



**Shire of Cunderdin
Local Planning Scheme No.4**

Amendment No.1

Amending Clause 19 in Part 3 of the Scheme Text to include an additional use ('shop') for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin, and amending the Scheme map accordingly.

Planning and Development Act 2005
RESOLUTION TO PREPARE OR ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME

Shire of Cunderdin Local Planning Scheme No.4
Amendment No.1

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Amending Clause 19 in Part 3 of the Scheme Text to include an additional use for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin as follows:
 - (1) Table 5 sets out –
 - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply in respect of the additional use(s).

Table 5 – Specified additional uses for zoned land in Scheme area

No.		Description of land	Additional use	Conditions
A1		Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin	Shop	<ol style="list-style-type: none"> 1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development. 2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions. 3. All development and use shall be in accordance with any plans, conditions and management requirements

				<p>approved by the local government.</p> <p>4. No alterations or extensions to the land use shall be undertaken without the approval of the local government.</p>
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(2) Despite anything contained in the zoning table, land that is specified in Table 5 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

2. Renumbering the following Tables in the Scheme Text as follows:

- Table 5 in Part 3 to Table 6;
- Table 6 in Part 4 to Table 7;
- Table 7 in Part 5 to Table 8; and
- Table 8 in Schedule 3 to Table 9.

3. Amending the Scheme map accordingly.

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

1. The Amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
2. The Amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

Dated this _____ day of _____ 2023

Stuart Hobley
Chief Executive Officer

SCHEME AMENDMENT REPORT

LOT 14 (#35) AND LOT 15 (#31) BEDFORD STREET, CUNDERDIN

SCHEME AMENDMENT No.1

SHIRE OF CUNDERDIN LOCAL PLANNING SCHEME NO. 4 AMENDMENT REQUEST REPORT

Prepared by:

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Prepared for:

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JULY 2023

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1.0 EXECUTIVE SUMMARY

The purpose of this Scheme Amendment to the Shire of Cunderdin Local Planning Scheme No. 4 (LPS4) is to include an additional use ('shop') for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street in Cunderdin (hereafter referred to as 'the site') and amending the Scheme map accordingly.

Akron's justification in support of the Scheme Amendment is summarised as follows:

- The proposed additional use would be consistent with the orderly and proper planning of the locality;
- The proposed additional use would be consistent with the conservation of the amenities of the locality; and
- The use of the site for that purpose would not have any undue adverse effect on –
 - the occupiers and users of the development;
 - the properties in, or the inhabitants of the locality; or
 - the likely future development of the locality.

Akron therefore seeks the Council of the Shire of Cunderdin's favourable consideration of the proposed Scheme Amendment.

For the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed Scheme Amendment is a 'Standard' Scheme Amendment.

2.0 INTRODUCTION

Akron Pty Ltd acts for the landowners of Lot 14 (No.35) and Lot 15 (No.31) Bedford Street in Cunderdin and lodges this request on their behalf, seeking the Council of the Shire of Cunderdin's support to amend Council's Local Planning Scheme No. 4 (LPS4) by amending Clause 19 in Part 3 of the Scheme Text to include an additional use ('shop') for the properties, and by amending the Scheme map accordingly.

The lots are zoned 'Residential' under LPS4.

The site has been developed and the buildings used as an educational establishment known as the Cunderdin Campus of Woodthorpe School – a registered private school in Western Australia. The Cunderdin Campus opened in January 2003 and officially closed in December 2021.

The purpose of this report is to provide the Shire with sufficient information to initiate an amendment to LPS4 to include 'shop' as an additional use for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street in Cunderdin. The Shire Administration's assessment on this proposal is sought and following a supportive report to the Council of the Shire of Cunderdin for initiation, the formal Scheme Amendment documents and further information (if required) will be provided.

3.0 LOCATION & SITE DETAILS

The subject land is legally described as follows (refer **Annexure 1**):

Land Description	Registered Proprietor	Volume	Folio	Size
Lot 15 on Deposited Plan 222358	Woodthorpe School – Eastern Campus Pty Ltd of 33 Bedford Street, Cunderdin	1110	451	2,023m ²
Lot 14 on Deposited Plan 222358	Woodthorpe School – Eastern Campus Pty Ltd of 35 Bedford Street, Cunderdin 6407	1110	174	2,023m ²

The lots are located on Bedford Street in the series of properties bounded by Great Eastern Highway (north), Hodgson Street (east), Bedford Street (south), and Spear Street (west). Refer **Figure 1 – Location Plan**.



