



Western
Australian
Planning
Commission

CITY OF COCKBURN
DOC Set
22 DEC 2017
SUBJECT 109/125
RETENTION 124.2.3 A5
PROPERTY 330 9515
APP TPS 317/0004
ACTION TIFFANY VAN DER LINDE

Your ref: 109/125
Our ref: TPS/2103
Enquiries: Heather Brooks (6551 9436)

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. 125

I refer to your letter dated 14 November 2017 regarding Amendment No. 125.

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 Heather Brooks on 6551 9436 or schemes@planning.wa.gov.au.

Yours sincerely

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
18/12/2017

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 TOWN PLANNING SCHEME AMENDMENT

City of Cockburn

TOWN PLANNING SCHEME No. 3- AMENDMENT No. 125

Ref: TPS/2103

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 Town Planning Scheme amendment on 13 December 2017 for the purpose of:

1. Reclassifying Lot 8 (on Plan 3176) Rockingham Road, Spearwood from 'Public Purpose - Police Station' local scheme reservation to 'Residential' zone with an R40 density.
2. Amending the Scheme Map accordingly.

L HOWLETT JP
PRESIDENT/MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER



veris

City of Cockburn Town Planning Scheme No. 3

Amendment No. 125

*Reclassifying Lot 8 Rockingham Road, Spearwood from
'Public Purpose – Police Station' local scheme reservation to
'Residential' zone with an R40 density*

Date: April 2017 (Rev 1.0)

Veris Ref: 21466

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

CITY OF COCKBURN
TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 125

RESOLVED that the Council, in pursuance of Section 75 of the Planning & Development Act 2005, amend the City of Cockburn Town Planning Scheme No. 3 by:

1. Reclassifying Lot 8 (on Plan 3176) Rockingham Road, Spearwood from 'Public Purpose – Police Station' local scheme reservation to 'Residential' zone with an R40 density.
2. Amending the Scheme Map accordingly.

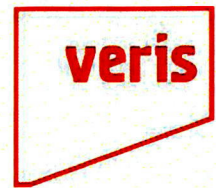
Dated this 13 day of July 2017



CHIEF EXECUTIVE OFFICER

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ADOPTION OF LOCAL SCHEME AMENDMENT
FINAL ADOPTION BY LOCAL AUTHORITY AND WAPC
SCHEME AMENDMENT MAP

Figures

- Figure 1 – Location Plan
- Figure 2 – Subject Site
- Figure 3 – Conceptual Development Sketch



1. Introduction

This report presents a proposal to initiate a Local Planning Scheme Amendment to the City of Cockburn Town Planning Scheme No. 3 (TPS 3). The proposal seeks to reclassify Lot 8 (on Plan 3176) Rockingham Road, Spearwood from 'Public Purpose – Police Station' local scheme reservation to 'Residential' zone with a density of (R40).

The report provides a description of the subject site, details of the proposal and town planning rationale for the amendment.

1.1. Location

Lot 8 (on Plan 3176) Rockingham Road, Spearwood ("the subject site") is bounded by Rockingham Road on its western side, Newton Street on its northern side and Pepys Court on its eastern side.

Figure 1 provides a location plan and **Figure 2** provides an aerial view of the subject site in the context of the surrounding locality.

1.2. Existing Use

The site was formerly used by the WA Police Department (Spearwood Branch) who occupied the (2) existing converted dwellings and outbuildings. There is an existing car park at the rear of the dwellings accessed from Newton Street. The site is enclosed by a metal fence along Pepys Court and low mesh fencing along the frontage of other streets. There are a few trees on the site with predominantly grass landscaping.

The site has been deemed by the WA State Government to be a redundant land asset. The WA State Government has no intentions to re-use the site for any other government purpose and has determined that the subject site in its entirety (as a single development site) should be disposed on the market for an appropriate sequential land use.

1.3. Description & Land Ownership

The area of the subject site is approximately 2,529m². Details of the land ownership are as follows:

Lot No.	Certificate of Title/Land Record	Ownership/Primary Interest Holder
8	Volume 590 Folio 34	State of Western Australia



1.4. Surrounding Land Uses

The site is in the established suburb of Spearwood which has a predominant low residential density. There are pockets of medium density (i.e. R40) scattered throughout the locality, in particular there is a strip of R40 along Rockingham Road to the north opposite the subject site.

