

# **CITY OF COCKBURN**

**SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON  
THURSDAY, 9 MAY 2013 AT 7:00 PM**

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**14.2 (MINUTE NO 5034) (OCM 09/05/2013) - PROPOSED LOCAL PLANNING POLICY ROBB JETTY AND EMPLACEMENT DESIGN GUIDELINES (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/051) (C CATHERWOOD) (ATTACH)**

**RECOMMENDATION**

That Council adopt the draft Local Planning Policy (Robb Jetty and Emplacement Design Guidelines), as shown in Attachment 2, for final approval subject to the following modifications:

1. All changes as shown as ‘tracked changes’ in Appendix 1 of the draft Local Planning Policy.
2. All diagrams to be updated to be legible (including legends and increase in font size annotating dimensions).
3. Correction of all grammatical and typographical errors (especially use of semi colons).
4. Ensure Building Height plan reflects that in Local Structure Plans.



5. All imagery to be updated to ensure building materials contrary to the content of the Design Guidelines are removed.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 9/0**

**Background**

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station. A number of planning stages have been realised in recent years briefly described below.

1. The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") was prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.
2. In 2012 this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of Landcorp.
3. In 2011 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 Part 2. 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.
4. During 2011 and 2012 Council undertook several modifications to City of Cockburn Town Planning Scheme No. 3 ("TPS3") to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket Precinct area and introduction of a 'Development' zone for the area south of Rollinson Rd.



5. At the January 2013 DAAPS Committee meeting and subsequent February 2013 Council meeting, the Design Guidelines were adopted as a Draft Local Planning Policy to enable them to be advertised for public consultation.

The report on this item has been presented directly to Council, rather than back through the DAAPS Committee first. The adoption of Design Guidelines prior to the local structure plans is a requirement under the Town Planning Scheme provisions for Cockburn Coast. The local structure plans were advertised in late 2012. Advertising for the Design Guidelines closed on 25 March 2013. The next available DAAPS Agenda the Design Guidelines could be included would have been 23 May 2013. These minutes would then need to go to the 13 June 2013 Council meeting. This would mean the local structure plans would need to wait until this June meeting also. This would create a dilemma given the Town Planning Scheme also requires the consideration of submissions on local structure plans within 60 days of the close of submissions.

The Design Guidelines which are the topic of this report reflect the requirements of the City's TPS3 which require an appropriate set of Design Guidelines to be adopted either before or with the local structure plans. This forms the topic of this report, to specifically consider the Design Guidelines Local Planning Policy for adoption.

A report was previously presented to the 11 April 2013 Council meeting. Council deferred their consideration pending further liaison with landowners who had expressed concerns. A meeting with these landowners was held 16 April 2013 and a range of issues were discussed including development contributions, traffic, existing businesses and the waste water pumping station.

None of those issues warrant further changes to the draft Design Guidelines and therefore the officer recommendation remains unchanged. However, there are additional inclusions in the related officer recommendations on the local structure plans.

### **Submission**

The Robb Jetty and Emplacement Design Guidelines have been submitted by HASSELL on behalf of Landcorp.

### **Report**

The purpose of this report is for Council to consider adopting the Robb Jetty and Emplacement Design Guidelines Local Planning Policy for adoption.



The Design Guidelines have been prepared to guide the development and urban form of the Cockburn Coast redevelopment area. The design guidelines aspire to create a quality development that ensures the design aspirations of the Robb Jetty and Emplacement Local Structure Plans (LSPs) are achieved.

It is intended that these Design Guidelines be adopted as a Local Planning Policy pursuant to Clause 2.3.1 of TPS3. This will enable the Design Guidelines to be applied according to of TPS3.

The TPS3 provisions set out the matters that Design Guidelines shall address, which include: building heights, bulk and scale; private open space; walls and fencing; parking and access arrangements; and sustainable building design. This is achieved by the Draft Design Guidelines.

#### Modifications required

A number of modifications have been prepared to ensure the contents of the Design Guidelines are practical as well as capable of being assessed and implemented.

The majority of these modifications are shown as 'tracked changed' in the copy of Appendix 1 to the Design Guidelines. Most of the changes relate to minor corrections on the way the document is written - they are considered non-substantive in that regard.

Sections which have been recommended for deletion (on the basis they can be found elsewhere) include Affordable Housing, Ancillary Accommodation, Public Realm and sections of the Noise and Vibration Assessment section. These are more substantive changes.

#### Affordable Housing

It is unnecessary to duplicate the floor space bonus proposal which is outlined in the draft local structure plans and confusing to separate the incentives into two separate documents. The associated agenda item to consider the local structure plans includes recommendations to refine this section within the local structure plan documentation. This will include adding relevant definitions as well as providing a calculation methodology for the incentives proposed.

#### Ancillary Accommodation

The section on ancillary accommodation is also unnecessary. This aspect of development is already guided by requirements spelt out in the Residential Design Codes.



### Public Realm

The section on public realm does not belong in a Local Planning Policy to guide private realm development. However, there is a need to document expectations for public realm development in areas such as this where there are multiple landowners.

This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

Landcorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff that approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

### Noise and Vibration Assessments

This section made no mention of the issue of vibration and this is recommended to be included. The scope of what a report into these matters needs to include should not be documented in the Design Guidelines. They should simply refer back to the relevant State Planning Policy and Quiet House Design Principles. This will ensure the robustness of the Design Guidelines should the requirements in these related documents ever change. It also makes clear to applicants the scope of such assessments.

### Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City transforms towards more medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

### Community Consultation Outcomes

The draft Robb Jetty and Emplacement Design Guidelines were advertised for public comment for a period of 21 days, ending on 25 March 2013.



Seven submissions were received on the Design Guidelines. Most submissions raised issues with the local structure plans which have already been raised as part of the reports on those items.

There were a number of typographical errors noted and these have been included in the attachment indicating the changes required. The most significant change recommended is to the 'end of trip' facilities for bicycles which seek to improve the standards proposed in the advertised version of the Design Guidelines.

### Conclusion

The Robb Jetty and Emplacement Design Guidelines are generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of their content, ensure they are complementary to the associated local structure plans and that they can provide sufficient guidance to subdivision and development proposals.

Subject to the modification of the Robb Jetty and Emplacement Design Guidelines in line with the officer recommendation and as shown as 'tracked changes' (see Attachment 2), it is recommended the Design Guidelines be adopted as a Local Planning Policy and forwarded to the Western Australian Planning Commission for their information.

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

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

#### **Environment & Sustainability**

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

#### **Moving Around**

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

### **Budget/Financial Implications**

N/A



## **Legal Implications**

N/A

## **Community Consultation**

Once the draft Robb Jetty and Emplacement Design Guidelines were lodged with the City advertising of the proposal took place in line with the requirements of the City's Scheme for local planning policy proposals. This advertising period ran for a period of 21 days from 5 to 25 March 2013.

Advertising included the following:

- Letters to all landowners with Robb Jetty and Emplacement areas of Cockburn Coast;
- Notices in the Cockburn Gazette inviting comment;
- Displays at the City's administration building and the City's libraries;
- Dedicated webpage on the City of Cockburn's website;

## **Attachment(s)**

1. Cockburn Coast Precinct Plan
2. Draft Local Planning Policy (Robb Jetty and Emplacement Design Guidelines) with changes shown tracked.
3. Schedule of Submissions.

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

The applicant has been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.

1. Modification and Adoption of the Local Planning Policy Robb Jetty and Emplacement Design Guidelines.
2. Preparation of a Fire Management Plan in accordance with Planning for Bushfire Protection, which includes any interim fire management measures.
3. Updates to Section 3.4 of the Local Structure Plan report (Bushfire Hazard) and Figure 16 to reflect the Fire Management Plan, and to demonstrate a fire hazard assessment which includes the Emplacement Local Structure Plan area and adjacent Beeliar Regional Park.
4. Modification to Section 3.1 (Environmental Assets and Constraints) to specifically address the recommendations of the associated Ecological Assessment, and to specify the requirement for a spring flora and vegetation survey to be undertaken by individual landowners prior to subdivision or development of the land (where development proposes works to the land).
5. Modification to Figure 12 (Vegetation Type Analysis) within the Local Structure Plan report to reflect the mapping included within the Ecological Assessment.
6. Modification to Appendix E - Local Transport and Traffic Management Strategy of the Local Structure Plan report to include current and future intersection operations for the two intersections of Emplacement Crescent and Cockburn Road and to include one intersection that maintains a right hand turn from Emplacement Crescent if possible.
7. Modification to Figure 1 and Figure 9 of the Local Structure Plan report to reflect the indicative location of the switchyard/power substation as shown in the Infrastructure and Servicing Report (Appendix F).
8. Corrections to Public Open Space ("POS") figures in Table 3, Table 9, and throughout the Local Structure Plan report to accurately reflect the quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.
9. Identifying Alba Edible Oils as a current land use in Section 1.2.2 of the Local Structure Plan report.



