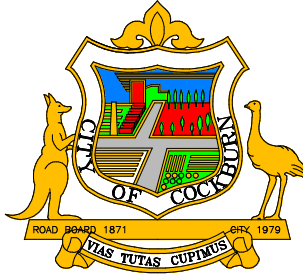


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 9 FEBRUARY 2012**

**14.2 (OCM 09/02/2012) - SCHEME AMENDMENT NO. 89 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 (COCKBURN COAST) AND COCKBURN COAST DISTRICT STRUCTURE PLAN PART 2 CONSIDERATION OF ADOPTION FOR FINAL APPROVAL - LOCATION: COCKBURN COAST - OWNER: VARIOUS - APPLICANT: LANDCORP (SM/M/053, 93089) (C CATHERWOOD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) require the inclusion of a further chapter to the Employment and Economic Development Strategy to outline the implementation approach for LandCorp and other relevant agencies/stakeholders to facilitate the successful delivery of the initiatives;

(2) following compliance with (1) above, adopt the Draft Cockburn Coast District Structure Plan Part 2 (“CCDSP Part 2”), for the purpose of providing a guiding document to inform the preparation of future Local Structure Plans (“LSP’s”) within the District Structure Plan area, subject to the following modifications:

1. All plans contained within the CCDSP Part 2 depicting the “potential marina” annotation are to recognise the important consideration processes which have yet to have been undertaken by the supplementary annotation:

*‘Subject to additional consideration processes including, but not limited to:*

- *lifting of MRS Urban Deferred,*
- *submission, assessment (including community consultation) and approval of a local structure plan for the Power Station Precinct discussing:*
  - *environmental feasibility (impacts upon the marine environment including relationship to other coastal features); and*
  - *social feasibility.*

2. Modification to the public open space (“POS”) in the Hilltop/Emplacement Local Structure Plan area to delete the POS shown in the Draft CCDSP Part 2 and replace it with POS as shown in Attachment 8.

3. Inclusion of an annotation on Figure 31 (Land use plan) as follows:

*“At-grade crossings will need to be designed, constructed and maintained to the satisfaction of the Office of Rail Safety, within the Department of Transport”.*

4. Inclusion of references within the CCDSP Part 2 report to the role of urban corridors with reference to the future function and surrounding land use of Cockburn Road and Cockburn Coast Drive, as outlined in the Connected City model in *Directions 2031 and Beyond*.

5. Modifying Table 5 (Provision of Public Open Space) to refer to the ‘gross subdivisible area’ rather than ‘gross residential area’, in accordance with Table 11 of *Liveable Neighbourhoods*.

6. The annotation of ‘low density residential’ in Figure 31 (Land use plan) being amended to refer to ‘medium density’.

7. The north-south road adjacent to the active playing field as shown in the CCDSP Part 2 being shifted west as much as feasible to accommodate a wider oval, to the satisfaction of the City of Cockburn.
8. Figure 31 (Land use plan) being updated to reflect the road adjustment outlined in 6 above, and the title of Figure 32 being corrected to 'Playing Field Concept Plan'.
9. Adjustment to the Land use plan and Building height plan (Figures 29 and 31) so that no sensitive land uses are located within 50m from the boundary of the waste water pumping station site (Reserve 5239).
10. Section 4.4.4 (Draft State Industrial Buffer Policy and EPA Guidance) of the CCDSP Part 2 report be modified to clarify that the Mixed Use zone itself is not intended to function as a transitional zoning, and to clarify the situation relating to existing businesses remaining.
11. Updating of Section 5.2.3 (Mixed Business) of the CCDSP Part 2 report to clarify that retention of heavy and general industrial uses would not be consistent with the Mixed Business zoning. This section of the CCDSP Part 2 report should clarify that the Local Structure Plans may set out a different range of permissible uses than those currently set out in the Scheme, if this is the intention. Alternatively, these terminologies be modified so that they are consistent with land uses set out in the Scheme as another level of refinement from the CCDSP.
12. Section 10.4 of the CCDSP Part 2 being modified to identify a 50m buffer from the boundary of the wastewater pumping station (Reserve 5239), rather than the wet well;
13. Section 10.4 (Wastewater Pump Station) being amended as follows:
  - (a) All references to the required buffer stipulating the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3.
  - (b) Figure 79 depicting a 50m buffer from the boundary of Reserve 5239 (wastewater pumping station site), rather than the wet well.

- (c) Delete references to a requirement for a 150m buffer, and instead make reference to the recent decision of the Minister for Water to direct the Water Corporation to limit the planned ultimate capacity of the pump station to a maximum of 350 Litres/second, in order to avoid the need to implement a larger 150m radius odour buffer required under EPA Guidance Statement No.3 for pump stations >350l/s.
  - (d) Section 9.1.1.1(Sewerage) being amended to refer to the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3, and the delete references to the potential requirement for an increase in capacity to 350 Litres/second.
14. Section 11.1.1 (Metropolitan Region Scheme) being updated to reflect the gazettal of the MRS amendment for the Cockburn Coast area.
- (3) adopt Scheme Amendment No. 89 for final approval, subject to the following modifications:
- 1. Rezoning the portion of the Cockburn Coast area that is 'unzoned' to 'Development' zone and placing it within 'Development Area (No. 33)'.
    - 2. Inclusion of the following additional provisions under 5.0 Local Structure Plans:
      - (a) 3.19 Contaminated Sites
        - (i) Describe how contaminated sites will be (or have been) suitably dealt with across the whole Local Structure Plan area in accordance with the Contaminated Sites Act 2003.
        - (ii) Describe how the land use plan responds to issues of contamination across the whole Local Structure Plan area.
        - (iii) While recognising the obligations for landowners under the Contaminated Sites Act 2003, list for each lot contained within the whole Local Structure Plan area as part of the Local Structure Plan report, whether

any investigation of contamination sites has been undertaken. Where no investigation has been considered warranted also list details of previous and historic land uses to assert the conclusion the site is not potentially contaminated. Where sites have been reported to DEC as a potentially contaminated site, also list the details of the referral and if available the outcome of the referral.

(b) 3.20 Existing Development

- (i) Identify and describe any existing lawful development within the Local Structure Plan area which has associated offsite impact(s).
- (ii) Identify and describe how future land use and development in accordance with the Local Structure Plan will be managed so that areas experiencing offsite impacts from existing lawful development are either avoided or managed.

(c) 5.0 Local Structure Plans – 3.20 *Flora and Fauna Survey (where Local Structure Plan includes vegetated areas)*.

(d) 5.2.8 Environmental Feasibility

- (i) impacts upon the marine environment including relationship to other coastal features shall be discussed in any local structure plan proposing the inclusion of a marina or similar modifications to the coastline.

(e) 5.2.9 Social Feasibility

- (i) any local structure plan proposing the inclusion of a marina or similar modifications to the coastline shall discuss the social feasibility of such a proposal in contrast to the opportunities afforded by the existing coastline.

