



CITY OF COCKBURN
DOC Set
03 DEC 2018
SUBJECT 109/132
RETENTION TPS/2309
Enquiries: Scheme Team 124.2.3 AS
PROPERTY
APP
ACTION LUCIA DUNSTAN

Your ref: 109/132  
 Our ref: TPS/2309  
 Enquiries: Scheme Team 124.2.3 AS

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. 132**

I refer to your letter dated 8 November 2018 regarding Amendment No. 132.

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 Team on 6551 9436 or Schemes@planning.wa.gov.au.

Yours sincerely

Ms Sam Fagan  
 Secretary  
 Western Australian Planning Commission  
 27/11/2018



## PLANNING AND DEVELOPMENT ACT 2005

### APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Cockburn

#### LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 132

Ref: TPS/2309

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 23 November 2018 for the purpose of:

1. Rezoning various lots in South Lake from 'Development' zone to 'Residential R20' and 'Residential R30' as shown in the Scheme Amendment map.
2. Reclassifying various lots in South Lake from 'Development' to 'Parks and Recreation' and 'Lakes and Drainage' as shown in the Scheme Amendment map.
3. Reclassifying Lot 124 Briggs Street from 'Development' to 'Public Purposes: Western Power' as shown in the Scheme Amendment map.
4. Deleting 'Development Area 18 - Briggs Street Development Zone' from the subject land as shown in the Scheme Amendment map.
5. Reclassifying various road reserves in South Lake from 'Development' to 'Local Road' as shown in the Scheme Amendment map.
6. Modify Table 9 in 'Part 5 - Special Control Areas' of the scheme text by deleting 'DA 18 - Briggs Street (Development Zone)' and corresponding provisions.

L HOWLETT  
MAYOR

S CAIN  
CHIEF EXECUTIVE OFFICER

**TOWN PLANNING SCHEME NO. 3**

**AMENDMENT NO. 132**

**10 July 2018**



**PLANNING AND DEVELOPMENT ACT, 2005  
RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 132**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning various lots in South Lake from 'Development' zone to 'Residential R20' and 'Residential R30' as shown in the Scheme Amendment map.
2. Reclassifying various lots in South Lake from 'Development' to 'Parks and Recreation' and 'Lakes and drainage' as shown in the Scheme Amendment map.
3. Reclassifying Lot 124 Briggs Street from 'Development' to 'Public Purposes: Western Power' as shown in the Scheme Amendment map.
4. Deleting 'Development Area 18 – Briggs Street Development Zone' from the subject land as shown in the Scheme Amendment map.

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

- 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.*

Dated this 14 day of June 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. 132
  
4. PROPOSAL:                              Rationalisation of approved Briggs  
Street Structure Plan into Town  
Planning Scheme No. 3.

