



CITY OF COCKBURN	
DOC No	
08 MAR 2024	
SUBJECT 109/168	
RETENTION 124.2.3.A.5	
PROPERTY	Your ref: 109/168 Our ref: TPS/3106 Enquiries: Local Planning Schemes
APP	
ACTION GEOFFREY AMOS	

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. 168

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 6012. One signed set of the amending documents is 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

28/02/2024

PLANNING AND DEVELOPMENT ACT 2005

APPROVED TOWN PLANNING SCHEME AMENDMENT City of Cockburn

TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 168

Ref: TPS/3106

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Cockburn Town Planning Scheme amendment on 26 February 2024 for the purpose of:

1. Reclassifying land within the 'Development Area 14' from the 'Residential' zone to a local reserve for 'Parks and Recreation', 'Lakes and Drainage' or 'Local Road', as depicted on the Scheme Amendment Map.
2. Modifying 'Table 9 - Development Areas' of the Scheme Text, by deleting Provision 3 as it relates to DA 14.
3. Reducing the extent of the 'Development Area 14' (DA14) special control area boundary, as depicted on the Scheme Amendment Map.
4. Rezoning various lots within 'Development Area 36' from 'Development' to 'Residential (R20)', 'Residential (R30)', Residential (R40) and 'Residential (R60)', as depicted on the Scheme Amendment Map.
5. Reclassifying land within 'Development Area 36' from the 'Development' zone to a local reserve for 'Parks and Recreation' or 'Local Road', as depicted on the Scheme Amendment Map.
6. Deleting 'Development Area 36' (DA36) entirely, from within 'Table 9 - Development Areas' of the Scheme Text, and the Scheme Map.

L HOWLETT
MAYOR

D SIMMS
CHIEF EXECUTIVE OFFICER



Town Planning Scheme No.3

Amendment No. 168 (Basic)

*Rationalisation of various Structure Plans within
Development Area 14 (Beenyup Road) & Development Area 36 (Bartram Road)*

NOVEMBER 2023

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

City of Cockburn
Town Planning Scheme No.3
Amendment No.168

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. Reclassifying land within the 'Development Area 14' from the 'Residential' zone to a local reserve for 'Parks and Recreation', 'Lakes and Drainage' or 'Local Road', as depicted on the Scheme Amendment Map.
2. Modifying 'Table 9 – Development Areas' of the Scheme Text, by deleting Provision 3 as it relates to DA14.
3. Reducing the extent of the 'Development Area 14' (DA14) special control area boundary, as depicted on the Scheme Amendment Map.
4. Rezoning various lots within 'Development Area 36' from 'Development' to 'Residential (R20)', 'Residential (R30)', Residential (R40) and 'Residential (R60)', as depicted on the Scheme Amendment Map.
5. Reclassifying land within 'Development Area 36' from the 'Development' zone to a local reserve for 'Parks and Recreation' or 'Local Road', as depicted on the Scheme Amendment Map.
6. Deleting 'Development Area 36' (DA36) entirely, from within 'Table 9 – Development Areas' of the Scheme Text, and the Scheme Map.

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

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

Pursuant to Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment to the above Local Planning Scheme affects the following structure plan(s):

Structure Plan #	Address	Endorsement Date	WAPC Reference
14A	Wentworth Heights, Success	22/11/2015	N/A
14B	Lot 3 Sciano Ave, Success	15/08/2015	N/A
36	Lot 9014 Bartram Road & Lot 9015 Wentworth Parade, Success	26/05/2014	SPN/0050/1

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

Dated this 28 day of Nov 2023



CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

Structure Plan No.'s 14A, 14B and 36A have all been fully implemented.

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

2.0 BACKGROUND

Development Area 14 (DA14) was initially created when TPS3 was first gazetted in December 2002. It currently includes two endorsed structure plans as per the table below:

Structure Plan #	Address	Endorsement Date	Type of Amendment Required
14A	Wentworth Heights, Success	22/11/2015	Basic
14B	Lot 3 Sciano Ave, Success	15/08/2015	Basic

Development Area 36 (DA36) is the result of Amendment No.93 (SA93) to TPS3 which was gazetted on 6 May 2014. DA36 includes one endorsed structure plan (covering the total area) as per the table below:

Structure Plan #	Address	Endorsement Date	Type of Amendment Required
36A	Lot 9014 Bartram Road & Lot 9015 Wentworth Parade, Success	26/5/2014	Basic

The extent of DA14 and 36 (thick black dotted line), this scheme amendment proposal and the relevant Structure Plans are depicted on **Figures 1 and 2**.

As there remains a portion of DA14 (Lot 2 Sciano Avenue) yet to be structure planned, it has been excluded and does not form the subject of this proposal.

The eastern portion of DA14, forms the subject of a separate omnibus amendment to TPS3 (SA159), which similarly proposes to formalise local reserves for 'Parks and Recreation', 'Lakes and Drainage' or 'Local Road' in this area from within the existing 'Residential' zone, based on their existing tenure and use.

Each of the affected structure plans 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.

