



<b>CITY OF COCKBURN</b>	
DOC No	Your ref: 109/043
12 JAN 2016	Our ref: TPS/1562
	Enquiries: Heather Brooks (6551 9436)
SUBJECT 109/043	
RETENTION 124.2.3 A5	
PROPERTY	
APP	
ACTION David King	

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

Dear Sir

**TOWN PLANNING SCHEME No. 3  
 AMENDMENT No. 107**

**MINISTERIAL DECISION FOR TOWN 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 107 to the City of Cockburn Town Planning Scheme No. 3 on 30 December 2015.

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

7 January 2016



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 ABN 35 482 341 493

**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED TOWN PLANNING SCHEME AMENDMENT**

**CITY OF COCKBURN**

**TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 107**

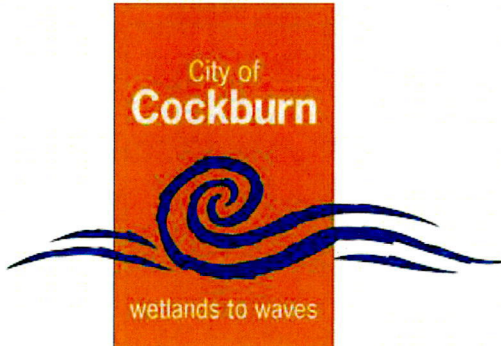
Ref: TPS/1562

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 30 December 2015 for the purpose of:

1. Rezoning the northern portion of Lot 14(No. 75) Frederick Road, Hamilton Hill from 'Local Reserves - Lakes & Drainage' to 'Residential R40';
2. Rezoning the front portion of Lot 34 (No. 27) Clara Road, Hamilton Hill from 'Local Reserves - Lakes and Drainage' to 'Residential R30';
3. Rezoning Lot 110 (No. 29) March Street, Spearwood from 'Public Purpose - Pre School' to 'Residential R40';
4. Amending the Scheme Map accordingly.

L HOWLETT  
PRESIDENT/MAYOR

S CAIN  
CHIEF EXECUTIVE OFFICER



**TOWN PLANNING SCHEME NO. 3**

**AMENDMENT NO. 107**

**October 2014**

DEPARTMENT OF PLANNING  
27 FEB 2015  
TPS/1562  
FILE

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

**CITY OF COCKBURN  
TOWN PLANNING SCHEME  
TOWN PLANNING SCHEME NO. 3  
AMENDMENT NO. 107**

Resolved that the Council, in pursuance of Section 75 of the Town Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Rezoning the northern portion of Lot 14 (No. 75) Frederick Road, Hamilton Hill from 'Local Reserves – Lakes & Drainage' to 'Residential R40';
2. Rezoning the front portion of Lot 34 (No. 27) Clara Road, Hamilton Hill from 'Local Reserves – Lakes and Drainage' to 'Residential R30';
3. Rezoning Lot 110 (No. 29) March Street, Spearwood from 'Public Purpose – Pre-School' to 'Residential R40';
4. Amending the Scheme Map accordingly.

Dated this 26<sup>TH</sup> day of FEBRUARY 2015

  
\_\_\_\_\_  
A/ CHIEF EXECUTIVE OFFICER

1. LOCAL AUTHORITY: City of Cockburn
2. DESCRIPTION OF TOWN  
PLANNING SCHEME: Town Planning Scheme No. 3
3. TYPE OF SCHEME: District
4. SERIAL NO. OF AMENDMENT: Amendment No. 107
5. PROPOSAL: Amendment to TPS3

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## **SCHEME AMENDMENT REPORT**

### **1. INTRODUCTION**

Scheme Amendment No. 107 to the City of Cockburn Town Planning Scheme No. 3 ("the Scheme") proposes modifications to the Scheme Map, comprising the rezoning of three sites within the district - the northern portion of Lot 14 (75) Frederick Road, Hamilton Hill, the front portion of Lot 34 (27) Clara Road, Hamilton Hill and Lot 110 (29) March Street, Spearwood.

All three lots are owned by the City of Cockburn. The subject land at Lot 75 Frederick Road and Lot 34 Clara Road, Hamilton Hill are currently used for the purpose of drainage. The subject land at Lot 110 March Street, Spearwood is used as a Pre-School. All three subject sites are zoned 'Urban' under the Metropolitan Region Scheme ("MRS"). Both the Frederick Road and Clara Road sites are zoned 'Local Reserves – Lakes and Drainage' under the Scheme, whereas the March Street site is zoned as 'Local Reserves – Public Purpose'.

