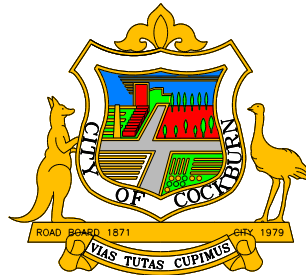


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 16 JANUARY 2001**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 JANUARY 2001 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 JANUARY 2001 AT 7:30 P.M.

1. **DECLARATION OF OPENING**

2. **APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)**

Nil

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

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

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

5. **APOLOGIES AND LEAVE OF ABSENCE**

6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Mr De Jesus - Public Question Time - Ordinary Council Meeting - 21 November 2000 - requested that Council investigate the closure of Freshwater Drive Atwell.

A response dated 11 December 2000 reinforced what was stated at the Council Meeting, that being that the Atwell subdivision was designed to have two road outlets onto Forrest Road (from Tapper Road and Freshwater Drive)

and the Planning Department do not support the closure of Freshwater Drive. However, the Manager Engineering would investigate if it was possible to install traffic slowing devices in Freshwater Drive. This investigation would take place over the next three(3) months and if funds are approved in the Council budget for the next financial year, the work could be carried out.

Ms Taaffe - Public Question Time - Ordinary Council Meeting - 21 November 2000 - regarding the fencing of Denis De-Young Reserve which is restricting horse riding access to the area.

A response dated 22 December 2000 advised that the Denis De Young Reserve has been identified as having areas infested with dieback. The fencing of the reserve was outlined in the "Denis De Young Management Plan - 1998" (which went out to public comment) as being necessary to protect flora, fauna and to restrict animal and vehicle access into the reserve as well as the best step to combat further spread of dieback through the reserve.

The fencing also increases the safety of the tracks for bushwalkers which have previously raised concerns regarding near misses between horses and walkers.

Mr Renner - Public Question Time - Ordinary Council Meeting - 19 December 2000 - suggested that Council Rangers should "*change their night schedule from looking for dogs to patrolling the area*". Mr Renner also mentioned that Council should put pressure on the authorities to have night patrols or the local Police Station be manned at night to take calls.

A response dated 4 January 2001 informed Mr Renner that Council Rangers do not work regular night duties and are only called out to deal with matters of extreme urgency such as dog attacks.

Council's Safer City Coordinator is in constant contact with the Officer In Charge of the Cockburn Police Station who has given assurance that there is a constant police presence servicing Cockburn from the Police Station and surrounding police stations if necessary.

Mr Spry - Public Question Time - Ordinary Council Meeting - 19 December 2000 - raised a number of questions in relation to the activities of the Montessori School in Bibra Lake to which the following answers were provided in a letter dated 8 January 2001:-

- Q. Who approved the fact that the school could use the facilities in Mellor Park?
- A. Mellor Park club room is managed by the Mellor Park Management Association (Inc) which has the authority to rent the facility to suitable users. The Mellor Park Management Association (Inc) is a committee made up of representatives of local sporting groups.

- Q. How was it granted?
- A. The Mellor Park Management Association (Inc). The Council was not involved.
- Q. Why was it granted as it pre-empts the application approval?
- A. The decision by the Mellor Park Management Association (Inc) does not pre-empt the application by the school as the approach by the school to the Association and the application for development are quite separate, the Council is responsible for the determination of only the application.
- Q. Who is paying the public liability insurance for the children whilst using the facilities on the park and if it is the ratepayers, why?
- A. All public land vested in the Council is covered by public liability.

Mrs Massey - Public Question Time - Ordinary Council Meeting - 19 December 2000 - queried why Council would be paying for babysitters for Councillors and whether that same allowance was available to others who require a babysitter so they can provide their volunteer service to the community.

A response dated 5 January 2001 advised that Section 5.98 of the Local Government Act 1995 allows for the reimbursement to Councillors of expenses incurred as a result of their being Council Members. Section 31 of the Local Government (Administration) Regulations 1996, gives details of the kind of expenses that are to be reimbursed by all local governments including child care and travel costs.

There is no provision that exists to reimburse anyone other than a Council Member for child care.

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (OCM1_1_2001) - CONFIRMATION OF MINUTES - 19/12/2000

That the Minutes of the Ordinary Council Meeting held on Tuesday, 19 December 2000 be confirmed as a true and accurate record.

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING

Nil

13. COUNCIL MATTERS

**13.1 (OCM1_1_2001) - ESTABLISHMENT OF COMMITTEES (1701)
(DMG)**

RECOMMENDATION

That Council:

(1) formally establishes the following Committees pursuant to Section 5.8 of the Local Government Act, 1995:

- (a) Internal Audit Committee
- (b) Elected Members Area Usage Committee
- (c) Museum Management Committee
- (d) Cockburn/Split (Croatia) Sister City Committee
- (e) Cockburn/Yeu Yang (China) Sister City Committee
- (f) Disability Services Committee
- (g) Centenary of Federation Committee
- (h) Cockburn Recreation Committee
- (i) Cockburn Youth Advisory Council
- (j) Bush Fire Committee
- (k) Cockburn Neighbourhood Watch Committee;

- (2) reiterates the appointment of membership to these Committees, as adopted by Council at the Special Council Meeting of 12 December, 2000; and
- (3) appoint the following representatives to the Youth Advisory Council:
- Community representatives – 16 Youth Councillors.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the Special Council Meeting conducted on 12 December, 2000, Council appointed delegates to a number of Committees. However, a pre-requisite to the appointment of membership to these Committees, is the formal establishment of them, pursuant to Section 5.8 of the Act. Most of the Committees have been established, by the previous Council, however three of them – Elected Members Area Usage; Youth Advisory Committee and Neighbourhood Watch – have not. Therefore, it is considered prudent for Council to formally adopt its list of established Committees and, at the same time, reiterate its membership appointments made previously in December, 2000.

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil.

13.2 (OCM1_1_2001) - APPOINTMENT OF REPRESENTATIVE TO ELECTED MEMBERS AREA USAGE COMMITTEE (DMG) (1701)

RECOMMENDATION

That Council appoint Mayor Lee as a member of the Elected Members Area Usage Occasional Committee.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the Special Council Meeting held on 12 December 2000, Council appointed its membership to this Committee. One of the appointed members was Mayor Lee however, the Minutes inadvertently omitted his name from that which was recorded and subsequently, adopted in the Minutes of that Meeting.

Submission

N/A

Report

As the Minutes of the meeting have already been adopted, the most expedient method of correcting the issue, is to formally accept The Mayor as a member of the Committee. The Committee has not yet formally convened its first meeting, so this oversight has not caused any inconvenience to the operation of the Committee.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil.

