

14 Reports - CEO (and Delegates)

14.1 Sustainable Development and Safety

14.1.1 Initiation of (Complex) Amendment No.188 to Town Planning Scheme No.3 - Deletion of Development Contribution Area 12 'Packham North'

Responsible Executive	Director Sustainable Development and Safety
Author(s)	Strategic Planning Officer and Service Manager Strategic Planning
Attachments	1. Scheme Amendment No.188 Report ↓
Location	Packham North (Coogee and Spearwood)
Owner	Various
Applicant	City of Cockburn
Application Reference	109/188

Recommendation

That Council:

- (1) AMENDS the City of Cockburn Town Planning Scheme No. 3, pursuant to Section 75 of the *Planning and Development Act 2005*, by:
 1. Deleting 'Development Contribution Area 12 (Packham North)' from 'Table 10 - Development Contribution Plans' of the Scheme Text; and
 2. Deleting 'Development Contribution Area 12' from the Scheme Maps.
- (2) DETERMINES that the Amendment is 'complex' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it satisfies the following criteria of Part 5, Division 1, Regulation 34:
 - an amendment to identify or amend a development contribution area and delete a development contribution plan.
- (3) SUBMITS two copies of the proposed Amendment to the Western Australian Planning Commission, pursuant to Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to obtain consent to advertise the Scheme Amendment.
- (4) REFERS the Amendment to the Minister for Planning, pursuant to Section 83A of the *Planning and Development Act 2005*, for permission to advertise the proposed Scheme Amendment.
- (5) Upon compliance with Sections 81, 82 and 83A of the Planning and Development Act 2005, ADVERTISES the proposed amendment pursuant to the details prescribed within Part 5, Division 3, Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

There are currently 12 Development Contribution Areas (DCAs) and associated Development Contribution Plans (DCPs) operating under the City of Cockburn's Town Planning Scheme No.3 (TPS3), collecting contributions towards infrastructure through the subdivision and development process.

The establishment and operation of a DCA is guided by State Planning Policy 3.6 (SPP3.6), and more recently the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

As the works for the DCP12 project (outlined in Table 10 of TPS3) are complete, the development contribution plan is effectively redundant. No further payments for the associated infrastructure items are required.

Deletion of DCP12 will have no effect on the City-wide development contribution plan for community infrastructure (DCA13) which will continue to apply to anyone who creates additional dwellings via the subdivision or redevelopment process.

Submission

N/A

Report

For Development Contribution Area 12 (Packham North), Table 10 of TPS3 includes the following detail:

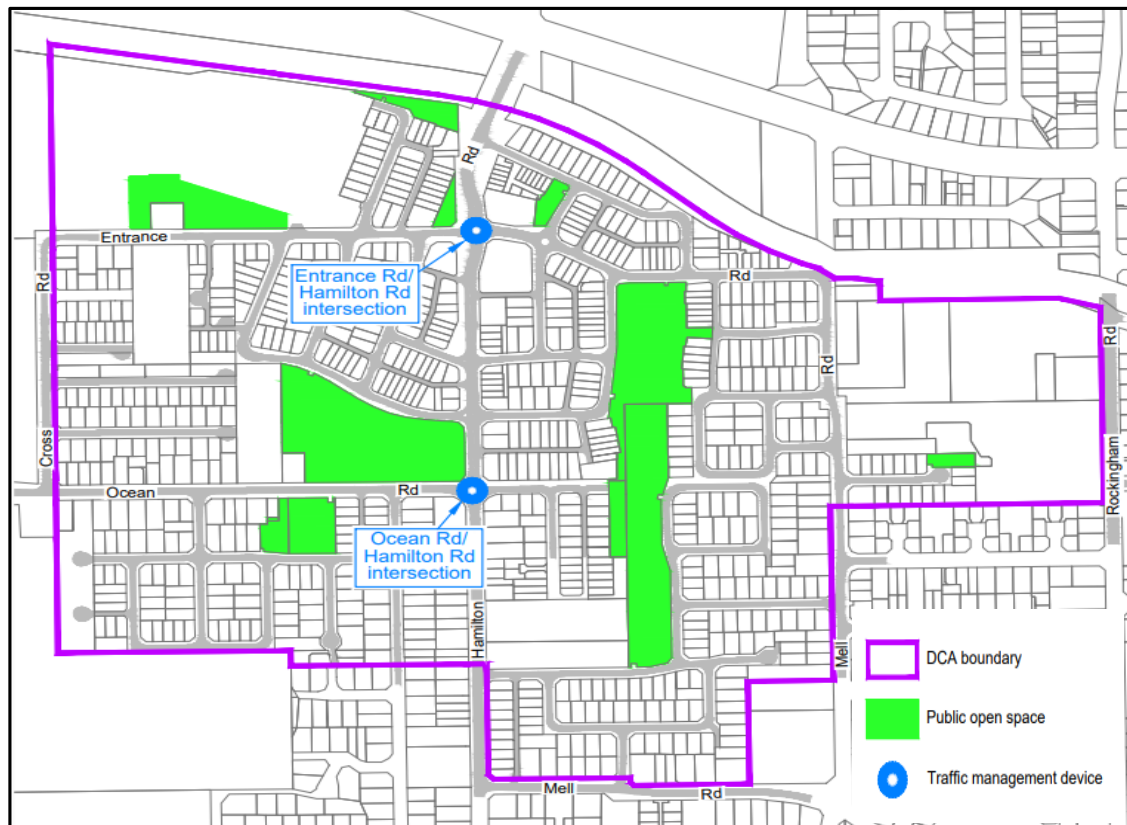
	DCA 12
Area	Packham North
Infrastructure and administrative items to be funded	Contributions shall be made towards the following items: Landowners shall generally be required to contain drainage on their own site. However, where a landowner(s) is required to provide additional capacity within their subdivision or development that is to serve adjoining landowners then all landowners whose land is to be serviced by designated drainage area shall make a proportional contribution to the required drainage land and works. Such proportion is to be calculated on the basis of the area of land within the drainage catchment areas. Drainage works referred to above include internal and offsite arterial groundwater control and drainage infrastructure including detention basins, gross pollutant traps, nutrient stripping and landscaping. Infrastructure within subdivision roads and development sites is the responsibility of the land developer and is not a DCA responsibility. Landowners(s) are required to provide 10% of their landholding(s) for public open space (POS) in accordance with Element 4 of Liveable Neighbourhoods. The structure plan will generally locate POS such that the 10% requirement is satisfied on each owner or group of owners land holdings. However, where the adopted structure plan requires landowners(s) to provide more than their required 10% POS within their subdivision then

	the over and above POS land area shall be a DCA cost item which is contributed to by those landowners not providing 10% of their land. The above liability for POS is to be based on the value of the POS being over provided which is determined in accordance with clause 5.3.9 of the Scheme and apportioned to under providing owners on the basis of the area of a landowner(s) shortfall in meeting the 10% requirement. The cost of landscaping public open space including wetland restoration. The costs of any traffic management device on Integrator or Neighbourhood Connector roads as defined by Element 2 of Liveable Neighbourhoods which are required as part of the development of the DCA area. This includes existing and proposed internal and abutting roads. Preliminary professional services prefunded by the City including drainage, engineering, environmental, servicing, traffic and planning which relate to the DCA area. Costs to implement and administer cost sharing arrangements of the DCA including design, cost estimates and schedules, valuations, annual reviews of land and works, audits, legal advice and administrative costs. The DCA costs shall not apply to Lot 6 Rockingham Road or Lots 16, 17 and 18 Mell Road unless they are the subject of further development in addition to that which already exists or is the subject of a current approval. Cost including fees and interest on any loans raised by the local government to purchase land or undertake any of the DCA12 works.
Method for calculating contributions	All landowners within DCA 12 shall make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Packham North Development Contribution Area. The proportional contribution is to be determined in accordance with the provisions of Clause 5.3 and this Development Contribution Plan. Contributions shall be calculated on a per hectare basis. Lots 480-482 Mell Road and Lot 483 Rockingham Road will be required to make only a pro-rata contribution toward the District/Local Water Management Strategy (35.5% for the District level portion of the Strategy only) and Ocean Road/Hamilton Road Traffic Management Device (30%) and no contribution toward the Vegetation Survey and Rare and Priority Flora Search Ocean Road Wetland Study. The pro-rata contributions have been calculated based on locational factors and differences in demand and forecast usage of infrastructure.
Period of operation	Until 30 June 2027. However, the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.
Priority and timing	In accordance with the City of Cockburn Capital Expenditure Plan.
Review process	The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing. The estimated infrastructure costs contained in the Packham North Cost Contribution Schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.
Participants and	In accordance with the Cost Contribution Schedule adopted by the local

