

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 JULY 2009 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 JULY 2009 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Mr I Whitfield	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

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

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

Before moving to the Agenda proper, Mayor Howlett made comments on the following:

##### **NAIDOC Week**

The City hosted various NAIDOC week activities and yesterday participated in a flag raising ceremony, opening of the Aboriginal art exhibition, the unveiling of a painting by Justin Slater, an up and coming local artist, purchased at the recent Show Off 5 Art Exhibition as a part of the City's art collection, and entertainment provided by an Aboriginal Dance Group which was followed by refreshments and fellowship.



## **Canberra Trip**

A recent visit to Canberra for the National General Assembly of Local Governments and a meeting of the Australian Council of Local Government saw major emphasis placed on climate change, financing and community infrastructure.

In addition, an invitation was extended to all delegates to attend the Great Hall, Parliament House for dinner with the Prime Minister, his Cabinet and other Parliamentary colleagues.

Delegates were fortunate enough to be at Parliament House to see the King and Queen of Spain arrive, the Welcome to Country ceremony provided by the Ngunnawal people, the traditional landowners of the Canberra region and the Honourable Prime Minister Kevin Rudd's welcome.

A number of recommendations were presented to the Government by the Australian Council of Local Government in terms of climate change, financing and community infrastructure and the expectation is that answers will be forthcoming in the next few months.

Workshops were also held with Cabinet Ministers and other Parliamentary Members to identify better ways to strengthen Federal/Local government partnerships.

A further \$273,000 for community infrastructure programs for our City was announced during the visit.

## **Small Wind Turbine Testing Facility**

The City has agreed to host a national Small Wind Turbine Testing Facility, run by Murdoch University, at the Henderson Waste Recovery Park. This will be the only small wind turbine test facility in Australia and it will be used to test the outputs from different small wind turbines.

## **Men of the Trees**

The City of Cockburn and Men of The Trees (MOTT), a non-government organisation have signed an agreement to undertake revegetation activities in degraded parts of reserves within the City of Cockburn. The program will encourage corporations and individuals to make donations to MOTT which will be used to source, grow and plant native trees in the City's reserves at no cost to the City.

## **Photovoltaic Cells**

A Photovoltaic (PV) array is expected to be erected on the Youth Centre shortly. These are the first PV cells to be installed by the City of Cockburn.



More are planned, with cells to be placed on the Spearwood Library this financial year.

### **Spearwood Avenue Opening**

I am pleased to advise that the long awaited opening of Spearwood Avenue to the public occurred on Friday 3 July 2009, providing another link to our coastline.

### **Awards**

CEO Stephen Cain announced that the City had received two awards:

- Heritage Council WA Architecture Award for the Memorial Hall; and
- UDIA Award for the South Beach development.

## **2. APPOINTMENT OF PRESIDING MEMBER (If required)**

Nil

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

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

## **4 (OCM 9/7/2009) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received declarations of interest from Deputy Mayor Kevin Allen and Cllr Carol Reeve-Fowkes on Item 16.1, and CEO Stephen Cain on Item 17.2, which would be read at the appropriate time.

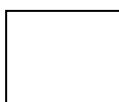
## **5 (OCM 9/7/2009) - APOLOGIES AND LEAVE OF ABSENCE**

Ms H Attrill

-

Councillor

6



**6 (OCM 9/7/2009) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

A response to Mr Murray O'Brien's question asked at the Ordinary Council meeting held on 11 June 2009 has been forwarded to him in writing.

**7 (OCM 9/7/2009) - PUBLIC QUESTION TIME**

**Mandy Clarke, Leeming**

*Written Question - Item Not On Agenda*

Due to the continual rise and massive expenditure of resident's rates to support the SMRC and the RRRC I would like the following questions and their answers addressed and recorded in full in the Council Minutes, along with a written response.

Q1: Is Council aware that the SMRC's claims from their recent press release, that Cobb County recognised the SMRC's expertise in waste management and invited the Regional Council to tender on operating their facility is incorrect?

A1. The veracity of the claim is not a question that this Council has concerned itself with.

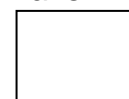
Q2. Did Council know that the SMRC were one of 46 Request for Proposals sent out by Cobb County and that the Request for Proposal was not specifically to operate the plant but to submit a proposal to do something solid waste related to it?

A2. Council is not aware of any approach by Cobb County to the SMRC. It is more focused on the issues to do with the RRRC in Canning Vale, Western Australia.

Q3. Considering the millions of dollars that rate payers have forked out on the failing RRRC and RRRC WCF - including more huge rate hikes in the future - what actions and investigations is Council going to take to double check claims the SMRC make? If residents can make a few calls or emails and dig up the truth then surely Council could do so quite easily, taking into account the enormity and seriousness of this issue.

A3. Council is not interested in claims made about a facility in the US. It is however focused on the current issues which are impacting on the SMRC operation and makes every effort to ensure that it is well informed.

Q4. Does Council acknowledge the following findings of Report 16 of the Standing Committee on Environment and Public Affairs Municipal



Waste Management in Western Australia?

Finding 8: The Committee finds that the community's concerns regarding odour issues at the Regional Resource Recovery Centre in Canning Vale were legitimate.

Finding 12: The Committee finds that the Southern Metropolitan Regional Council had a poor communication strategy with respect to its Regional Resource Recovery Centre and the ongoing concerns of the local community.

- A4. Council acknowledges that those were the findings contained within Report 16 of the Standing Committee on Environment and Public Affairs Municipal Waste Management in Western Australia
- Q5. With the ongoing rise of residents complaints of the RRRC WCF odour, for which the RRRC WCF was built so close too, long after the residents were there, does it concern Council that the publicity of the failings of the RRRC will surge to the size of say the Erin Brockovich / Alcoa case?.
- A5. Council is concerned at the level of resident complaints that the facility generates and intend to work with the SMRC and other agencies to determine how best to address this issue.
- Q6. The following quotes by Erin Brockovich are very similar to what the long-suffering residents are experiencing due to the RRRC WCF odour issue:

*"We are supposed to be happy and honest and it doesn't make sense to me that so many people that I have met throughout the US and the world would make up lies about their health, their animals dying and the problems that they are experiencing as a result of bad air or contaminated land or water".*

*"I am dumbfounded that any of us are surprised that poisons make us sick". After all, we know for a fact that many chemicals are used in industry, we study it, we set standards for chemicals that we know are poisonous. Yet when they are released, we have to go into court and fight to prove that the poisons can harm you".*

*"If all these chemicals aren't dangerous, then why set standards, policies, rules and regulations?"*

*"We know that a poison is a poison and it isn't good for us and it can harm us".*

With residents health complaints, when being exposed to the RRRC WCF odour continuing to grow, and Councils money supporting this same facility, what action is council taking to help the long suffering





residents who are being exposed to these emissions?

- A6: I am not in a position to draw any comparisons from the case or cases that the quotations are being drawn from and the odour issues in the Canning Vale facility. What is clear is that residents are expressing concerns about odour and it is also clear that that issue must be addressed. Like the residents, the City of Cockburn is seeking an outcome to the matter, however, we are as yet unsure what that outcome may be. As previously stated, the City will be working closely with the SMRC and other agencies to determine how best to address the issue.

The City of Cockburn is an active member of the SMRC and supports its principle of seeking to achieve the maximum level of waste diversion from landfill, as part of our desire for a sustainable ecological future. We remain committed to assisting the SMRC to resolve its operational issues and continue its operations for the good of the whole community.

### **Glen Diggins, Coogee**

#### *Agenda Item – 16.1*

- Q1: Will Council please remove the Norfolk Island Pines planted recently in the open lawn area of Coogee Beach, thereby avoiding the situation whereby disgruntled users of the area pull them out illegally?

A1: This matter is to be considered by Council this evening.

- Q2: Will the Council in future please consult with local groups such as the Coogee Beach Progress Association before going ahead with initiatives such as this one?

A2: The City with will certainly endeavour to consult effectively with local community groups on matters such as these in future.

### **Mary Jenkins, Spearwood**

#### *Agenda Item – 16.1*

- Q1: Why should Council reject a petition of only 23 residents when petitions to the Upper House in State Parliament only need even less and a committee is formed to discuss the issue?

A1: The petition has not been objected by Council. It is very clear in the agenda item that the petition was received containing 23 signatures. The item makes the statement that statistically a petition of 23 people is not reflective of the opinions of the community of interest of Coogee Beach. Notwithstanding that, it clearly reflects the opinions of the 23 people who have signed the petition.



Q2: There has been no community discussion on these Norfolk Pines. What evidence is there determine the suitability of these planted with no community discussion?

A2: The suitability of the trees was certainly considered by the City and the item clearly demonstrates why the Norfolk Island Pines were determined suitable for the area. The City acknowledges that broader consultation should have occurred on this issue and in future will endeavour to do this.

Q3: Was research done on mature Norfolk Pines? If not, why not? Norfolk Pines on the Esplanade have had a really bad effect on the surrounding grass, that's the mature Norfolk Pines. This would in itself indicate to experts, suggest that these trees are not suitable for the Coogee grass reserve used by the community.

A3: The City employ's quality and qualified people to assist in making these decisions. Whilst Norfolk Island Pines may not be everybody's preferred choice of plant, these same trees are planted all along the coastline of Western Australia. They were therefore believed to be a suitable species to plant in the current location.

**Robyn Scherr, Coogee**

*Agenda Item – 16.1*

Q1: Do the Councillors recognise that the petition was asking for the preservation of the lawn area? The significant point of the petition is that the lawn area be preserved as an assembly area; as a place of large picnic areas or for large events such as the triathlon. We are asking you to recognise that the lawn area is historically significant and we want it to remain clear of trees.

A1: Council acknowledges and recognises the importance of retaining the open space area. The item has tried to provide a range of options for the Council to consider here tonight.

**John Curnai, Spearwood**

*Item no on the Agenda*

Q1: I am aware that a meeting will take place at Hon. Phil Edman MLA's office on Tuesday 21 July 2009 with the Minister for Water, Dr Graham Jacobs MLA, the CEO Stephen Cain and the Mayor Logan Howlett. Following this meeting Len Glamuzina, Carolyn Taylor and myself will accompany the Minister on a tour and a talk with residents that have failing septic tanks. Will you allow me to be present at this 9.30am meeting as a Community Research Officer/Delegate?



A1: The City is not in the position to invite people or allow people to attend as we have ourselves been invited by Mr Phil Edman and the Minister to attend. We could certainly request your presence there or you may wish to contact the Minister's office to seek and invitation.

Q2: After all this Infill lobbying predominantly by Spearwood Progress Association, if it should come to nothing and the Government stands firm on the Infill deferment, will the CEO Stephen Cain, the Mayor Logan Howlett and the Deputy Mayor Kevin Allen and Councillors, join the Spearwood, Hamilton Hill and Coogee residents in protest at State Parliament?

A2: That would be a matter that would be considered at the time should the Government decide this. If the Spearwood Progress Association chooses to take this form of action, individual invitations may be sent to Council inviting persons to join in protest. Council however, is not permitted to direct Councillors or Officer's to partake in this form of activity.

It should also be noted, the reason this meeting is occurring with both the new Upper House Member and the Minister, is because the City of Cockburn has requested it through personal contact by the Mayor, the Deputy Mayor and CEO. The City is very much engaged with members of the community, particularly the Spearwood Progress & Community Associations in seeing that the rest of Spearwood have Infill Sewerage, and will do everything in our power to achieve it.

### **Mary Jenkins, Spearwood**

#### *Item not on the Agenda*

Q1: Have Councillors considered Pensioners concessions in their rates and done a comparison of other Metropolitan Councils and ask why refuse costs are not included in the whole rates in Cockburn?

A1: Councils such as Fremantle and East Fremantle certainly don't charge a separate levy for Waste Management, it is incorporated within their rate structure. That is a deliberate policy taken by those Councils so they can get a bigger discount from the State Government. The City has tried to go back to that method however the State Government has made a ruling some time ago that once you have these rates separated, you can not go back. The City had separated our rates from our rubbish many years ago and the State Government does not want to pick up 50% of the City's rubbish charges as well. As such, we cannot go back.

Q2: Could we go to our State Parliament and explore this for the sake of the pensioners in Cockburn please?

A2: There has been a formal approach by the West Australian Local



Government Association, not to join the rates again, but to seek the Government to initiate or to extend the discount to the implementation of the rubbish levy as well. There has been a substantial amount of lobbying and the City is well aware of the issue and believes it unfair and we can only request that they reconsider it.

**Robyn Scherr, Coogee**

*Item not on the Agenda*

Q1: A large amount of Limestone Rocks have been deposited on a track just south of Port Road. They have been there for some months. Do we know what they are there for because they are beginning to break up and leave rubbish and rubble there? Do we know who deposited them and what they are there for?

A1: The City will follow this up and advise you of the outcome.

