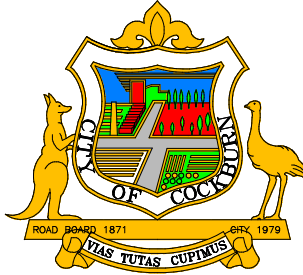


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 14 JULY 2011

14.5 (OCM 14/7/2011) - SCHEME AMENDMENT NO. 89 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 (COCKBURN COAST) AND COCKBURN COAST MASTER PLAN (CONSIDERATION OF ADOPTION FOR COMMUNITY CONSULTATION) (SM/M/053 AND 93089) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council:

- (1) in pursuance of Section 75 of the *Planning and Development Act 2005* (“Act”), initiate Amendment No. 89 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) for the purposes of:
 1. Rezoning the Cockburn Coast area from ‘Industry’ and ‘Light and Service Industry’ to ‘Development’ zone.
 2. Introducing a new ‘Development Area’ (No. 33), and including provisions under Schedule 11 of the Scheme as included at Attachment 5.
- (2) adopt the Draft Cockburn Coast Master Plan for community consultation, for the purposes of providing a guiding document to inform the preparation of future Local Structure Plans within the Cockburn Coast area, subject to the following modifications:
 1. Renaming the ‘Cockburn Coast Master Plan’ to the ‘Cockburn Coast District Structure Plan Part 2’, and updating all references contained therein.
 2. Inclusion of a plan and table within the Master Plan report setting out the variations between the Cockburn Coast District Structure Plan and the Master Plan, and the reasons for these modifications.
 3. Conceptual details shown on the foreshore reserve being removed from the Master Plan, and the area being

delineated and annotated to indicate that it will be subject to a future Foreshore Management Plan.

4. Figure 41 (Irrigation Requirements) being modified to remove annotations for irrigation requirements within the foreshore reserve, and inclusion of an annotation that this is subject to a Foreshore Management Plan.
5. Section 3.0 (Opportunities) being renamed to 'Opportunities and Constraints', and modified to also include a discussion of the constraints within the project area.
6. Section 4.0 (Cultural Heritage) being modified to outline that the Cultural Heritage, Placemaking and Public Art Strategies are to be prepared for the whole Cockburn Coast area, rather than being a Local Structure Plan issue.
7. Modification to Section 5.2.2 (Architecture and Design) which refers to the development as 'low/medium' density, to refer to the development as being 'medium/high' to reflect the proposed densities shown in the density yield table which shows R40-R160.
8. Modification to Section 5.2.2 (Height) to include an annotation on Figure 28 (Building height plan) and Figure 30 (Land use plan) that taller elements may also be permitted as outlined within the Cockburn Coast District Structure Plan.
9. Rewording the Section 5.2.3 (Affordable Housing) to exclude references to the potential for less than 20% being provided, which would be inconsistent with the Cockburn Coast District Structure Plan, and to include references to when further work is likely to be undertaken on this matter.
10. Section 5.2.3 (Public Open Space) being modified as follows:
 - (a) Table 4 and 5 being modified so that they reflect the format set out in Table 11 of Liveable Neighbourhoods.
 - (b) Modification to Table 5 (Public Open Space schedule) to remove the portions of POS corridors that are existing portions of Beeliar Regional Park reserve.

11. Modification to Section 4.4.4 to clarify the purpose of the 'mixed use' zoning, and likely range of permissible land uses.
12. Inclusion of further explanation within Section 5.2.3 (Activity Centres) to outline the factors which may drive the commercial and office component of the centre to perform at a district and sub-regional level.
13. Inclusion of the assumptions which have been used in the Land Use Demand modelling.
14. Modification to Section 5.2.3 (Activity Centres; Mixed Use; Mixed Business) to correct all references to various 'uses' and 'zones' so that they are consistent with the terminology within City of Cockburn Town Planning Scheme No. 3.
15. Clarification of references to the 'Mixed Use' zone within Section 5.2.3 given that this zone is not defined in the Scheme, and specifying that the Local Structure Plan will outline the permissibility of land uses.
16. Inclusion of a definition of 'pedestrian retail' in Section 5.2.3 (Mixed Use) as this is not a land use defined in the Scheme.
17. Section 5.2.3 (Mixed Business) being modified to clarify the potential permissibility of 'heavy industrial' uses, as this section discusses such uses being retained, and then lists 'heavy industrial' uses as not suitable.
18. Inclusion of a concept plan to demonstrate that the proposed playing field (minimum sized AFL oval) is capable of being accommodated on the proposed site, including change rooms, spectator stand, and car parking whilst retaining the heritage listed trees Moreton Bay fig trees.
19. Correction to Section 5.2.3 (Employment and Land Use Demand) so the total number of jobs shown in Table 1 and 2 is consistent.
20. Table 1 contained within Section 5.2.3 (Land Use Demand) being updated so that the most current PLUC codes are used as follows: Manufacturing; Storage/Distribution; Service Industry; Shop/Retail; Other

- Retail; Office/Business; Entertainment; Health; Residential; and Utilities.
21. Inclusion of information within Section 5.2.3 (Land Use Demand) to explain the basis for the employment figures shown in the Table, particularly with regards to Health. (369 jobs) and Utilities (92 jobs).
 22. Inclusion of further information within Section 6.4 (Green Infrastructure - Key Findings) to specify how these matters can be mandated.
 23. Clarification within Section 8.2.4.1 (District Water Management Strategy – Water efficiency measures) of how these measures will be adopted for Cockburn Coast.
 24. Inclusion within Section 11.6.1 (Green Infrastructure Implementation Strategy) of implementation measures, setting of what matters (if any) can be mandated or encouraged, and how this will be achieved.
 25. Inclusion of visual impact modelling demonstrating the conceptual appearance of proposed building heights from key view corridors, including from the east.
- (3) advertise the Draft District Structure Plan for a period of 42 days in conjunction with Amendment No. 89, with advertising to generally follow the procedural requirements established under Clause 6.2.8.1 of City of Cockburn Town Planning Scheme No. 3;
 - (4) following advertising, consider the Draft District Structure Plan for endorsement as a guiding document in light of submissions or further information received during the advertising period;
 - (5) advise the applicant that prior to the Master Plan being considered for final approval it must be accompanied by an Employment and Economics Strategy;
 - (6) upon preparation of the necessary amendment documentation refer the amendment to the Western Australian Planning Commission (“WAPC”) for consent to advertise pursuant to the Town Planning Regulations 1967, given that the amendment is inconsistent with the Metropolitan Region Scheme zoning;
 - (7) upon preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act; and

- (8) on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, and consent being received from the WAPC, the amendment is to be advertised for a period of 42 days in accordance with the Town Planning Regulations 1967.

COUNCIL DECISION

Background

Cockburn Coast District Structure Plan

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

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

The WAPC has resolved to amend the Metropolitan Region Scheme ("MRS") to rezone the North Coogee industrial area to reflect the outcomes of the CCDSP (MRS Amendment No. 1180/41). At the meeting of 8 April 2010, Council resolved to make a submission to the WAPC supporting the proposed MRS amendment, subject to some minor modifications. It is anticipated that a decision will be made on the MRS Amendment later this year.

