

Scheme Amendment 53 Cossack - Schedule of Submissions		
Summary of Comments Received	Officer Comment	Recommended Modification
1. Department of Jobs, Tourism, Science and Innovation (JTSI)		
The Department has no comment to provide.	Noted.	Nil.
2. Tourism WA		
<p>There are a number of observations to be made with regard to Special Use within the Scheme area.</p> <p><i>Table 1 – Special Use Zones (SU) in the Scheme Area</i> Recommend that staff accommodation be included as a use within SU1 and SU2 zones, specifically for staff servicing any tourism development. Distances to other townsites to accommodate staff are not insignificant.</p>	<p>Noted.</p> <p>'Staff Accommodation' is not a defined land use under the Scheme or <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Staff accommodation could be provided for under land uses such as 'Caravan Park' and 'Tourism Development' in Cossack given the unique circumstances. The DPLH should consider this matter with Tourism WA to determine the best approach.</p>	Nil.
Tourism development currently only includes 'facilities for the management of the development' but does not mention the servicing of the development.	Servicing of the development would be considered as part of preparing, assessing and determining a development application.	Nil.
<p><i>Proposed Clause 6.9.2</i> This clause stipulates that in considering an application for development approval, the LG is to have due regard to the following matters:</p> <p>a) Maximising retention of vegetation 'maximising retention of vegetation' may be an issue for bushfire management, which may require vegetation removal to reduce bushfire risk to the development.</p> <p>b) Ensuring that all new development shall be readily capable of removal and/or relocation.</p>	The degree to which vegetation can be retained will be determined through preparation and implementation of a Bushfire Management Plan.	Nil.

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This clause stipulates all new development shall be readily capable of removal and/or relocation. Concerned that infrastructure such as underground wastewater infrastructure and other services that are not readily removable, may be considered to be 'development'. Clarification is sought on whether modular buildings would be considered readily capable of removal/relocation as the alternative would assume no structures would be permitted. The intent of this provision is questioned, and further description and clarification is sought.	It is unclear to what degree development and infrastructure would need to be readily capable of removal and/or relocation. From the City's perspective, low specification and lightweight structures would be acceptable. Further clarification should be provided on what is considered acceptable development	Nil.
3. Department of Primary Industries and Regional Development (DPIRD)		
Supports the proposed amendment to cater for low impact tourism activities. Noted that the amendment includes a 'Brewery' land use which is not a listed use within the City's Local Planning Scheme No. 8. The disposal of liquid waste from a brewery poses risk to water quality. There is also likely to be insufficient potable water available to support a brewery or similar facility. Recommend not including 'brewery' as a land use in the Special Use 1 and Special 2 zones, making it an X use within the Cossack townsite.	The 'Brewery' land use is proposed as a 'Discretionary' land use under the Scheme Amendment. A development application would be required for any development, which would need to address all Cossack Special Control Area provisions in addition to the requirements of external agencies. If such a land use were proposed, a development application would allow for a more detailed and informed assessment of whether the proposal is feasible and appropriate to be undertaken. While the obstacles raised to the establishment of such a use in Cossack are valid, if such a use could be established in an acceptable way, then it should not be a use that is excluded.	Nil.
4. Department of Health (DoH)		
No objection.	Noted.	Nil.
5. Department of Mines, Industry Regulation and Safety (DMIRS)		
No objection. The rezoning raises no significant access concerns with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	Noted.	Nil.
6. Department of Fire and Emergency Services (DFES)		
To comply with SPP3.7, a Bushfire Management Plan (BMP) is required to accompany strategic planning proposals, subdivision and development applications in areas above BAL-LOW.	The draft Scheme Amendment proposes to introduce a new Scheme provision which states the Local Government may require supporting documentation including a Bushfire Management Plan and Emergency Evacuation Plan in	A Bushfire Management Plan be prepared as part of

