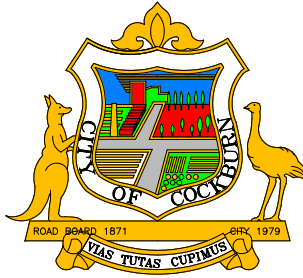


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR**

**THURSDAY, 13 MAY 2010**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 13 MAY 2010 AT 7:00 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 13 MAY 2010 AT 7:00 PM**

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**1. DECLARATION OF MEETING**

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

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

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

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

**5. APOLOGIES AND LEAVE OF ABSENCE**

**6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 13/05/2010) - ORDINARY COUNCIL MEETING - 08/04/2010**

**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Thursday, 8 April 2010, be adopted as a true and accurate record, subject to amendment under the heading 'Apologies and Leave of Absence', by recording Deputy Mayor Allen as an 'Apology', in lieu of 'Leave of Absence'.

**COUNCIL DECISION**

**8.2 (OCM 13/05/2010) - SPECIAL COUNCIL MEETING - 15/04/2010**

**RECOMMENDATION**

That the minutes of the Special Council Meeting held on Thursday, 15 April 2010, be adopted as a true and accurate record.

**COUNCIL DECISION**

**8.3 (OCM 13/05/2010) - SPECIAL COUNCIL MEETING - 29/04/2010**

**RECOMMENDATION**

That the minutes of the Special Council Meeting held on Thursday, 29 April 2010, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

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

**13. COUNCIL MATTERS**

**13.1 (OCM 13/05/2010) - REVIEW OF DELEGATED AUTHORITIES (1054) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council adopt proposed amendments to Delegated Authorities, as attached to the Agenda.

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

**COUNCIL DECISION**

**Background**

Council is required to review its Delegated Authority to staff each financial year, pursuant to Sec. 5.46 of the Local Government Act, 1995.

**Submission**

To adopt the documents containing delegations to staff, as proposed in the attachments.

**Report**

The instruments of delegation, as attached, have been reviewed by staff and are considered appropriate for Council to adopt in their

presented form. Minor amendments have been made to six(6) delegations:

- LGAES5 'Legal Proceedings' – new delegate proposed
- LGACS4 'Local Laws' replaces By-Laws
- LGACS9 'Youth Sports Travel Assistance Awards' – email address no longer relevant
- LGAPD3 'Complaint to Magistrates Court, Notices under Part IV' – Delegation to CEO
- AES2 'Council's Common Seal' – Amendment to Officer Title
- SES1 'Obtaining Legal or Other Expert Advice' – New delegates proposed

to correct technical descriptions mentioned within the documents and one (LGACS8) is deleted because it is no longer required.

The review has been conducted in accordance with the Department of Local Government and Regional Development Guidelines on Delegations (Guideline 17) to ensure it has been undertaken in a compliant manner.

### **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**

All financial implications contained within the reviewed Register of Delegations to Officers are accounted for within the current Budget.

#### **Legal Implications**

Sec. 5.46 (2) of the Local Government Act, 1995, refers.

#### **Community Consultation**

N/A

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

List of Delegated Authorities.

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

N/A



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

Nil.

**13.2 (OCM 13/05/2010) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 20 APRIL 2010 (5930) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee meeting held on 20 April 2010, as attached to the Agenda and adopt the recommendations contained therein.

**COUNCIL DECISION**

**Background**

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and the nature of grants and donations provided to external organisations and individuals. The Committee is also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.

**Submission**

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

**Report**

Council allocated in its 2009/10 budget a sum of \$643,000 to be distributed as grants, donations and sponsorship.

At its meeting of 7 July 2009, the Committee recommended a range of allocations of grants, donations and sponsorship which were duly adopted by Council on 13 August 2009.

Following the September 2009 round of grants, donations and sponsorship funding opportunities, the Committee, at its meeting of 15 October 2009, recommended a revised range of allocations which were duly adopted by Council on 12 November 2009.

The March 2010 round of grants, donations and sponsorship funding opportunities has now closed and the Committee, at its meeting of 20 April 2010, considered revised allocations for the remainder of the 2009/10 grants and donations budget, as well as the following applications for donations and sponsorship.

A summary of the donations for general operating expenses recommended to Council are as follows:

- SolarisCare Foundation..... \$2,000
- Native Arc Inc..... \$8,000
- City of Cockburn Pipe Band ..... \$8,000
- Cockburn Volunteer Sea Search & Rescue..... \$8,500
- Hamilton District Council (Chaplaincy) ..... \$9,000
- Business Foundations Inc. .... \$10,000
- Lakelands District Council of the CCE..... \$11,600
- South Lake Ottey Family & Neighbourhood Centre..... \$5,000

A summary of the sponsorship recommended by the Committee is as follows:

- Atwell College – Canberra Tour ..... \$5,000

**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**

Council approved a budget for Grants and Donations for 2009/10 of \$643,000.

Following is a summary of the proposed grants, donations and sponsorship allocations proposed by the Committee.

Allocations

Committed/ Contractual Donations .....	\$145,199
Specific Grant Programs.....	\$286,633
*Donations .....	\$170,000
*Sponsorship .....	<u>\$40,000</u>
 Total.....	 \$641,832
 Unallocated Balance .....	 \$1,168

*\*These allocated funds are available to be drawn upon in response to applications from organisations and individuals. Should Council adopt the Committee recommendation, the balance of funding available will be \$42,177 for donations and \$10,000 for sponsorship.*

**Legal Implications**

N/A

**Community Consultation**

In the lead up to the March 2010 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

- Three advertisements in the Cockburn Gazette's City Update on 23/02/10, 09/03/10 and 23/03/10.
- One advertisement in the February edition of the Cockburn Soundings.
- Promotion to community groups through the Community Development Service Unit email networks and contacts.
- Promotion to community organisations through the Volunteer Resource Centre's Volunteer Wave newsletter.
- All members of the Cockburn Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.

**Attachment(s)**

Minutes of the Grants and Donations Committee Meeting - 20 April 2010.

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

N/A

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

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 13/05/2010) - PROPOSAL FOR MS SOCIETY OF WA (INC) TO ESTABLISH RESPITE HOME ON RESERVE NO. 27691 REDMOND ROAD, HAMILTON HILL (2200881) (A TROSIC / L GATT) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) provides in-principle support to the MS Society of WA (Inc) ("MS Society") for the development of a respite home on Reserve 27691 Redmond Road, Hamilton Hill;
- (2) seeks Department of Planning approval to Reserve 27691 being designated as surplus to the public open space needs of the surrounding area, via the preparation of a comprehensive analysis of public open space distribution and function for the surrounding area;
- (3) subject to 2 being approved, Council supports the MS Society in its application to the Minister for Lands to have conditional tenure granted to it (at a nominal fee) for Reserve 27691 Redmond Road, Hamilton Hill, pursuant to Section 75 of the *Land Administration Act 1997*. The conditional tenure in this case being for a respite home for people with MS; and
- (4) requests City staff to assist the MS Society where possible in making this request to the Minister for Lands.

**COUNCIL DECISION**

**Background**

Council resolution (Minute No. 2393) of the Ordinary Council Meeting held on 20 April 2004 supported the establishment of residential accommodation (independent living units) for the MS Society of WA (Inc) ("MS Society") on approximately 1100m<sup>2</sup> of the (now former) Reserve 42381 Redmond Road, Hamilton Hill. This land was granted to the MS Society by way of conditional tenure pursuant to Section 75 of the *Land Administration Act 1997* (refer to agenda attachments). This independent living unit development is now approaching completion.

This previous Council report (copy provided in the agenda attachments) also identified a future need of the MS Society to establish a respite home on another piece of land nearby. While not specifically acted upon at the time, it was noted by the City of Cockburn Disability Advisory Committee that respite care was "a significant area of need in the City of Cockburn Age Friendly Strategic Plan".

The purpose of this report is to consider supporting the MS Society's request to acquire conditional land tenure on Reserve 27691 Redmond Road, Hamilton Hill. This reserve constitutes the remaining portion of former Reserve 42381, and has no identifiable purpose or function as public open space for the surrounding area.

### **Submission**

The MS Society is seeking Council's support to acquiring conditional tenure of Reserve 27691 Redmond Road, Hamilton Hill, pursuant to Section 75 of the *Land Administration Act 1997*. The conditional tenure is to allow a respite home to be built on the land for people with MS. As the final decision is at the absolute discretion of the Minister for Lands, it is important for the MS Society to be able to demonstrate that they have local government support for their proposal.

### **Report**

The recently adopted Age Friendly Strategic Plan has focused on the need for the City of Cockburn to identify opportunities to develop supported accommodation as an integral component of future care needs within the City.

The construction of the MS Society's independent living units on portion of former Reserve 42381 is nearing completion, and is an action which is consistent with the adopted Age Friendly Strategic Plan. This facility will provide high support accommodation for younger people with MS. Six residents have already been identified, with half coming from within the City of Cockburn. The independent living units are likely to be finalised before the end of this financial year.

### **New Proposal - Respite Home**

As foreshadowed in the previous report to Council dealing with the independent living units, the MS Society has now arrived at the need to construct a respite home on land adjacent to the independent living units. This land is Reserve 27691 Redmond Road, Hamilton Hill, and constitutes 807m<sup>2</sup> of land with no identified function for current or future public open space - it is surplus to the recreational needs of the surrounding area.

The MS Society has secured a grant from the Disability Services Commission for the construction of the five to six bedroom respite

home. In terms of background, it was originally envisaged that the MS Society would lease a portion of the Jean Willis Centre reserve, and demolish an existing building on the site. Once this building was demolished, the MS Society would construct their new respite home.

While previously identified as the only option available to the MS Society, an alternative site (Reserve 27691) has now been identified which is located appropriately and which will importantly not require the demolition of an existing building being used at the Jean Willis Centre.

Reserve 27691 is currently reserve land, with a management order in favour of the City of Cockburn. It is essentially proposed that the MS Society seek conditional tenure of the land (i.e. to own it outright), with its use in perpetuity being limited to that of a respite home. This will involve a decision of the Minister of Lands, as well as the City surrendering care, control and maintenance of the reserve in the same process.

#### Conditional Land Tenure Explained

Conditional tenure land is fee simple land (i.e. land owned outright) subject to conditions of use of the land registered against the certificate of title. The conditions are such conditions determined by the Minister for the use of the land, usually requiring that the land be used only for a designated purpose.

Conditional tenure land may be transferred either for nominal value, or for a discounted price; and is generally granted reflecting the restrictions placed on the land's use or the value to the community of the service provided on the land (e.g. aged persons' home, or church). The State Government's equity in the land consists of the difference between the land's unimproved market value at the time of transfer, and the price paid by the recipient of the title for the land. Where a nominal price was paid, the State's equity is 100%. This is essentially the arrangement being pursued by the MS Society.

Conditional tenure land replaced 'Crown Grants in Trust' formerly issued under Section 33(4) of the *Land Act 1933* over reserved land, limited to a specific purpose. When conditional tenure is granted under Section 75, memorials/interests are lodged against the land to secure the intended development outcome and guard against uncontrolled transfer of the land.

The State Government gives clear indication that grants of conditional tenure should be used very sparingly. In fact, the circumstances justifying the use of this tenure approach are considered extremely limited in today's context. The MS Society is aware of this, and that the final decision rests in the absolute discretion of the Minister for Lands.

### Support for the MS Society

For the MS Society's proposal to succeed, they would need to have the clear support of the City. Furthermore, the City would need to prepare a public open space assessment for the land to adequately demonstrate to the Department of Planning and State Land Services that the land under question is indeed surplus to requirements, and can be considered for conditional land tenure in favour of the MS Society. This forms the basis of the recommendation to Council.

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

#### **Infrastructure Development**

- To construct and maintain community facilities that meet community needs.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

#### **Governance Excellence**

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

### **Budget/Financial Implications**

The main implications for the City to be aware of concern the relinquishing of land which it currently enjoys a management order for the purposes of public recreation. However as this land is not functional and not intended to be identified for public open space, it can be considered as largely redundant.

### **Legal Implications**

Section 75 of the *Land Administration Act 1997* refers.

### **Community Consultation**

Consultation has been undertaken with surrounding residents who have not raised any objection to the proposal.

### **Attachment(s)**

1. Site Plan
2. Council report dated 20 April 2004

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

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

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

Nil.

**14.2 (OCM 13/05/2010) - CITY OF COCKBURN WORKPLACE TRAVEL PLAN 2010 - 2012 (HS/L/003) (G STREET) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) endorse the City's Workplace Travel Plan; and
- (2) review the City of Cockburn Workplace Travel Plan in 2012.

**COUNCIL DECISION**

**Background**

High level of car use is a concern because of road congestion and parking problems, air pollution, changing oil supply, inadequate physical activity for health reasons and personal cost of vehicle travel.

The City of Cockburn has made a commitment to reduce the environmental impact of its activities and promote employee well being through the Sustainability Policy and Sustainability Strategy (2006).

On an average weekday 40.39 million trips are made in the Perth-Peel regions, with 84% of these trips made by private motor vehicle, mostly solo by car. Surveys of staff and visitors have found travel to and from the city of Cockburn Administration Centre are similar to that of the rest of the Perth-Peel region.