The proposed amendment seeks to rezone the subject sites for a change of land use under the City's Town Planning Scheme No.3, from their current zonings to a residential zoning.

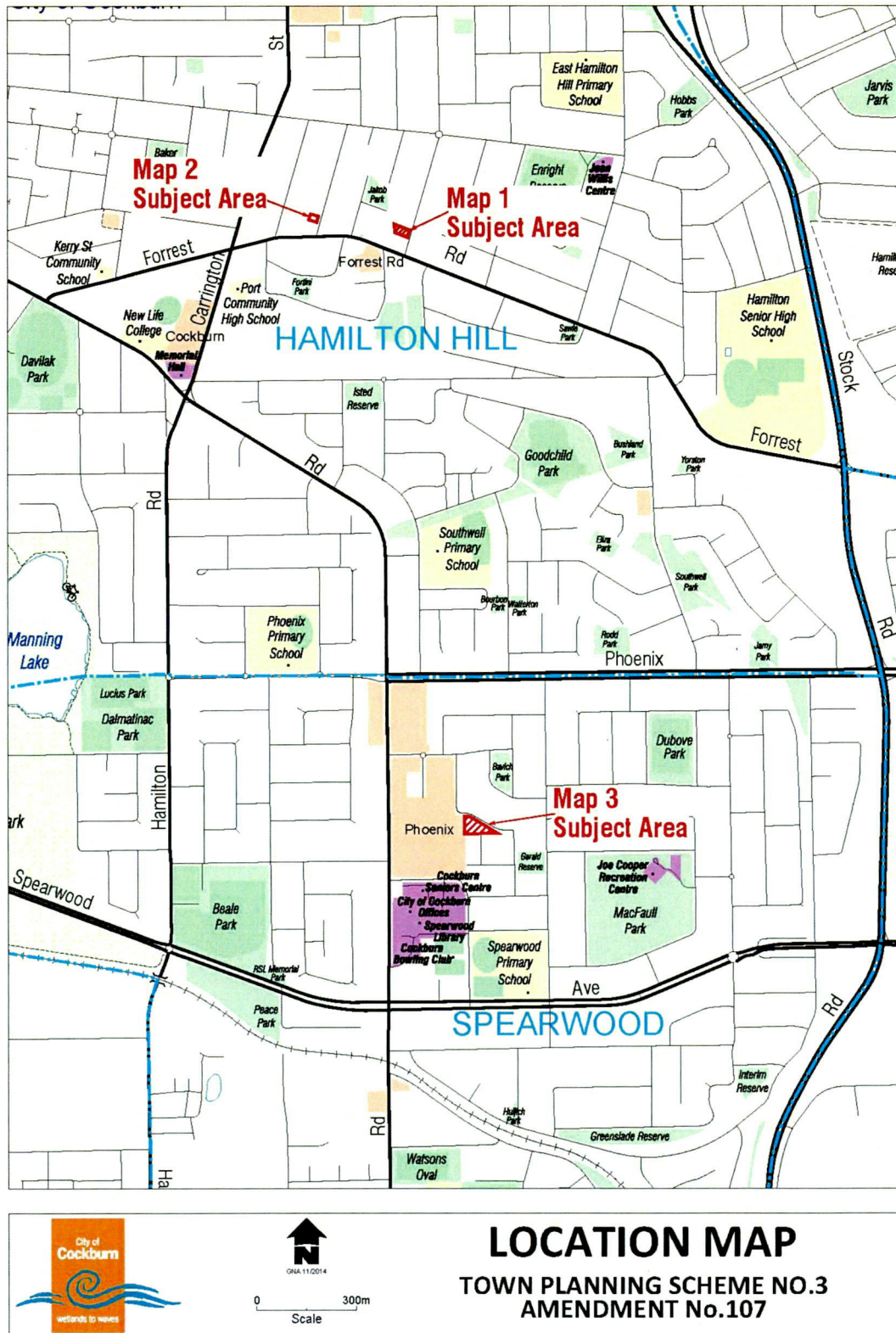


Figure 1 – Location Map for subject sites

## **2. BACKGROUND**

The City of Cockburn owns a number of land parcels throughout the district utilised for different community purposes. These land parcels are commonly used as drainage sites, sporting grounds or community facilities. As part of managing the City's freehold land assets, it has developed a Land Management Strategy, with the current version being from 2011-2016.

