

Type of Interest	Nature of Interest
Cr Corke submitted a Proximity Interest, pursuant to Section 5.60B of the Local Government Act 1995 for Item 14.1.2.	Cr Corke lives on Ahern Street, adjacent to the Roe 9 Corridor

7.43pm Having declared a Proximity Interest it Item 14.1.2, Cr Corke left the meeting.

14.1.2 (2023/MINUTE NO 0318) Initiation of (Complex) Amendment No.166 to Town Planning Scheme No.3 - Roe Highway (Remainder Stages 8 & 9)

Executive	Chief of Built and Natural Environment
Author	Strategic Planning Coordinator
Attachments	1. City MRS Amendment Submission (Oct 2023) ↓ 2. Draft Scheme Amendment No.166 Report ↓
Location	Hamilton Hill, Coolbellup, North Lake & Bibra Lake
Owner	Various Government and Private Landowners
Applicant	City of Cockburn
Application Reference	109/166

Officer Recommendation/Council Decision

MOVED Cr T Dewan SECONDED Cr C Reeve-Fowkes

That Council:

(1) INITIATES, pursuant to section 75 of the Planning and Development Act 2005, an amendment to the City of Cockburn Town Planning Scheme No.3 (Scheme) for the following purposes:

1. Zoning the proposed centrally located MRS 'Urban' zoned land, between Leda Street and the MRS 'Parks and Recreation' reserve straddling Blackwood Avenue 'Development', as depicted on the Scheme Amendment Map,
2. Introducing special control area 'Development Area No.46' as depicted on the Scheme Amendment Map and into 'Table 9 – Development Areas' of the Scheme Text, as follows:

REF. NO.	AREA	PROVISIONS
DA 46	Former Roe Highway Regional Road Reservation (and surrounds)	1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with clause 27(1) of the Deemed Provisions. 2. The Structure Plan is to provide for:



			(a) a green (ecological) link extending through the area from east to west as an integral element; (b) appropriately scaled education, recreation, mixed-use and/or local scale commercial development; (c) an appropriate mix of residential densities; and (d) ensure the layout and urban form provide an appropriate interface to adjacent roads and existing properties.
3. Zoning the proposed MRS 'Urban' zoned Cardigan Street Precinct 'Residential (R15)', as depicted on the Scheme Amendment Map, 4. Zoning the proposed MRS 'Urban' zoned Rockingham Road Commercial Precinct 'Mixed Business', as depicted on the Scheme Amendment Map, 5. Zoning the proposed MRS 'Urban' zoned Bibra Lake Drive / Hope Road Precinct 'Residential (R30)', as depicted on the Scheme Amendment Map, 6. Reserving the proposed MRS 'Urban' zoned road reservations, adjoining portions of Bibra Lake Drive, and slivers of land either side of Southwell Crescent and Forrest Road as 'Local Road' reserves, as depicted on the Scheme Amendment Maps; (2) DETERMINES the amendment is 'complex' under the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> as it satisfies the following criteria of Part 5, Division 1, Regulation 34: • <i>an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;</i> (3) SUBMITS two copies of the proposed Amendment to the Western Australian Planning Commission, pursuant to Regulation 37(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to obtain consent to advertise the scheme amendment; (4) REFERS the Amendment to the Environmental Protection Authority (EPA), pursuant to Section 81 of the <i>Planning and Development Act 2005</i>, by giving to the EPA written notice of this resolution and such written information about the amendment as is sufficient to enable the EPA to comply with Section 48A of the <i>Environmental Protection Act 1986</i> in relation to the proposed scheme amendment; (5) REFERS the Amendment to the Minister for Planning, pursuant to Section 83A of the <i>Planning and Development Act 2005</i>, for permission to advertise the proposed Scheme Amendment; (6) Upon compliance with Sections 81, 82 and 83A of the <i>Planning and Development Act 2005</i>, ADVERTISES the proposed Amendment pursuant to the details prescribed within Part 5, Division 3, Regulation 38 of the <i>Planning</i>			



and Development (Local Planning Schemes) Regulations 2015. Regulation 38 specifies advertising must not be less than a period of 60 days; and

(7) ADVISES the State Government:

- a) of the City's expectation the major landowners of the rezoned land will be primarily responsible for the future local structure planning of the resultant Development zoned land; and
- b) there would be considerable value in utilising Development WA to lead structure planning, as it has done with many government-owned precincts across Cockburn.

