January 2011

Metropolitan Region Scheme Amendment
1180/41

Cockburn Coast
District Structure Plan

Submissions
Transcript of Hearings

Shire of Cockburn
Metropolitan Region Scheme
Amendment 1180/41

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City of Cockburn

February 2011
Introduction to Metropolitan Region Scheme major amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme (MRS) under review and initiating changes where they are seen as necessary.

The MRS sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

A proposal to change land use reservations and zones in the MRS is regulated by the Planning and Development Act 2005. That legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment, often referred to as a major amendment (made under section 41 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning and to the Governor for approval. Both Houses of Parliament must then scrutinise the amendment before it can take legal effect.

In the process of making a substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment report
This document is available from the start of the public advertising period of the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is considered necessary, and informs people how they can comment through the submission process.

Environmental review report
The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. Should it require formal assessment, an environmental review is undertaken and made available for information and comment at the same time as the amendment report.

Report on submissions
The planning rationale, determination of submissions and the recommendations of the WAPC for final approval of the amendment, with or without modification, is documented in this report.

Submissions
This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Transcript of hearings
A person who has made a written submission may also choose to appear before a hearings committee to express their views. The hearings proceedings are recorded and transcribed, and the transcripts of all hearings are reproduced in this volume.
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Published under separate cover

Submissions

Transcript of Hearings
1 Introduction

At its meeting of August 2009, the Metropolitan Region Planning Committee (MRPC) acting under delegated authority from the Western Australian Planning Commission (WAPC), resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of Section 41 of the Planning and Development Act 2005.

2 The proposed amendment

The amendment proposal was described in the previously published Amendment Report, and is repeated below.

The amendment proposes to rezone the North Coogee industrial area to an Urban Deferred zone, and to rationalise and realign the Parks and Recreation and Primary Regional Roads reservations to reflect the outcomes of the Cockburn Coast District Structure Plan (CCDSP). The proposed amendment is shown in Schedule 3.

The proposed rezoning gives effect to, and corresponds with, the strategic planning intent and land use planning proposals as outlined within the Cockburn Coast District Structure Plan.

Located approximately 3 km south of Fremantle, the amendment area is bound by the Manning Reserve portion of Beelier Regional Park, the freight rail line and Port Coogee to the south, the coastal foreshore to the west and Rollinson Road and Rockingham Road to the north.

The advertised amendment proposed the following changes to the MRS:

(a) Rezone approximately 91.55 hectares from the Industrial zone to the Urban Deferred zone;

(c) Minor rationalisation of Parks and Recreation reservation to the west of the Primary Regional Roads reservation (Fremantle to Rockingham Controlled Access Highway) and within the coastal Parks and Recreation reserve (C Y O’Connor Reserve), to the Urban Deferred zone, totalling 5.15 hectares;

(d) Realignment and rationalisation of the Primary Regional Roads (PRR) reservation between Rockingham Road and the Fremantle Port freight rail line; and

(d) Rezoning of part of the South Fremantle Power Station site (part of Lot 3, Robb Road) from Parks and Recreation to Public Purposes - Special Use and a portion of the Lot 3 and all of Lot 2 Robb Road to Urban Deferred.
Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA advised that the proposed amendment does not require formal assessment under Part IV of the Environmental Protection Act 1986.

A copy of the notice from the EPA was included in the previously published Amendment Report.

Call for submissions

The amendment was advertised for public submissions from 9 February 2010 to 14 May 2010, and was made available for public inspection during ordinary business hours at:

i) Western Australian Planning Commission

ii) the offices of the Cities of Cockburn, Fremantle, Perth and Rockingham, and the Town of Kwinana

iii) the State Reference Library, Northbridge.

During the inspection period, notice of the amendment was published in The West Australian and the Sunday Times newspapers and relevant local newspapers circulating in the locality of the amendment.

Based on additional design work completed for the proposed alignment of the Primary Regional Roads reservation (at its interface with Rockingham Road), a further limited comment period of four weeks was undertaken between 30 July and 27 August 2010. This consultation was held on a targeted basis with potentially affected landowners and stakeholders, and included consultation on revisions to the PRR reservation north of Rollinson Road as outlined in Schedule 4 of this report.

Submissions

Thirty-seven submissions were received on the amendment during the public comment period, including two late submissions. An alphabetic index of all of the persons and organisations lodging submissions is at Schedule 1.

Twenty-one submissions supported the amendment subject to conditions, four submissions objected to the amendment and 12 submissions (mostly State Government agencies) contained neutral comments, non-objections or general comments on the amendment. Of these, 12 submissions requested a hearing.

Hearings

Section 46 of the Planning and Development Act 2005 provides that each person who makes a submission on the MRS amendment is to be offered the opportunity of being heard by a Committee formed by the WAPC for that purpose.
Following preliminary consideration of the matters raised in the submissions, a Committee was established comprising:

- Ms Elizabeth Taylor - member of the WAPC (Chairperson)
- Cr Ian Whitfield - member of the WAPC (South West Districts Planning Committee)
- Mr Eugene Ferraro, as an independent member.

All persons who made a submission were invited to present their submission to the Hearings Committee.

Twelve hearings on the amendment were requested and of these, ten occurred on 16 September 2010. Two parties that requested a hearing were absent on the day of the hearings committee meeting.

7 Main issues raised in submissions

a) Proposed urban deferred zoning

Submitters No. 7 (MGA Town Planning Consultants), No. 18 (Verve Energy), No. 27 (M. Hulme) and No. 30 (South Beach Pty Ltd) raised concerns regarding the proposed Urban Deferred zoning. The submissions suggested that the land should be rezoned to Urban in the first instance, for the following reasons:

- Concern that the Urban Deferred zoning departs from the intent of the draft CCDSP, which indicated rezoning of the land to Urban.
- Concern that an Urban Deferred zoning lengthens and adds uncertainty to the development process, particularly reducing confidence in landowners to start site assessment and detailed planning of their sites.
- Concern for considerable risk and restrictions on landowners, as no timeframe is provided to amend the zoning to Urban.
- Concern that Urban Deferred zoning limits landowner options as to how and when land is developed, particularly with regard to the South Fremantle Power Station site.
- Amendments to the local planning scheme and local structure plan preparation provides a clearer process for applying conditions such as the District Water Management Strategy, Infrastructure Masterplan and Cost Contribution Scheme to the site before development can occur.

Submitters No. 16 (Fremantle Ports) and 27 (J Strachan) also raised additional potential items to be addressed prior to the lifting of urban deferral:

- Urban encroachment of strategic freight routes, to ensure the operations of the freight rail and the amenity of future residents are protected.
- Identification of transit infrastructure corridors and commitment to delivery of transit infrastructure, as waiting until the land is zoned Urban is inappropriate.

Response

The draft Cockburn Coast District Structure Plan (CCDSP, 2008) included reference to the project area being rezoned to Urban under the MRS. However, following advice from stakeholders through the formal consultation period for the draft CCDSP, it was deemed
appropriate that the final CCDSP and the subsequent MRS amendment propose the rezoning of the subject land to Urban Deferred. This would provide an intermediate step to ensure that the preparation of a District Water Management Strategy and Infrastructure Masterplan were to be completed, in addition to the substantial progression of local planning scheme amendments, prior to the lifting of the urban deferral.

The submissions and subsequent hearings outlined a number of issues associated with the proposed Urban Deferred zone and suggested alternative planning mechanisms to secure orderly and proper planning for the Cockburn Coast.

In determining a response, the Hearings Committee gave consideration to the following factors:

- The finalised District Structure Plan, Improvement Plan No. 33 and the strategic objectives of Directions 2031 provide strong guidance for the intent of the site, making it appropriate for Urban zoning.
- Since initiation of the amendment, a number of investigations and studies relating to the project have progressed in consultation with various local and State government agencies. These studies include the advancement of detailed precinct planning, the district water management strategy, an infrastructure masterplan and a local integrated transport plan. These investigations and studies can be completed and secured as part of the normal detailed local planning scheme amendment and local structure planning processes.
- Detailed planning and design provides a more appropriate phase to consider and implement noise, vibration and amenity management issues associated with the strategic freight routes, and public transport corridor investigations, than is possible through the MRS.
- Provides a framework for commercial certainty and viability of the proposed redevelopment.

The Hearings Committee considered that the Urban Deferred zone was unnecessary as there was now sufficient evidence that the land could be transferred from the Urban Deferred to the Urban zone, consistent with the Commission's Guidelines for the Lifting of Urban Deferment, namely that:

- While agreement has yet to be reached between the developers and service providers with regard to the staging and financing of services, the Committee was satisfied that the land is capable of being provided with essential services;
- Planning is sufficiently advanced to depict an acceptable overall design to guide future development;
- The proposed urban development represents a logical progression of development;
- Regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and
- Any constraints to urban development can be satisfactorily addressed.

In light of these considerations, the Hearings Committee concluded that the submissions in favour of the Urban zoning be upheld and the amendment be modified to include the land within the Urban zone.

Submissions upheld
b) **Alignment, justification and staging for the proposed Primary Regional Roads (PRR) reservation**

Submitters No. 9 (City of Fremantle), No. 11 (S Wainwright), No. 23 (A Sullivan), No. 29 (J Strachan), No. 34 (C Parlane) and No. 37 (Alba Edible Oils) raised concerns as to the proposed realignment of the Fremantle to Rockingham Controlled Access Highway for the following reasons:

- That the retention of the PRR reservation is premature and unproven, given the current regional transport studies have not been concluded (*South Metropolitan Peel Region Integrated Land Use and Transport Strategy*);
- The PRR reservation runs through an area of significant environmental value and the future construction of a regional road on this land will threaten the flora, fauna and natural topography of the site;
- Opposition to the construction of Cockburn Coast Drive is linked to the obsolescence of the Roe Highway reservation and the deletion of the Fremantle Eastern Bypass road reservation;
- Suggested alternatives to the construction of a PRR include a lower order Other Regional Roads reservation, or the upgrading of Cockburn Road to serve a regional function;
- Concern for the proposed northern realignment of the PRR reservation in a westwards direction than that shown in the advertised proposal, as a future constructed Cockburn Coast Drive could have undesirable effects on existing landowners in the CCDSP area;
- Only a section of the PRR reservation has been amended and rationalised. The reserve has had a negative impact on residential properties north of Rockingham Road through lack of maintenance of landholdings; and impacts on the ability for private landowners to connect to infill sewerage leading to a lack of investment in the area; and
- Potential for impact on the heritage listed Randwick Stables and the preservation of the local history and identity of the area.

Further, Submission No. 24 (Main Roads WA) identified concerns pertaining to connectivity to future road connections north of Rockingham Road:

- Further work is required to resolve the future road connectivity from the proposed Cockburn Coast Drive, north of Rollinson Road. This MRS amendment is proposing to rezone an area of land that is currently reserved as PRR to Urban and there is a very strong likelihood that some of this area will be required for future road purposes. A recent network study (Road Network Study - West of Planned Stock Road/Roe Highway Interchange) undertaken by Department of Planning (DoP) has recommended a northern extension of Cockburn Coast Drive to provide connectivity to Hampton Road.

**Response**

**Necessity of Cockburn Coast Drive Primary Regional Roads reservation**

The PRR reservation (notionally titled Cockburn Coast Drive through the district structure planning process) has been identified in the MRS since the 1970’s and been subject to only minor realignments since this time. Originally conceived to connect to the former Fremantle
Eastern Bypass reservation, the PRR reservation currently connects to the westernmost portion of the Roe Highway reservation in the north, terminating in the vicinity of Clontarf Hill.

Transport analysis undertaken to support the district structure planning process has identified that construction of the PRR could result in a forecast volume of traffic between 14,000 and 20,500 vehicles per day utilising this link in 2031 (of which approximately 15-26% of these movements are attributed to traffic generated by Cockburn Coast development). This projected traffic would otherwise be using Cockburn Road through the project area to undertake this north-south movement.

Under the district structure plan, Cockburn Road is planned as a southern extension of the activity corridor of Hampton Road, facilitating a prioritised public transport link and a main street type environment based on local activity nodes. Without the construction of Cockburn Coast Drive to carry regional and inter-district traffic movements it may be unlikely that Cockburn Road will be able to form the desired urban spine as outlined in the CCDSP. In addition, the project area would have less connectivity to regional movement network links (existing or reserved).

**Potential impact on Beeliar Regional Park**

The desire for the protection and enhancement of Beeliar Regional Park and the ridgeline are noted. Through the district structure planning and MRS amendment process, the potential impact of the road's construction on the vegetation and ridgeline of Beeliar Regional Park has been reduced through the proposed westerly realignment of the PRR reservation from its existing position.

As a result, an additional 5.7 hectares of land previously subject to PRR reservation will be available for transfer into the Beeliar Regional Park management plan area. The impact of the road may be further reduced through detailed road design, as generous earthworks and drainage factors have been applied to inform the MRS amendment. The Hearings Committee was of the view that it should be possible to reduce the impact of the road at the detailed road design stage and that this imperative should be included within the construction and design brief for this road.

The EPA has considered the proposed amendment, including its bearing on Beeliar Regional Park, and advised that it does not require formal assessment under Part IV of the Environmental Protection Act 1986. This advice has been further supplemented by the Department of Environment and Conservation in Submission No. 8; which notes that 'it is considered that the proposed relocation of the Primary Regional Roads reservation has the potential to result in a net environmental gain, when compared to its existing position in the MRS'. Notwithstanding this, the advice provided by agencies that further vegetation and fauna assessments will be required as part of the detailed planning of the site is noted.

**Potential impact on landowners and Randwick Stables**

The potential for impact on the Randwick Stables, listed on the State Register of Heritage Places, has been minimised through the revision of the northern section of the PRR reservation between Rollinson and Rockingham Roads.
This modification has the potential to adversely impact on a small number of landholdings, as the realignment will bring the proposed road closer to private property boundaries. As such, an additional comment period with affected landowners and stakeholders was undertaken as outlined in section 4 of this report.

The Hearings Committee was required to balance the potential impact on the private landholdings against the need to protect important heritage places. The Hearings Committee was satisfied that while there may be some impact in locating the regional road closer to homes, the impacts can be ameliorated through the application of State Planning Policy (SPP) 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning in the detailed design and construction of the proposed road.