The Land Management Strategy is required to identify land assets that are capable of generating a long term revenue stream for the City. Where land is owned by the City, but not aligned with its strategic goals, the land may be regarded as surplus and the Strategy recommends such land be value added and made available for sale.

This Scheme amendment has been initiated following further investigation into these three land parcels which revealed they were appropriate for value adding and future sale. As mentioned above, these sites are zoned 'Urban' under the MRS, therefore lending all sites to be highly suited to residential development should they meet the necessary planning and building requirements.

### **Site Constraints**

Lot 14 Frederick Road, Hamilton Hill is constrained in its development potential due to the location of a Western Power power-line easement located over the site. Further to this, the southern portion of this lot is used by the City as a drainage sump.

Recent investigations have revealed the ability to rationalise the power-line easement to reflect that which has occurred to the immediate north-east of the subject land. This results in significantly increasing the developable area of land, to the point that it is now viable for rezoning and sale.

Lot 34 Clara Road, Hamilton Hill is currently utilised as a sump, with no other constraints affecting the site. The location of the sump on the front of the lot is not beneficial in its current location, limiting the available uses of the site significantly.

Recent changes to above constraints has allowed for a review of the development potential for these sites. This amendment proposes an alteration to the Scheme, whereby the northern portion of lot 14 Frederick Road, Hamilton Hill and the front portion of lot 34 Clara Road, Hamilton Hill, be rezoned for the purpose of Residential R30 development. The purpose of this rezoning is to increase the development potential of these land parcels, whilst still retaining an area of land adjacent to both sites for drainage purposes.

## **3. PROPOSAL**

Scheme Amendment No. 107 proposes three changes to the Scheme. These changes have been initiated by the City and are consistent with the strategic goals of the City's Local Planning Strategy and Land Management Strategy. The three subject sites have been identified as having greater development potential than what is currently being achieved and as such, under the guidance of the Land Management Strategy, are now being taken through a process of value adding.



Council owned land is not bound by any legal obligations to be held. Each parcel of land is purchased independently of other parcels and often with a specific strategic vision the City has developed. The importance of having a clear direction for Council owned land is paramount to the principles of orderly and proper planning, however, it is possible that over time, required land uses may change. This is the case with this land.

#### Lot 14 (75) Frederick Road, Hamilton Hill

The subject site is located at the corner of Forrest and Frederick Road in Hamilton Hill. Lot 14 is surrounded by residential development, mixed business uses and local centres, with increased future residential development taking place as part of the Hamilton Hill Revitalisation Strategy. Currently used as a drainage sump, the site was initially reviewed and determined to be incapable of sustaining developed of any nature due to the Western Power power line easement traversing across a large portion of the site. However, the easement has now agreed to be reduced which opens up development potential for the land.

Covering an area of 2271m<sup>2</sup>, with the sump sitting in the southern section of the block, the northern portion of this site is vacant from major vegetation or existing development. The proposed amendment would allow the creation of a second lot on the northern portion of the site, totalling an area of 1028m<sup>2</sup>. The remaining southern lot will continue to act as lakes and drainage reserve on the southern portion of the site, totalling 1243m<sup>2</sup>.

Following an investigation into the constraints affecting this site and the proposed modifications to the Western Power easement, the rationalisation of the northern portion of this lot for R40 residential development is supported and is consistent with increasing the density of the area in accordance with Directions 2031 and the City's Hamilton Hill Revitalisation Strategy. The sites previous retention as a drainage sump was due to the constraints on the rest of the site, however, the reduction of the easement and the ability to rezone the northern portion of this land has prompted the City to review this sites development potential, leading to development of this land parcel.

#### Lot 34 (27) Clara Road, Hamilton Hill

The subject site is located within the locality of Hamilton Hill, north of Forrest Road. The site is currently used as a drainage sump, zoned 'Local Reserves – Lakes and Drainage' under the City's TPS and 'Urban' under the Metropolitan Region Scheme. This site is 946m<sup>2</sup> in area, with a drainage sump located in the middle of the lot being the only constraint on site.

The proposed rezoning has been initiated as a result of further investigation into the site's use as a sump. The current development potential of the site is limited with the sump in its current location, however, further investigation by the City's engineers and surveyors has identified that the possibility of moving the sump to the rear of the lot would completely modify the site's future development potential. With the progression of the Hamilton Hill Revitalisation Strategy, surrounding land has undergone extensive rezoning to recode the area for higher density development.

