



CITY OF COCKBURN	
DOC No	
02 SEP 2024	
SUBJECT	109/165
RETENTION	124.2.3 A5
PROPERTY	
APP	
ACTION	Gzyle O'Leary

Our ref: TPS/3104
Enquiries: Local Planning Schemes

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. 165

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 6000. One signed set of the amending documents are returned for your records.

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

Yours sincerely

Sam Boucher

Ms Sam Boucher
Secretary
Western Australian Planning Commission

28/08/2024



Town Planning Scheme No.3
Amendment No.165
(Standard)

Rationalisation of

*Pt of Local Structure Plan 8D - Lots 458 and 501 Hammond Road, Success,
Pt of Local Structure Plan 9A - Lot 202 Gaebler Road, Hammond Park
& Pt of Local Structure Plan 9B – Lot 412 Gaebler Road, 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.165

RESOLVED that the Council, Pursuant to 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 'Mixed Use (R40)' and 'Local Centre' as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 8' from the 'Development' zone to a local 'Parks and Recreation' and/or 'Local Road' reserve, as depicted on the Scheme Amendment Map.
3. Reclassifying land within 'Development Area 8' and 'Development Area 9' from 'No Zone' to a 'Local Road' reserve, as depicted on the Scheme Amendment Map.
4. Reducing the extent of the 'Development Area 8' special control area boundary and removing the entire remaining extent of the 'Development Area 9' special control area boundary, as depicted on the Scheme Amendment Map;
5. Modifying 'Table 9 – Development Areas' of the Scheme Text, by deleting provisions 3 to 7 of 'Development Area 8' and renumbering the remaining provisions accordingly and modifying 'Table 9 – Development Areas' of the Scheme Text, by deleting 'Development Area 9' entirely.

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

- *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- *an amendment to the scheme map that is consistent with a structure 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;*
- *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

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 plans:

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 the remaining portions of these approved structure plans are to be revoked.

Dated this 9th day of November, 2023.



CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

Local Structure Plans No.'s 8D, 9A and 9B have been fully implemented.

The purpose of this standard 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 the rationalisation of structure plans.

Several Crown Reserves within Development Area 8 and 9 (DA8 and DA9) but outside of any existing structure plan will also be reclassified via this amendment.

2.0 BACKGROUND

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.

DA8 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 21/7/2005 (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	Basic

8L	Lot 559 Wentworth Parade, Success	11/04/2017	<i>Not being rationalised</i>
8M	Lot 558 Lauderdale Drive, Success	07/9/2017	<i>Not being rationalised</i>

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).*

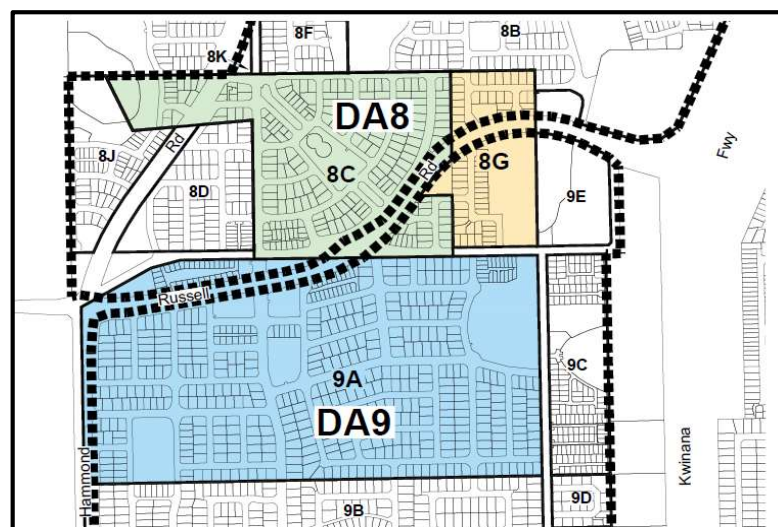


Figure 1 - Structure Plans partially located within both Development Areas

Rationalisation of most of these structure plans forms the subject of a separate scheme amendment (#164). This proposal principally seeks to rationalise the portions of Structure Plans 8D and 9A and 9B that couldn't be included in that 'basic' amendment, on the basis they did not directly correlate with existing zones in TPS3.

Complimentary, minor adjustments to the zoning of other land in within the DA8 and 9 areas are also proposed, as discussed in the following sections.

The extent of DA8 and DA 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

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.

Structure plans 8D and 9A 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 proposed amendment is considered a 'standard' amendment, which Regulation 34 describes as any of the following amendments to a local planning scheme:

- a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- 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;*
- 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;*
- e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- g) *any other amendment that is not a complex or basic amendment.*

This proposed amendment satisfies parts b), d), e) and f) of the above criteria.

Specifically, it is an amendment consistent with the City’s 1999 Commission endorsed Local Planning Strategy, that involves zoning land consistent with the intent and subsequent land use and built form outcome of approved structure plans for the same land, and/or other minor adjustments in a manner that do not have any significant environmental, social, economic or governance impact on surrounding 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.

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 plans 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 developed (in particular, Lot 559 Wentworth Parade and Lot 558 Lauderdale Drive, Success), complete deletion of DA8 and its special provisions are not proposed at this time, rather just a reduction to the extent of DA8 special control area boundary and removal of five redundant provisions.

A tracked changes version of Table 9 highlighting the deletions appears below. The rational for each change is explained in the right-hand side column of the table.

TABLE 9 – DEVELOPMENT AREAS			REASONING
REF. NO.	AREA	PROVISIONS	
DA 8	SUCCESS LAKES (DEVELOPMENT ZONE)	1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions. 2. To provide for Residential development. ~~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 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.~~	Where appropriate, the Planning and Development (Local Planning Scheme) Regulations 2015 and TPS3 both enable Design Guidelines and/or Local Development Plans to be adopted for specific areas without the need for an enabling DA specific scheme provision. The piggery and poultry farm have ceased operation and have subsequently been redeveloped for residential purposes, hence these buffers are no longer applicable. Local Planning Policy 1.11 – Residential Rezoning & Subdivision Adjoining Midge Infested Lakes and Wetlands suitably addresses development within identified midge buffer areas. There are no remaining portions of DA8 affected by the Water Corporation buffer.

		~~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.~~	Specific floorspace limitations are no longer required on the basis that they are adequately regulated via <i>State Planning Policy 4.2 – Activity Centres</i>, as informed by the City's Local Commercial and Activity Centre Strategy. The relevant road closure and amalgamation is no longer applicable.
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Development Area 9

It is proposed to delete DA9 and its special provisions entirely.

A tracked changes version of Table 9 highlighting the deletions appears below. The rational for each provision is explained in the right-hand side column of the table.

TABLE 9 – DEVELOPMENT AREAS			REASONING
REF. NO.	AREA	PROVISIONS	
DA 9	GAEBLER ROAD (DEVELOPMENT ZONE)	~~1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions.~~ ~~2. To provide for Residential development.~~ ~~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~~	All development zoned land within DA9 form the subject of an approved Structure Plan. As subdivision and development of these areas are substantially complete, all the Structure Plans are now being rationalised via Scheme Amendment No.'s 164 and 165. Where appropriate, the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> and TPS3 both enable Design Guidelines and/or Local

