



CITY OF COCKBURN
DOC No
18 MAR 2024
109/169
RETENTION 124.2.3 A5
PROPERTY
APP
ACTION Gayle O'Leary

Your ref: 109/169
 Our ref: TPS/3119
 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. 169

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 is returned for your records.

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

Yours sincerely

Sam Boucher

Ms Sam Boucher
 Secretary
 Western Australian Planning Commission

13/03/2024

Planning and Development Act 2005

APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Cockburn
Town Planning Scheme No. 3 Amendment No. 169

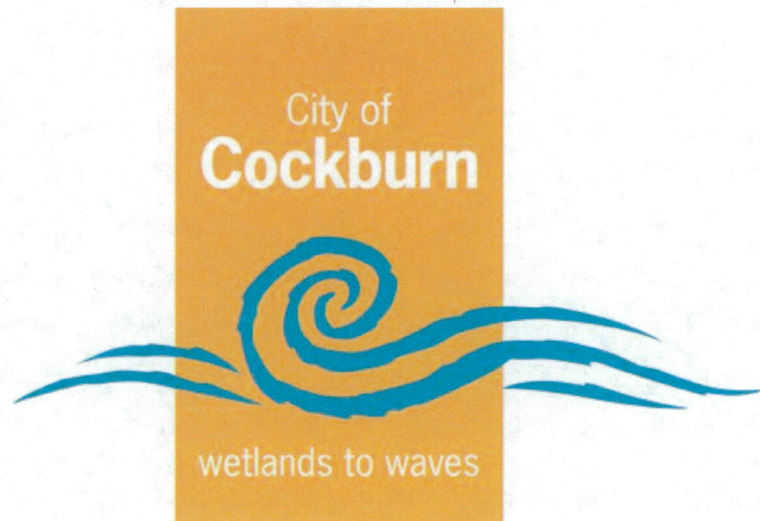
File: TPS/3119

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the abovementioned amendment to the City of Cockburn Town Planning Scheme No. 3 on 11 March 2024 for the purpose of:

1. Rezoning various lots within 'Development Area 37' from 'Development' to 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Mixed Use' and 'Local Centre (R80)', as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 37' from the 'Development' zone to a local reserve for 'Parks and Recreation', 'Local Road', 'Public Purposes (Civic)', 'Public Purposes (Primary School)' and/or 'Public Purposes (Water Corporation)', as depicted on the Scheme Amendment Map.
3. Reclassifying Lot 867 Dollier Street, Treeby (Reserve 47750) from the 'Resource' zone to a local reserve for 'Lakes and Drainage'.
4. Reclassifying Lot 1 Solomon Road, Treeby from a 'Local Road' to a local reserve for 'Public Purposes (Water Corporation)'.
5. Reclassifying the northern portion of Lot 700 Clementine Boulevard, Treeby (Reserve 53280) from a 'Local Road' to a local reserve for 'Parks and Recreation.'
6. Reducing the extent of the 'Development Area 37' special control area boundary, as depicted on the Scheme Amendment Map.

L HOWLETT
MAYOR

D SIMMS
CHIEF EXECUTIVE OFFICER



Town Planning Scheme No.3
Amendment No.169
(Basic)

*Partial Rationalisation of Development Area 37
Calleya Estate & Surrounds (Treeby)*

DECEMBER 2023

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

City of Cockburn
Town Planning Scheme No.3
Amendment No.169

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 37' from 'Development' to 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Mixed Use' and 'Local Centre (R80)', as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 37' from the 'Development' zone to a local reserve for 'Parks and Recreation', 'Local Road', 'Public Purposes (Civic)', 'Public Purposes (Primary School)' and/or 'Public Purposes (Water Corporation)', as depicted on the Scheme Amendment Map.
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5. Reclassifying the northern portion of Lot 700 Clementine Boulevard, Treeby (Reserve 53280) from a 'Local Road' to a local reserve for 'Parks and Recreation'.
6. Reducing the extent of the 'Development Area 37' 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; and/or is
- Proposing zoning/reservation changes that are purely administrative in nature.

