WAPC	CITY OF COCKBORN DOC No	
Western Australian	1 1 FEB 2025	
Planning Commission	SUBJEGT 109/174	
	RETENTION 124.2 AS	Your ref: 109/177
	PROPERTY	Our ref: TPS/3171 Enquiries: Local Planning Schemes
Chief Executive Officer	APP	Email: <u>localplanningschemes@dplh.wa.gov.au</u>
City of Cockburn PO Box 1215 BIBRA LAKE WA 6965	Action David King	

Transmission via electronic mail to: stratplanning@cockbum.wa.gov.au

Dear Sir/Madam

CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 177

The Western Australian Planning Commission (Commission) 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 Commission will cause the approved amendment to be published in the *Government Gazette*.

The Commission has forwarded notice to the Department of Premier and Cabinet (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 Department of Premier and Cabinet on (08) 6552 6000. One signed set of the amending documents are returned for your records.

Please direct any queries about this matter to localplanningschemes@dplh.wa.gov.au

Yours sincerely

Sam Bouche.

Ms Sam Boucher Secretary Western Australian Planning Commission

7/02/2025

Peel Office, Unit 2B, 11-13 Pinjarra Road, Mandurah, Western Australia 6210 Tel: (08) 9586 4680; Fax: (08) 9581 5491; TTY: (08) 9264 7535; Infoline: 1800 626 477 e-mail: info@dplh.wa.gov.au; web address: http://www. dplh.wa.gov.au ABN 35 482 341 493

Planning and Development Act 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn Local Planning Scheme No. 3 Amendment No. 177

File: TPS/3171

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 abovementioned amendment to the City of Cockburn Local Planning Scheme No. 3 on 5 February 2025 for the purpose of:

- 1. Rezoning Lot 30 (No.59) Breaksea Drive, North Coogee, within 'Development Area 16' from 'Development' to 'Residential (R100)', as depicted on the Scheme Amendment Map.
- 2. Reducing the extent of the 'Development Area 16' (DA16) special control area boundary, as depicted on the Scheme Amendment Map.

L HOWLETT MAYOR

D SIMMS CHIEF EXECUTIVE OFFICER



Town Planning Scheme No. 3 Amendment No.177 (Standard)

Partial Rationalisation of South Beach Village Structure Plan Development Area 16 (North Coogee)

JUNE 2024

Planning and Development Act 2005 RESOLUTION TO AMEND A TOWN PLANNING SCHEME

City of Cockburn Town Planning Scheme No.3 Amendment No.177

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. Rezoning Lot 30 (No.59) Breaksea Drive, North Coogee, within 'Development Area 16' from 'Development' to 'Residential (R100)', as depicted on the Scheme Amendment Map.
- 2. Reducing the extent of the 'Development Area 16' (DA16) special control area boundary, as depicted on the Scheme Amendment Map.

The Amendment is 'standard' under the provisions of the *Planning and Development* (Local Planning Schemes) Regulations 2015 for the following reason(s):

- It is an amendment to the scheme map that is consistent with a structure 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;
- It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Pursuant to Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment to the above Local Planning Scheme affects the following structure plan:

Structure	Address	Latest WAPC	WAPC
Plan#		Endorsement	Reference
16	Lot 113 Rollinson Road, Lots 114-118 O'Connor Close, North Coogee	16 February 2017	SPN/0821M-1

Upon the amendment taking effect 'partial' revocation of the above approved structure plan is to occur.

CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

Structure Plan No.16A (South Beach Village) has largely been implemented.

The purpose of this 'standard' scheme amendment is to transfer additional zones shown on this structure plan area into Town Planning Scheme No.3 (TPS3), to ensure the City maintains appropriate development control ahead of the structure plan expiring on 19 October 2025.

This process is referred to as the rationalisation of a structure plan.

2.0 BACKGROUND

Development Area 16 (DA16) was created in December 2002, upon gazettal of Town Planning Scheme No.3 (red dashed outline in **Figure 1**).

In essence, it is the result of Amendment No.201 to former District Zoning Scheme No.2, which in response to the 2001 gazettal of Metropolitan Region Scheme (MRS) Amendment 1008/33, transferred land from 'Industrial' and 'Railways' Reservation to the 'Urban' zone and 'Regional Parks and Recreation' reservation.



