



Your ref: 109/136  
Our ref: TPS/2358  
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. 136**

I refer to your letter dated 17 January 2019 regarding Amendment No. 136.

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@planning.wa.gov.au.

Yours sincerely

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

7/02/2019

CITY OF COCKBURN
DOC Set
12 FEB 2019
SUBJECT 109/136
RETENTION 124.2.3 AS
PROPERTY
APP
ACTION LUCIA JUNSTAN
ABN 35 482 341 493

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

**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED TOWN PLANNING SCHEME AMENDMENT**

City of Cockburn

TOWN PLANNING SCHEME No. 3- AMENDMENT No. 136

Ref: TPS/2358

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 2 February 2019 for the purpose of:

1. Rezoning the various lots in Aubin Grove as depicted on the scheme amendment map from 'Development' zone to 'Residential' zone, and apply the residential density codes of R20, R30, R40 and R60 within the cadastre boundary to those lots only.
2. Re-classify Lot 8002 (R 48534), Lot 8009 (R49391), Lot 8003, Lot 8004 (R48999), Lot 8001 (R48999), Lot 8005 (R50494), Lot 8006 (R50600) from 'Development' zone to 'Parks and Recreation' reserve.
3. Reclassifying portions of the road reserve from the 'Development' zone to 'Local Road' reserves as depicted in the scheme map.
4. Amending the 'Development Area No. 11' boundary to exclude the land identified in points 1 to 3 above.
5. Amending the Scheme maps accordingly.

L HOWLETT  
MAYOR

S CAIN  
CHIEF EXECUTIVE OFFICER

**TOWN PLANNING SCHEME NO. 3**

**AMENDMENT NO. 136**

**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. 136**

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 various lots in Aubin Grove within 'Development Area 11 – Lyon Road (Development Zone)' from 'Development' zone to 'Residential R20', 'Residential R30', 'Residential R40' and 'Residential R60' as depicted in the Scheme Amendment Map.
2. Reclassifying various lots in Aubin Grove within 'Development Area 11 – Lyon Road (Development Zone)' from 'Development' zone to 'Parks and recreation' as depicted in the Scheme Amendment Map.
3. Deleting 'Development Area 11– Lyon Road (Development Zone)' from various lots in Aubin Grove as depicted in the Scheme Amendment Map.

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

- 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.*

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. 136
4. PROPOSAL: Rationalisation of approved Lots 3-6 Lyon Road Structure Plan, Lots 5-7, 25 & 26 Lyon Road Structure Plan and Lots 24 & 27 Lyon Road Structure Plan into Town Planning Scheme No. 3.