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

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

The purpose of Amendment No. 82 is to modify the Scheme in such a way so as to implement the outcomes of the Cockburn Coast District Structure Plan ("CCDSP") for the Newmarket Precinct. It also seeks to facilitate appropriate interim uses on the current 'Industry' zoned land within the CCDSP area, and to ensure industrial uses become subject to greater limitations than what is currently provided for under the Scheme. It is anticipated that Amendment No. 82 will be gazetted ahead of proposed Amendment No. 89, and it will facilitate a range of benign light industrial uses in the interim period.

Submission

The Cockburn Coast Master Plan has been submitted by HASSELL on behalf of Landcorp.

Report

The purpose of this report is for Council to consider adopting Amendment No. 89 and the Cockburn Coast Master Plan for community consultation.

Purpose of the Master Plan

This Master Plan applies to the Cockburn Coast project area south of Rollinson Road only. It excludes the Newmarket and Fremantle Village Precincts, which were included in the CCDSP, as these precincts are subject to separate planning processes.

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

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

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

Draft Master Plan

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

The development of the preferred concept considered two land use scenarios to achieve the CCDSP's objectives. One land use concept retained the highest concentration and mix of uses along Cockburn Road as presented in the CCDSP. The alternative shifted these core areas westward towards the coast (Attachment 6). The 'coastal nodes' concept was selected to take advantage of the proximity to the coast for scenic views and physical access to the foreshore. It also allowed for the first stage of development, which would occur on land owned predominantly by LandCorp, to create a high quality main street.

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

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

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

To summarise, the key differences between the CCDSP and the Draft Master Plan are:

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

It is recommended that the Master Plan include a section which specifically sets out all of the differences between the Master Plan and the CCDSP, and explains the reasons for these changes. It is recommended that this additional information be included prior to advertising, as this will assist landowners and members of the community in providing their comments.

Land Use Plan

The Master Plan includes a land use plan which is based on the following key principles:

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

Activity Centres

The Master Plan identifies two activity centres (Robb Jetty and Power Station), which are intended to contain a mix of land uses. They have been strategically located on the proposed rapid transit line at

proposed transit station locations. Their location ensures that residents and workers are within easy walking distance of their transit and daily/weekly shopping needs.

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

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

The Master Plan identifies that the Robb Jetty Activity Centre may potentially be bookended by an urban plaza on the beach side of the railway line, which will provide a further incentive for people to travel through Main Street, past the shops and cafes, to the beach. This is conceptual at this stage, and all development of the foreshore area will be subject to a detailed Foreshore Management Plan and Hazard Risk Assessment Study.

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

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

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

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

The Master Plan outlines that uses such as office, restaurants, community facilities, and shops would be the types of uses likely to be supported within the Power Station Activity Centre. Residential development would be encouraged on the upper levels of

commercial/retail multi-storey buildings, to facilitate all hours activation of activity centres and providing surveillance of the streets below.

Mixed Use

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

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

The Mixed Use zoning needs to be carefully managed so that it does not detract or disperse activity from the two proposed activity centres. Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans will be required to set out the specific permissibility of land uses. Design guidelines will also be critical in ensuring the desirable built form outcomes are achieved for the Mixed Use zone. In accordance with the CCDSP, the Mixed Use zoning is not intended to be overly prescriptive, providing that the uses can demonstrate a positive contribution to promoting a vibrant mixed use urban environment and do not detract from the two primary activity centres.

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

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

However, the CCDSP does not describe the Mixed Use zoning in this way. The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include ‘light and service industry’ and ‘general industrial’ uses. Therefore it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in

accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.

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

Mixed Business

The Master Plan proposes a Mixed Business zoning for a portion of Darkan Crescent. The Master Plan report outlines that this has been nominated in recognition of existing industrial business, including the Fremantle Coldstores and Sealanes. The Mixed Business zoning will also ensure a diversity of employment opportunities for the Cockburn Coast area.

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

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

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

The Master Plan makes reference to a number of different uses that are considered suitable or unsuitable within the Mixed Business zone. This terminology is consistent with the CCDSP, however it does not align with the definitions in the Scheme. It is therefore recommended that these terminologies be modified so that they are consistent with

land uses set out in the Scheme as another level of refinement from the CCDSP.

Residential

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

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

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

Public Purpose (Primary School)

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

The primary school site has been co-located with the district playing fields on a 1.5ha site, and it is intended to be a multi-level school adjacent to the playing fields and the Robb Jetty Main Street.

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

Public Open Space

The CCDSP designated the location of district-level POS for the Cockburn Coast area. Section 2.4.2.7 of the CCDSP specified that additional local-level POS would need to be identified during the more detailed planning phases.

The master planning process identified a shortfall of POS across the whole project area due to the POS buffer around the wastewater pumping station (adjacent to Rollinson Road) no longer being credited as POS as it was previously in the CCDSP. In addition, the preparation of the Master Plan identified a shortfall of POS between Cockburn Road and future Cockburn Coast Drive. While this area is within close proximity to the Beeliar Regional Park, it is still considered that the provisions of parks that serve a local a neighbourhood park function are important, particularly given that the Cockburn Coast will be a high density urban environment.

To address this issues the Master Plan proposed additional POS identified within the Emplacement/Hilltop Precinct. This is considered to result in an improvement to the quantity, function and distribution of POS, consistent with *Liveable Neighbourhoods* Element 4 (R14-R19). Given the density of development that is proposed, provision of POS is critical.

These green corridors have the potential to be designed to accommodate a range of local, neighbourhood and other recreational functions, including passive recreation and to serve as pedestrian linkages. The extension of the linear POS east of Cockburn Road also provides an ecological linkage from the coast to Beeliar regional park. The Local Structure Plan will outline how these functions can be achieved in further detail.

This area of proposed POS in the Emplacement/Hilltop Precinct has been annotated on the Master Plan to specify that it will be subject to further investigation at the Local Structure Plan stage.

This extended portion of POS affects four private landowners, and LandCorp have been in discussions with these landowners regarding this matter. These landowners will also have the opportunity to formally comment during the advertising of the Master Plan, and the subsequent Local Structure Planning process.

The Master Plan includes a table outlining the provision of POS, setting out the area of each proposed portion of POS. It is noted that a number of the green corridors on the eastern side of Cockburn Road include portions of existing Beeliar Regional Park. For example, approximately half of the green corridor east of the playing field is an

existing corridor or regional open space. This should therefore not be included within the POS Schedule. It is also recommended that this table be modified to reflect the format used in Liveable Neighbourhoods (Table 11). The Liveable Neighbourhoods format sets out the total site area, gross subdivisible area, deductions and POS. This is the preferred format for clearly articulating the quantity and percentage of POS.

Active Recreation (Playing Fields)

The Master Plan includes a district playing field as a shared facility with the primary school, as shown on the CCDSP.

The Master Plan report states that the district playing field will accommodate a 135m by 110m oval. However a detailed plan has not been provided showing that the playing field and the required associated facilities such as changing rooms, spectator stand and car parking can be accommodated without impacting on the heritage listed Moreton Bay Fig trees which are contained on the site.

The City's existing active recreation spaces in adjacent areas (ie. Hamilton Hill and Spearwood) are already experiencing pressure from existing organised sports, and do not have additional capacity to accommodate the future population of Cockburn Coast. Therefore it is considered critical that at least a minimum sized football oval is achievable to provide for the active recreational needs of the future Cockburn Coast population.

It is acknowledged that the Cockburn Coast area will be likely to have different demographics to that currently in the City, with a smaller proportion of families with children. However, provision of active recreation facilities for senior organised sport is also an important consideration.

