



Your ref: 109/150
Our ref: TPS/2572
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

LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 150

I refer to your letter dated 16 March 2020 regarding Amendment No. 150.

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@dph.wa.gov.au.

Yours sincerely

Ms Sam Fagan
Secretary
Western Australian Planning Commission

19/05/2020

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|-------------------------|
| CITY OF COCKBURN |
| DOC Set |
| 21 MAY 2020 |
| SUBJECT 109/150 |
| RETENTION 124-2.3 A5 |
| PROPERTY |
| APP |
| ACTION KAYSANNE |
| 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



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ABN 35 482 341 493

KNUCKEY

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 150

Ref: TPS/2572

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 15 May 2020 for the purpose of:

- a) Zoning a portion of Lot 1512 Cockburn Road, Coogee from 'unzoned' to 'Development Zone' and the Development Area 32 boundary extended over it.
- b) Zoning portions of Lots 501 and 502 Kiesey Street, Coogee from 'unzoned' to the 'Residential Zone' and apply the R20 designation.
- c) Zoning a portion of Lot 9510 Barnong Lookout, Beeliar from 'unzoned' to 'Development Zone' and the Development Area 4 boundary extended over it.
- d) Zoning land alongside Lot 147 Hammond Road, Cockburn Central from 'unzoned' to 'Development Zone' and the Development Area 35 boundary extended over it.
- e) Noting the reservation of 'Reserve 49561' and adjacent section of unmade road reserve and removing the Development Area 13 designation.
- f) Modifying the Scheme maps accordingly.

L HOWLETT
MAYOR

S DOWNING
A/CHIEF EXECUTIVE OFFICER

City of Cockburn
Town Planning Scheme No. 3

Amendment No. 150

Rezoning various land parcels to bring the Scheme into consistency with the Metropolitan Region Scheme

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME**

*City of Cockburn Town Planning Scheme No. 3
Amendment No. 150*

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

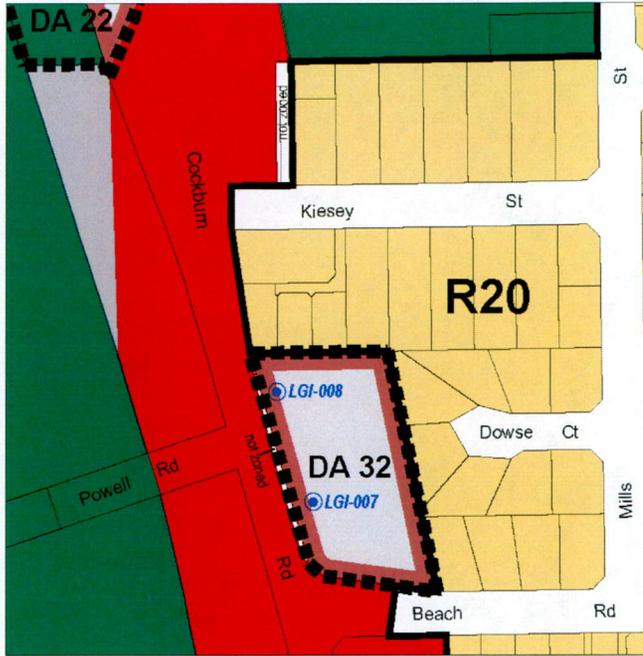
- a) Zoning a portion of Lot 1512 Cockburn Road, Coogee from “unzoned” to “Development Zone” and the Development Area 32 boundary extended over it.
- b) Zoning portions of Lots 501 and 502 Kiesey Street, Coogee from “unzoned” to the “Residential Zone” and apply the R20 designation.
- c) Zoning a portion of Lot 9510 Barnong Lookout, Beeliar from “unzoned” to “Development Zone” and the Development Area 4 boundary extended over it.
- d) Zoning land alongside Lot 147 Hammond Road, Cockburn Central from “unzoned” to “Development Zone” and the Development Area 35 boundary extended over it.
- e) Noting the reservation of “Reserve 49561” and adjacent section of unmade road reserve and removing the Development Area 13 designation.
- (f) Modifying the Scheme maps accordingly.

