



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Wednesday, 11 May 2022; 9:30am
Meeting Number: MOJDAP/172
Meeting Venue: Electronic Means

To connect to the meeting via your computer -

<https://us06web.zoom.us/j/81635253683>

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08 7150 1149

Insert Meeting ID followed by the hash (#) key when prompted - 816 3525 3683

This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Chontelle Stone (Local Government Member, City of Cockburn)
Cr Tom Widenbar (Local Government Member, City of Cockburn)

Officers in attendance

Mr Sam Lissiman (Western Australian Planning Commission)
Mr Lorenzo Santoriello (City of Cockburn)

Minute Secretary

Ms Megan Ventris (DAP Secretariat)

Applicants and Submitters

Mr Jarrod Ross (Taylor Burrell Barnett)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

In response to the COVID-19 situation, this meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Cr Phoebe Corke (Local Government Member, City of Cockburn)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

5. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.



6. Disclosure of Interests

Nil.

7. Deputations and Presentations

The City of Cockburn may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 50, 51, 61, 184, 185, 305, 501 and 502 Jervoise Bay Cove, Coogee

Development Description: Bulk Earthworks
Applicant: Taylor Burrell Barnett
Owner: State of Western Australia (Department of Transport)
Responsible Authority: City of Cockburn
DAP File No: DAP/21/01956

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

LOT 50, 51, 61, 184, 185, 305, 501 AND 502 JERVOISE BAY COVE, COOGEE - BULK EARTHWORKS

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	City of Cockburn	
Applicant:	Taylor Burrell Barnett on behalf of the Department of Transport	
Owner:	State of Western Australia	
Value of Development:	\$8 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Western Australian Planning Commission	
Authorising Officer:	Planning Director - Metropolitan South and Peel	
LG Reference:	DAP21/001	
WAPC Reference:	23-50307-7	
DAP File No:	DAP/21/01956	
Application Received Date:	20 September 2021	
Report Due Date:	1 November 2021 (extension of time until 29 April 2022)	
Application Statutory Process Timeframe:	60 days with an additional 161 days agreed	
Attachment(s):	1. Location plan 2. Development plan 3. Zoning plan 4. Aerial image and site context 5. Woodman Point Regional Park Management Plan - Recreation masterplan	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolve to:

Approve Development Assessment Panel application reference DAP/21/01956 and the accompanying plan dated 11 April 2022 (**Attachment 2**), pursuant to clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. The development is to be carried out in accordance with the plan date stamped 11 April 2022 (attached) by the Department of Planning, Lands and Heritage subject to any modifications as required by the conditions of approval.

2. This decision constitutes planning approval only. If works have not substantially commenced within four years of this approval being granted, the approval shall lapse and be of no further effect.
3. Prior to the commencement of works, suitable arrangements are to be made with the Department of Jobs, Tourism, Science and Innovation for the granting of an easement over the existing pipeline corridor, to the benefit of Cockburn Cement Pty Ltd, to the satisfaction of the Western Australian Planning Commission.
4. Prior to the commencement of works, a revised site plan which identifies finished ground levels across the site is to be prepared and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Cockburn. Works are to be carried out in accordance with the approved plan.
5. Prior to the commencement of works, a construction management plan is to be prepared and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Cockburn. Works are to be carried out in accordance with the approved plan.
6. Prior to the commencement of works, a dust management plan is to be prepared and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Cockburn. Works are to be carried out in accordance with the approved plan.
7. Prior to the commencement of works, a stormwater management plan is to be prepared and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Cockburn and the Department of Water and Environmental Regulation. Works are to be carried out in accordance with the approved plan.
8. Prior to the commencement of works, a landscaping plan is to be prepared and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Cockburn. Works are to be carried out in accordance with the approved plan.
9. Prior to commencement of works, a weed and rehabilitation management plan for the retained vegetation within the precinct is to be prepared and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the Department of Biodiversity, Conservation and Attractions. Works are to be carried out in accordance with the approved plan.
10. Other than the 7.8 hectares approved in Clearing Permit CPS 8737/1, no disturbance or clearing of native vegetation within Bush Forever area 341 is to occur, unless otherwise agreed to by the Department of Water and Environmental Regulation, to the satisfaction of the Western Australian Planning Commission.
11. No building materials, rubbish or other deleterious matter is to be deposited in the remaining portion of Bush Forever area 341 to the satisfaction of the Western Australian Planning Commission.
12. Uniform fencing, that is compatible with the natural environment, is to be provided along the boundary of the development and Bush Forever area 341 to the satisfaction of the Western Australian Planning Commission, and to the specifications of the Department of Biodiversity, Conservation and Attractions.

13. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Cockburn.

Advice Notes

1. This decision constitutes planning approval under the Metropolitan Region Scheme only. It is the applicant's responsibility to comply with all other applicable legislation and obtain all required approvals, licences and permits prior to commencement of this development.
2. The Department of Biodiversity, Conservation and Attractions (DBCA) advises that an application to modify a threatened ecological community (*Callistris preissi*/*Melaleuca lanceolata* forests and woodland) is required under Section 45 of the *Biodiversity Conservation Act 2016*. The applicant is to liaise with DBCA in this regard.
3. The works are proposed in the vicinity of the emergency outfall from the nearby Woodman Point Waste Water Treatment Plant. The applicant is advised to submit an 'Approval of Works' application to the Water Corporation for works proposed near Water Corporation assets. The applicant is required to fund the full cost of protecting or modifying any existing infrastructure which may be affected by the proposed works.
4. In regard to Condition 3, the applicant is advised to liaise with the Department of Jobs, Tourism, Science and Innovation and the Department of Planning, Lands and Heritage's Land Use Management division in relation to the granting of an easement.
5. With regard to Condition 5, the City of Cockburn advises that the construction management plan is to be prepared in accordance with the City's construction management plan guidelines and is to address the following:
 - a) access to and from the site;
 - b) delivery of materials and equipment to the site;
 - c) storage of materials and equipment on the site;
 - d) parking arrangements for contractors and subcontractors;
 - e) management of construction waste; and
 - f) other matters likely to impact on the surrounding properties.
6. With regard to Condition 5, the Department of Water and Environmental Regulation advises that due to the potential for development works to intercept soil contamination, the construction management plan should address the contamination status of the site and be developed in reference to the existing site management plan titled 'Woodman Point Boating Precinct – Site Management Plan' (AECOM, 16 September 2016).
7. With regard to Condition 6, the City of Cockburn advises that the detailed dust management plan is to comply with the City of Cockburn's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn".

8. With regard to Condition 8, the City of Cockburn and the Department of Biodiversity, Conservation and Attractions advise that the landscaping plan is to address the following:
 - a) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - b) the removal of *Casuarina equisetifolia*, a known weed species, from the plant schedule;
 - c) any lawns to be established;
 - d) any existing landscape areas to be retained;
 - e) those areas to be reticulated or irrigated; and
 - f) verge treatments.
9. With regard to Condition 9, the Department of Biodiversity, Conservation and Attractions recommends that the weed and rehabilitation management plan be implemented for a minimum period of five years and include weed mapping, weed and pest animal control, access control and interface management.
10. The City of Cockburn advises that due to dust and sand release, bulk earthworks may be prohibited on site between 1 October and 31 March the following year in accordance with the City's Dust Management for Development Sites policy. The applicant is advised to liaise with the City's Health Services in this regard.
11. A Bushfire Management Plan has been prepared for the site (Entire Fire Management dated 21/12/2020), and this will need to be implemented during subsequent stages of planning and development, and during the ongoing operation of the precinct.
12. This site is located in an area which records confirm was used for military training but do not confirm that the site was used for live firing. No specific UXO contaminated site has been identified in the area and no UXO has been recovered from the site. However, a possibility still exists that UXO may be found on this site. The applicant is advised to contact police if a suspicious item that may be UXO is found. Further information can be found at www.defence.gov.au/uxo.
13. Main Roads Western Australia advises the landowner/applicant with regard to Cockburn Road:
 - a) temporary fencing is to be installed along the boundary of the development area and Cockburn Road to prevent access to/from the road reserve for the duration of works;
 - b) no stormwater drainage is to be discharged onto the road reserve;
 - c) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve; and
 - d) no works are permitted within the Cockburn Road reserve, unless Main Roads has issued a Working on Roads permit.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Parks and Recreation Bush Forever site 341
Local Planning Scheme	City of Cockburn Town Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	Not zoned or reserved
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	N/A
Lot Size:	15.19 hectares
Existing Land Use:	Cockburn Cement Ltd pipeline. Adjacent to the Cockburn Pleasure Boat Storage and Cockburn Power Boat Club.
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

