

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 OCTOBER 2006 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 OCTOBER 2006 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr K. Lapham	-	Acting Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mrs B. Pinto	-	Secretary/PA to Director, Finance & Corporate Services
Mr N. Evans	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02 pm., and welcomed Clr John Strachan and any other Councillors who were present from the City of Fremantle.

Mayor Lee announced that the Council had received a UDIA Award for Environmental Excellence, for the commitment and professionalism the team at Cockburn contributed to this challenging project at the Cable Ski Park.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



3. DISCLAIMER (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 (OCM 12/10/2006) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received a declaration of interest from Cllr Allen and a conflict of interest from Cllr Romano, which would be read at the appropriate time.

5 (OCM 12/10/2006) - APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor R Graham	-	Apology
Cllr L Goncalves	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 12/10/2006) - PUBLIC QUESTION TIME

Grant Wilkins, Broome Street, Nedlands

Agenda Item 14.6 – Modification to the South beach Structure Plan (former ANI Bradken Foundry) Lot 1815 Ocean Drive, North Coogee

Q1. Will the amendment impact on public access?

A1. No. The proposed vehicular and pedestrian accesses will be unaltered by the proposed modifications. In accordance with the previously approved Structure Plan all vehicular access to the site is via Ocean Drive through to South Terrace. Pedestrian access will be maintained both across the site along a dual use path parallel to the foreshore and along the private road adjacent to the railway line and through the site at three locations in line with the previously proposed road reservations. The public access will be the same as the current approved Structure Plan.

Q2. Will the amendment obstruct views through the site?

A2. No. The modified Structure Plan the key east west view corridors through the site will be retained as the areas of open space/access



corridors will be retained as per the currently approved Structure Plan.

Q3. Does the amendment affect building heights?

A3. No. The overall building heights throughout the site remain unaltered as the State Government Coastal Planning Policy, which applies equally to the modified and previously approved Structure Plan, which controls the building heights.

Q4. Does the amendment involve a significant change in density?

A4. No. The overall residential density essentially remains the same. The previously approved Structure Plan proposed twenty residential lots with density codings varying from R20 through to R100. The equivalent residential density for the entire site would be R74 or in other words R80, which is the density coding under the proposed modifications to the Structure Plan.

Q5. Does the amendment affect building setbacks?

A4. No. The setbacks between the developable site area and the foreshore and railway line remain unchanged. The currently approved Structure Plan proposes that an 11 metre wide foreshore be created along the western boundary of the site, in accordance with the Metropolitan Region Scheme requirements and there is no change proposed to this foreshore reserve width.

Clr John Strachan, Daly Street, South Fremantle

Agenda Item 14.6 – Modification to the South Beach Structure Plan (former ANI Bradken Foundry) Lot 1815 Ocean Drive, North Coogee

Q1. Do the Councillors believe whether the new Structure Plan is significantly different to the existing Structure Plan that Council has already approved. Council's Town Planning Scheme No.3 clearly outlines that it should not go out for public comment unless there is a material alteration to the Structure Plan. How can this Council say that there is not a structural difference between what has already been adopted to the one that is before Council tonight.

A1. The clause in Council's Town Planning Scheme states that the Council can approve variations to a structure plan without advertising where it considers the modifications do not materially alter the intent of the structure plan. Therefore, the Council will have to consider whether these modifications impact on the intent of the Structure Plan not the material differences. It is the Council's administration's view that the proposed modifications do not materially alter the intent of the Structure Plan.



Cathy Hall, Daly Street, South Fremantle

Agenda Item 14.6 – Modification to the South Beach Structure Plan (former ANI Bradken Foundry) Lot 1815 Ocean Drive, North Coogee

Q1. Asked Councillors to exercise discretion to please give members of the community an opportunity to make their submissions on the major changes which the community would see as being relevant to the proposal by the developers, Stockland to the South Beach Village Structure Plan to the ANI Bradken site, which is adjacent to the south beach foreshore and a public reserve used by all.

A1. The matter is before Council tonight.

Sabina Serneels, Darter Close, Beeliar

Agenda Item 14.5 – Cat Control Laws

Q1. Asked Councillors to take immediate and swift action to enforce a state wide cat register, similar to that of dogs, and spearhead the powers given to Rangers across the state to deal with cats, as they do with dogs, and remove those unsafe animals from the community.

A2. The matter is before Council tonight.

Fiona Houston, Bibra Drive, Bibra Lake

Agenda Item 14.7 – Draft Murdoch Activity Centre Structure Plan – Western Australian Planning Commission

Q1. Is Roe Highway – Stage 8 still going ahead?

A1. Council's position has not changed in relation to Roe Highway – Stage 8 and does not support it. The Structure Plan that is being referred to is being dealt with by the State Government.

The Draft Murdoch Activity Centre Structure Plan is the subject of two items, there also being a late item under Item 21.3 which deals with transportation and traffic issues. The structure plan is open for public comment until 27 October 2006, therefore Council needs to consider the implications of that Plan tonight. There are a number of issues to do with the traffic modelling that is being undertaken which is a concern to the City and should the recommendation be adopted as outlined in Item 21.2, this will be forwarded to the State Government for review and feedback.



8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 3276)** (OCM 12/10/2006) - ORDINARY COUNCIL MEETING - 14/09/2006

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 8/0

8.2 **(MINUTE NO 3277)** (OCM 12/10/2006) - SPECIAL COUNCIL MEETING - 20/09/2006

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

9.1 **(MINUTE NO 3278)** (OCM 12/10/2006) - APPLICATION FOR LEAVE OF ABSENCE - CLR GONCALVES (1705) (DMG)

RECOMMENDATION

That Council grants leave of absence to Clr Goncalves from attending the Ordinary Council meetings scheduled for 12 October and 9 November 2006



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 8/0

Background

By advice received by the Chief Executive Officer on Monday, 9 October 2006 Clr Goncalves has requested leave of absence from Council for the period of October and November 2006.

Submission

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

Report

Council may grant leave of absence to members, thus enabling them not to attend Council meetings for a period up to and including 6 consecutive Ordinary Council meetings. Clr Goncalves' application is to cover the next two meetings scheduled for 12 October and 9 November 2006.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Sec. 2.25 of the Local Government Act, 2005 refers.

Community Consultation

N/A

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 3279) (OCM 12/10/2006) - LOCAL GOVERNMENT ELECTIONS - 2007 (1700) (DMG)

RECOMMENDATION

That Council:

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

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that:

- (1) Council declare, in accordance with section 4.20(4) of the Local



Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2007 ordinary elections, plus any extraordinary elections and/or polls of electors;

- (2) Council decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the elections be as postal elections; and
- (3) the Mayor on behalf of Council write to the Minister for Local Government and all State Members of Parliament whose electorates fall within the City of Cockburn, strongly opposing the proposed changes to the voting system for Local Government elections and strongly urging their support in retaining the "first past the post" provisions currently in place.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Reason for Decision

The State Government's proposed change to the voting system for Local Government elections has not been subject to any consultation with the industry. If it is enacted it will result in a complex new format of preferential voting, which has the potential to discourage people from participating in future Council elections. The simpler 'first past the post' system has been successful and should be retained.

The 'first past the post' voting format is also supported by WALGA

Background

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

Submission

N/A

Report

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

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



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

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

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

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

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

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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



Legal Implications

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

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

N/A

13.2 (MINUTE NO 3280) (OCM 12/10/2006) - APPLICATION FOR LEAVE OF ABSENCE - CLR TILBURY (1705) (DMG)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

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



Report

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

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

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

Budget/Financial Implications

N/A

Legal Implications

Sec. 2.25 of the Local Government Act, 2005 refers.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

N/A

- 13.3 **(MINUTE NO 3281) (OCM 12/10/2006) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING MINUTES 20 SEPTEMBER 2006 (1054) (SGC) (ATTACH)**

RECOMMENDATION

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



recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

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

Submission

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

Report

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.



