



Western Australian Planning Commission

CITY OF COCKBURN	
Set	
FEB 2018	
SUBJECT	Your ref: 109/124
109/124	Our ref: TPS/2115
RETENTION	Enquiries: Heather Brooks (6551 9436)
124.2.3 AS	
PROPERTY	
2200 589	
APP	
TPS 317/0003	
ACTION	
DONNA DI RENZO	

Chief Executive Officer
City of Cockburn
PO Box 1215
Bibra lake WA 6965

Transmission via electronic mail to: customer@cockburn.wa.gov.au

Dear Sir

TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 124

I refer to your letter dated 20 November 2017 regarding Amendment No. 124.

The WAPC has considered the amendment and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has approved the amendment in accordance with section 87(2)(a) of the Act.

In accordance with section 87(3) of the Act, the WAPC will cause the approved amendment to be published in the Government Gazette.

The WAPC has forwarded notice to the State Law Publisher (attached) and it is the local governments' responsibility to make arrangements for the payment of any publication costs. The local government is required under section 87(4B) of the Act, and regulation 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to publish the approved amendment, ensure that it is available to the public, and notify each person who made a submission.

For all payment and purchase order queries, please contact the State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to Heather Brooks on 6551 9436 or schemes@planning.wa.gov.au.

Yours sincerely

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
29/01/2018



PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn

LOCAL PLANNING SCHEME No. 3- AMENDMENT No. 124

Ref: TPS/2115

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Cockburn Local Planning Scheme amendment on 24 January 2018 for the purpose of:

1. Amending the density coding of the 'Residential' zoned portion of No. 16 (Lot 432) Rodd Place, Hamilton Hill to R30/40; and
2. Amending the Scheme map accordingly.

L HOWLETT
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION TO AMEND A TOWN PLANNING SCHEME

CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 124

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of Cockburn Town Planning Scheme No 3 by:

1. Amending the density coding of the Residential zone (portion of No. 16 (Lot 432) Rodd Place, Hamilton Hill) to R30/40; and
2. Amending the Scheme map accordingly.

TOWN PLANNING SCHEME NO. 3

Dated this 6th day of June 2017

AMENDMENT NO. 124

CHIEF EXECUTIVE OFFICER

October 2017

PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION TO AMEND A TOWN PLANNING SCHEME

CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 124

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of Cockburn Town Planning Scheme No. 3 by:

1. Amending the density coding of the 'Residential' zoned portion of No. 16 (Lot 432) Rodd Place, Hamilton Hill to R30/40; and
2. Amending the Scheme map accordingly.

Dated this 8th day of June 2017



CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT**REPORT****1.0 Introduction**

1. LOCAL AUTHORITY City of Cockburn
2. DESCRIPTION OF TOWN PLANNING SCHEME: Town Planning Scheme No. 3
3. TYPE OF SCHEME: District Zoning Scheme
4. SERIAL NO. OF AMENDMENT: Amendment No. 124
5. PROPOSAL: To amend the density coding of the 'Residential' zoned portion of No. 16 (Lot 432) Rodd Place, Hamilton Hill to R30/40.

2.0 Background

The subject land was formerly owned by the City of Cockburn in respect of which the current zoning and density coding was included in the Planning and Development Plan (PDP) adopted in 2005. The PDP provided for the subject land to be zoned R30/40 and the residential density coding to be R30/40. The subject land was included in the District Zoning Scheme implemented in 2014. The subject land was included in the District Zoning Scheme implemented in 2014. The subject land was included in the District Zoning Scheme implemented in 2014.

The subject land was subsequently included in the City of Cockburn's Strategic Planning Study Area, and the residential density coding of the land was amended from R30/40 to R30/40 as part of Amendment No. 124.

The subject land was then sold to the City of Cockburn Strategic Planning Study Area, and the residential density coding of the land was amended from R30/40 to R30/40 as part of Amendment No. 124. The subject land was then sold to the City of Cockburn Strategic Planning Study Area, and the residential density coding of the land was amended from R30/40 to R30/40 as part of Amendment No. 124.

