



O 8 MAR 2024

SUBJECT
109/164

RETENTION
12M, 2. & SA Our ref: TPS/3103
PROPERTY Enquiries: Local Planning Schemes

APP

ACTION
Gayle
O'Leary

Chief Executive Officer City of Cockburn PO Box 1215 BIBRA LAKE WA 6965

Transmission via electronic mail to: stratplanning@cockburn.wa.gov.au

Dear Sir/Madam

### **TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 164**

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 6012. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to localplanningschemes@dplh.wa.gov.au.

Yours sincerely

San Bouche.

Ms Sam Boucher Secretary Western Australian Planning Commission

28/02/2024

### PLANNING AND DEVELOPMENT ACT 2005

### APPROVED TOWN PLANNING SCHEME AMENDMENT City of Cockburn

### TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 164

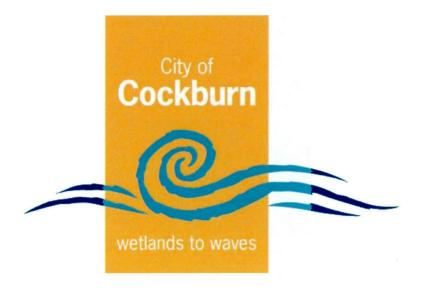
Ref: TPS/3103

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 26 February 2024 for the purpose of:

- 1. Rezoning various lots within 'Development Area 8' and 'Development Area 9' from 'Development' to 'Residential (R20)', Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Residential (R80)', 'Local Centre', 'Mixed Use' and 'Mixed Business' as depicted on the Scheme Amendment Map.
- 2. Reclassifying land within 'Development Area 8' and 'Development Area 9' from the 'Development' zone to a local reserve for 'Parks and Recreation', 'Lakes and Drainage', 'Public Purpose (Primary School)' and 'Local Road' as depicted on the Scheme Amendment Map.
- 3. Reducing the extent of the 'Development Area 8' and 'Development Area 9' special control area boundaries, as depicted on the Scheme Amendment Map.

L HOWLETT MAYOR

D SIMMS CHIEF EXECUTIVE OFFICER



# Town Planning Scheme No.3 Amendment No 164 (Basic)

Rationalisation of various Structure Plans

Development Areas 8 and 9 (Success & Hammond Park)

**NOVEMBER 2023** 

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

# City of Cockburn Town Planning Scheme No.3 Amendment No.164

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 various lots within 'Development Area 8' and 'Development Area 9' from 'Development' to 'Residential (R20)', 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Residential (R80)', 'Local Centre', 'Mixed Use' and 'Mixed Business' as depicted on the Scheme Amendment Map.
- 2. Reclassifying land within 'Development Area 8' and 'Development Area 9' from the 'Development' zone to a local reserve for 'Parks and Recreation', 'Lakes and Drainage', 'Public Purpose (Primary School)' and 'Local Road' as depicted on the Scheme Amendment Map.
- 3. Reducing the extent of the 'Development Area 8' and 'Development Area 9' special control area boundaries, 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.

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):

Structure Plan #	Address	Endorsement Date	WAPC Reference
8A	Magnolia Garden – Phase 1, Success	18/06/2002	SPN/0819
8B	Magnolia Garden - Phase 2 & 3, Success	23/12/2016	SPN/0819
8C	Lot 458 Russell Road, Success	19/01/2002 21/07/2005 (mods)	801/2/23/0014P 2V
8F	Lots 21 Hammond Road, Success	23/08/2005	801/2/23/0040P
8G	Pt Lot 458 Baler Court, Hammond Park	13/02/2014	801/2/23/0014P 13V
8J	Lot 7000 Hammond Road, Success	11/02/2011	Not Available
8K	Lot 742 Hammond Road, Success	14/02/2013	801/2/23/0028P

9C	Lot 203 and Pt Lot 11 Barfield Road, Hammond Park	15/04/2003	Not Available
9D	Lot 10 Barfield Road, Hammond Park	30/10/2006	801/2/23/0041P
9E	Pt Lots 22 and 203 Baler Court, Banjup	20/04/2004	Not Available
9G	Lot 9 Barfield Road, Hammond Park	08/04/2008	801/2/23/0046P
9H	Lots 80, 81 Gaebler Road, Hammond Park	09/05/2007	801/2/23/0049P

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

Structure Plan #	Address	Endorsement Date	WAPC Reference
8D	Pt Lots 458 & 501 Hammond Road, Success	30/04/2004	801/2/23/0020P
9A	Lot 202 Gaebler Road, Hammond Park	02/02/2006	801/2/23/0015P
9B	Lot 412 Gaebler Road, Hammond Road	24/07/2015	801/2/23/0014P 4V

Upon the amendment taking effect 'partial' revocation of the above approved structure plans is to occur. The balance of these structure plans form the subject of a separate Scheme Amendment.

Dated this ...... day of ... Nevenber. 20.23.

CHIEF EXECUTIVE OFFICER

### AMENDMENT REPORT

### 1.0 INTRODUCTION

With exception to small portions that have been superseded by separate proposals, Structure Plan No.'s 8A, B, C, D, F, G, I, J, K and 9 A, B, C, D, E, G, H 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 19 October 2025.

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

### 2.0 BACKGROUND

Development Area 8 and 9 (DA8 and DA9) were initially created when District Zoning Scheme No.2 (DZS2) was first gazetted in February 1992 and were carried through to TPS3 when it was first gazetted in December 2002.

The current extent of DA8 is the result of Amendment No.135 (SA135) to TPS3. Gazetted on 8 January 2019, SA135 rationalised Structure Plan 8E (Lot 1 Hammond Road, Success) and Structure Plan 8H (Lots 4 -11,14, 42 & 500 Hammond Road, Success) on the western side of Hammond Road, between Willerin Loop / Davesia Park to the North, and Mosman Loop / Waterbuttons Park to the South.

The current extent of DA9 is the result of Amendment No.28 (SA28) to TPS3. Gazetted on 16 December 2014, SA28 excised the portion of DA9 south of Gaebler Road and put it within a new area (DA26) to better enable implementation of the Stage 3 (Hammond Park/Wattleup) Southern Suburbs District Structure Plan.

DA 8 currently includes 10 endorsed structure plans as per the table below:

Structure Plan #	Address	Endorsement Date	Amendment Type Required	
8A	Magnolia Garden – Phase 1	18/06/2002	Basic	
8B	Magnolia Garden - Phase 2 & 3	23/12/2016	Basic	
8C*	Lot 458 Russell Road, Success	19/01/2002 21/07/2005 (mods)	Basic	
8D	Pt Lots 458 & 501 Hammond Road 30/04/2004		Basic/ Standard	
8F	Lots 21 Hammond Road, Success	23/08/2005	Basic	
8G*	Pt Lot 458 Baler Court, Hammond Park	13/02/2014	Basic	
8J	Lot 7000 Hammond Road, Success	11/02/2011	Basic	
8K	Lot 742 Hammond Road, Success	14/02/2013	3 Basic	

8L Lot 559 Wentworth Parade, Success 11/04/2017 Not being rationalised

8M Lot 558 Lauderdale Drive, Success 07/09/2017 Not being rationalised

DA 9 currently includes seven endorsed structure plans as per the table below:

Structure Plan #	Address	Endorsement Date	Amendment Type Required
9A*	Lot 202 Gaebler Road, Hammond Park	02/02/2006	Basic / Standard
9B	Lot 412 Gaebler Road, Hammond Road	24/07/2015	Basic/ Standard
9C	Lot 203 and Pt Lot 11 Barfield Road, Hammond Park	15/04/2003	Basic
9D	Lot 10 Barfield Road, Hammond Park	30/10/2006	Basic
9E	Pt Lots 22 and 203 Baler Court, Banjup	20/04/2004	Basic
9G	Lot 9 Barfield Road, Hammond Park	08/04/2008	Basic
9H	Lots 80, 81 Gaebler Road, Hammond Park	09/05/2007	Basic

\*NB. The extent of Structure Plans 8C, 8G and 9A matched the parent lot boundaries at the time they were prepared and are partially located within both Development Areas (refer Figure 1 below).

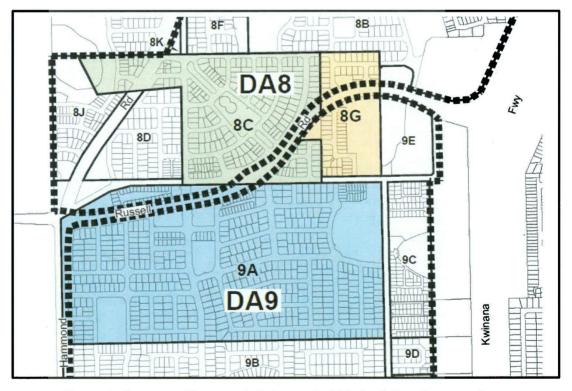


Figure 1 - Structure Plans partially located within both Development Areas

The extent of DA 8 and 9 (thick black dotted line), this scheme amendment proposal (red solid line), and the relevant Structure Plans are depicted on **Figures 2 and 3**:

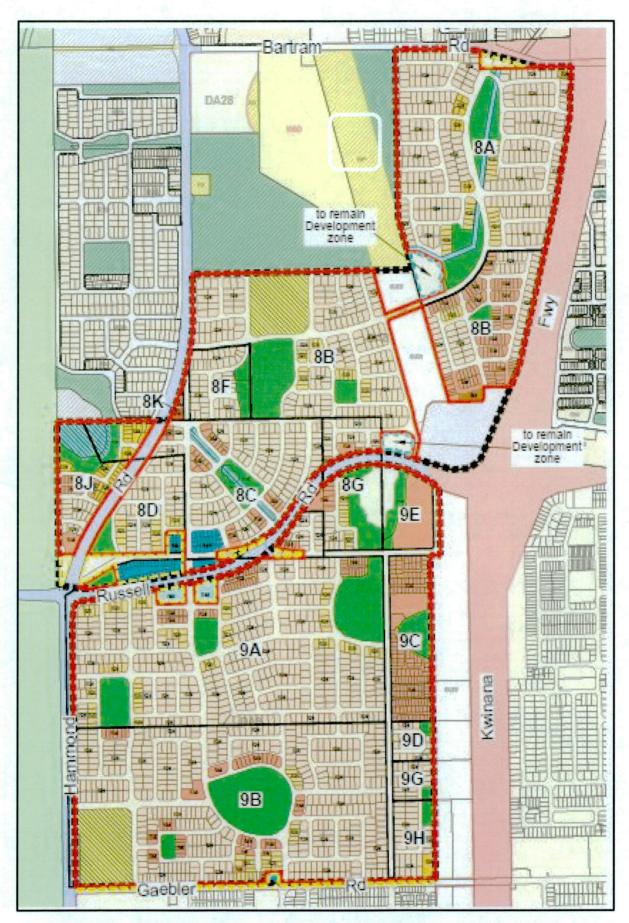


Figure 2 - DA8 & DA9, Amendment Extent and Current endorsed Structure Plans



Figure 3 – Aerial Photograph showing extent of completed Subdivision and Development

Portions of Structure Plans 8D, 9A and 9B (outlined in yellow on **Figures 2 and 3** at the intersections of Charnley Bend and Brushfoot Boulevard, and Russell Road and Macquarie Boulevard), form the subject of a separate complimentary 'standard' Scheme Amendment (#165).