13.3 (OCM1_1_2001) - BEELIAR (PANORAMA GARDENS) - REVOCATION AGENDA ITEM 17.3 COUNCIL MEETING - 19 DECEMBER 2000 (9519) (DMG)

RECOMMENDATION

That Council revoke Agenda item 17.3 (Min.) as adopted by Council at its meeting of 19 December 2000, as follows :-

" MOVED Cllr Oliver SECONDED Cllr Reeve-Fowkes that Council:

- (1) call tenders for a (1) one year 35 hour per week security patrol contract for the area known as Panorama Gardens Beelias for the period 1 July 2001 to 30 June 2002;
- (2) on the identification of the preferred tenderer, advise the property owners of the calculated cost per week for the security patrols and seek the owners agreement to pay a Council rated service charge to fund the patrols;
- (3) proceed to formalise a contract with the preferred tenderer as soon as practical in the year 2001, if the majority of respondents are prepared to pay the service charge; and
- (4) impose a service charge on the affected land owners, equivalent to the total cost of the tender, divided equally among the land owners receiving the service, pursuant to Section 6.38 of the Local Government Act, 1995. "

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council, at its meeting of 19 December 2000, resolved to carry an alternative resolution to the one recommended by staff.

Submission

By letter dated 21 December 2000 and received by facsimile on 4 January 2001, a notice of intention to revoke the Council decision was received with the required number of four(4) signatures.

Report

The notice of intention to revoke the Council decision, advised that the reason for seeking the revocation was "*that the Council decision to formalise a contract on the basis of the majority of residents being prepared to pay for the service charge, is wrong as Council needs to be giving due consideration to the wishes of the majority of the property owners. The Council decision could allow for a contract to be let on the basis of very minimal response.*

If the revocation notice is successful, it is intended to move the following:-

- (1) as resolved*
- (2) as resolved*
- (3) proceed to formalise a contract with the preferred tenderer as of 1 July 2001 for 1 year, should the response rate in agreement to pay the service charge, be greater than 50% of property owners in the area (other than the Ministry for Housing whose property vote shall be considered as one); and*
- (4) as resolved. "*

The revocation notice has meant that the Council decision has been put on hold subject to further Council consideration.

Council's Standing Orders provides that the revocation notice must be signed by at least four(4) Elected Members and that an absolute majority of Council is required for the revocation (ie: six).

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The revocation, if carried, will place Council in the same position as it was before the decision was taken.

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM1_1_2001) - INTEGRATED TRANSPORT PLANNING - PARTNERING AGREEMENT (9245) (AJB) (ATTACH)

RECOMMENDATION

That Council endorse the "Integrated Transport Planning Partnering Agreement" dated November 2000 and advise Transport accordingly.

COUNCIL DECISION**Background**

A Local Government Forum – Responding to the Challenges of the 21st Century Through Partnerships with Local Government was held at the City of South Perth on 9th June 2000. It was attended by Rod Brown, City of Cockburn Chief Executive Officer, and Allen Blood of Council's Strategic Planning Services. The forum brought together Perth's local government authorities and relevant state government agencies to discuss opportunities to improve the approach to metropolitan transport planning. The outcome was a partnering agreement which will help government agencies to effectively achieve common goals and to maximise the benefits offered by an effective transport system.

Submission

Transport has invited the City of Cockburn to be party to the Partnering Agreement. A copy of the Partnering Agreement is included in the Agenda attachments.

Report

Council has experienced frustration in the past with unsuccessful attempts to link land-use and transport planning, an example being the Marine Skills Learning Centre, Marine Technology Park, Henderson, where an attempt was made to closely integrate the Marine Skills Learning Centre with the Fremantle – Rockingham transitway. In cases such as this, efforts to produce better planning outcomes through Integrated Planning have received little support from State Government Agencies or the outcomes have been largely ineffective.

It is acknowledged in the agreement that partnered transport planning will include regional and local transport needs in developing solutions that minimise the impact on local communities. The relevant government departments and local government will work together to achieve optimal transport outcomes that promote liveable communities.

It is considered that the agreement could have a beneficial impact on future planning, and the "Integrated Transport Planning Partnering Agreement" is therefore recommended for Council's endorsement.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

N/A

Budget/Financial Implications

N/A

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

Nil

14.2 (OCM1_1_2001) - REVISED PLANS FOR PROPOSED DOUBLE GARAGE - HERITAGE SITE - LOT 407, 33 LINTOTT WAY, SPEARWOOD - OWNER: I & K SEPAROVICH - APPLICANT: HERITAGE OUTDOOR (3210191) (SA) (WEST) (ATTACH)

RECOMMENDATION

That Council:

- (1) delete the following condition from the MRS Form 2 Notice of Approval, dated 18 October 2000:
 1. Applicant to submit revised plans indicating the following:
 - a. relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);

- (2) issue a revised MRS Form 2 Notice of Approval (valid for a period of 24 months) for the proposed double garage on Lot 407, 33 Lintott Way, Spearwood in accordance with the **revised plans**, subject to the following conditions:

Standard Conditions:

1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of the Town Planning Scheme - District Zoning Scheme No. 2;

Special Condition:

1. redesign of the facade to the proposed garage to a more sympathetic design, in context with the existing heritage building. The applicant to detail materials, colours and finishes to be used.

These details must be submitted to Council for approval prior to issue of a building licence.

- (3) advise those who made submissions of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Residential R12.5
LAND USE:	Residence	
LOT SIZE:	1000m2	
AREA:	N/A	
USE CLASS:	"AA"	

The subject site is listed on Council's Municipal Heritage Inventory, Place No. 52. The Inventory was formulated in 1997, and was adopted by Council, as part of Amendment No. 172, in October 1999. The site has been classified as a "B" Management Category which means:

"High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve significance of the place. A more detailed Heritage assessment to be undertaken before approval given for any major redevelopment."

The applicant/owner submitted plans indicating the construction of a double garage, 27.6m² in area, with panel doors. The garage will have colour bond walls, zincalume roof and concrete floor. The height of the garage is not specified.

The application was advertised for public comment for a period of 21 days in accordance with Council's District Zoning Scheme No.2, Clause 5.8, as it is Heritage site. Seven (7) letters were sent out, and three (3) submissions were received. Refer to Agenda Attachments for further details.

Council previously resolved at its meeting on the 17 October 2000, to approve the proposed garage on the Heritage site subject to several conditions including:

1. Applicant to submit revised plans indicating the relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);
2. Applicant to redesign the facade to the proposed garage to a more sympathetic design, in context with the existing heritage building. The applicant to detail materials, colours and finishes to be used.

It should also be noted that the landowner of the site has submitted a request to Council that the subject site be removed from Council's Municipal Heritage Inventory. The owner believes that house no longer has heritage value. This matter has been referred to the Heritage Council of WA for consideration and advice, and to Council's heritage consultant for advice.

Submission

The owner has advised that the proposed garage cannot be placed in alignment with the existing dwelling as it will be over a Water Corporation easement, and also an operational pump and well. The Planning officers were unaware of this at the time of writing the original report, as a site inspection of the site only revealed an old tin shed, which covers the pump and well area.

