



CITY OF COCKBURN	
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12 MAY 2017	
SUBJECT	109/122
RETENTION	124.2.3 AS
PROPERTY	1116139 1105154
APP	
ACTION	DONNA SIRONZO

Our ref: TPS/2016
Enquiries: Heather Brooks (6551 9436)

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

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

Dear Sir

**LOCAL PLANNING SCHEME No. 3
AMENDMENT No. 121**

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

Pursuant to clause 87(2) of the *Planning and Development Act 2005* (the Act), the Minister for Planning has granted final approval to amendment 121 to the City of Cockburn Local Planning Scheme No. 3 on 29 April 2017.

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

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

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

Yours sincerely

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
4 May 2017



wa.gov.au

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PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

CITY OF COCKBURN

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 121

Ref: TPS/2016

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 29 April 2017 for the purpose of:

Rezoning Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from 'Local Centre' to 'Mixed Business'.

L HOWLETT JP
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER

com: 5571290



PLANNING AND DEVELOPMENT
RESOLUTION DECIDING TO AMEND A
CITY OF COCKBURN
TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 121

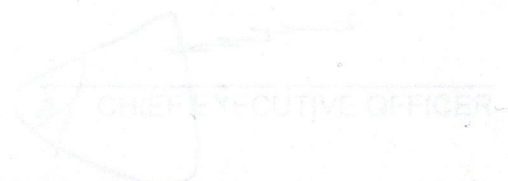
RESOLVED That the Council, in pursuance of Section 73 of the Planning and Development Act 2015, amend the City of Cockburn Town Planning Scheme No. 3 by rezoning Lot 100 (No. 35) Port Kembla Drive, Bibra Lake, from 'Local Centre' to 'Mixed Business'

CITY OF COCKBURN

TOWN PLANNING SCHEME NO. 3

DATED THE 15th DAY OF October 2016

SCHEME AMENDMENT NO. 121



**LOT 100 (NO. 35) PORT KEMBLA DRIVE AND
LOT 4 (NO. 2) GEELONG COURT, BIBRA LAKE**

DEPARTMENT OF PLANNING
27 FEB 2017
TPS/2016
FILE

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

CITY OF COCKBURN

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 121

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 rezoning Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from 'Local Centre' to 'Mixed Business'.

DATED THIS 13th DAY OF October 2016


CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

- | | |
|---|---|
| 1. Local Authority: | City of Cockburn |
| 2. Description of Local Planning Scheme: | Town Planning Scheme No. 3 |
| 3. Type of Scheme: | District Planning Scheme |
| 4. Serial Number: | Amendment No. 121 |
| 5. Proposal: | Rezone Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from 'Local Centre' to 'Mixed Business'. |

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REPORT

1. Introduction

1.1 Site Details

The subject land comprises two adjoining sites fronting Port Kembla Drive, Spearwood Avenue and Geelong Court in the Bibra Lake industrial area. The land is described as follows:

Street Address	Land Description	Certificate of Title
35 Port Kembla Drive, Bibra Lake	Lot 100 on Plan 13925	Volume 2122 Folio 362
2 Geelong Court, Bibra Lake	Lot 4 on Diagram 78040	Volume 2110 Folio 749

The land is located on the north-eastern corner of the intersection of Spearwood Avenue and Port Kembla Drive, with Geelong Court forming the northern boundary. The land is approximately 260 metres east of the intersection of Stock Road and Spearwood Avenue.