To the west of the site is generally medium density housing surrounding the Market Garden Swamp No. 1 in Pennlake Drive and the urban structure plan area of Ocean Road Estate and Eliza Ponds. To the north of the subject land is predominantly medium density residential development at R30 – R40 codings, with a number of local parks, Phoenix Shopping Centre (approx. 2.5km to the north on Rockingham Road), Spearwood primary school and the City of Cockburn administration offices, civic and community buildings in relatively close proximity to the subject land.

1.5. Servicing

The subject site is connected to reticulated sewer, water and power and telecommunications. Any redevelopment for a higher intensified land use may require consultation with service providers, including provision for the necessary upgrades to existing infrastructure to support development.

1.6. Access

The site is accessible via Rockingham Road, Newton Street and Pepys Court all of which are constructed single carriageway local access roads. The proposed redevelopment of the site to density of R40 would not have an adverse impact on the existing surrounding local road network. The expected increase in traffic generation could be adequately accommodated by the local road network without any need for road upgrades.

1.7. Indigenous and European Heritage

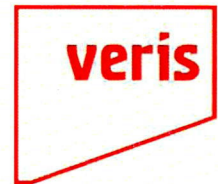
The site does not contain any matters of significant European and/or Indigenous heritage.

1.8. Site Contamination

The site is not registered as a contaminated site and there are no known or suspected contamination on the site.

1.9. High Voltage Power Lines

There are high voltage power transmission lines within Newton Street road reserve adjacent to the subject site. There is no registered easement on the subject site in relation to the power infrastructure that would impact on development.



2. Key Planning Framework

REGIONAL & SUB-REGIONAL PLANNING

2.1. Directions 2013 and Beyond

Directions 2031 establishes the vision for the future growth of the Perth and Peel regions. It provides a framework in which population growth is to be accommodated. Directions 2031 seeks a 50 per cent improvement on current infill residential development trends of 30 and 35 per cent; and, has set a target of 47 per cent or 154,000 of the required 328,000 dwellings as infill development. The proposed Scheme Amendment seeks to make more efficient use of the subject site as 'Residential R40' land in accordance with the vision for target densities set by Directions 2031 urban infill.

LOCAL PLANNING

2.2. City of Cockburn Town Planning Scheme No. 3

The subject site is currently reserved as 'Public Purposes – Police Station' local reservation under TPS 3. The proposed 'Residential' (R40) zone for the subject land will rationalise the redundant *public purpose reservation* and create a potential urban infill redevelopment site.

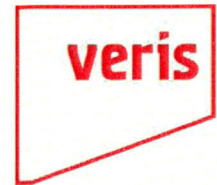
At present, the existing *public purpose reservation* limits any future redevelopment of the site to the land uses permissible under the *public purpose reservation*, being 'Police Station'. Given that the former State Government use of the site has been removed and will not continue, it is more appropriate to reclassify the site to 'Residential' zone.

2.3. City of Cockburn Local Planning Policy 1.11 'Residential Rezoning and Subdivision adjoining Midge Infested Lakes and Wetlands'

City of Cockburn Local Planning Policy 1.11 'Residential Rezoning and Subdivision adjoining Midge Infested Lakes and Wetlands', at Clause (2), requires notification on titles advising prospective purchasers living between 500m – 800m of a [specified] lake or wetland edge, of potential midge infestation. Notice of Notification, pursuant to Section 165 of the Planning and Development Act 2005 on titles of each new residential lot, is required to be included on the Deposited Plan and shall state the following:

This land may be affected by midge from nearby lakes and/or wetlands. Enquiries can be made with the City of Cockburn Environmental Services

Plate 1 shows the subject site as wholly located within the 500 metre midge buffer for Market Garden Swamp 1 (MGS 1). MGS 1 forms part of the Beeliar Regional Park and midge infestations are contained and managed through on-going monitoring and midge control measures by the City of Cockburn health and environmental services.



Mosquito and midge management and educational information to residents is provided by the City and Department of Health to assist residents in protecting persons and homes from mosquito and midge health risks.

In accordance with LPP 1.11, the requirement for notification on titles shall be enforced at the subdivision and/or development approval stage.