3. Modifying clause 4.0 (k) of the proposed 'Development Area' provisions as follows:

*'Where residential or noise-sensitive development is*

*proposed in a situation where it may be exposed to noise impacts from existing non-residential uses and activities, the onus will be on the designers and developers of the new residential development to demonstrate to the Local Government's satisfaction that potential noise impacts have been considered and addressed. This includes addressing State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" where relevant.'*

4. Modifying clause 4.0 (f) of the proposed 'Development Area' provisions as follows:

*Each subdivision for the creation of additional lots (as opposed to amalgamation proposals) and development application shall achieve at least 85% of the potential number of dwellings achievable under the R-code designated for the application area on the adopted Local Structure Plan. In calculating the potential number of dwellings for the purposes of this provision, the following average lot size will apply unless specified by the adopted Local Structure Plan:*

- \* *R30 = 300m<sup>2</sup>*
- \* *R40 = 220m<sup>2</sup>*
- \* *R50 = 180m<sup>2</sup>*
- \* *R60 = 180m<sup>2</sup>*
- \* *R80 = 125m<sup>2</sup>*
- \* *R160 = 62.5m<sup>2</sup>.*

5. Modifying clause 5.9 of the proposed 'Development Area' provisions as follows:

*A Coastal Hazard Risk Assessment is required to be prepared for the full length of coastline adjacent to the Development Area as an additional detail of the Local Structure Plan(s) to the satisfaction of the Local Government and the Western Australian Planning Commission.*

- (4) endorse the Schedule of Submissions prepared in respect of the CCDSP Part 2;
- (5) forward a copy of the endorsed CCDSP Part 2 to the Western Australian Planning Commission for information purposes only;
- (6) advise landowners within the CCDSP Part 2, affected landowners, and affected public authorities notifying of the adoption of the District Structure Plan, as modified;

- (7) once modified, ensure the amendment documentation be signed and sealed and then submitted to the Western Australian Planning Commission along with details of the steps taken to advertise the amendment, with a request for the endorsement of final approval by the Hon. Minister for Planning; and
- (8) advise the Department of Planning that in their consideration of Amendment 82, forwarded for their consideration 20 April 2011, given the progression of time and consideration of Amendment 89 for Cockburn Coast, Restricted Use 9 ('RU9') needs to be deleted from Schedule 3 and there is now no need to introduce Special Use 26 ('SU26') into Schedule 4 of the City's Town Planning Scheme No. 3.

## COUNCIL DECISION

### Background

#### Cockburn Coast District Structure Plan

The Cockburn Coast District Structure Plan 2009 ("CCDSP") has been prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina (Attachment 1). The Western Australian Planning Commission ("WAPC") endorsed the CCDSP in August 2009.

The CCDSP sets a framework for future redevelopment of the Cockburn Coast area as an intensive, vibrant, mixed use coastal urban environment. It contains provisions relating to the desirable character of identified precincts, including land use mix, height and built form elements. It provides a framework for guiding development, and furthering local level planning and decision making.

The Metropolitan Region Scheme ("MRS") Amendment No. 1180/41 was made effective on 16 August 2011 to rezone the North Coogee industrial area from 'Industry' to 'Urban' to reflect the outcomes of the CCDSP. The South Fremantle Power Station site has been predominately rezoned to 'Urban Deferred', with a portion south of the Power Station building remaining 'Parks and Recreation' reserve.



### Amendment No. 82 (Cockburn Coast Industrial Area and Newmarket Precinct)

Council previously adopted Amendment No. 82 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") at the meeting of 17 March 2011 for final approval. Amendment No. 82 was subsequently referred to the WAPC on 20 April 2011 with a request for the approval of the Minister for Planning, and a decision is still pending.

The purpose of Amendment No. 82 is to modify the Scheme in such a way so as to implement the outcomes of the Cockburn Coast District Structure Plan ("CCDSP") for the Newmarket Precinct. It also seeks to facilitate appropriate interim uses on the current 'Industry' zoned land within the CCDSP area, and to ensure industrial uses become subject to greater limitations than what is currently provided for under the Scheme.

It had been anticipated that Amendment No. 82 would be gazetted ahead of proposed Amendment No. 89, and could then facilitate a range of benign light industrial uses in the interim period. Unfortunately Amendment 82 has not progressed and two specific elements of the amendment would now be superfluous given Amendment 89 would introduce Development Area 33 which will see the ultimate Cockburn Coast vision facilitated. The elements of Amendment 82 which would be superfluous should Amendment 89 be gazetted are:

- \* Modification of the Restricted Use 9 ('RU9') in Schedule 3
- \* Introduction of Special Use 26 ('SU26') into Schedule 4.

The Department of Planning should be advised in writing that in their consideration of Amendment 82, RU9 simply needs to be deleted from Schedule 3 and there is no need to introduce SU26 into Schedule 4.

### Amendment No. 89 and Draft Cockburn Coast District Structure Plan (Part 2)

Council at the Ordinary Meeting of 14 July 2011 resolved to adopt the Draft Cockburn Coast District Structure Plan (Part 2) for community consultation, subject to a number of modifications.

These modifications were undertaken and the proposals were advertised for public comment for 42 days, ending on 1 December 2011.

#### **Submission**

The Cockburn Coast District Structure Plan (Part 2) has been submitted by HASSELL on behalf of Landcorp.

## **Report**

The purpose of this report is for Council to consider adopting Amendment No. 89 and the Cockburn Coast District Structure Plan (Part 2) for final approval.

### Purpose of the Cockburn Coast District Structure Plan (Part 2)

The Cockburn Coast District Structure Plan (Part 2) applies to the Cockburn Coast project area south of Rollinson Road only. It excludes the Newmarket and Fremantle Village Precincts, which were included in the CCDSP, as these precincts are subject to separate planning processes.

The CCDSP provides the statutory and land use framework intended to inform future detailed planning and the preparation of Local Structure Plans. The Draft CCDSP Part 2 illustrates the next layer of detail, and describes the approach to the provision of local roads, key infrastructure, public open space, drainage, land use and built form; as a precursor to the preparation of Local Structure Plans. The Draft CCDSP Part 2 (Land Use Plan) is included in Attachment 2.

It is intended that the both the CCDSP and the CCDSP Part 2 will be used as guiding documents to inform the assessment of Local Structure Plans. It is therefore intended that the CCDSP Part 2 will be endorsed by Council as a guiding document, not as a structure plan pursuant to Clause 6.2.9 of the Scheme.

As the CCDSP Part 2 provides the next layer of detail to the CCDSP, to the extent of any inconsistencies between the CCDSP and the CCDSP Part 2, the CCDSP Part 2 will prevail.

### Draft Cockburn Coast District Structure Plan (Part 2)

The CCDSP Part 2 is consistent with the underlying intent of the CCDSP, however it does incorporate some key changes which have evolved from a 'preferred land use' concept developed by LandCorp. This was prepared concurrently with the preparation of an Integrated Transport Plan ("ITP"). The ITP has driven several of these changes.

The development of the preferred concept considered two land use scenarios to achieve the CCDSP's objectives. One land use concept retained the highest concentration and mix of uses along Cockburn Road as presented in the CCDSP. The alternative shifted these core areas westward towards the coast (Attachment 6). The 'coastal nodes' concept was selected to take advantage of the proximity to the coast for scenic views and physical access to the foreshore. It also allowed

for the first stage of development, which would occur on land owned predominantly by LandCorp, to create a high quality main street.

