CITY OF COCKBURN

ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 9 DECEMBER 2010

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Version: 1, Version Date: 04/12/2014

CITY OF COCKBURN

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 9 DECEMBER 2010 AT 7:00 PM

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

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

5. APOLOGIES AND LEAVE OF ABSENCE

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

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8.1 (OCM 09/12/2010) - SPECIAL COUNCIL MEETING - 04/11/2010

RECOMMENDATION
That the Minutes of the Special Council Meeting held on Thursday, 4 November 2010, be adopted as a true and accurate record.

COUNCIL DECISION

8.2 (OCM 09/12/2010) - ORDINARY COUNCIL MEETING - 11/11/2010

RECOMMENDATION
That the Minutes of the Ordinary Council Meeting held on Thursday, 11 November 2010, be adopted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

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

13. COUNCIL MATTERS

13.1 (OCM 09/12/2010) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING - 18/11/2010 (5009; 5103) (S DOWNING) (ATTACH)

RECOMMENDATION
That Council receive the Minutes of the Audit Committee Meeting held on Thursday, 18 November 2010, as attached to the Agenda and the recommendations contained therein be adopted.

COUNCIL DECISION

Background

A meeting of the Audit and Strategic Finance Committee was conducted on 18 November 2010.

Submission

To receive the Minutes of the Audit and Strategic Finance Committee and adopt its recommendation.

Report

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

1. The summary of all legal advise and action taken by the City in the last twelve months. The report was divided into actions/advice that remained active and those that have been closed since the last report in 2009.

2. A series of reports of internal audit projects was submitted as part of the approved two year internal audit program.

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3. The annual financial statements of the City for the year ended 30 June 2010 together with the report from the Auditor (Grant Thornton's Mr Michael Hillgrove) to the Ratepayers of the City of Cockburn. The report detailed a review of the City's finances and comments on the Audit Report including the qualification contained in the Auditors Report about the City's remaining structured investments. This qualification has applied to all Councils in Australia with such structured investments in their portfolios.

4. Confidential Business – Briefing on Commercial Developments for City of Cockburn Landholdings.

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 & Strategic Finance Committee Meeting held on 18 November 2010.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

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13.2 (OCM 09/12/2010) - 2009/10 ANNUAL REPORT (1712) (P WESTON) (ATTACH)

RECOMMENDATION
That Council accepts the 2009/10 Annual Report as attached to the Agenda, in accordance with Section 5.54(1) of the Local Government Act, 1995.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council is required to accept the 2009/10 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday, 1 February 2011. The *Local Government Act 1995* ('the Act') requires Council to accept the Report no later than 31 December each year. Elected Members were provided with the Financial Report and Auditor's Report, in November. The consolidated report is now presented for acceptance.

Submission

N/A

Report

The 2009/10 Annual Report is in conformity with the following requirements of the Act and contains:

1. Mayoral Report
2. Chief Executive Officer's Report
3. Measuring our performance data
4. Overview of the plan for the future of the district
5. Report in relation to the Complaints Register subject to section 5.121 of the Act
6. Report required under Section 29(2) of the *Disabilities Services Act 1993*
7. Report require in accordance with the City of Cockburn Record Keeping Plan, established under the *State Records Act 2000*
8. Divisional Reports

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9. Financial Statements
10. Auditor's Report

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The cost of producing 100 copies of the Report is provided for in Council's Governance Budget.

Legal Implications

As provided in the report.

Community Consultation

The report will be available for public access by 1 February, 2011, in time for the Annual Electors Meeting.

Attachment(s)

Draft 2009/10 Annual Report.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 09/12/2010) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (J WEST)

RECOMMENDATION
That Council endorse Mr Bradley Gerald Wilkinson as an authorised person pursuant to Part VIII, Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

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COUNCIL DECISION

Background

The Local Government (Miscellaneous Provisions) Act 1960, Section 245A requires that private swimming pools be inspected every 4 years. A person who is required to oversee or carry out this inspection function must be authorised by the local government for the purpose of Section 245A and have appropriate experience and/or qualifications.

Submission

N/A

Report

Mr Wilkinson commenced employment with the City as a Swimming Pool Inspector on Monday 15 November, 2010. It is required that Mr Wilkinson be endorsed as an authorised person in regard to private swimming pool inspection.

In order to implement publicly accountable practices and methods, the person nominated in the recommendation needs to be endorsed as an authorised person for the purposes of Section 245A of the Act.

Strategic Plan/Policy Implications

Governance Excellence

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

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

Budget/Financial Implications

Allocation has been made within the budget for the position and inspection program.

Legal Implications

N/A

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Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (OCM 09/12/2010) - PROPOSED STRUCTURE PLAN - LOCATION: LOTS 202 AND 203, CORNER KWINANA FREEWAY, BEELIAR DRIVE AND WENTWORTH PARADE, SUCCESS - OWNER / APPLICANT: THE PLANNING GROUP ON BEHALF OF PERRON INVESTMENTS PTY LTD / THE PLANNING GROUP (SM/M/008) (A TROSIC) (ATTACH)

RECOMMENDATION
That Council:

(1) endorses the Schedule of Submissions prepared in respect of the Proposed Structure Plan for Lots 202 and 203 Beeliar Drive, Success;

(2) in accordance with Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Proposed Structure Plan for Lots 202 and 203 Beeliar Drive, Success, subject to the following modifications:

1. The Structure Plan text and map being updated to include notations which state:

   "Prior to the issue of planning approval for any future development pursuant to the Structure Plan, Main Roads Western Australia must approve the road infrastructure upgrade requirements associated with the Structure Plan;"

   "As per the road infrastructure upgrade requirements depicted in the Structure Plan, the upgrading of Driveway 1 is to include a continuous central medium strip which prevents turning movements across Driveway 1 in either direction from either Driveway 1 or adjoining development;"

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"As part of the first planning approval for development pursuant to the Structure Plan, a condition is to be imposed to require an easement in gross to be designated along the entirety of Driveways 1, 2 and 3, to the satisfaction of the City of Cockburn. This easement in gross is required to be finalised within 12 months of the date of the first planning approval being granted;"

2. All appendices associated with the Structure Plan being suitably updated to reflect the final version of the Structure Plan;

(3) once modified in accordance with Part 2 of this resolution, sends copies of the adopted Structure Plan to public authorities, the proponent and the landowner in accordance with Clause 6.2.11.1 of the Scheme.

(4) forwards a copy of the submission received from the Department of Indigenous Affairs to the proponent/landowner, and they be advised to liaise with the Department to ensure that future development associated with the Proposed Structure Plan complies with all obligations the proponent/landowner may have under the *Aboriginal Heritage Act 1972*.

(5) forwards a copy of the submission received from the Water Corporation to the proponent/landowner recommending that they maintain dialogue within the Water Corporation as part of the detailed planning and design phases of the shopping centre expansion.

COUNCIL DECISION

Background

The Planning Group on behalf of the landowner (Perron Investments Pty Ltd) originally submitted a Proposed Structure Plan to the City of Cockburn ("City") on 24 September 2009. The Proposed Structure Plan was for the Gateways Shopping Centre, located on Lots 202 and 203, corner Kwinana Freeway, Beeliar Drive and Wentworth Parade, Success ("subject land").

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Due to deficiencies and lacking information in the original Proposed Structure Plan, it was considered to not be consistent with proper and orderly planning and was therefore not considered appropriate for advertising pursuant to Clause 6.2.8.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"). Resulting from this position, the proponent/landowner chose to seek a review by the State Administrative Tribunal ("SAT") of the City's decision not to advertise the Proposed Structure Plan. This resulted in an extended process of mediation, at the end of which modifications were agreed upon to enable the Proposed Structure Plan to, in the City's opinion, become consistent with proper and orderly planning. Once this occurred advertising then took place in accordance with the Scheme.

The purpose of this report is to consider the Proposed Structure Plan for adoption in accordance with Clause 6.2.9.1 of the Scheme. This is to be specifically done in light of the advertising process and the submissions which have been received.

Submission

The Proposed Structure Plan was advertised for 21 days in accordance with Clause 6.2.8.2 of the Scheme. This resulted in nine submissions being received from State Government agencies, four of which objected to the Proposed Structure Plan. Submissions will be specifically analysed as part of this report.

Report

This report will initially recap on key characteristics of the subject land, given these form an important consideration to what an acceptable Structure Plan needs to demonstrate in terms of proper and orderly planning under the Scheme. From here, the Proposed Structure Plan is analysed, including the changes which were affected to the Proposed Structure Plan as part of the initial assessment process undertaken by the City and concluded within the SAT. Final assessment of the Proposed Structure Plan then takes place in respect of the submissions which have been received during advertising.

The Subject Land

The subject land comprises Lots 202 and 203, corner Kwinana Freeway, Beeliar Drive and Wentworth Parade, Success. A location plan is provided within Attachment 1. It has a land area of 19.0153ha, and comprises the major retail focussed Gateways Shopping Centre. By virtue of its location and current development, the subject land is strategically one of the most important sites in the whole of the City. The subject land has identifiable boundaries formed by the Beeliar Drive 'Other Regional Roads' reservation to the north; the Kwinana

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Freeway 'Primary Regional Roads' reservation to the east; medium density residential development to the south and; Wentworth Parade to the west.

The subject land and its development are recognised to form the major retail component of the Cockburn Activity Centre. This is one of 19 Secondary Activity Centres identified by the recently updated State Planning Policy No. 4.2 (*Activity Centres for Perth and Peel*) ("SPP 4.2"). The other components of the Cockburn Activity Centre include the Cockburn Town Centre, Cockburn Train Station, peripheral residential development (of which much is high density) and light industry/mixed business development on the east side of the Kwinana Freeway. This amalgam of land is considered to exhibit the land use characteristic mix of an important Activity Centre for the Perth Metropolitan Region.

In terms of its regional context, the subject land:

(a) Is located 20km south of the Perth City Centre;
(b) Is located on a significant road interchange between the Kwinana Freeway and Beeliar Drive/Armadale Road;
(c) Is located in close proximity to the Cockburn Train Station on the Perth to Mandurah railway; and
(d) As to travel time, is about 15 minutes by train and less than half an hour by road to the Perth City Centre;
(e) Is a major attractor of activity, not only from within the City but also the greater South West Corridor of the Perth Metropolitan Region.

Current Development

The subject land comprises the retail focussed Gateways Shopping Centre development. Its current form of development is described following:

(a) Is a largely internalised and car based shopping centre;
(b) Is surrounded by extensive car parking (2,023 bays) and undeveloped land;
(c) Includes 32,564m^2 of Net Leasable Area ("NLA") retail floorspace, with a further 6,342m^2 of NLA non-retail floorspace focussed along Beeliar Drive;
(d) Has its major access point from the Midgegooroo Avenue and Beeliar Drive intersection (Driveway 1);
(e) Includes a service station, takeaway food outlets and tavern/bistro in the northwest corner, focused primarily along Driveway 1.

The current extent of development is depicted within Attachment 2.

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Currently there is considered to be a minimal relationship between the subject land and surrounding development - most notably the Cockburn Town Centre and the Cockburn Train Station. Notwithstanding this current situation, the very close proximity of the development precincts to each other (approximately 400m separation distance) makes integration a major priority for the Proposed Structure Plan and future development. These issues of integration and connectedness are of foremost importance to the entire Cockburn Activity Centre.

Vehicle access to the subject land and throughout the Cockburn Activity Centre is known to also be problematic, given the key influences and proximity of the Beeliar Drive/Armadale Road and Kwinana Freeway interchange. The level of congestion which exists in the immediate road environment of the Cockburn Activity Centre is a further aspect which the Proposed Structure Plan must deal with.

Proposed Structure Plan

The Proposed Structure Plan seeks to facilitate a significant expansion to the shopping centre on the subject land. Key aspects of the Proposed Structure Plan are listed following:

(a) Extension of the existing shopping centre northwards to accommodate a new discount department store, mini-majors and specialty shops.
(b) A new main street development and upper-level cinema complex;
(c) An increase in retail floorspace from 32,564m^2 NLA to 50,000m^2 NLA.
(d) An increase in non-retail floorspace from 6,342m^2 to 10,000m^2 NLA.
(e) New public transport corridors, including through the main street (initially limited at two routes) and around the western, southern and eastern perimeter of the shopping centre.
(f) An annual review process of the number of bus routes utilising the main street, undertaken in conjunction with the landowner and Public Transport Authority ("PTA").
(g) Public transport corridors utilising the currently unconstructed bus underpass infrastructure (adjacent to the northeast corner of the subject land) to access the Cockburn Train Station.
(h) Increases in car parking from 2,023 bays to 3,128 bays, including new central (800), rooftop (530) and north-eastern (620) car parking areas.
(i) Upgrades to key access points and internal access arrangements.

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Relevant Scheme Requirements

The subject land is zoned 'Regional Centre', and is designated within 'Development Area 24' (“DA 24”) pursuant to the Scheme. Note 3 of the Scheme’s Zoning Table requires all development in a Development Area to be in accordance with an approved Structure Plan. Under the City’s Scheme, Structure Plans take on this important role in terms of prescribing how development takes place within Development Areas. The preparation and implementation of Structure Plans therefore performs the most significant step in the process between zoning land and the time at which land is developed. The specific provisions in relation to Development Areas and their associated structure planning are contained in Clause 6.2 of the Scheme.

Clause 6.2.2.2 of the Scheme states that the specific purpose and requirements for each Development Area are set out in Schedule 11 of the Scheme. These requirements, in conjunction with the assessment against proper and orderly planning, are fundamental in determining whether a Proposed Structure Plan should or should not be adopted. In relation to DA 24, Schedule 11 of the Scheme provides the following requirements:

1 An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. The combined Gross Leasable Area (GLA) of retail floor space within the Gateways Precinct shall not exceed 35,000 square metres GLA until a review of the shopping centre design and associated access arrangements has been undertaken to the satisfaction of Council. In this respect particular attention is to be given to access arrangements to Beeliar Drive and to the provision of a suitable public transport corridor through the Gateways Precinct to the Town Centre Precinct on advice from the Public Transport Authority.
2 The Structure Plan shall facilitate the development of a Precinct that includes regional shopping, showroom, office, entertainment, and community facilities supported by a highly interconnected transport system.
3 Notwithstanding any other provisions of the Scheme, where a Structure Plan stipulates the permissibility of land uses, that permissibility shall apply, in accordance with clause 4.3.3.
4 The local government may adopt Detailed Area Plan(s) pursuant to Clause 6.2.15 for any part of the Development Area as defined on the approved Structure Plan. All land use and development for a particular lot or lots the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan including any incorporated special development controls and guidelines in addition to any other requirements of the approved Structure Plan and of the Scheme.

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5 The Structure Plan is to provide for safe and efficient pedestrian connections between the Cockburn Central Railway Station, the Town Centre Precinct and the Gateways Precinct.

Assessment of the Proposed Structure Plan is therefore against the following specific Scheme clauses:

(a) Clause 6.2.6.4 which requires that a Proposed Structure Plan must, in the opinion of the local government, be consistent with orderly and proper planning;
(b) Clause 6.2.3.1, which requires that that the development of land within a Development Area is to comply with Schedule 11 of the Scheme.

Assessment Against Scheme Requirements

In undertaking the initial strategic planning assessment against the Scheme, detailed assessment input was obtained from the Engineering, Infrastructure and Statutory Planning Divisions of the City. Additionally, through recognising (in respect of Provision 1 of DA 24 under Schedule 11 of the Scheme) the emphasis placed on reviewing the access arrangements to Beeliar Drive and to providing a suitable public transport corridor through the Shopping Centre Precinct to the Town Centre Precinct, comments were sought from the Western Australian Planning Commission ("WAPC"), PTA and Main Roads Western Australia ("MRWA") in relation to these aspects of the Proposed Structure Plan.

This assessment initially concluded deficiencies in the Proposed Structure Plan on four key basis:

(a) Traffic, insomuch that the Proposed Structure Plan lacked sufficient information to demonstrate how the traffic system would cope and perform as a whole system as part of the proposed expansion of the shopping centre;
(b) Public transport, insomuch that public transport priority and connectivity would be compromised through an unworkable access arrangement which routed buses around the extremities of the shopping centre, rather than 'through' the Gateways Precinct;
(c) Urban design and pedestrian priority/connectivity, insomuch that the proposed design and layout of the shopping centre did not harness the potential of the subject land's strategic location, and did not create an optimal pedestrian environment;
(d) On and offsite infrastructure upgrades, insomuch that the Proposed Structure Plan lacked information regarding required infrastructure upgrades, responsibilities for this infrastructure, and the timing of this infrastructure in relation to physical expansion of the shopping centre.

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In communicating these deficiencies with the proponent/landowner, the City did not formally determine that the Proposed Structure Plan was inappropriate for advertising under Clause 6.2.8.1 of the Scheme. Rather, the City sought to obtain additional information, in order to address the noted areas of concern. This was in an effort to avoid unnecessary costs and delays which would result through formal appeal procedures. Notwithstanding this, the proponent/landowner did elevate the Proposed Structure Plan into the jurisdiction of the SAT, on the basis that the City had not made a decision to advertise the Proposed Structure Plan under Clause 6.2.8.1 of the Scheme within 60 days.

SAT Process

The SAT process resulted in mediation and negotiation continuing with the proponent/landowner in relation to key aspects of the Proposed Structure Plan which remained unsatisfactory to the City. This process lasted for approximately seven months, at the end of which a mediated solution was able to be secured in relation to the Proposed Structure Plan. The key aspects of this negotiated solution are listed following:

(a) Comprehensive road upgrade works along and including Wentworth Parade, Beeliar Drive and the Kwinana Freeway interchange being undertaken by the proponent/landowner. These upgrade works were required in order to accommodate the increases in traffic which were indicated to occur as part of the Proposed Structure Plan. Attachment 4 provides a graphical interpretation of what the upgrade works constitute.
(b) All pedestrian paths as indicated on the Proposed Structure Plan being constructed by the proponent/landowner, including associated works required to connect internal paths to the existing pedestrian path network external to the subject land.
(c) All bus infrastructure requirements (roadworks and shelters) within the boundaries of the subject land for both the main street and perimeter boundary route being constructed by the proponent/landowner.
(d) An annual review process instigated as part of the Proposed Structure Plan dealing with the key issue of the number of bus routes within the main street of the shopping centre development. This is specifically based on the following criteria, integrated as part of the Proposed Structure Plan:

    (i) Initially two bus routes as determined by the PTA taking place within the main street.
    (ii) The bus stops along the main street being located as agreed between the PTA and landowner as close as practicable to, but in any event as much as reasonably possible within

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100m of the main entry, or within the main street between Driveways 1 and 2 unless otherwise agreed by the PTA.

(iii) An annual review of the number of bus routes using the main street taking place, with the first review being two years after commencement of operation of the bus routes in the main street and continuing thereafter until all parties including the PTA agree that further review is unnecessary.

(iv) The annual review having the ability to result in either an increase or decrease in the bus routes using the main street route, but:

- There is to be no decrease below the two routes nominated by the PTA, against the wishes of the PTA, for the first five years after commencement of operation of the bus routes.
- There is to be no increase on any annual review greater than three additional bus routes unless both the landowner and the PTA agree that a greater increase should occur.

(v) In determining whether there is to be any increase or decrease in the number of bus routes using the main street route, the City having regard (inter alia) to the following criteria:

- Whether there has been any demonstrated negative impact of the buses on the amenity of the main street environment;
- Whether it has been demonstrated that buses are having a detrimental impact on business in the main street and in the broader shopping centre beyond the benefits conferred by the bus service;
- Whether it has been demonstrated that the buses in the main street cause problems of traffic congestion or pedestrian conflict and safety beyond the mere impact of the bus numbers as part of the total traffic numbers; and
- Whether it has been demonstrated that the owner is unable to let tenancies on reasonable terms by reason of the existence of the bus routes and associated stops on the main street, and where the stops cannot be satisfactorily relocated.

(e) Contemplation by the parties that the landowner will be able to make application to the SAT:

(i) Under Clause 6.2.16.1(b) of the Scheme for review of any determination of the City in regard to the Structure Plan.

(ii) Under Clause 10.10.1 of the Scheme to review a determination of the City to increase or decrease or leave unaltered the number of bus routes on the main street arising out of an annual review.

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(f) To ensure there is a right for the landowner to apply to the SAT for review of a City determination as contemplated by (e)(ii) above, the landowner being required to apply to the City within 21 days of the completion of the review of the number of main street bus routes to be increased, decreased or to remain static. If no such application is received by the City within 21 days from the completion of the review, the City may make a determination on its own initiative without an application or an applicant.

(g) Modifications regarding the imposition of detailed design criteria guiding how the form of development takes place. These cover aspects including:
    (i) Prioritised pedestrian connections
    (ii) Car parking design and circulation
    (iii) Interim landscaping and development requirements as part of the staged main street development
    (iv) Placement of important built form
    (v) Main street requirements including uses and diversity, built form, pedestrian movement and amenity, vehicle access and movement, landscaping, signage and energy efficiency; and
    (vi) Public transport provision.

These aspects were integrated into the Proposed Structure Plan, which resulted in the Proposed Structure Plan being deemed as consistent with proper and orderly planning and able to be advertised under Clause 6.2.8.1 of the Scheme. Advertising took place for 21 days as per the requirements of Clause 6.2.8.2 of the Scheme - from 5 October 2010 till 26 October 2010.

The process of advertising has resulted in submissions being received, of which objections have been raised. A decision must now be made in relation to whether the Proposed Structure Plan should be adopted (with or without modification) or refused in light of the advertising process, as per the requirements of Clause 6.2.9.1 of the Scheme.

Submissions

Nine submissions were received from State Government agencies, four of which objected to the Proposed Structure Plan. Submissions will be specifically analysed as part of this report.

Each submission is responded to in detail as part of Attachment 5 Schedule of Submissions. For the purposes of this report, the key issues raised by the submissions are identified and discussed following.

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Objections

1. The Proposed Structure Plan provides an unsatisfactory solution in respect to managing traffic generation as part of the future development and expansion of the shopping centre.

Traffic has been a key issue throughout the entire process of assessing the Proposed Structure Plan. The Scheme recognises the need for structure planning of the subject land to be very mindful of how traffic is managed, given the realities of the current situation. This includes the following aspects:

(a) Beeliar Drive forms the northern boundary of the subject land. While providing the primary means of vehicle access to the subject land, Beeliar Drive has a higher order function as a district distributor road, providing an important east west vehicle connection across the City. This needs to be protected as part of any proposal which has the potential to significantly increase traffic volumes along the road;

(b) There is limited capacity to consider adding any additional traffic to the section of Beeliar Drive between Wentworth Parade and the Kwinana Freeway without a significant upgrade to the current road environment. In undertaking such upgrades, the key influence of the Beeliar Drive/Armadale Road and Kwinana Freeway interchange is such that upgrading solutions must not compromise the operation of the Freeway interchange, especially as this is configured as a full diamond interchange;

(c) The Kwinana Freeway forms the entire eastern boundary of the subject land. As the most important 'Primary Regional Road' within the Southern Metropolitan Area, there is no scope for the subject land to obtain direct access from the Freeway. This essentially limits options for how the subject land can be accessed by both private and public transport;

(d) The limited access points makes the primary entrance to the subject land (the Beeliar Drive/Midgegooroo Avenue and Driveway 1 intersection) very busy, currently generating 15,200 vehicles per day (vpd). This is indicated to increase to 22,300 vpd.

In dealing with these issues, the Proposed Structure Plan identifies an extensive upgrade to road infrastructure as part of accommodating traffic demand associated with the expansion of the shopping centre. This upgrade has also taken account of regional traffic growth which is forecast to occur, based on the 2006 City of Cockburn District Traffic Study. Key components of this upgrading include:

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(a) Widening and modifying Beeliar Drive in the eastbound direction to provide:
   (i) Two through lanes plus two right turn lanes at Wentworth Parade.
   (ii) One left turn lane, three through lanes and two right turn lanes at Midgegooroo Avenue - Driveway 1.
   (iii) One left turn lane and three through lanes at Linkage Avenue.
   (iv) Two left turn lanes and two through lanes at the Kwinana Freeway Northbound Ramp.
   (v) One through lane, one shared through/right lanes and one exclusive right turn lane at the Kwinana Freeway southbound ramp.

(b) Widening and modifying Beeliar Drive in the westbound direction to provide the following:
   (i) Two through lanes, one shared through/right lane and one exclusive right lane at the Kwinana Freeway Northbound Ramp.
   (ii) One left turn lane, three though lanes and one right turn lane at Driveway 2 - Linkage Avenue.
   (iii) One left turn lane, three through lanes and two right turn lanes at Midgegooroo Avenue - Driveway 1.
   (iv) One left turn lane and three through lanes at Wentworth Parade, merging back to two through lanes west of Wentworth Parade.

(c) Widening Wentworth Parade to provide one left turn lane plus two right turn lanes at Beeliar Drive, and installing new traffic signals.

(d) Modifying the intersection layout and traffic signals at Beeliar Drive - Midgegooroo Avenue - Driveway 1 to suit the widening of Beeliar Drive.

(e) Modifying the intersection layout and traffic signals at Beeliar Drive - Kwinana Freeway Northbound Ramps to suit the additional left turn lane in the eastbound approach and the shared through/right lane in the westbound approach.

(f) Modifying the intersection layout and traffic signals at Beeliar Drive - Kwinana Freeway Southbound Ramp to suit additional right turn lanes, including the required widening on the southbound off-ramp.

Note that this doesn't include any costs associated with widening the Beeliar Drive Freeway bridge or the construction of the future North Lake Road bridge as part of this Proposed Structure Plan.

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Internal works include the creation of a continuous central medium strip along Driveway 1 to prevent turning movements across Driveway 1 in either direction from either Driveway 1 or adjoining development. This is seen as an important approach to maintaining traffic flows along Driveway 1. For the existing development along Driveway 1, vehicles entering from Beeliar Drive will travel up Driveway 1 to the new roundabout, where they will perform a full turn and head back down Driveway 1 in order to access the existing development. This is a suitable change from the City's viewpoint, and has been accepted by the proponent/landowner who owns the affected land.

While this is part of the road upgrade requirements of the Proposed Structure Plan, it is recommended a suitable notation be included on the Proposed Structure Plan to make this requirement clear.

Traffic analysis undertaken of this infrastructure upgrade reveals that average travel times through the Beeliar Drive intersections in 2012 will be better with the Proposed Structure Plan and the associated infrastructure improvements, than would be the case if the existing situation remains. It is therefore shown that the Proposed Structure Plan will improve the overall traffic situation. On this basis this key issue of objection is overcome.

It is noted in the submission provided by MRWA that objection was raised on the basis that there was yet to be sufficient traffic assessment and detailed design to demonstrate how the proposed infrastructure upgrades would be accommodated. Specifically MRWA provided as follows:

"The proposed Structure Plan is recommending a significant modification to the Kwinana Freeway and Armadale Road / Beeliar Drive Interchange, however before Main Roads can support this Structure Plan the proponent needs to demonstrate that the proposed modifications are based on a robust traffic assessment.