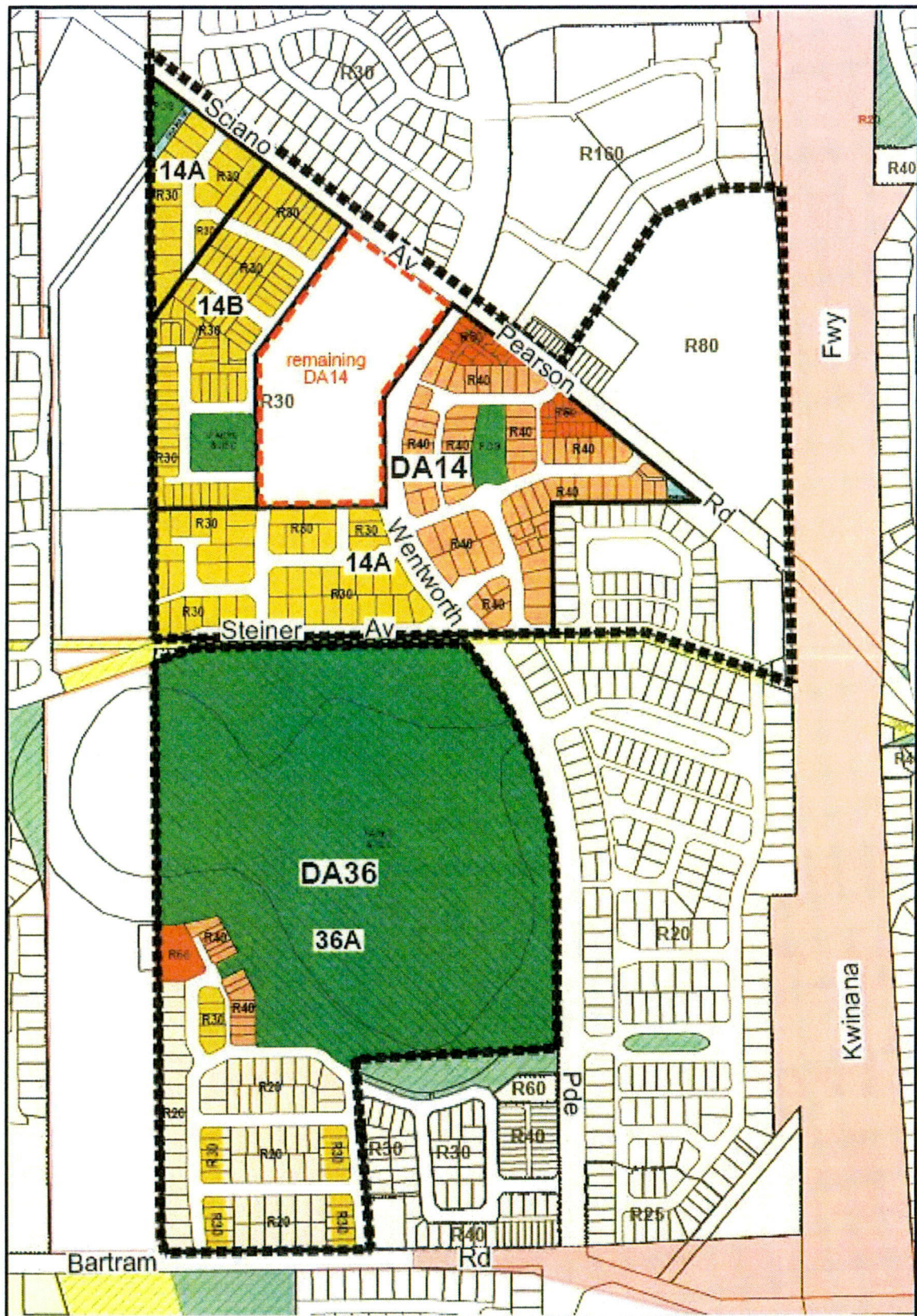




Figure 2 – Aerial Photograph showing extent of completed subdivision and development

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 'basic' amendment, which Regulation 34 describes as any of the following amendments to a local planning scheme:

- a) *an amendment to correct an administrative error;*
- b) *an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;*
- c) *an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;*
- d) *an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;*
- e) *an amendment to the scheme so that it is consistent with a State planning policy;*
- f) *an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;*
- g) *an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;*
- h) *an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;*
- i) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area.*

This proposed amendment satisfies part (g) of the above criteria.

Specifically, it is an amendment to the local planning scheme map that involves zoning land consistent with an approved structure plan for the same land.

4.0 TOWN PLANNING CONTEXT

4.1 State Planning Framework

The entirety of DA14 and DA36 are identified in the *South Metropolitan Peel Sub-Regional Planning Framework* and zoned 'Urban' under the *Metropolitan Region Scheme*.

4.2 City of Cockburn Town Planning Scheme No. 3

Reflective of the planning process followed when TPS3 was first gazetted in December 2002, the affected land north of Steiner Avenue is zoned 'Residential' (with densities ranging between 'R30' and 'R80'), and identified on the Scheme Map and in Table 9 of the Scheme Text as part of 'Development Area 14' in TPS3.

