





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/Madam

#### **TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 171**

The Western Australian Planning Commission (Commission) 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 Commission will cause the approved amendment to be published in the *Government Gazette*.

The Commission has forwarded notice to the Department of Premier and Cabinet (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 Department of Premier and Cabinet on (08) 6552 6000. One signed set of the amending documents are returned for your records.

Please direct any queries about this matter to the abovementioned officer.

Yours sincerely

San Bouche.

Ms Sam Boucher Secretary Western Australian Planning Commission

6/06/2024

Peel Office, Unit 2B, 11-13 Pinjarra Road, Mandurah, Western Australia 6210 Tel: (08) 9586 4680; Fax: (08) 9581 5491; TTY: (08) 9264 7535; Infoline: 1800 626 477 e-mail: info@dplh.wa.gov.au; web address: http://www.dplh.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. 171

File: TPS/3144

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 abovementioned amendment to the City of Cockburn Local Planning Scheme No. 3 on 4<sup>th</sup> June 2024 for the purpose of:

- 1. Rezoning various lots within Development Area 13 from Development to Residential (R20)', 'Residential (R25)', 'Residential (R30)', Residential (R40)' and 'Residential (R60)' as depicted on the Scheme Amendment Map.
- 2. Reclassifying land within 'Development Area 13' from the 'Development zone to a local reserve for Parks and Recreation', 'Lakes and Drainage' and/or 'Local Road' as depicted on the Scheme Amendment Map.
- 3. Rezoning Lot 601 (#23) Jubilee Avenue, Success from 'Development' and 'Residential (R20)' to 'Residential (R40)'.
- 4. Reclassifying Lot 8005 Jubilee Avenue, Success from 'Residential (R20)' to a local reserve for 'Parks and Recreation'.
- 5. Reclassifying the unconstructed southern extension of Seabrook Place, Success from 'Local Road' to a local reserve for 'Parks and Recreation'.
- 6. Reclassifying Reserve 42979 Seabrook Place, Success from 'Lakes and Drainage' to a local reserve for 'Parks and Recreation'.
- 7. Reducing the extent of the 'Development Area 13' special control area boundary, as depicted on the Scheme Amendment Map.

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

- It is an amendment to the local planning scheme that involves zoning land consistent with an approved structure plan for the same land; and/or
- It is an amendment that corrects minor anomalies/administrative errors.

Pursuant to Regulation 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the above Local Planning Scheme affects the following structure plan(s):

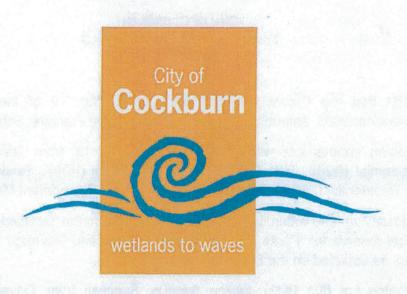
Document Set ID: 11939862 Version: 1, Version Date: 13/06/2024

Structure Plan #	Address	Endorsement Date	WAPC Reference
13A	Lot 17 and 18 Hammond Road, Success	6 August 2002	801/2/23/0019P
13B	Lot 8 Hammond Road, Success	17 June 2003	N/A
n/a	Lot 14 & 15 Hammond Road, Success	27 June 2016	SPN/0815M-1
13D	Lot 9 Hammond Road, Success	23 May 2005	801/2/23/0031P
13E	Lot 768, 778, 779 and 780 Hammond Road, Success	14 June 2006	801/2/23/0042
13G	Lakeside Success, Hammond Road	28 February 2013	SPN/0350-1
131	Lot 1 and 761 Gadd Street, Success	17 November 2017	SPN/0676M-1

Upon the amendment taking effect the above approved structure plans are to be revoked.

L HOWLETT MAYOR D SIMMS CHIEF EXECUTIVE OFFICER

Document Set ID: 11939862 Version: 1, Version Date: 13/06/2024



Town Planning Scheme No.3

Amendment No.171
(Basic)

Rationalisation of various Structure Plans
Development Area 13 (Success)

**MARCH 2024** 

## Planning and Development Act 2005 RESOLUTION TO AMEND A TOWN PLANNING SCHEME

# City of Cockburn Town Planning Scheme No.3 Amendment No.171

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 by:

- Rezoning various lots within 'Development Area 13' from 'Development' to 'Residential (R20)', 'Residential (R25)', 'Residential (R30)', 'Residential (R40)' and 'Residential (R60)' as depicted on the Scheme Amendment Map.
- Reclassifying land within 'Development Area 13' from the 'Development' zone to a local reserve for 'Parks and Recreation', 'Lakes and Drainage' and/or 'Local Road' as depicted on the Scheme Amendment Map.
- 3. Rezoning Lot 601 (#23) Jubilee Avenue, Success from 'Development' and 'Residential (R20)' to 'Residential (R40)'.
- Reclassifying Lot 8005 Jubilee Avenue, Success from 'Residential (R20)' to a local reserve for 'Parks and Recreation'.
- Reclassifying the unconstructed southern extension of Seabrook Place, Success from 'Local Road' to a local reserve for 'Parks and Recreation'.
- Reclassifying Reserve 42979 Seabrook Place, Success from 'Lakes and Drainage' to a local reserve for 'Parks and Recreation'.
- 7. Reducing the extent of the 'Development Area 13' special control area boundary, as depicted on the Scheme Amendment Map.

