



CITY OF COCKBURN	
DOC Set	9549939
14 SEP 2020	
SUBJECT	Team 109/146
RETENTION	124.2.3 AS
6030954	PROBETV
6030952	APP
ACTION	LUCIA JUNSTAN

Your ref: 109/146
 Our ref: TPS/2550
 Enquiries: Schemes Team

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

LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 146

I refer to your letter dated 24 July 2020 regarding Amendment No. 146.

The WAPC 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 WAPC will cause the approved amendment to be published in the Government Gazette.

The WAPC has forwarded notice to the State Law Publisher (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 State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to schemes@dplh.wa.gov.au.

Yours sincerely

Ms Sam Fagan
 Secretary
 Western Australian Planning Commission

8/09/2020



PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 146

Ref: TPS/2550

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 7 September 2020 for the purpose of:

1. Zoning a portion of Lot 705 (No. 255) and Lot 707 Armadale Road, Treeby 'Development' on the Scheme Map inclusive of 'Development Area 43' (DA43).
2. Amending 'Table 9: Development Areas' to include DA 43 as follows:

REF. NO	AREA	PROVISIONS
DA 43	Lots 705 and 707 Armadale Road, Treeby	<ol style="list-style-type: none">1. An approved Structure Plan together with all the approved amendments shall be give due regard in the assessment of applications for subdivision, land use and development in accordance with Clause 27(1) of the Deemed Provisions.2. The Structure Plan is to provide for an appropriate mix of residential and compatible land uses.

L HOWLETT
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER



TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 146

21 October 2019

**PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION TO AMEND A TOWN PLANNING SCHEME**

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 146**

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 for the following purposes:


1. Zoning a portion of Lot 705 (No. 255) and Lot 707 Armadale Road, Treeby 'Development' on the Scheme Map inclusive of 'Development Area 42' ('DA 42').
2. Amending 'Table 9: Development Areas' to include DA 42 as follows;

REF. NO	AREA	PROVISIONS
DA 42	Lots 705 and 707 Armadale Road, Treeby	<ol style="list-style-type: none">1. An approved Structure Plan together with all the approved amendments shall be given due regard in the assessment of applications for subdivision, land use and development in accordance with Clause 27(1) of the Deemed Provisions.2. The Structure Plan is to provide for an appropriate mix of residential and compatible land uses.3. The Structure Plan is to be provided to the Office of Environmental Protection Agency (OEPA) for consultation and comment as part of the advertising period.

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

- a. *"any other amendment that is not a complex or basic amendment"*.

Dated this 14 day of March 2019


CHIEF EXECUTIVE OFFICER

REPORT

1. LOCAL AUTHORITY City of Cockburn

2. DESCRIPTION OF TOWN PLANNING SCHEME: Town Planning Scheme No. 3

3. SERIAL NO. OF AMENDMENT: Amendment No. 146

4. PROPOSAL: Rezone a portion of Lot 705 and Lot 707 Armadale Road, Treeby from 'Resource' to 'Development' and establish the corresponding 'Development Area No. 42' within Town Planning Scheme No. 3.

AMENDMENT REPORT

1.0 Introduction

The purpose of this Amendment is to:

1. Rezone a portion of Lot 705 and Lot 707 Armadale Road, Treeby ('the Amendment area') from 'Resource' to 'Development' on the Scheme Map.
2. Amend the Scheme Map to contain Lots 705 and Lot 707 Armadale Road, Treeby within Development Area No. 42, and reference this on the Scheme Map as 'DA 42'.
3. Amend 'Table 9: Development Areas' to include DA 42.

2.0 Background:

The amendment area is located in the City of Cockburn, approximately 3km east of the Cockburn secondary centre and 20km south of the Perth Central Business District. It covers approximately 50 hectares, the majority of which is former sand quarry. Bush Forever Area 390 covers approximately 12 hectares of the western and northern parts of Lot 705. Most of this is excluded from the Amendment area.

The Amendment area is located on the northern side of Armadale Road. It abuts vacant land zoned 'Urban' under the Metropolitan Region Scheme ('MRS'), 'Development' under TPS3 to the west, and Bush Forever areas reserved for 'Parks and Recreation' to the northwest and east.

To the north is the Skotsch Road rural-residential area and vacant land identified for urban purposes in the 'Treeby District Structure Plan' ('the Treeby DSP'). The majority of the Amendment area was identified for 'Urban Investigation' for the period 2015-2031 in the South Metropolitan Peel Sub-regional Planning Framework, and it forms part of the area covered by the Treeby DSP. In April 2019, the Amendment area was rezoned from 'Rural-Water Protection' to 'Urban' in the MRS (MRS Amendment 1346/57).