Q2: Regarding the fire at the SMRC plant, there have been news reports that possibly facilities in Coogee may be used on a temporary basis. Has there been any development with this issue?

A2: The City has entered into an interim agreement with a Principal of Perth Engineering which is operating out of Gosh Leather. He has operated out of that site for a period of in excess of 12 months and has sought some extensions to his approvals, to deal with all of the waste that will be generated from the recycling products from the 5 member Council participants from the SMRC.

Q3: When you say recycling products, what exactly are you talking about?

A3: Materials as collected from the yellow topped kerb side collection bins will be able to be processed.

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 3989) (OCM 9/7/2009) – ORDINARY COUNCIL MEETING – 11/06/2009**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 11 June 2009, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 9/0**



**8.2 (MINUTE NO 3990) (OCM 9/7/2009) – SPECIAL COUNCIL MEETING - 18/06/2009**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Thursday, 18 June 2009, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 9/0**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

**12 (OCM 9/7/2009) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7:35PM THE FOLLOWING ITEMS WERE CARRIED BY AN 'EN BLOC' RESOLUTION OF COUNCIL:

14.1	14.5	15.1	17.1			
14.2		15.2	17.3			
14.3		15.3				

**13. COUNCIL MATTERS**

Nil



**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 3991) (OCM 9/7/2009) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 72 TO TOWN PLANNING SCHEME NO. 3 (93072) (V LUMMER) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment for final approval with modifications as outlined in the report;
- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (4) advise the proponent and persons lodging submissions of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Council at its meeting held on 11 December 2008 resolved to initiate Scheme Amendment No. 72 to Town Planning Scheme No. 3 for the purposes of public consultation.

The City of Cockburn Town Planning Scheme No. 3 was gazetted on 20 December 2003 and a major omnibus amendment to the scheme was gazetted in 2004, which made a significant number of improvements to the scheme text.

Through the administration of the scheme a smaller number of important amendments have are considered necessary to ensure its usability.

Town Planning Scheme No. 3 will require refinement and amendment from time to time as it is an evolving document



## Submission

N/A

## Report

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

The EPA considered that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it was not necessary to provide advice and recommendations in this instance.

Following clearance from the EPA, the amendment was advertised for public comment for a period of 42 days, concluding on 9 June 2008. The advertising procedure included an advertisement being placed in the Cockburn Gazette newspaper, affected landowners being invited to comment on the proposal, and information made available at Council’s Administration Office and on Council’s website.

Advertising of the amendment has resulted in the receipt of 7 submissions of no objection. The issues raised in the submissions are suitably addressed in the Schedule of Submissions (Attachment 3 refers) and further comment in this report regarding the above issues is unnecessary.

There are minor modifications recommended to the scheme amendment which have resulted from further officer consideration of the amendment during the advertising period. They are as follows:

1. The definition of a “Disused vehicle” should not include “sea container”.

“Disused vehicle” is already in the zoning table of TPS 3 and is an “x” use (i.e. a use that is not permitted) in the residential and rural zones. Council has a policy (APD48) which allows sea containers in residential and rural zones in certain circumstances. It is considered that this recently adopted policy will deal adequately with sea containers in the city.

If “sea containers” are removed from the definition of “disused vehicle” there will be no conflict between the scheme and the policy.

2. Clause 5.8.5 (a) (ii) should not be deleted completely but amended to read:
  - (ii) A home occupation or home business can be undertaken subject to clause 5.8.5 (a) (i) by the owner or occupier of the land and is not transferrable.”



The modification of this clause will allow "Occupiers" to undertake home business or home occupations and also retains the stipulation that home occupations or home businesses are not transferrable.

These two modifications have been made to Schedule A of the scheme amendment document.

### **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.

#### **Employment and Economic Development**

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

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

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

### **Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Scheme Amendment No. 72 concluded on 9 June 2009. At the close of advertising, 7 submissions were received.

### **Attachment(s)**

1. Amendment Schedule A (Modified)
2. Amendment Schedule B
3. Schedule of Submissions





### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 July 2009 Council Meeting.

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

Nil.

## 14.2 **(MINUTE NO 3992) (OCM 9/7/2009) - FINAL ADOPTION OF LOCAL PLANNING POLICIES (9003) (V LUMMER) (ATTACH)**

### RECOMMENDATION

That Council:

- (1) Finally adopts :
  - APD4 'Public Open Space'
  - APD6 'Residential Rezoning and Subdivision Adjoining Midge Infested Lakes and Wetlands'
  - APD8 'Strata Titles'
  - APD9 'Subdivision Retaining Walls'
  - APD11 'Ancillary Accommodation on Rural and Resource Zone Lots'
  - APD12 'Aged and Dependant Persons Accommodation – Development Guidelines'
  - APD14 'Domestic Satellite Dishes'
  - APD19 'Henderson Industrial Area – Development Control'
  - APD20 'Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and/or Drainage Areas'

as Local Planning Polices without modification in accordance with clause 2.5 of Town Planning Scheme No. 3.
- (2) Publish a notice in the local newspaper in accordance with clause 2.5.3 (b) of Town Planning Scheme No. 3 and
- (3) forwards a copy of the policies to the Western Australian Planning Commission in accordance with clause 2.5.3 (b) of Town Planning Scheme No. 3.

### COUNCIL DECISION

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

**CARRIED 9/0**



## **Background**

At the Council Meeting of 9 April 2009 Council resolved to adopt the minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 19 March 2009 which included amendments to existing policies APD4, APD 8, APD6, APD9, APD11, APD12, APD14, APD19, and APD20.

The resolution included the necessity to advertise the policies in accordance with Town Planning Scheme No. 3 in order that they become properly adopted Local Planning Policies.

These policies have now completed advertising.

## **Submission**

N/A

## **Report**

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

One submission was received, a comment on policy APD6 'Residential Rezoning and Subdivision Adjoining Midge infested Lakes and Wetlands'. The submission is from an owner and resident of a property within 500 m of Thomson's Lake. The content of the submission is that they have not experienced any problems with midge and they make a general observation that *"this matter is being pushed to cater to the wishes of the hysteria being generated by the "no development at any price brigade"."*

Policy APD6 aims to restrict residential subdivision, strata's and development in areas considered most likely to be subjected to midge nuisance. It also seeks to advise nearby residents of the potential midge nuisance prior to purchase. The Policy required certain additions and alterations to ensure its ongoing relevance and application to affected areas within the City. The amendments made were relatively minor and it is considered that the comments made in the submission should be noted, but do not warrant changes to the policy.

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

## **Strategic Plan/Policy Implications**



### **Demographic Planning**

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

### **Budget/Financial Implications**

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

### **Legal Implications**

In accordance with Town Planning Scheme No. 3 requirements.

### **Community Consultation**

Advertised from 28 April to 19 May in The Gazette. See above.

### **Attachment(s)**

1. APD4 'Public Open Space'
2. APD6 'Residential Rezoning and Subdivision Adjoining Midge Infested Lakes and Wetlands'
3. APD8 'Strata Titles '
4. APD9 'Subdivision Retaining Walls'
5. APD11 'Ancillary Accommodation on Rural and Resource Zone Lots'.
6. APD12 'Aged and Dependant Persons Accommodation – Development Guidelines'
7. APD14 'Domestic Satellite Dishes'
8. APD19 'Henderson Industrial Area – Development Control'
9. APD20 'Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and/or Drainage Areas''

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

The submissioner has been advised that the matter is to be considered at the Council Meeting to be held on 9 July, 2009.

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

Nil.



**14.3 (MINUTE NO 3993) (OCM 9/7/2009) - EXTENSION TO OUTBUILDING - LOCATION: NO. 8 (LOT 256) DOOLETTE STREET SPEARWOOD - OWNER/APPLICANT: DENIS RAVLICH (2202119) (C SCHOOLING) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant its approval to the proposed development in accordance with the approved plans subject to the following conditions:

**STANDARD CONDITIONS**

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
4. All stormwater being contained and disposed of on-site to the satisfaction of the City.
5. No activities associated with the construction of the development causing noise and/or inconvenience to neighbours being carried out after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays.
6. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

**SPECIAL CONDITIONS**

1. The surface finish of the boundary wall abutting Lot 255 (No. 10) Doolette Street is to be either face brick or rendered the same colour as the external appearance of the respective dwellings unless otherwise agreed with the adjoining property owner/s. In all instances, the work is to be of a high standard.
2. The extension shall be in the same materials, colour and design as the existing outbuilding.



**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
  2. With regards to Condition 7 the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the City.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Zoning:	MRS:	Urban
	TPS3	Residential R20
Land use:	Single house	
Lot size:	728 m <sup>2</sup>	
Use class:	Single house - Permitted	

The Applicant submitted an application for Building Licence on 12 November 1998 for a single storey shed at 8 Doolette Street, Spearwood. The structure was to measure 12.3 metres long, along the southern boundary of the subject lot, by 6.3 metres wide. Included in the structure were a toilet and shower. As part of the application the Applicant sought and obtained a submission of no objection from the owner of the adjoining property to the south for the boundary wall. The dimensions of the boundary wall were considered acceptable under the Residential Planning Codes of Western Australia 1991 (1991 R-Codes). The Building Licence for this structure was granted on 24 November 1998.

**Submission**

The Applicant has submitted a development application to the City to extend the outbuilding approved in 1998, incorporating an additional storey above the existing floor and an external staircase on the



northern elevation. The proposed extension maintains the building footprint of the existing structure, but increases its height to 4.8 metres along the southern boundary and 5.1 metres on the northern elevation. The Applicant states the proposed extension is to provide greater space for him to undertake his hobbies, and to provide additional storage space for his belongings upon redevelopment of the dwelling in the near future.

Additionally, the Applicant has supplied the following justification in support of his application:

1. The existing dwelling does not have sufficient space for the Applicant to pursue his art and craft hobbies.
2. The sloping topography of the subject lot serves to reduce the bulk and scale of the development from surrounding properties.
3. The development will complement the proposed dwelling redevelopment in terms of bulk and scale.

### Report

The proposed development exceeds the acceptable development provisions of the Residential Design Codes of Western Australia 2008 (2008 R-Codes) and the City's Local Planning Policy APD18 'Outbuildings' in the following respects:

VARIATION	PRESCRIBED MAXIMUM	COMMENTS
Boundary wall length of 12.3 metres (southern elevation).	9.0 metres (as per 2008 R-Codes).	No change to boundary wall length from previously approved development (1998). Acceptable on performance.
Boundary wall height of 4.8 metres (southern elevation).	3.0 metres (as per 2008 R-Codes).	Applicant consulted with surrounding landowners – no objections received.
Wall height of 5.1 metres (northern elevation).	2.4 metres (as per 2008 R-Codes). APD18 permits a 10% variation to this maximum to be approved under delegation.	Applicant consulted with surrounding landowners – no objections received.
Floor space of 154.98 square metres (combined floor space of both levels).	60 square metres (as per 2008 R-Codes). APD18 permits a 10% variation to this maximum to be approved under delegation.	Applicant seeks to utilise extra space for storage during the redevelopment of the dwelling.

It is considered that the above variations to the 2008 R-Codes are acceptable for the following reasons:

1. The increased floor space and height will provide more useable space for the applicant, particularly through the redevelopment of the existing dwelling.



2. The extension is intended to be constructed to a high finish from the same materials as the existing outbuilding, and therefore will not significantly detract from the streetscape or amenity of surrounding properties.
3. All property owners who share a common boundary with 8 Doolette Street have provided submissions of support for the proposed development (see Community Consultation).

It is therefore recommended that Council use its discretion and approve the development, as the development provides cost-effective use of space for the Applicant during the redevelopment of his dwelling and has not drawn objection from surrounding property owners.

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

#### **Demographic Planning**

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

### **Budget/Financial Implications**

Nil

### **Legal Implications**

Nil

### **Community Consultation**

The Applicant undertook consultation with the owners of the four properties which share a common boundary with 8 Doolette Street prior to submitting the development application to the City. Additionally the City consulted the owner of 42B Dubove Street Spearwood, directly opposite the subject property, as part of the assessment process. Four submissions of no objection were received in response to the Applicant's consultation, and no response was received as a result of the City's consultation. Of the four submissions of no objection, one respondent stated the submission was on the provision that the extension is to be constructed of the same materials as the existing outbuilding.

### **Attachment(s)**

1. Location Plan (including submissioners)
2. Submitted development plans



**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 July 2009 Council Meeting.

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

Nil.

