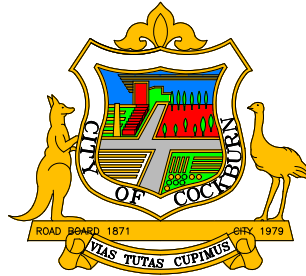


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 11 DECEMBER 2008**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 DECEMBER 2008 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, 11 DECEMBER 2008 AT 7:00 PM**

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**1. DECLARATION OF MEETING**

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

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

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

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

Nil

**5 (OCM 11/12/2008) - APOLOGIES AND LEAVE OF ABSENCE**

Mayor Stephen Lee – Leave of Absence

**6 (OCM 11/12/2008) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

A response to questions asked by Don Miguel, OAM JP Freeman at the Ordinary Council Meeting held on 13 November 2008 has been responded to in writing.

**7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 11/12/2008) - MINUTES OF THE ORDINARY COUNCIL MEETING - 13 NOVEMBER 2008**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 13 November 2008 be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

Nil

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

**13. COUNCIL MATTERS**

**13.1 (OCM 11/12/2008) - MINUTES OF THE AUDIT COMMITTEE MEETING - 20 NOVEMBER 2008 (5017) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on 20 November 2008, as attached to the Agenda and the recommendation contained therein be adopted.

**COUNCIL DECISION**



## **Background**

A meeting of the Audit Committee was conducted on 20 November 2008.

## **Submission**

To receive the Minutes of the Audit Committee and adopt its recommendation.

## **Report**

The Committee considered a report from Grant Thornton for the Interim External Audit as well as the 2008 Internal Audit Report from Stamfords.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

## **Budget/Financial Implications**

As contained in the Minutes.

## **Legal Implications**

As contained in the Minutes.

## **Community Consultation**

N/A

## **Attachment(s)**

Minutes of the Audit Committee Meeting – 20 November 2008.

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

N/A

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

Nil.

**13.2 (OCM 11/12/2008) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 20 NOVEMBER 2008 (1054) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 20 November 2008, 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 November 2008. 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**

As contained in the Minutes.

**Legal Implications**

Section 5.42 of the Local Government Act requires an absolute majority for delegates of powers to the Chief Executive Officer or his appointees.

**Community Consultation**

As contained in the Minutes.

**Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 20 November 2008.

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

N/A

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

Nil.

**13.3 (OCM 11/12/2008) - EXTRAORDINARY CITY OF COCKBURN LOCAL GOVERNMENT ELECTION (1700) (R AVARD)**

<p><b>RECOMMENDATION</b></p> <p>That Council:</p> <ul style="list-style-type: none"><li>(1) declare in accordance with Section 4.8 of the Local Government Act an extraordinary election to occur on 5 March 2009 for any vacancies on Council that may exist as at 8 January 2008;</li><li>(2) in accordance with Section 4.20 (4) of the Local Government Act 1995 appoint the Electoral Commission to be responsible for conducting the election; and</li><li>(3) in accordance with Section 4.6.1 (2) of the Local Government Act 1995 that the method of conducting the elections be as postal election.</li></ul> <p><b>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</b></p>
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**COUNCIL DECISION**

**Background**

Mr Richard Graham resigned from the position of Councillor of the City of Cockburn effective from 3 October 2008. The Chief Executive Officer wrote to the Electoral Commission seeking approval to defer setting a date for an extraordinary election for the vacant position in the East Ward until there was some clarity on Mr Stephen Lee's position as Mayor.

**Submission**

N/A

**Report**

The Chief Executive Officer wrote to the Western Australian Electoral Commissioner on 31 October 2008 advising of the resignation of Richard Graham and seeking approval to defer the date of an extraordinary election for the vacant east ward seat until the outcome of the matters effecting the Mayor were known. The Commissioner has written to the City advising that in accordance with Section 4.9(3) of the Local Government Act 1995 he has set the election day for Thursday 5 March 2009 in recognition of the Christmas/New Year period and gives the Parliamentary Inspector time to complete his report. This date also balances the desirability to hold an election for a vacancy within a reasonable time period. The proposed resolution of Council allows for an election for the vacant seat in the East Ward and should it be required following the report of the Parliamentary Inspector or a decision of the Minister an election for the position of Mayor could also be held.

Should Council wish to follow its normal practise of past years and seek to have a postal election run by the Electoral Commissioner a resolution of Council by an absolute majority is required.

As the position in the east ward previously occupied by Mr Richard Graham was to be declared vacant in October 2009, the proposed election on 5 March 2009 will be for a position that expires in October 2009. Should an election for the position of Mayor be required on 5 March 23009, this position will also be up for a re-election in October 2009.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

### **Budget/Financial Implications**

The cost of an Extraordinary Election can be met from current budget allocations.

The estimated cost provided by the Electoral Commissioner for a ward election is \$33,000 and should an election also be required for the position of Mayor the estimated cost will total \$92,000. There are sufficient funds in the 2008/09 budget for this purpose. Additional funds will be required in the 2009/10 for the elections due to occur in October 2010.

### **Legal Implications**

The Local Government Act 1995 refers to the process to be followed for extraordinary elections.

### **Community Consultation**

N/A

### **Attachment(s)**

N/A

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

N/A

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

Nil.

**13.4 (OCM 11/12/2008) - MEMBERSHIP - SOUTH WEST DISTRICT PLANNING COMMITTEE (9300) (R AVARD)**

**RECOMMENDATION**

That Council appoint Clr \_\_\_\_\_ as its delegate to the South West District Planning Committee.

**COUNCIL DECISION**

**Background**

Council's representative on the South West District Committee was Richard Graham. Mr Graham has resigned from Council, hence there now is a vacancy for an Elected Member from the City of Cockburn.

**Submission**

N/A

**Report**

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

The Committee confirms members of the South West Group of Councils and meets on the fourth Thursday of the month, every 2 months. The meeting is held on a rotational basis at the offices of the member Councils.

**Strategic Plan/Policy Implications**

**Demographic Planning**

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

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**13.5 (OCM 11/12/2008) - MINUTES OF THE SPECIAL AUDIT COMMITTEE MEETING - 1 DECEMBER 2008 (5017) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Special Audit Committee meeting held on 1 December 2008, as attached to the Agenda, and the recommendations contained therein be adopted.

**COUNCIL DECISION**

## **Background**

A meeting of the Special Audit Committee was conducted on 1 December 2008.

## **Submission**

To receive the Minutes of the Committee and adopt its recommendations.

## **Report**

The committee considered the following matters:

- Annual Financial Statement for 2007/08
- External Audit Report 2007/08 – Grant Thornton.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

## **Budget/Financial Implications**

As contained in the Minutes.

## **Legal Implications**

Local Government (Financial Management) Regulations 5 (2) (c) refers. Part 7 of the Local Government Act, 1995, Local Government (Audit) Regulations.

## **Community Consultation**

N/A

## **Attachment(s)**

Minutes of the Special Audit Committee - 1 December 2008.

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

N/A



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

Nil.

**13.6 (OCM 11/12/2008) - 2007/08 ANNUAL REPORT (1712) (S DOWNING) (ATTACH)** 

**RECOMMENDATION**

That Council accept the 2007/08 Annual Report as presented, in accordance with Section 5.54(1) of the Local Government Act, 1995.

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

**COUNCIL DECISION****Background**

Council is required to accept the 2007/08 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Tuesday, 3 February 2009. The Act requires Council to accept the Report no later than 31 December each year. Elected Members were provided with the Financial Report and Auditor's Report, in November. The consolidated report is now presented for acceptance.

**Submission**

N/A

**Report**

The 2007/08 Annual Report is in conformity with the following requirements of the Act and contains:

1. Mayoral Report
2. Chief Executive Officer's Report
3. Progress of the Plan for the Future of the District
4. Legislative Review Report/Competitive Neutrality Statement
5. Financial Report (including Remuneration of Senior Employees)
6. Auditor's Report
7. Overview of Outcomes required pursuant to the State Disability Act.
8. Progress on Implementation of Record-Keeping Plan

**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**

The cost of producing 100 copies of the Report is provided for in Council's Governance Budget.

**Legal Implications**

As provided in the report.

**Community Consultation**

N/A

**Attachment(s)**

Draft 2007/08 Annual Report.

**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 11/12/2008) - ADOPTION OF PROPOSED LOCAL STRUCTURE PLAN - LOTS 121,122 AND 801 WATTLEUP ROAD, WATTLEUP - OWNER: WATTLEUP ROAD DEVELOPMENT COMPANY PTY LTD (9645K) (A BLOOD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions, as attached to Agenda;
- (2) adopt the Wattleup Local Structure Plan for lots 121,122 and 801 Wattleup Road, Wattleup subject to the following modifications;

1. Subdivisional road reserves being changed to 15 metres wide and 13.5 metres adjacent to public open space and being noted accordingly on the structure plan.
  2. On-Street car parking bays being provided for the laneway lots at a ratio of 1 for every 2 lots. These bays shall be located adjacent to the POS.
  3. A notation being included which advises that the area adjacent to future Rowley Road may be subject to high levels of noise and that a noise study detailing appropriate mitigation measures will need to be submitted at the subdivision stage.
  4. The Wattleup Road frontage of the super lot being created in lot 122 being designated business zone and the legend being amended accordingly.
- (3) upon receiving the modified structure plan incorporating the requirements of (2) above, forward the Schedule of Submissions and Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3; and
- (4) advise the applicant and those persons who made a submission of Council's decision accordingly.

## COUNCIL DECISION

### Background

Council at its meeting held on 11 August 2005 resolved to adopt the Southern Suburbs District Structure Plan (SSDSP) Stage 3 Wattleup-Hammond Park. The subject land forms part of the Stage 3 Structure Plan area and is generally in accordance with that Plan.

Council at its meeting held on 13 September 2007 considered a report on this local structure plan and resolved to defer consideration of the proposal until such time as the Western Australian Planning Commission formally determined whether to lift the Urban Deferment over the subject properties (Item 14.12, Minute No. 3545).

## **Submission**

Cardno BSD (applicant) at request of the landowner (Wattleup Road Development Company Pty Ltd) has requested that this application be determined in accordance with the requirements of TPS No. 3 given that the Western Australian Planning Commission has lifted the Urban Deferment.

## **Report**

The proposed Wattleup local structure plan site comprises three lots with a total combined area of approximately 11.66 hectares and is located near the south western corner of Wattleup Road and Frankland Avenue (see Location Plan, Attachment 1).

The subject lots fall within the area of the Southern Suburbs District Structure Plan Stage 3 which was adopted by the Council on 11 August 2005 as an advisory document to guide and coordinate the preparation of Local Structure Plans. It was not formally adopted by Council under Clause 6.2 of Town Planning Scheme No. 3, and therefore has not been referred to the Western Australian Planning Commission (WAPC) for endorsement. One of the main reasons for this was that the proposed structure plan area was still zoned Urban Deferred under the Metropolitan Region Scheme (MRS) due to the issue of a possible dust buffer relating to the nearby Alcoa residue storage area.

### Urban Deferment

The Western Australian Planning Commission has assessed the proposal to lift the urban deferment for that area north of Rowley Road and west of Frankland Reserve Wattleup which includes the subject land. In doing so the Commission considered the issues of potential dust from the Alcoa residue storage area to the south west and sand quarries to the south within the Town of Kwinana and conflicts with existing agricultural uses within the subject area and concluded that there were no impediments to the development of the land for residential purposes. Accordingly the Commission unconditionally agreed that the land should now be included in the Urban Zone. Amendment No. 1165/27 to the Metropolitan Region Scheme was gazetted on 31 October 2008 (See Attachment 2).

### Proposed Wattleup Local Structure Plan (LSP)

The advertised version of the Wattleup LSP was prepared by Cardno BSD on behalf of the landowner in October 2006 (Attachment 3 refers). The purpose of the LSP is to provide a framework for the future development of the land in the LSP area and establish a context for its eventual subdivision for residential purposes. The LSP report

comprehensively addresses all the technical issues, articulates the design rationale and includes a POS schedule.

The LSP proposes three R Codings: R20, R25 and R30 with a total 158 lots being proposed for the three parent lots (Lots 121, 122 and 801). R20 and R25 represent low density residential whereas R30 represents medium density residential. These densities are appropriate for this locality and provide a suitable mixture for housing choices.

The R30 lots generally front Public Open Space (POS), which is consistent with the *Liveable Neighbourhoods* principles. The R30 lots have a narrower frontage and as such, laneways have been proposed for these lots for locating garages at rear of these lots in order to avoid garages being the dominant element for future front facades. Detailed Area Plans will be required for the R30 lots as a condition of subdivision approval consistent with the City's normal planning practice.

#### Consultation and formal advertising

The proposed LSP was referred to the City's internal service units for comment. No fundamental issues were raised except for some minor changes required from the Engineering Department. These changes relate to road design and on-street car parking and are included in the Recommendation section of this report.

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 2 December 2006 to 29 December 2006, including advertisements in Cockburn Gazette and letters to adjacent landowners and government agencies for comment. The report and plan were available at the Administration Centre and on the website.

At the close of the advertising period 10 submissions were received including three objections and seven of support or no objection. A late submission was received requesting a business zone over a portion of land fronting Wattleup Road. All the submission comments and officer's recommendations are included in the Schedule of Submission (Attachment 4 refers). It is considered that the issues raised in the submissions are adequately covered in the Schedule of Submissions and no additional detailed explanation is required.

#### Alcoa Submission

The Schedule of Submissions contains a detailed submission from Urbanplan on behalf of Alcoa. The submission provides information regarding the company's activities to the south east of the structure plan area and their concerns regarding dust.

The matters raised in the submission have been considered in detail by the working group overseeing the recent review of the Kwinana Air Quality Buffer which included direct representation by Alcoa. The review concluded that whilst some areas in close proximity to the Alcoa residue storage area may be affected by dust issues and further investigation is needed, Figure 1 of the Review report dated October 2008 clearly shows that the Wattleup urban area is not the subject of this requirement and is therefore unconstrained.

In addition to the Kwinana Air Quality Buffer review, the matter of dust associated with the Alcoa residue storage area was also considered by the Commission when considering the request for the Wattleup area being transferred from Urban Deferred to Urban Zone. Again the Commission was satisfied that the Wattleup area including the subject land was not affected and in October 2008 approved Amendment No 1165/27 to the Metropolitan Region Scheme.

In light of the detailed consideration given to this matter by the Western Australian Planning Commission it is considered there is no need for any further investigation by the City.

#### Department of Water

The Schedule of Submissions contains a detailed submission from the Department of Water in conjunction with the Department of Environment and Conservation. The submission highlights potential land use conflicts and sets out 5 appropriate conditions.

The matter of land use conflicts has been reviewed in detail by the Western Australian Planning Commission as part of the Kwinana Air Quality Buffer review and MRS Amendment 1165/27 detailed above and has now been satisfactorily resolved.

Officers support the imposition of the relevant conditions which are to be appropriately requested at the subdivision stage.

#### Scheme Amendment No. 28

The purpose of the proposed Scheme Amendment No. 28 is to:

1. Introduce two new Development Contribution Areas the SSDSP Stage 3 area (DCA9 for the Hammond Park portion and DCA10 for the Wattleup portion) to establish a statutory planning mechanism for cost sharing between landowners on infrastructure such as road and regional drainage.
2. Introduce two new Development Areas to the SSDSP Stage 3 area (DA26 for the Hammond Park portion and DA27 for the Wattleup portion) to include statutory planning provisions for

local structure plans to be adopted to guide subdivision, land use, as well as development control.

Proposed Scheme Amendment No. 28 is yet to be finalised. It is considered that there is no requirement to include any specific requirements in proposed DA 27 relating to this land.

#### Future Rowley Road

Future Rowley Road is likely to be classified as Primary Regional Road (Red Road) – a major freight road linking the Kwinana Freeway and the proposed Outer Harbour Port in Henderson. This has been confirmed in the submission prepared by the Fremantle Ports (Attachment 4 refers). However, final approval for Rowley Road to be Primary Regional Road has not been granted yet by the State Government.