The City of Cockburn, with assistance from the Department of Transport has employed a TravelSmart Officer for the period July 2009 - Jan 2013 to enable travellers in the City of Cockburn to reduce their solo travel.



## Submission

The City's TravelSmart Officer with input from the TravelSmart Reference Group has developed a Workplace Travel Plan for endorsement of Council.

## Report

The City of Cockburn Workplace Travel Plan provides a framework for staff and visitors to the City of Cockburn to reduce their car-use. Through this plan the City seeks to minimise its environmental footprint, enhance accessibility and maximise health and financial benefits for employees and clients through TravelSmart behaviour. TravelSmart behaviour can be defined as reducing single-occupant vehicle travel through walking, cycling, using public transport, carpooling, teleworking and travel-blending. Travel-blending includes use of multiple modes of transport, and doing multiple tasks per trip.

Specifically, the objectives of the plan are to:

- Reduce employee solo car commuting from 87% to 77% in two years and increase the proportion of trips to/from the site that employees and clients/visitors make using travel alternatives (carpooling, public transport, cycling or walking).
- Reduce visitor vehicle commuting from 85% to 80% in two years.
- Initiate and maintain an environment that is supportive of walking, cycling and public transport use to sustain the above two objectives.
- Employ the following strategies to achieve these objectives:

**Strategy 1: Encourage sustainable travel choices for staff commuting** by developing an access guide, introducing a car-pooling register, running public transport promotional programs, providing cycling education, information and incentives, encouraging staff participation in TravelSmart to Work events, establishing promoting and maintaining a TravelSmart pledge scheme

**Strategy 2: Encourage sustainable travel choices for business trips** by introducing corporate Smart Riders for staff use for business travel, promoting use of the bike fleet and allowing the vehicle-booking system to include green star rating of vehicles.

**Strategy 3: Encourage sustainable travel choices by visitors** by providing information to visitors in the form of access guides and signage and promoting the TravelSmart Pledge to visitors

**Strategy 4: Enhance workplace access and facilities** by installing secure bicycle parking facilities and monitoring usage, investigating opportunities for improved public transport and installing way-finding signage around Administration Centre

A comprehensive review of the plan will be conducted in May 2012.

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

#### **Governance Excellence**

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

#### **Transport Optimisation**

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.
- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.
- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

#### **Infrastructure Development**

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

### **Budget/Financial Implications**

Short term costs and long term savings will be identified as the plan is implemented.

### **Legal Implications**

N/A

### **Community Consultation**

A survey of visitors to Senior Centre was conducted.  
Tally of visitors to Administration front counter and Spearwood Library  
Survey of Staff at Administration Centre, Library and Senior Centre

### **Attachment(s)**

City of Cockburn Workplace Travel Plan

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

N/A

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

Nil.

**14.3 (OCM 13/05/2010) - PROPOSED SCHEME AMENDMENT NO. 82 - REZONING OF VARIOUS PROPERTIES WITHIN THE COCKBURN COAST DISTRICT STRUCTURE PLAN AREA AND PREPARATION OF DRAFT LOCAL PLANNING POLICY (NEWMARKET PRECINCT DESIGN GUIDELINES) - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93082) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council:

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

1. Rezoning Lots 100 and 101 Cockburn Road, Hamilton Hill from 'Mixed Business' to 'Special Use No. 19', and introducing a new 'Special Use No. 19' into Schedule 4 as follows:

No.	Description of Land	Special Use	Conditions
SU 19	<p><b>Local Activity Node (Cockburn Coast District Structure Plan)</b></p> <p>Lots 100 and 101 Cockburn Road, Hamilton Hill</p>	<ol style="list-style-type: none"> <li>1. Child Care Premises Civic Use Home Occupation Home Office Bank Office Restaurant Consulting rooms Convenience Store Lunch Bar</li> <li>2. Garden Centre Place of Worship Tourist Accommodation Amusement Parlour Betting Agency Public Amusement Reception Centre Recreation – Private Health Studio Bed and Breakfast Hotel/Tavern</li> <li>3. Dwellings (R60): Aged or Dependent Persons Caretaker's Dwelling Grouped Dwelling Multiple Dwelling Residential Building</li> <li>4. Fast Food Outlet</li> <li>5. Shop</li> </ol>	<ol style="list-style-type: none"> <li>1. These uses shall be treated as 'P' uses pursuant to clause 4.3.3.</li> <li>2. These uses shall be treated as 'D' uses pursuant to clause 4.3.3.</li> <li>3. These uses are permissible only where there are non-residential uses at ground floor (street level), and they shall be treated as 'P' uses in accordance with clause 4.3.3</li> <li>4. This use is only permissible where it does not support drive through facilities, and it shall be treated as a 'D' use pursuant to clause 4.3.3.</li> <li>5. This use is permissible where the gross lettable</li> </ol>

			area is no more than 200m <sup>2</sup> , and shall be treated as a 'P' use pursuant to clause 4.3.3.
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2. Rezoning Lots 37 and 102 Cockburn Road, Lot 1 and 2 Bellion Drive, Portion Lot 2 Bellion Drive, Lots 52 and 202 Boyd Crescent, Lots 21 and 201 Rockingham Road, Hamilton Hill from 'Mixed Business', 'Residential' and 'Local Centre' to 'Special Use No. 20' and introducing a new 'Special Use No. 20' into Schedule 4 as follows:

No.	Description of Land	Special Use	Conditions
<b>SU 20</b>	<p><b>Mixed Use (Cockburn Coast District Structure Plan)</b></p> <p>Lots 37 and 102 Cockburn Road, Lots 1 and 2 Bellion Drive, Lots 6, 52 and 202 Boyd Crescent, Lots 4, 5, 11, 21, 51 and 201 Rockingham Road, Portion Lot 2 Rockingham Road, 14 Boyd Crescent, Hamilton Hill.</p>	<ol style="list-style-type: none"> <li>1. Bed and Breakfast Child Care Premises Civic Use Office Club Premises Motel Reception Centre Recreation - Private Restaurant Consulting Rooms Health Studio Convenience Store Lunch bar Bank Cinema/Theatre Funeral Parlour Hardware Store</li> <li>2. Dwellings (R60): Aged or Dependent Persons Caretaker's Dwelling Grouped Dwelling Multiple Dwelling</li> <li>3. Showroom</li> <li>4. Residential Building Tourist Accommodation Garden Centre Market Veterinary Consulting Rooms Veterinary Hospital Amusement Parlour Betting Agency Medical Centre Hospital Motor Vehicle Hire Premises Motor Vehicle Wash Petrol Filling Station Service Station</li> </ol>	<ol style="list-style-type: none"> <li>1. These uses shall be treated as 'P' uses pursuant to clause 4.3.3.</li> <li>2. Where buildings front the public street these uses are only permissible where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as 'D' uses in accordance with clause 4.3.3</li> <li>3. Showroom limited to a floor area of 750m<sup>2</sup> as a stand alone development unless it is part of a comprehensive mixed use development, and shall be treated as a 'D' use pursuant to clause 4.3.3.</li> <li>4. These uses shall be treated as 'D' uses pursuant to clause 4.3.3.</li> <li>5. This use shall be treated as a 'D' use,</li> </ol>

		<p>Cottage Industry Light Industry Service Industry Warehouse Motor Vehicle Repair Hotel/Tavern</p> <p>5. Place of Worship 6. Fast Food Premises 7. Shop</p>	<p>pursuant to clause 4.3.3 however advertising of development applications may be required.</p> <p>6. This use is only permissible where it does not support drive through facilities, and it shall be treated as a 'D' use pursuant to clause 4.3.3.</p> <p>7. Shop floor area restricted to a floor area between 150m<sup>2</sup> and 750m<sup>2</sup>, and this use shall be treated as a 'D' use pursuant to clause 4.3.3.</p>
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3. Rezoning Lots 44 and 45 Boyd Crescent, and No. 7 and No. 11 Boyd Crescent, Hamilton Hill from 'Mixed Business' and 'Residential' to 'Special Use No. 21' and introducing a new 'Special Use No. 21' into Schedule 4 as follows:

No.	Description of Land	Special Use	Conditions
<b>SU 21</b>	<p><b>Residential (Cockburn Coast District Structure Plan)</b></p> <p>No. 7, No. 11 Boyd Crescent, Lot 44 and Lot 45 Boyd Crescent, Hamilton Hill</p>	<p>1. Home Occupation Home Office Multiple Dwellings (R-Code)</p> <p>2. Ancillary Accommodation Bed and Breakfast Child Care Premises Civic Use Educational Establishment Home Business Lodging House Single House</p> <p>3. Dwellings (R60): Aged or Dependent Persons Caretaker's Grouped</p> <p>4. Residential Building Home Store</p>	<p>1. These uses shall be treated as 'P' uses pursuant to clause 4.3.3.</p> <p>2. These uses shall be treated as 'D' uses pursuant to clause 4.3.3.</p> <p>3. Where buildings front the public street these uses are only permissible where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as 'D' uses pursuant to clause 4.3.3</p>

			4. These uses shall be treated as 'D' uses, pursuant to clause 4.3.3, however advertising of development applications may be required.
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4. Deleting 'Additional Use No. 13' from Lot 52 Boyd Crescent, Hamilton Hill;
5. Amending 'Restricted Use No. 9' by deleting the existing restricted uses, and replacing them as follows:

No.	Description of Land	Restricted Use	Conditions
<b>RU 9</b>	Industrial zoned lots bounded by Rollinson Road, Railway Reserve, Fremantle Lot 2104 McTaggart Cove, Cockburn Road and Region Parks and Recreation, Hamilton Hill.	Light Industry Service Industry Health Studio Warehouse Recreation – Private Trade Display	Planning Approval that will be subject to a five year limit.

6. Deleting 'Additional Use No. 16' from Schedule 2.
7. Deleting 'Restricted Use No. 9' from Lot 102, pt Lot 4 and 8 Rollinson Road, Lot 303 Darkan Avenue, Lots 9 – 18, Pt Lot 1 Garston Way, Hamilton Hill.
8. Including a new 'Special Use No. 22' as follows:

No.	Description of Land	Restricted Use	Conditions
<b>SU 22</b>	Lot 102, pt Lot 4 and 8 Rollinson Road, Lot 303 Darkan Avenue, Lots 9 – 18, Pt Lot 1 Garston Way, Hamilton Hill	Industry - Light Industry - Service Industry - Cottage Health Studio Warehouse Recreation – Private Trade Display Educational Establishment Office Public amusement Showroom Shop Reception Centre	Planning Approval that will be subject to a five year limit.

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

- (3) note as the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967* ("Regulations"), and upon preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations.;
- (4) in pursuance of Clause 2.3.1 of the Scheme, resolves to prepare a Local Planning Policy for the Newmarket Precinct of the Cockburn Coast District Structure Plan area; and
- (5) publishes notice of the proposed Policy in accordance with Clause 2.5.1(a) of the Scheme. Furthermore, in accordance with Clause 2.5.1(b) of the Scheme, Council publishes notice of the proposed Policy as part of the advertising of the amendment.

## COUNCIL DECISION

### Background

#### *Cockburn Coast District Structure Plan*

The Cockburn Coast District Structure Plan ("District Structure Plan") has been prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina. The Western Australian Planning Commission "WAPC" resolved to endorse the District Structure Plan in August 2009 (Attachment 1).

The District Structure Plan sets a framework for future redevelopment of the Cockburn Coast area as an intensive, mixed use urban environment. It contains provisions relating to the desirable character of identified Precincts, including land use mix, height and built form elements. It provides a framework for guiding development, and furthering local level planning and decision making.

The WAPC has resolved to amend the Metropolitan Region Scheme ("MRS") to rezone the North Coogee industrial area to reflect the outcomes of the District Structure Plan (MRS Amendment No. 1180/41). The MRS amendment is currently being advertised for public comment until 14 May 2010. At the meeting of 8 April 2010

Council resolved to make a submission to the WAPC supporting the proposed MRS amendment, subject to minor modifications. This submission was sent to the WAPC on 20 April 2010.

### *Newmarket Precinct*

The Newmarket Precinct is located within the District Structure Plan area, and is bound by Rockingham Road to the north, Cockburn Road to the west and the 'Primary Regional Roads' reservation to the south and east.

The Newmarket Precinct is the only land within the District Structure Plan area and the City of Cockburn which has current urban development opportunities; given that it is zoned 'Urban' under the MRS and 'Residential', 'Business', 'Mixed Business' and 'Local Centre' under the City of Cockburn Town Planning Scheme No. 3 ("the Scheme"). For this reason, management of the existing zoning provisions against the District Structure Plan's anticipated outcomes is critical.

The Newmarket Precinct is an emerging residential area characterised by existing commercial development along Cockburn and Rockingham Roads, which are currently zoned 'Local Centre' and 'Mixed Business'. The majority of residential development within the precinct is located on Boyd Crescent and Bellion Drive, which is currently zoned 'Mixed Business' and 'Residential'. In addition to the existing medium density residential development, Boyd Crescent and Bellion Drive also contain a mixture of other uses such as automotive mechanics and cabinetmakers on the 'Mixed Business' zoned land.

