

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

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

Dear Sir

**LOCAL PLANNING SCHEME No. 3
AMENDMENT No. 110**

**MINISTERIAL DECISION FOR LOCAL PLANNING SCHEME AMENDMENT -
APPROVAL**

Pursuant to clause 87(2) of the *Planning and Development Act 2005* (the Act), the Minister for Planning has granted final approval to amendment 110 to the City of Cockburn Local Planning Scheme No. 3 on 26 April 2017.

In accordance with clause 87(3) of the Act, the Western Australian Planning Commission (Commission) will cause the amendment to be published in the Government Gazette.

The Commission has forwarded the notice to State Law Publisher and it is the Council's responsibility to make arrangements for the payment of any publication costs. Council is required under clause 87(4B) of the Act, and clause 62(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to advertise and make copies of the amendment available to the public.

For all payment and purchase order queries, please contact State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned herewith.

Yours sincerely



Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
28 April 2017

CITY OF COCKBURN
DOC Set
05 MAY 2017
SUBJECT 110/133 109/046
RETENTION 124.23 A5
PROPERTY 4309135
APP
ACTION RACHEL PLEASANT

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

CITY OF COCKBURN

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 110

Ref: TPS/1866

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 26 April 2017 for the purpose of:

1. Rezoning part of Lot 2 Fanstone Avenue, Beeliar from 'Special Use' Zone to Development zone.
2. Reserve part of Lot 2 Fanstone Avenue, Beeliar from 'Special Use' Zone to 'Local Reserve Lakes and Drainage'.
3. Amending the Scheme map accordingly.

L HOWLETT
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER



SCHEME AMENDMENT

PART OF LOT 2 FANSTONE AVENUE
BEELIAR



ROWEGROUP

OUR REF: 7222 20/06/2016

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

CITY OF COCKBURN

TOWN PLANNING SCHEME NO 3

AMENDMENT NO. 110

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 part of Lot 2 Fanstone Avenue, Beeliar from the 'Special Use' Zone to the 'Development' Zone;
2. Reserve part of Lot 2 Fanstone Avenue, Beeliar from 'Special Use' Zone to 'Local Reserve Lakes and Drainage'.
3. Amending the Scheme Map accordingly.

Dated this 30 day of JUNE 2016


CHIEF EXECUTIVE OFFICER

REPORT

1. LOCAL AUTHORITY City of Cockburn
2. DESCRIPTION OF TOWN PLANNING SCHEME: Town Planning Scheme No. 3
3. TYPE OF SCHEME: District Zoning Scheme
4. SERIAL NO. OF AMENDMENT: Amendment No. 110
5. PROPOSAL: Rezoning part of Lot 2 Fanstone Avenue, Beeliar to the 'Development' Zone and Reserve part of Lot 2 Fanstone Avenue, Beeliar to 'Local Reserve Lakes and Drainage'.



DOCUMENT CONTROL

Printed 29 June 2016 7222_16june03R_al

Version	File Name	Prepared by	Approved by	Date
1	7222_16june03R_al	Aaron Lohman	Greg Rowe	20/06/2016

This report has been authorised by;



Greg Rowe Principal



Aaron Lohman Manager Planning



Susie Blatchford Quality Control

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p 9221 1991 e info@rowegroup.com.au w rowegroup.com.au a 3/369 Newcastle Street, Northbridge 6003

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1. Local Location
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3. Site Plan
4. Metropolitan Region Scheme Zoning
5. Town Planning Scheme No.3 Zoning
6. Structure Plan

ATTACHMENTS

1. Certificate of Title

01

Introduction

This Scheme Amendment proposes to amend Town Planning Scheme No.3 (TPS3) by including part of Lot 2 Fanstone Avenue in the 'Development' Zone and reserving part of Lot 2 Fanstone Avenue, Beeliam from 'Special Use' Zone to 'Local Reserve Lakes and Drainage'

The purpose of the Scheme Amendment is to facilitate the subdivision and development of part of Lot 2 Fanstone Avenue that is contained within the 'Urban' Zone under the Metropolitan Region Scheme (MRS). The remainder of Lot 2 is contained within the 'Rural' Zone under the MRS.

The 'Development' Zone under TPS3 will provide the statutory mechanism for the preparation of a Structure Plan to guide subdivision and development.

In accordance with Clause 6.2.8.3 of TPS3, the City of Cockburn (City) may advertise a proposed structure plan associated with any proposal to amend the Scheme concurrently. A Structure Plan has been prepared for the part of Lot 2 Fanstone Avenue subject to this Amendment and is to be advertised concurrently.

02

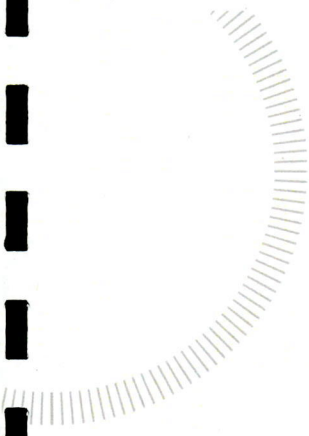
Amendment Type

This proposed Amendment is considered to be a Standard Amendment, in accordance with Clause 34 of Part 5 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015* which is as follows:

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 five of the above-mentioned criteria. In particular:

- 
- ▲ The subject site is identified as "Future Urban Area" in the City of Cockburn Local Planning Strategy.
 - ▲ The Amendment is consistent with the MRS as the land is currently zoned Urban under the MRS. A residential land use outcome is consistent with the MRS urban zoning.
 - ▲ The Amendment is consistent with the Draft South Metropolitan Peel Sub-Regional Planning Framework and the Outer Metropolitan Perth and Peel Sub-Regional Strategy. Both these documents identify the land for urban development purposes.
 - ▲ The Amendment will not have significant impact on land in the Scheme area that is not subject of the Amendment. The surrounding land is developed for residential purposes and the Amendment will facilitate the development of the land in a similar manner.
 - ▲ The Amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area. Environmental reporting prepared for the subject site indicates that the proposal will not have a significant environmental affect. The proposal is unlikely to have any negative social, economic or governance impacts on land within the Scheme Amendment.

