

# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR**

**THURSDAY, 13 MARCH 2008**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 13 MARCH 2008 AT 7:00 PM

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	Page
1. DECLARATION OF MEETING .....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	1
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER) .....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	1
5. APOLOGIES AND LEAVE OF ABSENCE.....	1
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	1
7. PUBLIC QUESTION TIME.....	1
8. CONFIRMATION OF MINUTES .....	1
8.1 (OCM 13/3/2008) - ORDINARY COUNCIL MEETING - 14/02/2008 .....	1
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE .....	2
10 (OCM 13/3/2008) - DEPUTATIONS AND PETITIONS.....	2
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED) .....	2
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER.....	2
13. COUNCIL MATTERS.....	2
13.1 (OCM 13/3/2008) - MEMBERSHIP - COCKBURN SOUND MANAGEMENT COUNCIL (9334) (D GREEN).....	2
13.2 (OCM 13/3/2008) - PROPOSED AMENDMENT TO LOCALITY BOUNDARIES OF COOGEE, MUNSTER, HENDERSON, BEELIAR, SUCCESS AND WATTLEUP (1050) (D GREEN) (ATTACH) .....	4
13.3 (OCM 13/3/2008) - CODE OF CONDUCT FOR STAFF (1054) (D GREEN) (ATTACH).....	9
13.4 (OCM 13/3/2008) - STATUTORY COMPLIANCE AUDIT RETURN 2007 (1332) (P WESTON) (ATTACH).....	11
14. PLANNING AND DEVELOPMENT DIVISION ISSUES.....	14
14.1 (OCM 13/3/2008) - HOME OCCUPATION - BEAUTY THERAPY - LOCATION: 10 MAGPIE COURT YANGEBUP - OWNER/APPLICANT: IVANA SULENTA (4413935) (B HOGARTH- ANGUS) (ATTACH) .....	14

	<b>Page</b>
14.2 (OCM 13/3/2008) - REQUEST TO ADVERTISE THE STRUCTURE PLAN FOR THE MUNSTER URBAN DEFERRED AREA - LOCATION: FAWCETT ROAD MUNSTER- OWNER: VARIOUS - APPLICANT: MRS R O'BRIEN - (8688) (A BLOOD) (ATTACH).....	19
14.3 (OCM 13/3/2008) - DETAILED AREA PLANS FOR STAGES 2A, 2B AND STAGE 8 PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (9022) (T WATSON) (ATTACH) .....	22
14.4 (OCM 13/3/2008) - BRANCH CIRCUS STRUCTURE PLAN - DEVELOPMENT AREA 13 - LOCATION: BRANCH CIRCUS SUCCESS - OWNER: VARIOUS - (9673) (A BLOOD) (ATTACH).....	25
14.5 (OCM 13/3/2008) - STATE ADMINISTRATIVE APPEAL TRIBUNAL MEDIATION OUTCOMES - LOT 29, NO. 9 TANUNDA ROAD, COOGEE - OWNER: NICK & JOANNE LEE - APPLICANT: JOHN KIRKNESS ARCHITECT (3309129) (V LUMMER) (ATTACH).....	28
14.6 (OCM 13/3/2008) - INITIATION OF PROPOSED AMENDMENT NO. 65 TO TOWN PLANNING SCHEME NO. 3 - LOCATION: LOTS 453 AND 454 MACQUARIE BOULEVARD, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS (CURRENTLY SUBJECT TO CONTRACTUAL PURCHASE BY THE CCI GROUP) - APPLICANT: BURGESS DESIGN GROUP (93065) (R DONG) (ATTACH) .....	31
14.7 (OCM 13/3/2008) - MODIFIED STRUCTURE PLAN FOR LOTS 9501 AND 500 HAMMOND ROAD, SUCCESS - OWNER/APPLICANT: MATELJAN (9638G) (M CARBONE) (ATTACH).....	37
15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES.....	40
15.1 (OCM 13/3/2008) - LIST OF CREDITORS PAID - JANUARY 2008 (5605) (K LAPHAM) (ATTACH) .....	40
15.2 (OCM 13/3/2008) - STATEMENT OF FINANCIAL ACTIVITY - JANUARY 2008 (5505) (N MAURICIO) (ATTACH).....	42
16. ENGINEERING AND WORKS DIVISION ISSUES.....	44
16.1 (OCM 13/3/2008) - TEMPORARY CLOSURE OF BUFFER LANE IN COCKBURN CENTRAL TO THE PASSAGE OF VEHICLES (3) (6007096; 4206) (S HUSSAIN) (ATTACH).....	44
16.2 (OCM 13/3/2008) - TENDER RFT 05/2008 - ROAD CONSTRUCTION SERVICES - RUSSELL ROAD REALIGNMENT (EAST) (RFT05/2008) (450011) (4286) (J RADAICH) (ATTACH) .....	47
17. COMMUNITY SERVICES DIVISION ISSUES.....	51
17.1 (OCM 13/3/2008) - DEVELOPMENT MASTER PLAN - POORE GROVE, COOGEE (8004) (R AVARD) (ATTACH) .....	51
18. EXECUTIVE DIVISION ISSUES.....	55
19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	55
20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING .....	55
21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS .....	56

**Page**

22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	56
23.	CONFIDENTIAL BUSINESS .....	56
24.	(OCM 13/3/2008) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995) .....	56
25.	CLOSURE OF MEETING .....	56

**CITY OF COCKBURN****AGENDA TO BE PRESENTED TO THE ORDINARY  
COUNCIL MEETING TO BE HELD ON  
THURSDAY, 13 MARCH 2008 AT 7:00 PM**

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

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
Nil
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**
  - 8.1 **(OCM 13/3/2008) - ORDINARY COUNCIL MEETING - 14/02/2008**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 14 February 2008, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10 (OCM 13/3/2008) - DEPUTATIONS AND PETITIONS**

A deputation from Mrs R. O'Brien and representation from BSD Cardno on behalf of Mrs O'Brien regarding Item 14.2 – Munster Urban Deferred Area.

**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 13/3/2008) - MEMBERSHIP - COCKBURN SOUND MANAGEMENT COUNCIL (9334) (D GREEN)**

**RECOMMENDATION**

That Council appoints Clr Carol Reeve-Fowkes as its delegate to the Cockburn Sound Management Council.

**COUNCIL DECISION**

**Background**

Council's current representative on the Cockburn Sound Management Council is Clr Kevin Allen. As he is unable to continue the role, he has recently submitted a letter of resignation to the Chairperson of the Management Council.

**Submission**

N/A

**Report**

The Cockburn Sound Management Council is a State Government organisation responsible for management of activities within Cockburn Sound and surrounding areas. As Clr Allen, as the City of Cockburn delegate is unable to continue in this role, Council is able to nominate another representative on this body. Clr Reeve-Fowkes has expressed an interest in this role.

**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.

**13.2 (OCM 13/3/2008) - PROPOSED AMENDMENT TO LOCALITY BOUNDARIES OF COOGEE, MUNSTER, HENDERSON, BEELIAR, SUCCESS AND WATTLEUP (1050) (D GREEN) (ATTACH)**  
[Item 13 2](#)

**RECOMMENDATION**

That Council submits an application to the Geographic Names Committee (GNC) requesting amendments to the boundaries of the localities of Coogee, Munster, Henderson, Beeliar, Success and Wattleup, as shown in the attachments to the Agenda.

**COUNCIL DECISION**

**Background**

At the Council Meeting held on 13 December 2007, the following resolution was passed:

*That Council:*

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

As **some of** the responses are not entirely in accord with the Council decision, the matter is referred back to Council for further consideration.

**Submission**

N/A



## Report

With regard to the responses to the survey, there is majority affected responding landowner support for the proposals to amend the following locality boundaries:

- Munster to Beeliar
- Beeliar to Success
- Munster to Coogee
- Munster to Henderson
- Munster to Wattleup
- Wattleup to Hammond Park

In addition, a further submission from a landowner in Wattleup has suggested a minor extension to the proposal to include future urban deferred zoned land into Hammond Park. This proposal is a rational one and is supported on this basis. Accordingly, it is the purpose of this report to address those issues raised in the responses to amend that part of Munster to include it in Beeliar and the proposal to incorporate part of Henderson into Wattleup.

### Munster to Beeliar

This proposal focuses on 95 lots, bound by Russell Road (East), Holmes Road, Cockburn Cement (eastern boundary), Fanstone Avenue, Water Corporation Reservoir (northern boundary) and Lorimer Road.

The area has 70 individual land owners, who were surveyed on the proposal to amend the locality name. 53 responses were received, 27 of which support this proposal and 26 oppose.

