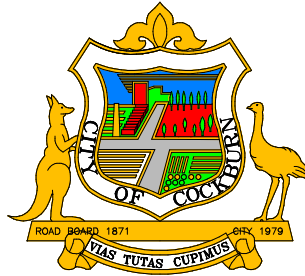


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA

FOR

THURSDAY, 12 NOVEMBER 2009

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 NOVEMBER 2009 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, 12 NOVEMBER 2009 AT 7:00 PM

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

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
Nil
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**

8.1 **(OCM 12/11/2009) - ORDINARY COUNCIL MEETING - 08/10/2009**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday 8 October 2009, be adopted as a true and accurate report.

COUNCIL DECISION

8.2 (OCM 12/11/2009) - SPECIAL COUNCIL MEETING - 26/10/2009

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Monday 26 October 2009, 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)

Nil

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

13. COUNCIL MATTERS

13.1 (OCM 12/11/2009) - AGENDA BRIEFING SESSIONS (1713) (D GREEN)

RECOMMENDATION

That Council continues with open Agenda Briefing Sessions for the future, under similar conditions that apply to the current forum.

COUNCIL DECISION

Background

At the Council Meeting conducted on 9 April 2009, the following resolution was passed:

MOVED Clr H Attrill SECONDED Clr S Limbert that Council trials open Agenda Briefing Sessions for the period May – October 2009, under similar conditions that apply to the current forum with the exception of:

- (1) That up to 30 minutes be allocated at the conclusion of the Agenda Briefing Session to the Elected Members segment in order to allow the public to ask questions on any matter on the Agenda, of the staff;*
- (2) Confidential matters on the Agenda to be ‘briefed’ behind closed doors.*

CARRIED 8/2

Reason for Decision

The current briefing session methodology presently provides the best possible outcome for people who are making applications to the City either for Planning, policy or other matters to be considered.

This decision does not support a proposal that delays the processing of matters which are brought before the Council. The briefing session is to provide the opportunity for questions to be raised at the time by the public.

Submission

To continue the Council Agenda Briefing sessions in the current format.

Report

Following the trial period and the Council elections, the following assessment of the Open Briefing Sessions is provided for members' consideration.

From an administrative point of view the sessions have not posed any difficulties and do not require any further effort by officers to explain the items being presented.

The timeframe (7.00 pm commencement) does require a disciplined effort by staff and Elected Members to ensure the public are not kept waiting for the briefing.

The previous arrangement enabled a more flexible timeframe to be employed and also allowed other matters to be informally briefed to Elected Members, prior to the Agenda Briefing Session commencing. This is not now possible and any such informal briefings now commence at 5.45 p.m. and last no longer than 45 minutes to allow time for dinner prior to the commencement of the agenda briefing at 7.00 p.m.

To enable Elected Members more time to receive informal briefings there are a number of options which could be considered.

These include:

- Commencing the Agenda Briefing Session at 6.00 pm, followed by dinner, and then provide the information;
- Convene informal briefing sessions prior to the Agenda Briefing, which is pushed back until 7.30 pm;
- Convene informal briefing sessions at another pre-determined day/time (e.g. 4th Thursday each month).

Anecdotally, the sessions are of little interest to the general public with regular attendance in the public gallery in the vicinity of 10-15 each meeting. Persons who have an item on any Agenda are informed of the briefings, should they wish to ask any questions on the item, following its presentation to the forum. On rare occasions, such people have attended the Sessions.

Overall, the only discernible difference between open and closed agenda briefing sessions is that the meetings are not recorded under the current arrangements and the format for the presentations is more formal and disciplined. On the basis that there are no obvious reasons to revert to closed briefings; it is recommended that Council continues with the current processes into the future.

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

There are no statutory provisions relative to local government briefing procedures.

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

13.2 (OCM 12/11/2009) - MEMBERSHIP OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE (5017) (D GREEN) (ATTACH)

<p>RECOMMENDATION</p> <p>That Council:</p> <ul style="list-style-type: none">(1) include "Strategic Finance" in the title applied to the Audit Committee previously established by Council;(2) appoint the following Elected Members (minimum 3) to the Audit and Strategic Finance Committee _____;(3) adopt the proposed changes to the Terms of Reference, as attached to the Agenda; and(4) pursuant to Section 7.1B of the Local Government Act, 1995, delegate the authority of Council to meet with the Auditor to the Committee. <p>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</p>

<p>COUNCIL DECISION</p>

Background

Part 7 of the Local Government Act, 1995 prescribes matters dealing with Audits and financial accounts in local government and requires all Councils to establish an Audit Committee and appoint at least three persons to the Committee. Council established its Audit Committee in May 2005.

Submission

N/A

Report

Membership of the Audit Committee may comprise only of Elected Members and other persons subject to a majority of members being Elected Members of Council. As there is a requirement for the Committee to liaise very closely with both its internal and external Auditors, it is not considered necessary that any other persons be appointed as Committee members. Employees of the City, including the Chief Executive Officer, are excluded from becoming members of the Committee. Retiring members of the Committee are Mayor Howlett and Cirs Allen, Romano, Limbert, Reeve-Fowkes and Attrill.

The Terms of Reference (TOR) for the Committee (attached) include the functions of the previously established Strategic Finance and Investments Committee. This is because the functions of that Committee fall within the Charter of the Audit Committee and are able to be effectively monitored by the Audit Committee. In recognition of this it is recommended that these functions be included in the title of the Committee.

The Audit calendar is also included in the TOR to ensure the Committee meets to a regular timeframe throughout the year and considers those matters identified in the calendar and the TOR in a timely manner. This has been amended to refer to those matters which were the responsibility of the previous Strategic Finance and Investments Committee.

Finally, it is considered appropriate for Council to delegate the function of meeting with the appointed (external) Auditor to the Committee to eliminate the requirement for the Auditor to present the same reports to both the Committee and the Council, as required under Section 7.12A(2) of the Act.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Part 7 of the Local Government Act, 2005 refers.

Community Consultation

N/A

Attachment(s)

Terms of Reference.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.3 (OCM 12/11/2009) - MEMBERSHIP OF THE CHIEF EXECUTIVE OFFICER'S (CEO'S) AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE (1192) (D GREEN)

RECOMMENDATION

That Council appoint the following Elected Members (minimum 3) _____ to the Chief Executive Officer's (CEO's) and Senior Staff Key Projects Appraisal Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

This Committee was established in September 2005. Its primary functions are to review the performance of the CEO, in accordance with the negotiated contract of employment, provide recommendations to Council in relation to the approved remuneration package and assess relevant outcomes in accordance with Key Performance Indicators.

Submission

N/A

Report

The tenure of members appointed to the Committee expired at the October 2009 Council elections. Those members were Mayor Howlett, Deputy Mayor Allen and Cirs Romano, Limbert, Reeve-Fowkes and Attrill. In accordance with Section 5.10 of the Local Government Act, 1995, Council is to appoint elected members (minimum of 3) to be members of the Committee, should it wish the Committee to remain in operation.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Sec. 5.10 of the Local Government Act, 1995 refers.

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

N/A

13.4 (OCM 12/11/2009) - MEMBERSHIP - SOUTH WEST CORRIDOR ENVIRONMENTAL SERVICES COMMITTEE (1322) (D GREEN)

RECOMMENDATION

That Council appoints _____ (Elected Member) as a delegate to the South West Corridor Environment and Services Committee.

COUNCIL DECISION

Background

One of the Council's two representatives on the South West Corridor Environment and Services Committee was former Cllr Baker. Cllr Reeve-Fowkes remains the other. Hence, there is now a vacancy for an elected member from the City of Cockburn to be appointed to the Committee.

Submission

N/A

Report

The South West Corridor Environment and Services Committee has been established by the South West Group, comprising the six local authorities in the South West Metropolitan Region of Perth.

Its role is to:

- Consider environmental, recreational and other community service issues and provide advice to the South West Group;
- Improve the understanding of these issues amongst member local government authorities;
- Provide a forum to develop relevant policies and projects;
- Implement the recommendations of the Beeliar Regional Park Management Plan;

Meetings are convened four times per year.

Should no elected member wish to be appointed as Council's representative to the Committee, it is acceptable for an officer of Council to be nominated.

Strategic Plan/Policy Implications

Natural Environmental Management

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

Budget/Financial Implications

N/A

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.

13.5 (OCM 12/11/2009) - MEMBERSHIP - SOUTH WEST DISTRICT PLANNING COMMITTEE (9300) (D GREEN) (ATTACH)

RECOMMENDATION

That Council appoint _____ (Elected Member) as its delegate to the South West District Planning Committee.

COUNCIL DECISION

Background

Council's representative on the South West District Planning Committee was former Cllr Julie Baker. Ms Baker has retired from Council, hence there now is a vacancy for an Elected Member from the City of Cockburn.

Submission

N/A

Report

The South West District Planning Committee has been established by the West Australian Planning Commission (WAPC) to provide recommendations on strategic planning issues to the Regional Planning Committee of the WAPC.

The Committee comprises members of the South West Group of Councils and meets as necessary in accordance with the attached. The meeting is held on a rotational basis at the offices of the member Councils.

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.

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.6 (OCM 12/11/2009) - DELEGATE - MELVILLE-COCKBURN CHAMBER OF COMMERCE (1224) (D GREEN)

RECOMMENDATION

That Council appoints _____ (Elected Member) as its delegate to the Melville-Cockburn Chamber of Commerce.

COUNCIL DECISION

Background

The Melville-Cockburn Chamber of Commerce (MCCC) invites the sponsoring Councils (Cities of Melville and Cockburn) to be represented on its Executive Committee as non-voting delegates. Currently, there is no elected member representing the City of Cockburn on the Chamber's Executive Committee.

Submission

N/A

Report

The MCCC is the local 'branch' of the Chamber of Commerce and Industry and is the forum which provides an avenue for local small business proprietors to source advice and information on matters which affect business, primarily from a statutory and government regulation perspective. The MCCC also arranges events, seminars and networking functions for the mutual benefit and interest of its membership.

It has been traditional for both Cities to be represented by an elected member at Executive Committee meetings, which are conducted approximately 8 times per year at the offices of either City on a pre-arranged basis.

Should no Elected Member wish to nominate themselves as a delegate, it is acceptable for an officer to fulfil the role.

Strategic Plan/Policy Implications

Employment and Economic Development

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

Budget/Financial Implications

Council sponsors the MCCC through an annual grant of \$20,000.

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.

13.7 (OCM 12/11/2009) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 15 OCTOBER 2009 (5930) (R AVARD) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee meeting held on 15 October 2009, 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 was also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.

Submission

N/A

Report

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

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

- Mater Christ Play Group \$628
- Lions club of Jandakot Lakes Inc \$1,500
- Harvest Harmonisers..... \$1,500
- Yangebup Family Centre..... \$5,000
- Returned Services League \$8,000
- Cockburn Community Cultural Council..... \$8,600
- Halo Foundation Development Agency Inc \$10,000
- Fremantle Hospital Medical Foundation \$10,000
- Constable Care Child Safety Foundation \$20,495

A summary of the sponsorship recommended by the committee are as follows:

- Coogee Jetty to Jetty..... \$2,000
- Glen Iris Golf Club 50th Anniversary \$3,000
- Melville Cockburn Chamber of Commerce \$20,000

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	\$ 121,100
Specific Grant Programs.....	\$ 307,560
*Donations	\$ 174,340
*Sponsorship	<u>\$ 40,000</u>
Total.....	<u>\$ 643,000</u>

**These allocated funds are available to be drawn upon in response to grants and donations application from organisations and individuals. Should Council adopt the Committee recommendation, the balance of funding available will be \$108,617 for donations and \$15,000 for sponsorship.*

Legal Implications

N/A

Community Consultation

The availability of the Grants, Donations and Sponsorship is proposed to be advertised again in February/ March 2010.

Attachment(s)

Minutes of Grants and Donations Committee Meeting 15 October 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.8 (OCM 12/11/2009) - MEMBERSHIP OF THE GRANTS AND DONATIONS COMMITTEE (5930) (D GREEN)

RECOMMENDATION

That Council appoints the following Elected Members (minimum 3) _____ to the Grants and Donations Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

This Committee was established in September 2005. Its primary functions are to make recommendations to Council regarding budgeted allocations of grants, donations and sponsorships, following the assessment of applications from individuals and organisations against the criteria established by Council.

Submission

N/A

Report

The tenure of members appointed to the Committee expired at the October 2009 Council elections. Those members were Deputy Mayor Allen, Cllrs Whitfield, Oliver, Limbert and Attrill. In accordance with the Local Government Act, 1995 (Sec. 5.10) Council is to appoint elected members (minimum 3) to be members of the Committee should it wish for the Committee to remain functional.

Strategic Plan/Policy Implications

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

Sec. 5.10 of the Local Government Act, 1995, refers.

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.

**13.9 (OCM 12/11/2009) - COUNCIL COMMITTEES (1054) (D GREEN)
(ATTACH)**

RECOMMENDATION

That Council:

- (1) receives the report in relation to the information provided as a result of the Council decision of 14 May 2009, (Minute No.3941); and
- (2) not establish any other committees pursuant to Sec. 5.8 of the Local Government Act, 1995.

COUNCIL DECISION

Background

At the Council Meeting conducted on 14 May, 2009, the following resolution of Council was passed:

That Council:

- (1) disbands the Delegated Authorities, Policies and Position Statements Committee;*
- (2) requires all items previously considered by the Committee to be presented directly to Council for consideration on a regular basis;*
- (3) not establish a Budget Committee and continue to prepare its Annual Budget in accordance with the timetable contained in Policy SC34 "Budget Management"; and*
- (4) reviews these matters following the October, 2009 Council elections.*

The full report which accompanied Council's decision is attached.

