



Western Australian Planning Commission

CITY OF COCKBURN	
23 NOV 2018	
SUBJECT	Your ref: REF: 109/131
109/131	Our ref: TPS/2371
RETENTION	Enquiries: Schemes Team
124.2.3 AS	
PROPERTY	
APP	
ACTION	
RACHEL PLEASANT	

Chief Executive Officer  
City of Cockburn  
PO Box 1215  
Bibra lake WA 6965

Transmission via electronic mail to: [recordsrequests@cockburn.wa.gov.au](mailto:recordsrequests@cockburn.wa.gov.au)

Dear Sir

**TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 131**

I refer to your letter dated 19 September 2018 regarding Amendment No. 131.

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@planning.wa.gov.au](mailto:schemes@planning.wa.gov.au) or 6551 9436.

Yours sincerely

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

19/11/2018



**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

City of Cockburn

LOCAL PLANNING SCHEME No. 3- AMENDMENT No. 131

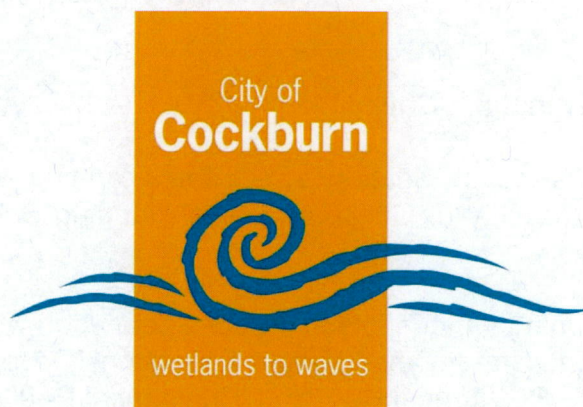
Ref: TPS/2371

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 2 November 2018 for the purpose of:

1. Rezoning various lots in part of Spearwood within 'Development Area 12' - Troode Street Development Zone' from 'Development' zone to 'Residential R20', 'Residential R30' and 'Residential R40' as depicted on the Scheme Amendment Map.
2. Reserving various areas of land as 'Public Purposes: Parks and Recreation' and 'Public Purposes: Local Road' as depicted on the Scheme Amendment Map.
3. Deleting 'Development Area 12 - Troode Street Development Zone' from the Scheme map and Table 9 of the Scheme.

L HOWLETT  
MAYOR

S CAIN  
CHIEF EXECUTIVE OFFICER



## **TOWN PLANNING SCHEME NO. 3**

### **AMENDMENT NO. 131**

**7 September 2018**

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

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 131**

RESOLVED that the Council

(1) 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. Rezoning various lots in part of Spearwood within 'Development Area 12' – Troode Street Development Zone' from 'Development' zone to 'Residential R20', 'Residential R30' and 'Residential R40' as depicted on the Scheme Amendment Map.
2. Reserving various areas of land as 'Public Purposes: Parks and Recreation' and 'Public Purposes: Local Road' as depicted on the Scheme Amendment Map.
3. Deleting 'Development Area 12 – Troode Street Development Zone' from the Scheme map and Table 9 of the Scheme.

Dated this 10 day of May 2018

  
\_\_\_\_\_  
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. 131
  
4. PROPOSAL:    Rezoning various lots within the Troode Street Structure Plan from 'Development' zone and 'Development Area 12' to 'Residential R20', 'Residential R30' and 'Residential R40' as depicted on the Scheme Amendment Map and reserving various areas of land as 'Public Purposes: Parks and Recreation' and 'Public Purposes: Local Road'.

