

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 APRIL 2014 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 APRIL 2014 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor
Ms L Wetton	-	Councillor
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

IN ATTENDANCE

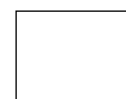
Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr J. Snobar	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

1. DECLARATION OF MEETING

The Presiding Member declared the April 2014 Ordinary Meeting of Council open at 7.01 pm and made the following announcements.

Local Government Reform Rally at Parliament House – 8 Apr 2014

There was a very good attendance and from a number of different Local Government areas all subjected to the Minister for Local Government and Communities announcement that he would effectively abolish those Councils on or before 1 July 2015. There were a number of messages that were



conveyed to the Minister and we are mindful of the need to continue to ensure that we send a message to the State Government that we are not about it being abolished and that we are about supporting Local Government Reform but importantly ensuring that our communities are protected in going forward in terms of service delivery and importantly the great things that happen in not only Cockburn but in the other Local Governments that have been identified to be abolished. We are also mindful of the protection of our staff, staff that work day in and day out. Many of those staff members volunteer many hours, after work during the week and on the weekends. They are committed to their particularly profession and we have absolutely magnificent teams of staff members in different disciplines and we also have a very strong volunteer base. It is about keeping staff members together, keeping our volunteers together and ensuring that we continue to provide throughout this Local Government Reform process, excellent levels of services that our communities expect and then our transition throughout Local Government Reform is seamless and there is no impact on services being provided.

Easter Break

On behalf of Elected Members I would like to wish everyone a very safe and enjoyable Easter coming up very shortly and the school holiday period. Please be mindful anyone travelling on the roads, holiday periods can be quite dangerous so please drive safely and be aware of others around you and enjoy the festivities of the Easter period and the celebrations therein. For the children and their parents and grandparents, in terms of school holidays there are always challenges and opportunities for children to be out and about, be mindful of them on our roads.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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 (OCM 10/4/2014) - 4 ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Mayor Howlett advised the meeting that he had received advice from Cllr Pratt, that he had a proximity interest in relation to Item 14.5, which will be read at the appropriate time.

5 (OCM 10/4/2014) - APOLOGIES AND LEAVE OF ABSENCE

Cllr Lee-Anne Smith - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 10/4/2014) - PUBLIC QUESTION TIME

ITEMS IN WRITING, ON THE AGENDA

Nil

ITEMS IN WRITING, NOT ON THE AGENDA

Steve Srhoy, Spearwood

Parking Restriction Barrington Street Medical Centre

Q1. I have been a resident of Barrington Street, Spearwood for 74 years. I remember the days when I used to catch wild horses on the street. Unfortunately now though, I have a traffic catastrophe in front of my house because of 5 parking bays in front of a Doctors and Dentists surgery.

There are 5 parking bays on a busy street and now cars cannot see us pulling out of our driveway because of the cars parked here. I nearly got skittled twice. If you have a truck parked there you can't see cars coming. An intersection is only metres away. The main reason I am here tonight is regarding a lack of response to my letter.

I wrote to the Council on 17 September 2013 regarding these traffic issues.

I did not receive a response so I called in to Council on 6 December and had a meeting downstairs in an office with Stephen Lim. I was told here that there



would be a site meeting arranged and I am still waiting for that to happen.

On 10 February I wrote again to Stephen Lim and asked that I be responded to in a prompt matter. I have not heard a thing from the Council until this evening when receiving a phone call. My two letters and site meeting should have happened before me coming here tonight.

A1. The Director of Engineering and Works acknowledged that the lack of response was unacceptable and apologised for the delay. He was only made aware of the situation following receipt of the public question and advised he would ensure that the letters are responded to accordingly and a site meeting will be arranged.

ITEMS NOT IN WRITING, ON THE AGENDA

Nil

ITEMS IN WRITING, NOT ON THE AGENDA

Ray Woodcock, Spearwood

AGM Motion – Establishment of Living Memorial – Early Settlers/Market Gardeners

Q1. At the 2014 AGM for City of Cockburn an item was put to the meeting and accepted. This proposal was for the Council to select and put in place a sub-committee for the purpose of establishing a Living Memorial to recognise the early settlers and market gardeners who had suffered hardships in the early days when this Council was established. A letter that I have received after the February OCM, it appears to me that Council is stepping back from this. Has the buck been passed to me?

A1. *The letter referred Mr Woodcock to the Environmental Services unit which deals with the establishment of community gardens and the City has document guidelines that relate to this. That was understood to be the intent of Mr Woodcocks motion, subsequently adopted by the AGM and Council. As the idea came from the public, it was considered the best way to get an outcome that would be acceptable to the proponent, would be for them to liaise with staff and hopefully reach agreement.*

Q2. I believe the proposal that was adopted was for the Council to form the sub-committee. I would've thought the Council would have therefore taken the initiative to form this and go out into the community and look for people who want to be part of it.

A2. *It was Council's intent to contact Mr Woodcock first and have an initial discussion with the Environmental Services team and to go from there.*



Q3. In the Cockburn Gazette, Tuesday 10 March 2014, the heading reads "Better City, Better Future for Cockburn" and on page 3 there is a map and location of projects. I cannot see the Phoenix Strategic Plan mentioned there. Is this because the Phoenix Strategic Plan is no longer a current program? Has it been dumped?

A3. *No it has not been dumped. With the space that is available in the paper, there is only a little amount of space to showcase projects so we have chosen to advertise in this particular advertisement, projects that cover the whole of Cockburn, all wards, future and present. If we were to list every single project the City is working on, we would need a whole edition of the Gazette to detail these. The Phoenix Revitalisation Plan is alive and continuing. Because the Hamilton Hill Plan has just passed through a subdivision phase and we are still focusing heavily on the Coolbellup Revitalisation Plan, you will find that is why the Coolbellup Plan is highlighted in this edition.*

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 5276) (OCM 10/4/2014) - SPECIAL COUNCIL MEETING - 6 MARCH 2014**

RECOMMENDATION

That Council adopt the Minutes of the Special Council Meeting held on Thursday, 6 March 2014, as a true and accurate record.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

8.2 **(MINUTE NO 5277) (OCM 10/4/2014) - ORDINARY COUNCIL MEETING - 13 MARCH 2014**

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 13 March 2014, as a true and accurate record.



COUNCIL DECISION

MOVED Cllr P Eva SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0

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 (OCM 10/4/2014) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil.

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7:18 PM, THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

13.1	14.1	15.1	16.1	17.1	18.1
	14.2			17.3	
	14.4				
	14.6				



13. COUNCIL MATTERS

13.1 (MINUTE NO 5278) (OCM 10/4/2014) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 20/3/2014 (026/007) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Thursday, 20 March 2014, and adopt the recommendations contained therein.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

A meeting of the Audit and Strategic Finance Committee was conducted on 20 March 2014.

Submission

N/A

Report

The Audit and Strategic Finance Committee received and considered the following items:

1. Local Government Statutory Compliance Audit Return
2. External Audit Plan for the Year Ending

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.



- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Attachment(s)

Minutes of the Audit and Strategic Finance Committee Meeting – 20 March 2014

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 5279) (OCM 10/4/2014) - RETROSPECTIVE PLANNING APPROVAL FOR A CAMERA POLE - LOCATION 18 (LOT 402) MELL ROAD SPEARWOOD - OWNER / APPLICANT: IVAN BACICH (3209031) (D ARDESHIRIAN) (ATTACH)**

RECOMMENDATION

That Council

- (1) refuses to grant retrospective planning approval for a camera pole at 18 (lot 402) Mell Road Spearwood for the following reasons:
 1. The proposal does not comply with part 5.4.4 of the Residential Design Codes of Western Australia in relation to External Fixtures.
 2. The proposal is incompatible within its residential setting which is inconsistent with Clause 10.2.1(i) of the City of Cockburn's Town Planning Scheme No.3.
 3. The proposal causes a detrimental impact on the amenity of nearby residents and the streetscape which is inconsistent with Clause 10.2.1(n) and (o) of the City of Cockburn's Town Planning Scheme No.3.
- (2) direct staff to issue a Directions Notice for the removal of the existing camera pole at 18 (Lot 402) Mell Road Spearwood; and
- (3) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0



Background

The subject site, No. 18 (Lot 402) Mell Road Spearwood, is located on the northern side of Mell Road and has an area of approximately 1155m². The site is currently zoned 'Development' under City of Cockburn Town Planning Scheme No. 3 (TPS 3) and is identified as R25 under the Ocean Crest Estate Local Structure Plan. The southern side of Mell Road, opposite the subject site, is currently zoned 'Residential R30' under TPS3.

The subject site currently contains a single house, outbuildings and an eight metre high camera pole with fixtures including two security cameras and two lights. A retrospective development application was lodged with the City on 29 October 2013 for the existing pole, security cameras and lights, based on direction from the City's Compliance Officer.

The Ocean Crest Estate Local Structure Plan, which the subject site is located within, encompasses the area north of Mell Road and east of Hamilton Road. This area of land was previously used for market garden purposes. Since the Ocean Crest Estate Local Structure Plan was endorsed by the WAPC, on 24 April 2012, the area has seen a transition towards medium density residential development with various subdivision approvals currently in place.

The application was referred to the 13 February 2014 Council meeting for determination as the submissions received possessed planning merit and therefore administration did not have the delegated authority to determine the application.

At its 13 February 2014 ordinary council meeting, council resolved to defer the retrospective camera pole development application as detailed below:

"Council defer this matter until the March OCM, in order for a meeting to take place between the resident, Mayor, West Ward Councillors, any other Elected Members, and Council officers."

On 18 March 2014, a meeting was held at the subject site between Council officers, the majority of the Elected Members, and the landowner. At the meeting, the landowner was given the opportunity to discuss the intention of the camera pole and respond to any of the councillor's questions.

Submission

The application seeks retrospective approval for an eight metre high pole which accommodates two security cameras and two security lights. The camera pole is located in front of the existing single house,



setback approximately 7.5m from the primary street, 15m from the western boundary and 12m from the eastern boundary.

The applicant has advised that the purpose of structure is to provide security to the occupants of the dwelling who have previously been exposed to threats and crime at the residence.

Consultation

The City's statutory planning policies do not provide specific guidance or development requirements for camera pole proposals. As a result, the first course of action for the subject application was to advertise the application to thirty-one landowners along Mell Road for comment. The City received seven submissions in total, three of which objected to the proposal, three had no objection and one conditionally supported the application. A summary of the issues raised in the objections is as follows:

- Concerns about the cameras being an invasion of privacy of nearby residents.
- Concerns about light pollution intruding into nearby dwellings.
- Concerns about the detrimental impact of the structure on the streetscape.
- Concerns that support of the application will set an undesirable precedent in residential areas.
- No objection if the cameras and lights were not intrusive and located on the existing dwelling.
- No objection to the lights being directed at the subject site and the vision from the cameras not encroaching into adjoining properties.

Report

Statutory Framework

Zoning

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS), 'Development' under TPS 3 and 'R25 Residential' under the Ocean Crest Estate Local Structure Plan. The objectives of the Residential Zone are defined in part 4.2.1 (a) of TPS 3 as follows:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes'.

Clause 10.2 of TPS 3 includes matters to be considered by Council in relation to considering an application for planning approval. Specifically,



Council shall have due regard to the requirements of the following in relation to this proposal:

- (c) any proposed Statement of Planning Policy of the Commission.
- (i) the compatibility of a use or development within its setting.
- (n) the preservation of the amenity of the locality.
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect on height, bulk, scale, orientation and appearance of the proposal.
- (y) any relevant submission received on the application.

State Planning Policy 3.1 – Residential Design Codes 2013 (R-codes)

As discussed above, the R-codes are intended to guide the development of residential zoned land. Although the R-codes do not have specific provisions for camera poles, based on the definition of 'external fixtures' below, part 5.4.4 of the R-codes is considered applicable for the purposes of assessing the application.

The R-codes define 'external fixtures' as:

'Utilities, equipment, plant or other structures which are necessary for a dwelling to achieve efficient, comfortable and environmentally sustainable operating outcomes and may include; solar collectors, rainwater storage tanks, clothes drying structures, communications and power and water infrastructure, letter boxes, or other fixtures as necessary for the residential use of the buildings on-site.'

Provision C4.3 of part 5.4.4 of the R-codes includes deemed-to-comply requirements for 'other external fixtures' which can be applied to fixtures that are not solar collectors, television antennas or water pipes. The camera pole, the subject of the application, meets the definition of 'other external fixtures', the deemed-to-comply provisions of which are detailed below:

- *not visible from the primary street;*
- *are designed to integrate with building; or*
- *are located so as not to be visually obtrusive.*

The application is not considered compliant with the deemed-to-comply requirements above. As a result, the application is required to be considered under the relevant design principles for part 5.4.4 (External Fixtures) of the R-codes below:

Solar collectors, aerials, antennas, satellite dishes, pipes and other external fixtures integrated into the design of the building



to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.

Issues

Community consultation revealed the general opinions of the surrounding landowners in relation to the application. Although a number of submitters were not affected by the structure and did not object to the application, the objections that were received raised relevant planning concerns. The interests of existing and future nearby landowners should be taken into consideration when determining the application. Taking into consideration the assessment of the application against the R-codes (above) and the points raised in the submission received; the key issues identified are visually amenity, privacy and light spill.

Visually Amenity

The existing single storey dwelling has a wall height of approximately three (3) metres and a maximum roof pitch height of approximately five (5) metres. In light of this, the eight (8) metre high camera pole structure is not considered to be integrated into the design of the building and is considered to be visually obtrusive as viewed from the public realm (as shown in attachment 1 and 2) and adjoining dwellings. Approval of the pole would not be in the interests of preserving the character of the streetscape and protecting the visual amenity of surrounding properties, as intended by the design principles of part 5.4.4 of the R-codes.

Invasion of Privacy, Outdoor Lighting and Light Spill

All of the objections received refer to the invasion of privacy and light spill as key concerns. Although there is no guidance from statutory planning policies on these specific matters, part 5.5 of the Local Government Act has the ability to regulate outdoor lighting to be in accordance with the relevant Australian Standard (AS4282 – 1997).

Both issues are a direct result of the height of the structure. If the cameras and lights were fixed to the existing residence at the height of the dwelling, as encouraged in part 5.4.4 of the R-codes, the concerns relating to visual amenity, invasion of privacy and light spill would be eliminated. In the event that the abovementioned modification was approved, the external fixtures would subsequently be integrated into the design of the building, the potential for the invasion of privacy would be eliminated due to the reduced height and resultant viewing potential from the security cameras and light spill would be limited to within the subject site in accordance with the relevant Australian Standard (AS4282 -1997).



Conclusion

The proposal is not supported for the following reasons:

- The application is not compliant with the provisions of the Residential Design Codes, in particular the deemed-to-comply and/or design principles of part 5.4.4 – External Fixtures.
- A number of objections were received from affected adjoining landowners which have merit and are considered relevant planning considerations.
- The application is considered to cause detrimental impacts to the amenity of the adjoining residents and the streetscape.
- The application will set an undesirable precedent for camera poles within the residential areas of the City of Cockburn.

Strategic Plan/Policy Implications

Growing City

- Development that is soundly balanced between new and existing areas.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

See Community Consultation section of the report above.

Attachment(s)

1. Site Plan, floor plan and elevations.
2. Photo of Camera Pole.



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 10 April 2014 Council Meeting.

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

Nil.

14.2 **(MINUTE NO 5280) (OCM 10/4/2014) - PROPOSED LOCAL STRUCTURE PLAN FOR LOT 94 WATSON ROAD, BEELIAR - OWNER: EMMAUS DEVELOPMENTS PTY LTD (JOHANN HERMAN FOURIE) - APPLICANT: VANGUARD PLANNING SERVICES (STEPHEN WALKER) (110/092) (L SANTORIELLO) (ATTACH)**

RECOMMENDATION

That Council

- (1) in pursuance of Clause 6.2.9.1 (a) of The City of Cockburn Town Planning Scheme No. 3 ("the Scheme") adopt the proposed Local Structure Plan for Lot 94 Watson Road, Beeliar;
- (2) endorse the Schedule of Submissions prepared in respect of the proposed Local Structure Plan for Lot 94 Watson Road, Beeliar;
- (3) in pursuance of Clause 6.2.10.1 of the Scheme forward the proposed structure plan to the Commission for its endorsement;
- (4) advise the proponent and those persons who made a submission of Council's decision; and
- (5) advise the proponent that the site is subject to Development Contribution Areas No. 4 and 13.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0



Background

A proposed Local Structure Plan (“LSP”) was received on 29 October 2013 for Lots 94 and 95 Watson Road, Beeliar. The LSP was referred to the Western Australian Planning Commission (“WAPC”) for comment, as required by Clause 6.2.7.2 of the City of Cockburn Town Planning Scheme No. 3 (“the Scheme”).

The LSP was later modified to exclude Lot 95 Watson Road, Beeliar. The revised LSP, for Lot 94 only, was subsequently advertised for public comment in accordance with the Scheme.

The purpose of this report is to consider for adoption the proposed LSP for Lot 94 Watson Road, Beeliar (“subject land”). The proposed LSP proposes nine (9) Residential R40 lots, a local road reserve and 402m² of Parks and Recreation.

Submission

The proposed Structure Plan was prepared by Vanguard Planning Services on behalf of the landowner Emmaus Developments Pty Ltd – Director: Johann Herman Fourie.

Report

Planning Background

The subject land is 4 047m² in area and generally bounded by Watson Road to the east and existing residential development to the north, south and west. Attachment 1 provides a location plan.

The subject land is zoned ‘Urban’ under the Metropolitan Region Scheme (“MRS”) and ‘Development’ under the City of Cockburn Town Planning Scheme No. 3 (“the Scheme”). The subject land is also located within Development Area 4 (“DA 4”), Development Contribution Area No. 4 (“DCA 4”) and Development Contribution Area No. 13 (“DCA 13”).

Pursuant to Clause 6.2.3.1 of the Scheme *“the development of land within a Development Area is to comply with Schedule 11”*. The specific provisions applicable to DA 4 in Schedule 11 are outlined 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. *“Land uses classified on the Structure Plan apply in accordance with Clause 6.2.6.3.”*



Residential Density – State Government Direction

Directions 2031 and Beyond (“Directions 2031”) and Liveable Neighbourhoods (“LN”) promote 15 dwellings per hectare, as the ‘standard’ density for new greenfield development in urban areas, and an overall target of 47% of all new dwellings as infill development. This percentage equates to 154 000 of the required 328 000 dwellings.

The Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy (“Draft Strategy”) identifies the subject land as being part of the “BEE1” area with a future dwelling target of 860+. This proposal will assist in ensuring that the state residential targets are reached whilst providing additional housing diversity to the area.

Residential Density – Previous decisions of Council

Council approved a Local Structure Plan for Lots 91, 500, 501 and 1-5 Howe Street, Beeliar in June of 2010 which provides a density of Residential R20 immediately north of the subject site.

In June 2011 Council approved a Structure Plan for Lots 1001, 83 Watson Road and 82 View Street Beeliar, 330 metres north of the subject site, which included a range of densities including R20, R25, R30 and R40.

Residential Density - Proposed

As noted above, the proposal seeks to provide for a medium density of Residential R40. Under the proposed density a dwelling yield of 11 residential lots is possible for the subject land. Notwithstanding, two of the residential lots will be required to be retained, at subdivision stage, for the partial use as a temporary cul-de-sac until such time as the surrounding land is structure planned and subdivided (please refer to Attachment 2). On this basis the proposal will result, at subdivision stage, in 9 residential lots and a balance of title lot.

The proposed density meets the State Government density targets as well as providing for additional housing diversity in the locality. The subject site is also well connected to public transport.

At its closest point the subject area is 100 metres from a bus stop, located at the intersection of East Churchill Avenue and Stock Road. This is a “nominated stop” for the 920 bus service, which is a high frequency service running between Fremantle and Rockingham.



Access and Traffic

The proponent has included a Transport Assessment as part of the Structure Plan Report to provide assurance that any increase in traffic can be managed safely and efficiently by the existing road network. Furthermore the report considers the location of the proposed local road in comparison to the surrounding/ existing local roads from a vehicular safety perspective.

The Transport Assessment provides a review on the superseded structure plan for Lot 94 and 95 Watson Road, Beeliar. Notwithstanding this report was supported by the City's traffic engineers and considered acceptable by Main Roads Western Australia.

Indicative detail

The structure plan for lot 94 includes an indicative subdivision design over the adjacent lots to demonstrate compliance with Clause 6.2.4.2 of the Scheme. This clause is outlined below;

“Notwithstanding clause 6.2.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area and the owner's liability for the proportion of land or development can be fulfilled pursuant to clause 6.3.5.”

Specifically the indicative design demonstrates that the proposed Structure Plan does not 'prejudice the specific purposes and requirements of the (surrounding) Development Area'. The indicative design does not allow for development over the adjacent lots.

The lot 94 structure plan only applies to lot 94. Any structure plan over the surrounding land, as identified by Attachment 2, will be assessed as a separate structure plan on its merits. Any structure plan over the surrounding land will be required to have due regard to the lot 94 structure plan. This includes, but is not limited to, consideration of the local road network, public open space and lot layouts.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.



Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.

Moving Around

- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period. The advertising period formally concluded on the 12 March 2014.

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme, public consultation was undertaken for a minimum period of 21 days. The advertising period commenced on the 19 February 2014 and concluded on the 12 March 2014.