The status of future Rowley Road was considered as Other Regional Road (Blue Road) at the time of preparing the SSDSP Stage 3, and as such, the cost construction of a Blue Road was included in the development contribution plan. The classification of future Rowley Road as a Red Road will affect the SSDSP Stage 3 area in two aspects:

Firstly, the development contribution for the SSDSP Stage 3 area will be reduced as Main Roads will construct Rowley Road, it being a Primary Regional Road. This means that proposed Scheme Amendment No. 28 will need to be modified to adjust the development contribution requirements.

Secondly, the status of future Rowley road as a strategic freight road will mean that land adjacent to Rowley Road will be more likely affected by traffic noise. This will require applicants to address the increased noise levels. Conditions such as noise walls, quiet house design and notifications on titles will be imposed at subdivision and development approval stages in response to the recommendations of a detailed noise study.

#### Recommendation

It is recommended that Council adopt the Wattleup LSP subject to the noted modifications for the following reasons:

- The Western Australian Planning Commission has concluded there is no impediment to the development of the subject land for residential purposes and has lifted the Urban Deferment which was the reason why Council previously deferred the item.
- The Schedule of Submissions adequately addresses the matters raised during the advertising period and does not include any technical issue which materially affects the approval of the plan.

- The proposed Wattleup LSP generally reflects the local community interests given the submissions received from the surrounding landowners support the LSP.
- The design of the LSP is generally in line with the *Liveable Neighbourhoods* principles and Council policies.

The recommended modifications are as follows;

- Subdivisional road reserves being changed to 15 metres wide and 13.5 metres adjacent to public open space and being noted accordingly on the structure plan as requested by the Engineering Department.
- On-street car parking bays being provided for the laneway lots at a ratio of 1 for every 2 lots as requested by the Engineering Department. These bays shall be located adjacent to the POS.
- Include a notation on the structure plan advising that the area adjacent to future Rowley Road may be subject to high levels of noise as detailed in submission No. 9 from Fremantle Ports and that a noise study detailing appropriate mitigation measures will need to be submitted at the subdivision stage.
- The Wattleup Road frontage of the super lot being created in lot 122 being designated business zone and the legend being amended accordingly in accordance with the recommendation in response to submission No.11.

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

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

N/A

#### **Legal Implications**

Clause 6.2.9.1 of TPS No. 3 requires Council to make a decision on the application within 60 days from the end of the advertising period or such longer period as may agreed by the applicants. The applicants have now requested the application be determined in accordance with the provisions of the scheme.



Failure to determine the application will lead to a deemed refusal in accordance with clause 6.2.9.4 and there is an appeal right to the State Administrative Tribunal.

### **Community Consultation**

The City advertised the Structure Plan from 2 December 2006 to 29 December 2006 which included advertisements in the Cockburn Gazette, letters to adjacent landowners and government agencies for comment. 10 submissions were received during the advertising period and one after the submission period.

### **Attachment(s)**

1. Location Plan
2. MRS Amendment No 1165/27
3. Advertised Wattleup Local Structure Plan
4. Schedule of Submissions

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

The Applicant(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 December 2008 Council Meeting.

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

Nil.

## **14.2 (OCM 11/12/2008) - ADOPTION OF PROPOSED LOCAL STRUCTURE PLAN - LOTS 117 AND 805 WATTLEUP ROAD, WATTLEUP - OWNER: PRIMEWEST (WATTLEUP) MANAGEMENT PTY LTD (9645J) (A BLOOD) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions contained in the Agenda attachment;
- (2) adopt the Wattleup Local Structure Plan for Lots 117 and 805 Wattleup Road, Wattleup subject to the following modifications;
  1. Subdivisional road reserves being changed to 15 metres wide and 13.5 metres adjacent to public open space and being noted accordingly on the structure plan.
  2. A roundabout being provided for the 4-way intersection within Lot 117.

3. On-Street car parking bays being provided for the laneway lots at a ratio of 1 for every 2 lots. These bays shall be located adjacent to the POS.
  4. The structure plan being amended to show a roundabout on Wattleup Road for the purpose of the deviation of the road in accordance with the Southern Suburbs District Structure Plan Stage 3. This is to include necessary widenings.
  5. A notation being included which advises that the area adjacent to future Rowley Road may be subject to high levels of noise and that a noise study detailing appropriate mitigation measures will need to be submitted at the subdivision stage.
- (3) upon receiving the modified structure plan incorporating the requirements of (2) above, forward the Schedule of Submissions and structure plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No 3; and
- (4) advise the applicant and those persons who made a submission of Councils decision accordingly.

#### **COUNCIL DECISION**

#### **Background**

Council at its meeting held on 11 August 2005 resolved to adopt the Southern Suburbs District Structure Plan (SSDSP) Stage 3 Wattleup-Hammond Park. The subject land forms part of the Stage 3 structure plan area and is generally in accordance with that plan.

Council at its meeting held on 13 September 2007 considered a report on this local structure plan and resolved to defer consideration of the proposal until such time as the Western Australian Planning Commission formally determined whether to lift the Urban Deferment over the subject properties (Item 14.11, Minute No 3546).

#### **Submission**

Burgess Design Group (applicant) at request of the landowner (Primewest Wattleup Management Pty Ltd) has requested that this

application be determined in accordance with the requirements of TPS No. 3 given that the Western Australian Planning Commission has lifted the Urban Deferment.

## **Report**

The proposed Wattleup local structure plan site comprises two lots with a total combined area of approximately 7.2974 hectares and is located near the south western corner of Wattleup Road and Frankland Avenue (see Location Plan, Attachment 1).

The subject lots fall within the area of the Southern Suburbs District Structure Plan Stage 3 which was adopted by the Council on 11 August 2005 as an advisory document to guide and coordinate the preparation of local structure plans. It was not formally adopted by Council under clause 6.2 of Town Planning Scheme No 3, and therefore has not been referred to the Western Australian Planning Commission (WAPC) for endorsement. One of the main reasons for this was that the proposed structure plan area was still zoned Urban Deferred under the Metropolitan Region Scheme (MRS) due to the issue of a possible dust buffer relating to the nearby Alcoa residue storage area.

## Urban Deferment

The Western Australian Planning Commission has assessed the proposal to lift the Urban Deferment for that area north of Rowley Road and west of Frankland Reserve Wattleup which includes the subject land. In doing so the Commission considered the issues of potential dust from the Alcoa residue storage area to the south west and sand quarries to the south within the Town of Kwinana and conflicts with existing agricultural uses within the subject area and concluded that there were no impediments to the development of the land for residential purposes. Accordingly the Commission unconditionally agreed that the land should now be included in the Urban Zone. Amendment No 1165/27 to the Metropolitan Region Scheme was gazetted on 31 October 2008 (See Attachment 2).

## Proposed Wattleup Local Structure Plan (LSP)

The advertised version of the Wattleup LSP was prepared by Burgess Design Group on behalf of the landowner in October 2006 (Attachment 3 refers). The purpose of the LSP is to provide a framework for the future development of the land in the LSP area and establish a context for its eventual subdivision for residential purposes. The LSP report comprehensively addresses all the technical issues, articulates the design rationale and includes a POS schedule.

The LSP proposes two R Codings: R20 and R25 with a total 94 lots being proposed for the two parent lots (Lots 117 and 805). R20 and

R25 represent low density residential which is considered appropriate for this locality and provide a suitable mixture for housing choices. The R25 lots generally front Public Open Space (POS), which is consistent with the *Liveable Neighbourhoods* principles and those opposite the POS have rear laneway access to maximise passive surveillance.

#### Consultation and formal advertising

The proposed LSP was referred to the City's internal service units for comment. No fundamental issues were raised except for some minor changes required from the Engineering Department. These changes relate to road design and on-street car parking and are included in the Recommendation section of this report.

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 4 November 2006 to 1 December 2006, including advertisements in Cockburn Gazette and letters to adjacent landowners and government agencies for comment. The report and plan were available at the Administration Centre and on the website.

At the close of the advertising period 10 submissions were received including three objections and seven of support or no objection. All the submission comments and officer's recommendations are included in the Schedule of Submission (Attachment 4 refers). It is considered that the issues raised in the submissions are adequately covered in the Schedule of Submissions and no additional detailed explanation is required.

#### Alcoa Submission

The Schedule of Submissions contains a detailed submission from Urbanplan on behalf of Alcoa. The submission provides information regarding the company's activities to the south east of the structure plan area and their concerns regarding dust.

The matters raised in the submission have been considered in detail by the working group overseeing the recent review of the Kwinana Air Quality Buffer which included direct representation by Alcoa. The review concluded that whilst some areas in close proximity to the Alcoa residue storage area may be affected by dust issues and further investigation is needed, Figure 1 of the Review report dated October 2008 clearly shows that the Wattleup urban area is not the subject of this requirement and is therefore unconstrained.

In addition to the Kwinana Air Quality Buffer review, the matter of dust associated with the Alcoa residue storage area was also considered by the Commission when considering the request for the Wattleup area being transferred from Urban Deferred to Urban Zone. Again the Commission was satisfied that the Wattleup area including the subject

land was not affected and in October 2008 approved Amendment No 1165/27 to the Metropolitan Region Scheme.

In light of the detailed consideration given to this matter by the Western Australian Planning Commission it is considered there is no need for any further investigation by the City.

#### Department of Water

The Schedule of Submissions contains a detailed submission from the Department of Water in conjunction with the Department of Environment and Conservation. The submission highlights potential land use conflicts and sets out 5 appropriate conditions.

The matter of land use conflicts has been reviewed in detail by the Western Australian Planning Commission as part of the Kwinana Air Quality Buffer review and MRS Amendment 1165/27 detailed above and has now been satisfactorily resolved.

Officers support the imposition of the relevant conditions which are to be appropriately requested at the subdivision stage.

#### Scheme Amendment No. 28

The purpose of the proposed Scheme Amendment No. 28 is to:

1. Introduce two new Development Contribution Areas the SSDSP Stage 3 area (DCA9 for the Hammond Park portion and DCA10 for the Wattleup portion) to establish a statutory planning mechanism for cost sharing between landowners on infrastructure such as road and regional drainage.
2. Introduce two new Development Areas to the SSDSP Stage 3 area (DA26 for the Hammond Park portion and DA27 for the Wattleup portion) to include statutory planning provisions for local structure plans to be adopted to guide subdivision, land use, as well as development control.

Proposed Scheme Amendment No. 28 is yet to be finalised. It is considered that there is no requirement to include any specific requirements in proposed DA 27 relating to this land.

#### Future Rowley Road

Future Rowley Road is likely to be classified as Primary Regional Road (Red Road) – a major freight road linking the Kwinana Freeway and the proposed Outer Harbour Port in Henderson. This has been confirmed in the submission prepared by the Fremantle Ports (Attachment 4 refers). However, final approval for Rowley Road to be Primary Regional Road has not been granted yet by the State Government.

The status of future Rowley Road was considered as Other Regional Road (Blue Road) at the time of preparing the SSDSP Stage 3, and as such, the cost construction of a Blue Road was included in the development contribution plan. The classification of future Rowley Road as a Red Road will affect the SSDSP Stage 3 area in two aspects:

Firstly, the development contribution for the SSDSP Stage 3 area will be reduced as Main Roads will construct Rowley Road, it being a Primary Regional Road. This means that proposed Scheme Amendment No. 28 will need to be modified to adjust the development contribution requirements.

Secondly, the status of future Rowley Road as a strategic freight road will mean that land adjacent to Rowley Road will be more likely affected by traffic noise. This will require applicants to address the increased noise levels. Conditions such as noise walls, quiet house design and notifications on titles will be imposed at subdivision and development approval stages in response to the recommendations of a detailed noise study.

#### Recommendation

It is recommended that Council adopt the Wattleup LSP for lots 117 and 805 Wattleup Road subject to the noted modifications for the following reasons;

- The Western Australian Planning Commission has concluded there is no impediment to the development of the subject land for residential purposes and has lifted the Urban Deferment which was the reason why Council previously deferred the item.
- The Schedule of Submissions adequately addresses the matters raised during the advertising period and does not include any technical issue which materially affects the approval of the plan.
- The proposed Wattleup LSP generally reflects the local community interests given the submissions received from the surrounding landowners support the LSP.
- The design of the LSP is generally in line with the *Liveable Neighbourhoods* principles and Council policies.

The recommended modifications are as follows;

- Subdivisional road reserves being changed to 15 metres wide and 13.5 metres adjacent to public open space and being noted accordingly on the structure plan as requested by the Engineering Department.
- A roundabout being provided for the 4-way intersection within Lot 117 as requested by the Engineering Department.

- On-street car parking bays being provided for the laneway lots at a ratio of 1 for every 2 lots. These bays shall be located adjacent to the POS as requested by the Engineering Department.
- The structure plan being amended to show a roundabout on Wattleup Road for the purpose of the deviation of the road in accordance with the Southern Suburbs District Structure Plan Stage 3 as requested by the Engineering Department. This is to include necessary widenings.
- Include a notation on the structure plan advising that the area adjacent to future Rowley Road may be subject to high levels of noise as detailed in submission No. 6 from Fremantle Ports and that a noise study detailing appropriate mitigation measures will need to be submitted at the subdivision stage.

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

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

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

#### **Governance Excellence**

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

#### **Transport Optimisation**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Clause 6.2.9.1 of TPS requires Council to make a decision on the application within 60 days from the end of the advertising period or such longer period as may agreed by the applicants. The applicants have now requested the application be determined in accordance with the provisions of the Scheme.

Failure to determine the application will lead to a deemed refusal in accordance with Clause 6.2.9.4 and there is an appeal right to the State Administrative Tribunal.

### **Community Consultation**

The City advertised the structure plan from 4 November 2006 to 1 December 2006 which included advertisements in the Cockburn Gazette, letters to adjacent landowners and government agencies for comment. 10 submissions were received during the advertising period.

### **Attachment(s)**

1. Location Plan
2. MRS Amendment No 1165/27
3. Advertised Wattleup Local Structure Plan
4. 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 11 December 2008 Council Meeting.

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

Nil.

## **14.3 (OCM 11/12/2008) - EXPENDITURE OF PUBLIC OPEN SPACE CASH-IN-LIEU FUNDS - AUBIN GROVE (9477) (A BLOOD) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) support the application of the public open space cash-in-lieu funds held in respect of the suburb of Aubin Grove, to the development of the Aubin Grove community and sports facilities, to be developed on Reserve 48963 Camden Boulevard, Aubin Grove; and
- (2) seek approval from the Minister for Planning accordingly.

### **COUNCIL DECISION**



## **Background**

In accordance with Council's Policy APD4 – Public Open Space, the City has collected cash-in-lieu of public open space from landowners in relation to submissions in the suburb of Aubin Grove. This currently totals \$912,439.76 (see attachment 1 for details).

Clause 154(2)(c) of the Planning and Development Act provides that with the approval of the Minister, cash-in-lieu funds can be used for the improvement or development of open space in that locality that is vested or administered by the local government for that purpose. Further WAPC Policy DC 2.3 – Public Open Space provides guidance on the particular items that cash-in-lieu funds can be used for.

## **Submission**

N/A

## **Report**

Having regard to the requirements set out in the Act and Council's policy, it is considered that the funds can and should be applied to the proposed neighbourhood recreation and community facility to be developed on Reserve 48963 Camden Boulevard Aubin Grove (see Attachment 1 for location) for the following reasons;

- Reserve 48963 is located within the locality in which the funds were collected (DPI defines locality as the neighbourhood in which the funds were collected).
- Is central to where the funds were collected.
- Being the only active sporting ground and community facility in Aubin Grove, it will be used by the people from where the funds were collected.
- Developers with Aubin Grove are improving public open space areas and accordingly this is the most appropriate use of the funds.

The current budget allocates \$2,193,000 (CW's 4210, 4319 & 5092 to stage 1 of the project being for the design, earthworks irrigation grassing and fencing. The Plan for the District identifies a further \$0.95m being required in 2009/10. If approved, the cash-in-lieu funds could satisfy most of the future funding requirements of the project.

It is recommended that Council support the use of the Aubin Grove POS cash-in-lieu funds for the development of the Aubin Grove recreation and community facility and to seek the Ministers approval for the application of the funds accordingly.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

## **Budget/Financial Implications**

Approval of the POS cash-in-lieu funds on the Aubin Grove community and sports facilities will enable the reallocation of funds for this project to be available for other projects as determined through future budget processes.