# **AMENDMENT REPORT**

## **1.0 Introduction**

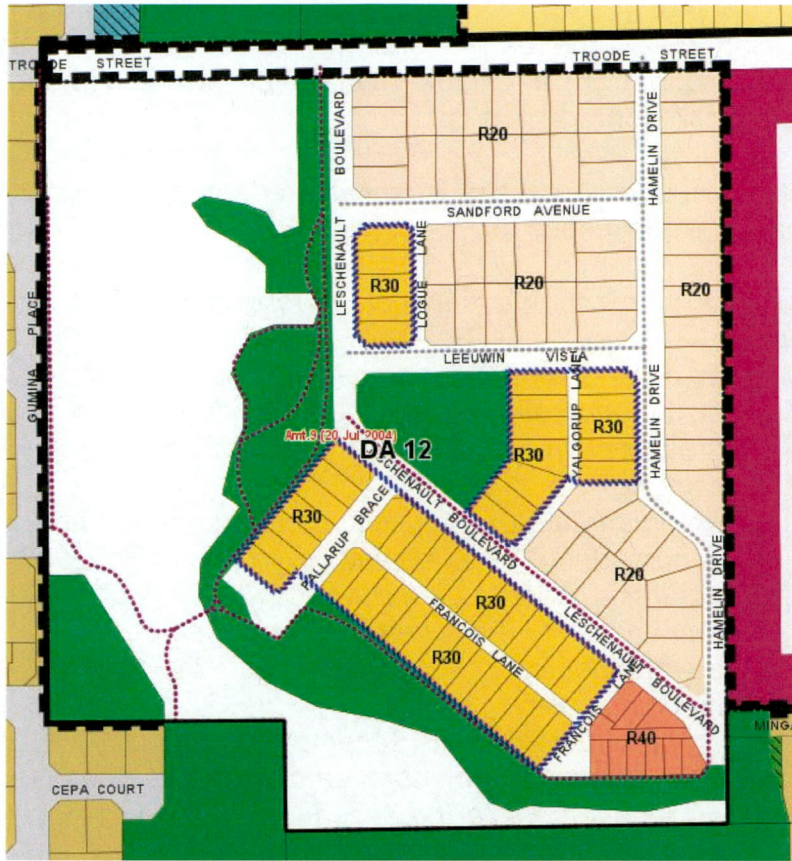
The purpose of this Amendment is to rationalise the Troode Street Structure Plan within 'Development Area 12' as a result of the Structure Plan into the City of Cockburn Town Planning Scheme No. 3. This recognises development is now fully implemented and developed and as a result this Amendment will remove an additional layer of planning added by the Structure Plans that is no longer required.

## **2.0 Background:**

The Cable Water Ski Park – Troode Street Structure Plan was adopted by Council on 16 March 2004 and endorsed by the WAPC on 29 July 2004. A copy of the Structure Plan is included at Appendix A. The purpose of the Structure Plan is to guide the subdivision and development of the area.

The area covered by the Structure Plan has now been fully developed and there is no further need for Structure Plan.

**'Development Area 12' – Adopted Structure Plan and Aerial Photograph showing area fully subdivided and developed in accordance with the Structure Plan.**



### 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 (g) the above criteria:

- 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.*



## **4.0 Town Planning Context:**

### **4.1 City of Cockburn Town Planning Scheme No. 3**

The subject area is zoned 'Development' and located in 'Development Area 12' ("DA 12") pursuant to the City of Cockburn Town Planning Scheme No. 3 (Shown in Appendix B).

The purpose of the 'Development' zone is to require a Structure Plan to guide subdivision and development.

The 'DA 12' provisions set out the requirement for a Structure Plan to be prepared for the purposes of guiding residential development and to provide for a Local Parks and Recreation Reserve (to be designated Public Open Space and drainage) to accommodate the bushland/wetland area which is to be retained for conservation purposes. Given a Structure Plan is approved in accordance with these requirements and has now been implemented (including Management Orders to the City of Cockburn being in place for the 'Public Purpose' reserves) these provisions serve no further purpose and are proposed to be deleted.

### **4.2 Metropolitan Region Scheme**

The subject area is zoned 'Urban' under the Metropolitan Region Scheme (Shown in Appendix C).

