

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF SPECIAL COUNCIL MEETING HELD ON TUESDAY, 25 JULY 2006 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mr J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr M. Ross	-	Director, Planning & Development
Mr K. Lapham	-	Manager, Finance
Mr R. Avar	-	Manager, Community Services
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr N. Evans	-	Communications Manager

1. DECLARATION OF MEETING

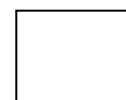
The Presiding Member declared the meeting open at 7.02 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

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



4 (SCM 25/07/2006) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

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

5 (SCM 25/07/2006) - APOLOGIES & LEAVE OF ABSENCE

Clr T Romano - Leave of Absence

6 (SCM 25/07/2006) - PUBLIC QUESTION TIME

Mrs Robyn Scherr, Coogee

Agenda Item 9.5 – Proposed Modifications to Structure Plan – Port Coogee

Q1. Will Council advertise the revised the Structure Plan for public comment?

A1. This is a matter for the Council to decide at tonight's meeting.

Q2. Why hasn't Council put the Structure Plan out for public comment, given that it is State Government policy that development over five storeys within 300 metres of the beach only be considered where there is demonstrated community support?

A2. It is the Officer's opinion that the proposed changes do not materially change the intent of the structure plan and therefore pursuant to Clause 6.2.14.1 of the City's Town Planning Scheme No.3 the Council may vary a Structure Plan by resolution. Alternatively if Council believes that it is appropriate it can advertise the Structure Plan for public comment.

Council's Town Planning Scheme No.3 provisions applying to the Port Coogee development area already restricts the maximum building height to 8 storeys within the Marina Village and local centre. There are other scheme provisions that echo State Government policy regarding coastal building height controls.

Q3. Why is the developer proposing to use so much of the parks and recreation reserve along the southern groyne for parking when that was supposed to be a foreshore parkland?

A3. According to the applicant they are still providing over 10% of the nett subdivisional area as public open space required and therefore the reconfigured land requirements for public car parking are considered appropriate.



- Q4. Is the Council concerned that the coastal dual use path is now going to be compromised by the highly pedestrianised boardwalk in front of the community purposes site, effectively forcing cyclists to dismount and walk through the area, or ride on the roads?
- A4. The development philosophy includes a pedestrianised boardwalk fringing the marina waterways but this does not impede the dual use path link that is proposed to the side of the proposed boardwalk. The continuous coastal dual use path link is still maintained within the amended Structure Plan.
- Q5. Has the Minister for Planning and Infrastructure's requirement that there would be a minimum of 300 boat pens – not including the canal lot pens – been compromised by the new plan?
- A5. While there has been a reduction in the number of boat pens from 336 to 300 this is still within the scope of the Port Catherine Project Agreement entered into between the developers and the State Government that requires approximately 300 boat pens and the Port Coogee Waterways Management Transfer Facilitation Agreement requiring a minimum of 150 pens and a maximum of 300 boat pens.

Glen Diggins, Coogee

Agenda Item 9.5 - Proposed Modifications to Structure Plan – Port Coogee

- Q1. What is the Council's view of the advantages to residents who choose to live in the marina village of the proposal to:
- [a] have a greater concentration of commercial businesses in certain nodes?
- A1. [a] Residents will have direct access to goods and services within a short walk from their place of residence.
- Q1. [b] Encourage businesses on the ground floor of commercial/residential buildings to be of the type that operate on an 8 or 9 am to 5 pm basis?
- A1. [b] Most businesses that locate within the Marina Village are expected to be speciality food, restaurants, cafes and shops such as fashion and marina markets. For the marina to be a vibrant and safe place land uses that operate during both the day and into the evening are desirable.

There is a preference for business types such as hairdresser and fashion shops that do not impact afterhours on residents living above. Council cannot control tenancy mix for land uses



that otherwise comply with the scheme. Tenancy mix is usually determined by the developer not Council. Consequently some residents may be impacted from time to time by ground floor commercial activity. Good building design and construction methods will however assist in reducing resident impacts along with developers giving advance notice to prospective tenants about the nature and type of businesses that can be expected within the development so buyers can make informed decisions.

Robyn O'Brien, Munster

Agenda Item 9.5 - Proposed Modifications to Structure Plan – Port Coogee

Q1. Will Council tonight agree to amend the agenda motion to read – Port Coogee Proposed Amendments be deferred until put out for a public comment period of four weeks, advertising in the local and West Australian papers and the Cockburn Soundings and Council web site, and after submissions close to come back to Council?

Q1. [a] Will Council move this amended motion as Urgent Business and will a Councillor second it in the interests of engaging the public in the consultation of the many changes requested by Australand to the original Structure Plan approved in August 2004?

A1. [a] This is a matter for Council to decide at tonight's meeting.

Q2. The Strategic Plan/Policy Implications according to the Corporate Strategic Plan that apply according to the Council Officer's report says 'to ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens', and 'to ensure that the development will enhance the levels of amenity currently enjoyed by the community'. How can the reduction of commercial space which would provide shops and facilities to benefit the community, just to provide more residential meet these commitments in these Strategic Planning Areas?