Community Consultation

Committee Minutes refer.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

N/A

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3282) (OCM 12/10/2006) - PROPOSED CLOSURE OF REDUNDANT PEDESTRIAN ACCESSWAY - EMPRESS CRESCENT, ATWELL (451139) (KJS) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

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



Submission

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

Report

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

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

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

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

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

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

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



Budget/Financial Implications

N/A

Legal Implications

Section 87 of the Land Administration Act 1997.

Community Consultation

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

Attachment(s)

Map of PAW and surrounding area.

Advice to Proponent(s)/Submissioners

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

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

Nil.

14.2 (MINUTE NO 3283) (OCM 12/10/2006) - MODIFICATIONS TO COCKBURN CENTRAL (TOWN CENTRE PRECINCT DA23) AND COCKBURN CENTRAL (GATEWAYS PRECINCT DA24) - AMENDMENT NO. 1 TO TOWN PLANNING SCHEME NO. 3 (93001) (MR) (ATTACH)

RECOMMENDATION

That Council:

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

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

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



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

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

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

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

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

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

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

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

“1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. The combined Gross Leasable Area (GLA) of retail floor space within the Gateways Precinct shall not



exceed 35,000 square metres (GLA) until a review of the shopping centre design and associated access arrangements has been undertaken to the satisfaction of Council. In this respect particular attention is to be given to access arrangements to Beeliar Drive and to the provision of a suitable public transport corridor through the Gateways Precinct to the Town Centre Precinct on advice from the Public Transport Authority.”

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

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

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

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

Provision 6 of DA24 is to be deleted.

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

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

“See Note 4”

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

“Note 4

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

(b) In that part of the Regional Centre Zone comprised in Development Area 24, the permissibility of land uses shall be in accordance with the Zoning Table until such time as a Structure Plan is approved which indicates a different permissibility of land uses.”

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

advice as follows:-

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

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

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

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

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

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

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

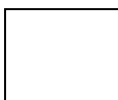
- (2) in anticipation of the Hon. Minister’s advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise the applicant of Council’s decision accordingly.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that Council:

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

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



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

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

3. Land uses classified on the Structure Plan shall apply in accordance with Clause 6.2, 6.3 and Clause 4.3.

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

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

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

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

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

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

“1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. The combined Gross Leasable Area (GLA) of retail floor space within the Gateways Precinct shall not

exceed 35,000 square metres (GLA) until a review of the shopping centre design and associated access arrangements has been undertaken to the satisfaction of Council. In this respect particular attention is to be given to access arrangements to Beeliar Drive and to the provision of a suitable public transport corridor through the Gateways Precinct to the Town Centre Precinct on advice from the Public Transport Authority.”

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

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

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

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

Provision 6 of DA24 is to be deleted.

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

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

“See Note 4”

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

“Note 4

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

(b) In that part of the Regional Centre Zone comprised in Development Area 24, the permissibility of land uses shall be in accordance with the Zoning Table until such time as a Structure Plan is approved which indicates a different permissibility of land uses.” The permissibility of land uses shall then be governed by the applicable Special Control Area provisions of Schedule 11 and any approved Structure Plan.



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

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

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

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

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

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

In addition to the above modify Provision 5 of DA23 as follows:-

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

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

CARRIED 8/0

Reason for Decision

DA23 Provision 3 was mistakenly duplicated by Provision 4 in the report recommendation. The Minister has not required any changes to



DA23 Provision 3 and therefore the current provision should be retained.

The second change is necessary following recent advice from a planning Officer for the Department for Planning and Infrastructure who has suggested that Note 4(b) be expanded to clarify that the permissibility of land uses will apply through an adopted Structure Plan for the Gateways Precinct.

The third change corrects an administrative error, which replaces DA24 with DA23.

Background

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

The main components of the scheme amendment include:-

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

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



Submission

N/A

Report

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

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

Cockburn Central (Town Centre Precinct) - Development Area 23

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



Modifications in addition to Minister's Changes

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

Cockburn Central (Gateways Precinct) - Development Area 24

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

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

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

Council's solicitors have advised of problems with the above modification because the reference in Note 4 to "car parking requirements" does not seem pertinent, as car parking



standards are not a function of the Zoning Table. To the extent that car parking requirements are to be addressed by a Structure Plan, an appropriate provision should be made in Schedule 11. It is proposed that Council adopt an alternative to Note 4 prepared by Council's Solicitors. The scheme text changes are set out in the report recommendation.

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

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

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

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

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



Community Consultation

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

Attachment(s)

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

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

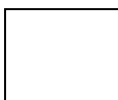
14.3 (MINUTE NO 3284) (OCM 12/10/2006) - PROPOSED COCKBURN CENTRAL TOWN CENTRE STRUCTURE PLAN - VARIOUS LOTS - NORTH LAKE ROAD, BEELIAR DRIVE, JANDAKOT - OWNER: LANDCORP - APPLICANT: CARDNO BSD PTY LTD (9629A) (RD) (ATTACH)

RECOMMENDATION

That Council:

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

Detailed Area Plans will control built form within the Cockburn Central Town Centre in lieu of development being assessed in accordance with the Residential



Design Codes. Detailed Area Plans may also include special development controls.

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

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

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

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



extends both sides of the Kwinana Freeway (Attachment 3, Appendix 2 refers).

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

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

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

Submission

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

Report

Cockburn Central Town Centre Structure Plan

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



achieve this flexibility, the Structure Plan proposes “precincts” rather than the conventional “zones”. Each precinct has been provided with a range of “Intended Uses” and “Main Features” to guide future development within the Structure Plan area.

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

1. Town Square Precinct

a) Main Features:

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

b) Intended Uses

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

2. Central Precinct

a) Main Features:

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

b) Intended Uses

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



3. Beeliar Drive Precinct

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

a) Main Features:

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

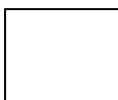
b) Intended Uses:

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

4. Park Precinct

a) Main Features:

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



b) Intended Uses:

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

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

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

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

Cockburn Central Structure Plan - Public Consultation

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

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



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

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

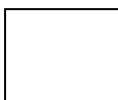
The references relating to the “Intended Uses” will therefore need to be deleted from the Structure Plan to avoid any conflict with the Scheme zoning table. Other changes required are listed in Recommendation (1) of this report. Furthermore, additional provisions are to be included into Scheme Amendment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

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

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

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

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



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

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

Subdivision Approval

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

Drainage issue

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

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

Strategic Plan/Policy Implications

Demographic Planning

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

Employment and Economic Development

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

Transport Optimisation

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

The Planning Policies which apply to this item are:

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



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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

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

Attachment(s)

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

Advice to Proponent(s)/Submissioners

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

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

Nil.



14.4 (MINUTE NO 3285) (OCM 12/10/2006) - MUNSTER PHASE 3 STRUCTURE PLAN - MAYOR AND FAWCETT ROAD, MUNSTER - AUSTRALIAN LANDBANK AND ROCLA - APPLICANT: PLAN-IT (9674) (AJB) (ATTACH)

RECOMMENDATION

That Council:

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

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

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



Submission

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

Report

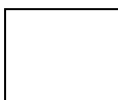
The Structure Plan, which covers Lots 50 and 805 Mayor Road owned by Rocla and Lots 2, 3 and 4 Fawcett Road, Munster owned by Australian Landbank, was advertised for comment for 28 days from 11 August to 8 September 2006. A copy of the advertised Structure Plan is included in the Agenda attachments.