# **AMENDMENT REPORT**

## **1.0 Introduction**

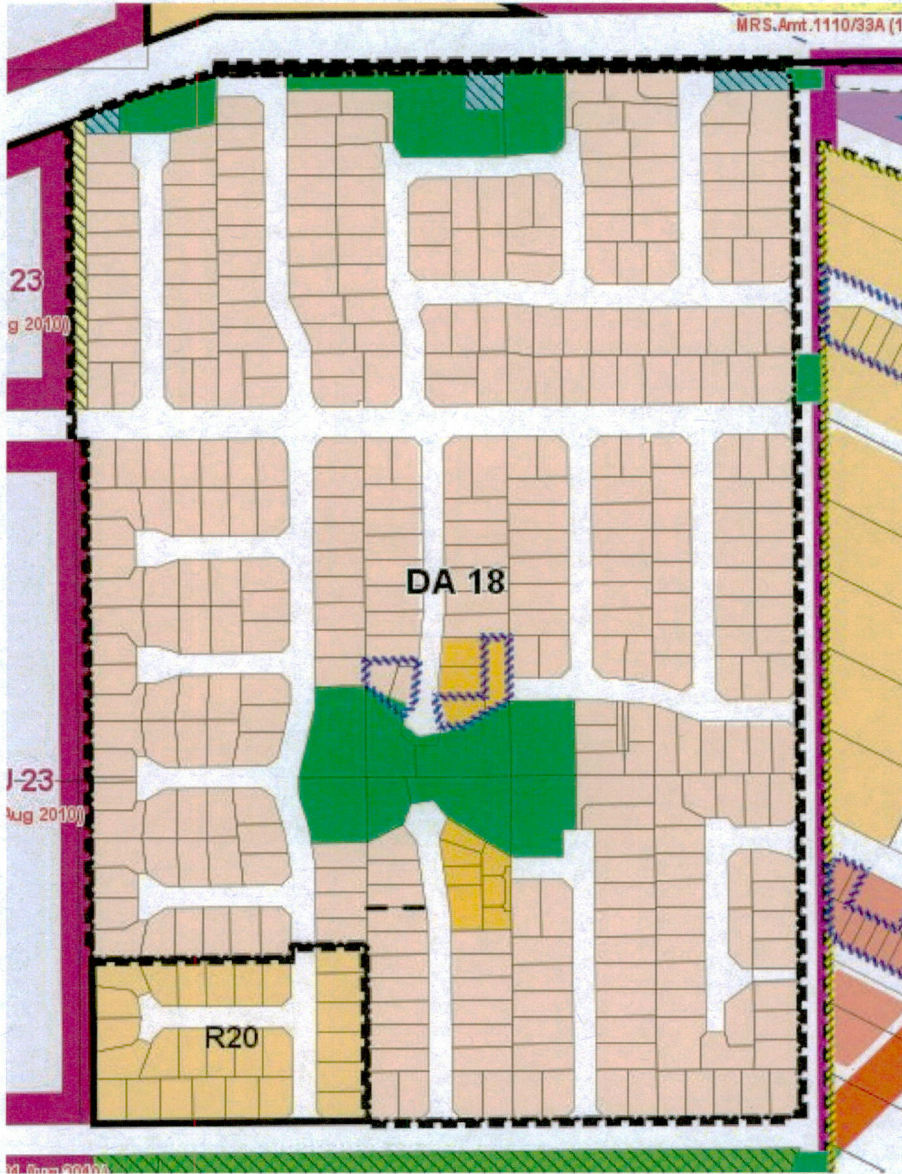
The purpose of this Amendment is to rationalise the Briggs Street Structure Plan within 'Development Area 18' ("DA 18") in South Lake, which has been fully implemented and developed, into the City of Cockburn Town Planning Scheme No. 3. This will remove an additional layer of planning added by the Structure Plan.

## **2.0 Background**

The subject area is in South Lake, bound by Berrigan Drive to the north, Semple Court to the east, Thomas Street to the south, and an overhead power transmission line easement to the west.

The Briggs Street Structure Plan was adopted by Council on 16 December 2003 and endorsed by the WAPC on 18 February 2004. A copy of the Structure Plan is included at Appendix A.





**'Development Area 18' – Endorsed 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 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) of 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

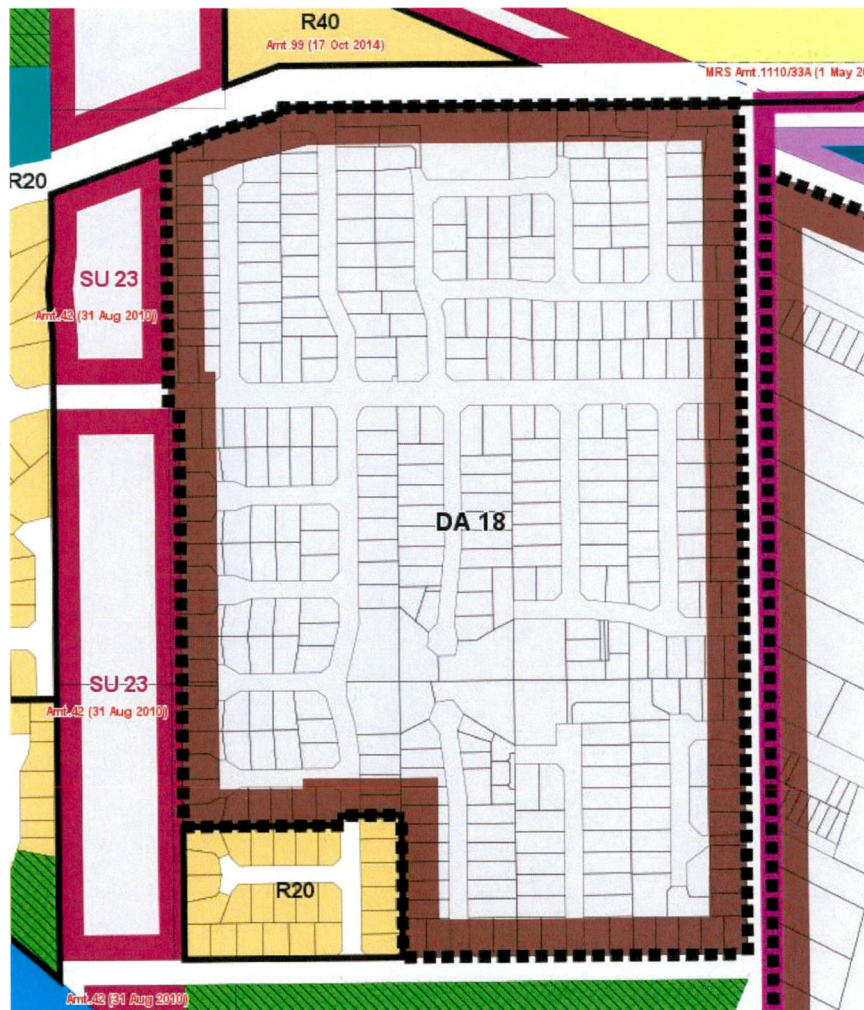
The subject area is zoned 'Development' and located within 'DA 18' pursuant to the City of Cockburn Town Planning Scheme No. 3.