It is noted that most of this area is developed, and most properties are unlikely to be redeveloped in the short to medium term. However, there are some key sites on Cockburn Road that may be redeveloped in the short term and it is still important to ensure that the zoning framework reflects the outcomes of the District Structure Plan to enable consideration of future development proposals. In particular there may be proposals for changes of use, and it is important that such proposals are considered in the context of the future vision for this area as set out in the District Structure Plan.

The District Structure Plan identifies the opportunity for the Newmarket Precinct to develop as a small village with a local activity node as a focal point. This focal point will accommodate lifestyle activities, including food and beverage establishments that cater for the emerging population and will provide a variety of dwelling types. Other non-residential uses will be supported on the basis they can successfully coexist with residential development, either within a mixed use building or on an adjoining site.



The District Structure Plan identifies that the form and scale of new development within the Newmarket Precinct is to be 'urban' in character, facilitating development generally in a range of three to five storeys, complemented by significant improvements to the streetscape. Additionally, iconic development is to be facilitated through the designation of landmark and gateway site elements, commensurate with the strategic vision and objectives of the District Structure Plan.

#### *Restricted Use No. 9 (RU 9)*

The majority of freehold land within the Cockburn coast area that falls outside the Newmarket Precinct is currently zoned 'Industry' under the Scheme, and included within Restricted Use No. 9 ("RU 9") (Attachment 5). RU 9 stipulates that the only uses permissible are those associated with the production of meat and allied products. Portions of this area are also covered by 'Additional Use No. 16'.

This area of land is subject to the MRS amendment and is proposed to be rezoned from 'Industry' to 'Urban Deferred', and ultimately this area will be rezoned from 'Industry' to 'Development' under the Scheme, and placed within a 'Development' Area. In the context of the MRS amendment and the outcomes of the District Structure Plan it is not considered that the current RU 9 provisions and 'Additional Use No. 16' provide an appropriate range of interim uses for the area.

#### **Submission**

N/A

#### **Report**

A Scheme amendment has been prepared to implement the outcomes of the District Structure Plan for the Newmarket Precinct, and to facilitate appropriate interim uses on the 'Industry' zoned land. It seeks to ensure there is an appropriate framework in place to achieve the outcomes for the Newmarket Precinct as identified in the District Structure Plan.

A draft Local Planning Policy for the Newmarket Precinct (Attachment 3) has been prepared to ensure that new developments within the Newmarket Precinct are designed with regard to the District Structure Plan.

The intent of this Policy is to support developments which conform to the general Precinct provisions, however with the important requirement that the designation of gateway and landmark elements (which have significant height allowances) must be undertaken in a comprehensive manner.

### Proposed Scheme Amendment

The Cockburn Coast District Structure Plan designates three different areas within the Newmarket Precinct as follows:

- \* Local activity node;
- \* Residential area; and
- \* Mixed use area.

The Newmarket Precinct is currently zoned 'Local Centre', 'Mixed Business' and 'Residential R60' pursuant to the Scheme, therefore without this area being rezoned there is no mechanism to implement the outcomes of the District Structure Plan. Attachment 4 shows the existing zoning of the Newmarket Precinct, and the local activity node, residential area and mixed use areas designated under the District Structure Plan.

The remaining area of the District Structure Plan is currently zoned 'Industry' under the MRS and the Scheme. Once the area is zoned 'Urban Deferred' under the MRS the intention is for this area to be rezoned to 'Development' under the Scheme and placed within a 'Development Area' and a 'Development Contribution Area'. This will facilitate the requirement for local structure plans to control land use and development, and facilitate consistency with the District Structure Plan. The local structure plans will set out the land uses, and in conjunction with the provisions of the 'Development Area' they will control land use and development in the area.

The existing zoning within the Newmarket Precinct does not correspond with the three areas designated in the District Structure Plan. In addition, the types of land uses that are outlined in the District Structure Plan for the three designated areas do not fit within any of the other zones under the Scheme.

Therefore, in this context, the amendment proposes to include each of these areas within a new 'Special Use' zone. 'Special Use' zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme. For 'Special Use' zones the permissibility of land use is set out in Schedule 4 of the Scheme, rather than being included in Table 1.

Therefore each of these 'Special Use' zones will be included in Schedule 4 of the Scheme, setting out the permissible uses. The proposed range of permissible uses has been based on achieving the objectives of the Newmarket Precinct as set out in the District Structure Plan. The District Structure Plan does not specify all of the permissible uses; however, it provides an indicative list of uses that are considered suitable and unsuitable for the designated areas.

The implications of the proposed zoning changes are that the provisions of the existing zoning will be replaced by the requirements set out in applicable the 'Special Use' zone. Any existing lawful development within the area that would not ordinarily be permitted under the new proposed 'Special Use' zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change. Non-conforming use rights also allow the carrying out of development that was approved prior to the date of gazettal of the zoning change.

Pursuant to clause 7.9 of the Scheme a person cannot alter or extend a non-conforming use without planning approval. If a non-conforming use is discontinued for a period of six months the use of the land and buildings thereafter must be consistent with the provisions of the Scheme relating to the new zoning.

Each of the proposed 'Special Use' zones are discussed below. However, it should be noted that while this discussion includes an overview of the permissible land uses, reference should be made to the proposed 'Special Uses' (Schedule 4) for the full list of proposed permissible uses and the conditions associated with these uses. Where particular uses are not included in the proposed Schedule 4 this indicates the intention for these uses to not be permitted.

#### *Local Activity Node – Proposed Special Use No. 19*

Within the Newmarket Precinct the local activity node is identified on the southern corner of Boyd Crescent and Cockburn Road (Lots 100 and 101 Cockburn Road, Hamilton Hill). It is intended to support the northernmost transit stop within the District Structure Plan area.

It is proposed to rezone Lot 100 and 101 Cockburn Road, Hamilton Hill from 'Mixed Business' to 'Special Use No. 19' (SU 19) to reflect the local activity node.

The District Structure Plan outlines the following key characteristics for the local activity node:

- \* Intended to contain the vast majority of the area's retail floorspace, with only limited retail use considered appropriate outside of these nodes.
- \* Retail uses to be street-based in its built form.
- \* Residential uses would be supported and encouraged should they be proposed.

To ensure that these objectives are realised the proposed 'Special Use No. 19' identifies a range of permissible commercial uses, such as office, restaurant and consulting rooms.

A number of uses have been identified as permissible, but with conditions on the area of floor space. For example, 'shop' uses have been identified as being permissible only where the gross lettable area is no more than 200m<sup>2</sup>. Take away outlets are proposed to only be permissible where they do not support takeaway facilities. The purpose of these restrictions is to prevent one or two large retail premises consuming the entire local activity node, which would not provide the variety and vitality that is being sought in the local activity nodes.

Residential uses at a density of R60 have been identified as permissible only where there are non-residential uses at ground floor (street level). The purpose of this is to prevent the local activity node from being development solely for residential development, losing its ability to function as the retail focal point in the area.

*Mixed Use Area – Proposed Special Use No. 20*

The majority of the Newmarket Precinct has been identified as 'mixed use' under the District Structure Plan (i.e. Lots 37 and 102 Cockburn Road, Lot 1 and 2 Bellion Drive, Portion Lot 2 Bellion Drive, Lots 52 and 202 Boyd Crescent, Lots 21 and 201 Rockingham Road, Hamilton Hill). These lots are currently zoned 'Mixed Business', 'Residential' and 'Local Centre', and contain a mixture of residential and commercial development. It is proposed to rezone these to 'Special Use No. 20' (SU 20).

The purpose of the mixed use area is to allow the opportunity for a mix of uses to promote the redevelopment of the Cockburn coast into a vibrant and sustainable environment that integrates living, working and leisure opportunities.

The District Structure Plan outlines that uses in the mixed use area should demonstrate a positive contribution to promoting a vibrant mixed use urban environment, contribute to a continuous active street frontage and encourage pedestrian use of Cockburn Road. It outlines that planning controls should not be overly prescriptive in terms of use. Therefore on this basis the proposed 'Special Use No. 20' identifies a wide variety of permissible uses. Where it is considered that such uses could potentially impact on residential development they have been designated as 'D' uses to enable an assessment to be made of any potential impacts ('D' uses require planning approval pursuant to clause 4.3.3 of the Scheme).

Showroom uses that are stand-alone have been identified as permissible only where they have a floor area of no more than 750m<sup>2</sup>, unless they are part of a comprehensive mixed use development. This restriction is proposed to prevent a large showroom(s) consuming a large proportion of the mixed use area, which would be contrary to the objective of creating a vibrant mixed use urban environment.

Residential uses at a density of R60 have been identified as permissible only where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as 'D' uses in accordance with clause 4.3.3. The purpose of this requirement is to ensure that mixed use potential is created even at the early stages of development when the market might not yet support non-residential use. The draft Policy outlines design measures to be considered in this regard.

While the District Structure Plan identifies small retail as being appropriate there is concern that if small retail is permissible in the mixed use area there will be no ability to ensure that the local activity nodes will be the focal point for retail. It is considered imperative that there is a distinction between the mixed use and local activity node, otherwise Cockburn Road will become a long stretch of mixed use development with no focal points. Restricting 'shop' uses in the mixed use area will provide a better framework to ensure that the objectives of the local activity node are achieved. This why is recommended that shop floor area in the mixed use area be restricted to a floor area between 150m<sup>2</sup> and 750m<sup>2</sup>.

The District Structure Plan identifies that 'service industry' is not appropriate in the mixed use area, however it is considered that such uses at an appropriate scale could serve the resident population in this area, rather than residents having to travel outside the area for such services. Therefore this use has been identified as a 'D' use, which requires planning approval.

#### *Residential Area – Proposed Special Use No. 21*

The District Structure Plan identifies that the residential development in the Cockburn coast area will be of a density mix and built form character more intensive and vibrant than that typically created in Greenfield locations on the urban fringe.

The District Structure Plan identifies the residential area for the Newmarket Precinct as Lots 44 and 45 Boyd Crescent, and No. 7 and No. 11 Boyd Crescent, Hamilton Hill, and this is proposed to be rezoned to 'Special Use No. 21' (SU 21).

The majority of this area is currently zoned 'Residential R60', and it includes the 64 residential units (known as 'Ocean View Villas') between Boyd Crescent and Bellion Drive.

Lots 44, 45 and No. 7 Boyd Crescent, Hamilton Hill are currently zoned 'Mixed Business'. These 'Mixed Business' zoned lots currently contain primarily a mixture of light/service industry type uses. Under the new proposed zoning ('Special Use No. 21') these uses would be afforded non-conforming use rights pursuant to the Scheme.

The District Structure Plan outlines that a range of residential uses and home based business are suitable uses for the residential area. Accordingly the proposed 'Special Use No. 21' outlines a range residential uses as permissible at a density of R60, which is the current residential density for the 'Residential' zoned land in this area. A range of other uses have been identified as permissible where it is considered they have the potential to be accommodated without having a negative impact on residential amenity.

#### *Deletion of Additional Use No. 13*

Currently there is an 'Additional Use No. 13' over Lot 52 Boyd Crescent, Hamilton Hill, which is zoned 'Mixed Business'. 'Additional Use No. 13' allows for grouped and multiple dwellings, subject to planning approval. Under a 'Mixed Business' zoning the Scheme provides that residential development is to be at a density of R60 (clause 5.8.3b).

Lot 52 Boyd Crescent was zoned 'Light Industry' under the City of Cockburn Town Planning Scheme No. 2 (now superseded), and when the City of Cockburn Town Planning Scheme No. 3 was gazetted on 20 December 2002 it was zoned 'Mixed Business' and included within 'Additional Use No. 13'.

Planning approval was granted by the City for fourteen grouped dwellings on the subject land on 5 October 2009 (valid for two years). Subsequently the WAPC granted conditional approval for a survey strata proposing 14 survey strata lots and an area of common property (corresponding with the grouped dwellings identified on the development approval) on 28 October 2009, and this is valid for four years.

Lot 52 Boyd Crescent is identified as being within the mixed use area under the District Structure Plan. It is therefore proposed that this 'Additional Use No. 13' for grouped and multiple dwellings be deleted. Under the proposed 'Special Use No. 20' (for the mixed use area), residential uses are still permissible at a density of R60, where the ground floor (fronting a public street) is designed to accommodate future non-residential uses, and the draft Policy provides more guidance in this regard. The proposed R60 coding is the same density that is currently applicable to this land. The development of fourteen grouped dwellings on Lot 52 Boyd Crescent can still be undertaken in accordance with the development approval issued on 5 October 2009.

#### *Restricted Use (RU 9)*

The 'Industry' zoned land within the District Structure Plan area is subject to the provisions of RU 9 (Attachment 5).

A 'Restricted Use' is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

Currently RU 9 only facilitates uses associated with the production of meat and related products. In addition to being very limited, most of these uses are offensive trades as defined under the *Health Act 1911*.

