



Western
Australian
Planning
Commission

CITY OF COCKBURN

24 DEC 2018

Your ref: 109/135
Our ref: TPS/2339
Enquiries: Schemes Team

SUBJECT

109/135

RETENTION

124.3-2-3A5

PROPERTY

APP

ACTION

Carol
Catherine 01

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. 135

I refer to your letter dated 22 November 2018 regarding Amendment No. 135.

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 schemes@planning.wa.gov.au.

Yours sincerely

Ms Sam Fagan
Secretary
Western Australian Planning Commission

17/12/2018

Postal address: Locked Bag 2506 Perth WA 6001 Street address: 140 William Street Perth WA 6000 Tel: (08) 6551 8002
Fax: (08) 655 19001 Email: info@dplh.wa.gov.au Web: www.dplh.wa.gov.au



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. 135

Ref: TPS/2339

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 12 December 2018 for the purpose of:

1. Rezoning lots as shown in the scheme amendment map in Success within 'Development Area 8 - Success Lakes Development Zone' from 'Development' zone to 'Residential R20', Residential R25', Residential R30' and Residential R40'.
2. Reclassifying lots as shown in the scheme amendment map in Success within 'Development Area 8 - Success Lakes Development Zone' from 'Development' zone to 'Parks and Recreation' and 'Lakes and Drainage'.
3. Deleting 'Development Area 8 - Success Lakes Development Zone' from the lots as shown in the scheme amendment map in Success.

L HOWLETT
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 135

13 July 2018

**PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 135**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning various lots in Success within 'Development Area 8 – Success Lakes Development Zone' from 'Development' zone to 'Residential R20', 'Residential R25', 'Residential R30' and 'Residential R40' as depicted in the Scheme Amendment Map.
2. Reclassifying various lots in Success within 'Development Area 8 – Success Lakes Development Zone' from 'Development' zone to 'Parks and recreation' and 'Lakes and drainage' as depicted in the Scheme Amendment Map.
3. Deleting 'Development Area 8 – Success Lakes Development Zone' from various lots in Success as depicted in the Scheme Amendment Map.

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

- g) *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 currently includes zones of all the types that are outlined in the plan.*

Dated this 12 day of July 2018

A | 

CHIEF EXECUTIVE OFFICER

REPORT

1. LOCAL AUTHORITY City of Cockburn

2. DESCRIPTION OF TOWN
PLANNING SCHEME: Town Planning Scheme No. 3

3. SERIAL NO. OF AMENDMENT: Amendment No. 135

4. PROPOSAL: Rationalisation of approved Lot 1
Hammond Road, Success Structure
Plan and Lots 4-11, 14, 42 & 500
Hammond Road, Success Structure
Plan into Town Planning Scheme No. 3.

AMENDMENT REPORT

1.0 Introduction

The purpose of this Amendment is to rationalise two Structure Plans within 'Development Area 8' ("DA 8") in Success that have been fully implemented and developed, into the City of Cockburn Town Planning Scheme No. 3. This will remove an additional layer of planning added by the Structure Plans.