contributions	government for DCA 12.
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Its spatial extent is identified on the Scheme Maps as DCA 12. A representation of that area is shown in the map below (note this is not the Scheme map). This shows:

- The traffic management devices on Hamilton Road (Entrance/Ocean Road)
- Public Open Space (POS) provision and development (the over and above 10% portion) including wetland restoration.



Undeveloped land still exists in the DCA, but the delivery of infrastructure is complete, and funds have been over-collected. Clause 6.10.19 of SPP3.6 and subclause 5.3.17.2 of TPS3 establish the framework the City must follow when refunding excess contributions to landowners.

The City was required to notify contributing landowners in the DCA of its intent to return excess funds. The notification outlined the amount, explained funds would be allocated proportionally based on developed area for an equitable distribution, and provided the anticipated timing.

With the surplus payment refunds completed in April 2025 (including a final independent audit of the transactions and reserve account in February 2026), DCA12 can now be deleted from the scheme.

Summary

The City has completed the necessary steps to close out the DCP for the DCA12. Ministerial approval is therefore sought to remove this defunct DCA from TPS3.

Amendment Type

The Regulations specify three different types of Scheme amendments, being 'basic', 'standard' and complex'. Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

The proposed amendment is considered a 'complex' amendment on the basis it proposes to delete DCA12 and its associated plan from TPS3 and the scheme maps.

Strategic Plans/Policy Implications

Our Governance

Transparent leadership that listens, communicates openly and plans for a sustainable future.

- Facilitate transparent and accountable governance for today and tomorrow.

Budget/Financial Implications

The final audit of this plan has been undertaken and published to the City's webpage.

Legal Implications

- *Environmental Protection Act (1986)*
- *Planning and Development Act (2005)*
- *Planning and Development (Local Planning Schemes) Regulations (2015)*
- City of Cockburn Town Planning Scheme No.3
- State Planning Policy 3.6 – Infrastructure Contributions

Community Consultation

Scheme Amendment No.188 meets the definition of 'Complex' Scheme Amendment. Part 5, Division 2, Regulation 38 requires advertising for a minimum period of 60 days.

Advertising cannot commence until consent is given by the Western Australian Planning Commission under r.37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Minister for Planning under s.83A of the *Planning and Development Act 2005*.

Officers from the Department of Planning, Lands and Heritage were provided an opportunity to review and provide feedback on a draft of this proposal to ensure it contains the level of information expected.

Prior referral to the Environmental Protection Authority is not required in this instance due to the proposal meeting the criteria for exemption under s.81(2) of the Regulations and s.48AAA(2) of the *Environmental Protection Act* (as the proposal is unlikely to have a significant environmental impact).

Risk Management Implications

Once all infrastructure and facilities identified in a DCP have been delivered, the City is required under SPP3.6 to take the appropriate steps to close the DCP within 12 months, or as soon as practicable.

Besides non-compliance with the SPP, if not removed there is a risk that DCA12 will mistakenly be considered an encumbrance or disincentive to further redevelopment, and further officer time will be wasted clarifying there are no further contributions to be levied.