3.0 Amendment Type

As per Part 5 of the Regulations, there 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 standard amendment, which Regulation 34 describes as:

standard amendment means 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;*
- 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 (g) of the above criteria. In particular, it is:

'any other amendment that is not a complex or basic amendment'.

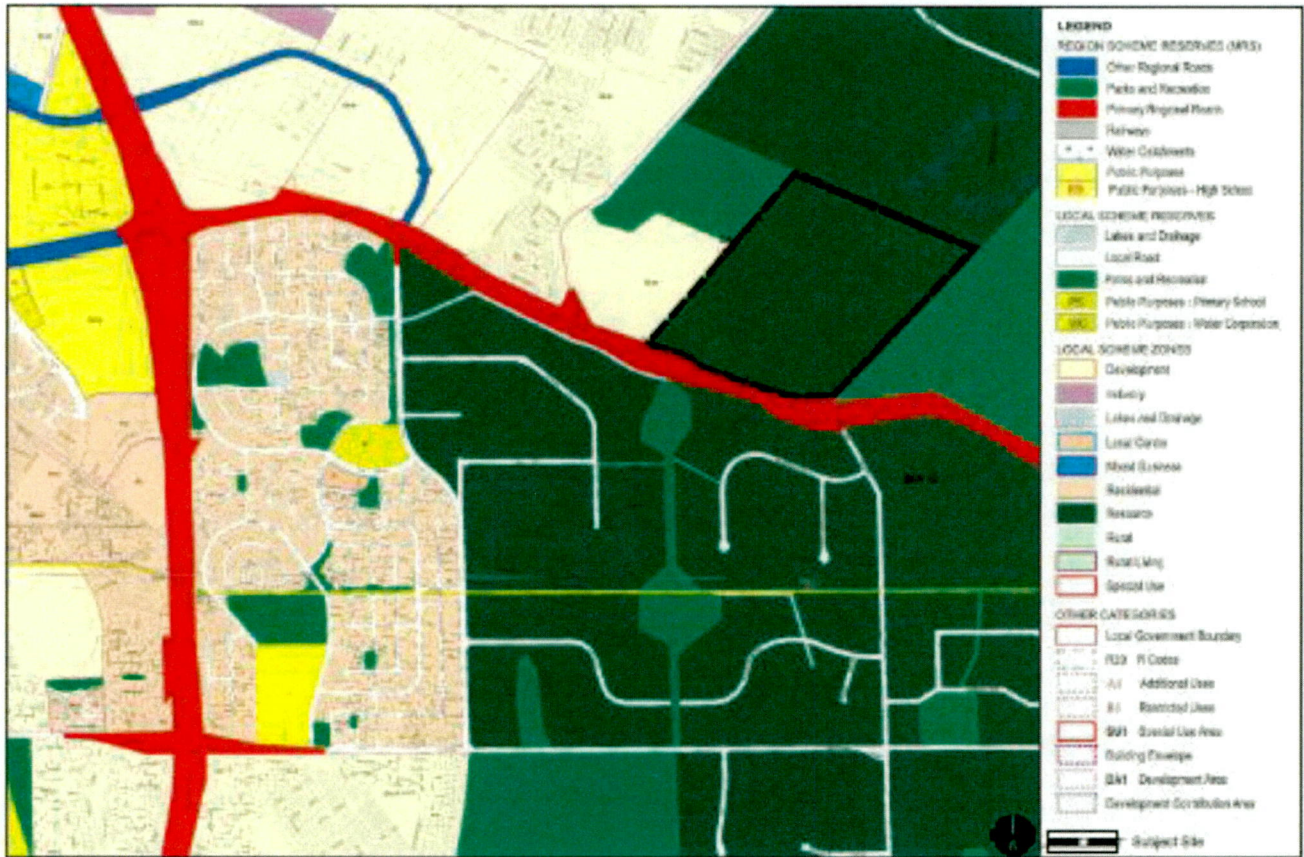
4.0 Town Planning Context:

4.1 City of Cockburn Town Planning Scheme No. 3

The Amendment area is currently zoned 'Resource' under the City of Cockburn Town Planning Scheme No. 3 ('TPS 3', refer Figure 4: TPS 3 Plan), which reflects the land's previous MRS zoning ('Rural-Water Protection'). Scheme Amendment 146 proposes that part of the site now zoned 'Urban' in the MRS be zoned 'Development' under TPS 3, facilitating urban development in accordance with the Treeby DSP and a future Local Structure Plan.

A Local Structure Plan is currently being prepared by Perron Developments and is expected to be lodged with the City in late 2019 ('the LSP').

Figure 1: Town Planning Scheme 3



4.2 Metropolitan Region Scheme

The Amendment area is zoned 'Urban' in the MRS. Land in the west and the north-east is within Bush Forever Area 390, which extends over neighbouring landholdings (refer Figure 2: MRS Plan).

