onto the local road network without unnecessary overloading of an individual access point.
- The proposed development provides a comprehensive pedestrian network as well as a segregated service vehicle driveway to minimise interaction between delivery vehicles, other traffic and pedestrians.

The traffic study has been reviewed by the City's Engineering Services and has required the following changes:

1. An easement be provided between the end of Avior Avenue and the access easements adjacent to Armadale Road to provide unrestricted public access and circulation.



2. That North Lake Road incorporate a right hand turn pocket into the southern most access point into the development area east of North Lake Road to rationalise the traffic flow.
3. Access to/from realigned Biscayne Way be provided as left in left out only in order to improve the traffic safety of the realigned Biscayne Way intersection.

The proponent has incorporated all the above changes into the revised Structure Plan (Attachment 5 refers).

Conclusion

Based on the planning justification provided in the discussion section of this report, it is recommended that the proposed amendment to the Solomon Road Development Area Structure Plan which includes the realignment of Biscayne Way, the deletion of public open space on lot 9501 and amendments to the access arrangements be adopted subject to the recommended conditions.

Strategic Plan/Policy Implications

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.*

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.*

Transport Optimisation

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

The Planning Policies which apply to this item are:

SPD5	Wetland Conservation Policy
APD30	Road Reserve and Pavement Standards
APD33	Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A



Legal Implications

Nil

Community Consultation

N/A

Attachment(s)

- (1) Location Plan
- (2) Adopted Structure Plan – Solomon Road Development Area
- (3) Amended Structure Plan – Solomon Road Development Area
- (4) Site Plan of proposed South Central Commercial Development
- (5) Final Version of Amended Structure Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 13 December 2007 Council Meeting.

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

Nil

14.13 (MINUTE NO 3635) (OCM 13/12/2007) - RETAINING WALL - LOCATION: LOT 14 (NO. 401) ROCKINGHAM ROAD SPEARWOOD - OWNER: JOTON DEVELOPMENTS PTY LTD - APPLICANT: SHELFORD CONSTRUCTIONS PTY LTD (3314484) (E SMITH) (ATTACH)

RECOMMENDATION
That Council:-

- (1) refuse to grant its approval to the proposed retaining walls for the following reasons:-
 - 1. The proposal fails to comply with Acceptable Development/ Performance Criteria of clause 3.6.1 - Excavation or Fill of the Residential Design Codes of WA 2002.
 - 2. The proposal fails to comply with Council's Policy APD 49 Residential Design Codes - Alternative Acceptable Development Provisions.
 - 3. The proposal will adversely affect the amenity of the surrounding properties merely from the height and scale



of the proposal, but also by impacting on the privacy of neighbours and preventing direct sunlight into adjoining properties.

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal;
- (3) advise the applicant and submissioners accordingly in respect of Council's decision; and
- (4) Council is prepared to favourably consider a new application indicating a maximum retaining wall height of 1500 mm with the finished level being stepped down in accordance with the slope of the land.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Deputy Mayor K Allen that Council defer consideration of the matter to the February Council meeting to allow it to consider additional comments from the applicant.

CARRIED 7/3

Reason for Decision

It was determined that further negotiations need to take place between Council officers and the applicant.

Background

Zoning:	MRS:	Urban
	TPS3	Residential R-30
Land Use:	Residential	
Lot Size:	889m ²	
Use Class:	Single (R-Codes) House	

The subject land is situated on the western side of Rockingham Road between Newton and Barrett Street and is currently vacant. The site is flanked to the north and south by single dwellings. Single dwellings are also present opposite the site.

The site has survey strata subdivision approval for both 2 and 3 lots which was issued in August 2006 and December 2006 respectively.

The adjoining property to the north of the subject site has a finished level similar to what this application is proposing. While the adjoining



property to the south is at natural ground level, slightly lower than the existing subject site.

Submission

The applicant proposes retaining walls along the southern and western boundaries that vary in height to a maximum of 2660 mm. The applicant seeks a variation to the Residential Design Codes for the over height retaining walls.

Report

The application was referred to neighbouring properties on the northern (no. 397 Rockingham Road), southern (no. 403 Rockingham Road) and western (no. 11A, 13 & 15 Orsulich Loop) boundaries of the subject site for comments. Two submissions were received objecting to the proposal. The following valid reasons for objection were raised:

- Height, scale;
- Access to direct sunlight

Height/ Scale

The proposed retaining wall does not comply with clause 3.6.1 - Excavation or Fill of the *Residential Design Codes of WA 2002* or adhere to Council's Policy APD 49. This issue is the main concern from the southern adjoining landowner; however, will also affect the western adjoining neighbours. The issue relates specifically to the height and scale of the proposed retaining walls.

Access to direct sunlight

No. 403 Rockingham Road will receive significantly less northern sunlight into the rear outdoor living area as a consequence of this proposal. Not only will the retaining wall together with the 1.8m high boundary fence will prevent direct sunlight into the rear yard but the proposal will result in a dwelling on the subject site sitting significantly higher than the natural ground level of the adjoining site, potentially further exacerbating the direct sunlight issue.

The applicant has stated that,

"If the proposed level is dropped the driveway will become steeper making exiting more difficult".

Negotiations with the applicant provided him with an opportunity to maintain the proposed finished level at the front portion of the site but step the level of the site down in accordance with the slope of the land. This compromise would have reduced the height and scale of the proposed retaining wall while maintaining the applicants desired street



frontage. However, the applicant was not willing to amend his application.

The adjoining properties (particularly no. 403 Rockingham Road) will be adversely affected by prevention of access to direct sunlight and overlooking and visual privacy cannot be ensured. It is therefore considered that the concerns raised by the adjoining neighbour are valid.

Recommendation

Given the scale of the walls and the previously mentioned issues, it is recommended that the application for over height retaining walls be refused.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:

APD9	Retaining Walls
APD10	Discretion to Modify Development Standards
APD17	Standard Development Conditions and Footnotes
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions
APD49	Residential Design Codes - Alternative Acceptable Development Provisions.

Budget/Financial Implications

The applicants may make an application for review to SAT, which will be defended by the City. Funds are available in the Council's budget for this.

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005



Community Consultation

Five (2) surrounding owners were consulted regarding the proposal. Two (2) submissions were received objecting to the proposal and one (1) submission was received in support of the application.

Attachment(s)

- (1) Location Plan
- (2) Site Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 December 2007 Council Meeting.

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

Nil.

14.14 (MINUTE NO 3636) (OCM 13/12/2007) - AMENDED STRUCTURE PLAN - LOTS 802 AND 9028 GIBBS ROAD AND LOT 803 LYON ROAD, AUBIN GROVE - OWNER: LANDCORP - APPLICANT: ROBERTS DAY (9645F) (RD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amended structure plan for Lot 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Road), Aubin Grove subject to the following modifications to the structure plan:
 - 1. Alter the 12 metre road reserve adjacent to the public open space within the north-east development cell to 13.5 metres in width.
- (2) upon receipt of a revised Structure Plan compliant with Clause (1) above, forward the Structure Plan documents and Schedule of Submissions to the Western Australian Planning commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3;
- (3) adopt the officer comments within the Schedule of Submissions contained in the Agenda attachments for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Road), Aubin Grove and forward those comments requiring consideration to the applicant for information;



- (4) advise the proponent that a road reserve will be requested at the subdivision/development stage for the north western development cell to provide a hard edge interface to the public open space and Bush Forever site to the south; and
- (5) advise those persons who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

Council meeting held on 8 March 2007 resolved to defer the Structure Plan (Attachment 3 refers) for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road, Aubin Grove subject to:

- (1) Refer the proposal to the EPA for formal Assessment; and
- (2) Approach DEC with the suggestion that this block be purchased by Main Roads for inclusion in the Jandakot Regional Park as part of their offset obligations for the Tonkin Highway extensions to Mundijong Road.

The main reason for the above decision is that Council believed that urban development was inappropriate so close to an important Bush Forever site (Bush Forever Site No. 492). Detailed justifications can be found in Council Minute No. 3402 (OCM 08/03/2007).