Figure 1 – Location Plan (Source: DPLH – PlanWA)

The site slopes down from south-east to north-west.

Existing development on the subject land comprises the main classroom building (351m²) containing classrooms (A), a 114m² secondary classroom building (B) located to the north of the main building, a 135m² transportable residential unit (C) (to be

removed from the site), a 45m² storage container on the northern boundary of Lot 14 (D), and five onsite car parking bays. Lot 15 has been developed as a sport and recreation area (E). Refer **Figure 2 – Identification of Existing Development**.



Figure 2 – Identification of Existing Development

The subject properties have the following locational attributes:

- The land abuts properties zoned 'Service Commercial' to the north;
- The properties have access to all urban infrastructure services;
- The land is highly accessible and approximately one minutes' drive from shopping and other commercial facilities in Cunderdin;

4.0 SCHEME AMENDMENT PROPOSAL

4.1 AMENDMENT SPECIFICATIONS

Proposed Scheme Amendment 1 seeks to include an additional use ('shop') for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin, and amending the Scheme map accordingly. This will be achieved by amending Clause 19 in Part 3 of the Scheme as outlined and described in Form 2A of the Scheme Amendment Document, and by amending the Scheme Map to include the annotation for additional uses, consistent with the requirements in Schedule 3 (legends used in Scheme) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The as-proposed Amendment includes four development conditions/standards that will apply to the use of the land. These standards are designed to limit the scope and scale of the additional use, further ensuring that the local government maintains effective control over development of the site.

4.2 RATIONALE IN SUPPORT OF AMENDMENT

The landowners were granted development approval by the Shire in circa 2002 for an educational establishment (private school). The School, the Cunderdin Campus of Woodthorpe School, was in use from January 2003 until December 2021 when the School Board decided to relocate the school to a new campus in Northam.

The buildings on the land have been vacant since the closure of the school.

The landowners wish to repurpose the existing classroom buildings to accommodate a building/s for selling goods by retail, including onsite parking consistent with the development requirements in Part 4 (general development requirements) and the additional site and development requirements in Schedule 3 of LPS4.

The proposed additional use of 'shop' is considered to provide a positive service to the current and future landowners in the area. The tenancy will be based on local demand and servicing the needs of the Cunderdin community. The proposed use will not have any adverse impacts on the surrounding community. Also, it is considered the proposed scheme amendment will facilitate the future development of the site in a manner that provides increased amenity to the Cunderdin community.

The inclusion of the additional use will complement the existing 'Service Commercial' zoned properties located on Great Eastern Highway. As such, the additional use will not detract from or undermine the higher order centres and will service the local catchment of Cunderdin only. Also, the scale of the proposed development will not discourage, compromise or defer the future development potential of the commercial hub of Cunderdin.

5.0 STRATEGIC & STATUTORY FRAMEWORK

5.1 LOCAL PLANNING CONTEXT

5.1.1 Local Planning Scheme No. 4

The subject land is zoned 'Residential' R15/30 by Shire of Cunderdin Local Planning Scheme No. 4 (LPS4).

The provisions of clauses 25 (R-Codes) and 26 (Modification of R-Codes) apply to the land.

Scheme Amendment No. 1 proposes to amend Clause 19 in Part 3 of LPS4 to include an additional use for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin by specifying 'shop'* as a class of use that will be permissible on the land, subject to the following conditions:

1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development.
2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions.
3. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.
4. No alterations or extensions to the land use shall be undertaken without the approval of the local government.

* 'Shop' is defined in LPS4 as "...premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services."

Under Part 3, Clause 16 (Zones) of LPS4, the objectives of the Residential zone are as follows:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

5.1.2 Shire of Cunderdin Local Planning Strategy

The Strategy Map for Cunderdin townsite in the *Shires of Cunderdin, Quairading & Tammin Joint Local Planning Strategy 2022* (the JLPS), depicts the subject properties as 'Residential – medium density (R10-15/30)'.