Structure Plans 8L and 8M (outlined in blue on **Figures 2 and 3**), are undeveloped and are expected to form the subject of new or amended Structure Plan proposals. 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.

### 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:
- 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 part (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.

### 4.0 TOWN PLANNING CONTEXT

### 4.1 State Planning Framework

The entirety of DA 8 and DA 9 is identified in the *South Metropolitan Peel Sub-Regional Planning Framework* and zoned 'Urban' under the Metropolitan Region Scheme.

### 4.2 City of Cockburn Local Planning Framework

Under TPS3, the area is zoned 'Development' and identified on the Scheme Map and in Table 9 of the Scheme Text as Development Areas 8 and 9.

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 then be applied to defined Development Areas, to inform the subsequent structure planning and subdivision processes. For DA 8 it includes the following:

	TABLE 9 - DEVELOPMENT AREAS			
REF. NO.	AREA	PROVISIONS		
DA 8	SUCCESS LAKES (DEVELOPMENT ZONE)	<ol> <li>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.</li> </ol>		
		<ol> <li>To provide for Residential development.</li> <li>The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> </ol>		
		No subdivision or development of incompatible use will be supported within the generic buffer area associated with		

the poultry on Lot 19 Hammond Road and the piggery on Pt Lot 15 Lyon Road until the use of the land ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer areas are to be shown on the Structure Plan. 5. No residential development will be supported within the midge buffer area or Water Corporation treatment plant buffer area. 6. Development of Shops (retail uses) within the Development Area shall be a maximum of 1,000m2 NLA for the local centre associated with the railway precinct and 200m2 NLA maximum in other centres. 7. As and when required, the local government shall initiate procedures to close portion of the existing Russell Road upon construction of the deviation of Russell Road in accordance with the Metropolitan Region Scheme and shall recommend to the Department of Planning Lands and Heritage that the land be amalgamated with the adjoining Lot 202 and transferred free of cost to that landowner.

### For DA9 it includes the following:

	TABLE 9 - DEVELOPMENT AREAS			
REF. NO.	AREA	PROVISIONS		
DA 9	GAEBLER ROAD (DEVELOPMENT ZONE)	<ol> <li>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.</li> </ol>		
		To provide for Residential development.		
		3. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.		
		4. No subdivision or development of incompatible use will be supported within the generic buffer area associated with the kennels on Pt Lot 11 Barfield Road or the piggery on Pt Lot 15 Lyon Road until the use of the ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer requirements associated with the market gardens on Lot 37 Gaebler Road to be determined in consultation with the local government and Department of Environmental Protection. Buffer areas are to be shown on the Structure Plan.		
	93	5. Development of Shops (retail uses) within the		

- Development Area shall be a maximum of 5,000m2 NLA within the neighbourhood centre immediately south of Russell Road and 200m2 NLA maximum in other centres.
- 6. Those uses which may be permitted within the Mixed Business R40/R60 and commercial R60 Zone as set out in Table 1 – Zoning Table, and the adopted Frankland Springs Neighbourhood Centre Plan are to be developed in accordance with the following Design Requirements.

### a. Building Location

(i) Development fronting Russell Road (other than car based development), Macquarie Boulevard and Yarra Promenade (other than residential development) is required to have a nil setback to the street front, or is to be paved and landscaped to achieve visual integration and pedestrian permeability between the building frontage and street, to provide a "main street" character to the centre

### b. Building Form

- (i) Buildings shall be generally contiguous, other than for pedestrian access points, alfresco dining areas and vehicular access and parking. All buildings within the centre plan area should exhibit a high degree of architectural integrity and avoid the traditional "big box" supermarket style.
- (ii) The floor plan of all buildings within the Centre (other than the residential development) shall be sufficiently robust to allow land use change to occur over time.
- (iii) Development on street corners should contain strong architectural landmark elements to reinforce the corner. In particular, development on the corners of the Russell Road intersection should provide an 'entry statement' to the Centre.
- (iv) Residential development is required to address the public streets to provide streetscape amenity and casual surveillance to the street.
- (v) Where possible, development should be two storeys in height, or where single storey, the facade should be constructed to an equivalent second storey height.
- (vi) All buildings should have pitched roofs of at least 25 degrees.

### c. Materials:

 Materials may comprise a combination of masonry, render and tiles or custom orb sheeting. Façade should be designed to provide

for varying textures and articulation to clearly define separate tenancies and reinforce a finegrained character for the Centre.

### d. Building Frontage:

- (i) The facades of development along Russell Road, Macquarie Boulevard, Hammond Road and Yarra Promenade shall comprise an aggregate of at least 40% of the facade area below the eave line as clear windows to provide a visual connection between uses inside the building and activity on the street.
- (ii) Windows shall not be obscured by more than 25% to ensure surveillance to streets and carparks for security purposes, and to minimise adverse impacts on streetscape.

### e. Pedestrian Access/Amenity:

- (i) Primary access to all tenancies shall be provided from the street, with secondary access permissible from the rear of the development, to encourage activity along the main street, and vibrancy within the centre.
- (ii) All development shall have awnings or verandahs along public streets to provide shelter and comfort for pedestrians and encourage us of the public realm.

### f. Vehicle Access:

(i) Vehicle accesses shall be restricted to those indicated on the final adopted Centre Plan

### 5.0 PROPOSAL

Subdivision and development of substantive portions of DA8 and all of DA9 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 DA8 and DA9 and transfer the structure plan identified zonings and reservations for the land into the Scheme, ahead of the structure plans expiring on 19 October 2025.

### **Development Areas:**

### **Development Area 8**

As there remain portions of DA8 yet to be subdivided or developed, and may form the subject of future structure proposals, deletion of DA8 and its special provisions are not proposed at this time, rather just a reduction to the extent of the DA8 special control area boundary to reflect the outcome of this proposal. However, some of the provisions may be deleted as part of Scheme Amendment #165.

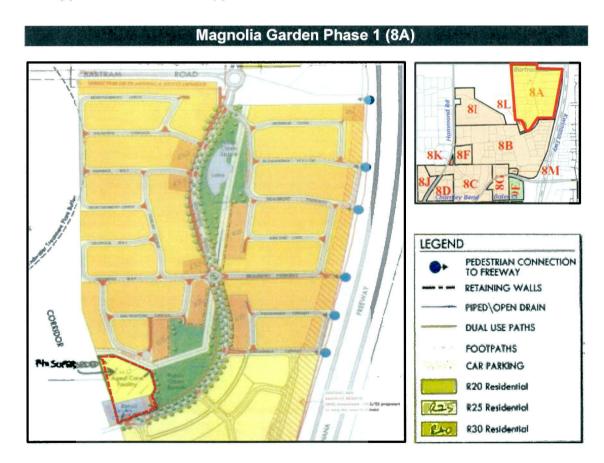
### Development Area 9

Deletion of DA9 and its special provisions are not proposed at this time, rather just a reduction to the extent of the DA9 special control area boundary to reflect the outcome of this proposal. It is anticipated that DA9 will be completely deleted as part of Scheme Amendment #165.

### Local Structure Plans (LSP):

Details on each Structure Plan (including the LSP map, an aerial of the area, and a location map) are provided in this section to demonstrate the reasoning for rationalisation.

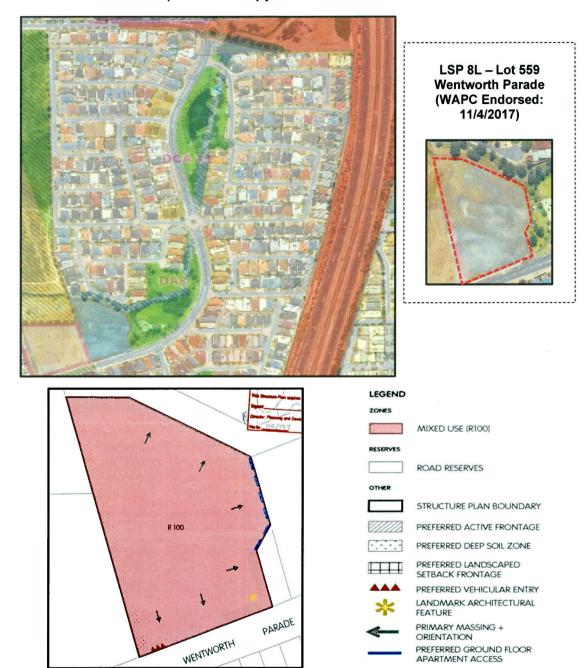
Unless otherwise stated, all the approved Structure Plan designations directly correlate to zonings and reserves pursuant to the Scheme. All the public roads have been constructed, and all other public reserves embellished to the required standard and transferred into either public or utility operator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



Located on the north-eastern corner of DA8, this Structure Plan identifies a comprehensive local road and public open space (POS) network, servicing primarily low residential density (R20) housing.

Pockets of R25 (low) and R30 (medium) density housing are in located in high amenity locations that have a direct relationship to POS.

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



Located in the southwest corner, Lot 559 (#332) Wentworth Parade forms the subject of a separate, more recent Structure Plan (8L).

Despite being endorsed in April 2017, development of this site for Mixed Use (R100) purposes has not occurred, with the landowner recently approaching the City regarding modification (or preparation of a new LSP) to subdivide and develop the land for low-to-medium density single residential housing.

Retention of LSP 8L and the 'Development' zoning of the land will facilitate consideration of such a proposal.

### Magnolia Garden Phases 2 & 3 (8B)









PUBLIC PURPOSES

PS PRIMARY SCHOOL
WP WESTERN POWER
CP GAR PARK



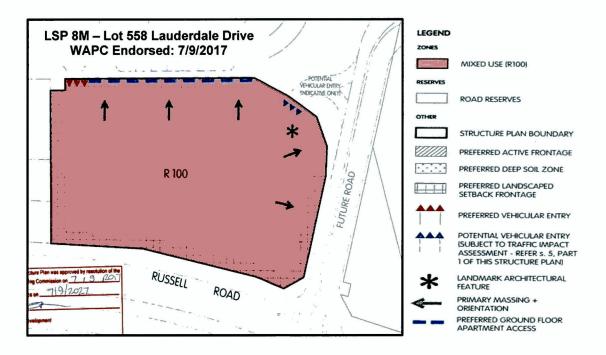


Centrally located within DA8, this Structure Plan identifies a comprehensive local road and public open space (POS) network, primarily servicing single residential housing located either side of a 'Special Use' zoned high-voltage electricity transmission line corridor, that runs through the middle and breaks the structure plan into two distinctly different precincts.