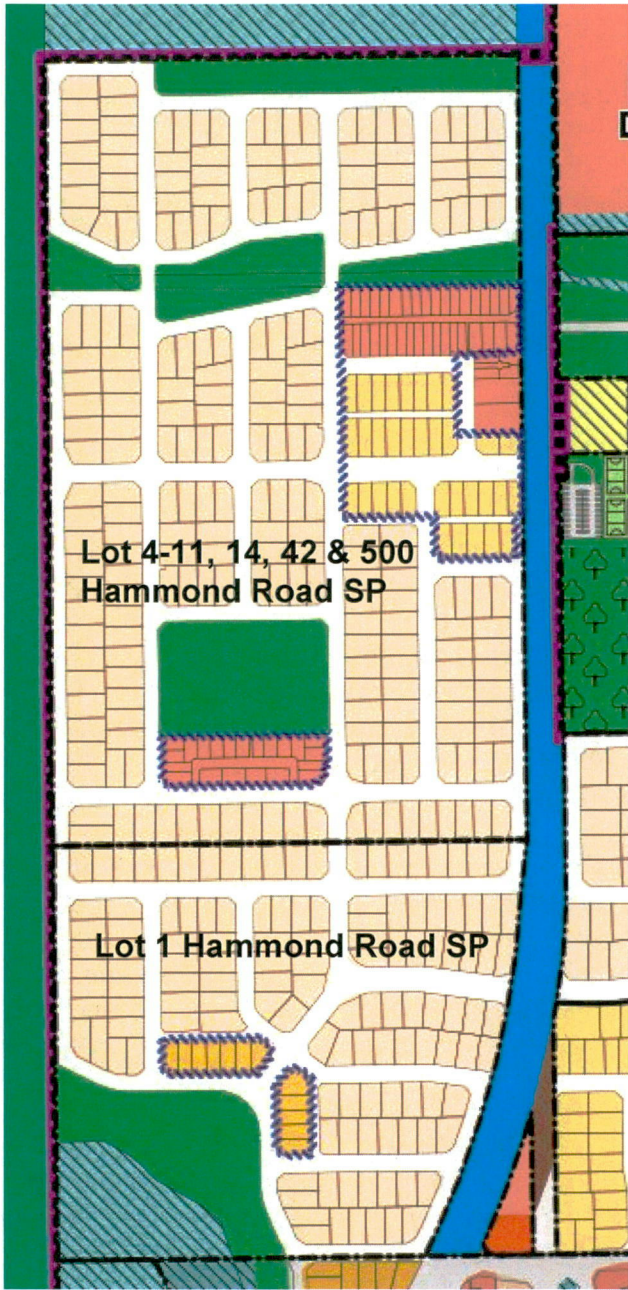
2.0 Background

The subject area is in Success, bounded by lakes and drainage reserve at Lot 41 Hammond Road to the north, Thomsons Lake Nature Reserve to the west, Mosman Loop to the south and Hammond Road to the east.

There are two endorsed Structure Plans for this area as follows:

- *Lot 1 Hammond Road, Success Structure Plan – Endorsed 12/08/2004;*
- *Lots 4-11, 14, 42 & 500 Hammond Road, Success Structure Plan – Endorsed 22/12/2005 (and modified in 2007 and 2008).*

Copies of the Structure Plans are included at Appendix A and B.



Endorsed Structure Plans and Aerial Photograph showing area fully subdivided and developed in accordance with the Structure Plans

3.0 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 basic amendment, which Regulation 34 describes as:

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

- a) an amendment to correct an administrative error;*
- b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;*
- c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;*
- d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;*
- e) an amendment to the scheme so that it is consistent with a State planning policy;*
- f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;*
- g) 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 currently includes zones of all the types that are outlined in the plan;*
- h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;*
- i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area.*

This proposed amendment satisfies (g) of the above criteria:

- g) 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 currently includes zones of all the types that are outlined in the plan.*

4.0 Town Planning Context:

4.1 Metropolitan Region Scheme

The subject area is zoned 'Urban' under the Metropolitan Region Scheme.

4.2 City of Cockburn Town Planning Scheme No. 3

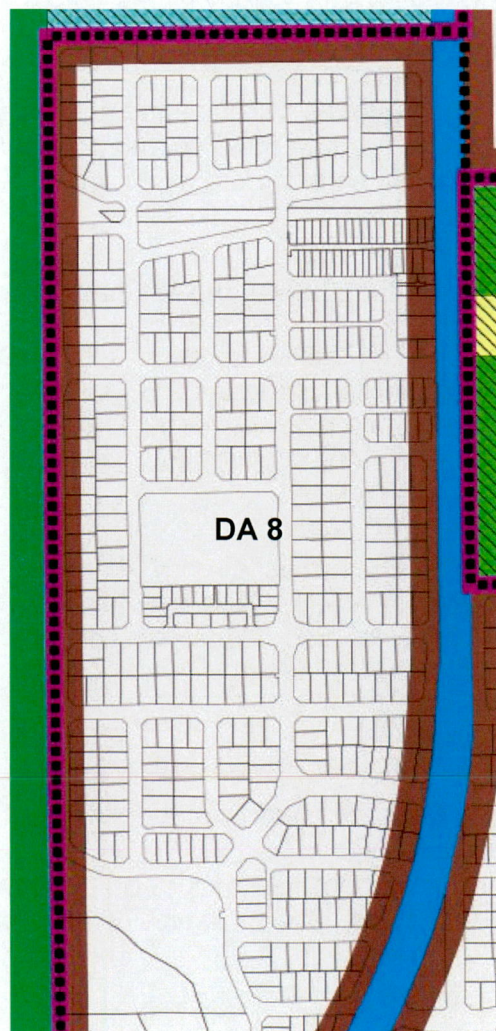
The subject area is zoned 'Development' and included within DA 8 pursuant to the City of Cockburn Town Planning Scheme No. 3.

