



# **DISTRICT PLANNING SCHEME No. 2**

Amendment No. 197

***Planning and Development Act 2005***

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

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 197**

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 various residential lots and adjoining road reserves located within the City of Wanneroo's Lot 12 Jindalee Agreed Local Structure Plan No. 36 from 'Urban Development' to 'Residential' (with residential density codings of R20, R30 and R40), as shown on Scheme (Amendment) Map 1 and as consistent with that structure plan.

b) Rezoning portion of Lot 15167 (30P) Rupara Circle, Quinns Rocks (on DP: 37480) from 'Urban Development' to 'Residential (R20)', as shown on Scheme (Amendment) Map 1.

c) Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Parks & Recreation':

- Lot 8014 (20) Windjammer Parkway, Jindalee (on DP: 56907);
- Lot 8015 (18) Watersun Gardens, Jindalee (on DP: 50638);
- Lot 15528 (19) Brigantine Drive, Jindalee (on DP: 40501);
- Lot 15529 (8) Portsmouth Street, Jindalee (on DP: 40501);
- Lot 8004 (15) Forecastle Avenue, Jindalee (on DP: 64298); and
- Lot 8001 (61K) Maritime Drive, Jindalee (on DP: 404198),

as shown on Scheme (Amendment) Map 1.

d) Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Public Use':

- Lot 8006 (46) Masthead Close, Jindalee (on DP: 46267);
- Lot 14874 (1) Hampshire Drive, Quinns Rocks (on DP: 35178); and
- Lot 14854 (1P) Hampshire Drive, Quinns Rocks (on DP: 35178),

as shown on Scheme (Amendment) Map 1.

e) Rezoning various residential lots and adjoining road reserves located within the City of Wanneroo's Lot 501 Two Rocks Road, Two Rocks Agreed Local Structure Plan No. 48 from 'Urban Development' to 'Residential' (with residential density codings of R20, R25 and R30), as shown on Scheme (Amendment) Map 2 and as consistent with that structure plan.

f) Rezoning the following lots from 'Urban Development' to 'Mixed Use (R40)':

- Lot 719 (67) Montebello Boulevard, Two Rocks (on DP: 52013);
- Lot 720 (69) Montebello Boulevard, Two Rocks (on DP: 52013);
- Lot 721 (71) Montebello Boulevard, Two Rocks (on DP: 52013);
- Lot 722 (73) Montebello Boulevard, Two Rocks (on DP: 52013); and
- Lot 723 (75) Montebello Boulevard, Two Rocks (on DP: 52013),

as shown on Scheme (Amendment) Map 2.



g) Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Parks & Recreation':

- Portion Lot 500 (25) Ashmore Avenue, Two Rocks (on DP: 54122);
- Lot 1005 (49) Fawknor Road, Two Rocks (on DP: 52013);
- Lot 1002 (18) Wistari Circle, Two Rocks (on DP: 45227); and
- Lot 1001 (8) Montebello Boulevard, Two Rocks (on DP: 45225),

as shown on Scheme (Amendment) Map 2.

h) Reclassifying Lot 1010 (8) Abrolhos Close, Two Rocks (on DP: 45225) and Lot 1013 (85) Ashmore Avenue, Two Rocks (on DP: 52013) from the 'Urban Development' zone to 'Local Scheme Reserve – Public Use', as shown on Scheme (Amendment) Map 2.

Upon approval of Amendment No. 197 to District Planning Scheme No. 2, the plans contained within Part 1 of City of Wanneroo's Lot 12 Jindalee Agreed Local Structure Plan No. 36 and the Lot 501 Two Rocks Road, Two Rocks Agreed Local Structure Plan No. 48 are to be amended by the Western Australian Planning Commission to the extent shown on the Structure Plan (Amendment) Maps.

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

*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.*

Date of Council Resolution: 7 December 2021

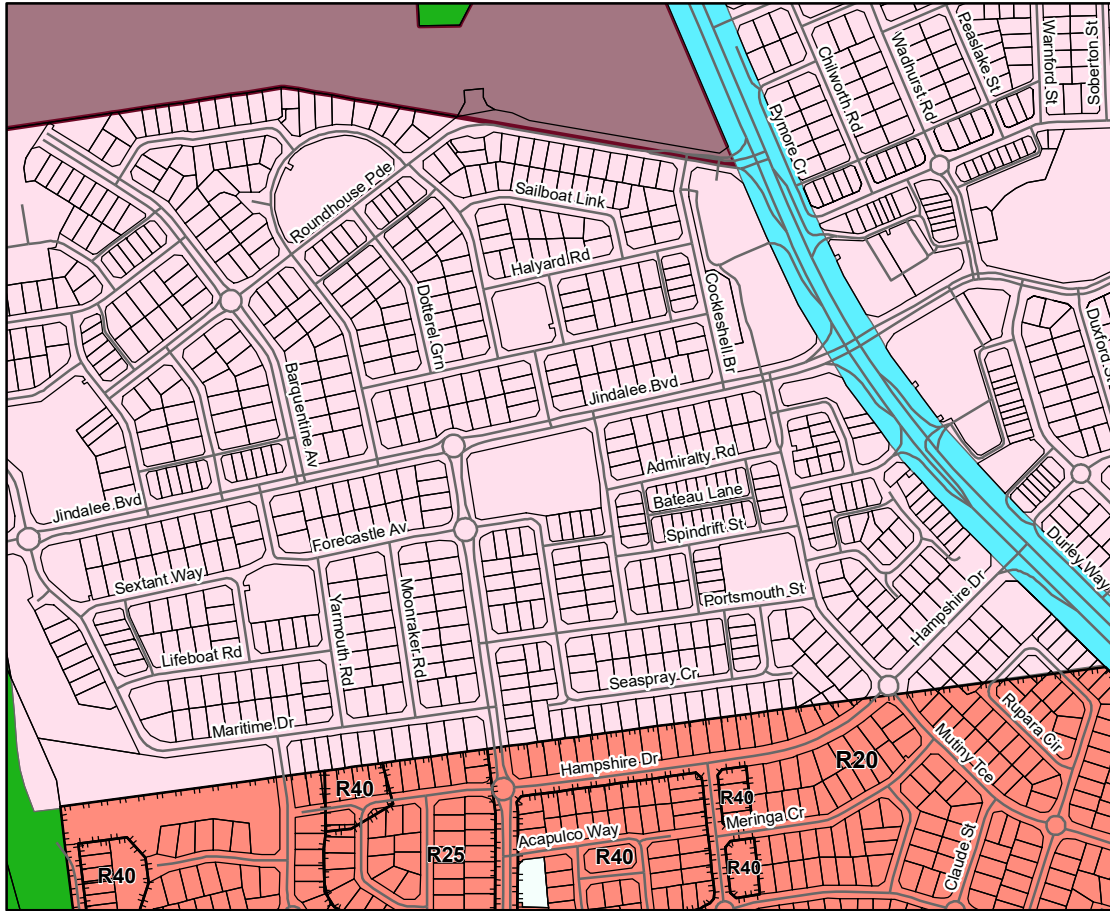
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(Chief Executive Officer)

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

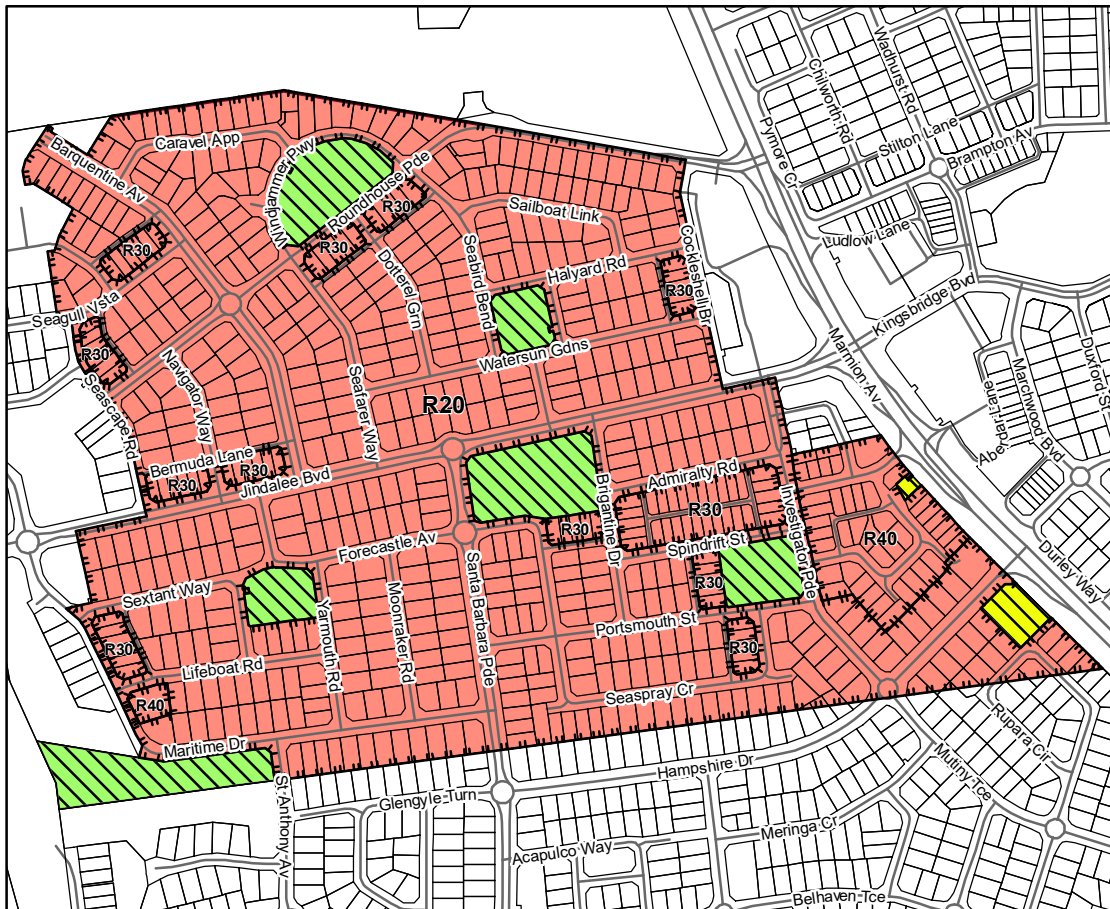
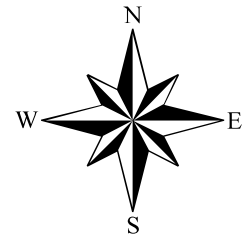
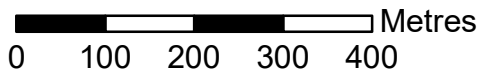
# CITY OF WANNEROO