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

The total area of the Structure Plan is 8.8111ha of which 3.4630 ha (39%) is being set aside for MGS 3, Bush Forever, buffer and foreshore areas to MGS No 3 and Lake Coogee and public open space. Allowing the normal credits for the wetland areas and associated buffers, 10% POS is being provided in respect to the Rocla land and 9.3% in respect to the Australian Landbank holding. It is proposed to take 0.7% cash in lieu of open space (value of 288 m²) from Australian Landbank to make up the required 10%.

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

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



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

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

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



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

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

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

Natural Environmental Management

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

The Planning Policies which apply to this item are:

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

Budget/Financial Implications

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

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

Legal Implications

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



Community Consultation

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

Attachment(s)

- (1) Copy of the advertised Structure Plan.
- (2) Copy of the modified Structure Plan including lot 704 Fawcett Road.
- (3) Schedule of Submissions.

Advice to Proponent(s)/Submissioners

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

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

Nil.

14.5 **(MINUTE NO 3286)** (OCM 12/10/2006) - CAT CONTROL LAWS (1008) (PS) (ATTACH)

RECOMMENDATION

That Council:

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

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that Council:

- (1) receive the report; and
- (2) require draft local laws, consistent with the recommendaitons made in the report, be presented to a future Council meeting no



later than the January 2007 meeting.

CARRIED 8/0

Reason for Decision

Council is satisfied with the proposals contained within the report. With this in mind, Council prefers to progress the matter quickly and consider the adoption of draft local laws within three months.

Background

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

Submission

N/A

Report

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

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

Analysis of City of Stirling and Shire of Busselton

Requirement of the cat owner

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



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

Another key difference between the two local laws is that not only does the Shire of Busselton require that all cats be registered, it also states that no cats shall be in public places unless under effective control; the City of Stirling differs from the Shire of Busselton by stipulating Fauna Protection Buffer Zones. These buffers extend 200 metres from the boundary of the Cat Prohibited Areas. These areas require a permit for more than one cat, instead of the permitted three cats. The City of Stirling was unable to provide information on the reasoning of 200 metres, but research being undertaken by Murdoch University in the City of Armadale has found that cats within the urban area had a home range of 0.13 hectares, while cats in the rural areas had a range of 0.86 hectares (Lilith, Unpublished data). This research supports the need for large buffers to protect native fauna.

Local laws in practice and cost implications

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

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

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

Options for the City

"Business as usual" approach

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



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

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

Implement City of Stirling local laws

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

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

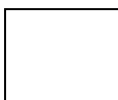
Implement the Shire of Busselton laws

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

Proposed Cat Management Strategy

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

The Shire of Busselton approach of registering all cats would place an unreasonable amount of pressure on the City to firstly undertake the registration, and secondly ensure compliance across the whole district. While the City of Stirling laws acknowledges the importance of



ensuring appropriate cat management surrounding areas of conservation value through registration of cats within the buffer zone and the limitation to one cat, with a permit for further cats.

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

Education

This can be done by providing owners with information on how best to manage their cats so as not to impact on wildlife. This will need to be done by dispersing information to those residents residing within the Fauna Protection Buffer. This would then be supplemented by the cat sterilisation subsidy that is given by Council. Currently, this subsidy is used 20 times per month. This program needs to be continued and expanded.

Proposed Cat Control Law

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

Establishing Cat Protection Zone

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

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

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

Registration of cats within the 200m Fauna Protection Buffer

The implementation of cat prohibition area and restriction of cats within the buffer area will only work if cats are registered. This allows the City to capture the registered cats within the Cat Prohibition Area and locate the owner and return the cat to its owner. Also it allows the City to educate irresponsible cat owners on the behaviour of their cats and if required issue infringements. If there were no registration it would be expected that very few cats would be successfully returned to their owners and that irresponsible cat owners will be unaware of their misdemeanours.



The registration of cats also enables cat owners to be reunited with their lost cats. On this basis it is intended to offer the voluntarily registration of cats outside of the 200 metre buffer area.

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

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

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

Cost implications

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

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

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

Strategic Plan/Policy Implications

Natural Environmental Management

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



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

Budget/Financial Implications

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

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

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

Legal Implications

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

Community Consultation

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

Attachment(s)

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

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.6 (MINUTE NO 3287) (OCM 12/10/2006) - MODIFICATION TO THE SOUTH BEACH STRUCTURE PLAN - (FORMER ANI BRADKEN FOUNDRY) LOT 1815 OCEAN DRIVE, NORTH COOGEE (MR) (9653) (ATTACH)

RECOMMENDATION

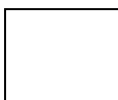
That Council:

- (1) adopt the variations to the South Beach Structure Plan applying to Lot 1815 Ocean Drive, North Coogee, given that the changes do not materially alter the intent of the Structure Plan pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No 3;
- (2) refer the modified South Beach Structure Plan to the Western Australian Planning Commission for information pursuant to Clause 6.2.14.2 of Town Planning Scheme No 3;
- (3) provide a copy of the revised South Beach Structure Plan to the City of Fremantle for their information; and
- (4) advise the proponent of the requirement to prepare Detailed Area Plans for the development site pursuant to Clause 6.2.15 of the City of Cockburn Town Planning Scheme No 3. Detailed Area Plans must show building envelopes, private open space, interface with the reserve, foreshore access, 'quiet house design' principles to address impacts from the freight railway line, building orientation to maximise opportunities for ocean views and solar access where appropriate, vehicular access and parking and any special development controls and guidelines.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr V Oliver that Council:

- (1) modify the amended South Beach Structure Plan to include provision for a restaurant and/or café at the north western corner of the site;
- (2) adopt the variations to the South Beach Structure Plan, including the modifications as outlined in (1), applying to Lot 1815 Ocean Drive, North Coogee, given that the changes proposed do not materially alter the intent of the Structure Plan pursuant to Clause 6.2.14.1 of the City of Cockburn's Town Planning Scheme No.3;
- (3) refer the modified South Beach Structure Plan to the Western Australian Planning Commission for information pursuant to Clause 6.2.14.2 of Town Planning Scheme No 3;



- (4) provide a copy of the revised South Beach Structure Plan to the City of Fremantle for their information; and
- (5) advise the proponent of the requirement to prepare Detailed Area Plans for the development site pursuant to Clause 6.2.15 of the City of Cockburn Town Planning Scheme No 3. Detailed Area Plans must show building envelopes, private open space, interface with the reserve, foreshore access, 'quiet house design' principles to address impacts from the freight railway line, building orientation to maximise opportunities for ocean views and solar access where appropriate, vehicular access and parking and any special development controls and guidelines.

CARRIED 7/1

Reason for Decision

The Council considers that it is important to retain provision for a commercial component within the development on the former ANI site. The commercial component, at the north western corner of the site, was an element of the adopted South Beach Structure Plan. Council considers that it would be an ideal location for a restaurant and/or a cafe to service beach goers and future occupants within the South Beach development and the community.

The amendment does not reduce the amount of Public Open Space. In fact the amount of public open space has increased.

The variation does not allow an additional multi-storey development. The original Structure Plan allowed three five storey developments across the site - this will remain the same under the current variation.

The overall residential density essentially remains the same. The previously approved Structure Plan proposed twenty residential lots with density codings varying from R20 through to R100. The equivalent residential density for the entire site would be R74 or in other words R80, which is the density coding under the modified Structure Plan.

There are no changes to the proposed land uses from those which were in the previously approved Structure Plan, so therefore there are no new potential conflicts with land uses on the site and the adjoining South Beach reserve. In fact the modified Structure Plan proposes a lower residential density (R80) than under the previously approved Structure Plan (R100), so therefore any potential impact on the reserve by the development is likely to be reduced.



