



CITY OF COCKBURN
DOC Set 11671247
19 OCT 2023
SUBJECT 109/161
RETENTION 124.2.3AS
PROPERTY
APP
ACTION David Reynolds

Our ref: TPS/3030
Enquiries: Local Planning Schemes

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

Transmission via electronic mail to: customer@cockburn.wa.gov.au

Dear Sir/Madam

TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 161

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

Ms Sam Fagan
Secretary
Western Australian Planning Commission

11/10/2023

11671247

PLANNING AND DEVELOPMENT ACT 2005

**APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Cockburn**

TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 161

Ref: TPS/3030

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 9 October 2023 for the purpose of:

1. Rezoning lots within 'Development Area 3' from 'Development' to 'Residential R20', 'Residential R40' and 'Local Centre', as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 3' from the 'Development' zone to a 'Parks and Recreation' and 'Public Purpose – Civic' local reserves as depicted on the Scheme Amendment Map.
3. Deleting Development Area 3 (DA 3) entirely, from within Table 9 – Development Areas of the Scheme Text and the face of the Scheme Map.

L HOWLETT, JP
MAYOR

D ARNDT
CHIEF EXECUTIVE OFFICER



**Town Planning Scheme No.3
Amendment No.161
(Basic)**

Normalisation of the 'Meve at Beeliar' Structure Plan

SEPTEMBER 2023

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

City of Cockburn
Town Planning Scheme No.3
Amendment No.161

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 lots within 'Development Area 3' from 'Development' to 'Residential R20', 'Residential R40' and 'Local Centre', as depicted on the Scheme Amendment Map.
2. Reclassifying land within 'Development Area 3' from the 'Development' zone to local 'Parks and Recreation' reservation as depicted on the Scheme Amendment Map.
3. Deleting Development Area 3 (DA 3) entirely, from within Table 9 – Development Areas of the Scheme Text and the face of 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):

- 'Meve at Beeliar' – Local Structure Plan No.3A (WAPC Ref # 801/2/23/0005P 1V)

Upon the amendment taking effect, the approval of the structure plan is to be revoked.

Dated this 8th day of June 2023



A/CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

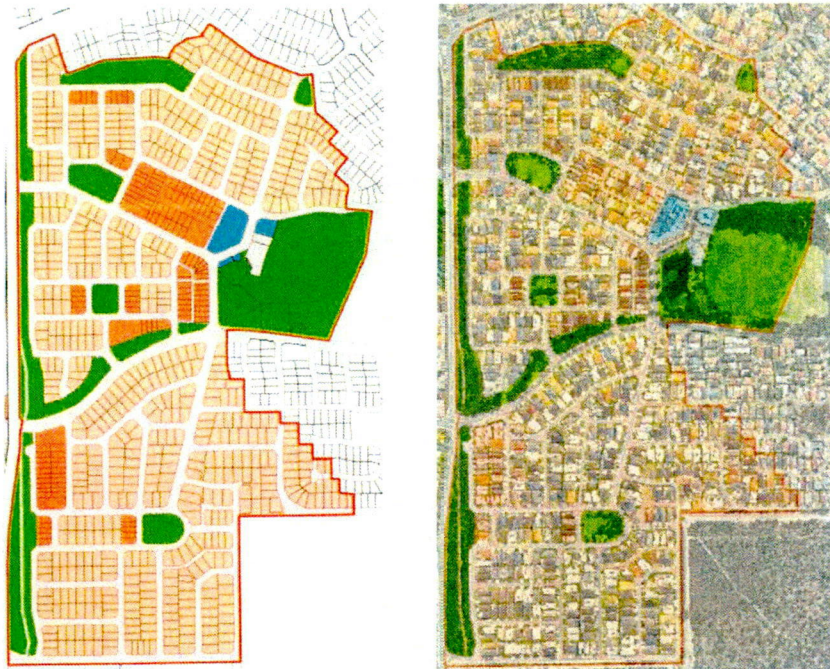
Structure Plan No.3A – ‘Meve at Beeliar’ has been fully implemented.

The purpose of this basic amendment is to transfer the zones and reserves shown for this 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 rationalisation of a Structure Plan.

2.0 BACKGROUND

The area the subject of this proposal is outlined in red in the images below.



Current endorsed Structure Plan and Aerial Photograph showing that the area is fully subdivided and developed in accordance with the current Structure Plan.

The original ‘Meve at Beeliar’ Structure plan was adopted by the City in 1993.

A revised Structure Plan for the undeveloped portion of the site was prepared in 2001, further amended and ultimately endorsed by the Western Australian Planning Commission on 18 May 2006.

The Structure Plan area includes Local Development Plans (LDPs). This amendment has no effect on the operation of those instruments which will remain in effect until they expire on 19 October 2025.

