



<b>CITY OF COCKBURN</b>	
DOC No	Your ref: 109/045 Our ref: TPS/1687 Enquiries: Heather Brooks (6551 9436)
1 2 FEB 2016	
SUBJECT	109/045
RETENTION	124.2-3 A5
PROPERTY	
APP	
ACTION	CAROL CATHERWOOD

Chief Executive Officer  
City of Cockburn  
PO Box 1215  
BIBRA LAKE WA 6965

Dear Sir

**TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 109**

**MINISTERIAL DECISION FOR LOCAL PLANNING SCHEME AMENDMENT - APPROVAL**

Pursuant to clause 87(2) of the *Planning and Development Act 2005* (the Act), the Minister for Planning has granted final approval to amendment 109 to the City of Cockburn Town Planning Scheme No. 3 on 3 February 2016.

In accordance with clause 87(3) of the Act, the Western Australian Planning Commission (Commission) will cause the amendment to be published in the Government Gazette.

The Commission has forwarded the notice to State Law Publisher and it is the Council's responsibility to make arrangements for the payment of any publication costs. Council is required under clause 87(4B) of the Act, and clause 62(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to advertise and make copies of the amendment available to the public.

For all payment and purchase order queries, please contact State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned herewith.

Yours sincerely

Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission

9 February 2016



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**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED TOWN PLANNING SCHEME AMENDMENT**

**TOWN OF COCKBURN**

**TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 109**

Ref: TPS/1687

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 Town of Cockburn Town Planning Scheme amendment on 3 February 2016 for the purpose of:

1. Deleting the current land use permissibility contained within Table 1 Zoning Table for the land use 'Club Premises' for the following zones and replacing as described below:

Zone*	Land Use permissibility for 'Club Premises'	
	Delete current:	Replace with:
Residential	A	X
Regional Centre	P	D
District Centre	P	D
Local Centre	D	A
Mixed Business	P	D
Mixed Use	D	A
Light and Service Industry	P	D
Industry	P	D
Rural Living	A	X

*\*Zones not mentioned are to remain as currently designated*

L HOWLETT  
MAYOR

S CAIN  
CHIEF EXECUTIVE OFFICER



## **TOWN PLANNING SCHEME NO. 3**

### **AMENDMENT NO. 109**

**Updated to reflect Minister's modifications  
January 2016**

**PLANNING AND DEVELOPMENT ACT, 2005  
RESOLUTION TO AMEND A TOWN PLANNING SCHEME**

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 109**

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. Deleting the current land use permissibility contained within Table 1 Zoning Table for the land use 'Club Premises' for the following zones and replacing as described below:

Zone*	Land Use permissibility for 'Club Premises'	
	Delete current:	Replace with:
Residential	A	X
Regional Centre	P	D
District Centre	P	D
Local Centre	D	A
Mixed Business	P	D
Business	D	A
Light and Service Industry	P	D
Industry	P	D
Rural Living	A	X

*\*Zones not mentioned are to remain as currently designated*

Dated this 14<sup>th</sup> day of May 2015

  
ACTING CHIEF EXECUTIVE OFFICER

**REPORT**

1. LOCAL AUTHORITY City of Cockburn
2. DESCRIPTION OF TOWN PLANNING SCHEME: Town Planning Scheme No. 3
3. TYPE OF SCHEME: District Zoning Scheme
4. SERIAL NO. OF AMENDMENT: Amendment No. 109
5. PROPOSAL: To change land use permissibility for several zones for the land use 'Club Premises'

# AMENDMENT REPORT

## 1.0 Introduction

From time to time, the City of Cockburn receives development applications for 'Club Premises' and is required to assess these and determine whether they are appropriate for the proposed zone and location.

Given the range of different clubs which fall within this land use, it would be useful to provide further guidance and clarity to both potential applicants and City officers as to:

- Where this land use is considered appropriate or otherwise;
- What will be considered in the exercise of Council's discretion; and
- What types of conditions may be imposed on approvals for this land use.

The latter two are matters which can be dealt with via a local planning policy. Land use permissibility is set out in the City's Town Planning Scheme No. 3 (TPS3) and this proposed amendment proposes changes to the current land use table.

## 2.0 Town Planning Context:

### City of Cockburn Town Planning Scheme No. 3

The definition for 'Club Premises' within TPS3 is consistent with the Model Scheme Text, and reads:

*"club premises" means premises used by a legally constituted club or association or other body of persons united by a common interest"*

This is a reasonably broad definition and can encompass a range of different types of clubs, often with differing impacts on the surrounding land uses.

This amendment seeks to adjust the land use permissibility for this land use in some zones. A local planning policy ('LPP') could then form the assessment criteria to guide the assessment and approval process.

## 3.0 Proposal

It is proposed to delete the current land use permissibility contained within Table 1 Zoning Table for the land use 'Club Premises' for the following zones and replacing as described below:

Zone*	Land Use permissibility for 'Club Premises'	
	Delete current:	Replace with:
Residential	A	X
Regional Centre	P	D
District Centre	P	D
Local Centre	D	A
Mixed Business	P	D
Mixed Use	D	A
Light and Service Industry	P	D
Industry	P	D
Rural Living	A	X

*\*Zones not mentioned are to remain as currently designated*

The proposed changes would ensure that 'Club Premises' are not in any zone a 'P' use, and that they are either a 'X' use or 'D' or 'A' use where they are not permitted without Council discretion being exercised.

Should the changes be adopted, Council could consider implementing a Local Planning Policy for 'Club Premises' to provide specific assessment criteria. Particular issues a local planning policy could assist in clarifying for potential applicants include:

- Definition of potential amenity impacts
- Locational attributes
- Differentiation between low and high impact activities

## 5.0 Conclusion

It is requested the proposed amendment to change the land use permissibility for some zones for the 'Club Premise' land use be supported.

## **POSTSCRIPT: Inclusion of Minister's modifications**

Modifications required by the Minister for Planning were outlined in correspondence dated 7 January 2016 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 are changes to the proposed scheme text 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:

*Replace the term 'Business' (zone) with 'Mixed Use' (zone) where this appears in the amendment documents*



# PLANNING AND DEVELOPMENT ACT, 2005

## CITY OF COCKBURN TOWN PLANNING SCHEME NO 3 AMENDMENT NO. 109

The City of Cockburn under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amend the above Town Planning Scheme by:

1. Deleting the current land use permissibility contained within Table 1 Zoning Table for the land use 'Club Premises' for the following zones and replacing as described below:

Zone*	Land Use permissibility for 'Club Premises'	
	Delete current:	Replace with:
Residential	A	X
Regional Centre	P	D
District Centre	P	D
Local Centre	D	A
Mixed Business	P	D
Mixed Use	D	A
Light and Service Industry	P	D
Industry	P	D
Rural Living	A	X

*\*Zones not mentioned are to remain as currently designated*

**ADOPTION**

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 14<sup>th</sup> day of May 2015.

*Logan Howlett*

MAYOR

*[Signature]*  
ACTING 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 10th day of September 2015, 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)

*Logan Howlett*

MAYOR

*[Signature]*  
ACTING CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE.....

**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 on 3/2/16

MINISTER FOR PLANNING

DATE.....

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 32(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.