**14.4 (MINUTE NO 3994) (OCM 9/7/2009) - COOLBELLUP TOWN CENTRE PROJECT COOLBELLUP AVE, COOLBELLUP - OWNERS: VARIOUS (9624) (A BLOOD) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) note the community and officer support for Scenario 3 as the preferred option;
- (2) do not proceed further with this study;
- (3) do not proceed with the preparation of a Town Planning Scheme with resumptive powers, due to the real potential for Council to be exposed to significant financial risks;
- (4) not agree to fund any further studies in respect to redevelopment options for the shopping centre on its current site;
- (5) agree that strategic planning officers be available to be part of a working group or to provide planning information in respect to future studies commissioned by the owners; and
- (6) advise those who returned surveys, made submissions as well as all owners in the Coolbellup Town Centre Precinct of this decision.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Deputy Mayor K Allen that Council defer its decision on this matter for 3 months, to allow the various owners of the Shopping Centre to prepare an alternative scenario.

**CARRIED 8/1**





## Reason for Decision

Although the City has been dealing with this issue for a number of years and whilst there has been no consensus between the various owners of the local shopping centre as to the different proposed scenarios the new owners of the Coolbellup Hotel and the owners of the local shopping centre have indicated that they wish to work on a redevelopment proposal for the town centre (the area bounded by Coolbellup Avenue, Waverly Road and Cordelia Avenue) working with all the parties in this area. They have indicated a need for the City to partake in the preparation of any redevelopment proposal and do not wish to be constrained by any particular scenario at this stage. The various owners of the shopping centre have asked that it be deferred.

## Background

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

An Enquiry by Design community consultation workshop established as a result of the agreement with DHW and DPI investigated options for the redevelopment of the existing underperforming Coolbellup Town Centre. One of the options investigated - Scenario 3 - involved the relocation and redevelopment of the existing Coolbellup Town Centre on the former Koorilla Primary School site.

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

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

Following an initial assessment, Syme Marmion advised that they could not support the former Koorilla Primary School site option and recommended investigation of options for the redevelopment of the existing shopping centre or the development of a new shopping centre on the hotel site at the corner of Coolbellup Avenue and Waverley Road. A report on the outcomes of the investigations on the redevelopment of the existing shopping centre site and the development of a new shopping centre on the hotel site was presented



to Council at its meeting held on 13 December 2007. At that meeting Council resolved to seek community, landowner and tenant feedback on the options and proposals prepared by Syme Marmion, in order to gauge the level of support for the redevelopment of the Coolbellup Town Centre (Minute No. 3629). This report contains the analysis of feedback, and recommends a course of action for Council to pursue.

### **Submission**

Nil

### **Report**

Consultation on the possible redevelopment options for the Coolbellup Town Centre prepared by Syme Marmion for the City was undertaken for three months commencing on 6 November 2008.

The Coolbellup Town Centre Redevelopment Options brochure provided background information, details of options and the results of the static feasibility analysis for Scenarios 1-3. The brochure also included a survey seeking feedback on the scenarios and some details of the respondents' use of the centre now and if it was to be redeveloped.

The scenarios outlined in the brochure are shown in the Agenda attachments. Relevant details are as follows:-

#### Scenario 1

New commercial centre on the former Koorilla Primary School Site and redevelopment of the old site for residential (not supported by the consultants and accordingly no layout was provided). Potential loss of \$4.1m, potential profit of \$1.4m to the City.

#### Scenario 2

Redevelopment of the existing centre including refurbishment of retained section. Resulted in a smaller centre with surplus land developed for residential to help pay for the works. Potential loss of \$3.1m, potential profit of \$1.3m to the City.

#### Scenario 3

Relocation of the shopping centre to the corner of Coolbellup Drive and Waverley Road (part of the hotel site) and redevelopment of the current shopping centre site for residential to help pay for the works. Potential loss of \$4.1m, potential profit of \$1.0m to the City.

#### Scenario 4

Do nothing - centre to continue unchanged with the owners undertaking repairs, upgrades and refurbishment on an as needed basis.



The brochure and letter was sent to all residents in Coolbellup, landowners in the Coolbellup Town Centre Precinct, tenants in the shopping centre, Coolbellup Community Association and servicing authorities. The brochure was also available on the City's website. The survey was confined to the suburb of Coolbellup given the Town Centre precinct and shopping centre is primarily a local neighbourhood facility and is therefore a local issue.

There are 2311 dwellings in Coolbellup and 39 individual owners in the Town Centre Precinct. There were 397 survey responses received (17.1%), as well as five written submissions including a joint response from the strata manager of the main shopping centre on behalf of the 36 strata owners. A schedule of the submissions is contained in the Agenda attachments.

A summary of the survey responses is as follows:

Scenario	Support*	% of responses*	% of Coolbellup
1 Korilla	83	20.9	3.6
2 Current site	102	25.7	4.4
3 Hotel site	158	39.8	6.8
4 Do Nothing	58	14.6	2.5
<b>Total</b>	<b>401</b>		<b>17.3</b>

\* Note: some survey responses supported more than one scenario and hence numbers or percentages do not correlate with the number of surveys returned.

The survey shows that approximately 85% of respondents consider that the centre should be redeveloped in some way compared to only 14.5% who consider that the centre is acceptable and nothing should be done. The strongest support was for a new centre on the hotel site.

The main reasons given in support of Scenarios 1 and 3 were that people did not consider that the current centre could be satisfactorily redeveloped and it would be less disruptive to develop a new centre that met the needs of the community. Also the majority of those who supported Scenarios 1 and 3 said that they would shop more at Coolbellup if it was a new centre. By comparison, approx 60% of people supporting Scenario 2 said their level of shopping at the centre would be the same and only 40% said it would be more. Those who supported Scenario 4 generally said they would shop less or the same at the centre if it was redeveloped.

Two submissions were received from owners within the Town Centre Precinct being the medical centre as owner/occupiers and the strata manager of the main centre on behalf of the 36 strata owners. Copies of the written submissions are included in the Agenda attachments. The response from the strata manager is an outcome of a meeting of the strata owners on 10 December 2008. The Coordinator of Strategic Planning attended the meeting and provided an update on the project,

the consultation process and answered questions from the owners and the strata manager. Cr Oliver was also present at the meeting at the request of the strata owners.

The response by the strata manager on behalf of the owners makes the following main points:

1. There is an absence of detail for the project.
2. Ability to gain unanimity among all owners is an issue.
3. The owners acknowledge that the residents of Coolbellup expect and deserve modern type retail facilities that can only be accomplished with the full support of the City of Cockburn.
4. Some owners and in particular the medical centre would be hard to convince of the justification for a further injection of capital.
5. Need to maintain independence of business operation and zoning is essential particularly for the professional medical suites.
6. If redeveloped, it will be critical for no or minimal interruption to normal business operations unless totally compensated for consequential loss.
7. Of the options presented, the strata owners have an interest in further exploring Scenario 2.
8. The owners' expression of interest to further explore Scenario 2 does not come with any commitment of its execution or any contribution of resources or money to the City.

The submission from the medical centre was to generally support the submission by the strata manager but emphasised that the practice was not in a position to inject further capital, the need to maintain independence, no interruption to the business and that they are opposed to the demolition of the south wing they occupy. They also point out that the significant reduction in floor space proposed in Scenario 2 would also limit the shopping centre's ability to accommodate all the current businesses.

An inspection of the Town Centre revealed that there is only one small external shop for lease in the main shopping centre, and three vacant shops in the northern complex of which one was for sale and two for lease. This is a significant turn around from earlier surveys where approximately one third of the centre was vacant. This situation is attributed to the medical centre moving into the shopping centre and taking up much of the previously vacant floor space.

Three submissions were received from exiting tenants in the shopping centre. They all supported to need to do something but were divided between Scenarios 1, 2 and 3.

Separate written submissions were received from Amana Living which supported Scenario 3 as it provides easy walking access for the hostel



and village residents, and letters of technical advice from Main Roads and Water Corporation.

Having received the above comments from the community, landowners and tenants during the consultation process, Council needs to now determine what is the most appropriate course of action to follow. This ranges from do nothing to full intervention through a Town Planning Scheme with resumptive powers. There are a number of points that need to be taken into consideration in determining an appropriate response. These are as follows:

1. Need for a better shopping centre in Coolbellup

- The community, shopping centre owners and tenants acknowledge the need for change and better facilities in Coolbellup but there is no clear overall preference.

2. Changed circumstances

- Previously there were a significant number of vacancies in the centre and it was in significant decline. This is no longer the case with only four vacant shops. The change is largely attributable to the bottle shop moving to the old service station site, the old food hall being developed as a child care facility and the medical centre relocating into the shopping centre.
- The potential to reduce the size of the shopping centre and free up some of the value in the site through residential development is now considered difficult especially given the views expressed by the medical centre and the potential loss of services to the community.
- Increased occupancy has had an effect on the values of the strata shops and the value of potential compensation thus negatively affecting the feasibility of the various scenarios. This is particularly important given there was only a small potential profit, but a significant loss across Scenarios 1 to 3.

3. Owners position

- The submission from the strata owners and the medical centre stress the need to keep the existing centre and in particular the southern wing accommodating the medical centre that was proposed to be demolished in Scenario 2.
- It is not possible to keep the southern wing under Scenario 2 and it is inevitable that there will be disruption to businesses under any redevelopment proposal. Accordingly, there is a risk of claims for losses that are not part of the initial



feasibility study nor could they be accurately quantified in any review.

- It is completely unrealistic of the owners to expect the City to meet the total cost of any further studies, given that it is private land and to do so without any commitment to the implementation of a Scenario.
- It is evident that it is going to be difficult if not impossible to get a unanimous view of the owners in respect to proposals for the centre. Accordingly to implement any meaningful redevelopment it is clear that there will need to be a resumption of private property by the City through the provisions of a Town Planning Scheme. This would expose the City to significant financial risk, given the rights for compensation which both strata owners and their tenants would have under relevant legislation (namely *Planning and Development Act 2005* and *Land Administration Act 1997*).

#### 4. Disruption to Business

- The owners have stated that any redevelopment of the shopping centre site under Scenario 2 should have no or minimal disruption to existing business and if there is then there be compensation for consequential loss. The feasibility does not include any compensation for losses to businesses and it is inevitable that redevelopment will have an impact. Accordingly this is an additional cost/risk to the project if undertaken by the City.

#### 5. Principles for redevelopment

- The Scenarios and broad feasibility prepared by Syme Marmion were predicated on freeing up value in the Town Centre by reducing and consolidating the retail and developing surplus land for residential purposes and having the shopping centre in a single ownership to maximise its value. This is contrary to the general views of the shopping centre owners who oppose the reduction of the centre's size and some of the community who expressed the desire for more shops to create competition.
- To maintain the current shopping centre size and develop some residential is not an option as the centre would not be able to meet the parking requirements. Also significantly increasing the size of the existing centre on the current site is not an option as it would not be able to provide the required number of parking bays on site.



- The community has expressed the most support for Scenarios 1 and 3 as they are of the view that it will be difficult to restructure and redevelop the existing centre and development of a new centre would be less disruptive. The idea of developing a new centre particularly on the hotel site is also supported by the Strategic Planning officers in preference to the redevelopment scenario.

## 6. Increased financial risks

Since Syme Marmion undertook the feasibility assessment of the various options, there have been a number of things that have increased the financial risk which is highly relevant given that the initial assessment showed the possibility of a small profit or a significant loss. The changes include the following:

- Unknown value of compensation including that arising from disruption to businesses which was not included in the initial assessment.
- One year period of finance cost is considered to be inadequate given the complications of the project especially if resumption is contemplated. The period should be at least two years adding another \$1.4m to the costs and wiping out any profit.
- The reduced prospects of finding a buyer for the centre and residential apartments in the current market which would enable the reduction in finance costs.
- The reduced possibility of obtaining funding for the project in the current situation particularly given the current range of returns.
- Possible expansion and therefore increased competition from other shopping centres as a result of the Western Australian Planning Commission deleting the retail floor space limits on centres that applied under the Metropolitan Centres Policy.
- The extent and value of general maintenance works required on the existing structure as well as the refurbishing costs are not well understood and could be significant.
- The value of the residential land was based on R60 which is right in commercial land and R100. Depending on the proposal, there may be community opposition to higher densities.



7. Need to resume the land

- Redevelopment of the Town Centre precinct is complicated due to the fact that there are some 39 individual owners in the Town Centre Precinct and it will be extremely difficult if not impossible to gain the support of all owners. It is clear that there is no unanimous agreement to development and without 100% landowner support the City would need to compulsorily resume land so that existing strata's can be extinguished and redevelopment undertaken without any impediment.
- Resumption of land would give rise to compensation which is over and above the land value used in the feasibility study. This could add in excess of \$1.2m to the land costs depending on the scenario and the degree to which current owners participate.

8. Possible loss by the Council.

- The preliminary feasibility assessment indicated the potential for a small profit in the order of \$1.0m or a significant loss in the order of \$4.0m. Subsequent investigations have identified increased and additional costs that will almost certainly eliminate the profit if the City were to resume the land.
- Whilst there is merit in providing a newer and better centre for the residents of Coolbellup it is likely that a significant loss would attract strong criticism from the wider community and the media. This would make it very hard for Council to consider future redevelopment partnerships especially those with a far better financial prospect than this one.