Reflective of more contemporary planning processes, affected land south of Steiner Avenue is zoned 'Development', and identified on the Scheme Map and in Table 9 of the Scheme Text as 'Development Area 36'.

The purpose of the 'Development' zone and/or 'Development Area' special control area designations, 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, subdivision and development processes.

5.0 PROPOSAL

Subdivision and/or development of substantive portions of DA14 and all of DA36 is now complete, meaning that the existing structure plans have served their purpose and are no longer required.

This amendment therefore seeks to remove these areas from DA14 and DA36 and transfer the structure plan identified zonings and reservations for the land into the Scheme, ahead of the structure plans expiring on 19 October 2025.

Development Area 14

As there remains a portion of DA14 (Lot 2 Sciano Avenue) yet to be structure planned, subdivided or developed, complete deletion of DA14 and all its special provisions are not proposed at this time, rather just a reduction to the extent of the DA14 special control area boundary and the removal of superfluous provisions to reflect the outcomes of this proposal and earlier planning approvals.

A tracked changes version of Table 9 highlighting the deletions appears below. The rationale for each change is explained in the text that follows:

TABLE 9 – DEVELOPMENT AREAS		
REF NO.	AREA	PROVISIONS
DA14	Beenyup Road (Development Zone)	<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 and development in accordance with clause 27(1) of the Deemed Provisions. 2. To provide for Residential development. 3. A Detailed Area(s) is required to be approved by the local government for Lots 519 and 424 Pearson Drive prior to subdivision or development, and the Local Development Plan(s) shall address, but not limited to, the following issues – <ol style="list-style-type: none"> a) Development that achieves an appropriate interface with the adjacent residential development, within minimal street setbacks to Pearson Drive, facilitating the location of car parking and communal open space to the rear of the subject land (southern boundary); and the height and design of buildings maintaining a compatible scale and form with adjacent development. b) Development that is designed to give emphasis to the street corners, particularly the corner of Wentworth Drive and Pearson Drive. c) Open style fencing to Pearson Drive. d) Provision of safe, functional and attractive access arrangements.

Provision 3:

Given that former Lots 519 and 424 Pearson Drive form the subject of approved strata plans, and have either been completely or substantially developed for medium density housing guided by approved Detailed Area / Local Development Plans (LDPs), Provision 3 is no longer necessary and can be removed.

The need to extend the LDP for former Lot 519 (to continue to guide development of the vacant survey-strata lots within #2 Pearson Drive), will be considered as part of a separate exercise ahead of it expiring on 19 October 2025.

Local Structure Plans (14A & 14B):

Details on each Structure Plan (including the LSP map and an aerial of the area) are provided on this section to demonstrate the City's reasoning for rationalisation.

Wentworth Heights (14A) and Lot 3 Sciano Avenue (14B), Success

Generally bounded by Sciano and Pearson Avenue to the north-east, Steiner Avenue to the south and Special Use 23 zone (high-voltage transmission line corridor) to the west, Structure Plans 14A and 14B collectively identify a local road, public open space (POS) and drainage network servicing a mixture of low-to-medium density (R30-60) housing.



Figures 5 & 6 – Endorsed Structure Plans 14A & 14B



Figure 7 – Aerial Photograph of Current Development

Besides a couple of strata lots within former Lot 519 (discussed above), the entire area has been developed with residential dwellings. As these lots are already zoned 'Residential' in TPS3, consistent with SA159, this proposal simply seeks to formalise areas identified on the Structure Plans (included at **Appendix A and B**) as local reserves for 'Parks and Recreation', 'Lakes and Drainage' or 'Local Road'.

All the public roads have been constructed, and all other public reserves embellished to the required standard and transferred into either public or utility operator ownership, in accordance with the applicable subdivision approvals.

Development Area 36

Given DA36 was created purely to facilitate one Structure Plan (36A) for which development and/or subdivision is now complete, deletion of both the special control boundary from the Scheme Map and all the special provisions listed in Table 9 of the Scheme Text is proposed (as shown in the tracked changes version below):