03

Description of Site

3.1 Location

The subject site is bordered to the north by McLaren Avenue, to the east by former market gardens, to the south by Cockburn Cement Limited's (CCL) quarry operations and to the west by L'Aquila Circle.

Refer Figure 1 – Local Location.

The subject site is located in the City of Cockburn (City) approximately 20 kilometres south west of the Perth Central Area. The subject site is located within the suburb of Beelias.

Refer Figure 2 – Regional Location.

3.2 Cadastral Information

The subject site comprises one land parcel, being Lot 2 on Plan 15056 and held within Certificate of Title Volume 2713 Folio 141. The subject site is owned by CCL.

The part of Lot 2 the subject to this Scheme Amendment has a total land area of 9.6660 ha with street frontages to McLaren Avenue and L'Aquila Circle.

The Certificate of Title contains two encumbrances, the first being a Caveat and the second being a Memorial, both relating to the *Contaminated Sites Act (2003)*. A copy of the Certificate of Title is contained within Attachment '1'.

3.3 Site Conditions

The topography of the Scheme Amendment area represents its former quarry use. The site falls from the northern, eastern and western boundaries to the quarry floor. The quarry floor grades towards the south west.

Refer to Figure 3 – Site Plan.

The floor of the former quarry and immediate surrounds has been re-vegetated following the cessation of quarry use. Some remnant Tuart trees are contained along the northern, eastern and western boundaries of the subject site.

Vegetation condition within the area the subject to the Scheme Amendment ranges for 'completely degraded' to 'good'. The majority of the vegetation contained on site, excluding the rehabilitation area, is classified as 'degraded'.

3.4 Existing Improvements

The site is currently fenced to prevent unauthorised access. Otherwise there are no existing improvements on the subject site.

04

Town Planning Considerations

4.1 Zoning

4.1.1 Metropolitan Region Scheme

The subject site is zoned 'Urban' and 'Rural' under the MRS. Surrounding land to the north, east and west of the subject site is zoned 'Urban'. Refer to Figure '4' MRS zoning.

4.1.2 Town Planning Scheme No.3

The subject site is zoned 'Special Use' (SU11) under TPS3.

The 'Special Use' assigned to the subject site in accordance with Schedule '4' of TPS3 is as follows:

Cement Works and Conservation Area, includes land and buildings used for the manufacture of cement lime and associated products for use in the construction industry and includes excavation and earthworks associated with manufacture of cement together with the surrounding areas of buffer land retained and conserved to separate the works from adjoining uses, and operates in accordance with the "Cement Works (Cockburn Cement Limited) Agreement Act" 1971 (as amended) and to the Agreement as annexed to that Act.

Refer to Figure '5' TPS3 zoning.

4.2 Strategic Planning Considerations

4.2.1 Structure Plans

The subject site is surrounded to the north, east and west by the Structure Plans for Cell 9 Yangebup and Cell 10 Beeliar. The area subject to the Structure Plan for Cell 9 Yangebup and Cell 10 Beeliar is zoned 'Development' under TPS3. The rezoning of the subject site will therefore be consistent with the zoning of the surrounding locality.

4.2.2 Directions 2031 and the Outer Metropolitan Perth and Peel Sub-Regional Strategy

Directions 2031 is a high level spatial and strategic planning framework that establishes a vision for future growth of the Perth Metropolitan and Peel region. It provides a detailed framework guiding the planning and delivery of housing, infrastructure and services required to accommodate a range of growth scenarios.

The Scheme Amendment is consistent with Directions 2031 as it will assist in putting in place the appropriate planning framework to facilitate the development of the subject site for residential infill purposes.

Under the Outer Metropolitan Perth and Peel Sub-Regional Strategy (OMPPRS) the subject site is identified as being 'urban zoned undeveloped' (BEE 1). Under a 'Connected City' scenario, a dwelling yield of 860 is proposed for the BEE 1 area. The Scheme Amendment will assist in facilitating the development of the subject site for residential purposes which will contribute to the dwelling yield of 860 dwellings.



4.2.3 Draft South Metropolitan Peel Sub-Regional Planning Framework

The Draft South Metropolitan Peel Sub-Regional Planning Framework (Planning Framework) was released for public comment in May 2015.

The Planning Framework identifies the subject site for urban purposes consistent with its current zoning under the MRS. The subdivision and development of the subject site for residential purposes is consistent with the Planning Framework as it provides for a consolidation of an existing urban area which has ready access to existing services and facilities.

05

Proposed Scheme Amendment

The Scheme Amendment seeks to amend TPS3 to include the part of Lot 2 zoned 'Urban' under the MRS into the 'Development' Zone and reserve part of Lot 2 Fanstone Avenue, Beeliam from 'Special Use' Zone to 'Local Reserve Lakes and Drainage'.

The purpose of the Scheme Amendment is to facilitate future residential subdivision and development. The portion of Lot 2 zoned 'Rural' under the MRS is not subject to this Scheme Amendment.