		~~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.~~ ~~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 Plans to be adopted for specific areas without the need for an enabling DA specific scheme provision. The dog kennel, piggery and market garden have ceased operation and have subsequently been redeveloped for residential purposes, hence these buffers are no longer applicable. Specific floorspace limitations are no longer required on the basis that they are adequately regulated via <i>State Planning Policy 4.2 – Activity Centres</i>, as informed by the City's <i>Local Commercial and Activity Centre Strategy</i>. This clause applies to the Neighbourhood Centre within LSP 9A, which has long been developed. In time, the City intends to replace its <i>Local Commercial and Activity Centre Strategy</i> with a new Local Planning Policy that will provide 'centre specific guidance' based on a concise assessment of each centre's current functionality. Further information on this approach can be viewed at item 14.1 of its <u><i>Ordinary Council Meeting - Minutes - 12 May 2022</i></u>
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	~~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.~~	<u>(cockburn.wa.gov.au)</u> In the interim, the State and Local Planning Frameworks collectively provide appropriate controls to guide any future expansion or redevelopment proposals that may be submitted. This includes, but is not limited to: • <i>State Planning Policy 4.2 – Activity Centres</i> • <i>State Planning Policy 7.0 – Design of The Built Environment</i> • <i>State Planning Policy 7.3 – Residential Design Codes</i> • <i>Local Planning Policy 3.7 – Signs and Advertising.</i>
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		~~(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:~~ ~~(i) — 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 fine grained 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~~	
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		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	
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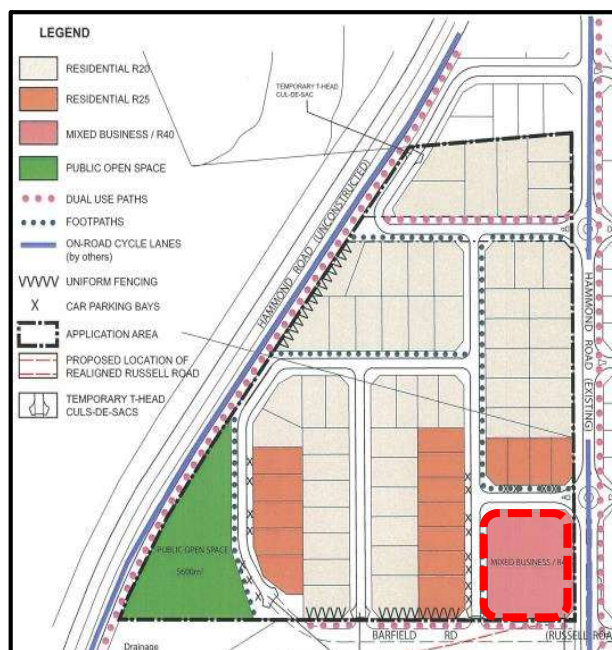
Local Structure Plans (LSP):

Details on each Structure Plan (including the LSP map and an aerial of the area) are provided in this section to demonstrate our reasoning for rationalisation. This includes discussion on the matters that led to these areas being separated out from Amendment #164.

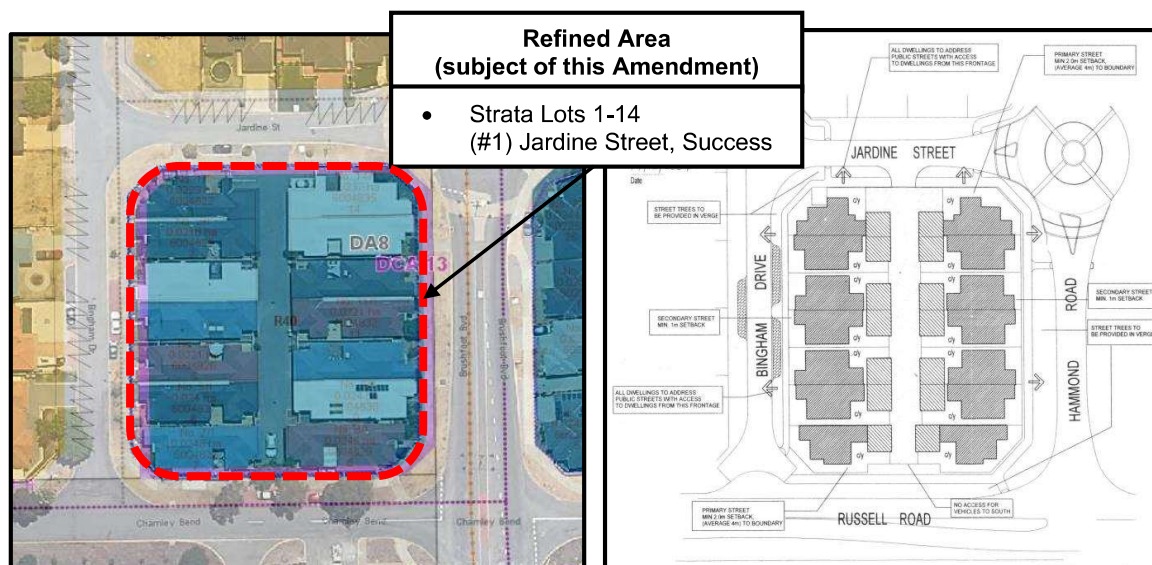
Lot 458 & 501 Hammond Road, Success (8D)

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.

Pockets of R25 housing are located in high amenity locations that have a direct relationship to POS, or the 'Mixed Business' site located in the south-east corner.



This proposal focuses on rationalising the ‘Mixed Business’ site which has ultimately been entirely developed for medium density grouped housing in accordance with a 2004 approved Local Development Plan.



A full copy of the approved Structure Plan Map and the relevant Local Development Plan is attached as **Appendix A and B**. The following table summarises how the City proposes to rationalise this area.

Property Address	Structure Plan Land Use Designation	Proposed Zoning	Reasoning
Strata Lots 1-14 (#1) Jardine Street, Success	Mixed Business (R40)	Mixed Use (R40)	The objective of a ‘Mixed Business’ zone in TPS3 is: <i>“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.”</i> The structure plan intent and developed outcome of the land (Residential) is more consistent with the objective of a ‘Mixed Use’ zone in TPS3, which is: <i>“to provide for a mixed use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments.”</i> This will ensure the scale of any subsequent insertion of commercial use is tempered to protect the amenity of existing residents. Consistent with the Structure Plan outcome (reflected on the approved LDP), an R40 coding is proposed to avoid inadvertently upcoding the land to R60 (via use of clause 4.8.3 of TPS3).

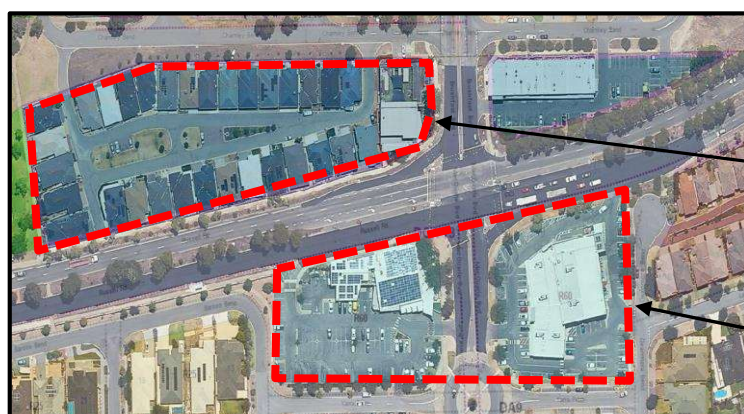
Lot 199 Gaebler Road, Hammond Park (9A) - 'Frankland Springs'

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.

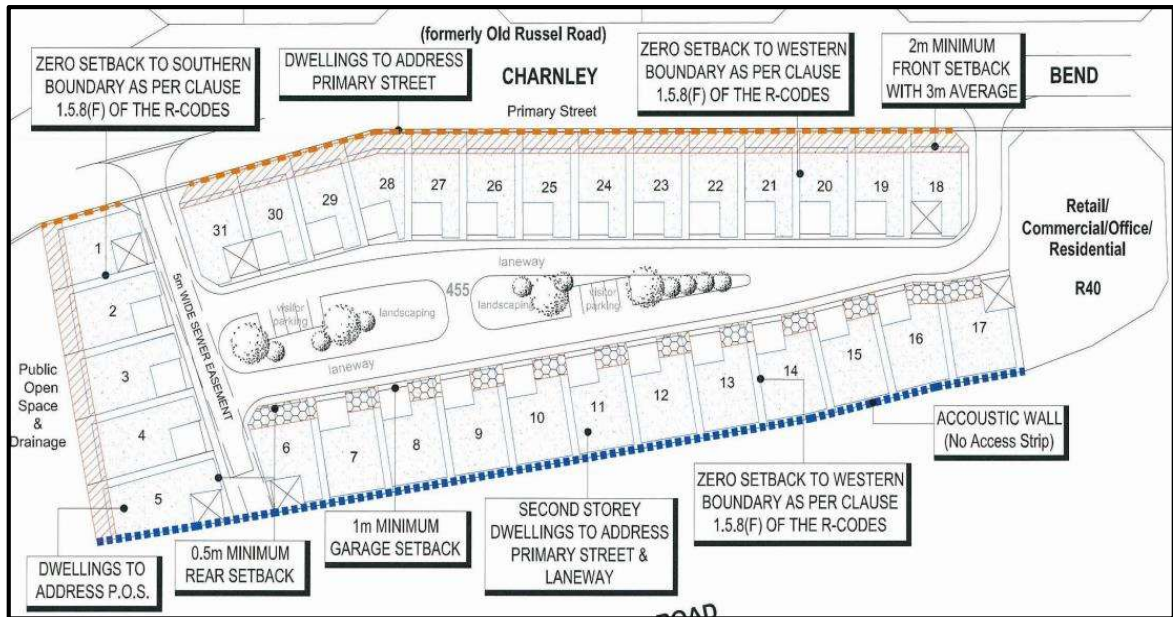
Pockets of medium density (R40) housing are located in high amenity locations that have a direct relationship to POS or the Neighbourhood Centre located at the intersection of Macquarie / Bushfoot Boulevards and Russell Road.



