



WAPC

Western
Australian
Planning
Commission

OFFICIAL

Our ref: TPS/3233
Enquiries: Local Planning Schemes
Email: localplanningschemes@dph.wa.gov.au

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

CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 182

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 are returned for your records.

Please direct any queries about this matter to localplanningschemes@dph.wa.gov.au

Yours sincerely

Sam Boucher

Ms Sam Boucher
Secretary
Western Australian Planning Commission

9/04/2026

CITY OF COCKBURN
DOC No
15 APR 2026
SUBJECT 104/013 109/182
RETENTION 124.2.1. AS
PROPERTY
APP TPS/3233
ACTION CLAIRE ALTIERI

Planning and Development Act 2005

APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Cockburn
Town Planning Scheme No. 3 Amendment No. 182

File: TPS/3233

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 abovementioned amendment to the City of Cockburn Town Planning Scheme No. 3 on 8 April 2026 for the purpose of:

1. Deleting Clause 4.18 of the Scheme Text.

L HOWLETT
MAYOR

D SIMMS
CHIEF EXECUTIVE OFFICER



Town Planning Scheme No.3

Amendment No.182 (Standard)

*Deletion of Clause 4.18
To allow for broader tree protection through a Local Planning Policy*

NOVEMBER 2024

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

City of Cockburn
Town Planning Scheme No.3
Amendment No.182

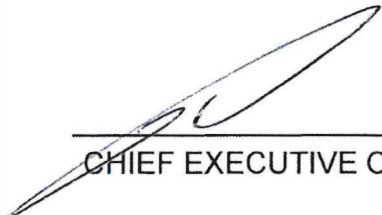
RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of Cockburn Town Planning Scheme No.3 by:

1. Deleting Clause 4.18 of the Scheme Text.

The Amendment is 'standard' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* on the basis that it is an amendment that:

- *does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and*
- *would not constitute a complex or basic amendment as defined in Part 5 Division 1 Regulation 34.*

Dated this 12th day of November 2024



CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

The purpose of this amendment is to ensure there is no conflict between the provisions of the City of Cockburn Town Planning Scheme No.3 (TPS3) and a proposed Local Planning Policy to introduce broader tree protection measures.

2.0 BACKGROUND

The City's current framework for protecting Significant Trees originated from the identification of trees with cultural heritage significance when the City's first Local Heritage Survey, the Municipal Heritage Inventory, was prepared in 1998. Trees in this Inventory were not given statutory protection at that time.

Trees were identified for inclusion on the Heritage List, however the local planning scheme provisions and Heritage Act at this time only referred to the protection of buildings and structures meaning trees were not able to be protected under this provision.

Amendment No.86

Amendment No.86 to the Scheme introduced protection for Significant Trees via the requirement for Development Approval prior to their removal or major pruning currently included at Clause 4.18 of the TPS3 (gazetted 14 September 2012). Alongside Amendment No.86, the City's 'Significant Tree' list criteria were adopted in 2012 based on National Trust criteria for significant trees and Office of Heritage criteria for heritage places.

The purpose of the City's 'Significant Tree' list is to protect trees with cultural heritage value or trees that make an exceptional contribution to amenity by meeting specific Council adopted criteria.

Amendment No.158

At the 13 July 2023 meeting, Council adopted Scheme Amendment No.158 to update the City's Significant Tree list provisions and introduce Tree Protection Orders (TPOs) as a more robust mechanism. This was in response to a review of the provisions and legal advice received.

The Minister for Planning did not support the proposed TPO provisions and required the retention of existing clause 4.18, with inclusion of additional requirements, including for landowner consent to be required for nominations for the 'Significant Tree' list.

Amendment No.158 inserted clause 13B into Schedule A – Supplemental provisions, setting out the process for including trees on the 'Significant Tree' list.

Proposed Local Planning Policy – Tree Protection

The City is now proposing to introduce a LPP to protect trees more broadly. Clause 4.18 would conflict with the operation of such a LPP.

