



CITY OF COCKBURN
DOC Set
25 JAN 2021
SUBJECT 109/130
RETENTION 124.2.3 AS
PROPERTY
ASP
ACTION ANDREW DARVIS

Your ref: 109/130
Our ref: TPS/2293
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. 130

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 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. 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

19/01/2021

PLANNING AND DEVELOPMENT ACT 2005

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

LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 130

Ref: TPS/2293

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 13 January 2021 for the purpose of:

1. Rezoning various lots in Atwell from 'Development' zone to 'Residential R40' as shown in the Scheme Amendment map.
2. Deleting 'Development Area 10 – Atwell South Development Zone' from the Scheme map and Table 9 from the Scheme.

L HOWLETT, JP
MAYOR

D ARNDT
A/CHIEF EXECUTIVE OFFICER

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 130

April 2020

**(INCLUDING PROPOSED MODIFICATIONS – 12 SEPTEMBER 2019
COUNCIL MEETING)**

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

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 130**

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 various lots in Atwell from 'Development' zone to 'Residential R40' as shown in the Scheme Amendment map.
2. Deleting 'Development Area 10 – Atwell South Development Zone' from the Scheme map and Table 9 of the Scheme.

Dated this 12 day of April 2018


A/ 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. 130

5. PROPOSAL: Rezoning various lots within Harvest Lakes Structure Plans from 'Development' zone and 'Development Area 10' to 'Residential R40', and deleting 'Development Area 10' from Table 9.

AMENDMENT REPORT

1.0 Introduction

The purpose of this Amendment is to appropriately zone lots within the Harvest Lakes and Harvest Lakes Village Centre Structures that are designated a 'Mixed Use' zoning.

There are 26 lots ranging in size from 283sqm to 417sqm that have been developed with single dwellings.

2.0 Background

The subject lots are located within the following Structure Plans:

- *Harvest Lakes Structure Plan – Adopted 3/10/2006*
- *Harvest Lakes Village Centre – Adopted 12/05/2011*

These Structure Plans identified the lots as 'Mixed Use – R40' (maps are attached as appendices).

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 standard amendment, which Regulation 34 describes as:

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 d) of the above criteria.

4.0 Town Planning Context:

4.1 City of Cockburn Town Planning Scheme No. 3

The subject lots are zoned 'Development' and 'Development Area 10' 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 'Development Area 10' provisions set out the requirement for a Structure Plan, and specific guidance for the design of the Structure Plan and the Village Centre. Given that Structure Plan were approved in accordance with these requirements and have now been implemented, these provisions serve no further purpose and are proposed to be deleted from Table 9 of 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 lots are zoned 'Urban' under the Metropolitan Region Scheme.

5.0 Proposal

The Structure Plans in the south Atwell area have served their purpose in guiding subdivision and development of the area, and development in accordance with the Structure Plans has now occurred.

The Structure Plans are being rationalised into the Scheme via a basic Amendment (Scheme Amendment No. 129) where the zonings identified within the Structure Plans directly correlate to zonings in the Scheme.

However, there are 26 lots identified as 'Mixed Use – R40', most of them being located within close proximity to the local centre. The Harvest Lakes and Harvest Lakes Village Structure Plan identified these lots as 'Mixed Use' as follows:

Land use flexibility will also be provided through the allocation of a small cell of 'Mixed Use' to the north-east of the Neighbourhood Centre, which extends eastwards beyond the Village Centre Structure Plan area along Harvest Lakes Boulevard. This will present an opportunity for a mix of varied but compatible land uses such as residential housing, offices, and commercial to a high standard of architectural design along this important connection to activate the streetscape throughout the day and night.

The Structure Plans include a table of those uses that were intended to be permitted and discretionary under the Village Centre Structure Plan.

This area was subsequently subdivided into 26 lots ranging in size from 283sqm to 417sqm that were all developed with single dwellings in 2010.

With the exception of some home-based businesses that have been approved as a 'home occupations', there have been no 'commercial' development approved on these lots.

All commercial uses have been developed in the 'Local Centre' zone which has become the focus of activity in this area. The adjacent area outside the 'Local Centre' zone, including the subject lots have a residential use and character.

