

14 Reports - CEO (and Delegates)

14.1 Built and Natural Environment

14.1.1 (2023/MINUTE NO 0190) Initiation and Adoption of (Basic) Amendment No.162 to Town Planning Scheme No.3 - Rationalisation of Development Area 11 (Aubin Grove)

Executive	A/Chief of Built and Natural Environment
Author	Strategic Planning Officer
Attachments	1. Draft Scheme Amendment No.162 Report ↓
Location	Aubin Grove
Owner	Various
Applicant	City of Cockburn
Application	109/162
Reference	

Officer Recommendation/Council Decision

MOVED Cr M Separovich SECONDED Cr P Eva

That Council:

(1) AMENDS the City of Cockburn Town Planning Scheme No.3, pursuant to Section 75 of the *Planning and Development Act 2005*, by:

- Rezoning various lots within 'Development Area 11' from 'Development' to 'Residential (R20)', 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Local Centre' and/or the 'Special Use' zone, as depicted on the Scheme Amendment Map.
- Reclassifying land within 'Development Area 11' from the 'Development' zone to a local 'Parks and Recreation', 'Lakes and Drainage', 'Local Road', 'Public Purposes (Water Corporation)' and/or 'Public Purposes (Primary School)' reservation, as depicted on the Scheme Amendment Map.
- Amending the Scheme Maps and 'Table 8 – Special Use Zones' to include Special Use No.30 (SU30), as follows:

No.	Description of Land	Special Use	Conditions
SU30	Lot 1002 Gaebler Rd, Aubin Grove	Telecommunications Infrastructure	Development Approval

- Reducing the extent of the 'Development Area 11' (DA 11) special control area boundary, as depicted on the Scheme Amendment Map;

(2) DETERMINES that the Amendment is 'basic' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it satisfies the following criteria of Part 5, Division 1, Regulation 34:

- an amendment to the local planning scheme that involves zoning land consistent with an approved structure plan for the same land;

and REFERS the Amendment to the Western Australian Planning Commission, pursuant to Part 5, Division 1, Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for its consideration.

- (3) REFERS the Amendment to the Environmental Protection Authority (EPA), pursuant to Section 81 of the Planning and Development Act 2005, by giving to the EPA written notice of this resolution and such written information about the amendment as is sufficient to enable the EPA to comply with Section 48A of the *Environmental Protection Act 1986* in relation to the proposed scheme amendment.
- (4) REFERS the Amendment to the Minister for Planning, pursuant to Section 83A of the *Planning and Development Act 2005*, for consideration on whether advertising is required.
- (5) Upon compliance with Sections 81, 82 and 83A of the *Planning and Development Act 2005*, DELEGATES authorisation and submission of the amendment documentation to the Western Australian Planning Commission along with a request for the endorsement of final approval by the Hon. Minister for Planning.
- (6) NOTES the intention to revoke the 'following Structure Plans, pursuant to Schedule 2, Part 4, Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, upon approval of Amendment No.162:

Structure Plan #	Address	Endorsement Date	WAPC Reference
11C	Lot 5 Lyon Road, Aubin Grove	08/12/2006	801/2/23/0014P 7V
11D	Lot 15 Lyon Road, Aubin Grove	06/01/2006	801/2/23/0014P 11V
11E	Lot 416 Gaebler Road, Aubin Grove	14/11/2005	801/2/23/0014P 10V
11F	Lot 416 Lyon Road, Aubin Grove	17/02/2005	N/A
11H	Lot 2,3,4 and 14 Gaebler Road, Aubin Grove	11/07/2006	801/2/23/0014P 8V
11I	Lot 204 Lyon Road, Aubin Grove	13/03/2008	801/2/23/0014P 12V
11L	Lot 10 and 11 Lyon Road, Aubin Grove	17/07/2009	837/2/23/0003P
11M	Lyon Road, Aubin Grove	14/08/2012	SPN/0370
11N	Lots 12 and 13 Lyon Road, Aubin Grove	31/03/2015	SPN/0648

CARRIED 8/0



Background

Structure plans are important planning instruments, regularly used to coordinate the subdivision and development of land, particularly in new, greenfield locations.

Reflective of its rapid urbanisation over the past 20+ years, the City currently has over 150 local structure plans operating within its scheme area, many of which are substantially subdivided and/or have been built out.

When the *Planning and Development (Local Planning Scheme) Regulations* were released in 2015, a key change involved the introduction of a 10-year time limit to the validity of structure plans.

Plans approved prior to this date were automatically given a 10-year timeframe from when the regulations were adopted.

Under the State Planning Framework, once a structure plan has served its purpose (typically once all the lots have been subdivided and physically created), the zones and reserves are to be transferred into the Scheme and the Structure Plan revoked.

This process, commonly referred to as structure plan 'rationalisation', ensures the City retains appropriate planning mechanisms to guide and control future use and/or redevelopment of the land (including the same range of permissible land uses and associated development standards as currently apply) into the future, consistent with community expectations.

This proposal is the second of a series of Scheme Amendments required to rationalise large portions of the City's urban areas ahead of several existing structure plans expiring upon the 10-year anniversary of the Regulations coming into effect (19 October 2025).

Submission

N/A

Report

The following Structure Plans have been fully implemented:

- Lot 199 Gaebler Road, Aubin Grove (11A)
- Lot 5 Lyon Road, Aubin Grove (11C)
- Lot 15 Lyon Road, Aubin Grove (11D)
- Lot 416 Gaebler Road, Aubin Grove (11E)
- Lot 416 Lyon Road, Aubin Grove (11F)
- Lot 2,3,4 and 14 Gaebler Road, Aubin Grove (11H)
- Lot 204 Lyon Road, Aubin Grove (11I)
- Lot 10 and 11 Lyon Road, Aubin Grove (11L)
- Lyon Road, Aubin Grove (11M)
- Lots 12 and 13 Lyon Road, Aubin Grove (11N).



The purpose of this amendment is simply to:

- transfer the zones and reserves shown on the local structure plans for these areas into Town Planning Scheme No.3 (TPS3)
- revoke the structure plans (with exception to 11A – Lot 199 Gaebler Road, Aubin Grove, pending finalisation of a separate ‘standard’ Scheme Amendment)
- adjust the boundary of the Development Area No.11 (DA11) special control area to match the above outcome.

Development Area 11

Development Area 11 (DA11) was initially created when TPS3 was first gazetted in December 2002.

Its current extent is the result of three separate scheme amendments (133, 136 and 137) gazetted between November 2018 and July 2019, rationalising developed areas at its southern end (roughly between Chile Way and Rowley Road).

The special provisions for DA11 included in Table 9 of TPS3 are basic, simply reinforcing the requirement for structure plans to first be prepared to guide future subdivision and development, anticipating the development outcome will principally be for residential purposes.

As there remain portions of DA11 yet to be structure planned or developed (in particular portion of Lot 11 and Lot 74 Beenyup Road), deletion of DA11 and/or its special provisions are not proposed at this time, rather just a reduction to the extent of the DA11 special control area boundary to reflect the outcome of this proposal (and in time that of complementary standard Amendment No.163 focusing on the Local Centre area near the intersection of Lyon and Gaebler Roads).

Local Structure Plans

The structure plans collectively identify a local road and public open space network for the area, plus a range of low-to-medium density (R20-R60) residential areas, serviced by local level commercial and community facilities.

All the proposed zonings and reserves shown on the Structure Plan maps (the subject of this proposal), directly correlate to zonings and reserves pursuant to the Scheme.

All of 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.

Further detail on both the Development Area and various Structure Plans are included in the Draft Scheme Amendment No.162 Report (refer Attachment 1).

Type of Amendment

This amendment is considered a ‘Basic’ Amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it is an amendment to the local planning scheme involving zoning land consistent with an approved structure plan for the same land.



Strategic Plans/Policy Implications

Local Economy

A sustainable and diverse local economy that attracts increased investment and provides local employment.

- A City that is 'easy to do business with'.

Listening & Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.

Budget/Financial Implications

Not applicable - the Amendment documentation has been prepared, and the proposal will be progressed by the administration under its FY24 budget allocation.

Legal Implications

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

As of 1 August 2023, changes to the *Planning & Development Act 2005* came into force.

Newly inserted Section 83A requires all new Scheme Amendments to obtain the Minister's consent prior to advertisement, to ensure proposals that don't align with the State Planning Framework are stopped as early in the process as possible.

Whilst by virtue of their minor, administrative nature 'Basic' amendments do not require advertisement under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Officers of the Department for Planning Lands and Heritage have confirmed that s.83A still applies and needs to be met.

Community Consultation

Part 5 (Division1, Regulation 34) of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies three amendment types: basic, standard, and complex.

The changes proposed by Amendment No.162 meet the definition of a 'Basic' Scheme Amendment. Such proposals do not typically require public advertisement.

Advertising will only occur if the Minister for Planning specifically directs the City to do so (pursuant to s.83A of the *Act* and/or r.61 of the *Regulations*), or the WA Planning Commission disagrees with the City's determination of the 'type' of Amendment (i.e. that it should instead be processed as a 'standard' or 'complex' amendment, pursuant to r.59 of the *Regulations*).



Risk Management Implications

The officer recommendation considers the relevant planning matters associated with the proposal.

It is considered the officer recommendation is appropriate.

