

MARCH 2018

AMENDMENT NO.24

**BUTLER RIDGEWOOD
AGREED LOCAL STRUCTURE PLAN NO.27**

AMENDMENT NO. 24
TO
BUTLER RIDGEWOOD
AGREED LOCAL STRUCTURE PLAN NO. 27

PART 1 - STATUTORY DOCUMENTATION

Agreed Local Structure Plan No. 27

This Amendment to the Butler Ridgewood Agreed Local Structure Plan was prepared under the provisions of City of Wanneroo District Planning Scheme No. 2 and Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed provisions for local planning schemes.

**RECORD OF AMENDMENTS MADE TO THE AGREED BUTLER RIDGEWOOD LOCAL
STRUCTURE PLAN NO. 27**

Amendment No.	Description of Amendment	Finally Endorsed Council	Finally Endorsed WAPC
1.	Extension of coverage west of Connolly Drive. Stage 21, Primary School, Open Space and other Schools.	20.6.03	4.4.04
2.	Extension of coverage east of Connolly Drive and north of Lukin Drive.	20.6.03	4.4.04
3.	Introducing R-Code Variations, a split R20/30 coding designation and detailed area plans.	20.6.03	4.4.04
4.	Recoding Cottage Lots east of Marmion Avenue from R25 to R30.	20.6.03	4.4.04
5.	Extension of coverage north of Benenden Drive.	20.6.03	4.4.04
6.	Extension of coverage east of Connolly Drive to the southern extent of the railway alignment and designation of R20/30.	11.10.04	30.09.03
7.	Extension of coverage to incorporate the undeveloped portion of Ridgewood.	15.03.05	11.04.05
8.	To rationalize the zonings over Lot 101, 103, 12675 and 12676 (previously Lot 102) and Lot 12677 Lukin Drive and Connolly Drive, Brighton to reflect land use and land exchanges in Brighton.	6.01.04	24.11.04
9.	Extension of coverage east of Connolly Drive and north of Lukin Drive, including Residential, Mixed Use and Business Zones.	11.02.05	11.04.05
10.	Extension of coverage to incorporate land adjacent the District Centre and portions of land adjacent Connolly Drive and the Freeway. Recoding of a portion of land adjacent Marmion Avenue to R40, insertion of guidelines for lots overlooking POS, minor amendments to New Choice provisions and minor modifications to the text and Table A.	26.6.07	21.2.08
11.	Introduction of New Choices Special Design Precinct and Special Provisions.	3.10.05	3.04.06
12.	Extension of coverage over Lots 32 and Pt Lot 33 Connolly Drive.	28.11.05	8.06.06
13.	Modify zonings on either side of Lukin Drive adjacent Butler Station and minor modifications to Table A	8.05.08	27.02.09

14.	To include the northern portion of Lot 8 Marmion Avenue (including the District Centre and western portion of Brighton Boulevard Activity Corridor) in the Butler-Ridgewood Local Structure Plan and to introduce modified setback provisions to laneways, and reword Point (1) of Other Requirements of Clause 5.2 – New Choices Special Design Precinct.	11.06.10	08.07.10
15.	Rezones Lot 1581 Ashbourne Avenue, and Lots 2446 and 2447 Portaferry Gardens, Ridgewood, from "Mixed Use" Zone to "Residential R60" zone.	06.12.10	14.10.11
16.	Rezones Lot 201 Chipping Crescent, Butler from "Business" zone to "Residential R40" zone.	22.02.11	14.10.11
17.	To rationalise zoning boundaries and R Codes in and around the Brighton District Centre to reflect approved and proposed subdivision designs and current land use proposal included within the Brighton District Centre Structure Plan.	27.09.11	02.04.12
18.	To extend coverage east of Lukin Drive to include Lot 814 Lukin Drive within the Agreed Butler Ridgewood Local structure Plan No. 27.	15.04.13	06.05.13
19	Rezones Lot 1061 (On Plan 56114)(No. 2) Captiva Approach, Butler from 'Business' to 'Commercial' zone, and inserts 'Schedule 1' to set out a maximum permissible shop-retail NLA floorspace for that lot	28.08.13	23.09.13
20	Rezones a portion of Lot 9132 Redington Drive, Butler from "Centre" to "Residential" zone	02.07.14	20.10.14
21	Rezones part Lot 1316 (on Plan 65142) (No. 1) Saunton Way, Ridgewood from Business R60 to Mixed Use R60. Insert Detailed Area Plan provisions for the same lot in Clause 4.6.	07.07.15	13.01.16
22	Recodes a portion of Lot 1221 Claremorris Parkway and Lot 1376 Rosegreen Avenue, Butler from "R20" to "R60" and to include both lots within the New Choices Special Design Precinct.	17.12.14	18.02.15
23	Rezones a portion of Lot 9330 from 'Primary Regional Road' to 'Service Industrial' and 'Centre Zone', and updates the structure plan text to make reference to the 'Service Industrial' Zone, clarifying that the provisions, standards and requirements of this Zone are to be in accordance with District Planning Scheme No. 2.	10.06.15	10.10.15
24	Include a portion of Lot 29, zoning this land 'Service Industrial' along with reconfiguring the 'Service Industry' and 'Centre' zoning of a portion of Lot 9332'		