CARRIED 7/0

7.44pm Cr Corke returned to the meeting.

Background

At the 14 September 2023 OCM, Council considered the State Government's proposed removal of the remaining portions of Stages 8 and 9 of the former Roe Highway Primary Regional Road Reservation from the Metropolitan Region Scheme.

Key aspects of Council's resolution relevant to this Local Scheme Amendment proposal include:

- 1) Its SUPPORT for the proposal subject to the following modifications:
 - a) Expansion of the regional 'Parks and Recreation' reservation to include the land between Lot 89 Rockingham Road, Dixon Park, Starling Street, Rockingham Road and Leda Street, to accommodate future development of a regional Basketball Facility in this location; and
 - b) Widening the 'Urban' zoned alignments of both Southwell Crescent and Forrest Road, based on updated traffic modelling (prepared in alignment with the City's current District Traffic Study work), that more appropriately considers the full implications of this proposal on the local road and associated movement network.
- 2) A REQUEST, pursuant to s.126(3) of the *Planning and Development Act 2005*, that the resultant 'Urban' zoned land be concurrently zoned 'Development' under the City of Cockburn Town Planning Scheme No.3, aside from:
 - a) the existing road reservations of Carrington Street, Sudlow Road, Coolbellup Avenue and Bibra Drive; in addition to
 - b) the affected road reservations of Southwell Crescent and Forrest Road [as adjusted by (1)(b) above];
 which the City will consider reserving as 'Local Roads' via a future local Scheme Amendment.
- 3) ADVISING the State Government of its intention to initiate a complementary local scheme amendment that:
 - a) may refine the extent of the concurrent Development Zone, to streamline future redevelopment in appropriate circumstances; and/or



- b) introduces Special Control Areas to facilitate structure planning over broader areas (beyond the boundaries of the existing regional road reservation), to ensure future development appropriately integrates with (and facilitates the redevelopment opportunities) of surrounding landholdings afforded by this proposal.
- c) Includes a specific provision within any future Development Zone which provides for a green (ecological) link extending through the area from east to west to form an integral element of the structure plan. This will ensure more flexibility to work with the community about where this connection should be.

Submission

N/A

Key Assumptions

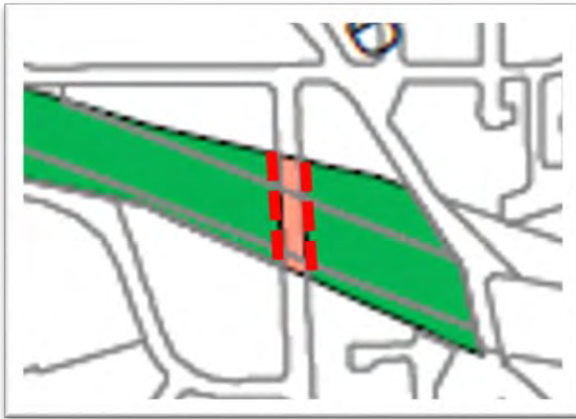
As the outcome of the MRS Amendment will not be known for some time, this proposal is premised on the following key assumptions:

- that the additional regional 'Parks and Recreation' reservation encompassing the preferred location of the Wally Hagan redeveloped has not been accepted; and



Excluded from 'Primary Regional Road' Reserve and 'Urban' Zone and included in 'Parks and Recreation' Reserve

- that the requested widenings of 'Urban' zoning either side of Southwell Crescent and Forrest Road have been accepted.