If the Amendment does not proceed (or is ultimately refused by the Minister for Planning):

- an opportunity will be missed to simplify the planning framework and remove additional layers of planning (structure plans) that have served their purpose
- the City will need to consider alternatives to ensure an appropriate local planning framework is in place to guide future land use and/or redevelopment proposals in the area ahead of the structure plans expiring on 19 October 2025.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil





Town Planning Scheme No.3
Amendment No 162
(Basic)

*Rationalisation of various Structure Plans
Development Area 11 (Aubin Grove)*

AUGUST 2023

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

City of Cockburn
Town Planning Scheme No.3
Amendment No.162

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 11' from 'Development' to 'Residential (R20)', 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Local Centre' and/or the 'Special Use' zone, as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 11' from the 'Development' zone to a local 'Parks and Recreation', 'Lakes and Drainage', 'Local Road', 'Public Purposes (Water Corporation)' and/or 'Public Purposes (Primary School)' reservation, as depicted on the Scheme Amendment Map.
3. Amending the Scheme Maps and 'Table 8 – Special Use Zones' to include Special Use No.30 (SU30), as follows:

No.	Description of Land	Special Use	Conditions
SU30	Lot 1002 Gaebler Rd, Aubin Grove	Telecommunications Infrastructure	Development Approval

4. Reducing the extent of the 'Development Area 11' (DA 11) special control area boundary, 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
11C	Lot 5 Lyon Road, Aubin Grove	08/12/2006	801/2/23/0014P 7V
11D	Lot 15 Lyon Road, Aubin Grove	06/01/2006	801/2/23/0014P 11V
11E	Lot 416 Gaebler Road, Aubin Grove	14/11/2005	801/2/23/0014P 10V
11F	Lot 416 Lyon Road, Aubin Grove	17/02/2005	N/A

11H	Lot 2,3,4 and 14 Gaebler Road, Aubin Grove	11/07/2006	801/2/23/0014P 8V
11I	Lot 204 Lyon Road, Aubin Grove	13/03/2008	801/2/23/0014P 12V
11L	Lot 10 and 11 Lyon Road, Aubin Grove	17/07/2009	837/2/23/0003P
11M	Lyon Road, Aubin Grove	14/08/2012	SPN/0370
11N	Lots 12 and 13 Lyon Road	31/3/2015	SPN/0648

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

Dated this _____ day of _____ 20__

CHIEF EXECUTIVE OFFICER



AMENDMENT REPORT

1.0 INTRODUCTION

Structure Plans No.11 A, C, D, E, F, H, I, L, M and N have all been fully implemented.

The purpose of this basic scheme amendment is to transfer the zones and reserves shown for these structure plan areas 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 rationalisation of a structure plan.

2.0 BACKGROUND

Development Area 11 (DA11) was initially created when TPS3 was first gazetted in December 2002. Its current extent is the result of three separate scheme amendments (#133, #136 and #137) gazetted between November 2018 and July 2019 that rationalised developed areas at its southern end (roughly between Chile Way and Rowley Road).

DA11 currently includes eleven endorsed structure plans as per the table below.

Due to portions of Structure Plans 11A and 11G depicting zones in and around the Local Centre (at the intersection of Lyon and Gaebler Roads) that do not directly correlate with TPS3, these areas (and associated land use permissibility adjustments) form the subject of a separate 'standard' amendment that will be advertised for public comment.

Structure Plan #	Address	Endorsement Date	Type Amendment Required
11A	Lot 199 Gaebler Road, Aubin Grove	18/05/2004	Basic / Standard
11C	Lot 5 Lyon Road, Aubin Grove	08/12/2006	Basic
11D	Lot 15 Lyon Road, Aubin Grove	06/01/2006	Basic
11E	Lot 416 Gaebler Road, Aubin Grove	14/11/2005	Basic
11F	Lot 416 Lyon Road, Aubin Grove	17/02/2005	Basic
11G	Lot 18 and 19 Gaebler Road, Aubin Grove	04/05/2009	Standard
11H	Lot 2,3,4 and 14 Gaebler Road, Aubin Grove	11/07/2006	Basic
11I	Lot 204 Lyon Road, Aubin Grove	13/03/2008	Basic
11L	Lot 10 and 11 Lyon Road, Aubin Grove	17/07/2009	Basic
11M	Lyon Road, Aubin Grove	14/08/2012	Basic
11N	Lots 12 and 13 Lyon Road, Aubin Grove	31/03/2015	Basic

The extent of DA11 (thick black dotted line), this scheme amendment proposal (red solid line), and the relevant Structure Plans are depicted on **Figures 1 and 2**:

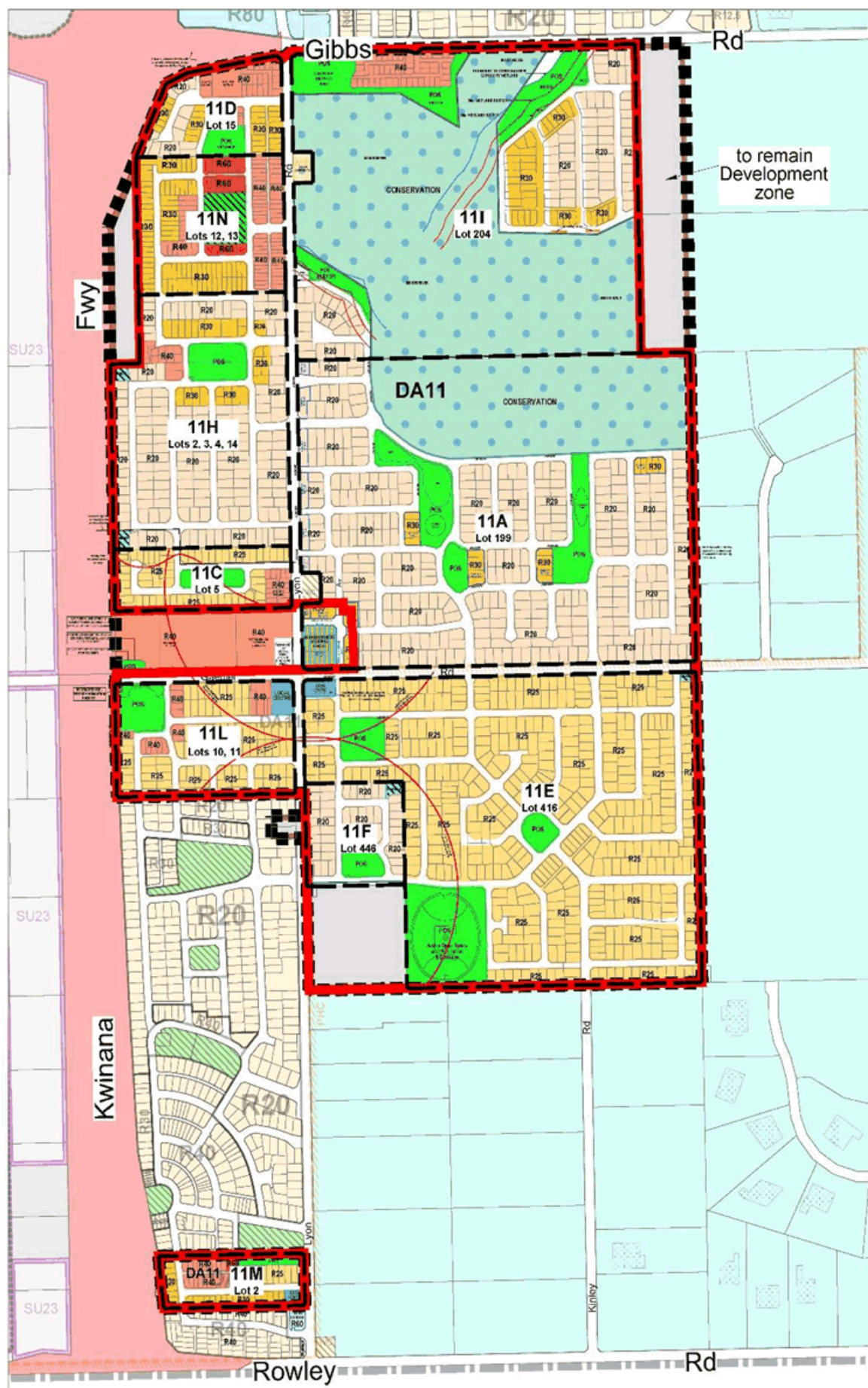


Figure 1 – DA11, Amendment Extent and Current endorsed Structure Plans

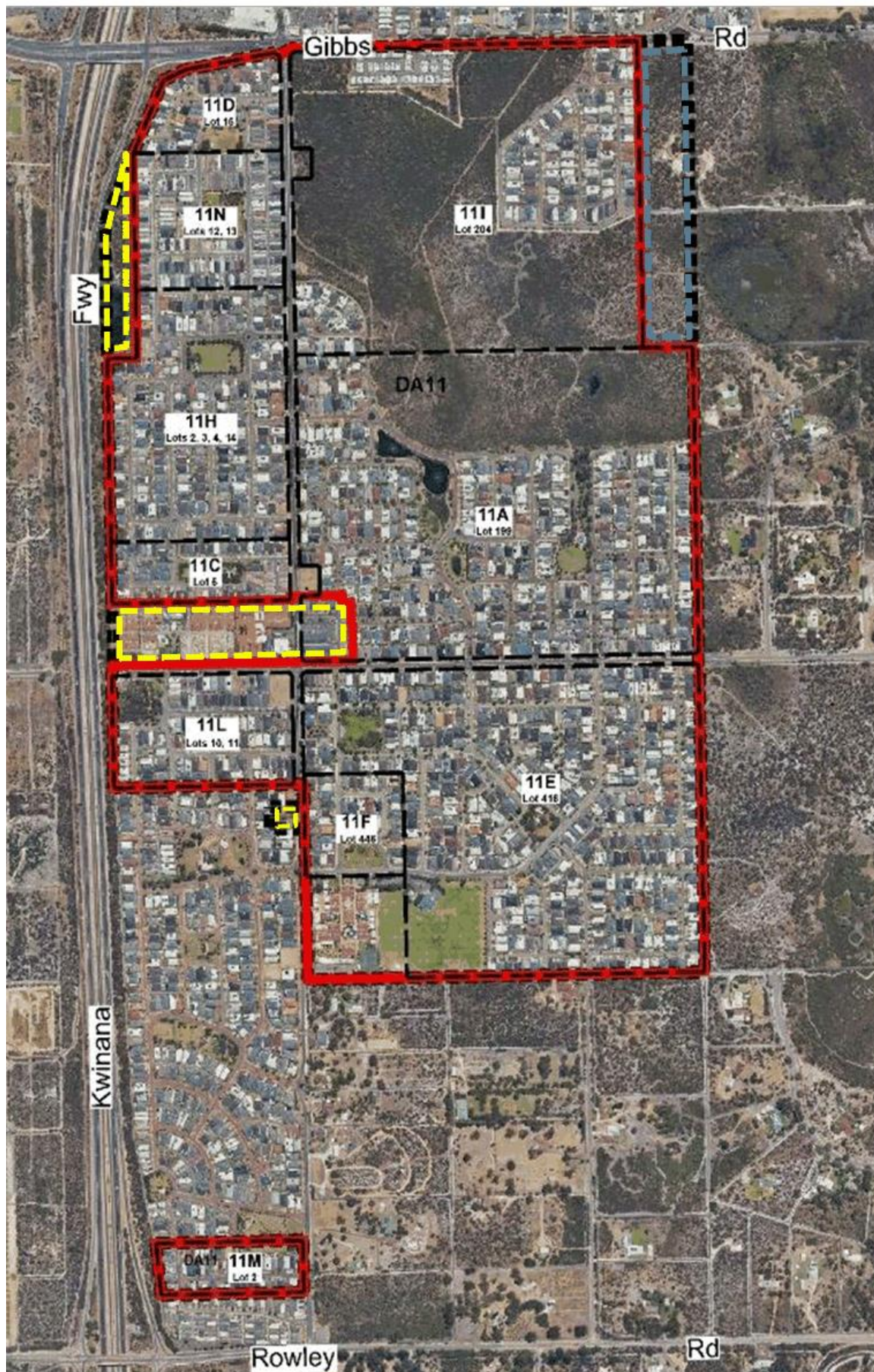


Figure 2 – Aerial Photograph showing extent of completed subdivision and development

The three parcels of land outlined in yellow on Figure 2, form the subject of the separate complimentary 'standard' Scheme Amendment (#163).