10. Deletion of reference to an 'activity centre' zone under Section 6.1 of the Emplacement Local Structure Plan report.
11. Inclusion of additional provisions in Section 8 (Part 1) requiring development proposals to ensure adequate interface, including fencing, to the Primary Regional Road Reserve to protect the conservation value of the Beeliar Regional Reserve.
12. Advising affected landowners in the Emplacement Local Structure Plan area of the requirement for a spring flora and vegetation survey to be undertaken by individual landowners prior to subdivision or development of the land (where development proposes works to the land).
13. Removing the footnote from the bottom of the Land Use Table contained in Part 1 and replace with text within Part 1 to explain when discretion may be granted by Council for Singles Houses (in line with the explanation given in Part 2).
14. Update the Affordable Housing sections to reflect the updated Australian Bureau of Statistics data.
15. Updating the Affordable Housing sections to reflect an incentive based approach; all references to mandatory requirements are to be removed.
16. Updating the Affordable Housing sections to also include a further bonus for 2 bedroom dwellings (relative the bonus given for 3 bedroom dwellings).
17. Updating the Affordable Housing section to revise the definition of Affordable Housing to be: "For the purposes of this Local Structure Plan, 'affordable housing' refers to either of the following:
  - \* Dwellings that are sold to Eligible Households at or below the benchmark price outlined in Table 4; or
  - \* Dwellings that are sold or transferred to a recognised affordable housing provider, which in turn leases or sells the properties to Eligible Households (under an approved affordable housing program); or
  - \* Private Provider selling to Eligible Households; or

\* Commonwealth or State endorsed affordability program”.

and include supplementary definitions for the terms “Eligible Households” and “Recognised affordable housing provider”.

18. Updating Part 1 to delete the reference to car parking standards being a ‘maximum’ rather than a ‘minimum’ and update the reference from the benchmarks being the Residential Design Codes to being as per the City of Cockburn’s Town Planning Scheme No. 3.
19. Updating the sections regarding Detailed Area Plans to provide clarity as to when they may be required and that in some instances the need may be negated due to the Design Guidelines Local Planning Policy.
20. Expanding the discussion in Part 2 (Regional Planning) to broaden the reference to Directions 2031 to discuss other elements of this plan.
21. Updating the discussion in Part 2 (Policies) to include reference to State Planning Policy 1 State Planning Framework.
22. Updating Part 2 (Residential Zone) list of criteria where Council may choose to use its discretion to punctuate this list and include the term ‘and’ so it is clear all of these items are expected to be met, not one or the other.
23. Updating Part 2 (Residential – Densities) to remove the unnecessary replication of the Town Planning Scheme No. 3 provision relating to calculation of density targets.
24. Updating Part 2 (Movement Networks) to ensure correlation between cross-sections and network plans.
25. Corrections to Table 05 of the Local Structure Plan report to include all landholdings within the local structure plan area.
26. Deletion of any references to ‘Cockburn Coast Redevelopment Area’ within the Local Structure Plan report.



27. Corrections to Figure 1 within the Local Structure Plan report to include a scale and to relabel 'low density' to 'medium density'.
  28. Inclusion of a scale and cadastre on Figure 27 (Existing industrial buffers) to make the extent of the buffers clear.
  29. Reviewing the entire document to identify and correct basic grammar and typographical errors, including section numbering.
  30. Include an annotation (in bold text) on the local structure plan to highlight the need to refer to the Part One statutory provision 'Existing Industrial Buffer Zones' where contemplating residential or other sensitive land uses as well as the Part One statutory provision 'Use Class Permissibility'.
  31. An additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
  - (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
  - (4) advise the proponent and those persons who made a submission of the Council's decision;
  - (5) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as a future Development Contribution Area (Cockburn Coast) which is in the final stages of preparation; and
  - (6) advise Main Roads that Council is unlikely to support any change to the Primary Regional Road Reservation under the Metropolitan Region Scheme for Cockburn Coast Drive which relinquishes opportunities for future road planning in the absence of committed and secured funding for an alternative option.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Portelli that Council adopt the recommendation subject to the following amendments:

(1) 1 – 31 as recommended;

Additional item (1) 32 to read as follows:

32. *Update figure of Existing Buffer Zones to correctly reflect current technical analysis data, including the Waste Water Pumping Station as a 25m buffer measured from the property boundary.*

(2) – (6) as recommended.

**CARRIED 9/0**

**Reason for Decision**

This will ensure consistency with the recommendation for the adjacent Robb Jetty Local Structure Plan. The figure of the Existing Buffer Zones applies across both local structure plan areas and needs to be updated for both plans.

**Background**

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station.

A number of planning stages have been realised in recent years briefly described below.

The Cockburn Coast District Structure Plan 2009 (“CCDSP 2009”) prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.

In 2012, this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 (“CCDSP Part 2”) prepared on behalf of LandCorp.



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 Part 2. 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.

Council has undertaken several modifications to its Town Planning Scheme to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket area and introduction of a 'Development' zone for the area south of Rollinson Rd.

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.

The Scheme provisions, combined with the Department of Planning's Structure Plan Guidelines, set out the requirements to be addressed in local structure plans which will apply land use zoning and permissibility and subdivision and development requirements.

A report was previously presented to the 11 April 2013 Council meeting. Council deferred their consideration pending further liaison with landowners who had expressed concerns. A meeting with these landowners was held 16 April 2013 and a range of issues were discussed including development contributions, traffic, existing businesses and the waste water pumping station. The issue of consultation was also raised as it was claimed landowners only had three days to comment. This is incorrect. As detailed in the 'Consultation' section of this report, the local structure plans were advertised for an extended period of 28 days.

All landowners received an acknowledgment letter in January thanking them for their submission and advising that due to the volume of submissions; a report to Council would not be presented till at least the April meeting. This letter noted a further letter would be sent when the meeting date and time was able to be confirmed. A confirmation letter the item was listed on the April agenda was sent Friday 5 April which is the day the agenda is published and the earliest possible date officers can be sure the report has been included. Nevertheless, in the intervening period from close of submissions till the release of the April Council agenda, City officers spoke to a number of landowners including those who expressed their concern at the April Council meeting.

As a result of these discussions there are additional officer recommendations for this local structure plan relating to these matters.



These are modifications number 30 and 31 to the local structure plan and Part 6 of the officer recommendation.

### **Submission**

The Emplacement Local Structure Plan has been submitted by HASSELL on behalf of LandCorp.

### **Report**

The purpose of this report is for Council to consider submissions on the Emplacement Local Structure Plan and whether endorsement of the plan is appropriate.

#### Purpose of the Emplacement Local Structure Plan

The Emplacement Local Structure Plan applies to the Cockburn Coast project area bounded by Cockburn Road to the west, and the Primary Regional Road Reservation to the east, as shown in the Precinct Plan (Attachment 1).

On the western side of Cockburn Road is the local structure plan area known as 'Robb Jetty'. This is also an item on this Council agenda for Council's consideration.

The Emplacement Local Structure Plan proposes a mix of zones, primarily being residential with a density ranging from R40 to R160.

A Mixed Use zone is proposed along Cockburn Road, with a residential coding of R100 applying to any residential component within this area.

The local structure plan includes a land use table that sets out the range of permissible uses, which varies slightly from that in the Scheme, and which includes a range of uses for the Mixed Use zone, because it is not a zone included in the Scheme.

The local structure plan provides for building heights generally between 6-8 storeys, with greater heights provided along the eastern boundary. These building heights are consistent with those shown in the CCDSP Part 2.

There are development incentives included to encourage the provision of Affordable Housing. This was a target of the District Structure Planning. This encouragement is suggested by way of extra floor space being granted to a proposal. The outcome of this, if developers took up the opportunity could be a potential increase in the size of a building on a site. Given the need to set back from boundaries, this increase is most likely to be realised by building form becoming higher



in storeys. For example, a 3 storey building through using the Affordable Housing bonus may become a 5 storey building (provided it can still meet other development requirements such as car parking and open space).

