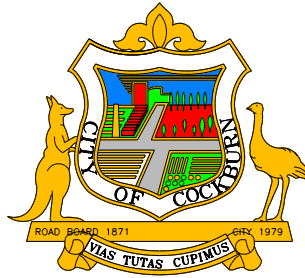


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 12 OCTOBER 2006**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 OCTOBER 2006 AT 7:00 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 OCTOBER 2006 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 12/10/2006) - ORDINARY COUNCIL MEETING - 14/09/2006**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 14 September 2006, be adopted as a true and accurate record.

**COUNCIL DECISION**

**8.2 (OCM 12/10/2006) - SPECIAL COUNCIL MEETING - 20/09/2006**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Wednesday, 20 September 2006, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

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

Nil

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

**13. COUNCIL MATTERS****13.1 (OCM 12/10/2006) - LOCAL GOVERNMENT ELECTIONS - 2007 (1700) (DMG)****RECOMMENDATION**

That Council:

- (1) declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2007 ordinary elections, plus any extraordinary elections and/or polls of electors; and
- (2) decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the elections be as postal elections.

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

**COUNCIL DECISION****Background**

Council is required to conform with legislation procedures prior to each ordinary election day, if it wishes to undertake its elections by postal voting. This relates to declaring the Electoral Commissioner to be responsible for the elections and that the method of voting be by postal vote.

**Submission**

N/A

**Report**

There will be four (4) vacancies on Council for the 2007 elections, being one Councillor each in West and Central Wards and two in East Ward.

Retiring Councillors are Councillor Goncalves (West), Councillor Limbert (Central) and Councillors Whitfield and Tilbury (East).

Council has recently received correspondence from the Western Australian Electoral Commissioner advising of its agreement to be responsible for the conduct of these elections, plus any extraordinary elections and/or polls of electors.

The correspondence also contains an implied invitation for Council to utilise the Commissioner's services to undertake the elections on Council's behalf.

To comply with the provisions of the Act, Council is required to adopt the recommendations relative to the decisions to utilise the Commissioner to conduct the elections and to conduct them by postal vote.

Council first used this method at the inaugural elections of a new Council (Mayor and 9 Councillors) in December, 2000, following the dismissal of the previous Council.

The resultant voter turnout of over 43% was a vast improvement on previous "in person" elections held by council, which typically attract about 10% voter participation.

Even the more than 32% participation rate in the 2003 elections was encouraging, given that there were only four (4) vacancies contested. The most recent elections in 2005 attracted a 37% participation rate for the Mayoral plus five (5) Councillor vacancies.

As Council's budget has accommodated estimated costs of conducting the elections by post, it is recommended that Council continue with this method which should guarantee healthy community input to these elections.

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

#### ***Governance Excellence***

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*
- *Council Policy SC8 "Conduct of Elections by postal ballot" refers.*

### **Budget/Financial Implications**

\$100,000 is available within the Governance (Elections) Account to cover costs associated with the Election.



**Legal Implications**

Part 4 of the Local Government Act, 1995, and the Local Government (Elections) Regulations, 1997 (as amended) refer.

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

N/A

**13.2 (OCM 12/10/2006) - APPLICATION FOR LEAVE OF ABSENCE - CLR TILBURY (1705) (DMG)**

**RECOMMENDATION**

That Council grants leave of absence to Clr Tilbury from attending the Ordinary Council meetings scheduled for 9 November and 14 December, 2006 for maternity reasons.

**COUNCIL DECISION**

**Background**

By letter received 20 September 2006 Clr Tilbury has requested leave of absence from Council for the period of November and December 2006 for maternity purposes.

**Submission**

To grant Clr Tilbury leave of absence from attending Council meetings, as requested.

## **Report**

Council may grant leave of absence to members, thus enabling them not to attend Council meetings for a period up to and including six consecutive Ordinary Council meetings. Cllr Tilbury's application is to cover the next two meetings scheduled for 9 November and 14 December 2006.

## **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. 2.25 of the Local Government Act, 2005 refers.

## **Community Consultation**

N/A

## **Attachment(s)**

N/A

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

N/A

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

N/A

**13.3 (OCM 12/10/2006) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING MINUTES 20 SEPTEMBER 2006 (1054) (SGC) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 20 September 2006, as attached to the Agenda, and adopts the recommendations contained therein.

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

**COUNCIL DECISION**

**Background**

The delegated Authorities, Policies and Position Statements Committee conducted a meeting on 20 September 2006. The minutes of the meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

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

**Report**

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

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Committee Minutes refer.

**Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements  
Committee Meeting dated 20 September 2006.

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

N/A

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

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 12/10/2006) - PROPOSED CLOSURE OF REDUNDANT  
PEDESTRIAN ACCESSWAY - EMPRESS CRESCENT, ATWELL  
(451139) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council request the Minister for Planning and Infrastructure to close the pedestrian accessway between No.7 and No.9 Empress Crescent, Atwell, subject to the owners agreeing to pay land costs, removal of infrastructure costs and Council administration fee of \$250.

**COUNCIL DECISION**

## **Background**

Council at its Meeting held on 15 June 2004 resolved to request the Minister for Planning and Infrastructure to close the eastern portion of the PAW between No.31 and No. 32 Haring Green, Atwell pursuant to section 58 of the Land Administration Act 1997.

## **Submission**

The owners of both No. 7 and No. 9 Empress Crescent, Atwell, have written to the City requesting that the PAW land be closed and included in their property. They have agreed to purchase the land.

## **Report**

Council's previous request to the Minister to close the eastern portion of the PAW between No.31 and No.32 Haring Green has progressed to the point whereby the owners of No.31 and No.32 have purchased the former road reserve and included the land in their respective lots. They have fenced off their amended land parcels where they meet the PAW between No.7 and No.9 Empress Crescent.

Since 2004 the ownership of both No.7 and No.9 Empress Crescent has changed. Whereas in 2004 the owners at No.7 and No.9 Empress Crescent supported the closure of the combined PAW/road reserve accessway between Empress Crescent and Haring Green, they were not prepared to meet closure and purchase costs. The new owners are prepared to meet these costs. The Western Australian Planning Commission has given consent to the closure.

The PAW has no useful purpose and closure and purchase by the adjoining owners will allow the area to take the form of a typical lot.

Because this PAW has been made redundant by the closure of the Haring Green section of road reserve/PAW, the full range of investigation required under Policy APD21 has not been followed.

Residents in the area report that people are jumping over the fence from the eastern end of the PAW into the privately owned land in Haring Green in order to walk between Empress Crescent and Haring Green. The closure will tend to prevent this activity.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

**Lifestyle and Aspiration Achievement**

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

The Council Policy which applies to this item is APD21 – Pedestrian Accessway Closure.

**Budget/Financial Implications**

N/A

**Legal Implications**

Section 87 of the Land Administration Act 1997.

**Community Consultation**

The proposal to close the eastern portion of the PAW was advertised in the local newspaper. Currently the PAW is closed at one end and no longer connects Empress Crescent to Haring Green. There is no impact except on the two adjoining owners.

**Attachment(s)**

Map of PAW and surrounding area.

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

The owners of No.7 and No.9 Empress Crescent have been advised that this matter is to be considered at the 12 October 2006 Council Meeting.

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

Nil.

**14.2 (OCM 12/10/2006) - MODIFICATIONS TO COCKBURN CENTRAL (TOWN CENTRE PRECINCT DA23) AND COCKBURN CENTRAL (GATEWAYS PRECINCT DA24) - AMENDMENT NO. 1 TO TOWN PLANNING SCHEME NO. 3 (93001) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the following modifications to the amendment requested by the Minister for Planning and Infrastructure;

The following Provisions of DA23 are to be reworded as follows:-

*“1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.*

*2. To facilitate the development of a multifunctional Town Centre which shall include a range of intensive residential and commercial development, shopping, entertainment, regional sport, bushland/wetland area and cultural facilities supported by a highly interconnected transport system. Supermarkets will not be permitted within the Town Centre; for the purpose of this clause supermarkets are defined as self service retail stores or markets with a sales area of 1100 square metres (NLA) or greater, the main function of which is to sell a variety of ordinary fresh and/or packaged food and grocery items.*

*3. The Structure Plan is to provide a public transport corridor within Development Area 23 abutting the western boundary of the Kwinana Freeway Primary Regional Roads reservation, linking the Cockburn Central Railway Station with the Gateways Precinct, and safe and efficient pedestrian connections between the Cockburn Central Railway Station, the Town Centre Precinct and the Gateways Precinct.”*

*4. The Structure Plan is to provide a public transport corridor within Development Area 23 abutting the western boundary of the Kwinana Freeway Primary Regional Roads reservation, linking the Cockburn Central Railways Station with the Gateways Precinct, and safe and efficient pedestrian connections between the Cockburn Central Railway Station, the Town Centre Precinct and the Gateways Precinct.”*

Provisions 6 and 7 of DA23 are to be replaced with the following:-

*“6. The local government may adopt Detailed Area Plan(s) pursuant to Clause 6.2.15 for any part of the Development Area as defined on the approved Structure Plan. All land use and development for a particular lot or lots the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan including any incorporated special development controls and guidelines in addition to any other requirements of the approved Structure Plan and of the Scheme.”*

Provision 8 of DA23 is to be renumbered and worded as follows:

*“7. Car parking shall be provided at a rate and in such a location as specified by the approved Structure Plan.”*

Provision 1 of DA24 is to be reworded as follows:-

*“1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. The combined Gross Leasable Area (GLA) of retail floor space within the Gateways Precinct shall not exceed 35,000 square metres (GLA) until a review of the shopping centre design and associated access arrangements has been undertaken to the satisfaction of Council. In this respect particular attention is to be given to access arrangements to Beeliar Drive and to the provision of a suitable public transport corridor through the Gateways Precinct to the Town Centre Precinct on advice from the Public Transport Authority.”*

Provision 2 of DA24 is to be reworded by replacing the word “To” with “The Structure Plan shall..”