# AMENDMENT REPORT

## 1.0 Introduction

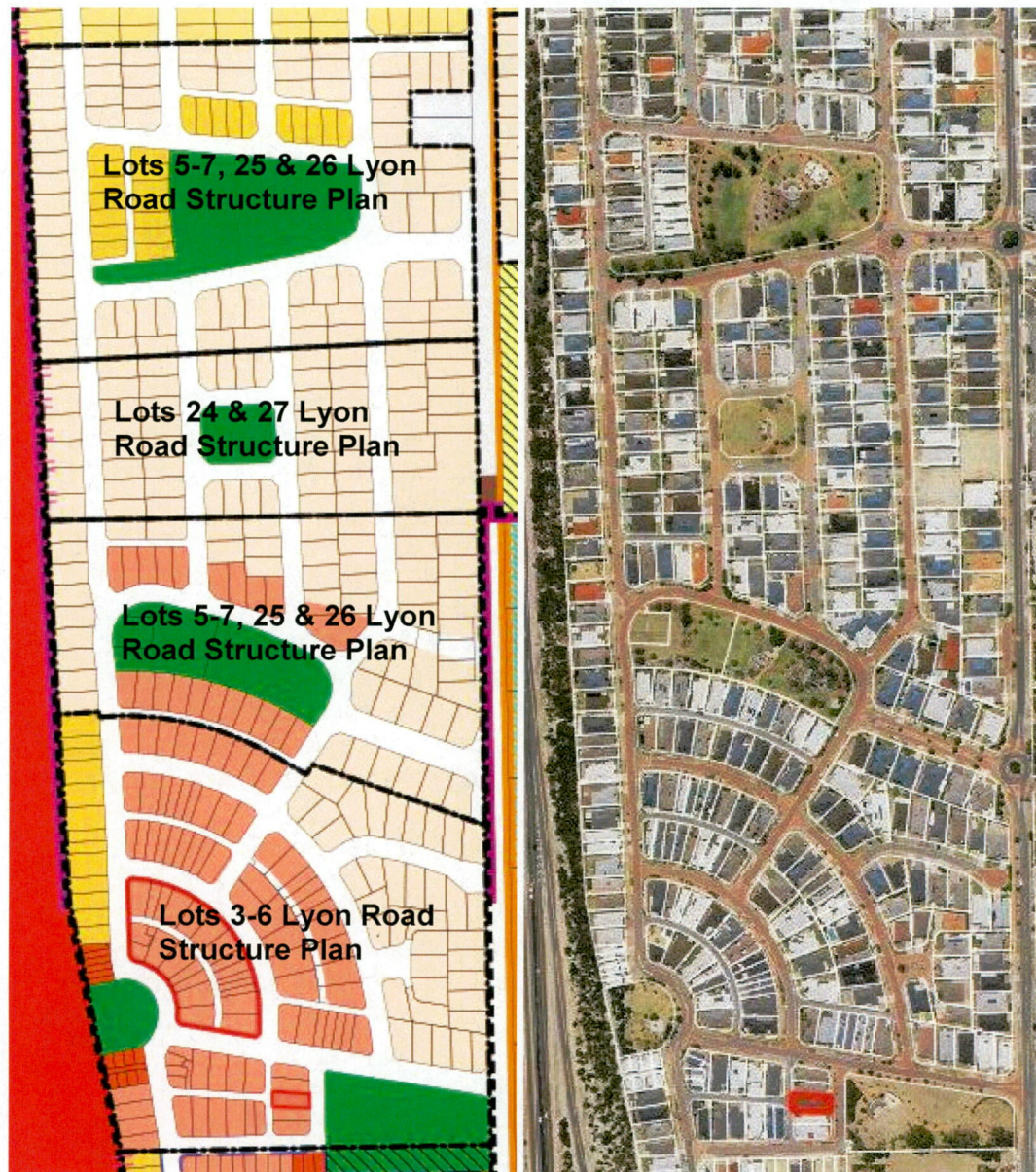
The purpose of this Amendment is to rationalise three Structure Plans within 'Development Area 11' ("DA 11") in Aubin Grove that have been fully implemented and developed, into the City of Cockburn Town Planning Scheme No. 3. This will remove an additional layer of planning added by the Structure Plans.

## 2.0 Background

The subject area is in Aubin Grove, generally bound by the Kwinana Freeway to the west, Latteri Turn to the south, Lyon Road to the east and further residential development to the north ("the subject area"). The three Structure Plans to be rationalised area as follows:

- *Lots 3-6 Lyon Road, Aubin Grove Structure Plan – Endorsed 01/06/2006 (and modified in 2009).*
- *Lots 5-7, 25 & 26 Lyon Road, Aubin Grove Structure Plan – Endorsed 01/12/2004.*
- *Lots 24 & 27 Lyon Road, Aubin Grove Structure Plan – Endorsed 21/08/2006.*

Copies of the Structure Plans are included at Appendix A, B and C.



**Endorsed Structure Plans and Aerial Photograph showing area fully subdivided and developed in accordance with the Structure Plans**

### **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 (g) of the above criteria:

- 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.*

## **4.0 Town Planning Context:**

### **4.1 Metropolitan Region Scheme**

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

### **4.2 City of Cockburn Town Planning Scheme No. 3**

The subject area 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.