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AMENDMENT REPORT

1.0 Introduction

The subject site is Lot 432 Rodd Place, Hamilton Hill. A portion of the site (4,504m²) is currently zoned 'Residential R30', with 3,131m² of the northern portion reserved for 'Parks and Recreation' pursuant to City of Cockburn Town Planning Scheme No. 2 ("the Scheme" of "TPS3").

This scheme amendment seeks to take advantage of the site's location abutting a future public park, by increasing the residential density coding of the residential zoned portion of the subject site to R30/40 to facilitate the development of a multiple dwelling proposal that provides surveillance over the public park, and an appropriate transition between the higher density coded Bethanie Illawong Retirement Village to the east and the lower coded areas to the west.

The proposed scheme amendment is considered to be highly consistent with the intent and objectives of the City's Scheme, which advocates for a variety of housing typologies, as well as the City's strategic plan for the Hamilton Hill area, Directions 2031 and the latest strategic direction of the State Government as outlined within the draft Perth and Peel @ 3.5 million document.

This report outlines the relevant planning and site considerations for the proposed amendment, which has been prepared in consideration of TPS3 and the State and local planning framework applicable to the site.

2.0 Background

The subject land was formally owned by the City of Cockburn in freehold, and the current reserve and zoning configuration was identified through the Phoenix Rise Master Plan (adopted in 2006), to enable residential development to occur overlooking redeveloped public open space ("POS"). Amendment No. 38 to the Scheme implemented these Phoenix Rise zoning changes, with most of this area, including the residential portion of the subject land, being zoned 'Residential 25'.

The subject land was subsequently included in the Phoenix Revitalisation Strategy (2009) study area, and the residential zoned portion of the land was recoded from R25 to R30 in 2010 as part of Amendment No. 76.

The subject land was then identified in the City's Land Management Strategy as being land available for sale. In line with this, the City subsequently sold the land in 2014 to Rodd Place Development Pty Ltd. The purchaser was required to purchase the entire Lot 432 and subsequently cede the portion of the land reserved for recreation back to the City free of cost.

It was also a requirement that the purchaser upgrades the reserved land and redesign and develop the stormwater sump to the satisfaction of the City. This

was intended to ensure that coordinated redevelopment occurs, with a positive relationship between the residential component and future POS component.

On 2 December 2014, a development application for 47 multiple dwellings on the residential zoned portion of the land was approved by the City, with the northern portion of the site to be redeveloped for POS which would be ceded to the City. At the time of this approval being issued, State Planning Policy 3.1 - Residential Design Codes ("R-Codes") required the 'density' of development in R30 coded areas to be assessed under the 'plot ratio' controls specified in Part 6 of the R-Codes, allowing for a plot ratio of 0.5:1 on the subject site. As the development proposed a plot ratio of 0.44:1, the proposal was considered compliant in this respect.

Subsequent to the approval being issued, the Western Australian Planning Commission ("WAPC") amended the R-Codes, to require development within areas coded less than R40 (i.e. including the subject site) be assessed under Part 5 of the R-Codes rather than Part 6. Part 5 contains 'minimum site area per dwelling' requirements (which are not able to be varied), and would limit the number of dwellings that could be approved on the subject site to around 25.

At the time, the City of Cockburn was not supportive of the WAPC's amendments to the R-Codes due to concerns that it would decrease the diversity and quality of dwellings within the City of Cockburn.

The development approval was valid for a period of two years (consistent with the Planning and Development (Local Planning Schemes) Regulations 2015) during which time the development needed to be 'substantially commenced' in order for the approval to remain valid.

The development was not substantially commenced within this time frame, and therefore the 2014 approval is no longer valid. This means that any new development applications for the subject site must be assessed against the current R-Codes requirements, which does not allow for the previously approved 47 multiple dwellings to be approved.

3.0 Proposal

This application seeks to amend the City of Cockburn Town Planning Scheme No. 3 to increase the density coding of the southern portion of No. 16 (Lot 432) Rodd Place, Hamilton Hill from R30 to a split coding of R30/40.