Submission

To have Council business presented directly to Council meetings for determination.

Report

Since the Council resolution of May 2009, the following ancillary information is provided for consideration:

- Policy and Delegated Authority reports have been submitted to four of five Ordinary Council Meetings held between June and October, 2009.
- The total number of Policies and Delegated Authorities the subject of these items was 38 (at an average of 7-8 per meeting).
- These 38 'DAPPS' items were included in 9 separate reports to Council directly.
- None of these items were withdrawn for discussion or questions at the Council meeting to which they were submitted (i.e. all were adopted as presented, without amendment).
- The average length of Ordinary Council Meetings during this period was 1.4 hrs (ie. an increase of 10 minutes per meeting from the previous 12 months average of 1.25 hrs).
- The average number of items presented to Ordinary Council Meetings during this period was 17 (ie. has remained static when compared with the preceding 12 months).
- A Special Council Meeting was conducted on 18 June 2009, to adopt the Annual Budget and associated items. This meeting was of 1.5 hours duration.
- Two other Special Council Meetings were conducted during the period, one in August for the purpose of the Local Government

Reform and one in September to consider the Port Coogee Structure Plan. Both were of 1.75 hours duration.

Some conclusions derived when comparing this recent information to that which was provided with the May 2009 report is:

- There has been no discernable difference in either the total number of items considered by Council or the length of Ordinary Council Meetings during this time.
- There has been a considerable reduction in the administrative effort and duplication of processes associated with the consideration of Policy and Delegated Authority matters by Council. This is reflected by the capacity to consolidate what would have been 38 separate reports to a committee meeting (plus a further report to a subsequent Council meeting) into 9 individual reports directly to Council. Most importantly is the large reduction in paper wastage brought about by eliminating the duplication associated with preparing committee meeting agendas and minutes and the subsequent Council meeting item and attachments.
- Issues which command focussed attention can be considered individually at a Special Council Meeting convened for that purpose.

Given that there is no compelling evidence to suggest that Council's decision making process could be improved by either the re-establishment of the Delegated Authorities, Policies and Position Statements Committee or the constitution of a Budget Committee, and there is a significant sustainability initiative in not doing so, it is recommended that Council continues to operate under its existing meeting procedures for considering issues relevant to these functions.

In summary, it is reiterated that committee systems are cumbersome, resource intensive and inefficient, in addition to serving no public accountability purpose nor providing any benefits to Council by way of an effective decision-making mechanism. This position is supported by the comments made in the Department of Local Government Compliance Audit Report, as shown on the attachment (Ref. Pg. 20).

However, should Council resolve to introduce a system which increases the operation of committees, the following factors should be considered:

- The establishment of Committees requires an absolute majority decision of Council (Sec.5.8).
- Any Councillor wishing to be a member of one or more Committees is entitled to be appointed to at least one (Sec.5.10(2)).
- All membership appointments are to be resolved by an absolute majority of Council decision (Sec.5.10(1)(a)).

- Should the Mayor wish to be a member of any Committee which could have a Council member appointed to it, then the appointment of the Mayor to any such committees is mandatory (Sec.5.10 (4)).
- Committee meetings are only required to be open to the public if given delegated powers by an absolute majority decision of Council (Sec. 5.16(1)).

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To develop and maintain a financially sustainable City.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Extract from Council Minutes – May 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.10 (OCM 12/11/2009) - MEMBERSHIP OF LOCAL EMERGENCY MANAGEMENT COMMITTEE (8958) (D GREEN) (ATTACH)

RECOMMENDATION

That That Council:

- (1) appoints _____ (Elected Member(s)) as members of the Local Emergency Management Committee; and

(2) requests representatives from the following organisations to be appointed members of the Committee:

1. Police Service – South Metro Sub-District Local emergency Co-ordinator.
2. City of Cockburn Bush Fire Brigade.
3. WA State Emergency Service.
4. Cockburn State Emergency Services Authority.
5. Fire and Emergency Services Authority.
6. St John Ambulance Service.
7. Department for Communities.
8. Fremantle Hospital.

COUNCIL DECISION

Background

All Councils in this State are now required to establish a local emergency management committee, pursuant to the Emergency Management Act (EMA), 2005. An extract of the relevant provisions of the Act is attached. Consequently, Council established the Committee in November 2007. Currently the City of Cockburn members appointed to the Committee are Mayor Howlett and Clr Reeve-Fowkes.

Submission

N/A

Report

The EMA provides that the Committee consists of members appointed by Council, one of which must be the local emergency co-ordinator, who is attached to the District Office of the WA Police Service. The previously constituted committee had a membership which is representative of all organisations which have a role in the preparation of counter emergency plans and operations. Therefore, it is recommended that Council adopt a similar structure in order to maintain the continuity of its functions.

The Act also provides for the State Emergency Management Committee to determine the constitution, procedures and terms/conditions of appointment of the Committee members. These have been provided for in the attached Policy No.2.5. The document

also establishes the regularity of Committee meetings and the matters which should be considered by the Committee.

Other procedures, functions and arrangements to be undertaken by the Committee are also contained within the Policy. Administrative support for the Committee is to be provided by the City.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

Funding is available in Council's Budget to provide the necessary administrative support for the committee.

Legal Implications

Sec.38 of the Emergency Management Act (EMA) 2005, refers.

Community Consultation

N/A

Attachment(s)

1. Extract from EMA (Sec. 38).
2. State Emergency Management Policy 2.5.

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 12/11/2009) - COOLBELLUP TOWN CENTRE PRECINCT PROJECT COOLBELLUP AVENUE, COOLBELLUP - OWNERS: VARIOUS (9624) (A BLOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) note the submission from the Coolbellup Centre Owners Consortium dated 15 October 2009;

- (2) assist the landowners within Development Area No. 7 with the preparation of a consolidated structure plan for the whole development area in accordance with the following terms:
1. Strategic planning officers be available to be part of a working group and/or to provide planning information in respect of the studies needing to be commissioned by the landowners within Development Area No. 7 in order to prepare a consolidated structure plan.
 2. Landowners undertake at their expense all the necessary studies and preparation of proposals for their landholdings at a sufficient level of detail for inclusion in an overall consolidated structure plan for Development Area No. 7.
 3. Landowners provide specific proposals and relevant supporting information for their landholdings so that strategic planning officers can produce a consolidated structure plan and supporting report.
 4. The timing for the preparation of the consolidated structure plan be dependant on the provision of all adequate information from all landowners, and dependent on work commitments of the strategic planning team.
- (3) advise landowners in the Town Centre Precinct and those who made a submission on the previously advertised Town Centre Revitalisation Survey.

COUNCIL DECISION

Background

Since November 2001 a number of studies have been undertaken in respect to the redevelopment of Coolbellup as part of the New Living Project undertaken by the then Department of Housing and Works. More recent studies including one by Syme Marmion have primarily focused on the possible revitalisation of the town centre precinct which includes the hotel, bottle shop and shopping centre land.

A report on the outcomes of the Syme Marmion investigations on the redevelopment of the existing shopping centre site and the development of a new shopping centre on the hotel site was presented to Council at its meeting held on 13 December 2007. At that meeting

Council resolved to seek community, landowner and tenant feedback on the options and proposals prepared by Syme Marmion, in order to gauge the level of support for the redevelopment of the Coolbellup Town Centre (Minute No. 3629).

The results of the owner and community consultation were presented to Council at its meeting held on 9 July 2009 (Item 14.4 - Minute 3994). The officer recommendations in the Agenda report were as follows:

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

Prior to Council meeting on 9 July 2009, a letter was received from Mr Martin Dawkins on behalf of the Coolbellup Centre Owners Consortium requesting that this matter be deferred until September. This was in order to allow further time to consider the report, and to consult with the respective owners within the town centre precinct (see Agenda attachments for a copy).

At the meeting of 9 July 2009, Council subsequently agreed to defer determination for three months, in order to allow the various landowners of the shopping centre time to prepare an alternative scenario.

This time frame has now passed and a formal response has been received from the landowner representative. Consideration of this response and a recommended path forward, form the basis of this report.

Submission

A letter dated 15 October 2009 from Mr Martin Dawkins, on behalf of the Coolbellup Centre Owners Consortium. This details the owners'

position in respect to the redevelopment of the Coolbellup Town Centre, and requests Council's assistance with the preparation of an overall structure plan as required by City of Cockburn Town Planning Scheme No. 3 ("Scheme") (copy included in Agenda attachments).

Report

Since the meeting of Council held on 9 July 2009, Mr Martin Dawkins and Mr Noel Dawkins Snr (representing the Coolbellup Centre Owners Consortium) met with the Mayor, Councillors and senior officers to discuss the redevelopment of the Coolbellup Town Centre. Following this meeting, the owners' representative has presented its response to the Director of Planning and Development and Coordinator Strategic Planning.

The letter details the four separate entities within the Town Centre Precinct, the consultation undertaken and the views of each. It is clear from the letter that each party acknowledges the opportunity and need to redevelop and revitalise the Coolbellup Town Centre, and have made significant progress in determining their aspirations and how to progress forward from here.

The shopping centre owners have resolved that the Coolbellup Shopping Complex should remain at its present site with retail combined with medical and associated uses. They have also agreed to research the prospect and cost of engaging a professional planner and/or architect to advise on the design options for the renovation and remodelling of the present building and associated car park. In addition they are considering creating a building improvement fund for the subsequent upgrade works (should they proceed down this track).

The owners of the Coolbellup Liquor Store intend to retain the current building and business and are happy to participate in the preparation of an overall structure plan for the precinct which will lead to the formalisation of their planning approval.

The owners of the Coolbellup Hotel are open minded regarding the possible redevelopment of the site, and have engaged a planning consultant to prepare a strategy for their redevelopment options.

The owners of the site between the hotel and the shopping centre have agreed that the best way to redevelop their site is in conjunction with the hotel land, and will contribute to the cost of planning services incurred by the hotel.

In conclusion, the letter advises that the owners are of the opinion that the City should not proceed with a resumptive Town Planning Scheme. This is consistent with the previous officer recommendation No. 3 in the 9 July 2009 report to Council (which noted that a resumptive Town Planning Scheme would expose Council to an extreme level of

financial risk). The owners also request that Council staff assist them with the compilation of a consolidated structure plan, which is required by Development Area No. 7 provisions pursuant to the scheme. This specifically requires an overall structure plan to be prepared to guide subdivision and development of the land.

It is considered appropriate and manageable for the strategic planning team to assist the owners with the preparation of a consolidated structure plan for the whole of Development Area No. 7 on the following basis:

1. Strategic planning officers be available to be part of a working group and/or to provide planning information in respect of the studies needing to be commissioned by the landowners within Development Area No. 7 in order to prepare a consolidated structure plan.
2. Landowners undertake at their expense all the necessary studies and preparation of proposals for their landholdings at a sufficient level of detail for inclusion in an overall consolidated structure plan for Development Area No. 7.
3. Landowners provide specific proposals and relevant supporting information for their landholdings so that strategic planning officers can produce a consolidated structure plan and supporting report.
4. The timing for the preparation of the consolidated structure plan be dependant on the provision of all adequate information from all landowners, and dependent on work commitments of the strategic planning team.

It is recommended that Council agrees to the above basis for cooperation between the landowner groups and Council staff in preparation of a consolidation structure plan.

In respect to the officer recommendations contained in Agenda Item 14.4 of OCM 9 July 2009, it is considered that these are now generally irrelevant and there is no need for Council to make any specific action as these were not adopted by Council.

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

Employment and Economic Development

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

Budget/Financial Implications

As proponent of the structure plan, the City will be responsible for the cost of advertising in the local paper. These costs are relatively minor.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Letter from Centre Owners Consortium dated 6 July 2009
 Letter from Centre Owners Consortium dated 15 October 2009

Advice to Proponent(s)/Submissioners

The owners within the Town Centre Precinct and those who previously lodged a submission on the proposal have been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

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

Nil.

14.2 (OCM 12/11/2009) - CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 42 - LAND AFFECTED BY WESTERN POWER TRANSMISSION LINE CORRIDORS - OWNER: VARIOUS (93042) (A TROSIC) (ATTACH)

RECOMMENDATION

- (1) That Council, 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 for the purposes of:
- “1. Rezoning various land holdings affected by Western Power transmission line corridors as shown on the Scheme Amendment Map from ‘Parks and Recreation’ and ‘Public Purposes’ local reserves to ‘Special Use’ and being designated as ‘SU23’.

Background

The City of Cockburn ("City") has a number of overhead transmission lines which run through its district. These have existed for many years, coinciding with the development of nearby power stations within South Fremantle and Kwinana, and their associated power distribution infrastructure. These transmission lines have and continue to perform this very important power distribution function, delivering power to meet the needs of Perth, the wider State and the whole economy generally.

Land which the transmission lines traverse within the City range in ownership patterns - this includes private ownership, Crown land, ownership by Western Power, ownership by the Western Australian Planning Commission and finally ownership by the City. Such land is typically burdened by an easement in favour of the transmission line operator (Western Power) so as to accommodate the power lines, and to give unobstructed access to them for service and maintenance purposes, and perhaps incidentally to protect the transmission lines from inappropriate development. This is the normal approach taken throughout the Perth Metropolitan Area in respect of where transmission lines affect privately owned land. Attachment 1 shows the various ownership of land affected by the transmission line corridors.

In terms of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), some of the privately owned land comprising transmission line infrastructure is currently designated as 'Parks and Recreation' and 'Public Purposes' local reserves under the Scheme (on the western side of the Kwinana Freeway). While this arrangement has functioned adequately to date, landowners have recently approached the City to discuss what potential there is to better utilise land beneath transmission line infrastructure. Being privately owned land, landowners have a legitimate right in exploring potential uses for their land. While noting the obvious constraints associated with privately owned land affected by the transmission line infrastructure, investigations undertaken by strategic planning staff reveal a number of limited land uses which are possible for land comprising transmission line infrastructure. These uses are also consistent with the urbanised context within which the identified privately owned land parcels exist.