The Emplacement Local Structure Plan includes the provision of 12% Public Open Space ("POS"), consistent with what was shown in the CCDSP Part 2. The gun emplacement is proposed to be retained in a neighbourhood park, and a number of other POS corridors are proposed to provide a variety of recreational opportunities.

It is intended Emplacement Local Structure Plan would be adopted as a structure plan pursuant to Clause 6.2.9 of the Scheme applying land use zoning and permissibility. The Local Structure Plan needs to effectively demonstrate how coordinated development of the subject land can occur.

The Emplacement Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, address issues raised during the advertising period, and to ensure that it can provide sufficient guidance to future subdivision and development proposals. These modifications are set out in detail in the officer recommendation and discussed further below in the Report section of this agenda item under their respective headings.

There are also some important projects associated with the local structure plans which are discussed at the end of the Report section of this agenda item. These include the Design Guidelines, Public Realm and Public Art.

### Affordable Housing

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

Affordable housing does not simply refer to public 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.

Following on from studies undertaken by the Department of Planning, LandCorp have undertaken an Affordable Housing Strategy for the Cockburn Coast area. To examine the content of this and more importantly provide input into the local structure plan provisions regarding this issue, the City coordinated a working group to meet and



discuss implementation. Representation was provided by Landcorp, the City of Cockburn, Department of Planning, Department of Housing and several affordable housing providers.

It has been made clear by the Department of Planning the only provisions which it would support in the local structure plans were to be non-mandatory. This is a shift from the CCDSP 2009 which recommended mandatory provisions. Given this change and the advice of the working group, there are a number of modifications needed to the current wording in the local structure plan text.

Using an incentive driven approach, affordable housing provision will be encouraged by a range of 'bonuses' to the ordinary development standards which apply. Bonuses will be higher for those developments which provide for more than 1 bedroom in their affordable housing component.

Modification is also required to update the income and price point indicated as updated data is now available given the recent census data release.

As discussed earlier in this report, Elected Members should be comfortable with the potential built form impact by offering these incentives. If these incentives are included as proposed (and are taken up by developers) the height of the built form would increase.

#### Public Open Space

Within the Emplacement Local Structure Plan report there are some discrepancies between the stated quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.

It is therefore recommended that corrections be made to the POS figures in Table 3, Table 9, and throughout the Local Structure Plan report to accurately reflect the quantities of proposed POS, including the proportion of unrestricted and restricted open space as shown in the associated Local Water Management Strategy.

#### Annotation of local roads

Currently a number of local roads are shown on the local structure plans. These are not required by the Department of Planning's Structure Plan Guidelines and therefore it is acceptable to remove them. What would be appropriate to annotate is any areas where a link does need to be provided. This can be provided with an arrow annotating where links are desirable.



Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City transforms towards more example of medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

Initially the local structure plans had proposed to provide for reduced car parking standards, in line with the Integrated Transport Plan (“ITP”). As recorded in the ITP, City officers expressed concern with the notion of reduced parking (i.e. less than the Scheme and Residential Design Codes would require) in the absence of the area being adequately serviced by public transport. In lieu of this public transport being provided, the Scheme requirements will apply.

Community Consultation Outcomes

The Emplacement Local Structure Plan was advertised for a period of 28 days, commencing on 20 November 2012.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 3). The key issues that have been raised are summarised below.

Assessment of Fire Management

The Emplacement Local Structure Plan report does not include a bushfire hazard assessment, with the relevant section only addressing the fire hazard associated with the Foreshore Reserve located within the Rob Jetty area. Beeliar Regional Park and remnant vegetation within the Primary Regional Road reservation and the Local Structure Plan area itself pose a fire hazard which should be addressed.

Planning for Bush Fire Protection Guidelines (Edition 2) Guidance Statement A1 and stipulates that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level any new proposals to intensify development should include a bush fire hazard assessment; and should identify any bush fire hazard issues arising from that assessment and address those issues in a report which demonstrates that all fire protection requirements can be achieved.

The Emplacement Local Structure Plan proposes development within 100m of vegetation which may be considered a ‘moderate to extreme’



bush fire hazard, being Beeliar Regional Park, the Cockburn Coast Primary Regional Road Reservation, and vegetation within privately owned land. Therefore according to the Planning for Bushfire Protection the Local Structure Plan should be supported by a bush fire hazard assessment.

The Department of Planning and the Department of Environment and Conservation have raised this issue in their submission (see Schedule of Submissions at Attachment 3).

It is therefore recommended that a bush fire hazard assessment and fire management plan be prepared, and any requirements that result from the fire management plan be incorporated into the local structure plan.

#### Assessment of Flora and Fauna

The Local Structure Plans are each supported by Ecological Assessments undertaken by GHD. The Department of Environment and Conservation ("DEC") have noted in their submission that these field studies were not conducted in spring, which is considered the optimal time for flora surveys within the Swan Coastal Plain Bioregion. The DEC therefore do not consider that these surveys have been conducted in accordance with Environmental Protection Authority's (EPA's) Guidance Statement 51 - Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia.

The timing of the flora and vegetation survey is not an issue for the Robb Jetty Local Structure Plan, given the degraded condition of the vegetation. However, the Ecological Assessment for the Emplacement LSP outlines the identified vegetation type 1 located on the eastern side of the project site has similarities to a DEC-listed threatened ecological community. DEC have advised that to accurately determine the floristic community types present at the project site, plots need to be established and scored (typically spring and late spring), and data analysed using appropriate statistical techniques. An appropriately timed flora survey in accordance with Guidance Statement 51 is required to determine the presence of priority and/or threatened ecological communities within the Emplacement Local Structure Plan area.

The Ecological Assessment also indicates that rare flora (e.g. *Caladenia huegefit*) and priority flora (e.g. *Dodonaea hackettiana*) are likely to occur within the Emplacement Local Structure Plan area. DEC recommends that another flora and vegetation survey of all potentially affected areas of native vegetation be conducted by an environmental consultant, in accordance with Guidance Statement 51. The survey



should determine the presence of priority flora, rare flora or other significant flora.

It is therefore recommended that a spring flora and vegetation survey be undertaken within the Emplacement Local Structure Plan prior to subdivision or development of the land (where development proposes works to the land). It is recommended that the Emplacement Local Structure Plan report be modified to reflect this requirement, and that Council advise landowners of this requirement to ensure they can factor it into the timing of any proposals.

The Ecological Assessment identifies that there are patches of vegetation in good condition that would provide potential foraging habitat for Carnaby Black Cockatoos. DEC have reiterated that Carnaby's Black Cockatoo are protected by the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 ("EPBC Act"). Therefore, regardless of any decision under Western Australian planning or environmental approvals processes, the proponent should contact the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) to determine what responsibilities they have under the EPBC Act.

DEC concurs that clearing of high quality foraging habitat for Carnaby's Black Cockatoo should be minimised or avoided, if possible; and recommends that it is retained and incorporated into future POS. The Emplacement Local Structure Plan identifies the proposed areas of POS, being a neighbourhood park containing the gun emplacement, and a number of other green linkages. This is consistent with the CCDSP Part 2.

Vegetation within the green POS links will be retained where possible to provide a physical and ecological link between the foreshore and Beeliar Regional Park. However, the key function of the proposed POS is to provide a variety of recreational functions for residents and visitors, cognisant of the fact that it will be a high density environment. The local impact of some clearing of vegetation in the Emplacement Local Structure Plan area must be balanced against the outcomes of the district structure planning for Cockburn Coast, which seek to facilitate a dense and diverse urban environment with high levels of accessibility.

It is noted that the local structure plan report does not address the recommendations of the Ecological Assessment. It is therefore also recommended that the report be modified to address the specific recommendations.



### Interface with Beeliam Regional Reserve

The DEC have recommended in their submission that until such time that the Cockburn Coast Drive is constructed, the proponent should ensure there is adequate fencing between any development site and areas retained for conservation, and between any development site and Beeliam Regional Park.

To address this issue it is recommended that additional provisions be included in Section 8 (Part 1) requiring development proposals to ensure adequate interface, including fencing, to the Primary Regional Road Reserve in order to protect the conservation value of the Beeliam Regional Reserve.

### Transport – Freight Corridors (Cockburn Road)

Several submissions have raised traffic concerns with access to Cockburn Road. Main Roads has noted work is being undertaken on a design concept and vehicle access strategy for Cockburn Road. They have also expressed their intent to pursue removal of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive once Cockburn Road is upgraded.

The applicant can be required to lodge the design concept and vehicle access strategy for Cockburn Road prior to the local structure plans being forwarded to the WA Planning Commission for their endorsement.