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

The 'DA 18' provisions set out the requirement for a Structure Plan and for this to guide subdivision and development of the land for residential purposes. Given that the Structure Plan was approved in accordance with these requirements and has now been implemented, these provisions serve no further purpose and are proposed to be deleted from the subject area.

The Briggs Street Structure Plan area sets out a 'Residential' land use designation over the entire Structure Plan area (excluding roads, parks and other reserves), with R-Codes also specified and thus can be easily adopted into the Scheme.

- (i) *Development Zone*  
*To provide for future residential, industrial or commercial development to be guided by a comprehensive Structure Plan prepared under the Scheme.*





## **4.2 Metropolitan Region Scheme**

The subject area is zoned 'Urban' under the Metropolitan Region Scheme.

## **5.0 Proposal**

The endorsed Structure Plan has served its purpose in guiding subdivision and development of the area, and development in accordance with the Structure Plan has now occurred.

The Structure Plan applies to approximately 29 hectares of land and primarily designates the local road network and residential land at R20 and R30 densities. It is proposed that all land identified as residential be rezoned to 'Residential' and designated R20 and R30 codings in accordance with the Structure Plan.

The Structure Plan includes three areas of POS which have all been embellished and ceded. It is proposed that the POS be reserved for 'Parks and Recreation'.

The Structure Plan also designates three areas of land for lakes and drainage and one area for Western Power purposes where a Western Power easement is located. It is proposed that these areas of land are reclassified to 'Public Purposes: Lakes and drainage' and 'Public Purposes: Western Power' respectively.

It is proposed that 'DA 18' which applies to the same area of land as the Structure Plan be deleted from all lots within the Structure Plan and from Table 9 of the Scheme.

There is one Local Development Plan approved within the Structure Plan area, adjacent to the central area of Public Open Space ("POS"). This Local Development Plan will continue to be operational in accordance with the Regulations.

