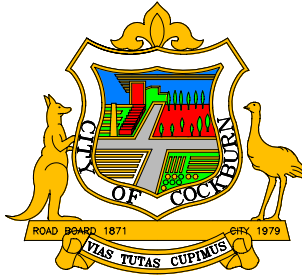


CITY OF COCKBURN



SPECIAL COUNCIL

AGENDA PAPER

FOR

TUESDAY, 26 NOVEMBER 2002

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON TUESDAY, 26 NOVEMBER 2002 AT 5:45 PM

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON TUESDAY, 26 NOVEMBER 2002 AT 5:45 PM

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)

Nil

5. APOLOGIES & LEAVE OF ABSENCE

Nil

6. PUBLIC QUESTION TIME

Nil

7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS

Nil

8. PURPOSE OF MEETING

The purpose of the meeting is for Council to consider the final adoption of proposed Town Planning Scheme No.3.

9. COUNCIL MATTERS

9.1 (SCM 26/11/2002) - FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME NO. 3 (9485) (SMH) (ATTACH)[9_1.pdf](#)

RECOMMENDATION

That Council:

- (1) not take any further action in regard to Minute No.1841 of the 19 November 2002 Ordinary Council Meeting, which deferred consideration of the final adoption to the December Ordinary Council Meeting;
- (2) receive the Hon Minister's advice requiring further modifications be undertaken by the Council in order to finalise proposed Town Planning Scheme No. 3;
- (3) modify the Scheme Text by:-
 1. modifying clause 6.2 Development Areas to reflect the current model provisions for structure plans endorsed by the Commission;
 2. modifying the provisions of Schedule 3 - RU6 to include reference to Lots 196 and 218;
 3. modifying clause 9.1.1 to reinstate the following provisions of the advertised scheme text after
(1): -

"is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner and accompanied by such plans and other information as is required under the scheme";
 4. modifying Table 1 Zoning Table to show "Home Office" as a "P" use in the Residential zone consistent with clause 8.2.1 (d).
 5. modifying clause 5.4 (Special Application of Residential Planning Codes) generally as follows:-
 - 5.4.1 In Residential zones coded R20 the local

government may vary the minimum site area per dwelling and the minimum lot area/ rear battleaxe requirements in Columns 3 and 4 of Table 1 of the Codes by permitting 2 grouped dwellings on any lot with an area of 900m² or greater but in all other respects the development shall conform with the requirements of the R20 code.

5.4.2 In respect of land in the R30 to R60 codes where a detailed area plan has been approved by the local government the minimum requirements of Table 1 regarding the total percentage of open space can be reduced up to a maximum of 5% below the Code requirement, subject to: -

- i) the land being located adjacent to a parks and recreation reserve or within a commercial or railway precinct; and
- ii) the development providing for solar orientated design.

5.4.3 In respect of Lot 61 Beenyup Road, Atwell, the minimum requirements of Table 1 in respect of the total percentage of open space in the R25 code can be reduced by a maximum 5% below the code requirement subject to: -

- i) the land being either located adjacent to a parks and recreation reserve or within a commercial or railway precinct; and
- ii) the development providing for solar orientated design;
- iii) the development being in accordance with a detailed area plan approved by the local government.

- 6. modifying the special provisions (2) of Schedule 11 Development Area 1 (Packham) to delete reference to "generally" in the second line.
- (4) re-adopt proposed Town Planning Scheme No.3 incorporating the modifications required by the Hon. Minister for Planning and Infrastructure; and
- (5) forward the modified documents to the Minister for finalisation and gazettal of proposed Town Planning Scheme No.3.

COUNCIL DECISION

Background

Council at its meeting held on 18 June 2002, resolved to modify proposed Town Planning Scheme No. 3 in accordance with the requirements of the Department for Planning and Infrastructure, and proceed with the Scheme for finalisation by the Minister.

The documents were forwarded to the Western Australian Planning Commission accordingly.

Council, at its meeting of 19 November 2002, deferred this matter to the December Ordinary Council Meeting as the formal letter from the Minister had not been received.

Submission

In the advice, the Minister advised:-

"I am prepared to grant final approval to Town Planning Scheme No. 3 as modified by the Council subject to the following further modifications recommended by the Commission: -"

The recommendations made by the Commission are contained in the officer's recommendation to the Council, and have not been repeated.

"I would request that the Council be advised that, in respect of modification (5) above, I have considered Council's request to permit Council to exercise discretion to vary the general standards of the Codes in relation to an approved detailed area plan subject to conditions. Whilst I recognise that this more general variation would enable Council to approve "as of right" variations to development standards such as setbacks, parking and major openings, without the need for a Codes approval, I am of the view that this represents a significant departure from the philosophy of the Codes and requires further justification and consideration. I would, however, be prepared to consider a future amendment to the scheme which incorporates this concept based on a more detailed submission and evaluation of the circumstances under which these variations may apply and the benefits in terms of design outcomes.

In respect of the Council's request to extend the variation provisions to the R25 Code, I am prepared to accept this variation in relation to the

detailed area plan for the land at Lot 61 Beenyup Road/ Bartram Road/ Tapper Road, Atwell, referred to in Council's email correspondence of 5 November 2002. This, again, is subject to the conditions set out in my determination in respect of Amendment no. 231. I am not prepared to extend this provision to all land subject of a development area plan which is coded R25 on the basis that the variation provision should be limited to the medium density codes and R25 is categorised as low density in the Residential Design Codes.

In respect of modification (6) I am of the view that this modification is necessary to ensure that development properly takes into account the buffer to Watson's Foods.

I concur with the recommendation of the Commission that the Council should be advised that the current reservation of Lot 251 Cockburn Road for Parks and Recreation is accepted for the present time pending further progress on the North Coogee Master Plan Review and MRS Amendment No. 1010/33 for Port Catherine."

Report

The Council should agree to the modifications required by the Minister, in order to expedite the finalisation of the Scheme.

A recommendation has been prepared accordingly for the Council's consideration.

Should the Council accept the recommendation and the documents be modified and returned to the Minister without delay, it is hoped that proposed Town Planning Scheme No. 3 will be operating before the end of the year.

TPS No. 3 will be a very important and influential document in the planning of the district over the next decade.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

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

3. Conserving and Improving Your Environment
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

- APD23 Town Planning Scheme No. 2 Amendments Following Final Adoption of Proposed Town Planning Scheme No. 3
- APD33 Town Planning Scheme No. 3 Provisions

Community Consultation

The community consultation process associated with the preparation and adoption of the Town Planning Scheme, has been completed in accordance with statutory requirements. In addition to this, the Council undertook separate public participation programs during the preparation of the scheme.

Budget/Financial Implications

The TPS No. 3 Advertising Account (A/c 500474) for public consultation has a balance of \$25,000.

It would be desirable if some of these funds were spent following the gazettal of the Scheme to advise the public that District Zoning Scheme No. 2 has been replaced by Town Planning Scheme No. 3.

Legal Implications

Once Town Planning Scheme No. 3 is gazetted it will become the statutory document that will guide and control land use and development within the district.

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

Nil

10. 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:-

- (a) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;

- (b) 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
- (c) managed efficiently and effectively.

COUNCIL DECISION

11. CLOSURE OF MEETING

Nil