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

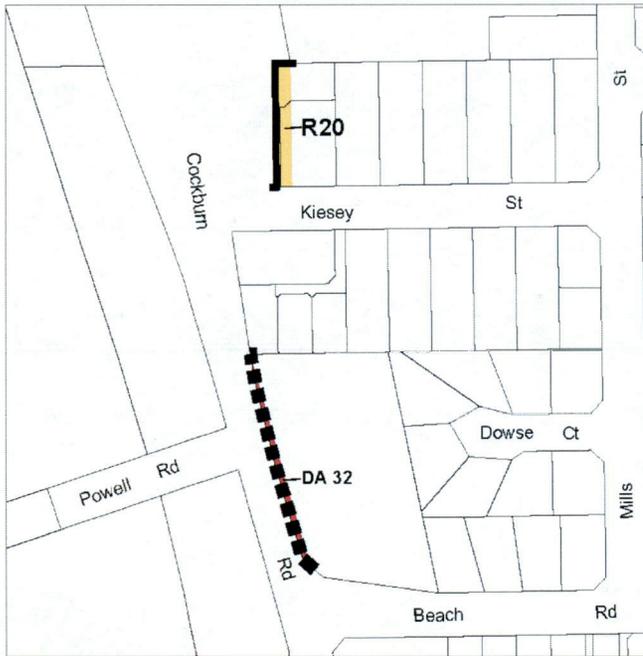
It is an amendment to the local planning scheme that is consistent with a region scheme and will have minimal effect on the scheme or landowners in the scheme area.

Dated this 12 day of December 2019


(A/Chief Executive Officer)



Current Scheme Map



Scheme Amendment Map

GENERAL

R20 Residential Density Codes

LGI-001 Heritage Place

SPECIAL CONTROL AREAS:

DA 1 Development Areas

REGION RESERVES

Parks & Recreation

Railways

Primary Regional Roads

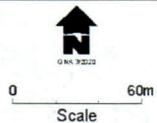
LOCAL RESERVES

Local Road

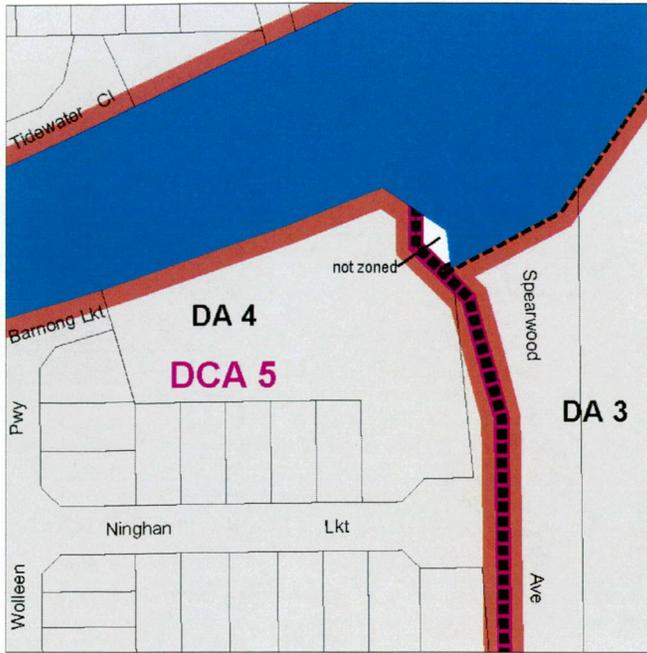
ZONES

Residential

Development



Amendment No.150
Town Planning Scheme No.3



Current Scheme Map

GENERAL
SPECIAL CONTROL AREAS:

-  Development Areas
-  Development Contribution Areas

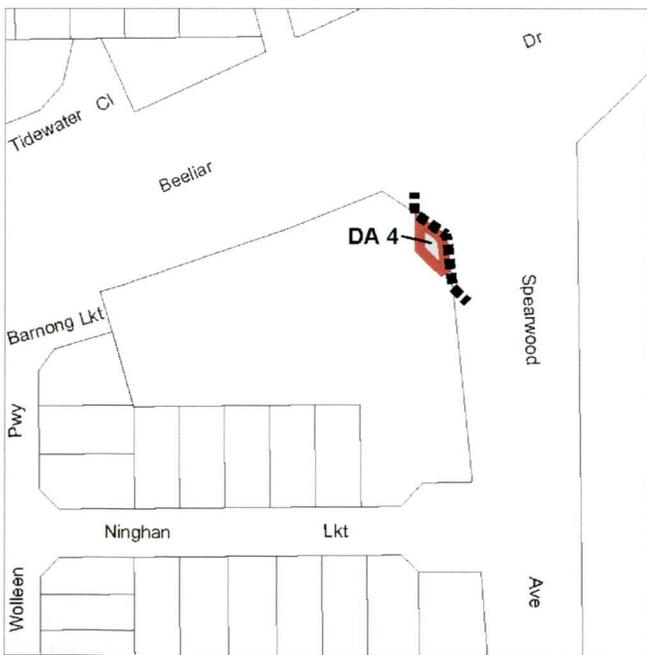
REGION RESERVES

-  Other Regional Roads

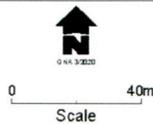
LOCAL RESERVES

ZONES

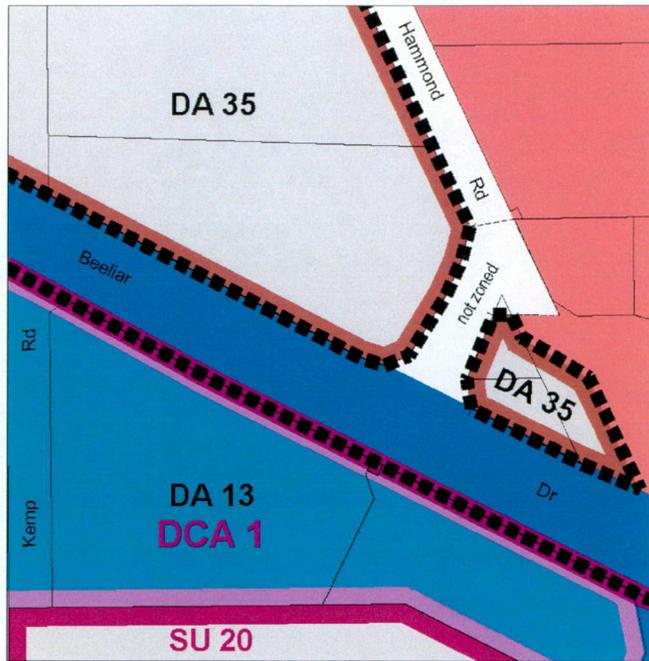
-  Development



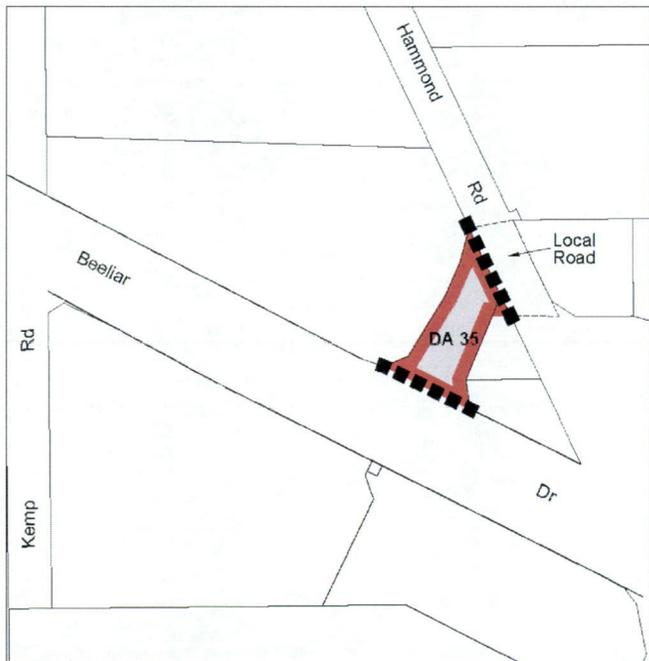
Scheme Amendment Map



Amendment No.150
Town Planning Scheme No.3



Current Scheme Map



Scheme Amendment Map

GENERAL SPECIAL CONTROL AREAS:

- DA 1 Development Areas
- DCA 1 Development Contribution Areas

REGION RESERVES

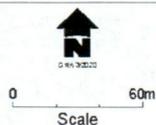
- Other Regional Roads

LOCAL RESERVES

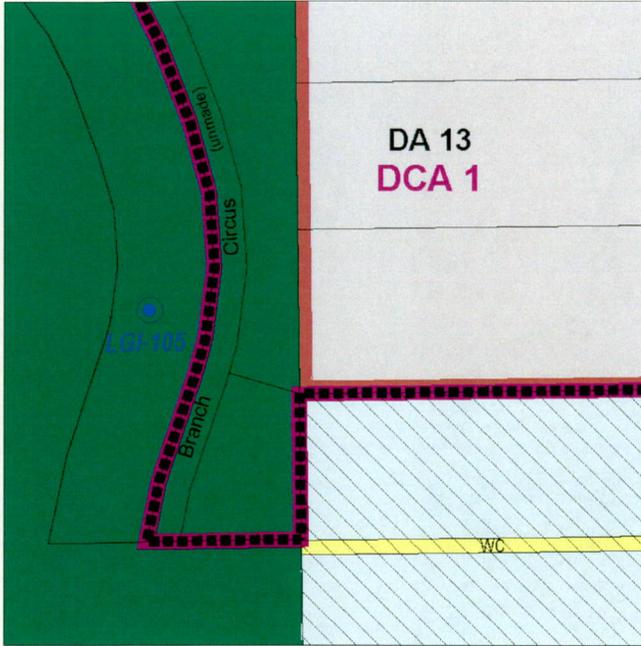
- Local Road

ZONES

- Mixed Business
- Light and Service Industry
- Development
- SU 1 Special Use



**Amendment No.150
Town Planning Scheme No.3**



Current Scheme Map

GENERAL

● LG-001 Heritage Place

SPECIAL CONTROL AREAS:

■ DA 1 Development Areas

■ DCA 1 Development Contribution Areas

REGION RESERVES

■ Parks & Recreation

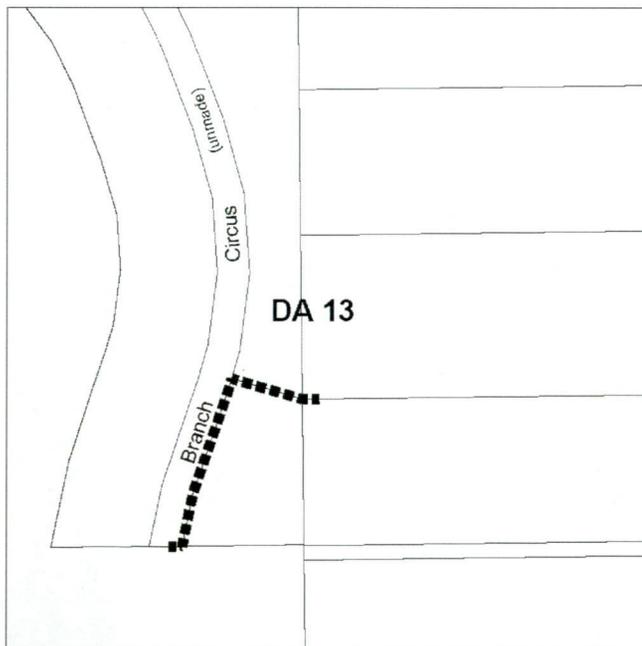
LOCAL RESERVES

■ Lakes & Drainage

■ Public Purposes
Denoted as follows:
WC - Water Corporation

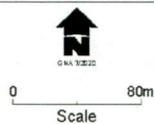
ZONES

■ Development



Scheme Amendment Map

Map 4 of 4



Amendment No.150
Town Planning Scheme No.3

1.0 INTRODUCTION

The purpose of this basic amendment is to amend the zoning, classification or designation at sites in the City of Cockburn Town Planning Scheme No. 3 (TPS No. 3) to ensure that it remains consistent with the Metropolitan Region Scheme.

The Hon. Minister for Planning approved MRS Amendment 1343/57 on 27 September 2019. The 'South-East and South-West Districts Omnibus 3' amendment included twenty-two (22) modifications throughout the document of which five (5) are in the City of Cockburn.

The MRS amendment requires the local planning scheme be modified to ensure that it remains consistent with the MRS. This is set out in Section 124 of the *Planning and Development Act 2005*.

2.0 BACKGROUND

The five (5) subject sites of the amendment are described below:

Proposal 1

Former Lot 500 is no longer required as part of Cockburn Road and therefore the road reservation for "Primary Regional Roads" was transferred to "Urban" in MRS Amendment 1343/57. Under TPS No. 3 the subject land is currently not zoned.

The subject land has been amalgamated with Lot 1512 Cockburn Road, Coogee. Lot 1512 contains the Old Coogee Hotel and Coogee Post Office buildings, which are listed in the Local Government Heritage Inventory and State Heritage Register. The lot is currently owned by a private landowner.

Proposal 2

Lots 501 and 502 Kiesey Street, Coogee include a portion of land that was reserved "Primary Regional Roads" under the MRS, as part of Cockburn Road. The subject land is no longer required as a road reserve and was therefore transferred to "Urban" in MRS Amendment 1343/57. Under TPS No. 3 the subject land is currently not zoned.

Lot 501 is currently vacant and Lot 502 contains an existing dwelling. The lots are owned by private landowners.

Proposal 3

Lot 9510 Barnong Lookout, Beeliar contains a portion of land previously reserved as "Other Regional Roads" under the MRS. The subject area is no longer required as a road reserve and was therefore transferred to "Urban" in MRS Amendment 1343/57. Under TPS No. 3 the subject land is currently not zoned.

The lot balance contains residential grouped dwellings and is owned by a private landowner.

Proposal 4

Land adjoining Lot 147 Hammond Road, Cockburn Central as well as a portion of Lot 147 was previously reserved as "Other Regional Roads" under the MRS. This subject land is no longer

required as road reserve and was therefore transferred to "Urban" in MRS Amendment 1343/57. Under TPS No. 3 the subject land is currently not zoned.

A portion of the subject land has been developed as local road; the remaining portions are vacant. The subject land is owned by the State of WA.

Proposal 5

Reserve 49561 and an adjacent section of unmade road reserve was previously zoned "Urban Deferred" under the MRS and was transferred to "Parks and Recreation" reserve in MRS Amendment 1343/57. Previously the subject land was zoned "Development Zone" under TPS No. 3.

Currently, Reserve 49561 is designated in "Development Area 13" (DA13) and "Development Contribution Area 1" (DCA1). A wetland buffer (Conservation category) also extends over the subject land.

It is part of Beeliar Regional Park and vested in the Conservation Commission of Western Australia.