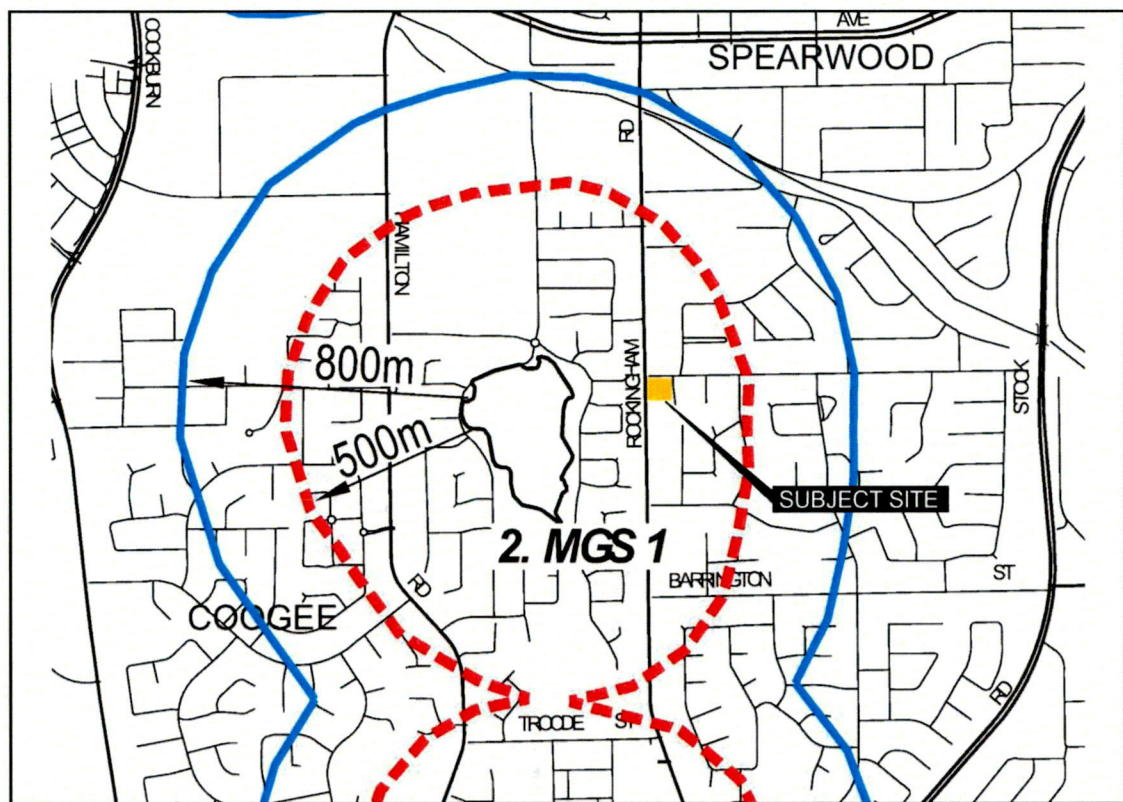
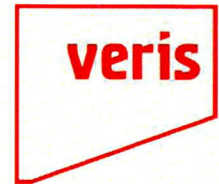


Plate 1. Extent of midge buffer from Market Garden Swamp – MGS1 (Source: City of Cockburn Policy LPP 1.11 - *modified*)



3. Amendment Rational

3.1. Planning Justification

The Residential (R40) zone is considered a logical sequential land use for the subject site. The existing dwellings on the site are now dated and could be demolished to allow for redevelopment and more efficient use of the urban zoned land.

The proposed Amendment would create opportunity for R40 redevelopment for up to (8) single dwellings if subdivided. **Figure 3** shows a conceptual development sketch for (8) single dwelling green title lots at a residential density code of R40.

The Amendment justification includes, but is not limited to:

- The subject site is strategically located as an urban infill development site and will provide a positive contribution in the context of existing and future planned urban development;
- In the predominantly low density single dwelling character of the locality, redevelopment of the site at R40 would provide increased opportunity for greater diversity of housing accommodation choice;
- The site is directly opposite R40 zoned land and is a corner site with good accessibility to three public streets, thus providing options for redevelopment.
- The site only adjoins (1) existing residential neighbouring duplex, therefore redevelopment at R40 density would have limited impact on existing residents.
- The site is relatively unconstrained and is suitable as R40 infill redevelopment site.
- Potential sequential land use for the site as 'Commercial' is not considered suitable due to proximity of Phoenix District Shopping Centre and Stargate Spearwood local centre. Residential use is the more logical redevelopment land use.
- Proximity to major employment centres including Phoenix District Shopping Centre and Bibra Lake Industrial Precinct.
- Proximity to a main public transport (bus) route being Rockingham Road (with bus stops directly opposite the site on Newton Street and Rockingham Road).
- The proposal is not considered an 'ad-hoc spot rezoning' as the site is currently a redundant State Government land asset with *public purpose (local reservation)* and no assigned residential density code. This Amendment is therefore not a 'rezoning' but a 'reclassification' and as part of the reclassification, a residential density code will need to be assigned. The site needs to be reclassified in order to rationalise the *public purpose (local reservation)* to the Residential zone.
- The rationalisation of the *public purpose (local reservation)* to the Residential zone with assigned R40 residential density code will provide greater certainty for the local community as to its future sequential redevelopment and for the market disposal of the site.