In accordance with Council's decision, this does represent majority support of responding land owners. However, it is re-submitted for Council's consideration on the basis of the number of respondents opposing the change. Primary objections to the proposal tended to focus on three key issues:

1. Potential change of land use to accommodate future development.
2. Requirement to notify service providers of change of address.
3. Potential rise in insurance premiums, due to change of post code (from 6166 to 6164).

It is considered appropriate to address each of these concerns in more detail.

1. Potential change of land use

The subject land is primarily used for two purposes, being rural pursuits and Water Corporation, which occupies all of the land between Henderson Road, Holmes Road and Lorimer Road.

The privately owned rural zoned land was originally included in the State Government's Hope Valley-Wattleup Redevelopment Area (Latitude 32 Industry Zone) but was subsequently excluded from the final adopted plan. In terms of future land uses for this land, there is no intention for the City of Cockburn to change the zoning of the land to integrate with adjacent residential or industrial areas. Therefore, from the City of Cockburn's view point the land tenure of these lots will remain for the foreseeable future. The fact that a Bush Forever site is located within the area should also support the premise that there is no intention to re-visit the land usage issue in this area.

In addition, there are 18 freehold rural zoned properties immediately east of Lorimer Road, and otherwise bound by Russell Road and Pearse Road, which are already included in the suburb of Beeliar. These properties have not been identified as being subject to any changes in land use because of their association with the name 'Beeliar'. Of course, the adjoining Thomsons Lake and the Parks and Recreation Reserve immediately to the north of the Lake, are also contained within the suburb of Beeliar.

2. Requirement to notify service providers of change

It is a requirement of Australia Post, which is represented on the Geographic Names Committee, to notify all utility providers which service each affected property of the change of address. While this does not extend to private mail, it does account for a considerable proportion of each property's incoming mail and significantly reduces any associated workload to be undertaken by the land owner.

In addition, Australia Post has a policy of re-directing mail which is incorrectly addressed because of such changes to cause minimum inconvenience to its customers, from both a sending and receiving perspective.

Considering all of these matters there would appear to be no validity in objecting to the name change on this basis.

3. Potential rise in insurance premiums

Some objections appear to be based on statements from the land owners insurers that their respective premiums for policies

held will rise as a result of the new post code being deemed to have a higher risk associated with it and therefore justifies an increase in premiums payable. This notion was put to Council's insurance brokers, who advised that, while some areas are assessed as being in higher risk categories because of their location (and by association their post code) it would be unusual for this to be the case where there has been no change to a location of a landholding which is the subject of an insurance policy. This has been verbally confirmed by a commercial insurer; however, they stressed that this was not a firm practice and that individual cases would be dealt with on their merits. They would also not confirm that this was a standard practice amongst insurance companies.

If persons were being confronted with these circumstances by their insurers, they would be strongly advised to take the matter up with the company, or with the State Government's Department of Consumer and Employment Protection, which investigates legitimate complaints on such matters.

Another issue which has led to opposition to the name change is that people operating businesses in the area would be responsible for reprinting stationery which included the current suburb name of Munster. While it is acknowledged that this may be the case, such costs would be relatively minor.

### Conclusion

It is acknowledged that some of the residents in this affected area may have suspicions on the motives for the proposed suburb name changes, based on their previous experience with the State Government, which at one stage had identified this land for inclusion in an industrial zone. With that outcome now not possible, it can only be re-iterated that Council has no wish to change the purpose of these landholdings on the foreseeable horizon. With this in mind, it is hoped that any such notion of re-zoning this land can be allayed as a major issue.

The proposal to include this land in the adjoining suburb of Beelihar then becomes the only logical alternative, as it forms boundaries to the east and north. There is no rational reason why land with such disconnected land uses as residential, rural and Parks and Recreation cannot feature together in one suburb location. Therefore, on balance, it is recommended that the proposal be supported.

### Henderson to Wattleup

This proposal is in relation to 36 lots, bound by Rockingham Road, Russell Road (East), the railway line and Dalison Avenue to the south. The area has 23 individual land owners who were surveyed on the

proposed locality name changes. 11 responses were received, 4 supporting the change and 6 opposed, noting that 1 objector was sent and returned two survey forms.

There were no reasons given in objection to the proposal, only that one response proposed an alternative, based loosely on amalgamating parts of the suburbs of Henderson and Wattleup to form two new suburbs. One stretching from the southern City of Cockburn boundary north to Torgoyle Road and across to the coast, to be called Wattleup and the other north of that line to Frobisher Road, to be called Henderson. No rational reason has been given to support this proposition, and it is therefore difficult to provide any favourable assessment of its potential and is not supported on that basis.

In the draft proposal considered by Council in December, the land subject to the change in locality name was identified as being entirely contained within the Hope Valley-Wattleup (Latitude 32) Area, to be developed by the State Government for industrial uses. Therefore, it seems incongruous for the Latitude 32 area to be known as anything else other than Wattleup, for that part of the development planned for the Cockburn district. In the absence of any realistic comment to the contrary it is recommended that Council supports this view.

### **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**

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

### **Community Consultation**

151 affected land owners were surveyed in the areas affected by the proposal to amend locality boundaries.

### **Attachment(s)**

1. Summary of responses to survey.
2. Maps identifying current and proposed locality boundaries x 4.

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

Those who lodged a response to the survey have been advised that this matter is to be considered at the 13 March 2008 Council Meeting.

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

Nil.

**13.3 (OCM 13/3/2008) - CODE OF CONDUCT FOR STAFF (1054) (D GREEN) (ATTACH) [Item 13.3](#)****RECOMMENDATION**

That Council adopts the Code of Conduct for Staff as contained in the attachment to the Agenda.

**COUNCIL DECISION****Background**

All Councils in this State are required to adopt a Code of Conduct for its Elected Members and employees.

Until recently, it was necessary to review these Codes following each biennial election cycle. However, from 21 October 2007, the Local Government (Administration) Regulations 34B and 34C 2007, became effective. These Regulations prescribe mandatory behavioural and conduct matters which apply uniformly to all Staff of Local Governments across the State.

The Regulations supersede any other form of standards imposed on Staff by the Code of Conduct, which, in itself, is a list of voluntary obligations with no capacity for enforcement. Notwithstanding, it is considered appropriate to amend the Code to amend any statements which have the capacity to conflict with the new Regulations and enabling the remaining clauses to be observed as voluntary standards of conduct and behaviour for Staff.

**Submission**

N/A

## **Report**

It is proposed that the Code be amended in the following manner to reflect the introduction of the Regulations:

1. Addition of Clause 1.3 in the "Introduction".
2. (1) Delete Paragraph 1 of Clause 3.6 and substitute the requirements of Regulation 34C, as shown in the attachment.  
  
(2) Amend Paragraphs 2 and 3 of Clause 3.6 to become new Clause 3.7  
  
(3) Amend current Clause 3.7 to 3.8.  
  
(4) Include new Clause 3.9 to reflect the requirements of Regulation 34B, as shown in the attachments.

Accordingly, with the amendments shown on the attachment, it is recommended that Council adopt this document as the Code required, pursuant to Sec. 5.103 (1) 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**

Sec. 5.103 (1) and (2) of the Local Government Act, 1995, refers.

## **Community Consultation**

N/A

## **Attachment(s)**

1. Draft Code of Conduct for Staff (showing proposed amendments from current version).
2. Regulations 34B and 34C of the Local Government (Administration) Amendment Regulations, 1997.

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

N/A

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

Nil.

**13.4 (OCM 13/3/2008) - STATUTORY COMPLIANCE AUDIT RETURN 2007 (1332) (P WESTON) (ATTACH) [Item 13.4](#)**

**RECOMMENDATION**

That Council adopts the Statutory Compliance Audit Return for the period 1 January 2007 to 31 December 2007, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

Since 2000, completion of the Local Government Compliance Audit Return has been mandatory for all local governments in this State in accordance with Regulations 14 and 15 of the Local Government (Audit) Regulations 1996.

**Submission**

To adopt the Return in its submitted form.

**Report**

The annual Compliance Audit Return is to be presented to, and adopted by, a meeting of Council.

Following adoption by Council, a certified copy of the Return, signed by the Mayor and Chief Executive Officer, along with a copy of the relevant section of the Council Minutes, is submitted to the Director General, Department of Local Government and Regional Development in accordance with Regulations 14 and 15 of the Local Government (Audit) Regulations 1996.

The Return indicates a conformity rating of 99% for the year.

Several issues were raised in relation to Tenders for Providing Goods and Services.

1. Electrical Services – Administration Building

Quotations for Electrical Services required as part of the Administration Building's southern end refurbishment/fit-out were obtained in May 2007 but for the labour component only. Subsequent variations to the purchase order (022794) included the supply of materials that increased the contract value with SMB Electrical Services to a total of \$133,077.29 GST exclusive.