The City's Sports and Recreation Strategic Plan outlines that development of shared facilities with the Department of Education are to only be undertaken if the land combination results in a suitable field being developed. It is therefore considered imperative that the playing field proposed by the Master Plan is a sufficient size for the City to enter into a shared arrangement with the Department of Education, to ensure that it is of a useable size for the purpose for which it is required.

It is therefore recommended that a concept plan of the playing field and the associated facilities be included in the Master Plan to demonstrate that this can be accommodated. Given its importance it is recommended that this is included prior to the Master Plan being advertised.

Building Heights

Building heights proposed by the Master Plan are generally within the range expressed in the CCDSP, and they are illustrated in Attachment 3.

The majority of residential development across the project area site will be between 3 and 5 storeys in height. Multi-storey residential development is proposed to be located primarily on the eastern ridge and may potentially be up to 8 storeys in height. The proposed building heights respond to site topography, maximizing views to the ocean, particularly for residential development across the site. Taller buildings are reserved for activity nodes and for residential development on the eastern ridge.

Development at key commercial/retail centres such as Rob Jetty Main Street and the South Fremantle Power Station is to a minimum of 5 storeys, and generally a maximum of 8 storeys. Overall building heights are proposed to be greater within activity centres, facilitating a general intensification of use.

The CCDSP identified that iconic, landmark and gateway sites (i.e. sites with greater height allowances and special design guidelines) will be important to enhance legibility and identity through the Cockburn Coast area. The CCDSP sets out the potential for gateway sites and sites with greater height allowances for each of the precincts.

The Master Plan identifies a potential gateway site with greater height allowances at the southern tip of the site (annotated on the plans), and Section 5.2.2 (Height) mentions that additional landmark and gateway sites as generally described in the CCDSP will need to be considered and identified as part of the future Local Structure Plans.

Figure 28 (Attachment 3) illustrates the distribution of building height throughout the project; however, it only annotates the potential for greater heights in the southern tip of the project area. It is considered that to provide clarification figure 28 (Building height plan) and figure 30 (Land use plan) should also include annotations that additional landmark and gateway sites, as generally described in the CCDSP will be considered and identified as part of the future Local Structure Plans. This is to ensure that if the height plan or land use plan are being viewed it is clear that there potentially may be greater height allowances throughout the project area than generally shown.

The proposed building heights have the potential to have a visual impact from the east of the project area in the suburbs of Spearwood and Hamilton Hill. It is therefore recommended that prior to advertising the Master Plan be amended to include some visual impact modelling

demonstrating the conceptual appearance of proposed building heights from key view corridors, including from the east. This will assist landowners and the community in visualising the proposed development.

Foreshore Management Plan

The Master Plan includes some conceptual details for the foreshore reserve. While it is understood that the detail shown on the foreshore area is intended to be conceptual and 'inspirational', the City must be mindful of creating false expectations for the community.

The foreshore reserve will be subject to a detailed Foreshore Management Plan and Coastal Hazard Risk Assessment, and it is therefore considered premature to indicate development and embellishment within the foreshore area ahead of these studies.

It is not considered appropriate that the Master Plan include any detail relating to development or landscaping of the foreshore ahead of these detailed studies. It is therefore recommended that the conceptual landscape design/development for the foreshore reserve area be removed from the Master Plan prior to advertising.

It is also recommended that Figure 41 (Irrigation Requirements) of the Master Plan report be modified to remove annotations for irrigation requirements within the foreshore reserve, and that an annotation be included stating that this area is subject to a Foreshore Management Plan.

While the foreshore environment will be expected to deliver a mix of natural and urban experiences this will require very careful design and deliberation to arrive at an outcome all stakeholders are happy with.

Local Structure Plan Areas

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

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

The Master Plan does not include the 'Newmarket Precinct' and 'Fremantle Village' precincts, which were encompassed by the CCDSP, as these areas will be dealt with separately. The Newmarket

Precinct has been dealt with separately through Amendment No. 82, given that this area is already zoned 'Urban' under the MRS.

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

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

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

Amendment No. 89

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

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

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

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

Development Area Provisions

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

The draft provisions include a range of key requirements that will apply to the whole 'Development Area'. These provisions set out that an approved Local Structure Plan together with all approved modifications

shall apply to each Local Structure Plan area identified in the Master Plan in order to guide subdivision and development.

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

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

Requirements for Local Structure Plans

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

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

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

achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

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

Achieving Minimum Densities

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

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

Design Guidelines

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

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

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

The provisions require all proposals that include residential development to demonstrate diversity in dwelling types, through the incorporation of different sized and designed dwellings. There is an

expectation that a number of different types (size and design) comprise every proposal that includes residential development.

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

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

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

Affordable Housing

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

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

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

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

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

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

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

It is noted that Section 5.2.3 (Affordable Housing) of the Master Plan report states that further work is desirable to clarify whether 20% is an appropriate or achievable target for Cockburn Coast. It is not considered that this statement is appropriate, as the CCDSP sets out a 20% target, and the expectation is that an Affordable Housing Strategy will seek to achieve this target.

It is therefore recommended that this statement in Section 5.2.3 be removed, and further information should be included regarding a future Housing Affordability Strategy for the area.

Employment and Economic Development Strategy

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

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

It is therefore recommended that an Employment and Economic Development Strategy be submitted to Council for consideration in conjunction with the Master Plan when it is considered for final approval after advertising.

In this way it can be demonstrated that the land use plan allows the employment self-sufficiency targets to be achieved, and any required changes can be considered prior to it being adopted for final approval.

Requirements for Further Studies

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

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

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

Existing Businesses/Land Uses

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

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

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

Landcorp have engaged Parsons Brinkerhoff to undertake an Interim Freight Traffic study to manage freight traffic associated with these uses as the area is developing.

Future Scheme Amendment – Developer Contribution Area(s)

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

The purpose of a DCA is to:

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

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

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

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

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

LandCorp have advised the City that they intend to undertake landowner and stakeholder consultation later this year, and that a draft DCP and cost apportionment schedule may be complete by September 2011. At this stage LandCorp anticipate that a draft DCP may be lodged with Council in early 2012.

The Cockburn Coast area will also be subject to DCP13, which was approved by Council as part of Amendment No. 81. DCP 13 proposes to introduce the requirement for contributions towards community infrastructure which includes sporting and recreation facilities, community centres, libraries and cultural facilities.

Other Recommended Modifications

A 'District Structure Plan' is the title that is normally assigned to a document that is adopted by Council to provide guidance for the preparation of the subsequent Local Structure Plans.

For consistency of terminology it is therefore recommended that the 'Cockburn Coast Master Plan' be renamed to the 'Cockburn Coast District Structure Plan Part 2'. This makes it clear that both documents must be referred to in the preparation of Local Structure Plans.

It is recommended that a number of other matters be addressed/clarified in the Master Plan prior to it being advertised, and these are discussed below.

Section 3.0 (Opportunities) sets out the opportunities that the area presents, however it is recommended that this section be renamed to 'Opportunities and Constraints', and modified to also include a discussion of the constraints within the project area.

Section 4.0 (Cultural Heritage) outlines that Cultural Heritage, Placemaking and Public Art Strategies are Local Structure Planning issues; however, it is not considered appropriate that these matters be dealt with separately for each Local Structure Plan area. These issues should be dealt with through comprehensive strategies which encompass the whole Cockburn Coast area. It therefore recommended that this section be modified accordingly.

