



Western Australian Planning Commission

CITY OF COCKBURN
DOC No
2-2 MAR 2022
SUBJECT 109/151
RETENTION 124-2-3 A5
PROPERTY 6-338-77 6030954
APP
ACTION Gary Wilkinson

Your ref: 109/151
Our ref: TPS/2712
Enquiries: Schemes Officer
Email: localplanningschemes@dplh.wa.gov.au

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/Madam

TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 151

I refer to your email dated 26 November 2021 regarding Amendment No. 151.

The Western Australian Planning Commission (Commission) 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 Commission will cause the approved amendment to be published in the Government Gazette.

The Commission has forwarded notice to the Department of Premier & Cabinet (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 Department of Premier & Cabinet on (08) 6552 6012. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to localplanningschemes@dplh.wa.gov.au
Yours sincerely

Ms Sam Fagan
Secretary
Western Australian Planning Commission

14/03/2022

PLANNING AND DEVELOPMENT ACT 2005

**APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Cockburn**

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 151

Ref: **TPS/2712**

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 8 March 2022 for the purpose of:

1. Rezoning portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby from 'Resource' to 'Development' on the Scheme Map.
2. Amending the Scheme Map to contain the relevant portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby within a new Development Area, and reference this on the Scheme Map as 'DA44'.
3. Amending 'Table 9: Development Areas' to include DA 44 as follows:

REF NO.	AREA	PROVISIONS
DA44	Lot 5131 Jandakot Road, Treeby Lot 705 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.

L HOWLETT, JP
MAYOR

T BRUN
CHIEF EXECUTIVE OFFICER



TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 151

8 April 2021

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

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 151**

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. Rezoning portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby from 'Resource' to 'Development' on the Scheme Map.
2. Amending the Scheme Map to contain the relevant portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby within a new Development Area, and reference this on the Scheme Map as 'DA 44'.
3. Amending 'Table 9: Development Areas' to include DA 44 as follows:

REF NO.	AREA	PROVISIONS
DA 44	Lot 5131 Jandakot Road, Treeby Lot 705 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.

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

'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.'

Dated this 8 day of April 2021



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. 151

4. PROPOSAL: Rezone portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby from 'Resource' to 'Development' and establish the corresponding 'Development Area No. 44' within Town Planning Scheme No. 3

AMENDMENT REPORT

1.0 Introduction

The purpose of this Amendment is to:

- a) Rezone portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby ('the Amendment area') from 'Resource' to 'Development' on the Scheme Map.
- b) Amend the Scheme Map to contain the Amendment Area within Development Area No. 44, and reference this on the Scheme Map as 'DA 44'.
- c) Amend 'Table 9: Development Areas' to include DA 44.

2.0 Background:

Lot 5131 covers approximately 64.4 hectares. Of this, approximately 30.3 hectares was recently zoned 'Urban' under the Metropolitan Region Scheme (via Amendment 1367/57), together with approximately 0.14 hectares of Lot 705 Armadale Road, creating a road connection between the two. Collectively, this 30.4 hectare parcel constitutes the Amendment area (Figure 1).

The Amendment area is located on the south side of Jandakot Road and west of the Calleya estate (Development Area No. 37). To the north is vacant land zoned 'Resource' under TPS 3 and to the east are rural-residential properties in the same zone. To the south-west is land reserved in the MRS for 'Parks and Recreation' and classified as Bush Forever Area 390, and to the south-east is Development Area 43, which occupies the portions of Lots 705 and 707 Armadale Road that are zoned 'Urban' under the MRS.

The Amendment area is identified as an 'Urban Investigation' area in the South Metropolitan Peel Sub-regional Planning Framework, and for urban purposes in the Treeby District Structure Plan ('Treeby DSP'). It is on this basis that it was rezoned to 'Urban' in the MRS, as described above.

This scheme amendment is required to insert the Amendment Area into a Special Control Area (DA44) under TPS3, thereby facilitating the preparation of a structure plan.