## DISTRICT PLANNING SCHEME No. 2

### AMENDMENT No. 197



EXISTING ZONE

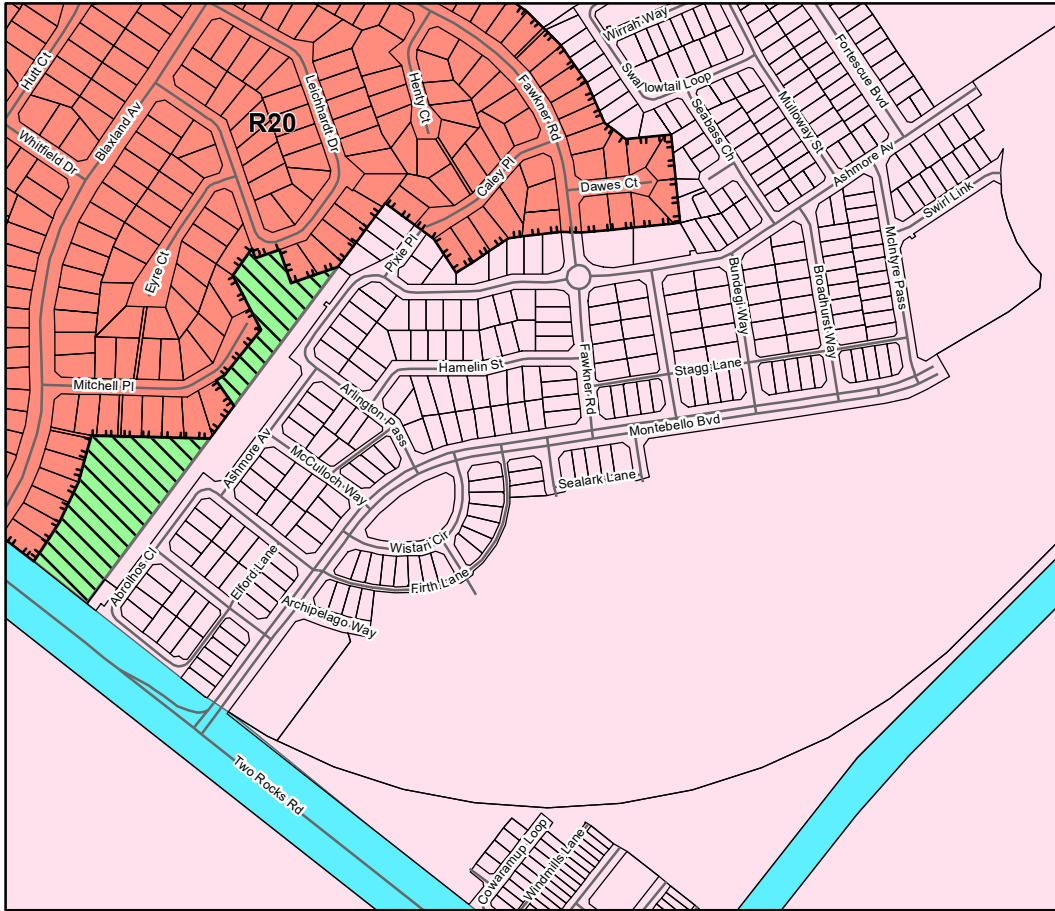


SCHEME (AMENDMENT) MAP 1

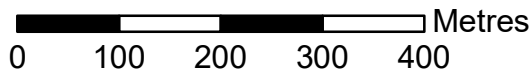
# CITY OF WANNEROO

## DISTRICT PLANNING SCHEME No. 2

### AMENDMENT No. 197



EXISTING ZONE



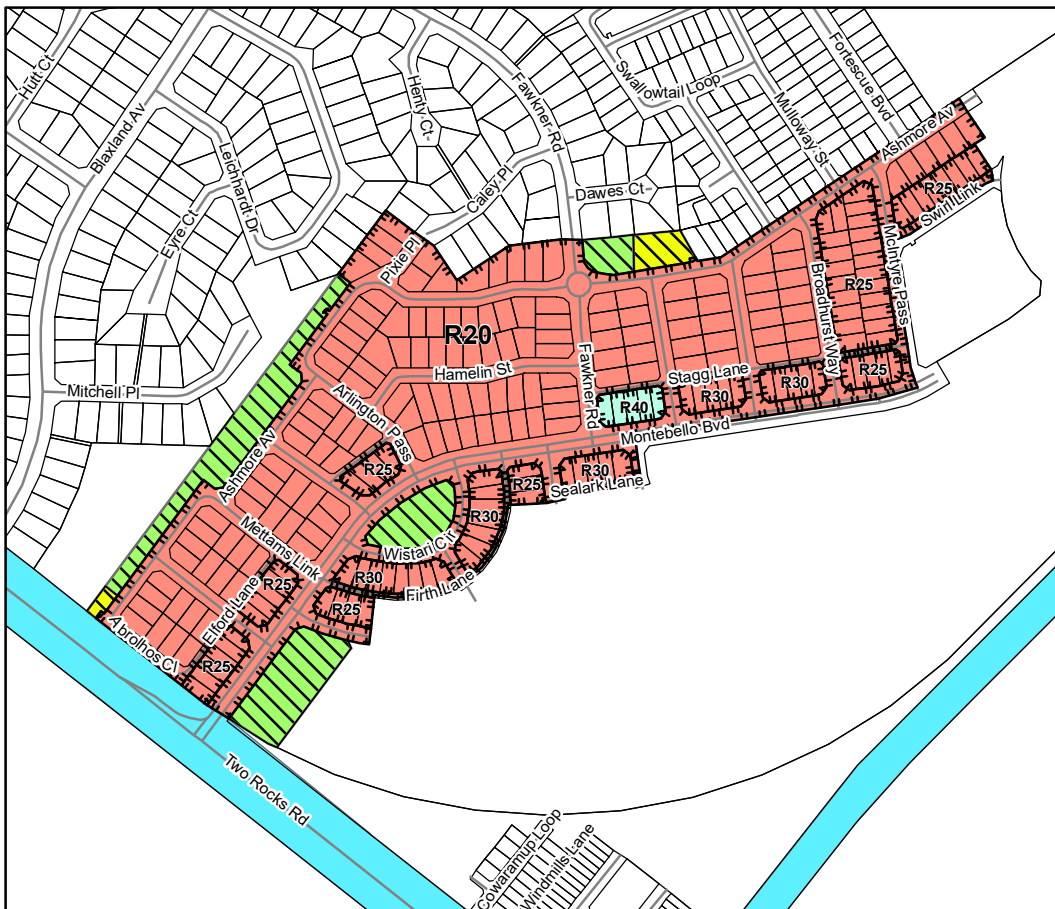
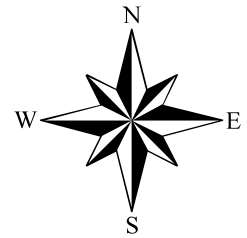
#### LEGEND