## **Legal Implications**

Section 154 of the Planning and Development Act 2005 requires the agreement of the Minister for Planning to expend POS cash-in-lieu funds to be used to improve or develop open space land.

## **Community Consultation**

N/A

## **Attachment(s)**

Locality map.

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

N/A

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

Nil.

**14.4 (OCM 11/12/2008) - PROPOSED AMENDMENT NO. 72 TO TOWN PLANNING SCHEME NO. 3 - OMNIBUS AMENDMENT (93072) (V LUMMER) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the following amendment:

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN  
TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 72

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

1. Amending the Scheme Text in accordance with the changes in Schedule A
  2. Amending the Scheme Maps in accordance with the changes in Schedule B
- (2) sign the amending documents, and advise the WAPC of Council's decision:
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director, Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not to proceed with the Amendment; and
- (6) 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 to proceed with the Amendment.

## **COUNCIL DECISION**

### **Background**

The City of Cockburn Town Planning Scheme No. 3 was gazetted on 20 December 2003 and a major Omnibus Amendment to the Scheme was gazetted in 2004, which made a significant number of improvements to the scheme text.

Through the administration of the scheme a smaller number of important amendments are considered necessary to ensure its usability.

Town Planning Scheme No. 3 will require refinement and amendment from time to time as it is an evolving document.

### **Submission**

N/A

### **Report**

The proposed changes to the scheme text are contained within Schedule A and changes to the Scheme map within Schedule B.

These schedules should be read as an integral component of this scheme amendment as they set out the specific changes to the Town Planning Scheme.

The main changes proposed are summarised below:

1. Deletion of the clause which allows the City to 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 900 m<sup>2</sup> or greater. This clause conflicts with the Residential Design Codes and is considered unnecessary, as the City can be more consistent in its subdivision responses without this clause.

2. The addition of clauses to allow the City to consider aspects of Climate Change and sustainability when considering structure plans and development applications. These clauses are considered important amendments to the scheme for the town planning in the City and to respond appropriately to the challenges of climate change in the future.

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

#### **Demographic Planning**

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

#### **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**

N/A

### **Legal Implications**

Planning and Development Act 2005  
Planning Regulations 1967

### **Community Consultation**

The amendment will be advertised for 42 days in accordance with the statutory requirements.

### **Attachment(s)**

1. Proposed changes to Scheme Text - Schedule A
2. Scheme Map - Schedule B

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

N/A

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

Nil.

**14.5 (OCM 11/12/2008) - APPOINTMENT OF REAL ESTATE AGENT TO MARKET AND SELL 12 LOTS ON DEPOSITED PLAN 61458 (STAGE 2) AND 5 UN-SOLD LOTS ON DEPOSITED PLAN 596312 (STAGE 1) - SUBDIVISION OF LOT 5 CNR TAPPER AND BARTRAM ROADS, ATWELL - OWNER: CITY OF COCKBURN (5516327) (K SIM) (ATTACH)**

**RECOMMENDATION**

That:

- (1) Council appoint Raine & Horne, Success to undertake the marketing and sale of residential Lots 128 to 135 inclusive and Lots 140 to 143 inclusive on Deposited Plan 61458 (Stage 2) and all un-sold residential lots on Deposited Plan 59312 (Stage 1), subject to selling prices being not less than those determined by Licensed Valuers, McGees;
- (2) all sales being conditional on compliance with the provisions of Section 3.58 of the Local Government Act 1995; and
- (3) Council make the appointment exclusive for a period of 6 months from the date of appointment.

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

**COUNCIL DECISION**

**Background**

Council at its meeting held on 8 May 2008 resolved to:

- (1) *appoint Raine and Horne, Success to undertake the marketing and sale Stage 1 residential lots contained on Deposited Plan 59312 not sold at public auction held on 26 April 2008, subject to selling prices being not less than the auction reserve prices set by the Chief Executive Officer pursuant to resolution Minute 3658 Ordinary Council Meeting 14 February 2008; and*

- (2) *make the appointment exclusive for a period of 6 months and to begin immediately after the auction*

Council's May 2008 resolution limited the sale of lots to those contained with Stage 1 of the subdivision, as works had not yet been completed for Stage 2. All lots with Stage 2 have recently been created and are ready to be released to the public for sale.

### **Submission**

Marketing submissions for the sale Lots in Stage 2 and un-sold Lots in Stage 1 were sought from the seven (7) Real Estate companies all being REIWA members located in close proximity to the subject land.

Submissions were received from the following companies:

1. Raine & Horne – Success (Stage 1 agents)
2. LJ Hooker - Atwell
3. Southern Districts Realty
4. Harcourts Gateway

### **Report**

Stage 1 of the subdivision of Lot 5 corner Tapper and Bartram Roads, Atwell consists of 21 lots. Since the public auction held on 26 April 2008, 8 lots have been sold and another 8 are under contract to be sold; 5 lots remain un-sold. The clearance rate at which these lots have been sold compares favourably with other subdivision in the general location. It is believed that realistic asking prices, the absence of developer covenants and the performance of the selling agents have all been contributing factors to the success in selling these lots in a difficult economic period.

The selling prices for the lots sold and under contract are the reserve prices used at the public auction. Most purchasers are first home buyers who appear to have a preference for regular shaped lots with frontages of at least 15 metres. The selected 12 lots on Deposited Plan 61458 also meets this criteria. Marketing proposals for the R30 lots 106 to 114 inclusive on Deposited Plan 51458 will require further investigation with a report being presented to a future Council meeting. Lot 136 on Deposited Plan 61458 is zoned R5 and only allows a single dwelling. Application to rezone this land to R20 was not supported by the Western Australian Planning Commission. It is considered prudent to leave Lot 136 in the Cities ownership and review the potential for rezoning once all the remaining lots have been substantially developed.

The Licensed Valuer from McGees Property has prepared a valuation report that determines the market value for each lot in this proposal. It is this value that will be used in the public advertising required, pursuant to the requirements of Section 3.58 of the Local Government

Act 1995. The Licensed Valuer reports that the values determined are not only determined based on past sales of similar lots but also reflect the opinion of subdivision developers, selling agents and others involved in the industry. The information gathered takes into consideration current government stimulation packages and the sentiment of potential purchasers given the current economic uncertainty. It is considered prudent to allow the successful agent to list the lots at prices above but not below these prices.

The selection methodology closely follows Council Policy APD52 'Appointment of Real Estate Agent to sell Council owned Property'. Real Estate Agents asked to submit proposals were limited to REIWA members with offices close to the subject development. Results of the assessment proposals are contained in the confidential Agenda attachment, which is forwarded under separate cover. In accordance with the assessment it is recommended that Raine and Horne, Success be appointed.

Criteria used to assess the proposals received were:

- Key Staff experience and expertise
- Exposure to potential purchasers demonstrated by web site "hits".
- Number of listings in the general area of the subject site.
- Fee structure
- Proposed marketing strategy and costing.
- Number and extent of relationships with building companies

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

#### **Governance Excellence**

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

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

Marketing costs are allowed for under the overall budget subject to Account No. CW 1516.

#### **Legal Implications**

Section 3.58 of the Local Government Act 1995 refers.

#### **Community Consultation**

Statewide advertising of all sales will be undertaken pursuant to Section 3.58 of the Local Government Act 1995.



**Attachment(s)**

1. Copy of Deposited Plans 59312 (Stage 1) & 61458 (Stage 2)
2. Valuation Report – Confidential Attachment (forwarded under separate cover to all Elected Members)
3. Assessment of Selling Agents Submissions – Confidential Attachment (forwarded under separate cover to all Elected Members).

**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 11 December 2008 Council Meeting.

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

Nil.

**14.6 (OCM 11/12/2008) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 27 AND ADOPTION OF STRUCTURE PLAN FOR LAND BOUNDED BY IMLAH COURT, PRINSEP ROAD AND THE KWINANA FREEWAY, JANDAKOT - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93027) (M CARBONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions;
- (2) amend the Scheme Amendment map and Structure Plan to reduce the extent of the residential area and to designate that area as R25 as shown on the revised Scheme Amendment map included in the Agenda attachments;
- (3) amend Schedule 11 Development Area 25 to include the following new provisions:
  3. buildings on the Mixed Business zoned lots which abut residential lots should not be higher than 3.0m in height at the residential boundary. The wall can increase in height by 1m for every 1m it is setback from the residential boundary.
  4. Prior to subdivision approval or development approval, the applicant is to prepare and submit to the local government an acoustic noise report which demonstrates that the mixed business development will not adversely impact the amenity of the residential development and that noise issues associated with the Kwinana Freeway and Perth to

Mandurah railway has been addressed or can be addressed for the residential development.

5. Single house, grouped dwelling, multiple dwelling, lodging houses and residential building uses shall not be permitted in the Mixed Business zone.
  6. No development in the Mixed Business zone shall have access to Imlah Court.
  7. The owners of Lots 19, 69, 21 and 22 Imlah Court shall pay in proportion of their land zoned Mixed Business the full cost of providing Road A shown on the Structure Plan for Development Area 25 including land, construction, drainage and all other associated costs with no contribution or reimbursement from the owner of Lot 303 Prinsep Road.
- (4) subject to the deletion of the notation of "Road A" from Lot 19, adopt the revised structure plan for Development Area 25;
  - (5) adopt the modified scheme amendment map and text as per points (2) and (3) above, and 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;
  - (6) advise the submissioners of Council's decision;
  - (7) request the Western Australian Planning Commission to lift the "Urban Deferred" zoning for the subject area under the Metropolitan Region Scheme and replace with an Urban Zone;
  - (8) the City's Strategic Planning Department engaging engineering consultants to explore the opportunity of treating Imlah Court and The Lakes Boulevard to effectively restrict large trucks using these roads as a short cut and the City's officers reporting back to Council; and
  - (9) formally adopt the 200m buffer to the soil blending facility on Lot 502 Cutler Road.

**COUNCIL DECISION**

## **Background**

Council at its meeting held on 11 August 2005 resolved to initiate Amendment 27 to Town Planning Scheme No. 3 and advertise a structure plan for the subject area. The purpose of the proposal was to allow existing residences to be contained wholly within the residential zone, facilitate redevelopment of the residential section and coordinate mixed business development.

The subject area is partly affected by a generic buffer from the soil blending facility at Lot 502 Cutler Road, Jandakot. The City has been required to resolve the buffer prior to finalising the amendment.

The original advertised scheme amendment proposed to increase the depth of the residential zone to approximately 83m (and include the entire area of lots 23 and 24) and increase the coding from R20 to R40 (refer Attachment 1). The structure plan proposed a cul-de-sac entering the mixed business area from Prinsep Road.

As a result of submissions from government agencies, concerns expressed with the proximity of residential and industry and the introduction of the Western Australian Planning Commissions Statement of Planning Policy No. 5.3 "Jandakot Airport Vicinity" a report was presented to the 11 September 2008 Council meeting recommending changes to the Scheme Amendment and Structure Plan. The changes included providing for a Residential density of R25 rather than R40 and limit residential development to the northern 45m (instead of 83 m) of lots 18, 19, 69, 21, 22 and all of Lots 23 and 24 Imlah Court.

At the 11 September Council meeting it was resolved that the Council defer consideration of Amendment No. 27 and associated Structure Plan and for the City's Planning Services to formally readvertise the amendment and Structure Plan as some landowners have requested more time to consider the proposed modification.

## **Submission**

N/A

## **Report**

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. However, the EPA raised issues regarding industrial buffers and noise which are discussed in detail later in this report. The amendment was subsequently advertised

seeking public comment in accordance with the regulations for not less than 42 days. The structure plan for the mixed business section was also advertised as part of the amendment. Nine submissions were received; six from service authorities/government agencies providing comment and three from landowners requesting changes.

Most submissions do not require explanation over and above that outlined in the Schedule of Submissions contained within the Agenda attachments. Those that require further explanation are discussed below.

### Industrial Buffers

The EPA in their submission advised that generic separation distances should be maintained unless adequate site-specific studies have been carried out that demonstrate that a lesser distance will not cause any unreasonable amenity impacts. The EPA has imposed this requirement due to the location of a Composting Facility at Lot 502 Cutler Road. A generic 1000 m buffer has been previously applied to this facility which affects the subject area as well as existing residences on The Lakes Boulevard, the Cockburn Central Town Centre and the Muriel Court area. A detailed assessment of this facility was prepared by Koltasz Smith Town Planning Consultants as part of the planning for DA19 – Muriel Court (West of the Kwinana Freeway). The assessment indicated that the operation does not include composting and could be considered a soil blending facility, however under the EPA Guidance statement on separation distances no specific buffer applies to a soil blending facility. The City's Health Department has reviewed the assessment and have concluded that a 200 m separation between the soil blending facility and residential is adequate given the following:

- The 1000 m buffer is designed to be applied to outdoor composting of green waste and manures which have a high propensity to generate odours.
- The soil blending facility on Lot 502 Cutler Road does not compost manures and green waste on site and therefore the propensity to create nuisance odours is minimal.
- All bulk manures are stored and blended within the main shed on site. All blended products located outside the main shed are bagged and palletised.
- The premises are assessed annually by the City's Environmental Health Officers as part of the Offensive Trade licence which applies to the business. At no time have offensive odours been detected.
- Clause 117(c) of the City's Local Laws requires the owners of licenced premises to keep them free from any unwholesome or offensive odour arising from their activities. Hence the City has

adequate legislative control over the activities on the site so that they do not cause a problem to adjoining areas.

- The City's Environmental Health Services has not received any complaints from residents or businesses located in close proximity to the site.

The 200 m setback partly encroached into the proposed residential area as originally advertised. To comply with the 200 m soil blending buffer the residential zone is proposed to be extended from 35 m to 45 m in depth, rather than 83 m as originally proposed.

Additionally, industrial zoned land is located on the eastern side of Prinsep Road, in close proximity of the proposal. It is not appropriate to significantly increase the depth of the residential zone or the residential density as it is close to Industrial zoned land. A suitable compromise is to increase the depth of the residential zone to 45 m (approximately 10 m deeper than what currently exists) and to increase the density to only R25. The 45 m depth will ensure all existing dwellings on Imlah Court can be contained in the residential zone as currently some residences straddle the zoning boundary and allow modest redevelopment potential. Lots 23 and 24 are suitable to be entirely zoned residential as:

- They are located away from the general Industrial zoned land.
- Their configuration and location means that they would not be easily or economically subdivided for mixed business.

#### Mixed Business and Residential Interface

The mixed business zone provides a suitable interface between the Industrial and Residential zones. However the City will need to ensure that development on the lots do not adversely impact the abutting residential land. This should include requirements that boundary walls on the mixed business lots which abut the residential lots be no higher than 3.0m in height. The wall can increase in height 1m for every 1m it is setback from the boundary. This requirement should be included in Development Area 25 of the Scheme which applies to this subject land.

Developers will also be required to submit an acoustic noise report demonstrating that the mixed business development will not adversely affect the residential development and that noise issues associated with the Kwinana Freeway and the railway have been addressed for the residential development.

#### Road access from Prinsep Road

The original advertised structure plan (attachment 3) showed a cul-de-sac entering the mixed business area from Prinsep Road through Lot

18. Despite numerous discussions between the owners of Lot 18 and the balance land, no agreement could be reached on the provision and/or construction of the proposed cul-de-sac and accordingly there was no certainty as to the subdivision and or development of the western portion of the mixed business zone.

To resolve this issue the road access has been relocated to the south on Lot 303 Prinsep Road which is owned by the City. This will allow the road access from Prinsep Road to be developed once satisfactory arrangements have been made. It is also noted that the City owns Lot 22 Imlah Court which benefits from the arrangement. It is also proposed to create a loop road which is preferred in industrial areas to allow for truck movement. The north south links have been located on the common boundary between lots to ensure their equitable provision. The owners will need to fully cooperate to provide this road.

To ensure an equitable arrangement is achieved, the landowners benefiting from the proposed access road off Prinsep Road will need to make a contribution towards it. A clause will therefore be included into Development Area 25 which states that the owners of Lots 19, 69, 21 and 22 Imlah Court shall make a proportional contribution to the cost of providing Road "A", including land, construction, drainage and all associated costs with no contribution from the owner of the subject land (lot 303) as they receive no benefit from Road A.