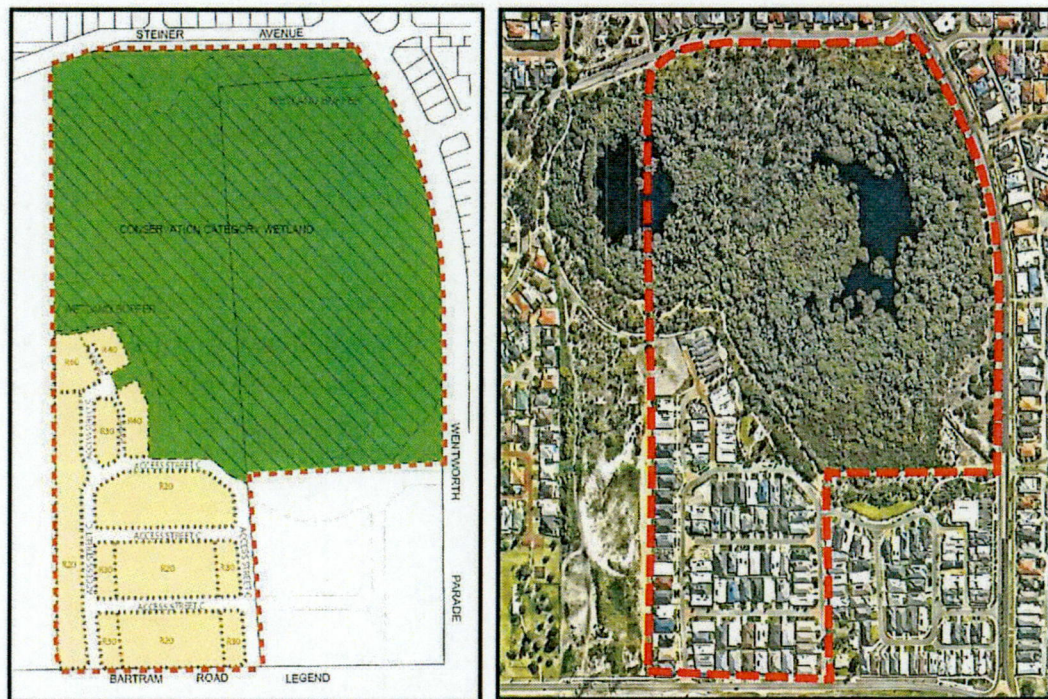
TABLE 9 – DEVELOPMENT AREAS		
REF NO.	AREA	PROVISIONS
DA36	Bartram Road (Development Zone)	<p>1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with clause 27(1) of the Deemed Provisions.</p> <p>2. To provide for residential development and associated protection and enhancement of the Conservation Category Wetland and associated natural environment of the subject land.</p> <p>3. In addition to the minimum requirement of 10% Public Open Space, any proposed Structure Plan shall include the provision of an additional 7240m² of Public Open Space which represents the balance of Public Open Space required for the Thomsons Lake residential development.</p> <p>The 7240m² balance of additional POS comprises the following sites which were previously not included in the calculation of the gross subdivisible area for the Thomsons Lake residential development—</p> <ul style="list-style-type: none"> • Lot 585 Bannigan Avenue, Success which was originally zoned Local Centre and comprised a 2000m² area of open space, which was to be dedicated free of cost as a community purposes site to coexist with the local shopping centre. In 2005, the site was rezoned from Local Centre to Residential R40 subject to the provision of the previously deducted Public Open Space contributions of 10% of the subject site being

		<p>1240m2 and 2000m2 for the area no longer provided for community purposes.</p> <ul style="list-style-type: none"> • Lot 810 Wentworth Parade, Success which was 4000m2 of land originally ceded for a police station to which a public open space credit was received. The site is no longer required for a police station and in accordance with a Deed of Covenant between the Western Australian Planning Commission, GSC Gold Pty Ltd, Gold Estates of Australia (1903) Ltd and Minister for Lands Gold Estates will provide 4000m2 of Public Open Space within DA 36. <p>4. Any Proposed Structure Plan shall include a Wetland Management and Rehabilitation Plan covering the Conservation Category Wetland and portions of the adjoining transmission line area to the satisfaction of the City of Cockburn. The Wetland Management and Rehabilitation Plan shall address the following requirements:</p> <ul style="list-style-type: none"> • Delineation of management plan boundaries; • Description of existing environment and the environmental values of the management areas; • Description of proposed land ownership and management arrangements; • Description of management recommendations for the management areas such as: fencing, access, signage, fire management, weed control, revegetation and rehabilitation; • Suitable pedestrian linkage to the western adjacent active open space; and • Description of an implementation schedule detailing, timing, responsibilities, funding arrangements, for recommended actions. <p>5. Any Proposed Structure Plan shall include a Bushfire Management Plan detailing appropriate Bushfire mitigation measures and design responses in respect of the Proposed Structure Plan.</p> <p>6. Any Proposed Structure Plan shall include a Mosquito and Midge Management Plan.</p> <p>7. Any Proposed Structure Plan shall include a Local Water Management Strategy detailing appropriate urban water management and water sensitive urban design measures in respect of the Proposed Structure Plan.</p>
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Lot 9014 Bartram Road & Lot 9015 Wentworth Parade, Success (36A)

Primarily bounded by Steiner Avenue to the north, Wentworth Parade and Hanbury Loop to the east, Bartram Road to the south and the Special Use 23 zone (high-voltage transmission line corridor) to the west, Structure Plan 36A identifies a local road network servicing a mixture of low-to-medium density (R20-60) housing.

A large area of POS encompassing the majority of a conservation category wetland (Twin Bartram Swamp) covers the northern portion of the site.



LEGEND

LOCAL SCHEME RESERVES

- PARKS AND RECREATION
- LOCAL ROAD

ZONES

- RESIDENTIAL

Figures 8 & 9: Endorsed Structure Plan 36A and Aerial Photograph of Current Development

All this 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 C**.