A2. The proposed Structure Plan was referred by Australand to their economic consultant who provided an analysis of the market dynamics of the Marina Village and neighbourhood centre. This included an assessment of the likely trade draw from the surrounding population catchment and forecast projections on visitor numbers and user expenditure to derive a threshold for sustainable turnover for businesses located within the Marina Village. It was recommended that retail and commercial land uses be consolidated within the Marina Village to ensure they have the best opportunity of being financially viable.



If there is more demand for commercial development than anticipated businesses can still be accommodated due to the requirement for all ground floor areas in the Marina Village to be built in a way that allows for future conversion to commercial, retail or businesses. There is a close nexus in centres between people and shops and vice versa. One cannot be sustained without the other so this is the dilemma for planners to find the right mix and maintain future options.

As Mrs O'Brien had submitted other questions in addition to the ones above, she requested that replies to these be forwarded to her in writing. Mayor Lee requested the Chief Executive Officer to forward the replies.

Mayor Lee mentioned that questions were received from Mr Andrew Sullivan representing the Coogee Coastal Action Coalition (CCAC). He requested the Chief Executive Officer to provide him with the advice received in relation to this group. The Chief Executive Officer replied that the City had confirmation from the Supreme Court that CCAC had a dissolution order issued in November 2005 winding up the organisation, so CCAC as a legal entity no longer exists. Mr Sullivan could therefore not speak as a representative of CCAC.

Hence, Mayor Lee suggested that if Mr Sullivan presented the questions in his private capacity, as an individual stating his name and address and not under the identity of CCAC, the Mayor would be happy to accept his questions.

Andrew Sullivan, South Fremantle

Agenda Item 9.5 - Proposed Modifications to Structure Plan – Port Coogee

Q1. Why wasn't the written structure plan document or the officer's report made available in the Spearwood Library last Friday?

A1. The Council agenda was available on the Council's website at 8:30 am on Friday morning. The Structure Plan maps were available for viewing at midday on Friday, 21 July. The Council Agenda was being printed on Friday morning and was available at the Spearwood Library at 2.00 pm and slightly later at the other libraries.

Q2. Given that the community has only ever been asked to comment on a proposal that was generally limited to three storeys and one five storey hotel, how does the Council now intend to ascertain if there is community support for this latest proposal for large areas of six and seven storey high rise development?

A2. The community has already commented on the initial structure plan that was advertised concurrently with the proposed amendment to the City of Cockburn Town Planning Scheme No 3. The current scheme provisions include maximum building height controls within the marina



village precinct and other development areas. Building height along the coast is an area of public interest but further public consultation on the proposed amendments to the structure plan is questionable because overall building height and bulk within the marina village is reducing not increasing. The proposed building height is lower than what that prescribed by the City's Town Planning Scheme.

Most of the marina village is proposed to be 5 storey building or lower. There are now only two landmark sites within the marina village precinct where buildings of 7 storeys are proposed and a 6 storey hotel site. The areas south of the Marina Village are also proposed to be lower 2 and 3 storey buildings. The proponent has also maximised the northern and west facing frontages with 5 storey buildings close to the water that offer the best light and wind protection and therefore the best experience for residents and visitors.

- Q3. With regard to the large car parks required to serve the commercial activity in the marina village, shouldn't the Council require the developer to locate these on appropriate 'urban' zoned land rather than letting them bituminise such a massive area of the Parks and Recreation reserve that was suppose to be set aside as a foreshore park for community use?
- Q4. How does the Council propose to maintain a continuous, safe, family friendly dual use path through the 'marina village' when the developer is proposing to run it through a narrow and highly pedestrianised strip of land squeezed between the 'community purposes facility' and the marina water-body?"
- Q5. Can the Council confirm whether it is a mandatory requirement for the ground floor within the 'marina village' local centre to be developed for commercial uses, or is it the case that these areas can be turned in to residential apartments?"
- Q6. What is the minimum amount of commercial floor space that will be required to be developed within the 'marina village' local centre area?"

As time had run out, Mayor Lee advised Mr Sullivan that the answers to Questions 3 to 6 would be provided to in writing.

G H Sach, Coogee

Agenda item 9.5 - Proposed Modifications to Structure Plan – Port Coogee

Q1. Can the Council guarantee that the proposed variations to the Port Coogee Structure Plan will maintain and enhance the World Class Marina Village originally approved on 11 August 2005?

A1. The proposed changes have been carefully considered from an urban



design perspective and represent and enhance the current structure plan which remains largely unchanged. The development is intended to be a high standard of design and development.

7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS

Nil

8 (SCM 25/07/2006) - PURPOSE OF MEETING

The purpose of the meeting is to consider:

- (1) the City of Cockburn's Municipal Budget for the financial year 2006/07; and
- (2) the proposed modifications to Structure Plan – Port Coogee.

9. COUNCIL MATTERS

9.1 (MINUTE NO 3218) (SCM 25/07/2006) - CITY OF COCKBURN BUSINESS PLAN 2006/07 (1409) (SGC) (ATTACH)

RECOMMENDATION

That Council adopt the City of Cockburn Business Plan 2006/07, as attached to the Agenda.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that the recommendation be adopted.