3.0 LOCAL PLANNING CONTEXT

3.1 Metropolitan Region Scheme

The five (5) subject sites of this proposed amendment include four (4) that are currently zoned "Urban" under the MRS:

Lot 1512 Cockburn Road, Coogee;

Lots 501 and 502 Kiesey Street, North Coogee;

Lot 9510 Barnong Lookout, Beeliar; and

Lot 147 Hammond Road, Cockburn Central.

In addition one (1) site is classified as "Parks and Recreation" reserve and has a Bush Forever designation under the MRS: Reserve 49561.

3.2 City of Cockburn Town Planning Scheme No. 3

The five (5) subject sites of this amendment include four (4) that are currently not zoned or classified under the Scheme:

Lot 1512 Cockburn Road, Coogee;

Lots 501 and 502 Kiesey Street, North Coogee;

Lot 9510 Barnong Lookout, Beeliar; and

Lot 147 Hammond Road, Cockburn Central.

In addition one (1) site is classified as "Parks and Recreation": Reserve 49561.

Reserve 49561 is currently designated in the TPS No. 3 Scheme Map in both "Development Area 13" (DA13) and "Development Contribution Area 1" (DCA1). In addition it is partially in a wetland buffer (Conservation category) as described in Part 4.16 of TPS No. 3.

Development Area 13

Under TPS No. 3, provisions regarding the approval of structure plans apply to land in the "Development Zone":

"Clause 3.2.1 The objectives of the zones are - ...

Development Zone

To provide for future residential, industrial or commercial development to be guided by a comprehensive Structure Plan prepared under the Scheme."

In addition, 'Part 5 – Special Control Areas' at '5.1 Operation of Special Control Areas' provides:

5.1.1 The following Special Control Areas are shown on the Scheme Map –

a) Development Areas shown on the Scheme Map as DA with a number and included in Table 9...

5.2 Development Areas

5.2.1 Table 9 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

Accordingly 'Table 9 – Development Areas' of TPS No. 3 describes various development areas including DA13:

| | | |
|-------|--|---|
| DA 13 | HAMMOND ROAD (DEVELOPMENT ZONE) AMD 6 GG 13/6/06 | 1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions. 2. To provide for Residential development. |
|-------|--|---|

Development Contribution Area 1

Under TPS No. 3 provisions regarding Development Contribution Areas (DCAs) are described at Part 5.3.

In addition, 'Part 5 – Special Control Areas' at '5.1 Operation of Special Control Areas' provides:

5.1.1 The following Special Control Areas are shown on the Scheme Map - ...

b) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Table 10...

5.3.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Table 10 as part of this scheme.

Accordingly 'Table 10 – Development Contribution Plans' of TPS No. 3 describes various development areas including DCA1:

| | |
|---------------------------------|---|
| Ref No: | DCA 1 |
| Area: | Success North |
| Provisions: | <p>All landowners within DCA 1 shall make a proportional contribution to the widening and upgrading of Hammond Road between Beelihar Drive and Bartram Road, Success.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 5.3 and contained on the Development Contribution Plan.</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> • Land reserved for Hammond Road under the Metropolitan Region Scheme; • Full earthworks; • Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided; • Dual use path (one side only); • Pedestrian crossings (where appropriate at the discretion of the local government); • Drainage; • Costs to administer cost sharing arrangements - preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs; • Servicing infrastructure relocation where necessary. |
| Participants and Contributions: | In accordance with the Cost Contribution Schedule adopted by the local government for DCA 1. |

4.0 PROPOSAL

Proposal 1 - Coogee

Following the gazettal of MRS Amendment 1343/57 a portion of Lot 1512 is currently not zoned under TPS No. 3. To achieve consistency with the current balance of the lot it is proposed to zone this portion of Lot 1512 as "Development Zone", and therefore align the existing zoning with the cadastral boundary.

Clause 3.2.1 (i) of TPS No. 3 sets out the objective for the "Development Zone":

To provide for future residential, industrial or commercial development to be guided by a comprehensive Structure Plan prepared under the Scheme.