The purpose of the 'Development' zone is to require a Structure Plan to guide subdivision and development.

- (i) *Development Zone*
To provide for future residential, industrial or commercial development to be guided by a comprehensive Structure Plan prepared under the Scheme.

The DA 8 provisions set out the requirement for a Structure Plan for Residential development and provide guidance on design guidelines, development in buffer areas, floor space requirements for local centres, and deviation of Russell Road (which occurred sometime ago). Given the Structure Plans were approved in accordance with these requirements and have now been implemented, these provisions serve no further purpose and are proposed to be deleted from the subject area.

The two Structure Plans primarily set out a 'Residential' land use designation over the subject area, with R-Codes also specified, as well as several areas of land designated for parks and recreation and lakes and drainage reserve.



5.0 Proposal

The adopted Structure Plans have served their purpose in guiding subdivision and development of the area, and development in accordance with the Structure Plans has now occurred.

The proposed amendment will rezone and reclassify the subject area from 'Development' zone to the correlating zones and reserves identified on the Structure Plan maps shown in Appendix A and B. DA 8 provisions will also be deleted from the subject area.

There are a number of Local Development Plans adopted throughout the two Structure Plan areas which will continue to be operational in accordance with the Regulations.

Lot 1 Hammond Road Structure Plan – Endorsed 12/08/2004

The Lot 1 Hammond Road Structure Plan is the smallest of the two Structure Plans, covering an area of approximately 13 hectares. The Structure Plan primarily designates the local road network and residential land at R20 and R30 codings.

The Structure Plan also includes public open space ("POS") and a lakes and drainage reserve in the south-western corner of the Structure Plan area. The POS has been embellished and ceded to the City and the lakes and drainage reserve operates as intended drainage infrastructure.

All of these zonings and reserves directly correlate to zonings and reserves pursuant to the Scheme. Therefore it is proposed that all lots are rezoned and reclassified from the 'Development' zone accordingly, and that DA 8 be deleted from the Structure Plan area.

Lots 4-11, 14, 42 & 500 Hammond Road Structure Plan 22/12/2005

The Lots 4-11, 14, 42 & 500 Hammond Road Structure Plan applies to approximately 27 hectares. The Structure Plan sets out the local road network for the area, a range of low to medium residential density codings from R20 to R40, as well as several areas of POS. All POS has been embellished and ceded to the City.

All of these zonings and reserves directly correlate to zonings and reserves pursuant to the Scheme. Therefore it is proposed that all lots are rezoned and reclassified from the 'Development' zone accordingly, and that DA 8 be deleted from the Structure Plan area.

Development Area 8 (DA 8)

It is proposed that DA 8 be removed from the subject area which includes all lots within the Lot 1 Hammond Road and Lots 4-11, 14, 42 & 500 Hammond Road Structure Plans as development has occurred in accordance with the provisions and thus the provisions no longer serve any purpose for these lots. The

provisions of DA 8 will still apply to several other structure plan areas outside of the subject area and thus will not be deleted from Table 9 of the Scheme at this time.

6.0 Conclusion

It is proposed that the two Success Lakes Structure Plans be rationalised into the Scheme as:

- All roads have been constructed and ceded to the City;
- POS has been embellished and ceded to the City;
- All lots shown on the endorsed Structure Plans have been created and developed.

Including these zones and reserves in the Scheme will remove a layer of planning that is no longer required, and the zones and reserves pursuant to the Scheme can appropriately guide any future development for the created landholdings as intended by Structure Plan, including the range of permissible land uses and development standards.