You will appreciate that the Kwinana Freeway and associated interchanges and ramps are strategically important to the operation of the metropolitan road network and therefore Main Roads cannot accept any proposed modifications without the necessary robust traffic modelling work being undertaken.

Main Roads is willing to continue to work with the proponent's traffic consultant in order to address the current issues with the traffic modelling and analysis work undertaken to date with a view to reaching agreement on the scope and extent of upgrading works required to the Kwinana Freeway and Armadale Road / Beeliar Drive interchange."

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The City understands the position of MRWA, and it is clear that the Proposed Structure Plan and its associated infrastructure upgrade details do not delve into detailed road design analysis. This will be subject to further analysis into the future, as the task shifts to designing how the infrastructure upgrade works can be physically undertaken within the constraints of the existing road environment and traffic situation.

Accordingly, the objection raised by MRWA is something that will be addressed in two ways:

(a) MRWA being the approval authority in relation to road design changes which impact on traffic signals, the Freeway interchange and associated road environment;

(b) A note being added to the Proposed Structure Plan detailing that prior to the issue of planning approval for any future development pursuant to the Proposed Structure Plan, MRWA must approve the road infrastructure upgrade requirements associated with the Proposed Structure Plan.

On this basis the objection is overcome.

2. The Proposed Structure Plan provides unsatisfactory pedestrian links with the Cockburn Town Centre and Train Station located on the north side of Beeliar Drive.

Current pedestrian links between Cockburn Town Centre and the shopping centre are facilitated via the Principal Shared Path network adjoining Kwinana Freeway and the traffic signals located at Beeliar Drive/Midgegooroo Avenue/Driveway 1 intersection. These crossing are spaced at 400m, and service the eastern and western parts of the Cockburn Town Centre.

Once the shopping centre expansion occurs and brings a significant new component of activity northwards towards Beeliar Drive (new mall area and main street), people within the Cockburn Town Centre will be able to undertake a 400m walk in order to access the shopping centre. Liveable Neighbourhoods provides 400m as the ideal five minute walking journey that people are prepared to make.

There is no capacity to consider an additional pedestrian crossing at a midpoint between the Principal Shared Path adjoining Kwinana Freeway and the traffic signals located at Beeliar Drive/Midgegooroo Avenue/Driveway 1 intersection. This is on the basis that there is no capacity to accommodate additional traffic signals. A grade separated crossing is not considered a desirable option given the problems of safety for pedestrians due to development not overlooking such.

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The Proposed Structure Plan requires all pedestrian paths as indicated on the Proposed Structure Plan to be constructed by the proponent/landowner, including associated works required to connect internal paths to the existing pedestrian path network external to the subject land.

On this basis the objection is overcome.

3. The Proposed Structure Plan will result in motor vehicles travelling west along Beeliar Drive being unable to perform a right hand turn into Cockburn Town Centre at Linkage Avenue.

The Proposed Structure Plan does not propose the closure of the right turn into Linkage Avenue. Rather, the traffic analysis has identified that the right turn into Linkage Avenue will reach an unacceptable level of service in the future even without the Proposed Structure Plan. On this basis it will have to be removed whatever the case.

Given the proximity of the Freeway interchange and the primary Beeliar Drive/Midgegooroo Avenue/Driveway 1 intersection, there is no capacity in which to install traffic signals at Linkage Avenue in order to service the Cockburn Town Centre. This is an option which was discounted early on in the assessment of the Proposed Structure Plan.

On this basis Linkage Avenue will need to be reconfigured as a left in left out intersection as part of undertaking the road infrastructure upgrades along Beeliar Drive. The layout of the Cockburn Town Centre is such that it promotes east west movement along Stockton Bend and Signal Terrace, linking with Midgegooroo Avenue (North Lake Road) to the west. This east west linear road network is highly legible, and will be accessed via Beeliar Drive and Midgegooroo Avenue by traffic coming from the Kwinana Freeway. It is important to note that the premise of creating the Cockburn Town Centre as a transit orientated development means the City and Landcorp aspire to have public transport provide a greater degree of access and movement to and from the Cockburn Town Centre. Accordingly, the minor inconvenience caused by the closure of a right hand turn into Linkage Avenue is not considered to represent a significant impact.

On this basis the objection is overcome.

4. The Proposed Structure Plan provides an unsatisfactory solution in respect to integrating public transport through the Structure Plan precinct and with the Cockburn Town Centre and Train Station.

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This has been a key issue as part of the assessment of the Proposed Structure Plan. Specifically, planning consideration has been against ensuring that an optimal public transport route is planned through the Proposed Structure Plan area (focussed primarily on the main street), while also balancing very significant concerns which have been continually expressed by the proponent/landowner about impacts that buses would have on the viability of the main street.

In terms of the existing public transport context, it was noted that:

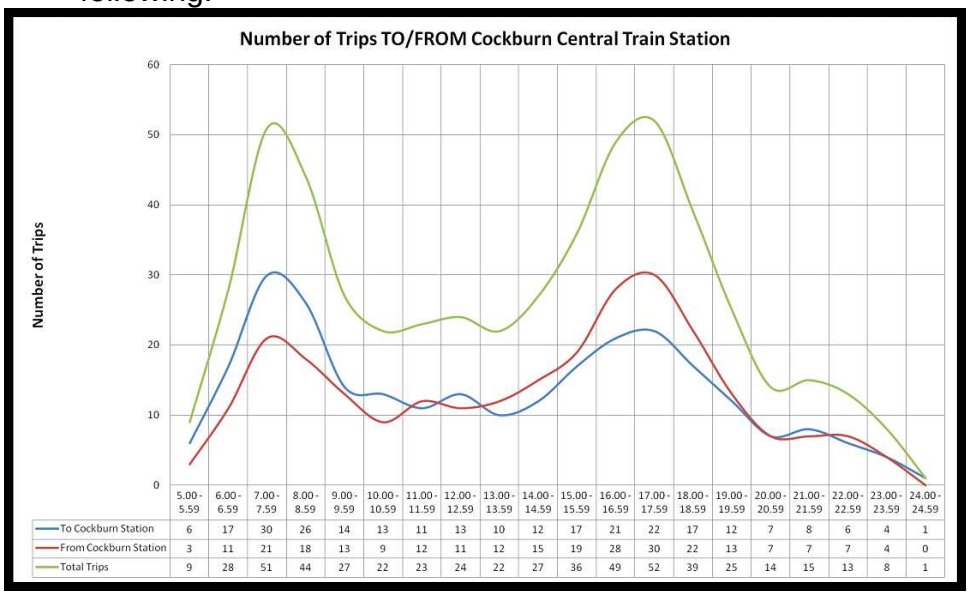
(a) There were 11 bus routes that ran adjacent to the subject land, with a total of 529 weekday bus trips (267 to Cockburn Train Station and 262 from Cockburn Train Station).

(b) These buses terminated/originated at Cockburn Train Station, and together with the train station formed a major public transport interchange within the South West Corridor.

(c) The Cockburn Train Station was located close by within the Cockburn Town Centre, with provision made for direct bus connection (via underpass infrastructure) to occur between the shopping centre and train station as part of future development.

(d) After the Cockburn Train Station, the highest number of passengers getting on and off buses was at the shopping centre.

(e) There were two definable peak periods for bus services - being from 7.30am till 8.30am and 4.30pm till 6.30pm. This is shown following:



	5.00 - 5.59	6.00 - 6.59	7.00 - 7.59	8.00 - 8.59	9.00 - 9.59	10.00 - 10.59	11.00 - 11.59	12.00 - 12.59	13.00 - 13.59	14.00 - 14.59	15.00 - 15.59	16.00 - 16.59	17.00 - 17.59	18.00 - 18.59	19.00 - 19.59	20.00 - 20.59	21.00 - 21.59	22.00 - 22.59	23.00 - 23.59	24.00 - 24.59
To Cockburn Station	6	17	30	26	14	13	11	13	10	12	17	21	22	17	12	7	8	6	4	1
From Cockburn Station	3	11	21	18	13	9	12	11	12	15	19	28	30	22	13	7	7	7	4	0
Total Trips	9	28	51	44	27	22	23	24	22	27	36	49	52	39	25	14	15	13	8	1

(f) Despite the lacking public transport environment which existed at the shopping centre, there were more than 20,000 people per month using public transport to and/or from the shopping centre.

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This context confirmed the need for the Proposed Structure Plan to better embrace public transport, as a legitimate alternative mode of travel for people to consider in accessing the shopping centre. Such was also a statutory expectation under the Scheme and various State Government policies.

In its original format, the Proposed Structure Plan proposed a public transport corridor which effectively routed all buses around the southern and eastern extremities of the shopping centre. At no point did the bus route go 'through' the shopping centre as required by Provision 1 of DA 24 under Schedule 11 of the Scheme.

This route (as the sole public transport route) was opposed early on in the assessment process, on the basis that:

(a) The proposed route was not integrated into the general street network of the proposed main street to enable public transport to provide better access to more activities.

(b) The proposed route was not integrated with the existing Cockburn Train Station, a clear objective for the entire Cockburn Activity Centre.

In advice taken from the PTA, Department of Transport and WAPC, their position was that all buses should utilise the proposed main street, as a way of achieving maximum integration between the train station and shopping centre, and creating the most attractive and convenient route for patrons. This however was opposed by the proponent/landowner, on the basis that buses within the main street would impact on the viability of the main street. Despite many meetings taking place, these opposing views remained.

In order to take a position which was considered to represent an appropriate compromise on both the proponent's/landowner's and State Government's behalves, the City through the SAT process was able to facilitate a performance based mechanism within the Proposed Structure Plan in which to undertake an annual assessment of bus routes through the main street, in order to determine whether bus routes should be increased, decreased or remain the same.

This agreement specifically takes the following form:

(a) Initially two bus routes as determined by the PTA will take place within the main street.

(b) The bus stops along the main street will be located as agreed between the PTA and the landowner as close as practicable to,

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but in any event as much as reasonably possible within 100m of the main entry, or within the main street between Driveways 1 and 2 unless otherwise agreed by the PTA.

(c) An annual review of the number of bus routes using the main street will take place, with the first review being two years after commencement of operation of the bus routes in the main street and continuing thereafter until all parties including the PTA agree that further review is unnecessary.

(d) The annual review will have the ability to result in either an increase or decrease in the bus routes using the main street route, but:
   (i) There is to be no decrease below the two routes nominated by the PTA, against the wishes of the PTA, for the first five years after commencement of operation of the bus routes.
   (ii) There is to be no increase on any annual review greater than three additional bus routes unless both the landowner and the PTA agree that a greater increase should occur.

(e) In determining whether there is to be any increase or decrease in the number of bus routes using the main street route, the City will have regard (inter alia) to the following criteria:
   (i) Whether there has been any demonstrated negative impact of the buses on the amenity of the main street environment.
   (ii) Whether it has been demonstrated that buses are having a detrimental impact on business in the main street and in the broader shopping centre beyond the benefits conferred by the bus service.
   (iii) Whether it has been demonstrated that the buses in the main street cause problems of traffic congestion or pedestrian conflict and safety beyond the mere impact of the bus numbers as part of the total traffic numbers.
   (iv) Whether it has been demonstrated that the owner is unable to let tenancies on reasonable terms by reason of the existence of the bus routes and associated stops on the main street, and where the stops cannot be satisfactorily relocated.

(f) Contemplation by the parties that the landowner would still be able to make application to the SAT to review a determination of the City to increase or decrease or leave unaltered the number of bus routes on the main street arising out of an annual review.

This agreement is considered to fulfil the expectations of the Scheme and various State Government policies in relation to how public transport should be integrated within the Proposed Structure Plan. Importantly it allows for the number of bus routes to change in

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response to tangible evidence that change (either up, down or none at all) should occur.

In terms of the other bus routes not utilising the main street, their routing will be at the discretion of the PTA. This will likely result in buses which originate from the south utilising the perimeter public transport option, while buses originating from the north, east and west potentially by-passing the shopping centre to access the Cockburn Train Station.

To also ensure that public transport, as well as the public at large, enjoy unconstrained access throughout the critical access points to the shopping centre, it is recommended that an easement in gross be imposed on Driveways 1, 2 and 3, to the satisfaction of the City of Cockburn. This is to specifically state:

"As part of the first planning approval for development pursuant to the Structure Plan, a condition is to be imposed to require an easement in gross to be designated along the entirety of Driveways 1, 2 and 3, to the satisfaction of the City of Cockburn. This easement in gross is required to be finalised within 12 months of the date of the first planning approval being granted;"

On this basis the objection is overcome.

5. The public transport route forming part of the Proposed Structure Plan will result in significant inconvenience for public transport users, on the basis that only two out of the current ten routes servicing the shopping centre on route to Cockburn Train Station will be permitted to utilise the main street. The remaining eight routes will be forced around the perimeter public transport route, or will be forced to by-pass the shopping centre all together.

The Proposed Structure Plan has facilitated a performance based mechanism within the Proposed Structure Plan in which to undertake an annual assessment of bus routes through the main street, in order to determine whether bus routes should be increased, decreased or remain the same. This has been to address the impasse between the proponent/landowner and State Government, whereby the State Government believed all buses should utilise the main street, versus the position of the proponent/landowner that buses within the main street would potentially affect the viability of the main street.

The performance based agreement forming part of the Proposed Structure Plan allows decisions on whether to increase, decrease or remain constant the number of buses within the main street to be

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grounded in tangible evidence taken from operation over the preceding 12 month period.

On this basis the objection is overcome.

6. The Proposed Structure Plan is based upon maximising the convenience of private motor vehicles at the expense of public transport users.

As per comment under 5 above. Officers believe that the Proposed Structure Plan balances what have been opposing views in terms of having all buses in the main street versus having only limited buses in the main street. As the main street matures, the annual review process under the Proposed Structure Plan will be able to consider if bus routes in the main street should be changed, with this based upon clear evidence from the preceding 12 months of operation.

On this basis the objection is overcome.

7. Public transport utilising the main street will not be able to achieve prioritised movement over private motor vehicles along the main street or its intersections.

The Proposed Structure Plan configures the main street in an east west direction including a connection to the Cockburn Train Station for buses only via the underpass infrastructure. This will improve the current situation which sees buses have to share private and public roads (without priority) as part of their nominated routing. The main street itself will be design to accommodate buses and associated bus stop infrastructure, as per the requirements indicated on the Proposed Structure Plan. Importantly the main street will be designed as a low speed traffic environment, including for buses. Design requirements include:

(a) Managing traffic behaviour and speed along the main street to provide greater confidence and safety to pedestrians and cyclists.

(b) Using shared surfaces, raised plateaus, on-street parking, street trees and built form, and other traffic management devices to create ‘friction’, reduce traffic speeds and raise driver awareness of pedestrians along the main street.

(c) Ensuring that the main street is wide enough to accommodate on-street parking to support adjacent uses and reduce ambient traffic speeds.

On this basis the objection is overcome.

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8. The Proposed Structure Plan is inconsistent with various State Government planning requirements which seek to promote greater usage of public transport.

As per comment under 5 above. Officers believe that the Proposed Structure Plan balances what have been opposing views in terms of having all buses in the main street versus having only limited buses in the main street. As the main street matures, the annual review process under the Proposed Structure Plan will be able to consider if bus routes in the main street should be changed, with this based upon clear evidence from the preceding 12 months of operation. Officers believe this is consistent with State Government planning requirements which seek to implement improved public transport access to all activity centres. In this case public transport will be incrementally improved as the maturity of the shopping centre and main street develops.

On this basis the objection is overcome.

9. The Proposed Structure Plan fails to adequately address regional planning considerations and State Planning Policy No. 4.2 on the basis that transport planning and the proposed infrastructure upgrades are largely focussed on catering for private motor vehicles rather than public transport.

As per comment under 5 above.

10. The Proposed Structure Plan detrimentally impacts on the regional significance and activity centre capabilities of the overall Cockburn Activity Centre.

As previously mentioned, the subject land and its development are recognised to form the major retail component of the Cockburn Activity Centre. This is one of 19 Secondary Activity Centres identified by the recently updated SPP 4.2. The other components of the Cockburn Activity Centre include the Cockburn Town Centre, Cockburn Train Station, peripheral residential development (of which much is high density) and light industry/mixed business development on the east side of the Kwinana Freeway.

The City is aware and supports the need for continual evolution of the Cockburn Activity Centre. This is closely related to the types of development which are attracted to the Activity Centre, with a key focus upon high employment generating uses which help meet sub-regional employment targets set for the City within the South West Region. But as development and activity keep increasing, so to does pressure on creating a more efficient and connected arrangement of precincts within the Activity Centre.

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Currently there is considered to be minimal relationship between the different precincts which make up the Activity Centre - especially when looking at the relationship between the Gateways Precinct, Cockburn Town Centre and Cockburn Train Station. The very close proximity of these development precincts to each other (approximately 400m separation distance) makes integration a major priority for the Activity Centre, and for this Proposed Structure Plan. This has been an issue of foremost importance to the City.

Officers believe that the Proposed Structure Plan does support the regional significance of the Activity Centre, through promoting a more efficient, connected private and public transportation system, as well as a greater variety and diversity of uses on the shopping centre site. The addition of night time focussed activities (main street, cinema complex, restaurants etc) also helps bolster this regional significance.

The City accordingly believes the Proposed Structure Plan will help create a more regionally significant Activity Centre at Cockburn. On this basis the objection is overcome.

Advisory Comments

1. **The proponent/landowner needs to ensure they liaise with the Department of Indigenous Affairs to ensure that future development associated with the Proposed Structure Plan complies with all obligations the proponent/landowner may have under the *Aboriginal Heritage Act 1972*.**

Officers agree with this submission, in that it advises obligations associated with the *Aboriginal Heritage Act 1972*. It is prudent that the proponent/landowner is aware of the Department of Indigenous Affair's submission, and that they continue actively engaging with the Department.

As part of the Proposed Structure Plan an Aboriginal Heritage Desktop Study was undertaken and provided as Attachment 5. This states recommendations as follows:

1. Given the location of the Gateway shopping precinct close to lakes and the fact that no archaeological investigation has occurred in its immediate vicinity, it is recommended that a qualified archaeologist be retained during earthmoving activities to monitor any possible subsurface material which may be encountered.
2. The proponent may consider engaging Aboriginal monitors for any deep earth disturbing phases of the proposed development.
3. In order to avoid or minimise the risk of impact upon any unknown Aboriginal artifacts or skeletal material within the PDA Perron

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Group may consider consulting with the Aboriginal community and make an application under S.18 of the Aboriginal Heritage Act 1972 for consent to use the land.

4. AIC recommends that Perron Group adopt a Cultural Material Contingency Plan (for example, see Appendix 2).
5. AIC also recommends that all staff of Perron Group and contracting personnel be made fully aw are of their obligations under the Aboriginal Heritage Act 1972 (see Appendix 1).

The City expects these recommendations and the advice of the Department of Indigenous Affairs to ensure that, on behalf of the proponent and landowner, appropriate management of Aboriginal heritage issues occur as part of all future development.

2. The Water Corporation has no immediate concerns regarding the proposed expansion of the shopping centre, with adequate water and wastewater services in place. However depending on the nature and timing of the centre expansion, water and wastewater services may need to be upgraded.

Officers have noted this submission. The proponent/landowner should be made aware of the Water Corporation's submission, and maintain dialogue as part of the detailed planning and design phases of the shopping centre expansion.

Conclusion

Despite the objections received, the City believes that the Proposed Structure Plan represents an appropriate instrument in which to guide future development of the subject land. Issues concerning public and private transportation integration; creating a more integrated Activity Centre Precinct and; creating a greater mix of uses including uses outside normal day time operation hours are considered appropriately balanced by the Proposed Structure Plan. On this basis it is recommended for adoption in accordance with Clause 6.2.9.1 of the Scheme subject to modifications.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

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

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

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
City of Cockburn Town Planning Scheme No. 3
City of Cockburn Local Planning Strategy
State Planning Policy No. 3 (Urban Growth and Settlement)
State Planning Policy No. 3.6 (Developer Contributions for Infrastructure)
State Planning Policy No. 4.2 (Activity Centres for Perth and Peel)
State Planning Policy No. 5.4 (*Road and Rail Transport Noise and Freight Considerations in Land Use Planning*)
Transport Assessment Guidelines for Structure Plans
Liveable Neighbourhoods

Community Consultation

The Proposed Structure Plan was advertised for 21 days in accordance with Clause 6.2.8.2 of the Scheme. This resulted in nine submissions being received from State Government agencies, four of which objected to the Proposed Structure Plan. Submissions have been dealt with through the content of this report.

Attachment(s)

1. Location plan
2. Current extent of development
3. Proposed Structure Plan
4. Graphical representation of road upgrade works associated with the Proposed Structure Plan
5. Schedule of Submissions
6. Picture of bus underpass infrastructure to be utilised

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 9 December 2010 Council Meeting.

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

Nil.

14.3 (OCM 09/12/2010) - LEASE OF LOT 7 (NO. 20) LINKAGE AVENUE COCKBURN CENTRAL LOCATION: LOT 7 (NO. 20) LINKAGE AVENUE, COCKBURN CENTRAL - OWNER: CITY OF COCKBURN - APPLICANT: PROBUILD CONSTRUCTION (AUST) PTY LTD (6007094) (M SCARFONE) (ATTACH)

RECOMMENDATION
That Council:

(1) enter into a lease, with the proponent for the temporary use of Lot 7 (No. 20) Linkage Avenue, Cockburn Central for car parking and a site office subject to the following conditions.

1. The requirements of Section 3.58 of the Local Government Act 1995 being satisfied.

2. Subject to Council receiving no submissions on the advertised proposal in the statutory advertising period, enter into formal lease arrangement for an amount and term to be negotiated by the Chief Executive Officer, provided the value is no less than the market value as determined by the City's valuer.

3. The proponent meeting all costs involved in the preparation of the lease agreement and requirements of Section 3.58, including valuation.

(2) advise the proponent that at their cost all necessary statutory approvals must be obtained prior to undertaking any works, including requirement for development approval pursuant to City of Cockburn Town Planning Scheme No. 3; and

(3) allocate proceeds of the lease revenue to the Land Development Reserve Fund and amend the 2010/11 Statutory Budget accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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Background

On 8 September 2010, the City issued an Approval to Commence Development for 130 Multiple Dwellings and 6 Commercial Tenancies on Lot 10 (No. 20) Signal Terrace, Cockburn Central. In order to facilitate construction on this lot the applicant has requested the closure of adjacent footpaths and public car parking bays. This request is being considered as a separate item on this month's agenda.

To compensate for the proposed loss of public parking bays (if this is approved) and to secure an area for a site office and staff parking, the applicant wrote to the City requesting permission to use an area of Lot 7 (20) Linkage Avenue, Cockburn Central (the subject site) on a temporary basis. A copy of this submission is attached. On 12 November 2010, the City responded to the applicant's request, indicating its willingness to consider the proposal subject to the entry into a suitable lease agreement, and the formal lodgement and approval of an Application to Commence Development (copy of letter to proponent is attached).

Submission

As indicated above, the applicant requests the use of the subject site for temporary basis for use as car parking and a site office. This correspondence is accompanied by a sketch which provides an indication of the area to be utilised as a part of this proposal. The attached site plan formalises this proposal and shows the relationship of the subject site to 20 (Lot 10) Signal Terrace, Cockburn Central (where construction of the approved 130 multiple dwellings and 6 commercial tenancies will occur).

Report

The subject site is a vacant land parcel zoned 'Regional Centre' under the provisions of City of Cockburn Town Planning Scheme No. 3. The site has an area of 4646 m^2. The use of the land for a car park and on site office is considered to be acceptable in the 'Regional Centre' zone on a temporary basis and as such an Application to Commence Development is capable for consideration by the City.

Prior to the commencement of works on site, a formal application for planning approval will be required to be lodged with and approved by the City. The formal application will be required to include details including, but not limited to, vehicle access, signage, pavement standards, fencing, estimated number of bays, stormwater details, required timeframe and location of buildings.

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Section 3.58 of the Local Government Act 1995 requires that details of the proposed rent, the market value as determined by a licensed valuer and the name of the lessee be given State wide notice. If any submissions are received in the advertising period, it will be necessary for a further report to be presented to Council for its consideration (Section 3.58 is attached).

It is considered that the temporary nature of the proposed lease allows the City to derive an income stream while its ultimate use is being considered. In addition, the proposal will ensure that there is no net loss in public parking bays in the Cockburn Central Town Centre due to construction activities occurring on the adjacent lot. Finally the proposal ensures the applicant has parking bays and a site office available for its staff during the construction period

Strategic Plan/Policy Implications

Governance Excellence

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

Employment and Economic Development

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

Budget/Financial Implications

Proponent will meet all associated costs.

Legal Implications

To be undertaken in accordance with Section 3.58 of the Local Government Act 1995.

Community Consultation

Advertising in the West Australian will be undertaken as a requirement of Section 3.58 of the Local Government Act 1995.

Attachment(s)

1. Letter of request from proponent
2. Letter to proponent
3. Site Plan
4. Section 3.58 of the Local Government Act 1995

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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 9 December 2010 Council Meeting.

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

Nil

14.4 (OCM 09/12/2010) - CLOSURE OF WESTERN POWER PADMOUNT SITE LOCATION: LOT 10 (NO. 20) LINKAGE AVENUE, COCKBURN CENTRAL - OWNER: HOMESWEST - APPLICANT: FUGRO SPATIAL SOLUTIONS PTY LTD (451918) (L GATT) (ATTACH)

RECOMMENDATION
That Council:

(1) in accordance with Section 58 of the *Land Administration Act 1997*, advertise the proposed road closure of portion of Linkage Avenue, Cockburn Central which encompasses the Western Power padmount site adjoining Lot 10 Linkage Avenue;

(2) at the conclusion of the statutory advertising period and subject to no objections being received, request the Minister for Lands to close portion of Linkage Avenue, Cockburn Central which encompasses the Western Power padmount site in accordance with Section 58 of the *Land Administration Act 1997*;

(3) supports the land resulting from the road closure being purchased by the adjoining landowner (Homeswest) as per the normal procedures of the *Land Administration Act 1997*; and

(4) advise the applicant of this decision accordingly.

COUNCIL DECISION

Background

A request has been received on behalf of the adjoining landowner to close portion of Linkage Avenue, Cockburn Central which

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encompasses a Western Power padmount site adjoining Lot 10 Linkage Avenue. The purpose of this report is to consider this request.

