



Your ref: 109/154
Our ref: TPS/2830
Enquiries: Schemes Team

CITY OF COCKBURN
DOC No
01 JUL 2022
SUBJECT 109/154
RETENTION 124.2-3A5
PROPERTY
APP
ACTION Donna D. RENZO.

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

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

Dear Sir/Madam

TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 154

I refer to your letter dated 13 May 2022 regarding Amendment No. 154.

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 Fagan
Secretary
Western Australian Planning Commission

27/06/2022

PLANNING AND DEVELOPMENT ACT 2005

APPROVED TOWN PLANNING SCHEME AMENDMENT City of Cockburn

TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 154

Ref: TPS/2830

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 23 June 2022 for the purpose of:

1. Modifying the Contents Page of the Scheme Text by inserting "4.4 Special Application of Residential Design Codes" in the appropriate location.
2. Modifying clause 3.9.2 of the Scheme Text by replacing the reference to clause "64(3)" of the Local Planning Scheme Deemed Provisions, with clause "64(4)";
3. Modifying Table 1 – Zoning Table of the Scheme Text by deleting the land use "Home Office";
4. Modifying clause 4.8.5(a)(i) of the Scheme Text by inserting the words "*Unless exempt under clause 61 of the deemed provisions,*" at the start of the first sentence;
5. Modifying clause 5.4.2(c)(iii) to delete "Department of Agriculture and Environmental Protection Authority" and replace with "Department of Water and Environmental Regulation and Department of Primary Industries and Regional Development".
6. Modifying Table 4 – Industrial Use Classes – Vehicle Parking of the Scheme Text, by adjusting the current visitor car parking bay requirement for Marine Engineering to state "*plus 1 : 200m² gla for Visitor Parking*", and replacing "sqm" with "m²" in the Bicycle Racks column;
7. Modifying clause 4.10.5(c)(iii), 4.10.7(a) and 4.10.12(g) to delete "Department of Agriculture" and replace with "Department of Primary Industries and Regional Development".
8. Modifying clause 4.10.9(a), 4.10.9(b)(ii) and 4.10.9(c)(ii) delete "Health Department of WA" and replace with "Department of Health".

9. Modifying clause 4.10.9(a) of the Scheme Text by replacing the references to the *"Water and Rivers Commission"* with the *"Department of Water and Environmental Regulation"*;
10. Modifying clause 4.10.9(b)(ii) of the Scheme Text by inserting the words *"above the highest known water table for the land"* after the words 1.2 metres;
11. Modifying clause 4.10.12(g), Table 9 - DA 8 clause 4 and DA 9 clause 4 to delete "Department of Environmental Protection" and replace with "Department of Water and Environmental Regulation".
12. Modifying Clause 4.13.2 of the Scheme Text by adding the words *"As set out in clause 3.8,"* at the beginning of the clause;
13. Modifying clauses 4.14.1 and 4.14.2 to delete "Department of Conservation and Land Management" and replace with "Department of Biodiversity, Conservation and Attractions".
14. Modifying clause 4.16.1 to delete "Department of Environment and Water Catchment Protection" and replace with " Department of Biodiversity, Conservation and Attractions".
15. Modifying clauses 4.17.1, 4.17.3 and 4.17.5 to delete:
 - "Department of Planning and Infrastructure" and replace with "Department of Planning, Lands and Heritage"
 - "Department of Environment and Conservation" and replace with "Department of Biodiversity, Conservation and Attractions".
16. Modifying Schedule A – Supplemental Provisions to the Deemed Provisions of the Scheme Text, by:
 - Correcting the numbering of clause 61(1) to "61(2);
 - at (k) adding the word *"dividing"* before the *"fence"*;
 - deleting (m)(i) in its entirety, and renumbering provisions (ii) to (iv) thereafter;
 - at (m)(iv) deleting *", and in the case of the Resource Zone, Table 1 and 2 of Statement of Planning Policy No. 2.3"* at the end of the clause; and
 - deleting (p) in its entirety.
17. Modifying DA 8 clause 7 to delete "Department of Land Administration" and replace with "Department of Planning, Lands and Heritage
18. Rezoning portions of Lots 201 (#7) & 202 (#9) Winchester Road from "unzoned" to the "Industry" zone.
19. Rezoning Lot 800 Warton Road from "unzoned" to the "Resource" zone;

20. Rezoning portions of Lots 133 (#814) and 333 (#810) North Lake Road from "unzoned" to the "Mixed Business" zone.
21. Modifying the Scheme maps accordingly.

L HOWLETT, JP
MAYOR

T BRUN
CHIEF EXECUTIVE OFFICER



Town Planning Scheme No.3
Amendment No.154

Omnibus Amendment

*including rezoning various land parcels to bring the Scheme
into consistency with the Metropolitan Region Scheme*