All the public roads have been constructed, and all other public reserves embellished to the required standard and transferred into either public or utility operator ownership, in accordance with the applicable subdivision approvals.

6.0 CONCLUSION

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

- All public reserves (including local roads, drainage, public open space) have been suitably constructed/embellished and transferred into public or utility provider ownership; and
- All zoned land on the endorsed structure plans has been substantially subdivided and/or developed for residential purposes.

Recognising these zones and reserves within the TPS3 will:

- Avoid the future need to seek WAPC approval to extend the approval period of the existing structure plan; and
- Remove a redundant layer of planning control; whilst still
- Ensuring the City maintains appropriate mechanisms to guide and control future redevelopment of the land (including the same range of permissible land uses and associated development standards as currently apply) consistent with current community expectations.

Planning and Development Act 2005

City of Cockburn Town Planning Scheme No.3 Amendment No.168

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. Reclassifying land within the 'Development Area 14' from the 'Residential' zone to a local reserve for 'Parks and Recreation', 'Lakes and Drainage' or 'Local Road', as depicted on the Scheme Amendment Map.
2. Modifying 'Table 9 – Development Areas' of the Scheme Text, by deleting Provision 3 as it relates to DA14.
3. Reducing the extent of the 'Development Area 14' (DA14) special control area boundary, as depicted on the Scheme Amendment Map.
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6. Deleting 'Development Area 36' (DA36) entirely, from within 'Table 9 – Development Areas' of the Scheme Text, and the Scheme Map.

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

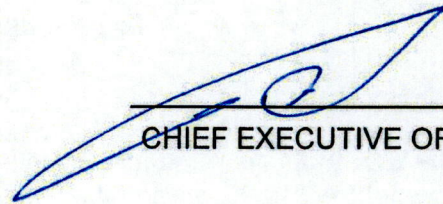
- It is an amendment to the local planning scheme that involves zoning land consistent with an approved structure plan for the same land.

Pursuant to Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment to the above Local Planning Scheme affects the following structure plan(s):

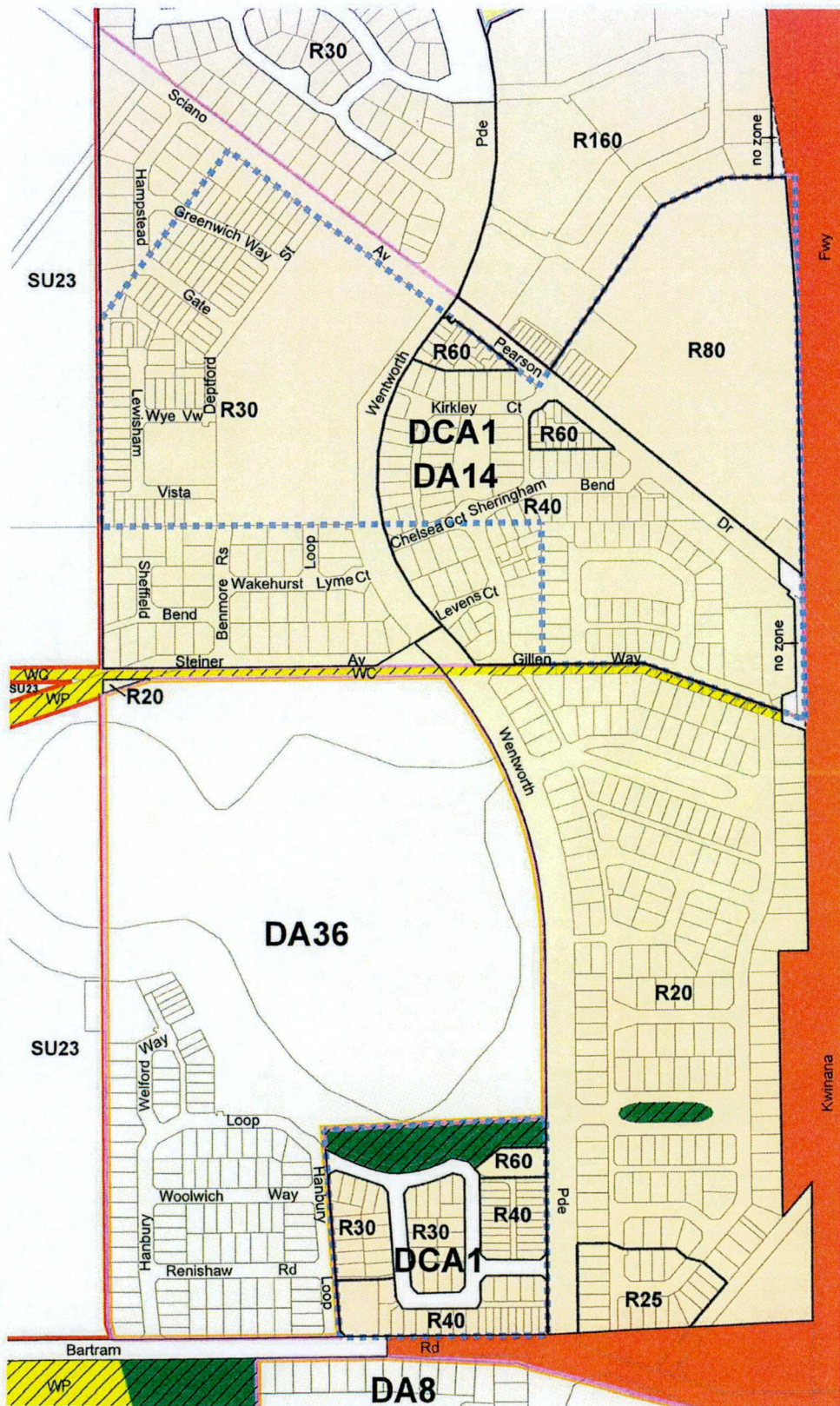
Structure Plan #	Address	Endorsement Date	WAPC Reference
14A	Wentworth Heights, Success	22/11/2015	N/A
14B	Lot 3 Sciano Ave, Success	15/08/2015	N/A
36A	Lot 9014 Bartram Road & Lot 9015 Wentworth Parade, Success	26/05/2014	SPN/0050/1

