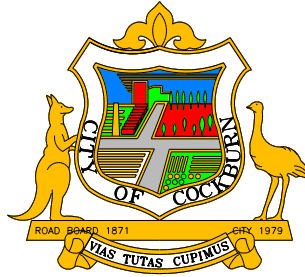


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 8 MARCH 2012**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 MARCH 2012 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, 8 MARCH 2012 AT 7:00 PM**

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

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
- 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
- 5. APOLOGIES AND LEAVE OF ABSENCE**
- 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 08/03/2012) - ORDINARY COUNCIL MEETING - 9 FEBRUARY, 2012**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 9 February 2012, 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)**

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

**13. COUNCIL MATTERS**

## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 (OCM 08/03/2012) - DRAFT SOUTHERN SUBURBS DISTRICT STRUCTURE PLAN - STAGE 3 - LOCATION: HAMMOND PARK - OWNER: VARIOUS (SM/M/017) (R COLALILLO) (ATTACH)

#### RECOMMENDATION

That Council

- (1) endorse the Draft Southern Suburbs District Structure Plan - Stage 3 ("Draft District Structure Plan") for the purposes of providing a guiding document to inform the preparation of future Local Structure Plans within the District Structure Plan area;
- (2) advertise the Draft District Structure Plan for a period of 42 days, with advertising to generally follow the procedural requirements established under Clause 6.2.8.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"); and
- (3) following advertising, consider the Draft District Structure Plan for endorsement as a guiding document in light of submissions or further information received during the advertising period.

#### COUNCIL DECISION

#### Background

Subdivision and development within the southern portion of Hammond Park has been guided by the Southern Suburbs District Structure Plan - Stage 3 ("SSDSP3") which was adopted by Council in August 2005. The area guided by the SSDSP3 relates to the area of land on the western side of the Kwinana Freeway, south of Gaebler Road to Rowley Road, Hammond Park and from the Freeway west along Wattleup Road. The SSDSP3 area is shown in Attachment 1.

Since the original SSDSP3 was adopted, a number of factors have led to the need for the City to undertake a comprehensive review of the plan. This review has now been completed and the purpose of this

report is to consider the updated Draft District Structure Plan for endorsement for public advertising.

### **Submission**

N/A

### **Report**

#### Planning Framework

The Draft District Structure Plan area is predominantly zoned 'Urban' under the Metropolitan Region Scheme and 'Development' under the City's Scheme.

The Scheme details several Development Areas which require the preparation of LSP's in order to coordinate future subdivision and development. These LSP's are adopted under the statutory process prescribed by Clause 6.2 of the Scheme, which results in LSP's (once adopted) forming part of the Scheme. Once adopted, all zones, reservations, land use permissibility and the like which are designated within LSP's function as if they were designated by the Scheme. This is as per the powers conferred by Clause 6.2.6.3 of the Scheme.

In areas of highly fragmented land ownership it is often difficult to coordinate individual LSP's without some form of broader district framework in which to guide planning. This is overcome through the preparation of District Structure Plans to act as 'guiding documents' for future structure planning processes. These sit outside of the Scheme by necessity, however do provide a degree of policy guidance appropriate to the assessment of Local Structure Plans under the Scheme.

#### Existing Southern Suburbs District Structure Plan Stage 3

The existing SSDSP3 was adopted by Council in August 2005, and has provided the framework for the structure planning and subdivision of several major landholdings within in the northern portion of the subject area (e.g. Hammond Rise Estate). In the time that has elapsed since the existing SSDSP3 was adopted, a number of factors and State Government decisions have arisen which have prompted the need for its review.

In particular, the Public Transport Authority has confirmed the location of the future Mandogalup Train Station south of Rowley Road, which differs from its location on the existing SSDSP3. The Department of Planning ("DoP") has confirmed that Rowley Road is identified as a strategic freight route, which has implications for proposed future land



uses in this area. The Western Australian Planning Commission (“WAPC”) also resolved to extend the Kwinana Industrial (including Air Quality) Buffer by an additional 0.5 kilometres which means it now extends into the SSDSP3 area. This has also been the subject of a recent State Administrative Tribunal appeal, which has resulted in advice being given that the buffer issue needs further examination.

In addition to these issues, given the timing of the update, it is necessary to ensure the SSDSP3 is consistent with all current government strategic planning initiatives (e.g. Directions 2031 and beyond, Liveable Neighbourhoods – Edition 4).

### Draft Southern Suburbs District Structure Plan Stage 3

The Draft District Structure Plan is provided within the attachment to this report and includes the following components:

1. A Draft District Structure Plan report;
2. The Draft District Structure Plan spatial map;

The Draft District Structure Plan will provide an overall planning framework to guide future LSP’s, given the fragmented nature of landownership which exists.

### Design Principles

The Draft District Structure Plan has been prepared on Liveable Neighbourhoods design principles, and allows for future development of the land for urban purposes in a co-ordinated manner. It aims to provide for an appropriate response to the environmental characteristics of the land, as well as providing a mixture of residential densities based around a highly permeable neighbourhood design.

It is consistent with the WAPC’s Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon (“Directions 2031”) as it provides for a range of residential densities and housing types. Medium to high density housing will be located in high amenity areas, such as adjacent to neighbourhood centres and public open space reserves.

The Draft District Structure Plan retains the existing major road network, while providing for a new east-west road connection between Hammond Road and Barfield Road. An interconnecting network of shared paths will also be provided, utilising the existing road network and new local roads. New pedestrian links will also provide connections to the proposed neighbourhood centres and new areas of public open space.

The public open space strategy adopted by the Draft District Structure Plan, balances environmental, recreational and drainage objectives through an integrated open space, conservation and drainage network.

### Summary of Modifications to Existing SSDSP3

The Draft District Structure Plan continues to provide guidance for the preparation of LSP's over the subject land by prescribing the broad land use framework including the major road network, neighbourhood structure, commercial, education, community and significant open space areas. The major changes from the original SSDSP3 and the Draft version can be seen by comparing Attachments 2 and 3 of this report. The rationale for the respective modifications is explained below.

### Removal of 'Future Mandogalup Railway Station'

As detailed previously, the Public Transport Authority have confirmed that if and when the Mandogalup railway station is constructed, it will be located to the south of Rowley Road. Although its exact location has not yet been determined, its position south of Rowley Road is reaffirmed by the WAPC's 'Draft Outer Metropolitan Perth and Peel Sub-regional Strategy'. As such there is no longer a demand for a local centre and high density residential development within the south east of the SSDSP3 to support the relocated railway station.

### Exclusion of land affected by Alcoa Air Quality Buffer

In 2010 as part of the broader Kwinana Industrial Buffer review process, and based on advice from the Department of Health and Department of Environment and Conservation, the WAPC resolved to extend the buffer surrounding Alcoa's Mandogalup Residue Disposal Area.

The expanded buffer includes a 1 kilometre area where future residential expansion is restricted (within the Town of Kwinana), with an additional 0.5 kilometres beyond this (into Wattleup and Hammond Park) also restricting residential expansion and development of some other sensitive land uses (i.e. kindergartens, hospitals and aged persons housing). The purpose of the additional buffer area was to recognise uncertainties related to the level and frequency of impacts from the Alcoa Residue Disposal Area and Kwinana Industrial Area more broadly. Attachment 5 to this report highlights the expanded buffer area. The WAPC advised that the extended portion of the buffer will be reviewed in five years time to ensure that its extent and location reflects the current conditions in the area.

The implication/s of the buffer was recently considered by the State Administrative Tribunal (“SAT”) in the case of Wattleup Road Development Company Pty Ltd and Western Australian Planning Commission [2011] WASAT 160. The case concerned an application for review of the refusal by the WAPC of a residential subdivision application within the southern portion of the SSDSP3 area. The SAT ultimately affirmed the WAPC’s decision to refuse subdivision approval.

The following findings of the SAT in the matter directly relate to the SSDSP3 review –

1. *The Tribunal found that there is a threat of serious or irreversible environmental damage for residents of the proposed subdivision in relation to dust from the residue disposal area and the sand quarry. The Tribunal also found that there is scientific uncertainty as to the environmental damage. The conditions precedent to the satisfaction of the precautionary principle was therefore established. Consequently, a precautionary measure may be taken to avert the anticipated threat of environmental damage, provided that it is proportionate to the threat. The Tribunal determined that precluding subdivision until adequate air quality monitoring at the site demonstrates acceptability is proportionate to the threat, appropriate and cost-effective. The Tribunal found that adequate air quality monitoring would require prior consultation with the Department of Environment and Conservation, monitoring for a period of at least 12 months and assessment and reporting in relation to relevant health and amenity standards and chemical composition of dust.*
  
2. *The Tribunal found that no weight should appropriately be placed on the definition by the Western Australian Planning Commission of an off-site buffer from the residue disposal area affecting the site, because of significant methodological concerns in relation to the scientific assessment utilised for the purpose of establishing the buffer. The Tribunal observed that it would seem sensible for the air quality monitoring and assessment in relation to the site referred to in the previous paragraph to inform the confirmation or variation of the buffer by the Western Australian Planning Commission. The Tribunal also suggested that, in light of the significant methodological concerns raised in the evidence and the inadequate duration of the monitoring that underlay the scientific assessment used by the Western Australian Planning Commission to define the buffer, the buffer should not be reflected in the town planning framework at this stage, and*

*that any amendment of the planning framework in this respect should await the results of the air quality monitoring and assessment at the site.*

Given the above, the City proposes to designate the area affected by the buffer within the SSDSP3 as 'subject to future structure planning'. The decision not to exclude the area entirely from the SSDSP3 reflects the future desire for residential or compatible development to occur within this area subject to the appropriate modelling and environmental studies being undertaken. This is in line with the advice of the SAT, providing that current modelling which was used to prepare the buffer should be given no weight, and needs to be undertaken again. Once this has been completed and the actual implications known, appropriate structure planning can then take place for this land.

#### Areas adjacent to Rowley Road

In August 2011, the WAPC established a Planning Control Area for the future extension of Rowley Road west from the Kwinana Freeway. This was to protect the road corridor pending its inclusion as a Primary Regional Roads Reserve under the MRS as it is currently zoned 'Urban Deferred'. Given that the upgrading of Rowley Road to a freight corridor standard will occur some time in the future, it is necessary to plan for an appropriate interface to urban development within the SSDSP3.

The City's preference at this stage is for no future residential development to directly abut the Rowley Road reserve. For future LSP's there will need to be further planning to demonstrate a suitable interface treatment (e.g. linear public open space, service road design with fronting residential development) being provided.

#### Residential Densities

Directions 2031, adopted by the WAPC in August 2010, seek a 50 per cent increase in the current average residential density of 10 dwellings per gross urban zoned hectare; and, have set a target of 15 dwellings per gross urban zoned hectare of land in new development areas. This translates to 18,280 new dwellings as part of greenfield development opportunities within the City of Cockburn. In addition, the WAPC's Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy identifies the subject area as an 'Urban Zone Undeveloped' area with the potential to deliver 3000+ dwellings in the future.

In order to meet these targets, it is necessary to increase the residential densities applicable to the SSDSP3 area. The SSDSP3's previous 'Urban Density Targets' which are considered low by current planning initiatives, have therefore been replaced. Densities are now

graphically represented on the plan as 'High' or 'Medium' however these are indicative only and will be refined at the LSP stage in accordance with the locational criteria set out in the SSDSP3 report. The base coding/minimum density applicable to the SSDSP3 area is consistent with Directions 2031 in requiring 15 dwellings/ha generally and 25 dwellings/ha in areas near 'centres' and areas of 'amenity'.

### Conclusion

It is recommended that Council endorse the Draft District Structure Plan for the purposes of landowner and community consultation. Officers are of the view that it adequately responds to the site characteristics of the land, and provides a robust guideline to help in the preparation of future LSP's. It is recommended that the Draft District Structure Plan be advertised for community consultation for a period of 42 days, following which the Draft District Structure Plan will be presented back to Council for formal endorsement in light of any submissions and further information which may be received during advertising.

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

#### **Demographic Planning**

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

#### **Infrastructure Development**

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

The Draft District Structure Plan falls within Draft Development Contribution Areas 9 – Hammond Park and 10 – Wattleup which are the subject of Amendment No. 28 to the Scheme and is yet to be formally approved by the WAPC. However, recent advice from the DoP has indicated that the Amendment is likely to proceed to the approval stage subject to modifications and readvertising being undertaken by the City. It is the City's preference to advertise the modified Amendment at the same time as advertising the Draft District Structure Plan.

Although still draft at this stage, Amendment No. 28 is a seriously entertained proposal and as such its requirements have been implemented through the use of legal agreements with subdividers. Once adopted, all landowners within DCA's 9 and 10 will be required to make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Southern Suburbs Stage 3 Development Contribution Areas.

Subdivision and development within the SSDSP3 area is also subject to the requirements of the City's Development Contribution Plan 13 – Community Infrastructure.

