



Your ref: 109/050  
 Our ref: TPS/1674  
 Enquiries: Heather Brooks (6551 9436)

Chief Executive Officer  
 City of Cockburn  
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Transmission via electronic mail to: [tvanderlinde@cockburn.wa.gov.au](mailto:tvanderlinde@cockburn.wa.gov.au)

Dear Sir

**LOCAL PLANNING SCHEME No. 3  
 AMENDMENT No. 114**

**MINISTERIAL DECISION FOR LOCAL PLANNING SCHEME AMENDMENT  
 APPROVAL**

<b>CITY OF COCKBURN</b>
DCC Set
12 JUL 2016
SUBJECT 109/050
RETENTION 124.2.3 AS
PROPERTY
APP
ACTION TIFFANY VAN DER LINDE

Pursuant to clause 87(2) of the *Planning and Development Act 2005* (the Act), the Minister for Planning has granted final approval to amendment 114 to the City of Cockburn Local Planning Scheme No. 3 on 4 July 2016.

In accordance with clause 87(3) of the Act, the Western Australian Planning Commission (Commission) will cause the amendment to be published in the Government Gazette.

The Commission has forwarded the notice to State Law Publisher and it is the Council's responsibility to make arrangements for the payment of any publication costs. Council is required under clause 87(4B) of the Act, and clause 62(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to advertise and make copies of the amendment available to the public.

For all payment and purchase order queries, please contact State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned herewith.

Yours sincerely

Kerrine Blenkinsop  
 Secretary  
 Western Australian Planning Commission  
 6 July 2016



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**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

**CITY OF COCKBURN**

**LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 114**

Ref: TPS/1674

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 2016 for the purpose of:

1. Reclassify a portion of Lot 117 Hamilton Road, Spearwood from 'Public Purpose-Water Corporation' to 'Residential' as depicted on the Scheme Amendment Map;
2. Reclassify a portion of Lot 117 Hamilton Road, Spearwood from 'Public Purpose - Water Corporation' to 'Local Reserve - 'Local Road' as depicted on the Scheme Map; and
3. Amending the Scheme map accordingly.

L HOWLETT  
MAYOR

S CAIN  
CHIEF EXECUTIVE OFFICER

# CITY OF COCKBURN

TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 114

LOT 117 (NO. 26) HAMILTON ROAD, SPEARWOOD

June 2016

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

CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 114

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:

1. Rezoning a portion of lot 117 Hamilton Road, Spearwood from 'Public Purpose - Water Corporation' to 'Residential' as depicted on the Scheme Amendment Map';
2. Rezone a portion of lot 117 Hamilton Road, Spearwood from 'Public Purpose - Water Corporation' to 'Local Reserve - Local Road' as depicted on the Scheme Map; and
3. Amending the Scheme map accordingly

Dated this 8<sup>th</sup> day of October 2015

  
\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

# 1. Introduction

TPG Town Planning, Urban Design and Heritage (TPG) provide the following information on behalf of the Water Corporation who are the proprietor of Lot 117 (No. 26) Hamilton Road, Spearwood (the subject site), located within the municipality of the City of Cockburn (the City) and is subject to the statutory provisions of the City's Town Planning Scheme No. 3 (TPS3).

The following information within relates to a request to initiate a Scheme Amendment to the City's TPS3, rezoning a portion of the subject site from its current reservation under TPS3 from 'Public Purpose – Water Corporation' to 'Residential' and a portion to 'Local Reserve – Local Road' as shown on the Scheme Amendment Map. This will facilitate the development of the subject site for residential purposes, consistent with that of the immediate surrounding area and ensure that future residential development of the subject site is in keeping with the existing development along Hamilton Road.

As part of a wider strategic review, the subject site has been identified as being surplus to Water Corporation purposes and it is requested that the land is rezoned and included within the 'Residential' zone so that the asset can be disposed of and developed for residential purposes in accordance with the City's TPS3. The proposed zoning and density coding is consistent with Scheme Amendment No. 100, which was recently endorsed by the Western Australian Planning Commission and is reflected in the current Scheme mapping for the area.