The Transport and Traffic Management Strategy does not include designs for the intersections for Emplacement Crescent and Cockburn Road, however the Local Structure Plan report states that both of these intersections will be left in left out only intersections.

Currently the southern intersection of Emplacement Crescent and Cockburn Road allows for right turns; and two objections were made to the proposed restriction. In the future this will pose significant problems for existing businesses in Emplacement Crescent. It is therefore recommended that the Local Transport and Traffic Management Strategy (Appendix E) be modified to include intersection designs for Cockburn Road and Emplacement Crescent, and to provide for one of the intersections of Emplacement Crescent and Cockburn Road to maintain a right hand turn from Emplacement Crescent.

### Transport – internal (existing uses)

At the meeting with landowners held 16 April 2013, the concerns of traffic were discussed. In particular the concerns of existing business



operators and the ability to continue to access their sites and a desire to see construction traffic managed.

It is a reality that during construction and when the ultimate development is built out there will be changes to the level (and type) of traffic seen within this area.

Recent discussion with Landcorp now indicates they are planning to manage their construction traffic in the adjacent Robb Jetty Local Structure Plan area through the 'Main Street' access which should alleviate concern for businesses in Rollinson Rd. Temporary car parking for construction workers during the civil construction works is also being considered. This could greatly assist in minimising the traffic impact during the construction phase. With the Emplacement area, a similar approach could also be applied.

It is difficult to establish an agreed approach at local structure plan stage given the number of landowners involved. However, individual subdivision and development proposals will be able to establish with certainty how integration with existing uses will occur. Therefore it is recommended an additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals. The scope of what these assessments require can be found in the Western Australian Planning Commission's Transport Assessment – Guidelines for Development (Volume 3: Subdivision and Volume 4: Individual Developments).

#### Existing Industrial Land Use Buffers and Transitional Arrangements

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.

Several submissions raised the issue of modifying the intent of the Mixed Use zone to note their existing business operations and the contribution this makes in terms of employment. They appear to have interpreted the flexibility attributed to this zone to mean it should allow for their uses as well.



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.

Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans set out the specific permissibility of land uses. 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.

The non-conforming use rights provisions are the most appropriate method to accommodate the existing businesses. It is not considered in line with the vision for the Cockburn Coast area to alter the intent of the Mixed Use zone to make these uses permissible.

A number of submissions have expressed concerns that the proposed transitional arrangements are inadequate, and do not sufficiently protect existing businesses. However existing businesses can continue to operate in accordance with their non-conforming use rights. Non-conforming use rights also allow the carrying out of development that was approved prior to the date of gazettal of the zoning change.

The City is also able to consider applications for changes to uses to bring them closer to the intended purpose of the zone and where they would be less detrimental than the current situation. An example may be considering an enclosure to reduce noise from an existing piece of equipment, or changing from a use that generated an impact (e.g. noise or odour) to another use which did not.

Importantly, these non-conforming use rights are set out in the Scheme and they are consistent with the Model Scheme Text as prescribed by the Town Planning Regulations 1967. This provides a high level of certainty for existing businesses as the City's Scheme is expected to be consistent with the Model Scheme Text (therefore unlikely to change).

The proposed Emplacement Local Structure Plan addresses potential conflict between existing industrial uses and future sensitive land uses



through noise attenuation requirements in Sections 8, and requirements for sensitive land uses proposal within buffers to industrial uses to demonstrate through technical analysis how impacts from the industrial uses are to be mitigated in Section 4.7 Industrial Activities (Part 2).

Interim buffer arrangements have been identified on a plan that maps the existing uses which generate an offsite buffer impact. These have been established with regard to the generic buffers set out in the relevant State Planning Policy and Environmental Protection Authority's Guidance Statement, then further examined in light of their current approval conditions and the City's knowledge of the nature of their operation. This is why some of the identified buffers differ from the generic buffers set out in the Environmental Protection Authority's Guidance Statement No. 3.

A process has been provided for, as per the relevant State Planning Policy for developers seeking to establish a sensitive land use within those buffers. They can undertake a further technical analysis which if approved may reduce or refine a buffer. In the meantime designation of a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term ensures landowners have the flexibility for options other than sensitive land uses available to them.

The Local Structure Plan reports could include further information regarding each of the existing industrial buffers. It is also recommended that Figure 27 include a scale and the cadastre to make the extent of the buffers clear. It is recommended that the LSP be amended accordingly.

### Heritage Conservation

A number of submissions raised concerns regarding the impact of the proposals on the heritage values of the area. Both Local Structure Plans are supported by a Cultural Heritage Strategy which builds on the Cockburn Coast Heritage Strategy that accompanied the CCDSP (2009).

The Emplacement Local Structure Plan and associated Cockburn Coast Cultural Heritage Strategy will ensure the retention and protection of the gun emplacement. Specifically, the Emplacement Local Structure Plan includes the gun emplacement within public open space to ensure that this important feature is not subject to development pressure. It should be noted that the two other gun emplacements were dismantled circa 1970 and the area where these two emplacements were has been redeveloped. The preparation of the Heritage Strategy included liaison with the Army Museum of



Western Australia and a site visit to the Leighton Battery did not reveal that tunnels were associated with the South Beach Battery site.

There were also concerns expressed regarding the impact on the use of the area as a horse exercise area. It is agreed that this is an important consideration, which is why it has been considered from the District Structure Planning stage through to the Local Structure Plans. The Local Structure Plans and associated Cockburn Coast Cultural Heritage Strategy identify and recognise the importance and heritage value of the South Beach Horse Exercise Area. The Local Structure Plan states 'the aim is for horse facilities to remain at McTaggart Cove to provide facilities for horses with a horse float car park, where the dunes are lower and there will be less disturbance to future residential uses, thus minimising potential land use impacts.' A key objective of the Heritage Strategy is that "South Beach should continue to be used for the horse training, a use with which it has had a long association".

#### Minor Modifications

There are a number of other modifications that are recommended to ensure that the report accurately reflects the appendices:

- \* Figure 12 (Vegetation Type Analysis) within the Local Structure Plan report should be modified to show the full extent of the vegetation mapping included within the Ecological Assessment.
- \* The Local Structure Plan report shows the incorrect indicative location of the switchyard/power substation, and should be amended to reflect what was shown in the CCDSP Part 2, and the Infrastructure and Servicing Report.

A number of other corrections to the Emplacement Structure Plan report are also recommended as follows:

- \* The current land use section of the report should identify Alba Edible Oils as a current land use.
- \* The report makes reference to an 'activity centre', however there is no 'activity centre' zone in the Emplacement Local Structure Plan, and such references should be deleted.
- \* Table 5 of the Plan report lists current landholdings, however some are missing. It is recommended that the table be corrected to include all landholdings within the local structure plan area.



- \* The report includes references to 'Cockburn Coast Redevelopment Area' which should be deleted, as the subject area is not included within a redevelopment area.
- \* The Emplacement Local Structure Plan does not include a scale which makes it difficult to identify the boundaries of each proposed zone.

### Associated Projects

As noted earlier in this report, there are some important projects associated with the local structure plans. These include the Design Guidelines, Public Realm, Public Art and Development Contributions.

### 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. Included in this Council agenda, is an item to consider adoption of the Design Guidelines as a Local Planning Policy for the Robb Jetty and Emplacement areas of Cockburn Coast. Should Council not adopt the Design Guidelines, then it is not able to endorse either of the local structure plans submitted. This is why the officer recommendation is predicated on the Design Guidelines being endorsed.

Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

Detailed discussion on the Design Guidelines may be found in the related agenda item in this Council agenda. The Design Guidelines were recently advertised to affected landowners and government agencies. The Design Guidelines are recommended for adoption as a Local Planning Policy, subject to a number of modifications.

### Public Realm

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. The need to ensure continuity between Local Structure Plan areas and different land ownership parcels is noted in the local structure plans; however, it will not be the structure plans themselves that provide this.

Guidance will need to be outlined at a detailed technical level which goes beyond the parameters which a local structure plan can achieve.



This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

LandCorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff who approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

### Development Contributions

Following on from the local structure plans will be the mechanism to equitably distribute some of the development's infrastructure costs. This will require another Scheme Amendment to introduce a Development Contribution area.

There are a number of Robb Jetty and Emplacement specific infrastructure items, such as local public open space, which LandCorp will propose for Council's consideration as part of a Scheme Amendment.

The principles outlined in State Planning Policy 3.6 'Developer Contributions for Infrastructure' will need to be satisfied by any Scheme Amendment(s) which LandCorp lodge and these are subject to public consultation including the provision of a Cost Apportionment Schedule to clearly indicate to affected landowners an estimate of development contribution rates.