T & Z Architects supplied the City of Cockburn with a complete specification (i.e. labour and material requirements) together with drawings for these electrical services.

2. Stormwater Drainage System

Two (2) purchase orders (024905 and 024906) were issued on 1 October 2007 to Cubic Solutions for the supply of a stormwater drainage system in two different locations for \$42,655.00 and \$25,250.00 respectively with a total contract value of \$67,905.00 GST Exclusive. A subsequent third order (025366) increased this to \$72,883.64 GST exclusive.

Whilst the above stated value is less than the tender threshold of \$100,000.00 the quotation comparison report provided to the Purchasing Office detailed four (4) projects that quotations were sourced for, with a potential total contract value of \$173,610.93 GST exclusive but only two (2) of the projects have been undertaken.

3. Earthmoving/Excavating Equipment Hire

A purchase order (No. 025679) was issued on 29 November 2007 to Micson Pty Ltd for \$126,967.00 GST Exclusive. The bulk of this works related to services already supplied between March and July 2007. Micson were engaged to assist the City in a response to a substantial landfill fire and were retained to supplement the machinery failures experienced by the City's contractors, Canning Vale Earthmoving.

The Purchasing Office was advised in September 2007 that the existing contractor, Canning Vale Earthmoving, contracts' (RFT 33/2005 and RFT 34/2005) were pending termination. These contracts were terminated in October 2007 and tenders called on 24 November 2007 and awarded in December 2007.



4. Concrete Services – Dual Use Paths

The Purchasing Office sourced quotations in October 2007 for concreting services for the supply and installation of a 500 lineal metre concrete dual use path.

These quotations were subsequently used to issue three (3) Purchase Orders (Nos. 025442, 025595 and 025645) to Dowsing Concrete in November 2007 for \$32,236.00, \$134,454.55 and \$33,335.00 respectively for a total contract value of \$200,025.55 GST exclusive.

Sample tender documentation for concrete paths was provided by the Purchasing Office in January 2007 but no tenders were called. The calling of tenders for concreting services has now been included in the Purchasing and Tenders Coordinator's task schedule for 2008.

5. The other issue of non-compliance was in relation to the submission of the annual financial statements to Council's Auditors by 30 September 2007. This was not done in accordance with requirements, however, will be attended to by the statutory date in 2008.

### **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**

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 refer.

#### **Community Consultation**

N/A

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

Compliance Audit Return 2007.

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

N/A

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 13/3/2008) - HOME OCCUPATION - BEAUTY THERAPY - LOCATION: 10 MAGPIE COURT YANGETUP - OWNER/APPLICANT: IVANA SULENTA (4413935) (B HOGARTH-ANGUS) (ATTACH) [Item 14 1](#)**

**RECOMMENDATION**

That Council:-

- (1) grant its approval to the proposed Home Occupation in accordance with the approved plan subject to the following conditions:-

**STANDARD CONDITIONS**

1. The home occupation can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of development.
3. The development complying with the Home Occupation provisions and definition set out in the Town Planning Scheme
4. All materials and/or equipment used in relation to the Home Occupation shall be stored within the residence or an approved outbuilding.
5. The Home Occupation can only be undertaken by the owner of the land and is not transferable pursuant to clause 5.8.5 (a) (ii) of Town Planning Scheme No. 3.
6. On the sale of the property or change in ownership of the land the home occupation entitlement ceases pursuant to clause 5.8.5 (a) (iii) of Town Planning Scheme No. 3.

SPECIAL CONDITIONS

7. The maximum number of clients being restricted to 4 per day with at least 15 minutes between each appointment.
8. The hours of operation being restricted to 10am – 6pm Monday to Friday, 10am-2pm Saturdays and not at all on Sundays or Public Holidays.
9. All parking is to be contained completely within the Lot. Clients are required to park on the driveway of the property and NOT on the verge, to preserve the amenity and convenience for the adjoining neighbours.
10. In the instance that the City receives substantiated complaints regarding the operation being run contrary to the conditions of this approval, the City reserves the right to revoke this approval notice.
11. This home occupation approval is for a hairdresser and does not permit ear piercing and skin penetration.

FOOTNOTE

1. “Home Occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-
  - (a) does not employ any person not a member of the occupier's household;
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 20 square metres;
  - (d) does not display a sign exceeding 0.2 square metres;
  - (e) does not involve the retail sale, display or hire of goods of any nature;
  - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
  - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

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

**COUNCIL DECISION**

**Background**

Zoning:	MRS:	Urban
	TPS3	R20
Land Use:	Residential	
Lot Size:	427m <sup>2</sup>	
Use Class:	"P"	

The application has been made for a hairdressing salon at 10 Magpie Court. The subject land is a rear battleaxe lot, serviced by a 3.1m wide accessway. This accessway runs for 32m from the front boundary to the front of the dwelling, with a single carport sitting approximately half way up this driveway. The crossover for the subject lot is shared with 9 Magpie Court at the verge, with each driveway tapering into separate accessway's 2m from this verge.

**Submission**

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

- A hairdressing operation from the premises functioning between the hours of 10am – 6pm Monday to Friday and 10am - 2pm on Saturdays.
- A maximum number of 4 clients per day, with a minimum of 15 minutes break in-between appointments.
- Parking can be adequately contained along the accessway.
- The business is to be contained in the front workshop of the house, measuring 18.25m<sup>2</sup>. This room has a sink, air conditioning and laminate flooring.

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

## **Report**

The subject land is zoned R20 under the City of Cockburn Town Planning Scheme No. 3. Council has the discretion to either approve (with or without conditions) or to refuse the application. As the City has received a number of objections from surrounding landowners, the matter has been referred to Council for consideration.

### Scheme Requirements

The application seeking a home occupation on the subject property complies with the requirements stipulated under Clause 5.8.5 (a) (Home Occupation and Home Business in Residential Zones) of the City's Town Planning Scheme No. 3.

### Amenity

It is considered that the establishment of a home occupation in this location can be sufficiently managed so as to not adversely impact on the amenity of the street. The City believes that there exists more than enough room on the driveway to provide parking for the occupants and daily clients. The approval has been accordingly conditioned to ensure that all clients' parking will be catered for on the subject lot, (albeit in tandem) and it is the applicant's responsibility that these conditions are adhered to at all times.

As covered in the conditions, if the street amenity is compromised by the applicant or clients parking elsewhere, the approval can be revoked.

### Discussion

The concerns raised in the submissions are addressed below:-

Whilst previously there may have been parking issues in the street, the responsibility for parking solely on the subject lot will rest with the applicant. Seemingly, private visitors and / or occupants were parking on the verge causing traffic problems. The approval conditions provide an instrument by which to control and monitor parking whilst additionally outlining possible revocation of the approval if the applicant does not abide by the relevant conditions.

The accessway is 32m long, which allows ample space for occupant and client parking. The City believes the home occupation will not significantly increase the traffic in the street, as the hours of operation are limited and only a maximum of 4 clients per day are permitted.

### Recommendation

In light of all the above, it is recommended that Council conditionally approve this proposal. The conditions of approval are thorough enough to ensure the adjoining properties are not negatively affected by this home occupation and present clear guidance to the applicant to guarantee all parking remains on their lot without interfering with their neighbours.

### **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**

N/A

#### **Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005  
State Administrative Tribunal Regulations

#### **Community Consultation**

In accordance with provision 9.4 of the Scheme, the proposal was advertised for public comment to six (6) adjoining neighbours. At the conclusion of the advertising period, three (3) letters of objection were received, one (1) letter of support, one (1) letter of no objection and one (1) neighbour did not respond. The location of each response/no response can be seen on the attached annotated map. The following table is a summary of these submissions:-

<b>Submissioner</b>	<b>Objection/Support/ No Response</b>	<b>Issues</b>
Mr & Mrs Nodari 9 Magpie Court, Yangebup	Objection	<ul style="list-style-type: none"> <li>• Parking concerns</li> <li>• People blocking in their driveway</li> </ul>
Gary Marsh 3 Magpie Court, Yangebup	Objection	<ul style="list-style-type: none"> <li>• Vehicles being parked in the cul-de-sac</li> </ul>
John McCance 7 Magpie Court, Yangebup	Objection	<ul style="list-style-type: none"> <li>• Vehicles being parked in the cul-de-sac</li> </ul>

Barry & John Halton 23 Magpie Court, Yangebup	Support	
E.M Way 5 Magpie Court, Yangebup	No Objection	
G Stevens 1 Magpie Court, Yangebup	No Response	

#### Attachment(s)

1. Location Plan – Mark where Submissions of Objection and Support have been received.
2. Site Plan
3. Floor Plan
4. Applicant's justification

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 March 2008 Council Meeting.