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

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Pursuant to Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment to the above Local Planning Scheme affects the following structure plan(s):

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13G	Lakeside Success, Hammond Road	28 February 2013	SPN/0350-1
131	Lot 1 and 761 Gadd Street, Success	17 November 2017	SPN/0676M-1

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CHIEF EXECUTIVE OFFICER

#### AMENDMENT REPORT

#### 1.0 INTRODUCTION

Structure Plan No.'s 13A, B, C, D, E, G and I have all been fully implemented.

The purpose of this 'basic' scheme amendment is to transfer most of the zones and reserves shown on these structure plans into Town Planning Scheme No.3 (TPS3), to ensure the City maintains appropriate development control once the structure plans expire on (or shortly after) 19 October 2025.

This process is referred to as the rationalisation of structure plans.

#### 2.0 BACKGROUND

Development Area 13 (DA13) was created upon gazettal of Town Planning Scheme No.3 in December 2002. The area which encompasses DA13 was previously zoned 'Rural' under District Zoning Scheme 2.

DA13 currently includes 11 endorsed structure plans as per the table below (those shown in **bold** form the subject of this amendment):

Structure Plan #	Address	Endorsement Date	
13A	Lot 17 and 17 Hammond Road, Success	6 August 2002	
13B	Lot 8 Hammond Road, Success	17 June 2003	
13C	Lot 14 & 15 Hammond Road, Success	27 June 2016	
13D	Lot 9 Hammond Road, Success	23 May 2005	
13E	Lot 768, 778, 779 and 780 Hammond Road, Success	14 June 2006	
13F	Lot 6 (210) Hammond Road, Success	16 June 2015	
13G	Lakeside Success, Hammond Road	28 February 2013	
13H	Lot 4, 125 and 126 Hammond Road, Success	4 February 2013	
131	Lot 1 and 176 Gadd Street, Success	17 November 2017	
13J	Lot 176 (119) Hammond Road, Success	3 October 2019	
13K	Lot 7 Hammond Road, Success	28 February 2023	

The extent of DA13 (purple dashed line), this scheme amendment proposal (red dashed lines), and the endorsed Structure Plans are depicted on Figures 1 and 2:

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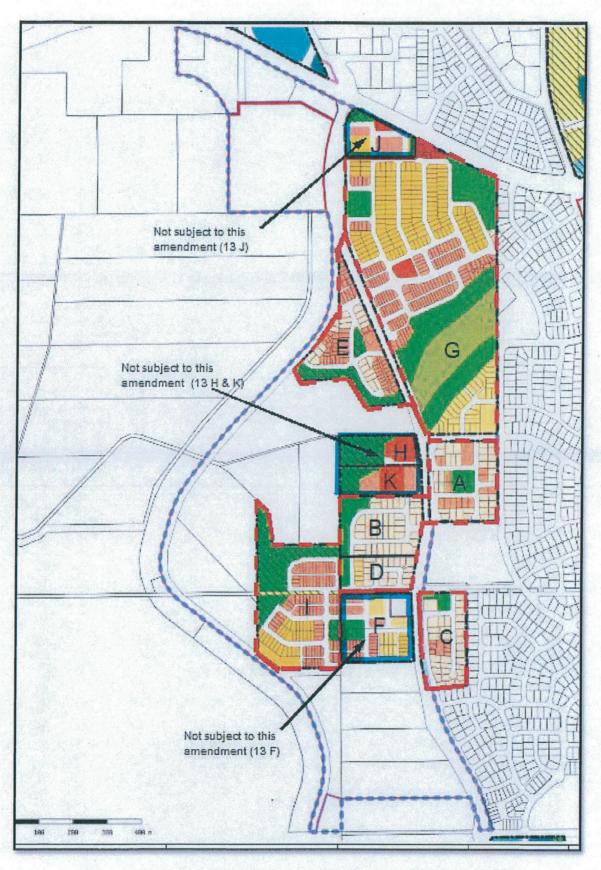


Figure 1 - DA 13 Amendment Extent and Current endorsed Structure Plans

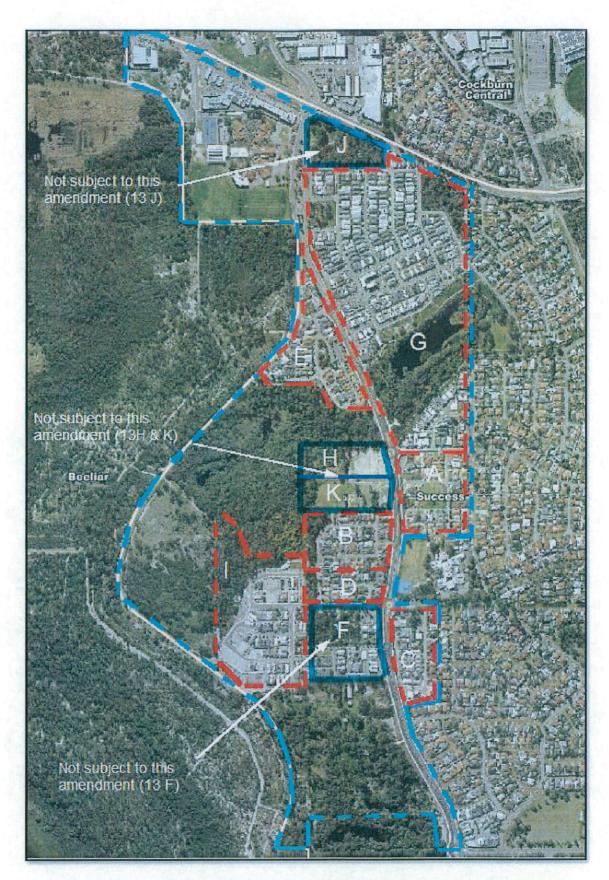


Figure 2 – Aerial Photograph showing extent of completed Subdivision and Development.