In light of the proposed MRS Amendment No. 1180/41 for the District Structure Plan area, it is proposed that these uses be deleted and replaced with a set of benign light industrial uses that are unlikely to create conflict with future urban development, as follows:

- \* Industry - Light
- \* Industry - Service
- \* Health Studio
- \* Warehouse
- \* Recreation – Private
- \* Trade Display

It is considered that the proposed modifications to RU 9 will facilitate interim uses in the area that will not adversely impact on future urban development. This is also in recognition that development in this area (particularly Emplacement Crescent) is relatively new and there are a number of vacant premises. The proposed modifications have been supported in principle by officers from the Department of Planning.

In addition, to ensure there is no conflict with future urban development, it is proposed that such uses will be subject to five year planning approvals. This is proposed to be included as a condition to the RU 9.

Any existing lawful development within the RU 9 area will be given non-conforming use rights pursuant to clause 4.8 of the Scheme.

#### *Additional Use No. 16*

Currently 'Additional Use No. 16' applies to Lot 102, pt Lot 4 and 8 Rollinson Road, Lot 303 Darkan Avenue, Lots 9 – 18, Pt Lot 1 Garston Way, Hamilton Hill within the District Structure Plan area. 'Additional Use No. 16' is for a 'Fashion Leather Park', and includes uses such as office, public amusement, private recreation, light industry, cottage industry, general industry, shop and showroom.

RU 9 also applies to this land, which creates ambiguity regarding the permissibility of uses under the Scheme. This is because pursuant to clause 4.5 of the Scheme 'Additional Uses' are intended to be permissible in addition to those of the underlying zone, whereas under clause 4.6 of the Scheme 'Restricted Uses' are intended to be the only uses permissible, notwithstanding other permissible uses in the

underlying zone. This creates an unclear statutory framework for this area, and it is considered timely to clarify this matter, while also ensuring that the permissible uses in this area facilitate a range of appropriate interim uses.

It is therefore proposed to delete the 'Additional Use No. 16' and RU 9 from this area, and to include it within a new 'Special Use No. 22'. The intention is to facilitate most of these existing uses that are permissible under 'Additional Use No. 16', in addition to those uses proposed to be facilitated within the revised RU 9.

A 'Special Use' zone is considered to be the most appropriate zone, given that the range of uses does not correspond to any of the existing zones under the Scheme, and some of the uses that are currently permissible in 'Additional Use No. 16' (i.e. 'restaurant', 'shop', and 'reception centre;') are not permissible in the 'Industry' zone.

The majority of the uses outlined in 'Additional Use No. 16' are not considered to have the potential to conflict with future urban development, with the exception of 'Industry – General'. It is therefore proposed that 'Industry – General' be excluded from the new 'Special Use No. 22', given the potential for general industrial uses to conflict with urban development. Light, service and cottage industry uses are still proposed to be permissible. Any existing uses within the area that are 'general industry' will be afforded non-conforming use rights.

Currently 'Additional Use No. 16' includes 'Factory unit building' as a permissible use. This use was defined under the City of Cockburn Town Planning Scheme No. 3 (now superseded), when these additional uses were originally applied, however this is not defined under the current Scheme. It is considered undesirable to refer to uses that are not defined in the Scheme unless they are a special type of use, given there is no description to determine whether a use fits within the use class. It is therefore recommended that instead of including 'Factory unit building' the new 'Special Use No. 22' include 'Warehouse' as a permissible use.

It is also proposed that all of these uses be subject to five year planning approvals, given that these are only interim uses in this area ahead of the ultimate zoning ('Development').

#### Draft Local Planning Policy (Newmarket Precinct – Cockburn Coast District Structure Plan)

The proposed amendment will provide the statutory framework for the permissibility of land uses, and will impose some controls for certain land uses, however the District Structure Plan also identifies more specific built form outcomes.



It considered that further guidance is required to ensure that these design objectives are achieved. Therefore a draft local planning policy has been prepared to ensure that development conforms to the general Newmarket Precinct provisions outlined in the District Structure Plan, with the important requirement that the designation of gateway and landmark elements (which have significant height allowances) must be undertaken in a comprehensive manner.

The Policy seeks to cover both anticipated development objectives, as well as the requirements for interim developer contributions towards required infrastructure. It is proposed to apply to all land contained within the Newmarket Precinct, and all envisaged land uses.

Some of the key objectives of the Policy are:

- \* To provide a mix of dwelling types to cater for a range of living options.
- \* To promote a vibrant and sustainable environment that integrates living, working and leisure opportunities.
- \* To encourage lower level of car dependence for those travelling to and within the area by promoting public and non-motorised transport options.
- \* To ensure that any development deals with both the designation and distribution of height across the Precinct in a comprehensive manner.
- \* To ensure the efficient and effective upgrade of infrastructure to support orderly development and meet the demands arising from new development.

The Draft Policy is included at Attachment 3, and specific sections of the Policy are discussed below.

#### *Residential Land Use*

The draft Policy stipulates that proposals for residential development should demonstrate diversity in dwelling types, through the incorporation of different sized and designed dwellings (as part of the one project). While it may be the case that not all dwelling types will be presented as part of one development there is an expectation that a number of different types comprise every proposal.

It also outlines that measures should be taken to ensure that the ground floor level of new residential development (fronting a public street) can be converted to non-residential uses when the demand arises. This includes a minimum 3.6m floor to ceiling height at the ground floor level.

### *Mixed Use*

The draft Policy seeks to ensure that mixed use potential is created even at the early stages of development when the market might not yet support non-residential use. Buildings that front a public street should be constructed in a robust way that will allow for retrofitting to occur at a later date (e.g. residential capacity on the ground floor with the ability to retrofit into the future for commercial uses).

### *Local Activity Node*

The draft Policy outlines that large mall based retail with large expanses of car parking will not be supported; and that built form within the local activity node will be expected to have a strong interface with Cockburn Road through nil to minimum setbacks to the lot boundary. This is consistent with the objectives set out in the District Structure Plan.

### *Transport*

The draft Policy outlines that the higher order road layout should be in accordance with the District Structure Plan, and that any development seeking alterations and/or additions to the lower road network must be supported by detailed design work to demonstrate that proposed alterations align with the intent of the District Structure Plan.

To ensure appropriate permeability, the draft Policy outlines that development on Lot 2 Bellion Drive, Hamilton Hill will require the ceding of land and construction of an additional road network connection between Boyd Crescent and Bellion Drive, following the construction of Cockburn Coast Drive. It is expected that the land and construction of this road would be provided by the landowner.

The draft Policy seeks to ensure that development provides a positive contribution through pedestrian-oriented uses at ground level, with consideration for non-motorised transport options. Measures include designing buildings with a focus on pedestrian and cyclist amenity and safety, while accommodating on street parking and slow vehicle speeds in certain locations.

In response to the objective for multimodal transport, the draft Policy encourages the provision of cash-in-lieu payments for a reduction in onsite parking, and the provision of cycling end-of-trip facilities.

The draft Policy seeks to minimise the impact of expanses of parking, and identifies that where possible parking should be located in a basement or part basement arrangement (depending on the topography of the land).

### *Built Form*

The draft Policy seeks to ensure that all development takes into account and sufficiently responds to the key elements of the District Structure Plan and exhibits appropriate design outcomes. A number of criteria are provided for this purpose, including encouraging active frontages by maximising the number of windows and doors open to the street, and applying appropriate architectural treatments to avoid expanses of blank walls.

The draft Policy sets out provisions for development abutting Cockburn Coast Drive and the Rollinson Road link (east of Cockburn Road), seeking development that is oriented and designed to provide an outlook to the road and Beeliar Regional Park, despite the fact that direct vehicular access cannot be accommodated.

### *General Heights*

It is acknowledged that the height and typology of development within the Cockburn Coast will be one of the project's most defining features. In this respect, it is important to ensure that any development that occurs within the Newmarket Precinct deals with both the designation and distribution of height across the area in a comprehensive manner.

The draft Policy proposes the following maximum heights, which are consistent with those set out in the District Structure Plan:

- \* Along Cockburn Road and Rockingham Road the District Structure Plan four storeys (and not exceeding 17m in height), with a maximum of five storeys (and not exceeding 21m in height) if a 3m terrace setback or loft level.
- \* For secondary streets throughout the precinct a maximum building heights of three to four storeys (and not exceeding 17m in height).

### *Location of Landmark and Gateway Sites*

The draft Policy sets out location specific provisions should be satisfied in relation to identifying the landmark and gateway sites for the Precinct, including the following:

- \* Only a single landmark site and two gateway sites will be considered within the Precinct.
- \* The landmark site should be located at a strategic location focussed along the prominent ridgeline which forms the visual backdrop to the Precinct and broader Cockburn Coast area. The south western corner of the intersection the future Cockburn Coast Drive and Rockingham Road is the preferred location for

the landmark development as an entry statement to the project area.

- \* A gateway site is to be located on the northeast side of the intersection between Cockburn Road and the future Rollinson Road extension to Cockburn Coast Drive. This road link will form one of the key entrances into the Cockburn Coast area.

#### *Provisions for Landmark and Gateway Sites*

The draft Policy sets out the following height and built form specific provisions in relation to development of the landmark and gateway sites for the Precinct:

- \* The landmark site development is permitted to be up to 16 storeys (and not exceeding 49m in height).
- \* The gateway site development is permitted to be up to eight storeys (and not exceeding 32m in height).

The draft Policy also sets out design guidance to ensure that development reinforces the desired future character of the Cockburn Coast area. This will be achieved through the development of high quality structures of architectural and environmental merit which contribute to a lively streetscape, and which will complement developments on adjoining sites.

#### *Signage*

Signage and other appropriate forms of advertising are accepted as elements that are integral to mixed-use locations such as the Newmarket Precinct. The draft Policy seeks to ensure that there is not a general proliferation of signage. The acceptability of proposed signage will be based on the successful integration of signage in a manner that contributes to, and reinforces the built and streetscape environments.

#### *Cost contributions*

The draft Policy seeks to cover the requirements for interim developer contributions towards required infrastructure. As previously discussed, the remaining area of the Cockburn Coast District Structure Plan area will be rezoned from 'Industry' to 'Development' pursuant to the Scheme, and placed within a 'Development Area' and 'Development Contribution Area' (DCA) after it has been rezoned to 'Urban Deferred' under the MRS. This will enable a developer contribution plan to be prepared pursuant to clause 6.3 of the Scheme, to provide for the equitable sharing of costs of infrastructure.

However, the Newmarket Precinct is already zoned for development, and it is considered imperative that measures are put in place to ensure that there is an equitable sharing of costs for upgrades to infrastructure if it is required.

The draft Policy outlines that proponents of developments will be required to contribute to the upgrading of infrastructure and streetscapes within the Newmarket Precinct. This will typically include (but is not limited to) cost contributions for:

- \* Streets/roads (including kerbing, draining and resurfacing)
- \* Service, utility and drainage upgrades
- \* Streetscape elements (such as pavement, lighting, trees, furniture)
- \* Footpaths and dual use-paths
- \* Traffic management devices
- \* Transit facilities
- \* Public open space (land requirements and development of public open space)
- \* Primary schools
- \* Public art.

Service, utility and drainage upgrades as a result of development will typically require contribution as specified by the utilities provider. It is proposed that other developer contributions (particularly in relation to community facilities) will be specified by the City.

These contributions will be enforced by application of conditions of development and/or subdivision approvals in the absence of a developer contribution scheme being applied to the broader Cockburn Coast area.

## **Conclusion**

The proposed amendment will ensure that future development within the Newmarket Precinct is consistent with the objectives of the District Structure Plan.

The proposed amendment to the RU 9 provisions, and other 'Additional Uses' throughout the District Structure Plan area will provide a range of interim uses for this area that will minimise conflict with future urban uses.

Accordingly it is recommended that Council adopt Scheme Amendment No. 82 and undertake landowner, government agency and community consultation in accordance with the normal amendment procedures.

The draft Policy will provide a comprehensive set of criteria for development within the Newmarket Precinct, and is therefore recommended that Council, in pursuance of Clause 2.3.1 of the

Scheme, resolves to prepare a Local Planning Policy for the Newmarket Precinct.

### **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.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

The draft Local Planning Policy will be advertised in accordance with clause 2.5 of the Scheme. This includes a notice of the proposed Policy in a newspaper for two consecutive weeks in accordance with clause 2.5.1(a), and furthermore notice of the proposed Policy will be included as part of the advertising of the amendment.

Extensive community consultation has been undertaken in the preparation of the Cockburn Coast District Structure Plan, and the purpose of the proposed Amendment and draft Policy are to implement this Structure Plan.

### **Attachment(s)**

1. Cockburn Coast District Structure Plan
2. Scheme Amendment
3. Draft Local Planning Policy

4. Existing zoning of Newmarket Precinct and proposed areas overlaid.
5. 'Restricted Use No. 9' Area

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

N/A

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

Nil.