## **5.0 Proposal**

The proposed amendment will rezone the subject area from 'Development' zone and 'DA 12' to the correlating zones and reserves identified on the Structure Plan, as shown in Attachment 1. This is deemed to be a 'basic amendment' in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, as it is an amendment to the Scheme map that is consistent with a structure plan that has been approved under the Scheme where the Scheme currently includes zones of all the types that are outlined in the plan. In accordance with the Regulations no advertising is required.

Two Local Development Plans are adopted within the Structure Plan area which will continue to be operational in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Cable Water Ski Park – Troode Street Structure Plan primarily designates a local road network; 'Residential' zonings with codings between R20, R30 and R40, two areas of POS and a Bush Forever site. All of these zonings and reserves directly correlate to zonings and reservations pursuant to the Scheme, therefore it is proposed that all lots are rezoned from the 'Development' zone accordingly, and that 'DA 12' be deleted from this Structure Plan area.

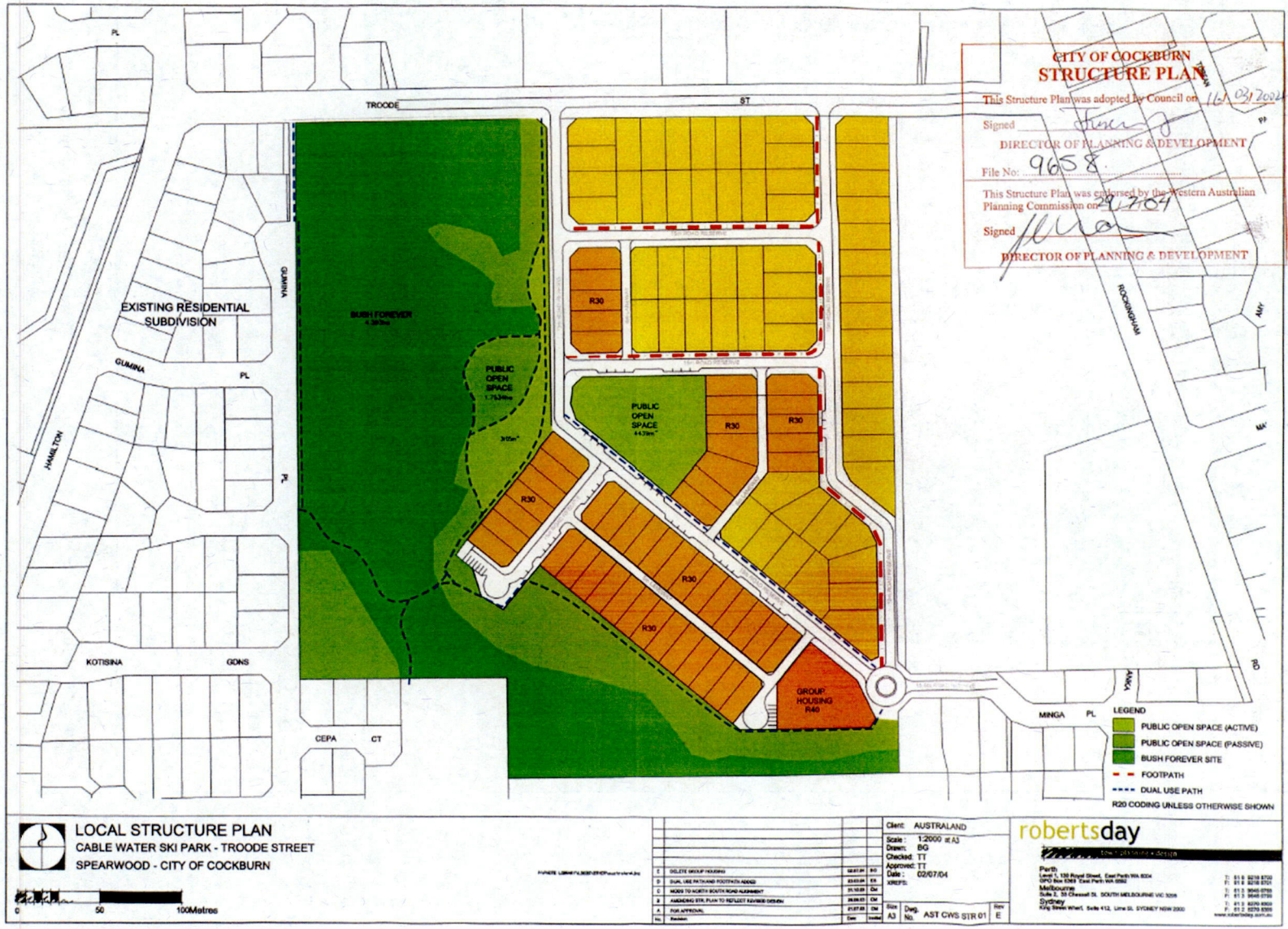
## 6.0 Conclusion

It is proposed the Troode Street Structure Plan be rationalised into the Scheme.

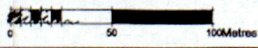
- All roads have been constructed and ceded to the City
- Public Open Space has been embellished and ceded to the City
- All lots shown on the adopted Structure Plan have been created and all but three single residential lots have been developed.