### Public Art

The local structure plans for Robb Jetty and Emplacement areas are accompanied by a Public Art Strategy.

Public Art is not intended for inclusion in a development contribution plan. This is a matter which would need to be the subject of a Percent for Art Policy, which at this stage has not been considered by Council and is a matter considered broader than Cockburn Coast.

City officers are currently preparing a report for Council to consider whether the implementation of a Percent for Art Policy is appropriate for the City of Cockburn. Any such policy would require public consultation should it be initiated.



## Conclusion

The Emplacement Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals.

It is therefore recommended that the Emplacement Local Structure Plan be adopted subject to modifications and forwarded to the Western Australian Planning Commission for their approval.

## **Strategic Plan/Policy Implications**

### **Growing City**

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

### **Infrastructure**

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

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

## **Budget/Financial Implications**

The Structure Plan assessment 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 Emplacement Local Structure Plan, the applicant (LandCorp) undertook a consultation process with relevant stakeholders. This included two landowner forums and liaison with various State agencies in the preparation of some of the draft background strategies which informed the local structure plan content.

Once the draft Emplacement Local Structure Plan was lodged with the City advertising of the proposal took place in line with the requirements of the City's scheme for local structure plan proposals. This advertising



period ran for a period of 28 days (the Scheme only requires 21 days) commencing on 20 November to 2012.

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;
- \* Displays at the City's administration building and the City's libraries;
- \* Signage at the beach car parks at Rollinson Road and McTaggart Cove Road;
- \* Dedicated webpage on the City of Cockburn's website;

**Attachment(s)**

1. Cockburn Coast Precinct Plan
2. Draft Emplacement Local Structure Plan (plan only)
3. Schedule of Submissions Emplacement Local Structure Plan

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

The applicant and persons/agencies who lodged a submission have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

NA.

**14.4 (MINUTE NO 5036) (OCM 09/05/2013) - LOCAL STRUCTURE PLAN (ROBB JETTY) COCKBURN COAST (CONSIDERATION OF ADOPTION FOR FINAL APPROVAL) (110/06) (C CATHERWOOD) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the Robb Jetty Local Structure Plan, in line with the proposed rezoning of this area to 'Development' zone via Amendment No. 89 to the City's Town Planning Scheme No. 3 and subject to the following:



1. Modification and Adoption of the Local Planning Policy Robb Jetty and Emplacement Design Guidelines.
2. Local access road detail to be removed from the local structure plan as per the Department of Planning's Structure Plan Guidelines.
3. Update Part 1 to include discussion on the development contribution plan as per the Department of Planning's Structure Plan Guidelines.
4. Update Part 2 to note that the indicative cross-sections shown for Rollinson Rd/South Beach under 'Movement Network' do not supersede the development standards and requirements for the South Beach development.
5. Update Part 1 and Part 2 to reflect a revised public open space schedule which does not include the proposed oval as local public open space.
6. Update the cover page to either remove the imagery or update to more accurately reflect the existing freight railway line.
7. Update Part 2 to attribute the statement about current operation in non-peak periods to Brookfield Rail.
8. Update figure of Existing Buffer Zones to correctly reflect current technical analysis data, including the Waste Water Pumping Station as a 25m buffer measured from the property boundary.
9. Remove all references to a community and/or commercial facility at Catherine Point and update to ensure text reflects location at 'Main Street'.
10. Remove all references to horse facilities being located at Catherine Point and update to reflect the location being McTaggart Cove Rd beach car park.
11. Remove all non-numbered full page photographs and drawings as they are not required by the Department of Planning's Structure Plan Guidelines.
12. Ensure the Height Plan correlates appropriately to the Local Structure Plan, specifically the area designated as Residential R40.

13. Remove the footnote from the bottom of the Land Use Table contained in Part 1 and replace with text within Part 1 to explain when discretion may be granted by Council for Singles Houses (in line with the explanation given in Part 2).
14. Replace the residential density assigned to the District Centre with RAC-0 and specify development standards are prescribed in the Design Guidelines Local Planning Policy.
15. Update the Affordable Housing sections to reflect the updated Australian Bureau of Statistics data.
16. Update the Affordable Housing sections to reflect an incentive based approach; all references to mandatory requirements are to be removed.
17. Update the Affordable Housing sections to also include a further bonus for 2 bedroom dwellings (relative the bonus given for 3 bedroom dwellings).
18. Update the Affordable Housing section to revise the definition of Affordable Housing to be:

“For the purposes of this Local Structure Plan, ‘affordable housing’ refers to either of the following:

  - \* Dwellings that are sold to Eligible Households at or below the benchmark price outlined in Table 4; or
  - \* Dwellings that are sold or transferred to a recognised affordable housing provider, which in turn leases or sells the properties to Eligible Households (under an approved affordable housing program); or
  - \* Private Provider selling to Eligible Households; or
  - \* Commonwealth or State endorsed affordability program”.

and include supplementary definitions for the terms “Eligible Households” and “Recognised affordable housing provider”.
19. Update Part 1 to also require assessment as appropriate for the issue of vibration (from the freight rail).
20. Update Part 1 to delete the reference to car parking standards being a ‘maximum’ rather than a ‘minimum’ and update the reference from the benchmarks being the



Residential Design Codes to being as per the City of Cockburn's Town Planning Scheme No. 3.

21. Update the sections regarding Detailed Area Plans to provide clarity as to when they may be required and that in some instances the need may be negated due to the Design Guidelines Local Planning Policy.
22. Update the designation of 'Mixed Business' and 'Mixed Use' to reflect a thicker line marking on the local structure plan.
23. Expand the discussion in Part 2 (Regional Planning) to broaden the reference to Directions 2031 to discuss other elements of this plan.
24. Update the discussion in Part 2 (Policies) to include reference to State Planning Policy 1 State Planning Framework.
25. Review entire document to identify and correct basic grammar and typographical errors, including section numbering.
26. Update Part 2 (Residential Zone) list of criteria where Council may choose to use its discretion to punctuate this list and include the term 'and' so it is clear all of these items are expected to be met, not one or the other.
27. Update Part 2 (Residential – Densities) to remove the unnecessary replication of the Town Planning Scheme No. 3 provision relating to calculation of density targets.
28. Update Part 2 (Movement Networks) to ensure correlation between cross-sections and network plans.
29. Delete any references to the 'Cockburn Coast Redevelopment Area'.
30. Corrections to Figure 1 within the Local Structure Plan report to include a scale.
31. Inclusion of a scale and cadastre on Figure 25 (Existing industrial buffers) to make the extent of the buffers clear.
32. Include an annotation (in bold text) on the local structure plan to highlight the need to refer to the Part One statutory provision 'Existing Industrial Buffer Zones' where

contemplating residential or other sensitive land uses as well as the Part One statutory provision 'Use Class Permissibility'.

33. An additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
  - (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
  - (4) advise the proponent and those persons who made a submission of the Council's decision;
  - (5) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as a future Development Contribution Area (Cockburn Coast) which is in the final stages of preparation;
  - (6) advise Main Roads that Council is unlikely to support any change to the Primary Regional Road Reservation under the Metropolitan Region Scheme for Cockburn Coast Drive which relinquishes opportunities for future road planning in the absence of committed and secured funding for an alternative option; and
  - (7) advise the Water Corporation of Council's expectation that Water Corporation will manage the pump station so as to minimise the associated buffer impact where possible.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr B Houwen that the recommendation be adopted.

**CARRIED 9/0**



## Background

For a number of years the State Government has been working toward realising the vision for the Cockburn Coast development. The project is intended to see the redevelopment of the former Robb Jetty industrial area and the South Fremantle Power Station.

A number of planning stages have been realised in recent years briefly described below.

The Cockburn Coast District Structure Plan 2009 ("CCDSP 2009") prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina.

In 2012, this was supplemented and in part refined by the Cockburn Coast District Structure Plan Part 2 ("CCDSP Part 2") prepared on behalf of LandCorp.

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 Part 2. 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.

Council has undertaken several modifications to its Town Planning Scheme to reflect the change in the MRS, including replacement of previous zones with Special Use areas to reflect the desired use mix in the Newmarket area and introduction of a 'Development' zone for the area south of Rollinson Rd.

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.

The Scheme provisions, combined with the Department of Planning's Structure Plan Guidelines, set out the requirements to be addressed in local structure plans which will apply land use zoning and permissibility and subdivision and development requirements.