Accordingly, the City wrote to the DEC and the Main Roads with the suggestion that Lot 204 Lyon Road be purchased by Main Roads for inclusion in the Jandakot Regional Park as part of their offset obligations for the Tokin Highway extensions to Mundijong Road. Furthermore, the City referred the proposal to the EPA on 26 April 2007 and requested a formal Environmental Assessment be carried out by the EPA.

On 7 May 2007, the City received the EPA's letter in which the EPA advised that it had decided not to subject this proposal to the formal environmental assessment process. The City subsequently lodged an appeal to the Appeals Convenor of the Office of the Minister for Environment, against the EPA's decision on not to assess the proposal.



Furthermore, the City also wrote to the Minister for the Environment and requested him to exercise his Ministerial power of referral under section 38 of the *Environmental Protection Act 1986* to refer the subject proposal to the EPA for a formal environmental assessment.

The City received the Minister's letter on 24 September 2007, in which the Minister has dismissed the City's appeals and consider that the EPA was correct in deciding to not assess the Structure Plan. The justifications for his decision are summarised as follows:

1. The EPA was aware that, whilst no detailed flora and fauna studies were provided with the Structure Plan documentation, significant environmental values of the site were established and evaluated through Bush Forever, including the vegetation, flora and wetland values of the site.
2. The Negotiated Planning Solutions (NPS) process identified the areas of most environmental importance and protected them from future development. The Structure Plan referred to the EPA was consistent with the NPS (in terms of the boundaries of Bush Forever Site No. 492 Attachment 2 refers) and the EPA was of the view that there was no new information that would warrant the environmental values already established through Bush Forever being revisited.
3. The EPA concluded that it considered that the environmental values of the Bush forever site are retained and could be protected without the need for formal environmental impact assessment.
4. The Minister notes that the Appeals Convenor advice that including all of former Lot 204 within a conservation reserve would lead to an improved environmental outcome, but he also agrees with the appeals Convenor that the NPS in this case will provide adequate protection for the environmental values of Bush Forever Site No 492.
5. The Minister considers that the outcome does meet the EPA's criteria of 'reasonableness' as set out in its Guidance Statement No. 10 because it:
 - protects 60% of Lot 204 consistent with the original Bush Forever recommendation;
 - protects both the CCW and a portion of the upland vegetation; and includes a buffer of wetland.

Submission

Roberts Day has submitted an amended structure plan for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Road), Aubin Grove on behalf of the landowner, LandCorp.



The amended version of the proposed Structure Plan is included in Attachment 4 of this report.

Report

Under the *Environmental Protection Act 1986*, the Minister's decision of dismissing the City's appeals against the EPA's decision of not to assess the proposed Structure Plan is the final avenue that the City can pursue with regard to the formal Environmental Assessment. As a result, as far as the Structure Plan is concerned, its environmental issues have been concluded. Accordingly, the Western Australian Planning Commission (WAPC) has advised of their intention to make a decision on the proposed Structure Plan based upon the merit of the structure plan design rather than environmental issues. It is unlikely that the WAPC will refuse the Structure Plan, given that the three subject development cells (Lot 802 & 9028 Gibbs Road and Lot 803 Lyon Road) are zoned Urban and the Structure Plan is consistent with the NPS outcome.

Based upon the above analysis, it is understood that the applicant does not have to further negotiate with the City in terms of the final approval of the Structure Plan. The applicant would basically have the following two options:

1. Waiting for the WAPC's final decision on the Structure Plan, in which the WAPC would need to have due regard on the City's decision, but the final outcome would still unlikely be a refusal due to the reasons stated in the above.
2. In the case that WAPC did resolve to refuse the proposal, then the applicant can appeal against the WAPC's decision of refusal under the *Planning and Development Act 2005*. It is considered quite unlikely that the WAPC would make such a decision given the final outcome of the City's appeal against the EPA's decision of not to formally assess the proposal.

Notwithstanding the above, the City's Officers have managed to arrange a meeting with the applicant and LandCorp under the City's former Councillor Tilbury's request to negotiate a compromised outcome on the Structure Plan design in order to better protect the Conservation Category Wetland (CCW) within Bush Forever Site No. 492. It is understood that the greatest concern is related to the interface of the CCW and the north-eastern development cell. The following compromises between the City and LandCorp have been reached through the negotiation:

- LandCorp has agreed to compromise by providing 50m buffer to the CCW (from the north-eastern development cell) instead of the 30m buffer provided on the initial Structure Plan to maximise the



protection of the CCW. This will lead to a reduction on the total lot yield.

- The City as a trade-off supports the up-coding of the land adjacent to the CCW interface from R20 to R30, which is consistent with the *Liveable Neighbourhoods* planning principles, and provides LandCorp the opportunity to bring the lot yield back to the initial figure.

It is considered that the negotiated compromises will achieve a mutual benefit for both parties, achieving a reasonable planning outcome, given that the City has lost the appeal against the EPA and that the LandCorp technically does not have to further negotiate with the City in terms of the Structure Plan approval. It must be pointed out that LandCorp has advised the City that it has no intention to modify the layout of the Structure Plan any further than has been indicated.

Other details of the proposed Structure Plan are kept the same as the previous version (Council Minute No. 3402, OCM 08/03/2007 refers).

Public Open Space (POS) contribution is based on 10% of gross subdivisional area (after the deductions for the pump station, core wetland and drainage) as per normal practice. Any shortfall of the 10% will be provided by cash-in-lieu by the subdivider as mentioned in Council Minute No. 3402. This can be dealt at the subdivision stage. The cash-in-lieu could be used to fund facilities within the POS, dual use paths within the Bush Forever site etc.

The modifications to the proposed Structure Plan are considered minor in nature as “the variations do not materially alter the intent of the structure plan”, and as such, re-advertising of the Structure Plan is considered unnecessary.

It is therefore recommended that the Council adopt the amended version of the proposed Structure Plan subject to the recommended modification which is related to the City’s engineering road reserve requirement recommended in the previous Council Agenda (Minute No. 3402). Furthermore, it is also recommended that the Schedule of Submissions along with the officer’s comments be adopted. These identify that a Wetland Management Plan, Water Management Plan, Nutrient and Irrigation Management Plan and Acid Sulphate Soil Management Plan will need to be provided by the subdivider at the subdivision stage as part of the subdivision conditions.

Strategic Plan/Policy Implications

Demographic Planning

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



Natural Environmental Management

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

The Planning Policies which apply to this item are:

SPD1	Bushland Conservation Policy
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards

Budget/Financial Implications

The cost of maintaining the public open space at the expiry of the two years maintenance period.

Legal Implications

Applicant/LandCorp has the right to appeal against Council's decision if Council has resolved to refuse the proposed Structure Plan under the *Planning and Development Act 2005*.

Community Consultation

The Structure Plan was advertised to the community for a period of 21 days. This included an advertisement in two local papers circulating in the District, letters to adjoining owners, letters to servicing and other government agencies, copies of the report and plans on Council's website and a copy at the front counter of the Council's Administration Building.

The variation to the Structure Plan is considered minor and as such re-advertising of the Structure Plan is considered unnecessary.

Attachment(s)

- (1) Location Plan
- (2) Map of Bush Forever Site No. 492
- (3) Proposed Structure Plan
- (4) Amended Version of Proposed Structure Plan
- (5) Schedule of Submissions



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 13 December 2007 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3637) (OCM 13/12/2007) - LIST OF CREDITORS PAID - OCTOBER 2007 (5605) (K LAPHAM) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for October 2007, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 10/0

Background

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

Submission

N/A

Report

The List of Accounts for October 2007 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 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3638) (OCM 13/12/2007) - STATEMENT OF FINANCIL ACTIVITY - OCTOBER 2007 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for the period ending 31 October 2007, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 10/0



Background

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

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

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

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for October 2007.

Note 1 shows how much capital grants and contributions are contained within the reported operating revenue.

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

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

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standard AAS27.



Material Variance Threshold

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

The materiality threshold set by Council for the 2007/08 financial year \$50,000 or 10% (whichever is the greater). This was increased from \$10,000 from previous years to better focus reporting and management's attention to variances considered more material in view of Council's budget size.