Provision 4 of DA24 is to be replaced with the revised wording for Provision 6 of DA23.

Provision 5 of DA24 is to be reworded as follows:-

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

Provision 6 of DA24 is to be deleted.

Not adopt the modifications requested by the Minister regarding the provision of Note 4 to the Zoning Table following regard to Council’s legal advice and instead reword Note 4 as follows for inclusion in the scheme text changes as follows:-

In the heading to Zoning Table, adjacent to the “Regional Centre” Zone, insert the following:

*“See Note 4”*

At the foot of the Zoning Table, add the following:-

*“Note 4*

*(a) In that part of the Regional Centre Zone comprised in Development Area 23, the Zoning Table shall have no application, and the permissibility of land uses shall be governed by the applicable Special Control Area provisions of Schedule 11 and any approved Structure Plan.*

*(b) In that part of the Regional Centre Zone comprised in*



*Development Area 24, the permissibility of land uses shall be in accordance with the Zoning Table until such time as a Structure Plan is approved which indicates a different permissibility of land uses.”*

In addition to the above modifications requested by the Minister further amend Clause 6.2.6.3 in accordance with the City’s legal advice as follows:-

*“6.2.6.3 Notwithstanding clause 6.2.12.2, and without limiting the provisions of clause 6.1.2 or the extent of any provisions which may be included for a Special Control Area in Schedule 11, a Structure Plan may:*

- (a) Impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes;*
- (b) Identify precincts or otherwise place a designation on any land as an alternative, or in addition to classifying the land in accordance with the preceding paragraph; and*
- (c) Indicate the permissibility of land uses within any part or all of the land in the Structure Plan,*

*and where a Structure Plan includes any such matter it shall have effect according to its tenor as if it were part of the Scheme, unless the provisions of Schedule 11 relating to the applicable Special Control Area are to the contrary.”*

In accordance with Council’s legal advice reword Provision 3 of DA23 and DA24 as follows:-

*“3. Notwithstanding any other provisions of the Scheme, where a Structure Plan stipulates the permissibility of land uses, that permissibility shall apply, in accordance with clause 4.3.3.”*

In addition to the above modify Provision 5 of DA24 as follows:-

*“5. Unless otherwise provided for by an approved Structure Plan and Detailed Area Plan(s), the residential density applying to the area of the Town Centre Precinct is R160.”*

- (2) in anticipation of the Hon. Minister’s advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise the applicant of Council’s decision accordingly.

**COUNCIL DECISION**

**Background**

Council at its meeting on 15 February 2005 resolved to grant final adoption of Amendment No 1 to Town Planning Scheme No 3 (“TPS3”).

The main components of the scheme amendment include:-

- Add two new Development Areas referred to as DA23 Cockburn Central (Town Centre Precinct) and DA24 Cockburn Central (Gateways Precinct) to be inserted into Schedule 11 of the Scheme Text.
- A Structure Plan to guide subdivision, land use and development.
- General objectives for each Development Area reflective of the location being either within the Town Centre or Gateways Precinct.
- Land uses classified on the Structure Plan are proposed to apply in accordance with clause 6.2.6.3 and clause 4.3 of TPS3 through classification of land by reference to zones and reserves.
- Structure Plan provisions requiring a strong pedestrian connection between the Cockburn Central Railway Station, Town Centre and Gateways Precinct.
- Earlier reference to a Centre Plan being prepared for the Gateways Precinct, which is reflected as a Structure Plan requirement in the scheme amendment.
- Ability for Council to adopt Detailed Area Plans and Design Guidelines for any development precincts as defined on the Structure Plan.
- A public access corridor for future public transport adjacent to the Kwinana Freeway linking the Cockburn Central Railway Station with the Gateways Precinct.
- Car parking to be determined through special development controls applied through Detailed Area Plans.

The Scheme Amendment documents are included in the attachments and should be read in conjunction with this report.

**Submission**

N/A

## Report

Section 87 (2) of the Planning and Development Act 2005 allows the Minister to either approve the local planning scheme or amendment submitted to the Minister or require the local government concerned to modify that local planning scheme or amendment in such a manner as the Minister specifies before the local planning scheme or amendment is resubmitted for the Minister's approval. Alternatively the Minister has the ability to refuse to approve a local planning scheme or amendment.

The WAPC advised Council by letter of 30 August 2006 that the Minister for Planning and Infrastructure dismissed the submissions of objection, and has decided not to approve the amendment until such time as the modifications set out in the attached Schedule are effected. The local planning scheme amendment changes required by the Minister for Planning and Infrastructure are discussed below.

### Cockburn Central (Town Centre Precinct) - Development Area 23

- Provision 1 changed to include Structure Plan amendments.
- Provision 2 includes minor word changes and a new section, which means that supermarkets to a sales area of 1100 square metres (NLA) or greater are not permitted within the Town Centre.
- Provision 4 has been modified to emphasise the provision of a public transport corridor within Development Area 23 linking the Cockburn Central Railway Station with the Gateways Precinct.
- Provision 6 and 7 enable Council to adopt Detailed Area Plans and Design Guidelines and allow Council to stipulate different development standards than that provided for by TPS3. The deletion of these two provisions and replacement provision essentially combines former provisions 6 and 7 (into new Provision 6) without diminishing the ability of Council to adopt Detailed Area Plans and incorporate special development controls. The Design Guidelines prepared for the town centre not yet adopted by Council will need to be 're-labelled' as Detailed Area Plans for consistency with the new provision.
- Provision 8 of DA23 referred to car parking being provided at a rate determined by a Detailed Area Plan. The amended version of provision 8 requires car parking to be provided at a rate and in a location as specified by the approved Structure Plan. There are no concerns with the amended provision.

Modifications in addition to Minister's Changes

Provision 5 of DA23 limits residential density to the R160 Coding within the Town Centre. In some areas of the Town Centre for example it may be more appropriate to stipulate higher residential densities. Council could include special development controls on the Structure Plan and Detailed Area Plans to introduce building envelopes and/or built form requirements to control residential density in lieu of applying the R160 Residential Density Codes.

Cockburn Central (Gateways Precinct) - Development Area 24

- Provision 1 of DA24 is reworded to require a Structure Plan when the Gateways Shopping Precinct retail floorspace exceeds 35,000 square metres (GLA) in lieu of 50,000 retail (NLA) adopted by Council.
- Provision 2 of DA24 links the intent of the development area to a Structure Plan.
- Provision 4 of DA24 is replaced with new Provision 6 of DA23 above, which combines Provision 6 and 7 of DA23. The new text is clearer and consistent with the intent of the Council's initial clause.
- Provision 5 of DA24 is reworded to emphasise the requirement for safe and efficient pedestrian connections.
- Provision 6 of DA24 is deleted – The requirements of this redundant provision 6 are now included in new Provision 1 of DA24.
- The Minister also required the following modifications:-

Adding the words "see Note 4" in the header of the Zoning Table for the Regional Centre zone and including the following words after the Zoning Table:

*"Note 4: Notwithstanding the permissibility of land uses listed in the Zoning Table for the Regional Centre zone and clause 6.2.12.2, where the Scheme requires a Structure Plan for land in the Regional Centre zone, the classifications and land use permissibilities and car parking requirements set out in the Structure Plan and any adopted Detailed Area Plan shall prevail."*

Council's solicitors have advised of problems with the above modification because the reference in Note 4 to "car parking requirements" does not seem pertinent, as car parking standards are not a function of the Zoning Table. To the

extent that car parking requirements are to be addressed by a Structure Plan, an appropriate provision should be made in Schedule 11. It is proposed that Council adopt an alternative to Note 4 prepared by Council's Solicitors. The scheme text changes are set out in the report recommendation.

- Council's solicitors have also highlighted the limitation of Clause 6.2.6.3 because it doesn't provide for a Structure Plan to set the permissibility of land uses, permissibility of land use is non-binding when it should be binding, the clause more importantly does not expressly refer to the identification or designation of land in any other way, such as via precincts. The Cockburn Central Structure Plan applies precincts, which will not be properly linked to Clause 6.2.6.3 unless it is amended.

The amendment changes required by the Minister are generally accepted. Council is required to modify the scheme amendment documents in accordance with the Minister's requirements, but further minor changes are required to the amendment so that proper linkages between the amendment and structure plan are achieved in the context of the changes required by the Minister. The further changes are necessary because the proposed Cockburn Central Structure Plan (Town Centre) applies precincts instead of zones and reserves and emphasising that the use class requirements of the structure plan prevail over the Zoning Table – Regional Centre Zone uses.

In accordance with the provisions of regulations 21 (2) and 25 of the *Town Planning Regulations, 1967 (as amended)*, Council is required to return the executed modified amending documents to the Commission within 42 days of being notified of the Minister's decision.

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

#### ***Demographic Planning***

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Regulation 1967 (as amended)  
 Planning and Development Act 2005  
 City of Cockburn Town Planning Scheme No 3

### Community Consultation

Community consultation on the proposed scheme amendment was previously carried out in accordance with the Regulations. The Minister has not directed Council to advertise the text modifications.

### Attachment(s)

- (1) Town Planning Scheme No 3 – Amendment No 1
- (2) Letter from the Western Australian Planning Commission dated 30 August 2006.

### Advice to Proponent(s)/Submissioners

N/A

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

Nil.

