



# **DISTRICT PLANNING SCHEME No. 2**

Amendment No. 192

***Planning and Development Act 2005***

**RESOLUTION TO PREPARE AMENDMENT TO  
LOCAL PLANNING SCHEME**

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 192**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by:

- a) Rezoning Lot 1377 (6) Cockleshell Brace, Jindalee and Lot 1378 (6) Jindalee Boulevard, Jindalee from 'Urban Development' to 'Business' with a residential density code of R60, as shown on the Scheme (Amendment) Map;
- b) Rezoning Lot 1900 (10) Clew Way, Jindalee from 'Urban Development' to 'Commercial' with a residential density code of R60, as shown on the Scheme (Amendment) Map;
- c) Rezoning the following lots from 'Urban Development' to 'Residential' with a residential density code of R40:
  - i. Lot 1874 (38) Investigator Parade, Jindalee
  - ii. Lot 1875 (36) Investigator Parade, Jindalee;
  - iii. Lot 1869 (8) Clew Way, Jindalee;
  - iv. Lot 1870 (6) Clew way, Jindalee;
  - v. Lot 1871 (5) Clew Way, Jindalee;
  - vi. Lot 1872 (7) Clew Way, Jindalee; and
  - vii. Lot 1873 (9) Clew Way, Jindalee,

as shown on the Scheme (Amendment) Map; and

- d) Amending Schedule 3 of District Planning Scheme No. 2 to insert the following:

<b>LOCALITY</b>	<b>DESCRIPTION OF CENTRE AND COMMERCIAL ZONES</b>	<b>NLA (m<sup>2</sup>)</b>
JINDALEE	Lot 1900 on Deposited Plan 401242 (10) Clew Way	1000

Approval of the City of Wanneroo's Brighton West Village Centre Agreed Structure Plan No. 52 is to be revoked when this amendment is approved and takes effect.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- 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.
- An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.

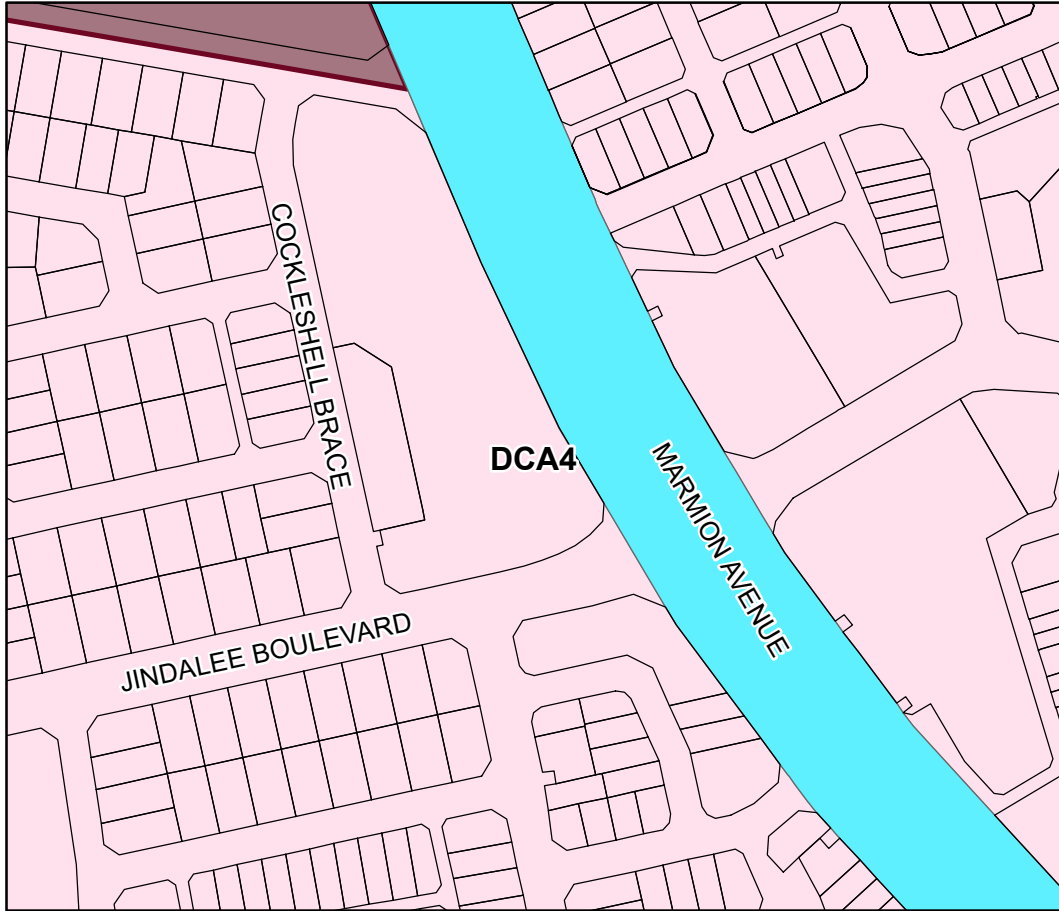
Date of Council Resolution: 15 June 2021

.....  
(Chief Executive Officer)

Dated this ..... day of ..... 20.....

# CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2 AMENDMENT No. 192

Brighton West Village  
Adopted Structure Plan No.52



**LEGEND**

**MRS RESERVE**

OTHER REGIONAL ROAD

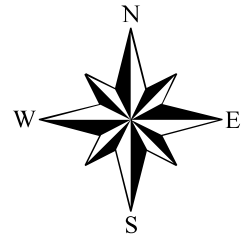
**ZONE**

DEVELOPMENT

CONTRIBUTION AREA

SMART GROWTH COMMUNITY

URBAN DEVELOPMENT



**LEGEND**

**ZONE**

BUSINESS

COMMERCIAL

RESIDENTIAL

R/CODE



# CITY OF WANNEROO

## DISTRICT PLANNING SCHEME NO 2 – AMENDMENT NO. 192

### SCHEME AMENDMENT REPORT

#### 1.0 Introduction and Background

The preparation and operation of the City of Wanneroo's structure plans is undertaken pursuant to the Deemed Provisions of the City's District Planning Scheme No. 2 (**DPS 2**). The Deemed Provisions of DPS 2 (**Deemed Provisions**) are provided through Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*. The Deemed Provisions define and set out the purpose of a structure plan as follows:

***structure plan** means a plan for the coordination of future subdivision and zoning of an area of land*

Many of the City's structure plans are necessary planning instruments to guide ongoing subdivision and zoning of land. However, the City has a growing number of structure plans that are either already or will shortly become redundant, as their subject areas are subdivided and built out.