In order to facilitate this, an amendment to the Scheme needs to be progressed so as to appropriately plan for and control the identified limited uses of the land. This is the purpose of this report, to introduce a new 'Special Use' zone for privately owned land beneath transmission line infrastructure which is currently reserved 'Parks and Recreation' and 'Public Purposes' under the Scheme.

Submission

N/A

Report

Staff have undertaken an examination of the scheme regarding the designation of local reserves. The purpose of this was to identify whether there were any specific examples of land being unnecessarily reserved by the scheme, hence limiting the proper and orderly use of land for the mutual benefit of landowners and the community as a whole.

In examining the scheme, it was found that in the main land reserved under the scheme reflected both its identified purpose and public ownership, and accordingly was appropriate on this basis. One exception however was land which high voltage transmission lines traversed within the City and which was in various private land ownerships. Parts of this land on the western side of the Kwinana Freeway only was found to be designated as 'Parks and Recreation' and 'Public Purposes' local reserves under the scheme, notwithstanding the land being privately owned (refer Attachment 2). Land on the eastern side of the Kwinana Freeway was not a problem, as it was appropriately zoned to allow compatible land use to occur.

Affected landowners had also approached the City to discuss what potential there was to better utilise their land beneath transmission line infrastructure. While noting the obvious constraints associated with the transmission line infrastructure, investigations undertaken by strategic planning staff revealed a number of limited land uses which were possible for land comprising the transmission line infrastructure.

The following land uses (and their associated definitions) were identified in this respect:

Carpark: - means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale.

Civic Use - means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes.

Community Purpose - means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

Nursery - means land and the buildings used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticultural and garden décor.

Public Amusement - means land and buildings used for the amusement or entertainment of the public, with or without charge.

Recreation Private - means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.

This report therefore seeks Council's support to initiate a Scheme Amendment in order to introduce these land uses for the land shown in the attachment by way of a new 'Special Use Zone No. 23'. The identified set of land uses are quite narrow, but this is a requirement given such land exists within an urbanised residential context and must therefore be consistent with protecting and maintaining residential amenity.

The amendment will not apply to land on the eastern side of the Kwinana Freeway, as this is currently zoned under the Scheme and adequately managed based on the zone requirements and objectives specified by the Scheme. The scope of this Scheme Amendment is therefore only on the privately owned land on the western side of the Kwinana Freeway which is currently designated as 'Parks and Recreation' and 'Public Purposes' local reserves under the scheme.

In terms of use permissibility, the Scheme Amendment seeks to designate the following:

'Carpark' and 'Nursery' - Designated as a 'P' (permitted) use pursuant to Part 4 of the Scheme.

'Civic Use', 'Community Purpose', 'Public Amusement' and 'Recreation - Private' - Designated as 'A' (discretionary subject to special notice) uses pursuant to Part 4 of the Scheme.

All other uses are not permitted ('X' uses)

This use permissibility allows for a permitted use to take place which is important in terms of demonstrating that something can be developed on the land. The other uses will be discretionary (which requires the Council to consider the appropriateness of the use in each case) and subject to special notice. Uses not listed will be prohibited.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The City will be responsible for preparing and the progress of the Scheme Amendment documentation through to final approval; these costs are relatively minor.

Legal Implications

The approach being pursued through this Scheme Amendment has been vetted by Council's Solicitors. A copy of legal advice is included under separate confidential cover.

Community Consultation

The Scheme Amendment will be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*. Specific landowners affected by the transmission line corridor will be consulted, as well as Western Power regarding the uses identified as being possible on the land.

Attachment(s)

1. Map showing land ownership
2. Maps showing Scheme Amendment
3. Legal advice 'Confidential' - (provided under separate cover)

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.3 (OCM 12/11/2009) - CONSIDERATION OF TECHNICAL ASSESSMENT UNDERTAKEN OF COUNCIL'S ALTERNATIVE INTERMODAL TERMINAL LOCATION - OWNER: N/A (9335) (A TROSIC) (ATTACH)

RECOMMENDATION

That Council:

1. note the findings of the further technical assessment undertaken regarding Council's alternative intermodal terminal location;
2. reiterate Council's position supporting the retention of the rural area between Latitude 32 and the Thomsons Lake/Harry Waring Marsupial conservation reserves as primary strategic objective, and that this objective be reflected in planning for the future

intermodal terminal, Latitude 32 and Western Trade Coast;

3. seek assurances from the Department of Planning and LandCorp to ensure that the proposed intermodal terminal and associated freight village proposal has no adverse impacts on any existing or future rural or residential areas, particularly those adjacent to access roads and rail links;
4. once a final location has been endorsed, request the State Government to act immediately to acquire this land so as to not financially disadvantage landowners who would otherwise have short to medium term industrial development potential as part of Latitude 32; and
5. request the Department of Planning to directly involve the City's Strategic Planners in the remainder of the study and all planning for Latitude 32 and the broader Western Trade Coast.

COUNCIL DECISION

Background

In December 2008 the Department of Planning (“DoP”) released the ‘Report for Kwinana Intermodal Terminal - Site Evaluation and Planning Study’ (“Draft Study”) for public comment. This discussed the proposal for a new intermodal terminal facility to be developed within Latitude 32, with a preferred location identified between Russell Road and Rowley Road, along the existing freight railway. Assessment of the Draft Study by officers revealed a number of significant concerns regarding the preferred location including:

1. Major rail, truck and other noise impacts on the adjoining/nearby rural communities. Potential impacts would be particularly severe on the rural residents in the area between Latitude 32 and Thomsons Lake/Harry Waring conservation reserves, and residential communities fronting Russell Road within the Success and Hammond Park localities.
2. Impacts on the viability and function of Russell Road. In this respect, Russell Road had always been viewed as a lower order road connection due to it passing through sensitive environmental areas (Thomsons Lake) and existing residential development. The current road reserve is also very limited (20m for much of its length), making it difficult to consider as a serious freight route.

While the Draft Study suggested a major flow of traffic along Rowley Road to the south, the magnitude of predicted traffic was such that both north and south access routes would be required. For this reason Russell Road seemed highly impractical for consideration as a freight route.

Recognising the degree of both officer and community concerns with the Draft Study and its identified preferred location, a report was presented to Council on 12 February 2009. Council passed the following resolution in this respect (Minute No. 3892):

- (1) *support retention of the rural area between Latitude 32 and the Thomsons Lake/Harry Waring Marsupial conservation reserves;*
- (2) *request the Department for Planning and Infrastructure (DPI) and Landcorp to ensure that the Intermodal/freight village proposal has no adverse impact on any rural or residential area including those adjacent to access roads and rail links;*
- (3) *endorse the alternative Intermodal proposal prepared by the City's Strategic Planners as Council's preferred option;*
- (4) *make a formal presentation on the City's alternative Intermodal proposal to both local members of Parliament (Mr Joe Francis MLA Jandakot and Mr Fran Logan MLA Cockburn), both of who's Electors would be potentially impacted by the Study's preferred Intermodal option;*
- (5) *lodge a submission on the Kwinana Intermodal Terminal Study with DPI which incorporates the matters raised in this Agenda report and the officer comments in the Agenda attachments;*
- (6) *make a formal presentation to the Department of Planning and Infrastructure regarding the City's alternative Intermodal proposal, and request that this be formally considered and assessed; and*
- (7) *request the DPI to directly involve the City's Strategic Planners in the remainder of the study including a review of submissions.*

In terms of Council's strong position identifying significant concerns regarding the preferred location, and also that Council had identified a potential alternative location, the DoP decided to fund a further technical investigation of the intermodal terminal proposal. The purpose of this further technical investigation was to examine the feasibility of Council's alternative site, in order to ascertain whether it was a viable option in which to proceed with. The technical assessment has now been completed, and is the topic of this report. A copy of the technical assessment is provided in Attachment 1.

Submission

N/A

Report

As mentioned, the DoP saw the need to fund further investigations into the proposal for an intermodal terminal facility to be developed within Latitude 32. This was a direct result of the significant concerns raised by both Council and the community in relation to the Draft Study, and particularly the preferred location which the Draft Study had identified between Russell Road and Rowley Road along the existing freight railway. The preferred location identified by the Draft Study is shown in the attachment.

The further investigations undertaken by DoP involved funding an independent technical assessment of the alternative intermodal terminal location which was suggested by Council (refer to Attachment 3). This alternative location was a precinct of land bound by the future Rowley Road (north), Mandogalup Road (east), Alcoa Residue Disposal Area (south) and existing freight railway (west). This alternative location was identified as one which the original Draft Study had not investigated as a potential option, and which (in Council's view) met the stated location and operational criteria need to accommodate an intermodal terminal facility.

The technical assessment of Council's alternative location was undertaken by Mr Paul Fisher, Manager of Transportation at GHD. The purpose was to examine the feasibility of Council's alternative site, in order to ascertain whether it was a viable option in which to proceed with. This feasibility was judged against the following criteria:

- environment constraints;
- geotechnical conditions;
- topographical factors and future ground levels;
- existing infrastructure, including ability to relocate major services;
- planning and zoning;
- ability to effectively connect to the existing rail network and provide the necessary rail services i.e. train length, shunting capability, track configuration;
- ability to effectively connect to the existing and planned road network;
- ability to develop a core terminal area and supporting infrastructure;
- ability to develop integrated terminal support areas;
- ability to interface with an associated industry park / cluster development; and

- ability to effectively integrate transport connections with the proposed Outer Harbour and the proposed private port at James Point.

In reviewing the technical assessment, each of these criteria have been investigated in a high level of detail and the findings of each criteria have come together to form a position in relation to Council's alternative option. In this respect the conclusion of the technical assessment of Council's alternative option is as follows:

The City of Cockburn proposal for an intermodal terminal has no significant advantages over the Government's preferred option, and significant disadvantages. In particular, the following points have been identified:

- The site area is adequate for core terminal activities, but has limited opportunities for support activities or future expansion.
- Flexibility in site layout and future development is limited.
- The site has insufficient length to accommodate an 1800 metre train, thus requiring realignment of the Midland Kwinana railway. (This in turn may have significant impacts on the Western Power high voltage power lines).
- Rail connection between the site and the proposed outer harbour could severely impact the interchange of Rowley Road and the Fremantle Rockingham highway.
- The site severs the north-south industrial road, causing significant impacts to the planning and operation of Latitude 32.
- Relocation of two major gas pipelines and a major water pipeline would be required – relocation of the gas pipelines in particular appears to be a significant task.
- The very deep excavations required may have environmental impacts, especially on the bush forever site and groundwater levels.

Several of the above points are sufficiently serious that they would rule out the feasibility of the City of Cockburn proposal for an intermodal terminal south of Rowley Road. Taken collectively, the issues would render the proposal highly unlikely to succeed.

In reviewing the technical assessment, it is generally concluded that it has been prepared in a reasonably robust and objective manner, notwithstanding it being funded by the DoP. In compiling the technical assessment strategic planning officers were afforded the opportunity to provide detailed justification in support of Council's alternative option - however on balance this has not produced an outcome favouring the option. While there are undoubtedly some minor areas of disagreement in respect of the rating of some of the specific selection criteria, on balance the conclusion that Council's alternative option has some fatal flaws is noted.

From an officer's viewpoint, it is becoming clear that Council's alternative option will not gain support from the State Government, particularly given the conclusion of this technical assessment. While strategic planning officers still believe Council's alternative option to be technically feasible, the further technical assessment which has been undertaken concludes that the alternative option would be highly unlikely to succeed. While this is disappointing, there is still a very critical role for Council to play in ensuring that the DoP preferred option is implemented in the most appropriate manner so as to limit (and prevent) impacts on City of Cockburn residents.

This in essence forms the recommendation to Council, being:

1. To note the findings of the further technical assessment undertaken regarding Council's alternative intermodal terminal location.
2. Reiterate Council's position supporting the retention of the rural area between Latitude 32 and the Thomsons Lake/Harry Waring Marsupial conservation reserves as of key strategic importance, and that this importance be reflected in planning for both the future intermodal terminal and Latitude 32.
3. Seek assurances from DoP and Landcorp to ensure that the proposed intermodal terminal and associated freight village proposal has no adverse impacts on any existing or future rural or residential areas, particularly those adjacent to access roads and rail links.
4. That once a final location has been identified, the State Government act immediately to acquire this land so as to not financially disadvantage landowners who otherwise would have short to medium term industrial development potential as part of Latitude 32.
5. Request the DoP to directly involve the City's Strategic Planners in the remainder of the study and all future planning for Latitude 32 and the broader Western Trade Coast.

Strategic Plan/Policy Implications

Governance Excellence

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

Employment and Economic Development

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

- To pursue high value employment opportunities for our residents.

Transport Optimisation

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

Budget/Financial Implications

NA

Legal Implications

NA

Community Consultation

Those who made submissions regarding the initial Draft Study were advised of the further technical assessment being undertaken of Council's alternative option. There isn't however any further proposal for community consultation to occur, and it is therefore important that Council seek to ensure that any potential impacts associated with the proposed intermodal terminal are limited or ideally prevented.