### **Legal Implications**

It is proposed to retain the Draft District Structure Plan as a guiding document. It is important this distinction is made from a LSP, given the way in which the Scheme deals with a LSP as an extension to the statutory requirements of the Scheme.

### **Community Consultation**

Once adopted as a draft, it is recommended that the Draft District Structure Plan be advertised for a period of 42 days. Advertising is to be undertaken generally in accordance with the procedural requirements established under Clause 6.2.8.1 of the Scheme.

### **Attachment(s)**

1. Location Plan
2. Existing Southern Suburbs District Structure Plan - Stage 3 Map
3. Draft Southern Suburbs District Structure Plan - Stage 3 Map
4. Draft Southern Suburbs District Structure Plan - Stage 3 Report
5. Revised Kwinana Industrial (including Air Quality) Buffer

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

N/A

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

Nil.

**14.2 (OCM 08/03/2012) - CLOSURE OF WESTERN POWER PADMOUNT SITE LOCATION: SIGNAL TERRACE COCKBURN CENTRAL OWNER: AUSTRALAND HOLDINGS PTY LTD APPLICANT: JBA SURVEYS (6010445) (L GATT) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) advise the applicant that Western Power has agreed in principal to the closure of the padmount site once the works to provide a substation at an alternate location have been completed;
- (2) once evidence of a written advice from Western Power has been provided that the works have been completed and the alternate substation is completed, requests the Minister for Lands to close portion of Signal Terrace, Cockburn Central which encompasses the Western Power padmount site in accordance with Section 58 of the *Land Administration Act 1997*;
- (3) supports the land resulting from the road closure being purchased by the adjoining landowner (Australand Holdings Ltd) as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of this decision accordingly.

**COUNCIL DECISION**

**Background**

A request has been received on behalf of the adjoining landowner to close portion of Signal Terrace, Cockburn Central which encompasses a Western Power padmount site adjoining Lot 8 Signal Terrace. The purpose of this report is to consider this request.

**Submission**

By way of letter, JBA Surveys requested that the City initiate the closure of the portion of Signal Terrace, Cockburn Central (refer to Attachment 1). The subject area is a Western Power padmount site

adjoining Lot 8 Signal Terrace, Cockburn Central (refer to Attachment 2). The proponent has agreed in writing to meet all costs associated with the proposed road closure, a copy of which is provided within Attachment 1.

### **Report**

At the time of creating Lot 8 Signal Terrace, a small road widening of 17m<sup>2</sup> was created to accommodate a Western Power transformer. This now conflicts with the proposed development for Lot 8, and accordingly the developer has agreed with Western Power to include a Western Power transformer elsewhere within the future development. Western Power has agreed in principal to the closure of the padmount site however they require that the works which will include the new padmount site be completed prior to the closure.

As the padmount site sits within a portion of the adjoining Stockton Bend road reserve, formal road closure processes must occur to allow the land to be transferred into the Certificate of Title of the adjoining Lot 8.

Telstra have advised that they have assets in this area and the applicant has been advised of the requirements of Telstra in relation to dealing with their assets. Telstra have also advised that they have no objection to the closure of the padmount site. There is no other utility infrastructure in the Western Power padmount site, and all other service providers have responded advising that they have no objections to the proposal.

It is recommended that Council support the request, but only once evidence is provided by Western Power that they are satisfied that the works, which will include the new transformer site, have been completed. Once this written advice has been provided, it is recommended Council write to the Minister for Lands requesting formal closure of the portion of Signal Terrace in accordance with Section 58 of the *Land Administration Act 1997*.

### **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**

The proponent will be required to meet all associated costs.

**Legal Implications**

To be undertaken in accordance with Section 58 of the *Land Administration Act 1997*.

**Community Consultation**

Advertised on 10 January 2012, in accordance with Section 58 of the *Land Administration Act 1997*. No objections have been received

**Attachment(s)**

1. Letter of request from JBA Surveys
2. Location Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 March 2012 Council Meeting.

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

Nil.

**14.3 (OCM 08/03/2012) - PROPOSED SCHEME AMENDMENT NO. 90 - LOCATION: LOTS 1, 803 & PORTION OF LOT 802 YANGETUP ROAD; LOTS 7, 99, 146 & 147 HAMMOND ROAD; PORTION OF LOCAL ROAD RESERVE AND; LOT 4308 BEELIAR DRIVE, COCKBURN CENTRAL - OWNER: ALESSANDRINE/CITY OF COCKBURN - APPLICANT: BURGESS DESIGN GROUP (93090) (M CARBONE) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) In pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Amendment No. 90 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:
1. Rezoning Lots 1 and 803 Yangebup Road; Portion of Lot 802 Yangebup Road; Lots 7, 99, 146 and 147 Hammond Road; Portion of Local Road Reserve and; Lot 4308 Beeliar Drive, Cockburn Central from 'Light and Service Industry' and 'Local Centre' to 'Development' zone with a 'Development Area 35' designation as shown on the Scheme Amendment Map;
  2. Amending the Scheme Map accordingly; and
  3. Amending Schedule 11 – Development Areas, contained within the Scheme Text by inserting a new DA 35 – Cockburn Central West as follows:

**Schedule 11 Development Areas**

| REF. NO. | AREA                                     | PROVISIONS   |
|----------|--|--|
| DA 35    | Cockburn Central West (Development Zone) | <ol style="list-style-type: none"> <li>1. An approved Local Structure Plan adopted in accordance with Clause 6.2 of the Scheme shall apply to the land to guide subdivision, land use and development.</li> <li>2. The Structure Plan is to provide for future commercial, retail and mixed business development and compatible uses incidental thereto. The extent of such uses will be subject to the preparation and approval by Council of an economic/retail impact assessment prepared in accordance with State Planning Policy No. 4.2.</li> <li>3. Land uses classified in the Structure Plan apply in accordance with Clause 6.2.6.3.</li> <li>4. All development shall be in accordance with Detailed Area Plans and/or Design Guidelines prepared and approved by Council under Clause 6.2.15 of the Scheme.</li> </ol> |

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|  |  | <p>5. The adopted Local Structure Plan must be accompanied by a comprehensive traffic assessment, including a Vehicle Access and Parking Strategy, addressing the function of the 'Main Street' and industrial through traffic, as well as protecting the regional functionality of Beeliar Drive, to the satisfaction of Council.</p> <p>6. The adopted Local Structure Plan must address and resolve the implementation and land swap arrangements as contained in the legal agreement and contract of sale between the proponent and City of Cockburn, signed 22 January 2001.</p> <p>7. All future development that fronts the north-south road through the site must be based on 'Main Street' principles and addressed in Detailed Area Plans and/or Design Guidelines.</p> |
|--|--|---|

(2) as the amendment is in the opinion of Council consistent with Regulation 25(2) of the *Town Planning Regulations 1967* ("Regulations"), and upon the preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.

**COUNCIL DECISION**

**Background**

The subject land is bounded by Yangebup Road to the north, Hammond Road to the east, Beeliar Drive to the south and the Beeliar Regional Recreation Reserve to the west (refer Agenda Attachment 1 for a copy of the location plan).

The site has been operating as the Tony Ale Markets for a number of years and more recently a Waldecks Nursery and the West 'n' Fresh Fishmongers have established in new buildings on the site. There are also three existing houses located on the site. These uses operate on the eastern portion of the site with the majority of the site being vacant (refer Agenda Attachment 2 for an aerial photograph of the site).

The Hammond Road/Beeliar Drive intersection is currently configured as a staggered intersection whereby Hammond Road meets Beeliar Drive with two separate T-junction intersections that are 150m apart. This current intersection configuration does not function adequately from a traffic safety and management point of view and the City of Cockburn is proposing to realign Hammond Road (north of Beeliar Drive) so that it aligns with Hammond Road to the south of Beeliar Drive to form a four-way intersection. The proposed Scheme amendment takes into account these proposed changes.

### **Submission**

Burgess Design Group on behalf of the Alessandrini family, the owners of the subject site, has lodged a Scheme amendment proposal to rezone the site to 'Development' and 'Development Area 35'.

### **Report**

#### Subject Site and Zoning

Agenda Attachment 1 shows the location of the subject site and the following table provides further details.

| <b>Address</b>                  | <b>Land area (ha)</b> | <b>Owners</b>              |
|---------------------------------|-----------------------|----------------------------|
| Lot 1 Yangebup Road             | 1.0197                | Alessandrini               |
| Lot 802 Yangebup Road           | 1.5595                | Alessandrini               |
| Lot 803 Yangebup Road           | 0.9036                | Alessandrini               |
| Lot 7 Hammond Road              | 2.2283                | Alessandrini               |
| Lot 99 Hammond Road             | 1.2903                | Alessandrini               |
| Lot 4308 Beeliar Drive          | 0.3597                | Alessandrini               |
| Lot 147 Hammond Road            | 0.0666                | City of Cockburn           |
| Lot 146 Hammond Road            | 0.0987                | City of Cockburn           |
| Portion of Hammond Road reserve | 0.1715                | State of Western Australia |

The proposal incorporates a number of lots that make up the Tony Ale site. A small portion of land owned by the City and a portion of road reserve have been added to the proposed Development zone to reflect proposed changes to the alignment of Hammond Road which the City of Cockburn is undertaking.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme, except for a portion of the existing Hammond Road which is

reserved as 'Other Regional Roads'. While logically part of the area, this is excluded from the proposed rezoning due to the operation of regional reservations under Section 126 of the *Planning and Development Act 2005*. Under the City's Town Planning Scheme, the majority of the site is zoned 'Light and Service Industry' with a portion of the site zoned 'Local Centre'. There is also a small portion which exists as a Local Road Reserve.

### Scheme Amendment Proposal

The Scheme amendment proposes to rezone the subject site to 'Development' and 'Development Area 35'. Refer to agenda Attachment 3 which illustrates the existing and proposed changes to the City's Town Planning Scheme.

The purpose of the 'Development' zone in this instance is to provide for structure planning to guide mainly commercial development in a comprehensive manner. The 'Development Area 35' provisions allow Council to apply requirements to the future structure plan. A set of requirements have been developed and are provided below:

| REF. NO. | AREA                                     | PROVISIONS   |
|----------|--|--|
| DA 35    | COCKBURN CENTRAL WEST (DEVELOPMENT ZONE) | <ol style="list-style-type: none"> <li>1. An approved Local Structure Plan adopted in accordance with Clause 6.2 of the Scheme shall apply to the land to guide subdivision, land use and development.</li> <li>2. The Structure Plan is to provide for future commercial, retail and mixed business development and compatible uses incidental thereto. The extent of such uses will be subject to the preparation and approval by Council of an economic/retail impact assessment prepared in accordance with State Planning Policy No. 4.2.</li> <li>3. Land uses classified in the Structure Plan apply in accordance with Clause 6.2.6.3.</li> <li>4. All development shall be in accordance with Detailed Area Plans and/or Design Guidelines prepared and approved by Council under Clause 6.2.15 of the Scheme.</li> <li>5. The adopted Local Structure Plan must be accompanied by a comprehensive traffic assessment, including a Vehicle Access and Parking Strategy, addressing the function of the 'Main Street' and industrial through traffic, as well as protecting the regional functionality of Beeliar Drive, to the satisfaction of Council.</li> <li>6. The adopted Local Structure Plan must address and resolve the implementation and land swap arrangements as contained in the legal agreement and contract of sale between the proponent and City of Cockburn, signed 22</li> </ol> |

|  |  |  |
|--|--|--|
|  |  | <p>January 2001.</p> <p>7. All future development that fronts the north-south road through the site must be based on 'Main Street' principles and addressed in Detailed Area Plans and/or Design Guidelines.</p> |
|--|--|--|

Dealing with land use and design through the structure planning process is appropriate in areas requiring comprehensive planning such as the subject site. Rezoning the site 'Development' and 'Development Area 35' establishes the necessary statutory framework to require a comprehensive structure plan to occur. The structure plan will need to address a wide variety of issues, with the most significant of these captured through the proposed Development Area provisions.

The current uses on the site have developed and evolved over time and are concentrated on the eastern portion of the site along Hammond Road. The location of the current Tony Ale Market does not match the specific location of the 'Local Centre' zone depicted on the Scheme Map and rezoning the land provides the opportunity to resolve this anomaly, and look to also evolve the land precinct in a comprehensive way.

#### Concept and Principles Plan

The Scheme amendment proposal incorporates a principles plan which provides general principles about how the site may develop (refer Agenda Attachment 4). The general principles include the following:

- The creation of a 'main street' linking Beeliar Drive (near Kemp Road) and Hammond Road with the alignment and extent to be determined through the structure planning process;
- Limiting access to Beeliar Drive to key intersection locations with the location and type of intersections to be determined through the comprehensive structure planning process;
- Concentrate retail uses such as the Tony Ale fruit and vegetable market along the 'main street' with Mixed Business and showrooms generally throughout the remainder of the site; and
- Recognises the City's plans to realign Hammond Road and rationalise the redundant road reserve into the Development zone, excluding however the 'Other Regional Roads' reservation of the MRS.