The portion of Lot 11 (#252) and Lot 74 (#268) Beenyup Road outlined in blue on Figure 2, form the subject of a structure plan currently with the Western Australian Planning Commission (WAPC) for determination (on advice from Environmental Agencies). Until such time as this is approved and fully developed, DA11 and its associated special provisions need to be retained.

Each of the relevant structure plans include a number of 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

Aside from highly constrained environmental areas (already in public ownership), and the unapproved structure plan area for Lots 11 and Lot 74 Beenyup Road, the entirety of DA11 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 Area 11 (DA11).

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 11 it includes the following:

TABLE 9 – DEVELOPMENT AREAS		
REF. NO.	AREA	PROVISIONS
DA 11	BEEILIAR (DEVELOPMENT ZONE)	1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with clause 27(1) of the Deemed Provisions. 2. To provide for Residential development

5.0 PROPOSAL

Subdivision and development of substantive portions of DA 11 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 DA11 and transfer the structure plans identified zonings and reservations for the land into the Scheme, ahead of the structure plans expiring on 19 October 2025.

Development Area 11:

As there remain portions of DA11 yet to be structure planned or developed (in particular, portions of Lot 11 and Lot 74 Beenyup Road), deletion of DA11 and/or its special provisions are not proposed at this time, rather just a reduction to the extent of the DA11 special control area boundary to reflect the outcome of this proposal (and in time that of the complimentary 'standard' scheme amendment #163).

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 our 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.

Lot 199 Gaebler Road, Aubin Grove (11A) – 'The Sanctuary' Estate

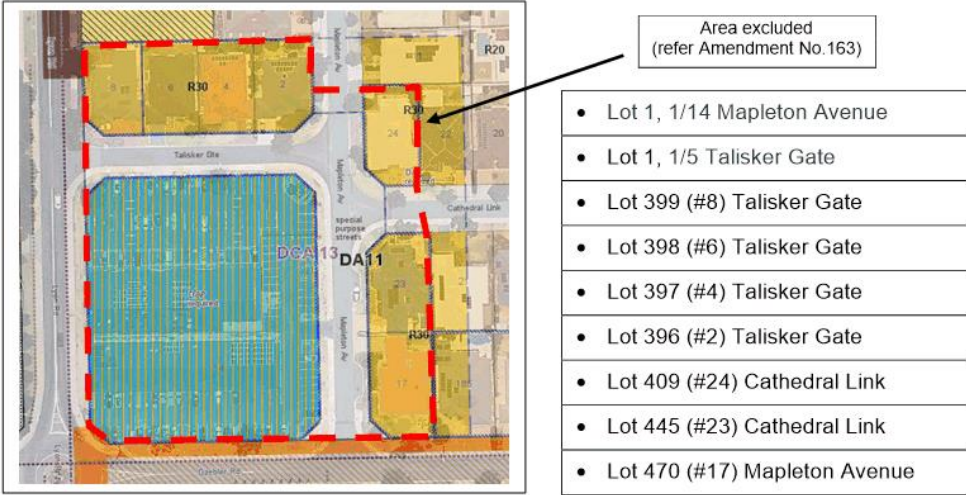
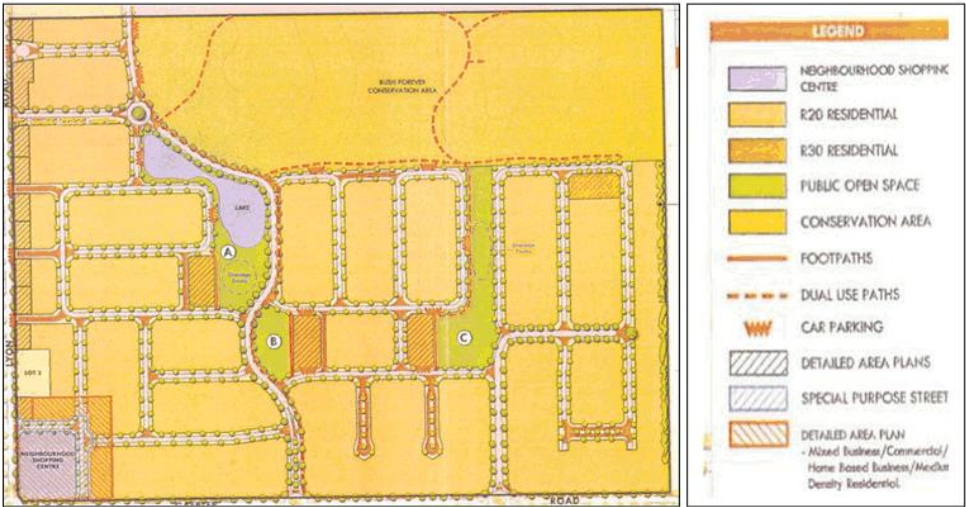
Located midway along the eastern boundary of DA11, this Structure Plan identifies a comprehensive local road and public open space (POS) network (inclusive of key connections back to a large conservation reserve), servicing primarily low residential density (R20) housing.

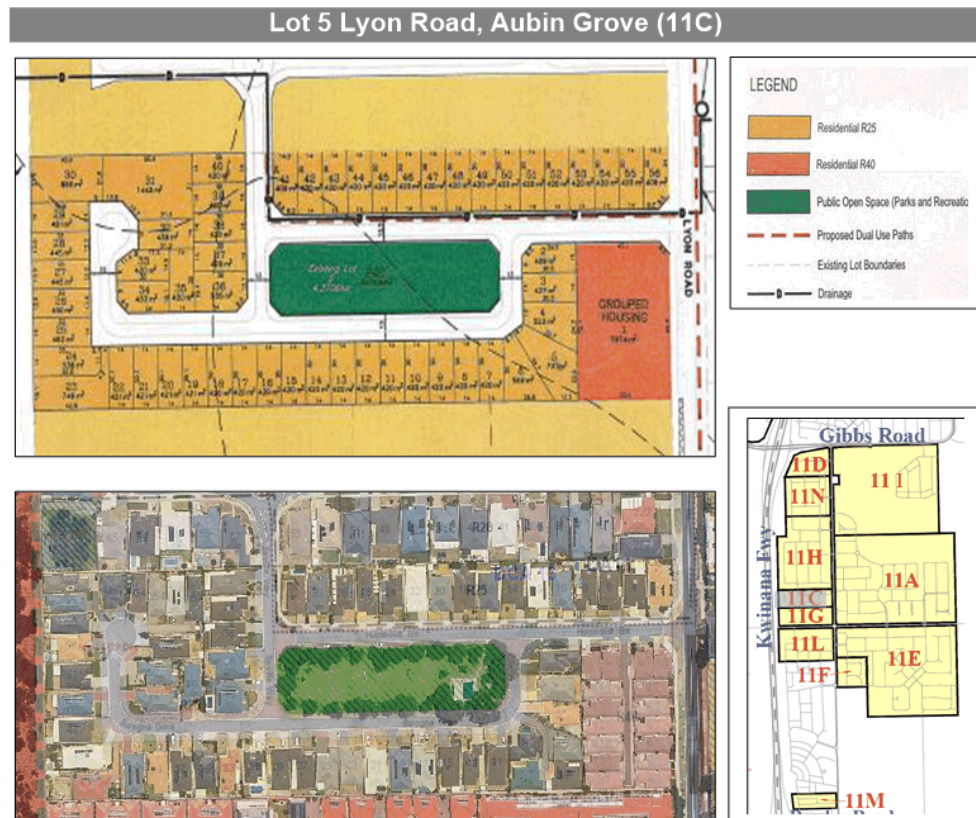
Pockets of medium density (R30) housing are located in high amenity locations that have a direct relationship to either POS or the Neighbourhood Shopping Centre (located at the intersection of Gaebler and Lyon Roads).

This amendment proposes to rationalise all of Structure Plan 11A into the Scheme, except for the Neighbourhood Shopping Centre and the strip of lots immediately surrounding it, for which approved Local Development Plans allow a limited range of complimentary commercial uses, more commensurate with the Scheme's current 'Mixed Use' zone.

Rationalisation of this area will occur via a separate 'standard' scheme amendment (Amendment #163) that will be advertised for public comment. As standard amendments involve a longer statutory process, revocation 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 A**.





Located midway along the western boundary of DA11, between the Kwinana Freeway and Lyon Road, this structure plan identifies a local road and drainage network and low density (R25) housing around a central POS reserve (Bologna Park).

A medium density (R40) grouped housing site is located adjacent the bus route that runs along Lyon Road.