With the increase in residential development potential in this area, the site is now at a point where development should occur.

The rezoning of this site will require the rationalisation of the sump to the rear of the property, allowing for a parcel of land of approximately 450m<sup>2</sup> to be made available for residential R30 at the front of the subject lot. As a drainage sump, the value of this land is minimal; however, as a section of residential R30 land with a small drainage sump at the rear of the lot, the value of this site increases significantly.

#### 29 March Street Spearwood

This irregular shaped lot is centrally located adjacent, and to the east, of the Phoenix Shopping Centre. Land to north, east and south is currently zoned 'Residential R40'. To the western side of March Street is the Phoenix central shopping complex and car park, however, March Street presents as a low scale suburban residential street that would benefit from medium density residential.

The site contains a child health centre service currently operated by the City. Plans are currently underway to relocate the two Health Nurses running the operation to the City's Starling Street Centre. This will leave the premises at 29 March Street, Spearwood vacant and provides the opportunity for the City to consider disposing of this asset as it is no longer required.

The subject site is 2061m<sup>2</sup> and located in close proximity to commercial and retail services. This site is also well serviced by public transport links along Coleville Crescent and Spearwood Avenue, both located within a 500m walkable catchment distance.

The site is likely to present an optimal outcome for medium density residential development given its dual frontage to March Street and Olinda Court to the South. Medium density development in this location is consistent with the Phoenix Revitalisation Strategy 2009, which identified this area as precinct 4 – inner residential precinct. As a result of relocating the two Health Nurses to the Starling Street Centre, the land no longer possesses any use as a health care centre, therefore, under the guidelines of the Land Management Strategy, the City is now in a position to look to rezone and sell this land for future residential purpose.