Advertising included a notice in the Cockburn Gazette, letters to landowners within and surrounding the Structure Plan area and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions which provides detailed comments on the issues (Attachment 4).

In total Council received a total of eight (8) submissions of which three (3) were from a local resident and the remaining five (5) were provided by government agencies. In total seven (7) of the submissions were in support of the proposal and one (1) objected to the proposal.

Notwithstanding the above, the assessing officer met in person with a number of landowners who made appointments to discuss this proposal. Most residents were in support of the proposal however were concerned with the implications of the indicative detail over the proposed structure plan. It was advised that the indicative detail has no



statutory basis as a structure plan and that this structure plan applies to Lot 94 only. Most residents were satisfied with this explanation.

Attachment(s)

1. Location Plan
2. Proposed Local Structure Plan
3. Aerial photograph
4. Schedule of submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 April 2014 Council Meeting.

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

Nil.

14.3 (MINUTE NO 5281) (OCM 10/4/2014) - ANNUAL UPDATE OF CITY OF COCKBURN LOCAL GOVERNMENT INVENTORY - LOCATION: CITY OF COCKBURN - OWNER: VARIOUS - APPLICANT: N/A (095/001) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) amend the City of Cockburn Local Government Inventory by:
 1. Adding 'Place No. 111: Robb Jetty (Remains)' as a 'Management Category B Place' as show at Attachment 2.
 2. Adding 'Place No. 112: Wyola Wreck and Barge (Remains)' as a 'Management Category B Place' as shown at Attachment 2.
 3. Adding 'Place No. 113: Hamilton Hill Swamp Precinct' as a 'Management Category C Place' as shown at Attachment 2.
 4. Replacing 'Place No. 67 Naval Base Caravan Park' with the Place Record for 'Naval Base Holiday Park Heritage Area' as shown in Attachment 3.
 5. Other minor changes as shown in Attachment 1.



- (2) amend the City of Cockburn Heritage List by including the following places pursuant to clause 7.1 of the Scheme;
1. 'Place No. 111: Robb Jetty (Remains)'.
 2. 'Place No. 112: Wyola Wreck and Barge (Remains)'.
- (3) advise all submissioners, the Office of State Heritage and Western Australian Planning Commission of Council's decision accordingly; and
- (4) advise the Coogee Beach Progress Association that Council does not support the inclusion of 'Place No. 032 Magazine Woodman Point Jetty' on the State Register; however they can nominate the inclusion directly to the Office of Heritage.

COUNCIL DECISION

MOVED C/r K Allen SECONDED Deputy Mayor C Reeve-Fowkes that Council adopt the recommendation with an amendment to sub-recommendation (4) as follows:

- (1) to (3) as recommended; and
- (4) advise the Coogee Beach Progress Association that Council does support the inclusion of 'Place No. 032 Magazine Woodman Point Jetty' on the State Register; and that Council nominate directly to the Office of Heritage.

CARRIED 9/0

Reason for Decision

Council wishes to support and encourage its community associations in suggesting places of heritage significance to be nominated for the State Register. The nomination process is relatively straight forward, and therefore in supporting the community association Council should write to the Office of Heritage to consider the request formally.



Background

In 2011, the City of Cockburn undertook a comprehensive review of its Local Government Inventory (“LGI”) in accordance with the requirements of the Heritage of Western Australia Act 1990 (“the Act”). Section 45 of the Act stipulates that the City is required to annually update the LGI and ensure suitable consultation is undertaken as part of any update process. The LGI was updated in 2012, and advertised again in 2013 for the annual update.

The purpose of this report is for Council to consider nominations/submissions received during advertising of the annual update.

Heritage consultant Eddie Marcus from History Now has been engaged to review a number of the submissions that were received, and his recommendations are outlined in this report.

Submission

N/A

Report

The annual review of the LGI has been undertaken, including a request for comments and nominations from the community. As a result of this review a number of modifications and additions to the LGI and Heritage List pursuant to City of Cockburn Town Planning Scheme No. 3 (“the Scheme”) are recommended.

Proposed New Place - Robb Jetty (Remains)

A submission was received requesting that the Robb Jetty remains be included as a place on the LGI. Inclusion of the Robb Jetty as a separate place was also a recommendation of the Cockburn Coast Heritage Strategy, and its inclusion is therefore recommended.

Robb Jetty (remains) are located off C Y O’Connor beach, approximately 550 metres north of the South Fremantle Power Station site. Submerged piles extend from the foreshore out into the Indian Ocean for a distance of approximately 280m. Robb Jetty was constructed circa 1877, and it was a notable landmark at Cockburn Sound until it was burnt and dismantled in 1975. A number of timber piles remain visible.

Robb Jetty (remains) are a visual reminder and marker of the former Robb Jetty that was an important component of the meat industry in Western Australia.



Robb Jetty (remains) have aesthetic significance as a landmark in the area along with the Robb Jetty chimney, contributing to the community's sense of place and history.

Robb Jetty (remains) have historic significance as a representation of the importance of shipping in the provision of stock for slaughter, to feed the growing metropolitan area and Goldfields, in the 19th and early 20th century. Robb Jetty played an integral part in the agricultural industry of the State, particularly as it facilitated the development of slaughterhouses and associated industries in the Cockburn area from the 19th century through to the 20th century.

It is recommended that it be included on the LGI as a 'Management Category B' place, reflecting its current condition as remains only. It is also recommended that it be included on the Heritage List pursuant to the Scheme, as all Management Category A and B places on the LGI are considered to be of significance for inclusion on the Heritage List. A draft place record has been prepared (included at Attachment 2).

Proposed New Place - Wyola Wreck and Barge (Remains)

A submission was received requesting that the Wyola wreck and barge be included on the LGI.

The Wyola was a 306-ton steam tug built in South Shields, England in 1912. The remains of the Wyola are evident at C. Y. O'Connor beach, with the stern frame protruding from the beach with the bottom of the hull buried in the sand. A timber barge buried in the sand just to the north and sometimes visible is said to have been used in the scrapping of the Wyola.

The Wyola and barge (remains) have historical significance as a tangible and visible reminder of the maritime history associated with Owen Anchorage. The Wyola is associated with both World Wars and had a long and important association with the Fremantle Harbour shipping industry, through its involvement in long-distance towing, salvage and rescue.

The remains of the hull of the Wyola form a landmark on C. Y. O'Connor Beach, and have aesthetic and interpretive significance.

Wyola Wreck and Barge (remains) have social value as a publicly accessible landmark, contributing to the community's sense of place. The timber barge has social and historic significance for its association with shipbreaking activities and Cockburn's maritime industrial heritage.



Accordingly it is recommended that it be included on the Local Government Inventory and Heritage List, as a Management Category B place. A draft place record is included at Attachment 2.

Proposed New Place – Hamilton Hill Swamp Precinct

A nomination was received from a member of the community for the nomination of the ‘Hamilton Hill Swamp Precinct’. This submission is included at Attachment 4.

This nomination was reviewed by the Heritage Consultant who has advised that it is very probable that the Hamilton Hill Swamp Precinct would have extremely high cultural heritage values if the exact location of the various elements could be confirmed through archaeological investigation, and the Aboriginal heritage values confirmed, either by archaeology or through a separate report commissioned from a suitably qualified professional.

With the current level of knowledge about the remaining physical fabric below the surface, and the Aboriginal heritage being known only from newspaper reports substantially after the events they describe, it is not possible to accurately determine the potential cultural heritage values for the place.

As a consequence, it is recommended that Hamilton Hill Swamp Precinct be included within the Local Government Inventory with a management category ‘C’, identifying its potential for cultural heritage significance, mainly archaeological values and possible educational values, but recognising the lack of data available at the moment.

The Heritage Consultant has not recommended that Hamilton Hill Swamp Precinct should be included on the Heritage List. This is a direct consequence of the current lack of information regarding the precise archaeological nature of the site.

The Heritage Consultant has prepared a draft Place Record for Hamilton Hill Swamp Precinct (Attachment 2). It is recommended that this place be adopted for inclusion on the LGI as a ‘Management Category C’ place. This has no statutory implications for the landowners of the land.

The Heritage Council have determined that the Hamilton Hill Swamp Precinct does not have sufficient cultural heritage significance at the State level for inclusion in the State Register of Heritage Places, however the Register Committee believes it is important to the history and development of the City of Cockburn.



This area encompasses two Council reserves (including Dixon Reserve), and land owned by Main Roads WA, LandCorp, and the Western Australian Planning Commission (see Attachment 2).

Request for upgrade of Management Category and inclusion of Place No. 106 – South Beach Battery (Remains) on Heritage List

A request was received prior to commencement of the annual update for South Beach Battery remains be included on the Heritage List, and upgraded from a Management Category C place to a Management Category B place.

The gun emplacement is included on the City's LGI as a Management Category D place. It is currently located within POS, and is proposed to be retained within POS in accordance with the Cockburn Coast District Structure Plans (Part 1 and 2), and the Draft Emplacement Local Structure Plan that has been adopted by Council, and is currently awaiting a decision from the Western Australian Planning Commission (WAPC).

The place was also nominated by the submission for inclusion on the State Register, and the Heritage Council of WA determined it to be 'below threshold'. The Heritage Council's decision supports the City's position that there is no evidence suggesting there are tunnels associated with the gun emplacement.

It is therefore considered that the City's current listing for this Place which has been recommended by a heritage consultant engaged by the City (ie. Management Category D) is appropriate, and it is not recommended that any changes be made to the place record as a result of this submission. It is also noted that the place is contained within POS, and is therefore protected.

Request for inclusion of Place No. 032 Magazine Woodman Point Jetty on the State Register

A submission was received from the Coogee Beach Progress Association requesting that Council support the inclusion of Place No. 032 Magazine Woodman Point Jetty on the State Register, and that the City of Cockburn prepares and submits a nomination form to the State Heritage Council for the Magazine Jetty to be placed on the State Heritage Register.

The full details of the submission are included in Attachment 5. The stated reason for inclusion of the place on the State Register is to provide it with protection under the Heritage of Western Australia Act.



However, in order for a place to be considered worthy of inclusion on the State Register it must meet the relevant criteria.

Currently this place is included on the LGI as a 'Management Category C' place and has the following Statement of Significance:

Magazine Jetty has social significance for those recreational fishermen who use the place.

Magazine Jetty is associated with the Explosive Magazines on Woodman Point.

The Heritage Consultant has reviewed this request and has stated that in his opinion the Magazine Jetty is very unlikely to meet the threshold for inclusion in the State Register. This is because it is identified as having low to medium authenticity, mainly as a result of 1980s refurbishment. Consequently, it is considered that the current management category 'B' correctly reflects the historic and social significance of the place, which was highlighted in the request from the Coogee Beach Progress Association, while acknowledging that little fabric remains from the original 1903-04 jetty.

Management category 'A' should be used for places already acknowledged as being of State significance, or are likely to have sufficient cultural heritage significance to be entered in the State Register of Heritage Places. Consequently, it is recommended that the current management category be retained for Magazine Jetty.

Nominations for Significant Trees

During the advertising of the LGI update there were no nominations received for Significant Trees, however since the end of advertising there have been two submissions received for a tree in Coolbellup, on the former Koorilla School Site.

The City's Significant Tree nomination form sets out criteria for inclusion on the list, and requires two nomination criteria to be addressed by the nominator. In this case the tree has been nominated on the basis of:

Historical Significance –

The submissions outline that the tree has historical significance because it is original to settlement of the area, and building of the school. Aerial photographs indicate the likelihood that the tree was planted along with other similar trees at the time the school was developed in the 1970s, and therefore possibly has some historical association. A 1965 aerial photo indicates that the site predominately



has scattered native vegetation, and in 1974 the school has been built and this particular tree seems to be present. Prior to this there appears to be a building, possibly a dwelling on the property, with a track

Location or Context –

No details were provided regarding how the tree meets this criterion by having a unique location or context, aesthetic value, major contribution to the landscape and/or local place character.

The tree is not considered to have any unusual characteristics in its location or context, and does not contribute to the local place character in any specific way more than other trees.

Exceptional Size, Age and Form-

No details were provided as to how the tree meets this criterion. The nominated tree is a large species of *Corymbia Citriodora* (lemon-scented gum). It is not considered that it is of exceptional size, age and form, as there are a number of similar trees in Coolbellup and the City of Cockburn. The tree has a regular canopy and shape, and the trunk of the tree is not considered to be significant in size, or unusual in shape.

While it is agreed that this is a large and attractive specimen, it is not considered to adequately meet two of the criteria for inclusion on the Significant Tree list. It is therefore not recommended that this tree be included on the Significant Tree list.

Place Record - Naval Base Holiday Park Heritage Area

Council on 14 June 2012 adopted the Naval Base Holiday Park as a Heritage Area pursuant to Clause 7.2 of the City of Cockburn Town Planning Scheme No. 3.

When the proposed 'Heritage Area' was advertised for public comment it was advertised as a package comprising:

- Draft Place Record 'Naval Base Holiday Park Heritage Area'
- Draft Local Planning Policy Naval Base Heritage Area Local Planning Policy

No comments were received regarding the Draft Place Record for Naval Base Holiday Park Heritage Area.

Council adopted the Naval Base Holiday Park Heritage Area and Local Planning Policy at the meeting of 14 June 2012 in accordance with the



Scheme, and the designated Heritage Area has been successfully in place since this time.

Due to the timing of the 2012 annual update of the LGI and the adoption of the Naval Base Holiday Park Heritage Area and Local Planning Policy the new place record was not incorporated into the 2012 LGI. It is therefore proposed that the Place Record for the Naval Base Holiday Park Heritage Area be adopted and incorporated into the LGI, as advertised for public comment and included at Attachment 3.

Proposed modifications to Management Categories

There are a number of proposed modifications to the Management Categories of places that have been demolished over the last few years (subsequent to relevant approvals being granted). The City's LGI includes places that have been demolished to provide a record of places and their location.

Where there are no longer any physical remains of the place it is included on the LGI as a Management Category D place, and identified as being a 'site only'. This is consistent with other sites in the City's Local Government Inventory.

'Place No. 10: Two Watsonia Cottages': The 'Two Watsonia Cottages' were demolished between September and November 2011, subsequent to a planning approval being issued for their demolition (subject to an archival record which is now held by the City of Cockburn). It is therefore proposed that this place be modified from Management Category C to D to reflect that this is now a site only.

'Place No. 13: Dutch Windmill': The 'Dutch Windmill' was demolished between April and June 2012 subsequent to a planning approval being issued for demolition (subject to an archival record now held by the City of Cockburn). It is therefore recommended that this place be modified from Management Category C to D to reflect that this is now a site only.

'Place No. 54: South Coogee School': South Coogee School was demolished in 2012 subsequent to planning approval being issued for its demolition (subject to an archival record). It is therefore recommended that this place be modified from Management Category C to D to reflect that this is now a site only.

'Place No. 73 Watsonia Factory': The Watsonia Factory buildings were demolished in 2011 subsequent to a planning approval being issued for their demolition (subject to an archival record). It is therefore proposed that this place be modified from Management Category C to D to reflect that this is now a site only.



Minor Updates/Modifications

A number of minor updates are proposed to the Local Government Inventory as follows:

1. Place No. 092 – Norfolk Pine Tree Hamilton Road (300 Hamilton Road) – The place record currently states that the tree is on the boundary, however the property has been recently subdivided and a survey has identified that the tree is located on private property. It is proposed that the place record be modified accordingly.
 - a. Update to a number of demolition dates subsequent to examining historical aerial photographs.
 - b. Update/correction to some lot numbers.

Inclusion of additional historical information for the following place records:

1. Place No. 45 'Uniting Church, Spearwood' – additional information regarding the church and 'Moore Cottage' that was relocated to the site, based on information from historical newspaper articles and other publications.
2. Place No. 21 'Residence: Meller' - Inclusion of additional information to reflect additional historical information provided by the historian for a recent development application. There is no change proposed to the Statement of Significance or the Management Category.
3. Place No. 13 'Dutch Windmill (site)' – addition of information obtained from the archival record.
4. Place No. 50 'Quarantine Station (fmr)' – addition of information and photos taken from the conservation plan.
5. Place No. 33 'Separovich House' – additional information regarding the orientation of the dwelling based on historical aerial photos.

The updated Local Government Inventory includes a number of new photos as follows:

1. Inclusion of a new place record photo for Dadley Sheds (site) taken from the 2009 Archival Record that depicts the former dwelling more clearly.
2. Place No. 45 Uniting Church, Spearwood – inclusion of a historical photograph of the building prior to modifications.



These changes are reflected in the Draft Local Government Inventory included at Attachment 1.

Community Consultation

Comments were invited from the community on the Local Government Inventory and Heritage List from 16 July 2013 until 3 September 2013.

Community consultation included the following:

1. Article in 'Cockburn Soundings' sent to all households explaining the annual update and inviting comments on existing places, and nominations for new place and Significant Trees.
2. Notice in the Cockburn Herald newspaper inviting comments and nominations for inclusion of new places.
3. Displays at the Administration Building and all City of Cockburn libraries inviting comments and nominations for inclusion of new places.

A total of five submissions were received, and these are all addressed in the Schedule of Submissions (Attachment 5) and the key issues have been discussed in this report.

Conclusion

It is recommended that Council endorse the identified modifications and additions to the LGI and Heritage List discussed in this report.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- The significance and richness of our local Indigenous people and diverse multicultural community will be recognised and celebrated.
- Conservation of our heritage and areas of cultural significance.



Leading & Listening

- A culture of risk management and compliance with relevant legislation, policy and guidelines.

Budget/Financial Implications

The review of the LGI was undertaken through general municipal funds.

Legal Implications

N/A

Community Consultation

In accordance with Section 45(2)(b) of the Heritage of WA Act 1990, the City undertook extensive consultation in relation to the LGI annual update. Community consultation was carried out for a period of 50 days, and included:

1. An article in 'Cockburn Soundings' sent to all households explaining the annual update and inviting comments on existing places, and nominations for new place and Significant Trees.
2. Notice in the Cockburn Herald newspaper inviting comments and nominations for inclusion of new places.
3. Displays at the Administration Building and all City of Cockburn libraries inviting comments and nominations for inclusion of new places.

Attachment(s)

1. Draft Revised Local Government Inventory 2014
2. Proposed New Places - Draft Place Records
3. Place Record for Naval Base Holiday Park Heritage Area
4. Nomination for Hamilton Hill Swamp Precinct
5. Schedule of Submissions

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the April 2014 Council Meeting.

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

Nil.



14.4 (MINUTE NO 5282) (OCM 10/4/2014) - CONSIDER SUBMISSIONS AND ADOPT: TOWN PLANNING SCHEME NO. 3 AMENDMENT 94 - INTRODUCING DEVELOPMENT CONTRIBUTION AREA 14 COCKBURN COAST: ROBB JETTY AND EMPLACEMENT PRECINCTS (109/027) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment 94 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”);
- (2) require modification to the proposed northern boundary of Development Contribution Plan Area 14 to reflect the existing alignment of Development Area 33 and update line style and letter colouring to be consistent with the City’s Scheme;
- (3) subject to modification (2) above, adopt Scheme Amendment No. 94 for final approval for the purposes of:
 - 1. Amending Schedule 12 of the Scheme text by including DCA 14 – Cockburn Coast as follows.

