



CITY OF COCKBURN
DOC Set
15 JUL 2019
SUBJECT 109/139
RETENTION 124.2.3 AS
PROPERTY
APP
ACTION CAROL CATHERWOOD

Your ref: 109/139
 Our ref: TPS/2392
 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

TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 139

I refer to your letter dated 17 April 2019 regarding Amendment No. 139.

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

9/07/2019



PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 139

Ref: TPS/2392

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 4 July 2019 for the purpose of:

1. Delete Development Contribution Plan 3 'Gaebler Road' from Table 10 Development Contribution Plans of the Scheme.
2. Delete the annotation of Development Contribution Area 3 from the Scheme map.

L HOWLETT
MAYOR

S CAIN
CHIEF EXECUTIVE OFFICER



TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 139

April 2019

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

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 139**

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. Delete Development Contribution Plan 3 'Gaebler Road' from Table 10 Development Contribution Plans of the Scheme.
2. Delete the annotation of Development Contribution Area 3 from the Scheme map.

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

an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

Dated this 11th day of October 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. 139

4. PROPOSAL: Deletion of Development Contribution Plan 3 'Gaebler Road'

AMENDMENT REPORT

1.0 Introduction

This amendment seeks to remove Development Contribution Plan 3 'Gaebler Road' from the scheme text and map.

2.0 Background:

The City of Cockburn Town Planning Scheme No. 3 ("the Scheme") contains a number of smaller, area specific development contribution plans. Many have been in place for a number of years, and the land parcels which were in place when the contribution plans were set up, has now been fully subdivided.

This means there is no further 'trigger' under the Scheme to require a development contribution payment from this land towards the infrastructure items the contribution plan was set up for. The infrastructure has also been constructed. This means the development contribution plan is effectively redundant.

There is also the overarching development contribution plan for community infrastructure ("DCA13") which will continue to apply as any properties are redeveloped.

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 complex amendment, which Regulation 34 describes as:

complex amendment means any of the following amendments to a local planning scheme —

- a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- b) an amendment that is not addressed by any local planning strategy;*
- c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;*

- d) *an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;*
- e) *an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;*

This proposed amendment satisfies one of the above criteria. In particular, it is:

an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

4.0 Proposal

Development Contribution Plan 3 relates to the area known as 'Gaebler Road' and the content of this plan is detailed in Table 10 of the Scheme as shown in the attachments.

It is designated on the Scheme map as Development Contribution Area 3 ("DCA3").

The subdivision of the area is now complete and there are no further contributions to be collected. The infrastructure related to the plan has now been delivered. The final audit of the transactions and reserve account have been finalised.

Removing this now redundant plan will alleviate confusion for purchasers in the area who may note the DCA3 annotation on the Scheme map. It will also assist in 'cleaning up' the Scheme in preparation for the new local planning scheme which is soon to enter the drafting phase.

5.0 Conclusion

There is a slight risk that leaving the plan within the Scheme will add unnecessary complications to the creation of a new local planning scheme.

There is a medium risk of confusion to ratepayers or prospective purchasers in the development contribution area by the designation remaining on the Scheme map.

Particularly where those customers view information on the website and mapping system and do not discuss with City staff, who are able to clarify there are no further contributions to be levied.

In the interests of clarity and transparency, the amendment to delete the development contribution plan from the scheme text and the development contribution area from the scheme map should be supported.

PLANNING AND DEVELOPMENT ACT, 2005

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 139**

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. Delete Development Contribution Plan 3 'Gaebler Road' from Table 10 Development Contribution Plans of the Scheme.
2. Delete the annotation of Development Contribution Area 3 from the Scheme map.

