



CITY OF COCKBURN
DOC No
08 MAR 2024
SUBJECT 109/159
RETENTION 124.2.3.A5
PROPERTY
APP
ACTION DAVID KING

Our ref: TPS/3098
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. 159

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@dph.wa.gov.au.

Yours sincerely

Ms Sam Boucher
Secretary
Western Australian Planning Commission

27/02/2024

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT City of Cockburn

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 159

Ref: TPS/3098

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 Local Planning Scheme amendment on 26 February 2024 for the purpose of:

1. Introducing a 'Development' zone over the 'No Zone' portions of Verde Drive, as depicted on the Scheme Amendment Map (Proposal #1).
2. Reclassifying land associated with the intersection of Jandakot, Solitaire and Fraser Roads from the 'Resource' zone to a 'Local Road' reservation, as depicted on the Scheme Amendment Map (Proposal #2).
3. Reclassifying Lot 133 Waugh Court and Lot 58 Yates Court, North Lake from a 'Parks & Recreation' reserve to the 'Residential' (R20) zone, as depicted on the Scheme Amendment Map (Proposal #3).
4. Reclassifying portions of Lots 140 and 141 Empress Crescent, Atwell and Lots 100 (Strata Plan 25648) and 101 Haring Green, Atwell from a 'Local Road' reserve to the 'Residential' (R20) zone, as depicted on the Scheme Amendment Map (Proposal #4).
5. Reserving various land parcels in Bibra Lake, as 'Parks & Recreation', 'Lakes & Drainage', 'Local Road' or 'Public Purpose - Water Corporation', based on their existing tenure, as depicted on the Scheme Amendment Map (Proposal #5).
6. Reserving various land parcels in Success, as 'Parks & Recreation', 'Lakes & Drainage' and 'Local Road', based on their existing tenure, as depicted on the Scheme Amendment Map (Proposal #6).
7. Rezoning portion of Lot 1 Malata Crescent (Strata Plan 55779) 'Residential'(R160), and reserving various land parcels in Success, as 'Parks & Recreation', 'Lakes & Drainage', 'Local Road', 'Public Purpose - Telstra' and 'Public Purpose - Water Corporation' based on their existing tenure, as depicted on the Scheme Amendment Map (Proposal #7).

L HOWLETT
MAYOR

D SIMMS
CHIEF EXECUTIVE OFFICER



Town Planning Scheme No.3

Amendment No.159 (Basic)

Omnibus Amendment

*Correcting various zoning anomalies and responding to the recent outcome of
Metropolitan Region Scheme Amendment 1393/57 (Armadale Road to North Lake Bridge).*

OCTOBER 2023

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

City of Cockburn
Town Planning Scheme No.3
Amendment No.159

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. Introducing a 'Development' zone over the 'No Zone' portions of Verde Drive, as depicted on the Scheme Amendment Map (Proposal #1).
2. Reclassifying land associated with the intersection of Jandakot, Solitaire and Fraser Roads from the 'Resource' zone to a 'Local Road' reservation, as depicted on the Scheme Amendment Map (Proposal #2).
3. Reclassifying Lot 133 Waugh Court and Lot 58 Yates Court, North Lake from a 'Parks & Recreation' reserve to the 'Residential' (R20) zone, as depicted on the Scheme Amendment Map (Proposal #3).
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7. Rezoning portion of Lot 1 Malata Crescent (Strata Plan 55779) 'Residential' (R160), and reserving various land parcels in Success, as 'Parks & Recreation', 'Lakes & Drainage', 'Local Road', 'Public Purpose – Telstra' and 'Public Purpose – Water Corporation' based on their existing tenure, as depicted on the Scheme Amendment Map (Proposal #7).

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 correct an administrative error; and/or is
- consistent with a region planning scheme that applies to the scheme area that will have minimal effect on the scheme or landowners within the scheme area.

Dated this 2nd day of November 2023



CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

The purpose of this basic amendment is to update the zoning and reservation of various land within the City of Cockburn Town Planning Scheme No.3 (TPS3), to match the developed on-ground situation, existing tenure and ensure it remains consistent with the Metropolitan Region Scheme (MRS).

2.0 BACKGROUND

This proposal is one of a number of omnibus and structure plan rationalisation amendments currently being progressed by the City in advance of preparation of its new Town Planning Scheme.

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 two of the above criteria. In particular:

- a) Proposals 2-7 correct minor administrative errors (zoning and reservation anomalies), that have resulted from downstream planning processes, or were the result of outdated planning practices.
- i) Proposal 1 seeks to bring the local zoning of land into alignment with the Region Scheme.

4.0 TOWN PLANNING CONTEXT

4.1 State Planning Framework

Each of the proposals are entirely consistent with *Perth and Peel @3.5 Million* and the *South Metropolitan Peel Sub-Regional Planning Framework (2018)*.

All the affected land is either zoned 'Industrial' or 'Urban' under the MRS.

Of note, Proposal 1 is specifically required as a result of the recent outcome of MRS Amendment 1393/57 (Armadale Road to North Lake Bridge).

Under section 124(3) of the *Planning and Development Act (2005)*, from the gazettal date of a region planning scheme being amended, the local government has 90 days to initiate a proposal to make its local planning scheme consistent with that outcome. This is typically only necessary where land has been transferred from a regional reserve to zoned land.

4.2 City of Cockburn Local Planning Framework

Each of the proposals are also consistent with the City's Local Planning and Environmental frameworks. The specifics of which are discussed under each proposal in the sections that follow.

5.0 PROPOSALS

Proposal 1 – Jandakot

Gazetted in April 2023, Amendment 1393/57 updated the MRS to reflect the recent upgrade and realignment of the Armadale Road 'Primary Regional Road' reservation over the Kwinana Freeway to connect with North Lake Road.

Via the same process, the former 'Other Regional Road' (ORR) reservation of Verde Drive was removed. This resulted in the majority of the road becoming unzoned ('No Zone') under TPS3.

Reflective of its location within the Solomon Road Development Area ('Development Area No.20'), it is proposed to zone this area 'Development'.

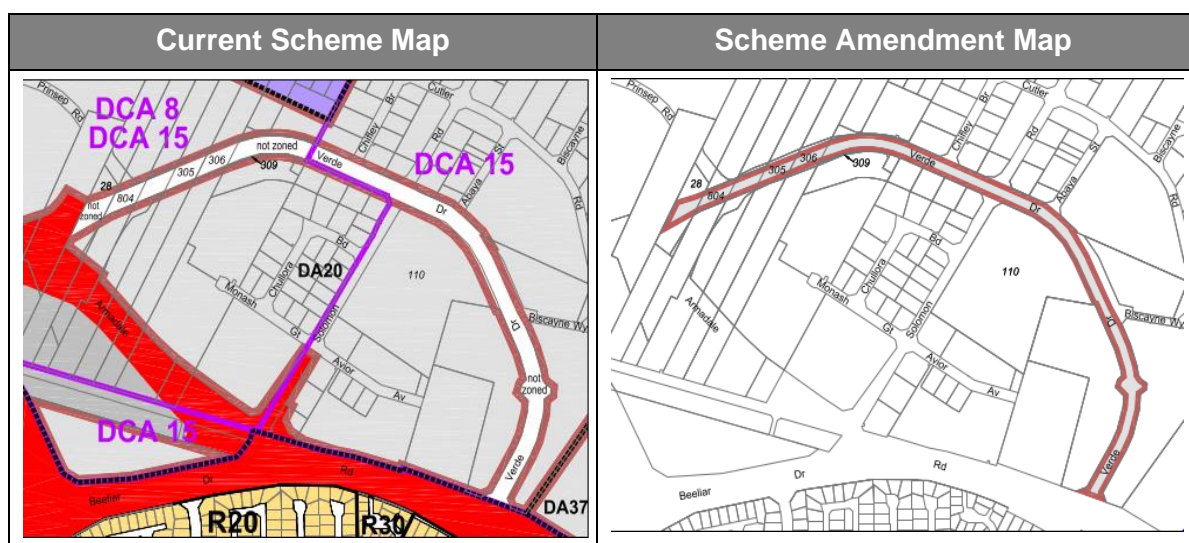
Clause 3.2.1(j) of TPS3 sets out the objective for the 'Development Zone':

"To provide for future residential, industrial or commercial development to be guided by a comprehensive Structure Plan prepared under the Scheme."

Industrial development of the DA20 area is guided by the *Cockburn Central East Local Structure Plan (2018)*.

Whilst the Structure Plan identifies Verde Drive as a 'District Distributor Integrator A' road (befitting its retention of an ORR reservation under the MRS), this is inconsistent with *Perth and Peel @3.5 Million* and the *South Metropolitan Peel Sub-Regional Planning Framework (2018)*, which no longer recognise it as a regional road.

More recently, the road has been downgraded to a 'Local Distributor' under the Main Roads WA (MRWA) road classification hierarchy. As a result, removal of the regional reservation was supported by the City when it responded to the advertised MRS Amendment in May 2022.