Schedule 12 - Development Contribution Plan

Area:	Cockburn Coast: Robb Jetty and Emplacement Precincts
Infrastructure and administrative items to be funded	<p>Contributions shall be made towards the following items by all landowners within DCA 14:</p> <ul style="list-style-type: none"> • Proportional contribution to the upgrading of Cockburn Road between Rollinson Road and MacTaggart Cove including the cost of land required for road widening, verge and median landscaping between Rollinson Road and MacTaggart Cove, construction of the Robb Jetty Main Street signalised intersection, construction of drainage and service relocation where necessary. Earthworks, service relocation and construction of dual carriageways will be funded and constructed by Main Roads Western Australia. • The cost of land and works (including landscaping) associated with the construction of the proposed Robb Jetty Main Street between the Cockburn Road intersection and Robb Road intersection. The works include construction of an at-grade rail crossing including vehicle and pedestrian signalisation



	<p>associated with the new Robb Road intersection (including sufficient fencing to deter pedestrians from unsafe crossing). The cost of works is the cost over and above that of providing a normal 20m wide local subdivision road whereby drainage, lighting, footpaths, lower specification landscaping and parking embayment's provided at the cost of adjoining landowners.</p> <ul style="list-style-type: none"> • The cost of land and works (including landscaping) associated with the construction of the proposed Bus Rapid Transit (BRT) route which extends between the Rollinson Road / Cockburn Road intersection and the intersection of MacTaggart Cove and the proposed BRT route. The cost includes acquisition of Lot 18 Garston Way and provision of bus stops and associated infrastructure. The cost of works is the cost over and above that of providing a normal 20m wide local subdivision road whereby drainage, lighting, footpaths, lower specification landscaping and parking embayment's provided at the cost of adjoining landowners. • Provision of pedestrian signals at the Rollinson Road railway crossing (including sufficient fencing to deter pedestrians from unsafe crossing). • Provision of land for public open space area as detailed in the Robb Jetty and Emplacement Precinct Local Structure Plan(s) and the cost of landscape construction (including minor earthworks and drainage). • The cost of land and construction of a multistorey local community building and associated landscaping, play equipment and car parking areas. • Costs to administer cost sharing arrangements of the DCA including detailed engineering design and project management POS, drainage, roads, rail crossings and the community building the subject of the DCA provisions, cost estimates and schedules, valuations, annual reviews of land and works, audits and administrative costs. • Cost including fees and interest of any loans raised by the local government to undertake any of the works associated with DCA 14.
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<p>Method for calculating contributions</p>	<p>All landowners within DCA 14 shall make a contribution to land and infrastructure works required as part of the development of the Robb Jetty and Emplacement Precinct Development Contribution Area (with the exception of the Mixed Business Zone).</p> <p>The proportional contribution is to be determined in accordance with the provisions of Clause 6. 3 of the Scheme and this Development Contribution Plan.</p> <p><u>Cost Apportionment for the Mixed Business Zone</u></p> <p>No contribution is required in respect to land and lots required for public open space, public open space construction, and local community facilities for Lot 4 and 303 Darkan Avenue and Lot 8 Garston Way (Mixed Business Zone).</p> <p>Landowners in the Mixed Business Zone will be responsible for 5.46% of the cost of upgrading all DCP roads, service infrastructure and administration costs. The contribution payable will be based on a rate per m2 of developable land area, which equates to:</p> <ul style="list-style-type: none"> • Lot 4 Darkan Way: 1.44% • Lot 303 Darkan Way: 1.45% • Lot 8 Garston Way: 2.57% <p>All other Zones and R-Codes will fund the remaining 94.54% in accordance with development potential calculation methodology for all other Zones/R-Codes.</p> <p><u>Development Potential Calculation Methodology for all other Zones and R-Codes</u></p> <p>With the exception of Lot 4 and 303 Darkan Avenue and Lot 8 Garston Way (Mixed Business Zone), cost contributions shall be calculated based on the minimum potential number of dwellings (85%) that can be constructed on each lot or lots as detailed in Schedule 11. Contributions shall be calculated on a per potential dwelling basis. The potential number of dwellings (or equivalent) per Zone or R-Code is calculated as follows:</p> <table border="1" data-bbox="625 1653 1353 1915"> <thead> <tr> <th data-bbox="625 1653 874 1720">Zone/R-Code</th> <th data-bbox="874 1653 1353 1720">Method for Calculating No. of Dwellings</th> </tr> </thead> <tbody> <tr> <td data-bbox="625 1720 874 1825">District Centre R-ACO (R160 equivalent)</td> <td data-bbox="874 1720 1353 1825">1x equivalent dwellings per 62.5m² of net land area</td> </tr> <tr> <td data-bbox="625 1825 874 1915">Mixed Use (R100 equivalent)</td> <td data-bbox="874 1825 1353 1915">1x equivalent dwellings per 100m² of net land area</td> </tr> </tbody> </table>	Zone/R-Code	Method for Calculating No. of Dwellings	District Centre R-ACO (R160 equivalent)	1x equivalent dwellings per 62.5m ² of net land area	Mixed Use (R100 equivalent)	1x equivalent dwellings per 100m ² of net land area
Zone/R-Code	Method for Calculating No. of Dwellings						
District Centre R-ACO (R160 equivalent)	1x equivalent dwellings per 62.5m ² of net land area						
Mixed Use (R100 equivalent)	1x equivalent dwellings per 100m ² of net land area						



	<table border="1"> <tr> <td>R40</td> <td>1x dwellings per 220m² of net land area</td> </tr> <tr> <td>R80</td> <td>1x dwellings per 125m² of net land area</td> </tr> <tr> <td>R100</td> <td>1x dwellings per 100m² of net land area</td> </tr> <tr> <td>R160</td> <td>1x dwellings per 62.5m² of net land area</td> </tr> </table> <p>Notwithstanding Clause 6.3.13 of Town Planning Scheme No. 3 Text, applications for continuance or extension of existing non-conforming uses will be exempt from development contributions.</p>	R40	1x dwellings per 220m ² of net land area	R80	1x dwellings per 125m ² of net land area	R100	1x dwellings per 100m ² of net land area	R160	1x dwellings per 62.5m ² of net land area
R40	1x dwellings per 220m ² of net land area								
R80	1x dwellings per 125m ² of net land area								
R100	1x dwellings per 100m ² of net land area								
R160	1x dwellings per 62.5m ² of net land area								
Period of Operation	Until 30 June 2034. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.								
Priority and Timing	In accordance with the City of Cockburn Capital Expenditure Plan for Robb Jetty and Emplacement Precincts.								
Review Process	The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.								
Participants and Contributions	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 14.								
<p>2. Amend the Scheme Map to include the boundaries of the proposed Development Contribution Area No. 14 Cockburn Coast: Robb Jetty and Emplacement Precincts.</p> <p>(4) ensure the amendment documentation, once modified, be signed and sealed and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions with a request for the endorsement of final approval by the Hon. Minister for Planning and for the Minister's consideration to take into account the preferred proposal for local government reform as it relates to the City of Cockburn should it be known at the time of their consideration;</p> <p>(5) advise those parties that made a submission of Council's decision accordingly; and</p> <p>(6) request the Western Australian Planning Commission consider</p>									



participation in the proposed DCP14 with a view to effectively 'seed funding' the public open space proportionate to the area of the existing reserves for recreation (whole of Reserve 44048 and portion of Reserve 44273) which were rezoned from 'Parks and Recreation' to 'Urban' under the Metropolitan Region Scheme via Amendment 1180/41.

- (7) request the Western Australian Planning Commission and Department of Local Government and Communities' advice as to the practicalities of processing town planning scheme amendments in the lead up to local government reform given this amendment (dependant on the preferred proposal) places significant obligations in terms of shouldering DCP shortfall (as per clause 6.3.17.1 of the Scheme) on the responsible local government.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

The purpose of this report is to consider submissions and final adoption of Amendment No. 94 to City of Cockburn Town Planning Scheme No. 3 ("Scheme").

Council resolved to initiate the Amendment for the purposes of advertising at the Ordinary Meeting of 12 September 2013. It was advertised for public comment for a period of 42 days from 29 October to 10 December 2013. It should be noted, this amendment was initiated prior to any local government reform proposal which sought to disaggregate the City of Cockburn being made public. However, local government reform is not one of the matters outlined in Division Three of the Planning and Development Act 2005 which can be considered in relation to a scheme amendment.

At its ordinary meeting held 9 May 2013, Council approved, subject to modifications, two local structure plans within the Cockburn Coast development area for the Robb Jetty and Emplacement precincts.



Endorsement of the latter plan from the Western Australian Planning Commission ("WAPC") is still pending. The former was endorsed in late February 2014, subject to modifications.

The local structure plans propose to develop the subject land for a mix of zones, including a dense activity centre, residential (ranging up to R160 density), public open space, mixed business, mixed use, and a primary school with a shared oval. Noted within these local structure plans was the need for a cost sharing mechanism for several local government infrastructure items.

In line with State Planning Policy 3.6 Development Contributions for Infrastructure ("SPP3.6"), a development contribution plan ("DCP") is proposed to cover this area. To introduce a new DCP an amendment to the City's Scheme is required.

This report seeks Council to consider all submissions received during the advertising and recommends adoption of the Amendment for final approval. It is also suggested advice be sought from the Western Australian Planning Commission and the Department of Local Government and Communities concerning the practicalities of the processing of this scheme amendment, should the preferred proposal for local government reform involve disaggregation of Cockburn.

Submission

A Scheme Amendment has been lodged by APP on behalf of Landcorp, the proponents for the Robb Jetty and Emplacement Local Structure Plans within the Cockburn Coast development area ("subject land"). The amendment seeks to introduce a new DCP known as DCP14 to cover the areas of Robb Jetty and Emplacement.

DCP14 will complement another scheme amendment request which seeks to introduce additional items to the City's existing DCP13 for community infrastructure. The DCP13 items have a catchment greater than the Cockburn Coast development area.

Report

Contribution Area/Items

Given that all infrastructure items identified for inclusion in the DCP provide a benefit to all landowners in the project, one DCP will apply to both the Robb Jetty Precinct and Emplacement Precincts.

The draft DCP14 includes a number of items for which the cost sharing mechanism of a DCP is appropriate. These include public open space



and key roads providing a district function (above standard road cost/specification) such as the main street and the rapid bus route.

Also included is a Community Centre which will cater for the Cockburn Coast area. A portion of this will be funded via this DCP, with the remaining to be funded via the future DCP which covers the Power Station precinct.

Some of these items have been the source of objection and this is discussed in more detail in the Schedule of Submissions and the Community Consultation Outcomes section of this report.

Methodology

A key objective of the cost apportionment methodology is the need to provide certainty to each landowner on their cost contribution and ensure costs are shared in a transparent and equitable manner. It is also important to provide the custodian of the DCP appropriate certainty on the source of all funds required to deliver infrastructure and mitigate any potential for shortfalls in funding.

Basing contributions on the 'actual' development outcome is usually considered to be the most equitable outcome from a user pays point of view. This will not work in Cockburn Coast as not all developers will maximise their development potential and this will lead to shortfalls in DCP funds.

Another matter to consider is what the infrastructure items are. In this case they involve items which are required at the subdivisional stage and therefore there must be some 'fixed' basis for assigning contributions, not the unknown 'actual' development outcome. There is already a scheme requirement for development in Cockburn Coast to achieve 85% of a site's potential as a minimum. This provides an ideal 'fixed' basis to apportion costs.

Cost contributions within the Cockburn Coast will be commensurate with the development potential of each site within the Cockburn Coast. To achieve an equitable outcome, the development potential of each site will be determined in an equal and consistent manner. This approach is consistent with the overarching principle 'beneficiary pays' of SPP 3.6.

Note also that the subject land is already located within Development Contribution Area 13, which provides for cost contribution to specified local, sub-regional and regional level community infrastructure. This applies in addition to this DCA proposal.



Period of Operation

The infrastructure items included in the DCP are being planned and provided on the basis of the needs of the ultimate community which will be substantially achieved in 20 years, being 2034.

The DCP will be reviewed when considered appropriate though not exceeding every five years, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.

Exemptions

Applications for continuance or extension of existing non-conforming uses will be exempt from development contributions. It is only where a proposal is seeking to develop in line with the local structure plans that a development contribution liability will apply.

Administrative concerns

A specific resolution has been included to seek advice from both the Western Australian Planning Commission and the Department of Local Government and Communities. There are very practical concerns that need to be considered in a variety of matters concerning local government reform. This proposed amendment was initiated prior to the local government reform proposals. As part of the scheme amendment process, Council is now bound to resolve either to not proceed with the amendment, or to adopt the amendment (with or without modifications).

As part of the consideration of the scheme amendment, relevant considerations are set out in Division 3 of the Planning and Development Act 2005. In brief, these are:

- Effect of State planning policy
- Advice from Heritage Council
- Advice from Environmental Protection Authority/Environmental review outcomes
- Consultation of persons likely to be affected.

In terms of the latter of these, it is tenuous to say the adjacent local governments are 'likely' to be affected. There are a number of local government reform proposals before the Local Government Advisory Board and it is still several months before the preferred proposal is known. In light of this, the resolution requesting the Minister's endorsement of final approval has specifically requested that if the preferred proposal for local government reform affecting the City of



Cockburn is known at the time of the Minister's consideration that due regard be given to the proposal.

Clause 6.3.17 of TPS3 deals with the situation of shortfall of DCP funds. Whether by unforeseen circumstances in project delivery/management, or underestimating of growth figures, if the DCP collected less than expected, the administrator of the Scheme would need to make up that shortfall, including any liabilities to developers from 'works in kind'.

Community Consultation Outcomes

A total of eight submissions were received on this amendment. Four of these (all from landowners within the proposed DCA 14) raised concerns with various issues which are set out below.

The main theme of concern was the items and their associated costs and the timing of contribution payments.

In summary, the submitters would like to have payment of the contribution delayed from commencement of development till completion of development. This would involve changing the liability for cost contribution clause within the Scheme text and would therefore impact all development contribution plans. This would also be inconsistent with the model scheme text provisions set by the Department of Planning for development contributions. It has been confirmed by City officers, the Department of Planning would not support taking an approach which varied from the model scheme text.

In meeting with the landowners who expressed this concern, the opportunity to 'stage' subdivision approvals has also been explained. That is, the liability for contribution only applies to the lots for which clearance is sought. So if a proposal for four lots was conditionally approved, but clearance was only sought for two lots at a time, then the DCP invoice would be based on the two lots. The remaining amount would be paid when the clearance was sought for those lots.

The cumulative cost of the items proposed by DCP14 and those in DCP13 are substantial and the submitters believe these are higher than elsewhere in Perth. There is an assumption with this argument the development, its location and the DCP items themselves are similar across Perth, which they are not. As per TPS3 and the State Planning Policy 3.6 (SPP3.6), estimated costs have been based on the best available information. Costs in this DCP are also expressed as an amount per development lot based on their individual potential as opposed to simply a rate per hectare or a flat rate per lot or dwelling. With the higher densities in this area (combined with high land value) it



is not reasonable to compare DCP14 to peripheral broadacre greenfield DCAs for example. Where possible, City officers have already reined in the DCP14 costs. A number of items originally proposed for inclusion have specifically been excluded and City officers are comfortable the level of inclusions is reasonable and appropriate to this development area.

Another concern raised is that an element of 'double dipping' is at play in regard to local public open space. Two local reserves were rezoned as part of Amendment 1180/41 to the Metropolitan Region Scheme from 'Parks and Recreation' to 'Urban'. The whole of Reserve 44048 and portion of Reserve 44273 Cockburn Rd rezoned total approximately 1.176ha. While the area may not sound large, it equates to just over 21% of the local public open space to be ceded. Considering the current land value of the local public open space is just over \$18 million, it is understandable why this concern has been raised.

These reserves appear to have been ceded as part of a previous subdivision, then some years later rezoned to 'Urban'. It is assumed as the District and Local Structure Plans designate these reserves now for development lots (and public open space has been assigned elsewhere), they will be sold by the WAPC. Neither of the above plans gave instruction as to these reserves being used as a 'deduction' in calculating the local POS requirement. Unfortunately, concerns with the content of these plans or the MRS amendment did not extend to this particular issue. An inclusion in the officer recommendation is for the WAPC to consider 'seed funding' the DCP14 to ensure Cockburn Coast landowners are not unfairly penalised by rationalising of these reserves. General advice from DoP officers was sought in the month prior to finalising this report; however no response was forthcoming in that time.

Concern was also raised by some landowners about the proposal for all landowners to contribute to the 'above standard' requirements for the Main Street. Their contention is these landowners receive added development potential so this should not be a DCP item. This point has been reviewed by the licensed land valuer who has clarified their position that all Cockburn Coast landowners receive a benefit from the presence of a Main Street and therefore it is appropriate to share this cost. City officers agree with the valuer's position.

None of the proposed issues raised is considered to warrant modifications to the amendment. However, as mentioned an additional recommendation for the WAPC's consideration has been included concerning existing reserves.



Conclusion

It is recommended that Council endorse the Schedule of Submissions and adopt the amendment for final approval. Some very minor changes to the amending scheme map are required and these will need to be made before the amendment is sent for endorsement.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Community & Lifestyle

- Communities that take pride and aspire to a greater sense of community.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Regulations 1967
Planning and Development Regulations 2009
City of Cockburn Town Planning Scheme No. 3

Community Consultation

The Amendment was advertised for public comment for a period of 42 days from 29 October 2013 to 10 December 2013.

Attachment(s)

Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent for the proposal has been advised that this matter is to be considered at the 10 April 2014 Council Meeting.

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

Nil.



AT THIS POINT, CLR S PRATT LEFT THE MEETING, THE TIME BEING 7.22 PM.

DECLARATION OF INTEREST – CLR S PRATT

The Presiding Member read a declaration of Interest in Item 14.5 “Coolbellup Revitalisation Strategy” pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of his interest is that he is a landowner within a Structure Plan Area specified in the Strategy.

14.5 (MINUTE NO 5283) (OCM 10/4/2014) - COOLBELLUP REVITALISATION STRATEGY LOCATION: CITY OF COCKBURN OWNER: N/A (110/019) (R PLEASANT) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the draft Coolbellup Revitalisation Strategy (the Strategy) (Attachment 1) for the purposes of advertising, noting the estimate of costs referred to under the budget and financial implications of this report;
- (2) advertise the Strategy for 60 days;
- (3) as part of the advertising of the strategy, undertake two community open days, as well as a direct letter to each landowner inviting their feedback on the Strategy.

COUNCIL DECISION

MOVED Clr Y Mubarakai SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/0



Background

The purpose of this report is to provide an overview of the Coolbellup Revitalisation Strategy (the Strategy) and to seek Councils support to advertise for public comment for 60 days. Council previously resolved to support the preparation of the Strategy on 8 August 2013.

The purpose of the Strategy is to guide the delivery of future residential development within the suburb and identify improvements and infrastructure required to support this growth. The Strategy is largely directed towards identifying appropriate increased residential densities and strategies to encourage housing choice. A key focus is to ensure Coolbellup is an attractive place to live and visit into the future and as a result the proposed changes to residential densities is supported by a range of other strategies to improve the livability of the suburb for current and future residents.

The Western Australian Planning Commission ('WAPC') in 2010 released its latest strategic plan for Perth and Peel, Directions 2031 and beyond: Metropolitan planning beyond the horizon ("Directions 2031"). Directions 2031 set a target that 47% of the additional dwellings required by 2031 will be delivered through urban infill. This target seeks to address the urban sprawl of Perth's outer suburbs and to promote sustainable planning objectives.

Since 2009 the City of Cockburn has been undertaking revitalisation strategies to identify further housing opportunities while at the same time identifying plans to revitalise suburbs. Coolbellup follows on from the Hamilton Hill Revitalisation Strategy of which is currently being finalised, and the Phoenix Revitalisation Strategy, finalised in May 2009.

Coolbellup is considered a well-connected inner ring suburb and is well situated to contribute to the delivery of these infill targets. It is also considered a unique suburb to provide further development opportunities and associated revitalisation work due to the strategic location of Coolbellup within the heart of the rapidly expanding south west corridor and is seen as a highly desirable location in which to live and invest. Additionally, the locality is a well-connected inner ring suburb and in proximity to the new Fiona Stanley Hospital, Murdoch University Precincts and close to the Fremantle city centre and Phoenix activity centre, is well serviced by infrastructure and the physical age of built form within the suburb being such that decisions for redevelopment and/or renewal are expected to be made by landowners over the coming years.

The Strategy provides an opportunity to support the commercial aspects of the town centre by increasing residential densities, and



therefore the number of people to frequent the shops, within the centres proximity. The suburb contains a unique age demographic which sees the opportunity to explore more diverse responses in housing variety and form. This approach will also support the demographic forecasting that suggests over the coming years the population in Coolbellup is expected to become increasingly diverse, contain smaller households, increase the number of young families and like the wider National trend have an increasingly ageing population.

The development of the Strategy commenced in August 2013 at which time a thorough contextual analysis and background research commenced to identify local attributes, issues and opportunities. This information informed the strategy preparation and the structure of the community engagement work. Consultation with the community comprised a Resident and Property Owners Survey (over 400 responses received), and two community visioning sessions attended by 128 people.

Key outcomes of the residents and property owners survey identified 72% of the respondents supported some increase in housing in the suburb and a clear majority indicated strong support for more medium density housing types, and good support for more medium to high density housing types. Further, the results clearly identified Coolbellup residents greatly value and appreciate their parks, the trees, greenery and streetscapes, and the remnant bushland.

Submission

N/A

Report

The outcome is a Strategy that provides a balance of providing opportunities for further housing growth while recognising the elements that contribute to the character of Coolbellup and ensuring these are protected when identifying actions for the future. The Strategy does this by identifying three guiding principles of which each of the identified actions are drawn from:

- Program 1 – Encourage and support appropriate development and diverse housing options.
- Program 2 – Improve the function and presentation of Coolbellup streets.
- Program 3 – Protect and enhance the character and natural environment of Coolbellup.

Key recommendations of this Strategy include a change to most residential land within the Study Area, the exception being several



large lots already zoned at higher densities remain unchanged. The base density code of R30 will maintain the existing local character of Coolbellup while allowing flexibility for increased development opportunities for land owners. Further, the R30 code is consistent with the three former Coolbellup School sites and allows subdivision and development potential for most landowners.

Higher density development is proposed around the Coolbellup Town Centre, high frequency transport routes, areas of Public Open Space (POS) capable of supporting increased densities, and large land parcels which offer the opportunity to undertake coordinated urban infill development.

All new developments within infill areas should present a quality design outcome that contributes to the local context and as a result the Strategy recommends:

- Amendments to the City's Local Planning Policy – *APD58 Residential design Guidelines* which propose new controls relating to landscaping and driveways and the requirement for a *Design Quality Statement* for all grouped and multiple dwelling development applications, and;
- The preparation of a City wide *Medium Density Good Development Guide*.

The treatment of the public domain, including streets is critical in ensuring Coolbellup is an attractive place to live and visit. The public domain strongly influences how people feel and experience the suburb and ties the elements of the neighbourhood together. As a result the Strategy contains:

- Concept plans to revitalise key streets and public places including - Coolbellup Avenue, Counsel Road, Waverley Road, and Cordelia Avenue, the town centre surrounds and Len Packham Reserve;
- A Street Tree Masterplan;
- A recommendation to investigate and prepare a City wide Local Planning Policy to require new developments in revitalisation areas to contribute to streetscape upgrades;
- The preparation of a City wide residential verge education brochure;
- The facilitation of the provision of underground power for the western side of Coolbellup by applying for the next round of funding through the State Underground Power Program.