The inclusion of part of Lot 2 in the 'Development' Zone will provide the mechanism under TPS3 for the preparation and adoption of a Structure Plan. A Structure Plan has been prepared and will be advertised concurrently with this Scheme Amendment. Refer to Figure 6 – Structure Plan. The Structure Plan will be progressed concurrently with this Scheme Amendment.

The Structure Plan Report prepared, addresses environmental and infrastructure servicing matters associated with the subdivision and development of the subject site. Reference to this document is therefore made in this regard.

The land the subject of the Scheme Amendment is surplus to the requirements of CCL, and a higher and better use is sought. The Scheme Amendment will facilitate infill residential development consistent with Directions 2031, the OMPSRS and Planning Framework.

06

Conclusion

The Scheme Amendment proposes to amend TPS3 by including part of Lot 2 Fanstone Avenue in the 'Development' Zone and reserve part of Lot 2 Fanstone Avenue, Beeliar from 'Special Use' Zone to 'Local Reserve Lakes and Drainage'.

The Scheme Amendment will facilitate the future subdivision and development of the part of Lot 2 zoned 'Urban' under the MRS for residential development. The inclusion of part of Lot 2 in the 'Development' Zone will provide the mechanism for the preparation and lodgement of a Structure Plan for the subject site. A Structure Plan has been prepared and will be advertised for public comment concurrently with this Scheme Amendment. The Structure Plan provides detailed advice in relation to the environmental and infrastructure servicing matters.

The Scheme Amendment is considered to be consistent with the local and regional planning framework including Directions 2031, OMPSRS and Planning Framework. As such adoption of the Scheme Amendment is recommended.

PLANNING AND DEVELOPMENT ACT, 2005

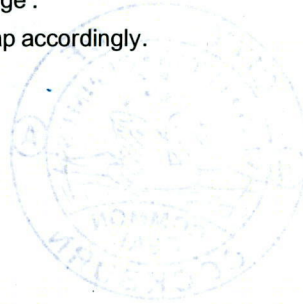
CITY OF COCKBURN

TOWN PLANNING SCHEME NO 3

AMENDMENT NO. 110

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 by:

1. Rezoning part of Lot 2 Fanstone Avenue, Beeliar from Special Use zone to Development zone.
2. Reserve part of Lot 2 Fanstone Avenue, Beeliar from 'Special Use' Zone to 'Local Reserve Lakes and Drainage'.
3. Amending the Scheme map accordingly.



ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 8th day of October 2015.



MAYOR



CHIEF EXECUTIVE OFFICER

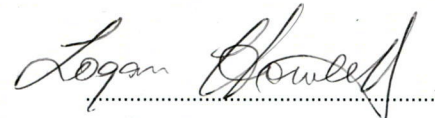
FINAL APPROVAL

Adopted for final approval by resolution of the City of Cockburn at the Meeting of the Council held on the 13th day of October 2016, 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)



Recommended/Submitted for Final Approval



MAYOR



CHIEF EXECUTIVE OFFICER

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE.....

MINISTER FOR PLANNING

DATE.....

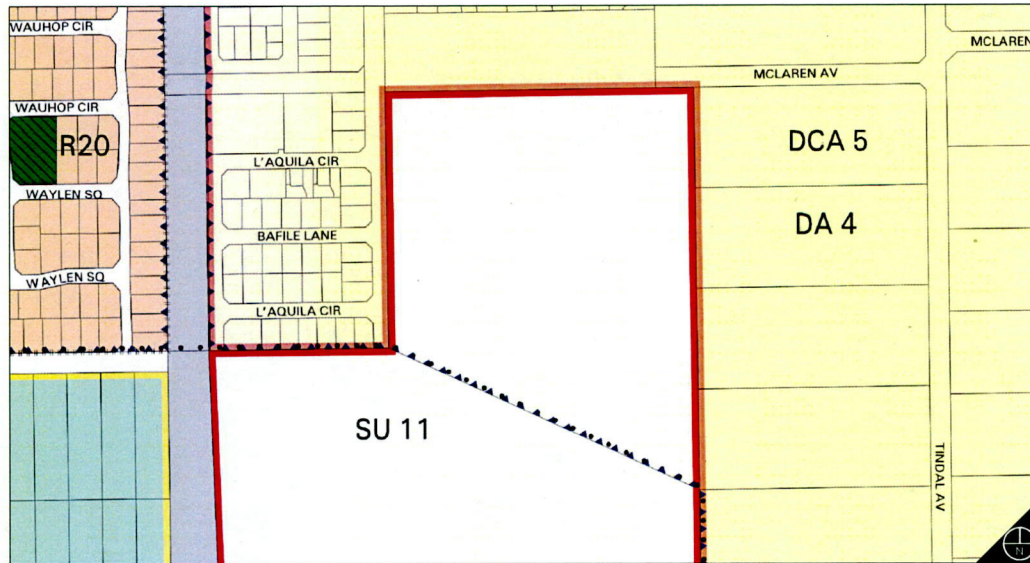
Final Approval Granted

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 26/4/17.