Figure 1: Location Map (Source: Nearmap)

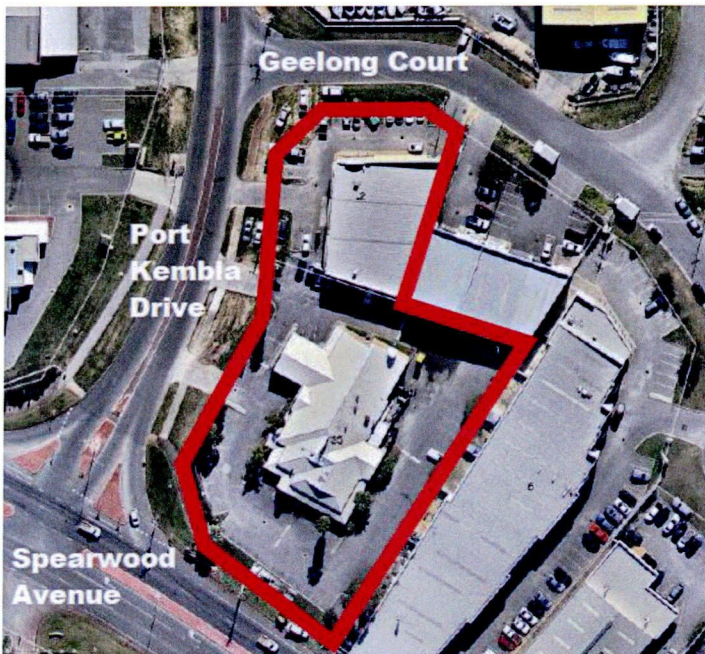


Figure 2: Subject Land (Source: Nearmap)

No. 35 Port Kembla Drive is located on the north-east corner of the intersection of Spearwood Avenue and Port Kembla Drive, and is currently occupied by a tavern and drive-through bottle shop, which have recently ceased trading. No. 2 Geelong Court is located on the south-east corner of the intersection of Port Kembla Drive and Geelong Court, and occupied by two motor vehicle repair and parts premises.

1.2 Proponent

The proponent of this Scheme Amendment is MW Urban planning and development consultants on behalf of the owner of 35 Port Kembla Drive.

1.3 Land Ownership

The registered proprietors are identified on certificates of title as:

Street Address	Registered Proprietor
35 Port Kembla Drive, Bibra Lake	SRMT Custodian Pty Ltd of 21 Hay Street, Subiaco
2 Geelong Court, Bibra Lake	George Smargiassi Malgorzata Joanna Smargiassi as joint tenants in 9/10 share Smargiassi Holdings Pty Ltd in 1/10 share all of 339 Bartram Road, Banjup as tenants in common

2. Strategic and Statutory Framework

2.1 State Planning Context

2.1.1 Metropolitan Region Scheme

The subject land is zoned 'Industrial' under the Metropolitan Region Scheme. Spearwood Avenue is reserved as 'Other Regional Roads' under the Metropolitan Region Scheme. The proposal to rezone the subject land to 'Mixed Business' under the local planning scheme, to match the zoning of the surrounding industrial area, is consistent with the Metropolitan Region Scheme.