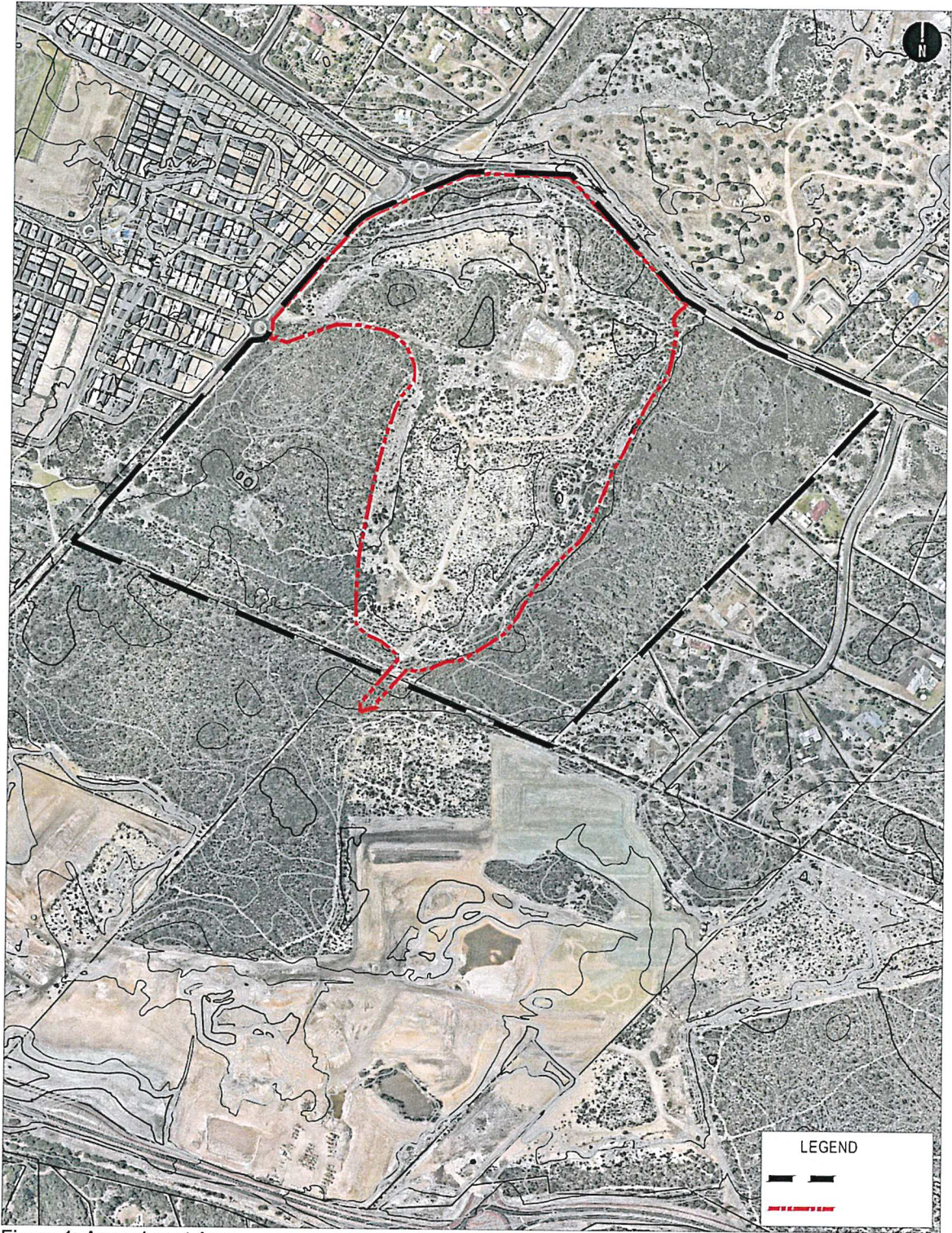


Figure 1: Amendment Area

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 one of the above criteria. In particular, it is:

- 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;*

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'), which reflects the Amendment area's previous MRS zoning ('Rural-Water Protection') (Figure 3). This Amendment request proposes that the portions of Lot 5131 and Lot 705 recently zoned 'Urban' under the MRS be rezoned to 'Development', facilitating urban development in accordance with the Treeby DSP and a Local Structure Plan.

The 'Development' zone in TPS 3 necessitates the preparation and approval of a Local Structure Plan to guide subdivision and development.