9. Scenario 2 is substantially a private development

- Owners of the shopping centre advise that they are prepared to work with Council on Scenario 2 which is for the redevelopment of the existing site but on the basis that the City meet all the costs and without a commitment to do anything at the end of the process. This is an unreasonable position for Council to consider.
- Where the City has a physical interest through ownership there is justification for Council to expend funds on studies etc. However, the response by the owners for the redevelopment of the existing centre is considered to be a private development and should be funded by the owners. Accordingly Council's funds should not be spent in this situation.





There is a need for Council to provide a clear response to the community and owners/tenants within the Town Centre precinct as to what further action, if any, the Council is prepared to take. The options range from leaving it for the owners of the shopping centre to progress Scenario 2 with the City providing general advice as required, to fund further design work and feasibility assessments for the consideration of the owners or to agree to implement either Scenario 2 or 3 by resuming the land.

It is considered that based on the current information the project is at best marginally profitable and at worst extremely risky with the City standing to lose a considerable amount of money. On balance, it is considered that the City should not consider any resumption and the owners should be encouraged to self fund further studies of redevelopment options. The City should maintain contact with the strata owners and participate in any studies or be a member of any working group established by the owners.

### Recommendations

1. Note the community and officer support for Scenario 3 as the preferred option.
2. Not proceed further with this study.
3. Not proceed with the preparation of a Town Planning Scheme with resumptive powers.
4. Not agree to fund any further studies in respect to redevelopment options for the shopping centre on its current site.
5. Agree that Strategic Planning officers be available to be part of any working group or to provide planning information in respect to future studies commissioned by the owners.
6. Advise those who made a submission and all owners within the Town Centre Precinct of Council's decision.

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

#### **Demographic Planning**

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

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

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



### **Employment and Economic Development**

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

### **Budget/Financial Implications**

The 2009/10 budget has no allocation of funds for additional studies for this project. Should Council wish to undertake additional studies this will need to be considered at the time of the budget review.

The initial feasibility assessment of the various scenarios indicates the potential for a small profit or a significant loss should the Council want to proceed with Scenarios 1, 2 or 3.

### **Legal Implications**

Legal advice has been received from McLeods Barristers & Solicitors. (under separate cover).

### **Community Consultation**

The Coolbellup Town Centre Redevelopment Options brochure was sent to all residents in Coolbellup, landowners in the Town Centre Precinct, tenants in the shopping centre, Coolbellup Community Association and servicing authorities. The brochure was also available on the City's website.

The proposal was advertised between 6 November 2008 and 6 February 2009.

397 surveys and five written submissions were received.

### **Attachment(s)**

1. Scenarios 2 and 3 from the brochure
2. Schedule of Submissions
3. Written submissions
4. Legal advice – “Confidential” – (under separate cover)

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 July 2009 Council Meeting.

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

Nil.



**14.5 (MINUTE NO 3995) (OCM 9/7/2009) - CLOSURE OF PORTION OF STOCKTON BEND ADJACENT TO LOTS 14 AND 15 STOCKTON BEND, COCKBURN CENTRAL - APPLICANT: WOODHEAD ARCHITECTS - OWNER: FIRE AND EMERGENCY SERVICES AUTHORITY OF WA (9629) (A BLOOD) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) subject to the proponent agreeing in writing to meet all costs associated with the proposal, advertise the proposed road closure of two portions of Stockton Bend, Cockburn Central in accordance with Section 58 of the *Land Administration Act 1997*;
- (2) at the conclusion of the statutory advertising period and subject to no objections being received, request the Minister for Lands to close two portions of Stockton Bend, Cockburn Central in accordance with Section 58 of the *Land Administration Act 1997*;
- (3) subject to the road closure, the land being made available for purchase by the adjoining landowner as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Nil.

**Submission**

By letter dated 11 June 2009 Woodhead Architects on behalf of the Fire and Emergency Services Authority of WA ("FESA") requested that the City initiate the closure of two portions of Stockton Bend, Cockburn Central (letter included in Agenda attachments).



## Report

Woodheads Architects have prepared detailed proposals for the development of the new FESA headquarters on Lots 14 and 15 Stockton Bend, Cockburn Central.

At the time of creating Lots 14 and 15, two small road widenings of 17.5 m<sup>2</sup> were created to accommodate Western Power transformers (see plan in Agenda attachments for their location). These now conflict with the detailed proposals for the lots and associated building design, and accordingly it is proposed to close the widenings and for this land to be purchased by FESA and incorporated into Lots 14 and 15.

There is no infrastructure in the widenings and Western Power has agreed to the proposal on the basis that an alternative site be provided on the land (see Agenda attachments for letter of agreement from Western Power).

It is recommended that Council support the request from Woodhead Architects and initiate closure of the two portions of Stockton Bend in accordance with Section 58 of the *Land Administration Act 1997*.

## 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

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 Woodhead Architects
2. Location Plan
3. Western Power letter of support



### Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 9 July 2009 Council Meeting.

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

Nil.

#### 14.6 **(MINUTE NO 3996) (OCM 9/7/2009) - PARKING AND TRAFFIC AT COCKBURN CENTRAL (5515220) (R DONG / R AVARD / J RADAICH) (ATTACH)**

##### RECOMMENDATION

That Council:

- (1) request the Minister for Transport to expedite the proposed parking and road realignment related to the area to the east of the freeway that serves Cockburn Central;
- (2) request the Department for Planning and Infrastructure to include the impact of the North Lake Road bridge over the freeway in the traffic modelling component of their land use and transport network study of the South metropolitan area;
- (3) request the Minister for Transport to bring forward the realignment of North Lake Road over the freeway in accordance with the Cockburn Central Structure Plan to address the steady increase and regional traffic congestion in the Cockburn Central area;
- (4) liaise with and assist the Public Transport Authority to expedite the provision of temporary car parking on Lots 601 and 11 Knock Place; and
- (5) liaise with the Public Transport Authority to investigate the possibilities of improving the efficiency and convenience of the feeder bus services to the surrounding residential areas.

##### COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr S Limbert that Council adopt sub-recommendations (1) to (5) and that sub-recommendations (6) and (7) be included, as follows:

- (6) Council seek legal advice on whether it is possible to only issue infringements for specific penalties contained within its Parking and Parking Facilities Local Law, 2007 and imposing a moratorium on others; and



- (7) Subject to the legal advice confirming Council's ability to do so, adopt a moratorium on issuing parking infringements in the vicinity of Cockburn Central and the railway station until the additional parking bays included in the 2009/2010 State Government Budget are completed, with the exception being where vehicles are parked over fire hydrants.

**CARRIED 8/1**

### **Reason for Decision**

Given that this issue has been continuous for a number of years, and many infringements have and are being issued, it is considered there needs to be a halt until more amenities are constructed. Many residents strongly object to the way that parking infringements have been applied in this area, areas they deem appropriate and safe, only to then return from work to find \$100 fines on their windscreens. Whilst there may be some instances of illegal parking most are trying to find appropriate parking. Therefore, urgent advice should be sought to endeavour to relieve this situation until the additional parking bays are constructed by the State Government.

### **Background**

At its Ordinary Meeting held on 9 April 2009 Mayor Howlett requested that a report be prepared on options to assist in minimising the traffic congestion and parking problems at Cockburn Central.

### **Submission**

N/A

### **Report**

The requested report has been broken up into three (3) sections that addresses the issues of parking related to the Cockburn Central railway station; traffic flow in the Cockburn Central Gateways shopping centre area; bus connections to the site and from the station to/through Gateways Shopping Centre.

### **Parking issues**

There have been many complaints concerning the lack of parking to serve the requirements of the Cockburn Central Train Station. There have been complaints by those who have received fines and requests from businesses such as Cockburn Gateways and those in Knock Place for the City to control parking. There will be little benefit in community consultation for this situation as the imposition of parking controls in all constituencies is a matter of ongoing conflicting views.



There is a general acknowledgment that the amount of public parking available provided by the Public Transport Authority (PTA) to patrons of the railway station at Cockburn Central is inadequate. The result has been that railway patrons have sought alternative parking. Cockburn Gateways Shopping Centre approached the City seeking approval to control parking in their car parks as it was evident that railway patrons were parking in the shopping centre car park for extended periods which in the view of the shopping centre impacted on the convenience of parking for its customers.

Landcorp sort support from the City to control parking in the Cockburn central precinct on property they own as the footpaths were being damaged by vehicles parking on them. The vacant lots were also being used for parking by train patrons, particularly by four wheel drive vehicles which damaged the treatment provided to prevent soil erosion. Business owners on the east side of the freeway on Knock Place also sort the support of the City to control parking as access to their properties was being seriously impeded by vehicles parking along the verges close to the business entries resulting in trucks not being able to get in or out of the properties. A number of fire hydrants along Knock Place were also being parked over by train patrons.

In response to these issues the City was required to erect a number of signs in accordance with its Local Parking Laws to ensure that property was not damaged, and public safety and owners could have ready access to their properties. As a result of these actions, many individuals who had received infringement notices have complained to Local Members of Parliament, Elected Members and officers of the City.

There have been a number of inspections as a result the Mayor has written to the Minister for Transport, the Hon Simon O'Brien proposing several practical and immediate solutions (a copy of which is attached).

### Parking Proposals

Recently, the Public Transport Authority (PTA) lodged a Development Application proposing 195 car parking bays be constructed on Lot 714 Knock Place which is an extension to the existing park & ride facility to the eastern side of the freeway. The City has recommended approval to the proposal and forwarded its recommendations to the Western Australian Planning Commission (WAPC) on 14 May 2009. It is understood that the PTA is intending to commence the construction of these parking bays as soon as possible.

Furthermore, the PTA has been actively liaising with the City with regard to its park & ride facility proposal (north-east of the train station) on portions of Lots 601, 11, 1, 803 and 905 Knock Place. However, this park & ride facility cannot be fully implemented because Lots 1 and 905 Knock Place are currently still under private ownership. It is understood



that the WAPC is in the process of negotiating the acquisition of Lots 1 and 905 to enable the PTA to implement the park & ride facility proposal in accordance with the Structure Plan. Given that the process of this land acquisition may take quite some time, the PTA is considering the construction of a temporary car park instead on Lots 601 and 11 Knock Place to alleviate the immediate pressure of car parking in the area. The City has expressed its support to this initiative and suggested that the PTA investigates the feasibility of ingress/egress provision of this car park as well as traffic management.

It is recommended that the City's Strategic Planning Department proactively liaise with and assists the PTA to expedite the construction of the temporary car parking facilities on Lots 601 and 11 Knock Place.

### Traffic congestion

The issue of traffic is complex given the dynamic nature of the traffic environment in this precinct. Traffic management and network development will be an evolving outcome dictated as much by development as by traffic demand. A range of short and longer term solutions are currently being contemplated.

The immediate traffic congestion in and around the Gateways Shopping Centre is being addressed by the shopping centre as a condition of their expansion plans. They are currently undertaking modifications to their entry/ exit at Beeliar Drive that will allow easier egress from the shopping centre. The traffic light modifications will allow 2 right turn lanes out of the shopping centre instead of the current 1 right turn lane.

The longer term issues require a broader network review and thorough understanding of the drivers of traffic generation for this precinct. The shopping centre developer will undertake a traffic impact study as a requirement of the shopping centre expansion into stage 3. This study will address accessibility and congestion in and around the shopping centre, and should identify further traffic relief measures.

It is essential; however, that a broader study be completed which seeks to address the lack of capacity at the Armadale Rd/ Beeliar Dr/ freeway access ramps and bridge which is currently struggling to cope with the increased regional traffic. Our network is already under pressure which is only compounding the traffic congestion problem. Serviceability of a number of major intersections is poor:

- Armadale Road and Tapper Road
- Exit/Entry ramps at Kwinana Freeway and Armadale Road
- Exit/Entry ramps at Kwinana Freeway and Beeliar Drive
- North Lake Road and Beeliar Drive
- Beeliar Drive and Wentworth Parade





DPI have advised that they are undertaking a comprehensive land use and transport network study for this area, taking into consideration the traffic generated by the significant nearby development proposals currently being prepared (Kwinana Quay, Murdoch Activity centre, Jandakot City, Latitude 32 and intermodal terminal). The study involves complex traffic modelling by DPI and Main Roads, and completion is anticipated by the end of the year (a copy of DPI letter is attached). The City needs to ensure that alternative scenarios can be modelled to identify measures to relieve traffic congestion in this area.

One such solution that officers believe requires further consideration is the continuation of North Lake Road across the freeway and its connection to Armadale road. This connection relieves pressure from the current freeway access and potentially better distributes traffic in the precinct. Modelling of this outcome and various configurations of the freeway connection is important to our planning processes.