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

an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

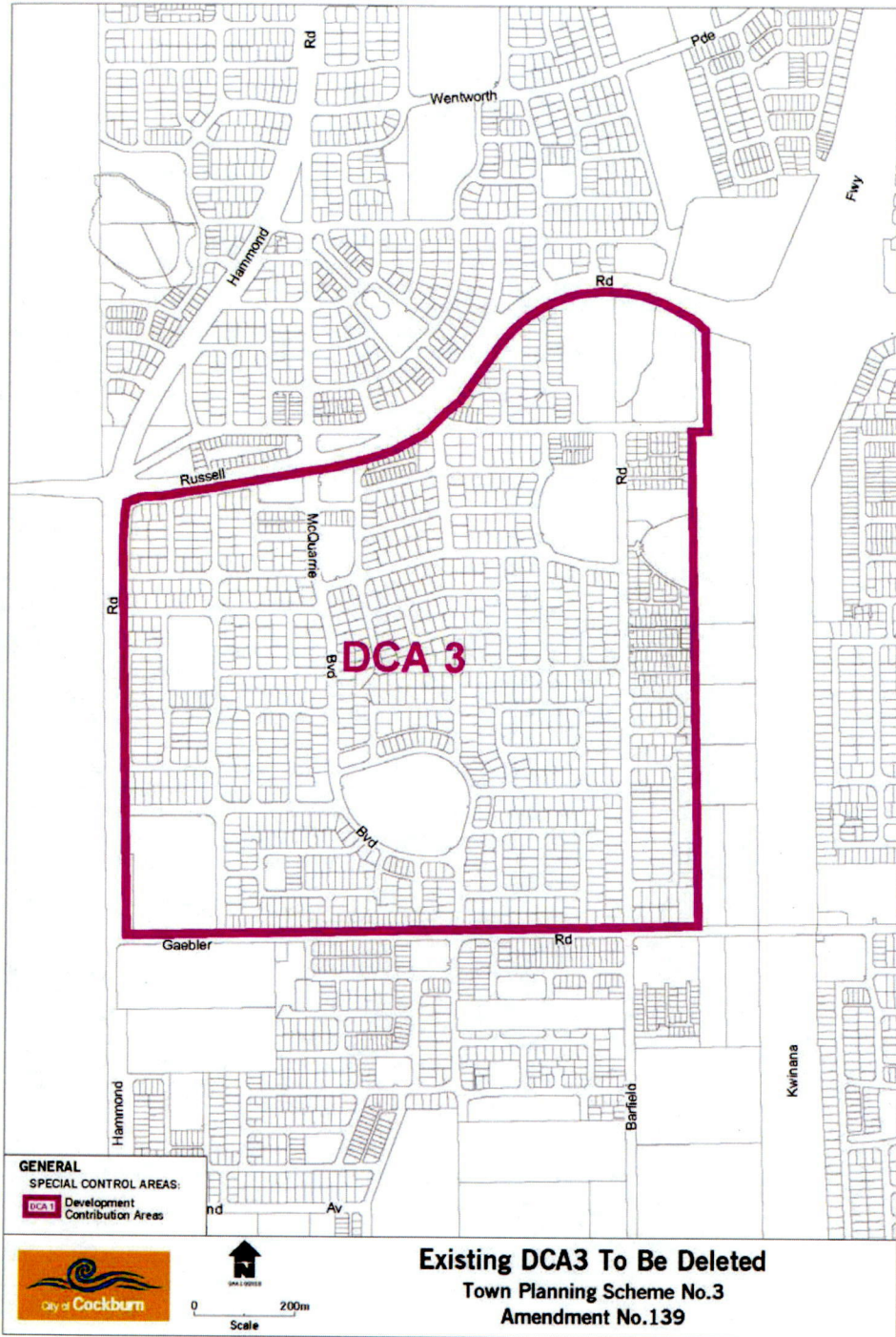
Attachment One

Extract from Table 10 of Town Planning Scheme No. 3

Ref No:	DCA 3
Area:	Gaebler Road
Provisions:	<p>All landowners within DCA 3 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 5.3 and contained on the Development Contribution Plan.</p> <p>Contributions shall be made towards the following items:</p> <ol style="list-style-type: none"> 1. Land and works for Hammond Road/ Frankland Avenue between Russell Road and Gaebler Road; and 50% of Russell Road between Hammond Road/ Frankland Avenue and Kwinana Freeway. This comprises the following: <ul style="list-style-type: none"> • Land reserved for Hammond Road/Frankland Avenue and Russell Road under the Metropolitan Region Scheme; • Full earthworks; • Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided; • Dual use path (one side only); • Pedestrian crossings (where appropriate at the discretion of the local government); • Drainage; • Costs to administer cost sharing arrangements - preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs; • Servicing infrastructure relocation where necessary; 2. The cost of a set of traffic signals at the intersection of Russell and existing Hammond Road. 3. In the event that a high school site is included on the Southern Suburbs District Structure Plan within the area south of Gibbs Road and east of the Kwinana Freeway, a proportional contribution shall be made to the provision of a pedestrian / cyclist bridge across the Freeway in the vicinity of Gaebler Road.
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 3.

Attachment Two

Attachment Two



ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 11th day of October 2018.

Logan Hewlett

MAYOR

[Signature]

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 11th day of April 2019, 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 Hewlett

MAYOR

[Signature]

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

[Signature]

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE 27/06/19

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 4/7/19.

MINISTER FOR PLANNING
DATE

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 Act 2005 (Planning and Development (Amendment) Regulations 2015).