



# Capricorn Coastal Village Local Structure Plan No.44

Amendment 5  
November 2010

  
CapricornVillage  
JOINT VENTURE

robertsday

TITLE: Amendment 5 - Capricorn Coastal Village Local Structure Plan No.44  
PROJECT: Capricorn at Yanchep  
PREPARED FOR: Capricorn Village Joint Venture (CVJV)  
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CERTIFIED THAT AMENDMENT NO. 5 TO CAPRICORN COASTAL VILLAGE AGREED STRUCTURE PLAN  
NO. 44

WAS ADOPTED BY

RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING

COMMISSION ON 30 NOV 2010

Signed for and on behalf of the Western Australian Planning Commission

[Signature]

an officer of the Commission duly authorised by the Commission pursuant to section 24 of the Planning and Development Act 2005 for that purpose, in the presence of:

[Signature] Witness

08 DEC 2010 Date

AND BY

RESOLUTION OF THE COUNCIL OF THE CITY OF

WANNEROO ON 28 OCT 2010

(or as otherwise delegated under section 9.1 of its Delegated Authority Register)

AND THE SEAL OF THE MUNICIPALITY WAS PURSUANT

TO THE COUNCIL'S RESOLUTION HEREUNTO AFFIXED IN THE

PRESENCE OF:

[Signature]  
Mayor, City of Wanneroo

[Signature]  
Chief Executive Officer, City of Wanneroo

22.12.10 Date



**Record of Amendments made to the Capricorn Agreed Local Structure Plan No.44**

AMENDMENT NO.	DESCRIPTION OF AMENDMENT	WAPC ADOPTED	COUNCIL ADOPTED
1	Minor modifications including; relocation of Aged Care facility, increase in the size of the southern primary school site to 4 hectares, replace western area of POS with R10 density housing, other minor road and density coding variations.	24 January 2006	20 December 2005
2	Minor modifications including; reconfiguration of sections of the local road network; incorporation of new residential mixed use and child care sites; modifications to areas of Public Open Space and other minor density coding variations.	11 March 2006	4 January 2006
3	Major modifications to the Structure Plan design generally north of Lindsay Beach Boulevard including; road alignment, lot configuration, density and location of Public Open Space. Modification to Structure Plan boundary.	21 August 2007	12 December 2006
4	Minor modification to provision relating to boundary walls.	31 August 2010	20 July 2009
5	Minor modifications including: local road network and open space in the north-east area, Centre Zone boundary; zoning of school sites; and retail floorspace provision.	30 NOV 2010	28 OCT 2010

# PART 1: STATUTORY SECTION

## 1.0 STRUCTURE PLAN AREA

This Structure Plan shall apply to the Capricorn Coastal Village location consisting of Part Lot 312 and Lots 2, 303 and 304, Two Rocks Road Yanchep, being the land contained within the inner edge of the broken black line shown on the Zoning Map.

## 2.0 STRUCTURE PLAN CONTENT

This Structure Plan comprises the:

- a Statutory section (Part 1);
- b Explanatory section (Part 2):
  - Volume 1 - Structure Plan explanatory section
  - Volume 2 - Technical Reports

## 3.0 INTERPRETATION

The words and expressions used in this Structure Plan shall have the respective meanings given to them in the Scheme.

## 4.0 OPERATION DATE

In accordance with Part 9 of the Scheme, this Structure Plan shall come into operation on the later date when it is either certified by the Commission pursuant to subclause 9.6.3 or adopted, signed and sealed by the Council under subclause 9.6.5.

## 5.0 RELATIONSHIP WITH THE SCHEME

In accordance with clause 9.8 of the Scheme:

- a The provisions, standards and requirements specified under Part 1 of this Structure Plan shall have the same force and effect as if it were a provision, standard or requirement of the Scheme. Part 2 of this Structure Plan is for explanatory purposes only, in order to provide a descriptive analysis of the Structure Plan.
- b In the event of there being any inconsistencies or conflict between the provisions, standards or requirements of the Scheme and the provisions, standards or requirements of this Structure Plan, then the provisions, standards or requirements of the Scheme shall prevail.

## 6.0 ZONES, RESERVES & RESIDENTIAL DENSITY CODES

The Zoning Map (Plan 1) and Residential Density Code Map (Plan 2) delineate and depict the zones, reserves and residential density codes applicable to the land according to the legend thereon.

The zones, reserves and residential density codes designated under this Structure Plan apply to the land within it as if the zones, reserves and residential density code were incorporated in the Scheme.

All provisions, standards and requirements applicable to the zones, reserves and residential density codes in the Scheme shall apply, unless specific provision is made to the contrary in this Structure Plan.

## 7.0 RETAIL NETT LETTABLE AREA

The maximum permitted retail floor space for the Neighbourhood Centre, Coastal Node and Employment Boulevard shall be determined in the respective Centre Zone structure plans, which are required to be prepared for those areas.

## **8.0 GENERAL PROVISIONS**

### **8.1 Residential**

#### ***Objectives***

The objectives of the Residential Zone are to:

- maintain the predominantly single residential character and amenity of established residential areas;
- provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City;
- provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City; and
- provide for compatible urban support services.

#### ***Use Permissibility***

Land use permissibility within this zone shall be in accordance with the corresponding zone under the Scheme.

#### ***Provisions***

All provisions, standards and requirements of the Residential Zone as set out in the Scheme shall apply.

### **8.2 Mixed Use**

#### ***Objectives***

The Mixed Use Zone is intended to accommodate a mixture of residential development with small-scale business in a primarily residential scale environment. The predominant uses will be residential, office, consulting, dining and limited retail uses, occupying the street frontage of lots.

#### ***Use Permissibility***

In addition to the uses permitted under the Scheme in the Mixed Use Zone, the following shall be a "D" Use in this zone:

- (i) Shop with a net lettable area of up to 130m<sup>2</sup>.

#### ***Provisions***

All provisions, standards and requirements of the Mixed Use Zone as set out in the Scheme shall apply.

### **8.3 Civic and Cultural**

#### ***Objectives***

The objective of the Civic and Cultural Zone is to make specific provision for public facilities such as government offices, halls, theatres and art galleries.

#### ***Use Permissibility***

In addition to the uses permitted under the Scheme in the Civic and Cultural Zone, the following shall be a "D" Use in this zone:

- (i) Take-away food outlet.

#### ***Provisions***

All provisions, standards and requirements of the Civic and Cultural Zone as set out in the Scheme shall apply.

### **8.4 Centre Zone**

#### ***Objectives***

The Centre Zone is intended to accommodate proposed business centres or other planning precincts where the Council considers an Agreed Structure Plan is necessary to provide for the co-ordinated planning and development of these centres.

No subdivision or development should be commenced or carried out in the Centre Zone until a further Agreed Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme.

## 9.0 SPECIAL PROVISIONS

### 9.1 Environmental Conditions

- In accordance with Clause 4.22 of the Scheme, environmental conditions imposed by the Minister for the Environment on the Scheme or amendments to the Scheme and contained in a Statement under Section 48F of the Environmental Protection Act, shall be incorporated into the Scheme by provisions made in Schedule 12 of the Scheme contemporaneously with the making of the Scheme or amendment.

Lots 303 and 304 within the Project Area are subject to Environmental Conditions which require the preparation of the following relevant Environmental Management Plans:

- Drainage, Nutrient and Water Management Plan
- Foreshore Management Plan

These Management Plans have been prepared by ATA Environmental on behalf of the landowner. A copy of the Environmental Conditions and Statement is contained in Appendix 1. The requirements of the Management Plans shall be implemented to the satisfaction of the relevant authority at the specified stage of development / subdivision.

- The preparation of appropriate mechanisms to ensure the retention of the natural dunal landform and native vegetation within the low density R5 lots prior to subdivision of these areas.
- The preparation of a flora and fauna management strategy prior to the subdivision of land within the Project Area (including any soil disturbance or earthworks) to provide for the relocation and/or propagation of native flora and fauna and the implementation of the recommendations of the endorsed strategy.

### 9.2 Infrastructure Provisions

- Contributions to infrastructure, the vesting of lands and the construction of roads to apply upon the subdivision of lands, shall be in accordance with the provisions as set out in the Deed of Variation to the Deed of Infrastructure (refer Appendix 2).
- No more than the number of residential lots referred to in the Western Australian Planning Commission's Policy, 'Allocation of Dwelling Units in the Yanchep - Two Rocks District', or such greater number determined by the Commission after a review of Dwelling Unit Allocation) are to be created until regional traffic access is improved by the dedication and construction of Marmion Avenue between Kingsbridge Boulevard, Butler and Lagoon Drive, Yanchep. A traffic impact assessment will be required for all non residential developments to ensure no additional impact on Wanneroo Road.
- A strategy for the construction of the regional roads referred to in the deed of infrastructure between the proponent and the Western Australian Planning Commission on a traffic needs basis and the implementation of the strategy recommendations.

REGIONAL ROAD	CONSTRUCTION
Yanchep Beach Road duplication between Marmion Avenue and Two Rocks Road including the roundabout at the intersection of Yanchep Beach Rd and Two Rocks Road	Prior to 50% of clearances for lots contained within the Capricorn Coastal Village Structure Plan have been issued.
50% of Marmion Avenue between Yanchep Beach Road and Toreopango Avenue	Prior to 80% of clearances for lots within the Capricorn Coastal Village Structure Plan have been issued.
50% of Toreopango Avenue along the northern boundary of the Structure Plan	Prior to 90% of clearances for lots within the Capricorn Coastal Village Structure Plan have been issued.

The staging for the construction of arterial roads will be considered as part of the preparation of the District Structure Plan. If the arterial roads reach capacity then the upgrading shall occur on an abuttal basis unless otherwise agreed by Council.

- The finalisation of the Neighbourhood Integrator Strategy to address the form, function and staging for the upgrade of Two Rocks Road (including the one way pair system and the early provision of a pedestrian cycle access to Yanchep Beach Road) prior to subdivision of land within the Project Area and the recommendations of the strategy being implemented.
- The construction of the foreshore road proposed to link with Brazier Road in association with the subdivision of the adjacent land and / or prior to 50% of the clearances for lots contained within that portion of the C.C.V.S.P area located west of Two Rocks Road.
- Agreement to be reached between the proponent, the City and Main Roads WA with respect to the location, cost and construction of schedule of proposed traffic signals within the LSP Area prior to the issue of titles for adjacent land.

### **9.3 Public Open Space**

- The provision of public open space shall be in accordance with the Agreed Structure Plan. The first stage of subdivision shall ensure that a suitable area of open space is provided.
- Indicative areas of open space depicted in the Centre Zone areas will be subject to refinement through the subsequent Centre Zone Structure Plans. A minimum 10% open space allocation will be required across the entire Local Structure Plan area following the detailed refinement of open space provision in each of the Centre Zones.

### **9.4 General Provisions**

- The searching and clearance of unexploded ordnance prior to the staged subdivision or other development works (including any soil disturbance or earthworks) proceeding within the Project Area and arrangements being made to ensure purchasers and successors in title of the proposed lots are made aware of the matter of unexploded ordnance (including a Memorial on Title and Notification on Contracts of Sale).
- The finalisation and implementation of the Economic Development Initiatives Strategy for the Project Area in accordance with the Memorandum of Understanding between Tokyu Corporation, which expands upon the IDEAS project to incorporate additional local initiatives in order to expand employment opportunities for the existing community.
- The construction of bulk earthworks over the proposed area of active open space adjoining the northern primary school site will be required, at the cost of the subdivider, at the time the adjoining land is further subdivided.
- The relocation of the existing waste water treatment facility that exists within the Project Area and the relevant clearances being received from the Department of Environment and Conservation for associated land prior to residential development occurring on the land to the west of Two Rocks Road.
- The road networks and configuration identified in the Structure Plan will be subject to further detailed consideration through the subdivision process and have been prepared as a guide for future development/subdivision.
- The road network and block configuration illustrated within each Centre Zone is indicative only and will be subject to detailed review and refinement through the Centre Zone Structure Plans.
- Prior to any subdivision and/or development occurring on the proposed R5 (Conservation Lots), the proponent shall prepare and implement appropriate management provisions to ensure the retention of the natural dunal landform and native vegetation to the satisfaction of the City of Wanneroo. In this regard, Detailed Area Plans (DAP) and/or Restrictive Covenants (129 BA) may be utilised for this portion of the Structure Plan to ensure design coordination and integration.

- Detailed Area Plan(s) may be prepared for other areas the Agreed Structure Planning area or a portion of the Agreed Structure Plan to ensure design coordination and integration and to enhance, elaborate or expand on the details or provisions contained in an Agreed Structure Plan. A Detailed Area Plan must have a planning purpose. The Detailed Area Plan shall become operative on the day that it is endorsed by an authorised officer of the City.

Where a Detailed Area Plan has been endorsed by the City, all development on land covered by the Detailed Area Plan shall be in accordance with the Detailed Area Plan. The Detailed Area Plan may be amended or modified with the approval of the City, such modifications or amendments are to conform with the intent of the Agreed Structure Plan.

The endorsed Detailed Area Plan shall be included as an appendix to Part 1 of the Council's copy of this Agreed Structure Plan and the Structure Plan Map shall be appropriately flagged, marked or annotated on the Council's copy to draw attention to the existence of the Detailed Area Plan.

- The following variations to the Residential Design Codes constitute Acceptable Development with respect to all lots coded R20, R30 or R40. The intention of the provisions is to maximise the opportunity for passive surveillance and passive solar design and improve the relationship between the private realm of the dwelling and the public realm of the street, whilst not being overly prescriptive to ensure the lots can accommodate a range of standard housing designs and remain affordable.

Any single house development that complies with the Residential Design Codes, the following variations and/or any adopted Detailed Area Plan does not require separate planning approval or consultation with surrounding landowners. The requirements of the R-Codes and District Planning Scheme must be satisfied in all other matters to the satisfaction of the City of Wanneroo.

1. Street Setbacks

- a. Front loaded lots (i.e. lots that gain access from the street that is the primary frontage):  
Garages must be setback a minimum of 0.5m behind the front dwelling alignment.
- b. Front loaded lots opposite POS and all laneway lots:  
Minimum 3m and maximum 4.5m. For laneway lots abutting POS, this setback applies to the boundary abutting POS.

2. Boundary Wall (for all lots less than 12m in width only)

- a. One boundary wall for the dwelling is mandatory;
- b. May be located on either or both boundaries for lots generally orientated north-south; and
- c. Mandatory on the southern side and permitted on both boundaries of lots generally orientated east-west.

3. Outdoor Living Area

- a. To be located on the northern side of lots generally orientated east-west.

4. Vehicular Access

- a. All laneway lots shall gain vehicle access from the rear laneway only.

- The western portion of the proponent's landholding, which is reserved for Parks and Recreation under the Metropolitan Region Scheme is to be ceded free of cost to the Crown as a Foreshore Reserve at the time of subdivision of the abutting land in accordance with Western Australian Planning Commission Policy.
- In the sixth year from the date this Agreed Structure Plan as modified was signed and sealed by the Council and the WAPC, which ever is the latter date and comes into operation in accordance with Clause 9.8.1 of DSP2, the Agreed Structure Plan shall be reviewed by the City. The review should include consideration of the consistency of the Agreed Structure Plan with adopted policies of the City and the WAPC, the City Scheme, district structure planning, environmental matters and any other matters that the City considers appropriate. The City may consult with the proponent or require the proponent to undertake a review of the Agreed Structure Plan and forward advice to the City within 60 days. The City shall provide its advice on the review of the Agreed Structure Plan to the WAPC for its advice on whether the Agreed Structure Plan should be amended or revoked. The Agreed Structure Plan will be in operation until it is revoked by the Council and/or the WAPC under Clause 9.7 of DSP 2.

- RESIDENTIAL
- MIXED USE
- CIVIC AND CULTURAL
- STRUCTURE PLAN BOUNDARY
- CADASTRE BOUNDARY
- CENTRE ZONE BOUNDARY

Note: POS, R-Code density & road alignment within Centre Zones will be subject to detailed design through Centre Zone Structure Plans. The intersection control methods depicted on the Structure Plan (eg: roundabouts + signals etc) are indicative only and are subject to further review at subdivision stage.

Subdivision adjacent to Marmion Avenue will need to be sufficiently flexible to allow for additional local road connections should Marmion Avenue be downgraded from a Regional Road.