The objectives of the JLPS have been aligned with the goals of the Strategic Community Plans to reflect the economic, developmental, community and environmental aspirations of the respective Shires.

With respect to the Strategic Community Plan (SCP) for Cunderdin, the Plan acknowledges the importance to facilitate local business retention and growth, and to build economic capacity through delivery of land and infrastructure capable of accommodating commercial and residential growth.

Subclause 6.1.2 (Employment & Tourism) of the JLPS, Strategic Direction #4 stipulates that, as a strategy, the new local planning scheme (LPS4) should be sufficiently flexible that it promotes population growth by encouraging diversification of the local economy.

The JLPS also underscores the notion that it is important for the growth of the town of Cunderdin to provide opportunities for employment.

Based on the broader objectives of the JLPS for Cunderdin townsite, and the justification provided under Part 4.2 (rationale in support of the amendment) of this report, the applicant considers the proposal to include the additional use for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street in Cunderdin is both sound and consistent with the general strategic direction envisaged for Cunderdin townsite.

5.2 OTHER PLANNING CONSIDERATIONS

5.2.1 Utility Services

The subject land is connected to telecommunications, reticulated power, scheme water and sewer services.

5.2.2 Roads

The site has frontage to Bedford Street. This road is under the maintenance, care, and control of the Shire of Cunderdin.

6.0 CONCLUSION

The information and justification provided in this report is submitted to support the amendment of Shire of Cunderdin Local Planning Scheme No. 4 to include an additional use ('shop') for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street in Cunderdin and to amend the Scheme map accordingly.

The proposed scheme amendment is appropriate and should be supported by the Council of the Shire of Cunderdin and the Western Australian Planning Commission for the following reasons:

- The land is highly accessible given its proximity to a primary distributor road (Great Eastern Highway);
- It is consistent with the objectives of the *Shires of Cunderdin, Quairading & Tammin Joint Local Planning Strategy 2022* as it relates to Cunderdin townsite;
- It is consistent with the objectives of the Shire of Cunderdin Strategic Community Plan;
- The request for support for the additional use of 'shop' on the site will provide a positive service to the Cunderdin community;
- The proposed additional use would be consistent with the orderly and proper planning of the locality;
- The proposed additional use would be consistent with the conservation of the amenities of the locality; and
- Given the former use of the site (private school), the repurposing of the buildings on the site for a shop would not have any undue adverse effect on –
 - the occupiers and users of the development;
 - the properties in, or the inhabitants of the locality; or
 - the likely future development of the locality.

Based on the information and justification provided in this report we respectfully request that the Council of the Shire of Cunderdin initiates, and the Western Australian Planning Commission supports Scheme Amendment No. 1 to Shire of Cunderdin Local Planning Scheme No. 4 to include an additional use ('shop') for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street in Cunderdin.

ANNEXURES

ANNEXURE 1
CERTIFICATES OF TITLE

WESTERN



AUSTRALIA

REGISTER NUMBER 15/DP222358	
DUPLICATE EDITION 3	DATE DUPLICATE ISSUED 6/6/2008

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1110** FOLIO **451**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 15 ON DEPOSITED PLAN 222358

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

WOODTHORPE SCHOOL - EASTERN CAMPUS PTY LTD OF 33 BEDFORD STREET, CUNDERDIN
(T K611431) REGISTERED 29/5/2008

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1110-451 (15/DP222358)
PREVIOUS TITLE: 1110-451
PROPERTY STREET ADDRESS: 31 BEDFORD ST, CUNDERDIN.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF CUNDERDIN

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF CUNDERDIN TOWN LOT/LOT 15 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 15 ON DEPOSITED PLAN 222358 ON 16-MAY-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

WESTERN



AUSTRALIA

REGISTER NUMBER 14/DP222358	
DUPLICATE EDITION 4	DATE DUPLICATE ISSUED 14/7/2016

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1110** FOLIO **174**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 14 ON DEPOSITED PLAN 222358