DECEMBER 2021

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

City of Cockburn
Town Planning Scheme No. 3
Amendment No.154

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. Modifying the Contents Page of the Scheme Text by inserting "*4.4 Special Application of Residential Design Codes*" in the appropriate location.
2. Modifying clause 3.9.2 of the Scheme Text by replacing the reference to clause "64(3)" of the Local Planning Scheme Deemed Provisions, with clause "64(4)";
3. Modifying Table 1 – Zoning Table of the Scheme Text by deleting the land use "*Home Office*";
4. Modifying clause 4.8.5(a)(i) of the Scheme Text by inserting the words "*Unless exempt under clause 61 of the deemed provisions,*" at the start of the first sentence;
5. Modifying Table 4 – Industrial Use Classes – Vehicle Parking of the Scheme Text, by adjusting the current visitor car parking bay requirement for Marine Engineering to state "*plus 1 : 200m² gla for Visitor Parking*", and replacing "*sqm*" with "*m²*" in the Bicycle Racks column;
6. Modifying clause 4.10.9(a) of the Scheme Text by replacing the references to the "*Water and Rivers Commission*" with the "*Department of Water and Environmental Regulation*";
7. Modifying clause 4.10.9(b)(ii) of the Scheme Text by inserting the words "*above the highest known water table for the land*" after the words 1.2 metres;
8. Modifying Clause 4.13.2 of the Scheme Text by adding the words "*As set out in clause 3.8,*" at the beginning of the clause;
9. Modifying Schedule A – Supplemental Provisions to the Deemed Provisions of the Scheme Text, by:
 - a. Correcting the numbering of clause 61(1) to "61(2);
 - b. at (k) adding the word "*dividing*" before the "*fence*";
 - c. deleting (m)(i) in its entirety, and renumbering provisions (ii) to (iv) thereafter;

- d. at (m)(iv) deleting “, and in the case of the Resource Zone, Table 1 and 2 of Statement of Planning Policy No. 2.3” at the end of the clause; and
- e. deleting (p) in its entirety.
10. Rezoning portions of Lots 201 (#7) & 202 (#9) Winchester Road from “unzoned” to the “Industry” zone.
11. Rezoning Lot 800 Warton Road from “unzoned” to the “Resource” zone;
12. Rezoning portions of Lots 133 (#814) and 333 (#810) North Lake Road from “unzoned” to the “Mixed Business” zone.
13. Modifying the Scheme maps accordingly.


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 simply:

- corrects minor administrative (typographical) errors;
- removes provisions superseded by the Planning and Development (Local Planning Scheme) Deemed Provisions; or otherwise
- seeks to bring the local zoning of land into alignment with the Region Scheme;

in a manner that will have minimal effect on the scheme or landowners within the scheme area.

Dated this 9TH day of DECEMBER 20 21


(Chief Executive Officer)




Current Scheme Map


REGION RESERVES


 Railways

LOCAL RESERVES

 Local Road

ZONES

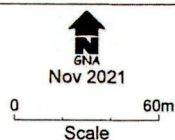
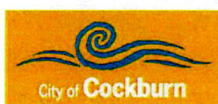
 Industry

 not zoned

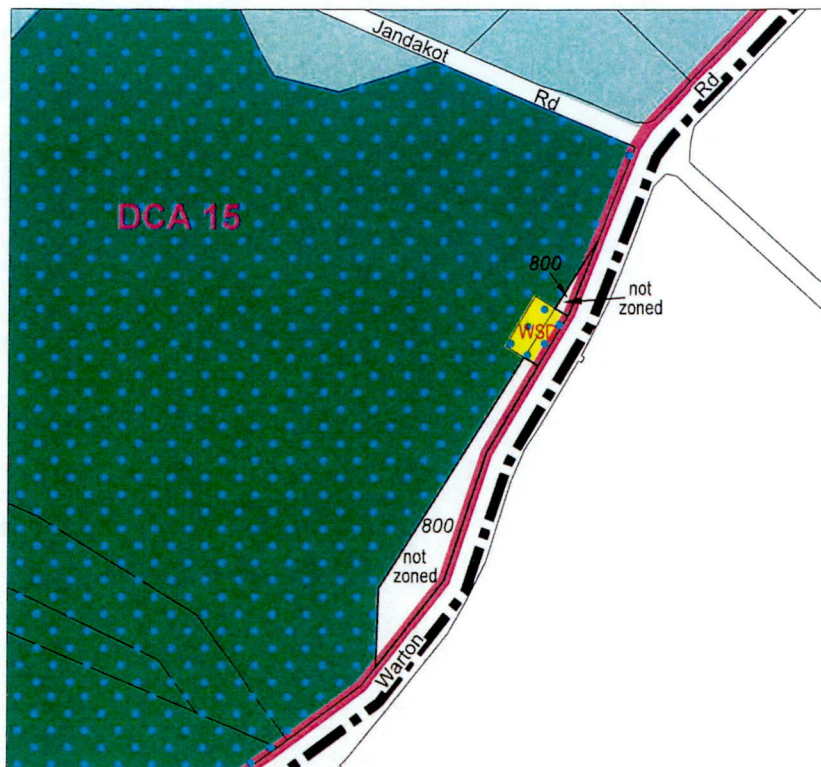


Scheme Amendment Map

Map 1 of 3




Amendment No.154
Town Planning Scheme No.3




Current Scheme Map


GENERAL


 Scheme Boundary



SPECIAL CONTROL AREAS:

 Development Contribution Areas


REGION RESERVES

 Parks & Recreation

 Water Catchments


 Public Purposes
DENOTED AS FOLLOWS:
 WSD Water Authority of WA

LOCAL RESERVES

 Local Road

ZONES

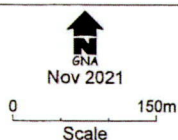
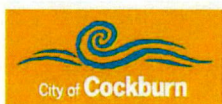
 Resource

 not zoned

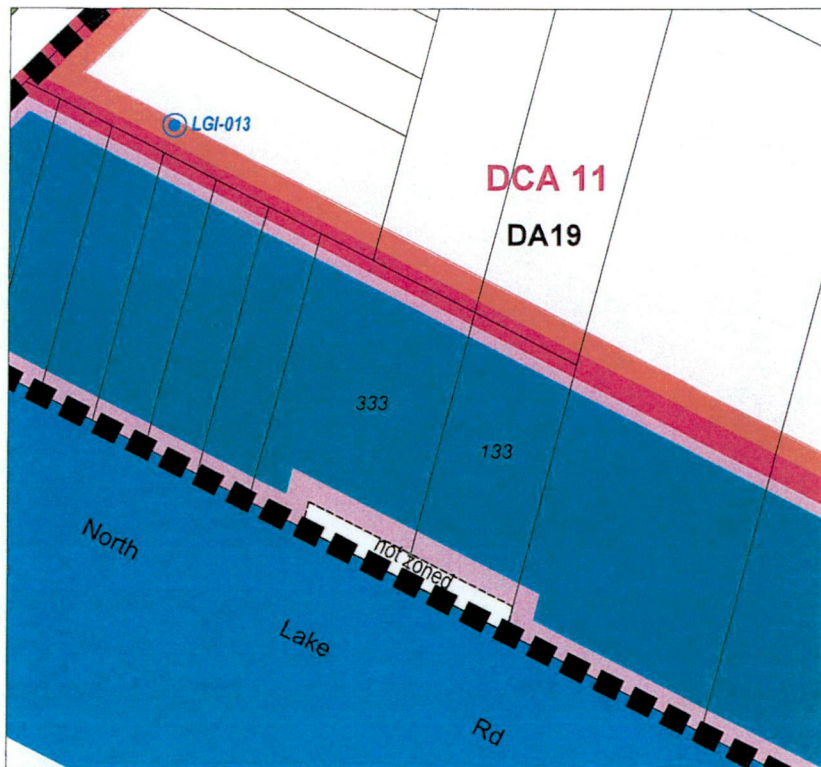


Scheme Amendment Map

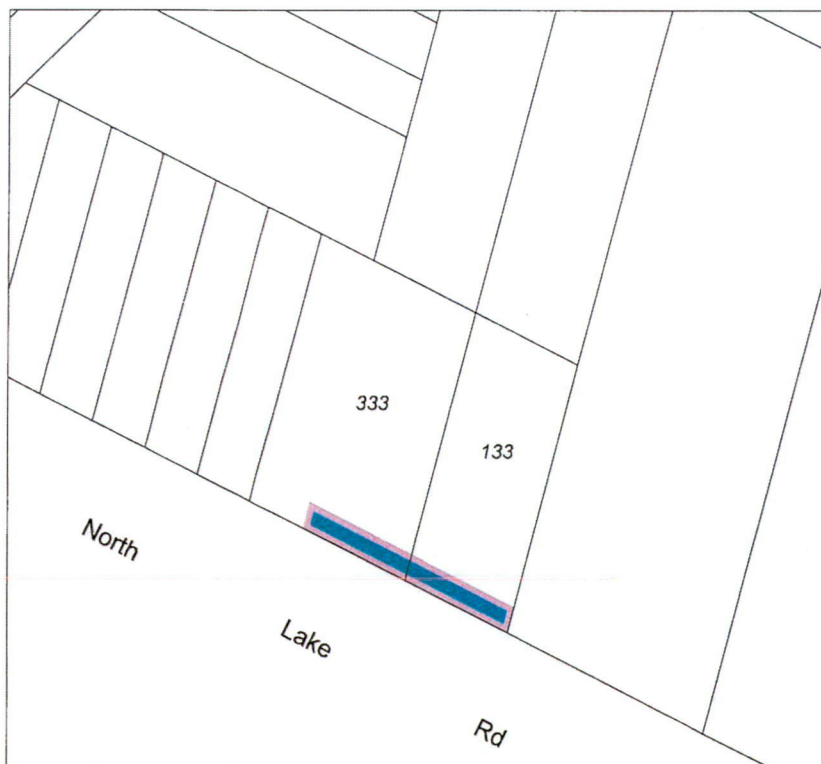
Map 2 of 3



Amendment No.154
Town Planning Scheme No.3



Current Scheme Map



Scheme Amendment Map

GENERAL

● LGI-001 Heritage Place

SPECIAL CONTROL AREAS:

DA1 Development Areas

DCA 1 Development Contribution Areas

REGION RESERVES

Other Regional Roads

LOCAL RESERVES

Local Road

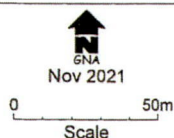
ZONES

Mixed Business

Development

not zoned

Map 3 of 3



Amendment No.154
Town Planning Scheme No.3

AMENDMENT REPORT

1.0 INTRODUCTION

The purpose of this basic amendment is to both correct a number of minor anomalies in the scheme (to improve readers understanding of the relevant requirements), and to amend the zoning, classification or designation of various landholdings within the City of Cockburn Town Planning Scheme No. 3 (TPS3) to ensure that it remains consistent with the Metropolitan Region Scheme (MRS).

In May 2007, the Hon. Minister for Planning approved MRS Amendment 1110/33A. Referred to as 'South West Districts Omnibus No.7', the amendment included twenty-eight (28) proposals of which eleven (11) are located within the City of Cockburn. One (1) of those proposals (relating to Lots 201 & 202 Winchester Road, Bibra Lake), remains unzoned under the local scheme.