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

Nil.

#### 14.2 (OCM 13/3/2008) - REQUEST TO ADVERTISE THE STRUCTURE PLAN FOR THE MUNSTER URBAN DEFERRED AREA - LOCATION: FAWCETT ROAD MUNSTER- OWNER: VARIOUS - APPLICANT: MRS R O'BRIEN - (8688) (A BLOOD) (ATTACH)

#### RECOMMENDATION

That Council:-

- (1) not agree to the advertising of the Structure Plan for the Munster Urban Deferred Area; and
- (2) not agree to withdraw from the appeal at the State Administrative Tribunal.

#### COUNCIL DECISION

## **Background**

At the Annual General Meeting of Electors held on 5 February 2008 the following motions proposed by Mrs O'Brien were passed;

1. The residents who live in the Urban Deferred Area request that Council agree to allow the Munster Structure Plan for the Urban Deferred Area to be advertised for public comment as soon as possible and agree that Council withdraw its objection to advertising at the State Administrative Tribunal.
2. That Council allow our planners (BSD Cardno) and myself to make a 20 minute presentation to the Council Meeting 13 March 2008 before the agenda item is debated.

At the meeting the Mayor advised he agreed to a 10 minute presentation to the March meeting of the Council in accordance with Standing Orders.

## **Submission**

N/A

## **Report**

At the Annual General Meeting of Electors Mrs O'Brien read out a prepared submission in support of her motion. By email dated 7 February 2008 the Manager Planning Services requested a copy of the submission so that the matters raised could be reported on to Council. At the time of preparing this Agenda report Mrs O'Brien had not responded to the request.

The submission read to the Annual General Meeting of Electors by Mrs O'Brien and the motion was essentially the same as that contained in a letter from Mrs O'Brien to Elected Members dated 29 November 2007. Accordingly in the absence of the actual submission, detailed comments have been prepared in respect to the matters raised in Mrs O'Brien's letter dated 29 November 2007 which have been circulated under separate cover.

Also a confidential attachment has been separately forwarded to Elected Members containing a letter from McLeods which sets out the potential consequences if the City agrees to advertise the proposal and withdraws from the appeal at the State Administrative Tribunal.

For the reasons outlined in the Agenda attachments it is recommend that Council not agree to the advertising of the Munster Structure Plan for the Urban Deferred Area and not agree to withdraw its objection to advertising of the structure plan at the State Administrative Tribunal.



## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Governance Excellence**

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

## **Budget/Financial Implications**

The City's solicitor has identified that there could be potential costs orders issued against the City by the State Administrative Tribunal if it withdraws from the appeal.

## **Legal Implications**

Section 5.33 of the Local Government Act 1995, requires all decisions made at the Electors Meetings to be formally considered by Council. Provisions of TPS 3 set out the procedure for the processing and advertising of Structure Plans and the need to determine the proposal is in accordance with proper and orderly planning before advertising.

## **Community Consultation**

The motion was carried at a legally convened meeting attended by approximately eighty (80) electors.

## **Attachment(s)**

1. Response to letter from Mrs O'Brien to Elected Members dated 29 November 2007 (**confidential attachment**).
2. Legal advice from McLeods (confidential attachment).

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

The mover of the motion has been advised that this item is to be considered at 13 March 2008 Council Meeting.

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

Nil

**14.3 (OCM 13/3/2008) - DETAILED AREA PLANS FOR STAGES 2A, 2B AND STAGE 8 PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (9022) (T WATSON) (ATTACH) [Item 14 3](#)**

**RECOMMENDATION**

That Council:

- (1) approve the Detailed Area Plans presented for Stages 2A, 2B and 8 Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3, subject to:-
  1. the inclusion of a note in all the 'Standard Lot' DAP's encouraging the use of a 4.5 metre garage setback; Specific mention being made of the Bin Pad Location for Lot 955 (in the DAP for Stage 2B 'Laneway Lots'); and
  2. the garage location for Lots 524, 531, 960 and 962 being identified as "Designated" (in the DAP for Stage 8B 'Laneway Lots').
- (2) advise the applicant accordingly.

**COUNCIL DECISION**

**Background**

The land covered by the subject Detailed Area Plans (DAP's) is within the Port Coogee development area. Under the Structure Plan, the affected land is identified for low to medium density residential development (R20-40), within the southern and eastern parts of the 'Dry Land Residential' precinct. In recognition of the different access arrangements within the stages, the DAP's are divided into those for 'Standard' lots and 'Laneway' lots. In total, six (6) DAP's are proposed for the three stages.

**Submission**

The attached DAP's address amongst matters:

1. Key elements to be considered in the design of dwellings.

2. Dwelling setback requirements, including the extent to which parapet walls can be erected on side boundaries.
3. Dwelling height.
4. Access and garage requirements.

Particular provisions apply to lots that sit adjacent to realigned Cockburn Road. In these instances, the design and construction of proposed dwellings need to satisfy 'Quiet House' design requirements.

Where the DAP's do not refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Design Codes (R-Codes) and Town Planning Scheme No. 3 where the R-Codes do not apply.

### **Report**

The Stage 2 and 8 DAP's provide a site-specific layer of planning information, to be considered in the design and development of the lots in question. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme.

Presentation of the DAP's to the City was by the planning consultant for Port Coogee. Subsequent to an initial assessment, several changes have been made to the documents for the benefit of all stakeholders. These include future purchasers and the City (when application is made for assessment and determination). The changes included:

1. A specific note requiring exposed sections of parapet wall to be appropriately finished.
2. All dwellings to be setback a minimum of 1.0 metre from a secondary street and/or a laneway (nil setbacks previously proposed).
3. Clarification that nil setbacks are permissible to one (1) side boundary only on larger lots.

### **Conclusion**

The amended DAP's provide detailed controls for small lot development identified in the Structure Plan for the land in question. It is, therefore, recommended that the DAP's be adopted by Council. Adoption of the documents is recommended subject to the following additional changes:

1. The inclusion of a note in all the 'Standard Lot' DAP's encouraging the use of a 4.5 metre garage setback. At 4.5 metres, visitors can park in tandem behind the two vehicles in the garage (without extending in part across the front lot boundary).

2. Specific mention being made of the Bin Pad Location for Lot 955 (in the DAP for Stage 2B 'Laneway Lots').
3. The garage location for Lots 524, 531, 960 and 962 being identified as "Designated" (in the DAP for Stage 8B 'Laneway Lots').

The approval of the DAP's is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in DAP's and the process for adopting such. Where a DAP may affect landowners other than the owner of the land subject of the plan, the City may undertake consultation.

As Australand owns the majority of surrounding land, this has not occurred. Furthermore, the DAP's reflect the content of the Structure Plan (and future development should occur as anticipated, precluding the need for consultation). Clause 6.2.15.8 provides scope for a DAP to be amended.

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

APD 31      Detailed Area Plans

#### **Demographic Planning**

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

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

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

#### **Governance Excellence**

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

Council Policies that apply are:-

APD 31 - Detailed Area Plans

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

Planning and Development Act 2005

### **Community Consultation**

The DAP has not been the subject of consultation. The DAP sits within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops.

### **Attachment(s)**

- (1) Location Plan
- (2) Staging Plan
- (3) Detailed Area Plans

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

The Proponent has been advised that this matter is to be considered at the 13 March 2008 Council Meeting.

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

Nil.

#### **14.4 (OCM 13/3/2008) - BRANCH CIRCUS STRUCTURE PLAN - DEVELOPMENT AREA 13 - LOCATION: BRANCH CIRCUS SUCCESS - OWNER: VARIOUS - (9673) (A BLOOD) (ATTACH) [Item 14 4](#)**

#### **RECOMMENDATION**

That Council endorse the draft Structure Plan for Development Area No. 13 – Branch Circus for the purpose of undertaking public consultation.

#### **COUNCIL DECISION**

### **Background**

The subject land is zoned Urban Deferred in the Metropolitan Region Scheme and Development Zone (DA 13) in the City of Cockburn TPS

No. 3. To facilitate development of the area it is necessary to progress the approval of a structure plan.

### **Submission**

Nil.

### **Report**

The Branch Circus structure plan area - Development Area 13 (DA 13) is that land generally bounded by Branch Circus and Hammond Road Success. Land to the north and west is part of the Beeliar Regional Park (Thomsons Lake) whilst the Bartram Road buffer lake is located at the southern boundary of the area.

DA 13 has an area of some 34.7ha comprising 12 lots which range between 2 ha and 5 ha in area. The lots are in individual ownership and have been developed for a range of rural lifestyle uses.