By relocating the main street activities to other streets (rather than Cockburn Road), this land use concept was considered to create more flexibility for the future of Cockburn Road as an interim through route for regional traffic. While ultimately Cockburn Coast Drive will take on this function; completion of Cockburn Coast Drive is unfunded and its construction date is uncertain. Without the pressure of transforming this roadway from its current function, conflicts between competing roles can be minimized.

Therefore one of the key points of difference between the Draft CCDSP Part 2 and the CCDSP is that commercial activity is no longer focussed along Cockburn Road. The CCDSP Part 2, in line with the evolving policy context relating to Directions 2031 and the Activity Centres policy, creates a hierarchy of coastal activity nodes which will be serviced by a dedicated rapid public transit system with the potential to accommodate light rail in the future.

Additional work is being undertaken to provide a business case to support a rapid transit route through Cockburn Coast. The broader regional network potential for rapid transit is also being reviewed by the applicant and the Cities of Cockburn, Fremantle and Melville. This work will ensure the regional context is considered rather than just the proposed Cockburn Coast development.

To summarise, the key differences between the CCDSP and the Draft CCDSP Part 2 are:

- A shift in the rapid transit corridor alignment from Cockburn Road to a new north south road to the west (as shown in Attachment 6).
- The concept of the 'Local Activity Nodes' along Cockburn Road being replaced a shift in the Activity Centre focus and Main Street to reflect the new proposed rapid transit corridor.
- Provision of additional POS within the Emplacement Crescent precinct and widened POS corridors to the east of Cockburn Road.
- Modification to the shape of the proposed primary school site and active playing field to enable a minimum sized playing field to be accommodated.

### Land Use Plan

The CCDSP Part 2 includes a land use plan which is based on the following key principles:

- Focusing intensity and diversity of land use along the rapid transit alignment and at proposed transit stations.
- Locating employment, tourism and recreational opportunities at the Power Station site, in accordance with the objectives of the CCDSP.
- Locating a second activity centre along a more localised main street to service day to day needs of local residents.
- Focusing recreational and entertainment opportunities at specific beach nodes - Catherine Point, Robb Jetty and the Power Station.
- Providing for a range of residential opportunities, with height and density of residential buildings generally responding to topography, green linkages and proximity to the coast and activity centres.

### Activity Centres

The CCDSP Part 2 identifies two activity centres (Robb Jetty and Power Station), which are intended to contain a mix of land uses. They have been strategically located on the proposed rapid transit line at proposed transit station locations. Their location ensures that residents and workers are within easy walking distance of their transit and daily/weekly shopping needs.

One of the proposed activity centres is located at the Robb Jetty Main Street. The Robb Jetty Activity Centre will focus on the provision of daily shopping needs for residents, including an opportunity for a supermarket site. It could also accommodate restaurants, cafes and small scale office opportunities that will not only service local residents, but will have a wider catchment.

The Robb Jetty Activity Centre also includes the proposed primary school site along a portion of the main street. The primary school site is intended to be developed as a multi-level 'urban' school on a 1.5ha property. The school will be designed to address the main street.

The CCDSP Part 2 identifies that the Robb Jetty Activity Centre may potentially be bookended by an urban plaza on the beach side of the railway line, which will provide a further incentive for people to travel through Main Street, past the shops and cafes, to the beach. This is

conceptual at this stage, and all development of the foreshore area will be subject to a detailed Foreshore Management Plan and Hazard Risk Assessment Study.

The Power Station Activity Centre was identified as a 'Local Activity Node' in the CCDSP, surrounded by a large area of 'Mixed Use' zoning. The CCDSP Part 2 designates this corresponding area as an Activity Centre.

The Power Station Activity Centre is a longer term prospect, given the significant infrastructure works, stakeholder negotiations and site preparation works required to de-risk the site in preparation for the market.

The Power Station Activity Centre is intended to provide a range of opportunities relating to recreation, entertainment and tourism. The CCDSP Part 2 identifies that this is the preferred site for a hotel or short stay accommodation.

The Power Station Activity Centre will present the opportunity for office and commercial buildings with a district and sub regional catchment, and it is anticipated that it will be the primary employment generator for Cockburn Coast.

The CCDSP Part 2 outlines that uses such as office, restaurants, community facilities, and shops would be the types of uses likely to be supported within the Power Station Activity Centre. Residential development would be encouraged on the upper levels of commercial/retail multi-storey buildings, to facilitate all hours activation of activity centres and providing surveillance of the streets below.

### Mixed Use

A Mixed Use zoning has been identified throughout much of the project area, and along Cockburn Road in order to allow a range of compatible uses to co-locate adjacent to one another, and vertically in individual buildings. This is consistent with the CCDSP.

The Mixed Use zone is critical in promoting sustainable living opportunities by allowing people to pursue a lifestyle that integrates living, working and leisure in one location.

The Mixed Use zoning needs to be carefully managed so that it does not detract or disperse activity from the two proposed activity centres. Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans will be required to set out the specific permissibility of land uses. Design guidelines will also be critical in ensuring the desirable built form outcomes are achieved for the Mixed

Use zone. In accordance with the CCDSP, the Mixed Use zoning is not intended to be overly prescriptive, providing that the uses can demonstrate a positive contribution to promoting a vibrant mixed use urban environment and do not detract from the two primary activity centres.

In accordance with the CCDSP uses such as residential, small showrooms, shops, offices and community facilities will be generally supported within the Mixed Use zone.

While the CCDSP Part 2 assumes a long term transition of industrial uses to urban, interim buffer arrangements need to be considered at the Local Structure Plan stage. The CCDSP Part 2 has sought to address this issue by generally establishing a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term. The CCDSP Part 2 report describes the Mixed Use zone as “a flexible category, which will allow for existing businesses to remain, while allowing for a transition to other non-sensitive land uses, which do not omit offensive products, with a longer term transition to sensitive land uses such as residential, at a point in time that the industrial use has relocated”.

However, the CCDSP does not describe the Mixed Use zoning in this way. The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include ‘light and service industry’ and ‘general industrial’ uses. Therefore it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.

It is therefore recommended that Section 4.4.4 (Draft State Industrial Buffer Policy and EPA Guidance) of the CCDSP Part 2 report be modified to clarify that the Mixed Use zone itself is not intended to function as a transitional zoning, and to clarify the situation relating to existing businesses remaining. It may be that the range of permissible uses are specifically tailored through the Local Structure Plans to function as a buffer where appropriate, however this should be clarified.

#### Mixed Business

The CCDSP Part 2 proposes a Mixed Business zoning for a portion of Darkan Crescent. The CCDSP Part 2 report outlines that this has been nominated in recognition of existing industrial business, including the Fremantle Coldstores and Sealanes. The Mixed Business zoning will

also ensure a diversity of employment opportunities for the Cockburn Coast area.

In accordance with the CCDSP, uses such as 'light and service industry' and 'office' are likely to be considered suitable within the Mixed Business zone. Land uses such as 'residential', 'general industry' and larger floor area 'showrooms' would generally not be considered suitable for the Mixed Business zone.

