		CITY OF COCKBURI	
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GOVERNMENT OF WESTERN AUSTRALIA	Australian Planning Commission	RETENTION	Our ref: TPS/3096
		124.2.3 A5	Enquiries: Local Planning Schemes
Chief Executiv City of Cockbu PO Box 1215	ve Officer urn	PROPERTY	
BIBRA LAKE	WA 6965	Kylie Bacon.	
Transmission via	electronic mail to: stratplanning	@cockburn.wa.gov.au	
Dear Sir/Mada	am		

TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 167

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 6000. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to localplanningschemes@dplh.wagov.au.

Yours sincerely

Sam Bouche.

Ms Sam Boucher Secretary Western Australian Planning Commission

9/04/2024

Planning and Development Act 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn Local Planning Scheme No. 3 Amendment No. 167

File: TPS/3096

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 25 March 2024 for the purpose of:

- 1. Rezoning various lots within 'Development Area 34' from 'Development' to 'Residential (R30)' and 'Residential (R50)' as depicted on the Scheme Amendment Map.
- 2. Reclassifying land within 'Development Area 34' from the 'Development' zone to a local reserve for 'Parks and Recreation' and 'Local Road' as depicted on the Scheme Amendment Map.
- 3. Modifying 'Table 9 Development Areas' of the Scheme Text, by deleting Provision 2(iii) as it relates to DA34 and renumbering the remaining provisions accordingly.
- 4. Reducing the extent of the 'Development Area 34' (DA34) special control area boundary as depicted on the Scheme Amendment Map.

L HOWLETT MAYOR

D ARNDT A/CHIEF EXECUTIVE OFFICER



Town Planning Scheme No.3 Amendment No.167 (Basic)

Rationalisation of various Structure Plans Development Area 34 (Coolbellup School Sites)

FEBRUARY 2024

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

City of Cockburn Town Planning Scheme No.3 Amendment No.167

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 various lots within 'Development Area 34' from 'Development' to 'Residential (R30)' and 'Residential (R50)' as depicted on the Scheme Amendment Map.
- 2. Reclassifying land within 'Development Area 34' from the 'Development' zone to a local reserve for 'Parks and Recreation' and 'Local Road' as depicted on the Scheme Amendment Map.
- 3. Modifying 'Table 9 Development Areas' of the Scheme Text, by deleting Provisions 2(iii) and 4 as they relate to DA34 and renumbering the remaining provisions accordingly.
- 4. Reducing the extent of the 'Development Area 34' (DA34) special control area boundary as depicted on the Scheme Amendment Map.

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

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

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

Structure Plan #	Address	Endorsement Date	WAPC Reference
34A	Lot 2719 Hilory Street, Coolbellup	01/08/2012	N/A
34C Lot 2168 Montague Way, Coolbellup		02/10/2013	SP13/19

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

Dated this 12th day of October 2023.

EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

Structure Plans No.34 A and C have been fully implemented.

The purpose of this basic scheme amendment is to transfer the zones and reserves shown for these structure plan areas into Town Planning Scheme No.3 (TPS3), to ensure the City maintains appropriate development control once the structure plans expire on 19 October 2025.

This process is referred to as rationalisation of a structure plan.

2.0 BACKGROUND

Development Area 34 (DA34) was the result of Scheme Amendment No.55 (SA55) to TPS3 which was gazetted on 23 September 2011.

Consistent with the recommendations of the 2004 Coolbellup Enquiry by Design Workshop Outcomes Report, SA55 transferred three former Primary School reserves to the 'Development' zone.

Structure Plan #	Address	Endorsement Date	Type of Amendment Required	
34A Lot 2719 Hilory Street, Coolbellup (Coolbellup School Site)		01/08/2012	Basic	
34B	Lot 2718 Benedick Road, Coolbellup (Korilla School Site)	30/09/2011	Standard	
34C Lot 2168 Montague Way, Coolbellup (North Lake School Site)		02/10/2013	Basic	

DA34 currently includes three endorsed structure plans as per the table below:

As a large portion of Structure Plan 34B (Koorilla School Site) is yet to developed, it has been excluded and does not form the subject of this proposal.