The Amendment area was rezoned from 'Rural-Water Protection' to 'Urban' in the MRS (MRS Amendment 1346/57) in April 2019. The parts of Lots 705 and 707 that are within Bush Forever Area 390 were left in the 'Rural-Water Protection' zone pending acquisition by the Crown and reservation for 'Parks and Recreation'.

Figure 2: Metropolitan Region Scheme

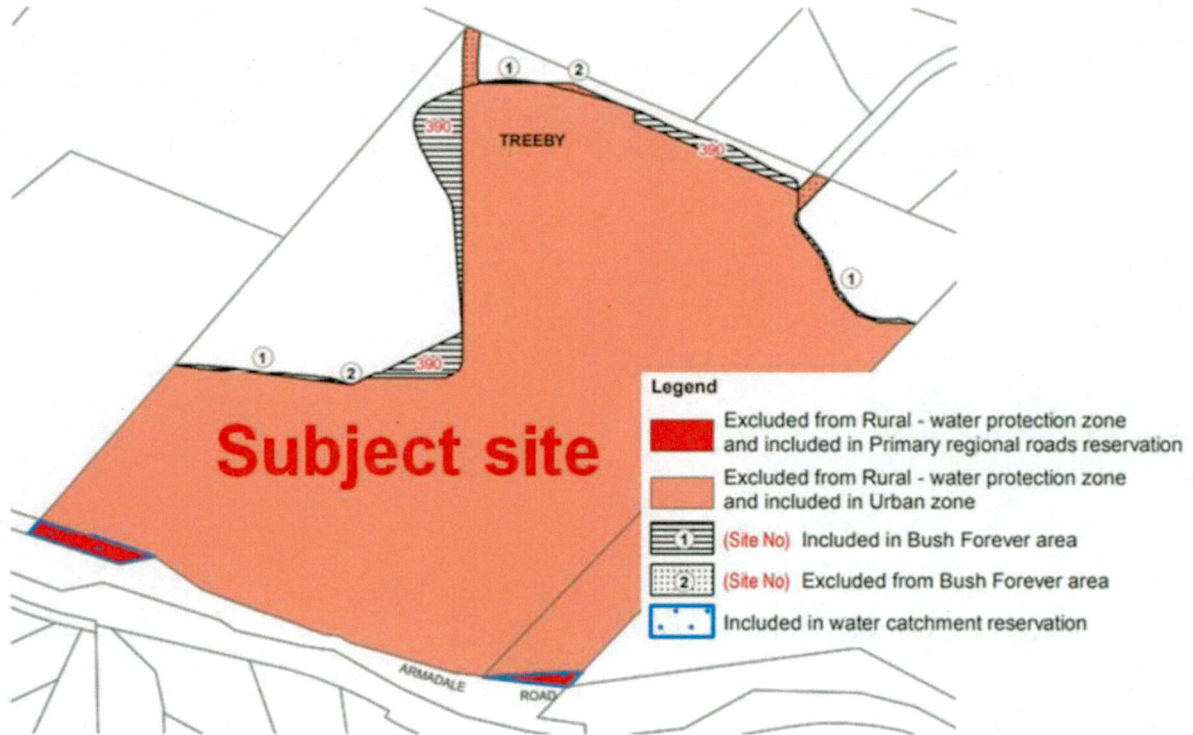


MRS Amendment 1346/57 was assessed by the Environmental Protection Authority ("EPA"). The EPA determined that the proposal did not meet the threshold for formal environmental assessment, and that environmental considerations could be adequately addressed through subsequent planning stages including under this scheme amendment proposal.

The advertising period for MRS Amendment 1346/57 concluded in December 2018. The MRS Amendment Report included the following technical reports and advice which were generally supported by the City:

- Decision notice under the Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- Environmental Assessment Report (360 Environmental);
- Hydrogeological Report (JDA Consulting Hydrologists);
- District Water Management Strategy (JDA Consulting Hydrologists);
- Bushfire Management Plan (Bushfire Safety Consulting);
- Transport Impact Assessment (Transcore); and
- Engineering Infrastructure Report (Wood & Grieve Engineers).

MRS Amendment Map 1346/57



5.0 Proposal

The amendment area is currently zoned 'Resource' under the City of Cockburn Town Planning Scheme No. 3, which reflects the land's current MRS zoning ('Rural-Water Protection'). Scheme Amendment 146 proposes that the part of the site being rezoned to 'Urban', through MRS Amendment 1346/57, be zoned to 'Development'. Further, a 'Development Area' is proposed over the site, facilitating urban development in accordance with the Sub-regional framework, the Treeby DSP and a future structure plan.

Section 126 of the Planning and Development Act 2005, cannot be applied to amend the City's local planning schemes concurrently with an MRS amendment proposing an 'Urban' zone. This is on the basis that Section 126(3)(b) refers to "changing zoning". In this instance the "development area" is a "special control area" (and not a "zone"). The 'Development' zone in TPS 3 is suitable for the amendment area, subject to the acceptance of the technical appendices.