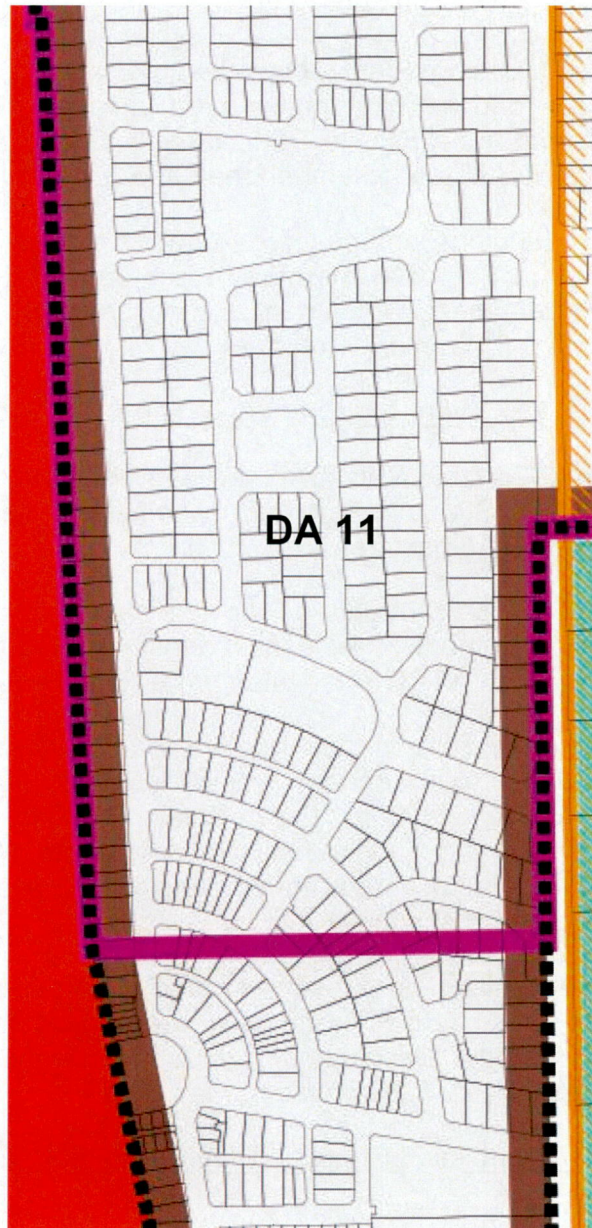
- (i) Development Zone*



*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. Given the Structure Plans were approved in accordance with these requirements and have now been implemented, these provisions serve no further purpose and are proposed to be deleted from the subject area.

The two Structure Plans primarily set out a 'Residential' land use designation over the subject area, with R-Codes also specified, as well as a Local Centre and several areas of land designated for parks and recreation and lakes and drainage reserve.



## 5.0 Proposal

The adopted Structure Plans have served their purpose in guiding subdivision and development of the area, and development in accordance with the Structure Plans has now occurred.

The proposed amendment will rezone and reclassify the subject area from 'Development' zone to the correlating zones and reserves identified on the Structure Plan maps shown in Appendix A, B and C. DA 11 provisions will also be deleted from the subject area.

There are a number of Local Development Plans adopted throughout the two Structure Plan areas which will continue to be operational in accordance with the Regulations.

### Lots 3-6 Lyon Road Structure Plan

The Lots 3-6 Structure Plan applies to approximately 10 hectares of land and sets out the local road network for the area, a range of low to medium residential density codings from R20 to R60, as well as two areas of public open space ("POS"). All POS has been embellished and ceded to the City.

All of these zonings and reserves directly correlate to zonings and reserves pursuant to the Scheme. Therefore it is proposed that all lots are rezoned and reclassified from the 'Development' zone accordingly, and that 'DA 11' be deleted from the Lots 3-6 Structure Plan area.

### Lots 5-7, 25 & 26 Lyon Road Structure Plan 01/12/2004

The Lots 5-7, 25 & 26 Structure Plan applies to two areas of land separated by the Lots 24 & 27 Structure Plan discussed below. The two areas amount to a total of approximately 15 hectares.

The Lots 5-7, 25 & 26 Structure Plan sets out the local road network for the area, a range of low to medium residential density coding from R20 to R40, as well as two areas of POS. All POS has been embellished and ceded to the City.

Subdivision of land within the Structure Plan area has in some locations slightly varied the local road reserve boundaries and residential coding boundaries identified in the Structure Plan. Given this land has been developed in accordance with the subdivision rather than the Structure Plan, the Scheme Amendment seeks to amend these zoning anomalies to be consistent with the boundaries created at subdivision.

All of these zonings and reserves directly correlate to zonings and reserves pursuant to the Scheme. Therefore it is proposed that all lots are rezoned and reclassified from the 'Development' zone accordingly, and that 'DA 11' be deleted from the Lots 5-7, 25 & 26 Structure Plan area.

### Lots 24 & 27 Lyon Road Structure Plan 21/08/2006

The Lots 24 & 27 Structure Plan applies to a 4.7 hectare parcel of land, and sets out the local road network for the area, residential development at an R20 coding, and a central area of POS. The POS has been embellished and ceded to the City.

One balance lot coded R20 within the Lots 24 & 27 Structure Plan (Lot 375 Lyon Road), being 3467m<sup>2</sup> in size, has not been included in this Scheme Amendment proposal but instead will be considered separately as Scheme Amendment No. 137 (standard amendment). This is due to this lot still having the potential to be subdivided and thus a standard amendment will allow the proposed rationalisation to be advertised to the landowner. For all other lots within the Structure Plan areas, there is no opportunity to further subdivide as all lots have been developed in accordance with the Structure Plan and thus there is no need to advertise.

All of these zonings and reserves directly correlate to zonings and reserves pursuant to the Scheme. Therefore it is proposed that all lots are rezoned and reclassified from the 'Development' zone accordingly, and that 'DA 11' be deleted from the Lots 24 & 27 Structure Plan area.