In October 2009, the Hon. Minister for Planning approved MRS Amendment 1166/57. Referred to as 'South West District Omnibus No.8', the amendment included seventeen (17) proposals of which six (6) are located within the City of Cockburn.

Pursuant to Section 124 of the *Planning and Development Act 2005*, the above MRS amendments require the local planning scheme be modified to ensure it remains consistent with the MRS.

2.0 BACKGROUND

Proposals 1-9

These proposals simply seek to correct a number of minor typographical errors, update the reference to government agencies, and remove standards that conflict with the *Planning and Development (Local Planning Schemes) Deemed Provisions*. The changes will have minimal effect on the scheme or landowners in the scheme area but will improve readers understanding of the relevant requirements.

Proposal 10

The affected portions of Lots 201 & 202 Winchester Road, Bibra Lake involve a disused portion of "Railways" reservation, that was transferred to the "Industrial" Zone via MRS Amendment 1110/33A. Under TPS No. 3 the subject land is currently not zoned.

The land was amalgamated with adjoining landholdings and transferred into private ownership approximately 15 years ago and has been used as a lay down or for storage ever since.

Proposal 11

Lot 800 Warton Road, Treeby involves vacant land that was transferred from the "Public Purpose – Special Use" reservation to the "Rural – Water Protection" zone and removed from the Water Catchments Special Control Area via MRS Amendment 1166/57. Under TPS No. 3 the subject land is currently not zoned.

Whilst currently undeveloped, the land is privately owned and requires a local zoning to apply appropriate land use permissibility and associated development standards.

Proposal 12

The affected portions of Lots 133 & 333 North Lake Road, Cockburn Central involve a surplus portion of "Other Regional Roads" reservation, that was transferred to the "Urban" zone via MRS Amendment 1166/57. Under TPS No. 3 the subject land is currently not zoned.

The affected portions remain in private ownership and have previously been developed for on-site car parking as part of the Commercial developments that exist over the balance landholdings.

3.0 AMENDMENT TYPE

As per Part 5 of the Regulations, there are several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

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 to be a basic amendment, which Regulation 34 describes as:

basic amendment means 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 four of the above criteria. In particular:

- a) Proposals 1-2 and 5-9, correct minor administrative (typographical) errors;
- c) Proposals 3-4 remove provisions superseded by the Planning and Development (Local Planning Scheme) Deemed Provisions; and
- g) Proposal 12 seeks to adjust the scheme map to align with the zoning for the land identified on a WAPC approved Structure Plan; and
- i) Proposals 10-12 seek to bring the local zoning of land into alignment with the Region Scheme;

all in a manner that will have minimal effect on the scheme or landowners within the scheme area.

4.0 TOWN PLANNING CONTEXT

4.1 Metropolitan Region Scheme

The following Region Scheme zones apply to the three (3) sites identified for rezoning as par this proposed amendment:

- Proposal 10 – Industrial – Lots 201 and 202 Winchester Road, Bibra Lake
- Proposal 11 – Rural – Water Protection – Lot 800 Warton Road, Treeby
- Proposal 12 – Urban – Lots 133 and 333 North Lake Road, Cockburn Central.

4.2 City of Cockburn Town Planning Scheme No. 3

All three (3) sites identified for rezoning as par this proposed amendment are currently unzoned.

5.0 PROPOSAL

Proposals 1-9

The effect, reason and minor nature of these textual modifications are described in Table 1 below:

TABLE 1 – PROPOSED TEXTUAL MODIFICATIONS

Tracked changes											Reason for proposed change																																																																																																																																																																																																																			
Proposal 1																																																																																																																																																																																																																														
PART 4 - GENERAL DEVELOPMENT REQUIREMENTS													Update Table of Contents:																																																																																																																																																																																																																	
4.1 Compliance With Development Standards And Requirements													To reference existing clause 4.4																																																																																																																																																																																																																	
4.2 Residential Design Codes													(Special Application of Residential																																																																																																																																																																																																																	
4.3 Sewerage Connection													Design Codes)																																																																																																																																																																																																																	
4.5 Restrictive Covenants																																																																																																																																																																																																																														
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3.9 Extensions and changes to a non-conforming use													Update clause 3.9.2:																																																																																																																																																																																																																	
3.9.1 A person must not -													To reference the correct																																																																																																																																																																																																																	
a) alter or extend a non-conforming use;													advertising clause in the deemed																																																																																																																																																																																																																	
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<table><thead><tr><th>USE CLASS</th><th>RESIDENTIAL</th><th>REGIONAL CENTRE (See Note 4)</th><th>DISTRICT CENTRE</th><th>LOCAL CENTRE</th><th>MIXED BUSINESS</th><th>MIXED USE AMD 96 GG 23/6/15</th><th>LIGHT AND SERVICE INDUSTRY</th><th>INDUSTRY</th><th>RURAL LIVING</th><th>RURAL</th><th>RESOURCE</th><th>SPECIAL USE</th><th>DEVELOPMENT</th><th>CONSERVATION</th><th>STRATEGIC INDUSTRY AMD 144 GG 17/11/2020</th></tr></thead><tbody><tr><td colspan="16">RESIDENTIAL USES</td></tr><tr><td>Ancillary Dwelling (R-Code) AMD 116 GG 05/01/17</td><td>P</td><td>X</td><td>X</td><td>X</td><td>X</td><td>D</td><td>X</td><td>X</td><td>D</td><td>D</td><td></td><td></td><td></td><td>X</td><td>X</td></tr><tr><td>Bed and Breakfast AMD 6 GG 13/6/06</td><td>A</td><td>D</td><td>X</td><td>X</td><td>P</td><td>A</td><td>X</td><td>X</td><td>D</td><td>D</td><td></td><td></td><td></td><td>X</td><td>X</td></tr><tr><td>Child Care Premises</td><td>A</td><td>P</td><td>P</td><td>P</td><td>D</td><td>A</td><td>A</td><td>A</td><td>A</td><td>A</td><td></td><td></td><td></td><td>X</td><td>X</td></tr><tr><td>Civic Use</td><td>D</td><td>P</td><td>P</td><td>P</td><td>P</td><td>D</td><td>P</td><td>P</td><td>A</td><td>A</td><td></td><td></td><td></td><td>X</td><td>D</td></tr><tr><td>Dwelling Aged or Dependent Persons (R-Code)</td><td>D</td><td>X</td><td>P</td><td>P</td><td>X</td><td>D</td><td>X</td><td>X</td><td>D</td><td>D</td><td></td><td></td><td></td><td>X</td><td>X</td></tr><tr><td>Caretaker's Grouped (R-Code) AMD 58 GG 1/5/09</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>X</td><td>P</td><td>P</td><td>X</td><td>X</td><td></td><td></td><td></td><td>X</td><td>X</td></tr><tr><td>Multiple (R-Code)</td><td>P</td><td>D</td><td>P</td><td>P</td><td>D</td><td>D</td><td>X</td><td>X</td><td>X</td><td>X</td><td></td><td></td><td></td><td>A</td><td>X</td></tr><tr><td>Educational Establishment</td><td>D</td><td>D</td><td>D</td><td>D</td><td>P</td><td>A</td><td>D</td><td>D</td><td>A</td><td>D</td><td></td><td></td><td></td><td>X</td><td>D</td></tr><tr><td>Home Business AMD 58 GG 1/5/09</td><td>A</td><td>P</td><td>P</td><td>P</td><td>P</td><td>X</td><td>X</td><td>X</td><td>D</td><td>D</td><td></td><td></td><td></td><td>A</td><td>X</td></tr><tr><td>Home Occupation AMD 58 GG 1/5/09</td><td>D</td><td>P</td><td>P</td><td>P</td><td>D</td><td>A</td><td>X</td><td>X</td><td>D</td><td>D</td><td></td><td></td><td></td><td>A</td><td>X</td></tr><tr><td>Home Office AMD 58 GG 1/5/09</td><td>D</td><td>P</td><td>P</td><td>P</td><td>D</td><td>P</td><td>X</td><td>X</td><td>D</td><td>D</td><td></td><td></td><td></td><td>A</td><td>X</td></tr></tbody></table>													USE CLASS	RESIDENTIAL	REGIONAL CENTRE (See Note 4)	DISTRICT CENTRE	LOCAL CENTRE	MIXED BUSINESS	MIXED USE AMD 96 GG 23/6/15	LIGHT AND SERVICE INDUSTRY	INDUSTRY	RURAL LIVING	RURAL	RESOURCE	SPECIAL USE	DEVELOPMENT	CONSERVATION	STRATEGIC INDUSTRY AMD 144 GG 17/11/2020	RESIDENTIAL USES																Ancillary Dwelling (R-Code) AMD 116 GG 05/01/17	P	X	X	X	X	D	X	X	D	D				X	X	Bed and Breakfast AMD 6 GG 13/6/06	A	D	X	X	P	A	X	X	D	D				X	X	Child Care Premises	A	P	P	P	D	A	A	A	A	A				X	X	Civic Use	D	P	P	P	P	D	P	P	A	A				X	D	Dwelling Aged or Dependent Persons (R-Code)	D	X	P	P	X	D	X	X	D	D				X	X	Caretaker's Grouped (R-Code) AMD 58 GG 1/5/09	P	P	P	P	P	X	P	P	X	X				X	X	Multiple (R-Code)	P	D	P	P	D	D	X	X	X	X				A	X	Educational Establishment	D	D	D	D	P	A	D	D	A	D				X	D	Home Business AMD 58 GG 1/5/09	A	P	P	P	P	X	X	X	D	D				A	X	Home Occupation AMD 58 GG 1/5/09	D	P	P	P	D	A	X	X	D	D				A	X	Home Office AMD 58 GG 1/5/09	D	P	P	P	D	P	X	X	D	D				A	X	Update Table 1 – Zoning Table:	
USE CLASS	RESIDENTIAL	REGIONAL CENTRE (See Note 4)	DISTRICT CENTRE	LOCAL CENTRE	MIXED BUSINESS	MIXED USE AMD 96 GG 23/6/15	LIGHT AND SERVICE INDUSTRY	INDUSTRY	RURAL LIVING	RURAL	RESOURCE	SPECIAL USE	DEVELOPMENT	CONSERVATION	STRATEGIC INDUSTRY AMD 144 GG 17/11/2020																																																																																																																																																																																																															
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Ancillary Dwelling (R-Code) AMD 116 GG 05/01/17	P	X	X	X	X	D	X	X	D	D				X	X																																																																																																																																																																																																															
Bed and Breakfast AMD 6 GG 13/6/06	A	D	X	X	P	A	X	X	D	D				X	X																																																																																																																																																																																																															
Child Care Premises	A	P	P	P	D	A	A	A	A	A				X	X																																																																																																																																																																																																															
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Dwelling Aged or Dependent Persons (R-Code)	D	X	P	P	X	D	X	X	D	D				X	X																																																																																																																																																																																																															
Caretaker's Grouped (R-Code) AMD 58 GG 1/5/09	P	P	P	P	P	X	P	P	X	X				X	X																																																																																																																																																																																																															
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Home Business AMD 58 GG 1/5/09	A	P	P	P	P	X	X	X	D	D				A	X																																																																																																																																																																																																															
Home Occupation AMD 58 GG 1/5/09	D	P	P	P	D	A	X	X	D	D				A	X																																																																																																																																																																																																															
Home Office AMD 58 GG 1/5/09	D	P	P	P	D	P	X	X	D	D				A	X																																																																																																																																																																																																															
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Tracked changes				Reason for proposed change																																								
Proposal 4																																												
<p>4.8.5 Home Occupation and Home Business</p> <p>a) Application -</p> <p>(i) <u>Unless exempt under clause 61 of the deemed provisions,</u> No person shall commence a home occupation or home business without first having applied for and received the planning approval of the local government.</p> <p>(ii) A home occupation or home business can be undertaken subject to clause 4.8.5 a)(ii) by the occupier of the land and is not transferable.</p> <p>(iii) On the sale of the property or change in ownership of the land the home occupation or home business entitlement ceases.</p>				<p>Update clause 4.8.5(i):</p> <p>To acknowledge that a wider range of home based activities are exempt from requiring Development Approval under the deemed provisions.</p>																																								
Proposal 5																																												
<table border="1"> <thead> <tr> <th colspan="2">USE CLASS</th><th colspan="3">VEHICLE PARKING PROVISIONS</th></tr> <tr> <th colspan="2"></th><th>Car Parking Bays</th><th>Delivery Bays</th><th>Bicycle Racks</th></tr> </thead> <tbody> <tr> <td rowspan="6">• Industry</td><td>- Cottage</td><td>1 : 50m² gla</td><td>Not applicable</td><td>Not applicable</td></tr> <tr> <td>- Extractive</td><td>1 : 1 employee</td><td>Not applicable</td><td>Not applicable</td></tr> <tr> <td>- General/ General (Licensed)</td><td>1 : 50m² gla</td><td>1 : Service/ Storage Area</td><td>1 : 200m² gla</td></tr> <tr> <td>- Light</td><td>1 : 50m² gla</td><td>1 : Service/ Storage Area</td><td>1 : 200m² gla</td></tr> <tr> <td>- Service</td><td>1 : 50m² gla</td><td>1 : Service/ Storage Area</td><td>1 : 200m² gla</td></tr> <tr> <td>- Marine Engineering AMD 6 GG 13/6/06</td><td>1 : 1 employee <u>Visitor Car Parking Bays: additional 1,200 parking bays required per employee</u></td><td>1 : Service/Storage Area</td><td><u>1 : 200sqm gla</u></td></tr> <tr> <td colspan="2"></td><td colspan="3"> <p><u>plus 1 : 200m² gla for Visitor Parking</u> 1:200sqm² gla</p> </td></tr> </tbody> </table>				USE CLASS		VEHICLE PARKING PROVISIONS					Car Parking Bays	Delivery Bays	Bicycle Racks	• Industry	- Cottage	1 : 50m ² gla	Not applicable	Not applicable	- Extractive	1 : 1 employee	Not applicable	Not applicable	- General/ General (Licensed)	1 : 50m ² gla	1 : Service/ Storage Area	1 : 200m ² gla	- Light	1 : 50m ² gla	1 : Service/ Storage Area	1 : 200m ² gla	- Service	1 : 50m ² gla	1 : Service/ Storage Area	1 : 200m ² gla	- Marine Engineering AMD 6 GG 13/6/06	1 : 1 employee <u>Visitor Car Parking Bays: additional 1,200 parking bays required per employee</u>	1 : Service/Storage Area	<u>1 : 200sqm gla</u>			<p><u>plus 1 : 200m² gla for Visitor Parking</u> 1:200sqm² gla</p>			<p>Update Table 4 – Industrial Use Classes – Vehicle Parking:</p> <p>Correct the wording of the Marine Engineering visitor parking requirement to relate to gross lettable area.</p> <p>Update the Marine Engineering bicycle parking square meter reference to be consistent with that used throughout the rest of the table.</p>
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Proposals 6 & 7																																												
<p>4.10.9 Water Table and Effluent Disposal</p> <p>a) The minimum vertical distance of land on which a building is to be erected above the highest known water table as determined by the <u>Water and Rivers Commission-Department of Water and Environmental Regulation</u> or the Health Department of WA shall be 1.2 metres.</p> <p>b) Every Single House and dwelling in the Rural Zone and Rural Living Zone shall be connected to an approved domestic waste effluent disposal system where –</p> <p>(i) the vertical distance between the bottom of the domestic waste effluent disposal system is greater than 1.2 metres above the highest known water table for the land, and the horizontal distance between the proposed system and a wetland or a public water supply bore is greater than 100 metres, the local government may approve the installation of a septic effluent disposal system.</p> <p>(ii) the vertical distance between the bottom of the domestic waste effluent disposal system is less than 1.2 metres <u>above the highest known water table for the land,</u> and the horizontal distance between the proposed system and a wetland or a public water supply bore is less than 100 metres, the owner of the land shall install an alternative domestic waste water treatment system, subject to the approval of the local government and the Health Department of WA.</p>				<p>Update clause 4.10.9(a):</p> <p>To reference the update the name of the State Government Agency who monitor and advise on groundwater levels.</p> <p>Update clause 4.10.9(b)(ii):</p> <p>To include missing text that advises what the bottom of the effluent disposal system needs to be vertically separated from [as per the wording of 4.10.9(b)(ii) above].</p>																																								