This proposal focuses on rationalising the area shown on the LSP as Commercial / Neighbourhood Centre (on the southern side of Russell Road), and the 'Mixed Business' area west of Brushfoot Boulevard (see red dotted line on the below maps and table for exact location)



Refined Area (subject of this Amendment)	
• Strata Lots 1-31 (#26) Charnley Bend, Success	
• Lot 102 (#1) Brushfoot Boulevard, Success	
• Lot 454 (#2) Macquarie Boulevard HAMMOND PARK	
• Lot 453 (#1) Macquarie Boulevard HAMMOND PARK	



A full copy of the approved Structure Plan Map and the relevant Local Development Plan is attached as **Appendix C and D**. The following table summarises how the City proposes to rationalise these areas.

Property Address	Structure Plan Land Use Designation	Proposed Zoning	Reasoning
Strata Lots 1-31 (#26) Charnley Bend, Success	Mixed Business	Mixed Use (R40)	The objective of a 'Mixed Business' zone in TPS3 is: <i>"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."</i> The structure plan intent and developed outcome of the land (Residential Grouped Dwellings and a Child Care Centre) is more consistent with the objective of a 'Mixed Use' zone in TPS3, which is: <i>"to provide for a mixed use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments."</i> This will ensure the scale of any subsequent insertion of commercial use is tempered to protect the amenity of existing residents. Consistent with the Structure Plan outcome (reflected on the approved LDP), an R40 coding is proposed to avoid inadvertently upcoding the land to R60 (via use of clause 4.8.3 of TPS3).
Lot 102 (#1) Brushfoot Boulevard, Success			

Lot 453 (#1) Macquarie Boulevard Hammond Park	Commercial / Neighbourhood Centre	Local Centre	The structure plan designation of 'Commercial' or 'Neighbourhood Centre' are not recognised as a zone in TPS 3. The structure plan intent and developed outcome (IGA and various specialty stores) of the land is consistent with the objectives of a 'Local Centre' zone as defined in TPS3, which is: <i>"to provide convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre."</i> Such an outcome would be consistent with the zoning of other Neighbourhood Centres in the Centre hierarchy outlined in the City's <i>Local Commercial and Activity Centre Strategy</i>.
Lot 454 (#2) Macquarie Boulevard Hammond Park			

Lot 412 Gaebler Road, Hammond Park (9B)

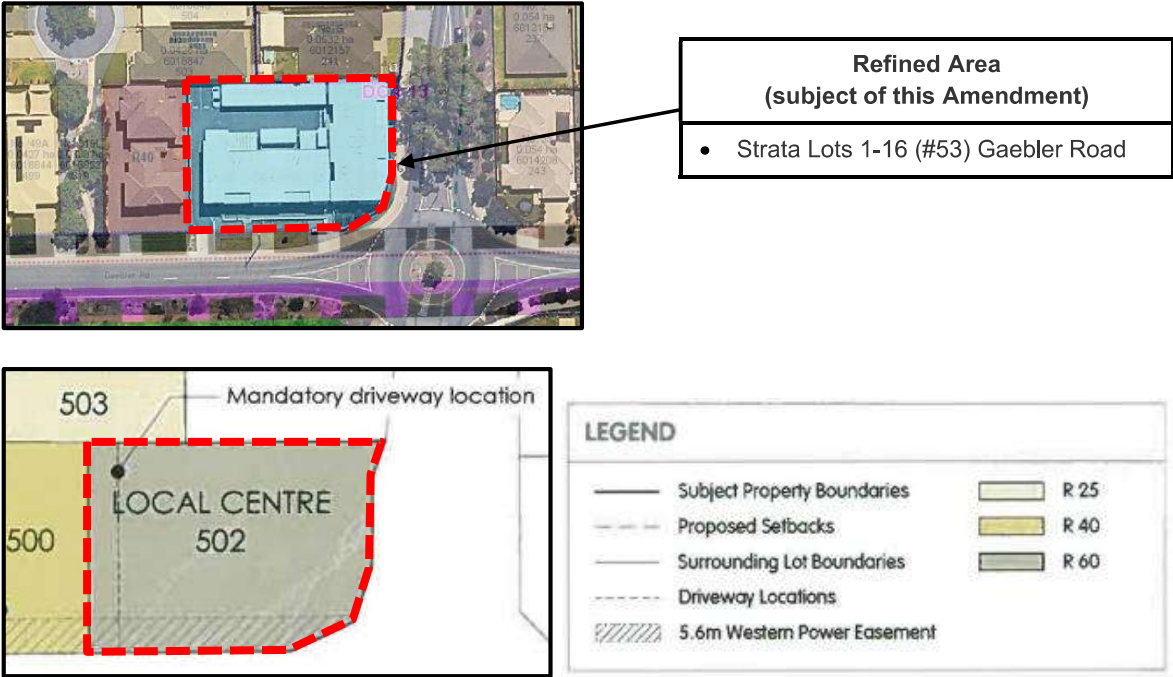
Encompassing most of the southern half of DA9, this structure plan identifies a comprehensive local road and POS network servicing primarily low residential density (R20-R25) housing.

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.



This proposal focuses on rationalising the area shown on the LSP as Local Centre midway along the southern boundary at the intersection of Gaebler Road and Botany Parade, given the land has been developed for 16 multiple dwellings within two separate, two-storey buildings.



A full copy of the approved Structure Plan Map and the relevant Local Development Plan is attached as **Appendix E and F**. The following table summarises how the City proposes to rationalise this area.

Property Address	Structure Plan Land Use Designation	Proposed Zoning	Reasoning
Strata Lots 1-16 (#53) Gaebler Road, Hammond Park	Local Centre	Mixed Use (R60)	The objective of a 'Local Centre' zone in TPS3 is: <i>"to provide convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre."</i> The structure plan intent and developed outcome of the land (Residential) is more consistent with the objective of a 'Mixed Use' zone in TPS3, which is: <i>"to provide for a mixed use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments."</i> This will ensure the scale of any subsequent insertion of commercial use is tempered to protect the amenity of existing residents.

Other Crown Reserves

Scattered around within (and slightly adjacent) DA8 and DA9, there are also a number of existing Crown Reserves zoned 'Development' or 'No Zone' in TPS3 but are not included within an approved Structure Plan.

This proposal incorporating these areas within Local Scheme Reserves based on their existing tenure and/or established use, as described in the following table:

Location	Current Use / Tenure	Proposed Local Reservation	Map
Portion of Lot 5009 Wentworth Parade	POS (Magnolia Park)	Parks and Recreation	
Portion of Wentworth Parade (south of the intersection of Batram Road)	Road Reserve (Neighbourhood Connector)	Local Road	
Lot 3000 / Reserve #2054 (east of Hammond Road)	POS (Portions of Purslane Park)	Parks and Recreation	
Unconstructed portion of Charley Bend (former Russell Road)		Local Road	
Constructed portion of Charley Bend	Road Reserve (Local Road)	Local Road	
Lot 3001 / Reserve #2054 (west of Hammond Road)	Vacant Land	Parks and Recreation	
Portion of Baler Court (former Russell Road)	Road Reserve (Local Road)	Local Road	
Portion of Charley Bend (former Russell Road)	Road Reserve (Local Road)	Local Road	

Portion of Gaebler Road	Road Reserve (Local Road)	Local Road	(See photo below)
			

6.0 CONCLUSION

For the following key reasons, it is suggested that now is an appropriate time for the structure plans listed above to be revoked and its zones and reserves rationalised into the Scheme:

- All public reserves have been suitably constructed/embellished and transferred into public 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; and
- ensure 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.