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<p>DFES notes a desktop-based Bushfire Assessment Report (BAR) has been prepared. DFES has reviewed the BAR and provides the following comments:</p> <ul style="list-style-type: none"> DFES supports indicative vegetation classifications provided in the BAR. A site visit would be required to validate classifications and a vegetation classification map should be provided consistent with the Guidelines. BAL assessment inputs are required to validate the Method 1 BAL Assessment and resultant BAL Contour Maps. DFES notes commentary in the BAR regarding compliance with the Bushfire Protection Criteria. DFES acknowledges Cossack townsite does not achieve the required two access options. <p>DFES recommends the proposal is supported by a Bushfire Management Plan (BMP) which should include an assessment against the Bushfire Protection Criteria detailed within the guidelines. The BMP should be prepared early in the planning process and be progressively refined or reviewed as the level of detail increases. Strategic planning proposals that propose an intensification in land use require:</p> <ul style="list-style-type: none"> A bushfire assessment Identification of any bushfire hazard issues Assessment against the bushfire protection contained in Appendix 4 of the guidelines (BMP). Given the range of acceptable land uses, all criteria should be considered. <p>Insufficient information has been provided with the amendment. The strategic planning proposal is located within a designated bushfire prone area and should not be supported until the bushfire risk and hazard reduction measures are established and understood.</p>	<p>accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7).</p> <p>The proposed Scheme Amendment Area is located within a designated bushfire prone area and a developer would be required to address SPP 3.7 at the development application stage.</p> <p>Only a Bushfire Assessment Report (BAR) has been prepared in support of the proposed amendment. It is standard for a Bushfire Attack Level (BAL) Assessment and BMP to be prepared in support of a strategic planning proposal in accordance with SPP 3.7 and the accompanying guidelines. Where a BAL Assessment or BMP is not prepared at the Scheme Amendment Stage, it may be undertaken at the Structure Plan stage. In this case, there will be no Structure Plan prepared over Cossack which then only leaves the development application stage. In 2019, one of the reasons why the Minister for Planning refused proposed Scheme Amendment No. 44 was:</p> <p><i>'It has not been demonstrated that bushfire risk could be appropriately managed in subsequent planning stages, pursuant to State Planning Policy 3.7 – Planning in Bushfire Prone Areas.'</i></p> <p>Given the proposed Scheme Amendment would result in an intensification of land uses within Cossack and that DFES does not support the Scheme Amendment in the absence of a BMP, it is considered that a BMP is required prior to finalisation of the Scheme Amendment to address policy requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas.</p>	<p>finalising the Scheme Amendment.</p>
7. Main Roads Western Australia (MRWA)		
No comments or objection to the proposed amendment.	Noted.	Nil
8. Department of Biodiversity, Conservation and Attractions (DBCA)		