3.2. Amendment Type

As per Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, there are several amendment types: basic, standard and complex. These are defined under Part 5, Division 1, Regulation 34 of the Regulations.

Regulation 35(2) requires the local government to specify in their resolution to prepare or adopt an amendment what type of amendment it is, as well as the explanation for forming that opinion.

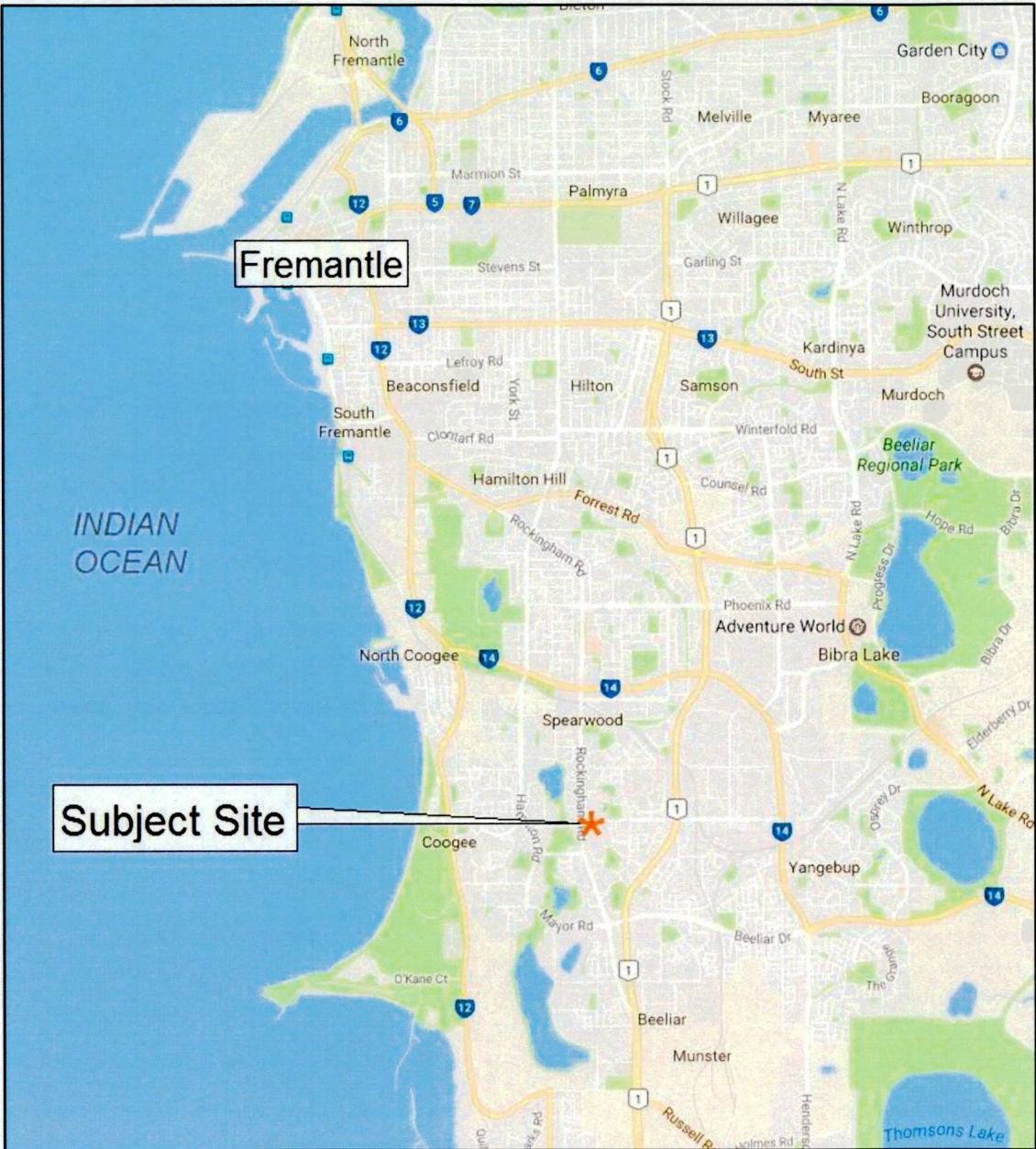
The proposed Amendment is considered a 'Standard Amendment' as the Amendment is consistent with the objectives of the surrounding 'Residential' zone and is also consistent with the City of Cockburn Local Planning Strategy. The Amendment is also consistent with the Metropolitan Region Scheme 'Urban' zone for the subject site and surrounding land.