 Excluded from 'Primary Regional Road' Reserve and included in the 'Urban' Zone

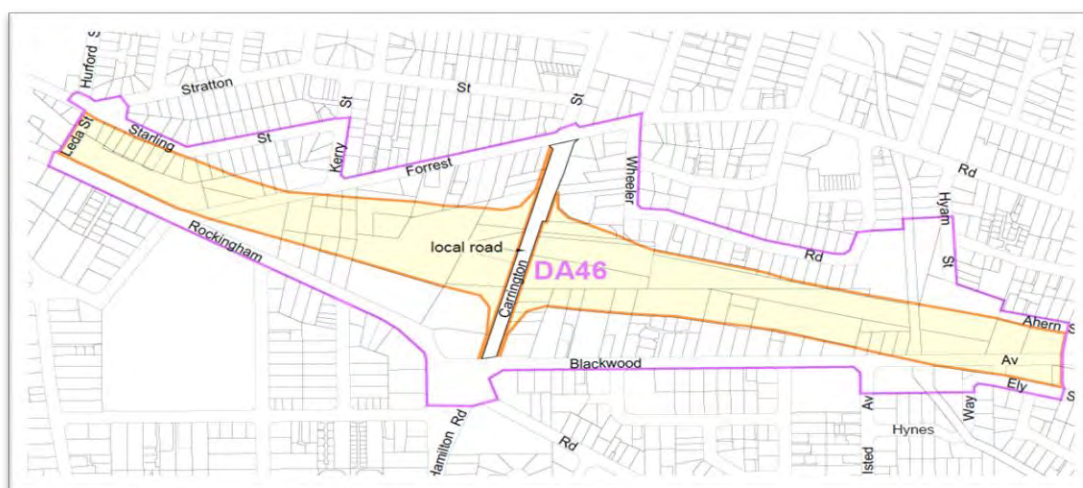
If either of these assumptions prove incorrect, the MRS (regional reserve) outcome will take precedence, and the relevant portions of this local scheme amendment discussed in the following sections, will fall away.

- that concurrent rezoning of all the resultant 'Urban' zoned land, to a 'Development' zone in TPS3, has not been accepted.

If this proves correct, the urgency to complete the local scheme amendment escalates, to reduce the length of time between the MRS and TPS Amendment gazettal dates and manage the significant risks associated with all MRS 'Urban' zoned land, becoming unzoned ('No Zone') in TPS3.

Proposal

Consistent with the intention foreshadowed in Council's MRS response, this proposal involves zoning most of the proposed MRS 'Urban' zoned land 'Development' in TPS3. This will trigger the requirement for a Local Structure Plan (LSP) to be prepared and approved by the Western Australian Planning Commission (WAPC) prior to substantive subdivision and/or development of the land occurring.



 Development Areas  Development





To guide the preparation and extent of the LSP, a special control area 'Development Area No.46' (DA46) is also proposed, encompassing abutting properties and roads, and inserting special provisions into 'Table 9 – Development Areas' of the Scheme Text. This ensures an appropriately integrated outcome (beyond the Development Zone) making best use of this highly valuable land.

Of note, included is a requirement for a green (ecological) link to extend through the area as an integral element of the structure plan outcome.

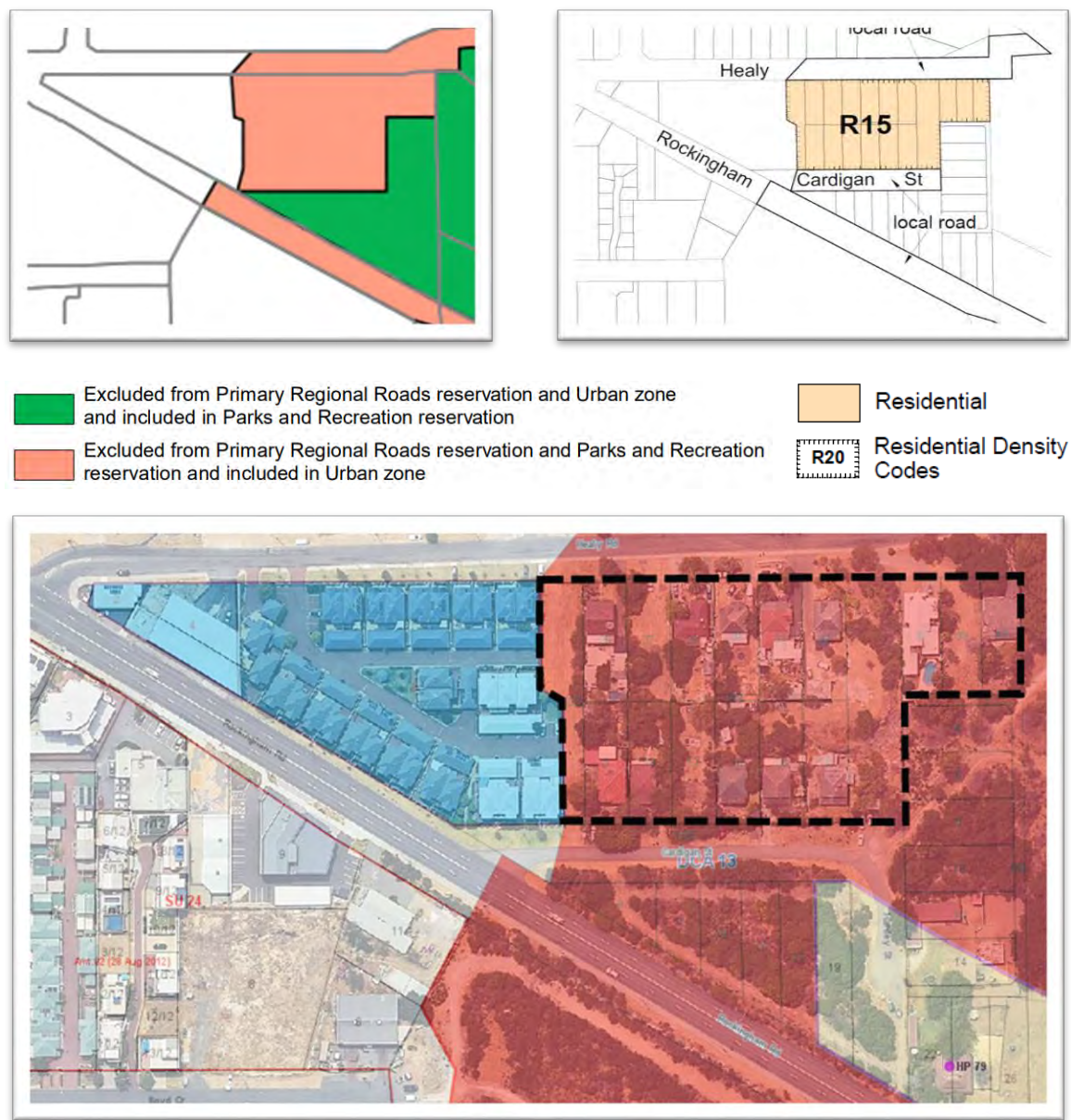
It is expected the extent of DA46 and associated special provisions will be refined in response to submissions received through the public advertising process.