The Western Australian planning framework intends that once a structure plan has achieved its purpose of guiding the zoning and subdivision of land, the land would be zoned under a local planning scheme (such as DPS 2) via a scheme amendment, a process referred to as 'normalising'. Considerations could also be made at that time for a structure plan to be entirely revoked, if it is no longer needed to serve its initial purpose to guide the subdivision and initial development of land.

The City of Wanneroo understands structure plans which were effective at the date of gazettal of the Regulations (19 October 2015) now automatically have an expiry date of October 2025. The City foresees administrative consequences if a vast array of structure plans were left to expire in October 2025 without establishing a more immediate, staged and controlled process to review and cease their operation. The normalisation of structure plan zonings into DPS 2 would also need to occur, as a process alongside structure plan revocation.

The City is currently undertaking various initiatives prior to the preparation of a new Local Planning Scheme No. 3 (LPS 3). The City's Council has resolved to prepare Amendment No. 172 to DPS 2, to align DPS 2 with the Model Provisions contained in the above-mentioned Regulations. This would then ease the future transition toward the future LPS 3. Amendment No. 172 has been 'prepared' by Council as a 'Complex' amendment in the content of the Regulations, but has not yet been advertised. Revoking structure plans and reviewing zoning of land in current structure plan areas also assists in the transition toward LPS 3.

The purpose of this Report is to primarily focus on an amendment to DPS 2 (Amendment No. 192) to normalise the zonings of the Brighton West Village Centre Agreed Local Structure Plan No. 52 (ASP 52). This Report is to be read as a Scheme Amendment Report, and also to inform WAPC's consideration in revoking ASP 52, should the WAPC consider this in due course.

## 2.0 Detail of the Amendment and the Subject Land

The City considers that ASP 52 is ready for revocation, as it has completed its function in guiding subdivision of its respective area.

The City acknowledges that structure plans can only be revoked by the WAPC. The City considers a request made to the WAPC to revoke ASP 52 is premature, and is deferring the submission of a request until such time that Council should support Amendment No. 192 to DPS 2 (following advertising of that amendment).

A detailed discussion on the land affected by Amendment No. 192, as well as a review of the extent structure plan provisions have been acted upon, is provided below.

### 2.1 Land Affected by ASP 52

The ASP 52 area (**subject area**) is located where shown on the Location Plan included within **Attachment 1** of this Report. The land affected by ASP 52 is approximately three hectares in area.

Land in the ASP 52 area was zoned Residential Development during the time that Town Planning Scheme No. 1 was effective (prior to July 2001). The land was then zoned Urban Development on gazettal of DPS 2 in July 2001, with the DPS 2 zoning of the land remaining unchanged to the present day.

The Urban Development zoning of the subject area allowed for the preparation of the Lot 12 Jindalee Agreed Local Structure Plan No. 36 (ASP 36), which was adopted by the WAPC on 18 November 2003. ASP 36 initially designated a 'Centre' zoned over the subject area, in anticipation that a further structure plan would be developed. That further structure plan, being ASP 52, was later prepared and adopted in March 2005. Following the adoption of ASP 52, the subject area was situated with both ASP 36 and ASP 52 for a time until Amendment No. 6 to ASP 36 (as adopted in February 2011) adjusted the boundary of that structure plan to exclude the subject area.

ASP 52 designates a mix of Business, Commercial and Residential zonings over the subject area, with density codings of R40 and R60. ASP 52 ultimately guided the creation of lots through subdivision to be used in the manner consistent with ASP 52. Subdivision of the ASP 52 area was completed in 2011.

Structure plan extracts and other information pertaining to ASP 52 (and its subject land) are included in **Attachment 1** of this Report. This attachment also reviews how the General Provisions of ASP 52 have been met, and the consequences of revoking ASP 52 in respect to the content of those provisions

A full description on what Amendment No. 192 is proposing in respect to the subject area is as follows:

Locations in respect to the ASP 52 Area	Discussion of Proposal through Amendment No. 192 to DPS 2
Lot 1377 (6) Cockleshell Brace, Jindalee (on DP: 49303)	This lot is zoned 'Business' under ASP 52, with a density coding of R60. Amendment No. 192 to DPS 2 then rezones Lot 1377 from 'Urban Development' to 'Business (R60)'. There is a Child Care Centre located on Lot 1377, which is a discretionary (or 'D') use in the City's Business Zone under DPS 2.