Quarterly Performance Review of Investments

As required under Council Policy SFCS1, the City reports on a quarterly basis the performance of its monetary investments against a benchmark agreed by Council. The table below highlights the performance for the 2006/07 financial year as well as the performance for the last quarter.

Portfolio Performance Period	Benchmark	Portfolio	Variance
Last Month (June 2007)	0.005%	0.001%	-0.004%
Last three months	1.61%	1.80%	0.190%
Last six months	3.21%	3.66%	0.450%
Last twelve months	6.42%	7.53%	1.110%
Weighted Average Funds	\$54,150,000		
Additional Annual Income	\$601,065		

The performance for the financial year ending 30 June 2007 was 7.53% against the benchmark 90 day BBSW published by UBS of 6.42%. This additional 1.11% for the twelve months allowed the City to earn approximately \$601,000 in interest which is equivalent to a 2.25% rate increase the City did not have to impose on ratepayers.

The higher result has been achieved using an independent financial adviser, Oakvale Capital Ltd, who assesses all investment products offered to the City and does not promote products prepared by itself. Oakvale does not take fees or trailing commissions from financial promoters/banks. Oakvale also advise the City of Perth, City of Gosnells, Town of Cambridge amongst others.



Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Where variances reported are of a permanent nature, they will impact upon Council's end of year surplus/deficit position.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports - October 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

MAYOR LEE, DEPUTY MAYOR ALLEN, CLRS OLIVER AND GRAHAM LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.09 PM

DECLARATION OF INTEREST

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

MAYOR STEPHEN LEE

Declared a financial interest pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995, in Item 16.1 'Temporary Closure of Beach Road'. The nature of the interest is that it appears that he was the recipient of a notifiable gift from the developer (Australand) in



relation to the 2005 election at which he was elected, and is therefore deemed to be a closely associated person.

DEPUTY MAYOR KEVIN ALLEN

Declared a financial interest pursuant to Section 5.60B of the Local Government Act, 1995, in Item 16.1 'Temporary Closure of Beach Road'. The nature of the interest is that he is a proximity landowner of property adjoining land adjacent to the Port Coogee development, from where this business currently operates.

CLR VAL OLIVER

Declared a financial interest pursuant to Section 5.61 of the Local Government Act, 1995, in Item 16.1 'Temporary Closure of Beach Road'. The nature of the interest is that she had received a notifiable gift, relative to the 2005 election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

CLR RICHARD GRAHAM

Declared a financial interest pursuant to Part 21 of Council's Standing Orders, in Item 16.1 'Temporary Closure of Beach Road'. The nature of the interest is that he has given evidence at the corruption and Crime Commission ("CCC") which, by implication, was critical of Australand Limited's conduct in relation to the Port Coogee development. He believes his participation in decision-making in relation to the Port Coogee development gives rise to a perception of a conflict of interest until the CCC makes findings in relation to the matters that were the subject of his evidence.

(MINUTE NO 3639) (OCM 13/12/2007) - APPOINTMENT OF PRESIDING MEMBER

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that Clr Sue Limbert be nominated Presiding Member for this item.

CARRIED 6/0

16. ENGINEERING & WORKS DIVISION ISSUES



16.1 (MINUTE NO 3640) (OCM 13/12/2007) - TEMPORARY CLOSURE OF BEACH ROAD (450118) (ML) (ATTACH)

RECOMMENDATION

That in accordance with section 3.50 of the Local Government Act 1995, Council institutes a temporary closure of Beach Road on the eastern side of Fairview Street commencing on the 17 December 2007 with the road re-opening to traffic two (2) weeks after Ocean Road re-opens.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 6/0

Background

Council at its meeting held 12 July 2007 resolved the following:

- (1) Close Kiesey Street Coogee to through traffic at the intersection of Cockburn Road in accordance with section 3.50 of the Local Government Act 1995.
- (2) Seek support from the residents of Beach Road and Hillcrest Avenue for the establishment of two(2) speed plateaus in the locations identified on the attached plan.
- (3) Subject to support from the affected residents establish two(2) speed plateaus in appropriate locations as identified.
- (4) Monitor the traffic flow in King Street, Hillcrest Avenue and Beach Road 6 months after the reopening of Ocean Road to quantify the impact of the closure and report to Council; however, in the meantime, if any complaints are received from residents, speed calming devices are to be established in the streets in question.
- (5) Seek a commitment from MRWA to fund the proposed improvements to Cockburn Road between Kiesey Street and Amity Blvd as soon as possible.
- (6) Advise those people who made a submission, accordingly.

The closure of Kiesey Street was instituted by the developer on 22 August 2007.



On 24 October 2007 the Director Engineering and Works, Clr Reeve-Fowkes, Clr Romano and Clr Allen meet with approximately 15 residents of Hillcrest and Beach to listen to concerns raised regarding the increases in traffic since the Kiesey Street closure was actioned. This meeting prompted a detailed traffic assessment, establishment of more legible directional and advisory signage, discussions with Transperth regarding the possibility of re-routing the bus service and the advertising of a proposed road closure. The concerns raised by the community also prompted the following 'Matter to be Noted for Investigation' lodged at the November OCM:

'Clr Romano has requested that a report be prepared by Council staff, to be brought to the December 2007 Ordinary Meeting of Council, on the temporary closure of Hillcrest Street on the corner of Beach Road, Coogee, so as to reduce the flow of traffic in the local area.'

Submission

The following report addresses the traffic issues in the local area of Coogee.

Report

The temporary closure of Ocean Road was instigated on 25 March 2006 to accommodate the re-alignment and upgrade of Cockburn Road as part of the Port Coogee Development. This works also required the complete closure of Kiesey Street which was actioned on 22 August 2007. Since these closures have been enacted traffic increases have been experienced in King Street, Beach Road, Fairview Street, Hillcrest Crescent and Mills Road. The increase in traffic in Beach Road and filtering through to Hillcrest Street, Fairview Street and Mills Street is causing concern and inconvenience to the local community.

Whilst our expectation was for Ocean Road to be re-opened by the end of November 2007, the City has recently received advice that Ocean Road is not due to be re-opened to traffic until 25 January 2008 (refer to attached letter from SKM). With the increasing traffic levels on these local roads and the likely increase of through traffic due to the popularity of Coogee Beach during the summer months, the City needs to take action to transfer the through movement of traffic on to roads that are better able to cater for it.

A range of options have been considered to address this situation. An initial review suggested that if the through movement was to be addressed, a more definitive approach needed to be implemented to change travel behaviours. To enable the City to be in a position to act to address the concerns of the residents in a reasonable timeframe one of the options, the proposed temporary closure of Beach Road at



Cockburn Road, was advertised to gauge community support. Whilst initially the statistics supported this approach, a more detailed assessment is probably telling a different story. The options are further explored later in this report.

Technical Review

Traffic analysis in the local area has been conducted at key periods when the traffic environment has changed. Traffic data is available before and after the closure of Ocean Road (25 March 2006) and again after the closure of Kiesey Street (22 August 2007). The following table lists the general changes in traffic volume that has occurred as a result of the closures instituted to date. In summary however we can draw the following conclusions:

- Traffic in Hillcrest increased 90% after the closure of Ocean Road and has increased a further 30% since the closure of Kiesey Street.
- Traffic in Beach increased 42% after the closure of Ocean Road and a further 247% since the closure of Kiesey Street.
- Traffic previously using Kiesey Street is currently using Beach Road, which was anticipated.
- Traffic in King Street has increased by 56% since the closure of both Ocean Road and Kiesey Street.
- Traffic in Mills Road has increased by 61% (however, that growth needs to be considered in the context of the historical baseline data).
- Traffic in Fairview has declined.

Road	Location	Date	AWT
Mills Street	South of Dowse	Jan – 92	429
Mills Street	South of Dowse	Nov – 07	692
Fairview Street	North of Beach	Jan - 92	476
Fairview Street	North of Beach	Nov - 07	169
Hillcrest Avenue	South of King	Mar - 05	247
Hillcrest Avenue	South of King	Nov - 06	471
Hillcrest Avenue	South of King	Nov - 07	612
King Street	East of Hillcrest	Jun - 04	1042
King Street	East of Hillcrest	Jun - 05	1083
King Street	East of Hillcrest	Nov - 07	1689
Kiesey Street		Jan - 05	942
Beach Road	West of Fairview	Jan - 05	423
Beach Road	West of Fairview	Nov - 06	600
Beach Road	West of Fairview	Nov - 07	1486

What does all that mean?