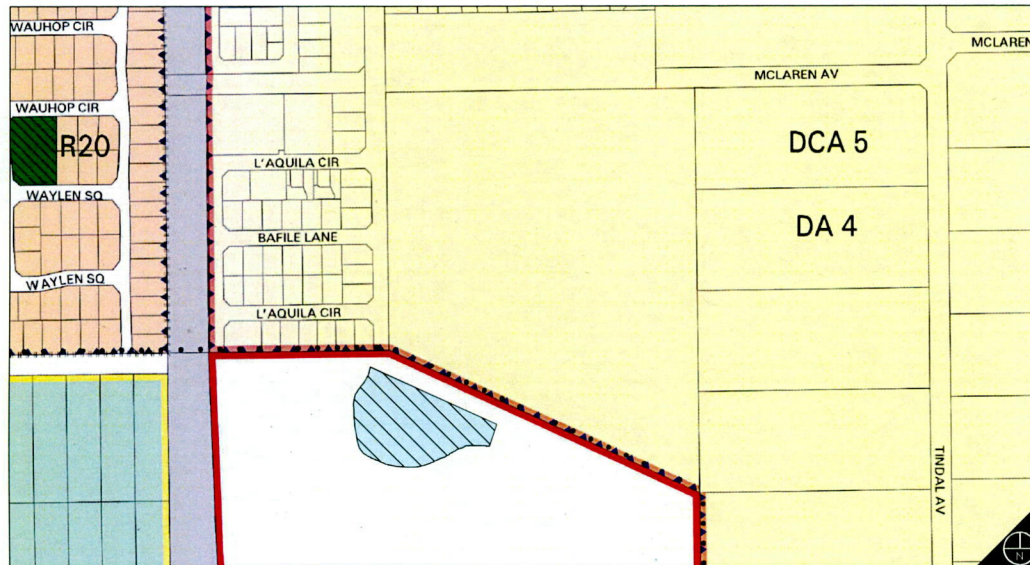
Certified by 

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.

City of Cockburn Town Planning Scheme No. 3 Amendment No. 110



Existing Zoning



Proposed Zoning

LEGEND

METROPOLITAN REGION SCHEME RESERVES

- Railways

LOCAL SCHEME RESERVES

- Local Road
- Open Space / Recreation
- Lakes & Drainage

ZONES

- Development
- Residential
- Rural
- Rural Living
- DA18 Development Area
- DCA1 Development Contribution Area
- SU2 Special Use Area

LEGEND

METROPOLITAN REGION SCHEME RESERVES

- Railways

LOCAL SCHEME RESERVES

- Local Road
- Open Space / Recreation
- Lakes & Drainage

ZONES

- Development
- Residential
- Rural
- Rural Living
- DA18 Development Area
- DCA1 Development Contribution Area
- SU2 Special Use Area

ADOPTION/REFUSAL

ADOPTION [Regulation 13(1)]
 ADOPTED by resolution of the Council of the City of Cockburn at the Ordinary Meeting of the Council held on the ___th day of ____, 201__.

MAYOR

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

1. FINAL ADOPTION BY COUNCIL

Adopted for Final Approval by Resolution of the City of Cockburn at the _____ Meeting of Council held on the day of _____ The Common Seal of the City of Cockburn was hereunto affixed by authority of a resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