The other changes proposed reflect good contemporary planning practice and do not pose a significant adverse impact on surrounding development.

POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 1 August 2024 sent to the City of Cockburn and are set out further below.

In carrying out these modifications, the Council resolution dates are not modified, although in this case there is a change to the scheme text and amendment map #3 from what was set out originally in those Council decisions.

In the interests of posterity and to provide some clarity to persons who may compare the original recommendation and/or Council minutes to these documents and/or the amended version of Town Planning Scheme No. 3, below are the Minister modifications:

On the amendment text page replace Point 1 with the following:

- 1. Rezoning various lots within 'Development Area 8' and 'Development Area 9' from 'Development' to 'Mixed Use (R40)', 'Mixed Use (R60)', and 'Local Centre' as depicted on the Scheme Amendment Map.*

Update Scheme Amendment Map #3 accordingly to specify an 'R60' coding on Strata Lots 1-16 (#53) Gaebler Road, Hammond Park.

Planning and Development Act 2005

City of Cockburn Town Planning Scheme No.3 Amendment No.165

RESOLVED that the Council, Pursuant to 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 'Mixed Use (R40)', 'Mixed Use (R60)', and 'Local Centre' as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 8' from the 'Development' zone to a local 'Parks and Recreation' and/or 'Local Road' reserve, as depicted on the Scheme Amendment Map.
3. Reclassifying land within 'Development Area 8' and 'Development Area 9' from 'No Zone' to a 'Local Road' reserve, as depicted on the Scheme Amendment Map.
4. Reducing the extent of the 'Development Area 8' special control area boundary and removing the entire remaining extent of the 'Development Area 9' special control area boundary, as depicted on the Scheme Amendment Map;
5. Modifying 'Table 9 – Development Areas' of the Scheme Text, by deleting provisions 3 to 7 of 'Development Area 8' and renumbering the remaining provisions accordingly and modifying 'Table 9 – Development Areas' of the Scheme Text, by deleting 'Development Area 9' entirely.

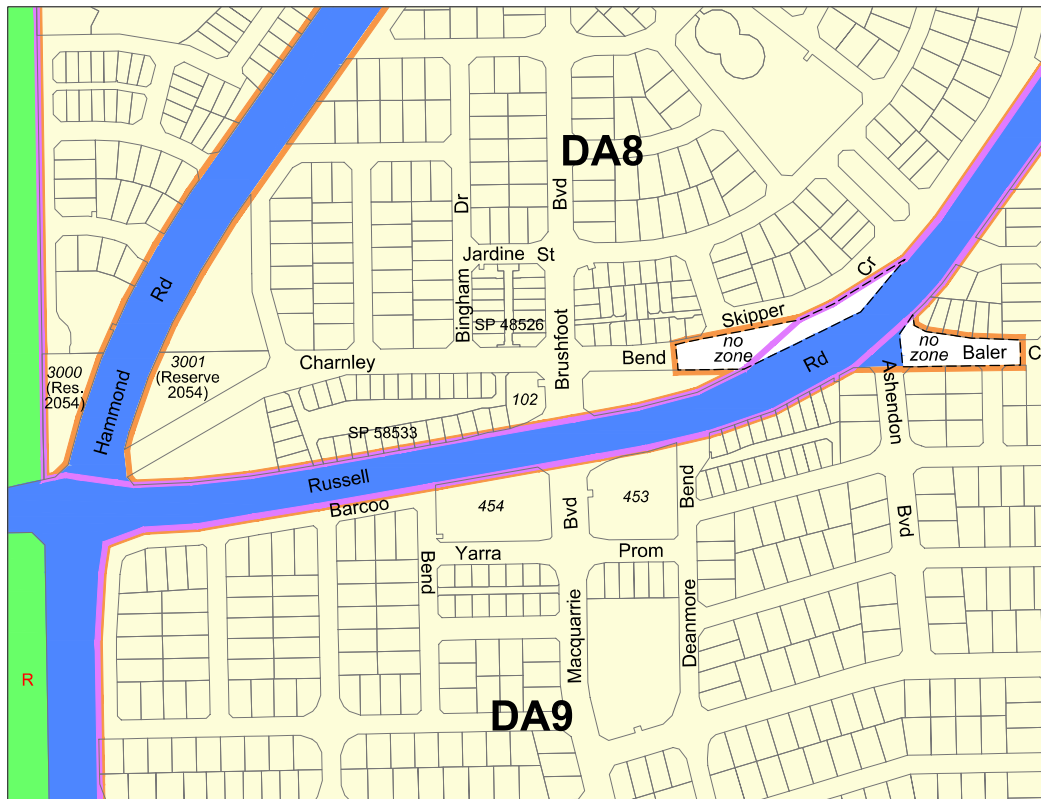
The amendment is 'Standard' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- *an amendment to the scheme map that is consistent with a structure 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;*
- *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

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 plans:

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 the remaining portions of theses approved structure plans are to be revoked.



GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

REGION RESERVES

P Parks and Recreation
R Parks & Recreation - Restricted Public Access
Other Regional Roads