The Hearings Committee was satisfied that further studies will be required during detailed design of Cockburn Coast Drive in accordance with SPP 5.4, to minimise any potential adverse noise and vibration impacts on adjacent properties.

Connection to northern regional road network

Regional transport studies are required to determine the adequacy of the regional road network to meet the demands of the South West corridor. Two such studies have been commenced by the Department of Planning:

- South Metropolitan and Peel Region Integrated Land Use and Transport Study - Strategic Assessment of the Regional Transport Requirements
- Road Network Study - West of Planned Stock Road and Roe Highway Interchange

The Road Network Study - West of Planned Stock Road and Roe Highway Interchange has identified and modelled a number of scenarios within the vicinity of the Cockburn Coast area, including existing and additional road network improvements. Outcomes of the study were endorsed by the WAPC's Infrastructure Coordination Committee (ICC) in June 2010.

The resolution of the ICC included a requirement for a further study to determine the alignment and extent of an east-west road from Stock Road/Roe Highway interchange generally along the alignment of the existing Roe Highway reservation. Feasibility analysis of the options modelled and recommendations for potential road network improvements will be required through this study. While Main Roads WA has identified routes that may have benefits to the broader network, further analysis is required before these routes are finalised.

A whole-of-government approach is being pursued to further this work. The DoP, Department of Transport, Main Roads WA and LandCorp are currently refining the timing and scope of this study, to support the Local Integrated Transport Plan being prepared for the project. The City of Fremantle and City of Cockburn are also actively engaged in these transport planning initiatives. The Hearings Committee strongly supported this approach and encourages agencies and local governments to continue to work together to achieve workable local and regional solutions.

While the proposed MRS amendment precedes the conclusion of these studies, the Hearings Committee was of the view that finalising the amendment would not compromise the findings of these studies. To maintain flexibility for a range of future road network options north of Rollinson Road, the Hearings Committee support retaining the eastern Rollinson Road PRR reserve connection to Rockingham Road. This includes transferring two additional portions from the Urban zone to the PRR reservation. This additional land is owned by Main Roads WA and does not include any previously unaffected private landholdings.
The Hearings Committee was of the view that rationalisation of the road reservation should occur through a separate amendment which would implement the outcomes of the detailed regional road network assessment.

Submissions partially dismissed

c) Freight rail reserve

Submitter No.10 (City of Cockburn) and No.12 (South West Group) have recommended that strategic access points along the freight rail reserve be rezoned to Urban Deferred to ensure that some form of grade separated access is both acknowledged and permitted.

The importance of the freight rail line as a strategic freight route of State and regional significance has been outlined in Submission No.16 (Fremantle Ports). As such, concerns have been raised regarding urban encroachment along the freight rail line in terms of the operation of the infrastructure and potential impacts of noise and vibration on future residents. Fremantle Ports have suggested that the issue be subject to SPP No. 1 and SPP No. 5.4 to ensure appropriate planning near freight infrastructure.

In addition, Submission No. 23 (A Sullivan), No. 29 (J Strachan) and No. 32 (H Hyland) have proposed the use, and potential widening, of the freight rail reserve to accommodate light or heavy rail public transport services.

Response

Rezoning of strategic access points

The intent to provide for grade separation at the freight rail reserve at strategic access points is strongly supported. However the Hearings Committee took the view that:

- The freight rail line is a strategic and highly utilised piece of infrastructure which plays an important role in freight movement across the metropolitan area. The integrity of this link must be retained through the freight rail reservation status along its length;
- The intent of the reservation is to protect the alignment of the freight rail line as it is the foremost use of that land;
- Retention of the freight rail reserve does not preclude grade separation at the desired access points in the future under the proposed zonings; and
- These strategic pedestrian and vehicular access points may be subject to revision and should logically form part of the local structure planning process.

Whilst the Hearings Committee does not support these modifications, it was strongly of the view that the objective is important and must form part of the local planning processes. The Hearings Committee strongly supported a whole of government approach to the issue of strategic rail crossing points and encourages the relevant state and local government agencies to continue working together to achieve these objectives.

Urban encroachment on strategic freight routes

The concerns outlined in relation to the protection of strategic freight movements by rail and road networks are noted. SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land use Planning provides strategic guidance on protecting operational aspects of freight movement and amenity of noise sensitive uses, setting requirements for noise assessments and mitigation and management measures. The freight rail line will
continue to play an increasing role in the movement of freight to the Fremantle Inner Harbour and land use planning, urban design and the built form must be undertaken on this premise.

SPP 5.4 also acknowledges that while noise-sensitive land uses should be ideally separated from major sources of noise, such as road and rail, it is often impractical or undesirable to separate transport corridors from the residential and other uses they serve.

Further, SPP 5.4 recognises that 'current planning policy is directed towards containing urban expansion, encouraging higher density residential development and employment close to public transport and activity centres, and reducing car dependency by promoting public transport. This inevitably means that some major transport corridors will be located in the vicinity of residential development and that many busy transport routes will be flanked by higher density housing' (WAPC, 2009).

The intent and initiatives outlined in SPP 5.4 should be captured at the local planning scheme amendment and local structure planning stage, where finer grained planning is better able to address detailed design issues pertaining to noise and vibration, than the broad rezoning of the land under the MRS. As such, the submissions recommending additional criteria be applied for the lifting of Urban Deferment is not supported as the issue can be adequately addressed through subsequent planning phases for the Cockburn Coast development.

Use of freight rail reserve for passenger rail services

The potential use or expansion of the freight rail reserve to accommodate passenger rail use would need to be considered at a regional level and is beyond the scope of the CCDSP and the current MRS amendment. Options evaluated in the development of the CCDSP for the use of the freight reserve for transit purposes, were discounted due to the significant costs and constraints associated with the proposal.

Further responses with regard to public transport mode and alignment are provided in section 7 (f) below.

Submissions dismissed

d) Proposed rezoning of the South Fremantle Power Station

Submitter No. 9 (City of Fremantle), No. 12 (South West Group), No. 17 (Hassell for LandCorp), No. 19 (Heritage Council of WA), No. 23 (A Sullivan), No. 29 (J Strachan) and No. 32 (1-1 Hyland) have outlined support for the regeneration and adaptive reuse of the Power Station building and the adjacent sites; with submission numbers 9 and 23 specifically supporting the proposed Public Purpose - Special Use reservation.

Submitter No. 19 (Heritage Council of WA) has noted that the Power Station has been recognised as a place of heritage significance and assessed as being of cultural value of the State; as such, it is included in the Register of Heritage Places (Place Number 03381). Advice was provided by the Heritage Council that there is a requirement to refer to the Heritage Council any future development on the site or the land adjacent to the Power Station building.

Submitter No. 17 (LandCorp) contends that the proposal to amend the Power Station site zoning to Public Purpose - Special Use may impact on future redevelopment or commercial outcomes of the site. The submitter suggests alternative options should be considered for the Power Station site to be zoned Urban Deferred under the MRS amendment, with the following additional mechanisms being applied as a condition to lift Urban Deferral to Urban:
1. Local planning scheme provisions relating to planning requirements for the site being progressed to advertising or detailed planning through a precinct plan and delivery framework to be endorsed and approved for public consultation.

2. A Clause 32 resolution being made over the site to ensure the WAPC maintains the determining authority.

These comments are further expanded in Submission No. 18 (Verve Energy) which strongly objects to the proposed amendment. The submission advises that as the owner of the South Fremantle Power Station site, the organisation must act in accordance with commercial principles in its capacity as a corporation. Under the proposed Public Purpose - Special Use reserve, Verve Energy would be constrained in the future development or sale of the Power Station site. In addition, the submitter contends that:

- The proposed zoning places considerable restrictions and risks on a future owner as no time frame is provided to amend the zoning from Urban Deferred to Urban. The submitter suggests that a future land owner would seek to develop the adjoining Urban Deferred area first to create a cash flow to fund redevelopment of the Power Station building;
- Concern that from an investor’s point of view, the acquisition of an asset subject to leasehold arrangements would be seen as a depreciating asset, thereby potentially attracting a lower purchase price; and
- The submitter intends to seek compensation should the proposed zoning be approved by the WAPC.

Response

Proposed zone and reservations

The advertised MRS amendment proposed the rezoning of Lots 2 and 3 Robb Road, including the South Fremantle Power Station site, from Parks and Recreation reserve to a mix of Parks and Recreation and Public Purposes - Special Use reservations and Urban Deferred zoning.

The Cockburn Coast district structure plan identifies the Power Station, and surrounding precinct, as the hub of the Cockburn Coast redevelopment area and a regional attractor, with the potential for adaptive reuse of the existing building with a range of uses. After further consideration of the submissions, the Hearings Committee considered that, in an effort to attract commercial investment of the site and building, an appropriate zoning over the land should be a priority.

Based on this rationale, the Hearings Committee considered that the most appropriate zone for the power station site and some of its curtilage is Urban Deferred. Under this zoning, the site will need to be the subject of further detailed planning analysis, yet provide the landowners with a level of assurance on the future development of the site. The Committee was also of the view that the balance of the site is to remain as Parks and Recreation reserve, as indicated in the advertised amendment.
**Clause 32 Area**

Submission No. 17 (Hassell for LandCorp) suggests that the Power Station site could be the subject of a Clause 32 resolution under the MRS if the site is rezoned to Urban Deferred, rather than Public Purpose Special Use. The site is currently covered by a Clause 32 area (North Coogee Industrial area).

**Further planning for the Power Station**

As with other precincts within the amendment area, it is anticipated that the South Fremantle Power Station and the surrounding precinct will be subject to a detailed local structure plan process under the City of Cockburn's local planning scheme.

The Hearings Committee recommends that given the unique nature of the site, it is appropriate that a sufficient level of rigour is applied to the lifting of the urban deferral, to ensure that the regional objectives for the Power Station as stated in the district structure plan are met. As such, the following additional criteria should to be satisfied when lifting the Urban Deferment of this land:

- A detailed masterplan, separate from the local structure plan required for the broader Power Station precinct, is required for Lots 2, 3 and 2167 Robb Road. The masterplan is to be acceptable to the WAPC and must demonstrate consideration of the following:
  - Heritage assessment and demonstration of adaptive reuse of the South Fremantle Power Station to a detailed standard - particularly in relation to State Planning Policy 3.5 - Historic Heritage Conservation (Section 6), Planning Bulletin 88 - Historic Heritage Conservation and the Cockburn Coast District Structure Plan (Section 2.5);
  - Consideration of the appropriate use of the foreshore area abutting the masterplan area;
  - Consideration of how the masterplan site would respond to the possible relocation of the switchyard site (Lot 1, Robb Road);
  - Land ownership details;
  - Environmental assessment;
  - Coastal processes assessment;
  - Infrastructure and servicing, including coastal infrastructure;
  - Land use and density;
  - Economic impact and commercial assessment;
  - Built form and landscape design;
  - Detailed transport and parking analysis; and
  - Implementation options, including collaboration, staging, planning obligations and incentives.

The Hearings Committee anticipates that further planning for the site should be progressed through the active engagement of all relevant stakeholders and government agencies.

**Submission partially upheld**
e) Impact on existing industrial operations

Submitter No. 8 (Department of Conservation and Environment) has noted that there may be a requirement to establish appropriate buffers through the structure planning process, in accordance with EPA guidance.

A number of submitters, No. 13 (Big Buoy Pty Ltd), No. 14 (TPG for Schutz DSL), No. 21 (Western Bridge, Starpac Corporation and N & C Seeber) and Submitter No. 37 (Alba Edible Oils Pty Ltd), have outlined concerns for impacts on existing industrial operations, with regards to:

- Truck movements and access in and out of the precinct, particularly those which use Cockburn Road for heavy vehicle movements to service existing businesses in the area;
- Commitment being sought for construction of Cockburn Coast Drive, to assist with traffic issues that may have a negative affect on existing industrial businesses when redevelopment takes place;
- Impacts associated with development construction, such as sand/dust concerns relating to earthworks if urban development takes place in the vicinity; and
- Respecting and ensuring non-conforming use rights in relation to the existing industrial operations.

Submitter No. 14 (Schutz DSL) outlines that the development process should be optimised to reduce uncertainty for existing industrial businesses that will need to plan for relocation, given that industrial landowners will need to make significant investment decisions that may take a long time to realise.

Response

Separation distances

The comments provided in relation to the EPA Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses (June 2005) are noted.

Existing operations and access

The Hearings Committee notes the concerns expressed as to the potential impact on existing industrial operations and the timing of construction of Cockburn Coast Drive. It is not possible however, for the MRS amendment to be contingent on the funding and construction of Cockburn Coast Drive; or to provide guarantees that existing industries will not be impacted to some extent.

The Hearings Committee was satisfied that amending the MRS will not affect the ability of the existing industrial businesses to continue operating in accordance with current approvals.

The Hearings Committee agrees that the transition from industrial to residential will need to be carefully managed. The Committee was satisfied that this issue can be managed through the implementation of the EPA Guidance Statement No. 3 - Separation Distances Between Industrial and Sensitive Land Uses (June 2005) at the local structure planning process.

Submissions noted

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f) Public transport

Submitter No. 9 (City of Fremantle), No. 12 (South West Group), No. 15 (Physical Activity Taskforce), No. 23 (A Sullivan), No. 26 (A Carles), No. 29 (J Strachan) and No. 32 (H Hyland) have raised the issue of the mode and alignment of public transport, outlining the following points:

- Support for the provision of a dedicated public transport corridor, with an alignment mutually agreed upon with the City of Fremantle and the City of Cockburn to link the structure plan area with Fremantle. Further investigation of alignment options, taking into account the full range of potential public transport options, should be progressed as a matter of priority prior to conclusion of the MRS amendment process so that any appropriate reservation provision for the purpose can be taken into incorporation into the current amendment if required;

- Support for the provision of priority public transport through the area, linking to Fremantle and other regional destinations, such as Cockburn Central, Thornlie and Kwinana;

- Concern expressed about the quality of public transport linkages and the adoption of an 800m walking distance standard for access to public transport throughout the structure plan area; and

- Support for the introduction of light or heavy rail through the site and concern that the MRS amendment fails to provide for an appropriate width for passenger rail to be accommodated within the freight rail reserve; and that a commitment and funding has not been made by Government in this regard.