It is also noted that Section 5.2.3 (Mixed Business) of the CCDSP Part 2 report stipulates that the Mixed Business zoning will allow the retention of more heavy industrial uses to co-exist with a range of other businesses from service industrial through to office and other commercial opportunities. However 'heavy industrial' uses are then subsequently listed as uses not suitable within the Mixed Business zone. It is acknowledged that this concept was also expressed in the CCDSP; however, it is recommended that this discrepancy be clarified through the CCDSP Part 2 prior to it being adopted.

It is also important to note that there is an existing Mixed Business zone within the Scheme, and 'General Industry' is not a permissible use. This section of the CCDSP Part 2 report should clarify that the Local Structure Plans may set out a different range of permissible uses than those currently set out in the Scheme, if this is the intention.

The CCDSP Part 2 makes reference to a number of different uses that are considered suitable or unsuitable within the Mixed Business zone. This terminology is consistent with the CCDSP, however it does not align with the definitions in the Scheme. It is therefore recommended that these terminologies be modified so that they are consistent with land uses set out in the Scheme as another level of refinement from the CCDSP.

### Residential

Residential development will constitute the majority of development within the Cockburn Coast area. The intent is that residential development will be of a density mix and built form character more intensive than typically created in Greenfield locations on the urban fringe, thus ensuring more sustainable outcomes can be achieved.

Therefore a range of residential densities are proposed, generally in accordance with those nominated in the CCDSP, ranging from R40 to R160. The CCDSP set out targets for different housing types/densities and the land use plan included in the CCDSP Part 2 achieves these targets.

It is noted that Section 5.2.2 (Architecture and Design) of the CCDSP Part 2 report refers to the development as 'low/medium' density. This is not considered to accurately reflect the densities and built form that are proposed which generally range between a residential coding of R40 and R160 which are 'medium/high' density. It is therefore recommended that this section be modified prior to advertising to refer to 'medium/high' density rather than 'low/medium' density.

#### Public Purpose (Primary School)

The CCDSP process included investigation and consultation with the Department of Education and Training, and it was identified that only one primary school was required. This is partly due to the existing capacity of adjoining primary schools and also in anticipation that the socio-economic mix is likely to consist of a lower percentage of families with children than the Perth metropolitan average, due to the high percentage of apartments.

The primary school site has been co-located with the district playing fields, and it is intended to be a multi-level school adjacent to the playing fields and the Robb Jetty Main Street.

The primary school site is centrally located within the project area, so as to maximise its catchment and accessibility. It has also been sited in close proximity to a transit station, at the western end of Main Street, to ensure a safe walking environment for children commuting to and from school.

#### Local Structure Plan Areas

The CCDSP Part 2 does not include the 'Newmarket Precinct' and 'Fremantle Village' precincts, which were encompassed by the CCDSP, as these areas will be dealt with separately. The Newmarket Precinct has been dealt with separately through Amendment No. 82, given that this area is already zoned 'Urban' under the MRS.

The CCDSP Part 2 identifies three Local Structure Plan areas (shown in Attachment 4) as follows:

- Emplacement/Hilltop (incorporating Emplacement and Hilltop Precincts from the CCDSP).
- Robb Jetty (incorporating Robb Jetty and Darkan Precincts from the CCDSP).
- Power Station.

A Local Structure Plan will be required for each of these areas prior to subdivision or development of the land in accordance with the CCDSP Part 2.



The CCDSP included character guidelines for each precinct, setting out the types of land uses, built form character and building heights that are considered appropriate for each precinct. These guidelines are still relevant, and preparation of the Local Structure Plans and Design Guidelines will require regard to be had for these character guidelines contained within the CCDSP.

Proposed Amendment No. 89 provides further detail regarding the requirements for Local Structure Plans.

### Amendment No. 89

Amendment No. 89 proposes to rezone the majority of the CCDSP area to 'Development' zone, and place it within a new 'Development Area'.

This will require the subsequent preparation of Local Structure Plans, in order to effectively demonstrate how coordinated development of the subject land can occur. This 'Development' zone is the most appropriate zone for new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate development.

'Development Areas' are Special Control Areas pursuant to the Scheme, and they are included in Schedule 11, with provisions that apply to the 'Development Area'. Schedule 11 sets out a description of the 'Development Area' and sets out the specific purposes and requirements that apply to the area. The draft provisions are included in Attachment 5.

The development of land within a 'Development Area' is to be generally in accordance with a Local Structure Plan that applies to the land.

### Development Area Provisions

The draft provisions set out the objectives for the 'Development Area', and outline the hierarchy of plans that will apply to the area.

The draft provisions include a range of key requirements that will apply to the whole 'Development Area'. These provisions set out that an approved Local Structure Plan together with all approved modifications shall apply to each Local Structure Plan area identified in the CCDSP Part 2 in order to guide subdivision and development.

An overview of the structure of the provisions is outlined below, and a discussion of some of the key requirements is made later in this section:

- 1.0 Objectives of the Development Area
- 2.0 Hierarchy of Plans
- 3.0 District Structure Plan(s)
- 4.0 General Development Area provisions
- 5.0 Local Structure Plans
  - 5.1 Content of Local Structure Plans
  - 5.2 Matters to be addressed by Local Structure Plans
  - 5.3 Design Guidelines
  - 5.4 Fire Management Plan
  - 5.5 Local Water Management Strategy
  - 5.6 Noise and Vibration Management Plan
  - 5.7 Cultural Heritage Strategy (European and Indigenous)
  - 5.8 Public Art Strategy
  - 5.9 Coastal Risk Management Plan
  - 5.10 Foreshore Management Plan

### Requirements for Local Structure Plans

The proposed provisions set out the required content of the Local Structure Plans, and the specific matters that the Local Structure Plans must address to ensure they comprehensively deal with these issues.

The proposed required content for Local Structure Plans is generally in accordance with the WAPC's Draft Structure Plan Preparation Guidelines, with some additional requirements that are considered to be relevant specifically to the Cockburn Coast area. The WAPC's Draft Structure Plan Preparation Guidelines have not yet been adopted, so it is still considered important that the 'Development Area' provisions set out the content required for Local Structure Plans to ensure that all Local Structure Plans comprehensively deal with all critical issues.

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. Therefore, it is considered imperative that Local Structure Plans deal with matters such as landscaping to ensure continuity between Local Structure Plan areas. This includes identifying proposed landscaping themes and verge treatments to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not established through the Local Structure Plans then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

The CCDSP sets out a variety of targets for the area, and where appropriate the proposed 'Development Area' provisions seek to ensure that these targets are met, or that future Structure Plans will address those matters.

### Achieving Minimum Densities

The provisions set out the requirement for minimum densities to be achieved, with a similar approach to that used within 'Development Area 19' (Muriel Court Structure Plan area). The proposed 'Development Area' provisions require that each subdivision and development application in the Development Area shall achieve at least 85% of the potential number of dwellings achievable under the R-Code designated.

This is to ensure that land is not underdeveloped, and vision for Cockburn Coast that has been set by the CCDSP can be achieved.