POSTSCRIPT:

Inclusion of Minister's modifications

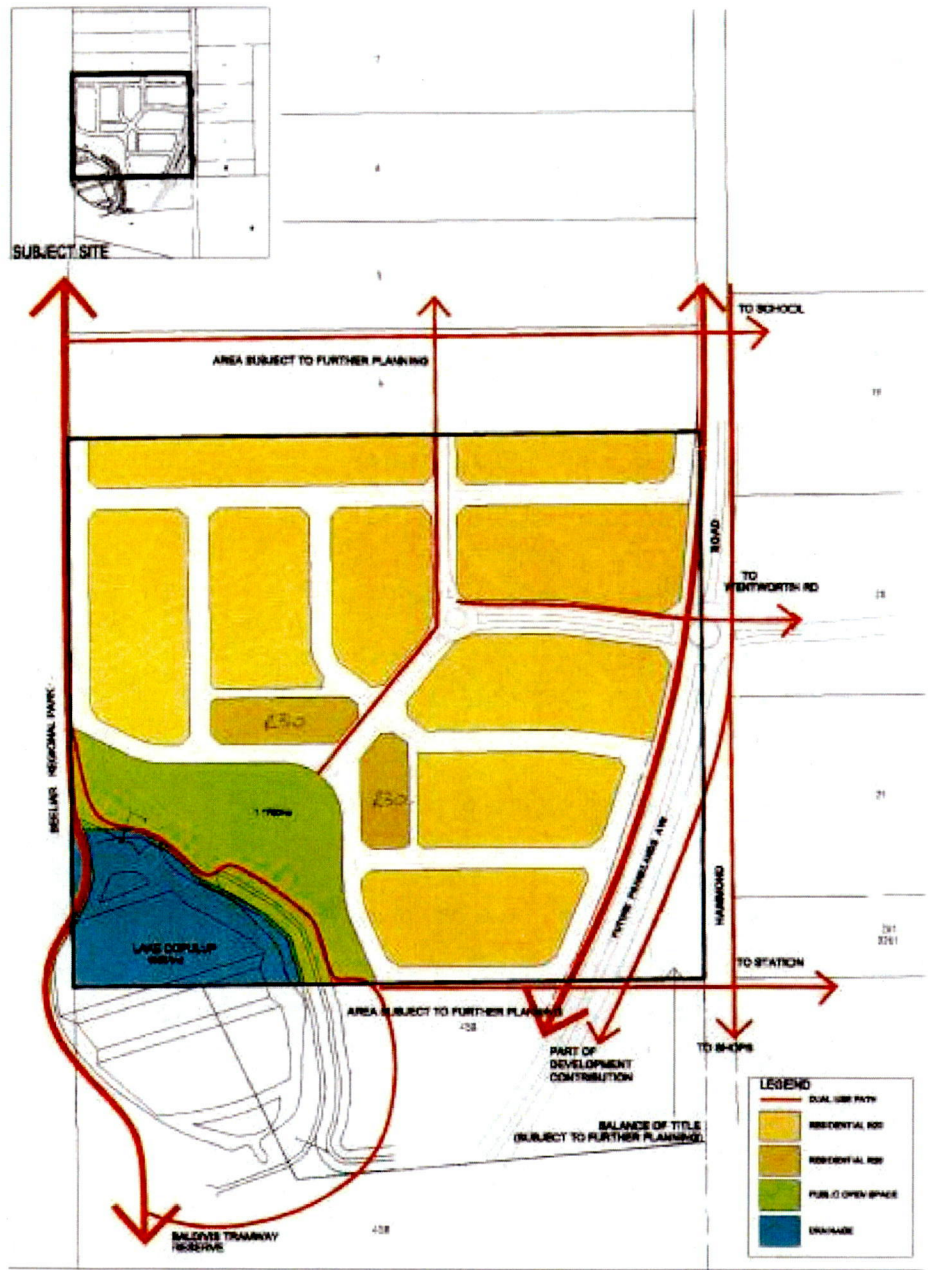
Modifications required by the Minister for Planning were outlined in correspondence dated 17 October 2018 sent to the City of Cockburn and are set out further below. In carrying out these modifications, the Council resolution dates are not modified, although in this case there are changes to the proposed scheme text from what was set out originally in those Council decisions. In the interests of posterity and to provide some clarity to persons who may compare the original recommendation and/or Council minutes to these documents and/or the amended version of Town Planning Scheme No. 3, below are the Minister modifications:

That the Western Australian Planning Commission resolves to recommend that the Minister requires the council to modify Amendment No. 135 to the City of Cockburn Town Planning Scheme No.3 as follows before it is resubmitted for approval:

- a) Replace amendment point 1 as follows:
 1. Rezoning lots as shown in the Scheme Amendment Map in Success within 'Development Area 8 -Success Lakes Development Zone' from 'Development' zone to 'Residential R20', 'Residential R25', 'Residential R30' and 'Residential R40'.
- b) Replace amendment point 2 as follows:
 2. Reclassifying lots as shown in the Scheme Amendment Map in Success within 'Development Area 8 -Success Lakes Development Zone' from 'Development' zone to 'Parks and Recreation' and 'Lakes and Drainage'.
- c) Replace amendment point 3 as follows:
 3. Deleting 'Development Area 8 - Success Lakes Development Zone' from the lots as shown in the Scheme Amendment Map in Success.

APPENDIX A – LOT 1 HAMMOND ROAD, SUCCESS STRUCTURE PLAN

Local Structure Plan - Lot 1 Hammond Road, Success



**CITY OF COCKBURN
STRUCTURE PLAN**

This Structure Plan was adopted by Council on 17/2/04

Signed [Signature]
 Director of Planning & Development

File No: 9659

This Structure Plan was endorsed by the Western Australian
 Planning Commission on 12/2/04

Signed _____
 Director of Planning & Development

FIGURE 1: LOCAL STRUCTURE PLAN

Council is prepared to adopt the
 SP subject to conditions.
 Council's meeting date was: 17, Feb 2004

APPENDIX B – LOTS 4-11, 14, 42 & 500 HAMMOND ROAD, SUCCESS STRUCTURE PLAN



**CITY OF COCKBURN
STRUCTURE PLAN**

Originally Adopted by Council on 13/10/2005
Endorsed by the Western Australian Planning Commission on 22/12/2005

Modified under Delegated Authority:-
Lot 499, Pizza Corner 4/9/2007

Modification Adopted by Council:-
Lots 500, 9501 Hammond Road. 13/3/2008

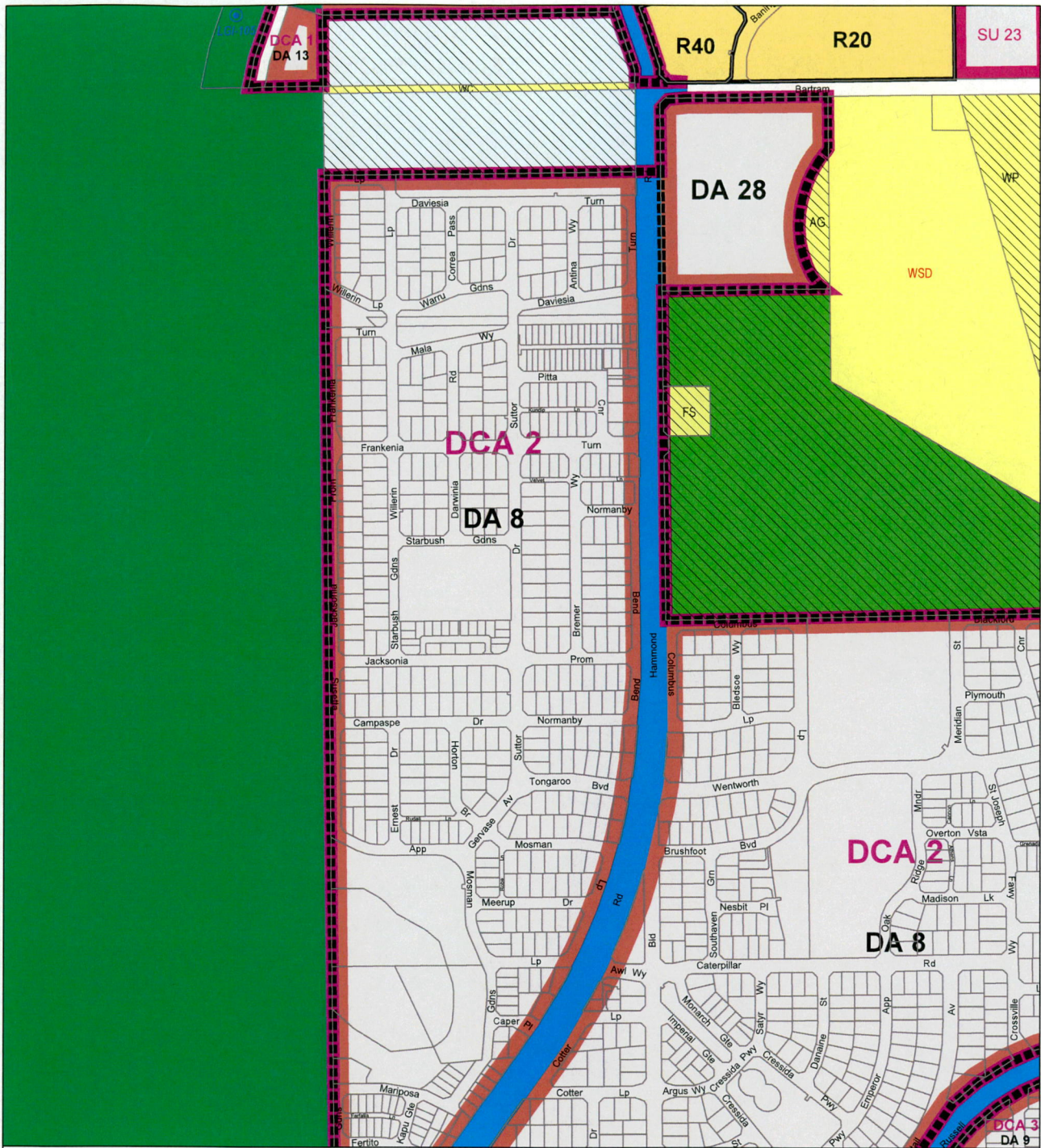
Signed *M. Carbone* (M. Carbone)
for **DIRECTOR OF PLANNING & DEVELOPMENT**
File No: 9638G

Digital Structure Plan prepared by Roberts Day



- Area of Application
- Structure Plan Boundary
- Residential R20 / R25
- Residential R40
- Public Open Space
- Pedestrian/Cycle Lane

CONSOLIDATED LOCAL STRUCTURE PLAN LOTS 4-11, 14, 42 & 500 HAMMOND ROAD, SUCCESS



GENERAL

R20 Residential Density Codes

GLI-001 Heritage Place

SPECIAL CONTROL AREAS:

DA 1 Development Areas

DCA 1 Development Contribution Areas

REGION RESERVES

Parks & Recreation

Other Regional Roads

Public Purposes DENOTED AS FOLLOWS:
WSD - Water Authority of WA

LOCAL RESERVES

Parks & Recreation

Lakes & Drainage

Local Road

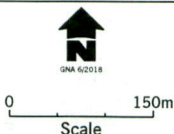
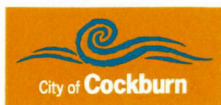
Public Purposes DENOTED AS FOLLOWS:
AG - Water Authority of WA
FS - Fire Station
WC - Water Corporation
WP - Western Power

ZONES

Residential

Development

Special Use



Current Scheme Amendment Map
Town Planning Scheme No.3
Amendment No.135



GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA 1 Development Areas

REGION RESERVES

LOCAL RESERVES

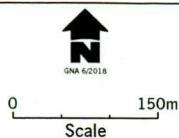
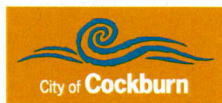
Parks & Recreation

Lakes & Drainage

Local Road

ZONES

Residential



Proposed Scheme Amendment Map
Town Planning Scheme No.3
Amendment No.135

**PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 135**

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 for the following purposes:

1. Rezoning lots as shown in the Scheme Amendment Map in Success within 'Development Area 8 - Success Lakes Development Zone' from 'Development' zone to 'Residential R20', 'Residential R25', 'Residential R30' and 'Residential R40'.
2. Reclassifying lots as shown in the Scheme Amendment Map in Success within 'Development Area 8 - Success Lakes Development Zone' from 'Development' zone to 'Parks and Recreation' and 'Lakes and Drainage'.
3. Deleting 'Development Area 8 - Success Lakes Development Zone' from the lots as shown in the Scheme Amendment Map in Success.

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

- g) *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 currently includes zones of all the types that are outlined in the plan.*

Dated this 12 day of July 2018


A/ 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 12 day of July 2018, 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

A/ CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE 3/12/2018

Final Approval Granted

MINISTER FOR PLANNING

DATE.....

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 12/12/18

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.