Submission

By way of letter Fugro Spatial Solutions Pty Ltd requested that the City initiate the closure of the portion of Linkage Avenue, Cockburn Central (refer to Attachment 1). The subject area is a Western Power padmount site adjoining Lot 10 Linkage Avenue (refer to Attachment 2). The proponent has agreed in writing to meet all costs associated with the proposed road closure, a copy of which is provided within Attachment 3.

Report

At the time of creating Lot 10 linkage Avenue, a small road widening of $17m^2$ was created to accommodate a Western Power transformer. This now conflicts with the proposed development for Lot 10, and accordingly removal of the transformer is proposed as part of the development of the land. As the transformer sits within a portion of the adjoining Linkage Avenue road reserve, formal road closure processes must occur to allow the land to be transferred into the title of the adjoining Lot 10.

There is no other utility infrastructure in the Western power padmount site, and all service providers have responded advising that they have no objections to the proposal. Western Power have indicated that there will be costs associated with relocation of the transformer, and these costs will be factored into the eventual sale price of the closed road reserve.

It is recommended that Council support the request, and initiate the closure of the portion of Linkage Avenue in accordance with Section 58 of the *Land Administration Act 1997*.

If the closure is recommended, it is recommended that the Department of Lands investigate the costs that will be applied to the relocation of the transformer and any associated road widening. These costs will be a matter for Western Power and the proponent to agree on.

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.

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

Governance Excellence

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

Budget/Financial Implications

The proponent to meet all associated costs.

Legal Implications

To be undertaken in accordance with Section 58 of the *Land Administration Act 1997*.

Community Consultation

To be advertised in accordance with Section 58 of the *Land Administration Act 1997*.

Attachment(s)

1. Letter of request from Fugro Spatial Solutions Pty Ltd
2. Location 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 9 December 2010 Council Meeting.

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

Nil.

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14.5 (OCM 09/12/2010) - BUILT FORM CODES FOR THE MARINA VILLAGE, PORT COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT AND OTHERS - PROPONENT: AUSTRALAND (PS/A/001) (T WATSON) (ATTACH)

RECOMMENDATION
That Council:

(1) approve the Built Form Codes for development within the Marina Village, Port Coogee, North Coogee, prepared by Taylor Burrell Barnett, Julie Harold (Architect) and Taylor Robinson for Australand, pursuant to the requirements of the Development Area (DA22) provisions for Port Coogee (Schedule 11 of the City of Cockburn Town Planning Scheme No. 3), and the requirements of the Port Coogee Revised Local Structure Plan prepared under 6.2.14 of the City of Cockburn Town Planning Scheme No. 3, subject to the requirement for the first review of the Built Form Codes to take place three (3) years following initial adoption (and the document being amended accordingly); and

(2) advise the applicant accordingly.

COUNCIL DECISION

Background

This report deals with the Built Form Codes (BFC's), prepared for development within the Marina Village at Port Coogee.

The BFC's arise out the original requirements of the Development Area (DA) 22 provisions applicable to the Development Zone within which Port Coogee is located. In the first instance, the provisions require the preparation and adoption of Detailed Area Plans (DAP's) for the Marina Village and other locations across the project. On the basis, however, of a number of changes to the Local Structure Plan, BFC's became a specific requirement.

Adopted by the State Administrative Tribunal (SAT) on the 20th May 2010, the Revised Local Structure Plan (Revised LSP) for Port Coogee introduces the requirement for BFC's to control development within the

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Marina Village Precinct. The requirement follows the deletion of the R160 density classification previously applicable to the Village. As stated in the recently adopted Revised LSP:

In considering the removal of the R160 residential density coding within the Marina Village it was acknowledged that an alternative means of development control would be required to provide the City of Cockburn and the community with certainty and confidence that the built form outcomes enunciated by the Structure Plan will be delivered in the most effective manner. In this regard, a detailed set of built form codes is proposed.

The role of the built from codes will be to guide development within the Marina Village Precinct and to provide sufficient detail to ensure adequate control over development to achieve quality and desirable built form outcomes. The codes will address the relationships between building facades and the public realm and the form and mass of buildings in relation to one another.

In accordance with the Revised LSP, a wide range of matters are to be addressed in the preparation of the BFC's. Some of these are listed below in the 'Details' section of this report. In this regard, the Revised LSP states that *Defining requirements based on these elements will provide more comprehensive direction and control of the development than would application of standard coding controls, and will ensure more effective delivery of the project vision and objectives.*

The BFC's detailed below have been prepared for Australand by Taylor Burrell Barnett, Julie Harold (Architect) and Taylor Robinson Architects in consultation with the City. The preparation of the document commenced in June 2010 with an initial 'scoping meeting'.

Report

The Built Form Codes comprise five parts as follows:

- Introduction. This section provides a background to the document, including details of a Design Review Process to be applied to development within the Marina Village.

- The Place. This section provides an appreciation of the vision for the Marina Village and the principles that will underpin this vision. The section deals with both the public and private realms and the precincts that make up the Marina Village.

- General Provisions (p 17 of the BFC's). This section contains general provisions, to be considered in the design and construction of development within the Marina Village. A total of

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37 elements comprise this section, dealing with a broad range of matters including: architectural expression, icon and gateway buildings, ground floor activation, dwelling diversity and sustainability.

- Site Specific Provisions (p 55). This section contains provisions that are specific to the individual sites that make up the Marina Village. Combined with the General Provisions, the Site Specific Provisions will inform development in a manner that achieves the built form and design philosophy for development within the Marina Village.

  The Site Specific Provisions include requirements dealing with: ground floor landuse, setbacks, floor to ceiling heights, setback projections (balconies) and fencing. Tantamount to a Detailed Area Plan in terms of content, the Site Specific Provisions satisfy the requirements of DA22 for Port Coogee and the Revised LSP.

- Definitions.

The following objectives listed in 'The Place' section of the document under 'Built Form and Design Philosophy' provide an effective summary of what the BFC's seek to achieve.

The provisions of the Codes have been guided by the coastal nature of the site and contemporary best practice for the delivery of sustainable mixed use communities.

- *The overarching building design objectives are outlined below:*

- *Design excellence in all buildings, providing lasting outcomes for future generations.*

- *Individuality in buildings by only defining key design requirements for a site. This will provide distinctiveness and interest whilst maintaining consistent design philosophies.*

- *All lower level building facades will require a high level of fine grain articulation and detail to provide the necessary richness and sense of place for the Marina Village.*

- *The built form compactness and appearance will vary between the development core and edge sites where the Marina Village meets the Port Coogee primarily residential area. This may result in a more solid appearance to the core and a lower scale response at the edges if the Marina Village.*

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Submission

The BFC's and their delivery in the design and development of the Marina Village at Port Coogee will represent best practice and leadership in the planning and development of urban villages within the State of Western Australia.

Initially the control of development within the Marina Village was to be guided by the content of the R-Codes and individual Detailed Area Plans. The Revised LSP, however, does away with this approach in favour of the requirement for the 'performance based' BFC's.

The foresight and approach leading to the preparation of the BFC's was in advance of the Multi Unit Housing Code (MUHC) prepared by the Department of Planning and recently adopted by the WAPC. Additional to the formative approach of the Revised LSP, the BFC's are considered more comprehensive and informing than the MUHC.

Whilst both the Revised LSP and MUHC have dispensed with density as a form of development control, the BFC's present a complete list of design considerations fundamental in the achievement of a comfortable and engaging village lifestyle. Each consideration is in essence a detail to be addressed in the design of a development.

Where it may be the case that not all general provisions apply to the design of a new development, the complete nature of the BFC's will ensure thought is at least given to the various elements applicable in the design of a suitably performing and compliant development. The points below look at a number of the elements contained within the General Provisions of the BFC's, including several required by the Revised LSP. It is noted the majority of General Provisions refer to a 'Design Intent', 'Objective/s' and 'Must Haves'. 'Must Haves' represent mandatory requirements in the design and development of buildings within the Marina Village

Wind (p 22)

The Revised LSP identifies wind as a particular issue at Port Coogee, requiring detailed analysis due to the manner in which it impacts where buildings of increased mass and height are proposed in a coastal setting. To assist in identifying suitable responses to the impact of wind in the Marina Village, Australand engaged Professor Bill Melbourne from Mel Wind Consultants based in Melbourne.

The assessment of wind impacts within the Marina Village reveals the need for particular builtform outcomes where buildings front or face toward the prevailing sea breeze. This applies to the ocean side of buildings on the southern peninsula, Lot 786 and the western edge to

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the marina. In these locations, specific setback requirements are prescribed in the Site Specific Provisions for the purpose of ameliorating major wind impacts and achieving reasonable wind conditions in the public environment.

In addition to specific requirements, more detailed responses unique to a particular site may be necessary for the purpose of creating street level environments supportive of higher levels of activity i.e. suitable for window shopping and/or alfresco dining. Responses in this regard will primarily be determined following the wind assessment of a proposal.

All development proposals within the Marina Village will be subject to a wind assessment. Conducted by a suitably qualified wind engineer, the assessment needs to demonstrate acceptable wind conditions at the ground floor level of a development (relative to the nature of the intended street environment). In the case of inconclusive wind assessments, the BFC's require wind tunnel testing to be undertaken.

Staged Development (p 27)

Another leading initiative in the BFC's is a General Provision dealing with Staged Development. Given the scale of anticipated development within the Marina Village and limitations associated with market 'take-up' of floor space as it is created, staged development is highly likely. To protect against the inappropriate interim (and potentially longer term) appearance often associated with development undertaken in stages, the BFC's require due consideration be given to how blank walls and other aspects of a development are treated pending the completion of the next or final stage of a development.

The 'Must Have' requirements of this provision include:

- The treatment of blank walls as a 'designed' elevation prior to the continuation of the development.

- The presentation of a master plan detailing the various stages of a development and the time/s these are proposed to be constructed.

- The finish of blank side walls where adjoining development is not imminent being as per the 'public' appearance of the remainder of the building. Alternatively, the use of such walls as a 'canvas' for acceptable public/street art may be allowed.

Architectural Expression (p 28)

This provision deals with the importance of architectural quality and the need in the case of Port Coogee for building design to reflect a coastal

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character whilst responding to the coastal environment. This provision expressly precludes direct historical reproductions and imitation designs in favour of individual and contemporary design.

Robust Building Design (p 29)

The Revised LSP mandates the requirement for Robust Building Design across the western half of the southern peninsula and the northern part of Chieftan Esplanade adjacent to the marina. It is noted this was a particular expectation of Council in the review of the Revised LSP via the SAT mediation.

This section of the BFC's deals specifically with the requirement of ensuring building designs are sufficiently 'robust' in the required locations, enabling future conversion from residential to non-residential use.

The objectives for Robust Building Design are:

- To provide flexible building design that enables the ground floor to be used for non-residential use at some stage in the future (if used for residential in the first instance).
- To encourage and allow adaptive re-use of buildings.
- To encourage longevity in the design of buildings.

The 'Must Have' requirements include:

- Demonstration at development application stage of the robust capacity/potential across the required frontage/s.
- Minimum ground to first floor heights of four (4) metres.
- Separate ground floor entry points catering for non-residential use where two storey apartments are proposed in the first instance.
- Compliance with universal (impaired mobility) access specifications for non-residential use.
- Provision for at least 25% of required 'robust' frontage to be made available for conversion to 'food and beverage' use. In this regard, attention to detail is required to be paid to the future proofing of floor space or a particular tenancy for such purposes. Considerations include: 'back or house' services i.e. in-situ ducting at the time of construction for kitchens, power supply and servicing (including waste management).

The above requirements will be at the forefront of discussions on sites required to achieve Robust Building Design.

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Dwelling Diversity (p 32)

A new and exciting objective of the Revised LSP is the development of dwelling diversity in the Marina Village. As stated: The following overarching objective applies to residential development within the Marina Village to encourage diversity in dwelling size and design "*A densified and diverse residential population will help to bring vibrancy and activity to the Marina Village. To this end, it is a key aim to encourage a diverse residential population in the Marina Village, in terms of household size, composition and age groups, through the provision of a range of living options*".

The BFC's inform the requirement for dwelling diversity by referring to the incorporation of different dwelling sizes and designs in new development as follows:

> "*More affordable accommodation for single persons, young professionals and retirees:*
> - *Single bedroom dwellings*
> - *1-2 bedroom apartments up to 8 m²*
>
> *Family friendly apartment living:*
> - *2-4 bedroom dwellings of between 80 and 140 ²*
>
> *High end luxury apartments:*
> - *2-4 bedroom dwellings*".

Frontage (p 38)

This is a particularly important provision dealing with the manner in which a building addresses the street/public environment at the ground floor level. The objectives in this regard include the creation of engaging, vibrant streetscapes via largely transparent lot frontages. This requires the majority of a building where it meets the street to be glazed. To further ensure a high level of interest is achieved, limitations will also apply to shop front widths.

Entry (p 40)

This provision highlights the importance of well design, clearly identifiable entry points for all uses within the Marina Village. The majority of floorspace within the Marina Village will be attributed to residential use at the upper levels of buildings. It is important for a number of reasons; however, for this use of land to have a meaningful presence in the street environment. To this end, every building with upper level uses must have safe, comfortable, and highly visible entrances at street level, contributing to the 'life' of the Marina Village.

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Design Approval Process (p 5)

Another leading initiative of the BFC's is the Design Approval Process. Recommended by the City, this process requires every application to be presented to, and reviewed by an assembled design review team. The same process applies to development within the Cockburn Central town centre, and represents an expanded equivalent of the pre-lodgement process continuously promoted by the City's Statutory Planning team.

The mechanics of the Design Approval Process will be as follows:

1. The developer and consultant team (architect/designer) for a site will meet with the design review team to discuss the objectives for the subject property, the surrounding public domain and the vision for the precinct within which the property is situated. Particular objectives and/or requirements additional to the General Provisions covered above will also be discussed (the 'Site Specific Provisions').

2. The developer and architect/designer will present initial proposals to the design review team for consideration and discussion. The design review team will provide feedback regarding the merits of the proposal, including aspects that require further or particular attention. The Cockburn Central Design Review Process suggests 2–3 meetings are typically required before consensus is reached regarding the design of a development.

3. When support of the design review team exists for a proposal, an endorsement process will be undertaken to ensure general compliance with all relevant requirements of the BFC's. Concurrent with this process, a development application can be presented to the City for assessment and determination. The assessment of the development application by the City should be relatively straight forward and expeditious given the resolution of issues via the Design Approval Process.

The design review team will consist of 4–6 development industry related professionals, including a number of representatives from the City of Cockburn's Planning and Development Directorate. Others team members will include: a representative from Australand, a representative from Taylor Burrell Barnett (the project Town Planning consultant) and the Village architect (Julie Harold). It is also intended to appoint a specialist architect to the review team, similar to the situation that exists with Cockburn Central.

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Whilst the particulars of the Design Approval Process are yet to be determined, it is envisaged related meetings will be held at the City and will be co-chaired by the City and Australand - and solely the City where Australand is the applicant. It is also expected review team (consultant member) fees will be co-funded by the City and Australand. In this regard, it is noted the fees associated with Marina Village development applications will be quite substantial, only a small amount of which would be needed for the purpose of meeting consultant fees in conjunction with Australand.

Conclusion

The BFC's represent a unique, purpose prepared document that will contribute in a significant manner to the successful development of the Port Coogee Marina Village. The document accords with, and includes content particular to the requirements of the Revised LSP, including particular expectations of the Council regarding the manner in which the Village should be developed. Bearing this in mind and on the basis of the information contained within this report, it is recommended Council resolve to adopt the BFC's for the Port Coogee Marina Village.

Strategic Plan/Policy Implications

- Port Coogee Revised Local Structure Plan
- APD 31 'Detailed Area Plans'

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.

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

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Legal Implications

1. Town Planning Scheme No. 3 (DA 22 Provisions)
2. Planning and Development Act 2005

Community Consultation

The BFC's have not been the subject of consultation. The document accords with the expectations and requirements of the Revised LSP, adopted by SAT 20 May 2010. The Revised LSP was the subject of extensive community consultation.

Attachment(s)

Built form Codes

Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 9 December 2010 Ordinary Council Meeting.

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

Nil.

14.6 (OCM 09/12/2010) - OUTBUILDING LOCATION: LOT 9 (NO. 91) BARFIELD ROAD, HAMMOND PARK - OWNER: ANDREW LAUGHTON - APPLICANT: ANDREW LAUGHTON (6010657) (R BROCKMAN) (ATTACH)

RECOMMENDATION
That Council:

(1) grant approval for an outbuilding at Lot 9 (No. 91) Barfield Road, Hammond Park, in accordance with the approved plan and subject to the following conditions:

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.

2 No construction related activities causing noise and/or inconvenience to neighbours being undertaken after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

3. The Outbuilding being constructed of a non-reflective material and colour that matches the proposed dwelling harmonises with surrounding environment and does not

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detract from the visual amenity of the area.

4. Any associated crossovers being located and constructed in accordance with the City's specifications.

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

COUNCIL DECISION

Background

Zoning:	MRS: Urban
	TPS3: Residential R20
Land use:	Single House (Outbuilding)
Lot size:	698 m^2
Use class:	P

The subject site contains an existing single dwelling and garage with a proposed covered patio.

The proposal does not comply with the City's Policy APD18 'Outbuildings' with regard to the maximum wall height. Applications for outbuildings which are not in accordance with this policy require full determination by Council.

Submission

The applicant seeks approval to construct an outbuilding with an area of 32.4 m^2, a wall height of 2.8 metres (in lieu of 2.4 m as per Council policy), and a ridge height of 3.317 m. The applicant has provided justification for this departure from Council Policy which is summarised as being required "to enable me to store my boat". Neighbours to the southern and eastern boundaries have been contacted in regard to the proposed development and express no concerns

Report

Policy Framework

The subject land is zoned Residential R20 under the City's Town Planning Scheme No 3 (TPS No 3). In accordance with the

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requirements of TPS No. 3, Council can either approve (with or without conditions) or refuse the application.

The proposed development has been assessed against the standards and provisions of TPS No. 3, Clause 6.10.1 of the *Residential Design Codes of Western Australia (R-Codes)*, and Council Policy APD18 'Outbuildings'.

The development does not accord with the Acceptable Development provisions of Clause 6.10.1 of the R-Codes, which limits the maximum wall height for outbuildings in the subject zone to 2.4 metres (2.8 metres proposed).

Comment

In respect to the proposed variation to the maximum wall height, it is noted Policy APD18 incorporates a provision to increase maximum wall heights by a further 10% i.e. a wall height of 2.64 metres is considered acceptable. While the proposed wall height represents a variation to Council Policy and the R-Codes, relaxation of height limitations in the case of this development is considered acceptable, as the proposed structure will not have a significant impact on the amenity of the locality, nor that of adjoining property owners based on the following:

- Surrounding development will not be adversely affected by overshadowing, loss of views, or access to daylight as a result of the development.
- The proposed wall height represents a minor variance to the 2.64m allowed by APD 18, as it exceeds the prescribed 2.64m by only 0.16m.
- All adjoining property owners have been informed of the proposed development and have not expressed any concerns or objections.

Policy APD18 indicates that outbuildings which do not conform to the Policy requirements may be approved by Council following consideration of the *'proposed use of the outbuilding, visual amenity, impact on the natural landscape and streetscape and any other matter determined relevant'*.

The outbuilding will be used for domestic purposes for the storage of recreational equipment. The development will not have an adverse impact on the amenity of adjoining property owners, the locality, the natural landscape or the streetscape. As such it is considered to be consistent with the intent of Policy APD18, and conditional approval is therefore recommended.

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Strategic Plan/Policy Implications

The Planning Policy which applies is APD18 “Outbuildings”

Demographic Planning

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

Governance Excellence

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

Transport Optimisation

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Two (2) adjoining landowners were consulted in respect of this proposal, in response to which two written statements of non objection were received.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at 9 of December 2010 Council Meeting.

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

Nil.

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14.7 (OCM 09/12/2010) - PROPOSED SCHEME AMENDMENT NO. 73 - LOCATION: LOT 100 BERRIGAN DRIVE AND LOT 31 HOPE ROAD, JANDAKOT - OWNER: TREELAND INVESTMENTS PTY LTD - APPLICANT: GRAY AND LEWIS LAND USE PLANNERS (93073) (D DI RENZO) (ATTACH)

RECOMMENDATION
That Council:

(1) in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate an amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:

1. Rezoning portion of Lot 100 Berrigan Drive, portion Lot 31 Hope Road, and Wakely Circus unconstructed road reserve, Jandakot from 'Resource' zone and 'Local Reserve - Local Road' to 'Special Use' zone; and including a new 'Special Use No. 28' within Schedule 4 as follows:

No.	Description of Land	Special Use	Conditions
SU 28	**Lot 101 Berrigan Drive, Jandakot**	1. Office. Objectives: In considering an application for Planning Approval the Council, in addition to any other matter it is required to consider, shall have regard for the following objectives: i) The need to achieve development that integrates with proposed development on adjacent airport land (in accordance with the adopted Jandakot Airport Master Plan) in terms of architectural style, appearance and design. (ii) To facilitate a landmark corner development in landscaped surrounds. (iii) To eradicate weed infestations and utilise native species in landscaping which provides a continuation of landscaping themes for development in adjacent airport land.	1. This use shall be treated as 'D' use pursuant to Clause 4.3.3.

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		(iv) To provide for the safe movement of vehicular and pedestrian traffic. (v) To incorporate water sensitive urban design and ecological sustainable development principles.	

2. Reserve the 3030 m^2 portion of land shown as 'drainage reserve' on the subdivision plan conditionally approved by the Western Australian Planning on 1 November 2010 as 'Local Reserve - Lakes';

3. Rezone the portion of Lot 100 Berrigan Drive and Lot 31 Hope Road proposed to be ceded for road widening of Berrigan Drive (reflecting the constructed portion of Berrigan Drive) as shown on the subdivision plan conditionally approved by the Western Australian Planning on 1 November 2010 from 'Resource' zone to 'Local Reserve - Local Road'.

(2) instruct for the amendment documentation be prepared in accordance with the standard format prescribed by the Regulations; and

(3) upon receipt of the necessary amendment documentation, given the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967 ("regulations"),* refer the attachment to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.

COUNCIL DECISION

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Background

The subject land comprises Lot 100 Berrigan Drive, Lot 31 Hope Road and Wakely Circus unmade road reserve within the locality of Jandakot, close to the entry to Jandakot Airport. The subject land is zoned 'Resource' and 'Local Road' reserve pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme") (refer to site plan within Attachment 1). Under the Metropolitan Region Scheme ("MRS"), the subject land is zoned 'Rural Water Protection'.

Currently there are road and drainage infrastructure encroachments on Lot 100 Berrigan Drive and Lot 31 Hope Road, Jandakot as follows:

- Main Roads WA constructed a portion of Berrigan Drive on the subject land. This occurred as a result of Berrigan Drive being realigned to the east in conjunction with Roe Highway interchange at Karel Avenue, as part of major modification to Karel Avenue and Hope Road connection to Jandakot Airport.

- Currently stormwater from a large section of the road works completed as part of the Roe Highway works is directed to an area at the lowest point on the subject land. There is no alternative location for a stormwater sump, and it is important that the City secures access to this land accordingly.

To resolve these issues, the City has entered into a Memorandum of Understanding ("MOU") with Treeland Investments to facilitate a land exchange, subdivision and road closure as shown at Attachment 3.

Wakely Circus is an unmade dedicated road reserve located immediately to the east of the subject land which is surplus to road requirements. Council at the Ordinary Meeting on 14 February 2008 resolved (Minute No. 3657) to request closure of this road in accordance with the *Land Administration Act 1997*.

It is proposed that the landowners cede the 2286 m^2 of land required as road widening (i.e. the constructed portion of Berrigan Drive), and land required for a drainage basin (3030 m^2) through subdivision, in exchange for the acquisition of the 2950 m^2 closed road reserve (Wakely Circus). The road widening will result in Berrigan Drive being within a dedicated road reserve, and not on private property as it currently is.

A subdivision application was approved by the Western Australian Planning Commission ("WAPC") on 1 November 2010 to facilitate this land exchange.

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Submission

The proposed rezoning has been requested by the applicant in order to facilitate office uses on the subject land. The applicant has submitted Scheme amendment documentation in support of the proposal, and an environmental report.

Report

Proposal

A Scheme amendment has been prepared that proposes to rezone Lot 100 Berrigan Drive and Lot 31 Hope Road, Jandakot and Wakely Circus road reserve from 'Resource' zone and 'Local Road' reserve to 'Special Use' zone to facilitate 'office' uses (refer to Attachment 2).

A new 'Special Use' zone (No. 28) is proposed to be included in Schedule 4 of the Scheme for the subject land, which sets out that 'office' is a 'D' use pursuant to the Scheme. It also proposes to set out objectives for proposed development, and these objectives are outlined and discussed later in this report.

The Scheme Amendment also proposes to correct the zonings over the existing road and drainage infrastructure encroachments, as follows:

- Rezone the 3030m^2 southern portion of Lot 31 Hope Road from 'Resource' zone to 'Local Reserve - Lakes' to reflect the proposed use of the land as a drainage basin.

- Rezone the portion of Lot 100 Berrigan Drive and Lot 31 Hope Road that is proposed to be ceded for road widening (reflecting the constructed portion of Berrigan Drive) from 'Resource' zone to 'Local Reserve - Local Road'.

Jandakot Airport Master Plan

The subject land is located adjacent to the Jandakot Airport Master Plan area, and is under the same ownership (by affiliated company) as the lessee of Jandakot Airport.

Jandakot Airport is recognised as a 'Regional Specialised Centre' in *Directions 2031* and State Planning Policy No. 4.2 (*Activity Centres for Perth and Peel*). The City's Local Commercial Strategy recognises Jandakot Airport as a future mixed business area.

The Jandakot Airport Master Plan identifies a development strategy for land that is surplus to requirements for long term aviation and ancillary

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support services. This includes the airport land immediately to the east of the subject land (Precincts 4B and 5).

Precinct 4 is intended to provide a mixed use business park-like setting supporting a landscaped entrance to the airport. Precinct 4 is currently partially under construction and will include business, office, bulk retail, showroom, warehouse and storage uses consistent with the Master Plan. Precinct 5 is proposed to provide a mixed use business park-like setting which is responsive to its interface with rural-residential neighbours bordering the western boundary of the airport. Precinct 5 will support warehouse and storage uses.

The subject land is isolated from the 'Resource' zone area by Berrigan Drive and the airport land. It is considered that inclusion of the subject land within the commercial area provides a logical boundary to the airport development. It is considered appropriate that any development of the subject land complement the development proposed within the airport land, and the amendment proposes to facilitate 'office' uses consistent with the planned development for adjacent airport land.