### Design Guidelines

The 'Development Area' provisions specify that Local Structure Plans must have associated Design Guidelines. These must be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan. Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

The provisions set out the matters that Design Guideline shall address, which include: Building heights, bulk and scale; private open space; walls and fencing; parking and access arrangements; affordable housing and housing diversity; and sustainable building design.

The 'Development Area' provisions also provide further guidance on the key design principles which are applicable to the 'Development Area'. These key principles seek to achieve sustainable development that contributes positively to the streetscape. The provisions set out a range of general development guidelines, which include the requirement for development to facilitate close interaction with the pedestrian activity along footpaths; and provision of bicycle parking and end of trip facilities for mixed use and commercial buildings, and larger scale residential developments.

The provisions require all proposals that include residential development to demonstrate diversity in dwelling types, through the incorporation of different sized and designed dwellings. There is an expectation that a number of different types (size and design) comprise every proposal that includes residential development.

The Design Guidelines will provide more detailed guidance based on these principles.

For the Mixed Use/Activity Centres one of the key design principles requires buildings that front a public street to be constructed in a robust way that will allow for retrofitting to occur at a later date (e.g. residential capacity on the ground floor with the ability to retrofit into the future to intended commercial uses).

The Development Guidelines shall also include measures to facilitate sustainable mixed land use urban environments where a diverse range of carefully designed and constructed land uses can successfully co-exist with noise sensitive and noise emitting premises.

### Affordable Housing

The CCDSP sets a target of achieving 20% affordable housing across the Cockburn Coast project area.

The Department of Housing's report 'More than a Roof and Four Walls' (2010) identified that if current trends continue an increasing number of Western Australians will be excluded from affordable housing. If the trends of the last decade continue, the Social Housing Taskforce believes there could be close to 65,000 households on the waiting list for social housing by 2020. Therefore, affordable housing is considered to be a critical element of the proposed development of Cockburn Coast.

Affordable housing does not just mean "social" housing, and there are many current and potential residents facing affordability problems in the Perth Metropolitan Area who would fall outside the eligibility criteria for public housing, or would be unlikely to meet criteria for priority housing allocation. Therefore consideration must be given to different types of affordable housing models to meet this target.

The DoP have engaged Judith Stubbs and Associates to prepare a report entitled 'Achieving Affordable and Diverse Housing in Regeneration Areas in Western Australia', and this uses Cockburn Coast as one of the case study areas. The purpose of this report is to provide a thorough evidence base for the identification of those most likely to be excluded from affordable housing if it is not provided in three selected redevelopment areas in Greater Perth Metropolitan Area, and the target groups and price, types, tenure and location of housing required to meet identified needs in each of the case study areas.

It seeks to recommend feasible, legal, reasonable and equitable planning mechanisms and strategies to ensure the provision within or associated with the three redevelopment sites, which may also wider implications for affordable housing provision in Western Australia.

It includes a range of draft recommendations which could be implemented in the Cockburn Coast area to achieve the 20% affordable housing target. This document is still a draft, however it is intended that it will be used to inform an Affordable Housing Strategy

It would therefore be premature to mandate specific affordable housing measures in the proposed 'Development Area' provisions ahead of this report and an Affordable Housing Strategy being finalised. However, it is imperative that the 'Development Area' provisions specify that the Local Structure Plans are to provide details on how the affordable housing targets will be achieved. If this is not specified in the provisions then there will be no way for any recommendations of the Affordable Housing Strategy to be implemented.

### Employment and Economic Development Strategy

The CCDSP sets out employment self-sufficiency targets and the 'Development Area' provisions set out the requirement for Local Structure Plans to identify the specific measures to achieve these targets.

The land use plan has a significant impact on the employment self-sufficiency targets. If the CCDSP Part 2 is adopted prior to the Employment and Economic Development Strategy being completed this makes it more difficult to make changes to the land use plan if they are required.

The proponent has provided Employment and Economic Development Strategy in support of the CCDSP Part 2, which was a requirement of Council's decision of 14 July 2011.

The report provides a logical and feasible outline for how the employment self-sufficiency targets can be met under a high and moderate growth scenario. The last chapter of the report outlines the employment initiatives required to achieve the two scenarios.

Inclusion of a further chapter to outline the implementation approach for LandCorp and other relevant agencies/stakeholders to facilitate the successful deliver of the initiatives is needed. This would ensure all affected parties can have a clear picture of implementation measures proposed, minimise potential for duplication and assist in applications for grant funding if sought. This could include actions, potential partnerships, areas of research, feasibility studies, critical threats, opportunities and timeframes.

### Requirements for Further Studies

The proposed provisions set out the requirements for important future studies to be undertaken, including the following:

- \* Local Water Management Strategy
- \* Noise and Vibration Management Plan
- \* Cultural Heritage Strategy (European and Indigenous)
- \* Public Art Strategy
- \* Coastal Risk Management Plan
- \* Foreshore Management Plan
- \* Fire Management Plan(s) (where relevant)

For some of these studies the provisions also set out the scope and content of the studies, to ensure that critical matters are addressed.

### Existing Businesses/Land Uses

It is acknowledged that there are a number of existing businesses and land uses (most of an industrial nature) within the Cockburn Coast area that will continue to operate into the future, dependent on the aspirations of landowners.

Under the Scheme, when the zoning changes to 'Development' zone any existing lawful development within the area that would not ordinarily be permitted under the new proposed zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change. Non-conforming use rights also allow the carrying out of development that was approved prior to the date of gazettal of the zoning change.

Pursuant to clause 4.9 of the Scheme a person cannot alter or extend a non-conforming use without planning approval. If a non-conforming use is discontinued for a period of six months the use of the land and buildings thereafter must be consistent with the provisions of the Scheme relating to the new zoning.

### Future Scheme Amendment – Development Contribution Area(s)

The proposed 'Development Area' for Cockburn Coast will be subject to another amendment to the Scheme in the future to introduce a new 'Development Contribution Area' ("DCA"), or a number of 'Development Contribution Areas' (depending on the infrastructure items and the method of apportionment).

The purpose of a DCA is to:

- Identify areas (DCA) requiring Cost Contributions that relate to subdivision and development.
- Provide for the equitable sharing of costs of Infrastructure between owners, and in particular, to ensure that Cost Contributions are only required towards such Infrastructure as is reasonably required as a result of the subdivision and development of land in the DCA.
- Co-ordinate the timely provision of infrastructure.

The DCA cannot be introduced at this stage as part of Amendment No. 89 because a Development Contribution Plan (“DCP”) (which will accompany the amendment) is still in the process of being developed, and because the items will arise from local structure planning.

State Planning Policy 3.6: Development Contributions for Infrastructure (“SPP 3.6”) will provide the overarching statutory guidance as to the type and extent of infrastructure which can be included in the DCP.

LandCorp have engaged APP Corporation Pty Limited to prepare the DCP, and they are currently finalising a Directions Report to assess the infrastructure items to be included in the DCP and develop key principles to underpin preparation of the DCP and cost apportionment methodology. The key outcomes sought by this report include:

- A comprehensive list of all infrastructures identified for inclusion in the DCP.
- Indicative costs where known for infrastructure.
- Cost apportionment principles (calculation method).
- Identification of key DCP mechanisms (i.e. timing, indexation, works in kind).