The notation "Road A" is incorrectly noted on portion of Lot 19, whereas it should be noted on lot 303 only. The structure plan requires modification to delete the notation "Road A" from lot 19.

### Restricted Uses

Ordinarily under the Council's Town Planning Scheme No. 3, residential development is permitted within the mixed business zone. However, it is not desirable to permit residential development within this mixed business area given its proximity to Industrial zoned land and that it is partially affected by the 200m buffer to the soil blending facility. Accordingly, Development Area 25 should be amended to prohibit single house, grouped dwellings, multiple dwelling, lodging house and Residential Building uses from the mixed business zone.

### Lifting of the Urban Deferment in the Metropolitan Region Scheme

The land is zoned Urban Deferred in the MRS. Given the resolution of all outstanding issues through this amendment it is recommended that the City request the Western Australian Planning Commission to transfer the land to the Urban Zone to allow for its subdivision and development.

### Consultation of revised Scheme Amendment and Structure Plan

As a result of the 11 September Council meeting, the revised Scheme Amendment and Structure Plan was advertised with affected landowners and Government agencies. Nine submissions were received, 2 no objections, 4 from government agencies providing advice and 3 landowners raising concerns.

Importantly the Department of Environment and Conservation (DEC) and the Environmental Protection Authority (EPA) now have no objections to the proposal.

The main concerns expressed from landowners relate to wanting the Residential zoning to be extended and coded to R40 as per the original proposal. Apart from the issues already identified within this report which justifies the change, under the WAPC's Statement of Planning Policy No. 5.3 "Jandakot Airport Vicinity" the subject area is located within the "Framed Area" whereby there is a general presumption against any rezoning of land which would permit development involving any increase in residential density above one dwelling for every two hectares. The policy does indicate that where there is a demonstrated strategic need for more intensive development, or where the area of land concerned represents a logical infill and its development would complete rather than extend an established pattern of development, consideration will be given to appropriate rezoning.

A slight increase in zoning from R20 to R25 and depth of the residential zone from 35 m to 45 m will result in a minor increase in the number of dwellings allowed in most cases from the current 2 dwellings to allowing up to 5 dwellings in most cases. This slight increase is considered acceptable to meet the Commission's Policy and produce a suitable land use transition to the Mixed Business and Industrial zone. The original proposal to extend and increase the zoning to R40 would allow most landowners to create 14 dwellings and in one case 19 dwellings which is a significant increase from the 2 permitted under the current R20 zoning which is not considered to meet the Commission's Policy.

The Schedule of Submissions contains the detailed response for each submission.

### Conclusion

The modified Scheme Amendment and Structure Plan showing a reduced area of residential development at a density of R25 and provisions excluding residential development within the Mixed Business zone now meets the requirements of the EPA and DEC and accordingly it is recommended that Amendment No. 27 and the Structure Plan be adopted without further modification.

Further, it is recommended that the Council adopt the Development Area provisions to ensure that traffic and interface issues are adequately addressed at the subdivision and development phase.

The modified Amendment and Structure Plan are to be forwarded to the WA Planning Commission for final approval

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

#### **Demographic Planning**

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

Council must consider the submissions within 42 days of the close of the advertising period. The WA Planning Commission has granted an extension until the end of December as per their letter dated 23 September 2008. If the Council does not consider the submissions within this period, then the Council must request a further extension from the WA Planning Commission.

### **Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment No. 27 concluded on 28 July 2006. At the close of the advertising period 9 submissions were received from government agencies/service authorities and affected landowners.

### **Attachment(s)**

1. Original rezoning plan
2. Modified rezoning plan
3. Original structure plan
4. Modified structure plan
5. 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 11 December 2008 Council Meeting.

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

Nil.

- 14.7 (OCM 11/12/2008) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 68 TO TOWN PLANNING SCHEME NO. 3 - REZONING PORTION OF LOT 9006 DISCOVERY DRIVE, BIBRA LAKE FROM INDUSTRY TO RESTRICTED USE 14 (RU 14) TO ALLOW FOR MIXED BUSINESS USES AND LANDSCAPING - OWNER: LANDCORP - APPLICANT: CITY OF COCKBURN (93068) (M CARBONE) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment without modifications and 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 submissioners of Council's decision.

#### COUNCIL DECISION

### Background

Council at its meeting held on 10 July 2008 resolved to initiate Amendment 68 to Town Planning Scheme No.3 for the purpose of advertising. The amendment proposes to rezone the northern portion of the subject lot from Industry to Restricted Use 14 (RU14) to allow for Mixed Business uses and landscaping.

### Submission

N/A

## **Report**

The Scheme Amendment was referred to the Environmental Protection Authority (“EPA”) in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days. The scheme amendment attracted 4 submissions from government agencies/service authorities, 2 providing advice and 2 providing no objections. It is considered that the submissions do not require explanation over and above that outlined in the Schedule of Submission contained within the Agenda attachments.

The purpose of the amendment is to ensure that a consistent land use pattern is applied to the subject lot and the adjoining Lot 503 (subject to Amendment No. 63) by creating a Mixed Business area and thereby increasing the separation between Industrial and Residential land uses.

The amendment also ensures a 15m wide landscaping strip is applied to the northern portion of the site which allows existing vegetation to be retained, maintaining a natural streetscape and assisting in providing a wildlife corridor along Phoenix Road. The landscaping strip is generally consistent with that proposed on the adjoining site under Scheme Amendment No. 63.

Part 9 of the Council’s resolution required “Environmental Services to undertake a Fauna Assessment (Level 1)” of the northern portion of Lot 9006 Discovery Drive, Bibra Lake. The main reason for the inclusion of this requirement is to determine the extent of the Carnaby’s Black Cockatoos habitat in this area. A Fauna Survey has been produced by Greg Harewood Consultant and assessed by the City’s Environmental Services who are satisfied with the report as the area has minimal ecological habitat. The proposed 15m landscaping strip imposed as part of this amendment will assist in enhancing local native species and improve habitat, particularly when considering the site already has subdivision and associated earthworks approval.

## Conclusion

It is recommended that Amendment 68 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

## **Strategic Plan/Policy Implications**

### **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.

**Natural Environmental Management**

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

The Planning Policies which apply to this item are:

APD2 - Industrial Subdivision Policy

**Budget/Financial Implications**

N/A

**Legal Implications**

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

Council must consider the submissions within 42 days of the close of the advertising period. If the Council does not consider the submissions within this period, then the Council must request an extension of time from the WA Planning Commission

**Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 68 concluded on 21 October 2008. The scheme amendment attached 4 submissions from government agencies/service authorities, 2 providing advice and 2 providing no objections.

**Attachment(s)**

1. Location plan
2. Proposed zoning plan
3. Approved Subdivision Plan
4. Schedule of submissions

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

N/A

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

Nil.

**14.8 (OCM 11/12/2008) - PROPOSED LOCAL STRUCTURE PLAN FOR LOT 451 (PROPOSED LOT 800) WATSON ROAD, BEELIAR - OWNER: FRANCES BUCAT - APPLICANT: TAYLOR BURRELL BARNETT (9607A) (M CARBONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the revised Structure Plan as shown in Attachment 4 for Lot 451 (proposed Lot 800) Watson Road, Beeliar subject to the following:
  1. The proponent prepares and submits a Local Water Management Strategy to the Department of Water.
  2. The Local Water Management Strategy is approved by the Department of Water.
- (2) subject to compliance with point 1 above, forward the Structure Plan documents and Schedule of Submissions to the Western Australian Planning Commission for its endorsement;
- (3) adopt the Schedule of Submissions contained in the agenda attachments; and
- (4) advise the proponent and those persons who made a submission of Council's decision, and request the Department of Water to provide written advice to the City when it has approved the Local Water Management Strategy.

**COUNCIL DECISION**

**Background**

The subject land is located south of the extension of Beeliar Drive between Stock Road and Watson Road (refer location plan in agenda attachment 1).

Lot 451 originally comprised of 5.37ha of which 2.96ha was subject to a Regional Road Reservation for the Beeliar Drive extension and Stock Road widening/interchange. Lot 451 has been subdivided to excise the regional road reserve which has been acquired by the Western Australian Planning Commission. The remainder of the site consists of proposed Lot 800 which has an area of 2.85ha, of which 2.41ha is the

subject of this structure plan (refer super lot subdivision plan in agenda attachments 2).

The subject land is currently zoned "Development" – Development Area No. 4 (DA 4) under the Council's Town Planning Scheme No. 3 (TPS 3), which requires a structure plan to be prepared to guide future subdivision and development. The subject land also falls within Development Contribution Area No. 4 (DCA 4), which requires the landowner to make a proportional contribution to the construction of Beeliar Drive at the subdivision stage.

### **Submission**

Taylor Burrell Barnett (the applicant) at the request of the landowner has submitted a structure plan for the subject land.

### **Report**

#### Proposed Structure Plan

The structure plan proposes a range of densities including R20, R30 and R40 which will generally allow for lot sizes between 200 m<sup>2</sup> to 500 m<sup>2</sup>. The range of densities will support a variety of lot sizes which is in accordance with Liveable Neighbourhoods.

The higher R30 and R40 coding is supported given the central POS area and the proximity of the bus route along Beeliar Drive and Watson Road.

The structure plan will yield 29 green title lots, including two R40 grouped dwelling sites.

The original structure plan showed rear loaded R40 (laneway lots) to the north of the central POS area (refer agenda attachments 3). This is not desirable as it results in properties having their street address to the rear laneway. Accordingly the applicant has amended the structure plan to show this area as two grouped dwelling sites which is acceptable (refer agenda attachment 4). Visitor parking for these dwellings can be provided on site as part of the development application process.

A notation has been placed on the revised structure plan indicating that the location of on-street parking for the rear loaded R30 lots will be negotiated at the subdivision stage.

A Water Corporation's sewer trunk main dissects the property which has constrained the design of the Structure Plan. Accordingly, the sewer main has been incorporated into the road reserve and part of the POS to assist in maintaining the development potential of the site.

The area to the south of the site is also zoned Development and will be the subject of future structure planning in due course at the owners initiative. An indicative layout has been shown for these southern lots which demonstrate that the area can be developed comprehensively.

A noise wall is proposed along the Stock Road and Beeliar Drive road reserve boundary.

All lots will be subject to Detailed Area Plans (DAPs).

#### Public Open Space and Drainage

The Structure Plan proposes a 1930m<sup>2</sup> central POS area and a smaller 577m<sup>2</sup> POS area near the entrance of the estate. Both areas can be credited as POS under Liveable Neighbourhoods and achieves the 10% POS requirement. The central POS ensures that the number of dwellings within close proximity of the POS is maximised and the smaller POS/drainage area is positioned on the lower section of the land enabling drainage for the 1:10 to 1:100 year stormwater events. Stormwater up to 1:5 year events will be accommodated within the individual infiltration structures throughout the development site (i.e. soakwells and road reserves). This means all drainage can be contained on site.

The smaller POS/drainage area adjacent to Watson Road will be designed as an informal amphitheatre with informal steps which is acceptable to the City's Parks Department. The larger POS will be grassed and landscaped.

#### Consultation

The Structure Plan was advertised for public comment for 28 days. At the close of advertising, 9 submissions were received including 4 no objections, 4 providing advice and 1 raising concerns. Refer to Schedule of Submissions contained within the agenda attachments.

Of a particular note, the Department of Water (DoW) requests that a Local Water Management Strategy be prepared by the proponent and approved by the DoW prior to the final adoption of the proposed structure plan. The City supports the DoW's initiative, and accordingly it is recommended that this issue be addressed prior to final adoption of the Structure Plan.

#### Conclusion

The proposed structure plan is generally in accordance with Liveable Neighbourhoods principles. It is therefore recommended that Council adopts the amended structure plan as the basis of future subdivision and development subject to the approval of a Local Water Management Strategy.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

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

SPD4 Liveable Neighbourhoods'

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Clause 6.2.9.1 of TPS No.2 requires Council to make a decision on the application within 60 days from the end of the advertising period or such longer period as may be agreed by the applicants. The applicants have now requested the application be determined in accordance with the provisions of the scheme.

Failure to determine the application will lead to a deemed refusal in accordance with Clause 6.2.9.4 and there is an appeal right to the State Administrative Tribunal.

### **Community Consultation**

The structure plan was advertised in accordance with the requirements of Town Planning Scheme No. 3. There were 9 submissions received including 4 no objections, 4 providing advice and 1 raising concerns.

### **Attachment(s)**

1. Location plan
2. Approved super lot subdivision plan
3. Advertised Structure Plan
4. Amendment Structure Plan
5. 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 11 December 2008 Council Meeting.

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

Nil.

- 14.9 (OCM 11/12/2008) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 63 TO TOWN PLANNING SCHEME NO. 3 - REZONING LOT 503 PHOENIX ROAD, BIBRA LAKE FROM SPECIAL USE 12 (SU12) TO INDUSTRY, MIXED BUSINESS, LIGHT AND SERVICE INDUSTRY AND PARKS AND RECREATION - OWNER: PRIMEWEST NO. 168 PTY LTD - APPLICANT: GREG ROWE AND ASSOCIATES (93063) (M CARBONE) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment without modifications and 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;
- (3) adopt the design guidelines for Lot 503 Phoenix Road as per attachment 5; and
- (4) advise submissioners of Council's decision.

#### **COUNCIL DECISION**

### **Background**

The proposal relates to Lot 503 Phoenix Road which is owned by Primewest (see agenda attachment 1 – location plan).

Council at its meeting held on 12 June 2008 resolved to initiate Amendment 63 to Town Planning Scheme No. 3 for the purpose of advertising. The purpose of the amendment is to rezone the site from



Special Use 12 (SU12) – Paper Mill to Industry, Mixed Business, Light and Service Industry and Parks and Recreation to enable an industrial/commercial subdivision to be undertaken on the site (refer agenda attachment No. 2). Detailed proposals are shown on the proposed subdivision plan (refer Agenda attachment No. 3).

The amendment was initiated subject to the applicant entering into a legal agreement with the City to cover items such as:

- The Parks and Recreation Reserve (POS) being ceded free of cost at the time of the subdivision.
- The existing vegetation within the POS being retained and the applicant to prepare and implement a planting program.
- Allowing stormwater drainage from the Box Plant site to drain into the proposed Council drainage sump provided that the quality of stormwater is maintained and other associated issues are achieved.

The above legal agreement has been finalised and a caveat lodged on the title addressing these issues.

### **Submission**

Greg Rowe and Associates have lodged the scheme amendment application on behalf of Primewest, the owners of the subject property.

### **Report**

The Scheme Amendment was referred to the Environmental Protection Authority (“EPA”) in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days. The scheme amendment attracted 9 submissions, 4 from landowners raising objections/concerns, 4 from government agencies/service authorities providing advice and 1 no objections. It is considered that the submissions do not require explanation over and above that outlined in the Schedule of Submission contained within the Agenda attachments.

The purpose of the amendment is to rezone the site from Special Use 12 (SU12) – Paper Mill to Industry, Mixed Business, Light and Service Industry and Parks and Recreation. The proposed scheme amendment is necessary as the paper mill has ceased operating and the restricted nature of the existing zoning does not allow other uses to operate from the site. The proposed scheme amendment is consistent with the “Industrial Zoning” under the provisions of the Metropolitan Region Scheme and is consistent with the existing local town planning scheme zoning within the Bibra Lake industrial area

The POS (landscape buffer) and restricted nature of the Mixed Business zone provides a suitable transition and interface to the residential development located on the opposite side of Phoenix Road.

Council's previous resolution required that *"prior to the City finally resolving to adopt the scheme amendment the applicant shall prepare design guidelines for the estate to the satisfaction of the City."* The applicant has liaised extensively with the City's planning staff and the Design Guidelines are acceptable to guide future development on the site. The design guidelines will ensure quality development is achieved and are similar to the design guidelines for the adjacent Cockburn Commercial Park. It is therefore recommended that the design guidelines be adopted.

### Conclusion

It is recommended that Amendment 63 be adopted by the Council and forwarded to the WA Planning Commission for final approval and the design guidelines be adopted by Council.