MRWA have acknowledged that they are responsible for the funding of the North Lake Road traffic bridge; however, have indicated that it is not a high enough priority and do not see it receiving funding in the next 6-8 years (a copy of MRWA correspondence is attached). Currently a consortium group are undertaking a financial analysis of the benefits of such a proposal however the impacts of this connection on the traffic demand need to be determined through detailed modelling and review. It is important that we receive some confirmation from DPI or MRWA that this option will be included in their broader network review or alternatively, they agree to undertake detailed paramics modelling over this area as a separate exercise.

#### Feeder bus services

It is likely that parking demand at Cockburn Central will increase over time due to the continuous growth in residential development within the surrounding areas. It must be recognised that this growing parking demand will never be catered for by just one single measure – such as, the construction of an increasing number of car parking bays. Therefore, alternative measures such as improving the feeder bus services and improvements to the pedestrian/cycleway network are the ultimate viable solutions to address the parking issue at Cockburn Central.

The City of Cockburn has been in liaison with the PTA and the owners of the Gateways Shopping Centre seeking to negotiate an improved bus connection between the Railway Station and the shopping centre and beyond. It should be noted that this matter must be agreed by the City and the Planning Commission as part of the approval process for any expansion in the shopping centre floor area.

With regard to the feeder bus services to the surrounding residential areas, it is generally recognised that the more efficient and convenient



feeder bus services would certainly encourage more commuters to give up their car and take the bus instead, and hence reduce car parking demand at the train station. The following aspects are the key elements in terms of improving the efficiency and convenience of the feeder bus services:

- Reducing waiting time – Many studies show that lengthy waiting time is one of the most significant factors which discourage commuters using bus services particularly during the peak hours. Although it is understood that the PTA does allocate more buses during the peak hours, the waiting time may still not be seen as efficient enough to encourage more commuters to use the services. It is recommended that the City liaises with the PTA to investigate possibilities of reducing the current bus waiting time and improve its efficiency particularly during the peak hours.
- Improving the convenience particularly in terms of the bus stop walkable catchments – The distances from individual houses to the nearest bus stop is also a significant factor which affects commuters' attitude in using the feeder bus services. It is necessary to investigate the current bus stop locations and their walkable catchments in order to identify deficiencies in the areas. It is therefore recommended that the City liaises with the PTA to carry out this investigation.

### **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.

#### **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**

The City of Cockburn Parking and Parking Facilities Local Laws apply.

### **Community Consultation**

N/A



**Attachment(s)**

1. Location Plan
2. Composite Structure Plans – Cockburn Central
3. DPI correspondence regarding traffic modelling
3. Mayoral Correspondence
4. MRWA correspondence (5 May 2009)

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

N/A

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

Nil

**15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

**15.1 (MINUTE NO 3997) (OCM 9/7/2009) - LIST OF CREDITORS PAID - MAY 2009 (5605) (K LAPHAM) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

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

**Submission**

N/A

**Report**

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



**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – May 2009.

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

N/A

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

Nil.

**15.2 (MINUTE NO 3998) (OCM 9/7/2009) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MAY 2009 (5505) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

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

**CARRIED 9/0**



## Background

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

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

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

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

The regulations prescribe that the information reported in the Statement can be shown either by nature and type, Statutory Program or Business Unit. To date, the City has prepared the Statement by Statutory Program utilising a very similar format to that presented of guidelines issued by the Department of Local Government.

## Submission

N/A

## Report

### Introduction

Attached to the Agenda is a new and improved version of the monthly Statement of Financial Activity. This supersedes the previous format that has been unchanged for the past several years.

The City conducts its business and service delivery through a clearly defined organisational structure. This structure is encapsulated within Council's Position Statement PSES11 'Structure for Administering the City of Cockburn'. The structure comprises a number of Directorates broken up into Business Units, which are further broken up into service units/areas.

Having due regard for the above, the previous format with generic Statutory Program headings was seen to be lacking in usefulness for the purposes of financial reporting and management. Whilst



compliance motives were being satisfied, it was questionable whether it's intended purpose as a measuring tool for budgetary performance was being truly met.

Accordingly, the new format reports financial performance under the City's Business Unit organisational structure. This better aligns the City's financial performance with management hierarchies and accountabilities. The new format also includes a view of the financial data by Nature and Type, providing a more complete picture of the financial performance and aiding understanding.

As the demands on Council's financial resources continue to increase exponentially and thereby eroding future financial capacity, it becomes increasingly critical to rigorously monitor, review and assess financial performance. It is envisaged that this new format will deliver the rigor desired through greater transparency in budgetary performance and consequently, improved accountability for this performance.

#### The New Statement of Financial Activity

As previously mentioned, the single biggest change is the switch from a 'program' reporting to a 'business' reporting structure. As our organisational structure defines Directorates broken into Business Units and then Service Units, the decision had to be made as to what level was most appropriate for meeting the objectives of the new statement.

There are currently 14 Business Units comprising a total of 36 service units. Each Business Unit is managed by a Manager belonging to the Strategic Business Management Group (SBMG). It was considered that Business Units were the most logical reporting level for the new report, given the numbers involved and the level of management responsibility.

Many of the other changes made to the format are considered unique to Cockburn and representative of particular accounting methods and systems employed by the City (eg. accounting treatments for developer contribution plans and internal recharging). Following are some explanations for various sections of the report and any significant changes made.

#### Operating Revenue

The operating revenue section is now shown by Business Unit. It includes all of Council's revenue deemed operating in nature. Any income received for the purpose of asset acquisition or development is considered capital in nature and is excluded from this section, as was previously the case.

Profit or loss from the sale of assets is now also excluded, as this has capital origins and is a non-cash entry. It was considered that budget



variations in this area unfairly distort performance in the operating revenue category.

A new disclosure in this section is the amount of restricted cash revenues received in prior years that have been allocated to fund current year spending. As these are included within the Business Unit totals, they need to be reversed out (below the line) in order to balance the current year's revenue total. This is because restricted cash is not revenue in the current year, having been recognised in prior reporting years (and not spent on the intended purpose). The reason the revenue is included in the first instance, is to properly explain all funding sources. From an internal management and reporting perspective, it provides a complete picture of source and application of funds.

### Operating Expenditure

Operating expenditure is also reported by the attributed Business Unit. Internally recharged amounts have been excluded from the Business Unit totals and consolidated below the line. These refer mainly to internal service provision costs that are redistributed through an Activity Based Costing (ABC) model. Whilst these are important in determining the true cost of any service delivery, from a cost control and accountability perspective, it is appropriate to have these excluded (deemed non-discretionary to units). The Net Internal Recharging totals will not always net to zero. The reasons will be explained in the variance analysis commentary.

Also included below the line, are any significant and abnormal expense items such as impairment charges for devalued assets and payments for Crown land under roads.

### Depreciation on Non-Current Assets

Depreciation is a very significant and important expenditure item. In the previous format, this was included within the program line items under operating expenditure and reversed out as a non-cash item (below the line) to derive the closing net current position. The new format has a separate section for depreciation detailed by asset type. This treatment is more relevant (than by Business Unit) in this instance, as depreciation is deemed non-discretionary and thus not subject to unit management and control over the short term (similar to ABC costs).

### Profit/(Loss) on Assets Disposal

As stated previously, this transaction item has been relocated out of operating revenue and like depreciation, is also reported by asset type.



### Development Contribution Plans

Council has several active development contribution areas (DCA's) established under the Town Planning Scheme No.3. There are strict accounting and audit requirements for these funds and the need to keep them apart from the City's general operating funds.

The previous statement format allowed DCA transactions to distort financial performance. This was due to cashflows for these being extremely difficult to predict (if not impossible). Thus, it is warranted to isolate these within a separate section.

### Capital Items

Items deemed capital in nature are grouped under this section. Whilst this includes true capital items such as spending on assets and reserve transfers, it also includes revenues received funding asset spending. Accounting concepts and standards direct that these be treated as operating revenues. However, for the purpose of this Statement, they are more useful being reported as a funding source for the capital spent.

### Note 1 - Closing Funds used in Activity Statement

In accordance with the regulations, this note provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash/investment backed reserves). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

### Material Variances Explained

The explanations for material variances within operating revenue and expenditure will now be reported by Business Unit (instead of program), providing a more transparent assessment. Budget variances in expenditure for capital works and projects will continue to be reported by asset class. Material variances are determined in accordance with Council's adopted Material Variance Threshold (see paragraph below).

### Other Statements/Reports

A detailed Statement of Councils Cash/Investment backed Reserves will continue to be provided as well as a Restricted Funds Analysis report. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual position of Council's reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The





funds reported in these statements are deemed restricted in accordance with Australian Accounting Standards.

### Material Variance Threshold

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

The materiality threshold adopted by Council for the 2008/09 financial year is \$50,000 or 10% (whichever is the greater). In applying the threshold, officers give due regard to the nature of the data and how it is best consolidated (eg. at an individual project level, specific works program, distinct activity, nature and type level etc).

### Conclusion

Whilst this new Statement format represents a significant improvement over the previous version, it is intended to be a dynamic document that will be continuously improved and fine tuned as required.

Future enhancements planned include the reporting of financial KPI's, ratio analysis, and the better use of charts and graphs. It is also intended to improve the reporting and presentation of material variances to enhance understanding.

All subsequent changes made will similarly be brought to the attention of Council.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

### **Budget/Financial Implications**

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



**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – May 2009.

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

N/A

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

Nil.

**15.3 (MINUTE NO 3999) (OCM 9/7/2009) - FEES & CHARGES - PLANNING SERVICES AND NAVAL BASE SHACKS (5402) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the fees as contained in the Planning Bulletin 93/2009 dated June 2009, as attached to the Agenda;
- (2) adopt the fees for the Crown Reserve 24308 – Naval Base Shacks, as contained in the report;
- (3) adopt the amended fees for the Henderson Resource Recovery Park as attached to the Agenda for the periods 1 July 2009 to 31 December 2009 and 1 January 2010 to 30 June 1010; and
- (4) advertise the fees as per Section 1.7 (2)(ii) of the Local Government Act 1995, providing for local public notice with the fees being effective 22 July 2009 apart from (2) which because of the annual lease, are effective for the 2009/2010 financial year.

**COUNCIL DECISION**

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

**CARRIED 9/0**



## Background

The Western Australian Planning Commission(WAPC) has control over fees and charges levied by the Statutory Planning Department at the City of Cockburn, as it does at all Local Governments in Western Australia.

The WAPC has tabled the Regulation to amend the fees effective 1 July 2009.

The notice of the fee increase was provided to the City of Cockburn, one day after the Council adopted the 2009/10 budget.

No consultation was provided to local government over the increase in fees.

The 2009/10 fees for the Crown Reserve 24308 Naval Base Shacks was inadvertently omitted from the 2009/10 budget.

## Submission

N/A

## Report

Attached is Planning Bulletin 93/2009 Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges). The Planning Bulletin outlines changes to the charges permitted by the Planning and Development Regulations.

The Regulations have been amended to increase the 2009/10 fees by 4.2%. The fees take effect once the Council has adopted the attached schedule.

The Fees for Crown Reserve 24308 Naval Base Shacks will be as follows:

Lease – Naval Base Shacks	\$1,029
FESA levy (min)	\$45
Security Levy	\$50

The increase combines an increase similar to rates and the equivalent increase in rubbish levy. The fees are also GST inclusive.

## Waste Disposal Fees & Charges

The recent State Government announcement postponing the 300% increase to the landfill levy provides the City with an opportunity to reconsider the application of its fees and charges at the Henderson Resource Recovery Park.



With the landfill levy mooted to increase from \$7/tonne to \$28/tonne, the City had proposed to increase its gate fees by \$21/tonne to meet the additional charges applied by the state. Officers now propose to transition the increase to the fees and charges incrementally as shown in the attached Schedule of Fees and Charges, Waste Disposal.

Disposal costs will increase to \$85/tonne until December, increasing incrementally to \$100/tonne on the 1st January when the State Government increase to the landfill levy is proposed to come into affect. The schedule attached outlines the range of increases proposed to the fees and charges for endorsement.

### **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**

It is anticipated that an additional increase of \$29,000 may be expected depending on the current economic situation. An adjustment will be provided at the mid-year Budget review.

#### **Legal Implications**

Section 6.19 of the Local Government Act 1995 provides that the City must undertake local public notice of:

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

The fees as provided in the Planning Bulletin 93/2009 dated June 2009 will take effect seven days after notice has been published. The effective date will be Wednesday, 22 July 2009.

The fees for the Naval Base Shacks will be effective for 2009/10 in its entirety. Section 1.7 (2)(ii) of the Local Government Act 1995.

#### **Community Consultation**

Notice to be published in the local newspaper.

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

1. Schedule of Planning Fees - Planning Bulletin 93/2009.
2. Waste Disposal Fees & Charges 2009/2010



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

N/A

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

Nil.

