

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 MAY 2014 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 MAY 2014 AT 7:00 PM

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### 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
Ms L Smith	-	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
Ms L. Boyanich	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

### 1. DECLARATION OF MEETING

The Presiding Member declared the May 2014 Ordinary Meeting of Council open at 7.00 pm and made the following announcements.

#### **Community Services Excellency Awards 2014**

Council acknowledges the HALO Leadership Agency who were finalists in the awards and acknowledge Councillor Lee-Anne Smith, CEO and founder of the Agency. Congratulations. This reflects the great work that HALO are doing in our community and further afield.



**Birthdays**

Noting Cllr Lyndsey Wetton is celebrating her birthday today, and Cllr Steven Portelli will be celebrating his birthday in a couple of days. On behalf of the Elected Members and staff, I would like to wish you both a very happy birthday.

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

Nil

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

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

**4 (OCM 8/5/2014) - 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 Mubarakai, that he had a conflict of interest in relation to Item 13.2, which will be read at the appropriate time.

**5. APOLOGIES AND LEAVE OF ABSENCE**

Nil

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

Nil



**7 (OCM 8/5/2014) - 7 PUBLIC QUESTION TIME**

ITEMS IN WRITING, ON THE AGENDA

Nil.

ITEMS IN WRITING, NOT ON THE AGENDA

Nil.

ITEMS NOT IN WRITING, ON THE AGENDA

Nil.

ITEMS NOT IN WRITING, NOT ON THE AGENDA

**Norman Wilson, Munster**

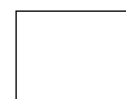
*Santich Park*

Q1. Why is it that the children's playground in Santich Park, unlike others within the City of Cockburn, much used during the summer months, especially at the weekends when junior athletics take place, does not have any shade sails to offer protection from the sun, and will the Elected Members give a commitment this evening that funds will be made available for the purchase and installation of such shade cloth before the school holidays on 1<sup>st</sup> October next?

A1. *The City has a Shade Sail Policy and Strategy in place and this is considered annually at budget time. The Director of Engineering and Works will respond further directly to Mr Wilson and provide further information on where Santich Park sits within the Strategy.*

Q2. With regard to the litter and illegal parking problems in and around Santich Park when training sessions and competition matches are taking place, how many patrols of the park have been undertaken by the Council's Rangers and the City's Safety and Security Services at those times within the last twelve months?

In view of the continuing lack of responsibility by South Coogee Football Club in Santich Park "to be vigilant in cleaning up after use of the park" as evidenced by the litter scattered around the park, especially at the children's playground, last Sunday, what action will the Council take against the said club as it is obvious that previous suggestions offered by the Council "on combatting the issue" have fallen on deaf ears, and a "successful strategy" has not been employed, and an agreed procedure



with the South Fremantle District Football Council whereby “coaches and/or development officer is to take control of the issue and carry garbage bags if required” has not been implemented?

A2. *As information was not available on hand to respond, these questions will be responded to in writing.*

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 5295) (OCM 8/5/2014) - ORDINARY COUNCIL MEETING - 10 APRIL 2014**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 10 April 2014, as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**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 8/5/2014) - 12 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 7:09 PM, THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COUNCIL:

14.1	15.1	16.1			
14.2		16.2			
14.3		16.3			
14.4					

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 5296) (OCM 8/5/2014) - FINAL ADOPTION - CITY OF COCKBURN PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2014 (025/001) (J NGOROYEMOTO) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) pursuant to Section 3.12(4) of the Local Government Act 1995 proceed to make the City of Cockburn Parking and Parking Facilities Amendment Local Law 2014; and
- (2) authorise the affixing and witnessing of the Common Seal to the adopted Local Law.

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

**COUNCIL DECISION**

MOVED C/r L Wetton SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**



## Background

Council at its meeting of 13 February 2014 resolved to amend the City of Cockburn Parking and Parking Facilities Local Law 2007.

In accordance with section 3.12(3) of the Local Government Act 1995 and Council resolution of 13 February 2014 (Minute No.5245) Statewide notice was given in the West Australian newspaper on 1 March 2014 stating that:

- (1) *Notice is hereby given that the City of Cockburn has resolved to amend the Parking and Parking Facilities Local Law 2007 pursuant to Section 3.12 of the Local Government Act 1995.*
- (2) *The purpose of the amendment is to establish a new parking station and to allow for the monitoring of the period a vehicle is in a parking bay by electronic means.*
- (3) *The effect of the amendment will be to establish Cockburn Integrated Health and Community Facility and Cockburn Youth Centre Lot 401 Wentworth Parade Success as a parking station and allow use of electronic parking detection devices, such as in ground vehicle sensors and photographic recording for monitoring.*
- (4) *A copy of the proposed local law amendments may be inspected and obtained at the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Libraries during office hours.*
- (5) *Submissions about the proposed local law amendments may be made to the CEO at the City of Cockburn by 13 April 2014.*

## Submission

N/A

## Report

The purpose of the amendment is to the *City of Cockburn Parking and Parking Facilities Local Law 2007* is to establish a new parking station and to allow for the monitoring of the period a vehicle is in a parking bay by electronic means. The effect of the amendment will be to establish Cockburn Integrated Health and Community Facility and Cockburn Youth Centre at Lot 401 Wentworth Parade, Success as a





parking station and allow use of electronic parking detection devices, such as in-ground vehicle sensors and photographic recording for monitoring. There will be a new penalty to be applied for inflicting wilful damage to ticket issuing machines or electronic parking detection devices with a modified penalty of \$500 pursuant to the City of Cockburn Parking and Parking Facilities Local Law 2007

Section 3.12 of the *Local Government Act 1995* contains the procedure for the making an amendment of local laws. S.3.12(4) states that:

*“after the last day for submissions, the local government is to consider any submissions made and may make the local law (by an absolute majority) as proposed or make a local law that is not significantly different from what was proposed”.*

Advice was received from the Department of Local Government and Communities, and incorporated into the attachment of the proposed Parking and Parking Facilities Amendment Local Law 2014.

As there were no submissions received, it is now proposed that Council adopt the proposed *City of Cockburn Parking and Parking Facilities Amendment Local Law 2014* and authorise two officers of the City, nominally the Mayor and the Chief Executive Officer, to affix the Common Seal of the City, thus progressing the processing of the local law and having it gazetted in the Government Gazette ultimately bringing the local law into force.

It is recommended that Council make the local law as per the attachment, as it does not significantly differ from what was originally proposed.

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

#### **Infrastructure**

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

#### **A Prosperous City**

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.

### **Budget/Financial Implications**

It is anticipated that there will be a minor increase in revenue from parking infringements imposed due to overstay in designated parking bays. There are various new technology options available which can be leased or purchased by the City. These will be considered for inclusion in a future municipal budget. The intent of this agenda item is



to initiate the necessary steps to create a new parking station and to provide the ability for the City to use detection devices to monitor parking times.

### **Legal Implications**

Section 3.12 and 9.10 of the Local Government Act 1995 refer.

### **Community Consultation**

Statewide advertising of the proposed amendments followed by 6 weeks submission period. An advertisement was placed in the West Australian Public Notices Section on 1 March 2014.

### **Attachment(s)**

Proposed City of Cockburn Parking and Parking Facilities Amendment Local Law 2014.

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

N/A

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

Nil.

AT THIS POINT, CLR Y MUBARAKAI LEFT THE MEETING, THE TIME BEING 7.11 PM.

### **DECLARATION OF INTEREST – CLR Y MUBARAKAI**

The Presiding Member read a declaration of Interest in Item 13.2 “Minutes of the Grants and Donations Committee Meeting – 15 April 2014” pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that he is a sponsor of the Melville Cockburn Chamber of Commerce, which is a potential recipient of a grant from Council.



**13.2 (MINUTE NO 5297) (OCM 8/5/2014) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 15 APRIL 2014 (162/003) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council

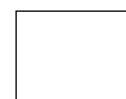
- (1) receive the Minutes of the Grants and Donations Committee Meeting held on 15 April 2014 and adopt the recommendations contained therein; and
- (2) amend the 2013/14 Municipal Budget by increasing the Grants and Donations Operating Budget by up to \$42,445 and reduce the current Closing Municipal Funds by up to \$42,445, subject to:
  1. The Spearwood Dalmatinac Club agreeing to contribute \$27,445 for the installation of the solar panels, and
  2. The Melville Cockburn Chamber of Commerce not receiving the balance of its annual sponsorship (\$10,000) from the City of Melville.

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

**COUNCIL DECISION**

MOVED Cllr L Smith SECONDED Cllr S Pratt that Council

- (1) receive the Minutes of the Grants and Donations Committee Meeting held on 15 April 2014 and adopt the recommendations contained therein, subject to the following amendment:
  1. South Lake Ottey Family and Neighbourhood Centre Inc, donation amount increased from \$7,000 to \$10,000; and
- (2) amend the 2013/14 Municipal Budget by increasing the Grants and Donations Operating Budget by up to \$45,445 and reduce the current Closing Municipal Funds by up to \$45,445, subject to:
  1. The Spearwood Dalmatinac Club agreeing to contribute \$27,445 for the installation of the solar panels, and



2. The Melville Cockburn Chamber of Commerce not receiving the balance of its annual sponsorship (\$10,000) from the City of Melville.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

### **Reason for Decision**

The South Lake Ottey Centre provides many services to disadvantaged families in the South Lake and Council would like to acknowledge this by granting them the funding level requested in its application (\$10,000).

### **Background**

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and nature of grants and donations provided to external organisations and individuals. The Committee is also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.

### **Submission**

To receive the Minutes of the Grants and Donations Committee and adopt the recommendations of the Committee.

### **Report**

Council approved a budget for Grants and Donations for 2013/14 of \$1,013,164 to be distributed as grants, donations and sponsorship.

At its meeting of 16 July 2013, the Committee recommended a range of allocations which were duly adopted by Council on 8 August 2013.

Following the September 2013 round of grants, donations and sponsorship funding opportunities, the Committee, at its meeting of 15 October 2013, recommended a revised range of allocations which were duly adopted by Council on 14 November 2013.

The March 2014 round of grants, donations and sponsorship funding opportunities has now closed and the Committee, at its meeting of 15 April 2014, considered revised allocations for the grants and donations budget, as well as the following applications for donations and sponsorship.



A summary of the donations recommended to Council are as follows:

Second Harvest Inc.	\$12,000
Business Foundations Inc.	\$10,000
Friends of the Community Inc.	\$2,000
Cockburn Volunteer Sea Search and Rescue	\$8,500
City of Cockburn Pipe Band	\$9,000
Hamilton Hill YouthCARE Council	\$9,000
South Lake Ottey Family and Neighbourhood Centre Inc.	\$7,000
Port Community High School	\$15,000
Constable Care Child Safety Foundation Inc.	\$12,000
Volunteer Home Support Inc.	\$5,000

A summary of the sponsorships recommended by the Committee is as follows:

Melville Cockburn Chamber of Commerce	\$30,000
Phoenix Lacrosse Club	\$15,000
Coogee Jetty to Jetty	\$10,000

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

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that take pride and aspire to a greater sense of community.
- Promotion of active and healthy communities.

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.

### **Budget/Financial Implications**

Council approved a budget for grants and donations for 2013/14 of \$1,013,164 to be distributed as grants, donations and sponsorship.

Following is a summary of the revised grants, donations and sponsorship allocations proposed by the Committee.

Committed/Contractual Donations	\$462,595
Specific Grant Programs	\$357,414
Donations	\$145,600
Sponsorship	\$90,000
<b>Total</b>	<b>\$1,055,609</b>
Deficit	\$42,445



The next Grants and Donations Committee Meeting will be held in July 2014 to recommend allocations for 2014/15.

The next round of grants, donations and sponsorship funding will be advertised in August/September 2014.

### **Legal Implications**

N/A

### **Community Consultation**

In the lead up to the March 2014 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign has comprised:

- Three advertisements running fortnightly in the Cockburn Gazette City Update on 18/02/14, 4/03/14 and 18/03/14.
- Four advertisements running fortnightly in the City of Cockburn Email Newsletter on 14/02/14, 28/02/14, 14/03/14 and 28/03/14.
- Advertisement in the February Edition of the Cockburn Soundings.
- All members of the Cockburn Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.
- Additional advertising through Community Development Promotional Channels:
  - Community Development Calendar distributed to all NFP groups in Cockburn.
  - Cockburn Community Group ENews distributed monthly on 5/02/14 and 7/03/14.
- Closing dates advertised in the 2014 City of Cockburn Calendar.
- Information available on the City of Cockburn website.
- Reminder email sent to regular applicants.