The principles plan provides broad (non statutory) concepts about how the site may develop which is sufficient information to provide at this early planning stage. The subsequent structure planning process will need to develop very significant planning issues focussing upon a range of traffic, planning and environmental investigations as well as suitable discussions and negotiation with key stakeholders. Economic economic/retail impact assessment will also need to be prepared in

accordance with State Planning Policy No. 4.2. It needs to be emphasised that structure planning may depart from the principles plan depending on the outcomes of investigations.

It is noted that an assessment on the possible road linkages and traffic intersections shown on the principles plan have not been comprehensively justified through a traffic assessment. The proposed Development Area 35 provision specifically requires a comprehensive traffic assessment, including a vehicle access and parking strategy, which addresses the function of the 'Main Street' and industrial through traffic, as well as protecting the regional functionality of Beeliar Drive, to be undertaken to the satisfaction of Council. This is important to note.

#### Design Guidelines/Detailed Area Plans

The Scheme amendment and future structure plan will accommodate a variety of uses such as showroom and warehousing with more intense uses along the 'main street' such as shop and retail uses. Careful consideration will need to be given to the design of the 'main street' and how the buildings interact with the public realm to ensure the 'main street' functions as a vibrant and active street. Likewise the future extent of these users needs to be underpinned economic/retail impact assessment prepared in accordance with State Planning Policy No. 4.2.

Suitable controls will also need to be in place for the proposed mixed business portion of the site which is likely to accommodate a range of uses such as showrooms and warehousing, similar to the Cockburn Commercial Park and the adjoining Yangebup Business Park.

The proposed DA 35 provisions require Design Guidelines/Detailed Area Plans to guide future development.

#### Local Commercial and Activity Centre Strategy

The Cockburn Local Commercial Strategy does not identify commercial activity on the subject land, even though a portion of the site (at the corner of Hammond Road and Beeliar Drive) is zoned 'Local Centre' and the existing Tony Ale markets have been operating from the site for a number of years.

The City of Cockburn is currently reviewing the Local Commercial Strategy which will be relabelled as a Local Commercial and Activity Centre Strategy ("LCACS") which is consistent with the new approach under State Planning Policy 4.2 (SPP 4.2) *Activity Centres for Perth and Peel*. Council at its meeting held on the 8 December 2011 resolved

to prepare the LCACS and request the Western Australian Planning Commission's consent to advertise, which the City is awaiting.

Under SPP 4.2 there is a significant shift in how activity centre planning is to be undertaken. This shift has seen a move in focus away from land use based 'input' controls for activity centre development (e.g. retail floorspace caps) to performance based measures of activity. The SPP introduces a focus on developing vibrant, sustainable and resilient centres.

Identifying the subject site as an activity centre was omitted from the original draft LCACS on the basis of further investigations needing to take place. These investigations have now caught up to the process of the LCACS, and as such the draft version of the LCACS submitted to the WAPC includes the site as an activity centre. The WAPC will consider this as part of granting its consent to advertise the LCACS.

The future structure plan will need to be in accordance with the principles and objectives of the LCACS and SPP 4.2. It is noted that the proposed DA35 provisions indicate the extent of retail uses will require the preparation and approval of an economic/retail impact assessment prepared in accordance with State Planning Policy 4.2.

#### Legal Agreement and Land Swap

There is currently a legal agreement and contract of sale in place between the City of Cockburn and the proponent (Alessandrini family), which requires the City of Cockburn to transfer in fee simple its land adjoining Lot 677 (old road reserve) (now Lot 802) to the Alessandrini's in exchange for Lot 147 and a 2,706m<sup>2</sup> portion of Lot 677. This is demonstrated in Agenda Attachment 5.

The transfer of land was not subject to any transfer of funds, with both land parcels being valued at the same amount.

The old road reserve was transferred to the Alessandrini's and Lot 147 to the City of Cockburn in 2001. Lot 677 (now Lot 802) still remains under the ownership of the Alessandrini's and the rezoning, structure plan and subdivision process provides an opportunity to complete the land swap.

The transfer of Pt lot 677 could therefore logically occur during the subdivision phase of the current rezoning and structure planning development proposal, or sooner as directed by Council. The proposed DA 35 provisions recognise the legal agreement requirements.



### Hammond Road realignment

The current configuration of the Hammond Road/Beeliar Drive intersection does not function adequately from a traffic safety and management point of view. The City of Cockburn is in the process of designing the realignment of Hammond Road (north of Beeliar Drive) so that it aligns with Hammond Road to the south of Beeliar Drive to form a four-way intersection controlled with traffic lights. The Scheme amendment acknowledges the proposed changes. The realignment of Hammond Road over privately owned properties have not been included given it is still in design stage and subject to specific negotiation between the City and those private landowners to the east of this subject proposal. This will need to be the subject of a separate Scheme amendment and suitable negotiations by Council once the final design of the new intersection is complete.

### Conclusion

The rezoning of the subject site to 'Development' and 'Development Area 35' sets up the planning framework to enable the preparation of a comprehensive structure plan for the site. Appropriate requirements have been added to the proposed Development Area 35 provisions to guide future development and recognise previous agreements.

It is therefore recommended that Council proceed to initiate the Scheme amendment.

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

#### **Demographic Planning**

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

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

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

#### **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 Scheme Amendment fee for this proposal has been calculated in accordance with the *Planning and Development Regulations 2009*,

including the cost of advertising and this has been paid by the applicant.

Realigning Hammond Road to accommodate a four way intersection provides the opportunity to rezone Council owned land and a former local road reserve to create a future development site. The money generated from the sale of the future development site can offset some of Council's costs associated with acquiring land and constructing the realignment of Hammond Road and the associated four way intersection.

### **Legal Implications**

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

### **Community Consultation**

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days

### **Attachment(s)**

1. Location plan
2. Aerial photograph
3. Proposed Scheme amendment plan
4. Principles plan
5. Transfer of land plan
6. Concept Plan for Hammond Road realignment

### **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 8 March 2012 Council Meeting.

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

Nil.

**14.4 (OCM 08/03/2012) - PROPOSED STRUCTURE PLAN - LOT 2 LYON ROAD, AUBIN GROVE - OWNER: QUMARS MESHGIN / BUILD EX CONSTRUCTION - APPLICANT: THIERFELDER CONSULTING (SM/M/060) (C HOSSEN) (ATTACH)**

**RECOMMENDATION**

That

- (1) adopts the Structure Plan for Lot 2 Lyon Road, Aubin Grove pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), subject to the following:
  1. That Section 1.5 of the Structure Plan report be amended and an annotation be included on the Structure Plan map to include the requirement for all lots to be included in a Detailed Area Plan ("DAP"). Any such DAP is to be consistent with Clause 6.2.15 of the Scheme and the City's Local Planning Policies.
  2. That an annotation be included on the structure plan map that states that on-street car parking bays are to be indicated on DAPs prior to subdivision to the satisfaction of the City.
- (2) subject to compliance with (1) above, in pursuance of Clause 6.2.10.1 of the Scheme, the Proposed Structure Plan be sent to the Western Australian Planning Commission for endorsement;
- (3) endorse the schedule of submissions prepared in respect of the structure plan;
- (4) advise landowners within the structure plan area and those who made a submission of Council's decision accordingly; and
- (5) advise the proponent that Developer Contribution Area 13 – Community Infrastructure is now in operational under the Scheme. Landowners subdividing to create residential allotments and/or developing grouped/multiple dwellings will therefore be required to make contributions in accordance with this new developer contribution plan.

**COUNCIL DECISION**

## **Background**

The subject land area is approximately 3 hectares, and is located within the southern section of Aubin Grove. The subject land is bound by residential development (The Walk Estate) to the north, Lyon Road to the east, residential development (Lyon Court Estate) to the south and the Kwinana Freeway/Rowley Road off ramp to the west. Refer to Attachment 2.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is located within Development Contribution Area No. 13 ("DCA 13").

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted to guide future subdivision and development. The purpose of this report is to consider a Proposed Structure Plan for the subject land for adoption.

## **Submission**

Thierfelder Consulting on behalf of the landowner, Qumars Meshgin / Buildex Construction, has lodged a Proposed Structure Plan for the subject land.

## **Report**

The Proposed Structure Plan as shown within Attachment 3 provides for predominately residential development, with public open space ("POS") and a local centre; it is anticipated that the Proposed Structure Plan will yield approximately 58 lots and 75 dwellings.

The Proposed Structure Plan satisfies the density objectives, POS requirements and provides a suitable local road network connection. There is however some minor issues which will require modification to the Proposed Structure Plan, and these are discussed specifically following. Subject to these modifications, the Proposed Structure Plan is recommended for adoption by Council.

### Local Centre

A 'Local Centre' has been identified as part of the Proposed Structure Plan within the south east corner of the subject land. This is considered a positive aspect, in terms of promoting a small neighbourhood focus for the area and encouraging walkability by residents. In order to ensure the future design and functionality of the 'Local Centre' and surrounding mixed use areas, a Detailed Area Plan will be required prior to subdivision. It is recommended that a suitable notation be added to the Proposed Structure Plan to make this clear.

### Residential Density

Proposed densities allow for the provision of a variety of lot sizes and are conducive to the densities found in the surrounding residential developments.

The inclusion of the primarily East-West running laneway will ensure that the R40 zoned lots facing Latteri Turn are sympathetic to the existing development and will not detract from the existing character of the neighbourhood.

### Public Open Space

As per Objective 5, Element 3 – Lot Layout of Liveable Neighbourhoods, it is important that lots facing POS areas address both the POS and the street. Detailed Area Plans should be implemented in such areas to ensure optimal design outcomes occur.

### On Street Parking/Visitor Parking

It has been identified by multiple submissions and subsequent visits to site that the residential development to the South of the subject land (Lot 1 Lyon Road) is subject to issues linked to a lack of structured on-street car parking as well as other car parking issues. This has created a problematic situation for the area, especially in terms of rubbish truck access and having spaces available for visitors to park.

No on-street car parking is indicated on the Proposed Structure Plan. It is deemed appropriate, considering the issues discussed above, to modify the Proposed Structure Plan to include a notation that on-street car parking be included on Detailed Area Plans prior to subdivision to the satisfaction of the City.

### Traffic Noise

Lots identified as having impact from road noise leading to possible detrimental resident impact are to be included in a Detailed Area Plan. This will provide for appropriate quiet house design to take place where such is identified as necessary under the Detailed Area Plan.

An Acoustic Report has been prepared and satisfies the requirements of the City and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

A sound acoustic wall is to be installed on the Western boundary of lots facing the Kwinana Freeway Road Reserve.

### Community Consultation

The proposed Structure Plan was advertised for public comment from 1 November 2011 to 21 November 2011. All of the submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 4).

Seven submissions were received from government agencies and servicing authorities; none of these objected to the proposal.

One submission was received on behalf of landowners with interests directly to the north of the subject land, located within 'The Walk Estate'. This submission offered general in principle support for the Proposed Structure Plan while highlighting the following areas of concern.

1. Interfacing with existing residential development;
2. Construction of Latteri Turn;
3. Provision of on-street and visitor parking; and
4. Preparation of Detailed Area Plans for lots smaller than 350sqm.

Two submission indicating concern was received from landowners adjoining the Structure Plan area. Each of the specific concerns raised in the submission are addressed in the Schedule of Submissions (Attachment 4).

The concerns raised by the two submissions can be broadly categorised into the following areas:

1. Development potential of individual lots exceeding what was expected or implied.
2. Two story residential development.
3. Parking and Access (particularly on-street and visitor parking).

### Conclusion

It is recommended that Council approve the Proposed Structure Plan for Lot 2 Lyon Road, Aubin Grove with modification, and pursuant to Clause 9.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

### **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 community facilities that meet community needs.
- 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**

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent.

### **Legal Implications**

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on November 21 2011

### **Community Consultation**

Public consultation was undertaken between 1 November 2011 and 21 November 2011. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 4).

### **Attachment(s)**

1. Location Plan
2. Site Context Plan
3. Proposed 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 the 8 March 2012 Council Meeting.

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

Nil.

**14.5 (OCM 08/03/2012) - DEMOLITION OF SOUTH COOGEE PRIMARY SCHOOL - LOCATION: 183 RUSSELL ROAD, MUNSTER - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: DONALD CANT WATTS CORKE (3411196) (L REDDELL) (ATTACH)**

#### **RECOMMENDATION**

That Council grant planning approval to demolish the heritage buildings associated with the former South Coogee Primary School at 183 Russell Road, Munster subject to the following conditions and advice notes:

#### **CONDITIONS**

1. A demolition licence is required to be obtained from the City's Building Department prior to the commencement of any works.
2. A Traffic Management Plan is to be submitted to the satisfaction of the City to ensure any works associated with the demolition will not adversely affect the safe movement of traffic on Russell Road or Rockingham Road.
3. A screen (shade cloth or the like) is to be erected on the fence along the southern and eastern boundaries of the site to prevent drivers on Russell Road or Rockingham Road being distracted during the demolition works.