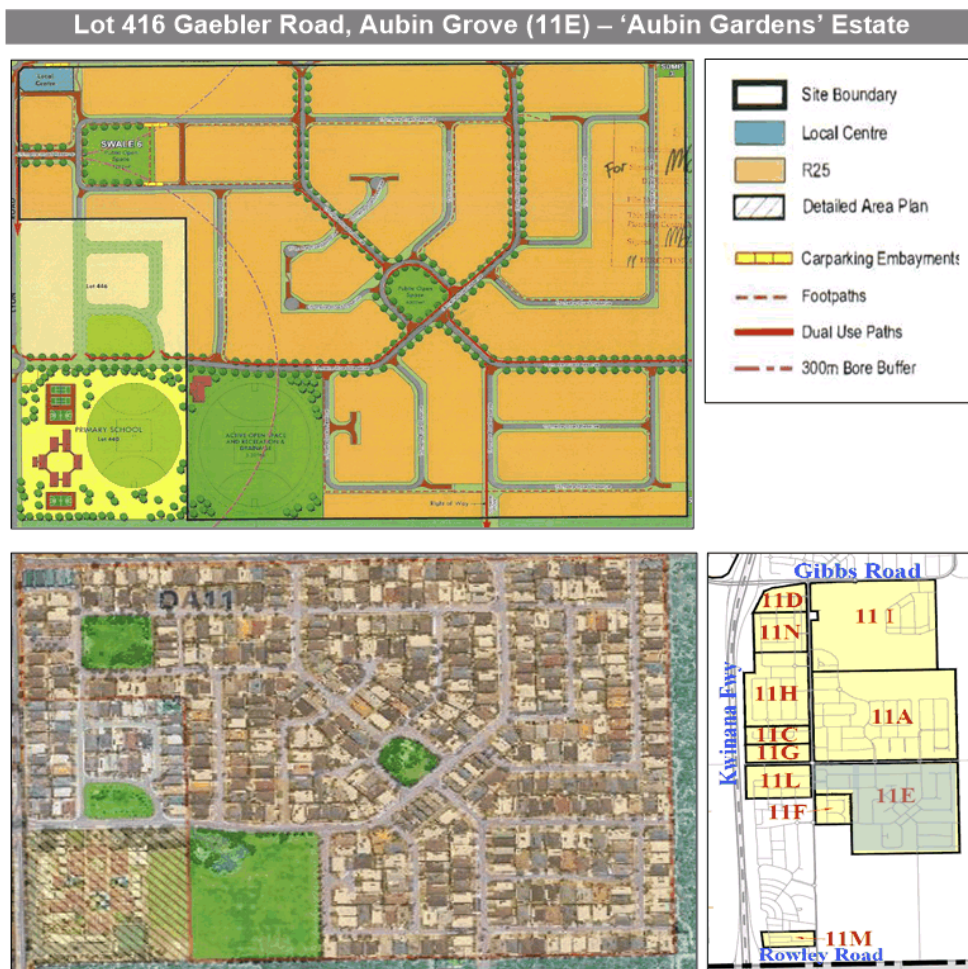
All this land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and reserves identified on the Structure Plan's map shown in **Appendix B**.



Located in the northwest corner of DA11, adjacent Gibbs Road and the Kwinana Freeway, this Structure Plan identifies a local road network servicing a range of low-to-medium residential density (R20 to R30) housing, around a centralised public open space reserve (Observatory Park).

Four medium density (R40) grouped housing sites included, one directly adjacent the northern boundary of the POS and three opposite the Harvest Lakes Neighbourhood Centre adjacent the bus route that runs along Gibbs Road.

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's map shown in **Appendix C**.

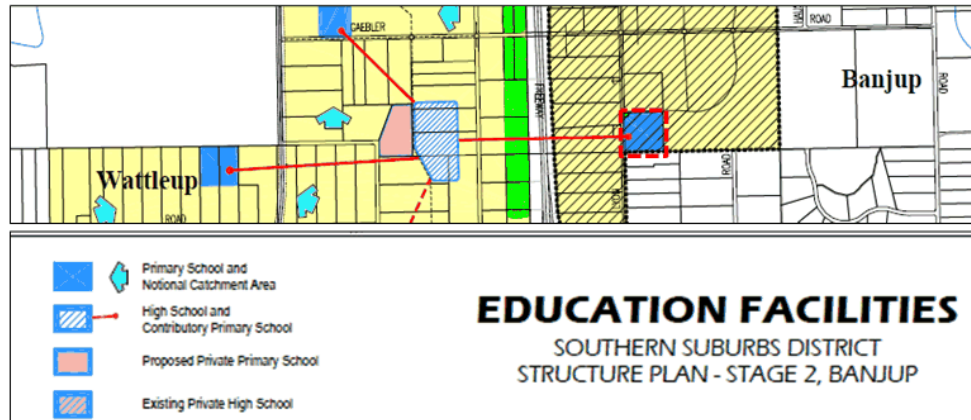


Located in the southeast corner of DA11, this Structure Plan identifies a comprehensive local road and public open space network (inclusive of the Aubin Grove Sport and Community Facility), and a Local Centre (at the intersection of Camden Boulevard and Lyon Road), servicing low density (R25) residential housing.

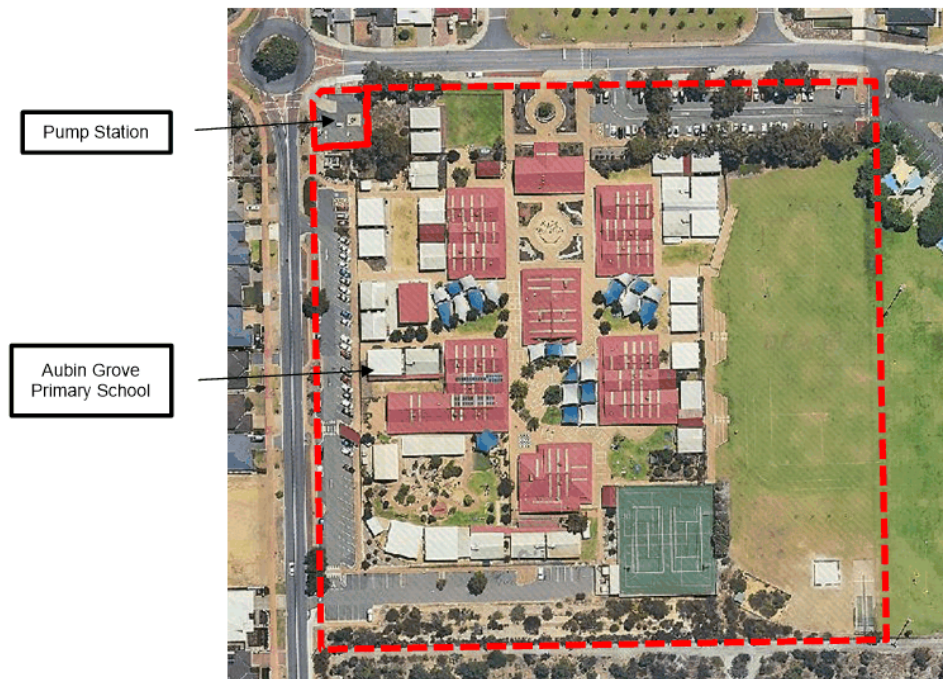
Whilst the structure plan includes differences to the Scheme Land Use Table for lots within the Local Centre zone, and a modification to the R25 average lot size requirement (for subdivision), given the developable landholdings have now been fully subdivided and developed (for residential purposes), these aspects of the structure plan are redundant and can fall away.

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 D**.

In addition, as reflected on the face of the Structure Plan map (and consistent with the Southern Suburbs District Structure Plan – Stage 2 – Banjup 2003), Lot 3000 (#85) Camden Boulevard has been developed as the Aubin Grove Primary School. This amendment therefore proposes a 'Local Reserve – Public Purpose (Primary School)' reservation to reflect this outcome.



Similarly, a 'Local Reserve – Public Purpose (Water Corporation)' reservation is proposed for the Water Corporation owned pump station site (Lot 628 Lyon Road) nestled in the northwest corner of the school site.





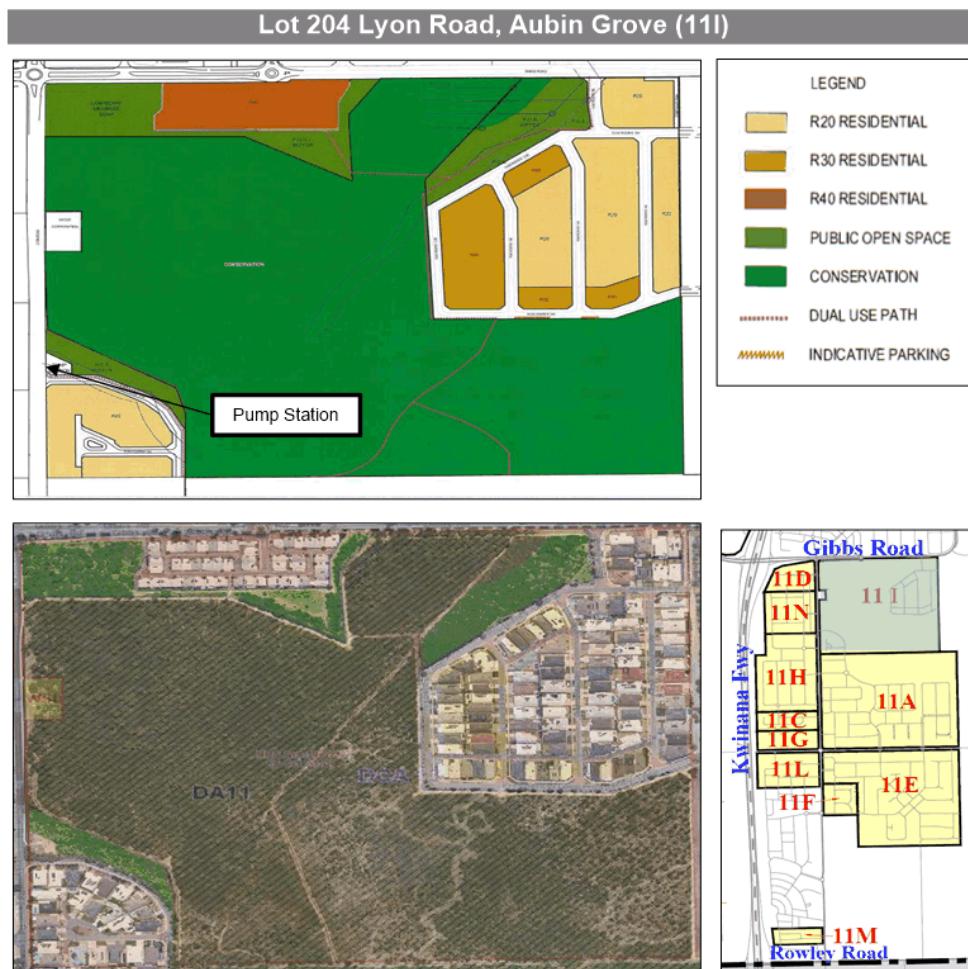
Located at the southern end of the main residual portion of DA11 along the eastern edge of Lyon Road, this Structure Plan identifies a local road network servicing low density (R20) housing focussed around a surrounding a southern POS reserve (Bologna Park).

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 E**.



Located midway along the western boundary of DA11, between the Kwinana Freeway and Lyon Roads, this structure plan identifies a local road and drainage network principally servicing low density (R20) housing, with medium density (R30 and R40) housing immediately surrounding a northerly centralised POS reserve (Bologna Park).