The City originally advertised a proposed to zone these lots 'Residential R40'. However, during the advertising period concern was raised that the change will restrict possible future uses which were understood to be permissible upon purchase of properties in this area.

This concern is acknowledged, and in response Amendment No. 130 proposes to zone most of these properties 'Mixed Use – R40' zone, with an 'Additional Use' of 'Single House' (given that the 'Mixed Use' zone under the Scheme does not ordinarily allow for single houses).

This proposed zoning would facilitate a range of uses that are generally more aligned to the current 'Mixed Use' designation under the Harvest Lakes Structure Plan, and would therefore be similar to the current designation under the Structure Plan.

The purpose of the 'Mixed Use' zone under the Scheme is to allow for commercial uses that are compatible with residential development, which is appropriate to the circumstances. The Scheme sets out the range of uses that are permissible under this zone.

The larger lot at 180 Bartram Road (see image 2) that has been developed for 12 multiple dwellings was identified as 'Mixed Use- R40' but commercial uses restricted to 'Homestore' as defined in the Scheme. The adopted Local Development Plan for this site envisaged a specific built form development outcome that included 'Homestore' uses (ie: shop(s) connected to dwellings), however the site was subsequently developed for conventional multiple dwellings.

Given this built form outcome, it is considered unlikely that there would be any flexibility to appropriately incorporate 'Homestore' uses. Furthermore, no submissions were received regarding the proposed Amendment to zone this lot 'Residential R40'. It is therefore recommended that the proposed rezoning of 180 Bartram Road remain unchanged.