#### **ADVICE NOTES**

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.



2. Asbestos is to be handled in accordance with the Health (Asbestos) Regulations 1992 and disposed of in accordance with the Environmental Protection (Controlled Waste) Regulations 2001. Any queries should be directed to City's Health Services

## COUNCIL DECISION

### Background

The applicant proposes to demolish all of the existing school buildings at the former South Coogee Primary School site however it is noted development approval is only required for the demolition of the Main Teaching Block which is included on the Municipal Heritage Inventory (Management Category C).

The existing buildings have been vacant since the school closed in 2002. The Department of Education and Training commissioned Palassis Architects in 2003 to prepare an archival record of the Main Teaching Block and Shelter Shed for submission to the Heritage Council. The whole of the school was assessed and after consideration by the Heritage Council it was deemed that the place did not have sufficient significant cultural heritage for it to be included on the state register. The report identified however that the Main Teaching Block and Shelter Shed had importance to the history and development of its locality and were therefore worthy of recognition as a place of local significance.

The archival record prepared for the property indicates that the Main Teaching Block and Shelter Shed have cultural heritage significance for the following reasons:

1. It has aesthetic values as an example of the Inter-War country school with hipped roof features, weatherboards and fibrous cladding and timber framed twelve pane windows.
2. It is one of few examples of single timber classrooms.
3. It is an example of adaptive additions to schools necessary in the lean financial during and after WWII.

4. Social values as an education building which gives a sense of place to people in South Coogee.
5. The place is associated with former pupil cricketer Lawrence Sawle, footballers Alan and Glen Jackovich, and author Paul Bunde.

The site is not listed on the State Register of Heritage Places and was downgraded from Management Category B to Management Category C on the Local Government Inventory in the 2011 review of heritage places due to its poor condition.

Staff does not have delegation to determine applications for demolition of a heritage place as per Condition 1(e) of APD54 which is why it is forwarded to Council for determination.

### **Submission**

The applicant seeks to demolish the school buildings associated with the former South Coogee Primary School located at 183 Russell Road, Munster.

### **Report**

#### Statutory Framework

##### *Metropolitan Region Scheme*

The site is zoned Urban under the Metropolitan Region Scheme (MRS). The site is bounded by Russell Road to the south and Rockingham Road to the east, both of which are reserved under the MRS for Primary Regional Roads (Category 3). In accordance with the Department of Planning's Instrument of Delegation under the *Planning and Development Act 2005*, the City referred the application to Main Roads for comment (see External Agency referrals section of the report below) who indicated that they have no objection to the proposal subject to conditions.

##### *Town Planning Scheme No. 3*

The subject land is zoned Development - Special Use 9 (SU9) under the City's Town Planning Scheme No. 3 (TPS 3). SU9 relates to the Marine Industry Technology Park. The retention and conservation of the heritage listed Agricultural Hall and the former school buildings are included as a condition of SU9.

##### *City of Cockburn Local Planning Policy APD 64 Heritage Conservation Design Guidelines*

Local Planning Policy APD 64 applies to the subject land due to its inclusion on the Municipal Inventory pursuant to clause 7.1 of TPS 3 and Clause 5 of the policy relates specifically to demolition.

The proposal has been assessed against this policy and is considered to be consistent with its provisions which require an archival record to be prepared where demolition is considered appropriate.

The Archive Record prepared by Palassis Architects in May 2003 and its addendum prepared by Donald Cant Watts Corke in October 2011 satisfy the requirement for an archival record of the building.

### External Agency Referrals

In accordance with the Department of Planning's Instrument of Delegation under the *Planning and Development Act 2005*, the City referred the application to Main Roads for comment (see External Agency referrals section of the report below) who indicated that they have no objection to the proposal subject to the preparation of a traffic management plan and the use of screens along the southern and eastern boundaries of the site to prevent driver distraction during demolition works.

### Heritage Impact

An application to demolish the school buildings was considered by the City in 2006. As part of this consideration, the City of Cockburn commissioned two separate independent heritage architect to recommend whether the buildings should be retained or demolished.

The first recommended demolishing the buildings for the following reasons:

- It is too expensive to remove the asbestos and upgrade the building.
- The buildings will be expensive to maintain.
- There does not appear to be a good usage for it if it was upgraded.

The second recommended conserving the buildings for the following reasons:

- The main classroom block contains local cultural heritage significance.
- Initial restoration costs should not outweigh the long term heritage benefits.

The application was considered at the Ordinary Council Meeting on 14 September 2006 and a recommendation of refusal was subsequently referred to the Western Australian Planning Commission on the following grounds:

- The buildings contain local cultural significance that should be preserved in order for future generations to enjoy.
- Initial monetary costs should not prevail over the long-term social and cultural benefits of the heritage buildings.

The heritage buildings have been identified as containing hazardous materials, including asbestos. Previous correspondence with the Department of Education and Training indicated that they were unwilling to commit funds to moving, upgrading or maintaining the heritage school buildings. Since the last application was considered in 2006 the buildings have been extensively vandalised and damaged. The addendum to the 2003 archival record includes photos detailing the extent of the damage. Physical access to the buildings for a site visit was not possible because of the danger associated with damaged asbestos building materials.

The cost of repairing and upgrading the buildings outweighs the benefit of retaining them given the limited architectural and social significance of the buildings. The limited significance of the buildings is demonstrated by the downgrading the buildings from a "B" (considerable significance) to a "C" (significant) Management Category under the Local Government Inventory which was reviewed in 2011. In addition, public notification of the application resulted in no objections. The only submission received was from the Cockburn Historical Society, who previously objected to the demolition of the heritage buildings, which indicated that they consider the buildings to be of no on-going value given the damage they have suffered.

While it is noted that Special Use Zone 9 includes a condition that the school buildings be retained, the demolition of these buildings would actually improve the efficiency and integrated development of the land in association with the Marine Industries Technology Park. It is also questionable whether an appropriate on-going use could be found should the buildings be upgraded, which is unlikely in and of itself given the State Government has clearly demonstrated no desire to maintain or restore the buildings since the school closed in 2002.

### Conclusion

The proposed demolition is supported for the following reasons:

1. The heritage buildings are of limited architectural, historical and cultural significance as evidenced by the sites downgrading from

- a “B” to a “C” Management Category on the Local Government Inventory.
2. The Main Classroom Building and Shelter Shed have been extensively vandalised and damaged.
  3. Repairs to the damaged buildings would be prohibitively expensive given the presence of asbestos.
  4. It is unlikely that an appropriate on-going use of the buildings would be found if the buildings were repaired and upgraded.
  5. Public notification of the proposed demolition resulted in the submission of no objections.
  6. The demolition of the heritage buildings would allow a more efficient and integrated approach to the development of land within the Marine Industry Technology Park.

No objection was raised from Main Roads WA with regards to development adjacent to a primary regional road reserve under the MRS.

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

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

- To pursue high value employment opportunities for our residents.
- To encourage development of educational institutions that provides a range of learning opportunities for the community.

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

- To conserve the character and historic value of the human and built environment.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

The application was advertised in the “Cockburn Gazette” for a period of two weeks and by letter to three objectors to the 2006 application for demolition. At the close of the submission period one submission was received from the Cockburn Historical Society indicating that they do not object to the proposal as the site and buildings have been

neglected and too much damage has occurred for any heritage value to be of relevance.

**Attachment(s)**

1. Archival Record – May 2003
2. Addendum to Archival Record – October 2011
3. Extract from the Minutes of 14/09/2006 OCM – previous application.

**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 8 March 2012 Council Meeting.

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

Nil.

**14.6 (OCM 08/03/2012) - SALE OF LAND - 6 LOTS DEPOSITED PLAN 72050 GRANDPRE CRES HAMILTON HILL, LOT 300 & 301 HAMILTON ROAD, MUNSTER AND LOT 802 DACRE COURT, HAMILTON HILL - OWNER: CITY OF COCKBURN (2200585) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) accept the offer to purchase:
  1. Lot 26 Anjou Way Hamilton Hill, for a consideration of \$270,000, exclusive of GST from Viva Developments Pty Ltd and S L & F L Letizia.
  2. Lot 27 Anjou Way Hamilton Hill, for a consideration of \$231,000 exclusive of GST from J L Browne.
  3. Lot 14 Plantagenet Crescent Hamilton Hill, for a consideration of \$210,000, exclusive of GST from Viva Developments Pty Ltd and S L & F L Letizia.
  4. Lot 38 Plantagenet Crescent Hamilton Hill, for a consideration of \$206,000 exclusive of GST from J L Bolt.
  5. Lot 39 Plantagenet Crescent Hamilton Hill, for a consideration of \$220,000 exclusive of GST from R A Minett and J M A Jutras

6. Lot 30 Sykes Place Hamilton Hill, for a consideration of \$475,000 exclusive of GST from G2 Building Company.
  7. Lot 300 Hamilton Road Hamilton Hill, for a consideration of \$205,000, exclusive of GST from K V Fong.
  8. Lot 301 Hamilton Road Hamilton Hill, for a consideration of \$205,000 exclusive of GST from K V Fong.
  9. Lot 802 Dacre Court Hamilton Hill, for a consideration of \$325,000 exclusive of GST from Housing Authority
- (2) subject to no objections received following the statutory advertising pursuant to Section 3.58 of the Local Government Act 1995, and;
- (3) allocate proceeds of the sales to the Land Development Reserve Fund.
- TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

## **COUNCIL DECISION**

### **Background**

The Lots subject to this item have all been identified in the Land Management Strategy 2010-2016 as being land with immediate sale potential. The residential subdivisions to create the lots have been completed in 2011 and 2012.

### **Submission**

Offer and Acceptance contracts have been tendered for each land parcel.

### **Report**

The Lots consist of 6 lots from a 27 lot subdivision in Grandpre Crescent Hamilton Hill, 1 lot from a 3 lot subdivision in Dacre Court Hamilton Hill and 2 lots from a 2 lot subdivision in Hamilton Hill Road Munster.

Following the award of a Real Estate Marketing Tender to real estate company Davies First National all of the lots in the 3 subdivisions have been actively marketed.

The selling prices for the lots have been provided by Licensed Valuers McGees. All offers are at the valuations determined by McGees.

The offer and acceptance contracts tendered all include various conditions. Conditions sought by the purchases include such items as bank finance approval and sufficient time to obtain planning approval on those lots having development potential. A condition stipulating completion of requirements of section 3.58 of the Local Government Act 1995 by the City has also been included.

Advertising as required by Section 3.58 of the Local Government Act 1995 has been undertaken.

### **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.

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Proceeds of the sale totalling \$2,437,000 will be transferred to the Land Development Reserve Fund.

### **Legal Implications**

Provisions of Section 3.58 of the *Local Government Act 1995* apply.

### **Community Consultation**

Details of the sale will be advertised in a newspaper for State wide publication, as required by Section 3.58 of the *Local Government Act 1995*.



**Attachment(s)**

1. Map showing subject lots (1 - 6)
2. Map showing subject lots (7 - 8)
3. Map showing subject lots (9)

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

N/A

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

Nil.

- 14.7 (OCM 08/03/2012) - AMENDMENTS TO DETAILED AREA PLAN AND JETTY DESIGN GUIDELINES FOR STAGE 4A PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: CONSOLIDATED MARINE DEVELOPMENTS AND ANCHORAGE INDUSTRIES PTY/LTD (6004074) (T WATSON) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) approve the amended Detailed Area Plan and Jetty Design Guidelines presented for Stage 4C Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Consolidated Marine Developments and Anchorage Industries Pty Ltd, 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 12 June 2008 meeting the Council approved the original Detailed Area Plan (DAP) and Jetty Design Guidelines for Stage 4A within the Port Coogee development area. Stage 4A provides for low density residential development (R25) and forms one of the 'Water Based

Residential' precincts within Port Coogee. The approved DAP and Guidelines provide development direction for 36 single residential lots within the stage, including 18 waterside lots on the southern side of the subdivision. The 18 lots forming the northern edge of the subdivision abut foreshore public open space.

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 mooring envelopes at the rear of the water side lots. To date, the DAP and Jetty Design Guidelines have been successfully applied in the assessment and determination of several Development Application/Building Licence proposals lodged with the City.

Recently, the owners of two adjoining waterside lots made application to the Western Australian Planning Commission (WAPC) to adjust the alignment of the common boundary dividing the lots. It is understood the objective of the owners is to create two lots (in terms of size and frontage) that are quite different to the remaining 34 lots. In granting approval to the subdivision, the WAPC imposed the recommended condition of the City requiring "*Revised Detailed Area Plans to be prepared for all lots within the proposed subdivision.*"

The subdivision was approved 16 January 2012. The owners have engaged Taylor Burrell Barnett to represent them in revising the applicable DAP and Jetty Design Guidelines. Taylor Burrell Barnett produced the original DAP in consultation with the City (on behalf of Australand).