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 F**.

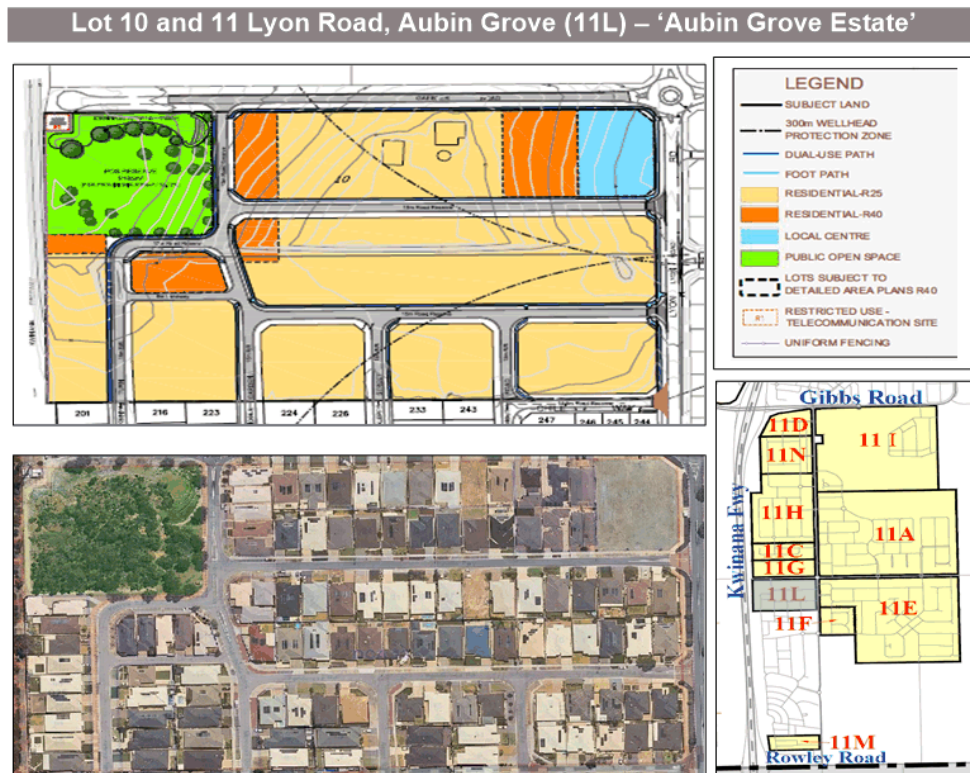


Located in the northeast corner of DA11 adjacent Gibbs and Lyon Roads, this structure plan identifies a local road and public open space network servicing low-to-medium density (R20, R30 and R40) housing in three distinct precincts around an expansive Conservation Reserve (Banksia Eucalypt Woodland Park).

The pockets of medium density (R30 and R40) housing are located in areas of high amenity either directly opposite or adjacent the conservation reserve and/or the bus route along Gibbs Road.

As marked on the face of the Structure Plan map, the site on the corner of Lyon Road and Aubin Grove Link (Reserve #50596) has been developed as a pump station and is under the management of the Water Corporation. A 'Local Reserve – Public Purpose (Water Corporation)' reservation is proposed for this land.

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



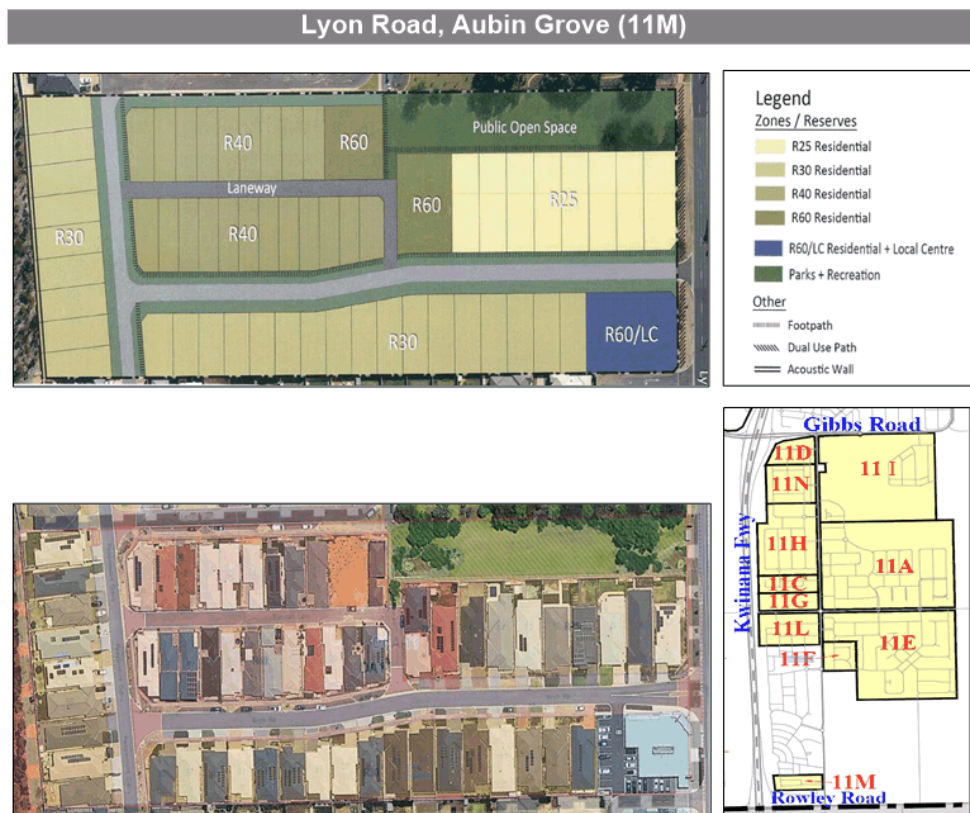
Located at the southern end of the main residual portion of DA11, between Kwinana Freeway and Lyon Road, this structure plan identifies a local road network servicing primarily low density (R25) housing.

Pockets of medium density (R40) housing are located immediately surrounding a POS reserve (Monticola Park) located in the northwest corner of the site, and adjacent an expanded Local Centre at the intersection of Gaebler and Lyon Roads.

Nestled into the northwest corner of the POS reserve is a 'Restricted Use' site accommodating telecommunications infrastructure. Under Town Planning Scheme No.3, a Restricted Use is *"the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted"*. Therefore, to accommodate a 'Restricted Use' would require an underlying zone to be applied.

To avoid any unintended consequences of doing so, in this instance a 'Special Use' zone (typically applied to special categories of land use that do not sit comfortably within any other Scheme zone) is proposed, as the best match or reflection of the intended structure plan outcome.

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 H**.



Located at the southern extreme of DA 11, between the Kwinana Freeway and Lyon Road, this Structure Plan identifies a local road network servicing a range of low-to-medium density (R25, R30, R40 and R60) housing.

The higher densities involve either grouped housing and/or laneway lot product in high amenity locations adjacent to either the POS reserve in the northeast corner of the site (expansion of Colorado Park) and/or the expanded Local Centre located at the intersection of Birch and Lyon Roads.

Of note, Clause 4.8.3 of TPS3 sets R60 as the default residential density code for residential development on non-residential zone land (where permitted, such as in Local Centre zones). Hence, there is no need to propose a dual zoning of the approved 'Local Centre/R60' site.

All this land is therefore 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 I**.

Lots 12 and 13 Lyon Road, Aubin Grove (11N) – 'Aubin Rise' Estate



Located towards the northwest corner of DA11, between the Kwinana Freeway and Lyon Road, this Structure Plan identifies a local network servicing a range of medium density (R30, R40 and R60) housing around a central POS reserve (Bondi Park).

The higher densities are generally located in high amenity locations opposite or adjacent the POS, or adjacent the bus route along Lyon Road. Whilst all the lots have been subdivided, there remain a small number of lots yet to be developed with housing.

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 J**.

6.0 CONCLUSION

For the following reasons, it is now an appropriate time for the structure plans listed above (except Structure Plan 11A) 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 Scheme 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
RESOLUTION TO AMEND A TOWN PLANNING SCHEME

City of Cockburn
Town Planning Scheme No.3
Amendment No.162

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 11' from 'Development' to 'Residential (R20)', 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Local Centre' and/or the 'Special Use' zone, as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 11' from the 'Development' zone to a local 'Parks and Recreation', 'Lakes and Drainage', 'Local Road', 'Public Purposes (Water Corporation)' and/or 'Public Purposes (Primary School)' reservation, as depicted on the Scheme Amendment Map.
3. Amending the Scheme Maps and 'Table 8 – Special Use Zones' to include Special Use 30 (SU30), as follows:

No.	Description of Land	Special Use	Conditions
SU30	Lot 1002 Gaebler Rd, Aubin Grove	Telecommunications Infrastructure	Development Approval

4. Reducing the extent of the 'Development Area 11' (DA 11) special control area boundary, 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
11C	Lot 5 Lyon Road, Aubin Grove	08/12/2006	801/2/23/0014P 7V
11D	Lot 15 Lyon Road, Aubin Grove	06/01/2006	801/2/23/0014P 11V
11E	Lot 416 Gaebler Road, Aubin Grove	14/11/2005	801/2/23/0014P 10V