### **Attachment(s)**

1. Minutes of the Grants and Donations Committee Meeting on 15 April 2014.
2. Grants, Donations and Sponsorship Committee Recommended Allocations Budget 2013/14.

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

Applicants have been advised that they will be notified of the outcome of their applications following the May 2014 Council Meeting.



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

Nil.

AT THIS POINT, CLR Y MUBARAKAI RETURNED TO THE MEETING, THE TIME BEING 7.18 PM.

THE PRESIDING MEMBER ADVISED CLR Y MUBARAKAI OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 5298) (OCM 8/5/2014) - REVIEW OF MURIEL COURT STRUCTURE PLAN - LOCATION: VARIOUS LANDHOLDINGS IN DEVELOPMENT AREA 19 - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (110/007) (C HOSSEN) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) acknowledge that the Muriel Court Structure Plan and Development Contribution Area 11 have provided, to date, a workable and legible statutory planning framework for Development Area 19;
- (2) noting (1) above, acknowledge that there are some matters that have been identified through research that should inform a modification to the approved Structure Plan in order to maintain the Structure Plan as a robust document guiding subdivision and development;
- (3) advertise the following proposed modifications to the Muriel Court Structure Plan:
  1. Modify the residential density coding in accordance with Attachment 1;
  2. Review and assess the broad road network requirements identified for the realigned Semple Court, Muriel Court and Kentucky Court; and
  3. Review the Restricted Use permissibility on land zoned Mixed Business in the Structure Plan area.
- (4) commence review of Local Planning Policy APD60 – Muriel Court Design Guidelines to remove the maximum height limitations;



- (5) investigate the appropriateness, in consultation with the Department of Water, of the City undertaking further technical work, using funds from Development Contribution Area 11, relating to Urban Water Management matters within the subject area; and
- (6) advise the landowners within the Structure Plan area of Council's decision accordingly and advertise the proposed modifications for 42 days.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

At the September 2013 OCM it was requested that staff undertake a review of the Muriel Court Structure Plan, noting concerns that has been raised by some landowners in respect of development in the precinct. This report addresses this request.

The Muriel Court Structure Plan area ('subject area'), also known as Development Area 19 ('DA19') has been earmarked for urban residential development since 1994. The subject area is located in the locality of Cockburn Central; bound by North Lake Road, Semple Court, Verna Court, the Kwinana Freeway and Kentucky Court. Being 79 ha in size and directly adjacent to the Cockburn Central Activity Centre, has placed the subject area in a unique position.

Detailed planning of the subject area was instigated by the City's Strategic Planning Department in late 2006 and culminated in the endorsement of the Structure Plan by the Western Australian Planning Commission ('WAPC') in February 2010. However to date, due to a number of factors, development has been slow to response to the future direction provided by the Structure Plan.

Initially, given the multiplicity of land ownership and the relatively small lot sizes, it was considered that the only practical way of progressing planning of the subject area and facilitating its development potential





was for the City to take a lead role. The Structure Plan, in conjunction with other statutory planning instruments, to this day provides a robust framework for the implementation of a dense, walkable mixed use community. It does however appear that some barriers to development remain, some of which are possible for addressing through a Structure Plan modification. Other barriers, particularly financial costs of servicing, are not issues which the Structure Plan or City are able or expected to address.

The purpose of this report is to investigate barriers, provide a detailed critique of the Structure Plan and determine which changes are within the scope of the Structure Plan to address via modification to the Structure Plan.

### **Submission**

N/A

### **Report**

#### Council History

The Muriel Court Structure Plan has been presented to Council multiple times over the past 8 years. The most relevant decisions are noted below.

13 November 2008 – Council adopted a Structure Plan and requested the WAPC lift the urban deferment over the subject area.

08 July 2010 – Council adopted a Local Planning Policy for the purposes of applying design guidelines to the Muriel Court Structure Plan and a modified Structure Plan.

08 September 2010 – WAPC endorsed the modification to the Structure Plan.

14 October 2011 and 30 December 2013 – Minor modification is undertaken to the Structure Plan. A copy of the current plan can be found at Attachment 3.

#### Previous approvals

A number of subdivision and development approvals have been issued in the Muriel Court Development Area.

A number of the subdivision approvals are concentrated in a 16ha area in the south eastern corner. These include Lots 52-55 Tea Tree Close, Lot 75 North Lake Rd, Lots 64 and 100 Muriel Court and Lot 42 Semple Court. The majority of the approvals are to create



development lot parcels. A total of 36 development parcels are conditionally approved, along with 3 public open space lots and several road reserves.

Development approvals for at least four sites have been granted. Once again, the majority of these are concentrated in the south eastern corner of the development area. Lot 53 Tea Tree Close has approval for 151 multiple dwellings. Lots 16 & 17 Kentucky Court has approval for 77 residential units and 5 commercial units.

### Statutory Framework

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ('MRS'), with the majority of surrounding land zoned 'Urban'. The adjacent land to the south is zoned 'Industrial' and the Kwinana Freeway Reserve is reserved as a 'Regional Road Reserve'. The Initial District Structure Plan formed the basis for the initial lifting of the 'urban deferral' of the subject area.

The majority of the subject area is zoned 'Development' under the City's Town Planning Scheme No. 3 ('Scheme'), within DA19. The land fronting North Lake Road is zoned 'Mixed Business' while being included within DA19. The majority of the subject area is also included within Development Contribution Area 11 ('DCA11') and the entirety of the subject area lies within Development Contribution Area 13 ('DCA 13').

### Muriel Court Structure Plan

The Muriel Court Structure Plan was initially prepared by officers of the City in conjunction with Koltasz Smith Planning Consultants. The City's leadership initially was seen as vital given the multiplicity of land ownership and the relatively small lot sizes. The involvement of the City was considered the only practical way of progressing planning of the subject area and facilitating its development potential.

The initial Structure Plan was prepared to be consistent with the WAPC's Liveable Neighbourhoods and Network City Strategic Planning Document (now superseded by Directions 2031). Providing a diverse and compact urban outcome that in turn supports alternative transport choices, and further supports the Cockburn Central Activity Centre and train station, were at the heart of the planning for the area. In total the Structure Plan is expected to yield between 2,170 and 2,894 dwellings. The key planning principles that went into the design of the subject area are outlined below.



### *Community Design*

- Maximise densities within the walkable catchment of the Cockburn Central Regional Centre.
- Providing medium densities beyond the walkable catchment and adjacent areas of high amenity (POS) and high frequency public transport routes (Semple/Muriel Court).
- Minimise the need for the land exchange between landowners whilst recognising the complexities associated with highly fragmented development cells.
- Provide a balanced range of densities to provide a diverse range of housing types.

### *Movement Network*

- Create a strong east-west movement network that reflects constraints (created by existing lot configurations) that maximises connectivity and efficiency of pedestrian movements and simplifies subdivision design.
- Minimise traffic conflict and promote high quality streetscapes along Muriel and Semple Court by promoting rear loaded lots.
- Provide a street and pedestrian network that enables direct, quick and safe pedestrian and cyclist access to and from the transit facility.
- Create a highly connected and permeable street network with emphasis on Muriel and Semple Courts being the primary 'spine' roads.
- Maximise equity between landowners by sharing where possible, the placement of access streets, laneways and public open spaces etc.

### *Lot Layout and Public Parkland*

- Within the constraints of the existing lot configuration, develop a robust network of streets and blocks which maximise efficient movement, the creation of regular shaped lots and maximises solar orientation for dwelling construction.
- Appropriate interfacing of residential lots with surrounding uses such as the Kwinana Freeway and the mixed business zone.
- Maximise the ability for land owners to develop independently given the fragmentation of ownership.
- Provide a range of densities to promote variety in lot product and ensure appropriate density targets are met.
- Placement of public open space to preserve and enhance existing environmental features (wetland and remnant vegetation).
- Provide a suitable balance between active and passive recreation.



### *Activity Centres, Employment and Schools*

- Provide office and residential uses within the walkable catchment of Cockburn Central activity centre/train station to support and strengthen the centre as an origin and destination.
- Provide a local centre to provide for the day to day needs of the residents.
- Provide good pedestrian, cycle and vehicular access to existing and possible future schools.

### *Urban Water Management/Utilities*

- Promote water sensitive urban design and the integration of drainage infrastructure within POS where applicable in accordance with the DoW's requirements.
- Promote a network of streets which facilitate the delivery of essential services and utilities.

### Development Area 19

DA19 within Schedule 11 of the Scheme provides for a statutory framework that has led to a Structure Plan that guides subdivision and development within the subject area. Created as part of Scheme Amendment 6 and further advanced by Scheme Amendment 62, it requires that any structure plan proposed on the subject area provide for residential and mixed business development where appropriate, establish the need for a set of design guidelines and ensure that proposals directly accessing North Lake Road have due regard to the North Lake Road Vehicle Access Policy.

All subdivision and development in the subject area is expected to achieve at least 75% of the nominated density. This provision was included in DA19 as part of Amendment 62 to the Scheme. This was seen as vital in achieving the intent and desires of the State Government in achieving the targets of their strategic planning documents.

### Development Contribution Area 11

Development Contribution Area 11 ('DCA 11') is situated over the majority of the subject area; it is bound by the northern edge of the Mixed Business zone fronting North Lake Road, Kentucky Court, the Kwinana Freeway, Berrigan Drive and Semple Court.

During the formulation of the Muriel Court Structure Plan it was identified that due to the multiplicity of lots in the subject area (being 96), and their small size, it would be impossible and impractical for each lot to satisfy all planning requirements on their own. Accordingly,



it was determined that it was necessary for the City to prepare and administer a development contribution arrangement over the subject area to facilitate development.

Scheme Amendment No. 67, which was gazetted on 7 May 2010, formally introduced DCA 11 into the City's Scheme. DCA 11 requires contributions to the following items.

- Pro rata contribution to the second carriageway of North Lake Road between Kentucky Curt and Semple Court based on traffic generation.
- Widening/upgrading of Semple Court, including traffic management devices, traffic lights and the over and above costs of a realigned Semple Court including the cost of land acquisition.
- Upgrading and widening of the existing internal roads where this exceeds the normal subdivision requirements such as Muriel Court and Kentucky Court.
- Provision and enhancement/upgrade of Public Open Space.
- Internal and external drainage areas and works including gross pollutant traps and nutrient stripping.
- Preliminary professional studies including drainage, geotechnical, engineering, traffic and planning.
- The City's costs of administering the Development Contribution Scheme.
- Cost of acquiring and development of the areas of Public Open Space.

Due to the lack of development within DA19, the City is yet to receive any funds as part of this Development Contribution Scheme. These funds however will flow as development and/or subdivision is finalised.

All landowners within DCA11 shall make a contribution to land and infrastructure works required as part of the development of the Muriel Court Development Contribution Area. The majority of lots have their contribution calculated on the potential number of dwellings that can be constructed on each lot or lots and calculated in accordance with the following:

- R20 – 450m<sup>2</sup>
- R25 – 350m<sup>2</sup>
- R40 – 220m<sup>2</sup>
- R60 – 166m<sup>2</sup>
- R80 – 125m<sup>2</sup>
- R160 – 62.5m<sup>2</sup>



No contribution is payable in respect to land and lots required for public open space, drainage, the widening and extension of Muriel Court and Kentucky Court and the widening and realignment of Semple Court.

Although the requirements of DCA11 are extensive, they are completely in line with the standard expectations of development in greenfield areas. Where issues of land ownership and the small lot sizes are not present it would be expected, through local and state planning frameworks, that developers would satisfy all planning requirements on their own. DCA11 in this regard achieves a framework strikes an appropriate balance between cost sharing of necessary infrastructure that will benefit subdividing and developing landowners across the precinct.

### Local Planning Policy

A number of Local Planning Policies apply to the subject area. The two that have the greatest impact on the area are discussed below.

#### *Policy APD60 'Muriel Court Design Guidelines'*

In order to achieve high quality development based on good urban design principles, a set of design guidelines have been created; both the Structure Plan and the Scheme require design guidelines to be adopted for the precinct.

The design guidelines apply to all land use, subdivision and development within DA19 as per the adopted Structure Plan. The design guidelines are important to create an attractive and well-designed urban environment, which readily allows the principles and intent of the adopted Structure Plan to be achieved. DA19 is a transit orientated development which aims to provide a range of dwelling types and maximise the number of people living and working near the Cockburn Central activity centre and train station.

Under the Guidelines the Structure Plan area is divided into six neighbourhoods, based broadly along residential zoning boundaries. Development proposals are assessed against the principles and objectives set out in the Design Guidelines for each neighbourhood as well as the general standards and specific standards for each zone. The Design Guidelines also provides a framework for subdivision and the design of roads within the subject area.

The Specific standards by zones are outlined in the table below.