Locations in respect to the ASP 52 Area	Discussion of Proposal through Amendment No. 192 to DPS 2																												
<p>Lot 1378 (6) Jindalee Boulevard, Jindalee (on DP: 49303)</p>	<p>This lot is zoned 'Business' under ASP 52, with a density coding of R60. Amendment No. 192 to DPS 2 then rezones Lot 1378 from 'Urban Development' to 'Business (R60)'.</p> <p>There is a commercial development situated on Lot 1378, providing for various uses. The list of current uses being carried out on Lot 1378, and their permissibility in the Business Zone under DPS 2, is outlined in the table below:</p> <table border="1" data-bbox="549 564 1390 1012"> <thead> <tr> <th>Land Use</th> <th>Permissibility</th> </tr> </thead> <tbody> <tr><td>Showroom</td><td>P</td></tr> <tr><td>Restaurant</td><td>P</td></tr> <tr><td>Office</td><td>P</td></tr> <tr><td>Bakery</td><td>D</td></tr> <tr><td>Liquor Store</td><td>A</td></tr> <tr><td>Drive-Through Food Outlet</td><td>D</td></tr> <tr><td>Take-Away Food Outlet</td><td>D</td></tr> <tr><td>Pharmacy</td><td>D</td></tr> <tr><td>Recreation Centre</td><td>D</td></tr> <tr><td>Medical Centre</td><td>P</td></tr> <tr><td>Consulting Room</td><td>P</td></tr> <tr><td>Beauty Parlour</td><td>P</td></tr> <tr><td>Hairdresser</td><td>P</td></tr> </tbody> </table>	Land Use	Permissibility	Showroom	P	Restaurant	P	Office	P	Bakery	D	Liquor Store	A	Drive-Through Food Outlet	D	Take-Away Food Outlet	D	Pharmacy	D	Recreation Centre	D	Medical Centre	P	Consulting Room	P	Beauty Parlour	P	Hairdresser	P
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Beauty Parlour	P																												
Hairdresser	P																												
<p>Lot 1900 (10) Clew Way, Jindalee (on DP: 401242)</p>	<p>This lot is zoned 'Commercial' under ASP 52, with a density coding of R60. Section 8.2 of the ASP 52 text then prescribes a retail floorspace limit of 1000m<sup>2</sup> of net lettable area.</p> <p>Amendment No. 192 to DPS 2 then rezones Lot 1900 from 'Urban Development' to 'Commercial (R60)'. Through Amendment No. 192, the same retail floorspace limitation prescribed in ASP 52 is also proposed to be inserted into Schedule 3 of DPS 2.</p> <p>There is a commercial development situated on Lot 1900, providing for various uses. The list of current uses being carried out on Lot 1900, and their permissibility in the Commercial Zone under DPS 2, is outlined in the table below:</p> <table border="1" data-bbox="549 1503 1390 1727"> <thead> <tr> <th>Land Use</th> <th>Permissibility</th> </tr> </thead> <tbody> <tr><td>Office</td><td>P</td></tr> <tr><td>Recreation Centre</td><td>D</td></tr> <tr><td>Shop</td><td>P</td></tr> <tr><td>Consulting Room</td><td>P</td></tr> <tr><td>Medical Centre</td><td>P</td></tr> <tr><td>Restaurant</td><td>P</td></tr> </tbody> </table>	Land Use	Permissibility	Office	P	Recreation Centre	D	Shop	P	Consulting Room	P	Medical Centre	P	Restaurant	P														
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<p>Residential lots situated at Investigator Parade and Clew Way, Jindalee (all on DP: 68137)</p>	<p>These lots are zoned 'Residential' under ASP 52, with an R40 density code. Amendment No. 192 proposes to rezone the land from 'Urban Development' to 'Residential (R40)' under DPS 2, consistent with ASP 52.</p> <p>All lots contain Single House development, except for Lot 1875 which provides two grouped dwellings. Single Houses and Grouped Dwellings are permissible in the Residential Zone under DPS 2.</p>																												

## 2.2 Amendment Type

Some recent DPS 2 amendments in relation to normalising structure plans have been prepared by the City as 'Basic Amendments'. This is due to the fact that those amendments have only involved amendments to the DPS 2 map that are consistent with the structure plan, rendering those amendments as meeting the following criteria for Basic Amendments as stipulated in the Regulations:

*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 types that are outlined in the plan.*

Amendment No. 192 however is not limited to just meeting the abovementioned criteria for a Basic Amendment. Amendment No. 192 also proposes modifications to Schedule 3 of the DPS 2 text, by inserting limitations to retail net lettable area for Lot 1900 (10) Clew Way, Jindalee.

Therefore, the City considers what is proposed through Amendment No. 192 constitutes a 'Standard Amendment' in the context of the Regulations. The City considers that proposed Amendment No. 192 to DPS 2 meets the following criteria for 'Standard Amendments' outlined in the Regulations:

- *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.*

The underlying Region Scheme (MRS) zoning of the entire area affected by Amendment No. 192 is 'Urban'. Amendment No. 192 proposes to apply the Business, Commercial and Residential Zones into DPS 2 over the subject area, consistent with the Urban zoning under the MRS.

- *An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.*

What is proposed through Amendment No. 192 should not fundamentally alter the land use potential of the affected land. Therefore, it is not expected that Amendment No. 192 will result in any further impacts on land outside the affected area, than what the current planning framework provides.

## 3.0 Consultation

Following Council's resolution to 'prepare' (or initiate) Amendment No. 192 to DPS 2, the amendment will need to be referred to the Environmental Protection Authority (EPA) pursuant to Section 81 of the *Planning and Development Act 2005*. The EPA will assess the environmental impacts of the proposal and to determine whether any formal environmental assessment is necessary.

Subject to the EPA not objecting to the City proceeding to advertise the amendment, the amendment will then be advertised for public comment for a period of at least 42 days. Advertising of Amendment No. 192 to DPS 2 is to occur in the following manner, pursuant to



Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Publish a notice of the amendment on the City's website – and upload the amendment documentation;
- Make a copy of the amendment document available for public inspection at a place within the district during normal business hours (City's Civic Centre);
- Where appropriate, publish a notice in a newspaper circulating in the relevant locality;
- Notify public authorities likely to be affected by the amendment; and
- Advertise the amendment as directed by the WAPC and in any other way the local government considers appropriate.

In addition to the above, the City will write to landowners and occupiers of land that it considers could be affected by the DPS 2 amendment.

Submissions received during the advertising period will be considered by the City pursuant to Regulation 50 of the abovementioned Regulations. A schedule of submissions will later be forwarded to the WAPC pursuant to Regulation 53(1)(a).