Structure Plans 13F, 13H, 13J and 13K (outlined in **blue** on **Figures 1 and 2**), are largely undeveloped and either form the subject of current applications to extend their timeframe (F and H) or still have several years until they expire. On this basis they are not being rationalised by this proposal and will retain their existing 'Development' zoning.

Many of the structure plans include Local Development Plans (LDPs). This amendment has no effect on the operation of those instruments which will remain in effect until they expire on (or after) 19 October 2025 or are extended by the City via a separate process.

#### 3.0 AMENDMENT TYPE

Part 5, Division 1, Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015,* identifies different amendment types: basic, standard and complex.

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 amendment is considered a 'basic' amendment, which Regulation 34 describes as 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;
- 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 parts (a) and (g) of the above criteria.

Specifically, it is an amendment to the local planning scheme map that involves zoning land consistent with an approved structure plan for the same land or seeks to resolve minor anomalies relating the coding or reservation of land either within or adjacent the DA13 area consistent with their established use and/or existing tenure (discussed in further detail below).

#### 4.0 TOWN PLANNING CONTEXT

#### 4.1 State Planning Framework

DA13 is identified in the South Metropolitan Peel Sub-Regional Planning Framework as 'Urban' and 'Open Space'. The 'Urban' area aligns with the 'Urban' zone in the Metropolitan Region Scheme (MRS) and 'Open Space' with its reservation for 'Parks and Recreation'.

#### 4.2 City of Cockburn Local Planning Framework

Under TPS3, the majority of the area is zoned 'Development' and identified on the Scheme Map and in Table 9 of the Scheme Text as Development Area 13.

The purpose of the 'Development' zone is to trigger the requirement for a Structure Plan to guide further subdivision and/or development.

Table 9 allows specific 'provisions' to be applied to defined Development Areas, to facilitate subsequent structure planning and subdivision processes. For DA 13 it includes the following:

TABLE 9 – DEVELOPMENT AREAS			
REF. NO. AREA		PROVISIONS	
DA 13 HAMM	HAMMOND ROAD (DEVELOPMENT ZONE)	<ol> <li>An approved Structure Plan together with all approved amendments shall be given due regard in the assessmen of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions.</li> </ol>	
		To provide for Residential development.	

Despite its inclusion within DA13, land in the northwest corner of DA13, towards the intersection of Hammond Road and Beeliar Drive is either zoned 'Special Use 20' (Lot 502 / #122 Hammond Road — Emmanuel Catholic College) or Mixed Business (#640-676 Beeliar Road) and has largely been developed for educational or commercial/light industrial purposes.

#### 5.0 PROPOSAL

Subdivision and development of substantive portions of DA13 are now complete, meaning that most structure plans in this area have served their purpose and are no longer required.

This amendment therefore seeks to remove these areas from DA13 and transfer the structure plan identified zonings and reservations for the land into the Scheme, ahead of the structure plans expiring on (or shortly after) 19 October 2025.

#### **Development Area 13:**

Given the absence of a need to trigger the requirement for structure planning of the land (especially for residential purposes), the proposal also involves removal of land already zoned, subdivided and developed for Educational and Mixed Business purposes from within DA13.

As there remain portions of DA13 yet to be structure planned, or that involve structure plans in various stages of physical completion, deletion of DA13 and its special provisions is not proposed at this time, rather just a reduction to the extent of the DA13 special control area boundary to reflect the outcomes of this proposal.

#### Local Structure Plans (LSP):

Details of each Structure Plan (include the LSP map and a recent aerial) are provided in this section to demonstrate the justification for rationalisation.

Unless otherwise stated, all the approved Structure Plan designations directly correlate to zonings and reserves pursuant to the Scheme. All public roads have been constructed, and all other public reserves embellished to the required standard and transferred into either public or utility operator ownership, in accordance with the applicable subdivision approvals.

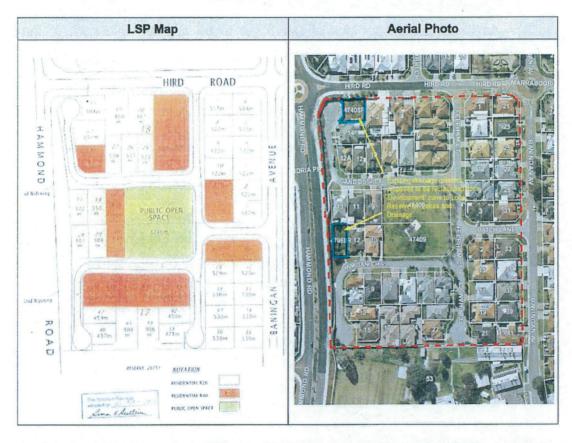
#### Lot 17 and 18 Hammond Road, Success (13A)

Located centrally within DA13 on the eastern side of Hammond Road, this structure plan identifies an interconnected local road network with a central area of Public Open Space (Gandossi Park) primarily servicing low (R20) density single residential housing.