Prior to the area being able to be subdivided or developed, it is necessary for the land to be transferred to the urban zone in the MRS and the requirements of DA 19 satisfied. Given the multiplicity of land ownership it was considered that the most practical way of progressing the planning of the area and enable its potential to be realised was for the City to take a lead role in the preparation of a district level structure plan for the area. This has been done in conjunction with Koltasz Smith who acts on behalf of some landowners in the area. The draft structure plan was developed at a joint meeting comprising officers from strategic planning, parks, environment and engineering and planners/designers from Koltasz Smith.

The structure plan area abuts the Beeliar Regional Park and contains several wetlands. Accordingly there has been a need to undertake a detailed environmental assessment of the site. This has been prepared by RPS Bowman Bishaw Gorham. One of the key requirements of the environmental brief was to review the values, extent and status of the wetlands as a basis of ensuring that they are appropriately accommodated within the structure plan. A site survey was undertaken as part of the environmental brief.

The submitted draft structure plan reflects the recommendations of the environmental consultant. It is considered that the incorporation of the wetlands in public open space and designation as Conservation Zone adequately accommodates and protects the wetlands. The wetland in the north western corner of the structure plan area which is an extension of the wetland that extends between Branch Circus and Hammond Road on the northern boundary of the structure plan area is shown as Conservation zone which would allow the land to be retained in private ownership but managed by the owners in accordance with

the newly adopted scheme provisions for land designated Conservation zone.

An alternative to Conservation zone would be for the land to be included in the Beeliar Regional Park. This would have financial implications for the Western Australian Planning Commission and accordingly is raised in the structure plan report as an alternative strategy for consideration and comment by both the owners and the relevant government agencies.

The proposed draft structure plan has been prepared in accordance with the principles of the Planning Commissions Liveable Neighbourhoods and is considered to appropriately respond to the sites opportunities and constraints. Accordingly it is recommended that the draft structure plan (see Agenda attachments) be endorsed by Council for the purpose of advertising for comment by landowners, the community, servicing authorities and government agencies.

The environmental report prepared by RPS Bowman Bishaw Gorham and servicing report by SKM is to be advertised as part information supporting the structure plan. During the advertising period consultants will be appointed to prepare a Local Water Management Strategy which will be referred to the Department of Water for consideration.

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

#### **Demographic Planning**

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

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

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

#### **Natural Environmental Management**

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

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

Community, service authority and government agency consultation will be undertaken subsequent to endorsement of the draft structure plan by Council.

### **Attachment(s)**

Draft Structure Plan

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

Nil.

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

Nil.

#### **14.5 (OCM 13/3/2008) - STATE ADMINISTRATIVE APPEAL TRIBUNAL MEDIATION OUTCOMES - LOT 29, NO. 9 TANUNDA ROAD, COOGEE - OWNER: NICK & JOANNE LEE - APPLICANT: JOHN KIRKNESS ARCHITECT (3309129) (V LUMMER) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) refuses the proposal from the applicant as submitted following the mediation process on the basis that the overall wall and ridge height of the development would create an adverse impact on the amenity of the locality and an undesirable precedent in the locality; and
- (2) advises the State Administrative Tribunal accordingly.

#### **COUNCIL DECISION**

### **Background**

(MINUTE NO. 3540) On 13 September 2007 Council considered an application for Additions to the dwelling at the above address, and resolved as follows:



*That:*

- (1) *Council refuse to grant its approval to the proposed additions to the existing single residence on No 9 Tanunda Road, Coogee for the following reasons:-*
  1. *The proposed development does not comply with the Acceptable Development requirements of the Residential Design Codes (RDC) under the Clause 3.7.1 (A1.1) – Building Height;*
  2. *The proposed development does not satisfy Performance Criteria of the RDC under the Clause 3.7.1 (P1) – Building Height;*
  3. *The proposed development is inconsistent with the desired height of buildings in the locality and would negatively affect the amenity of the adjoining properties;*
  4. *The proposed reduced front setback is not in accordance with the Acceptable Development Standards of the RDC under the Clause 3.2.1 (A1);*
  5. *The proposed structures within the front setback area do not satisfy the performance Criteria of the Clause 3.2.1 (P1) and it is considered that the proposal would negatively affect the existing streetscape;*
  6. *The front setback of the garage does not comply with the Acceptable Development Standards of the RDC under the Clause 3.2.3;*
  7. *The proposed reduced front setback to the garage together with other proposed structures in the front setback would detract from the existing streetscape;*
  8. *The proposed development does not satisfy the general objectives of the RDC under the Clause 2.1.1 to protect the amenity of adjoining residential properties due to its excessive height and bulk and its negative impact on the existing streetscape and the views available to adjoining properties.*
- (2) *Council issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and*
- (3) *the following issues should be rectified and addressed by the applicant if a new amended application is lodged:*

1. *The proposed staircase within the front setback being deleted or setback behind the 6.0m front setback line.*
2. *The proposed parallel parking garage being setback 3.0m from the front boundary.*
3. *The applicant to specifically address overlooking of the major openings and outdoor living areas of the adjoining properties from the proposed development by showing cones of vision in accordance with the RDC and providing a letter justifying compliance under the relevant criteria.*
4. *The height of the walls of the proposed residence being a maximum 6.0m measured from the natural ground level (excluding the existing site works).*
5. *The height to the top of the roof being a maximum of 9.0m (or required height for shorter ridges under the RDC) measured from the natural ground levels (excluding the existing site works).*
6. *The applicant to provide a streetscape elevation to demonstrate how the proposed new residence fits in within the existing streetscape.*

Rather than submitting a revised application, the applicant has lodged an application for review at the State Administrative Tribunal (an appeal).

Mediation sessions were held on 7 December 2007 and 8 January 2008, at which the issues raised in Councils refusal were discussed. The major issue to emerge was the height of the proposed building and the method of determining the height.

### **Submission**

Nil

### **Report**

The issues in this matter are discussed in the confidential attachment.

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

#### **Demographic Planning**

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

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

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Residential Design Codes of WA  
City of Cockburn Town Planning Scheme No. 3  
Planning and Development Act 2005

### **Community Consultation**

The mediated outcome has not been advertised as it is a confidential negotiation between the applicant and the City.

### **Attachment(s)**

Confidential attachments sent under separate cover.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 March 2008 Council Meeting.

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

Nil.

- 14.6 (OCM 13/3/2008) - INITIATION OF PROPOSED AMENDMENT NO. 65 TO TOWN PLANNING SCHEME NO. 3 - LOCATION: LOTS 453 AND 454 MACQUARIE BOULEVARD, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS (CURRENTLY SUBJECT TO CONTRACTUAL PURCHASE BY THE CCI GROUP) - APPLICANT: BURGESS DESIGN GROUP (93065) (R DONG) (ATTACH)**  
[Item 14 6](#)

#### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) initiate the following amendment:-

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION

DECIDING TO AMEND CITY OF COCKBURN TOWN  
PLANNING SCHEME NO. 3

AMENDMENT NO. 65

Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. deleting sub-clauses 7(a) (i), 7 (b)(i) and 7(d)(i) in the provisions column for the Gaebler Road Development Zone (DA 9) in Schedule 11 and :
2. inserting the following new sub-clause under clause 7 in the Provisions column for the Gaebler Road Development Zone (DA 9) in Schedule 11:
  - (a) Building Location
    - (i) Development fronting Russell Road (Other than car based development), Macquarie Boulevard and Yarra Promenade (other than residential development) is required to have a nil setback to the street front, or is to paved and landscaped to achieve visual integration and pedestrian permeability between the building frontage and street, to provide a “main street” character to the centre.
  - (b) Building Form
    - (i) Buildings shall be generally contiguous, other than for pedestrian access points, alfresco dining areas and vehicular access and parking. All buildings within the centre plan area should exhibit a high degree of architectural integrity and avoid the traditional “big box” supermarket style.
  - (d) Building Frontage
    - (i) The façade of development along Russell Road, Macquarie Boulevard, Hammond Road and Yarra Promenade shall comprise an aggregate of at least 40% of the façade area below the eave line as clear windows to provide a visual connection between uses inside the building and activity on the street
- (3) the amending documents, and advise the WAPC of Council's decision;

- (4) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (5) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation without reference to the Western Australian Planning Commission;
- (6) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (8) advise the applicant of Council's decision accordingly.

## COUNCIL DECISION

### Background

Zoning:	MRS:	Urban
	TPS3:	Local Centre (DA 9, Gaebler Road Development)
Land Use:	Vacant land.	
Lot Size:	4,692m <sup>2</sup> and 4,728m <sup>2</sup>	

The subject land falls within the Frankland Local Structure Plan (Attachment 2 refers) area and is located at the junction of Russell Road and Hammond Road / Macquarie Boulevard in the Hammond Park locality. Lots 453 and 454 are respectively located on the western

and eastern sides of Macquarie Boulevard with lot area of 4,692m<sup>2</sup> and 4,728m<sup>2</sup>.