The 'Development' zone in TPS 3 necessitates the preparation and approval of a (future) structure plan to guide subdivision and development. It is understood a structure plan is currently being prepared by Perron Developments and it will be formally submitted to the City in early 2019. This future structure plan will generally be consistent with the above TDSP map.

6.0 Conclusion

The subject scheme amendment brings into conformity the MRS zone that was applied to the site in April 2019. The standard amendment is considered to provide sufficient provisions within the TPS3 to guide structure planning of the area and achieve the urban objectives as identified within MRS 1346/57.

POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 6 July 2020 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. Renumbering of Development Area from 42 to 43 to accurately reflect the next available Development Area within Table 9.
2. Removal of Development Area provision 3, requiring that the structure plan is to be provided to the Office of the Environmental Protection Agency (OEPA) for consultation and comment as part of the advertising period.

PLANNING AND DEVELOPMENT ACT, 2005

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 146**

The City of Cockburn under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amend the above Town Planning Scheme for the following purposes:

1. Zoning a portion of Lot 705 (No. 255) and Lot 707 Armadale Road, Treeby 'Development' on the Scheme Map inclusive of 'Development Area 43' (DA43)
2. Amending 'Table 9: Development Areas' to include DA 43 as follows:

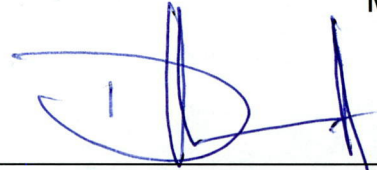
REF. NO	AREA	PROVISIONS
DA 43	Lots 705 and 707 Armadale Road, Treeby	<ol style="list-style-type: none">1. An approved Structure Plan together with all the approved amendments shall be give due regard in the assessment of applications for subdivision, land use and development in accordance with Clause 27(1) of the Deemed Provisions.2. The Structure Plan is to provide for an appropriate mix of residential and compatible land uses.

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 14 day of March 2019.



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 12 day of March 2020, 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



CHIEF EXECUTIVE OFFICER

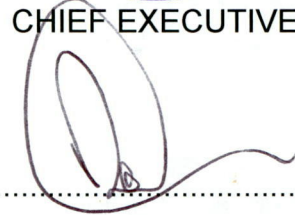
Recommended/Submitted for Final Approval

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 7/9/2020

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.

Final Approval Granted



DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

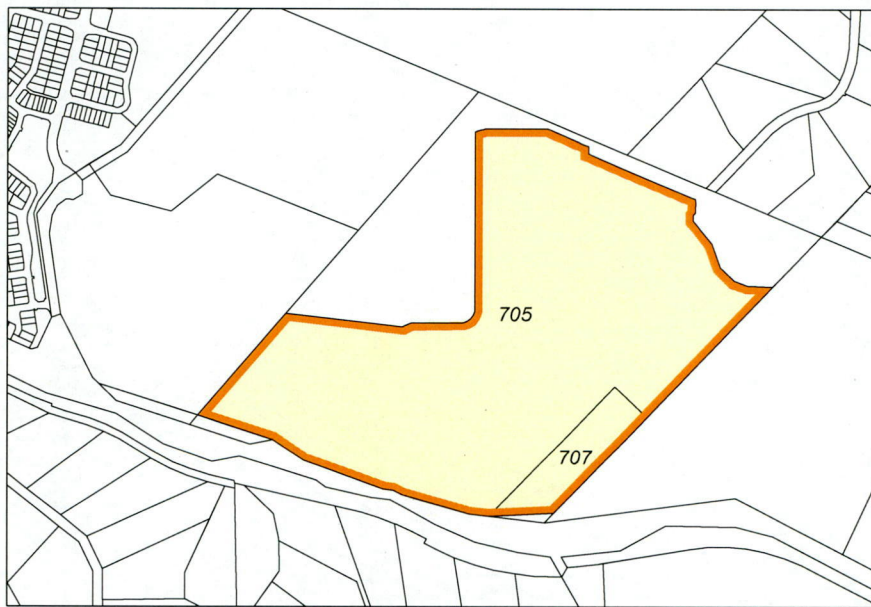
DATE 29 July 2020

MINISTER FOR PLANNING

DATE.....





CURRENT SCHEME MAP





SCHEME AMENDMENT MAP

LEGEND

REGION SCHEME RESERVES (MRS)

-  Parks and Recreation
-  Primary Regional Roads
-  Water Catchments



LOCAL SCHEME RESERVES

-  Local Road
-  Lakes and Drainage

LOCAL SCHEME ZONES

-  Development
-  Resource

OTHER CATEGORIES

-  Building Envelope
-  DA1 Development Area

Source: WAPC