Tracked changes	Reason for proposed change
Proposal 8	
<p>4.13 Development Zone</p> <p>4.13.1 There shall be no change to any land use or development existing on land within the Development Zone without the owner of the land having made an application for and received the approval of the local government.</p> <p>4.13.2 As set out in clause 3.8. Existing land use and development within the Development Zone which were legally approved prior to the gazettal of the Scheme may continue to operate in accordance with the approval, licence or permit granted.</p>	<p>Update clause 4.13.2 to include reference clause 3.8 (Non-Conforming Uses):</p> <p>The reference is proposed to be inserted to ensure readers don't interpret this clause to vary the general non-conforming use clause that applies to all zones within the scheme.</p>
Proposal 9	
<p>61(24) j) the demolition of any building or structure except where the building or structure is -</p> <p>(i) located in a place that has been entered in the Register of Places under the Heritage of Western Australia Act 1990;</p> <p>(ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;</p> <p>(iii) included on the Heritage List under the Scheme;</p> <p>(iv) located within a Heritage Area designated under the Scheme;</p> <p>(v) included on the Local Government Inventory.</p> <p>k) the erection of a <u>dividing</u> fence;</p> <p>l) the erection on a single lot of two grouped dwellings (included extensions and ancillary outbuildings) where a grouped dwelling is designated with the symbol 'P' in the cross-reference to that Use Class and a Zone in the Zoning Table, and where the development is consistent with Local Planning Policy No. 1.2 (Residential Design Guidelines) and the Residential Design Codes.</p> <p>m) the erection on a lot of a single house, including extensions and ancillary outbuilding with an area:-</p> <p>(i) of 100 square metres or less and a wall height of 2.4 metres or less in the Development and Residential Zone.</p> <p>(ii) of less than 100 square metres and a wall height not exceeding 4.5 metres in the Rural Zone and Rural Living Zone;</p> <p>(iii) of 200 square metres or less with a wall height of 4.5 metres in the Resource Zone;</p> <p>(iiiiv) and the single house addition or outbuilding are located within a building envelope applying to the lot, where a single house is designated with the symbol 'P' in the cross-reference to that Use Class and the respective zones in the Zoning Table, in the case of the Rural Zone and the Rural Living Zone, and in the case of the Resource Zone, Table 1 and 2 of Statement of Planning Policy No. 2.3.</p> <p>n) the erection of a single house and two grouped dwellings including any ancillary outbuildings and swimming pools which comply with the provisions of a Local Development Plan;</p> <p>o) The parking of commercial vehicles in accordance with clause 4.10.8 a), 4.10.8 b) and clause 4.10.8 c).</p> <p>p) any of the exempted classes of advertisements listed in below</p>	<p>Update clause 61(1):</p> <p>To reference the correct deemed provision relating to exemption from local development approval.</p> <p>Update clause 61(2)(k):</p> <p>To correct the clause number and clarify that it is only 'dividing' fences that are exempt from requiring development approval under this clause of the deemed provisions.</p> <p>Delete clause 61(2)(m)(i) and renumber (ii)-(iv) thereafter:</p> <p>To recognise that a single house meeting these limitations is 111exempt from requiring Development Approval under the deemed provisions.</p> <p>Update clause 61(1)(m)(iv):</p> <p>To remove reference to tables that no longer exist in SPP2.3.</p> <p>Delete clause 61(1)(p) in its entirety:</p> <p>To remove duplication of signage, that by virtue of being listed in the City's Local Signs and Advertising Planning Policy (LPP3.7), are now exempt from requiring</p>