**14.3 (OCM 12/10/2006) - PROPOSED COCKBURN CENTRAL TOWN CENTRE STRUCTURE PLAN - VARIOUS LOTS - NORTH LAKE ROAD, BEELIAR DRIVE, JANDAKOT - OWNER: LANDCORP - APPLICANT: CARDNO BSD PTY LTD (9629A) (RD) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) adopt the modified Cockburn Central Town Centre Structure Plan subject to the following changes:
  1. deleting the “Intended Uses” from the text boxes of the Structure Plan and inserting instead a note stating “For allowed uses within the Town Centre, please see *Permissible Uses – Cockburn Central* in Appendix 3” of the Structure Plan; inserting the table of *Permissible Uses – Cockburn Central* in Appendix 3 of the Structure Plan document to indicate “P” use (permitted use), “D” use (discretionary use), and “X” use (not permitted use).
  2. deleting the reference of “All parcels allow residential development up to R160 Density (subject to other control)” on the Structure Plan; inserting instead a note stating:

*Detailed Area Plans will control built form within the Cockburn Central Town Centre in lieu of development being assessed in accordance with the Residential Design Codes. Detailed Area Plans may also include*

*special development controls.*

- (2) adopt the Schedule of Submissions contained in the Agenda attachment for Cockburn Central Town Centre;
- (3) upon receipt of a revised Structure Plan compliant with Clause (1) above, forward the Structure Plan documents and Schedule of Submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3;
- (4) advise those persons who made a submission of Council's decision; and
- (5) advise the proponent of the requirement to prepare Detailed Area Plans for the development site pursuant to Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3. Detailed Area Plans must be able to control the built form outcomes to the satisfaction of the City of Cockburn.

**COUNCIL DECISION****Background**

The Cockburn Central Regional Centre (previously Thomsons Lake Regional Centre as identified under the Metropolitan Centres Policy) encompasses the Cockburn Central Town Centre, the recreation area and the Gateway Shopping Centre. The Town Centre site (refer to Attachment 1) comprises the core of the Regional Centre and is situated immediately to the west of the Cockburn Central Rail Station and bus station, which has currently been constructed.

The Thomsons Lake Regional Master Plan of 1997 was commissioned by the Ministry for Planning (Now Department for Planning and Infrastructure), City of Cockburn, LandCorp, Department of Transport, Main Roads and a private sector stakeholder. The Master Plans addressed the entire Regional Centre including the Town Centre, recreation area and the Gateway Shopping Centre as well as surrounding residential, industrial and mixed business area which extends both sides of the Kwinana Freeway (Attachment 3, Appendix 2 refers).

Council at its meeting held on 20 November 2001, resolved to receive the Cockburn Central (Thomsons Lake) Draft Regional Centre Structure Plan prepared by BSD consultants and to advertise the plan for public comment. Council at its Ordinary Meeting on 19 March 2002 resolved to support the draft Thomsons Lake Regional Centre Structure Plan and recommended to the Department for Planning and Infrastructure that the draft Structure Plan be adopted as the basis for more detailed planning.

Council at its Ordinary Meeting on 27 July 2004 resolved to initiate an amendment (Amendment No. 1) to Town Planning Scheme No. 3 to facilitate the development of Cockburn Central and the expansion of the Gateway Shopping Centre. At its Ordinary Meeting on 15 February 2005, Council resolved to adopt Amendment No. 1 subject to modifications. The Amendment includes rezoning the subject land to "Regional Centre", and inserting DA23 (Development Area) for the Town Centre area and DA24 for the Gateway Shopping Centre area into Schedule 11 of the Scheme with relevant provisions. The documents for Amendment No. 1 have been forwarded to the Western Australian Planning Commission (WAPC) for the Minister's final approval.

In accordance with the requirements of Amendment No. 1, a Structure Plan is specifically required for the Town Centre to guide subdivision, land use and development.

### **Submission**

Cardno BSD at request of LandCorp has submitted a structure plan for the Cockburn Central Town Centre area (DA23).

### **Report**

#### Cockburn Central Town Centre Structure Plan

The Cockburn Central Structure Plan has been prepared by Cardno BSD (previously BSD) on behalf of LandCorp in November 2005 (Attachment 3 refers). The ultimate objective of the Structure Plan for both the State and the Local Governments is to guide subdivision, land use and development, and establish a showcase of Transit Orientated Development (TOD) to promote sustainable initiatives in the region and the wider Metropolitan Area. Whilst the Structure Plan is aimed to guide the future land use in the Cockburn Central area, it seeks great flexibility to facilitate the future development within the area. Hence, the wording "organic type" has been used to express the flexible nature of the Structure Plan, and has been considered by the Cockburn Central Regional Centre Steering Committee (the Steering Committee). To achieve this flexibility, the Structure Plan proposes "precincts" rather than the conventional "zones". Each precinct has been provided with a



range of “Intended Uses” and “Main Features” to guide future development within the Structure Plan area.

The Structure Plan has been divided into four precinct areas (Attachment 3 refers), and the objectives of the precincts are briefly described below:

1. Town Square Precinct

a) Main Features:

- The Town Square adjacent to the rail station forms the focus featuring: extensive landscaping, seating, water feature, trees, and active uses around its edges.
- Alfresco dining along both sides of the square will be encouraged.
- Across the square from the rail station a landmark building is envisaged (i.e. a civic building).
- This area is likely to be active well into the evening hours and uses should reflect this.
- Small-scale retail likely to adjoin the square in early development years, and uses should reflect this.
- Passive surveillance of carparks essential.

b) Intended Uses

- Small scale retail activity as core uses
- Ground floor level: retail
- Above GFL: a mix of office and residential uses
- Uses with a pedestrian/TOD focus

2. Central Precinct

a) Main Features:

- Several 4-way intersections present opportunities for architectural corner feature buildings.
- Taller buildings along the north-south spine are appropriate (visible from the freeway and rail line)

b) Intended Uses

- Residential
- Commercial office & retail (emphasis on commercial office)
- Mixed Use
- Service commercial (this has been deleted in the amended Structure Plan dated 22/08/2006)

### 3. Beeliar Drive Precinct

The intended uses and main features of this precinct have been changed since 8 June 2006 during the Steering Committee Meeting. LandCorp suggested that while Australand has not yet finalised their proposal for this area, it is considered that the Beeliar Drive Precinct might be best for residential and office. Further discussions have been carried out regarding the intended uses between LandCorp and the City of Cockburn. As a result, the initial intended uses (i.e. bulky goods retailing) have been replaced by residential and offices on the amended Structure Plan dated 22/08/2006 (Attachment 3 refers). In respect of the change, it is considered that residential and office uses are likely to have less impact than bulky goods and more in keeping with TOD objectives, and therefore it is considered that re-advertising of the Structure Plan is unnecessary.

#### a) Main Features:

- A key gateway opportunity exists at the intersection of Beeliar Drive and the north-south street.
- Access restrictions will apply given that the proximity of Beeliar Drive's overpass over the Kwinana Freeway, and a key gateway opportunity exists at the intersection of Beeliar Drive and the Proposed main north-south street through the Town Centre. .
- High visibility to passing traffic.
- Shared parking areas are encouraged.

#### b) Intended Uses:

- Major office complex.
- Possible high-density residential on Forrest Road and internal streets overlooking the environmental recreation area on the western side of Forrest Road.
- Traffic-generating development.

### 4. Park Precinct

#### a) Main Features:

- View to western wetlands and recreation reserve.
- East-west streets: pedestrian focused at ground floor level,
- Intersections of east-west streets & Forrest Road to contain gateway architectural corner feature.
- Central public carparks encouraged.
- Access restrictions will apply to North Lake Road.
- Undercroft car parking will be encouraged.

## b) Intended Uses:

- Medium-high density residential.
- Offices and home offices.
- Ground floor retail.
- Entertainment.
- Mixed Uses.
- Service commercial on North Lake Road.

The Structure Plan encourages high density residential development by allowing the density coding to be up to R160 which is the same as the development site immediately south of the Gateway Shopping Centre.

The proposed Cockburn Central Structure Plan which has been advertised between March and April 2006 has been reviewed and modified over the time. The modifications include the following:

- replacing the intended uses and main features for Beeliar Drive Precinct (i.e. bulky goods retailing), as mentioned previously, with residential and offices on the modified Structure Plan dated 25/09/2006 (Attachment 3 refers).
- inserting the definition of Mixed Use development into Section 4.2 of the Structure Plan document; the Mixed Use is suggested as “commercial at ground floor with office or residential above”.
- deleting of the symbols for building façade type and the relevant legend. It is considered that the building façade will be controlled by the proposed Design Guidelines/Detailed Area Plan. Therefore, it becomes unnecessary to keep the symbols of building façade type on the Structure Plan.

#### Cockburn Central Structure Plan - Public Consultation

The initial Structure Plan was advertised from 17 March 2006 to 11 April 2006, including advertisements in Cockburn Herald (on 17 March 2006) and Cockburn Gazette (21 March 2006) for public comment, letters to adjacent landowners for comment, and letters to the Government agencies for comment.

At the close of the advertising five submissions were received which included 4 letters of no objection and 1 letter of objection. Three of the four submissions of no objection were received from the Water Corporation, Main Roads WA and the Department of Environment (DoE) with standard comments/conditions (Attachment 2 refers). The fourth submission of no objection was received from Taylor Burrell Barnett acting on behalf of Gateway Shopping Centre. The final submission of objection was received from a local resident making comments on sustainability principles. All the submission comments and officer's recommendations

are included in the Schedule of Submission (Attachment 2 refers) and further specific comment is considered necessary in this report.

Recently, some conflicts have been identified between the “Intended Uses” of the proposed Structure Plan and the “Permitted Uses” under the “Regional Centre” zone in the Scheme zoning table. Concerns also have been raised with regard to the term of “Precinct” which has not been referred to in any provision of the Scheme. Consequently, legal advice has been sought from the City’s solicitors in order to review and address the issues. After numerous meetings and discussions, a decision has been made that it is considered both the Structure Plan and the Scheme should be amended to better incorporate with each other.