A copy of the current Structure Plan map for the area appears on the next page.



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 specifically satisfies *part (g)* of the above criteria.

In particular, 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 entire Structure Plan area is both 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 (Appendix C) and in Table 9 of the Scheme Text as Development Area 3 (DA 3).

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 Development Area 3 it includes the following:

TABLE 9 – DEVELOPMENT AREAS		
REF. NO.	AREA	PROVISIONS
DA 3	BEELIAR (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. Subdivision of the land for single housing shall conform with the requirements of the R Code density of R20, except that the minimum lot size may be reduced to 350m², but the minimum average lot size must remain at 500m², however, the Council may permit portions of the land being developed to a maximum R Code density of R40, in accordance with an adopted Structure Plan.

5.0 PROPOSAL

Subdivision and development of the area is now complete, meaning that that the Structure Plan and its enabling Scheme provisions have served their purpose and are no longer required.

This amendment therefore seeks to delete Development Area 3 (in its entirety) and transfer the Structure Plan identified zonings and reservations for the land into the Scheme, ahead of the current Structure Plan reaching its 10-year time limit and expiring on 19 October 2025.

Development Area 3:

The current extent of the DA 3 area was determined when TPS3 was first gazetted in December 2002 and matches the extent of the 2006 WAPC Approved 'Meve at Beeliar' Structure Plan.

The special provisions included in Table 9, that were used to guide the preparation of the Structure Plan and the subsequent determination of subdivision proposals are now redundant and no longer required.

Of note, Provision 2 has been superseded by progressive updates to *State Planning Policy 7.3 – Residential Design Codes Volume 1*, which (to encourage more efficient use of existing zoned land), currently allow for a minimum lot size of 350m² (and a reduced average lot size of 450m²) on R20 coded land.

Removal of the higher 500m² average lot area requirement is not expected to generate any additional subdivision potential in the area, however if this was to occur (via demolition and/or re-subdivision of multiple properties), such a proposal would be consistent with the intent of the current State Planning Framework which encourages infill residential development in appropriate locations.

'Meve at Beeliar' Local Structure Plan:

The Structure Plan identifies a local road and public open space network for the area, plus a range of low-to-medium residential density codings (R20 to R40), that gravitate out from a centralised Local 'Village' Centre that incorporates a range of local commercial and community purpose facilities.

All the proposed zonings and reserves shown on the Structure Plan map directly correlate to zonings and reserves pursuant to the Scheme. All of the public roads have been constructed, and all other public reserves embellished to the required standard and transferred into either public or public utility operator ownership.

The Structure plan also identifies specific areas where a Local Development Plan (formerly called Detailed Area Plans) are required, and other areas where 'Home Business', 'Home Office' and 'Home Store' are encouraged.

Approved Local Development Plans (LDPs) are in place for the relevant landholdings and whilst also largely redundant, will remain in effect until they expire on 19 October 2025. Existing LDPs are not affected by this proposal and there is no process under the Regulations for LDPs to be revoked.

'Home Business', 'Home Office' and 'Home Store' are all approvable uses (at the City's discretion) on any Residential Zoned lot within TPS3. The suitability of No.1-7 Bluebush Avenue (or any other Residential Zoned site) can be adequately determined through the Development Application process.

Such applications would be guided by the City's relevant Local Planning Policies (e.g. LPP 1.17 *Non-Residential Uses in Residential Zones* – which encourages their location in close proximity to existing Activity Centres), without the need for the LSP notation to be carried forward or otherwise reflected in the Scheme.

Pursuant to Part 5, Division 1, Regulation 35A of the Regulations, upon the amendment taking effect, the Structure Plan will be revoked.

6.0 CONCLUSION

For the following key reasons, it is suggested that now is an appropriate time for the Structure Plan No.3A – 'Meve at Beelias' to be revoked, and its local zones and reserves rationalised into the Scheme:

- all public reserves (including local roads, drainage, public open space and community purposes) have been suitably constructed/embellished and transferred into public or utility provider ownership; and
- all zoned land on the endorsed Structure Plan have been 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 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.

POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 15 September 2023 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:

- 1. Replace Item (1) 2. with "Reclassifying land within 'Development Area 3' from the 'Development' zone to 'Parks and Recreation' and 'Public Purpose – Civic' local reserves, as depicted on the Scheme Amendment Map."*

Planning and Development Act 2005

City of Cockburn Town Planning Scheme No.3 Amendment No.161

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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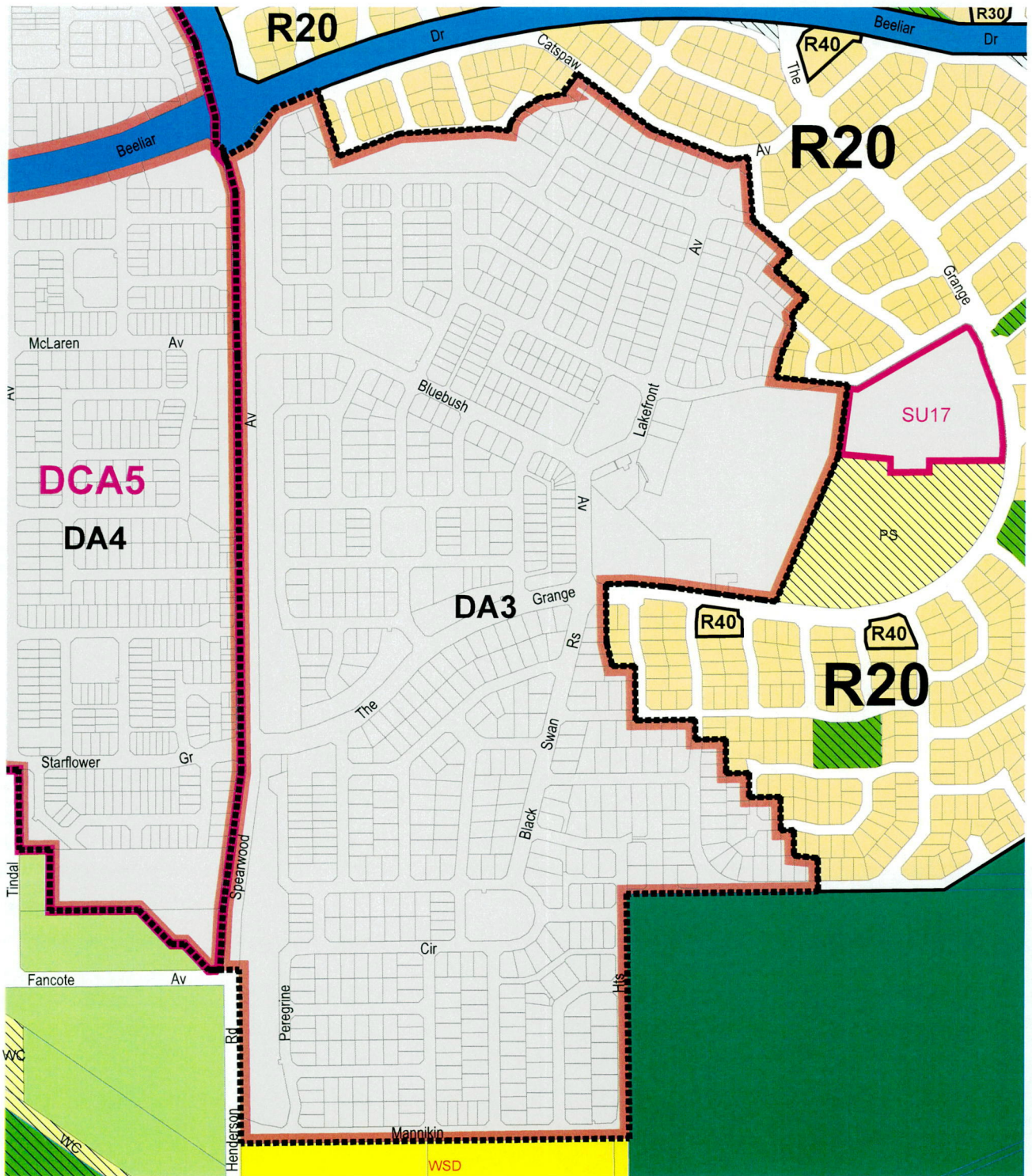
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GENERAL

R20 Residential Density Codes

SPECIAL CONTROL AREAS:

DA1 Development Areas
DCA1 Development Contribution Areas

REGION RESERVES

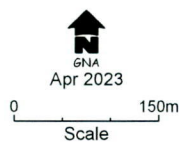
Green Parks & Recreation
Blue Other Regional Roads
Yellow Public Purposes DENOTED AS FOLLOWS:
WSD - Water Authority of WA