### **Submission**

The DAP and Jetty Design Guidelines have been amended to reflect the revised lot layout involving the land in question (formerly Lots 921 and 922, now Lots 50 and 51 Chelydra Point). Lot 50 is smaller than all other lots fronting Chelydra Point, with a reduced frontage of 10 metres, whilst Lot 51 is larger, with an increased frontage of 20 metres. The majority of other lots are primarily 15.0 metres wide.

The changes proposed include the following:

1. Alternate setback arrangements for Lot 50 given its reduced frontage.
2. The inclusion of a note encouraging a 4.5 metre garage setback on Lot 50 (given its reduced frontage and the inability to incorporate parking perpendicular to the street i.e. within a large basement or ground floor parking area as some owners have).
3. The amendment of the DAP to include reference to Lots 50 and 51 where relevant or necessary i.e. in conjunction with the other

- lots comprising the subdivision (and referred to in the DAP and Design Guidelines).
4. The inclusion of 'Typical Setback Requirements' box for Lot 50.
  5. The amendment of both the DAP and Jetty Design Guidelines to show a reduced mooring envelope width (12.0 metres reduced to 11.0 metres).

All other aspects of the DAP and Jetty Design Guidelines remain the same.

## Report

The amendments and changes made to the DAP and Jetty Design Guidelines have been made by Taylor Burrell Barnett in consultation with the City. The involvement of Taylor Burrell Barnett to facilitate the amendments is fortunate given their involvement in the production of the first DAP for Stage 4A. Maintaining the integrity of the documents and the principles that underlie their content is important to ensuring the built environment develops in an orderly and proper manner.

As stated by Taylor Burrell Barnett:

*"The modifications to the DAP for proposed Lots 50 and 51 have been deliberately configured to maintain original development principles and lot interface requirements contained on the approved detailed area plan. This was a primary objective within the modification process, thereby limiting any impact on neighbouring properties."*

Bearing the above in mind, approval of the amended DAP and Jetty Design Guidelines is recommended. Approval 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 Design Guidelines) and the process for adopting such (Clause 6.2.15.8 provides scope for a DAP to be amended).

Where a DAP/Guidelines may affect landowners other than the owner/s of the subject land, the City may undertake consultation. In the subject instance, the status quo is generally maintained where the new lots interface with adjoining lots. Specifically, the controls that apply are essentially the same as they currently exist. That is, there is no material impact anticipated on the adjoining lots by virtue of the proposed changes.

## **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

### **Community Consultation**

No consultation has been undertaken. In the subject instance, the status quo is generally maintained where the new lots interface with adjoining lots. Specifically, the controls that apply are essentially the same as they currently exist. That is, there is no material impact anticipated on the adjoining lots by virtue of the proposed changes.

### **Attachment(s)**

1. Location/Structure Plan
2. Detailed Area Plan
3. Jetty 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 the 8 March 2012 Council Meeting.

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

Nil.

**14.8 (OCM 08/03/2012) - PLACE OF WORSHIP & RECEPTION CENTRE - LOCATION: LOT 17 RUSSELL ROAD, MUNSTER - OWNER: L, P, S & S LECA - APPLICANT: SOUTHERN METROPOLITAN MUSLIM ASSOCIATION (4411239) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council refuse to grant planning approval for a Place of Worship and Reception Centre at Lot 17 Russell Road, Munster for the following reasons:

1. The proposal is inconsistent with the objectives of the rural zone contained in clause 4.2.1 (j) of TPS 3.
2. The proposal is inconsistent with clause 5.10.1 and 10.2.1 (c) of TPS 3 in that the proposal is generally not in accordance with the provisions of the Statement of Planning Policy 2.5 – Agricultural and Rural Land Use Planning.
3. The proposal is inconsistent with clause 10.2.1 (b) with regards to the orderly and proper planning of the area in that the scale of the proposal is inconsistent with the surrounding land uses and capability of the land.
4. The proposal is inconsistent with clause 10.2.1 (i) of TPS 3 in that the subject site is considered incapable of accommodating the proposed development with regards to the existing road network, effluent disposal limitations and lack of access to a potable water supply.
5. The proposal is inconsistent with clause 10.2.1 (l) of TPS 3 in that the proposal will have a detrimental impact on the natural environment.
6. The proposal is inconsistent with clause 10.2.1 (n) of TPS 3 in that the proposal will detract from the amenity of the locality with regards to noise, visual amenity and loss of vegetation.
7. The proposal is inconsistent with clause 10.2.1 (q) of TPS 3 in that the proposal will have a negative impact on traffic safety in the locality.
8. The proposal is inconsistent with clause 10.2.1 (y) in that the proposal is not supported by the Department of Health as it does not comply with the Government Sewerage Policy - Perth Metropolitan Region.

9. The proposal is inconsistent with clause 5.10.2 (d) with regards to the proposed 8m western side setback in lieu of 10m.

## **COUNCIL DECISION**

### **Background**

#### Site Description

The subject site has an area of 1.2368 ha and is located on the north-west corner of Russell Road and Lorimer Road in Munster. The site is within the Rural zone which has been maintained as Rural to provide a buffer between Thompsons Lake and the Latitude 32 (Hope Valley-Wattleup) industrial area. The site is densely vegetated with good quality native species and contains a significant fall of approximately 17m from the north to south.

The only building on the site is a small disused and derelict outbuilding of approximately 26m<sup>2</sup> in the south west corner. The subject site is surrounded mostly by similarly sized lots containing residential dwellings in a rural-residential setting of which are mostly parkland cleared, some of which are well vegetated. The properties directly opposite the site on the southern side of Russell Road are largely cleared sites. The majority of the site is located within a 500m midge buffer with the remainder within an 800m midge buffer associated with the nearby Thompsons Lake in the Beeliar Regional Park which is some 420m east of the subject site.

#### **Submission**

The applicant seeks development approval to construct a 'Place of Worship' and 'Reception Centre' on the subject land. Specifically, the proposal includes:

1. A 490m<sup>2</sup> prayer hall
2. Two meeting rooms with a combined area of 68m<sup>2</sup>
3. A 75m<sup>2</sup> library
4. A 438m<sup>2</sup> reception hall and associated kitchen
5. Associated toilets and store rooms

6. 125 formal car bays and 71 informal unconstructed (car bays)
7. Two crossovers to Lorimer Road
8. Landscaping around the site
9. Retention of the existing vegetation on the southern portion of the site abutting Russell Road.

The proposal contains primary vehicle access from Lorimer Road with two crossovers, the primary crossover to the main car park area and a secondary crossover to the spill-over/overflow car park to be used on an occasional basis. Due to the steep gradient of the fall, the land is proposed to be cut and filled to achieve a finished floor level of 40.51m AHD for the building. This will generate the need for the construction of several retaining walls within the site.

The proposed building contains a mix of materials and colours including limestone, red face brick, cream render and heritage-red colourbond and incorporates a small minaret and verandahs around the building.

The applicant has included the following details about how the building will be used:

1. Muslim's spiritual and religious duties including but not limited to five daily prayer sessions and ceremonial washing; fasting during the month of Ramadan; and the profession of faith.
2. Five daily prayers performed at the Mosque with attendance not exceeding 50 persons at any one time between sunrise and sunset. The hours are 5:00 a.m., 1:00 p.m., 4:30 p.m., 6:30 p.m. and 8:00 p.m.
3. Friday Jummah Prayer between 12:00 p.m.–2:00 p.m. to accommodate 100 – 400 persons at any one time.
4. During the month of Ramadan, night prayers from 8:00pm to 10:00 p.m.
5. Edi prayers two calendar days per year from 7:00 a.m.–12:00 p.m. for between 300 and 800 persons.
6. Multi-purpose reception hall to accommodate up to 500 persons at any one time to cater for marriage ceremonies, social festivals and community meetings, conferences and physical fitness activities.
7. Functions to be held on weekends only (and occasionally Friday evenings).
8. Seminars to promote interfaith dialogue, understanding and respect between Muslims and non-Muslims.
9. No amplification or loud speaker to operate outside the building (meaning that there will be no amplified 'call to prayer').

The applicant has provided the following justification in support of the proposal:

1. The proposal is located in an area with no community based centre and is in close proximity to a well connected road network;
2. The proposal will have minimal impact on neighbouring properties given its corner lot location.
3. The lot is large enough to provide ample car parking and for on-site effluent disposal as well as to allow adequate landscaping and separation from adjoining residents.
4. The scale of the building is small which will assist to maintain the rural character and amenity of the area.

## Report

### Statutory Framework

#### *Metropolitan Region Scheme*

The subject site is zoned 'Rural' under the Metropolitan Region Scheme (MRS). The site abuts Russell Road which is reserved under the MRS as an Other Regional Road (Category 2) under Western Australian Planning Commission control. The proposal was referred to the Department of Planning for comment (see Consultation section of the report below).

#### *Town Planning Scheme No. 3*

The subject site is zoned Rural in the City's Town Planning Scheme No. 3 (TPS 3) and the objective of the Rural zone is:

*to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.*

This means that Council may consider uses in accordance with Table 1 (Zoning Table) that in its opinion do not detract from the amenity of the area and will exist in harmony with the existing surrounding land uses.

The proposal consists of a 'Place of Worship' and 'Reception Centre' which have the following definitions in TPS 3:

*Place of Worship:*  
*means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.*

*Reception Centre:*  
*means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.*



A 'Place of Worship' and 'Reception Centre' are both 'A' uses within the Rural zone in Table 1 of TPS 3 which means that:

*the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.*

In accordance with Clause 9.4 of TPS 3 the proposal was advertised to nearby landowners who may be affected by the proposal (see Consultation section of the report below) therefore the proposal can be considered for approval by the local government.

### Vehicle Parking

Vehicle parking provisions for the 'Place of Worship' and 'Reception Centre' land uses are contained within Table 2 (Residential Use Classes) and Table 3 (Commercial Use Classes) of TPS 3 and an assessment is shown below:

| Land Use         | Vehicle Type  | Vehicle Parking Standard  | Required   | Provided   |
|------------------|---------------|---|--|--|
| Place of Worship | Cars          | 1 : 4 seats OR<br>1 : 4 people<br>accommodated<br>(whichever is<br>greater) | 200 (based<br>on 800<br>maximum<br>number of<br>persons) | 200 (125 formal<br>and 75 informal<br>overflow bays) |
|                  | Delivery      | N/A   | N/A  | 0  |
|                  | Bicycle Racks | 1 : 30 seats or 1:<br>100 persons<br>accommodated                           | 8  | 0  |
| Reception Centre | Cars          | 1 : 4 seats OR<br>1 : 4 people<br>accommodated<br>(whichever is<br>greater) | 200  | 200  |
|                  | Delivery      | 1: Service/Storage<br>Area  | 1  | 0  |
|                  | Bicycle Racks | 1 : 30 seats or 1:<br>100 persons<br>accommodated                           | 8  | 0  |

For the purposes of the assessment of vehicle car parking, the 'Place of Worship' and 'Reception Centre' uses have been calculated together as the maximum number of persons accommodated is combined between both uses. The proposal does not provide a delivery bay or bicycle parking. However should Council approve the proposal, a condition could be imposed requiring a delivery bay for the reception centre and bicycle racks to be installed.

The proposal generates demand for 200 car parking bays based on the Edi prayer days which occur two times per year and which will attract

up to 800 persons. Given that most weeks of the years of there will be a maximum of 400 persons at any one time (generating the demand for 125 bays), the proposal contains only 125 constructed, sealed and drained bays. Therefore, the remaining 75 bays on the northern portion of the site would constitute overflow bays and would be more informal with a grassed surface (rather than bitumen or paved). This arrangement would require the employment of traffic management persons during Edi prayer times which would need to guide vehicles in this area to ensure maximum efficiency and should Council approve the proposal this could be imposed as a condition.

### General Development Requirements

The proposal has been assessed against Clause 5.10 of TPS 3 which provides general development requirements. The proposal complies with the requirements of 5.10 except for 5.10.2(d) which requires a building setback of 10m to a boundary and 20m to a road reserve where there is no building envelope shown on the lot. The subject lot does not contain a building envelope and provides a setback of only 8m to the western side boundary which constitutes a variation to TPS 3. A reduction in the western side setback is not supported as this would bring the development closer to the adjoining landowner whose dwelling is set back approximately 35m from the subject boundary. Should Council consider approval of the proposal, it would be recommended that a condition be imposed requiring the setback of the building to the western boundary be modified to a minimum of 10m.

### Protection of Native Fauna

Clause 5.14 of TPS 3 requires the applicant to prepare a Native Fauna Management Plan where land is to be cleared of vegetation for development which requires planning approval and the area and type of vegetation in the opinion of the local government may provide habitats for terrestrial native fauna. Should Council consider approval of the proposal, it would be recommended that a condition be imposed requiring a Native Fauna Management Plan to be submitted to and approved by the City and implemented to its satisfaction prior to any clearing.