It is recommended that further explanation be included within Section 5.2.3 (Activity Centres) to outline the factors which may drive the commercial and office component of the centre to perform at a district and sub-regional level. In regard to the Land Use Demand modelling, the assumptions used have not been outlined (i.e. what demand is population driven and what is more strategic, resulting from the unique factors of the site), and is recommended that further information be included regarding these assumptions.

It is recommended that Section 5.2.3 (Activity Centres; Mixed Use; Mixed Business) be modified to correct all references to various 'uses' and 'zones' so that they are consistent with the terminology of the Scheme.

Table 1 and 2 contained within Section 5.2.3 (Employment and Land Use Demand) have two different figures for the total job numbers, and it is recommended that this is corrected.

Table 1 contained within Section 5.2.3 (Land Use Demand) uses the incorrect Planning Land Use Category codes ("PLUC codes"), and it is recommended that there are updated so that the most current PLUC codes are used as follows: Manufacturing; Storage/Distribution; Service Industry; Shop/Retail; Other Retail; Office/Business; Entertainment; Health; Residential; Utilities.

Section 5.2.3 (Land Use Demand) includes some specific employment figures, and it is recommended that further explanation be included to explain the basis for the employment figures shown in the Table, particularly with regards to Health (369 jobs) and Utilities (92 jobs).

It is recommended that Section 8.2.4.1 (District Water Management Strategy – Water efficiency measures) be amended to include information regarding how these measures will be adopted for Cockburn Coast.

It is recommended that Section 6.4 (Green Infrastructure - Key Findings) be modified to specify how the matters outlined can be mandated. It is also recommended that Section 11.6.1 (Green Infrastructure Implementation Strategy) be modified to include an explanation of which implementation measures can be mandated or encouraged, and how this will be achieved.

Conclusion

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

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

Amendment No. 89 sets the framework for the coordinated development of the Cockburn Coast area in a manner that ensures the objectives of the CCDSP are achieved. It is therefore recommended that Council adopt the amendment for community consultation.

It is recommended that Council advertise the Master Plan for a period of 42 days in conjunction with Amendment No. 89.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Infrastructure Development

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.
- To encourage development of educational institutions that provides a range of learning opportunities for the community.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.
- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.
- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

Budget/Financial Implications

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

Legal Implications

N/A.

Community Consultation

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

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

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

In May 2011 Landcorp undertook three information sessions (one for each proposed Local Structure Plan area) with landowners and government agencies regarding the Draft Master Plan, outlining the

modifications that had been incorporated into the Master Plan from the previous drafts seen by landowners.

Formal advertising of the Master Plan and Scheme Amendment No. 89 will be undertaken by the City, and it is intended that they will be advertised concurrently. Advertising of Scheme Amendment No. 89 will be undertaken in accordance with the *Town Planning Regulations 1967*.

The consent of the WAPC will be required prior to Scheme Amendment No. 89 being advertised because the subject area is still zoned 'Industrial' under the MRS. The proposal to rezone the area to 'Development' zone would therefore be inconsistent with the MRS, and pursuant to the *Town Planning Regulations 1967* this triggers the requirement for the WAPC to consent to advertising of the Amendment.

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

The Amendment and Master Plan will be advertised for 42 days, which is the statutory advertising timeframe required for Scheme amendments.

Attachment(s)

1. Cockburn Coast District Structure Plan (2009)
2. Draft Cockburn Coast Master Plan (Land Use Plan)
3. Draft Cockburn Coast Master Plan (Height Plan)
4. Cockburn Coast Local Structure Plan areas
5. Scheme Amendment No. 89 Draft 'Development Area 33' provisions
6. Cockburn Coast Integrated Transport Plan – Recommended Transit and Core Areas Alignment.

Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at the 14 July 2011 Council Meeting.

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

NA.

14.6 (OCM 14/7/2011) - ADOPTION OF LOCAL GOVERNMENT INVENTORY AND HERITAGE LIST; SCHEME AMENDMENT NO. 86 (MODIFICATION TO HERITAGE PROVISIONS); AND ADOPTION OF DRAFT LOCAL PLANNING POLICY (HERITAGE CONSERVATION DESIGN GUIDELINES) - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (PS/L/002 AND 93086) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Local Government Inventory ("LGI") for final approval, subject to the following modifications:
 1. Place No. 67 (Naval Base Caravan Park) being identified as a 'Proposed Heritage Area', and modifications to the place record as shown in Attachment 8.
 2. Inclusion of the South Fremantle Power Station as Place No. 75, as shown in Attachment 10.
 3. Inclusion of a new place record for a 'Significant Tree' for the Mulberry tree in Manning Park, to be included on the Significant Tree List.
 4. Inclusion of additional information and photographs in the place record for Place No. 45 (Uniting Church, Spearwood) of the interior of the church, and timber tribute plaques as shown in Attachment 12.
 5. Minor editing corrections to the place records as required.
- (2) advertise the proposed removal of the Four Norfolk Pine Trees from the proposed Significant Tree List;
- (3) adopt the Heritage List included at Attachment 2, pursuant to Clause 7.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), subject to the following modifications:
 1. Inclusion of Place No. 75 (South Fremantle Power Station), as shown in Attachment 2.
- (4) adopt for final approval Amendment No. 82 to the Scheme for the purposes of:
 1. Modifying Clause 10.2.1(h) as follows:
 - (h) *the conservation of any place that has been entered in the Register within the meaning of the Heritage of*

Western Australia Act 1990, or which is included in the Heritage List under Clause 7.1, and the effect of the proposal on the character or appearance of a heritage area.

2. Replacing the words 'Municipal Inventory' in Clause 7.1.2(a) and 7.1.2(b) with 'Local Government Inventory'.
 3. Modifying Schedule 1 (General Definitions) by replacing the term 'Municipal Inventory' with 'Local Government Inventory', with the definition to remain unchanged.
 4. Modifying Clause 8.2.1(b) by including an additional sub-clause as follows:
 - (iv) *the proposal is located on a place that is included on the Heritage List.*
 5. Modifying Clause 8.2.1(c) by including an additional sub-clause as follows:
 - (vi) *included on the Local Government Inventory.*
 6. Including a new Clause 7.6 as follows:

'Planning approval is required prior to the removal, destruction of and/or interference with any tree included on the Local Government Inventory Significant Tree List.'
- (5) ensure the amendment documentation once signed and sealed is submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning;
 - (6) notify landowners and occupiers of places on the Heritage List, and the Western Australian Planning Commission and Heritage Council, as required by Clause 7.1.4 of the Scheme;
 - (7) provide the Heritage Council of WA with a copy of the Local Government Inventory, with the modifications outlined in 1;
 - (8) in pursuance of Clause 2.5.2(b) of the Scheme, adopt the Local Planning Policy (Heritage Conservation Design Guidelines) with minor modifications as reflected in Agenda Attachment 7 to this report;
 - (9) publish notice of the adopted Local Planning Policy (Heritage Conservation Design Guidelines) in accordance with Clause 2.5.3 of the Scheme;

- (10) notify those parties that made a submission of the decision of Council;
- (11) endorse the Schedule of Submissions prepared in respect of the Local Government Inventory, Heritage List, Scheme Amendment No. 86 and Local Planning Policy (Heritage Conservation Design Guidelines); and
- (12) direct officers to prepare the necessary documentation for the designation of a new draft Heritage Area for Place No. 67 (Naval Base Caravan Park) pursuant to Clause 7.2 of the Scheme, including the preparation of a Draft Local Planning Policy to set out the objectives and guidelines for the area to be presented back to Council at a future date to be adopted for the purposes of community consultation.