External to the proposed Development Zone are three distinct precincts proposed to be directly transferred into existing zones of the TPS3, as described below.

Cardigan Street, Hamilton Hill

Despite being large landholdings in government ownership containing older building stock, immediately east of an established Mixed Business zoned 'R60' grouped housing development, a straight 'Residential (R15)' zoning is proposed for this area to maintain the status quo.

In viewing the maps below, readers should be aware the residential coding on the plan is what is intended, not the legend (which generically reads 'R20'). This is standard mapping practice prescribed by the State.



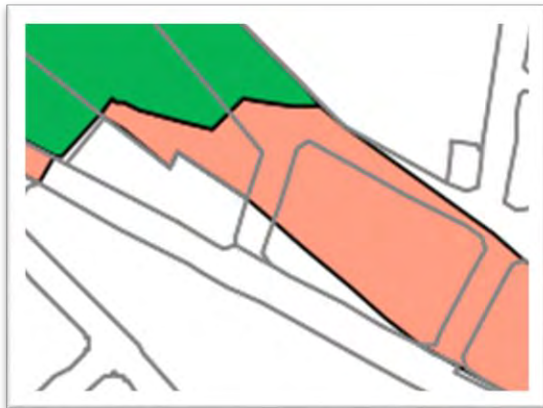
This is due to the lots sitting on top of a limestone outcrop and containing substantive vegetation that makes redevelopment challenging without significantly affecting the character of the area or increasing traffic volumes to the detriment of continued operation of the State Heritage listed Randwick Stables.



An R15 density coding matches the existing lot sizes, avoiding the potential creation of additional battle-axe subdivision. A small number of additional houses may be possible by closing and similarly zoning the northern (unconstructed) portion of the Hardey Road reservation between Cardigan Street and Healy Road.

Starling Street Precinct, Hamilton Hill

MRS Urban zoned land in and around existing commercial premises fronting Rockingham Road (west of Leda Street), is proposed to be zoned 'Mixed Business', as a natural expansion of the existing Local Activity Centre.



■ Excluded from Primary Regional Roads reservation and Urban zone and included in Parks and Recreation reservation

■ Excluded from Primary Regional Roads reservation and Parks and Recreation reservation and included in Urban zone

■ Mixed Business



The proposed zoning is consistent with the existing commercial businesses, will complement the (Scarvicci) Local Centre zoned land on the southern side of Rockingham Road, and does not preclude future acquisition and/or redevelopment of the land for indoor recreational purposes.