The western precinct primarily contains low residential density (R20) housing, with pockets of (R25) arranged around Success Primary School (located on the corner of Wentworth Parade and Meridian Street), and Boronia and Milkwort Parks.

Housing within the eastern precinct primarily involves expansive medium (R40) density housing, with a small pocket of high (R80) density apartments located along the northern edge of the Aubin Grove Train Station car park.

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

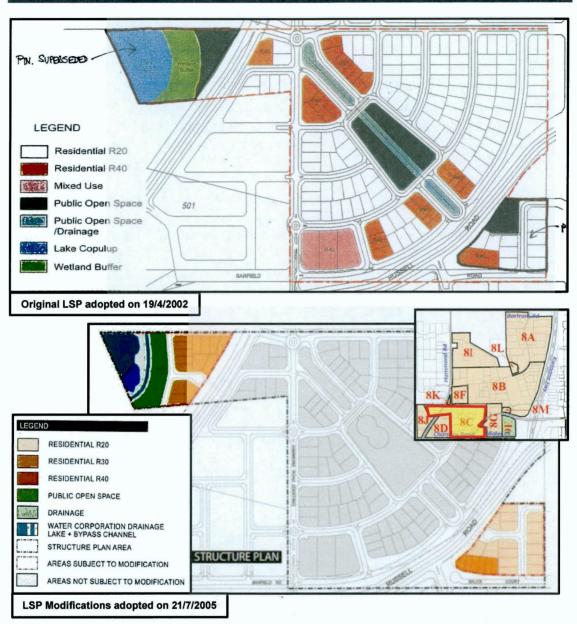


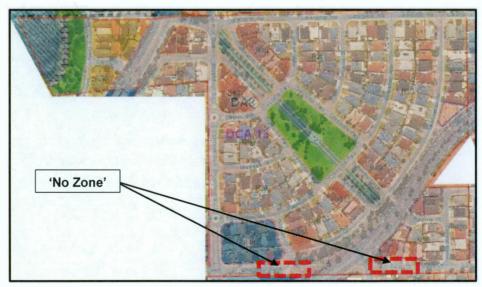
Located in the southern-most portion adjacent Russell Road (west of the Train Station Car Park), Lot 558 (#19) Lauderdale Drive, forms the subject of a separate, more recent Structure Plan (8M).

Despite being endorsed in September 2017, development of this site for Mixed Use (R100) purposes has not yet occurred, with the landowner recently approaching the City regarding modification (or preparation of a new LSP) to subdivide and develop the land for transport related commercial and medium density residential housing.

Retention of LSP 8M and the 'Development' zoning of the land will facilitate consideration of such a proposal.

### Lot 458 Russell Road, Success (8C)





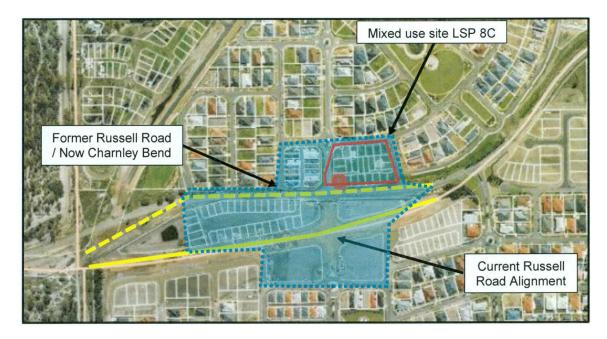
Located midway along the southern boundary of DA8, this Structure Plan identifies a comprehensive local road and public open space (POS) network, servicing primarily low residential density (R20) housing.

Pockets of medium density (R40) housing are positioned in high amenity locations that have a direct relationship to either the POS, adjacent public transport that runs along Hammond and Russell Roads, or the 'Mixed Use' zone land located at the intersection of Charnley Bend and Brushfoot Boulevard.

The 'Mixed Use' zone is part of a broader Neighbourhood Centre (highlighted in blue on the aerial photo below), included within Structure Plans 9A, 8C and 8D which straddle the current and former alignments of Russel Road.

Fronting its original alignment, the zone now sits one street block back from the Regional Road (fronting what is now known as Charnley Bend), as a result of Russell Road being realigned further south in the late 2000's.

A consequence of this adjustment to the regional road was the creation of two 'No Zone' portions of road reserve, that will be addressed via a separate complimentary scheme amendment.



Of note, in 2005 the northwest and southeast corners of the Structure Plan formed the subject of notable modifications.

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

# Lot 458 & 501 Hammond Road, Success (8D) LEGEND · · · · FOOTPATHS ON-ROAD CYCLE LANES (by others) TEMPOR CULS-DE cly Courtyard Lecation ALL DWELLINGS TO ADDRESS PUBLIC STREETS WITH ACCESS TO DWELLINGS PROM THIS FRO Area excluded (refer Amendment #165) JARDINE STREET Strata Lots 1-14 #1 Jardine Street, Success DRIVE SECONDARY STREET BINGHAM STREET TREES TO SE PROVIDED IN VERY

Bounded by Hammond Road on the west, Cotter Loop to the north, Brushfoot Boulevard to the east and Charnley Bend to the south, this Structure Plan identifies local roads, and an area of POS (Purslane Park) in the south-west corner adjacent Hammond Road, primarily servicing low residential density (R20) housing.

RUSSELL ROAD

PREMARY STREET MM 2.0m SETRACK (AVERAGE 4m) TO

Pockets of R25 housing are located in high amenity locations that have a direct relationship to POS, or the 'Mixed Business' (R40) site located in the south-east corner, which has ultimately been entirely developed for medium density grouped housing in accordance with a 2004 approved Local Development Plan.

This amendment proposes to rationalise all of Structure Plan 8D into the Scheme, except for the 'Mixed Business' site. Given the nature of the established development outcome and the zoning of surrounding land, a 'Mixed Use' zoning is considered more appropriate than 'Mixed Business' (for which TPS3 allows uses more akin to a Light Industrial zoning).

As the desired zoning does not directly match the zoning of the approved Structure Plan, rationalisation of this area will occur via a separate 'standard' scheme amendment (Amendment #165) that will be advertised for public comment.

As standard amendments typically involve a longer statutory process, revocation of the remaining portions of this Structure Plan will be sought through that proposal.

All other land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan map shown in **Appendix E**.

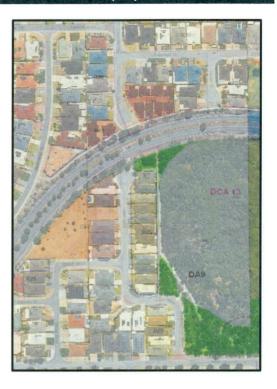
# Legend Residential R25 Public Open Space AREA Subject To Detailed AREA Plan Dual use Paths Application Area Application Area Application Area Application Area Application Area

Located in the middle of DA8, on the corner of Wentworth Parade and Hamond Road, this Structure Plan identifies local roads and a small westward expansion of Boronia Park, servicing low residential density (R25) housing.

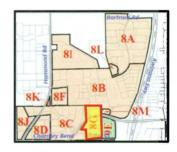
All the land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan map shown in **Appendix F**.

### Lot 458 Baler Court, Hammond Park (8G)







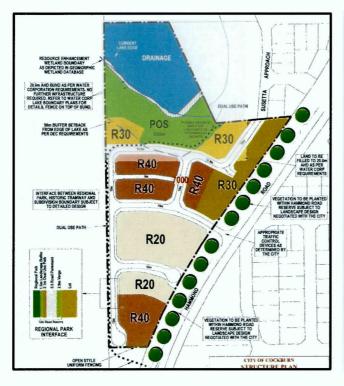


Located on the south-eastern corner of DA8, straddling Russell Road into DA9, this Structure Plan identifies a local road network and a POS reserve on the eastern side (which in conjunction with Structure Plan 9E protects a large conservation category wetland within Baler Reserve), servicing primarily low residential density (R20-R25) housing.

Pockets of medium (R40) residential density abut the public transport route along Russell Road. All the area is developed apart from the triangle R40 lot on the southern side of Russell Road, which forms the subject of an approved Child Care Premises issued by the Metro Outer Joint Development Assessment Panel in February 2023.

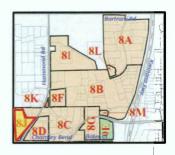
All the land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan map shown in **Appendix G**.

### Lot 7000 Hammond Road, Success (8J)









Located in the south-western corner of DA8, between Thomson Lake Nature Reserve and Hammond Road, this Structure Plan identifies a local road network and POS reserve (southern portion of Watterbuttons Park) servicing low residential density (R20) housing in the centre, and medium density (R30-R40) housing in close proximity to either POS or the public transport route along Hammond Road.

Most lots are developed, with Lot 101 (#46) Mariposa Garden under construction.

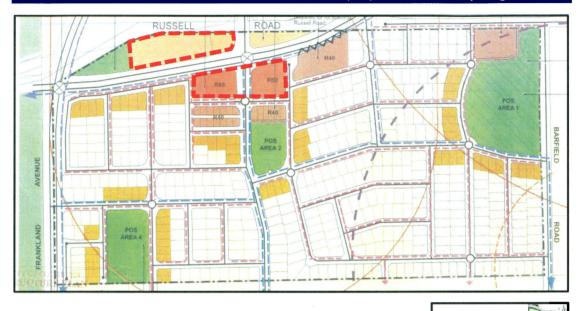
All the land within this Structure Plan is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan map shown in **Appendix H**.

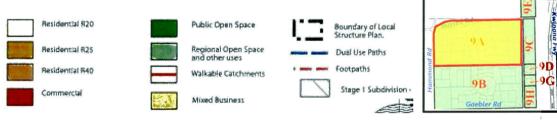


Hemmed in between Hammond Road to the west and Brushfoot Boulevard to the east, this small triangle site is entirely identified for medium residential density (R40 and R60) housing. The land is developed with a mix of single houses and multiple dwellings.

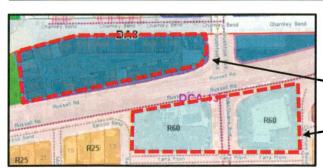
All the land within this Structure Plan is proposed to be rezoned from the 'Development' zone to the correlating zones identified on the Structure Plan map shown in **Appendix I**.

### Lot 202 Gaebler Road, Hammond Park (9A) 'Frankland Springs'









## Areas excluded (Refer Amendment No.165)

- Strata Lots 1-31 (#26) Charnley Bend
- Lot 102 (#1) Brushfoot Boulevard
- Lot 454 (#2) Macquarie Boulevard
- Lot 453 (#1) Macquarie Boulevard

Encompassing most of the northern half of DA9, this Structure Plan identifies a comprehensive local road and public open space (POS) network, servicing primarily low residential density (R20 and R25) housing.