	Low Density	Medium Density		High Density		
	R20 + R25	R40	R60	R80 Low Rise	R160 Low Rise	Tower
<b>Build to line</b>	3-4.5m	2-4m	2-4m	4m	4m	Podium: 4m Tower: 8m
<b>Side setback</b>	R-Codes	R-Codes	0m	Nil **	Nil	Podium: 5m Tower: 8m
<b>Rear setback</b>	R-Codes	R-Codes	R-Codes	4m	4m	Podium: 5m Tower: 9m
<b>Minimum lot width</b>	12m	6m	6m	24m	24m**	30m
<b>Maximum lot width</b>	20m	10m	8m	30m	30m	60m
<b>Minimum height</b>	-	No minimum	Two storeys* 5.4m wall	3 storeys and 9m	3 storeys and 10m	18m
<b>Maximum height</b>	Two storeys 6m wall 9m roof	9m wall 12m roof	12m wall 15m roof	5 storeys and 15m	18m	29m

\* In R60 coded areas only

\*\* Except where adjacent to a secondary street, where 2m applies

\*\* For R160 coded areas only

### *Policy APD62 'Vehicle Access' (formerly: North Lake Road Access Policy)*

When land adjacent to major/arterial/distributor/important roads is developed for more intensive uses the resulting additional traffic generated by such uses can cause conflict, especially where pre-existing traffic volumes are high. This can create dangerous and unattractive road environments. In these situations, a coordinated approach to vehicle access is required to ensure that development does not introduce any undesirable impacts on the safe and efficient movement for motorists, heavy vehicles operators, public transport users, pedestrians and cyclists.

The North Lake Road Vehicle Access Policy Plan provides the framework for the lots zoned Mixed Business in the Structure Plan to ensure a coordinated approach. The Vehicle Access Policy Plan provides guidance for the north side of North Lake Road between Semple Court and Kentucky Court; indicating crossover locations and arrangements and also mandating a reciprocal access easement along the entirety of the Policy Plan Area.

The North Lake Road Vehicle Access Policy Plan is currently under review, in conjunction with Main Roads, as part of a wider analysis of the road network around Cockburn Central with a view to supporting implementation of the North Lake Road overpass. The revised North



Lake Road Access Strategy has been developed and presented to Council at its DAPPS meeting in November 2013. That revised Strategy has been endorsed for public advertising.

### Water Management

The City in preparing the Muriel Court Structure Plan was cognisant of its requirement and obligations under the Department of Water's ('DoW') guiding document, Better Urban Water Management. The City, is ensuring compliance with water sensitive design and lessening the impact of urban development on the natural environment, prepared a District Water Management Strategy ('DWMS') for the subject area that accompanied the structure plan. The DWMS was prepared in accordance with the Arterial Drainage Scheme Review for the subject land. The DoW has approved the DWMS.

Traditionally a Local Structure Plan is accompanied by a Local Water Management Strategy ('LWMS'); a document that provides a finer grain of detail than a DWMS. To resolve this matter of non-compliance with DoW requirements Council determined at its meeting of 13 November 2008 to, *inter alia*:

*"investigate the opportunity to provide a local water management strategy for the entire DA 19 area using funds from proposed Development Contribution Area 11 as per Scheme Amendment No. 67"*

It was seen as a more logical and efficient outcome for the City to prepare one LWMS compared to landowners or groups of landowners producing separate strategies and the Council and DoW assessing the individual strategies.

A LWMS was prepared by ENV for the entire structure plan area. The LWMS informs and assists with the preparation of Urban Water Management Plans which will be required at the subdivision stage. The LWMS has been approved by the DoW.

### Identified Issues and Barriers

The following matters are items that the City deems to be issues that owe for reflection as part of this review of the Structure Plan.

#### *Dwelling Yields*

The City through discussions with a number of affected landowners have communicated that the projected dwelling yields over some areas of the Structure Plan are an impediment to financially viable development. Such comments correspond to those given as part of the





formal advertising of the Structure Plan in 2007 where landowners requested increased densities over many areas of the structure plan.

This issue is broadly connected to areas with lower density residential areas such as R20, R25 and R40; however it is not exclusive to these areas.

#### *Cost of DCA11*

It has been noted to the City by some landowners that the per-dwelling/lot contribution of DCA11 is 'high' and that it can act as a disincentive to development. The purpose and necessity of DCA 11 is noted above, and therefore is seen by the City as a sound and necessary mechanism to secure appropriate coordinated planning outcomes in an environment such as Muriel Court. The City is open to constructive approaches to lessen the impact of DCA11 while still pursuing proper and orderly planning outcomes.

#### *Need for development to be frontal*

Considering the multiplicity of landholdings in the subject area and other related development requirements it has been noted that lots, particularly within the centre of the subject area, suffer from inability to develop at this time. There is a need to connect to the basic public utilities; although these exist on the periphery of the site the majority of utilities do not currently permeate into the subject area.

This is quite normal as this land is not at the development (and servicing) front. It is often the case in developments containing a number of landowners, that development of some lots will be reliant on adjacent lots being developed first to bring both roads and services closer. The rate of development in these areas can elongate the 'wait' that some lots are subjected to.

It must be remembered of course, there would be some time lag created following the Global Financial Crisis (including the property price impact, slowing of development generally and the changing landscape for financing of major developments). The City acknowledges this issue; however the Muriel Court Structure Plan remains the appropriate mechanism to ensure logical and timely development.

#### *Relocation of Services /Level of Fill*

The City is aware of the need for substantial fill levels being required over large portions of the subject area. This is to ensure that the drainage system formulated as part of the LWMS functions efficiently and effectively. The level of fill required can further complicate



development. Where services currently exist and extensive amounts of fill are required there can be a need to lift the existing services to ensure the maximum depth to the services remains as per the providers' standard.

### *Design Guidelines - Restrictions*

As noted above, in order to achieve high quality development based on good urban design principles, a set of Design Guidelines has been adopted for the Muriel Court Structure Plan area.

In general the design guidelines provide a sound set of principles that assist in proper and orderly planning in line with the intent of the Structure Plan. However, discussions with the City's Statutory Planning Department, issues have raised a number of matters within them require attention.

Areas of particular concern relate to the areas of the Structure Plan with densities of R80 and R160. The City has recently received a number of proposals for mixed-use multi story developments in this portion of the structure plan. Under the Residential Design Codes development on land zoned R160 is allowed to develop to a maximum residential plot ratio of 2.0; that is 2m<sup>2</sup> of residential development for every 1m<sup>2</sup> of developable land.

However, two proposals for development approval have been submitted with a plot ratio of approximately 1.0. Both proposals are at or near the maximum allowed height limit of the R160 precinct under the guidelines. This would indicate that the height limit is limiting the development potential of this precinct. Interestingly height limits in the adjoining Cockburn Central West Structure Plan area are non-existent; being only limited by the federally enforceable Civil Aviation Authority height limitations for Jandakot Airport.

The City has similar concerns around building height limitations restricting development in R80 zoned land.

### Proposed Modifications and Recommendations

As a consequence of the research and investigations undertaken, as outlined above, it is proposed that a number of modifications to the Muriel Court Structure Plan be initiated for public advertising.

The purpose of these modifications being to assist in facilitation of development in Muriel Court while ensuring that proper and orderly planning remains at the core of decisions. The modifications recognise that many of the issues and barriers raised above are not matters that the Council can directly influence through the planning system.



However the changes are seen as providing a significant reduction in restriction and increase in development potential, it is believed that these changes can be used to further facilitate development while still achieving an outcome that is agreeable to the City and in keeping with the intent of Directions 2031.

### *Structure Plan Map Changes*

As highlighted in the report above, the original Structure Plan allocated densities across the Structure Plan area using a number of 'rules' determined as part of an independent design review of the Structure Plan.

The suggested modifications put to Council as part of this report make changes (increases) to the currently endorsed residential densities. It is contended that these modifications do not go against the intent of the Structure Plan or the proper and orderly planning of the locality. They provide a more contemporary approach to the planning of the area, recognising recent advances in housing typologies and popularity of multiple dwellings. Most importantly the proposed changes have been established to find a balance between the identified issues outlined above and the needs for good urban outcomes in the subject area. This are discussed below.

### *Removal of Lower Density Areas*

The endorsed Structure Plan provides for a significant portion of low density R20 and R25 zoned parcels of land. These are primarily located adjacent to the existing residential development on Semple Court, land abutting the Mixed Business Zone and also land along Verna Court.

The rationale behind the inclusion of lower density is understood to be in the context of appropriate interface with existing uses and providing a mix of housing types in the structure plan area. However, as noted above the inclusion of these areas and their low dwelling yields has been shown to make development marginal. Moreover, in the modern planning context the inclusion of so much low density in a vibrant mixed use environment is seen to be counterproductive to the proper and orderly planning of the locality.

The proposed modifications retain a portion of the R25 zoned land adjacent to the existing Semple Court as the rationale behind this original decisions remains sound. However the remainder of the low density residential zoning have been replaced with medium and higher density codes.



*Expansion of Medium Density Areas*

Medium density (R40 and R60) coded areas currently form a significant portion of the Structure Plan area. These can predominantly be found adjacent to areas of higher amenity, such as POS, and in proximity to the future bus routes through the area.

The proposed modifications retain a significant portion of the existing medium density zoned land while recommending that the majority of the low density land be coded to a medium density.

*Expansion of R80 and R160 across Mixed Use Zone*

High density (R80 and R160) coded areas are currently located within the 800m walking catchment of Cockburn Central Train Station and along Muriel Court to take advantage of future bus routes through the area. The rationale being to provide higher densities to support the Cockburn Central Activity Centre in accordance with transit oriented development principles.

The proposed modifications retain the entity of the high density zoned land while recommending the expansions of land to be zoned R80. Land adjacent to the Mixed Business Zone and land abutting the Freeway are proposed to be recoded to R80. Higher Densities will allow for a more appropriate interface, with the increased bulk assisting in reducing the impact of these two land uses on the wider area.

Moreover, it is also proposed to extend the R160 residential zoning along North Lake Road north to extend as far as development on the adjacent Cockburn Central West Structure Plan area. This will allow for appropriate framing of the road and ensure that arrival in the Town Centre is clear with a delineated entrance secured by higher intensity of development.

*Ramifications of Density Changes*

As noted above, a number of landowners and prospective developers have noted difficulty in establishing feasibility for developments as a result of lower coded areas. Moreover, the lower dwelling yields also have meant that ability to lessen the DCA11 contribution is limited due to more restrictive development options cause by lower densities.

The proposed density changes outlined in Attachment 1 and 2 would see the prospective dwelling yields increase from 2,894 to 3,464. This dwelling increase would see the DCA11 per dwelling contribution reduce by 16.5% or \$1,542.43 per dwelling. Reducing the DCA11 cost is seen as a primary goal of any review of the Muriel Court Structure Plan.



### *Mixed Use – Restricted Use Permissibility*

The land directly fronting the northern side of North Lake Road is zoned Mixed Business under the Scheme. The land is also included in DA19 allowing the Structure Plan to influence development and subdivision over that land. The Structure Plan divides the Mixed Use zone into two distinct areas; being those allowing residential development and those restricting it.

The boundary of the two areas is broadly at the edge of the 800m walking catchment of the train station. With land within being provided with a R160 density code and land outside being restricted to commercial development only. Land within the residential portion further restricts the commercial uses to: office, restaurant, consulting room, lunch bar, civic use and bank. These uses being seen as complementary to the residential use and adding to the functionality of the town centre.

The Council recommendation proposes to reassess the allowable uses along the entirety of the Mixed Use zone, with particular focus on the inclusion of other land uses that would complement the residential portion and further add to the commercial viability of the development parcels.

### *Assessment of road network requirements*

A significant portion of the funds collected as part of DCA11 is earmarked for the purchase of the widened portions of Kentucky Court, Muriel Court and the realignment and widening of Semple Court. On current estimates the road upgrades account for \$7,242,740 or approximately 25% of the total cost of DCA11.

Ultimately the road network must be safe, permeable, legible and meet the contemporary standards for an urban precinct such as Muriel Court. Whilst it is acknowledged that these costs are substantial, the proposed land use changes are similarly significant. With the proposed changes to density recommended, it will be necessary to review the future road network requirements to ensure that it meet the needs of this future community.

### *Review of Design Guidelines*

As noted above there are a number of matters that lie within the Muriel Court Design Guidelines that have the possibility to be limiting and restricting efficient development. This is particularly concerning in the higher density areas. In particular, consideration should be given to removing the height limit as this is effectively moderated by the plot ratio standard.