The owner has requested that the following special condition be deleted from the current approval:

1. Applicant to submit revised plans indicating the following:
 - a. relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);

Report

After the owner's request was made to delete the above special condition, a heritage consultant was employed to give advice on the site. The consultant has advised that the siting of the proposed garage in front of the dwelling will have little impact on the heritage value of the site. However, the proposed garage should be constructed in a manner that is sympathetic to the existing building. The applicant/landowner has been advised of this and is willing to comply.

It is therefore recommended that the above special condition be deleted and the revised plans be approved subject to standard conditions.

Strategic Plan/Policy Implications

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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

PD17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil

14.3 (OCM1_1_2001) - PROPOSED RELOCATION OF COUNCIL COMMUNITY PURPOSE SITE - GATEWAYS SHOPPING CENTRE SITE - BEELIAR DRIVE, SUCCESS - OWNER: PERRON INVESTMENTS PTY LTD - APPLICANT: TAYLOR BURRELL TOWN PLANNING & DESIGN (5518344) (AJB) (EAST) (MAP 15) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise Taylor Burrell Town Planning and Design that;
 1. the proposed relocation of the Community Purpose site within the Gateways site as shown on Concept Master Plan MP1 is supported subject to:-
 - (i) Provision of the southern access road off Wentworth Parade, a roadway along the eastern boundary of the site and abutting Service Station/Fast Food sites and the link south of the southern-most Fast Food site as shown on the Concept Master Plan (MP1).
 - (ii) The net area of the Community Purpose site (excluding the eastern roadway) being not less than 1.91 ha.
 - (iii) Development of the sites fronting the internal extension of North Lake Road including the Service Station and the Fast Food sites to suitably address the roadway between these and the Community Purpose site to ensure a high level of visual amenity, safety and security.
 - (iv) The abutting roadways being constructed at no cost to Council.
 - (v) The site is to be fully serviced at no cost to Council.
 - (vi) There are no services or easements on the site which restrict its usability apart from the eastern roadway.
 - (vii) The designated purpose of the reserve being for "Council Purposes".
 2. Council's support is given to facilitate discussions with the Western Australian Planning Commission and DOLA on the proposed land exchange and the preparation and advertising of revised proposals for public comment and this support will be reviewed in light of any submissions made during the formal advertising of the revised Concept Master Plan.

COUNCIL DECISION

Submission

Taylor Burrell on behalf of the new owners of the Gateways shopping centre are proposing a modified Master Plan for the shopping centre development which involves the repositioning of Council's Community Purpose site. Before proceeding further with the revised Master Plan for the centre, Taylor Burrell have requested Council's support to the alternative Community Purpose site.

Report

Planning and approval of the Gateways shopping centre in Beeliar Drive, Success included the provision of a 1.91 Ha Council Community Purpose site. The site was provided as part of the overall public open space commitment for the Thomsons Lake Estate being developed by Gold Estates of Australia and was an irregular shaped area located in the south west quadrant of the intersection of Beeliar Drive and North Lake Road/ entry road as shown on Plan 1 in the Agenda attachments.

The site is reserved for Council Uses in Town Planning Scheme No 2 and Public Purposes (Civic) in proposed Scheme 3. The land has been created as a Crown Reserve as part of the subdivision of the Gateways Shopping Centre site but management of the Reserve has not transferred to Council. To date the mix of uses to be accommodated on the site has not been defined although a library is a certain use given Council's recent commitment to rent space in the shopping centre as an interim measure.

The current Community Purpose site was based on a master plan that was approved for the Gateways site in June 1997. At that time Council used its best endeavours to persuade Gold Estates and their advisers to integrate the Community Purposes site in with the overall development and to use "main street" principles. The best that could be achieved was the provision of a main street along the western boundary of the Community Purpose site which also provided access to the proposed service station, fast food outlets, restaurant and tavern. The design of the shopping centre remained as the traditional "doughnut", that is, a big box surrounded by a sea of car parking.

The shopping centre was bought by a Perth based company, the Perron Group in October 2000. The Perron Group and their consultants have an entirely different approach to the development of the Gateways site and are more aligned with the modern trends in shopping centres to create multi purpose integrated facilities that are people friendly and operate well beyond the normal hours of a shopping centre. Their vision includes integrated main streets with

alfresco dining, cinemas and closer integration with the railway station and the proposed Town Centre north of Beelias Drive.

A draft revised Concept Master Plan has been prepared by Taylor Burrell in consultation with Council officers. The plan proposes that Council's Community Purpose site be a rectangular shaped lot located at the intersection of Beelias Drive and Wentworth Parade as shown on Plan 2 in the Agenda attachments. In addition the site has access to a proposed internal street off Wentworth which will be developed in accordance with "Main Street" principles (eg tree lined boulevards with shops, offices, restaurants etc opening up on to the street like the old traditional shopping streets). This creates the opportunity for Council to develop a meaningful and integrated shop front for uses such as the library within the Gateways complex.

The draft revised Concept Master Plan has been reviewed by Council's Strategic Planning and Community Service sections and it is considered the proposed alternative site is a more suitable location and shape to the current site for the following reasons:

- Better prospects for integration with the Gateways centre.
- Better access and circulation (access to the existing site was restricted to the western access road due to traffic management issues associated with the main access road abutting the eastern side of the site).
- More regular shape and hence easier and more economical for development and building.
- Provides good transitional use between the residential and commercial uses.
- Occupies a prominent site which is suitable and deserving of a landmark building rather than a service station as per the existing plan.
- The site is still within convenient walking distance from the proposed rail and bus station proposed north of Beelias Drive.
- Does not restrict or compromise any longer term expansion or redevelopment proposals for the shopping centre site.

It is recommended that Council support in-principle the proposed location of the Community site at the corner of Wentworth Parade and Beelias Drive subject to the conditions set out in the recommendation.

To implement the proposed relocation of the Community Purpose site it will be necessary to complete the following formalities;

- Advertise and adopt a revised Concept Master Plan for the Gateways site including the Community Purpose site.
- An amendment to TPS No 3 to change the location of the Council use reserve within the Gateways site.
- Approval for an amalgamation/resubdivision involving the Crown (DOLA) and the Perron Group to establish the new site and the completion of the required land exchange.

Council's in-principle support will provide the necessary level of confidence to the owners and their consultants to proceed with these formalities.

It should be noted that Council's in-principle support is only in respect to the proposed relocation of the Community Purpose site and that the overall revised Concept Master Plan will be the subject of a future detailed submission to Council.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

5. Maintaining Your Community Facilities

- *"To construct and maintain community buildings which are owned or managed by the Council."*

The Planning Policies which apply to this item are:-

PD15 Ultimate Strategic District Plan
PD25* Liveable Neighbourhoods - Community Design Codes

Budget/Financial Implications

N/A

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

Nil

14.4 (OCM1_1_2001) - ADOPTION OF THE DRAFT GREENING PLAN (6129) (SA) (ALL) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the draft Greening Plan and advertise the document for public comment for a period of eight (8) weeks;
- (2) advise all the members of the Greening Plan Steering Committee and the Consultancy team of Council's decision accordingly.