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:

- 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 the above criteria. In particular, it is:

*'An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.'*

## 2. Property Description and Location

The subject site is located within the suburb of Spearwood, located approximately 16.8km south west of the Perth Central Business District (Perth CBD) and approximately 4.5km south east of Fremantle.

The subject site has a total land area of 1,002m<sup>2</sup> and is currently vacant. The subject site is bound by 'medium density' residential development to the north, east and south. The subject site has an 18.11 metre road frontage to Hamilton Road.

The table below details the Certificate of Title details

Lot	Volume / Folio	Diagram	Area	Registered Proprietors
117	372/167A	39027	1,002m <sup>2</sup>	Water Corporation

## 3. Site Context

The subject site is well located within close proximity to a number of high volume road networks, existing infrastructure and urban services. In terms of physical amenity, Davlak Oval is located toward the north west with the Spearwood District Centre located approximately 800 metres south east from the subject site to service the day to day and week to week retail requirements of the local population.

The subject site is also well positioned in relation to existing and future employment node destinations of Bibra Lake, Fremantle, Coogee and Latitude 32 Industrial Area as well as emerging specialty centres such as Coogee.

Figure 1 – Location Plan





Figure 2 – Aerial Plan

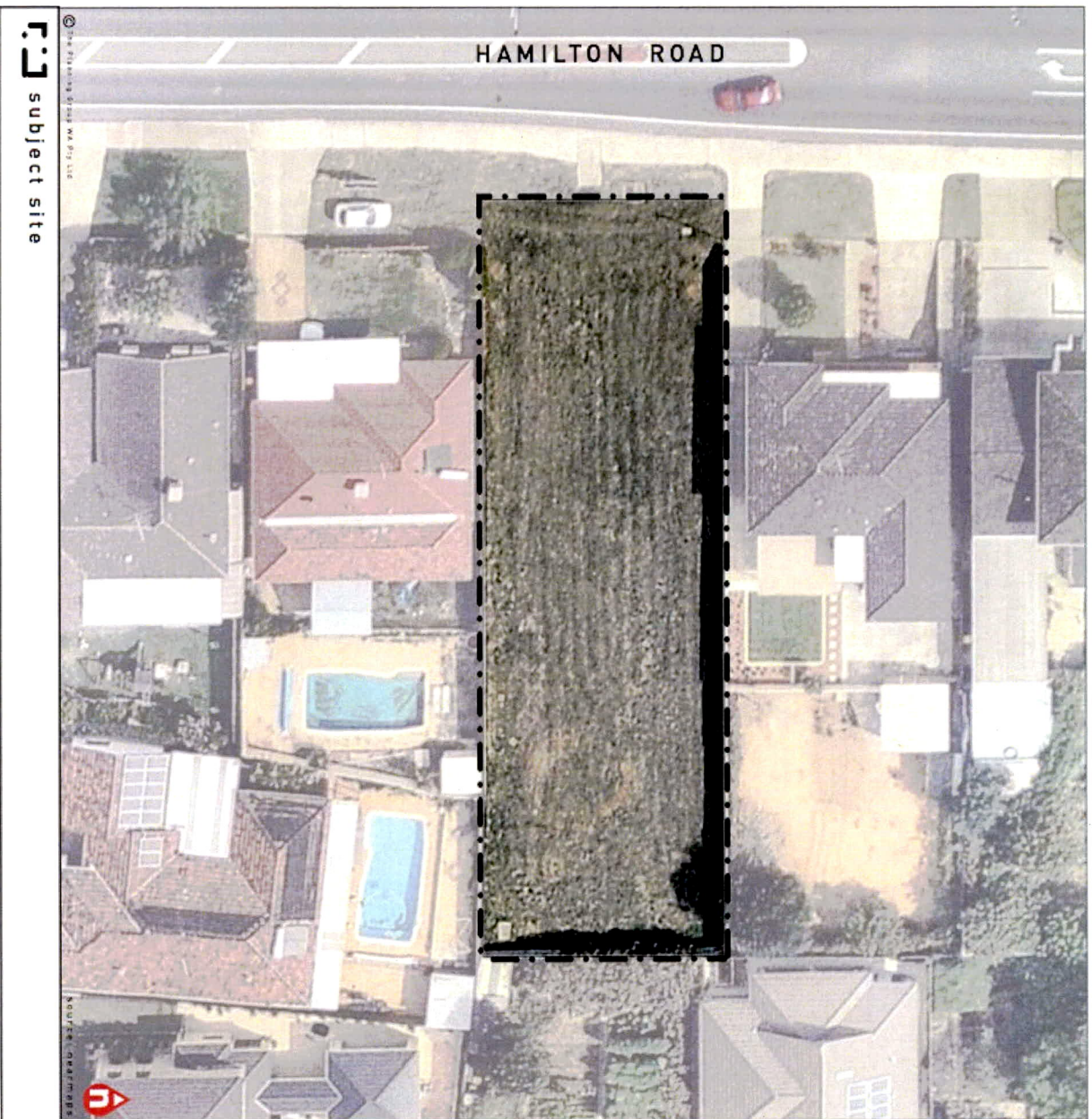
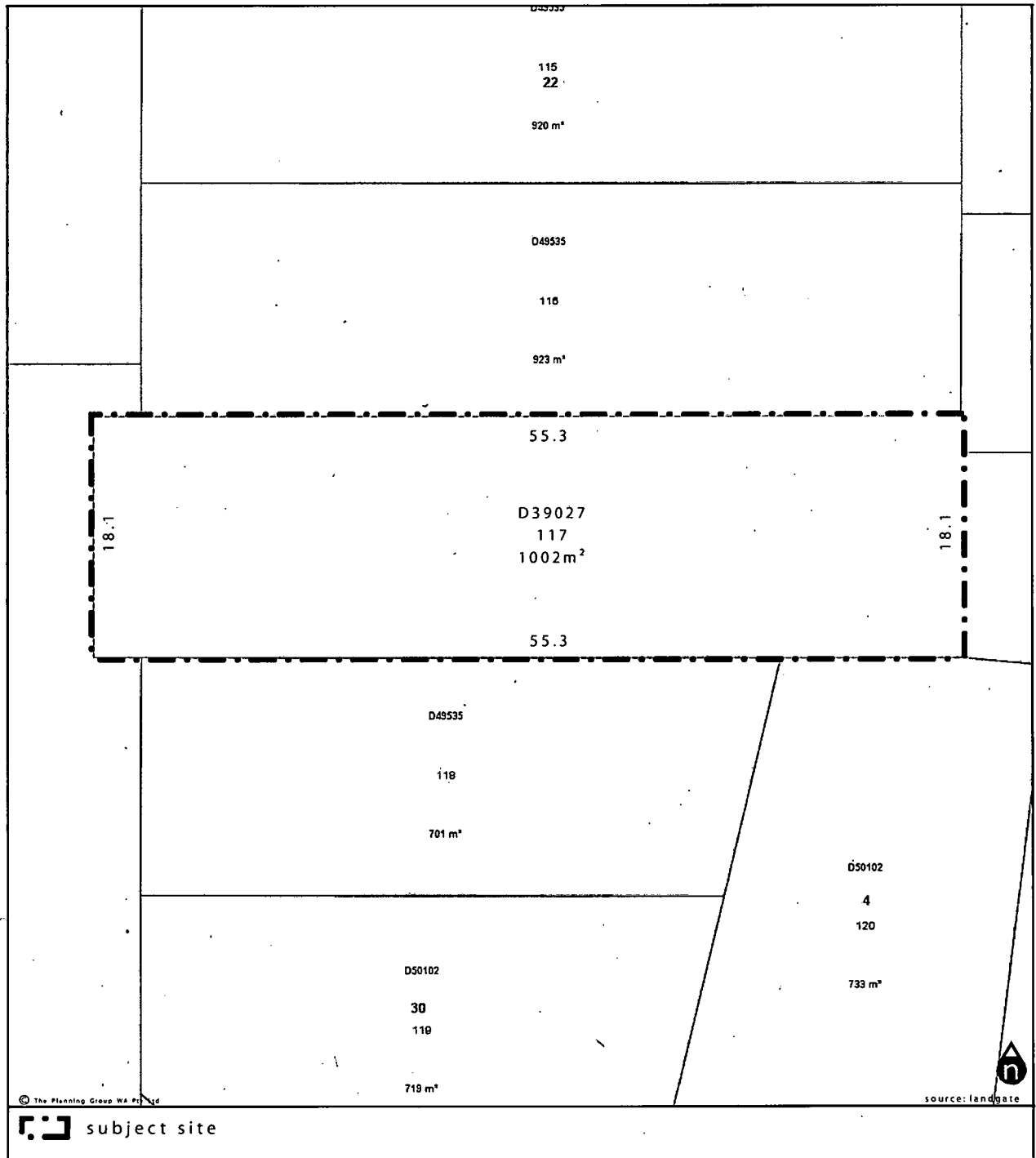