Figure 1 – Detail Plan for MRS Amendment No. 1008/33

Previously the substantive portion of a heavy industrial and railyard area that extended northward into the City of Fremantle, the land was significantly remediated to comply with environmental conditions imposed by the Minister for Environment to facilitate its redevelopment for urban purposes.

The adopted vision for the area was to deliver a vibrant urban village comprising diverse environmentally, socially, and economically sustainable high-quality medium to high density housing and commercial spaces with convenient access to public open space and surrounding areas.

DA16 currently includes one endorsed structure plan as per the table below:

Structure Plan #	Address	Latest Approval (& Expiration Date)	Proposed Action	
16A	Lot 113 Rollinson Road, Lots 114-	WAPC: 16/02/2017	Basic & Standard	
	118 O'Connor Close, North Coogee	(Expires 19/10/2025)	Amendments	

Rationalisation of most of this structure plan forms the subject of a separate 'basic' Scheme Amendment (#176). This proposal seeks to rationalise a further portion of land that couldn't be included in the 'basic' amendment due to the need to advertise a replacement residential density coding ('R-Code'), as the current *Residential Design Codes* do not include an R125 code.

The extent of DA16 (thick black dashed line), the structure plan (red solid line), and the boundaries of the two complimentary scheme amendment proposals (yellow dashed line), are depicted on **Figures 2 and 3.**

Lots outlined in blue are yet to develop or redevelop in accordance with the approved Structure Plan. Of importance, they incorporate important public reserves yet to be constructed and ceded into public ownership. As a result, they have been excluded from both scheme amendments, will retain their existing 'Development' zoning, and a Structure Plan extension for that area was lodged with the WAPC in January 2024.

The structure plan area includes various Local Development Plans (LDPs). This amendment has no effect on the operation of those instruments which will remain in effect until they expire on (or after) 19 October 2025.

Consistent with the proposed Structure Plan outcome, the City will need to consider the benefits (or otherwise) of extending the approval of an existing LDP for the undeveloped landholdings.



Figure 2 – DA16, Structure Plan 16A and Scheme Amendment #176 & #177 Extents



Figure 3 – Aerial Photograph showing extent of completed Subdivision and Development

3.0 AMENDMENT TYPE

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

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 a 'standard' amendment, which Regulation 34 describes as 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 parts d), e) and f) of the above criteria.

Specifically, it is an amendment that involves zoning land consistent with the intent, subsequent land use and built form outcome of an approved structure plan for the same land, in a manner that does not have any significant environmental, social, economic or governance impact on surrounding land.

4.0 TOWN PLANNING CONTEXT

4.1 State Planning Framework

The entirety of DA16 is identified in the *South Metropolitan Peel Sub-Regional Planning Framework* and zoned 'Urban' under the Metropolitan Region Scheme.

4.2 City of Cockburn Local Planning Framework

Under TPS3, the area is zoned 'Development' and identified on the Scheme Map and in Table 9 of the Scheme Text as Development Area 16 (DA16).

The purpose of the 'Development' zone is to trigger the requirement for a Structure Plan to guide further subdivision and/or development.

Table 9 allows specific 'provisions' to then be applied to defined Development Areas to inform the subsequent structure planning and subdivision processes. For DA16 it includes the following:

	TABLE 9 – DEVELOPMENT AREAS					
REF. NO.	AREA	PROVISIONS				
DA 16	South Beach (Development Zone)	 An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions. 				
		To provide for uses consistent with the zonings and reservations in the MRS.				
		 All residential development must be designed and constructed to comply with the South Beach Village Noise Management Plan dated August 2002. 				

5.0 PROPOSAL

Subdivision and development of almost all land within DA16 is now complete, meaning that the structure plan has largely served its purpose.

This amendment therefore seeks to remove those areas from DA16 and transfer the structure plan-identified zones and reservations for the land into the Scheme, ahead of the structure plans expiry date of 19 October 2025.

Development Area 16:

As there remains portions of DA16 yet to be redeveloped, in particular Lots 116-118 (#15, #19 & #23) O'Connor Close, complete deletion of DA16 and its special provisions are not proposed at this time, rather just a further reduction to the extent of the DA16 special control area boundary to reflect the outcome of this proposal. A more significant refinement is proposed via Scheme Amendment #176.

Local Structure Plan (LSP):

Details on Structure Plan 16A (including extracts of the relevant Local Development Plan and Development Approval for this specific site) are provided in this section to demonstrate our reasoning for rationalisation in the manner proposed.

