



CITY OF COCKBURN
DOC Set
09 NOV 2018
SUBJECT 109/133
RETENTION 124.2.3 AS
PROPERTY
APP
ACTION LORONZO SANTORIELLO

Your ref: 109/133
 Our ref: TPS/2313
 Enquiries: Schemes Team

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

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

Dear Sir

TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 133

I refer to your letter dated 12 October 2018 regarding Amendment No. 133.

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 Team on 6551 9436 or schemes@planning.wa.gov.au.

Yours sincerely

Ms Sam Fagan
 Secretary
 Western Australian Planning Commission

5/11/2018

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@dph.wa.gov.au Web: www.dph.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. 133

Ref: TPS/2313

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 2 November 2018 for the purpose of:

1. Rezoning No. 39 (Strata Lots 1-14), No. 31 (Strata Lots 1-10), No. 25 (Strata Lots 1-10), No. 15 (Strata Lots 1-9), No. 3 (Strata Lots 1-6), No. 12 (Strata Lots 1-4), Lot 102 and Lots 104 to 119 Peppermint Gardens, Aubin Grove from the 'Development' zone to the 'Residential' zone and apply a density code of 'R40' to the 'Residential' zoned lots only.
2. Rezoning Lot 101 Lyon Road, Aubin Grove from 'Development' zone to 'Local Centre' zone.
3. Reclassifying Lot 125 Lyon Road, Aubin Grove (R50282) from the 'Development' zone to the 'Lakes and Drainage' reserve.
4. Reclassifying portions of the road reserve for Peppermint Gardens and Geneva Close, Aubin Grove from the 'Development' zone to 'Local Road' reserves.
5. Amending the 'Development Area No. 11' boundary to exclude the land identified in points 1 to 4 above.
6. Amending the Scheme maps accordingly.

L HOWLETT
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER



TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 133

June 2018

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

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 133**

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 for the following purposes:

1. Amending the Scheme maps by rezoning various lots in part of Aubin Grove within the 'Development' zone 'Development Area No. 11' ('DA 11') to (primarily) the 'Residential' zone with a density code of 'R40' and (partly) the 'Local Centre' zone.
2. Reclassifying part of Aubin Grove within the Development zone DA 11 area to the 'Lakes and Drainage' and the 'Local Road' reserves.
3. Amend the DA 11 boundary by excluding the subject land under the Lot 1 Lyon Road, Aubin Grove Structure Plan.

The amendment is a 'basic amendment' as it satisfies the following criteria of Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

"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 14 June 2018



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. 133

4. PROPOSAL: Rationalisation of the Lot 1 Lyon Road,
Aubin Grove Structure Plan into the City
of Cockburn Town Planning Scheme
No. 3.

AMENDMENT REPORT

1.0 Introduction

The purpose of this 'basic' Amendment is to include the zoning over the land within the City's Scheme as shown by the structure plan, following the finalisation of the subdivision of the land, and the completion of the implementation of the structure plan.

As such this amendment proposes to rationalise the Lot 1 Lyon Road, Aubin Grove Structure Plan within 'Development Area 11' (south Aubin Grove) into the City of Cockburn Town Planning Scheme No. 3 where the identified zonings correlate to those in the City of Cockburn Town Planning Scheme No. 3 ("Scheme").

This will remove an additional (superseded) layer of planning added by the Structure Plan which is no longer required given the completion of the implementation of the Structure Plan. The Scheme Amendment Map is shown as Attachment No. 2 of this report.

The subject area is zoned 'Development' and 'Development Area 11' ("DA 11") pursuant to the Scheme.

The purpose of the 'Development' zone is to require a 'Structure Plan' to guide subdivision and development. The 'Development Area 11' provisions sets out that an approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for residential subdivision, land use and development.

The proposed amendment will rezone various lots in part of Aubin Grove within the Development zone/DA 11 to the 'Residential' zone with a density code of 'R40' and the 'Local Centre' zone. It involves also reclassifying part of Aubin Grove DA 11 to the 'Lakes and Drainage' and the 'Local Road' reserves and; amending the DA 11 boundary by excluding the subject land.

It is proposed to rezone the subject area from Development zone/DA 11 to correlate with the zones and reserves identified on the Structure Plan as shown in Attachment 1. This is deemed to be a 'basic amendment' in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, as it is an amendment to the Scheme map that is consistent with a structure plan that has been approved under the Scheme where the Scheme currently includes zones of all the types that are outlined in the plan. In accordance with the Regulations no advertising of this amendment is required.

2.0 Background

The Lot 1 Lyon Road, Aubin Grove Structure Plan has served its purpose in guiding subdivision and development of the area since it was initially adopted in 2006, with development in accordance with the Structure Plan having now occurred. This provides the opportunity to integrate the structure plan within City

of Cockburn Town Planning Scheme No. 3, by way of a basic amendment to the Scheme. This is the purposes of this report.