- Approximately 1,300 vpd constitute residential traffic.



- Approximately 15% of vehicles turn right from Beach into Fairview.
- Approximately 270 vpd (15%) are through traffic or 'rat runners' which would otherwise use Ocean Road or Amity Blvd as these are more direct links.
- The rat running traffic constitutes an approximate 25% increase in traffic using the combined roads of Hillcrest, Fairview and Mills (1,150 vpd – 1,473 vpd) as a direct result of Ocean Road being closed.
- Traffic has increased in Hillcrest (and to a lesser extent Mills) as it is generally catering for the through movement of traffic (motorists being unfamiliar with the area and taking the most direct route).
- Residential traffic is generally using Hamilton Road as opposed to Cockburn Road which is probably due to the road works happening in that vicinity.
- Once Ocean Road re-opens traffic volumes on Hillcrest and Mills will reduce to less than 500vpd.

By considering the statistics and putting that detail into some perspective, the following are solutions identified to address the issue and comments on each.

Do Nothing

The traffic volumes on these local roads in themselves are probably not cause for concern. In the broader scheme of local area traffic, the traffic volumes are not excessive and the road system can easily cater for them. The problem is more one of lifestyle.

The local community have lived in the area and are used to relatively low volumes of traffic on their local streets. Since the redevelopment of Port Coogee and the necessary road closures resulting from that development, the traffic environment has changed in the short term and the people are expressing concerns regarding the change.

We must take into consideration that the current levels of traffic will reduce once Ocean road re-opens in January. The data however is suggesting that the major problem is local area traffic as opposed to through traffic. The closure of Ocean Road has only generated an increase in traffic of approximately 15%. Whilst that may well have accounted for the initial increases in Hillcrest, subsequent increases in both Hillcrest and Mills are as a result of local area traffic (that would previously have used Kiesey Street) re-acclimatising themselves with the changed local traffic environment.

In the broader context of traffic in local areas, Council has presented a serviceable and functional road network in this area which can adequately accommodate the traffic currently being experienced and



Council would be well within its rights to do nothing until Ocean Road re-opens and monitor the situation at that time. That said, if the problem is one of local area traffic as opposed to the through traffic as initially thought, some re-education of the local motorists now will be of benefit. Our solutions however need to be focused on re-educating the local motorists as opposed to penalising the 'rat runner'.

Closure of Beach Road at Cockburn Road

Officers were lead to believe that the through movement of traffic was causing the major concerns for local residents. This was an easy conclusion to draw as the predominant changes to the current traffic volumes or distribution of traffic occurred as a result of the closure of Ocean Road.

Consequently, an option considered to effectively address the through movement was the closure of Beach Road at Cockburn Road on a temporary basis. This action would ensure that through traffic utilises Amity Boulevard and the new Ocean Road (when it is re-opened) to travel from Cockburn Road and the beach through to Hamilton Road.

Whilst the proposed temporary closure of Beach Road is expected to increase traffic in Duchart Way and Fairview Street, this traffic will only be local residential traffic. The closure is also expected to increase traffic on Amity Boulevard; however, this road is a local distributor and can easily cater for the expected increases.

The statistics however, are no longer supporting this option as they do not suggest that the through movement is causing the concerns. To change travel behaviours of the local residents the City would need to consider a more localised treatment.

Closure of Beach Road at Hillcrest

Closure of Beach at Hillcrest will effectively force traffic to use Mills and Fairview. To reduce the pressure on Mills, any solution should seek to increase the prominence on Fairview which has seen a general reduction in traffic over the years. The closure of Beach at Hillcrest will not necessarily do this and the grade at the intersection of Hillcrest and Beach is not conducive to a road closure. On this basis this option is not recommended.

Closure of Beach Road at Fairview

The closure of Beach at Fairview provides the best alternative to address the issues identified to date. A closure at this location presents a clear travel path to local motorists moving into the residential area (particularly east bound). It maintains accessibility for all residents (east bound traffic wanting to turn right into Fairview from Beach) and will not require any adjustments to the local bus route. It



will demonstrate the preferred travel path for local residents travelling through to King Street and reduce the pressure from Hillcrest until Ocean Road re-opens to remove the through traffic component.

Timeframes for Closures

Changing travel behaviour of local residents is always more difficult because they are more familiar with the area and they will generally take the easiest travel path to their destination. On this basis temporary treatments are less effective as it may not provide a long term behavioural change. It is however important that we are able to review the traffic situation in this local area once the local road network is operating as it is intended. That means that any detailed review needs to be conducted after Ocean Road re-opens and traffic has had an opportunity to settle into a normal pattern. It is recommended that the City institute a temporary closure of Beach Road on the eastern side of Fairview Street commencing on the 17 December 2007 and re-opening to traffic 2 weeks after Ocean Road re-opens. As already documented and resolved, Officers will conduct a review over a 6 month period once Ocean Road re-opens and will provide a report back to Council on its findings. How the road network is structured in the long term can only be assessed at that time and only after we are dealing with known traffic, travel behaviours and clearly defined travel paths.

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

Costs for the temporary closure will be met within the engineering operating budget.

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

The proposal has been advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.



The temporary closure of Beach Road at Cockburn Road was initially mooted to address the through movement of traffic from Cockburn Road to Hamilton Road. On this basis and whilst the temporary closure was anticipated to cause inconvenience to the local residents in the short term, the proposal would quickly re-educate the 'rat running' traffic to use the local distributor roads instead of the residential streets. To facilitate this, a letter box drop was distributed on 19 November 2007 advising affected residents of the proposed temporary closure and seeking feedback. Feedback closed on 4 December 2007 however consolidation of that information could not be completed before this report was published.

Preliminary feedback however suggests that whilst residents in Beach and Hillcrest are supportive of the proposed closure, residents in the greater residential area are not supportive due to the inconvenience caused by the closure and the potential traffic increases in their local roads. A majority of the concerns raised can be addressed by the recommended solution as the closure of Beach at Fairview will maintain accessibility of Cockburn Road for residential traffic and will not put additional pressure on Duchart Way and Amity Boulevard.

Attachment(s)

Letter SKM regarding re-opening of Ocean Road.

Advice to Proponent(s)/Submissioners

The community has been advised that this matter is to be considered at 13 December 2007 Council Meeting.

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

Nil.

MAYOR LEE, DEPUTY MAYOR ALLEN, CLRS OLIVER AND GRAHAM RETURNED TO THE MEETING THE TIME BEING 8.14 PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE, DEPUTY MAYOR ALLEN, CLRS OLIVER AND GRAHAM OF THE COUNCIL DECISION WHILE THEY WERE ABSENT FROM THE MEETING

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER



16.2 (MINUTE NO 3641) (OCM 13/12/2007) - METROPOLITAN FUNCTIONAL ROAD HIERARCHY - CLASSIFICATION CHANGE OF YORK STREET (4316) (450211) (J RADAICH)

RECOMMENDATION

That Council:

- (1) upgrade the functional road classification of its section of York Street from Local Access to Local Distributor; and
- (2) advise the City of Fremantle and Main Roads WA of its decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

Roads are classified in terms of their traffic function in order to set appropriate traffic management standards, access controls and funding responsibilities. The functional road classification system in the metropolitan area has been established by agreement between Main Roads WA and individual local governments and has five levels:

- 1) Primary Distributor (e.g. Kwinana Freeway, Stock Road, Armadale Road) – under the care and control of Main Roads WA.
- 2) District Distributor A (e.g. Rockingham Road, Phoenix Road, Farrington Road and North Lake Road).
- 3) District Distributor B (e.g. Winterfold Road, Hamilton Road, Spearwood Avenue west of Stock Road and Sudlow Road).
- 4) Local Distributor (e.g. Doolette Street, Southwell Crescent, Blackwood Avenue, Clontarf Road and Healy Road).
- 5) Access Roads (e.g. Gerald Street, Frederick Road, Stratton Street and Kent Street).