The application seeks approval to clear vegetation and carry out bulk earthworks on parts of Lot 50, 51, 61, 184, 185, 305, 501 and 502 Jervoise Bay Cove, Coogee (**Attachment 1:** Location plan). The application (**Attachment 2:** Development plan) can be summarised as consisting of:

- (a) redistributing fill across the site;
- (b) levelling each of the proposed leasehold sites;
- (c) delineating and levelling the proposed road alignments prior to works approvals for utility servicing, drainage infrastructure, road construction and installation of landscaping; and
- (d) identifying the location of drainage infrastructure in accordance with an approved stormwater management plan and subsequent detailed designs.

The works represent the first stage of development for the Department of Transport's (DoT) proposed Woodman Point Maritime Services Precinct, which DOT intends to progress planning for the Precinct to ultimately include an expansion of the existing recreational boat launching facility and associated boat storage facilities located immediately adjacent to the site (Cockburn Pleasure Boat Storage and Cockburn Power Boat Club), as well as a range of other marine-related land uses.

The proposed works constitute 'development' as defined in the *Planning and Development Act 2005*, and clause 13 of the Metropolitan Region Scheme (MRS) stipulates that development on reserved land requires approval. On this basis the proposed works require approval under clause 16(1a) of the MRS.

Background:

Site context and tenure

The site is reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS), which also identifies the site as part of Bush Forever area 341 (**Attachment 3: Zoning plan**).

The site consists of various Crown land parcels, the majority of which are vested to the Department of Transport for a 'recreational boating facility'.

A pipeline corridor crosses the site, and the corridor is leased to Cockburn Cement Ltd in accordance with the *Cement Works (Cockburn Cement Limited) Agreement Act 1971* (State Agreement). The Department of Transport and Cockburn Cement are currently liaising on the re-alignment of the pipeline along Cockburn Road and O'Kane Court to facilitate the future development of the site. This realignment does not form part of this application.

In terms of the land uses surrounding the site:

- (a) the Cockburn Pleasure Boat Storage and Cockburn Power Boat Club is located adjacent to the site on Jervoise Bay Cove;
- (b) land to the north and west is known as the Woodman Point Regional Park and this contains a variety of land uses including Cockburn Cement, a recreation camp and the Woodman Point Holiday Park;
- (c) land to the east is owned by the Water Corporation and contains the Woodman Point Wastewater Treatment Facility and a Hydrogen Commercial Demonstration Plant (currently under construction); and
- (d) vacant land to the south is owned by Development WA - this forms part of the Australian Marine Complex and is part of a planned ship building precinct. (**Attachment 4: Aerial image and site context**)

Land use coordination

The precinct is located within the Woodman Point Regional Park (WPRP). The WPRP is subject to the Woodman Point Regional Park Management Plan (management plan) which was prepared on behalf of the Conservation and Parks Commission of Western Australia by agencies including the (then) Department of Environment and Conservation, the Department of Transport, the (then) Department of Sport and Recreation and the City of Cockburn. The Minister for the Environment approved the management plan in 2010 under the *Conservation and Land Management Act 1984*, however, it has not been endorsed as a management plan by the Western Australian Planning Commission (WAPC) in accordance with clause 16(3)(e) of the MRS.

The management plan identifies the site as the 'Woodman Point Recreational Boating Precinct' (**Attachment 5: Woodman Point Regional Park Management Plan - Recreation masterplan**) and states that boat launching and stacking facilities together with other marine-related commercial services are expected within the precinct. It also states that the protection of remnant vegetation and rehabilitation of degraded areas of the precinct, along with the rest of the WPRP, should be a key consideration for the planning for the precinct.

The management plan also indicates that further planning for the precinct is required to address access and circulation, landscape amenity, recreational use and opportunities for commercial concessions relating to recreational boating. Further consultation relating to detailed site planning for the precinct has commenced. A site-specific land use and

development document will be prepared to guide decision-making for the development of leasehold sites within the precinct.