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

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

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

#### **Natural Environmental Management**

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

The planning policy which applies to this item is APD2 'Industrial Subdivision Policy'.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Planning and Development Act 2005  
Town Planning Scheme No. 2  
Town Planning Regulations 1967

Council must consider the submissions within 42 days of the close of the advertising period. If the Council does not consider the submissions within this period, then the Council must request an extension of time from the WA Planning Commission

## Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 63 concluded on 21 October 2008. The scheme amendment attached 9 submissions, 4 from landowners raising objections/concerns, 4 from government agencies/service authorities providing advice and 1 no objection.

## Attachment(s)

1. Location Plan
2. Proposed Zoning Plan
3. Concept Plan.
4. Schedule of Submissions
5. Proposed Design Guidelines

## 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 11 December 2008 Council Meeting.

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

Nil.

### 14.10 (OCM 11/12/2008) - GENERAL INDUSTRY (EXTENSION TO EXISTING NON-CONFORMING USE) - 125 (STRATA LOT 7) ROCKINGHAM ROAD, HAMILTON HILL - OWNER: P BIANCOTTI AND A GUMINA - APPLICANT: P BIANCOTTI (2211490) (A LEFORT) (ATTACH)

#### RECOMMENDATION

That Council approve the application for General Industry (extension to existing non-conforming use) at 125 (Strata Lot 7) Rockingham Road Hamilton Hill, subject to the following conditions:

#### CONDITIONS

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or a tenancy. The approved development has approval to be used for Warehouse and office purposes only. In the event it is proposed to change the use of one (1) or all of the tenancies, a further application needs to be made to the City for determination.
2. Nothing in the approval or these conditions shall excuse

- compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150 mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.
  4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
  5. Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the City prior to applying for a building licence, and before the commencement or carrying out of any work or use authorised by this approval.
  6. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
  7. All stormwater being contained and disposed of on-site to the satisfaction of the City.
  8. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
  9. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
  10. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZS 2890.1: 2004) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
  11. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.

12. Where petrol, benzene or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed washdown area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment, Water and Catchment Protection.
13. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. See City's specification, enclosed. This is to be provided at the time of applying for a building licence.
14. All waste and recycling materials must be contained within bins. These must be stored within the buildings or within an external enclosure located and constructed to the satisfaction of the City's Manager Environmental Health Services. The external enclosure must be and of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100 mm diameter industrial floor waste with a hose cock, all connected to sewer. The minimum provisions for internal bin storage is a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100 mm diameter industrial floor waste with a hose cock, all connected to sewer. This can be centrally located within the development.
15. The garage door on the southern wall is to be kept closed at all times except for when vehicles are entering and exiting the building.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the building licence application. Written approval from the City's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
3. The approval of the Environmental Protection Authority may be required prior to development under the provisions of the Environmental Protection Act 1986.

4. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
5. The development is to comply with the Environmental Protection Act 1986 which contains penalties where noise limits exceed the prescribed by the Environmental Protection (Noise) Regulations 1997.
6. Uncovered parking bays shall be a minimum of 5.4 x 2.4 metres, clearly marked on the ground and served by a 6.2 metre wide paved accessway in accordance with AS/NZS 2890.1: 2004.

## COUNCIL DECISION

### Background

Zoning:	MRS:	Urban
	TPS3	"Mixed Business"
Land use:	General Industry	
Lot size:	706 sqm	
Use class:	Non Conforming Use applies	

The subject site is located in a 19 unit mixed business complex on the corner of Rockingham Road and Hamilton Road in Hamilton Hill. The subject strata entity occupies 484 sqm and is used as a motor vehicle panel and paint business trading as "Rocky Road Smash Repairs".

### Submission

The applicant proposes to extend the existing strata unit to the rear by adding 167 sqm of floor area. The applicant has advised that the proposed addition will facilitate all vehicles being contained in the building rather than in the rear yard. The proposal also includes two additional car bays at the rear of the building within the strata lot.

### Report

#### Statutory Context

The site is zoned "Mixed Business" under Town Planning Scheme No. 3 (TPS 3). The proposed use a motor vehicle smash repairs/panel beating is classified as Industry (General) which is an "X" use in the scheme meaning that it is not permitted. However the use was given

approval under a previous scheme (TPS 1). Therefore the use contains non-conforming use rights exist in accordance with Clause 4.9.1.

In accordance with clause 4.9.2 the application was advertised to nearby landowners for comment and one submission was received. Contents of the submission are contained in the 'Community Consultation' section of the report below.

### Amenity

The existing building on the subject strata lot is approximately 30 metres from the closest adjoining residential zoned property and the proposal will result in the building being approximately 8m from the adjoining residential zoned property. Notwithstanding that fact that the building will be closer to the nearest residential zoned property, the fact that all activities onsite will be contained within buildings rather than in the rear open yard is considered to provide better noise, dust and odour attenuation. Should Council approve the proposal, it is recommended that a condition be imposed requiring the proposed garage door to remain closed when vehicles are not entering or exiting the building (proposed Condition No. 15).

### Parking

The proposed extension will result in a total floor area of approximately 376sqm which generates a demand for 7 car bays based on the scheme requirement for general industry uses (1 bay/100sqm gla). The proposal contains 4 bays at the front of the premises which are allocated on the strata plan and 2 new bays at the rear of the extension which provides a total of 6 bays. This constitutes a variation to the scheme parking requirements.

The applicant has advised that the variation is justified as the extension is to ensure all existing activities that occur in the open rear yard are contained in a building. There is no expansion of the business or increase in employee numbers proposed. The applicant has advised that they do not currently experience any car parking issues. In addition, the strata body for the units has issued their consent for the proposal.

### **Conclusion**

It is recommended that Council approve the proposal for extensions to the existing panel and paint business (non-conforming use) on the subject site for the following reasons:

- The proposed extension is not considered to cause any further detrimental impacts on the amenity of nearby residential zoned properties in terms of noise, dust or odour. It may result in a

reduction of those impacts due to the activities being contained in a building rather than occurring in the open rear yard.

- Parking provided is considered to be sufficient.

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

#### **Demographic Planning**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

In accordance with clause 4.9.2 of TPS 3, which requires extensions and changes made to a non-conforming use to be advertised, the proposal was advertised to nearby landowners for comment.

One submission was received from a landowner whose property abuts the subject site. The main issue raised in the submission is regarding vehicle manoeuvrability. The submitter complains that the fence between their property and the subject site is constantly being broken and that they believe that a brick fence was supposed to have been constructed which would prevent this situation from occurring. The submitter also believes that a brick fence would avoid noise pollution which is constant. The area abutting the adjoining landowners property is adjacent to the common property driveway and therefore the fencing is not part of the proposal. Notwithstanding this, the City will conduct a separate investigation as to whether a brick fence was required to be constructed as part of any previous approval and if so will pursue it.

However, it should be noted that there is a distance of more than 6m for vehicle manoeuvring behind the proposed building which complies with Council requirements. With regards to the submitter's comments about a brick fence being required for noise attenuation purposes, it is considered that accommodating the noise generating activities in a building will assist in reducing this problem.



**Attachment(s)**

1. Location Plan
2. Site Plan
3. Floorplan and Elevations

**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 11 December 2008 Council Meeting.

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

Nil.

**14.11 (OCM 11/12/2008) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 66 TO TOWN PLANNING SCHEME NO. 3 - 136 (LOT 20) COCKBURN ROAD, NORTH COOGEE - APPLICANT: GREG ROWE ON BEHALF OF QUICKSTEP - OWNER: CORDIA PTY LTD (93066) (R DONG) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the Amendment No. 66 to Town Planning Scheme No. 3 for final approval;
- (3) in anticipation of the Hon. Minister's advice that final approval will be granted, the modified documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (4) advise the proponent and persons who lodged submissions of Council's decision accordingly.

**COUNCIL DECISION**

## **Background**

Council at its meeting held on 14 August 2008 resolved to initiate Scheme Amendment No. 66 to Town Planning Scheme No. 3 subject to modifications for the purposes of public consultation.

The subject land is located within the City's North Coogee industrial area (Attachment 1 refers). The subject lot is zoned Industry under Town Planning Scheme No. 3 with a frontage to Cockburn Road a rear boundary abutting a portion of Manning Park.

The applicant, Greg Rowe and Associates, has been engaged by the tenant of the subject land (Quickstep Technologies) to prepare an amendment to the City's Town Planning Scheme No. 3 (TPS No. 3) to allow for an additional Restricted Use – manufacture of composite materials, in order to accommodate the land use activities of Quickstep Technologies on the subject site.

## **Submission**

The applicant at request of Quickstep Technologies has submitted the document for proposed Scheme Amendment No. 66 (Attachment 2 refers).

## **Report**

The scheme amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the EPA Act.

The EPA considered that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and nevertheless provided some standard advice and recommendations.

Following clearance from the EPA, the amendment was advertised for public comment for a period of 42 days, concluding on 27 October 2008. The advertising procedure included an advertisement being placed in the Cockburn Gazette newspaper, affected landowners being invited to comment on the proposal, and information made available at Council's Administration Office and on Council's website.

Advertising of the amendment has resulted in the receipt of 9 submissions of no objection. The issues raised in the submissions are suitably addressed in the Schedule of Submissions (Attachment 3 refers) and further comment in this report regarding the above issues is unnecessary.

The amended scheme provisions will allow the use of "manufacture of composite material" on the land whilst still ensures adequate planning

control over the land. It is therefore recommended that the Council adopt Scheme Amendment No. 66 for final approval.

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005  
Town Planning Regulations 1967 (as amended)

### **Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Scheme Amendment No. 66 concluded on 27 October 2008. At the close of advertising, 9 submissions were received.

### **Attachment(s)**

1. Location Map
2. Amended Scheme Amendment Document
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 11 December 2008 Council Meeting.

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

Nil.

## **14.12 (OCM 11/12/2008) - PHOENIX CENTRAL REVITALISATION STRATEGY (9687) (D ARNDT) (ATTACH)**

### **RECOMMENDATION**

That Council adopt the Phoenix Central Revitalisation Strategy and the recommendations contained therein.

**COUNCIL DECISION****Background**

At the Council Meeting on 9 August 2007, it was proposed that the Council resolved to prepare a Phoenix Park Activity Centre Plan (Item 17.3). At its subsequent meeting on 13 September 2007 (Item 14.2) Council resolved to prepare the plan (renamed to the Phoenix Central Revitalisation Plan) in accordance with an outlined process provided as part of them item.

Preparation of the Strategy included a comprehensive community consultation program which commenced in October 2007 with a visioning phase. The visioning stage incorporated a comprehensive landowner's survey, a survey of retail traders and a community vision forum. The landowner's survey was jointly prepared by the Spearwood Community Association and the City and sent to 4268 land owners in the study area. Fifty retail traders were individually contacted and their views solicited and 150 people attended the workshop.

After the visioning phase the City held an Enquiry by Design Workshop in November 2007 to prepare draft plans and ideas for how the area could be improved. All of the information obtained during the vision phase was presented to the multi-disciplined workshop team of City staff and relevant consultants who then prepared draft plans.

Following the Enquiry by Design workshop, the plans were further refined and presented to the wider community for comment during May-June 2008. In early May 2008 the City sent a brochure to all land owners (4268 properties) in the study area outlining some of the key ideas and proposals for the revitalization of the study area. The release of the draft plans was also advertised to the wider community through the local newspapers, Council's website and at the Phoenix Shopping Centre. In addition letters were written to individual land owners directly affected by some of the transport ideas. Also during this community consultation period the City held two Community Forums which were attended by approximately 160 people. The City received 400 comment sheets/submissions on the proposed ideas and proposals outlined in the draft Strategy.

At its meeting on 12 June 2008 (Item 21.1) Council resolved not to support the compulsory acquisition of any residential property within the Phoenix Central project area for the purpose of creating new road links, not to support the inclusion of a bus way or transit way in Rockingham Road, and not to proceed with the development of aged persons development on MacFaul Park. The Council also resolved

Strategic Planning Services and Engineering Services to investigate alternative options for accommodating traffic in the area and prepare a report for the future consideration of Council.

Council Officers have subsequently assessed all the community feedback and taken into account Council's June resolution. As a result they have modified the draft Strategy to reflect the original intentions of the strategy whilst incorporating the feedback from the community and the various issues raised.

### **Submission**

N/A

### **Report**

The report has been split into the various sections based on the main components contained within the draft Strategy. Essentially within each section the main features that were initially advertised for community comment are outlined, together with a summary of the main issues raised from the community feedback and the City's response.

### Proposed Zoning Plan

#### *Draft plan released for community comment*

This plan involved zoning changes to the area such as:

- expanding the District Centre Zone to include the City's administration site
- extending the 'mixed business zone' along Rockingham Road to south of Kent Street
- increasing residential densities from R20 to R40 in the 400 metre walkable catchment of the Phoenix Town Centre and around local centres, parks and along major public transport routes
- Changing the residential density from R20 to R30 within the 400 to approximately 800 metre walkable catchment
- proposing special design areas to encourage passive visual surveillance of parks and cycleways
- rezoning a portion of McFaull Park to accommodate aged person housing
- suggesting that the northwest portion of the study area be subject to a separate Hamilton Hill Study as part of revitalising the local shopping centre at the intersection of Carrington Street and Rockingham Road
- That land around the Watsons Food being reviewed separately once the buffer definition study has been finalised.

#### *Summary of community feedback*

- majority support of the opportunity to develop/subdivide in the future

- concerns about higher rise / mixed business causing overlooking
- suggestions for height limits and design guidelines
- density radiating from the centre was supported
- need to improve/ maintain/ increase public open spaces

*City's response in preparation of the final Strategy*

The City has prepared a revised zoning plan that both reflect the original intentions of the zoning plan and the majority of the community's feedback. It maintains the radiating density plan, with R40 within the 400 metre walkable catchment. However, the area generally between the 400 to 800 metre walkable catchment has been reduced to 25 from R30 initially proposed. This is not as a direct result of the community feedback concerning zoning but rather community feedback concerning the impact of possible traffic increases on local streets (discussed in the ideas for improving movement and mobility). It is considered that an R25 coding will still allow the majority of people to develop/ subdivide in the future whilst limiting the potential for increased traffic in the outer area. A copy of the revised zoning plan for the study area is attached.

Another significant change is that the proposed 'mixed business zone' along Rockingham has been changed to a 'business zone' with design guidelines. This will help to ensure appropriate heights and uses to avoid overlooking and any potential conflicts with existing residential. Design guidelines will also be required to be prepared over the R60 zone and the District Centre zone to again ensure appropriate heights and also address concerns regarding overlooking. Another significant change is that it is no longer proposed to create a retirement housing site on McFaul Park (see ideas for improving parks).

Ideas for a New Community Hub

*Ideas released for community comment*

One of the priorities identified by the community was the idea for a new community hub or gathering place. People expressed the view that there were currently few entertainment options, alfresco eating areas or public areas to sit and meet. The Council had already committed to a new senior citizen's centre on the City's administration site. This provided an opportunity to explore the development of a new community hub directly adjacent to the Phoenix Shopping Centre on the City's land. Four options were developed; all included a town square/ piazza, a new life learning centre (incorporating a redeveloped library and new senior citizen's centre), a new café street, new residential housing and a town park.

The idea behind the life learning centre was to create a centrally located and integrated community facility that included: a senior's centre, larger redeveloped library, early years and family centre, youth

activities spaces, community computer training rooms and meeting rooms, café, bookshop and new community hall. The new residential development was proposed with three apartment buildings up to 8 stories to help generate more activity, sense of community as well as providing people with housing options for living in close proximity to services, facilities and public transport. The residential development would also help fund some of the proposed community infrastructure.

The proposed café street and town square were located on Coleville Crescent at southern side of the existing Phoenix Shopping Centre to try to maximise the possible vibrancy of this new area. Some options involved the realignment of Coleville Crescent to help create a two sided "mixed use café street". Two of the options involved the demolition of the existing dental clinic to facilitate such realignment.