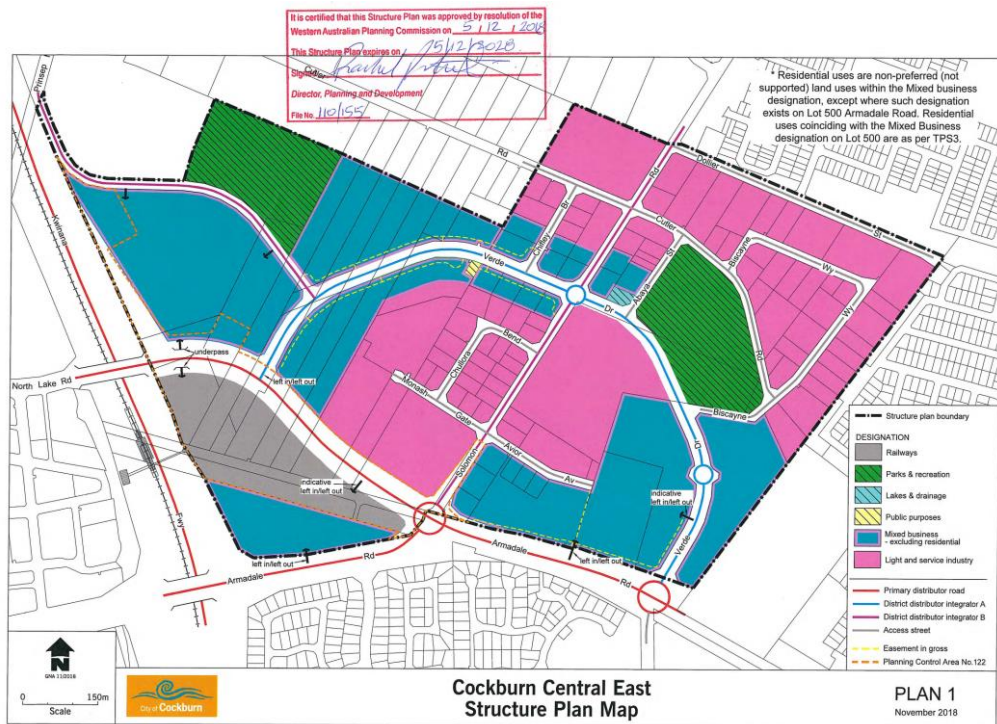
Current Land Tenure



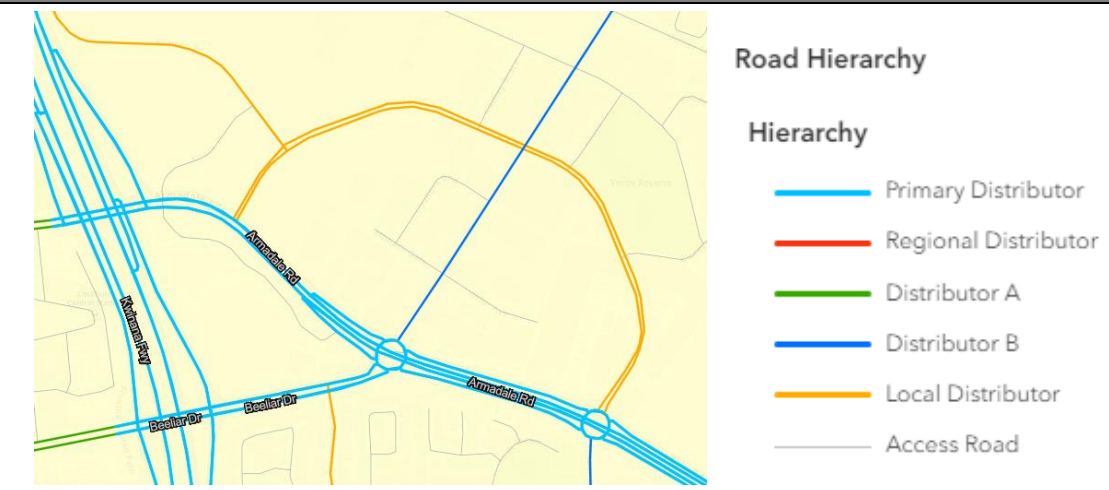
Aerial Photo of Constructed Outcome



Cockburn Central East Local Structure Plan (2018)



Current MRWA Road Hierarchy Classification



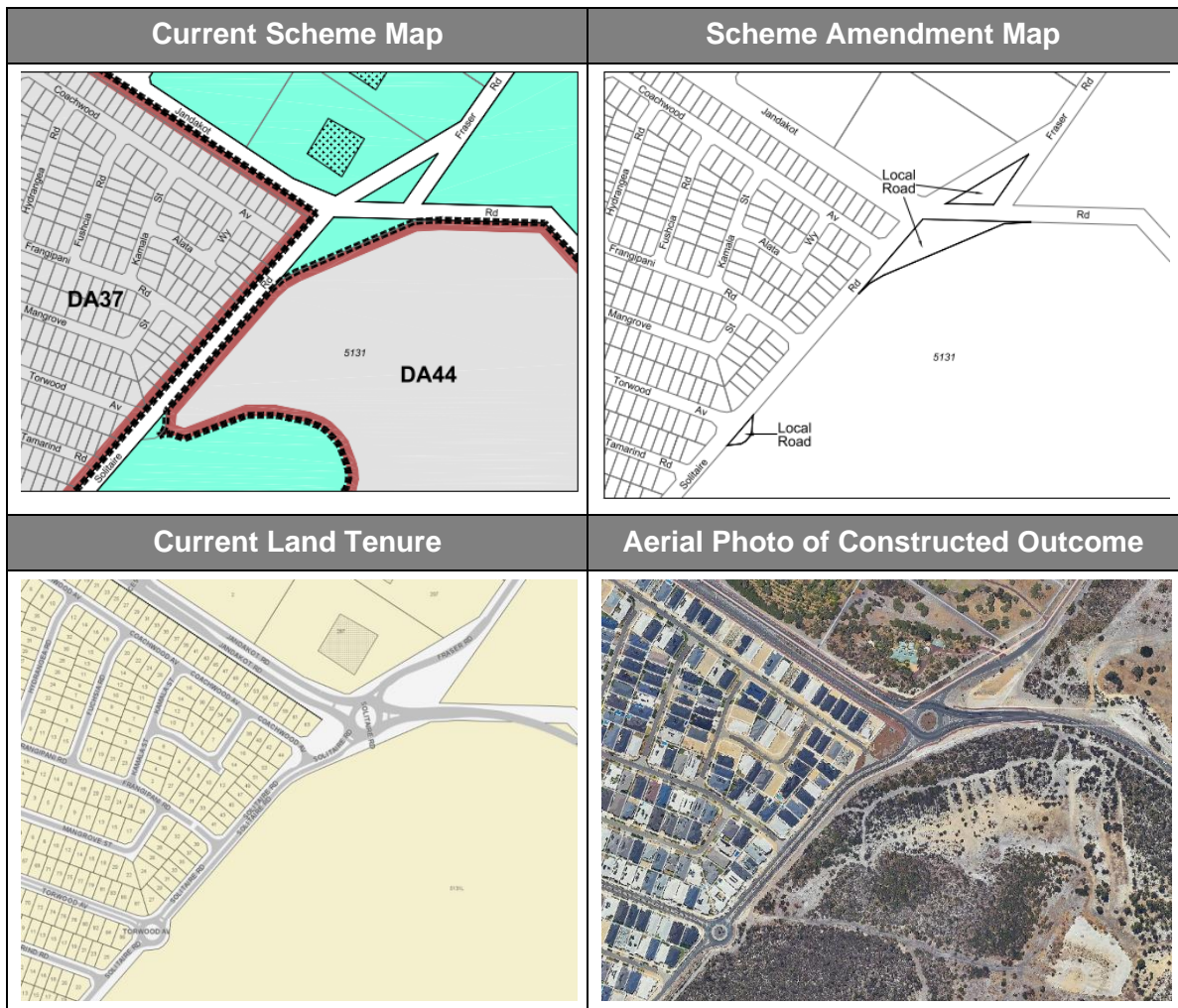
Proposal 2 – Jandakot

Construction of a roundabout at the intersection of Torwood Avenue and Solitaire was completed by Stockland, as part of Calleya Estate in 2019.

Shortly after, Fraser and Solitaire Roads were realigned to form a major four-way roundabout by the City in 2020 as part of its Stage 1 duplication of Jandakot Road.

Despite the affected land parcels having been converted to road reservation via these processes, portions remain zoned 'Resource' under TPS3.