In relation to the Coolbellup Shopping Centre and immediate surrounds, the Coolbellup community expressed strong support for the centrally located community hub and shopping centre, however, the shopping centre is most appreciated for its central location and accessibility, rather than its appearance and form. There is a very



strong feeling amongst the Coolbellup community that improvements to the shopping centre (i.e., relating to its appearance, functionality, the breadth of uses available, its lack of vibrancy, poorly-maintained parking areas and unclear/unsafe circulation patterns) are urgently required.

In response the Background Report ties together various information sources and identifies key elements of which should be considered in and around the town centre should any works be proposed. This includes following the extensive design guidance provided within the adopted Local Structure Plan (LSP) for future development proposals. While the City is limited in its ability to influence the redevelopment and/or revitalisation of the shopping Centre, it remains committed to assisting the Coolbellup Shopping Centre land owners where it can.

The Strategy is presented in two parts, the Strategy document and a supporting Background Report. The first section of the Strategy provides a discussion detailing why the Strategy was prepared, the context in terms of locality and State planning policy objectives. This is followed by a summary of the analysis findings identified within the Background Report.

Section two identifies the Strategy recommendations and Section three explains implementation implications including a work plan detailing an estimate of costs associated with delivering the Strategy's recommendations.

Conclusion

The Coolbellup revitalisation Strategy presents the latest urban renewal project within the City of Cockburn of which has evolved out of a balanced process of community engagement, local contextual research and the need to plan for the Coolbellup community future needs. The Strategy is well aligned with both community views and desires for the future, in addition to metropolitan level aspirations for the future of Perth. This next wave of public consultation will enable further enhancement of the Strategy to occur.

Strategic Plan / Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.



Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Environment & Sustainability

- A community that uses resources in a sustainable manner.

Moving Around

- Infrastructure that supports the uptake of public transport and pedestrian movement.

Corporate Business Plan

The Coolbellup Revitalisation Strategy is a project identified within the adopted Corporate Business Plan to be undertaken by the Strategic Planning Department in 2013/2014.

Budget/Financial Implications

Upon implementation of the Strategy several actions will be implemented as part of the City's normal processes using existing resources and allocations. However the cost of implementing the works identified within the Works Plan and an Estimate of Costs, mostly relating to streetscape and public space upgrades, will need to be funded and planned for within the City's budgeting framework.

Appendix 2 of the Strategy document sets out a preliminary estimate of costs inclusive of the proposed Strategy upgrades, the drainage review and the recommendations required to upgrade Len Packham Hall to address vandalism. This preliminary assessment comes to \$3.5m. Upon adoption of the Strategy these costs will need to be considered within the City's budgeting framework over the next 5 years.

Legal Implications

N/A

Community Consultation

Stakeholder consultation took place through a resident and property owner survey and two community visioning forums. The purpose of the consultation was to ensure the Coolbellup community views informed the preparation of the Strategy. The surveys and the forums were undertaken in October-November 2013. The Background Report provides further details however in summary the key outcomes of the community consultation that have informed the draft Strategy include the following.



Support for urban infill

Residents generally support further housing in Coolbellup. This is a result of 72% of the respondents supporting some increase in housing in the suburb. Strong support is provided for more medium density housing types and good support for more medium to high density housing types.

Streetscapes and Parks

Residents want to see Coolbellup streets continue to be upgraded to improve their presentation and function. More street trees are wanted and the second phase of undergrounding power lines is supported.

Many trees in the suburb are important to the community and Coolbellup residents are proud of their beautiful parks and every effort to maintain them should be undertaken to maintain them. Residents wish to see the facilities and services in these parks diversified.

Coolbellup shopping centre

There is a very strong feeling amongst the Coolbellup community that improvement to the shopping centre (i.e., relating to its appearance, functionality, the breadth of uses available, its lack of vibrancy, poorly maintained parking areas and unclear/ unsafe circulation patterns) are urgently required.

Transport and accessibility

The community is not satisfied with cycle paths and bus services in and around Coolbellup. They wish to see more bike lanes, cycle paths and bus services outside business hours connecting to areas such as Fremantle and Cockburn Central.

Future Consultation

The Strategy will be advertised for 60 days. During the advertising period the City will run a community open day in Coolbellup. There will also be a direct letter sent to all landowners within the area.

Attachment(s)

1. Coolbellup Revitalisation Strategy Study Area
2. Draft proposed residential densities coding plan
3. Coolbellup Revitalisation Strategy



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

AT THIS POINT, CLR S PRATT RETURNED TO THE MEETING, THE TIME BEING 7.23 PM.

THE PRESIDING MEMBER ADVISED CLR S PRATT OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.

14.6 (MINUTE NO 5284) (OCM 10/4/2014) - ROAD DEDICATIONS FOR TWELVE INDIVIDUAL LAND PARCELS - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: CITY OF COCKBURN (177/001) (A VAN BUTZELAAR) (ATTACH)

RECOMMENDATION

That Council

- (1) request that the Minister for Lands dedicate the following parcels of land as road reserve pursuant to Section 56(1) of the *Land Administration Act 1997*:
 - a) Lot 55 (Plan 31519), Lot 67 (Plan 30038), Lot 66 (Plan 49012), Lot 67 (Plan 47724), Lot 66 (Plan 45912) and Lot 67 (Plan 38558) Ives Street, Hamilton Hill
 - b) Lot 50 (Plan 43898) Lintott Way, Spearwood
 - c) Lot 66 (Plan 28996) and Lot 67 on (Plan 33688) Jean Street, Hamilton Hill
 - d) Lot 66 (Plan 44876) and Lot 67 (Plan 39815) Norland Way, Spearwood
 - e) Lot 166 (Plan 32965) March Street, Spearwood; and
- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting the request in (1) above.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0



Background

Lot 55 (Plan 31519); Lot 67 (Plan 30038); Lot 66 (Plan 49012); Lot 67 (Plan 47724); Lot 66 (Plan 45912) and Lot 67 (Plan 38558) Ives Street, Hamilton Hill

Six portions of land with a combined area of approximately 3 274 square metres along Ives Street, Hamilton Hill were intended to be part of a road reserve and were overlooked at the time of subdivision. A sketch showing the location of the subject lots can be reviewed in Attachment 1.

Lot 50 (Plan 43898) Lintott Way, Spearwood

A rectangular parcel of land with an area of approximately 278 square metres along Lintott Way, Spearwood was intended to be part of a road reserve and was overlooked at the time of subdivision. A sketch showing the location of the subject lots can be reviewed in Attachment 2.

Lot 66 (Plan 28996) and Lot 67 on (Plan 33688) Jean Street, Hamilton Hill

A rectangular and a square portion of land with a combined area of approximately 1 111 square metres along Jean Street, Hamilton Hill was intended to be part of a road reserve and was overlooked at the time of subdivision. A sketch showing the location of the subject lots can be reviewed in Attachment 3.

Lot 66 (Plan 44876) and Lot 67 (Plan 39815) Norland Way, Spearwood

Two rectangular adjacent portions of land with a combined area of approximately 1 823 square metres along Norland Way, Spearwood were intended to be part of a road reserve and were overlooked at the time of subdivision. A sketch showing the location of the subject lots can be reviewed in Attachment 4.

Lot 166 (Plan 32965) March Street, Spearwood

A rectangular portion of land with an area of approximately 1 583 square metres along March Street, Spearwood was intended to be part of a road reserve and was overlooked at the time of subdivision. A sketch showing the location of the subject lots can be reviewed in Attachment 5.

The purpose of this report is to finalise the matter by way of ensuring that the above mentioned portions of land are dedicated as road reserve.



Submission

N/A

Report

In a routine search for mapping anomalies conducted in 2014 the following lots were identified by officers as land comprising a road yet displayed as freehold land on the City's digital mapping system (Intramaps):

- Lot 55 (Plan 31519), Lot 67 (Plan 30038), Lot 66 (Plan 49012), Lot 67 (Plan 47724), Lot 66 (Plan 45912) and Lot 67 (Plan 38558) Ives Street, Hamilton Hill
- Lot 50 (Plan 43898) Lintott Way, Spearwood
- Lot 66 (Plan 28996) and Lot 67 (Plan 33688) Jean Street, Hamilton Hill
- Lot 66 (Plan 44876) and Lot 67 (Plan 39815) Norland Way, Spearwood
- Lot 166 (Plan 32965) March Street, Spearwood

This was confirmed by a recent Landgate search of the Certificates of Title.

The following table outlines the date on which each of the subject lots was vested under section 20A of the *Town Planning and Development Act 1928* for the purpose of right of way (ROW).

Subject Lot and Plan Number	Date vested for ROW
Lot 55 on Plan 31519	22 June 1965
Lot 67 on Plan 38558	16 November 1972
Lot 66 on Plan 49012	20 January 1976
Lot 67 on Plan 47724	29 January 1975
Lot 66 on Plan 45912	7 November 1974
Lot 67 on Plan 30038	22 October 1969
Lot 50 on Plan 43898	12 November 1972
Lot 66 on Diagram 28996	4 August 1964
Lot 67 on Diagram 33688	27 February 1967
Lot 66 on Plan 44876	29 June 1973
Lot 67 on Plan 39815	11 February 1971
Lot 166 on Diagram 32965	3 May 1966

The registered proprietor for all the subject lots as identified on the certificates of title is the State of Western Australia.



To facilitate a road dedication a request pursuant to section 56 of the *Land Administration Act 1997* is required. The request is to be supported by a Council resolution.

Following Council's resolution, the request will be forwarded to the Department of Lands. The Department of Lands will then instigate a process whereby the dedication will proceed and each road will be dedicated as a road reserve.

Strategic Plan/Policy Implications

Growing City

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

Leading & Listening

- Manage our financial and infrastructure assets to provide a sustainable future.

Moving Around

- An integrated transport system which balances environmental impacts and community needs.

Budget/Financial Implications

N/A

Legal Implications

Provisions of the *Land Administration Act 1997*

Community Consultation

N/A

Attachment(s)

Location Plans

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 10 April 2014 Council Meeting.



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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (MINUTE NO 5285) (OCM 10/4/2014) - LIST OF CREDITORS PAID
- FEBRUARY 2014 (076/001) (N MAURICIO) (ATTACH)**

RECOMMENDATION

That Council adopt the List of Creditors Paid for February 2014, as attached to the Agenda.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 9/0

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

The List of Accounts for February 2014, is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – February 2014

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 5286) (OCM 10/4/2014) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - FEBRUARY 2014 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Statement of Financial Activity and associated reports for February 2014, as attached to the Agenda; and
- (2) amend the 2013/14 Municipal Budget in accordance with the Schedule of Budget adjustments as listed in the attached schedule on page 5.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr P Eva SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

9/0

Background

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

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

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

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

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. Council adopted a materiality threshold variance of \$100,000 from the corresponding base amount for the 2013/14 financial year at the August meeting.

Submission

N/A



Report

Opening Funds

The City's opening funds from 2012/13 FY were revised upwards to \$11.25M (from \$10.06M) after the completion of external audit. The increase of \$1.2M related mainly to a downwards adjustment in the amount of accrued expense for disputed land fill levy charges subsequently settled post June. There was also a minor adjustment between the current and non-current portions of long service leave provisions. The initial \$10.06M comprised \$6.57M for carried forward projects and \$3.5M of unrestricted surplus transferred to the City's Community Infrastructure Reserve in accordance with Council budget policy. The additional \$1.2M in opening funds was transferred to the Waste and Recycling and Community Infrastructure reserves at mid-year budget review.

Closing Funds

The City's closing funds of \$61.5M are currently \$8.0M higher than the YTD budget forecast. This comprises net favourable cash flow variances across the operating and capital programs as detailed later in this report.

The revised budget currently shows end of year closing funds of \$0.5M (increased from a balanced budget position of nil). This has predominantly resulted from several upwards adjustments to revenue and a \$0.16M balancing item in the mid-year review. The budgeted closing funds will fluctuate throughout the year, due to the impact of Council decisions and budget recognition of additional revenue. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial report.

Operating Revenue

Consolidated operating revenue of \$107.7M is ahead of the YTD budget forecast by \$3.6M. Several compensating variances comprise the majority of this amount:

- Revenue from property rates is \$0.64M higher than the YTD budget target.
- Underground power charges collected were \$0.1M ahead of budget.
- Interest on investments exceeded YTD budget by \$0.95M, a contraction of \$0.4M from last month's variance due to budget increase in the mid-year review.
- Financial Assistance Grant Scheme (F.A.G.S.) quarterly grant of \$0.42M received one month ahead of the cash flow budget.



- Human Services operating grants are \$0.32M ahead of budget due to \$0.25M of surpluses carried forward from the previous year and \$0.21M of additional In-Home Care subsidies, offset by a \$0.18M shortfall in Community Aged Care Packages YTD funding.
- Fees & charges across the Human Services business unit are \$0.13M behind the YTD budget, mainly due to the out of school care and family day care programs.
- Development application fees are up by \$0.15M against the YTD budget.
- Revenue from dog registration fees is \$0.12M greater than the full year budget due to the impact of changes made to the Dog Act.
- Commercial revenue from the HWRP is now exceeding YTD budget by \$0.68M, after the full year budget was significantly reduced in the mid-year budget review due to falling tonnages.

Further details of material variances are disclosed in the Agenda attachment.

Operating Expenditure

Operating expenditure (including asset depreciation) of \$71.3M was under the YTD budget by \$2.0 and comprised the following significant items:

- *Material and Contracts (\$2.0M under budget).* The following areas are currently under their YTD budgets:- environmental management services and projects by \$0.43M; CoSafe by \$0.3M; Recreational Services projects by \$0.1M; liveable cities program for CCW by \$0.13M; SLLC operations by \$0.13M; contaminated sites costs by \$0.17M; the summer of events program by \$0.2M; and costs for council functions & receptions by \$0.16M.
- Those areas exceeding budget include:- unbudgeted payments for vested crown land of \$0.55M; in-home care subsidies paid over by \$0.22M (offset by additional revenue); waste disposal operating costs by \$0.12M; and waste collection operating costs by \$0.13M .
- *Other Expenses* – The budget for landfill levy charges was reduced in the mid-year review due to the decrease in waste tonnages received. However, the rate of monthly expense accrual has not been adjusted downwards as a consequence leading to a \$0.37M over budget variance. Offsetting this, Council's donations program is \$0.20M behind the YTD budget.
- *Salaries & Direct On Costs* – These are slightly under budget by \$0.26M or 0.9% of the YTD budget of \$27.5M.
- *Utilities* – These are \$0.19M under budget but this represents a lag in the billing for electricity, especially street lighting.
- *Depreciation* - At a consolidated level, asset depreciation is on budget, but there are significant variances at the asset type level.



Parks Equipment depreciation is over budget by \$0.67M, impacted by a comprehensive asset pick up and revaluation exercise completed during 2012/13 year end. This is offset by Roads (\$0.19M), Buildings (\$0.31M) and Plant (\$0.16M) all under the YTD budget.

The following table shows operating expenditure budget performance at the consolidated nature and type level:

Nature or Type Classification	Actual	Amended Budget	Variance to Budget
	\$M	\$M	\$M
Employee Costs	27.22	27.47	0.26
Materials and Contracts	21.28	23.26	1.98
Utilities	2.76	2.95	0.19
Insurances	2.24	2.23	(0.01)
Other Expenses	4.89	4.68	(0.21)
Depreciation (non-cash)	14.61	14.64	0.03

Capital Expenditure

The City's actual capital spend to the end of February was \$18.77M, representing a \$4.50M underspend on the YTD budget of \$23.27M.

- *Building infrastructure* – was \$0.13M overspent overall due to the GP Super Clinic/Library project being \$0.91M ahead of the cash flow budget. Offsetting this are underspent projects including the CCW recreation facility project (\$0.41M) and no expenditure to date on Civic Building energy reduction initiatives (\$0.13M).
- *Plant & Machinery* - was underspent \$0.68M against its YTD budget of \$2.12M (32% under). However, it has \$1.43M expenditure committed under order.
- *Roads & drainage infrastructure* - projects are \$1.81M under YTD budget targets with notable projects being:

Project	Budget underspend \$M
Beeliar Drive/Hammond Road North and South	0.50
Berrigan Drive – [Kwinana Fwy to Jandakot]	0.42
Bibra Drive (North Lake to Farrington)	0.25
14 Elderberry Drive - Drainage Upgrade	0.25
North Lake Road (Hammond to Kentucky)	0.23
North Lake Road (Discovery to Masefield)	0.14
Mala Wy/Sutton Drive - Drainage Upgrade	0.12



- *Freehold Land* - development and land acquisition spending is \$0.83M behind YTD budget settings primarily due to subdivision projects at Bellier/Erpingham Rd (\$0.39M) and Goldsmith Rd (\$0.25M). The planned purchase of portion of the Koorilla school site for aged person’s accommodation is also adding \$0.1M to the budget variance.
- *Parks Infrastructure* – spending on new assets and asset replacement is \$0.57M behind YTD budget, spread uniformly over most projects. There is \$0.59M of expenditure committed under order.
- *Information Technology* – spending on various software and systems development projects is \$0.51M below YTD budget including the EDMS (\$0.11M) and CCTV expansion (\$0.13M) projects.

The following table shows the under spend by asset class:

Asset Class	YTD Actuals	YTD Budget	YTD Variance	Annual Budget
	\$M	\$M	\$M	\$M
Buildings Infrastructure	9.79	9.67	(0.13)	34.42
Roads Infrastructure	5.16	6.97	1.81	18.43
Parks Landscaping & Infrastructure	1.23	1.81	0.57	6.49
Land Acquisition & Development	0.50	1.32	0.83	2.13
Landfill Infrastructure	0.23	0.46	0.23	1.70
Plant & Equipment	1.47	2.15	0.68	4.38
Information Technology	0.38	0.89	0.51	1.45
	18.77	23.27	4.50	69.01

Significant spending variances by project are disclosed in the attached CW Variance analysis report.

Capital Funding

Capital funding sources are generally highly correlated to capital spending, the sale of assets and the rate of development within the City (for developer contributions).

Significant variances for February include:

- Transfers from financial reserves were \$3.38M behind budget.



- Road grants received were \$0.76M ahead of the cash flow budget of which \$0.66M represents grants carried forward from the prior FY.
- The \$0.17M balance of the CSRFF grant for the Coogee Beach Surf Club project has not been reflected in the budget.
- Developer contributions received under the Community Infrastructure plan (up \$2.53M) and the road infrastructure DCA's (down \$0.51M) were collectively \$2.02M higher than the YTD budget.
- Proceeds from the sale of plant were \$0.27M behind YTD budget targets.
- Proceeds of \$2.48M from the sale of land associated with the Quarimor Rd industrial land development were received ahead of the cash flow budget.

Cash & Investments

Council's cash and financial investments holding at February month end totalled \$137.46M, down from \$140.37M the previous month.

\$70.51M represents the balance held in the cash backed reserves (\$74.25M previous month) and another \$5.97M represents funds held for other restricted purposes such as bonds, restricted grants and infrastructure contributions. The remaining \$57.24M represents the cash and financial investment component of the City's working capital, available to fund current operations and commitments.

The City's investment portfolio made a weighted annualised return of 4.03% in February, little changed from 4.07% the previous month. Whilst this compares favourably against the benchmark UBS Bank Bill Index rate of 2.37% for the same period, there is an ongoing downward trend in the City's monthly performance. This is as a result of the low official cash rate (currently 2.50%) impacting terms renegotiated for investment renewals.

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are invested for terms ranging between three and twelve months in order to lock in the most beneficial rate and meet the City's cash flow requirements. Factors considered when investing include maximising the value offered within the current interest rate yield curve and mitigating cash flow liquidity risks.



The RBA has reduced rates over this latest period of quantitative easing by a total of 2.25%. However, the City's investment strategy of investing in terms nearing the extent of statutory limits (12 months) has served to moderate any negative impact on the City's overall interest earnings performance.

Given we are now close to the bottom of the current interest rate cutting cycle (if not already); this strategy has now been moderated in an effort to shorten the average duration for the investment portfolio. TD investments offering value over shorter terms (3 to 6 months) are now preferred, subject to cash flow planning. This will reduce risks associated with a potential increase in interest rates over the short to medium term.

Description of Graphs and Charts

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

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

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

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

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

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.



- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

Material variances identified as impacting on Council's closing budget position are addressed in the mid-year budget review presented to the February Council meeting.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – February 2014.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 5287) (OCM 10/4/2014) - ALLOCATION OF PUBLIC OPEN SPACE CASH-IN-LIEU FUNDS (FILE NO 086/004) (A LEES)

RECOMMENDATION

That Council :

- (1) adopt the Expenditure of Public Open Space Cash-In-Lieu Funds Strategy as appended; and
- (2) allocate funding in accordance with the expenditure program for consideration in the 2014/15 Municipal Budget.



COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

Council at its Ordinary Meeting held on the 10 October 2013 resolved the following (Minute # 5148):

That Council

- (1) *endorse the proposed expenditure of Public Open Space Cash-In-Lieu Funds listed in the attachment to the agenda;*
- (2) *refer the proposals to the Western Australian Planning Commission for consideration and recommendation to the Minister of Planning and Infrastructure; and*
- (3) *upon receipt of advice from the Minister of Planning and Infrastructure on the proposed expenditure of public open space cash-in-lieu funds, receive a final report on the approved expenditure and delivery timeframes.*

Submission

N/A

Report

The Expenditure of Public Open Space Cash-In-Lieu Funds Strategy was developed to provide a strategic direction to the allocation of funds held within the City's POS Reserve accounts. The expenditure of funds are directly related to the use or development of land for public open space purposes, which is vested or administered for recreation purposes with unrestricted public access. The expenditure is in accordance with the criteria outlined in Section 154 of the Planning and Development Act 2005.