DEPUTY MAYOR ALLEN AND CLR REEVE-FOWKES LEFT THE MEETING AT THIS POINT THE TIME BEING 7:57 PM

**DECLARATION OF INTEREST**

The Presiding Member advised declarations of interest had been received from Deputy Mayor Allen and Clr Reeve-Fowkes, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations, 2007, on item 16.1. The nature of the interest being that they are both Office Bearer's of the Coogee Beach Progress Association, which has made a submission on this matter.

**16. ENGINEERING AND WORKS DIVISION ISSUES****16.1 (MINUTE NO 4000) (OCM 9/7/2009) - COOGEE BEACH NORFOLK ISLAND PINES (3300004) (A CONROY) (ATTACH)****RECOMMENDATION**

That Council adopt Option 2 of the report, and agree to:

- (1) remove and relocate all of the Norfolk Island Pines recently planted on the western edge of Coogee Beach Reserve; and
- (2) remove and relocate some of the Norfolk Island Pines recently planted on the eastern edge of Coogee Beach Reserve to generally restrict them to the perimeter of the reserve.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr J Baker that Council

- (1) remove the Norfolk Island Pines recently planted on the Coogee Beach Reserve as this reserve is part of the Woodman Point Reserve and pines are not Native to the area;
- (2) involve Department of Conservation and Environment (DEC) and local communities in any further planting of Native species on the Woodman Point Reserve with reference to the Woodman Point Regional Park Management Plan.

**CARRIED 6/1**

## Reason for Decision

Coogee Beach Reserve is severely degraded, however considerable conservation gains can be made if a wide range of local over-story and under-story is used for re-vegetation. Where possible, seed material should be sourced within the boundaries of the reserve. Local Residents, Community Groups and Educational Institutions should be encouraged to be actively involved in re-habitation work thus supporting DEC and the Woodman Point Regional Management Plan.

## Background

As part of the City's 2009 winter tree planting program, thirty six Norfolk Island Pines were planted in the lawn area at Coogee Beach, by the Council's Parks Department.

On 18 May 2009, the Chief Executive Officer received a petition containing twenty three signatures stating:

*We, the undersigned Cockburn residents, request the removal of 36 Norfolk Island Pines recently planted in the lawn area at Coogee Beach. These plantings are inappropriate.*

*This lawn area prepared and planted by the Poole family in the 1930s is an historic recreation area. Over the years it has hosted many picnic events and impromptu games of cricket, football and other community events, such as the Coogee Beach Festival. There should be no planting across the grassed areas.*

*Coogee Beach and Woodman Point possess a unique character. Any trees planted in the Coogee Beach area should be indigenous to this area. Coogee Beach connects to the Woodman Point reserve and Conservation area. Council should be building on and supporting the work done by DEC. The Woodman Point Conservation area and reserve contain the best remnant coastal woodland.*

*Above all there should be no incursion into the spacious lawn areas. If more shade is needed, trees in very limited numbers should be planted only on the lawn's perimeter. Coogee has its own character and history and can stand alone with no need to mimic other coastal locations.*

On the 11 June 2009, Chief Executive Officer also received correspondence from the Coogee Beach Progress Association stating:

*The Coogee Beach Progress Association requests the immediate removal of all Norfolk Island Pine trees planted in the grassed area at Coogee Beach.*



*In addition the Association requests that no further Norfolk Island Trees be planted in the general vicinity of Coogee Beach at any time in the future.*

## **Submission**

Petition received.

## **Report**

In deference to concerns raised by the petitioners and the Coogee Beach Progress Association, three options have been prepared for consideration by the Council.

- |          |  |
|----------|--|
| Option 1 | Do not remove any of the trees.        |
| Option 2 | Remove and relocate some of the trees. |
| Option 3 | Remove all of the trees.               |

### Option 1

The rationale not to remove any of the trees (option one) and the basis on which the original plantings were undertaken is that:

1. The plantings are appropriate.
2. Plantings across the grassed area will not prevent continuation of recreation activities.
3. The Department of Environment and Conservation (DEC) does not oppose the planting of Norfolk Island Pines at specific sites in the area.
4. City of Cockburn Greening Plan permits the use of exotic trees.
5. Planting of trees in recreation areas is in accordance with Council Policy.
6. Shade trees are necessary in recreational areas.
7. These trees will benefit the next generation.
8. Twenty three signatures are considered insufficient to represent the opinion of the broader community.
9. Views of the ocean from residential land in Coogee will not be impeded.
10. Planting densities will not affect the long term health and vigour of the trees.

### Plantings are appropriate

Planting of trees in public areas is especially suitable in this day and age where the broader community is particularly aware of the need for sun protection and is generally supportive of tree planting for environmental and aesthetic purposes. On average the City plants eight hundred trees per annum in streets and public open spaces. This is in addition to the thirty thousand seedlings planted each year in its bushland reserves.



Planting across grassed area

Due consideration was given to recreational activities when choosing the planting sites. For this reason the trees have been planted in groups, leaving sufficient space for activities such as community events, picnicking and impromptu ball games.

DEC does not oppose Norfolk Island Pines

Contrary to the claim in the petition that any trees planted in the area 1 should be indigenous, the Woodman Point Draft Management Plan 2002 – 2012, page 28, under the heading Landscape Quality, clearly states...

*“Norfolk Island Pines add a diversity of form and colour to the landscape, and are visually attractive providing reference points along the coast.”*

and, under the heading Landscape Character...

*“Planting only local plant species may not apply to historical sites provided that no invasive species are planted.”*

City of Cockburn Greening Plan permits the use of exotic trees

Council's Greening Plan, adopted 19 June 2001, page 44 Table 8 \*'Proposed Streetscape Themes for the City of Cockburn' states, in part...

*“Exotic species (non-invasive) may be used in various areas around Cockburn within the different landscape characters.*

*The species chosen for street tree planting is to relate to the environment without becoming a threat to the environment. Examples of exotic plants that may be used include deciduous trees, palms, and fruit trees.*

*Generally exotic trees have been chosen in particular areas to:*

- *Enhance an area that already has predominantly exotic species, e.g. palms in northern and coastal residential areas.*
- *Reinforce existing commercial areas that have already used exotic species as a theme.*
- *Respect historic or culturally significant areas e.g. Fruit trees close to market gardens, olive trees near the coast.”*

Appendix 5 Indicative Species List for Streetscape Themes – Cockburn Planting Theme – Coastal specifically includes Norfolk Island Pines for planting in coastal areas.





\*Note: Although listed under streetscaping, the Greening Plan Steering Committee included grass parklands/ovals under this section. Refer page 48.

### Planting of trees in recreation areas accords with Council Policy

Council's Position Statement PSEW19 'Shade To Playgrounds on Recreation Reserves' – was adopted on 11 December 2008 for the purpose of providing direction to officers in their advice to residents and elected members as to the most appropriate shade to a playground or other outdoor recreational facility that may be provided. This position statement states, in part, that...

*“As a first priority, vegetation and in particular trees, shall be utilised by locating facilities nearby existing and/or planting trees that will mature in 6-10 years and maximise opportunities for shade at optimum times of the day and year.”*

### Shade trees are necessary

Australia has the highest incidence of skin cancer in the world. The Cancer Council suggests that 90% of skin cancers could be prevented if sun protective behaviours were adopted. The effects of ultraviolet radiation (UVR) on the skin are cumulative – every exposure adds to sunburn in the short term and premature aging in the long term. Over exposure to UVR in childhood and adolescence increases the risk of developing skin cancer later in life.

A wide range of outdoor activities are undertaken during times of highest direct UVR, i.e. between 10:00 a.m. and 3:00 p.m.. High priority areas for shade have been identified:

- Where the users are children, i.e. schools, playgrounds and child care centres.
- Where activities occur with minimal clothing, i.e. beaches, swimming pools and sports grounds.
- Where outdoor activities occur at highest direct UVR, i.e. picnic grounds and schools.
- Where outdoor activities occur for more than 10 minutes in summer, i.e. playgrounds, schools and parks.

Coogee Beach grassed area is clearly a high priority area for shade.

Unfortunately, there are very few tree species that are capable of surviving and developing a sufficient size to provide shade close to the ocean waters edge in metropolitan Perth. Norfolk Island Pines are one of the few tree species capable of



surviving, which is why they have been extensively utilized along the Perth metropolitan coast over the last one hundred years.

#### Trees for the next generation

The recently planted trees at Coogee Beach will not benefit or unduly impact on the current adult generation. They will benefit the next generation.

Norfolk Island Pines have a life span in excess of one hundred years. Their full grandeur and benefit will not be realised for at least twenty five years to fifty years time. Consequently, they will have minimal impact on the current adult generation. However, what is certain is that the current adult and child generation is not enjoying the grandeur and benefit (including shade) of mature trees at Coogee Beach because the past generation didn't plant trees that would survive. Equally certain is the fact that the next generation will not be enjoying the grandeur and benefit (including shade) of mature trees if the current generation doesn't plant trees that will survive.

#### Twenty three signatures is considered insufficient

Thousands of people visit Coogee Beach each year and take advantage of the recreational facilities. A petition objecting to the plantings, containing twenty three signatures, was received. Relative to the number of visitors to Coogee Beach, this number is considered insufficient to reasonably conclude that the petition represents the opinion of the rest of the community.

#### Views of the ocean will not be impeded

A cursory survey from a number of street locations within Coogee indicates that at maturity these trees will have no impact on ocean views as they currently exist.

#### Option 2

The recommendation for option two - that the trees on the western edge can be removed entirely and the plantings on the eastern edge generally restricted to the perimeter of the reserve - is made on the basis that:

1. There are no previously planted pines on the western edge, where as semi mature pines exist on the eastern edge. Additionally, there are a number of shade structures on the western side of the reserve.



2. The removed trees can be used as replacement trees at Point Catherine Reserve where several Norfolk Island Pines have been vandalized.
3. This option provides shade and maximizes the grassed area.

Option 3

The rationale to remove all of the trees (option three) is that a section of the community is clearly opposed to Norfolk Island Pines.

**Strategic Plan/Policy Implications**

**Infrastructure Development**

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

**Budget/Financial Implications**

\$11,500	Initial Planting	
\$0	Option One	Do not remove any of the trees.
\$2,200	Option Two	Remove and relocate some of the trees.
\$2,850	Option Three	Remove all of the trees.

**Legal Implications**

N/A

**Community Consultation**

Community consultation was not undertaken on this project as it is part of an annual ongoing tree planting program in which hundreds of trees, both native and exotic, are planted each year on parks without public reaction.

**Attachment(s)**

1. Coogee Beach Norfolk Island Pines Option 1 and 2.
2. Relocated Trees – North of Café Car Park



**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 July 2009 Council Meeting.

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

Nil.

DEPUTY MAYOR ALLEN AND CLR REEVE-FOWKES RETURNED TO THE MEETING, THE TIME BEING 8:08 PM.

THE PRESIDING MEMBER ADVISED DEPUTY MAYOR ALLEN AND CLR REEVE-FOWKES OF THE DECISION OF COUNCIL WHILE THEY WERE ABSENT FROM THE MEETING.

**16.2 (MINUTE NO 4001) (OCM 9/7/2009) - TENDER NO. RFT 12/2009 - CONSULTANCY SERVICES - CONDITION SURVEY - ROADS, KERBS AND FOOTPATHS (RFT 12/2009) (J RADAICH/ I STREET) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by Cardno (WA) Pty Ltd, for Tender No. RFT 12/2009 – Consultancy Services – Condition Survey – Roads, Kerbs and Footpaths, for the lump sum of \$107,560 GST exclusive (\$118,316 GST inclusive), with the following Budget modifications :

- (1) Account no. CW2137 – Pavement Management on the 2008/09 Budget is carried forward to the 2009/10 Budget.
- (2) The tender is charged to the Budget Accounts for Pavement Management and Resurfacing Program.
- (3) The Budget is adjusted accordingly to reflect the Operational nature of the tender.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**



## Background

The current data sets for inventory and condition rating (1 to 5 basis) in the GIS database for the City's road, kerb and footpath assets were surveyed and established some 10 years ago, and were being continuously updated as these assets were refurbished and new assets constructed. However, in recent years, due to difficulties in retaining and replacing staff, the database has not been updated and maintained consistently enough for adequate confidence in its accuracy. As a result after considerable analysis of the data sets for the road, kerb and footpath assets, it was found that the current data was incomplete with minor inaccuracies. Consequently, with the new Works & Assets asset management program being developed and implemented, and the decision to introduce a 0 to 10 basis condition rating system, there is a need to begin afresh with accurate and new information to be able to have a robust data set in which the City had confidence. This would allow the new Works & Assets system full functionality for the end users to be able to develop forward budgets and works programs with confidence.

In this regard, there is an allocation of \$50,054 on the current Budget (CW2137) for Pavement Management, which was earmarked to undertake a condition update survey of the City's pavement assets and updating the GIS database accordingly.