#### Development Area 11 (DA 11)

It is proposed that DA 11 be removed from the subject area as development has occurred in accordance with the provisions and thus the provisions no longer serve any purpose for these lots. The provisions of DA 11 will still apply to several other structure plan areas outside of the subject area and thus will not be deleted from Table 9 of the Scheme at this time.

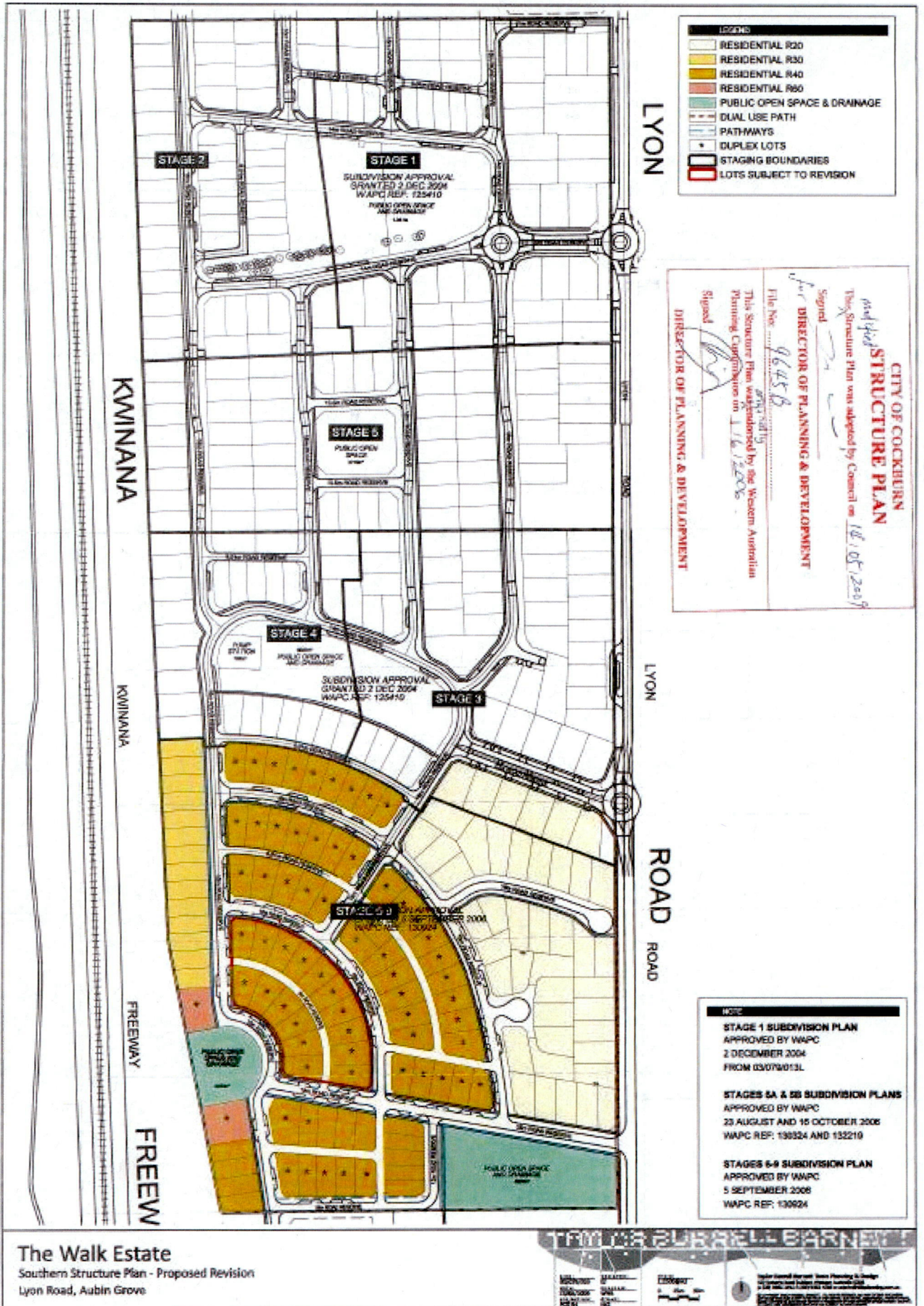
## **6.0 Conclusion**

It is proposed that the three Aubin Grove Structure Plans be rationalised into the Scheme as:

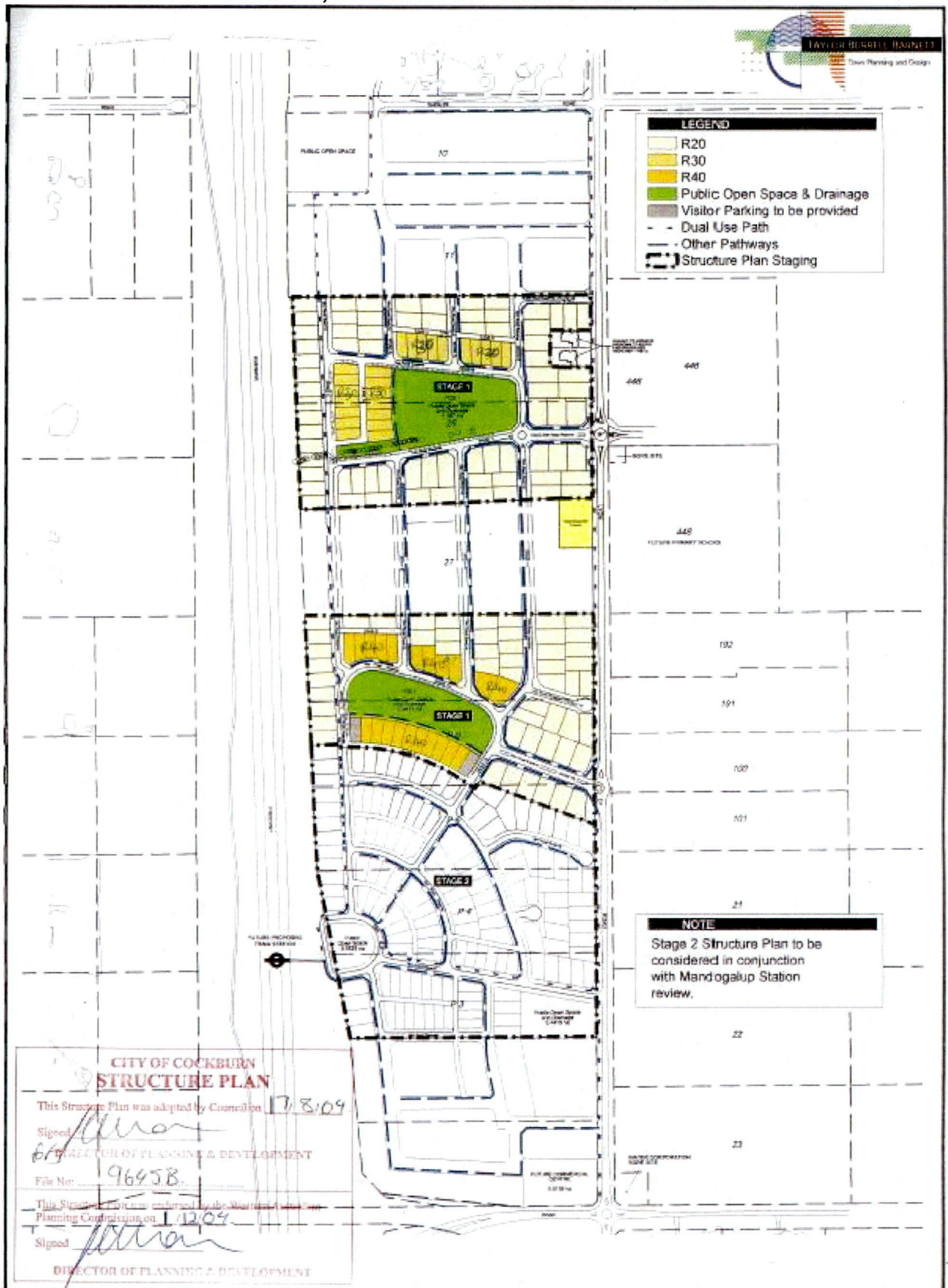
- All roads have been constructed and ceded to the City;
- POS has been embellished and ceded to the City;
- All lots shown on the endorsed Structure Plans have been created and developed (with the exception of Lot 375 Lyon Road, which will be dealt with separately as part of Scheme Amendment No. 137).

Including these zones and reserves in the Scheme will remove a layer of planning that is no longer required, and the zones and reserves 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.