##### DPS2 ZONES & RESERVES

- PARKS & RECREATION
- RESIDENTIAL
- URBAN DEVELOPMENT
- R-CODE

##### MRS RESERVES

- OTHER REGIONAL ROADS



SCHEME (AMENDMENT) MAP 2

#### LEGEND

##### DPS2 ZONES

- MIXED USE
- RESIDENTIAL
- R-CODE

##### LOCAL SCHEME RESERVES

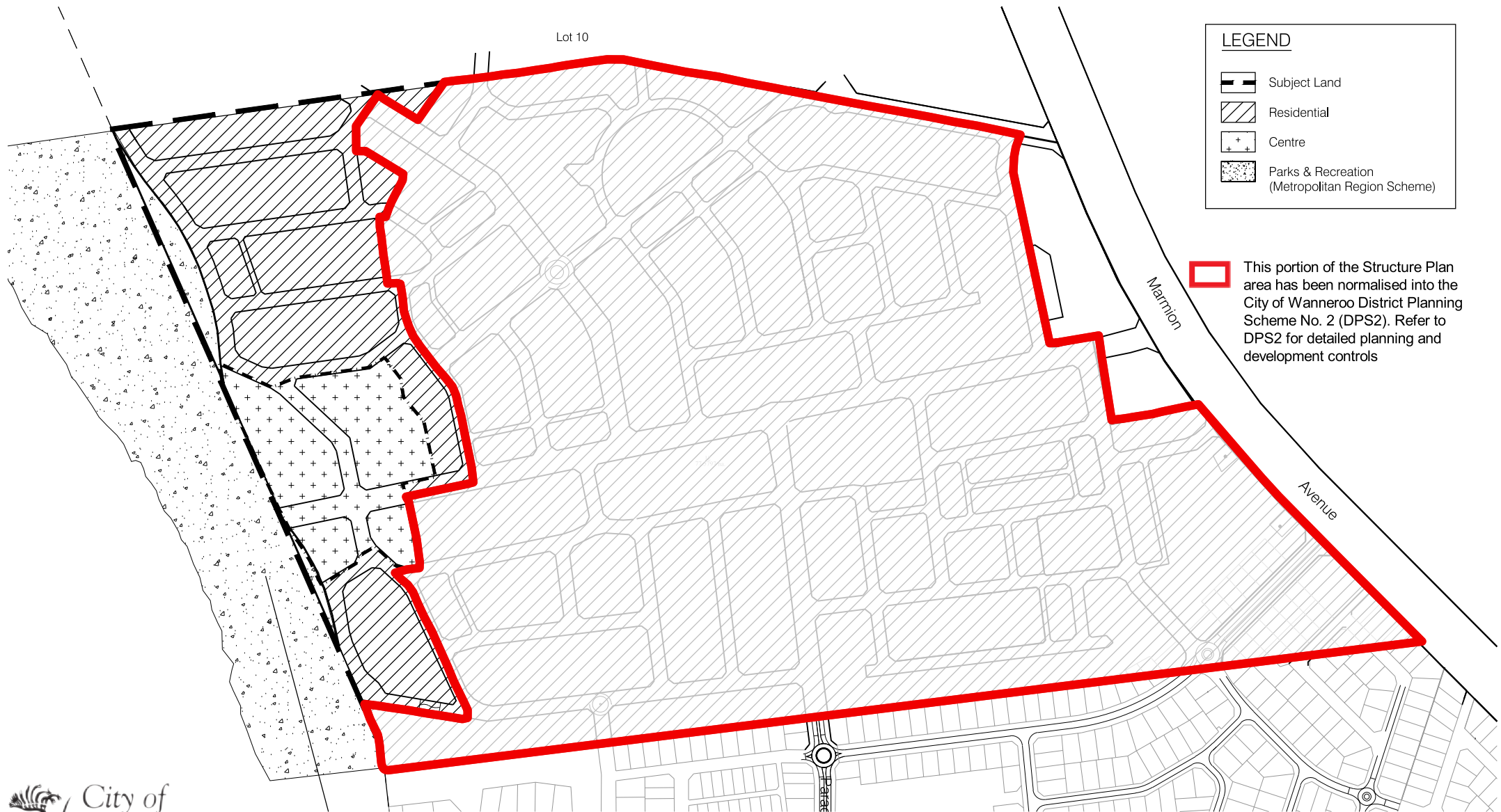
- PARKS & RECREATION
- PUBLIC USE

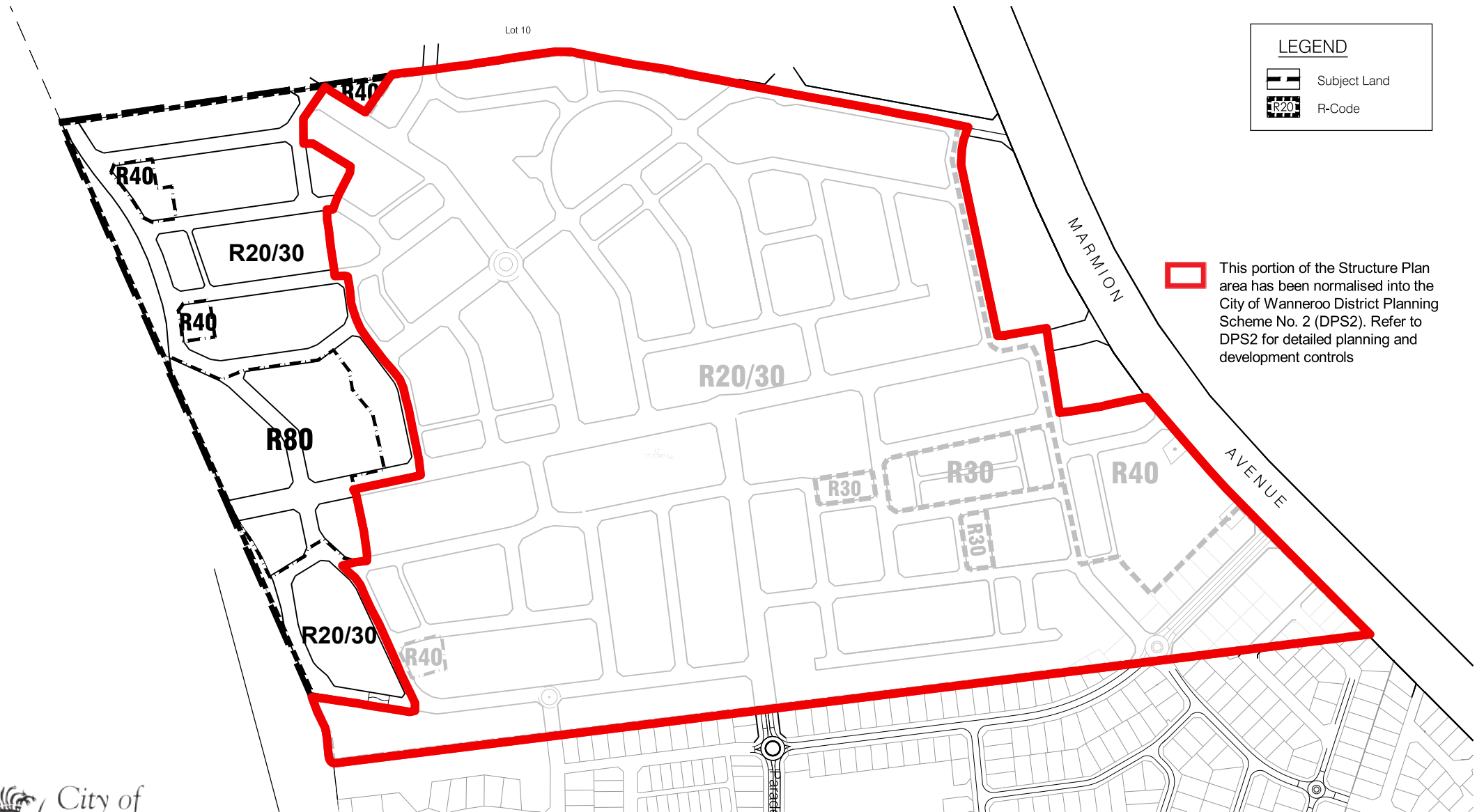
# **STRUCTURE PLAN (AMENDMENT) MAPS**

**ZONING NORMALISATION OF PART OF  
LOT 12 JINDALEE AGREED LOCAL  
STRUCTURE PLAN NO. 36**









# **STRUCTURE PLAN (AMENDMENT) MAPS**

**ZONING NORMALISATION OF PART  
OF LOT 501 TWO ROCKS ROAD, TWO  
ROCKS AGREED LOCAL STRUCTURE  
PLAN NO. 48**









# CITY OF WANNEROO

## DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 197

### 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 with subject areas becoming substantially 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'. The planning framework does not prevent a 'partial normalising' of structure plan areas if substantial parts of structure plan areas are subdivided and built out, as is the case with a number of the City's structure plans.

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 normalise zoning within structure plan areas.

The City is currently undertaking various initiatives prior to the preparation of a new Local Planning Scheme No. 3 (LPS 3). Firstly, 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 abovementioned 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. Reviewing and normalising zoning of land in current structure plan areas also assists the transition toward LPS 3.

The purpose of this Report is to primarily focus on an amendment to DPS 2 (Amendment No. 197) to normalise the zonings of portions of the land affected by the Lot 12 Jindalee Agreed Local Structure Plan No. 36 (ASP 36) and Lot 501 Two Rocks Road, Two Rocks Agreed Local Structure Plan No. 48 (ASP 48). The City also requests the WAPC amend the two structure plans to exclude the normalised areas, should the Minister for Planning (or their delegate) approve Amendment No. 197 to DPS 2. This Report is to be read as a Scheme Amendment Report; but also to inform WAPC's consideration in amending the respective structure plans.

## 2.0 Detail of the Amendment and the Subject Land

Amendment No. 197 to DPS 2 proposes to normalise already subdivided portions of ASP 36 and ASP 48. Normalisation will include inserting structure plan zonings, reserves and residential density codes prescribed for subdivided portions of the structure plan areas, and imposing them into DPS 2. The extent of normalisation proposed for each structure plan area through Amendment No. 197 to DPS 2 is provided for on the Scheme (Amendment) Maps.

### 2.1 Land Affected by ASP 36

The total land area affected by ASP 36 is approximately 77.6 hectares, and is largely zoned Urban Development under DPS 2. The existing Urban Development zoning of the ASP 36 area has allowed the preparation of that structure plan, which was adopted by the WAPC on 18 November 2003. ASP 36 has been subject to six amendments, the most recent being adopted by the WAPC in February 2011. ASP 36 ultimately guided the creation of lots and reserves through subdivision within the area now subject to Amendment No. 197, in a manner consistent with ASP 36.

As shown on Scheme (Amendment) Map 1, Amendment No. 197 now proposes to normalise zones and reserves on 61 hectares of subdivided and developed portions of the ASP 36 area. Amendment No. 197 will apply a 'Residential' zoning over residential lots, as well as applying the relevant 'Local Scheme Reserve' over public open space, drainage and utility lots. A full description on what Amendment No. 197 is proposing in respect to the land in the ASP 36 area is as follows:

Locations within the ASP 36 Area	Discussion of Proposal through Amendment No. 197 to DPS 2
<ul style="list-style-type: none"> <li>• Lot 1502 (48) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 1501 (44) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 1500 (42) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 1499 (40) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 1498 (38) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 1497 (36) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 1496 (34) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 1495 (32) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Lot 9021 (30) Masthead Close, Jindalee (on DP: 46267)</li> <li>• Masthead Close road reserve adjoining the lots above.</li> </ul>	<p>Land parcels shown in an area that Plan 1 of ASP 36 designates 'public open space'. This land was subject to subdivision in approximately 2006, in which the listed residential lots were created. All the residential lots are now occupied by residential development.</p> <p>Amendment No. 197 proposes to zone these lots 'Residential'; consistent with the current use of the land as well as the 'Residential' zoning shown on Plan 2 of ASP 36. Density codings of R20 and R40 will be applied, consistent with Plan 3 of ASP 36.</p> <p>Reserving this land as 'Local Scheme Reserve – Parks &amp; Recreation' consistent with Plan 1 of ASP 36 could result in the landowners making significant compensation claims against the City, pursuant to the <i>Planning and Development Act 2005</i>.</p>
<ul style="list-style-type: none"> <li>• All remaining residential lots in the Amendment No. 197 area, vacant or occupied.</li> <li>• Road reserves adjoining the remaining residential lots in the Amendment No. 197 area.</li> </ul>	<p>Land parcels proposed to be zoned Residential in DPS 2 through Amendment No. 197. The R20, R30 and R40 density codings to be applied in DPS 2 are consistent with the ASP 36 maps; as well as ASP 36 text that prescribes an R30 density coding applies to laneway lots.</p>

Locations within the ASP 36 Area	Discussion of Proposal through Amendment No. 197 to DPS 2
<p>The following POS sites:</p> <ul style="list-style-type: none"> <li>• Lot 8014 (20) Windjammer Parkway, Jindalee (on DP: 56907);</li> <li>• Lot 8015 (18) Watersun Gardens, Jindalee (on DP 50638);</li> <li>• Lot 15528 (19) Brigantine Drive, Jindalee (on DP: 40501);</li> <li>• Lot 15529 (8) Portsmouth Street, Jindalee (on DP: 40501);</li> <li>• Lot 8004 (15) Forecastle Avenue, Jindalee (on DP: 64298); and</li> <li>• Lot 8001 (61K) Maritime Drive, Jindalee (on DP: 404198).</li> </ul>	<p>Proposed to be reserved as a Local Scheme Reserve – Parks &amp; Recreation under DPS 2 through Amendment No. 197. This is consistent with the current use of the land being for public open space and what is shown on Plan 1 of the ASP 36 maps.</p>
<p>Water Corporation infrastructure site located at Lot 8006 (46) Masthead Close, Jindalee (on DP: 46267)</p>	<p>Designated on Plan 1 of ASP 36 as 'public open space', Amendment No. 197 proposes to protect the infrastructure on Lot 8006 by imposing a 'Local Scheme Reserve – Public Use'. Reserving the land for public use is consistent with ASP 36, as the land provides infrastructure to support residential subdivision and development that ASP 36 intended for this area.</p>
<ul style="list-style-type: none"> <li>• Drainage sump located at Lot 14874 (1) Hampshire Drive, Quinns Rocks (on DP: 35178)</li> <li>• Adjoining 0.1m-wide pedestrian accessway at Lot 14854 (1P) Hampshire Drive, Quinns Rocks (on DP 35178)</li> </ul>	<p>Designated on Plan 1 of ASP 36 as 'drainage'. Amendment No. 197 proposes to protect the infrastructure on Lot 14874 by imposing a 'Local Scheme Reserve – Public Use'. This is considered consistent with what is shown in ASP 36.</p> <p>The adjoining 0.1m-wide pedestrian accessway is also proposed to be a 'Local Scheme Reserve – Public Use' under Amendment No. 197, consistent with the adjoining drainage site. This ensures that no zoning anomalies result for this strip of land.</p>
<p>Portion of the Pedestrian Accessway located at Lot 15167 (30P) Rupara Circle, Quinns Rocks (on DP: 37480)</p>	<p>A pedestrian accessway (PAW) that largely serves to provide pedestrian access from Rupara Circle to Marmion Avenue. The same PAW land parcel also extends to the rear of adjoining residential lots to the south, which is 0.1m-wide to serve as a restriction of access from Marmion Avenue.</p> <p>The ASP 36 plans show a road reserve where the PAW is now located, which is zoned Residential. Amendment No. 197 proposes to zone the PAW land 'Residential R20', consistent with ASP 36 and zoning of adjoining residential lots.</p>
<p>All remaining areas of ASP 36 (outside the amendment area)</p>	<p>All remaining land within the ASP 36 area will remain under the Urban Development zoning, pending a future DPS 2 amendment to normalise the zoning of these areas once subdivided.</p>



## 2.2 Land Affected by ASP 48

The total land area affected by ASP 48 is approximately 68 hectares, and is largely zoned Urban Development under DPS 2. The existing Urban Development zoning of the ASP 48 area has allowed the preparation of that structure plan, which was adopted by the WAPC on 2 June 2005. ASP 48 has been subject to five amendments, the most recent being adopted by the WAPC in July 2016. ASP 48 ultimately guided the creation of lots and reserves through subdivision within the area now subject to Amendment No. 197, in a manner consistent with ASP 48.

As shown on Scheme (Amendment) Map 2, Amendment No. 197 now proposes to normalise zones and reserves over subdivided and developed portions of the ASP 48 area. Amendment No. 197 will apply a 'Residential' zoning over residential lots, a 'Mixed Use' zoning over vacant land parcels ASP 48 designates as 'Mixed Use', as well as applying the relevant 'Local Scheme Reserve' over public open space, drainage and utility lots. A full description on what Amendment No. 197 is proposing in respect to the land in the ASP 48 area is as follows:

Locations within the ASP 48 Area	Discussion of Proposal through Amendment No. 197 to DPS 2
Lots created that ASP 48 designates 'Residential' (including adjoining road reserves), situated within the Amendment No. 197 area.	Land parcels proposed to be zoned Residential in DPS 2 through Amendment No. 197, consistent with ASP 48. Amendment No. 197 also proposes to impose the R20, R25 and R30 density codings over the created lots consistent with ASP 48.
<p>The following lots:</p> <ul style="list-style-type: none"> <li>• Lot 719 (67) Montebello Boulevard, Two Rocks (on DP: 52013);</li> <li>• Lot 720 (69) Montebello Boulevard, Two Rocks (on DP: 52013);</li> <li>• Lot 721 (71) Montebello Boulevard, Two Rocks (on DP: 52013);</li> <li>• Lot 722 (73) Montebello Boulevard, Two Rocks (on DP: 52013); and</li> <li>• Lot 723 (75) Montebello Boulevard, Two Rocks (on DP: 52013).</li> </ul>	ASP 48 designates these vacant lots as Mixed Use, with a residential density coding of R40. Amendment No. 197 proposes to apply the Mixed Use zoning and R40 density code from ASP 48 on these lots.
Portion Lot 500 (25) Ashmore Avenue, Two Rocks (on DP: 54122)	<p>The subject (eastern) portion of Mitchell Park (on this land parcel) is situated in the ASP 48 area. The remaining (western) portion of this land parcel is sitting outside the ASP 48 area and is already a 'Local Scheme Reserve – Parks &amp; Recreation' under DPS 2.</p> <p>Amendment No. 197 proposes to designate the subject portion of this land parcel within the ASP 48 area as 'Local Scheme Reserve – Parks &amp; Recreation'. This is consistent with the remaining portions of this land parcel and what is shown on Plans 2 and 3 of the ASP 48 maps.</p>
<p>The following POS sites:</p> <ul style="list-style-type: none"> <li>• Lot 1005 (49) Fawcner Road, Two Rocks (on DP: 52013);</li> <li>• Lot 1002 (18) Wistari Circle, Two Rocks (on DP: 45227); and</li> <li>• Lot 1001 (8) Montebello Boulevard, Two Rocks (on DP: 45225)</li> </ul>	Proposed to be reserved as a Local Scheme Reserve – Parks & Recreation under DPS 2 through Amendment No. 197. This is consistent with the current use of the land being for public open space and what is shown on Plan 2 and 3 of the ASP 48 maps.