COUNCIL DECISION

Background

Council resolved to appoint consultants to undertake the Greening Plan study in January 1999. Funds were placed on the 1998/99 Budget for the preparation of a Greening Plan for the City. This project is the key initiative of the Arboricultural Advisory Committee for 1999 and will see

the development of a detailed plan for the maintenance and enhancement of remnant vegetation within the City and the revegetation of previously cleared areas, road reserves and public land to enhance ecological values, landscape, streetscape and community amenity.

A detailed study brief was developed by the Committee and expressions of interest sought from consultants with expertise in environmental management, planning, landscape architecture and community consultation.

From expressions received, the Committee developed a shortlist of firms who were invited to submit detailed proposals. A further shortlist of four of these firms were then interviewed by the Committee in late December 1998.

A thorough objective assessment process was followed for the selection of the preferred consultant which considered relevant experience and capability, approach to community consultation, landscape capability, appreciation, overall approach and methodology and value for money. Based on this assessment Alan Tingay & Associates were appointed to prepare the plan.

Submission

The Draft Greening Plan prepared by Alan Tingay and Associates.

Report

In developing the draft Greening Plan, there has been extensive public consultation, including the development of a Greening Plan Steering Committee, which consisted mainly of ratepayers and interested community members. The draft report covers the following areas:

1. What is a Greening Plan, and the methodology used;
2. The existing environment, including Heritage and social values such as Aboriginal and municipal heritage; and community and recreational values;
3. Environmental and landscape attributes, including landforms, landscapes, and soils, wetlands, bushland and fauna
4. Existing Streetscapes
5. Objectives of the Greening Plan and Implementation including strategic, operational, monitoring and review, research, resourcing and links with other Councils
6. Recommendations.

As the Draft document is very detailed, it has not been included in the Agenda Attachments, however a copy of the Draft Recommendations is attached for information.

It is recommended that the draft be advertised for a period of eight (8) weeks, for public comment. All comments received during this period will then be assessed by the internal Steering Committee and the final document will be produced.

It is recommended that the draft Greening Plan be advertised for public comment, in order to gain the public response to the document, and its content, prior to adopting it as Council's policy. Consultation with the public is an important part of the Greening Plan, thus an extensive advertising period is required, to allow the public to read, and understand the document, and also to make comment.

Strategic Plan/Policy Implications

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

Budget/Financial Implications

Council will be responsible for all costs associated with advertising the Draft Greening Plan, and all costs involved with implementing the Plan.

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

Nil

14.5 (OCM1_1_2001) - MODIFICATIONS TO AMENDMENT NO 205 TO DISTRICT ZONING SCHEME NO. 2 - LAND BOUNDED BY RIGBY AVENUE, MELL ROAD, ROCKINGHAM ROAD AND SOUTHERN BOUNDARIES OF LOT 11 ROCKINGHAM ROAD AND LOT 24 MELL ROAD, INCLUDING LOT 291 ZLINYA CIRCLE (92205) (SA) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the applicant to modify the amendment documents to reflect the following, by deleting Clause 3 of the current amendment resolution, and replacing it with the following:

NINTH SCHEDULE

DEVELOPMENT AREAS

REF NO.	AREA	PROVISIONS
DA 1	PACKHAM	<p>1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</p> <p>2. Not less than seventy-five percent (75%) of all land within the Residential Zone shall be developed for the purpose of single houses.</p> <p>3. No subdivision will be supported or any residential uses or such other uses deemed inappropriate by the Department of Environmental Protection will be approved for land within the 500 metre generic buffer prescribed for the rendering plant at Watson's which is located within the "Special Industry B" zone, until the buffer is scientifically determined and approved by the Department of Environmental Protection.</p>

- (2) once the modified documents are received from the applicant, that they are forwarded to Western Australian Planning Commission with a request to advertise the amendment;

- (3) advise the Ministry for Planning, the Department of Environmental Protection, Watsons and the applicant of Council's decision accordingly.

COUNCIL DECISION

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Background

ZONING:	MRS:	URBAN
	DZS:	RURAL; LOCAL RESERVE - PUBLIC PURPOSE - PRIMARY SCHOOL
LAND USE:	N/A	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

The various parcels of land the subject of the amendment are located within the Packham Urban Development Area, and the land is zoned "Urban" under the Metropolitan Region Scheme. The land identified for the Primary School on the subject site is no longer required by the Education Department.

This amendment is subject to similar implications as a previous amendment in the area, Amendment No 121, where several landowners in the Watsons Odour Buffer wanted to rezone their land from "Rural" to "Residential R30". The outcome of this amendment was that the Council and the Hon. Minister refused final approval of the amendment on the grounds that the Odour Buffer and modelling issue was not resolved, resulting in a interim odour buffer. Council was advised that the Department of Environmental Protection opposed any further residential development within the interim buffer distance of 500 metres from the Watsons Plant.

The amendment will rationalise the zoning in the overall area, and the adopted structure plan will allow Lots 42, 43 and 44 Rigby Avenue to subdivide the rear portions of their properties into Residential Lots with road frontage. The proposed "Structure Plan" for the land and adjacent properties is attached.

The applicant stated that:

"The Education Department is a willing participant in this amendment, having recently requested Urban Focus to incorporate that land held by the Minister for Education (as part of the proposed Packham Primary School Site) in a subdivision application and rezoning with the other private held land in the above site."

The subject land included in the proposed amendment is subject to the interim 500 metre Watsons Odour Buffer currently prescribed by the Environmental Protection Authority. The Watsons Odour Buffer is to be redefined.

Although a portion of the amendment land was included in the odour buffer, Council resolved at its Ordinary meeting, held on 21 March 2000 to initiate the amendment on the following grounds:

1. a significant portion of the amendment land lies **outside** the Odour Buffer and the portion that lies inside the buffer has substantial existing residential development on the land;
2. the amendment land is an isolated development cell within the Packham Urban Development Area, adopting this amendment will **not** set an undesirable planning precedent for other land within the odour buffer. The proposed amendment and structure plan can be assessed independently of the other land in the buffer.
3. the proposed amendment will be referred to the Department of Environmental Protection (DEP) as a part of the amendment process, and the DEP will be able to fully assess the impact of the odour buffer on the proposed amendment.
4. Based on the precedent of Amendment No. 121 the amendment will not be finalised until such time as the Watsons Odour Buffer has been redefined to the satisfaction of the DEP.

Submission

The amendment documents were referred to the Western Australian Planning Commission in July 2000, with a request to advertise the amendment. The Ministry for Planning advised Council on 5 December 2000 that the preliminary assessment of the amendment "revealed some matters regarding the proposed Clause 2 at Part 3 of the Amendment text that need further attention". A copy of the letter is attached in the Agenda Attachments.