Response

The Cockburn Coast District Structure Plan establishes a preferred dedicated and prioritised public transport alignment along Cockburn Road, to connect with the existing priority transit lanes along Hampton Road; and identifies bus rapid transit as the preferred transit mode to service this route in the short to medium term.

The Hearings Committee was of the view that a modification to the Amendment was not required to implement these recommendations as they can be accommodated in the Urban zone. Should an alternative mode and/or alignment be determined as appropriate in the future, the MRS may be amended at that point to reflect commitments made to a higher order public transport system along the desired alignment.

Further discussion is provided in section 7(c) above, relating to the use of the freight rail reserve for public transit purposes.

Submissions noted

g) Register of Aboriginal Sites

Submissions No. 1 (DoP, State Strategic Policy Branch) and No. 2 (Department of Indigenous Affairs) have advised that a registered Aboriginal site (DIA 3707) (Robb Jetty Camp) is within the MRS amendment area, and that sites 3776 (Indian Ocean) and 18332 (Clontarf Hill) are within close proximity of the MRS amendment area.
Response

These comments have been noted. Appropriate processes for approval will be enacted under Section 18 of the Aboriginal Heritage Act 1972 for detailed planning of affected sites.

Submissions noted

8 Modifications

Based on the submissions, the Hearings Committee recommends that the amendment be modified as shown in Schedule 5, which is inclusive of the following:

1. Rezoning the proposed Urban Deferred zoned component of the amendment to the Urban zone.

2. Realignment of the PRR reservation north of Rollinson Road to:
   - reduce potential impact on the Randwick Stables; and
   - retain the eastern extension of Rollinson Road to Rockingham Road as PRR reserve, to enable flexibility for future road network improvements.

3. Rezoning a portion of the South Fremantle Power Station site to Urban Deferred instead of a Public Purpose – Special Use reserve.

4. Reserving the Water Corporation's Bennett Avenue Pump Station site as Public Purposes - WSD.

The proposed modifications do not significantly change the scope and content of the amendment and do not require readvertising given that:

- The rezoning of the industrial zoned land to Urban (rather than Urban Deferred) results in the same intent for the land and its future use.
- The rezoning of part of the South Fremantle Power Station site and curtilage from proposed Public Purpose – Special Use to Urban Deferred will maintain a similar intent for the Power Station site, whilst introducing a range of requirements to be addressed prior to the transferral of the land to the Urban zone;
- The realignment of the PRR reservation component has been subject to targeted consultation with affected landowners and stakeholders. This alignment enables a more positive outcome for the Randwick Stables and allows for greater flexibility for regional road connections to the north of the site until further road network studies have been completed; and
- The proposed reservation of the pump station site is minor and reflects existing infrastructure.

9 Responses and determinations

The responses to all submissions are detailed in this report. The submissions of objection are recommended to be dismissed as the issues have been considered by various government agencies. In this regard, many of the issues raised may be routinely addressed.
in the subsequent local planning scheme amendment and detailed local structure planning stages. This may result in subdivision and development conditions accordingly.

10 **Coordination of region and local scheme amendments**

Under Section 126(3) of the *Planning and Development Act 2005* the City of Cockburn has the option of requesting the WAPC to concurrently rezone land being rezoned under the MRS, to a 'Development' zone (or similar) in its local planning scheme.

The WAPC considers that the land should be subject to amendments under the City of Cockburn’s Town Planning Scheme No. 3 to transfer the Cockburn Coast area to a Development zone, Development Area and a Development Contribution Area. It is the WAPC’s preference that these amendments be made concurrently to ensure orderly and proper planning, and an appropriate statutory framework for decision making. The WAPC therefore does not support the automatic rezoning of the land under the local planning scheme.

11 **Conclusion and recommendation**

This report summarises the background to major Amendment 1180/41 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the modified amendment as shown in detail on the MRS Amendment Plan in Schedule 5 – Amendment figure as modified, and in detail on the MRS Amendment Plans listed in Appendix 2 – Detailed plans as modified, should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning presents the modified amendment to His Excellency the Governor for his consideration and approval and subsequently commend the amendment to both Houses of Parliament.
Schedule 1

Alphabetical listing of submissions
## Alphabetical Listing of Submissions

**MRS Amendment 1180/41**

### Cockburn Coast District Structure Plan

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Schedule 2

Summary of submissions and determinations
State Strategic Policy previously commented on the Environmental analysis that was undertaken for the proposed Cockburn Coast Structure Plan, and made a number of recommendations in September 2008. Primarily we advised that a Level 2 fauna survey should be conducted. This was supported by the environmental analysis where it stated "further assessment should include field surveys to a standard equal to a Level 2 fauna survey as described by the EPA Guidance Statement No. 56".

Furthermore State Strategic Policy previously recommended that Lots 9907 and 9908 be floristically surveyed as the vegetation was perceived to be of a good condition and had the potential to be an ecological corridor from Bush Forever Area 247 to the coastline. It is noted that this area has been identified for proposed Urban Deferred. State Strategic Policy still recommends that a vegetation survey is undertaken as a desktop search has revealed the presence of a Priority 3 Declared Threatened Fauna in this location, and has identified both lots as potential Carnaby's Black Cockatoo breeding, feeding and roosting areas.

In the Environmental issues section of the amendment it notes "a further vegetation assessment was undertaken by WAPC in spring 2009 to enable a second scoring event to occur, in conjunction with a fauna survey. The survey was undertaken to determine further the presence of priority flora and fauna, more specifically the extent of habitat which may accommodate the threatened species, Carnaby's Black Cockatoo." The amendment report gives no advice as to the outcomes of this survey. State Strategic Policy recommends the preparation and implementation of fauna and vegetation management plans that address the protection of the Carnaby's Black Cockatoo where remnant vegetation to be cleared is considered suitable habitat for the Cockatoo.

As part of the MRS Amendment a Primary Regional Road will be realigned. This will impact on Bush Forever Area 247. Previous discussions have taken place regarding the rezoning of the south west corner of Bush Forever Area 247. Approximately 1.29 ha will be removed from BFA 247 and 6.7 ha are proposed to be added to BFA 247. A large portion of the area to be taken out is very degraded or cleared, and although parts of the land to be added to Bush Forever are also degraded, it results in a net environmental gain. State Strategic Policy would, strongly support any moves to revegetate and rehabilitate this land.

State Strategic Policy has no objections to the proposal subject to the following conditions.

**Conditions**

1. A Level 2 Fauna survey and assessment of the bushlands long term viability meeting the requirements of EPA Guidance Statement No. 56 be undertaken.

2. A flora and vegetation survey for Lots 9907 & 9908 be prepared by a suitably qualified person with emphasis on vegetation suitable for Carnabys Black Cockatoo.
Advice

1. It is noted from internal mapping at DoP that a registered Aboriginal site is situated within the proposed amendment area, and consultation with the Department of Indigenous Affairs may be required regarding the identification and protection of Aboriginal heritage.

Correction

1. In the previous published amendment report Pg 9 (Last Sentence) – "A copy of the notice from the EPA is included in appendix A". Should read "A copy of the notice from the EPA is included in appendix B".

PLANNING COMMENT

Comments noted. The DoP has undertaken a Phase 2 Vegetation and Fauna assessment, for land held by the WAPC, and provided this to the Office of the Environmental Protection Authority for review.

It is also understood that LandCorp, as the owners of Lots 9907 and 9908, have undertaken assessment of the vegetation on these sites.

DETERMINATION

Submission noted.

Submission: 2
Submitted by: Department of Education

Summary of Submission:

SUPPORT

The Department of Education has analysed the proposed future development in the area of the Cockburn Coast District Structure Plan. It is proposed that 10 800 people will be accommodated in 5300 dwellings. The Department expects 300 to 400 primary aged students from this development.

A primary school site has been located within the Robb Jetty precinct and adjacent to district open space which will provide opportunities for shared facilities.

The Department therefore has no objection to the proposed amendment.

PLANNING COMMENT

Comment noted.

DETERMINATION

Submission noted.
On examination of the Register of Aboriginal Sites, there is one known Aboriginal site within the proposed amendment area and a number of registered Aboriginal within the broader vicinity. The registered site within the proposed amendment area is identified as DIA 3707 (Robb Jetty Camp). The sites located within the vicinity of the amendment area are identified as registered site DIA 3776 (Indian Ocean) and DIA 18332 (Clontarf Hill), which is currently on the interim Register. Given the variety of Aboriginal site types in the area, there is the possibility that development of portions of land subject to the proposal may impact on currently unidentified Aboriginal sites.

Under the Aboriginal Heritage Act 1972 (AHA), the obligation is on the proponent to ensure that any work undertaken does not impact on any Aboriginal sites regardless of whether they have been previously recorded and reported. It is therefore the responsibility of the proponent to inform themselves of the status of heritage in the area in question and assess the risks of potential impacts on heritage values in this area. This ordinarily involves the conduct of Aboriginal Heritage Surveys across the area to be impacted, in consultation with the Department of Indigenous Affairs.

It is noted in the Cockburn Coast District Structure Plan that an Aboriginal Heritage Assessment within the Cockburn Coast project area has been conducted, including research, and archaeological appraisal and a meeting with Aboriginal elders at Robb Jetty. Reference within the district structure plan to the preparation of a heritage management strategy for development within, or adjacent to, Aboriginal sites, should be to the satisfaction of the Registrar of Aboriginal Sites.

On occasions where it is not possible to avoid Aboriginal heritage sites during development within the project area, the identified approvals mechanisms within the heritage management strategy will also need to include procedures for submitting a notice under Section 18 of the AHA in order to obtain the Minister for Indigenous Affairs’ prior consent to the use of the land on which the sites are located.

Comment noted. The requirements of the Aboriginal Heritage Act 1972 will be undertaken in subsequent stages of planning to the satisfaction of the Department of Indigenous Affairs.

Submission noted.

Submission: 4
Submitted by: Swan River Trust
Summary of Submission:
NO COMMENT
The Trust has no comment or objection to the development.

PLANNING COMMENT
Comment noted

DETERMINATION
Submission noted.

Submission: 5
Submitted by: Fire and Emergency Services

Summary of Submission:
NO COMMENT
Fire and Emergency Services advises that it has no information or comment to provide at this time.

PLANNING COMMENT
Comment noted.

DETERMINATION
Submission noted.

Submission: 6
Submitted by: Tourism Western Australia

Summary of Submission:
NO COMMENT
Tourism WA has no comments to make at this stage.

PLANNING COMMENT
Comment noted.

DETERMINATION
Submission noted.
SUPPORT AND COMMENT

This submission has been prepared on behalf of the following landowners and in respect of lands, including the following:

- Qube Property Group Ltd
- Gosh Leather Pty Ltd
- West Cape Property Group
- Basilia Nominees Pty Ltd

The proposed MRS amendment will facilitate the progression of structure planning over lands in the district structure plan area. However, it is considered that a more efficient process could be set in place; that would also result in the progressing orderly planning for the district structure plan area.

Improvement Plan 33 - Cockburn Coast precinct

Improvement Plan 33 (IP 33) was endorsed in 2006 and prevents the inappropriate development of land within areas of the Cockburn Coast, pending the establishment of a redevelopment authority and redevelopment scheme. IP33 provided for the preparation of the Cockburn Coast District Structure Plan, which in turn informed the MRS and local planning scheme amendment process. This framework will provide for future local structure planning over the site.

Urban deferred zoning

The WAPC has sought to rezone the land in the district structure plan area to Urban Deferred. It is believed that there is no benefit to be gained through introducing this intermediate zoning and the criteria for lifting of the urban deferral are unnecessary as they may be addressed through the local planning scheme amendment and local structure planning phases.

Implications of Planning Processes

Landowners have been in a state of limbo for around 6 years. The draft district structure plan promised a rezoning to Urban under the MRS rather than Urban Deferred, which was an outcome changed with the release of the final district structure plan in September 2009.

The proposed change from Industrial to Urban Deferred is disconcerting as businesses are often financed on the back of security based on property assets.

It is unclear whether a rezoning from Industrial to Urban Deferred maintains property values, however it is likely to erode this existing security under the current Industrial zoning and may bring about financial problems, particularly in the tight financial market following the GFC.
Since the inception of State level planning investigations, the landowners represented have avoided longer term commercial arrangements for the subject properties, resulting in less than optimal returns and greater upkeep costs. Implementing an intermediate Urban Deferred zone will only aggravate these sub-optimal conditions experienced by landowners.

Proposing an Urban zoning in 2008 and changing this to Urban Deferred in 2009 without any consultation with landowners is of considerable concern.

PLANNING COMMENT

Refer to Part 7 of the Report on Submissions.

*Submission No. 7 was supported by a Hearing.*

DETERMINATION

Submission partly dismissed.

Submission: 8

Submitted by: Department of Environment and Conservation

Summary of Submission:

COMMENT

The amendment area encompasses and affects a part of Beeliar Regional Park which is managed by the City of Cockburn and DEC for conservation and recreation purposes, and which forms part of *Bush Forever Site No. 247 – Manning Lake and Adjacent Bushland, Hamilton Hill/Spearwood*. Manning Lake, which is a Conservation Category Wetland, is located a short distance to the east of the amendment area. In this context, the following information is provided.

Remnant Vegetation Management

An extensive area of regionally significant remnant vegetation is located to the west of Manning Lake, much of which is contained in *Bush Forever Site No.247 – Manning Lake and Adjacent Bushland, Hamilton Hill/Spearwood*. A substantial portion of this bushland area is potentially affected by the proposed scheme amendment. DEC records indicate the potential presence of declared rare and priority flora within this area, including the Priority 4 *Dodonaea hackettiana* (Hacket Hopbush).