CARRIED 9/0

Note: Mayor Lee complimented the Chief Executive Officer on the Business Plan and acknowledged the support he had received from other officers on an excellent job in preparing this document.

Background

Council at its Meeting on 13 July 2006 adopted the Cockburn Strategic Plan 2006 – 2016 and the Draft Plan for the District 2006 – 2016.



Submission

Proposed Business Plan for the District 2006/07.

Report

After adoption of the Cockburn Strategic Plan 2006 – 2016 and the Draft Plan for the District 2006 – 2016, Council is in a position to adopt a City of Cockburn Business Plan 2006/07. The first two Plans set out the future for the district over the next ten years. The Business Plan concentrates on the activities over the next twelve months, ie. The 2006/07 financial year.

The Business Plan (the Plan) sets out a summary of the activities to be undertaken by Council during the year. The Plan sets out by Division and Service Unit, projects to be undertaken, key performance measures and budgets for income and expenditure. The Annual Report for 2006/07 will report on the actual achievements for the year compared to these project lists, measures and budgets.

Strategic Plan/Policy Implications

Section 2(a) of Policy SC34 – ‘Annual Budget Preparation’ requires the preparation of a Business Plan for the financial year.

Budget/Financial Implications

The Business Plan sets out summary of the budget for 2006/07.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

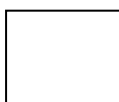
City of Cockburn Business Plan 2006/07.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



9.2 (MINUTE NO 3219) (SCM 25/07/2006) - MUNICIPAL BUDGET 2006/07 - SCHEDULES (5402) (ATC) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report by the Director, Finance and Corporate Services on the Municipal Budget for 2006/07; and
- (2) include the items listed in the following schedules in the 2006/07 Municipal Budget, as attached to the Agenda:
 1. New or Increased Projects
 2. New Staff
 3. Information Technology
 4. Roadworks Infrastructure Program
 5. Footpaths Infrastructure Program
 6. Parks Infrastructure Program
 7. Facilities Construction/Upgrade Program
 8. Waste Services Infrastructure Program
 9. Fees and Charges
 10. Transfers to Reserve Funds
 11. Carried Forward Projects/Programs

COUNCIL DECISION

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

CARRIED 9/0

Background

Council is required to adopt an annual budget by 31 August each year.

Submission

N/A

Report

A report by the Director, Finance and Corporate Services on the 2006/07 Municipal Budget is attached to the Agenda, together with Schedules of items included in the proposed Budget.



Strategic Plan/Policy Implications

The Budget provides funds for Council’s activities in 2006/07.

Budget/Financial Implications

The above recommendations have been included in the proposed Budget for 2006/07.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

N/A

Attachment(s)

Municipal Budget 2006/07 – Schedules.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

9.3 (MINUTE NO 3220) (SCM 25/07/2006) - MUNICIPAL BUDGET 2006/07 - DIFFERENTIAL RATES (5402) (ATC)

RECOMMENDATION		
That Council adopt the following in its 2006/07 Municipal Budget:		
(1) the rate in the dollar and minimum rate for Council’s rate categories are:		
Category	Minimum Rate \$	Rate in \$
Residential Improved	480.00	6.1436
Commercial/Industrial Improved	728.00	6.2606
Residential/Vacant	480.00	9.7514
Commercial/Industrial Vacant	728.00	9.9371
UFL Residential Improved	480.00	5.5528
UFL Residential Vacant	480.00	8.7761
Rural/Resource	480.00	0.2312
UFL Rural	480.00	0.2081



- (2) the charges for rubbish services be as follows:
1. The Rubbish Collection Charge be levied at \$229.00 per assessed collection service for a weekly rubbish collection, with a mobile bin levy of \$27.00 applying to ratepayers who received their bin after 1 July 2003.
 2. The Rubbish Collection Charges be levied for non-rateable properties at an annual rate of \$325.00 per assessed service for a weekly collection.
 3. The new rubbish services commencing during the year 2006/07 be levied a mobile bin service charge of \$27.00 and a pro-rata charge based on \$229.00 p.a.
- (3) a discount of 5% be allowed on current rates provided that all rates and charges due are paid within thirty-five(35) days of the date of issue of the annual Rate Notice;
- (4) offer payment options for Rates and Service Charges of:
1. Pay in full and receive discount (on current rates only).
 2. Pay in two instalments.
 3. Pay in four instalments.
- provided that in all cases the first payment must be received within thirty-five(35) days of the issue date of the annual Rate Notice;
- (5) sets the following payment dates for instalment options:
1. Two instalments
 - first payment due 12 September 2006.
 - second payment due 16 January 2007.
 2. Four instalments
 - first payment due 12 September 2006.
 - second payment due 14 November 2006.
 - third payment due 16 January 2007.
 - fourth payment due 20 March 2007.
- (6) charge an administration fee of \$6.00 for the second and subsequent instalments;
- (7) charge an interest rate on instalments of 2.5% p.a.;
- (8) charge an interest rate on late payments of 11% p.a.;



- (9) allow once-off extensions of up to sixty(60) days, where in the opinion of Council Staff it is reasonable to do so;
- (10) charge instalment interest from the due date, and the administration fee, on once-off extensions;
- (11) provide a Rates Incentive Scheme for full payment within thirty-five(35) days of the date of issue of the annual rate notice;
- (12) impose a Service Charge of \$55.50 per property under Section 6.38(1) of the Local Government Act 1995 on each property owner in the City of Cockburn (except for non-rateable government owned properties) to meet the cost of providing a community Surveillance Service to cover the entire Cockburn district; and
- (13) impose a private Pool Inspection Levy of \$13.75 per pool owner under Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 9/0

Background

Council is required to adopt an annual Budget by 31 August each year.