Lot 113 Rollinson Road, Lots 114-118 O'Connor Close, North Coogee – South Beach Village Estate (16A)

Lying along the southern boundary of South Fremantle, west of the Fremantle Village Holiday Park, north of Rollinson Road and east of the CY O'Connor Foreshore Reserve, this Structure Plan identifies a comprehensive network of local roads servicing low-to-medium (R20-R80) density single residential houses and medium-to-high (R60-R125) density apartments, principally clustered around a central spine of public open space (POS) that leads back to district level recreational facilities at South Beach.

Density ranges were adopted for most street blocks, with the final coding (and specific Design Guidelines and R-Code development standard variations) deferred to Local Development Plans (prepared in response to conditions of Subdivision Approval) or subsequent Development Approval.

The higher codings are generally located in high-amenity locations, such as directly adjacent or opposite the ocean foreshore, the primary (central) or secondary (freight rail adjacent) linear POS corridors, or along Rollinson Road (which provides a direct connection to the CY O'Connor Foreshore reserve).

A Mixed Use precinct (reduced in size and rezoned from Mixed Business via a series of LSP Amendments over the Estate's lifetime), is located in the southwest corner along the eastern edge of the operating freight rail line.

This proposal specifically focuses on the 'Move' Apartment complex located between Breaksea Drive and Rollinson Road in the southeast corner of the LSP.



This site was deliberately excluded from Amendment #176 to allow a replacement residential density coding ('R-Code') to be advertised for public comment, as the current *Residential Design Codes* do not include an R125 code as currently shown on the Structure Plan Map.



An approved Local Development Plan (former Detailed Area Plan) further guides development of the site. In terms of density, it simply reflects the current LSP assigned 'R125' density coding of the land.

Development History

Lots 366-394 were originally assigned an R-Code range of 'R60-R100' under the original (2002) Local Structure Plan.

In 2009, the City issued development approval for an 81-dwelling apartment complex incorporating approximately 5,652m² of floor area, or a plot ratio of 0.88 (ref: DA09/0742). A condition of that approval required adjustments to bring the proposal into compliance with the maximum 'R100' code.

Instead, in 2010 the land was successfully up-coded to 'R125', to facilitate an enlarged proposal, involving a maximum plot ratio 1.56 (ref: DA10/0853). At the time this was considered an acceptable limit beyond the 1.25 permitted under R100, but below the 2.0 allowed by the next applicable density code (R160).

The proponent reasoned that the additional plot ratio was justified on the basis that it would assist in resolving access issues to the car park, provide an extended built edge to Rollinson Road, and allow a greater number of apartments (106) involving a wider diversity of typologies and configuration.

Ultimately, the City accepted that the proposal was a more efficient use of highly valuable urban land, that would better respond to the challenging narrow and undulating characteristics of the site.



Of importance to this proposal, through the subsequent detailed design process the development was modified to reduce portions of the building height and decrease setbacks, resulting in a final plot ratio of just 1.17.

Since the development was completed, plot ratio thresholds have also been adjusted in the *Residential Design Codes*, to the point that the achieved plot ratio now sits comfortably between the maximum limits applicable for R80 and R100.

This is also true of the other Primary Control most relevant to residential density, being the 3-4 storey building height.



It is therefore proposed that an 'R100' coding be applied to this site, on the basis that of the codes available, the development standards contained in Volume 2 most comfortably reflect the constructed built form outcome. A comparison of the development against those key primary controls is outlined in the table below.

F	R-Codes (Vol.2)	- Primary Cont	rols Table	
	Applies to R-Code areas, default settings apply unless alternative provisions defined in local planning instruments			
Streetscape contexts and character refer A2	Medium- rise	Higher density		'Move' Apartments
Site R-Coding	R80	R100	R160	
Building height (storeys) refer 2.2	4	4	5	3-4 storeys (with 5th storey protrusions)
Plot ratio ' refer 2.5	1.0	1.3	2.0	1.17

A full copy of the Structure Plan Map, Local Development Plan and extracts from the Development Approval and Strata Plan for this site are attached as **Appendix A-B**.

6.0 CONCLUSION

Assigning a fixed density code to the subject site will improve certainty for landowners, residents, and the immediate community. Development of the site was completed over ten years ago with no new development applications received since. It is suggested that the site is ready to be removed from the 'Development' zone and governance of Structure Plan 16A as subdivision and development is now complete.