Lot 1010 (8) Abrolhos Close, Two Rocks (on DP: 45225)	<p>A Crown Land parcel for the purposes of supporting existing sewer infrastructure. The ASP 48 plans designate this land as 'Parks &amp; Recreation'.</p> <p>Amendment No. 197 proposes to impose a 'Local Scheme Reserve – Public Use' over this land parcel, to align with the use of the land. Although not a replication of what is indicated on the ASP 48 plans, what is proposed in Amendment No. 197 is consistent with ASP 48, as it provides a reserve for infrastructure needed to service the subdivision and development intended through ASP 48.</p>
Lot 1013 (85) Ashmore Avenue, Two Rocks (on DP: 52013)	<p>A Crown Land parcel for the purposes of supporting existing drainage. The ASP 48 plans designate the Residential (R20) zoning for this land.</p> <p>Amendment No. 197 proposes to impose a 'Local Scheme Reserve – Public Use' over this land parcel, to align with the use of the land. Although not a replication of what is indicated on the ASP 48 plans, what is proposed in Amendment No. 197 is consistent with ASP 48, as it provides a reserve for drainage needed to service the subdivision and development intended through ASP 48.</p>
All remaining areas of ASP 48 (outside the amendment area)	All remaining land within the ASP 48 area will remain under the Urban Development zoning, pending a future DPS 2 amendment to normalise the zoning of these areas once subdivided.

### 2.3 Amendments Required to ASP 36 and ASP 48

As discussed in Section 4 of this Report, following an approval that the Minister for Planning (or their delegate) may grant for Amendment No. 197 to DPS 2, the WAPC will also need to also undertake amendments to ASP 36 and ASP 48 to 'exclude' the normalised areas from those structure plans. To facilitate the structure plan amendments, Amendment No. 197 to DPS 2 includes the following statement:

*Upon approval of Amendment No. 197 to District Planning Scheme No. 2, the plans contained within Part 1 of City of Wanneroo's Lot 12 Jindalee Agreed Local Structure Plan No. 36 and the Lot 501 Two Rocks Road, Two Rocks Agreed Local Structure Plan No. 48 are to be amended by the Western Australian Planning Commission to the extent shown on the Structure Plan (Amendment) Maps.*

The Structure Plan (Amendment) Maps are enclosed within this Report.

### 2.4 Amendment Type

The City's Council has resolved that proposed Amendment No. 197 to DPS 2 meets the following criteria for 'Basic Amendments' in the context of Regulation 34 of 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.*

In the context of the Basic Amendment criteria quoted above, what is proposed through Amendment No. 197 are amendments to the DPS 2 Map which the City argues is consistent with the City's ASP 36 and ASP 48.



### 3.0 Consultation

Part 5, Division 4 of the Regulations provides the process for Basic Amendments. Within that process, there is no requirement to advertise a 'basic amendment', unless the Minister for Planning or an authorised person directs that advertising should occur. The Regulations also allow the WAPC to direct the City to advertise a Basic Amendment as a 'Standard Amendment' or 'Complex Amendment', as the case may require.

Amendment No. 197 to DPS 2 has been referred to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act 2005*, following Council's 7 December 2021 resolution for the amendment to be prepared. The response from the EPA will be provided to the WAPC once it has been received.

The WAPC's process of amending ASP 36 and ASP 48 to the extent outlined in this document is prescribed in Clause 29A(2) of the Deemed Provisions. This clause does not indicate a requirement to advertise to affected parties. The City considers that advertising the proposed amendments to the structure plans is not necessary in any case, as the amendments will not materially change development potential of the affected lots.

## 4.0 Planning Comment on the Proposal

Information and mapping from the City pertaining to the structure plans subject to partial normalisation is included in the following attachments:

- Lot 12 Jindalee Agreed Local Structure Plan No. 36 (ASP 36) – in **Attachment 1**; and
- Lot 501 Two Rocks Road, Two Rocks Agreed Local Structure Plan No. 48 (ASP 48) – in **Attachment 2**;

The City has identified that subdivision has been completed on substantial portions of land within the ASP 36 and ASP 48 areas; and as such, a partial normalisation of those structure plans can occur. Although there is no urgency to commence the partial normalisation of ASP 36 and ASP 48, the City has still prepared Amendment No. 197 for the following reasons:

- There are numerous other structure plans that require a partial or complete normalisation of zonings, but contain significant built form variations to the provisions of the Residential Design Codes (R-Codes). The City is deferring normalising those structure plans whilst the WAPC undertakes a major review of low and medium density standards of the R-Codes. That R-Codes review however does not significantly impact on the partial normalisation of ASP 36 and ASP 48 proceeding at this stage; and
- Although there are vacant land parcels in the portions of the ASP 36 and ASP 48 areas to be normalised, there are adequate controls through DPS 2 and the R-Codes to guide any remaining development on these lots. Development on the remaining lots in these areas can occur without guidance from the structure plans, as discussed below.

Normalising portions of the ASP 36 and ASP 48 areas provides a good test to gain a better understanding on how partial normalisation of structure plans will be processed by the WAPC; in advance of more complex partial structure plan normalisation amendments to DPS 2 that the City will need to prepare in the future.

### 4.1 Normalisation of Portion ASP 36 Area – Status and Consequence

ASP 36 effects approximately 77.6 hectares of land in the Jindalee locality. Amendment No. 197 proposes to normalise a substantial portion of the ASP 36 area (61 hectares) which has been subdivided and largely built out. There are approximately 650 dwelling lots located within the portion of ASP 36 to be normalised; of which only approximately 20 lots within this area remain vacant.

The only structure plan provisions that can be applied to the vacant lots are those contained in the R-Code Variation Table (Table A of ASP 36). Table A is encompassed within **Attachment 1**. The need for development approval is typically the case when variations to the deemed-to-comply provisions to the R-Codes are sought; and Table A provides for variations to the R-Codes that can be applied without the need for development approval.

Table A would cease to have effect for the vacant lots in the portion of the ASP 36 area that becomes normalised. However, the R-Codes do provide design principles that allow the standard deemed-to-comply provisions to be varied (on merit), in a manner consistent with the provisions of Table A or otherwise.

Therefore, the only consequence in normalising the subject portion of ASP 36 would be that a small number of vacant lot owners would need to seek development approval to vary the deemed-to-comply provisions of the R-Codes, to the same extent that other landowners located in areas outside the City's structure plan areas are already required to do.

A Detailed Area Plan was approved by the City for five R30-coded residential lots located at Lot 1156-Lot 1160 Lifeboat Road, Jindalee. All five lots have established residential dwellings. Even if the zoning of this land is normalised, the Detailed Area Plan will continue to have effect until 19 October 2025, which is the expiry date of Local Development Plans approved prior to October 2015 under the Regulations.

## **4.2 Normalisation of Portion ASP 48 Area – Status and Consequence**

ASP 48 effects over 68 hectares of land in Two Rocks. Amendment No. 197 proposes to normalise approximately 21 hectares of the ASP 48 area which has been subdivided and partly built out. There are approximately 230 lots located within the portion of ASP 36 to be normalised, of which approximately 70 remain vacant.

The lots which are to be normalised have a Residential and Mixed Use zoning designation under ASP 48, which will be imposed in DPS 2 through Amendment No. 197. ASP 48 offers no specific development provisions for further development of these lots. By ASP 48 being silent on development provisions, other documents in the Planning Framework (including DPS 2, the R-Codes and the City's Local Planning Policy 4.27: Mixed Use Zones) are then relied upon to guide future development of these lots; which will remain unchanged should the subject lots become normalised.

## **4.3 Amendment No. 172**

The assessment and processing of Amendment No. 197 is running ahead of Amendment No. 172. As outlined above, the purpose of Amendment No. 172 (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. Relevant to land in the Amendment No. 197 area, most of the ASP 36 and ASP 48 areas are proposed to remain Urban Development under Amendment No. 172.

Amendment No. 172 does however propose to impose a new form of local scheme reserve for 'drainage', which is not yet in DPS 2. There are two drainage sites in the areas affected by Amendment No. 197. Should the creation of 'drainage' Local Scheme Reserves be approved through Amendment No. 172, it would occur well after Amendment No. 197 is considered and determined. To allow the structure plan normalising to proceed, the City has proposed that drainage sites in areas affected by Amendment No. 197 become Local Scheme Reserves for 'Public Use' under DPS 2 as an interim measure.

To address any misalignments between Amendment No. 172 and Amendment No. 197 (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.*

During later stages of the assessment of Amendment No. 172, considerations will need to be made by the WAPC on modifications to that amendment proposal, in light of how the zoning will change over the ASP 36 and ASP 48 areas through Amendment No. 197. 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.

#### **4.4 Amendments to ASP 36 and ASP 48 Following Approval of Amendment No. 197**

The Regulations (Regulation 35A) make provision for when an amendment to a local planning scheme affects a structure plan area, the amendment includes either of the statements, 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.

Normalising the zoning of parts of the ASP 36 and ASP 48 areas would make those structure plans redundant for the relevant areas. As a result, a corresponding amendment to the ASP 36 and ASP 48 maps will need to be undertaken, to recognise the zoning normalisation of the respective parts of ASP 36 and ASP 48.

The extent of amendments proposed are to the structure plan maps, as outlined in the Structure Plan (Amendment) Maps prepared and provided within this document. Amendment No. 197 to DPS 2 also includes a statement in accordance with Regulation 35A(b) of the Regulations that the structure plans will be amended. The amendment will then be undertaken by the WAPC pursuant to Clause 29A(2) of the Deemed Provisions.

# **Attachment 1**

**Information Pertaining to  
Portion of ASP 36 to be  
Normalised and Relevant Area**

**LOT 12 JINDALEE AGREED**

**LOCAL STRUCTURE PLAN**

**(AS AMENDED)**

**Structure Plan No. 36  
Adopted: 18 November 2003**

**This Structure Plan was prepared under the Provisions of Part 9 of the City of  
Wanneroo District Planning Scheme No. 2**

**TABLE A – R-CODE VARIATION TABLE**

The following variations to the R-Codes constitute Acceptable Development. Any development which complies with the R-Codes, the requirements of this Table and/or any adopted Detailed Area Plan, does not require a separate Planning Approval or consultation with neighbours or other landowners. Except as provided for in this table all other R-Code requirements apply.

**1. Front Setbacks**

Lot Type	Minimum	Average	Garage/Carport
Traditional Lots (R20) ( $>550m^2$ )	As per R-Codes		Where applicable <ul style="list-style-type: none"> <li>4.5m minimum front setback (to the primary street) applies to any garage/carport built up to a side boundary,</li> <li>0.5 metre minimum setback to a rear laneway</li> </ul>
Garden Lots (R20) ( $425m^2 - 550m^2$ )	3.0m	4.5m	
Cottage Lots (R30/40)	1.5m	3.0m	

The “front setback” standard to be applied when calculating the acceptable length of any boundary wall (pursuant to Clause 3.3.2 A2 (iii) of the R-Codes) is the front of the building itself on that boundary.