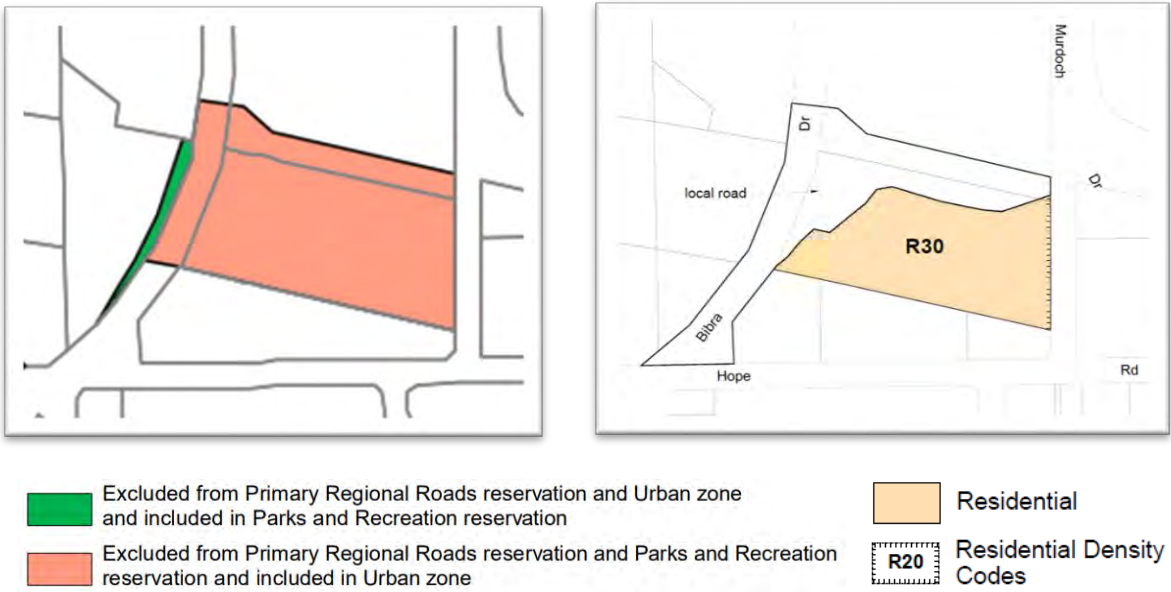
Rather than reserving it as a Local Road, the intervening portion of Starling Street is included within the Mixed Business zone to allow maximum opportunities in terms of the future expansion and/or redevelopment of commercial land uses in this area.

Bibra Drive / Hope Road Precinct, North Lake

Reflective of it being a large, consolidated land area constrained by existing road reservations (that it can't take direct access from) or existing development on three sides, a 'Residential (R30)' zoning is proposed for the developable portion of this area.

The portions already developed as roads (including the revetment associated with the Bibra / Murdoch Drive slip road) and an adjoining 'Residential (R20)' zoned portion of Bibra Drive to the south are proposed to be reserved as Local Roads.

In viewing the maps below, readers should be aware the residential coding on the plan is what is intended, not the legend (which generically reads 'R20'). This is standard mapping practice prescribed by the State.