### Community Consultation Outcomes

The Draft CCDSP Part 2 and Amendment No. 89 were advertised for public comment for a period of 42 days, ending on 1 December 2011.

A total of 45 submissions were received, with 13 submissions of support, 26 submissions expressing concerns or objecting, and six providing comments.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 7). The key issues that have been raised are discussed in further detail below.

### *Waste Water Pumping Station*

An objection was received from the Water Corporation expressing concern regarding the proposed buffer included within the Draft CCDSP Part 2 for the Fremantle Waste Water Pump Station No.1 (Bennett Avenue) (Reserve 5239) and the required odour buffer around the pump station.

Previously the Water Corporation had advised that the capacity of the waste water pumping station would increase, thereby requiring a larger buffer of 150m buffer. However in October 2011, in response to direct approaches from landowners within close proximity of the Bennett Avenue pump station, the Minister for Water directed the Water Corporation to limit the planned ultimate capacity of the pump station to a maximum of 350 Litres/second. This means that there will be no need to implement a larger 150m radius odour buffer required under EPA Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses) for pump stations >350l/s.

EPA Guidance Statement No. 3 specifies that the separation distance for wastewater pumping stations (</350L/s) is 50m. This is to be measured as the shortest distance between the boundary of the area that may potentially be used by an industrial land use, and the boundary of the area that may be used by a sensitive land use.

The CCDSP 2009 identified a 50m buffer from the boundary of Reserve 5239, and it is therefore not considered appropriate that the CCDSP Part 2 indicate a buffer from the wet well.

It is recommended that CCDSP Part 2 be modified to reflect a 50m buffer from the boundary of the waste water pumping station site (Reserve 5239). Specifically the following modifications are recommended:

1. *Adjustment to the Land use plan and Building height plan (Figures 29 and 31) so that no sensitive land uses are located within 50m from the boundary of the waste water pumping station site (Reserve 5239).*
2. *Section 10.4 of the CCDSP Part 2 being modified to identify a 50m buffer from the boundary of the wastewater pumping station (Reserve 5239), rather than the wet well.*
3. *Section 10.4 (Wastewater Pump Station) being amended as follows:*



- *All references to the required buffer stipulating the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3.*
- *Figure 79 depicting a 50m buffer from the boundary of Reserve 5239 (wastewater pumping station site), rather than the wet well.*
- *Delete references to a requirement for a 150m buffer, and instead make reference to the recent decision of the Minister for Water to direct the Water Corporation to limit the planned ultimate capacity of the pump station to a maximum of 350 Litres/second, in order to avoid the need to implement a larger 150m radius odour buffer required under EPA Guidance Statement No.3 for pump stations >350l/s.*
- *Section 9.1.1.1(Sewerage) being amended to refer to the requirement for a 50m buffer from the curtilage of the site in accordance with EPA Guidance Statement No. 3, and the delete references to the potential requirement for an increase in capacity to 350 Litres/second.*

#### *Material Recovery Facility*

A submission was received from the proponent of Lot 1 Bennett Avenue, North Coogee expressing concern that once Amendment No. 89 is gazetted there will be no ability for Council to approve an extension to the existing use (material recovery facility), which represents a large capital investment. Their concern is that the market for housing, including apartments, is currently depressed, and market conditions may lead to delays in the redevelopment of particular sites. They therefore request that interim usage should be permitted to occur where amenity impacts are minimised.

Scheme Amendment No. 82 proposed provisions to potentially allow a one off extension of up to five years to the current planning approval which is due to expire on 12 January 2013 where it was considered:

- An extension in planning approval will not inhibit the ability for adjoining or nearby land to be developed for residential or other urban purposes.
- An extension in planning approval will facilitate the orderly transition of the existing use away from the land.

It had been anticipated that Amendment No. 82 would be gazetted ahead of proposed Amendment No. 89, and could then facilitate a

range of benign light industrial uses in the interim period. As discussed earlier in this report, this has not occurred and it is recommended the Department of Planning should be advised in writing that in their consideration of Amendment 82, RU9 simply needs to be deleted from Schedule 3 and there is no need to introduce SU26 into Schedule 4.

Regardless, the current use is an 'Industry - General' use pursuant to the Scheme, and it is not considered that further extensions to existing 'Industry - General' uses, or establishment of new 'Industry - General' uses is appropriate in Cockburn Coast because they are incompatible with urban development due to off-site impacts. This is why changes to 'RU 9' envisaged by Amendment No. 82 generally only allowed for a range of benign light industrial interim uses subject to five year approvals.

Pursuant to clause 6.2.4.2 of the Scheme, there is discretion for development to be approved prior to the adoption of a local structure plan coming into effect if the local government is satisfied that the development will not prejudice the specific purposes and requirements of the 'Development Area'. However, once a local structure plan(s) is adopted for the area all development will need to be consistent with the zonings and requirements set out in the local structure plans. It is not considered that the waste recovery facility is a use that is consistent with the proposed objectives of the 'Development Area', as it is not compatible with residential development or sensitive land uses generally.

It is therefore not recommended that any further changes be made to the proposed 'Development Area' provisions to facilitate an extension to this use.

### *Interim Uses*

A number of submissions from landowners within the Cockburn Coast area raised concerns regarding the fact that once Amendment No. 89 is gazetted there would be no discretion for other interim uses (such as 'light industrial' uses) to be approved within the Cockburn Coast area. This included concerns relating to utilising vacant land, and extensions of current approvals for existing uses.

Pursuant to clause 6.2.4.2 of the Scheme, there is discretion for development to be approved prior to the adoption of a local structure plan coming into effect if the local government is satisfied that the development will not prejudice the specific purposes and requirements of the 'Development Area'. However, once a local structure plan(s) is adopted for the area all development will need to be consistent with the zonings and requirements set out in the local structure plans.

### *Potential Marina*

The draft land use plan advertised for public comment included an indicative marina shown adjacent to the South Fremantle Power Station. The potential for a marina forms part of the master planning for the South Fremantle Power Station site, which is still zoned 'Urban Deferred' under the MRS.

Four objections were received in relation to the "potential marina" depicted in the Draft CCDSP Part 2. These objections primarily related to the lack of detail available regarding the design of the marina, which made it difficult for submissioners to determine the potential impact. Concern was expressed that endorsement of the CCDSP Part 2 with the inclusion of the "potential marina" will make it a seriously entertained proposal, and that this was inappropriate given that the community have had very limited information.

It is considered that this is a valid concern, and it is evident that the lack of detail regarding the "potential marina" has made it difficult for comments to be provided. It is therefore recommended that the "potential marina" annotation and indicative marina be removed from the CCDSP Part 2 and be replaced by an annotation as follows:

*'The Power Station precinct local structure plan is to adequately demonstrate how the coastal zone and associated ocean area is to be managed into the future. The extent of such consideration is to be in accordance with the boundary delineated on the CCDSP Part 2.'*

This means that any proposed local structure plan for the Power Station precinct will need to identify details regarding any proposed marina and the treatment of coastal zone, which will be subject to community consultation in accordance with the Scheme.