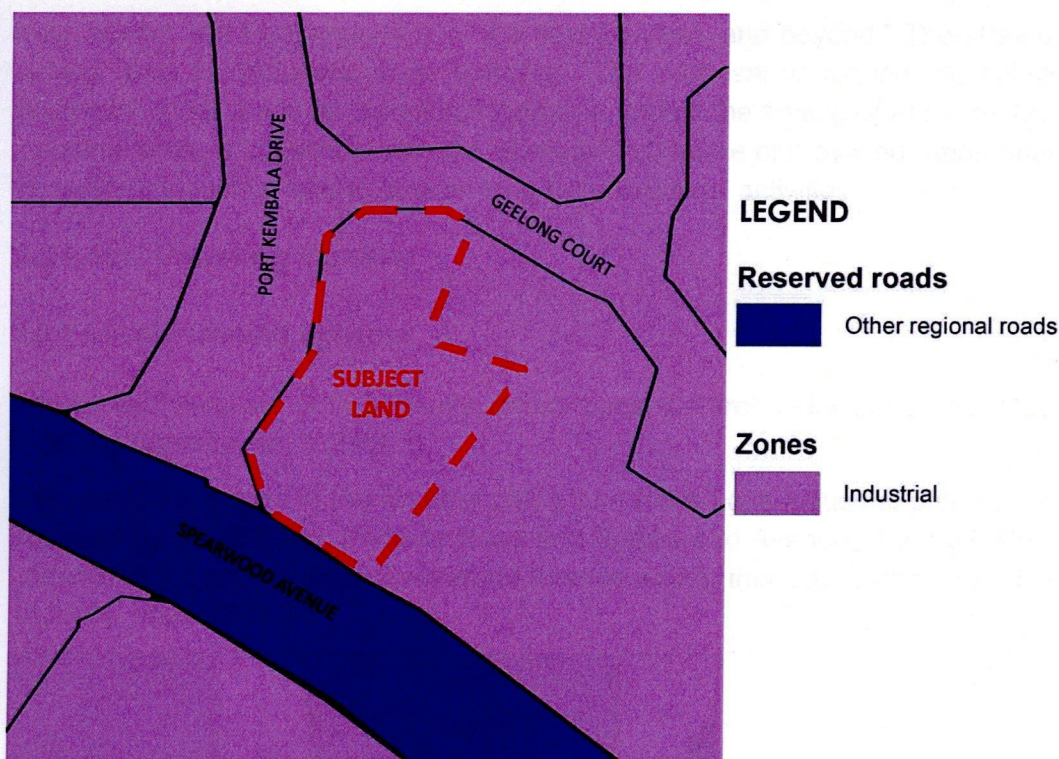


Figure 3: Metropolitan Region Scheme Zoning

2.1.2 State Planning Policies

The proposal to rezone the subject land from 'Local Centre' to 'Mixed Business' under the local planning scheme is consistent with State Planning Policy, in particular State Planning Policy No. 3: Urban Growth and Settlement, and will not prejudice any objectives in respect to commercial/industrial land.

2.1.3 State Planning Strategies

Draft Perth and Peel@3.5 Million

In May 2015, the Western Australian Planning Commission (WAPC) released the draft *Perth and Peel@3.5 Million* documents, which include strategies for accommodating an expected population of 3.5 million by 2050. The Spatial Plan shows the subject land as 'Industrial Zoned – Existing', with no change proposed.

The strategy is supported by four draft sub-regional planning frameworks. The subject land is located within the draft *South Metropolitan Peel Sub-Regional Planning Framework*, which identifies the site as 'Industrial'.

The proposal to rezone the land from 'Local Centre' to 'Mixed Business' under the local planning scheme is, therefore, consistent with the draft strategies, and will not prejudice any objectives in respect to commercial/industrial land.

Economic and Employment Lands Strategy: Non-Heavy Industrial, Perth Metropolitan and Peel Regions

This strategy was released by the WAPC in April 2012 with the aim of ensuring "that adequate forward planning is undertaken to provide employment land in both the Perth

metropolitan and Peel regions over the next 20 years and beyond.” The strategy shows the subject land as ‘industrial area (existing)’. The proposal to rezone the subject to ‘Mixed Business’ under the local planning scheme, to match the zoning of much of the surrounding industrial area, is consistent with the Strategy’s objective of providing “appropriate protection for existing industrial land to sustain long-term industrial activities.”

2.2 Local Planning Context

2.2.1 Local Planning Scheme

The subject sites are both currently zoned ‘Local Centre’ under the City of Cockburn Town Planning Scheme No. 3 (TPS 3).

The surrounding area in the western part of the Bibra Lake industrial precinct, and generally bounded by Stock Road, Phoenix Road and Spearwood Avenue, is zoned ‘Mixed Business’ under TPS 3. Land south of Spearwood Avenue and further east of the subject land is zoned ‘Industry’ under TPS 3.