Attachment(s)

1. Technical assessment undertaken of Council's alternative intermodal terminal location
2. Preferred location identified in the original Draft Study
3. Council's alternative location

Advice to Proponent(s)/Submissioners

NA

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

NA

14.4 (OCM 12/11/2009) - CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 70 FOR FINAL APPROVAL - WATSONS AND SURROUDING LAND (PACKHAM NORTH) OWNER: VARIOUS - (93070) (R DONG, A BLOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions contained in the attachments to this report;

- (2) adopt Amendment No. 70 to City of Cockburn Town Planning Scheme No. 3 for final approval subject to the following modifications:
 1. Deletion from the new Development Contribution Area ("DCA") the provision relating to over and above road costs.
 2. Inserting a new provision into the DCA clarifying uses that will not be contributing to public open space provision.
 3. Modifying the DCA provision relating to drainage to clarify the application of credits.
 4. Modifying the DCA to include land associated with traffic management devices.
- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (4) advise submitters of Council's decision accordingly.

COUNCIL DECISION

Background

The land the subject of this amendment comprises some 75 lots located east of the Port Coogee development and bound by Cross Road, Mell Road, Rockingham Road and the 'Railways' reservation (refer Attachment 1). The total area of the subject land is approximately 79ha, with lots ranging in size from 483 m² to 10.74ha. The lots are owned by various landowners including George Weston Foods Ltd, the owner of the former Watsons Factory. A schedule of ownerships can be found in the Scheme amendment documentation (refer Attachment). The subject land was previously affected by the Watson's Factory odour buffer, with this the primary reason as to why the subject land could not be rezoned and developed for residential purposes. There has certainly been continued pressure from landowners affected by the odour buffer to pursue residential development - something which could not occur while the Watsons Factory remained in operation.

In this respect, in mid 2008 George Weston Foods formally announced their intention to close the Watsons Factory and subsequently the closure took effect in April 2009. The closure of the factory signifies the effective end of the odour buffer, which provides the opportunity for residential development to now be planned.

Reflecting this, Council at its meeting held on 12 February 2009 resolved to initiate Amendment No. 70 to City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The amendment seeks to introduce an appropriate zoning status under the Scheme to enable:

1. The preparation and administration of a structure plan in order to coordinate and guide urbanisation occurring.
2. The sharing of development costs among benefiting landowners for key infrastructure items (both physical and environmental).

In accordance with Council's resolution and statutory requirements, the amendment was advertised for 42 days following receipt of environmental clearance. This report now considers the amendment for final approval, following the outcomes of the public advertising.

Submission

N/A

Report

Scheme Amendment No. 70

The amendment was referred to the Environmental Protection Authority ("EPA") in accordance with the requirements of the *Environmental Protection Act 1986*. The EPA decided that the amendment should not be formally assessed, but provided advice and recommendations. This advice and recommendations has been suitably addressed in the Schedule of Submissions (refer Attachment).

Following clearance from the EPA, the amendment was advertised for public comment for a period of 42 days, concluding on 10 September 2009. This included an advertisement being placed in the Cockburn Gazette and affected landowners and government agencies being notified in writing and invited to make comment. Information was also made available at the City of Cockburn ("City") Administration Office and on the City's website.

Advertising of the amendment resulted in 25 submissions of no objection being received. A significant number of landowners strongly support the proposed rezoning, recognising broadly the landowner desires for urbanisation to occur. While there is no objection raised in the submissions, there are issues raised which need to be addressed. These have been addressed in detail in the Schedule of Submissions

(refer Attachment), with this analysis demonstrating that all issues can be fully addressed through the normal Scheme amendment, structure planning and subdivision/development processes. Accordingly no further comment in this report regarding these issues is necessary.

Information Night

In addition to the above consultation, the City arranged an information night on 31 August 2009 and invited all landowners (including representatives) to the meeting. This had a primary purpose to help landowners better understand the planning process with respect to the amendment, and also the subsequent requirements for structure planning to occur.

Approximately 50 people attended the information night, with many asking questions in relation to both the future process and timeframes to achieve ultimate subdivision and development. Overall, there was a clear positive and supportive view to the work which the City was doing in leading the planning and Scheme amendment process for the land.

Zoning Rationale

As mentioned in the Scheme amendment report (Attachment 2), the amendment proposes to rezone the subject land to 'Development'. This will require the subsequent preparation of a structure plan, in order to effectively demonstrate how coordinated urbanisation of the subject land can occur. This 'Development' zone approach is the optimal way for approaching new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate the design and end form of the precinct.

The City is also in the process of engaging an engineering/environmental consultant to prepare a Local Water Management Strategy for the subject land. This will provide vital information to inform the preparation of the structure plan. It is anticipated that by mid November 2009 the City should have appointed a suitable consultant to prepare the Local Water Management Strategy. This will enable preparation of the structure plan to start in early 2010.

Recognising the highly fragmented nature of land ownership, a comprehensive development contribution area and plan is being introduced via the Scheme amendment. This will ensure that costs of key infrastructure which benefit multiple landowners are equitably shared amongst those benefiting landowners. The development contribution plan specifies both physical and environmental infrastructure for cost sharing, including:

1. Some drainage provision and construction.
2. Public open space provision and development, including wetland restoration.
3. Preliminary professional services prefunded by the City including drainage, engineering, environmental, servicing, traffic and planning.
4. Further studies and/or design work prefunded by the City which relates to common infrastructure items.
5. Costs to implement and administer cost sharing arrangements of the development contribution area.

In terms of the recommendation to Council, it is noted that four modifications are required in specific relation to the development contribution area provisions of the amendment. These recommendations have come out of further review of the cost provisions, in order to ensure that arrangements are workable and equitable in terms of the future urbanisation of the land. The specific modifications are listed as follows:

1. Deletion from the new Development Contribution Area ("DCA") the provision relating to over and above road costs.
2. Inserting a new provision into the DCA clarifying uses that will not be contributing to public open space provision.
3. Modifying the DCA provision relating to drainage to clarify the application of credits.
4. Modifying the DCA to include land associated with traffic management devices.

Conclusion

Scheme Amendment No. 70 is consistent with the planning objectives for this subject land from both local and state planning perspectives. Approval to the amendment will facilitate the land to be developed for urban purposes in an orderly and proper planning manner. Given the strong support received following advertising, and the basis to ensuring that coordinated development can occur by way of subsequent structure planning, it is recommended that Council adopt the amendment for final approval subject to the mentioned modifications.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

- To conserve the character and historic value of the human and built environment.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period concluded on 10 September 2009. At the close of advertising, 24 submissions were received.

Attachment(s)

1. Location Plan
2. Scheme Amendment Document
3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The persons those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

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

Nil.

14.5 (OCM 12/11/2009) - PROPOSED CLOSURE OF REDUNDANT PEDESTRIAN ACCESS WAY - CASSIO PLACE TO BOURBON STREET, HAMILTON HILL (4309727) (135908) (K SIM) (ATTACH)

RECOMMENDATION

That Council request that the Minister for Lands close the Pedestrian Access Way between Cassio Place and Bourbon Street, Hamilton Hill.

COUNCIL DECISION

Background

This Pedestrian Access Way ("PAW") closure, together with the closure of a former PAW between Erpingham Road and Cassio Place, was recommended and supported by Council in 1996. The closure of the PAW between Erpingham Road and Cassio Place was completed in July 1997. However, the closure between Cassio Place and Bourbon Street was not finalised due to the failure of the adjoining landowner (Department of Housing) to purchase the land at the time.

Submission

The Department of Housing has now written to the City of Cockburn ("City") requesting that Council resolve to close that portion of the PAW between Cassio Place to Bourbon Street, Hamilton Hill, which adjoins its property at Lot 452 Cassio Place.

Report

The lots on either side of the eastern section of the subject PAW have been in the ownership of the Department of Housing since well before 1996. Recently the units on the north side (24 Watterton Pace) have been refurbished and sold into private ownership.

Sometime between 1997 and 2008 the Department of Housing effectively closed the PAW by constructing a retaining wall approximately 2m high within it. The Department of Housing still retains the land on the high side of the retaining wall, and are in the process of refurbishing the four units on the site.

Given that the retaining wall for Lot 452 Cassio Place has been constructed within the PAW, it is necessary to close the PAW and require the Department of Housing to purchase the portion of the PAW adjoining their property. State Land Services have approved the acquisition, subject to a purchase price and a resolution to close the

PAW from the City. The balance of the PAW, being from Watterton Place to Bourbon Street, is required by the City as it forms portion of a two lot approved subdivision of Council freehold owned land. State Land Services have similarly approved this purchase subject to a purchase price being determined by the Valuer General's Office and Council resolution to close the PAW.

The previous closure action initiated by the City around 1996 only covered the portion of the PAW between Cassio Place and Watterton Place. Given the elapse of time it is considered expedient for a fresh closure resolution of the entire PAW between Cassio Place and Bourbon Street, in order to meet the requirements of both the Department of Housing and the City.

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

Funds for the Land Purchase have been accounted for in the 2009/10 Budget.

Legal Implications

Land Administration Act 1997

Community Consultation

Community consultation was undertaken as part of the Phoenix Rise Master Plan preparation. There was overall support for the rationalisation and disposal of non-required and under-utilised PAW's.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

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

Nil

14.6 (OCM 12/11/2009) - CONSIDERATION TO ISSUE TAKING ORDER AND DEDICATION OF LAND FOR ROAD PURPOSES - LOT 24 SIMPER ROAD, YANGETUP (4309727) (K SIM) ATTACH)

RECOMMENDATION

That Council:

- (1) enter into an agreement to acquire (by agreement) portion of Lot 24 (Plan 6922) Simper Road, Yangebup for road widening purposes;
- (2) request the Minister for Lands to issue a taking order pursuant to Section 177 of the *Land Administration Act 1997* to take the required portion of Lot 24;
- (3) request the Minister for Lands to dedicate the required portion of Lot 24 as road reserve pursuant to Section 56 of the *Land Administration Act 1997*; and
- (4) indemnify the Minister for Lands against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION

Background

Approval to commence development was granted to the owner of Lot 24 Simper Road, Yangebup ("subject land") on 19 March 2009. A condition of the approval was that the owner transfer nominated road widening and truncations to the Crown free of cost.

Submission

The owner has written to the City of Cockburn ("City") with an undertaking to execute a taking order, transfer the required portion of land and pay all legal costs required to vest the road widening and truncation as road reserve.

Report

The owner has agreed to enter into a legal agreement with the City and pay all legal costs. The Agreement is to be prepared by the City's Solicitors, and will follow the provisions as set out in Section 168 of the *Land Administration Act 1997* for the taking of interests in land by agreement. The agreement specifies that the transfer is at no cost to either the City or the Crown and that there is no compensation payable.

In order for the land to be legally described, it is necessary that a Survey Plan be prepared. The owner has engaged and paid for a firm of licensed surveyors to prepare the necessary Deposited Plan.

Once the agreement has been finalised, Council can request that the Minister for Lands issue a taking order for the subject land. The dedication of the subject land as road reserve is then requested pursuant Section 56 of the *Land Administration Act 1997*.

The procedure promoted by Council officers and agreed to by the owner will ensure that the road widening and vesting occurs in a timely manner. Currently, part of the road formation, sewer and water mains encroach onto the subject land. This will be rectified via the road widening and vesting process.

In the case of the truncation, the vesting will ensure that standard sight distances will be established at the intersection of recently constructed Erceg and Simper Roads.

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)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

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

Nil

14.7 (OCM 12/11/2009) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 OF LAND ADMINISTRATION ACT 1997 - PORTION OF JAA LOT 572 (RESERVE 39181) BARTRAM ROAD, SUCCESS (450012, 5514402) (K SIM) (ATTACH)

RECOMMENDATION

That Council:

- (1) request the Minister for Lands to dedicate portion of JAA Lot 572 (Reserve 39181) Bartram Road, Success 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 is a 12 m strip on the western boundary of JAA Lot 572 (Reserve 39181) Bartram Road, Success ("subject land"), plus a standard truncation on the corner of Bartram Road and Hammond Road.

Submission

The Department of Agriculture and Food Western Australia ("DAFWA") has written to the City of Cockburn ("City") requesting that the road widening be excised from the subject land. DAFWA is the management authority for the subject land which is a former apiary site. The subject land is currently a Crown reserve, but is in the process of being planned for urbanisation.

Report

DAFWA has for many years had the management of the subject land for the purposes of an apiary site. As it is no longer required for that purpose, DAFWA (through planning consultants) has undertaken a process to rezone the land under the Metropolitan Region Scheme and City of Cockburn Town Planning Scheme No. 3 in order to allow urbanisation to occur. The completion of this rezoning process will enable DAFWA to dispose of the land, conditional on approval from the State's Property Asset Clearing House. The clear intention being to dispose of the land to a party who intends to subsequently develop the land for urban purposes.

Prior to submitting the application to the State's Property Asset Clearing House, DAFWA has been advised by State Land Services to excise from the subject land the portion required for the widening of Hammond Road. This road widening will enable the future upgrade of Hammond Road to a dual carriage way.

As this is consistent with the ultimate planned function for Hammond Road, it is recommended that Council facilitate the road widening 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)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

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

Nil

14.8 (OCM 12/11/2009) - CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 79 - MODIFYING RESTRICTED USE NO. 13 TO PERMIT ADDITIONAL USES: LOCATION - LOT 885 WENTWORTH PARADE, SUCCESS: OWNER - CITY OF COCKBURN (93079) (A BLOOD) (ATTACH)

RECOMMENDATION			
<p>(1) That Council, in pursuance of Section 75 of the <i>Planning and Development Act 2005</i> ("Act"), initiate and adopt Amendment No 79 to City of Cockburn Town Planning Scheme No. 3 for the purposes of:</p> <p>1. Amending the requirements for Restricted Use No 13 (RU13) in Schedule 3 of the Scheme Text by deleting the existing restriction and including the following:</p>			
No	Description of Land	Restricted Use	Conditions
RU 13		Land use permissibility within the subject land shall be in accordance	

		with the Regional Centre Zone as set out in Table 1- Zoning table with the exception of a shop use. In respect to shop use contained in the Zoning table, “pharmacies”, “chemists”, “restaurants” and “café” shall be permitted whilst all other uses defined as “Shop Retail” in Appendix 4 of the Metropolitan Centres Policy Statement for the Perth Metropolitan Region (SPP4.2) shall be excluded.	
<p>(2) That as the amendment is in the opinion of Council consistent with Regulation 25(2) of the <i>Town Planning Regulations 1967</i> (“Regulations”), and upon receipt 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. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.</p> <p>(3) That the amendment documentation be prepared in accordance with the standard format prescribed by the Regulations.</p>			

COUNCIL DECISION

Background

Recently, the Federal Government approved funding to the City of Cockburn (“City”) for the construction of a GP Super Clinic on Lot 885 Wentworth Parade, Success (“subject land”) see location map in the agenda attachments. The subject land is owned by the City, and forms part of the broader activity centre focussed around the Gateways Shopping Centre and Cockburn Central Town Centre.