# APPENDIX A – LOTS 3-6 LYON ROAD STRUCTURE PLAN



# APPENDIX B – LOTS 5-7, 25 & 26 LYON ROAD STRUCTURE PLAN



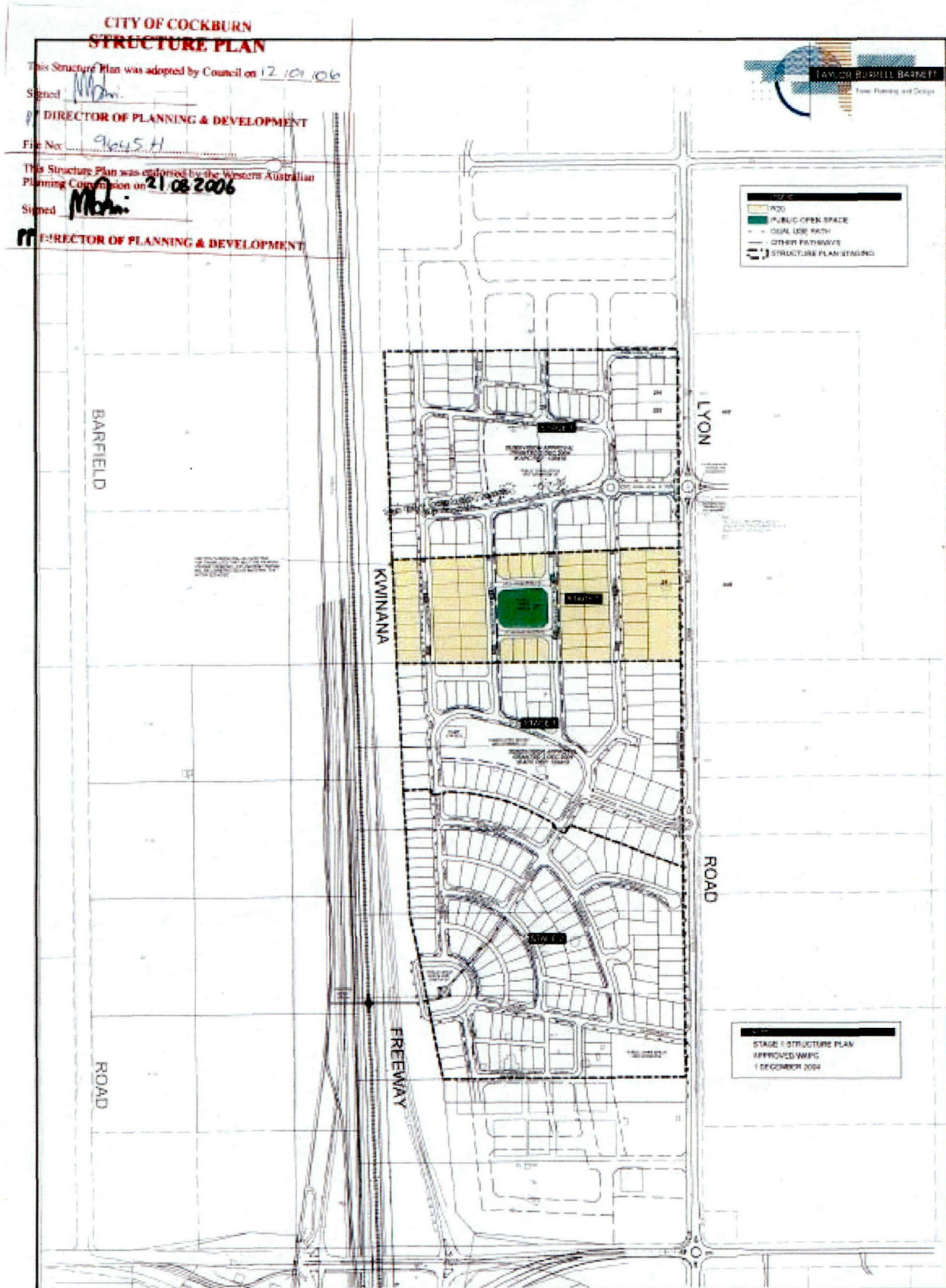
PROPOSED STRUCTURE PLAN



PROPOSED LOCAL STRUCTURE PLAN, LYON ROAD - BANJUP

Figure No

# APPENDIX C – LOTS 24 & 27 LYON ROAD STRUCTURE PLAN

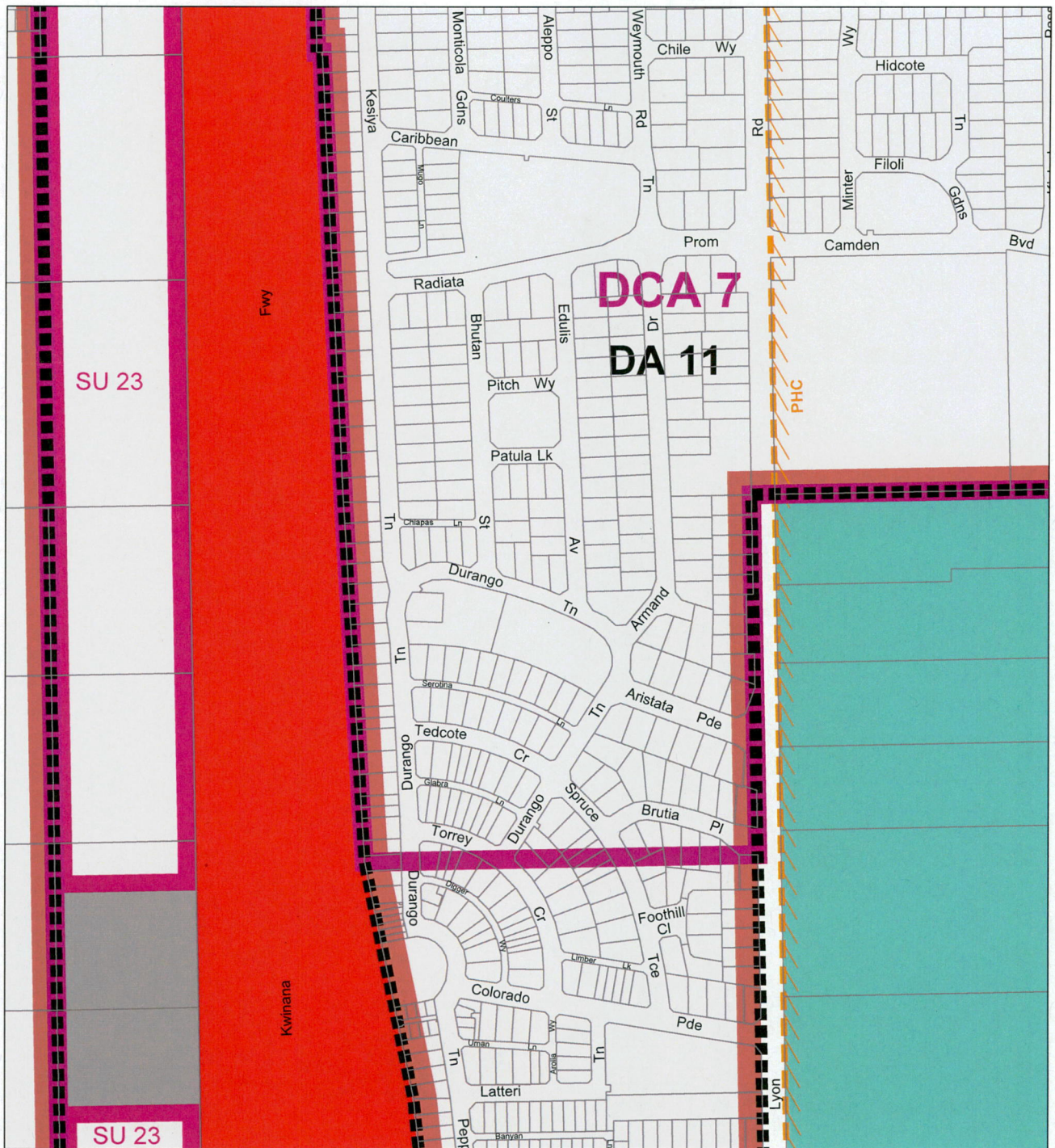


PROPOSED LOCAL STRUCTURE PLAN

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




Figure No

7





**GENERAL**

**SPECIAL CONTROL AREAS:**

-  Development Areas
-  Development Contribution Areas
-  Peel-Harvey Coastal Plain Catchment Area




**REGION RESERVES**

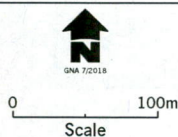
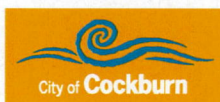
-  Railways
-  Primary Regional Roads