A 'Special Use' zone is considered to be the most appropriate zone to facilitate only 'office' uses on the subject land. 'Special Use' zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

To ensure that any development achieves good built form outcomes, consistent with proposed development for the airport land, it is proposed that a set of objectives be included in the new 'Special Use No. 28'. Council shall have due regard to these objectives when assessing any application for planning approval on the subject land, as follows:

1. The need to achieve development that integrates with proposed development on adjacent airport land (in accordance with the Master Plan) in terms of architectural style, appearance and design.

2. To facilitate a landmark corner development in landscaped surrounds.

3. To eradicate weed infestations and utilise native species in landscaping which provides a continuation of landscaping themes for development in adjacent airport land.

4. To provide for the safe movement of vehicular and pedestrian traffic.

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5. To incorporate water sensitive urban design and ecological sustainable development principles.

Jandakot Groundwater Mound

The subject land is zoned 'Rural - Water Protection' under the MRS. The objective of the 'Rural - Water Protection' zone is to ensure there is no increase risk of contamination of the water source. Land use in the 'Rural - Water Protection' zone is managed in accordance with the principle of risk minimisation and only low-risk land development is compatible.

State Planning Policy 2.3 (*Jandakot Groundwater Protection Policy*) ("SPP 2.3") seeks to ensure development over the Jandakot groundwater protection mound is compatible with the long term use of the groundwater. It seeks to prevent land uses that are likely to result in contamination of groundwater through nutrient or contaminant export.

The subject land is within the Jandakot Underground Water Pollution Control Area ("JUWPCA") which is a Public Drinking Water Source Area according to the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*. Accordingly, SPP 2.3 applies to the subject land which has been designated 'Priority 2 Water Source Protection Area'. 'Priority 2 Areas' have a high priority for public water supply use, and the management objective is to ensure there is no increased risk of pollution to the water source.

SPP 2.3 includes a list of land uses in Table 1 as a guide for local governments. Within the 'Priority 2 Area' local governments can consider land uses such as 'aquaculture', 'dog kennels', floriculture', hobby farms', extractive industry', 'orcharding' 'plant nursery', and 'poultry farms'.

It is noted that SPP 2.3 outlines that uses not mentioned in the land use table should not be introduced into the list of permissible or discretionary uses. It also outlines that when considering Scheme amendments local governments should ensure that consideration is taken of land capability/suitability criteria, particularly in relation to the net effects that the proposed land use changes are likely to have on the risk of polluting the groundwater.

Pursuant to Section 77(1)(a) of the *Planning and Development Act 2005* local governments are required to have due regard to any State Planning Policy in preparing or amending a local planning scheme. The proposed rezoning constitutes a variation to SPP 2.3, however in considering this variation due regard has been given to the overall objectives of the policy which seek to prevent land uses that are likely

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to result in contamination of groundwater through nutrient or contaminant export.

A portion of the adjacent airport land (Precinct 4B and 5) is also within the JUWPCA, although as a higher priority category ('Priority 1 Area') than the subject land. It has been demonstrated through the Airport Master Plan and Environmental Strategy that commercial uses can be accommodated on this adjacent land without impacting on groundwater or undermining the objectives of SPP 2.3. The strict environmental management controls to prevent pollution to groundwater that are proposed for development of commercial areas immediately adjacent to the subject land would be extended to the subject land, as outlined in the environmental report submitted by the applicant. It is therefore considered that 'office' uses can be accommodated on the subject land in a manner that does not compromise the objectives of SPP 2.3.

Conclusion

The proposed rezoning is considered to represent a logical 'rounding off' of the airport land, and will facilitate development consistent with the commercial development proposed for the adjacent land under the Jandakot Airport Master Plan. The proposed rezoning will also ensure that the correct zoning applies to the subject land, and the drainage and road encroachments.

Accordingly, it is recommended that Council initiate Scheme Amendment No. 73 and undertake landowner, government agency and community consultation in accordance with the *Town Planning Regulations 1967*.

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.

Employment and Economic Development

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

Natural Environmental Management

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

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Budget/Financial Implications

The Scheme Amendment fee for this proposal has been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

Legal Implications

N/A

Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority ("EPA") advising that the proposal is environmentally acceptable. Consultation will also be undertaken with government agencies, particularly Department of Water and Department of Environment and Conservation to ensure that the objectives of SPP 2.3 are met.

Consultation has already been undertaken in relation to the closure of Wakely Circus, as required by Section 58 of the *Land Administration Act 1997*. No objections were received.

Attachment(s)

1. Location Plan
2. Existing Zoning
3. Lot Layout Plan
4. Aerial Photograph

Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at the 9 December 2010 Council Meeting.

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

Nil.

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14.8 (OCM 09/12/2010) - PROPOSED INDUSTRY GENERAL (LICENCED) - CONCRETE BATCHING PLANT - LOCATION: LOT 201 (NO. 33) MIGUEL ROAD, BIBRA LAKE - OWNER: BIAGIONI NOMINEES PTY LTD - APPLICANT: TDC PTY LTD (4413025) (M SCARFONE) (ATTACH)

RECOMMENDATION
That Council

(1) approves the application for the proposed 'General Industry (Licenced) – Concrete Batching Plant' at Lot 201 (No. 33) Miguel Road, Bibra Lake be approved subject to the following conditions and footnotes.

CONDITIONS

1. All noise management measures identified in the Noise Assessment Report and Draft Works Approval, shall be implemented and complied with at all times, as follows:

   a) Installation of the acoustic screen detailed on plan as required by the acoustic report prepared for the use of the land.
   b) Installation of broadband beepers to all agitator trucks and loaders.
   c) Limiting vehicle movement on the premises between 5:45a.m. - 7:00 a.m. to two agitator trucks at a time (one being filled and one waiting to be filled).
   d) Limiting operations to wet batch mixing only before 7:00 a.m (this process reduces noise from vehicles agitating on site).
   e) No filling of hopper bins before 7:00 a.m. or after 6:00 p.m.

2. Prior to the issue of a building licence a revised landscaping plan, shall be submitted to and approved by the Manager Parks and Environmental Services.

3. Landscaping is to be installed, reticulated and / or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development. Any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.

4. Where a driveway and/or parking bay abuts a public street,

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associated walls, fences and / or adjacent landscaping areas are to be truncated within 1.5 metres or limited in height to 0.75 metres.

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

6. All waste and recycling materials must be contained within bins. These must be stored within the buildings or within an external enclosure located and constructed to the satisfaction of the City's Manager Environmental Health Services.

7. Unless otherwise approved by the Department of Environment and Conservation, industrial liquid wastes, including washdown wastes, are not permitted to enter any storm water system. The disposal of industrial liquid waste is to comply with the City of Cockburn (Health) Local Laws 2000 and meet one of the following requirements:

   a) Discharge to sewer as a approved by the Water Corporation.

   b) Discharge to an on-site effluent disposal system as approved by the Manager Environmental Health.

   c) Collection and disposal in an approved manner at an approved liquid waste disposal site.

8. Prior to the commencement of the use, the 18 parking bay/s, driveway/s, hardstand areas and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications, and certified by a suitably qualified practicing Engineer to the satisfaction of the City.

9. Crossovers are to be located and constructed to the City's specifications. Copies of specifications are available from the City's Engineering Services.

   Existing crossovers that are not required as part of the development, shall be removed and the verge reinstated within a period of 60 days, to the satisfaction of the City.

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10. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of use.

11. 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 City in the event that sand or dust is blown from the site.

12. During construction, no building (or related) activities associated with this approval causing noise and/or inconvenience to neighbours being carried out after 7.00 pm or before 7.00am, Monday to Saturday, and not at all on Sunday or public holidays.

13. The installation of outdoor lighting (if proposed) is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.

14. All stormwater being contained and disposed of on-site.

15. All stormwater drainage shall be designed in accordance with the latest release of the document entitled "Australian Rainfall and Runoff" produced by the Institution of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. See City's specification, enclosed. This is to be provided at the time of applying for a building licence.

16. Security fencing around the site if erected is to be 1.8 metre high black P.V.C. coated or galvanised link mesh plus 3 strands of barbed wire and all gate posts and associated fittings to be painted black or other fencing construction details of a similar standard to the satisfaction of the City.

FOOTNOTES

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of

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any other external agency. Prior to the commencement of any works associated with the development, a building license may be required.

2. The applicant is advised that vehicle parking requirements have been assessed on the basis of the information provided. Future changes to on site operations which result in increased Gross Leasable Area or a significant change in employee numbers will require a new application to be lodged with and approved by the City.

3. With regard to Condition 1, the Acoustic barrier is to be solid, continuous and minimum density of 20kg/m^3. Barrier is to extend 2 metres past the front and rear of the trucks and 1 metre above the mixing drum.

4. With regard to Condition 2, the applicant is advised that a number of the proposed species on the submitted landscaping plan are not considered suitable for the location and are required to be substituted. Please contact the City's Parks and Environmental Services prior to the submission of a revised landscape plan.

5. With regard to Condition 6 the external enclosure must be and of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. The minimum provisions for internal bin storage is a concrete wash-down pad of at least 1m^2 graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. This can be centrally located within the development.

6. In reference to Condition 8, the 18 parking bay/s, driveway/s, hardstand and points of ingress and egress are to be designed in accordance with the relevant Australian Standards for Offstreet Carparking unless otherwise specified agreed by the City.

7. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

8. The approval of the Department of Environment and Conservation may be required prior to development under the provisions of the *Environmental Protection Act 1986*.

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

COUNCIL DECISION

Background

Lot 201 (No. 33) Miguel Road, Bibra Lake (herein referred to as 'the subject site'), is located on the north western corner of Miguel Road and Barrington Street (see attached location plan). Land to the north and east of the subject site is zoned 'Industry' and is characterised by large 'Warehouse', 'Office' and 'General Industry' uses typically associated with this type of land. Land directly to the south and west is zoned 'Industry', beyond which is a strip of 'Light and Service Industry' zoned land which acts as a buffer to the residential land beyond (see attached zoning plan). The closest dwellings to the subject site are located within approximately 250 metres.

The table below summarises the relevant zoning and site characteristics pertaining to the proposal.

Zoning:	MRS:	Industrial
	TPS3	Industry
Proposed Land use:	General Industry (Licenced)	
Lot size:	1.1686 Hectares	
Use class:	D	

The proponents have been granted a draft Works Approval from the Department of Environment and Conservation, which provides conditional support for the proposal.

Submission

The proposed 'Concrete Batching Plant' is proposed to produce up to 135,000 tonnes of premixed concrete annually. The development will comprise of infrastructure such as conveyors, silos, feed hoppers, aggregate storage areas, wash out pits, slurry pits, on-site parking, landscaping and a site office.

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Aggregate materials will be delivered to the site and stored in three sided bins on the western side of the lot. To manage dust the aggregate will be delivered in covered trucks and kept in a moist condition. Cement will be delivered to the site from external suppliers and deposited directly into the proposed silos. The production of concrete is a generally an automated process controlled by the plant manager with the final product being transferred directly to waiting trucks for delivery to commercial and domestic users.

The 'Concrete Batching Plant' will operate between the hours of 5.45am and 6pm Monday to Saturday, with the first concrete truck expected to leave the site at approximately 6am each morning. 20 – 30 concrete trucks are expected to leave the site on a daily basis with 4-5 deliveries of aggregate and cement occurring per day.

The proposed site plan, elevations and landscaping plan are attached.

Report

The main issue for consideration in determining this proposal relates to whether the development of the site for a 'Concrete Batching Plant' is acceptable in land use terms, in accordance with the provisions of TPS No 3, and if so whether it can be accommodated without detriment to the amenity of surrounding land owners.

Additionally, the City must be satisfied that sufficient justification has been provided by the applicant to permit the operation of the proposed facility within the nominal buffer indicated by the relevant EPA guidance note and can comply with the provisions of the relevant State Planning Policy.

The proposal's compliance with the provisions of TPS No. 3 and the relevant state policies is demonstrated below.

Town Planning Scheme No 3

Within the 'Industry Zone', the proposed 'Concrete Batching Plant' is designated as a 'D' use in Table 1 of Town Planning Scheme No. 3 (TPS No. 3). As indicated by Clause 4.3.3 a 'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

The following paragraphs outline the proposal's compliance with relevant provisions of TPS No. 3.

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General Development Requirements.

Part 5 of TPS No. 3 outlines the requirements for development across the City. Clause 5.9 deals specifically with the requirements for commercial and industrial uses. The development requirements for these uses are split into five main components, these being: building setbacks, landscaping, amenity, convenience and functionality, and car parking.

5.9.1 Building setbacks

Clause 5.9.1(b) states:

A building shall be setback from boundaries or erected on boundaries so that the impact on the use and amenity of adjoining buildings is minimised and the scale and bulk of the buildings is compatible with the streetscape.

The proposed transportable building to be utilised as the site office is proposed to be setback a minimum of 9.0 metres from the Barrington Street and Miguel Road boundaries and should be well screened by bulk plantings as per the submitted landscape plan.

The main operational infrastructure including silos, conveyor, feed hoppers, agitator and noise attenuation walls are generally setback more than 40 metres beyond the Barrington Street and Miguel Road boundaries. Given the setback distance, the undulating nature of the site and proposed landscaping, the feed hoppers will be largely obscured from view, while the silo and noise attenuation wall will remain prominent features. Despite this, the structures are consistent with the industrial nature of the surrounding area and are not considered likely to negatively impact on amenity.

The bulk and scale of the proposed built form is much less that typically expected in 'Industry' zones, will not have an impact on adjoining buildings or the amenity of the location, and as such is supported.

5.9.2 Landscaping

TPS No. 3 requires that a minimum of 10% of the total lot area, or the area subject of the application be dedicated to landscaping purposes. Further, the TPS No. 3 provisions state that the landscaping on the lot shall have a minimum width of 1.5 metres and be provided in areas of not less than four square metres.

In this regard the applicant proposes a total landscaped area of 1650m^2 which represents 14% of the site and as such exceeds the minimum Scheme provisions. The landscape plan is considered to

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meet the objectives of Clause 5.9.2 of TPS No. 3. Despite compliance with Scheme provisions, a number of the species proposed are not supported by the City's Parks and Environment Services and as such a revised landscaping plan is required as per Condition 1. Proposed Condition 2 requires the applicant/owner establish and maintain the proposed on site landscaping to the satisfaction of the City, ensuring on-going screening of the proposed operations and a positive impact on the amenity of the location.

5.9.3 Amenity

Clause 5.9.3 of TPS No. 3 in essence requires new buildings be designed in a fashion which ensures they complement the streetscape and do not negatively impact on surrounding properties. As indicated above, the built form proposed as a part of the application is of a bulk and scale compatible with the surrounding area and is setback from all boundaries in such a way that it will not impact on adjoining property owners. In addition, large expanses of landscaping should ensure the development will be seen in a landscaped setting; this will complement the locality.

5.9.4 Convenience and Functionality

Clause 5.9.4 is particularly concerned about ensuring development is designed so that it is convenient for those who use it. Located on the corner of Miguel Road and Barrington Street with access to the subject site occurring from both roads, the proposed 'Concrete Batching Plant' will be served by roads which have been designed to cater for large volumes of traffic. Crossovers are located in accordance with advice provided to the applicants, by the City's Engineering Services. The agreed locations are considered to allow safe access and egress to both Barrington Street and Miguel Road.

In addition to being accessible from the surrounding suburbs, the proposed site plan allows for safe and convenient vehicle and employee movement across the site.

5.9.5 Vehicle Parking

Parking requirements for a 'General Industry' use are generally calculated at the rate of 1 bay per 50m^2 of Gross Lettable Area in accordance with Table 4 of TPS No. 3.

In this instance applying the standards of Table 4 is not considered to be an appropriate manner to deal with parking requirements. A performance approach to parking provision has instead been applied to this application. The applicant has proposed 18 parking bays to accommodate the proposed 13 employees and any potential increase

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in employee numbers over time. Footnote number 2 advises the applicant that parking has been assessed on the basis of the information provided and future changes to on site operations which result in increased GLA or a significant change in employee numbers will require a new application to be lodged with an approved by the City.

'Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 – Separation distances between industrial and sensitive land uses'.

The above document herein referred to as the 'Guidance Note' recommends minimum buffer distances between sensitive uses such as residential development, hospitals, hotels etc and various types of industrial uses, encompassing a range of industrial, commercial and rural land uses. Where a 'Concrete Batching Plant' is proposed the Guidance Note recommends a minimum buffer distance to sensitive uses of 300 to 500 metres, measured from boundary to boundary rather than from the source to the sensitive use. In this instance there is approximately 250 metres between the boundary of the subject site and the nearest residential property.

The buffer distances recommended by the 'Guidance Note' are generic in nature and are intended to provide a guide to relevant authorities, and landowners with regard to the suitability of a land use in a particular area. The distances may be reduced if a satisfactory site specific technical study is provided to support this variation.

The main impacts associated with Concrete Batching Plants are dust and noise. With regard to dust, the applicant has provided a detailed analysis of the activities likely to create dust impacts and has outlined measures to be implemented to ensure these do not impact on nearby residents. Dust management measures will include:

- receipt of aggregate in a moist state and maintaining this state through the use of watersprays;
- fully covered incline conveyors and overhead bins;
- windshields to all ground bins, and roofs to aggregate bins where appropriate;
- filter and pressure relief systems to all silos;
- overfill alarm systems to silos;
- an immediate stop to all operations in the case of a spill of aggregate materials or concrete batching materials; and
- installation of rumble bars on crossovers to prevent materials leaving the premise.

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A full list of proposed measures is contained on page 13 of the attached Environmental Assessment Report (EAR).

With regard to noise, a site specific acoustic report has been provided by the applicant (a copy of this report is attached). The report includes details of noise levels permitted to be received by sensitive premises and an indication of the modelling undertaken to measure the likely impacts on nearby dwellings. The key findings of the report can be found on page 4.

Based on the modelling by the acoustic consultants, residents to the south east of the plant would likely be impacted upon during the day by noise, above that permitted by the regulations in the absence of mitigation measures. This impact would be due to the noise from agitator trucks and front end loaders. In order to comply with the regulations, the acoustic consultant recommends the placement of an acoustic wall extending two (2) metres beyond the front and rear of the truck loading area and one metre above the mixing drum.

In addition to the acoustic report, a range of measures to be undertaken by the applicant have been included in the EAR. Noise management measures include:

- installation of an acoustic screen along the southern side of the truck loading area as recommended in the acoustic report;
- installation of broadband beepers to onsite vehicles;
- limiting vehicle movement on the premises before 7:00am;
- limiting operations to wet batch mixing before 7:00am (this process reduces noise from vehicles agitating on site); and
- no filling of hopper bins before 7:00 am or after 6:00pm.

The EAR indicates that the Department of Environment and Conservation - Noise Assessment Branch have advised that compliance with the Environmental Protection (Noise) Regulations is achievable. Despite this the DEC has indicated ongoing monitoring will be required at the premise and at surrounding sensitive sites as a condition of the works approval. If monitoring indicates the Regulations are not being met, additional measures would be required to be undertaken by the proponent to ensure compliance.

The measures outlined in the acoustic report and draft works approval have been considered by the City's Environment Health Department. This department has indicated these measures once implemented and complied with on an ongoing basis, should ensure the operations will comply with the Regulations at all times and are considered satisfactory for the purpose of ensuring the amenity of nearby residents is not unduly impacted upon. Should the applicant not act in accordance with the dust and noise management measures indicated

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above, the applicant may be in breach of planning approval and action taken under the provisions of the Planning and Development Act 2005.

Draft State Planning Policy 4.1 – State Industrial Buffer (Amended)

This policy applies across Western Australia, to planning decisions relating to a number of matters including the *'expansion or change in the operations of existing industry'* and aims to avoid conflict between sensitive and industrial land uses. Part 5 of the policy indicates that new industry should demonstrate via an appropriate technical analysis how emissions will be contained on site. In addition, the policy provides detailed information as to the type of information required as a part of the technical analysis. As indicated above, a technical analysis of the proposal has been provided to the City's satisfaction and may be supported.

Consultation

The application has not been the subject of formal consultation with owners of neighbouring properties as:

- A 'Industry General (Licence)' is a 'D' or discretionary use in the 'Industry' zone and as such it is not required to be advertised under Clause 4.3.3 of TPS No. 3.
- There is a 250m separation between the proposal and the nearest residential property.
- The subject site is separated from the nearest residential properties by 'Light and Service Industry' zoned land and a 'Railway – Regional Reserve'.
- Vehicle movements, parking and circulation will take place from Miguel Road and Barrington Street ensuring traffic will not impact on the residential amenity of those to the south east of the site.
- The applicant has provided a site specific technical analysis which indicates that noise and dust emissions will not impact negatively upon nearby land owners.

Conclusion

It is considered the development of the site for a 'Concrete Batching Plant' is acceptable in land use terms and the details of the proposal are considered acceptable when judged against the standard development criteria of TPS No. 3. Additionally, sufficient technical justification has been provided by the applicant to satisfy the City that despite a breach of the generic buffer distance indicated in the relevant EPA guideline, the proposal can operate without detrimental impact on surrounding landowners.

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Strategic Plan/Policy Implications

Governance Excellence
- To develop and maintain a financially sustainable City.

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

See body of report for information relating to community consultation.

Attachment(s)

1. Location Plan
2. Development Application Plans (Site Plan, Elevations, Landscaping)
3. Draft Environmental Assessment Report
4. Acoustic Information

Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at the 9 December 2010 Council Meeting.

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

Nil.

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14.9 (OCM 09/12/2010) - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - LOCATION: LOTS 9002 JANDAKOT ROAD, 9004 ARMADALE ROAD, 132 FRASER ROAD AND 1 ARMADALE ROAD, BANJUP - OWNER: STOCKLAND WA DEVELOPMENT PTY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (5513086) (A TROSIC) (ATTACH)

RECOMMENDATION

That Council write to the Western Australian Planning Commission indicating its support for the proposed Banjup Metropolitan Region Scheme ("MRS") amendment, and also making the additional request that the MRS amendment include rezoning from 'Industrial' to 'Urban' the eastern portion of the Cockburn Activity Centre.

COUNCIL DECISION

Background

At the Ordinary Meeting held on 11 November 2010, Council considered the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy ("Draft Strategy"). This has been prepared by the Western Australian Planning Commission ("WAPC"), in order to provide further guidance at a local level to how the new Strategic Plan for Perth and Peel (Directions 2031 and Beyond) will be implemented.

Directions 2031, in conjunction with the Draft Strategy, provide the highest level of strategic metropolitan planning for Perth and Peel. While both are comprehensively compiled documents, arguably the single most critical objective is the focus placed on urban infill as a key component of Perth's future growth. Directions 2031 sets an urban infill target of 47 per cent, which compared with current patterns of urban development, represents more than a 50 per cent increase in the rate to which new development occurs within existing urban areas. Both Directions 2031 and the Draft Strategy therefore seek to promote strategic urban infill opportunities, especially where such are located close to activity centres and excellent infrastructure (especially public transport).

In recognition of this objective, the Draft Strategy identified a major urban expansion area within the locality of Banjup, adjoining the Cockburn Activity Centre. This aspect of the Draft Strategy has been

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supported by Council, subject to various comments which have now been provided to the WAPC.

As both Directions 2031 and the Draft Strategy have identified the Banjup urban expansion proposal as a key strategic urban infill opportunity, the proponent (Development Planning Strategies) on behalf of the majority landowner (Stockland WA Development Pty Ltd) has compiled a Metropolitan Region Scheme ("MRS") amendment proposal for Council's consideration.

While this proposal is for formal consideration by the WAPC (as it seeks to amend the MRS), before the WAPC undertake such consideration opportunity has been provided to Council to provide comments on the proposed amendment. This is the purpose of this report. It details a strategic planning assessment of the proposal, integrating comments from the various divisions within the City.

Submission

Background to the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy

In August 2010 the WAPC released the new Strategic Plan for Perth and Peel titled Directions 2031 and Beyond. It provides the highest level of strategic metropolitan planning, guiding the development of more detailed policies, strategies and planning actions. As an important mechanism to demonstrate how Directions 2031 needs to be implemented at a local level, sub-regional strategies have been developed.

The sub-regional strategies provide information about the levels of expected population growth by local government area, and highlight development opportunities as well as opportunities for increased residential densities. They provide a framework for delivering the objectives of Directions 2031.

In respect of the City, it falls within the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy. It falls within the south-west sub-region of the Draft Strategy, together with the Town of Kwinana and City of Rockingham. The Draft Strategy identifies future growth areas, both planned (already approved) and potential urban expansion opportunities. These growth areas are tied back to the future population and dwelling growth targets which each local government have been set.

The Draft Strategy also provides forecasts and targets for economic development, industrial land and major infrastructure (water, energy etc.). A critical component to the City and broader south-west sub-

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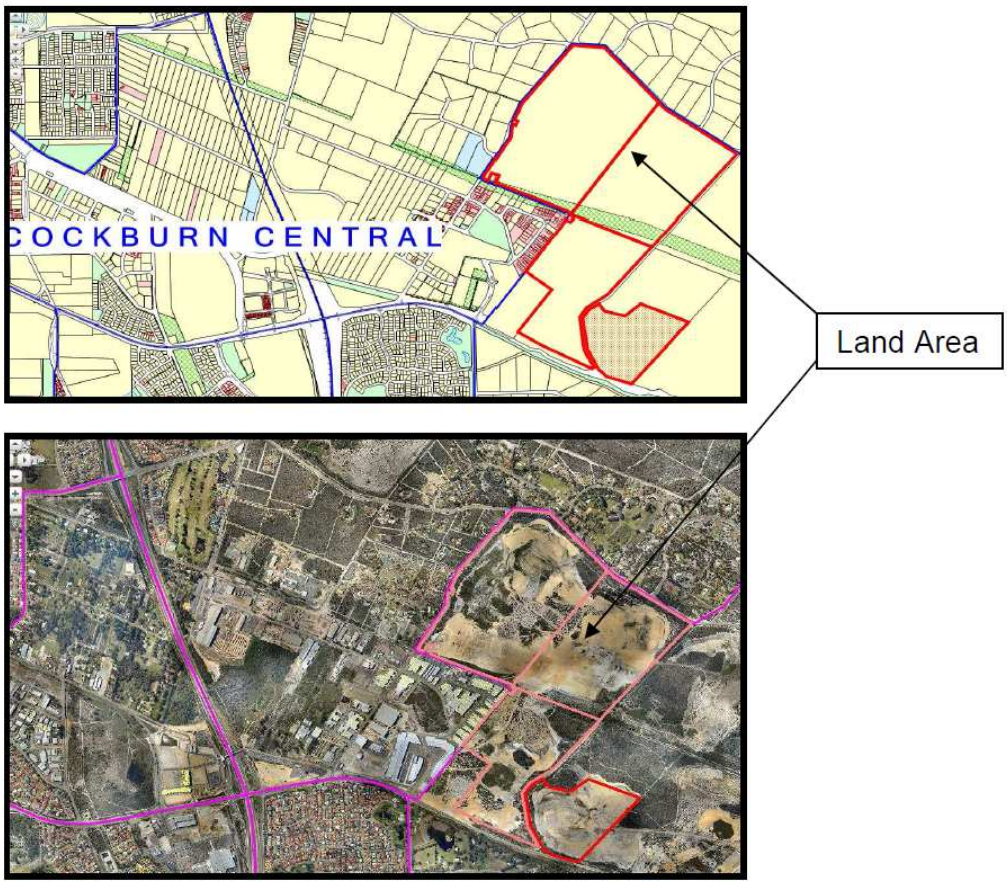
region in respect of accommodating growth targets is the Banjup urban expansion area. This is discussed following.