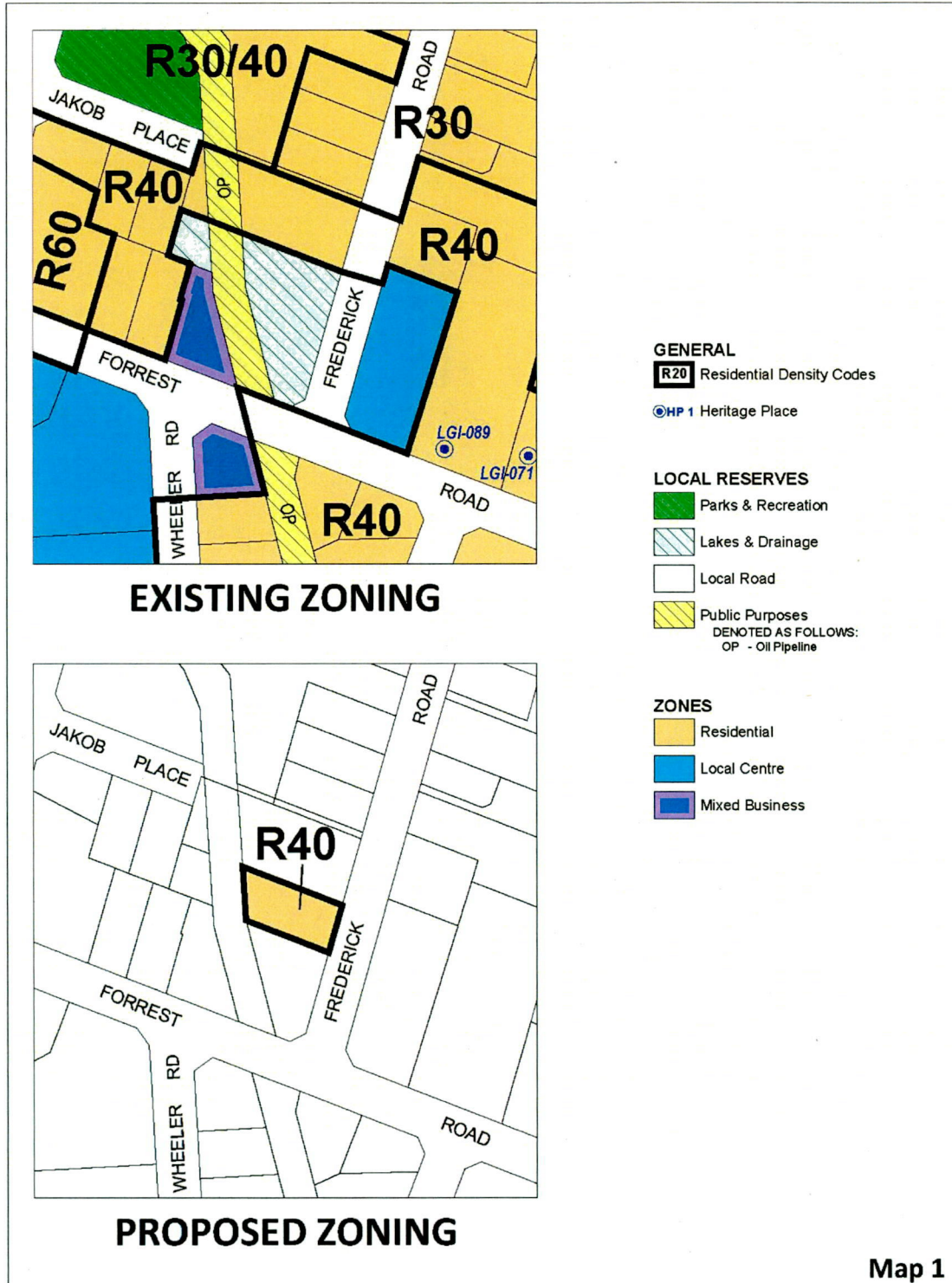
#### **4. CONCLUSION**

This Scheme amendment has been undertaken following further investigation into the necessity of some of the City's land assets, consistent with the strategic guidance of the Local Planning Strategy and Land Management Strategy.

Modification of the Scheme for these changes will allow the City to undertake the rezoning and sale of these parcels of land, with the revenue being directed towards investment in future land acquisition or infrastructure projects. Justification of the proposed changes has been set out in section 3 of this report; however, the underlying justification for this amendment has come from a review of the City's Land Management Strategy which identified the importance of Council owned land reaching its fullest potential.

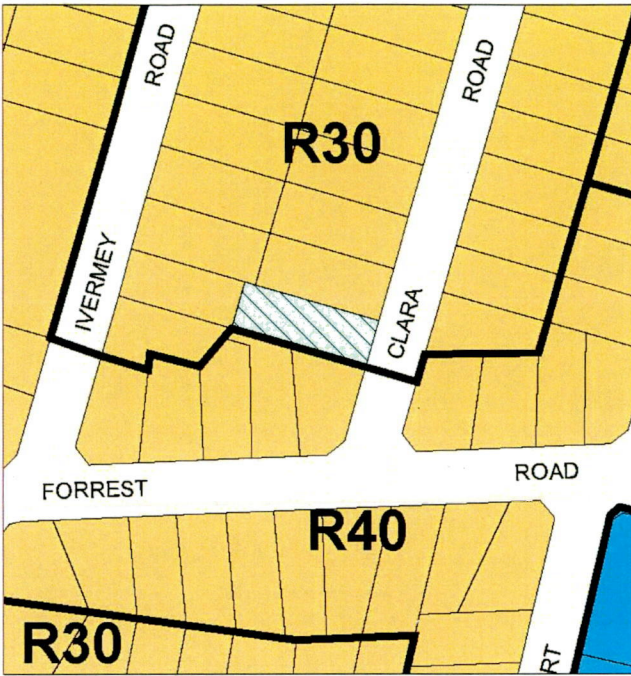
The amendments to the Town Planning Scheme that are proposed in this amendment are relatively minor in nature.