COUNCIL DECISION

Background

The identification, conservation and protection of places and areas of State heritage significance are provided for in the *Heritage of Western Australia Act 1990*. This provides for the compilation of the state heritage register by the Heritage Council of Western Australia ("Heritage Council") and the Heritage Minister.

The identification of places and areas of local heritage significance is also provided for in the *Heritage of Western Australia Act 1990*, which requires all local governments to identify heritage places in local government inventories ("LGI").

The City's first Municipal Inventory ("MI") was adopted in 1998 after an extensive community consultation process that resulted in the inclusion of 63 places of cultural heritage significance. The MI was subsequently reviewed and adopted by Council on 20 April 2004 (Item 14.18), and 35 new places were added in a second volume (i.e. with Volume 1 being the 1998 MI). There were no additional places identified for inclusion on the Heritage List as part of this review.

In 2009 the City engaged a Heritage Consultant, Eddie Marcus, to review the MI (Volumes 1 and 2), and the Heritage List. This included a review of all existing places, and identification of new places of cultural heritage significance to form a Draft LGI and Heritage List for the purposes of community consultation.

At the Ordinary Meeting of Council 8 July 2010, Council adopted the Draft LGI, Heritage List, Local Planning Policy (Heritage Conservation Design Guidelines) and Scheme Amendment No. 86 for consultation (Minute No. 4311). They were subsequently advertised for public comment between 19 October 2010 and 10 January 2011.

The purpose of this report is to now consider these for finalisation, following the process of public consultation which has occurred.

Submission

N/A

Report

The purpose of this report is for Council to consider adopting the following for final approval:

- * LGI
- * Heritage List pursuant to Clause 7.1.3(d) of the Scheme;
- * Local Planning Policy (Heritage Conservation Design Guidelines) ("Draft Policy").
- * Scheme Amendment No. 86 (Scheme text amendments relating to heritage).

It is considered that these proposals will provide a framework for the protection of places with heritage significance within the City of Cockburn.

Each of these proposals is discussed separately in detail below.

Local Government Inventory

The Draft LGI was prepared by Heritage Consultant, Eddie Marcus, and the full document is available to view on the City of Cockburn website. A list of all the places is included in Attachment 1.

The compilation of the Draft LGI has been undertaken in accordance with assessment criteria set out in the 'Criteria for the Assessment of Local Heritage Places and Areas' published by the Heritage Council. The following assessment criteria are used in this process:

- * Aesthetic value
- * Historic value
- * Research value
- * Social value
- * Rarity

- * Representativeness
- * Condition, Integrity and Authenticity.

Through this process each place on the Draft LGI has been allocated an assigned management category, which provides an indication of the level of significance of the place, as follows:

- A – Exceptional significance
- B – Considerable significance
- C – Significant
- D – Some Significance
- T – Significant Tree

The Draft LGI includes a total of 106 places, and eight of these are new places that are not included in the current MI.

Heritage List

The Heritage Consultant has recommended that all places identified as management category A and B be included on the Heritage List because these are the places with the highest heritage significance (Attachment 2).

This means that of the 106 places on the Draft LGI, 41 places are also identified for inclusion on the Heritage List pursuant to the Scheme. This represents a reduction in the number of places on the Heritage List than is currently identified (58 places), because the MI that was adopted in 1998 effectively identified all places for inclusion on the Heritage List, with the exception of management category E places (places with little or no remaining physical features – no longer proposed to be a category in the Draft LGI).

Of the places that are currently identified as being on the Heritage List, there are 18 that are no longer proposed to be included however they will remain on the LGI. These places are outlined in Attachment 3 with the specific reason(s) why they are not proposed to be included on the Heritage List, and the outcomes of community consultation. In many cases this is because of the proposed management category that has been assigned to the place (i.e. they have been identified as a management category C or D place).

There are eight new places proposed to be included on the Heritage List, and these are outlined in Attachment 4, including the reason(s) for their proposed inclusion, and the outcomes of community consultation.

The proposed Heritage List is considered to represent a more refined list of places with the greatest cultural heritage significance which is considered important given that the Scheme requires planning

approval prior to even minor works being undertaken to places on the Heritage List. This includes works such as the replacement of gutters or downpipes. The purpose of this requirement is to ensure that such works are undertaken in a sensitive manner, in a way that does not compromise the heritage significance of the place. However, this requirement is considered onerous in cases where places are of lesser significance, and where the intention of including them on the Heritage List was only to provide the opportunity for an archival record (i.e. a historical record of a place including photographs and plans). Therefore it considered prudent to ensure that planning approval is not being required unnecessarily.

One of the main reasons that the original MI proposed the inclusion of management category A - D places was to enable the opportunity for an archival record to be prepared for those places with less significance. The revised Heritage List is smaller, however the proposed changes to the Scheme provisions will mean that planning approval is required prior to the demolition of all places on the LGI. The intention of this is to provide the opportunity for an archival record without imposing the burden of requiring development approval for all works (discussed in detail in the next section).

Proposed Scheme Amendment No. 86

Scheme Amendment No. 86 proposes to modify some of the provisions related to heritage, and these changes are outlined in detail below.

Requirements for Planning Approval

There are some modifications proposed to the Scheme text that have implications for the types of development that will require planning approval.

Clause 8.2 of the Scheme sets out the types of developments that are exempt from planning approval. Currently works that affect only the interior of a building and which do not materially affect the external appearance of the building are exempt from planning approval, except where the building is included on the State Register of Heritage Places, or on the Heritage List under the Scheme.

The erection of a single house, including any extension, ancillary outbuildings and swimming pools is also exempt, except where the development will be located in a Heritage Area designated under the Scheme. It should be noted that the City has no existing Heritage Areas, nor are any proposed as part of this review. It is proposed that Clause 8.2.1(b) of the Scheme be modified to also require planning approval for the erection of a single house, including any extension, ancillary outbuildings and swimming pools where a place is included on

the Heritage List. It is considered that the current exclusion of this requirement is an oversight, given that the current provisions require development approval for internal works for places on the Heritage List.

The Draft Policy provides more design guidance regarding the types of development that may be acceptable to assist landowners and Council in the assessment of applications (discussed in further detail later in this report).

Proposals for works to places included on the State Register of Heritage Places require planning approval, and pursuant to the *Heritage of Western Australia Act 1990* the advice of the Heritage Council is required prior to a decision being made.

Demolition

Currently the demolition of any building or structure is exempt from planning approval except where it is located on the State Register of Heritage Places; where it is the subject of a Conservation Order under Part 6 of the *Heritage of Western Australia Act 1990*; or where it is included on the Heritage List; or located in a Heritage Area.

It is proposed to include an additional clause to also require development approval for the demolition of all places that are included on the LGI. This will facilitate the opportunity to require an archival record prior to demolition of a management category C or D place. If this is not required there is no mechanism through the demolition licence process for an archival record to be required for places that are not included on the Heritage List.

The Draft Policy provides further guidance regarding when demolition proposals will be supported (discussed later in this report).

Significant Trees

The Draft LGI includes a number of 'Significant Trees', many of which are already included on the current MI (identified in the original MI and the subsequent 2004 review). It is proposed that all trees on the LGI be specifically included on a Significant Tree List, to be clearly outlined in the LGI. The Draft Significant Tree List is included at Attachment 6.