Banjup Urban Expansion Area

The Draft Strategy identifies the Banjup urban expansion area covering the ex-sand mining land adjoining the Cockburn Activity Centre. It has been identified for urban expansion commencing between 2011–2015, and covers the following specific land parcels:

– Lot 9002 Jandakot Road - 62.91ha
– Lot 9004 Armadale Road - 36.52ha
– Lot 132 Fraser Road - 45.32ha
– Lot 821 Fraser Road - 20.50ha

Being ex-sand mined land, it is an expansive area of flat topography largely devoid of remnant vegetation or other environmental features. The land area is diagrammatically depicted following:



Without revisiting in full detail the previous report considered by Council on 11 November 2010, Council indicated support for the Banjup urban expansion area and in doing so made the following key comments:

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1. In infill targeted around activity centres like the Banjup proposal creates synergies between investment, infrastructure, employment and activity which are required as a component to achieving more sustainable urban development within Perth. On this basis effective integration of the Banjup proposal with the Cockburn Activity Centre represents a critical planning objective.

2. The Banjup proposal exists above the Jandakot Groundwater Mound. This provides an important environmental context for the proposal, being that protection of the groundwater resource (both from a quality and quantity viewpoint) will be pivotal as part of urbanisation of the land. This will require urbanisation to be approached in a manner which utilises beyond best practice water sensitive urban design, so as to guarantee protection of the groundwater resource.

3. Due to its location between the Cockburn Activity Centre and Banjup proposal, Lot 1 Armadale Road needs to be included in any initial MRS amendment proposal. This logically forms part of the Banjup proposal and through inclusion will ensure future planning is undertaken in a manner which achieves a logical pattern of urban development integrated with the Cockburn Activity Centre.

4. In addition to this, it is also felt that in conjunction with an MRS amendment to facilitate development of the Banjup proposal, the eastern portion of the Cockburn Activity Centre should also be considered for rezoning from 'Industrial' to 'Urban' under the MRS. The 'Industrial' zoning under the MRS is considered to be a relic of previous planning approaches for the area, and considering the higher order mixed business and warehousing uses now taking place, it is considered that this land precinct should be zoned 'Urban' under the MRS. This is especially important to the overall objective of being able to see some residential development achieved immediately adjacent to the Cockburn Train Station, and also to ensure that the development of the Banjup land precinct actively integrates through the Cockburn Activity Centre.

5. There will potentially be pressure from other landowners above the Jandakot Groundwater Mound to realise some form of urban development potential in response to the Banjup proposal. This pressure has been a common occurrence as part of regulating use and development of land above the Jandakot Groundwater Mound, especially in considering the stark interfaces which exist between the urbanised and non-urbanised areas of Atwell and Aubin Grove.

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6. It is extremely important that both the State Government and the City be able to manage such landowner pressure and expectation, as the Banjup proposal identified by the Draft Strategy (being ex-sand quarry of limited environmental value located adjoining the Cockburn Activity Centre) represents a unique prospect in which to consider urbanisation. This is in contrast to other land areas which exist above the Jandakot Groundwater Mound, both in terms of them being highly fragmented, disjointed from the Cockburn Activity Centre and comprising environmental qualities ranging from remnant vegetation through to wetland environments.

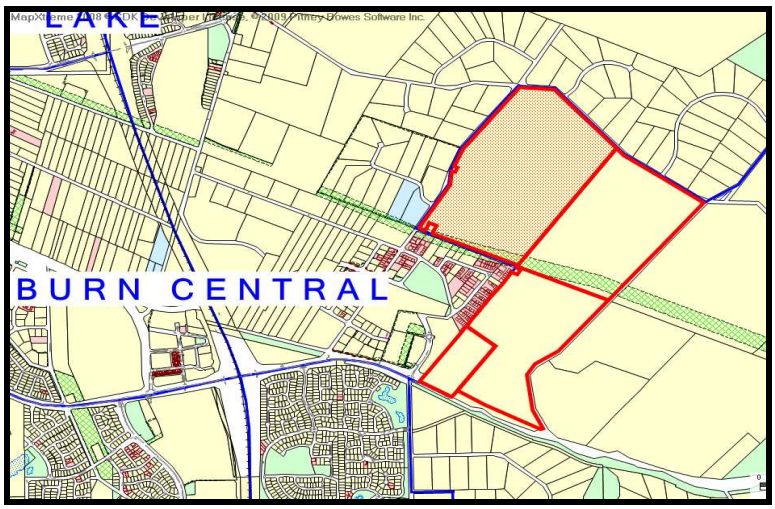
7. The future decision to consider the Banjup proposal is not considered to be ad hoc, and will be subject to extensive planning and environmental rigor to ensure its development reflects expectations of sustainable development principles.

The Metropolitan Region Scheme Amendment Proposal

The MRS amendment proposal is considered to demonstrate compliance with these key comments made by Council, as well as the broader strategic planning framework provided by the Draft Strategy and Directions 2031.

The actual proposal constitutes rezoning of the following land parcels from 'Rural - Water Protection' to 'Urban' under the MRS:
– Lot 9002 Jandakot Road - 62.91ha
– Lot 9004 Armadale Road - 36.52ha
– Lot 132 Fraser Road - 45.32ha
– Lot 1 Armadale Road – 8.08ha

These are shown following:



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The total land area represents 153ha, resulting in a potential yield of 2,295 new dwellings or more than 6,000 new residents. It is a significant proposal in this view alone, notwithstanding the other broader strategic aspects to it.

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

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

A Liveable City

1. The proposal represents an example for urban expansion in an appropriate location which is considered rational on a regional scale.
2. The proposal will enhance the activity and diversity of the Cockburn Activity Centre.
3. The urban community will be an accessible, well-connected and sustainable community that supports and enables effective participation and inclusion in the community for all residents.
4. The proposal provides for urban growth and residential living opportunities in close proximity to activity and employment centres and public transport corridors.
5. The proposal has the ability and the potential to contribute to the supply of strategically located affordable housing within the existing urban fabric.

A Prosperous City

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

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5. The proposal will create a diverse mix of housing types, services and amenities that facilitate economic development and employment.

An Accessible City

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

A Sustainable City

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

A Responsible City

1. The proposal is contiguous with the existing physical and social infrastructure network surrounding the site.

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

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

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

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

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

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

State Planning Policy Implications

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

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

Key points of these are analysed following:

SPP 1 State Planning Framework

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

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

SPP 3 Urban Growth and Settlement

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

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

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

SPP 2.3 Jandakot Groundwater Protection Policy

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

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

SPP 2.7 Public Drinking Water Source Policy

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

SPP 5.3 Jandakot Airport Vicinity

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

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

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

It is noted that the adopted 2009 Jandakot Airport Masterplan includes new aircraft noise forecasts for the years 2029/30. The 2029/30 ANEF shows a very small portion of the subject land within the extremities of the predicted 20 ANEF. As outlined above, residential development is not acceptable within the 20 ANEF. This matter has been discussed between the City and the proponent, as well as the proponent having discussion with Jandakot Airport. This will be an important matter to be addressed during subsequent structure planning phases if the proposal is supported by the WAPC.

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

Future Structure Planning

A conceptual structure plan has been prepared as part of this proposal and is provided as Attachment 1. This has been based upon four key principles of urban structure, green network, urban water management and movement network. It is not proposed to go into specific assessment detail at this very early stage, given structure planning design will be a process by which the City will have a very close involvement in should the proposal for rezoning be supported by the WAPC. This will have a clear evolution into the future, with the City playing a key role in the design and assessment process.

In terms of the key structure planning principles the following is noted:

Urban Structure

1. Provides an appropriate interface with existing commercial and residential developments adjoining the subject land.

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2. Apart from some transitional interface purposes, commercial land uses are to be contained within the existing commercial area and there is to be no extension of commercial land uses along the Armadale Road frontage.
3. High order regional community facilities and services have been planned within Cockburn Activity Centre; however, appropriate district and local community facilities are to be considered as part of the planning of the subject land.
4. Ideally, every 400 m walkable catchment neighbourhood should have as its central focus some form of community element or facility in accordance with the City of Cockburn's Sustainability Framework.
5. Local parks are to be encouraged, ranging in size between 3,000 and 5,000 m^2 again in accordance with Council policy. A major area of active open space, preferably to be co-located with the proposed primary school, will also need to be provided.
6. A higher residential density base coding is appropriate but must be based on:
   – The provision of good access to and integration with public transport (Cockburn Train Station).
   – Excellence in environmental planning and conservation (public open space with high conservation value, urban water management and domestic energy and water conservation).
7. The link between lot size and groundwater quality to be recognised. Smaller allotments (equating to smaller gardens) have less potential to contaminate the groundwater. The principle to be applied at the site is to minimise private garden space.
8. The proposed density and product range must address the issue of affordability.
9. Issues in terms of aircraft noise impacts, road noise impacts and noise impacts from adjoining commercial/industrial development will all need careful consideration through structure planning phases, and are all capable of being addressed.
10. Dust issues associated with the nearby Boral/Midland Brick plant need consideration; however this is considered to be able to be adequately dealt with through structure planning and detailed studies.

Green Network

1. The integrity and quality of remnant native vegetation onsite is to be protected.
2. Small private garden space is to be offset by the provision of quality and strategically located public open space.
3. Public open space is to have appropriate but limited turf areas and maximum retention of native vegetation. Planting schemes

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are to rehabilitate local native vegetation species where possible.

4. Passive public open space is to be provided around the existing wellhead, adjacent to the western boundary of the site.
5. The powerline corridor is proposed to form part of the green network, however formal approval will be sought from Western Power to utilise the land for urban water management, public open space (however no POS credit being allocated) and possibly parking purposes.
6. Road drainage bio-retention swales and treatment channels are to incorporate local vegetation species for water quality improvement purposes.

Urban Water Management

1. Urban development generally increases groundwater recharge through increased capture of rainfall on impervious roads and roofs being discharged to groundwater. That is, when groundwater drainage is limited and compared to evapo-transpiration and evaporation of rainfall in vegetated areas. Maintenance of post-development rainfall recharge to groundwater is critical.
2. Protection of groundwater quality is planned through mitigation of groundwater contamination risks. This will include best practise water sensitive urban design, land uses compliant with defined P3 areas, and land uses with no chemical storage activities in the well head protection zone.
3. Minimising any standing water from a mosquito and midge management viewpoint will also be important.

Movement Network

1. The number of access points to Armadale Road will be limited to the future intersection of Fraser Road/Armadale Road as it is a Primary Regional Road and a busy freight route. The urban design should encourage connectivity to and use of Jandakot Road.
2. The proposed range and extent of land uses at the site must be considerate of traffic impact on Armadale Road and Jandakot Road.
3. Consideration should be given to realigning Fraser Road from both its current intersection point along Armadale Road and internally to allow for the native vegetation to be retained and be better connected with the existing Bush Forever site on adjacent land.
4. Dollier Road is to be utilised to bolster connectivity to the adjacent light industrial/service commercial activity area immediately to the west of the site.

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5. The design of the movement network is to be supported by comprehensive traffic modelling to determine traffic distribution, impact on existing roads and any upgrades required.
6. The movement network is to provide comprehensive internal coverage and to link pedestrians and cyclists from the site to key external attractions including Cockburn Activity Centre in an efficient, safe and convenient manner.

It is important to also note issues regarding regional infrastructure needs around the Cockburn Activity Centre precinct. Current road based infrastructure within the Activity Centre is recognised to have reached its capacity, and accordingly development of the Banjup precinct will place additional demands on already utilised infrastructure. It is therefore important to consider regional infrastructure (and upgrading) requirements associated with the Banjup proposal. This will be a specific area of focus as part of future zoning, structure planning and subdivision processes.

Alternative Options

It is worth considering what would occur if Council didn't support the proposal - that is, what would be the land use and development outcome if the current zoning under the MRS was not supported to be changed to 'Urban'.

Currently the zoning of the land under the MRS is 'Rural - Water Protection', with a corresponding zoning of 'Resource' under the City's Town Planning Scheme. This facilitates use and development of the land in accordance with SPP 2.3 (*Jandakot Groundwater Protection Policy*). SPP 2.3 provides for limited land use and development to occur, based on the key objectives of protecting the Jandakot groundwater resource for public drinking water, as well as protecting the broader natural ecosystem. SPP 2.3 provides for limited subdivision to occur at a lot size of 2ha. This is typically accompanied by more restrictive land use practices being governed by the Scheme, such that the subdivision incentive offers the ability for the ultimate land use to be secured in accordance with SPP 2.3.

This form of development is consistent with the development which has already occurred on land adjoining the Banjup precinct to the north, east and west. Arguably, this form of development would also have a more consistent impact on the amenity of existing landowners, by introducing development which essentially reflects what currently exists. Accordingly, a change to 'Urban' zoning and development under the MRS will produce different impacts on the amenity of existing landowners.

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These impacts however, are considered manageable, together with the management priorities already stated in relation to the groundwater resource. It is however important to note the need to carefully consider the relationship which an urban development of the Banjup precinct will have on areas already development for special rural type purposes.

Conclusion

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

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

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

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

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Transport Optimisation

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

Budget/Financial Implications

The City will need to undertake amendments to its Scheme to provide an appropriate zoning and special control area arrangement to cover both structure planning requirements and the need for developer contribution arrangements. This will be a matter for future consideration, if the proposal to initiate an amendment to the MRS receives support of the WAPC.

Legal Implications

The *Planning and Development Act 2005* and related *Town Planning Regulations 1967* provide the statutory basis in which an amendment to a region scheme is to be considered. This includes the statutory referral and consent processes of the Environmental Protection Authority. If the proposal is supported, the City will also need to undertake amendments to its Scheme to provide an appropriate zoning and special control area arrangement to cover both structure plans and the need for developer contribution arrangements.

This will be a matter for future consideration if the proposal to initiate an amendment to the MRS receives support of the WAPC.

Community Consultation

Community consultation has occurred in the form of both the Directions 2031 Strategic Plan and Draft Outer Metropolitan Perth and Peel Sub-regional Strategy. This however has not been specific to the Banjup proposal, and accordingly future advertising and deliberation of the proposed MRS amendment (if supported by the WAPC) will provide the opportunity for detailed community consultation.

In terms of water management issues, the Department of Water has also provided the City with a copy of its letter dated 10 November 2010 to the proponent. In this letter the Department of Water indicate in principle support to the proposal, and subject to future planning processes including focus upon water sensitive urban design.

Attachment(s)

Conceptual Structure Plan

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Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 9 December 2010 Council Meeting.

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

Nil.

14.10 (OCM 09/12/2010) - PROPOSED VEHICLE ACCESS LOCAL PLANNING POLICY - LOCATION: CITY OF COCKBURN - OWNER / APPLICANT N/A (SM/P/005) (R SERVENTY) (ATTACH)

RECOMMENDATION
That Council:

(1) in pursuance of Clause 2.3.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), resolves to prepare a Local Planning Policy for vehicle access; and

(2) publishes notice of the proposed Policy in accordance with Clause 2.5.1(a) of the Scheme.

COUNCIL DECISION

Background

The City has prepared Draft Vehicle Access Policy Plans for a portion of North Lake Road and North Lake Road Extension (Verde Drive). The plans were prepared in consultation with Main Roads WA, the Department of Planning and affected landowners, and in conjunction with structure planning for the surrounding areas.

The plans coordinate vehicle access along the two roads to ensure adjoining development maintains safe and efficient movement for motorists, heavy vehicles operators, public transport users, pedestrians and cyclists.

To ensure that the plans are given adequate recognition through the planning process, it is recommended they be adopted as a local planning policy. This will make them readily identifiable as an important

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component of the planning assessment process, when applications for planning approval are received and assessed. This is the purpose of this report.

The proposed Vehicle Access Local Planning Policy has been prepared as a generic policy and does not relate to any specific road or land area. The Policy provides guidance for the preparation of Vehicle Access Policy Plans and a means of adopting a Vehicle Access Policy Plans. The Draft North Lake Road Vehicle Access Policy Plan and Draft North Lake Road Extension (Verde Drive) Vehicle Access Policy Plan are appendices to the Policy and will be adopted as part of the proposed Policy.

Submission

N/A

Report

When land adjacent to high traffic volume roads is developed for more intensive uses, the resulting additional traffic accessing such uses can cause conflict, especially where pre-existing traffic levels are already high. This can create dangerous and unattractive road environments.

In these situations, a coordinated approach to vehicle access is required. The proposed Vehicle Access Local Planning Policy provides a framework for the planning and development of safe and efficient movement of motorists, public transport users, pedestrians and cyclists, where such a coordinated approach to vehicle access is required.

The overall objectives for the proposed Policy are:

- Provide for safe and efficient movement of motorists, public transport users, pedestrians and cyclists.
- Provide for safe and efficient movement of waste management vehicles.
- To minimise the conflict between through and local traffic.
- Provide attractive visual road environments.
- Provide for reasonable property access that is direct, convenient and safe.

The proposed Policy and its associated vehicle access plans will be used by the City of Cockburn to guide the assessment of applications for planning approval, subdivision and detailed area plans.

The proposed Policy also allows for the preparation and adoption of additional vehicle access plans where a similar coordinated approach to vehicle access is required. Vehicle access plans will be adopted by

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Council as an amendment to the proposed Policy, and included as an Appendix. The proposed Policy includes two appendices at this starting stage, being the North Lake Road Vehicle Access Policy Plan and North Lake Road Extension (Verde Drive) Vehicle Access Policy Plan.

Strategic Plan/Policy Implications

Transport Optimisation

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

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

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

Budget/Financial Implications

N/A

Legal Implications

Once adopted as a Local Planning Policy, planning assessment performed pursuant to City of Cockburn Town Planning Scheme No. 3 ("Scheme") will be required to take into account the requirements in relation to vehicle access.

Community Consultation

Community consultation will be undertaken in accordance with Clause 2.5 of the Scheme.

Attachment(s)

1. Draft Vehicle Access Policy
2. North Lake Road Vehicle Access Policy (01)
3. North Lake Road Verde Drive Vehicle Access Policy (02)

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

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14.11 (OCM 09/12/2010) - NOMINATION OF ELECTED MEMBER FOR ALCOA LONG TERM RESIDUE MANAGEMENT STRATEGY STAKEHOLDER REFERENCE GROUP - APPLICANT: CITY OF COCKBURN (SM/L/005) (A TROSIC)

RECOMMENDATION
That Council:

(1) endorse _____ as the Elected Member representative on the Alcoa Long Term Residue Management Strategy Stakeholder Reference Group; and

(2) note the membership of Andrew Trosic, Manager Strategic Planning as a technical officer on the Alcoa Long Term Residue Management Strategy Stakeholder Reference Group.

COUNCIL DECISION

Background

Alcoa of Australia ("Alcoa") maintains an important industrial presence immediately south of the City of Cockburn ("City"), within the Town of Kwinana. This is specifically Alcoa's alumina refinery (located at the northern end of the Kwinana Industrial Area), and its associated residue disposal area (located approximately 4km directly east inland of the refinery). The residue disposal area represents a significant allocation of land (approximately 580 ha), due to the large amounts of residue by-product which are generated through the refining process to produce alumina and ultimately aluminium.

Alcoa have recently announced a review and update to its Long Term Residue Management Strategy ("LTRMS"). This is an important strategic document, in that it informs both government and the community about Alcoa's long term residue planning and management strategies. This is particularly important for Alcoa's Kwinana residue disposal area, given the degree to which land use changes (and pressure for change) are occurring in the peripheral area surrounding the residue disposal area.

In addition to Alcoa's Environmental Improvement Plan working group which the City has formal membership on, a new independently chaired

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Stakeholder Reference Group is being formed to participate in the LTRMS strategic review and update process. Alcoa has invited the City to have formal representation on the Stakeholder Reference Group, both an Elected Member and technical officer. The purpose of this report is to endorse an Elected Member for membership on the Stakeholder Reference Group of the LTRMS.

Submission

NA

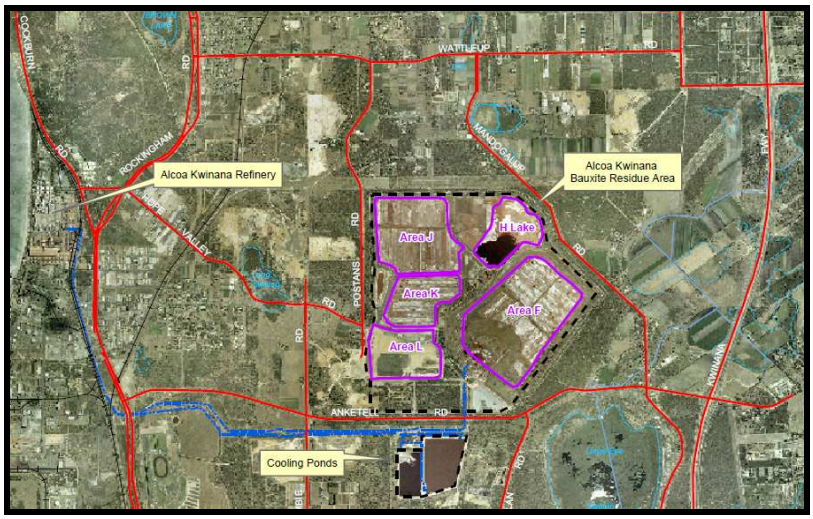
Report

Overview of Residue Management

Residue (or tailings) remains after the component of value is extracted from an ore body in minerals processing. In terms of alumina refining, as every six tonnes of bauxite makes two tonnes of alumina, and every two tonnes of alumina makes one tonne of aluminium, there is significant generation of residue in the process of converting bauxite ore into aluminium metal.

For this reason Alcoa's refinery operations must coexist with a nearby and accessible residue disposal area. In terms of the Kwinana refinery, the operating residue disposal area is located immediately east inland of the refinery, comprising a land area of approximately 580 ha. It is bound by an existing Western Power transmission line to the north; Mandogalup Road and Bush Forever Site to the east; Anketell Road to the south and; Abercrombie Road and Postans Road to the west. Its closest northern boundary is approximately 890 m from the City's southern boundary.

A location plan is provided following:



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The residue product itself is made up of two components of roughly equal quantity - sand and mud. Much of the sand is reused for construction of, and within the residue drying areas. The residue mud is dried in layers, with layers incrementally built up with mud to create residue stacks.

In Western Australia the low grade of the bauxite ore, compared with bauxite from other locations around the world, makes sustainable residue management (by sheer size and volume) a significant challenge. Factors influencing sustainable residue management issues include:

– The size of the residue disposal area.
– The location in respect of neighbouring properties.
– Dust.
– Visual amenity.
– Community perceptions.
– The extent and restrictions associated with buffers to residue disposal areas.

These issues have a clear impact on many different stakeholders, all of who rely on a strategic approach to residue management which stakeholders have the opportunity to be involved in. This strategic approach is represented through the LTRMS.

The Long Term Residue Management Strategy

Alcoa has a Long Term Residue Management Strategy for each of its refineries. These are designed to inform both government and the community about Alcoa's long term residue planning and management strategies, including:

– the location of future residue drying areas.
– the proposed final land form for residue drying areas
– how environmental risks associated with residue storage will be managed.

The LTRMS also addresses plans for closure/rehabilitation of parts of the residue areas; future land use options and opportunities for the residue areas after closure and; current research into residue management and reuse.

Alcoa have recently announced a review and update to its LTRMS for the Kwinana refinery. As part of this a new independently chaired Stakeholder Reference Group is being formed to participate in the LTRMS strategic review and update process. Alcoa has invited the City to have formal representation on the Stakeholder Reference Group, both an Elected Member and technical officer.

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The Need for the City's Involvement in the Long Term Residue Management Strategy Stakeholder Reference Group

At the 11 November 2010 Ordinary Meeting, Council considered a report dealing with the Draft Outer Metropolitan Perth and Peel Sub-regional Strategy ("Draft Strategy"). This Draft Strategy has been produced to guide, at a local level, implementation of growth targets established through the new Perth and Peel Strategic Plan titled 'Directions 2031 and Beyond'. A significant aspect to Directions 2031 and the Draft Strategy is identifying areas within existing settlement patterns in which to accommodate new residential growth. This is part of the objective towards achieving a more compact settlement form for the metropolitan area.

Within the City of Cockburn, the area coinciding with the City's Southern Suburbs District Structure Plan Stage 3 was identified for urban development within the Draft Strategy. However, the City has become recently aware that the Western Australian Planning Commission ("WAPC") is unlikely to support residential development within a portion of the Southern Suburbs Stage 3 land, as a result of buffer concerns associated with industry located to the southwest. This is specifically the area land precinct bound by Wattleup Road, Frankland Avenue Reserve, future Rowley Road and existing Rural zoned properties.

While the City does not wish to advocate for the urbanisation of any land which has potential impacts from buffers, it was expressed in the report to Council that previous planning within the Southern Suburbs Stage 3 area had always focussed on facilitating residential development in the area. This has indeed lead to 'Urban' zonings under the Metropolitan Region Scheme and the City's Town Planning Scheme No. 2 being instigated.

To depart from this approach and not permit residential development in a portion of the Southern Suburbs Stage 3 area was a decision of the WAPC which the City has raised concerns regarding.

It is noted that the decision has been made by the Kwinana Air Quality Buffer ("KAQB") Steering Committee of the WAPC, who have in turn advised the WAPC. It needs to be noted that Alcoa have no formal representation on the KAQB Steering Committee. Accordingly, the City's concerns have been raised directly within the KAQB Steering Committee, with a request that any decision on a buffer be undertaken in close consultation with the City, affected landowners and other stakeholders. Elected members will be kept informed about what this request of the WAPC leads to.

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Despite the current issue concerning the Southern Suburbs Stage 3 area, it is clear that land use changes (and pressures for change) are occurring within the peripheral land surrounding Alcoa's residue disposal area. To ensure that the City and Alcoa can align their respective planning such as to avoid conflicting planning situations, it is an important opportunity for the City to be involved in the Long Term Residue Management Strategy Stakeholder Reference Group. This Stakeholder Reference Group offers the real potential for the City to undertake an active involvement in the LTRMS strategic review, which will undoubtedly influence planning for the surrounding areas of both the City and the Town of Kwinana.