Deleting DCA12 from TPS3 removes a redundant layer of planning control and will help to simplify the local planning framework and aligns with Governance Action 1.5 of the City's Local Planning Strategy.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



Town Planning Scheme No.3
Amendment No.188
(Complex)

Deletion of Development Contribution Area No.12

APRIL 2026

Planning and Development Act 2005
RESOLUTION TO AMEND A TOWN PLANNING SCHEME

City of Cockburn
Town Planning Scheme No.3
Amendment No.188

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. Deleting 'Development Contribution Area 12 (Packham North)' from 'Table 10 – Development Contribution Plans' of the Scheme Text.
2. Deleting 'Development Contribution Area 12' from the Scheme Maps.

The Amendment is 'complex' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it proposes to amend a development contribution area and delete a development contribution plan.

Dated this day of 20.....

CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

1.0 INTRODUCTION

Amendment No.188 to the City of Cockburn's Town Planning Scheme No.3 (TPS3) seeks to remove Development Contribution Area 12 'Packham North' from the scheme text and maps.

2.0 BACKGROUND

There are currently 12 Development Contribution Areas (DCAs) and associated Development Contribution Plans (DCPs) operating under TPS3, collecting contributions towards infrastructure through the subdivision and development process.

The establishment and operation of a DCA is guided by State Planning Policy 3.6 (SPP3.6), and more recently the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

It is important to note that DCA13's requirement for contributions to city-wide community infrastructure will remain in effect for any new dwellings created before its 2031 expiration, irrespective of this proposal's outcome.

3.0 AMENDMENT TYPE

Part 5, Division 1, Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, identifies different amendment types: basic, standard and complex.

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 a 'complex' amendment, which Regulation 34 describes as any of the following:

- 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*

The proposed amendment satisfies e) of the above criteria on the basis that it proposes to delete a Development Contribution Area from TPS3.

4.0 TOWN PLANNING CONTEXT

4.1 State Planning Policy 3.6 – Infrastructure Contributions

SPP 3.6 sets out the principles and requirement that apply to the establishment and collection of infrastructure contributions in new and established areas.

Once all infrastructure and facilities identified in a DCP have been delivered, the local government is required to take the appropriate steps to close the DCP within 12 months, or as soon as practicable, having consideration for the policy provisions for a shortfall or excess funds in a DCP.

4.2 City of Cockburn Town Planning Scheme No. 3

DCAs constitute a Special Control Area pursuant to Part 5 of TPS3 and operate in accordance with provisions of clause 5.3.

High level details are included in Table 10 – ‘Development Contribution Plans’ of TPS3, they are also spatially defined on all scheme maps.

5.0 PROPOSAL

For Development Contribution Area 12 (Packham North), Table 10 includes the following detail:

	DCA 12
Area	Packham North
Infrastructure and administrative items to be funded	Contributions shall be made towards the following items: Landowners shall generally be required to contain drainage on their own site. However, where a landowner(s) is required to provide additional capacity within their subdivision or development that is to serve adjoining landowners then all landowners whose land is to be serviced by designated drainage area shall make a proportional contribution to the required drainage land and works. Such proportion is to be calculated on the basis of the area of land within the drainage catchment areas. Drainage works referred to above include internal and offsite arterial groundwater control and drainage infrastructure including detention basins, gross pollutant traps, nutrient stripping and landscaping. Infrastructure within subdivision roads and development sites is the responsibility of the land developer and is not a DCA responsibility. Landowners(s) are required to provide 10% of their landholding(s) for public open space (POS) in accordance with Element 4 of Liveable Neighbourhoods. The structure plan will generally locate POS such that the 10% requirement is satisfied on each owner or group of owners land holdings. However, where the adopted structure plan requires landowners(s) to provide more than their required 10% POS within their subdivision then the over and above POS land area shall be a DCA cost item which is contributed to by those landowners not providing 10% of their land. The above liability for POS is to be based on the value of the POS being over provided which is determined in accordance with clause 5.3.9 of the