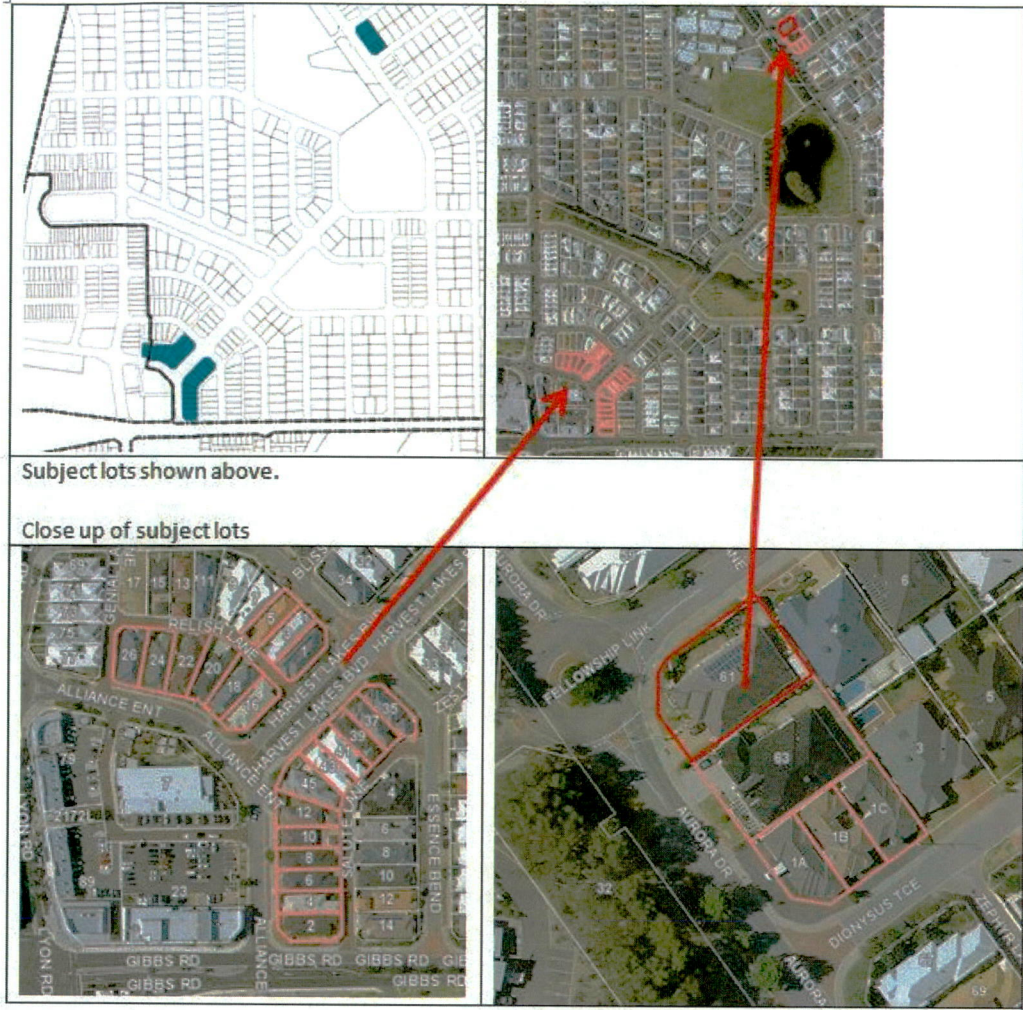


Figure 1: Lots subject to the amendment.



Figure 2: Remaining lot proposed for Residential R40.

Local Development Plans

There are Local Development plans adopted throughout the three Structure Plan areas which will continue to be operational in accordance with the Regulations.

6.0 Conclusion

The proposal to rezoned lots identified as 'Mixed Use' in the Harvest Lakes and Harvest Lakes

- All roads have been constructed and ceded to the City
- Public Open Space has been embellished and ceded to the City
- All lots shown on the adopted Structure Plans have been created and all but four single residential lots have been 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.

POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 15/12/2020 sent to the City of Cockburn and are set out further below.

In carrying out these modifications, the Council resolution dates are not modified.

In the interests of posterity and to provide some clarity to persons who may compare the original recommendation and/or Council minutes to these documents and/or the amended version of Town Planning Scheme No. 3, below are the Minister modifications:

Replace the amendment Resolution with the following:

The City of Cockburn under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme as follows:

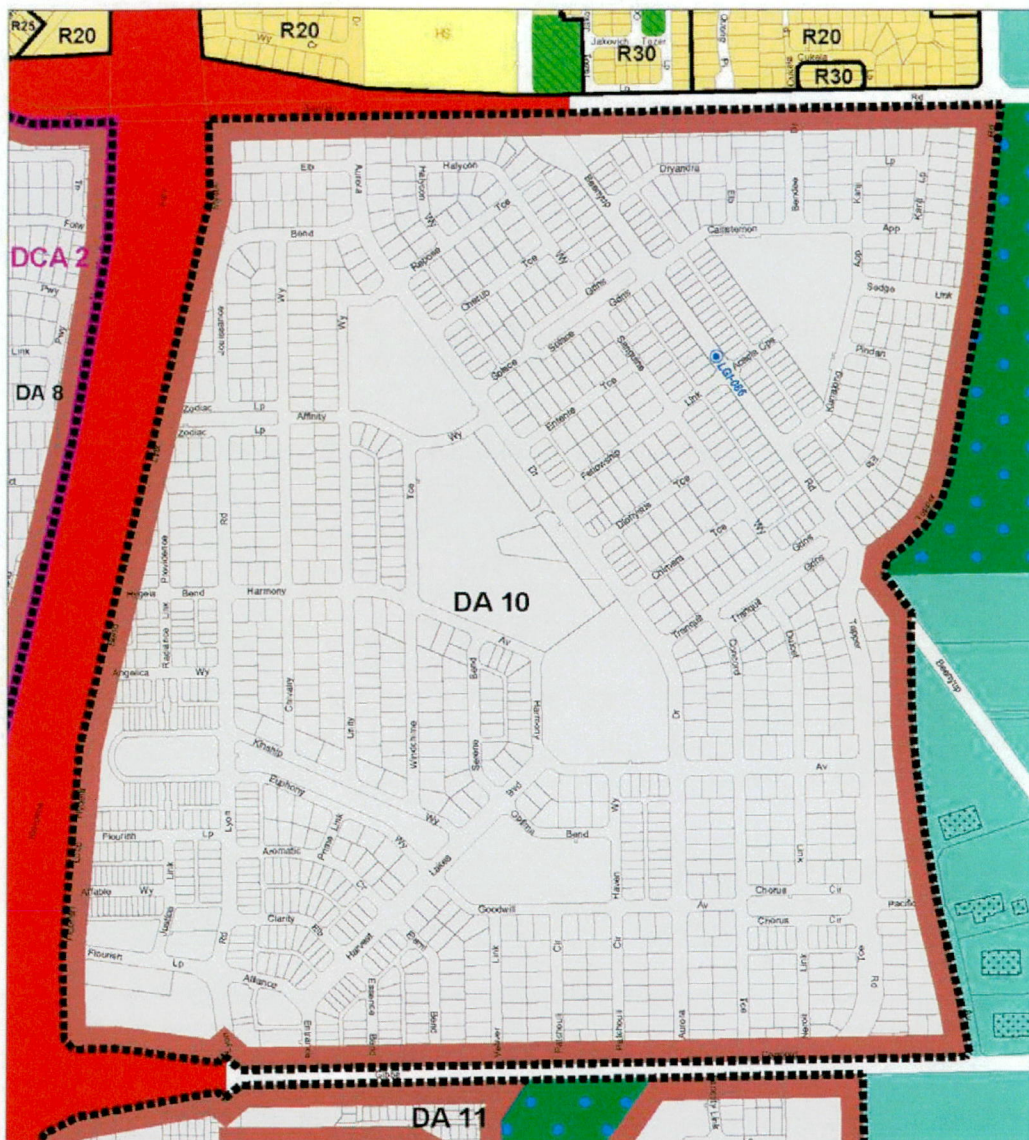
1. Rezoning various [sic] in Atwell from 'Development' zone to 'Residential R40' as shown in the Scheme Amendment map.
2. Deleting 'Development Area 10 – Atwell South Development Zone' from the Scheme map and Table 9 from the Scheme.