It is therefore recommended that the City endorse an Elected Member to sit on the Long Term Residue Management Strategy Stakeholder Reference Group.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

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Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 9 December 2010 Council Meeting.

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

Nil.

14.12 (OCM 09/12/2010) - VARIATION OF POLICY SPD7 'DUST MANAGEMENT PLANS' TO ALLOW BULK EARTHWORKS ON LOT 9001 WENTWORTH PARADE, SUCCESS - OWNER: JEWEL HORIZON PTY LTD - APPLICANT: PRITCHARD FRANCIS ENGINEERING CONSULTANTS (6002227) (R BIDDISCOMBE) (ATTACH)

RECOMMENDATION
That Council:

(1) approves an exemption to Policy SPD7 “Dust Management” to allow bulk earthworks during the moratorium period on Lot 9001 Wentworth Parade, Success, subject to compliance with the following standard and special conditions:

1. All dust management measures outlined in the dust management plan and supporting information must be adhered to at all times.

2. All proposed clearance strategies, timing and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon.

3. Times of operation are to be limited to 7.00 a.m. to 7.00 p.m., Mondays to Saturdays inclusive. No works on site (other than dust suppression works) are permitted outside these hours without prior written approval of the City's Health Service.

4. Bulk earth works will be permitted to be undertaken on the site over the period 1 October to 31 March, subject to an ongoing program of stabilisation on all exposed land prior to the completion of work on the lot, to the satisfaction of the City’s Manager Health Services.

5. Advisory notices shall be issued to adjoining land occupiers at least 24 hours before site works commence.

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The notices shall include the name and after hours contact number of the developer, engineer and contractor, the contact number for the City's Health Services, and the expected completion date.

6. Works shall not commence until the contractor and the City's Environmental Health Officer have met on-site to ensure that the works will be carried out in accordance with the City of Cockburn's approval.

7. The engineer for the developer shall ensure before commencement that sufficient source of water is available to ensure that all areas of the site are regularly stabilised with water while the bulk earthworks are in progress.

8. A suitable water-cart in good working condition and of not less than 10,000 litres capacity shall be available on-site at all times and also any spray irrigation & mist equipment to be used where deemed suitable for suppression of dust emissions.

9. The works site and access road shall be surrounded by 1.8m high wind fencing.

10. The wind fencing is to remain in position until the site is finally stabilized to the satisfaction of the City's Manager Health Services. Any damaged fencing is to be repaired prior to commencement of site works on that day.

11. Where works are completed in a section of the site and access to that section is no longer required, that area shall be protected by the contractor, and hydro-mulch stabilisation to the satisfaction of the City's Manager Health Services is to be applied.

12. The engineer for the developer shall maintain strict control of works with dust-creating potential. Material which has been stockpiled as a result of trenching, excavation work or any other activity shall be stabilised if stockpile is to be left exposed for longer than 72 hours.

13. The contractor shall employ measures to minimise escape of dust and sand from the site onto Wentworth Parade and shall ensure that any accumulated material is removed as required, or at a minimum of once per week .

14. Surface stabilisation equipment shall be available to commence operation on site within 48 hours of being

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required to do so by the engineer for the developer/local government/Department of Environment and Conservation and with sufficient capacity to cover any disturbed site area within a further 48 hours.

15. Additional wind fencing shall be erected within 24 hours of the contractor being required to do so by the engineer for the developer/local government/Department of Environment and Conservation. Dust generating works on the site shall cease in the interim.

16. Include an allowance for water-cart operation, wind fencing and surface stabilisation during the construction period for the purposes of dust and wind-borne material suppression.

17. Include an allowance for surface stabilisation for the purposes of dust and wind-borne material suppression to be maintained after the construction period and until change of ownership/control takes place.

18. Works must be ceased in extreme wind conditions i.e.,when winds are in excess of 25 knots, and the site sufficiently stabilised or water carts operated until such a time as the wind conditions are appropriate to resume works. Where the wind is forecast by the WA Bureau of Meteorology to be in excess of 25 knots, the site supervisor shall stabilize the site in anticipation of those conditions.

19. Supervisory staff of the contractor shall visit the site each non-working day when extreme wind conditions are expected, and commence additional dust suppression measures if necessary.

20. Details of any dust complaints received are to be logged and forwarded immediately to the City's Health Service.

21. Should dust visibly cross the site boundary, operations must be modified and dust suppression measures increased immediately. Should dust continue to be generated, all operations must cease immediately and the site sufficiently stabilised or water carts operated until such a time as the wind conditions are appropriate to resume works.

22. If at any time complaints are received and/or the City's Environmental Health Officer has sufficient evidence to

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believe operations cannot feasibly continue without affecting neighbouring properties, operations will be required to cease until the Manager Environmental Health Services is satisfied that dust management measures are sufficient to allow the continuation of works. During this time the site must be sufficiently stabilised to ensure that dust is not generated from the site and neighbouring properties are not affected.

23. No work is to be undertaken on the site between 25 December 2010 and 3 January 2011. The site must be stabilised to the satisfaction of the City's Manager Health Services during the non-works holiday period.

24. After all works are completed, and before the contractor has vacated the site, the developer must ensure that the entire site is stabilized to the satisfaction of the City's Manager Health Services. The developer then retains responsibility for site stability until change of ownership/control takes place. Should a change of ownership/control take place, the new owner or controlling party will inherit responsibility for site stabilisation.

(2) supports the issue of a Notice of Approval for a Dust Management Plan for the above works under the approved exemption, subject to strict compliance with the timing of the work and control of dust emissions as specified above. Failure to do so may result in the rescinding of the approval to operate during the moratorium and will subject the Developer to legal action due to non-compliance with the Notice of Approval; and

(3) advises the applicant of the decision of Council.

COUNCIL DECISION

Background

Local Law 5.9 of the City of Cockburn (Local Government Act) Local Laws 2000 requires owners or occupiers of land who intend to undertake any work involving the clearing of land from which any sand

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or dust is likely to be released to submit a Dust Management Plan (hereafter referred to as DMP) in accordance with Council's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn". Written approval of the plan must also be obtained before the commencement of any work (see City of Cockburn website).

When approving DMPs, the City's Environmental Health Officers assess the site and procedures for the management of dust lift-off against the Department of Environment and Conservation's "Land development sites and impacts on air quality" guidelines (hereafter referred to as the 'DEC Guideline'), and complete a risk matrix for assessing submitted plans (see City of Cockburn website and attachment titled and 'Site Classification Assessment Chart').

DMPs are approved subject to compliance with the above guideline and Council's Policy SPD7 "Prevention of Sand Drift from Subdivision and Development Sites" (see City of Cockburn website). This policy was adopted on 21 October 2003, and prohibits bulk earthworks, defined as site clearance, land re-contouring and cut and fill operations, between 1 October and 31 March annually ('moratorium period') on Class 3 (medium risk) and 4 (high risk) sites.

Following ongoing issues with dust nuisance from development sites and increasing problems with industry failing to seek required DMP approval for development works, the City's Health Services recently determined that all high risk bulk earthworks DMP approvals shall be issued in the form of a Notice to comply with the City's Local Laws regarding dust abatement. All engineers and contractors working in the City, including the applicant, were advised of the new procedure by letter in August 2010, and, in addition, were cautioned that the City was taking a zero tolerance towards those who chose not to comply with dust control requirements. The City's moratorium policy was again clearly outlined to industry in this letter.

Submission

The consulting engineers (Pritchard Francis) responsible for Lot 9001 Wentworth Parade have subsequently submitted an development application for Bulk Earthworks & Retaining Walls on behalf of the developers (Jewel Horizon Pty Ltd) and requested that the Council policy be varied to allow bulk earthworks to be carried out on the site during the 'moratorium period'. The DA submission includes:

- correspondence from Pritchard Francis outlining the development application for forward earthworks;
- the bulk earthworks DMP, including a draft risk assessment matrix by the applicant;

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- a site plan;
- supporting correspondences from the Building Services Manager, Strata Manager for Stella Aurora, a resident of Stella Apartments (47/6 Ibera Way), and also a nearby resident at the Southern Cross Care Village regarding works at earlier stages of the Stella development.

At the City's request, the proponents have subsequently submitted the following additional documents:

- A written detail of the proposed bulk earthworks and stabilization.

Further correspondence from the applicant outlining additional commitments to reduce the risk of dust emissions from the site.

Report

The engineers for the developer submitted a bulk earthworks DMP application for Lot 9001 Wentworth Parade to the City of Cockburn on 5 October 2010. The proposed works scheduled for the period from December 2010 to March 2011. The City's Health Services assessed the application against the criteria set in the DEC Guideline document confirmed that this development has a site classification of 4. On this basis, the application was refused under the City's Policy SPD7 as the proposed high risk bulk earthworks were scheduled during the moratorium period.

The proponents were advised of this outcome on 25 October 2010. This advice also confirmed that the City would nevertheless be able to consider a modified proposal if the proponent could reduce the risk by staging the works so that each stage had a site classification of 2, thereby falling outside of the moratorium policy restriction.

The proposed works will initiate Stage 3 of the Stella Apartments development at Lot 9001 Wentworth Parade, Success. The principal parties in the development works are as follows:

- Owner – Jewel Horizon Pty Ltd (Level 8/ 256 St Gerges Terrace, Perth).
- Engineer – Pritchard Francis Consulting Engineers (430 Roberts Road, Subiaco).
- Contractor – Marsh Civil (32 Alliot Way, Maddington).

Marsh Civil has been responsible for the earthworks on several subdivisions within the City, and the City's Environmental Health Officers have established a good working relationship with the senior management and site supervisors. Few complaints have been received from sites being worked on by these companies, and any complaints have been responded to effectively.

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The Bulk Earthworks Plan – Stage 3 is provided in the form of a site map showing the cut and fill contouring against the existing site contours.

Site Classification

The classification of a site is determined using a chart outlined in the DEC Guideline (Appendix 1), and is based on criteria such as nuisance potential of soil, size of the site, distance to housing, type of works (bulk earthworks are known to create more dust), and effect of prevailing winds.

Although the site is in close proximity to the houses and apartments to the west and south, plus the Gateway shopping centre and the Kwinana Freeway to the north and east, and the works (cut and filling) are such that there is a high potential for a dust nuisance to be created, the overall size of the site is limited to approximately 2 hectares.

The risk options given to the various criteria to produce a Class 4 classification are outlined below:

Part A – Nature of Site

1. The nuisance potential of the soil when disturbed is considered 'high' due to the presence of fine black topsoil generally associated with high risk nuisance potential remaining on the majority of the works area.

2. There is no remaining vegetation on the site, however the site topography may offer some protection from wind gust in certain circumstances and is somewhat protected from the south by established apartment buildings. In general the site would be considered as having 'little screening'.

3. The works area that is disturbed at any one time is 'between 1 and 3 ha'.

4. The works involve cut and filling, and are therefore considered as 'bulk earthworks'. The draft classification chart as submitted by Pritchard Francis has incorrectly classed the proposed works as 'civil works and partial earthworks' which does not apply to cut & fill earthworks.

Part B – Proximity of the site to other land uses

1. The apartment dwellings to the south are 'less than 100 m' from the site boundary.

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2. The surrounding land uses are 'dense land uses affected by prevailing winds'. The winds in this area are from south easterly to north easterly in the mornings, usually moving south westerly in the afternoon. Winds from the easterly quarters can be strong during the mornings over the summer period, as can the south westerly sea breezes in the afternoon/evenings. Both prevailing winds have the potential to cause dust to blow to the adjacent properties unless adequate dust suppression measures are used.

The site classification assessment chart in this case determined that the development score is 900, which is a Class 4 site and is therefore considered high risk under the DEC Guideline.

Dust management options

The application of water to disturbed soil can be effective in reducing dust lift-off and is employed by all contractors as the primary method of stabilization. The dust management measures that the contractor will adopt include the provision of water carts, provision for sprinkler systems and storage of short-term soil stabilising agents such as Dustex or Glue-On on-site. It is Marsh Civil's intention to apply such an agent to site each Friday prior to end of shift where weather forecast warrants this i.e. where the above prevailing winds may be expected. The water cart will also remain available on-site at all times to ensure that a dust nuisance contingency can be addressed during non-standard working hours.

Exposed areas and stockpiles can be temporarily stabilised by the use of hydro-mulch or stabiliser, or by covering areas with appropriate materials such as geofabric. The use of hydro-mulch or stabiliser can be effective as a short-term measure; provided the area is not disturbed (i.e. the crust is broken). Seed can be added to the products for long-term stabilisation. Marsh Civil's dust management commitments specify the use of hydro-seeding, spray emulsion or geofabric to stabilise areas that would otherwise be left bare for extended periods, and keeping dust suppression equipment on line or when needed. An amount of stabilizing will be stored on site for use in the water carts. A standard condition placed on dust management plan approvals also requires that stockpiles must be stabilised if they are to be left exposed for longer than 72 hours.

The use of wind fencing to aid in controlling dust has proved to be effective in most situations, particularly on less extensive sites such as this. The site boundary will be completely surrounded by 1.8m wind fencing. Provision for additional wind fencing within the Lot to prevent sand lift-off has been acknowledged by Marsh Civil and shall be erected within 24 hours where warranted. Additional wind fencing will be available to be erected within 24 hours if required.

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Experience has shown that the use of wind fencing, water carts and stabilisation equipment is effective in normal wind conditions, however if strong wind conditions are present where wind velocities exceed 20 to 25 knots, it is likely that dust will be generated despite these provisions. In these instances, or where winds of this strength are forecast, it is imperative that the site manager assesses conditions and the site works to determine if works can feasibly continue without causing a dust nuisance to surrounding residents. Where winds exceed 30 knots, Marsh Civil have confirmed that bulk earthworks will cease on-site.

Previous experience has shown that surrounding residents feel they have more control over situations when they are clearly informed, and provided with the contact details of the parties involved. For this reason prior to the commencement of works on Class 4 sites, it is compulsory to distribute advisory notices to surrounding residents providing the proposed finish date for the works, an after hours contact number for the engineer, and a contact number for the local government Environmental Health officer. A sample letter to residents is provided, with confirmation that this will be distributed to neighbouring properties. Marsh Civil has agreed to include information for their neighbours regarding the proposed site stabilization plans for the Christmas/ New Year works break.

An assessment of the dust management measures outlined in the DMP and the supporting submissions show they adequately address the provisions required for a Class 4 site as outlined in the DEC Guideline. DMP approval for all bulk earthworks sites is issued in the form of a Notice, issued under *City of Cockburn (Local Government Act) Local Law 5.12,* with a schedule of standard and site-specific dust control conditions designed to reduce the likelihood of sand or dust being released from the site. Compliance with the endorsed DMP is one of the scheduled conditions of the Notice.

Local Law 5.10 also provides that, *'An owner or occupier of land or premises, from which any sand or dust is released or escapes, whether by means of wind, water or any other cause, commits an offence'*. Under this Local Law, an infringement of $500.00 can be issued, or court action initiated with the prospect of substantial penalties for companies. Should a complaint be received from neighbouring residents, and evidence is gathered to confirm that dust has been released from Lot 9001 Wentworth Parade, Success, in breach of the Notice, the above condition will be enforced and an infringement notice will be issued.

In addition, *Local Law 5.4* allows the City's Environmental Health officers to require the works to cease at any time where a dust nuisance is being created, and to prohibit any further works until the

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City's Manager Environmental Health Services is satisfied that the works can continue without causing a nuisance.

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.

The Planning Policy which applies to this item is SPD7 "Prevention of Sand Drift from Subdivision and Development Sites".

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The applicant has consulted with a number of potentially affected residents and submitted supporting correspondence from them. All adjoining landowners, as part of the proposed Dust Management Plan will be formally advised of the works by the proponent prior to commencement.

Attachment(s)

1. Cover letter by Engineer
2. Dust Management Plan (including draft Site Classification Chart)
3. Site map – Bulk earthworks plan – Stage 3
4. Aerial – Site
5. Site works detail by Engineer
6. Further letter of commitment by Engineer
7. Correspondences – various in support of submission

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 9 December 2009 Council Meeting.

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

Nil.

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15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 09/12/2010) - LIST OF CREDITORS PAID - OCTOBER 2010 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION
That Council receive the List of Creditors Paid for October 2010, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

The list of accounts for October 2010 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

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Community Consultation

N/A

Attachment(s)

List of Creditors Paid – October 2010.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 09/12/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - OCTOBER 2010 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION
That Council receive the Statement of Financial Activity and associated reports for October 2010, as attached to the Agenda.

COUNCIL DECISION

Background

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

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

(a) details of the composition of the closing net current assets (less restricted and committed assets);

(b) explanations for each material variance identified between YTD budgets and actuals; and

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

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

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of $100,000 for the 2010/11 financial year.

Submission

N/A

Report

The City's closing position of $59.5M for October was $2.3M higher than the forecast ytd budget of $57.2M. This reflects a significant reduction in last month's disparity between these numbers of $12.2M. A number of compounding factors have led to this improvement, as elaborated below:

- Capital works expenditure is now tracking much closer to the ytd budget due to a management review and adjustment of project cash flows. It is now $1.9M below the ytd forecast (versus $6.9M last month).

- The budget has been revised to include the adjusted carried forwards as adopted at the October Council meeting.

- Operating revenue continues to outperform the budget, increasing from $1.4M to $2.7M ahead of ytd budget.

- The under spend in operating expenditure contracted somewhat from $3.7M last month to $2.7M. This currently represents around 10% of the ytd budget, but will continue to contract in percentage terms as the year progresses.

The full year revised budget is currently showing a surplus of $0.34M, versus the balanced annual budget adopted in June (nil surplus or deficit). Several budget adjustments have contributed to this as outlined

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in Note 3 of the financial report. These will be addressed in the midyear budget review.

Operating Revenue

Income from Waste Services activities continues to outperform the budget with Henderson Waste Recovery Park $643k and the waste services levy $336k ahead of budget. Rating income is also ahead of the ytd budget by $358k.

Operating Expenditure

Operating expenditure is generally running within budget for most business units of the City. However, most are due to a lag in receiving various accounts or delays in receiving the goods or services. One area that has actually exceeded its ytd budget is the landfill levy payment for the September quarter. This is a consequence of the above budget revenues received from landfill gate fees.

Specific details of the material variances within each Business Unit are shown in the Variance Analysis section of the financial report.

Capital Program

As already mentioned, the management review of the cash flows for the City's major projects has resulted in a more accurately phased capital budget. The overall underspend of $1.9M comprises mainly of some outstanding major plant acquisitions ($928k) and the City's roads resurfacing program yet to incur costs ($923k).

Cash & Investments

Council's cash and current/non-current investment holdings increased to $93.1M (from $90.6M in September). The October figure benefited from an injection of funds from the second instalment of rates and the receipt of some large grant amounts.

Of this total cash & investment holding, $41.7M represents the City's cash reserves, whilst another $4.6M is held for other restricted purposes such as bonds and capital contributions. The balance of $46.8M represents the working capital required to fund the City's operations over the remainder of the financial year.

Description of Graphs and Charts

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

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

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

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statements of Financial Activity and associated Reports – October 2010.

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Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (OCM 09/12/2010) - ADOPT REVISED POSITION STATEMENT PSFCS23 SUPERANNUATION (2405) (M TOBIN) (ATTACH)

RECOMMENDATION
That Council adopt the revised Position Statement PSFCS23 "Superannuation".

COUNCIL DECISION

Background

The City of Cockburn pays superannuation contributions as required by the Superannuation Guarantee (Administration) Act 1992 and in accordance with the Superannuation Legislation Amendment (Choice of Superannuation Funds) Act 2004. The City also offers additional superannuation contributions as an incentive to employees to make their own additional contributions pre-tax or post-tax. The position statement has been updated to offer employees the freedom of choice over a complying fund that the superannuation contributions are paid to.

Submission

That Council adopt the revised Position Statement PSFCS23 "Superannuation".

Report

The Superannuation Position Statement has been reviewed and update in line with the Clause 12 Superannuation of the Enterprise Agreement 2010–2013. The only change is that the employees can have freedom of choice over the fund that their contributions are paid to regardless of whether that contribution is made under the Superannuation Guarantee Administration Act 1992 or is an additional

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Employer or Employee contribution made under Position Statement PSFCS23 “Superannuation”. The fund nominated is still required to be a complying fund and must be accepted by the employer.

Since the adoption of the PSFCS23, the additional superannuation contributions have been made to WALGSP as the Superannuation Legislation Amendment (Choice of Superannuation Funds) Act 2004 did not apply to the additional Council contributions.

The Position Statement is underpinned by the City of Cockburn’s value statement on “People – We recognise the skills, commitment and contributions of our employees”.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

There are no additional costs associated with the revised position statement.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Position Statement PSFCS 23 “Superannuation”.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

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16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 09/12/2010) - TEMPORARY CLOSURE OF 6 PARKING BAYS AND PEDESTRIAN PATH ON SIGNAL TERRACE, 6 PARKING BAYS AND PEDESTRIAN PATH ON LINKAGE AVENUE AND PEDESTRIAN PATH ON THE EAST OF POINTS WAY IN COCKBURN CENTRAL TO PARKING OF VEHICLES AND PEDESTRIAN USAGE (6010994) (J KIURSKI) (ATTACH)

RECOMMENDATION

That Council in accordance with Section 3.50 of the Local Government Act 1995 institutes a temporary closure of 6 parking bays and pedestrian path on Signal Terrace, 6 parking bays and pedestrian path on Linkage Avenue, and the pedestrian path on the east site of Points Way for up to 18 months commencing December 2010 to May 2012 subject to:

1. There being no substantial objection received as a result of advertising in a local newspaper.

2. There being no substantial objection from service authorities, emergency services or adjoining owners.

3. The developer engaging and appropriately accredited traffic management contractor to submit a certified traffic management plan to monitor and control traffic movement due to the closure.

4. The developer will construct a temporary car park on Lot 7 Signal Terrace, to accommodate 30 vehicles, (i.e.) 20 parking bays for the City of Cockburn to replace 12 bays taken for construction and 10 parking bays for the use of construction staff.

5. The temporary car park construction will include the following:
   a. a fence around the car park area will be erected;
   b. a temporary road (chip-seal) surface with car parking bay and lining/markers to identify the parking bays will be installed;
   c. the temporary parking signage will be installed; and
   d. the necessary drainage to the temporary car park area will be installed.

6. The developer will make good to the entry and exit routes to the temporary car parking area on completion of the project and removal of the car park area.

7. The developer will submit the details of temporary fencing

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for approval as part of a Construction Management Plan, the details of which would be assessed and agreed prior to the issue of a building licence.

8. All works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum.

9. The proponent being fully responsible for public liability and damages arising from the works.

COUNCIL DECISION

Background

On 8 September 2010, the City issued an Approval to Commence Development for 130 Multiple Dwellings and 6 Commercial Tenancies on Lot 10 (No. 20) Signal Terrace, Cockburn Central. In order to facilitate construction on this lot the ProBuild Constructions requested the closure of 12 parking bays, adjacent pedestrian path on Signal Terrace, Linkage Avenue, Point Way and parking proposal to Lot 7 on Signal Terrace. The request to utilise some of land on Lot 7 for parking proposal is being considered as a separate item on this month's agenda.

Submission

ProBuild Constructions has requested Council implement procedures to temporarily close 6 parking bays and pedestrian path on Signal Terrace and 6 parking bays and pedestrian path on Linkage Avenue for a period of up to 18 months during the construction of the 130 Multiple Dwellings and 6 Commercial Tenancies on Lot 10 Linkage Avenue Cockburn Central.

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Report

During the construction activities of 130 multiple dwellings and 6 commercial tenancies on Lot 10 Linkage Avenue Cockburn Central, the temporary closure of 6 parking bays and pedestrian path on Signal Terrace, 6 parking bays on Linkage Avenue, associated footpath closures will be required for scaffold and loading zones. The details below are the reasons for this request:

1. The perimeter scaffold will encroach onto the pedestrian path. The pathways to Signal Terrace and Linkage Avenue are used by very minimum number of pedestrians; therefore, closure will not have a detrimental effect on the flow of foot traffic within the proximity of the development.

2. The 12 car bays on Signal Terrace and Linkage Avenue are required for site deliveries. With additional temporary car bays provided adjacent and on Lot 7 opposite side of Signal Terrace. This will not have a detrimental effect on the parking within the immediate surrounds.

3. In regard to safety management to the development and the surrounds, the temporary site fencing has to be extended around scaffolding to further reduce any potential risk.

4. Access for local traffic will not be affected by this closure. Access to the existing development within the area will always be maintained.

5. ProBuild Constructions has already submitted a proposal for temporary parking on Lot 7, which is owned by the City of Cockburn to accommodate 30 vehicles, 20 parking bays for the City of Cockburn and 10 parking bays for the ProBuild Constructions.

6. Advance warning signs will be installed and an advice of the proposed closure will be placed in both the local newspaper and West Australian newspaper.

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.

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Budget/Financial Implications

All costs to the closure will be covered by the ProBuild Constructions.

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

To be advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

Attachment(s)

1. Plan of the proposed temporary parking location and car bay requirements
2. Plan of the site

Advice to Proponent(s)/Submissioners

ProBuild Constructions have been advised that the matter will be considered by Council at the 9 December 2010 Council Meeting.

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

Nil.

16.2 (OCM 09/12/2010) - WATER CAMPAIGN MILESTONES 2 AND 3 (HS/M/006) (J HARRISON) (ATTACH)

RECOMMENDATION
That Council:

(1) endorse the following water consumption goals:

1. To reduce corporate scheme water consumption by 5 percent based on 2007/08 levels by 2017/18.
2. To improve efficiency in corporate groundwater use by reducing consumption to 10 percent below the 2007/08 Department of Water allocations per hectare by 2017/18.
3. To reduce community per capita scheme water consumption by 5 percent based on 2007/08 levels by 2017/18.

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(2) endorse the following water quality improvement goals:

1. To implement a minimum of 50 points worth of actions from the Water Campaign corporate action cards by 2017/18.
2. To implement minimum of 50 points worth of actions from the Water Campaign community action cards by 2017/18.

(3) adopt the 'City of Cockburn Local Water Action Plan 2011–2017'; and

(4) note that this endorsement fulfils the requirements of Milestone 2 and 3 of the Water Campaign™ program.

COUNCIL DECISION

Background

Australia is the driest inhabited continent in the world, yet our domestic per capita water consumption is amongst the highest in the world.

Reduced rainfall, rapid population growth and increasing groundwater extraction are putting significant demands on the quality and availability of our water resources. Climate Change is likely to result in further declines in rainfall over the South West of Western Australia, which will have a significant impact on our lifestyle and environment.

Over the past decade we have experienced an exceptionally dry winter which has reduced the availability of water to recharge groundwater systems. During 2010 Perth experienced its second driest winter on record. As a result the Water Corporation tightened water restrictions in Perth, Mandurah and parts of the South West by reducing water sprinkler rosters to one day per week during spring and implemented a total sprinkler ban during winter 2010.