The environment

In September 2020 the Department of Water and Environmental Regulation (DWER) approved the clearing of 7.8 hectares of native vegetation from the site under the *Environmental Protection Act 1986* (EP Act). Approximately 4.6 hectares of vegetation north of the site will be retained within Bush Forever area 341.

An application to modify a threatened ecological community (*Callistris preissi/Melaleuca lanceolata* forests and woodland) on site may also be required in accordance with the *Biodiversity Conservation Act 2016*. This process does not inhibit the DAP making a decision on this application and the landowner/applicant has been advised of their obligations under this Act.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005 - Part 10: Subdivision and Development Control;*
- *Metropolitan Region Scheme - Part IV: Development;*
- *Planning and Development (Development Assessment Panels) Regulations 2011; and*
- *Environmental Protection Act 1986 and relevant Regulations.*

State Government Policies

- *South Metropolitan Peel Sub-regional Planning Framework;*
- *State Planning Policy 2.0 - Environment and Natural Resources Policy*
- *State Planning Policy 2.6 - Coastal Planning Policy;*
- *State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region*
- *State Planning Policy 3.7 - Planning in Bushfire Prone Areas;*
- *Development Control Policy 4.2 - Planning for Hazards and Safety; and*
- *Development Control Policy 5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space.*

Consultation:

Consultation with other agencies

The City of Cockburn has no objection to the proposal, recommending various conditions and advice notes related to earthworks and vegetation clearing. The majority of these conditions and advice are appropriate and recommended for inclusion. However, a condition requiring the bushfire management plan be implemented has not been included. This is discussed further within the Planning Assessment section of the report.

DWER raises no objection to the proposed works and:

- (a) confirms a clearing permit was approved in September 2020 for the removal of 7.8 hectares of native vegetation on site;
- (b) recommends the stormwater management plan be modified; and
- (c) requests the applicant prepare a construction and environmental management plan that addresses the identification of the site as *contaminated – restricted use* under the *Contaminated Sites Act 2003*.

It is recommended these matters be addressed through conditions of approval and advice notes.

The Department of Biodiversity, Conservation and Attractions (DBCA) raises no objection to the proposed works and:

- (a) recommends a weed and rehabilitation management plan be prepared;
- (b) requests the applicant submit an application to modify the threatened *Callistris preissi/Melaleuca lanceolata* forests and woodland vegetation on site under the requirements of the *Biodiversity Conservation Act 2016* (BC Act); and
- (c) requests the applicant remove a known weed species from the plant schedule within the landscaping plan.

It is recommended that conditions of approval require the approval of a landscaping plan and a weed and rehabilitation management plan. The applicant should also be advised of their obligations under the *Biodiversity Conservation Act 2016*.

The Department of Health (DoH) has no objection to the proposed works subject to the site being connected to scheme water and reticulated sewerage. DoH also provided a scoping tool document highlighting public health issues to be addressed in a proposed industrial estate. This advice will be considered as part of the assessment of the land uses and future development applications on the site.

The Department of Jobs, Tourism and Industry (JTSI) has no objection to the proposed works; however, it advises that the proposed earthworks may affect an existing pipeline, which would have implications for the *Cement Works (Cockburn Cement Limited) Agreement Act 1971* (State Agreement). In this respect, JTSI:

- (a) advises that it is working with the Department of Planning, Lands and Heritage and Cockburn Cement to finalise an easement in accordance with the State Agreement.
- (b) recommends that earthworks not commence until the easement is in place to protect the pipeline.

A condition has been recommended to require this.

Development WA has no objection to the proposed works, and advises that the proposed earthworks levels are consistent with the preliminary design for the adjacent Australian Marine Complex site.

The Water Corporation raises no objection to the proposed works and advises that:

- (a) reticulated sewerage is available to the site but upgrades to the current water supply network may be required;
- (b) an existing easement for wastewater treatment plant infrastructure traverses the site; and
- (c) the site falls within the Woodman Point Wastewater Treatment Plant's odour buffer.

These matters will be considered and addressed as part of further site planning and the review of land uses, as well as for individual development applications on future leasehold sites. An advice note has been included to advise the landowner/applicant to obtain a works approval to protect existing Water Corporation infrastructure on site.