**LOCAL RESERVES**

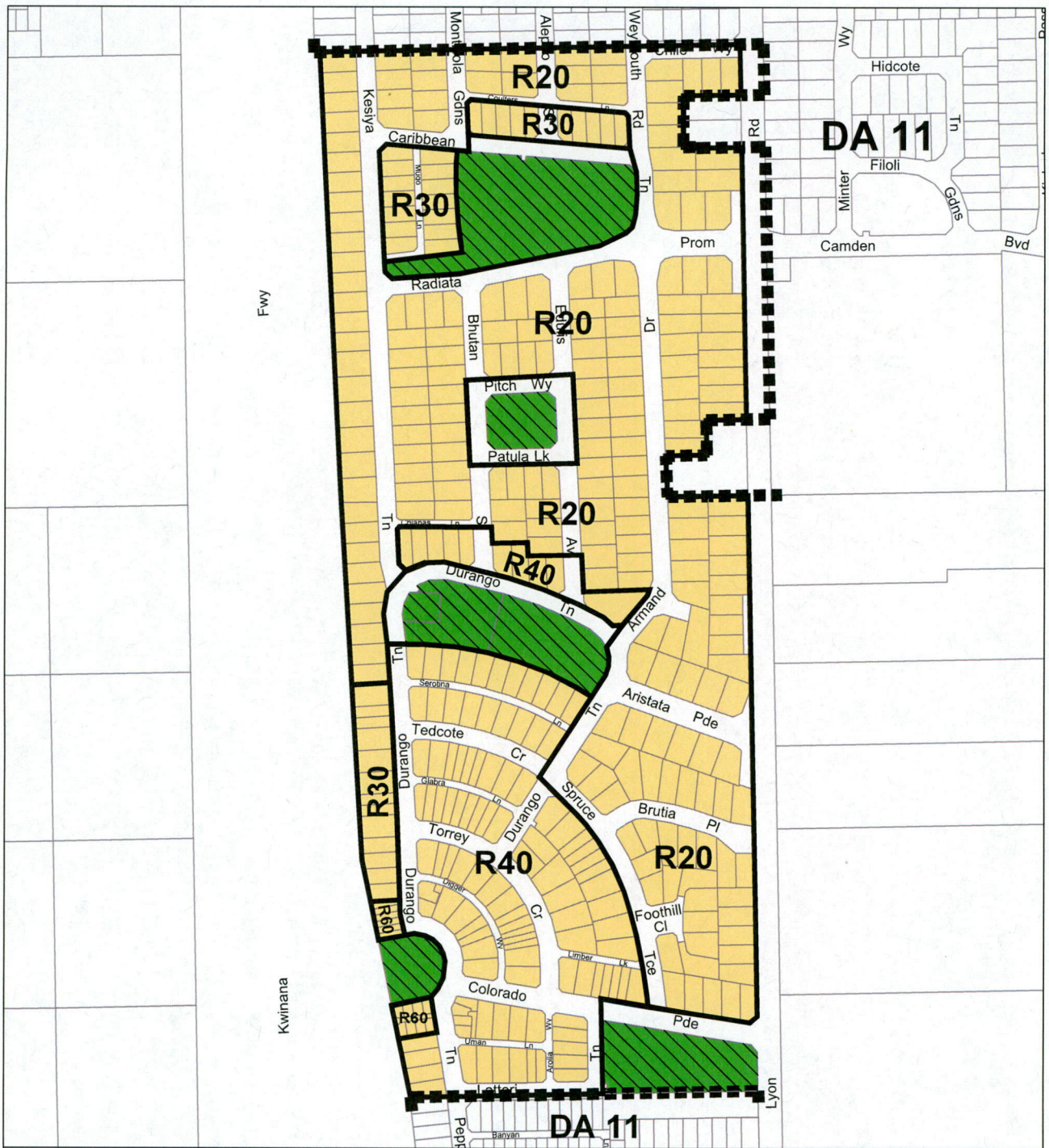
-  Local Road

**ZONES**

-  Development
-  Special Use
-  Resource



**Current Scheme Amendment Map**  
**Town Planning Scheme No.3**  
**Amendment No.136**



**GENERAL**

**R20** Residential Density Codes

SPECIAL CONTROL AREAS:

**DA 11** Development Areas

**REGION RESERVES**

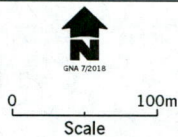
**LOCAL RESERVES**

Parks & Recreations

Local Road

**ZONES**

Residential



**Proposed Scheme Amendment Map**  
**Town Planning Scheme No.3**  
**Amendment No.136**



**PLANNING AND DEVELOPMENT ACT, 2005**

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME  
CITY OF COCKBURN**

**TOWN PLANNING SCHEME NO 3**

**AMENDMENT NO. 136**


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 the various lots in Aubin Grove as depicted on the scheme amendment map from 'Development' zone to 'Residential' zone, and apply the residential density codes of R20, R30, R40 and R60 within the cadastre boundary to those lots only.
2. Re-classify Lot 8002 (R 48534), Lot 8009 (R49391), Lot 8003, Lot 8004 (R48999), Lot 8001 (R48999), Lot 8005 (R50494), Lot 8006 (R50600) from 'Development' zone to 'Parks and Recreation' reserve.
3. Reclassifying portions of the road reserve from the 'Development' zone to 'Local Road' reserves as depicted in the scheme map.
4. Amending the 'Development Area No. 11' boundary to exclude the land identified in points 1 to 3 above.
5. Amending the Scheme maps accordingly.

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

- 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.*

Dated this 9 day of August 2018

  
\_\_\_\_\_  
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 9 day of August 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)



*Loyn Spewlett*

MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE *23 January 2019*

Final Approval Granted

MINISTER FOR PLANNING

DATE.....

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 *21/2/19*

Certified by *H. Brooks*

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.