except in respect of a place included on the Heritage List or in a Heritage Area;

development approval under clause 61(1) Table 1, Row 10 of the deemed provisions.

Land Use and/ or Development	Exempted Sign	Maximum Size
In all zones except in the Residential Zone. AMD 6 GG 13/6/06	Advertising. Relating directly to advising the name, address, telephone number and purpose of the service provided on the property on which it is located.	4 square metres
In all zones	Property for sale or auction sign.	6 square metres
In all zones	Advisory signs. About future development or proposal.	6 square metres
In all zones	Temporary sign. Advertising a coming event within the district where it will not be erected for more than 4 weeks.	4 square metres
In all zones except the Residential Zone.	Advertising signs. Displayed on walls, windows or verandah facades which do not project above the wall or roof on which it is attached.	6 square metres

Proposal 10

Following gazettal of MRS Amendment 1110/33A a portion of Lots 201 & 202 is currently not zoned under TPS3. To achieve consistency with the current balance of those lots it is proposed to zone the land "Industry", and therefore align the existing zoning with the cadastral boundary.

Clause 3.2.1(g) of TPS3 sets out the objective for the "Industry Zone":

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

Proposal 11

Following gazettal of MRS Amendment 1166/57, Lot 800 is currently not zoned under TPS3. To achieve consistency with surrounding privately owned land (on top of the Jandakot Water Mound), it is proposed to zone the land "Resource".