Main Roads WA has reviewed the proposed earthworks plan and raises no objection, subject to a number of conditions relating to works in proximity to the Cockburn Road reserve. This includes temporary fencing to restrict access to/from the road reserve, no stormwater

discharge or vegetation damage, and no works to occur within the road reserve. These matters are considered suitable to include as advice notes as they will be dealt with as part of the construction management plan which is a recommended condition.

The Westport Taskforce and the Fremantle Port Authority advise that they have no objection to the proposed works, and make no further comment.

Draft conditions

The applicant was provided with an opportunity to review draft conditions of approval and was supportive of these, subject to a request for a five year substantial commencement period.

Planning Assessment:

Metropolitan Region Scheme

Clause 30(1) of the Metropolitan Region Scheme (MRS) requires the WAPC have regard to the following matters when determining a development application:

- (a) the purpose for which the land is zoned or reserved under the MRS;
- (b) the orderly and proper planning of the locality; and
- (c) the preservation of the amenities of the locality.

In these respects:

- (a) the proposal is consistent with the purpose of the Parks and Recreation reservation in the MRS, as the works will prepare the site for the planned recreational boating facility;
- (b) the proposal is consistent with the principles of orderly and proper planning as it is consistent with the reserve management plan, and would not compromise the preparation of further detailed site planning (intended to guide future development and use of the land) in consultation with the WAPC and relevant agencies; and
- (c) the amenity of the area is characterised by areas cleared of vegetation and containing maritime industries and development of a more industrial nature - earthworks to facilitate additional maritime development would not affect this.

Based on the above, the proposed works are consistent with the MRS.

Regional strategic planning

The *South Metropolitan Peel Sub-Regional Planning Framework* (Framework) designates the site as land for nature/passive recreation. This designation encompasses the broader Woodman Point Regional Park within which this site is located. The proposed works, future use of the site, and the clearing (and retention) of Bush Forever in accordance with the relevant environmental approval, is consistent with the Framework designation.

Protection of vegetation

WAPC *State Planning Policy 2.0 - Environment and Natural Resources Policy* (SPP 2.0) and *State Planning Policy 2.8 - Bushland Policy for Perth Metropolitan Region* (SPP 2.8) encourage decision-makers to consider mechanisms to protect areas of high conservation value (such as Bush Forever) and seek to avoid or minimise any direct or indirect adverse impacts on these areas.

SPP 2.8 contains a general presumption against the clearing of regionally significant bushland. There are exceptions to this presumption, and these include where a proposal or decision -

- (a) is consistent with existing approved uses or existing planning/environmental commitments or approvals; or
- (b) is in accordance with a management plan approved under the *Conservation and Land Management Act 1984*.

The proposed works are consistent with the applicant's clearing permit and in accordance with the management plan approved under the *Conservation and Land Management Act 1984*. Accordingly, the proposed works are in accordance with the requirements of SPP 2.8.

SPP 2.0 and SPP 2.8 stipulate that long term protection and management measures should be considered by decision-makers and implemented via conditions of approval to minimise adverse impacts on Bush Forever areas. In particular, the policies recommend that indirect impacts (such as rubbish, weed infestation, drainage and recreational impacts) be considered when assessing an application to carry out works close to Bush Forever areas. Therefore, it is recommended that conditions be imposed to minimise the impact of works on vegetation which will be retained.

Use of land reserved for parks and recreation

WAPC *Development Control Policy 5.3 - Use of land reserved for parks, recreation and regional open space* (DC 5.3) guides the development and use of land reserved for Parks and Recreation in the MRS. It states that such uses shall be restricted to those which are consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.

This application seeks approval for earthworks and associated clearing of Bush Forever vegetation to facilitate the delivery of the recreational boating facility. These works are consistent with the intended nature and purpose of the reserved land, the intent of the management plan and the approved clearing permit. On this basis, this first stage of project works meets the intent of DC 5.3.

It is acknowledged that subsequent stages of planning and development of the site will require further consideration be given to the requirements set out in DC 5.3.