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
37A	Banjup Quarry Local Structure Plan	23/4/2020	SPN/0521

Upon the amendment taking effect 'partial' revocation of the above approved structure plan is to occur. The balance of this structure plan forms the subject of a separate Scheme Amendment.

Dated this 14th day of December 20 23



CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

Local Structure Plan 37A has been fully implemented.

The purpose of this basic scheme amendment is to transfer most of the zones and reserves shown for this structure plan area into Town Planning Scheme No.3 (TPS3), to ensure the City maintains appropriate development control once the structure plan expires on 19 October 2025.

This process is referred to as the rationalisation of a structure plan.

2.0 BACKGROUND

Development Area 37 (DA37) was created in October 2013 via Scheme Amendment #95, in response to the gazettal of Metropolitan Region Scheme (MRS) Amendment 1221/41 which rezoned:

- Lots 9002 Armadale Road, 9004 Jandakot Road and 132 Fraser Road from the 'Rural-Water Protection' to the 'Urban' zone; and
- Lot 701 (former Lot 1) Armadale Road, from the 'Rural-Water Protection' to the 'Urban Deferred' zone.

The deferred zoning of Lot 701 was requested by Main Roads WA due to potential land requirements associated with the North Lake Bridge / Armadale Road realignment. Following finalisation of the regional road designs, the land's deferred status was lifted by the Western Australian Planning Commission in March 2014 via MRS Amendment 1269/27.

DA37 currently contains one endorsed structure plan, as per below:

Structure Plan #	Address	Endorsement Date	Amendment Type Required
37A	Banjup Quarry Local Structure Plan (Calleya Estate)	23/4/2020	Basic / Standard

The extent of DA37 (thick black dashed line) and this scheme amendment proposal (solid red line), are depicted on **Figures 1 and 2**.

Three lots directly adjacent but external to the approved Structure Plan (outlined in blue) involve reserving the land consistent with their existing or proposed tenure. Portions of the Local Centre (outlined in yellow) form the subject of a separate complimentary 'Standard' Scheme Amendment (#172).

Lot 701 Armadale Road and Lot 9056 Bluegrass Street (dashed light blue line) are currently undeveloped with Lot 701 yet to form the subject of an approved local structure plan and Lot 9056 still in private ownership, pending the development of Lot 701. As a result, these two lots are not being rationalised at this time and will retain their existing 'Development' zoning as the final remnant portions of DA37.