While the land is ideally zoned to accommodate the Super Clinic, the current requirements of City of Cockburn Town Planning Scheme No. 3 ("Scheme") prohibit some very important support elements being developed with the Super Clinic. It is therefore necessary to amend the Scheme, in order to deliver the most appropriate development form possible for the Super Clinic.

Submission

N/A

Report

The Super Clinic proposal is for an integrated medical facility accommodating 8-10 general practitioners, offices, support services (including pathology and radiology), minor procedure theatre and training area. The balance of the subject land will be available for lease for other medical and allied health services including pharmacy, clinical psychologists and the like. The subject land and its usage will also be enhanced by the provision of a café/restaurant, adding to the desire of creating a humanised environment focussed on the allied health objectives for the Super Clinic. A City regional library and office accommodation suitable for government agencies is also proposed on the City owned land.

The land is currently zoned 'Regional Centre' and is subject to Restricted Use No. 13 ("RU13") under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). RU13 provides that Lot 885 can be developed and used for any of the uses permitted within the 'Regional Centre' zone, with the exception of any use defined as 'Shop Retail' in the Metropolitan Centres Policy Statement for the Perth Metropolitan Region. This effectively excludes uses such as pharmacy/chemist, and restaurant/café. Particularly the pharmacy/chemist is essential for the operation of the Super Clinic, and it is unreasonable to expect patients to access chemists within the Gateways Shopping Centre given both problematic pedestrian and vehicle access barriers between the two.

Accordingly it is proposed to amend the Scheme requirements of RU13 in order to allow for pharmacy/chemist and restaurant/café uses to be permitted on the land. This will allow for the Super Clinic vision to be achieved, and is completely justifiable on proper and orderly planning grounds.

It is therefore recommended that Council resolve to initiate Scheme Amendment No. 79, to allow for these uses to be established within the subject land.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

The City will be responsible for preparing and progressing the Scheme Amendment documentation through to final approval. The costs incurred by the City for advertising will be relatively minor. There are adequate funds in GL Account 505 6206 to cover the advertising costs.

Legal Implications

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

Community Consultation

The Scheme Amendment will be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*. Adjoining landowners will be notified by letter and a notice placed in the local paper.

Attachment

Location Plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.9 (OCM 12/11/2009) - DEVELOPMENT ASSESSMENT PANELS IN WESTERN AUSTRALIA (9006) (D ARNDT) (ATTACH)

RECOMMENDATION

That Council advises the Department and the Minister for Planning that, in respect of the proposed model for Development Assessment Panels:

1. Council does not support the introduction of Development Assessment Panels in the form proposed in the discussion paper, but would support a system of Development Assessment Panels similar to that introduced in New South Wales. Specifically that the criteria for applications being considered by Development Application Panels should not be based on monetary values but whether an applications is of a state or regional significance.
2. As a precursor to the implementation of Development Assessment Panels, Council recommends that the state government legislate for the mandatory reporting and publishing of development application data by local governments, in a consistent format that would enable comparison and benchmarking of performance between local governments.
3. Following a review of local government development application data, Council would support the implementation of Development Assessment Panels in areas where the development assessment process or the local government is underperforming, or where the local government agrees and/or has insufficient resources or technical expertise to assess large-scale complex development applications.
4. In those instances where Development Assessment Panels are introduced, Council recommends that consideration be given to expanding the range of applications determined by the panel, to ensure maximum benefit in terms of streamlining the development assessment process.
5. That a full review of fees and charges applicable to development applications be undertaken by the State Government to ensure that the fee schedule reflects a full cost recovery basis, taking into consideration the total costs involved in providing Development Application Panels by local government.

COUNCIL DECISION

Background

In March 2009, the Department of Planning (DP) released the “Building a Better Planning System” consultation paper, which set out a range of proposed planning reform initiatives.

One of the initiatives identified was the introduction of independent development assessment panels (DAPs) to deal with significant development applications. According to the Department, fifty submissions were received on this proposal, the majority of which requested more detail on the operation of the panels and the types of applications that would be referred to panels for determination.

On Friday 11 September 2009, the Minister for Planning announced the release of the discussion paper “Implementing Development Assessment Panels in Western Australia”. The discussion paper sets out the DAP model that the State Government is committed to implementing in Western Australia. Public comment is being sought on the discussion paper until 2 November 2009. The public comment period has subsequently been extended until 16 November 2009.

A copy of the discussion paper and the “Questions and Answers” leaflet that accompanies the discussion paper is attached.

The discussion paper makes it clear that DAPs will be mandatory in Western Australia and that comments are not being invited on whether DAPs should be introduced, but rather on the manner in which DAPs are proposed to operate. It is stated in the discussion paper that feedback received will be used to inform the drafting of enacting regulations to support the introduction of DAPs.

Submission

The key elements of the proposed DAP models are outlined below:

1. Two different types of panels will be established – Local Development Assessment Panels (LDAPs) and Joint Development Assessment Panels (JDAPs).
 - LDAPs will be established to determine applications made to a single local government, where that local government is deemed to be a high-growth local government with enough development to support its own panel. A LDAP is currently only proposed for the City of Perth.
 - JDAPs will be established to determine applications made to two or more local governments that are not considered by the minister to be high-growth local governments and do not have enough development to support their own LDAP. The discussion paper proposes that a JDAP would be established to cover the City of Cockburn, City of Fremantle,

Town of East Fremantle, City of Melville, City of Rockingham
and Town of Kwinana.

2. Development assessment panels will deal with “complex applications that will require specialist determination and will have significant impacts on the local or regional area”. DAPs will determine all development applications valued at \$2 million or more, where approval is required under a local planning scheme or a region planning scheme. Hence, the panel will be the decision-making body in place of the local government (in the case of an application under a local planning scheme), or the Western Australian Planning Commission (WAPC) (in the case of applications under a region planning scheme). The only development that will be exempt from the need to be determined by a DAP will be single houses, development of up to 10 ‘complying’ (i.e. with the Residential Design Codes) grouped or multiple dwellings, and minor applications, such as carports, shade sails, outbuildings and sheds.
3. Panels will consist of five members, comprising a chairperson (who must be a specialist member), two additional specialist members and two local government representatives, nominated by the respective local governments. The minister will appoint all panel members and will appoint the chairperson and deputy chairperson. Specialist members will be appointed from a register maintained by the minister, following a call for expressions of interest. All members will be appointed for a two-year term with an option to extend by an additional year (at the minister’s discretion).
4. In the case of joint development assessment panels, two local government representatives will be appointed from each member local government. Local government members will only sit on the panel when the application being determined by the panel has been made under their local planning scheme.
5. Sitting fees of \$400 will be paid to specialist members and \$500 to the chairperson. No sitting fee will be paid to local government representatives.
6. The costs of operating DAPs will be borne by local government. The discussion paper suggests that these costs can be funded from the development application fees already collected by local government. Local government is also expected to provide the secretariat support for DAPs and the venues for panel meetings. In the case of joint DAPs, the secretariat will be rotated between member local governments on a six monthly basis. Further, technical staff from each local government will need to attend panel meetings to present their reports and provide any clarification that may be required. Panel meetings will be open to

the public, unless a confidential item is being discussed. It is expected that panels will meet either monthly or fortnightly, depending on the number of applications to be determined and the statutory timeframes for determining them. Panels will operate for as long as the minister determines is appropriate.

7. The Department of Planning will prepare a Code of Conduct to govern the standards that panel members must abide by. The Department will also prepare an annual report summarising approval trends and the performance of each panel.
8. DAPs will make decisions in accordance with the existing planning framework, including local and region planning schemes and having regard to relevant local and State planning policies.
9. The local government or the WAPC will be responsible for assessing each application, preparing a report for the DAP's consideration, administering any conditions of approval imposed by the DAP and for responding to any applications for review (appeals) arising from panel decisions.
10. DAPs will have the right to engage specialist experts to prepare reports to assist in the decision-making process, at the expense of the relevant local government to which the application relates.
11. The minister will have the right to 'call in' any development application that would ordinarily be determined by a DAP, where the minister believes the project will have impacts beyond a single local government area. Under this arrangement, applications will be assessed by the local government and referred to the DAP for consideration. The panel will then submit a report containing its advice and recommendation to the minister. There will be no right of review to the State Administrative Tribunal (SAT) available against the minister's decision.

The stated objectives of the proposed DAP model is to:

1. Streamline the determination process for particular types of development applications, by eliminating the requirement for two decision-makers to make a decision on the same development application where the provisions of both local and region planning schemes apply.
2. Involve independent technical experts in the determination process, in accordance with the Development Assessment Forum (DAF) leading practice model.
3. Encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects.

4. Reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

Additionally, the "Questions and Answers" leaflet accompanying the discussion paper suggests that the DAP model will address the following alleged faults with the existing development assessment system:

1. Lack of transparency in local government delegated decision-making arrangements.
2. Lack of resources and technical expertise available to local government to assess large scale complex development applications in a timely manner.
3. Local representation or opposition influencing outcomes for large-scale, potential controversial developments.
4. Dual approvals that is currently required for a range of developments from both the local government and the WAPC.

Report

The City's response to the "Building a Better Planning System" consultation paper, expressed its strong opposition to the blanket introduction of development assessment panels. The Administration still maintains this same position and is of the view that development assessment panels should only be introduced in circumstances where the development assessment process or decision-making body is failing to meet established performance requirements.

To properly measure the performance of each local government, the State should (in the first instance) mandate the reporting of development assessment data and decisions by local government, in a consistent form, to establish performance benchmarks. Panels could then be introduced in those areas where performance benchmarks are not being met. This approach would be similar to the New South Wales model for planning assessment panels, where the minister has the power to appoint a panel or planning administrator in the following instances:

1. where, in the opinion of the minister, the Council has failed to comply with its obligations under the planning legislation;
2. where, in the opinion of the minister, the Council has unsatisfactorily performed its development assessment or planning role;
3. where the Independent Commission Against Corruption has written a report recommending the appointment of a panel due

- to serious corrupt conduct by a councillor in connection with the exercise of functions by the Council; or
4. where the Council agrees to the appointment.

The following table below provides a summary of the total number and value of development applications determined by the City in the past three financial years and identifies those applications that would now need to be referred to a DAP for determination.

Year	Total no. of applications determined	No. of DAP applications	Total value of all applications	Total value of DAP applications
2006/07	897	32	\$408,440,573	\$261,155,283
2007/08	1,012	38	\$2,086,203,254	\$1,885,917,101
2008/09	1,083	41	\$495,019,343	\$337,204, 501

The above table illustrates that, in the past three financial years, 3.7% of all development applications determined, were of a type that would now need to be referred to a DAP for determination. All such applications were determined by City staff, under delegated authority from Council and in accordance with District Planning Scheme No. 3 requirements and adopted Council policies. The average timeframe over the past three years for determining those applications was 49.7 days. This is well within the 60 day statutory timeframe afforded by the Scheme. Referral of such applications to a DAP would, in all likelihood, have increased the timeframe for determination due to the need for staff to prepare and submit formal reports to the panel for a decision and to attend panel meetings to present the reports.

Administration provides the following comments in response to the stated objectives of the proposed DAP model (as outlined in the detail section of this report):

1. Although DAPs will act as the single decision-maker in place of both the local government and the WAPC for certain types of applications, they will not (in themselves) eliminate the need for two separate approvals, under local and regional planning schemes. This is a severe shortcoming of the current planning system to which the State Government's planning reform efforts should be directed to addressing.
2. The City employs a broad range of technical experts to assess and determine development applications. It is, however, accepted that not all local governments will possess the same resources and expertise as the City of Cockburn and, as such, may benefit from access to the technical experts (specialist members) of DAPs.
3. Administration is of the view that an appropriate balance already exists in the City of Cockburn between independent professional

advice (provided by staff) and local representation (through elected members) in decision-making for significant projects.

Both administration and Council give careful and balanced consideration to all development applications and make determinations on the basis of the facts at hand and the individual merits of each proposal, not by adopting a populist approach to decision making.

4. The introduction of DAPs will reduce the number of 'complex' development applications being determined by local governments, simply because the power to make those decisions will be transferred to panels.

However, the workload involved in determining these applications will actually increase, as technical staff will still need to undertake a detailed assessment of each application (as they currently do), but will then also need to prepare a report to the panel and attend a panel meeting to present the report. This represents an increase in the actions and time taken to make a determination under delegated authority.