The references relating to the “Intended Uses” will therefore need to be deleted from the Structure Plan to avoid any conflict with the Scheme zoning table. Other changes required are listed in Recommendation (1) of this report. Furthermore, additional provisions are to be included into Scheme Amendment No. 1 to ensure the Scheme provisions and the Structure Plan incorporate each other. Coinciding with this report, a separate Agenda item for Scheme Amendment No. 1 is also submitted for Council to consider at this Council meeting.

LandCorp called for “Expressions of Interest” (EOI) for the development in the Cockburn Central project since late 2005, and subsequently Australand has been selected as the major developer for the Town Centre development. Recently, LandCorp has indicated that some of Australand’s proposals for the Town Centre have been designed with density coding higher than the R160 Coding which has been designated by the Structure Plan. Whilst these higher densities are considered in line with the TOD objectives, modifications should be made to the Structure Plan provisions to allow for these higher densities.

R160 is the highest density coding in the R Codes, and as such, there is no development control provision in the R Codes for residential designs with densities higher than R160. Therefore, appropriate development control provisions for the density coding higher than R160 should be provided in the Detailed Area Plans (Incorporating Design Guidelines) to guide and control the development, therefore the upper limit of R160 coding should be deleted in accordance with Recommendation (1). Deletion of the R Coding and use of Detailed Area Plans (Incorporating Design Guidelines) is consistent with the approach used for the East Perth and Subiaco redevelopment.

Cockburn Central Detailed Areal Plan (incorporating Design Guidelines) - (DAP)

The DAP is a separate statutory document which has been developed concurrently with the Cockburn Central Structure Plan. While the Structure Plan was developed to describe and control the land use of each precinct within Cockburn Central and to give developers guidance about

appropriate uses in various locations, the DAP is intended to influence built form outcomes.

The DAP is currently being finalised by Cardno BSD. A separate Council Agenda item will be prepared for Council to adopt the DAP in the near future.

### Subdivision Approval

The subdivision for the Cockburn Central Town Centre was approved on 28 December 2005. Construction of stage 1 of the headworks is almost completed and consistent with the Structure Plan.

### Drainage issue

Drainage issue has been dealt with at the subdivision stage. LandCorp was required to prepare a Drainage and Nutrient Management Plan (DNMP) to address the drainage and nutrient issues. This DNMP is to include sensitive urban design principles.

Of particular concern is the impact of the stormwater overflow (in 1 in 10 years events) upon the wetland within the recreation reserve on the other side of Forrest Road. LandCorp has agreed to address this issue by installing special gross pollutant traps to minimise the pollutant flow into the wetland.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

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

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

### ***Transport Optimisation***

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

The Planning Policies which apply to this item are:

SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space

APD5	Public Works and Development by Public Authorities
APD6	Residential Rezoning and Subdivision Adjoining Midge Infested Lakes
APD26	Control Measures for Protecting Water Resources in Receiving Environments
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions
APD36	Shopping Centres and Service Stations
APD45	Provision of On-Street Car Parking

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

### **Community Consultation**

The Structure Plan was advertised in accordance with the requirements of Town Planning Scheme No. 3. Five submissions were received during the advertising period.

### **Attachment(s)**

- (1) Site Plan
- (2) Schedule of Submissions – Proposed Structure Plan (November 2005)
- (3) Cockburn Central Town Centre Structure Plan (as amended) – August 2006
- (4) Tony Shrapnel Report – consideration of Maximum Supermarket Size

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 October 2006 Council Meeting.

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

Nil.

**14.4 (OCM 12/10/2006) - MUNSTER PHASE 3 STRUCTURE PLAN - MAYOR AND FAWCETT ROAD, MUNSTER - AUSTRALIAN LANDBANK AND ROCLA - APPLICANT: PLAN-IT (9674) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the modified Munster Phase 3 Structure Plan contained in the Agenda attachments subject to receiving a written undertaking from Australian Landbank to enter into a legal agreement in respect to the western most lots within Lots 2 and 704 Fawcett Road that are affected by the Woodman Point Waste Water Treatment Plant buffer area to ensure there is no development within the buffer area or resubdivision of the subject lots unless or until the buffer is redefined;
- (3) adopt the officer's 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 for its endorsement; and
- (4) advise the applicant and those who lodged a submission of Council's decision accordingly.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Urban, Urban Deferred, Parks & Recreation
	TPS3:	Development Zone, Parks & Recreation, DA5, DCA 6 Munster
LAND USE:	Vacant market garden	
LOT SIZE:	Various	

## **Submission**

Plan-It has submitted a Structure Plan for various lots owned by Australian Landbank and Rocla located in Mayor Road and Fawcett Road Munster.

## **Report**

The Structure Plan, which covers Lots 50 and 805 Mayor Road owned by Rocla and Lots 2, 3 and 4 Fawcett Road, Munster owned by Australian Landbank, was advertised for comment for 28 days from 11 August to 8 September 2006. A copy of the advertised Structure Plan is included in the Agenda attachments.

The Structure Plan proposes residential development on the subject land at a density of R20 for single dwellings and R40 for group housing and shows indicatively the possible future subdivision on the adjoining land to ensure the proper overall provision and integration with a cohesive and legible road and pedestrian network. Salient features of the Structure Plan are no direct lot access to Mayor Road, the widening of Fawcett Road by 5 metres to 15 metres and the provision of adequate buffers to Market Garden Swamp (MGS) No 3 and Lake Coogee with a road interface and lot configuration to increase passive surveillance. The relevant portions of MGS No 3, Bush Forever and Lake Coogee foreshore within the subject land are to be provided as part of the subdivision. The proponents have agreed to prepare and implement a foreshore enhancement and management plan for these areas. Preliminary concepts are included in the Structure Plan report.

The total area of the Structure Plan is 8.8111ha of which 3.4630 ha (39%) is being set aside for MGS 3, Bush Forever, buffer and foreshore areas to MGS No 3 and Lake Coogee and public open space. Allowing the normal credits for the wetland areas and associated buffers, 10% POS is being provided in respect to the Rocla land and 9.3% in respect to the Australian Landbank holding. It is proposed to take 0.7% cash in lieu of open space (value of 288 m<sup>2</sup>) from Australian Landbank to make up the required 10%.

The Structure Plan was referred to government agencies and advertised for general comment between 11 August and 8 September 2006. During the advertising period seven submissions were received. These were primarily letters of advice from government agencies. The submissions are summarised in the Schedule contained in the Agenda attachments.

In the main the submissions provide information or confirmation of no objections to the proposal being implemented and require no explanation over and above that outlined in the Schedule of Submissions. Issues requiring specific comment are as follows;



- The submission from Dept of Indigenous Affairs (No 2) recommends that the proponent undertake ethnographic and archaeological studies prior to development. The requirement is noted and the information will be provided to the proponent for action. This will included liaison with Councils Cultural Advisory Committee
- The submission from Dept of Environment (No 4) objects to development inside the Woodman Point Waste Water Treatment Plant buffer area and sets out specific requirements to be undertaken during the development of the land. In respect to the buffer area, the structure plan for Lot 2 Fawcett Road shows 2 large lots at the western end. Each of these lots have a portion of land outside the buffer which can be developed for residential purposes with the balance being inside the buffer and not being able to be developed for residential purposes. It is proposed to have a legal agreement in respect to these two lots which limits development to only that portion of the lot outside the buffer area and precludes any further subdivision of the land unless the odour buffer is redefined.

It is considered that the approach outlined is appropriate given that it precludes the further intensification of sensitive land uses within the buffer area whilst at the same time provides for subdivision in such a way as to provide for the early provision of public open space adjacent to Lake Coogee for the enjoyment of the residents in the area.

- Submissions from Mr V Ingrilli (No 3) who is the current owner of Lot 704 Fawcett Road and Plan-it (No 5) on behalf of Australian Landbank who are purchasing the land have requested that Lot 704 be included in the Structure Plan as per the modified Structure Plan included in the Agenda attachments. The specific proposals are generally in accordance with the principles shown indicatively on the advertised Structure Plan and it is considered that the advice provided by the various government and servicing authorities adequately covers the subject land. It is considered preferable to adopt a consolidated plan at this time rather than a separate Structure Plan for Lot 704 in the future and accordingly the submissions are supported.
- During the advertising period council officers met with the owner of Lot 21 Rockingham Road. Whilst the possible subdivision of this land is only shown indicatively and is therefore not part of the Structure Plan, the owner requested that the indicative layout be modified to enable each owner in this area to be self contained so that there are no disputes in the future. It is considered that the approach is highly desirable and accordingly the overall plan should be modified accordingly.

The submissions raise no issues which need to be resolved at this time and accordingly it is recommended that Council approve the modified Structure Plan.

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

#### ***Demographic Planning***

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

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

- *To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.*

#### ***Natural Environmental Management***

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

The Planning Policies which apply to this item are:

SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD6	Residential Rezoning and Subdivision Adjoining Midge Infested Lakes
APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD26	Control Measures for Protecting Water Resources in Receiving Environments
APD30	Road Reserve and Pavement Standards
APD35	Filling of Land

### **Budget/Financial Implications**

The cost of maintaining the public open space at the expiry of the 2 year maintenance period.

Cash-in-lieu equivalent to 0.7% of Australian Landbanks' holding will be available to further enhance existing and future POS areas.

### **Legal Implications**

Advertised in accordance with the provisions of section 6.2.8 of City of Cockburn Town Planning Scheme No 3

**Community Consultation**

Advertised for community consultation. This included an advertisement in the Western Australian, letters to adjoining owners, letters to servicing and other government agencies, copies of the report and plans on Councils Web site and a copy at the front counter.

**Attachment(s)**

- (1) Copy of the advertised Structure Plan.
- (2) Copy of the modified Structure Plan including lot 704 Fawcett Road.
- (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 12 October 2006 Council Meeting.

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

Nil.

**14.5 (OCM 12/10/2006) - CAT CONTROL LAWS (1008) (PS) (ATTACH)**

**RECOMMENDATION**  
That Council:

- (1) support the development of local laws along the lines of the model proposed in the Cat Management Strategy;
- (2) support the creation of an advisory group to assist with the development and implementation of the Cat Management Strategy; and
- (3) review the Cat Control Laws after they have been in force for 12 months.