## 4.0 Planning Comment on the Proposal

As outlined previously, information and mapping from the City pertaining to the Brighton West Village Centre Agreed Local Structure Plan No. 52 (ASP 52), is included in **Attachment 1**. The information in the attachment provides aerial imagery, structure plan mapping and the City's review of how the structure plan provisions have been met.

The City has identified that subdivision has been completed on the land within the ASP 52 area; and as such, the structure plan could potentially be revoked.

The ASP 52 area is developed, with exception of a portion of Lot 1378. That portion of vacant land is subject to a valid development approval. In moving forward, there are adequate controls through DPS 2 and relevant other planning documents to guide any remaining development. The structure plan no longer provides necessary guidance for the development on lots created through subdivision, as demonstrated in the table included in **Attachment 1**.

A corresponding amendment to DPS 2 is required to firstly complete the normalisation of the ASP 52 area, which would facilitate the revocation of this structure plan. The City has therefore prepared Amendment No. 192 to DPS 2, which proposes to apply zonings into DPS 2 over the ASP 52 area (refer Scheme Amendment Map).

The Regulations (Regulation 35A) make provision for when an amendment to a local planning scheme affects a structure plan area, the amendment must include a statement that when the amendment takes effect:

- (a) the approval of the structure plan is to be revoked; or
- (b) the structure plan is to be amended in accordance with the statement; or

(c) the approval of the structure plan is not affected.

In this case, and in light of the Regulations, the Amendment No. 192 proposal includes a statement that on its approval, the WAPC's approval of ASP 96 will be revoked.

To undertake the normalisation and revocation in an orderly manner, the WAPC would only be able to consider the revocation of ASP 52 should the Minister for Planning first approve Amendment No. 192 to DPS 2. Pursuant to Clause 28(3) and Clause 29A(1) of the Deemed Provisions, it is the WAPC that may revoke its approval of a structure plan. In other words, the City has no ability to revoke structure plans, but rather must allow the WAPC undertake that process. The City will prompt the WAPC to consider revoking ASP 52 following a Council resolution to support Amendment No. 192 to DPS 2 following its advertising (pursuant to Regulation 50(3) of the abovementioned Regulations).

#### **4.1 Consideration of Amendment No. 172 to DPS 2**

The assessment and processing of Amendment No. 192 to DPS 2 is running ahead of Amendment No. 172. As outlined above, the purpose of Amendment No. 172 to DPS 2 (separate to the DPS 2 amendment subject to this Report) is to align DPS 2 more broadly with the Model Provisions contained in the Regulations.

It is not the purpose of Amendment No. 172 to normalise or significantly alter the zoning of structure plan areas. For example, Amendment No. 172 proposes to retain the Urban Development zoning over the subject land under DPS 2.

Amendment No. 172 will align the scheme zonings so that they are consistent with the Model Provisions contained in Schedule 1 of the Regulations. For example, Amendment No. 172 seeks to delete the 'Business' zone from DPS 2 (as it is not a zone in the Model Provisions), and rezone such zoned land to either 'Commercial' or 'Service Commercial'. Although it does not impact on how Amendment No. 192 can be processed, the deletion of the Business Zone through Amendment No. 172 will have a longer-term impact on zoning and land use permissibility on Lot 1377 Cockleshell Brace and Lot 1378 Jindalee Boulevard.

To address any misalignments between Amendment No. 172 and Amendment No. 192 (and any other relevant amendment to DPS 2), the following component has been added to the Amendment No. 172 proposal:

*Replacing the current Scheme Map and Residential Density Code Maps with the Scheme Map tabled at the meeting of Council held on ....., annotated as being such map by the City of Wanneroo, Director Planning and Sustainability, subject to the new Scheme Map being modified immediately prior to final approval of the Amendment by the Minister for Planning, to incorporate any amendments to the current Scheme Map and Residential Density Code Maps which may be gazetted but not included in the new Scheme Map.*

This means that any other amendments to DPS 2 that are approved but not reflected in Amendment No. 172 will need to be incorporated into that amendment prior to its approval. The City will be monitoring the process of the various amendments that will proceed whilst Amendment No. 172 is being considered, and continue to liaise with Department of Planning, Lands and Heritage officers to ensure the approval processes run smoothly.

It will need to be established through later considerations on Amendment No. 172 whether the ultimate zone of Lot 1377 and Lot 1378 should be 'Commercial' or 'Service Commercial'. It is not the purpose of Amendment No. 192 to determine what the 'ultimate' zoning of Lot 1377 and Lot 1378 should be.

Over time, as Amendment No. 172 gets assessed, the following considerations would need to be made:

- If Lot 1377 and Lot 1378 were to be zoned 'Service Commercial':
  - Acknowledgement of 'non-conforming uses' will need to be made, particularly on Lot 1378. For example there are Restaurants, Hairdressers and Beauty Parlours established on Lot 1378. These activities fall under the 'Restaurant/Café' and 'Shop' uses, which Amendment No. 172 proposes to be 'not permitted' (or 'X') in the new Service Commercial Zone.
  - Any form of residential development is proposed to be not permitted (or 'X') in the Service Commercial Zone in DPS 2. Although there is currently no residential development in the ASP 52 Business zoned area, ASP 52 does apply an R60 density coding as some forms of residential development are currently permissible in the DPS 2 Business Zone. For consistency, Amendment No. 192 does propose to transfer the density codes out of ASP 52 and place them into DPS 2. However, the future application of residential density codes over Lot 1377 and Lot 1378 will need to be considered during the assessment of Amendment No. 172 or when the City prepares LPS 3 in the future.
- If Lot 1377 and Lot 1378 were to be zoned 'Commercial' as a result of Amendment No. 172, then considerations may need to be made to impose a maximum retail net lettable area for those land parcels in the DPS 2 text. This maximum retail floorspace would be imposed in what Amendment No. 172 proposes for Schedule 7 of DPS 2, which replaces the existing Schedule 3.