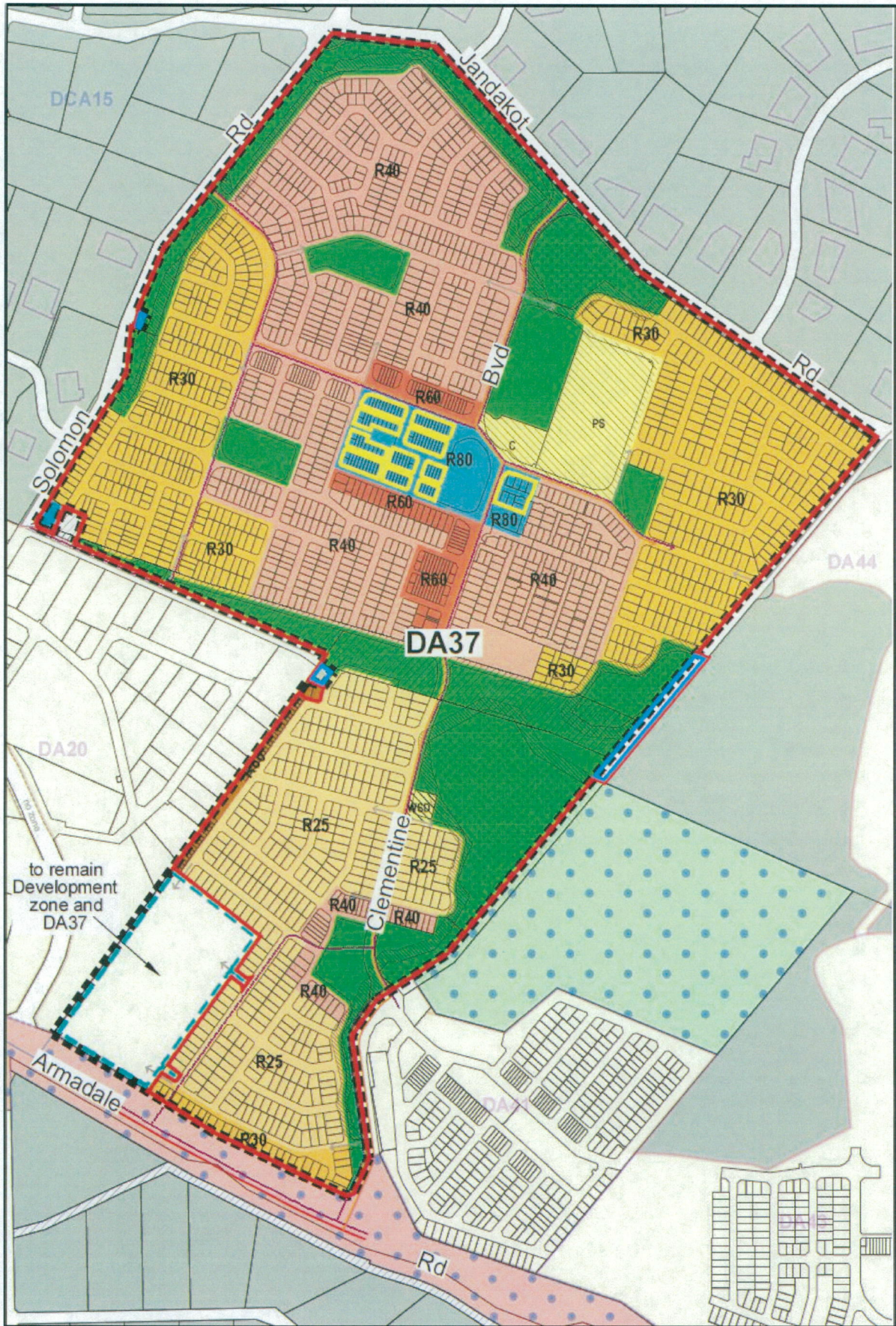


Figure 1 – DA 37, Amendment and WAPC Approved Structure Plan Extents



Figure 2 – Aerial Photograph showing extent of completed Subdivision and Development

The affected area is currently covered by several Local Development Plans (LDP's). 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 parts (a) and (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 or reserving adjacent land consistent with their established use and existing tenure.

4.0 TOWN PLANNING CONTEXT

4.1 State Planning Framework

The entirety of DA37 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 37.

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 DA37 it includes the following:

TABLE 9 – DEVELOPMENT AREA		
REF. NO.	AREA	PROVISIONS
DA 37	Banjup Quarry Redevelopment	<ol style="list-style-type: none">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. The Structure Plan is to provide for an appropriate mix of residential and non-residential land uses, in order to support the objective for a mixed-use neighbourhood. Non-residential land uses may include compatible commercial and industrial (light and service industry) land uses, as a means to provide an appropriate interface and transition to the western adjoining Solomon Road Development Area 20.3. The Structure Plan is to provide for safe and efficient pedestrian connections between DA37 and the Cockburn Central Railway Station.

The land also forms the subject of Development Contribution Areas 13 and 15 (DCA13 & DCA15) under TPS3. This amendment has no impact of the operation of these DCA's

5.0 PROPOSAL

Subdivision and development of substantive portions of DA37 (in particular the entirety of the land covered by Structure Plan 37A) is complete, meaning it has served its purpose and is no longer required.