PLANNING AND DEVELOPMENT ACT, 2005

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO 3
AMENDMENT NO. 130**

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GENERAL	REGION RESERVES	LOCAL RESERVES	ZONES
Residential Density Codes	Parks & Recreation	Parks & Recreation	Residential
Building Envelope	Water Catchments	Local Road	Development
Heritage Place	Primary Regional Roads		Resource
SPECIAL CONTROL AREAS:	Public Purposes DENOTED AS FOLLOWS: HS - High School		
Development Areas			
Development Contribution Areas			

City of Cockburn

Scale
0 150m

Current Scheme Amendment Map

Town Planning Scheme No.3
Amendment No.130

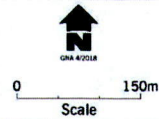
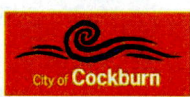


GENERAL
 [R20] Residential Density Codes

REGION RESERVES

LOCAL RESERVES

ZONES
 [Yellow Box] Residential



Proposed Scheme Amendment Map
Town Planning Scheme No.3
Amendment No.130

ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 12 day of April 2018.

Logan Hewitt
MAYOR

[Signature]
A/ 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 9th day of April 2020, 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:



Logan Hewitt
MAYOR
[Signature]
A/ CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

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 13/1/21

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.

Final Approval Granted

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE 6 JANUARY 2021

MINISTER FOR PLANNING
DATE

HARVEST LAKES STRUCTURE PLAN



CITY OF COCKBURN STRUCTURE PLAN

This Structure Plan was adopted by Council on 14/07/2005

Signed [Signature]
DIRECTOR OF PLANNING & DEVELOPMENT

File No: 9644A

This Structure Plan was endorsed by the Western Australian Planning Commission on 03/01/2006