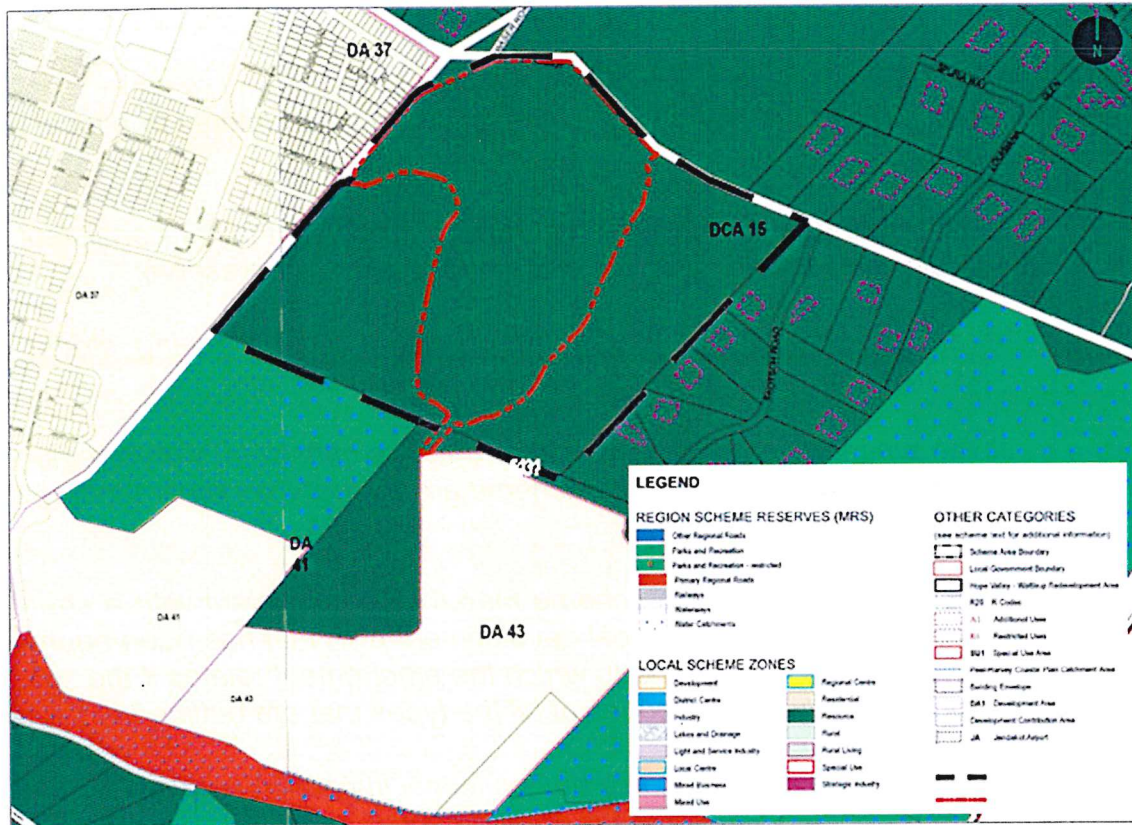


Figure 3: TPS3 Zoning

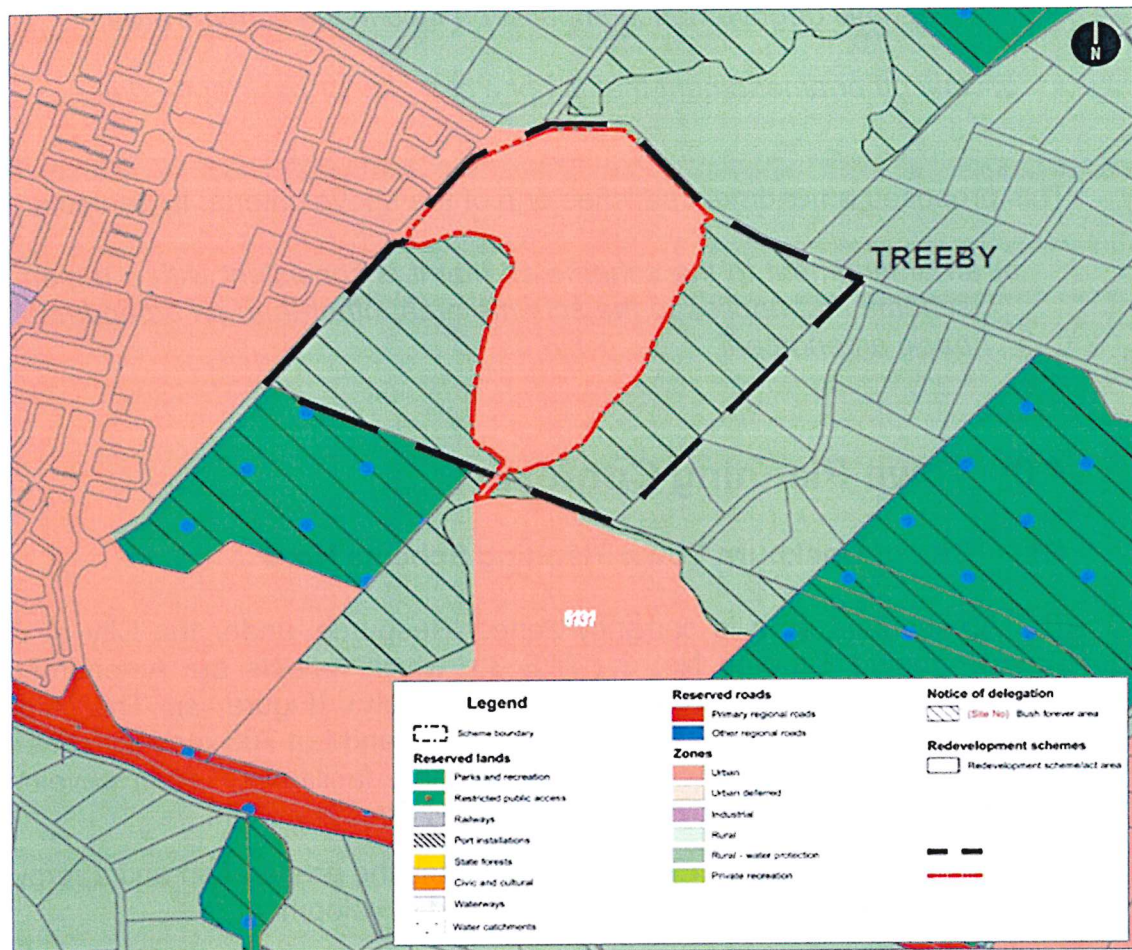


Figure 4: MRS Zoning

4.2 Metropolitan Region Scheme

The Amendment area is zoned 'Urban' in the MRS (Figure 4). Within Lot 5131, land to the south-west and east of the Amendment area is zoned 'Rural-Water Protection', and, being within Bush Forever Area 390, is likely to be reserved for 'Parks and Recreation' in future, at the WAPC's discretion.

5.0 Proposal

This amendment to TPS 3 proposes to rezone the Amendment area from 'Resource' to 'Development' and establish a corresponding Development Area in Table 9 of TPS 3.

Amendment to the Scheme Map

The TPS 3 map will be modified to show the portions of Lot 5131 and 705 that are zoned 'Urban' in the MRS as being in the 'Development' zone in TPS 3. A corresponding Development Area will also be established.

Amendment to the Scheme Text

The TPS 3 text will be modified to insert a new Development Area into Table 9 – Development Areas, as follows:

Table 9 - Development Areas

REF NO.	AREA	PROVISIONS
DA 44	Lot 5131 Jandakot Road, Treeby Lot 705 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.

6.0 Conclusion

The proposed amendment to TPS 3 will ensure that it is consistent with the MRS in respect of portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby. The proposed 'Development' zone will facilitate comprehensive planning through a structure plan, enabling subdivision and development of the Amendment area. The structure plan will identify a range of residential densities, a movement network connecting to neighbouring landholdings, interface and management requirements for Bush Forever Area 390 and public open spaces.

PLANNING AND DEVELOPMENT ACT, 2005

CITY OF COCKBURN

TOWN PLANNING SCHEME NO 3

AMENDMENT NO. 151

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. Rezoning portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby from 'Resource' to 'Development' on the Scheme Map.
2. Amending the Scheme Map to contain the relevant portions of Lot 5131 Jandakot Road, Treeby and Lot 705 Armadale Road, Treeby within a new Development Area, and reference this on the Scheme Map as 'DA44'.
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ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 8 day of April 2021.