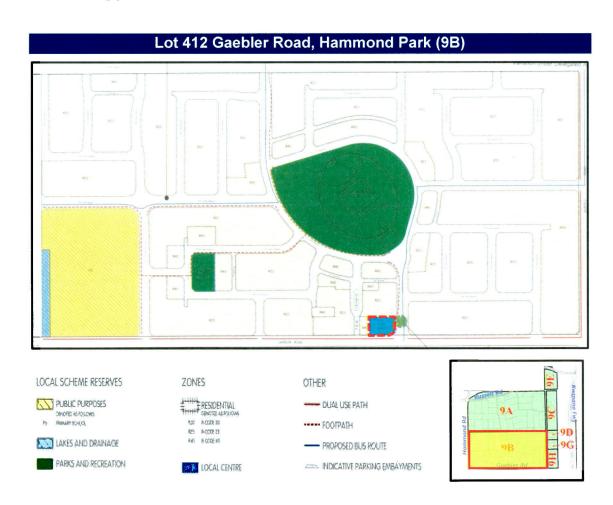
Pockets of medium density (R40) housing are located in high amenity locations that have a direct relationship to POS or the Neighbourhood Centre located at the intersection of Macquarie / Brushfoot Boulevards and Russell Road.

This amendment proposes to rationalise all of Structure Plan 9A into the Scheme, except for the Neighbourhood Centre and the Mixed Business land located on the western side of Macquarie Boulevard.

This is because neither a 'Commercial' or 'Neighbourhood Centre' zone currently exist in TPS3, and the majority of the 'Mixed Business' land has been developed for Residential (Grouped Dwelling) purposes, a 'Mixed Use' zoning is considered more appropriate for theses landholdings.

Rationalisation of these areas (including revocation of the remaining portion of the LSP) will occur via a separate 'standard' scheme amendment (Amendment #165) that will be advertised for public comment.

All other land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan map shown in **Appendix J**.







Area excluded (refer Amendment No.165)

Strata Lots 1-16 (#53) Gaebler Road

Encompassing most of the southern half of DA9, this structure plan identifies a comprehensive local road and POS network servicing primarily low residential density (R20-R25) housing.

Pockets of medium density (R40) housing are positioned in high amenity locations that have a direct relationship to POS, including a centrally located playing field (Botany Park).

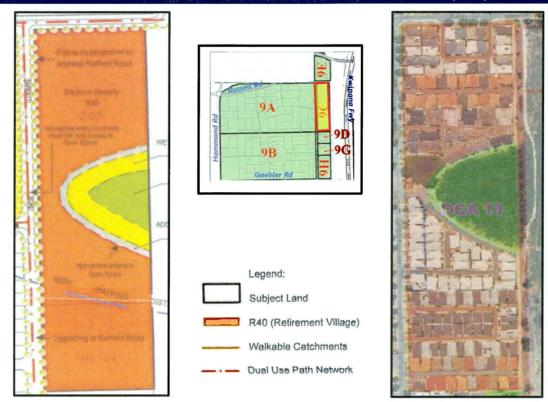
Hammond Park Primary School is located on the south-west corner, with a linear drainage sump running along most of its western boundary with Hammond Road.

A Local Centre is identified midway along the southern boundary at the intersection of Gaebler Road and Botany Parade, however this land has been developed for 16 multiple dwellings within two separate, two-storey buildings.

To ensure the scale of any subsequent insertion of commercial use is tempered to protect the amenity of existing residents, rezoning of this land to 'Mixed Use' areas (including revocation of the remaining portion of the LSP), will form the subject of a separate amendment (Amendment #165) advertised for public comment.

All other land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and reserves identified on the Structure Plan's map shown in **Appendix K**.

### Lot 203 and Pt Lot 11 Barfield Road, Hammond Park (09C)



Located mid-way along the eastern boundary of DA9, between Barfield Road and the high-voltage powerline corridor running along the western edge of the Kwinana Freeway, this Structure Plan identifies the preservation of a wetland within an area of POS (Barfield Reserve) located mid-way along its eastern boundary.

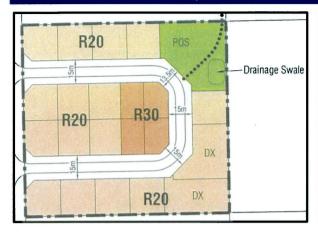
The balance of the area is identified for medium residential density (R40) housing without the provision of any public roads. Although the LSP suggests it may be suitable for development as a Retirement Village, the land has been entirely developed for unrestricted single and grouped dwellings.

The majority of the land within this Structure Plan is proposed to be rezoned from the 'Development' zone to the correlating zones identified on the Structure Plan map shown in **Appendix L**.

The only exceptions are slight adjustments to the Local Reserves, which have been refined to match their final tenure (refer Deposited Plan #45457 at **Appendix M**), and developed use as described in the following table:

SubjectLand	Existing Use & Tenure	Proposed (Local) Reservation
Reserve #48736 / Lot 105 Barfield Road	Recreation & Conservation	Parks and Recreation
Reserve #48651 / Lot 113 Barfield Road	Drainage	Lakes and Drainage
Reserve #51635 / Lot 110 Barfield Road	Right of Way	Local Road
Lots 111 and 112 Barfield Road	Firebreak / Pedestrian Access Way	Local Road

### Lot 10 Barfield Road, Hammond Park (9D) - 'Aubin Gardens' Estate





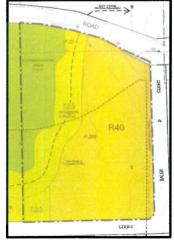


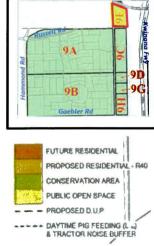


Also located mid-way along the eastern boundary of DA9 between Barfield Road nd the high-voltage powerline corridor running along the western edge of the Kwinana Freeway (immediately south Structure Plan 9C), this Structure Plan identifies one new local road (Canopus Loop) servicing low residential density (R20 and R30) housing with a small POS reserve (Canopus Park) incorporating an integrated drainage swale and dual use path connection (linking to the Aubin Grove Train Station) in the northeast corner.

All this land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and reserves identified on the Structure Plan map shown in **Appendix N**.

# Pt Lots 22 and 203 Baler Court, Banjup (9E)



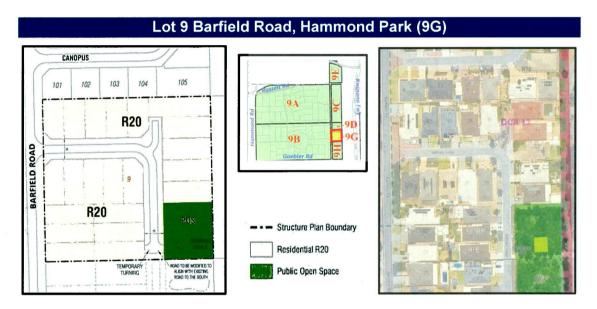




Located in the northeast corner of DA9, abutting the southern edge of Russell Road opposite the Aubin Grove Train Station, this Structure Plan identifies all the developable land for medium residential density (R40) housing.

A large POS reserve (which in conjunction with Structure Plan 8E protects a large conservation category wetland within Baler Reserve), is shown over the western third of the site, inclusive of a dual use path connection that leads towards the Aubin Grove Railway Station.

All this land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and reserves identified on the Structure Plan map shown in **Appendix O**.



Also located mid-way along the eastern boundary of DA9 between Barfield Road and the high-voltage powerline corridor running along the western edge of the Kwinana Freeway (immediately south Structure Plan 9D), this Structure Plan identifies one new local road (Mohan Loop) servicing low residential density (R20) housing with a small POS reserve (Mohan Park) incorporating an integrated drainage swale in the southeast corner.

All this land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and reserves identified on the Structure Plan map shown in **Appendix P**.

### Lot 80, 81 Gaebler Road, Hammond Park (9H)



Located in the southeast corner of DA9 between Barfield Road, Gaebler Road and the high-voltage powerline corridor running along the western edge of the Kwinana Freeway, this structure plan identifies one new local road (southern extension of Mohan Loop), servicing primarily low residential density (R20) housing.

A medium density (R30) grouped housing site is located in the southeast corner, accessed via Gaebler Road.

A POS reserve (being a southward extension of Mohan Park), incorporating an integrated drainage swale is located in the northeast corner.

All this land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan map shown in **Appendix Q**.

### 6.0 CONCLUSION

For the following reasons, it is now an appropriate time for the structure plans discussed above (except Structure Plans 8D, 9A and 9B) to be revoked, and its zones and reserves rationalised into the Scheme:

- all public reserves (including local roads, drainage, public open space and public purposes) 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.

### Planning and Development Act 2005

# City of Cockburn Town Planning Scheme No.3 Amendment No.164

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 various lots within 'Development Area 8' and 'Development Area 9' from 'Development' to 'Residential (R20)', 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Residential (R80)', 'Local Centre', 'Mixed Use' and 'Mixed Business' as depicted on the Scheme Amendment Map.
- 2. Reclassifying land within 'Development Area 8' and 'Development Area 9' from the 'Development' zone to a local reserve for 'Parks and Recreation', 'Lakes and Drainage', 'Public Purpose (Primary School)' and 'Local Road' as depicted on the Scheme Amendment Map.
- 3. Reducing the extent of the 'Development Area 8' and 'Development Area 9' special control area boundaries, 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.

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):

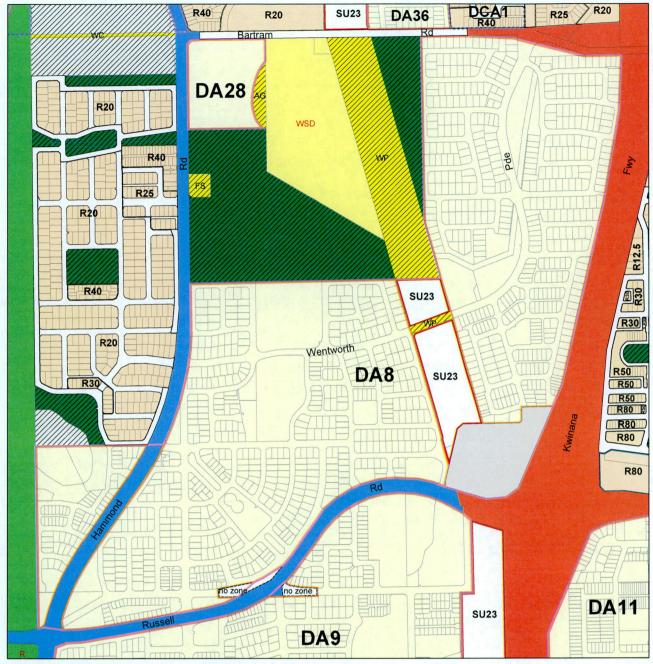
Structure Plan #	Address	Endorsement Date	WAPC Reference
8A	Magnolia Garden – Phase 1, Success	18/06/2002	SPN/0819
8B	Magnolia Garden - Phase 2 & 3, Success	23/12/2016	SPN/0819
8C	Lot 458 Russell Road, Success	19/01/2002 21/07/2005 (mods)	801/2/23/0014P 2V
8F	Lots 21 Hammond Road, Success	23/08/2005	801/2/23/0040P
8G	Pt Lot 458 Baler Court, Hammond Park	13/02/2014	801/2/23/0014P 13V
8J	Lot 7000 Hammond Road, Success	11/02/2011	Not Available
8K	Lot 742 Hammond Road, Success	14/02/2013	801/2/23/0028P
9C	Lot 203 and Pt Lot 11 Barfield Road, Hammond Park	15/04/2003	Not Available

9D	Lot 10 Barfield Road, Hammond Park	30/10/2006	801/2/23/0041P
9E	Pt Lots 22 and 203 Baler Court, Banjup	20/04/2004	Not Available
9G	Lot 9 Barfield Road, Hammond Park	08/04/2008	801/2/23/0046P
9H	Lots 80, 81 Gaebler Road, Hammond Park	09/05/2007	801/2/23/0049P

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

Structure Plan #	Address	Endorsement Date	WAPC Reference
8D	Pt Lots 458 & 501 Hammond Road, Success	30/04/2004	801/2/23/0020P
9A	Lot 202 Gaebler Road, Hammond Park	02/02/2006	801/2/23/0015P
9B	Lot 412 Gaebler Road, Hammond Road	24/07/2015	801/2/23/0014P 4V

Upon the amendment taking effect 'partial' revocation of the above approved structure plans is to occur. The balance of these structure plans form the subject of a separate Scheme Amendment.



# Current Scheme Map

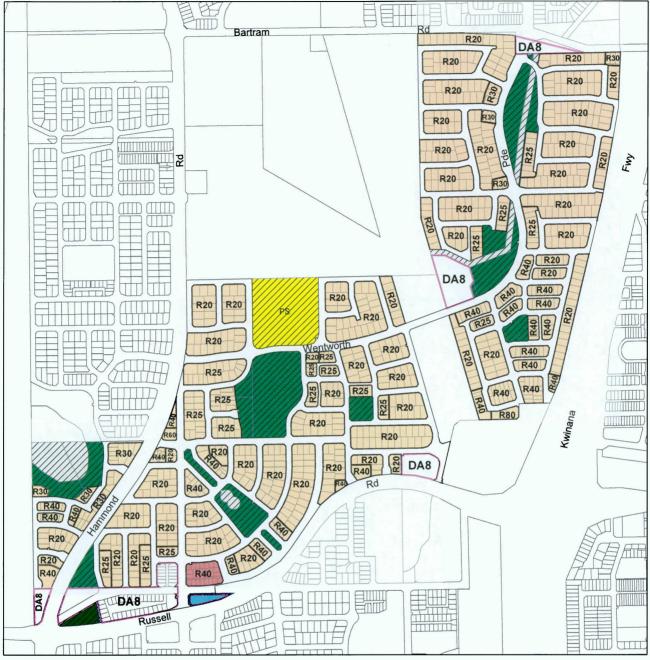




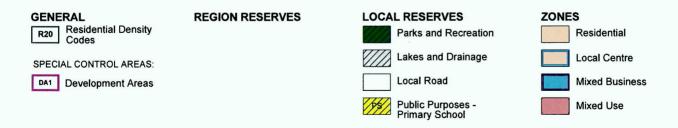


### **Amendment No.164**

Town Planning Scheme No.3



## Scheme Amendment Map

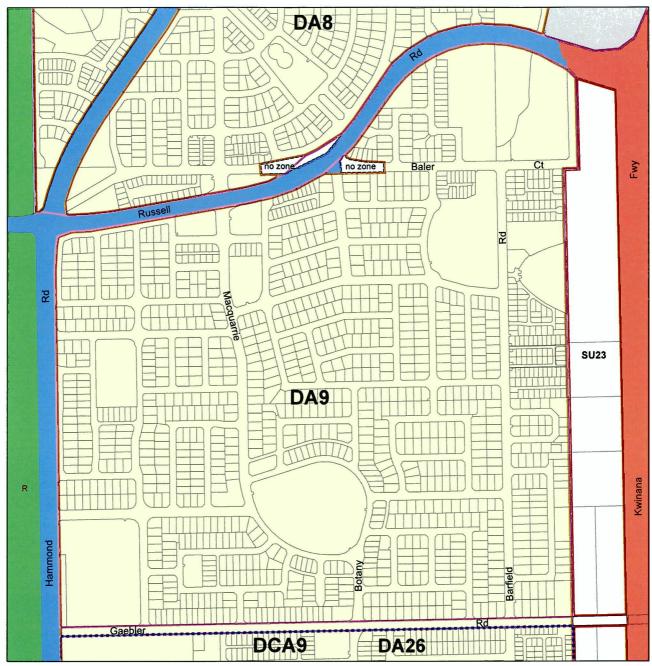






### **Amendment No.164**

Town Planning Scheme No.3



# Current Scheme Map

#### **ZONES REGION RESERVES LOCAL RESERVES GENERAL** Local Road Development Parks & Recreation SPECIAL CONTROL AREAS: Parks & Recreation - Restricted Public Access Special Use Da1 Development Areas Development Contribution Areas Railways No Zone **Primary Regional Roads** Other Regional Roads **Amendment No.164**

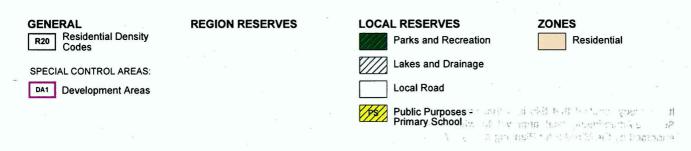
Town Planning Scheme No.3

150m

Scale



# Scheme Amendment Map







Amendment No. 164

Town Planning Scheme No. 3

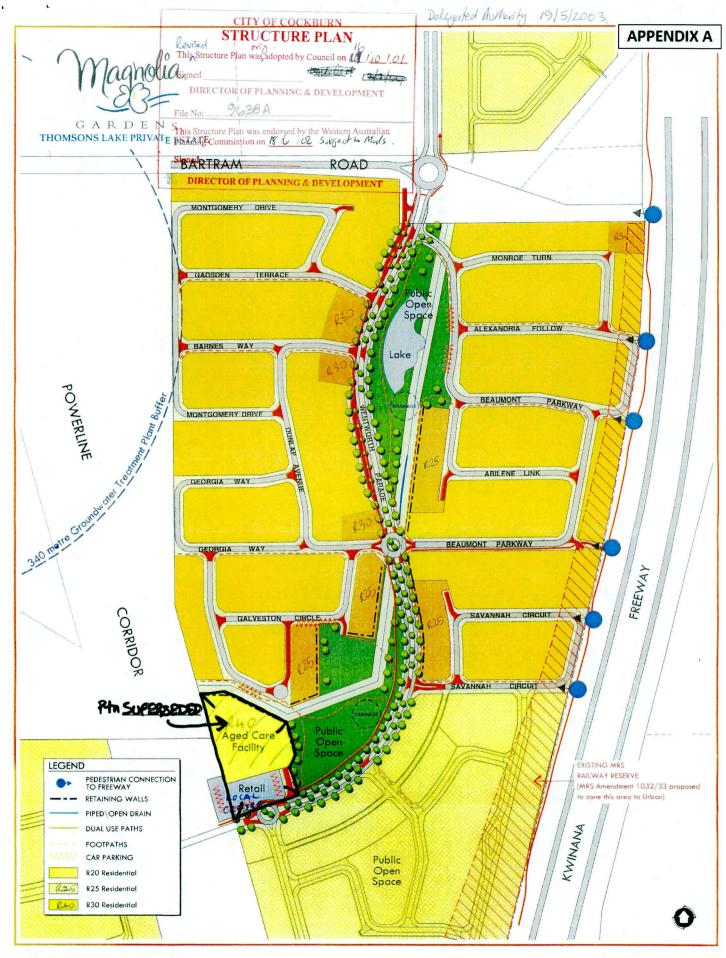
This Basic Amendment was adopted and is recommended for approval by resolution of the City of Cockburn at the Ordinary Meeting of the Council held on the <u>964</u> day of <u>November 2023</u>, and the Common Seal of the City of Cockburn was hereunto affixed by the authority of a resolution of the Council in the presence of:

W COMMON A COMMON COCKBURY	Sogan Sourish
(Seal)	
	CHIEF EXECUTIVE OFFICER
WAPC ENDORSEMENT (r.63)	DELEGATED UNDER S.16 OF THE P&D ACT 2005
	DATE 14/02/2024
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 XI 21 2024	MINISTER FOR PLANNING
Certified by Scools	
Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act	DATE

DATE \_\_\_\_\_

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2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.



REVISED STRUCTURE PLAN

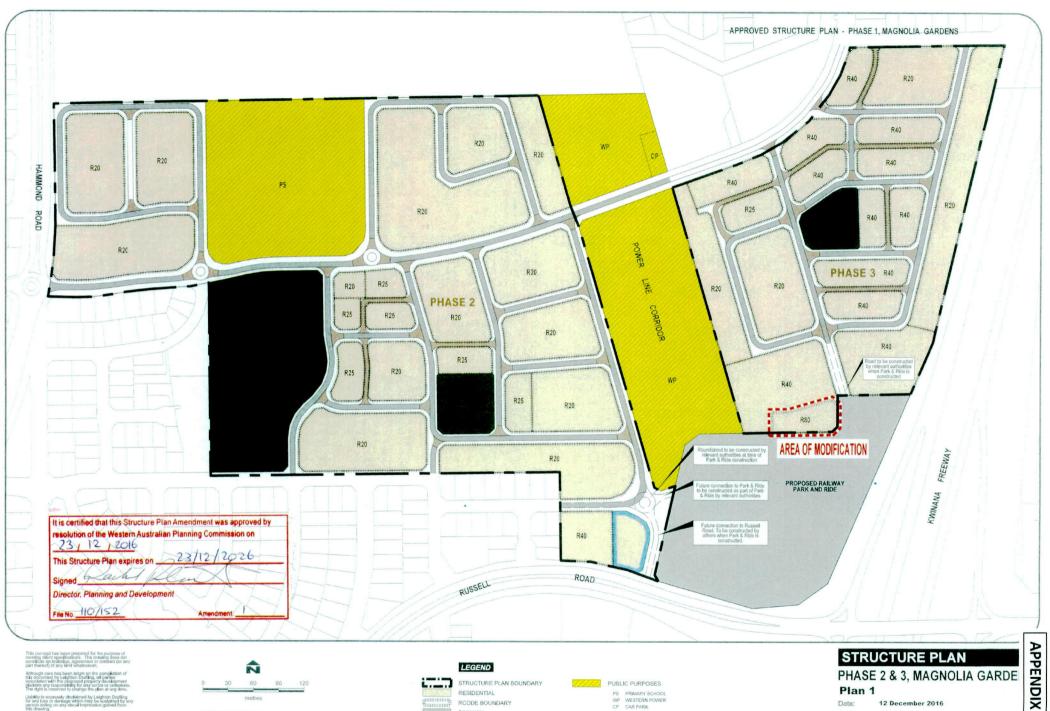
### PHASE 1 MAGNOLIA GARDENS

for Gold Estates of Australia (1903) Ltd





Do Do



RCODE BOUNDARY

PARKS AND RECREATION

RAII WAY

LOCAL CENTRE

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Version: 1, Version Date: 08/03/2024