	Scheme and apportioned to under providing owners on the basis of the area of a landowner(s) shortfall in meeting the 10% requirement. The cost of landscaping public open space including wetland restoration. The costs of any traffic management device on Integrator or Neighbourhood Connector roads as defined by Element 2 of Liveable Neighbourhoods which are required as part of the development of the DCA area. This includes existing and proposed internal and abutting roads. Preliminary professional services prefunded by the City including drainage, engineering, environmental, servicing, traffic and planning which relate to the DCA area. Costs to implement and administer cost sharing arrangements of the DCA including design, cost estimates and schedules, valuations, annual reviews of land and works, audits, legal advice and administrative costs. The DCA costs shall not apply to Lot 6 Rockingham Road or Lots 16, 17 and 18 Mell Road unless they are the subject of further development in addition to that which already exists or is the subject of a current approval. Cost including fees and interest on any loans raised by the local government to purchase land or undertake any of the DCA12 works.
Method for calculating contributions	All landowners within DCA 12 shall make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Packham North Development Contribution Area. The proportional contribution is to be determined in accordance with the provisions of Clause 5.3 and this Development Contribution Plan. Contributions shall be calculated on a per hectare basis. Lots 480-482 Mell Road and Lot 483 Rockingham Road will be required to make only a pro-rata contribution toward the District/Local Water Management Strategy (35.5% for the District level portion of the Strategy only) and Ocean Road/Hamilton Road Traffic Management Device (30%) and no contribution toward the Vegetation Survey and Rare and Priority Flora Search Ocean Road Wetland Study. The pro-rata contributions have been calculated based on locational factors and differences in demand and forecast usage of infrastructure.
Period of operation	Until 30 June 2027. However, the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.
Priority and timing	In accordance with the City of Cockburn Capital Expenditure Plan.
Review process	The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing. The estimated infrastructure costs contained in the Packham North Cost Contribution Schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.
Participants and contributions	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 12.

Its spatial extent is identified on the Scheme Maps as DCA 12. Figure 1 shows that extent in addition to the location of the funded infrastructure.

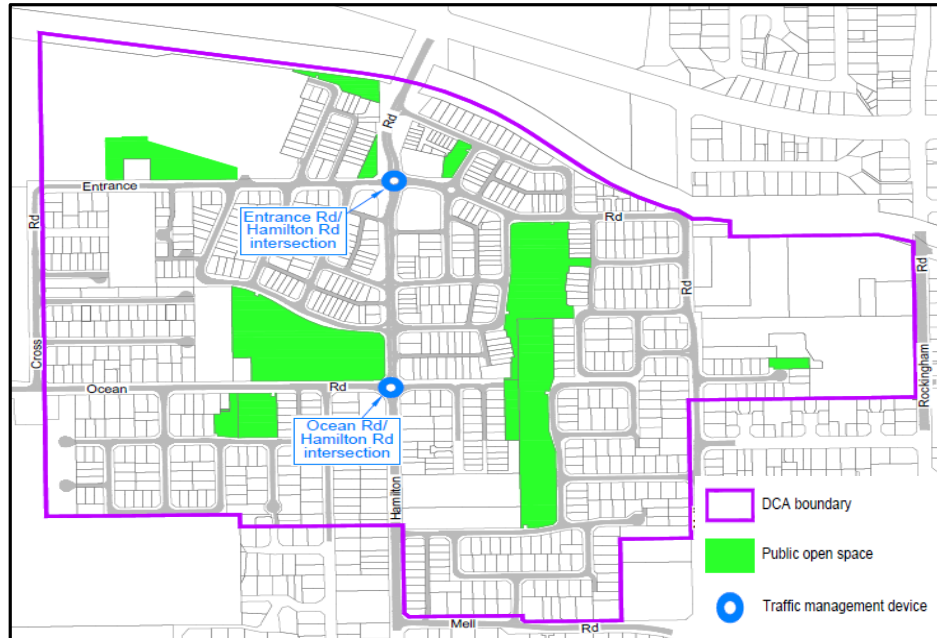


Figure 1: DCA12 Extent and Funded Infrastructure

Whilst small pockets of undeveloped land still exist within the DCA (refer Figure 2) the delivery of infrastructure is complete, with funds having been over-collected.