In addition, any proposal to lift the 'Urban Deferment' of this land will need to address certain criteria. This includes a detailed masterplan, separate from the local structure plan required for the broader Power Station precinct, for Lots 2, 3 and 2167 Robb Road. The masterplan is to be acceptable to the WAPC and must demonstrate consideration of, amongst other criteria, consideration of the appropriate use of the foreshore area abutting the masterplan area.

### *Fremantle Village Caravan Park*

There were six submissions received raising concerns regarding the impact of the CCDSP Part 2 on the Fremantle Village Caravan Park. These were primarily from residents of the Caravan Park who are residing in park homes that they own, located on a site that they lease. The Fremantle Village Caravan Park is located within the City of

Fremantle, and is therefore not subject to Amendment No. 89. While it was located within the CCDSP 2009, it is located outside the CCDSP Part 2 area, and will be subject to a separate structure planning process pursuant to City of Fremantle Town Planning Scheme No. 4.

A number of these submission have requested that another caravan park site be included within the CCDSP Part 2 to accommodate residents of the Fremantle Village Caravan Park should it be redeveloped in the future. The endorsed CCDSP 2009 did not contemplate the inclusion of a caravan park. In addition, the City of Cockburn has existing caravan parks at Coogee and Woodman Point, and has not identified any additional strategic locations for caravan parks. The planning for an alternative site and relocation of residents from the Fremantle Village Caravan Park is a matter for consideration by the City of Fremantle should redevelopment of the site be proposed.

### *Contaminated Sites*

Historically, the predominant land use in Cockburn Coast has been industrial, with a cluster of industries such as the abattoir, tannery, marshalling yards and the power station.

The Department of Health and Department of Environment and Conservation have raised concerns regarding potential public health impacts arising from remediation requirements for the extensive site contamination. While sections 4.3.9 and 10.3 of the CCDSP Part 2 acknowledge the extent of contamination and need for investigation and remediation prior to subdivision and/or development, the Department of Health are concerned that no information has been provided about the mechanisms for management of contamination, or the stages of development during which these will occur.

It is agreed that there is significant advantages to taking a strategic approach to contaminated sites, rather than leaving it to be dealt with on a site by site basis as development occurs. It is noted that doing this will enable opportunities to be identified to manage contamination through the land use plan.

The CCDSP 2009 identified that while the *Contaminated Sites Act 2003* is the main mechanism for identifying and managing known and suspected contaminated sites, the planning process remains the most effective mechanism for the identification and subsequent management of unknown contaminated sites. In essence, the land use planning process operates in parallel to the *Contaminated Sites Act 2003*.

Section 3.3.4 of the CCDSP 2009 sets out the requirements for local structure plans as outlined in the Scheme, but also stipulates that in addition to these standard requirements it may be necessary for

additional inclusions due to the nature of development and the current site context. This includes addressing existing and previous industrial uses, buffer requirements, transitional arrangements and site remediation requirements.

It is therefore recommended that this matter be dealt with comprehensively at the local structure planning stage, and that additional requirements be included within the proposed 'Development Area' as requirements for local structure plans as follows:

### *3.19 Contaminated Sites*

- (i) Describe how contaminated sites will be (or have been) suitably dealt with across the whole Local Structure Plan area in accordance with the Contaminated Sites Act 2003.*
- (i) Describe how the land use plan responds to issues of contamination across the whole Local Structure Plan area.*
- (ii) Detail for each lot contained within the whole Local Structure Plan area whether the lot has, or has not been, reported to DEC as a potentially contaminated site. Where a lot has not been reported to DEC then details of previous and historic land uses to justify the conclusion the site is not potentially contaminated shall be provided in the Local Structure Plan report.*

It is also recommended that Section 10.3 of the CCDSP Part 2 be amended to reflect the requirement for local structure plans to address contamination issues, rather than being left to the subdivision and/or development stage.

### *Active Playing Fields*

At the meeting of 14 July 2011 Council resolved that the CCDSP Part 2 was to be adopted subject to, amongst other things, inclusion of a concept plan demonstrating that the active playing field meets the Australian Standard for a minimum size. This was demonstrated through a more detailed concept plan prior to advertising, and was included in the Draft CCDSP Part 2 advertised for public comment.

However, the City's Recreation Services have reviewed the plan and consider that the site is very restricted.

At the time the City's Sport and Recreation Plan was being developed, the CCDSP 2009 showed the playing field as an area of POS that was approximately 3ha in size, and would just be able to accommodate the needs of organised sports for mainly juniors and some senior sports. Given the more recent population figures presented, this POS now has

significant importance in providing space to the immediate community that will be seeking to take part in organised sports at both junior and senior levels. It is therefore critical that enough space is allocated to allow for multipurpose sports with AFL and cricket being the two identified sports required to service this area.

It is considered that the current design still lacks enough space due to various constraints such as road reserves, the school site and retention of heritage trees. The effects of not providing adequate space will result in overuse and possible closure of the reserve given the amount of traffic the reserve will take (including the use by the school).

Whilst the oval size is 135m x 110m (which is the minimum Australian Standard for AFL), it is preferable to have a larger sized oval so that senior football can be accommodated with better overflow to allow for training. Ideally the oval would have a minimum size of 155m x 115m.

It appears that it may be possible to accommodate this larger oval size if the eastern boundary is shifted further east slightly. It is therefore recommended that investigations be undertaken to shift the north south road westward to allow greater space on the western side of the playing fields. It is considered that it is possible to achieve this without any other negative impacts on the plan.

#### *Emplacement Crescent Public Open Space*

During Cockburn Coast stakeholder and landowner workshops held in early 2011, several landowners in the Emplacement Crescent Precinct expressed concern with the impact the proposed POS link through lots 114, 115 and 116 would have on the redevelopment potential of each lot. It was agreed during this process that the portion of the POS link through the Emplacement Crescent Precinct would be investigated in consultation with the affected landowners.

LandCorp have subsequently engaged in discussions with landowners to consider several alternative POS options that would achieve a balanced outcome. An alternative option is included at Attachment 8, and has been identified by LandCorp as the preferred option. This option establishes a usable linear POS that incorporates the heritage listed Gun Emplacement, and establishes a view corridor for the Gun Emplacement which is a preferred outcome from a Heritage perspective.

To maintain the 'Ocean to Beeliar Reserve' concept in the broader CCDSP Part 2, the revised POS maintains the pocket park adjacent to Beeliar Regional Reserve and establishes a boulevard in the southern portion of Emplacement Crescent Road Reserve. This links both the pocket park and POS link through Robb Jetty Precinct. The new

proposal provides adequate POS for the Hilltop/Emplacement Crescent Precinct.

The revised plan will allow the balance of Lots 114, 115, 116 and 120 Emplacement Crescent to stand alone as separate development parcels with vehicle access directly from Emplacement Crescent.

This plan has been generally met with landowner support, and it is recommended that CCDSP Part 2 be modified to reflect the POS shown in Attachment 8.

### Other Recommended Modifications

#### *Existing Industrial Operations*

Subsequent to Amendment No. 89 being gazetted existing uses (operating under current and valid planning approvals) are afforded non-conforming use rights, and can continue to operate in accordance with those approvals (and any environmental approvals). Some of these uses have off-site impacts and therefore have the potential to conflict with future urban development.

