

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 SEPTEMBER 2013 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 12 SEPTEMBER 2013 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mr S Pratt	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

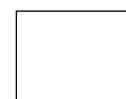
IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mrs G. Bowman	-	A/ Director, Governance & Community Services
Mr R. Avard	-	Manager, Community Services
Mr J. Snobar	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm and made the following announcements:

A Local Government Reform announcement was made to all Perth Metropolitan Mayors and CEO's on Tuesday 30 July, and City of Cockburn was the host for the event. Here the Department of Local Government handed down its response to the Robson Report and it was recommended that the City be amalgamated with City of Kwinana. If this is to occur, it will be effective as of 1 July 2015. The City is currently working with City of Cockburn on a joint submission which is due in to the Department next month. The City



will keep the community informed with regular updates on the Reform process.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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

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

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 12/09/2013) - PUBLIC QUESTION TIME

ITEMS IN WRITING, NOT ON THE AGENDA

Lee-Ann Atkinson, Success

Re: Footpaths in Success

Q1. When can Success get some footpaths that actually connect to others? Why don't we have footpaths to bus stops in Wentworth Parade and at Bartram Road and around the wetlands? Why does Council give approval to subdivisions that don't provide connecting footpaths?

A1. *The City provides a network of connected footpath's in residential precincts throughout the municipality. It has a footpath strategy which*



seeks to address any gaps as well as the strategic upgrade of the network. The City also looks at footpath connection when considering development. Whilst Wentworth Parade and Bartram Road appear to me to be well serviced by footpaths currently, I will ask engineering staff members to make contact with Mrs Atkinson directly to discuss her specific concerns.

Anthony Challis, Cockburn Central

Re: National Broadband Network plans for labour/liberal on Telstra's RIM network for multiple dwellings.

Q1. Regardless of who wins the election the question is still relevant as what will happen to people stuck on Telstra's RIM (pair gain) network, which has spliced everyone in an apartment block together only allowing for ADSL1 speeds as the copper is too thin to pass more bandwidth?

A1. *The matter raised in the question is one for Telstra and not Council as communication matters refer to agencies controlled by Federal Government legislation. The issue is that when a sub-division is approved, the WAPC mandates the inclusion of water, sewage, power, gas and roads in any new sub-division. However, when it comes to telecommunications, the WAPC can only "request" Telstra provide a service to the lowest level as required under their universal service obligation, which in this case is RIM (pair gain) network. Telstra then determines what it will provide beyond the USO.*

I can only suggest, your local MP, Ms Melissa Parke, would have more influence over the NBN, but since Saturday, the City is eagerly waiting for the new Government to determine its position with regard to the NBN rollout in WA.

Andrew Stone, Hamilton Hill

Re: Muriel Court Development

Q1. What is the scheduled timeframe for the Muriel Court Development Area Review Report?

A1. *The City's Strategic Planning Department is currently formulating the approach to review of the Muriel Court Project. It is scheduled to be undertaken over the coming months, with a report presented back at the February 2014 OCM.*

Q2. Will this report be conducted in-house or via a town planning agency?

A2. *The review is being undertaken by the City's Strategic Planning*



Department.

Q3. Will developers and town planners from the public be able to have their comments tabled inside the report?

A3. *The Council resolution does not call for public consultation on the review, however the City's Strategic Planning team have already identified the need to review each piece of written correspondence received since adoption of the Structure Plan, in order to gain further insight into the operation of the Structure Plan. The City will also be reviewing current applications which are in the process of being considered to provide for development within the Structure Plan area.*

Q4. To the CEO – On 27 June 2013 I requested a constituent meeting with regards to answering questions, pertaining to Muriel Court that had not satisfactorily been answered by my meeting with the Director of Planning. Why did you refuse to meet and instead elect for the City's lawyers to send a letter of democratic communication suppression?

A4. *Mr Stone forwarded 5 emails on 27 June from the period 3:59 – 6:19pm. His email of 5:06pm includes the following: "I accept that you are not concerned about a muriel court constituent meeting". Given this statement I fail to see what meeting he is referring to?*

Q5. Is this good governance? (Refer to question 4)

A5. *This matter has been answered in the previous statement.*

Q6. In the lawyers letter of suppression it was proposed that all correspondence from me would be responded to by the lawyer. This has failed to occur as neither the lawyer nor a majority of senior planning staff return correspondence. With the most complex issues, I therefore have no effective means of communication, it would appear. What means of communication are therefore available to me for communicating regarding town planning issues?

A6. *The correspondence from the City's solicitors made it clear that the City would deal with any planning application or other correspondence that relates to a statutory process. Mr Stone has not lodged any correspondence with the City or its solicitors of this nature. There is no obligation on the City to respond to email correspondence that is of a general nature.*



ITEMS NOT IN WRITING, ON THE AGENDA**Geoffrey Sach, Coogee**

Re: Item 14.10 – Proposed Naming of Public Open Space Reserve 51315

Q1. I speak on behalf of my wife Linda Sach who made the email submission regarding the naming of the beach. In the submission she suggested using “Diana Beach” which used the name of a sailing ship wreck which lies adjacent to South Fremantle Power Station which lies about 100m from the shore. Carol Catherwood has suggested in her review of the submission that the name “Diana Beach” would be more appropriate for a beach closer to the power house which is where the submerged wreck lies under the sand. We have noted her recommendation the beach should be called “Omeo Beach” named after the wreck of the ironbark “Omeo” which still can be viewed from the marina east of the wreck site. We fully support Carol’s recommendation and seek Council’s support for naming of the beach “Omeo Beach” which reflects the maritime history of the area.

Whilst the Council Policy of naming reserves to maximise community identification is noted, the name “Marina Beach” is bland and does not identify with the maritime history of the Cockburn Coast. Active promotion of the name “Omeo Beach, Port Coogee” by the City would soon educate the community as to the location of the beach.

A1. This item will be dealt with and a decision made during tonight’s meeting.

ITEMS NOT IN WRITING, NOT ON THE AGENDA**Ray Woodcock, Spearwood**

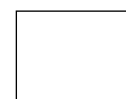
Re: CCTV Cameras – Coogee Beach

Q1. When will the CCTV camera be installed on the light stand at the east end of the Jetty at Coogee Beach? Why wasn’t it installed there in the first place?

A1. There are a number of reasons for it not being placed in that position. Firstly it is very expensive as it is a harsh environment. Secondly there is a privacy issue. It was deemed to be not warranted.

CoSafe Patrols

Q3. Does this council consider it safe for CoSafe personnel to be driving on patrols on their own especially during the hours of darkness? You will notice local Police in the darkness ride around in pairs for their own safety.



A3. *The City is obviously concerned about any of its employees or contract workers. Our risk assessment does not identify any specific risk of these individuals. They are on constant radio communication, their vehicles are monitored, they have CCT systems onboard and there is a supervisor who operates across the entire sector night and day. We don't believe there is an issue.*

Proposed Closure of Cockburn Police Station

Q4. Now that the Council has over 2000 signatures of a petition of ratepayers, business owners and people employed within the City of Cockburn, supporting the retention of the Cockburn Police Station, will the Council members come out and openly support the retention of Cockburn Police Station for the Cockburn Community

A4. *This matter has been considered by Council and we have written a letter to the Minister and hence the public forum which is to be held on Tuesday 17 September commencing at 7pm, to allow the community to express their concerns to officers from the WA Police. The matter will be further discussed between Elected Members and the City's administration.*

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 5110) (OCM 12/09/2013) - ORDINARY COUNCIL MEETING - 8 AUGUST 2013

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held 8 August, 2013 as a true and accurate record.

COUNCIL DECISION

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

CARRIED 10/0



9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 12/09/2013) - DEPUTATIONS AND PETITIONS

4 x Deputations were given:

1. Coco Franklin, President and Ian Thurston, Vice President of the Banjup Residents' Group on Item 17.2 – City of Cockburn Fire Control Order.
2. Eddy Wajon, President of Murdoch Branch Wildflower Society on Item 14.4 – Proposed Cockburn Central West Structure Plan.
3. Felicity McGeorge and Rex Sallur of Cockburn Wetlands Centre on Item 14.4 – Proposed Cockburn Central West Structure Plan.
4. Luke Wilcock, General Manager of Landcorp on Item 14.4 – Proposed Cockburn Central West Structure Plan.

1 x Petition was received:

Submitted by Mr Ray Woodcock, of Spearwood containing an additional 351 signatures to add to the Petition in Relation to the Closure of Cockburn Police Station which was originally submitted at the June 2012 OCM.

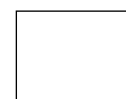
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)

Nil

12 (OCM 12/09/2013) - 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 8.01 PM, THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COUNCIL:



13.1	14.1	14.6	14.11	15.1	17.1	
13.2	14.2	14.7		15.2		
	14.3	14.8				
	14.5	14.9				

13. COUNCIL MATTERS

13.1 **(MINUTE NO 5111) (OCM 12/09/2013) - ELECTED MEMBER ENTITLEMENTS - SUPERANNUATION (083/003; 126/003) (S DOWNING)**

RECOMMENDATION

That Council not elect to become an Eligible Local Governing Body under section 446 Schedule 1 of the Taxation Administration Act 1953.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

The July 2013 Ordinary Council Meeting, Council resolved as follows:

(1) *in accordance with the determination of the Salaries and Allowances Tribunal, pay:*

1. *The Mayor the maximum annual fee prescribed by r30 (5) of the Local Government (Administration) Regulations 1996 (WA) (as amended).*
2. *Councillors the maximum annual fee prescribed by r30 (3) of the Local Government (Administration) Regulations 1996 (WA) (as amended).*

in lieu of attending meetings, pursuant to s 5.99 of the Local Government Act 1995 (WA) and Council Policy SC1.

3. *All Elected Members the maximum total allowance prescribed by the Local Government (Administration)*



Regulations 1996 (WA) (as amended) for information and communication technology expenses, pursuant to s 5.99A of the Local Government Act 1995 (WA) and Council Policies SC15 and SC32.

- (2) *in accordance with Council Policy SC14, review the Mayoral and Deputy Mayoral Allowances, payable pursuant to s 5.98 (5) and s5.98A (1) of the Local Government Act 1995 (WA), respectively, following the Council elections in October, 2013,*
- (3) *refers all Council Policies relating to Elected Member Fees , Allowances and Expenses to the next meeting of the Delegated Authorities, Policies and Position Statements Committee for review, and*
- (4) *provide written information to Elected Members on the potential for the City of Cockburn becoming an Eligible Local Governing Body pursuant to section 221A and section 221B of the Income Tax Assessment Act 1936 (Commonwealth); and*
- (5) *makes the necessary adjustment to the 2013/14 Budget as part of the mid-year Budget Review.*

This report has been prepared to address Part 4 of Council's resolution in that to conduct a review of Elected Member entitlement to superannuation payments as provided by the Income Tax Assessment Act 1936 (ITAA), if and when Council unanimously adopts the Eligible Local Governing Body provision of the ITAA.

Submission

N/A

Report

Eligible Local Governing Body (ELGB)

A local government in Australia may unanimously resolve to be treated as an eligible local governing body by providing written notice to the Commissioner of Taxation under section 446 Schedule 1 of the Taxation Administration Act 1953. The effect is to capture payments and benefits to Elected Members within the PAYG and FBT provisions in addition to the Superannuation Guarantee provisions of the Tax Act.

PAYG Implications



If the local government makes such a resolution, Pay As You Go (PAYG) withholding obligations will apply to payments made to Elected Members. Therefore, the local government must withhold income tax from any payments to the Elected Members and remit it to the ATO. In addition, local governments will be obliged to provide payment summaries to all Elected Members detailing the total of the payments made to them during the financial year together with the amounts withheld from those payments.

If such an election is made, the Elected Member would become an employee and required to complete a declaration in which the City would have to deduct tax at the margin. The Elected Member would need to elect which employer (where already employed) would provide the concessional tax treatment. For those not electing Cockburn as the primary employer a flat rate of tax would be deducted at 30% from any payments including sitting fees, allowances (Mayoral and ICT).

FBT Implications

If the local government makes such a resolution, the FBT rules are applicable to all benefits provided to Elected Members. The local government will therefore be required to determine the taxable value of all benefits provided to Elected Members, report the benefits on their annual FBT returns and pay any FBT due on those benefits.

If such an election is made, all Elected Members would become employees for fringe benefit tax purposes. This means that all functions would generate a liability to the City for Elected Members and their associates (normally their spouse).

Function	Cost	Attributable to EM's	FBT Liability
EM Function	\$232,000	100%	\$222,740
General Function	\$119,000	10%	\$28,563
Sister City	\$65,000	25%	\$15,601
Total			\$266,904

Although the City would have to pay all of the liability, the City would allocate a portion against individual Elected Members on their PAYG Summaries. This will impact on a range of government payments an Elected Member may receive.

Other Implications - Superannuation

There are other implications of a local government resolving to be an eligible local governing body, such as superannuation guarantee obligations.



If such an election is made by Council the following would be applicable to Elected Members:

	Mayor	Deputy	Elected Member	for 8 EM's	Total
Sitting Fee	\$45,000	\$30,000	\$30,000	\$240,000	\$315,000
Mayoral Allowance	\$85,000	\$21,250	\$0		\$106,250
ICT Allowance	\$3,500	\$3,500	\$3,500	\$28,000	\$35,000
Total Fees/Allowances	\$133,500	\$54,750	\$33,500	\$268,000	\$456,250
SG Superannuation	\$12,349	\$5,064	\$3,099	\$24,790	\$42,203
Total Fees & Super	\$145,849	\$59,814	\$36,599	\$292,790	\$498,453

Other Implications – Mileage

Currently all Elected Members are entitled to be reimbursed mileage for home to Council and back home plus attending other Council functions. With election to an ELGB, two aspects of the current policy would change:

1. As an employee you would no longer be entitled to claim the home to work (Council) to home mileage and other claims for Council would be subject to standard review.
2. The rate in which the City (as the Employer) would reimburse would drop to the City's employer rate as per the Enterprise Agreement. The current rate for most Elected Members is \$1.855 or \$1.274 per km. The Employee rate is \$0.77 per km.
3. The City reimburses Elected Members approximately \$35k p.a., so a saving of approximately \$20,000 p.a. could be achieved.

The Mayor reimburses the City for any private mileage at the higher rate. The vehicle would be subject to a FBT Liability. Under the current rule (statutory formula the FBT liability would be approximately \$7,000). There is currently no liability as the Mayor is not an employee. Under the proposed FBT laws announced by the current Government a future mayoral vehicle would have to be accounted under the operating (actual cost of use) method whereby a Mayor and an employee would have to reimburse Council for private use including home to work to home mileage.

Other Implications – Insurance

The City participates in a range of insurances for Elected Members though LGIS including car damage, professional indemnity, travel (death) cover. Each of these would resort to standard employee cover.

The issue of carer's leave (formerly known as sick leave), annual leave, annual leave loading and long service leave has also been canvassed given the Elected Members would be employees under the ELGB election.

The first two noted above, carer's leave and annual leave are not applicable as they do not involve the payment of additional monies. Elected Members can avail themselves of these benefits under the current arrangements of Council.

The latter two items, annual leave loading and long service leave involve the payment of additional monies to Elected Members. Given there is no formal annual leave in the election of an elected member to Council, there could be no annual leave loading applicable. The second item, long service leave is different and is very much time dependent. However, in the absence of an industrial instrument governing this item such as an enterprise agreement, the matter should be referred to the SAT for consideration as part of ELGB referral.

The City is unaware of any local government in Western Australia that have made such an election as there does not appear to be the same motivation as exists in other States.

Conclusion

The election for the Council of the City of Cockburn to become an Eligible Local Governing Body has a number of pros and cons. The biggest pro is that Elected Members will become eligible of the payment of the 9.25% superannuation on sitting fees and allowances. The cost of providing this amount is not significant in the general budget being \$42,203. It is noted though that the Salaries and Allowances Tribunal did not determine this matter for Elected Members. The downside of providing this payment of about \$3,000 per Elected Member, is that all members would become employees under the Tax Act. This would mean that all payments would be taxable like normal salary but more importantly, the City would also lose its Fringe Benefits Tax Exemption. On the initial costing this would mean paying the Federal Government \$267,000 in FBT payments on top of the \$42,203. The Elected Members as employees would also lose a number of other benefits such as the generous mileage and insurance entitlements. The intention would be to approach WALGA to make a submission to next year's SAT determination for the inclusion of



superannuation without the cumbersome declaration of becoming an Eligible Local Governing Body.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

The payment of superannuation at the superannuation guarantee rate of 9.25% p.a. would impact the 2013/14 municipal budget as follows:

	Mayor
Superannuation – SG (9.25%)	\$42,203
Additional FBT Liability	\$266,904
Saving on mileage	\$20,000
Additional Cost for election as an ELGB	\$289,107

The above funds have not been provided in the 2013/14 municipal budget.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



13.2 (MINUTE NO 5112) (OCM 12/09/2013) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 22/08/2013 (026/005) (G BOWMAN) (ATTACH)

RECOMMENDATION

That Council adopts the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 22 August 2013, as attached to the Agenda and the recommendations contained therein.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 23 May 2013. The Minutes of the meeting are required to be presented.

Submission

N/A

Report

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

The primary focus of this meeting was to review Policies and Position Statements and associated Delegated Authorities relevant to the Planning and Development Directorate.



Strategic Plan/Policy Implications

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

N/A

Community Consultation

As contained in the Minutes.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 22 August 2013.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 5113) (OCM 12/09/2013) - DETAILED AREA PLANS FOR PORT COOGEE, NORTH COOGEE - STAGE 10B (LOT 9129), PROPOSED LOT 1 PERLINTE VIEW (LOT 752) AND PROPOSED LOTS 2-3 AND 6-7 ORSNO BOULEVARD AND LOTS 4-5 PERLINTE VIEW (LOT 752) - PREPARED BY TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (052/014) (L REDDELL) (ATTACH)

RECOMMENDATION

That Council

- (1) approve the Local Development Plan (DAP13/08) presented for Proposed Lot 1 Perlinte View Port Coogee pursuant to the provisions of Clause 6.2.15.5(a) of the City of Cockburn Town Planning Scheme No. 3;
- (2) approve the Local Development Plan (DAP13/09) presented for Proposed Lots 2-3 & 6-7 Orsino Boulevard, Lots 4-5 Perlinte View (Lot 752 Orsino Boulevard) Port Coogee, North Coogee pursuant to the provisions of Clause 6.2.15.5(a) of the City of Cockburn Town Planning Scheme No. 3;
- (3) approve the Local Development Plan (DAP13/10) presented for Stage 10B (9129L Cockburn Road) Port Coogee, North Coogee pursuant to the provisions of Clause 6.2.15.5(a) of the City of Cockburn Town Planning Scheme No. 3;
- (4) amend DAP11/08 in accordance with Clause 6.2.15.8 of the Scheme to delete the provisions relating to Lot 752 Orsino Boulevard; and
- (5) advise the applicant accordingly.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0



Background

Australand through its consultants Taylor Burrell Barnett has submitted three Local Development Plans (LDP) for approval. Previously Local Development Plans were known as Detailed Area Plans (DAPs). However the revised Residential Design Codes (R-Codes) published on August 2nd 2013 has changed the name of these plans to LDP. The City's digital recording systems however continue to identify these plans with the prefix DAP.