Given the ultimate zoning considerations outlined above, the City could have instead deferred the initiation of Amendment No. 192 until Amendment No. 172 had been approved. However, that approach may be inappropriate noting the following:

- As structure plans are 'due regard' documents, it would be inappropriate for ASP 52 to continue having effect; given the land has been fully subdivided for some time, and the structure plan has fulfilled its purpose;
- It is unclear exactly how long the assessment process for Amendment No. 172 to DPS 2 will take. That amendment is a substantial and extensive amendment that will likely take both the City and the WAPC a considerable amount of time to process. Therefore, it would be inappropriate to hold off initiating any amendment to DPS 2 for an unknown and extensive period of time, whilst Amendment No. 172 is considered. This is the case where Amendment No. 172 makes provision to incorporate amendments running concurrently;
- Many of the City's structure plans expire in October 2015, pursuant to the Regulations. As outlined above, should those structure plans be left to expire without the City's action, there would be administrative consequences on the City in dealing with established Urban Development zoned areas without structure plans. Deferring initiating processes to revoke and normalise structure plans pending the completion of Amendment No. 172 gives the City a shorter time period to review its structure plans, which adds administrative strain on the City. Many structure plans are pending normalisation already, as the ongoing review of the R-Codes is affecting the process.
- Amendment No. 192 (and other DPS 2 amendments relating to the revocation of structure plans) are assisting in the transition to Local Planning Scheme No. 3 (LPS 3). LPS 3 needs to be prepared as soon as possible, as identified in an 18 May 2021 Resolution (Item 8.7, Resolution No. 6) of the Statutory Planning Committee. Deferring the normalisation and revocation of structure plans adds complexity to the City's preparation of LPS 3.

## 5.0 Conclusion

The purpose of Amendment No. 192 is to normalise the zonings and reserves in DPS 2 for the areas affected by the Brighton West Village Centre Agreed Local Structure Plan No. 52 (ASP 52).

The City is aware that the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes that current structure plans approved or adopted before October 2015 will expire in October 2025. Leaving structure plans to expire without revocation, or normalising the zonings of structure plan areas under DPS 2, will have significant administrative consequences on the City. The City considers that avoiding such consequences requires it to act by way of preparing amendments to DPS 2 and normalise established structure plan areas more immediately where possible.

Undertaking the revocation and normalisation of structure plans also assists in the preparation of LPS 3, a new Local Planning Scheme for the City of Wanneroo. LPS 3 will be prepared following the approval of Amendment No. 172 to DPS 2, a substantial amendment being undertaken by the City to align DPS 2 with the Model Provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This local planning scheme amendment is part of a series of multiple DPS 2 amendments that will be prepared in order to support normalisation and revocation of structure plans. The City intends to continue preparing similar amendments to its local planning scheme over the coming years.