## Submission

Consequently, tenders were called to undertake a condition rating (on a 0 to 10 basis) and data inventory confirmation survey of all of the City's road, kerb and footpath assets. Tenders closed at 2:00 p.m. (AWST) on Tuesday 9 June 2009 and seven (7) submissions were received :

1. Vinertech P/L – T/As Pure Data
2. ARRB Group Ltd
3. Cardno (WA) Pty Ltd
4. Opus International Consultants (PCA) Ltd
5. Axim (Part of Downer EDI Works)
6. Coffey Information
7. Shawmac Pty Ltd

## Report

All tenders received were deemed compliant with the conditions of tendering and compliance criteria, except for the tender submitted by Shawmac. They failed to comply with the requirements of the conditions of tendering and compliance criteria, and their submission was not further considered.



Evaluation Criteria

<b>Evaluation Criteria</b>	<b>Weighting Percentage</b>
Relevant Experience & Key Personnel	20%
Demonstrated Understanding	30%
Delivery/Availability	10%
Tendered Price – Lump Sum	40%
<b>TOTAL</b>	<b>100%</b>

Tender Intent/ Requirements

The City of Cockburn has a requirement to create a detailed asset management data set to allow for the development of maintenance programs for its road, kerbing and path networks. To achieve this there is a need to implement an on-going condition rating and inventory data confirmation survey on a regular periodic basis. Such a survey is currently due. Consequently, the City is seeking a suitably qualified and experienced Consultant to carry out visual condition and data confirmation and/or collection surveys of these networks.

Evaluating Officers

The tender submissions were evaluated by:  
 John Radaich – Manager Engineering  
 Ian Street – Asset Manager  
 Adrian Farrugia – GIS Officer

Scoring Table Combined Totals

<b>Scores</b>			
<b>Tenderer's Name</b>	<b>Non-Cost Evaluation Score 60%</b>	<b>Cost Criteria Evaluation Score 40%</b>	<b>Total Score 100%</b>
Vinertech P/L – T/As Pure Data	60.0%	24.2%	84.2%
ARRB Group Ltd	58.1%	26.7%	84.8%
Cardno (WA) Pty Ltd	58.8%	33.3%	92.1%
Opus International Consultants (PCA) Ltd	54.3%	34.7%	89.0%
Axim (Part of Downer EDI Works)	50.7%	40.0%	90.7%
Coffey Information	44.6%	19.9%	64.5%
Shawmac Pty Ltd	-	-	Not assessed



### Evaluation Criteria Assessment

All compliant tenders are considered to have the capacity to meet the City's requirements as detailed in the Specifications as well as comply with the General and Special Conditions of Contract as stated in the tender document.

Cardno provided the best assessment against the selection criteria. Referees were consulted and very little separates the relevant experience as they are all highly regarded in these types of projects. Cardno provide the best assessment score and also offered the most flexibility with start date and completion date, consequently, their tender should be supported.

As Cardno's tender is more than 25% above the lowest compliant tender, the tender cannot be awarded to Cardno under delegated authority, and needs to be referred to Council for consideration.

### Demonstrated Experience

All tenderers were considered to have a satisfactory level of relevant experience.

### Key Personal skills and experience

All tenderers showed they had sufficient key personal skills and experience to complete the works within the required time frame.

### Respondents' Resources

All tenderers had sufficient resources to complete the required works. Methodology.

Cardno's methodology provided the most flexibility with the start date and completion date to carry out the works.

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

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

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

#### **Governance Excellence**

- To maximise use of technology that contributes to the efficient delivery of Council's services.

#### **Transport Optimisation**

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



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

### **Budget/Financial Implications**

The tender was priced for the condition rating survey alone (Option 1), the inventory confirmation survey alone (Option 2) and both surveys (Option 3). Funding availability would allow both surveys (Option 3) to be completed, consequently the tenders assessed on this basis.

The recommended tender requires funding of \$107,560. It is proposed that the tender be funded as follows: -

- \$50,054 from account no. CW2137 – Pavement Management, to be carried forward to 2009/10
- \$57,506 plus any variations from account no. CW2601 – Resurfacing Program

The annual allocation for the Resurfacing Program (\$875,000 in 2009/10) is applied to roads according to the severity of their condition rating, which this tender is required to update.

As the tender survey is considered an Operational project that is not adding value to the City's assets, the expenditure needs to be recorded as Operational rather than Capital Works. The above accounts are recorded as Capital Works; consequently the Budget will need to be adjusted to reflect the Operational nature of the tender survey.

### **Legal Implications**

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

### **Community Consultation**

Tender No. RFT 12/2009 – Condition Survey – Roads, Kerbs and Footpaths was advertised in the West Australian 23 May 2009.

### **Attachment(s)**

1. Compliance Criteria Checklist
2. Tendered Prices – “Confidential” – (under separate cover)
3. Tender Evaluation Sheet – “Confidential” (under separate cover)

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

Those who lodged a submission have been advised that the matter is to be considered at the 9 July, 2009, Council Meeting.





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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (MINUTE NO 4002) (OCM 9/7/2009) - TENDER NO. RFT 05/2009 - COOLBELLUP COMMUNITY HUB REDEVELOPMENT (8136B) (R AVARD) (ATTACH)****RECOMMENDATION**

That Council accept the tender submitted by Badge Constructions (WA) Pty Ltd for the refurbishment and additions to the Coolbellup Community Hub for the total cost of \$3,284,740 (ex GST) for Tender No.RFT05/2009 'Coolbellup Community Hub Redevelopment'.

**COUNCIL DECISION**

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

**CARRIED 9/0****Background**

Council at its meeting of 10 July 2008 resolved as follows:

*That Council confirm its decision of 13 December 2007 to proceed with the development of the Coolbellup Community Hub based on the Concept Plan presented.*

To address community concerns the plans for the building modifications have allowed for the retention of the current wooden floor in Centenary Hall with office partitioning designed to allow for removal at some future date should this be the desire of a future Council. A wooden floor was laid in the main hall of the Len Packham Clubrooms which is suitable for impact activities such as dance and karate and has been very well utilised .

**Submission**

Tenders closed at 2.00 p.m. on Tuesday, 21 April 2009 and tender submissions were received from:



1	Myers Constructions (1995) Pty Ltd
2	DBM Contractors Pty Ltd
3	Duwal Constructions Pty Ltd
4	CPD Group Pty Ltd
5	Dalcon Construction Pty Ltd
6	Esslemont Building & Civil
7	Unifine Pty Ltd T/A Merit Projects
8	Freo Group Ltd T/A Freo Construction
9	Tooltime Construction Pty Ltd
10	Badge Constructions (WA) Pty Ltd
11	Kyeol Pty Ltd T/A Kilcullen Constructions
12	Gavin Construction
13	Robinson Buildtech
14	Classic Contractors
15	Pindan Pty Ltd
16	Thomas & Coffey Ltd
17	KMC Group T/A WA Commercial Constructions
18	Southern Cross Constructions (WA) Pty Ltd
19	Niche Construction WA Pty Ltd

## Report

All 19 submissions were deemed to be compliant with the conditions of tendering and compliance criteria.

## Evaluation Criteria

<u>Criteria</u>	
Relevant Experience	15%
Financial Position	10%
Key Personnel Skills and experience	10%
Tenders Resources	5%
Cost	60%
<b>TOTAL</b>	

## Tender intent/requirements

The tender has been sought to contract a firm to construct additions and modifications to the current Coolbellup Community facilities in Cordelia Avenue, Coolbellup.

## Evaluation Officers:

The tender submissions were evaluated by:

- Manager, Community Services- Robert Avard
- Project Manager- Jadranka Kurski



- Holton Connor Architects – Terry Holton

Scoring table:

Scores:			
Tenderer's Name	Non-Cost Criteria Assessment Score	Cost Criteria Assessment Score	Total Score
Myers Constructions (1995) Pty Ltd	26.58	60	86.58
DBM Contractors Pty Ltd	29.16	59.40	88.56
Duwal Constructions Pty Ltd	37.73	53.6	91.33
CPD Group Pty Ltd	33.34	58.37	91.71
Dalcon Construction Pty Ltd	24.53	55.32	79.85
Esslemont Building & Civil	38	52.51	90.51
Unifine Pty Ltd T/A Merit Projects	32.02	57.96	89.98
Freo Group Ltd T/A Freo Construction	26.92	51.17	78.09
Tooltime Construction Pty Ltd	31.3	51.17	82.47
Badge Constructions (WA) Pty Ltd	37.57	59.13	96.70
Kyeol Pty Ltd T/A Kilcullen Constructions	31.31	46.66	77.97
Gavin Construction	37.68	52.45	90.13
Robinson Buildtech	27.55	59.42	86.97
Classic Contractors	24.05	45.44	69.49
Pindan Pty Ltd	30.19	57.26	87.45
Thomas & Coffey Ltd	22.52	47.07	69.59
KMC Group T/A WA Commercial Constructions	28.17	54.83	83
Southern Cross Constructions (WA) Pty Ltd	33.85	59.01	92.86
Niche Construction WA Pty Ltd	31.76	55.05	86.81

The recommended tender from Badge Constructions (WA) Pty Ltd represents a well established and experienced firm for this type of work which has submitted a very competitive tender price.

The Cockburn Support Services Staff currently located in the building next to the Coolbellup Library will move to the old childcare centre at 219 Winterfold Road Coolbellup while work on the hub is in progress. It is anticipated that they will move back to the new premises in July/August 2010. There will be a period of approximately 3 months when the Coolbellup Library will be closed to allow the builder to extend the library space. Until the builder provides the works program the actual date and period of closure will not be known but it is anticipated that it will close for 3 months mid-2010.



## **Strategic Plan/Policy Implications**

### **Infrastructure Development**

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

### **Lifestyle and Aspiration Achievement**

- To facilitate and provide an optimum range of community services and events.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

## **Budget/Financial Implications**

There was a provisional sum of \$30,000 in the tender for Western Power head works; however the quote is now \$92,663. It is proposed that once the tender is approved the provisional sum of \$30,000 for Western Power head works will be withdrawn from the contract and the City will oversee this work. This has the dual advantage of saving the 10% contract management fee and also allows the City to proceed with the head works promptly to ensure there is no delay to the opening of the centre.

The sheet glass for the library has many scratches and is not 'environmentally friendly'. The opportunity presents itself for the glass to be replaced with toughened 10mm solar panel glass which is estimated to cost \$56,000. It is proposed that this work be approved and dealt with administratively as a variation to the contract, the cost of which can be borne within the current allocated budget.

An application has been submitted to Lotterywest (\$1.1 million) for this project the result of which is anticipated to be known within the next several weeks. Accordingly, total funds available for the project are estimated to be \$4.4 million.

There is \$3,800,000 allocated on the 2009/10 budget for these works which include tender price (\$3,284, 740), plus furniture fit-out, fees, a contingency, landscaping and additional works described above, bringing the total expenditure required to fully complete the project to around \$4.1 million.

## **Legal Implications**

Sec. 3.57 of the Local Government Act, 1995 and Part 4 of the Local Government (Functions and General) Regulations, 1996, refer.



## Community Consultation

The tender was advertised in the West Australian on 21 March 2009 and also placed in the tenders section of the Council website.

### Attachment(s)

1. Compliance Criteria Checklist.
2. Plan of Community Hub.
3. Tendered Prices – “Confidential” – (under separate cover)
4. Tender Evaluation Sheet – “Confidential” – (under separate cover)

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 July 2009 Council Meeting.

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

Nil.

### DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received a Declaration of Interest from Chief Executive Officer, Stephen Cain pursuant to Local Government (Administration) Regulation 34C. The nature of his interest is that he recommended the lease of the property to several charities, including the proposed recipient, Vincentcare, and he is also a financial donor to this charity. As such, he was not involved in the drafting of this item or its consideration at the Agenda Settlement meeting.

AS MR CAIN HAS NO DEBATING RIGHTS OR VOTING POWER, THERE WAS NO REQUIREMENT FOR HIM TO LEAVE THE MEETING.

## 17.2 **(MINUTE NO 4003) (OCM 9/7/2009) - PROPOSED LEASE OF PROPERTY - 13 KENT STREET, SPEARWOOD - VINCENTCARE (2202027) (B FREEMAN) (ATTACH)**

### RECOMMENDATION

That Council enter into a lease agreement with Vincentcare for the use of 13 Kent Street, Spearwood, subject to the following conditions:-

- (1) The building be used for the purpose of housing families with children in need to help assist in alleviating homelessness in Cockburn.



- (2) The lease period be for 5 years.
- (3) The lease be set at a peppercorn rent.
- (4) Vincentcare be responsible for on-going minor maintenance, and all outgoings.
- (5) Other terms and conditions which may be necessary to protect the interests of the City.