Pockets of medium (R40) density single and grouped housing are located in high amenity locations generally around the edges of the POS.

All land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zone and/or reserve identified on the Structure Map in **Appendix A**, with exception to:

- Lot 4837 (Reserve 47408) Gandossi Court, Success; and
- Lot 8000 (Reserve 47968) Makjanich Place, Success (see image below)



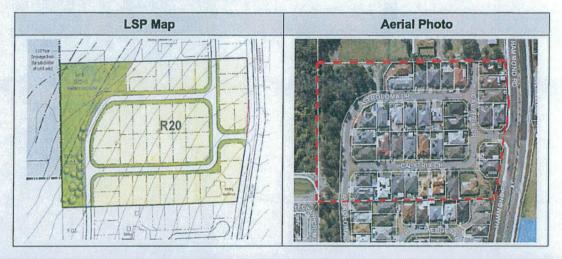
As foreshadowed as a possibility on the face of the LSP for Lot 4387, both lots have subsequently been developed as fenced drainage sumps to accommodate the requirements of the resultant subdivision proposal.

Given they are both owned by the State of WA with management orders to the City specifically for 'Drainage' purposes, it is proposed that they be reserved for 'Lakes and Drainage' under TPS3.

#### Lot 8 Hammond Road, Success (13B)

Located towards the southern end of DA13 on the western side of Hammond Road, this Structure Plan identifies local roads and a small POS reserve (Banbar Park – which forms an eastward expansion of the Thomson Lake Nature Reserve) servicing low (R20) density single residential housing.

All the land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zone and/or reserve identified on the Structure Map shown in **Appendix B**.



#### Lots 14 and 15 Hammond Road, Success (13C)

Located towards the southern end of DA13 on the eastern side of Hammond Road, this Structure Plan identifies local roads and a small POS reserve in the northwest corner (Carnegie Park), primarily servicing low (R20) density single residential housing.

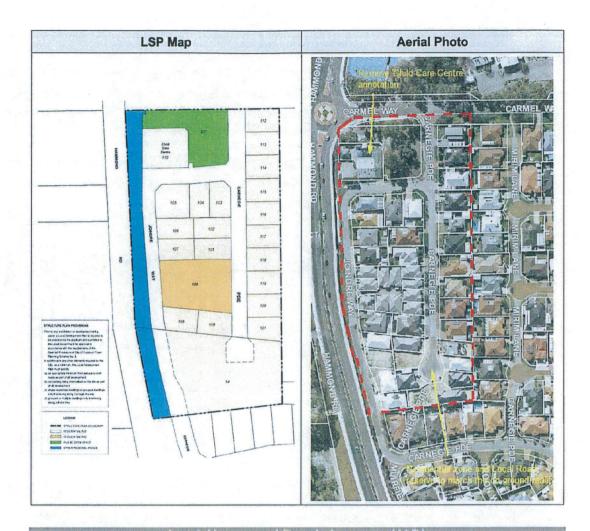
A pocket of medium (R40) density housing site was subsequently inserted midway along the western boundary of the site to provide for greater housing diversity within reasonable proximity to the POS and the public transport route running along Hammond Road.

Notwithstanding its subsequent development as a Child Care Premises, the note on the LSP identifying Lot 110 (#8) Joindre Way as being suitable for this purpose is not proposed to be carried forward as a 'Special', 'Restricted' or 'Additional Use', on the basis it is an approvable use in the Residential zone, and to maintain the site's ability to be developed for residential as was intended in the original LSP.

This proposal also reflects the southward extension of the Carnegie Parade culde-sac as was approved by the WAPC and subsequently constructed to accommodate additional single residential housing at the southern end of the site.

Otherwise, all land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zone and/or reserve identified on the Structure Map shown in **Appendix C**.

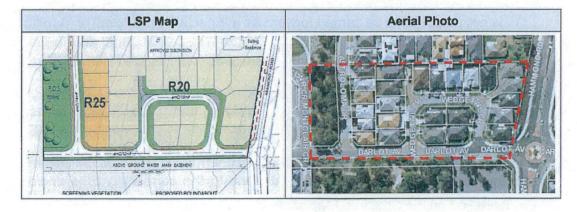
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#### Lot 9 Hammond Road, Success (13D)

Located towards the southern end of DA13 on the western side of Hammond Road (immediately south of 13B), this Structure Plan identifies an extension of the both the local road and POS network (southern extension of Banbar Park), servicing low (R20-R25) density single residential housing.