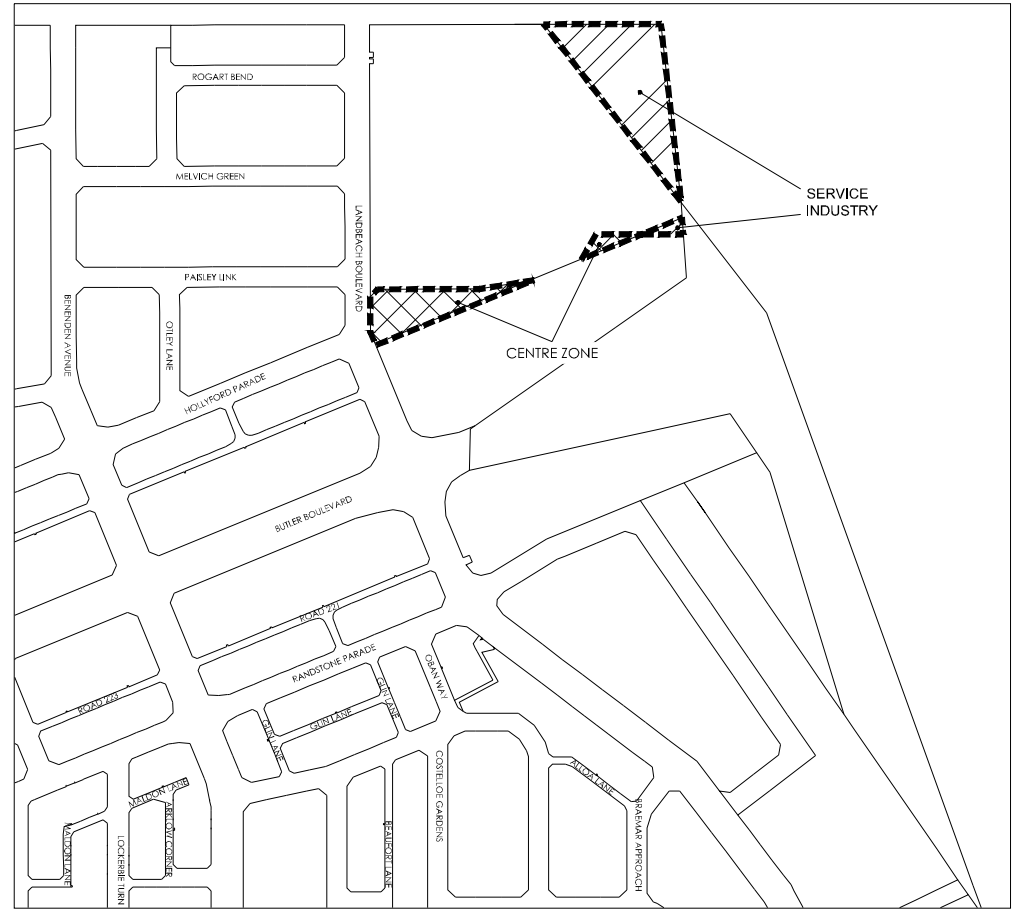
AMENDMENT NO. 24
TO
BUTLER RIDGEWOOD
AGREED LOCAL STRUCTURE PLAN

The City of Wanneroo, pursuant to District Planning Scheme No. 2 and Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, hereby amends the above Agreed Structure Plan by:

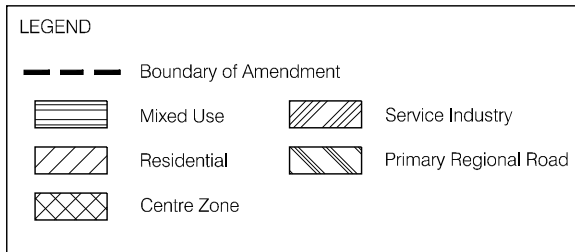
- Amending Plan 2 of the Part 1 Statutory Section to extend the Structure Plan map boundary to include a portion of Lot 29, zoning this land 'Service Industry', along with reconfiguring the 'Service Industry' and 'Centre' zoning of a portion of Lot 9332.



