

12.1/DS3 LOCAL PLANNING SCHEME NO.3 - AMENDMENT NO.127 - LOTS 501, 502, 503, 504, 507 AND 509 HOUSE NUMBERS 2, 4, 6, 8, 13 & 15 LIMOSA CLOSE, STIRLING - 'DEVELOPMENT' ZONE - INITIATION

Business Unit:	Development Services	Service: Schemes, Policies & Heritage
Ward:	Osborne	Location: Limosa Close, Stirling
Applicant:	Not applicable	Reference: Not Applicable

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution

0723/006

Moved Councillor Migdale, seconded Councillor Proud

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **ADOPTS** (for the purpose of public advertising) Local Planning Scheme No.3 Amendment No.127 to zone House Numbers 2, 4, 6, 8, 13 and 15 (Lots 501, 502, 503, 504, 507 and 509) Limosa Close, Stirling, Development Zone, as shown in Attachment 1.
2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council **RESOLVES** that, in its opinion, Local Planning Scheme No.3 Amendment No.127 is a Standard Amendment as it is:
 - a. 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.

The motion was put and declared CARRIED (15/0) by exception resolution.

For: Councillors Creado, Dudek, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Sandri, Thornton and Mayor Irwin.

Against: Nil.

Officer's Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council ADOPTS (for the purpose of public advertising) Local Planning Scheme No.3 Amendment No.127 to zone House Numbers 2, 4, 6, 8, 13 and 15 (Lots 501, 502, 503, 504, 507 and 509) Limosa Close, Stirling, Development Zone, as shown in Attachment 1.
2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.127 is a Standard Amendment as it is:
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Report Purpose

To consider adopting Local Planning Scheme No.3 (LPS3) Scheme Amendment No.127 for the purpose of public advertising. This Amendment proposes to zone several lots to Development Zone.

Details

Current Zoning

MRS: Central City Area

LPS3: No Zone

Proposed Zoning

LPS3: Development Zone

Size of Site

12,249m²

Background

In October 1963, the Metropolitan Region Scheme (MRS) came into effect. The MRS defines the future use of land and provides the legal basis for planning in the Perth metropolitan region, dividing it into broad zones and reservations. The MRS requires local government town planning schemes to provide detailed plans for their part of the region, consistent with the MRS.

In July 2016 the Western Australian Planning Commission (WAPC) approved Amendment 1275 – Central Districts Omnibus No.4 to the MRS. The Amendment proposed a number of changes to the MRS across the metropolitan area. Proposal 10 related to the Osborne Park Hospital, which was reserved ‘Public Purposes’ under both the MRS and the City’s LPS3.

The purpose of the MRS Amendment was to enable the land to be excised from the ‘Hospital Public Purposes Reserve’ to be developed by the Department of Communities for housing. When the Osborne Park Hospital Public Purposes Reserve was rationalised, the excised area was zoned ‘Central City Area’ in the MRS as it is located within the Stirling City Centre.

When the MRS changed, LPS3 should have been amended to remove the Hospital Reserve but this did not occur. The City became aware of this when the Department of Planning contacted the City at the beginning of June 2023 to advise of the change to the MRS, and to instruct the City to remove the Hospital Reserve from its on line mapping. As a result, the lots that were excised no longer have a zoning or reservation in LPS3.

The City must now amend LPS3 to zone the land in line with the MRS, and to reflect the City’s strategic planning for the Stirling City Centre.

Planning Comment

The MRS places an obligation on local government to ensure its local planning scheme is consistent with the MRS. The Amendment to the MRS in 2016 has not been appropriately reflected in LPS3, resulting in seven lots along Limosa Close, Stirling having no zoning under LPS3. As mentioned previously, these lots should be zoned consistent with the ‘Central City Area’ zoning of the MRS.

Council considered LPS3 Amendment No.1 in July 2012, which established a ‘Development’ zone in LPS3 to enable the vision for the Stirling City Centre to be delivered. This Scheme Amendment was subsequently approved by the Minister for Planning, and came into effect in September 2014. The zoning of the subject lots as ‘Development’ zone will be consistent with Scheme Amendment No.84.

The lots are located within the Stirling City Centre, over which the City has undertaken detailed strategic planning. This resulted in the Stirling City Centre area being zoned 'Development' in LPS3, the objectives for which are:

- a) *To provide for coordinated development through the application of a comprehensive structure plan to guide subdivision and development.*
- b) *To avoid the development of land for purposes likely to compromise its future development for purposes, or in a manner likely to detract from the amenity or integrity of the area.*

A number of Local Development Plans (LDP) for the area have also been adopted, and the lots recommended to be zoned are located within the [Northern Precinct](#) LDP. The subject lots are located in 'Sub Precinct B' which permits residential development of 2, 3 and 5 storeys, dependent on lot size.

The zoning of the lots to 'Development' zone (via Amendment No.127) is consistent with the LDP that has been adopted for the area.

Stakeholder Engagement

If Amendment No.127 to LPS3 is initiated, consultation will be required in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Local Planning Policy 6.18 Public Consultation.

Should Council resolve to proceed with the Amendment, a report detailing the outcomes of advertising of the Amendment will be presented to a future meeting of Council. It is anticipated this will occur towards the end of 2023.

Amendment Type

Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 requires a resolution of a Local Government to prepare or adopt an Amendment to a Local Planning Scheme. The resolution must:

- '(a) Specify whether, in the opinion of the local government, the Amendment is a complex Amendment, a standard Amendment or a basic Amendment; and*
- (b) Include an explanation of the reason for the local government forming that opinion.'*

Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 identifies the various Amendment types. The proposed Amendment No.127 is considered a Standard Amendment as it is:

- i. 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;*

The proposed Amendment is consistent with the changes to the MRS and will provide an appropriate zoning to the subject sites reflective of the surrounding land and aligning the City's planning framework.

Recommended Action

It is recommended that Council adopt LPS3 Amendment No.127 for the purpose of public advertising. The Amendment is required to ensure LPS3 is consistent with the MRS and reflects the strategic planning previously undertaken by the City and the area and the LDP which guides built form.

Relevant Policies, Legislation and Council Resolutions

Local Planning Schemes are to reflect the MRS. This Amendment has been prepared to achieve this, following an Amendment to the MRS in 2016.

The Amendment is to be processed in line with the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 (amended 2021).

Ordinarily, an Amendment would be assessed against the requirements of the City's Local Planning Strategy. In this instance, as the Amendment is required to enable LPS3 to be consistent with the MRS, and reflects the City's previous strategic planning for the area, assessment against the Local Planning Strategy is not required.

Financial Implications

All costs associated with the processing of the Scheme Amendment are covered within the Development Services Business Unit budget.

Sustainable Stirling 2022-2032

Key Result Area: Our leadership

Objective: A well-governed City

Priority: Conscious and effective management of risk

Strategic Risk

Strategic Risk	Risk Appetite
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.

Previous Council Resolutions

Meeting Date	Council Resolution Number	Council Resolution
10 July 2012	0710/014	<ol style="list-style-type: none"> 1. <i>That pursuant to Section 17(2) of the Town Planning Regulations 1967, Council ADOPTS Amendment No.1 to Local Planning Scheme No.3 with the modifications outlined in the Manager City Planning's report (as per Attachment 2) to:-</i> <ol style="list-style-type: none"> a. <i>Rescind Town Planning Scheme No.38;</i> b. <i>Incorporate the Scheme Area of Town Planning Scheme No.38 into LPS3;</i> c. <i>Remove all references to Town Planning Scheme No.38;</i> d. <i>Include the Stirling City Centre Development Area and Zone into Schedule 10 of the Scheme Text and Scheme Maps;</i> e. <i>Include the Stirling City Centre Special Control Area provisions into the Scheme Text; and</i> f. <i>Include the Stirling City Centre Development Contribution Area into Schedule 11 of the Scheme Text and Scheme Maps.</i> 2. <i>That the affixing of the Common Seal to the Amendment documents be AUTHORISED in respect to Amendment No.1 to Local Planning Scheme No.3, and the Amendment be referred to the Western Australian Planning Commission and the Minister for Planning for consideration of final approval.</i>

Relevant Documents and Information

Attachments

Attachment 1 - Attachment 1 - Scheme Amendment No.127 Documentation [↓](#)

Available for viewing at meeting

Nil

Linked Documents

[Northern Precinct Local Development Plan](#)



CITY OF STIRLING

Local Planning Scheme No. 3
AMENDMENT NO. 127.

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 127

Resolution to adopt Amendment to Local Planning Scheme No.3

The City of Stirling Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

- Amend the Scheme Map by – zoning Lots 501, 502, 503, 504, 507 & 509 House Numbers 2, 4, 6, 8, 13 & 15 Limosa Close, Stirling from 'No Zone' to 'Development Zone':

As shown on the Amendment map.

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

1. *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.*

Dated this day of

CHIEF EXECUTIVE OFFICER

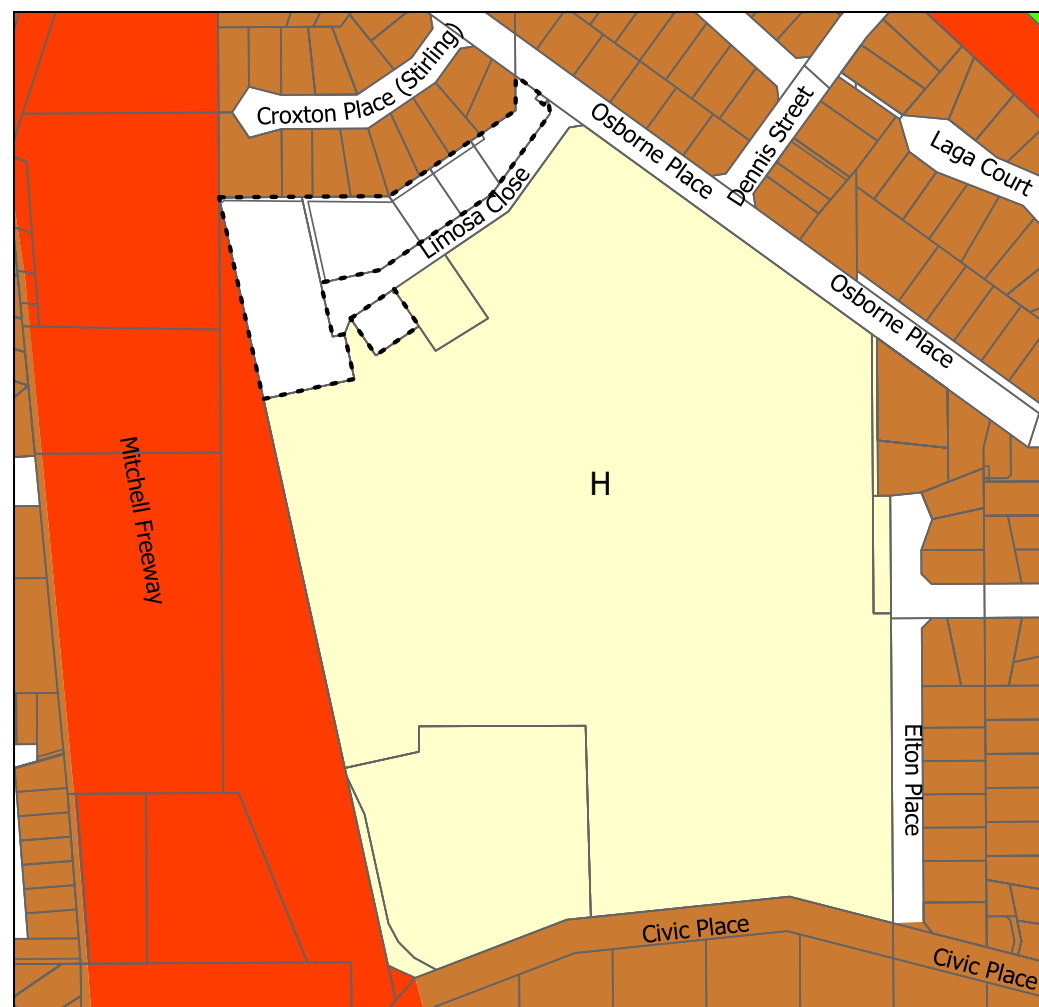


CITY OF STIRLING
Local Planning Scheme No.3
Scheme Map Sheet 1 of 1

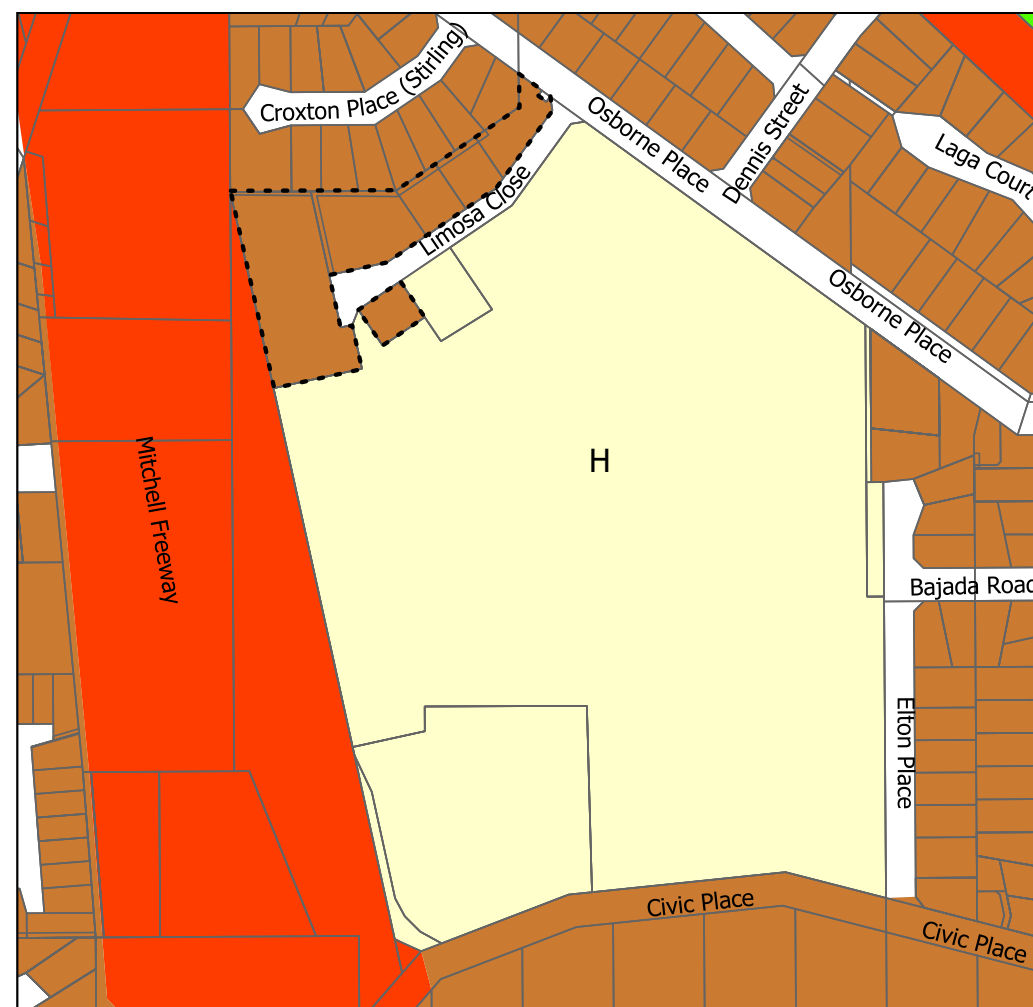
AMENDMENT No.127
(HN's 2,4, 6, 8, 15 & 13) Lot's 507, 501, 502, 503, 504 & 509 Limosa Close, Stirling

ZONING TO 'DEVELOPMENT'

Existing Zoning



Proposed Zoning



LEGEND

Subject Area

ZONING

Development

LOCAL RESERVES

Public Open Space and Local Authority Purposes

METROPOLITAN REGION SCHEME

Primary Regional Road

Hospital

Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the ____ day of ____ 202__.

Mayor Date

Chief Executive Officer Date

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the ____ day of ____ 202__ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:-

Mayor Chief Executive Officer

2. Recommended / Submitted for Final Approval

Delegated Under S.16 of the Planning & Development Act 2005 Date

3. Final Approval Granted

Minister for Planning Date