### Protection of Native Flora

Clause 5.15 of TPS 3 requires a flora report where the area of land to be cleared has a total area of 1ha which this proposal has. The Flora Report must identify local significant bushland, identify declared rare flora and conduct a spring survey to determine priority species and declared sites of environmental and biological significance. Clause 5.15.2 of TPS 3 does not allow land to be cleared of vegetation that contains declared rare flora or priority species or declared sites of

environmental or biological significance. Should Council consider approval of the proposal, it would be recommended that a condition should be imposed requiring a Flora report for the site to be submitted to and approved by the City and implemented to its satisfaction prior to any clearing.

*State Planning Policy No. 2.5 Agricultural and Rural Land Use Planning (SPP 2.5)*

SPP 2.5 was developed by the WAPC in 2002 to reinforce the long-term protection of agricultural/rural land and addresses a number of significant planning issues that have evolved in relation to the development of rural land. The objectives of the State Government's SPP 2.5 relative to this application include the protection of agricultural land resources wherever possible by discouraging land uses unrelated to agriculture from locating on agricultural land. The policy also outlines the requirements for local planning strategies. The City of Cockburn's Local Planning Strategy (2003) states that 'The importance and contribution of the agricultural industry in Cockburn should be recognised and protected...'. This suggests that land uses for non-agricultural purposes require careful consideration in order to minimise the loss of agricultural land in the City of Cockburn. It should however be noted that the area of the subject site (1.2368 ha) would restrict many genuine agricultural uses from operating from the site which is why the majority of the surrounding lots are used for rural-residential purposes.

Clause 5.2.3 of this policy relates to land use conflicts and states that proposals to rezone, subdivide or develop land within rural areas must have regard to both on-site and off-site impacts. These impacts are discussed in later sections of this report.

*Government Sewerage Policy – Perth Metropolitan Region*

Clause 10.2.1 (d) of TPS 3 relating to matters to be considered by Council refers to any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State. The Government Sewerage Policy (GSP) Perth Metropolitan Region requires local governments within the metropolitan region to apply the relevant provisions of this policy in order to receive the necessary approval from the responsible authorities. For unsewered developments, the GSP allows only one residential development for a commercial/industrial development producing a wastewater volume of 540 litres/day on a 2000m<sup>2</sup> lot. In this instance, as the subject lot is 1.236 ha in size, it is considered that the proposal exceeds the development density allowed and therefore does not comply with this policy.

*Local Planning Policy 'Bushland Conservation Policy' SPD 1*

The objective of Local Planning Policy SPD 1 is to conserve the quality, extent and uniqueness of the natural environment that exists within the district and to ensure that development of the district is undertaken in such a way that the balance between the natural and human environment is maintained. One of the strategies of the policies is to minimise site clearing and maximise vegetation retention. The subject proposal requires approximately 1ha of clearing which equates to 81% of the site and the proposal is therefore inconsistent with this policy.

The amount of clearing would also generate the requirement for a clearing permit to be obtained from the Department of Environment and Conservation.

Other Agency Consultation

*Department of Planning*

The proposal was formally referred to the Department of Planning (DoP) for comment due to the subject land being reserved under the MRS as an 'Other Regional Road' (Category 2), in accordance with the Western Australian Planning Commission's Instrument of Delegation. DoP advised that it has no objection to the proposal.

*Department of Health*

The proposal was formally referred to the Department of Health (DoH) for comment with regards to effluent disposal requirements for the proposal. The DoH advised that it does not support the proposed development as the development is contrary to the density development provisions of the Government Sewerage Policy (GSP) as discussed in the Referral section of the report above. Importantly, DoH advised that it is not able to approve a wastewater application associated with the development should such an application be received.

Community Consultation

Details of the proposal were sent by letter to potentially affected nearby landowners with approximately 300m of the subject site. Then, in response to requests from landowners and community members outside the affected area who were made aware about the proposal through various media reports, the City advertised the details of the proposal on its website for approximately 6 weeks. This garnered a large number of submissions from the wider Cockburn community and also many responses from people residing outside the City of

Cockburn. The number of responses and where the responses are from are contained in the table below:

| Submitters   | Object | Support | Total |
|--|--------|---------|-------|
| Landowners within 300m of subject site             | 23     | 2       | 25    |
| Residents outside 300m but within City of Cockburn | 91     | 52      | 143   |
| Residents not within the City of Cockburn          | 7      | 233     | 240   |
| Address not specified                              | 5      | 11      | 16    |
| Totals   | 126    | 298     | 424   |

The table above demonstrates that 23 out of the 25 submissions from landowners residing within 300m of the subject site (whom the City consider 'potentially affected nearby landowners') objected to the proposal for a variety of reasons discussed below. The breakdown of submissions including details of whether those submitting reside (ie within close proximity of the site or those who live outside the local area or even outside the City of Cockburn) is important.

#### *Summary of Objections Raised During Consultation*

|                       |   |
|-----------------------|---|
| Traffic               | <ul style="list-style-type: none"> <li>The proposal will lead to traffic issues on Russell Road.</li> <li>The proposal will cause unreasonable pressure on surrounding road network.</li> <li>The proposal will result in increased pressure on Henderson Road.</li> <li>The entry &amp; exit to the site is unsafe due to Russell Road being used as a heavy Truck route.</li> </ul>   |
| Visual Amenity        | <ul style="list-style-type: none"> <li>The proposal is not consistent with the Rural Character of the area.</li> <li>The bulk and scale of proposal is too large.</li> <li>The building is inconsistent with its rural setting.</li> <li>The clearing of vegetation will negatively impact on the visual amenity of the area.</li> </ul>  |
| Environmental Impacts | <ul style="list-style-type: none"> <li>Clearing of the lot will have negative impacts on flora and fauna in the local area.</li> <li>Clearing of the lot will contribute to climate change.</li> <li>Clearing of the land will result in a loss of biodiversity in the area.</li> <li>Effluent disposal using septic tanks to accommodate so many people will contaminate the underground water supply and Thompsons Lake.</li> </ul> |
| Noise                 | <ul style="list-style-type: none"> <li>The proposal will cause noise from amplified calls to prayer.</li> <li>The proposal will cause traffic noise impacting on the enjoyment of nearby residents.</li> <li>The proposal will cause noise from functions held in the reception hall such as weddings.</li> </ul>   |
| Servicing             | <ul style="list-style-type: none"> <li>There is no potable water on site.</li> <li>There is no connection to sewer and the ability of the site to accommodate effluent disposal for 800 persons.</li> </ul>   |

|                            |   |
|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>Stormwater will not be able to be sufficiently accommodated on-site and will drain to Russell Road given the gradient of the site.</li> </ul>  |
| Access to public transport | <ul style="list-style-type: none"> <li>There is no access to public transport and that all persons visiting the site will be dependent on vehicles.</li> </ul>  |
| Health Concerns            | <ul style="list-style-type: none"> <li>The property is located within close proximity to Cockburn Cement and that Council should not be approving a proposal that will result in more persons affected by dust from Cockburn Cement.</li> <li>The proposal is located within the 500m and 800m ridge buffer associated with Thompsons Lake and additional people should not be accommodated in the area.</li> </ul>   |
| Vehicle Car Parking        | <ul style="list-style-type: none"> <li>Peak times will result in vehicles parking on-street outside of the lot boundaries.</li> <li>There is insufficient car parking.</li> </ul>   |
| Hours of Operation         | <ul style="list-style-type: none"> <li>The hours of operation commencing at 5:00am will have detrimental impacts on the amenity of nearby residents.</li> <li>The hours of the reception centre will negatively impact on the amenity of surrounding neighbours.</li> </ul>   |
| Undesirable Precedent      | <ul style="list-style-type: none"> <li>The proposal would create an undesirable precedent for future development of rural zoned land.</li> </ul>  |
| Community Consultation     | <ul style="list-style-type: none"> <li>The proposal was not advertised widely enough.</li> <li>A letter to residents with 300m was insufficient.</li> <li>The proposal will affect residents living beyond a 300m radius of the site.</li> </ul>  |
| Zoning / Compatibility     | <ul style="list-style-type: none"> <li>The proposal is inconsistent with rural zoning and rural pursuits contained in Council's Town Planning Scheme No. 3</li> <li>The proposal is not compatible with surrounding existing rural uses including the adjacent market garden and residential land uses.</li> <li>The land is not capable of this level of development.</li> </ul>   |
| Lack of Need               | <ul style="list-style-type: none"> <li>There is simply no need for this type of facility in the area.</li> <li>The proposal will provide no benefit to local residents and is not needed by them.</li> </ul>  |
| Social Issues              | <ul style="list-style-type: none"> <li>The proposal will not integrate with local community.</li> <li>The proposal will result in increased vandalism and theft in the adjoining area.</li> <li>The proposal will result in rubbish dumping in the area.</li> <li>The proposal will result in a walled compound which will not integrate with the surrounding area.</li> <li>The proposal does not fit into "Traditional" values held by people in the local area.</li> </ul> |
| Land/Property Values       | <ul style="list-style-type: none"> <li>The proposal will have negative impacts on nearby property values.</li> </ul>  |

### Discussion

This section discusses major issues associated with the proposal and issues raised during the consultation process.

#### *Traffic Impact*

The proposal will generate additional traffic in the area and the applicant has prepared a Traffic Impact Statement which provides a

detailed assessment. The report indicates that the existing road network surrounding the proposal has capacity for the traffic generated by the proposal and does not warrant the need for any upgrades of the existing road infrastructure. The City's Traffic Engineer has assessed the report and supports the methodology and findings with regards to the traffic generation and impact on the capacity of Russell and Lorimer Roads. However, the City's Traffic Engineer is of the opinion that the report fails to address road safety concerns about the Russell Road/Lorimer Road intersection and crossover locations that the traffic consultant was specifically asked by the City to consider.

Increased volume and frequency of vehicle turning movements at the Russell Road/Lorimer Road intersection is considered to have an impact on the ability of Russell Road to operate efficiently and safely. The traffic report fails to recognise the important function of Russell Road as a District/Regional Distributor road and the critical need to protect that function for the future. Also, 14% of the vehicles using the road are classified as heavy vehicles. With regards to the location of the proposed primary crossover, the City's Traffic Engineer has expressed concern that due to the vertical geometry of Lorimer Road abutting the subject site, sight distance is limited to/from the proposed crossover location.

To adequately accommodate the number of vehicle movements within the Russell Road/Lorimer Road intersection generated by this proposal, and address vehicle sight distances on Lorimer Road, the City's Traffic Engineer recommends the following upgrades and/modifications (should council consider approval of the proposal):

1. A left-turn provided for east-bound traffic.
2. Protected right-turn lanes provided on Russell Road.
3. Lorimer Road widened to provide two southbound lanes at the intersection preferably with the left-turn lane a separated slip lane.
4. A left-turn lane for westbound traffic to be considered at design stage.
5. Ceding of a 10m wide strip of the lot abutting Russell Road with a standard 6 x 6 metre corner truncation at the Russell Road/Lorimer Road intersection.
6. Relocation of the primary crossover to the south to increase sight distance and improve safety.
7. Insertion of traffic calming treatments to Lorimer Road to control vehicle speeds and maintain safety.

The extent of the road upgrades required to support the proposal is significant. This indicates that the proposal is of such a scale that is unsuitable to be accommodated in the proposed location.

### *Noise Impact*

Given the site is currently vacant, the proposal, if approved would generate additional noise. Whilst the prayer activities would be unlikely to cause noise issues, the on-site noise generated from vehicles and people entering and existing the site and moving between their vehicles and the buildings may cause unwanted noise to nearby residents, particularly in the early hours of the morning when the members arrive for the first prayer time. There is also potential noise generated by events held in the reception centre.

An acoustic consultants report has not been provided to confirm that noise emissions are likely to comply with the Environmental Protection (Noise) Regulations (however could be required to be submitted as a condition should Council consider approval of the proposal). Given the large number of patrons proposed on site and especially when associated with early morning prayers at 5am, there is significant potential for a noise nuisance to occur. As the area is zoned rural, the assigned levels in the Noise Regulations allow for the quietest noise levels at noise sensitive premises such as residences. It is extremely likely that noise emitted from vehicles entering and leaving the premises, and activities in the car park especially before 5am, and crowd noise will exceed the assigned levels for a rural environment. In my experience this type of noise is particularly intrusive and is very difficult to attenuate.

There are at least two houses located within 50m, and five within 100m of the proposed parking areas. The proposal includes large events with up to 800 patrons which would be extremely likely to exceed the assigned noise levels and may detract from the amenity of the area.