DEC therefore recommends that detailed Flora and Vegetation Surveys of all potentially affected bushland areas (not just proposed road reserves) be conducted by a competent environmental consultant, in accordance with the Environmental Protection Authority’s (EPA’s) *Guidance Statement 51 – Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia*. The survey should determine the presence or otherwise of declared rare, priority or other significant flora. If such flora is present on site, appropriate action should be undertaken to protect it, or to mitigate impacts. In accordance with EPA advice, such surveys should be carried out prior to detailed structure planning, as the results may directly influence this process.
It is observed that the Phase 1 *Flora and Vegetation Assessment* (ENV Australia – September 2008) has been confined to the existing and proposed Primary Regional Roads reserves, as well as an area of coastal vegetation immediately north of McTaggart Cove. In this regard, it is noted that the scheme amendment report states under Section 4 - "Rezoning of Parks and Recreation Land" that the vegetation condition west of the proposed Cockburn Coast Drive is "Completely Degraded" and of "limited environmental value", and hence suitable for development. However, closer inspection of the *Flora and Vegetation Assessment* indicates that, whilst coverage of this area is very limited, some of this vegetation may well be in significantly better condition than stated (see purple dividing lines on Lots 15 and 7, south of Emplacement Crescent). It is therefore recommended that the Flora and Vegetation Survey be extended westward to encompass all bushland areas west of proposed Cockburn Coast Drive which are currently reserve for Parks and Recreation, and that this should be done prior to detailed structure planning.

There are also several lots (Lot 9907 and 9908 on DP 47038) adjacent to the northern boundary of the Port Coogee development (bisected by the Cockburn Road deviation) which appear to support higher quality remnant vegetation, but which are being proposed for rezoning to Urban Deferred. Although currently zoned Industrial in the MRS, Flora and Vegetation Surveys of these areas should also be conducted and taken into consideration during detailed structure planning.

The DEC recommends that remnant vegetation within the amendment area be retained and incorporated into future development, where possible.

**Site Contamination**

Due to previous industrial land uses over a long period of time, there is considerable potential for widespread soil and/or groundwater contamination within the amendment area. A significant number of lots are shown as Reported Contaminated Sites on DEC's Contaminated Sites Database.

Investigations for soil and groundwater contamination therefore need to be carried out in accordance with DEC's *Contaminated Sites Management Series* guidelines; and remediation required in accordance with the *Contaminated Sites Act 2003*. Given the proposed change in land use from Industrial to Residential, these investigations should be carried out prior to detailed structure planning, as recommended by the EPA in their letter to the WAPC dated 29 September 2009, as the results may have a direct bearing upon future allowable land uses.

**Fremantle to Rockingham Controlled Access Highway (Cockburn Coast Drive)**

DEC notes that realignment of the Primary Regional Roads reservation in a westward direction has the potential to add a significant area of bushland to Beeliar Regional Park. It would appear from Section 4 - "Bush Forever Area 247" that whilst the excision of 1.29ha from Beeliar Regional Park (and Bush Forever Site No.247) is being proposed near the intersection with Spearwood Avenue (and an additional small area to the north), the proposed realignment will result in the addition of a substantial 5.7 ha of bushland to the Regional Park, along the proposed highway route. DEC is unclear whether this 5.7 ha represents a net addition to the Regional Park, or whether this would amount to 4.41 ha (5.7 ha minus 1.29 ha).

Regardless of the above uncertainty; whilst the area proposed for addition to Beeliar Regional Park appears to vary greatly in its reported vegetation condition, it does create a wider and more ecologically sustainable bushland area west of Manning Lake, thereby adding to the value of the Regional Park. Furthermore, much of the proposed 1.29ha
excision from the Regional Park (adjacent to Spearwood Avenue) appears to be completely degraded. Therefore, depending upon the results of necessary flora and fauna surveys along the proposed highway route, it is considered that the proposed relocation of the Primary Regional Roads reservation has the potential to result in a net environmental gain, when compared with its existing position in the MRS.

Fauna Management

This part of Beeliar Regional Park and adjoining bushland serves as habitat for a variety of native fauna, which the proposed scheme amendment has the potential to impact upon, as development proceeds. Manning Lake and surrounding bushland is known to serve as roosting and foraging habitat for the threatened Carnaby’s Black Cockatoo (Calyptorhynchus latirostris). In addition, the area is likely to support the common and widespread Lomandra maritima and possibly Lomandra hermaphrodita, either of which can support populations of the threatened Graceful Sun Moth (Synemon gratiosa). Both Carnaby’s Black Cockatoo and the Graceful Sun Moth are also protected by the Commonwealth’s Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Both Carnaby’s Black Cockatoo and the Graceful Sun Moth are declared “Specially Protected Fauna” under the Wildlife Conservation Act 1950. The Priority 3 Lined Skink (Lerista lineata) has also been recorded in the Manning Lake bushland. DEC therefore recommends that, prior to structure planning, the proponent undertake a detailed fauna survey in accordance with EPA Guidance Statement No. 56 – Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia.

Boundary Interface Treatment (with Beeliar Regional Park)

It is envisaged that proposed Cockburn Coast Drive will represent the future western boundary of Beeliar Regional Park at this location. If this road is to proceed, DEC considers it important that a high standard of visual amenity is created and maintained along this parkland interface. In this regard, the design of this road should minimise its visual impact as far as possible, and an emphasis should be placed on vegetating road batters and rehabilitating existing degraded areas with appropriate native plant species of local provenance. It is also recommended that construction of a dual use pathway along/adjacent to Cockburn Coast Drive be considered. DEC would prefer to see such a pathway located on the eastern side of this road (adjacent to Beeliar Regional Park).

Drainage Management

In planning for future subdivision, it should be noted that no drainage infrastructure is to be placed within the adjoining Beeliar Regional Park, nor is there to be any direct discharge of drainage waters (including road drainage) into the Regional Park. This requirement is particularly relevant in relation to the possible future design and construction of proposed Cockburn Coast Drive.

Fire Management

Necessary fire management requirements should be provided for within the amendment area, in accordance with Planning for Bush Fire Protection document (Fire and Emergency Services (FESA) 2001), and on the advice of FESA.
Noise and Vibration Management

It is noted future development is proposed against the freight rail line which passes through the amendment area, linking to Fremantle Port. DEC generally concurs with the advice provided in Section 4 under "Environmental Issues", particularly regarding the need to comply with WAPC State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (September 2009). Draft EPA Guidance Statement No.14 – Road and Rail Transportation Noise (1998) may also be of assistance.

Industry Buffer Requirements

As stated in Section 4 of the scheme amendment report; where residential/other development is being proposed adjacent to existing industrial uses, there may be a requirement for the establishment of appropriate industrial buffers in the structure planning process. In this regard, guidance should be sought from EPA Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses (June 2005).

PLANNING COMMENT

Comments noted.

Refer to Part 7 of the Submissions Report.

DETERMINATION

Submission noted.

Summary of Submission:

SUPPORT AND COMMENT

Council at its Ordinary Meeting of 28 April 2010 made the following resolution:

That the following comments be submitted to the WAPC as the City of Fremantle’s submission on MRS Amendment 1180/41 Cockburn Coast District Structure Plan Area:

1. The City supports the proposed rezoning of land currently zoned Industrial to Urban Deferred. This is considered the most appropriate zoning at this stage, given the need for various environmental, infrastructure and strategic planning issues to be addressed on more detail prior to the land being zoned to Urban to facilitate development for intensive urban uses in the longer term, as envisaged in the Cockburn Coast District Structure Plan.

2. The City supports the proposed rezoning of the site of the former South Fremantle Power Station and adjacent land to the south to Public Purposed Special Use Reservation in recognition that this will facilitate the retention and future adaptive reuse of this important 'landmark' building for appropriate community-oriented uses as envisaged in the Cockburn Coast District Structure Plan. Although not directly related to the MRS amendment process, the City also wishes to reiterate its previous
recommendation that the WAPC should pursue reinstatement of the listing of the Power Station on the State Register of Heritage Places.

3. The City acknowledges that the proposed realignment of the Primary Regional Roads reservation is an improvement upon the current alignment insofar as it reduces the potential visual impact of any future road constructed within the reservation upon the ridgeline of the Beeliar Regional Park; potentially enables more land to be retained within Beeliar Regional Park; and avoids the severance of land within the western edge of the Parks and Recreation reservation from the main part of Beeliar Regional Park which is caused by the current alignment. However, the City considers that the justification in the MRS amendment documentation for the retention and configuration of the Primary Regional Roads reservation is premature and unproven, given that the Department of Planning’s *South Metropolitan and Peel Region Integrated Land Use and Transport Study - Strategic Assessment of the Regional Transport Requirement* which will include and assessment of the transport needs of the south west corridor and a review of the status of existing and reserved Primary Regional Roads has not yet been completed.

4. The City reiterates its position as previously stated in its submission on the draft Cockburn Coast District Structure Plan in August 2008 that the strategic planning framework for the area should include the provision for a dedicated public transport corridor with an alignment mutually agreed upon by the WAPC, the City of Fremantle and the City of Cockburn to link the structure plan area with Fremantle. Further investigation of the alignment options, taking into account the full range of potential public transport modes, should be progressed as a matter of priority prior to the conclusion of the MRS amendment process so that any appropriate reservation provisions for this purpose can be incorporated into Amendment 1180/41 if required.

Following the WAPC’s call for additional comments regarding the proposed realignment of the Primary Regional Roads reservation, the City of Fremantle Council at its meeting of 25 August 2010, resolved to provide the following comments:

1. The City acknowledges that the proposed realignment of the Primary Regional Roads reservation is an improvement upon the originally proposed alignment insofar as it reduces the potential impact of any future road constructed within the reservation upon the Randwick Stables, which is listed on the State Register of Heritage Places. However the City still considers, as stated in its original submission on MRS amendment 1180/41, that the justification in the MRS amendment documentation for the retention and configuration of the Primary Regional Road reservation is premature and unproven, given that the Department of Planning’s *South Metropolitan and Peel Region Integrated Land Use and Transport Study - Strategic Assessment of the Regional Transport Requirements* which includes an assessment of the transport needs of the South West corridor and a review of the status of existing and reserved Primary Regional Roads has not yet been completed.

2. The proposed revisions do not alter the views previously expressed by the City on other aspects of amendment 1180/41, including its contention that the strategic planning framework for the Cockburn Coast District Structure Plan area should include provision for a dedicated public transport corridor with an alignment mutually agreed upon by the Western Australian Planning Commission, the City of Fremantle and the City of Cockburn to link the structure plan area with Fremantle. Further investigation of alignment options, taking into account the full range of potential public transport modes, should be progressed as a matter of priority prior to conclusion of the MRS amendment process.
PLANNING COMMENT

The City's support for the Urban Deferred zoning and the proposed Public Purpose - Special Use Reservation of the South Fremantle Power Station are noted.

Refer to Part 7 of the Report on Submissions.

Submission No. 9 was supported by a Hearing.

DETERMINATION

Submission noted.

Submission: 10
Submitted by: City of Cockburn

Summary of Submission:

SUPPORT AND COMMENT

Council at their Ordinary Meeting on 8 April 2010 resolved to make a submission to the WAPC as follows:

1. It is requested that the railway crossing points identified on the Cockburn Coast District Structure Plan be rezoned from Railway reserve to Urban Deferred to ensure that some form of grade separated access is both acknowledged and permitted at these strategic access points along the railway.

2. Council support the remaining proposals contained within Metropolitan Region Scheme 1180/41.

Further to the City's submission on the advertised proposal dated 3 May 2010, the City have reviewed the proposed amended plan (labelled Proposal 1). It is noted that the proposed changes are minor in nature and are intended to ensure that there is no adverse impact on the site containing the 'Randwick Stables' which are included in the State Register of Heritage Places. These proposed minor modifications do not change the City's original submission, which was resolved at the Ordinary meeting of Council held 8 April 2010 (as outlined above).

PLANNING COMMENT

The City's support for the amendment is noted.

Refer to Part 7 of the Report on Submissions with regard to the rezoning of strategic access points of the freight rail reserve.

Submission No. 10 was supported by a Hearing.

DETERMINATION

Submission partly dismissed.
As a landowner/occupier of a property in the Newmarket Precinct area, am excited about the proposed Cockburn Coast District Structure Plan and stress that it has been a long time in the making.

After viewing the proposed MRS amendment, it was disappointing to see that only a section of the Primary Regional Roads MRS reservation in this area is to be amended. The existing Primary Regional Roads reservation over the property has affected future development plans and resulted in ongoing sewerage problems, as the Water Corporation are unable to address this issue through infill sewerage with the MRS reservation restriction in place.

It is strongly recommended that the whole of the Primary Regional Roads reservation be amended and lifted, as this parcel of land, which was reserved for the previous Roe Highway/Fremantle Eastern Bypass is outdated, previously deleted and no longer required. This proposed amendment is the opportunity to address the concerns of those who reside in this pocket of land and give clarity and peace of mind to residents.

It is also recommended that any residential development of the 'Randwick Stables' area, is to be regulated in built form to blend in with the aesthetic and historical values and significance; and could have historical naming.

The concerns of the submitter are acknowledged however, the landowners property is located within the Primary Regional Roads reservation north of Rockingham Road; and is therefore not subject to this amendment.

The DoP and the Department of Transport are currently undertaking regional road network studies in relation to the road reservations west of the Stock Road interchange, and the broader South Metropolitan and Peel Region. These studies will assess the adequacy of the existing and reserved road networks and may make recommendations as to future requirements in relation to the PRR reservations north of Rockingham Road.

As a result of the identified impact of the alignment of the PRR reservation as advertised on the Randwick Stables, the Department has subsequently modified the proposed northern realignment of the PRR in a westwards direction. Further information is provided in Part 7 of the Report on Submissions in this regard.

Submission partly dismissed.
Summary of Submission:

SUPPORT AND COMMENT

South West Group broadly supports the development of the Cockburn Coast as outlined in the structure plan and the redevelopment of the South Fremantle Power Station as the mixed use hub of the redevelopment.

The South West Group has previously expressed concern about the quality of public transport linkages and the adoption of an 800m walking distance standard for access to public transport - the provision of 3 transit stops is inadequate for 10 800 future residents for an area being promoted as transit oriented development. Provision should be included for a further public transport route closer to the coast and a target set for having access to public transport within a 400 m radius; with the transit corridor to incorporate geometry that will ultimately be capable of being serviced by light rail.