The applicant, Burgess Design Group, has been engaged by the contracted land owner (the CCI Group) to prepare an amendment to the City's Town Planning Scheme No. 3 (TPS No 3) to modify the Scheme Text provisions for the development of the neighbourhood centre in the Gaebler Road Development Area, in order to provide greater flexibility in terms of building location, building frontage and building form requirements.

### **Submission**

The applicant at request of the CCI Group has submitted the document for the proposed Scheme Amendment No. 65 (Attachment 3 refers).

### **Report**

#### Hammond Park Neighbourhood Centre Master Plan

Attachment 4 shows the Hammond Park Neighbourhood Centre Master Plan (Centre Plan) prepared by the CCI Group, which illustrates a conceptual vision for the future supermarket, together with some retail tenancies on Lot 454, and a tavern together with a liquor retail on Lot 453.

In preparing this Centre Plan, the CCI Group had consulted with the City's senior planning staff and engineering officer with regards to the built form design and other planning aspects as well as vehicle/pedestrian accesses. It was considered that this Centre Plan generally satisfies local centre planning principles for this particular locality, and addresses issues of traffic and pedestrian movements.

Of a particular note with regard to whether the local centre should be a "main street" type or "big box" type, there has been significant discussions between the CCI Group and the City in order to define the character of the centre. Notwithstanding the Scheme provisions emphasise the "main street" character to the centre by requiring a nil setback to Russell Road, Macquarie Boulevard and Yarra Promenade, the CCI Group believes that a pure "main street" type local centre may not work well in this particular locality from their marketing point of view. It believes that a hybrid type with the mixture of "main street" and "big box" types of local centre will work better for this locality. Furthermore, the City's Planning department considers that due to the physical nature of the subject lots which form a considerably short street in Macquarie Boulevard, pure "main street" type in such a short street is unlikely to generate a strong local focus and maintain the centre's vibrancy. Therefore, overly emphasise the existing scheme provisions (for "main street" characters) may undermine the centre's long term economic sustainability and the centre's vibrancy.

The Centre Plan shows that the proposed tavern and the liquor retail having a nil setback to Russell Road, and with an alfresco dining area fronting Macquarie Boulevard, which is likely to provide a “main street” character to the centre. Furthermore, the Centre Plan proposes some retail tenancies in front of the supermarket, which will lessen the feeling of “big box” type local centre. This hybrid type approach requires some minor modifications to the existing Scheme provisions relating this centre to allow for some flexibility in terms of building location (setbacks), building form and building frontage.

#### Scheme Amendment No. 65

Attachment 5 shows the existing Scheme provisions for DA 9 subclauses 7(a)(i), 7(b)(i) and 7(d)(i) in Schedule 11.

The proposed Scheme provisions in the Recommendation section of this report only seek minor modifications to the existing Scheme provisions:

The applicant seeks to insert the texts “... or is to be paved and landscaped...” after the wording “... is required to have a nil setback to the street front,” in subclause 7(a) (i). This modified subclause 7(a)(i) will have the effect of permitting development where buildings can be set back from the street in instances where appropriate landscaping is implemented that provides a visual and pedestrian environment such that the setback area is integrated with the street environment.

With regard to subclause 7(b) (i), the applicant seeks to insert the texts “... and vehicular access and parking” after the wording “Buildings shall be generally contiguous, other than for pedestrian access, alfresco dining areas”. This will have the effect of permitting vehicular access and parking between buildings. This acknowledges that neighbourhood centre development, particularly where anchored by a neighbourhood supermarket and tavern as proposed in the CCI Group Centre Plan, is expected to generate significant demand for vehicular access. Most of this vehicular access and related parking will need to be accommodated on site, given the limited opportunity for on-street parking to be provided on neighbourhood streets where street amenity for residents needs to be balanced with the demand for visitor car parking.

With regard to the wording in subclause 7(d) (i) “... shall comprise an aggregate of at least 60% of the façade area below the eave line as clear windows to provide a visual connection between uses inside the building and activity on the street”, the modified text at 7(d)(i) seeks to replace the “60%” with “40%”. This will have minimum effect on development outcomes in respect to current provisions, where slightly less than half of façade areas will still require clear window as opposed to slightly more than half. However, it will provide more flexible

arrangements for storage and display in terms of floor layout, particularly for retail development.

### Internal Consultation

The proposed amendment has been referred to the City's internal technical departments for comment. No issues have been raised by the Environmental, Engineering and Building departments. Parks department raised issues relating to traffic management and landscaping treatment for the local centre. These issues; however, can be addressed at the Development Approval stage, and would unlikely have any impact on the proposed Scheme amendment.

### **Conclusion**

Proposed Scheme Amendment No. 65 is aimed to support the Hammond Park Neighbourhood Centre Master Plan and provide some flexibility in the Scheme provisions relating to the subject land. These amended Scheme provisions will facilitate the landowner/developer to create a more attractive local centre and would likely achieve a more sustainable planning outcome. It is therefore recommended that the Council initiate Scheme Amendment No. 65 for the purpose of advertising.

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

#### **Demographic Planning**

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

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

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

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

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

### **Budget/Financial Implications**

Nil

### **Legal Implications**

Town Planning Scheme No. 3



Planning and Development Act 2005  
Town Planning Regulations 1967 (as amended)

### **Community Consultation**

The proposed amendment is required to be referred to the EPA for comment; following receipt of advice from the EPA, the amendment is required to be advertised for a 42 day period in accordance with Town Planning Regulations 1967.

### **Attachment(s)**

- (1) Locality Map
- (2) Frankland Local Structure Plan
- (3) Scheme Amendment Document
- (4) Hammond Park Neighbourhood Centre Master Plan
- (5) Exiting Scheme provisions in Schedule 11 for DA 9 – sub-clauses  
7

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

The Proponent has been advised that this matter is to be considered at the 13 March 2008 Council Meeting.

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

Nil

#### **14.7 (OCM 13/3/2008) - MODIFIED STRUCTURE PLAN FOR LOTS 9501 AND 500 HAMMOND ROAD, SUCCESS - OWNER/APPLICANT: MATELJAN (9638G) (M CARBONE) (ATTACH) [Item 14.7](#)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the modified structure plan for lots 9501 and 500 Hammond Road, Success prepared by the City of Cockburn as shown within attachment 2;
- (2) adopt the officers recommendations on the Schedule of Submissions contained in the Agenda attachments and forward a copy of the modified Structure Plan and Schedule of Submissions to the Western Australian Planning Commission; and
- (3) advise the proponent and submissioners of Council's decision accordingly.

## COUNCIL DECISION

### Background

A modified structure plan has been prepared for Lots 9501 and 500 Hammond Road, Success following a request from the landowners. Lot 9501 is 1762m<sup>2</sup> and Lot 500 is 1000m<sup>2</sup>.

The original structure plan for the area was approved by Council in April 2005 and endorsed by the Western Australian Planning Commission in December 2005.

### Submission

N/A

### Report

The proposal relates to lots 9501 and 500 Hammond Road, Success which are currently classified as Residential R20 and unzoned respectively under the endorsed Structure Plan. The modified Structure Plan involves changing the zoning of these lots to R40 which is consistent with the land to the north. No other changes are proposed.

Each of the affected lots contains two existing dwellings which have direct vehicular access to Hammond Road which is undesirable. The proposed modified Structure Plan will prohibit vehicle access from Hammond Road and ensure that the redevelopment of the site results in access from Pitta Corner only (note that access for existing dwellings to Hammond Road will continue until the land is redeveloped). Both lots are in the same ownership and will allow a coordinated medium density development to occur on the land.

The subject land is suitable for R40 development for the following reasons:

1. Logical extension of the R40 zoned land to the north.
2. The site is located on the bus route.
3. Can be redeveloped in a comprehensive manner fully utilising the R40 standards.
4. It will provide further diversity in housing product to the single residential lots and apartments to be constructed on the lot adjoining the site.

5. Upon redevelopment, it will achieve the City's objective of having no direct lot frontage to Hammond Road.
6. Will create a better streetscape to Pitta Corner than the current rear of the lots and blank fence/sheds.
7. Will not have any adverse impacts.

It is not suitable to extend the R40 zone further south than as proposed for the following reasons:

1. Liveable Neighbourhoods encourages zoning changes to occur at the rear of properties which ensures a more consistent streetscape. The proposal achieves this requirement.
2. The property to the south (Lot 499) is a corner property with street frontage to Pitta Corner, Frankenia Turn and Hammond Road. This lot is zoned R25 which is consistent with the other lots within this section of Frankenia Turn. Frankenia Turn is the main entry into the estate and increasing the zoning on this lot would create additional traffic conflict.
3. Rezoning Lot 499 to R40 would result in an unacceptable streetscape dominated by garages.