#### Summary of community feedback

- Majority support for the idea of creating a new community hub on the City's administration site.
- Majority support of the new mixed use café street creating more restaurants and lifestyle opportunities.
- Generally supportive of new life learning centre.
- Generally supportive of creating a town park and town square and the idea of creating a central meeting and community place.
- Concerns about demolition the dental clinic through the realignment of Coleville Crescent.
- Concerns about ensuring that there is sufficient parking.
- Objections and / or concerns about high rise causing social, traffic and overlooking problems.
- Suggestions that the City ensure safety/security in design and disability access.
- Suggestions for aged person housing on the bowling club site.

#### City's response in preparation of the final Strategy

The City has prepared a new concept plan for the City's administration site (a copy of which is attached) that is combination of the previous options and community feedback. The new concept plan realigns Coleville Crescent slightly southwards to link with Goffe Street to form a new 'mixed use / café street' but doesn't require the relocation of the existing dental clinic. The concept plan includes a town square or piazza, a new life learning centre, a town park including some form of lake/ water feature and residential housing. A draft plan to demonstrate where the underground car park is proposed for the site has also been prepared.

The new concept plan proposes height limits for the proposed residential buildings. Opposite the existing residential area along Coleville Crescent a height limit of three storeys is proposed. Opposite the existing primary school, a four storey height limit is

proposed. The larger eight storey apartments are located away from existing residential. All the residential buildings on the City's administration site will be subject to design guidelines to address concerns about overlooking, traffic, potential social problems, safety/security and disability access.

Building high rise apartments on at least some of the site is still considered to be important for maximising housing choices in the area. It is considered that there is an increase in the number of people who want to make a housing choice to live in apartments within close walking distance to services and facilities including public transport. This is especially important for people who can not drive the elderly and people with disabilities. The City will continue to explore the possible location of aged housing on the site.

Locating higher density near public transport, services and amenity is also part of a strategy of reducing automobile use and therefore carbon emissions which leads to climate change. It is considered that the advantages of locating high density residential development in the Phoenix town centre outweigh the possible community fears of traffic, social and overlooking problems. The City believes that these concerns can be addressed through appropriate design guidelines.

#### Ideas for Movement and Mobility (including Rockingham Road)

##### *Ideas released for community comment*

The community indicated that improvements to the visual and pedestrian amenity of Rockingham Road in the town centre are a key priority. Rockingham Road has proved to be one of the most difficult aspects of the revitalisation project given its status in the regional road network and other physical constraints. The City presented some ideas to the community that involved:

- seeking funding to underground the power
- creating a bus lane
- enlarging the median strips to increase pedestrian safety
- creation of a new pedestrian crossing near Kent Street
- working with land owners to place new street trees between the existing footpaths and the existing car parks due to the constraint of the existing road reserve
- improving signage

Much of the improvements to Rockingham Road, especially the bus lane, required that traffic growth resulting from rezoning to a higher density be minimised particularly in the outer area where there is a greater dependency on the car. One option was to create new road linkages to provide alternatives for getting to the Phoenix Town Centre and to improve walkability to the centre. These road linkages would



have ultimately required the purchasing or resumption of private properties.

The City also presented ideas for generally improving the residential streets and pedestrian and cycle routes as part of encouraging walking and cycling in the area and therefore minimising traffic impacts that occurs as a result of rezoning. This was also part of strategy to green and beautify the area.

*Summary of community feedback*

- strong objections to any new road linkages, where properties may be resumed
- general concerns about traffic increasing on residential streets
- concerns about traffic increasing on Gerald Street and its impact on the primary school
- concerns about the bus lane on Rockingham Road
- the need to improve the pedestrian crossings across Rockingham Road
- supportive of plans to improve footpaths, lighting and landscaping on key streets to encourage walking, cycling and use of public transport including for the aged, disable and mothers with prams
- ideas for a 'cat bus' servicing the study area and other centres and better public transport generally

*City's response in preparation of the final Strategy*

In direct response to the community's feedback, the Council made the following decision at its July 2008 Council Meeting:

*"Not to support the compulsory acquisition of any residential property within the Phoenix Central project area for the purpose of creating new road links and the road links going through homes being deleted;*

*"Not to support the inclusion of a busway or transit way in Rockingham Road."*

The City responded to the concern about possible traffic increase to residential streets by amending the proposed density coding of the outer residential areas from R30 to R25. The proposal to undertake streetscape improvements to key residential streets in the study area, to help encourage walking and also to create some new cycle routes, has been retained. The strategy also outlines possible options for landscape improvements to Rockingham Road including improved pedestrian crossings.

At the moment the study areas doesn't have the density to justify the viability of a 'cat bus' service (Central Area Transport Service) but as the population increases, such a service might become more viable.

#### Ideas for improving the northern end of the centre

##### *Ideas released for community*

The community expressed concern about the general appearance, pedestrian amenity and traffic movements in the northern end of the town centre. This area however, is privately owned and therefore difficult for the City to do anything without cooperation. Some of the ideas the City presented to the community and to the landowners in the northern end of the centre included more shade, wider footpaths, narrow road pavements, raised pedestrian crossings.

##### Summary of community feedback

- Very little feedback on these ideas from either land owners, traders or the community, but the few people, who did, responded positively.

##### City's response in preparation of the final Strategy

As all of this land is in private ownership it is difficult to improve this area without the cooperation of land owners. In the short term the City will look at streetscape improvements to Lancaster Street within the town centre. Design guidelines will also be prepared for the area so that any future developments will help to improve the amenity of the area.

#### Ideas for improving parks

##### *Ideas released for community comment*

The community wanted the area to stay green and beautified. Ideas have been prepared for greening and beautifying most of the parks in the study area. Another key idea was building retirement housing a portion of Mac Faull Park. This was to help meet the future needs of the aging population in the areas. Another idea included the redevelopment of the facilities at Beale Park and the creation of a link between Watsons Reserve and Edwards Oval by buying a portion of some existing school grounds.

##### Summary of community feedback

- Strong objections to the idea of allowing retirement housing to be built on a portion of Mac Faull Park.
- Generally supportive of the ideas for upgrading facilities and parks.
- Support for the redevelopment of Beale Park.

- Suggestions for better lighting, seating, barbecue areas, security, play equipment and trees.

### City's response in preparation of the final Strategy

In response to the community's feedback, the Council already made the following decision in its July 2008 Council Meeting

*"Not to proceed with the development of aged person development on Mac Faull Park."*

The proposal to link Watsons Reserve with Edwards Oval through the local school grounds has also been deleted.

### Conclusion

The final Strategy provides 66 specific recommendations (refer attached). The key themes of these recommendations are summarised below:

- Preparation of scheme amendments for rezoning of the study area and relevant design guidelines. These scheme amendments will need to be adopted both by Council and the Western Australian Planning Commission which could take 12 to 18 months.
- More detailed planning and design of the City's administration site for the creation of a new community hub.
- More detailed planning and design of Rockingham Road and funding submissions for undergrounding the power.
- More detailed planning and design for streetscape improvements (cycle ways and pedestrian links).
- More detailed planning and design for park improvements.

It should be noted that whilst the City has provided leadership in formulating the Phoenix Revitalisation Strategy, the commercial and residential community within the study area, should understand that it is not the City's responsibility to fund all the potential outcomes arising out of the strategy's recommendations,. In particular those areas for improvement, such as the northern end of the centre and Rockingham Road, which will require the active participation of those landowners within those areas, to achieve the proposed outcomes, outlined in the strategy and subsequently studies.

Once the detailed planning is undertaken on the various aspects of the project, as identified in the strategy outcomes, financial costing will need to be determined. At this point the City will need to undertake a review of the strategy's proprieties and develop possible funding

scenarios. This will involve the preparation of an implementation schedule, which will need to pay due regard to the City's plan for the district.

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

#### **Demographic Planning**

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

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

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

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

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

#### **Natural Environmental Management**

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

#### **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**

The funds required for the preparation and finalisation of the Phoenix Central Revitalisation Strategy are covered within the 2008/09 budget. Additional funding will need to be provided in the 2009/10 budget to cover the costs associated with the detailed planning design phases as identified in the strategy's recommendations.

The external funding for the implementation of the strategy will also need to be identified and budgeted for, once the detailed planning and design phases have been completed.

**Legal Implications**

N/A

**Community Consultation**

A brochure to all land owners (4268 properties) in the study area. The release of the draft plans were advertised to the wider community through the local newspapers, Council's website and at the Phoenix Shopping Centre. Two Community Forums were also held during the community consultation period which was attended by approximately 160 people.

**Attachment(s)**

1. Phoenix Central Revitalisation Strategy – Zoning Plan
2. Phoenix Central Revitalisation Strategy – City Administration Site Concept Plan
3. Phoenix Central Revitalisation Strategy - Recommendations

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

An advertisement placed in the local newspaper advised that this matter is to be considered at 11 December 2008 Council Meeting.

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

Nil.

**14.13 (OCM 11/12/2008) - AMENDMENTS TO DETAILED AREA PLAN FOR STAGE 4C PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (6004074) (T WATSON) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the amended Detailed Area Plan presented for Stage 4C Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant accordingly.

**COUNCIL DECISION**

## **Background**

At its 11 September 2008 meeting the Council approved a Detailed Area Plan (DAP) and Design Guidelines for Stage 4C within the Port Coogee development area. Stage 4C is identified for low density residential development (R25) and forms one of the 'Water Based Residential' precincts. The DAP and Guidelines provide development direction for 28 single residential waterside lots.

Whilst the DAP is primarily aimed at guiding builtform outcomes on all lots, the guidelines deal with the control and development of jetties and related structures in the mooring envelopes.

## **Submission**

The DAP has been amended to reflect constructed sewer levels in Stage 4C. Whilst the content of the DAP is largely the same as that prepared and approved for Stage 4A to the north, higher sewer levels in Stage 4C necessitate clarification relative to building levels.

The DAP has been amended to include the following point:

- *The sewer system is designed for a gravity sewer connection from a lot level of RL 3.3m AHD. Construction below this service level may require a private sewerage pump station, which includes the lower water edge level.*

## **Report**

The content of the amended Stage 4C DAP now accurately explains building level requirements relative to the sewer levels in the subdivision. This additional information will now be considered by proponents in addition to site-specific planning information.

## **Conclusion**

It is recommended that the amended DAP be approved by Council.

The approval of the amended DAP is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP (and Guidelines) and the process for adopting such. Where a DAP/Guidelines may affect landowners other than the owner/s of the subject land, the City may undertake consultation. As Stage 4C represents an island with no immediate neighbours, no consultation has taken place.

Clause 6.2.15.8 provides scope for a DAP to be amended.

## **Strategic Plan/Policy Implications**

APD 31 – Detailed Area Plans

### **Demographic Planning**

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

### **Lifestyle and Aspiration Achievement**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005

### **Community Consultation**

The amended DAP has not been the subject of consultation. The DAP sits within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops. Additionally, Stage 4C sits in isolation to other development Stages within Port Coogee.

### **Attachment(s)**

1. Location/Structure Plan
2. Detailed Area Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 December 2008 Council Meeting.

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

Nil.

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

**15.1 (OCM 11/12/2008) - LIST OF CREDITORS PAID - OCTOBER 2008 (5605) (K LAPPIN) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for October 2008, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for October 2008 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**



N/A  
**Attachment(s)**

List of Creditors Paid – October 2008.

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

N/A

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

Nil.

**15.2 (OCM 11/12/2008) - STATEMENT OF FINANCIAL ACTIVITY - OCTOBER 2008 (5505) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for October 2008, as attached to the Agenda

**COUNCIL DECISION**

**Background**

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

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

## **Submission**

N/A

## **Report**

Attached to the Agenda is the Statement of Financial Activity for October 2008. This includes explanations for material variances within operating revenue and expenditure, as well as capital works & projects expenditure.

Note 1 shows the program split for grants and contributions received towards asset purchase and development.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed reserves). 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 Standards.

### Material Variance Threshold

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

The materiality threshold adopted by Council for the 2008/09 financial year is \$50,000 or 10% (whichever is the greater). In applying the threshold, officers give due regard to the nature of the data and how it is best consolidated (e.g. at an individual project level, specific works program, distinct activity, nature and type level etc).

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

### **Budget/Financial Implications**

Where variances reported are of a permanent nature (i.e. not due to timing issues), they will impact Council's end of year surplus/deficit position. These should be 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 – October 2008.

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

N/A

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

Nil.

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

### **16.1 (OCM 11/12/2008) - EXTENSION OF TEMPORARY CLOSURE OF BUFFER LANE, COCKBURN CENTRAL TO PASSAGE OF VEHICLES - APPLICANT: AUSTRALAND (4206; 6007096) (J RADAICH) (ATTACH)**

#### **RECOMMENDATION**

That Council agree to the proposal by Australand to extend the temporary closure of Buffer Lane, Cockburn Central until the end of April 2009, subject to:

- (1) the continued closure not representing any substantial disruption to traffic;

- (2) the traffic management plan being implemented to the satisfaction of the City; and
- (3) all works on/or damage to existing City Infrastructure (roads, footpaths, drainage, parks or verges) are to be completed and/or reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum. The proponent is fully responsible for public liability and damages arising from the works.

## COUNCIL DECISION

### Background

On 13 March 2008, Council adopted the following recommendation:

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

- (1) there being no substantial objection received as a result of advertising in a local newspaper;*
- (2) there being no substantial objection from service authorities, emergency services or adjoining owners;*
- (3) the developer to engage a traffic management contractor to submit a certified traffic management plan to monitor and control traffic movements due to the closure; and*
- (4) all works on / or damage to existing City infrastructure (roads, footpaths, drainage, parks or verges) are to be completed and / or reinstated in accordance with the "Public Utilities Code of Practice 2000", "Restoration and Reinstatement Specification for Local Government 2002" and the City of Cockburn "Excavation Reinstatement Standards 2002" as a minimum. The proponent is fully responsible for public liability and damages arising from the works.*

The City has received advice from Australand seeking an extension of the temporary closure until the end of April 2009. (Letter attached).

### **Submission**

For Council to consider an extension of the temporary closure of Buffer Lane.

### **Report**

During the building activities of Lot 12 Cockburn Central which is abutting Buffer Lane; the lane closure will be required for the below reasons (which are consistent with the original road closure request):

1. The perimeter scaffold to the gable walls will encroach onto Buffer Lane by approximately 2 - 2.5 m. This will reduce road to a single lane of traffic.
2. The safest solution would be to close the road which would reduce the risk of potential accidents due to cars turning into a single lane of traffic.
3. Buffer Lane is a minor road within the development without any car parking bays; therefore closure of the road will not reduce to the number of available parking bays.
4. The lane is not used by any vehicles and closure will not have a detrimental affect on the flow of traffic within the development.
5. The temporary site fencing could be extended around the scaffolding to further reduce any potential risks.

Officers see no reason to refuse the continued closure throughout the construction phase and recommend supporting the temporary closure until construction works are completed.

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

#### **Transport Optimisation**

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

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

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

#### **Legal Implications**

Section 3.50 of the Local Government Act.

### **Community Consultation**

Council has not received any objections to date to the closure and officers are not proposing to readvertise the closure.

### **Attachment(s)**

Traffic Management Plan of Closure.

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

N/A

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

Nil.

## **16.2 (OCM 11/12/2008) - CITY OF COCKBURN PARTICIPATION IN THE GREEN PRECINCT FUND GRANT APPLICATION (4617) (C BEATON) (ATTACH)**

### **RECOMMENDATION**

That Council's participation in the Green Precincts Grant Application with the Department of Planning and Infrastructure and other member Councils of the South Metropolitan Regional Council be endorsed.

### **COUNCIL DECISION**

### **Background**

The Green Precincts Fund was announced in the 2008/09 Federal Budget, with funding of \$15 million over four years to support at least 10 high-profile demonstration projects that deliver water and energy savings while educating the community about water and energy efficiency.

The objectives of the Green Precincts Fund are:

- To raise community awareness about water and energy savings;
- Encourage the take-up of water and energy savings measures including the use of renewable energy in the home and at community facilities;
- Deliver direct environmental benefits from water and energy efficiency measures at Green Precinct project sites; and

- Encourage and demonstrate innovation in design and use of water and energy efficiency technology.

Funding is capped at 50% of eligible costs, with minimum funding of \$500,000, up to a maximum of \$1.5 million (GST exclusive) per project proposal.