Coastal planning

State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) guides land use and development decision-making within the coastal zone. Generally, it recommends that development be set back from the coast to minimise the risk of it being affected by coastal processes during the period to 2110.

However, SPP 2.6 also recognises (in Schedule 1, Section 7) that certain types of development may need to occur in an area that may be affected by physical coastal processes. These include "*commercial development that is demonstrably dependent on a foreshore location... for example, marinas for tourism and recreational boating facilities, cage based aquaculture operations, and port facilities*". The above notwithstanding, it is noted that the City of Cockburn has prepared mapping which identifies coastal hazards and plans for the required adaptations.

As the proposed works are dependent on their coastal location and suitable planning to identify the risk of coastal processes and the required adaption measures has been undertaken, approval of the application would be consistent with SPP 2.6.

Bushfire risk

A significant part of the site is located in a bushfire prone area. This is the primary trigger for the application of *State Planning Policy 3.7: Planning in Bushfire Prone Areas*, which does not support more-intensive development in bushfire prone areas, unless the risk of bushfire can be suitably mitigated.

In this respect, the WAPC's *Planning Bulletin 111/2016 - Planning in Bushfire Prone Areas* states that exemptions from the requirements of SPP 3.7 should be applied pragmatically. The bulletin also explains that if a proposal does not result in more intensive development, an increase of residents or employees or the occupation of employees on a site for any considerable amount of time, then there may not be any practical reason for applying SPP 3.7.

As this application proposes clearing vegetation and earthworks only, compliance with SPP 3.7 is not required at this stage. This notwithstanding, the applicant has prepared a bushfire management plan and this will be reviewed, updated (where appropriate) and implemented through future planning for the site.

Substantial commencement

In relation to the substantial commencement of works, it is noted that:

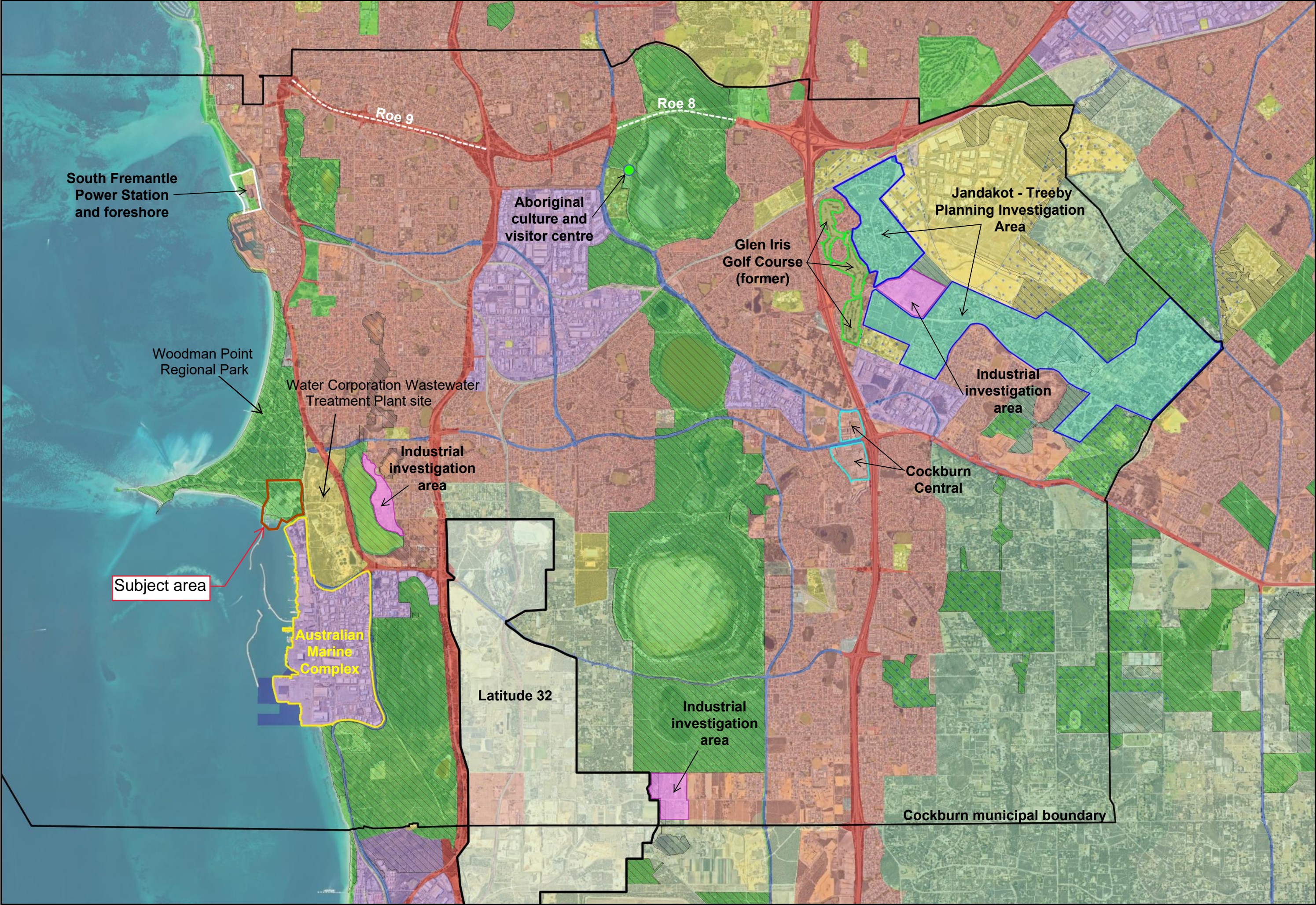
- (a) the *Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)*, in r.16A, state that where a development assessment panel (DAP) grants approval to an application, the development must be substantially commenced within four years of the date of the determination;
- (b) the *COVID-19 Response and Economic Recovery Omnibus Act 2020 (COVID-19 Response Act)*, in s.33, provides for the automatic two year extension of a development approval granted under a region planning scheme, provided the approval is issued after 8 April 2020 and a COVID emergency declaration is in effect; and
- (b) the applicant has requested a five year substantial commencement period and has advised that the works are expected to begin in 2024 and take approximately 12 months to complete.