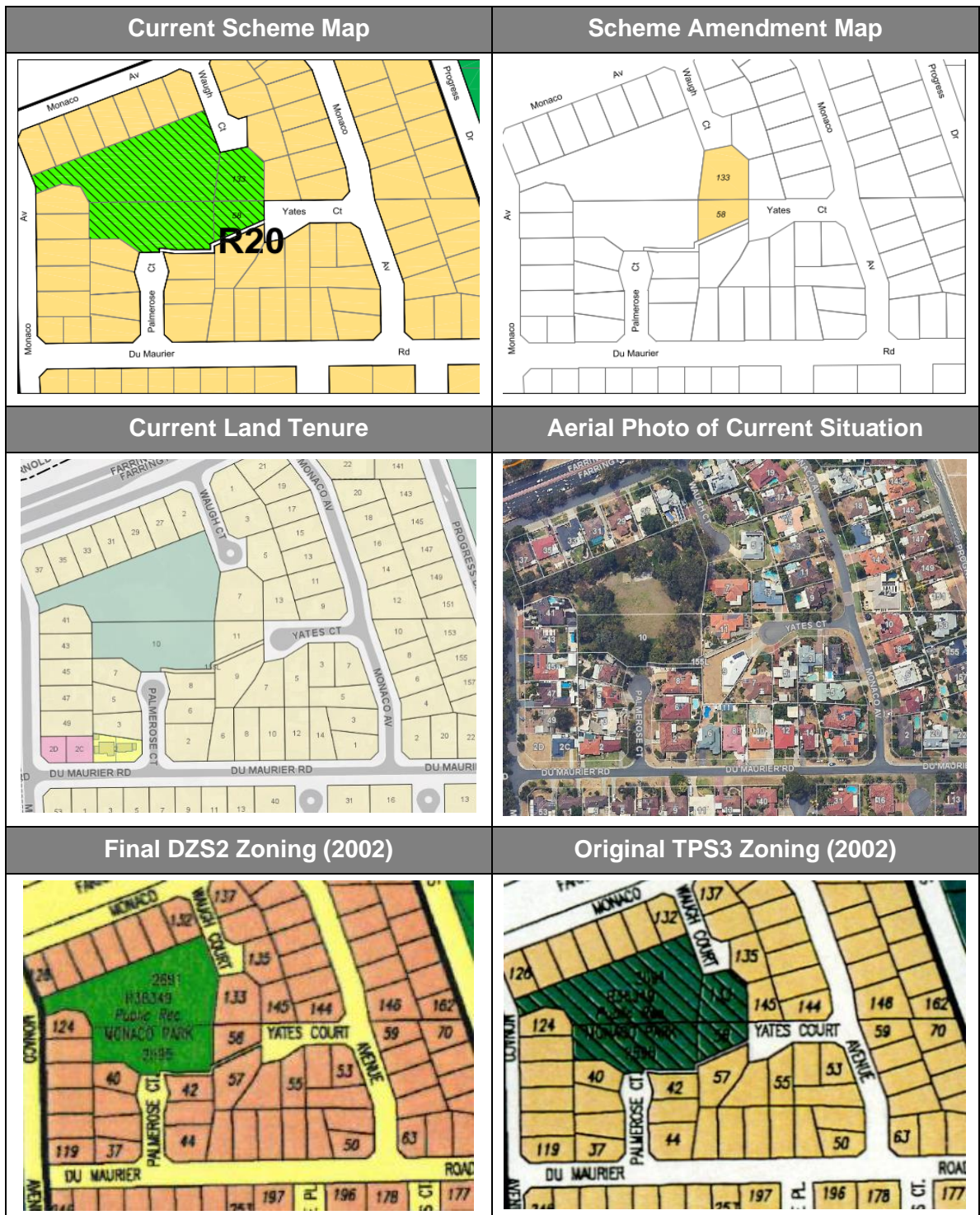
Consistent with their current tenure and use for local access and utility purposes, it is proposed to reclassify the relevant portions from the 'Resource' zone to a 'Local Road' reservation under TPS3.



Proposal 3 – North Lake

Lot 58 Yates Court and Lot 133 Waugh Court, North Lake were inadvertently Local reserved for 'Parks & Recreation' when TPS3 was first gazetted in December 2002.

Given both lots contain existing residential dwellings in private ownership, and the City has no desire or intention to acquire the land for public recreational purposes, it is proposed that they be transferred to the 'Residential' zone with an 'R20' density coding consistent with surrounding development.



Proposal 4 – Atwell

Portions of Lots 140 and 141 Empress Crescent, Lot 101 and Strata Plan 25648 Haring Green, were initially developed as a pedestrian access way (PAW) in the early 1990's. Sometime between October 2005 and September 2006, agreement was reached to close the PAW and absorb the land into adjoining lots. Despite the change in tenure, the land remains reserved as a 'Local Road' under TPS3.

Given the land is privately owned and no longer used for public access, it is proposed that they be transferred to the 'Residential' zone with an 'R20' density coding consistent with the balance of the lots they have been amalgamated into.

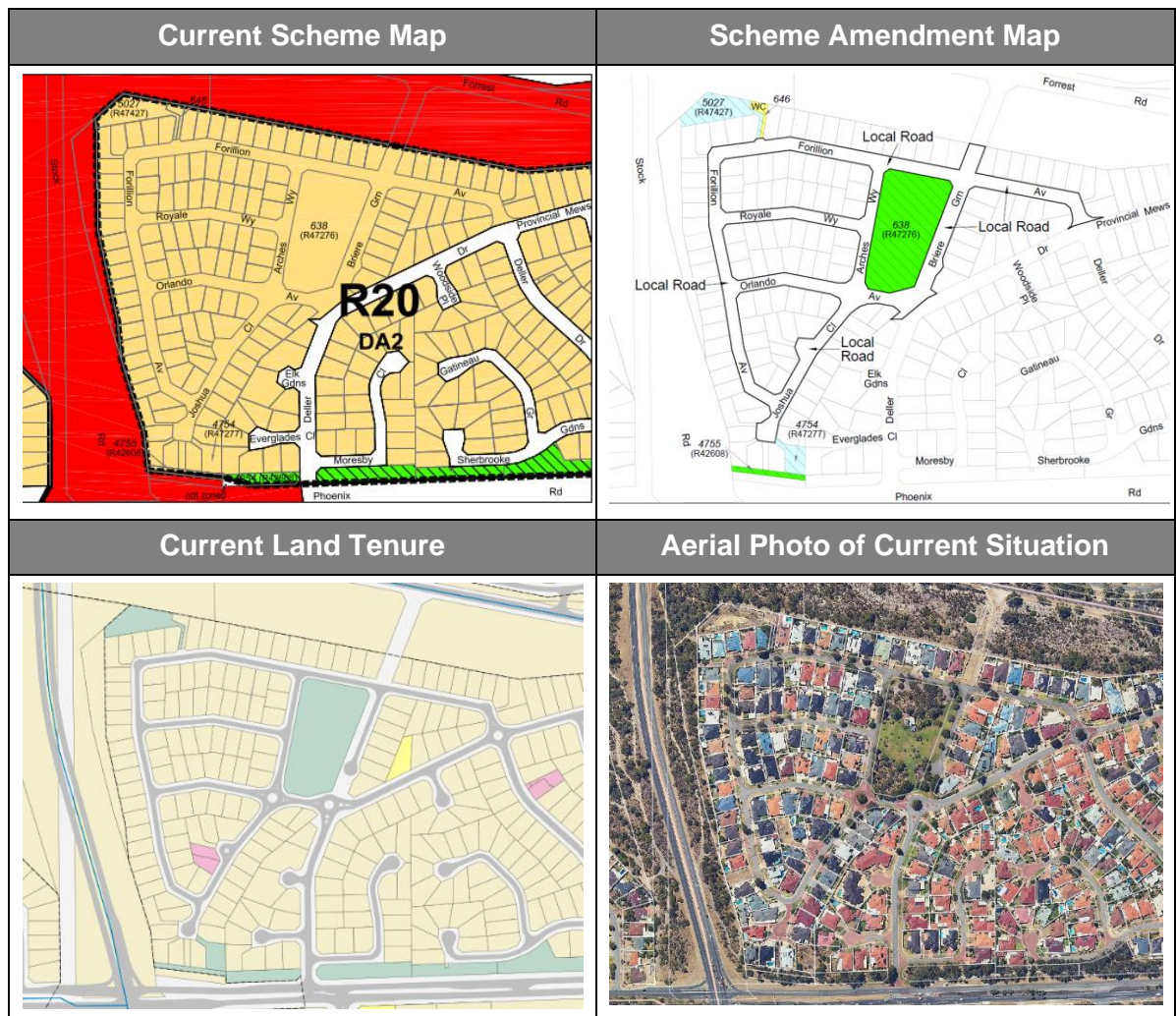


Proposal 5 – Bibra Lake

Reflective of the planning process followed at the time this portion of Bibra Lake was developed in the early 2000's, the entirety of the land was initially zoned 'Residential' with an 'R15' density code in DZS2.

Consistent with the desire to increase the efficiency of urban zoned land, the density coding of the land (and most other new and existing Residential areas) was then increased to 'R20' when TPS3 was initially gazetted in 2002.

Given the land has been fully subdivided and developed for some time, it is proposed that land ceded for public open space, drainage, water corporation infrastructure and local roads be appropriately reserved under TPS 3 to match their tenure.



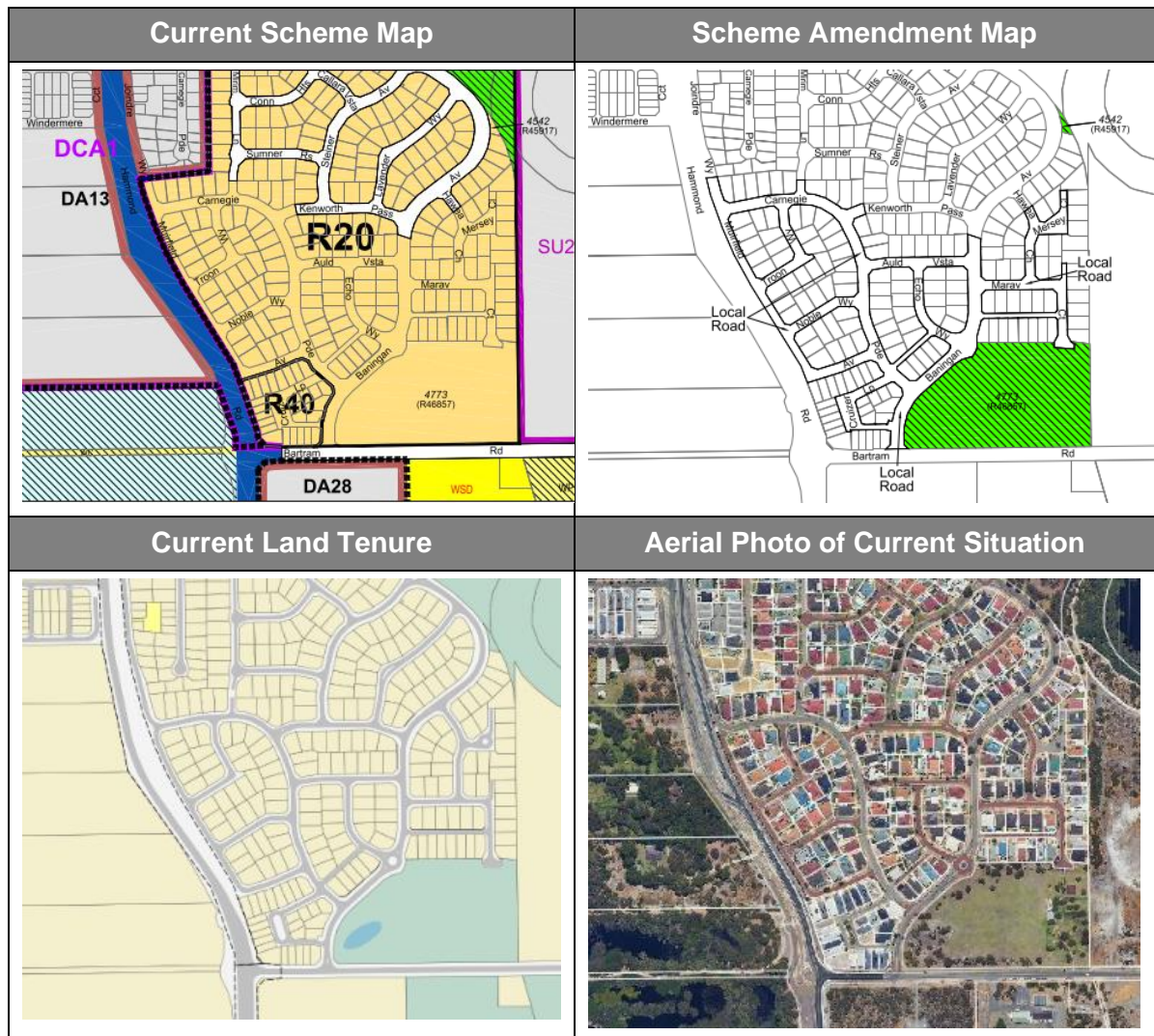
Proposal 6 – Success (West)