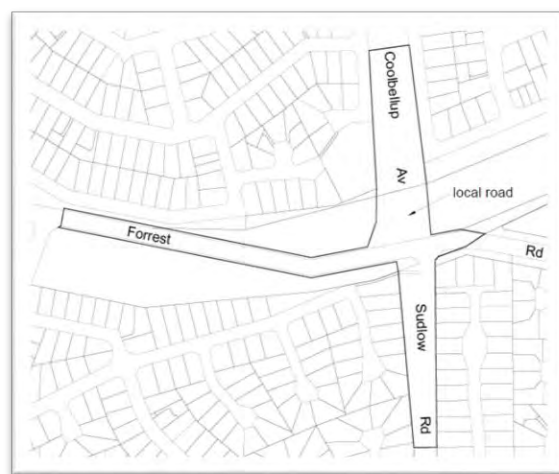
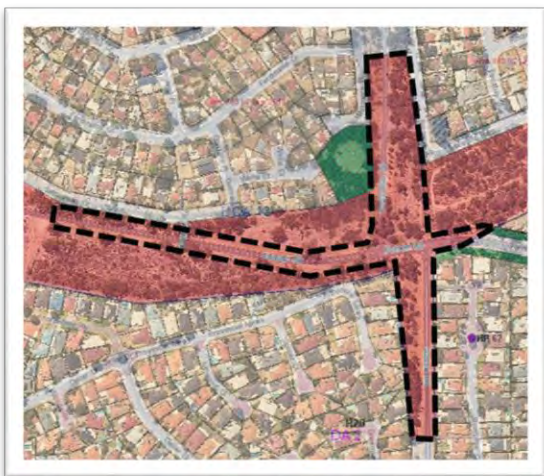
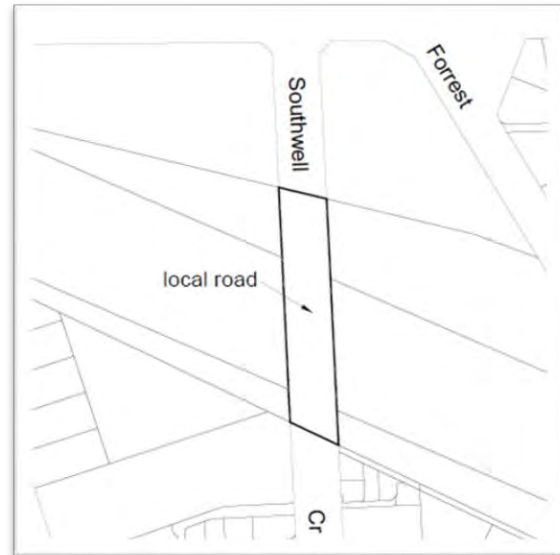
Whilst land to the south is coded R20, a R30 coding would better accommodate redevelopment befitting its prime location in proximity to the regional road network, regional parkland and nearby local commercial facilities (at the intersection of Murdoch Drive and Farrington Road).

It will also provide for greater housing diversity in a well-established area almost entirely composed of low-density single residential housing.

Of importance, a residential zoning would not preclude a northward expansion of the privately run education establishment, should some, or all of it be acquired from the State for this purpose.

Existing Road Reserves

Unless otherwise mentioned in the precincts above, existing road reservations are proposed to be reserved as 'Local Roads'. Pending the MRS Amendment outcome, this includes the slivers of additional land either side of Southwell Crescent and Forrest Road, that would facilitate future widenings to local access, cycling and public transport opportunities through the area as redevelopment proceeds.



Strategic Plans/Policy Implications

Local Economy

A sustainable and diverse local economy that attracts increased investment and provides local employment.

- Increased Investment, economic growth and local employment.



Environmental Responsibility

A leader in environmental management that enhances and sustainably manages our local natural areas and resources.

- Protection and enhancement of our natural areas, bushland, parks and open spaces.

Community, Lifestyle and Security

A vibrant healthy, safe, inclusive and connected community.

- Accessible and inclusive community, recreation and cultural services and facilities that enrich our community.

City Growth and Moving Around

A growing City that is easy to move around and provides great places to live.

- An integrated, accessible and improved transport network.

Listening and Leading

A community focused, sustainable, accountable, and progressive organisation.

- Best practice Governance, partnerships and value for money.

Budget/Financial Implications

Not applicable – the Amendment documentation has been prepared, and the proposal will be progressed by the administration under its FY24 budget allocation.

The cost of associated technical analysis has essentially been deferred to the preparation of the local structure plan for the Central precinct, beyond that already associated with the City's District Traffic Study.

Legal Implications

- *Planning and Development Act 2005*
- *Planning and Development (Region Planning Scheme) Regulations 2023*

Community Consultation

Part 5 (Division 1, Regulation 34) of the Planning and Development (Local Planning Schemes) Regulations 2015 identifies three amendment types: basic, standard, and complex.

The changes proposed by Amendment No.166 meet the definition of a 'Complex' Scheme Amendment. Regulation 38 requires such proposals to be advertised for a minimum period of 60 days.

Risk Management Implications

The officer recommendation considers the relevant planning matters associated with the proposal. It is considered the officer recommendation is appropriate.

Depending on whether the State approves the City's previous request for an interim 'Development' Zone over the land zoned 'Urban' in the MRS, if the Amendment does not proceed (or is ultimately refused by the Minister for Planning) there would continue to be an absence of

- suitable guidance on what the land could be used for and associated local development controls that could be exploited by landowners; and/or
- delegation to City Officers to determine any development application submitted (i.e. every application would need to be determined by Council or where triggered, a Development Assessment Panel).

Advice to Proponent(s)/Submitters

N/A

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

Nil