EXISTING BUTLER RIDGEWOOD AGREED LOCAL STRUCTURE PLAN



PROPOSED AMENDMENT



Butler Ridgewood Agreed Local Structure Plan

Proposed Amendment 24

Plan No. 2: Zoning

IT IS CERTIFIED THAT AMENDMENT NO.24 TO THE
BUTLER RIDGEWOOD AGREED LOCAL STRUCTURE PLAN NO.27
WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING
COMMISSION ON:

.....

Signed for and on behalf of the Western Australian Planning Commission

.....

an officer of the Commission duly authorised by the Commission pursuant to section 16 of
the Planning and Development Act 2005 for that purpose.

**AMENDMENT NO. 24
TO
BUTLER RIDGEWOOD
AGREED LOCAL STRUCTURE PLAN NO. 27**

PART 2 – EXPLANATORY REPORT

Prepared by:



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Project No. 885Rep914

6 March 2018

INTRODUCTION

The purpose of this amendment is to extend the boundary of the Butler Ridgewood Agreed Local Structure Plan (BRALSP) to include a portion of lot 29 Landbeach Boulevard, Butler, zoning this land 'Service Industrial'. The amendment also reconfigures the boundary between 'Service Industry' and 'Centre' zones on a portion of lot 9332 Landbeach Boulevard, Butler.

DESCRIPTION

Lot 29 is legally addressed as Lot 29 on Plan 12468, Volume 1508; Folio 915 and is owned by the Commissioner of Main Roads. Lot 9332 is legally addressed as Lot 9332 on Deposited Plan 405720, Volume 2901; Folio 210 and is owned by the Butler Land Company Pty Ltd.

The Certificates of Title are attached as Appendix 1.

Lot 29 has a total area of approximately 8.9ha; however, the portion of lot 29 subject to this amendment measuring approximately 6,500m². Presently this portion of Lot 29 has no direct vehicle access from a public road. Lot 9332 has a total area of approximately 6ha with the portion subject to this amendment measuring only approximately 2,600m². Vehicle access is provided from Landbeach Boulevard.

The site has largely been cleared and has access to all necessary services. A Site Plan is provided as Appendix 2.

The portions of Lots 29 and 9332 that are the focus of this amendment are zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Urban Development' under the City of Wanneroo District Planning Scheme 2 (DPS2). The current MRS and DPS2 zonings are shown as Appendix 3 and 4 respectively.

The subject portion of Lot 29 does not currently fall within the BRALSP area whilst Lot 9332 is primarily zoned 'Service Industrial' (under the BRALSP), with the exception of a minor portion which is zoned 'Centre'.

PROPOSAL

This Amendment proposes to modify the structure plan maps to:

- Extend the structure plan boundary to include a portion of Lot 29, zoning this land 'Service Industry'; and
- Reconfigure the boundary between the 'Service Industry' and 'Centre' zone for a portion of Lot 9332.

There are no textual amendments to the BRALSP proposed.

DISCUSSION

As outlined above, the purpose of this amendment is two-fold:

1. To include a portion of Lot 29 within the BRALSP area, zoning this land 'Service Industry'; and
2. Reconfigure the boundary between the 'Service Industry' and 'Centre' zone for a portion of Lot 9332.

The following outlines the rationale behind these changes.

Lot 29 (Inclusion in the Butler Ridgewood Agreed Local Structure Plan)

The first part of this amendment is to extend the boundary of the BRALSP to include a portion of Lot 29, likewise extending the adjacent 'Service Industry' zone.

Lot 29 is presently owned by Main Road WA and was originally acquired in its entirety for the sole purpose of being used as part of the Mitchell Freeway extension; however, this land is surplus to this need and Main Roads has agreed to sell this portion of Lot 29 to the Butler Land Company Pty Ltd where it will be developed as part of the adjacent service industrial estate (known as Brighton Business Park North).

In its current form this portion of Lot 29 has no prospect of having road frontage (whilst abutting the future Mitchell Freeway, no vehicle access will be permitted), so incorporating this land into the Brighton Business Park North is the only manner in which this land can be utilised for any reasonable purpose.

This amendment simply extends the zoning of the BRALSP over the portion of lot 29 so that it corresponds with the MRS and DPS2 zonings, applying the logical 'Service Industry' zone.

The portion that is to be zoned 'Service Industry' can then be developed in accordance with DPS2 and the BRALSP.

MRS Amendment 992/33A

MRS Amendment 992/33A was initiated by the WAPC with its purpose being to designate the Primary Regional Roads Reservation for the Mitchell Freeway and the Northern Suburbs Railway. Amendment 992/32A was the result of joint planning by Main Roads WA and the Urban Rail Planning Group of the Department of Transport, refer Appendix 5: Amendment 992/33)

Critically it was Amendment 992/32A which retained the subject portion of Lot 29 as 'Urban', confirming that it was surplus to the needs of MRWA.

Amendment 992/32A was gazetted on 23 January 2004, with a copy provided as Appendix 5

Subdivision 154645

On 20 March 2017 the WAPC approved subdivision 154645 which created 17 service industrial lots and a road network from Lot 9332. Subdivision 154645 is the basis of the Brighton Business Park North development.

Importantly, subdivision 154645 retained a significant portion of Lot 9332 as balance title, in anticipation of the Butler Land Company purchasing the subject portion of Lot 29, in turn allowing for a logical expansion and completion of the Brighton Business Park North Estate.

A copy of the approved plan of subdivision 154645 is provided as Attachment 6.

Subdivision Concept

A Subdivision Concept Plan has been prepared to demonstrate the manner in which the balance of Lot 9332 (as left by subdivision 154645) can be developed, utilising the subject portion of Lot 29. A copy of the concept plan of subdivision is provided as Attachment 7.

This Subdivision Concept is a logical extension to approval 154645, utilising the approved road network but creating additional lots along the eastern boundary. This shows that the subject amendment will provide for an efficient and natural use of what would otherwise be sterilised land.

Lot 9332 (Reconfiguration of 'Service Industry' and 'Centre' Zones)

The second part of the amendment goes part of the way in rectifying an inconsistency between current land use zonings and cadastral boundaries established via approved subdivision of the site, and looks to reconfigure the boundary between the current 'Service Industry' to 'Centre' zones for a portion of Lot 9332. The 'Centre' zone in turn requires further structure planning prior to development, with the Butler District Centre Activity Centre Structure Plan fulfilling this role.

An associated amendment to the Butler District Centre Activity Centre Structure Plan will ensure that the boundary of this Activity Structure Plan will correspond with the reconfiguration to these two zones.

This element of the amendment is considered largely administrative; responding to approved subdivision over the land, ensuring a consistent application of land use zoning for the land that corresponds with the approved cadastral boundaries.

Subdivision 154645

As outlined above, on 20 March 2017 the WAPC approved subdivision 154645 for Lot 9332 (refer Appendix 6).

This approval created 17 service industrial lots from lot 9332, including three lots that straddled both the 'Service Industry' and 'Centre' zones under the BRALSP. This will result in future land uses for these particular lots being subject to both the BRALSP (for the 'Service Industry' zone) and the Butler District Centre Activity Centre Structure Plan (for the 'Centre' zone) – a far from ideal circumstance.

This part of the amendment simply rationalises to the Service Industry/Centre zones, allowing these lots to have a uniform zone.

Amendment 4 to the Butler District Centre Activity Centre Structure Plan is currently with the City of Wanneroo, rezoning the 'Centre' zone portion proposed as part of this amendment as 'Precinct – Fa' under the Butler District Centre Activity Centre Structure Plan. This will ensure consistency throughout the planning framework. A copy of the proposed amendment to the Butler District Centre Activity Centre Structure Plan is provided as Attachment 8.

CONCLUSION

The purpose of this amendment is to extend the boundary of the Butler Ridgewood Agreed Local Structure Plan (BRALSP) to include a portion of Lot 29 Landbeach Boulevard, Butler, allowing for the use of what would otherwise be sterilised land which is surplus to the needs of Main Roads WA. The amendment will also reconfigure a current boundary between the 'Service Industry' and 'Centre' zones (on Lot 9332), removing of an irregularity currently found between subdivision approval and the current statutory framework.

APPENDICES

APPENDIX 1



REGISTER NUMBER 9332/DP405720	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2901** FOLIO **210**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 9332 ON DEPOSITED PLAN 405720

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

BUTLER LAND COMPANY PTY LTD OF 18 BOWMAN STREET SOUTH PERTH
(AF N289916) REGISTERED 28/4/2016

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- 1. *H385284 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 10/3/2000.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP405720
 PREVIOUS TITLE: 2882-593
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
 LOCAL GOVERNMENT AUTHORITY: CITY OF WANNEROO

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING M561037



Application B556494

WESTERN

AUSTRALIA

VOL.

FOL.

1508

915

Volume 1508 Folio 913



DP25660



CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

Dated 18th July, 1978

Lindborough
REGISTRAR OF TITLES



ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Swan Location 1370 and being Lot 29 on Plan 12468, delineated and coloured green on the map in the Third Schedule hereto, except and reserving metals, minerals, gems and mineral oil specified in Transfer 7033/1940.

FIRST SCHEDULE (continued overleaf)

~~Mindarie Property Company Pty, Limited of 514 Stirling Highway, Peppermint Grove~~



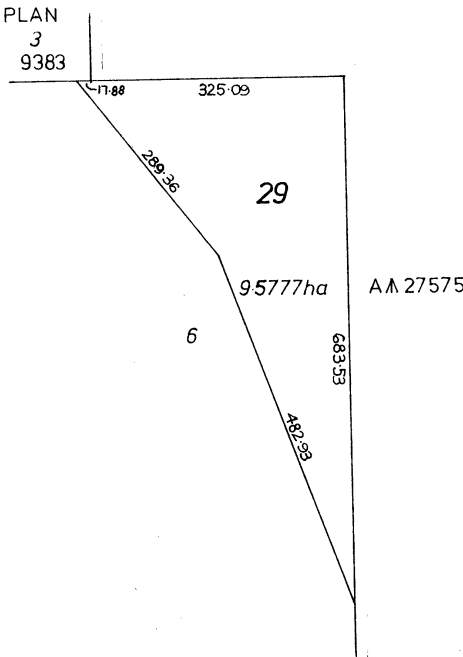
SECOND SCHEDULE (continued overleaf)

NIL

Lindborough
REGISTRAR OF TITLES

THIRD SCHEDULE

PLAN
3
9383



SCALE 1:7500
GR

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Page 1 (of 2 pages) 1508 915 VOL. FOL.

APPENDIX 2

This plan has been prepared for general information purposes only and uses potentially uncontrolled data from external sources. CLE does not guarantee the accuracy of this plan and it should not be used for any detailed site design. This plan remains the property of CLE.



LEGEND

 Amendment Area







APPENDIX 3

This plan has been prepared for general information purposes only and uses potentially uncontrolled data from external sources. CLE does not guarantee the accuracy of this plan and it should not be used for any detailed site design. This plan remains the property of CLE.

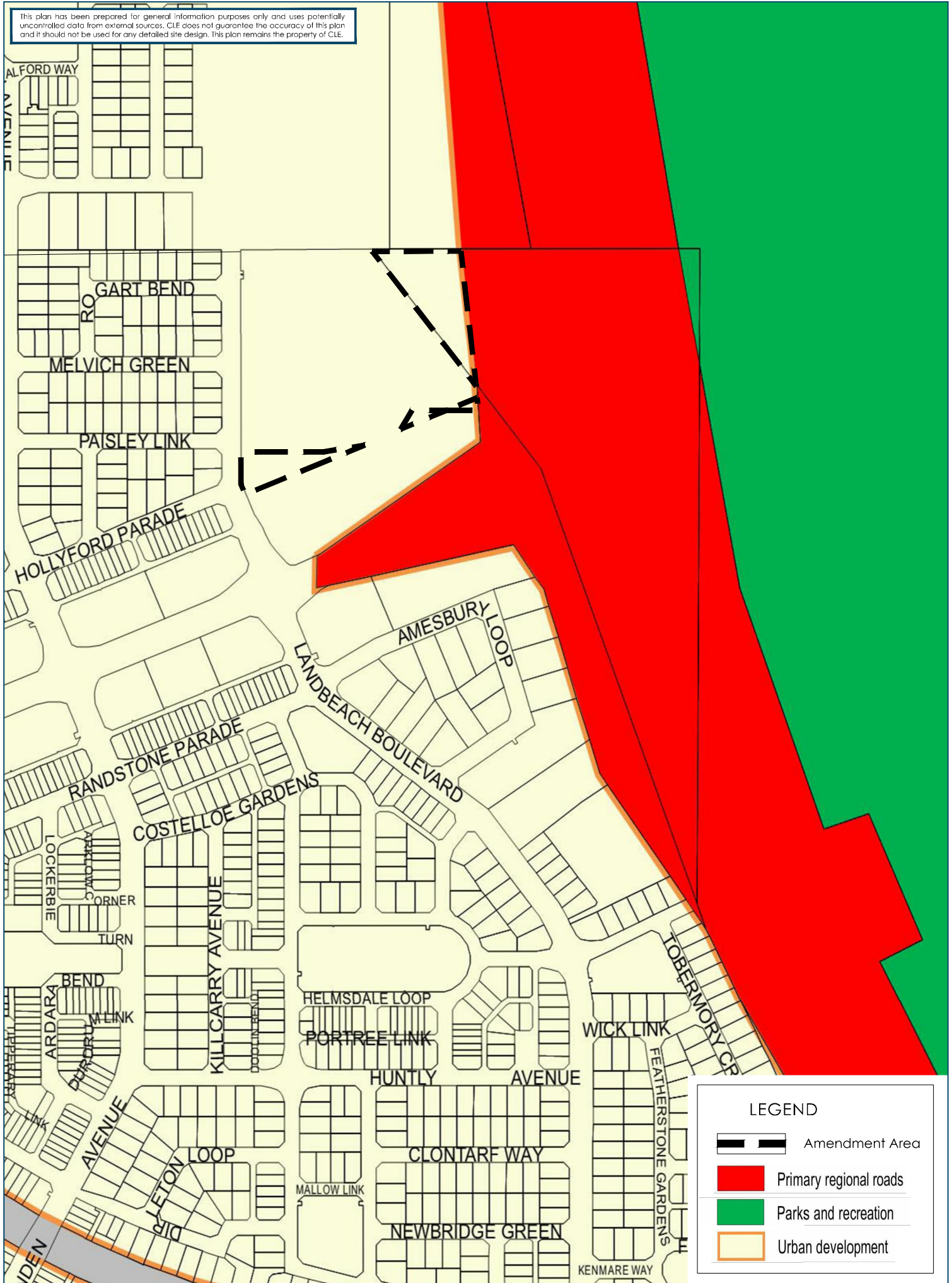


LEGEND





-  Amendment Area
-  Parks and recreation
-  Primary regional roads
-  Urban

APPENDIX 4

This plan has been prepared for general information purposes only and uses potentially uncontrolled data from external sources. CLE does not guarantee the accuracy of this plan and it should not be used for any detailed site design. This plan remains the property of CLE.



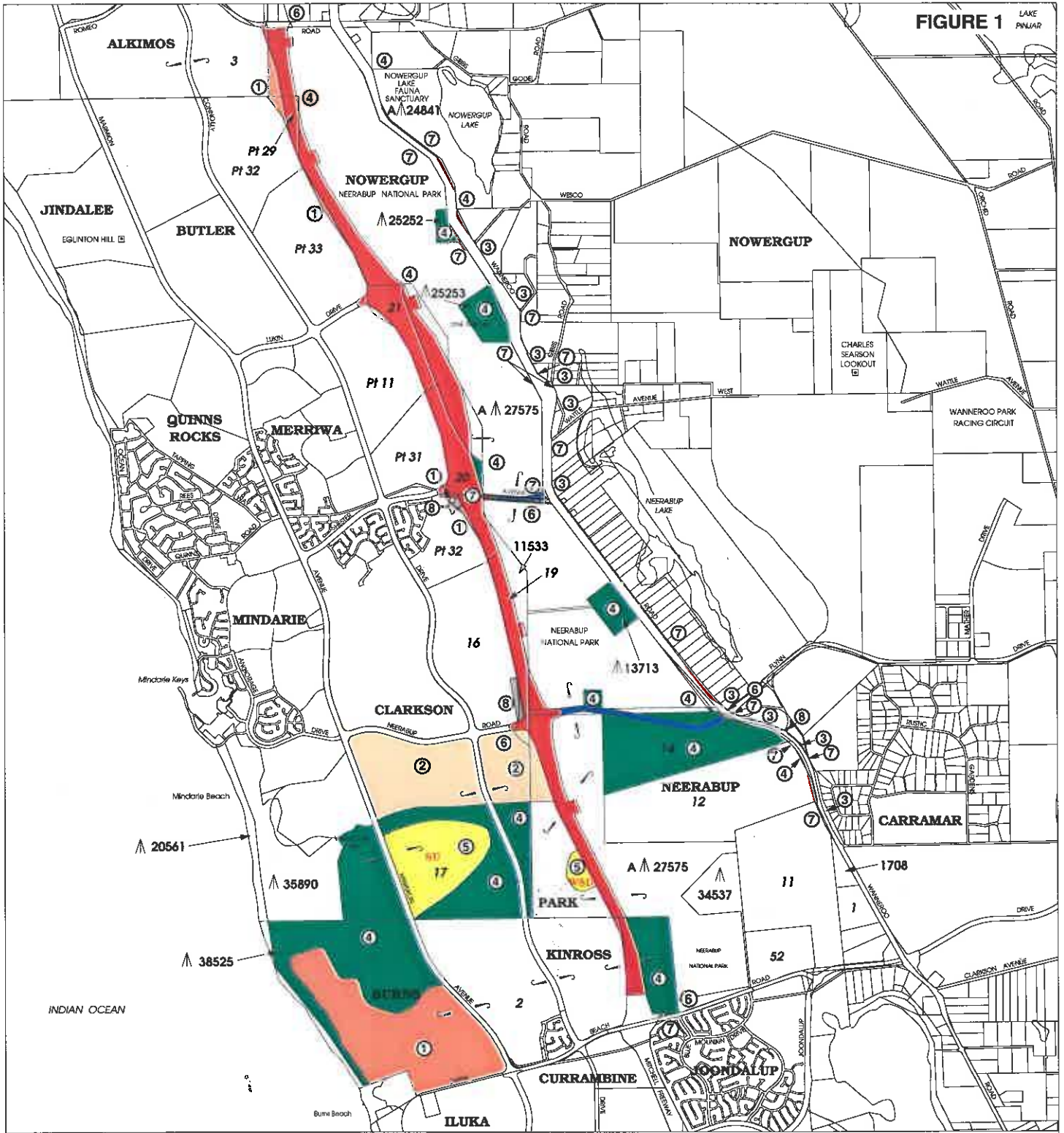
LEGEND

-  Amendment Area
-  Primary regional roads
-  Parks and recreation
-  Urban development



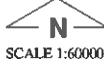
APPENDIX 5

FIGURE 1



**PROPOSED MAJOR MRS AMENDMENT 992/33 - CLARKSON-BUTLER
AS ADVERTISED**

14th SEPTEMBER 1999



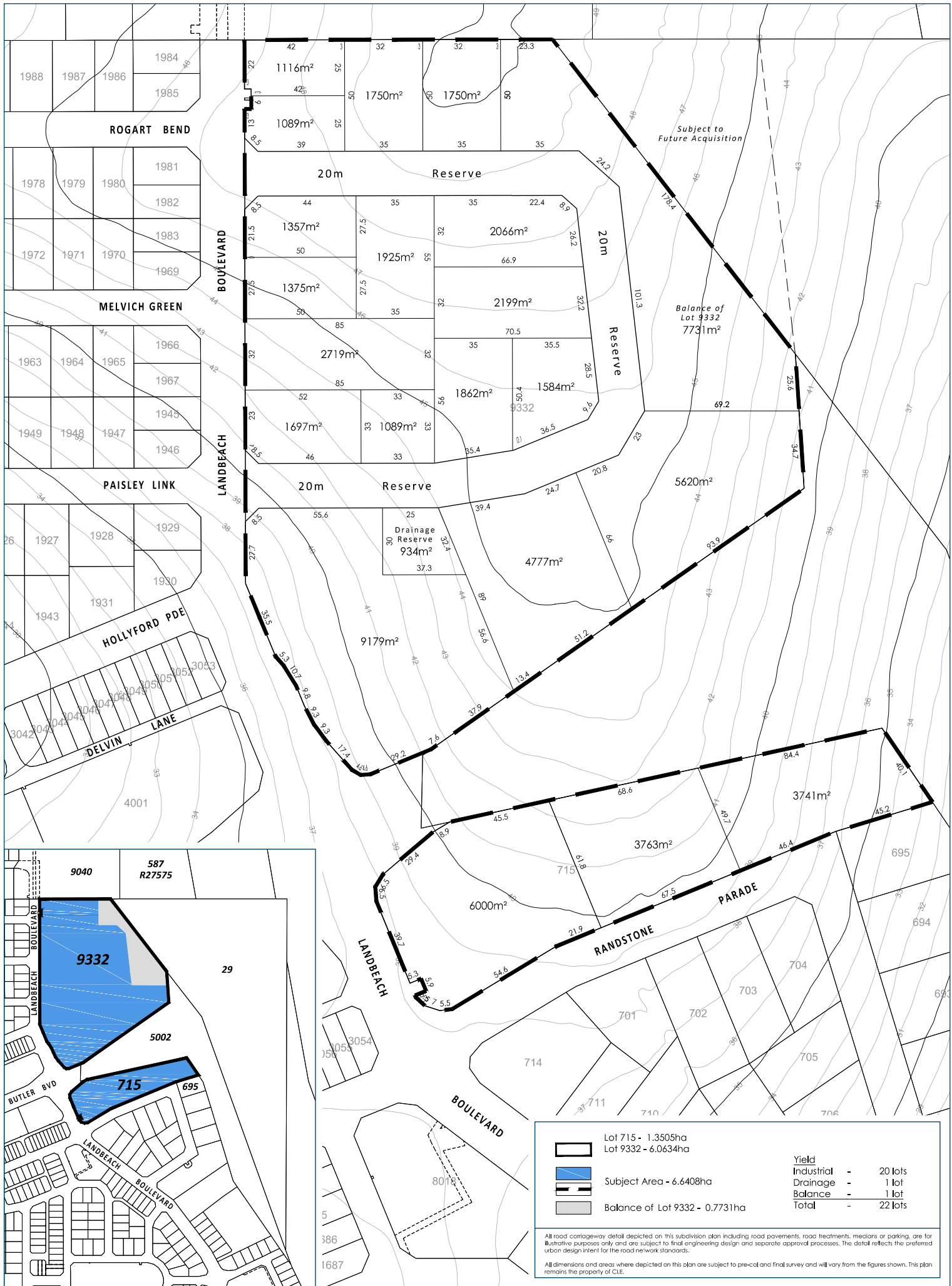
SCALE 1:60000
0 500 metres

PROPOSED:

LEGEND

- 1 URBAN ZONE
- 2 URBAN DEFERRED ZONE
- 3 RURAL ZONE
- 4 PARKS & RECREATION RESERVATION
- 5 PUBLIC PURPOSES (SU & WSD) RESERVATION
- 6 OTHER REGIONAL ROADS RESERVATION
- 7 PRIMARY REGIONAL ROADS RESERVATION
- 8 RAILWAYS RESERVATION

APPENDIX 6

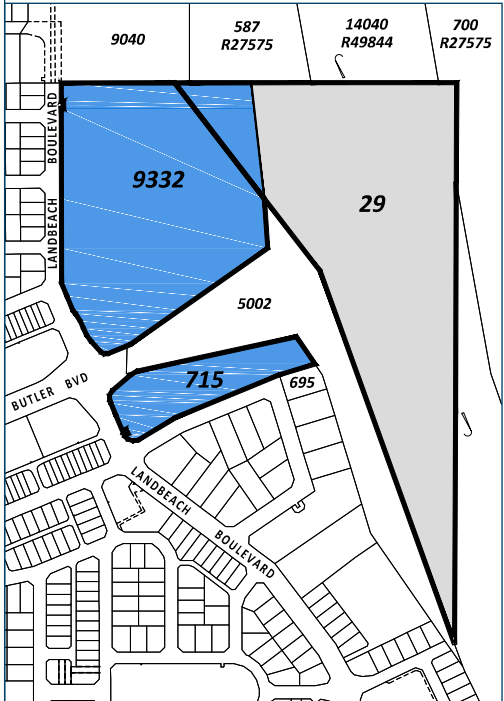


	Lot 715 - 1.3505ha Lot 9332 - 6.0634ha											
	Subject Area - 6.6408ha											
	Balance of Lot 9332 - 0.7731ha											
		<table border="0"> <tr> <td>Yield</td> <td></td> </tr> <tr> <td>Industrial</td> <td>- 20 lots</td> </tr> <tr> <td>Drainage</td> <td>- 1 lot</td> </tr> <tr> <td>Balance</td> <td>- 1 lot</td> </tr> <tr> <td>Total</td> <td>- 22 lots</td> </tr> </table>	Yield		Industrial	- 20 lots	Drainage	- 1 lot	Balance	- 1 lot	Total	- 22 lots
Yield												
Industrial	- 20 lots											
Drainage	- 1 lot											
Balance	- 1 lot											
Total	- 22 lots											

All road corollary detail depicted on this subdivision plan including road pavements, road treatments, medians or parking, are for illustrative purposes only and are subject to final engineering design and separate approval processes. The detail reflects the preferred urban design intent for the road network standards.

All dimensions and areas where depicted on this plan are subject to pre-call and final survey and will vary from the figures shown. This plan remains the property of CLE.

APPENDIX 7



	Lot 29 - 9.5777ha Lot 715 - 1.3505ha Lot 9332 - 6.0634ha	
	Subject Area - 8.0694ha	
	Balance of Lot 29 - 8.9222ha	
		Yield
		Industrial - 25 lots
		Drainage - 1 lot
		Balance - 1 lot
		Total - 27 lots

All road corollary detail depicted on this subdivision plan including road pavements, road treatments, medians or parking, are for illustrative purposes only and are subject to final engineering design and separate approval processes. The detail reflects the preferred urban design intent for the road network standards.

All dimensions and areas where depicted on this plan are subject to pre-call and final survey and will vary from the figures shown. This plan remains the property of CLE.