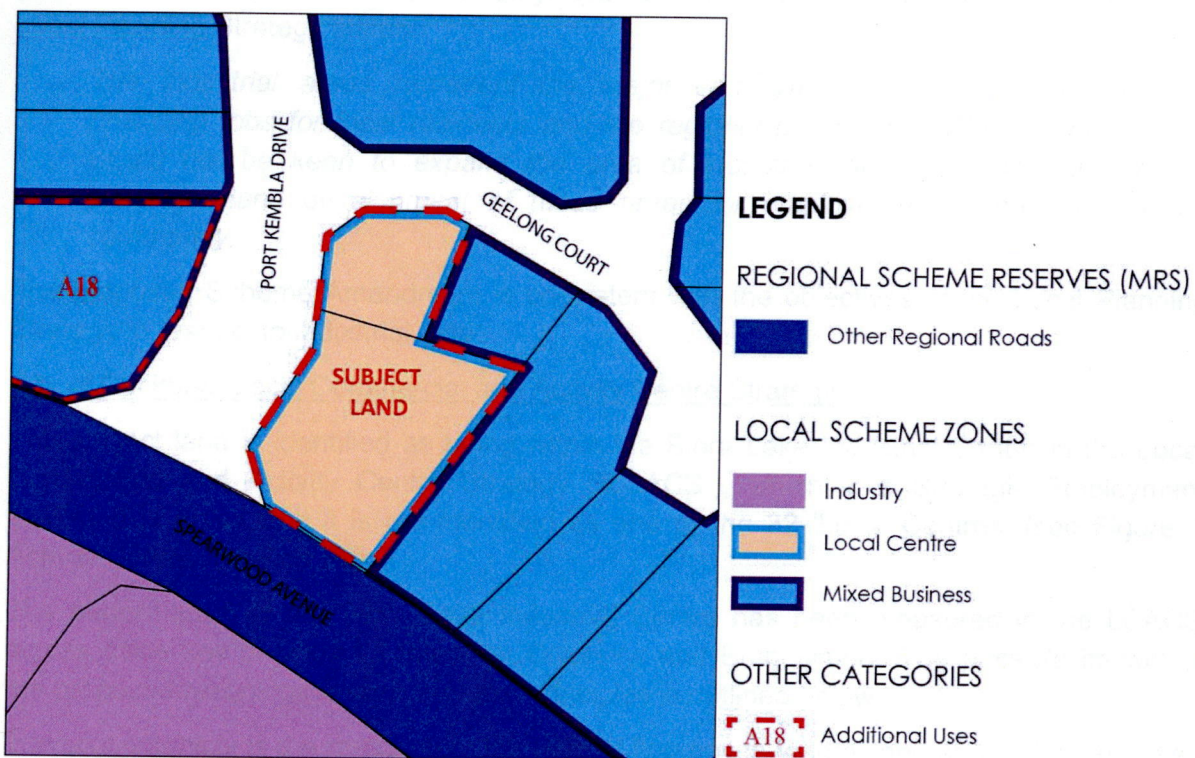


Figure 4: Town Planning Scheme No. 3 Zoning

Under clause 4.2 of TPS 3, the objective of the existing Local Centre Zone is:

To provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre.

Under clause 4.2 of TPS 3, the objective of the proposed Mixed Business Zone is:

To provide for a wide range of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones.

2.2.2 Local Planning Policies

There are no local planning policies that are relevant to the proposed Scheme Amendment.

2.2.3 Local Planning Strategies

Local Planning Strategy

The subject land is located within the 'Bibra Lake Industrial' precinct of the Ultimate Strategic District Plan in the City of Cockburn Local Planning Strategy.

The City of Cockburn Local Planning Strategy aims to maintain existing industrial areas, given their importance as major employment centres. In this respect, section 5.2.6 of the Local Planning Strategy states:

The industrial areas represent the major employment centres within Cockburn providing jobs for local residents and the regional population. Although the Council would not be keen to expand the area of industrial land within the district, the promotion and development of these areas for employment is important for the community.

The proposed Scheme Amendment is consistent with the objectives of the Local Planning Strategy in respect to industrial land.

City of Cockburn Local Commercial and Activity Centre Strategy

The subject land is identified as being within the Bibra Lake Industrial Centre in the Local Commercial and Activity Centre Strategy ("LCACS"), which is a Strategic Employment Centre. It is noted that it is not identified as one of the 32 'Local Centres' (see Figure 1 Activity Centre Location Plan).