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 'standard' amendment, in which Regulation 34 describes as any of the following amendments to a local planning scheme:

- (a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- (ca) *an amendment to the scheme to –*
 - (i) *include a provision in the scheme that a specified planning code is to be read as part of the scheme; or*
 - (ii) *provide for the modification of a planning code that is to be read as part of the scheme;*
- (d) *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 does not currently include zones of all the types that are outlined in the plan;*
- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) *any other amendment that is not a complex or basic amendment.*

This proposed amendment satisfies parts (f) and (g) of the above criteria.

4.0 TOWN PLANNING CONTEXT

4.1 State Planning Framework

This amendment does not propose any changes to TPS3 which would contravene or be inconsistent with the State Planning Framework or Metropolitan Region Scheme (MRS).

4.2 City of Cockburn Local Planning and Environmental Framework

The City's draft Local Planning Strategy encourages the continued protection of trees with cultural heritage value via retention of the Significant Tree List.

The proposed Scheme Amendment will facilitate protection of trees more broadly whilst still protecting trees on the 'Significant Tree' list.

The proposal will work favourably in combination with the general amenity, sustainability and environmental objectives of the following City adopted documents:

- *Strategic Community Plan (2020 – 2030)*
- *Climate Change Strategy (2020 – 2030)*
- *Urban Forest Plan (2018 – 2028)*

5.0 PROPOSAL

It is proposed that clause 4.18 of TPS3 be deleted to allow the implementation of a LPP introducing broader tree protection mechanisms for private land.

This is required because if the local planning scheme specifies circumstances where Development Approval is required to remove or prune trees (such as specified by clause 4.18 for 'Significant Trees'), a LPP cannot then specify other circumstances where trees may be subject to the requirement for Development Approval.

Proposed Local Planning Policy – Tree Protection

The City of Cockburn is seeking to introduce a LPP to protect 'regulated trees' on private property.

The removal of a tree is 'works' that may require Development Approval if the planning framework clarifies the circumstances in which approval is required to remove a tree.

Clause 61(1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Regulations') provides that:

"works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval"

are exempt from requiring development approval. In this respect, a LPP could also specify instances where Development Approval is not required for tree removal.

A LPP can therefore identify the circumstances in which the removal of a tree is exempt development, having the effect of requiring Development Approval if the works are not exempt.

A LPP is considered the best available mechanism to trigger Development Approval for removal of certain trees on private land, given the Department for Planning Lands and Heritage have advised a Scheme Amendment to introduce the requirement for development approval to remove trees that meet certain criteria would not be supported by the Western Australian Planning Commission and Minister for Planning.

The draft LPP is therefore proposed to include the protection of 'Significant Trees'.

Amendment No.182 to delete clause 4.18 is proposed to be initiated and advertised with the draft LPP.

Amendment No.182 should not be gazetted prior to an LPP for tree protection being given final approval to ensure the City's 'Significant Trees' are still afforded protection within the planning framework.

6.0 CONCLUSION

The proposed amendment will ensure there is no conflict between TPS3 and the proposed LPP for broader tree protection measures, whilst still providing a statutory framework for including and deleting trees from the 'Significant Tree' list.

Planning and Development Act 2005

***City of Cockburn
Town Planning Scheme No.3
Amendment No.182***

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of Cockburn Town Planning Scheme No. 3 by:

1. Deleting Clause 4.18 of the Scheme Text.

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the Meeting of the Council held on 12th day of Nov 2024



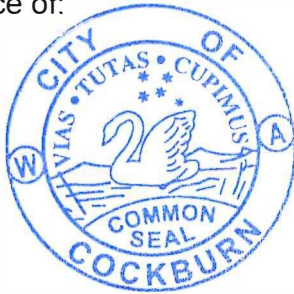
MAYOR



CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the City of Cockburn at the Meeting of the Council held on the 9th day of December 2025 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)

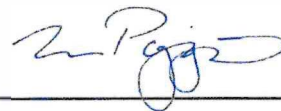


MAYOR



A/CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval



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

DATE 16/03/ 2026

Final Approval Granted

It is hereby certified that this is a true copy of the ~~Scheme~~/Amendment, final approval to which was endorsed by the Minister for Planning on 8/4/ 2026

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 _____