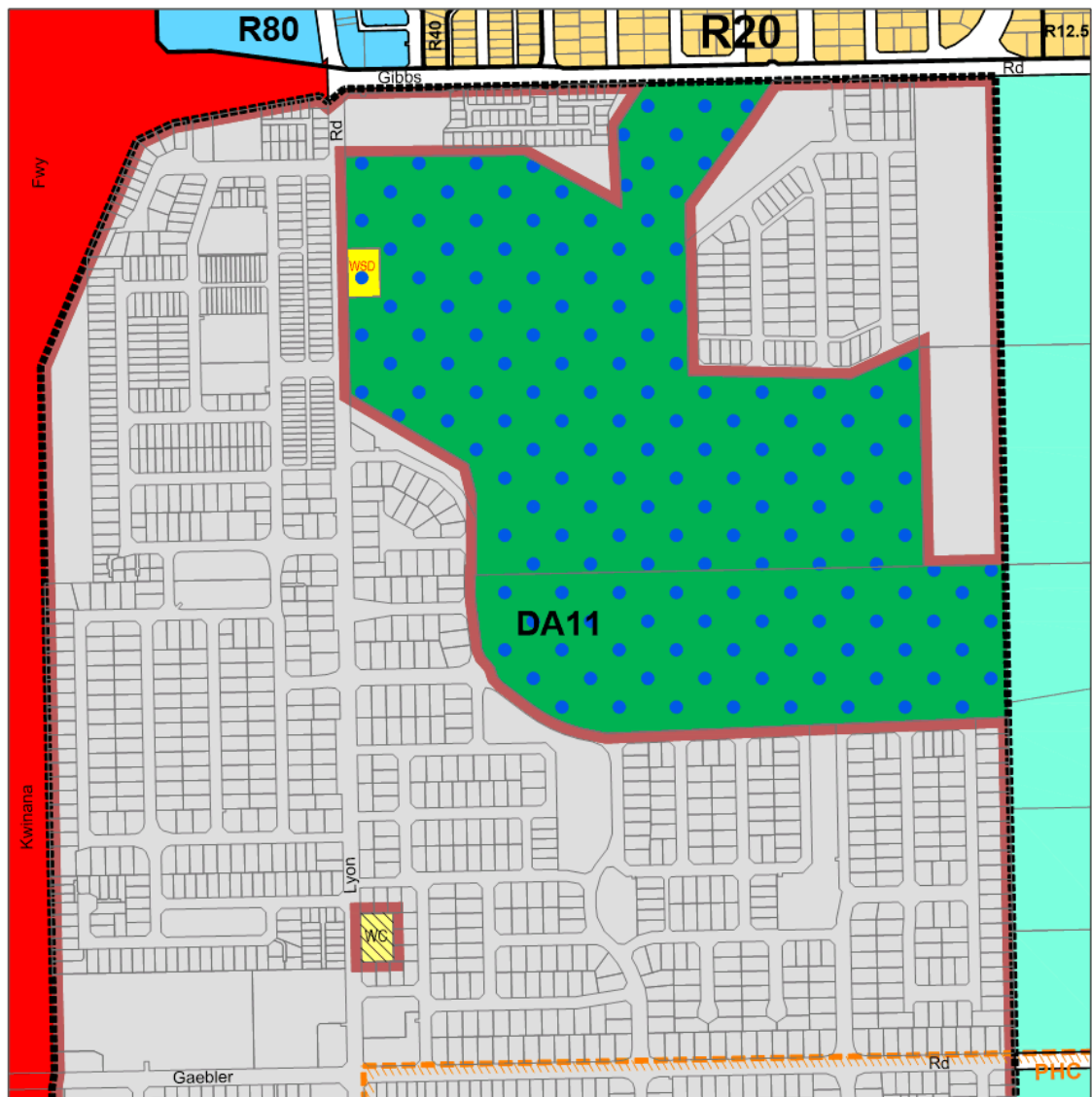
11F	Lot 416 Lyon Road, Aubin Grove	17/02/2005	N/A
11H	Lot 2,3,4 and 14 Gaebler Road, Aubin Grove	11/07/2006	801/2/23/0014P 8V
11I	Lot 204 Lyon Road, Aubin Grove	13/03/2008	801/2/23/0014P 12V
11L	Lot 10 and 11 Lyon Road, Aubin Grove	17/07/2009	837/2/23/0003P
11M	Lyon Road, Aubin Grove	14/08/2012	SPN/0370
11N	Lots 12 and 13 Lyon Road	31/3/2015	SPN/0648

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

Dated this _____ day of _____ 20__

CHIEF EXECUTIVE OFFICER





Current Scheme Map

1 of 2

GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

PHC Peel-Harvey Coastal Plain Catchment Area

REGION RESERVES

Parks & Recreation

Water Catchments

Primary Regional Roads

Public Purposes
DENOTED AS FOLLOWS:
WSD - Water Authority of WA

LOCAL RESERVES

Local Road

Public Purposes
DENOTED AS FOLLOWS:
WC - Water Corporation

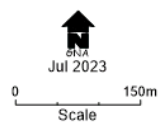
ZONES

Residential

Local Centre

Development

Resource



Amendment No.162
Town Planning Scheme No.3



Scheme Amendment Map
1 of 2

GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA11 Development Areas

LOCAL RESERVES

Parks & Recreation

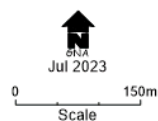
Lakes & Drainage

Local Road

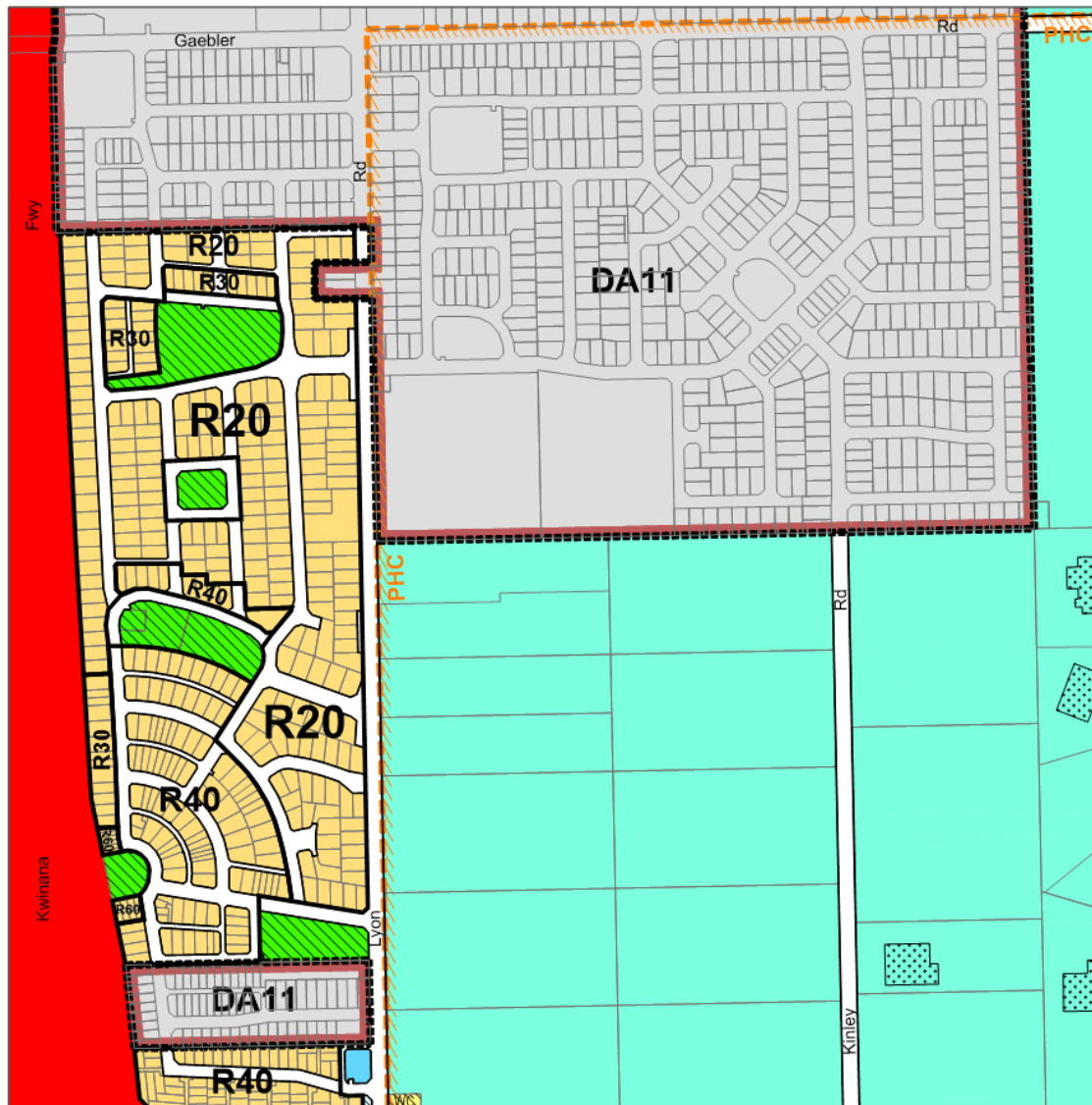
Public Purposes
DENOTED AS FOLLOWS:
WC - Water Corporation

ZONES

Residential



Amendment No.162
Town Planning Scheme No.3



Current Scheme Map
2 of 2

GENERAL

- R20** Residential Density Codes
- Building Envelope
- SPECIAL CONTROL AREAS:**
- DA11** Development Areas
- PHC** Peel-Harvey Coastal Plain Catchment Area

REGION RESERVES

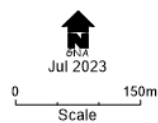
- Primary Regional Roads

LOCAL RESERVES

- Parks & Recreation
- Lakes & Drainage
- Local Road
- Public Purposes
DENOTED AS FOLLOWS:
WC - Water Corporation

ZONES

- Residential
- Local Centre
- Development
- Resource



Amendment No.162

Town Planning Scheme No.3



Scheme Amendment Map

2 of 2

GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA11 Development Areas

LOCAL RESERVES

Parks & Recreation

Lakes & Drainage

Local Road

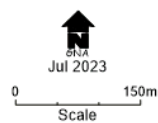
Public Purposes
DENOTED AS FOLLOWS:
PS - Primary School
WC - Water Corporation

ZONES

Residential

Local Centre

SU1 Special Use



Amendment No.162

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 ____ day of _____, 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:

MAYOR

(Seal)