Lot 752 Orsino Boulevard, to which DAP13/08 & DAP13/09 relate is located to the south Pantheon Avenue in the 'dry land residential' area and is identified for high density residential development (R80). DAP13/10 relates to Stage 10B which is located north of Pantheon Avenue in the 'dry land residential' area of Port Coogee and is identified for medium density residential development (R30).

The 'Bluewater' DAP (11/08) approved by Council on 8 September 2011 included Lot 752 Orsino Boulevard and envisaged a grouped or multiple dwelling development on the site. The proposed changes will effectively extract Lot 752 from the 'Bluewater' DAP (LDP) and deal with the design requirements for proposed Lot 1 which will be for grouped or multiple dwellings and Lots 2-7 which are small single house lots.

Submission

The attached LDPs address principally;

- Key elements to be considered in the design of dwellings
- Dwelling setback requirements
- The extent of permissible boundary walls
- Building height
- Access and parking requirements.

Where the LDPs do not refer to an alternate standard, the applicable standard is that prescribed in the Residential Design Codes (R-Codes) or the City's Town Planning Scheme No. 3 and /or policies where the R-Codes do not apply.

Report

The three proposed LDP's for Port Coogee provide a site specific layer of planning information to be considered in the design and development of the lots covered by the respective documents. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme and/or Policies.



Presentation of the LDPs to the City was by the planning consultant for Port Coogee. Subsequent to an initial assessment, several minor changes have been made to the documents to assist all stakeholders in the interpretation of their content. Following assessment no major changes to the technical content of the LDPs were required. In this regard, the technical content of these three LDPs reflect the on-going refinement of the existing Port Coogee DAPs.

As a result of DAP13/08 and DAP13/09 providing revised design guidance for Lot 752 Orsino Boulevard, it is necessary to revise the plan for DAP11/08 to extract Lot 752 in order to ensure that there are not multiple LDP's providing conflicting guidance for the same lot and causing confusion.

No advertising of the proposed LDPs was undertaken as Australand owns much of the land surrounding the areas of the LDPs and the proposed provisions will not impact on any privately owned residential properties. Therefore advertising is not required.

The proposed LDPs are consistent with the provisions of TPS No. 3, the current version of the R-Codes and the Port Coogee Structure Plan. No other issues are raised and it is recommended that they be approved.

Approval is required in accordance with the provisions of section 6.2.15.5 of Town Planning Scheme No. 3.

TPS No. 3 Clause 6.2.15.8 provides the power for a DAP (now LDP) to be amended.

Delegation of Port Coogee Detailed Area Plans/Local Development Plans

Currently the City's Officers have delegation to approve Detailed Area Plans (DAPs) or Local Development Plans (LDPs), pursuant to clauses 6.2.15 and 6.2.16 of the City's TPS No.3, except those for Cockburn Central (Town Centre) and Port Coogee Structure Plan Area. This current process has meant that every DAP/LDP for Port Coogee is sent to a full Council meeting for determination.

Since the Port Coogee Local Structure Plan (LSP) was first endorsed by the Western Australian Planning Commission, 24 DAPs in the Port Coogee area have been approved by Council in accordance with the Officer's recommendations. The majority of the Port Coogee area is covered by approved DAPs/LDPs and therefore having Council to continue to determine the DAPs/LDPs, particularly where there are no



changes to the officer's recommendations is an inefficient use of the City's resources. It is therefore, intended that an item be included for the next DAPPS meeting amending the delegated authority to include the ability for officer's to approved DAPs and LDPs for Port Coogee.

Strategic Plan/Policy Implications

Growing City

- Diversity of housing to respond to changing needs and expectations.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 3

Community Consultation

No consultation has been undertaken.

Attachment(s)

1. DAP13/08 Plan
2. DAP13/09 Plan
3. DAP13/10 Plan
4. DAP11/08 Revised Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 12 September 2013 Council Meeting.

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

Nil.



14.2 (MINUTE NO 5114) (OCM 12/09/2013) - CLOSURE OF PORTION OF ROAD RESERVE - LOCATION: BENNETT AVENUE, NORTH COOGEE (COCKBURN COAST) - OWNER: STATE OF WA - APPLICANT: MCMULLEN NOLAN GROUP (450567) (L GATT) (ATTACH)

RECOMMENDATION

That Council

- (1) consent to the closure of the eastern portion of Bennett Avenue North Coogee from (Abattoir Loop east to the end of road) as indicated in Attachment 1a & 1b in accordance with Section 58 of the *Land Administration Act 1997*;
- (2) subject to the lodgement of a deposited plan demonstrating the lots abutting the portion of the road being closed being amalgamated into a single certificate of title;
- (3) supports the land resulting from the road closure being purchased by the adjoining landowner (Landcorp) as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of this decision accordingly.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

A request has been received on behalf of the adjoining landowner (Landcorp) to close the eastern portion of Bennett Avenue North Coogee road reserve (from Abattoir Loop east to the end of the road) and amalgamate it with the adjoining land. This is to help facilitate the implementation of the Cockburn Coast structure plan, which has been recently adopted by the City. The purpose of this report is to consider the road closure request.



Submission

By way of letter dated 5 April 2013, McMullen Nolan Group requested that the City initiate the closure of the northern portion of the current Bennett Avenue road reserve and amalgamate it into adjoining lots abutting the road reserve. A copy of the letter is at Attachment 2.

Report

The subject area to be closed is the eastern portion of Bennett Avenue North Coogee road reserve (from Abattoir Loop east to the end of the road) which is an existing road that provides access to one site. The building and site are owned by Landcorp, and is occupied by the organisation "A View to Food". The organisation is occupying the site under the monthly holding-over clause of a lease which has previously expired. "A View to Food" is aware that the monthly arrangement with Landcorp is able to be terminated upon the issue of a notice of termination providing one month to vacate the premises. The current tenant is aware of the proposal and the notice period (refer Attachment 3).

The proponent has agreed in writing to purchase the land and meet all the costs associated with the proposed road closure, a copy of which is provided within Attachment 2.

At its ordinary meeting held 9 May 2013, Council adopted the Robb Jetty Local Structure Plan ("LSP") which applies to this area. The LSP indicates the closure of the road reserve as proposed by this report, and is therefore consistent with the proposal. The closure is required to enable implementation of a new road layout which will better suit the mixed use urban development now planned for this site. The proposed road closure will result in a number of landlocked lots and the landowner has agreed to the amalgamation of these lots to ensure access to a gazetted public road.

The City advertised the road closure in the local newspaper on 25 June 2013 and no submissions were received.

All service providers have been contacted, and all have responded that they have services located in the vicinity of the proposed road closure. The applicant has agreed to meet all the costs and requirements that the service providers have requested. A copy of the letters from Landcorp to each of the service providers is at Attachment 4.

It is recommended that Council support the request; and the City will write to the Minister for Lands requesting formal closure of the portion of Bennett Avenue, North Coogee in accordance with Section 58 of the *Land Administration Act 1997*.



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.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.

Budget/Financial Implications

N/A

Legal Implications

Provision of the *Land Administration Act 1997* refer.

Community Consultation

The proposal was advertised on 25 June 2013, in accordance with Section 58 of the *Land Administration Act 1997*. No objections were received.

Attachment(s)

1. Sketch
2. Letter of request from McMullen Nolan Group and confirming Landcorp will pay all associated costs.
3. Email from "A View to Food".
4. Letters from Landcorp to the Service Providers

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 September 2013 Council Meeting.

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

Nil.



14.3 (OCM 12/09/2013) - INITIATION OF TOWN PLANNING SCHEME NO. 3 AMENDMENT 94 - INTRODUCING DEVELOPMENT CONTRIBUTION AREA 14 COCKBURN COAST: ROBB JETTY AND EMPLACEMENT PRECINCTS (109/027) (C CATHERWOOD)

RECOMMENDATION

That Council

(1) In pursuance of Section 75 of the Planning and Development Act 2005 amend the City of Cockburn Town Planning Scheme No. 3 ("Scheme") by:

1. Amending Schedule 12 of the Scheme text by including DCA 14 – Cockburn Coast as follows.

Schedule 12 - Development Contribution Plan

Area:	Cockburn Coast: Robb Jetty and Emplacement Precincts
Infrastructure and administrative items to be funded	<p>Contributions shall be made towards the following items by all landowners within DCA 14:</p> <ol style="list-style-type: none"> 1. Proportional contribution to the upgrading of Cockburn Road between Rollinson Road and MacTaggart Cove including the cost of land required for road widening, verge and median landscaping between Rollinson Road and MacTaggart Cove, construction of the Robb Jetty Main Street signalised intersection, construction of drainage and service relocation where necessary. Earthworks, service relocation and construction of dual carriageways will be funded and constructed by Main Roads Western Australia. 2. The cost of land and works (including landscaping) associated with the construction of the proposed Robb Jetty Main Street between the Cockburn Road intersection and Robb Road intersection. The works include construction of an at-grade rail crossing including vehicle and pedestrian signalisation associated with the new Robb Road intersection (including sufficient fencing to deter pedestrians from



	<p>unsafe crossing). The cost of works is the cost over and above that of providing a normal 20m wide local subdivision road whereby drainage, lighting, footpaths, lower specification landscaping and parking embayment's provided at the cost of adjoining landowners.</p> <ol style="list-style-type: none"> 3. The cost of land and works (including landscaping) associated with the construction of the proposed Bus Rapid Transit (BRT) route which extends between the Rollinson Road / Cockburn Road intersection and the intersection of MacTaggart Cove and the proposed BRT route. The cost includes acquisition of Lot 18 Garston Way and provision of bus stops and associated infrastructure. The cost of works is the cost over and above that of providing a normal 20m wide local subdivision road whereby drainage, lighting, footpaths, lower specification landscaping and parking embayment's provided at the cost of adjoining landowners. 4. Provision of pedestrian signals at the Rollinson Road railway crossing (including sufficient fencing to deter pedestrians from unsafe crossing). 5. Provision of land for public open space area as detailed in the Robb Jetty and Emplacement Precinct Local Structure Plan(s) and the cost of landscape construction (including minor earthworks and drainage). 6. The cost of land and construction of a multistorey local community building and associated landscaping, play equipment and car parking areas. 7. Costs to administer cost sharing arrangements of the DCA including detailed engineering design and project management POS, drainage, roads, rail crossings and the community building the 	
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	<p>subject of the DCA provisions, cost estimates and schedules, valuations, annual reviews of land and works, audits and administrative costs.</p> <p>8. Cost including fees and interest of any loans raised by the local government to undertake any of the works associated with DCA 14.</p>	
<p>Method for calculating contributions</p>	<p>All landowners within DCA 14 shall make a contribution to land and infrastructure works required as part of the development of the Robb Jetty and Emplacement Precinct Development Contribution Area (with the exception of the Mixed Business Zone).</p> <p>The proportional contribution is to be determined in accordance with the provisions of Clause 6. 3 of the Scheme and this Development Contribution Plan.</p> <p><u>Cost Apportionment for the Mixed Business Zone</u></p> <p>No contribution is required in respect to land and lots required for public open space, public open space construction, and local community facilities for Lot 4 and 303 Darkan Avenue and Lot 8 Garston Way (Mixed Business Zone).</p> <p>Landowners in the Mixed Business Zone will be responsible for 5.46% of the cost of upgrading all DCP roads, service infrastructure and administration costs. The contribution payable will be based on a rate per m2 of developable land area, which equates to:</p> <ul style="list-style-type: none"> • Lot 4 Darkan Way: 1.44% • Lot 303 Darkan Way: 1.45% • Lot 8 Garston Way: 2.57% <p>All other Zones and R-Codes will fund the remaining 94.54% in accordance with development potential calculation methodology for all other Zones/R-Codes.</p> <p><u>Development Potential Calculation Methodology for all other Zones and R-Codes</u></p> <p>With the exception of Lot 4 and 303 Darkan Avenue and Lot 8 Garston Way (Mixed Business</p>	



	<p>Zone), cost contributions shall be calculated based on the minimum potential number of dwellings (85%) that can be constructed on each lot or lots as detailed in Schedule 11. Contributions shall be calculated on a per potential dwelling basis. The potential number of dwellings (or equivalent) per Zone or R-Code is calculated as follows:</p> <table border="1" data-bbox="643 539 1315 1137"> <thead> <tr> <th data-bbox="643 539 895 618">Zone/R-Code</th> <th data-bbox="895 539 1315 618">Method for Calculating No. of Dwellings</th> </tr> </thead> <tbody> <tr> <td data-bbox="643 618 895 730">District Centre R-ACO (R160 equivalent)</td> <td data-bbox="895 618 1315 730">1x equivalent dwellings per 62.5m² of net land area</td> </tr> <tr> <td data-bbox="643 730 895 842">Mixed Use (R100 equivalent)</td> <td data-bbox="895 730 1315 842">1x equivalent dwellings per 100m² of net land area</td> </tr> <tr> <td data-bbox="643 842 895 913">R40</td> <td data-bbox="895 842 1315 913">1x dwellings per 220m² of net land area</td> </tr> <tr> <td data-bbox="643 913 895 987">R80</td> <td data-bbox="895 913 1315 987">1x dwellings per 125m² of net land area</td> </tr> <tr> <td data-bbox="643 987 895 1061">R100</td> <td data-bbox="895 987 1315 1061">1x dwellings per 100m² of net land area</td> </tr> <tr> <td data-bbox="643 1061 895 1137">R160</td> <td data-bbox="895 1061 1315 1137">1x dwellings per 62.5m² of net land area</td> </tr> </tbody> </table> <p>Notwithstanding Clause 6.3.13 of Town Planning Scheme No. 3 Text, applications for continuance or extension of existing non-conforming uses will be exempt from development contributions.</p>	Zone/R-Code	Method for Calculating No. of Dwellings	District Centre R-ACO (R160 equivalent)	1x equivalent dwellings per 62.5m ² of net land area	Mixed Use (R100 equivalent)	1x equivalent dwellings per 100m ² of net land area	R40	1x dwellings per 220m ² of net land area	R80	1x dwellings per 125m ² of net land area	R100	1x dwellings per 100m ² of net land area	R160	1x dwellings per 62.5m ² of net land area	
Zone/R-Code	Method for Calculating No. of Dwellings															
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R40	1x dwellings per 220m ² of net land area															
R80	1x dwellings per 125m ² of net land area															
R100	1x dwellings per 100m ² of net land area															
R160	1x dwellings per 62.5m ² of net land area															
<p>Period of Operation</p>	<p>Until 30 June 2034. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.</p>															
<p>Priority and Timing</p>	<p>In accordance with the City of Cockburn Capital Expenditure Plan for Robb Jetty and Emplacement Precincts.</p>															
<p>Review Process</p>	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p>															



Participants and Contributions	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 14.
<p>2. Amend the Scheme to include the boundaries of the proposed Development Contribution Area No. 14 Cockburn Coast.</p> <p>(2) Upon receipt of amending documents in support of resolutions (1) and (2) above, determine that the amendment is consistent with Regulation 25(2) of the Regulations and the amendment be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.</p>	

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

At its ordinary meeting held 9 May 2013, Council endorsed, subject to modifications, two local structure plans within the Cockburn Coast development area for the Robb Jetty and Emplacement precincts. Approval of these plans from the Western Australian Planning Commission (“WAPC”) is still pending.

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



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

Submission

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

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

Report

Contribution Area/Items

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

The draft DCP14 includes a number of items for which the cost sharing mechanism of a DCP is appropriate. These include public open space and key roads providing a district function (above standard road cost/specification) such as the main street and the rapid bus route.

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

Methodology

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

Basing contributions on the ‘actual’ development outcome is usually considered to be the most equitable outcome from a user pays point of



view. This will not work in Cockburn Coast as not all developers will maximise their development potential and this will lead to shortfalls in DCP funds.

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

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

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

Period of Operation

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

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

Exemptions

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

Conclusion

It is recommended that Council initiate Amendment No. 94 to the City's Town Planning Scheme No. 3, subject to the receipt of amending documents to the City's satisfaction.



Strategic Plan/Policy Implications

Infrastructure

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

Community & Lifestyle

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

Budget/Financial Implications

The City will be required to maintain a reserve account for a new DCP if gazetted. As contributions are paid into this account (via development contribution payments) these funds can be expended on the items for which the DCP has been created. The rate of income to this account is entirely dependent on the rate of development for the Cockburn Coast area. Should development be slow, then the provision of these infrastructure items will need to be reviewed. This will be noted in the draft DCP, similar to existing DCP the City manages.

Legal Implications

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

Community Consultation

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

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Proponent for the proposal has been advised that this matter is to be considered at the 12 September 2013 Council Meeting.



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

Nil.

14.4 **(MINUTE NO 5116) (OCM 12/09/2013) - PROPOSED COCKBURN CENTRAL WEST STRUCTURE PLAN - LOCATION: LOTS 1, 53 & 55 NORTH LAKE ROAD, LOTS 804, 1001 & 9504 BEELIAR DRIVE AND LOT 54 POLETTI ROAD, COCKBURN CENTRAL - OWNER: WESTERN AUSTRALIAN PLANNING COMMISSION & CITY OF COCKBURN - APPLICANT: CARDNO WA PTY LTD (110/070)(R COLALILLO) (ATTACH)**

RECOMMENDATION

That Council :

- (1) endorse the Schedule of Submissions prepared in respect of the Proposed Cockburn Central West Structure Plan (“Proposed Structure Plan”);
- (2) pursuant to Clause 6.2.9.1 of the City of Cockburn Town Planning Scheme No.3 (“Scheme”), adopt the Structure Plan (as shown in Attachment 3) subject to the following modification conditions and modifications:

Modification Conditions

1. The Cockburn Central West Local Water Management Strategy being approved by the Department of Water (“DoW”) and the City of Cockburn (“CoC”);
2. Appendix E – Transport Assessment and Section 3.6 – Movement Network being updated to the satisfaction of the Department of Transport (“DoT”), Main Roads Western Australia (“MRWA”) and the City;
3. Preparation and implementation of a voluntary legal agreement between the landowner and the City covering the hard infrastructure items relating to the requirement for the developer to upgrade Poletti Road including contributions toward necessary upgrades to intersections with North Lake Road and Beeliar Drive and upgrading of the Midgegooroo and Signal Terrace intersection inclusive of traffic signals, pursuant to State Planning Policy 3.6 – Development Contributions for Infrastructure (“SPP3.6”);
4. The preparation of a Pedestrian Movement Plan including the analysis and investigation of a possible grade separated pedestrian connection to the Cockburn Central Town Centre;
5. Western Power providing its endorsement in relation to

the use of the powerline easement for car parking purposes;

Modifications

6. Adding a clause within 'Section 7 - Other Requirements' within Part One requiring the finalisation of an appropriate environmental offset agreement in accordance with the Western Australian Government's Environmental Offsets Policy to the satisfaction of the Office of the Environmental Protection Authority ("OEPA"), Department of Parks and Wildlife ("DPaW"), Western Australian Planning Commission ("WAPC") and the City at the subdivision stage;
 7. Rewording Note 1 of Clause 5.2 and Clause 5.3.d of Part One to ensure that grouped dwellings are confined to specific areas within the Structure Plan and the minimum residential building height across the site is three storeys to the satisfaction of the City;
 8. Modifying the Land Use Table within Clause 5.2 to include 'Veterinary Consulting Rooms' as an 'A' use, 'Market' as a 'D' use and 'Restricted Use' as an 'X' use;
 9. A notation being placed on the Structure Plan map relating to the requirement to upgrade Poletti Road and associated intersections;
 10. Modifying Clause 3.14 of Part Two by:
 - (a) deleting reference to the to the requirement for a future Scheme Amendment to modify Development Contribution Plan 13 ("DCP13"); and
 - (b) clarifying that approval of the Structure Plan would change the scope of the previously planned 'Cockburn Central Heritage Park' within DCP 13 to a memorial walk trail which maintains the general intent of the original proposal and provides for additional opportunities to recognise Australia's participation in various theatres of war.
- (3) subject to compliance with (2) above, in pursuance of Clause 6.2.10.1 of the Scheme, the Structure Plan be sent to the WAPC for endorsement;
- (4) advise the proponent that the site is subject to Development Contribution Area No. 13; and
- (5) advise the proponent and those parties that made a submission of Council's decision accordingly.



COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr L Smith that :

- (1) defer consideration of this item, and advise the applicant that Council will not be in a position to support the Proposed Structure Plan until it has been modified to demonstrate the suitable retention of the existing resource enhancement wetland located within the eastern portion of the subject land;
- (2) advise the applicant that Council will be prepared to consider increased residential densities across the project to offset the impact of retaining the resource enhancement wetland;
- (3) advise the applicant that retention of the resource enhancement wetland will require redesign of the movement system within the project area, particularly the location of connections to Cockburn Town Centre; and
- (4) notify the proponent and those who made a submission on the proposal of Council's decision.

CARRIED 10/0

Reason for Decision

The resource enhancement wetland has and continues to be an essential aspect of this locality and in earlier considerations the wetland was to be retained and enhanced. The proposal to remove the wetland is unacceptable on environmental grounds, and the proponent should revert to the existing scenario where it was to retain the wetland as an important part of the overall development. The densities of the mixed use component can be increased to offset the impact on dwelling yield that will result from retaining the wetland.

Background

The subject land comprises seven lots with a total combined area of approximately 32.5 hectares. It is bound by North Lake Road to the north, Midgegooroo Road to the east, Beeliar Road to the south and Poletti Road to the west (as shown in Attachments 1 and 2).



The subject area is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Regional Centre (DA23)' under the City's Scheme. Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision and development of land within a Development Area.

In accordance with the above, a Proposed Structure Plan has been submitted to the City by the applicant, to guide future development and subdivision for the subject area.

The purpose of this report is to consider the Proposed Structure Plan for adoption in light of the advertising process which has taken place.

Submission

The Proposed Structure Plan (as shown in Attachment 3) was lodged by Cardno on behalf of LandCorp, who are managing the strategic planning for Cockburn Central West on behalf of the WAPC, who own the majority of the subject site.

Report

Background

Cockburn Central West ("CCW") represents 32.5ha of land located within the heart of the southwest urban corridor. The strategic potential of this land is reflective of the foresight which was taken in reserving the broad land precinct by the State Government, in order to meet the future recreation needs of the region. Proposed to be located within the heart of the Cockburn Regional Centre, the precinct will comprise as its major component the City's new recreation facility and playing fields, providing for the community's regional sporting needs into the future.

In terms of land assembly, the WAPC finalised its ownership of the land precinct in 1995, providing the opportunity for comprehensive planning of the precinct to begin. With the realisation of the strategic location of the land adjoining the Kwinana Freeway, commitments to extend passenger rail through the area and the rapid population growth of the surrounding region, careful planning took place to ensure that the right type of land configuration and mix of uses could occur for the whole regional centre. This led to the consideration for what additional uses could support the strategic land location, while preserving the key regional sport and recreation function.

This Proposed Structure Plan provides for a culmination in what has been a process of two decades of planning for the land, and represents a pivotal step to enabling subdivision and development to occur.



Proposed Structure Plan

The Proposed Structure Plan provides open space, recreational and mixed use (residential, commercial and retail) development consistent with an activity centre aimed at facilitating a mixture of compatible land uses.

The following table summarises the key components of the Proposed Structure Plan:

Total area covered by Structure Plan	32.53 hectares
Land area of specific land uses	
<ul style="list-style-type: none"> • Mixed Use (Residential, Retail and Commercial) 8.3 hectares • Mixed Use (Residential/Commercial) 3.5 hectares • Mixed Use (Retail/Commercial) 0.5 hectares • Public Purposes (Community) 2.6 hectares • Public Purposes (Utilities/Infrastructure) 6.5 hectares • Parks & Recreation – Public Open Space 5.8 hectares • Parks & Recreation – Drainage 1.2 hectares 	
Estimated number of dwellings	1 000 dwellings
Estimated population	2 000
Estimated retail/commercial floorspace	Approximately 20 000 square metres (GFA)
Integrated recreation facility	Approximately 15 000 square metres (GFA)

The applicant states that the Proposed Structure Plan is based on delivering the following project vision:

“An innovative mixed use development integrating regional recreational aspirations into the existing landform and surrounds whilst extending the urban fabric of the highly successful Cockburn Central Town Centre.”

Directions 2031 and Beyond

The subject area forms part of the Cockburn Central Regional Centre, which is defined as a ‘secondary centre’ under the WAPC’s ‘Directions 2031 and Beyond’ (“Directions 2031”) and State Planning Policy 4.2 – Activity Centres for Perth and Peel (“SPP4.2”). Directions 2031 aims to reorientate Perth's growth towards urban containment focussed on activity centres. ‘Secondary centres’ are recognised as important suburban centres which offer a mix of goods and services and typically include office, housing, community, recreational and in some cases entertainment uses. Directions 2031 identifies that “opportunities exist



to encourage more mixed use development in appropriately located secondary centres, especially those located along high frequency public transport routes”.

Given the above, it is considered that the subject land represents a key opportunity to demonstrate the reorientation of growth to maximise the strategic capabilities of land. Particularly given its relationship to the existing Cockburn Central Town Centre and wider Cockburn Central Regional Centre (including Gateways Shopping Centre, Muriel Court Development Area etc.).

The Proposed Structure Plan has been developed with the above key themes in mind. However some aspects of the plan require modification or strengthening as discussed below, to ensure that future developments meet or exceed the expectations and aspirations set out by the Proposed Structure Plan.

Proposed Cockburn Central West Structure Plan

As previously described, the subject site is located within ‘Development Area 23’ (DA23) of the Scheme. Provision 2 of DA23 prescribes the following:

- “2. *To facilitate the development of a multifunctional Town Centre which shall include a range of intensive residential and commercial development, shopping, entertainment, regional sport, bushland/wetland area and cultural facilities supported by a highly interconnected transport system.”*

This forms the basis from which the Proposed Structure Plan is to be prepared and sets out the appropriate objectives for the site. The submitted proposal is considered to generally meet the above provision given the diversity of uses and design framework being proposed.

From a detailed assessment viewpoint, the following information is provided.

Design and Density

Provision 3 of DA23 outlines the following:

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

In lieu of a blanket R160 coding for the subject area, matters relating to density and design are proposed to be controlled by an overarching Detailed Area Plan (“DAP”). This is a similar approach to the existing



Cockburn Central Town Centre which to date has been a relatively successful way of delivering diversity and density.

One area of concern for the City is the Proposed Structure Plan proposes a reduction in minimum building height from three storeys to two storeys to allow for the development of attached grouped dwellings. This is proposed to be permitted on the proviso that such development does not exceed 30% of the developable land area within any parcel of land. This form of development is generally not supported within an area of such high strategic value and importance as it has the potential to under-deliver in terms of density and activity.

It is therefore recommended that the provisions relating to grouped dwellings and building heights be modified to the City's satisfaction to ensure future development achieves the density and diversity objectives set by Directions 20131 and SPP4.2. This is further emphasised by the reality that the subject site already has a reduced developable area due to the presence of the City's Integrated Recreation and Community facility ("IRCF") and playing fields, powerline easement and drainage requirements.

The Proposed Structure Plan proposes the use of three distinct 'Mixed Use Zones' which aim to provide sufficient diversity in land uses, including medium and high density residential, retail and commercial development (as generally shown in Attachment 5). The objectives of these zones are set out as follows:

- Mixed Use – Residential, Retail and Commercial: To provide for the co-location and development of a wide range of compatible land uses that are residential, retail or commercial in nature to be developed within one lot or over a number of adjacent lots.
- Mixed Use – Residential/Commercial: To provide for the co-location and development of residential and commercial land uses to be developed within one lot or over a number of adjacent lots. Some retail development will be permitted in areas identified for active retail land uses on the Structure Plan.
- Mixed Use – Retail/Commercial: To provide for the co-location and development of retail and commercial land uses. Some residential development may be permitted at upper floor levels.

In the absence of a specific 'Mixed Use' zone within the Scheme, the above proposals are considered to provide enough flexibility to ensure development can be suitably integrated. The associated land use table which identifies the permissibility or otherwise of certain land uses is generally in keeping with the City's requirements however it is recommended that 'Veterinary Consulting Rooms' be classified as an 'A' (advertised discretionary) use and 'Restricted Use' as an 'X' (not



permitted) use within each zone. These modifications will ensure the amenity of future residents is maintained in a consistent manner.

Public Open Space

The Proposed Structure Plan provides a strong public open space (POS) focus within the central and north-eastern portions of the site which is in keeping with previous planning for the site. The high level of POS proposed is also aimed at addressing the current POS shortfall within the Cockburn Central Town Centre (notionally 0.98 hectares). From a wider perspective the proposed POS importantly provides for the wider regional open space and recreational functions, which reflects the most senior of objectives that this land development must fulfil.

A total of 3.54 hectares of creditable POS is proposed for the subject area which is 1.45 hectares above the minimum requirement of 10% POS. When considered as a mutual development, there is an overall 'surplus' of POS of approximately 0.47 hectares across the Cockburn Central Town Centre and Cockburn Central West sites. The design and function of these open space areas are important given the urban context in which they are being developed. Therefore it is expected that the City will be actively involved at the detailed design stage to ensure objectives set out in the Proposed Structure Plan are delivered.

Access

The subject site is surrounded by major arterial roads which are either currently or in the future being widened and upgraded to accommodate increasing traffic demands. It is for this reason that no direct vehicular access to any development parcels is proposed from North Lake Road, Midgegooroo Avenue or Beeliar Drive. Given these constraints, the number of internal roads and access points to the surrounding network has also been limited by the Proposed Structure Plan.

The major east/west link is from the intersection of Poletti Road and Davison Road to the intersection of Midgegooroo Avenue and Signal Terrace. This main thoroughfare and vehicular link to the town centre is where the City's IRCF will be located and includes a 'Slow Speed Mixed Traffic Zone' to accommodate pedestrian and vehicular movements.

Access from the west is proposed via Poletti Road which is currently developed to an industrial standard. The Proposed Structure Plan does not include any provisions relating to the upgrade of Poletti Road to accommodate the increase in traffic volumes related to the subject site. This is considered a shortcoming of the Structure Plan, which forms the



basis of the recommended condition regarding the voluntary legal agreement as well as the redrafting of the transport plan.

While the City acknowledges that the IRCF will be an attractor and contributor to the requirement to upgrade Poletti Road, the other future residential and mixed use/commercial development likewise represents a contributor which directly drives the need for upgrading of Poletti Road. It is therefore considered appropriate that the City and LandCorp enter into a voluntary legal agreement covering the requirement for LandCorp to upgrade Poletti Road and related intersections and signalise the intersection of Midgegooroo Avenue and Signal Terrace in accordance with the provisions of SPP 3.6.

This will secure the upgrades plus appropriate contribution towards suitable intersection treatments at the intersections along Poletti Road. It is also recommended that a notation be placed on the Structure Plan map outlining these requirements. The signalisation of the Midgegooroo Avenue and Signal Terrace intersection is considered crucial to the movement network inclusive of pedestrian connections between the Town Centre.

The voluntary legal agreement approach will ensure that the roles, responsibilities and contribution amounts can be worked through prior to referral of the Structure Plan to the WAPC for final adoption. This enables a greater understanding of the impacts and upgrade requirements rather than trying to quantify these matters based on the current information provided.

The Proposed Structure Plan identifies land within the power lines transmission corridor as being proposed for car park purposes. The area is required to accommodate approximately 700 bays to service the City's IRCF. The land is encumbered by a Western Power easement which effectively restricts any development which may impact on the operation and maintenance of the transmission towers and conductors (power lines). As such the applicant and the City have been liaising with Western Power to secure agreement to permit the construction of car parking bays within the easement area.

Without this approval, additional unconstrained land within the subject area would be required for car parking purposes. This is particularly undesirable as it would further diminish the availability of developable land and further erode the potential of the site to develop a true activity centre. To date, discussions with Western Power have led to an 'in principle' agreement for the area to be utilised for car parking purposes with appropriate risk management measures being implemented. It is considered appropriate that a condition be placed on any approval of the Drat Structure Plan to require formal approval from Western Power as the project would be potentially compromised without it.



Environment and Sustainability

The Proposed Structure Plan is considered to facilitate sustainability in accordance with the City's sustainability policy and strategy, particularly through the economic and social development of the site. This can be attributed to the following:

- The promotion of a mixed use, vibrant area with community facilities which will contribute to a sense of place;
- The co-location of higher density residential uses within a high frequency public transport node;
- The co-location of residential, commercial and recreational uses – which will support the City's TravelSmart objectives.

While the Proposed Structure Plan exhibits an overall or high level move towards sustainable development, there are concerns from the City and DPaW in relation to some aspects of the environmental integrity of the proposal. In particular, the proposed removal of the existing 'Resource Enhancement Wetland' (REW) - as defined by DPaW's *Geomorphic Wetlands Swan Coastal Plain* dataset. The justification provided in support of the removal on the wetland is predicated on the fact that given the existing constraints attributed to the site, retention of the wetland would mean the development would not be able to deliver its function as a true 'Activity Centre'.

The potential to retain and incorporate the wetland within the overall design of the proposal has been extensively explored by the proponent and the City. However, factors such as drainage invert levels, vehicular access/egress safety requirements and significance of regional recreational facilities lead to the current design. As described above, retention of the wetland would result in the viability of the implementation of Proposed Structure Plan being compromised.

Given the concerns raised by the City and DPaW in relation to the proposed removal of the REW, the proponents have liaised with the OEPA and DPaW to determine an appropriate offset arrangement. This approach is conditionally supported by the City subject to the location and quality of the offset arrangement meeting its requirements. Any proposal would need to demonstrate an overall net benefit to the community to effectively compensate for the proposed removal of the REW.

Overall, it is important to note the wide ranging influences and objectives which have underpinned the design of the Proposed Structure Plan. In particular, the State government's investment of public funds to build the southern suburbs rail system, in order to decrease traffic congestion and provide more sustainable transport options for residents within the City. In order to maximise this



investment, Directions 2031 encourages higher density development within 800m of rail stations. This is on the basis that every dwelling built within locations such as Cockburn Central, will ideally mean both a decrease in demand for motor vehicle use (which is the largest contributor to per capita greenhouse gas emissions) and less development being forced onto the urban fringes of the City. These two elements significantly contribute to the management of Perth's ecological footprint.

SPP4.2 requires activity centres to deliver sustainable forms of development which requires delivery of high density residential development and employment opportunities. This is to be achieved by providing sustainable forms of development through innovative building design that reduces energy and water as well as the efficient use of urban land. As mentioned above, extensive consideration has been given to the environmental values of the site. Given its urban and activity centre context, it was determined that the highest degrees utilisation of land for development would result in the proposal facilitating the most effective mix of social and sustainability benefits for the region.

The IRCF and playing fields will also provide important social benefits for the local and wider community. The scale of the City's future IRCF and adjacent playing fields is necessary to meet the sport and active recreation needs for the region – contributing importantly to the ability for residents to lead healthy lifestyles. The extent of land for the IRCF is appropriate to ensuring the most effective utilisation of the project area for its highest order objective which remains regional sport and recreation purposes.

Local Water Management Strategy

In accordance with the requirements of the DoW and WAPC, a draft Local Water Management Strategy ("LWMS") has been prepared by RPS Group. The LWMS has undergone a preliminary assessment by the DoW and the City. A number of issues have been identified by DoW and the City in relation to the proposed LWMS including:

- Proposed discharge of 100 year ARI event to Lake Yangebup via North Lake Road swale system;
- Use of 'artificial' lined lakes (as shown in Attachment 5); and
- Public open space irrigation capacity.

Most of the above issues have been addressed by the applicant however as there are some matters still outstanding relating to water management which need to be addressed prior to approval of the Proposed Structure Plan.



As such, it is recommended that approval of the Proposed Structure Plan proceed subject to a condition requiring the final endorsement of the LWMS by DoW and the City.

WAPC endorsement

The Proposed Structure Plan was referred to the WAPC for comment in accordance with Clause 6.2.7.2 of the Scheme as it proposes the subdivision of land. The WAPC advised that it was not prepared to endorse the Proposed Structure Plan until such time as:

- it has considered the City's response;
- it has also considered public submissions (including government agency advice on the proposed Structure Plan, and any required responses following the above consideration); and
- it gives further consideration to the land use framework as set out in the proposed SP.

Despite the above, the WAPC noted that the Proposed Structure Plan *"will provide for regional land uses that complement and augment the developing Cockburn Central activity node"*.

Community Consultation Outcomes

The Proposed Structure Plan was advertised for public comment for a period of 21 days. A total of 21 submissions were received, with 9 submissions objecting, 6 stating no objection with or without modifications and 6 providing support either unconditionally or subject to certain conditions or modifications.

All submissions have been outlined and addressed in detail in the Schedule of Submissions (Attachment 6). The key issues that have been raised are summarised below.

Environment

As described in the 'Environment and Sustainability' section of this report, many of the objecting submissions related to the proposed removal of the REW and quality of flora survey undertaken by the proponent. In addition to these issues, many of the submissions raised concerns in relation to the functionality and long term viability of the proposed LWMS.

The City recognises the significance of the above concerns and whilst the proponent is actively addressing these matters, it is considered appropriate that specific conditions be placed on any approval of the Proposed Structure Plan. The onus is then on the proponent to address these concerns to the satisfaction of the City and other agencies involved.



Transport/Traffic

In keeping with the current issues being experienced within the Cockburn Central locality, many submissions outlined concerns with how the proposal will impact on traffic in the area. Some agencies and submissioners also raised concerns in relation to the level of future traffic generation assessment undertaken by the proponent. The City's technical review of the transport assessment provided shares some of these concerns.

A traffic consultants peer review of the Transport Assessment, arranged by the City, identified issues with the supporting transport assessment including:

- Overly optimistic trip rates used in the analysis for peak hour trip determination;
- 2031 background traffic volumes appear very low even in comparison to existing counts in the area; and
- A lack of consideration of the operation of the nearby freeway interchanges.