Clause 3.2.1(m) of TPS3 sets out the objective for the "Resource Zone":

To provide for the protection of the Perth Metropolitan underground water resource in accordance with the requirements of Statement of Planning Policy No.6 published by the Western Australian Planning Commission on 12 June 1998.

Proposal 12

Following gazettal of MRS Amendment 1166/57 a portion of Lots 133 & 333 is currently not zoned under TPS3. To achieve consistency with the current balance of those lots it is proposed to zone the land "Mixed Business", and therefore align the existing zoning with the cadastral boundary.

Clause 3.2.1(e) of TPS3 sets out the objective for the "Mixed Business":

To provide for a wide range of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones.

5.0 CONCLUSION

The proposed amendment will address existing anomalies and bring TPS No. 3 into greater consistency with the deemed provisions and Metropolitan Region Scheme.

POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 5 May 2022 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. Modifying the Contents Page of the Scheme Text by inserting "*4.4 Special Application of Residential Design Codes*" in the appropriate location.
2. Modifying clause 3.9.2 of the Scheme Text by replacing the reference to clause "64(3)" of the Local Planning Scheme Deemed Provisions, with clause "64(4)";
3. Modifying Table 1 – Zoning Table of the Scheme Text by deleting the land use "*Home Office*";
4. Modifying clause 4.8.5(a)(i) of the Scheme Text by inserting the words "*Unless exempt under clause 61 of the deemed provisions,*" at the start of the first sentence;
5. Modifying clause 5.4.2(c)(iii) to delete "Department of Agriculture and Environmental Protection Authority" and replace with "Department of Water and Environmental Regulation and Department of Primary Industries and Regional Development".
6. Modifying Table 4 – Industrial Use Classes – Vehicle Parking of the Scheme Text, by adjusting the current visitor car parking bay requirement for Marine Engineering to state "*plus 1 : 200m² gla for Visitor Parking*", and replacing "*sqm*" with "*m²*" in the Bicycle Racks column;
7. Modifying clause 4.10.5(c)(iii), 4.10.7(a) and 4.10.12(g) to delete "Department of Agriculture" and replace with "Department of Primary Industries and Regional Development".
8. Modifying clause 4.10.9(a), 4.10.9(b)(ii) and 4.10.9(c)(ii) delete "Health Department of WA" and replace with "Department of Health".

9. Modifying clause 4.10.9(a) of the Scheme Text by replacing the references to the "*Water and Rivers Commission*" with the "*Department of Water and Environmental Regulation*";
10. Modifying clause 4.10.9(b)(ii) of the Scheme Text by inserting the words "*above the highest known water table for the land*" after the words 1.2 metres;
11. Modifying clause 4.10.12(g), Table 9 - DA 8 clause 4 and DA 9 clause 4 to delete "Department of Environmental Protection" and replace with "Department of Water and Environmental Regulation".
12. Modifying Clause 4.13.2 of the Scheme Text by adding the words "*As set out in clause 3.8,*" at the beginning of the clause;
13. Modifying clauses 4.14.1 and 4.14.2 to delete "Department of Conservation and Land Management" and replace with "Department of Biodiversity, Conservation and Attractions".
14. Modifying clause 4.16.1 to delete "Department of Environment and Water Catchment Protection" and replace with " Department of Biodiversity, Conservation and Attractions".
15. Modifying clauses 4.17.1, 4.17.3 and 4.17.5 to delete:
 - "Department of Planning and Infrastructure" and replace with "Department of Planning, Lands and Heritage"
 - "Department of Environment and Conservation" and replace with "Department of Biodiversity, Conservation and Attractions".
16. Modifying Schedule A – Supplemental Provisions to the Deemed Provisions of the Scheme Text, by:
 - Correcting the numbering of clause 61(1) to "61(2);
 - at (k) adding the word "*dividing*" before the "*fence*";
 - deleting (m)(i) in its entirety, and renumbering provisions (ii) to (iv) thereafter;
 - at (m)(iv) deleting "*, and in the case of the Resource Zone, Table 1 and 2 of Statement of Planning Policy No. 2.3*" at the end of the clause; and
 - deleting (p) in its entirety.
17. Modifying DA 8 clause 7 to delete "Department of Land Administration" and replace with "Department of Planning, Lands and Heritage
18. Rezoning portions of Lots 201 (#7) & 202 (#9) Winchester Road from "unzoned" to the "Industry" zone.
19. Rezoning Lot 800 Warton Road from "unzoned" to the "Resource" zone;

20. Rezoning portions of Lots 133 (#814) and 333 (#810) North Lake Road from "unzoned" to the "Mixed Business" zone.

21. Modifying the Scheme maps accordingly.

This Basic Amendment was adopted and is recommended for approval by resolution of the Council of the City of Cockburn at the Ordinary Council Meeting of the Council held on the 9th day of December, 2021 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:



Logan Hewitt

MAYOR

[Signature]

CHIEF EXECUTIVE OFFICER

[Signature]

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

WAPC ENDORSEMENT (r.63)

DATE *18 MAY 2022*

APPROVAL GRANTED

MINISTER FOR PLANNING

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 *21/6/2022*

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
63(3) (Amendment) of the Planning and Development
(Local Planning Scheme) Regulations 2015.