### *Further Urban Water Management Technical Work*

All proposals for subdivision or development require the preparation of an Urban Water Management Plan ('UWMP'). The City has previously provided technical water management advice to landowners in the subject area via the DWMS/LWMS under DCA11.

There may be some value in undertaking additional water management planning with a view to reducing the amounts of fill required. More detailed drainage designs, focusing on the individual catchment storage requirements and portion to be stored in the POS areas (especially if the catchment boundaries are revised), preferred locations, shape and sizing of bio-retention area for water quality treatment (or alternatives) and any changes to 1:100 flow paths and flood heights.

It is proposed that the City initiate discussions with the DoW, the approval authority, regarding the City undertaking technical works in the area. This work would go to limiting the need for all landowners/developers undertaking separate UWMP's. The undertaking of the work by the City would be reliant on acceptance of the approach by the DoW.

Although initially adding to the cost of DCA11, the possibility of reducing upfront infrastructure charges and fill requirements for landowners is seen as a vital element in facilitating development.

### Conclusion

In conclusion, it is important for the City to make clear that the Muriel Court Structure Plan has to date provided a robust and progressive approach to a fragmented and highly constrained development parcel. However review is necessary to ensure that the Structure Plan and supporting policy framework provide a contemporary planning framework that provides for the facilitation of development in line with proper and orderly planning.

It is recommended that the Council initiate an amendment to the Muriel Court Structure Plan, provide a review of the Muriel Court Design Guidelines and also seek advice from the DoW on the appropriateness of the City undertaking further technical studies into water management in the locality.

It is through this review that the City hopes to facilitate the creation of a dense, vibrant and walkable urban environment that further adds to the Cockburn Central activity centre and assists the wider metropolitan area in achieving the goals set out in Directions 2031.



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

### A Prosperous City

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.

## Budget/Financial Implications

There are not any direct financial implications associated with the proposed modifications to the Structure Plan. Should additional work be undertaken by the City towards water management studies, this would need to be prefunded and then recouped via DCA11 when funds were available.

## Legal Implications

N/A

## Community Consultation

The Muriel Court Structure Plan has been subject to considerable community consultation over its history.

The proposed modifications to the Structure Plan and the associated Local Planning Policy (Design Guidelines) would need to be advertised for 21 days in accordance with the requirements of the Scheme.

## Attachment(s)

1. Proposed Modified Structure Plan
2. Plan highlighting areas where density modification proposed
3. Adopted Structure Plan

## Advice to Proponent(s)/Submissioners

N/A



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

Nil.

**14.2 (MINUTE NO 5299) (OCM 8/5/2014) - LOCAL STRUCTURE PLAN AMENDMENT FOR LOTS 38-41, 47-52, 531-532 TINDAL AVENUE AND LOT 54 MCLAREN AVENUE, BEELIAR (CELL 9 YANGEBUP AND CELL 10 BEELIAR CONSOLIDATED STRUCTURE PLAN) OWNERS: VARIOUS - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (110/096) (L SANTORIELLO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) in pursuance of Clause 6.2.14.1 (a) of City of Cockburn Town Planning Scheme No. 3 ("Scheme") adopt the modified Local Structure Plan for Lots 38–41, 47–52, 531-532 Tindal Avenue and Lot 54 McLaren Avenue, Beeliar subject to the following modifications:
1. Insert a new section into Part 1 of the Structure Plan report and include the heading within the table of contents as follows; Heading: 'Designated Bushfire Prone Area'. Text: 'All land contained within the local structure plan located within 100 metres of moderate or extreme bushfire hazard areas (as shown in the Fire Management Plan February 24, 2014 – Appendix 12: Post Development Site Conditions-Bushfire Hazard Assessment, or as updated) shall be deemed to be a 'Designated Bushfire Prone Area'. All subdivision and development proposals within this Designated Bushfire Prone Area shall provide a statement or report that demonstrates all relevant bushfire protection acceptable solutions, or alternatively all relevant performance criteria, contained in Planning for Bushfire Protection Guidelines (Edition 2) have been considered and complied with, and effectively addresses the level of bushfire hazard applying to the land. The Bushfire Attack Levels (BAL) to be used on this land is outlined in the Fire Management Plan February 24, 2014 - Appendix 16: AS3959 Construction Considerations (or as updated).'
  2. Insert the following text below the POS Provision – breakdown table on Page 18 of the Structure Plan report as follows; ' \* *The 1:1 year drainage area for POS 5 is the entire drainage reserve area as shown on the LSP in blue. All drainage up to the 1:100 year ARI will be accommodated*





*within this drainage reserve. Due to the slope and depth of the basin within this drainage reserve, the drainage reserve will be fenced. Accordingly, the drainage reserve will be a site deduction for the purposes of POS calculations. For this reason, the entire drainage reserve has been placed within the 1:1 year column of the above table in order for it to become a deduction.'*

3. Insert an asterisks (\*) next to POS 5 within the POS Provision Breakdown table on Page 18 of the Structure Plan report.
4. The text under the Section 3 heading *'Interpretation and relationship with the Scheme'* of Part 1 is to be replaced with *'As per Clause 6.2.6.3 of City of Cockburn Town Planning Scheme No. 3.'*
5. The text under the Section 4 heading *'Operation'* of Part 1 is to be replaced with *'As per Clause 6.2.12.1 (a) of City of Cockburn Town Planning Scheme No. 3.'*
6. The text under Section 5.1 *'Land Use Permissibility'* of Part 1 is to be replaced with *'As per Clause 4.3.2 of City of Cockburn Town Planning Scheme No 3.'*
7. Section 5.2 *"Subdivision Requirements"*, 5.3 *'Residential'*, 5.3.1 *'Dwelling Target'* and 5.3.2 *'Density'* of Part 1 are to be deleted entirely from the Local Structure Plan report inclusive of the descriptions in the table of contents page.
8. The text within Section 5.3.3 under the heading *'Open space'* is to be deleted and replaced with the following: *"For areas shown on the Structure Plan Map as Residential R25, the minimum open space required is 45% of the total site."*
9. Section 5.4 *'Public Open Space'*, Section 6 and 6.1 *'Development Requirements'* and *'Detailed Area Plans'* are to be deleted from the Local Structure Plan report and table of contents.
10. Section 5.5 *'Conditions of Subdivision Approval'* is to be extracted from Part 1 and included to Part 2 of the Local Structure Plan Report.
11. Plan 1 *'Structure Plan'* is to be modified to include a line *"-"* between 47 and 52 on the fourth line from the bottom of the

text box to the right of the legend.

12. Modify Plan 1 '*Structure Plan*' within the Local Structure Plan report to reflect the most recent amendment of the Consolidated Structure Plan as approved by Council on 13 February 2014 for Lots 102, 142, 103 & 104 Tindal Avenue and Lot 105 Carcione Rise, Yangebup (Item 14.1).
13. Modify Plan 1 '*Structure Plan*' within the Local Structure Plan report to highlight Lot 9040 Spearwood Avenue, Lot 45 (No. 22) Fancote Avenue and Lot 46 (No. 153) Tindal Avenue, Beeliar with an associated text box that is worded as follows: "This land is likely to be a Designated Bushfire Prone area. An updated Fire Management Plan or a separate Fire Management Plan/s (FMP) will be required to be prepared at subdivision stage for this land. Should separate FMP/s be prepared, which mandates compliance with AS3959 for this land, the land will be deemed to be a 'Designated Bushfire Prone Area' under this Local Structure Plan for the purposes of implementing AS3959 under the Building Code of Australia."
14. Modify Figure 3 '*Endorsed Cell 10 LSP*' within the Local Structure Plan report to reflect the most recent amendment of the Consolidated Structure Plan as approved by Council on 13 February 2014 for Lots 102, 142, 103 & 104 Tindal Avenue and Lot 105 Carcione Rise, Yangebup (Item 14.1).
15. Appendix 4 '*Local Water Management Strategy (February 2014)*' of the Local Structure Plan report is to be amended to the satisfaction of the City of Cockburn, in consultation with the Department of Water. The required modifications are as follows:
  - (i) The locations of the groundwater monitoring bores are to be included in Figure 3.
  - (ii) The concentration levels contained within Table 3: '*Groundwater laboratory results*' are to be corrected.
  - (iii) Figure 6 is to be revised to ensure the correct catchment labelling is provided for each catchment.
  - (iv) Include the basin inverts top of water levels and 5 year results to Tables 7 and 8.
  - (v) Further detail is required, as prescribed under the Department of Waters interim: '*Developing a Local Water Management Strategy (DoW, 2008)*,' in



relation to the developers' commitments, timing for actions, requirements to implement the strategy and contingency measures.

- (2) endorse the Schedule of Submissions prepared in respect of the proposed modifications to the Local Structure Plan for Lots 38–41, 47–52, 531-532 Tindal Avenue and Lot 54 McLaren Avenue, Beeliar (Attachment 5);
- (3) in pursuance of Clause 6.2.14.3 of the Scheme forward the Local Structure Plan to the Western Australian Planning Commission within 10 days of making the resolution for its endorsement; and
- (4) advise the proponent and those persons who made a submission of Council's decision.

#### **COUNCIL DECISION**

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

**CARRIED 10/0**

#### **Background**

The proposed Local Structure Plan amendment ("LSP") was received by the City on 4 November 2013. The LSP has been referred to the Western Australian Planning Commission ("WAPC") for comment, as required by Clause 6.2.7.2 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The LSP relates to Lots 38–41, 47–52, 531-532 Tindal Avenue and Lot 54 McLaren Avenue, Beeliar ("subject site").

The purpose of this report is to consider the LSP for adoption in light of the advertising process that has taken place.

#### **Submission**

The proposed LSP was prepared by Development Planning Strategies on behalf of the landowners.



## Report

### Proposed Local Structure Plan Amendments

The details of the proposed amendments are summarised as follows:

1. Increase in residential density code from Residential R20 to Residential R25, in order to address density requirements stipulated through State Government Strategic Planning, primarily 'Directions 2031 and Beyond.' This modification results in an additional 28 dwellings over the subject land.
2. Modification in the location and dimensions of the Parks and Recreation Local Reserves. The modification results in a 0.39 hectare increase in the area of public open space ("POS").
3. Modification to the local road network and residential cell configuration (Attachment 2).

### Planning Background

The subject land is 26 hectares in area and generally bound by Spearwood Avenue to the east, McLaren Avenue to the north, Lot 2 Fanstone Avenue to the west and 'Rural' zoned land to the south. Attachment 1 provides a location plan.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3. The subject land is also located within Development Area No. 4 ("DA 4"), Development Contribution Area No. 5 ("DCA 5") 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 a minimum of 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.



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 residential targets are reached whilst providing additional housing diversity to the locality.

#### Residential Density – Proposed

The proposed amendment to the subject land provides for an additional 28 dwellings or an additional 1.2 dwellings per hectare. This equates to 18.6 dwellings per gross urban zoned site hectare. This outcome therefore meets the density targets as outlined above by the State Government.

Conceptual subdivision designs prepared over the subject land, based on the proposed structure plan amendment, indicates a total lot yield of 468 single lots/ dwellings.

#### Request for modification – Lot 9040

In pursuance of Clause 6.2.8 of the City’s Scheme, public consultation was undertaken for a minimum period of 21 days. During this period Council received an objection from a planning consultant, on behalf of the Department of Housing, with regard to Lot 9040 Spearwood Avenue, Beeliar.

Visually this lot is described as a thin slither of land which is roughly 1.5 hectares in area located to the east of the subject site. The southern portion of this lot is included as part of a single residential cell on the southern end of both the approved and proposed LSP map. The comments received in relation to this objection aim to seek Council’s consideration of a further amendment to the LSP proposal.

Under the applicants proposal Lot 9040 is not included as part of the R25 density up-coding and is therefore expected to retain the current R20 density coding. The consultants’ argument suggests that a consistent density ‘may’ allow for a joint subdivision of Lot 9040 and the subject site.

Lot 9040 is burdened by a fibre optics cable which runs the full length of the property. At the moment this cable prohibits the development of this land. The City’s Strategic Planning officers are supportive, without prejudice, of a separate amendment to Lot 9040 in favour of R25, subject to appropriate supporting planning documentation.

What isn’t supported however is an attempt to include the Department of Housing’s land as part of this structure plan amendment. This is on the basis that the Department of Housing’s land will have its own



opportunities and constraints, which need to be properly investigated and determined in the form of a future structure plan and supporting studies. Of particular note are issues associated with bush fire management and water management, both of which are significant in their own right to warrant studies to be developed in order to inform how a future structure plan will be designed. It is inappropriate to attempt to circumvent these requirements by including the land as part of this Structure Plan, which has already undertaken the required suite of studies to inform its design.