The levels represent the importance of the roles in moving traffic in the road network.



Submission

The City of Fremantle have reviewed the function of a number of their Access Roads and identified that these are operating as local distributors. York Street, which runs between Lefroy Road and Clontarf Road, was identified as one of these roads. The section between Jean Street and Clontarf Road (approximately 120 metres) is within the City of Cockburn. Consequently, to re-classify York Street to a local distributor and maintain consistency, the City of Fremantle has requested the City of Cockburn to formally consent to re-classify its section between Jean Street and Clontarf Road.

Report

York Street is currently carrying about 3,000 vehicles per day and functioning as a local distributor road between Clontarf Road and Lefroy Road. It is generally fronted by residences, with six residences having access off the street within the City of Cockburn. The reclassification from access road to local distributor should be supported as:-

- 1) There should be no abnormal change in its traffic characteristics as it is already connected to local distributors at each end.
- 2) Access to Main Roads WA funding for future rehabilitation of this road would be enhanced.
- 3) There are no other significant implications of the proposed upgrading in status.

Strategic Plan/Policy Implications

Transport Optimisation

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

Budget/Financial Implications

N/A

Legal Implications

Nil

Community Consultation

As there are not significant implications of the suggested reclassification, the City of Fremantle did not undertake consultation with abutting property owners.



Attachment(s)

Nil

Advice to Proponent(s)/Submissioners

The City of Fremantle was advised that the proposed re-classification will be considered at the 13 December 2007 Council Meeting.

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

Nil.

16.3 (MINUTE NO 3642) (OCM 13/12/2007) - TENDER RFT35/2007 - BULK EARTHWORKS FOR SPEARWOOD AVENUE (WEST) (RFT35/2007) (450007) (J RADAICH) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Marsh Civil Engineering Contractors Pty Ltd, for Tender No: RFT35/2007 – Bulk Earthworks for Spearwood Avenue (West), for the lump sum price of \$550,433.34 (GST inclusive).

COUNCIL DECISION

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

CARRIED 10/0

Background

There is a total allocation in the current budget of \$1,708,835 to construct the extension of Spearwood Avenue from Hamilton Road to Cockburn Road. The construction works is to be undertaken by the City's day labour staff. However, as the ground is heavily impacted with solid limestone, the excavation and earthworks to prepare the subgrade to build the road will need to be undertaken by a specialist contractor with the necessary heavy earthmoving equipment. Consequently, a consultant was engaged to prepare the necessary plans and specifications for the civil works, and tenders called for the earthworks.



Submission

Tenders closed at 2.00 p.m. (AWST) on Tuesday 27 November 2007 and tender submissions were received from:

1. Outlook Contracting Pty Ltd
2. Riverlea Corpo.
3. Curnow Pty Ltd
4. Marsh Civil Engineering Contractors Pty Ltd
5. Wormall Pty Ltd (late tender)

Report

Compliant Tenderers

There were five (5) tenders submitted.

Wormall Pty Ltd was deemed non-compliant as it was submitted late. Riverlea Corp confirmed a stipulation in their submission that the removal and disposal of excavated rock from the site was to be charged at extra costs. This is contrary to the specifications consequently their tender submission was not acceptable for further consideration.

The other three (3) tenders submitted were deemed compliant with the conditions of tendering and compliance criteria.

Elevation Criteria

Evaluation Criteria	Weighted Percentage
Relevant Experience	40%
Key Personnel Skills & Experience	10%
Tenderer's Resources	10%
Lump Sum	40%
Total	100%

Tender Intent/Requirements

The construction of the bulk earthworks for the extension of Spearwood Avenue (west) from its current termination with Hamilton Road through to the newly realigned Cockburn Road in Spearwood WA.

The extension is approximately one (1) kilometre in length and is through a prominent coastal limestone ridge and the works include:

1. Removal, shredding and stockpiling of vegetation.
2. Removal and disposal of rubbish, fences, debris and other deleterious material.



3. Stripping and stockpiling of topsoil.
4. Excavating, placement and compaction of fill 350mm below final road levels.
5. Fully reinstate the site and leave in a neat and tidy condition.
6. Provision of "As Constructed" drawings.

The expectation is that the works will be completed within four to six (4-6) weeks from commencement of the works.

The tender submissions were evaluated by:

John Radaich – Manager Engineering
 Steven Morrison – Roads Operations Manager
 Brad Harris - Porter Consulting Engineers

Scoring Table

Tenderer's Name	Non-Cost Evaluation Score 60%	Cost Criteria Evaluation Score 40%	Total Score 100%
Marsh Civil Engineers Contractors Pty Ltd	60.0%	38.6%	98.6%
Curnow Pty Ltd	48.4%	35.4%	83.8%
Outlook Contracting Pty Ltd	40.6%	40.0%	80.6%

Evaluation Criteria Assessment

Tenders were required to provide adequate information in their tender submissions to allow for the scoring of each evaluation criteria. Where information was not supplied, the particular criterion was not scored.

Summary

Evaluation was undertaken by two internal staff members independently and a third assessment was undertaken by council's consultant, Porter Consulting Engineers (a copy of this assessment has been attached under confidential cover). The combined assessment supports awarding the tender to Marsh Civil Engineering Contractors Pty Ltd and consequently officers recommend that Council accept their tender submission for the lump sum price of \$550,433.34 (GST inclusive).

Strategic Plan/Policy Implications

The strategic Plan 2006-2016 has a commitment to:



Infrastructure Development

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

Planning your City

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

Budget/Financial Implications

Funds are available under account number CW2236 in the 2007/08 budget.

Legal Implications

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

Community Consultation

Tender No. RFT 35/2007 – Bulk Earthworks for Spearwood Avenue (west) was advertised in the West Australian Saturday 10 November 2007 under the Local Government Tenders Section. It was also displayed on the City’s website between 9 November 2007 and 27 November 2007.

Attachment(s)

1. Tendered Prices –“Confidential”
2. Tender Evaluation Sheet – “Confidential”
3. Porter Consulting Engineers Tender Summary – “Confidential”
4. Compliance Criteria Checklist

Tenderers

1. Outlook Contracting Pty Ltd
2. Riverlea Corp.
3. Curnow Pty Ltd
4. Marsh Civil Engineering Contractors Pty Ltd
5. Wormall Pty Ltd (late tender)

Advice to Proponent(s)/Submissioners

Those companies which submitted a tender have been advised that this matter is to be considered at the 13 December 2007 Council Meeting.

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

N/A



16.4 (MINUTE NO 3643) (OCM 13/12/2007) - RFT34/2007 ELECTRICAL SERVICES INDUSTRIAL, COMMERCIAL & DOMESTIC (RFT34/2007) (P ZIETSMAN) (ATTACH)

RECOMMENDATION

That Council Accept the submission from JF Covich & Co Pty Ltd for Tender No. RFT 34/2007 for the provisions of electrical services to the City for the estimated contract value of \$635,619.60 GST inclusive (\$577,836.00 GST exclusive). The contract will be effective for a period of three (3) years commencing 20 December 2007 and concluding 19 December 2010.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Council has over 180 buildings, facilities and other infrastructure like flood lights and park lights that need electrical maintenance and repairs on an ongoing basis. From time to time new works are also undertaken. Council can not do this work in-house and make use of contractors.

All work has to be done to meet OHS standards and requires a company with the necessary equipment and competencies to deliver this service.

The nature of electrical services is such that a contractor has to be available and reliable on short notice to do any emergency repair work during and after working hours. The company will also be required to do planned maintenance and testing of electrical equipment.

The cost for electrical annual maintenance and new works is now in excess of \$100,000 per year, so subsequently tenders were called.

Submission

Tenders closed at 2:00pm (AWST) on Wednesday 07 November 2007 and six (6) tender submissions were received from:

1. JF Covich & Co Pty Ltd



2. Nilsen WA
3. North Lake Electrical
4. Cary's Myaree Electrical Services Pty Ltd
5. Henderson Electrical Solutions
6. Cockburn Electrical Company

Report

Compliant Tenderers

All tenderers were deemed compliant with the conditions of tendering and compliance criteria.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Price	30%
Demonstrated Experience	15%
Response Times	20%
Tenderer's Resources & Personnel	15%
Local Area Knowledge	10%
Environmental Sustainability	10%
Total	100%

Tender Intent/Requirements

The purpose of the tender was to select a company that is suitable to provide electrical services for the City of Cockburn, for a period of three (3) years with Principal instigated options to extend the period for a one (1) year period, and then for up to twelve (12) months after that to a maximum of five (5) years.