The proposed modification better utilises the land and resolves undesirable access issues to Hammond Road.

The modified Structure Plan was advertised for public comment from 22 January 2008 to 13 February 2008. Five submissions were received all from services authorities providing no objections and/or advice on the proposal. The submissions are summarised in the Schedule of Submissions included in the Agenda attachments and do not require explanation over and above that outlined in the Schedule of Submissions.

It is recommended that Council adopt the modified structure plan and advise the Western Australian Planning Commission accordingly.

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

#### **Demographic Planning**

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

The Planning Policies which apply to this item are:  
SPD4 - 'Liveable Neighbourhoods'

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil

**Community Consultation**

The structure plan was advertised in the local paper and letters were sent to the affected landowners and the servicing authorities.

**Attachment(s)**

1. Location Plan
2. Existing and advertised modified structure plan
3. Schedule of submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 March 2008 Council Meeting.

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

Nil.

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

**15.1 (OCM 13/3/2008) - LIST OF CREDITORS PAID - JANUARY 2008 (5605) (K LAPHAM) (ATTACH) [Item 15 1](#)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for January 2008, 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 January 2008 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 - January 2008.

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

N/A

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

Nil.

**15.2 (OCM 13/3/2008) - STATEMENT OF FINANCIAL ACTIVITY - JANUARY 2008 (5505) (N MAURICIO) (ATTACH) [Item 15 2](#)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for January 2008, 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 are to be presented to the Council.

**Submission**

N/A

**Report**

Attached to the Agenda is the Statement of Financial Activity for January 2008.

The financial statements for January 2008 do not reflect the Mid Year Budget Review accepted by Council in February 2008. The February 2008 Financial Statements will have all the budget adjustments posted

to the general ledger. The January 2008 Financial Statements were produced before the Council considered the Mid Year Budget Review.

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

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

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

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

#### Material Variance Threshold

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

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

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

##### **Governance Excellence**

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

### **Budget/Financial Implications**

Where variances reported are of a permanent nature, they will impact upon Council's end of year surplus/deficit position. Variances that were identified at the end of December, were addressed in the mid-year Budget Review presented to the February 2008 Council Meeting. These will be reflected in the February 2008 Statement of Financial Activity.

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports - January 2008.

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

N/A

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

Nil.

## **16. ENGINEERING AND WORKS DIVISION ISSUES**

### **16.1 (OCM 13/3/2008) - TEMPORARY CLOSURE OF BUFFER LANE IN COCKBURN CENTRAL TO THE PASSAGE OF VEHICLES (3) (6007096; 4206) (S HUSSAIN) (ATTACH) [Item 16 1](#)**

#### **RECOMMENDATION**

That Council in accordance with section 3.50 of the Local Government Act 1995, institutes a temporary closure of Buffer Lane, Cockburn Central for a period of up to 8 months commencing 7 April 2008 during the construction of the development on Lot 12 Cockburn Central subject to:-

- (1) there being no substantial objection received as a result of advertising in a local newspaper;
- (2) there being no substantial objection from service authorities, emergency services or adjoining owners;



- (3) the developer to engage a traffic management contractor to submit a certified traffic management plan to monitor and control traffic movements due to the closure; and
- (4) all works on / or damaged to existing City infrastructure (roads, footpaths, drainage, parks or verges) are to be completed and / or reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum. The proponent is fully responsible for public liability and damages arising from the works.

## COUNCIL DECISION

### Background

Cockburn Central Town Square area is now completed and the other infrastructures like roads, car parking and street lightings are also fully operational. Building activities on the vacant lots can commence any time.

### Submission

Australand Holdings Limited has requested that the City of Cockburn implements procedures to close Buffer Lane for a period of 8 months during the construction of the development on Lot 12 Cockburn Central.

### Report

During the building activities of Lot 12 Cockburn Central which is abutting Buffer Lane; the lane closure will be required for the below reasons:

1. The perimeter scaffold to the gable walls will encroach onto Buffer Lane by approximately 2-2.5m (laneways only have 6m road reserve width). This will reduce the road to a single lane of traffic.

2. The safest solution would be to close the road which would reduce the risk of potential accidents due to cars turning into single lane traffic.
3. Buffer lane is a minor road within the development without any car parking bays; therefore closure of the road will not reduce the number of available parking bays.
4. The lane is not used by any vehicle and closure will not have a detrimental affect on the flow of traffic within the development.
4. The temporary site fencing could be extended around the scaffolding to further reduce any potential risk and that requires full road closure.
6. Australand will appoint a certified traffic management contractor to monitor the impact of the road closure on Cockburn Central area, if it appears to the City's representative that the closure is creating undue congestion, the City will instruct the contractor to submit a traffic management plan for its approval and engage traffic management personnel to implement that.

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

#### **Demographic Planning**

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

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

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

#### **Transport Optimisation**

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

### **Budget/Financial Implications**

All costs to the closure will be covered by the Developer.

### **Legal Implications**

Section 3.50 of the Local Government Act.

### **Community Consultation**

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

**Attachment(s)**

Plan of the closure

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

N/A

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

Nil

**16.2 (OCM 13/3/2008) - TENDER RFT 05/2008 - ROAD CONSTRUCTION SERVICES - RUSSELL ROAD REALIGNMENT (EAST) (RFT05/2008) (450011) (4286) (J RADAICH) (ATTACH) [Item 16 2](#)**

**RECOMMENDATION**

That Council accept the tender submitted by VDM Earthmoving Contractors Pty Ltd, for Tender No: RFT05/2008 – Road Construction Services – Russel Road realignment, for the lump sum price of \$2,832,110 (GST inclusive).

**COUNCIL DECISION**

**Background**

There is a total allocation in the current budget of \$2,600,000 that has been collected from land developers to realign Russell Road between Ashendon Boulevard and Hammond Road as a dual carriageway. The major developer, Australand Holdings, engaged an engineering consultancy to prepare the necessary plans and specifications for the civil works to re-align Russell Road as the land reserved for the realigned road was originally theirs and the project involved completing and tying in their outstanding subdivision works. Because of the complexities of the project in terms of the number of entities and interests involved, and as the City's road works crews are fully occupied until the end of the budget year, the construction works are to be undertaken by tendered contract. Consequently, tenders were called for the road works, with the cost sharing responsibilities of the City and Australand Holdings able to be identified.

## Submission

Tenders closed at 2.00 p.m. (AWST) on Tuesday 26 February 2008 and tender submissions were received from:

1. Croker Construction (WA) P/L
2. Riverlea Corporation
3. VDM Earthmoving Contractors T/A Malavoca
4. Georgiou Group P/L
5. Griffin Civil
6. Downer EDI Works P/L
7. Outlook Contracting
8. Marsh Civil Engineering Contractors P/L

## Report

### Compliant Tenderers

There were eight (8) tenders submitted and four (4) were all deemed non compliant with the conditions of the tendering and compliance criteria.

1. Crocker Construction (22 weeks), Georgiou Group (22 weeks) and Outlook Contracting (30 weeks) all nominated a construction period well in excess of that required by the Special Conditions of Contract (18 weeks), which is read in conjunction with the Specification; and
2. Marsh Civil did not specify a construction period and also failed to provide a Schedule of Rates – Plant Hire.

Consequently, only Riverlea Corporation, Malavoca, Griffin Civil and Downer EDI Works were further evaluated.

### Elevation Criteria

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

### Tender Intent/Requirements

The City is seeking the services of a suitably qualified and experienced Road Construction Contractor for the construction of a dual

carriageway realignment of Russell Road; between Ashendon Boulevard and Hammond Road; Hammond Park WA.

The road realignment is approximately six hundred (600) metres in length and the works include:

- Clearing and Earthworks.
- Road Construction, including kerbing, linemarking and signage
- Drainage Works and Structures Construction.
- Service Trenching and Ducting, for street lighting, traffic signals and service relocations.
- Power – supply and installation for street lighting and service relocations.
- Footpath and Dual Use Path Construction.
- Any other works as detailed in the Specification or on the Drawings.

The expectation is that the works will be completed within eighteen (18) weeks from the date of possession of the Site.

The tender submissions were evaluated by:

John Radaich – Manager Engineering  
Steven Morrison – Roads Operations Manager

The consultant, Steve Allen from Development Engineering Consultants, was also evaluating the submissions, but had not provided his findings in time for inclusion in this report.