**COUNCIL DECISION**

## **Background**

At the August 2005 Council meeting it was decided that Council officers report on the implementation of cat control laws for the City of Cockburn, similar to the City of Stirling and Shire of Busselton; as well as seek information from the City of Armadale and Murdoch University regarding the cat dispersal project that has been undertaken.

## **Submission**

N/A

## **Report**

The cat control laws of the City of Stirling and Shire of Busselton were reviewed to investigate their applicability to the City of Cockburn. In reviewing these laws considerations were given to the following,

1. Requirement of cat owners,
2. The local laws in practice and
3. Cost implications.

### Analysis of City of Stirling and Shire of Busselton

#### *Requirement of the cat owner*

There are a number of similarities between the two local laws of the City of Stirling and Shire of Busselton. Both local laws stipulate that cats can be identified by either a microchip or with a collar with the owner details, but only the Shire of Busselton makes it a requirement. The laws also stipulate that a permit is required to keep more than three cats within the district. These permits are submitted to the local government authority for determination. The decision on granting a permit, for more than three cats, is based on a number factors including, suitability of the premise, zoning of the area, assessment of any cat enclosures, likelihood of nuisance, inconvenience or annoyance to neighbours and environment impacts. Exceptions to these permits are RSPCA and animal welfare organisations, approved animal pounds and veterinary surgery. Both these local laws also provide for the capture and impoundment of cats.

Both local laws provide for Cat Prohibited Areas, which are areas where cats are prohibited from entering and remaining. The City of Stirling has 11 such areas, which are all bushland areas. The Shire of Busselton has not yet declared any areas as Cat Prohibited Areas.

Another key difference between the two local laws is that not only does the Shire of Busselton require that all cats be registered, it also states that no cats shall be in public places unless under effective control; the City of Stirling differs from the Shire of Busselton by stipulating Fauna Protection Buffer Zones. These buffers extend 200 metres from the boundary of the Cat Prohibited Areas. These areas require a permit for more than one cat, instead of the permitted three cats. The City of

Stirling was unable to provide information on the reasoning of 200 metres, but research being undertaken by Murdoch University in the City of Armadale has found that cats within the urban area had a home range of 0.13 hectares, while cats in the rural areas had a range of 0.86 hectares (Lilith, Unpublished data). This research supports the need for large buffers to protect native fauna.

#### Local laws in practice and cost implications

The two local government authorities have different experiences with the implementation of the local laws.

The Shire of Busselton has 1227 cats registered and has to date impounded 402 cats, issued 45 infringements and 159 warnings. While the officers aren't involved in trapping cats, the shire provides traps to the community to set cat traps and return to the Shire officers. The Shire spends \$7000 per year on boarding impounded cats and \$6000 on its cat sterilisation subsidy. These costs don't include officer time.

The City of Stirling has employed a more self-policing policy. When the Cat Control Laws were first introduced the City allocated funds for a Council Officer to knock door to door within the Fauna Protection Buffer Zone to advise residents of their requirements and encouragement to seek a permit when one was needed. To date there has been no infringements issued, no cat trapping and no cats impounded.

#### Options for the City

##### *"Business as usual" approach*

The City already undertakes a number of measures to assist cat owners. The City has a cat pamphlet that advises residents what they can do to protect their cats and also protect the native fauna. The Council also already advises residents of where they can rent traps and of their responsibility to endeavour to find the cat's owners or rehouse the cat. Plus the City also supplies subsidies to Cockburn residents to assist with cat sterilisations; in 2005/06 \$3500 was committed to this program.

With respect to the number of cats residents can own. Currently local laws only require that you register your cats if you have more than four.

There is an expectation that the Greens member Ms Giz Watson's Cat Bill may be retabled and accepted by the State Parliament that would avoid the need for the local laws; but recent discussions with Ms Giz Watson's office has indicated that this will not happen in the short term and were actually keen to see how we address the issue.

##### *Implement City of Stirling local laws*

The City could introduce the local laws used by the City of Stirling. A key element is defining the Cat Prohibition Area. All regionally

and locally significant bushland could be considered, and would at least include the City's Conservation Areas and also CALM estate. Around these areas would be a 200 metre fauna protection zone. In these areas residents can only have one cat, any more than one would require a permit from the City. Outside of this zone the residents can keep up to 3 cats, with a permit required to have more than 3. The extent of these buffers, and affected residents, is shown in Figure 1.

An issue with this approach is the lack of registration. Without the ability to inform the owner of the capture of the cat there would be no change of behaviour with the cat owner and importantly the cat would most likely need to be rehoused or destroyed.

*Implement the Shire of Busselton laws*

The Shire of Busselton laws have increased requirements on cat owners. Their local laws require that all cats are registered, also no cats are allowed in public places unless under effective control. An issue with these laws would be resources to enforce the law, and whether it is necessary, when attempting to protect the native fauna within bushland areas.

Proposed Cat Management Strategy

The intent of the Cat Control laws should be to protect the conservation value of the City's natural areas. With this the objective, the "business as usual" approach will not achieve this aim. Currently the City could undertake trapping within the Conservation areas but there is an issue that if this is undertaken, within Cat Prohibited Areas, the lack of registration provides an issue with identifying the cat's owners and returning the cats and provide the opportunity to educate the resident and/or issue infringement.

The Shire of Busselton approach of registering all cats would place an unreasonable amount of pressure on the City to firstly undertake the registration, and secondly ensure compliance across the whole district. While the City of Stirling laws acknowledges the importance of ensuring appropriate cat management surrounding areas of conservation value through registration of cats within the buffer zone and the limitation to one cat, with a permit for further cats.

While the development of local laws are essential; this would be only one aspect of an overall Cat Management Strategy. The best approach for the City would be a two-prong approach using education and enforcement.

Education

This can be done by providing owners with information on how best to manage their cats so as not to impact on wildlife. This will need to be done by dispersing information to those residents residing within the Fauna Protection Buffer. This would then be supplemented by the cat

sterilisation subsidy that is given by Council. Currently, this subsidy is used 20 times per month. This program needs to be continued and expanded.

#### Proposed Cat Control Law

These laws would be primarily for the protection of native fauna within bushland areas and would encompass the following points;

##### Establishing Cat Protection Zone

This will enable the City to declare Conservation Area as off-limits to cats. This would lend support to trapping within these Conservation Areas

##### Establish a 200m Fauna Protection Buffer around these areas and restrict cat ownership to one cat per residence, with permit required to have more than one cat.

This will, in the future, reduce the number of cats abutting these Conservation Areas and so reduce the pressure upon the native fauna. All of the City's Conservation Area and CALM estate, within residential and rural area, would be declared Cat Protection Zone. There will need to be leniency given to current cat owners that have more than one cat when the laws are introduced. The City would approve their permit for more than one cat, but stipulate that the permit is non-transferable and will cease once that cat dies or is permanently removed from the premise.

##### *Registration of cats within the 200m Fauna Protection Buffer*

The implementation of cat prohibition area and restriction of cats within the buffer area will only work if cats are registered. This allows the City to capture the registered cats within the Cat Prohibition Area and locate the owner and return the cat to its owner. Also it allows the City to educate irresponsible cat owners on the behaviour of their cats and if required issue infringements. If there were no registration it would be expected that very few cats would be successfully returned to their owners and that irresponsible cat owners will be unaware of their misdemeanours. The registration of cats also enables cat owners to be reunited with their lost cats. On this basis it is intended to offer the voluntarily registration of cats outside of the 200 metre buffer area.

The buffer is only indicative and there will need to be refinement to take better advantage of man-made structures, ie streets and other features. As well as needing to discuss with adjacent Councils where the buffer enters their district.

The proposed approach provides the means to educate and assist cat owners, and also provide an effective means to actually reduce the number of cats affecting Conservation Areas and deal with unco-operative cat owners.

To achieve the successful development of these laws, there is a need for an advisory group formed of community members and experts within the fields of cat welfare and management. This group can assess the latest information on cat dispersal and impacts on bushland, latest approaches to reducing the impacts of cats, develop an education strategy and raise the concerns and hopes of the community.

#### Cost implications

There would be cost implications with the introduction of cat control laws within the City. The preliminary numbers of approximately 5590 land owners within the buffer area will require registration of cats, which will place an increases load onto the Rangers Department. Even if we assumed 1/3 of these resident kept cats, similar to what was found in a survey conducted in the City of Melville (Grayson *et al*, 2002), there would still be 1630 cats that would need to be registered. This on top of the approximate 5000 dogs registered every year highlights the extra workload on the Rangers department.

Currently the Rangers have the resources to undertake cat registrations in the middle of the year as this avoids conflicting with the dog registration. But this will need to be reviewed once the Cat Control Laws have been in force for 12 months.

It is anticipated that registration would cost about \$15 for an unsterilised cat and \$5 for a sterilised cat, per year. This is half the dog registration fee, which is \$30 for an unsterilised dog and \$10 for a sterilised dog per year.

#### **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.*
- *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**

The work generated would be equivalent to a Part-Time Customer Officer, approximately \$17,042.50. It is believed that it can be absorbed in the current budget, but this will need to be monitored.

The development of the local laws will require funds for the use of Solicitors. It is difficult to determine costs as this stage.



The implementation of an education program ie. pamphlet mail-out etc, may be absorbed in the current budget, but this will need to be investigated further.

### **Legal Implications**

The local laws will need to be developed to the requirements of the Local Government Act 1995.

### **Community Consultation**

Consultation will be undertaken through the administrative advisory group, as well as part of the development of the local laws.

### **Attachment(s)**

- (1) Article "Attitudes of suburban Western Australians to proposed cat control legislation".
- (2) Draft Fauna Protection Buffer.