All land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zone and/or reserve identified on the Structure Map in **Appendix D.** 



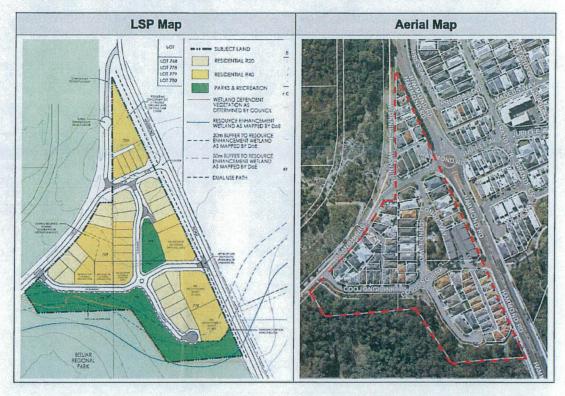
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#### Lots 768, 778, 779 & 780 Hammond Park and Branch Circus, Success (13E)

Located towards the northern end of DA13 on the western side of Hammond Road this Structure Plan identifies an interconnected local road and POS network inclusive of a northward expansion of the Thomson Lake Nature Reserve, servicing a variety of low (R20) to medium (R40) density housing typologies.

Due to the unique shape and arrangement of the site, a number of R40 coded grouped and multiple dwelling precincts have been located in high amenity locations, such as within immediate proximity of POS or the public transport route along Hammond Road.

All land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zone and/or reserve identified on the Structure Map shown in **Appendix E.** Reservation of the Wonnil Close road reservation (external to the LSP boundary) is also proposed as a 'Local Road'.



#### Lakeside Success Hammond Park, Success (13G)

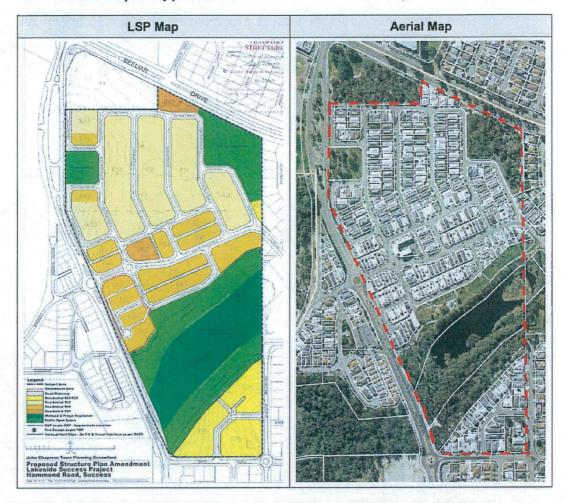
Containing the majority of the north-eastern corner of DA13 this Structure Plan identifies an interconnected local road and POS network inclusive of a substantial POS reserve incorporating an existing wetland running through the southern portion (Jubilee Park), primarily servicing low (R20-R30) density single residential housing.

Pockets of medium (R40) density housing, including large laneway lot precincts, select areas of front-loaded smaller lot product and/or battle-axe accessed

Document Set ID: 11853200 Document Set/ID: 11838627/03/2024 Version: 1, Version Date: 13/06/2024 grouped housing sites are located in high amenity locations within close proximity to either POS or public transport routes along Hammond Road.

An R60 coded grouped housing is located directly adjacent a bus stop along Beeliar Drive, whilst an R60 coded multiple dwelling development provides important housing diversity near the primary entrance to the area at the intersection of Jubilee Avenue and Delaronde Drive.

All land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zone and/or reserve identified on the Structure Map in **Appendix G.** 



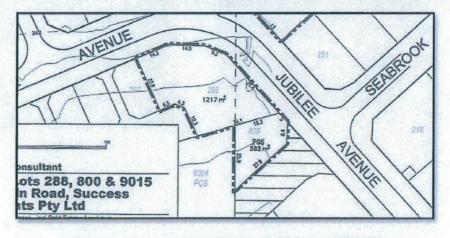
There are also four sites that either straddle the eastern boundary of this LSP or lie immediately adjacent that are also proposed to be amended to address:

- minor anomalies in the scheme;
- to match the tenure and/or physical situation on the ground; and
- bring the zoning, coding and/or local reservations into alignment with the approved LSP and proposed rationalisation outcome

as described in the following table:

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Location	Current LSP or TPS Designation	Proposed Zoning or Local Reservation / Rationale	Мар
Lot 601 (#23) Jubilee Avenue	LSP Portion = Residential (R40) TPS Portion = Residential (R20)	Residential (R40) To reflect the WAPC approved subdivision outcome (refer graphic below) and match the development standards applied to by the City to the constructed dwelling	1920 1920
Lot 8005 Jubilee Avenue (Reserve #53184)	Residential (R20)	Parks and Recreation To reflect the same WAPC approved subdivision outcome, the resultant State ownership, developed state and management order to the City (for recreational purposes)	120
Unconstructed Southern Extension of Seabrook Place	Local Road Reserve	Parks and Recreation  To match State ownership and developed state as an integral part portion of Jubilee Park	
Lot 652 Seabrook Place (Reserve #42979)	Lakes and Drainage Reserve	Parks and Recreation  To match State ownership, developed state and proposed reservation of the balance of the wetland as a result of rationalising LSP 13G.	