**14.4 (OCM 13/05/2010) - AMENDMENT NO. 74 - REZONING OF LOTS 512 TO 515 COCKBURN ROAD, AND PORTIONS OF KIESEY STREET AND BEACH ROAD, COOGEE (ADOPTION FOR FINAL APPROVAL) - APPLICANT: CITY OF COCKBURN - OWNER: MAIN ROADS WA (93074) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 74 to City of Cockburn Town Planning Scheme No. 3 ("Scheme").
- (2) adopt for final approval Amendment No. 74 to the Scheme for the purposes of:
  1. Rezoning Lots 512, 513, 514 and 515 Cockburn Road, Coogee from 'no zone' and 'Residential R20' to 'Development Zone' as shown on the Scheme Amendment map.
  2. Rezoning unzoned portions of Kiesey Street and Beach Road, Coogee to 'Local Road'.
  3. Amend the Scheme Map to designate Lots 512, 513, 514 and 515 Cockburn Road, Coogee as 'DA 31'.
  4. Amend 'Schedule 11 – Development Areas' by including 'DA 31 – Cockburn Road, Coogee' as follows:

**Schedule 11 – Development Areas**

Ref No.	Area	Provisions
DA 31	Cockburn Road  (Development	1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and

	Zone)	<p>development.</p> <ol style="list-style-type: none"> <li>2. The Structure Plan is to provide for residential development and may include the sympathetic adaptation of the Heritage Places for commercial and tourist related uses that are compatible with residential amenity and consistent with the Conservation Plan.</li> <li>3. The Structure Plan is to facilitate the conservation and protection of the cultural heritage significance of the Heritage Places and their setting, consistent with the Conservation Plan.</li> <li>4. The Structure Plan is to provide coordinated access to Lots 513 - 515 Cockburn Road from Kieseey Street.</li> <li>5. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with Clause 6.2.6.3.</li> <li>6. No subdivision or development will be supported within the Development Area until the Structure Plan has been approved by the local government and endorsed by the Western Australian Planning Commission (WAPC).</li> <li>7. The local government may adopt Detailed Area Plan(s) pursuant to Clause 6.2.15 for any part of the Development Area as defined on the approved Structure Plan. All subdivision, land use and development for a particular lot(s) the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan including any incorporated special development controls and guidelines in addition to any other requirements of the approved Structure Plan and the Scheme.</li> </ol>
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Subject to the following modifications being undertaken first:

1. Renumbering the proposed 'Development Area' to DA 32.
2. Modifying the Scheme Amendment map so that the proposed 'Local Road' reflects the amendment to the Metropolitan Region Scheme for Beach Road.



3. Inclusion of the following additional provisions in DA 32:
  8. The maximum building height of any development shall be in accordance with the City of Cockburn's Local Planning Policy APD53 – Coogee Residential Height Requirements.
  9. The Structure Plan is to provide a traffic management and safety assessment.
- (3) ensure the amendment documentation once modified in accordance with 2 be signed and sealed without modification and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning; and
- (4) notify those parties that made a submission, of the decision of Council.

## COUNCIL DECISION

### Background

Lots 512 to 515 Cockburn Road and adjacent portions of Kiesey Street and Beach Road, Coogee were rezoned on 1 May 2007 from 'Primary Regional Road' to 'Urban' under the Metropolitan Region Scheme ("MRS"). A Scheme Amendment is now required to ensure the City of Cockburn Town Planning Scheme No. 3 ("the Scheme") is consistent with the MRS, in accordance with clause 124(3) of the *Planning and Development Act 2005*.

Lot 512 Cockburn Road, Coogee contains the Coogee Hotel and Post Office, and these places are included on the City's Municipal Heritage Inventory ("MHI"), and the Heritage List pursuant to the Scheme. Together they are also included on the State Register of Heritage Places pursuant to section 46 of the *Heritage of Western Australia Act 1990* (Place no. 03648).

A Conservation Plan was prepared for the Coogee Hotel and Post Office in December 1999 on behalf of Main Roads Western Australia. It outlines the heritage significance of Coogee Hotel and Post Office, and identifies general conservation policies to provide guidance and direction in their future use, development and conservation.

Council adopted Scheme Amendment No. 74 at the meeting of 13 August 2009 (Min No. 4013). It was subsequently advertised for public comment ending on 22 December 2009.

At the meeting of 11 March 2010 Council deferred a decision given that a number of questions and issues were raised at the meeting, and further information was requested (Min No. 4191). This further information is now included in this report.

### **Submission**

N/A

### **Report**

A Scheme Amendment has been prepared for Lots 512 to 515 Cockburn Road, and portions of Beach Road and Kiesey Street, Coogee.

Further to Council's decision at the meeting of 11 March this report provides further information and discussion regarding the reasons for the recommended 'Development' zoning for the whole of the subject land. It also recommends some additional provisions for the 'Development' Area to address concerns raised in the submissions regarding traffic; and concerns raised at the Council meeting regarding building heights on the subject land.

#### Rezoning of Lots 512-515 Cockburn Road, Coogee

The subject land has been rezoned under the MRS from 'Primary Regional Road' to 'Urban', and it is now unzoned pursuant to the Scheme, with a portion of Lot 512 currently zoned 'Residential R20'.

To ensure the Scheme is consistent with the MRS it is proposed to rezone Lots 513 to 515 Cockburn Road, Coogee to 'Development Zone', within a 'Development Area'. This will allow the land to be subdivided and developed once a structure plan and all relevant approvals have been prepared and adopted. This is the usual zoning for development areas within the City, and provides an excellent degree of flexibility particularly with regard to focusing on a performance based planning outcome.

Importantly, the inclusion of all lots within a 'Development Area' will provide the opportunity for an integrated development, focused on protection of cultural heritage values.

A number of submissions that were received during the advertising period suggested that the subject land should be rezoned to 'Residential R20' to preclude commercial development. It is not considered that rezoning the subject land to 'Residential' is a preferred

alternative, because it would enable the land to be subdivided in an ad hoc manner (without a comprehensive structure plan). It is also important to note that if Lot 512 Cockburn Road (containing the Heritage places) was rezoned to 'Residential' discretion would still exist under the Scheme for commercial uses to be considered on the land.

The requirement for a structure plan will provide the opportunity for orderly and proper planning, which will ensure appropriate access can be considered. In this regard it is important to note that if only Lot 512 is included in the 'Development' zone it is likely to be developed in isolation, and vehicular access will have to be from Beach Road. There will be no flexibility to propose any alternative access.

Any future structure plan would also be advertised for public comment, providing the community with the opportunity to comment on a specific proposal for the subject land in the future.

Lots 513-515 Cockburn Road, Coogee are existing lots that range in area from 881 m<sup>2</sup> and 981 m<sup>2</sup>. There were some submissions received suggesting that these lots be zoned 'Residential R20' instead of 'Development' so that they would each accommodate one single residential dwelling. This would leave only Lot 512 (containing the Heritage Buildings) within the 'Development' zone, and this would enable Lot 512 to be developed in isolation.

It is important to note that Lot 512 Cockburn Road is constrained by the siting of the two heritage listed buildings, and the requirement to maintain the setting of these buildings. If the planning framework allows the development of Lot 512 in isolation this provides limited opportunity to accommodate a viable proposal on Lot 512 which addresses the cultural heritage significance while addressing the feasibility of restoring and/or adapting the buildings which will be a requirement of the Heritage Agreement. This could mean that restoration of the place may be unfeasible given the limited scope to accommodate development on the site.

*State Planning Policy No. 3.5 Historic Heritage Conservation* ("SPP 3.5") identifies that adaption of buildings for new uses will often be the key to conservation of heritage places that no longer serve their original function, and will often require imagination and flexibility. The development of Lot 512 is considered in isolation it may be difficult to formulate a proposal that makes restoration of the buildings feasible while protecting the setting of the heritage buildings, and protecting residential amenity.

#### 'Development Area' Provisions

The subdivision and development of all land in the City that is zoned 'Development' is controlled by appropriate provisions contained in 'Schedule 11 - Development Areas' of the Scheme. It is proposed to

designate this area as 'DA 32 – Cockburn Road'. This area was previously proposed to be designated 'DA 31', however, this number has already been allocated to another area.

The proposed 'Development Area' provisions include the requirement for the adoption of a structure plan as required by the Scheme. A structure plan will effectively zone and designate R-Codes to the land, and outline development requirements.

The proposed 'Development Area' provisions stipulate that the structure plan is to provide for residential development and may include the sympathetic adaptation of the Heritage Places for commercial and/or tourist based uses that are compatible with residential amenity and the Conservation Plan. This will provide the opportunity for the Coogee Hotel and Post Office to have an appropriate viable use into the future.

The proposed 'Development Area' provisions also outline that the structure plan is to facilitate the conservation and protection of the cultural heritage significance of the Heritage Places and their setting, in accordance with the Conservation Plan. The Conservation Plan outlines general conservation policies that provide guidance and direction in the future use, development and conservation of the places. This includes policies relating to the physical context of the Coogee Hotel and Post Office, to ensure that any future development retains an appropriate setting for these buildings.

The proposed 'Development Area' provisions also stipulate that the structure plan is to provide coordinated access to Lots 513 - 515 Cockburn Road from Kiesey Street, so that there is no new access provided to Cockburn Road.

Given the concern that has been raised regarding the potential impact of traffic it is recommended that an additional requirement be included in the 'Development Area' provisions requiring a traffic management and safety assessment to be submitted with any proposed Structure Plan.

#### Rezoning of Road Reserves

The amendment also proposes to rezone portions of Kiesey Street and Beach Road, Coogee to 'Local Road', consistent with the MRS and Scheme. The MRS has been amended since Amendment No. 76 was initiated by Council, resulting in a minor change to the MRS zoning of Beach Road (near the intersection with Cockburn Road). Therefore it is recommended that the Scheme Amendment map be modified to reflect the MRS zoning.

### Building Heights

At the meeting of 11 March 2010 there was some discussion regarding the potential future impact of building heights. Council has a Local Planning Policy APD53 (Coogee Residential Heights Requirements) which specifies that the maximum building height of residential development in Coogee shall be limited to:

- (1) Top of wall (roof over) - 7m
- (2) Top of Wall (parapet) - 8m
- (3) Top of pitched roof - 10m

To address concerns regarding future building heights on the subject land it is recommended that an additional clause be included in the proposed 'Development Area' provisions specifying that all development on the subject land is to comply with these height limits.

### **Consultation**

The proposed Scheme Amendment was advertised for public comment, and a total of 26 submissions were received. There were no objections received from government agencies.

There were 20 submissions received from members of the community, and 18 of these were objections. All submissions are outlined and addressed in the Schedule of Submissions (Attachment 3). A map has been provided as a confidential attachment showing where letters were sent, and where submissions were received.

The following key issues were raised in the submissions:

- \* Objection to commercial uses on the subject land and concern regarding the impact that these uses may have in regard to noise and traffic.
- \* Concern regarding the protection of the heritage places.

The proposed 'Development Area' provisions clearly state that the structure plan is to provide for residential development, and may include the sympathetic adaption of the Heritage Places for commercial and tourist related uses that are compatible with residential amenity. It is not intended that the subject land will function as a commercial centre; rather the provisions seek to enable some flexibility to accommodate a viable use within the heritage listed buildings, in conjunction with residential development.

SPP 3.5 acknowledges that in some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Adaptive re-use of a heritage building without compromising its heritage qualities can often be one of

the best ways of ensuring its future conservation. This is why it is considered important to provide some flexibility under the proposed 'Development Area' provisions to consider other uses within the heritage buildings.

Furthermore, any proposal for commercial use(s) on the subject land would require planning consent, and would be subject to rigorous assessment, including the traffic and noise impacts, and an additional requirement is recommended for inclusion in the 'Development' Area provisions to address this. This is supportive of the concerns raised in the submissions received.

To address concerns regarding future building heights on the subject land it is also recommended that an additional clause be included in the proposed 'Development Area' provisions specifying that all development on the subject land is to comply with these height limits.

The Coogee Hotel and Post Office are included on the State Register of Heritage Places, and pursuant to the *Planning and Development Act 2005* any development of a place on the State Register requires approval from the local government on the advice of the Heritage Council of WA. As outlined in SPP 3.5, demolition of a State heritage place is rarely appropriate. Main Roads WA currently own the subject land, and they are in the process of preparing a Heritage Agreement pursuant to section 29 of the *Heritage of Western Australia Act 1990* that will outline the remaining conservation works to be completed by a future purchaser.

In accordance with Section 79 of the *Planning and Development Act 2005*, the Amendment was referred to the Heritage Council of WA for advice, and they advised that they had no objections.

### **Conclusion**

The proposed Scheme amendment of Lots 512-515 Cockburn Road, Coogee will ensure coordinated development of the subject land, and the appropriate integration and protection of the Coogee Hotel and Post Office.

The proposed rezoning of the subject land as a whole to 'Development' within a 'Development Area'; is considered to provide the best opportunity for facilitating feasible restoration of the heritage buildings and accommodating a viable use.

Accordingly it is recommended that Council adopt Scheme Amendment No. 74 for final approval, subject to modifications to include additional provisions for the proposed 'Development Area' to address concerns regarding traffic, and building heights.

## 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 conserve the character and historic value of the human and built environment.

### Transport Optimisation

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

## Budget/Financial Implications

N/A

## Legal Implications

N/A

## Community Consultation

In accordance with the *Town Planning Regulations 1967* consultation was undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable.

Scheme Amendment No. 76 was advertised for comment from 3 November 2009 to 22 December 2009, and included the following:

- \* letters to surrounding landowners
- \* a sign on the site (corner of Beach Road and Cockburn Road)
- \* Council staff met with representatives from the Coogee Beach Progress Association on 20 November 2009 following a request being received.