The City recognises that we have a responsibility to show leadership to help improve water quality and reduce water consumption in Cockburn.

In 2007 the City joined the ICLEI Water Campaign and in doing so committed to working through the five milestones of the program. The City completed Milestone 1 of the Water Campaign in December 2009.

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Council staff recently completed work on Milestone 2 and 3 of the Water Campaign. Milestone 2 involves the setting of water management goals, and Milestone 3 involves the development of a Local Water Action Plan. This report seeks Council's endorsement of these milestones.

A range of positive outcomes are expected from the implementation of the actions identified in the Local Water Action Plan including reduced operating costs, improved water quality, reduced water consumption, social and environmental benefits.

Submission

N/A

Report

The ICLEI Water Campaign is an international freshwater management program which aims to improve water quality and promote water conservation both within a council's own operations; and in the community sector.

There are five milestones to the program which are undertaken on two focus areas:

- Water Quality and
- Water Conservation.

Milestone 1

The City completed Milestone 1 in December 2009. This involved completing an inventory of council and community water use and undertaking an assessment of water quality management practices.

Council received an award for completing this milestone at the ICLEI Oceania recognition event 'Partners in Water Action' on the 5th August 2010.

The results of Milestone 1 are summarised in the 'City of Cockburn Local Water Action Plan 2011-2017'.

Since the completion of Milestone 1 council officers have been working towards completing Milestone 2 and 3.

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Milestone 2

To achieve Milestone 2 of the Water Campaign, the City is required to identify and adopt goals for reducing water consumption and improving water quality.

Milestone 2 goals are developed for key priority areas identified using the findings from Milestone 1. These goals set a strong direction for water management in Cockburn and were developed in consultation with the City of Cockburn Water Campaign Reference Group. The proposed Milestone 2 goals are outlined below.

Water Conservation Goals

To reduce corporate scheme water consumption by 5 percent based on 2007/08 levels by 2017/18.

Although seemingly modest, the City's scheme water reduction target of five percent is quite ambitious given the new community facilities to be built over the next 10 years. Planned facilities include a new aquatic and recreation centre and operations centre which are expected to increase overall corporate water demand. Achievement of this goal will require the City to invest in best practise water management.

Corporate Ground Water Conservation Goal

To improve efficiency in corporate groundwater use by reducing consumption to 10 percent below the 2007/08 Department of Water allocations per hectare by 2017/18.

The groundwater reduction goal of ten percent below 2007/08 hectare allocations was selected by the Water Campaign Reference Group as it takes growth into account, goes beyond the legislated minimum, and is ambitious in a drying climate.

Community Water Conservation Goal

To reduce community per capita scheme water consumption by 5 percent based on 2007/08 levels by 2017/18.

The City's community water conservation target has been set on a per capita basis to take Cockburn's predicted growth into account. This target is in line with state level water management strategies.

The Water Corporation recently released its 'Water Forever' Plan which sets a per capita target for Perth to reduce water use by 25 percent over the next 50 years. This translates to five percent per decade which is in line with the City's community target.

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Scheme water consumption per capita in Cockburn for 2007/08 was 127 kilolitres. This includes water consumed across all sectors in the community (e.g. household, industry and commercial). A five percent reduction in community per capita water consumption will mean reducing water consumption levels to approximately 120 kilolitres a year by 2017.

Water Quality Improvement Goals

Water quality goals are expressed through a point system whereby a certain amount of points are assigned to water quality management activities. The goal is therefore expressed as a goal to achieve a number of points by a target year.

Corporate Water Quality Improvement Goal

To implement a minimum of 50 points worth of actions from the Water Campaign Corporate action cards by 2017/18.

Community Water Quality Improvement Goal

To implement a minimum of 50 points worth of actions from the Water Campaign Community action cards by 2017/18.

These goals were selected because they were felt by the Water Campaign Reference Group to be achievable and demonstrate commitment to improve water quality above and beyond existing actions.

Milestone 3

To achieve Milestone 3 of the Water Campaign™, the City is required to adopt a local water action plan outlining the strategy that will be undertaken to reduce water consumption and improve water quality.

The plan must contain the following six sections:

- Introduction and context of water management;
- Baseline profile;
- Statement of water management goal;
- Outline of existing actions and policies;
- Implementation list; and
- Commitment to monitoring and review.

The City's local water action plan was developed in consultation with an internal working group, consisting of council staff and facility managers.

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The plan must also be endorsed or adopted by council. As such, the 'City of Cockburn Local Water Action Plan 2011-2017' has been developed and forms part of the Attachments to the Agenda, which was distributed to members of the Council on 2 December 2010.

The Local Water Action Plan details specific actions that the City can undertake to achieve its objectives in relation to water conservation and water quality management.

Implementation of the Plan will help the City better manage its water resources and move towards a more sustainable future.

Future Actions

Following the endorsement of Milestone 2 and 3, council will begin work on Milestone 4. This milestone involves implementing the local water action plan and quantifying the benefits that arise from those actions.

It should be noted that the 'City of Cockburn Local Water Action Plan 2011-2017' is intended to be a 'living document' that will be reviewed on an annual basis and adapted to ensure it remains current and relevant.

A working group consisting of representatives from environmental services, infrastructure services, communications, environmental health, parks, engineering and planning has been established to oversee the development of the local action plan. This group will meet regularly to review the progress of the program in council.

Ongoing reviews will ensure the plan stays up to date with changes in policy and new technology. This process will also help to monitor progress towards goals, assess the effectiveness of implemented actions and assist in the preparation of annual budgets.

Elected Members will receive regular feedback on our progress towards achieving the milestones stipulated and on the broader ICLIE Water Campaign through the Elected Members newsletter.

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.

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Natural Environmental Management

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

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

Budget/Financial Implications

There are economic benefits to the City from reducing water consumption. Funds to undertake the actions identified within the Local Water Action Plan will be sought from Council through the normal budget process.

Over the next financial year, the priority actions include:

- Improvements to the South Lake Leisure Facility to reduce scheme water consumption.
- Installation of hydrometers to measure corporate groundwater consumption.
- Hydro-zoning and irrigation improvements to reduce groundwater consumption.
- Management of litter and nutrients into wetlands.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

City of Cockburn Local Water Action Plan 2011–017

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

Nil.

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16.3 (OCM 09/12/2010) - EXTENTION OF TEMPORARY CLOSURE OF NAUTICAL DRIVE IN HENDERSON TO THE PASSAGE OF VEHICLES (ES/R/002) (J KIURSKI) (ATTACH)

RECOMMENDATION

That Council in accordance with section 3.50 of the Local Government Act 1995, institutes an extension of temporary closure of a section of Nautical Drive, Henderson between two (2) crossings – at the intersection of Welding Pass to the north, and further south at the intersection of Stuart Drive for a period of up to 12 months commencing 1 January 2011 to 31 December 2011 subject to:

1. There being no substantial objection received as a result of advertising in a local newspaper.

2. There being no substantial objection from service authorities, emergency services or adjoining owners.

3. The developer engaging an appropriately accredited traffic management contractor to submit a certified traffic management plan to monitor and control traffic movements due to the closure.

4. All works on existing City infrastructure (roads, footpaths, drainage, parks or verges) completed and reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum.

5. The proponent being fully responsible for public liability and damages arising from the works.

COUNCIL DECISION

Background

The extension of temporary road closure is associated with an existing development approval by Council for the temporary storage use (rock material) for the western portion of Lot 101 Stuart Drive, Henderson.

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These rock materials are required for landing jetties and associated infrastructure as part of the Barrow Island LNG Plant, a Gorgon Gas Project currently under construction off the northwest coast of WA. Because the operations on Barrow Island require additional rock and to transport these rocks stored on Lot 101 Stuart Drive Henderson to the AMC CUF.

Council had already endorsed a temporary road closure in May 2010 and an application has now been received to extend this temporary road closure for a further period of twelve (12) months, being from 1 January 2011 to 31 January 2011.

Submission

Allerding & Associates on behalf of Boskalis Australia Pty Ltd has requested the City's approval for the extension of temporary road closure of a portion of Nautical Drive, Henderson between two (2) crossings – at the intersection of Welding Pass to the north, and further south at the intersection of Stuart Drive for a period of twelve months. This will facilitate the transportation of rocks stored on Lot 101 Stuart Drive, Henderson to the AMC CUF.

Report

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

1. The road closure is a necessary component to assist in the overall transportation and administration of rocks required for a landing jetty associated with the Barrow Island LNG Plant.

2. Mine site trucks with a capacity of approximately 75 tonnes will be used for the transportation of the rock materials and loading operations will be undertaken on a 24 hour per day basis. Due to frequency of truck movements and considering availability of alternative routes and public safety issues, road closure is required for the entire length of the operation.

3. The route through the section of Nautical Drive is the most appropriate and logical route to transport rock from Lot 101 Stuart Drive to the AMC CUF site. A 20 cm depth of crushed limestone base 10 metres wide will be placed over the road for the duration of the operation. At the completion of the operation the limestone material will be removed and the road reinstated to its original condition to the satisfaction of City of Cockburn.

4. The proposed detours are minor and efficient in directing traffic along Nautical Drive eastward to Sparks Road where vehicles

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can still proceed in a north-south direction. The proposed closure will not incur an adverse impact on surrounding land uses and existing through traffic.

5. The proposal is for a twelve (12) month period and with appropriate traffic management controls in place, including road barriers, signage and protective surfaces covering public road, the closure will not create any undue congestion and impact on surrounding land uses. Advance warning signs will also be installed and an advice of the proposed closure will be placed in both the local newspaper and West Australian newspaper prior to the closure.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

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

Budget/Financial Implications

All costs to the closure will be covered by the Developer.

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

To be advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

Attachment(s)

Application and plan of the closure.

Advice to Proponent(s)/Submissioners

Allerding & Associates have been advised that the matter will be considered by Council at the 9 December 2010 Council Meeting.

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

Nil.

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16.4 (OCM 09/12/2010) - TENDER NO. RFT 19/2010 - WASTE HANDLING SERVICES - WASTE COMPACTION, COVERING, RECOVERY AND TRANSPORTATION SERVICES (RFT 19/2010) (L. DAVIESON) (ATTACH)

RECOMMENDATION
That Council accept Tender No. RFT 19/2010 Waste Handling Services submitted by Micson Pty Ltd for the provision of Waste Compaction, Covering, Recovery and Transportation Services in accordance with the Schedule of Rates provided in their submission over an initial 3 year period concluding on 31 December 2013. The estimated lump sum for the service annually is $2,217,045.00.

COUNCIL DECISION

Background

Council requires a contractor to deliver waste handling services at the Henderson Waste Recovery Park (HWRP) for a three year period.

The current tender RFT 38/2007 expires on 31 December 2010. In March of 2010 the management of Micson P/L advised the City that as a result of significant financial losses, the Company could no longer provide their service at the rates tendered. These losses were due largely to excessive machinery maintenance costs, which were not anticipated in the original hourly rates submitted in their 2007 tender.

At the OCM of 13 May 2010 (Item 23.1 Minute No. 4267) it was resolved to increase Micson's hourly machine hire rates until 31 December 2010 when a new tender would be prepared, advertised and awarded.

Tender No. RFT 19/2010 Waste Handling Services was advertised in the Local Government Tenders Section West Australian on Saturday 28 August 2010. The tender was also highlighted on the City's website with a hyperlink to Tenderlink. The tender closed on 21 September 2010.

At 11 November 2010 Ordinary Council Meeting, the decision to award RFT 19/2010 was deferred as follows (Minute No. 4397):

" *that Council defer consideration of tender RFT19/2010 subject to:*

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(1) a briefing/question and answer session being held with the evaluation panel; and

(2) to enable timely consideration of the above tender, the briefing should be arranged prior to the December 2010 Council meeting in order to allow consideration of the above tender at the December 2010 Council meeting".

Clr K. Allen provided a series of questions for the evaluation panel to answer. Written answers were provided and distributed prior to the panel briefing the Elected Members on 25 November 2010.

Submission

Tenders closed at 2:00 p.m. (AWST) on Tuesday 21 September 2010 and five (5) tender submissions were received from:

1. Western Plant Hire
2. Micson Pty Ltd
3. All Earth Group Pty Ltd
4. Moltoni Waste Management / Gippsland Waste Services Pty Ltd
5. Transpacific Cleanaway Pty. Ltd.

Moltoni Pty Ltd submitted 3 alternate tenders and Transpacific Cleanaway Pty Ltd submitted 1 alternate tender.

Report

Compliant Tenderers

All tender submissions were considered during the evaluation.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	15%
Key Personnel and Experience	15%
Tenderers Resources	15%
Demonstrated Safety Management	5%
Tendered Price – Lump Sum	50%
TOTAL	**100%**

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Tender Intent/ Requirements

The City of Cockburn requires the services of suitably qualified, experienced and equipped contractor for the provision of Waste Handling Services at its HWRP; a licensed Class 3 site; located at 920 Rockingham Road, Henderson WA. These services are required seven (7) days a week, 361 days per annum.

The works/services required includes:

1. Managing the disposal of and recovery from approximately 225,000 tonnes of waste per annum in conjunction with the principal.
2. Receiving, classifying and directing material and municipal solid waste for disposal or recovery.
3. Assisting with the diversion of all recyclable materials from the landfill waste stream. The recoverable products include but are not limited to; steel, timber, plastic, cardboard, greenwaste, mattresses, vehicular batteries, non-ferrous metals etc.
4. Spreading, compacting or pushing of the waste material and the covering of waste in compliance with the Principal's licence conditions.
5. Transportation of waste and recovered material within the site and to selected recyclers throughout the Perth metropolitan area.
6. Assisting in the handling and preparation of recyclable product.
7. Coordination of recyclable material removal and development of methods that maximise resource recovery.
8. Assisting the principal in minimising the loss of landfill space.
9. Assisting the principal achieve its landfill operation management regulatory obligations.
10. Controlling litter, odour, fire and vermin.
11. Managing and controlling site vehicle movement.
12. Performing special burials.
13. Wet and dry hire of additional items of plant.
14. Any other work and/or services as detailed in the Specification or as directed by the Superintendent.

The successful tenderer will be required to provide all operators, labour, plant, machinery, tools and equipment, materials, chemicals, transport/cartage, supervision, administration, plant maintenance etc and anything else necessary to carry out all the works and/or services required or requested under the proposed Contract.

It is the principal's expectation that the successful tenderer be able to commence these services from 1 January 2011.

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The proposed Contract shall be in place for a period of three (3) years from the date of specified in the Letter of Acceptance; with Principal instigated options to extend the period for a subsequent one (1) year period and up to an additional twelve (12) months after that, to a maximum of five (5) years.

Evaluation Panel

The tender submissions were evaluated by:

1. Dale Smith – Manager Parks and Environment
2. Lyall Davieson – Waste Manager
3. Mike Haynes – Recovery Park Coordinator

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	50%	50%	100%
Micson Pty. Ltd **	**41.33%**	**41.42%**	**82.75%**
Moltoni Waste Management Pty Ltd.	33.04%	47.44%	80.48%
All Earth Group Pty. Ltd.	31.92%	45.77%	77.69%
Transpacific Cleanaway Pty. Ltd	37.58%	27.96%	65.54%
Western Plant Hire	28.08%	26.07%	54.16%

** Recommended Submission

Evaluation Criteria Assessment

Demonstrated Experience

Micson and Cleanaway scored well with their experience in managing a large Class 3 putrescible landfill. Both companies have a proven track record in WA.

Moltoni's experience in waste management in the east is noted. The panel was obviously unable to visit these sites to determine the degree of sophistication of the Moltoni managed landfills. From desk top audits and inquiry, the panel was able to determine that Moltoni operate a number of mostly small tonnage regional/rural landfills in Victoria and their experience in best practise landfill benching on lined cells with leachate control and gas extraction is limited. In small tonnage

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regional/rural landfills sites, strict environmental compliance has a more relaxed application. Moltoni's sites in WA are Class 1 inert sites.

All Earth and Western Plant Hire have solid backgrounds in waste and soil handling; though no direct Class 3 putrescible landfill benching experience.

Key Personnel Skills and Experience

Micson and Cleanaway rated highest in that both companies employ competent and experienced Class 3 landfill staff in Western Australia. Management staff located locally was considered to be a significant advantage by the panel.

Moltoni, upon successful awarding of this tender, proposes to employ the existing Micson staff. Whilst the panel support the principle of transferring staff to avoid job losses and the loss of valuable trained operators, there is no guarantee that all staff will choose to work for Moltoni. If this proposal fails, it may call into question the potential for Moltoni to procure suitably qualified Class 3 staff with experience.

The panel believes that building a functional team on a landfill site can take up to 18 months. Machine operators must understand and deliver on DEC licence compliance, sound site communication, accurate waste identification and satisfactory compaction rates. These functions all require prolonged training and development. The costs and risks associated with licence breaches and failing to perform other core functions is unacceptably high.

The staff at All Earth is highly skilled and in time, could adapt well to the demands at our site. All Earth and Western Plant Hire; however, do not posses teams that would immediately and readily relocate to operate in the highly coordinated manner to that required at the HWRP.

Tenderer's Resources

Micson, Moltoni and Cleanaway were the three companies that were considered by the panel to provide the most suitable equipment for the Henderson Waste Recovery Park waste volumes. Cleanaway deliberately omitted to provide a price for the 7 tonne minimum excavator on the grounds that their single 12 tonne machine could achieve improved recovery of recyclables utilising an alternate grab and modifying its operational method on the site. This omission proved difficult to accurately quantify the Cleanaway submission in the score sheet.

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Demonstrated Safety Management

Micson and Cleanaway performed well in this area, though the remaining tenderers were unable to or did not include their safety records with their OH&S Plans.

Summation

Not all tenderers are considered to have the capacity to meet the City's requirements as at 1 January 2011 as detailed in the Specifications as well as comply with the General and Special Conditions of Contract as stated in the tender document.

Whilst Moltoni and All Earth provided the cheapest lump sum price, their qualitative evaluation did not match that of Micson and Cleanaway.

Councillors may well remember the status of the HWRP in 2007. The existing contractor for the handling of waste (Canningvale Earthmoving) was terminated by the City on performance grounds at a time when the DEC officers were threatening prosecution for breaches of licence conditions. In the last three years, significant effort and expense has resulted in a best practice operation and much improved relationship with the DEC. To ensure the momentum of this continuous improvement was not interrupted. The panel valued highly the continuity offered by the Micson proposal. In addition, the panel considered the numerous and significant strategic initiatives that the HWRP must deliver to remain a highly valued manager of waste in the Perth metropolitan area. The seamless transition at the 1 January 2011 available with Micson coupled with the short lead time between a tender awarding date and commencement of the tender, further confirmed Micson as the preferred option.

Whilst the Cleanaway proposal was excellent, the lump sum price even without their seventh machine quoted was well above that of Micson.

The panel was satisfied that in evaluating lump sum figures only, that the middle price (Micson) represented a realistic and sustainable measure of machine maintenance and delivery throughout the life of the contract.

When considering both qualitative and quantitative scores, Micson was assessed best against the selection criteria. Micson provided the best assessment score and also offered a sound track record with highly contactable senior management; consequently their tender should be supported.

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Strategic Plan/Policy Implications

Infrastructure Development

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

Natural Environmental Management

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

Budget/Financial Implications

The annual contract expenses allocated for 10/11 is $2,446,056.

The 2010/11 budget for waste disposal was structured on the exact rates used by Micson in their submission.

Micson annual lump sum of $2,217,045 includes an additional excavator that was not considered in budget preparation for this FY.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

The following confidential attachments are provided under separate cover:

1. Tender Evaluation Sheet
2. Tendered Prices

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 9 December 2010 Council Meeting**.**

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

Nil.

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17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 09/12/2010) - UTILISATION OF COCKBURN YOUTH CENTRE BY CHALLENGER INSTITUTE (8648) (P DE BRUIN) (ATTACH)

RECOMMENDATION
That Council:

(1) receive the report regarding the use of Cockburn Youth Centre by the Challenger Institute; and

(2) continue with the current fee structure for the hire of the Cockburn Youth Centre facilities by the Challenger Institute, for the duration of the Memorandum of Understanding.

COUNCIL DECISION

Background

Council at its ordinary meeting on 8 May 2008 required that a report be prepared for consideration by Council regarding the first two years of Challenger TAFE's operations at the Cockburn Youth Centre.

The Council decision was as follows.

That Council:

(1) agree to enter into a Memorandum of Understanding (MOU) with Challenger TAFE for the use of areas within Cockburn Youth Centre for the purposes of training related activities, for five years with the option for both parties to mutually agree to extend the period for a further term of five years;

(2) establish terms and conditions of the Memorandum of Understanding to the satisfaction of the Director Community Services and Administration;

(3) include within the Memorandum of Understanding a fee structure based on cost recovery for up to two years for use of facilities during 'off peak' periods and a commitment from Challenger TAFE to an affordable fee structure for

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students/clients in accordance with State Government policy for the equivalent period; and

(4) require an annual report be prepared for consideration by Council for the first two years that addresses the following issues:

- *range of programs offered*
- *utilisation of facilities*
- *enrolments from Cockburn residents and*
- *any issues of concern.*

Please see attached report for more detail.

Submission

N/A

Report

Range of Programs

The Challenger Institute formerly known as the Challenger TAFE has delivered the following range of programs at the Cockburn Youth Centre since late 2008:

- Certificate I in Gaining Access to Training & Employment (GATE): A year 10 equivalency course for Youth at Educational Risk. This program addresses literacy, numeracy and life skills barriers which preclude young people entering into employment, apprenticeships and vocational education. It incorporates project themes such as music, community arts activities, and information technology.

- Certificate II in General Education for Adults (CGEA): This course caters for Youth At Educational Risk and general young people who need to develop numeracy and literacy, and it provides the entry requirements to gain access to Challenger Institute Certificate 1, 2 and 3 programs.

- Young Parenting and Very Excited (YPAVE): This provides a group of programs aimed at young parents and young pregnant women. The program provides information on all aspects of pregnancy and early infancy. Cockburn Youth Services operates a young parents group which compliments the Challenger Institute program.

- Programs for young people with intellectual disabilities. (YPWD): These programs are based part-time at the Cockburn Youth Centre

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and focus on the development of life skills, cooking, community participation, transport, recreation, and music.

The variety of programs has provided a valuable range of training opportunities for young people within the district.

Utilization of Facilities

The Challenger Institute operates the following courses at the Cockburn Youth Centre during school hours and school terms. This off peak utilisation pattern compliments the Cockburn Youth Services activities.

Certificate I (GATE)

This program has operated during first Semester since 2009. This program operates 4 days per week from 9.00a.m till 1.00p.m. The "HIVE" group activity Room and the Youth Pod Computer Room are hired for these sessions.

Certificate II (CGEA)

This program has operated every Semester since the Youth Centre opened late in 2008. It operates Monday to Thursday from 9 a.m. until 1.00pm. The "Youth Pod" (computer training room) is hired for these sessions. Students also have access to the "Blender" (casual hang out space) during breaks.

YPAVE

This program has operated every Semester since the Youth Centre opened in late 2008. This program operates on a Monday from 10.30 until 1.30pm. The "HIVE" group activity room is hired for these sessions. The kitchen is also used on some occasions for cooking activities. Students also have access to the "Blender" (casual hang out space) during breaks.

YPWD

This program commenced in 2009 and operates on Thursdays from 9.30am until 2.30pm. The main hall and the kitchen are hired for these sessions. Students also have access to the "Blender" (casual hang out space) during breaks.

Enrolments from Cockburn residents in programs

Over the past two years 85 young people residing in Cockburn have participated in Challenger Institute programs. This number represents 52% of students attending these programs. Please refer to table 1.0 below for a break down of the Programs enrolment details.

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Table 1.0 Enrolments from Cockburn Residents 2008-2010

	Certificate 1 and 11 Youth at Educational Risk		**People with Disabilities Programs**		**YPAVE Young Parents**
Year	Total Students	Students from Cockburn	Total Students	Students from Cockburn	From Cockburn only
2010	40	12	30	25	16
2009	35	9	20	12	8
2008 (Semester 2 Only)	16	3			
Sub totals	91	24	50	37	24
Total Participants	**165**	**Total Participants from Cockburn**	**85**	**Total Percentage Cockburn residents**	**52%**

A large number of students were classified as “Youth at risk” due to the multiple barriers that they experienced. The barriers included: contact with the Criminal Justice System; homelessness; substance abuse issues; mental health issues; teenage pregnancy; family of origin abuse; and domestic violence.

Delivering educational programs in a youth services environment includes valuable access to various forms of personal support for the issues faced by these “at risk” young people. The support provided by Cockburn Youth Services has increased retention rates and assisted facilitation of the young people into further education, training and employment. The direct support provided by the Cockburn Youth Services team included:

- Case management of “at risk” young people.
- PASH- promoting adolescent sexual health programs.
- Nurture Young Parents group program.
- Referral to specialised mental health services, medical, accommodation services or substance abuse services.
- Mediation between young people, and parents.
- Recreation, life skills, personal development, sporting, and arts programs.

There are no issues or concerns identified by the City, and the partnership between the City and the Challenger Institute has proved to be successful by increasing the educational opportunities for young people in the district.

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The Challenger Institute receives a 20% discount on the standard hall hire rates for the Youth Centre for the agreed programs as identified in the MoU. The Challenger Institute does not normally operate off campus and so they would not incur the cost of external hire fees when operating their courses. The partnership they have formed with the City where they are required to pay hall hire fees is therefore a more expensive model for the Institute and they make a financial loss on the Educational Risk programs operated from the Centre as a result of its subsidy. The programs offered by the Challenger Institute at the Youth Centre fall under their "ACCESS" programs area. The fee structure for these "ACCESS" programs is highly discounted, because students do not pay Tuition fees, they only pay for the cost of materials.

The Challenger Institute have identified that they would like to offer "ACCESS" programs from the Youth Centre next year based on the current fee structure. However, if the discounted fee structure was removed the Challenger Institute would need to consider whether they could afford to provide the courses from the Youth Centre at a greater financial loss than they currently incur.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.

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

Employment and Economic Development

- To encourage development of educational institutions that provides a range of learning opportunities for the community.

Budget/Financial Implications

The Youth Centre hall hire revenue exceeded budget estimates for the 2008/9, and 2009/10 financial years. The hall hire revenue for 2010/11 is currently exceeding income budget estimates with 68% of the estimated income already being received by November 2010.

Financial Year	Youth Centre Hire Actual Income	Youth Centre Hire- Estimated Income
2008/2009	$18,669	$13,000
2009/10	$36,829	$23,000
2010/11 YTD	$18,910	$28,000

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FINANCIAL YEAR	CHALLENGER TAFE REVENUE
2008/09	$13,939
2009/10	$17,011
2010/11 YTD	$7296

The cost recovery fee structure for hire of the Youth Centre by the Challenger Institute is a 20% discount applied to the standard hire fees. This fee structure ensures the City covers its operational costs and was simple to calculate on a semester basis. The fee structure therefore has mutual benefits for the City and the Challenger Institute.