This amendment therefore seeks to remove this area from DA37 and transfer the structure plan identified zonings and reservations for the land into the Scheme, ahead of the structure plan expiring on 19 October 2025.

It also includes addressing minor anomalies on adjoining land, by transferring them into local reserves consistent with their established use and existing tenure.

Development Area:

As there remain portions of DA37 yet to be developed (in particular, Lot 701 Armadale Road and Lot 9056 Bluegrass Street), complete deletion of DA37 and its special provisions is not proposed at this time, rather just a reduction to the extent of DA37 special control area boundary to reflect the outcome of this proposal.

A further reduction will occur as a result of Scheme Amendment #172 which focuses on the rezoning of land in and around the Treeby Local Centre.

Local Structure Plans (LSP):

Details on Structure Plan 37A (including the LSP map and an aerial of the area) are provided in this section to demonstrate our reasoning for rationalisation.

Treeby – Calleya Estate (37A)

Bounded by Solomon Road to the west, Jandakot Road to the north, Armadale Road to the south and Lot 5131 Jandakot Road and Lot 820 Ghostgum Avenue to the east, this Structure Plan identifies a comprehensive network of local roads and Public Open Space (POS), servicing primarily low residential density (R20) housing south of the 330kv powerline corridor that runs east-west through the middle of the estate, and medium residential density (R30 and R40) housing to the north.

Pockets of higher density (R40, R60 and R80) housing are located in high-amenity locations that have a direct relationship to the POS, Primary School and the Local Centre, or form part of a specialist housing product that makes use of the parapet/boundary walls adjacent the 'Light and Service Industry' zone along Biscayne Way.

This proposal seeks to rationalise all of Structure Plan 37A with exception to:

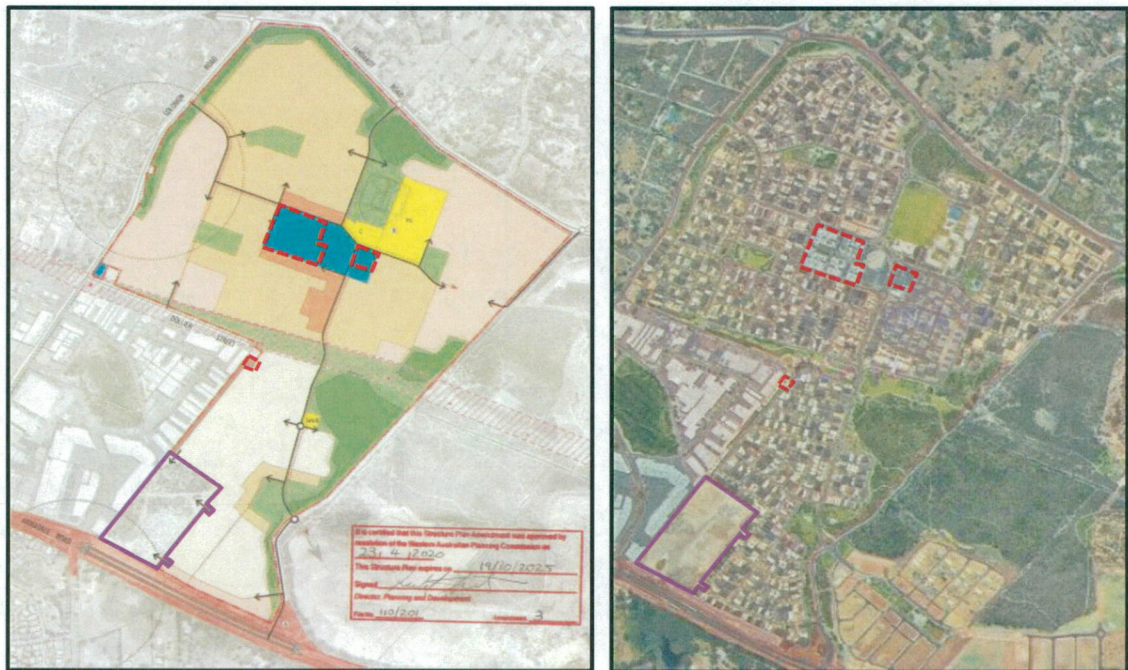
- The portion of the 'Local Centre' zone west of the IGA Supermarket;
- The 'Local Centre' zoned north-west corner of the retirement village;
- Lots 109 and 110 Wintergreen Crescent;