A report was previously presented to the 11 April 2013 Council meeting. Council deferred their consideration pending further liaison with landowners who had expressed concerns. A meeting with these landowners was held 16 April 2013 and a range of issues were discussed including development contributions, traffic, existing businesses and the waste water pumping station. The issue of consultation was also raised as it was claimed landowners only had three days to comment. This is incorrect. As detailed in the



'Consultation' section of this report, the local structure plans were advertised for an extended period of 28 days.

All landowners received an acknowledgment letter in January thanking them for their submission and advising that due to the volume of submissions; a report to Council would not be presented till at least the April meeting. This letter noted a further letter would be sent when the meeting date and time was able to be confirmed. A confirmation letter the item was listed on the April agenda was sent Friday 5 April which is the day the agenda is published and the earliest possible date officers can be sure the report has been included. Nevertheless, in the intervening period from close of submissions till the release of the April Council agenda, City officers spoke to a number of landowners including those who expressed their concern at the April Council meeting.

As a result of these discussions there are several additional officer recommendations for this local structure plan relating to these matters. These are modifications number 32 and 33 to the local structure plan and Parts 6 and 7 of the officer recommendation.

### **Submission**

The Robb Jetty Local Structure Plan has been submitted by HASSELL on behalf of LandCorp.

### **Report**

The purpose of this report is for Council to consider submissions on the Robb Jetty Local Structure Plan and whether endorsement of the plan is appropriate.

### Purpose of the Robb Jetty Local Structure Plan

The Robb Jetty Local Structure Plan applies to the Cockburn Coast project area bounded by Rollinson, Cockburn and McTaggart Cove Roads and the foreshore reserve and freight railway line as shown in the Precinct Plan (Attachment 1).

The local structure plan proposes to develop this land for a mix of zones, including a dense activity centre, residential (ranging up to R160 density), public open space, mixed business, mixed use, and a primary school with a shared oval. The oval will fulfil a role in providing for junior sport for surrounding suburbs and is in addition to the local public open space a development ordinarily provides for.

On average the development provided for by this plan would be 3-5 storeys in height. There are development incentives included to



encourage the provision of Affordable Housing. This was a target of the District Structure Planning. This encouragement is suggested by way of extra floor space being granted to a proposal. The outcome of this, if developers took up the opportunity could be a potential increase in the size of a building on a site. Given the need to set back from boundaries, this increase is most likely to be realised by building form becoming higher in storeys. For example, a 3 storey building through using the Affordable Housing bonus may become a 5 storey building (provided it can still meet other development requirements such as car parking and open space).

Included in the plan are proposals indicating how the foreshore area may be capable of improvements (note the foreshore is outside the development area). Ultimately the development in this area is the role of the City and the area has heritage values (both European and Indigenous) and the relevant approvals to undertake works in this area would need to be sought.

Along the western boundary of the Robb Jetty local structure area is an existing freight rail line and Cockburn Rd bounds the area to the east. On the east side of Cockburn Rd is the contiguous local structure plan area known as 'Emplacement'. This is also an item on this Council agenda.

It is intended Robb Jetty Local Structure Plan would be adopted as a structure plan pursuant to Clause 6.2.9 of the Scheme applying land use zoning and permissibility. The Local Structure Plan needs to effectively demonstrate how coordinated development of the subject land can occur.

The Robb Jetty Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals. These modifications are set out in detail in the officer recommendation and discussed further below in the Report section of this agenda item under their respective headings. A number of modifications also arose from the community consultation process.

There are also some important projects associated with the local structure plans which are discussed at the end of the Report section of this agenda item. These include the Design Guidelines, Public Realm and Public Art.



### Noise and Vibration Management

The Noise and Vibration Study indicates vibration is an issue ranging from 50-80m along the railway line. While vibration is discussed in Part 2 of the structure plan, it does not contain a related statutory requirement in Part 1. This needs to be modified to also include vibration to be assessed where applicable.

There is already a suitable Part 1 provision to deal with the issue of noise. For the freight rail this is within 150m of the railway line. For Cockburn Road, it is the first row of buildings affected.

### Waste Water Pumping Station

The applicant has taken the opportunity afforded to them via the draft State Planning Policy 4.1 State Industrial Buffer ("SPP4.1") and the Environmental Protection Authority's Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses ("GS No.3") to submit a technical analysis to further assess and refine the buffer.

GS No. 3 notates the following impacts apply: Odour, Noise, Gas and Risk and the key agency for advice or approvals is the local government.

The Technical Analysis submitted as an appendix to the Robb Jetty Local Structure Plan has been referred for government agency comment. The only related submission was from Water Corporation (owner of the infrastructure). They have Ministerial instruction a 25 metre buffer measured the property boundary may be applied.

The affected surrounding landowners have previously lodged a letter of advice from the Department of Environment and Conservation ("DEC") noting odour is not an issue currently, but this does not consider if the infrastructure was upgraded.

The Technical Analysis is predominantly concerned with the issue of odour and pays very limited attention to the issues of gas, noise and risk. This is contained in a few paragraphs which appear to be assembled by the landowner's town planner rather than a person or company who specialises in such assessments.

City officers are not comfortable endorsing the technical analysis at this stage given it has not given sufficient regard to three of the four impacts this infrastructure presents. The landowners are welcome to lodge an updated technical analysis which does consider all these issues sufficiently, should they choose to apply for subdivision or development approval. In the interim though, no sensitive land uses



will be deemed acceptable in this area. The local structure plan will be modified to reflect the boundary of the buffer as 25m measured from the property boundary.

### Affordable Housing

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

Affordable housing does not simply refer to public 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.

Following on from studies undertaken by the Department of Planning, LandCorp have undertaken an Affordable Housing Strategy for the Cockburn Coast area. To examine the content of this and more importantly provide input into the local structure plan provisions regarding this issue, the City coordinated a working group to meet and discuss implementation. Representation was provided by LandCorp, the City of Cockburn, Department of Planning, Department of Housing and several affordable housing providers.

It has been made clear by the Department of Planning the only provisions which it would support in the local structure plans were to be non-mandatory. This is a shift from the CCDSP 2009 which recommended mandatory provisions. Given this change and the advice of the working group, there are a number of modifications needed to the current wording in the local structure plan text.

Using an incentive driven approach, affordable housing provision will be encouraged by a range of 'bonuses' to the ordinary development standards which apply. Bonuses will be higher for those developments which provide for more than 1 bedroom in their affordable housing component.

Modification is also required to update the income and price point indicated as updated data is now available given the recent census data release.

As discussed earlier in this report, Elected Members should be comfortable with the potential built form impact by offering these incentives. If these incentives are included as proposed (and are taken up by developers) the height of the built form would increase.



### Public Open Space

The area of public open space has been discussed with the applicant (LandCorp) as the proportion proposed in the Robb Jetty area was substantially higher than that proposed for the Emplacement area.

It should be remembered that the ceding of 10% of land suitable for subdivision is only a policy of the Commission and is variable according to the assessment of the circumstances of each case. It is not a statutory requirement and the need for public open space and drainage will differ from site to site, depending on the characteristics of the land, the availability of open space already existing within the locality and a number of other considerations. In the case of each of these areas, they are quite similar and accordingly should contain a similar proportion of public open space. Allowing for drainage capacity and noting the obviously higher densities, around 12% local public open space would be quite reasonable.

A key difference between the Robb Jetty and Emplacement areas is the location of an oval (to be shared with the primary school) in Robb Jetty which also provides for junior level clubs (AFL and cricket overflow). This oval will service an area slightly larger than just the Cockburn Coast development. It will cater for the whole suburb of North Coogee and Coogee. Therefore it is more appropriate to distribute the cost for this oval beyond this development to be a local item for Coogee and North Coogee.

A revised POS schedule has been provided and this now indicates the oval as a proposed item to include in Development Contribution Plan 13 (community infrastructure). Landcorp will need to justify this further as part of an amendment to the City's Scheme to include this item. This means the proportion of local public open space for both the Robb Jetty and Emplacement local structure plans is just below 12%.

### Community Facilities

Initially as part of the CCDSP 2009 a community/commercial facility had been proposed at Catherine Point. This has now been negotiated by City staff to more appropriately be located within the 'Main Street' area. This is reflected in the CCDSP Part 2. There are several references left within the local structure plan text which still need to be updated to reflect this.

A site has been appropriately annotated on the local structure plan which satisfies the principles listed below. The site is located directly adjacent to the railway line (east side) and south of the main street. It is noted this site also has the ability to be sleeved with retail/other uses facing the main street.