Signed [Signature]
DIRECTOR OF PLANNING & DEVELOPMENT

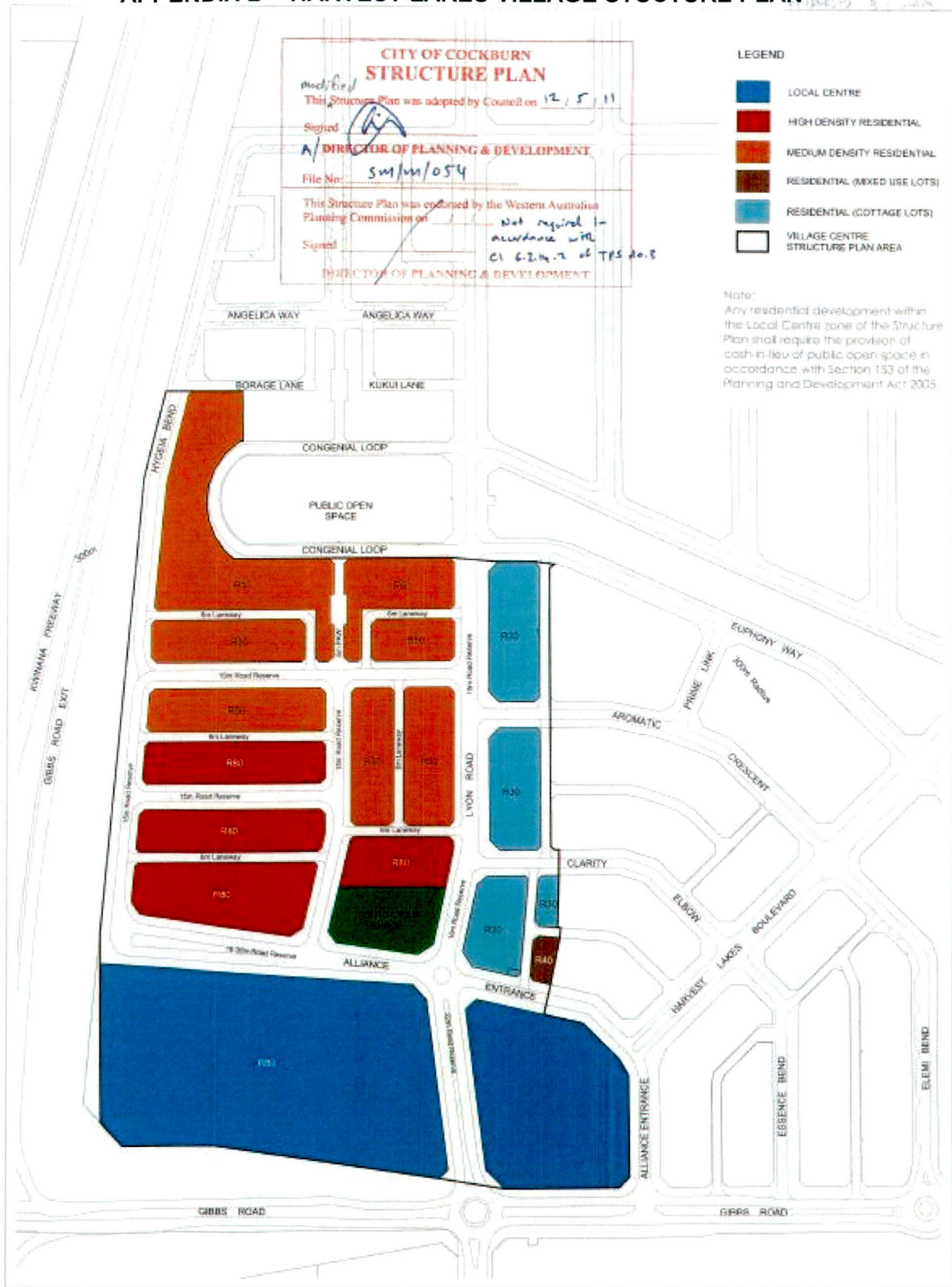
RECEIVED
25 AUG 2005

HARVEST LAKES STRUCTURE PLAN
ATWELL, CITY OF COCKBURN

roberts day
1800 0 830 840
124
L7
E7
18.11.06
1:00:00 PM
1800 0 830 840

APPENDIX B – HARVEST LAKES VILLAGE STRUCTURE PLAN

PLANNING 102 1430 23/11/16
 (PAGE) 3 1:0000 2/3



Harvest Lakes Village Centre Structure Plan

Atwell

City of Cockburn

1. 2018/01/01	1. 2018/01/01	1. 2018/01/01	1. 2018/01/01
2. 2018/01/01	2. 2018/01/01	2. 2018/01/01	2. 2018/01/01
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5. 2018/01/01	5. 2018/01/01	5. 2018/01/01	5. 2018/01/01

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