The district structure plan shows strategic access points across the railways reserve. It is recommended that these crossings be rezoned to Urban Deferred, as it is considered that the success of the district structure plan will largely be measured by the manner in which it reunites the public with the coast. By rezoning these crossing points, this will ensure that some form of grade separated access is both acknowledged and permitted at these strategic points across the railway.

The freight rail linkage through Cockburn Coast is crucial for the economic development of the region. The freight rail must be capable of handling 500 000 containers a year if the objective of having 30% of Fremantle Inner Harbour container traffic on rail is to be achieved. Crossings over the freight rail linkages should provide for double stacked containers and access to the rail reserve to be suitable for heavy equipment needed to deal with the derailment of a train and wagons.

PLANNING COMMENT

South West Group's support for the redevelopment of the Cockburn Coast and the South Fremantle Power Station are noted.

The principles of maintaining the operations of the freight rail reserve and maximising access to public transport are agreed. While the district structure plan outlines a target of 60% of dwellings to be within 800 m of public transit, the alignment of the public transport corridor along Cockburn Road achieves a similar proportion within a 400 m radius. These targets however, are not contingent on the amendment.

With regard to the rezoning of strategic access points and public transport, refer to Part 7 of the Report on Submissions.

Submission No. 12 was supported by a Hearing.

DETERMINATION

Submission partly upheld
Conditional support is given subject to the amendments not impacting or affecting the business and operations from Darkan Avenue.

Trucks and heavy haulage service the business, as such infrastructure roads should be built prior to any development commencing in this precinct. In particular, this refers to the construction of the new Cockburn Coast Drive and its link to Rollinson Road.

Traffic congestion during the South Beach and Port Coogee developments were intolerable, causing many delays and lost business, not to mention the extreme sand and dusty conditions that the business had to operate within, and are very concerned with any reoccurrence of these conditions.

A lot of money has been spent on the businesses and long term plans are held for remaining in this area and expect the due consideration that has been promised.

Petition attached pertaining to immediate address of transport concerns at the current intersection of Rollinson and Cockburn Roads and concern also expressed for current lack of funding for construction of Cockburn Coast Drive.

PLANNING COMMENT

Refer to Part 7 of the Submissions Report.

DETERMINATION

Submission noted.

TPG Town Planning and Urban Design (TPG) on behalf of the landowner of Lots 22 and 222 Cockburn Road provide the following comments on the draft MRS amendment as invited by the Western Australian Planning Commission:

1. The landowner has reviewed and considered the proposal and is supportive of the proposal, however it should be recognised that many industrial landowners will be making significant investment decisions to relocate based on the timeframes previously discussed. Whilst the timeframes envisaged for the lifting of the Urban Deferred zoning (subject to the criteria outlined in the report) are considered acceptable, optimising the delivery of outcomes envisaged by the CCDSP is
imperative to minimising any potential adverse impacts on the existing landowners associated with the transition of land uses in the short to medium term.

2. It is recognised that both AMD 1180/41 and the CCDSP identifies a number of roads of local, district and regional importance which, subject to further detailed design, are likely to require to result in acquisition of a portion of the subject land. It is understood that, should the development of the subject land be proposed in the future, compensation streams are available for the acquisition of land for regional and district connections. However, there is little certainty for processes that may be put in place for compensation for the acquisition of lands for identified local roads identified in the CCDSP. Therefore consideration should be given to including such roads as a part of the formulation of a future Developer Contributions Plan. This will provide assurance to landowners that compensation will be available for land acquisition to accommodate infrastructure that will ultimately benefit all landowners within the MRS amendment boundary.

3. The State Government is encouraged to be an active participant in the redevelopment process to ensure optimal delivery of high quality outcomes. Establishing initiatives such as land management initiatives or a mooted redevelopment agency would signal to landowners and investors that the Government is committed to the timely delivery of high quality outcomes for the Cockburn Coast.

4. The landowner is concerned that while its operations remain at the subject freehold and leasehold lots, full access is permitted for large articulated vehicles (including B Double and road trains) both in and out of their premises onto Cockburn Road. The landowner currently has approximately 70 truck movements per day in and out of its' sites onto Cockburn Road during peak seasonal demand.

PLANNING COMMENTS

The landowners support for the amendment is noted.

Compensation associated with the impact of a PRR reservation on property previously not subject to the reserve is noted and will be subject to the provisions of the MRS. It is also agreed that costs and land requirements associated with district and local infrastructure will need to be equitably apportioned amongst landowners through a Developer Contribution Plan. The application of a Developer Contribution Area has been identified as a required of future local planning scheme amendments.

It is acknowledged that there is a need for landowner certainty regarding procedural issues and ongoing governance arrangements, as outlined in point 3 above. However, project governance is not related to the MRS amendment process.

The potential for impact on existing industrial properties is addressed in Part 7 of the Report on Submissions.

DETERMINATION

Submission noted.
The Physical Activity Taskforce (PATF) is supportive of the intent to rezone the North Coogee Industrial Area to an Urban Deferred zone to reflect the outcomes of the Cockburn Coast District Structure Plan. The transformation of redundant industrial land into a vibrant mixed use community with associated infrastructure developments will provide a positive impact. In this regard, the PATF wish to make the following comments with regard to health, transport, accessibility, environmental sustainability and designing out crime measures.

Health Impacts

The PATF would like to see more prominence attached to health and wellbeing, as this is recognised as a significant driver for land use and transport planning. There is an accumulating body of evidence which demonstrates the linkages between the design of the built environment and impacts on population health levels. The PATF advocates Health Impact Assessments for the development of policy and appraisal of planning applications.

Transport

Whilst there is recognition of the need to provide public transport linkages, there should also be consideration given to the development of an integrated local transport strategy, in conjunction with the City of Cockburn, which acknowledges various modes of transport, particularly walking and cycling. Design options need to be employed which promote the development and usage of shared paths.

Accessibility

Public access to and from the community hub and all amenities is critical for its vitality, sense of purpose and focus. In addition to improved pedestrian and cyclist accessibility, recognition also needs to be afforded to vulnerable road user groups, including people with disabilities, older people and youth. All public areas, existing and proposed, should be well lit, signed and clearly identified in accordance with Designing Out Crime principles.

Environmental sustainability

Whilst the PATF is supportive of increased recreational visitation to coastal areas, this will necessitate the provision of increased access and a balanced approach to management of environmental assets to manage associated environmental impacts.

PLANNING COMMENT

The principles relating to increasing physical activity, accessibility, universal design and designing out crime are agreed. These issues however are typically address at the structure planning level, as opposed to the MRS amendment stage. In this regard, the WAPC’s Liveable Neighbourhoods, Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development and other State policies are instructive as to achieving the principles outlined through detailed design.
As detailed in the previous submissions the freight rail and road routes located within the district structure plan area are critical as they play a crucial role in ensuring that the Inner Harbour meets the State's trade needs. As the State's only dedicated container port, the Inner Harbour plays an important and continuing economic role in facilitating trade.

For the Inner Harbour to fulfil its role, it is crucial that the connecting freight routes are able to operate at their optimal capacity without being adversely affected by urban encroachment or other activities. It is requested that the planning for the district structure plan area recognises the strategic importance of these freight routes and ensures that they are protected from urban encroachment. To achieve this, it is recommended that the WAPC ensures that this issue is satisfactorily addressed prior to the lifting of the Urban Deferred zoning in the future.

**Importance of the freight rail line to port operations**

Rail is an increasingly important transport mode for freight rail movement. The aim is that 30% of trade will eventually move via this mode. The minimum future number of trains servicing the Inner Harbour will be 8 train movements per day (four to the port and four from the port). For this reason, it is important that the strategic importance of the freight rail line is clearly recognised and addressed at all stages of the planning process.

**Protecting strategic freight routes**

One of the biggest threats to the ongoing operations of the Inner Harbour is urban encroachment of connecting road and freight route. The problem is exacerbated as former industrial areas adjacent to strategic freight routes are redeveloped for residential purposes. This creates a lose-lose situation for both the occupants of dwellings located near freight routes and the freight operators who increasingly find it difficult to operate in this environment. Any restriction on the operation of the freight route would ultimately impact upon the efficient operation of the Inner Harbour port facilities. Appropriate planning is needed to avoid this situation.

*State Planning Policy (SPP) No. 1 - State Planning Policy Framework and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Transport* provide valuable guidance on this matter. One of the principles of SPP No. 1 is "protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use development". The objectives of SPP 5.4 include protecting people from unreasonable levels of transport noise, as well as protecting major transport corridors and freight operations from incompatible urban encroachment. This policy specifies a range of measures that can be used to mitigate the impacts of transport noise on residents, including separation by distance, the construction of noise barriers and built form requirements.
Recommendation

The protection of land freight routes to the Inner Harbour needs to be considered at both the regional and local planning levels. It is recommended that a strong focus is placed on ensuring that the issue of urban encroachment on strategic freight routes is clearly addressed prior to the lifting of the Urban Deferred zoning. This can be achieved by the WAPC identifying the issues of urban encroachment upon strategic freight routes as a constraint to urban development that needs to be satisfactorily addressed prior to the lifting of the Urban Deferred zoning.

The benefit of this approach would be that any transport noise issues would be clearly identified early in the process, resulting in improved planning outcomes where the amenity of residential areas and strategic freight routes are both protected.

PLANNING COMMENT

Refer to Part 7 of the Report on Submissions.

DETERMINATION

Submission partly dismissed.

Submission: 17
Submitted by: Hassell Pty Ltd for LandCorp

Summary of Submission:

SUPPORT AND COMMENTS

LandCorp is supportive of the MRS amendment to transfer the project area to urban deferred, recognising that this is an interim step towards realising the full potential of this uniquely situated piece of land to Urban. LandCorp is a key stakeholder in the amendment area, owning approximately 40 ha of land.

LandCorp aspires to create sustainable and vibrant places to work, live and play creating better places for future generations, and the Cockburn Coast provides the opportunity to achieve best practice in this regard.

Cockburn Coast District Structure Plan

LandCorp support the Cockburn Coast District Structure Plan, as it provides a clear vision and statutory framework to progress the future development of the Cockburn Coast. The DSP provides the basis to justify the rezoning of the land from Industrial to Urban Deferred under the MRS. LandCorp has considered the proposed amendment to the MRS and supports transferring the project area from Industrial to Urban Deferred in order to facilitate the implementation of the DSP, however provides the following points for consideration.

South Fremantle Power Station

It is noted that the MRS amendment proposes to reserve the South Fremantle Power Station site as Public Purposes - Special Use.
The MRS document cites a primary reason for the Public Purpose Reservation for the Power Station is to ensure that the WAPC retains approval responsibility to secure an appropriate planning outcome for the site prior to being transferred to urban or being sold to the private sector.

LandCorp considers that an option exists for the site to be transferred to Urban Deferred under the MRS amendment, with the following additional mechanisms being a prerequisite to the Commission considering a request to lift the urban deferred zoning over the site:

1. local scheme provisions relating to planning requirements for the site being progressed to advertising and/or;
2. detailed planning by way of a precinct plan and delivery framework (or similarly detailed planning outcome) be endorsed and approved for public consultation and/or; and
3. a Clause 32 resolution being made over the site to ensure the WAPC remain the determining authority.

In addition to the above, it is considered that a future reservation of Public Purpose Special Use is not conducive to facilitating future redevelopment or commercial outcomes for the site, for the following reasons:

1. The Public Purpose reservation assumes in part that the land will be retained in public ownership and ongoing private sector tenure would be on a leasehold basis. This limits the options for procuring redevelopment outcomes and could reduce the attractiveness of the site to private sector investment;
2. The potential public purpose reservation is likely to affect a valuation of the land when compared to a potential urban zoning. The WAPC should seek an urban zoning to maximise valuation and to provide commercial/private sector with certainty as to the sites ultimate urban potential; and
3. The reservation does not provide a statutory framework to allow the progression of further detailed planning by way of structure planning or precinct planning for the site, which is a requirement identified by the DSP.

It is recommended that the Power Station site be included within the Urban Deferred zone.

PLANNING COMMENT

Refer to Part 7 of the Submissions Report.

DETERMINATION

Submission partly dismissed.

Submission: 18
Submitted by: Electricity Generation Corporation, trading as Verve Energy

Summary of Submission:
OBJECTION AND COMMENTS

Verve Energy strongly objects to the proposed amendments for the reasons set out below:

State ownership

The MRS amendment states that "It (the Power Station building and surrounding curtilage) would remain in State Ownership". Verve Energy was established as a body corporate under a "written law" namely Part 2, Division 1 of the Electricity Corporations Act 2005 (WA) (ECA).

Section 5 of the ECA provides that Verve Energy is not an agent of the State and does not have the status, privileges and immunities of the State.

The subject landholding is an asset owned by Verve Energy in its capacity as a corporation and with the obligation to act in accordance with commercial principles. If it is the intention of the WAPC for the building and curtilage to be directly State owned, then Verve Energy considers that the WAPC should acquire the site for a satisfactory commercial outcome to Verve Energy.

Zoning part of the land to Public Purpose-Special Use

The imposition of the Public Purposes Special Use zoning would wholly constrain future development of the whole site. This is considered unreasonable and inappropriate.

Zoning part of the land to Urban Deferred

The proposed zoning places considerable restrictions and risks on a future owner as no timeframe is provided to amend the zoning from Urban Deferred to Urban.

It could be argued that a future landowner would seek to develop the Urban Deferred area first to create a cash flow to fund the redevelopment of the Power Station.

It is suggested that the proposed Urban Deferred be amended to Urban to provide any future owner of the site a range of options as to how and when the land is developed.

Redevelopment cost restricted to 99 year leasehold returns

Any large coastal englobo landholding within the Perth Metropolitan Region and identified future development would usually be highly sought after by property developers. Developers will normally pay a premium to acquire coastal land with future development potential, but in this instance, the price paid would need to factor in both the extent of any capital expenditure required and the rate of return on investment, especially if any leasehold tenure is to be offered.