The proposed rezoning would facilitate the development of the site for a high quality multiple dwelling development overlooking a park.

The scheme amendment will not limit or reduce the City's control over residential development at the subject site, instead it provides an opportunity to consider a greater range of housing options at the subject which responds to the growing diversity in housing options sought by home buyers in the area.

4.0 Amendment Type

As per Part 5 of the Regulations, there several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

Regulation 35(2) requires the local government to specify in their resolutions to prepare or adopt an amendment what type of amendment it is, as well as the explanation for forming that opinion.

This proposed amendment is considered to be a standard amendment, which Regulation 34 describes as:

standard amendment means any of the following amendments to a local planning scheme —

- a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- d) *an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*

- g) any other amendment that is not a complex or basic amendment.*

This proposed amendment satisfies 'a', 'b', 'e', 'f' and 'g' of the above criteria as demonstrated in the sections of this report below.

5.0 Town Planning Context

5.1 City of Cockburn Town Planning Scheme No. 3

The City of Cockburn Town Planning Scheme No. 3 (TPS3) was gazetted in 2002 and is a statutory Scheme that provides guidance for the development and use of land and buildings. The general aims of the Scheme are to:

- a) ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience;*
- b) ensure that the future development and use of land within the district occurs in an orderly and proper way so that the quality of life enjoyed by its inhabitants is not jeopardised by poor planning, unacceptable development and the incompatible use of land.*

Under TPS3, the northern portion of the site is reserved 'Parks & Recreation' and the southern portion zoned 'Residential R30'. The land to the west of the site is predominantly coded R30, with multiple pockets of higher coded areas around local parks (such as the properties around Dubove Park to the south of the site), commercial centres and the like. To the east of the site is the Bethanie Illawong Retirement Village, which has a split density coding of R30/80, and is therefore likely to be re-developed in the future for a significantly greater density of development than the current single storey units.

The objective of the residential zone is to:

"...provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes."

The proposed scheme amendment, which seeks to amend the density coding of the site to a 'split' density coding of R30/40, responds to the aims and objectives of the Scheme and the Residential zone by:

- Facilitating the development of a slightly higher density multiple dwelling development which will provide an appropriate interface between future higher density development on the Bethanie Illawong Retirement Village to the east and lower coded areas to the west;
- Adding to the diversity of dwelling typologies in the area and providing a development which offers a variety of housing options in the form of one, two and three bedroom apartments directly adjacent a local park, and in close proximity to the Southwell Local Centre, the Phoenix Shopping

Centre, and a number of employment, civic and recreational destinations;
and

- Facilitating a high quality, multiple dwelling development which will deliver a quality public park and improve the amenity and safety of that space by providing passive surveillance in the form of balconies and major openings overlooking and addressing it.

Clause 4.4.4 stipulates requirements for split density areas, being:

- *In considering applications for the subdivision of land within any of the split coded areas depicted on the Scheme Map, the Council may only support subdivision (in the absence of built development) up to a maximum density of R30.*
- *In considering applications for the development of land within any of the split coded areas depicted on the Scheme Map, the Council may support development up to the maximum density of the split code subject to the application being consistent with the provisions and objectives of the Local Planning Policy No. 1.2 (Residential Design Guidelines).*

Further information with respect to the specific requirements of Local Planning Policy No. 1.2 can be found below, but essentially the proposed split density coding gives Council a greater degree of control over the final development outcome over the site, by ensuring the development meets certain design criteria before the higher density is granted.

5.2 Metropolitan Region Scheme

The subject site and its surrounds are zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS). The proposed increase in density coding remains consistent with the site's zoning under the MRS.

5.3 Phoenix Central Revitalisation Strategy

The Phoenix Central Revitalisation Strategy was first adopted by Council in 2009 in response to the WAPC's Network City plan (since replaced by Directions 2031) and sets out a 10 year vision to realise the transformation of the Spearwood and Hamilton Hill areas through a combination of private redevelopment and public realm improvements.