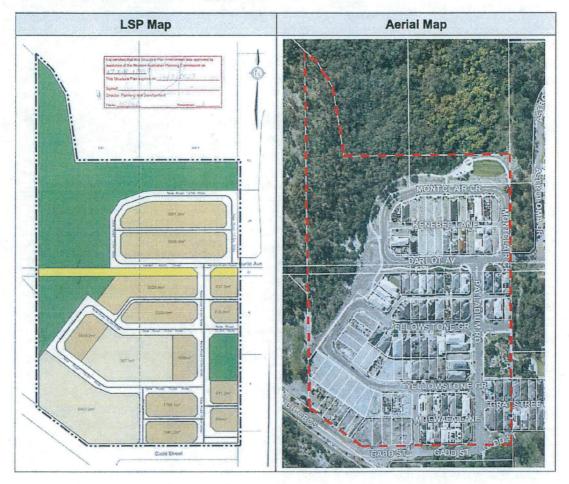
Extract of Approved Subdivision (WAPC Ref. #153720)

#### Lots 1, 80 and 761 Gadd Street, Success (13I)

Located towards the south-west corner of DA13 (immediately west of 13B and 13D), this Structure Plan identifies an interconnected local road and POS network inclusive of a large southward expansion of the Thomson Lake Nature Reserve in the northwest corner, servicing principally low (R30) to medium (R40) density single residential housing.

The higher R40 density typically involves laneway precincts or select areas of front-loaded smaller lot product that either front or are within close proximity of POS. A public purpose reserve running through the middle of the site protects a high-pressure underground Water Corporation pipeline.

All land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zone and/or reserve identified on the Structure Map shown in **Appendix I**.



#### 6.0 CONCLUSION

For the following reasons, it is now an appropriate time for the structure plans discussed above to be revoked, and its zones and reserves rationalised into the Scheme:

- all public reserves (including local roads, drainage, public open space and public purpose) have been suitably constructed/embellished and transferred into public or utility provider ownership; and
- all zoned land on the endorsed structure plans have been substantially subdivided and/or developed for private commercial and/or residential purposes.

Recognising these zones and reserves within TPS3 will:

- avoid the future need to seek WAPC approval to extend the approval period of the existing structure plans; and
- remove a redundant layer of planning control; whilst still
- ensuring the City maintains appropriate mechanisms to guide and control future redevelopment of the land (including the same range of permissible land uses and associated development standards as currently apply), consistent with current community expectations.

The other changes proposed reflect good contemporary planning practice and do not pose a significant adverse impact on surrounding development.

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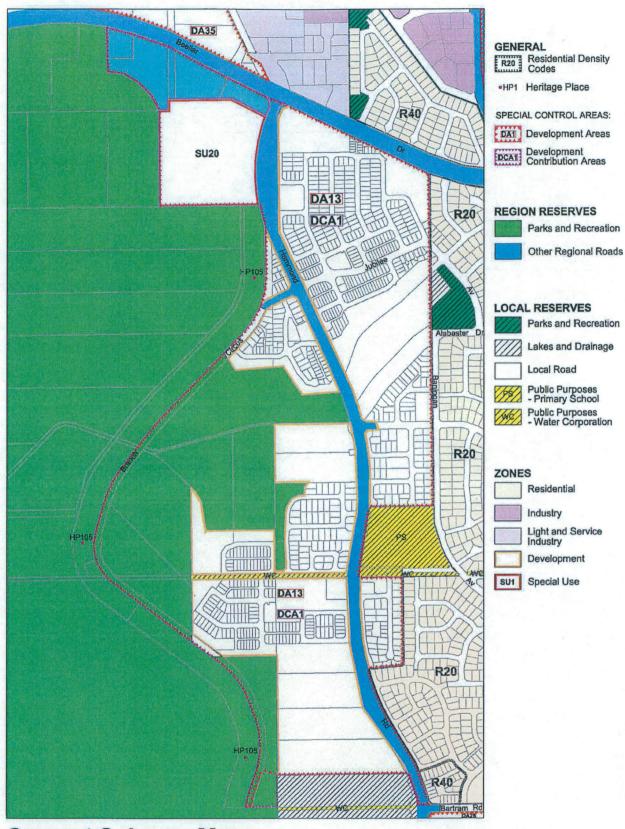
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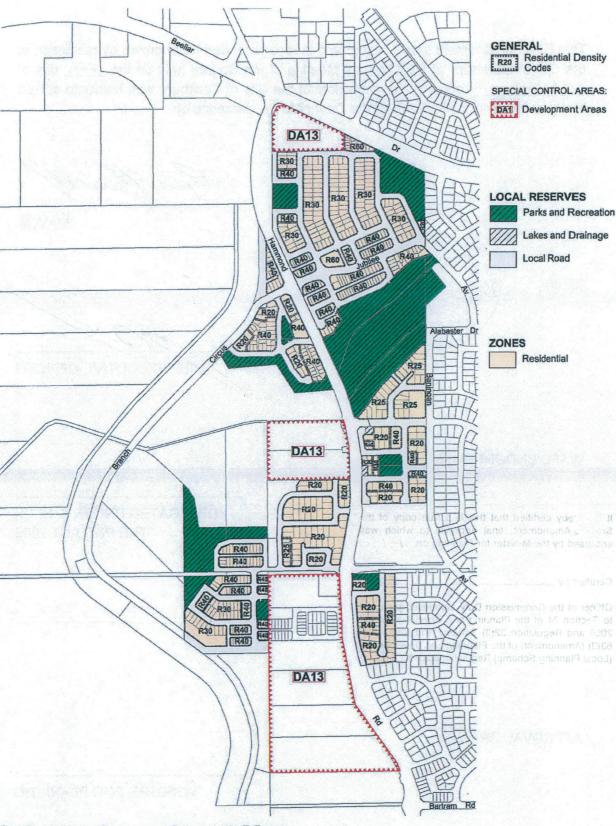
### **Current Scheme Map**