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 point 'g' of the above criteria. In particular, it is:

“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 City of Cockburn Town Planning Scheme No. 3

The subject area is zoned 'Development' and 'Development Area 11' ("DA 11") pursuant to the Scheme.

The purpose of the 'Development' zone is to require a 'Structure Plan' to guide subdivision and development. The 'Development Area 11' provisions sets out that an approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for residential subdivision, land use and development.

4.2 Metropolitan Region Scheme

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

5.0 Proposal

On 13 April 2006 the Council resolved to adopt the Structure Plan for Lot 1 Lyon Road, Aubin Grove.

The Structure Plan provided a framework for subsequent subdivision and development of the land. Key elements of the Structure Plan included:

- Predominantly residential lots, served by a centralised local street, connecting between Lyon Road and the western side of Lot 2 Lyon Road to the north.
- A residential density code of R40.
- Lots for the development of a Local Centre designated in the north eastern corner of the site.
- Rear laneway access to the Local Centre lots.
- Stormwater draining to a sump proposed at the lowest point of the site, in the south east corner of the site adjacent the intersection of Rowley and Lyon Roads.
- The provision of cash in lieu of land for Public Open Space.
- Facilitating pedestrian and cycle access between the subject land and the potential future Railway Station to the north-west.

As discussed above, the Structure Plan has achieved its development purpose and as such it is considered appropriate to revoke the Structure Plan.

6.0 Conclusion

Proposed Amendment No. 133 will revoke and rationalise the zonings and reserves outlined within the Lot 1 Lyon Road, Aubin Grove Structure Plan into the Scheme. This will remove a layer of planning no longer required.

It is therefore recommended that Council adopt the Amendment for referral to the Environmental Protection Authority ("EPA"), and upon receipt of advice from the EPA that formal assessment is not required, refer the Amendment to the Western

Australian Planning Commission for the endorsement and final approval by the Hon. Minister for Planning.