Trees that were identified in the original MI (1998) were also identified for inclusion on the Heritage List. It is clear that the intention of including these trees on the Heritage List was to protect them; however the provisions in the Scheme that protect heritage places specifically relate to buildings and structures. For example, the provisions of the Scheme [Clause 8.2.1(c)] that require planning approval prior to demolition of a place on the Heritage List specify that this is required

for demolition of a building or structure. These provisions are not considered to provide any protection to trees, and there are no other provisions in the Scheme that protect trees that are on the Heritage List or LGI (or MI as it is currently referred to in the Scheme).

The trees that were identified in the 2004 MI review have been allocated specific management recommendations, and while they were not identified for inclusion on the Heritage List in certain circumstances where the tree is located on private property, the current MI specifies that inclusion of the tree on the MI affords it a level of protection. However, there is currently no mechanism to implement or enforce the management recommendations that are outlined in the place records.

In order to provide some level of protection to the 'Significant Trees', and to clarify the applicable requirements, it is recommended that an additional clause be included in the Scheme to require planning approval prior to the removal of any significant tree identified on the LGI.

It is considered that the proposed Amendment will provide an improved framework for the identification and protection of significant trees.

Minor Scheme Text Modifications

The following minor Scheme text changes are proposed:

- * Updating all references to the 'Municipal Inventory' with the term 'Local Government Inventory', consistent with the new terminology in the *Heritage of Western Australia Act 1990*.
- * Correction to the wording of Clause 10.2.1(h) to reflect the Model Scheme Text ("MST"), which does not affect the operation or intent of the clause.

Draft Local Planning Policy (Heritage Conservation Design Guidelines)

The City does not currently have a local planning policy covering heritage matters, and currently relies on *State Planning Policy 3.5 Historic Heritage* ("SPP 3.5"). While SPP 3.5 broadly covers development control principles for heritage places, it is considered that further guidance and direction would be of benefit to Council and landowners.

The Policy will provide further guidance for landowners regarding the types of works that will be acceptable.

Clause 10.2.1(h) of the Scheme identifies that in considering applications for planning approval the local government must have due regard to the conservation of any place on the State Register or

Heritage List. However, there is no further guidance regarding this matter, given that the heritage provisions of the Scheme (set out in Part 7), primarily relate to the procedural matters for heritage places, rather than principles or guidelines for actual development proposals. These do not offer any guidance for landowners of heritage places, nor for the Council in assessing proposals for development.

In preparing the Draft Policy consideration has been given to the Heritage Council's *Guidelines for Local Planning Policies*; SPP 3.5; and the principles of the Burra Charter for the conservation of places of cultural heritage significance [Australian International Council on Monuments and Sites (ICOMOS)]. This is generally accepted as the standard for heritage practitioners in Australia.

The Draft Policy is included at Attachment 7, and a brief overview of the content of the Draft Policy is provided below. It should be noted that the Draft Policy reflects the proposed changes outlined in the Scheme Amendment.

External Alterations and Extensions

Proposed alterations and extensions to places on the Heritage List require planning approval, and the Draft Policy sets out design guidelines in this regard.

These policy provisions are underpinned by the following key principles of the *Burra Charter*, and SPP 3.5:

- * New development should not mimic the old, and should be distinguishable from the original.
- * Changes to a place should be based on respect for the existing fabric, requiring a cautious approach of changing as much as necessary but as little as possible.
- * New work should not obscure or detract from the heritage significance of a place.

Internal Alterations

The Draft Policy sets out alterations to the interior of a heritage place to suit a current and compatible use will be supported where the proposal does not compromise the heritage significance of the place.

Change of Use

The *Burra Charter* sets out that a place should have a compatible use, and the Draft Policy proposes that adaptive reuse of heritage places may be supported provided that the proposed use(s) will not impact negatively on the amenity of the surrounding area; that any required

modifications do not substantially detract from the heritage significance of the place; and that it is consistent with the Scheme and other relevant Council policies.

New Buildings/Structures

New buildings, structures and other features that are located within the curtilage of a heritage place have the potential to impact on the heritage significance by affecting the setting of the place. Therefore the Draft Policy sets out guidelines for such proposals, which primarily seek to ensure that proposals for new buildings or structures do not detract from the setting or heritage significance of a place.

These proposed policy provisions are consistent with the principles of the Burra Charter which specifies that conservation requires the retention of an appropriate setting for a place, and that new construction, intrusions or other changes should not adversely affect the setting of a place.

Demolition

One of the important functions of the Draft Policy is to set out policy provisions for proposed demolition of heritage places, which are proposed to vary depending on the heritage significance of the place.

In this regard the Draft Policy sets out the following:

Places on the Heritage List (Management Category A and B Places) -

Demolition of places on the Heritage List (i.e. Management Category A and B places) will not generally be supported.

Consideration of a demolition proposal will be based on the following:

- * The significance of the place.
- * The feasibility of restoring or adapting it, or incorporating it into new development.
- * The extent to which the community would benefit from the proposed redevelopment.

This position is considered to be consistent with SPP 3.5, which stipulates that demolition of a State heritage place is rarely appropriate and should require the strongest justification; and demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. SPP 3.5 specifies that the onus rests with the applicant to provide a clear justification for demolition.

Therefore the Draft Policy sets out that where structural failure is cited as justification for demolition the onus rests with the applicant to provide a clear justification for demolition, and evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without the removal of a majority of its significant fabric and/or prohibitive costs.

The Draft Policy sets out that partial demolition of a building on the Heritage List may be supported where the part(s) to be demolished do not contribute to the cultural heritage significance of the place, and sufficient fabric is retained to ensure structural integrity during and after development works.

In circumstances where demolition of a place on the Heritage List is considered appropriate an archival record will be required as a condition of development approval, and the archival record should be prepared in accordance with the Heritage Council of WA's guidelines.

Where full or partial demolition is supported this may be subject to appropriate interpretation to acknowledge the cultural heritage significance of the heritage place.

Places on the LGI (Management Category C and D)

While the retention of any place on the LGI will always be encouraged, generally proposals for demolition of a management category C and D place will be acceptable; however an archival record would be required prior to demolition.

Significant Trees

The proposed Scheme Amendment proposes to require planning approval prior to the removal of a tree included on the Significant Tree List.

The Draft Policy proposes to include some provisions to outline the type of works that may be acceptable. For example, 'Significant Trees' may be pruned as part of routine maintenance in accordance with the International Society of Arboriculture standards, provided the pruning would not reduce the tree's height or crown or diameter, alter the trees general appearance, increase the tree's susceptibility to insects or disease, or otherwise increase its risk of mortality.

The Draft Policy sets out that the removal of 'Significant Trees' will only be supported where it is necessary to protect public safety or private or public property from imminent danger, and the onus is on the applicant

to demonstrate that this is the case. This may require the submission of a report prepared by a suitably qualified arborist.

Proposals for substantial pruning to a 'Significant Tree' may require the submission of an arborist report prepared by a suitably qualified consultant demonstrating that the proposal is acceptable.

Minor Works, Repairs, and Restoration

Pursuant to the Scheme all development affecting a place on the Heritage List requires development approval. This includes minor works such as replacement of roofing, and gutters. The purpose of this requirement is to ensure that these works do not have a negative impact on the heritage significance of the place.

The Draft Policy provides further guidance regarding what constitutes minor works and routine maintenance to assist landowners. It also outlines guidelines for undertaking minor works, such as replacing materials "like for like", matching the original as closely as possible with regard to the materials and colours.