LOCAL RESERVES

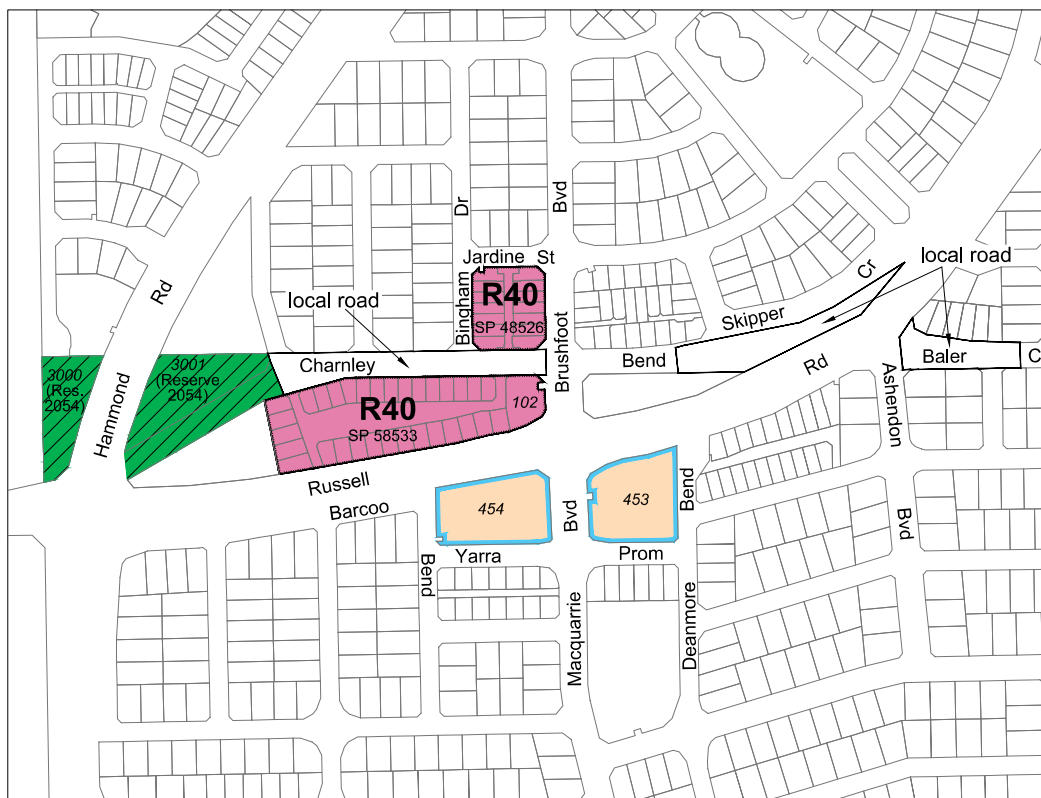
P Parks and Recreation
Local Road

ZONES

Development
Local Centre
Mixed Use

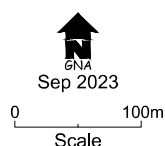
No Zone

Current Scheme Map

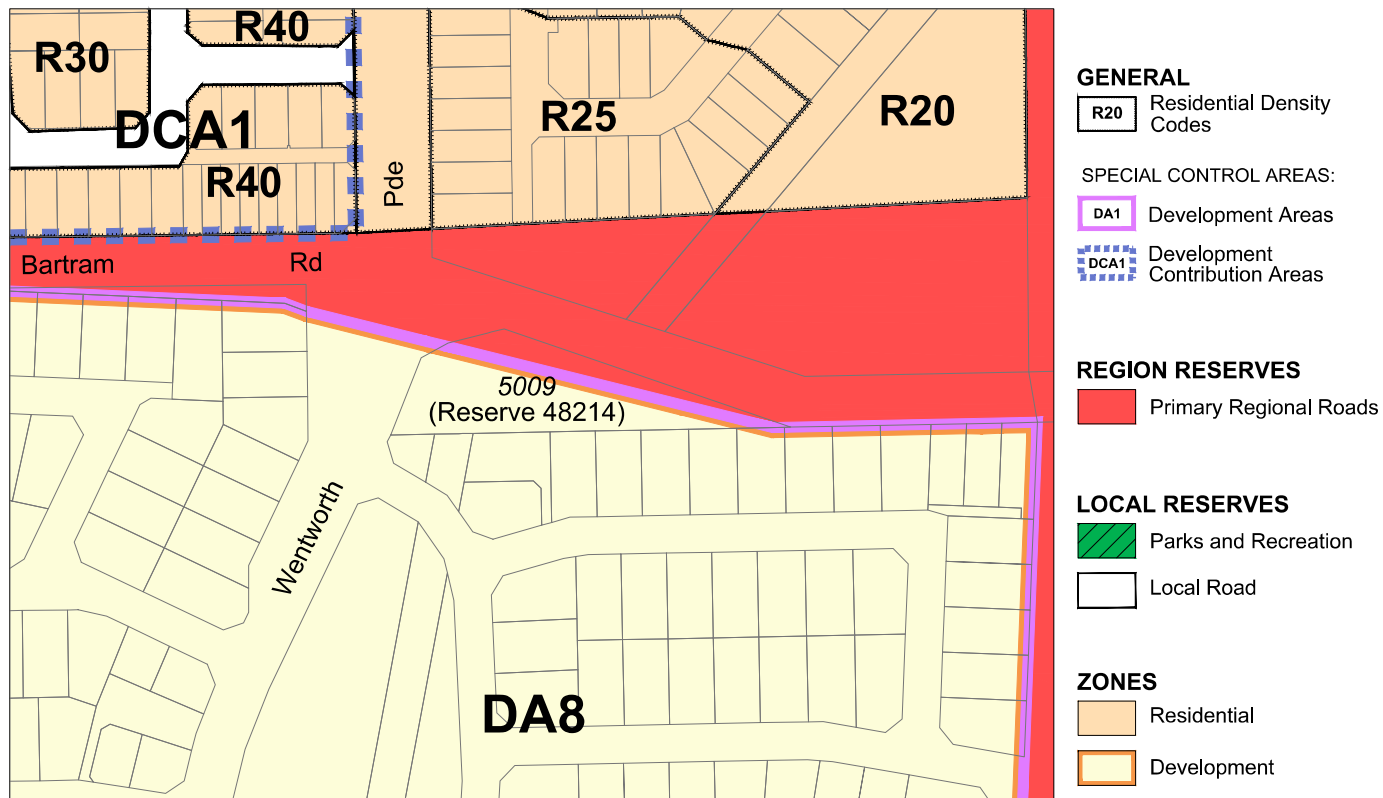


Scheme Amendment Map

1 of 3



Amendment No.165
Town Planning Scheme No.3

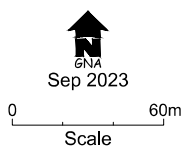


Current Scheme Map

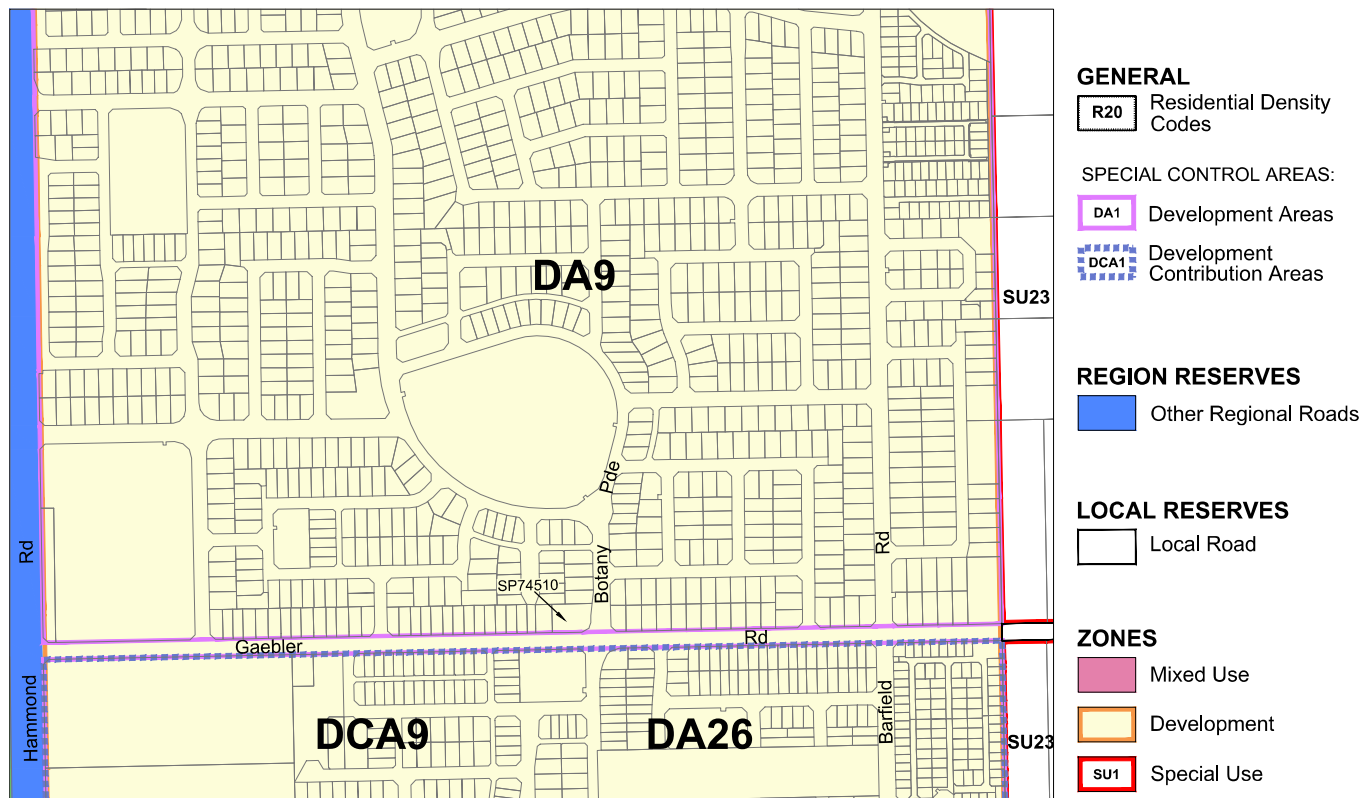


Scheme Amendment Map

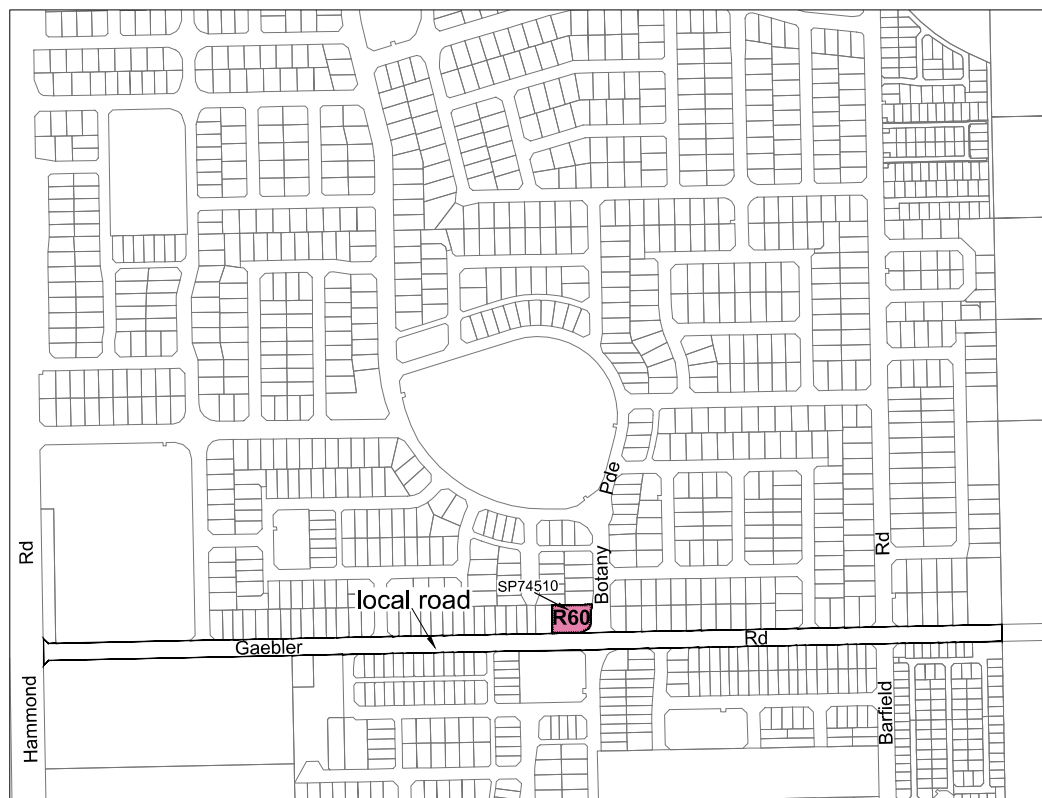
2 of 3



Amendment No.165
 Town Planning Scheme No.3

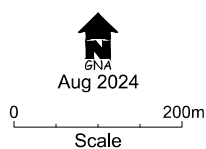


Current Scheme Map



Scheme Amendment Map

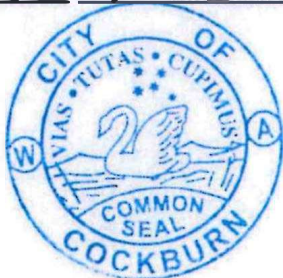
3 of 3



Amendment No.165
 Town Planning Scheme No.3

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the Meeting of the Council held on 9th day of November 2023.



Logan Howells
MAYOR

[Signature]
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the City of Cockburn at the Meeting of the Council held on the 9th day of April 2024, and the Common Seal of the City of Cockburn was hereunto affixed by the authority of a resolution of the Council in the presence of:

Logan Howells
MAYOR

(Seal)

[Signature]
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

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

DATE 06/08/2024

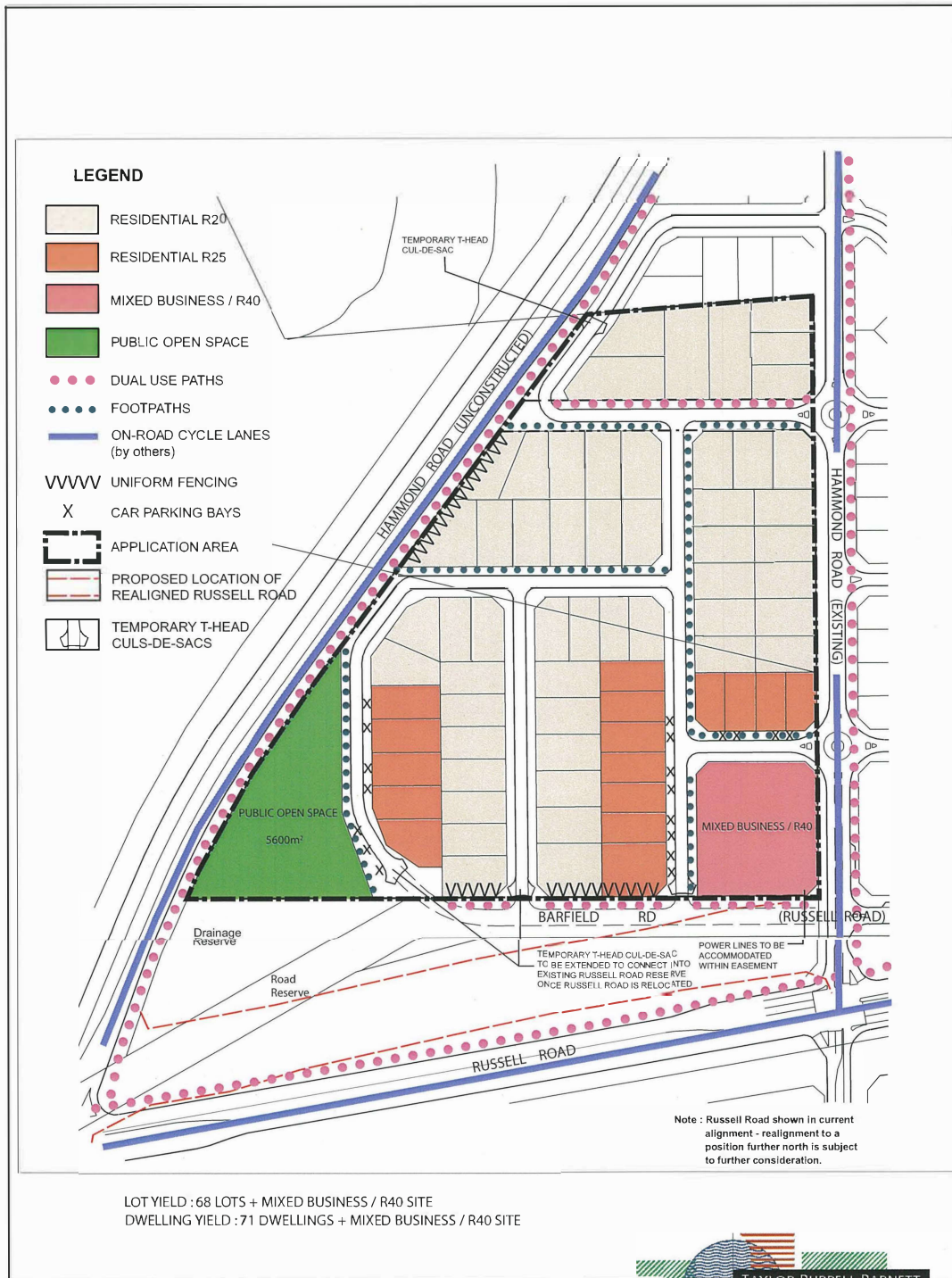
Final Approval Granted

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 06/08/2024

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.

[Signature]
MINISTER FOR PLANNING
DATE _____



LOCAL STRUCTURE PLAN

Pt Lot 458 & Lot 501
Hammond Rd.

FIGURE 5

This Structure Plan was
adopted on 29/4/06

Director Planning & Development

Endorsed by W.A.P. 21/10/03
with mod.

Mods approved under D.A. 30/4/06.

THE EDGE
DETAILED AREA PLAN PROVISIONS

AIM - The primary aim of the The Edge Detailed Area Plan is to provide flexibility and guidance in the design and construction of dwellings on the subject site, while introducing design elements which will ensure a quality development which contributes to the streetscape. In the interests of achieving quality development on the subject site, a Detailed Area Plan (DAP) has been produced.