In addition, the Scheme Map shows 'DA32' immediately adjoining the subject land, as described in "Table 9 - Area - Cockburn Road". It is proposed that a simple realignment of the Scheme Map be made to include this portion of the lot within the DA32 boundary.

Proposal 2 – North Coogee

Following the gazettal of MRS Amendment 1343/57, portions of Lots 501 and 502 Kiesey Street are currently not zoned under TPS No. 3. To achieve consistency with the current balance of the lots, it is proposed that these portions be zoned "Residential" under TPS No. 3.

Clause 3.2.1 (a) of TPS No. 3 sets out the objective for the "Residential Zone":

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

It is noted that the scheme map designates a density coding of R20 over the subject lots. It is proposed that this designation also be similarly applied through a simple realignment.

Proposal 3 - Beeliar

Following the gazettal of MRS Amendment 1343/57 a portion of Lot 9510 Barnong Lookout is currently not zoned under TPS No. 3. To achieve consistency with the balance of the lot it is proposed to zone this portion of land as "Development Zone".

In addition, the Scheme Map shows 'DA4' immediately adjoining the subject land, as described in "Table 9 - Area – Yangebup". It is proposed to update the Scheme Map to include this new portion of the lot.

It is noted that this portion of land adjoins 'Development Contribution Area 5' (DCA5) however it is not proposed to change the boundary of DCA5 to include the subject land. This is primarily as developer contributions have previously been paid over the entire Lot 9510. No purpose regarding contributions would be achieved by a modification.

Proposal 4 – Cockburn Central

Following the gazettal of MRS Amendment 1343/57 a portion of 147 Hammond Road is currently not zoned under TPS No. 3. To achieve consistency with the surrounding land, it is proposed to zone part of this subject land as "Development Zone" and classify the remaining portion as "Local Road" under TPS No. 3.

The site is located between two distinct portions of land that are both in 'Development Area 35' (DA35) of the Scheme Map, as described in "Table 9 - Area – Hammond Road North". Accordingly, over the proposed "Development Zone", it is proposed to realign the designation of DA35.

Proposal 5 - Beeliar

Following the gazettal of MRS Amendment 1343/57, Reserve 49561 has been classified as "Parks and Recreation" reserve under the MRS and TPS No. 3.

The revision from "Development Zone" to "Parks and Recreation" reserve by virtue of Clause 126 (1) of the *Planning and Development Act 2005* does not in itself require further action from the local government. However the subject land is also designated in the TPS No. 3 Scheme Map in both "Development Area 13" (DA13) and "Development Contribution Area 1" (DCA1).

As the subject site is no longer in "Development Zone" the TPS No. 3 provisions regarding structure plans no longer apply. Thus it is proposed that a simple mapping change be made to exclude the subject site from the DA13 designation.

Regarding the DCA1 designation in the Scheme Map, it is considered that a revision to the boundary to exclude this site is not required. Reserve 49561 has been and still remains exempt from development contribution obligations.

Regarding 'DCA1' it is considered that a revision to the boundary to exclude this site is not required. The former Reserve 49561 has been and remains exempt from development contribution obligations, as it is covered by a wetland buffer (Conservation category). In addition the unmade road reserve portion of the site remains exempt from a development contribution requirement (land excluded from this is set out in Clause 5.3.9 of the Scheme).

5.0 CONCLUSION

The proposed amendment will bring TPS No. 3 into consistency with the Metropolitan Region Scheme.

This Basic Amendment was adopted and is recommended for approval by resolution of the Council of the City of Cockburn at the Ordinary Council Meeting of the Council held on the 12th day of December, 2019 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

[Signature]

A/CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

DELEGATED UNDER S.16 OF THE P&D ACT 2005

DATE 30 APRIL 2020

APPROVAL GRANTED

MINISTER FOR PLANNING

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 15/5/2020

DATE

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.