Report

Following are the matters raised in the Ministry's letter, and Council's response to the issue:

1. The clause may be construed as fettering the Commission's power to determine applications due to the wording, "No subdivisionwill be permitted..".

This matter has been resolved by rewording the clause to say Council will "not support" subdivision in the area.

2. The terminology "development of incompatible uses" is ambiguous, and requires clarification.

Again the clause has been reworded, the term "Incompatible" has been removed and replaced with specific wording "residential use or any other uses deemed inappropriate by the Department of Environmental Protection".

3. The change in the above wording will resolve the problem of conflict between the Zoning Table and the proposed clause in the amendment document, as it specifies the uses.
4. The inference that once the buffer issue is resolved then "Incompatible" uses will be permitted is incorrect, as once the buffer area has been finalised by the Department of Environmental Protection, all land outside the buffer will be rezoned and developed for residential and associated uses. The land inside the buffer will be allocated permitted uses, as a part of the buffer resolution.

Overall the format of the amendment has been changed to make it comply with Amendment No. 192. Amendment No. 192 deletes the existing Part 8 of DZS No.2 (Urban Development Areas), and replaces it with Part 8 - Development Areas and Structure Plans. This involves inserting a Ninth Schedule into the Scheme Text listing the Development Areas. The Ninth Schedule will list all existing and proposed development areas in the City, including the Packham Urban Development Area, as seen above.

Amendment No. 192 will be finalised and gazetted in a few weeks. In order to progress Amendment No. 205, it is important to ensure its format complies with Amendment No. 192. It is therefore recommended that the above modifications to Amendment No. 205 be supported, the documents modified accordingly, and referred back to the Western Australian Planning Commission with a request to advertise.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

PD11* Packham Urban Development Area
PD48 Watsons Buffer

Budget/Financial Implications

N/A

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

Section 35A of the Metropolitan Region Town Planning Scheme Act (1959) requires Council's Town Planning Scheme to be in conformity with the Metropolitan Region Scheme.

The subject land is partly affected by the interim 500 metre Watsons Odour Buffer currently prescribed by the Environmental Protection Authority.

14.6 (OCM1_1_2001) - MODIFICATIONS TO AMENDMENT NO. 193 - DEVELOPER CONTRIBUTION REQUIREMENTS (92193) (SOS) (ALL)

RECOMMENDATION

That Council:

- (1) modify Amendment 193 by substituting the text in Clause 12.4 (c)(iv) with the following:

"The Cost Contribution for the Owners' land for which a contribution is to be made shall be the proportion that the land the subject of the contribution bears to the total area of land within the Development Contribution Area for which Cost Contributions have yet to be made;"

- (2) forward the modified documents to the Western Australian Planning Commission for the Minister's endorsement.

COUNCIL DECISION**Background**

Amendment 193 proposes the introduction into District Zoning Scheme No.2 of provisions governing the establishment and administration of developer contribution arrangements.

Council, at its meeting held on 19 December 2000, resolved to adopt a very minor modification to the Amendment 193 text in line with a direction from the Minister for Planning (See Minute 933 – Item 14.5) in order to progress the Amendment to final approval.

In the meantime, the Strategic Planning Department has engaged property consultants Knight Frank to undertake the task of establishing a system to administer the individual developer contribution arrangements that are being established for various subdivisional developments in the district.

Knight Frank, having commenced this work, has suggested an additional modification be completed to the Amendment 193 text. Details of the suggested modification follow below.

Submission

Under the current drafting of Amendment 193, Clause 12.4 (c)(iv) requires that a Development Contribution Plan be prepared on the basis of the proportion of land each owner bears to the total area of land within the defined Development Contribution Area.

Knight Frank has suggested that if Clause 12.4 (c)(iv) is retained as is currently proposed, Council may not have the ability to recover the full cost of providing development infrastructure.

Knight Frank recommend that an owner's cost contribution be based on the proportion of land the owner bears in respect to the total area of the Development Contribution Area *for which cost contributions have yet to be made*.

Report

Whilst Knight Frank's recommended rewording may on the surface appear only to be a semantic change to a single clause of the Amendment text, it will have a significant impact on Council's ability to collect the full cost of providing development infrastructure.

Where subdivision is staged over a period of time, particularly if multiple owners are involved, there is the potential for a shortfall in contributions to result. The rewording will ensure that contribution amounts are updated as development proceeds, with recalculations based on the proportion of land being developed in relation to that remaining unsubdivided.

The Ministry for Planning has advised that it is not adverse to the modification suggested by Knight Frank and will recommend to the Minister for Planning that the modified documents be endorsed accordingly.

It is a procedural formality to again present this matter to Council despite of the minor nature of the modification required. The modification requires adoption by Council so that the required changes to the Amendment documents can be executed.

Strategic Plan/Policy Implications

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

1. Managing the City in a competitive, open and accountable manner.
 - *To deliver services and to manage resources in a way that is cost competitive without compromising quality.*
2. Managing the City in a competitive, open and accountable manner.
 - *To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens.*

The Planning Policies which apply to this item are:-

N/A

Budget/Financial Implications

As detailed above.

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

N/A

14.7 (OCM1_1_2001) - PROPOSED STRUCTURE PLAN AND SUBDIVISION PROPOSALS - CELL 10, BEELIAR (9620/ 114493/ 115265) (SOS) (CENTRAL) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed Cell 10 Structure Plan without modification;
- (2) advise those persons who made a submission and the Western Australian Planning Commission of Council's decision;
- (3) in respect of Subdivisions 114493 and 115265, advise the Western Australian Planning Commission that the proposals are recommended for approval subject to:
 1. Modification of the Plan in accordance with the Cell 10 Structure Plan prepared by the City of Cockburn.
 2. Conditions of Subdivision deemed appropriate by the Delegated Officer under PA-DA 8.

COUNCIL DECISION

Background

New residential communities have long been planned for the area commonly referred to as "Cells 9 and 10" in Yangebup and Beelias. Cells 9 and 10 are characterised by a large number of landholdings of approximately two to three hectares in area and held in multiple ownership. The critical planning history of the Cells 9 and 10 area was summarised in an Agenda report presented to Council on 18 July 2000 (refer to Minute 653 Item 13.14) in respect of a proposed Structure Plan submitted by Urban Focus. At this meeting Council refused to adopt the Urban Focus plan, as the proposal was not backed by the signatures of all those whose land was included in the Plan area and failed to attract clear landowner support during the public comment period.

Council, in refusing to adopt the Urban Focus Plan, indicated it was prepared to review the structure planning of Cells 9 and 10, as it had been some time since the original planning had been completed. The review had to account for issues that had become relevant since the original planning of the area, such as the advent of Liveable Neighbourhoods principles and its impact on urban structure and

design and the manner in which landowner “groups” were distributed throughout the Plan area. Other matters requiring review were the alignment of lots within the Kwinana Air Quality Buffer zone, the deletion of the primary school from Cell 10, bus route planning, the need to reflect the desire of some owners to continue existing horticultural activities and the need to reduce potential land exchanges between the landowner groups.