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DBCA records indicate occurrence of numerous conservation significant shorebird species within the Cossack Townsite. The area between Jarman Island and Cossack Townsite also supports Flatback Turtles and resident green turtles.	Noted.	Nil
DBCA recommends including a provision under Clause 6.9.2 to state due regard is given for best practice artificial light management being designed and implemented, in accordance with relevant legislation for development proposals which may impact shorebirds and marine turtles.	DPLH to consider this recommendation with DBCA to determine the best approach.	Nil.
DBCA recommends the planning process gives due consideration to avoiding and or minimising potential impacts to shorebirds and marine turtles from artificial light and inappropriate visitor interactions. Include an additional provision under Clause 6.9.2 a) to state due regard be given to avoiding or minimising potential impacts to shorebirds and marine turtles from inappropriate visitor interactions.	DPLH to consider this recommendation with DBCA to determine the best approach.	Nil.
9. Ngarluma Yindjibarndi Foundation Limited (NYFL)		
<p>Despite initial engagement with NYFL, the DPLH has prepared amendment documents which do not provide for sufficiently innovative or meaningful activation across the Cossack townsite, instead applying undue constraints with little justification. Amendment 53 reduces the developable area from what was originally contemplated in the Development Investigation Area (DIA) and ROI documentation, diminishing the opportunity to deliver an integrated and responsible whole of site approach to activation of Cossack.</p> <p>NYFL welcomes an amendment to facilitate responsible and reasonable development, however have two key objections being:</p> <ul style="list-style-type: none"> • The extent of the amendment area in AMD53; and • Treatment of Uses Not Listed as prohibited X uses. <p>It is NYFL's strong position that:</p> <ul style="list-style-type: none"> • The amendment area in AMD53 should reflect the boundary of the Planning Minister's DIA, and that reducing the curtilage is unjustified and impractical. The reinstated area should then be treated in the same manner as SU3. 	<p>The proposed amendment area does not include large areas identified on the Potential Development Areas / Development Investigation Areas map produced by the DPLH. There are large portions of land within Cossack that have been identified as 'Area 1 – Potential Development' areas but have not been included within Special Use zones. Given the lack of unconstrained land in Cossack, this additional land could be included to provide greater development and activation opportunities.</p> <p>Existing Scheme Provision (3.2.5) allows for Council to make a determination on a proposed 'Use Not Listed'. The provisions proposed to be introduced under Scheme Amendment 53 would provide sufficient detail and guidance to City Officers and Council to make an informed and appropriate decision on any potential 'Use Not Listed' proposal. Making all other uses 'X' uses would be unnecessarily restrictive and could actually prevent critical infrastructure from being developed within the Scheme Amendment area if it does not fall within one of the listed land uses.</p>	<p>Recommend areas indicated as 'Area 1 – Potential Development' on the DPLH Cossack Development Investigation Areas Map be included in Special Use Zones.</p> <p>Remove the following provision from <i>Table 1</i>: 'All other uses are 'X' uses'. Replace that provision with the following provision: 'All other uses are 'A' uses'.</p>

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<ul style="list-style-type: none"> All Uses Not Listed should be treated in a manner consistent with the provisions of Clause 3.2.5 of LPS8, namely they should be considered against the objectives of the zone and advertised in line with applicable regulations. 		
It appears that the distinction between Special Use Zone 1 (SU1) and Special Use Zone 2 (SU2) is superfluous. The areas have almost identical uses and their separation seems to only result from an intention to draft different objectives and provisions for each special use zone. It is suggested to amalgamate SU1 and SU2 resulting in the creation of two special use zones in AMD53.	There is only a slight difference between the SU1 and SU2 zones. Minor discrepancies in the land uses allowed are 'Art Gallery' and 'Tavern' being listed under SU1 and not under SU2. Another difference is that SU1 areas are not subject to Native Title. It is considered both reasonable and appropriate to amalgamate the SU1 and SU2 zones so that there are only two special use zones within the Scheme Amendment area – with SU3 simply being amended to SU2. This would reduce complexity and layers being introduced by the Scheme Amendment.	Recommend amalgamating Special Use Zone 1 and Special Use 2 and renaming the current Special Use Zone 3 as Special Use Zone 2 so that there are only two special use zones within the Scheme Amendment area.
NYFL appreciates these amendments present a step forward for Cossack, but progress should not stymie a desire for best possible planning outcomes. AMD53 does not represent a planning outcome which is best practice and will not achieve intended objectives of the amendments. Only minor changes are required to make the amendments more workable, practical and feasible.	The Officer Recommendation includes recommended modifications to address the comments raised through the submission.	Nil.
10. Alan Wilson (Part Owner of Lots 112, 116-117 and 165 Perseverance Street, Cossack.		
<p>Need for tourist development at Cossack is evident through the popularity of the place despite so little infrastructure.</p> <p>Exclusion of private landowners from the Scheme Amendment Area is inherently unfair. CHRMAP has major methodology deficiencies. Request that:</p> <ul style="list-style-type: none"> Private lots within Cossack Townsite are not excluded from Special Use (SU) zones on the grounds that they are privately owned. Private lots within footprint of the proposed SU zones be included within them and the same zoning applied. 	<p>Noted.</p> <p>All privately held lots have been excluded from the proposed Special Use zones. The Scheme Amendment area does not include any private lots. This is because these lots have been identified as being susceptible to a number of hazards and risks relating to issues including coastal erosion and bushfire. Development of these lots could result in an increased or unacceptable risk to landowners and developers.</p> <p>Private landowners have the ability to prepare a separate scheme amendment or be a part of a future amendment over Cossack.</p>	<p>Nil</p> <p>Provide the option for development proposals over privately held lots to at least be considered as part of the Scheme Amendment.</p>