The Amendment will have minimal impact on land in the scheme area and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Accordingly, under Clause 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Amendment is a 'Standard' Amendment.



Figures



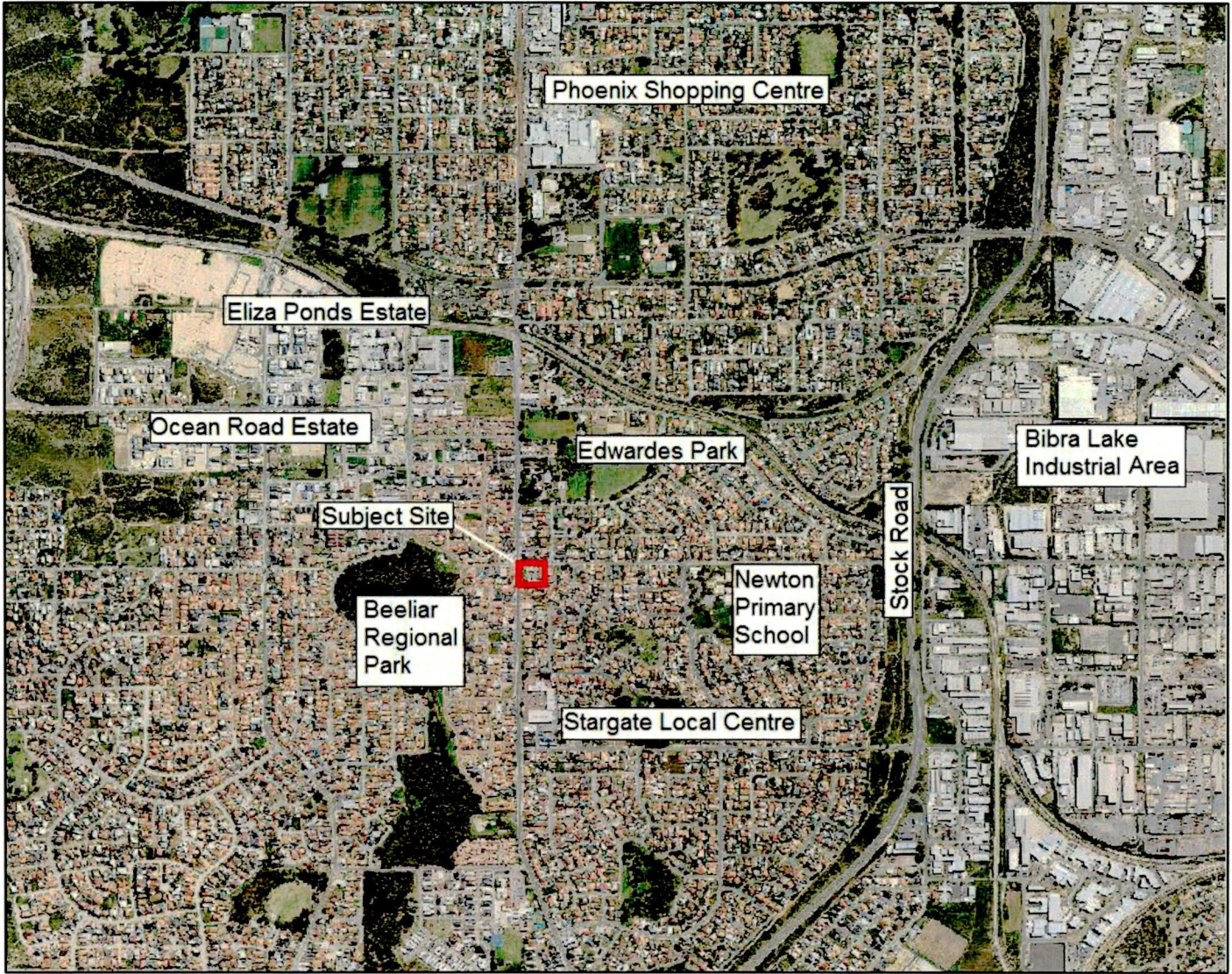
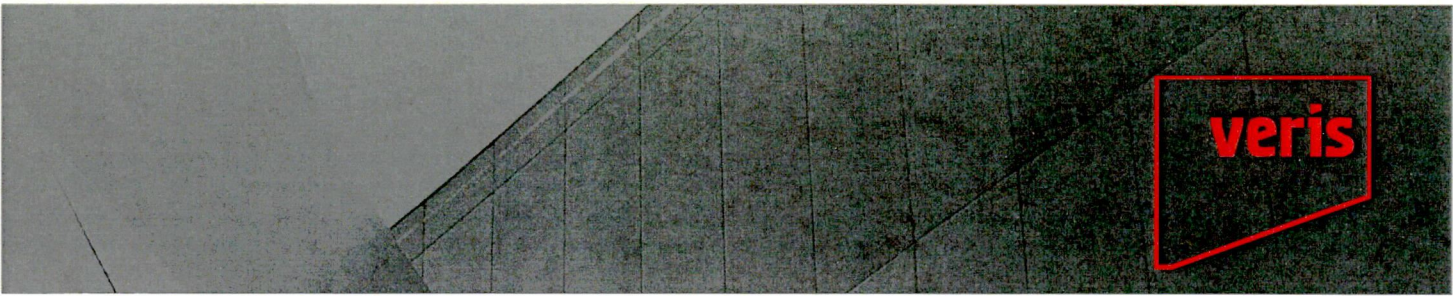
(Source: Google Maps, 2017 – modified)