- \* Good ability to integrate with sports oval site and associated parking.
- \* Good ability to integrate with other main street uses, particularly school and also retail and cafe/food options.
- \* An adjacent open space (such as the 'V' shaped POS west of the oval) which could enable spill over from some of the ground floor activities (such children's activities, mother's group meeting areas)
- \* Not directly on the coast to avoid climatic conditions which would compromise particularly some of the ground floor activities and render the development essentially an enclosed 'function centre' rather than a proper community centre.

There are servicing difficulties with the Catherine Point site (being isolated on the west side of the railway line) and the location is at the northern most point of the land it is intended to service. It is more appropriately located in the 'Main Street'.

#### Annotation of local roads

Currently a number of local roads are shown on the local structure plans. These are not required by the Department of Planning's Structure Plan Guidelines and therefore it is acceptable to remove them. There are two lots within the Robb Jetty area on Garston Rd which are almost entirely taken up with road. One is required for the road which will also accommodate the bus route. This lot is under offer to purchase by LandCorp. As they are the applicant, this does not present a concern.

The other lot is further east and the local road shown would form an extension south of Garston of the existing Darken Ave. This landowner has noted this issue in their submission. Other local roads will eventuate through the subdivision process, this particular section of road is not an integral road (such as the 'Main St' or the bus route) and therefore does not need to be shown now.

What would be appropriate to annotate is any areas where a link does need to be provided. This can be provided with an arrow annotating where links are desirable. Designation of local roads over another landowner's property may result in the request of that owner to undertake purchase of the property. Council has other funding priorities and does not need to leave itself open for such a request.

#### Additional commentary on car parking

The design guidelines provide for an appropriate response to car parking, noting this continues to be an issue of interest as the City



transforms towards more example of medium density development. The amount of car parking to be provided is detailed in the Scheme. The design guidelines provide for a response to car parking management through appropriate screening of car parking areas to reduce their dominance. This will assist in the delivery of an attractive environment but with a sufficient level of car parking accommodated.

Initially the local structure plans had proposed to provide for reduced car parking standards, in line with the Integrated Transport Plan ("ITP"). As recorded in the ITP, City officers expressed concern with the notion of reduced parking (i.e. less than the Scheme and Residential Design Codes would require) in the absence of the area being adequately serviced by public transport. In lieu of this public transport being provided, the Scheme requirements will apply.

### Community Consultation Outcomes

The Robb Jetty Local Structure Plan was advertised for a period of 28 days, commencing on 20 November 2012.

All submissions have been outlined and addressed in the Schedule of Submissions (Attachment 3). The key issues that have been raised are summarised below.

### Coastline

Concerns were raised about sea level rise and the continuity of access to the existing sand beach, particularly for animals (dogs and horses).

The applicant has provided a Coastal Vulnerability Assessment (CVA) with their local structure plan. The document has been prepared by an appropriately qualified person and a company who specialise in these assessments.

The assumed sea level rise in the CVA is 0.9m to 2110. This is as per the current requirements of the Department of Planning. When the State Planning Policy 2.6 (SPP2.6) State Coastal Planning Policy was gazetted in 2003 a sea level rise of 0.38m needed to be included in assessments.

Based on updated data, the Department of Planning issued a new Position Statement in 2010 to increase the sea level rise to be factored into assessments to 0.9m to 2110. In February 2012, the Department advertised a new draft SPP2.6; this reiterates the requirement for 0.9m to 2110. No advice to the contrary has been provided to the City by the Department and therefore it is prudent to apply an assumed sea level rise of 0.9m to 2110.



In terms of access for animals, there was a desire for this to remain unchanged. This is not a matter which the local structure plans control, however it is worth noting this is not a realistic expectation.

The broader Perth Metropolitan Area is facing growth of half a million people over the next two decades. Within the City of Cockburn, it is expected the population will grow by approximately 30,000 people in that time. This development will be able to provide for 10,000 people. This growth will place additional pressure onto the CY O'Connor Beach.

The current extent of the Dog Exercise Area is nearly two kilometres in length. The Coastal Vulnerability Assessment indicates the area just south of the Point Catherine groyne (in line with Rollinson Rd) is likely to erode over time and is not expected to remain as a continuous sand beach in the longer term.

The beach is also important historically given the long term use of this beach to exercise horses. It should also be remembered that while some people have no issue with dogs being on the beach, there are people who do and want access to beaches where there is no dog access.

Council must be cognisant of all of these issues and the need to balance expectations. It is likely that use of the beach will be changed over time.

#### Public Open Space

Several submissions indicated a concern the amount of public open space in the Robb Jetty precinct was too high. There was a belief the public open space here was making up for a perceived shortfall in the Power Station precinct and this was unfair to landowners in Robb Jetty.

The proposed public open space adjacent to the Water Corporation pumping station also garnered concern due to its shape and the perception access would be limited.

The local POS to the north provides a local POS opportunity for some of the northern lots. This is where some of the higher density residential is located and it is appropriate to ensure those lots have good amenity POS. The POS is also adjacent to the existing Water Corporation Pump Station. Water Corporation has recently advised the City they plan to reduce the area which is currently fenced and landscape the area. This will be a welcome addition to the POS and enable access through to Bennett Avenue to the west.



### Transport – Freight Corridors (Noise and Vibration)

As with previous consultations, the issue of freight corridors was raised. The issue of noise and vibration from the railway line and noise from Cockburn Rd and proposed Cockburn Coast Drive received much attention. Questions were raised as to the appropriateness of the methodology used in the noise and vibration assessments as well as the proposed mitigation measures proposed.

What has become very apparent in assessing these submissions is there are several interest groups and government agencies who do not believe the methodology has been followed properly. It must be acknowledged that these groups and agencies are not those responsible for the interpretation of the relevant State Planning Policy 5.4 (SPP5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning. No issue has been raised by the Department of Environment and Conservation (“DEC”), where appropriate expertise to assess such studies resides. This matter has been followed up with the DEC and at the time of writing this report, still no formal objection to the methodology undertaken had been made by DEC.

The approvals process will require each lot located in the nominated distances from the railway line and Cockburn road, to comply with noise and vibration constraints.

The Noise and Vibration Strategy forms an addendum to the local structure plan (“LSP”) and shows the impact zone. Text in the LSP also makes reference to the Noise and Vibration Strategy. The Design Guidelines will also outline the requirements for compliance with noise and vibration for land within the impact zone. Both the LSP and the draft Design Guidelines also include requirements for Notification on titles and refer back to SPP5.4 where the specifications for these more detailed assessments reside.

The Department of Transport (representing the views of the Public Transport Authority and Main Roads) has specifically requested a Noise Management Plan be done at the local structure plan stage. The applicant has indicated this plan will be done at the development approval stage (i.e. on a lot by lot basis). This appears consistent with the intent of SPP5.4 which does not specify the Noise Management Plan must be done at the local structure plan. Looking at the content of a Noise Management Plan outlined in the guidelines which accompany the SPP5.4, it seems most of this information is already captured via the Noise and Vibration Assessment Study.

Spatially, the local structure plan would not change if this Noise Management Plan were undertaken at this early stage. Opportunities



for setting back of development lots further from the railway line have effectively been lost. Planning since the CCDSP 2009 has indicated urban development abutting the railway line. This situation was compounded by the rezoning to 'urban' under the MRS and there is very little scope to see a different land use response to that of a built form response on a lot by lot basis.

City officers, given there is no indication otherwise from the DEC and given the apparently reasonable approach to the methodology used in the Noise and Vibration Assessment Study do not recommend withholding endorsement of this local structure plan on this matter. The Department of Transport are welcome to raise their concerns with the Department of Planning prior to their consideration of the plan.

#### Transport – Freight Corridors (Cockburn Road)

Several submissions have raised traffic concerns with access to Cockburn Road. Main Roads has noted work is being undertaken on a design concept and vehicle access strategy for Cockburn Rd. They have also expressed their intent to pursue removal of the Primary Regional Road Reservation for the proposed Cockburn Coast Drive once Cockburn Rd is upgraded.

The applicant can be required to lodge the design concept and vehicle access strategy for Cockburn Road prior to the local structure plans being forwarded to the WA Planning Commission for their endorsement.

#### Transport – internal (existing uses)

At the meeting with landowners held 16 April 2013, the concerns of traffic were discussed. In particular the concerns of existing business operators and the ability to continue to access their sites and a desire to see construction traffic managed.

It is a reality that during construction and when the ultimate development is built out there will be changes to the level (and type) of traffic seen within this area.