DELEGATED UNDER S.16 OF PD ACT 2005

Date: _____

3. FINAL APPROVAL GRANTED

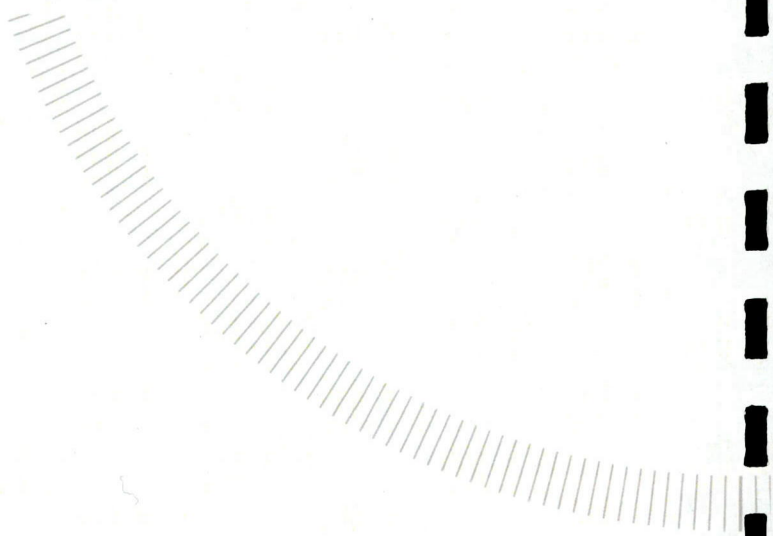
MINISTER FOR PLANNING

Date: _____

0 125 250 Metres



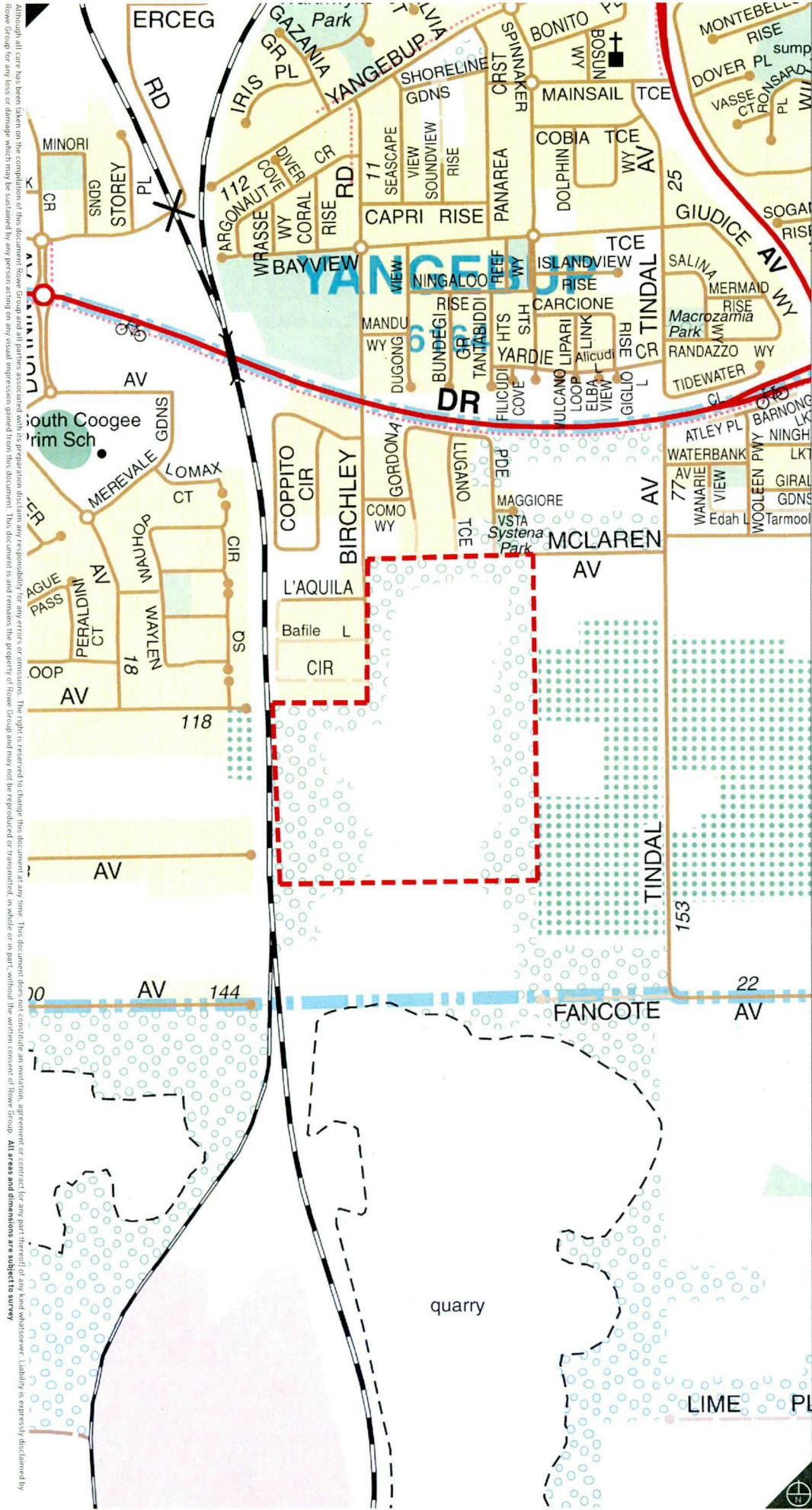
FIGURES



ROWEGROUP



LEGEND
 Subject Site



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Local Location

Lot 2 Fancote Avenue, Beeliar
 Figure 1

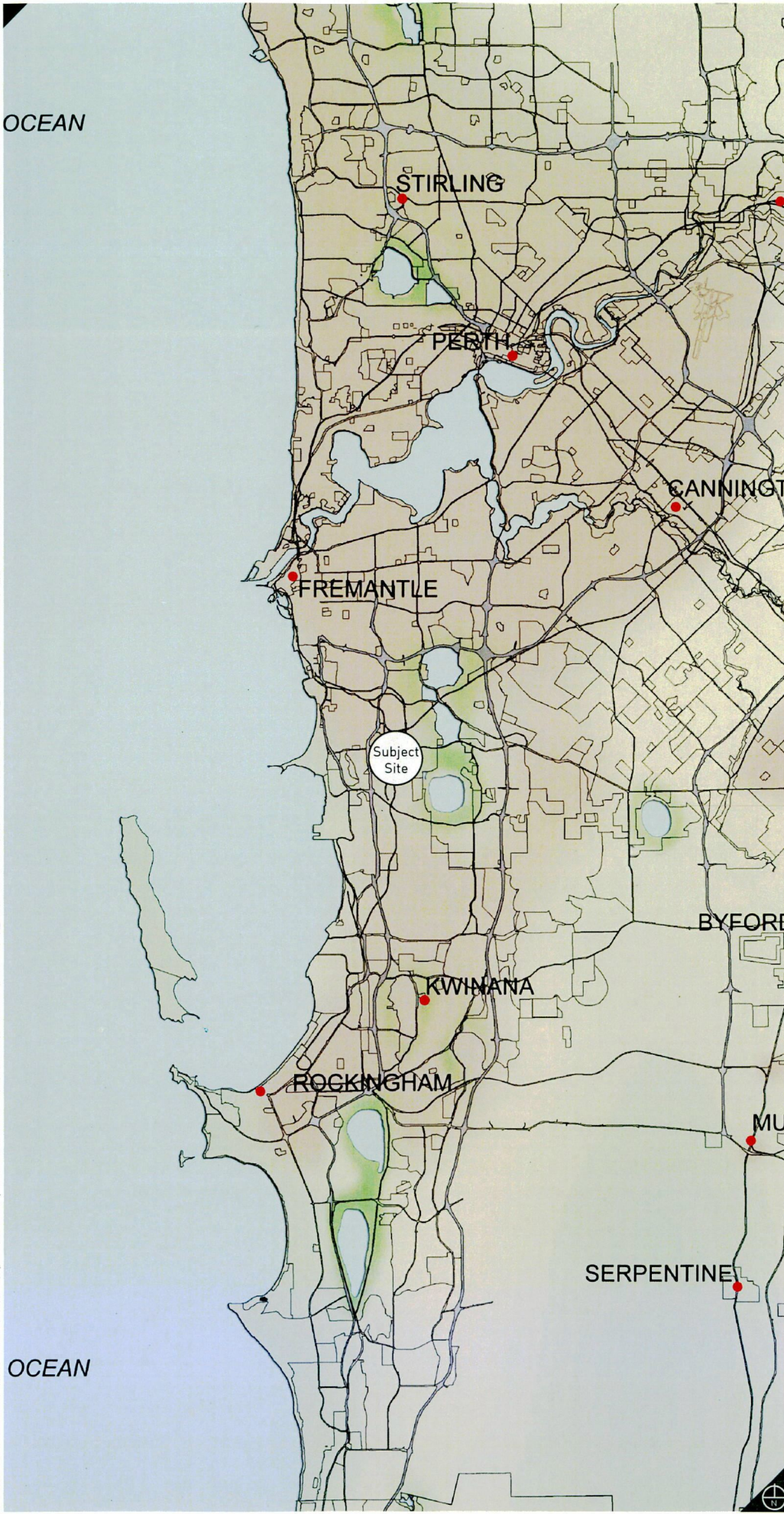
REVISIONS

Rev	Date	Drawn
A	2015.02.27	K. Trenberth



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 e: info@rowegroup.com.au
 p: 08 9221 1991

Date Drawn: 2015-02-27
 Job Ref: 7222
 Scale: 1:10,000 @ A4
 Client: Cockburn Cement Limited
 Designer: A. Lohman
 Drawn: K. Trenberth
 Projection: NA
 Plan ID: 7222-FIG-17-A
 Map supplied by Streetsmart



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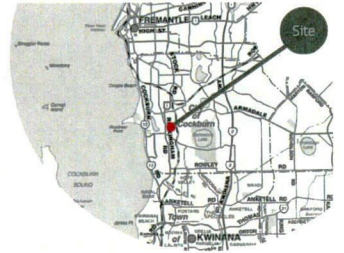
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 Job Ref: 7222
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 Client: Cockburn Cement Limited
 Designer: A. Lohman
 Drawn: K. Trenberth
 Projection: NA
 Plan ID: 7222-FIG-16-A

Map supplied by WA Planning Commission

Regional Location

Lot 2 Fanstone Avenue, Beeliar
Figure 2

\\GRA-PER-01\DATA\TOWN PLANNING\7000-7999\7222\DRAWING\A-CAD\7222_FIG16A_20150227_BEELIAR (REGIONAL).DWG
Matt Sullivan 23 March 2015



LEGEND

■ Subject Site



0 250 Metres

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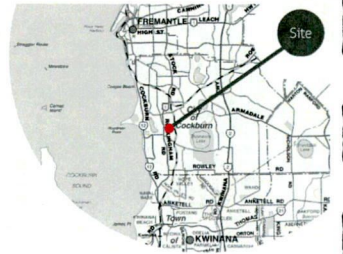
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 Designer: A. Lohman
 Drawn: K. Trenberth
 Projection: NA
 Plan ID: 7222-FIG-18-A
 Aerial captured and supplied by Nearmap