Submission

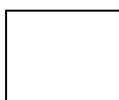
N/A

Report

The recommendations shown above relate to the rate in the dollar to be charged, rubbish service charges, discount, payment options and penalty interest rates in the proposed Budget for 2006/07, as well as Service Charges in respect of the Community Surveillance Service and Pool Inspection Levy.

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

The Budget provides funds for Council's activities in 2006/07. The above recommendations are included in the proposed Budget for 2006/07.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

Notice of Intention to levy differential rates and the proposed rubbish collection charge was advertised in the West Australian on 26 June 2006 inviting submissions in respect of the proposed rates and charges. No submissions were received by the closing date for submissions of 17 July 2006.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

9.4 (MINUTE NO 3221) (SCM 25/07/2006) - ADOPTION OF THE MUNICIPAL BUDGET 2006/07 (5402) (ATC) (ATTACH)

RECOMMENDATION

That Council adopt the Municipal Budget for 2006/07, as attached to the Agenda, subject to the changes made at this meeting.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0



Note: Mayor Lee on behalf of Council thanked the Director, Finance and Corporate Services and those staff associated in preparing this Budget. He acknowledged that this being a \$100M Budget, Cockburn had reached a milestone, with major capital works being carried out this financial year.

Background

Council is required to adopt an annual Budget by 31 August each year.

Submission

N/A

Report

The Municipal Budget, in the required AAS27 format, is attached to the Agenda.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The Budget provides funds for Council's activities in 2006/07. The above recommendation adopts the Budget for 2006/07.

Legal Implications

Section 6.2 of the Local Government Act 1995 requires Council to prepare an annual budget.

Community Consultation

N/A

Attachment(s)

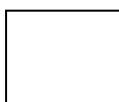
Municipal Budget for 2006/07.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



DECLARATION OF INTEREST

Mayor Lee advised the meeting that Clr Allen had a conflict of interest in Item 9.5. The nature of the interest being that his property is in close proximity to the proposal.

CLR ALLEN LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.26 PM.

9.5 (MINUTE NO 3222) (SCM 25/07/2006) - PROPOSED MODIFICATIONS TO STRUCTURE PLAN - PORT COOGEE - OWNER: AUSTRALAND HOLDINGS AND PORT CATHERINE PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (9662) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed variations to the Port Coogee Structure Plan on the basis that the changes do not materially alter the intent of the Structure Plan pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:-
1. The proponent contributing towards the extension of Spearwood Avenue on a pro rata basis being 39% of the total cost in accordance with the Uloth Associates report dated 24 May 2006.
 2. A community purpose building being designed and constructed by the proponent (free of cost) within the Marina Village with a minimum floor area of 1000m² and shared arrangements being made for car parking.
 3. The proponent agreeing to transfer the Marina Services Building to Council upon acceptance to the transfer of the Waterways Manager responsibilities in the *Port Coogee Waterways Management Transfer Facilitation Agreement*.
 4. Residential development on the ground floor of the Marina Village may only occur where buildings are designed and constructed based on commercial standards that allow for future conversion to commercial land uses.
 5. A building height plan being included in the structure plan report and expanded to include all of the land within the Port Coogee development area and being in generally in

- accordance with the applicant's submitted plan.
6. A revised public open space schedule being prepared to address the requirements outlined in this report.
 7. Residential laneways being extended through the R80 Coded sites to link directly with the main entry road in accordance with laneway design principles in Liveable Neighbourhoods 3.
 8. The '*Port Coogee Structure Plan – Traffic and Parking Report – May 2006*' being excluded from the Council adoption of the Structure Plan to allow independent review of the report by a traffic consultant having regard to peak weekend demand and the visitor estimates contained in the report titled '*Optimisation of retail and commercial development in Port Coogee - Pracsys April 2006*'.
- (2) upon receipt of an amended Structure Plan report addressing the above conditions, forward the revised Port Coogee Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to clause 6.2.14.4 of Town Planning Scheme No 3.
 - (3) require the parties to the agreement to amend the *Port Coogee Waterways Management Transfer Facilitation Agreement* to:-
 1. Amend *Annexure D – Local Structure Plan* contained in the *Agreement*, with the amended Port Coogee Structure Plan, and amend *Annexure A – Marine Reserve Plan* accordingly;
 2. Require the transfer of the Marina Services Building to the Council upon acceptance of the transfer of the Waterways Manager responsibilities.
 - (4) request the proponent to review Town Planning Scheme No 3 Port Coogee (DA22) Provisions for conformity with the changes adopted to the Port Coogee Structure Plan for consideration by Council as a separate amendment to Town Planning Scheme No 3; and
 - (5) advise the applicant of Council's decision accordingly.