**2. Private Open Space Reduction**

The minimum open space requirement for Cottage and Garden lots may be reduced from those specified in the R-Codes to a minimum of 30% and 40% respectively subject to compliance with the following criteria;

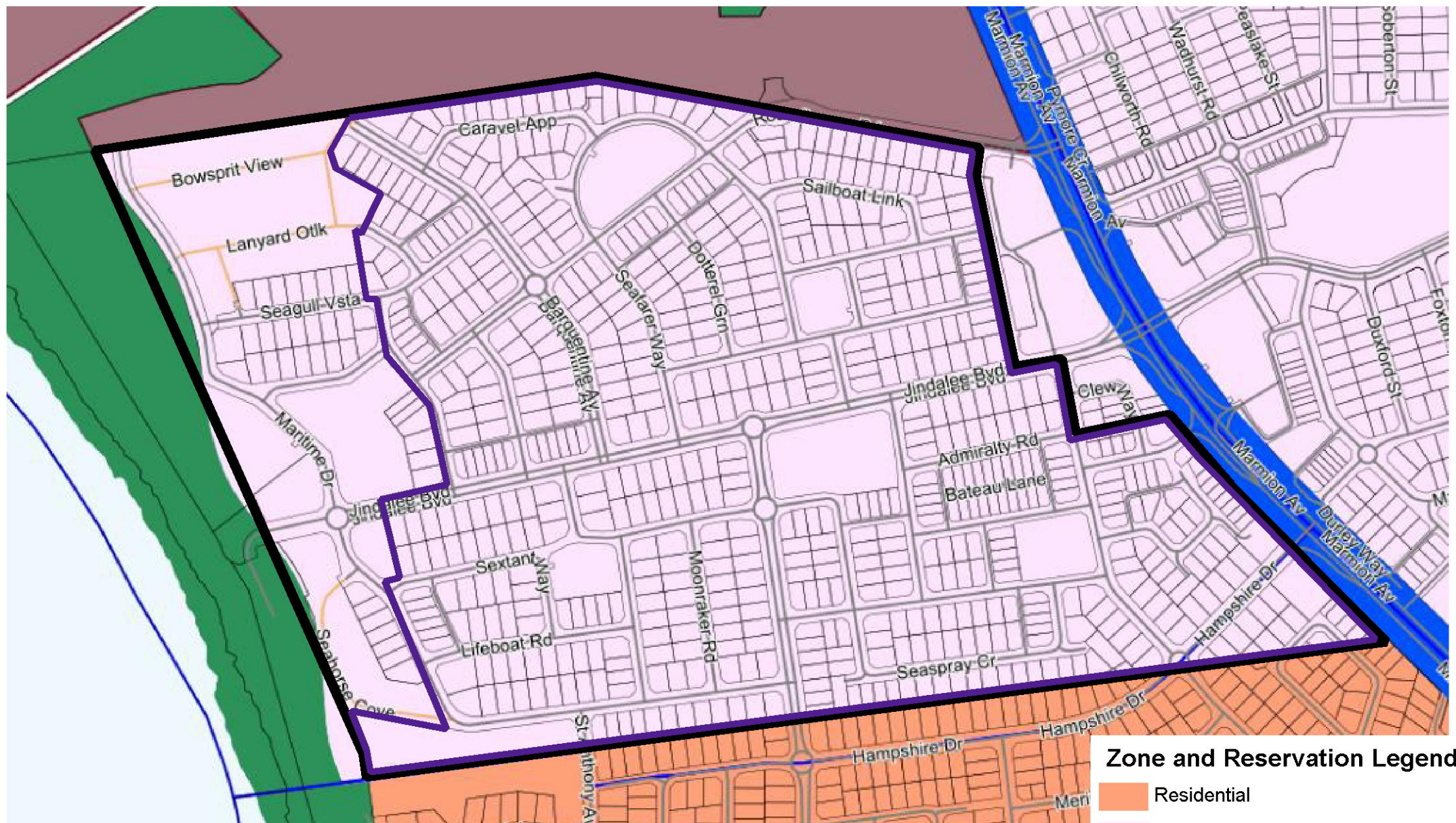
- Minimum 2.0 metre side boundary setback to habitable rooms with major openings on the northernmost or easternmost boundary.
- Any boundary wall (if proposed) to be built on the nominated Zero Lot Line boundary and in accordance with the standards of the R-Codes and this Table. The nominated Zero Lot Line boundary under this clause to the southernmost or western most boundary (except where this boundary is to a secondary street) unless otherwise depicted on an adopted Detailed Area Plan.
- Provision of an Outdoor Living Area designed in accordance with the R-Codes and directly accessible from an internal living area on the northernmost or easternmost boundary.

Where the outdoor living area is not directly accessible from an internal living area, provision of an additional outdoor living area which complies with the following criteria:

Lot Type	Min.Area	Min. Dimension	Other
Cottage	$20m^2$	4	1. May be included under the roof of the main dwelling  2. Must be located on the northernmost or easternmost side boundary of the dwelling
Garden	$25m^2$	4	



# Zoning Plan - ASP 36 Area and Surrounds



ASP 36 Boundary



Extent of ASP 36 Proposed to be Normalised under Amendment No. 197

## Zone and Reservation Legend

Residential

Urban Development

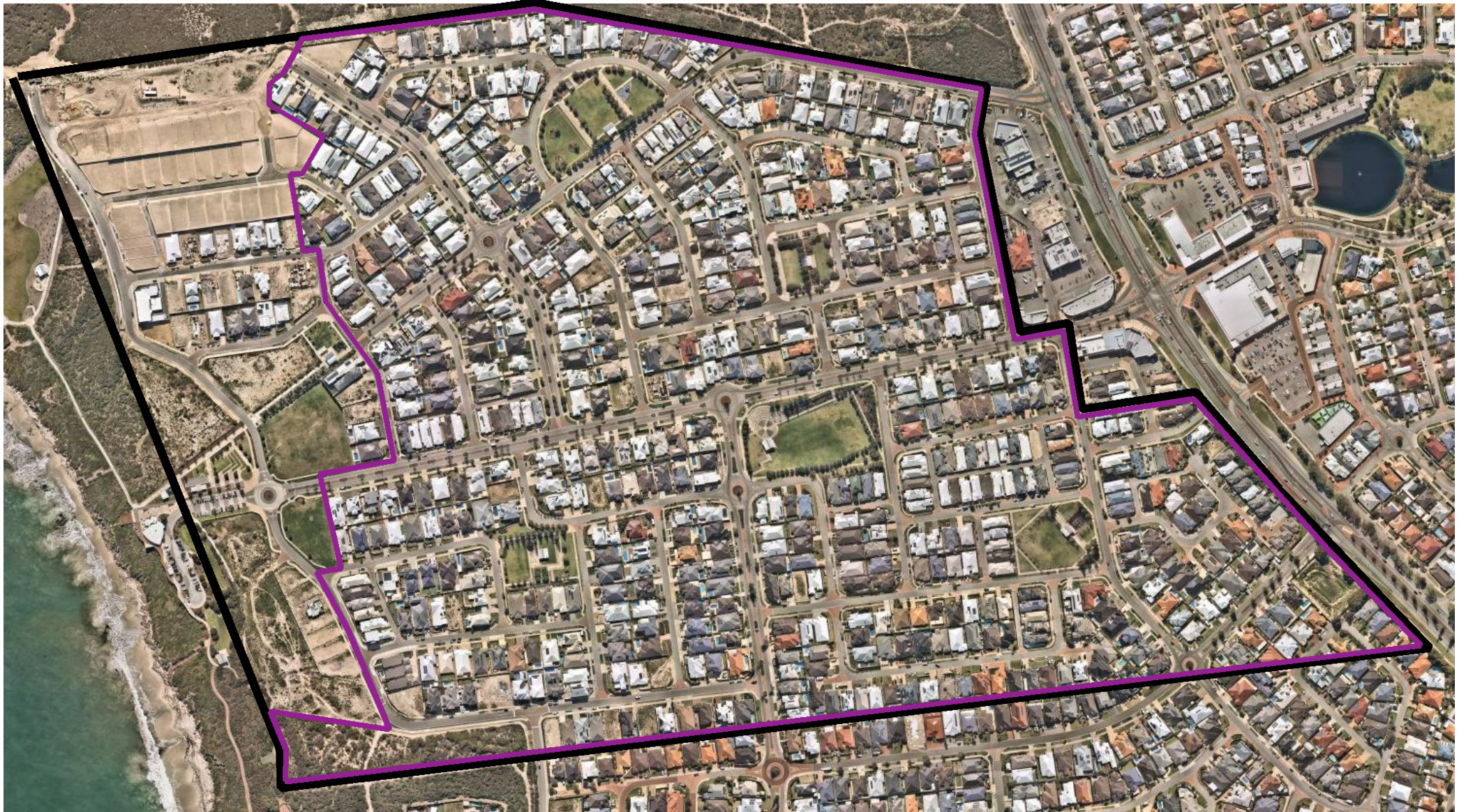
Smart Growth Community

Parks and Recreation (MRS)

Other Regional Road (MRS)



# Aerial of ASP 36 Area and Surrounds



ASP 36 Boundary

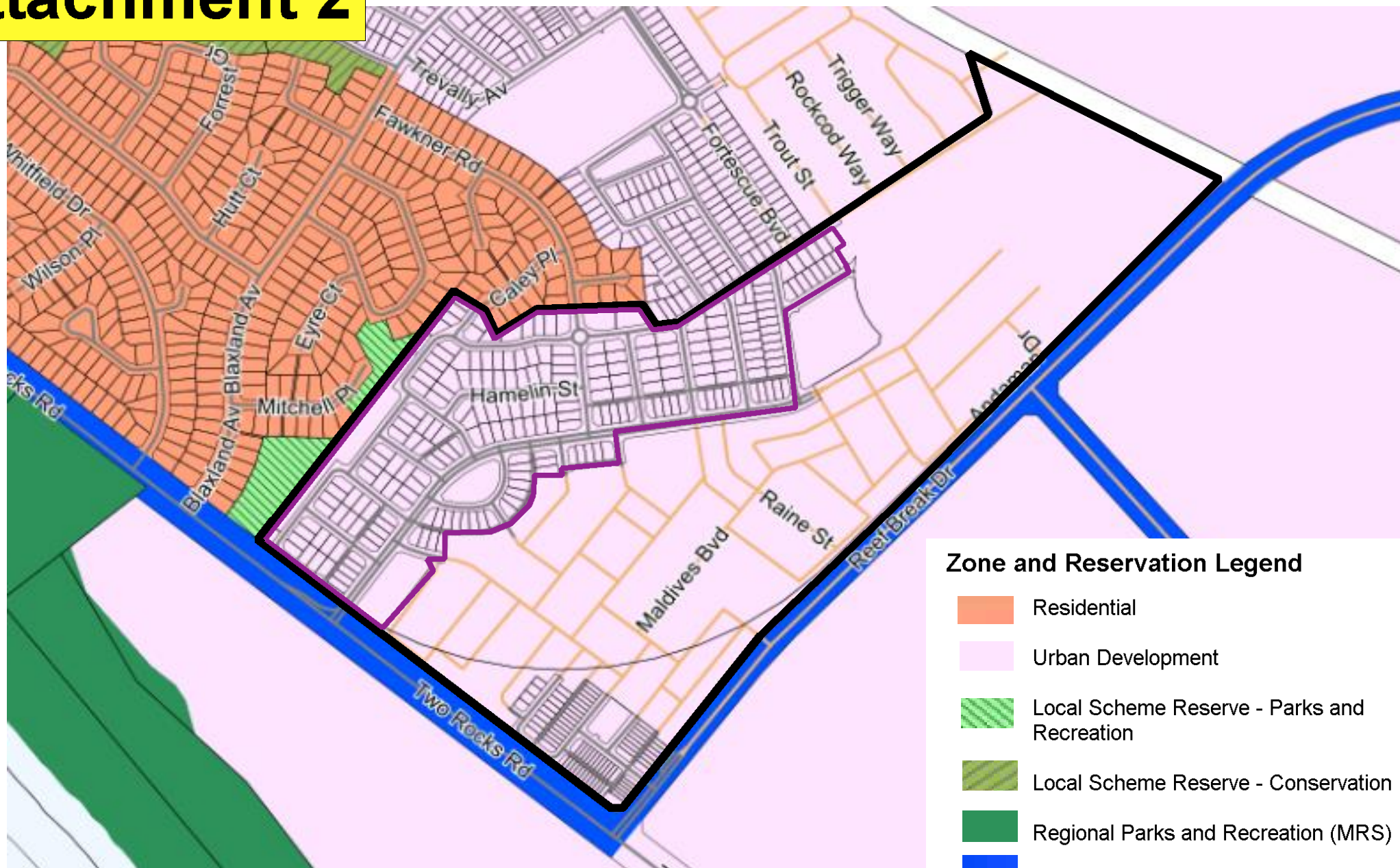


Extent of ASP 36 to be Normalised under  
Amendment No. 197



# Attachment 2

## Zoning Map of ASP 48 Area and Surrounds



### Zone and Reservation Legend

- Residential
- Urban Development
- Local Scheme Reserve - Parks and Recreation
- Local Scheme Reserve - Conservation
- Regional Parks and Recreation (MRS)
- Other Regional Road (MRS)