FIGURE 1
LOCATION PLAN

Perth
Level 1, 4/40 Hasler Road
PO BOX 99
Mt Hawthorn WA 6915
Australia

T 08 9317 0600
F 08 9317 0611
mail@veris.com.au
veris.com.au

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(Source: Landgate, 2017 – modified)

FIGURE 2
SURROUNDING LOCALITY CONTEXT



Perth
Level 1, 4/40 Hasler Road
PO BOX 99
Mt Hawthorn WA 6915
Australia

T 08 9317 0600
F 08 9317 0611
mail@veris.com.au
veris.com.au

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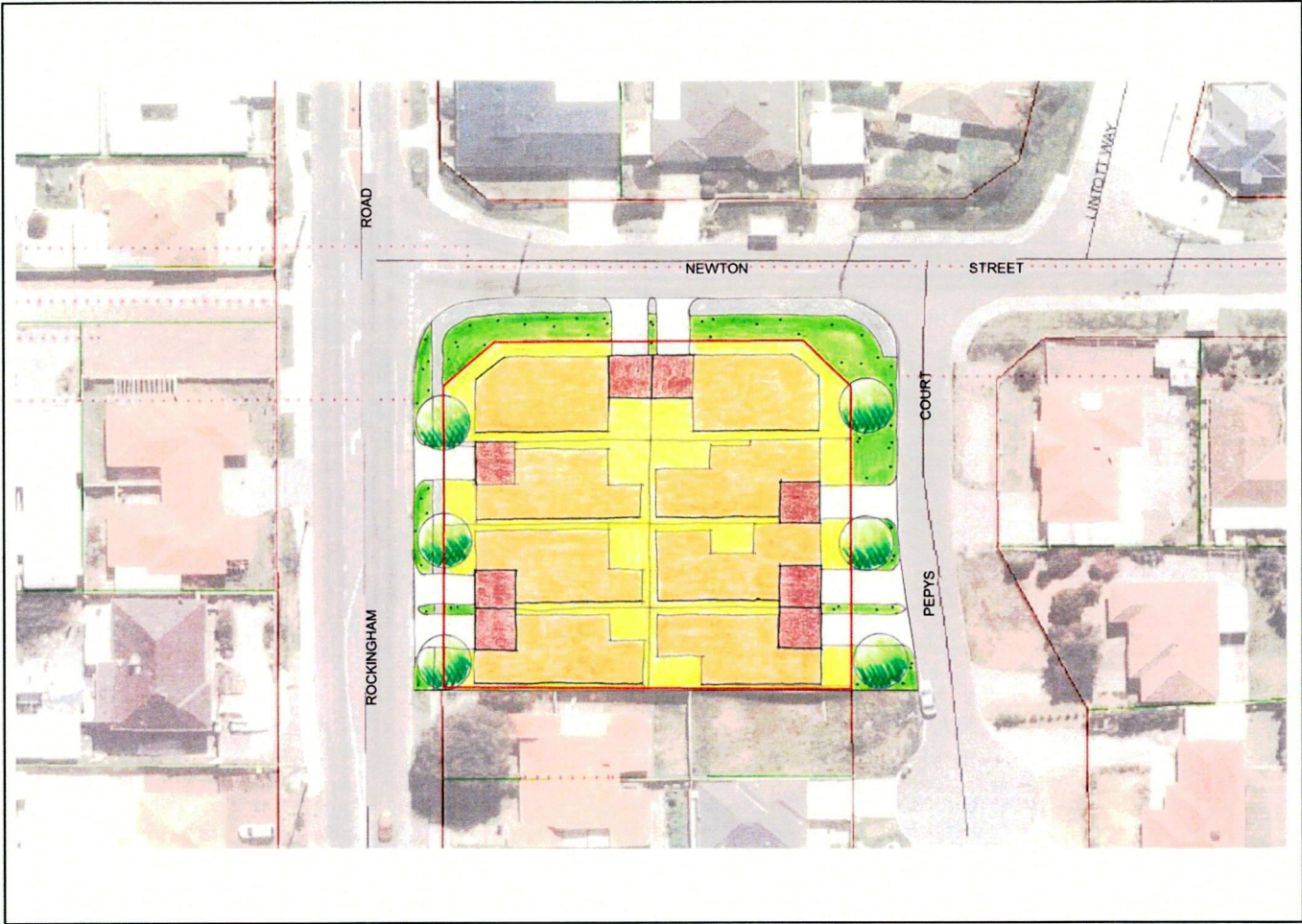
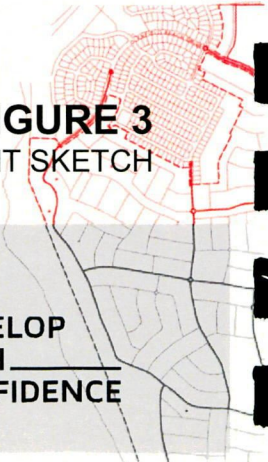