Aerial Photograph (Site Plan) Lot 2 Fanstone Avenue, Beeliar
 Figure 3

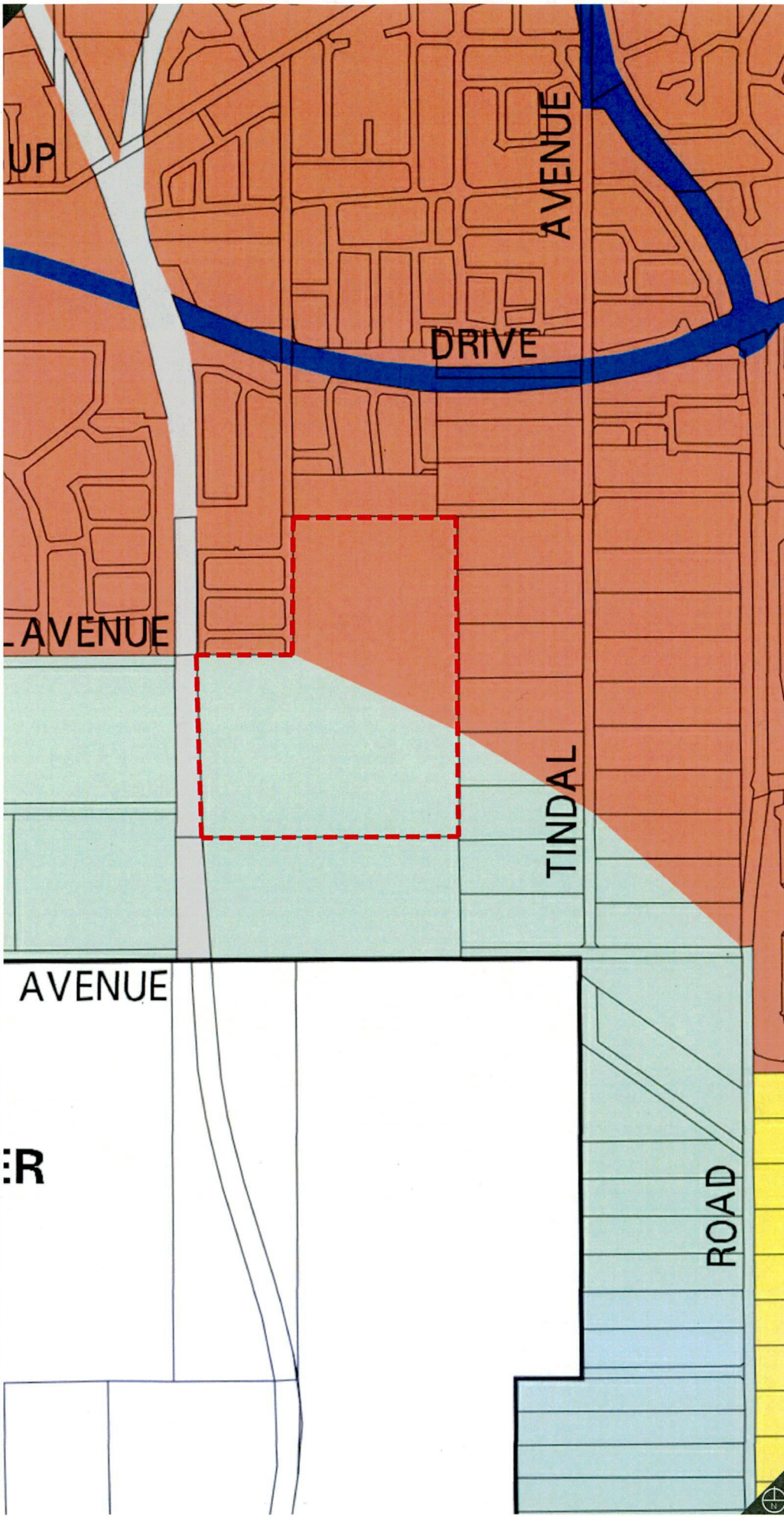
\\GRA-PER-DC1\DATA\TOWN PLANNING\7000-7999\7222\DRAWING\A-CAD\7222_FIG18A_20150227_BEELIAR (AERIAL).DWG
 Matt Sullivan 23 March 2015

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LEGEND

- Subject Site
- RESERVED LANDS
 - Railways
 - Other Regional Roads
 - Public Purposes
Denotes As Follows:
 - WSD Water Authority Of Wa
- ZONES
 - Urban
 - Rural



0 250 Metres

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Projection: NA
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Zoning supplied by WAPC

MRS Zoning

Lot 2 Fanstone Avenue, Beeliar
Figure 4

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LEGEND

- Subject Site
- METROPOLITAN REGION SCHEME RESERVES**
- Railways
- Other Regional Roads
- LOCAL SCHEME RESERVES**
- Local Road
- Parks & Recreation
- Public Purposes
Denotes As Follows:
- WC Water Corporation
- WP Western Power
- ZONES**
- Development
- Residential
- Special Use
- Light & Service Industry
- Rural
- Rural Living
- OTHER**
- Scheme Boundary
- DCA7 Development Contribution Area
- DA30 Development Area
- A1 Additional Uses
- R20 R Codes

0 250 Metres

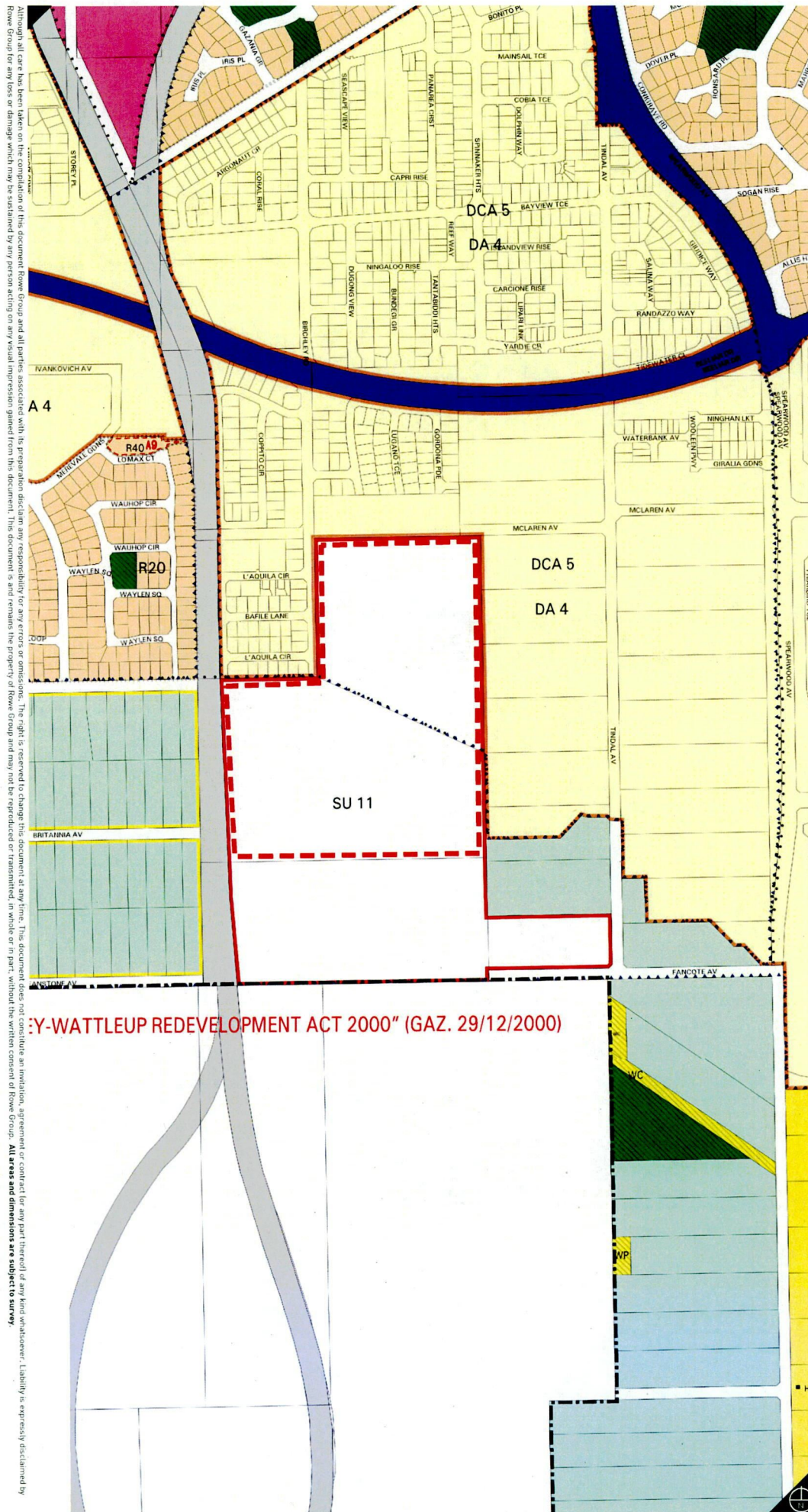
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Client: Cockburn Cement Limited
Designer: A. Lohman
Drawn: M. Sullivan
Projection: NA
Plan ID: 7222-FIG-20-A
Zoning supplied by WAPC