COUNCIL DECISION



MOVED Clr A Tilbury SECONDED Clr V Oliver that Council:

- (1) note the Officer's report;
- (2) advertise the proposed amendments to the Port Coogee Structure Plan for public comment for a period of not less than 21 days after the publication of the advertisement;
- (3) refer the proposed amendments to the Port Coogee Structure Plan back to the next available Council meeting following the close of the advertising period summarising any submissions received; and
- (4) advise the applicant of Council's decision accordingly.

MOTION LOST 3/5

MOVED Clr S Limbert SECONDED Clr I Whitfield that Council:

- (1) adopt the proposed variations to the Port Coogee Structure Plan on the basis that the changes do not materially alter the intent of the Structure Plan pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:-
 1. The proponent contributing towards the extension of Spearwood Avenue on a pro rata basis being 39% of the total cost in accordance with the Uloth Associates report dated 24 May 2006.
 2. A community purpose building being designed and constructed by the proponent (free of cost) within the Marina Village with a minimum floor area of 1000m² and shared arrangements being made for car parking.
 3. The proponent agreeing to transfer the Marina Services Building to Council upon acceptance to the transfer of the Waterways Manager responsibilities in the *Port Coogee Waterways Management Transfer Facilitation Agreement*.
 4. A building height plan being included in the structure plan report and expanded to include all of the land within the Port Coogee development area and being in generally in accordance with the applicant's submitted plan.
 5. A revised public open space schedule being prepared to address the requirements outlined in this report.
 6. Residential laneways being extended through the R80



Coded sites to link directly with the main entry road in accordance with laneway design principles in Liveable Neighbourhoods 3.

7. The '*Port Coogee Structure Plan – Traffic and Parking Report – May 2006*' being excluded from the Council adoption of the Structure Plan to allow independent review of the report by a traffic consultant having regard to peak weekend demand and the visitor estimates contained in the report titled '*Optimisation of retail and commercial development in Port Coogee - Pracsys April 2006*'.
 8. The ground floor of all proposed development within the Marina Village areas adjacent to the marina waterway shall be set aside for commercial, retail or mixed business uses, and may not be used for any other purpose unless the Council decides otherwise.
 9. In all other areas of the Marina Village the ground floor shall be designed to accommodate commercial, retail or mixed business uses and where residential accommodation is an acceptable transitional land use. The means of achieving the transition shall be determined in liaison with Port Catherine Pty Ltd to the satisfaction of Council.
 10. In areas immediately adjacent to the Marina Village which are coded R80 and shown on the Structure Plan where development is proposed to be two storeys or higher residential accommodation is an acceptable land use.
 11. The parks and recreation area along the accessible areas of both the northern and southern marina breakwaters must incorporate (at the cost of the proponent) recreational facilities such as shade structures, barbeques and developed activity areas for visitors.
- (2) upon receipt of an amended Structure Plan report addressing the above conditions, forward the revised Port Coogee Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to clause 6.2.14.4 of Town Planning Scheme No 3.
- (3) require the parties to the agreement to amend the *Port Coogee Waterways Management Transfer Facilitation Agreement* to:-
1. Amend *Annexure D – Local Structure Plan* contained in the *Agreement*, with the amended Port Coogee Structure Plan, and amend *Annexure A – Marine Reserve Plan*



accordingly;

2. Require the transfer of the Marina Services Building to the Council upon acceptance of the transfer of the Waterways Manager responsibilities.
- (4) request the proponent to review Town Planning Scheme No 3 Port Coogee (DA22) Provisions for conformity with the changes adopted to the Port Coogee Structure Plan for consideration by Council as a separate amendment to Town Planning Scheme No 3; and
- (5) advise the applicant of Council's decision accordingly.

CARRIED 7/1

Reason for Decision

It is important for Council to ensure that the ground floor of the Marina Village is developed for commercial, retail or mixed business uses and in particular to focus commercial and retail activity along key active frontages adjacent to the marina waterways. These areas provide the best aspects of the site overlooking sheltered waterways and have the best aspects for light and wind protection offering an all year round experience for visitors.

The balance of the Marina Village ground floor must also be designed for commercial and retail purposes but where residential land use is an interim land use and where a blend with commercial and retail activity may occur. The mechanism for transitional land use arrangements to residential and then commercial or retail is to be determined in consultation with the proponent and must be to the satisfaction of Council.

The R80 areas adjacent to the Marina Village are in locations that are not as suitable for commercial and retail land use. Residential development on the ground floor is a more acceptable and compatible land use in these locations, and this also allows commercial and retail activity to focus on major activity areas.

The parks and recreational area along the accessible areas of the marina breakwaters must also incorporate community facilities that encourage recreational activity to occur.

The deletion of condition 4 is appropriate as this potentially conflicts with the new conditions proposed.

Background



Council adopted the Port Coogee Structure Plan in conjunction with the proposed local scheme amendment at its Ordinary Meeting on 16 March 2004 subject to various requirements. Planning requirements applying specifically to Port Coogee are also outlined in DA22 provisions contained in Town Planning Scheme No 3 ('TPS3').