In addition to the above, the peer review of the transport assessment outlined a deficiency of detail to be addressed including:

- Provision of existing traffic volumes and fleet composition on key roads;
- More documentation regarding the determination of peak hour trip rates and the "externalisation" factor and the basis for these;
- In terms of development land uses;
 - Making clear the timings for the development – when build-out will occur;
 - Making clear the dwelling numbers associated with the development;
 - Clarifying the commercial / retail floor areas in light of discrepancies identified;
- In terms of the analysis itself
 - Discussion surrounding any calibration of the 24 hour ROM volumes and associated error adjustments
 - More discussion regarding what the "preferred ROM network" actually contains including mode factors adopted for the model runs
 - Consideration should be given to the directionality of peak hour flows and the impact this could have on network operation
 - Information regarding the calibration of the Linsig model with emphasis on the saturation flow rates adopted in light of pedestrian and heavy vehicle impacts
 - Provision of intersection and movement delay information and associated levels of service



- Provision of signal phasing layouts
- Inclusion of pedestrian demand impacts on signal operation
- Detail of heavy vehicle assumptions and inclusion of impacts on signal operation
- Some intersection layouts appear unconventional with a significant number of shared through and right lanes and double left (with a shared through and left) lanes. It is questionable how efficient these layouts will be into the future as these conditions lead to an invariable need to run split type phasing arrangements which tend to be inflexible and reduce opportunities for phase overlaps.

Given the above concerns, it is recommended that the submitted Transport Assessment and relevant sections of the Proposed Structure Plan be updated to address the above concerns and other related issues the satisfaction of the City and relevant agencies. In addition, the preparation of a separate pedestrian movement strategy/plan is recommended in order to ensure future pedestrian movements are optimised.

Heritage

The City's DCP13 includes the provision of a 'Cockburn Central Heritage Park'. An opportunity has been identified through assessment and advertising of the Proposed Structure Plan whereby the scope of the original concept will change in line with previous commitments by Council. In lieu of a 'Heritage Park' which is considered to concentrate matters of heritage into one area only, an alternative memorial walk trail is preferred. This would be in keeping with the overall recreation theme of the subject area and enables aspects of heritage to be present throughout the development rather than in one location only.

It is therefore recommended that the text of the Proposed Structure Plan be modified to delete reference to the requirement for a future Scheme Amendment to modify DCP13. Additional text is required to clarify that approval of the Proposed Structure Plan would instead change the scope of the previously planned 'Cockburn Central Heritage Park' within DCP 13 to a memorial walk trail. And that the trail would maintain the general intent of the original proposal and provide for additional opportunities to recognise Australia's participation in various theatres of war.

Conclusion

The Proposed Structure Plan is generally consistent with the requirements of the City and WAPC however relevant modifications and conditions are required prior to approval as outlined in this report.



It is therefore recommended that Council adopt the Proposed Structure Plan subject to conditions including the finalisation of the associated LWMS, environmental offsets agreement, voluntary legal agreement for road upgrades, and other land use and heritage related modifications within the report document.

Strategic Plan/Policy Implications

Growing City

- Diversity of housing to respond to changing needs and expectations.

Infrastructure

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

Budget/Financial Implications

The Structure Plan fees for this proposal have been calculated in accordance with the *Planning and Development Regulations 2009*, including the cost of advertising and this has been paid by the applicant.

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

Legal Implications

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

Community Consultation

Community consultation was carried out for a period of 21 days. The proposal was advertised in the newspaper, on the City's website, signs placed in City of Cockburn libraries, Gateways Shopping Centre and on site and letters were sent to affected landowners and government/servicing authorities in accordance with the Scheme requirements.

A total of 21 submissions were received. Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions.



Attachment(s)

1. Location Plan
2. Context and Constraints Plan
3. Proposed Cockburn Central West Structure Plan
4. Indicative Building Plan
5. Proposed LWMS Drainage Concept
6. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 September 2013 Ordinary Council Meeting.

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

Nil.

14.5 (MINUTE NO 5117) (OCM 12/09/2013) - PHOENIX CENTRAL REVITALISATION STRATEGY - SCHEME AMENDMENT NO. 96 (COMMERCIAL REZONINGS) (109/029) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

(1) in pursuance of Section 75 of the Planning and Development Act 2005, amend City of Cockburn Town Planning Scheme No. 3 ("the Scheme") by:

1. Deleting the objective of the 'Business' zone, clause 4.2.1 (f), and replacing it with the following objective for a new 'Mixed Use' zone:

Mixed Use Zone

- (f) To provide for a mixed use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments.

2. Renaming the 'Business' zone 'Mixed Use' in Table 1 (Zoning Table) of the Scheme, and modify the use class permissibility as follows:

Ancillary Accommodation (R-Code) – D to X
Bed and Breakfast – X to A



Child Care Premises – D to A
 Dwelling (Aged or Dependent Persons) – X to D
 Dwelling (Grouped) – X to D
 Dwelling (Multiple) – X to D
 Home Business – D to X
 Home Office – A to P
 House - Lodging – X to A
 House - Single (R-Code) – A to X
 Place of Worship – D to A
 Residential Building (R-Code) – X to D
 Tourist Accommodation – D to A
 Betting Agency – X to A
 Fast Food Outlet – X to D
 Motel – X to A
 Public Amusement – X to A
 Recreation – Private – X to A
 Consulting Rooms – P to D
 Medical Centre – P to D
 Hospital – D to X
 Convenience Store – A to D
 Shop – X to D
 Home Store – A to X
 Funeral Parlour – D to A
 Hardware Store – D to X
 Night Club – D to X
 Veterinary Centre – D to X
 Vehicle Disused – D to X

3. Replacing all references to the 'Business' zone with 'Mixed Use' zone throughout the Scheme.
4. Rezoning Lot 1000 Phoenix Road, Hamilton Hill, Lot 8 Rockingham Road, Hamilton Hill and Lots 500 and 501 Rockingham Road, Spearwood from 'Mixed Business' to 'Mixed Use' and 'R-AC3' as shown on the scheme amendment map.
5. Rezoning Lots 16, 17, 24, 25, 61, 62, 91, 92, 96, 97, 100 and 21 Rockingham Road, Spearwood and Lot 101 Kent Street, Spearwood from 'Residential R40' to 'Mixed Use' and 'R-AC3' as shown on the Scheme Amendment Map (Attachment 2).
6. Rezoning multiple lots broadly at the intersection of Rockingham Road and Spearwood Avenue, Spearwood from 'Residential R20' and 'Residential R40' to 'Mixed Use' and 'R-AC3' as shown on the Scheme Amendment Map (Attachment 2).



7. Rezoning Lot 507 Lancaster Street, Spearwood from Residential R20' to 'District Centre' as shown on the Scheme Amendment Map (Attachment 2).
 8. Introducing a residential coding of R-AC3 to land zoned 'District Centre' under the Scheme as shown on the Scheme Amendment Map (Attachment 2).
 9. Deleting 'Restricted Use No. 11' from the scheme map and schedule 3 of the scheme.
 10. Rezoning Lot 155 (Public Access Way) Rockingham Road, Spearwood from 'Residential R40' to 'Local Reserve – Local Road' as shown on the Scheme Amendment Map (Attachment 2).
- (2) upon receipt of the necessary amendment documentation, refer the amendment to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.
 - (3) prepare the amendment documentation in accordance with the standard format prescribed by the Regulations; and
 - (4) resolve to prepare a Local Planning Policy for Design Guidelines for the Phoenix Town Centre consistent with the recommendations of the Phoenix Central Revitalisation Strategy, and advertise the Policy concurrent with the Scheme amendment.

COUNCIL DECISION
MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0



Background

The Phoenix Central Revitalisation Strategy (“Revitalisation Strategy”) provides a strategic framework for improvements to the Phoenix Town Centre, which includes the surrounding suburbs of Spearwood and Hamilton Hill. This is to specifically guide changes to the study area over the next ten years, focussed on the 800m walkable catchment surrounding the Phoenix Town Centre.

The process for preparing the Revitalisation Strategy was comprehensive and included an extensive community consultation program which began in October 2007 with a visioning phase. The City subsequently held an Enquiry by Design Workshop in November 2007 to prepare draft plans which were presented to the wider community for comment during May-June 2008. The Revitalisation Strategy was adopted by Council on 14 May 2009.

The Revitalisation Strategy included a proposed zoning plan for the area. This included an increase to the residential codings of various properties in parts of Spearwood and Hamilton Hill to increase the residential codings to ‘Residential R30’, ‘Residential R30/R40’, ‘Residential R40’, ‘Residential R60’ and ‘Residential R80’. It also proposed the rezoning of an existing retirement village at Lot 431 Rodd Street, Hamilton Hill from ‘Residential R35’ to ‘Residential R35/80’ to enable redevelopment of the site to accommodate more aged accommodation.

These residential rezonings were implemented through Scheme Amendment No. 76 to City of Cockburn Town Planning Scheme No. 3 (“the Scheme”) which was adopted by Council on 10 March 2010, and gazetted on 19 August 2010 when the new zonings took effect.

The Revitalisation Strategy also included proposed rezonings along a portion of Rockingham Road to facilitate mixed use development. Scheme Amendment No. 96 proposes to implement these zoning changes, and a number of other changes in line with the objectives of the Revitalisation Strategy.

Submission

N/A.

Report

Amendment No. 96 proposes a number of modifications to the Scheme, primarily to implement the proposed commercial zoning



changes outlined in the Revitalisation Strategy which was adopted by Council on 14 May 2009 (Minute No. 3956).

The proposed rezonings are broadly consistent with the proposed zoning plan contained within the Revitalisation Strategy (Attachment 1), and are outlined in detail below:

Proposed Mixed Use and R-AC3 Rezonings

Scheme Amendment No. 96 proposes to rezone a number of parcels of land to a new 'Mixed Use' zone, with the application of a residential coding of R-AC 3. These areas can be broadly defined as follows:

1. The west side of Rockingham Road between Kent Street and Phoenix Road;
2. The land surrounding the intersection of Spearwood Avenue and Rockingham Road; and
3. The north east corner of Rockingham Road and Phoenix Avenue.

In general this land is currently zoned 'Mixed Business', 'Residential R20' and 'Residential R40', as shown in Attachment 2.

The Revitalisation Strategy identified these parcels of land to be zoned 'Business' with a residential coding of 'R60'. In this respect Amendment No. 96 varies from the recommendations of the Revitalisation Strategy, however it is considered the variations are consistent with the intent of the Revitalisation Strategy.

The proposed rezoning of this area to 'Business/R60' in the Revitalisation Strategy was to facilitate mixed use development, including residential development. The Revitalisation Strategy acknowledged that the 'Business' zone in its current form was not appropriate, as reflected in Recommendation 5.4B: *'Strategic Planning Services to prepare a Scheme amendment to allow appropriate residential uses, including grouped and multiple dwellings and other uses compatible with residential development in the 'Business' zone.'*

Currently the objective of the 'Business' zone set out in the Scheme reflects an 'office' zone, as follows:

To provide for the development of offices and associated commercial uses.

This objective does not fit the intended vision for this area set out in the Revitalisation Strategy. Furthermore, the zone only allows for a



restricted range of uses such as banks, restaurants, consulting rooms, and medical centre; and residential uses are not permissible. The zone therefore does not reflect the mixed use environment that was intended for this area, and the intention was for the range of permissible uses to be modified, as outlined in Recommendation 5.4B of the Revitalisation Strategy.

However, rather than just modifying the range of permissible uses, it is proposed that the 'Business' zone be renamed to the 'Mixed Use' zone to reflect the purpose of the zone more accurately. There are currently no properties in the City zoned 'Business', so these proposed changes do not affect any other land.

It is also recommended that the new 'Mixed Use' zone have the following objective:

To provide for a mixed use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments.

It is proposed that a number of changes be made to the range of permissible uses to facilitate the potential for a vibrant mixed use area that allows residential development and uses that are compatible with residential development. The proposed changes to the zoning table (Table 1 of the Scheme) are set out in the recommendation, and in Attachment 3.

To summarise, it is proposed that uses that are not considered compatible with residential development be made 'X' uses (ie. uses that are not permitted) in the 'Mixed Use' zone. This includes uses such as hospital, and night club.

A number of other uses that are currently identified as 'P' uses in the 'Business' zone are proposed to be 'D' uses, whereby planning approval will be required. This will enable an assessment to be made of the appropriateness of the specific use in each circumstance. This includes uses such as consulting rooms, and medical centre. A number of uses are also proposed to be made 'A' uses so that they require advertising under the Scheme, such as child care premises, tourist accommodation, and place of worship, where issues such as parking and access will require careful consideration.

A number of uses that are not currently permissible in the 'Business' zone are proposed to be permissible in the new 'Mixed Use' zone. This includes grouped and multiple dwellings, and uses such as shop, public amusement, fast food outlet and private recreation, which will be subject to planning approval.



In addition to its proposed application in this area the proposed new 'Mixed Use' zone will be an important addition to the Scheme, providing a zone for use in areas where a mixed use environment is envisaged, such as 'shop-top' housing.

It is proposed that rather than applying a coding of R60 to the area, a coding of R-AC3 be applied. R-AC3 is a relatively new residential zoning, introduced as part of the recent review into the Residential Design Codes.

The Revitalisation Strategy was finalised prior to the creation of the residential - activity centre zones. Moreover, with the identification of the Phoenix Centre as a District Centre in State Planning Policy No. 4.2 Activity Centres for Perth and Peel ("SPP 4.2") it is considered appropriate to utilise R-AC3 over the originally recommended residential zoning of R60.

In accordance with clause 6.2.3 of SPP 4.2 activity centres should be coded under the Residential Design Codes, applying activity centre and built form based controls to enable housing development that complements the desired scale and intensity of other development in the centre.

A residential coding of R-AC3 will allow for greater building heights and plot ratio than a coding of R60, however it is considered appropriate in this area. It is proposed that a set of design guidelines will be created, through the Local Planning Policy process, to guide such development. Such a policy will provide guidance to developers and ensure high quality development, sympathetic to the existing residential uses, is undertaken in areas zoned 'Mixed Use' and coded R-AC3.

District Centre zone

The 'District Centre' zone in Spearwood currently accounts for 9.02 ha of land, with the majority of this is taken up by one landholding, the Phoenix Shopping Centre (5.75 ha). In total there are 11 lots and 2 strata lots within the current 'District Centre' zone.

Although the uses are primarily commercial in nature, there is a 21 strata multi-level residential building located at No. 3 Burgundy Crescent, Spearwood, adjacent to the Phoenix Shopping Centre.

Clause 5.8.3(b) of the Scheme stipulates that where residential development is permitted, other than in the 'Residential' zone and 'Regional Centre' zone, and a Residential Density Code has not been prescribed, all residential development shall be in accordance with the R60 density code.



This means that currently if residential development were to be proposed in the 'District Centre' zone a coding of R60 would be applicable.

For the reasons outlined for the proposed 'Mixed Use' zone, it is recommended that a coding of R-AC-3 be applied to the land.

Deletion of Restricted Use No. 11

Currently 'Restricted Use No. 11' ('RU11') applies to the 'District Centre' zone in this area. RU11 restricts the number of supermarkets in this area to a maximum of two.

This restriction was imposed as a result of the City's former Local Commercial Strategy ("LCS") that was approved by Council in November 2002. The now superseded LCS recommended that there be no more than two supermarkets, on the basis that any more would undermine the potential viability of several important surrounding neighbourhood and local centres. This restriction was formalised through RU11 being introduced into the Scheme as part of Amendment No. 11 in 2005.

In 2010 a request to delete RU 11 was submitted to Council by the landowner of 218 (Strata Lots 3, 5 and 6) Rockingham Road, Spearwood. This was supported by Council on the following basis:

1. The City has embarked on the Phoenix Central Revitalisation Strategy, whereby over the coming future a large amount of urban consolidation and renewal will take place within the 800m catchment of the Phoenix Park District Centre.
2. Considering the age of the LCS (developed 2002) and that planning considerations for the Phoenix Area have shifted significantly since then, it is considered that retail shopping demand stemming from the surrounding residential catchment and planned future growth is getting to the point which can sustain a further supermarket. Rather than take consumer patronage from surrounding Neighbourhood Centres, it is considered that an additional supermarket should serve the local catchment which is growing significantly and planned to continually grow into the future.

However, Scheme Amendment No. 85 did not proceed at the request of the proponent, and therefore the RU11 still applies to the land.

The former LCS has now been superseded by the Local Commercial and Activity Centre Strategy, and restriction to the number of supermarkets was not included as a recommendation. It is therefore



not considered there is any basis for the restriction to still apply, and accordingly it is recommended that Amendment No. 96 include the deletion of RU11.

Proposed Design Guidelines Local Planning Policy

In accordance with the Revitalisation Strategy it is proposed that design guidelines be prepared for the 'Mixed Use' zone and 'District Centre' zone.

In particular this will be important to address the following key issues:

- Vehicular access
- Pedestrian access
- Setbacks
- Parking
- Interface with residential development
- Signage
- Landscaping

The Design Guidelines will include guidelines for the 'District Centre' zone which will apply to the redevelopment of this land.

Rezoning Lot 507 Lancaster Street

The proposed zoning plan included in the Revitalisation Strategy showed Lot 507 Lancaster Street, Spearwood being rezoned from Residential R20' to 'District Centre'. This lot is located on the corner of Lancaster Street and Glendower Way, adjacent to the 'District Centre' zone to the west, and 'Residential R80' zone to the north.

It is therefore proposed that this lot be rezoned to 'District Centre' with a residential coding of RAC3 in accordance with the Revitalisation Strategy.

Public Access Way rezoning

Scheme Amendment No. 96 proposes to rezone the public access way between Bolingbroke Street and Rockingham Road from Residential R40 to 'Local Reserve - Local Road'.

The intent is to retain this link important link for pedestrian use and the rezoning of this land facilitates this intent.



Conclusion

Amendment No. 96 proposes a number of modifications to the Scheme, primarily to implement the proposed commercial zoning changes outlined in the Revitalisation Strategy.

It is therefore recommended that Council adopts Scheme Amendment No. 96 for community consultation.

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.

Budget/Financial Implications

Amendment No. 96 and the associated Local Planning Policy (Design Guidelines) will be prepared by staff from Strategic and Statutory Planning Services.

Legal Implications

N/A

Community Consultation

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

All affected landowners will be invited to comment on the proposals, an advertisement will be included in the local newspaper, and there will be displays at the City's administration building and Spearwood library.