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

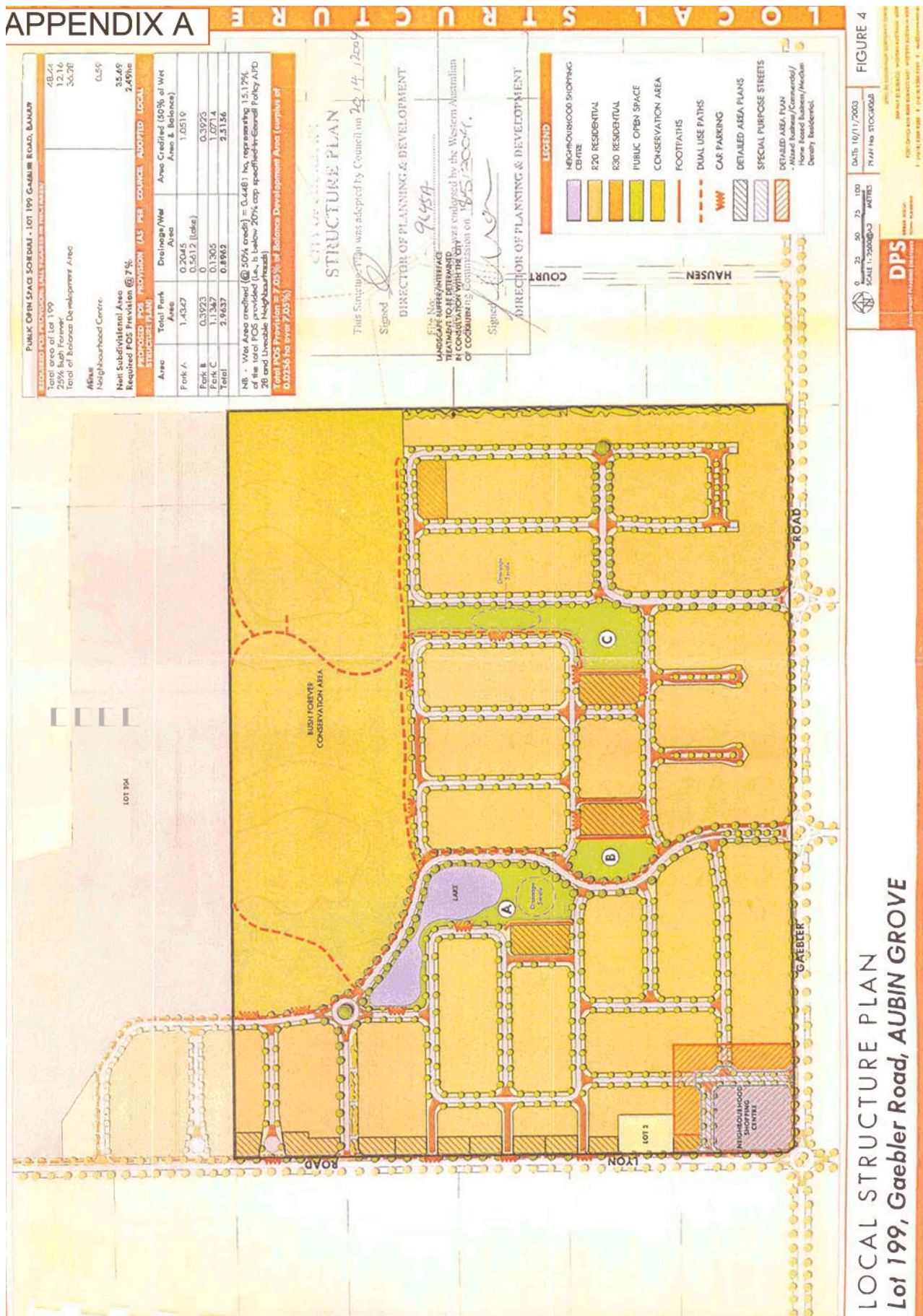
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE _____

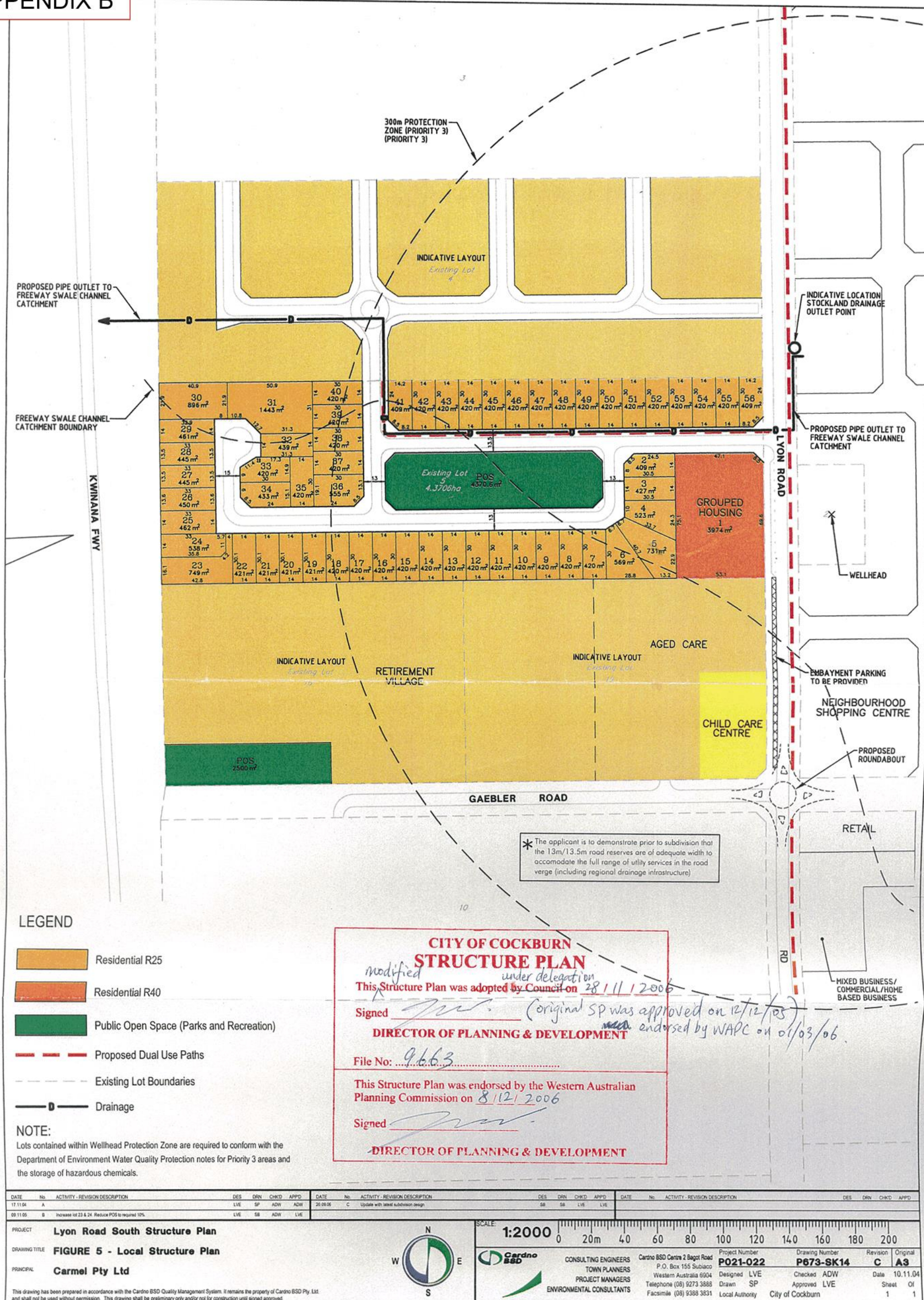
APPROVAL GRANTED

MINISTER FOR PLANNING

DATE _____

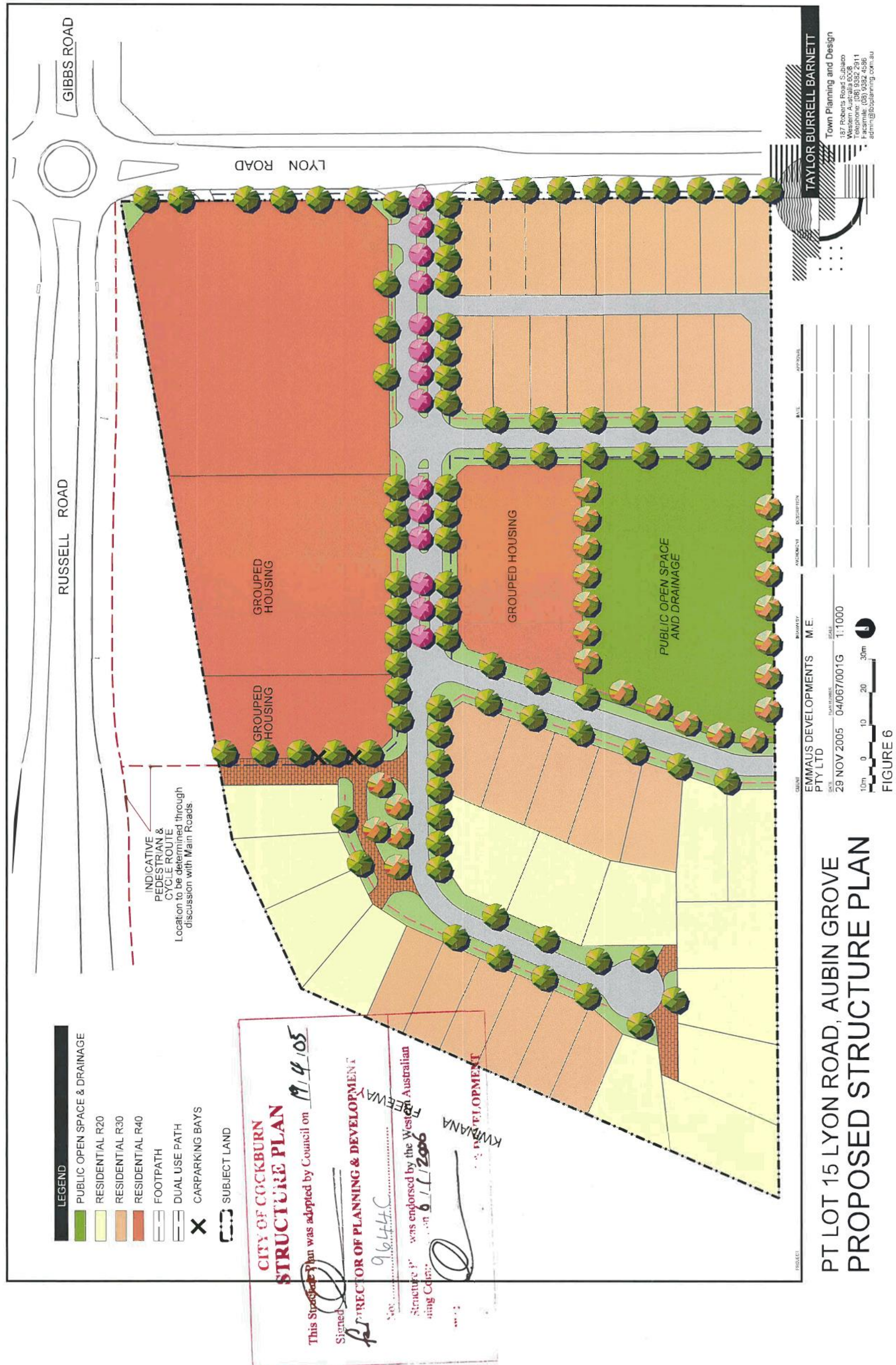


APPENDIX B



APPENDIX C

11



APPENDIX D



- LOCAL CENTRE ZONE**

 - * LAND USES PERMITTED IN ACCORDANCE WITH THE CITY OF COCKBURN TOWN USE PLANNING SCHEME LAND USE TABLE, OTHER THAN "SHOP" OR "CONVENIENCE STORE".
- * RESIDENTIAL DEVELOPMENT TO BE IN ACCORDANCE WITH "R60" PROVISIONS OF THE RESIDENTIAL DESIGN CODES.
- RESIDENTIAL "R25"**

 - * "R25" CODING IS TO PROVIDE FOR A DIVERSE RANGE IN LOT SIZE. WHILST CODED "R25", SUBDIVISION OF THE STRUCTURE PLAN AREA IS REQUIRED TO MAINTAIN AN AVERAGE LOT AREA OF 450 SQ METRES.