The performance of the Bibra Lake Industrial Centre has been measured in the LCACS across three key principles - Intensity; Diversity; and Employment. The possible impact of the proposed rezoning on each of these principles is outlined below.

Intensity: Intensity is the measure of the ratio of floorspace to total land area. The proposed rezoning will not negatively impact on this potential ratio, and in increasing the range of possible uses for the subject land it will increase floor area potential.

Diversity: Diversity seeks co-location of complementary activity which can yield positive externality benefits. The proposed rezoning is not considered to negatively impact diversity of the centre, as the majority of uses that will no longer be permissible are not considered to be appropriate, complementary uses in the area. In addition, the proposed rezoning increases the number of commercial uses that would be permissible, and therefore may facilitate increased diversity.

Employment: In terms of employment opportunities within the Bibra Lake Industrial Centre, the proposed rezoning is not considered to detrimentally impact this performance. It will

even assist in ensuring the residential development of the land (possible under the current zoning) does not reduce the employment generating potential of the subject land.

3. Site Analysis

3.1 Topographical Features

The subject sites have no topographical features, being fully developed. No. 35 Port Kembla Road has a slight fall of about one metre from east to west, from approximately 33m AHD to 32m AHD. No. 2 Geelong Court is effectively flat at around 33m AHD.

3.2 Land Capability

The sites and surrounding area are fully developed and there are no known land capability constraints.

A search of the Department of Environment and Conservation's Contaminated Sites database indicates no known contaminated sites within the subject land.

The subject land and surrounds are mapped as having a moderate to low risk of Acid Sulphate Soils.

3.3 Native Vegetation

There are no significant areas of remnant native vegetation on or near the subject land.

3.4 Native Fauna

The land and immediate surrounds have no known native fauna habitat, being fully developed and located within an established industrial precinct.

3.5 Conservation Areas

The two sites have been developed and contain no identified conservation areas.

3.6 Watercourses and Wetlands

The developed sites do not contain any watercourses or wetlands.

3.7 Hydro-geological Conditions

The sites are developed and connected to existing drainage infrastructure.

3.8 Aboriginal and European Heritage

The Department of Aboriginal Affairs online database indicates there are no Registered Aboriginal Sites on the subject land. There are no identified State or local heritage sites on the land.

3.9 Infrastructure Availability

Being located within an established industrial area, all required servicing infrastructure is available to the subject land.

4. Amendment Proposal and Type

4.1 Amendment Specifications/Type

The proposal involves amending TPS 3 by rezoning Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from 'Local Centre' to 'Mixed Business'.

Pursuant to regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal meets the criteria of a 'standard amendment', which means:

(a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*

The proposed zoning will complement the existing Mixed Business zoning within the western part of the Bibra Lake industrial area. The Mixed Business Zone is a type of industrial zone, with its objective under TPS 3 being "to provide for a wide range of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones."

(b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*

As noted above, the proposed rezoning is consistent with the objectives of the City's Local Planning Strategy in respect to industrial land. The Strategy's Ultimate Strategic District Plan includes the land within the 'Bibra Lake Industrial' precinct.

(c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*

The proposal is consistent with the Metropolitan Region Scheme, which zones the land 'Industrial'. The proposed Mixed Business Zone permits a wide range of industrial and commercial uses that are consistent with MRS Industrial Zone, as noted in the following section.

(d) *an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*

TPS 3 includes the proposed Mixed Business Zone.

(e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*

The proposal will have minimal impact on surrounding land. The proposed zoning will complement the existing Mixed Business zoning of land in the western part of the Bibra Lake industrial area, generally bounded by Spearwood Avenue, Stock Road and Phoenix Road.

(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

The proposed rezoning from 'Local Centre' to 'Mixed Business' will complement the existing zoning of the surrounding area, and will not result in any significant impacts on land in the scheme area.

(g) any other amendment that is not a complex or basic amendment.