5. **SCHEME AMENDMENT MAPS**





**TOWN PLANNING SCHEME No.3  
 AMENDMENT No.107**



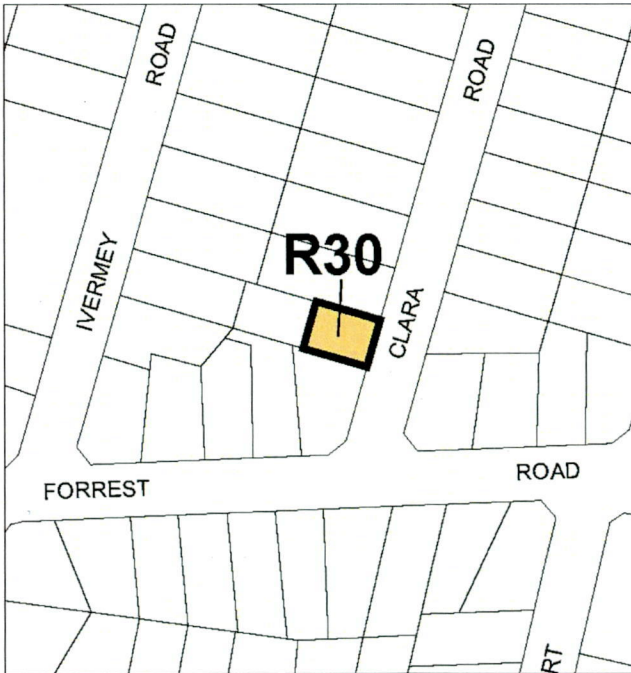
**EXISTING ZONING**

**GENERAL**

**R20** Residential Density Codes

**LOCAL RESERVES**

Lakes & Drainage



**PROPOSED ZONING**

**ZONES**

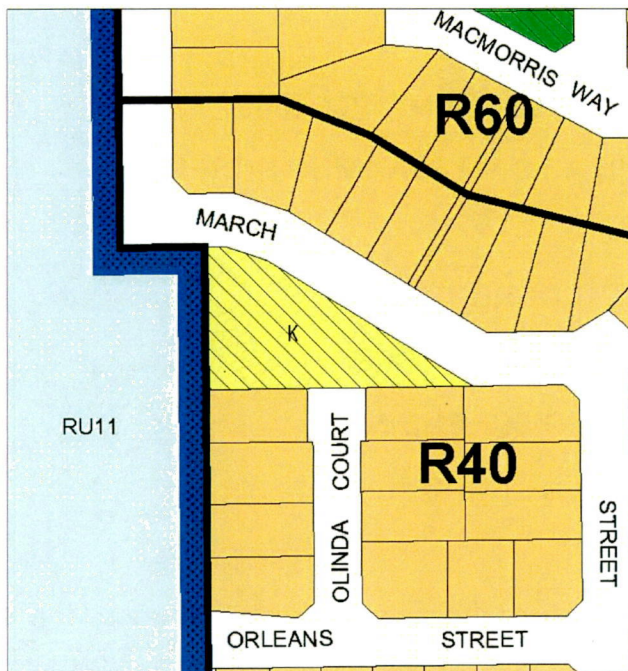
Residential

Local Centre

**Map 2**



**TOWN PLANNING SCHEME No.3  
AMENDMENT No.107**



**EXISTING ZONING**

**GENERAL**

- R20** Residential Density Codes
- RU11** Restricted Uses

**LOCAL RESERVES**

- Parks & Recreation
- Local Road
- Public Purposes  
DENOTED AS FOLLOWS:  
K - Pre-School

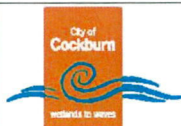
**ZONES**

- Residential
- District Centre



**PROPOSED ZONING**

**Map 3**



**TOWN PLANNING SCHEME No.3  
AMENDMENT No.107**

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

**CITY OF COCKBURN**  
**TOWN PLANNING SCHEME**  
**TOWN PLANNING SCHEME NO. 3**  
**AMENDMENT NO. 107**

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

1. Rezoning the northern portion of Lot 14 (No. 75) Frederick Road, Hamilton Hill from 'Local Reserves – Lakes & Drainage' to 'Residential R40';
2. Rezoning the front portion of Lot 34 (No. 27) Clara Road, Hamilton Hill from 'Local Reserves – Lakes and Drainage' to 'Residential R30';
3. Rezoning Lot 110 (No. 29) March Street, Spearwood from 'Public Purpose – Pre-School' to 'Residential R40';
4. Amending the Scheme Map accordingly.

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 13<sup>th</sup> day of November 2014.

*Logan Howell*

MAYOR

A/ *[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 12<sup>th</sup> day of FEBRUARY 2015, and the Common Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

*Logan Howell*

MAYOR

26/02/2015  
DATE

(Seal)

A/ *[Signature]*  
CHIEF EXECUTIVE OFFICER

26/2/2015  
DATE



RECOMMENDED/SUBMITTED FOR FINAL APPROVAL BY THE WESTERN AUSTRALIAN PLANNING COMMISSION

DELEGATED UNDER s16 PLANNING AND DEVELOPMENT ACT 2005

DATE

FINAL APPROVAL GRANTED

MINISTER OF 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 30/12/15.

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.