



CITY OF COCKBURN
DOC Set
15 JUL 2019
SUBJECT Team 109/137
RETENTION 124.2.3 AS
PROPERTY 6006140
APP
ACTION LUCIA DUNSTAN

Your ref: 109/137
 Our ref: TPS/2348
 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. 137

I refer to your letter dated 5 June 2019 regarding Amendment No. 137.

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@dplh.wa.gov.au.

Yours sincerely

Ms Sam Fagan
 Secretary
 Western Australian Planning Commission

9/07/2019



PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 137

Ref: TPS/2348

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 4 July 2019 for the purpose of:

1. Rezoning Lot 375 Lyon Road, Aubin Grove within 'Development Area No. 11 – Lyon Road (Development Zone)' as depicted on the scheme amendment map from 'Development' zone to 'Residential' zone, and apply the residential density code of R20.
2. Reclassifying a portion of the road reserve from 'Development' zone to 'Local Road' reserve as depicted on the scheme amendment map.
3. Amendment the 'Development Area No. 11' boundary to exclude the land identified in points 1 and 2 above.
4. Amending the scheme maps accordingly.

L HOWLETT
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 137

10 August 2018

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

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 137**

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 Lot 375 Lyon Road, Aubin Grove within 'Development Area 11 – Lyon Road (Development Zone)' from 'Development' zone to 'Residential R20' as depicted in the Scheme Amendment Map.
2. Deleting 'Development Area 11– Lyon Road (Development Zone)' from Lot 375 Lyon Road, Aubin Grove as depicted in 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):

an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 9 day of August 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. 137
4. PROPOSAL: Rationalisation of approved Lots 24 & 27 Lyon Road Structure Plan into Town Planning Scheme No. 3 as it relates to Lot 375 Lyon Road, Aubin Grove.

AMENDMENT REPORT

1.0 Introduction

The purpose of this Amendment is to rationalise the Lot 24 & 27 Lyon Road Structure Plan within 'Development Area 11' ("DA 11") in Aubin Grove as it relates to Lot 375 Lyon Road ("subject site"), into the City of Cockburn Town Planning Scheme No. 3. This will remove an additional layer of planning added by the Structure Plan.

2.0 Background:

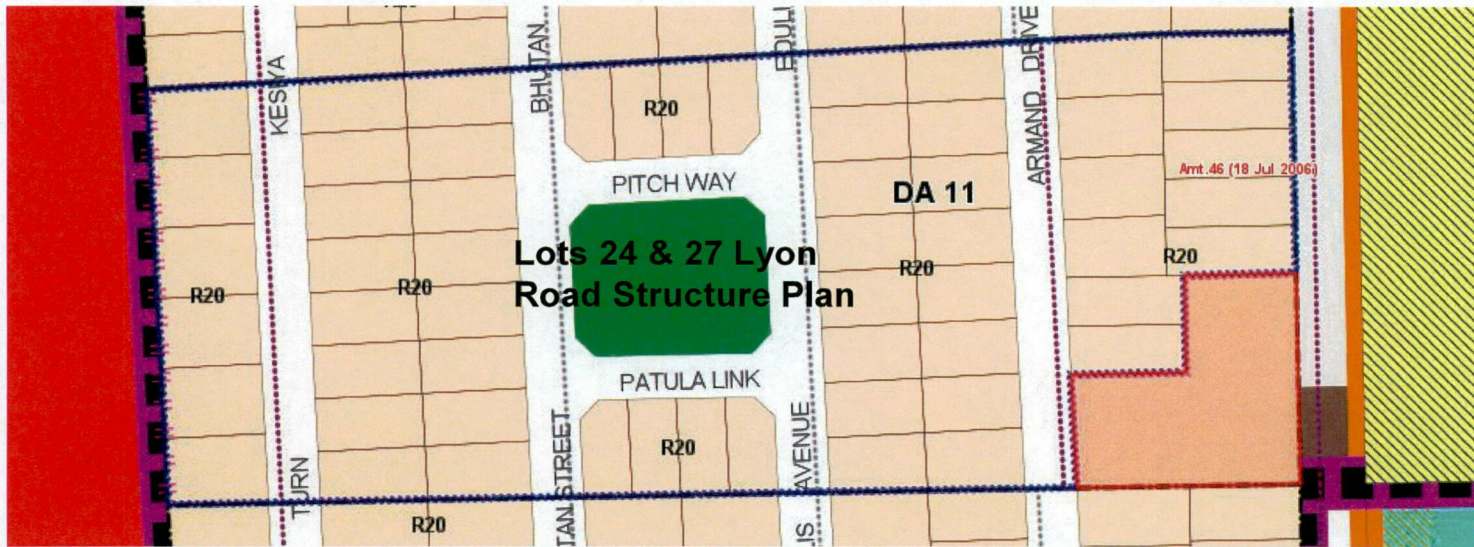
The subject site is located within the Lot 24 & 27 Lyon Road Structure Plan ("Structure Plan") which was endorsed by the WAPC on 21 August 2006 (see Appendix A).