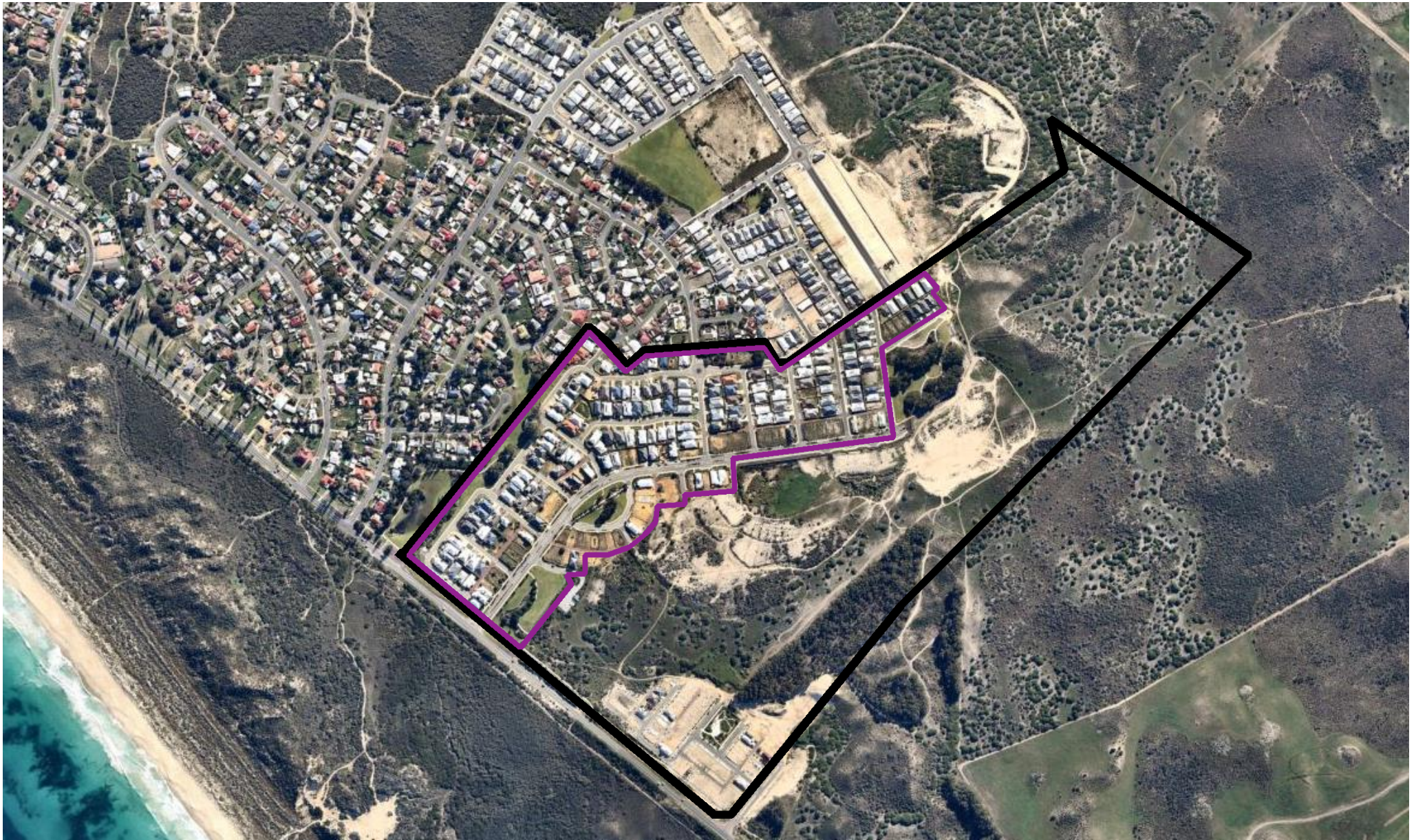
ASP 48 Boundary



Extent of ASP 48 Proposed to be Normalised under Amendment No. 197



## Aerial Image of ASP 48 Area and Surrounds



ASP 48 Area



Extent of ASP 48 Area to be Normalised under Amendment No. 197 to DPS 2



# **PLANNING AND DEVELOPMENT ACT 2005**

## **CITY OF WANNEROO**

### **DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 197**

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 various residential lots and adjoining road reserves located within the City of Wanneroo's Lot 12 Jindalee Agreed Local Structure Plan No. 36 from 'Urban Development' to 'Residential' (with residential density codings of R20, R30 and R40), as shown on Scheme (Amendment) Map 1 and as consistent with that structure plan.
- b) Rezoning portion of Lot 15167 (30P) Rupara Circle, Quinns Rocks (on DP: 37480) from 'Urban Development' to 'Residential (R20)', as shown on Scheme (Amendment) Map 1.
- c) Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Parks & Recreation':

- Lot 8014 (20) Windjammer Parkway, Jindalee (on DP: 56907);
- Lot 8015 (18) Watersun Gardens, Jindalee (on DP: 50638);
- Lot 15528 (19) Brigantine Drive, Jindalee (on DP: 40501);
- Lot 15529 (8) Portsmouth Street, Jindalee (on DP: 40501);
- Lot 8004 (15) Forecastle Avenue, Jindalee (on DP: 64298); and
- Lot 8001 (61K) Maritime Drive, Jindalee (on DP: 404198),

as shown on Scheme (Amendment) Map 1.

- d) Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Public Use':
- Lot 8006 (46) Masthead Close, Jindalee (on DP: 46267);
- Lot 14874 (1) Hampshire Drive, Quinns Rocks (on DP: 35178); and
- Lot 14854 (1P) Hampshire Drive, Quinns Rocks (on DP: 35178),

as shown on Scheme (Amendment) Map 1.

- e) Rezoning various residential lots and adjoining road reserves located within the City of Wanneroo's Lot 501 Two Rocks Road, Two Rocks Agreed Local Structure Plan No. 48 from 'Urban Development' to 'Residential' (with residential density codings of R20, R25 and R30), as shown on Scheme (Amendment) Map 2 and as consistent with that structure plan.

- f) Rezoning the following lots from 'Urban Development' to 'Mixed Use (R40)':

- Lot 719 (67) Montebello Boulevard, Two Rocks (on DP: 52013);
- Lot 720 (69) Montebello Boulevard, Two Rocks (on DP: 52013);
- Lot 721 (71) Montebello Boulevard, Two Rocks (on DP: 52013);
- Lot 722 (73) Montebello Boulevard, Two Rocks (on DP: 52013); and
- Lot 723 (75) Montebello Boulevard, Two Rocks (on DP: 52013),

as shown on Scheme (Amendment) Map 2.

- g) Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Parks & Recreation':

- Portion Lot 500 (25) Ashmore Avenue, Two Rocks (on DP: 54122);
- Lot 1005 (49) Fawkner Road, Two Rocks (on DP: 52013);
- Lot 1002 (18) Wistari Circle, Two Rocks (on DP: 45227); and
- Lot 1001 (8) Montebello Boulevard, Two Rocks (on DP: 45225),

as shown on Scheme (Amendment) Map 2.

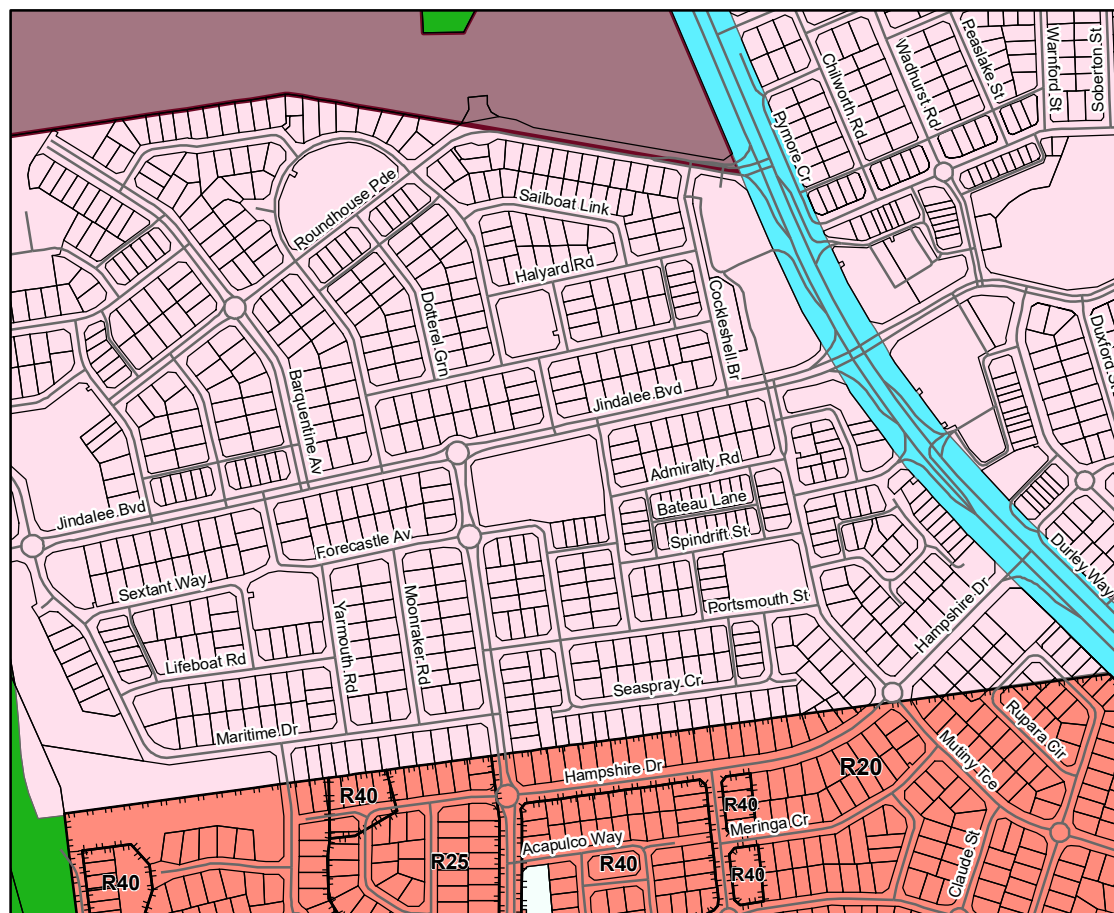
- h) Reclassifying Lot 1010 (8) Abrolhos Close, Two Rocks (on DP: 45225) and Lot 1013 (85) Ashmore Avenue, Two Rocks (on DP: 52013) from the 'Urban Development' zone to 'Local Scheme Reserve – Public Use', as shown on Scheme (Amendment) Map 2.

Upon approval of Amendment No. 197 to District Planning Scheme No. 2, the plans contained within Part 1 of City of Wanneroo's Lot 12 Jindalee Agreed Local Structure Plan No. 36 and the Lot 501 Two Rocks Road, Two Rocks Agreed Local Structure Plan No. 48 are to be amended by the Western Australian Planning Commission to the extent shown on the Structure Plan (Amendment) Maps.

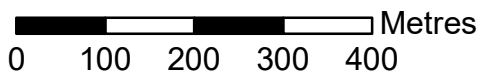
# CITY OF WANNEROO

## DISTRICT PLANNING SCHEME No. 2

### AMENDMENT No. 197



EXISTING ZONE



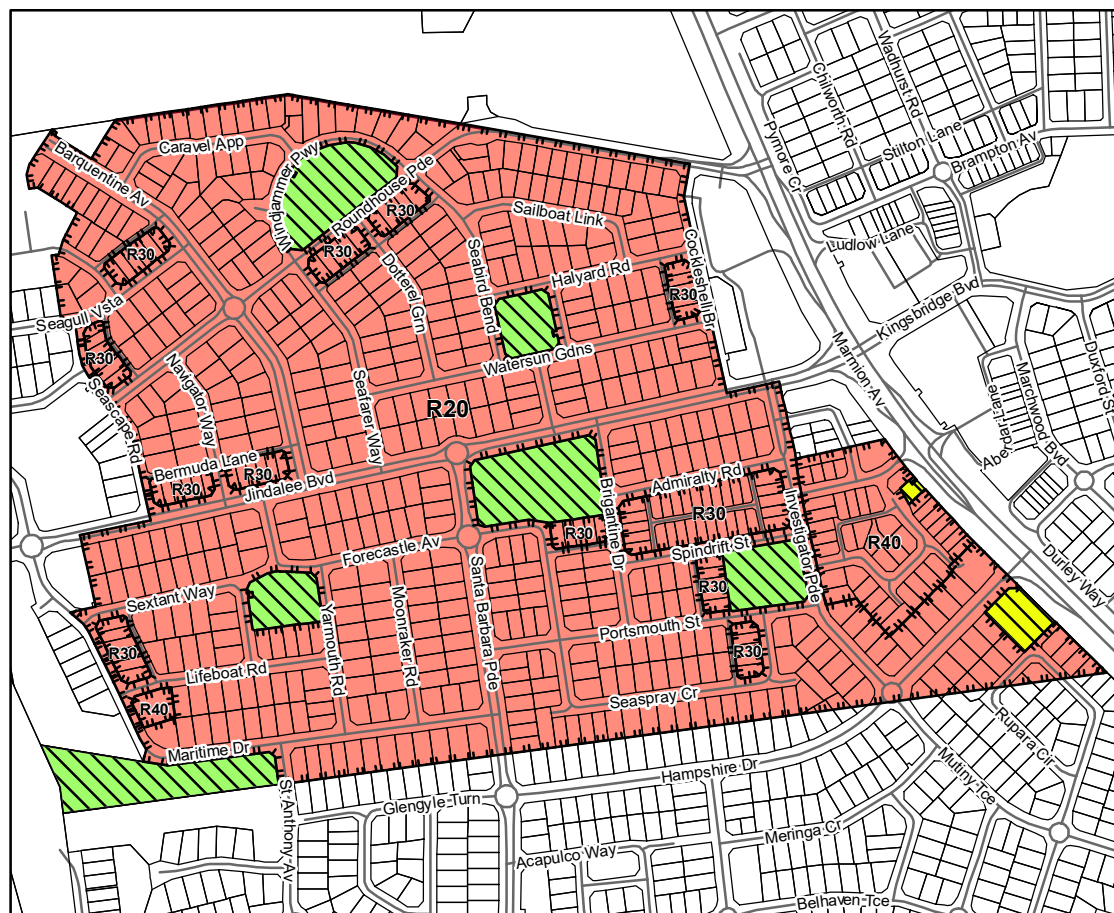
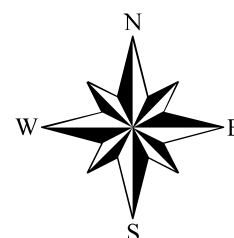
#### LEGEND

##### DPS2 ZONES & RESERVES

- CENTRE
- RESIDENTIAL
- SMART GROWTH COMMUNITY
- URBAN DEVELOPMENT
- R-CODE

##### MRS RESERVES

- OTHER REGIONAL ROADS
- REGIONAL PARKS & RECREATION



SCHEME (AMENDMENT) MAP 1

#### LEGEND

##### DPS2 ZONES

- RESIDENTIAL
- R-CODE

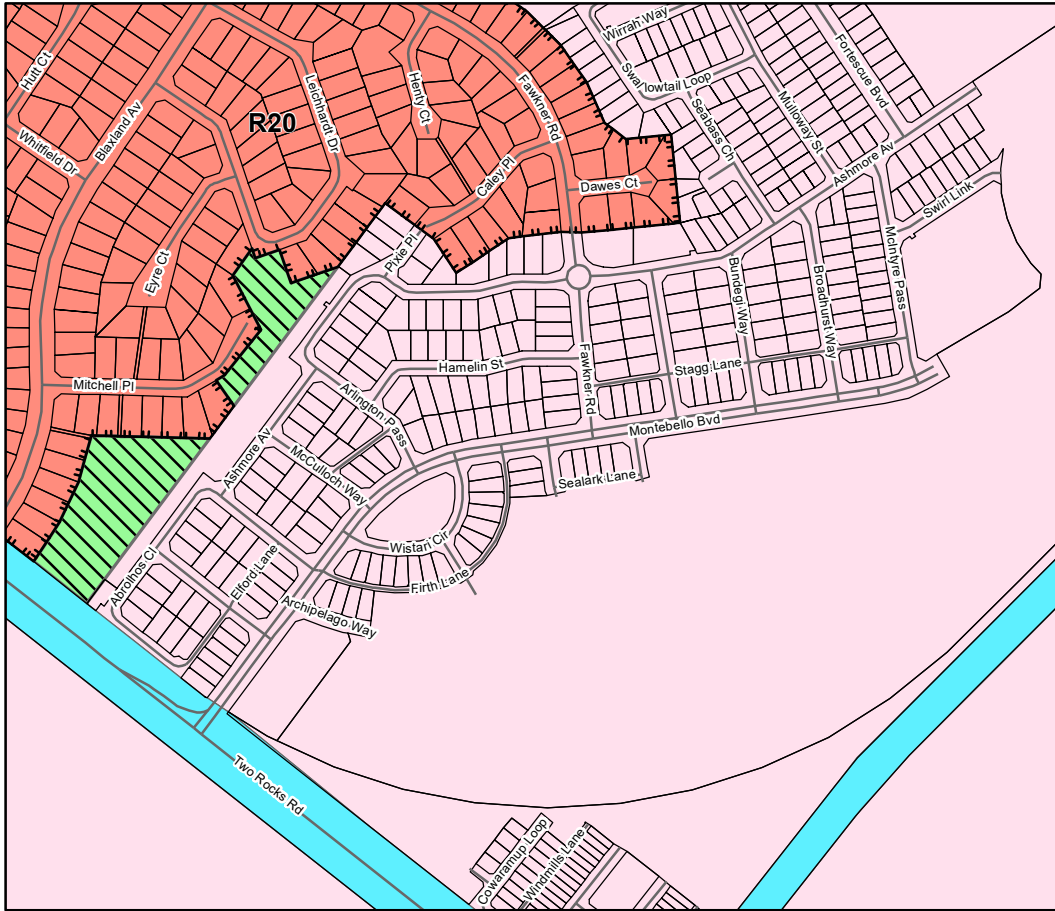
##### LOCAL SCHEME RESERVES

- PARKS & RECREATION
- PUBLIC USE

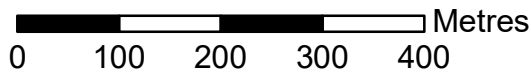
# CITY OF WANNEROO

## DISTRICT PLANNING SCHEME No. 2

### AMENDMENT No. 197



EXISTING ZONE



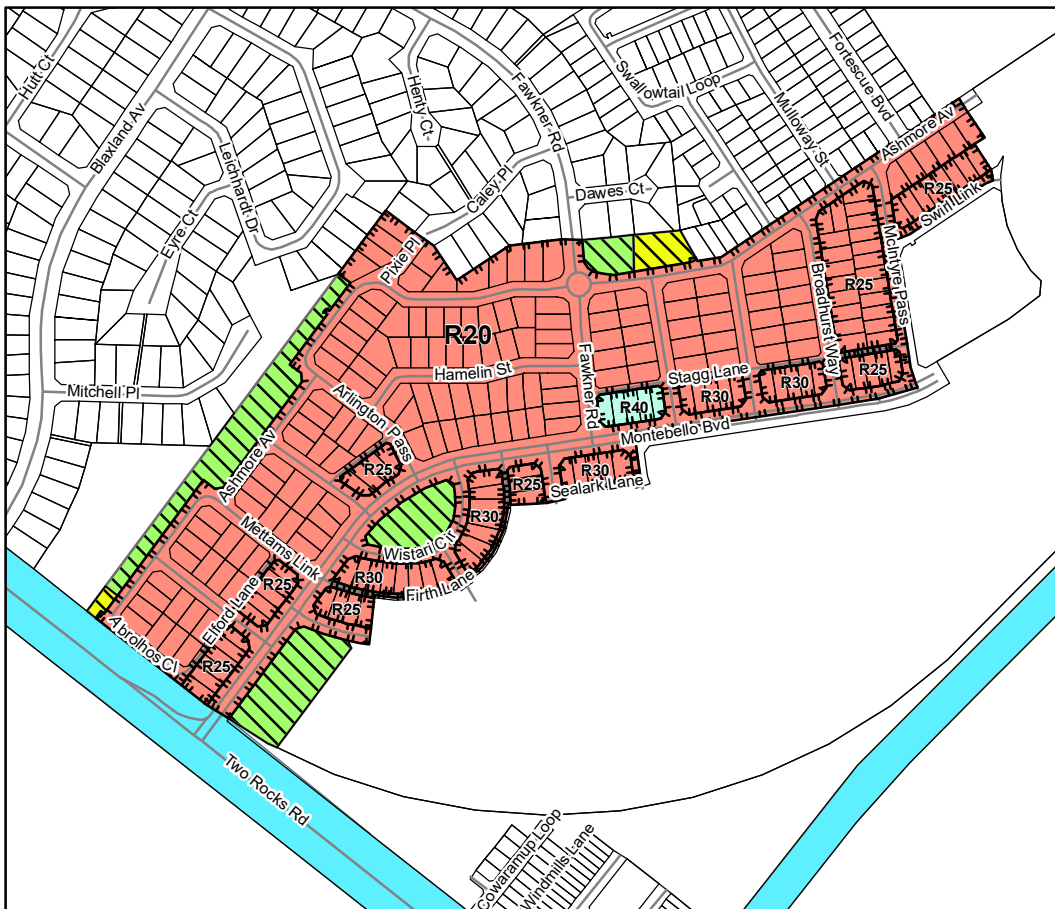
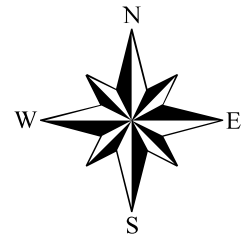
#### LEGEND