## Attachment(s)

1. Location Plan
2. Scheme Amendment Map
3. Schedule of Submissions
4. Map showing where advertising occurred and where submissions were received from

### Advice to Proponent(s)/Submissioners

The landowner of the subject land and all submissioners have been advised that this matter is to be considered at the 13 May 2010 Ordinary Council meeting. They were also previously advised of Council's decision to defer adopting the Amendment at the meeting of 11 March 2010.

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

Nil.

**14.5 (OCM 13/05/2010) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - PORTION OF LOT 714 (RESERVE 27950) KNOCK PLACE, COCKBURN CENTRAL - OWNER: PTA - APPLICANT: GRAY LEWIS PLANNING CONSULANT (6009753) (K SIM) (ATTACH)**

#### RECOMMENDATION

That subject to the Director of Engineering and Works approving the design and final construction of the road and all associated infrastructure works such that it meets the required standard as a public road, Council:

- (1) requests the Minister for Lands to dedicate portion of Lot 714 (Reserve 27950) Knock Place, Cockburn Central as road reserve pursuant to Section 56 of the *Land Administration Act 1997*; and
- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting this request.

#### COUNCIL DECISION

### Background

The land to be dedicated as a road is shown on Deposited Plan 65579 (refer to attachments). It is 8.5m wide, and connects the adjoining Lot 500 Armadale Road to Knock Place. Reserve 27950, being a former railway reserve, is under the control of the Public Transport Authority ("PTA"). PTA has planning approval from the Western Australian Planning Commission ("WAPC") to construct the next stage of their car



park on the reserve. Creation of this road forms a part of this next stage of development.

### **Submission**

PTA has written to the City requesting an application to the Minister for Lands seeking the dedication of the road pursuant to Section 56 of the *Land Administration Act 1997*.

### **Report**

The planning application to establish the next stage of the car park on Reserve 27950 was supported by the City of Cockburn subject to a number of conditions. A specific condition required the PTA to provide a new road access from Knock Place to Lot 500 Armadale Road, generally consistent with the adopted Structure Plan (refer to attachments). The location of the road corresponds with the paved access currently utilised by Lot 500.

Civil drawings and specifications have been approved for the car park and associated drainage basin. The developer has been asked to provide additional drawings and specifications that are specific to the proposed road reserve and Knock Place. The requested drawings and specification will be assessed against the standard specification for new subdivisional roads.

The requirement to ensure that the road works and drainage are to a standard acceptable to the City of Cockburn would usually be covered by conditions set through freehold subdivision. In this case, the road reserve is being created pursuant to a Crown land subdivision, in an effort to speed up the whole process involving the new park and ride car bays.

It is recommended that Council facilitate the road dedication by requesting the Minister for Lands to dedicate the required portion of land as road reserve. The procedure for dedication is set out in Section 56 of the *Land Administration Act 1997*, with Section 56(4) specifically requiring the local government to indemnify the Minister in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request. This forms the essence of the officer recommendation.

### **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 dedication is pursuant to Section 56 of the *Land Administration Act 1997*, which requires the City to indemnify the Minister in respect to all costs and expenses, incurred considering and granting the request. These cannot be quantified at this time, but are expected to be minor.

### **Legal Implications**

*Land Administration Act 1997*

### **Community Consultation**

N/A

### **Attachment(s)**

1. Location Plan
2. Solomon Road Structure Plan
3. Plans showing future carpark design

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

The proponent will be advised that a report is going to Council at the 13 May 2010 Ordinary Meeting.

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

Nil.

#### **14.6 (OCM 13/05/2010) - SALE OF LAND - LOT 136 CALDER WAY, ATWELL - APPLICANT: BJ HILL AND KP LAYCOCK - OWNER: CITY OF COCKBURN (6010702) (K SIM) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the offer to purchase Lot 136 Calder Way, Atwell for a consideration of \$700,000 from BJ Hills and KP Laycock;
- (2) counter the offer in (1) above by:
  1. amending Clause D to state that the deposit of \$139,000 is to be paid within 14 days of Council's resolution;
  2. amending Clause F to state that settlement will take

place to coincide with settlement of the sale of the purchaser's house at 132 Aurora Drive, Atwell OR within 90 days of acceptance of the offer, whichever is the sooner;

3. deleting Clause G;
- (3) note the counter offer in (2) above being subject to the consideration of \$700,000 being greater than the value determined by the City's appointed Licensed Valuer;
- (4) note that in the counter offer of (2) above, the provisions of Section 3.58 of the *Local Government Act 1995* being complied with; and
- (5) allocate proceeds of the sale to the Land Development Reserve Fund.

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

#### **COUNCIL DECISION**

#### **Background**

Council at its meeting held on 9 April 2009 resolved to appoint Raine and Horne, Success to undertake the marketing and sale of 42 residential lots which the City created from the subdivision and development of Lot 5 Tapper Road, Atwell. Lot 136 Calder Way, Atwell was not included in this, and represents the last remaining land holding of the City in this area.

#### **Submission**

BJ Hills and KP Laycock have made an offer to purchase Lot 136 Calder Way, Atwell. The offer is for a purchase price of \$700,000 and is subject to the sale of their property at 132 Aurora Drive, Atwell. Following the receipt of the offer, the proponents have confirmed by email that an offer to purchase the property at 132 Aurora Drive has been accepted.

#### **Report**

Following the Council decision of 9 April 2009, the remaining lots making up the subdivision of Lot 5 Tapper Road, Atwell have been sold.

The subject Lot 136 Calder Way, although part of the original subdivision, was not put on the market with the other lots. This was due to the large size of the lot (2006sqm), and the thought that it would not attract an offer commensurate with its unique value.

The other lots that had sold in the subdivision (42 in total) ranged in size from 300sqm to 884sqm and were well suited to the first home buyers market. Prices paid for these lots were commensurate with an appeal to this first home buyers market.

Lot 136 Calder Way is zoned 'Residential R5' pursuant to City of Cockburn Town Planning Scheme No. 3. It forms parts of the R5 transition lots which separate the large 2ha 'Resource' zoned lots to the east from the small residential lots to the west. Under this zoning there is no scope for further subdivision.

Following preliminary discussions with the proponent, Council officers made inquiries of the City's Licensed Valuer as to what a realistic purchase price would be. Their response was that there had been a general reduction in prices paid for houses on large (2ha) lots in the vicinity of the subject lot. There were also not many sales of properties on larger lots to assess values against. The most comparable properties that had sold within the last 12 months were in the vicinity of Britannia Avenue and Fanstone Avenue, Beeliar. Council's property database shows that a vacant lot with an area of 4047sqm in Fanstone Avenue sold for \$425,000 in October 2009.

Licensed Valuer's McGees have been appointed to provide a full market valuation report as required by Section 3.58 of the *Local Government Act 1995*. The market value as determined will be noted in the public notice of a newspaper having State wide publication, as is the legislative requirement.

Given the preliminary information provided by the City's Valuers, it is not expected that the report being prepared will show a market value in excess of the offer amount. In the unlikely event that the market value as determined by the Licensed Valuer is greater than \$700,000, then the wording of the recommendation will render the offer to be refused.

Funds generated by the sale will be initially placed in the Land Development Reserve Fund, but will be available to help fund the future development of the new library on Lot 400 Wentworth Parade, Success.

### **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.

**Governance Excellence**

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

**Budget/Financial Implications**

Proceeds of the sale will be transferred to the Land Development Reserve Fund.

**Legal Implications**

Provisions of Section 3.58 of the *Local Government Act 1995* apply.

**Community Consultation**

Details of the sale will be advertised in a newspaper for State wide publication, as required by Section 3.58 of the *Local Government Act 1995*.

**Attachment(s)**

1. Offer to purchase
2. Map Showing Subject Lot

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

The proponents have been advised that this matter is to be considered at the 13 May 2010 Council Meeting.

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

Nil

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

**15.1 (OCM 13/05/2010) - LIST OF CREDITORS PAID - MARCH 2010 (5605) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for August 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 – March 2010.

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

N/A

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

Nil.

**15.2 (OCM 13/05/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MARCH 2010 (5505) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statements of Financial Activity and associated reports for March 2010, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

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

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

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

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2009/10 financial year.

## **Submission**

N/A

## **Report**

Council's financial performance to the end of March shows the ytd budget in surplus by \$7.4m. This amount is largely representative of additional operating revenues and underspending in operating expenses at a consolidated level and on a ytd basis. There continues to be no areas of major concern within the results.

### Closing Funds

Council's closing funds (adjusted net current assets position representing liquidity) remains well above the budget target, reflecting a healthy financial position. At \$25.46M, this is \$7.7M higher than the forecast (\$0.7M higher than at the end of February). The major reason for this continues to be the lag in incurring and bringing our cash operating expenses to account. These are behind the ytd budget by \$5.2M (\$0.4M less than last month). Operating revenue is also starting to contribute to the surplus at a consolidated level, this being \$2.2M at 31 March.

Council's cash and investment holdings (including restricted items) stand at \$67.4M. Cash reserves and other restricted cash comprise \$38.4M of this total, with the balance of \$29.0M available to fund remaining commitments and operations for the 2009/10 year.

### Operating Revenue

Operating revenues exceed the ytd budget by \$2.2M. There are four main areas comprising this variance.

Investment earnings on both municipal and reserve funds continue to outperform the budget (\$416K at the end of March). This is inspire of an upwards revision for earnings in the mid-year budget review.

Rate revenue is \$380K ahead of the ytd budget, which is also \$150K ahead of the full year budget.

Rubbish removal charges levied are \$181K ahead of ytd budget and \$131K ahead of the full year budget. However, these funds are applied to waste collection services and it is proposed that any year end surplus over and above service delivery costs, be quarantined and used to subsidise future costs in the delivery of the service.

Landfill income from external sources is now tracking on ytd budget. This is as a result of an internal budget adjustment of \$406K required



to properly reflect the waste disposal costs for the waste collection service.

Operating grants for Aged Services are \$220K ahead of ytd budget projections. These have no impact on Council's closing budget position.

### Operating Expenditure

Operating expenditure of a cash nature is tracking well below the ytd budget at \$46.1M (\$5.4M below). The major contributing items at a nature and type summary level is materials and contracts at \$2.8M and other expenses at \$1.7M (comprising mainly landfill levy).

Council's biggest expense line item - employee costs is tracking the budget in accordance with expectations at above 98%.

All of the Business Units are tracking below budget; however, several contribute mostly to the variance of \$5.4M.

Waste Services have a ytd budget variance of \$2.4M comprising:

- RRRC entry fees - down \$472k
- Waste Recovery Park operating expenses - down \$458k;
- Landfill levy expenses - down \$1.3M due to delayed processing of the March quarter's return.

Operating costs are down within Parks and Environment by \$882K and within Roads by \$672K.

The apparent underspending in materials and contracts across the board can be largely attributed to the lag in supplier invoicing and processing. This is a common phenomenon for the City each year and tends to rectify itself incrementally the closer we get to the end of financial year.

### Capital Expenditure

Council's capital spend continues to follow the historical pattern of underperforming the budget on a cash basis. As at the end of March, the actual spend was \$18.8M, being \$7.2M below the ytd budget targets. However, with the value of committed orders factored in, actuals plus commitments are on track against the ytd budget. This is graphically illustrated in the Capital Expenditure chart accompanying the statements. It remains to be seen whether the commitments will be realised by the end of the year (which would mean near full delivery of the annual capital budget).

Council's building infrastructure program contributes \$3.6M to this variance and our land development program is \$1.7M.

Variiances for specific projects can be found within the variance analysis schedule for Capital Expenditure accompanying the statements.

The delay in out flowing cash allows additional investment earnings to accrue towards Council's bottom line or to the cash backed reserve funds.

#### Description of Graphs and Charts included within Statements

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

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

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

Council's overall cash and investments position is also provided in a line graph with a comparison against the ytd budget. This is currently showing a stronger position than budgeted and is consistent with the information reported above.

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

#### Advertising of Differential Rates

The City advertised the Differential Rates on 7 April 2010 in the West Australian under Local Government Notices, with submissions closing on 28 April 2010.

The City advertised differential rates with a proposed increase for Residential categories of 4.5% and 5% for Commercial, Industrial and Vacant land. The advert also included the introduction of new rates for Special Industrial Zone and GRV lifestyle.

The City received no submissions.

### Advertising Specified Area Rate

The City advertised the Specified Area Rates on 7 April 2010 in the West Australian under Local Government Notices, with submissions closing on 28 April 2010.

The City advertised the Specified Area Rate for Port Coogee on 7 April 2010, with submissions closing on 28 April 2010.

No submissions were received.

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

#### **Governance Excellence**

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

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

Material variances identified of a permanent nature (i.e. not due to timing issues) may impact on Council's final budget position (depending upon its nature).