Evaluating Officers

The tender submissions were evaluated by:

Coordinator, Buildings and Facilities Maintenance - Pieter Zietsman.

Scoring Table

Scores			
Tenderer's Name	Non-Cost Evaluation Score	Cost Criteria Evaluation Score	Total Score 100%



	70%	30%	
JF Covich & Co Pty Ltd	64.62%	30.00%	94.62%
Cockburn Electrical Company	61.00%	26.09%	87.09%
Cary's Myaree Electrical Services Pty Ltd	54.75%	22.85%	77.60%
Nilsen WA	51.25%	24.52%	75.77%
North Lake Electrical	54.50%	19.38%	73.88%
Henderson Electrical Solutions	40.25%	26.34%	66.59%

Evaluation Criteria Assessment

After evaluating the tenders from those companies, it is clear that JF Covich & Co is a suitable firm to do the work as called for by the tender. Of the firms considered suitable, JF Covich & Co will be the most cost effective and has the most experience and local knowledge to do the work.

With electrical infrastructure it is essential to provide a fast and reliable service. JF Covich & Co has a proven track record of excellent service to the City of Cockburn. The company is well equipped and have intense knowledge of the City' electrical infrastructure. The tender is based on hourly rates and the companies experience and knowledge will result in even greater savings by reducing time spent on locating connection points, cables etc. The experience and knowledge will also assist in keeping repair times to a minimum. Subsequently their submission should be supported.

Strategic Plan/Policy Implications

The Strategic Plan 2006-2016 has a commitment to:

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

A direct comparison to prices in previous years can not be made, however the table below provides an indication of the expenditure over



the past four financial years. These figures also include large scale one off projects that were not covered by Contract.

Financial Year Expenditure (GST Exclusive)	
2003/2004	\$158,733
2004/2005	\$241,670
2005/2006	\$326,173
2006/2007	\$402,788
Average	\$282,341

The expenditure is budgeted for in the normal building and facilities Operational and Capital budgets of every year.

Legal Implications

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

Community Consultation

Tender number RFT 34/2007 Electrical Services - Industrial, Commercial & Domestic was advertised on Wednesday 24 October 2007 in the Local Government Tenders section of "The West Australian" newspaper. It was also displayed on the City's website between 23 October and 7 November 2007.

Attachment(s)

1. Tendered Prices – "Confidential" – Available to Elected Members on request*.
2. Tender Evaluation Sheet – "Confidential" – Available to Elected Members on request*.
3. Compliance Criteria Checklist.

* By contacting the Delegated Authority.

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

In accordance with Part 4, Regulation 16-3(c) and 17-3 of the Local Government (Functions and General) Regulations 1996 the Principal is



only required to record the price of the winning Tenderer/s in the Tenders Register.

Advice to Proponent(s)/Submissioners

Tenderers were advised that the matter of the tender for the Provision of Electrical Services will be considered at the Ordinary Council meeting to be held Thursday 13 December 2007.

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

Nil

MAYOR LEE AND CLR OLIVER LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.15 PM.

DEPUTY MAYOR ALLEN ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT IN THE MEETING

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received declarations of interest from the following:

MAYOR STEPHEN LEE

Declared a financial interest pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995, in Item 17.1 'Expressions of Interest - Lot 22 and Lot 14 Progress Drive, Bibra Lake'. The nature of the interest is that he was the recipient of a notifiable electoral gift from a company, the Director of which has an interest in acquiring property within the subject area, in relation to the 2005 election at which he was elected, and is therefore deemed to be a closely associated person.

Declared a conflict of interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, in Item 17.2 'Coolbellup Community Hub Consultation Outcomes'. The nature of the interest is that it appears that he was the recipient of a notifiable gift from a developer in relation to the 2005 election at which he was elected, and a former employee of the company now has an interest in property located in the Coolbellup Town Centre.

CLR VAL OLIVER

Declared a financial interest pursuant to Section 5.61 of the Local Government Act, 1995, in Item 17.1 'Expressions of Interest - Lot 22 and Lot 14 Progress Drive, Bibra Lake. The nature of the interest is that she received a notifiable gift, relative to the 2005 election at which



she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

Declared a conflict of interest pursuant to Regulation 11(1) of the Local Government (Rules of Conduct) Regulations, in Item 17. 2 'Coolbellup Community Hub Consultation Outcomes'. The nature of the interest is that she is a community member of the Cockburn Vocation Centre Board, which leases space in the area subject to the item.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 **(MINUTE NO 3644) (OCM 13/12/2007) - EXPRESSIONS OF INTEREST - LOT 22 AND LOT 14 PROGRESS DRIVE, BIBRA LAKE - OWNER: CITY OF COCKBURN (111789) (R AVARD)**

RECOMMENDATION

That Council:

- (1) call for Expressions of Interest in accordance with the requirements of Section 3.58 of the Local Government Act, for the possible development of Lot 22 and Lot 14 Progress Drive, Bibra Lake in accordance with the nature of the reserve with the intent to create a regional recreation and leisure precinct;
- (2) require the Bibra Lake Management Plan consultants to consider the Expressions of Interest in the context of the Plan; and
- (3) on receipt of the expressions of interest, require a report be prepared which addresses the range of issues related to the development of the area.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr J Baker that Council:

- (1) call for Expressions of Interest in accordance with the requirements of Section 3.58 of the Local Government Act, for the possible development of Lot 22 and Lot 14 Progress Drive, Bibra Lake in accordance with the nature of the reserve with the intent to create a regional recreation and leisure precinct;
- (2) require the Bibra Lake Management Plan consultants to consider the Expressions of Interest in the context of the Plan; and



- (3) on receipt of the Expression of Interest, require a report be prepared which addresses the range of issues related to the development of the area and presented to Council no later than May 2008.

CARRIED 8/0

Reason for Decision

The City has called for quotations for consultants for the preparation of a management plan for Bibra Lake and Environs. The aim is to prepare the plan for identifying and enhancing this important ecological and popular resource. To ensure maximum community and commercial benefit are achieved, Council is calling for Expressions of Interest. The Expressions of Interest will be widely advertised in the Statewide media. To avoid any further delays in this matter Council believes it is important to set a date for the report to be presented.

Background

Council has owned Lot 14 Progress Drive since 1985. Lot 22, formerly part of Lot 14 was created in 2000. It was proposed that Lot 22 was to be utilised as a soccer pitch in association with a sporting association who owned adjoining Lot 23 at the time. This proposal has since expired.

Submission

Adventure World Pty Ltd has submitted a written request to utilise Lot 22 and portion of Lot 14 as overflow parking during their peak season.

The Cockburn Ice Arena has also written to the City indicating an interest in buying Lot 22 to relocate the Cockburn Ice Arena from its Barrington Street, Bibra Lake premises to this location with the expansion of its facilities to include an additional rink.

Report

The City owns, as ordinary property, Lots 22 and Lot 14 Progress Drive, Bibra Lake, zoned on TPS30 a Regional Reserve - Parks and Recreation. A portion of Reserve 46787 on the east side of Progress Drive, is vested in the City and used as car parking by Adventure World at no cost. There are several areas on Lot 14 which have environmental values and require protection from any development which may be proposed for the site. Both Lots 22 and 14 and adjacent Lot 21 have been identified as an important fauna link between Bibra and South Lakes.

Notwithstanding the constraints that exist on the site there is an opportunity for Council to establish an integrated recreation and leisure



precinct in the area bounded by Gwilliam Drive, Progress Drive and North Lake Road which builds upon the current activities in the area.