### *Environmental Impact*

Construction of the proposed building will require clearing of approximately 1 hectare of vegetation with the remaining vegetation within the southern portion of the site adjacent to Russell Road being retained. Through Council policies such as 'SPD1 Bushland Conservation' and 'AEW Landowner Biodiversity Conservation Grants', the City of Cockburn actively encourages the retention of good quality native vegetation. The Bushland Conservation Policy seeks to identify and protect bushland areas such as these. Council should note however that given its rural zoning, clearing of bushland for agricultural purposes is common practice and can be seen in the nearby market gardens and other parkland cleared lots. However the clearing of rural land for buildings and car parking which is a non-rural purpose may be viewed differently.



The maximum number of persons sought to be accommodated on-site (800) at any one time, two days per year, has generated the requirement for the additional spill-over/overflow car park which in turn will cause this area to be cleared retaining some significant trees. The City's Environmental Services Department has expressed the following environmental concerns that should be taken into account in any decision made on the proposal:

1. The development does not offer a balance between development and the retention of bushland and is therefore inconsistent with Council's SPD1 Bushland Conservation Policy.
2. The site is located in the rural zone which acts as a buffer between future industrial uses (Latitude 32) and the Beeliar Regional Park and generally residents in this area are encouraged to retain native vegetation. Council's Landowner Biodiversity Conservation Grant and associated policy was developed to encourage and give support to residents to retain and manage native vegetation in this rural zone and the proposal appears to be inconsistent with this objective.
3. A portion of the lot lies within an area affected by the Thompson Lake 500m ridge buffer and the balance lies within the 800m buffer. Users of the facility may therefore be subject to nuisance ridge which is undesirable.
4. Land use conflicts between the proposal and active market gardens which are in close proximity. Concerns about overspray and pesticide use affecting the people visiting the facility.

Notwithstanding the above comments, should Council consider approval of the proposal, in accordance with clauses 5.14 and 5.15 of TPS 3, conditions should be imposed requiring the applicant to undertake a detailed Native Fauna Management Plan and a detailed Flora Report to the satisfaction of the City on the advice of the Department of Environment and Conservation (DEC). These reports will provide the City and DEC with information about the environmental significance of the vegetation and inform whether the clearing is acceptable. This will be further assessed as part of the clearing permit application which the applicant is required to obtain from the Department of Environment and Conservation due to the amount of land being cleared being over 1ha.

Should the Flora Report and Native Fauna Management Plans and/or clearing permit application indicate that the land in the opinion of the City is environmentally and/or biologically significant, then the applicant would not be able to progress the application as proposed.

### *Rural Character and Amenity*

Many submissions from nearby landowners raised objection about the proposal based on its inconsistency with the rural character and amenity of the area. As discussed above the objective of the rural zone is to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the land. The extent of clearing of native vegetation required for non-agricultural purposes, the potential noise generated from the site and the extent of road and intersection upgrades required to facilitate additional traffic generated indicate that the proposal is of a significant scale. Cumulatively, these actions suggest that the proposal may contribute to the erosion of the rural character and amenity currently enjoyed by those residing in the area. In addition, the lack of sewer connection (and non-compliance with the Government Sewerage Policy) and the lack of potable water supply suggest that the land may be incapable of accommodating the use as proposed making it inconsistent with the objectives of the Rural zone.

### *Built Form*

Many concerns were raised about the visual amenity of the proposal and whether it is sympathetic to the rural setting. The proposal has been designed on a single level and as mentioned previously will require substantial cut, fill and retaining walls across the site to respond to the gradient of the land. The architecture of the building along with the material and colour selection are somewhat sympathetic to its rural setting and are not dissimilar to a large two storey dwelling that could be constructed on the site. In addition, the use of limestone, red brick, heritage-red colourbond and verandahs will not appear dominant from Russell or Lorimer Roads or from view of nearby residents and a proposed densely vegetated landscaped buffer consisting of mature native species could assist to screen the building from the surrounding properties.

Whilst the development is contained on a single level, the wall and roof heights of the proposed building are consistent with a two storey house which could be expected in the area, with the exception of a small minaret which has an overall height of 10.5m. It should be noted that a portion of the building will be constructed below natural ground level due to the gradient of the site. This will further reduce the visual impact of the building given verges and landscaped areas adjacent to Lorimer Road will need to be retained. This is also the case for the landscaped area on the western side of the building which will also assist in reducing the impact of the development on the adjoining landowner to the west.

Notwithstanding the design and appearance of the building itself, the greatest impact visual amenity is clearing and loss of vegetation to facilitate the car parking areas. Whilst the landscaped buffers will assist to reduce the impact of the car parks, the site will provide a strong contrast to other Rural lots in the vicinity of the site.

#### *Servicing/Infrastructure – Access to Water*

The site is not able to be serviced with mains water supply. Therefore potable water must be supplied via bore or rain water, or be carted onto the site from an approved supply. The City's Manager Health Services has advised that there is an increased public health risk associated with the supply of water to a public building servicing large numbers of people where the water requires treatment on-site to maintain a potable supply. While the installation of a small water treatment plant to sanitise the water is possible, this is not recommended from a public health risk perspective.

#### *Servicing/Infrastructure – Effluent Disposal*

As discussed in the Consultation section above, the proposal was referred to the Department of Health (DoH) due to the size of the septic tanks that would be required to accommodate the proposal. The DoH advised that they do not support the proposal because the volume of effluent exceeds the maximum permitted under the State Government Sewage Policy. This means that the scale of the proposed development and the number of people proposed on the site are too great for the size of the lot. Under these circumstances the development must be sewered. The maximum number of people permitted on the site per day is between 111 and 334 depending on whether the public building use is determined to be frequent or infrequent use (based on accommodation of septics). The description of the proposed usage in the application suggests that it will be frequently used therefore the maximum permitted number would be in the lower portion of the range. The maximum capacity of septics is inconsistent with the maximum number of persons proposed to be accommodated on-site which is up to 400 persons every Friday and up to 800 persons two days per year. It is however possible that temporary facilities could be provided for larger events.

#### *Transport*

The subject site is not located within close proximity to any public transport connections with the closest bus stops approximately 3km from the site on Russell Road. It would be then expected that the majority of persons attending the site would travel by private vehicle which is not ideal from a planning and sustainability perspective but it unavoidable for development in this area.

### *Fire Management*

Given its rural location and proximity to bushland, fire management is a mandatory consideration for the proposal and is required to comply with the relevant legislation. The property in its current form contains a firebreak around the perimeter which will need to be maintained. In addition, a condition requiring the submission to and approval of a fire management plan prior to issue of a building licence could be imposed.

### *Midge Buffer*

The majority of the land is within the 500m midge buffer with the remainder of the lot located in the 800m midge buffer associated with Thompsons Lake in Beeliar Regional Park. Whilst there are many people residing in this buffer, approval of a use which attracts large numbers of people into the area is not desirable from a public health perspective.

### *Social Issues*

Concerns have been raised that the proposed use will not integrate with the local community and may become a segregated and walled development. The metropolitan area contains places of worship for a variety of different religions and denominations. The particular faith of the follower is not a relevant planning matter. Other social concerns were raised that the development may lead to an increase in anti-social behaviour including vandalism, theft and illegal dumping. There is absolutely no evidence to suggest that if approved this type of development would lead to any anti-social behaviour by members of the Muslim community that may frequent the development.

### *Property Values*

Many submissions sited a reduction in property values as a major concern. Planning approval provides an assessment against planning requirements in accordance with the City's TPS 3 and other relevant legislation. The impact of a proposal on property values is not a valid planning consideration that can be taken into account in the assessment process.

### Conclusion

It could be construed from the 298 submissions of support that there is a genuine need for this type of facility in the south-west metropolitan area. It is also clear from submissions from nearby landowners living in close proximity to the site that the local residents value the amenity and rural character afforded to them and are concerned that the

subject proposal may detract from this. Notwithstanding the large number of submissions for and against the proposal, the detailed planning assessment has revealed that the subject site is not considered suitable to accommodate the scale of the proposed development. As discussed in the report this is predominantly due to its potential impact on the rural amenity and character of the area and lack of infrastructure afforded to the site. The proposed Place of Worship and Reception Centre are therefore not supported for the following specific reasons:

1. The proposal is inconsistent with the objectives of the rural zone contained in clause 4.2.1 (j) of TPS 3.
2. The proposal is inconsistent with clause 5.10.1 and 10.2.1 (c) of TPS 3 in that the proposal is generally not in accordance with the provisions of the Statement of Planning Policy 2.5 – Agricultural and Rural Land Use Planning.
3. The proposal is inconsistent with clause 10.2.1 (b) with regards to the orderly and proper planning of the area.
4. The proposal is inconsistent with clause 10.2.1 (i) of TPS 3 in that the subject site is considered incapable of accommodating the proposed development with regards to the existing road network, effluent disposal limitations and lack of access to a potable water supply.
5. The proposal is inconsistent with clause 10.2.1 (l) of TPS 3 in that the proposal will have a detrimental impact on the natural environment.
6. The proposal is inconsistent with clause 10.2.1 (n) of TPS 3 in that the proposal will detract from the amenity of the locality with regards to potential creation of noise and loss of vegetation.
7. The proposal is inconsistent with clause 10.2.1 (q) of TPS 3 in that the proposal will have a negative impact on traffic safety in the locality.
8. The proposal is inconsistent with clause 10.2.1 (y) in that the proposal is not supported by the Department of Health as it does not comply with the Government Sewerage Policy - Perth Metropolitan Region.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Lifestyle and Aspiration Achievement**

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

### **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**

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

## **Community Consultation**

Please refer to Consultation section of the report above.

## **Attachment(s)**

1. Location Plan
2. Site Plan
3. Floor Plans
4. Elevation Plans
5. Section Plans

**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 8 March 2012 Council Meeting.

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

Nil.

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

**15.1 (OCM 08/03/2012) - LIST OF CREDITORS PAID - JANUARY 2012 (FS/L/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for January 2012, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

The List of Accounts for January 2012 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – January 2012.

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

N/A

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

Nil.

**15.2 (OCM 08/03/2012) - STATEMENT OF FINANCIAL ACTIVITY & ASSOCIATED REPORTS - JANURARY 2012 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statements of Financial Activity and associated reports for January 2012, as attached to the Agenda.

**COUNCIL DECISION**



## Background

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2011/12 financial year.

## Submission

N/A

## Report

### Closing Funds

The City's closing funds of \$55.4M at 31 January were \$7.8M higher than the YTD revised budget. This is broadly representative of continuing favourable operating revenue and expenditure results.

The full year revised budget is showing a closing surplus position of \$156k, up from the \$30k adopted in the annual budget. This increase is primarily due to the higher amount of Financial Assistance Grants (FAGS) payable to the City than originally budgeted.

The revised closing budget position will fluctuate moderately throughout the year, as minor adjustments and budget corrections are made. However, all new and significant funding requirements are brought to Council for approval in accordance with policy. Those minor budget adjustments made throughout the year that have impacted the closing budget position are outlined in Note 3 to the financial report.

### Operating Revenue

Overall, operating revenue is tracking ahead of budget by \$3.9M, which is less than last month's variance by \$0.6M. This continues to be impacted by several main items. Interest earnings on investments were \$0.7M ahead of YTD budget due to the City's strong cash flow position. Rates revenue was also \$1.0M ahead of both the ytd and full year budget target. Revenue from the Henderson Waste Recovery Park was also \$1.0M ahead of budget due to sustained strong commercial trade for the landfill. Revenue from Development Applications and Building Licences bucks the general trend being down just under \$0.4M.

### Operating Expenditure

Operating expenditure is showing an overall underspend of \$2.1M (4% of the YTD budget). Key contributors to this result include:

- a YTD under spend of the Council grants program of \$0.4M,
- General budget under spend within Parks and Environmental Services of \$0.6M,
- General budget under spend within Roads Maintenance and Construction Services of \$0.8M, including an allocation of \$0.5M for underground power and \$0.3M in street lighting.
- Increased tonnage through Henderson Waste Park has led to an unfavourable variance of \$1.2M in the cost of the landfill levy, although other operating costs are currently down \$0.6M due to efficiencies from in sourcing operations.

Most of the above mentioned budget variances have generally been caused by delayed spending against budget, other than the increase in the landfill levy. However, operational expenditure is anticipated to converge with budget targets as the year progresses.

The following table shows the budgetary performance from a nature or type perspective:

| Nature or Type Classification | Actual   | Amended YTD Budget | Variance to YTD Budget |
|-------------------------------|----------|--------------------|------------------------|
|                               | \$       | \$                 | %                      |
| Employee Costs                | \$20.75M | \$20.94M           | 1%                     |
| Materials and Contracts       | \$16.95M | \$18.84M           | 10%                    |
| Utilities                     | \$1.86M  | \$2.37M            | 21%                    |
| Insurances                    | \$1.74M  | \$1.67M            | -4%                    |
| Other Expenses                | \$3.61M  | \$4.24M            | 15%                    |

There is traditionally a lag effect in the incurring of materials and contracts and utility expenses and current results are not that unusual for this time of the year. Employee costs are closer to budget this month than previously reported due to the payment of three fortnightly payrolls in January. This now provides a more accurate representation of the performance of the salary budget.