The material effect of the variations will be to allow an additional extra 11 dwellings on the site - a shift from an average of R74 to R80, in effect. So it is a very minor amendment.

Background

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

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

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

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

The former ANI site is currently undergoing site remediation, which is based on an Environmental Management Program. The site clean up is being monitored by an Independent Auditor, Environmental Resources Management Australia Pty Ltd. Stockland are keeping the local community informed on the clean up progress through information brochures. Clean up of the site has necessitated the temporary diversion of the coastal dual use path due to the close proximity of the pathway to the boundary of the site during demolition works. The dual use path will be re-opened in December 2006.

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



Submission

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

Existing Structure Plan

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

Proposed Structure Plan

- The amendment to the South Beach Structure Plan only relates to Lot 1815 Ocean Drive, North Coogee over the former ANI Bradken Foundry. The changes propose a more comprehensive redevelopment that is intended to provide future residents with higher levels of amenity rather than a more fragmented approach envisaged by the existing Structure Plan.
- In lieu of subdividing the land into 20 lots the revised plan proposes to redevelop the site as one lot. This allows for a comprehensive design solution for the subject land.
- Maintains "beach" theme avoiding creation of individual housing sites.
- The current maximum density permitted is equivalent to R73.8 or in other words R80. It is therefore proposed to simply code the whole of the amendment area R80.
- The site consists of 4 approximately square development sites.
- The plans also envisage a café at the north western corner of the northern most development site which is consistent with the current Structure Plan.



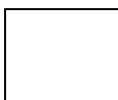
- All internal roads are proposed as “private” although it is proposed that they be covered by an easement under Section 196 of the Land Administration Act enabling public access. The roadway adjacent to the railway reserve is retained at a width of 10 metres while the spur roads are retained at a width of 15 metres. The central east west road is no longer required for vehicular access and is proposed to be included as an extension of public open space.
- The internal access roads are considered adequate for the proposal, which is expected to generate between 800 and 900 vehicle trips per day.

Report

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

- The proposed variation to the South Beach Structure Plan represents a consolidated development proposal over one site rather than subdividing the land into 20 residential lots with subdivisional roads.
- The proposal for R80 will yield a comparable number of residential units that would have otherwise been achieved under the current Structure Plan. (ie. 90 units – R73.8 or 101 units – R80).
- Allows a more comprehensive and coordinated design solution for the site rather than the disjointed and fragmented approach of the current Structure Plan. The current Structure Plan does not properly capitalise on the attributes of the site.
- Despite the proposal to include private roads the structure plan will still retain public access along accessways.
- Pocket parks are still included on the Bradken site to provide for pedestrian access to the beach and for ocean views within the South Beach development.
- Parkland area on the Bradken site will also increase area from a total area of 891sqm to 1,457sqm.
- The amalgamated development sites will enable a majority of residential units to have ocean views.
- The design of apartments for the site must be based on Detailed Area Plans pursuant to Clause 6.2.15 of TPS3 and approved by Council prior to lodgement of a development application.

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



Clause 6.2.14.1 states as follows:-

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

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

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

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

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

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

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

Governance Excellence

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



Council Policies that apply are:-

SPD4 Liveable Neighbourhoods

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005

Community Consultation

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

Attachment(s)

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

Advice to Proponent(s)/Submissioners

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

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

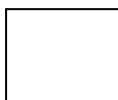
Nil.

14.7 (MINUTE NO 3288) (OCM 12/10/2006) - DRAFT MURDOCH ACTIVITY CENTRE STRUCTURE PLAN - WESTERN AUSTRALIAN PLANNING COMMISSION (110097) (DA) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the draft Murdoch Activity Centre Structure Plan;
- (2) advise the Department of Planning and Infrastructure that it wishes that the following issues be taken into consideration in



the preparation of the finalised structure plan:

1. The municipal boundaries between the City of Cockburn and the City of Melville being correctly shown on all plans comprising the Murdoch Activity Centre Structure Plan.
2. The Western Australian Planning Commission advising the City as to whether it intends to proceed with the agreed transfer of Lots 550 and 551 Baker Court to the State, with a subsequent Management Order to the City; and
3. The Western Australian Planning Commission providing a detailed timeframe for the review of the land uses south of Farrington Road, in order to provide the current sub-lessees with a degree of certainty as to their long term future.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

The area covered by the Murdoch Activity Centre Structure Plan (MACSP) essentially covers the area bounded by South Street, Murdoch Drive/Murdoch University Campus, Farrington Road and the Kwinana Freeway and includes the St John of God Hospital, Murdoch Railway Station, the eastern portion of Murdoch University and the proposed Fiona Stanley Hospital and Health Precinct.

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

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



Submission

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

Report

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

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

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

Public Road Network

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

Major Land Uses

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

The realignment of Murdoch Drive and the creation of a southern connection to Kwinana Freeway will also have an impact on those properties between Bibra Drive and the Murdoch Chase Estate. These two lots on either side of Baker Court are owned by the State Government and although they are outside the structure plan area and currently are reserved for parks and recreation would have the potential to be rezoned and redeveloped for alternative uses compatible with the surrounding uses. This is acknowledged by the



annotation on the structure plan for these lots “*Opportunity to Review Future Land Use in this Area Subject to Further Planning Study and Stakeholders Consultation.*”.

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

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

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

Municipal Boundaries

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

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

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

Budget/Financial Implications

N/A



Legal Implications

Planning and Development Act 2005

Community Consultation

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

Attachment(s)

Murdoch Activity Centre Structure Plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 14.8 **(MINUTE NO 3289) (OCM 12/10/2006) - REZONING APPLICATION PORTION LOT 5 BARTRAM ROAD, (CORNER TAPPER ROAD) ATWELL - OWNER: CITY OF COCKBURN - AMENDMENT NO.51 TO TOWN PLANNING SCHEME NO.3 (5516327) (KJS) (ATTACH)**

RECOMMENDATION

That Council:

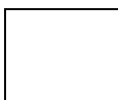
- (1) adopt the following amendment:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO.3 (TPS3)

AMENDMENT NO. 51

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

1. Replacing the R20 density coding for portion of Lot 5 Bartram Road (Cnr Tapper Road) Atwell (shown as Lots 6 to 10 on the proposed Subdivisional Plan) with an R30 density coding on the Scheme Map.
2. Replacing the R5 density coding for portion of Lot 5



Bartram Road (Cnr Tapper Road) Atwell (shown as Lots 27 to 30 on the proposed Subdivisional Plan) with an R20 coding on the Scheme Map.

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A) (1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection;
- (5) advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (6) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

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



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

Submission

N/A

Report

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

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

The results are that the current 30 lot subdivision would sell for an estimated \$9,107,500 and the rezoned subdivision of 46 lots would sell for an estimated \$11,326,000 a difference of \$2,218,000. It is



considered prudent to continue with the current subdivision less the “to be rezoned land”. The rezoning and further subdivision will take approximately twelve (12) months to complete. The road pattern will not change and given that services are generally located in the road reserves all services for the anticipated stage two subdivision will be placed where possible in the stage one subdivision. The selling price for lots in stage one is estimated to be \$5,622,000.

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

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

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

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

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

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

Legal Implications

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



Town Planning Regulations

Community Consultation

To be undertaken as part of the Amendment process.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3290) (OCM 12/10/2006) - LIST OF CREDITORS PAID - AUGUST 2006 (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2006, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr K Allen that the recommendation be adopted.

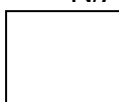
CARRIED 8/0

Background

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

Submission

N/A



Report

N/A

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

N/A

Attachment(s)

List of Creditors Paid - August 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3291) (OCM 12/10/2006) - STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2006 (5505) (NM) (ATTACH)

RECOMMENDATION
That Council receive the Statement of Financial Activity and associated reports for the period ended 31 August 2006, as attached to the Agenda.



COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0

Background

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

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

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

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for August 2006.

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

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

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



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

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – August 2006.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

DECLARATION OF INTEREST

Clr Allen declared a financial interest in the following item. The nature of the interest being that he is a landowner of property within the affected area.

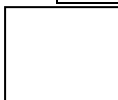
Clr Romano declared a conflict of interest in the following item. The nature of the interest being that his mother is a landowner of property within the redevelopment area.

CLRS ALLEN AND ROMANO LEFT THE MEETING AT THIS POINT THE TIME BEING 7.41 PM

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 3292) (OCM 12/10/2006) - IMPLEMENTATION SCHEDULE FOR PHOENIX RISE PROJECT - PHOENIX RISE, SOUTHWELL - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (9512) (JS/MD) (ATTACH)

<p>RECOMMENDATION</p> <p>That Council:</p> <ul style="list-style-type: none">(1) receive the report;(2) adopt the detailed Implementation Schedule for the Phoenix Rise, Southwell public domain works as set out in the attachments;(3) agrees to fund the public domain works on a 50:50 basis up-to a maximum value of \$1Million;(4) in consultation with the Department of Housing and Works, prepares an agreement formalising the scope of the project, the responsibilities of each party and the funding arrangements for execution by the Mayor and Chief Executive Officer;(5) amends the 2006/07 Municipal Budget as follows:<ul style="list-style-type: none">1. CW 5082 Phoenix Rise Street Landscaping Public Domain Works adjusted from \$167,139 to \$165,685.2. including an amount of \$95,057 for the development of Lot 174 Ely Street with funding to be allocated from the Land Development Reserve Fund;
--



3. including an amount of \$20,000 for Strategic Planning Services to appoint a consultant to review development estimates for the subdivision projects within the revitalisation project area to be funded from the Land Development Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0

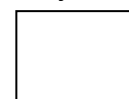
Background

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

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

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

- Renovation of all Dept of Housing and Works (DHW) houses and units by the New Living Project Joint venture with the Satterley Property Group.
- Enhancement of the public domain including entry statements, streetscapes, public open space upgrade and construction of pathways and some road links jointly funded by the City and DHW on a dollar for dollar basis in accordance with the agreement signed between the two parties.
- Subdivision of eight parcels of POS land to be funded by the City.



- Possible relocation of the Community hall from Caffery Place to Goodchild Reserve subject to satisfactory arrangements being negotiated between DHW and the City.

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

Submission

Public Domain Works

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

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

Subdivision/Development Works

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

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

Report

Public Domain Works

The Implementation schedule (attached) identifies each aspect of the revitalisation project as detailed in the Masterplan and adopted by Council in November 2005. The scope of works have been prioritised in consultation with representatives of DHW. The Phoenix Rise project is multidisciplinary and requires considerable coordination to deliver within the timeframes established. Also, some aspects of the works are reliant on others before they can be completed. The schedule of costs (attached) outlines when each aspect of the project is to be initiated and the associated costs and will dictate future budgets.



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

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

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

Subdivision/Development Works

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

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

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

The Council proposed developments are all subject to final approval by the Minister to the rezoning amendment (Amendment No. 38). Further, all of the developments with the exception of Lot 174 Ely Street are subject to either the Council obtaining BP agreement to access the pipeline for road works, Public Access Way closures and/or the exchange of Reserve 42809 for a portion of Goodchild Reserve. These



factors will largely determine the staging and timing of the proposed developments.

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

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

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

Refer to Cash Flow Schedule contained in the Agenda attachments.

Conclusion

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

Strategic Plan/Policy Implications

Demographic Planning

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



Infrastructure Development

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

The Planning Policies which apply to this item are:

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

Budget/Financial ImplicationsPublic Domain Works

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

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

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

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

Subdivision/Development Works

Funds are sought to appoint a consultant to review the development costs of the entire project and to commence the first grouped housing



development on Ely Street. These funds will be drawn from the Land Development Reserve.

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

Legal Implications

N/A

Community Consultation

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

Attachment(s)

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

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

CLRS ALLEN AND ROMANO RETURNED TO THE MEETING THE TIME BEING 7.43 PM.

THE PRESIDING MEMBER ADVISED CLRS ALLEN AND ROMANO OF THE DECISION OF COUNCIL WHILST THEY WERE ABSENT FROM THE MEETING

17. COMMUNITY SERVICES DIVISION ISSUES

Nil



18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**21.1 (MINUTE NO 3293) (OCM 12/10/2006) - COCKBURN COMMUNITY SUNDAY MARKET - CITY OF COCKBURN MUNICIPAL CHAMBERS CAR PARK - OWNER: CITY OF COCKBURN - APPLICANT: COCKBURN COMMUNITY FUNDRAISING TASKFORCE (2211869) (AJW) (ATTACH)****RECOMMENDATION**

That Council:

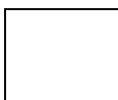
- (1) grant its approval for a Community Sunday Market on Lot 20 (No.300) Rockingham Road, Spearwood, in accordance with the application documentation subject to the following conditions:
1. Approval being for the period October 2006 – April 2007 only.
 2. The event taking place strictly in accordance with the information provided with the application, unless otherwise required by the following conditions.
 3. The market times being amended to 6.00am to 7.00am for sellers, and 7.00am to 8.00am for buyers.
 4. The market area shown on the plan lodged with the application being switched with the buyers parking area.
 5. Access from Coleville Crescent, adjacent to the residential properties, being limited to emergency vehicle access only.
 6. Seller and buyer access/egress being via Coleville Crescent (adjacent to Phoenix Shopping Centre) and

Rockingham Road.

7. All access/egress points and parking areas being suitably managed by market coordinators/volunteers and signposted to reflect the above requirements.
8. All management and promotional literature for the market is to be amended to ensure the dissemination of new information occurs (i.e. the revised start times, traffic and parking arrangements).

FOOTNOTES

1. In the event it proposed to continue to use the land the subject of the application for the purpose of a market beyond April 2007, a further application needs to be submitted to Council for assessment and determination.
 2. In considering any future application, Council will undertake community consultation for the purposes of understanding the extent or otherwise, to which the management measures to be implemented by the market organisers minimise the impact of the event on adjacent residential properties.
 3. This approval represents planning approval for the conducting and management of the market only. The approval does not remove the need for any other approvals, licences or permits that may be required. In this regard, particular consideration should be given to the requirements of Council's Health Services.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Approval);
 - (3) advise the applicant that the Council has assessed and determined the application on the basis of the information provided, and that the conducting and management of the event is to occur strictly in accordance with this information unless otherwise required by a condition on approval, or as agreed with Council; and
 - (4) advise the applicant and submissioners of Council's decision accordingly.



COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council:

- (1) grant its approval for a Community Sunday Market on Lot 20 (No.300) Rockingham Road, Spearwood, in accordance with the application documentation subject to the following conditions:
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- (4) advise the applicant and submissioners of Council's decision accordingly.

CARRIED 8/0

Reason for Decision

It was decided to grant approval to conduct the community markets from October 2006 to October 2007, rather than only 7 months to April 2007, where planning approval would have to be sought again should approval be required to continue conducting the markets.

Background

In August 2006 the Fundraising Taskforce presented a proposal to the City of Cockburn to establish a Community Sunday Market in the grounds of the City's Civic precinct. One of the underlying reasons for the market proposal is the closure of the Gateways Sunday Market in Success. In recognition of the support previously given by the City to the Gateways Market, the Fundraising Taskforce has again approached the City.

As stated in the Taskforce's submission "All Community Associations in the City of Cockburn have the opportunity to continue to be a part of the planning team to develop and run the new markets, as per the previous arrangements at Gateways. By a Community Association group being involved, they would be entitled to a portion of the profits generated from the markets through the Gold Coin Entry donation and the Sellers bay costs."



The application to use City land for the purpose intended has been signed by an appropriate City official to enable the assessment of the proposal on planning grounds.

Submission

Application has been made to use the existing parking area at the City of Cockburn's offices for the purpose of a community market. The following points summarise the proposal:

- The market is proposed for Sunday mornings, commencing 15 October 2006;
- Market times: sellers to arrive at 6.00am, buyers at 7.00am; market to close at 12 noon, car park to be vacated by 1.00pm;
- Expected attendance – approximately 200 persons at any one time;
- Market to be managed by a roster of community groups.

In support of the proposal the applicant has provided a Risk Management Plan. The plan identifies how the market is to be managed to ensure the event takes place in an orderly and controlled manner. A number of the measures detailed in the management plan are aimed specifically at minimising the extent to which the market activity impacts on adjacent residential properties. These measures include:

- Traffic management (dealing with vehicle movement and parking);
- Noise control i.e. in respect of that generated by market activities; and
- Rubbish management.

Report

The subject land constitutes a Local Reserve for 'Civic' purposes under the City of Cockburn's Town Planning Scheme No.3. The use of a Local Reserve requires planning approval. In determining an application to use a Local Reserve, the Council is to have due regard to *the matters set out in clause 10.2 of the Scheme and the ultimate purpose intended for the Reserve.*

In the subject instance, the use of the land for community markets is not considered too disparate from the Civic purpose for which the land is reserved. Matters to be considered in the determination of the application, therefore, relate to the extent to which the proposal can successfully occur on the land in question – within the context of the surroundings.



Use of Council's Car Park for Market Purposes

The Council's Civic precinct is centrally located within the City's western residential suburbs, providing a convenient, accessible location for a community market.

The site itself is considered well suited for the intended purpose. The site is of sufficient size to accommodate the market, including a large selling area and considerable on-site parking for buyers (110+ bays). Overflow parking is also available at Cockburn Bowling Club (75+ bays). The site also has toilets for use by market sellers and patrons. The site, therefore, is generally well suited to the proposed use. The relationship of the site to surrounding development, however, requires further consideration.

Context of Surroundings

The site is generally well situated with respect to surrounding development. On the northern, western and southern sides, the proposed market will operate adjacent to the Phoenix Shopping Centre, Council offices and the Bowling Club respectively. The main concern regarding the relationship of the proposed markets to adjacent development relates to the residential dwellings on the eastern side of Coleville Crescent. In this regard, the preservation of the amenity of the occupants of these dwellings and those in adjoining side streets is a primary consideration.

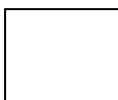
Based on the management measures proposed, and a number of changes to be required of the market operators (via several conditions of approval), it is believed the protection of residential amenity can be achieved.

Market Management Measures

The Management Plan presented with the application identifies a range of measures aimed at ensuring the market occurs in an organised and respectful manner. Measures proposed for the purpose of ensuring adjacent residential amenity is protected include:

- The erection of 'No Parking' signage in Coleville Crescent to prevent kerbside parking in the vicinity of residential properties;
- Security patrols of the car park area to address the issue of early arrivals i.e. prior to the market start time;
- The holding of market related entertainment no earlier than 10.00am; and
- The monitoring of noise generated by stall holders.

To further facilitate an appropriate outcome in terms of the eastern residential interface, the following changes to the current proposal are also recommended:



- A change in market times from 6.00am to 7.00am for sellers, and 7.00am to 8.00am for buyers;
- The 'switching' of the market area shown on the plan lodged with the application with the buyers parking area. This change combined with the commencement of the event one hour later should ensure limited activity adjacent to the residential properties on the eastern side of Coleville Crescent before 8.00am (instead of 6.00am). This change also improves the proximity of the market to the City's toilets;
- Amending proposed traffic management arrangements to the following:
 - Limiting access from Coleville Crescent (adjacent to the residential properties) to emergency vehicle access only;
 - Clearly signposting seller and buyer access/egress via Coleville Crescent (adjacent to Phoenix Shopping Centre) and Rockingham Road; and
- The applicant be required to amend all management and promotional literature for the market to ensure the dissemination of new information (i.e. the revised start times) occurs in a timely manner.

As detailed below (under Community Consultation), several submissions have been received regarding the proposed market. The main concerns raised in the submissions relate to traffic, parking, noise and disturbance. It is believed the measures proposed in the Market Management Plan combined with the changes/requirements above address the concerns raised.

Conclusion

Sunday Markets similar to the market proposed are common in suburban locations and are considered an integral part of community life. The markets provide an opportunity for social engagement, and represent an informal meeting place. Examples of similar markets in adjoining areas include the car park markets held at both Melville Plaza and Kardinya shopping centres on a Sunday mornings.

Accordingly, it is recommended that the subject application be conditionally approved. Whilst several concerns have been raised by a number of adjacent residents, it is considered the management measures proposed by the market organisers, and those to be required as part of the approval, will address the concerns raised.



Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

L1• To foster a sense of community spirit within the district generally and neighbourhoods in particular.

Budget/Financial Implications

The market is regarded as self-sustaining and Council has no financial obligation to the event.

Legal Implications

Nil.

Community Consultation

Ten (10) property owners in Coleville Crescent, Goffe and Travers Street were consulted in respect of the proposed market. A sign advising of the proposed market was also erected in Coleville Crescent, in front of adjacent residential properties. The closing date for submissions was Friday 6 October 2006. In response to the consultation undertaken, the following submissions were received.

Submissioner	Don't Object/ Objects	Concerns Raised
Michelle Griffin	Objects	Traffic and noise
J & H L.Desousa	Objects	-
M Sostaric	Objects	Traffic, noise and disturbance
R & C Lawler	Objects	Parking, noise and disturbance

Attachment(s)

- (1) Market Plan
- (2) Submissions Received.

Advice to Proponent(s)/Submissioners

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

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

Nil.



**21.2 (MINUTE NO 3294) (OCM 12/10/2006) - DRAFT MURDOCH
ACTIVITY CENTRE STRUCTURE PLAN - TRANSPORT
IMPLICATIONS (110097) (ML) (ATTACH)**

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the Department for Planning and infrastructure that:
 1. It is disappointed that it was not part of the stakeholder group initially consulted on the project as the development of the precinct is likely to have a significant impact on our community.
 2. The City seeks confirmation that the mode choice assumptions made are based on actual reference data from other like facilities.
 3. Additional modelling should be undertaken to predict what the degree of impact congestion on Kwinana Freeway between Roe Highway and Leach Highway will have on roads in proximity to this congestion point and in particular North Lake Road, Bibra Drive, Berrigan Drive and Beeliar Drive.
 4. The City does not believe that Farrington Road west of Bibra Drive will be able to cater for the additional traffic generated by the Murdoch precinct without some form of upgrade.
 5. The City's District Traffic study identified that Farrington Road between Bibra Drive and the Freeway would cater for 32,770 vpd by 2016 increasing to 42,290 vpd by 2031. It is not clear if the modelling caters for this level of traffic and subsequent demand at the modified signals at Farrington Road and freeway on-ramp and tear-drop intersection.
 6. Additional traffic on Farrington Road appears to be a reality. Little detail has been provided regarding the likely impacts and how this can be mitigated.
 7. Continued pressure on the Fremantle inner harbour, planning for the Fremantle outer harbour, the upgrade of the Kewdale Intermodal and the continued development of the International airport land for industrial purposes will potentially put additional pressure on the road network to cater for the freight movement east west. These roads

will also have an increasing demand by the significant increase in residential development south of the river. Additional traffic modelling should be undertaken by the state government to clearly identify the impacts of freight movement and residential traffic on Leach Highway, South Street, Roe Highway and the Kwinana Freeway so that the ramifications on the local and regional network can be fully understood and the issue of Roe Highway resolved.

8. Detail needs to be provided on how the amenity for residents (both visually and noise) will be managed.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 8/0

Background

At the Ordinary Meeting of Council held on 14 September 2006, Council resolved that a report be prepared for a future Council meeting on the traffic implications of the draft Murdoch Centre Structure Plan.

Submission

This report addresses the traffic implications associated with the Murdoch Activity Centre Structure Plan.

Report

A Transportation Planning Study was completed by SKM on behalf of the Department of Housing & Works in June 2006. The report documents the outcomes from the transport assessment of the proposed Fiona Stanley Hospital Precinct and associated land uses.

The regional and district transport networks proposed to support the Fiona Stanley Health Precinct and surrounding activities incorporate a new southern access to Kwinana Freeway, a change to the access arrangements at the South Street/ Kwinana Freeway interchange and the development of a new connection to Farrington Road. This item incorporates extracts from that report which specifically relate to the impact of this development on the City.



Road Network Options

Three technically feasible options for the new southern access were developed for in-depth assessment (refer to attachments). The SKM sustainability assessment model was used to compare the three options for the southern connection to the Kwinana Freeway and to determine the preferred road network option. The preferred alignment was modified Option 2A (refer attachment).

Preferred road network scenario

The preferred road network scenario incorporates Option 2A as the preferred alignment for the southern access to Kwinana Freeway.

Option 2A overcomes the shortfalls of Option 2 as follows:

- 1) reduces the loss of visual amenity for the residences facing the Spanish Club;
- 2) does not impact on the golf driving range; Spanish Club playing fields could be reconfigured and retained (if desired); and
- 3) reduces noise impacts for residences on eastern side of the residential area south of Farrington Road (known as Murdoch Chase).

The key differences between Option 2 and Option 2A are:

- the new road would be further west to align with Baker Court, an existing north-south access road to the Spanish Club (and along the boundary between the Spanish Club and the community sports centre);
- the new road would meet Farrington Road at a new four-way roundabout, connecting through to a re-aligned Murdoch Drive;
- the re-aligned Murdoch Drive would require land from Murdoch University and would also be required to avoid the wetlands area (and its buffer) in the south east corner of the University; and
- the intersection of Farrington Road and Allendale Ent would be reconstructed as a priority T-intersection.

Farrington Road

Farrington Road on-ramp

The draft structure plan for the precinct (prepared by GHD) incorporates a north-south neighbourhood connector on the east side of the Murdoch precinct. This neighbourhood connector would conceptually connect with the Farrington Road on-ramp as illustrated in Figure 4.6 attached.

The connection would have the following features and implications:

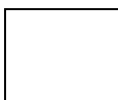


- A new teardrop intersection, connecting a new two-way section of road to Farrington Road traffic signals;
- Freeway on-ramp to connect to the teardrop intersection. The on-ramp would be 310m in length, and would move the existing island nose on the freeway further north by 95m. Adequate weaving/ merging distance would be maintained because the new freeway exit to South Street would be created as a continuous auxiliary lane, as discussed in detail in section 11;
- The existing bridge at Farrington Road would need to be widened to create an additional two traffic lanes to provide adequate capacity at the traffic signals to accommodate the projected traffic signal phases (discussed in more detail below); and
- The new north-south neighbourhood connector would link with the teardrop and provide access from the precinct to Farrington Road or to the freeway. Access to the neighbourhood connector would be available from Farrington Road (but not directly from the freeway).

Widening of the Farrington Road bridge

The issue of widening of the Farrington Road bridge is driven by a number of factors:

- 1) The north-south internal neighbourhood connector would bring a new movement onto the signals on Farrington Road, that is, there would be a new southbound movement onto Farrington Road at the point where the existing Farrington Road traffic turns right to the freeway (northbound).
- 2) Hence the signals at Farrington Road/ Freeway on-ramp would require an additional phase, that is, right and left turn from the north-south connector to Farrington Road. This would mean that the signals would need three phases (not two as they currently have).
- 3) The existing intersection at that point has a continuous westbound movement, that is, it is not delayed by any signals.
- 4) The eastbound movement has only a single lane, but because the signals have only two phases, the single lane can accommodate the volume of traffic (albeit with significant queuing in the peak periods).
- 5) If a third phase were introduced into the signals, the single eastbound lane would no longer accommodate the traffic demand, as it would have less 'green time' per hour. Hence a second eastbound lane would be needed. This would require widening of the Farrington Road bridge to accommodate the second eastbound lane.
- 6) In the westbound direction, traffic is currently moving continuously. This would not be the case if a new link is connected as this traffic would be stopped to give way to right turning traffic from the new north-south link. The analysis has shown that two traffic lanes would be needed to accommodate



the westbound traffic through the new traffic signals. This would require widening of the Farrington Road bridge by an additional westbound lane to provide the capacity needed.

- 7) Hence the bridge would need to be widened by two traffic lanes to accommodate the connection of the north-south neighbourhood connector.
- 8) Whilst this connection is not required from a traffic perspective for 2011, it will be required by 2021 if the defined land activity in the precinct is to be accommodated.
- 9) If the defined land activity were significantly reduced, and there were no requirement for the north-south connector, then the Farrington Road bridge would not require widening.

The concept has been found to be technically feasible, although significant additional design work will be needed to optimise the location of the teardrop and its connection to the north-south neighbourhood connector.

Farrington Road west

The estimated future traffic volumes on Farrington Road west and Bibra Drive are summarised in the table below:

Location	24 -hour traffic volume (2-way)		Notes
	Existing, 2005	Estimated future 2021	
Farrington Road, west of Murdoch Drive	21,300 vpd	25,800 vpd	Existing AM peak plus PM 2-way peak traffic volume (5240 vehicles) is 24.6% of daily traffic volume. Assumed this ratio remains constant to 2021.
Farrington Road, west of Bibra Drive	14,700 vpd	17,800 M	Adopt same ratio as for Farrington Road, west of Murdoch Drive
Bibra Drive	8,100 vpd	9,800 vpd	Adopt same ratio as for Farrington Road, west of Murdoch Drive

Farrington Road has adequate capacity to accommodate the forecast future traffic volumes within the sections constructed with four traffic lanes (two lanes in each direction).

Immediately west of Bibra Drive, Farrington Road has only a single two-lane carriageway. The estimated increase in traffic volume from 15,300 vpd to 17,800 vpd has been shown to be capable of being accommodated on a two-lane road, provided that overtaking is banned and passing lanes are introduced to accommodate any turning traffic. Ideally this section of Farrington Road would be reconstructed to four lanes, although it is understood that there are a number of environmental issues in this area.



Bibra Drive would have adequate capacity to accommodate the estimated 24-hour traffic volume of 9,800 vpd and no upgrades would be required to provide additional capacity.

Kwinana Freeway

The estimated 2021 traffic volumes for Kwinana Freeway are around 102,400 vpd between Farrington Road and South Street, and 124,300 vpd between South Street and Leach Highway (source: Main Roads Regional Operations Model, including demand to/from the FSHP). Of this, it is estimated that traffic to and from the FSHP plus the TOD would be about 5600 vpd between South Street and Leach Highway and about 6700 south of Roe Highway, including traffic which would leave the Freeway at the proposed new Kwinana Freeway southern connection.

Traffic between the FSHP and Kwinana Freeway north of South Street, travels in the contra-peak direction, that is, in the AM peak traffic is southbound, whereas the peak direction is northbound, and vice versa in the PM peak.

Traffic between the FSHP and Kwinana Freeway south travels in the peak direction. However, since most traffic is expected to leave/join the Freeway via the proposed new Kwinana Freeway southern connection, this traffic is not expected to add to traffic congestion on the Freeway.

The estimated total 2021 traffic volume (124,300 vpd) would be in excess of existing daily traffic volumes on the Kwinana Freeway, at Mount Henry bridge, and on the Mitchell Freeway, around Hutton Street. Both these areas currently experience substantial congestion in the morning peak period as traffic joining the freeways from district and regional roads merges with traffic on the freeways.

Even with the additional traffic lanes on Kwinana Freeway (increasing to six lanes from the existing four lanes) traffic can be expected to operate at slow speeds, similar to that observed today around Canning Bridge and Leach Highway on the Kwinana Freeway, and between Reid Highway and Osborne Park on the Mitchell Freeway.

In the evening peak period, traffic congestion can be anticipated on the exit ramps leading to traffic signals at South Street, similar to that observed on the existing freeway exit to Canning Highway. Exiting traffic may influence traffic speeds on Kwinana freeway. Traffic joining at South Street and Farrington Road is not expected to experience significant congestion, although with this estimated traffic volume, motorists could expect traffic to be relatively slow moving.

In summary, peak and non-peak traffic conditions on the Kwinana Freeway in both directions could be expected to be similar to those



currently observed today in the vicinity of Canning Highway on Kwinana Freeway and in the Osborne Park to Reid Highway area on the Mitchell Freeway.

Infrastructure costs

The feasibility quantity estimates for major infrastructure works, suitable for budgetary purposes at +/- 20 per cent (April 2006 rates), are summarised in the following table.

	South Street/ Kwinana Freeway Interchange	Farrington Road/ Kwinana Freeway Interchange	South Street and Murdoch Drive	Other roadworks internal to Murdoch Precinct	Southern connection to Kwinana Freeway	
					Northbound off-ramp Stage 1	Southbound on-ramp Stage 2
Design, construction, project management	\$4,220,000	\$10,871,000	\$7,365,000	\$14,529,000	\$22,060,000	\$28,529,000
Land (a)	Nil	\$2,000,000	Nil	Nil	\$20,464,000	Nil
TOTAL	\$4,220,000	\$12,871,000	\$7,365,000	\$14,529,000	\$42,524,000	\$28,529,000
By year	2011	2021	2011	2011/2021	2011	2015+

Risks

This report summarises the main infrastructure risks which will need to be considered in more depth in future planning and design projects for each of the infrastructure components. All of the identified risks have been included on the table attached however the following risks specifically relate to the City of Cockburn.

New southern link to Kwinana Freeway

Risk	Discussion
Government policy does not currently support construction of a road in the reservation for Roe Highway stage 8.	Opponents of Roe Highway stage 8 may lobby against the southern link in this location.
The design does not support the future construction of Roe Highway stage 8, should there be a change in government policy in the future.	If Roe Highway stage 8 were to be constructed, the first available access point would be at Bibra Drive. This would mean that people to the Health Campus would be required to drive further west before being able to access Murdoch Drive. Staging would also be a significant issue if the new southern link were completed prior to any future decision to construct Roe Highway stage 8. Under this scenario, both southbound on-ramp bridge structures would need to be demolished to enable Roe Highway stage 8 to be constructed.
Community acceptance of the bridges and ramps with respect to visual intrusion and noise.	The new bridge structures at the interchange with Roe Highway will be significantly higher than the current structures under construction. Noise generated by traffic will be at a point source that will be higher than the houses.

Farrington Road

Risk	Discussion
Traffic volumes could increase along Farrington Road, contrary to local government planning and community expectations.	The link between Farrington Road and the new southern connection could attract additional traffic to the area.
Increase in truck and regional traffic on Farrington Road could impact on the wetlands and hence affect timing for environmental approval.	Additional road widening through the wetlands area would require EPA approval.

Kwinana Freeway

Risk	Discussion
The capacity of the freeway could be impacted by the additional traffic to and from the Murdoch precinct.	The additional merging, diverging and weaving on the freeway to access the precinct may reduce the capacity for through traffic, causing the freeway to have a reduced level of service.

Summary

It is disappointing that the City of Cockburn had not been consulted prior to this stage when such a significant development on our northern boundary could potentially have a significant impact on our community. That said, the following points need to be considered:

- Traffic modelling has been based on a number of assumptions which require a change in travel behaviour despite a well documented reluctance by West Australians to embrace more sustainable travel methods. Whilst congestion, stricter controls on parking and other methods may place more relevance on public transport, it is assumed that the use of alternative modes of transport would have less appeal to those attending a health precinct as opposed to the TOD or Murdoch University. Modelling for the FSHP has been based on traffic volumes constrained to 60% of current levels generated at large medical centres. The City should seek confirmation that the mode choice assumptions made are based on actual reference data from other like facilities.
- Traffic congestion predicted on Kwinana Freeway between Roe Highway and Leach Highway could potentially shift additional traffic onto North Lake Road, Bibra Drive, Berrigan Drive and Beeliar Drive. No modelling has been undertaken to predict what the degree of impact will be on these and other roads as a result of congestion on the freeway.
- The report identifies an increase in traffic on Farrington Road west of Bibra Drive to 17,800vpd however our District Traffic Study also identified a similar increase to this level without additional traffic from the Murdoch Precinct being considered. Farrington Road



(west of Bibra Drive) will be put under additional pressure and traffic in excess of 20,000vpd will necessitate an upgrade of this carriageway. Consequently, our response needs to identify that the City does not believe that Farrington Road west of Bibra Drive will be able to cater for the additional traffic generated by the Murdoch precinct without some form of upgrade.

- The District Traffic study identified 32,770 vpd by 2016 using Farrington Road between Bibra Drive and the Freeway increasing to 42,290 vpd by 2031. The report makes no reference to this level of traffic at the on ramp.
- Additional traffic on Farrington Road appears to be a reality. Little detail has been provided regarding the likely impacts and how this can be mitigated.
- The City's position on Roe Highway Stage 8 is very clear. The southern link however makes the construction of Roe 8 at some point in the future difficult. Our District Traffic Study has identified the pressures on our local road network as a result of the completion of Roe 7. Continued pressure on the Fremantle inner harbour, planning for the Fremantle outer harbour, the upgrade of the Kewdale Intermodal and the continued development of the International airport land for industrial purposes will potentially put additional pressure on the road network to cater for the freight movement east west. These roads will also have an increasing demand by the significant increase in residential development south of the river. Additional traffic modelling should be undertaken by the state government to clearly identify the impacts of freight movement and residential traffic on Leach Highway, South Street, Roe Highway and the Kwinana Freeway so that the ramifications on the local and regional network can be fully understood and the issue of Roe Highway resolved.
- The amenity for residents (both visually and noise) will be impacted however little detail has been provided on how these can be managed.

Strategic Plan/Policy Implications

Transport Optimisation

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*
- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*
- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*



Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

These comments are made as a result of the release of the draft Murdoch Activity Centre Structure Plan for public comment.

Attachment(s)

- (1) Figures 4.1, 4.2, 4.4 and 4.6; and Plan A of Transport Plan Report.
- (2) Tables 13.3, 13.4, 13.5 and 13.6 of Transport Plan Report.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3295) (OCM 12/10/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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



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

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 8/0

25 (OCM 12/10/2006) - CLOSURE OF MEETING

MEETING CLOSED 8.00 PM

CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