The endorsed Structure Plan has served its purpose in guiding subdivision and development of the area. The subject site is the last lot to be subdivided and developed in accordance with the Structure Plan.

Scheme Amendment No. 136 proposes to rationalise the majority of the Structure Plan area zones and reserves into the Scheme together with the Lots 3-6 Lyon Road and Lots 5-7, 25 & 26 Lyon Road Structure Plans. However, the subject site requires separate consideration due to its large size and potential to still be subdivided and developed.

The subject site was created as a 3,467m² balance lot containing an existing dwelling and outbuildings when the Structure Plan area was subdivided in 2006. The outbuildings have now been removed, while the existing dwelling remains along the southern boundary of the lot.

The proposed Scheme Amendment now seeks to rationalise the Structure Plan as it relates to the subject site into the Scheme.



Endorsed Structure plan and aerial photograph showing Lot 375 Lyon Road (subject site) outlined in red as undeveloped

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 standard amendment, which Regulation 34 describes as:

standard amendment means 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 a), b), e) and f) of the above criteria.

4.0 Town Planning Context:

4.1 Metropolitan Region Scheme

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

4.2 City of Cockburn Town Planning Scheme No. 3

The subject site is zoned 'Development' and included within DA 11 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 11' provisions set out the requirement for subdivision and development within the Development Area to be in accordance with an approved Structure Plan and to provide for Residential development.

The Structure Plan has been approved in accordance with the 'DA 11' provisions of the Scheme. Future subdivision and development of the subject site is required to be in accordance with the Structure Plan which designates the subject site as 'Residential' at an R20 density coding. Thus, the 'DA 11' provisions serve no further purpose and are proposed to be deleted from the subject site.

It is noted that the provisions of 'DA 11' apply to various other structure plan areas outside of the subject site and will continue to apply to these areas.

5.0 Proposal

The proposed amendment will rezone the subject site from 'Development' zone and 'DA 11' to 'Residential R20' as currently designated on the Structure Plan map shown in Appendix A.

The size and shape of the lot was designed at the time of subdivision to logically facilitate subdivision at an R20 coding in the future, if sought. Residential lots in the immediately vicinity of the subject site are coded R20, with higher codings of R30, R40 and R60 located immediately adjacent to POS. Given the location of the subject site away from POS and within a predominately R20 coded area, the 'Residential R20' land use designation by the Structure Plan is considered appropriate. Thus, it is intended to rezone the subject site in accordance with this land use designation in order to rationalise the Structure Plan into the Scheme.

The proposed 'Residential R20' zoning directly correlates to the 'Residential R20' zoning pursuant to the Scheme. Therefore, it is proposed that all lots are rezoned from the 'Development' zone accordingly, and that 'DA 11' be deleted from the subject site.

6.0 Conclusion

Proposed Scheme Amendment No. 137 will rationalise the 'Residential R20' land use designation over the subject site into the Scheme, rezoning the subject site

from 'Development' to 'Residential R20' and removing a layer of planning that is no longer required.

The Residential R20 zoning of the land 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.

7.0 Postscript

The Minister advised in a letter dated 23 July 2019 that the scheme amendment is required to be modified in accordance with the following:

- a) Update the existing zoning map to illustrate recently gazetted Amendment No. 136.
- b) Modify the 'Resolution to Amend Local Planning Scheme' page with an additional heading stating, "Resolution to Amend Local Planning Scheme".
- c) Modify the amendment on the 'Resolution to Amend Local Planning Scheme' page to read as follows:
 1. Rezoning Lot 375 Lyon Road, Aubin Grove within 'Development Area No. 11 – Lyon Road (Development Zone)' as depicted on the scheme amendment map from 'Development' zone to 'Residential' zone, and apply the residential density code of R20.
 2. Reclassifying a portion of the road reserve from 'Development' zone to 'Local Road' reserve as depicted on the scheme amendment map.
 3. Amending the 'Development Area No. 11' boundary to exclude the land identified in points 1 and 2 above.
 4. Amending the scheme maps accordingly.
- d) Modify the 'Resolution to Amend Local Planning Scheme' page by deleting the amendment category and reasoning.

PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME
CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 137

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 Lot 375 Lyon Road, Aubin Grove within 'Development Area No. 11 – Lyon Road (Development Zone)' as depicted on the scheme amendment map from 'Development' zone to 'Residential' zone, and apply the residential density code of R20.
2. Reclassifying a portion of the road reserve from 'Development' zone to 'Local Road' reserve as depicted on the scheme amendment map.
3. Amendment the 'Development Area No. 11' boundary to exclude the land identified in points 1 and 2 above.
4. Amending the scheme maps accordingly.

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 9 day of August 2018.

Logan Spurlitt
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 the 13th day of DEC 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 Spurlitt
MAYOR

[Signature]
CHIEF EXECUTIVE OFFICER

It is hereby **Recommended/Submitted for Final Approval** ~~Scheme~~ Amendment, final approval to which was endorsed by the Minister for Planning on 4/7/19

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

[Signature]

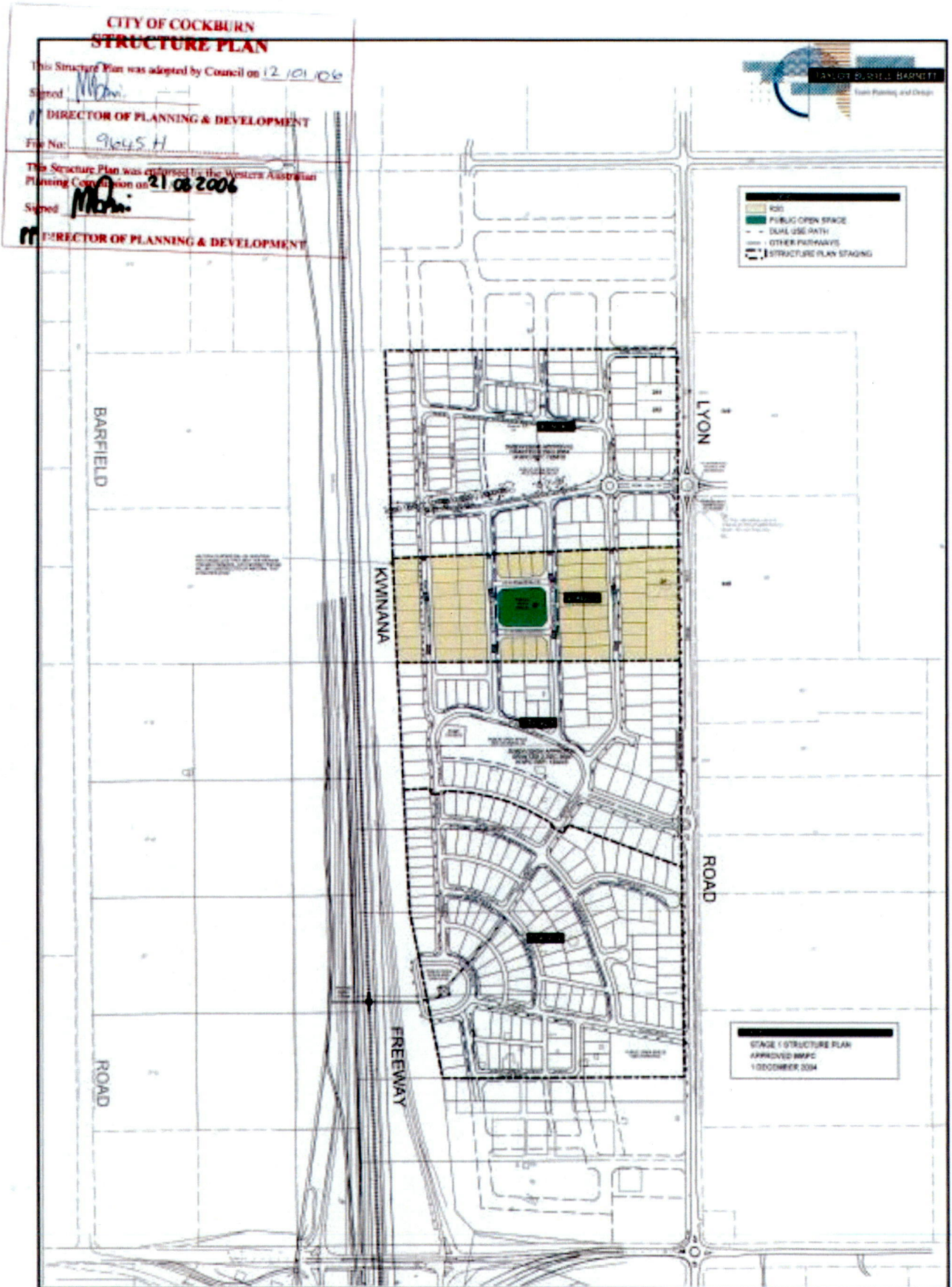
DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE 12/06/19

MINISTER FOR PLANNING

DATE.....

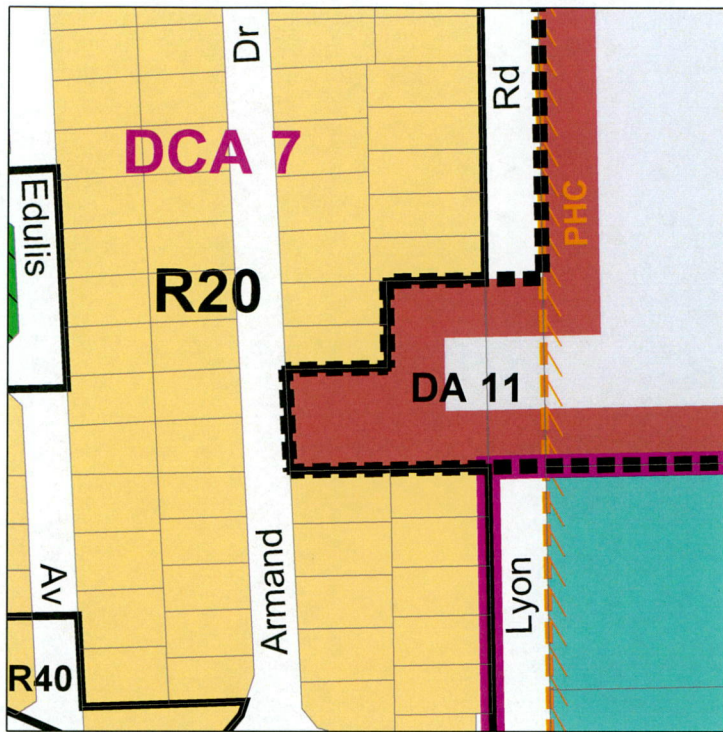
APPENDIX A – LOTS 24 & 27 LYON ROAD STRUCTURE PLAN



PROPOSED LOCAL STRUCTURE PLAN

PROPOSED LOCAL STRUCTURE PLAN
LOT 24 & 27 LYON ROAD - AUBIN GROVE (DA11)

Figure No.



Existing Zoning

GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA 11 Development Areas

DCA 1 Development Contribution Areas

PHC Peel-Harvey Coastal Plain Catchment Area

LOCAL RESERVES

Park & Recreation

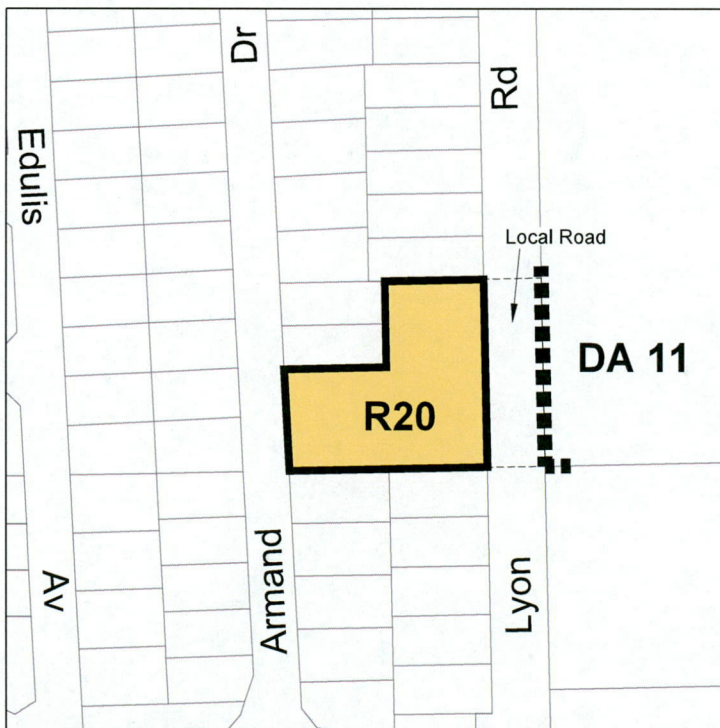
Local Road

ZONES

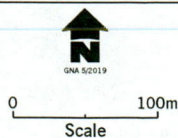
Residential

Development

Resource



Proposed Zoning



Current Scheme Amendment Map
Town Planning Scheme No.3
Amendment No.137