As a result of the above, the standard four year substantial commencement period is recommended. Whilst the applicant has requested five years, the two year extension period provided by the *Covid-19 Response Act* would allow for a six year period in total which would be sufficient for DoT's expected works schedule.

Conclusion:

The proposed works, which will facilitate the ongoing development of a recreational boating facility on the site, are consistent with the purpose of the Parks and Recreation reservation in the Metropolitan Region Scheme, and are consistent with the broader State planning framework.

It is recommended that the Metro Outer JDAP approve the proposed works, subject to the conditions and advice.



- Legend**
- Development Application Area
 - Existing contours
 - Indicative bulk earthworks contours, subject to detailed design
 - Retained Bush Forever Vegetation

DEPARTMENT OF PLANNING, LANDS AND HERITAGE

DATE

11-Apr-2022

FILE

23-50307-7



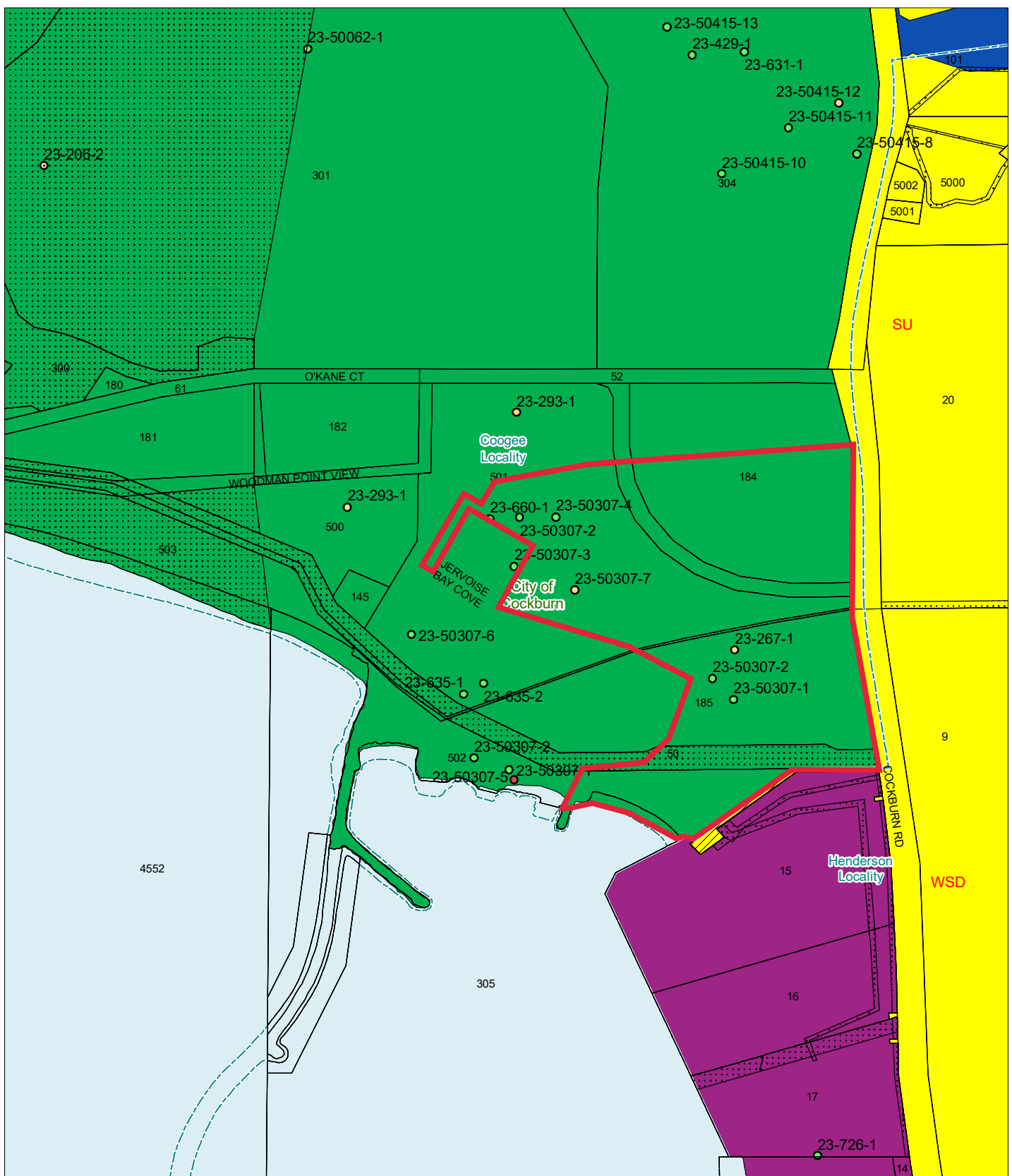
Development Application Plan - Bulk Earthworks
LOTS 50, 51, 61, 184, 185, 505, 501 AND 502 COCKBURN RD, JERVOISE BAY COVE

scale / 1:3000@A3 | 1:1500@A1
plan / 20/026/008C
date / 11/04/2022

Taylor Burrell Barnett Town Planning & Design
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Location Plan for: Development Application