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

WOODTHORPE SCHOOL - EASTERN CAMPUS PTY LTD OF 35 BEDFORD STREET CUNDERDIN 6407
(T N380009) REGISTERED 11/7/2016

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1110-174 (14/DP222358)
PREVIOUS TITLE: 1110-174
PROPERTY STREET ADDRESS: 35 BEDFORD ST, CUNDERDIN.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF CUNDERDIN

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF CUNDERDIN TOWN LOT/LOT 14 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 14 ON DEPOSITED PLAN 222358 ON 16-MAY-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

ANNEXURE 2
DEPOSITED PLAN

SCHEME AMENDMENT DOCUMENTS

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Shire of Cunderdin Local Planning Scheme No. 4 Amendment No. 1

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

2. Amending Clause 19 in Part 3 of the Scheme Text to include an additional use for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin as follows:
 - (3) Table 5 sets out –
 - (c) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (d) the conditions that apply in respect of the additional use(s).

Table 5 – Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin	Shop	<ol style="list-style-type: none">4. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development.2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions.3. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.

				4. No alterations or extensions to the land use shall be undertaken without the approval of the local government.
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(4) Despite anything contained in the zoning table, land that is specified in Table 5 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

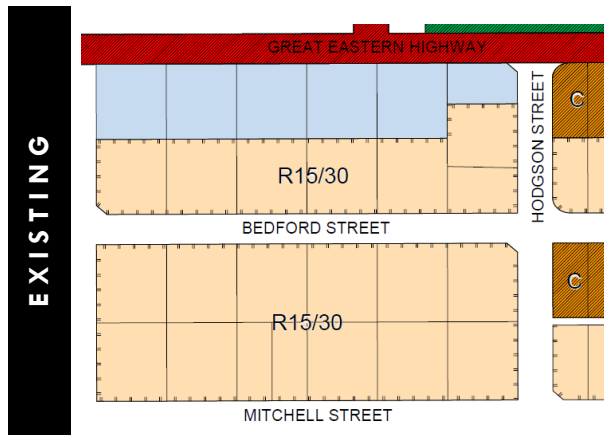
Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

5. Renumbering the following Tables in the Scheme Text as follows:




- Table 5 in Part 3 to Table 6;
- Table 6 in Part 4 to Table 7;
- Table 7 in Part 5 to Table 8; and
- Table 8 in Schedule 3 to Table 9.



6. Amending the Scheme map accordingly.

PROPOSED SCHEME AMENDMENT NO. 1





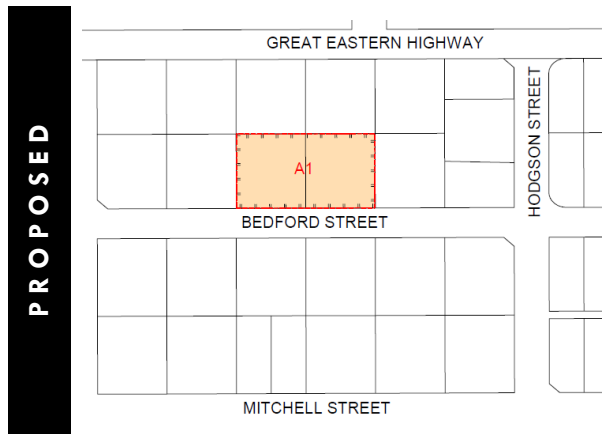
LEGEND

- LOCAL SCHEME RESERVES
-  Cultural Facilities
 -  Primary Distributor Road
 -  Public Open Space

- LOCAL SCHEME RESERVES
-  Residential
 -  Service Commercial

OTHER CATEGORIES
(see scheme text for additional information)

-  R20 R Codes
-  No Zone



LEGEND

OTHER CATEGORIES
(see scheme text for additional information)

-  A1 Additional Uses

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Cunderdin at the Ordinary Meeting of the Council held on the ____ day of _____, 20_____.

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Shire of Cunderdin at the Ordinary Meeting of the Council held on the ____ day of _____, 20_____, proceed to advertise this Amendment.

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Shire of Cunderdin at the Ordinary Meeting of the Council held on the _____ day of _____, 20____ and the Common Seal of the Shire of Cunderdin was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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

DATE

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE