



<b>CITY OF COCKBURN</b>	
DOC No	
	22 APR 2022
SUBJECT	109/129
RETENTION	124-2.3A5
PROPERTY	
APP	
ACTION	DAVID REYNOLDS

Your ref: 109/129  
Our ref: TPS/2292  
Enquiries: Schemes Team  
Email: [localplanningschemes@dplh.wa.gov.au](mailto: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](mailto:recordsrequests@cockburn.wa.gov.au)

Dear Sir/Madam

### TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 129

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](mailto:localplanningschemes@dplh.wa.gov.au)

Yours sincerely

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

14 April 2022

**PLANNING AND DEVELOPMENT ACT 2005**

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

**LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 129**

Ref: **TPS/2292**

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 11 April 2022 for the purpose of:

1. Rezoning lots within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Residential R12.5', 'Residential R20', Residential R25', 'Residential R30', 'Residential R40', 'Residential R50', 'Residential R80', and 'Local Centre R80' as shown in the Scheme Amendment Map.
2. Reclassifying lots within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Parks and Recreation' reserve and 'Local Road' reserve as shown in the Scheme Amendment Map.
3. Reclassifying Lot 449 Aurora Drive, Atwell within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Public Purposes: Primary School' as shown in the Scheme Amendment Map.
4. Reclassifying Lot 450 Aurora Drive, Atwell within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Public Purposes: Civic' as shown in the Scheme Amendment Map.
5. Deleting 'Development Area 10 - Atwell South Development Zone' from all lots, as shown in the Scheme Amendment Map.

L HOWLETT  
MAYOR

T BRUN  
CHIEF EXECUTIVE OFFICER

**TOWN PLANNING SCHEME NO. 3**

**AMENDMENT NO. 129**

**April 2018**



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

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 129**

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 part of Atwell from 'Development' zone to 'Residential R12.5', 'Residential R20', 'Residential R25', 'Residential R40', 'Residential R50', 'Residential R60', 'Residential R80', and 'Local Centre (R80)' zone as shown in the Scheme Amendment map.
2. Reserving various areas of land to 'Public Purposes: Parks and Recreation' as shown in the Scheme Amendment map.
3. Reserving Lot 449 and 450 Aurora Drive, Atwell 'Public Purposes: Primary School' as shown in the Scheme Amendment map.
4. Deleting 'Development Area 10 – Atwell South Development Zone' from the subject land as shown in the Scheme Amendment map.

Dated this 12 day of April 2018

  
\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER



FILE NO.

**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. 129
5. PROPOSAL: Rationalising the three Harvest Lakes Structure Plans

# AMENDMENT REPORT

## 1.0 Introduction

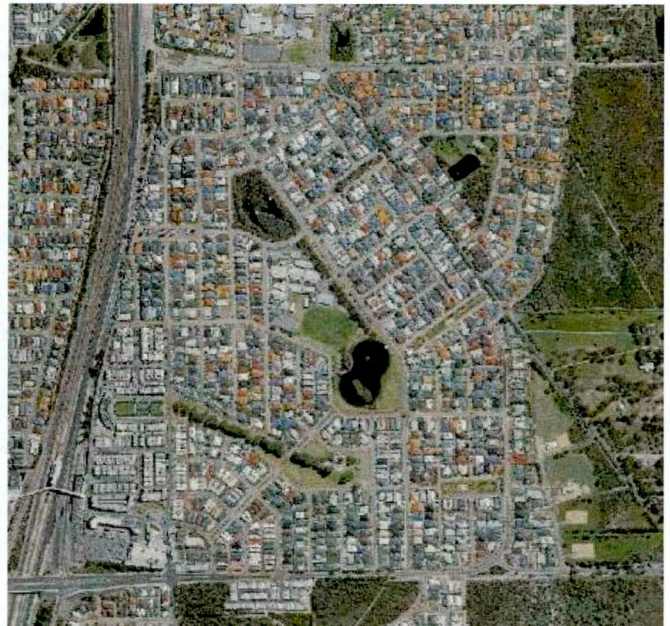
The purpose of this Amendment is to rationalise three Structure Plans within 'Development Area 10' in Atwell that have been fully implemented and developed into the City of Cockburn Town Planning Scheme No. 3. This will remove an additional layer of planning added by the Structure Plans.

## 2.0 Background

The subject area is in Atwell, bounded by the Kwinana Freeway to the west, Bartram Road to the north, Tapper Road to the east, Gibbs Road to the South.

There are three adopted Structure Plans for this area as follows:

- *Harvest Lakes Structure Plan – Adopted 3/10/2006*
- *Beenyup Rd (Lot 61) – Adopted 19/08/2002*
- *Harvest Lakes Village Centre – Adopted 12/05/2011*



'Development Area 10' – Adopted Structure Plans and Aerial Photograph showing area fully subdivided and developed in accordance with the Structure Plans



### 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

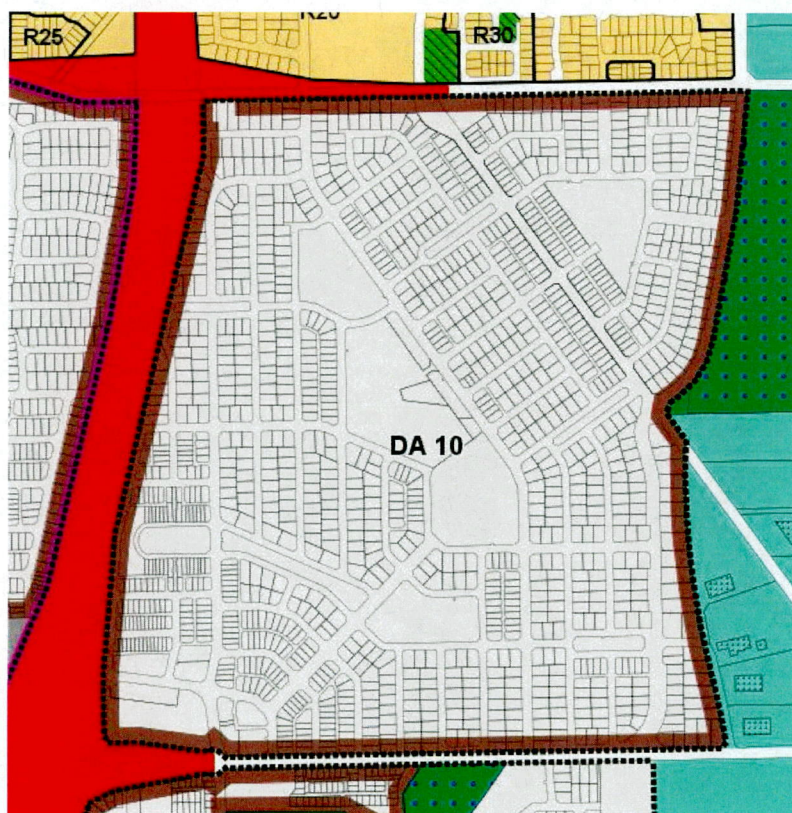
The subject area is zoned 'Development' and 'Development Area 10' pursuant to the City of Cockburn Town Planning Scheme No. 3.

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 Plans 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 the subject area.

The three Harvest Lakes Structure Plans primarily set out a 'Residential' zoning, with R-Codes also specified. In some instances other terms are also used, for example 'Cottage Lots', however in all circumstances there is an applicable R-Code specified which can now be adopted in 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 adopted Structure Plans have served their purpose in guiding subdivision and development of the area, and development in accordance with the Structure Plans has now occurred.

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

### Harvest Lakes Structure Plan (Atwell South) – Adopted 3/10/2006

The Harvest Lakes Structure Plan is the largest Structure Plan in this area, and primary designated the local road network, and a range of residential codings from R12.5 to R60.

The Structure Plan also includes public open space; and a primary school site. All areas of POS have been embellished and ceded, and the primary school (Harmony Primary School) has been developed and established.

It is proposed that the POS be reserved 'Public Purposes: Parks and Recreation'.

While some other terms are used in the Structure Plan, such as 'Cottage Lots', 'Special Character Lots', and 'Ridge Top Lots', these are each also designated a Residential zoning and coding which clearly correlates to zonings/codings pursuant to the Scheme and Residential Design Codes. It is proposed that all these lots be zoned to reflect a 'Residential' zoning with R-Codes as shown in the Structure Plan.

The Structure Plan designates a small number of 'Rural Residential' lots over the 'Water Protection' area. These lots fall outside DA 10 and already have a 'Resource' zoning pursuant to the Scheme, therefore no change is proposed to these lots.

It is proposed that 'DA 10' be deleted from the subject lots, which excludes those lots identified as 'Mixed Use'. Rezoning of the 'Mixed Use' lots is subject to a separate Scheme Amendment No. 130 (standard amendment), and is therefore excluded from this Amendment.





Beenyup Road (Lot 61) – Adopted 19/08/2002

Lot 61 Beenyup Road Structure Plan primarily designates a local road network; 'Residential' zonings with codings between R25 and R40; and a central area of POS.

All of these zonings and reserves directly correlate to zonings and reservations pursuant to the Scheme, therefore it is proposed that all lots are rezoned from the 'Development' zone accordingly.

It is proposed that 'DA 10' be deleted from this Structure Plan area.

Harvest Lakes Village Centre – Adopted 12/05/2011

The Harvest Lakes Village Centre Structure Plan sets out the local road network for this area, the 'local centre (R80)' (Harvest Village Shopping Centre), and includes a range of medium to high density residential codings from R30 to R80; and POS.

It is proposed that 'DA 10' be deleted from the subject lots which excludes those lots identified as 'Mixed Use'. Rezoning of the 'Mixed Use' lots is subject to a separate Scheme Amendment No. 130 (standard amendment), and is therefore excluded from this Amendment.

## Development Area 10 (DA 10)

It is proposed that DA 10 be removed from the subject lots which include all lots with the exception of those identified as 'Mixed Use'.

The lots identified as 'Mixed Use' within the Structure Plans are the subject of a separate Scheme Amendment No. 130 (a standard amendment that requires advertising), and this amendment will remove DA 10 in its entirety, including deleting it from the Table 9 of the Scheme.

## **6.0 Conclusion**

It is proposed that the three Harvest Lakes Structure Plans be rationalised into the Scheme, with the exception of the lots identified as 'Mixed Use'.

- 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.

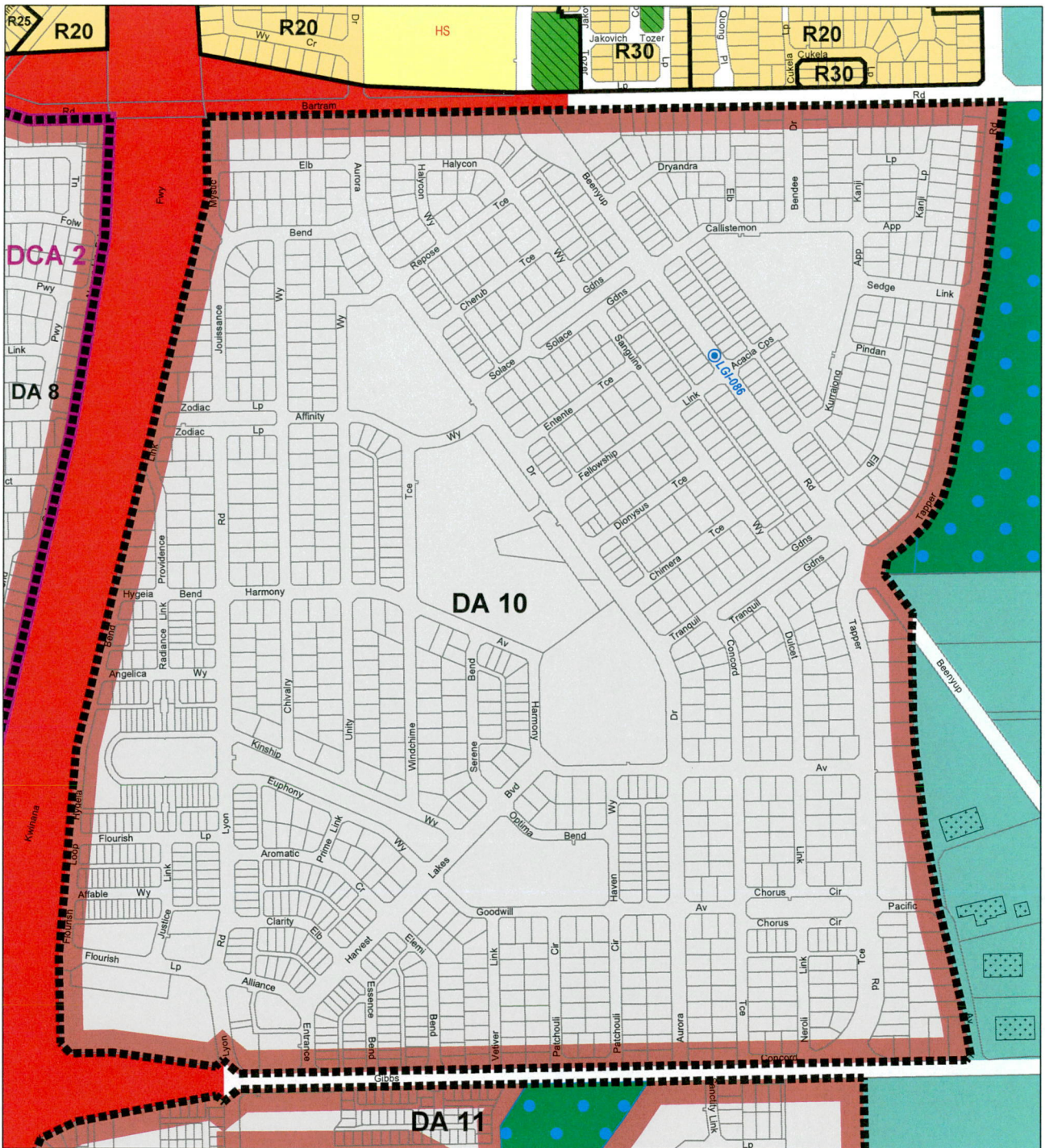
**PLANNING AND DEVELOPMENT ACT, 2005**

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 129**

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 various lots in part of Atwell from 'Development' zone to 'Residential R12.5', 'Residential R20', 'Residential R25', 'Residential R40', 'Residential R50', 'Residential R60', 'Residential R80', and 'Local Centre (R80)' zone as shown in the Scheme Amendment map.
2. Reserving various areas of land to 'Public Purposes: Parks and Recreation' as shown in the Scheme Amendment map.
3. Reserving Lot 449 and 450 Aurora Drive, Atwell 'Public Purposes: Primary School' as shown in the Scheme Amendment map.
4. Deleting 'Development Area 10 – Atwell South Development Zone' from the subject land as shown in the Scheme Amendment map.





**GENERAL**

- Residential Density Codes
- Building Envelope
- LQI-001 Heritage Place

**SPECIAL CONTROL AREAS:**

- DA 1 Development Areas
- DCA 1 Development Contribution Areas

**REGION RESERVES**

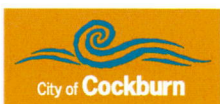
- Parks & Recreation
- Water Catchments
- Primary Regional Roads
- Public Purposes  
DENOTED AS FOLLOWS:  
HS - High School

**LOCAL RESERVES**

- Parks & Recreation
- Local Road

**ZONES**

- Residential
- Development
- Resource



GN 42018

0 150m  
Scale

**Current Scheme Amendment Map**  
Town Planning Scheme No.3  
Amendment No.129





**GENERAL**

**R20** Residential Density Codes

**SPECIAL CONTROL AREAS:**

**DA 10** Development Areas

**REGION RESERVES**

**LOCAL RESERVES**

Parks & Recreation

Local Road

Public Purposes

NOTED AS FOLLOWS:

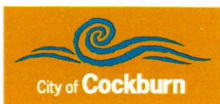
C - Civic

PS - Primary School

**ZONES**

Residential

Local Centre



IGNA 4/2018

0 150m  
Scale

**Proposed Scheme Amendment Map**  
**Town Planning Scheme No.3**  
**Amendment No.129**



## POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 15 January 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:

1. Rezoning lots within 'Development Area 10 – Atwell South Development Zone' from the 'Development' zone to 'Residential R12.5', 'Residential R20', 'Residential R25', 'Residential R30', 'Residential R40', 'Residential R80', and 'Local Centre (R80)' as shown in the Scheme Amendment Map.
2. Reclassifying lots within 'Development Area 10 – Atwell South Development Zone' from the 'Development' zone to 'Parks and Recreation' reserve and 'Local Road' reserve as shown in the Scheme Amendment Map.
3. Reclassifying Lot 449 Aurora Drive, Atwell within 'Development Area 10 – Atwell South Development Zone' from the 'Development' zone to 'Public Purposes: Primary School' as shown in the Scheme Amendment Map.
4. Reclassifying Lot 450 Aurora Drive, Atwell within 'Development Area 10 – Atwell South Development Zone' from the 'Development' zone to 'Public Purposes: Civic' as shown in the Scheme Amendment Map.
5. Deleting 'Development Area 10 – Atwell South Development Zone' from all lots, with the exception of those lots identified as 'Mixed Use' in the Harvest Lakes and Harvest Lakes Village Structure Plans, as shown in the Scheme Amendment Map.

The exception mentioned in amendment resolution 5 above is now considered obsolete, as the lots subject to the exception have subsequently been reclassified to 'Residential R40' through the now gazetted Amendment No. 130. Accordingly, the Scheme Amendment Map has been modified to remove reference to 'Development Area 10 – Atwell Development' on those lots identified as 'Mixed Use' in the Harvest Lakes and Harvest Lakes Village Structure Plans which were reclassified to Residential R40 by Amendment No. 130. Amendment resolution 5 has also been modified to delete the words "with the exception of those lots identified as 'Mixed Use' in the Harvest Lakes and Harvest Lakes Village Structure Plans," so that amendment resolution 5 now reads – "Deleting 'Development Area 10 - Atwell South Development Zone' from all lots, as shown in the Scheme Amendment Map."



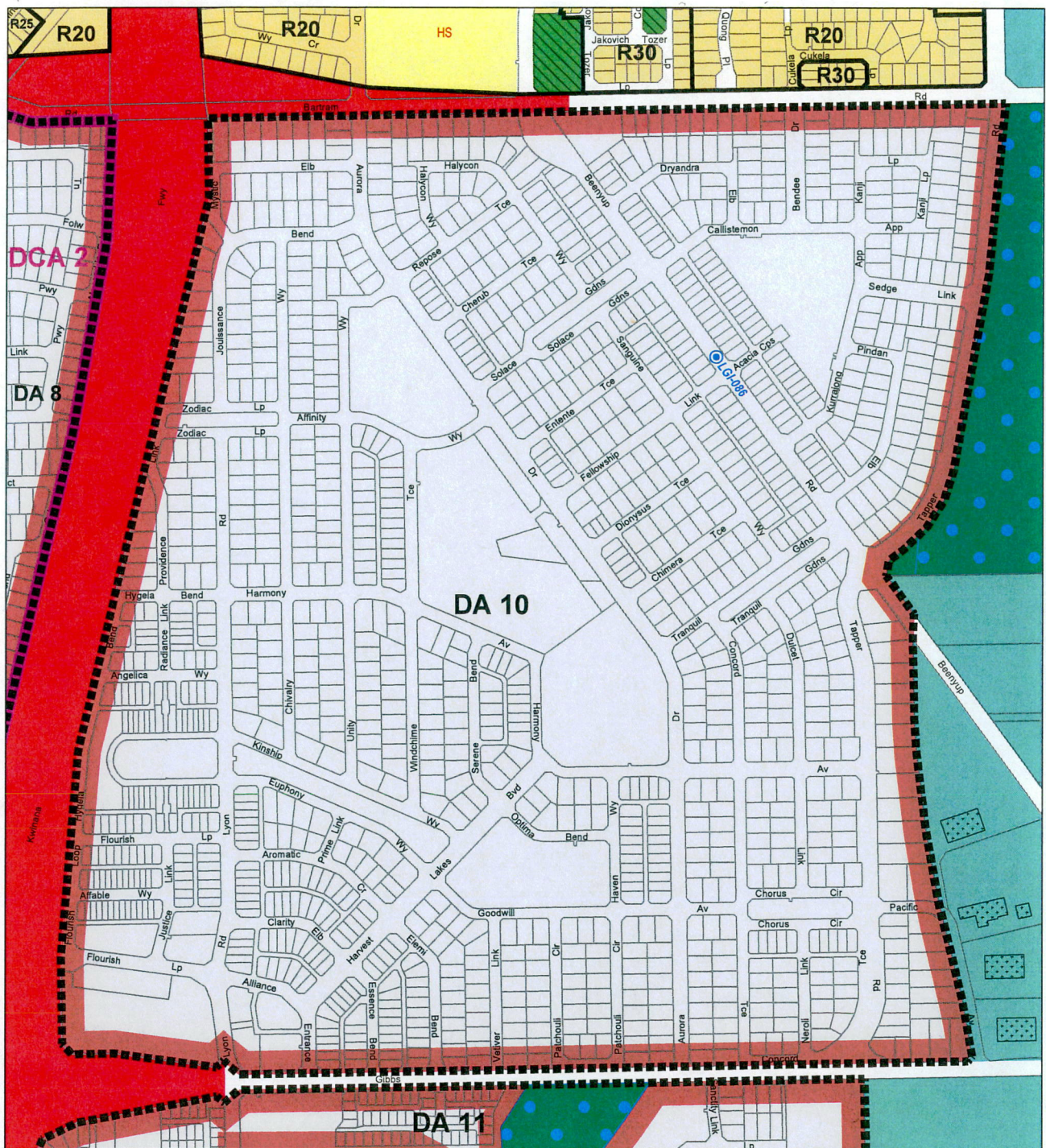
**Planning and Development Act 2005**  
**RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

**City of Cockburn**  
**Town Planning Scheme No. 3**  
**Amendment No. 129**

**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 lots within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Residential R12.5', 'Residential R20', 'Residential R25', 'Residential R30', 'Residential R40', 'Residential R50', 'Residential R80', and 'Local Centre R80' as shown in the Scheme Amendment Map.
2. Reclassifying lots within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Parks and Recreation' reserve and 'Local Road' reserve as shown in the Scheme Amendment Map.
3. Reclassifying Lot 449 Aurora Drive, Atwell within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Public Purposes: Primary School' as shown in the Scheme Amendment Map.
4. Reclassifying Lot 450 Aurora Drive, Atwell within 'Development Area 10 - Atwell South Development Zone' from the 'Development' zone to 'Public Purposes: Civic' as shown in the Scheme Amendment Map.
5. Deleting 'Development Area 10 - Atwell South Development Zone' from all lots, as shown in the Scheme Amendment Map.





**GENERAL**

- R20 Residential Density Codes
- Building Envelope
- LGI-001 Heritage Place

**SPECIAL CONTROL AREAS:**

- DA 1 Development Areas
- DCA 1 Development Contribution Areas

**REGION RESERVES**

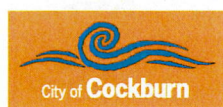
- Parks & Recreation
- Water Catchments
- Primary Regional Roads
- Public Purposes DENOTED AS FOLLOWS:  
HS - High School

**LOCAL RESERVES**

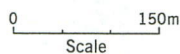
- Parks & Recreation
- Local Road

**ZONES**

- Residential
- Development
- Resource



IGNA 4/2018



**Current Scheme Amendment Map**  
Town Planning Scheme No.3  
Amendment No.129







**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 Hewlett*

MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

*@huill*

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE *25/2/2022*

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 *11/4/2022*

Certified by *Antony ap*

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.

# APPENDIX A – 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

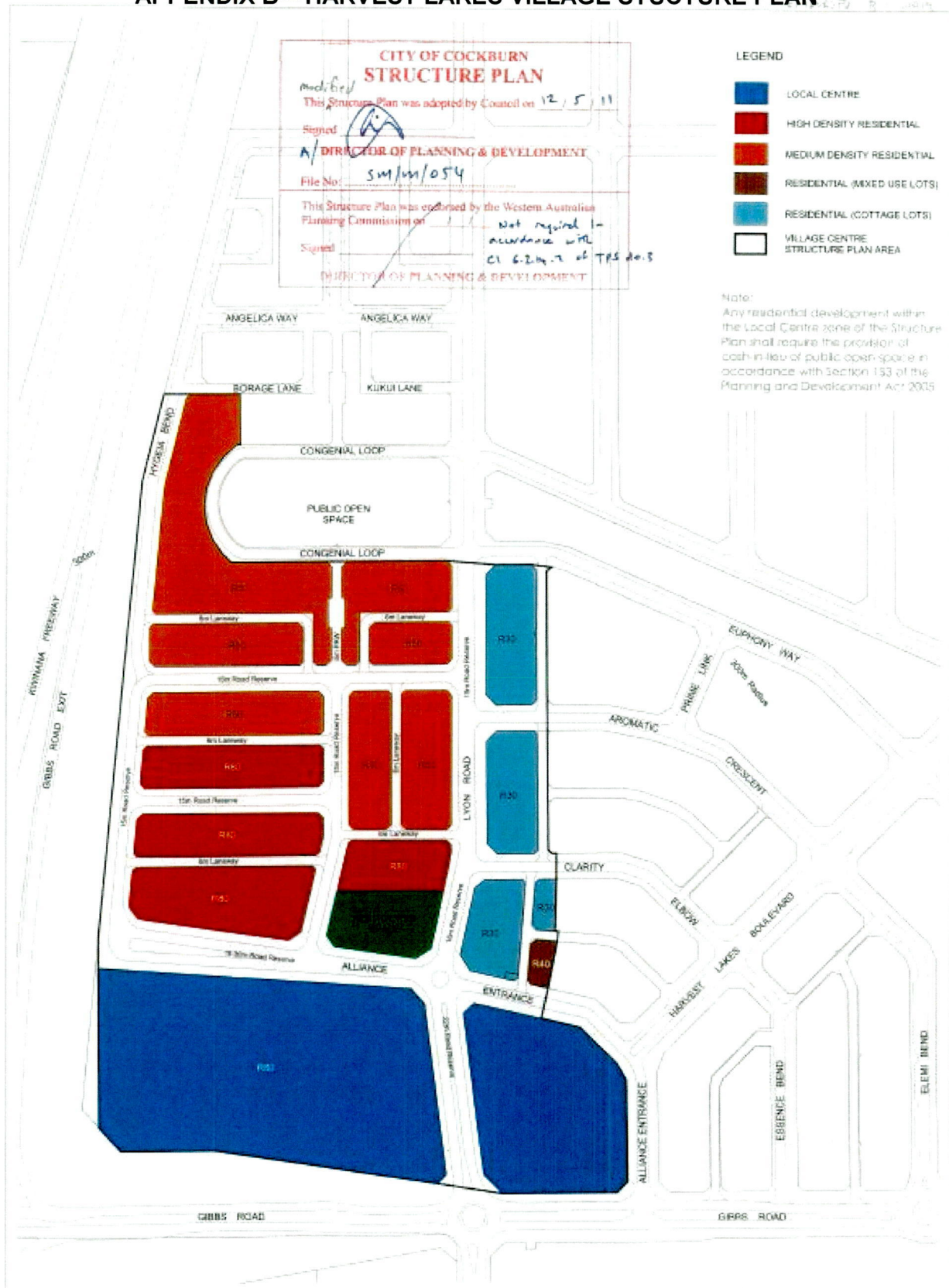
This Structure Plan was endorsed by the Western Australian Planning Commission on 03/01/2006

Signed [Signature]  
**DIRECTOR OF PLANNING & DEVELOPMENT**

**RECEIVED**  
25 AUG 2005



# APPENDIX B – HARVEST LAKES VILLAGE STRUCTURE PLAN



Harvest Lakes Village Centre Structure Plan

Atwell

City of Cockburn

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**robertsday**

robertsday.com.au | 1300 777 777

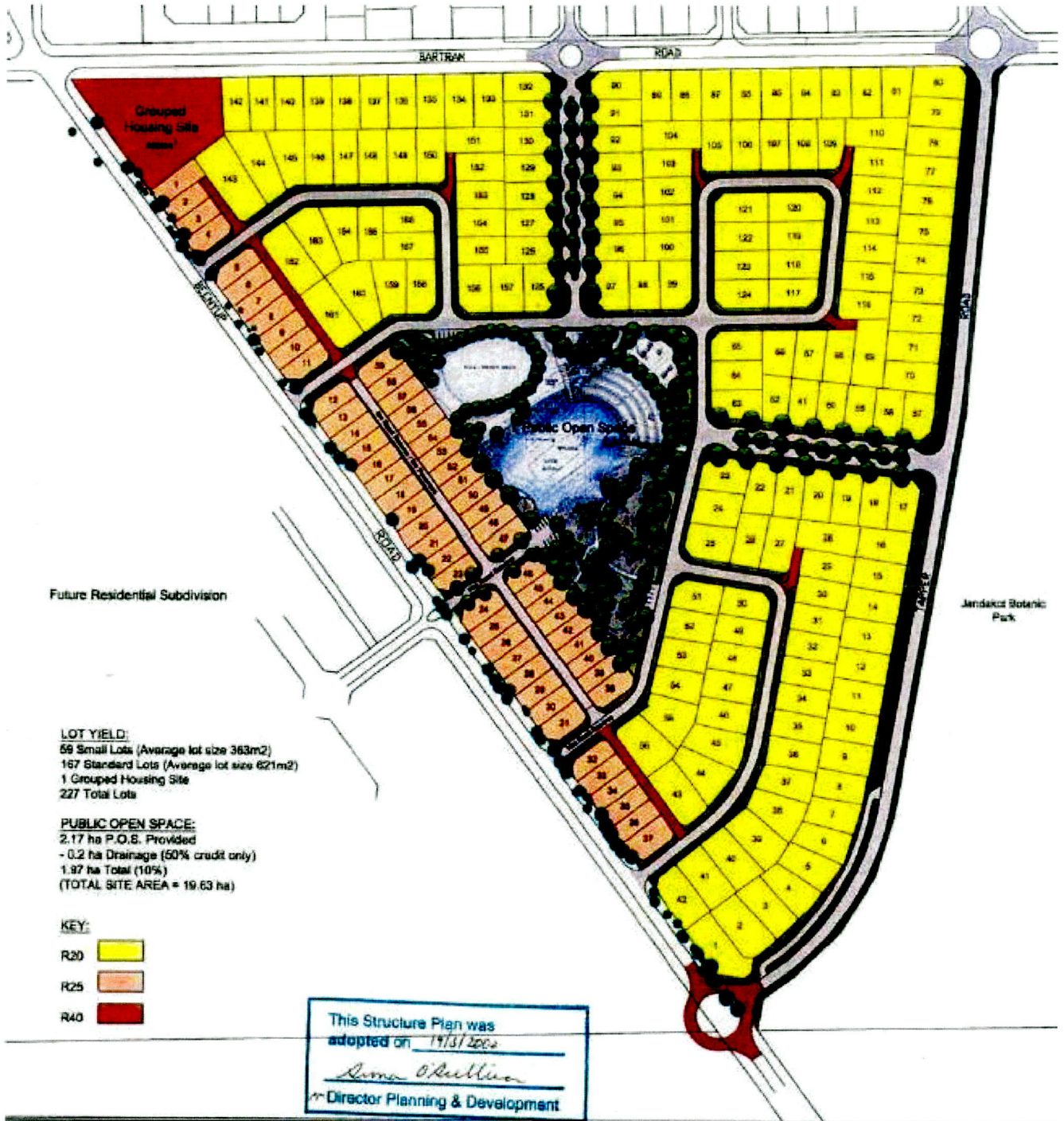
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robertsday.com.au | 1300 777 777



APPENDIX C – Lot 61 Beenyp Road



**PROPOSED STRUCTURE PLAN  
 LOT 61 BEENYUP ROAD, ATWELL  
 for Peet & Company Limited**



Peet & Company Limited (Est. 1895)  
 200 St Georges Terrace Perth WA 6000  
 Internet: <http://www.peet.com.au>



Suite 5, 100 Hoy Street  
 Subiaco, W.A. 6008  
 Ph: 9381 5577 Fax: 9381 4888  
 Email: [masterplan@masterplanwa.com](mailto:masterplan@masterplanwa.com)  
 A.C.N. 050 218 061



DATE: 08.03.2002  
 SCALE: 1:1000 @ A1  
 REF: P106025