The applicant's proposed LSP report and accompanying appendices do not apply to Lot 9040, on the basis that Lot 9040 chose not to participate in the process. On this basis there is insufficient information at hand for the Strategic Officers to make an informed recommendation in favour of the objector's request. Attachment 5 of this report 'Schedule of Submissions' provides further detail in relation to this matter.

Modification in the location and dimensions of the Parks and Recreation Reserves (Public Open Space/ P.O.S).

The proposed amendment to the LSP proposes a total of 2.35 hectares of green space, being 0.39 hectares greater than currently shown on the endorsed Cell 10 LSP.

Under Liveable Neighbourhoods a minimum contribution of 10 per cent of the gross subdivisible area must be given up free of cost by the subdivider for public open space. Notwithstanding, the Western Australian Planning Commission will accept a minimum of eight per cent public open space for the purpose of active and passive recreation.

Each area of open space, within the LSP amendment area, will accommodate a drainage function and therefore overall the total amount of credited P.O.S area (restricted and unrestricted) is calculated to be 2.00 hectares in area. This results in an 8% contribution being provided as a land component and the remaining 2% being provided as cash-in-lieu.

Section 153 of the *Planning and Development Act 2005*, 'When owner may pay money in lieu of land being set aside for open space,' mandates that the owner of that land is to, in lieu of setting aside the portion, to pay to that local government a sum that represents the value of the portion at subdivision stage.



### Modification to the local road network

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.

This report was supported by the City's traffic engineers and considered acceptable by Main Roads Western Australia.

### Planning for Bushfire Protection

The proposed structure plan amendment includes a Fire Management Plan ("FMP") which has been prepared in accordance with the *Planning for Bush Fire Protection Guidelines, edition two (2)* ("the guidelines").

The guidelines specify that the performance criteria and acceptable solutions are not intended to be enforced retrospectively; on existing development, in established urban areas, existing town-sites or existing subdivisions.

A large proportion of the overall Consolidated Structure Plan Cell 9, Yangebup and Cell 10, Beeliar has been subdivided and developed for residential purposes. On this basis the FMP has been prepared only for the undeveloped land as part of this proposed amendment.

### Recommended Modifications

The officer recommendation contains a suite of modifications, all of which can be described as minor and text based. These modifications are to bring the text component of the Structure Plan in to better alignment with the WAPC's Structure Plan guidelines. Strategic planning staff are currently putting together a template for structure plan content, as it appears that the WAPC's guidelines have created confusion as to what structure plans should and should not include under their respective Parts 1 and 2. Staff are currently meeting with Department for Planning officers to progress this forward.

### Conclusion

Assessment of the LSP amendment determines that it is consistent with orderly and proper planning, through reflecting the requirements of both State and Local Planning Schemes and Policies. The issues that have been raised through the advertising process have been overcome in the manner discussed in this report, and detailed further in the Schedule of Submissions.



## **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.
- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

## **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 25 March 2014.

## **Community Consultation**

In pursuance of 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 4 March 2014 and concluded on the 25 March 2014.

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

In total Council received a total of 9 submissions of which 1 objected to the proposal and the remaining 8 were in support of the proposal.

Analysis of the submissions has been undertaken within the Report section above, as well as the attached Schedule of Submissions (Attachment 5).





**Attachment(s)**

1. Location Plan
2. Proposed Local Structure Plan
3. Current (approved) Local Structure Plan
4. Aerial photograph
5. Schedule of submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 May 2014 Council Meeting.

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

Nil.

**14.3 (MINUTE NO 5300) (OCM 8/5/2014) - ADOPTION OF DRAFT HOUSING AFFORDABILITY AND DIVERSITY STRATEGY FOR COMMUNITY CONSULTATION (110/089) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the Draft Housing Affordability and Diversity Strategy ("Draft Strategy") for the purposes of community consultation; and
- (2) advertise the Draft Strategy for 42 days.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The City of Cockburn, like much of Western Australia, is facing a significant challenge in housing affordability.



There has been a growing focus on the requirement for action and cooperation across all levels of government to address housing affordability issues, particularly evidenced by the Council of Australian Governments (“COAG”) National Affordable Housing Agreement 2009. The National Affordable Housing Agreement aims to ensure that all Australians have access to affordable, safe and sustainable housing.

Local Government has an important role to play in facilitating affordable and diverse housing. The City has recognised the importance of this issue in the Strategic Community Plan which identified the provision of diverse housing to respond to changing needs as a key objective. Access to secure, appropriate and affordable housing is a fundamental requirement and an essential component of an inclusive and sustainable city.

Examination of housing affordability and diversity often occurs as part of a local housing strategy. These generally comprise an analysis of local housing supply and demand, future oriented demographic and market trends, as well as policy statements and recommendations for planning processes, town planning schemes, and development controls.

The City’s approach has been to develop urban revitalisation strategies which serve the function of a local housing strategy. The City has adopted two urban revitalisation strategies - the Phoenix Central Revitalisation Strategy and Hamilton Hill Revitalisation Strategy, and project planning has commenced for the Coolbellup Revitalisation Strategy.

This approach has been successful in the City, and in accordance with the City’s Strategic Community Plan this approach is proposed to continue.

However, in addition to the preparation of urban revitalisation strategies, it is considered that the issue of housing affordability and diversity needs to be examined across the whole of the City. It was therefore proposed that a Housing Affordability and Diversity Strategy be prepared.

Council at its meeting of 8 August 2013 resolved to endorse a project plan for the preparation of a Housing Affordability and Diversity Strategy (“Draft Strategy”).

The purpose of this report is for Council to consider endorsing the Draft Strategy, in order to proceed to public advertising of the document.



**Submission**

N/A

**Report**

A Draft Strategy has been prepared in accordance with the project plan adopted by Council, and is included at Attachment 1.

The key objectives of the Draft Strategy are:

1. To provide households with access to housing that is appropriate to their needs in terms of size, physical attributes and location.
2. To provide housing that is affordable to households of varying financial capacity.
3. To provide a variety of housing types in locations that have good accessibility to public transport, and essential services.
4. To promote affordable living, taking into consideration the total cost of living in a dwelling, including energy and water consumption, the price of transport to access employment and essential services, and other daily needs impacted by location.

The Draft Strategy includes a housing needs assessment which examines and analyses demographic projections, with a focus on household composition and size, and age structure. This is followed by an assessment of the current and projected housing stock, and urban form, to determine the appropriateness for current and future households.

To address housing affordability 'low and moderate income' households have been defined to assess and plan for the housing needs of these households. The issue of homelessness was also examined.

A market assessment has enabled household incomes to be assessed against housing prices and rental costs to ascertain housing affordability. Census data has been supplemented with real estate data and other research that has been undertaken to analyse trends on housing prices and rents.



The key findings of this assessment were:

*Housing stock mismatch*

The City's housing stock of predominately large detached dwellings will not provide a good range of options for future households which are getting smaller, and will be predominately one and two person households.

*Urban form mismatch*

The City should continue to strive towards a more compact urban form in existing and new areas, creating walkable, mixed use neighbourhoods, and dwellings with good accessibility to public transport and essential services.

*Declining housing affordability*

Housing affordability is declining to the point where housing is becoming unaffordable for low and moderate income earners, and more households are in housing stress. This has negative impacts for the whole community.

*Cost of living impacts for low income households*

While all households are impacted by increasing costs of living, it is low income households that are most affected.

*Need for adaptable housing (Universal Housing Design)*

There is a lack of private and public adaptable housing in the City of Cockburn and Perth Metropolitan area generally. This means many people, particularly elderly people and those with disabilities, face living in inappropriate housing or requiring costly modifications to their dwellings.

*Demand for Aged Care Facilities*

The ageing population, particularly the increase in people over 70 years of age, will see an increased demand for aged care facilities for those who can longer live independently, and it is likely that this demand will outstrip supply.

*Shortage of crisis accommodation*

There is an identified shortage of crisis accommodation in the City of Cockburn, and this is an important issue given the trend towards



increasing levels of homelessness (which includes people living in inappropriate housing).

The Draft Strategy examines mechanisms for addressing the key findings, and identifies a number of actions, as follows:

#### *Planning Mechanisms*

1. *Encourage other housing types, including dwellings in mixed-use environments, such as 'shop-top' housing to increase the number and diversity of smaller dwellings in the City, particularly in areas with good accessibility to services and public transport.*
2. *Investigate opportunities to encourage development of dwellings in mixed use development, including:*
3. *Adopting guidelines for 'Mixed Use' development to provide guidance to developers and Council in achieving appropriate mixed uses. This may take the form of a Local Planning Policy and/or guidance notes or 'best practice' notes.*
4. *Reviewing the objectives of the commercial zones in the Town Planning Scheme to reference provision of dwellings to encourage mixed use development where appropriate.*
5. *Encourage development of ancillary accommodation by making it exempt from planning approval.*
6. *Investigate the potential use of planning incentives to encourage affordable and diverse housing in targeted areas in the City of Cockburn, similar to that introduced for the Cockburn Coast area.*
7. *Ensure Urban Revitalisation Strategies identify measures to address the findings of this Strategy.*
8. *Ensure wherever possible Structure Plans do not seek to transfer higher building costs on to landowners. This is primarily to endeavour that structure planning better responds to the inherent site characteristics of a land parcel, such as to avoid development on land which is subject to noise or bushfire risk and which requires a more expensive dwelling to be built. The objective being to better design structure plans to avoid such areas in the first place.*
9. *Ensure all Local Structure Plans respond specifically to the outcomes of this Strategy, and address the future housing needs of the community.*



10. *Undertake a review of clause 5.8.3 of the Scheme to consider whether a higher residential coding may be applicable in the commercial zones, in all or some targeted areas.*
11. *Continue to lobby the WAPC to empower all local governments to be able to extinguish restrictive covenants that actively work to reduce housing affordability and diversity, for example requiring two storey development and mandating minimum floor areas.*
12. *The City continues to lobby the state government to undertake a comprehensive state wide review of planning mechanisms to deliver affordable housing, including the option of mandatory inclusionary zoning.*

#### *Partnerships*

1. *Continue to examine the City's freehold land assets with the view to maximising the provision of new land for residential development within established suburbs that have been the subject of revitalisation strategy.*
2. *Work with the private sector to identify landholdings across the City which would be prime opportunities for affordable housing projects, and advocate for these landholdings to pursue affordable housing through partnerships and design based approaches.*
3. *Ensure the feasibility of aged care accommodation is investigated as part of any Master Plan/Structure Plan for the Council's administration building site identified in the Phoenix Central Revitalisation Strategy.*

#### *Leadership. Advocacy, and Communication*

1. *Provide information to the community on the issue of housing affordability and diversity, and promote its benefits.*
2. *Investigate innovative tools to convey housing affordability and diversity, and neighbourhood design issues in the City of Cockburn, and to explain the way these issues are being addressed, including:*
3. *Integration of the City's existing sustainability initiatives with affordable housing information to create an 'Affordable Living' portal on the City's website that also provides links to useful information and tools.*
4. *The development of an interactive diagram setting out the principles of affordable living (housing diversity, walkable*



*neighbourhoods, compact urban form etc.) to assist with communicating these concepts visually.*

5. *Produce Affordable Living Fact Sheets to help communicate to the community what Council is seeking to achieve with its initiatives.*
6. *Continue to explore new opportunities for sustainability initiatives that assist with reducing the cost of living for households, including affordable transport .*
7. *Identify measures to improve public perceptions of higher density development, including the opportunities for positive media portrayal at a local level.*
8. *Promotion of Adaptable Housing (Universal Housing Design Principle) and the Livable Homes Design Guidelines.*
9. *The City continues to lobby the state government to undertake a comprehensive state wide review of planning mechanisms to deliver affordable housing, and consider the option of mandatory inclusionary zoning as part of this review.*

The Strategy will assist in the implementation of actions identified in a number of the City's Corporate Strategic Plans, including the following:

#### City of Cockburn Strategic Community Plan 2012-2022

*Diversity of housing to respond to changing needs and expectations (1.1.4)*

*Ensure our strategic land use planning in the form of: the Local Planning Strategy, Town Planning Scheme, revitalisation strategies and structure plans, achieves a robust planning framework delivering adequate supply and diversity in housing choice.*

#### City of Cockburn Age Friendly City Strategic Plan

One of the key outcomes of the City's Age friendly City Strategic Plan is that the ageing population in the City of Cockburn has access to affordable suitable housing options that allow them to age safely and be socially supported within the community to which they belong.

#### City of Cockburn Youth Services Strategic Plan

The City's Youth Services Strategic Plan identifies that there is insufficient crisis and transitional housing options for young people in Cockburn with Anglicare operating the only service.