Figure 2: Aerial Photograph (2025)

Table 1 summarises the completed infrastructure items and their delivery dates:

DCP 12 Infrastructure Items	Actual cost	Completion Period
Hamilton Road Traffic Management Devices:		
Roundabout 1 – Entrance Road	\$974,123	June 2014
Roundabout 2 – Ocean Road	\$240,086	November 2014
Public Open Space (POS) and Drainage:		
(the over and above 10% portion, including wetland restoration and drainage only)	\$4,664,337	2014/15 – 2024/25 FY

Table 1: Cost and Timing of Completed Infrastructure

The POS was constructed as a work-in-kind contribution by multiple developers whose land exceeded the standard 10% POS requirement under the Packham North District Structure Plan. Delivery occurred in stages between 2014 and 2025, in line with the sequencing of development for the relevant lots.

Clause 6.10.19 of SPP3.6 and subclause 5.3.17.2 of TPS3 establish the framework that the City must follow when refunding excess contributions to landowners.

In November 2024, the City notified contributing landowners in the DCA that it intends to return excess funds of \$160,145.52. The notification outlined the amount, explained that funds would be allocated proportionally based on developed area for an equitable distribution, and provided the anticipated timing.

Following completion of refunding the surplus funds in April 2025 and an [Independent Audit](#) of the DCP in February 2026, \$340 remains in the DCP account. This balance, recognised in the 2024/25 Statement of Income & Expenditure has been retained to cover the final DCP12 audit fee. This expenditure will be recorded in the 2025/26 statement, resulting in a nil balance for the DCP.

Consequently, DCA12 can now be decommissioned, including the removal of all references from the scheme text and maps.

6.0 CONCLUSION

The City has completed the necessary steps to close out the DCP for the now-ended DCA12. Ministerial approval is now required to remove this defunct DCA from TPS3.

Deleting DCA12 from TPS3 removes a redundant layer of planning control and simplifies the local planning framework. This outcome also aligns with the City's commitment to Governance Action 1.5 of the Local Planning Strategy, which aims to remove development contribution plans progressively from the Scheme as they are finalised.