The Council at its meeting on 9 June 2005 adopted some minor variations to the Port Coogee Structure Plan on the basis that they do not in its opinion materially alter the intent of the structure plan (38 extra lots).

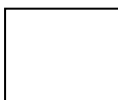
Council at its Ordinary Meeting on 11 August 2005 resolved to adopt the following modifications to the Port Coogee Structure Plan:-

1. Proposed recoding from R25 to R35 opposite the public beach area, fronting onto the marina adjacent to extended foreshore;
2. Proposed recoding from R40 to R20 for lots along Main Street and opposite POS (to be consistent with originally approved structure plan);
3. Proposed change from Residential R80 to Local Centre/ R80 for 3 lots within the Neighbourhood Centre;

Submission

The Applicant has reviewed the Marina Precinct and seeks Council's approval to several modifications to the approved Structure Plan (as amended August 2005) (refer to Plan of Variations) of which the main changes as follows:-

- *“Deletion of the public road between the marina and site to the south of the main east-west road to improve the relationship between the marina, boardwalks, public realm and retail activities;*
- *Refined site boundaries separated by public roads rather than the larger lots with common access and parking areas;*
- *Concentration of retail activities on the site to the south of the main east-west road, rather than extending commercial through the ground floors of all buildings – this modification has been necessary to ensure viability of commercial activities including home based business uses, over time to ensure compliance with Scheme provisions (refer Appendix 4);*
- *Redefine building footprints, levels and heights, as described in the JCY report;*
- *Expansion of Marina Village zoning to include the new Marina Services building which will comprise the Marina Manager's office and chandlery; the new hotel site and apartment site;*
- *Detailed design of road design, road treatments and parking layout;*
- *Modifications to density codings through the Marina Village to a base coding of R160 from R80 (height of buildings will still comply with Scheme requirements, as outlined in the JCY report).”*



A copy of the applicant's submission and plans are contained in the agenda attachments.

Report

The proposed Structure Plan changes have been reviewed in the context of the current Port Coogee Structure Plan (amended August 2005) and the City of Cockburn Town Planning Scheme No 3 DA22 provisions that apply. The following comments are provided:-

Residential Densities

Various recoding of lots on the Structure Plan are proposed throughout the development area as follows:-

- a) Down coding from R25 to R20 various lots near the railway line;
- b) Increase coding from R20 to R25 various lots east of Marina Village in the Dry Land Residential Precinct;
- c) Increase coding from R80 to R160 various Marina Village lots;
- d) Increase the coding from R30 to R80 lots of various lots in the Other Water Based Residential Precinct. The building height for these lots is proposed at 3 storeys; and
- e) New marine services building north of Boat Pens and with an R80 Code.

While some lots are proposed to with lower r-codes other lots are proposed to have a higher r-codes. The main Coding changes relate to lots within the Marina Village from R80 to R160 can be supported for consistency with other lots in the Marina Village and to provide a focal point of activity within the centre of the development.

The recoding of R30 to R80 lots north of the Local Neighbourhood Centre can be supported in view of the close location to the proposed shopping centre site and as a replacement of the awkward battleaxe lot configuration which doesn't maximise development opportunities for the sites coastal orientation.

The following table is provided to outline the dwelling yield differences between the current and proposed structure plan.

Approved Structure Plan (Aug 05)			Amended Structure Plan 2006	
	Dwelling	People	Dwelling	People
Marina Village	398	796	624	1248
Water Based Residential	193	540	264	528
Marina Residential	138	276	88	176
Dry Land Residential	543	1520	624	1747



Approved Structure Plan (Aug 05)			Amended Structure Plan 2006	
Neighbourhood Centre	110	220	30	60
Total	1,382	3,352	1,630	3,759

The number of dwellings within the Structure Plan area is proposed to increase by 248 (15%) and the number of people will also increase by 407 (10%). The extra dwellings proposed are to be distributed throughout the development with a proportionately higher number within the Marina Village. The proposed change in residential density suggests that this may affect the intent of the structure plan but in the context of the approved densities under the current structure plan (R160 Code already applies to part of the Marina Village) and lower proposed building heights it is suggested that the changes are not so significant as to warrant public comment.

Building Height

It is recommended that a Building Height Plan be prepared and included within the Structure Plan report and be used as a guide in the Structure Plan for determining development in accordance with Detailed Area Plans for adoption by Council at a later stage. Building heights must also be in accordance with TPS3 provisions.

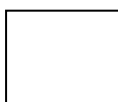
Provision 21 of TPS3 specifies a maximum building height within the Marina Village and local centres coded R80 is restricted to a maximum of 8 storeys. The applicant has included a building height comparison plan, which is included in the attachments. The density changes need to be placed into context with the Building height plan. A comparison of Building height between the approved Structure Plan and the Amended Structure Plan clearly demonstrates an overall reduction in building height which is somewhat off-set by the proposed increase in residential density.

The proposed building heights will have less of a visual impact from surrounding residential areas of Coogee and passing motorists on the re-aligned Cockburn road than the current Structure Plan and scheme provisions.