#### Scoring Table

<b>Tenderer's Name</b>	<b>Non-Cost Evaluation Score 60%</b>	<b>Cost Criteria Evaluation Score 40%</b>	<b>Total Score 100%</b>
Riverlea Corporation	48.0	38.8	78.8
Malavoca	59.4	40.0	99.4
Griffin Civil	52.8	33.3	86.1
Downer EDI Works	58.9	34.1	93.0

#### Evaluation Criteria Assessment

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

#### Summary

Evaluation was undertaken by two internal staff members independently and a third assessment was undertaken by the City's

engineering consultant, Development Engineering Consultants (a copy of this assessment will be provided, once available, under confidential cover). The combined officer's assessment supports awarding the tender to VDM Earthmoving Contractors T/A Malavoca and consequently officers recommend that Council accept their tender submission for the lump sum price of \$2,832,110 (GST inclusive).

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

The strategic Plan 2006-2016 has a commitment to:

#### ***Infrastructure Development***

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

#### ***Transport Optimisation***

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

### **Budget/Financial Implications**

Funds are available under account number CW2247 in the 2007/08 budget. The splitting of costs between the developer and the City's collected developer contributions (DCA funds) using the recommended tenderer is estimated as follows:

City of Cockburn	\$2,400,000 + gst
Australand Holdings	\$ 175,000 + gst
	\$2,575,000 + gst

It should be noted that Australand had previously completed all the necessary bulk earthworks for the re-alignment of Russell Road, and that all costs are being covered by contributed developer funds.

### **Legal Implications**

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

### **Community Consultation**

Tender No. RFT 05/2008 – Road Construction Services - Russell Road Realignment was advertised in the West Australian Saturday 9 February 2008 under the Local Government Tenders Section. It was also displayed on the City's website between 9 February 2008 and 26 February 2008.

### **Attachment(s)**

1. Tendered Prices –“Confidential”

2. Tender Evaluation Sheet – “Confidential”
3. Compliance Criteria Checklist

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

Those companies which submitted a tender have been advised that this matter is to be considered at the 13 March 2008 Council Meeting.

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

N/A

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 13/3/2008) - DEVELOPMENT MASTER PLAN - POORE GROVE, COOGEE (8004) (R AVARD) (ATTACH) [Item 17\\_1](#)**

**RECOMMENDATION**

That Council:

- (1) approve the Development Master Plan and Building Design for the Regional Surf Life Saving and Multi-Purpose Community Facility and new Regional Beach Access Node at Poore Grove, Coogee, as attached to the Agenda; and
- (2) consider any further allocation of funds to the new Regional Beach Access Node at Poore Grove, Coogee in the context of the Plan for the Future of the District.

**COUNCIL DECISION**

**Background**

There has been a long term commitment by Council for the development of facilities to meet the needs of the Coogee Beach Surf Club and provide another beach access node at Poore Grove.

The most recent relevant decision of Council on this matter was at its meeting of 12 July 2007 which resolved as follows:

1. approve the Memorandum of Understanding between the City of Cockburn and the Coogee Beach Surf Life Saving Club (Inc.) as

attached to the Agenda for the Regional Surf Life Saving and Multi-purpose Community Facility at Poore Grove, Coogee; and

2. approve a budget allocation of \$360,000 toward Architectural and Consultancy Services for the Regional Surf Life Saving and Multi-purpose Community Facilities Project with the funds being allocated from account CW4239 Surf Life Saving Club.

A Memorandum of Understanding (MOU) has been executed between the City of Cockburn and the Club. A condition within the MOU was for the Council to approve the concept design for the facilities prior to the development proceeding.

### **Submission**

In accordance with the Council decision and the MOU, the Club has presented a draft development master plan and building design for the long term phased development of the facility at Poore Grove. It is to be noted that due to funding constraints the Club is only proposing to proceed with Stage 1 of the building development in 2008 subject to finalisation of funding and relevant building development approvals.

### **Report**

The Coogee Beach Surf Life Saving Club Inc, has consistent with the Memorandum of Understanding appointed a Project Architect, Quantity Surveyor, and other relevant consultants to develop a site master plan and building design for the phased development of the Regional Surf Life Saving and Multi-purpose Community Facility and new regional beach access node.

Stage 1 of the facility will provide for lifesaving equipment storage, beach patrol operations, toilets/change rooms, gymnasium and multipurpose training and meeting areas, for the Coogee Beach Surf Life Saving Club and other community groups proposing to share the facility, including YMCA Perth, and the Spearwood AUSSI Masters Swimming Club. In addition to the specific requirements of the club Stage 1 of the building development proposes to include public facilities (change rooms/toilets and disabled beach wheelchair storage) which have been included at the City's request.

Stage 2 of the development will include a kiosk with alfresco outdoor area with ocean and park views to serve the general community and the surf club members.

Stages 3 & 4 will provide for future common use administrative areas and training rooms as well as a caretaker's bed sit.

Stage 5 of the plan identifies future long term areas for expansion of equipment storage and multifunction community uses if required.



The overall building design incorporates significant building sustainability design initiatives including; natural lighting and ventilation, passive heating and cooling, rainwater harvesting and grey water recycling, advanced solar water heating and grid connected solar energy production.

A public interpretation area has been incorporated into the facility plan for sustainability initiatives, indigenous heritage and culture, and Woodman Point flora and fauna.

The building specifications for the facility have been developed using best practice building principles. Incorporating reduced embodied energy materials which provide an economical, efficient, low maintenance building with an appropriate aesthetic, combined with a functional, economical and modern design.

The initial design principles have been driven by an appreciation of this unique site and have incorporated the strong desire to portray a responsible outcome which reflects the existing environmental site conditions addressing topography, climatic issues and the desire to harness the spectacular ocean and park views.

A peer review of the design was undertaken by a recognised local solar design expert, Mr Garry Baverstock, and the suggestions for improvement have been incorporated with the development of the building design.

The structure will consist of concrete footings, reinforced concrete floor slab and precast concrete wall framing. The upper ground floor will include a reinforced concrete floor slab, recycled timber columns, precast concrete wall framing and laminated timber roof beams. The roof will be of stainless steel custom orb profile roof sheeting on R2.5 aircell thermal insulation.

The windows and doors will be natural anodised aluminium commercial 100x40 profile frames with high performance solar laminated glass. Pavements will be insitu exposed aggregate concrete.

Plans for a public car park and public beach access at Poore Grove have also been developed for the proposed new regional beach access node. The car park can also be developed in two phases as required by Council.

The cost of developing the first stage of the car park, including lighting and beach access as shown on the attachment is estimated at \$1 million.

Rehabilitation and revegetation of some four hectares of Woodman Point Regional Park adjacent to Poore Grove is an integral part of this

development. Phase 1 of this program is fully funded with support from the Australian Government Envirofund, WA Department of Environment and Conservation, the City of Cockburn/ Alcoa Community projects Fund, and Coastwest.

In accordance with the decision of Council of July 2007 the City has completed all reports and documentation related to the conditions imposed by the Western Australian Planning Commission relative to the Development Approval, including an Environmental Management Plan, Ethnographic and Heritage Reports.

Reports prepared for services have identified disposal of waste through the sewage system as a requirement. There is a Council owned sewage line in close proximity to the site which could be used, however, further investigation is required to ascertain whether the system has the capacity to handle the additional load created by the proposed facilities. In accordance with the MOU the costs for the car parking, beach access, power and scheme water provided to the site are to be borne by the City. The areas of responsibility between the two parties are designated in the attachment.

There is an area shown on the master plan, currently on Department of Conservation land, that could be developed in the future as a grassed area with barbecues and the like or alternatively revegetated with native plants. Whilst there is no immediate decision required on this matter acknowledgment of this possible development ought to be noted.

Council's agreement to the concept plans for the Coogee Beach Surf Life Saving Club facilities and beach access will allow for the development of the Bill of Quantities for the club facilities to be developed which are required to gain corporate sponsorship and gives credibility to the clubs grant applications.

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

#### **Infrastructure Development**

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

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

- To facilitate and provide an optimum range of community services and events.
- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

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

### **Budget/Financial Implications**

Estimated costs of Stage 1 car parking, lighting and beach access estimated at \$1 million. A further \$1 million has previously been committed to the project by Council for preliminary works and professional fees.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

1. Master Site Plan for Poore Grove development and revegetation
2. 3D artist impression.
3. Lower ground floor schematic master plan.
4. Upper ground floor schematic master plan.
5. Master building development south and west elevation plans.
6. Master building development north and east elevation plans.
7. Designated areas of responsibility club and City.

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

The Coogee Beach Surf Life Saving Club has been advised that the concept plans will be considered at 13 March 2008 Council Meeting.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

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

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

21. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**
22. **MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**
23. **CONFIDENTIAL BUSINESS**
24. **(OCM 13/3/2008) - 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**