**Amendment No.171** 

Town Planning Scheme No.3



### **Scheme Amendment Map**

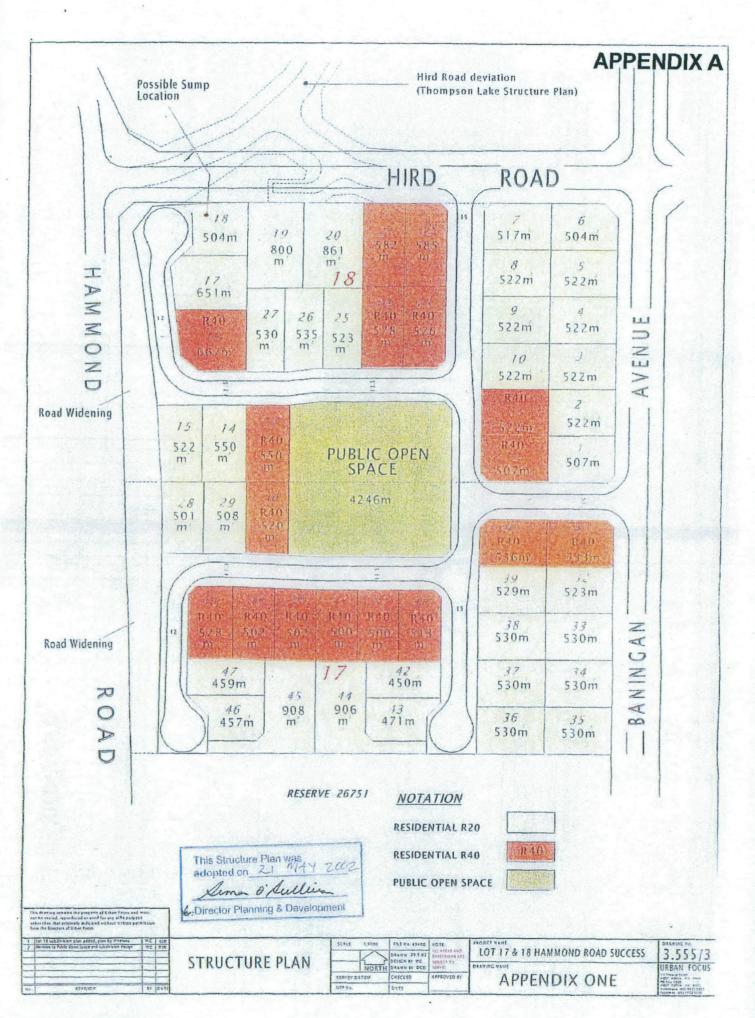




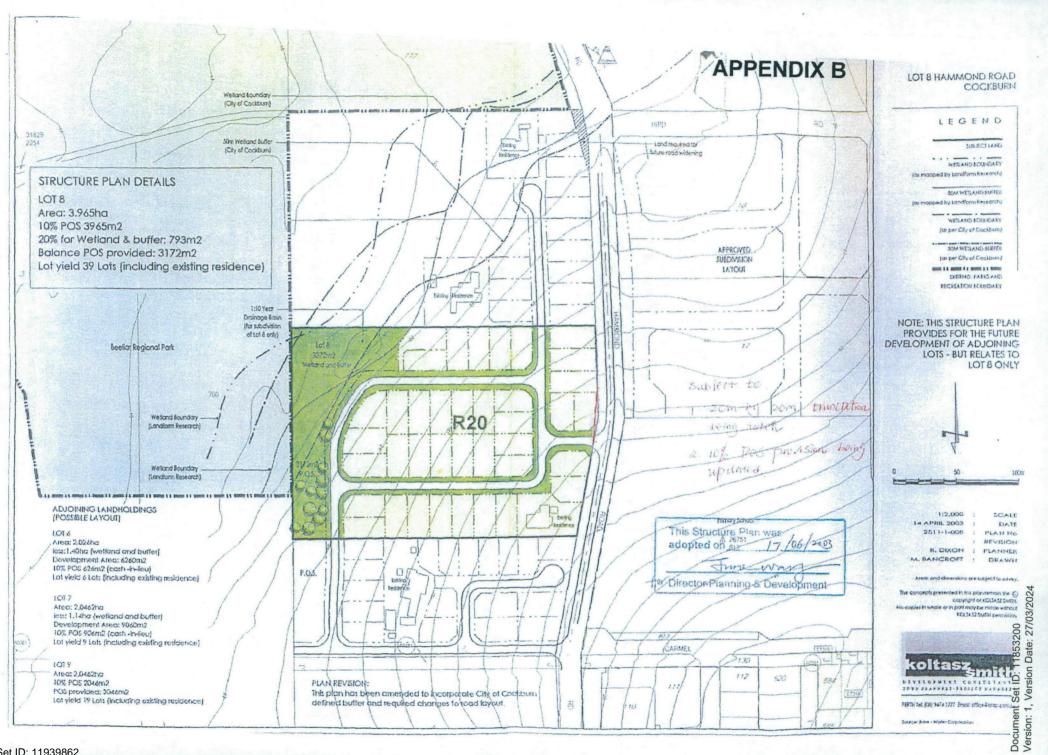
Amendment No.171

Town Planning Scheme No.3

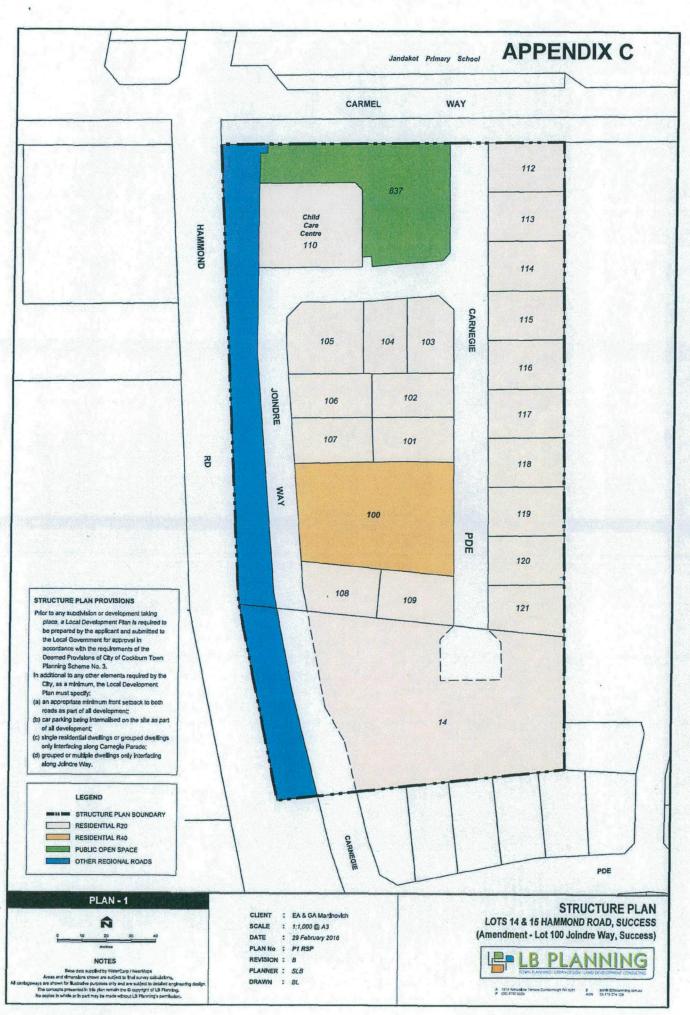
by the authority of a resolution of the Council	in the presence of:
	Jogan Sowell
CITY TAS CONT	MAYOR
(Seal)	
COCKBUC	
	CHIEF-EXECUTIVE OFFICER
WAPC ENDORSEMENT (r.63)	
	DELEGATED UNDER S.16 OF
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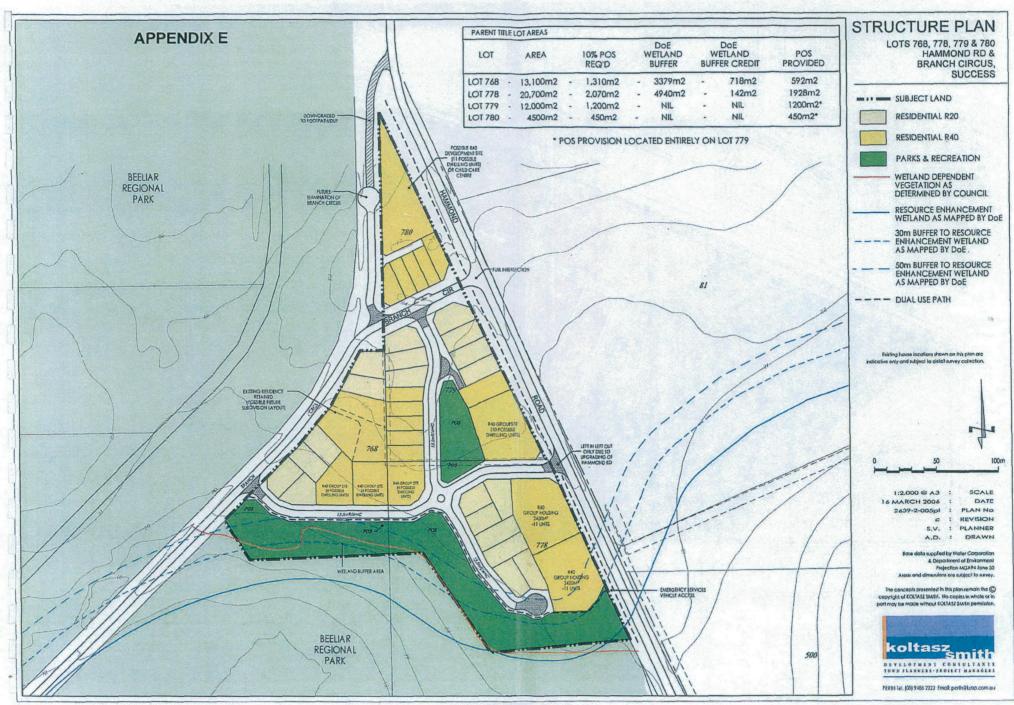


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