### Conclusion

It is recommended that Council endorse the Draft Strategy as found at Attachment 1 for community consultation, and resolve to advertise the document for a period of 30 days.

### **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.
- Reduction in energy dependency and greenhouse gas emissions within our City.
- Diversity of housing to respond to changing needs and expectations.

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.

#### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

### **Budget/Financial Implications**

The project is being funded from municipal funds. Ongoing actions will be funded from municipal funds, and none of the proposed actions are considered to have significant financial impacts.

### **Legal Implications**

N/A

### **Community Consultation**

It is proposed that the Draft Strategy be advertised for a period of 30 days, with the outcomes informing the preparation of the final Strategy.





**Attachment(s)**

Draft Housing Affordability and Diversity Strategy

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

N/A

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

Nil.

**14.4 (MINUTE NO 5301) (OCM 8/5/2014) - PROPOSED SCHEME AMENDMENT 102 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 (109/036) (A VAN BUTZELAAR) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 102 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) adopt for final approval Amendment No. 102 to the Scheme which amends to Scheme as follows:
  1. Deletion of Restricted Use 12 (RU12) from Schedule 3 and amending the Scheme map accordingly.
  2. Deletion of Additional Use 15 (AU15) from Schedule 2 and amending the Scheme map accordingly.
  3. Deletion of Special Use 26 (SU26) from Schedule 4.
- (3) sign and seal the amendment documentation without modification and then submit 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
- (4) advise the owners of Lot 200 and Lot 222 Cockburn Road and Lot 1 Bennett Avenue, North Coogee and those parties that made a submission of Council's decision accordingly.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

At its ordinary meeting held 8 August 2013 Council initiated Amendment No. 102 to City of Cockburn Town Planning Scheme No. 3 to consider the deletion of:

1. Restricted Use 12 (RU12) from Schedule 3 and amending the Scheme map accordingly.
2. Additional Use 15 (AU15) from Schedule 2 and amending the Scheme map accordingly.
3. Special Use 26 (SU26) from Schedule 4.

Community consultation occurred between 1 October and 12 November 2013, a period of 42 days. One submission was received on behalf of Cordia Pty Ltd, the owner of Lot 200 to which RU 12 is applicable.

The purpose of this report is now considered the Scheme amendment for adoption of final approval, as per the requirements of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

**Submission**

N/A

**Report**

**Background**

The subject lots are zoned 'Urban' under the Metropolitan Region Scheme. The area is part of the land rezoned from 'Industry' to 'Urban' via MRS Amendment No. 1180/41, to reflect the outcomes of the Cockburn Coast District Structure Plan. This planning is to create a mixed use coastal community, characterised by medium to high residential densities orientated with the amenity that the coastal location produces.



All three lots are currently zoned 'Development' under the City's Scheme, and are contained within Development Area No. 33 (Cockburn Coast). The Western Australian Planning Commission ("WAPC") has endorsed a District Structure Plan for this area known as the 'Cockburn Coast District Structure Plan' ("CCDSP"). The Council has already progressed Local Structure Plans for the area, and of note the WAPC has adopted one (Robb Jetty Precinct) and is at the final stage of considering the Emplacement Crescent Structure Plan. This only leaves the southern section of the CCDSP area, around the Power Statin building, in need of structure planning. Overall it is reasonable to view the area starting to transition from planning in to delivery phase.

The purpose of this Scheme amendment is to remove some final minor anomalies which exist in the area. These relate to Restricted Use, Additional Use and Special Use provisions, which are all relevant to the former industrial use of the precinct. This industrial use is no longer relevant, with the State and Local planning frameworks facilitating the need for these uses to transition away from the precinct over time.

The report to Council to consider initiating Amendment 102 discussed in significant detail the basis for the amendment, and planning issues of consequence. It is not intended to repeat all of those issues in this report except where they relate to an issue raised in the submission period. The amendment will continue to support the movement of this precinct towards its intended destination, which has gone through a detailed process of planning and community engagement for more than a decade. Importantly, ensuring that the planning framework shows that land uses need to be orientating over time towards the intended urban outcome associated with Cockburn Coast. This Scheme amendment forms part of this process.

#### Issues raised in the submission period

Community consultation was carried out for a period of 42 days, from 1 October till 12 November 2013. One submission was received on behalf of the owner of Lot 200 to which RU 12 is applicable. The landowner of Lot 200 objected to the progression of Amendment No.102 due to the practical problems the proposal would have on the use of Lot 200 in the short to medium term. These practical problems are detailed below and have now been resolved.

At the time of the consultation period, Lot 200 was approved for 'Light Industry' use (in accordance with the RU 12 provisions) until 26 September 2016 - after this date all activities associated with the approved use were to cease. Irrespective of this Scheme amendment, the 26 September 2016 deadline was in existence and would have prevented further use of the site for 'Light Industry' beyond this time.



However subsequent to this, an extension of the approval for Lot 200 has now taken place (DA13/117) which maintains the productive use of this land in a manner which would not adversely affect the amenity of the locality. This approval concludes at a time when the building on the subject site has reached the end of its asset life and also when the proposed Powerstation Structure Plan is likely to be capable of implementation. Accordingly this issue has been overcome.

It is also worth commenting that the manner of surrounding land use is also such that the short to medium term use of Lot 200 would be unable to transition to residential, even if that was what the owner preferred (which is not the case). Specifically, Lot 222 Cockburn Road North Coogee, located approximately 110 metres south of the subject Lot 200, has approval to undertake the recycling of drums including cleaning and storage. There is no expiry date associated with this approval. A noise, odour and dust buffer distance of 200 metres to any sensitive land uses such as residential development is applicable to this activity, with Lot 200 being wholly included within this buffer. While Amendment No.102 will remove the Additional Use 15 classification associated with this activity from Schedule 2 of Scheme, given the open ended nature of this approval the activity may continue to operate in accordance with the non-conforming use provisions of the Scheme. The 200 metre noise, odour and dust buffer applicable to Lot 200 cannot therefore be reduced as the offsite impacts associated with drum recycling, cleaning and storage cannot be mitigated through increased building and design standards. This further shows that the short to mid term use of Lot 200 will continue, in the manner which the recent development approval extension has granted.

This removes the only issue that was raised with the proposal, and accordingly the Scheme amendment is recommended for approval without modification.

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

#### **Leading & Listening**

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

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

Nil

#### **Legal Implications**

Council has an obligation to render its Scheme consistent with the Metropolitan Region Scheme.



## Community Consultation

### Methods of consultation

Community consultation was carried out for a period of 42 days, from 1 October till the 12 November 2013. An advertisement was placed in the Cockburn Gazette on 1 October 2013.

Affected landowners were advised in writing of the proposal and provided with copies of the amendment report to review. A copy of the amendment report was made available at the administration office for review over the full advertising period.

### Attachment(s)

1. Location plan
2. Schedule of Submissions

### Advice to Proponent(s)/Submissioners

The Proponents and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 May 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 5302)** (OCM 8/5/2014) - LIST OF CREDITORS PAID - MARCH 2014 (076/001) (N MAURICIO) (ATTACH)

#### **RECOMMENDATION**

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

#### **COUNCIL DECISION**

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

**CARRIED 10/0**



**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 March 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 – March 2014.

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

N/A

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

Nil.



**15.2 (MINUTE NO 5303) (OCM 8/5/2014) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MARCH 2014 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) adopt the Statement of Financial Activity and associated reports for March 2014, as attached to the Agenda; and
- (2) amend the 2013/14 Municipal Budget by increasing revenue and closing funds by \$329,130 to account for the impact of the repayment of consultancy fees by Developer Contribution Plans prefunded in prior years from general Municipal funds.

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

**COUNCIL DECISION**

MOVED C/r L Wetton SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**

**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 the external audit. 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 & Recycling and Community Infrastructure reserves at mid-year budget review.

#### Closing Funds

The City's closing funds of \$55.7M are currently \$8.2M 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 \$0.83M (increased from a balanced budget position). This has predominantly resulted from several upwards adjustments to revenue and a \$0.16M balancing item in the mid-year review. This has





increased from \$0.5M last month due to the repayment of pre-funded consultancy fees by Developer Contribution Plans (DCP). These were funded in previous financial years from Municipal funds and the associated DCP's now had sufficient funds to repay the Municipal Fund.

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 summaries attached to this report

### Operating Revenue

Consolidated operating revenue of \$110.2M is ahead of the YTD budget forecast by \$2.57M. Several compensating variances comprise the majority of this amount:

- Revenue from property rates is \$0.58M higher than the YTD budget target.
- Underground power charges collected were \$0.11M ahead of budget.
- Interest on investments exceeded YTD budget by \$1.01M.
- 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 \$0.24M of surpluses carried forward from the previous year and \$0.24M of additional In-Home Care subsidies, offset by a \$0.16M shortfall in Community Aged Care Packages YTD funding.
- Fees & charges across the Human Services business unit are \$0.15M behind the YTD budget, mainly due to the out of school care and family day care programs.
- Development application fees are up by \$0.17M against the YTD budget, however building permits revenue is short \$0.12M.
- Revenue from dog registration fees is \$0.16M greater than the full year budget due to the impact of changes made to the Dog Act.

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

Parking and local law infringements totalling \$2,180 were written off during the month under delegated authority. The Fines Enforcement Register recommended this based on insufficient owner information to pursue enforcement, primarily due to being interstate plated vehicles.



Operating Expenditure

Operating expenditure (including asset depreciation) of \$80.56M was under the YTD budget by \$1.42M and comprised the following significant items:

- Material and Contracts (\$1.41M under YTD budget)
- Other Expenses (\$0.33M over YTD budget)
- Salaries & Direct On Costs (\$0.41M under YTD budget)
- Utilities (\$0.16M under YTD budget)
- **Depreciation (on YTD budget) –**
  - At a consolidated level, asset depreciation is right on the YTD budget, but there are significant variances at the asset class level:
    - Parks Equipment depreciation is over budget by \$0.76M, impacted by a comprehensive asset pick up and revaluation exercise completed during 2012/13 year end.
    - Road infrastructure depreciation is \$0.26M under YTD budget,
    - Building depreciation is \$0.33M under YTD budget, and
    - Plant & machinery depreciation is \$0.18M under 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	30.57	30.98	0.41
Materials and Contracts	24.56	25.97	1.41
Utilities	3.15	3.31	0.16
Interest Expenses	0.09	0.09	0.00
Insurances	2.24	2.24	0.00
Other Expenses	5.57	5.24	<b>(0.33)</b>
Depreciation (non-cash)	16.47	16.47	0.00

Capital Expenditure

The City's actual capital spend to the end of March was \$25.61M, representing a \$8.11M underspend on the YTD budget of \$33.72M.



The following table shows the budget variance analysis by asset class:

<b>Asset Class</b>	<b>YTD Actuals</b>	<b>YTD Budget</b>	<b>YTD Variance</b>	<b>Annual Budget</b>	<b>Committed Orders</b>
	<b>\$M</b>	<b>\$M</b>	<b>\$M</b>	<b>\$M</b>	<b>\$M</b>
Buildings					
Infrastructure	14.79	15.65	0.86	34.42	14.49
Roads					
Infrastructure	6.23	9.34	3.12	18.43	1.63
Parks Landscaping & Infrastructure	1.48	2.15	0.67	6.49	0.92
Land Acquisition & Development	0.57	1.59	1.02	2.13	0.02
Landfill					
Infrastructure	0.25	0.51	0.27	1.70	0.08
Plant & Equipment	1.90	3.49	1.59	4.38	1.34
Information Technology	0.39	0.99	0.60	1.45	0.45
<b>Totals</b>	<b>25.61</b>	<b>33.73</b>	<b>8.12</b>	<b>69.01</b>	<b>18.94</b>

Further details on 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 March include:

- Transfers from financial reserves were \$5.57M behind budget.
- Road grants received were \$0.87M ahead of the cash flow budget of which \$0.70M 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 \$2.54M) and the road infrastructure DCA's (down \$0.51M) were collectively \$1.99M higher than the YTD budget.
- Proceeds from the sale of plant were \$0.29M 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.
- Expected proceeds from the subdivision and sale of lot 40 Cervantes Loop are \$0.22M behind the YTD budget forecast.

### Cash & Investments

Council's cash and financial investments holding at March month end totalled \$128.74M down from \$137.46M the previous month.

\$65.64M represents the balance held in the cash backed reserves (\$70.51M previous month) and another \$5.99M represents funds held for other restricted purposes such as bonds, restricted grants and infrastructure contributions. The remaining \$57.11M 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 4.00% in March, little changed from 4.03% the previous month. Whilst this compares favourably against the benchmark UBS Bank Bill Index rate of 2.32% 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 at the bottom of the current interest rate cutting cycle (consensus view of most market analysts), 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 March Council meeting.