# **ATTACHMENT 1**

**INFORMATION RELATING TO  
STRUCTURE PLANNING AND  
LAND AFFECTED BY ASP 52**

**Information Pertaining to  
ASP 52 and Relevant Area**

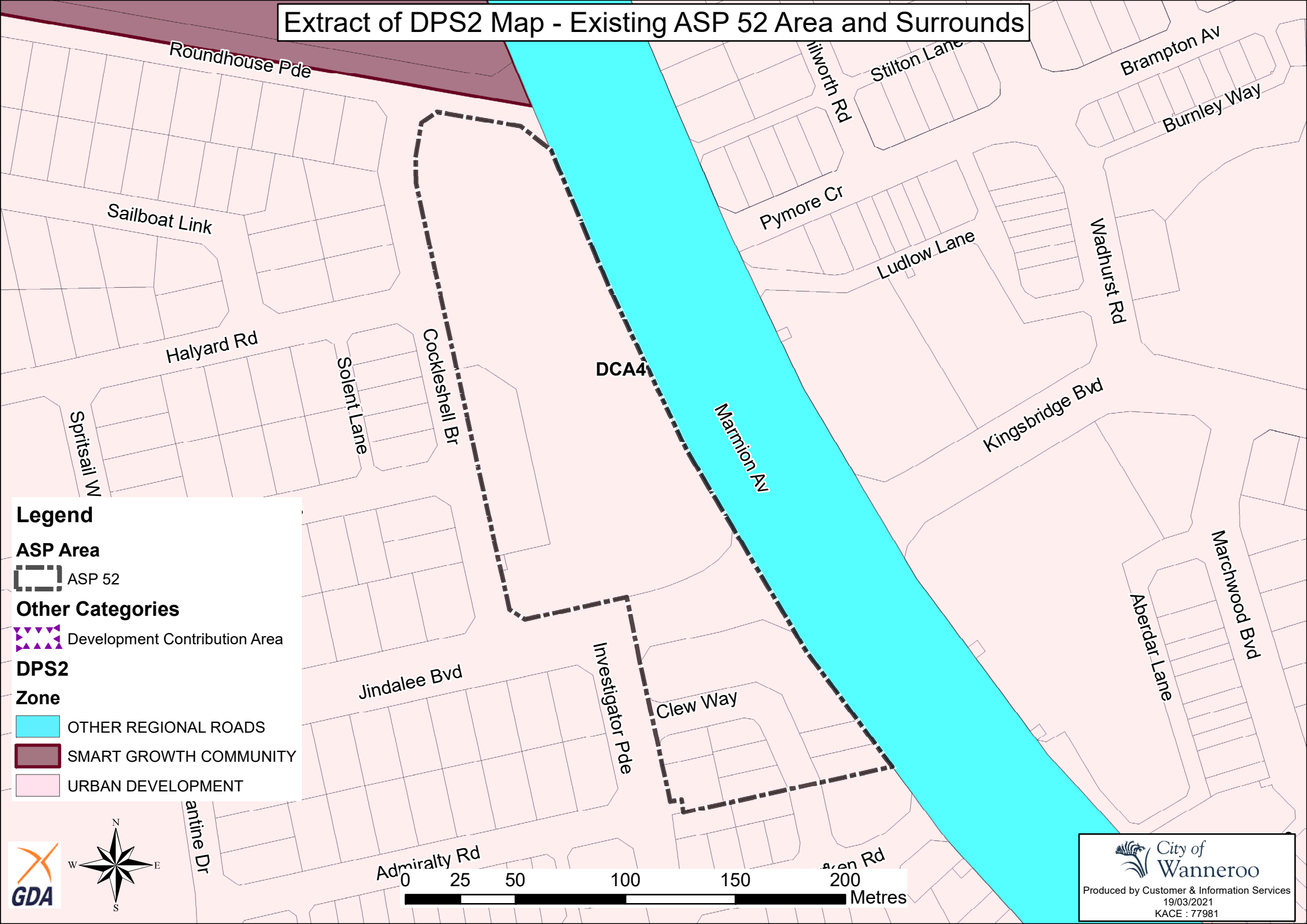
**AGREED STRUCTURE PLAN**

**BRIGHTON WEST VILLAGE CENTRE  
STRUCTURE PLAN**

**Structure Plan No. 52**

This Structure Plan is prepared under the provisions of the City of Wanneroo District Planning  
Scheme No.2

# Extract of DPS2 Map - Existing ASP 52 Area and Surrounds



**Legend**

**ASP Area**

- ASP 52

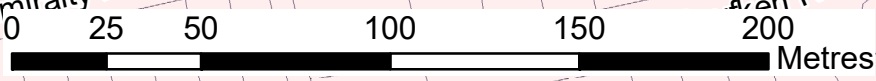
**Other Categories**

- Development Contribution Area

**DPS2**

**Zone**

- OTHER REGIONAL ROADS
- SMART GROWTH COMMUNITY
- URBAN DEVELOPMENT



# Aerial Photo of ASP 52 Area and Surrounds



Extent of ASP 52  
Area Bounded by  
Purple Line



# ASP 52 Zoning Plan



- Legend**
- ASP 52 AREA
  - RESIDENTIAL
  - BUSINESS
  - COMMERCIAL

issue: 13 May 2011  
 scale: 1:1500 @ A4  
 designer: F Ramirez  
 checker: M Callaghan  
 title: 4269  
 sheet: 051101  
 project: 4269

title: plan 1-zoning plan  
 address: brighton west village centre  
 jindalee  
 regional offices:  
 peel / south west tel: 616 5 962 5228 email: south@gregrowe.com.au  
 mid west tel: 9415 9415 email: midwest@gregrowe.com.au  
 pilbara tel: 08 9433 9333 email: south@gregrowe.com.au

**GREG ROWE & associates**  
FOCUSED ON ACHIEVEMENT



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N:\Town Planning\4000-4999\4268\DELIVERABLES  
 PROJECT MANAGEMENT  
 URBAN DESIGN  
 MASTER PLANNING  
 TOWN PLANNING

# ASP 52 R-Codes Plan



- Legend**
- ASP 52 AREA
  - RESIDENTIAL R40
  - RESIDENTIAL R60

issue 13 May 2011  
 scale 1:1500 @ A4  
 designer F Ramirez  
 checked M Callaghan  
 sheets 4269  
 sheet 051101

**title** plan 2-residential density  
**address** brighton west village centre  
 jindalee

**GREG ROWE & associates**  
 FOCUSED ON ACHIEVEMENT



NATIve Planning 4000-4999-4268 DELIVERABLES  
 PROJECT MANAGEMENT  
 URBAN DESIGN  
 MASTER PLANNING  
 TOWN PLANNING

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## Review of Structure Plan Provisions – Brighton West Village Centre Agreed Local Structure Plan No. 52

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 52
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### 8.0 General Provisions

#### 8.1 Business Zone

<p><b>Objectives</b> The general objectives of this zone shall be in accordance with those contained in the Scheme for the “Business Zone”.</p>	<p>Considered as a provision pertaining to objectives, which cannot be directly enforced in the ASP 52 Business Zone. If the zoning were to be normalised and ASP 52 revoked, the objectives of the Business Zone contained in DPS 2 will then apply over the relevant land parcels.</p>
<p><b>Use Permissibility</b> Land use permissibility within this zone shall be in accordance with the corresponding zone under the Scheme.</p>	<p>This requirement has been enforced through ASP 52, and can continue to be enforced through DPS 2 if the zoning were to be normalised and ASP 52 revoked.</p>
<p><b>Provisions</b></p>	<p>Development on land zoned Business in ASP 52 is predominantly built out. There is a development approval in place to undertake works on the one remaining portion of vacant land on Lot 1378 (6) Jindalee Boulevard, Jindalee.</p>
<p>i. Landmark buildings shall be constructed at the corner of Jindalee Boulevard and Marmion Avenue, as depicted on “Plan 3”. The “landmark” buildings shall have special building elevations and window treatments that draw attention to the location, including such means as distinctive roof form, articulation of corner wall elements, entry forecourts, materials and colour.</p>	<p>It is through the development approval process that the City considered the built form of the development against the structure plan provisions. There is no mechanism to now force the owners of the subject land to bring the built form to a higher standard, if the built form structure plan requirements were not previously met through the development approval process.</p>
<p>ii. All buildings shall be designed to address the adjacent street frontages.</p>	
<p>iii. A continuous building façade with no blank walls shall be provided along the main street precinct. This façade may be broken on the western end of the lot on the southern side of Jindalee Boulevard to accommodate a car parking area.</p>	<p>Should ASP 52 be revoked, and further development (or redevelopment) occurs, such development would be assessed against the provisions of DPS 2. The City can exercise discretion under DPS 2 in order to ensure that design outcomes in any (re)development complements surrounding built form approved prior through ASP 52.</p>
<p>iv. All buildings fronting the main street precinct shall incorporate the main building entries and continuous awnings and/or colonnades with a minimum width of 2 metres and a minimum ground clearance of 2.75 metres.</p>	
<p>v. Building setbacks adjacent to the main street precinct shall be nil. Buildings fronting the main street precinct may also be built up to the Marmion Avenue street boundary.</p>	
<p>vi. The ground floor of any buildings fronting the main street precinct shall not be more than 0.5 metres above the street level or not more than an average of 0.5 metres from a sloping site.</p>	
<p>vii. Entry doors from the main street precinct shall be at grade with the adjoining paving.</p>	
<p>viii. The buildings on both sides of the main street precinct shall be similar or complementary in design.</p>	
<p>ix. The full width of the main street road verges shall be paved and incorporate street trees, car parking bays and street furniture.</p>	<p>All the elements required to be provided in the road verge by this ASP 52 provision are in place.</p>