Logan Stewart
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 11 day of November 2021, 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 Stewart

MAYOR

[Signature]
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

J. Cheng

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

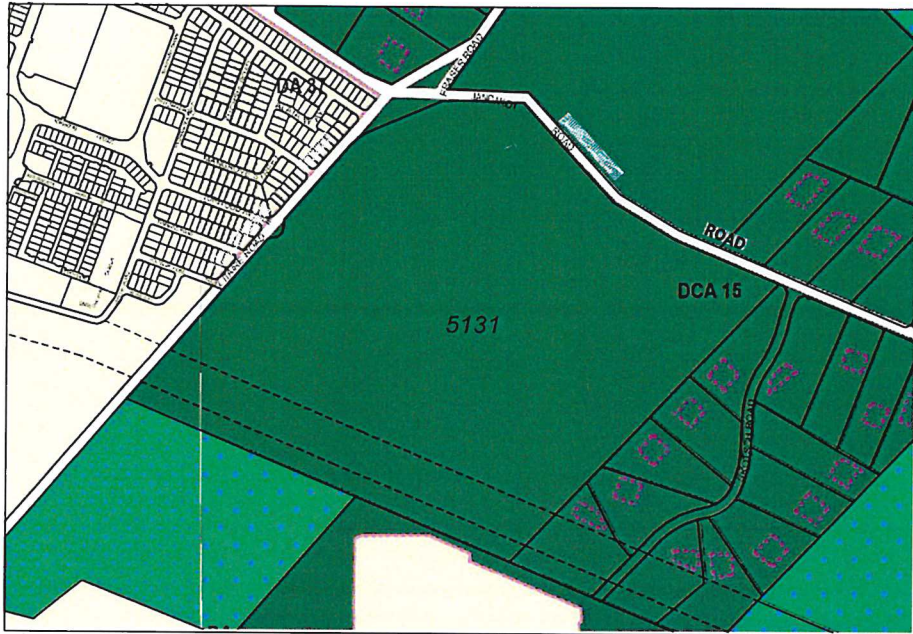
DATE *21/02/22*

Final Approval Granted

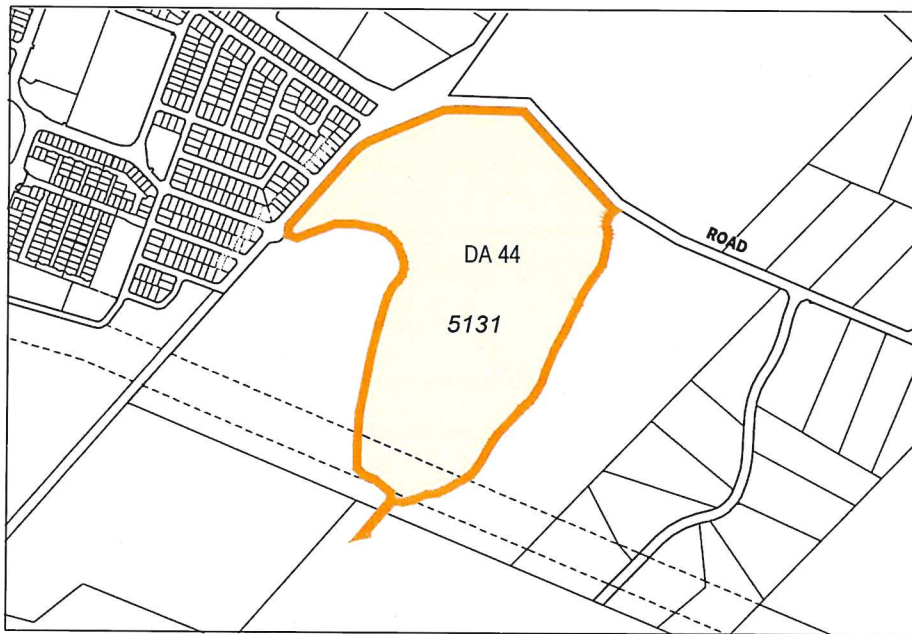
[Signature]

MINISTER FOR PLANNING

DATE *8 March 2022*



CURRENT SCHEME MAP



SCHEME AMENDMENT MAP

LEGEND

REGION SCHEME RESERVES (MRS)

- Parks and Recreation
- Water Catchments

LOCAL SCHEME RESERVES

- Local Road

LOCAL SCHEME ZONES

- Development
- Resource

OTHER CATEGORIES

- Building Envelope
- DA1 Development Area

Source: WAPC