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<ul style="list-style-type: none"> Private land within Cossack Townsite be included in additional SU zone (SU4) with certain land uses being 'D' permissibility. 	<p>The City has previously sought to include private landowners through proposed Scheme Amendment No.44, which was refused by the WAPC.</p> <p>Recommended to provide the option for development proposals over these lots to at least be considered. Creation of a fourth Special Use zone is not considered to be the best approach as there are other special use zones within the special control area that could be used, and these already allow for 'D' and 'A' uses to be considered.</p> <p>The Minister will ultimately determine whether any private lots will be included within the Scheme Amendment area.</p>	
<p>Not enough attention has been given to marketing Cossack as an eco-destination. Given the importance placed on the physical environment of Cossack this is a misstep. Cossack has the potential to become one of Australia's only 100% green and renewable tourism destinations. Request that additional provisions are included in both this amendment and the Cossack and Jarman Island – Low Impact Tourism Precinct Special Control Area to encourage development of 100% renewable energy sources.</p>	<p>It is expected that development in Cossack will not be connected to standard urban services. It is likely that development proposals will include alternative power, water and wastewater systems, including renewable energy. The City would have no objection to Cossack as an off-the-grid settlement powered by largely renewable energy sources.</p>	<p>Nil.</p>
11. Geoff Waardenberg, Stuart and Michelle Otto and Terry Patterson (Owners of Lot 149 – 153 Perseverance Street, Cossack)		
<p>Private landowners had high hopes for Scheme Amendment 44 which was refused by the State without due consideration or reasoning. Happy that proposed Scheme Amendment 53 will allow for tourist development within the unconstrained areas, but what about privately owned lots on Perseverance Street.</p>	<p>Noted. The Scheme Amendment area does not include any private lots. This is because these lots have been identified as being susceptible to a number of hazards and risks relating to issues including coastal erosion and bushfire. Development of these lots could result in an increased or unacceptable risk to landowners and developers.</p>	<p>The Scheme Amendment should provide the opportunity for the owner(s) of Lot 149 – 153 to demonstrate the capability and suitability of their properties for development.</p>

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CHRMAP undertaken in 2017 is flawed in its methodology and does not adequately address the geology and coastline of the Cossack Area, leading to private lots being excluded from the unconstrained development area. It states within the CHRMAP that development may be considered within constrained areas where conditions are met. Private landowners are willing to abide by these conditions and to undertake development which is transportable in nature and can easily be relocated.	Private landowners have the ability to prepare a separate scheme amendment or be a part of a future amendment over Cossack. The City has previously sought to include private landowners through proposed Scheme Amendment No.44, which was refused by the WAPC. The geotechnical investigations undertaken in 2017 were limited to Perseverance Street, adjoining Lot 149 – 153. The geotechnical investigations identified that the rock foundation under Perseverance Street is suitable to classify that land as unconstrained. Similar investigations over Lots 149 – 153 may draw similar conclusions. Lots 149 – 153 may be able to be proven as unconstrained. The Scheme Amendment should provide the opportunity for the owner(s) of Lot 149 – 153 to demonstrate this.	
If Scheme Amendment 53 proceeds in its current form as prepared by the State, Lots 149-153 would be excluded from future development opportunities and this would make the lots worthless. It would be the height of hypocrisy and inequity to only allow development on City, State and Native Title Lots and not any privately held lots. The private landowners want to build minor tourist development on their lots, transportable in nature with their own green power and waste systems in line with the objectives and intentions of Scheme Amendment No. 44. Private landowners should have the same opportunity to develop their lots and be able to work together with the City and State to develop Cossack into a self-sustaining township for tourism purposes.	Unless there are fundamental policy considerations that prevent private lots from being developed, private landowners should be afforded the opportunity to pursue development within Cossack and be a part of the activation of Cossack. Recommended clauses to be introduced by Scheme Amendment 53 would ensure any development proposal meets the requirements of the relevant State Planning Policies.	Provide the option for development proposals over privately held lots to at least be considered as part of the Scheme Amendment.
Scheme Amendment No. 53 should be revised to include Lots 149-153 Perseverance Street, Cossack within the Special Control Area.		The Scheme Amendment should provide the opportunity for the owner(s) of Lot 149 – 153 to demonstrate the capability and suitability of their properties for development.