Reflective of the planning process followed at the time this portion of Success was initially zoned and developed in the late 1990's and early 2000's, most of the land was initially zoned 'Residential' with density coding of 'R15' in DZS2.

Consistent with the desire to increase the efficiency of urban zoned land, the density coding of the land (and most other new and existing Residential areas) was then increased to 'R20' when TPS3 was initially gazetted in 2002.

A 'Local Centre' zoned site located at the intersection of Hammond and Bartram Roads was rezoned to 'Residential' with an 'R40' density coding via Amendment No.16 in 2005.

Given the affected has been fully subdivided and developed, it is proposed that land ceded for public open space and local roads be appropriately reserved under TPS 3 (to match their tenure).



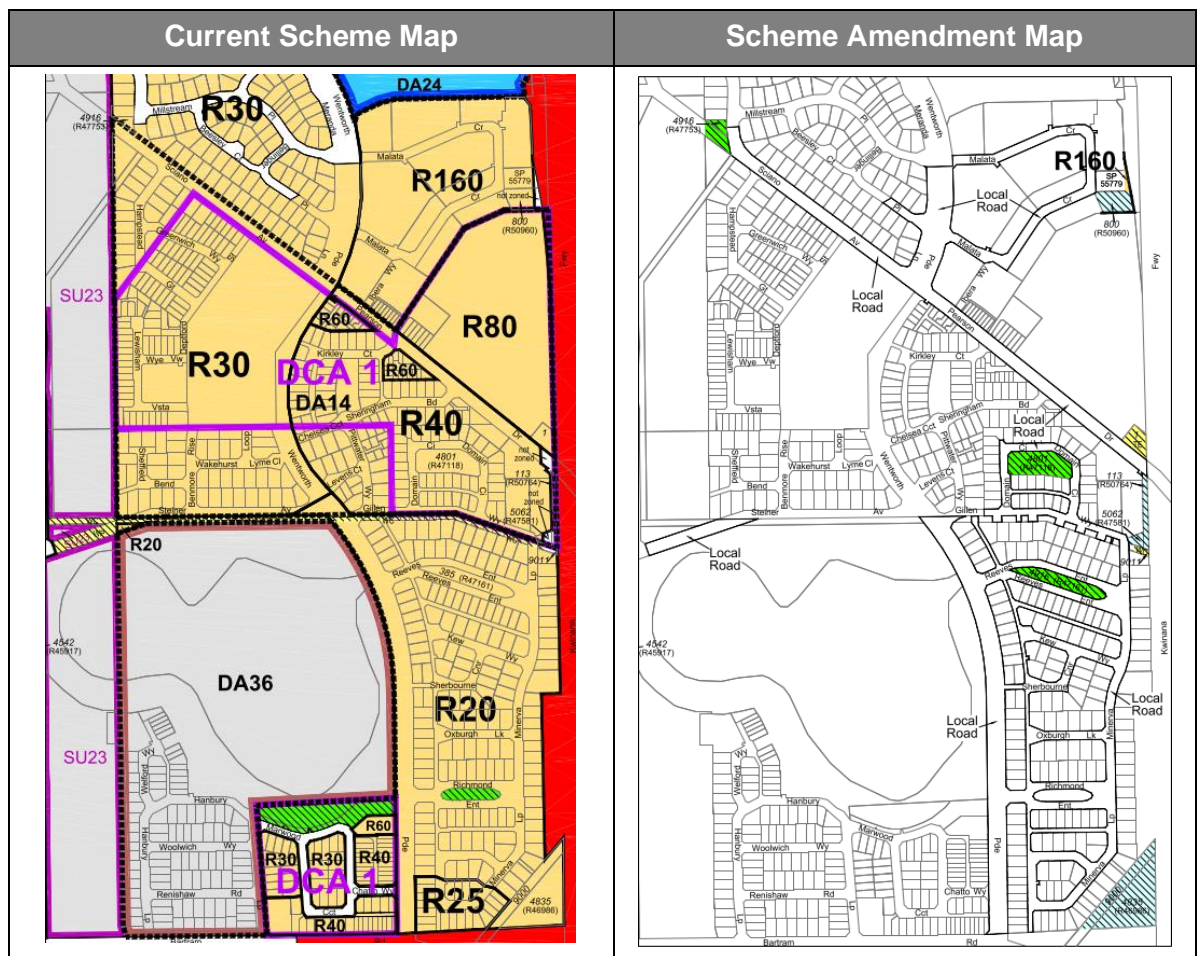
Proposal 7 – Success (East)

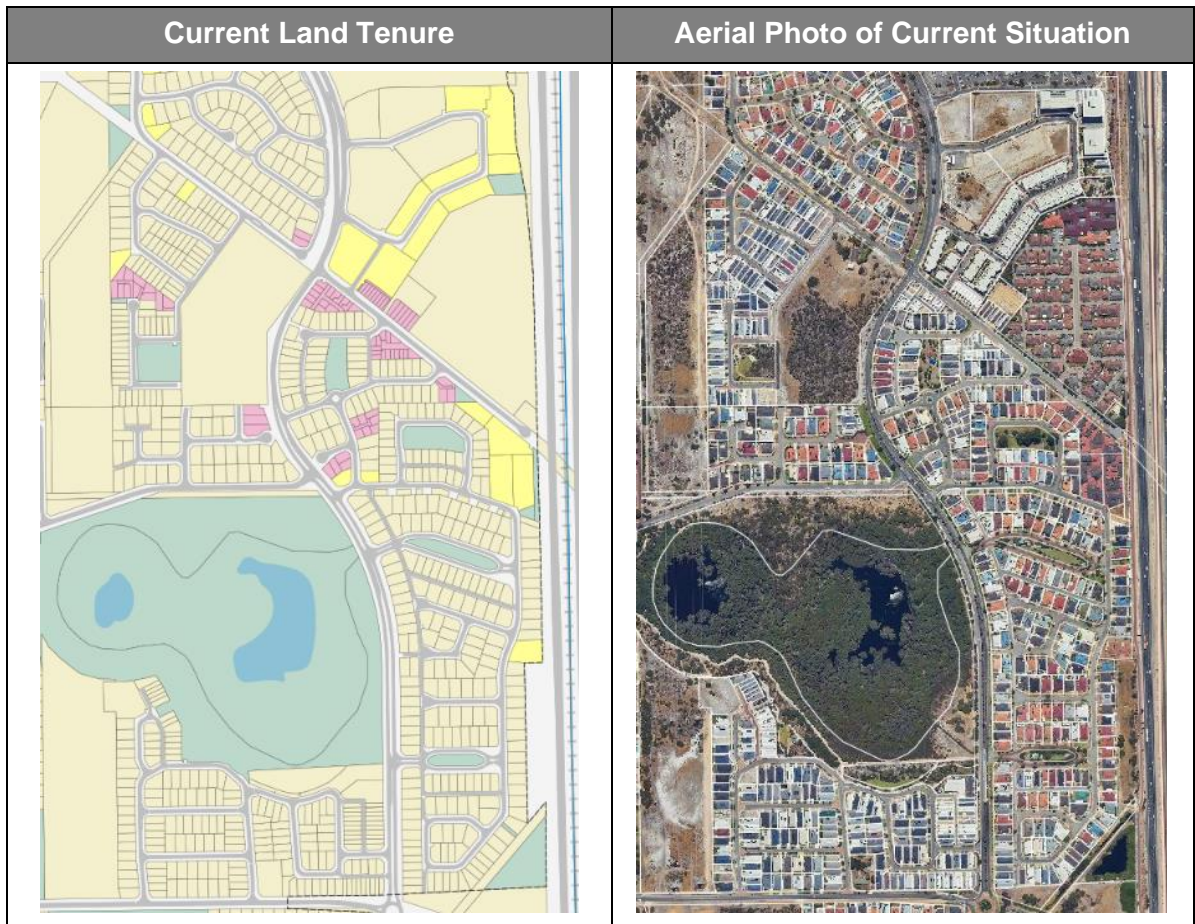
Reflective of the planning process followed at the time this portion of Success was initially zoned and developed in the late 1990's and early 2000's, the majority of this land was zoned 'Residential' with densities ranging between 'R15' and 'R80' in DZS2.