#### **Legal Implications**

N/A



**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated Reports – March 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 5304) (OCM 8/5/2014) - ADOPTION OF THE COOGEE BEACH LANDSCAPE MASTER PLAN (3300004 & 146/002) (A LEES) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) advertise the Coogee Beach Landscape Master Plan for a period of 42 days; and
- (2) subject to there being no substantive amendments proposed to the Master Plan through the advertising period, endorse the staged implementation schedule presented.

**COUNCIL DECISION**

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

**CARRIED 10/0**



## Background

In December 2012, the Park Service Unit engaged a suitably qualified consultant to prepare a master plan for the Coogee Beach Reserve. In April 2013 following a detailed site analysis and concept layout formulated to address the various demands and pressures on the site, a first draft was released. An internal steering group was formed to provide feedback and identify areas requiring further investigation by the consultant. The Coogee Beach Progress Association was also provided an opportunity to review the first draft due to their close connection to the reserve and an improvement proposal was submitted in 2012.

In July 2013 a second draft and an opinion of probable costs was issued to the steering committee for confirmation and progression to the next stage. Minor variations to the plan were completed over the next 2 months with revision D being presented to the Council briefing night in November 2013. Council's acknowledgement of the plan enabled a workshop with key stakeholders to proceed.

A workshop with key stakeholders was held in February 2014 to identify issues for consideration and inclusion in the plan. Additional comments were received from stakeholders unable to attend and were duly evaluated and included in the plan where pertinent.

## Submission

N/A

## Report

The Coogee Beach Master Plan revision E identifies a number of key recommendations to improve the recreational and social values of the reserve. In addition the plan addresses a schedule of works and a management regime for ensuring the reserve performs as a regionally significant destination. The focus area is bordered by Port Coogee, Woodman Point Regional Park, Cockburn Rd and Cockburn Sound.

The key recommendations are discussed under separate headings:

### Recreation Provision

Improvements to the recreational elements will enable the community an increase in functional and social interaction opportunities. Modifications to the playground, new exercise equipment, BBQ's, picnic shelters and a half-court basketball court are proposed. The location of this infrastructure has been integrated within the current framework of the reserve to limit the impact on the space available for the annual Australian Day Breakfast and Coogee Festival.



### Pedestrian Circulation

Pedestrian circulation has been designed to manage access and circulation throughout the site whilst mitigating impacts on the sensitive coastal environment. In addition the pedestrian footpath layout will connect to the new Poore Grove Surf Community Facility and link through to the Port Coogee development to the north. Interpretative signage and new artwork will be distributed at key locations adjacent to the pedestrian footpath which will acknowledge the heritage and cultural values of the reserve.

### Vehicle Circulation

The road layout within the Coogee Beach Reserve has been amended along with the entry into the new Poore Grove Surf Community Facility. The proposal for a new dedicated access road to the Holiday Park directly off Cockburn Rd and closing the current access from within the reserve will reduce impact on individuals moving from the car park to the recreational space. Upgrades to the Powell Rd / Cockburn Rd intersection have been identified which will improve the flow of traffic in and out of the reserve. Pavement treatments to Powell Rd have been designed to inform motorists that they have arrived at Coogee Beach. The plan also provides for widening of Poore Grove to improve vehicle movement to the Poore Grove Community facilities. As a number of these address Cockburn Rd, the City will required further consultation with MRWA. It should be noted that MRWA were an apology for the key stakeholder workshop.

### Car parking Provisions

The plan supports additional car parking facilities to address the increased usage of the reserve at a number of locations. Modifications to the northern car park will increase the number of bays available for people accessing the beach adjacent to the shark barrier. Minor modifications have been identified to the car park layout near the playground and café to increase the provision of disabled bays. The plan proposes a temporary overflow car park on the eastern side of the Cockburn Rd reservation. No formal treatment, except two avenues of trees, has been identified for the overflow parking due to the potential widening of Cockburn Road. The previously proposed overflow parking for the Poore Grove Community Centre has been included in this plan to confirm location and attribute funding.

### Facilities

A number of existing facilities, i.e. tennis courts, ablution block, jetty, etc. have been renewed over the past few years. However the surf





lifesaving building and associated sheds have been identified for demolition based on the current condition. Removal of these facilities will improve access to the jetty via the northern car park and improve integration with coastal environment. The plan identifies a new ablution facility, undercover dining and extension to the café to cater for the increase in patronage to the reserve.

### Café Hub

The café is integral to Coogee Beach as it defines the entry to the reserve and creates the environment for social interactions. It is proposed to improve the surroundings of the café through paved treatments which reflect the dunal environment which will link directly to the open space. Connection between the café and open space will be further enhanced through the undergrounding of the power lines currently along Powell Rd.

### Implementation

It is proposed to complete these works over six (6) stages, following endorsement of the proposal and subject to council funding. The six stages are packages in accordance to discrete areas rather than by item for practicality and enable the areas to be finished in entirety which will be more visual and palatable for the community. The six stages are as follows:

Stage	Description	Opinion of Probable Cost (Ex GST)
1	Demolishing of café and undergrounding of power	\$160,500
2	Upgrades to Poore Grove and overflow parking	\$789,285.50
3	Upgrades to café hub and northern car park	\$1,172,798.11
4	Upgrades to central car park, tennis courts and new holiday park entry road	\$729,472.50
5	Revegetation and upgrades to public open space	\$998,315.54
6	Upgrades to holiday park site, artwork / signage and new/extended commercial premises	\$270,678.50
	<b>Total Project Cost</b>	<b>\$4,121,050.15</b>



## **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.

### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.
- Identification and minimisation of impacts to human health risk.

## **Budget/Financial Implications**

The Parks 2013/14 CW allocated \$125,000 for consultant fees and initial works. However based on the delays to the project these funds will be carried forwarded to the 2014/15 financial year. In addition to these funds the Parks 2014/15 draft CW program has allocated \$550,000 to complete stage 1 and commence stage 2. Funding for the remaining stages of the project have been added to the Parks 10 Year forwards work program and will be subject to annual budget deliberations by Council.

## **Legal Implications**

N/A

## **Community Consultation**

Key Stakeholder meetings have been facilitated throughout the development of the various drafts with the last on the 18 February 2014. The recommendation seeks to further consult with the community by way of broad advertising of the plan.

## **Attachment(s)**

1. Coogee Beach Master Plan
2. Coogee Beach Staging Plan



### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 May 2014 Council Meeting.

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

Nil.

### 16.2 (MINUTE NO 5305) (OCM 8/5/2014) - COOGEE BEACH ECO SHARK BARRIER (064/030) (D VICKERY) (ATTACH)

#### RECOMMENDATION

That Council

- (1) commence negotiations with Eco Shark Barriers Pty Ltd and the state government to continue the trial for a 3 year period from September 2014 to September 2017;
- (2) informs Eco Shark Barriers Pty Ltd that the trial will enable the Eco shark barrier to remain in place during both summer and winter months and will provide a more robust trial of the barriers ability to withstand wave action and storm events;
- (3) negotiate on the basis that Eco Shark Barrier P/L will:
  - retain responsibility for installation, management, insurance, cleaning and monitoring of the barrier for the entire period of the trial;
  - provide appropriate certification for the product;
  - retain public liability insurance to the value of \$20,000,000 for the duration of the trial;
  - provide an annual report (in September of each year) detailing the impact of coastal processes on the beach environment
  - remove the barrier, anchor piles, anchor chains and any other associated product at the end of the trial period if no alternative arrangements have been made with the City.
- (4) seek approval from the Department of Lands to lease the area bounded by the Eco shark barrier for a 3 year period during the trial;
- (5) seek the necessary approvals from the Department of Planning and the Department of Transport to re-install the eco shark barrier for a 3 year period from September 2014 to September 2017; and



- (6) match the state government contributions, on a dollar for dollar basis, up to a maximum value of \$75,000 per annum.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

Following an increased incidence of fatal shark attacks along the West Australian coastline, the State Government committed funds to research and trials of various shark hazard mitigation treatments. The State Government's Department of Commerce (which houses the office of the Chief Scientist) had sought Expressions of Interest from Local Governments for grant funding of up to \$150,000 to trial a beach enclosure to protect swimmers from risk of shark encounters. The City submitted an EOI and was shortlisted, however was unsuccessful in securing the funds on account of the form of barrier the City proposed (the Eco Shark Barrier) not being consistent with the product that the State Government wanted to trial. The City of Busselton was subsequently successful in securing a grant to trial a net at Dunsborough.

As a means of testing their product, the proponents of the Eco Shark Barrier sought support from the City of Cockburn to trial their barrier at Coogee Beach over the summer months at no cost to Council. The matter was presented to Council at its 11<sup>th</sup> July 2013 Ordinary Council Meeting and the following recommendation was adopted.

- (1) *approve the trial of the Eco Shark Barrier at Coogee Beach from September 2013 until March 2014 provided the following conditions are met:*
- (2) *Eco Shark Barrier Pty Ltd and Form Designs are to:*
1. *Consult with the Coogee Beach Surf Lifesaving Club and the City of Cockburn to identify and agree the most appropriate location to install the barrier.*



2. *Provide certification of the Eco Shark Barrier by an appropriately qualified engineer.*
3. *Gain and comply all the necessary approvals from the necessary government agencies.*
4. *Ensure that they have public liability insurance to the value of \$20,000,000.*
5. *Provide detailed advice in relation to the impact on coastal processes from an appropriately qualified coastal engineer.*
6. *Install, monitor, maintain and remove the structure at their own cost.*
7. *Provide monthly reports to Council in relation to the structure which is to include details on public issues, maintenance issues, costs and marine wildlife captures.*
8. *Give a commitment to remove the structure early should it not withstand ocean conditions.*

After a rigorous consultation, application and approval process through a number of stage government agencies the barrier was finally installed in December 2013.

The City set up a survey on its website inviting people to answer a number of questions in respect to the barrier and seeking general feedback. The City also relocated the swimming pontoon on the north side of the jetty such that it was positioned within the eco shark barrier enclosure for an additional amenity for swimmers.

The barrier was removed on 26<sup>th</sup> April. Eco Shark Barrier P/L have offered Council an opportunity to purchase or lease the barrier on an ongoing basis. This report seeks to outline the outcomes of the trial for Council consideration. The anchor pylons and seabed barrier anchorage components remain in place until a further decision has been made.

### **Submission**

N/A

### **Report**

The Eco Shark Barrier installed at Coogee Beach comprises clip together uPVC star segments hung between a continuous uPVC float line on the water surface and a continuous anchored line running along the sea bed. This is secured to an anchor pylon at each seaward corner and anchor pylons installed at the two ends on the beach. The barrier formed an enclosure approximately 300 metres long by 75



metres wide parallel to the beach. See Attachment 1 for a location plan showing the barrier placement at Coogee Beach.

As a condition of the trial, Eco Shark Barrier (ESB) was required to provide monthly reports on how the barrier was performing. A copy of the most recent report (up to March 18<sup>th</sup>, 2014) is appended at Attachment 2.

By all measures contemplated, the barrier trial is considered to have been a success. These success measures are listed below with comments.

### Results of the Trial

#### 1. No Personal Injuries

There have been no injuries of any kind reported to have occurred on account of the barrier being in place. Signage was installed to discourage beachgoers and swimmers from going within 1 metre of the barrier, however even if they had there was no apparent hazard presented by the barrier other than to trip over or walk into it at the beach end.

#### 2. No Marine Animal Entrapment or Other Marine Creature Harm

No marine animals became entrapped in the barrier or otherwise came to observable harm on account of the barrier being in place. Observations during the course of the trial in fact showed that the barrier presented a welcome marine habitat for various fishes and other sea creatures.

#### 3. Barrier Resilience to Sea Conditions

It is understood that a number of clips required replacement or strengthening in the first few weeks of the trial and thereafter there has been no maintenance required of consequence. The barrier has performed well through the trial period however it should be noted that over the trial period the sea conditions have been relatively benign.

It is understood that the barrier elements have been designed to withstand strong winds and waves however how they perform in such conditions and over an extended period of time has not been tested as a result of this trial. Officers believe that there would be some value in extending the trial of the barrier over a winter period and/or in a more hostile wind and wave environment to determine how the barrier performs in all conditions.



#### 4. Beach or Seabed Sand Accretion or Erosion

No observable accretion or erosion occurred over the length of the trial, as also reported by Consultants MP Rogers & Associates contracted by ESB to monitor this.

#### 5. Seaweed or Flotsam Build-up

There were no issues of floating seaweed or flotsam being caught on the barrier and building up such as to test or threaten the strength and performance of the barrier. How the barrier would perform were there to be a large prevalence of floating seaweed or flotsam in the water is untested via this trial.