Attachment(s)

1. Phoenix Central Revitalisation Strategy Zoning Plan
2. Proposed Scheme Amendment No. 96 Map
3. Proposed Table 1 – Zoning Table



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.6 (MINUTE NO 5118) (OCM 12/09/2013) - HAMILTON HILL REVITALISATION STRATEGY (AMENDMENT NO. 100) - ADOPTION FOR FINAL APPROVAL (109/034 (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the Schedule of Submissions prepared in respect of Amendment No. 100 to City of Cockburn Town Planning Scheme No. 3 ("Scheme");
- (2) adopt Scheme Amendment No. 100 for final approval for the purposes of:
 1. Rezoning various properties within parts of Hamilton Hill to 'Residential R30', 'Residential R30/40', 'Residential R40', 'Residential R30/40/60' and 'ResidentialR60' as shown on Attachment 1.
 2. Unreserving Lot 33 Davilak Avenue, Hamilton Hill, from 'Local Reserve - Lakes and Drainage' and zone 'Residential R30/40/60' as shown on Attachment 1.
 3. Rezoning Lot 70 Rockingham Road, Hamilton Hill, from 'Residential R20' to 'Local Centre' zone as shown on Attachment 1.
 4. Rezoning Lots 8, 11 and 303 Rockingham Road, Hamilton Hill from 'Local Centre' to 'Development' zone within 'Development Area 39' and Lots 9 and 10 Davilak Avenue, Hamilton Hill, from 'Residential R20' to 'Development' zone within 'Development Area' (No. 39) as shown on Attachment 1.
 5. Introducing a new 'Development Area' (No. 39), and including provisions under Schedule 11 of the Scheme as follows:



Ref No.	Area	Provisions
DA39	Rockingham Road Neighbourhood Centre	<ol style="list-style-type: none"> 1. Structure Plan adopted and endorsed in accordance with clause 6.2 of the Scheme to guide subdivision, land use and development and must include the whole Development Area 39. 2. The permissibility of land uses shall apply in accordance with clause 6.2.6.3 of the Scheme whereby the Local Structure Plan may impose a classification on the land by reference to reserves or zones, or by indicating the specific permissibility of land uses in the Local Structure Plan. 3. Minor development which does not increase the gross development floor space by 15% from that approved at 18.01.2013 can be approved without the adoption and endorsement of a Structure Plan. 4. Structure Plan will comply with the City of Cockburn's Local Commercial and Activity Centre Strategy (LCACS). The Structure Plan will be considered to be a Major Development under the LCACS and required to address the <i>General Guidelines on the Expectations and Targets of Neighbourhood and Local Centres</i>. 5. Structure Plan will be required to fulfill the following design objectives to the satisfaction of the Council – <ol style="list-style-type: none"> i. Provide for a mixed use development that provides daily and weekly household shopping needs, and convenience services. ii. Provide for a medium and high density residential development. iii. Provide high amenity public realm within the Centre for centre users to gather. iv. Development responds sensitively to the surrounding residential development through; <ol style="list-style-type: none"> a. adequate setbacks; b. well-articulated and fenestrated facades; c. minimal overlooking and overshadowing; d. location and screening of servicing areas and plant equipment; and e. access points and configuration. v. Development addresses Rockingham Road through a minimal setback and an articulated facade with regular fenestration. vi. Parking generally to be located centrally and screened from Rockingham Road and Davilak Avenue. vii. Development maintains pedestrian access through Centre between Davilak Avenue and Rockingham Road. viii. Development minimises the number of crossovers from Rockingham Road and uses public access easements where appropriate. 6. Development adequately addresses noise emissions from

		Rockingham Road.
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6. Rezoning Lot 51 Healy Road, Lots 25,26,27,28,52 Rockingham Road, and portions each of Lots 23,24,66,100 Hardey Street to 'Development' zone within 'Development Area' (No. 40) as shown on Attachment 1.

7. Introducing a new 'Development Area' (No. 40), and including provisions under Schedule 11 of the Scheme as follows:

Ref No.	Area	Provisions
DA40	Rockingham Road	<ol style="list-style-type: none"> 1. Structure Plan adopted and endorsed in accordance with clause 6.2 of the Scheme to guide subdivision, land use and development and must include the whole Development Area 40. 2. The permissibility of land uses shall apply in accordance with clause 6.2.6.3 of the Scheme whereby the Structure Plan may impose a classification on the land by reference to reserves or zones, or by indicating the specific permissibility of land uses in the Structure Plan.

8. Rezoning portion of Lot 100 Blackwood Avenue and Lot 1 Southwell Crescent, Hamilton Hill from 'Residential R20' to 'Development' zone, within a new 'Development Area' (No. 41) as shown on Attachment 1.

9. Introducing a new 'Development Area' (No. 41), and including provisions under Schedule 11 of the Scheme as follows:

Ref No.	Area	Provisions
DA41	Blackwood Avenue	<ol style="list-style-type: none"> 1. Structure Plan adopted and endorsed in accordance with clause 6.2 of the Scheme to guide subdivision, land use and development and must include the whole Development Area 41. 2. The permissibility of land uses shall apply in accordance with clause 6.2.6.3 of the Scheme whereby the Structure Plan may impose a classification on the land by reference to reserves or zones, or by indicating the specific permissibility of land uses in the Structure Plan.

10. Including a residential coding of 'R60' over all 'Mixed Business' zoned lots with the Hamilton Hill Revitalisation Strategy area.



11. Amending Sections 5.4.4 (b) and (c) of the Scheme by removing reference to the 'R30/40 split coded areas', and replacing with reference to 'split coded areas'.
 12. Amending Section 5.4.4 (c) of the Scheme by removing reference to 'R40' and replacing with 'the split code'.
 13. Rezoning Lot 133 Arthur Road, Hamilton Hill, from 'Local Reserve - Lakes and Drainage' to 'Residential R30/40' zone as shown on Attachment 1.
 14. Unreserving Reserve No. 37398 Tolley Court, Hamilton Hill, from 'Local Reserve - Parks and Recreation' and zone 'Residential R30/40/60' zone.
- (4) ensure the amendment documentation be signed and sealed and then submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions with a request for the endorsement of final approval by the Hon. Minister for Planning; and
- (5) advise those parties that made a submission of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

At its 8 November 2012 Ordinary Meeting, Council resolved to adopt the Hamilton Hill Revitalisation Strategy ("Revitalisation Strategy"), which included a proposed zoning plan.

At the Ordinary Meeting of Council 14 February 2013 Council initiated Scheme Amendment No. 100 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") to implement the various zoning changes identified in the Revitalisation Strategy for community consultation.



Community consultation has now been undertaken and the purpose of this Report is for Council to consider adopting Scheme Amendment No. 100 for final approval.

Submission

N/A.

Report

The purpose of this report is for Council to consider adopting Amendment No. 100 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for final approval.

Scheme Amendment No. 100 proposes to rezone various properties in Hamilton Hill in accordance with the Revitalisation Strategy, and introduce Scheme provisions for new proposed 'Development Areas'.

The rationale underpinning the zoning changes reflects the prevailing Directions 2031 Strategic Plan, whereby opportunities for urban consolidation in appropriate areas is emphasised. The Revitalisation Strategy has produced an outcome which is considered to reflect Directions 2031 in all aspects, as well as reflect the in-depth community consultation and visioning which has underpinned the Revitalisation Strategy.

Development Zone

Amendment No. 100 proposes to rezone three areas to 'Development' zone whereby the preparation of a structure plan will be required to guide subdivision and development.

The advertised Amendment proposed to introduce a new 'Development Area' and associated provisions for the Rockingham Road Centre to guide its future redevelopment. The 'Development Area' provisions require a structure plan to be prepared before a significant redevelopment of the area can occur. A significant redevelopment is being defined in the provisions as an expansion greater than 15% of the current gross floorspace. The 'Development Area' provisions require a future structure plan to fulfil a number of 'good design' principles. In summary, these principles require:

1. Retention of local shopping facilities;
2. Improved public realm;
3. Creation of new community gathering areas;
4. A sensitively built form response to the surrounding residential areas;



5. Improved relationship between the Centre, Rockingham Road and surrounding residential areas.

Further consideration has been given to the proposed extent of the 'Development' zone for the Rockingham Road Centre, and it is considered appropriate for this to be scaled back to include only the larger parcels of land on the southern side of Rockingham Road that are in the same ownership (ie. Lots 8, 11 and 303 Rockingham Road, and Lots 9 and 10 Davilak Avenue, Hamilton Hill).

A number of the smaller lots that were proposed to be included in the 'Development' zone and 'DA39' are only around 1000m², and imposing the requirement for a structure plan over this whole area (involving multiple landowners over both sides of Rockingham Road) prior to redevelopment of these sites could be onerous when the structure plan will primarily be dealing with issues relating to Lot 43 Rockingham Road and associated landholdings.

It is therefore proposed that the other lots remain in the 'Mixed Business' zone, with a residential coding of R60 applicable, and that only Lots 8, 11 and 303 Rockingham Road, and Lots 9 and 10 Davilak Avenue, Hamilton Hill be rezoned (from 'Local Centre' and 'Residential R20') to 'Development' zone, within 'DA39'.

It is also proposed that the other two areas proposed to be rezoned to 'Development' zone be placed in 'Development' Areas (proposed DA40 and DA41), to specifically set out the requirement for structure plans. The Revitalisation Strategy did outline these areas to be included in 'Development Areas'.

R30/40/60 Split Density Code

The Hamilton Hill Revitalisation Strategy proposes a new split density code of R30/40/60 with the objective of encouraging improved redevelopment outcomes through:

1. The assembly of land parcels into larger development sites that can be developed in a more coordinated manner; and
2. Promotion of two storey construction for higher density developments so as to achieve an improved balance between open space and dwelling floorspace.

To facilitate the introduction of the new split code it proposed that the Scheme be amended to refer only to 'split coded areas' rather than the current reference to only R30/40 split coded areas.



Additional Zoning Changes

Amendment No. 100 proposes two additional zoning changes which were not identified in the Hamilton Hill Revitalisation Strategy, but represent logical rationalisations of the existing zonings in Hamilton Hill. These include the rezoning of Lot 133 Arthur Street, Hamilton Hill from 'Local Reserve - Lakes and Drainage' to 'Residential R30/40' and the zoning of Reserve No. 37398 Tolley Court, Hamilton Hill as 'Residential R30/40/60'.

Lot 133 Arthur Street, Hamilton Hill

Lot 133 Arthur Street, Hamilton Hill is 282m² in area and was previously used as a retention drainage basin for local stormwater (refer Attachment 2). However, the City's Drainage Catchment Study found that the basin was surplus to need and no longer required. In November 2012 the basin was filled in and is now suitable for residential development.

It is proposed that the land be zoned 'Residential R30/40' as per the adjoining properties. It is intended that the City will develop and sell this land once zoned appropriately. The City will need to negotiate with adjoining land owners to gain vehicle access to the property.

No submissions were received regarding the proposed rezoning of Lot 133 Arthur Street, Hamilton Hill, and it is therefore recommended that this proposal be included in Amendment No. 100 and adopted for final approval.

Reserve No. 37398 Tolley Court

Reserve No. 37398 Tolley Court, Hamilton Hill is 1009m² and though zoned for the purpose of recreation has never been developed for this purpose (refer to Attachment 3). The land was ceded to the Crown for 'Parks and Recreation' when the land was first subdivided into single residential lots in the 1970s. Its small size has meant that City has never developed the land for recreation purposes. Its small size and the fact it only has road frontage on one side means that the Reserve is not considered capable of functioning effectively as a local park.

For this reason Amendment No. 100 proposes that the Reserve be zoned 'Residential R30/40/60' as per the adjoining properties. It is intended that the land be developed and sold by the City, with the money from this sale being invested in an upgrade to nearby Dixon Park. This money could be used to deliver some of the upgrades identified for Dixon Park in the Revitalisation, which include:



1. Landscaping design and construction;
2. BBQs;
3. Regional playground and shade;
4. Car park;
5. Oval flood lighting;
6. Benches, seats and shade structures;
7. Footpath extensions; and
8. Fencing and bollards.

There were no submissions received in relation to the proposed zoning of Reserve No. 37398 Tolley Court, Hamilton Hill.

Community Consultation

Amendment No. 100 and the proposed modifications to Local Planning Policy APD58 were advertised for public comment from 28 May 2013 – 23 July 2013. Letters were sent to all affected landowners explaining Amendment No. 100 and the proposed changes to APD58 Residential Design Guidelines. This included maps showing the proposed zoning changes.

A total of 32 submissions were received regarding Amendment No. 100, with 22 of support, five objections, three submissions of conditional support, and 2 submissions making other comments.

All of the submissions are outlined and addressed in Attachment 3.

One of the key concerns raised in the objections relates to increases in traffic as a result of the proposed rezonings.

It has been identified that roads across the City will need to evolve as part of forecast future growth. This work forms part of a current project being undertaken by the City, in terms of updating the District Traffic Study to 2031.

As has occurred in the Phoenix Central Revitalisation Strategy area, development within Hamilton Hill will occur gradually. The density changes proposed in the Revitalisation Strategy are expected to result in an additional 800 dwellings by 2032. This means a 32% increase in dwelling numbers within the current study area. The incremental nature of the increase in dwelling numbers and associated increase in traffic allow the City to plan appropriately for the road upgrades required to accommodate this change.

A submission was received requesting the inclusion of 10 and 12 Kerry Street in the R40 zone, rather than the R30 zone. Upon reconsideration of this issue, it is considered there is justification to



extend the proposed R40 coding boundary to Stratton Street, including No. 2, 4, 6, 8, 10 and 12 Kerry Street in the proposed R40 zone.

This row of properties directly abuts a proposed R30/40/60 area, and rather than stopping the proposed R40 boundary halfway along this street it is logical to extend this boundary to the northern end of the street.

Proposed Minor Modifications

The Council resolution that initiated Amendment No. 100 referred to a proposed coding of 'R20/R30/R40' rather than the intended 'R30/R40/R60' which was shown on the plan, and referred to in Draft Local Planning Policy APD58 Residential Design Guidelines. This was an administrative oversight and the Amendment was advertised for public comment as per the intended proposed 'R30/R40/R60' shown on the Scheme Amendment Map. It is therefore recommended that this be corrected.

These proposed modifications to Amendment No. 100 are highlighted in bold in the recommendation.

Conclusion

It is recommended that Council adopt Scheme Amendment No. 100 for final approval, subject to the modifications discussed in this report and outlined in the recommendation.

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.

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

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

Advertising included letters to all affected and adjacent landowners explaining the proposals, advertisements in the local paper and a display in the administration building.

Attachment(s)

1. Scheme Amendment No. 100 Map
2. Advertised version – Scheme Amendment No. 100 Map
3. Hamilton Hill Revitalisation Strategy Proposed Zoning Plan
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

All submissioners have been advised that this matter is to be considered at the 12 September 2013 Council Meeting.

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

Nil.

14.7 **(MINUTE NO 5119) (OCM 12/09/2013) - ECONOMIC DEVELOPMENT DIRECTIONS STRATEGY LOCATION: CITY OF COCKBURN OWNER: N/A (059/003) (R PLEASANT) (ATTACH)**

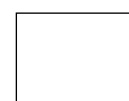
RECOMMENDATION

That Council supports the preparation of the Economic Development Directions Strategy and endorses the approach as described in the project plan contained within Attachment 1.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0



Background

A successful local economy is a key driver of the wellbeing of a community. As a result, Council has an important role to play in promoting and facilitating economic development for local businesses and supporting the City's residents through the provision of jobs and services.

Given the close relationship with residents and the business community, Council is in a unique position to identify economic development initiatives in order to capitalise on opportunities for growth.

The development of an economic development strategy is an important part of gaining an understanding of roadblocks and the prioritisation of resources to support the continued growth of strategic employment within the City.

A strategy is required to identify specific opportunities for the City to actively intervene in the local economy. These opportunities should align with the City's strategic plan, as well as State Government employment objectives outlined in *Directions 2031*.

The City's current workforce structure does not have a dedicated Economic Development Unit or adopted Economic Development Strategy and as a result the City has identified the need to address this gap within the corporate Sustainability Strategy 2013-2017.

Given the absence of a formal Economic Development Unit or position, the Strategic Planning Department have been tasked with preparing a Strategy within the Corporate Business Plan 2013/2014. This will have a key initial role in establishing whether the City should be considering an economic development service, and in what way this would best be undertaken by the organisation. Through examining whether a business case at the strategy level exists for the City to dedicate funds to a new economic development portfolio, the City will be placed to determine this in full knowledge as part of its future service delivery.

Submission

N/A



Report

Project Objectives

The key objective of this Project is to identify and understand Council's role with regard to economic development, and to determine whether a business case exists for a dedicated economic development portfolio for the future of the organisation. This will investigate the different ways in which local governance can effect economic development, and how the City may consider an evolving role for itself going forward.

The key objective of the Project is therefore:

1. Identify Council's current and potential future role in enhancing economic development for the LGA, and make recommendations on structural mechanisms and resources required to effectively implement economic development.

Associated with this will be examination of:

1. Key industry sectors that enhance economic and employment growth opportunities in the City of Cockburn, and how these can be supported through local governance;
2. Council policies and processes that impact on economic development and make recommendations for improvements.
3. Social, cultural and environmental factors within the City's control that can impact on economic development.

Approach

Given the need to firstly identify Council's role, relationship and structure options, it is recommended the strategy be prepared over two stages. The Project plan (Attachment 1) provides more detailed information.

Stage 1 - Economic Development Directions Strategy

It is proposed stage 1 (which is the topic of this report) focus on setting the vision, objectives and general directions to seek consensus on Council's economic development role. This includes:

1. Identifying key industry sectors and set clear directions to enhance economic and employment growth opportunities in the City of Cockburn.
2. Understanding what Cockburn's economy should look like in the future.
3. Linking economic development initiatives with land use planning requirements.



4. Identifying Council policies and processes that impact on economic development and make recommendations for improvements.
5. Considering in the making of recommendations social, cultural and environmental factors.
6. Identifying Council's role in enhancing economic development for the City and make recommendations on structure mechanisms and resources required to effectively implement the Economic Strategy. This includes investigating the internal structures of the Economic Development Unit at Kwinana Council to inform future structure recommendations given the recent amalgamation decisions.

Stage 2 – Economic Development Strategy

Stage 2 will see the implementation of stage 1 recommendations, including the development of an Economic Development Strategy via the identified implementation mechanism and when resources are made available. This will logically inform the future organisational design of the City, and in what form Stage 2 occurs will be informed by Council's decision on Stage 1. It is likely a recommendation will include the need to engage an economic development specialist to assist in preparing such a strategy given the need to understand such things as market trends.

Reasons to support a two staged process include:

1. An effective Economic Development Strategy is one that integrates with all areas of Council. Therefore providing a directions report is an important first step in reaching a whole of Council consensus and road map.
2. There is a need to agree on a vision and objectives before making more detailed recommendations.
3. An Economic Development Strategy will cut across several Council existing and emerging strategies and therefore it is important to understand how this will occur. For example the NBN network is expected to be delivered across Cockburn within the next three years, as a result it is timely to have a conversation regarding development of a digital economies strategy (a Corporate Business Plan 2013/2014 requirement) given its direct relationship with economic development.
4. It provides an opportunity to inform future structures, including how Cockburn can work with Kwinana given the recent amalgamation announcements.
5. Stage 1 will assist in informing a brief to engage an economic development specialist to undertake a strategy.



6. Should an economic development unit be recommended within Council's structures, a two staged strategy would allow the new position/s to take ownership over the development of a strategy and importantly develop relationships with the business community within its development and delivery.

The outputs of the Economic Development Directions Strategy will include:

- A background analysis report;
- An Economic Development Strategy Directions document.

It is recommended that Council support the commencement of stage one – Economic Development Directions Strategy.

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.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Infrastructure

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

Corporate Business Plan

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

Sustainability Strategy 2013-2017

As a result of the strategic objectives identified within the 5 year sustainability strategy, the following KPI's are identified within the associated action plan for 2013-2014:

Eco 1.1 Develop an economic development strategy for the City of Cockburn.