Council’s Strategic Planning Department, in conjunction with representatives of Cells 9 and 10 landowners (Urban Focus and BSD/Evans & Gianoli) prepared a revised Structure Plan for Cell 9 in September 2000. Following the conclusion of the Plan’s advertising period, it was adopted by Council at its meeting held on 21 November 2000 (Refer to Minute 825 - Item 14.11).

The Department subsequently prepared a revised Structure Plan for Cell 10. The Plan was advertised for public comment during November and December 2000 and forms the focus of this Agenda report. A copy of the proposed Cell 10 Structure Plan is included in the Agenda Attachments.

Submission

Land within Cell 10 is zoned Urban in the Metropolitan Region Scheme and Residential R20 in District Zoning Scheme No.2. It is part of the Yangebup/Munster Urban Development Area and is proposed for inclusion in the Development zone in Town Planning Scheme No.3.

As mentioned above, original planning of the area led to the approval of a subdivision application for Cell 10, however this approval has since expired. Given the time and events that have transpired since this original planning, a complete review of the planned development was necessary.

The revised Cell 10 Structure Plan has been prepared in order to guide the future development of the Cell 10 area and has been based on the principles of the Liveable Neighbourhoods Design Code. The Plan as drafted will enable subdivision applications to be made under Liveable Neighbourhoods Code as proposed by Urban Focus and the conventional process being pursued by BSD/Evans & Gianoli.

The Structure Plan has been designed to incorporate a range of planning principles to achieve a distinct identity, high level of amenity and legible and permeable environment. It has also sought to ensure the development of the Cell 10 area appropriately “gels” with development planned to the north in Cell 9 and to the east as part of Landstart’s Beeliar Heights/Panorama Gardens estate.

The Plan is sympathetic to the physical features the land possesses and where possible the natural contour of the land is to be retained.

Similarly, vegetation within areas of open space is to be preserved. The Plan also incorporates sustainable principles such as solar orientation of lots and an interconnected street layout and takes account of existing residences, road layout and servicing considerations.

A variety of densities are proposed aimed at producing a diversity of housing types. A base coding of R20 has been proposed for the area. Medium density of R40 is generally proposed in locations close to neighbourhood nodes such as the local retail centre, public open space (POS) and public transport routes.

The Plan reflects several changes to the planned structure of the development from that originally approved. In particular, the road layout has been amended, with the most significant changes being the use of an interconnected modified grid-type arrangement and a revision to the intersections on Beeliar Drive. Further changes include a redistribution of POS to ensure equitable provision amongst the two landowner "groups", deletion of development on land owned by Cockburn Cement and deletion of a proposed primary school that the Education Department has advised is no longer required. The Plan also accounts for those owners who have indicated that they do not intend to subdivide in the immediate future, without compromising the ability of those owners who are keen to develop to do so.

During the preparation of the Cell 10 Structure Plan, applications for subdivision have been made on behalf of the two main landowner "groups". Council previously has sought deferral of these applications pending the resolution of structure planning in the area. The current applications include:

Subdivision 114493 – BSD Consultants – Various lots in Cell 10

The proposal indicates subdivision of approximately 75% of the Cell 10 area. The subdivision design matches that which was approved in 1997.

Subdivision 115265 – Urban Focus – Various lots in Cells 9 and 10

The proposal indicates subdivision of land within both Cells 9 and 10. Urban Focus already has approval for Stage 1 of Cell 9 and is awaiting subdivision clearances for the subdivisional works undertaken. The land included in the new application is essentially the balance of land outside of the BSD applications and Stage 1 area, with the exception of four lots to which none of the three new proposals relate. Curiously, several lots are included in both the Urban Focus proposal and one of the two BSD applications.

Urban Focus has lodged the subdivision proposal for assessment under Liveable Neighbourhoods. Accordingly 8% POS provision is proposed.

Report

Cell 10 Structure Plan

Advertising of the proposed Structure Plan concluded on 22 December 2000. A total of 12 submissions were received, with strong general support for the Plan. Furthermore, servicing authorities that responded indicate no impediment to the adequate servicing of the planned development. The Schedule of Submissions summarising each submission included in the Agenda Attachments.

Council should note that four of the submissions raise matters of detail, with each arguing for several minor modifications to be made to the Plan. Responses to the issues raised in these submissions are detailed in the Schedule of Submissions. It is not necessary to make additional comment in this report on the issues raised in these submissions, other than to note that having reviewed the issues raised no modifications are recommended to the Plan.

Accordingly it is recommended that the proposed Cell 10 Structure Plan be adopted without modification.

Subdivision 114493 – BSD Consultants – Various lots in Cell 10

Given the recommendation to adopt the proposed Cell 10 Structure Plan, it is now appropriate to recommend that Council support the proposed subdivision by BSD Consultants. This support for the subdivision should be subject to the proposed plan being modified to conform with the adopted Structure Plan and subject to other standard conditions of subdivision approval as deemed appropriate by the Delegated Officer.

Subdivision 115265 – Urban Focus – Various lots in Cells 9 and 10

Similarly, given the adoption of Structure Plans for both Cells 9 and 10, it is recommended that the Urban Focus subdivision proposal be supported, subject to it being modified in line with the adopted Structure Plans, in particular, the increase of POS provision from 8% to 10%.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

5. Maintaining Your Community Facilities

- *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
- *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

PD8*	Bushland Conservation Policy
PD13*	Public Open Space
PD25*	Liveable Neighbourhoods - Community Design Codes

Budget/Financial Implications

The City will be responsible for administering cost sharing arrangements in respect of the construction of Beeliar Drive. The Developer Contribution Plan is being progressed through Amendment No.210/TPS 3.

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

Nil

14.8 (OCM1_1_2001) - UNAPPROVED LAND USE - STORAGE OF MATERIALS - POSSIBLE HOME OCCUPATION - LOT 215, 15 VENETA CIRCUIT, ATWELL - OWNER: INULNISSA STANISLOUS (5516791) (RH) (EAST) (MAP 20) (ATTACH)

RECOMMENDATION

That Council:

- (1) instruct its solicitors to initiate legal action against the owner of Lot 215, 15 Veneta Circuit, Atwell for contravening Council's District Zoning Scheme No. 2. and the Town Planning and Development Act, in the event that an application for the Use or Home Occupation is not received by Council by the 1 February, 2001 for the unlawful use currently being carried out on the property:-
- (2) allow the Chief Executive Officer to defer legal action if an application for a Home Occupation is received or the activity ceases by the 1 February, 2001, whichever occurs first;
- (3) advise the owner of Council's decision.