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

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

Statements of Financial Activity and associated Reports - March 2010.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (OCM 13/05/2010) - JANDAKOT ROAD - TRAFFIC - SPEED AND VOLUME CONCERNS (450025) (J RADAICH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) requests Main Roads WA to lower the speed limit in Jandakot Road from 80 km/h to 70 km/h;
- (2) provide the WA Police Traffic Enforcement Branch with the relevant statistics and request periodic speed limit enforcement on Jandakot Road;
- (3) undertakes a criteria assessment of Jandakot Road between Solomon Road and Coonadoo Court for a possible Blackspot treatment grant submission; and
4. undertakes a further review of the traffic impact on Solomon Road on completion of the dualing of Warton Road and installation of traffic signals at the intersection of Warton Road and Armadale Road.

**COUNCIL DECISION**

**Background**

Urban developments in and east of the municipality in recent years have contributed to the increase in traffic volume in Jandakot Road; and this, coupled with the high speed environment of the road, is generating on-going safety concerns for residents adjacent to the road.

A petition signed by 23 residents was tabled at the Ordinary Council Meeting 11 March 2010 requesting that action be taken to reduce the volume and speed of traffic in Jandakot Road. A copy of this petition was circulated to Elected Members.

The petitioners claim that developments east of the City, together with the difficulties of entering Armadale Road from Warton Road, and the convenient connections of Jandakot Road to the Kwinana Freeway and Roe Highway, have substantially increased the volume of traffic and associated congestion, particularly in peak periods, in Jandakot Road.

The potential hazards are exacerbated by the high speed of traffic in Jandakot Road.

### Submission

An assessment of the current traffic environment has been undertaken and detailed in this report.

### Report

#### 1. Road Classification

Jandakot Road is classified as a District Distributor B (DDB) under the City's adopted Road hierarchy. District Distributor roads are important transport links in the road network that carry major traffic between suburbs and Primary Distributors (such as Berrigan Drive, Roe Highway and Armadale Road). Typically, DDB's carry in excess of 6000 vehicles per day, have limited access to the adjoining residential and commercial properties (subject to historic status), are on bus and truck routes, and have an operating traffic speed of 60 to 70 km/h.

The current posted speed limit on Jandakot Road is 80 km/h, through a semi rural area and traffic volume is over 8000 vehicles per day between Solomon Road and Berrigan Drive. Jandakot Road provides an important transport link for population and industry and is performing its intended function as a District Distributor road.

#### 2. Traffic Growth

The increased urban development to the east of the City, congestion on Armadale Road and delays at the Warton Road intersection, and the ready access to Kwinana Freeway and Roe Highway at the west end of Jandakot Road has resulted in a significant increase in traffic in recent years on Jandakot Road. This is evidenced by the following traffic count figures for the section of Jandakot Road between Solomon Road and Berrigan Drive:-

DATE	TRAFFIC VOLUME Vehicles per day	85 <sup>th</sup> PERCENTILE SPEED km/h
September 2003	4038 vpd	93 km/h
February 2007	5573 vpd	83 km/h
March 2010	8231 vpd	87 km/h

The increased traffic in Jandakot Road is most noticeable during the morning peak period with significant queuing on the eastern

approaching to the Berrigan Drive roundabout. The queuing in the evening peak is the northern approach in Berrigan Drive. The prevailing traffic speed is less than 10% over the posted speed limit in a semi-rural environment, and typifies the prevailing speed exceeding the posted speed limit on other roads.

### 3. Crash History

The updated crash history data (Crashtool) for 2010 has not been provided by Main Roads WA as yet, but is expected within the next month to facilitate the latest round of Blackspot grant applications.

Utilising the 2009 data from Crashtool, the following findings have been determined at locations of particular interest:

- Jandakot Road/Solomon Road Intersection – this intersection is ranked 94 by frequency in the Intersection Crash Ranking for the City of Cockburn area in Crashtool 2009. There were 7 crashes over a five year period at the intersection; 6 of which were rear end crashes on the Solomon Road approach and 1 a side swipe. This suggests that there are no undue hazards to traffic at the Jandakot Road/Solomon Road intersection.
- Jandakot Road/Coonadoo Court Intersection – This intersection is not ranked in the top 100 by frequency in the Intersection Crash Ranking in Crashtool 2009. There were only 2 crashes over a five year period, indicating no undue hazards to traffic at this intersection.
- Solomon Road/Coonadoo Court Bend – Although showing no crash history, the alignment of Jandakot Road between Solomon Road and Coonadoo Court appears within the minimum curvature requirement for an 80 km/h speed limit. However, it would be effective in reducing the prevailing traffic speed at that location.

### 4. Traffic Mix

Statistics show that only 1.7% of the total traffic relate to 2 axle vehicles or larger (class 4 or greater). The proportion of heavies are probably under-represented for the classification of road.

### 5. Suggested Treatments

- Roundabouts – Whilst roundabouts tend to reduce the prevailing speed of traffic and improve safety at intersections, they are ineffective in curtailing hooning or deliberate speeding, which is a human behaviour issue that is best addressed by education and policing. Although the latest crash records are not available yet, there is no past history showing an unduly

concerning crash record. The cost to install a roundabout at the intersection of Jandakot Road/Solomon Road is in the order of \$230,000 as land acquisition would be required to accommodate the turning movement of large trucks. Consequently, the installation of roundabouts as a safety improvement measure would not be cost-effective. The situation can be reviewed when the latest crash history data becomes available, and eligibility for Blackspot funding assessed.

- **Reduced Speed Limit** – This would have some effect in reducing the prevailing speed of traffic, particularly with the tighter bend between Jandakot Road and Coonadoo Court. Having regard for the substantial increase in traffic volume in recent years, Main Roads should be requested to reduce the speed limit from 80 km/h to 70 km/h.
- **Reduced Traffic Volume** – The current higher traffic volumes could be attributed to the difficulties in turning right into Armadale Road from Warton Road, with Jandakot Road being a more attractive alternative route. Currently, Warton Road is being upgraded to a dual carriageway road, with traffic signal control at Armadale Road. It is considered that these improvements will divert traffic from Jandakot Road onto Armadale Road. It is recommended that the traffic situation in Jandakot Road be re-assessed after the completion of these roadworks.
- **Increased Enforcement** – The presence of Police or speed cameras has a marked impact on traffic speed and regular monitoring by Police can have a sustained impact on lowering vehicle speed. A formal approach should be made to the Traffic Enforcement Branch to identify Jandakot Road for regular monitoring. The potential for the road to be reduced from 80 km/hr to 70km/hr further enhances the need for proactive enforcement.

## 6. Conclusion

Although traffic volumes have increased in recent years in Jandakot Road, and the prevailing traffic speed is over 80 km/h, this does not appear to have translated into a higher crash rate. It has, however, increased congestion on the road in peak periods, and made access to or from adjoining properties potentially more hazardous. It is considered that a lower speed limit is warranted in Jandakot Road, particularly at the western end. The crash history also needs to be continuously monitored, particularly in relation to emerging Blackspots. It is anticipated that traffic volumes will reduce with the reduced speed limit and the intersection of

Armadale Road/Warton Road becoming more accessible with the control of traffic signals.

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

#### **Transport Optimisation**

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

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

Should Council decide to undertake traffic calming works, then this will need to be allowed for in a future budget.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

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

Copy of the petition tabled at Council.

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

A letter to all 23 petitioners and copies to Elected Members and South Metropolitan Traffic Police was sent 15 March 2010 acknowledging receipt of the petition and their concerns. A subsequent letter has been sent to all petitioners advising them that this item will be on the Agenda for 13 May 2010 Council Meeting.

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

Nil.



**16.2 (OCM 13/05/2010) - SUSTAINABILITY AWARDS (6149) (H JESTRIBKOVA)****RECOMMENDATION**

That Council:

- (1) adopts a Sustainability Grants Program in lieu of the current Sustainability Award Program; and
- (2) allocates suitable funding each year to a Sustainability Grants Program.

**COUNCIL DECISION****Background**

The City of Cockburn has run *A Better Tomorrow* Sustainability Awards Program for two years. The program aims to engage the community in sustainability, and recognise champions in the field. The program spans environmental, economic and social sustainability.

While the program has considerable merit, engaging the community to participate in this program has been an increasingly difficult task, with nominees in the second year (23) less than that of the first (27). Furthermore, of the nominees in 2009, only one self-nominated. The remaining were canvassed by Council staff; the majority of which were canvassed repeatedly before nominations were made. Even then many nominations were completed by Council staff.

**Submission**

N/A

**Report**

To overcome the need to canvas applicants to encourage submissions of award applications an alternative is to implement a 'Sustainability Grants' program. The grants program would follow a format similar to that of the highly successful and long-running Landowner Biodiversity Conservation Grant program and the Community Grants Program. The implementation of a Sustainability Grants Program would overcome the community engagement component of the current awards program which is currently seen as a weakness. Council's existing grants

programs have a high level of community engagement, support and benefit.

A 'grants' scheme, would benefit more of those in the community who recognise the need to become more sustainable. Benefits to stakeholders would also be delivered in a timely and measurable manner. A grants program would also encourage participation by residents and businesses in sustainability initiatives that would otherwise not consider such initiatives.

A grants program would also have the added benefit of having followed up contact with successful applicants by requiring a final report to be submitted with final assessment of the initiatives by Council staff.

To be eligible for funding within the program, nominees would need to set tangible outcomes as part of the application process. Successful applicants would have access to greater resources and information to implement their desired outcomes. This would create greater incentives for groups and businesses in the local community to get involved and take action, whilst also enabling the City to have direct engagement with stakeholders throughout this process.

A Sustainability Grants Program would be the first of its kind offered by a Local Government and showcase the City's commitment to promoting sustainability within the community.

The program would be run by Council's Environmental Services Department who currently manage the Landowner Biodiversity Grants Program.

In addition to this, funding sought for the program would be directly passed onto successful applicants, which would then be used to further tangible sustainability outcomes. Previously, the funding for this program was primarily utilised for Awards administration and ceremony.

### **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 develop and maintain a financially sustainable City.

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

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

**Budget/Financial Implications**

Council approved a budget for the program Sustainability Awards Program for 2009/10 of \$60,000. A Sustainability Grants Program could be run and promoted for less than \$50,000 of which \$40,000 would be the grant pool. This represents a saving to Council of \$10,000.

Funding would be sourced from Council's future Community, Grants, Donations and Sponsorships budget.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**16.3 (OCM 13/05/2010) - TENDER NO. RFT 33/2009 - CLEANING SERVICES - PUBLIC, COMMUNITY & ADMINISTRATION FACILITIES (RFT 33/2009) (M LITTLETON/D VICKERY)**

**RECOMMENDATION**

That Council defer consideration of Tender No. RFT 33/2009 – Cleaning Services – Public, Community and Administration Facilities to the June 2010 Ordinary Council meeting.

**COUNCIL DECISION**

## **Background**

This item was deferred for consideration from the OCM of 08/04/10 (Agenda Item 16.2) to ensure that the Elected Members have had an opportunity to ensure that information received for decision making is complete, to an acceptable standard and provides procedural fairness to all respondents to tenders called by the City.

Since 2003 the City of Cockburn has had the majority of its building and facility cleaning undertaken by two contractors, namely MP Cleaning and Cleandustrial Services. The existing Contract (No. RFT 18/2003) expired officially on 31 July 2007, but for expediency purposes the incumbent contractors have continued to be utilised. During a review of cleaning services in general, Officers believed that the scope needed to be modified to place more emphasis on quality, performance and environmental sustainability. Subsequently, John Clohessy of Changing Directions Pty Ltd was employed to assist staff in the process of preparing a comprehensive specification for cleaning services for the City of Cockburn and also formed part of the tender assessment team.

Council's cleaning requirements include:

- Scheduled cleaning of Administration and Community buildings and facilities.
- Scheduled cleaning of public toilets and BBQ's
- Ad hoc cleaning services after functions and as required.

Tender Number RFT 33/2009 Cleaning Services - Public, Community & Administration Facilities was advertised on Wednesday 19 August 2009 in the Local Government Tenders section of The West Australian newspaper. It was also displayed on the City's website between the 18 August and 15 September 2009.

The matter was presented to Council in April for consideration with the matter deferred until the May 2010 Ordinary Council meeting. At that meeting Council sought additional information and clarification on the evaluation undertaken.

## **Submission**

To consider submissions for Tender RFT 33/2009 Cleaning Services - Public, Community & Administration Facilities.

## **Report**

Since the matter was deferred in April, staff have been reviewing the evaluation process and methodology used by the panel. Mr Clohessy from Changing Directions has undertaken a detailed assessment of each submission and compared the nominated hours of work against

an industry benchmark to give Council an indication of risk and value for money. Officers are still waiting for some additional clarification from Mr Clohessy on the detail in his report before the matter can be further considered by Council. On this basis, officers seek an additional deferral of the matter until the June 2010 OCM.

Given the length of time that this Tender has remained outstanding, it was identified that the tender validity has now expired. As each Tenderer have gone to some effort to prepare and lodge a submission with Council, it is only fair that Council seeks an extension of the validity period to enable the matter to be resolved. Letters have been forwarded to each Tenderer seeking their concurrence to an extension of the tender validity period until the end of June 2010. In that letter a modification to the price variation clause was stipulated to ensure that tenderers are not disadvantaged by the length of time taken to determine this contract.