LANDUSE

Residential, Home Based Business and other uses as permitted by the Scheme

R-CODING

The Residential Density Code which applies to the subject lot is R40

R-CODE VARIATIONS

Town Planning Scheme No.3 and R-Codes are varied in the following manner

1. The requirements of the R-Codes are varied as shown in the notations on the Detailed Area Plan.
2. The requirements of the R-Codes and Town Planning Scheme shall be satisfied in all other matters
3. The requirements to consult with adjoining or other owners to achieve a variation of the R-Codes is not required

DESIGN ELEMENTS

The following requirements apply, where applicable in the design and construction of residences or outbuildings on the subject site

1. All dwellings, garages and carports shall be constructed within the designated building envelopes.
2. Minor modifications to the building envelope may be approved by the Principal Planner subject to the design meeting the objectives of these design elements and the performance criteria of the R-Codes.
3. The dwellings fronting the public roads (excepting Russell Road) shall be designed to address the public roads, with major openings and the main entry to the building accessible via this frontage.
4. It is mandatory for all allotments with laneway access to locate carports and garages at the rear with access via the laneway.
5. Fencing shall be provided as follows:
 - i. Front fences and walls are discouraged; however, if considered necessary, shall be a maximum 1.2m high for solid designs and a maximum 1.8m high for open designs where the first 1.2m may be solid
 - ii. Front fences and walls shall be constructed of materials such as brick, timber, steel or others which are compatible with those used on the buildings
 - iii. Fences shall not be located within 0.5m of the intersection of a crossover unless low and shall be truncated at 45 degrees so that no portion of the fence is within the truncation in order to enhance safety and sight lines.