Eco 1.2 Determine the priority for an economic development office.

Eco 1.3 Determine whether tourism should be incorporated into an economic development strategy or as a stand-alone strategy.



Eco 1.4 Consider the role of the tertiary sector in the City's economic development strategy.

Budget/Financial Implications

The project will be undertaken internally by Council staff.

Legal Implications

N/A

Community Consultation

Community consultation shall occur at the development of the Economic Development strategy in stage 2, which will take place following a decision being made on stage 1 outcomes.

Attachment(s)

Economic Development Directions Strategy Project Plan

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 14.8 **(MINUTE NO 5120) (OCM 12/09/2013) - STRUCTURE PLAN ADOPTION - LOCATION: LOT 691 RIVERINA PARADE AND LOT 688 COOGEE ROAD, MUNSTER - OWNER: LIFESTYLE HOLDINGS PTY LTD - APPLICANT: CITY OF COCKBURN (110/086) (A VAN BUTZELAAR / D DI RENZO) (ATTACH)**

RECOMMENDATION
That Council

(1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the proposed modified Structure Plan for Lot 691 Riverina Parade and Lot 688 Coogee Road, Munster;



- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement; and
- (3) advise the proponent of the Council's decision.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

The purpose of this report is for Council to consider adopting the proposed Structure Plan for Lot 688 Coogee Road and Lot 691 Riverina Parade Munster ("subject land").

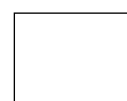
The subject site is zoned "Urban" under the Metropolitan Region Scheme ("MRS") and "Development Zone" within "Development Area No. 6" ("DA 6") under the City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject land is currently denoted an R20 density coding under the Munster Phase 1 Local Structure Plan.

The proposed modified Structure Plan seeks to modify the residential coding from R20 under the Munster Phase 1 Local Structure Plan to an R30 density code (see Attachment 1).

The proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. The purpose of this report is to consider the modification to the Local Structure Plan of the subject site for final adoption in light of the advertising process having taken place.

Submission

The proposed modification to the Local Structure Plan for Lot 691 Riverina Parade and Lot 688 Coogee Road, Munster has been lodged by Lifestyle Holdings Pty Ltd.



Report

The proposed modification to the Munster Phase 1 Local Structure Plan seeks to modify the residential coding of Lot 691 Riverina Parade and Lot 688 Coogee Road from R20 to R30. This would allow for the development of an additional two dwellings (i.e. four on the subject site rather than the current two) (see the concept plan at Attachment 2).

The subject land abuts land that is coded R40 and has been developed with 10 grouped dwellings on the southern boundary and two single dwellings on the northern boundary at a density of R20 (see Attachment 3).

It is considered that the proposed R30 density coding is a logical transition from the existing R40 zoned land abutting the subject site to the south, and the R20 coding to the north.

The Munster Phase 1 Local Structure Plan comprises a number of density codes including traditional R20 (500m²) lots and medium density R40 (200m² - 300m²) residential lots. Traditional single residential housing blocks are currently well provided within Munster and the wider Cockburn local government area.

The proposed modification to the subject site from a residential coding of R20 to R30 is intended to provide medium density housing to cater for couples, small families and the growing retiree population. It will contribute to dwelling diversity, given that this area is predominately coded R20, with some areas of R40, and no R30 coded lots.

The site is located within 400m walkable catchment of a local centre, and a high frequency bus service, and given this level of accessibility a coding of R30 is considered appropriate.

Community Consultation

The proposed modification to the Structure Plan was advertised in the Cockburn Gazette for public comment for 21 days from 1 July to 23 July 2013 in accordance with the requirements of the Scheme. It was advertised to nearby and affected landowners and also referred to relevant government authorities. No submissions were received from adjoining landowners or servicing/government authorities.

Conclusion

It is recommended that Council in pursuance to Clause 6.2.9 of the Scheme adopt for final approval the proposed modification of the Munster Phase 1 Local Structure Plan to recode Lot 691 Riverina



Parade and Lot 688 Coogee Road, Munster from R20 to R30 density code.

Strategic Plan/Policy Implications

Growing City

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

Community & Lifestyle

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

Moving Around

- Facilitate and promote healthy transport opportunities.

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

The proposed modification to the Local Structure Plan for Lot 691 Riverina Parade and Lot 688 Coogee Road, Munster was advertised for public comment for 21 days from 1 July to 23 July 2013 in accordance with the requirements of the Scheme.

Attachment(s)

1. Proposed modified structure plan
2. Concept plan of proposed development
3. Aerial photo of the subject site and surrounds

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 12 September 2013 Council Meeting.



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

Nil.

14.9 (MINUTE NO 5121) (OCM 12/09/2013) - PROPOSED STRUCTURE PLAN - LOCATION: LOT 46 WOODROW AVENUE, HAMMOND PARK - OWNER: ROMAN CATHOLIC ARCHBISHOP OF PERTH - APPLICANT: CLE - FILE NO. (110/085) OFFICER: (C HOSSEN) (ATTACH)

RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Proposed Structure Plan for Lot 46 Woodrow Avenue, Hammond Park subject to the following modification;
 - (a) An additional point be added to the 'Conditions' section of the Special Use Table on the Structure Plan map that states,

"A Traffic Impact Assessment, to the satisfaction of the local government, is required to be prepared and implemented to the satisfaction of the local government as part of all future applications for planning approval"
- (2) endorse the schedule of submissions prepared in respect of the Structure Plan; and
- (3) advise the proponent and those persons who made a submission of the Council's decision.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0



Background

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lot 46 Woodrow Avenue, Hammond Park ('subject land'). The Proposed Structure Plan seeks to provide the development framework for the subject land, otherwise known as the Hammond Park Catholic School Site, incorporating a Special Use Zone with the uses of "Education Establishment" and "Place of Worship" being identified as permitted uses.

The Proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. This report now seeks to specifically consider the Proposed Structure Plan for adoption, in light of the advertising process and assessment by officers.

Submission

CLE Town Planning & Design have lodged the Proposed Structure Plan on behalf of the landowner the Roman Catholic Archbishop of Perth.

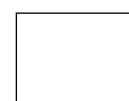
Report

Planning Background

The subject land is 4.05 ha in size and abuts the eastern side of Woodrow Avenue. Existing residential development adjoins the subject sites northern and western boundaries; with rural land forming the remaining immediate environs of the subject site. This is in the process of being transitioned to urban land, commensurate with the strategic planning at both state and local government planning levels. A location plan is shown in Attachment 1.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ('MRS') and 'Development' under the City of Cockburn Town Planning Scheme No. 3 ('Scheme'). The subject land is also located within Development Area 9 ('DA9') and is subject to Development Contribution Areas No. 13 ('DCA13'). The subject site is also within the boundary of Development Contribution Area No. 9 ('DCA'). DCA 9 is currently pending approval by the Department of Planning and forms a seriously entertained planning proposal. Development on the subject site is not exempt from DCA9.

The Subject Site falls within the Southern Suburbs District Structure Plan Stage 3 ('SSDSP3'). SSDSP3 identified the site as a 'Private Primary School' The Proposed Structure Plan is broadly consistent with the intent of the SSDSP3.



The SSDSP3 indicates the following ultimate outcome for the immediate environs of the subject site.

1. A future north-south road to adjoins the site on its eastern boundary;
2. A public High School site directly east of the subject site; and
3. Residential development to the south and south west of the subject site.

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision and development of land within a Development Area.

Previous Planning Approvals

The City on 4 May 2012 granted conditional planning approval for Stage 1 of the Hammond Park Catholic Primary School on the subject site.

The City in granting planning approval exercised its discretion in pursuance of Clause 6.2.4.2 of the Scheme to approve the development of land in a Development Zone prior to a Structure Plan coming into effect. To this end the City was satisfied that the approval of Stage 1 would not prejudice the specific purposes and requirements of the respective Development Zone.

Stage 1 is currently under construction and expected to be completed shortly. Importantly at the time of considering Stage 1, the overall Master Plan was submitted together with a comprehensive traffic examination of how future traffic associated with the primary school will be managed. The City was satisfied with both these arrangements at the time of considering and granting approval for the Stage 1 development application.

The Proposed Structure Plan will provide guidance and direction for future stages of the Hammond Park Catholic Primary.

Proposed Structure Plan

The Proposed Structure Plan proposes to place the subject site within a Special Use Zone.

The uses 'Educational Establishment' and 'Place of Worship' are 'permitted' land uses with all other land uses 'not permitted'. All development on site will be subject to Planning Approval and required to be generally in accordance with the layout depicted on the Site Masterplan. The site Masterplan forms an appendix to the Structure Plan and is shown in Appendix 3 of this report.



Traffic

A Traffic Assessment forms Appendix 6 of the Structure Plan Report. The Assessment outlines the expected traffic flows and any expected impacts emanating from the School at its ultimate size (738 students). The report indicates that traffic flows at this level of development are acceptable and manageable within the surrounding road network. The City's Traffic Engineer has reviewed the Traffic Assessment.

While noting the traffic assessment, schools by their nature represent significant traffic generators which need careful management over time. While the City is currently satisfied with the traffic assessment which has informed the Master Plan and Stage 1 development application, it is considered prudent to ensure that each subsequent stage of development has a new traffic assessment undertaken, in order to keep current the examination of traffic in the locality. It is likely that as the surrounding neighbourhood continues to develop, assumptions made under the original traffic assessment may change. To this end requiring a new traffic assessment at each stage of the school's development will importantly ensure that the City has all the required information to impose appropriate conditions for upgrading or construction of new infrastructure to service the school's development.

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme, the Proposed Structure Plan was advertised for 21 days from 9 July 2013 to 30 July 2013.

A total of six submissions were received. Five submissions were received from service/government authorities with none objecting to the proposal. One submission was lodged on behalf of an adjoining landowner; the submission offered general support for the intent of the Structure Plan but provided comment on one particular aspect.

The submitter noted the requirement to lift Franklin Avenue in the immediate vicinity to provide adequate sewer access to the future residential areas to the south. The submitter requested that the need for this development requirement and the sharing of the costs associated with it be included within the Structure Plan.

The City will require Franklin Avenue be upgraded and lifted to the required standard at the appropriate stage of development. However, the requirement to share costs amongst landowners/developers is a matter already outlined within the *Planning and Development Act 2005*. Specifically, as future residential development generates the need for upgrades to the local road system (i.e. the lifting the road), then



structure planning and subsequent subdivision applications for that residential development will need to programme how the upgrades will take place. It is not appropriate to attempt to impose a cost sharing mechanisms via a Structure Plan, given the infrastructure upgrade represents local infrastructure which is the responsibility of subdividing and developing landowners must meet.

Conclusion

It is recommended that the Council adopt the Structure Plan for Lot 46 Woodrow Avenue, Hammond Park, subject to modification.

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.

Budget/Financial Implications

The required fee was calculated on receipt of the Proposed Structure Plan and has been paid by the proponent. The site is subject to both Development Contribution Areas No's 9 and 13. There aren't any 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 of such longer period as may be agreed by the applicant. The advertising period concluded on 30 July 2013.

Community Consultation

In accordance with Clause 6.2.8 of the City's Scheme, the Proposed Structure Plan was advertised from 9 July 2013 to 30 July 2013. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

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



Attachment(s)

1. Location Plan
2. Local Structure Plan
3. Masterplan
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 September 2013 Council Meeting.

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

Nil.

14.10 (MINUTE NO 5122) (OCM 12/09/2013) - PROPOSED NAMING OF PUBLIC OPEN SPACE RESERVE 51315 (RESERVE FOR PUBLIC USE & RECREATION) - LOT 8029 MEDINA PARADE, NORTH COOGEE - OWNER: PORT CATHERINE DEVELOPMENTS PTY LTD (6013930) (R CREEVEY/ A TROSIC) (ATTACH)

RECOMMENDATION

That Council

- (1) endorse the name 'Marina Beach' for Reserve 51315 (Lot 8029) Medina Parade, North Coogee and refer it to the Geographic Names Committee with a request for their approval of the name; and
- (2) advise the submissions of Council's decision.

COUNCIL DECISION

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

MOTION LOST 10/0

MOVED Clr L Smith SECONDED Clr Y Mubarakai that the item be deferred to a future Ordinary Council Meeting to allow further community consultation and consideration of alternative name options.

CARRIED 10/0



Reason for Decision

Given the deputation tonight and the obvious concern from residents that not enough consideration has been given to other name alternatives, it is felt that further community consultation is needed and other names should be considered. Bringing the item back at a later date will allow this to occur.

Background

The City received a request for the naming of public open space reserve 51315 (Lot 8029 Medina Parade), which is the beach area within the Port Coogee development. The reserve request was for the name 'Marina Beach', which links to the marina location of the beach environment. The area is shown in Attachment 1 - Location Plan.

In accordance with Council policy and delegation, the request was considered according to Council Policy PSPD20 (Naming of Parks and Reserves) and the Geographic Names Committee ("GNC") Principles, Guidelines and Procedures document.

It is recommended that Council proceed with the naming of the reserve as Marina Beach, on the basis of it being consistent with the naming conventions contained under PSPD20 and the GNC guidelines. Specifically that Council Policy guides the naming of reserves after adjacent features, in order to maximise community identification with the naming.

Submission

The City received a request for the naming of the public open space reserve from Australand, developers of the Port Coogee Marina.

Report

The request was to name the reserve 'Marina Beach', being located within the Port Coogee Marina, which is consistent with the principles contained within Council Policy PSPD20 and the GNC naming guidelines. Specifically Section 1.1 of PSPD20 states:

"1.1 Priority will be given to the naming of parks and reserves after an adjacent street or feature in order to maximise the identification of that park or reserve with an area. The road type is not to be included as part of the name."



The approach adopted in this case is to name the beach after a key adjacent feature, being the Port Coogee marina. It will help communicate to the wider public that there is a beach located within the marina, which is accessible to the wider community.

The GNC guidelines require the naming of reserves to include a process of advising the local community of proposed names and inviting comments. This is supported through Council Policy PSPD20, which includes referral of proposals to Ward Councillors and notices placed in the local newspaper. Underpinning these processes is the desire to gain community support for naming, reflective of the desire for public reserves to provide the opportunity for community interaction and harnessing community spirit.

During consultation, three surrounding landowners wrote to the City outlining their comments and suggestions on the proposed name (refer Attachment 2 - Submissions). Overall submissions were generally supportive of the naming proposal. Given that public open space reserves have a primary role of facilitating community recreation and interaction in and around the (in this case) the Port Coogee Marina, it is considered appropriate that Council proceed with the naming of the beach reserve and Marina Beach.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Public consultation was undertaken as per Council Policy and the GNC Guidelines.

Attachment(s)

1. Location Plan
2. Submissions



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 September 2013 Council Meeting.

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

Nil.

14.11 (MINUTE NO 5123) (OCM 12/09/2013) - DEDICATION AS PUBLIC ROAD - PORTION OF LOT 594 (DEPOSITED PLAN 217070) ARMADALE ROAD, BANJUP - OWNER STATE OF WESTERN AUSTRALIA - APPLICANT MAIN ROADS WESTERN AUSTRALIA (5514436) (K SIM) (ATTACH)

RECOMMENDATION

That Council

- (1) subject to MRWA undertaking the reserve upgrades in accordance with the WAPC planning approval dated 10 October 2012, request that the Minister for Lands dedicate Portion of Lot 594 on Deposited Plan 217070 Armadale, Banjup as road reserve pursuant to Section 56(1) of the *Land Administration Act 1997*; and
- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting the request in (1) above.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0



Background

Council at its Ordinary Council Meeting held on 13 September 2012 resolved as follows in respect of a planning application to modify Reserve 38912 (Banjup War Memorial) in order to facilitate modifications to the road network at the intersection of Armadale and Warton Road:

That Council recommends that the application be approved by the Western Australian Planning Commission (WAPC), for additions and alterations to the existing War Memorial Park at No. 38912R (Lot 594) Armadale Road, Banjup, in accordance with the attached plans and subject to the inclusion of conditions and advice notes

The conditions recommended for the upgrade to the war memorial, including new parking areas, lighting, fencing, provisions of services etc. WAPC approval was granted on 10 October 2012 for this; however, some of the conditions requested by the local government were not supported. The conditions imposed by the WAPC were only limited to implementation of the approved development plans.

This approval was based upon the requirement to relocate backwards the extent of the existing reserve containing the war memorial, given that a front portion was required for the road widening. As the approval has now been secured, and MRWA have agreed to implement it, MRWA have asked that the required road dedication of the front portion of the reserve take place.

Submission

MRWA has written to the City requesting the dedication as road reserve that portion of Lot 594 identified in the planning approval to be re-vested as Road Reserve .

Report

Plans the subject of the planning approval show that the war memorial and fencing being moved away from the frontage with Armadale Road. These works are required in order to accommodate new carriage ways associated with the upgrade of the Armadale/Warton Road intersection.

It is a statutory requirement that the Local Authority pass a resolution requesting that the Minister for Lands dedicate as public road land that is used by the public for road purposes.

Main Roads Western Australia has provided a written undertaking that they will complete all the works as required in the planning approval.



Recommendations 2, 3, 5, 6, 7, 8, and 9 of the Council decision 13 September 2012 were not supported by the WAPC approval and as such have not been taken up by Main Roads Western Australia. The recommendations are contained in an advise letter the subject of Attachment 3 of this report.

MRWA report that budget constraints restrict them from undertaking the provision of water and lighting on the site. They advised that there is no scheme water in the vicinity and that the closest available power supply is some distance away in Warton Road. A solar power supply was investigated but this was found to be price prohibitive. Safety issues preclude the provision of a crossover and onsite parking. MRWA will provide mountable kerbing on the new road to allow parking similar to that which currently exists.

Following Council's resolution, the request will be forwarded to the Department of Lands. The road land will dedicate as road reserve and a balance Lot 202 on Deposited Plan will remain as Reserve 38912.

Strategic Plan/Policy Implications

Growing City

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

Leading & Listening

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

Moving Around

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

Budget/Financial Implications

MRWA have undertaken to meet all costs associated with the works subject of the WAPC approval.

Legal Implications

Provisions of the *Land Administration Act 1997* refer.

Community Consultation

The Banjup Residents Group and the RSL were consulted as part of the original Planning application.



Attachments

1. Deposited Plan 74231
2. Location Plan
3. Advise to Applicant Letter re. Item 14.8 OCM 13 Sept 2012.

Advice to Proponent(s)/Submissioners

Main Roads Western Australia has been advised.

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

Nil.

14.12 (MINUTE NO 5124) (OCM 12/09/2013) - RETROSPECTIVE CHANGE OF USE FROM WAREHOUSE TO SHOWROOM, WAREHOUSE AND OFFICE - 24 HORUS BEND BIBRA LAKE - OWNER: CONSOLIDATED DEVELOPMENTS PTY LTD - APPLICANT: LOU SLOOT (6013021) (R SIM) (ATTACH)

RECOMMENDATION

That Council refuse to grant approval to commence development for a retrospective change of use from warehouse to showroom, warehouse and office at 24 Horus Bend, Bibra Lake for the following reasons:

1. The proposal does not comply with the car parking standards of Town Planning Scheme No. 3 set out in Table 3 – Commercial Use Classes and Table 4 – Industrial Use Classes for the proposed Showroom and Warehouse uses respectively.
2. The proposal is contrary to Town Planning Scheme No. 3 Clause 5.9.4 as the site will not be convenient, functional or accessible due to the proposed car parking short fall.
3. The proposed variation is contrary to orderly and proper planning where variation of the Scheme standards directly impact on the efficient operation of an important employment area.



COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that grant approval to commence development for a retrospective change of use from 'warehouse' to 'showroom, warehouse and office' at 24 Horus Bend, Bibra Lake subject to the following conditions:

1. All boats shall be displayed, serviced/maintained and stored inside the building at all times with no boats permitted to be displayed, serviced/maintained and/or stored outside the building.
2. No parking of vehicles or boats is permitted within the road reserve at any time.
3. A plan and description of any signage and advertising not exempt under Town Planning Scheme Schedule 5 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
4. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
5. The approved change of use from warehouse to showroom, warehouse and office is limited to the current applicant and their existing business (the subject of this approval) and is not transferable to any other owner or tenant of the land.
6. The Use of site for showroom, warehouse and office shall cease and revert back to warehouse only in accordance with the previous approval issued by the City on 12 November 2012, upon a change in occupant of the building (through sale, lease or sub-lease of the premises or sale of the business).

CARRIED 10/0

Reason for Decision

The nature of this business will not create a massive influx of customers at any one time. At least 7 Elected Members have visited this site for independent inspection. It is reasonable to support this local business, in this instance.



Background

The proposal seeks approval for a retrospective change of use from “warehouse” to “showroom and warehouse” at 24 Horus Bend, Bibra Lake. The subject site was approved as two warehouse units under delegated authority on 23 February 2011 with a provision of 10 parking spaces (5 parking spaces for each unit). An additional approval for office additions to existing warehouses was issued on 12 November 2012. No additional parking spaces formed part of this approval. The units are contained under one ownership on a single lot and are not strata titled.

On 18 December 2012, the City received application for a change of use from warehouse to general industry and boat sales. Unit 1 was intended to be used for a workshop to service and repair boats and Unit 2 was intended to be used as a showroom for ski related equipment. The application sought removal of one parking space to be used as a permanent display bay for sales and the creation of an additional 2 parking spaces located in front of the sales area for Unit 2. As part of the assessment process, both Units 1 and 2 required a provision of 9 parking spaces, resulting in a total onsite parking requirement of 18 car spaces. However, only 9 functional car spaces were being proposed. The application was refused under delegated authority on 6 February 2013 for the following reasons:

1. A total of 9 parking spaces were shown onsite in lieu of the required 18 parking spaces.
2. The 2 parking spaces located in front of the sales area for unit 2 shown on the plans were not consistent with the requirements of orderly and proper planning.

Following a subsequent site visit and meeting with the owner of ‘Malibu Boats’ by the City’s Planning Officer on 14 February 2013, the current retrospective change of use application was received by the City on 5 March 2013 along with a covering letter setting out their justification for the variation. Plans and letter are attached.

At the Ordinary Council Meeting held on 13 June 2013, Council resolved to defer the matter until further discussions are held and report is presented to a future Council Meeting. On Tuesday 6 August 2013, three (3) of the City’s elected members met onsite with the applicant and the City’s Planning Officer to discuss the operations of the warehouse, showroom and office with the applicant.



Submission

The site plan for the current retrospective application consists of a warehouse, showroom and ancillary offices.

Unit 1

This remains a warehouse with the applicant advising that minor maintenance and servicing of boats will occur.

Unit 2

A site visit by the City's Planning Officer has determined that Unit 2 is currently being used as a 'showroom' under Town Planning Scheme No. 3. The applicant is proposing this unit be retrospectively approved as a showroom to allow the use to continue.

The two office additions approved in November 2012 are still intended to be utilized as office facilities.

The applicant has advised in writing that the warehouse and showroom will employ 3 staff members, which has been reduced from the 5 staff members indicated in the original application.

No parking area is being proposed for display of goods.

Based on the above information, the required parking standards for the original and proposed uses under Town Planning Scheme No. 3 are shown below.

Application No.	Approved use	Floor space	Parking standard	Required parking	Parking provided
DA10/1036 – Original Approval	2 warehouse units	736m ²	Warehouse = 1 car bay per 100m ² gla	4 car bays per lot (8 in total)	10 car bays
DA12/0867 – Office Additions	Office additions to existing warehouses	Warehouse – 333m ² per unit Office – 35m ² per unit	Warehouse – 1 car bay per 100m ² gla Office – 1 car bay per 50m ² gla	4 car bays per lot (8 in total)	10 car bays
DA13/0196 - Current Application	Change of use to showroom and warehouse	Showroom – 333m ² Warehouse – 333m ² Office – 35m ² per unit	Showroom – 1 Car bay per 50m ² gla Warehouse – 1 car bay per 100m ² gla Office – 1 car bay per 50m ² gla	12 parking bays.	10 car bays.



The table above demonstrates that there will be a two bay car parking shortfall as a result of the proposed change of use.

There are 10 car bays on site whereas the Scheme requires the provision of 12 car bays to accommodate the proposal.

Report

While it is noted that the applicant has made several changes to the operations of the business with regard to intensity and scale in order to reduce the required onsite parking to an amount closer to the requirements under Town Planning Scheme No. 3, the current retrospective proposal generates a parking requirement that still exceeds the parking that is provided on site by two bays or 17%.

The use of the subject site as a showroom and ancillary warehouse facility will generate visitor trips and parking higher than that of what the original planning approval allowed for. A business primarily operating as a showroom for boats and ski related equipment will also present ongoing parking management issues due to the size of goods retailed from the subject site and expected day to day operations. The periodic delivery and dispatch of boats and ski related equipment could adversely impact on the onsite parking, with boats and ancillary equipment being temporarily located in parking areas in order to facilitate the arrival and removal of stock to and from the constrained site.

Furthermore if retrospective approval were to be granted for the proposed use, it may establish an undesirable precedent for the undersupply of car parking within the Phoenix Business Park on subsequent changes of use. It may then encourage applications for many similar speculative warehouse developments to seek a change of use where sufficient car parking cannot be provided.

The potential impact of cumulative car parking variations is substantial. There is already substantial development compliance and parking control issues relating to use of premises in this area. A large measure of this is attributed to speculative warehouse development with insufficient car parking for other uses.

In light of the above, retrospective change of use from “warehouse” to “showroom and warehouse” at 24 Horus Bend is considered:

1. To be contrary to the parking standards set out in the scheme for the proposed use.



2. Likely to affect the amenity of the surrounding area due to the impact of insufficient parking being provided on site for the proposed uses.
3. To be contrary to orderly and proper planning as approval would result in insufficient parking being provided for the use on site.

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.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Development Application Plans
2. Letter from Applicant

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 **(MINUTE NO 5125)** (OCM 12/09/2013) - LIST OF CREDITORS PAID - JULY 2013 (076/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council adopt the List of Creditors Paid for July 2013, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai 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 July 2013 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 – July 2013.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 5126) (OCM 12/09/2013) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2013 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated Statements for July 2013, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 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

Closing Funds

The City's interim opening funds of \$10.3M mainly comprises the municipal funding for the carried forward capital projects of \$6.6M. The balance of the funds making up the Municipal Closing Funds (MCF) position will be transferred to the Community Infrastructure Reserve in line with the Budget Policy SC34 primarily for the Cockburn Regional Physical Activity and Education Centre at Cockburn Central West in line with the Adopted Council Long Term Financial Plan 2012/13 to 2021/22 and the Cockburn Central West (Received) Business Plan. Both the Carried Forward Capital Works and MCF will be presented to October 2013 OCM for Council's consideration.

Due to the levying of annual property rates and service charges in July, the City's closing funds sit at a very high \$86M (\$7.4M higher than the target budget). This will be gradually diminished during the year as municipal funded operating and capital expenses accrue.



The budgeted closing funds will fluctuate throughout the year, due to the impact of Council decisions. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial report.

Operating Revenue

Operating revenue of \$81.6M is currently on track against the budget forecast of \$81.3M. However, several significant and compensating variances exist as detailed below:

- Rates levied are \$0.6M higher than budget target.
- Interest earnings are almost \$0.1M greater than budget target.
- Operating grants for Human Services of around \$0.5M have been rolled forward from the previous year.
- Waste Collection levy is close to \$0.5M more than the YTD budget.
- Commercial income from the HWRP is \$0.3M behind the budget target set.
- Prior year restricted revenue brought forward offsets current year revenue by nearly \$0.9M.

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

Operating Expenditure

Operating expenditure for July was \$1.2M less than the budget target of \$9.9M (including depreciation). \$1.0M of this variance is attributed to underspending in material and contracts with significant variances in the following units:

- Parks & Environmental Services - \$0.33M
- Information Services - \$0.15M
- Infrastructure Services - \$0.14M

The first month of a new financial year will typically show reduced spending, as focus is on finalising the prior year.

Employee costs were also generally down across the board by a combined \$0.4M. However, this is primarily caused by EOFY accrual entries and will rectify itself by the end of this FY.

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



Nature or Type Classification	Actual	Amended Budget	Variance to Budget
	\$	\$	\$
Employee Costs	\$3.0M	\$3.4M	\$0.43M
Materials and Contracts	\$1.8M	\$2.8M	\$1.00M
Utilities	\$0.5M	\$0.4M	-\$0.15M
Insurances	\$1.2M	\$1.1M	-\$0.07M
Other Expenses	\$0.6M	\$0.6M	-\$0.03M
Depreciation (non cash)	\$1.8M	\$1.8M	\$0.05M

Capital Expenditure

The City's budgeted capital spends for July was \$7.7M versus actuals of just \$0.5M. This underspending is heavily impacted by the disruption to construction of the GP super clinic. The following shows the underspend variance by asset class:

- Building construction works - \$6.0M
- Roads, footpaths & drainage - \$0.8M
- Computer infrastructure & software - \$0.1M
- Land development and acquisition - \$0.1M
- Parks infrastructure development - \$0.1M

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

Capital Funding

Capital funding sources are highly correlated to capital spending and any sale of assets. Given the current high underspend within the capital budget, capital funding sources were also showing large variances.

Significant variances include:

- Proceeds from plant and vehicle sales were \$0.1M behind the YTD budget.
- Grants and developer contributions towards roads and buildings projects were collectively \$0.2M higher than the July budget target.
- Transfers from Reserves were \$7.0M behind budget, consistent with the overall underspend in the capital budget for buildings and infrastructure. This is primarily because of the disruption to the GP Super Clinic/Success Library project (\$4.0M).

Cash & Investments

Council's cash and current/non-current investment holdings at July month end was \$98.6M, down from \$102.2M in June. Whilst this



appears high on the eve of the injection of the annual rates, substantial funds continue to be retained within cash backed reserves. However, a significant proportion of these funds are set aside for imminent major capital projects (CCW and balance of GP Super Clinic/Success Library).

\$75.5M represents the balance held in the cash backed reserves and another \$7.0M represents funds held for other restricted purposes such as bonds, restricted grants and infrastructure contributions. The remaining \$16.1M represents the cash/investment component of the City's working capital, ready to fund existing operations and commitments.

The City's investment portfolio made a weighted annualised return of 4.48% for July, little changed from 4.52% in June. This compares very favourably against the adopted benchmark result of 3.02% for BBSW.

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 predominantly invested for terms ranging between six and twelve months in order to lock in current market rates in a falling interest rate environment. Factors considered when investing include maximising the value offered within the current interest rate yield curve and mitigating cash flow liquidity risks. The Reserve Bank reduced interest rates in July by another 25 basis points, taking the total reduction in rates over this recent round of quantitative easing to 150 basis points (1.50%). However, the City's longer horizon investment strategy has served to moderate negative impact on the City's overall budget performance for interest earnings.

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

Any material variances identified that will impact on Council's closing budget position will be addressed in the mid-year budget review.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated statements – July 2013.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil



17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 12/09/2013) - LEASE PORTION OF COCKBURN INTEGRATED HEALTH AND COMMUNITY FACILITY - 11 WENTWORTH PARADE, SUCCESS TO MAGA PTY LTD (R AVARD) (154/008) (ATTACH)

RECOMMENDATION

That Council

- (1) subject to there being no submissions received from the advertising of the proposal in accordance with the requirements of Section 3.58 of the Local Government Act, enter into an agreement to lease with Maga Pty Ltd trading as SKG Radiology for an area of 600 sq.m of the premises situated at 11 Wentworth Parade, Success, in accordance with the terms and conditions contained within the attached offer.
- (2) enter into a Lease for an initial period of 10 years with two options to renew each for a term of five (5) years;
- (3) accept an annual rent of \$375 per sq.m. plus all outgoings, with rent payments commencing 16 weeks after the lease commencement date, a fixed rent increase of 3% per annum, or a market rent review at option renewal dates; and
- (4) accept other terms and conditions for the lease in accordance with the attached offer.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

MMJ have been appointed as selling and property managers and have advertised extensively through targeted marketing, general media and site signage for expressions of interest to lease space for medically related services in the Cockburn Integrated Health and Community Facility. A viable, vibrant and integrated health centre requires a



comprehensive radiology practise to realise the centres service delivery and financial potential.

Submission

Maga Pty Ltd trading as SKG Radiology has presented an offer to the City of Cockburn to lease 600 sq.m. of space to establish a radiology clinic to offer MRI,CT Ultra Sound and plain film at the Cockburn Integrated Health and Community Facility.

Report

The intent of the Integrated Health and Community Facility as described in the Business Plan is a balance between two objectives. Firstly, to provide and facilitate the provision of community services in particular the library, meeting rooms, GP Superclinic. Secondly, the facility will generate income for the City through the leasing of property such as office accommodation, health services and the café. A radiology clinic located in the facility will contribute significantly to the two primary objectives.

SKG are a large national radiology company with a solid financial basis and well known to GP's who will operate from the new facility. The company will be required to invest several million dollars in equipment for the facility.

The City has received advice from MMJ that the offer from SKG (Maga Pty Ltd) is consistent with local current market levels and industry standards. They therefore recommend that Council accept the offer as market negotiation (see attachment).

The site of the Cockburn Integrated Health and Community Facility is currently on a crown reserve with a management order with the power to lease. An application has been made to the Department of Lands for the City to purchase the land and transfer it from Crown Reserve to freehold land vested in the City. This transfer is due to be completed by June 2014.

Strategic Plan/Policy Implications

Infrastructure

- Community facilities that meet the diverse needs of the community now and into the future.
- Partnerships that help provide community infrastructure.



A Prosperous City

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.
- Investment in the local economy to achieve a broad base of services and activities.

Budget/Financial Implications

The lease to SKG will generate a steady income stream for the City. With the transfer of the land from Crown reserve to freehold the income from the tenancies in the Cockburn Integrated Health and Community Facility will be required to be expended on public open space in the area. This will be a ready source of funds for the development of recreation facilities at the Cockburn Central West site.

MMJ have advised that the proposed lease fee and the terms and conditions of the lease reflect current market conditions in the area for such a service in similar localities in metropolitan Perth. The 16 weeks rent free period is considered in line with current market levels and industry standards.

Legal Implications

Section 3.58 of the *Local Government Act 1995* applies for which the City is required to give public notice of the proposed disposition (lease) and to consider any submissions made.

Community Consultation

The Business Plan for the project was advertised for public comment in accordance with the requirements of the Act on 14 April in the West Australian and adopted by Council on 9 December 2010. There were no submissions received. A radiology service was included in the business plan as a preferred and likely tenancy.

Attachment(s)

1. Offer to Lease.
2. MMJ Letter of professional opinion on offer.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 September 2013 Council Meeting.



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

Nil.

17.2 (OCM 12/09/2013) - CITY OF COCKBURN FIRE CONTROL ORDER (112/010; 113/014) (D GREEN) (ATTACH)**RECOMMENDATION**

That Council refers the Fire Control Order adopted at the July 2013 Council Meeting to the Bushfire Reference Group Meeting to be held on 1 October 2013 for re-consideration of the following matters:

- (1) policing of the new provisions related to keeping outbuildings clear of flammable material;
- (2) potential to replace these provisions with the previous requirement to install firebreaks around outbuildings;
- (3) opportunity for public comment on the changes regarding protection of outbuildings, and
- (4) public comment period for future Fire Control Orders.

COUNCIL DECISION**Reason for Decision**

As Elected Members it is our duty to ensure the community is accorded a right to be consulted. We have regressed with the consultative process in regards Fire Control Order. This will hopefully be fixed once we send it back to the Bushfire Reference Group and they resubmit a more consultative process for Council's consideration.

Background

At the Council Meeting conducted on 8 August 2013 Councillor Portelli submitted the following Notice of Motion for consideration at the September Council Meeting:



That Council refers the Fire Control Order adopted at the July 2013 Council Meeting to the Bushfire Reference Group Meeting to be held on 1 October 2013 for re consideration of the following matters:

- 1. Policing of the new provisions related to keeping outbuildings clear of flammable material*
- 2. Potential to replace these provisions with the previous requirement to install firebreaks around outbuildings*
- 3. Opportunity for public comment on the changes regarding protection of outbuildings, and*
- 4. Public comment period for future Fire Control Orders*

Submission

N/A

Report

Matters of fire mitigation measures within the City of Cockburn have been addressed in the past through associated Local Law provisions. Local Laws are not flexible enough to enable modification of any requirements which are considered unsuitable for current circumstances, because of the cumbersome and time consuming amendment process, which discourages the replacement of redundant or superseded provisions with more relevant measures.

Accordingly, Council agreed to repeal the Local Laws associated with fire control and replace them with a Fire Control Order, which can be amended at any time by Council resolution.

Previous Council decisions related to this process, dating back to April 2013, are shown in the attachments.

While there has been some opposition to dates associated with firebreak installation periods in the Banjup area, the intent of the Notice of Motion is related to the amendment of the previous Fire Order provisions related to the requirement for firebreaks to be installed around structures located on lots greater than 2032m².

The Draft Fire Order advertised for a 6 week public comment period did not contain a proposed amendment recommended to the Bushfire Reference Group which deleted that requirement and agreed to include what was considered a less imposing provision to ensure flammable material was not located within 5 metres of outbuildings as a preventative measure.



Subsequently, the Banjup Resident's Group has lobbied to have this provision overturned, primarily because it was unaware of the proposal and believes that the amended requirements will have detrimental consequences on fire reduction strategies applicable to their properties.

The Resident Group's concerns are contained in the attached communication and are alluded to in Councillor Portelli's reasons for submitting the Motion, also attached.

While the reasoning for amending the Fire Order was provided in the Officer Report submitted to the July 2013 Council Meeting, it was not clarified that the amendments had not been readvertised for public consultation.

Accordingly, there was no opportunity for any public feedback on those specific proposals to be provided for Council consideration.

By referring the issue back to the Council Reference Group established for the oversight of bushfire related issues gives the opportunity for those community concerns to be re considered.

Strategic Plan/Policy Implications

Community & Lifestyle

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

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

Budget/Financial Implications

N/A

Legal Implications

The Bush Fires Act 1954 enables Council to apply Fire Control Orders in the District.

Community Consultation

The Bushfire Reference Group to consider and recommend.