“MAY-WATTLEUP REDEVELOPMENT ACT 2000” (GAZ. 29/12/2000)

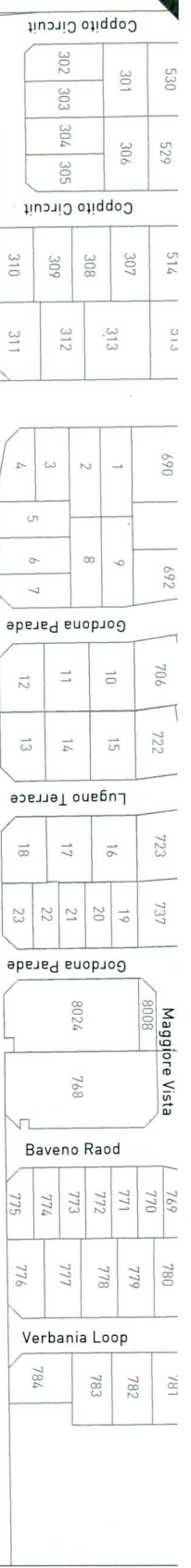
TPS No.3 Zoning

Lot 2 Fanstone Avenue, Beeliar
Figure 5

\\GRA-PER-DC1\DATA\TOWN PLANNING\7000-7999\7222\DRAWING\A-CAD\7222_FIG20A_20150303_BEELIAR (TPS).DWG
Matt Sullivan 23 March 2015

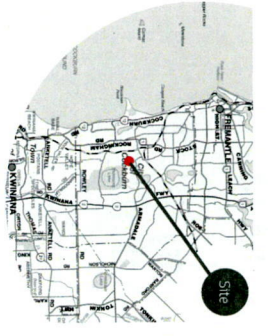
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Local Structure Plan

Lot 2 Fanstone Avenue, Beelbarr
Plan 1



Planning Design Delivery

- LEGEND**
- RESIDENTIAL
 - Residential (R20)
 - Residential (R25)
 - Residential (R40)
 - PARKS, RECREATION & CONSERVATION
 - Public Open Space
 - Neighbourhood
- TRANSPORT**
- Pathway - Shared
 - Pathway - Pedestrian Only
- OTHER**
- Structure Plan Boundary
 - Local Development Plan Required
 - Trees to be Retained

REVISIONS

Rev	Date	Drawn
A	2015.06.22	M. Sullivan
B	2015.07.16	M. Sullivan
C	2015.12.08	M. Sullivan
D	2015.12.18	M. Sullivan



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Date Drawn: 2015-06-22
Job Ref: 7222
Scale: 1:2000 @ A3
Client: H Beck
Designer: C Richards
Drawn: M Sullivan
Projection: MGA50 GDA94
Plan ID: 7222-LSP-08-D
Casework data supplied by Vector Corporation @ WA



ATTACHMENT 1

CERTIFICATE OF TITLE



ROWEGROUP

WESTERN



AUSTRALIA

REGISTER NUMBER 2/D15056	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1722** FOLIO **866**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 2 ON DIAGRAM 15056

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

COCKBURN CEMENT LTD OF MANUFACTURERS BUILDING, 212-220 ADELAIDE TERRACE, PERTH
(XA D228879) REGISTERED 12 FEBRUARY 1986

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE. VOL 1722 FOL 866.
2. *B601064 CAVEAT BY THE PERPETUAL EXECUTORS TRUSTEES AND AGENCY COMPANY (WA) LTD LODGED 10.10.1978.
3. *K529174 MEMORIAL. CONTAMINATED SITES ACT 2003 REGISTERED 7.3.2008.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1722-866 (2/D15056).
PREVIOUS TITLE: 1136-147.
PROPERTY STREET ADDRESS: LOT 2 FANSTONE AV, BEELIAR.
LOCAL GOVERNMENT AREA: CITY OF COCKBURN.