To ensure the maximum community and commercial benefit are achieved by the City, it is proposed that Expressions of Interest be called for Lot 22 and Lot 14 Progress Drive. On receipt of the EOI a report will be prepared for consideration by Council which includes assessment of:

- Environmental constraints
- Opportunities identified in the EOI
- Possible land exchanges involving Council freehold and managed reserve land
- Sale or leasing of Council's land

The City has called for quotations for consultants for the preparation of a management plan for Bibra Lake and environs. The aim is to prepare a plan for identifying and enhancing this important ecological and popular social resource. Consideration is to be given to surrounding land uses, such as Adventure World and other key visitor attractions. Lots 14 and 22 form an important resource for future enhancement opportunities. It is proposed that on receipt of the Expressions of Interest, the Consultants consider the proposals submitted in the broader context of the Management Plan.

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.*

Infrastructure Development

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

Lifestyle and Aspiration Achievement

- *To facilitate and provide an optimum range of community services and events.*

Budget/Financial Implications

Administrative tasks and minor consultancy costs can be met from the current Budget allocations.

Legal Implications

Local Government Act, 1995 requires certain procedures to address disposal of land with the definition of disposal including sale or lease of land.



Community Consultation

The Expressions of Interest will be widely advertised in the statewide media. Should Council agree development proposals will be required to follow extensive consultative and statutory processes.

Attachment(s)

N/A

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 13 December 2007 Council Meeting.

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

Nil.

17.2 **(MINUTE NO 3645) (OCM 13/12/2007) - COOLBELLUP COMMUNITY HUB CONSULTATION OUTCOMES (8136B) (RA) (ATTACH)**

RECOMMENDATION

That Council;

- (1) receive the report on the Coolbellup Community Hub Consultation; and
- (2) consider the allocation of funds for the redevelopment of the Coolbellup Community Hub in the context of the development of the Plan for the Future of the District in early 2008, based on Option 2 contained in this report.

COUNCIL DECISION

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

- (1) receive the report on the Coolbellup Community Hub Consultation; and
- (2) consider the allocation of funds for the redevelopment of the Coolbellup Community Hub in the context of the development of the Plan for the Future of the District in early 2008;
- (3) base the allocation of funds described in (2) above on Option 2



contained in the report on the understanding that areas available for various user groups will be subject to continued consultation as more detailed design is progressed.

CARRIED 8/0

Reason for Decision

The various user groups provide a valuable service to local residents and require an adequate amount of space for these services. There is scope for the various services to share some elements such as public and staff toilets, kitchen facilities and meeting rooms to ensure that the benefit of Council funds expended are maximised. However, consultation with these groups should continue as design plans are developed.

Background

There are a number of well-used services that operate from several buildings that comprise the Coolbellup Community Facilities Precinct. Accommodated in an old building that was previously a kindergarten and the Coolbellup Library (now known as the Support Services building) is now provided for the following services:

- Cockburn Early Education - a service that offers services to families with young children who may be isolated and/or in need of additional parenting support.
- Cockburn Family Support Service - offers short term counselling, information and referrals to support networks of people in the community who have experienced or are experiencing stress, divorce, separation, domestic violence and other welfare related matters.
- Cockburn Financial Counselling Service - provides free and confidential financial advice assistance to residents on lower incomes who are under financial stress.

This building is in a poor state of repair with little soundproofing between the rooms, the air-conditioning is quite inadequate and the ceiling is disintegrating.

As indicated above the Coolbellup Library operates from a building extension to the Centenary Hall that was completed in 1993. A transportable building is located on the site to serve as a temporary workroom for the library. There is, however, a pressing need to remove the transportable building as it sits over the septic tanks for the facilities.



Another transportable building is located behind the support services building and is used as a crèche/childcare service for the support services and a community playgroup.

Council operates the Cockburn Child Care Services from a site on Winterfold Road in Coolbellup, which includes the Family Day Care Service and Out of School Hours Care. These facilities are currently adequate but there is limited scope to increase office accommodation and client community service delivery on the site. The Out of School Hours Care and the Toy Library for the Family Day Care Service operate from a transportable building.

Council, at its meeting of 12 April 2007 adopted City Data and Voice Network Strategies that identified an optic fibre link from the depot to the Coolbellup Community Facilities Precinct to improve greatly the IT requirements of services located on this site. Through opportunities to utilise technologies and the shared use of resources such as reception staff, telephone system, photocopiers and the like a more efficient multi purpose one stop shop for Coolbellup can be created.

Council at its meeting of July 2007 resolved as follows:

- (1) *seek community views on design Options 1, 2 and 3 as attached to the Agenda, in accordance with the consultation process detailed in the report on the Coolbellup Community Hub Development with the consultation process to advise on the level of funding currently allocated to the project;*
- (2) *provide a briefing session to Councillors incorporating the views resulting from the community consultation process;*
- (3) *require a report to be presented to a future meeting of Council incorporating the views resulting from the consultation process; and*
- (4) *consider the budget allocation for the Coolbellup Community Hall project in the context of the review of the Plan for the Future of the District during 2007/08.*

In accordance with requirements of the Council decision (2) above elected members were provided with a briefing on the outcome of the survey and consultation process on 5 November 2007.

Submission

N/A



Report

A comprehensive community consultation process involving public meetings and a questionnaire was instigated. The results of the process are provided below.

To assist Council in its decision making process on the future facilities and service provision for the Coolbellup Community Hub a questionnaire was available to interested persons that required a number of facilities and service options to be ranked in priority order. The results of the survey can be readily broken into three identifiable interest groups, Family Day Care respondents, Cockburn Vocation Centre responds and the general public. The results have been consolidated with results as follows:

- | | |
|---|-----|
| • Library Service | 18% |
| • Cockburn Vocation centre | 13% |
| • Social work Services | 12% |
| • Meeting room requirement | 11% |
| • Function Hall | 11% |
| • Children's activities (playgroups etc) | 11% |
| • Financial Counselling | 10% |
| • Early Education Program | 8% |
| • Childcare Services (Family Day Care etc) | 6% |

There were 40 completed valid surveys with another 23 invalid.

The questionnaire also required respondents to prioritise the three concept options considered by Council, copies of which are attached to the agenda. The results were not unexpectantly strongly in favour of the most comprehensive option number 1 which had 46% score with option 2 with 33% and option 3 with 21%.

A public meeting was held on the 27th of August 2007 attended by 23 people. A presentation and comments were also sought at a meeting of the Coolbellup Community Association and from the Coolbellup Community School P&C. The public meeting raised concerns on the following issues.

- Security after hours
- Parking availability
- Proximity to hotel
- Activities for Seniors and Youth
- Transport for seniors.

These matters are generally not unique to this development and in relation to security after hours and parking availability they can be addressed in building design. The Coolbellup Community Primary school is between the proposed development and the hotel and



appears to not have been an issue for the school. It is likely that over time the Coolbellup hotel site will be redeveloped and move away from a traditional hotel usage.

Specific matters of concern related to potential tenants raised in the consultation process were as follows:

- Family Day Care- some concern expressed that children using the facilities in the proposed hub development were more vulnerable to danger due to matters such as dangerous items throw-in into the play ground and unsavoury behaviour from others associated with the hotel. These risks appear to be no greater than numerous other facilities across the City where the general public are in close proximity to these facilities with the risks managed through standard practise.
- Cockburn Vocation Centre remain the same size as it currently is- through careful design the area available to the clients can be retained at or close to current area with opportunities for joint use of staff areas by Vocation Centre staff.
- Specific needs of craft, writing, disability support and Karate groups being met. It has always been the intent that those groups that currently use the facilities on the site will continue to have space within the new facility available to them. Should Council decide not to retain the main hall in its current form it is proposed that the new Len Packham Clubrooms have a modified floor to address the needs of activities such as dance and karate.

Whilst there is value in the community consultation process it ought to be noted that there were a number of specific interest groups that influenced the results of the surveys and hence the results may not reflect the views of the broader Coolbellup Community. The public meeting and the presentation to the Coolbellup Community Association was to an older demographic and many of the same people attended both meetings.

Of particular interest are the Australian Bureau of Statistics figures for Coolbellup which show a higher proportion of the population in the 21-30 age bracket (9%) and another slight lump in the 61-65 age bracket (6%). This indicates the need for Council in the shorter term to provide services for seniors in the locality and for children as the percentage of the population in the key reproductive years 25- 40 increases.