## **6.0 Conclusion**

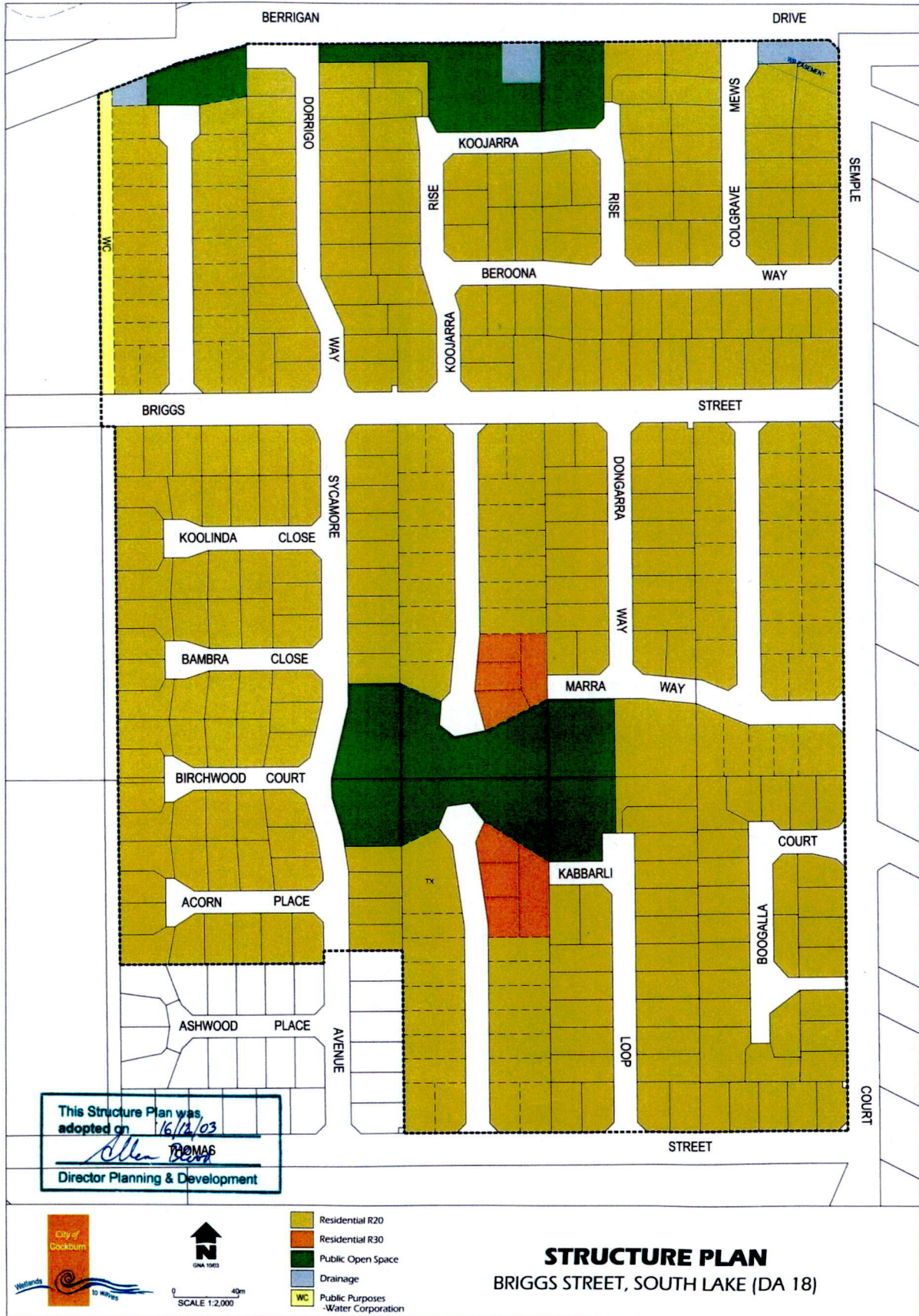
It is proposed that the Briggs Street Structure Plan be rationalised into the Scheme.

- All roads have been constructed and ceded to the City;
- POS has been embellished and ceded to the City;
- All residential lots shown on the Structure Plan have been created and developed.