Administration provides the following comments on the alleged faults with the existing development assessment system, which are outlined in the "Questions and Answers" leaflet accompanying the discussion paper (as summarised in the Detail section of this report):

1. Any lack of transparency in local government delegated decision-making arrangements can be addressed by legislating for the mandatory reporting of all development application data by local government, in a consistent format that would enable comparison and benchmarking of performance between local governments. Introducing DAPs will only provide transparency for a miniscule proportion of development applications.
2. The City of Cockburn employs a large multi-disciplinary team of technical experts capable of efficiently and effectively assessing large-scale complex development applications.
3. It is reasonable and appropriate in a democratic system of governance for decision makers to have due regard to public sentiment on development applications. In fact, local planning schemes typically list this as one of the many matters to be taken into account when the local government makes a determination on a development application.
4. As mentioned earlier, the introduction of DAPs will do nothing to extinguish the current need for dual approvals under both local and regional planning schemes; that can only be achieved by legislative change and/or amending the relevant region scheme.

A summary of the various sections of the discussion paper and Administration's comments thereon (copy was previously circulated and a copy will also be in the Elected Members lounge). Although the document includes numerous comments on individual elements of the State Government's proposed DAP model, administration's position on the model can best be summarised as follows:

1. As a precursor to the blanket implementation of DAPs, the State Government should legislate for the mandatory reporting of all development application data by local government, in a consistent format that would enable comparison and benchmarking of performance between local governments.
2. Following a review and publishing of local government development application data, DAPs should be implemented in areas where the development assessment process or the local government is underperforming, or where the local government agrees and/or has insufficient resources or technical expertise to assess large-scale complex development applications. In this regard, the New South Wales model for planning assessment panels is supported.
3. In those instances where DAPs are introduced, consideration should be given to expanding the range of applications determined by the panel, to ensure maximum benefit in terms of streamlining the development assessment process.
4. The proposed ministerial 'call-in' power for applications of State or regional significance is not supported, nor is the absence of any right of appeal against the minister's decision in respect of such applications. Instead, it is recommended that a high-level expert panel be established to determine applications that are truly of State or regional significance, with a right of appeal available to the applicant against the panel's decision.
5. Consideration should also be given to:
 - Making changes to and providing clarification on certain aspects of the proposed DAP model, including – increasing the monetary cut-off from \$2 million to \$5 million; ensuring local government representatives are paid sitting fees equivalent to specialist members; ensuring panel membership comprises equal specialist and local government representation; the State Government contributing to the funding and resourcing of DAPs; the State Government providing clarification as to the assessment and reporting responsibilities for applications referred to a DAP for determination that would have otherwise been determined by the WAPC.

- Making legislative changes to eliminate the need for dual approvals under local and regional planning schemes.
- Ensuring that the WAPC's delegation of authority to local governments is reviewed and expanded to include DAPs.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

The state government's model for the implementation of Development Assessment Panels will increase the City's cost of development assessment. These costs are unbudgeted and would be both direct and indirect. Direct costs will be incurred from member sitting fees (which could range from \$3,900 to \$7,800+ depending on the frequency of panel meetings and the number of paid members); copying and postage charges; advertising charges and the cost of any technical reports commissioned by the panel. Indirect costs include secretariat support, technical support and staff time to prepare reports and attend panel meetings.

Legal Implications

A range of legislative changes will be required and new regulations enacted to implement the state government's proposed model for Development Assessment Panels.

Community Consultation

N/A

Attachment

Question & Answer Paper

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 12/11/2009) - LIST OF CREDITORS PAID - SEPTEMBER 2009 (5605) (N MAURICIO)

RECOMMENDATION

That Council receive the List of Creditors paid for September 2009, 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 September 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 – September 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 12/11/2009) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - SEPTEMBER 2009 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statements of Financial Activity and associated reports for September 2009, 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 & type, statutory program or business unit. The City has chosen to report the information according to its organisation structure and also by nature & 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 net current position (liquidity) remains very strong at \$79.2M. This will wind down progressively during the year as expenses exceed income. Council's major income sources (being rates and rubbish levies) are the major contributors to this result, as these are raised and recognised at the commencement of the financial year.

Council's cash position (including restricted cash) stands at \$80.9M. Rates collected during the 35 day payment period is comparable when compared to previous years at 54% of the amount levied (56% in 2008/09). This indicates that the elimination of the early payment discount had a minimal effect on Council's cash flows. As at 30 September, 68.2% of rates and charges had been collected.

On a YTD budget comparison basis, operating income is slightly down by \$595k. although at the time of closing the books for September, interest income of approximately \$200k had still to be recorded. Landfill income is slightly below budget as is interim rates income. See the attached report for the other variations for this month.

Income on investments is performing well to date, due to favourable rates being received on our term deposit investments. With likely rate rises later in the financial year, this area should generate above budget funds.

Cash operating expenses continue to track behind budget by \$4.2M, mainly in material and contract costs. Large variances appear within the Waste Services, Community Services and Parks and Environmental Business Units and these are explained in the attached report.

Council's capital spend is \$4.5M below YTD budget, the main contributors to this being the recreation facility projects at Success and Aubin Grove and the Coolbellup Community Centre upgrade. However, these are temporary in nature only, as the funds have already been committed.

Description of Graphs & Charts included within Statements

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. Comparing with prior years, the Council's liquidity remains strong.

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Where variances reported are of a permanent nature (ie. not due to timing issues), they will impact Council's end of year budget surplus/deficit position and will be assessed during the mid-year budget review.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statements of Financial Activity and associated reports – September 2009.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (OCM 12/11/2009) - PROPOSED DELETION OF POSITION STATEMENT PSFCS2 'FAMILY LEAVE ENTITLEMENTS' (1015) (M TOBIN) (ATTACH)

RECOMMENDATION

That Council delete Position Statement PSFCS2 'Family Leave Entitlements', as attached to the Agenda.

COUNCIL DECISION

Background

The current position statement appears to have been raised when family leave entitlements were included in the Local Government Award and the City wanted to ensure that these were also applied to other employees. This probably occurred around 1995. The Position Statement is no longer relevant.

Submission

That Council delete Position Statement PSFCS2 'Family Leave Entitlements'.

Report

Leave entitlements designed to assist employees in managing their work and family responsibilities are now included in a range of legislation. This includes the Fair Work Act 2009 and the Workplace Relations Act. There are provisions in the Union Collective Agreement and draft National Local Government Award which will satisfactorily cover this area. Leave entitlements are also part of the ten National Employment Standards which will apply from 1 January 2010. Therefore there is no requirement for Council to have a separate position statement as all employees are covered by the various pieces of legislation.

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)

Proposed deleted Position Statement PSFCS2 'Family Leave Entitlements'.

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 12/11/2009) - RESCISSION - TENDER NO. RFT 21/2009 - CRUSHED STONE/METAL (RFT 21/2009) (J RADAICH)

RECOMMENDATION

That Council:

- (1) rescind its decision in Minute No. 4022 of the Ordinary Meeting of Council held on 13 August 2009 -

“That Council accept a panel of two (2) Contractors for Tender No. RFT 21/2009 – Crushed Stone/Metal – Supply and Delivery consisting of:
 1. *WA Bluemetal at the tendered schedule of rate, with an estimated Contract value of \$470,000.00 GST exclusive (\$517,000.00 GST inclusive) over three (3) years.*
 2. *C&D Recycling at the tendered rates, with an estimated Contract value of \$90,000.00 GST exclusive (\$99,000.00 GST inclusive) over three (3) years.”*
- (2) accept the tender from WA Bluemetal, for Tender No. RFT 21/2009 – Crushed Stone/Metal – Supply and Delivery, at the tendered schedule of rates; and
- (3) call quotations as required in accordance with the City’s procurement procedure for sustainable recycled road base and ballast products.

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the Ordinary Meeting of Council held on 13 August 2009, it was resolved to accept a panel of two (2) Contractors for Tender No. RFT 21/2009 – Crushed Stone/Metal – Supply and Delivery consisting of:

1. WA Bluemetal at the tendered schedule of rate, with an estimated Contract value of \$470,000.00 GST exclusive (\$517,000.00 GST inclusive) over three (3) years.

2. C&D Recycling at the tendered rates, with an estimated Contract value of \$90,000.00 GST exclusive (\$99,000.00 GST inclusive) over three (3) years.

Submission

It has come to our attention that as C&D Recycling had not submitted a conforming tender, their tender for use of alternative recycled products as crushed stone/metal in roadworks was not acceptable.

Report

The tender accommodated submissions for the use of sustainable recycled products in roadworks. However, a condition of tendering required a compliant tender to be submitted as well. C&D Recycling submitted a tender only for alternate recycled products. Consequently, their tender could not be considered.

The recycled product could be used in less critical projects such as car parks, cycleways and minor access roads. The anticipated quantities and values required by the City would be relatively minor until the product is proven.

All Earth Group was the only tenderer that submitted a complying tender and an alternative recycled product tender. Their alternative tender prices were higher than those submitted by C&D Recycling.

As there will be a small quantities used until the product is proven, it is considered that purchases should be by quotation in accordance with standard procurement procedures. Once the product is proven and larger quantities are used, procurement can be by the tender process.

WA Bluemetal still remains as the recommended tenderer for the complying product.

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

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

Community Consultation

N/A

Attachment(s)

The following confidential attachments are provided under separate cover.

1. Tender Evaluation Sheet
2. Tender Prices

Advice to Proponent(s)/Submissioners

All Earth Group and C&D Recycling have been made aware that their alternative tender submissions will be re-considered by Council on 12 November 2009.

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

Nil.

16.2 (OCM 12/11/2009) - TENDER NO. RFT 42/2009 - RECYCLING ACCEPTANCE AND PROCESSING SERVICES (RFT 42/2009) (M LITTLETON / L DAVIESON) (ATTACH)

RECOMMENDATION

That the City of Cockburn participate in the regional contract RFT42/2009 'Recycling Acceptance and Processing Services' and on the concurrence of the Cities of Fremantle and Melville and the Town of Kwinana and East Fremantle, accept the tender submitted by Perth Engineering for the provision of Recyclable Processing Services in accordance with the Schedule of Rates provided in their submission over an initial two (2) year period concluding 30 November 2011.

COUNCIL DECISION

Background

The City of Cockburn is a member of the SMRC. As such, the City was required to dispose of all domestic recyclable material at the SMRC's Material Recovery Facility (MRF) at Canning Vale. On 1 June 2009 the Materials Recovery Facility at the SMRC was destroyed by fire and could no longer receive the City's recyclable material. In the intervening period an Interim Regional Recycling Agreement was established with Perth Engineering at their Hamilton Hill facility. The regional councils which are party to this agreement include the Cities of Cockburn, Fremantle, Melville and the Towns of East Fremantle and Kwinana (The Participants).

Due to the tender provisions of the Local Government Act, the Interim agreement could only have a limited life and a contract document has been prepared to formalise the service. The contract has been written as a regional contract and all of the Participants have expressed their intention to remain part of the regional contract. The scope seeks the

services of suitable contractors to Receive and Process recyclable material from the participants for an initial 2 year period. This should provide the SMRC with sufficient time to resolve a future way forward.

Tender RFT 42/2009 Recycling Acceptance and Processing Services were advertised on Saturday 10 October 2009 in "The West Australian" newspaper and it was also displayed on the City's website.

Submission

Tenders closed at 2:00 p.m. (AWDT) on Tuesday 27 October 2009 and three (3) tender submissions were received from:

1. Transpacific Cleanaway P/L
2. Perth Engineering and Maintenance
3. Perthwaste

Report

Scope

The Cities of Cockburn, Fremantle, Melville and the Towns of East Fremantle and Kwinana (The Participants), provide a fortnightly 240 litre MGB Recycling collection service for residential and commercial properties throughout their respective Districts. Collectively the Participants will generate approximately 29,000 tonnes of recyclables annually and are seeking the services of suitable contractors to receive and process this material. Recyclables will be delivered to the designated recyclables sorting centre as specified by the Contract.

The contractor will be required to receive and process all Recyclables material delivered by the Participants and more specifically:

- Receive recyclable material delivered by, or on behalf of, the Participants.
- Process the recyclables and separate them into individual recyclable commodities, suitable for sale to the market.
- Market and sell the sorted recyclable commodities.
- Dispose of residual waste at a suitably licensed disposal facility.
- Provide comprehensive reports detailing recyclable materials received, residual waste and recyclates sold to the satisfaction of the Principal.

Compliant Tenderers

Tenderer's Name		Compliance Assessment
1	Transpacific Cleanaway P/L	Compliant
2	Perth Engineering and Maintenance	Compliant
3	Perthwaste	Compliant

Both Cleanaway and Perthwaste submitted additional “Alternative Tender Proposals”; however, these were not assessed by the panel as the proposals nominated a splitting the Councils from the current Regional Group.

Alternative Submissions

The contract permitted the submission of alternative tenders. Both Transpacific Cleanaway and Perthwaste submitted alternative tenders which provided differential prices to participating Councils as separate entities. The contract document however was written as a regional tender and does not facilitate individual participating councils awarding a contract, other than to the contractor deemed to represent the most advantageous tender to the collective councils (i.e. it is all or nothing).

All participating Councils agreed to take a regional approach to the service provision and this intent was stipulated in the interim agreement signed by all parties. If a participating council wished to consider any of the alternatives submitted, all tenders would need to be rejected and participating councils would need to call tenders for their service individually.

The alternative submissions were not further scrutinised by the evaluation panel for reasons provided. Fortunately, the recommended tenderer represents the best value for each participating Council thus it should not be a major consideration.

Contract Term

The Contract was advertised for an initial period of two (2) years commencing on 30 November 2009 (or as close as possible to that date). During initial discussions on the need to tender the service, officers from the participating councils believed that fixing a 2 year term represented a suitable timeframe to enable the SMRC to complete its due diligence and rebuild the facility (if that was its decision) and to enable the participating councils to secure an economical recycling rate in the interim period.

There will be Principal instigated options to extend the Contract period by an additional six (6) months and for up to six (6) months after that to a maximum period of three (3) years if an alternative facility has not been established.