Consistent with the desire to increase the efficiency of urban zoned land, the density coding of the land was then increased to between 'R20' and 'R160' when TPS3 was initially gazetted in 2002.

Given the affected land has largely been subdivided and developed, it is proposed that land ceded for public open space, drainage, water corporation infrastructure, telecommunication infrastructure and local roads be appropriately reserved under TPS 3 (to match their tenure).

Also included is 'Residential' zoning (with an R160 density coding) of a small sliver of land in the north east corner, adjacent the Kwinana Freeway which forms part of a privately owned site developed for multiple dwellings.





6.0 CONCLUSION

The proposed amendment addresses existing zoning anomalies, consistent with the developed outcome on the ground, existing land ownership, and bring TPS3 into greater consistency with the Metropolitan Region Scheme.

Planning and Development Act 2005

City of Cockburn

Town Planning Scheme No.3

Amendment No.159

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:

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2. Reclassifying land associated with the intersection of Jandakot, Solitaire and Fraser Roads from the 'Resource' zone to a 'Local Road' reservation, as depicted on the Scheme Amendment Map (Proposal #2).
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4. Reclassifying portions of Lots 140 and 141 Empress Crescent, Atwell and Lots 100 (Strata Plan 25648) and 101 Haring Green, Atwell from a 'Local Road' reserve to the 'Residential' (R20) zone, as depicted on the Scheme Amendment Map (Proposal #4).
5. Reserving various land parcels in Bibra Lake, as 'Parks & Recreation', 'Lakes & Drainage', 'Local Road' or 'Public Purpose – Water Corporation', based on their existing tenure, as depicted on the Scheme Amendment Map (Proposal #5).
6. Reserving various land parcels in Success, as 'Parks & Recreation', 'Lakes & Drainage' and 'Local Road', based on their existing tenure, as depicted on the Scheme Amendment Map (Proposal #6).
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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 correct an administrative error; and/or is
- consistent with a region planning scheme that applies to the scheme area that will have minimal effect on the scheme or landowners within the scheme area.

Dated this 2 day of November 2023


CHIEF EXECUTIVE OFFICER

Proposal 1 Jandakot

GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

DCA1 Development Areas

REGION RESERVES

Railways

Primary Regional Roads

LOCAL RESERVES

Local Road

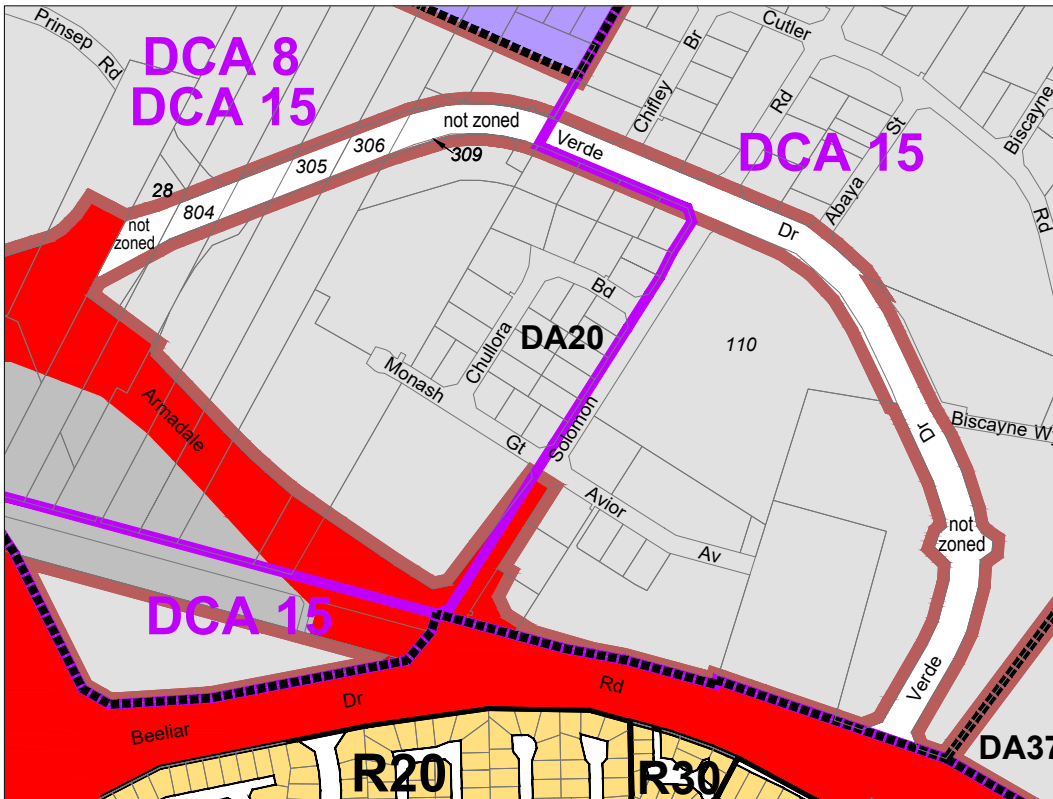
ZONES

Residential

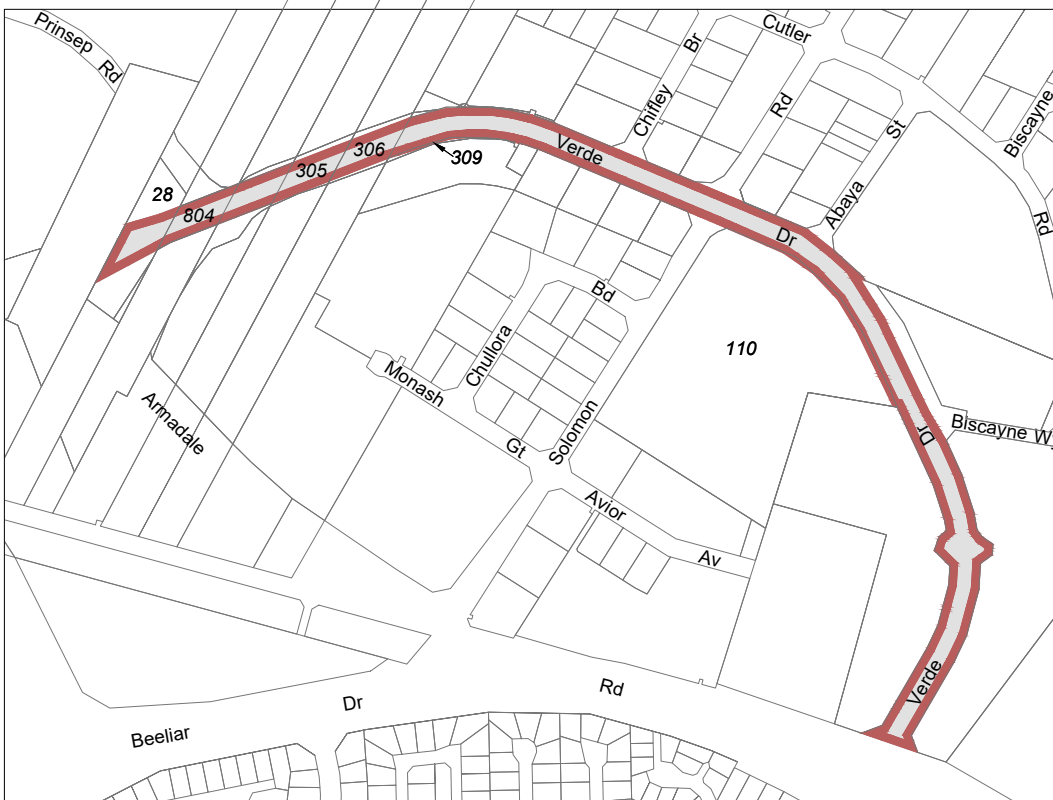
Industry

Development

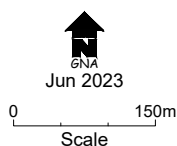
not zoned



Current Scheme Map




Scheme Amendment Map



Amendment No.159
Town Planning Scheme No.3

Proposal 2 Treeby


GENERAL

 Building Envelope

SPECIAL CONTROL AREAS:


 DA1 Development Areas

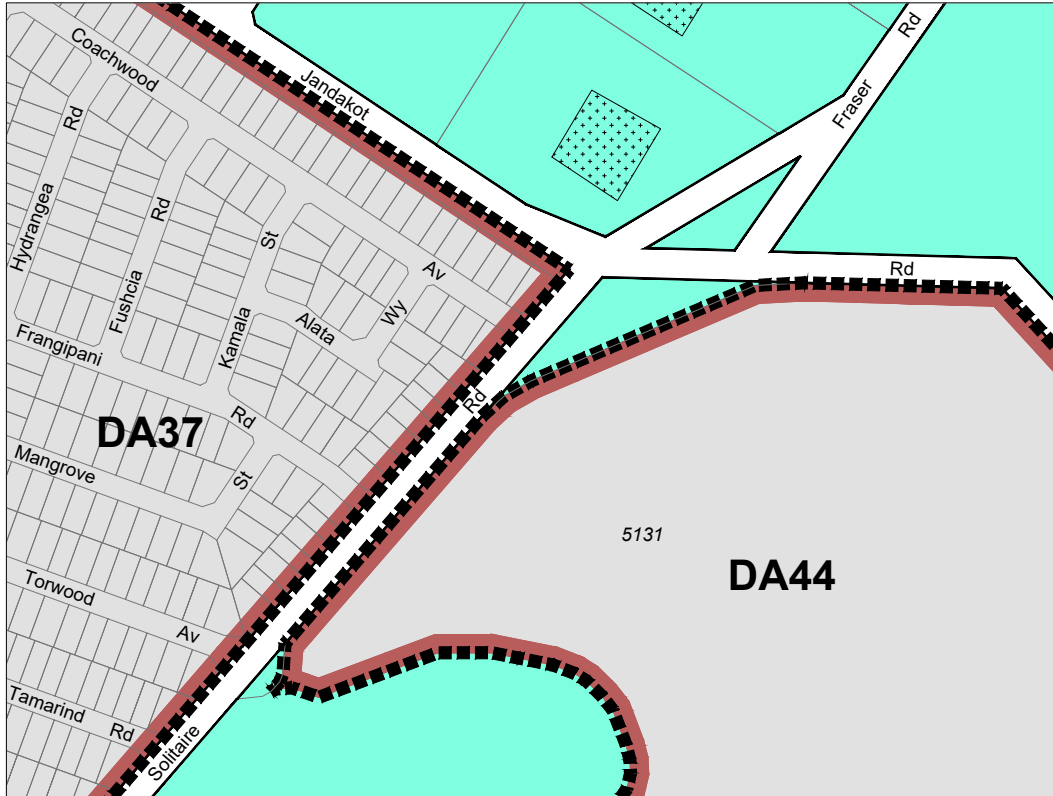
LOCAL RESERVES

 Local Road

ZONES

 Development

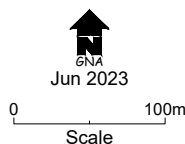
 Resource



Current Scheme Map



Scheme Amendment Map




Amendment No.159
Town Planning Scheme No.3

Proposal 3 North Lake


GENERAL

R20 Residential Density Codes

REGION RESERVES


 Parks & Recreation

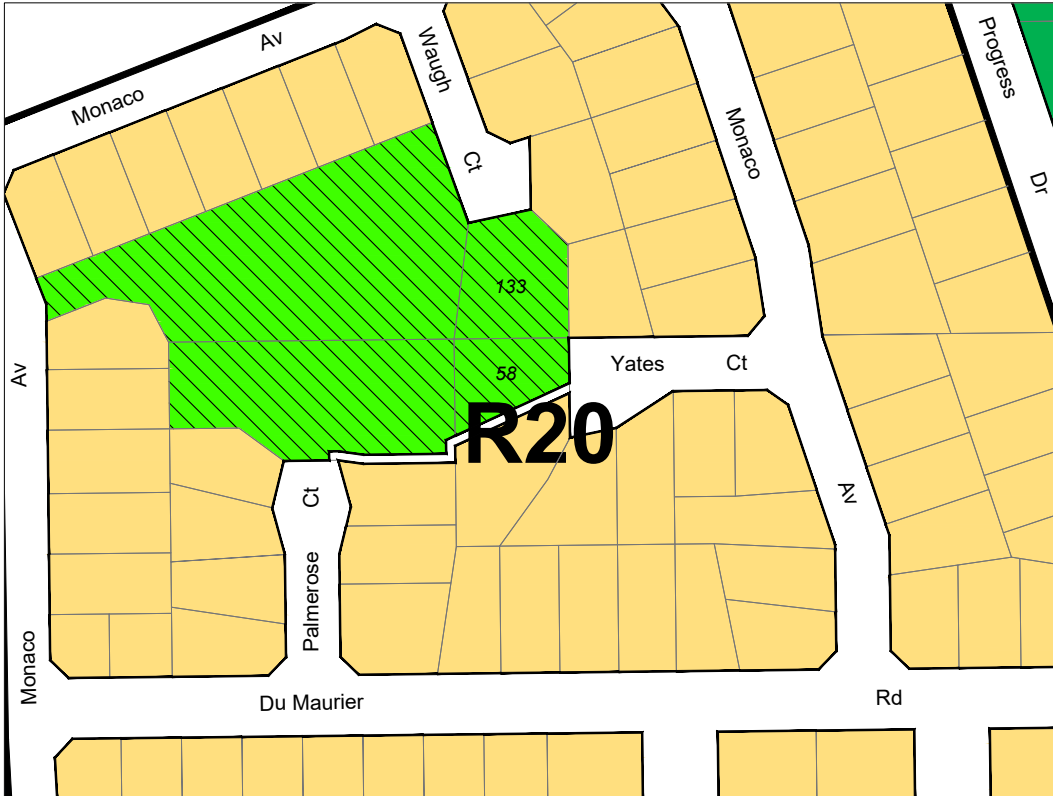
LOCAL RESERVES

 Parks & Recreation

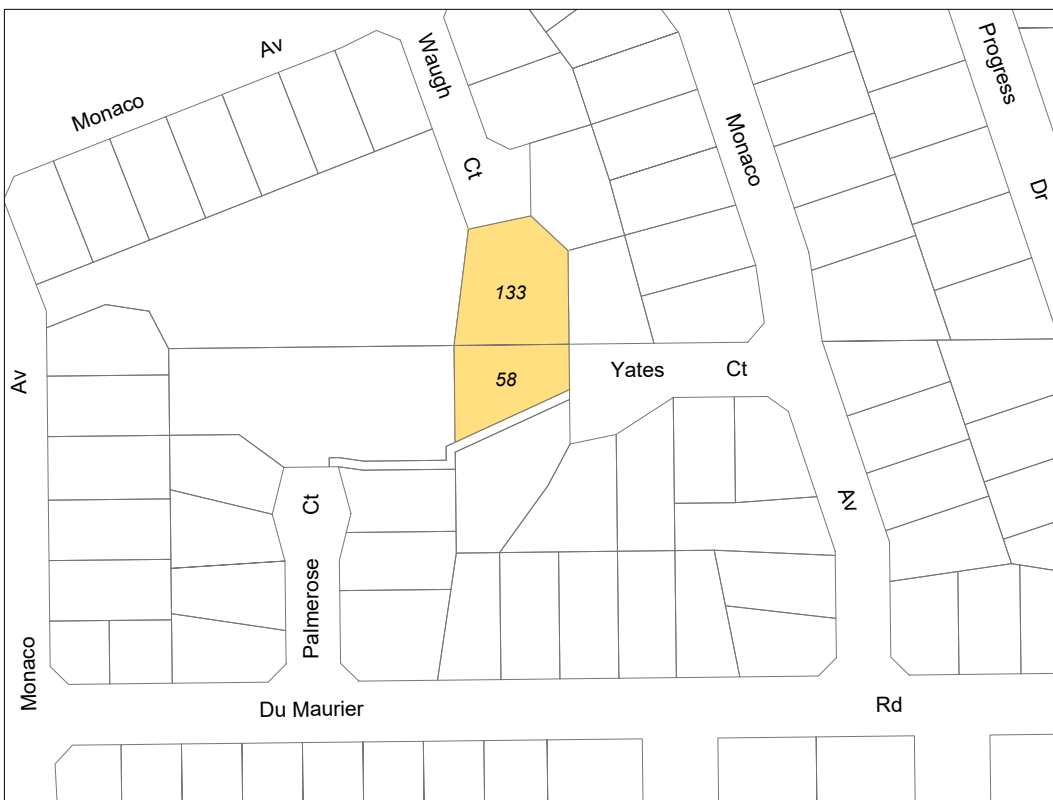
 Local Road

ZONES

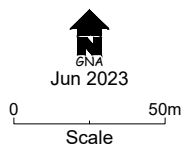
 Residential



Current Scheme Map



Scheme Amendment Map




Amendment No.159
Town Planning Scheme No.3

Proposal 4 Atwell

GENERAL

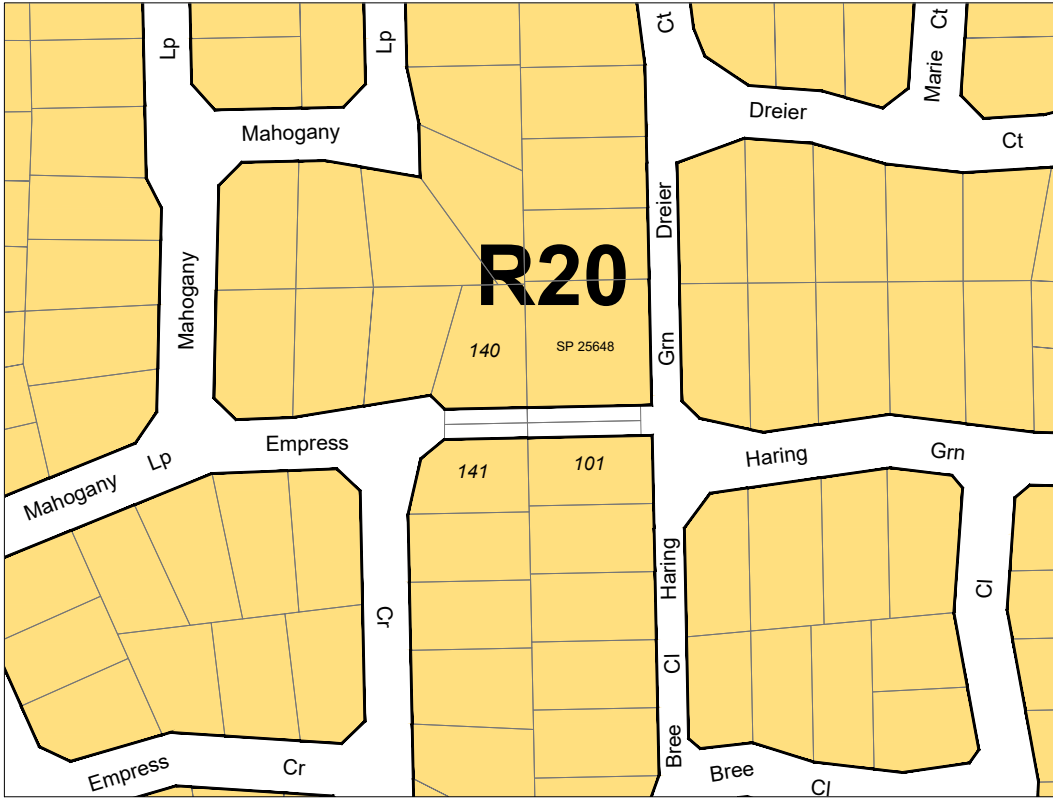
R20 Residential Density Codes

LOCAL RESERVES

 Local Road

ZONES

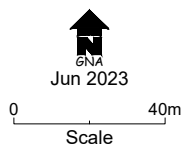
 Residential



Current Scheme Map



Scheme Amendment Map



Amendment No.159
Town Planning Scheme No.3

Proposal 5 Bibra Lake


GENERAL

R20 Residential Density Codes


SPECIAL CONTROL AREAS:


DA1 Development Areas


REGION RESERVES


 Primary Regional Roads

LOCAL RESERVES

 Parks & Recreation

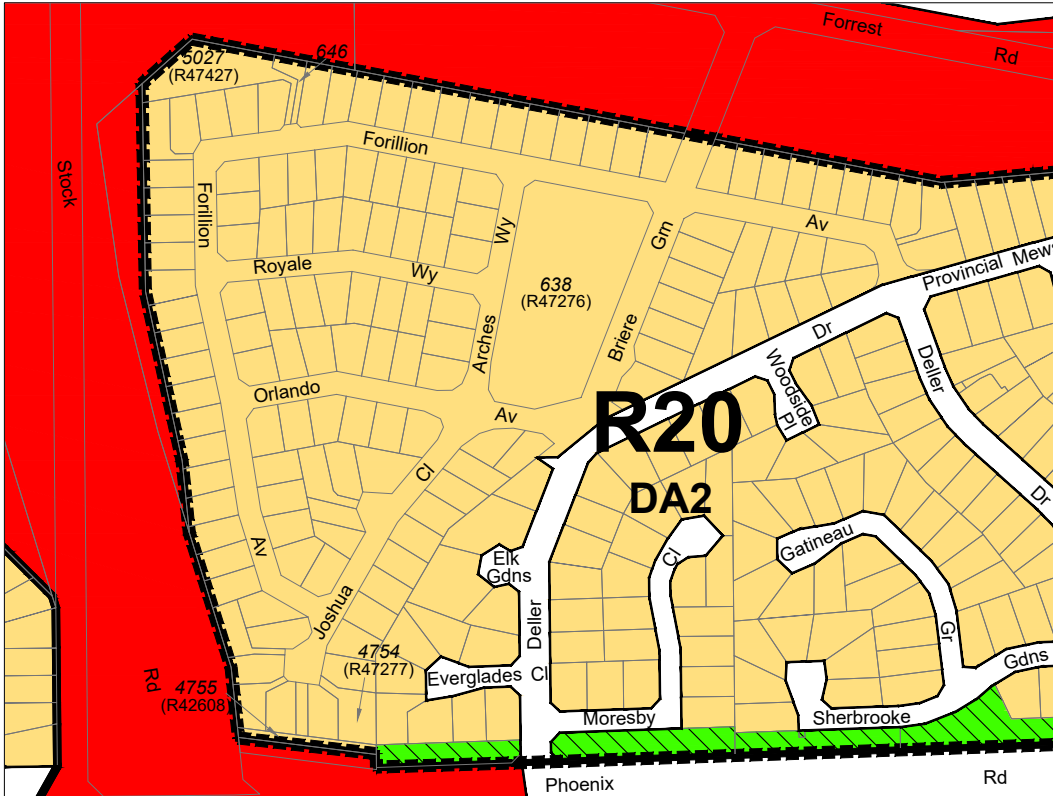
 Lakes & Drainage

 Local Road

 Public Purposes
DENOTED AS FOLLOWS:
WC - Water Corporation

ZONES

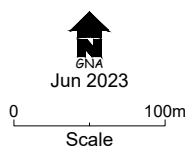
 Residential



Current Scheme Map



Scheme Amendment Map



Amendment No.159
Town Planning Scheme No.3

Proposal 6 Success

GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

DCA1 Development Areas

REGION RESERVES

Other Regional Roads

Public Purposes
DENOTED AS FOLLOWS:
WSD - Water Authority of WA

LOCAL RESERVES

Parks & Recreation

Lakes & Drainage

Local Road

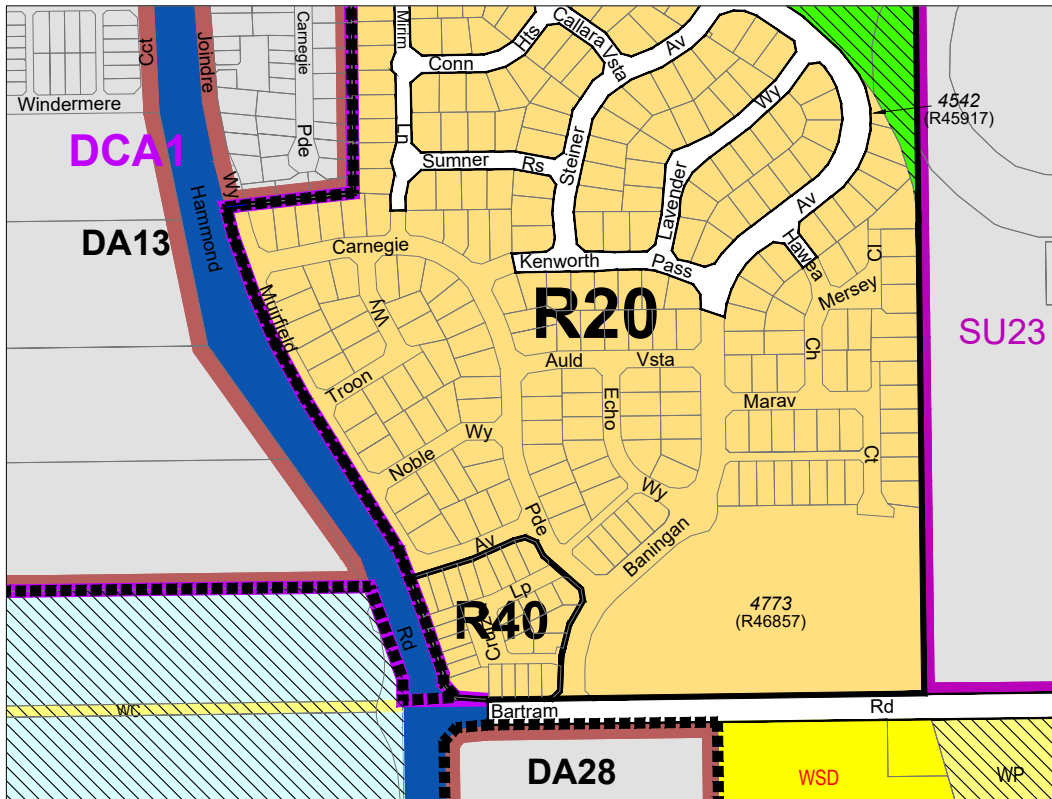
Public Purposes
DENOTED AS FOLLOWS:
WC - Water Corporation
WP - Western Power