As recommended at the Ordinary Council Meeting 10 October 2013, the Strategy was to be referred to the Western Australian Planning



Commission for consideration and recommendation to the Minister of Planning. The City has now received approval from the Minister to expend \$1,414,592.31 in accordance with the implementation schedule without any amendment. Refer attached letter.

It is therefore recommended that Council allocate funding in accordance with the expenditure program provided in the Expenditure of Public Open Space Cash-In-Lieu Finds Strategy.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Community & Lifestyle

- Promotion of active and healthy communities.
- The significance and richness of our local Indigenous people and diverse multicultural community will be recognised and celebrated.
- Conservation of our heritage and areas of cultural significance.

A Prosperous City

- Creation and promotion of opportunities for destination based leisure and tourism facilities.

Environment & Sustainability

- A community that uses resources in a sustainable manner.

Moving Around

- Infrastructure that supports the uptake of public transport and pedestrian movement.

Budget/Financial Implications

The total funds available in the POS account (as at 28/02/2014) are \$3,659,958.19. The proposals put forward in this agenda item total \$1,414,592.31.



POS Reserve Location	Funds Available	Proposed Expenditure	Funds Remaining for future POS purchase, council strategies or works
Aubin Grove POS Reserve	\$821,558.08	\$120,000.00	\$701,558.08
Atwell POS Reserve	\$637,378.30	\$625,332.66	\$12,045.64
Beeliar POS Reserve	\$445,064.95	\$100,000.00	\$345,064.95
Coogee POS Reserve	\$353,848.52	\$0.00	\$353,848.52
Cockburn Central POS Reserve	\$151,152.20	\$0.00	\$151,152.20
Hamilton Hill POS Reserve	\$52,186.95	\$51,200.68	\$986.27
Hammond Park POS Reserve	\$11,875.33	\$11,650.90	\$224.43
Jandakot POS Reserve	\$269,242.28	\$26,500.00	\$242,742.28
General POS Reserve	\$116,166.02	\$0.00	\$116,166.02
Munster POS Reserve	\$309,476.05	\$200,000.00	\$109,476.05
Southlake POS Reserve	\$285,299.86	\$279,908.07	\$5,391.79
Spearwood POS Reserve	\$0.00	\$0.00	\$0.00
Yangebup POS Reserve	\$206,682.72	\$0.00	\$202,776.68
TOTAL	\$3,453,248.54	\$1,414,592.31	\$2,038,656.23

The strategy is to expend the funds in the Public Open Space Restricted Funds over the next two years (July 2014- June 2016)

Department	Financial Years		Total \$
	2014/15 \$	2015/16 \$	
Parks	\$551,832.66	\$526,108.75	\$1,077,941.41
Recreation	\$325,000.00	\$0.00	\$325,000.00
Environment	\$11,650.90	\$0.00	\$11,650.90
TOTAL	\$885,483.56	\$526,108.75	\$1,414,592.31



Council will need to include these funds for each service unit in the 2014/15 and 2015/16 Annual Budgets.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. City of Cockburn Proposed Expenditure of Public Open Space Cash-in-Lieu Funds Strategy
2. Public Open Space Reserve Expenditure Implementation Spread sheet
3. WAPC Correspondence – Expenditure of Cash-In-Lieu of Public Open Space Funds – City of Cockburn

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5288) (OCM 10/4/2014) - COCKBURN LIBRARY SERVICE STRATEGIC PLAN REVIEW 2014 - 2019 (021/004) (D GREEN) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Cockburn Library Services Strategic Plan 2014-2019, as shown in the attachments to the Agenda; and
- (2) include any financial implications of the Plan, where applicable, for consideration in Council's strategic and annual planning documents.



COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

The City of Cockburn Library Strategic Plan was first adopted in 2008 and was due for review in 2013. Accordingly, funding was provided in the 2013/14 Budget for this Review to take place. The AEC Group, author of the original Plan, was commissioned to undertake the review through the City's procurement process. The Review took place during the second half of the 2013 calendar year in conjunction with the City Libraries' management team, which has recommended the formal adoption of the document.

Submission

N/A

Report

The Review document has focussed on four strategic key areas which are the imperatives identified by the original Strategic Plan. These key areas are:

- Clients and Community
- People and Learning
- Systems and Processes
- Business Administration and Management

Each of these focus areas are complemented by strategies and tangible actions to be undertaken in order to successfully address the intended outcomes.

The Plan places a heavy emphasis on the inclusion of technological capabilities in the new Success Library environment and demonstrates how that will provide efficiency outcomes without compromising community amenity.



The overall actions contained in the Plan will form the basis of the Library Services Management Planning over a 5 year period, leading up to the next Review in 2019.

Significantly, this Review has also accounted for the optimum scenario of an amalgamation between the Cities of Cockburn and Kwinana and if forthcoming, would provide an opportune model for the integration of local government services.

In any case, the Plan as presented provides for a well-managed and resourced Library Service for the future Cockburn community, whatever the outcome.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.

Community & Lifestyle

- Communities that are connected, inclusive and promote intergenerational opportunities.

Budget/Financial Implications

As contained within the Plan, it has been identified that the Local Collections budget be increased by \$15,000 per year for three years. This is the only significant known cost increase which will require specific consideration by Council in forthcoming budgets. Any other matters not yet identified will need to be included in future annual budgets for consideration by Council.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Strategy Update - AEC Group
2. City of Cockburn Library Services Strategic Plan 2014-2019

Advice to Proponent(s)/Submissioners

N/A



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

Public Libraries in Western Australia are subject to a Partnership between the State Government and Local Government, whereby the majority of book stock is provided by the State, through the Library and Information Service of WA (LISWA) and local government funds the construction and ongoing operational resourcing of public libraries.

17.2 (MINUTE NO 5289) (OCM 10/4/2014) - PROPOSED DOG EXERCISE AREA - YARRA VISTA PARK - DEAN ROAD, JANDAKOT (144/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council proceed to make the proposed section of Yarra Vista Park on Dean Road an off-leash dog exercise area, as shown in the attachments to the Agenda (Attachment 3).

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

Council at its meeting of 11 April 2013 resolved as follows:

- (1) *advertise on site and through the usual Council publicity channels the proposal for Yarra Vista Park on Dean Road, Jandakot to be fenced and equipped as a fenced dog exercise area; and*
- (2) *subject to their being community support for the proposal, place \$60,000 on the 2013/14 budget for consideration for fencing and equipping of the dog exercise park.*



Submission

N/A

Report

In accordance with Council's decision a sign was erected on the site in two locations, one at the car park entrance and one at the entrance of the playground. These two signs were put in position on 2 October 2013 for a period of 4 weeks. The two signs advised that the City was proposing to construct a fenced off-leash dog exercise area on a portion of the Yarra Vista Reserve as demonstrated by a plan included on the notice. In accordance with the Local Government Act 1995 – Section 1.7 a Local Public Notice regarding the Proposed Dog Exercise Park at Yarra Vista Reserve was provided to the public via the below formats:

- a) Published in the Gazette on 11 February 2014
- b) Exhibited to the public on the Administration Building notice board on 11 February 2014 for a period of 29 days
- c) Exhibited to the public on the notice boards at all City of Cockburn local libraries for a period of 29 days
- d) City of Cockburn website on 11 February 2014 for a period of 29 days

There was significant support for the proposal to construct an off-leash dog exercise area on Yarra Vista Park. A summary of the results of the public consultation can be found in the table below.

Table 1. Support for the Proposed off-leash dog exercise area on Yarra Vista Park – Dean Road Jandakot

Reason	Local CoC Resident	Non CoC resident	Unknown Location
Safe/Convenient	20	-	
Want one like Kwinana	13		-
		TOTAL SUBMISSIONS	33

Table 2. Objection of the Proposed off-leash dog exercise area on Yarra Vista Park – Dean Road Jandakot

Reason	Local CoC Resident	Non CoC resident	Unknown Location
Waste of time/Don't want trees removed	2	-	-
Safety/Parking	1	-	-
		TOTAL SUBMISSIONS	3



NB: The respondents who commented on tree removal have been advised that trees will not be removed only undergrowth will be tidied up.

As there have been funds included on the 2013/14 budget for this purpose it is proposed that the works go ahead.

Up until 1 November 2013 the Dog Act 1976 required the Local Government to amend its Local Law to designate an area as a dog off-leash exercise area. Section 31 amendments to the Dog Act 1976 now allow the Local Authority to designate such an area by an absolute majority, in accordance with the process set in section 1.4 of the *Local Government Act 1995* by absolute majority. This applies to any new areas that local governments wish to define.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Community & Lifestyle

- Promotion of active and healthy communities.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

An allocation of \$60,000 has been included on the 2013/14 Municipal budget for this purpose.

Legal Implications

s.31 of the Dog Act 1976
s.1.4 of the Local Government Act 1995
s.1.7 of the Local Government Act 1995

Community Consultation

The proposal to create a dog of lead exercise area has been extensively advertised in the local media and with local signage.



Attachment(s)

1. Local Public Notice - Yarra Vista Consultation Sign Front
2. Local Public Notice - Yarra Vista Consultation Sign Back
3. Map Location of Yarra Vista Reserve

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 April 2014 Council Meeting.

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

Nil.

17.3 (MINUTE NO 5290) (OCM 10/4/2014) - DEMOLITION OF JOE COOPER RECREATION CENTRE (2205217; 038/009) (R AVARD) (ATTACH)

RECOMMENDATION

That Council place on its 2014/15 budget for consideration the sum of \$200,000 for the demolition of the Joe Cooper Recreation Centre and for the cost of a memorial plaque to be located on the site.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

The Joe Cooper Recreation Centre was constructed in 1978 and has been continuously occupied since this time. For many years the building had a centre manager and provided a range of recreational activities. In recent years it has been used by a number of groups on a hire of space basis. The most recent current hire users have been the Girl Guides and Karate Group. The Phoenix Theatre group has stored sets and costumes in one of the rooms. In December 2010 Council resolved to enter an agreement with the HALO Leadership



Development Group for the use of space within the Joe Cooper Recreation Centre for a 3 year period. This period has expired however HALO are still occupying the space. They are expected to move out of the premises shortly. All other users of the facility have moved out of the centre.

Other than basic maintenance Joe Cooper Recreation Centre has had little money spent on it for many years.

The centre is located on a portion of McFaul Park and is owned by the City in fee simple on 7 individual lots totalling 9.16 hectares. The reserve is set aside for recreational purposes. McFaul Park is well vegetated and has a very attractive parkland ambience.

Submission

N/A

Report

The City of Cockburn Recreation Strategic Plan identified the Joe Cooper Recreation Centre as being demolished and an upgrade of the Beale Park Facilities to create a quality Regional facility to serve the western portion of the City. The Phoenix Central Revitalisation Plan also identified the Joe Cooper Recreation Centre for demolition and the facilities at Beale Park to be upgraded.

McFaul Park is located within an urban environment and Joe Cooper Recreation Centre has no exposure to main roads and is hard to get to by car and public transport. The Joe Cooper Recreation Centre is poorly located and furthers the case for it to be demolished rather than be refurbished.

In December 2014 City of Cockburn commissioned CADD Compliance to carry out a Building condition and National Construction compliance report on the building. In brief the report states:

Due to the disrepair and the very poor condition of the current building, it would be recommended that the building undergo major renovations.... It should be noted that the cost involved to renovate the existing building could possibly exceed the asset value of the existing building.

In conclusion it is proposed that the Joe Cooper Recreation Centre be demolished as it is poorly located and the cost of refurbishing the centre would likely exceed the cost of constructing a similar facility on the site. Funds would be more effectively used upgrading the facilities on Beale Park which is well located on the corner of Hamilton Road



and Spearwood Avenue and sits within a very large well utilised active reserve. It is proposed that a memorial plaque be constructed on the site of the Joe Cooper Centre in recognition of its history.

Strategic Plan/Policy Implications

Infrastructure

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Budget/Financial Implications

A summary of the budgets for the operating of the Joe Cooper recreation for the past 4 years is below:

	2010/11	2011/12	2012/13	2013/14
	\$	\$	\$	\$
Income	15,040.21	22,308.78	23,077.55	7,292.47
Opening Expense	26,155.08	28,928.81	20,409.66	17,905.13
Maintenance Expense	23,530.65	31,259.68	25,218.82	20,057.65
Depreciation	99,750.01	92,500.00	92,499.97	61,582.17
Profit/Loss	-134,395.53	-130,379.71	-115,050.90	-92,252.48

To demolish the building will cost in the vicinity of \$200,000. It is proposed that this figure be placed on the 2014/15 municipal budget to demolish the building. This figure would allow for the remediation of the site and a memorial plaque to be erected reflecting that the Joe Cooper Recreation Centre once stood on the site.

Legal Implications

The continued use of the Joe Cooper Recreation Centre in its current condition could leave the City exposed to claims against it should an incident occur resulting from the poor condition of the building or non-compliance to current building code requirements.

Community Consultation

Previous tenants of the Centre were consulted on the matter and have all been successful in finding suitable alternative facilities for their ongoing operational requirements.

Attachment(s)

Building Condition and National Construction Code (NCC) Compliance Report - 6 December 2013.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.4 (MINUTE NO 5291) (OCM 10/4/2014) - CITY OF COCKBURN BUSH FIRE REFERENCE GROUP MATTERS (R AVARD) (027/007; 028/027) (ATTACH)

RECOMMENDATION

That Council

- (1) seek a detailed justification from the Department of Fire and Emergency Services on the reduction in risk and improved level of service for bush fire suppression and response in the Banjup area resulting from the proposed Gazettal of the remaining portion of Banjup fire district boundaries from Emergency Services Levy (ESL) Category 3 to ESL Category 1;
- (2) seek public comment from residents in the affected area of Banjup to the proposed Gazettal change of the metropolitan fire district boundaries from ESL Category 3 to ESL Category 1;
- (3) seek public comment on the draft City of Cockburn 2014/15 Fire Control Order for consideration by the City of Cockburn Bushfire Reference Group prior to final consideration by Council; and
- (4) seek public comment on the draft City of Cockburn Permit to Set Fire to the Bush for consideration by the City of Cockburn Bushfire Reference Group prior to final consideration by Council.



COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that Council adopt the recommendation with the inclusion of additional sub-recommendations (5) and (6) as follows:

- (1) to (4) as recommended;
- (5) seek specific comment from the Department of Parks and Wildlife on the Draft Fire Control Order regarding the proposed 5 metre clearance buffer around buildings other than the resident's habitable dwelling and how it will warrant potentially larger areas cleared of native vegetation; and
- (6) seek comment on the ESL 3 to ESL 1 zoning in recent years that appear to be done without consideration of the facts that a blanket covering of Jandakot west of the Freeway was inappropriate as there is Special Resource land that is not adequately serviced to a standard required for ESL 1.

NOTE: In the first paragraph on page 72 of the Agenda there is an incorrect reference to the North Coogee Foreshore Management Plan. The last sentence of this paragraph should be deleted.

CARRIED 6/3

Reason for Decision

(5) The extra clearing of land around other buildings is contrary to the lifestyle choice of owners wishing to live in harmony with the flora and fauna of Special Resource areas. It also dictates stringent conditions on fire risk minimisation that would be difficult and time consuming to address. This can be addressed with recommendations to minimise fire risk without mandating such measures.

(6) There is no improvement in services from the DFES. There is inadequate water reticulation to assist the Fire Brigade and the Volunteer Bush Fire Brigade would need to be called and should be called in the first instance as they are resourced to address such areas. The residents are paying a higher premium for ESL 1 without receiving a premium service. The Council believes that this anomaly should be corrected at the earliest time possible and ensure the owners are charged the appropriate levies.



Background

The City of Cockburn Bushfire Reference Group met on 25 March 2014 to consider a number of matters including the City of Cockburn Fire Order and a letter from the Commissioner for Fire and Emergency Services proposing that Banjup be zoned ESL Category 1 rather than its current status of ESL Category 3.

Council at its meeting of 11 July 2013 resolved to amend the City of Cockburn Fire Order 2013/14. Council now has the power to amend the Fire Order as it sees fit.

Submission

Letter from the Commissioner of the Department of Fire and Emergency Services (DFES) dated 10 March 2014 was received proposing that a prescribed area of Banjup be Gazetted as ESL Category 1 rather than ESL Category 3 as it is the case now, by amending the metropolitan fire district boundaries. This would result in the total district of Cockburn being included in ESL Category 1, in line with the adjacent district of the City of Armadale.

Report

All bushfires that occur in the district are responded to through the DFES Communications Centre which allocates the jobs on a predetermined process.

The first response and suppression of fires in this area falls to the Jandakot Volunteer Bushfire Brigade. Should all the Banjup area change to ESL Category 1 the first call out is to DFES Fire and Rescue Service (FRS). The Coogee/Henderson/Munster area which had been in the South Coogee Volunteer Bushfire Brigade area changed from a Category 3 to a Category 1 area some years ago. Arrangements were then put in place for the DFES Communications Centre to have a dual call out, so that both the South Coogee Volunteer Bushfire Brigade and the FRS were called out to bush fires in this area. Should the proposed change to the ESL boundaries in Banjup occur it is recommended that a dual call out arrangement be put in place between DFES and the Jandakot Volunteer Bushfire Brigade.

The letter from the Commissioner makes it clear that the Jandakot and South Coogee Volunteer Bushfire Brigades would be maintained and would be supported by the Success FRS with the City's bulk water capacity being utilised.

A change of the category from a level 3 to a level 1 results in an increase in the levy paid by residents. This table is indicative of the increase on the levy for properties of various sizes in the affected area.



Hectares	GRV	ESL3	ESL1
3.153ha	26000	\$161.2	\$330.2
2.00ha	19500	\$120.9	\$247.65
2.0006ha	19500	\$120.9	\$247.65
2.04ha	18300	\$113.46	\$232.41

At the Bush Fire Reference Group (BFRG) meeting held on 25 March 2014 it was resolved that it be recommended for Council to seek the details of the fire suppression review referred to in the letter from the Commissioner dated 10 March 2014 on how the proposed change will reduce the risks in the affected area. At the BFRG meeting, the Jandakot Bushfire Brigade tabled minutes taken at a brigade general meeting on 17 March 2014 where the brigade resolved to oppose the change, based upon the fact that the fire risk in the area has not changed from rural fire to urban and is not likely to do so in the future and that there are no reticulated mains water supply to support urban fire fighting appliances in the area either existing or proposed in the future.

At its meeting of 11 July 2013 Council resolved to adopt the 2013/14 City of Cockburn Fire Order. Due to concerns of the phrasing of the old Fire Order a thorough review has been carried out and a revised City of Cockburn Fire Order has been prepared and considered at the BFRG meeting of 25 March 2014. There was a consensus that the draft City of Cockburn Fire Order 2014/15 be, subject to Council approval, advertised for public comment. The BFRG would also provide the opportunity for interested parties to present their views on the draft to the group, prior to final consideration by Council.

A review of the City of Cockburn Permit to Set Fire to the Bush has also been prepared and there was a consensus that the draft of the Fire Permit be recommended to Council to be advertised for public comment.

Strategic Plan/Policy Implications

Community & Lifestyle

- Safe communities and to improve the community's sense of safety.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

N/A (ESL is a State Government charge levied through Council Rates and Services Notice).



Legal Implications

There are a number of obligations delegated to Local Government in the Bush Fires Act 1954 and associated regulations.

Community Consultation

Proposed to occur in the recommendation to Council.

Attachment(s)

1. Letter from Commissioner of D.F.E.S
2. Letter from the Jandakot Volunteer Bush Fire Brigade
3. Draft 2014/15 Fire Order
4. 2013/14 Fire Order
5. Draft Permit to Set Fire to the Bush
6. Map identifying current ESL Categories
7. Map identifying proposed ESL Category

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 April 2014 Council Meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

18.1 (MINUTE NO 5292) (OCM 10/4/2014) - MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 20/03/2014

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee dated 20 March 2014 as provided under separate confidential cover, and adopt the recommendations contained therein.



COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 20 March 2014. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

N/A

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**Leading & Listening**

- A skilled and engaged workforce.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A



Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 20 March 2014 are provided to the Elected Members under separate confidential cover.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the April 2014 OCM.

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

Committee Minutes refer.