As the desired zonings or density codings do not directly match the zonings or codings of the approved Structure Plan, rationalisation of the above areas will occur via a separate 'standard' scheme amendment (Amendment #172) that will be advertised for public comment (refer to maps and table below for exact location).

As standard amendments typically involve a longer statutory process, revocation of the remaining portions of this Structure Plan will be sought through that proposal.

The other exception is the two portions of Lot 9056 Bluegrass Street. Whilst the northern piece is shown on the structure plan as a future local road, and the southern portion as a residential lot (despite currently being used as portion of a constructed cul-de-sac head), the long-term use of this land will not be known until structure planning of Lot 701 is advanced. In the meantime, as the land is in private ownership, reservation of either portion as a local road is not acceptable as it would create the potential for compensation via injurious affection.

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**.






- | | | | |
|--------------|-------------------------------------|---------------------|---|
| ZONES | | ZONES | |
| | RESIDENTIAL R25 | | WSD PUBLIC PURPOSES - WATER AUTHORITY OF WA |
| | RESIDENTIAL R30 | | LOCAL CENTRE (R80) |
| | RESIDENTIAL R40 | | MIXED USE |
| | RESIDENTIAL R60 | RESERVATIONS | |
| | RESIDENTIAL R80 | | PRIMARY REGIONAL ROAD (MRS) |
| | PS PUBLIC PURPOSES - PRIMARY SCHOOL | | PUBLIC OPEN SPACE |
| | C PUBLIC PURPOSES - CIVIC | | |

<p>DA37 Areas excluded from Amendment #169 and included in Amendment #172</p>	Lots 3034-3085 Basanite Loop	<p>DA37 Area excluded from both Amendments</p>	<p>Lot 701 Armadale Road & (2 portions of) Lot 9056 Bluegrass Street</p>
	Lots 3013-3033 Catseye Walk		
	Lots 3042-3067 Mudstone Road		
	Lots 3022-3025 and 3060-61 Peridot Street		
	Lots 3001-3012 and 3086-3097 Turquoise Boulevard		
	Lots 3040 and 3041 Volcanic Road		
	Lots 69-76 Clementine Boulevard		
	Lot 109 and 110 Wintergreen Crescent		

Other Crown/Government Corporation Landholdings

Scattered around the periphery of DA37 are also a number of Crown Reserves or Government Corporation landholdings that are not included within any approved Structure Plan.

This bring the TPS into greater consistency with the physical situation on the ground, this proposal includes incorporating these areas within Local Scheme Reserves that match their existing tenure and established use, as described in the following table:

Location	Current TPS Designation / Use	Proposed Local Reservation	Map
<p style="text-align: center;">Lot 867 Dollier Street (Reserve #47750)</p>	<p style="text-align: center;">Resource Zone (Drainage Basin)</p>	<p style="text-align: center;">Lakes and Drainage</p>	
<p style="text-align: center;">Lot 1 Solomon Road (DP 416560)</p>	<p style="text-align: center;">Local Road Reserve (Water Bore)</p>	<p style="text-align: center;">Public Purposes – Water Corporation</p>	
<p style="text-align: center;">Northern Portion of Lot 700 Clementine Boulevard (Reserve #53280)</p>	<p style="text-align: center;">Local Road Reserve (Portion of Clementine Reserve)</p>	<p style="text-align: center;">Parks and Recreation</p>	

6.0 CONCLUSION

For the following key reasons, it is suggested that now is an appropriate time for the structure plan to be partially 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 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.