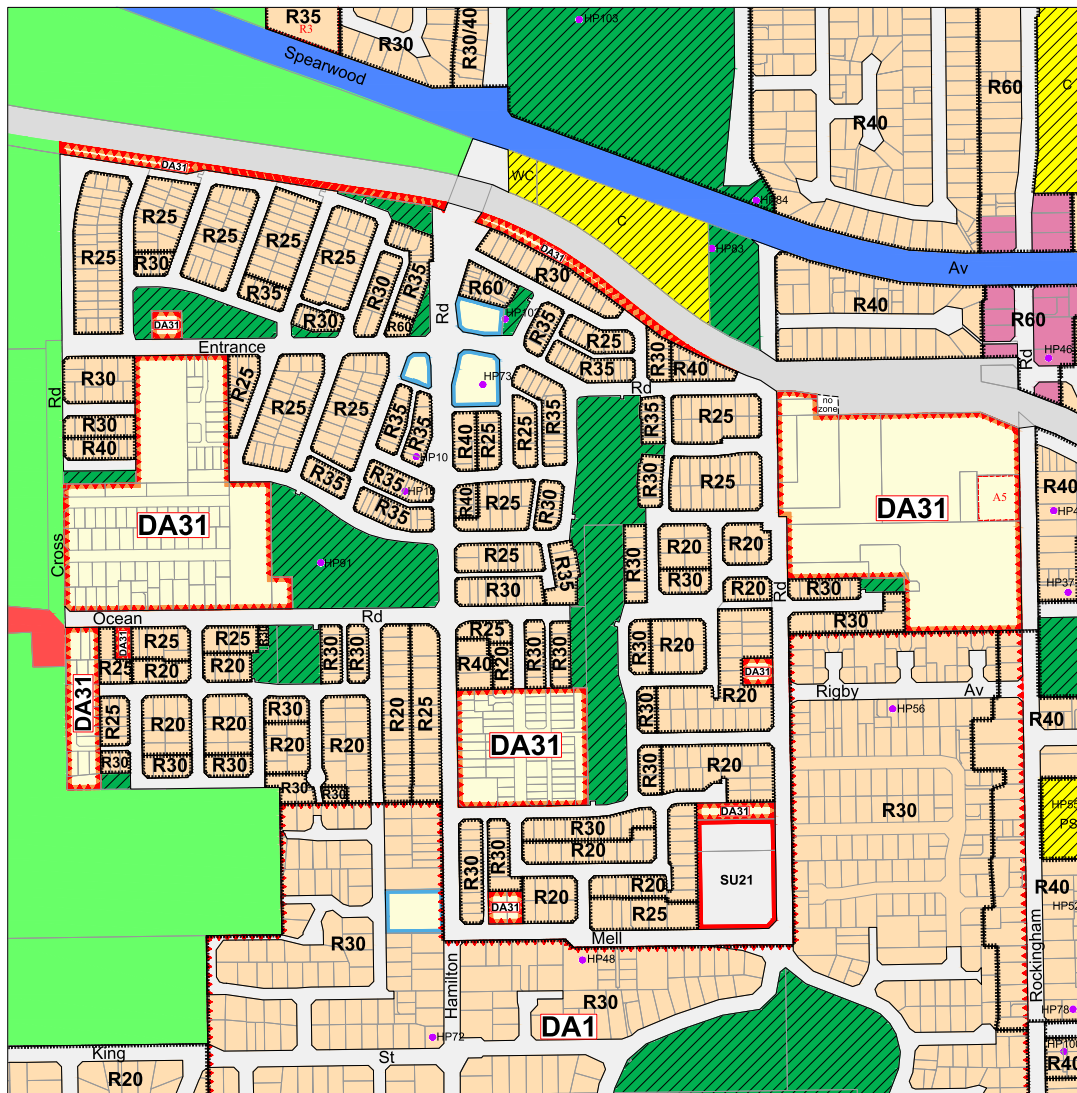
Planning and Development Act 2005***City of Cockburn
Town Planning Scheme No.3
Amendment No.188***

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The Amendment is 'complex' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it proposes to amend a development contribution area and delete a development contribution plan.





Scheme Amendment Map

GENERAL

- R20** Residential Density Codes
- A1** Additional Uses
- R1** Restricted Uses
- HP1** Heritage Place

SPECIAL CONTROL AREAS:

- DA1** Development Areas

REGION RESERVES

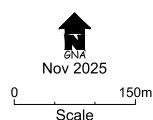
- Regional Open Space**
- Railways**
- Primary Regional Roads**
- Other Regional Roads**

LOCAL RESERVES

- Parks and Recreation**
- Local Road**
- Public Purposes - Civic**
- Public Purposes - Primary School**
- Public Purposes - Water Corporation**

ZONES

- Residential**
- Local Centre**
- Mixed Use**
- Development**
- SU1** Special Use
- No zone**



Amendment No.188

Town Planning Scheme No.3

COUNCIL ADOPTION

This Complex Amendment was adopted by resolution of the Council of the City of Cockburn at the Ordinary Meeting of the Council held on the ____ day of ____ 20__

MAYOR

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the City of Cockburn at the Ordinary Meeting of the Council held on the ____ day of ____ 20__ proceed to advertise this Amendment.

MAYOR

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for [support with/without modification(s)/not support] by resolution of the City of Cockburn at the Ordinary Council Meeting of the Council held on the ____ day of ____ 20__ 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:

MAYOR

(Seal)

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR FINAL APPROVAL

DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

DATE _____

Approval Granted

MINISTER FOR PLANNING

DATE _____