#### 6. Boat or Other Watercraft Issues or Incidents

There were no reported or observed incidents or issues associated with boats, canoes or other watercraft. The barrier was required to be prominent with yellow coloured floats and navigation markers and beacons which would have assisted in this regard.

#### 7. Beachgoer Acceptance

Acceptance of the barrier by regular, occasional and new visitors to the beach appears to have been largely positive. In total there were 499 survey responses and a summary of the findings follows:

- 94% of which felt the barrier provided them a safe swimming area and reduced the risk of a shark encounter
- 78% of survey respondents indicated the barrier meant they were more likely to visit Coogee Beach as compared to beaches elsewhere.
- 396 respondents also chose to post a comment (these tabulated in Attachment 3) and overwhelmingly these were positive to the placement and future retention of the beach enclosure

A summary of the responses to the City's survey is appended at Attachment 3. It should be noted that the barrier trial coincided with the State Government's implementation of its drum line policy and it is probable that a number of respondents were motivated to highlight to government the advantages of the barrier as a shark deterrent as opposed to drum lines.

There were no counts done of the number of beachgoers and swimmers before and during the period of the trial to definitively record and affirm an increase in popularity of Coogee Beach and in particular the section enclosed by the eco shark barrier. Anecdotally and from visual observation many more people chose to swim within the area of the beach enclosure as compared to outside of it in the vicinity. On the various occasions when staff visited the site it was noted that the numbers of swimmers and beachgoers using the area of the enclosure



appeared to be steadily increasing. This included many schools both within Cockburn and from as far away as Kalamunda starting to use the barrier enclosure for swimming classes. Additionally early morning visits to the site revealed that the enclosure was popular with early morning swimmers.

The photos included in Attachment 4 were taken by City of Cockburn staff at approximately 10:30 am on a weekday and they clearly show the popularity of the enclosure.

#### 8. Ancillary Popularity Issues

A concern entering into the trial was the possibility the beach enclosure proved so popular that it placed undue pressure on Coogee Beach facilities including car-parking and ablutions. Whilst the barrier trial may have increased parking demand, there is a lack of parking availability particularly during peak periods. Officers understand that the surf club is also experiencing increased membership since its new facility opened which has further exacerbated the parking problems.

Clearly Coogee Beach is a popular precinct and will be so whether the barrier is there or not. Additional parking will be addressed as part of the new Coogee Beach Master Plan initiatives.

#### 9. Council Costs

There was minimal expense occurred by the City through the course of the trial.

#### Reduced Risk of Shark Encounters

As has been previously noted, there is no record of any person being seriously or fatally injured from a shark attack in the vicinity of Coogee Beach since records commenced in the 1800's. Similarly, in recent years it is understood that there have not been any sightings of large sharks close to Coogee Beach.

Whilst unable to be ascertained categorically, it is quite probable that no sharks (that would pose a threat to swimmers) ventured near to Coogee Beach over the time the enclosure was in place. It could therefore be suggested that the enclosure quite probably did not materially contribute to preventing a shark encounter with beachgoers.

#### Future Options

Preceding the removal of the barrier, ESB provided the City priced proposals for the sale or lease of the eco shark barrier, with or without an ongoing maintenance component. Taking account of these, the





options available to the City going forward in respect to the Eco Shark Barrier are as listed and further expanded upon below.

1. Not reinstall the barrier (ie. no purchase or lease). Under this scenario ESB will remove the remaining barrier elements (pylons and anchor assemblies).
2. The City purchases the barrier in its entirety and the barrier is re-installed in September 2014 by ESB and certified, for a total cost of around \$255k. Maintenance of the barrier (if required) would be at an extra cost to the City. Removal of the barrier over subsequent winter periods would be discretionary, with the risk of failure of the barrier over the first winter resting with ESB in accord with their initial priced proposal.
3. The City leases the barrier from ESB at \$100k per year for a period of three to five years, inclusive of maintenance. An annual clean would incur an extra cost of \$20k and periodic inspections potentially another \$10k per annum. If the barrier were left in over winter periods this would be at ESB's risk, as will be the cleaning costs.

### Option Considerations

#### 1. Approvals

For the barrier trial over the summer of 2013/14, ESB were required to obtain approvals from:

- (i) The Department of Lands (in the form of a license to use crown land and meet the requirements of the aboriginal heritage act);
- (ii) The Department of Planning; and
- (iii) The Department of Transport, in the form of a license for the structure in the marine environment.

New applications to the DoL and DoP and a license renewal with the DoT will be required for a reinstallation of the barrier next September. Indications are the approvals will not be overly difficult to acquire.

#### 2. Lease or Purchase, Maintenance & Inspection Costs

Taking account of the development, design, licensing, fabrication and installation costs, the eco shark barrier installed at Coogee Beach has cost ESB considerably more than the price offered for its sale, and thus could be considered to offer good value. Officers are unaware of similar products being manufactured on a wide scale basis however if



there is some market demand for the product, it is reasonable to assume that other manufacturers will look at competing. This will likely impact on price.

For the purchase option, any necessary maintenance would be at the City's cost. An OP expense account would be set up for this purpose and a budget allocation required, likely to be of an increasing amount each year as the components show signs of deterioration.

Separate to maintenance is routine inspection of the barrier and most especially after storm events to ensure no marine animals or large quantities of seaweed or flotsam are caught in it. A schedule would need to be developed but it is felt such inspections would likely need to be an average of around twice per week via boat or snorkeler.

An initial budget allocation for maintenance and inspection associated with the purchase option of around \$70k per annum would be recommended. This cost would be reviewed once installation and specific inspection regimes and resource needs are established.

### 3. Future Replacement

The likely life of the various barrier elements is unknown at this time, it being a prototype design and installation. It is probable that the designers and/or ESB will look to improve upon aspects of the product for new installations and sourcing exact same replacement elements for the Coogee Beach barrier may become more difficult over time. That said, come the time of significant deterioration whole sections of the barrier could be replaced with new product strung between top and bottom restraint lines and so this may in the end not present an issue. The pylon and anchorage elements themselves can be expected to have a very long life before needing replacement.

### 4. Erosion or Sedimentation

The trial barrier has not been in place for long enough to fully establish whether erosion or sedimentation of the beach or sea bed may become a problem and necessitate additional expenditure to address. This will be the case regardless of a purchase or lease option being taken up.

### 5. State Government's Shark Hazard Response Initiatives

Whilst the State Government via the DoC and DoP&C was not prepared to contribute funding toward the trial of the eco shark barrier at Coogee Beach they are interested in the outcomes of the trial, including a comparison with the Uni Net barrier trialled at Dunsborough. Clearly beach enclosures are one of the options to provide a protected swimming environment and it can be expected that



there will be continued State Government interest in barrier installations at locations around the West Australian coast. Whether this will translate into funding is not known.

#### Provided Amenity & Community Response

There is no doubt that the eco shark barrier has been a popular inclusion to Coogee Beach. It has provided the opportunity for a safe secure swimming experience in the ocean for those persons that would be otherwise pensive or fearful of entering the water on account of concern about sharks. Comments provided by the survey suggest that people have taken up swimming in the ocean again or are enjoying the experience of swimming in the ocean much more so since the barrier was established. Feedback via the survey and anecdotally also suggests that people are travelling considerable distances to Coogee, as compared to closer beaches, on account of the eco shark barrier being installed there. Similarly swimming lessons and families with young children are seen to be taking advantage of the barrier whereas they would not have utilised this beach prior.

Officers have not sought to quantify any economic advantage as a result of the barrier as this is not expected to be significant. The presence of a beach enclosure does however provide increased amenity for the users in much the same way as the jetty and pontoons. Whether this should justify retaining the barrier for future use is a matter for Council to consider.

#### Conclusion & Recommendation

The eco shark barrier trial at Coogee Beach has been successful from the City of Cockburn's perspective, by any measure applied. It appears to be widely accepted by beach users and anecdotally, it is giving everyone an opportunity to embrace the ocean environment without fear. Whilst its impact on shark behaviour is still relatively unknown, it does provide social advantage, at least in an environment such as Coogee Beach.

These benefits however are not limited to City of Cockburn residents. It could be argued that our community are much more familiar with the Coogee Beach precinct and their activities are not inhibited because of their knowledge of shark activity in this area. Clearly the social advantage that the barrier offers should not be left to the City of Cockburn to provide or fund on its own. The State Government has accepted its role in trying to address the social impacts of sharks by funding products to help mitigate shark attacks. It is not unreasonable to expect the Government to contribute to the re-installation of this product. Officers are therefore recommending that Council offer to match any State Government's contribution towards continuing the trial



of the eco shark barrier to a maximum cost of \$75,000. It is not yet known whether the state will agree to co-fund the continuation of trial.

At this point in time the barrier is still relatively untested. Whilst the social benefits have been highlighted, further work needs to be done to proof the product in different weather conditions. A 3 year trial period is recommended. ESB are not however prepared to continue to fund the ongoing trial of the product. On that basis Officers are recommending to enter into negotiations with ESB and the state government to continue the trial of the eco shark barrier for a 3 year period from September 2014 to September 2017. The following outlines the basis of the agreement as follows:

Eco Shark Barrier P/L will:

- i. retain responsibility for installation, management, insurance, cleaning and monitoring of the barrier for the entire period of the trial;
- ii. provide appropriate certification for the product;
- iii. retain public liability insurance to the value of \$20,000,000 for the duration of the trial;
- iv. provide an annual report (in September of each year) detailing the impact of coastal processes on the beach environment
- v. remove the barrier, anchor piles, anchor chains and any other associated product at the end of the trial period if no alternative arrangements have been made with the City.

To streamline the approval process, officers are recommending that the City lease the area of coastline bounded by the trial and also seek the necessary approvals for re-installation of the barrier. The various state government agencies were somewhat reluctant to enter into long term agreements with a private entity and would be more willing to support the continuation of the trial if the City leased the area.

### **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.
- Partnerships that help provide community infrastructure.
- Facilities that promote the identity of Cockburn and its communities.



**Community & Lifestyle**

- Promotion of active and healthy communities.

**A Prosperous City**

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

**Environment & Sustainability**

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.
- Identification and minimisation of impacts to human health risk.

**Budget/Financial Implications**

If the recommendation is successful a \$75,000 allocation will be required in the 2014/15 FY budget.

**Legal Implications**

N/A

**Community Consultation**

A website survey was undertaken over the period of the trial.

**Attachment(s)**

1. Eco Shark Barrier Coogee Beach Location Plan
2. Eco Shark Barrier Monthly Report 25<sup>th</sup> February to 18<sup>th</sup> March 2014.
3. Eco Shark Barrier CoC Website Survey Responses & Comments.
4. Eco Shark Barrier Photos.

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

N/A

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

Nil.



**16.3 (MINUTE NO 5306) (OCM 8/5/2014) - SUSTAINABILITY ACTION PLAN UPDATE 2014-15 (021/003) (H JESTRIBEK) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Sustainability Action Plan 2014/15.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

In June 2012, Council adopted the City's first Sustainability Action Plan with a commitment to an annual review. This Action Plan is aligned with the City's Sustainability Policy (SC37) and Strategy 2013 – 2017, Strategic Community Plan 2012 – 2022 and Corporate Business Plan 2013 – 2017.

The Action Plan is the City's blueprint for action towards sustainability and culminates in the release of a *State of Sustainability (SoS) Report* in November each year.

The Action Plan is reviewed by the City's sustainability officer in conjunction with the Executive and Strategic Business Management Group.

**Submission**

N/A

**Report**

This Action Plan presents a balanced reporting system for the City to pursue, for sustainability. Each of the overarching objectives have been assigned four key performance indicators, which reflects an intent to pay equal attention to each focus area.

Those key performance indicators that have been completed have been removed accordingly. Those indicators where progress has been



made, but are yet to be completed, have remained in the Action Plan for completion in the next iteration of the SoS Report. The aim of the Plan is to ensure a flexible, yet long term approach to managing sustainability.

This Action Plan will be revised annually, and be relevant to each financial year.

### **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**

- A responsive, accountable and sustainable organisation.

#### **Environment & Sustainability**

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Sustainability Action Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 May 2014 Council Meeting.

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

Nil.



**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

Nil

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

Nil

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

Nil

**23. CONFIDENTIAL BUSINESS**

Nil





**24 (MINUTE NO 5307) (OCM 8/5/2014) - 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 Clr S Portelli SECONDED Clr P Eva the recommendation be adopted.

**CARRIED 10/0**

**25 (OCM 8/5/2014) - CLOSURE OF MEETING**

The meeting closed at 7.20pm

**CONFIRMATION OF MINUTES**

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

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