The extent of DA34 (comprising the three sites DA34 A, B & C), this scheme amendment proposal (thick black dotted line comprising DA34 A & C), and the relevant Structure Plans are depicted on **Figures 1** and **2**.

Each of the relevant structure plans contain Local Development Plans (LDP's), that address matters such as setbacks, parking, vehicle access, fencing and landscaping to ensure the future character of development was responsive to the existing streetscape and reflected the planned character of the area.

This amendment has no effect on the operation of those instruments which will remain in effect until expire on (or after) 19 October 2025.



Figure 1 - DA34, Amendment Extent and Current Endorsed Structure Plans



Figure 2 - Aerial Photograph showing extent of completed Subdivision & Development

3.0 AMENDMENT TYPE

Part 5, Division 1, Regulation 34 of the *Planning and Development (Local Planning Schemes)* Regulations 2015, identifies different amendment types: basic, standard and complex.

Regulation 35(2) requires the local government to specify in their resolutions to prepare or adopt an amendment what type of amendment it is, as well as the explanation for forming that opinion.

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

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

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

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

4.0 TOWN PLANNING CONTEXT

4.1 State Planning Framework

The structure plan areas for 34A and C are both identified in the South Metropolitan Peel Sub-Regional Planning Framework and zoned 'Urban' under the Metropolitan Region Scheme.

4.2 City of Cockburn Town Planning Scheme No. 3

Under TPS3, the area is zoned 'Development' and identified on the Scheme Map and in Table 9 of the Scheme Text as 'Development Area 34' (DA34).

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.

5.0 PROPOSAL

Subdivision and development of substantive portions of DA34 are now complete, meaning that most structure plans (34A and 34C) in this area have served their purpose and are no longer required.

This amendment therefore seeks to remove these areas from DA34 and transfer the structure plans identified zonings and reservations for the land into the Scheme, ahead of the structure plans expiring on 19 October 2025.

Development Area 34:

As there remain portions of DA34 yet to be developed (in particular, Aged Care development of Lot 510 (90) Coolbellup Avenue), complete deletion of DA34 and its special provisions are not proposed at this time, rather just a reduction to the extent of the DA34 special control area boundary and removal of two redundant provisions to reflect the outcomes of this proposal and earlier subdivision approvals.

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

TABLE 9 – DEVELOPMENT AREAS			
REF NO.	AREA	PROVISIONS	
DA34	COOLBELLUP SCHOOL SITES Reserve 38242; Lot 2719 Hilory Street, Coolbellup	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.	

Reserve 38243; Lot 2718 Benedick Road,	 Structure plans will be required to fulfil the following design objectives to the satisfaction of Council –
Coolbellup Part of Lot 255	 Provide for a range of densities, dwelling types and lot sizes.
 pedestrian access way connecting Rosalind Way and Benedick Road, Coolbellup	ii. Provide for medium to higher density development on the former Koorilla Primary School site, taking advantage of its location adjoining the Coolbellup Town Centre.
	ili. Provide for medium density development on the former Coolbellup and North Lake Primary School sites.
	Ensure the layout and urban form of structure plans responds appropriately to the surrounding neighbourhood environment. Structure plans must specifically be seen to facilitate a 'natural' extension to the surrounding neighbourhood environment, through providing for appropriate integration with the neighbourhood layout and pattern of residential development.
	v.iv. Ensure the layout and urban form of structure plans responds appropriately to existing and planned areas of public open space.
	vi.v. Ensure that the layout and urban form of structure plans provides for the practical retention of significant trees/vegetation. This shall include the appropriate allocation of public open space areas, as well as opportunities to retain significant trees/vegetation within road reserves.
	<u>vii.vi.</u> Ensure environmentally sustainable design approaches are achieved in terms of solar orientation of lots.
	viii.vii. Ensure general consistency with the findings of the Coolbellup Enquiry By Design Workshop Outcomes Report.
	 The local government may approve Local Development Plan(s) for any part of the Development Area as defined on the approved Structure Plan, pursuant to clause 52 of the Deemed Provisions.
	 A total of 3.79 hectares shall be provided across the three former school sites for the purposes of public open space and/or community purposes.