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

N/A

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

Nil.

## **14.6 (OCM 12/10/2006) - MODIFICATION TO THE SOUTH BEACH STRUCTURE PLAN - (FORMER ANI BRADKEN FOUNDRY) LOT 1815 OCEAN DRIVE, NORTH COOGEE (MR) (9653) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) adopt the variations to the South Beach Structure Plan applying to Lot 1815 Ocean Drive, North Coogee, given that the changes do not materially alter the intent of the Structure Plan pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No 3;
- (2) refer the modified South Beach Structure Plan to the Western Australian Planning Commission for information pursuant to Clause 6.2.14.2 of Town Planning Scheme No 3;
- (3) provide a copy of the revised South Beach Structure Plan to the City of Fremantle for their information; and
- (4) advise the proponent of the requirement to prepare Detailed

Area Plans for the development site pursuant to Clause 6.2.15 of the City of Cockburn Town Planning Scheme No 3. Detailed Area Plans must show building envelopes, private open space, interface with the reserve, foreshore access, 'quiet house design' principles to address impacts from the freight railway line, building orientation to maximise opportunities for ocean views and solar access where appropriate, vehicular access and parking and any special development controls and guidelines.

## **COUNCIL DECISION**

### **Background**

Council adopted South Beach Structure Plan ("Structure Plan") at its meeting in July 2002 and forwarded this plan to the Western Australian Planning Commission ("Commission") for endorsement. Further background to this matter is outlined in Item 14.3 OCM 16/07/02 and OCM 19/09/02.

The Commission reviewed the Structure Plan and expressed concern in relation to various matters particularly the resolution to adopt the Structure Plan be under District Zoning Scheme No 2 rather than proposed Town Planning Scheme No. 3. Subsequently the Structure Plan was referred to the January 2003 Ordinary Meeting of Council where it was adopted pursuant to Town Planning Scheme No 3, following its gazettal in December 2002.

A subdivision plan was lodged by planning consultants acting on behalf of South Beach Pty Ltd in April 2003. The City recommended that the application be supported subject to several conditions. The subdivisional plan was generally in accordance with the adopted structure plan pursuant to Clause 6.2.3.2 of TPS3.

Further changes to the South Beach Structure Plan were made to lots along Rollinson Road at the Council meeting on 21 March 2005 by including lots within a Mixed Business Zone R60 to R80.

The former ANI site is currently undergoing site remediation, which is based on an Environmental Management Program. The site clean up is being monitored by an Independent Auditor, Environmental Resources Management Australia Pty Ltd. Stockland are keeping the local community informed on the clean up progress through information brochures. Clean up of the site has necessitated the temporary

diversion of the coastal dual use path due to the close proximity of the pathway to the boundary of the site during demolition works. The dual use path will be re-opened in December 2006.

Council has also received an application for 5 storey apartments from Stocklands consultants on the northern part of the ANI site. The application is currently being assessed based upon the current South Beach Structure Plan (R60-R100 development site). As the proposal does not exceed 21m in height or 5 storeys the application is not required to be referred to the WAPC pursuant to Clause 32 (No 62) Coastal Buildings Above Specified Heights. The application also does not require to be advertised and will be assessed in accordance with the approved structure plan, under the current R60-R100 Coding.

### **Submission**

The applicant seeks Council approval to amend the South Beach Structure Plan for the area known as 'ANI Bradken Foundry' on Lot 1815 Ocean Drive, North Coogee. The applicant's submission has been summarised accordingly:-

#### Existing Structure Plan

- A 10.0m wide entry road, links through the City of Fremantle.
- Three 15.0 metre wide spur roads extend west and terminate in a small recreation reserve.
- A total of 20 residential lots, small areas of public open space and regional open space along the western boundary.
- Pocket parks were included on the Bradken site to provide for pedestrian access to the beach, links to the dual use path and to enable oblique views of Owen Anchorage to be gained from the residences.
- Residential density coding are from R20-R40 to R60-R100.
- Twelve beach front lots shown as R20-R40 allowing 21 residential units.
- Six unit sites coded R60-R100 with potential development as multi-storey unit sites with ocean views over the low rise development. The site also 'book-ended' by two R60-R100 unit sites. These R60-R100 sites could accommodate 69 residential units.
- In summary the existing Structure Plan indicates a maximum development potential of 90 residential units on a nett development area of 1.2198ha a density of R74.

#### Proposed Structure Plan

- The amendment to the South Beach Structure Plan only relates to Lot 1815 Ocean Drive, North Coogee over the former ANI Bradken Foundry. The changes propose a more comprehensive redevelopment that is intended to provide future residents with

higher levels of amenity rather than a more fragmented approach envisaged by the existing Structure Plan.

- In lieu of subdividing the land into 20 lots the revised plan proposes to redevelop the site as one lot. This allows for a comprehensive design solution for the subject land.
- Maintains “beach” theme avoiding creation of individual housing sites.
- The current maximum density permitted is equivalent to R73.8 or in other words R80. It is therefore proposed to simply code the whole of the amendment area R80.
- The site consists of 4 approximately square development sites.
- The plans also envisage a café at the north western corner of the northern most development site which is consistent with the current Structure Plan.
- All internal roads are proposed as “private” although it is proposed that they be covered by an easement under Section 196 of the Land Administration Act enabling public access. The roadway adjacent to the railway reserve is retained at a width of 10 metres while the spur roads are retained at a width of 15 metres. The central east west road is no longer required for vehicular access and is proposed to be included as an extension of public open space.
- The internal access roads are considered adequate for the proposal, which is expected to generate between 800 and 900 vehicle trips per day.

## **Report**

There are no objections to the proposed changes to the South Beach Structure Plan from a planning point of view for the following reasons:-

- The proposed variation to the South Beach Structure Plan represents a consolidated development proposal over one site rather than subdividing the land into 20 residential lots with subdivisional roads.
- The proposal for R80 will yield a comparable number of residential units that would have otherwise been achieved under the current Structure Plan. (ie. 90 units – R73.8 or 101 units – R80).
- Allows a more comprehensive and coordinated design solution for the site rather than the disjointed and fragmented approach of the current Structure Plan. The current Structure Plan does not properly capitalise on the attributes of the site.
- Despite the proposal to include private roads the structure plan will still retain public access along accessways.
- Pocket parks are still included on the Bradken site to provide for pedestrian access to the beach and for ocean views within the South Beach development.
- Parkland area on the Bradken site will also increase area from a total area of 891sqm to 1,457sqm.

- The amalgamated development sites will enable a majority of residential units to have ocean views.
- The design of apartments for the site must be based on Detailed Area Plans pursuant to Clause 6.2.15 of TPS3 and approved by Council prior to lodgement of a development application.

The City of Cockburn TPS3 allows Council the ability to either adopt a variation to a structure plan if in its opinion the variation does not materially alter the intent of the structure plan or alternatively process the structure plan by public advertisement prior to making a decision on the structure plan variation.

Clause 6.2.14.1 states as follows:-

*“6.2.4.1 The local government may vary a structure plan:-*

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;*
- (b) otherwise in accordance with the procedures set out in clause 6.2.6 onwards.”*

The City’s Planning Services consider that the proposed variations to the adopted Structure Plan do not materially change the intent of the structure plan. It is open for Council on this basis to vary the structure plan by resolution pursuant to Clause 6.2.14.1 of TPS3. There are no significant changes to the intent of the structure plan from a land use planning point of view. The development area remains unchanged, land use configuration is unaffected and densities are comparable to existing densities on the current structure plan.

Given that the variation to the structure plan does not propose the subdivision of land, the Council is only required to forward the variation to the Commission within 10 days of making the decision in accordance with clause 6.2.14.2 of TPS3.

*“6.2.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.”*

It is also recommended that Council require the proponent to prepare Detailed Area Plans to guide appropriate building form and address several issues affecting the site as set out in the report recommendation.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

### ***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:-

SPD4            Liveable Neighbourhoods

## **Budget/Financial Implications**

N/A

## **Legal Implications**

Town Planning Scheme No 3  
Planning and Development Act 2005

## **Community Consultation**

The South Beach Structure Plan has already been through a comprehensive public consultation program, which included workshops. The proposed structure plan changes do not materially alter the intent of the Structure Plan and therefore no further public consultation is required.

## **Attachment(s)**

- (1) Current South Beach Structure Plan
- (2) Modified Structure Plan for Lot 1815 Ocean Drive, North Coogee
- (3) Applicant's submission

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

The Proponent(s) have been advised that this matter is to be considered at the 12 October 2006 Council Meeting.

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

Nil.

**14.7 (OCM 12/10/2006) - DRAFT MURDOCH ACTIVITY CENTRE STRUCTURE PLAN - WESTERN AUSTRALIAN PLANNING COMMISSION (110097) (DA) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the draft Murdoch Activity Centre Structure Plan;
- (2) advise the Department of Planning and Infrastructure that it wishes that the following issues be taken into consideration in the preparation of the finalised structure plan:
  1. The municipal boundaries between the City of Cockburn and the City of Melville being correctly shown on all plans comprising the Murdoch Activity Centre Structure Plan.
  2. The Western Australian Planning Commission advising the City as to whether it intends to proceed with the agreed transfer of Lots 550 and 551 Baker Court to the State, with a subsequent Management Order to the City; and
  3. The Western Australian Planning Commission providing a detailed timeframe for the review of the land uses south of Farrington Road, in order to provide the current sub-lessees with a degree of certainty as to their long term future.

**COUNCIL DECISION**

**Background**

The area covered by the Murdoch Activity Centre Structure Plan (MACSP) essentially covers the area bounded by South Street, Murdoch Drive/Murdoch University Campus, Farrington Road and the Kwinana Freeway and includes the St John of God Hospital, Murdoch

Railway Station, the eastern portion of Murdoch University and the proposed Fiona Stanley Hospital and Health Precinct.