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

Planning and Development Act 2005

City of Cockburn Town Planning Scheme No.3 Amendment No.169

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 37' from 'Development' to 'Residential (R25)', 'Residential (R30)', 'Residential (R40)', 'Residential (R60)', 'Mixed Use' and 'Local Centre (R80)', as depicted on the Scheme Amendment Map.
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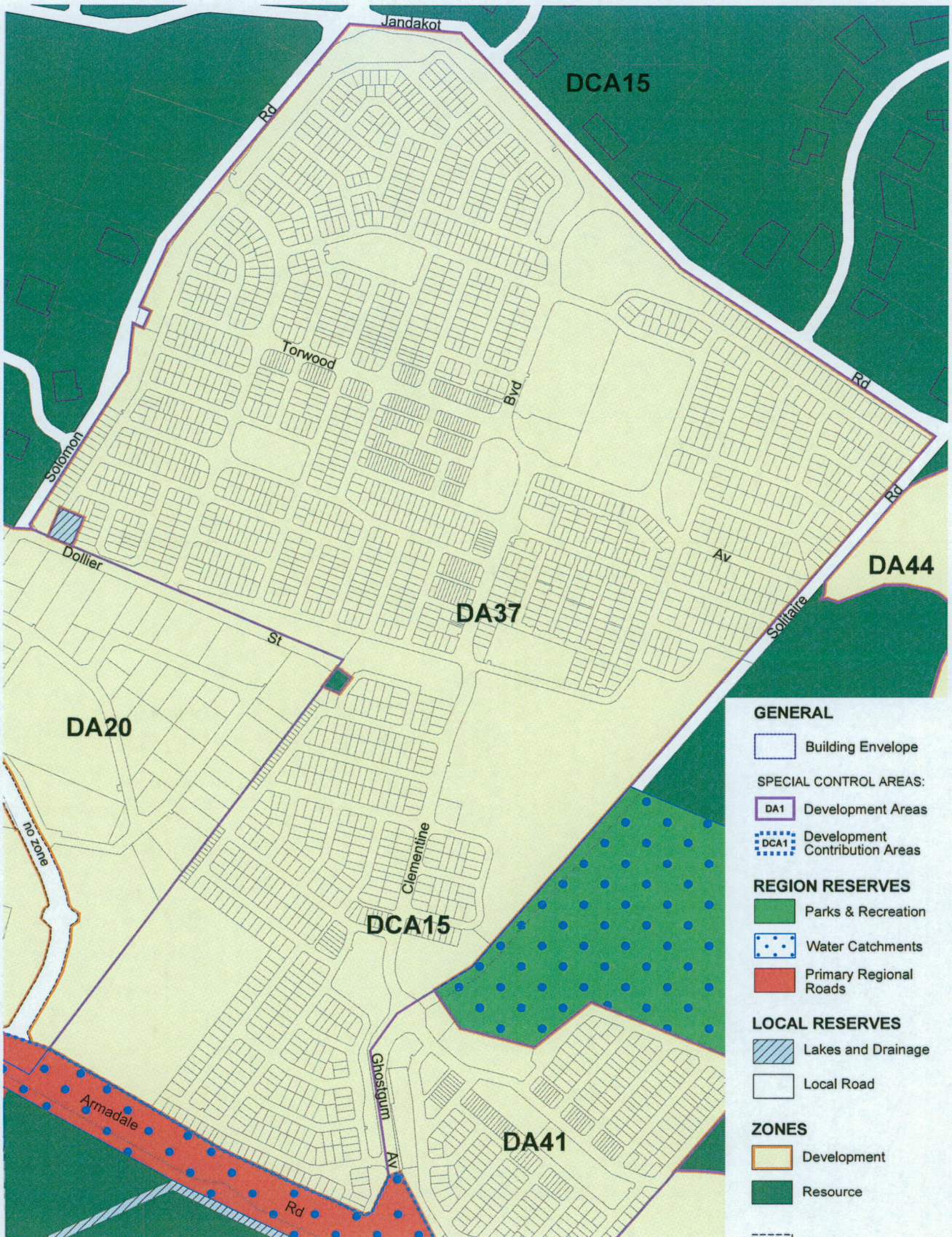
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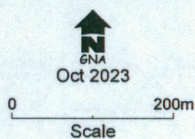
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Structure Plan #	Address	Endorsement Date	WAPC Reference
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Current Scheme Map