COUNCIL DECISION**Background**

ZONING:	MRS:	Urban
	DZS:	Residential
LAND USE:	Storage of materials – possible H/O	
LOT SIZE:	750 M ²	
AREA:	N/A	
USE CLASS:	To be determined	

The property has been in an untidy condition for approximately a year. There are numerous piles of bricks, rope, trampolines and other material that are stored not only within the garage of the residence, but also spill out into the yard and verge area of the house. The owner also has approximately four trailers that are parked on the lot in an untidy fashion. The quantities of materials and the nature of activity on the site is not consistent with what is acceptable as incidental to the domestic use of the property. No approval has been issued for the storage of materials or a home occupation.

Submission

Council has received numerous complaints from surrounding neighbours in relation to the untidiness of the site, the parking of people buying goods from the property and the disturbance caused to

these residents by people who mistakenly call at the wrong address to purchase goods.

The owner contends that he will not submit an application as he is not running a home occupation. He said he is just trying to sell some goods that were excess to his requirements since moving into his new residence.

Report

The owner has previously been requested to submit an application for Council's determination. It may be possible to limit the activity to an area of 20 square metres as is consistent to a home occupation. Further, Council could implement conditions to screen the materials in the yard from view along Veneta Circuit and the volume of customers and hours of trade.

The land is highly visible as it is a corner lot in the new estate.

Council should consider the fact that the matter could take some time before it goes to court and if significant progress is made with an application to Council for the use, legal action can be halted.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area which applies to this item is:

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil

14.9 (OCM1_1_2001) - POLICY PD55 - SUBDIVISION POLICY FOR SAND EXTRACTION AND OTHER SITES IN JANDAKOT AND BANJUP NORTH OF ARMADALE ROAD (9003) (CC) (EAST) (MAPS 18, 19 & 20) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt Policy PD55 "Subdivision Policy For Sand Extraction And Other Site In Jandakot And Banjup North of Armadale Road" as attached to the Agenda and include it in the Council's Policy Manual;
- (2) send a copy of the Policy to affected landowners and consultants working on behalf of affected landowners.

COUNCIL DECISION

Background

ZONING:	MRS:	RURAL – WATER PROTECTION
	DZS:	RESOURCE
LAND USE:	SAND EXTRACTION, SOIL BLENDING & RURAL	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

The Council is required to make recommendation on subdivision proposals referred to it by the WAPC (Western Australian Planning Commission).

In the locality of Banjup and Jandakot north of Armadale Road there are a number of large lots which have subdivision potential under the provisions of WAPC Statement of Planning Policy 6 – Rural Ground-Water Protection Policy, and the provisions of the Resource zone of the Council's TPS No. 2. Some landowners have already expressed an interest in subdividing.

These larger lots are generally characterised by the following development:

- former or active sand extraction sites with active ones likely to cease operating within ten years as the resource becomes exhausted;
- lots with natural bushland developed with houses and;
- former and active sand extraction sites developed with associated uses such as brick works, fertiliser factories and soil blending.

Whilst land-uses of these sites are constraints to subdivision in their own right, there are other land-uses in the locality such as Jandakot Airport, dog kennels and poultry farms which are also constraints.

Opportunities also exist to ensure that remnant bushland is retained and linkages are enhanced through the subdivision process.

Conveniently, these sites form readily identifiable 'precincts'. A Policy with recommendations and requirements for subdivision is considered necessary to ensure issues arising from prior land-uses are resolved, subdivision is carried out within a structure plan framework, regard is given to the relevant opportunities and constraints of the locality and development complies with the Resource zone provisions of the Scheme. *See Agenda Attachments for Policy PD55 and Concept Plan*

Strategic Plan/Policy Implications

1. Managing your City

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

2. Planning your City

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

3. Conserving and improving your environment

- 'To conserve the quality, extent and uniqueness of the natural environment that exists in the district'.
- 'To ensure that development of the district is undertaken in such a way that the balance between the natural and human environment'.
-

The Planning Policies which apply to this item are:

PD 16 'Standard Subdivision Conditions and Reasons for Refusal'

PD 8 'Bushland Conservation Policy'

PD 45 'Wetland Conservation Policy'

PD 3 'Jandakot Airport'

Budget/Financial Implications

Future subdivision under the Policy may include public open space (i.e Lukin Swamp) which will be the responsibility of Council to manage.

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

Nil

14.10 (OCM1_1_2001) - ARBORICULTURAL COMMITTEE (4704) (AJB)

RECOMMENDATION

That Council:

- (1) Establish a "Greening Plan Review Group" to meet on an as needs basis to satisfy the requirements of Recommendation 9 of the Greening Plan;
- (2) the Group comprise Manager Planning Services, Manager Parks and two Elected Members, namely and

COUNCIL DECISION

Background

Council at its meeting held on 12 December 2000 requested an officer's report on the possible establishment and member composition of an Arboricultural Committee.

Report

The Arboricultural Advisory Committee was established by Council in 1966 to provide guidance on revegetation projects within the City.

The Committee was Chaired by Councillor Lee and met on a monthly basis since late 1996. By 1998 the main focus of the Committee was on the development and implementation of roadside revegetation programs particularly on major roads within the City.

In response to approaches from members of the community in 1997/98 the Committee prepared a study outline for the development of a Greening Plan for the City. A detailed proposal for the Greening Plan including a request for funding consideration in the 1998/99 budget was presented to Council in March 1998.

The Greening Plan Study was commenced in January 1999 and the Arboricultural Advisory Committee was abandoned in favor of a Greening Plan Steering Committee.

The Greening Plan has now been completed and provides a comprehensive strategy for bushland conservation and management, amenity and a rationalised approach to the greening requirements of parks, major and minor road reserves, other public land and private land. The plan contains very clear objectives and strategies to guide the activities of both Environmental Management Services and the Parks Department.

The need for re-establishing the Arboricultural Advisory Committee to meet on a regular basis to discuss specific projects is no longer appropriate given the following;

- The comprehensive list of objectives and strategies outlined in the Greening Plan provides the overview that will guide the activities of both the Parks and Environmental Management Services.
- That Officers from Environmental Management Services meet regularly with community reference groups on specific projects including Market Garden Swamps, Lake Coogee, Yangebup-Little Rush Lakes and other projects as the need arises to provide the opportunity for community input.
- That both Parks and Environmental Management Services have the necessary experience and expertise to plan and manage programs necessary to implement recommendations of the Greening Plan.
- A Parks Manager was appointed in 1998 to specifically increase the expertise that is required in this area.
- The value of regular meetings and their impact on staff resources.

Recommendation 9 of the Greening Plan recommends that the effectiveness of the Greening Plan strategies and actions and its implementation should be reviewed annually with the review being linked to the annual budget and plans for the business units within the City to ensure adequate resourcing. It is considered that Recommendation 9 would be most effectively satisfied through a specific Committee.