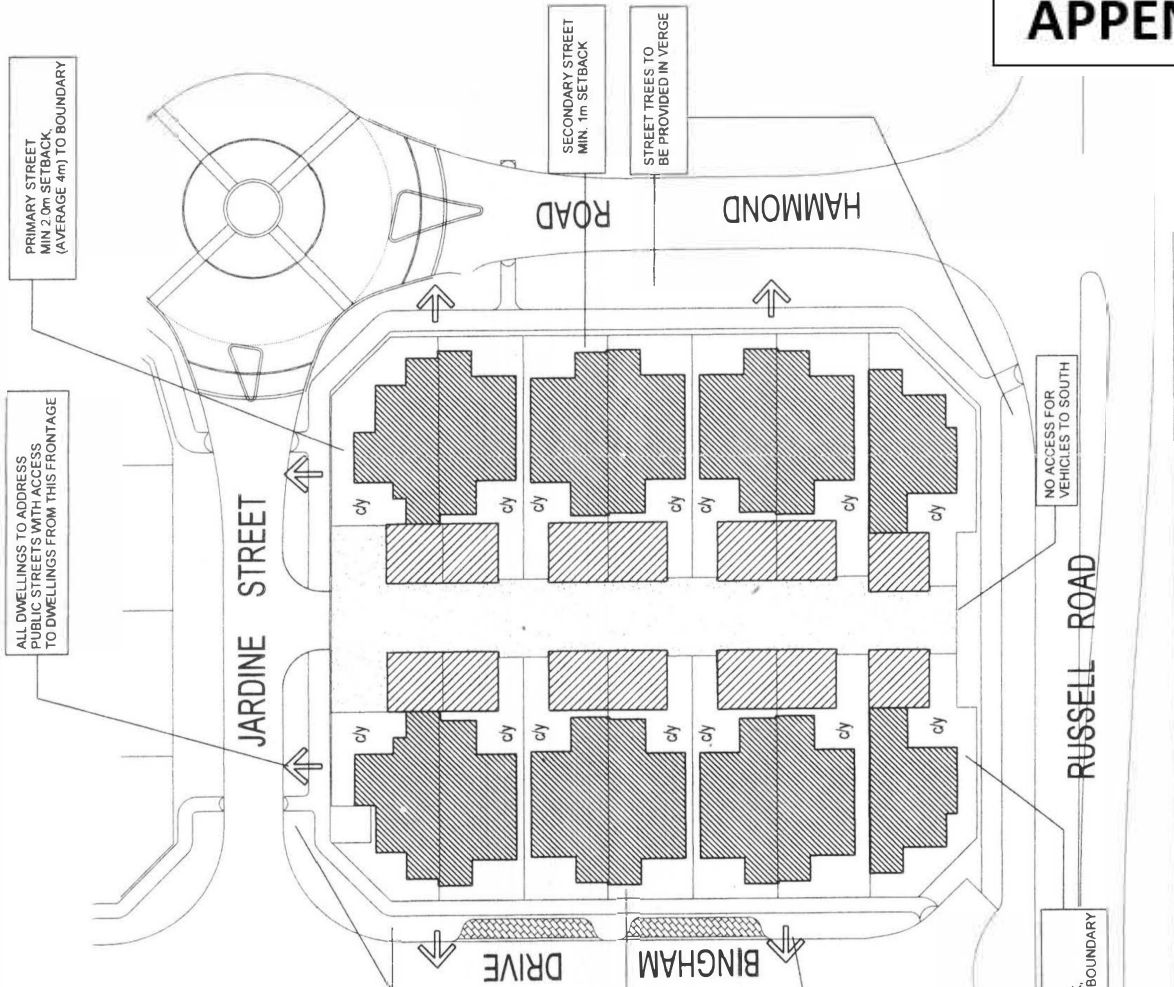
NOTE THIS DAP IS NOT AFFECTED BY THE TWO ALTERNATIVE ALIGNMENTS FOR RUSSELL ROAD

- Building Envelopes
- Designated Garage Location
- Dwellings to address frontage
- Courtyard Location
- Common Property

This Detailed Area Plan has been adopted by Council and signed by the Principal Planner

Principal Planner

14/12/2004
Date

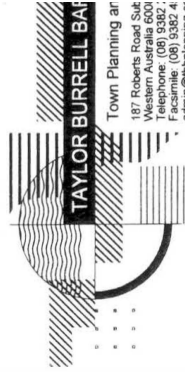


DETAILED AREA PLAN
THE EDGE

CITY OF COCKBURN
Document ID: 187192

Version: 4, Version Date: 30/10/2024

PROJECT: AUSTRALAND
DATE: 25/11/04
SCALE: 0m 5 10 15 20m
T.B.
DATE: 99/06/22
APPROVAL: _____



APPENDIX B

RUSSELL ROAD / FRANKLAND AVENUE INTERSECTION
 - to be built as a signalised intersection.

POS AREA 3
 - incorporating drainage function.

NEIGHBOURHOOD CENTRE
 - 5000m² NLA
 - oriented to Russell Road and Hammond Road
 - intersection to be signalised
 - R40/R60 residential code
 - Centre Plan to be prepared
 - On-street parking within neighbourhood centre to be provided

MIXED BUSINESS
 - Access off Old Russell Road
 - In accordance with SSDSP

ENTRY - STAGE 1
 - display housing

An acoustically engineered noise wall to be provided along the northern boundary of the R40 site.

WETLANDS

R40 SITE
 - Detailed Area Plan prepared
 - common fencing to be provided around site.

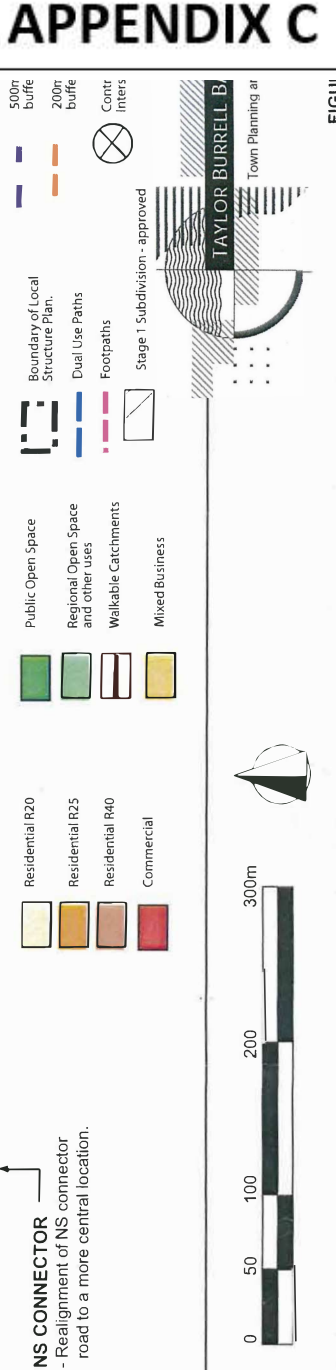
LOW LYING PEATY LAND
 - retain as natural buffer to wetlands

WATER SENSITIVE DESIGN
 - lake, boardwalk and nutrient retentive vegetation.
 - retain natural vegetation over balance of area.

NOTE:
 NO RESIDENTIAL DEVELOPMENT WITHIN 200m OF THE DOG KENNELS ON LOT 11. BARFIELD ROAD WILL BE UNDERTAKEN UNTIL SUCH TIME AS THE USE OF LOT 11 FOR KENNELS CEASES.