The Strategy proposed to increase density over approximately 3,000 residential properties in Hamilton Hill and Spearwood, rezoning of Bethanie Illawong retirement village (which abuts the site to the east) to allow for the development of additional aged accommodation in the future (among other initiatives). The recommended rezoning's have since been incorporated into the City's Scheme (discussed below).

The Strategy did not identify any specific actions for the subject site, however the proposed infill development and park upgrade is will aligned with its objectives. In addition, the Strategy also designated increased, split codings of R30/40 of sites adjacent to POS. The subject land includes a large portion of POS, and it is

therefore considered appropriate to extend the split coding of R30/R40 to the subject land.

5.4 Local Planning Policy 1.2 'Residential Design Guidelines'

Local Planning Policy 1.2 'Residential Design Guidelines' ("LPP1.2") has been prepared and adopted to improve the design quality of medium to high density residential developments in the City of Cockburn.

Among other matters, LPP1.2 sets out criteria for applying the higher density code on split coded R30/40 lots, setting out the following criteria under clause 15:

Split coded residential lots which are located opposite or adjacent to Public Open Space (POS) may be developed up to the stated maximum R40 density, where development is consistent with the requirements of this policy and the following criteria:

- 1. At least one of the dwellings is two storey or incorporates a habitable mezzanine/loft (excluding bedrooms) in order to create variety in design and height and provide opportunity for surveillance of the POS;*
- 2. New dwellings located on the front portion of a lot should have major windows fronting the street, and must not be orientated to solely face internal driveways;*
- 3. Wherever possible rear dwellings should be designed so that significant sections of the front elevations can be seen from the street (i.e. major openings to internal living areas);*
- 4. Provision of an outdoor living area within the front setback of an existing or proposed front dwelling which complies with the requirements of Section 8 of this Policy in order to promote surveillance of the POS;*
- 5. Development on lots larger than 1500m² shall also demonstrate a suitable level of variety in design and height and promote surveillance of the POS.*

These criteria, in conjunction with the other provisions of the policy, would be applied to any development application seeking to develop the site under the R40 coding, and would ensure that such development would provide good surveillance of the POS, and be designed with visual interest.

This approach would also require a development application for any development at an R40 coding; therefore preventing the land from being subdivided into R40 sized lots which could result in development that lacks the cohesion that is achievable through comprehensive development of the site.

6.0 Conclusion

This application seeks to amend the City of Cockburn Town Planning Scheme No. 3 to increase the density coding of the southern portion of No. 16 (Lot 432) Rodd Place, Hamilton Hill from R30 to a split coding of R30/40, to facilitate its development for a high quality, multiple dwelling development, which will in turn provide direct community development by including the redevelopment of the public park.

The Phoenix Revitalisation Strategy designated R30/40 split codings adjacent to POS to improve passive surveillance and built form interest. Given that the subject land will be adjacent to POS the proposed amendment is considered appropriate, and in line with the City's strategic vision for the area.

1. Amending the density coding of the Residential zone, portion of No 16 (Lot 432) Rodd Place, Hamilton Hill to R30/40, and
2. Amending the Scheme map accordingly.

ADOPTION

PLANNING AND DEVELOPMENT ACT, 2005

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on the 12th day of October 2018.

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 124**

The City of Cockburn under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amend the above Town Planning Scheme by:

1. Amending the density coding of the 'Residential' zoned portion of No. 16 (Lot 432) Rodd Place, Hamilton Hill to R30/40; and
2. Amending the Scheme map accordingly.

Approved for final adoption by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on the 12th day of October 2018.



Report prepared/Submitted by: Final Approval

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 8th day of June 2017.



MAYOR



CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the City of Cockburn at the Meeting of the Council held on the 12th day of October 2017, and the Common Seal of the City of Cockburn was hereunto affixed by the authority of a resolution of the Council in the presence of:



(Seal)



MAYOR



CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval



DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE 16 Jan 2018

Final Approval Granted

It is hereby certified that this is a true copy of the ~~Scheme~~ Amendment, final approval to which was endorsed by the Minister for Planning on 24/1/18.

Certified by 

Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.

MINISTER FOR PLANNING

DATE.....