

**AMENDMENT TO
IMPROVEMENT PLAN NO. 26
PORT COOGEE**



WESTERN AUSTRALIAN PLANNING COMMISSION
PERTH, WESTERN AUSTRALIA
DECEMBER 2004

NOTICE OF AMENDMENT TO IMPROVEMENT PLAN NO. 26

PORT COOGEE

Introduction

1. Under the provisions of section 37A of the Metropolitan Region Town Planning Scheme Act 1959, (as amended), the Western Australian Planning Commission is authorised to certify and recommend to the Minister for Planning and Infrastructure that an Improvement Plan should be prepared for the purpose of advancing the planning, development and use of any land within the Perth metropolitan region.

Background

2. In June 1994, under the provision of Section 37A of the Metropolitan Region Town Planning Scheme Act, 1959 (as amended) Improvement Plan No. 26 was gazetted for the purposes of advancing the planning, development and use of the land within what was known as the Port Catherine Project Agreement area, now known as Port Coogee.
3. Since 1994, more detailed planning for the Port Coogee project has indicated the desirability of an expanded project area, which would include land in the seabed, recently the subject of MRS Amendment 1010/33.

Amendment to Improvement Plan

4. As the Improvement Plan 26 area does not include all of the land the subject of the preferred planning and development options, an amendment to Improvement Plan No 26 to incorporate the seabed land will enable the Commission to better realise the purposes of Improvement Plan 26.
5. The amended Improvement Plan area is depicted on the attached Department for Planning and Infrastructure Plan No. 3.10786/1.

Improvement Plan Amendment Process

6. Section 37A (1) of the Metropolitan Region Town Planning Scheme Act 1959, (as amended) provides that land which is the subject of an Improvement Plan may be planned, replanned, designed, redesigned, consolidated, re-subdivided, cleared, developed, reconstructed or rehabilitated, and provision may be made for its use for the purposes appropriate or necessary to the intent of the Improvement Plan. S.37A (2a) of that Act authorises the Commission to amend an improvement plan by notice of amendment utilising the procedure specified in s37A(1).

7. The procedure set out in s.37A(1) contemplates that if the Minister for Planning and Infrastructure accepts the recommendation of the Commission (which shall be accompanied by the Notice of Amendment to the Improvement Plan) she shall forward it as soon as practicable to the Governor.

If the Governor accepts the recommendation, the Commission may proceed with the implementation of the amendment to the Improvement Plan, and may purchase any land within the amended area by agreement with the owner, or, failing agreement, may acquire the land compulsorily under the *Land Administration Act*. Having acquired the land, the Commission may return, sell, lease, exchange or otherwise dispose of it to any person or body on such terms as the Commission with the approval of the Governor thinks fit.

8. As an alternative to acquisition, in respect of land included in the Improvement Plan area but not acquired or held by the Commission, the Commission may enter into an agreement with the owner to implement the Improvement Plan; including the sale, purchase, exchange, surrender, vesting, allocation or other disposal of the land, the adjustment or alteration of boundaries of the land, the pooling of the land of several owners, the adjustment of rights between owners of the land or other persons interested in the land whether by payments of money or transfers or exchanges of land or otherwise, the valuation of the land, and the provision of land for any public open space, public works as defined by the *Land Administration Act* or any other public purpose; the payment, satisfaction or recovery of costs incurred in implementing the agreement; and any other matter as may be necessary to give effect to the Improvement Plan.
9. In this instance it is proposed to create a marina on land in the area which is the subject of the amended Improvement Plan 26, and for a portion of the land to be sold to realise the planning and development goals for the area.

IMPROVEMENT PLAN 26 AMENDED

10. Improvement Plan 26 is HEREBY AMENDED by
 - a. deleting the map in the original plan and substituting Department for Planning and Infrastructure Plan No. 3.10786/1 in order to incorporate additional land reclassified by MRS amendment 1010/33, so to facilitate coordination of the planning and redevelopment of the land the subject of such Improvement Plan; and
 - b. adding the following paragraph 3.6 to the Plan:

"Residential Marina Development

- 3.6 It is proposed to establish a marina development (including commercial residential and community facilities) on the land, including the offshore land, to which this Plan applies, and for a portion of that land to be sold to realise the planning and development goals for the area."

Certificate

This amendment to Improvement Plan NO. 26 is accompanied by a Certificate given in accordance with section 37A of the Metropolitan Region Town Planning Scheme Act 1959 (as amended). It has been endorsed by the Commission for submission to the Minister for Planning and Infrastructure.

The Common Seal of the Western Australian Planning Commission was hereunto affixed
In the presence of:


CHAIRPERSON


MEMBER

15.12.04
DATE



THIS RECOMMENDATION IS ACCEPTED:


MINISTER FOR PLANNING
AND INFRASTRUCTURE

17.12.04
DATE

THIS RECOMMENDATION IS ACCEPTED:


GOVERNOR

22 DEC 2004
DATE

WESTERN AUSTRALIAN PLANNING COMMISSION
AMENDMENT TO IMPROVEMENT PLAN NO 32
CERTIFICATE AND RECOMMENDATION

PURSUANT TO SECTION 37A OF THE METROPOLITAN REGION TOWN
PLANNING SCHEME ACT 1959 IT IS HEREBY

CERTIFIED THAT FOR THE PURPOSE OF ADVANCING THE
PLANNING, DEVELOPMENT AND USE OF ALL THAT LAND WITHIN
THE PORT CATHERINE METROPOLITAN REGION SCHEME
AMENDMENT 1010/33 AREA ('THE LAND') SHOULD BE CLEARED,
REHABILITATED, CONSOLIDATED, REPLANNED, REDESIGNED,
DEVELOPED AND RESUBDIVIDED AND PROVISION SHOULD BE
MADE FOR IT TO BE USED FOR SUCH PURPOSES AS MAY BE
APPROPRIATE; AND

RECOMMENDED TO THE MINISTER FOR PLANNING AND
INFRASTRUCTURE AND HIS EXCELLENCY THE GOVERNOR
THAT THE LAND SHOULD BE SO DEALT WITH AND USED AND
MADE THE SUBJECT OF IMPROVEMENT PLAN NO. 26 (AS
AMENDED) AS DEPICTED ON DEPARTMENT FOR PLANNING AND
INFRASTRUCTURE PLAN NUMBERED 3.0786/1 ANNEXED
HERETO.

THIS CERTIFICATE AND RECOMMENDATION IS GIVEN IN
ACCORDANCE WITH A RESOLUTION OF THE WESTERN AUSTRALIAN
PLANNING COMMISSION PASSED ON THE SEVENTH DAY OF
DECEMBER 2004.

THE COMMON SEAL OF THE WESTERN AUSTRALIAN PLANNING
COMMISSION WAS HEREUNTO AFFIXED IN THE PRESENCE OF:


CHAIRPERSON


MEMBER


DATE



IMPROVEMENT PLAN AREA

500m

C

500m

AUTHORISED: N. PITTS
DRAFTSPERSON: K. ITO
EXAMINED:
REVISED:
DATE: EF&P/3791 7th December 2004



SCALE 1:7500

3.0786/1

962

FILE REF: 819/2/23/3
PLAN REF: PERTH 07.07, 07.08, 07.09, 08.07, 08.08
MRS SHEETS 19 & 23

SUPERSEDES PLAN
3.0786