FIGURE 3
CONCEPT DEVELOPMENT SKETCH



Perth
Level 1, 4/40 Hasler Road
PO BOX 99
Mt Hawthorn WA 6915
Australia

T 08 9317 0600
F 08 9317 0611
mail@veris.com.au
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PLANNING & DEVELOPMENT ACT 2005

CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 125

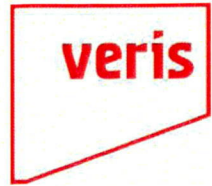
The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above town planning scheme by:

1. Reclassifying Lot 8 (on Plan 3176) Rockingham Road, Spearwood from 'Public Purpose – Police Station' local scheme reservation to 'Residential' zone with an R40 density.
2. Amending the Scheme Map accordingly.



It is hereby certified that this is a true and correct copy of the
substantive provisions of the Planning and Development Act 2005
as amended by the Municipal Planning and Development Act 2005.

.....
Clerk of the City of Cockburn
in witness whereof I have hereunto set my hand and the seal of the
City of Cockburn at Perth this 22nd day of December 2017.
Page 9
(Local Planning Scheme) Regulations 2015



ADOPTION

ADOPTED for advertising resolution of the City of Cockburn at the Ordinary Council Meeting held on 13
day of July 20 17.

Logan Howlett
Mayor

[Signature]
Chief Executive Officer

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Support for the submission to the Minister for Planning for approval by resolution of the City of Cockburn at the Ordinary Council Meeting held on the 9 day of November 20 17 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 Howlett
Mayor

[Signature]
Chief Executive Officer

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

Lee O'Donohue
Delegated under S.16
of the Planning and Development Act 2005

27 Nov 2017
Date

APPROVAL GRANTED

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 13/12/17.