Legal Implications

N/A

Community Consultation

Extensive community consultation was undertaken as part of the Cockburn Youth Centre needs analysis.

Attachment(s)

Minute No. 3725 (OCM 08/05/2008) – Cockburn Youth Centre Memorandum of Understanding with Challenger TAFE.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

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17.2 (OCM 09/12/2010) - CHILDREN'S MOBILE ACTIVITY VAN - BUSTER THE FUN BUS (CR/S/001) (G BOWMAN)

RECOMMENDATION
That Council:

(1) commence the operation of an in-house children's outdoor play session service in Term 1 2011 for a period of two years;

(2) require that the outdoor play session service will provide two outdoor play sessions per week for a duration of two hours during school terms for a period of two years;

(3) require that the Australian Early Development Index Survey results for the Cockburn district be disseminated through weekly mobile play sessions for a 12 month period in accordance with the grant funding obtained from the Department of Education and Training; and

(4) within two years of operation of the service, require a report that includes attendance data, satisfaction levels of participants, customer feedback and a recommendation about the continuation of the service.

COUNCIL DECISION

Background

From 1996 until 30 September 2010 the City of Fremantle has received funding from the Department for Community Development or the Department for Communities to provide a Regional Mobile Early Years Service encompassing the Fremantle, Melville and Cockburn Local Government Districts. The Annual Funding Level from the Department was considered to be a subsidy, because it has never been sufficient to cover the full cost of operating the service. The City of Cockburn agreed to the subsidized Buster the Fun Bus service model and has subsequently been contracting the City of Fremantle on an annual basis to provide it since 1996. The original contract provided four two hour sessions per week during school terms.

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The number of sessions per week has gradually reduced over the years due to operational cost increases passed on by the City of Fremantle and the City of Cockburn budget remaining unchanged apart from CPI increases.

Submission

N/A

Report

Within the existing Budget the City has been able to contract 3 Sessions per week up until Term 3 2009 at a rate of $124 per hour. The City of Fremantle then increased the cost for Buster the Fun Bus by 20% in 2010 resulting in the City of Cockburn only being able to contract two sessions per week for Terms one, two and three in 2010 within the existing $24,700 per annum Budget.

The City of Fremantle requested a variation to their funding agreement with the Department for Communities for the Buster the Fun Bus Service. The service agreement has been changed from a Regional Service encompassing Fremantle, Cockburn and Melville local government districts to a Fremantle District only service. In effect the variation removed the state government subsidy that the Cities of Cockburn and Melville had been receiving from1996 until the 30th of September 2010. The removal of the state government subsidy and a general increase in the cost quoted by the City of Fremantle for Term 4 2010 onwards has meant that the cost for Buster the Fun Bus has increased from $159 per hour to $250 per hour. With the new cost structure the City of Cockburn can now only afford one session per week for 2 hours in Cockburn District instead of two sessions per week for 2 hours, leaving a balance of $4000 in the Budget account.

In order to ensure no gap in service whilst a decision is being made the City of Cockburn has entered into a contract for Term 4 2010 with the City of Fremantle for the Buster the Fun Bus service. The City has informed them that due to the cost increase and the removal of the state government subsidy the City will be seeking a Council decision to determine whether we will continue to contract them to provide this service.

The Buster the Fun Bus Service provides families with young children aged under 12 with a free mobile play session service. The model is open to anyone who wishes to attend with children of this age group so is very accessible and inclusive. Prior to the session starting staff set up activities such as play dough, painting, arts and crafts, and play equipment. During the session staff assist parents by role modeling positive parenting skills, and answering questions. The parents receive

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information about local services including child health services, and the City of Cockburn Early Years, Family Support and Financial Counselling Services, the South Lake Ottey Family Centre and the Yangebup Family Centre. Parents have commented on how they like the outdoor environment and the lack of pressure to join a group and attend every week. This model of service delivery is popular, valuable and unique because it is provided in an outdoor setting, is less formal, and free. The mobile activity service was seen as one of the activities that assist to meet Outcome 7.2 of the Children's Services Strategic Plan "That children aged 0 – 12 years in the City of Cockburn have affordable and equitable access to activities and events that support social participation and foster well being and social integration."

For Term One and Two of 2010 the following data was collected by the City of Fremantle and provided to the City of Cockburn for the Buster the Fun Bus Service.

The average number of people who attended the Manning Park Buster the Fun Bus Sessions (2 hour session) was 90 people, broken down in the following way:

- 36 adult females
- 3 adult males
- 51 children (31, 0 – 2 years and 20, 3 – 5 years)

The average number of people who attended the Atwell (2 hour session and new in February 2010) was 36 people broken down in the following way:

- 14 adult females
- 0 adult males
- 22 children (14, 0 – 2 years, and 8, 3 – 5 years)

The City has identified that there is a community need for this service and sees the uniqueness of the mobile activity service, but due to the removal of the subsidy and large cost increase it became necessary to review whether the City of Fremantle is still providing the City of Cockburn with a value for money service. The City therefore undertook a cost comparison and has determined that the City of Cockburn will be able to coordinate two outdoor play sessions per week with staff employed by the City of Cockburn, and purchase equipment within the existing Municipal Budget for a similar mobile children's activity service. It includes all other direct operational costs such as telephone, travel costs, and supervision costs.

The City has the capacity to operate this service because Cockburn has over 14 years demonstrated experience in the provision of an Early Years Service through the Department for Communities Funded Early Years Program. The City has also successfully operated a three year old Play

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Club for many years. The Children's Development Position has the qualifications, skills and experience necessary to coordinate an Early Years Service of this nature. Due to this the City is in a position to Coordinate an outdoor play session service that will deliver the same outcomes and a similar model of service to the City of Fremantle service. The model will be a mobile, outdoor, drop-in playgroup and parenting service aimed at parents/caregivers and children aged 0 – 4 years. The range of activities, toys, equipment and information will be highly similar to the current service.

Following a Council decision in December 2010 the City could commence the operation of the proposed City of Cockburn Outdoor Play Session service in Term 1 of 2011. For the service to operate the City would be required to purchase an equipment trailer, and purchase toys and ancillary equipment. The City would be required to recruit, employ and train two part time staff to operate the service.

Consistently over the years the most popular location across the Region for the Buster the Fun Bus Service is Manning Park, so it is proposed that this location will have an outdoor play session operating from it for all four school Terms and the second play session will be mobile and move on a Term by Term Basis to suburbs around the City's South Eastern Suburbs. The City will collect attendance data, and survey parents to determine satisfaction levels.

The purpose and the outcomes of the service will remain unchanged but branding and promoting the new Cockburn run service to ensure that it is well known to children and parents will be a critical success factor.

As the service has not previously been operated by the City of Cockburn it is important for the Outdoor Play Session service to be reviewed after two years of operation to ensure that it is meeting the required outcomes, such as attendance numbers, high satisfaction ratings, and that families are referred to other Early years, Family Support, and Financial Counselling Services in the Cockburn District.

The City has recently found out that it was successful in a grant application to the Department of Education and Training for the amount of $13,400. The purpose of the grant is to disseminate information to the Cockburn community regarding the Australian Early Development Index results for this District. In the grant application the City determined that the best way to disseminate this information was to travel to the Buster the Fun Bus play sessions and as many play groups across the District as were possible within a 12 month period. In order to achieve this outcome the grant included a budget amount to purchase a trailer, 8 sessions of children's entertainment, and the salary and ancillary costs for a part time Play Leader and assistant position to work for an additional 7 hours between them per week travelling to different locations during school terms for a 12 month period.

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This grant will assist the City with the set up costs for the outdoor play session service and will provide a highly complimentary program to the proposed outdoor play session service.

If Council decides to continue to contract Buster the Fun Bus Service and not increase the budget, then the number of play sessions provided to Cockburn residents would be reduced to one play session per week.

Alternatively, if Council decides to contract the City of Fremantle to provide the Buster the Fun Bus Service for two sessions per week the annual operating budget and net cost to Council would increase from $24,700 to $40,000 per annum for the 2010/11 financial year.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.

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

Budget/Financial Implications

The net operational cost to Council for the proposed mobile outdoor play session service will be $24,500 per annum which is within the existing Budget for 2010/11 financial year.

It is proposed that two new part-time staff will be employed on a two year contract with the possibility of extension pending the two year review, and the existing part-time Children's Development Officer will be contracted to work two additional hours per week to supervise these staff for a period of up to two years. The Play Leader Position will be required to work 8 hours per week during school Term and for 10 hours each school holiday period. The Play assistant will be required to work 6 hours per week during school term.

The Department of Education and Training grant of $13,400 will provide the funds to purchase an equipment trailer, a budget amount for 8 sessions of children's entertainment such as animal farms, and the salary and ancillary costs for two part-time positions to work 7 hours per week between them during school terms for a 12 month period. It is proposed that the Play Leader will work an additional four hours per week and the assistant position to work an additional 3 hour per week per term for a 12 month period to disseminate the Australian Early Development Index results.

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If Council decides to contract the City of Fremantle to provide the Buster the Fun Bus Service for two sessions per week the annual operating budget and net cost to Council would increase from $24,700 to $40,000 per annum for the 2010/11 financial year. This would be a net cost increase of $15,300. The City of Fremantle may also consider increasing the cost for the following financial year as they have previously done.

Legal Implications

N/A

Community Consultation

Surveys will be provided to participants of the outdoor play sessions in both locations once per term over the next two years to determine satisfaction levels and general comments.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

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17.3 (OCM 09/12/2010) - COCKBURN INTEGRATED HEALTH AND COMMUNITY FACILITIES, WENTWORTH PARADE, SUCCESS (R AVARD) (CR/M/111) (ATTACH)

RECOMMENDATION
That Council:

(1) adopt the Business Plan for the Cockburn Integrated Health and Community Facilities;

(2) subject to final Council approval to construct the Cockburn Integrated Health and Community Facility and in accordance with Part 4 section 30 (c) (ii) of the Local Government (Functions and General) Regulations 1996:-

1. Enter into a funding agreement with the Commonwealth Government for the incorporation of a GP Superclinic into the Cockburn Integrated Health and Community Facility.

2. Enter into an Agreement to Lease and Lease with Centrelink for an area of approximately 1,000 m2 at a commercial rate for 10 years with an option for a further 5 years with increases at no less than the annualised Perth CPI index as approved by the Chief Executive Officer.

3. Enter an Agreement to Lease and Lease with the South Metropolitan Area Health Service for an area of approximately 350 m2.

4. Enter an Agreement to Lease and Lease with the Child and Adolescent Health Service for an area of 1,000 m2.

5. Enter an Agreement to Lease and Lease with the legal entity established to operate the Cockburn GP Super clinic.

(3) subject to final Council approval to construct the Cockburn Integrated Health and Community Facility and in accordance with section 3.58 of the Local Government Act 1995, delegate authority to the Chief Executive Officer to negotiate Agreements to lease and leases for tenancies within the Integrated Health and Community Facility.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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Background

Council has placed on its municipal budget and included in the City of Cockburn Plan for the District funds, to progress the development of an Integrated Health and Community Facility on a site it controls on the corner of Wentworth Parade and Beeliar Drive in Success.

Council at its Ordinary Meeting of 12 November 2009 resolved (Minute No. 4112):

"That Council accepts the tender submitted by Bollig Design Group for Tender No.RFT 37/2009 - Architectural Services – Success Integrated Health and Community Facilities, with an estimated contract value of $56,700 (exc GST) for concept design and $901,600 (exc. GST) for detailed design/documentation and Project/Contract Management, based on the tendered Schedule of Rates".

Council at its Ordinary Meeting of 8 April 2010 resolved (Minute No. 4228):

"That Council advertise the Business Plan for Integrated Primary Health and Community Facilities in accordance with the requirements of Section 3.59 of the Local Government Act".

DTZ have been appointed as selling and property managers for a period of three years and have advertised extensively through targeted marketing and in the general media for expressions of interest to lease space for medically related services in the Cockburn Integrated Health and Community Facility.

The Commonwealth Government have advised that they have committed $6.65m toward the construction of a GP Superclinic on the site due to the low number of GP's currently serving this population.

The Commonwealth Government sought expressions of interest to lease 1,000m2 of space in the vicinity of Cockburn Central. A submission was made by the City of Cockburn on the 29th of March 2010 to Centrelink for the lease of a portion of the proposed new Cockburn Health and Community facilities to be located on the corner of Wentworth Parade and Beeliar Drive in Success.

The State Health Departments Child and Adolescent Health Service (CAHS) have indicated a strong interest in leasing space from the City for a range of services to work in cooperation with the GP Superclinic. They have signed an MOU with the City as an indication of its commitment to the project. The South Metropolitan Health Service

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(SMAHS) have also indicated and interest in leasing space but have yet to make any formal commitment to this.

Several not for profit organisations have indicated an interest in leasing space including the Fremantle GP Network. There have been expressions of interest from a range of private medically related service providers seeking to lease space within the building.

Submission

There were no submissions received in response to the Business Plan advertisement.

The Commonwealth Government has sought from the City a firm offer for the lease of approximately 1,000m2 for a ground floor tenancy in the proposed Cockburn Health and Community facilities precinct to establish a Centrelink office.

Report

The intent of the project as described in the Business Plan is a balance between two objectives. Firstly, to provide and facilitate the provision of community services in particular the library, meeting rooms, GP Superclinic. Secondly, the facility will generate income for the City through the leasing of property such as office accommodation, health services and the café. The business plan described the project and based on preliminary design estimated the construction cost of the project at $32,000,000. With more detailed design and an expansion of the areas available for lease the revised cost estimate for the project as prepared by Davis Langdon Quantity Surveyors is $44,720,000 inclusive of fitout for the Library and the GP Superclinic. However, they advise that due to highly competitive construction market that currently exists the actual tender price could be 10% below this figure which would result in the project cost being $40,000,000. As the building design is essentially the same as that proposed in the Business Plan; the additional space created will be tenanted and the construction cost of the building is likely to be below the QS estimate it is proposed that the Business Plan be accepted. There is are more detailed information provided in the GP Superclinic financial plan and the project financial plan attached to the agenda which substantiate the social and financial viability of the project.

The financial plan for the GP Superclinic has been prepared by independent consultants Steadfast Investments, Selwyn Castles and is attached to the agenda.

A concept plan for the site has been prepared by Architects Bollig Design which is attached for information.

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A project time schedule has been prepared and is also attached to the agenda.

To receive the full allocation of funds from the Commonwealth a Funding Agreement is required which spells out the expectations of the Commonwealth in relation to the operation of the GP Superclinic for a period of 20 years after which time the area funded by the Commonwealth becomes the property of the City of Cockburn. The agreement essentially seeks to require the service to meet the program objectives which as summarised as follows:

- Provide well integrated multidisciplinary patient centred care.
- Be responsive to local community needs and priorities, including the needs of Aboriginal and Torres Strait Islander people.
- Be accessible and provide culturally appropriate and affordable care.
- Support preventative care options.
- Have efficient and effective use of Information technology.
- Provide a working environment and conditions that attract and retain the workforce.
- Provide high quality best practise care.
- Operate with a viable and efficient business model.
- Supports the primary care workforce.
- Integrates with local programs and initiatives.

Another important requirement of the GP Superclinic program is to provide tertiary students of medical and allied health disciplines the opportunity for work experience and practical training. The City has been in negotiations with Curtin University to have a presence within the Cockburn Integrated Health and Community Facility by contributing funds towards the building works in return for the use of an area within the building. This will allow students from Curtin which has the largest allied health faculty in the State to have student placements with the services that operate from the centre.

It is proposed with the agreement of the Commonwealth that the GP Superclinic be managed by an independent Board of Management/Governance. To date individuals from Silver Chain, Fremantle GP Network, Curtin University, South Metropolitan Area Health Service and Child and Adolescent Health Service have indicated an interest in being inaugural members of the board. A draft budget has been prepared by an independent person experienced in the operation of GP practises. This is attached to the agenda as a confidential item. Suffice to state that the budget demonstrates clearly that given the assumptions made the GP Superclinic is financially viable. It is proposed that a trust fund be established with a board of trustees with Council representation that determines the use of the profits generated from the GP Superclinic. As the funding for the

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construction of the GP Superclinic is funded by the Commonwealth it is likely that the objects of the Trust would be for health related research, chronic disease and health promotion initiatives.

There are a number of tenancy types proposed for the facility which are described as follows.

The library and meeting/conference rooms will be controlled directly by the City and there will be no lease fee charged. The City will hire out the conference meeting rooms to other tenancies and community members in accordance with the City's standard practises. It is proposed that the day to day hire of the meeting rooms will be managed by staff within the library. The property managers DTZ will handle all maintenance matters associated with the building and calculate all outgoings consistent with standard property management practise.

Should it proceed the leasing of the area to Centrelink will be through DTZ who will deal with all property matters including the collection of rent, maintenance and outgoings. The same arrangements are proposed to be in place for all other tenancies such as, Fremantle GP Network, SMAHS, CAHS and the smaller private medical tenancies.

A condition of Commonwealth Funding for the GP Superclinic portion of the building is that an agreed area of space shall be provided with no lease fee for a period of 20 years in recognition of the Commonwealth capital contribution to the facility. The City will have an agreement in place with the Commonwealth that spells out the service delivery model and the management structure to be in place. Arrangements have been initiated for a new legal entity to be established which will operate the GP Superclinic and coordinate service delivery with the State Health Department service operating from the site. This entity will then have a legal agreement such as a Deed of Assumption with the City to comply with the City obligations to the Commonwealth. A diagram that reflects the management model for the Cockburn Health and Community facility is attached to the agenda.

The development application for the project has been submitted and will be dealt with through established procedures under delegated authority.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services.

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Budget/Financial Implications

The Commonwealth funded GP Superclinic will be operated by a legal entity that is separate from the City. A funding requirement is for a detailed business plan for the GP Superclinic to be prepared that meets the requirements of the Commonwealth. No Council funds will be required for the Superclinic operation.

An independent financial plan for the Superclinic has been prepared, as shown in the attachment.

DTZ property agents have indicated that the total gross value of the lease areas will be approximately $1,800,000. The outgoing for the building have been anticipated to be between $60 and $65 per square metre per annum which will equate between $471,360 and $510,640 which includes the costs allocated for the 1,486m2 of office space and 350m2 of meeting rooms. A more detailed budget will be provided to Council for its consideration when detailed design is more advanced and information on tenants is known.

Legal Implications

Section 3.59 of the Local Government Act requires the development and publishing of a Business Plan for 'major land transaction' and a 'major trading undertaking'.

Part 4 section 30 (c) (ii) of the Local Government (Functions and General) Regulations 1996 allows for the City to enter a lease agreement without going through the requirements of Section 3.59 as the lease will be with a Commonwealth Agency, namely Centrelink and the State Governments South Metropolitan Area Health, and Child and Adolescent Health Services.

Community Consultation

The Business Plan for the project was advertised for public comment in accordance with the requirements of the act on the 14th of April in the West Australian and in the Cockburn Community Newspaper on the 18th April 2010. There were no submissions received. The Council is then required to consider any submissions.

Attachment(s)

1. Concept Plans
2. GP Superclinic Financial Plan
3. GP Superclinic Governance Model
4. Project Time Schedule

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Advice to Proponent(s)/Submissioners

N/A

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

The provision of a library service is clearly the responsibility of Local Government and there is an expectation that government either provides and or facilitates the provision of health services for its local community. The areas on the east side of the City have been deemed by the Commonwealth as a District of Workforce Shortage and falls within an affected Division of General Practice. Hence the market has not been able to provide a sufficient level of service to serve the current and future population growth.

17.4 (OCM 09/12/2010) - HALO USE OF JOE RECREATION CENTRE (R AVARD) (2705217) (ATTACH)

RECOMMENDATION
That Council enter an agreement with The HALO Leadership Development Agency for the use of space at the Joe Cooper Recreation Centre on the following basis:

1. Exclusive access to 2 offices and the trophy room in "as provided" condition.

2. Casual access to the main hall, kitchen and dance room when these areas are not being used or booked by others, subject to the following conditions:

   (a) Term of 3 years.

   (b) Annual rental of $9,500 (gst exclusive), increased yearly in accordance with the Consumer Price Index (Perth).

   (c) Bond of $1,000 (gst exclusive), refundable on expiry of term, less any outgoings payable to the City at that time.

   (d) HALO to be responsible for cleaning and minor maintenance of its exclusive use areas.

   (e) HALO to be responsible for the provision and ongoing maintenance of furnishing and equipment to be located in its exclusive use areas.

   (f) HALO to provide current Certificates of Public Liability Insurance to the City, prior to occupancy.

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(g) HALO to be responsible for obtaining any statutory approvals required by the City, as the owner of the premises, prior to occupancy.

(h) All other conditions as stated in the City's "Conditions of Hire" for community facilities.

(i) Any other standard conditions applicable to the arrangement for the mutual protection of both parties.

COUNCIL DECISION

Background

Council at its meeting of the 11th November 2010 received a notice of motion as follows:

"that the CEO initiate negotiation with local not for profit (NFP) organization HALO with a view to them taking up tenancy of the under-utilised Joe Cooper Reserve building and a report on these negotiations be brought back to a Special Council Meeting in December 2010"

In accordance with Council intention officers met with representatives of The HALO Leadership Development Agency (HALO) to discuss the requirements of HALO and how these requirements may be met by the use of the Joe Cooper Recreation Centre.

Submission

HALO has written to the City outlining their request. A copy of the letter from Halo is attached to the agenda.

Report

The Joe Cooper Recreation Centre is located on McFaull Park, Pomfrett Street, Spearwood. The building was constructed in the 1960's and is now toward the end of its serviceable life. The Plan for the District identifies the Joe Cooper Centre to be demolished by the end of 2014 and for the activities occurring at the centre to be relocated to a refurbished and upgraded Beale Park facility.

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With this in mind there has been little maintenance done to the Joe Cooper Recreation Centre, patronage of the facilities has not been actively promoted and hence the facility currently has low usage.
HALO has sought exclusive use of the two offices and the trophy room of 20m2, 14m2 and 24m2 respectively.

The offices are readily available for use once stored material has been removed. As the offices are basic, within an old poorly exposed recreation facility, they have limited market value. Notionally, a rental value for the "exclusive use" areas of $100m/year is proposed which equates to a total of $5,800 which would usually exclude outgoings.
Similar rentals of Council property by third parties have attracted a similar fee.

Should HALO seek to hire the meeting room the standard hourly rate is $13 per hour as paid by the other users of the room, being the Guides and Brownies. The main hall has a hire rate of $16.50 per hour which is the rate paid by an indoor soccer group.

HALO have indicated an interest in using the stadium area and the dance room of the Centre on a casual basis. The standard hire rate, based notionally on usage by HALO of 10 hours per week for the stadium and 6 hours per week for the dance room, would amount to $12,636 p.a. and $4,056 p.a. respectively. Added to the proposed rental for the offices of $5,800 p.a. the total rental payable for this scenario would normally be calculated at $18,436 p.a.
It is proposed that this amount be discounted by 50% to reflect the condition of the premises and the community nature of the intended usage. Coincidently, this figure represents the amount previously paid by HALO to Council in 2008, when it rented space in the Yangebup Community Centre from Council.

HALO has received financial support for its activities from the City of Cockburn as follows:

- 2007 $10,000
- 2008 $15,000
- 2009 $10,000
- 2010 $15,000

From the financial statements received from the applicant previously, there is clear indication of multiple sources of grant and other revenue (eight in 2010 and seven in 2009) totalling $248,000 and $159,000 respectively. The applicant recorded after tax surplus from operations of $50,582 (2010) and $11,894 (2009). In both years, the applicant paid rent to third party landlords in excess of $20,000. It is understood that HALO`s current occupancy within the Yangebup Shopping Centre expires in March, 2011.

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The City's staff have reported a number of problems when dealing with HALO when they previously rented a portion of the Yangebup Community Centre which included keys being lost, following up on numerous occasions to get keys returned, many security call outs due to alarms being set off, late payments and some issues related to the activities of HALO clients.

Should the Council resolve to rent areas as designated to HALO within the Joe Cooper Recreation Centre the following conditions could typically be applied:

- That HALO accepts the conditions of the building and the areas over which they have a rental agreement other than minor repairs resulting from normal wear and tear.
- Cleaning and maintenance within the hire area will be the responsibility of the group.
- A bond of $1,000 will be required.
- Items belonging to there group will be insured by and be the total responsibility of the group.
- Separate bookings will be required for all other areas used by the group and charges will be in accordance with the City hire fees schedule.
- Free use of the kitchen area will be provided on the understanding that it will be kept in a clean and tidy state by HALO.
- Current Certificates of Public Liability Insurance must be provided to the City.
- All other conditions as stated in the City's "Conditions for Hire" for community facilities.

It is proposed that the City will pay for the costs of services used such as power and water, in addition to the preparation of the legal Agreement.

Also, the City's Regulatory Services will have to assess the proposal, given the associated land use, for any statutory requirements which may necessitate Council approvals to be issued.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To facilitate and provide an optimum range of community services and events.

Governance Excellence

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

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Budget/Financial Implications

Should Council agree to charge the proposed rental fee an income of $9,500 will be generated.

Minor Council expenditure will be required to fund the preparation of a Legal Agreement by Council solicitors.

Legal Implications

An appropriate legal Agreement will require to be executed by both parties.

Community Consultation
The rental of space within the Joe Cooper Recreation Centre is a standard activity in relation to its operation and does not require community consultation, unless assessed as a use requiring public comment by Council's Regulatory Services.

Attachment(s)

Letter from HALO requesting use of the Joe Cooper Centre.

Advice to Proponent(s)/Applicant

The Proponent(s) have been advised that this matter is to be considered at the 9 December 2010 Council Meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (OCM 09/12/2010) - DEPUTY MAYOR ALLEN

RECOMMENDATION
That the CEO initiate negotiation with local not for profit (NFP) organization HALO with a view to them taking up tenancy of the under-utilised Joe Cooper Reserve building and a report on these negotiations be brought back to a Special Council Meeting in December 2010.

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COUNCIL DECISION

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

23.1 (OCM 09/12/2010) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 18 NOVEMBER 2010 (1192) (S CAIN) (ATTACH)

RECOMMENDATION
That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal committee dated 18 November 2010 as attached to the Agenda, and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 18 November 2010. The minutes of that

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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 18 November 2010 are provided to the Elected Members as confidential attachments.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the December 2010 OCM.

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

Committee Minutes refer.

24 (OCM 09/12/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

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

(1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;

(2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and

(3) managed efficiently and effectively.

COUNCIL DECISION

25. CLOSURE OF MEETING

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