Impact on the SMRC

The SMRC insurance policy provides for Consequential Loss cover for a maximum indemnity period of 24 months. The Consequential Loss claim is required to cover the costs of interest and principal repayments on the loans associated with the MRF of approximately \$1.5 million per

annum and fixed overheads previously allocated to the MRF business totalling approximately \$1 million per annum.

If cash generation from the MRF business, by whatever method, has not commenced by 1 June 2011 (the cessation of the indemnity period) then the SMRC will need to fund these annual costs from other sources at a rate in excess of \$200,000 per month.

The SMRC have expressed some concern regarding the potential for this contract period to go beyond the June 2011 timeframe. If a facility has not been recommissioned by this time the member councils will be required to meet the repayment and overhead costs (otherwise distributed against the incoming MRF tonnages) by another means. There is no guarantee that the facility will be reconstructed prior to June 2011 and no information has yet been provided by the SMRC which gives us any certainty that that timeframe can be achieved. Regardless, the RSM Bird Cameron projections for Option 1 – Rebuild the MRF are premised on the SMRC charging a gate rate of \$60/tonne and generating a NCF in excess of \$400,000. If the participating councils accept this tender for a 2 year term, the SMRC will need to consider how it intends to distribute the financial liability until November 2011 when this contract expires.

Evaluation Criteria

Qualitative and Quantitative criteria were established to assess each submission. Cost and no-cost criteria were equally weighted i.e. 50% each.

Tenderers were asked to address the following non-cost criteria:

1. Outline details of previous and/or current experience in providing the same or similar services to the local government or private sector.
2. Provide details of tonnages processed in the timeframe of operation and recovery rates achieved.
3. Demonstrate capacity to sell commodities into secondary markets through existing commodity contracts.
4. Provide details of your organisation including:
 - Background information including time in business, annual turnover, number of current contracts, number of past contracts.
 - Demonstrate competency and proven track record of achieving the same or similar outcomes as are required by this contract.
 - Detail of plant and machinery (and the adequacy of same)

- that will be used to service the contract.
- Organisation structure.
 - Employee Qualifications and past experience.
 - Details of issues that arose through the course of providing the service and how these were managed.
5. Provide detail of strategies, techniques, processes and procedures to be used in delivering the specified services.
 6. Provide details of referees including work provided for those referees.

Evaluation Panel

The evaluation panel was convened on the 28 October 2009 by Michael Littleton, Director Engineering & Works at the City of Cockburn and the Superintendent of this contract.

The tender submissions were evaluated by:

	Name	Title	Representing
1	Lyall Davieson	Waste Manager	City of Cockburn
2	John Christie	Director of Technical Services	City of Melville
3	John Roberts	Executive Manager of Finance and Admin.	Town of East Fremantle
4	Peter Pikor	Director of Technical Services	City of Fremantle
5	Maurice Ferialdi	Director of Operations and Tech. Services	Town of Kwinana

Scoring Table - Combined Totals

The outcome of the evaluation is summarised in the table below.

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	50%	50%	100%
Perth Engineering**	39.9%	50%	89.9%
Cleanaway	43.35%	43.43%	86.78%
Perth Waste	42.4%	42.64%	85.04%

** Recommended Submission

Non-cost Criteria

Demonstrated Experience

The three tenderers all showed they have the capacity to meet the Participating Councils requirements as detailed in the Specification. All three (3) submissioners were considered to have a high level of relevant experience in processing and selling recyclable product.

Key Personnel Skills and Experience

All tenderers showed they had sufficient key personnel with skills and experience to complete the works.

Tenderer's Resources

All tenderers had sufficient resources to complete the required works.

Cost Criteria

Each tenderer provided a rate per tonne to accept and process recyclable material from all 5 Participating Councils. The price will be subjected to a 'Rise and Fall' at various intervals throughout the contract term as stipulated in the contract document. The genesis of the rise and fall clause arose from a desire to link the \$/tonne to commodity prices so that participating councils could benefit if commodity prices recovered as projected. That benefit of course, is offset by the increased exposure in the event that commodity prices collapse. Any potential risk is mitigated (in part) by the number of reviews and the short contract timeframe.

The proposed rate is also dependant on the movement in landfill fees. The increase in landfill levy and the potential for ETS to further increase landfill fees would create a degree of uncertainty for the contractor and that would be reflected in the price to us. Providing a facility to review price based on the movement in landfill fees should have enabled contractors to price with a greater degree of certainty thus reducing the rate to participating councils.

Contractors were asked to proportion their contract rate across three cost factors (fixed costs, variable costs and commodity prices) and were also asked to outline current commodity prices received and landfill fees paid. During evaluation of the cost structure provided by each tenderer, officers were able to model the likely gate rate in a declining and recovering commodity market. This gave the panel greater confidence in the selection of the preferred tenderer and the subsequent recommendation.

Environmental Considerations

Given the emerging carbon economy, it is now more crucial that the successful contractor prove and guarantee an ability to not only process but to 'on sell' the recyclable product.

Transportation distances and fuel consumption were also considered in selecting the successful contractor.

Summation

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

Cleanaway and Perthwaste provided the best assessment against the non cost selection criteria. Referees were assessed and again Cleanaway and Perthwaste have proven extensive experience and reputation in processing recyclable product.

Perth Engineering however provided the best overall assessment score and also offered the best tonnage rate, commodity price benefits and convenience, consequently their tender should be supported.

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

Natural Environmental Management

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

Budget/Financial Implications

The cost of processing recyclable product is accommodated in the City's Annual Budget. The recommended tendered rate represents a 10% saving on the current cost paid for receipt and processing of recyclable products. The estimated annual cost of the tender across all 5 Participant Local Governments is \$2,598,447 GST inclusive (\$2,362,225 GST exclusive).

These figures do not include the 'Rise and Fall' clause variables that underpin the pricing schedule. Variable costs (i.e. the cost of landfill) and commodity sales will be reviewed twice yearly and proportional increases or decreases shall be applied throughout the contract. A CPI component will be applied to the fixed costs on an annual basis.

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers to the requirement for works valued above \$100,000 to be awarded under the tender process.

Community Consultation

N/A

Attachment(s)

The following Confidential Attachments are provided under a separate cover:

1. Tender Evaluation Sheet (s)
2. Tendered Prices

Advice to Proponent(s)/Submissioners

Those who lodged a tender submission have been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

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

Nil.

16.3 (OCM 12/11/2009) - TENDER NO. RFT 35/2009 - CHIPPING AND MULCHING SERVICES (RFT 35/2009) (L DAVIESON) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Western Tree Recyclers, for Tender No. RFT 35/2009 – Chipping and Mulching Services in accordance with the Schedule of Rates provided in their submission over an initial two (2) year period concluding 30 November 2011.

COUNCIL DECISION

Background

Currently the Henderson Waste Recovery Park (HWRP) is separating significant volumes of timber packaging and smaller volumes of greenwaste.

With unprecedented increases in the Landfill Levy proposed for January 2010, it is advantageous for the HWRP to ensure as much product as possible is diverted from landfill and is processed and recycled. Currently the chipped timber packaging is sold for dust suppression and the green waste is offered free to City of Cockburn Residents.

\$120,000 has been allocated in the Waste Disposal Capital Works Budget 1931 to construct a hardstand on which timber packaging processing can occur. Once soil is excluded from the process, markets such as laminate manufacture and animal bedding become available which attract greater financial return.

To date the chipping of this product has been conducted on an "as needed" basis. The quantity of material disposed however has meant that we have exceeded the expenditure provisions and must tender the works; \$205,000 was expended on chipping services last financial year.

Tender No. RFT 35/2008 Chipping and Mulching Services was advertised on Wednesday 2 September 2009 and was also displayed on the City's website.

Submission

Tenders closed at 2:00 p.m. (AWST) on Thursday 24 September 2009 and four (4) tender submissions were received from:

1. Cranewast WA P/L – T/As Western Tree Recyclers
2. D & M Waste Services
3. Haulaway Recyclers Pty Ltd
4. Shayler P/L – T/As Grass Growers

Report

Compliant Tenderers

Tenderer's Name		Compliance Assessment
1	Cranewast WA P/L – T/As Western Tree Recyclers	Compliant
2	D & M Waste Services	Compliant
3	Haulaway Recyclers Pty Ltd	Non-Compliant
4	Shayler P/L – T/As Grass Growers	Non-Compliant

Haulaway and Shayler were deemed non-compliant as it failed to comply with the Conditions of Tendering by not providing a copy of their submission on CD-ROM and therefore their submission was not included in the evaluation.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Demonstrated Experience	30%
Resources and Personnel	25%
Implementation Strategy	15%
Tendered Price – Lump Sum	30%
TOTAL	100%

Tender Intent/ Requirements

The City of Cockburn is seeking an experienced and reliable shredding/chipping/mulching Contractor to fulfil the Principal's requirements for the chipping and shredding of waste timber, mulching of green waste and shredding of waste plastics and sundry recovered products at the City's Henderson Waste Recovery Park.

Evaluation Panel

The tender submissions were evaluated by:

Doug Vickery – Manager of Infrastructure Services
 Lyall Davieson – Waste Manager
 Michael Haynes – Landfill Coordinator

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	70%	30%	100%
Western Tree Recyclers **	53.25%	30%	83.25%
D & M Waste Services	53.75%	17.48%	71.48%

** Recommended Submission

Evaluation Criteria AssessmentDemonstrated Experience

Both Tenderers were considered to have a satisfactory level of relevant experience.

Key Personal Skills and Experience

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

Tenderer's Resources

Both Tenderers had sufficient resources to complete the required works.

Methodology

D & M proposed a more intensive methodology utilising 2 machines to achieve the desired outcomes.

Summation

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

D & M provided the best assessment against the non cost selection criteria. Little separated the operators when assessing their relevant experience. They are both highly regarded in shredding and chipping services.

Western Tree Recyclers however provided the best assessment score when the cost factors were included.

This was mostly due to a cheaper rate per cubic meter and no charge for mobilisation and demobilisation fees. As a consequence, the tender from Western Tree Recyclers should be supported.

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

In the 09/10 Adopted Budget under Service Unit 512 Waste Disposal In the 09/10 Adopted Budget under Service Unit 512 Waste Disposal Services OP 8306, 'Greenwaste Shredding' has \$40,000 and OP 8309 'Wood Packaging Processing' has \$262,000 allocated.

The tender was evaluated on 20,000 m³ of timber packaging and 5,000 m³ of greenwaste to be processed annually. Based on these volumes the total annual value of the contract would be \$190,000.

With waste separation methods continually improving at the HWRP and with a greater awareness by customers of the gate fee incentive for uncontaminated greenwaste and timber packaging, the facility may well receive and process more than the estimated 25,000 m³ of product requiring shredding.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

The following Confidential Attachments are provided under a separate cover:

1. Tender Evaluation Sheet (s)
2. Tendered Prices

Advice to Proponent(s)/Submissioners

The tenderers who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

Background

The current Refuse Compactor Truck (Iveco Acco F2350G Plant No. PL 7551) was purchased in May 2004 and is due for replacement based on the purchase date and hour meter readings, in accordance with the City's 10 Year Plant Replacement Program.

Refuse compactor trucks operated by the City of Cockburn are primarily used for the transport of domestic waste from dwellings within the City of Cockburn to waste transfer and disposal sites.

Specifications were prepared and tenders called for:

- a) supply of a new Refuse Compactor Truck with priced options for different capacity compactor units; and
- b) option for trade-in of the existing Refuse Compactor Truck PL 7551, comprising cab chassis truck and fitted compactor unit.

Tenders closed at 2:00 p.m. (AWDT) on Thursday 10 September 2009 and four (4) submissions were received from:

1. Skipper Trucks, including trade in offer
2. WA Hino, including trade in offer
3. Major Motors, including trade in offer
4. Truck Centre WA, not including a trade in offer.

Each of the submissions provided priced options for 22 m³, 25 m³ & 29 m³ compactor units of either McDonald Johnson GENVSL compactor or Superior Pak - 'Raptor' compactor unit type, as requested, together with suitable truck cab chassis.

During the tender period for the new refuse compactor truck, a separate need was identified to retire and replace the general purpose 4x2 tip truck (Iveco International PL7101) at the Henderson Waste Recovery Park, desirably ahead of the next years budget, on account of its rapidly deteriorating condition. This truck had been retained in 2007/08 when replaced by a special purpose water truck for the Henderson facility due to its minimal trade value and demand as a general purpose tip truck at the site.

Given the need for a general purpose tip truck to replace the current unit and considering the operating environment, a second unit was considered to be the most viable option. The cab chassis of the refuse collection truck PL7551 was found to be mechanically sound and represented the best and most economical alternative (staff are aware of the mechanical history of the vehicle). It was identified that this truck could be refurbished with a new tipping tray and the existing compactor unit removed and held back for spares. The truck is generally mechanically sound, and could be expected to provide a decent useful life at the Henderson site.

Tender number RFT 30/2009 One (1) Refuse Compactor Truck – 6 x 4 29 m³ Side Loading, was advertised on Wednesday 26 August 2009 in 'The West Australian' newspaper and also listed on the City of Cockburn's website.

Submission

Tenders closed at 2:00 p.m. (AWST) on Thursday 10 September 2009 and four (4) tender submissions were received from:

1. Skipper Trucks
2. Hino Trucks
3. Major Motors
4. Truck Centre Australia

Report

Compliant Tenderers

Tenderer's Name		Compliance Assessment
1	Skippers Trucks	Compliant
2	Hino WA	Compliant
3	Major Motors	Compliant
4	Truck Centre WA	Compliant

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Technical Specifications	10%
Workshop Serviceability	10%
Backup Services	5%
Period for Delivery	10%
Operator/Operations Suitability	15%
References	10%
Tendered Price	40%
TOTAL	100%

Tender Intent/ Requirements

The City of Cockburn Waste Services requires the purchase of One (1) Refuse Compactor Truck - 6 x 4 Side Loading, for the collection of recyclable waste from residential dwellings within the City of Cockburn.