## Review of Structure Plan Provisions – Brighton West Village Centre Agreed Local Structure Plan No. 52

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 52
x. Service areas, bin storage areas and services such as air conditioners, compressors and other machinery shall be located away from the public areas and screened from view from the streets and public areas by an enclosure in the style, materials and colours of the adjacent development.	Refer to comments provided for Items (i) to (viii) above.
xi. Any residential development shall be designed and located to have regard to the interface to non-residential areas in terms of noise, traffic, light and other amenity impacts. Appropriate interface treatments by way of buffers, walls, dense landscaping and other means shall be provided to maintain the amenity of the residential developments.	Land with a designated Business zone under ASP 52 does not provide for any residential development.
<b>8.2 Commercial Zone</b>	
<b>Objectives</b> The general objectives of this zone shall be in accordance with those contained in the Scheme for the “Commercial Zone”.	Considered as a provision pertaining to objectives, which cannot be directly enforced in the ASP 52 Commercial Zone. If the zoning were to be normalised and ASP 52 revoked, the objectives of the Commercial Zone contained in DPS 2 will then apply over the relevant land parcels.
<b>Use Permissibility</b> Land use permissibility within this zone shall be in accordance with the corresponding zone under the Scheme.	This requirement has been enforced through ASP 52, and can continue to be enforced through DPS 2 if the zoning were to be normalised and ASP 52 revoked.
i. Landmark buildings shall be constructed at the corner of Jindalee Boulevard and Marmion Avenue, as depicted on “Plan 3”. The “landmark” buildings shall have special building elevations and window treatments that draw attention to the location, including such means as distinctive roof form, articulation of corner wall elements, entry forecourts, materials and colour.	Development on land zoned Commercial in ASP 52 has been completed.  It is through the development approval process that the City considered the built form of the development against the structure plan provisions. There is no mechanism to now force the owners of the subject land to bring the built form to a higher standard, if the built form structure plan requirements were not previously met through the development approval process.  Should ASP 52 be revoked, and further development (or redevelopment) occurs, such development would be assessed against the provisions of DPS 2. The City can exercise discretion under DPS 2 in order to ensure that design outcomes in any (re)development complements surrounding built form approved prior through ASP 52.
ii. All buildings shall be designed to address the adjacent street frontages	
iii. A continuous building façade with no blank walls shall be provided along the main street precinct. This façade may be broken to accommodate car parking.	
iv. All buildings fronting the main street precinct shall incorporate the main building entries and continuous awnings and/or colonnades with a minimum width of 2 metres and a minimum ground clearance of 2.75 metres.	
v. Building setbacks adjacent to the main street precinct shall be nil. Buildings fronting the main street precinct may also be built up to the Marmion Avenue street boundary.	
vi. The ground floor of any buildings fronting the main street precinct shall not be more than 0.5 metres above the street level or not more than an average of 0.5 metres from a sloping site.	
vii. Entry doors from the main street precinct shall be at grade with the adjoining paving.	
viii. The buildings on both sides of the main street precinct shall be similar or complementary in design.	

## Review of Structure Plan Provisions – Brighton West Village Centre Agreed Local Structure Plan No. 52

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 52
ix. The full width of the main street road verges shall be paved and incorporate street trees, car parking bays and street furniture.	All the elements required to be provided in the road verge by this ASP 52 provision are in place.
x. Service areas, bin storage areas and services such as air conditioners, compressors and other machinery shall be located away from the public areas and screened from view from the streets and public areas by an enclosure in the style, materials and colours of the adjacent development.	Refer to comments provided for Items (i) to (viii) above.
xi. Any residential development shall be designed and located to have regard to the interface to non residential areas in terms of noise, traffic, light and other amenity impacts. Appropriate interface treatments by way of buffers, walls, dense landscaping and other means shall be provided to maintain the amenity of the residential developments.	Land with a designated Commercial zone under ASP 52 does not provide for any residential development.
<p><b>Retail Floorspace</b> Retail floorspace shall not exceed 1,000m<sup>2</sup> of net lettable area.</p>	<p>On review of the approved uses in the ASP 52 Commercial Zone, there is 189sqm of retail floorspace – that is floorspace used for the purposes listed in Planning Landuse Category 5 (PLUC 5) – Shop/Retail. This is well under the maximum of 1,000sqm of floorspace permitted under ASP 52.</p> <p>This retail floorspace cap provisions in ASP 52 is proposed to be transferred into Schedule 3 of DPS 2 via Amendment No. 192.</p>
<p><b>8.3 Residential Zone</b></p>	
<p><b>Objectives</b> The general objectives of this zone shall be in accordance with those contained in the Scheme for the “Residential Zone”.</p>	<p>Considered as a provision pertaining to objectives, which cannot be directly enforced in the ASP 52 Residential Zone. If the zoning were to be normalised and ASP 52 revoked, the objectives of the Residential Zone contained in DPS 2 will apply over the relevant land parcels.</p>
<p><b>Use Permissibility</b> Land use permissibility within this zone shall be in accordance with the corresponding zone under the Scheme.</p>	<p>This requirement has been enforced through ASP 52, and can continue to be enforced through DPS 2 if the zoning were to be normalised and ASP 52 revoked.</p>