Figure 3 – Site Plan



## 4. Planning Context

### 4.1 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The subject site is not subject to any clause 32 resolutions.

Refer to Figure 4 – Metropolitan Region Scheme Extract

### 4.2 City of Cockburn Town Planning Scheme

Under the City's Town Planning Scheme No. 3 the subject site is reserved for 'Public Purpose', denoted on the City's Scheme mapping as being for Water Corporation purposes. Recent discussions with the WAPC's spatial data department in relation to the subject site have confirmed that this zoning is the correct and current zoning despite minor discrepancies in the mapping available online from the WAPC which are in the process of being resolved.

### 4.3 Hamilton Hill Revitalisation Strategy

The Hamilton Hill Revitalisation Strategy (the Strategy) responds to the WAPC's Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon (Directions 2031), which is a strategic plan that establishes a vision for future growth of the Perth metropolitan and Peel regions. The document seeks to guide the delivery of housing to accommodate the forecast population growth of the Perth and Peel regions, based on the adopted vision:

- By 2031, Perth and Peel people will have created a world class liveable city: green, vibrant, more compact and accessible with a unique sense of place. Directions 2031 sets a target of 47% or 154,000 of the required 328,000 dwellings for Perth as infill development. The efficient use of land and infrastructure is encouraged, including effective use of existing developed areas.
- The Strategy identifies the locality of Hamilton Hill as being a suitable, well connected inner ring suburb that is capable of supporting increased residential densities, resounding to and contributing to the delivery of Directions 2031 infill targets as mentioned above.
- The City resolved to adopt the Strategy in November 2012, which aimed to guide how future urban infill can be delivered within the suburb of Hamilton Hill. The Strategy provided the basis for a Scheme Amendment (Scheme Amendment 100) to the City's TPS3, which sought residential density and zoning changes discussed in more detail below.

Due to the subject site being reserved for Water Corporation purposes under the Scheme, it was not included in a recent scheme amendment that reflected the objectives of the Strategy. Now that the subject site has been identified as being surplus to water supply requirements, it should logically be rezoned to match the surrounding residential fabric prior to disposal in line with the objectives of the Strategy.

### 4.4 Scheme Amendment No. 100

Scheme Amendment No. 100 to TPS3 (Amendment 100) was granted final approval from the Minister for Planning on 27 August 2014. Amendment 100 implemented various residential density and zoning changes identified through the Strategy previously outlined above. The residential area surrounding the subject site subsequently received an increase in residential density to Residential R40, in place of the existing Residential R20 zoning.