Including these zonings in the Scheme will remove a layer of planning that is now not required, and the zonings pursuant to the Scheme can appropriately guide any future development for the created landholdings as intended by Structure Plan, including the range of permissible land uses and development standards.

APPENDIX A – CABLE WATER SKI PARK, TROODE STREET STRUCTURE PLAN



**LOCAL STRUCTURE PLAN**  
**CABLE WATER SKI PARK - TROODE STREET**  
**SPEARWOOD - CITY OF COCKBURN**



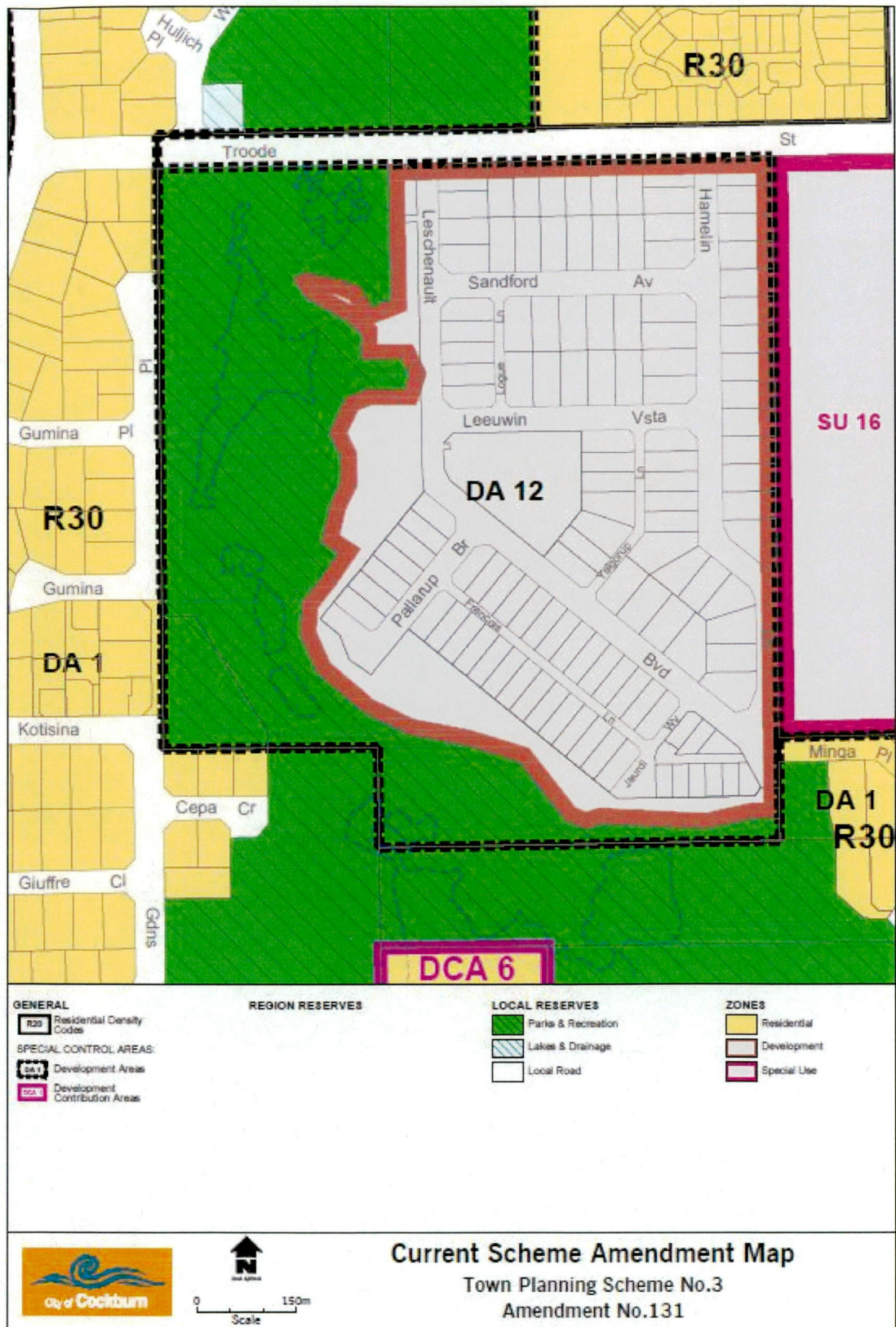
Rev	Description	Date	By	Appr
1	DELETE GROUP HOUSING	02/07/04	TT	TT
2	SCALE AND POSITION FOOTPATHS ADDED	02/07/04	TT	TT
3	MODIFY NORTH SOUTH ROAD ALIGNMENT	02/07/04	TT	TT
4	AMENDING STR PLAN TO REFLECT REVISION DESIGN	02/07/04	TT	TT
5	FOR APPROVAL	02/07/04	TT	TT