Residential Laneways

New laneways are proposed on the main east west road link through the dry land residential precinct and in another location for lots fronting public open space. Laneways allow development to front streets and be accessed to the rear of lots. These changes largely represent design improvements and are supported because they will achieve more attractive streetscapes that are not dominated by car parking and access.

The proposed laneway configuration near the two R80 Coded lots on the main entry road adjacent to the Marina Village should be adjusted



by extending the laneways through the two R80 sites in the same way these were proposed in the current Structure Plan. This is an important design consideration that is based on Liveable Neighbourhoods 3 (draft).

Traffic and Car Parking

Site boundaries have been modified and car parking configuration has changes are supported as they provide better locations for car parking while maximising locations for on-street car parking.

The Structure Plan also includes a Traffic and Parking Report dated May 2006 at the request of the Department for Planning and Infrastructure to address the following issues:-

- Expected traffic volumes on Cockburn Road and the internal subdivision roads;
- Effect of the traffic volumes on the road system and proposed internal and external intersections;
- Traffic and parking management strategies within the vicinity of the proposed marina village; and
- Indicative pavement and road reserve width.

The car parking requirements for the Marina Village and land west of the main north-south road has been assessed against the requirements in TPS3. Consideration was also given to the estimated weekday and weekend demand on peak times on commercial activity at Hillary's Boat Harbour and Mindarie Keys Harbourside Village.

The Consultant has suggested that it is inappropriate to meet individual car parking needs because it is an inefficient use of town centre land. The following comments were outlined:-

- a) shared use of parking though concurrent activities;
- b) increased expectation of walking and cycling; and
- c) shared use of parking through different peak times for activities (reciprocal parking).

In summary the total car parking requirements for the Marina Village and areas west of the main north-south road are proposed to be satisfied by over 2,800 bays provided bays provided (inclusive of shared parking bays). There are also residential laneway lots where visitor car parking is proposed by on-street car parking.

The City proposes to refer the traffic and parking report to a consultant to undertake a peer review. The car parking analysis seems acceptable but this needs to be placed into a broader context of the optimum visitation rate, which has been explored in a report by the applicant's consultant referred to as Optimisation of retail and commercial development - pracsys report.



The traffic report detailing road reserve widths and intersection treatments were not formally assessed as part of the detailed consideration in this report and will require further detailed assessment at the stage of detailed engineering design at the subdivision stage. Bus stops however must be clearly notated on the structure plan. A separate parking plan with zones must also be included in the structure plan report. All of the public off-site bays must be constructed by the proponent at the time of subdivision.

Spearwood Avenue Extension

The City engaged Uloth & Associates to provide advice on the traffic volumes estimated from the proposed Port Coogee Development onto the proposed section of Spearwood Avenue, between Cockburn Road and Hamilton Road.

The Port Coogee Development is expected to contribute 2,890 vehicle trips per day onto the new section of Spearwood Avenue, out of a total forecast traffic flow of 7,400 vehicles per day. The Port Coogee development will contribute 39 percent of the total long-term traffic flow on this section of Spearwood Avenue (Projection to year 2031 Weekday traffic flows).

Based on the forecast traffic flows the Spearwood Avenue extension would only need to be constructed to a single lane both ways. A dual carriageway is not required given the forecast traffic flows. The estimated cost of road construction, drainage, lighting and landscaping is 1.1 million dollars. The final costing for this project has not been completed.

The developer contribution sought from Australand is 39% of 1.1 million in road construction (estimate includes earthworks, road construction, drainage, DUP, lighting and landscaping). Accordingly a developer contribution of approximately \$429,000 is sought from Australand (final contribution is subject to design and is based on 39% of total cost). The City's Engineering and Works division has programmed the Spearwood Avenue extension in the 2007/08 year to link in with the Port Coogee development works.

Marina Village

The marina village precinct is extended towards the southern breakwater to allow for the relocation of the Hotel Use site and an additional development area.

Optimising retail and commercial development has been included in section 6.3.1.7 of the Structure Plan. The applicant engaged a commercial consultant to undertake an analysis of retail and commercial tenancies can be provided in a way that maximises commercial viability and ensures customers have the types of goods and services they require.



“The logic is that by focusing car parking and foot traffic around few contained nodes, all businesses will have a greater chance of surviving seasonal trading fluctuations and therefore will provide a higher standard of amenity for residents and visitors all year round.”

“We note that the current structure plan has retail and commercial areas relatively spread-out, which may adversely effect the commercial viability of businesses that choose to locate at Port Coogee. For this reason Pracsys recommended the village centre undergo a major redesign to consolidate the retail and commercial uses and hence provide the business which establish there with a much greater likelihood of being financially viable.”

The Structure Plan embraces the recommendations of the Pracsys report and proposes to concentrate commercial floorspace within the Marina Village. For other sites within the Marina Village, ground floors will be designed robustly to accommodate land use change to commercial, including home based business uses, over time where viable. The Structure Plan indicates that this will apply to the mixed-use precinct to the south of the marina.

Provision 17 of TPS3 states:-

“17 (a) The ground floor of all proposed development within the Marina Village shall be set aside for commercial, retail or mixed uses and may not be used for any other purpose unless the Council decides otherwise.”