LOCAL RESERVES

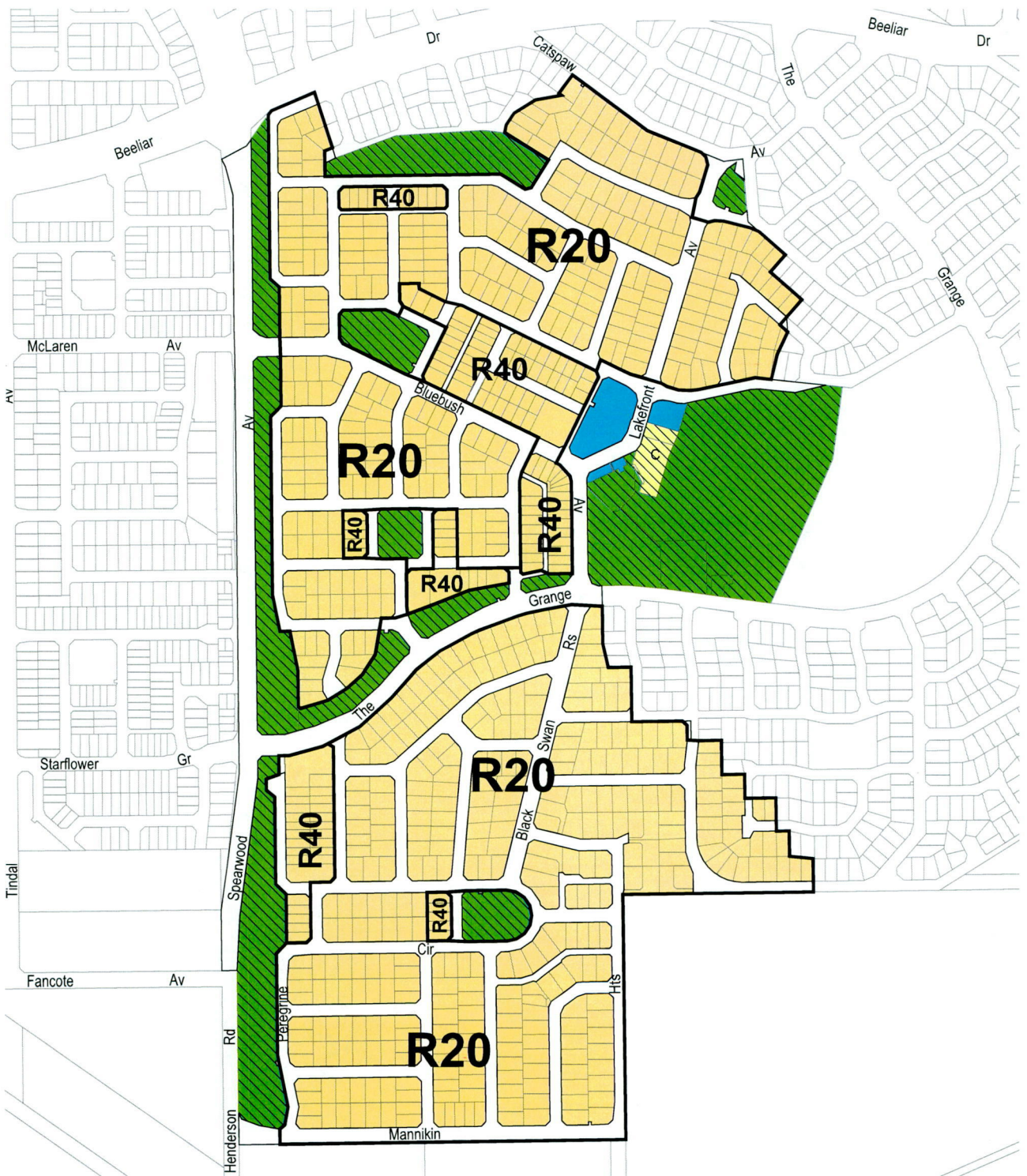
Green with diagonal lines Parks & Recreation
Blue with diagonal lines Drainage
Yellow with diagonal lines Public Purposes DENOTED AS FOLLOWS:
PS - Primary School
WC - Water Corporation

ZONES

Yellow Residential
Red Development
Pink SU1 Special Use
Green Rural



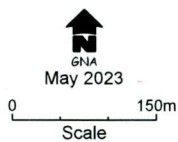
Current Scheme Map
Town Planning Scheme No.3
Amendment No.161



GENERAL
R20 Residential Density Codes

LOCAL RESERVES
 [Green Hatched] Parks & Recreation
 [White] Local Road
 [Diagonal Hatched] Public Purposes
 DENOTED AS FOLLOWS:
 C - Civic

ZONES
 [Yellow] Residential
 [Blue] Local Centre



Scheme Amendment Map

Town Planning Scheme No.3

Amendment No.161

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 8th day of June 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)



A handwritten signature in blue ink, appearing to read 'Logan Sheehan', written over a horizontal line.

MAYOR

A handwritten signature in blue ink, consisting of stylized initials, written over a horizontal line.

A/CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

A handwritten signature in blue ink, written over a horizontal line.

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

DATE 2/10/2023

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 9/10/2023

Certified by Handwritten signature in blue ink, written over a dotted line.

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 _____