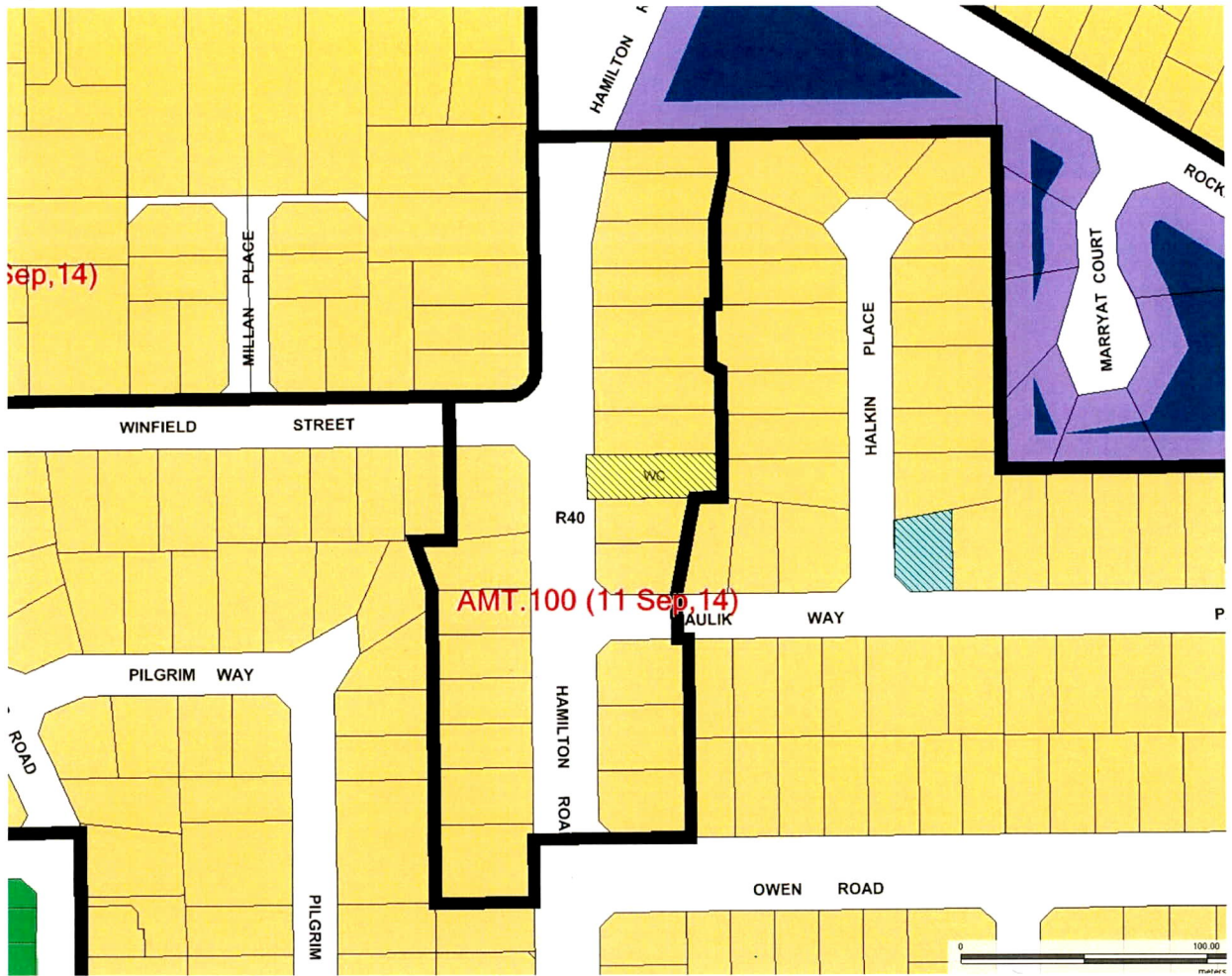
Amendment 100 also included a number of zoning changes, including implementing several 'Development' zones, in order to create coordinated areas of redevelopment and 'Local Centre' zones to allow for a variety of commercial uses to be implemented on site, further supporting the surrounding residential uses.

All of the changes that were proposed in Amendment 100 have now been gazetted and are reflected in the endorsed mapping for the City of Cockburn. As noted above, due to the subject site being reserved for Water Corporation purposes it was left out of the scheme amendment proposal and now that it has been identified as being surplus land, the Water Corporation seek to amend the zoning to match the surrounding residential area.