Structure Plans and Subdivision Proposals

Proposals for the subdivision of land that contains a heritage place(s) have the potential to impact on the heritage significance of the place, in particular by impacting on the setting. The Draft Policy proposes that subdivision proposals for heritage places should be designed to retain an appropriate setting for heritage buildings, and this includes the retention of original garden areas, landscaping features or other features that are considered essential to the setting of the heritage place or its heritage significance.

Consideration should also be given to how future development of the subdivided land is likely to affect the identified significance of the heritage place. It is also important to note that under the Scheme discretion exists to vary provisions of the Scheme or the R-Codes.

The Draft Policy also proposes that subdivision proposals which indicate the required demolition, partial demolition or modification to a place on the Heritage List or State Register of Heritage Places will not be supported without a Heritage Impact Statement accompanying the subdivision proposal. A Heritage Impact Statement sets out how the proposal will affect the significance of the place; what alternatives have been considered to ameliorate any adverse impacts; and how the proposal will result in any heritage conservation benefits that may offset any adverse impacts. This is to be prepared by a heritage professional and in accordance with the Heritage Council of WA's guidelines.

While the Western Australian Planning Commission (“WAPC”) is the decision-making authority for subdivisions, it is proposed that the Draft Policy will be used to guide the City’s recommendations to the WAPC.

For proposed structure plans that incorporate heritage places the Draft Policy sets out that they should demonstrate how matters of heritage significance will be addressed. In some cases where a number of places are included an overall heritage may be required as part of the structure plan report, demonstrating how heritage issues will be addressed, including recommendations for interpretation.

Proposed Requirements for Archival Recording

Throughout the Draft Policy where there is reference to the requirement of an archival record this is required to be in accordance with the ‘Standard Form (for places not included on the State Register) for the Archival Recording of Heritage Places’, produced by the Heritage Council of WA.

This sets out the requirements for archival records, and it is proposed that this standard form and brief be used for all archival records. The amount of supporting information that is required for the archival record depends on the management category, but it generally includes photographs of all elevations of the heritage building(s) or structures, internal rooms and features, and a sketch standard site plan, floor plan and elevation (to scale).

Recommended changes to draft place listings

Place No. 67 (Naval Base Caravan Park)

The City received 100 objections to the proposed change in management category for the Naval Base Caravan Park from Management Category B to C. This included objections from Naval Base shack lessees, members of the community, the Historical Society of Cockburn, and the National Trust of WA. All submissions are outlined and addressed in Attachment 5.

Many of the submissions included memories of holidays at the Naval Base shacks, highlighting the exceptional social and cultural significance of the place.

The Naval Base Holiday Association and a number of other submissioners made the suggestion that Naval Base Caravan Park be included in a ‘Heritage Area’. Heritage Areas are select areas with special qualities, and are generally quite rare within a locality. The Scheme states that Heritage Areas are used where in the opinion of

the Local Government special planning control is needed to conserve and enhance the cultural heritage significance and character of an area.

This option has been discussed with the City's Heritage Consultant and it is considered appropriate that Council consider designating Naval Base Caravan Park as a Heritage Area. A draft place record has been prepared proposing the designation of Naval Base Caravan Park as a Heritage Area, and is included at Attachment 8.

The Heritage Council's 'Criteria for the Assessment of Local Heritage Places and Areas' is a guide to identifying grading and documenting places and areas in LGIs. This document outlines that there is generally no need to assign a specific Management Category to a Heritage Area.

SPP 3.5 states that Heritage Areas should always be designated on the basis of a clear statement of significance, and a clear identification of the significant physical fabric in the area. In designating a Heritage Area Council is required to adopt a Local Planning Policy that sets out the objectives and guidelines for conserving the significant heritage fabric of the area.

The Scheme sets out the specific procedures for designating Heritage Areas, and requires a draft Heritage Area to be advertised with a Draft Local Planning Policy. This is why the Heritage Area cannot be formally adopted by Council for advertising at this time.

It is therefore recommended that Council direct officers to prepare the necessary documentation for the designation of a new draft Heritage Area for Place No. 67 (Naval Base Caravan Park) pursuant to Clause 7.2 of the Scheme. This includes the preparation of a Draft Local Planning Policy to set out the objectives and guidelines for the area to be presented back to Council at a future date to be adopted for the purposes of community consultation.

It is important to note that Local Planning Policies are adopted under the Scheme for the purposes of assisting Local Governments make decisions under the Scheme. Therefore they cannot impose construction or health standard requirements for the Naval Base shacks, as suggested in a number of the submissions received.

Clarence Town Site

Place No. 99 (Peel Town Archaeological Site) is a new place on the Draft LGI which reflects the location of an archaeological site near Mount Brown, within Beeliar Regional Park. There are features remaining in this location of the abandoned Clarence settlement of

1829-30, now called Peel Town to avoid confusion with the later and larger Clarence Town which is further north near Woodman Point.

A submission was received which raised the issue of the Clarence town site, and the relevance to the Naval Base Caravan Park site. This submission asserts that the site upon which the shacks are located is part of that original settlement by Thomas Peel at which he attempted to establish settlement of the region when he landed at this site 15 November 1829 on the Gilmore captained by Geary.

It is important to note that there is still extensive ongoing debate on this issue between historians and archaeologists, and it is not possible for a definitive answer to be provided at this stage in the City's LGI. If the place record for the Place No. 99 (Peel Town Archaeological Sites) or Place No. 67 (Naval Base Caravan Park) need to be updated in future, or new places added in light of further information, this can occur at that time.

However, it is recommended that the place record reflect the fact that the site itself is possibly an important archaeological site, and the draft LGI entry for the Naval Base Caravan Park now notes the potential archaeological value of the site (shown in Attachment 8). If there are any future changes to the Naval Base shacks site these can be managed to ensure there is no damage to the potential archaeological investigations of the site.

Place No. 75 (South Fremantle Power Station)

Council adopted the Draft LGI and Heritage List for public consultation subject to the removal of the South Fremantle Power Station, which is included on the current MI.

South Fremantle Power Station is a former coal-fired electric power generating installation that was constructed in 1951, and it was the second and largest purpose-built thermal power station in Western Australia. The surviving main building remains aesthetically significant; the building demonstrates the strong expression of a structure specifically designed for an industrial process.

The South Fremantle Power Station is included on the Interim Register of Heritage Places (25/10/1997).

Assessment of places on the LGI is undertaken in accordance with the criteria set out by the Heritage Council of WA, and has identified that the South Fremantle Power Station is of 'exceptional significance'.

The South Fremantle Power Station is located within the Cockburn Coast District Structure Plan ("District Structure Plan") area, which was

adopted by the WAPC in August 2009. The District Structure Plan outlines that it is considered appropriate to secure the heritage values of the place into the future. It outlines that the South Fremantle Power Station is a significant component of the District Structure Plan owing to its physical dominance and uniqueness, and it identifies that the power station will become the landmark feature of the town centre. It specifies that – “Retention of the power station is therefore of critical importance”.

Therefore, in light of the endorsed District Structure Plan, and the exceptional heritage significance of the South Fremantle Power Station it is recommended that this place be included on the LGI and Heritage List, as shown in Attachments 2 and 10.

Place No. 89 (Four Norfolk Pine Trees) 104 Forrest Road, Hamilton Hill

The four Norfolk Pine trees at 104 Forrest Road, Hamilton Hill are included on the current MI, and are identified for inclusion on the Heritage List.