This new vehicle will be the replacement for the current City of Cockburn Iveco Acco F2350G 23m³ Refuse Compactor Truck, Plant No. 7551.

Evaluation Panel

The submitted tenders were evaluated by the following City of Cockburn officers:

- Phillip Crabbe - Facilities & Plant Manager
- Brian Farmer - Workshop Coordinator
- Murray Ladhams – Landfill Manager

Scoring Table - Combined Totals

Tenderer's Name	Percentage Score		
	Non-Cost Evaluation	Cost Evaluation	Total
	60%	40%	100%
WA Hino (Option 1) Raptor**	53	38.89	92.06
WA Hino (Option 2) MJE	51	38.24	89.24
Skipper Trucks (Option 2) Raptor	49	39.24	87.24
Skipper Trucks (Option 1) MJE	48	38.36	86.36
Major Motors MJE	48	37.76	85.76
Truck Centre WA Raptor	47	32.72	79.72

** Recommended Submission

Evaluation Criteria Assessment

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

Technical Specification

The following four (4) suppliers have submitted tenders:

- Skipper Trucks
- Hino Trucks
- Major Motors
- Truck Centre Australia

All units offered meet with the minimum technical specifications.

All vehicles had comparable technical specifications similar transmissions specifications and output specs and offered diesel in line six (6) cylinder engines.

It is the Evaluation Panel's view that the Hino, Isuzu & Volvo could offer better fuel consumption & Co2 emissions than the Iveco Acco,

Workshop Serviceability

All vehicles tendered can easily be serviced and maintained internally within the City of Cockburn's own workshop facilities.

Backup Services

All vehicles tendered can easily be serviced in the event that any work that is required to be undertaken by the supplier.

Operators/Operations Suitability

All tendered vehicles were comparable in their suitability for operators; however it was the view of Evaluation Panel that the cab layout and operator comfort along with the overall suitability was better suited with the WA Hino model.

References

All references provided by the tenderers for each of their submissions proved satisfactory.

Summation

The evaluation panel recommends the acceptance of the tender submitted by Hino WA for one (1) new refuse compactor truck complete with 29 m³ superior pak 'Raptor' for the collection of domestic waste from dwellings within the City of Cockburn.

The evaluation panel recommends the Hino model of vehicle based on a belief that better utilisation and servicing costs can be achieved by the City of Cockburn.

In addition, with regard to fleet dynamics, Council already has in its fleet of recycle trucks similar Hino vehicles, thus operators will be conversant with the truck aiding in a switching from truck to truck in a timely and safe manner if and when required.

The evaluation panel elected to consider the superior pak 'Raptor' based on previous experience and recommendations from other Local Governments with the belief that better utilisation and reduced maintenance costs can be achieved with the 'Raptor'.

Additional Consideration – Henderson Tip Truck

In May 2008 the City purchased a fire tender for the Henderson Waste Recovery Park (HWRP) for \$320,000. At the time Plant No. 7101 Acco International Tip Truck was offered as a trade.

Due to the low value of the trade received, it was decided to keep the truck for general duties in the HWRP operations. Subsequently Plant 7101 has been used 8 hrs/ day, 7 days /week for transport of cover material, waste transfer and in dry periods as an auxiliary water cart.

As Plant 7101 has further aged, the operating costs have increased (from \$9,000 in 07/08 to \$25,000 in 08/09 and also caused significant impact on operation during downtime when the truck is being repaired. In addition the truck has become unreliable, unsuitable for transporting material outside the HWRP and now poses OH&S issues for drivers.

Due to the considerable usefulness of this general purpose tip truck at the Henderson site, and the cost that would be incurred to dry or wet hire a truck to fulfil the same need, it is considered necessary to replace the existing truck PL7101 with another truck with comparable functionality.

Proposal

The trade in value on the refuse compactor truck PL 7551 offered as part of tender RFT 30/2009 for a new refuse compactor truck was estimated to be approximately \$65,000. Due to a decline in the used truck market the best trade in value was \$43,636. Plant 7551 has recently been fitted with a reconditioned motor valued at \$25,000 and represents an ideal replacement for the aging Acco Plant 7101 at the HWRP.

It is proposed that the compaction body from the chassis of Plant 7551 be removed and retrofitted with a tray to replace Plant 7101 at an additional cost of \$35,000. As a tipper is essential to the site operations at HWRP, this is seen as a cost effective way of achieving this outcome.

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.

Natural Environmental Management

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

Budget/Financial Implications

Purchase of New Refuse Compactor Truck

There is an allocation of \$325,000.00 (Ex GST) under account number CW 7755 in the 2009/2010 Budget. The tender offer that is being recommended by the Evaluation Panel has come within 5% of the original budgeted amount - however the trade-in value is understated by 33%.

Retrofitting of Plant 7551 to HWRP Tipper

If PL7551 is to be retained and transferred to the HWRP, the Landfill operation must effectively pay for the vehicle by reimbursing the Plant Replacement reserve (equivalent to the value of the trade).

The income for both the cost of the vehicle and the refurbishment of the unit will be drawn from the Waste Reserve. The recommendation shows the value of the vehicle (\$43,636) being transferred from the Waste Reserve to the Plant Replacement Reserve. The recommendation also seeks to create a new budget CW Item for the refurbishment of PL7551 to the value of \$35,000 excl GST expenditure.

PL7551 will continue to be depreciated and costed against the waste disposal operation. This cost will be contained within the current budget allocation. Future replacement of PL7551 will be funded from the Plant Replacement reserve. This vehicle will then be continually depreciated against the Plant Reserve.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

The following confidential attachments are provided under separate cover.

1. Tender Evaluation Sheet
2. Tendered Prices

Advice to Proponent(s)/Submissioners

The tenderers who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 November 2009 Council Meeting.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 12/11/2009) - TENDER NO.RFT 37/2009 - ARCHITECTURAL SERVICES - SUCCESS INTERGRATED HEALTH AND COMMUNITY FACILITIES (9029) (R AVARD) (ATTACH)

RECOMMENDATION

That Council accepts the tender submitted by Bollig Design Group for Tender No.RFT 37/2009 - Architectural Services – Success Integrated Health and Community Facilities, with an estimated contract value of \$56,700 (exc GST) for concept design and \$901,600 (exc. GST) for detailed design/documentation and Project/Contract Management, based on the tendered Schedule of Rates.

COUNCIL DECISION

Background

Council has placed on its 2009/10 Municipal Budget funds to develop the design for a library and a range of health and allied health services to be located on land owned by the City of Cockburn on the corner of Wentworth Parade and Beeliar Drive, Success.

The Federal Government advised the City of Cockburn on the 16 October 2009 that it had been allocated the sum of up to \$6.65M for the construction of a 'Super Clinic' on the site.

Funding for the project is subject to agreement with the Federal Government on the design and services to be offered.

An important requirement for the project to proceed is the development of concept design and costing.

Submission

Tenders closed at 2.00 p.m. (AWST) on Wednesday 30th September 2009; fifteen (15) tender submissions in total were received from the following companies:

- Bateman Grundman Architects Pty Ltd
- Holton Connor Architects and Planners;
- Gerry Kho Design Pty Ltd;
- Hodge and Collard Pty Ltd;
- Cameron Chisholm & Nicol Pty Ltd;
- Bollig design Group Pty Ltd;
- Cox Howlett & Bailey Woodland;
- James Christou and Partners Architects;
- Kann Finch Projects Pty Ltd;
- Oldfield Knot Architects Pty Ltd;
- Woodhead Architects;
- Peter Hunt Architects;
- JCY Architects & Urban Designers;
- Scott Penn Hall – Late tender; and
- Scott Penn Hall alternative - Late Tender.

Report

- (a) **Compliant Tenderers**
 Thirteen (13) compliant tenders received and evaluated. The two (2) submission received from Scott Penn Hall were deemed non-compliant with the Conditions of Tendering having failed to lodge both their submission by the advertised closing time and therefore not included in the evaluation.
- (b) **Compliance Criteria**

Compliance Criteria	
A	Compliance with the Specification contained in the Request.
B	Compliance with the Conditions of Tendering this Request.
C	Compliance with Insurance requirements and completion of Clause 3.2.7
D	Compliance with the Quality Assurance requirement for this Request.
E	Compliance with OS & H requirements & completion of Appendix A.
F	Compliance with Fixed Price (Clauses 1.8 and 5.6) and completion of Clause 3.4.2.
G	Compliance with and completion of the Schedule of Rates & Percentage Fee's in the format provided in Clause 3.4.4 (A), (B),(C) & (D).

(c) Compliant Tenderers

	Tenderer's Name	Compliance Criteria Overall Assessment
1	Bateman Grundman Architects Pty Ltd	Compliant
2	Holton Connor Architects and Planners;	Compliant
3	Gerry Kho Design Pty Ltd;	Compliant
4	Hodge and Collard Pty Ltd;	Compliant
5	Cameron Chisholm & Nicol Pty Ltd;	Compliant
6	Bollig design Group Pty Ltd;	Compliant
7	Cox Howlett & Bailey Woodland;	Compliant
8	James Christou and Partners Architects;	Compliant
9	Kann Finch Projects Pty Ltd;	Compliant
10	Oldfield Knot Architects Pty Ltd;	Compliant
11	Woodhead Architects;	Compliant
12	Peter Hunt Architects;	Compliant
13	JCY Architects & Urban Designers;	Compliant
14	Scott Penn Hall	Non - Compliant
15	Scott Penn Hall (alternative)	Non - Compliant

(d) Evaluation Criteria

Evaluation Criteria	
Relevant Experience	25%
Skills and Experience of Key Personnel and Resources	25%
Sustainable Design Experience	15%
Price	35%
TOTAL	100%

(e) Tender Intent/Requirements

The Request for Tender (RFQ) sought a suitably qualified and experienced architectural firm to carry out design documentation and contract administration for health, library and office accommodation to be located on the Wentworth Parade site.

The expectation is that the buildings will be two (2) storeys and form a high quality integrated health and community precinct.

The prominent location of the site provides a great opportunity for the City of Cockburn to contribute to a quality entry statement to the Cockburn Gateways Regional Shopping area.

There is a strong requirement for all buildings to be constructed using high level environmental sustainable design principles.

- (f) Evaluation Panel
Compliant tender submissions were evaluated by the following three (3) City of Cockburn Officers:

- Robert Avard – Community Services Manager;
- Jadranka Kiurski – Engineering Project Manager; and
- Michael Ward – Senior Building Surveyor.

- (g) Scoring Table

Tenderer's Name	Non-Cost Criteria Assessment Score	Cost Criteria Assessment Score	Total Score
Bollig Design Group Pty Ltd **	63	33.2	96.2
Hodge and Collard Pty Ltd	63	26.6	89.6
Peter Hunt Architects	58	31	89
Cox Howlett & Bailey Woodland	64	23.6	87.6
Cameron Chisholm & Nicol Pty Ltd	63	23.9	86.9
JCY Architects & Urban Designers.	60	26.6	86.6
Bateman Grundman Architects Pty Ltd	60	24.9	84.9
Woodhead Architects	58	26.3	84.3
Oldfield Knot Architects Pty Ltd	51	25.2	76.2
Holton Connor Architects and Planners	59	15.5	74.5
James Christou and Partners Architects	54	19.4	73.4
Gerry Kho Design Pty Ltd	39	30.4	69.4
Kann Finch Projects Pty Ltd	37	10.5	47.5

** *Recommended Submission*

Evaluation (Qualitative) Criteria Assessment

Bollig Design Group has extensive experience in the suite of architectural services.

They have very sound architectural experience with library, medical facilities and office accommodation; design development using Environmentally Sustainable Design (ESD) principles are demonstrated. The tendered price for services is very competitive.

Bollig Design Group is a reputable financially viable Architectural firm well qualified for this project.

To ensure that the City of Cockburn's financial interests are protected during the design and construction phase of the project a separate tender will be called for a Quantity Surveyor who will be contracted by the City of Cockburn for cost control and construction cost efficiencies.

Strategic Plan/Policy Implications

Infrastructure Development

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

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To develop and maintain a financially sustainable City.

Budget/Financial Implications

There have been funds allocated on the 2009/10 Municipal Budget for the cost of design development which will occur over the balance of the financial year.

Ten percent (10%) of the Federal Government Grant of up to \$6.65M can be drawn upon for preparatory works once the agreement with the Federal Government has been signed.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

The following confidential attachments are provided under separate cover.

1. Tender Evaluation Sheet
2. Tendered Prices

Advice to Proponent(s)/Submissioners

The Tenderers who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 November Council Meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 (OCM 12/11/2009) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Val Oliver has requested that that a report be brought back to Council as to the viability for an Aboriginal Community Centre to be built in Cockburn. A suggested area is on Little Rush Lake near the proposed FESA site for relocating the Volunteer Bushfire Brigade, or any other suitable and available land which is also acceptable to the Aboriginal Reference Group. This would help strengthen the teaching of the young people to learn about their culture from their Elders, to learn to speak in their native tongue and also to learn about Aboriginal art.

23. CONFIDENTIAL BUSINESS

23.1 (OCM 12/11/2009) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 12 OCTOBER 2009 (1192) (S CAIN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 12 October 2009, as attached to the Agenda, and adopts the recommendations contained therein.

COUNCIL DECISION

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 12 October 2009. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

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

Report

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 12 October 2009 are provided to the Elected Members as confidential attachments.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the November 2009 OCM.

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

Committee Minutes refer.

24 (OCM 12/11/2009) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

25. CLOSURE OF MEETING