The proposal does not fall under the definition of a complex or basic amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.2 Rationale for Amendment

The proposed rezoning of the two subject sites from 'Local Centre' to 'Mixed Business' will match the zoning of all other properties in the western part of the Bibra Lake industrial area bounded by Spearwood Avenue, Stock Road and Phoenix Road.

The Mixed Business Zone is a type of industrial zone that will facilitate land uses and development that complement existing development in the locality. As such, the proposal is consistent with the relevant State and local planning frameworks. State planning strategies, including the draft *Perth and Peel@3.5 Million* documents and the *Economic and Employment Lands Strategy*, seek to maintain and protect the Bibra Lake industrial precinct. The City's Local Planning Strategy includes the land within the 'Bibra Lake Industrial' precinct and also aims to consolidate this and other industrial precincts, due to the employment benefits for the local and regional communities. The land is located within the Bibra Lake Industrial Centre in the Local Commercial and Activity Centre Strategy; it is not identified as one of the 32 'Local Centres'.

The following table provides a comparison of use classes within the existing Local Centre Zone and the proposed Mixed Business Zone. The Mixed Business Zone generally provides for a wider range of light industry and commercial land uses than the Local Centre Zone.

Table 1: Use Class Comparison

USE CLASS	LOCAL CENTRE ZONE	MIXED BUSINESS ZONE
RESIDENTIAL USES		
Ancillary Accommodation (R-Code)	X	X
Bed and Breakfast	X	P
Child Care Premises	P	D
Dwelling Aged or Dependent Persons (R-Code)	P	X
Caretaker's	P	P
Grouped (R-Code)	P	D
Multiple (R-Code)	P	D
Educational Establishment	D	P
Home Business	P	P
Home Occupation	P	D
Home Office	P	D
House Lodging	D	D
Single (R-Code)	D	D
Institutional Building	X	A
Place of Worship	D	P

Residential Building (R-Code)	D	D
Tourist Accommodation	D	D
Holiday Home (standard)	X	X
Holiday Home (large)	X	X
COMMERCIAL USES		
Commercial Bank	P	P
Garden Centre	D	P
Market	A	D
Nursery	A	P
Office	D	P
Showroom	X	P
Entertainment Amusement Parlour	A	D
Betting Agency	D	P
Club Premises	A	D
Fast Food Outlet	D	P
Hotel/Tavern	A	D
Motel	X	A
Public Amusement	X	D
Reception Centre	A	P
Recreation - Private	A	P
Restaurant	A	P
Small Bar	A	X
Health Services Consulting Rooms	D	P
Health Studio	A	P
Medical Centre	D	P
Hospital	X	D
Shop Convenience Store	P	X
Lunch Bar	P	A
Shop	P	X
Home Store	P	X
Transport Commercial Vehicle Parking	A	P
Motor Vehicle, Boat or Caravan Sales	X	P
Motor Vehicle Hire Premises	X	P
Motor Vehicle Wash	X	P
Petrol Filling Station	A	D
Service Station	A	D
Animal Establishment	X	D
Cinema/Theatre	X	X
Funeral Parlour	X	X
Hardware Store	X	A
Night Club	X	X
Restricted Premises	A	X
Trade Display	X	X
Veterinary Centre	D	D
Vehicle - Disused	D	D
INDUSTRIAL USES		
Industry Cottage	X	D
Extractive	X	X
General	X	X
General (licensed)	X	X
Light	X	D
Noxious	X	X
Service	X	D

Storage	Fuel Depot	X	X
	Storage Yard	X	A
	Warehouse	X	P
Transport	Motor Vehicle Wrecking	X	X
	Transport Depot	X	X
Marine Engineering		X	X
Motor Vehicle Repair		A	P
RURAL USES			
	Agriculture Extensive	X	X
	Agriculture Intensive	X	X
	Agroforestry	X	X
	Animal Husbandry – Intensive	X	X
	Farm Supply Centre	X	P
	Hobby Farm	X	X
Rural	Industry	X	X
	Pursuit	X	X

Under clause 4.3.3 of TPS 3:

The symbols used in the cross reference in the Zoning Table have the following meanings –

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

'A' means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.