From an investor's point of view, the acquisition of such an asset (within any development of the power station building) would be seen as a depreciating asset, potentially attracting a considerably lower purchase price.

Loss of potential to sell site to date

The planning process for the site has been very lengthy and drawn out. This has restricted Verve Energy's commercial opportunity to dispose of the land as potential purchasers were unwilling to proceed due to planning uncertainty.
Compensation

It is Verve Energy's view that the proposed zoning changes will severely and significantly impact and compromise what can be done on the site and in the future. If the proposed zoning amendments proceed, achieving a sale on the open market (if the site were offered) would appear very unlikely. It is Verve Energy's intention to seek compensation should the proposed zoning be approved by the WAPC.

PLANNING COMMENT

Verve Energy's submissions in regarding ownership status and leasehold arrangements are noted and will be removed from further iterations of reporting on the MRS; however, these issues do not materially affect the proposed amendment of the subject landholdings.

In relation to the retention of some Parks and Recreation reservation within the subject land, the land areas proposed for retention under the reservation have been established based on the outcomes of the district structure plan, and the coastal processes assessment undertaken to support the DSP’s preparation. Within this context, the coastal processes setback has been aligned to recognise the existing extent of the South Fremantle Power Station site.

For further discussion regarding the South Fremantle Power Station site, refer to Part 7 of the Report on Submissions.

Submission No.18 was supported by a Hearing.

DETERMINATION

Submission partly dismissed.

Submission: 19
Submitted by: Heritage Council of Western Australia
Summary of Submission:

SUPPORT AND COMMENTS

South Fremantle Power Station has been recognised as a place of cultural heritage significance and has been assessed as being a place of cultural value to the State. As such it is included in the Register of Heritage Places (Place # 03381). While the retention and adaptive reuse of the Power Station are welcome statements, it should be noted that the Heritage Council should be consulted in relation to future development. It should also be noted that the requirement for referral includes development of adjacent land.

The Office of Heritage welcomes the revised road reservation alignments proposed to protect the Randwick Stables. Future road development remains a threat to the curtilage and setting of the Stables, but it is hoped that this can be mitigated to some degree through appropriate landscaping.

PLANNING COMMENT

The comments provided by the Heritage Council are noted. It is understood that ongoing discussions are being held between Verve Energy and the Heritage Council with regard to
the status of the interim listing of the South Fremantle Power Station on the State Register of Heritage Places.

DETERMINATION
Submission noted.

Submission: 20
Submitted by: WestNet Energy

Summary of Submission:

SUPPORT
WestNet Energy, on behalf of WA Gas Networks, have High Pressure and other gas infrastructure within the structure plan area. WestNet Energy have no objections to the proposal provided that existing infrastructure and access rights are not affected.

Depending on the rationalisation of existing roads and possible closures, gas infrastructure may require relocation (at the proponents cost) or easements created to ensure existing rights are not diminished.

PLANNING COMMENTS
Comment noted.

DETERMINATION
Submission noted.

Submission: 21
Submitted by: Western Bridge Pty Ltd, N & CR Seeber Pty Ltd and Starpac Corporation Pty Ltd

Summary of Submission:

SUPPORT
All parties agree to the proposed amendment. The rezoning of land from Zone A to Urban Deferred should facilitate a logical transition to Urban once conditions have been met.

The Cockburn Coast area has been underutilised for many years because of a progressive decline/shift of the type of industries involved, and so the changes planned for this precinct, which has so much potential, are supported.

Of concern, while remaining at Lot 221, is a continuation of free access to Cockburn Road for heavy vehicles bringing produce in from all country regions and daily container movements to Fremantle Port.
Comments noted. Refer to Part 7 of the Report on Submissions with regard to existing industrial operations.

DETERMINATION

Submission noted.

Submission: 22
Submitted by: Western Power

Summary of Submission:

COMMENTS

Based on the Cockburn Coast District Structure Plan, it is recognised that there will be development (mainly residential and mixed use) and rezoning in the North Coogee area.

The existing South Fremantle 132/66 kV Terminal Station is located within the rezoning area. Western Power have been approached by the Department of Planning (DoP) and LandCorp to investigate options for the possible relocation of the Terminal Station.

South Fremantle Terminal Station currently supplies the local area and interconnects to and supports adjacent load areas. Western Power does not have any plans to decommission or relocate it. Where relocation is proposed, Western Power will be required to submit a Regulatory Test to the Economic Regulation Authority (ERA) and satisfy the New Facilities Investment Test (NFIT). Where the NFIT cannot be satisfied, all or a significant portion of the cost of the relocation would need to be funded by way of capital contribution to Western Power. Assuming that agreement is reached on the preferred location, and funding and necessary approvals can be obtained, the relocation of the Terminal would be expected to take many years to complete.

In regards to the land use information provided in the CCDSP, it is noted that there will be a major development in the North Coogee area. A preliminary assessment indicates that there will be a need for network reinforcement in order to adequately supply the area. In addition to new 22kV and 415kV distribution works, there is expected to be a need for at least one new 132/22kV zone substation and associated 132 kV transmission line works. Such works will also have funding implications and can be expected to have a lead time in the order of 3 to 5 years (including the approvals process).

It is essential that DoP, LandCorp and other developers, work closely with Western Power to ensure provision is made for network infrastructure (e.g. zone substation site(s) and transmission line corridors) to enable supply to be provided in a timely manner.

PLANNING COMMENTS

Comments noted.

DETERMINATION

Submission noted.
The following aspects of the amendment are generally supported:

a) Rezoning Industrial zone to Urban Deferred, subject to modifying the DSP to provide for significant increases in population, adequate rail corridors and the protection of the coastal ridge;

b) Rezoning of the South Fremantle Power Station land to Urban Deferred and Public Purposes Special Use, subject to the resolution of the Western Power substation;

c) Rezoning of a portion of the foreshore reserve to Urban Deferred subject to resolving issues associated with the development of a regional beach;

d) Efforts to reduce the negative impact on the Beeliar Regional Park land (although more changes are needed);

e) Converting areas of PRR reservation along the ridge to Parks and Recreation and including the same as Bush Forever.

The following aspects of the amendment are not supported:

a) Retention of the PRR reservations in the amendment areas, including retention of the Roe Highway reservation and the Fremantle to Rockingham Controlled Access Highway (FRCAH) reservation;

b) Inadequate width of the Railways reservation and subsequent failure to zone sufficient land for a transport corridor along this route suitable for a heavy or light rail passenger network and separate freight rail line;

c) Failure to identify a suitable transport corridor along Cockburn Road suitable for a light rail or Tier 2 transport option and failure to zone Cockburn Road as an Other Regional Reservation to ensure it is capable of replacing and/or supplementing the need for a road running along the ridgeline;

d) Failure to extend a 'green link' of Parks and Recreation between the Beeliar Regional Park and Clontarf Hill, to enable Clontarf Hill and the bushland and heritage sites to its south to be incorporated into Beeliar Regional Park;

e) Failure to acknowledge or protect the numerous WWII tunnels, bunkers and other remnant infrastructure in the vicinity of the FRCAH;

f) Failure to provide the right balance of foreshore reserve and urban development sufficient to facilitate the development of a regional beach in the vicinity of McTaggart Road; and
g) Failure to provide a fully integrated solution for the redevelopment in and around the South Fremantle Power Station site, including failure to include the opportunity to zone the foreshore and sea bed in a manner suitable for a marina.

PLANNING COMMENT

Beeliar Regional Park and Clontarf Hill

Responses to the issues raised are outlined briefly below and in Part 7 of the Report on Submissions.

The submission outlines a number of points in relation to Beeliar Regional Park, namely:

- The need to protect and enhance Beeliar Regional Park and the ridgeway
- Improve the visual and physical connectivity of the Cockburn Coast development with the Park and Clontarf Hill
- Retention and implementation of a greenway link between the Regional Park and Clontarf Hill
- The creation of an alternative edge between the Cockburn Coast development and Manning Park.

The desire for the protection and enhancement of Beeliar Regional Park and the ridgeline are noted. The MRS amendment proposes the realignment of the existing Primary Regional Roads reservation westwards to reduce the impact of the road on the vegetation and topography of the Park, to the extent possible. As a result, an additional 5.7 hectares of land previously subject to PRR reservation will be available for transfer into the Beeliar Regional Park management area. It is anticipated that the impact of the road on these factors may be able to be further reduced through more detailed road design, as conservative earthworks and drainage factors have been applied to inform the MRS amendment.

Components of the submission in relation to the importance of Clontarf Hill from a historical and environmental perspective are noted. The proposed amendment impacts land south of Clontarf Hill, and more particularly south of Rockingham Road, however does not propose any amendments to the existing Urban zoning over Clontarf Hill.

The submission also contends that a formalised greenway link should be established between Manning Park and Clontarf Hill. Until further regional transport studies are concluded relating to the Primary Regional Roads reservations north of Rockingham Road, it is not appropriate to consider utilising the PRR reserve for this purpose.

The importance of connecting the Cockburn Coast development with Beeliar Regional Park is noted. The CCDSP identifies a number of points at which pedestrian access into the Park will be provided for, however being finer grained connections, these are not able to be recognised at the scale of the MRS amendment. It is considered that these aspects may be further refined at the local structure planning stage.

With regard to the creation of an alternative edge to Beeliar Park, the submission notes that should a road need to be created that its design should be that of a local road with minimal. As outlined in Part 7 of the Report on Submissions, the road will perform a regional function and therefore may require varying design standards. It is the intent of the CCDSP that development will provide an appropriate and responsive interface with Cockburn Coast Drive and Beeliar Regional Park.
Integrated development of the South Fremantle Power Station

The submission proposes the development of a marina containing boat pens, adjacent to the South Fremantle Power Station. Mooring facilities in the Cockburn Coast area were considered during the preparation of the CCDSP, and ultimately determined that it would require the construction of a harbour facility. Temporary facilities could be constructed at the end of a jetty; however dredging would most likely be required and the costs associated with the length of the jetty and maintenance would be prohibitive. Given the likely prohibitive costs of dredging and relevant harbour infrastructure, opportunities for additional marina facilities have not been factored into the amendment through the rezoning of seabed land.

Rail line - sinking and relocation, passenger rail

While the concept of sinking or relocating the freight has merit in maximising public access between the development and the coast, the expense of undertaking such works are considered prohibitive and have therefore not been included in the CCDSP or the proposed MRS amendment.

Further, the potential use or expansion of the freight rail reserve to accommodate passenger rail use would need to be considered at a regional level, beyond the scope of the CCDSP and the current MRS amendment. Options evaluated in the development of the CCDSP included use of the freight reserve for transit purposes however was discounted due to the significant costs and constraints associated with the proposal.

Detailed design issues

Comments pertaining to the regional beach, east-green links, land use adjacent to the foreshore and overall population are detailed factors which are not contingent on the proposed MRS amendment and may be suitably addressed through the local structure planning process.

Submission No. 23 was supported by a Hearing.

DETERMINATION

Submission partly dismissed.

Submission: 24
Submitted by: Main Roads WA

Summary of Submission:

PARTIAL OBJECTION

Main Roads WA does not support this amendment, and has consistently advised the Department of Planning that further work is required to resolve the future Road connectivity from the proposed Cockburn Coast Drive north of Rollinson Road.

This MRS amendment is proposing to rezone an area of land that is currently reserved as Primary Regional Road to Urban and there is a very strong likelihood that some of this area will be required for future road purposes. A recent network study (Road Network Study - West of Planned Stock Road/Roe Highway Interchange) undertaken by DoP has
recommended a northern extension of Cockburn Coast Drive to provide connectivity to Hampton Road.

Main Roads supports the MRS amendment for the area south of Rollinson Road.

Following further targeted consultation with Main Roads regarding the proposed revisions to the northern component of the PRR reservation alignment, further correspondence was received which did not alter the position previously outlined.

**PLANNING COMMENT**

Refer to Part 7 of the *Report on Submissions*

*Submission No. 24 was supported by a Hearing.*

**DETERMINATION**

Submission partially upheld.

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<td>Submitted by:</td>
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**Summary of Submission:**

**COMMENTS**

The issues that are considered to need to be addressed and resolved are as follows:

The role of LandCorp as the project manager for the rezoning and infrastructure implementation needs to be formalised so landowners can rely on LandCorp to drive the process. Is this to be an interim arrangement until an Improvement Plan or some other process is in place or is the appointment permanent?

Whatever the process and the entity responsible, for its implementation, a formal timetable is required. This timeframe should show the items on the critical path so that priority can be attributed to certain areas within certain cells. The governance structure should include:

- A reporting system needs to be established to ensure the process can be monitored and managed, and landowners briefed of their role in the process.
- Landowner and precinct meetings need to be held so they know the issues to determine and they fit in with the process.
- An estimate of costs to be contributed to by landowners pre and post implementation (on development approval) needs to be assessed so landowners are not caught unawares and hold the process up.

Apathy and non-involvement by landowners should not interfere with the process and landowners need to be made aware that their participation is encouraged, however macro infrastructure issues will be determined with or without their involvement.
PLANNING COMMENT

The comments outlined in the submission primarily relate to project management and coordination. While important to the implementation of the project, the MRS amendment is not contingent on these detailed project management issues being addressed.

Notwithstanding this, LandCorp have recently commenced a further phase of landowner engagement to address detailed planning matters.

DETERMINATION

Submission noted.

Submission: 26
Submitted by: Adele Carles, MLA

Summary of Submission:

COMMENTS

This submission outlines a number of concerns and suggestions in relation to the Cockburn Coast District Structure Plan (CCDSP) as it appears in the Metropolitan Region Scheme Amendment 1180/41. Comments are also made in relation to the planning issues surrounding the South Fremantle tip site and the Fremantle Chalet Village (Caravan Park). The South Fremantle tip site and the Fremantle Chalet Village both fall within the boundaries of the CCDSP, yet the planning considerations of the former tip site are sidestepped in the documentation of the CCDSP. The South Fremantle tip site is regarded as being subject to separate planning measures by the City of Fremantle and the chosen planning option for the site differs from that which has been made public previously.