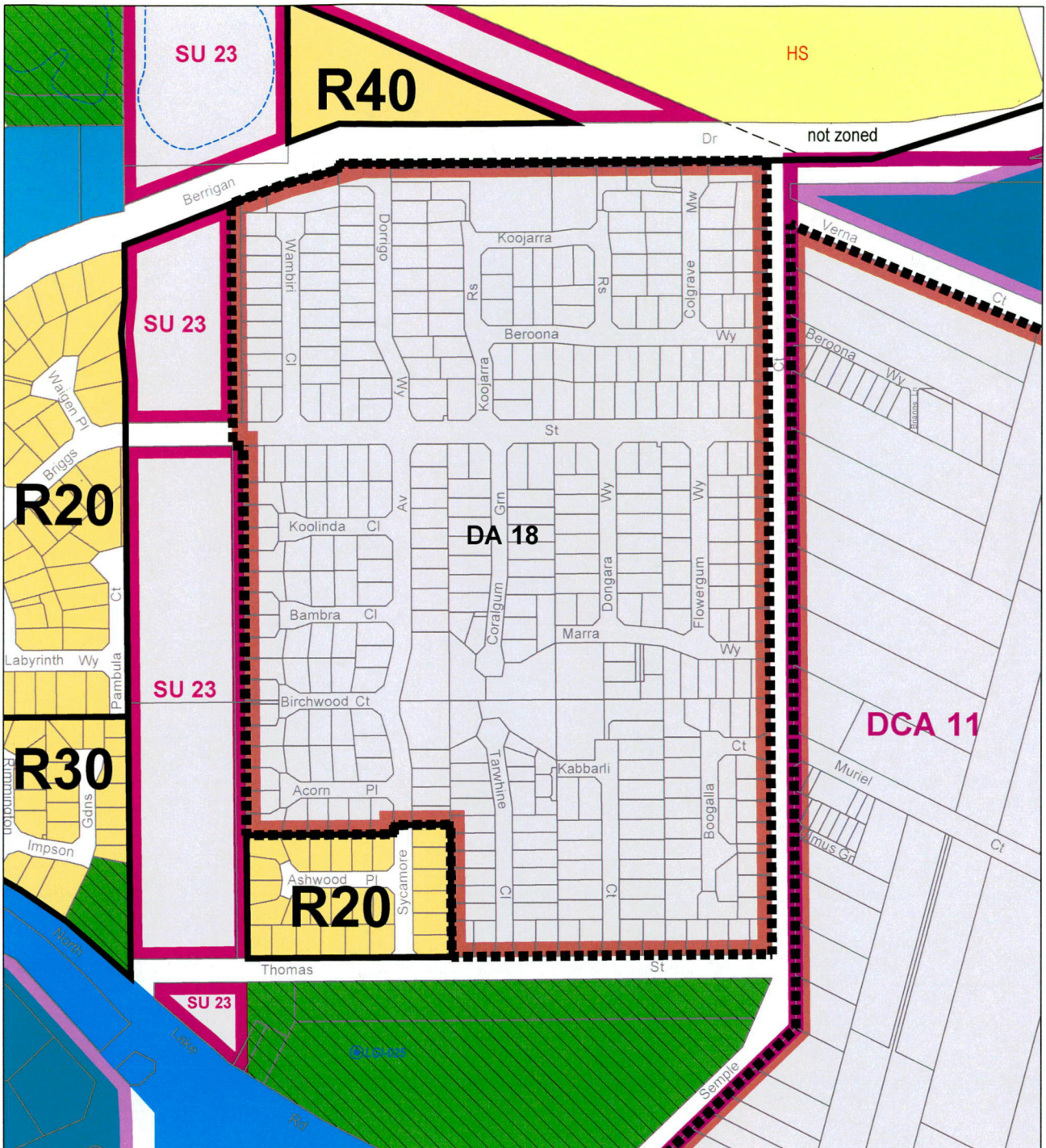
Including these zonings in the Scheme will remove a layer of planning that is now not required, and the zonings pursuant to the Scheme can appropriately guide any future development for the created landholdings as intended by Structure Plan, including the range of permissible land uses and development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



# APPENDIX A – BRIGGS STREET STRUCTURE PLAN







**GENERAL**

- R20** Residential Density Codes
- LGI-001** Heritage Place

**SPECIAL CONTROL AREAS:**

- DA 1** Development Areas
- DCA 1** Development Contribution Areas

**REGION RESERVES**

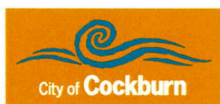
- Other Regional Roads
- Public Purposes DENOTED AS FOLLOWS:  
HS - High School