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 5293) (OCM 10/4/2014) - CONSIDER SUBMISSIONS AND ADOPT: TOWN PLANNING SCHEME NO. 3 AMENDMENT 103 - AMENDING DEVELOPMENT CONTRIBUTION PLAN 13 TO INCLUDE ADDITIONAL ITEMS (109/035) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment 103 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) modify Scheme Amendment No. 103 as follows:
 1. Item 'North Coogee Foreshore Management Plan Proposals (excluding rebuilding of the groyne)' to remain as 'Subregional West' catchment as currently provided for in Development Contribution Plan 13



2. Item 'Cockburn Coast Foreshore Reserve Proposals (excluding coastal protection measures)' to shift to 'Subregional West' catchment to align with current foreshore item currently provided for in Development Contribution Plan 13
 3. Item 'Cockburn Coast Beach Parking' to shift to 'Subregional West' catchment to align with current foreshore item currently provided for in Development Contribution Plan 13
- (3) Subject to modifications outlined in (2) above being undertaken, adopt Scheme Amendment No. 103 for final approval for the purposes of:
1. Amending Schedule 12 of the Scheme text by inserting the following items in Development Contribution Area 13 – Community Infrastructure, under 'Infrastructure and Administrative Items to be Funded' as follows (additional wording shown in **bold** text):

<p>Infrastructure and administrative items to be funded</p>	<p><i>Regional</i></p> <p>Coogee Surf Club Wetland Education Centre/Native Ark Cockburn Central Recreation and Aquatic Centre Cockburn Central Community Facilities Visko Park Bowling and Recreation Club Coogee Golf Complex (excluding the pro shop and restaurant components) Bibra Lake Management Plan Proposals Atwell Oval</p> <p><i>Sub Regional—East</i></p> <p>Cockburn Central Library and Community Facilities Cockburn Central Playing Fields Anning Park Tennis Cockburn Central Heritage Park Bicycle Network—East</p> <p><i>Sub Regional—West</i></p> <p>North Coogee Foreshore Management Plan Proposals (excluding rebuilding of the groyne) Phoenix Seniors and Lifelong Learning Centre Beale Park Sports Facilities Western Suburbs Skate Park Bicycle Network—West</p>
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		<p>Dixon Reserve/Wally Hagen Facility Development (excluding the café component) Cockburn Coast Foreshore Reserve (excluding coastal protection measures) Cockburn Coast Beach Parking</p> <p><i>Local</i> Lakelands Reserve Southwell Community Centre Hammond Park Recreation Facility Frankland Reserve Recreation and Community Facility Munster Recreation Facility Cockburn Coast Sport Oval and Clubroom (including land cost)</p> <p><i>Administrative costs including –</i> Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).</p> <p>Cost to prepare and review estimates including the costs for appropriately qualified independent persons.</p> <p>Costs to prepare and update the Community Infrastructure Cost Contribution Schedule.</p>
<p>(3) ensure the amendment documentation, once modified, be signed and sealed and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions with a request for the endorsement of final approval by the Hon. Minister for Planning and for the Minister’s consideration to take into account the preferred proposal for local government reform as it relates to the City of Cockburn should it be known at the time of their consideration; and.</p> <p>(4) advise those parties that made a submission of Council’s decision accordingly; and</p> <p>(5) request the Western Australian Planning Commission consider participation in the proposed DCP13 with a view to effectively ‘seed funding’ the oval proportionate to the area previously reserved for recreation (portion of Lot 2110 Bennett Ave) which</p>		



were rezoned from 'Parks and Recreation' to 'Urban' under the Metropolitan Region Scheme via Amendment 1180/41.

- (6) advise the Western Australian Planning Commission and Department of Local Government and Communities that this amendment further builds upon the City's comprehensive development contribution planning framework, as it relates to both community infrastructure and to infrastructure necessary for progressing structure planning across fragmented land holdings. This amendment has been carefully progressed in the full knowledge of Council in respect of its municipal funding obligations. This amendment also relates to a DCP which has an operational period until at least 30 June 2031. Both agencies therefore need to carefully consider how the City's DCP can practicably be rationalised if a reform proposal is adopted which disaggregates the City;
- (7) request a formal response from both the Director General of the Department of Planning and the Department of Local Government and Communities following Council giving them advice as per Part (6) above.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr Y Mubarakai that the recommendation be adopted.

CARRIED 9/0

Background

The purpose of this report is to consider submissions and final adoption of Amendment No. 103 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") which seeks to include additional items to Development Contribution Plan 13 ("DCP13").

Council resolved to initiate the Amendment for the purposes of advertising at the Ordinary Meeting of 12 September 2013. It was advertised for public comment for a period of 42 days from 29 October



to 10 December 2013. It should be noted, this amendment was initiated prior to any local government reform proposal which sought to disaggregate the City of Cockburn being made public. However, local government reform is not listed as a matter within Part 5 Division 3 of the Planning and Development Act 2005, nor within Regulation 25 of the Town Planning Regulations 1967, both of which are used to determine whether or not an amendment is consistent with the Regulations and the Planning and Development Act, 2005.

DCP13 was included in the City's Scheme via Amendment No. 81, gazetted in August 2011 and relates to community infrastructure.

Community infrastructure is the land, structures and facilities which help communities and neighbourhoods function effectively. This includes facilities such as sporting and recreational facilities, community centres, child care and after school care centres, libraries and cultural facilities. They are often highly valued by their communities and add greatly to the overall quality of life by providing opportunities for physical activity and social interaction.

It is widely accepted that the use of community facilities has a direct correlation to the number of people using them. This is clear in the intent and basis of the relevant State Planning Policy 3.6 - Development Contributions for Infrastructure ("SPP3.6") as well as the City's DCP13.

This report seeks Council to consider all submissions received during the advertising and recommends adoption (subject to modifications) of the Amendment for final approval. The modifications, which concern catchments, are not considered to warrant readvertising as they affect less people than the proposal as advertised.

It is also suggested that Council advise the Western Australian Planning Commission and Department of Local Government and Communities that this amendment further builds upon the City's comprehensive development contribution planning framework, as it relates to both community infrastructure and to infrastructure necessary for progressing structure planning across fragmented land holdings. This amendment has been carefully progressed in the full knowledge of Council in respect of its municipal funding obligations. This amendment also relates to a DCP which has an operational period until at least 30 June 2031. Both agencies therefore need to carefully consider how the City's DCP can practicably be rationalised if a reform proposal which disaggregates the City eventuates.



Submission

A Scheme Amendment has been lodged by APP on behalf of Landcorp, the proponents for the Robb Jetty and Emplacement Local Structure Plans within the Cockburn Coast development area ("subject land"). The structure plans for the subject land were considered by Council on 9 May 2013 and approved, subject to modifications. Approval of the Robb Jetty Structure Plan by the Western Australian Planning Commission ("WAPC") has now taken place, while the Emplacement Structure Plan is still pending.

The local structure plans propose to develop the subject land for a mix of zones, including a dense activity centre, residential (ranging up to R160 density), public open space, mixed business, mixed use, and a primary school with a shared oval. The oval will fulfil a role in providing for junior sport for surrounding suburbs and is in addition to the local public open space a development ordinarily provides for. The subject land is also directly adjacent to coastal foreshore which is proposed to be redeveloped.

It is proposed to modify the provisions of the City's existing DCP13 to include additional items as a result of the future proposed urbanisation of the subject land to meet the requirements of future community/s in the locality.

Report

Existing Development Contribution Plan 13

The City through its existing DCP13 has catered for the requirements of community facilities and services at the local, subregional and regional level. While the existing DCP13 recognised there would be growth within the Cockburn Coast area, planning was not sufficiently advanced to include infrastructure items brought about by this development.

DCP13 currently includes an item for 'North Coogee Foreshore Management Plan Proposals (excluding rebuilding of the groyne)'. This item is currently a 'Subregional – West' catchment item, though the advertised version of this amendment sought to reclassify this to a 'Regional' item.

On reflection, it is considered more appropriate to leave this item within its current catchment, which was described in these terms:



“The proposed development will primarily benefit residents in the western coastal suburbs who, due to their close proximity and reasons of convenience, are the major regular users of coastal facilities”.

All Subregional West suburbs are within a 10km radius of this section of foreshore. While Subregional East suburbs range from an 8-16km radius. For the most southern eastern of Cockburn’s residents, this would translate into at least a 25 minute drive.

Proposed Additions to Development Contribution Plan 13

The community infrastructure items proposed to be included in DCP 13 are identified in the District Structure Plan and Local Structure Plans for Cockburn Coast. The community infrastructure items proposed to be included in Schedule 12 of DCP 13 are detailed below. The addition of these items is proposed via Amendment No. 103 to the City’s Town Planning Scheme No. 3.

New Items: Cockburn Coast Foreshore Reserve (excluding coastal protection measures) and Cockburn Coast Beach Parking

The intensification of the project provides an opportunity to enhance the recreational and aesthetic quality of the foreshore reserve. Given the regional function and attraction of the foreshore, construction of high quality active and passive recreations areas (and conservation areas) will be utilised and enjoyed by residents from the western coastal suburbs who, due to their close proximity and reasons of convenience, are the major regular users of coastal facilities. Additional enhancement is required to the proposals covered by the North Coogee Foreshore Management Plan (existing Sub-Regional item) to reflect the scale and intensification of development now envisaged for the Cockburn Coast project area.

This portion of foreshore accommodates an important role for the community, recognised by the European and Indigenous Heritage significance attributed to this section of foreshore by the City’s Local Government Inventory. The value of this section of coast extends well beyond the proposed development into the rest of the Cockburn community, though major users are expected to be residents from the western coastal suburbs. Improvements to this area will enable increased appreciation for this community asset.

Additional beach parking is also proposed alongside the linear (east-west) public open space to accommodate visitors from the broader area. The parking area is located on the eastern side of the railway line for traffic management and rail safety reasons.



The advertised amendment indicated these new items as 'Regional' catchment; however, it is considered they should be 'Subregional West' to align with the current item for 'North Coogee Foreshore Management Plan Proposals'. These three items are intrinsically linked and must logically fall within the same catchment. Some submissions raised concerns about changing DCP13 from what was originally approved and agreed. There is some merit in those concerns given collection for this item has been underway since August 2011. To reclassify the item now could be seen to be inconsistent with key SPP principles such as 'Equity' 'Certainty' and 'Consistency'. In response the existing foreshore item and the new related items should be Subregional West items.

New Item: Cockburn Coast Sport Oval and Clubroom (including land cost)

The Cockburn Coast district open space comprising sports oval and clubrooms have been identified as a Local community infrastructure item. This item is only intended to support the local community needs across the catchment of Coogee/North Coogee. In addition to the Cockburn Coast residential population, this Local facility will support future residents proposed within other nearby new developments such as South Beach and Port Coogee who currently need to travel outside their locality to access playing fields.

Community Consultation Outcomes

A total of nine submissions were received on this amendment. Five of these raised concerns with various issues which are set out below.

The main themes of concern relate to the existing DCP13 and how that functions and the proposed items for inclusion.

Several submissions raised the issue of local government reform, the concern being that DCP13 should be disbanded altogether in light of the Minister for Local Government's proposal to disaggregate Cockburn which would result in the Cockburn Coast area becoming part of an extended City of Fremantle. A more extensive response is contained within the Schedule of Submissions but in summary, there is no positive outcome for any local government or the community should DCP13 be abandoned. There may be a perceived benefit to developers by not being liable for contribution payments. This however would impact community infrastructure items, affecting a substantial part of the funding model is likely to affect delivery times, project scope or whether a facility is even provided. The City of Cockburn remains of the view that it will prevail post LG reform, in the form of its boundaries extending southwards to encompass the southern adjoining local government. In this situation there will be no impact on DCP13.



Nevertheless, a specific resolution has been included that Council advise the Western Australian Planning Commission and Department of Local Government and Communities that this amendment further builds upon the City's comprehensive development contribution planning framework, as it relates to both community infrastructure and to infrastructure necessary for progressing structure planning across fragmented land holdings. This amendment has been carefully progressed in the full knowledge of Council in respect of its municipal funding obligations. This amendment also relates to a DCP which has an operational period until at least 30 June 2031. Both agencies therefore need to carefully consider how the City's DCP can practicably be rationalised if a reform proposal which disaggregates the City eventuates.

As part of the consideration of the scheme amendment, relevant considerations are set out in Part 5 Division 3 of the Planning and Development Act 2005. In brief, these are:

- Effect of State planning policy
- Advice from Heritage Council
- Advice from Environmental Protection Authority/Environmental review outcomes
- Consultation of persons likely to be affected.

In terms of the latter of these, it is tenuous to say the adjacent local governments are 'likely' to be affected. There are a number of local government reform proposals before the Local Government Advisory Board and it is still several months before the preferred proposal is known. In light of this, the resolution requesting the Minister's endorsement of final approval has specifically requested that if the preferred proposal for local government reform affecting the City of Cockburn is known at the time of the Minister's consideration that due regard be given to the proposal.

Section 73(2) of the Planning and Development Act 2005, provides for one local government to administer all or part of a scheme where that scheme is in the district of one or more local government. Should a disaggregation proposal eventuate, this DCP could be administered by one local government on behalf of multiple local governments. The local government reform toolkit appears to suggest another option which would see amendments to the surviving scheme to incorporate the local government area being abolished. The latter creates a large work burden on the Department of Planning and the Minister for Planning which could otherwise be staggered by allowing the existing schemes to continue to operate. Neither option however, avoids a



number of very practical matters which would need to be addressed in terms of this DCP.

DCP13 has a period of operation till at least 30 June 2031. The catchment areas vary from Regional (whole of City) to Subregional (east and west of the wetlands) to Local (suburb level) items. There is no alignment with these catchments to the various disaggregation proposals. These catchments were based upon community of interest models, and therefore not having any of these catchments reflected by the State Government submitted LG Reform option calls into doubt what if any consideration was given to communities of interest.

These catchments also have known population growth figures, which are the basis to informing 5 yearly reviews. However, the context for the review is lost. Even if population figure modelling was preserved relative to the current Cockburn scheme area, there is another important aspect to DCP: the municipal proportion of the funding obligation.

Under disaggregation, each local government area would 'inherit' a municipal obligation to fund the greater proportion of the community infrastructure items. The City of Cockburn has been completely open, transparent and accepts these municipal obligations. Other local government entities which have not been involved in the years of planning behind these items or had the opportunity to be, may not be in as strong a financial position to take on such obligations.

If infrastructure items were to be delivered still under a disaggregation proposal, they should still be provided in line with DCP13 which seeks to provide all items by 2021. This will require local government prefunding in advance of some of the development contribution component being collected, which would continue till at least 2031.

Decisions will need to be made around project prioritisation between each local government area. For one DCP, there is one reserve account, though there are multiple infrastructure items. It will need to be determined which projects are funded first. An inefficient proposal would be to create separate reserve accounts for each item elongating delivery times for items.

Administration of DCP13 is strongly embedded with the planning processes of Cockburn (generally development approvals or subdivision clearances but in some cases compliance actions). This would mean all development approvals and subdivision referrals (and clearances) would need to be considered by the one local government area. If each area retained this responsibility they would also need to arrange DCP invoicing and collection. When DCP funds are collected, they must be placed in a reserve account which is only to be used for



that purpose (as per clause 6.3.16.1 of TPS3). An unnecessary complication would arise if three local government areas tried to do this separately, then 'hand over' the portions of contributions which were for items outside their boundaries.

Auditing of DCP13 similarly would be complicated should three local governments areas collect funds. Expending of funds under that type of arrangement would also be difficult. One of the statements that must be able to be given as part of the annual audit is that the collected funds have been expended for the purposes for which they were collected. How could that be possible if funds are simply handed to an adjacent local government to construct an infrastructure item when the construction procurement and process is outside their control? Does this mean the administrator for the Scheme, should then construct the infrastructure as well, even if outside their district?

Clause 6.3.17 of TPS3 deals with the situation of shortfall of DCP funds. As a matter of practice, Cockburn does not include items in its DCPs which they do not control. To do so, places the organisation at enormous risk of funding shortfalls. This position is often reiterated to State agencies. The scenario of multiple local government areas across Development Contribution Area 13, however would lead to the same risk. Whether by unforeseen circumstances in project delivery/management, or underestimating of growth figures, if the DCP component was less than expected, the administrator of the Scheme would need to make up that shortfall. No local government entity should enter that position lightly. Consideration should be given to the State Government underwriting this risk.

The above practical issues are not resolved by absorption into new schemes. If anything that creates a new raft of work to support new DCPs under each scheme with new catchment area assessments, a quandary as to what to do with the funds collected since gazettal of DCP13 in August 2011 and the assets either constructed or under construction currently.

Concern was also raised about the notion of adding items to DCP13. The perception being the content of the DCP would be fixed. While it is correct there is a degree of certainty by items being listed in the Scheme, the scheme amendment process is there to consider potential additions or deletions. With regard to the reclassification of an existing item from one catchment to another, as detailed earlier in this report, this is a valid concern. Therefore the existing item related to the North Coogee Foreshore shall remain as its current classification of 'Subregional West'.

One submission proposed modifying the methodology of DCP13 from a per new lot/dwelling basis to a per hectare basis. The methodology



has already been established and the DCP operational for a number of years. This amendment does not deal with the methodology and it is not considered appropriate to revise this part way through the DCP operation period.

Concern was also raised about the contribution rate and how these have changed since introduction of DCP13. The estimated contribution rate advertised for this amendment is only able to reflect the current items plus the proposed items. The City also has a pending amendment to add items (and additional population) for the Banjup area which was not known of at the time DCP13 was originally considered. In terms of changes to the rates since originally advertised, the City is required to undertake an annual review. There have now been several of these since gazettal of DCP13. City officers time these with the commencement of each financial year. There is a requirement to publish these rates, but not to provide a notice period to developers they are about to change. In this time a couple of key projects have gone through major phases and this has reflected in the contribution rates increasing. In particular, the aquatic centre has had a business plan and financial assessment undertaken as it moves from conceptual planning to detailed planning. The surf club has gone also from conceptual plans to detailed plans and construction. Important lessons have been noted from these projects in terms of costing and these are discussed further below.

Request was made in one submission to add items constructed by the developer at Port Coogee (not all of these are 'community infrastructure'). This matter was raised previously as part of a late submission on DCP13 when it was originally introduced. At the time the following response applied:

"As noted in the Port Coogee Revised Local Structure Plan, in March 1996, the WA Planning Commission and CMD and Australand entered into a Heads of Agreement. In May 1997, the State Government and Australand signed a Project Agreement, which was revised and endorsed again by Cabinet in February 2000.

The State Government made a significant investment which was given over to the developer to facilitate this development with the State's contribution of approximately 40% of the land holding plus the seabed area.

The structure plan also notes the following key issues of community concern:

- 1. The loss of the northern section of Coogee beach and associated dune system;*
- 2. Impact on an area of seagrass meadows in the south western corner of the development site;*



3. *Public accessibility to the waterfront; and*
4. *The removal of the Omeo wreck.*

As a result of these issues being raised and to try and resolve some of these concerns, a variety of elements were incorporated in the structure plan approved. Many of these elements are now put forth by the developer further in this submission as contributions which the broader Cockburn community should pay for”.

The request regarding Port Coogee items is dismissed in this instance also. The request does not reflect any of the principles contained within the relevant State Planning Policy 3.6, and is not supported on this basis.

Several of the submitters took the time to meet with City officers and explain their submissions, or elaborate on points raised therein. In terms of these discussions the following matters were also noted.

The final format of SPP3.6 (and the model scheme provisions) differs in many ways from how it was originally envisaged in the industry groups that provided input. Of particular note is how local governments are to cost infrastructure items. They are to use ‘the best and latest estimated costs available to it’. There is no insistence that a Quantity Surveyor is used for each annual review and there is no requirement to have concept plans for costing. City officers can see that this is a far superior approach, and even though the TPS3 does not require it, this extra level of transparency and rigour should be provided for developers. City officers will be ensuring all DCP13 items are costed by a Quantity Surveyor with a view to smoothing out any sharp increases in contribution rates.

The oval adjacent to the school site was also discussed. The land value of this site is substantial (currently valued at \$9.4 million) given its coastal location. As a proposed ‘local’ item for the catchment ‘Coogee/North Coogee’ this reflects in a higher contribution rate for this area. In the Robb Jetty Local Structure Plan report, the oval is described as being in addition to the 10% local public open space. The District Structure Plan requires the school to be collocated with the oval. Use is to be shared between the school and the community. It is notable that due to the demographics and housing typology, only one school (at a greatly reduced size) was required for Cockburn Coast.

Looking at the adjacent Port Coogee Local Structure Plan, no primary school was included. This is likely to be for similar reasons to the Cockburn Coast development, however it is difficult to be certain as there is no mention in the LSP report. Where primary schools are required a condition is normally applied to subdivision approvals for a contribution to be made to the Department of Education. In the case of



all the subdivision approvals issued to date for the Port Coogee development, no such condition has been applied. This would go some way to explaining the developer of Port Coogee's concern they be expected to contribute towards what they perhaps view as a 'school oval'.

While in effect, this oval would perform the role of 'school oval'. It likewise, is listed in the City's Sport and Recreation Strategic Plan as a cricket and AFL overflow location servicing the suburb of North Coogee (the Port Coogee development is within this suburb). As a Local Reserve, the specification is a basic level designed for overflow competition or training needs and would not house a senior club. This is reflected by the Robb Jetty Local Structure Plan where only the dimensions to suit a junior level oval are provided. Club room size is commensurate with other local reserve facilities. The use of such reserves is traditionally weekends and late afternoon/evenings (as far as lighting permits). This oval is proposed to be floodlit which will maximise these times. Cricket and AFL differ in terms of seasonal demand and therefore a year round community sporting use applies. It is not only a school oval. It is therefore considered more than appropriate this item be included in DCP13 and apply to all the Coogee/North Coogee catchment.

A concerning issue though is the matter of the cost of this land. The cost provided by the licenced land valuer is not disputed. There is a similar situation in this location that that discussed in the officer report on DCP14 (the Cockburn Coast specific DCP) about rezoning of 'Parks and Recreation' land to 'Urban'. As part of Amendment 1180/41 to the Metropolitan Region Scheme, a portion of Lot 2110 Bennett Avenue was rezoned from 'Parks and Recreation' to 'Urban'.

This area is approximately 2.2ha. While the area may not sound large, it equates to about 78% of the proposal oval, which will sit within a 2.82ha site. Considering the current land value of the local public open space is \$9.4 million, it is understandable why this concern has been raised.

It is assumed as the District and Local Structure Plans designate this land now for a development lot (and space for an oval has been assigned elsewhere), they will be sold by the WAPC. The DSP mentions development contributions shall be needed for the oval which could be seen as unfair given one reserve was 'taken' away and another required but without any input from the WAPC. Unfortunately, concerns with the content of these plans or the MRS amendment did not extend to this particular issue. An inclusion in the officer recommendation is for the WAPC to consider 'seed funding' this item of DCP13 to ensure Cockburn Coast landowners and developers at Port



Coogee and South Beach estates are not unfairly penalised by rationalising of these reserves.

None of the proposed issues raised is considered to warrant modifications to the amendment. However, as mentioned an additional recommendation for the WAPC's consideration has been included concerning the oval land. Additionally, as a matter of practice all DCP13 items will be reviewed by a Quantity Surveyor to provide additional rigour and transparency to the DCP13 contribution rates.

Conclusion

It is recommended that Council endorse the Schedule of Submissions and adopt the amendment for final approval.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

Community & Lifestyle

- Communities that take pride and aspire to a greater sense of community.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Regulations 1967
Planning and Development Regulations 2009
City of Cockburn Town Planning Scheme No. 3

Community Consultation

The Amendment was advertised for public comment for a period of 42 days from 29 October 2013 to 10 December 2013.

Attachment(s)

Schedule of Submissions



Advice to Proponent(s)/Submissioners

The Proponent for the proposal has been advised that this matter is to be considered at the 10 April 2014 Council Meeting.

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 5294) (OCM 10/4/2014) - 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 C/r S Pratt SECONDED Deputy Mayor C Reeve-Fowkes the recommendation be adopted.

CARRIED 9/0



25 (OCM 10/4/2014) - CLOSURE OF MEETING

The meeting closed at 7:51 p.m.

CONFIRMATION OF MINUTES

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

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



SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO 103 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO 3 – ADDITIONAL ITEMS TO DEVELOPMENT CONTRIBUTION PLAN 13 (COMMUNITY INFRASTRUCTURE)

NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
1	Western Power 363 Wellington Street PERTH WA 6000	<p>Western Power does not have any specific comments at this time to the above proposal, however we would appreciate being kept informed of developments. As there are overhead power lines and/or underground cables, adjacent to or traversing the property the following should be considered, prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.</p> <p>Working in proximity to Western Power Distribution Lines All work must comply with Worksafe Regulation 3.64 Guidelines for Work in the Vicinity of Overhead Power Lines.</p> <p>If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted. For more information on this please visit the Western Power Website links below:</p> <p>http://www.westernpower.com.au/safety/WorkingAroundPowerlines/working near electricity.html</p> <p>http://www.westernpower.com.au/safety/DialBeforeYouDig.html or www.1100.com.au</p> <p>http://www.commerce.wa.gov.au/WorkSafe/</p> <p>If you require further information on our infrastructure including plans, please complete a request for Digital Data If you require relocation or removal of our infrastructure, please complete the below application. Please note: Western Power must be contacted on 13 10 87, or complete the attached DQA form, if your proposed works involve:</p>	<p>Noted – this is a scheme amendment to introduce additional items to an existing development contribution plan, not to undertake works. These are subject to separate approval processes.</p> <p>No changes are recommended (or requested) based on the content of this submission.</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>A) Any changes to existing ground levels around poles and structures. B) Working under overhead powerlines and/or over underground cables.</p> <p>Western Power is obliged to point out that any change to the existing (power) system; if required, is the responsibility of the individual developer.</p>	
2	<p>Australand Holdings Ltd (AHL) Level 2, 115 Cambridge Street West Leederville WA 6007</p> <p>Address of Property Affected by Scheme: Cockburn Central development</p>	<p>I write on behalf of Australand Property Group's Cockburn Central project in making this submission on proposed Scheme Amendment No. 103.</p> <p>As the City of Cockburn would be aware, Australand Property Group has made considerable commitments within the City, in particular in major developments in Port Coogee and Cockburn Central.</p> <p>Australand Property Group has a number of concerns regarding Development Contribution Plan 13 (Community Infrastructure) and the proposed modification.</p> <p>The main concern is not the payment of contributions for community facilities, but the method of calculating the contributions and the unforeseen significant increases in the contribution rates.</p> <p>State Planning Policy 3.6 (Development Contributions for Infrastructure) states that "development contributions must be levied in accordance with the following principles –</p> <ol style="list-style-type: none"> 1 .Need and the nexus 2. Transparency 3. Equity 4. Certainty 5. Efficiency 6. Consistency 7. Right of consultation and arbitration 8. Accountable". 	



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>Development Contribution Plan 13 has led to a lack of certainty in respect to development costs and project feasibility, especially for large projects, due to the recent substantial variations to the contribution rates. The lack of notice given to developers of the significant variations to the contribution rates also makes it difficult for developers to plan ahead for these.</p> <p>Earlier this year, the contribution rate under Development Contribution Plan 13 for Cockburn Central increased by 36%. The inclusion of Cockburn Coast development has added to this increase by a further \$231/dwelling, which is concerning given the increase in yield (as a result of the inclusion of Cockburn Coast). This has all occurred within a 6 month period which adds to the uncertainty of future developments within the City.</p> <p>These contribution increases significantly impact on development costs for large projects and consequently on housing affordability. As we previously advised the City, Australand has concern about the equity in applying contribution rates on a per lot/dwelling basis. Calculating contribution rates on a per lot/dwelling basis, rather than on a per hectare basis, as in other Development Contribution Areas, is a disincentive to undertaking high density development in infill areas and activity centres to achieve the housing targets of the City and the WA Planning Commission (WAPC), as opposed to greenfield subdivision/development. A more equitable method to calculate the contribution rate would be on a per hectare basis. This calculation methodology would not adversely impact on the Council's collection, but equitably distribute the need/nexus.</p> <p>This inequity is exacerbated by the diminished household sizes in higher density accommodation, and again, when amenity is provided in apartment developments (gyms, swimming pools etc). In both cases, this lessens the burden on Council Community Infrastructure by virtue of less demand/dwelling and less patronage/usage of community infrastructure respectively.</p>	<p>Noted – this is a scheme amendment to introduce additional items to an existing development contribution plan, not to change the methodology of DCP13.</p> <p>Amendment 81 which introduced DCP13 was considered by Council, the WA Planning Commission and ultimately, the Minister for Planning against these principles.</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>A further omission in the amendment is the inclusion of the Cockburn West and Banjup development which it is understood are both at significant stages of planning. In correspondence from the City dated 17 June 2013, it was advised that these developments would 'probably start to reduce some of the 'per dwelling/lot' rates". It is requested that these developments be included at this time to provide certainty and definition to future development within the City.</p> <p>Further to correspondence from the City, we wish to undertake a review of the calculations of contribution rates under Development Contribution Plan 13. We therefore request the relevant information used to inform the contribution rates is forwarded prior to formal Council endorsement of this Scheme Amendment and forwarding to the WAPC.</p>	<p>Contribution rates are required under the Town Planning Scheme (consistent with the SPP) to be reviewed at least annually. City officers try to ensure the review coincides with the financial year. It should be noted developers are able to pay their contribution liability in advance if they want certainty from the outset of a project.</p> <p>As part of the annual review (at the commencement of the financial year) the contribution rate for the Cockburn Central locality reduced by \$116.06. It is noted one of Australand's developments is in the nearby locality of Success and there was an increase in that locality of 31% as part of the annual review. This is attributed to the fact that total costs increased by \$336,809.71 and only 50 lots were created in the 2011-12 year.</p> <p>Noted – this is a scheme</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
			<p>amendment to introduce additional items to an existing development contribution plan, not to change the methodology of DCP13. This issue was raised/considered when Amendment 81 sought to introduce DCP13 originally.</p> <p>Noted – this is a scheme amendment to introduce additional items to an existing development contribution plan, not to change the methodology of DCP13. This issue was raised/considered when Amendment 81 sought to introduce</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
			<p>DCP13 originally.</p> <p>The City is only able to advertise the items proposed by this amendment to add to the current version of DCP13. There is another amendment (related to the Stockland's Banjup proposal – Amendment 98) which also seeks to add items to DCP13. Importantly, with that amendment comes additional population not previously able to be accounted for within DCP13. It has only recently become reasonable to factor in additional population from the Cockburn Central West (CCW) proposal and the Banjup development. The residential development envisaged by both proposals had not been contemplated at the time of DCP13's introduction. With the CCW proposal soon to be forwarded to the DoP for their consideration, and the recent rezoning of the Banjup land to 'Urban' under the MRS, population figures will soon be</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
			<p>updated. The City has engaged its demographers to undertake a population review (ahead of the 5 year scheme requirement) and this is currently underway.</p> <p>City officers have met with and written to the submitter separately to explain the review process afforded by the Town Planning Scheme. The process is entirely at the applicant's cost and therefore it is important to ensure they understand and accepted this. Officers have now responded to several documentation requests this submitter has made regarding infrastructure costs.</p> <p>No changes to the amendment are recommended based on the content of this submission.</p>
3	Australand Holdings Ltd (AHL) c/- Taylor Burrell Barnett PO Box 8186 Subiaco East WA 6008 Address of Property Affected	This submission has been prepared by Taylor Burrell Barnett on behalf of Australand Holdings Ltd (AHL), developers of Port Coogee, in response to proposed Amendment 103 to City of Cockburn Town Planning Scheme No. 3 which seeks to introduce additional items to be funded via development contributions for community infrastructure.	



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
	<p>by Scheme: Port Coogee development</p>	<p>Port Coogee is a developing project that has already delivered approximately 370 lots, and has invested a substantial amount in the provision of community infrastructure. A review of proposed Amendment 103 has led to serious concern about the proposed contribution amount per dwelling which is proposed to jump from \$3636.23 (2013/2014) to \$5,321.85 for the same year under the proposed amendment according to Schedule 6 of the Development Contribution Plan Report accompanying the proposed Amendment and the validity, equity and consistency of the proposed additional infrastructure items.</p> <p>In addition there is also concern about the level of detail provided to gauge the accuracy of the estimated costs and the lack of recognition for the substantial investment in community-based facilities and initiatives that would appear to be similar to the proposed additional 'Regional' items.</p> <p>The purpose of this submission is to:</p> <ol style="list-style-type: none"> 1. Register a submission on the proposed amendment to hold the right to make a more detailed submission in due course. 	<p>The current (2013/14) contribution rate under Development Contribution Plan 13 (DCP13) is \$3,636.23 per new lot/dwelling for the Coogee/North Coogee locality.</p> <p>The estimated rate (with the proposed additions considered by this amendment) has been advertised as \$5,321.85 per new lot/dwelling for the Coogee/North Coogee locality.</p> <p>The City is only able to advertise the items proposed by this amendment to add to the current version of DCP13. There is another amendment (related to the Stockland's Banjup proposal – Amendment 98) which also seeks to add items to DCP13. Importantly, with that amendment comes</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>2. Strongly object to the proposed increased contribution amount per dwelling which would appear to jump 46.35% for the current year under the proposed Amendment.</p> <p>3. Strongly object to the seemingly inequitable \$5,321.85 contribution for Coogee/North Coogee which is considerably higher than any other area, particularly when three of the four items proposed to be added are for regional benefit.</p> <p>4. Question the validity, equity and consistency of the additional items to be included.</p>	<p>additional population not previously able to be accounted for within DCP13. City officers have modelled the impact on DCP13 if both Amendment 98 and this proposed Amendment were to be gazetted. This is discussed further below. All infrastructure items were flagged as part of the District and/or Local Structure Planning processes.</p> <p>As per State Planning Policy 3.6 (SPP3.6), the City's Town Planning Scheme requires the costs to be based on the best and latest available estimates. The applicant has appended cost estimates for each infrastructure item. These have been prepared by valuers, engineers and landscape architects and considered to be sufficiently detailed.</p> <p>This was the only submission</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>At the 'Regional' level the proposed additional foreshore related items are similar to those provided at Port Coogee which are not included as contribution items. The proposed additional items should be removed or the Port Coogee community infrastructure should also be included within Amendment 103 for consistency.</p>	<p>received from this submitter within the advertising period. Email advice from this submitter indicates they are planning to lodge a more detailed late submission elaborating on these issues raised but not raising new issues. At the time of finalising this Schedule of Submissions and associated Council Report, no additional feedback had been received. However, this submitter did take time to meet with the assessing officer and Director to elaborate on their concerns. The Council Report includes discussion on this meeting.</p> <p>As noted above, there is another amendment (related to the Stockland's Banjup proposal – Amendment 98) which also seeks to add items to DCP13. City officers have modelled the impact on DCP13 if both Amendment 98 and this proposed Amendment were to be gazetted.</p> <p>When the Banjup population is</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>At the 'Local' level the extent of land and improvements relating to the proposed Cockburn Coast Sport Oval and Clubroom included as contribution items requires clarification. The DCP report refers to the oval being jointly used by an adjoining local primary school, which is to be accommodated on only 1.2ha of land, significantly less than the current standard primary school site size requirement of 4ha or 3.5ha where a shared oval scenario is intended.</p>	<p>considered and the coastal items shifted to the 'Subregional West' catchment, the cost is \$5,297.89 for this locality.</p> <p>As noted above, there is another amendment (related to the Stockland's Banjup proposal – Amendment 98) which also seeks to add items to DCP13. City officers have modelled the impact on DCP13 if both Amendment 98 and this proposed Amendment were to be gazetted.</p> <p>The rationale for each item is documented in the Infrastructure Sheets contained in Appendix 2 of the DCP13 Development Contribution Plan Report. The items are also discussed in the District and Local Structure Plans undertaken to date. However, it is agreed in terms of consistency the</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
			<p>reclassification of the existing North Coogee Foreshore item from Subregional West to Regional catchment is not reasonable. As noted, this DCP has been in operational for several years now and so to change the catchment would not support the equity principle outlined in the SPP. The three foreshore items are intrinsically linked of course and therefore it is appropriate that these are also limited to being Subregional West items only.</p> <p>The notion of adding the Port Coogee infrastructure was raised during consideration of Amendment 81 (which introduced DCP13 several years ago). City officers still believe the same response is appropriate, which was:</p> <p><i>“As noted in the Port Coogee Revised Local Structure Plan, in March 1996, the WA Planning Commission and CMD and Australand entered into a Heads of Agreement. In May 1997, the State Government and Australand signed a Project Agreement, which was revised and endorsed again</i></p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>It is unclear as to whether the portion of land and facilitates for use by the primary school are included in the cost to the DCP area - ie whether the cost per dwelling in the Coogee/North Coogee area includes or excludes the appropriate amount equating to the benefit received by the school. The oval and clubroom and associated land component relevant to the primary school should not be a cost within the DCP.</p> <p>5. Request Amendment 103 be modified to acknowledge the additional community based contributions and agreements made by AHL in relation to the project and AHL be credited accordingly, these include:</p> <ul style="list-style-type: none"> • Port Coogee Foreshore Areas • Port Coogee Regional Dual Use Path • Port Coogee Marina Boardwalks & Fishing Platforms • Port Coogee Community Centre Facility • Boat Launching Facilities • Cockburn Road Reconstruction • Groundwater Interception Drain 	<p><i>by Cabinet in February 2000.</i></p> <p><i>The State Government made a significant investment which was given over to the developer to facilitate this development with the State's contribution of approximately 40% of the land holding plus the seabed area.</i></p> <p><i>The structure plan also notes the following key issues of community concern:</i></p> <ul style="list-style-type: none"> ○ <i>The loss of the northern section of Coogee beach and associated dune system;</i> ○ <i>Impact on an area of seagrass meadows in the south western corner of the development site;</i> ○ <i>Public accessibility to the waterfront; and</i> ○ <i>The removal of the Omeo wreck.</i> <p><i>As a result of these issues being raised and to try and resolve some of these concerns, a variety of elements were incorporated in the structure plan approved. Many of these elements are now put forth by the developer further in this submission as contributions which the broader Cockburn community should pay for".</i></p> <p>Addition of the Port Coogee items is not considered appropriate given the above.</p> <p>This oval will service an area slightly larger than just the Cockburn Coast development. It will cater for the</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>CONCLUSION</p> <p>As stated above, we intend to make further comment in relation to Amendment 103 in due course. In the meantime, we trust the above comments will be of assistance in your consideration of the proposed. We would be pleased to meet with you to discuss these matters further if you require.</p>	<p>whole suburb of North Coogee and Coogee. Therefore it is more appropriate to distribute the cost for this oval beyond this development to be a local item for Coogee and North Coogee.</p> <p>In terms of the sizing of the school site and the adjacent district open space (oval) the standards for provision have effectively been 'overruled' by the introduction of the 2009 District Structure Plan by the WAPC.</p> <p><u>Ordinary planning requirements for primary schools</u></p> <p>The ordinary requirements (which don't apply here) would have been a 4ha min school site (if oval on site) or 3.5ha min school site (if oval on adjacent POS). Primary schools are also normally provided for 1 per 1500 dwellings. Cockburn Coast provides for 5193 dwellings (i.e. 3.4 primary schools). Given the capacity of adjacent schools and the</p>



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			<p>assumption there would be less demand as most dwellings were apartments, only one school was required.</p> <p><u>Cockburn Coast requirement for primary school</u></p> <p>Via the DSP/MRS rezoning process, the WAPC annotated a reduced (~1.5ha) size school site (2 storey) to be collocated with the (~3ha) District Open Space which would provide their playing field.</p> <p>The mechanism to secure the playing field is given by the DSP as development contributions. It also mentions the school site as being via development contributions. However, WAPC has a standard condition for primary school sites that it includes in areas of multiple ownership for pro-rata contributions to the school site. This can cover the school site itself, but the City is still left with the need to collect for the oval site which serves the</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
			<p>catchment of Coogee/North Coogee.</p> <p>Both the DSP and the LSP indicate the oval as City land, not DET land. This is quite important given the oval site also contains a row of Moreton Bay fig trees (included in the City's Local Government inventory). It also provides the City with control over matters like fencing of the reserve as well as access after school hours and weekends. The site does not form part of the local public open space requirement, it is in addition. Use of the site for sport (cricket and AFL) will be outside of school hours regardless.</p> <p>As outlined further above, it is not considered appropriate to include the Port Coogee items in DCP13.</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
			<p>The content of this submission contributes to modifications recommended for the catchment level of infrastructure items related</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
			to the foreshore.
4	<p>Paino and Associates C/- MGA Town Planners 26 Mayfair Street West Perth WA 6872</p> <p>Address of Property Affected by Scheme:</p> <p>Lot 70 Bennett Avenue and Lot 66 & 67 Garston Way/Darkan Avenue</p>	<p>This submission responds to Amendments 94 and 103 to the City of Cockburn Town Planning Scheme No 3.</p> <p>Amendment 94 proposes to include a Developer Contribution Plan (DCP) specific to the Robb Jetty and Emplacements precincts of the Cockburn Coast Development Area. While Amendment No 103 proposes additional items be included within DCP 13, making provision for contributions from the Cockburn Coast Development towards infrastructure within the greater City of Cockburn area.</p> <p>The DCPs are inter-related because both apply to the Cockburn Coast Development. This submission therefore relates to both amendments 94 and 103, combining comments rather than making two separate submissions.</p> <p>EXECUTIVE SUMMARY</p> <p>Ground 1 The State Government has announced a programme of Local Government Amalgamation which will result in the Cockburn Coast area being transferred to the City of Fremantle. As a consequence, Amendment 103 and the proposed changes to DCP13 will become redundant in their present form.</p> <p>Ground 2 Overall, the combined DCP costs are excessive amounting to nearly \$100,000 per 500m2 parcel of land VERSUS LESS THAN \$30,000 for most other DCP's. This cost per area of land vastly exceeds any other DCP within the State.</p> <p>Ground 3 This is essentially a "Builtform Project", not a normal single lot residential subdivision, that all previous DCP's have been based on. The developer gets paid when units are settled, not upon subdivision of land, as in a residential subdivision. DCP contributions should be collected at the time of the completion of apartment buildings or at the very least</p>	<p>Noted. As this report deals with Amendment 103, only the relevant sections of this submission are responded to. For responses on matters concerning Amendment 94, see the Schedule of Submissions regarding that amendment.</p>



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		<p>contributions should be able to be staged at the subdividing of large lots, over say 3,000m² (with caveats protecting Council's right to contributions from later stages of subdivision).</p> <p>Ground 4 Existing Open Spaces should be relocated rather than alienated and replaced by developer contributions.</p> <p>Ground 5 The additional costs of creating the Main Street in terms of land and construction components should not be a DCP cost. The cost of providing this infrastructure should remain with the landowners in whose land the Main Street falls due to the added development potential.</p> <p>GROUNDS OF SUBMISSION</p> <p>1. Amendment 103 to be Redundant The State Government has announced a programme of Local Government rationalisation and amalgamation within the Perth Metropolitan Region. These announcements include separating that area generally north of the Roe Highway alignment from the balance of the City of Cockburn and amalgamating those northern portions with the City of Fremantle and City of Melville respectively. The Town of Kwinana to the south is then to be amalgamated with the balance of the City of Cockburn.</p> <p>The result of these changes is that the Cockburn Coast Development Area is to be excluded from the City of Cockburn and included within the City of Fremantle. Figure 1 attached to this submission shows how the Cockburn Coast area is excluded from the City of Cockburn LGA and included within the City of Fremantle. Against this background, it makes little sense to proceed with Amendment 103 as proposed and the inclusion of the Cockburn Coast Development Area within DCP13. To continue with the amendment would ultimately result in a development within the City of Fremantle contributing to infrastructure within the City of Cockburn, a situation which would need to be redressed retrospectively.</p> <p>Indeed, when infrastructure items within DCP 13 are examined, they</p>	<p>(see comments further below)</p> <p>(see comments further below)</p> <p>(see comments further below)</p>