There is clearly a need to consider the sensitive and ecologically sustainable development of this locality given its historic use as an industrial area with noxious industry land use. However the need to remediate or manage contaminated land should not compromise the remaining high conservation values of other land within the structure plan area or resident's health and amenity.

With a view to ensuring more sustainable outcomes for the structure plan, comments are provided on:

- The urgent need to fund dedicated infrastructure for a light rail network to service the structure plan development and alleviate congestion on Hampton Road and throughout Fremantle.
- Strong community opposition to residential development of the South Fremantle landfill site due to health and safety issues and environmental impacts.
- The need for greater setbacks between the coastline and the key residential and commercial developments of the CCDSP.
- Real consideration to be given to the relocation of the Fremantle Chalet Village permanent residents to affordable accommodation within the CCDSP that provides improved amenity and security (the 'village' is currently located on top of a medical and municipal waste dump).
The need to integrate renewable energy systems into the development at a district scale where possible and certainly at lot scale for commercial and residential structures.

The following recommendations have been provided for in the submission:

**Transit: Light rail vs. buses**

- It is clear that there is a need for a light rail service for the Cockburn DSP to funded at the next state budget. Although provision is made in the plans for a light rail reserve, the emphasis in the most recent CCDSP appears to be on road-based bus transport. It is recommended that the State Government develop an infrastructure investment plan for long term light rail implementation in the CCDSP with a view to extension into surrounding suburbs at a later time.

- Traffic congestion on Hampton Road has reached critical levels and with anticipated population increases resulting from the CCDSP, and increase in road based transport (including bus services) will prove unmanageable in the short to medium term. It is recommended against road based transit systems as they increase congestion and represent an opportunity to cost and investment disincentive for future light rail infrastructure.

- Light rail integration with the broader regional transport network is the most sensible and sustainable option to connect Fremantle with the CCDSP development and the suburbs beyond. The state government should establish a transit working group to integrate the heavy rail line at Fremantle Station with light rail infrastructure from the CCDSP.

**South Fremantle Landfill Site**

- Residential redevelopment of the South Fremantle landfill site should not be approved be approved due to the many risks associated with the hazardous waste and emission of landfill gases from the site.

- A 500m buffer zone, which precludes further residential development should be applied around the South Fremantle landfill site, in accordance with Victorian EPA guidance statements.

- Regular monitoring for landfill gas at the landfill site, surrounding residential areas and commercial areas, already existing within the 500m buffer, should be implemented as a matter of urgency and in accordance with the highest international standards.

- Comprehensive soil and groundwater testing should be undertaken in the plan area to support well informed redevelopment strategies.

**Fremantle Chalet Village**

- It would be commendable if the Caravan Park/Park Homes Interagency Working Group, in collaboration with the long-term Chalet Village residents could develop a resolution to their current predicament based around secure, affordable housing/accommodation within the CCDSP.
Coastal setback

- All development should be set back at least behind the freight rail reserve and Robb Road to prevent inundation of coastal lots.

- If the Government accepts current sea level rise predictions, the precautionary principle should be invoked and there should be no coast development within 1 km of the sea.

Renewable Energy

- Assess and implement district scale renewable energy generation for the CCDSP where feasible.

- Require design criteria for domestic and commercial buildings within the CCDSP that maximise passive energy savings and active renewable energy generation wherever possible.

- Review legislation to make it easier for large scale renewable energy generation to be dedicated to local developments to create a level of measurable energy autonomy and carbon footprint reduction for developments such as CCDSP.

PLANNING COMMENTS

Public transport

Refer to Part 7 of the Report on Submissions.

South Fremantle Landfill Site and Fremantle Chalet Village

The South Fremantle Landfill Site plans are consistent with those previously made public by the City of Fremantle and accord with the preferred higher development option. The plan has however been modified to reflect the colour schemes used throughout the broader DSP, but still reflect the intent of preferred concept plan B as determined by Fremantle Council (Ordinary Council Meeting of 22 October 2008).

The concern related to the contamination of the South Fremantle landfill site is noted. The CCDSP recognised and reflected the planning being undertaken by the City of Fremantle and LandCorp in relation to the development of concept plans for the site. No proposals for change for the landfill or Chalet Village sites are proposed through the current MRS amendment process, as both sites are already zoned for Urban purposes under the MRS. The City of Fremantle's local planning scheme identifies both sites as Development Areas, requiring development in accordance with an approved local structure plan, adopted by the City and the WAPC. The process already provided for in the current local statutory scheme, in addition to the Contaminated Sites Act and legislation relating to public health, will ensure that the environmental and community health issues are adequately addressed prior to any development occurring.

The Fremantle Chalet Village is noted as an ongoing issue. The site is held in freehold private ownership, despite its known contamination issues, and is subject to the same Development Area provisions as the landfill site under the City of Fremantle's Local Planning Scheme. Should the owner decide to redevelop in the future, a local structure plan will need to endorsed and the site remediated. While the tenure of residents is a concern, it is not an issue that can be addressed in relation to the current MRS amendment.
Suggestions in relation to accommodating the Chalet Village residents may be considered at more detailed stages of the planning process.

Coastal setback

The coastal setback outlined in the CCDSP has been prepared in accordance with SPP 2.6 - State Coastal Planning Policy, and approved by the relevant agencies; involving comprehensive analysis of historical shoreline movements, severe storm events and climate change factors. The arbitrary proposal outlined in the submission is therefore dismissed.

It is noted however, that the WAPC Position Statement - SPP 2.6 Sea Level Rise was released by in August 2010 prior to the full review of SPP 2.6. This position statement outlines an increase from 0.38 m to 0.9 m for climate change factors. The revised policy position does not apply to the coastal processes setback line determined in 2007 for the Cockburn Coast project, as the position statement does not apply retrospectively.

Renewable energy

The potential to use renewable energy to service the project area is noted and agreed, and is the study of further technical studies currently being undertaken by LandCorp. This potential is not however able to be reflected in the rezoning of the land under the region scheme, and will need to be investigated in more detailed planning.

DETERMINATION

Submission partly dismissed.

Submission: 27
Submitted by: Mike Hulme
Summary of Submission:

SUPPORT AND COMMENTS

I am glad to see that the MRS amendment process has progressed and commend the work that the DPI has done throughout the structure planning process. I am however, disappointed to see that it is proposed to rezone the land to Urban Deferred instead of Urban.

It is understood that the reasons are to enable an orderly process for completing a Water Management Strategy, Infrastructure Masterplan and Developer Contribution Scheme.

It is important that each of these are completed before landowners start preparing and submitting development plans and applications to Council, however, all of these issues would be best dealt with before and during the City of Cockburn's TPS amendment, which still needs to be prepared, advertised, approved by Council and the Minister for Planning before being gazetted.

If all three are not completed by the time the TPS amendment is ready for advertising, they can be picked up as conditions of the TPS amendment. This will guarantee that they are dealt with properly, whilst providing enough confidence to landowners to start the expensive and lengthy site assessment and detailed planning and design process.
Other than this point, all other aspects of the MRS amendment report are supported.

**PLANNING COMMENT**

Refer to Part 7 of the Report on Submissions.

**DETERMINATION**

Submission partly dismissed.

| Submission: | 28 |
| Submitted by: | Water Corporation |

**Summary of Submission:**

**SUPPORT AND COMMENTS**

The Water Corporation generally supports the proposed amendment subject to the following matters being satisfactorily addressed as part of the Cockburn Coast District Structure Plan and future more detailed planning stages prior to the subject land being further subdivided and developed.

Some matters covered by the Corporation's previous submissions regarding the CCDSP and the preliminary MRS rezoning proposal have not yet been satisfactorily addressed.

**Water**

The subject land is serviced by the Water Corporation's Hamilton Hill Water Supply Scheme. The water mains and reticulation are sized for the former industrial use of the land. These pipes are not of an adequate size to serve the ultimate development now envisaged for the area.

The water scheme will need to be replanned prior to subdivision and development proceeding to accommodate increased demand and the proponents of the development will need to fund major upgrading of the system to support the development.

It is likely that upgrades will need to be undertaken to the water distribution mains serving this area in order to provide adequate water pressure and capacity to the proposed development. In this regard, the Water Corporation requests that the amendment be modified to include Reserve 5239 within the Public Purposes WSD reserve in the MRS.

**Drainage**

The structure plan area is not within a Water Corporation main drainage catchment. Local drainage will need to be implemented by the proponents in consultation with the Local Government.

**Water Management**

A Local Water Management Strategy should be prepared in accordance with the requirements of the WAPC Planning Bulletin No. 92 Urban Water Management and the Department of Water Better Urban Water Management Strategy.
PLANNING COMMENTS

Comments pertaining to the need for replanning of the existing water supply, drainage and a local water management strategy are noted.

The Water Corporation's Bennett Avenue pump station is currently zoned Industrial under the MRS, and was proposed for inclusion in the Urban Deferred zone in the advertised amendment. The Corporation's request for its landholding to be reserved to Public Purposes - WSD is to upheld, recognising the district level of importance of this facility.

Submission No. 28 was supported by a Hearing.

DETERMINATION

Submission upheld.

Submission: 29
Submitted by: Jon Strachan

Summary of Submission:

COMMENTS

Cockburn Coast Drive

The inclusion of the Cockburn Coast Drive CAH in the MRS amendment is not supported and the existing road reserve should be removed.

This road reserve has been on the MRS since 1973, when it was positioned to connect with the Fremantle Eastern Bypass (FEB), at a time when the Stephenson Hepburn plan was the guiding document for transport planning in the Perth Metropolitan Area. The Stephenson Hepburn Plan was a document of its time and has no place in inner city Perth in 2010. It also needs reiterating that the Fremantle Eastern Bypass has been deleted.

Cockburn Road was downgraded, redirected through Henderson and given lower speed limits specifically to turn it from a coastal distributor road. It is no longer the Fremantle to Rockingham Highway, as Stock Road performs that role. A controlled access highway would attract the heavy truck traffic that has been successfully encouraged to use Stock Road, this heavy traffic would flow north to the bottleneck which is Hampton Road, resulting in pressure being brought to revisit the FEB, or turn Hampton Road into a pseudo FEB.

Transit Infrastructure

This land is ripe for development, development that reflects the aspirations of Directions 2031 and is transit orientated. I can think of no development site in the metropolitan areas that is better placed to become a TOD. Once the land is subdivided and sold the opportunity will be lost. Transit infrastructure corridors and commitment to infrastructure must be introduced in the conditions at Urban Deferred level, awaiting until it is zoned Urban is inappropriate. There is merit in extending the current rail reserve to include dedicated transit infrastructure. A visionary plan would be developing this land in combination with the rerouting the heavy rail away from coastal medium density residential land, and extending the passenger rail from Fremantle Station to the South Fremantle Power Station, the proposed hub of the development area. If a transit route further east is considered
appropriate it should be reserved as such, saying Cockburn Road may become a transit route in the future is not good enough.

Open Space

Implicit in medium and high density development is a requirement for open space for both active and passive recreation. If CAH is not built, then Beeiliar Park could act as a passive space to the east, as the beach would to the west. Active POS however is not catered for, claiming the school grounds were adequate, as suggested previously is unfounded. Community health and wellbeing is directly linked to physical activity.

South Fremantle Power Station

This building has a potential to be a world class centre, as such the proposed rezoning is supported. The adjacent switchyard is a problem and remnant from the Power Station’s remnant life. As such, there is no technical reason why it should stay in its current location. The cost of moving it should be integrated into a review of the grid system demands in the region. Priority should be given to this area becoming a pilot for a 'Smart Grid'.

Conclusion

This land has been identified as appropriate for medium to high density sustainable development' inclusion of a new CAH does not fit with that intent and should be removed from the scheme amendment. The area is the prime site in Perth to develop a high quality TOD, therefore transit infrastructure must be mandated at this stage. The old South Fremantle Power Station should be at the hub of the development and central to any transit plans.

Planning for the area should be integrated with the region in terms of infrastructure renewal and applying best practice sustainability for smart power and transit options.

Impacts and opportunities offered by Fremantle should be more prominent.

PLANNING COMMENTS

A response in relation to comments on the Cockburn Coast Drive Primary Regional Roads reservation and public transport is provided in Part 7 of the Report on Submissions.

Comments in relation to the support for the South Fremantle Power Station reuse and rezoning, and the application of renewable energy are noted.

With regard to district level open space, the amount of active open space outlined in the CDDSP has been based on likely demographics, existing facilities in the vicinity of the Cockburn Coast area and Public Open Space related policies of the WAPC. Notwithstanding this, district level active open space is not reflected in the MRS amendment, and the MRS amendment is not contingent on this being issue being addressed further.

DETERMINATION

Submission partly dismissed.

Submission: 30
Submitted by: South Beach Pty Ltd
Summary of Submission:

SUPPORT AND COMMENTS

This submission is made as the Director of South Beach Pty Ltd, owner of the following landholdings:

- 17 Cockburn Road, North Coogee
- 123 Cockburn Road, North Coogee

In general, the district structure plan concept and the inclusion of a Local Activity Node, Mixed Use and Residential uses on the abovementioned sites is supported. However we have major concerns regarding the proposed implementation of the concept, specifically relating to the timing:

Timing

There is nothing fundamentally new about this proposal, in fact negotiations commenced in 2004 on the same topics. Following the endorsement of IP 33 in 2006 and subsequent structure plans, very little has happened. As a result, many landowners have lost confidence in the vision, something that needs to be rectified immediately. There needs to be swift and decisive action on the outcomes that need to be achieved and the most efficient way of meeting them.

It is proposed that all relevant stakeholders reach agreement on what needs to be done and commit to a critical path that is publicly available setting out the steps, for consistency and accountability.

Notwithstanding best attempts to create an inclusive process with all precinct landowners, their non attendance should not delay the implementation of the macro infrastructure.

Urban deferred vs Urban zone

In contrast to previous statements made, the WAPC is seeking to rezone the land to Urban Deferred. This is clearly an unnecessary step in already lengthy process.

There is no argument with the importance of the criteria for lifting of Urban Deferral, it is questioned why these can't be completed in parallel with the usual local structure planning items associated with an urban rezoning. This would make more sense, save time and get stakeholders once again interested in the concept.