##### DPS2 ZONES & RESERVES

- PARKS & RECREATION
- RESIDENTIAL
- URBAN DEVELOPMENT
- R-CODE

##### MRS RESERVES

- OTHER REGIONAL ROADS



SCHEME (AMENDMENT) MAP 2

#### LEGEND

##### DPS2 ZONES

- MIXED USE
- RESIDENTIAL
- R-CODE

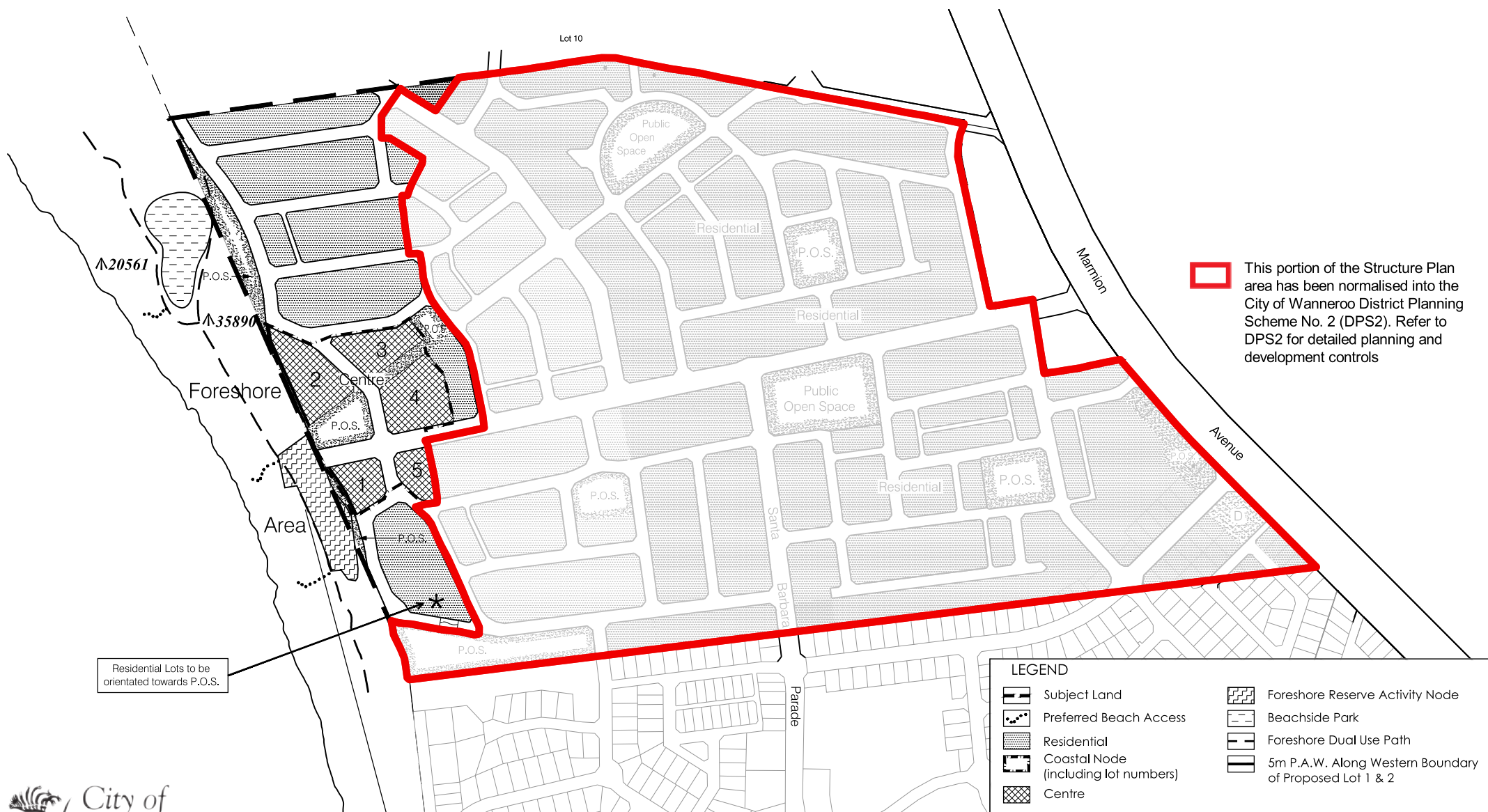
##### LOCAL SCHEME RESERVES

- PARKS & RECREATION
- PUBLIC USE

# **STRUCTURE PLAN (AMENDMENT) MAPS**

**ZONING NORMALISATION OF PART OF  
LOT 12 JINDALEE AGREED LOCAL  
STRUCTURE PLAN NO. 36**

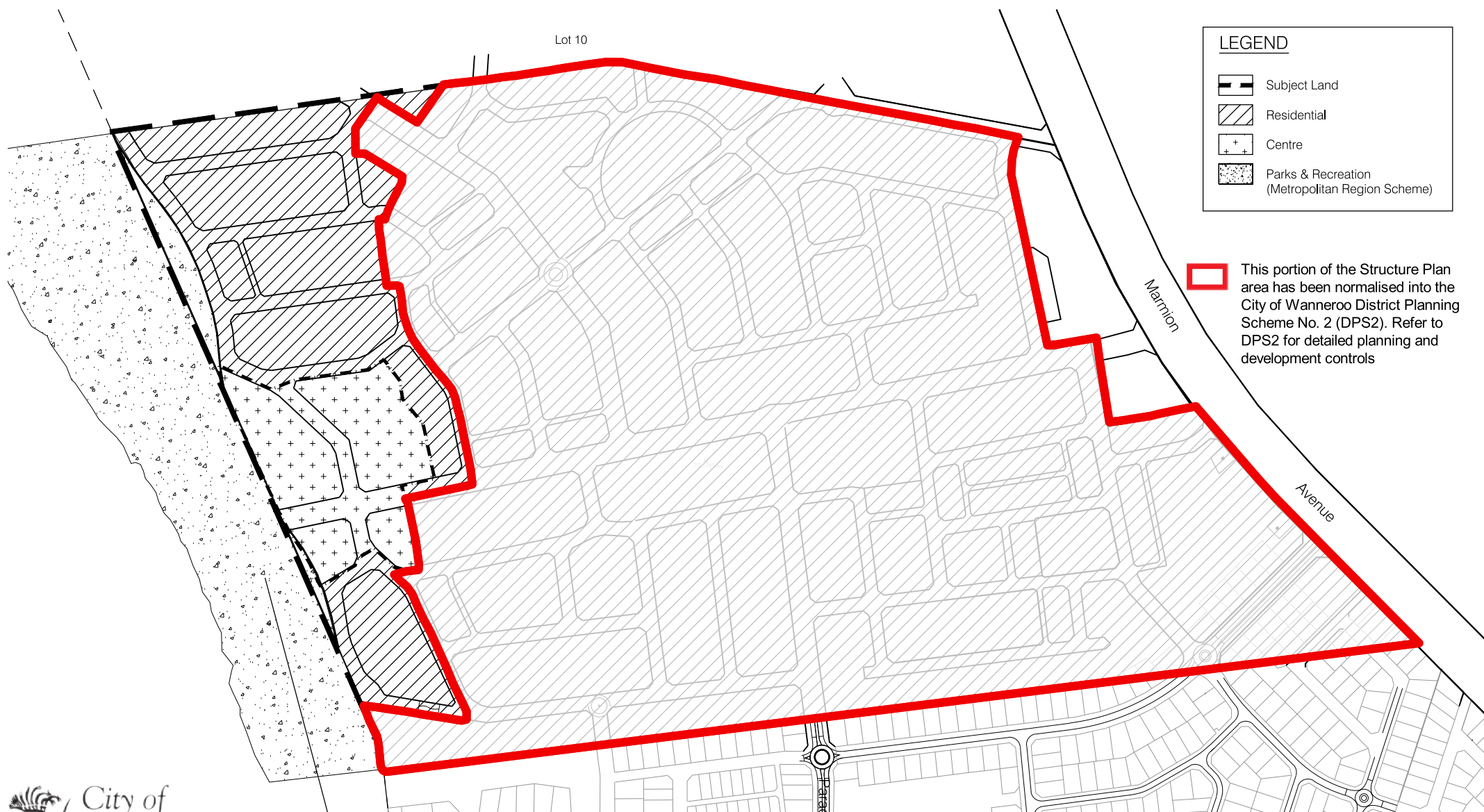


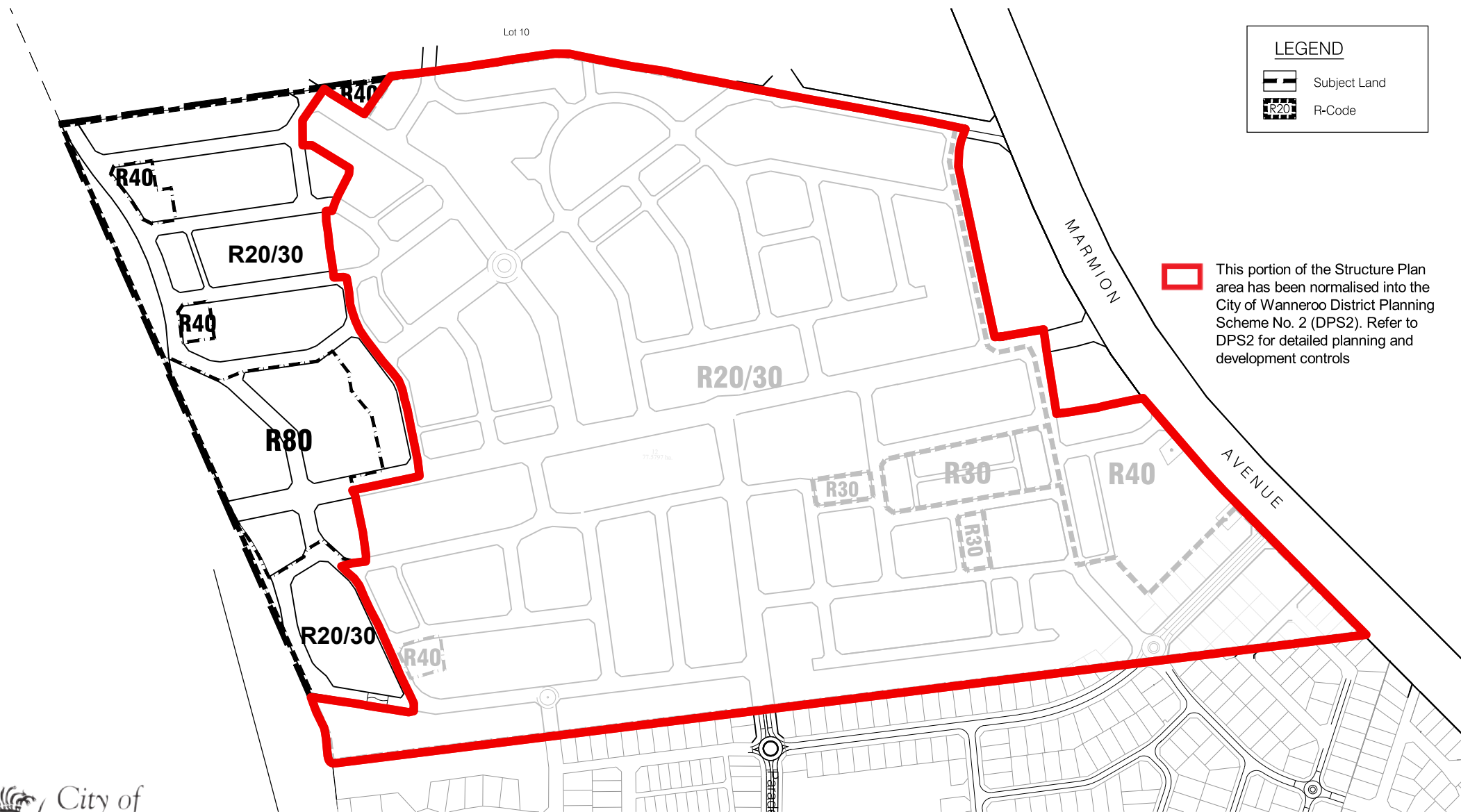


This portion of the Structure Plan area has been normalised into the City of Wanneroo District Planning Scheme No. 2 (DPS2). Refer to DPS2 for detailed planning and development controls









LEGEND

- Subject Land
- R-Code

This portion of the Structure Plan area has been normalised into the City of Wanneroo District Planning Scheme No. 2 (DPS2). Refer to DPS2 for detailed planning and development controls



# **STRUCTURE PLAN (AMENDMENT) MAPS**

**ZONING NORMALISATION OF PART  
OF LOT 501 TWO ROCKS ROAD, TWO  
ROCKS AGREED LOCAL STRUCTURE  
PLAN NO. 48**











## COUNCIL PREPARATION

This Basic Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 7<sup>th</sup> day of December 2021, 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

DATE .....