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

Dated this 28 day of Nov 2023



CHIEF EXECUTIVE OFFICER



GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

DCA1 Development Contribution Areas

REGION RESERVES

Primary Regional Roads

LOCAL RESERVES

Parks and Recreation

Local Road

Public Purposes - Water Corporation

Public Purposes - Western Power

ZONES

Residential

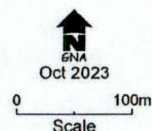
Regional Centre

Development

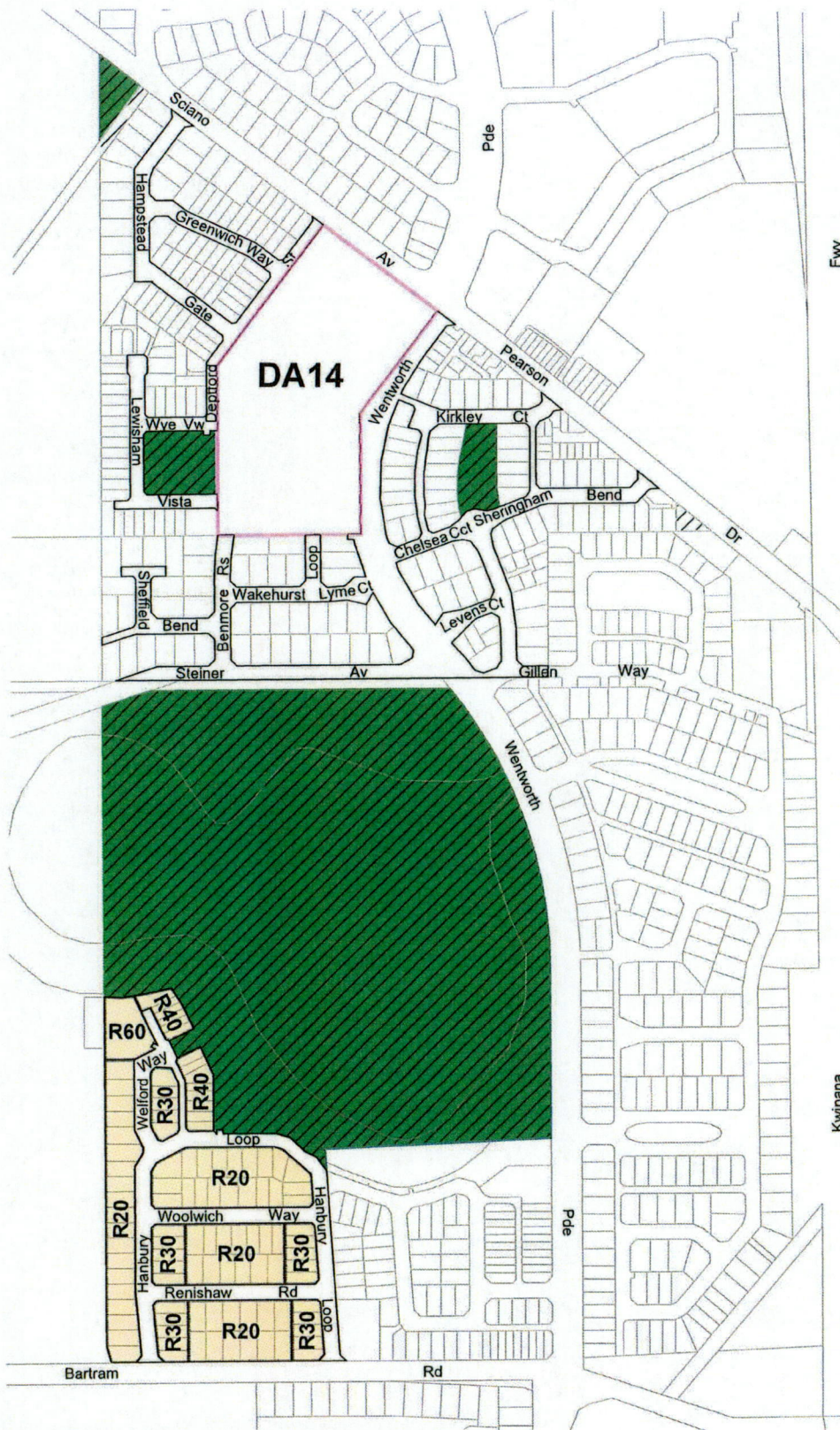
SU1 Special Use

No Zone

Current Scheme Map



Amendment No.168 Town Planning Scheme No.3



GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

REGION RESERVES

LOCAL RESERVES

Parks and Recreation

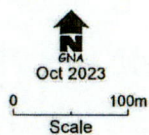
Lakes and Drainage