PLANNING AND DEVELOPMENT ACT, 2005

CITY OF COCKBURN

TOWN PLANNING SCHEME NO 3

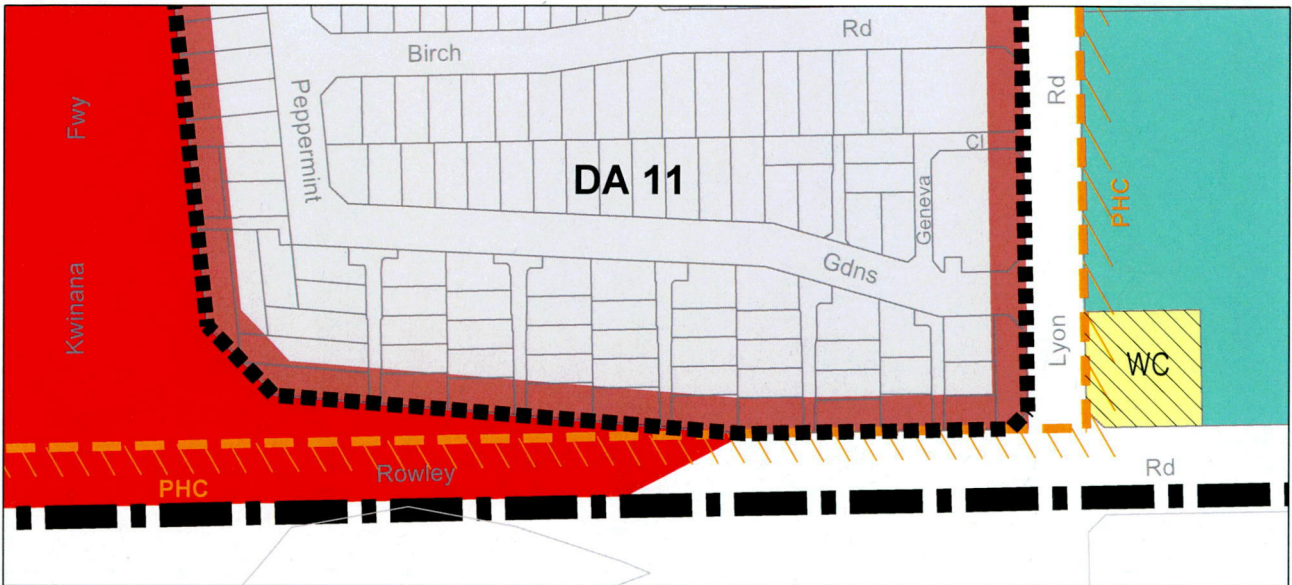
AMENDMENT NO. 133

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 No. 39 (Strata Lots 1-14), No. 31 (Strata Lots 1-10), No. 25 (Strata Lots 1-10), No. 15 (Strata Lots 1-9), No. 3 (Strata Lots 1-6), No. 12 (Strata Lots 1-4), Lot 102, and Lots 104 to 119 Peppermint Gardens, Aubin Grove from the 'Development' zone to the 'Residential' zone and apply a density code of 'R40' to the 'Residential' zoned lots only.
2. Rezoning Lot 101 Lyon Road, Aubin Grove from 'Development' zone to 'Local Centre' zone.
3. Reclassifying Lot 125 Lyon Road, Aubin Grove (R50282) from the 'Development' zone to the 'Lakes and Drainage' reserve.
4. Reclassifying portions of the road reserve for Peppermint Gardens and Geneva Close, Aubin Grove from the 'Development' zone to 'Local Road' reserves.
5. Amending the 'Development Area No.11' boundary to exclude the land identified in points 1 to 4 above.
6. Amending the Scheme maps accordingly.

The amendment is a 'basic amendment' as it satisfies the following criteria of Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

"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;"



Current Zoning

GENERAL

Scheme Boundary

SPECIAL CONTROL AREAS:

Development Areas
 Peel-Harvey Coastal Plain Catchment Area

REGION RESERVES

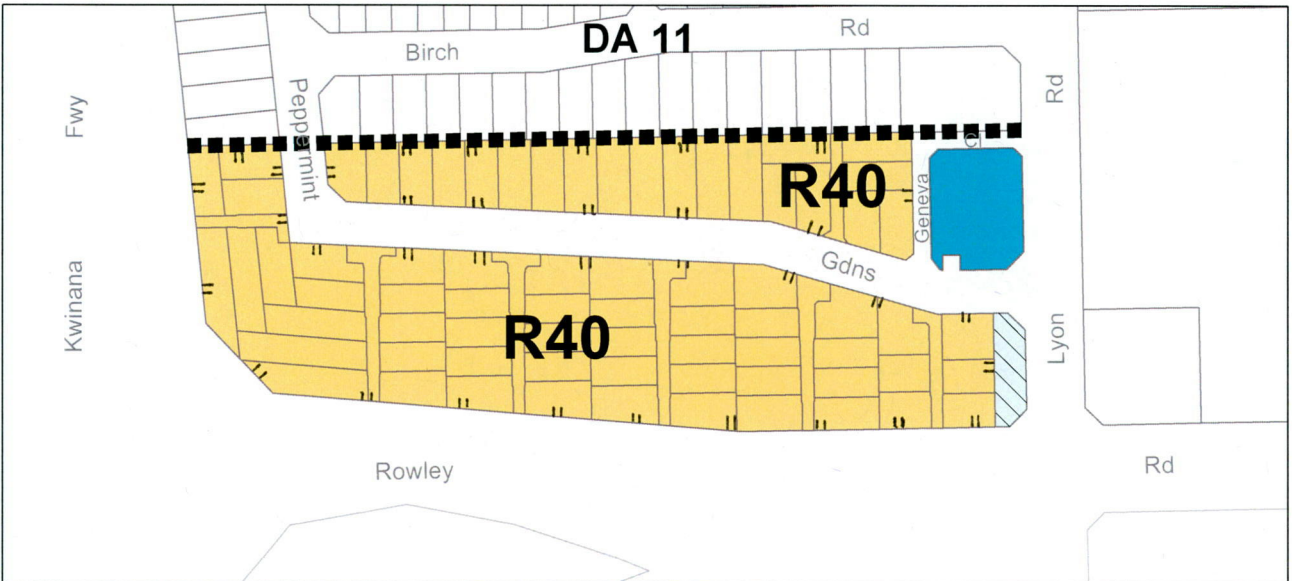
Primary Regional Roads

LOCAL RESERVES

Local Road
 Public Purposes
 DENOTED AS FOLLOWS:
 WC - Water Corporation

ZONES

Development
 Resource



Proposed Zoning

GENERAL

Residential Density Codes

SPECIAL CONTROL AREAS:

Development Areas

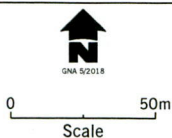
REGION RESERVES

LOCAL RESERVES

Lakes & Drainage
 Local Road

ZONES

Residential
 Local Centre



Current Scheme Amendment Map
 Town Planning Scheme No.3
 Amendment No.133

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 14 June 2018.

Logan Howarth

MAYOR

[Signature]

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the City of Cockburn at the Meeting of the Council held on 14 June 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)

Logan Howarth
.....
MAYOR

[Signature]
.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

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 2/11/18.

Certified by *[Signature]*

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.

Final Approval Granted

.....
DELEGATED UNDER S.16 PLANNING
AND DEVELOPMENT ACT 2005

DATE.....

.....
MINISTER FOR PLANNING

DATE.....