Two objections were received from landowners regarding the proposed changes to the requirements for ‘Significant Trees’ (outlined in Attachment 5).

These property owners claim that they have been dealing with root management issues relating to these trees, which includes blocked sewerage pipes and broken roof tiles. The City has also received a number of complaints from residents and occupiers at 104 Forrest Road since the development of the grouped dwellings.

The subject land was rezoned to R30 (to facilitate the 12 grouped dwellings) on the proviso that the four Norfolk Pine trees would be retained. A concerted effort was made during the site works and construction of the grouped dwellings to ensure that the trees were retained.

These trees were included on the MI primarily because of their high aesthetic significance. This related to physical features of the trees, such as outstanding trunk circumference and canopy spread, and being a good example of the species. They also feature as a landmark in the area. When the MI was reviewed in 2004 the neighbours stated that they believed the trees had an association with the racing industry in the area. Therefore it is possible that these trees also have cultural heritage significance through this association.

However, given the size of these trees and their close proximity to the dwellings the likely problems that have been experienced by the landowners are acknowledged. For example, two of the trees are

located in the small rear courtyards of the grouped dwellings (see photograph example at Attachment 9). Therefore this impact must be weighed against the cultural heritage significance of the trees associated with their aesthetic and possible historical value.

It is noted that Arboriculture reports have been commissioned by the City to examine the safety of the trees (one undertaken in 2005 in response to concerns from residents). It is acknowledged that based on these reports it is unlikely that the trees themselves are a safety concern, although it was noted that they are damaging paving, and possibly sewerage pipes.

It is also noted that Council at the Ordinary Meeting of Council 14 July 2005 (Min No. 2865) refused the proposed removal of one of these trees at unit 4. This decision was on the basis that Council's support for the rezoning of the land was subject to all four Norfolk Pine Trees being retained; and the tree was one of the tallest and most visually recognised trees in the area and forms part of a group of four trees that have been entered on the MI in recognition of their cultural heritage significance.

However, given the ongoing concerns raised by residents, and indications that the trees, by reason of their size and siting in relation to the grouped dwellings are impacting negatively on the amenity of occupiers, it is recommended that Council consider excluding these trees from the Significant Tree List.

It is recommended that Council advertise the proposed exclusion of the Norfolk Island pine trees at 104 Forrest Road from the Significant Tree List (but with the trees to remain on the LGI). This public consultation would include letters to adjacent landowners. Subsequent to advertising the matter will be presented back to Council for consideration.

Removing the trees from the Significant Tree List would not mean that they will all necessarily all be removed, however it will mean that should landowners decide to remove the trees they will not require planning approval to do so.

Place No. 071 (Forrest Road Residence) 108 Forrest Road, Hamilton Hill

An objection was received from the landowners of 108 Forrest Road, Hamilton Hill. This is included and addressed in the Schedule of Submissions at Attachment 4.

One part of the objection related to references to the Norfolk Island pine trees on the subject land. Given that through historic subdivision

the trees are no longer situated on the same lot as the residence, it has been recommended that all references to the trees are removed from the place record (as shown in Attachment 11). Accordingly, the heritage consultant has recommended that the place be classified as a 'Management Category D place ('some significance'), rather than a 'Management Category C' place, as advertised.

Place No. 45 (Uniting Church, Spearwood)

The City has received some photographs of the timber clad interior of the Uniting Church, Spearwood. This includes photographs of the tribute plaques that mark the contribution of individuals to the Church in its early years.

It is therefore recommended that this additional information and the photographs be added to the place record for Place No. 45 (Uniting Church, Spearwood) as shown in Attachment 12.

Conclusion

The Draft LGI and Heritage List have been the result of a comprehensive review undertaken by a Heritage Consultant, in accordance with the Heritage Council of WA guidelines. Extensive community consultation was undertaken, and all submissions have been considered. It is therefore recommended that Council adopt the LGI and Heritage List for final approval, subject to the modifications outlined in this report and the recommendation.

It is considered that the proposed changes to the Scheme text proposed by Scheme Amendment No. 86 will provide an improved framework for protecting heritage places and 'Significant Trees'; and the Policy will ensure that works to heritage places respect the cultural heritage significance associated with the place. The Policy will also provide improved certainty to landowners and the community about the development control principles for heritage conservation and protection. It is therefore recommended that Council adopt Scheme Amendment No. 86 and the Policy for final approval.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Lifestyle and Aspiration Achievement

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

- To conserve the character and historic value of the human and built environment.

Budget/Financial Implications

The preparation of the Draft LGI, Heritage List, Scheme Amendment and Draft Policy, and the subsequent advertising process have been budgeted for in the 2009/2010 and 2010/2011 budget.

Legal Implications

N/A

Community Consultation

The Draft LGI, Heritage List, Draft Policy and Scheme Amendment were advertised together to enable landowners to ascertain how they may be affected by the proposals.

All landowners affected by the Draft LGI and Heritage List were consulted, including those places that are already included on the ML. All landowners were sent a detailed letter providing an explanation of the implications of the proposed listing, the Scheme Amendment and the Draft Policy, a copy of the relevant current and draft place record, and an information sheet.

While the Draft LGI, Heritage List, Draft Policy and Scheme Amendment were advertised together, there are different statutory advertising requirements for these proposals and each of these are outlined below.

The *Heritage of WA Act 1990* does not specify community consultation requirements for a LGI, beyond stating the local government shall ensure that the LGI is compiled with proper public consultation. However, the Scheme is clear regarding the required community consultation and process for including places on the Heritage List pursuant to the Scheme. This requires all landowners and occupiers of places proposed to be included on the Heritage List to be notified in writing, including reasons for the proposed entry. The minimum advertising period set out in the Scheme for advertising a draft Heritage List is 21 days.

The Draft Policy was advertised in accordance with clause 2.5 of the Scheme. This included a notice of the proposed Policy in a newspaper for two consecutive weeks in accordance with clause 2.5.1(a), and furthermore notice of the proposed Policy was included as part of the advertising of the Scheme Amendment. The minimum advertising period set out in the Scheme for local planning policies is 21 days.

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

To enable land owners sufficient time to review the proposals and make a submission the Draft LGI, Draft Heritage List, Scheme Amendment and Draft Policy were advertised for a period of 60 days. There were three advertisements in the Cockburn Gazette during the advertising period; displays at the Council’s administration office and libraries.

Consultation was also undertaken with relevant community groups, including the Cockburn Historical Society.

Attachment(s)

1. Draft Local Government Inventory List of Places
2. Draft Heritage List
3. List of places proposed to be removed from Heritage List
4. List of new places proposed for inclusion on Heritage List
5. Schedule of Submissions
6. Draft Significant Trees List (extract from Draft LGI)
7. Draft Local Planning Policy (Heritage Conservation Design Guidelines)
8. Draft Revised Place Record Naval Base Caravan Park (Proposed Heritage Area)
9. Photograph of Norfolk Pine Tree in rear courtyard of 4/104 Forrest Road, Hamilton Hill
10. Draft Place No. 75 (South Fremantle Power Station)
11. Place No. 071 (Forrest Road Residence) 108 Forrest Road, Hamilton Hill
12. Place No. 45 (Uniting Church, Spearwood)

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposals have been advised that this matter is to be considered at the 14 July 2011 Council Meeting.

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

Nil.