Local Road

ZONES

Residential

Scheme Amendment Map



Amendment No.168 **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 9th day of November 2023, 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:



(Seal)

MAYOR

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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

DATE 12/02/2024

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 on 26/2/2024

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.

APPENDIX A

CITY OF COCKBURN STRUCTURE PLAN

This Structure Plan was adopted by Council on 12/5/2011

Signed

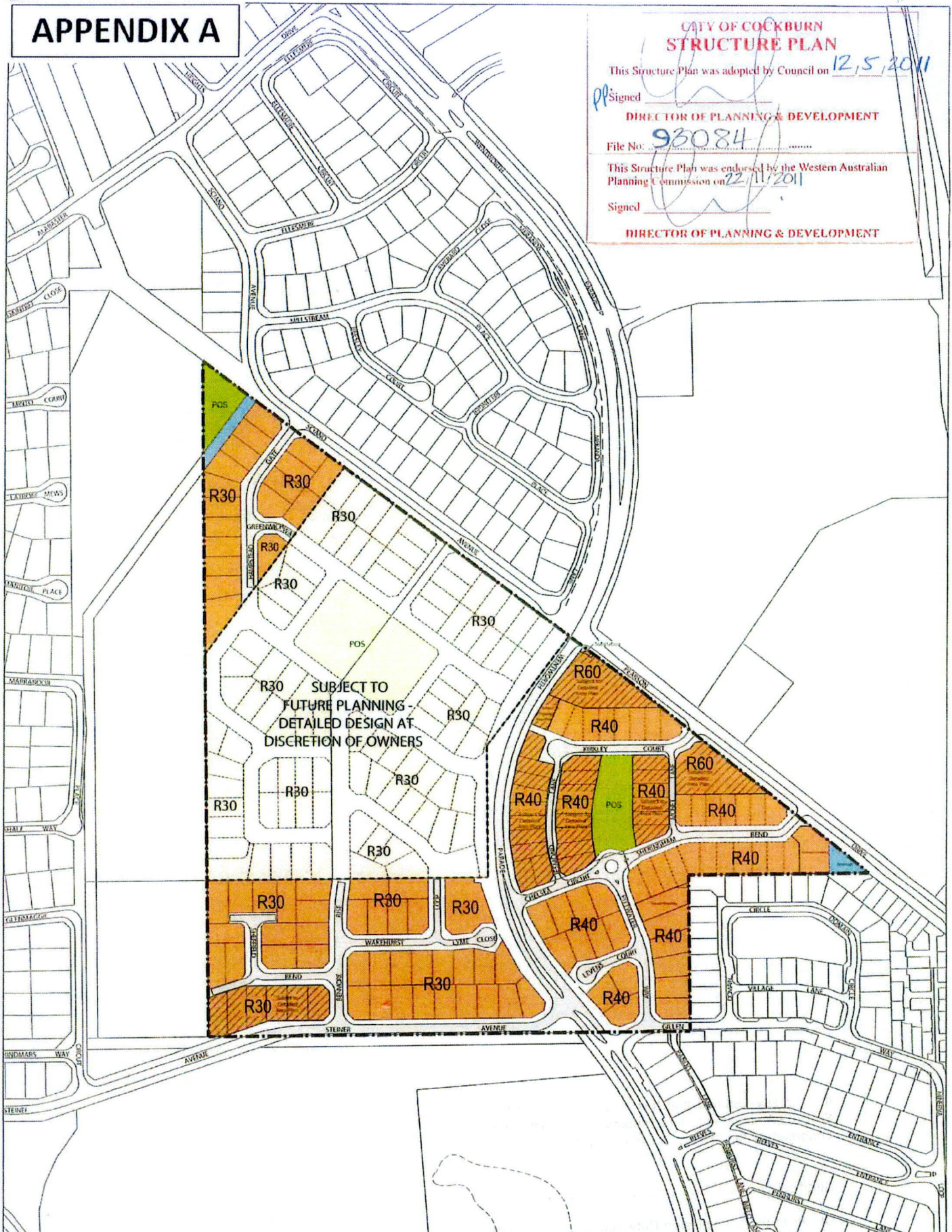
DIRECTOR OF PLANNING & DEVELOPMENT

File No: 93084

This Structure Plan was endorsed by the Western Australian Planning Commission on 22/11/2011