Figure 4 – Metropolitan Region Scheme Extract



Figure 5 – Town Planning Scheme No. 3 – Extract





## 5. Proposed Scheme Amendment

It is requested that the City initiate a Scheme Amendment to TPS3 to rezone a portion of the subject site from being reserved for 'Public Purpose – Water Corporation' to 'Residential' with a prescribed density of Residential R40 as depicted on the Scheme Amendment Map and rezone a portion of the subject site from 'Public Purpose – Water Corporation' to 'Local Reserve – Local Road' as depicted on the Scheme Amendment Map. The rezoning will allow for the subject site to be incorporated into the surrounding developed residential area, consistent with the proposed densities within the recently endorsed Scheme Amendment No. 100 to the City's TPS3.

The proposed rezoning will allow the Water Corporation to dispose of the subject site, which has been deemed surplus to Water Corporation requirements in the future. The proposed rezoning to Residential R40 will ensure that the site is developed in accordance with the local planning framework and strategic intent for development within the area, and represents a 'missing piece' of the local urban fabric, which can be developed to meet the form and density of the adjacent landholdings as their density potential is reached over time. In this regard, the Water Corporation are aware that the small portion of land identified as 'Local Reserve – Local Road' as depicted on the Scheme Amendment Map is required to be vested as part of a future application for subdivision or development.

The proposed rezoning is considered to be completely in accordance with the surrounding residential area, and may act as a development catalyst given that it will allow for development to occur on vacant land that. The proposed rezoning also represents orderly and proper planning, in that it will facilitate appropriate redevelopment and maximise efficiency of urban land for residential purposes.

The proposed rezoning is in accordance with the objectives of the Hamilton Hill Revitalisation Study and wider state level objectives for infill housing. The proposed rezoning outcome of the subject site will offer increased opportunities for passive surveillance, an improved streetscape fronting Hamilton Road and an opportunity to provide an affordable development within close proximity to nearby infrastructure and services.

## 6. Summary

This request has been prepared by TPG Town Planning, Urban Design and Heritage (TPG) on behalf of the Water Corporation to request the City of Cockburn to rezone the subject site from being reserved under TPS3 for 'Public Purpose' to a zoning of 'Residential' with a prescribed Residential R40 density coding.

The proposed request is justified given that the proposal will have a positive impact on the surrounding streetscapes and neighbourhood amenity and represents a logical inclusion of land into the surrounding residential area, subsequently allowing the sale of an asset that is surplus to the requirements of the Water Corporation.

In summary, the proposal:

- Represents a logical rezoning to allow residential land uses, responding to the surrounding residential density recently adopted by the City;
- Meets the objectives of Directions 2031 and helps to achieve the infill target; and
- Responds directly to the Hamilton Hill Revitalisation Study and the recently adopted Scheme Amendment No. 100.
- Represents orderly and proper planning of the site through maximising the efficient use of land that is no longer required for the purposes of water supply.
- Will enable the most appropriate use for the site and allow surplus Water Corporation owned land to be utilised for residential development, contributing to the overall improvement and amenity of the surrounding area in line with strategic objectives.



## POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 16 June 2016 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 minor wording changes from what was 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:

*Replace the word rezoning in Points 1 and 2 to reclassify.*

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

CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 114

The City of Cockburn under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amend the City of Cockburn Town Planning Scheme No. 3 by:

1. Reclassify a portion of lot 117 Hamilton Road, Spearwood from 'Public Purpose - Water Corporation' to 'Residential' as depicted on the Scheme Amendment Map';
2. Reclassify a portion of lot 117 Hamilton Road, Spearwood from 'Public Purpose - Water Corporation' to 'Local Reserve - Local Road' as depicted on the Scheme Map; and
3. Amending the Scheme map accordingly

**ADOPTION**

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 8<sup>th</sup> day of October 2015.

*Logan Hewlett*  
.....  
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 11<sup>th</sup> Day of Feb 2016, 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:

*Logan Hewlett*  
.....  
MAYOR

(Seal)



*[Signature]*  
.....  
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

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

DATE.....

Final Approval Granted by certified that this is a true copy of the Scheme/Amendment, final approval to which was endorsed by the Minister for Planning on 4/7/16.

.....  
MINISTER FOR PLANNING

Certified by *[Signature]*  
.....

DATE.....

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.

# Appendix 1

Town Planning Scheme No. 3 – Proposed Amendment