It is worth noting that in the 2008 version of the DSP, the proposal was a direct rezone to Urban. Without landowner consultation, authorities decided to move the goal posts and push for Urban Deferred. As a direct result of this, land values have diminished given the lack of clarity on when/how milestones will be met. This needs to be urgently rectified and an Urban Deferred zoning will not do this.

South Beach Pty Ltd's involvement in the earlier stages of the project alongside LandCorp should be considered. Please make note of our desire to be involved from this preliminary stage.
PLANNING COMMENT

The comments outlined in the submission primarily relate to project management and coordination. While important to the implementation of the project, the MRS amendment is not contingent on these detailed project management issues being addressed.

Notwithstanding this, LandCorp have recently commenced a further phase of landowner engagement to address detailed planning matters.

A response is provided in Part 7 of the Report on Submissions in relation to the proposed Urban Deferred zoning.

DETERMINATION

Submission partly dismissed.

Submission: 31
Submitted by: Doepel Marsh Architects and Planners for Western Salt Refinery Pty Ltd and W.A.S.S. Nominees Pty Ltd trading as WA Salt Supply

Summary of Submission:

SUPPORT AND COMMENTS

This submission is made on behalf of Western Salt Refinery Pty Ltd and WASS Nominees trading as Western Salt Supply. Their properties are within the Cockburn Coast District Structure Plan area, yet in Section 2: Scope and Content of the Amendment under Cockburn Road, their properties are not listed. Please ensure that the land with its legal description is listed in the amendment document.

The purpose of the amendment as set out is supported and support is given to the MRS to be amended to rezone the land from Industrial to Urban Deferred.

The following aspects of the amendment and the CCDSP in relation to the subject site are also supported:

- the Mixed Use classification;
- development of the subject sites at the high density category will deliver outcomes described in the Government's 2031 infill housing targets vision;
- recognition as landmark sites, being at the southern entrance to the redevelopment area; and development of the sites should be in accordance with the landmark height ranges outlined in the CCDSP;
- involvement of LandCorp as the implementation agency, to guide the development process going forward, provided that they recognise the landmark status of the client's sites.
Timing

The orderly rollout of the development timetable is supported, however, it is important that landowners are kept fully informed of the timeframe, to allow them time to plan for relocation, reestablishment and refinancing.

Contributions

The owners recognise that scheme contributions are necessary but they must be fair and equitable, and the timing of payment of contributions must be carefully orchestrated to allow orderly relocation and subsequent redevelopment of the subject sites.

The amendment 1180/41 to the MRS is commended and supported taking into account the points raised herein.

PLANNING COMMENT

The subject sites are proposed to be rezoned through the proposed amendment. Reference to the subject sites will be provided in subsequent documentation relating to the MRS amendment.

The comments regarding Mixed Use and height elements pertain to the endorsed CCDSP. These elements, in addition to comments relating to project management, are noted however, do not directly relate to the MRS amendment and will be further refined through the local structure planning process.

DETERMINATION

Submission noted.

Submission: 32
Submitted by: Hugh Hyland

Summary of Submission:

SUPPORT AND COMMENTS

Land

Being coastal, near to Fremantle and with high transport potential, all land between South Fremantle and Port Coogee west of Manning Park is too valuable to use in any other way than high class residential development.

Building Height

A distributed proportion of buildings up to 16 storeys high would be acceptable, so as not to form excessive shadows, wind tunnels, possible future ghetto’s etc. Maximise views with the taller buildings staggered and sited inland. Need to ensure they look attractive and blend together.
South Fremantle Power Station

The South Fremantle Power Station has excellent potential for redevelopment. Whether it is demolished or not, the building and the site would need to be remediated from contamination. It would be an excellent opportunity to initially involve architectural students to get design ideas, such as an atrium inside, path and park along a revamped shoreline, shielding the switchyard with trees around the perimeter, or possibly relocate it to the east of Cockburn Road.

Public transport

Public transport requires a global approach, taking into account north, south and east links. The future depends on greater use of public transport and less use of private cars, whilst facilitating commercial vehicles. Although I am a strong supporter of trams (light rail), this area is already adjacent to a rail line (which used to carry passengers and should still be a key transport route). This railway needs to be upgraded between Fremantle and Thornlie, and fed by buses at numerous locations.

Most of the infrastructure and reservations are in place for a dual line. It can accommodate a huge increase in both goods and passenger services by converting the existing narrow gauge track and the separate standard gauge track to dual gauge each way (without the need to double stack containers).

PLANNING COMMENTS

The comments pertaining to the land use mix, building heights and options for the South Fremantle Power Station are noted.

A response to the public transport comments is provided in Part 7 of the Report on Submissions.

Submission No. 32 was supported by a Hearing.

DETERMINATION

Submission partly dismissed.

Submission: 33
Submitted by: Public Transport Authority (extended submission period)

Summary of Submission:

SUPPORT

The PTA has no objections to the revised road reservation alignment given the rail is underneath the subject road (at the southern end) and not affected.

PLANNING COMMENT

Comments noted
DETERMINATION
Submission noted.

Submission: 34
Submitted by: Chris Parlante (extended submission period)

Summary of Submission:

OBJECTION

As owner of a residential property most affected by this MRS amendment, I wish to lodge an objection to proposed amendment 1180/41 (as modified) for the reasons described below.

MRS amendment 1180/41 proposes to realign to the west the Primary Regional Road (PRR) reservation for the future Cockburn Coast Drive, to lie approximately 5-10m east of the eastern boundary of Lot 304. It is understood the reason for realigning the PRR westward of the originally advertised location is to avoid impacting the Randwick Stables, a heritage listed property. This is a problem, as the CCDSP has been prepared anticipating the alignment of the Cockburn Coast Drive intersection with Rockingham Road to the east of the existing MRS PRR reservation.

The reasons to objecting to MRS 1180/41 (in relation to the proposed PRR modified route alignment -northern portion) are as follows:

- Insufficient information regarding the potential adverse effects from potentially 20 500 vpd on nearby noise sensitive land uses (Ocean View Villas) and any necessary mitigation measures.

- Concern for the impacts of traffic noise, glare and vibration on the amenity of my property. In regards to SPP 5.4, a noise assessment and management plan should be provided as a pre-requisite to any PRR route selection decision, and certainly prior to approving any amendment to the MRS.

- Other road alignment options should be explored that enable the overall planning objectives for the area to be achieved in line with the community's vision for Cockburn Coast.

- Realignment of the PRR will prevent development of the highly urbanised built form edge, and gateway to the Cockburn Coast area, that would have otherwise been defined by Cockburn Coast Drive located further to the east.

- The resulting narrow strip of land left between the western PRR boundary and eastern boundary of the Ocean View Villas is insufficient to develop and creates a 'dead area' encouraging anti-social behaviour.

- The modified PRR alignment approaches Rockingham Road (from the south) across the highest point of the existing limestone ridge. There will be additional construction/cost implications required to achieve suitable intersection geometry. This it probably inferior to the original alignment of the PRR (as advertised) which followed the land contours down to Rockingham Road.
The modified alignment brings a major signalised intersection closer to the existing major intersection at the corner of Cockburn Road, Rockingham Road and Hampton Road. This may have adverse traffic implications.

Approval of the MRS amendment 1180/41 with the revised (modified) PRR alignment amounts to ad-hoc decision making which will force a review of the adopted DSP and LPP as well as the proposed TPS Amendment No. 82 and rise to an unintended planning outcome. This is not sound planning practice.

The proposed MRS amendment represents a major departure from the planning undertaken to date, conflicting with and potentially compromising the vision for this precinct.

PLANNING COMMENT

The comments pertaining to the proposed realignment of the PRR from the advertised amendment are noted. The proposed modification may result in potential impacts on a limited number of landholdings within the vicinity of the realignment, hence the additional comment period with affected landowners and stakeholders. The additional land subject to the proposed PRR realignment between Rollinson Road and Rockingham Road is within the ownership of Main Roads WA. It is also noted the proposed realignment may affect some of the statutory and policy elements that the City of Cockburn have recently initiated.

However, these issues must be balanced against the principal of minimising the impact on an important historical component of the Cockburn Coast area (the Randwick Stables, listed on the State Register of Heritage Places), where alternative road configurations exist which may achieve a better heritage outcome.

Further studies will be required during detailed design of Cockburn Coast Drive in accordance with SPP 5.4, to ensure that noise and vibration impacts on existing adjacent properties are managed appropriately.

DETERMINATION

Submission partly dismissed.

Submission: 35
Submitted by: Department of Transport (extended submission period)

Summary of Submission:

NO COMMENT

The proposed MRS amendment seeks to rezone the North Coogee Industrial Area to Urban Deferred Zone and revise the alignment for the PRR reservation at the intersection of the proposed Cockburn Coast Drive and Rockingham Road, Hamilton Hill.

The Department of Transport has no further comments to make on the proposed MRS amendment.

PLANNING COMMENT

Comments noted.
DETERMINATION
Submission noted.

Submission: Late Submission
Submitted by: Department of Health
Summary of Submission:

SUPPORT

The Department of Health has no objection to the proposed amendment subject to all developments being connected to reticulated sewerage and water, and the provision of buffers between residential development and incompatible land use to the satisfaction of the EPA.

PLANNING COMMENT
Comments noted.

DETERMINATION
Submission noted.

Submission: Late Submission
Submitted by: Alba Edible Oils (late submission)
Summary of Submission:

SUPPORT AND COMMENTS

Conditional support is provided for the proposed amendments to the Metropolitan Regional Scheme 1180/41, rezoning land from Industrial to Urban Deferred.

This support is on the condition that the proposed infrastructure requirements as outlined in the Cockburn Coast District Structure Plan are budgeted for and have clear timelines for implementation. In particular, this refers to the proposed new Cockburn Coast Drive and its link to Rollinson Road. Without these infrastructure commitments being made, we would not support the proposed amendment.

As a business that currently operates in this area, it is felt that without this road being budgeted for and given a timeline for implementation, we will be negatively impacted, and our ability to continue running our existing business would be negatively impacted. It is noted that at this stage not budget and no timeframe has been allocated for this road development by Main Roads.
PLANNING COMMENT

Refer to Part 7 of the Report on Submissions.

Submission No. 37 was supported by a Hearing.

DETERMINATION

Submission noted.
Schedule 3

The amendment figure as advertised
Figure 1

Cockburn Coast Precinct - proposed major amendment 1180/41
as advertised

11 August 2009

Proposed:
- urban deferred zone
- primary regional roads reservation
- urban zone
- parks and recreation reservation
- public purposes (SU) reservation

Legend
- Bush Forever area
- Bush Forever removal

Existing:
- urban zone
- industrial zone
- waterways reservation

Legend
- railways reservation
- public purposes (SEC & SU) reservation
- parks and recreation reservation
- other regional roads reservation
- primary regional roads reservation

Base information supplied by Western Australian Land Information Authority. LI-420-2009-2

Produced by Mapping & GeoSpatial Data Branch, Department of Planning, Perth WA
On behalf of the Western Australian Planning Commission.
Schedule 4

Modified amendment figure
subject to additional consultation
Cockburn Coast Precinct - proposed major amendment 1180/41 as modified

Proposed:
- urban deferred zone
- primary regional roads reservation
- urban zone
- parks and recreation reservation
- public purposes (SU) reservation

Legend:
- railways reservation
- public purposes (SEC & SU) reservation
- parks and recreation reservation
- other regional roads reservation
- primary regional roads reservation

Figure 1
Schedule 5

The amendment figure as modified
Cockburn Coast Precinct - proposed major amendment 1180/41
as modified

Legend
- railways reservation
- public purposes (SEC & SU) reservation
- parks and recreation reservation
- other regional roads reservation
- primary regional roads reservation

Proposed:
- urban deferred zone
- primary regional roads reservation
- urban zone
- parks and recreation reservation
- public purposes (WSD) reservation

Existing:
- urban zone
- industrial zone
- waterways reservation

Notice of delegation
- Bush Forever area
- Bush Forever removal

26 October 2010

Figure 1
Appendix 1

List of detail plans as advertised
Cockburn Coast Precinct

Proposed Major Amendment

Amendment No. 1180/41

As Advertised

3.2331

Detail Plans

1.7075 - North Coogee Urban Deferred and Public purposes (SU)

Bush Forever Area Detail Plans

3.1877/1 - Bush Forever Area 247

Land Requirement Plans

1.7069 - Fremantle-Rockingham Highway/Roe Highway Intersection

1.7070 - Fremantle-Rockingham Highway – Lot 15 to Cockburn Road

1.7071 - Cockburn Road/Spearwood Avenue Intersection

Changes Plans

1.7072 - Fremantle-Rockingham Highway/Roe Highway Intersection

1.7073 - Fremantle-Rockingham Highway -- Lot 15 to Cockburn Road

1.7074 - Cockburn Road/Spearwood Avenue Intersection
Appendix 2

List of detail plans as modified
Cockburn Coast Precinct

Proposed Major Amendment

Amendment No. 1180/41

As Modified

3.2331/1

Detail Plans

1.7075/1 - North Coogee Urban Deferred and Public purposes (SU)

Bush Forever Area Detail Plans

3.1877/2 - Bush Forever Area 247

Land Requirement Plans

1.7069/1 - Fremantle-Rockingham Highway/Roe Highway Intersection
1.7070 - Fremantle-Rockingham Highway - Lot 15 to Cockburn Road
1.7071 - Cockburn Road/Spearwood Avenue Intersection

Changes Plans

1.7072/1 - Fremantle-Rockingham Highway/Roe Highway Intersection
1.7073 - Fremantle-Rockingham Highway - Lot 15 to Cockburn Road
1.7074 - Cockburn Road/Spearwood Avenue Intersection
Notice of Delegation

Bush Forever area addition

Bush Forever area removal

Metropolitan Region Scheme
Amendment No 1180/41
Map numbers 19/97m & 23/54m
As Modified

Signed for and on behalf of the Western Australian Planning Commission

An officer duly authorised by the Commission pursuant to section 24 of the Planning and Development Act 1995 for that purpose in the presence of:

Witness

Date

Approved

Governor

Date