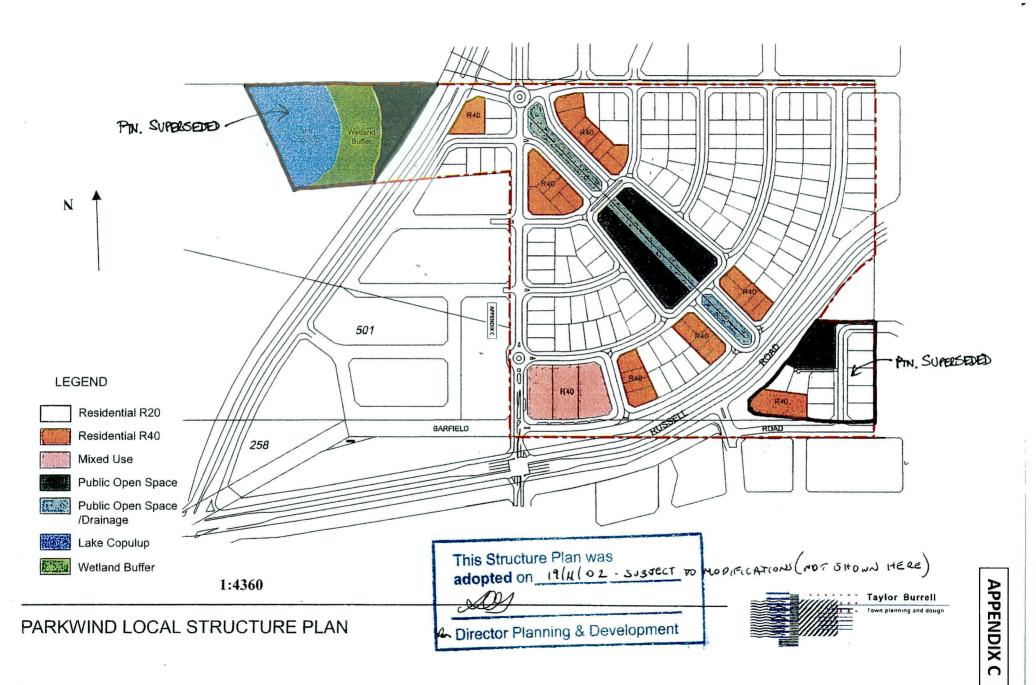
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#### Plan 1 Date:

12 December 2016

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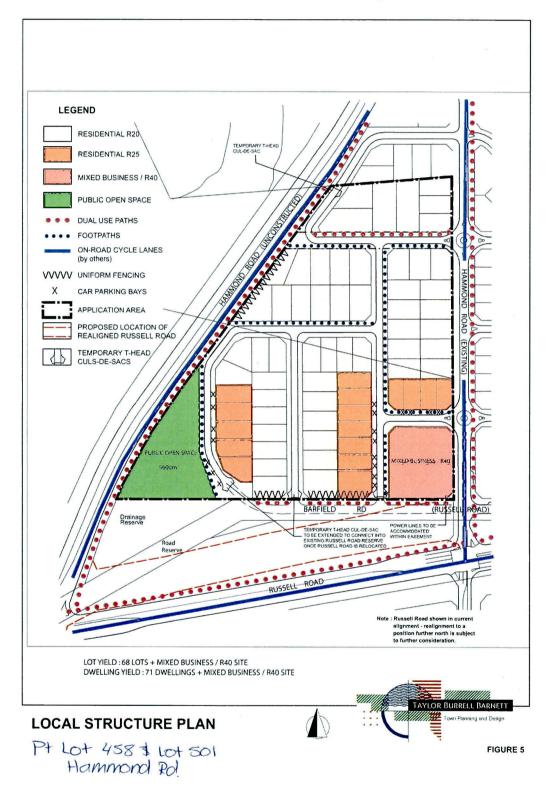
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Document Set ID: 11829465 Version: 1, Version Date: 08/03/2024