(b) In areas immediately adjacent to the Marina Village which are coded R80 or higher density, and shown as such on the Structure Plan, where development is proposed to be two storeys or higher, the ground floor shall be set aside for commercial, retail or mixed business uses where such uses can, in the opinion of the Council, complement uses in the Marina Village, and may not be used for any other purpose unless the Council decides otherwise.”

The consolidation of retail and commercial activity seems justified but the City has no expertise to analyse the economic reasons put forward. Building design must be robust in the Mixed-Use area of the Marina Village to ensure that ceiling heights and ground finished floor levels (FFL) are sufficient to allow change from residential to commercial over time. Residential use of ground floor will be the obvious outcome of an acceptance of the proposed Structure Plan change.

Community Centre Facility

Council has supported a community purpose site to be provided as part of the POS provision and located within the Marina Village Centre. The Community Centre is considered to be desirable by the City within a building of 1,000m² where integrated into the Village Centre and appropriate arrangements are made for the use of adjoining car park



areas. The Structure Plan proposes to provide this facility as the upper floor of the main retail/commercial building located to the south of the main east-west road adjacent to the marina.

Public Open Space

Appendix 5 of the Structure Plan report includes a Public Open Space Provision. The Structure Plan includes 11.15% of public open space distributed amongst several sites within the development. Appendix 5 POS Plan identified land subject of POS deductions over waterways that don't correspond with the development area. A revised POS Provision plan is required which is consistent with the physical extent of development and WAPC requirements of subdivision. POS deductions must be adjusted with regard to MRS public purpose reserves.

Marina Boat Pens

The approved Structure Plan proposed 263 boat pens with 73 recreational moorings (total of 336 boat pens). The amended Structure Plan now proposes 247 boat pens and 53 recreational moorings (a total of 300 boat pens). The revised number of boat pens proposed is still consistent with the *Port Coogee Waterways Management Transfer Facilitation Agreement* as follows:-

“Clause 3.2 The Developer will at the Developer’s cost arrange for the construction of a minimum of 150 Mooring Pens (in accordance with the requirements of Project Agreement No 2) and a maximum of approximately 300 Mooring Pens (with the final maximum number of Mooring Pens being subject to design constraints), and the number of Mooring Pens within these parameters to be as determined by the Developer.”

Public Comment

The proposed variations to the adopted Structure Plan do not materially change the intent of the structure plan and therefore pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No. 3 the Council may vary a structure plan by resolution. There are no significant changes to the intent of the structure plan from a land use planning point of view. The development area remains unchanged, land use configuration is unaffected and densities while higher are comparable to existing densities within the current structure plan.

Council can however decide if the variations to the adopted structure plan are significant enough to be advertised for a period of 21 days in accordance with Clause 6.2.14.1 as follows:-

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



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

Port Coogee Management Transfer Facilitation Agreement

It is important to note that although there is no material impact on the agreement, the parties are required to amend the Port Coogee Management Transfer Facilitation Agreement executed by the City of Cockburn, Australand Holdings and Port Catherine Pty Ltd in April 2005, which is based on the completion of the construction of the Marina in accordance with the Council adopted local structure plan annexed to this agreement as Annexure D and reflected in Annexure A – Marine Reserve Plan, as described in clause 3.1 and 6.2(c) of the agreement. Changes to the Structure Plan adopted by Council must also be reflected in these Annexures of the agreement.

Conclusion

Council's adoption of the variations to the Port Coogee Structure Plan is supported to enable a consolidated plan to be forwarded to the Western Australian Planning Commission for its endorsement subject to the conditions outlined in the recommendation to this report.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas that apply are:

- *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*
- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
- *"To facilitate and provide an optimum range of community services."*



- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Council Policies that are relevant are:

APD4	Public Open Space
APD28	Public Open Space Credit Calculations
APD30	Access Street/Road Reserve & Pavement Standards
APD31	Detailed Area Plans
APD32	Residential Design Codes

Budget/Financial Implications

N/A

Legal Implications

City of Cockburn Town Planning Scheme No 3.
Planning & Development Act
Metropolitan Region Scheme

Community Consultation

Public consultation has already occurred in relation to the Port Coogee Structure Plan, which was advertised for public comment in conjunction with the Local Scheme Amendment. At the close of the public comment period, there was a total of 4030 valid submissions received.

Agenda Attachment(s)

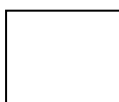
- (1) Proposed modifications to Local Structure Plan
- (2) Current Local Structure Plan
- (3) Amended Local Structure Plan
- (4) Port Coogee Building Height Comparison Plan
- (5) Port Coogee Density Coding Comparison Plan

Advice to Proponent(s)/Submissioner(s)

The Proponent has been advised that this matter has been referred to the Special Meeting of Council on 25 July 2006.

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

Nil.



CLR ALLEN RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 7.39 PM.

Mayor Lee read aloud the decision of Council whilst Clr Allen was away from the meeting.

10. (MINUTE NO 3223) (SCM 25/07/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 9/0

11 (SCM 25/07/2006) - CLOSURE OF MEETING

MEETING CLOSED AT 7.42 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:/...../.....