Provision 2(iii):

Given both the former Coolbellup and North Lake Primary School sites have either been completely developed and/or subdivided for medium density housing, provision 2(iii) is no longer necessary and can be deleted.

Provision 4:

Subdivision of the combined three former school sites has resulted in 2.20ha of public open space being created, plus the creation of a 2.07ha Community Purpose (Aged Care) reserved site (Lot 510 / #90 Coolbellup Avenue).

This equates to 4.27ha of land being set aside for public open space or community purposes, above the 3.79ha requirement (even after allowing some consideration for the integration of non-creditable drainage, including the former drainage sump located at the intersection of Montague Way and Capulet Street).

Whilst Lot 510 (#90) Coolbellup Avenue is a freehold lot yet to be developed, its land use reservation under TPS3 ensures that it cannot be sold or developed for a non-community purpose, without Ministerial approval of a further Scheme Amendment.

Provision 4 is therefore no longer necessary and can also be deleted.

Local Structure Plans (LSP):

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

Lot 2719 Hilory, Street Coolbellup (34A) – Coolbellup School Site

Bounded by Ebert Street to the north, Hargreaves Road to the east and Hilory Street to the south and west, Structure Plan 34A identifies an integrated local road and POS network (arranged in a manner that prioritised the retention of large existing trees) serving a mixture of medium density housing (R30-50).



Figure 3 – Endorsed Structure Plan



Figure 4 – Aerial Photo of Current Situation

All this land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan Map, shown in **Appendix A**.

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

Lot 2168 Montague Way, Coolbellup (34C) – North Lake School Site

Bounded by Montague Way to the north and west, Juliet Road to the east and Capulet Street to the south, Structure Plan 34C also identifies an integrated local road and POS network (arranged in a manner that prioritised the retention of large existing trees) serving a mixture of medium density housing (R30-50).



Figure 5 – Endorsed Structure Plan



Figure 6 – Aerial Photo of Current Situation

All this land is proposed to be rezoned and/or reclassified from the 'Development' zone to the correlating zones and/or reserves identified on the Structure Plan Map, shown in **Appendix B**.

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

6.0 CONCLUSION

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

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

Recognising these zones and reserves within the Scheme 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 February 2024 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. In accordance with 83A (2) (b) and 87 (2) (b) of the Planning and Development Act 2005 require the amendment to be modified to remove reference to Provision 4 in Point 3 of the amendment resolution.

Planning and Development Act 2005

City of Cockburn Town Planning Scheme No.3 Amendment No.167

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



Current Scheme Map



Scheme Amendment Map



Map 1 of 3

Amendment No.167

Town Planning Scheme No.3



Current Scheme Map



Scheme Amendment Map





Amendment No.167 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 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:

Agan Howerth

MAYOR

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

(Seal)

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

DATE 15/03/2024

APPROVAL GRANTED

It is hereby certified that this is a true copy of the Scheme/Amendment, final approval to which was endorsed by the Minister for Planning on $\delta/4/2024$

Certified by

Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015. MINISTER FOR PLANNING

DATE



Current Scheme Map



Sep 2023

Scale

50m

Amendment No.167 Town Planning Scheme No.3



PROPOSED MODIFIED STRUCTURE PLAN Coolbellup School Site





Indicative R50 housing product

RPS Environment and Planning Pty Lt ACN 108 680 977 ABN 45 108 680 977 PO Box 465 Sublaco WA 6904

38 Station Street Sublace WA 6008

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Residential R30 Residential R50

Total

Approx. 2.01ha (Estimated 67 Lots)

Approx. 0.79ha (2 Lots = Estimated 43 dwellings)

80m

Approx. 2.6ha (Estimated 69 Lots = Estimated 110 dwellings)

60

provide passive surveillance of public areas and to minimise the number of vehicle access points. Rear fences will not be an acceptable interface to the public areas and adjacent streets.

A detailed tree survey to be undertaken at the subdivision design stage, so that the final subdivision design can be adjusted to achieve the practical retention of vegetation.

All building types shown are for illustrative purposes only.

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