'X' means a use that is not permitted by the Scheme.

There are a number of commercial and industrial uses that are currently prohibited (X) uses on the subject land under the Local Centre Zone, which is not consistent with the 'Industrial' zoning under the Metropolitan Region Scheme, and contrary to State and local planning strategies for the Bibra Lake industrial precinct, as previously mentioned. These include the following uses (amongst others), which will change from being prohibited to permissible on the subject land under the proposed Mixed Business Zone:

- Showroom;
- Motor Vehicle, Boat or Caravan Sales;
- Motor Vehicle Hire Premises;
- Motor Vehicle Wash;
- Hardware Store;
- Cottage Industry;
- Light Industry;
- Service Industry
- Storage Yard;
- Warehouse.

Importantly, the Amendment will result in grouped and multiple dwellings becoming discretionary (D) uses, and aged or dependent persons dwellings becoming prohibited (X) uses under the proposed Mixed Business Zone; all are currently permitted (P) uses under the Local Centre Zone. This means the City will be able to consider whether grouped and multiple dwellings are appropriate for the site having regard for the amenity impacts of the established industrial/commercial uses in the surrounding industrial precinct. (A single house is currently a D use in the Local Centre Zone and will remain as such under the proposed Mixed Business Zone.)

The Scheme Amendment will therefore correct a current zoning anomaly in TPS 3 by ensuring the permissible uses for the subject land are more appropriate for its location within an industrial precinct.

4.3 Future Development Proposal

Lot 100 is the subject of a current proposal for a service station/convenience store development, which is expected to be lodged with the City in August 2016. The proposed land use will become permissible within the Mixed Business Zone upon gazettal of Scheme Amendment No. 116.

5. Conclusions

The proposal involves amending the City of Cockburn Town Planning Scheme No. 3 by rezoning Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from 'Local Centre' to 'Mixed Business'.

The proposed rezoning will complement the existing Mixed Business zoning within the western part of the Bibra Lake industrial area, consistent with the relevant State and local planning frameworks. The Mixed Business Zone is a type of industrial zone that will facilitate land uses and development that complement existing development in the locality. Further, the Scheme Amendment will correct an existing zoning anomaly in TPS 3 by ensuring the permissible uses for the subject land are more appropriate for its location within an industrial precinct.

PLANNING AND DEVELOPMENT ACT, 2005

CITY OF COCKBURN

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 121

The City of Cockburn, under and by virtue of the powers conferred upon in that behalf by the Planning and Development Act, 2005 (as amended) hereby amends the above Local Planning Scheme by rezoning Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake, from 'Local Centre' to 'Mixed Business'.

FINAL APPROVAL

Resolved for final approval by resolution of the City of Cockburn at the Ordinary Meeting of Council held on the 19th day of February 2017, and the Common Seal of the City of Cockburn was pursuant to that resolution hereunto affixed in the presence of



[Handwritten signature]

[Handwritten signature]

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the Ordinary Meeting of the Council held on the 13th day of October 2016

Logan Howells

MAYOR

[Signature]

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the City of Cockburn at the Ordinary Meeting of Council held on the 9th day of February 2017, and the Common Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

Logan Howells

MAYOR



(Seal)

[Signature]

CHIEF EXECUTIVE OFFICER

Recommended/Submitted For Final Approval

Lee O'Donohue

20/4/17

DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT
ACT 2005 (AS AMENDED)

DATE

Final 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 29/4/17.