PARKWIND LOCAL STRUCTURE PLAN - AREAS SUBJECT TO MODIFICATION

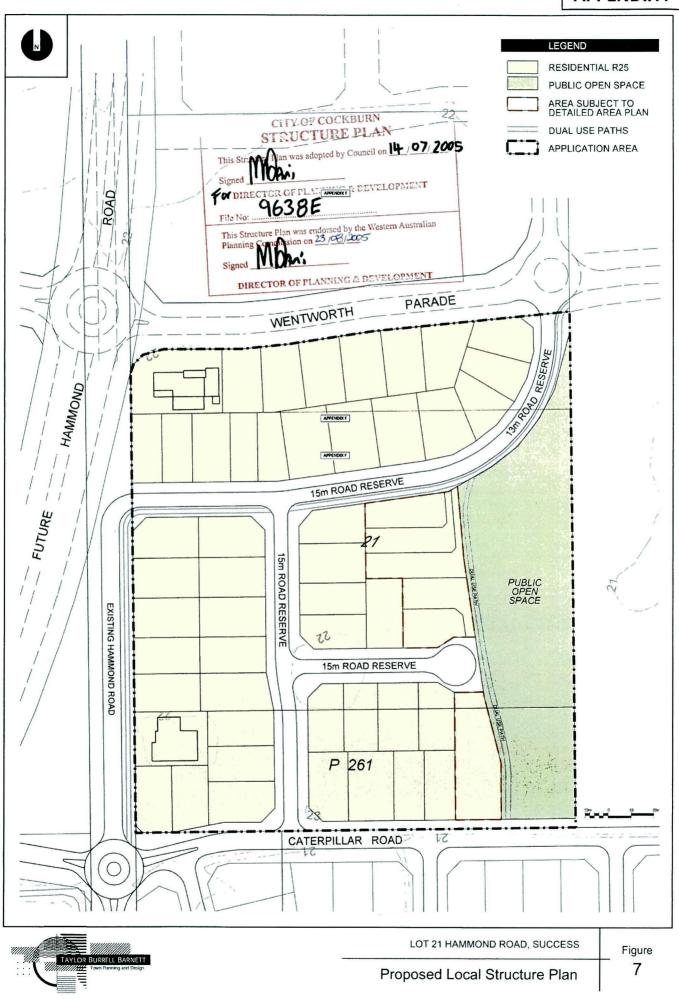


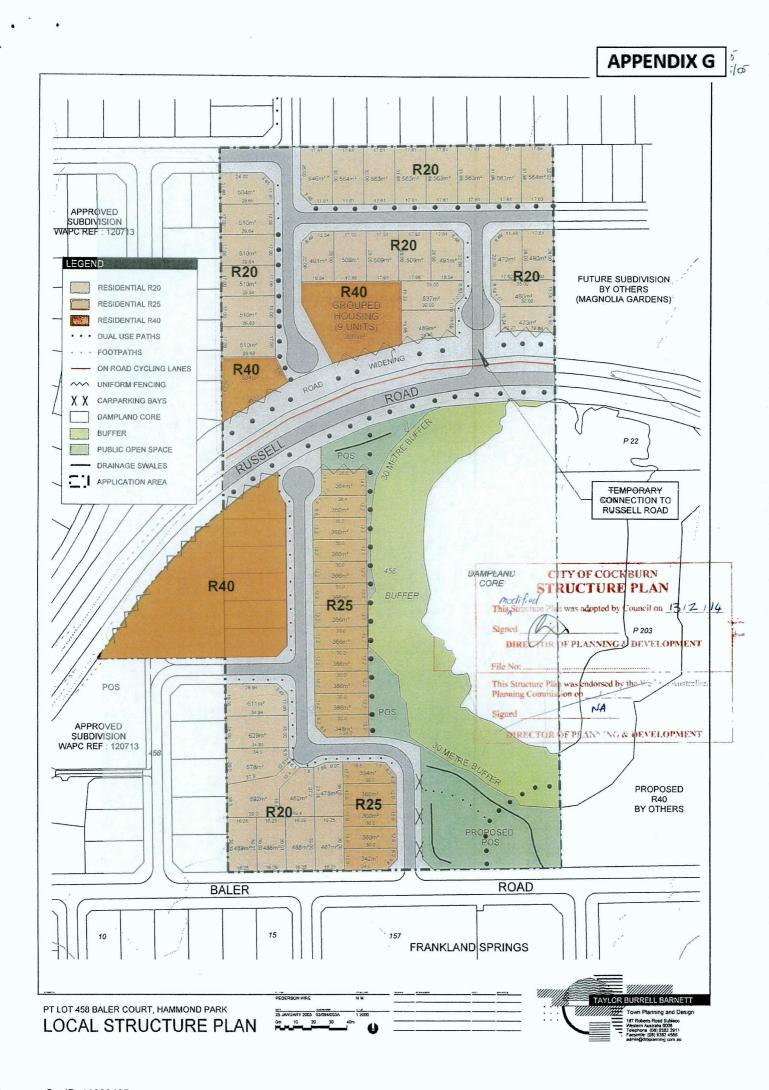


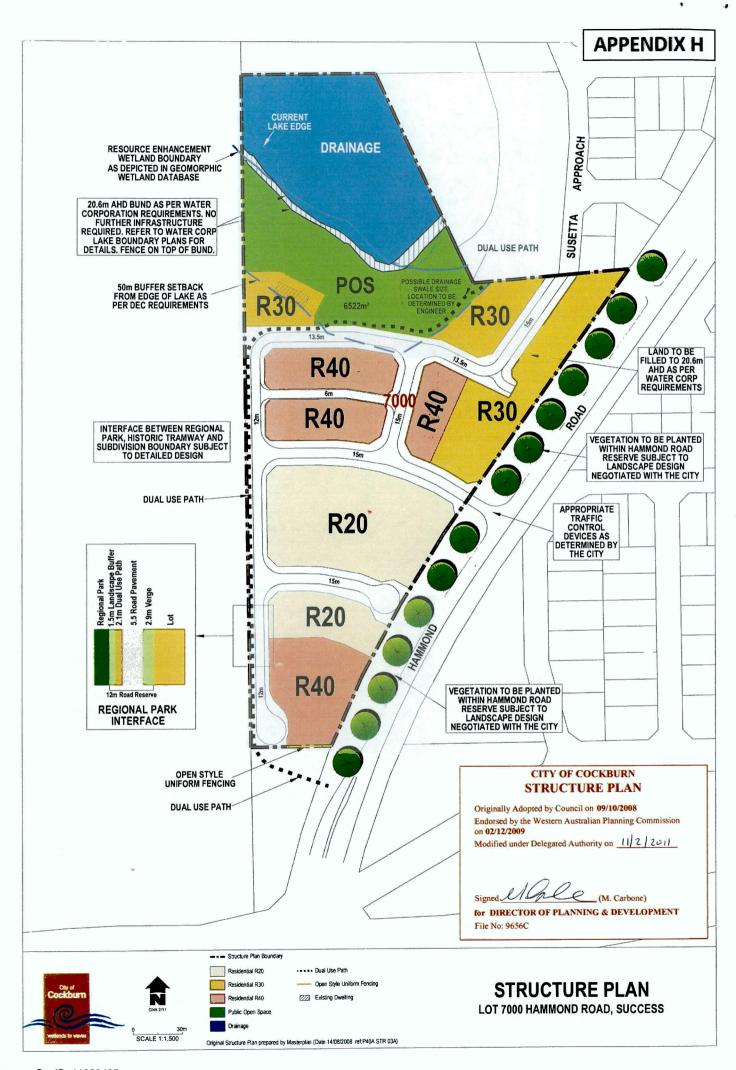
This Structure Plan was adopted on 29/4/04 Director Planning & Development Endorsed by water with most. 21/10/03

Mads approved under D.A. 30/4/04.

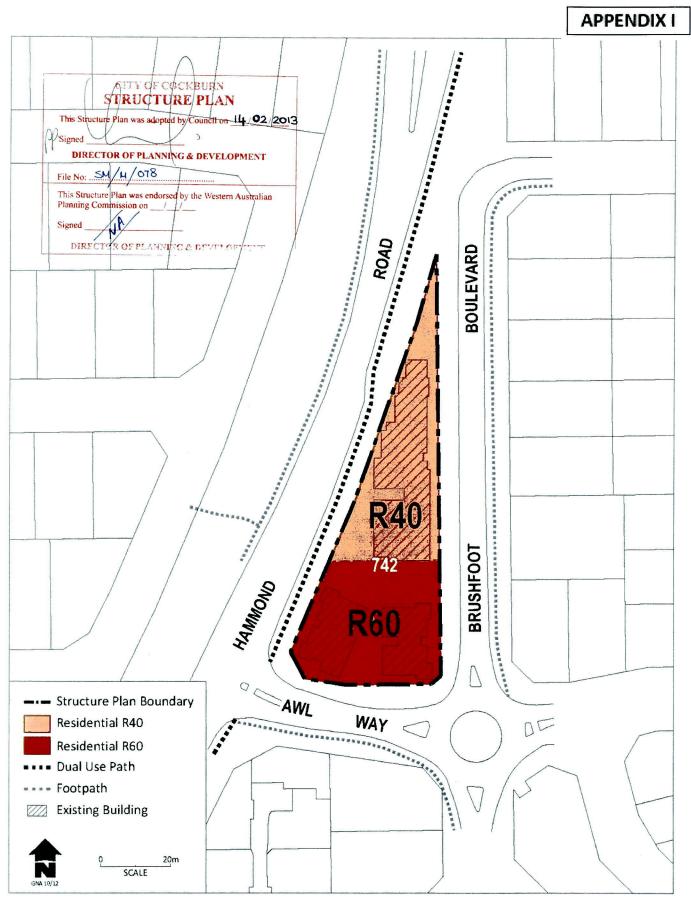
#### **APPENDIX F**



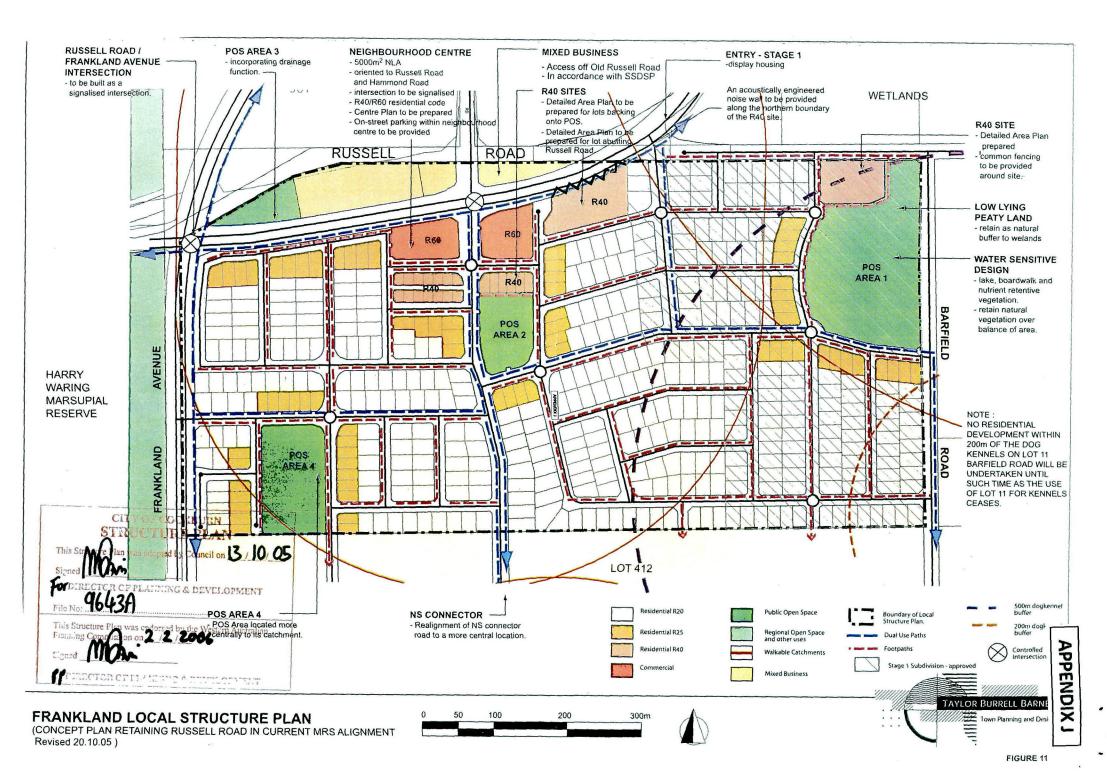


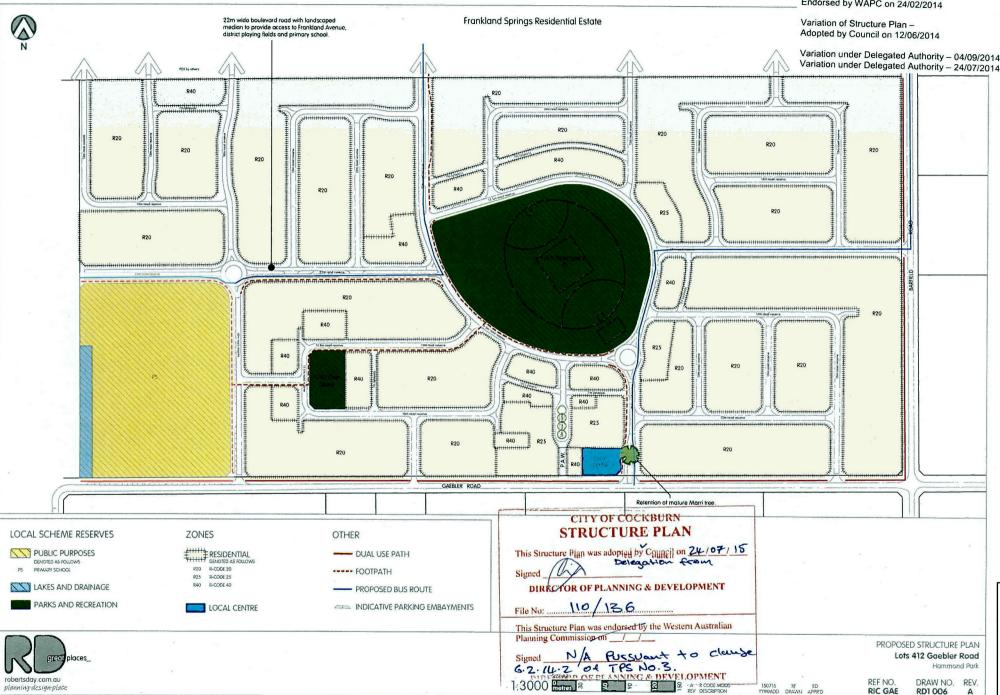


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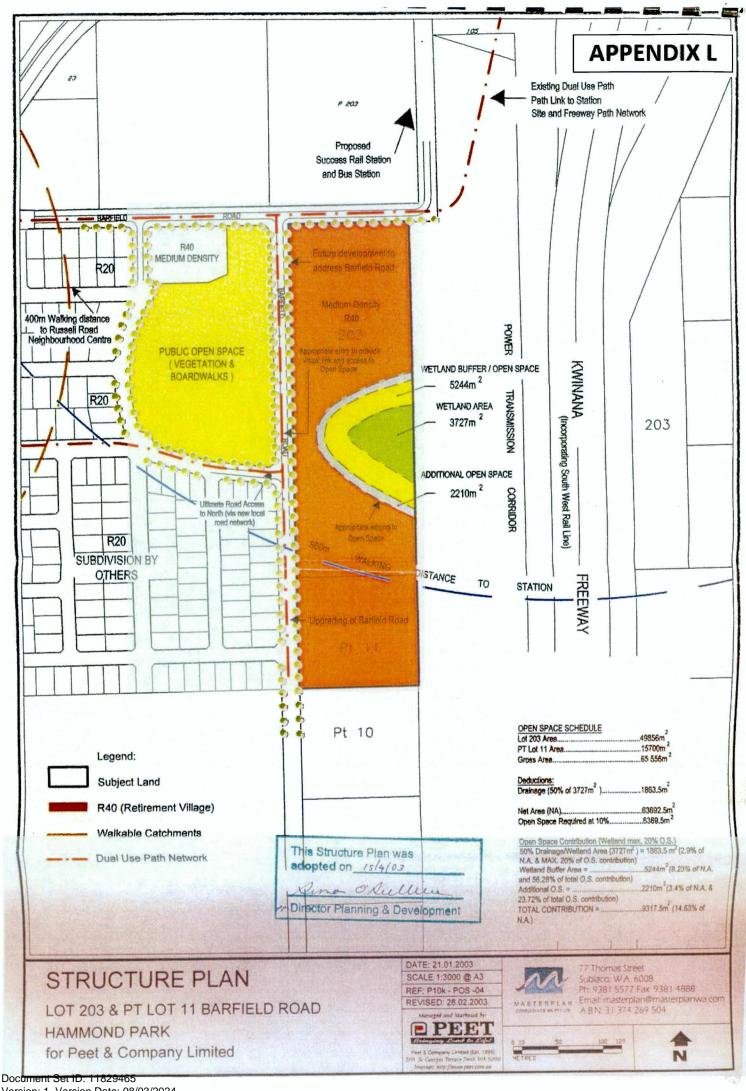