The formation of a "Greening Plan Review Group" to meet on an as needs basis to satisfy the requirements of Recommendation 9 of the Greening Plan is recommended. In order to satisfy the requirements of Recommendation 9 the Group would complete an annual review and set priorities for consideration in the budget process.

The Group should comprise two Councillors, Mr Allen Blood, Manager Planning Services and Mr Allan Conroy, Manager Parks to ensure adequate representation of the two service units that will be largely responsible for implementing recommendations of the Greening Plan.

This report has been prepared by the Manager Planning Services in liaison with the Manager Parks.

It is important that the technical functions related to the implementation of the Strategy be separated from the review of the plan and budget allocations which will be undertaken by the Group which has elected member representation. Elected members should not be involved in the day to day implementation of the Strategies and Actions.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities

- *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

N/A

Budget/Financial Implications

The Group to review the annual budget allocations for the implementation of the Green Plan Strategies and Actions as part of the Budget process.

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

Nil

14.11 (OCM1_1_2001) - PROPOSED TOWN PLANNING SCHEME NO. 3 - LATE SUBMISSION TO AMEND INDUSTRIAL ZONING IN COCOS PARK - LOMBARDO GROUP (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) recommend to the Western Australian Planning Commission that it supports the proposal to change the existing light industrial zone to general industrial zone in accordance with the attached plan;
- (3) advise the WAPC that the proposed modification should be advertised as part of the re-advertising of some of the modifications to Town Planning Scheme No. 3;
- (4) support is subject to a written commitment from the Lombardo Group (White Sands Pty Ltd) to the revised road alignment with the approved subdivision (Ref. 111042) to facilitate a road connection north into the adjacent Landcorp land west of South Lake;
- (5) advise the Lombardo Group of the Council's decision accordingly.

COUNCIL DECISION

Background

The eastern portion of the Cocos Park Industrial Estate has been zoned light industrial so as to provide a transition of uses within this Industrial zone under the MRS between the residential area to the south and the South Lake Conservation Reserve.

The owner of the last stage of the Cocos Park subdivision is White Sands Pty Ltd.

The subdivision for the land was approved by the WAPC on 16 July 1999, subject to conditions.

Clearance notifications have already been issued for the most easterly part of the subdivision and the lots are being offered for sale.

The owners have approached the Council on a number of occasions to consider extending Cocos Drive east to North Lake Road and to rezone the land to General Industry. The primary reason for this is to increase the accessibility and exposure for the land and to increase its development potential and marketability.

To date the Council has not supported these approaches.

However, since Landcorp purchased the AMCOR land to the north for industrial development, the opportunity exists to achieve an alternative road access from Cocos Park to North Lake Road via the Landcorp (AMCOR) land.

Currently all the access into Cocos Park is via Miguel Road, and is limited to only 3 road connections. By virtue of this traffic is directed into Spearwood Avenue and Yangebup Road.

Council's Planning Services prepared a revised plan showing a connection from the Landcorp land across the vacant railway reserve into the White Sands subdivision.

Given that the White Sands subdivision has already been approved, the owners do not have to co-operate by amending their existing plan to accommodate this possible future connection.

However, the road connection, when it eventuates is unlikely to benefit White Sands as the current subdivider, but will be of great benefit to the Cocos Park Industrial Estate and for the adjoining roads, because of the improved circulation pattern.

Submission

The submission via the Ministry for Planning from the Lombardo Group is attached.

In essence the Group have suggested that all the light industrial land north of Cocos Drive, except that directly fronting, be rezoned to general industry, which would affect 31 lots.

The proposal contains the revised road alignment.

Report

Council's Planning Services is keen to achieve a road connection between the Cocos Drive and the Landcorp land because of the direct benefits that should accrue to the industrial area and the surrounding road system.

The revised road connection relies on the co-operation of Landcorp and White Sands Pty Ltd.

As yet the Landcorp land does not have an approved subdivision over it, and therefore the road connection can be made a condition of subdivision. Landcorp have indicated a willingness to co-operate.

As far as the White Sands land is concerned it already has an approved subdivision over it and therefore there is no requirement for the owners to modify their approved subdivision to accommodate the possible road connection.

Given this, it is suggested that subject to White Sands Pty Ltd formally agreeing to modify their subdivision in accordance with the Planning Services plan (the lot yield is the same) the Council support the extension of the general industrial zoning to the east in accordance with the attached plan.

The extension to the general industrial zone as recommended, would cause 14 light industrial lots to become suitable for general industrial, as opposed to 31 suggested by Lombardo.

The reason for putting this to Council is because of the need to protect the road connection opportunity and if the Council agrees to the recommendation to enable the WAPC to advertise the proposal as part of the re-advertising of some of the modifications to Town Planning Scheme No. 3. If this does not occur now, any amendment would need to be considered as part of Town Planning Scheme No. 3 and this could be many months away.

Strategic Plan/Policy Implications

2. Managing the City in a competitive, open and accountable manner.
 - *To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens.*
 - *To ensure that the development will enhance the levels of amenity currently enjoyed by the community.*

5. Facilitating a range of services responsive to the community needs.
 - *To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians.*

Budget/Financial Implications

N/A

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

Nil

14.12 (OCM1_1_2001) - PLANNING APPLICATION FEES FOR THE RENEWAL OR MODIFICATION OF PLANNING APPROVALS (9003) (MR)

RECOMMENDATION

That Council amend the Schedule of Planning Fees adopted by the Council on 21 November 2000 to include an application fee of \$200 for the renewal or modification to an Approval to Commence Development.

COUNCIL DECISION

Background

In September 2000, the Western Australian Planning Commission published Planning Bulletin No. 44 - "Town Planning (Local Government Planning Fees) Regulations 2000" to establish a standard set of maximum fees and charges for planning services for local government across the State.

On 21 November 2000 the Council adopted new Planning Fees in accordance with the requirements of the Town Planning (Local Government Planning Fees) Regulations 2000. Refer to Item 14.1 Ocm 21 November 2000.

Submission

The City has recently received a request from an applicant for planning fees to be reduced/waived for an application for a renewal of an existing development approval, which will soon expire.

Report

The schedule of planning fees adopted by the Council are an upper limit to development fees. The Council can exercise its discretion to reduce the development application fee where it considers it unreasonable or inappropriate to apply the full fees.

The current planning fees and charges based on the above Regulations are not reflective of the simple processing of renewal/modification of existing development approvals.

It is proposed to charge a nominal \$200 administration fee for the renewal or modification of a development approval. This is a similar type of fee already charged for an application for a change of use and change or discontinuation of a non-conforming use.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*

Budget/Financial Implications

The expected revenue from the change in fees proposed are more reflective of the costs involved in issuing renewal or modifications to development approvals.

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

The Council is complying with the Town Planning Regulation.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM1_1_2001) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for December 2000 as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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

(a) integrated and co-ordinated, so far as practicable, with any provided

by the Commonwealth, the State or any public body;

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

25. CLOSURE OF MEETING

Nil