Client: AUSTRALAND  
 Scale: 1:2000 @ A3  
 Drawn: BG  
 Checked: TT  
 Approved: TT  
 Date: 02/07/04  
 XREFS:

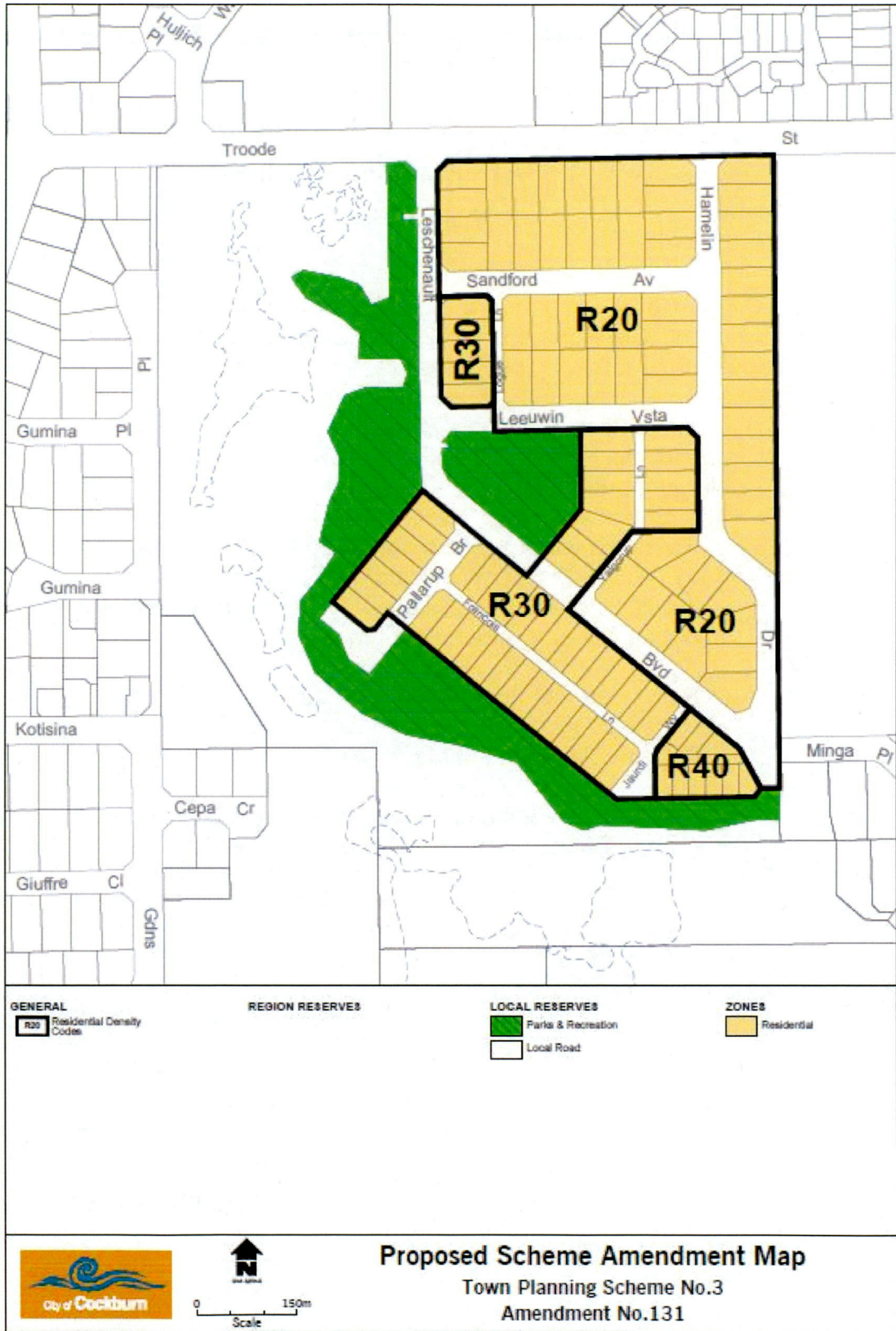
**robertsday**  
 CONSULTING ENGINEERS  
 1/111 Royal Street, East Perth, WA 6004  
 1/111 Royal Street, East Perth, WA 6004  
 Melbourne  
 Suite 2, 55 Chesham St, SOUTH MELBOURNE VIC 3200  
 Sydney  
 1/111 Royal Street, Suite 412, Level 112, SYDNEY NSW 2000

T: 01 8 229 8700  
 F: 01 8 229 8701  
 M: 01 8 229 8702  
 P: 01 8 229 8703  
 E: 01 8 229 8704

# APPENDIX B – CURRENT TPS3 – SCHEME MAP



# APPENDIX C – PROPOSED SCHEME AMENDMENT MAP



**PLANNING AND DEVELOPMENT ACT, 2005**

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 131**

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) 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. Rezoning various lots in part of Spearwood within 'Development Area 12' – Troode Street Development Zone' from 'Development' zone to 'Residential R20', 'Residential R30' and 'Residential R40' as depicted on the Scheme Amendment Map.
  2. Reserving various areas of land as 'Public Purposes: Parks and Recreation' and 'Public Purposes: Local Road' as depicted on the Scheme Amendment Map.
  3. Deleting 'Development Area 12 – Troode Street Development Zone' from the Scheme map and Table 9 of the Scheme.

Dated this 10 day of May 2018

  
\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**ADOPTION**

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 10 day of May 2018.

*Logan Howlett*

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 10 day of May 2018, 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)

*Logan Howlett*

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 21/11/18.

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.

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE.....

Final Approval Granted

MINISTER FOR PLANNING

DATE.....

It shall be the duty of the Commission to  
ascertain the facts and circumstances  
of the case and to report thereon  
to the Commission and to the  
Commissioner of the Department of  
Education.

Commissioner of the Department of Education

and to report to the Commission and to the  
Commissioner of the Department of Education  
the results of the investigation and to  
recommend such action as may be  
appropriate.