Certified by [Signature]

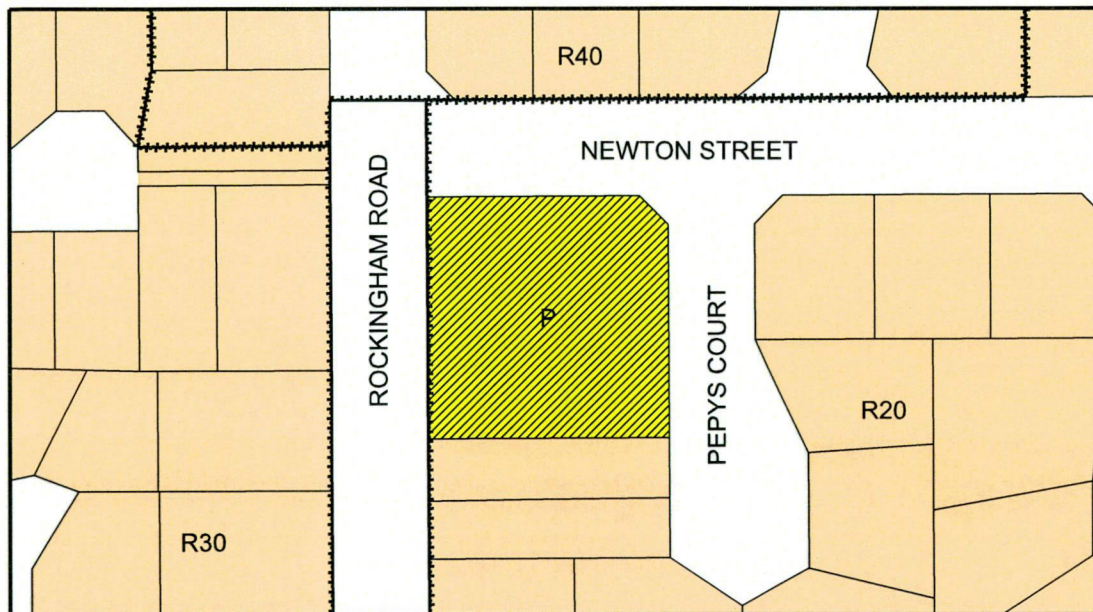
Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.

Minister for Planning
S.87 of the Planning and Development Act 2005

Date

CITY OF COCKBURN
TOWN PLANNING SCHEME No. 3

Amendment No.



LEGEND

LOCAL SCHEME RESERVES

- Public Purpose
- P** Police Station

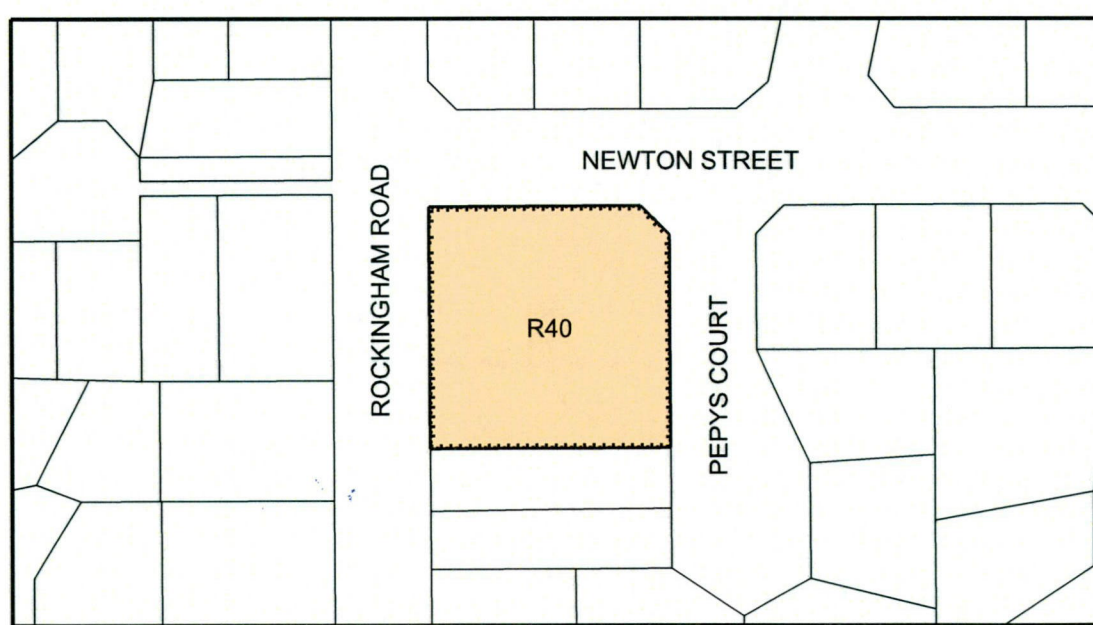
LOCAL SCHEME ZONES

- Residential

OTHER CATEGORIES

- R Codes

EXISTING ZONE



SCHEME (AMENDMENT) MAP

Scale 1: 1500