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

#### **Infrastructure Development**

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Attachment(s)**

N/A


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

Those who lodged a tender submission have been advised that this matter is to be considered at the 10 June 2010 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 13/05/2010) - SPORT AND RECREATION STRATEGIC PLAN 2009 (8163) (A LACQUIERE) (ATTACH) **

**RECOMMENDATION**

That Council:

- (1) receive the report from CSS Strategic Management outlining the discussions and outcomes of the briefing session held with the Santich Park residents on 30 March 2010;
- (2) commit an allocation of funds on its 2010/11 Municipal budget to engage external consultants to address:
  1. Traffic and parking issues around Santich Park; and
  2. The feasibility of repositioning the Santich Park Clubrooms on the eastern side of the Park; and
- (3) adopt the Sport and Recreation Plan 2009, for the City of Cockburn, as attached to the Agenda, noting the deferral of any proposals to amend current usage of Santich Park.

**COUNCIL DECISION**

**Background**

The Sport and Recreation Strategic Plan (The Plan) was first presented to the October 2009 Ordinary Council Meeting and in accordance with the Council decision the Plan was advertised for public comment in the Cockburn Community Gazette, with letters sent to sporting clubs within the City of Cockburn. In addition to this a number of meetings were held with clubs and sporting associations regarding the content and recommendations within the Plan. The revised Plan was presented to the December 2009 Ordinary Council which resolved to defer the matter to the February 2010 Council Meeting to provide an opportunity to:

- (a) *undertake further consultation with the community and sporting clubs regarding the implementation of merge/relocation plans;*
- (b) *provide an extended window of opportunity for residents and sporting clubs to provide further feedback; and*
- (c) *amend the Plan to include at Section 7 'Recreation Facility Development Plan' Developer Conditions as an additional funding source applicable to the following facilities:*
  - 1. *Anning Park Tennis Club*
  - 2. *Wally Hagan Stadium Upgrade*
  - 3. *Beale Park Sports Facilities*
  - 4. *Atwell Oval Hockey Facility*

During this period the City also received 22 submissions from local residents surrounding Santich Park who were concerned with the recommendation to relocate a senior football club to Santich Park. The concerns related to the following issues

- Inadequate parking and major traffic management issues
- Liquor Licensing and Alcohol issues
- Increased antisocial behavior
- Litter after games

The Plan was presented to the Ordinary Council Meeting held on the 11 February 2010 at which Council resolved to:

- (1) *defer the matter to an Ordinary Council Meeting following a community briefing;*
- (2) *undertake a briefing with local community members who have raised their concerns regarding recommendations associated with the change of use for Santich Park; and*
- (3) *advise the submissioners and local residents of Santich Park accordingly*

The City elected to hire a consultant to facilitate the briefing with the Santich Park residents that was held on 30 March 2010.

### **Submission**

N/A

### **Report**

The Sport and Recreation Plan 2009 was developed to provide an overview of the City's current Sport and Recreation provision with the objective to provide the desired outcome for sporting provision for the

City into the future. The plan has been advertised for public comment on three occasions and the last round of consultation has seen strong opposition from local residents on the recommendation to relocate Cockburn Lakes Amateur Football Club to Santich Park.

Santich Park is a 5.6 ha reserve and one of only two reserves within the City capable of housing two AFL fields. The reserve currently is used by a large junior football club in the winter and acts as the district venue for athletics competition in the summer. The reserve is also the City's most used reserve by local schools for district level competitions in athletics and football. With the added ability to host night football matches the reserve is regarded as one of the best reserves for football within the southern metropolitan area.

The Sport and Recreation Strategic Plan recommended relocating Cockburn Amateur Football Club from Anning Park to Santich Park based on the following:

1. The relocation of Jandakot Jets Junior and Senior Football Club from Atwell Reserve to Cockburn Central could result in the demise of the Cockburn Amateur Lakes Football Club due to the close proximity of the clubs. The move to Cockburn Central circa 2020 by the Jandakot Jets is proposed. A regional hockey academy with Atwell College is concurrently proposed to be created on Atwell reserve as there are currently no hockey clubs in the City.
2. Anning Park has been identified as a strategic location for a future regional tennis facility which is currently lacking in the City and therefore it would be necessary to relocate the Cockburn Amateur Lakes Football Club. Should Council not wish the relocation to proceed, this project will need to be deferred indefinitely, pending clarification on the future of the Cockburn Lakes Amateur Football Club.
3. Currently there is no pathway for juniors at Santich Park to join a senior club on the south west side of the City and as a result players are being forced to continue football at a competitive senior level outside the Cockburn boundary.
4. It can be expected within the coming years as the current juniors at the South Coogee Junior Football Club progress into older age groups that a senior club could be formed. The club has already indicated that it needs to think about forming a senior side to retain those players and provide a pathway. Without a relocated Senior Club being available, an option exists to commence an entry to senior ranks from within its own club, similar to the model adopted by the Jandakot Jets.



5. The relocating of a senior club to Santich Park will limit the usage of outside users on a casual basis as the junior and senior clubs take precedent.
6. The provision of AFL within the City will be balanced into the future considering the growth of areas across the City.

With the restricted active reserve space within the City of Cockburn, it is critical that the City optimises its use of its active reserves, particularly the larger reserves. As such, Santich Park is of strategic significance as a senior facility and the relocation of Cockburn Lakes Amateur Football Club to Santich Park has been considered as critical to the progression of the strategic direction of sport within the City.

With the strong opposition from the local residents of Santich Park for this recommendation to proceed, the Council may like to consider an option to relocate the Cockburn Lakes Amateur Football Club to the new Munster Reserve. The new Munster Reserve would be developed as a result of a land swap for the South Coogee Reserve located on Russell Road in Henderson as part of the Marine Technology Park development by Landcorp. The Cockburn Lakes Amateur Football Club currently support the relocation to Santich Park as this opportunity ensures future growth due to the direct link with the junior club. Recent discussions with the Cockburn Lakes Club have indicated they do not favour a move to the Munster Reserve and still support the Santich Park option. Similarly, a meeting with officials from South Coogee Junior Football Club resulted in no support for the proposal.

Alternatively, Council may wish to investigate repositioning the Clubroom facilities from the current location to an area on the eastern edge of the Park. This would have the effect of reducing traffic and parking conflict which is currently apparent and is likely to increase in the future, given the growth in adjacent residential areas.

Should this suggestion be supported, it is recommended that funds be made available in the 2010/11 Budget to enable feasibility studies and reports to be prepared and considered separately by Council in future.

This will then allow the Sport and Recreation Plan to be adopted without Council having to consider whether to support the proposal to relocate the Cockburn Lakes Senior Football Club to Anning Park at this stage and this can be noted in the Strategic Plan.

The proposed studies and reports can then be undertaken without associated time constraints and can involve full discussion with affected residents and Clubs to ensure all issues and points of view are considered.

Should Council not wish to support either proposition, it is suggested that the Strategic Plan be adopted, with the deletion of the relocation of

Cockburn Lakes Football Club to Santich Park. The proposed Anning Park redevelopment can then be reviewed bi-annually in line with the Plan for the District and clarification on the future of the Cockburn Lakes Football Club.

In order to address the issues raised by local residents from the public consultation period and the Council decision in February 2010, the City contracted CSS Strategic Management to facilitate a briefing to the local residents regarding the developments of Santich Park in relation to the Strategic Plan. The briefing session was attended by approximately 70 local residents at the Santich Park clubrooms on 30 March 2010 and was structured to give residents an understanding of why the recommendation was being proposed and for the local community to raise its concerns.

It was clear from the briefing that the residents had major concerns with existing issues on the reserve and did not want to exacerbate those issues by bringing a senior club onto the grounds. Traffic movement and parking issues that currently exist on the site were identified. In the mean time the Rangers will monitor illegal parking around the reserve. Other major concerns and views expressed by the residents included:

1. Liquor License being issued to the Senior Club
2. Keeping the reserve restricted to juniors
3. Upgrading of current facilities for the juniors
4. Antisocial behavior as a result of liquor consumption

The introduction of a senior club and restricted liquor license at the facility is not expected to adversely impact the usage of the facility or the local area surrounding the facility. The City of Cockburn has a number of reserves in areas close to housing where senior clubs have restricted liquor licenses and has found the clubs to be well managed and responsible. Given the restrictions imposed by liquor licensing regulations and lease requirements, the City is confident that the issue of alcohol consumption on the site will not negatively impact the local residents or neighboring users of the reserve. Should there be evidence to the contrary Council will be able to take action to ensure compliance with licensing requirements or, in the case of continued contraventions, withdrawal of licensing and/or facility usage rights. There has been some evidence that there have been liquor drinking issues in the area which will need to be addressed by more proactive police and security patrols.

On balance given the need to address the long term recreation needs of the City, Santich Park has been identified as an AFL ground for both seniors and juniors. It is evident that there are some issues around the park currently and these can be mitigated with the identified strategies.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

- To construct and maintain community facilities that meet community needs.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

### **Lifestyle and Aspiration Achievement**

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

### **Governance Excellence**

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

## **Budget/Financial Implications**

The proposed capital works program included in the Plan identifies a number of significant financial commitments required by the City of Cockburn over the next 15 years. The existing Plan for the District identifies \$56.4m in recreation projects for the period 2010 to 2018 whereas the new Plan for the District has identified \$72.0m in recreation projects over the period 2010 to 2020. The increase includes an allocation of funds for refurbishment. Further funds totalling \$11.2m have been allocated for 2021 to 2023.

A cash flow of the Works Program has been included in the Plan. It is proposed that this is reviewed bi-annually for inclusion in the Plan for the District.

In relation to the Santich Park matters it is proposed that funds be considered for inclusion on the 2010/11 municipal budget, to fund studies to address these issues.

## **Legal Implications**

N/A

## **Community Consultation**

The Sport and Recreation Strategic Plan has been advertised for public comment over the past 3 months. Further, a meeting with residents

surrounding Santich Park was conducted on 30 March 2010, facilitated by an external consultant. Issues arising from that meeting have been responded to. Meetings have also been conducted between Council representatives and officials of the Cockburn Lakes Senior Football Club and the South Coogee Junior Football Club.

**Attachment(s)**

1. CSS Strategic Management – Santich Park Report
2. Sport & Recreation Strategic Plan 2009
3. Munster Sports Reserve – Possible layout options of AFL ovals
4. Submission on Draft Sport & Strategic Plan 2009 – Wendy Rudge & Ann Taylor (on behalf of Residents around Santich Park)
5. Response to questions raised at community meeting – 30 March 2010
6. Submission by J & J Kicinski

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 May 2010 Council Meeting.

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

Local Government traditionally provides the majority of sporting/leisure facilities in the community on a subsidised basis to the public. Some additional facilities are provided by the private sector.

**18. EXECUTIVE DIVISION ISSUES**

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

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

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

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE****23. CONFIDENTIAL BUSINESS****23.1 (OCM 13/05/2010) - RATE INCREASE TO LANDFILL DISPOSAL SERVICES MICSON P/L - LOCATION: HENDERSON WASTE RECOVERY PARK (HWRP) - OWNER: CITY OF COCKBURN - APPLICANT: MICSON P/L (4900) (L DAVIESON & M LITTLETON) (ATTACH)****RECOMMENDATION**

That Council:

- (1) negotiate adjustments to the Schedule of Rates adopted in RFT 38/2007 in accordance with Option 4 contained in the confidential attachment for the period from 1 July 2010 until 31 December 2010;
- (2) advertise the Tender for Landfill Disposal Services for a 3 year period commencing on 1 January 2011.

**COUNCIL DECISION****Background**

On the 13 December 2007 Council accepted the Tender RFT38/2007 'Landfill Disposal Services (Waste Compaction, Designation and Covering Services) submitted by Micson Pty Ltd for the provision of Landfill Disposal Services in accordance with the Schedule of Rates provided in their submission over an initial three (3) year period concluding 31 December 2010 for an estimated annual cost of \$970,919.40 GST inclusive (\$882,654.00 GST exclusive). The tender called for the use of 4 plant items (Waste Compactor, Water Cart, Dozer and Loader) which are used specifically for waste compaction and landfill stabilisation and cover.

In recent discussions with the management of Micson P/L, the City was advised that as a result of significant financial losses, the Company could no longer provide their service at the rates tendered. These losses were due largely to excessive machinery maintenance costs, which were not anticipated in the original hourly rates submitted in their 2007 tender.

Since the contract was awarded in January 2008, Micson now also provides the City with a hooklift truck to operate the Transfer Station and an excavator to remove steel from the active commercial face. Micson P/L has proposed hourly rate increases to all 6 plant items on site to compensate for the high maintenance costs. This report however, will deal only with those 4 plant items under RFT 38/2007.

**Submission**

Included in confidential attachment.

**Report**

Included in confidential attachment.

**Strategic Plan/Policy Implications**

**Natural Environmental Management**

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

**Budget/Financial Implications**

Included in confidential attachment.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

A confidential report has been provided to Elected Members under separate cover.

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

The Proponent(s) has been advised that this matter is to be considered at the 13 May 2010 Council Meeting and will be resolved by the end of May 2010.

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

Nil.

**24 (OCM 13/05/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**