This data is to be used only for the processing of
Development Application

Application Number: **23-50307-7**

Decision: **OUTSTANDING**

Printed: **4/10/2021**



Produced by Data Analytics,
Department of Planning, Lands and Heritage, Perth WA

Base information supplied by
Western Australian Land Information Authority SLIP 1180-2020-1

Application Status

- Approved
- Outstanding
- Cancelled

Existing LPS Zones and Reserves

- Public purposes
- Strategic industry



Subject area

Easements and Referrals

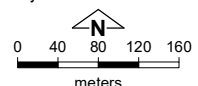
- Easements

Region Scheme Reserves

- Other regional roads
- Parks and recreation
- Primary regional roads
- Public purposes - special uses
- Public purposes - Water Authority of WA
- Waterways

Localities & Local Government Boundaries

- Local government boundary
- Locality





Department of Planning,
Lands and Heritage

Legend

☐ Cadastre (View 1)



Subject area



0 0.20 0.39

Kilometres

1: 10,000

at A4

Notes:

* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

* This map is not intended to be used for measurement purposes.

Map was produced using DPLH's InQuiry.

InQuiry Map

DPLH BUSINESS USE ONLY

Internal Spatial Viewer

Date produced:

11-Apr-2022

Part E. Managing Recreation



Figure 7 - Recreation Masterplan

Subject area