The majority of the area within the MACSP falls within the City of Melville, with the exception of Reserve 44544 on the northeast corner of Murdoch Drive and Farrington Road and portion of the Murdoch University site on the northwest corner of the same intersection.

The MACSP has been commissioned by the Department of Housing and Works on behalf of a joint initiative between the Department of Health and the Department of Planning and Infrastructure. The primary goal of the structure plan is to provide a framework for future development and subdivision of land, within the context of supporting Transit Orientated Development, so that the Department of Health can begin developing the Fiona Stanley Hospital and Health Precinct (FSHHP), with the hospital projected for completion in 2011.

### **Submission**

The Department of Planning and Infrastructure has advertised the Murdoch Activity Centre Structure Plan for public comment until the 27 October 2006.

### **Report**

There are two major components/drivers of the Murdoch Activity Centre Structure Plan, they are:

1. The proposed tertiary hospital (Fiona Stanley Hospital) and associated health precinct; and
2. The proposed bus/rail interchange at South Street, as part of the Perth to Mandurah passenger rail project.

The structure plan's development is based on transport-orientated strategies, establishing walkable catchments and a village centre in the Liveable Neighbourhood tradition, creating high quality urban design and ensuring the viability of highly accessible public transport nodes.

### **Public Road Network**

The main aspects of the structure plan relating to the public road network relate to the internal road layout and the locations of access points off Murdoch Drive. The only significant component of the proposed road network, which has an external impact, is the proposed southern access to the precinct. Essentially it is proposed to realign the intersection of Murdoch Drive and Farrington Road 170m to the west, thereby enabling a new southern connection to Kwinana Freeway, along Baker Court and the former Roe Highway reservation.



### Major Land Uses

The structure plan proposes to establish several major landholdings for the purpose of public health (Fiona Stanley Hospital), private health (St John of God Murdoch Hospital), education (TAFE and Murdoch University) and residential and commercial development. The MACSP proposes changes to the existing land tenure to achieve the desired strategic and built form outcomes.

The realignment of Murdoch Drive and the creation of a southern connection to Kwinana Freeway will also have an impact on those properties between Bibra Drive and the Murdoch Chase Estate. These two lots on either side of Baker Court are owned by the State Government and although they are outside the structure plan area and currently are reserved for parks and recreation would have the potential to be rezoned and redeveloped for alternative uses compatible with the surrounding uses. This is acknowledged by the annotation on the structure plan for these lots "*Opportunity to Review Future Land Use in this Area Subject to Further Planning Study and Stakeholders Consultation.*"

The City currently has a twenty five (25) year lease over these lots, expiring on 1 July 2011, with an option to renew for a further 25 years. These lots are being subleased to the Spanish Club of WA, Murdoch Pines Golf Driving Range and the Lakeside Baptist Church, with the City currently negotiating a new sublease over the south-eastern portion of Lot 551 to Cockburn Ice Arena Pty Ltd.

The City had also been negotiating the transfer of these lots from the Western Australian Planning Commission to the State, with a subsequent Management Order issued to the City, with the power to lease.

The City and the sub-lessees have spent considerable time, effort and money in establishing these leases and developing the land and the proposed MACSP does not provide them or the City with any degree of certainty in respect to their long-term future. In order to provide the sub-lessees with the ability to make plans for the future it is recommended that the City seek confirmation as to whether or not the Commission intends to proceed with the agreed transfer of the subject lots to the State and if so, when.

### Municipal Boundaries

The structure plan and associated plans appear to incorrectly show the current municipal boundaries between the City and the City of Melville. The Municipal boundary currently extends along Farrington Road through to the Kwinana Freeway. The MACSP however, shows the boundary on the eastern side of the Murdoch Chase estate, excluding the IFAP site and adjoining lots.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

### ***Transport Optimisation***

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

## **Budget/Financial Implications**

N/A

## **Legal Implications**

Planning and Development Act 2005

## **Community Consultation**

The Council has been invited to make comment as part of the consultation process being undertaken by the Department of Planning & Infrastructure by 27 October 2006.

## **Attachment(s)**

Murdoch Activity Centre Structure Plan

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

N/A

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

Nil.

- 14.8 (OCM 12/10/2006) - REZONING APPLICATION PORTION LOT 5 BARTRAM ROAD, (CORNER TAPPER ROAD) ATWELL - OWNER: CITY OF COCKBURN - AMENDMENT NO.51 TO TOWN PLANNING SCHEME NO.3 (5516327) (KJS) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) adopt the following amendment:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS

AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO.3 (TPS3)

AMENDMENT NO. 51

Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 amend the above Town Planning Scheme by:

1. Replacing the R20 density coding for portion of Lot 5 Bartram Road (Cnr Tapper Road) Atwell (shown as Lots 6 to 10 on the proposed Subdivisional Plan) with an R30 density coding on the Scheme Map.
  2. Replacing the R5 density coding for portion of Lot 5 Bartram Road (Cnr Tapper Road) Atwell (shown as Lots 27 to 30 on the proposed Subdivisional Plan) with an R20 coding on the Scheme Map.
- (2) sign the amending documents, and advise the WAPC of Council's decision;
  - (3) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A) (1) of the Town Planning and Development Act;
  - (4) 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;
  - (5) advertise the Amendment under Town Planning Regulation 25 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 formal 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; and
  - (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.

**COUNCIL DECISION**

**Background**

Council at its meeting held on 16 August adopted the minutes of the Strategic Finance and Investments Committee meeting of 28 July 2006 which included.

1. receive the Business Plan prepared pursuant to Section 3.59 of the Local Government Act 1995;
2. approve the development of Lot 5 Tapper Road into 21 R20 residential lots, excluding lots 6 to 10 and lots 27 to 30;
3. proceed to appoint necessary consultants to prepare drawings and specifications sufficient to call public tender to complete the civil works;
4. call for public tenders to complete the civil works associated with the subdivision development;
5. refer the appointment of the civil works tender back to a future council meeting;
6. initiate the rezoning of Lot 27 on subdivision plan from R5 to R20;
7. refer the appointment of qualified selling agents to sell twenty one (21) R20 residential lots by public auction back to a future council meeting;
8. allocate \$1,500,000 from the Land Development Reserve Fund to cover the costs of the development and amend the 2006/2007 budget accordingly;
9. transfer the net proceeds from the sale of the lots to the Land Development Reserve Fund; and
10. investigate a higher density for lots 6 to 10 and 27 to 30.

**Submission**

N/A

## Report

Plans have been prepared to show the approved Subdivision Plan with the proposed rezoning land excised. The plan was then drawn as it could be developed on completion of the rezoning.

This plan was forwarded to a local real estate agent who previously provided estimated selling prices for the current design. To ensure a true comparison of the two subdivision layout results the previous appraisal was updated to September 2006.

The results are that the current 30 lot subdivision would sell for an estimated \$9,107,500 and the rezoned subdivision of 46 lots would sell for an estimated \$11,326,000 a difference of \$2,218,000. It is considered prudent to continue with the current subdivision less the "to be rezoned land". The rezoning and further subdivision will take approximately twelve (12) months to complete. The road pattern will not change and given that services are generally located in the road reserves all services for the anticipated stage two subdivision will be placed where possible in the stage one subdivision. The selling price for lots in stage one is estimated to be \$5,622,000.

The Council resolution of 16 August 2006 called for \$1,500,000 to be transferred from the Land Development Reserve Fund to cover the cost of the development. Although the number of lots in stage one have been reduced from 30 to 21, there will be minimal reduction in development costs. The major cost is the filling of the whole site to a depth of up to 1 metre. Development costs for stage two 25 lots will be substantially less proportionally than stage one. A new assessment of stage two selling prices and development costs will be determined for the 2007/08 budget.

The rezoning of the R5 density portion of Lot 5 (proposed lots 27 to 30) will set a precedent for the rest of the R5 density coded lots along Tapper Road. The majority of these lots have dwellings which face the internal roads, such as Calder Way, Strand Close and Woolmore Cross, with the rear portion of the lots being undeveloped. Though some lots may be unable to be further subdivided, at this stage, due to the location and extent of the current developments.

Rezoning and further subdivision of these lots is likely to result in an improved streetscape along Tapper Road, which on the western side, currently consists of a series of rear boundary fences.

## 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.*

**Budget/Financial Implications**

Funds for the development of stage one lot 5 Tapper Road, will come from the Land Development Reserve Fund.

Net proceeds from the sale of the lots will be transferred to the Land Development Reserve Fund.

**Legal Implications**

Town Planning Scheme No. 3  
Metropolitan Region Scheme  
Town Planning and Development Act  
Town Planning Regulations

**Community Consultation**

To be undertaken as part of the Amendment process.

**Attachment(s)**

- (1) Plan of current approved subdivision
- (2) Plan of subdivision less rezoning area
- (3) Plan of subdivision with anticipated rezoned land

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

N/A

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

Nil.

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

**15.1 (OCM 12/10/2006) - LIST OF CREDITORS PAID - AUGUST 2006 (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for August 2006, 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**

N/A

**Strategic Plan/Policy Implications*****Governance Excellence***

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

**Budget/Financial Implications**

N/A

**Legal Implications**

Section 13 of the Local Government (Financial Management) Regulations 1996.

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid - August 2006.

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

N/A

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

Nil.

**15.2 (OCM 12/10/2006) - STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2006 (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for the period ended 31 August 2006, 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 August 2006.

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, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

For the 2005/06 financial year, Council had adopted a materiality threshold of 10% or \$10,000, whichever is the greater. There is a need to review this for the 2006/07 financial year. For this purpose, a Position Statement will be developed and submitted to the next DAPPS Committee meeting.

## 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 are of a permanent nature, these will be noted and addressed at the mid-year budget review.

