

# FAQ – Lakes Amendment No. 118

## **What was the decision?**

- The Minister resolved to refuse the amendment for the reasons outlined in the refusal letter dated 29 March 2019 from the Western Australian Planning Commission (see Lakes webpage).

## **What does this mean for subdivision potential in my area?**

- Subdivision under the advertised density codes of R30, R40, R60 and R80 is not possible as the amendment to introduce these new density codes was refused by the Minister.

## **Will the City be preparing a new amendment? Why or why not?**

- At this stage the City has been asked by the Department of Planning, Lands and Heritage to focus on finalising its 'Local Planning Strategy', in order to inform a 'potential future scheme amendment' (of some description – to be determined) for the Lakes Revitalisation Strategy. It has also been requested by the Department that the City not progress the draft Yangebup Revitalisation Strategy, until the Local Planning Strategy is completed.
- For details relating to the ongoing status of our Local Planning Strategy please refer to the following link;  
<https://comment.cockburn.wa.gov.au/planningcockburn2036>
- The Department of Planning, Lands and Heritage are unable to indicate their position on how a future amendment may be assessed, as this decision rests ultimately with the Minister. They have stressed however that prioritising the finalisation of the Local Planning Strategy will assist in demonstrating the intended function of the Lakes suburbs in the context of managing future growth.
- The City will be working closely with the Department of Planning, Lands and Heritage throughout the Local Planning Strategy process. Ultimately the Local Planning Strategy will form the basis of the new Town Planning Scheme, and specifically how housing targets are planned to be met for the district.

## **How is it that the Lakes Amendment is said within the refusal letter to be “inconsistent” with the Southern Metropolitan Peel Sub-regional Planning Framework?**

- The City's Lakes Revitalisation Strategy began preparation in 2015, and was finalised by the City on 12 October 2017. This was developed based upon the strategic guidance that the Department of Planning, Lands and Heritage had

provided in terms of achieving greater proportions of new residential growth within established areas of the Perth region. Strategically this was to be prioritised by all local governments, in order to take full advantage of the proximity to infrastructure, services, facilities and amenities that established areas enjoyed. The Lakes Revitalisation Strategy, as with the preceding three strategies, was developed with a clear objective of responding to what the State Government had set as its growth strategy for the future of the Perth region.

The City's Lakes Revitalisation Strategy was finalised five months before the approval of Perth and Peel @ 3.5 Million/ Sub-Regional Planning Strategy, which provided a different strategic approach through focussing development on the creation of new so called 'Station Precincts,' delivered through METRONET. The first stage of METRONET links Cockburn Central/South Lake to Thornlie, and thus the City felt that the Lakes suburbs would reflect the strategic aspiration of a revitalised 'Station Precinct.'

As 'Perth and Peel' came out after the proposed scheme amendment, the City was not able to anticipate the State Government's METRONET precinct focus on increased density. While the City's Lakes Revitalisation Strategy is considered to align with a METRONET focus for density, the Department of Planning, Lands and Heritage is seeking the City to provide a broader strategic framework for the whole of Cockburn, before determining a position on any proposed scheme amendment(s) for example the Lakes suburbs. This is essentially a key reason that has been expressed for not supporting scheme amendment 118.

## **Why is the Lakes Amendment not supported by a WAPC endorsed Local Planning Strategy?**

- The City's Local Planning Strategy ('LPS') refers to the suite of documents adopted by Council, which among other things, promotes infill in key strategic areas. The City's 2018 Local Housing Strategy, which sits under the LPS, specifically identifies all revitalisation strategies past and present as areas where infill is strategically appropriate and warranted. This includes the current and future planned Lakes, Yangebup and Spearwood-Munster Revitalisation strategy areas. Whilst the Local Housing Strategy was provided to the Commission it is a lower order strategy and as such the Commission acknowledged it but did not formally endorse it.