ZONES

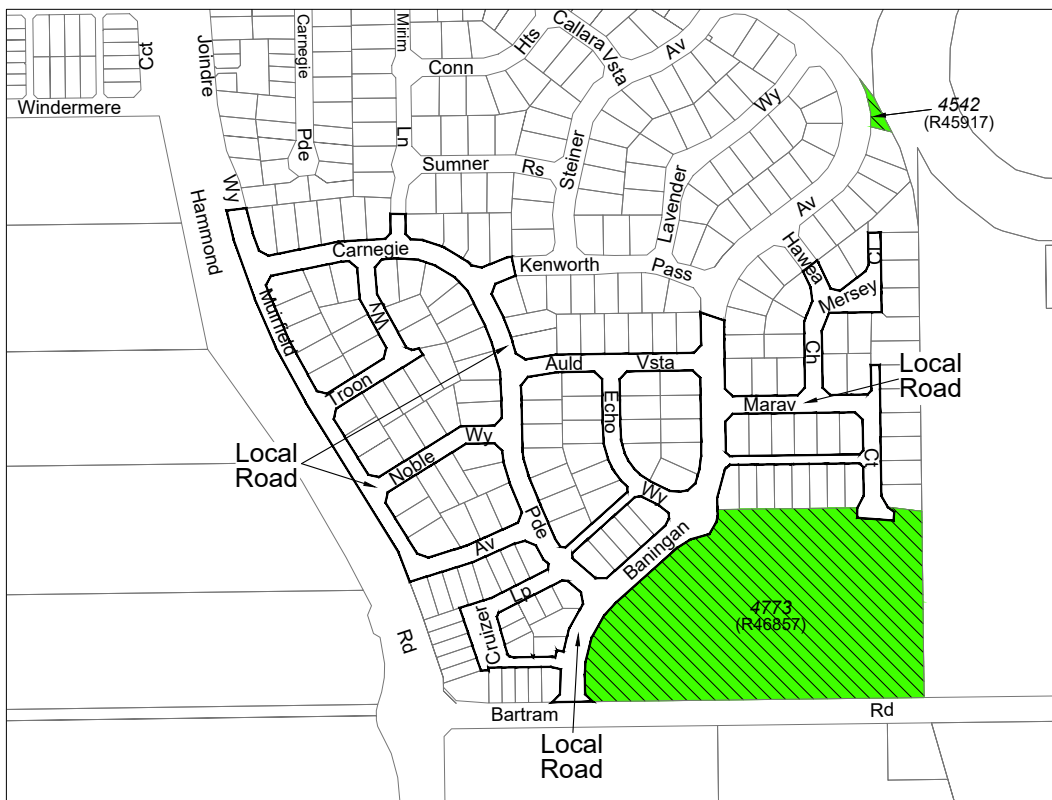
Residential

Development

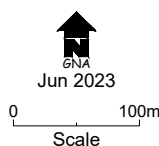
Special Use



Current Scheme Map



Scheme Amendment Map



Amendment No.159 Town Planning Scheme No.3

Proposal 7 Success

GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas

DCA1 Development Areas

REGION RESERVES

Primary Regional Roads

LOCAL RESERVES

Parks & Recreation

Lakes & Drainage

Local Road

Public Purposes DENOTED AS FOLLOWS:
WC - Water Corporation
WP - Western Power

ZONES

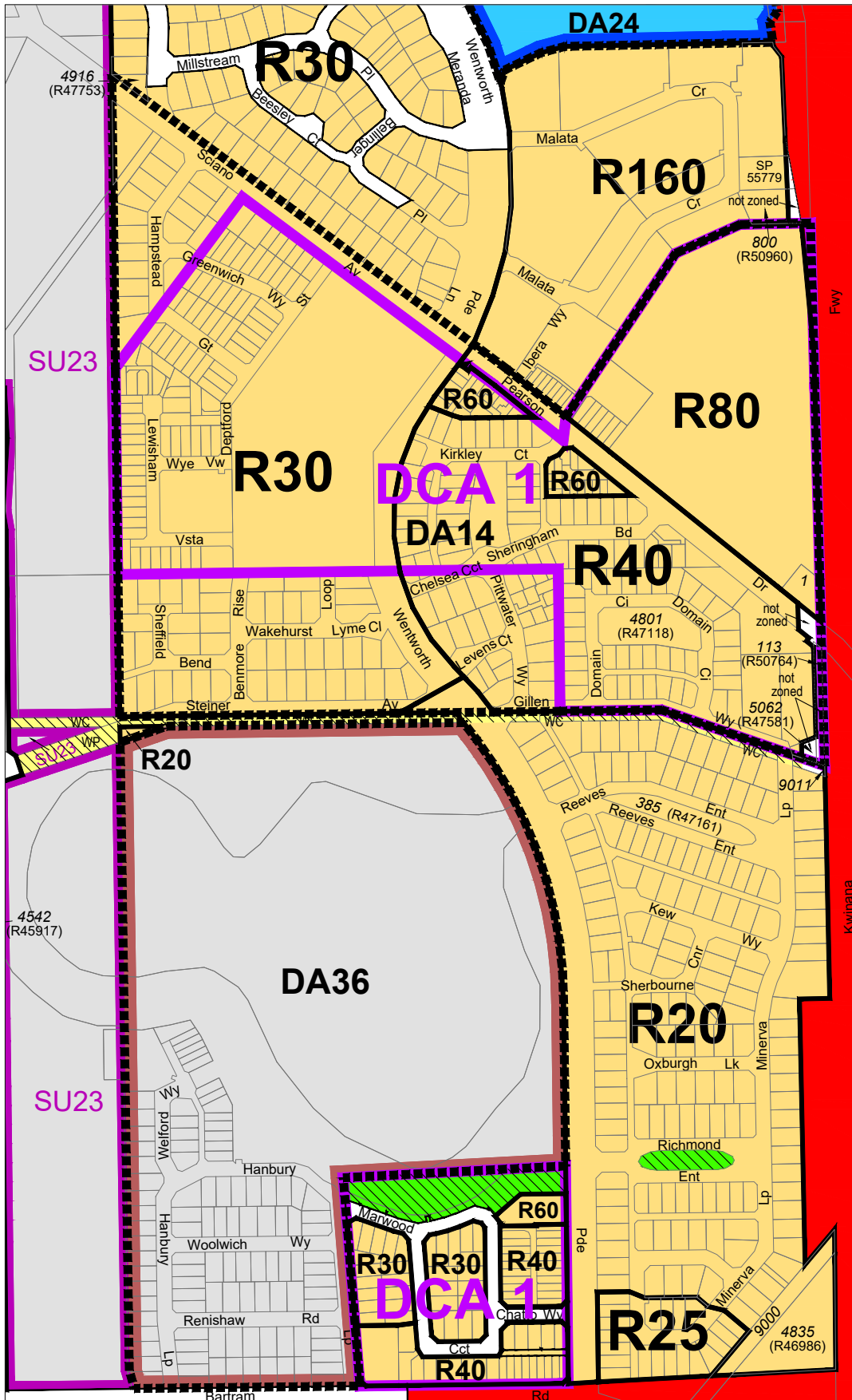
Residential

Regional Centre

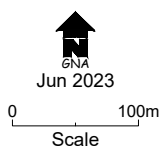
Development

Special Use

not zoned



Current Scheme Map



Amendment No.159 Town Planning Scheme No.3

Proposal 7 Success

GENERAL

R20 Residential Density Codes

LOCAL RESERVES

Parks & Recreation

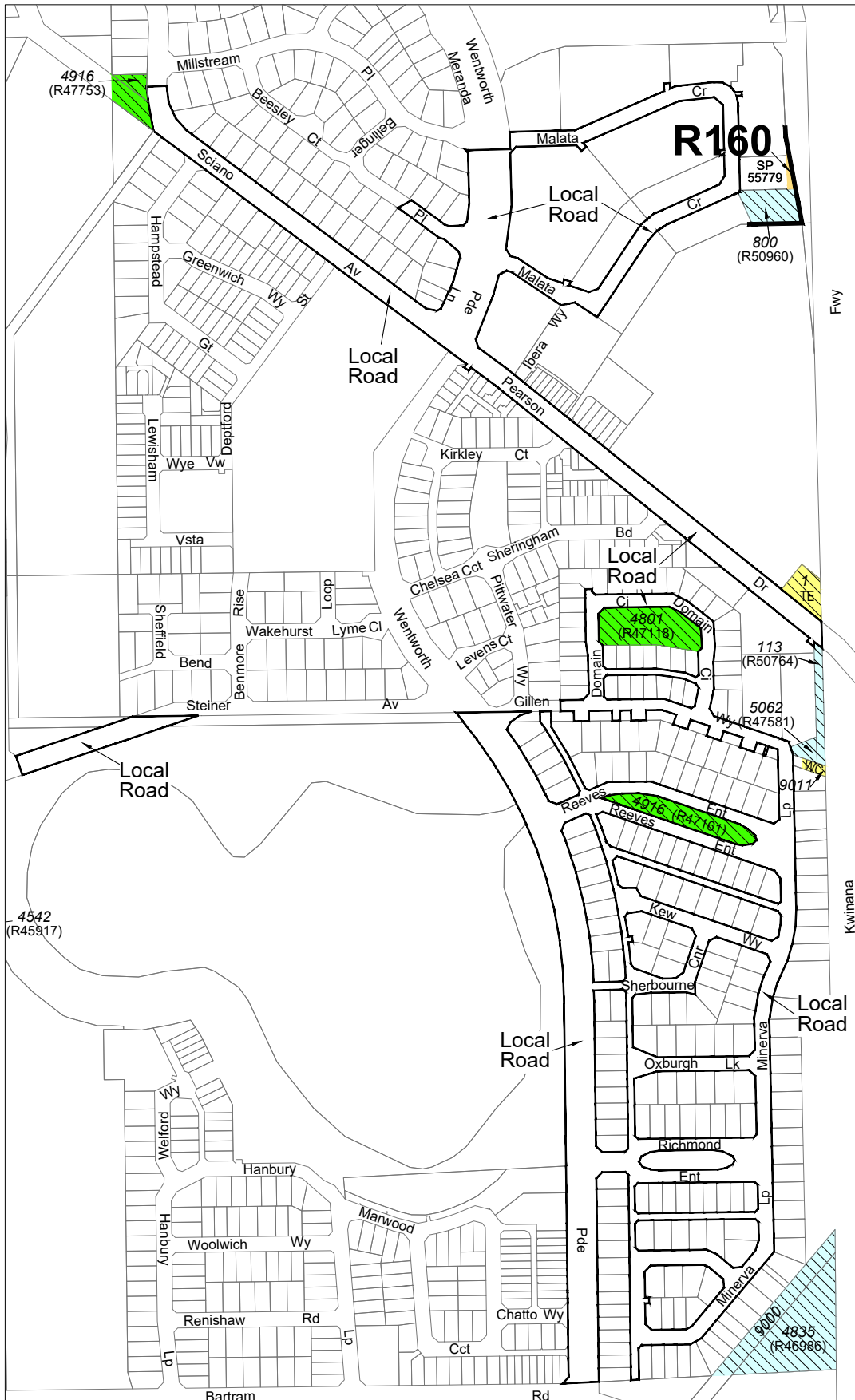
Lakes & Drainage

Local Road

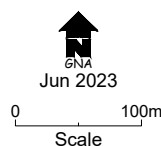
Public Purposes
DENOTED AS FOLLOWS:
TE - Telstra
WC - Water Corporation

ZONES

Residential



Scheme Amendment Map



Amendment No.159 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 12th day of October, 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)



A handwritten signature in blue ink, appearing to read "Logan Spence".

MAYOR

A handwritten signature in blue ink, which is highly stylized and difficult to decipher.

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

A handwritten signature in blue ink, appearing to read "A. Purker".

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

DATE 08 - 02 - 2024

APPROVAL GRANTED

It is hereby certified that this is a true copy of the ~~document~~ Amendment, final approval to which was endorsed by the Minister for Planning on 26 21 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.

MINISTER FOR PLANNING

DATE _____