Green Precincts demonstration projects must cover the following components:

- demonstrate and deliver significant water savings relative to comparable facilities;
- deliver substantial reductions in greenhouse gas emissions through energy efficiency measures;
- be built at facilities that are for public use by a large number of people; and
- include a significant community education component.

### **Submission**

Following on from the success of previous joint initiatives such as the Living Smart Program, the Department of Planning and Infrastructure approached the South Metropolitan Regional Council and member Councils with the idea of a joint Green Precinct Funding Proposal. A joint grant application has been finalised and the eligibility criteria requires Council endorsement for participating Councils.

### **Report**

The proposed project is a consortium bid from the Department for Planning and Infrastructure, Southern Metropolitan Regional Council, Cities of Cockburn, Fremantle, Rockingham and The Meeting Place for a Southern Metropolitan Green Precinct. This Precinct is proposed to be based at 4 sites within these three Councils:

- Cockburn Wetlands Education Centre in Bibra Lake
- The Meeting Place Community Centre in South Fremantle
- Sustainable Home in Hilton
- Warnbro Aqua Jetty and YMCA Recreation Centre in Rockingham

Approval for these retrofit proposals and project involvement are concurrently being sought by all participating councils.

At these four sites, green demonstration hubs will be created where energy and water technologies and practices will be on show and a community education program will reach over 6000 households in the communities around these hubs and beyond. The world-leading Living Smart suite of programs will be deployed to ensure that the Green Precinct becomes a cultural change program leading to large-scale adoption of energy and water efficiency behaviours and technologies within the Precinct and beyond.

The Living Smart community course will be delivered twice at each of the four green buildings following completion of the retrofits. This course was developed by The Meeting Place, City of Fremantle, Murdoch University and SMRC. Support for delivery of the Living Smart course will be extended to include train the facilitator modules, an officer for mentoring new facilitators and continued program development, a state-wide Facilitators Network and seed funding to spread the course to at least 30 sites state-wide.

The Living Smart Household service is derived from the Travel Smart program, and last year this Living Smart Household service was developed to embrace energy, waste, water in addition to transport and involve the Living Smart course. This is currently be piloted in Cities of Joondalup and Mandurah. In this application this household service is proposed to be offered to 6,000 homes in the Green Precinct to provide intensive information, motivation and guidance through behavioural changes and reinvestment of savings into energy and water efficient technologies for the home. This service will coordinate with the Home Retrofit component and the centralised technology purchasing to ensure large-scale water and greenhouse gas savings.

The program will be comprehensively evaluated including analysis of meter readings of the 6000 participating households over the project term.

The total of the grant being sought by the consortium is \$1.1M. The City's role would be to manage the retrofit of the Cockburn Wetlands Education Centre. The budget and contribution from the City of Cockburn is \$50,000 for the retrofit of the site.

The Cockburn Wetlands Education Centre retrofit is proposed to include a solar photovoltaic system, solar hot water system, passive heating and cooling measures, rainwater harvesting, endemic native gardens and interactive and static signage and smart meter technology.

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

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

- To encourage development of educational institutions that provides a range of learning opportunities for the community.

#### **Natural Environmental Management**

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



**Budget/Financial Implications**

Utilise \$50,000 of the allocation of the Sustainable Initiatives Budget in 2009/10 to contribute to the retrofit of the Cockburn Wetlands Education Centre and Living Smart program.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

1. Green Precinct Funding Proposal – Proposed Actions and Outcomes.
2. Living Smart Green Precincts Fund Application Form.

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

N/A

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

Nil.

**16.3 (OCM 11/12/2008) - STRATEGIC WASTE MANAGEMENT PLAN (SWMP) (4904) (L DAVIESON) (ATTACH)**

**RECOMMENDATION**

That Council formally endorse the Strategic Waste Management Plan (SWMP), prepared by Bruce Bowman and Associates in consultation with the SMRC and its participating Member Councils.

**COUNCIL DECISION****Background**

The City of Cockburn Staff participated in a series of workshops in February 2008 to enable the SMRC, in conjunction with their consultant, to prepare a draft SWMP on behalf of the 6 member Councils and the region. A draft was circulated in September 2008 and

feedback considered by the SMRC. The SMRC are now seeking Council endorsement of the Strategy.

### **Submission**

The SWMP was advertised for public comment for a period of 30 days which generated 2 public submissions. The SWMP is now with each member Council for ratification.

### **Report**

The recently enacted Waste Avoidance and Resource Recovery Act 2007 require Local Governments to manage all waste generated by the Local Government and domestic waste generated by its residents. Local Government generates the following municipal waste streams:

- Construction and demolition waste from municipal infrastructure works such as roads, footpaths, etc.
- Parks and gardens waste.
- Office administration waste.

The domestic waste streams comprise of:

- Municipal Solid Waste (MSW)
- Recyclables
- Green Waste
- Household Hazardous waste
- E-waste
- Bulk Waste kerb side collections

The strategic objective adopted by the SMRC in waste management is “to ensure maximum recovery of waste to achieve a 95% diversion from landfill”.

### **Summary of SMRC Initiatives**

- Prepare a business plan to investigate the feasibility of building a second RRRC in the southern part of the region to service Kwinana and Rockingham.
- The SMRC has resolved to assist member Councils to adopt weekly collection of recyclables. It is estimated that the member Councils will have all moved to weekly collections by 2010.
- The SMRC is also investigating the potential uses for its residual waste streams at the RRRC. At present the facility produces five different residual waste streams.
- The SMRC is currently investigating and developing an E-waste collection and processing system in conjunction with the Department of Environment and Conservation (DEC) and other regional local governments.

- In order to improve Green House Gas abatement, the SMRC is investigating the use of pronyolysis and gasification systems to convert its green waste into Bio-char.
- The SMRC are also considering a municipal generated Construction and Demolition (C&D) waste project to identify the quantity and character of this waste stream, with the view of developing a program to maximise the recovery of these waste streams.

#### Implications for the SMRC in the SWMP

Refer to Table 10.4 for a comprehensive Regional Plan Time Line. Below is a summary of their commitments under the Plan.

- To plan, coordinate and implement the removal, processing, treatment and disposal of waste for the benefit of the communities of the participant member councils.
- To influence Local, State and Federal Governments in the development of regional waste management policies and legislation.
- To provide administrative services to the South West Group.
- To prepare, facilitate and implement programmes, measures and strategies for the reduction of greenhouse gasses.
- Utilising the advantages of economies of scale to achieve best value for the region.
- Increasing our consultation and education role in order to maximise the use of our service, reduce costs and discover what the community knows about waste management.
- Building upon our knowledge and expertise through undertaking a research role.
- Engaging in consultancy or contracting services on behalf of the region with the goal of reducing or stabilising costs and adding value for our member organisations.
- The Forum of Regional Councils (FORC) has been formed to facilitate communication between the main metropolitan regional councils to enable increased synergies in improving Carbon Pollution Reduction Schemes and solving waste management issues.

#### Summary of City of Cockburn Initiatives

Since this report was compiled a number of initiatives have been completed by the City. These include the construction and operation of the domestic transfer station at the Henderson Waste Recovery Park (HWRP), a commercial waste audit, degassing of refrigerators at the transfer station and the removal of steel from the commercial waste stream. Initiatives that remain are as follows:

- Tiered gate fee at landfill. Review classification and charges to give incentive to source separate waste.
- Tender requirements for source separation.
- Cockburn is implementing a sustainability policy and strategic plan that includes a purchasing policy and key performance indicators. Financial allowances for greenhouse, climate change and sustainability now included in the annual budget.
- Recommendation to write recycling into procurement policies.
- Potential to establish a C&D recycling facility next to the Henderson landfill that will allow Council to direct C&D waste next door.
- Develop plans for a new commercial waste transfer station to be established in a location central to the collection area and service the community.
- Potential opportunities to provide drop off facilities in Shopping Centre complexes.
- Council is currently identifying how it can improve recycling at Shopping Centres.

#### Summary of City of Cockburn Implications

- Provide waste bunkers in the depot yard to facilitate source separation.
- Encouraging and educate business to use the recycling services provided by Council. This commitment implies a requirement to provide a collection service that meets their needs.
- Provide additional staff to promote recycling in commercial centres.
- Undertake weekly recycling for CoC residents.
- Create a marketable wood waste product.
- Increase diversion of waste away from landfill at HWRP.
- Develop a resource recovery park for the commercial waste stream so as to reduce our landfill CO2 emissions.

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

##### **Infrastructure Development**

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

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

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

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

The total proposed indicative budget expenditure for the Region over the next 5 years is \$157,566,291. \$27 million is in kind, \$90 million is capital (2nd RRRC) and \$40 million external funding.

It is important to understand that endorsing this document does not commit the City to the expenditure in the Regional Plan Expenditure Budget in Table 10.2. With all the projects listed, an invitation will exist for City of Cockburn representation on the steering committee. These respective steering committees will determine the detail of the proposed project. Further involvement, beyond this in kind contribution of officer time, will depend on the City's desire to continue. This will ensure that the City and its Councillors shall maintain complete control over its annual budgeting process.

It should be noted that the SWMP was required to nominate projects on the basis that funding would not be available for projects that were not included.

As highlighted in the SWMS the key to reducing cost in the impending carbon trading climate is to reduce our carbon footprint. It is therefore fortunate that the City's Sustainability Policy, the Waste Avoidance and Resource Recovery Act 2007, the SMRC and now the SWMP are all aligned to ensure improved environmental outcomes for waste.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

1. SMRC Draft Strategic Waste Management Plan (SMRC Agenda Item)
2. Draft Strategic Waste Management Plan

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

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 11/12/2008) - SALE OF LAND - LOT 14 AND LOT 22  
PROGRESS DRIVE BIBRA LAKE (1117891) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) support the Concept Plan Option 2 for the sale of land that forms Lot 14 and Lot 22 Progress Drive, Bibra Lake as attached to the Agenda with the following conditions:
  1. Maximise the opportunities for reciprocal parking between created lots.
  2. Retain the land on which heritage listed trees and the memorial stand.
- (2) in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 Clause 6.2.6 prepare a Local Structure Plan for the development of Lots 14 and 22 Progress Drive Bibra Lake;
- (3) reconsider the Plan prepared in (2) above following the closure of the submission period;
- (4) seek the approval of the Western Australian Planning Commission for a land swap for Reserve 26954 for the revegetation areas shown on Concept Plan Option 2 should the Structure Plan for the development of the land proceed as proposed; and
- (5) allocate all funds generated from the sale of land comprising of Lots 14 and 22 Progress Drive Bibra Lake in accordance with the adopted of the Bibra Lake Management Plan.

**COUNCIL DECISION**

**Background**

At the Council meeting of 13 December 2007 resolved as follows:

- (1) *call for Expressions of Interest in accordance with the requirements of Section 3.58 of the Local Government Act, for the possible development of lot 22 and lot 14 Progress*

*Drive, Bibra Lake in accordance with the nature of the reserve with the intent to create a regional recreation and leisure precinct;*

- (2) require the Bibra Lake Management Plan consultants to consider the Expressions of Interest in the context of the Plan; and*
- (3) on receipt of the Expression of Interest, require a report be prepared which addresses the range of issues related to the development of the area and presented to Council no later than May 2008.*

In accordance with the Council decision Registrations of Interest were called for the purchase or lease of portions or the whole of Lots 14 and 22 Progress Drive, Bibra Lake which closed on 19 February 2008.

There was a delay in submitting a report to Council on this matter due to the need to have the development proposals for lots 14 and 22 considered in the context of the Bibra Lake Management Plan which has been prepared concurrently. The proposed development is in accordance with the management plan. The relevant section from the Draft Bibra Lake Management Plan is attached.

Council at its meeting of 11 September 2008 resolved to defer consideration of this item to allow Councillors sufficient time to investigate further the details contained within this report.

Council at its meeting of the 9 October 2008 resolved as follows:

- (1) defer the sale or lease of Lot 14 and Lot 22 Progress Drive, Bibra Lake until the Bibra Lake Draft Management Plan is released and the EPA report is available to Council and the community for consultation;*
- (2) make an application to the Minister for Lands seeking an exchange of Reserve 26954 for a portion of Lot 14 and Lot 22 Progress Drive Bibra Lake as required for revegetation subject to the exchanged land being of equal value as determined by the Valuer General's office;*
- (3) place on the 2009/10 budget for consideration funds to revegetate Lot 14 and Lot 22 Progress Drive, Bibra Lake; and*
- (4) organise a meeting of all interested parties and Elected Members to discuss this matter further.*

Representatives from Adventure World (WA) Pty Ltd, Cockburn Ice Arena Pty Ltd and Oceanic Water Babies gave a presentation to

elected members on their proposals on 6 of November 2008. Plan E have modified the options previously considered to locate Oceanic Water babies to the south side of the Cockburn Ice Arena building.

Council at its meeting of the 13 of November 2008 resolved to advertise the Bibra Lake Management Plan for public consultation. It is anticipated that a number of government agencies will also respond to the draft Management Plan, including the EPA. There is however, little within the Management Plan on Lots 14 and 22 Progress Drive on which agencies can comment. Should Council decide to proceed with any development on the lots, the development of a structure plan for the site will provide a detailed proposal on which the community and agencies can comment. An application to the Minister for Lands seeking to swap Reserve 26954 for a portion of Lots 14 and 22 Progress Drive Bibra Lake can only occur once Council has resolved whether it will proceed with the development or not as the area of land able to be exchanged needs to be known.

### **Submission**

As a result of the registration of interest (ROI 01/2008) for the purchase or lease of all or portions of Lot 14 and Lot 22 Progress Drive, Bibra Lake the following submissions were received:

- Belgravia Leisure Pty Ltd
- Oceanic Babies Pty Ltd
- Adventure World (WA) Pty Ltd
- Cockburn Ice Arena Pty Ltd
- Nicvira Pty Ltd

### **Report**

The ROI advised that the land was reserved for parks and recreation purposes under the Metropolitan Region Scheme and the City of Cockburn's Town Planning Scheme No. 3. It is in the Beeliar Regional Park with several heritage listed trees on the site.

Respondents were required to demonstrate compliance with the following criteria:

- The recreational/leisure facility offered is in demand in the district.
- The facility proposed complements other recreation activities in the precinct.
- Financial resources to carry out the project.
- Be prepared to address conservation and environmental constraints of the site.

Importantly short-listed submissions were only interested in buying the land other than Adventure World whose strong preference was to buy but would consider a lease of the land.



The submissions were assessed against the criteria with the submissions short-listed to include Adventure World, Oceanic Water Babies Pty Ltd and Cockburn Ice Arena Pty Ltd. Belgravia Leisure Pty Ltd was not included, and while they have extensive experience in managing conventional recreation facilities they did not submit a proposal for a specific facility. Nicvira are the owners of the adjoining Lot 21 Progress Drive and sought to purchase a portion of the land to expand the paintball operation currently operating on Lot 21 Progress Drive. Paintball was not considered a high value use for this land.

As Lot 21 owned by Nicvira Pty Ltd includes areas with high conservation values, the City approached Nicvira's Principal to ascertain if he had any interest in swapping his land for another portion of Lot 14 to allow his land to be set aside as a conservation area, and a rational concept plan to be developed for the larger area. The owner was not interested in a land swap and hence the matter has not been pursued.

Independent consultants Plan E were commissioned to develop concept plan options to accommodate the short listed submissions on the two lots. The options have also been developed with the clear intent to conserve the Tappers Lake Wetland, create a natural vegetation linkage between South Lake and Bibra Lake and to conserve the heritage listed fig trees and monument on the site. The options prepared are attached to the Agenda.

Adventure World and Cockburn Ice Arena/Oceanic Water Babies have provided information in support of their request to purchase portions of the land. This information is attached to the agenda.

It is to be noted that concept plans provided are indicative and will be further refined at the structure plan stage to address conservation, access and related design issues raised.

The following are Environmental Services comments regarding the proposed options for Lots 14 & 21 Progress Drive, Bibra Lake.