The City is currently mid-way through the review of its Local Planning Strategy and understands that the Department of Planning, Lands and Heritage wants to see that process completed prior to considering any further residential revitalisation strategies and associated scheme amendments.

## **Why was the amendment inconsistent with State Planning Policy No 5.4 – Road and Rail noise methodology?**

- The Department of Planning, Lands and Heritage did not consider that the City's attempt to address railway noise via a Special Control Area was suitable in the context of higher residential densities. The City proposed that any plans for residential infill would stipulate soundproofing treatments to mitigate noise from the railway. In addition the City's acoustic report, which informed the proposal, indicated a positive screening effect of residential from the first rows of housing through increased density. The City felt that assisting landowners in these areas to show how development could occur and better manage noise and vibration impacts, would benefit the broader community. Unfortunately this was not supported as part of the consideration of the amendment.

## **What did the City do towards seeking to secure an approval?**

- The City submitted Amendment No. 118 to the Department of Planning, Lands and Heritage in January 2018 recommending approval. This followed an extensive amount of community support, based upon the shared vision that underpinned revitalisation of the suburbs.
- In October 2018 the Department of Planning, Lands and Heritage indicated to the City there were "concerns" with Amendment No. 118.
- City staff subsequently met with the relevant officers from the Department in October 2018 to discuss the "concerns" and understood from that meeting there were issues that needed to be addressed in order for the Department to recommend approval. The City followed up with a 50+ page paper to the Department outlining our further planning justification that supported the approval of the amendment.
- Following the receipt of the paper from the City, the officers from the Department indicated their views had remained unchanged. This was interpreted to mean an unfavourable recommendation remained in respect of the amendment.
- The City's officers then met with the Director General of the Department of Planning, Lands and Heritage and the Chairman of the Western Australian Planning Commission and put forward the City's views on why Amendment No. 118 should be supported.
- The amendment was referred to the Statutory Planning Committee of the Western Australian Planning Commission for formal consideration. The Committee determined the application in December 2018 and as part of the Committee's consideration the Department asked the City to make a deputation to it. The City made a deputation to the Committee prior to their consideration of the amendment along with other key stakeholders including;

- a) A community representative/ advocate (in support of the proposal);
  - b) The Freight and Logistics Council of WA in relation to the railway noise issues (in support of the proposal);
  - c) Arc Infrastructure (formerly Brookfield Rail) also in relation to the railway noise issues (in support of the proposal); and
  - d) Peron Group on behalf of a major commercial interest in the area Cockburn Gateway Shopping Centre (in support of the proposal).
- In January of 2019, the City met with the Minister for Planning's advisors to explain the basis of the amendment, and why it was considered a very appropriate planning response to deliver not only local strategic growth priorities, but to also help to advance urban consolidation and regeneration with the suburbs. We also explained how contextually, the amendment area was proximate to major strategic location and infrastructure, and particularly the new METRONET Stage 1 proposal for Cockburn Central. This meeting, with the Minister's advisors, was focused on expressing the City's reasoning as to why an approval or alternatively an approval subject to modification should be actioned.
  - The City met with the Department on 4 April 2019 to discuss further the details of the 29 March 2019 refusal. It was agreed that the City is not currently in a position to commence a new scheme amendment for the Lakes area.
  - The City will be working closely with the Department throughout the Local Planning Strategy process (as discussed above) so as to achieve an agreeable future outcome. Hopefully this future Local Planning Strategy will support infill in the Lakes area. It is however too soon and there are too many uncertainties to be able to give any confirmation as to the outcome of the future Local Planning Strategy or any future amendments to the residential densities in the Lakes area. At this stage the current densities of the Lakes area remain.

### **Will the City be undertaking the capital works as listed in the Lakes Revitalisation Strategy and Background Report?**

- The City's Lakes revitalisation strategy included a number of recommendations in addition to increased density. The remaining commitments to the community under the strategy will continue to be implemented. Specifically, improvements to; streetscape, parks, road networks, footpaths, cycle paths and bus stops - with the aid of State government partnerships.