**LOCAL RESERVES**

- Parks & Recreation
- Local Road

**ZONES**

- Residential
- Local Centre
- Mixed Business
- Development
- Special Use

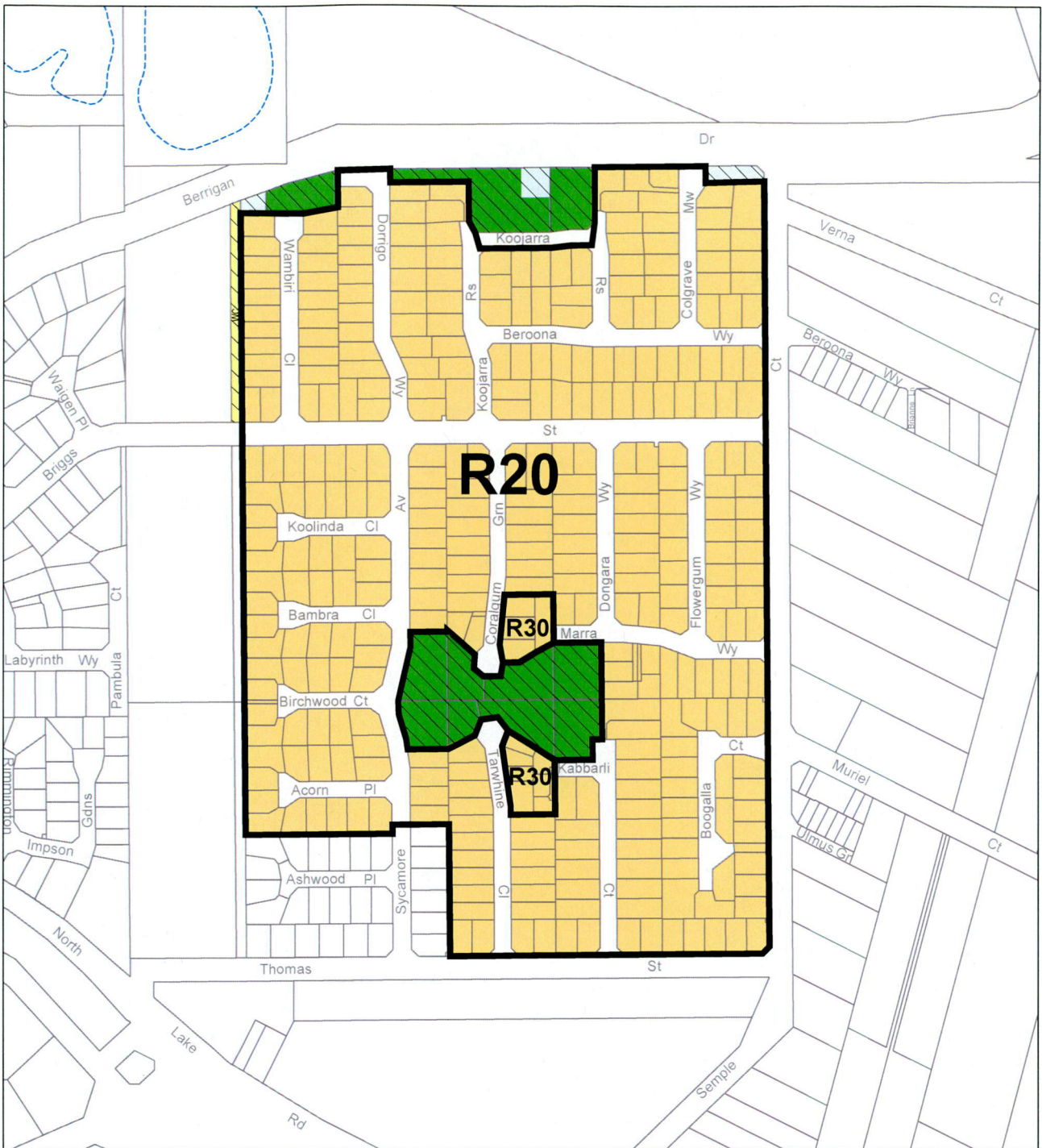


GNA 9/2018



**Current Scheme Map**  
**Town Planning Scheme No.3**  
**Amendment No.132**



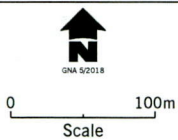
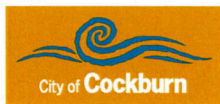


**GENERAL**  
**R20** Residential Density Codes

**REGION RESERVES**

**LOCAL RESERVES**  
 Parks & Recreation  
 Lakes & Drainage  
 Local Road  
 Public Purposes  
 DENOTED AS FOLLOWS:  
 WC - Water Corporation

**ZONES**  
 Residential



**Scheme Amendment Map**  
**Town Planning Scheme No.3**  
**Amendment No.132**



**PLANNING AND DEVELOPMENT ACT, 2005  
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 132**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning various lots in South Lake from 'Development' zone to 'Residential R20' and 'Residential R30' as shown in the Scheme Amendment map.
2. Reclassifying various lots in South Lake from 'Development' to 'Parks and Recreation' and 'Lakes and Drainage' as shown in the Scheme Amendment map.
3. Reclassifying Lot 124 Briggs Street from 'Development' to 'Public Purposes: Western Power' as shown in the Scheme Amendment map.
4. Deleting 'Development Area 18 – Briggs Street Development Zone' from the subject land as shown in the Scheme Amendment map.
5. Reclassifying various road reserves in South Lake from 'Development' to 'Local Road' as shown in the Scheme Amendment map.
6. Modify Table 9 in 'Part 5 – Special Control Areas' of the scheme text by deleting 'DA 18 – Briggs Street (Development Zone)' and corresponding provisions.

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

*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.*

Dated this 14<sup>th</sup> day of June 2018

  
\_\_\_\_\_  
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 14<sup>th</sup> day of June 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

*A. Chong*

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE *14/11/18*

Final Approval Granted

MINISTER FOR PLANNING

DATE.....

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 *23/11/18*.

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.