LEGEND

- Site Boundary
- Local Centre
- R25
- Detailed Area Plan
- Carparking Embayments
- Footpaths
- Dual Use Paths
- 300m Bore Buffer

for: Gaebler Management Pty Ltd.

DATE: 21/08/2023
SCALE: 1:1000
PLAN NO: GP/CM23

DPS

DATE: 21/08/2023
SCALE: 1:1000
PLAN NO: GP/CM23

LOCAL STRUCTURE PLAN
Lot 416, Gaebler Road, AUBIN GROVE

APPENDIX E

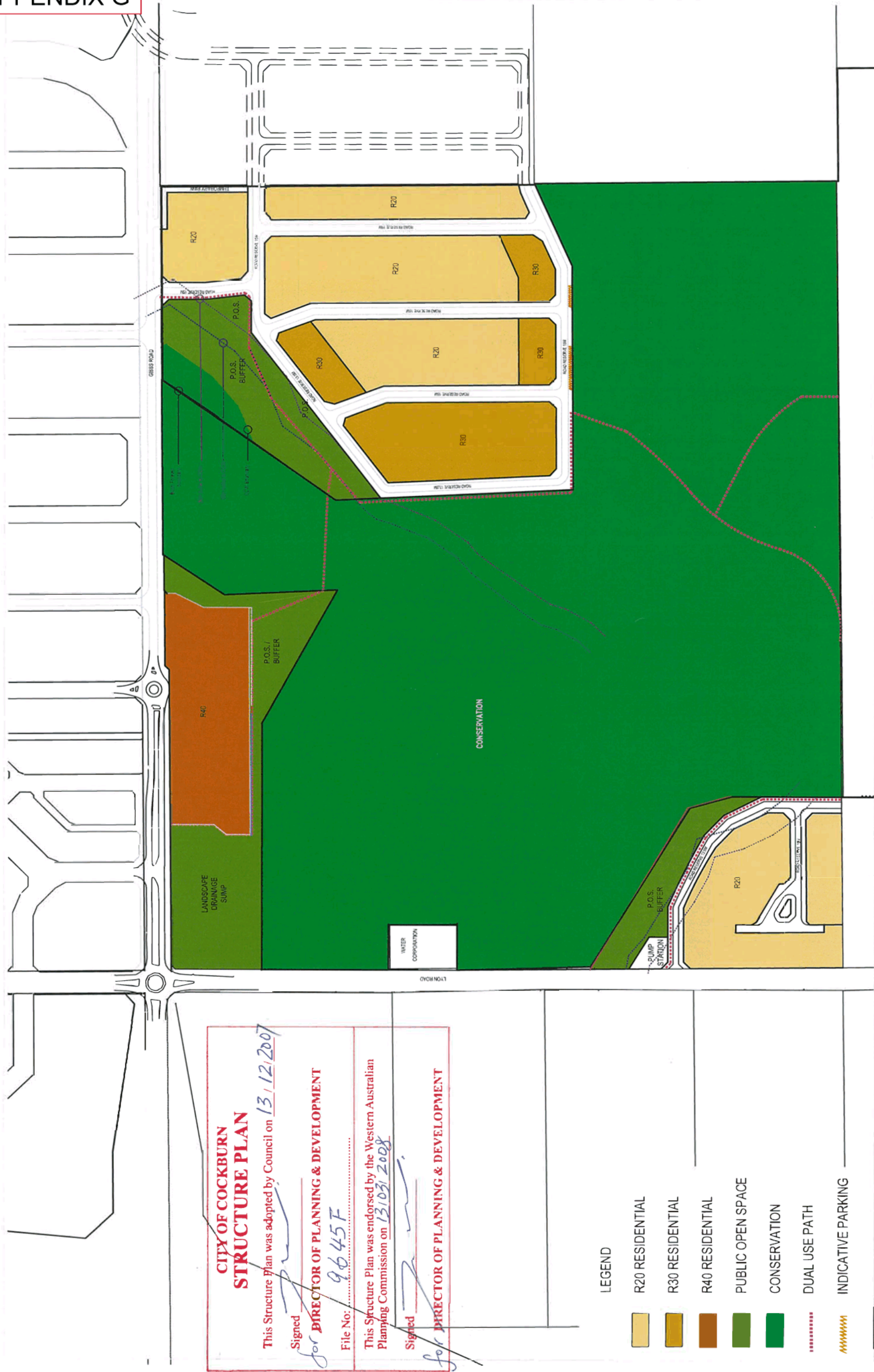
CITY OF COCKBURN
STRUCTURE PLAN
 This Structure Plan was adopted by Council on 18/11/2022
 Signed: [Signature]
 DIRECTOR OF PLANNING & DEVELOPMENT
 File No: 9645E
 This Structure Plan was endorsed by the Western Australian Planning Commission on 17/12/2022
 Signed: [Signature]
 DIRECTOR OF PLANNING & DEVELOPMENT



APPENDIX F



APPENDIX G



scale: 1:3000 @ A3

drawn: FC
checked: ER
reported: ER
date: 23.11.2007
date: LANDCORP

design no: LAN 204 STR 02 rev: A

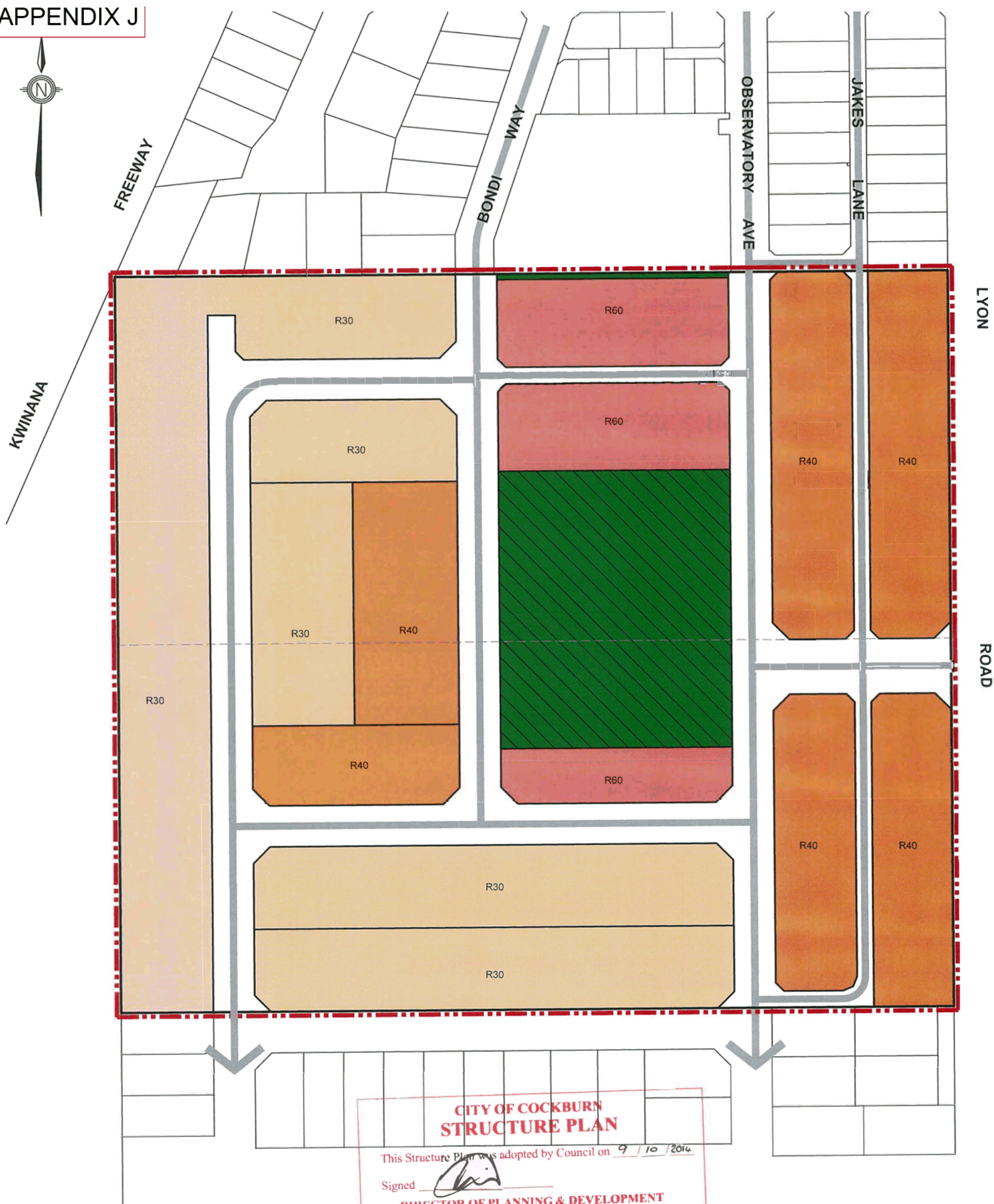
roberts day

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APPENDIX I



APPENDIX J



Zones:

- Residential R30
- Residential R40
- Residential R60

Reserves:

- Parks & Recreation

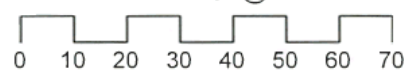
Other:

- LSP Boundary



DATE : 16 April 2015

SCALE 1 : 1250 @ A3



DWG NAME : 116057-2-002i Structure

Lots 12 & 13 Lyon Road, Aubin Grove

Local Structure Plan Map