On balance option two appears to provide the most efficient concept for co located facilities which will allow for the creation of a quality multi functional community hub for Coolbellup. It ought to be noted that the option 2 concept design is indicative only and would require considerable refinement before going to construction tender.



Strategic Plan/Policy Implications

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Governance Excellence

- *To maximise use of technology that contributes to the efficient delivery of Council's services.*

Budget/Financial Implications

The building options for the upgrade of the Coolbellup hub have indicative costing are as follows:

- Option 1 \$3,630,000
- Option 2 \$3,238,000
- Option 3 \$2,328,000

On the Current plan for the future of the district there is \$650,000 allocated to this project. It is proposed that consideration of the budget allocation for the Coolbellup Community Hub redevelopment be considered in the context of the Revised Plan for the Future of the District proposed to be presented to Council early in 2008.

Legal Implications

Nil.

Community Consultation

Questionnaires were available on the proposed project. A duly advertised public meeting was held on the 27 August 2007. A presentation and comment opportunity was made to the Coolbellup Community Association on 3 October 2007 and a similar opportunity was provided to the local P&C on 12 October 2007.

Attachment(s)

- (1) Consolidated survey results.
- (2) Demographic profile Coolbellup and other relevant population groups.



Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the December 2007 Council Meeting.

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

Nil.

MAYOR LEE AND CLR OLIVER RETURNED TO THE MEETING THE TIME BEING 8.26 PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE AND CLR OLIVER OF COUNCIL'S DECISION WHILE THEY WERE ABSENT FROM THE MEETING.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.

18. EXECUTIVE DIVISION ISSUES

18.1 **(MINUTE NO 3646) (OCM 13/12/2007) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 15 NOVEMBER 2007 (1192) (SC) (ATTACH)**

RECOMMENDATION

That Council receives the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 15 November 2007, as provided to Elected Members under separate cover as confidential attachments, and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

The Chief Executive Officer Performance and Senior Staff key Projects Appraisal Committee met on 15 November 2007. 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 15 November 2007 are provided to the Elected Members as confidential attachments.



Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this matter is to be considered at the December 2007 Council Meeting.

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

Committee Minutes refer.

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

21.1 **(MINUTE NO 3647) (OCM 13/12/2007) - RFT38/2007 LANDFILL DISPOSAL SERVICES (WASTE COMPACTION, DESIGNATION AND COVERING SERVICES) (RFT38/2007) (L DAVIESON)**

RECOMMENDATION

That Council accept the Tender No.RFT38/2007 'Landfill Disposal Services (Waste Compaction, Designation and Covering Services) submitted by Micson Pty Ltd for the provision of Landfill Disposal Services in accordance with the Schedule of Rates provided in their submission over an initial three(3) year period concluding 31 December 2010 for an estimated annual cost of \$970,919.40 GST inclusive (\$882,654.00 GST exclusive).

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED 10/0

Background

Council requires a contractor to provide landfill operation and disposal services at the Henderson Waste Recovery Park for a three year



period. The previous contract No. RFT 33/2005, held by Canning Vale Earthmoving, was due to expire 30 June 2008; however, this contract was terminated on 12 October 2007 as a result of non performance and contract compliance issues. In the interim, machinery hired from Micson on an hourly rate has provided plant in order that the Henderson Landfill can continue to manage the waste volumes. Accordingly, the necessary documentation and specification were prepared and tenders called.

Submission

Tenders closed at 2:30pm (AWDT) on Tuesday 11th December 2007 and five (5) tender submissions were received from:

1. Grosvenor Lodge P/L
2. Western Plant Hire
3. Micson
4. EquipRent Aust Pty Ltd
5. E.J's Mini Excavators

Report

Compliant Tenderers

The five (5) tenders submitted were deemed compliant with the conditions of tendering and compliance criteria.

E.J.'s Mini Excavators responded to the addendum that was issued on 6 of December 2007 that related to Steel Removal/Disposal Services only. Western Plant Hire and Micson also responded to this request however it was decided not to award this portion of the contract.

As E.J.'s Mini Excavators submission did not relate to the core business of the tender and as a result have been removed from the assessment process.

Evaluation Criteria

In determining the most advantageous Tender, the Evaluation Panel has scored each tenderer against the following qualitative criteria.

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	15%
Demonstrated Safety Management	5%
Tenderer's Resources	15%
Key Personal Skills and Experience	15%
Tendered Price – Schedule of Rates	50%
TOTAL	100%



Tender Intent/Requirements

The supply of efficient, cost effective and compliant landfill disposal services that will provide waste compaction, diversion of recyclable product from the waste stream and covering services.

Evaluating Officers

The tender submissions were evaluated by:

1. Michael Littleton – Director of Engineering and Works
2. Lyall Davieson – Waste Manager

Scoring Table

<u>Scores</u>			
Tenderer's Name	Non-Cost Evaluation Score 50%	Cost Criteria Evaluation Score 50%	Total Score 100%
Micson	44%	50%	94.0%
Grosvenor Lodge P/L	50%	37.29%	87.3%
EquipRent Australia P/L	32%	46.35%	78.3%
Western Plant Hire	38%	36.73%	74.7%

Evaluation Criteria Assessment

Four of the five tenders considered all showed they have the capacity to meet the City's requirements as detailed in the Specification as well as comply with the General and Special Conditions of Contract as stated in the tender document.

The financial evaluation criteria were based on an expected annual estimate value of contract. The "Request for Tender" required that applicants submit a schedule of rates, not a lump sum. The Per Hour GST exclusive prices from the Tendered Prices Spreadsheet submitted without fuel were used in the evaluation. The prices were applied to the estimated annual demand on each respective plant item required for the works and specifically the >210 hours/month option for the Waste Compactor and the Track Loader and the <150 hours/month option for the Water Truck and the Wheeled Loader.

Micson provided the best assessment against the selection criteria and referees were consulted to assess their capacity to perform the works. Micson are engaged currently at the Henderson Waste Recovery Park and are providing good results given the equipment available to them



and the arrangement under which they operate. Consequently, it is recommended that their tender be supported.

Environmental Implications

In selecting a contractor to undertake landfill disposal services, it is imperative that the operation be managed so that all Environmental Licence Conditions are met. This will ensure that the long term future of the site is secure. The contract focuses specifically on this requirement.

To date Micson have shown a keen interest in improving the amenity and site presentation. In addition they have supported our efforts to reduce the risk of fire on the site, as well as controlling litter, dust, odour, water, noise and vermin.

Relevant Experience

Only two (2) of the tenders were considered to have a high level of relevant experience.

Delivery Response Times

All tenders delivery response times are of a satisfactory level.

Strategic Plan/Policy Implications

Natural Environmental Management

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

Budget/Financial Implications

The cost of the Landfill Disposal Services is covered in the annual Budget allocations for Waste Disposal Services (OP-8304). The estimated expenditure for 2007-2008 under Henderson Disposal Site (8304) is \$1,723,198. The estimated annual cost of the tender is \$970,919.40 GST inclusive (\$882,654.00 GST exclusive).

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

Tender number RFT 38/2007 Landfill Disposal Services was advertised on Saturday 24 November 2007 in the Local Government Tenders



section of "The West Australian" newspaper. It was also displayed on the City's website between 23 November –11 December 2007.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

Tenderers were advised that the matter of the tender for the Landfill Disposal Services (Waste Compaction, Designation and covering services) will be considered at the Ordinary Council meeting to be held Thursday 13 December 2007.

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

Nil.

22 (OCM 13/12/2007) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Kevin Allen has requested that officers investigate and prepare a report detailing the predicted traffic impacts as a result of the Cockburn Coast and other regional developments that will have a direct affect on the Cockburn road network. The report should pay particular attention to the movement of traffic on the major east/west and north/south district distributors, the potential for increased traffic on local distributors as a result of the increased travel demand and possible solutions to address this.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3648) (OCM 13/12/2007) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services



or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
(3) managed efficiently and effectively.

COUNCIL DECISION
MOVED Clr S Limbert SECONDED Clr I Whitfield that the recommendation be adopted.
CARRIED 10/0

25 (OCM 13/12/2007) - CLOSURE OF MEETING

8.31 pm.

CONFIRMATION OF MINUTES

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

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