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – August 2006.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (OCM 12/10/2006) - IMPLEMENTATION SCHEDULE FOR PHOENIX RISE PROJECT - PHOENIX RISE, SOUTHWELL - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (9512) (JS/MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the detailed Implementation Schedule for the Phoenix Rise, Southwell public domain works as set out in the attachments;
- (3) agrees to fund the public domain works on a 50:50 basis up-to a maximum value of \$1Million;
- (4) in consultation with the Department of Housing and Works, prepares an agreement formalising the scope of the project, the responsibilities of each party and the funding arrangements for execution by the Mayor and Chief Executive Officer;
- (5) amends the 2006/07 Municipal Budget as follows:

1. CW 5082 Phoenix Rise Street Landscaping Public Domain Works adjusted from \$167,139 to \$165,685.
2. including an amount of \$95,057 for the development of Lot 174 Ely Street with funding to be allocated from the Land Development Reserve Fund;
3. including an amount of \$20,000 for Strategic Planning Services to appoint a consultant to review development estimates for the subdivision projects within the revitalisation project area to be funded from the Land Development Reserve Fund.

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

### **COUNCIL DECISION**

### **Background**

In late 2000 the Department of Housing and Works (DHW) advised the City that a New Living Project would be progressed for Southwell in a similar way to the Coolbellup project to the east. DHW's goal for the New Living project was to reduce the number of Homeswest properties in the Southwell area from approximately 30% to 10%.

On 9 December 2003 the DHW and the City of Cockburn signed a Memorandum of Understanding (MOU) which set out the objectives and overall principles which apply to the redevelopment of Phoenix Rise, Southwell. The MOU triggered the preparation of a Master Plan to facilitate and guide enhancement works within Southwell as part of the New Living Project. This Masterplan was formally endorsed by Council in November 2005. The Masterplan (diagram attached) identified a schedule of works for the revitalisation project.

The following points outline the broad parameters of the Phoenix Rise Master Plan:

- Renovation of all Dept of Housing and Works (DHW) houses and units by the New Living Project Joint venture with the Satterley Property Group.
- Enhancement of the public domain including entry statements, streetscapes, public open space upgrade and construction of

pathways and some road links jointly funded by the City and DHW on a dollar for dollar basis in accordance with the agreement signed between the two parties.

- Subdivision of eight parcels of POS land to be funded by the City.
- Possible relocation of the Community hall from Caffery Place to Goodchild Reserve subject to satisfactory arrangements being negotiated between DHW and the City.

Part of the resolution adopted at that time sought agreement to the scope of the project and to the funding mechanism between DHW and the City. Negotiations have been undertaken with DHW and both parties have agreed 'in principle' to the schedule of works, the implementation schedule attached and to fund the Revitalisation works on a 50:50 basis subject to final endorsement.

## **Submission**

### Public Domain Works

The City has prepared a detailed Implementation Schedule for the Phoenix Rise public domain works (refer attachments) and seeks Councils endorsement to this.

The capital works project *CW 5162 Phoenix Rise Development* totalling \$769,200 needs to be amended to reflect the expenditure program for public domain works in the 2006/07 year as identified in the schedule of costs.

### Subdivision/Development Works

As part of the New Living Project for Southwell, the City proposes to subdivide and develop 7 areas of public open space (POS) to remove the hidden and unused portions of POS and to generate a cash flow to fund Council's share (50%) of the public domain works, as agreed with DHW.

This report proposes to allocate funds in its 2006/07 Municipal Budget for works associated with the Phoenix Rise, Southwell revitalisation project.

## **Report**

### Public Domain Works

The Implementation schedule (attached) identifies each aspect of the revitalisation project as detailed in the Masterplan and adopted by Council in November 2005. The scope of works have been prioritised in consultation with representatives of DHW. The Phoenix Rise project

is multidisciplinary and requires considerable coordination to deliver within the timeframes established. Also, some aspects of the works are reliant on others before they can be completed. The schedule of costs (attached) outlines when each aspect of the project is to be initiated and the associated costs and will dictate future budgets.

Satterley Property Group commenced property redevelopments in 2004. They were keen to have public domain works commenced immediately to assist with their marketing strategy and agreed to pre-fund part of the works to facilitate this. The City received full funding for Stage 1 public domain works to the value of \$240,400 and commenced streetscaping works in May 2006. This amount included a 10% landscape consultant's fee and tree watering and maintenance for the first year.

At commencement of works, local residents made enquiries regarding further works and representations were made to Officers and Satterley through the *Southwell Community Association*. Council officers are in the process of arranging a meeting to present information to the community regarding the adopted program for public domain works at a public meeting held jointly by DHW and the City of Cockburn.

Further engineering works will be subject to a review of costs as estimates are based on figures provided in 2004, plus 17%.

#### Subdivision/Development Works

The following development cost estimates are provided for the subdivision and development works that the City will be undertaking. The costs are based on the original development costings provided by Cossill and Webley in July 2005, with a 14% p.a. (estimated for 2007) increase.

<b>Project Description</b>	<b>Capital</b>
Lot 174 Ely Street	\$ 95,057
Lot 183 Southwell	\$ 628,641
Bourbon Street Development	\$440,174
Pt Goodchild Reserve and cul-de-sac	\$ 191,950
Eliza Court development and road extension	\$ 1,135,808
Sykes Place development and road construction	\$ 2,132,773
Rodd Place development and road link	\$ 1,196,290
<b>TOTAL</b>	<b>\$ 5,820,693</b>

The above figures will need to be revised in detail by an appointed consultant. It is recommended that the Council amend its 2006/07 budget to commit funds to this project.

The Council proposed developments are all subject to final approval by the Minister to the rezoning amendment (Amendment No. 38). Further,

all of the developments with the exception of Lot 174 Ely Street are subject to either the Council obtaining BP agreement to access the pipeline for road works, Public Access Way closures and/or the exchange of Reserve 42809 for a portion of Goodchild Reserve. These factors will largely determine the staging and timing of the proposed developments.

The first Council development (Pt Lot 174 Ely St) is proposed for approximately April 2007. The cash flow generated from this development will be used to fund the next development (Lot 183 Southwell Crescent) and so on. It is proposed to use funds contained in the Council's Land Development Account to fund the initial developments, with the profits generated from the sale of the developments being used to "repay" the Land Development Account and a portion will be used for Council's 50% contribution to the public domain works.

The following table provides the market value assessment for each of Council's proposed developments (as at 8 August 2005). The assessment was undertaken by a valuation consultant engaged by the City of Cockburn. The figures have been adjusted to factor an estimated 14% p.a. growth in land values from 2005-2007 in the second 'Total' column.

<b>Land Description</b>	<b>Estimated Value after 'Enhancement Works'</b>
Lot 174 Ely Street	\$372,000
Lot 183 Southwell	\$860,000
Bourbon Street Development	Not calculated.
Pt Goodchild Reserve and cul-de-sac	\$385,000
Eliza Court development and road extension	\$1,116,000
Sykes Place development and road construction	\$5,620,000
Rodd Place development and road link	\$939,000
<b>TOTAL</b>	<b>\$9,292,000</b>
<b>TOTAL (subject to 14% p.a. increase) (est. to 2007)</b>	<b>\$12,075,883</b>

Refer to Cash Flow Schedule contained in the Agenda attachments.

#### Conclusion

It is recommended that the Council agrees to the detailed Implementation Schedule for the Phoenix Rise Revitalisation Project, agrees to the bilateral funding agreement with DHW and amends the 2006/2007 Budget to reflect the demand on project funding for the remainder of this financial year.

## Strategic Plan/Policy Implications

### ***Demographic Planning***

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

### ***Infrastructure Development***

- *To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.*

The Planning Policies which apply to this item are:

SPD1	Bushland Conservation Policy
SPD2	Community Facilities Infrastructure - 10 Year Plan
SPD5	Wetland Conservation Policy
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards

## **Budget/Financial Implications**

### Public Domain Works

DHW have suggested a cap of \$2Million for the revitalisation project and the scope of works has been tailored to that funding amount.

Satterley were keen to see works commence in the public domain and identified a number of streetscaping projects as the highest priority. Satterley pre-funded these works to the value of \$240,400. Expenditure incurred against that project to the end of the 2005/06 financial year was \$74,715 and the remainder of the funds (\$165,685) were carried forward. Final acquittal has now been completed and budget (CW5082) requires a minor adjustment.

The initial allocation included in the 2006/07 budget for the Phoenix Rise Redevelopment (CW 5162) was \$769,200 which was based on an optimistic schedule of works. The revised implementation schedule identifies projects to the value of \$480,270 which is more achievable and does not rely on subdivision works being completed. The budget however is premised on the fact that initially the works would be funded by either Satterley or DHW and Council's contribution would be paid once the subdivision works started returning funds to the Land Development Reserve Fund. The final funding arrangements need to be negotiated with DHW and will form part of the formal agreement. Budget adjustments will be necessary and will form part of the mid-year review.

It is estimated that the subdivision works will provide a net return to Council of \$6.2M. \$1M of these funds will be allocated to the public domain works.

Subdivision/Development Works

Funds are sought to appoint a consultant to review the development costs of the entire project and to commence the first grouped housing development on Ely Street. These funds will be drawn from the Land Development Reserve.

PROJECT	NAME	BUDGET	AMENDED BUDGET
	Land Development Fund – Lot 174 Ely Street – R40 Grouped Housing Development. Development Costs		\$95,057
	Land Development Fund – Consultancy Fees – Development Costs		\$20,000

**Legal Implications**

N/A

**Community Consultation**

Consultation with the community was previously undertaken through the rezoning amendment and Southwell Master Plan process. No further consultation is applicable at this stage.

**Attachment(s)**

- (1) Site Plan;
- (2) Implementation Schedule for Public Domain Works
- (3) Cash Flow Schedule

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

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil



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

Nil

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

Nil

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

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

**23. CONFIDENTIAL BUSINESS**

**24. (OCM 12/10/2006) - 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**

Nil