Attachment(s)

1. Adopted Fire Control Order (with track changes identified)
2. Minute 5078 11 July 2013
3. Minute 5025 11 April 2013
4. Correspondence Banjup Resident`s Group
5. Correspondence Councillor Portelli

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 September 2013 Council meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (OCM 12/09/2013) - AMENDMENT TO 2013/14 FIRE CONTROL ORDER (112/010; 113/014) (D GREEN) (ATTACH)

RECOMMENDATION

That Council refer this matter to the Bushfire Reference Group for consideration.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr Y Mubarakai that :

- (1) not refer the matter to the Bushfire Reference Group for consideration as recommended, and immediately amend the Fire Control Order adopted at the July 2013 Council meeting by:
 1. deletion of clause 2(b) "have the area which is within 5 metres of a shed or outbuilding clear of all dry vegetation, debris and flammable material"; and
 2. insertion of a new clause (2(b) "have a 3 metre fire break immediately surrounding all fuel dumps and ramps".



- (2) advise all property owners/residents affected by the change to clause 2 (b) in writing within 20 days of the Council decision; and
- (3) require the advertisement of the amendment to the Fire Control Order on the City of Cockburn website.

CARRIED 7/3

Reason for Decision

Any fuel dumps and ramps should have a trafficable area for fire protection and access. The 5m clearance rule in lieu of the 3m fire break around buildings has not been put through a consultative process and has been found wanting; lack of detail and clarification makes it ambiguous and cumbersome and impossible to police as was the case with the order it replaced. For example a hay shed that is open on the sides could have hay stacked on the outside under its eaves. This would not be compliant. An outbuilding could have a stack of fire wood leaning against the outside wall; this is not compliant. The people affected by Fire Control Orders need to provide their feedback to help provide a robust workable Order. Due to lack of consultation, this did not happen. The vague reference to it in the Bush Fire Reference Group's Minutes of the respective meeting shows that no detail was discussed and, if so, it was not minuted. On brief reading of the change it appeared to be reasonable but upon analysing the repercussions it is shown to be poorly thought through. The main dwelling or home is not even captured with the 5m clearance rule. This should have been the highest priority - to protect the residents.

Background

Clr Portelli has submitted the following Notice of Motion for Consideration at the Next Meeting, which was received by email on 16 August, 2013.

That Council:

(1) adopt the revised City of Cockburn Fire Order as attached to the Agenda, to become effective immediately, and

(2) advise all landowners in the City of Cockburn whose property is greater than 2032m² in area of the new Fire Order.



Submission

N/A

Report

Clr Portelli lodged a separate Notice of Motion dealing with this subject at the August Council Meeting. That motion seeks the Bushfire Reference Group to re consider provisions of the adopted Fire Order and recommend a more inclusive consultation process for future changes to the Order.

Clr Portelli has since advised that he wishes to amend the current Fire Order adopted by Council, by removing a provision in the Order (2(b)) which requires owners of land greater than 2032m² to have no flammable material within a 5 metre distance from a shed or outbuilding.

A copy of Clr Portelli's correspondence to this effect is attached.

The proposal is premised on the adopted Fire Order not being subjected to prior public consultation.

The adopted Fire Order varied from that which was advertised for public comment by the change to the provision that previously required outbuildings to be protected by a 3 metre firebreak. Instead, the 5 metre zone excluding flammable material was inserted as it was considered more practical for landowners to comply with and the previous provision was not enforceable. It was reported to the July Council Meeting the difference between the advertised Draft and the recommended Order which was ultimately adopted by Council.

However, this has apparently caused some consternation among the Banjup Resident's Group which has lobbied for the new provision to be deleted.

The City has contacted the Department of Fire and Emergency Services to determine their position regarding the need to have dry vegetation and debris kept clear of outbuildings for properties over 2032sqm in size. The Department advised the City that the recommended clearance around outbuildings is 20 metres. The Current adopted Fire Control Order for 2013-14 includes a requirement for a 5 metre clearance of debris and dry vegetation around outbuildings, so is already less than the recommended clearance zone. The Notice of Motion to delete clause 2(b) from the current Fire Control Order will remove the requirement for properties over 2032 sqm to



have any type of clearance regarding dry vegetation and debris surrounding outbuildings. The deletion of the requirement for the 5 metre clearance around outbuildings is considered by the City to increase the risk of Bushfires spreading and will also reduce accessibility to outbuildings for the purpose of fighting fires. It is therefore recommended that the current 2013-14 Fire Control Order previously adopted by Council be maintained.

This is a matter which would normally be referred to Council's Bushfire Reference Group for initial consideration. Accordingly it is recommended as such.

Strategic Plan/Policy Implications

Community & Lifestyle

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

Leading & Listening

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

Budget/Financial Implications

Additional postage costs (est \$2,000) will be required to advise landowners of 2032 m².

Legal Implications

Sec.33 of the Bush Fires Act refers.

Community Consultation

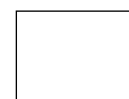
Normally these matters are subject to initial consideration of Council's Bushfire Reference Group.

Attachment(s)

1. Proposed amended Fire Order
2. Correspondence from Clr Portelli
3. How prepared are you for a bushfire, flyer
4. Cockburn Bush Fire Advisory Reference Group Meeting Notes

Advice to Proponent(s)/Submissioners

Clr Portelli has been advised that this matter is to be considered at the September 2013 Council Meeting.



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

Nil.

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

Nil

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

21.1 (MINUTE NO 5130) (OCM 12/09/2013) - INITIATION OF TOWN PLANNING SCHEME NO. 3 AMENDMENT 103 - AMENDING DEVELOPMENT CONTRIBUTION PLAN 13 TO INCLUDE ADDITIONAL ITEMS (109/035) (C CATHERWOOD)

RECOMMENDATION

That Council :

(1) in pursuance of Section 75 of the Planning and Development Act 2005 amend the City of Cockburn Town Planning Scheme No. 3 ("Scheme") by:

1. Amending Schedule 12 of the Scheme text by inserting the following items in Development Contribution Area 13 – Community Infrastructure, under 'Infrastructure and Administrative Items to be Funded' as follows (additional wording shown in **bold** text):

Infrastructure and administrative items to be funded	<i>Regional</i> Coogee Surf Club Wetland Education Centre/Native Ark Cockburn Central Recreation and Aquatic Centre Cockburn Central Community Facilities Visko Park Bowling and Recreation Club Coogee Golf Complex (excluding the pro shop and restaurant components) Bibra Lake Management Plan Proposals Atwell Oval North Coogee Foreshore Management Plan Proposals (excluding rebuilding of the groyne)
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		<p>Cockburn Coast Foreshore Reserve (excluding coastal protection measures) Cockburn Coast Beach Parking</p> <p><i>Sub Regional—East</i> Cockburn Central Library and Community Facilities Cockburn Central Playing Fields Anning Park Tennis Cockburn Central Heritage Park Bicycle Network—East</p> <p><i>Sub Regional—West</i> Phoenix Seniors and Lifelong Learning Centre Beale Park Sports Facilities Western Suburbs Skate Park Bicycle Network—West Dixon Reserve/Wally Hagen Facility Development (excluding the café component)</p> <p><i>Local</i> Lakelands Reserve Southwell Community Centre Hammond Park Recreation Facility Frankland Reserve Recreation and Community Facility Munster Recreation Facility</p> <p>Cockburn Coast Sport Oval and Clubroom (including land cost)</p> <p><i>Administrative costs including –</i> Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).</p> <p>Cost to prepare and review estimates including the costs for appropriately qualified independent persons.</p> <p>Costs to prepare and update the</p>
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		Community Infrastructure Cost Contribution Schedule.
<p>(2) upon receipt of amending documents in support of resolution (1) above, determine that the amendment is consistent with Regulation 25(2) of the Regulations and the amendment be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.</p>		

COUNCIL DECISION
 MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

CARRIED 10/0

Background

Development Contribution Plan 13 (“DCP13”) was included in the City’s Scheme via Amendment No. 81, gazetted in August 2011 and relates to community infrastructure.

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

It is widely accepted that the use of community facilities has a direct correlation to the number of people using them. This is clear in the intent and basis of the relevant State Planning Policy 3.6 -



Development Contributions for Infrastructure (“SPP3.6”) as well as the City’s DCP13.

Submission

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

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

The local structure plans indicated the need for development contributions as an important aspect of coordinating development in this area. This included additions to the existing DCP13 for community infrastructure as well as a new DCP specific to the Robb Jetty and Emplacement area of Cockburn Coast.

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

Report

Existing Development Contribution Plan 13

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

One of the proposed additions to DCP13 (foreshore upgrades) will necessitate a change to the categorisation of an existing item. The North Coogee Foreshore Management Proposals is currently a Sub-regional West item. Together with the Cockburn Coast Foreshore



proposal discussed further below, this elevates the catchment for this item.

Proposed Additions to Development Contribution Plan 13

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

It should be noted Council recently resolved to include additional items to DCP13 relating to the development of the former Banjup Quarry site. That amendment is awaiting final approval from the Minister for Planning. It is important to note these additional items arising from the Banjup development are not (and cannot be) shown in the draft Cost Contribution Schedule which will be advertised with this amendment. This will only indicate the current DCP13 items and the impact of the additional items subject of this amendment.

New Items: Regional Infrastructure

The intensification of the project provides an opportunity to enhance the recreational and aesthetic quality of the foreshore reserve. Given the regional function and attraction of the foreshore, construction of high quality active and passive recreations areas (and conservation areas) will be utilised and enjoyed by residents from the entire City of Cockburn and beyond. Additional enhancement is required to the proposals covered by the North Coogee Foreshore Management Plan ('North Coogee FMP'), existing Sub-Regional item to reflect the scale and intensification of development now envisaged for the Cockburn Coast project area.

The level of enhancement and catchment for the North Coogee is substantially less than what is proposed for the Cockburn Coast foreshore. This is why it is currently a Sub-Regional item. The works for the Cockburn Coast foreshore are intended to attract a more extensive catchment (from across the entire City) and will have a much higher level of enhancement as detailed further below. As a comparison, Coogee Surf Club is included as an existing Regional Item. This reflects the role and attraction of the infrastructure investment at Coogee Beach. As the City of Cockburn continues to grow, some of this role will need to be borne by the Cockburn Coast Foreshore. In turn, the North Coogee FMP proposals will also draw a greater catchment and will need to be moved from Sub-Regional to Regional category in DCP13.



This portion of foreshore accommodates an important role for the community, recognised by the European and Indigenous Heritage significance attributed to this section of foreshore by the City's Local Government Inventory. The value of this section of coast extends well beyond the proposed development into the rest of the Cockburn community. Improvements to this area will enable increased appreciation for this community asset.

The foreshore area adjacent to the Robb Jetty remains and the Main Street location is proposed to be developed into a plaza. Robb Jetty will be a high quality flexible urban space catering for large community events such as outdoor performances and markets. Community facilities focusing on multiple user needs will encourage diversity while retaining and enhancing the areas heritage, both Nyungar and European. The plaza will cater for activities such as markets, alfresco dining, concerts, outdoor cinema, performances and seasonal festivals to attract people of all ages, ethnicities and cultures.

McTaggart Cove builds on the existing recreational facilities to provide a key location for those wanting 'green space' facilities such as 'kick about' areas, bbq, picnic areas, car parking and playgrounds. A pedestrian bridge is proposed across the rail line to allow access from the existing activity node, and future primary school at McTaggart Cove to the Foreshore Reserve.

A second pedestrian bridge will be located from the east-west public open space providing access across the rail line to the Foreshore Reserve in the northern portion of the project area. This bridge is particularly important as it links the beach car parking to the foreshore area. The bridge at McTaggart Cove, while desirable, should be considered to be sacrificial. The original estimates submitted by Landcorp for the foreshore reserve were in the order of \$25 million (including \$3 million for each of the pedestrian bridges). This is considered to be excessive and would inflate the existing contribution rates too far. Landcorp will be advised to limit this item to \$18 million in total.

Additional foreshore enhancement is proposed at Catherine Point (beyond the North Coogee Foreshore Management Plan proposals). Further enhancement to this location (including irrigated planting, seats, shelter, lighting and paths) is required in recognition of the scale and intensification of development proposed in this location.

Given the project area's coastal location, mixture of uses and scale of redevelopment proposals, the Cockburn Coast project will attract visitors from outside of the project area. The enhanced accessibility to the foreshore and encouragement of passive and recreation opportunities will attract residents from eastern suburbs within the City



of Cockburn and contribute to the health and wellbeing of all residents. Together with the scale of retail and other active uses planned within the Cockburn Coast, the foreshore and nearby activities will be an important recreational asset and focal point for the entire City of Cockburn community.

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

On this basis, the foreshore enhancement proposals and beach parking facilities have been included as a Regional item in DCP 13.

New Items: Local Infrastructure

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

The majority of the cost for this item is the land which the District Structure Plan states will be shared with the adjacent primary school to serve this area and provided for in addition to the 10% public open space and subject to development contributions.

The catchment for this oval must be thought of in the same terms as the primary school. A very small site has been allocated for the school as part of the WAPC's District Structure Plan. The ordinary requirement with an adjacent playing field is 3.5ha. In this case, the school is 1.2ha. Primary school sites, where there are multiple landowners (such as here) attract a pro-rata contribution by developers to the Department of Education via subdivision condition. In this case, those developers will be paying for a much smaller school site. This contribution item in DCP13 will 'dovetail' with the contributions made to the Department of Education to ensure the school site can function. Effectively, the contribution ends up 'split' between the two parties but this has the additional benefit in the City can provide a small playing field and clubroom, available outside of school hours.



Conclusion

It is recommended that Council initiate Amendment No. 103 to the City's Town Planning Scheme No. 3, subject to the receipt of amending documents to the City's satisfaction.

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.

Infrastructure

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

Budget/Financial Implications

The infrastructure items proposed by this modification to DCA13 represent a quantum of \$31,546,889 (this assumes a maximum of \$18million for the foreshore cost). Importantly, the City has a role in funding proportionately towards these infrastructure items, commensurate with the regional level catchment infrastructure. In today's dollars this represents a cost of \$14,936,875. The DCA13 modification provide the avenue for obtaining proportionate contributions to both existing and new items, with the City contributing proportionately to these same items also.

As previously noted, Council has also initiated an amendment for additions to DCP13 related to the Banjup development. This will mean the overall infrastructure amount (if the Banjup amendment is approved) will be greater. This will translate into increased contribution rates.

While an annual review of costs for DCP13 already occurs, in 2015 the City will need to review the rate of growth to ensure the assumptions made at the commencement of DCP13 are still current. This review is currently provided for in the existing scheme provisions. City officers intend to bring this review forward to coincidence with these additions to DCP13 to ensure the contributions are distributed as fairly as possible. It is extremely important as items are added that if the cost can be distributed across a greater number of lots that these are also updated.

Legal Implications



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

Community Consultation

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

Attachment(s)

Locational plan of proposed DCP13 additional items

Advice to Proponent(s)/Submissioners

The Proponent for the proposal has been advised that this matter is to be considered at the 12 September 2013 Council Meeting.

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

Nil.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 5131) (OCM 12/09/2013) - 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 Pratt SECONDED Deputy Mayor K Allen the recommendation be adopted.
CARRIED 10/0

25 (OCM 12/09/2013) - CLOSURE OF MEETING

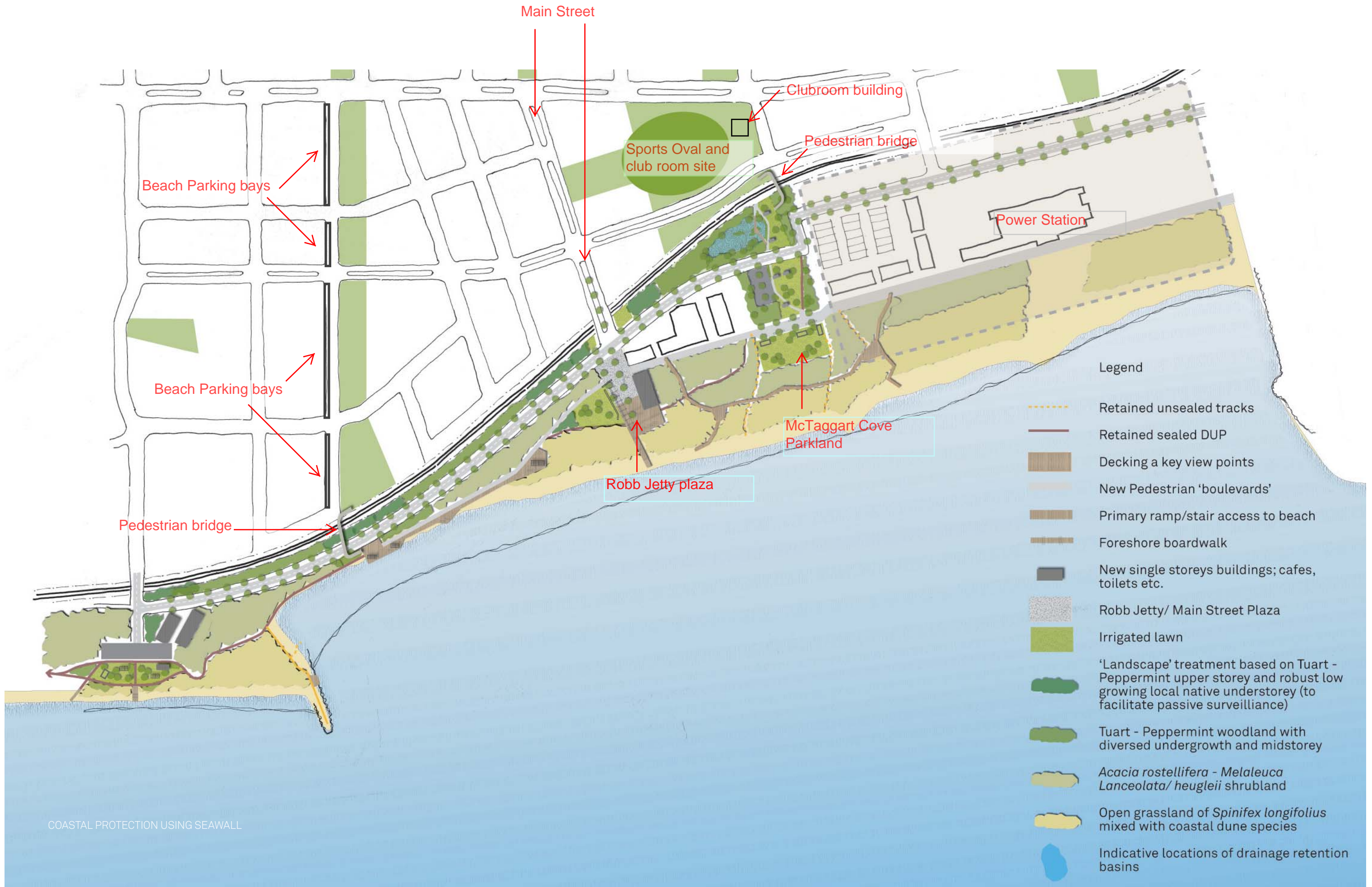
Meeting closed at 8.48 PM.

CONFIRMATION OF MINUTES

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

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





COASTAL PROTECTION USING SEAWALL