Certified by *[Signature]*

MINISTER FOR PLANNING

DATE

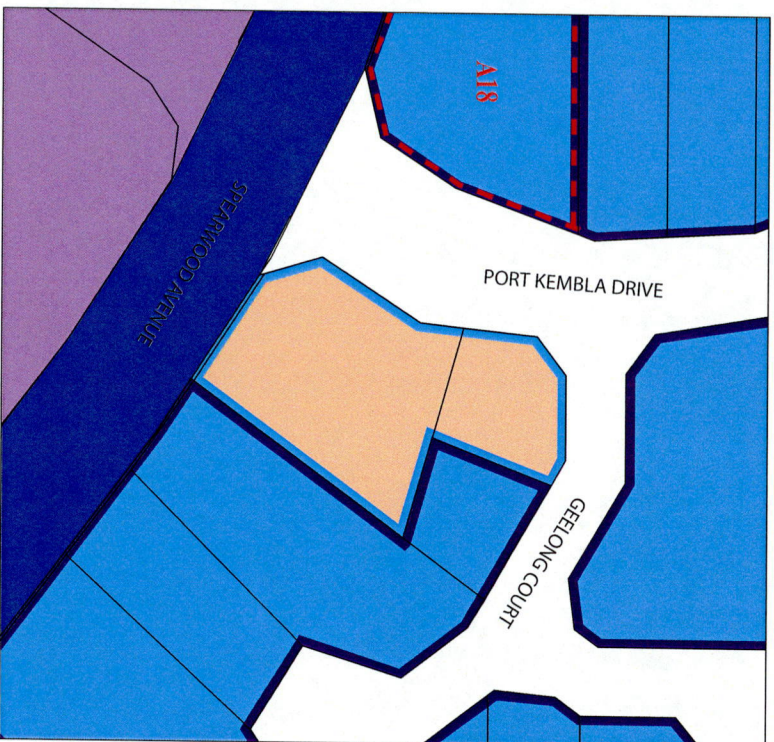
Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.

City of Cockburn Town Planning Scheme No. 3

Amendment No. 121

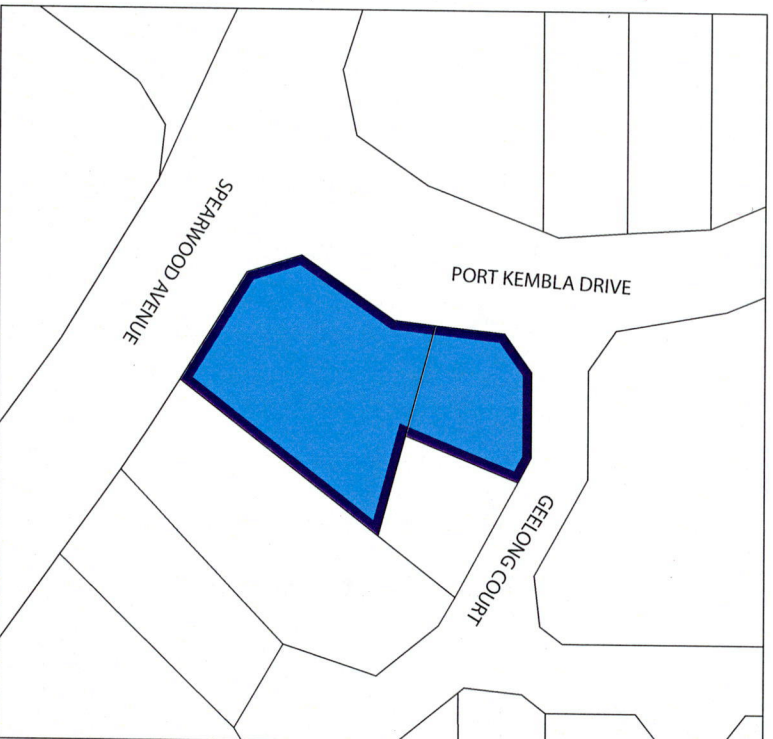
Lot 100 (No. 35) Port Kembla Drive and Lot 4 (No. 2) Geelong Court, Bibra Lake

- LEGEND**
- REGIONAL SCHEME RESERVES (MRS)
 - Other Regional Roads
 - LOCAL SCHEME ZONES**
 - Industry
 - Local Centre
 - Mixed Business
 - OTHER CATEGORIES**
 - A18 Additional Uses



Existing Zoning

- LOCAL SCHEME ZONES**
- Mixed Business



Proposed Zoning