Amendment No.169 Town Planning Scheme No.3



GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

REGION RESERVES

LOCAL RESERVES

Parks and Recreation

Lakes and Drainage

Local Road

Public Purposes - Civic

Public Purposes - Primary School

Public Purposes - Water Corporation

ZONES

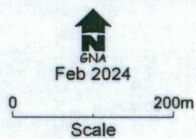
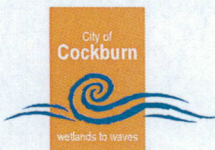
Residential

Local Centre

Mixed Use

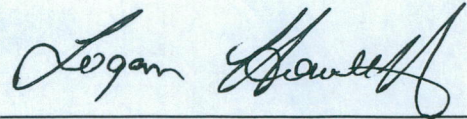
Development

Scheme Amendment Map



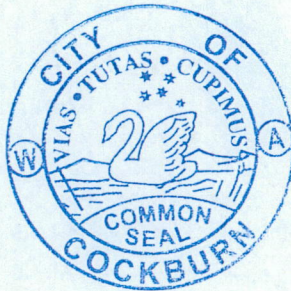
Amendment No.169
Town Planning Scheme No.3

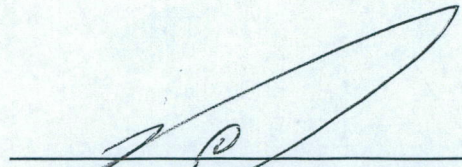
This Basic Amendment was adopted and is recommended for approval by resolution of the City of Cockburn at the Ordinary Meeting of the Council held on the 14th day of December, and the Common Seal of the City of Cockburn was hereunto affixed by the authority of a resolution of the Council in the presence of:



MAYOR

(Seal)





CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

It is hereby certified that this is a true copy of the ~~Scheme~~/Amendment, final approval to which was endorsed by the Minister for Planning on 11/3/2024

Certified by 

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.



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

DATE 05/03/2024

APPROVAL GRANTED


MINISTER FOR PLANNING

DATE _____

LEGEND		
ZONES	ZONES	LAND USE PLANNING ELEMENTS THAT INFORM THE STRUCTURE PLAN
<ul style="list-style-type: none"> RESIDENTIAL R25 RESIDENTIAL R30 RESIDENTIAL R40 RESIDENTIAL R60 RESIDENTIAL R80 PS PUBLIC PURPOSES - PRIMARY SCHOOL C PUBLIC PURPOSES - CIVIC 	<ul style="list-style-type: none"> WSD PUBLIC PURPOSES - WATER AUTHORITY OF WA LOCAL CENTRE (R60) MIXED USE RESERVATIONS PRIMARY REGIONAL ROAD (MRS) PUBLIC OPEN SPACE 	<ul style="list-style-type: none"> REMNANT BUSHLAND WETLAND - RESOURCE ENHANCEMENT WETLAND - 30M BUFFER ROAD WIDENING NEIGHBOURHOOD CONNECTOR KEY ACCESS ROADS BUSHFIRE PROTECTION ZONE (20m) 330KV POWERLINE CASEMENT 300m WELLHEAD PROTECTION ZONE STRUCTURE PLAN BOUNDARY PRIMARY PATH/PEDESTRIAN LINKAGES



COCK/2015/60-1 STRUCTURE PLAN
Plan 1






Date: 25/03/2020 Plan: ST081-2-003X