Recent discussion with LandCorp now indicates they are planning to manage their construction traffic through the 'Main Street' access which should alleviate concern for businesses in Rollinson Rd. Temporary car parking for construction workers during the civil construction works is also being considered. This could greatly assist in minimising the traffic impact during the construction phase. It will also clearly establish 'Main Street' as the entry to their land development.



It is difficult to establish an agreed approach at local structure plan stage given the number of landowners involved. However, individual subdivision and development proposals will be able to establish with certainty how integration with existing uses will occur. Therefore it is recommended an additional statutory provision be added to Part One of the local structure plan (under 'Subdivision and Development Requirements') to require Transport Assessment to be provided with subdivision and development proposals? The scope of what these assessments require can be found in the Western Australian Planning Commission's Transport Assessment – Guidelines for Development (Volume 3: Subdivision and Volume 4: Individual Developments).

### Density provision

Some submissions have suggested the densities indicated are too conservative. Others, primarily from landowners within the development area have expressed concern they should not be expected to deliver the same densities as the State Government owned land. These landowners feel they should be able to develop more traditional housing types which are easier to sell.

It is generally perceived that multiple dwelling developments are more difficult to undertake than standard green titled lots. This is for a variety of reasons including financing and building standards. However, it must be remembered the State Government has set a vision for how this area must be developed. Well located industrial zoned land has been rezoned by the State Government to provide for urban development. Both development types (industrial and urban) are important for the continuing growth of the Perth metropolitan area. The sacrifice of well-located industrial land must not be taken lightly and a substandard outcome in terms of housing density provided in Cockburn Coast must not be accepted.

To this end, the City has included specific Scheme provisions to ensure that density targets are adhered to. The allocation of residential densities on the draft local structure plans is considered appropriate and is intended to ensure the target of housing 10,000 residents overall within Cockburn Coast can be met. This may well mean that development takes a longer period to unfold than if the area was developed with single houses. It should not be disregarded that much of this land has been undeveloped for decades already. With this land now rezoned at no cost to landowners (to date all costs have been borne by the State Government) hopefully this will now incentivise development of this area.



### Mixed Use zone and existing businesses

Several submissions raised the issue of modifying the intent of the Mixed Use zone to note their existing business operations and the contribution this makes in terms of employment. They appear to have interpreted the flexibility attributed to this zone to mean it should allow for their uses as well.

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 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 2009 and CCDSP Part 2, 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.

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.

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. In the land use table these uses are either permitted or discretionary.

Interim buffer arrangements are considered as part of the Local Structure Plan. A plan is included which maps existing uses which generate an off-site buffer impact. These have been established with regard to the generic buffers set out in the relevant State Planning Policy and Environmental Protection Authority's Guidance Statement, then further examined in light of their current approval conditions and



the City's knowledge of the nature of their operation. A process has been provided for, as per the relevant State Planning Policy for developers seeking to establish a sensitive land use within those buffers. They can undertake a further technical analysis which if approved may reduce or refine a buffer. In the meantime designation of a Mixed Use zoning in proximity to existing industrial uses that are likely to remain for the medium to long term ensures landowners have the flexibility for options other than sensitive land uses available to them.

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. The City is also able to consider applications for changes to uses to bring them closer to the intended purpose of the zone and where they would be less detrimental than the current situation. An example may be considering an enclosure to reduce noise from an existing piece of equipment, or changing from a use that generated an impact (e.g. noise or odour) to another use which did not.

Importantly, these non-conforming use rights are set out in the Scheme and they are consistent with the Model Scheme Text as prescribed by the Town Planning Regulations 1967. This provides a high level of certainty for existing businesses as the City's Scheme is expected to be consistent with the Model Scheme Text (therefore unlikely to 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.

The non-conforming use rights provisions are the most appropriate method to accommodate the existing businesses. It is not considered in line with the vision for the Cockburn Coast area to alter the intent of the Mixed Use zone to make these uses permissible.



### Associated Projects

As noted earlier in this report, there are some important projects associated with the local structure plans. These include the Design Guidelines, Public Realm, Public Art and Development Contributions.

### 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. Included in this Council agenda, is an item to consider adoption of the Design Guidelines as a Local Planning Policy for the Robb Jetty and Emplacement areas of Cockburn Coast. Should Council not adopt the Design Guidelines, then it is not able to endorse either of the local structure plans submitted. This is why the officer recommendation is predicated on the Design Guidelines being endorsed.

Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

Detailed discussion on the Design Guidelines may be found in the related agenda item in this Council agenda. The Design Guidelines were recently advertised to affected landowners and government agencies. The Design Guidelines are recommended for adoption as a Local Planning Policy, subject to a number of modifications.

### Public Realm

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. The need to ensure continuity between Local Structure Plan areas and different land ownership parcels is noted in the local structure plans; however, it will not be the structure plans themselves that provide this.

Guidance will need to be outlined at a detailed technical level which goes beyond the parameters which a local structure plan can achieve. This includes identifying proposed landscaping themes, verge treatments (including items such as street furniture, bollard types, lighting types, paver styles) to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not clearly documented then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.



LandCorp has recently commenced a guide for the Public Realm which it intends to discuss with the City's technical staff who approve and ultimately need to manage public realm areas and their infrastructure. This will be an important piece of work for the City to progress before the commencement of subdivisional works (estimated to start in 2014).

### Development Contributions

Following on from the local structure plans will be the mechanism to equitably distribute some of the development's infrastructure costs.

An item mentioned earlier in this report is the oval proposed within Robb Jetty area. This is proposed for inclusion in the City's existing Development Contribution Plan 13 (DCP13) which is for community infrastructure as a 'local' catchment item for North Coogee/Coogee. The catchment of this oval will be greater than simply Robb Jetty area (and the entire Cockburn Coast development). It will be able to service the suburbs of North Coogee and Coogee. Other community infrastructure which similarly has a larger catchment will be proposed for Council's consideration as part of a Scheme Amendment.

There are also a number of Robb Jetty and Emplacement specific infrastructure, such as local public open space, which Landcorp will also propose for Council's consideration as part of a Scheme Amendment.

The principles outlined in State Planning Policy 3.6 will need to be satisfied by any Scheme Amendment(s) which Landcorp lodge and these are subject to public consultation including the provision of a Cost Apportionment Schedule to clearly indicate to affected landowners an estimate of development contribution rates.

### Public Art

The local structure plans for Robb Jetty and Emplacement areas are accompanied by a Public Art Strategy

Public Art is not intended for inclusion in a development contribution plan. This is a matter which would need to be the subject of a Percent for Art Policy, which at this stage has not been considered by Council and is a matter considered broader than Cockburn Coast.

City officers are currently preparing a report for Council to consider whether the implementation of a Percent for Art Policy is appropriate for the City of Cockburn. Any such policy would require public consultation should it be initiated.



## Conclusion

The Robb Jetty Local Structure Plan is generally consistent with the underlying intent of the CCDSP 2009 and CCDSP Part 2. However, there are a number of modifications which are required to improve the clarity of its content, ensure adherence to the Department of Planning's Structure Plan Guidelines and that it can provide sufficient guidance to subdivision and development proposals.

Subject to the modification of the Robb Jetty Local Structure Plan in line with the officer recommendation, it is recommended the plan be endorsed and forwarded to the Western Australian Planning Commission for their approval.

## **Strategic Plan/Policy Implications**

### **Growing City**

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

### **Infrastructure**

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

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

## **Budget/Financial Implications**

The Structure Plan assessment 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 Robb Jetty Local Structure Plan, the applicant (LandCorp) undertook a consultation process with relevant stakeholders. This included two landowner forums and liaison with various State agencies in the preparation of some of the draft background strategies which informed the local structure plan content.

Once the draft Robb Jetty Local Structure Plan was lodged with the City advertising of the proposal took place in line with the requirements



of the City's scheme for local structure plan proposals. This advertising period ran for an extended period of 28 days (the Scheme only requires 21 days) from 20 November to 17 December 2012.

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;
- \* Displays at the City's administration building and the City's libraries;
- \* Signage at the beach car parks at Rollinson Road and McTaggart Cove Road;
- \* Dedicated webpage on the City of Cockburn's website;

### **Attachment(s)**

1. Cockburn Coast Precinct Plan
2. Draft Robb Jetty Local Structure Plan (plan only)
3. Schedule of Submissions Robb Jetty Local Structure Plan

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

The applicant and persons/agencies who lodged a submission have been advised that this matter is to be considered at the 9 May 2013 Council Meeting.

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

Nil.