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12. Rosie Zappacosta (Owner of Lot 20 Perseverance Street, Cossack)		
<p>As an owner of Lot 20 Perseverance Street, Cossack, I am lodging in writing my objection to the proposed scheme amendment. Under previous Scheme Amendment No.44, my property was a tourist zone which meant low scale environmentally sensitive tourism accommodation. Amendment No. 53 is not clear at all in setting out what my property is able to be used for.</p> <p>How will visitors be monitored to prevent illegal use of private properties if they are not included within the Scheme Amendment boundaries and the private landowner is unaware? There are no physical boundaries to prevent people accessing the privately owned lots. Will private landowners get rent? What happens in the event a visitor hurts themselves on a private lot, who is liable?</p>	<p>Officer has contacted submitter and has explained that the implications of the Scheme Amendment for their property is that their property would remain subject to current Scheme Provisions and does not form part of proposed Scheme Amendment No. 53</p> <p>Visitors can only access private property with the authorisation of the property owner. It will be the responsibility of the proponent of any development at Cossack to contain their approved use within the area subject of approval.</p>	<p>Nil.</p>
<p>The different Special Use areas within the proposed amendment are confusing and unclear. Is my lot surrounded by other categories whilst being situated next to the Special Use 1 area and close to the Special Use 2 area? Do not understand how my property is located next to an SU1 area containing a building which has stood since 1896/7, while I cannot build on my plot.</p>	<p>The location and boundaries of the Special Use Zones (SU) have been established in accordance with the Potential Development Areas map, prepared by the Department of Planning, Lands and Heritage. SU1 areas are generally associated with 'Area 1 – Potential Development' areas, which are not subject to Native Title and are not constrained/highly constrained. The more highly constrained areas are located within SU3 which considers fewer land uses. Only a portion of Lot 20 is shown within the highly constrained area on the Potential Development Areas map. Lot 20 is not subject to Native Title. Recommended to provide the option for development proposals over Lot 20 to at least be considered.</p>	<p>Lot 20 Perseverance Street, Cossack, be included within the Scheme Amendment No. 53 Area.</p>
<p>The outcome I would like to be implemented for the planning of Cossack is that private landowners should be recognised as part of Cossack's future and be able to have input with NYFL and the City into making Cossack a tourist location and to allow for private landowner's to utilise their properties within sensible guidelines.</p>	<p>The Scheme Amendment area does not include any private lots. This is because these lots have been identified as being susceptible to a number of hazards and risks relating to issues which include coastal erosion and bushfire hazards. Development of these lots could result in an increased or unacceptable risk to landowners and developers.</p> <p>Private landowners have the ability to prepare a separate scheme amendment or be a part of a future amendment over Cossack.</p>	<p>Provide the option for development proposals over privately held lots to at least be considered as part of the Scheme Amendment.</p>

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	<p>The City has previously sought to include private landowners through proposed Scheme Amendment No.44, which was refused by the WAPC.</p> <p>Private landowners should be given the opportunity to develop their lots if they can demonstrate compliance with the relevant State Planning Policies and Local Planning Framework.</p>	