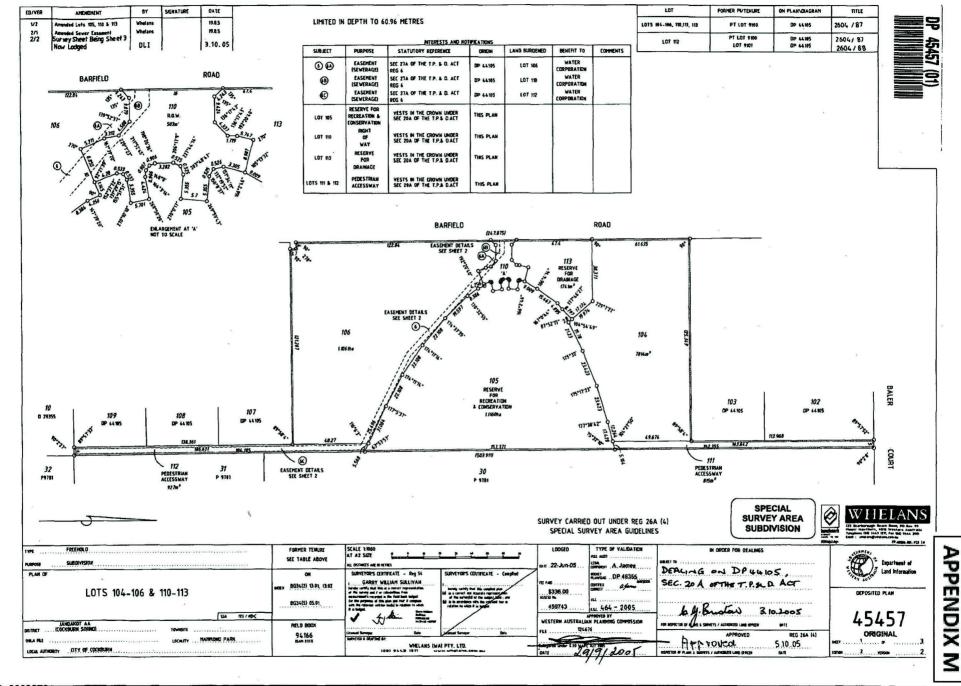




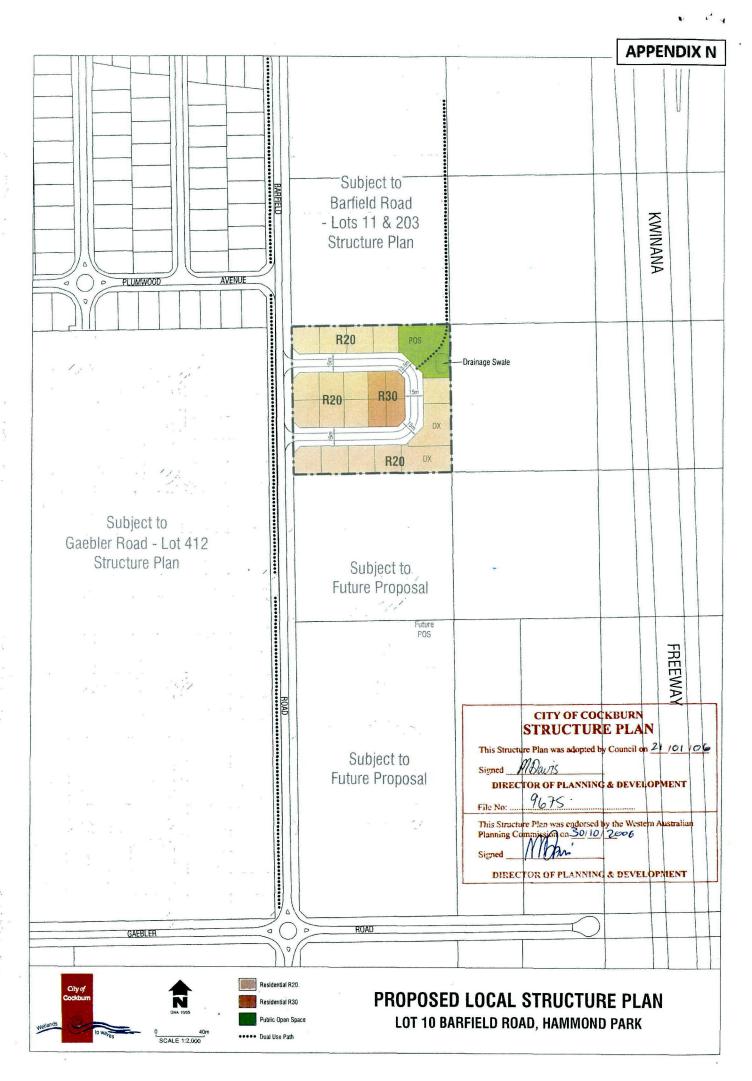
DISCLAIMER: ISSUED FOR DESIGN INTENT ONLY ALL AREAS AND DIMENSIONS ARE SUBJECT TO DETAIL DESIGN AND SURVEY

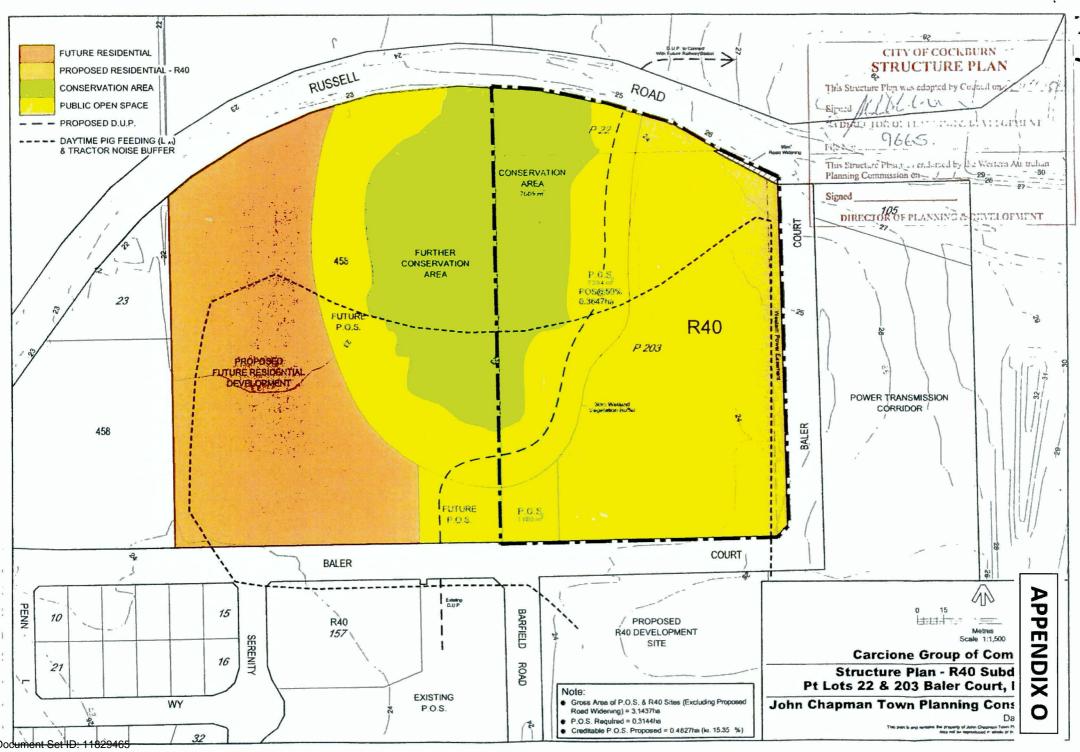


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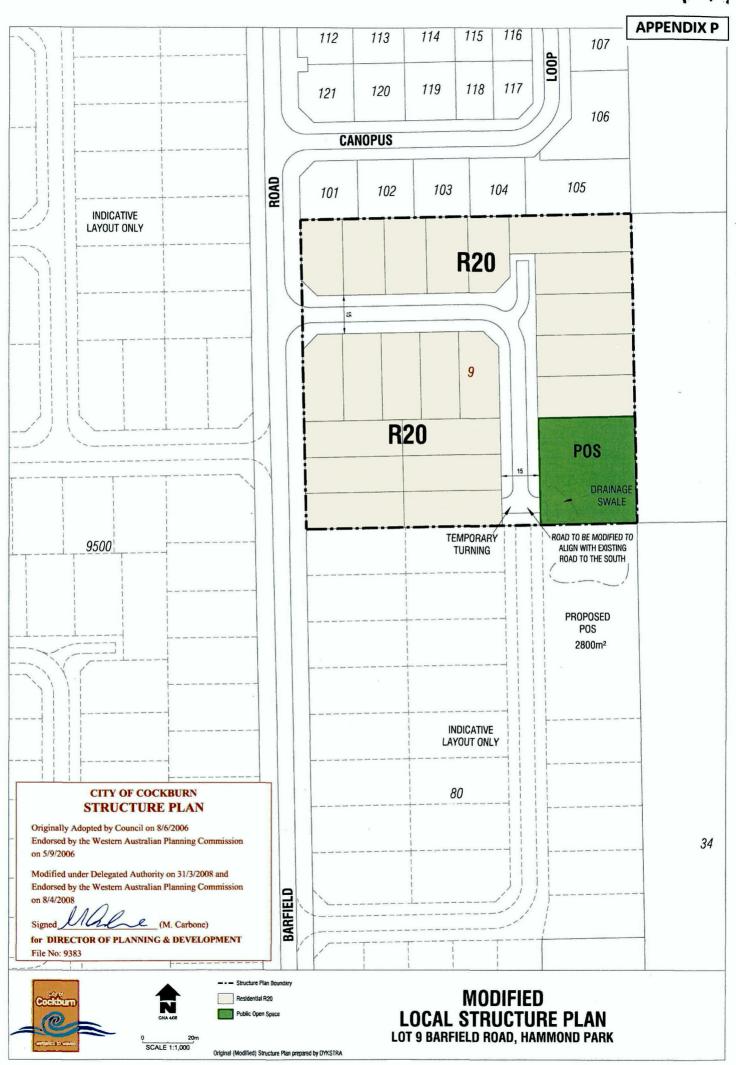


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Version: 1, Version Date: 08/03/2024



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