Rationalising the land to the 'Residential' zone with a density code of 'R100' under TP3 will remove a redundant layer of planning control whilst still ensuring that the City maintains appropriate mechanisms to guide and control future redevelopment of the land (including the same range of permissible land uses and comparable development standards as currently apply), consistent with current community expectations.

It will also reduce the risk of the City having to apply for a future extension of time for Structure Plan 16A in respect to this particular site.

Planning and Development Act 2005

City of Cockburn Town Planning Scheme No.3 Amendment No.177

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. Rezoning Lot 30 (No.59) Breaksea Drive, North Coogee, within 'Development Area 16' from 'Development' to 'Residential (R100)', as depicted on the Scheme Amendment Map.
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Pursuant to Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment to the above Local Planning Scheme affects the following structure plan:

Structure	Address	Latest WAPC	WAPC
Plan#		Endorsement	Reference
16	Lot 113 Rollinson Road, Lots 114-118 O'Connor Close, North Coogee	16 February 2017	SPN/0821M-1

Upon the amendment taking effect 'partial' revocation of the above approved structure plan is to occur.



Current Scheme Map

GENERAL

Scheme Boundary

•HP1 Heritage Place

SPECIAL CONTROL AREAS:

DA1 Development Areas Development Contribution Areas

REGION RESERVES



LOCAL RESERVES



Amendment No.177 Town Planning Scheme No.3

wetlands to waves

Cockburr



Document Set ID: 12228757 Version: 1, Version Date: 19/02/2025



Scheme Amendment Map



REGION RESERVES

LOCAL RESERVES

ZONES Residential



Amendment No.177 Town Planning Scheme No.3

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 11^{++} day of JUNE 2024.

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 3^{++} day of 2024, 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)

Recommended/Submitted for Final Approval

MAYOR

CHIEF EXECUTIVE OFFICER

DELEGATED UNDER S.16 OF THE P&D ACT 2005

DATE 20/12/2020

Final Approval Granted

It is hereby certified that this is a true copy of the Seheme/Amendment, final approval to which was endorsed by the Minister for Planning on 51212025

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



Current Approved Structure Plan





Document Set ID: 12228757 Version: 1, Version Date: 19/02/2025

APPENDIX B

'Move' Apartment Complex (Approved Local Development Plan & Development Extract)







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SOUTH ELEVATION - ROLLINSON ROAD BLOCK B

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SOUTH ELEVATION - ROLLINSON ROAD BLOCK A



NORTH ELEVATION - BREAKSEA DRIVE



WEST ELEVATION - LANCELIN WAY

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RL 17.171

INTERNAL ELEVATION 1

RL 8.000



INTERNAL ELEVATION 2



INTERNAL ELEVATION 3



INTERNAL ELEVATION 4



 <u>11, 19.257</u>	
Ri 19.657	
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R 7.172	

	RL 19.771 RL 18.571		
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	RL 15.914	Fil. 13 <i>428</i>	
	RL 13.000		
	RL 10.096	RL 10.914	
	BL7.172	RL 8.0	



	PROFILED SHEET METAL
CITY OF COCKBURN DEVELOPMENT APPLICATION	www.coda-studio.com 83 South St Beaconsfield, WA 6162 TEL +61 (0)8 9433 6000 FAX+61 (0)8 94333700 CODA STUDIO PTY LTD ACN 119 667 300 CODA Studio Pty Ltd atf The DRAVA Trust
SUBJECT TO ANY AMENDMENTS SHOWN IN RED AND COMPLIANCE WITH CONDITIONS OF APPROVAL 0 9 DEC 2010 10 / 08 573 F. 6011078 6011076 7 0F 15	MATCH / LOT 366 & 394 ROLLINSON ROAD MATCH / LOT 366 & 394 ROLLINSON ROAD INTERNAL ELEVATIONS SCALE AT A1:: 1:250 SCALE AT A1:: 1:250 SCALE AT A3:: DATE PRINTED: SCALE AT A3:: OPAWN: CODA SSENED: SSENED:
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NOTE: check and verify all site levels and dimensions prior to fabrication, shop drawings, installation, on-site or off-site works. Any discrepancies report immediately to builder. If in doubt - ASK

BREAKSEA DRIVE

Location Plan

ROLLINSON



SOUTH ELEVATION - ROLLINSON ROAD



NORTH ELEVATION - BREAKSEA DRIVE



WEST ELEVATION - LANCELIN WAY

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