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		<p>include such elements as a public golf course and an aquatic centre. The City of Fremantle within which the Cockburn Coast Development Area is to be located already has these facilities plus a range of other infrastructure items. To progress Amendment No 103 and include the Cockburn Coast Development Area within DCP 13 with an expanded range of infrastructure items will lead to this arrangement having to be un-picked once the Local Government reform process has been completed.</p> <p>It makes far greater sense to discontinue Amendment 103 and to adjust DCP 13 by deleting the Cockburn Coast Area as a development area from which contributions are to be obtained.</p> <p>2. DCP Costs Excessive DCP 13 results in a per dwelling unit contribution exceeding \$5000 while DCP 14 shows a contribution exceeding \$13,000 for each dwelling unit. The DCPs therefore impose a cost of over \$18,000 for each apartment to be developed within the Cockburn Coast Area.</p> <p>Overall, the average density of residential development within the Cockburn Coast Development is around R100. Therefore, for a 500m² parcel of land, the developer contributions are approaching \$100,000. 500m² is an average lot size for most bulk urban projects within Metropolitan Perth. As far as can be reasonably ascertained, developer contributions in other areas of the Metropolitan Region generally do not exceed \$30,000 per residential lot of approx 500m². Based on this comparison it is apparent that the Cockburn Coast Development is subject to infrastructure contributions approximately 3 times those experienced in other areas. It is submitted that these contributions are excessive. They will have the impact of delaying development, making accommodation in the Cockburn Coast area less affordable and generally, they are unreasonable.</p>	<p>(see Schedule of Submissions for Amendment 94)</p> <p>(see Schedule of Submissions for Amendment 94)</p>



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		<p>3. Timing of Contributions</p> <p>Under DCP 14, contributions are to be made upon the subdivision of land. In the circumstances of the Cockburn Coast Development, it is submitted that this arrangement is unreasonable, as it is a "Builtform" Development.</p> <p>It is accepted that SPP 3.6 specifies contributions at the time of subdivision. However, it is suggested that this requirement reflects the standard approach in Western Australia to the provision of housing and that is, the subdivision of single housing lots for sale to third parties who subsequently construct and occupy a dwelling on the lot of land. In this circumstance, the developer contributions are paid when the developer effectively produces the final product, that is, the building lot.</p> <p>In the case of the Cockburn Coast Development, the final product will overwhelmingly be the production and sale of apartments. Accordingly, sites for apartments will be created after which there will be a lag of approximately 2 years to cover construction and marketing. As such, the developer contributions will have to be carried by the developer for a period of approximately 2 years before that money can be recouped through the sale of the respective apartments.</p> <p>In the present economic circumstances, financing projects is difficult. Arranging more finance in order to cover DCP contributions will simply make that process more difficult and more expensive with interest accruing on the DCP contributions during construction and marketing of apartments.</p> <p>Accordingly, it is submitted that DCP contributions should only be made at the stage of apartment completion. At the very least, there should be a recognised ability to stage DCP payments. For example, a landowner with a 2 Ha site may wish to create an apartment site of 5000m² for initial development with further development of the remaining 1.5Ha to occur in the future. In these circumstances, that developer should only</p>	<p>This submission focusses on one proposal only.</p> <p>In July 2013 the State Government released its model for new local government boundaries in metropolitan Perth. The Minister for Local Government invited local governments to submit proposals to the Local Government Advisory Board (the Board) by 4 October 2013.</p> <p>The Board advertised number of proposals affecting the City of Cockburn in early 2014. Submissions have recently closed. It is several months before the outcome of this process is known. In the meantime, it is not reasonable to 'second guess' what the outcome of the Inquiry will be.</p>



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		<p>have to pay DCP contributions at creation of the 5000m2 first stage site ie (say) 50 units x \$20k = \$1m versus 200 units x \$20k = \$4m, for the whole 2 Ha. There needs to be an understanding that there will not be a contribution required of the balance 1.5 Ha parcel of land at the time of that initial subdivision, but only paid when the land is ready for development. Should this require Council's registration of a Caveat over that 1.5 Ha site, then that should be enabled by the DCP.</p> <p>4. Existing POS should be relocated rather than replaced. Reserve 44273 is a Reserve for Public Recreation. Some 2668m2 of Reserve 44273 is shown within the Structure Plan to be alienated and developed for residential purposes. Public Open Space is then to be provided elsewhere within the Emplacement Local Structure Plan Area.</p> <p>It is submitted that this approach amounts to "double dipping". It results in existing Public Open Space being alienated and sold and land owners generally within the DCP area having to buy other land to replace that alienated Open Space. Rather, that Open Space which is to be alienated should simply be relocated. In other words, funds received from the sale of that alienated Open Space should be used to acquire the replacement land rather than contributions collected from the other landowners.</p> <p>5. Main Street The inclusion of the additional costs of creating the Main Street as an item within DCP 14 is not accepted.</p> <p>The objection to the inclusion of the Main Street as an infrastructure item is based on the fact that the development potential of the land fronting and near to the Main Street is enhanced by this proximity. Land fronting or near the Main Street is provided with the potential for commercial development at lower levels plus residential development to a density of R160 above. This results in land influenced by the Main Street having nearly double the development potential of most other land within the DCP area.</p> <p>Valuations carried out to support the DCP show that land set aside for Public Open Space adjacent to the proposed Main Street is valued at around \$600/m2 and is significantly higher than the valuations put on</p>	<p>The City already has an existing Development Contribution Plan 13 (DCP13) which applies across the City of Cockburn, including the Cockburn Coast development area (as it falls in the 'Coogee/North Coogee' locality).</p> <p>There is also a proposed Amendment 98 to include additional items (related to the Stockland Banjup proposal). That amendment is with the Department of Planning with a request for final approval.</p> <p>Adding the Banjup and Cockburn Coast items to the existing items would result in a total of approximately \$235 million of infrastructure. Of this, \$109 million would be sourced from development contributions, generating around 46% of the total funding requirement.</p>



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		<p>other areas of Public Open Space elsewhere within the joint Structure Plan Area. Figure 2 is a map showing the Open Spaces with the per m2 values provided against each area of Open Space. The figure shows that the most highly valued land is that land adjacent to the proposed Main Street.</p> <p>Valuations have also been carried out for land earmarked for Scheme Roads and again, these valuations which are shown in terms of per m2 values on Figure 3 indicate that the most highly valued land is that land required for the extra width of the Main Street. Clearly, the extra development potential bestowed on that land within the vicinity of the Main Street results in this area being the most highly valued area of the combined Structure Plans. It accordingly makes little sense for developers in other parts of the Structure Plan to subsidise the provision of the Main Street when the providers of the Main Street benefit so significantly from the increased development potential.</p> <p><i>Diagrams enclosed in original submission</i></p>	<p>Retaining a 'unified' district of Cockburn, even as part of a straight merger with Kwinana, would have no impact on DCP13. It is noted however, one of the proposals before the Local Government Advisory Board involves disaggregation of Cockburn as described in this submission. At this point in time, it is not known what the Board's recommendation will be.</p> <p>The cumulative cost of the items proposed by DCP14 and those in DCP13 are substantial and the submitters believe these are higher than elsewhere in Perth. There is an assumption with this argument the development, its location and the DCP items themselves are similar across Perth, which they are not. As per TPS3 and the State Planning Policy 3.6 (SPP3.6), estimated costs have been based on the best available information. Costs in this DCP are expressed as</p>



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			<p>an amount per new lot or dwelling. With the higher densities in this area it is not reasonable to compare DCP13 on a per m² basis. Where possible, City officers have already reined in the DCP13 costs. For example, the original cost estimate for the foreshore works was over \$25 million. This includes \$6 million for two pedestrian bridges across the railway. City officers have limited this to one bridge at \$3 million with the remaining \$15 million for foreshore works. City officers are comfortable the level of inclusions is reasonable and appropriate to this development area, consistent with the vision for Cockburn Coast as established.</p> <p>Timing of contribution payments is already determined by the Town Planning Scheme (within section 6.3). The provisions mirror those suggested by State Planning Policy 3.6. To seek to deviate from the SPP would have required the WA Planning Commission's (WAPC)</p>



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			consent to advertise. Without justification, the WAPC would expect the model provisions to remain.



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			<p>(see Schedule of Submissions for Amendment 94)</p>



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			<p>(see Schedule of Submissions for Amendment 94)</p> <p>No changes are recommended based on the content of this submission.</p>
5	<p>Basilia Nominees Pty Ltd C/- MGA Town Planners 26 Mayfair Street West Perth WA 6872</p> <p>Address of Property Affected by Scheme:</p> <p>Lot 65 Corner of Darkan Avenue and Rollinson Road, Lot 69 Corner of Bennett Avenue and Rollinson Road & Lot 68 Garston Way</p>	<p>This submission responds to Amendments 94 and 103 to the City of Cockburn Town Planning Scheme N0 3.</p> <p>Amendment 94 proposes to include a Developer Contribution Plan (DCP) specific to the Robb Jetty and Emplacements precincts of the Cockburn Coast Development Area. While Amendment No 103 proposes additional items be included within DCP 13, making provision for contributions from the Cockburn Coast Development towards infrastructure within the greater City of Cockburn area.</p> <p>The DCPs are inter-related because both apply to the Cockburn Coast Development. This submission therefore relates to both amendments 94 and 103, combining comments rather than making two separate submissions.</p>	See response to Submission 4



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		<p>EXECUTIVE SUMMARY</p> <p>Ground 1 The State Government has announced a programme of Local Government Amalgamation which will result in the Cockburn Coast area being transferred to the City of Fremantle. As a consequence, Amendment 103 and the proposed changes to DCP13 will become redundant in their present form.</p> <p>Ground 2 Overall, the combined DCP costs are excessive amounting to nearly \$100,000 per 500m2 parcel of land VERSUS LESS THAN \$30,000 for most other DCP's. This cost per area of land vastly exceeds any other DCP within the State.</p> <p>Ground 3 This is essentially a "Builtform Project", not a normal single lot residential subdivision, that all previous DCP's have been based on. The developer gets paid when units are settled, not upon subdivision of land, as in a residential subdivision. DCP contributions should be collected at the time of the completion of apartment buildings or at the very least contributions should be able to be staged at the subdividing of large lots, over say 3,000m2 (with caveats protecting Council's right to contributions from later stages of subdivision).</p> <p>Ground 4 Existing Open Spaces should be relocated rather than alienated and replaced by developer contributions.</p> <p>Ground 5 The additional costs of creating the Main Street in terms of land and construction components should not be a DCP cost. The cost of providing this infrastructure should remain with the landowners in whose land the Main Street falls due to the added development potential.</p> <p>GROUNDS OF SUBMISSION</p> <p>1. Amendment 103 to be Redundant The State Government has announced a programme of Local Government rationalisation and amalgamation within the Perth Metropolitan Region. These announcements include separating that area generally north of the Roe Highway alignment from the balance of</p>	



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		<p>the City of Cockburn and amalgamating those northern portions with the City of Fremantle and City of Melville respectively. The Town of Kwinana to the south is then to be amalgamated with the balance of the City of Cockburn.</p> <p>The result of these changes is that the Cockburn Coast Development Area is to be excluded from the City of Cockburn and included within the City of Fremantle. Figure 1 attached to this submission shows how the Cockburn Coast area is excluded from the City of Cockburn LGA and included within the City of Fremantle. Against this background, it makes little sense to proceed with Amendment 103 as proposed and the inclusion of the Cockburn Coast Development Area within DCP13. To continue with the amendment would ultimately result in a development within the City of Fremantle contributing to infrastructure within the City of Cockburn, a situation which would need to be redressed retrospectively.</p> <p>Indeed, when infrastructure items within DCP 13 are examined, they include such elements as a public golf course and an aquatic centre. The City of Fremantle within which the Cockburn Coast Development Area is to be located already has these facilities plus a range of other infrastructure items. To progress Amendment No 103 and include the Cockburn Coast Development Area within DCP 13 with an expanded range of infrastructure items will lead to this arrangement having to be un-picked once the Local Government reform process has been completed.</p> <p>It makes far greater sense to discontinue Amendment 103 and to adjust DCP 13 by deleting the Cockburn Coast Area as a development area from which contributions are to be obtained.</p> <p>2. DCP Costs Excessive DCP 13 results in a per dwelling unit contribution exceeding \$5000 while DCP 14 shows a contribution exceeding \$13,000 for each dwelling unit. The DCPs therefore impose a cost of over \$18,000 for each apartment to be developed within the Cockburn Coast Area.</p> <p>Overall, the average density of residential development within the</p>	



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		<p>Cockburn Coast Development is around R100. Therefore, for a 500m² parcel of land, the developer contributions are approaching \$100,000. 500m² is an average lot size for most bulk urban projects within Metropolitan Perth. As far as can be reasonably ascertained, developer contributions in other areas of the Metropolitan Region generally do not exceed \$30,000 per residential lot of approx 500m². Based on this comparison it is apparent that the Cockburn Coast Development is subject to infrastructure contributions approximately 3 times those experienced in other areas. It is submitted that these contributions are excessive. They will have the impact of delaying development, making accommodation in the Cockburn Coast area less affordable and generally, they are unreasonable.</p> <p>3. Timing of Contributions</p> <p>Under DCP 14, contributions are to be made upon the subdivision of land. In the circumstances of the Cockburn Coast Development, it is submitted that this arrangement is unreasonable, as it is a "Builtform" Development.</p> <p>It is accepted that SPP 3.6 specifies contributions at the time of subdivision. However, it is suggested that this requirement reflects the standard approach in Western Australia to the provision of housing and that is, the subdivision of single housing lots for sale to third parties who subsequently construct and occupy a dwelling on the lot of land. In this circumstance, the developer contributions are paid when the developer effectively produces the final product, that is, the building lot.</p> <p>In the case of the Cockburn Coast Development, the final product will overwhelmingly be the production and sale of apartments. Accordingly, sites for apartments will be created after which there will be a lag of approximately 2 years to cover construction and marketing. As such, the developer contributions will have to be carried by the developer for a period of approximately 2 years before that money can be recouped through the sale of the respective apartments.</p> <p>In the present economic circumstances, financing projects is difficult. Arranging more finance in order to cover DCP contributions will simply make that process more difficult and more expensive with interest</p>	



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		<p>accruing on the DCP contributions during construction and marketing of apartments.</p> <p>Accordingly, it is submitted that DCP contributions should only be made at the stage of apartment completion. At the very least, there should be a recognised ability to stage DCP payments. For example, a landowner with a 2 Ha site may wish to create an apartment site of 5000m² for initial development with further development of the remaining 1.5Ha to occur in the future. In these circumstances, that developer should only have to pay DCP contributions at creation of the 5000m² first stage site ie (say) 50 units x \$20k = \$1m versus 200 units x \$20k = \$4m, for the whole 2 Ha. There needs to be an understanding that there will not be a contribution required of the balance 1.5 Ha parcel of land at the time of that initial subdivision, but only paid when the land is ready for development. Should this require Council's registration of a Caveat over that 1.5 Ha site, then that should be enabled by the DCP.</p> <p>4. Existing POS should be relocated rather than replaced. Reserve 44273 is a Reserve for Public Recreation. Some 2668m² of Reserve 44273 is shown within the Structure Plan to be alienated and developed for residential purposes. Public Open Space is then to be provided elsewhere within the Emplacement Local Structure Plan Area.</p> <p>It is submitted that this approach amounts to "double dipping". It results in existing Public Open Space being alienated and sold and land owners generally within the DCP area having to buy other land to replace that alienated Open Space. Rather, that Open Space which is to be alienated should simply be relocated. In other words, funds received from the sale of that alienated Open Space should be used to acquire the replacement land rather than contributions collected from the other landowners.</p> <p>5. Main Street The inclusion of the additional costs of creating the Main Street as an item within DCP 14 is not accepted.</p> <p>The objection to the inclusion of the Main Street as an infrastructure item is based on the fact that the development potential of the land fronting and near to the Main Street is enhanced by this proximity. Land fronting</p>	



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6	<p>Gosh Leather Pty Ltd C/- MGA Town Planners 26 Mayfair Street West Perth WA 6872</p> <p>Address of Property Affected by Scheme:</p> <p>Lot 62 Bennett Avenue North, Coogee</p>	<p>This submission responds to Amendments 94 and 103 to the City of Cockburn Town Planning Scheme N0 3.</p> <p>Amendment 94 proposes to include a Developer Contribution Plan (DCP) specific to the Robb Jetty and Emplacements precincts of the Cockburn Coast Development Area. While Amendment No 103 proposes additional items be included within DCP 13, making provision for contributions from the Cockburn Coast Development towards infrastructure within the greater City of Cockburn area.</p> <p>The DCPs are inter-related because both apply to the Cockburn Coast</p>	See response to Submission 4



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		<p>The objection to the inclusion of the Main Street as an infrastructure item is based on the fact that the development potential of the land fronting and near to the Main Street is enhanced by this proximity. Land fronting or near the Main Street is provided with the potential for commercial development at lower levels plus residential development to a density of R160 above. This results in land influenced by the Main Street having nearly double the development potential of most other land within the DCP area.</p> <p>Valuations carried out to support the DCP show that land set aside for Public Open Space adjacent to the proposed Main Street is valued at around \$600/m² and is significantly higher than the valuations put on other areas of Public Open Space elsewhere within the joint Structure Plan Area. Figure 2 is a map showing the Open Spaces with the per m² values provided against each area of Open Space. The figure shows that the most highly valued land is that land adjacent to the proposed Main Street.</p> <p>Valuations have also been carried out for land earmarked for Scheme Roads and again, these valuations which are shown in terms of per m² values on Figure 3 indicate that the most highly valued land is that land required for the extra width of the Main Street. Clearly, the extra development potential bestowed on that land within the vicinity of the Main Street results in this area being the most highly valued area of the combined Structure Plans. It accordingly makes little sense for developers in other parts of the Structure Plan to subsidise the provision of the Main Street when the providers of the Main Street benefit so significantly from the increased development potential.</p>	
7	Water Corporation PO Box 100 Leederville WA 6902	<p>Thank you for your letters of 29 October 2013 inviting comments from the Water Corporation regarding the proposed Cockburn Coast Developer Contributions Plan (DCP).</p> <p>While the Water Corporation is referred to as a landowner in the vicinity of the DCP, the Corporation does not own or control any private properties listed in the contributions schedule and is not liable for any</p>	Noted



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>cost contributions under the schedule.</p> <p>The Corporation manages Crown Reserve 5239 (Lot 1946) containing the Bennett Avenue Wastewater Pump Station and associated infrastructure. The Corporation also has several easements traversing private properties that accommodate and protect access to existing water and wastewater pipes traversing the former industrial area. In response to structure planning for the Cockburn Coast land, the Corporation has advised Landcorp and the consulting engineers about the location of these water and wastewater pipes and the need for them to be accurately reflected in the relevant reports.</p> <p>The WGE Infrastructure Servicing Report (May 2011) and the '15+ Years Infrastructure Plan' (Infrastructure Master Plan, Page 101) included some information about the existing and proposed alignment of water and wastewater pipes. However, the location of some of the existing pipes was not clear and some alignments were at odds with the proposed road layout shown on the structure plan.</p> <p>Wherever possible, these pipes should be retained in situ. Any pressure mains, notably the existing DN500 steel wastewater pressure main from the Bennett Avenue pump station heading southwards within easements on the alignment of the former Abattoir Loop road, must be protected within road reserves and/or or public open space.</p> <p>It may be possible to relocate some parts of the water and wastewater pipe systems traversing the area. The feasibility of relocating this infrastructure must be established by detailed engineering investigations at the proponent's cost. The cost of relocating and protecting these pipes will also need to be borne by the land developers in the area.</p> <p>The Development Contributions Schedule does not appear to include an estimation of the cost of relocating this infrastructure, or any details of which pipes if any will be relocated. It is acknowledged that it may not be practicable or feasible for the pipes to be relocated in a staged or piecemeal manner by individual subdividers. It is recommended that this matter should be clarified within the DCP and the Structure Plan reports.</p>	<p>Noted</p> <p>Noted</p>



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		<p>If the matter is deemed to be outside the scope of the DCP, then the costs associated with moving the pipes may need to be covered by private cost-sharing arrangements between the various land developers.</p> <p><i>Diagram enclosed with submission</i></p>	<p>Noted – this is a scheme amendment to introduce additional items to an existing development contribution plan (DCP), not to undertake works. These are subject to separate approval processes. The works covered by the proposed DCP would not include Water Corporation infrastructure.</p> <p>As noted above, the works covered by the proposed DCP would not include Water Corporation infrastructure.</p> <p>No changes are recommended based on the content of this submission.</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
8	Main Roads WA PO Box 6202 EAST PERTH WA 6892	Main Roads has no objection to the proposed amendment.	Noted No changes are recommended (or requested) based on the content of this submission.



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
9	Department of Education 151 Royal Street East Perth WA 6004	The Department of Education has reviewed the document and advises that it has no objection to the proposed amendment.	Noted No changes are recommended (or requested) based on the content of this submission.