This issue was discussed in the endorsed CCDSP 2009, whereby Section 3.4 (Transitional Arrangements) outlines that specific consideration would need to be given to transitional arrangements, given the potential land use conflict between current and proposed development. The CCDSP 2009 outlines the principles of transitional arrangements, and specifies that the local structure plans should implement the detail.

This is further supported by the MRS Amendment No. 1180/41 Cockburn Coast District Structure Plan Report on Submissions, whereby the Hearings Committee agreed that the transition from industrial to urban development will need to be carefully managed. The Hearings Committee was satisfied that the issue could be managed “through the implementation of the EPA Guidance Statement No. 3 separation distances between industrial and sensitive land uses (2005) which should be implemented at the local structure planning stage”.

The Draft CCDSP Part 2 (Section 4.4.4) also outlines that local structure plans will be required to identify appropriate buffer and interface requirements in further detail.

To ensure that this matter is addressed through the local structure plans it is recommended that additional provisions be included in proposed ‘Development Area No. 33’ as follows:

### 3.20 Existing Development

- (i) *Identify and describe any existing lawful development within the Local Structure Plan area which has associated offsite impact(s).*
- (ii) *Identify and describe how future land use and development in accordance with the Local Structure Plan will be managed so that areas experiencing offsite impacts from existing lawful development are either avoided or managed.*

#### *Power Station Site Zoning*

When Scheme Amendment No. 89 was adopted by Council for advertising it did not include the South Fremantle Power Station site. It was considered at the time that this would be subject to a separate amendment to introduce a separate 'Development Area'.

This site has been rezoned to 'Urban Deferred' under the MRS as part of MRS Amendment No. 1180/41 and has consequently been left unzoned in the Scheme. Upon further consideration it is considered appropriate to rezone the site to 'Development' zone, and include it within 'Development Area (No. 33)'. It is considered that the requirement for the preparation of a comprehensive masterplan to lift the 'Urban Deferment' (amongst other criteria), in addition to the required Local Structure Plans will ensure relevant issues are appropriately dealt with.

#### *Minor Modifications*

A number of other minor modifications are recommended in response to submissions that have been received (outlined in detail in the Schedule of Submissions), including the following:

- Inclusion of an annotation on Figure 31 (Land use plan) outlining the requirement for at-grade crossings will need to be designed, constructed and maintained to the satisfaction of the Office of Rail Safety, within the Department of Transport.
- Inclusion of references within the CCDSP Part 2 report to the role of urban corridors with reference to the future function and surrounding land use of Cockburn Road and Cockburn Coast Drive, as outlined in the Connected City model in Directions 2031 and Beyond.
- Modification to Table 5 (Provision of Public Open Space) to refer to the 'gross subdivisible area' rather than 'gross residential area', in accordance with Table 11 of Liveable Neighbourhoods.



- The annotation of 'low density residential' in Figure 31 (Land use plan) being amended to refer to 'medium density' to more accurately reflect the proposed building heights (3-5 storeys).
- Requirement for a Local Structure Plans to include Flora and Fauna Surveys where bushland may be impacted upon.
- Section 11.1.1 (Metropolitan Region Scheme) being updated to reflect the gazettal of the MRS amendment for the Cockburn Coast area.

### Conclusion

The CCDSP provides the highest level of strategic guidance for the Cockburn Coast area, and the CCDSP Part 2 represents a further level of planning refinement.

It is therefore recommended that Council adopt the CCDSP Part 2 for the purposes of providing a guiding document to inform the preparation of future Local Structure Plans within the Cockburn Coast area, subject to the modifications outlined in this report and the recommendation.

Amendment No. 89 sets the framework for the coordinated development of the Cockburn Coast area in a manner that ensures the objectives of the CCDSP are achieved. It is therefore recommended that Council adopt the amendment for final approval, subject to modifications.

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

#### **Lifestyle and Aspiration Achievement**

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the *district*.

#### **Employment and Economic Development**

- To plan and promote economic development that encourages business opportunities within the City.

#### **Natural Environmental Management**

- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

### **Transport Optimisation**

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

### **Budget/Financial Implications**

The Scheme Amendment fee has been calculated in accordance with the Planning and Development Regulations 2009, and has been paid by the applicant.

### **Legal Implications**

N/A.

### **Community Consultation**

In preparing the Cockburn Coast District Structure Plan, the Department of Planning undertook an extensive consultation process. Initially, meetings were undertaken with stakeholders, community members and landowners. Following this, several variations of the plan were tested in conjunction with the Cockburn Coast reference group, comprising landowners, residents, community members and Government stakeholders. Further consultation was then undertaken through the statutory process period prior to adoption by the WAPC.

Following completion of the DSP by the Department of Planning, LandCorp as the State's land development agency and key proponent of the Cockburn Coast project has undertaken further consultation with stakeholders, landowners within the project area and Government agencies in preparing this Master Plan.

In May 2010 LandCorp undertook an information session informing landowners and stakeholders of LandCorp's intention to commence the master planning process. LandCorp then facilitated two workshops to explore master planning options (4 September 2010 and 20 November 2010).

In May 2011 Landcorp undertook three information sessions (one for each proposed Local Structure Plan area) with landowners and government agencies regarding the Draft Master Plan, outlining the modifications that had been incorporated into the Master Plan from the previous drafts seen by landowners.

### Advertising of the Draft CCDSP (Part 2) and Amendment No. 89

Prior to advertising the Amendment was also referred to the Environmental Protection Authority (EPA) for their advice that the proposal is environmentally acceptable.

The Cockburn Coast District Structure Plan (Part 2) and Amendment No. 89 were advertised concurrently by the City for a period of 42 days. This is the statutory timeframe required for advertising of Scheme Amendments pursuant to the *Town Planning Regulations 1967*.

Advertising included the following:

- Letters to all landowners with Cockburn Coast, Port Coogee, South Beach and the Newmarket precinct, and a number of landowners within nearby parts of Hamilton Hill.
- Notices in the Cockburn Gazette inviting comment and inviting community members to attend an Information Evening.
- Displays at the City's administration building, the City's libraries and Phoenix Shopping Centre.
- An information evening held on Wednesday 9 November at the City of Cockburn, attended by staff from the City of Cockburn, Landcorp and their consultants involved in preparing the proposals. All landowners who received letters were invited to attend the information evening, and the displays at the City's administration centre, libraries and Phoenix Shopping Centre also invited community members to attend.

### **Attachment(s)**

1. Cockburn Coast District Structure Plan (2009).
2. Draft Cockburn Coast Master Plan Part 2 (Land Use Plan).
3. Draft Cockburn Coast Master Plan Part 2 (Height Plan).
4. Cockburn Coast Local Structure Plan areas.
5. Scheme Amendment No. 89 Draft 'Development Area 33' provisions.
6. Cockburn Coast Integrated Transport Plan – Recommended Transit and Core Areas Alignment.
7. Schedule of Submissions.
8. Proposed modification to Emplacement Crescent Public Open Space.
9. Existing zoning plan.
10. Proposed zoning plan.

OCM 09/02/2012

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 February 2012 Council Meeting.

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

Nil