**COUNCIL DECISION**

MOVED Cllr L Smith SECONDED Cllr V Oliver that Council enter into a lease agreement with Vincentcare for the use of 13 Kent Street, Spearwood, subject to the following conditions:

- (1) The building be used for the purpose of housing families with children in need to help assist in alleviating homelessness in Cockburn.
- (2) (a) families receiving support from Cockburn Family Support Services experiencing hardship through homelessness receive priority occupation.  
  
(b) before relocating families to the premises Vincentcare staff must contact Cockburn Family Support Services at both Coolbellup and Atwell to identify if they have clients experiencing the effects of homelessness and in need of housing.  
  
(c) should Cockburn Family Support Services have clients in need of housing they must take priority.
- (3) If at the time of relocation the family is receiving support from Cockburn Family Support Services, Vincentcare work in consultation with Cockburn Family Support Services when designing case management and exit strategy plans.
- (4) The lease period be for 5 years.
- (5) The lease be set at a peppercorn rent.
- (6) Vincentcare be responsible for on-going minor maintenance, and all outgoings.
- (7) Other terms and conditions which may be necessary to protect the interest of the City.

**CARRIED 9/0**



## Reason for Decision

"Vincentcare is currently seeking housing for a refugee family whose tenancy agreement is ending and the breadwinner has recently been made redundant due to the economic situation" (*Ann Garrity General Manager, Vincentcare*).

It is understood that Cockburn Family Support Services are currently working with families with children in crisis who have been homeless in excess of 12 months. Fran Logan's office is also providing support to former Cockburn Residents living out of cars who also have children.

The effects of homelessness on our community are far reaching. For older people, homelessness often involves mental illness and poor health - for men, family breakdown, unemployment, and gambling. For women, homelessness often follows domestic violence, child abuse or sexual assault. For children, homelessness brings trauma, and affects school routines and friendships. Worse still, experiencing homelessness as a child makes adult homelessness more likely (*Fahcsia, Which way home, a new approach to homelessness, May 2009*).

The case load of Cockburn Family Support Services is always at capacity. The majority of families referring to the programme are suffering hardship and in many cases are experiencing the affects of homelessness. Vincentcare's willingness to work collaboratively with the City of Cockburn and it's support programmes and services will alleviate some pressures on Cockburn families, Cockburn support staff and the far reaching affects on Cockburn Ratepayers and Residents.

This is a wonderful opportunity for State Government (Cockburn Family Support Services are funded through State funding), local government and the not for profit sector to work together however, our first priority must be given to Cockburn families and their children experiencing homelessness.

## Background

The City of Cockburn owns a three bedroom/one bathroom residential building at 13 Kent St, Spearwood which became vacant when the previous approved Lessee 'Bridging the Gap' Program relocated to new premises.

## Submission

Vincentcare has approached the City of Cockburn to identify their interest in taking on the management of 13 Kent Street for the purpose of providing housing to vulnerable families with children facing homelessness within the District. A peppercorn lease arrangement has been proposed for a lease period of 5 years. Vincentcare have offered



to take on responsibility for building maintenance, and client support. Only one family will be housed at any one time within the Kent Street building, over a medium term period (12 months maximum) to allow for support programs to be implemented.

## Report

It is proposed that the house at 13 Kent Street, Spearwood be used as a residential building to be available to families suffering hardship through homelessness, within the City of Cockburn.

This arrangement would be managed through Vincentcare, a Special Program of the St Vincent de Paul Society, dealing with marginalised and vulnerable members of the community.

Vincentcare already manages two privately owned houses in the City, in South Lake and Hamilton Hill, for people with mental health conditions. The organisation is amply qualified and resourced to be able to manage a family to be housed in the Kent Street building, both in maintaining the building to the necessary standard and in providing on-going support to the client family.

The St Vincent de Paul Society State Council are aware of the possibility to work collaboratively with the City of Cockburn and its support programs and services.

With figures showing homelessness in Australia in excess of 100,000 people and rising, the increasing needs of this marginalised and vulnerable group requires significant assistance.

Vincentcare already has a close working relationship with City of Cockburn, through Council's Financial Counselling Services, and due to its management of two other houses for clients with mental health conditions within the City. Vincentcare's objectives are to offer friendly, supported and harmonious accommodation for people experiencing homelessness and/or mental health illness. They promote recovery and wellbeing, and develop and implement individually-designed and flexible support plans for client residents. The goal is to assist clients to achieve a level of recovery so that they can take their rightful place in society and contribute to the wider community.

Vincentcare has made a commitment to maintain the Kent Street building throughout its tenancy and to ensure that the families who are housed there will be appropriately supported in an on-going way by the organisation. A proposed clause within the lease will require a designated officer of the City of Cockburn to approve tenants in consultation with Vincentcare and to ensure the maintenance provisions of the Lease are being adequately addressed.





## 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

Over recent years the amounts spent by Council on the Kent Street building for maintenance have been:

2007/08	\$5,541
2006/07	\$7,313
2005/06	\$6,755

Under a new 5 year agreement with Vincentcare, all maintenance costs will be borne by that organisation.

### Legal Implications

Regulations 30(2)(b)(i) of the Local Government (Functions and General) Regulations 1996 allows an exception from the provisions of Sec. 3.58 of the Local Government Act for the disposal of land when the disposal (including a lease) is to a body whether incorporated or not "(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.'

### Community Consultation

N/A

### Attachment(s)

1. Letter from Vincentcare seeking to lease the premises.
2. Map identifying the property.

### Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at 9 July 2009 Council Meeting.

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

Nil.



**17.3 (MINUTE NO 4004) (OCM 9/7/2009) - PROPOSED AMENDMENT TO POSITION STATEMENT PSCS16 'PUBLIC ART IN THE CITY OF COCKBURN' (8816) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopts proposed amendment to Position Statement PSCS16 'Public Art in the City of Cockburn' as attached to the Agenda;
- (2) adopts the Public Artworks Strategy, as attached to the Agenda; and
- (3) promote and publish the Public Artworks Strategy through its usual communication avenues and on the City's web site.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Since 2003, Council's Position Statement in relation to public art in the City has been dealt with in an adhoc manner.

More recently, a Public Artworks Strategy has been developed, which documents a more planned and rigorous approach to the commissioning and management of Public Art in Cockburn.

**Submission**

To amend Council's Public Art Position Statement to incorporate the recently produced Public Artwork Strategy.

**Report**

With the development of a Public Artworks Strategy, the City can now monitor the provision of Public Arts within the City in a more rational manner. It is necessary to amend Council's Position Statement to reflect the intent of the Strategy, particularly the commissioning and installation of Council funded public artworks in the future.

The Strategy more clearly defines the City's role in determining and monitoring the type and placement of public art throughout the District.



The Strategy document features a priority matrix for future public artworks and a map and inventory of current works within the City.

A copy of the document will be published for promotion in the community through Council's normal advertising channels, including the Cockburn Soundings, newspaper advertising and displayed on Council's web site.

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

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

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

### **Budget/Financial Implications**

Funds to be allocated on an annual basis to the Council Budget in accordance with the Position Statement and Strategy document. External funds to be sourced, where appropriate, in accordance with the Position Statement and Strategy document.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

1. Proposed amended Position Statement PSCS16 'Public Art in the City of Cockburn'.
2. Public Artworks Strategy

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

N/A

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

Nil.



**17.4 (MINUTE NO 4005) (OCM 9/7/2009) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2009/10 (8812) (C O'SULLIVAN)**

**RECOMMENDATION**

That Council adopt the proposed Calendar for the Summer of Fun Events for 2009/10.

**COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr L Smith that Council:-

- (1) adopt the proposed Calendar for the Summer of Fun Events for 2009/10, with the addition of a 3<sup>rd</sup> Concert for residents of the West Ward as per previous years; and
- (2) allocate the sum of \$41,250 to the Concert with the monies to be drawn from the Project Contingency Account.

**CARRIED 8/1**

**Reason for Decision**

The Summer of Fun Events have great community support. The community satisfaction survey says that at least 83% of our residents are happy with the events that are put on. When we look at the global financial downturn, it's more important than ever that we create family fun events for our community and the West Ward should be treated equally to other Wards and a local concert should be provided for the residents of Hamilton Hill, Spearwood and Coogee.

**Background**

Council at its Meeting 18 of June 2009 resolved to place the sum of \$334,000 on the 2009/10 budget for the Summer of Fun Events. Council has previously resolved that a report be prepared for consideration by Council that identified the events proposed for the forthcoming year.

**Submission**

N/A

**Report**

To ensure that venues and acts can be booked it is necessary for an early determination of the nature of the events for the forthcoming Summer of Fun activities early in the financial year immediately



following the establishment of the 2009/10 municipal budget. The table below is the proposed Summer of Fun Concert Series 2009/10 events:

Event	Date	Park & Suburb	Act
Concert One	30/01/10	Coolbellup Reserve, Coolbellup	Local Perth band – High calibre (e.g.Hells Bells)
Concert Two	13/02/10	Atwell Reserve, Atwell or Lakelands Reserve, South Lake	Local Perth band – High calibre (Tribute Band)
Regional Concert	6/03/10	Manning Park, Hamilton Hill	TBC – In negotiation. 1. John Farnham or 2. Natalie Bassingthwaite or 3. Jimmy Barnes

N.B. Regional Concert – In negotiations at the present time with interstate artists available for this concert.

#### Proposed Summer of Fun Stand Alone Events Series 2009/10

Event	Location	Date
Teddy Bears Picnic	Manning Park, Hamilton Hill	28/10/09
Seniors Ball 1	Spearwood Dalmatinac Club	7/11/09
Seniors Ball 2	Spearwood Dalmatinac Club	2/04/10
Christmas Concert	Council Building	12/12/09
Coogee Beach Festival	Coogee Beach Reserve, Coogee	21/03/10

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

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

- To facilitate and provide an optimum range of community services and events.

Council Policy SC34 'Annual Budget Preparation' refers.

### **Budget/Financial Implications**

<b>Summer of Fun 09/10 Events Budget \$334,000</b>	
<b>Activity 628: Item or Event</b>	<b>2009/10</b>
Promotion	\$38,000
Summer Concerts x 2 – Central & East Wards	\$82,500
Regional Concert – West Ward	\$137,500
Coogee Beach Festival	\$38,000
Seniors Ball	\$12,000
Teddy Bears Picnic	\$9,500
Christmas Concert	\$16,500
<b>Total Budget</b>	<b>\$334,000</b>



**Legal Implications**

N/A

**Community Consultation**

A referendum from 2005 of the City's residents found that the large majority (12,500 versus 3,000 residents) wanted the City to keep providing free community festivals and events. Continued consultation with involved stakeholders and the community after each event will ensure a community-oriented calendar of events is presented in subsequent years.

2007 Community Needs surveying identified residents proportionally as a percentage preferred a range of:

- Music Concerts 30% - Summer of Fun 3 music concerts.
- Movie Nights 25% - Currently being considered for Memorial Hall
- Family Festivals 25%. These currently include Teddy Bears Picnic, Coogee Beach Festival, Celebrate Ability, Spring Fair, 30<sup>th</sup> Anniversary celebrations.

2008 Perception surveying for festivals, events and cultural activities have established that 89% of respondents are familiar with the City's program of events and activities. Satisfaction levels have scored as follows:

2007 – 80% satisfaction;  
2008 - 75% satisfaction; and  
2009 – 83% satisfaction.

**Attachment(s)**

N/A

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

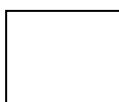
N/A

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

Nil



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

Nil

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

Nil

**21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS****21.1 (MINUTE NO 4006) (OCM 9/7/2009) - ALLOCATION OF PORTION OF PROJECT CONTINGENCY FUNDS – PROPOSED COCKBURN STADIUM****COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Cllr S Limbert that Council endorse the allocation of up to \$20,000 from the Project Contingency Fund for the purpose of preparing draft plans/diagrams/sketches for the construction of a State Government funded Rectangular Stadium at the "Greenfield" site located at Cockburn Central, so as to seek the support of the State Government and the relevant State Government Departments and Ministers.

**CARRIED 9/0****Reason for Decision**

There is renewed interest in a number of key sports that use rectangular stadiums, namely Soccer, Rugby Union, Rugby League, to lobby the State Government to construct such a facility in Perth. This concept appears to have the support of the Premier of Western Australia, the Hon. Colin Barnett.

The location of such a stadium should be in Cockburn Central, as it is on a number of major transport routes (both rail and bus), the site is Greenfield and would add to the infrastructure of Perth in general and specifically the City of Cockburn. The provision of working plans/diagrams/sketches would allow the City to approach Ministers and Government Departments with soundly based ideas in a visual format.

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil



**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 4007) OCM 9/7/2009 - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 9/0**

**25. (OCM 9/7/2009) - CLOSURE OF MEETING**

MEETING CLOSED AT 8:34PM.

**CONFIRMATION OF MINUTES**

I, ..... (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: ..... Date: ...../...../.....