HARRY WARING MARSUPIAL RESERVE

CITY OF COCKLEBURN STRUCTURE PLAN
 This Structure Plan was adopted by Council on 13/10/05
 Signed *[Signature]*
 For DIRECTOR OF PLANNING & DEVELOPMENT
 File No: 9643A
 This Structure Plan was endorsed by the Warring MARSUPIAL Planning Committee on 22/2/2006
 Signed *[Signature]*
 For DIRECTOR OF PLANNING & DEVELOPMENT



FRANKLAND LOCAL STRUCTURE PLAN
 (CONCEPT PLAN RETAINING RUSSELL ROAD IN CURRENT MRS ALIGNMENT
 Revised 20.10.05)



Signed _____ N/A Pursuant to clause 5.2.14.2 of TPS No.3.

- RD** great places —
robertsday.com.au
winning a design place

Document Set ID: 11877192

DETAILED AREA PLAN PROVISIONS

The Detailed Area Plan is made pursuant to Clause 6.11.5 of the City of Cockburn Town Planning Scheme and provides variations to the 'Deemed to comply' provisions of the Residential Design Codes (R-Codes), Town Planning Scheme No. 3 and Policies as shown on the plan and written below. The requirements of the R-Codes and the Policies shall be satisfied in all other matters.

This Detailed Area Plan will supersede the Detailed Area Plan approved on 19 January 2012 (Ref: RIC GAE DAP 02 F) and 28 August 2014 (Ref: RIC GAE RD1 402 B).

Consultation with adjoining or other landowners to achieve a variation to the R-Codes in accordance with the approved Detailed Area Plan is not required.

Residential Lots

1. The density for Lots 295, 298, 500, 507 and 508 is R40. All other lots have a density code of R25 except Lot 502 'Local Centre' which has a density of R60.
2. A minimum lot area of 35% is applicable to all lots with a density code of R40 and R60.
3. For east-west orientated lots where an outdoor living area is proposed along a side boundary, it should be located on the northern lot boundary to take advantage of the northern aspect.
4. Lots 295-298 are to comply with the provisions of the 'Eden Green Stage 5 Deed of Restrictive Covenant'. Any reference to the 2008 Residential Design Codes is to be superseded by the current operative version of the Residential Design Codes at the time in which approval to develop the lot is granted by the Project Manager. Refer to attachment 1.
5. Front setbacks for the dwellings shall be in accordance with the following table:

Lot	Setback
Lots 493-495, 497 - 500 & 502 Gaebler Road	A minimum of 5.6m as per the Western Power Easement on the Certificate of Title
Lots 503-506 & 509-512 Costa Gate	A minimum of 4m as per the City of Cockburn's Local Planning Policy APD 49.
Lots 295-298 Johnsonia Bend	As per the Restrictive Covenant (applicable provisions are outlined in Attachment 1)
Lots 295 Johnsonia Bend and 8 Costata Gate	Front: 2.0m minimum and 4.0m maximum main dwelling setback Lane: 1.5m minimum side street setback.

6. Any dwelling on Lot 499 shall address both Gaebler Road and the Public Access Way (PAW).
7. Should Lot 500 be developed with a single dwelling, it shall address both Gaebler Road and the PAW.
8. Should Lot 500 be developed with grouped or multiple dwellings, the front dwelling shall be orientated to Gaebler Road and the rear dwellings shall be orientated to the PAW.
9. For Lots 499 and 500 abutting the PAW, all upper floor walls shall have at least one major opening fronting the PAW. A balcony overlooking the PAW is encouraged.
10. For single dwellings, side fencing is not to be built forward of the 4.5m return of the established building line for Lots 499 and 500.

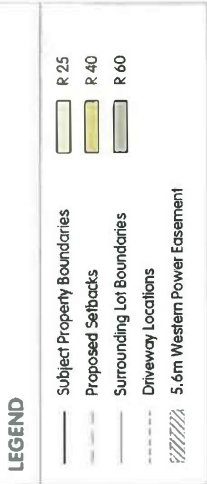
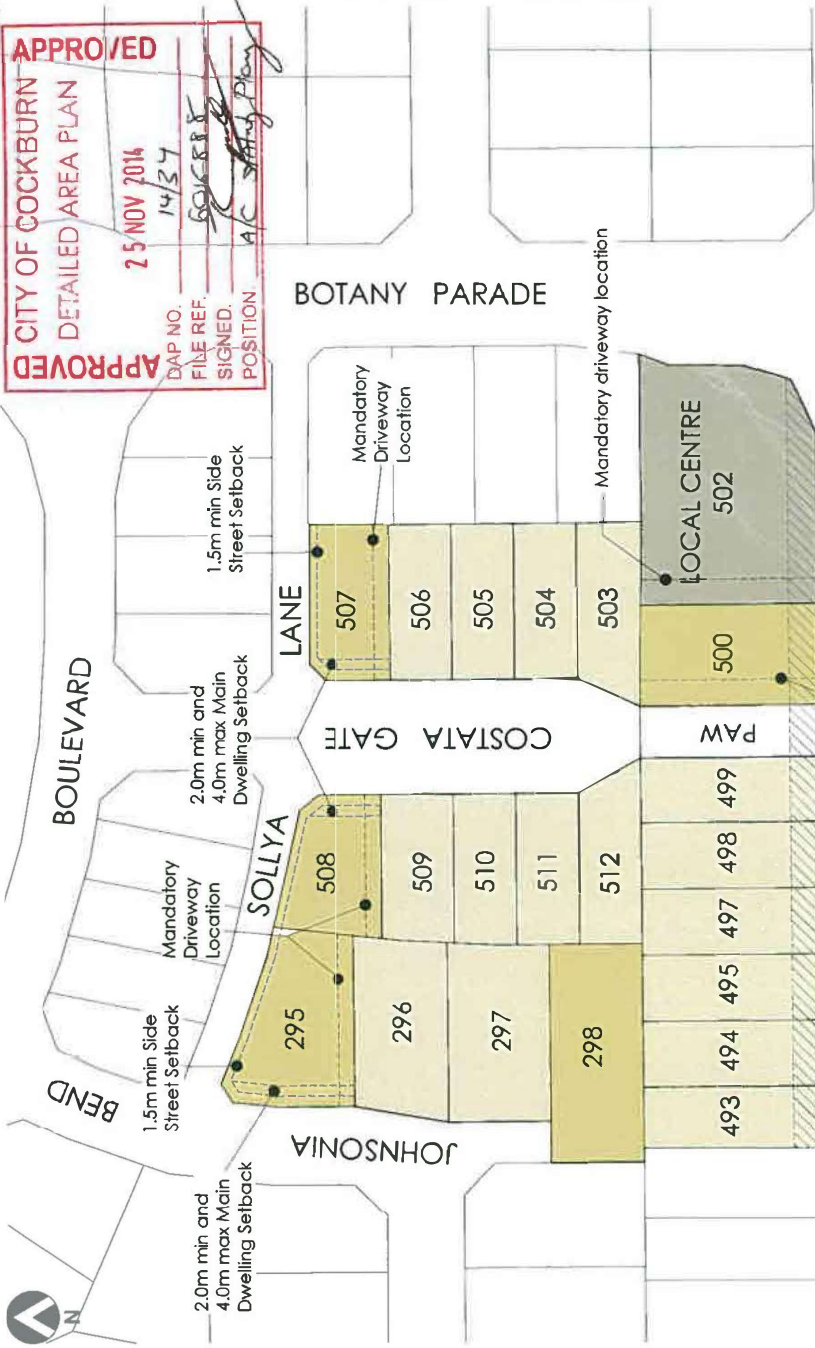
Local Centre

11. The Local Centre has a density of R60, consistent with the City of Cockburn Town Planning Scheme No.3.
12. Development of the Local Centre is to be in accordance with a Development Application approved by the City of Cockburn.
13. Land use permissibility of the Local Centre is to be consistent with the City of Cockburn Town Planning Scheme No.3.

The Detailed Area Plan as shown has been adopted by Council and signed by the Principal Planner.

Principal Planner
Date: 25/11/14

DETAILED AREA
Lots 503-512 Costata Gate, Lots 295 - 298 Johnsonia
Lots 493-495, 497-500 and Lot 502 Gaebler Road, Hammond
City of Cockburn
REF NO. RIC GAE
DRAW NO. RD1 401



robertsday.com.au planning design place

SIZE A3
1:1000
0 10 20 30 40 50
metres

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