### Capital Program

The City's capital budget is showing an overall under spend of \$10.4M against a YTD budget of \$24.6M and full year budget of \$70.6M. This has increased from the December variance of \$6.2M and continues to reflect delays in the progress of a number of big value projects for a variety of reasons.

Capital related funding sources are conversely down \$11.9M against the ytd budget, largely as a result of the capital expenditure under spend. The main impacts are Council's cash reserves at \$7.0M and loan funds of \$4.0M.

The requirement for loan funding in 2011/12 has been reviewed as a consequence of the better than expected closing funds position for the 2010/11 year and the delayed spending on projects. Consequently, the loan funding source has been removed from the budget via the mid-year budget review.

The more significant project spending variances are disclosed in the attached CW Variance analysis report.

### Cash & Investments

Council's cash and current/non-current investment holdings reduced to \$108.2M (from \$110.6M in December). This is \$17.9M ahead of YTD budget estimates due to the impact of the capital budget variances, as well as the favourable position of the operating budget. This position continues to boost the City's interest earnings and is timely given interest rates have fallen across the board following recent RBA decisions to ease monetary policy.

Of this total cash and investment holding, \$50.6M represents the City's cash reserves, whilst another \$5.8M is held for other restricted purposes such as bonds and capital contributions. The balance of \$51.8M represents the cash and investment component of the City's working capital, available to fund operations and the municipal funded portion of the capital program.

The City's investment portfolio made an annualised return of 6.14% for the month, versus the benchmark BBSW performance of 4.83%. The Reserve Bank failed to reduce interest rates in February as largely anticipated by financial markets, thus allowing opportunity for the City to continue investing its funds at yields of around 6%.

The majority of investments held continue to be in term deposit products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These mainly range in terms of up to six months, as this is where the current yield value lies.

#### Description of Graphs and Charts

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

The Capital Expenditure graph tracks the YTD capital spend against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.

Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

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

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

### **Budget/Financial Implications**

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item). Several of these were assessed and included in the mid-year budget review adopted by Council in February. These changes will be incorporated within the February monthly financial report presented to the April Council meeting.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports – January 2012.

### **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 08/03/2012) - PROPOSED SUSTAINABILITY STRATEGY 2012 - 2016 (HS/P/001) (V CUSACK) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopts the proposed Sustainability Strategy 2012–2016, as shown in the attachment to the Agenda; and
- (2) receives a report containing the completed Sustainability Action Plan at the June meeting of Council.

**COUNCIL DECISION**

**Background**

In June 2006 Council first adopted Sustainability Policy SC37, and in December 2006 Council adopted its Sustainability Strategy. The strategy outlined a set of objectives and a commitment to sustainability reporting.

In October and December 2011 respectively, Council updated Policy SC37 and adopted its inaugural State of Sustainability (SoS) Report. Policy SC37 and the SoS Report are structured along the four sustainability themes of Environment, Social and Economic plus Governance, which reflect a modern triple bottom line plus one (TBL+1) approach to sustainable development.

The proposed Sustainability Strategy attached has also been structured along the TBL+1 sustainability themes in line with Policy SC37 and the SoS Report.

The amended Sustainability Strategy will guide the implementation of Policy SC37 and will help ensure that the City continues to embed relevant sustainability objectives into its core business activities and services delivered to the community.

## **Submission**

N/A

## **Report**

The Sustainability Strategy contains an introduction and a brief history of the evolution of the sustainability concept. It reiterates the City's definition of sustainability as adopted by Council in Policy SC37 on 13 October 2011.

The statement of intent details the strategy's specific aims, which is followed by a short segment on strategic alignment and implementation. The focus areas, starting with Management, Accountability, Transparency and Engagement, and the 'overarching objectives' starting at Gov 1, provide the guidance and direction for implementing Policy SC37. As such, there are 2 focus areas under each of the TBL+1 sustainability themes and 4 overarching objectives in each of the focus areas. The overarching objectives have been assigned an easily identifiable abbreviation in line with the TBL+1 theme. The first overarching objective under Governance is therefore labelled Gov 1, the first under Environment is Env 1, the first under Society is Soc 1 and the first under Economy is Eco 1.

The Sustainability Officer obtained comment from various staff and liaised closely with the SBMG during the preparation of the Strategy to ensure sustainability is embedded throughout the organisation.

Once the Sustainability Strategy has been endorsed by Council, we will develop and complete a Sustainability Action Plan which will provide the framework and the flexibility for the organisation to set and realise specific annual sustainability objectives and key performance indicators (KPI's) under each of the 'overarching objectives'. This action plan will be presented to Council for consideration and adoption.

The final part of the process is to document the progress in achieving those annual sustainability objectives and KPI's in the SoS Report at the end of the year. The proposed sustainability strategy therefore is an integral part of the City's integrated sustainability platform and reporting structure and officers recommend it's adoption.

## **Strategic Plan/Policy Implications**

### **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.

**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.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Proposed Sustainability Strategy 2012–2016.

**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 08/03/2012) - PARKING - 7 MEWSTONE CRESCENT, NORTH COOGEE (6007034) (R AVARD) (ATTACH)

#### RECOMMENDATION

That Council advise Michael and Linda Italiano of 7 Mewstone Crescent, North Coogee that it is unable to provide a reserved on street parking bay for their exclusive use.

#### COUNCIL DECISION

#### Background

Deputy Mayor Allen has requested that an Agenda Report be prepared in relation to parking in the North Coogee area in the vicinity of South Beach Promenade, Heywood Lane, Mewstone Crescent and Barrow Crescent in response to complaints concerning parking in the area made by Michael and Linda Italiano of 7 Mewstone Crescent, North Coogee.

#### Submission

Applicant is seeking approval for a reserved parking bay alongside their residence located at 7 Mewstone Crescent, North Coogee.

#### Report

South Beach Estate in North Coogee has been developed on the principle of seeking to increase residential density and provision of reduced on street parking that encourages the use of public transport. Property owners are expected to provide sufficient and suitable parking for their vehicles on their properties. Street parking is therefore limited and is provided to be used primarily by visitors to the area.

The Italiano's own a Ford 250 which is 6.9 metres long and are seeking to have a designated permit for a parking bay that is outside their property. The standard parking bay is in fact 5.5 metres long. As with most properties in the area the Italiano's have a garage that

accommodates two cars. Accordingly they have either built a house that cannot accommodate a vehicle of this dimension or purchased a vehicle that they cannot accommodate in their garage.

Allegations have been made that some property owners in the area may have modified their garages to serve other purposes such as storage or children's games areas. However the City has not approved any modification to or alternative uses of garages. Some owners appear to be choosing to park in the street in-lieu of using their garages. This may be having some impact on the availability of street parking.

The primary issue is a short term problem in the availability of parking which has also been temporarily reduced due to builder's vehicles parking in the area during the day. This is an issue faced in any area undergoing significant development and will likely reduce over time.

The street parking in the area is in the form of unmarked parking embayments on either side of the carriageway. There are currently no restrictions on the time a person can park in the embayment other than in City of Cockburn Parking and Parking Facilities Local Law which requires that vehicles can park up to 24 hours after which time it must be moved (48)(2) (b)(i).

Part 5 of the City of Cockburn Parking and Parking Facilities Local Law provides for the provision of Residential parking permits. There is no provision for owners to have designated parking bays on the carriage way. Should residential parking permits be provided they would only be available for owners parking within a designated area as marked by signs. There appears to be little justification for residential parking permits in this area at this time as most properties have the capacity to park cars on the property. Residential parking permits would impact adversely on visitors to properties in the area as the available bays would be taken up with those with residential parking permits. Property owners ought to be encouraged to use the parking available on their own properties rather than rely on parking that has been provided on street primarily for visitors.

The design of the estate does not allow for verge parking as the properties are built to the property line and the parking embayments are separated by treed garden beds. There are no sites suitable for expanded parking areas to be established that would readily serve this area.

There have been comments made by the Italiano's concerning the width of Heywood Lane which serves as the rear access for properties on South Beach Promenade and for residents on the lane itself. The lane has been approved by all relevant authorities at 5 metres wide.

The laneway has been marked as a no parking area to allow access by residents to their properties as there were complaints of cars parking across garages to the dwellings on Heywood Lane.

In conclusion, the South Beach Estate residential area has been planned on the basis of increased urban density with a village style ambience. Private vehicle parking for two vehicles for each single house is required to be provided on site. Purchasers of properties in this area are aware of the nature of the development and would be expected to adjust their expectations toward vehicle access and parking accordingly.

Council does not have the capacity to allocate a reserved on street parking bay for the sole use of any specific resident and residents who utilise on street bays for parking their vehicles do so on a 'first come' basis.

However, it does have the authority to issue "Residential Parking Permits" pursuant to its Parking and Parking Facilities Local Law. However, if Council wished to approve such an arrangement, it would mean that non permit holders (eg visitors) would not be permitted access to park on the street, which is contrary to the planning design principles of higher density living.

### **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.

#### **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**

N/A

### **Legal Implications**

The City of Cockburn Parking and Parking Facilities Local Law 2007 applies.

### **Community Consultation**

Prior to Heywood Lane being designated as no parking letters were sent out to affected properties advising of the proposal.

### **Attachment(s)**

1. Site plan.
2. Copy of letter from Michael and Linda Italiano in relation to parking in the vicinity of their property.
3. Copy of the letter from the Manager of Statutory Planning to the letter from the Italiano's.

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

The Proponent(s) have been advised that this matter is to be considered at the March 2012 Council Meeting.

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

Nil.

## **17.2 (OCM 08/03/2012) - PROPOSED CITY OF COCKBURN PARKING AND PARKING FACILITIES (AMENDMENT) LOCAL LAW 2012 (CC/P/099) (P WESTON) (ATTACH)**

### **RECOMMENDATION**

That Council pursuant to Section 3.12 of the Local Government Act 1995 proceed to amend the City of Cockburn Parking and Parking Facilities Local Law 2007, as attached to the Agenda.

### **COUNCIL DECISION**

### **Background**

The Parking and Parking Facilities Local Law 2007 was gazetted in the Government Gazette on 11 January 2008.

## Submission

N/A

## Report

The purpose of the amendment is to implement the requirements of the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) namely:

1. to modify clause 4 of the local law by insertion of identified definitions,
2. amend clause 9 and 11 (Parking Stations),
3. amend clause 17(3),
4. delete the existing clause 72, and
5. insert a new clause 72 to include the definitions and clauses pertaining to 'special purpose vehicle' and 'emergency vehicle'.

The effect of the amendment is that:

1. the amending of clause 9 and other clauses will require the constitution of a parking station by way of amendment of the local law. The process laid out pursuant to section 3.12 of the *Local Government Act 1995* and requires parking stations to be included in Schedule 1 of the Local Law rather than by a resolution of Council and,
2. the driver of 'special purpose' and 'emergency' vehicles may, when expedient and safe to do so, stop and/or park the vehicle in any place, at any time.

Following the Parking and Parking Facilities Local Law 2007 being published in the Government Gazette on 11 January 2008, the JSCDL imposed requirements on the City, through the City's lawyers, to make amendments to the local law.

The JSCDL noted a number of terms within the clauses had inadequate definitions outlined in clause 4.

Also the JSCDL considered the decision to constitute land as a parking station was not a decision of the type that may be considered administrative in nature.

Accordingly, the JSCDL considered that clause 9 required amending such that it did not allow the making of parking station by way of a Council resolution, but by amending the local law and listing the parking station in Schedule 1 of the local law. This provided both public and Parliamentary scrutiny required in the process laid out in

section 3.12 which includes both public advertising notices and ultimate referral to the JSCDL by way of a completed explanatory memoranda. This also is the reason to delete the current Clause 72.

The amendment to clause 11(2) required that the effect of a Council resolution modifying the times applicable to parking in a Parking Station must be indicated by signs.

The JSCDL required an amendment to clause 17(3) pertaining to 'Special Event Parking' to reflect that it was properly characterised as an administrative power by specifying a reasonable defined limit to the possible dates for the special event and require local public notice for a reasonable period before it came into effect.

A new Clause 72 is inserted to provide for instances requiring either a 'special purpose vehicle' or an 'emergency vehicle' to drive or park in any place. This was provided for in the former Part X of the City's Consolidated Local Laws which was repealed with the coming into force of the current Parking and Parking Facilities Local Law 2007.

### **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**

N/A

### **Legal Implications**

Section 3.12 of the Local Government Act 1995 refers.

### **Community Consultation**

N/A

### **Attachment(s)**

Proposed amendment Local Law Gazette Notice – City of Cockburn Parking and Parking Facilities (Amendment) Local Law 2012.

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

N/A

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

Nil.

- 18. EXECUTIVE DIVISION ISSUES**
  
- 19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**
  
- 21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**
  
- 22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**
  
- 23. CONFIDENTIAL BUSINESS**

**24 (OCM 08/03/2012) - 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 (OCM 08/03/2012) - CLOSURE OF MEETING**