#### Vegetated linkage

This area is identified as an ecological link by the Perth Biodiversity Project in 2003. The long-term viability and conservation values of protected natural areas (Bush Forever Sites, Department of Environment and Conservation Estate and Regional Parks) is dependent on an effective network of regional ecological linkages that link protected natural areas by retaining local natural areas between them that can act as stepping stones for flora and fauna. For this purpose, 500 metre wide Regional Ecological Linkages that link protected natural areas with other natural areas have been identified for the Perth Metropolitan Region. A 500 metre wide width was

considered to be the minimum required to promote inclusion of more viable natural areas within the ecological linkage. The identified Regional Ecological Linkages were determined based on ecological principles and ecological linkage guidelines described in 'Local Government Biodiversity Planning Guidelines for Natural Area Protection and Management in the Perth Metropolitan Region (PBP 2003).

The Beeliar Regional Park Management Plan, which was endorsed by Council in 2006, recognises and acknowledges the need for greenway corridors (linkages) that provide links between and within Beeliar Regional Park.

### Fauna

- Bandicoots obviously at work in area diggings noted. Bandicoots also utilizing long grass to forage and escape predators.
- Numerous bird species utilizing trees for foraging and nesting.
- Considering the loss of trees and vegetation in the Amcor redevelopment site and further loss of trees on the corner of North Lake and Phoenix Roads due to ongoing clearing for Cockburn Commercial Park, this stand of trees becomes more important as a stop over point for Carnabys Black Cockatoo, a protected species that is increasingly under threat due to loss of habitat.
- Long neck tortoise crossing point.
- Providing habitat for reptiles and amphibians.
- Many native species, snakes in particular, tend to remain within a localised area (500 m) and will only move out of this comfort zone to breed. Linkages are important for species survival and to prevent local extinction, a common occurrence today due to our fragmented natural ecosystems.

A fauna survey is strongly recommended to be included within the structure plan report to be considered by Council.

### Flora

- Limited natural under storey but appears to still be used by bandicoots, reptiles, amphibians and some bird species.
- Age of *Eucalyptus rudis* (flooded gums) and *Eucalyptus gomphocephala* - likely to be pre- European settlement.
- Young *E. rudis* trees naturally regenerating. Better establishment at less cost than what can achieved by revegetation.
- Heritage value of *Eucalyptus rudis* and *Eucalyptus gomphocephala* as integral part of the natural heritage and as important as the introduced heritage listed fig trees.
- Trees have survived farming in this area over numerous generations and may be lost for car parking.

- If trees retained but area utilized for overflow parking it is unlikely that they would survive long term due to soil compaction and pollutants entering soil.
- Examples of fig trees parasitising the stand of rudis which is unique and unlikely to of been documented in the Perth area.

### Revegetation

- Cost to rehabilitate site greatly increased if *Eucalyptus rudis* and *Eucalyptus gomphocephala* lost. Considerable cost and difficulty to replace over storey species to existing density. It would take several hundred years to replace them in terms of their function within that ecosystem.
- It should be noted that while initial revegetation costs to rehabilitate the whole site would be significant, the maintenance cost will decrease over time.
- If there is substantial loss of vegetation the on going maintenance costs of the site will be higher.
- Revegetation costs can be spread over 5 years to reduce initial upfront costs to Council as the area acts as viable a fauna corridor in its current state.
- Trees provide valuable seed bank for future revegetation projects in this area and other similar areas.
- Provide exiting trees genetic diversity of species as surrounding populations of Eucalypts decline.
- Removal of some *Eucalyptus rudis* may result in the decline in health of those remaining.

### Hydrology

- Removal of such a significant stand of *Eucalyptus rudis* and *Euclayptus gomphocephala* may cause alteration of hydrology of site which may impact on function of wetlands and affect groundwater levels.
- Expanding the hard stand surfaces (car parks) will contribute to pollutants moving into and affecting remaining wetland areas and groundwater.

### Public perceptions

- Removal of the trees may lead to the public perception that Cockburn is not retaining enough bushland. Continued urban development in Cockburn has resulted in loss of several tracts of natural areas. Much of this loss is unable to be controlled by Council due to current planning regulations. This site is under the control of Council and is a high visibility site and could be considered an ideal location for Council to show that it is committed to retaining significant stands of bushland and protecting wetlands within Cockburn.

- Approval of substantial development may contradict the ethos of Cockburn logo, Wetlands to Waves, and lead to the deterioration of the wetlands which Council is entrusted to protect.
- Allowing a substantial bushland linkage and installing fauna crossing points as part of the north lake road widening would allow Council to promote its green credentials.

#### Other matters to consider

- The concept plan points to fig trees being retained for historical purposes. This argument can also be applied to the Eucalypt stand.
- From a sustainability perspective Council should not be encouraging more car use by allowing development of additional car parking. Network City and Travel-smart principles should be promoted. Council should be encouraging the use of public transport.
- What justification is there for additional car parking?
- Examples of fig trees parasitising the stand of Eucalyptus. rudis which is unique and quite amazing

#### Option 1

This option has been revised from Option 1 considered by Council at its September 2008 meeting following discussion with Adventure World. There are no buildings proposed in this option. There is an overflow parking area of approximately 123 bays with significant trees protected and the ground treated with trafficable cells to allow water permeability.

- This option provides areas for Adventure World, Cockburn Ice Arena and Oceanic Water Babies.
- Provides for an area on the Adventure World portion of the land to be permanent parking and the balance to be over flow parking with conserved trees and water permeable ground treatment.
- Provides some vegetation linkage to the south of the lots to Bibra Lake and South Lake.
- Provides the opportunity to protect some of the more significant trees within the area designated as over flow parking.
- Provides some arboreal link between Tapper Lake and Bibra Lake.
- Does not meet the submitted option for Adventure World for the whole of the site.
- Does not meet Cockburn Ice Arena's submitted location on the present lot 22.
- Assists in addressing the parking issues experienced during summer due to Adventure World's activities.

*Environmental Services Section's View:*

- Fragments Beeliar Regional Park and allows little scope to retain a substantial bushland linkage between Bibra Lake and South Lake.
- Will result in the destruction of valuable habitat.
- The location of the proposed Adventure World car park and Water Babies will result in the loss of a substantial portion of the remaining stand of mature trees that are located in the multiple uses wetland. Many of these gums are quite old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- The proposed overflow parking under the existing trees may lead to soil compaction and be detrimental to the health of the remaining *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts).
- Does not allow for the minimum 50 metre buffer between Tappers Lake, a resource enhancement wetland, and the proposed Adventure World car park.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands. See attached position statement.
- The proposed Adventure World car park may result in the root disturbance of the heritage fig trees putting these trees at risk.
- Does not align with the objectives of the following Council's policies:-
  - Wetland Conservation Policy SPD5
  - Bushland Conservation Policy SPD1
  - Sustainability Policy SC37

Option 2

This option differs from Option 2 presented to Council at the September 2008 Council Meeting as it proposes the area to be used by Adventure World be only for car parking and with no buildings. Conceptually this is in accordance with the last proposal submitted by Adventure World.

- This option provides a reduced area for Adventure World, and meets the needs of the Cockburn Ice Arena and Oceanic Water Babies.
- Provides some vegetation linkage to the south of the lots to Bibra Lake and South Lake and conserves the established trees near Tappers Lake.
- Provides arboreal link between Tapper Lake and Bibra Lake.
- Does not meet the submitted option for Adventure World for the whole of the site.

- Does not meet Cockburn Ice Arenas submitted location on the present lot 22.
- Assists in addressing the parking issues experienced during summer due to Adventure World's activities.

*Environmental Services Section's View*

- Fragments Beeliar Regional Park and allows little scope to retain a substantial bushland linkage between Bibra Lake and South Lake.
- The location of the proposed Adventure World car park and Water Babies will result in the loss of a substantial portion of the remaining stand of mature flooded gums that are located in the multiple uses wetland. Many of these gums are quiet old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- Does not allow for the minimum 50 metre buffer between Tappers Lake, a resource enhancement wetland, and the proposed Adventure World car park.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands.
- The proposed Adventure World car park may result in the root disturbance of the heritage fig trees putting these trees at risk.
- Cockburn Ice Arena Water Storage is within vegetated linkage.
- Does not align with the objectives of the following Council's policies:
  - Wetland Conservation - Policy SPD5
  - Bushland Conservation - Policy SPD1
  - Sustainability Policy - SC37

Option 3

This option differs from that provided previously as it locates Oceanic Water Babies to the south of the site.

- Does not accommodate Adventure World on the site.
- Minimises the land for sale.
- Retains habitat value of flooded gums. These gums will provide an ideal focus for future rehabilitation work.

*Environmental Services Section's View*

- Allows greater connectivity/bushland linkage between South Lake and Bibra Lake.
- Minimises habitat destruction.
- Allows for retention of remaining stand of *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts) that are located in the multiple use wetland. Some of these trees are

estimated to be more than 300 years old and they have numerous hollows which act as nesting and breeding sites for local bird species. The trees provide an ideal connection between South Lake, Tappers Lake and Bibra Lake and will also provide an ideal focus and support base for future rehabilitation work.

- Existing trees provide an ideal focus for future rehabilitation work.
- Locates the Ice Arena on an area of degraded land.
- No impact on multiple uses wetland that contains the mature flooded gums and links to Tappers Lake which is a resource enhancement wetland if Water Babies were moved to south eastern side, south of the Ice Arena.
- Loss of mature flooded gums if Water Babies are not relocated.
- Cockburn Ice Arena water storage is within vegetated linkage.
- Would comply with the Water and Rivers (now DEC) Position Statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands if Water Babies were relocated. See attached Position Statement.
- Would provide adequate buffer between the development and Tappers Lake if Water Babies were located.
- Minimizes impact on heritage fig trees.
- Provides numerous location options to construct fauna underpasses when North Lake Road is upgraded.
- Most closely follows the objectives of the following Council's policies:
  - Wetland Conservation Policy SPD5
  - Bushland Conservation Policy SPD1
  - Sustainability Policy SC37

Second preferred option of Environmental Services provided that it protects the Flooded Gums and Tuarts.

#### Option 4

- Does not meet the needs of Oceanic Water Babies nor Cockburn Ice Arena.
- Provides an area of land for sale, notionally for Adventure World.

#### *Environmental Services Section's View:*

- Provides good connectivity/bushland linkage between South Lake and Bibra Lake.
- The location will result in the loss of a substantial portion of the remaining stand of *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts) that are located in the multiple use wetland. Some of these trees are estimated to be more than 300 years old and they have numerous hollows which act as nesting and breeding sites for local bird species. The trees provide an ideal connection between South Lake, Tappers Lake

and Bibra Lake and will also provide an ideal focus and support base for future rehabilitation work.

- Will result in the loss of any remaining natural vegetation and impact on the multiple uses wetland.
- Minimizes buffer to Tapper Lake which is an important resource enhancement wetland.
- Does not comply with the Water and Rivers (now DEC) Position Statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands.
- Does not align with the objectives of the following Council's policies:
  - Wetland Conservation Policy - SPD5
  - Bushland Conservation Policy - SPD1
  - Sustainability Policy - SC37

Option 5 (not shown in a plan form)

- Revegetation of the whole site will create strong vegetation link between South Lake and Bibra Lake.
- No land sales possible.
- Does not meet the requirements of any of the applicants.
- There will be a significant cost to revegetate all of lots 14 and 22.

*Environmental Services Section's View:*

- Provides best connectivity/bushland linkage between South Lake and Bibra Lake.
- No impact on Tappers Lake, a resource enhancement wetland.
- No impact on *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts) on mature flooded gums and multiple use wetland.
- Provides numerous location options to construct fauna underpasses when North Lake Road is upgraded.
- Complies with objectives of the following Council's policies:
  - Wetland Conservation Policy SPD5
  - Bushland Conservation Policy SPD1
  - Sustainability Policy SC37
- Most likely to be supported by Department of Environment and Conservation and Beeliar Regional Park Community Advisory Committee.
- Most likely supported and applauded by public.

Option 5 is supported by Environmental Services section as it protects all of the existing wetland and vegetation areas and provides for degenerated areas to be revegetated.



## Conclusion

Should Council support the approach of seeking a Local Structure Plan for the site, a requirement is for public advertising seeking comment. This process also requires the relevant government agencies to respond within an established timeframe which will greatly expedite the approval process.

In summary to progress the sale or lease of any portions of the site the following process is recommended.

- Council is to determine which concept plan option it supports.
- Instigate a Local Structure Plan process for the site.
- Council consider the submissions on the proposed Structure Plan.
- Council seek independent valuations for the land.
- Council advertise the sale of the land in accordance with Section 3.58 of the Local Government Act 1995.

Attention of Council is drawn to the status of the 640 bay car park used by Adventure World (Reserve 26954) which has access at no cost beyond the cleaning and maintenance of the area. There are no known legal arrangements between the City and Adventure World for the use of the car park area. Whilst it could be argued that the public using Bibra Lake and the adjoining landowners have some usage of the car park it is argued that the primary user of this area particularly during the summer months is Adventure World.

There will be great benefit to the community for any areas proposed to be conserved on Lot 14 and Lot 22 to be set aside as a reserve rather than held in freehold. This end could be achieved by the City negotiating with the Department of Planning and Infrastructure to swap the car park (Reserve 26954) for land held by the City in freehold and proposed to be set aside for conservation purposes. This would have the additional benefit of allowing the City to then negotiate with Adventure World for a market value lease for the car park area they currently use. Funds so raised could then be expended in accordance with the Bibra Lake Reserve Management Plan.

There is strong environmental justification for those areas that are not sold to be revegetated. The approximate cost of a revegetation program that runs over approximately 5 years to ensure a quality result is \$200,000 per hectare. Accordingly, the cost to revegetate for the options is as follows:

<u>Option</u>	<u>Approx. hectares for Revegetation</u>	<u>Total cost</u>
1	3	\$600,000
2	3.3	\$660,000
3	4	\$800,000
4	4	\$800,000
5	7	\$1,400,000

Balancing the environmental, economic and social benefits, it is recommended that Council adopt Option 2. It is open to Council to adopt Option 2 and not sell the land to Adventure World but rather enter a lease for a period of say 5 years for use as parking.

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

#### **Governance Excellence**

- To develop and maintain a financially sustainable City.

#### **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**

Funds required for the preparation of an Environmental Management Plan, land survey and legal costs associated with the preparation of documentation is available within the existing budget for a Local Structure Plan.

It is proposed that any funds generated from the sale of the land be utilised in accordance with the recommendation of the Bibra Lake Management Plan.

### **Legal Implications**

Local Government Act section 3.58 applies. The Western Australian Croatian Association (W.A.C.A.) also have a lease over lot 22 which has yet to be relinquished although the club is now in breach of the lease as they have sold lot 21 to another party and not constructed clubrooms on the site. The City is seeking to formally terminate the lease with the W.A.C.A.

### **Community Consultation**

Registrations of interest were advertised in the 'West Australian' newspaper on 2 February 2008, closing on 19 February 2008.

The local structure planning process requires a statutory consultation process.

### **Attachment(s)**

1. Concept Plan - Options 1 to 4
2. Multiple Use Wetlands Plan
3. Adventure World Parking – Reserve 26954
4. Extract from Draft Bibra Lake Management Plan
5. Information provided by Adventure World to support of their proposal.
6. Information provided by Cockburn Ice Arena and Oceanic Water Babies in support of their proposal.

### **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 11 December 2008 Council Meeting.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

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

Nil

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

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

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

**23. CONFIDENTIAL BUSINESS**

**23.1 (OCM 11/12/2008) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE (1192) (S CAIN) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 1 December 2008, and adopt the recommendations contained therein.

**COUNCIL DECISION**

**Background**

The Chief Executive Officer and Senior Staff Performance Appraisal Committee conducted a meeting on 1 December 2008. The minutes of the meeting and recommendations are required to be presented to Council for consideration.

**Submission**

The minutes of the Committee meeting are attached to the Agenda as confidential attachments. 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, become the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation as per Council's Standing Orders.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

As contained in the Minutes.

**Legal Implications**

As contained in the Minutes.

**Community Consultation**

N/A

**Attachment(s)**

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 1 December 2008 are provided to Elected Members as confidential attachments.

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

The directors have been advised by the CEO of the results of the Committee meeting, pending Council ratification.

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

As contained in the Minutes.

**24 (OCM 11/12/2008) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**