**PLANNING AND DEVELOPMENT ACT 2005**

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 192**

The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

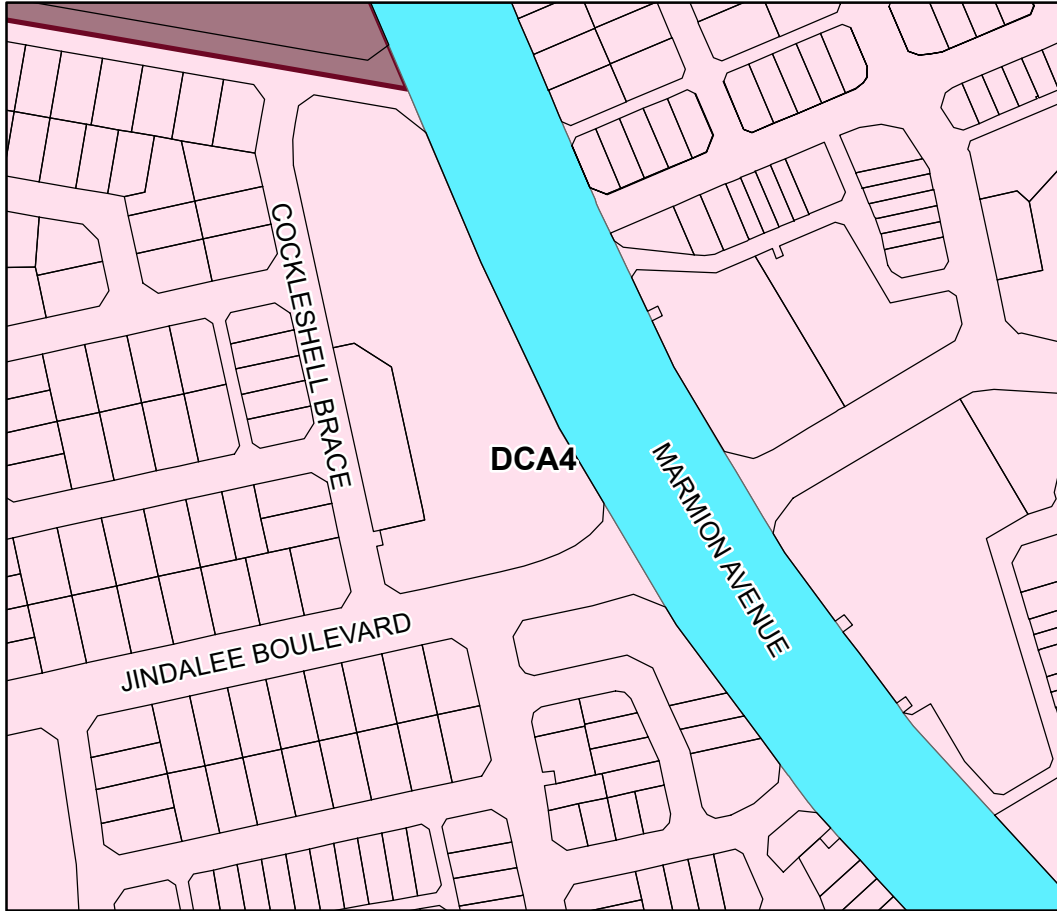
- a) Rezoning Lot 1377 (6) Cockleshell Brace, Jindalee and Lot 1378 (6) Jindalee Boulevard, Jindalee from 'Urban Development' to 'Business' with a residential density code of R60, as shown on the Scheme (Amendment) Map;
- b) Rezoning Lot 1900 (10) Clew Way, Jindalee from 'Urban Development' to 'Commercial' with a residential density code of R60, as shown on the Scheme (Amendment) Map;
- c) Rezoning the following lots from 'Urban Development' to 'Residential' with a residential density code of R40:
  - Lot 1874 (38) Investigator Parade, Jindalee
  - Lot 1875 (36) Investigator Parade, Jindalee;
  - Lot 1869 (8) Clew Way, Jindalee;
  - Lot 1870 (6) Clew way, Jindalee;
  - Lot 1871 (5) Clew Way, Jindalee;
  - Lot 1872 (7) Clew Way, Jindalee; and
  - Lot 1873 (9) Clew Way, Jindalee,as shown on the Scheme (Amendment) Map; and
- d) Amending Schedule 3 of District Planning Scheme No. 2 to insert the following:

<b>LOCALITY</b>	<b>DESCRIPTION OF CENTRE AND COMMERCIAL ZONES</b>	<b>NLA (m<sup>2</sup>)</b>
JINDALEE	Lot 1900 on Deposited Plan 401242 (10) Clew Way	1000

Approval of the City of Wanneroo's Brighton West Village Centre Agreed Structure Plan No. 52 is to be revoked when this amendment is approved and takes effect.

# CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2 AMENDMENT No. 192

Brighton West Village  
Adopted Structure Plan No.52



**LEGEND**

**MRS RESERVE**

OTHER REGIONAL ROAD

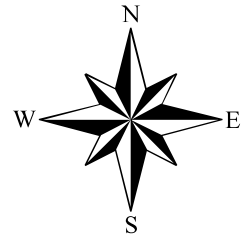
**ZONE**

DEVELOPMENT

CONTRIBUTION AREA

SMART GROWTH COMMUNITY

URBAN DEVELOPMENT



**LEGEND**

**ZONE**

BUSINESS

COMMERCIAL

RESIDENTIAL

R/CODE

**COUNCIL ADOPTION**

This Standard Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 15<sup>th</sup> day of June, 2021

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RESOLUTION TO ADVERTISE**

By resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 15<sup>th</sup> day of June, 2021, proceed to advertise this amendment.

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDATION**

This Amendment is recommended for [support with/without modification or not support] by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year], and the Common Seal of the City of Wanneroo was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**WAPC RECOMMENDATION FOR APPROVAL**

.....  
DELEGATED UNDER S.16 OF  
PD ACT 2005

DATE .....

Approval Granted

.....  
MINISTER FOR PLANNING, LANDS AND  
HERITAGE

DATE .....