Signed

DIRECTOR OF PLANNING & DEVELOPMENT



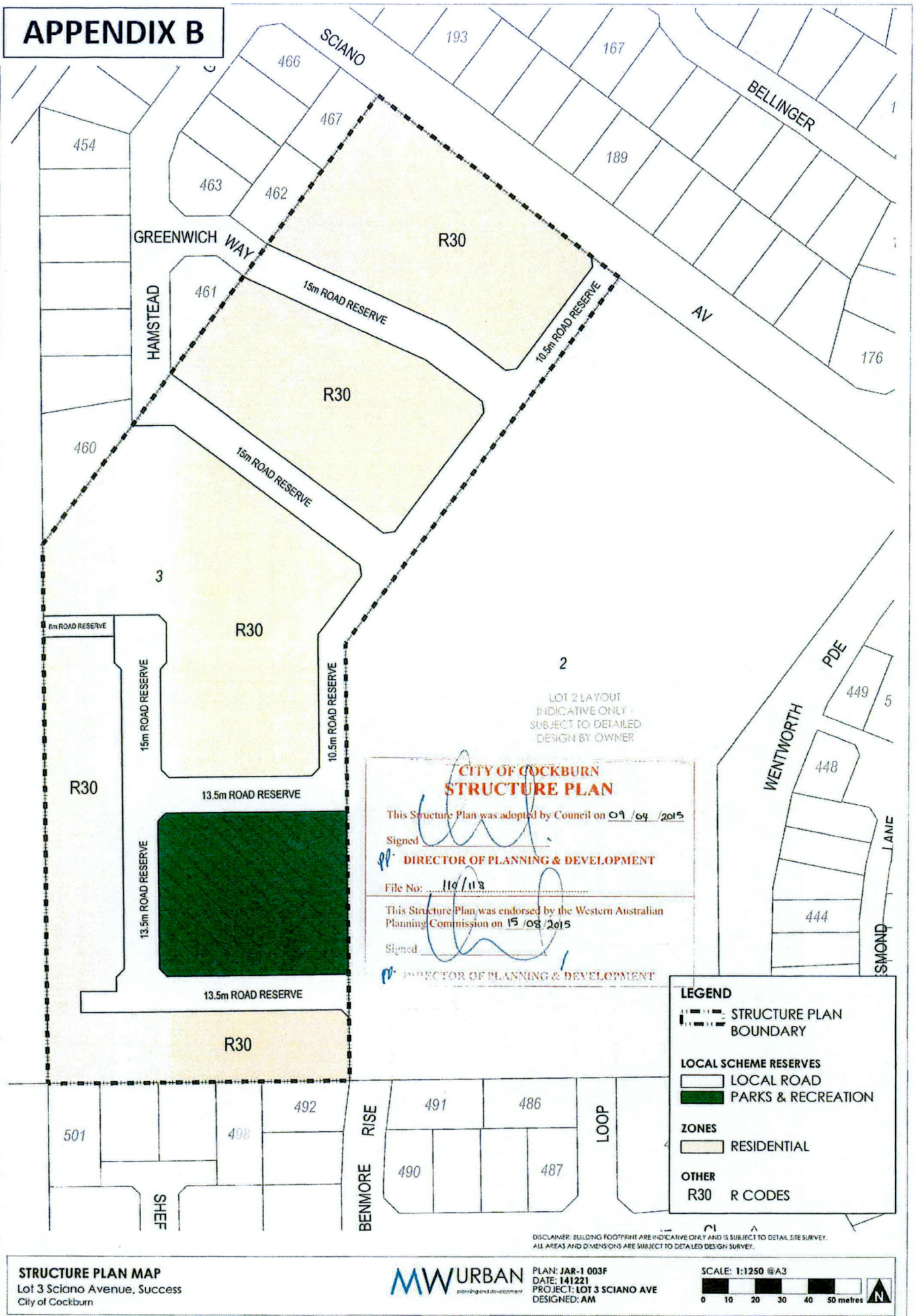
0 60m
SCALE 1:3,000

- R30 Residential R30
- R40 Residential R40
- POS Public Open Space
- Drainage
- Subject to Detailed Area Plan
- R60 Residential R60

LOCAL STRUCTURE PLAN "WENTWORTH HEIGHTS", SUCCESS

Adopted by Council: 20th February 2011
Modified by Council:

APPENDIX B





**CITY OF COCKBURN
STRUCTURE PLAN**

This Structure Plan was adopted by Council on 10 / 10 / 2013

Signed [Signature]
DIRECTOR OF PLANNING & DEVELOPMENT

File No: 210/079 09/026

This Structure Plan was endorsed by the Western Australian Planning Commission on 26/05/2014

Signed [Signature]
DIRECTOR OF PLANNING & DEVELOPMENT

LEGEND

LOCAL SCHEME RESERVES

- PARKS AND RECREATION
- LOCAL ROAD

ZONES

- RESIDENTIAL