

# **DISTRICT PLANNING SCHEME No. 2**

Amendment No. 209

***Planning and Development Act 2005***

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

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 209**

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

1. Rezoning various lots affected by the East Wanneroo Cell 1 (Tapping and Ashby) Agreed Local Structure Plan No. 3 located in the Tapping and Ashby localities from 'Urban Development' to 'Residential' (R20, R30, R40, R60 and R80), as shown on all Scheme (Amendment) Maps.
2. Rezoning all 0.1m pedestrian accessway lots (or portions of 0.1m pedestrian accessway lots) adjoining the land subject to (1) above to Residential, and to assign a density code for the 0.1m pedestrian accessway lots that correspond with what this amendment proposes for the adjoining residential lot.
3. Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Public Open Space', as shown on various Scheme (Amendment) Maps:
  - Lot 307 (26) Nankeen Circle, Tapping (on DP: 42684);
  - Lot 1562 (16) Jaeger Bend, Tapping (on DP: 55647);
  - Lot 1499 (18) Pardalote Way, Tapping (on DP: 49196);
  - Lot 1638 (54) Whimbrel Vista, Tapping (on DP: 59291);
  - Lot 1635 (30) Whimbrel Vista, Tapping (on DP: 59291);
  - Lot 1637 (30) Whimbrel Vista, Tapping (on DP: 57859);
  - Lot 1739 (9) Ray Gardiner Vista, Tapping (on DP: 57859);
  - Lot 1845 (9) Ray Gardiner Vista, Tapping (on DP: 57859);
  - Lot 1788 (16) Alvarez Parkway, Tapping (on DP: 57859);
  - Lot 3001 (1) Alvarez Parkway, Tapping (on DP: 70748);
  - Lot 8009 (120) Waldburg Drive, Tapping (on DP: 67828);
  - Lot 708 (30) Eiffel Circuit, Tapping (on DP: 54592);
  - Lot 705 (11) Da Vinci Drive, Tapping (on DP: 46781);
  - Lot 710 (24) Rosinski Circle, Tapping (on DP: 54592);
  - Lot 8016 (24) Rosinski Circle, Tapping (on DP: 51233);
  - Lot 8014 (20) Bonvin Gardens, Tapping (on DP: 50650);
  - Lot 15602 (6) Provost Way, Tapping (on DP: 41377);
  - Lot 15601 (54) Carosa Road, Ashby (on DP: 41358);
  - Lot 295 (6) Elton Way, Ashby (on DP: 41692);
  - Lot 3000 (20) Taplow Parade, Ashby (on DP: 45436);
  - Lot 15219 (6) Crivelli Parkway, Ashby (on DP: 38824); and
  - Lot 296 (22) Tintern Road, Ashby (on DP: 41693).
4. Rezoning Lot 700 (2) Clarkson Avenue, Tapping (on DP: 418023) from 'Urban Development' to 'Commercial' (R60), as shown on Scheme (Amendment) Map 1.
5. Reclassifying a portion of the Clarkson Avenue road reserve adjoining Lot 700 (2) Clarkson Avenue, Tapping (on DP: 418023) from 'Urban Development' zone to 'Local Scheme Reserve – Local Road', as shown on Scheme (Amendment) Map 1.

6. Reclassifying Lot 1789 (59) Waldburg Drive, Tapping (on DP: 66558) from the 'Urban Development' zone to 'Local Scheme Reserve – Public Purposes', as shown on Scheme (Amendment) Map 2.
7. Reclassifying Lot 707 (31) Da Vinci Drive, Tapping (on DP: 44803) from the 'Urban Development' zone to 'Local Scheme Reserve – Drainage/Waterway', as shown on Scheme (Amendment) Map 3.
8. Reclassifying Lot 1 (76) Ashley Road, Tapping (on DP: 69528) from the 'Urban Development' zone to 'Local Scheme Reserve – Civic and Community', as shown on Scheme (Amendment) Map 4.
9. Rezoning the following lots from 'Urban Development' to 'Private Community Purpose', as shown on Scheme (Amendment) Maps 4 and 7:
  - Portion Lot 402 (48) Ashley Road, Tapping (on DP: 64573);
  - Lot 100 (1140) Wanneroo Road, Ashby (on DP: 39760);
  - Lot 15427 (1144P) Wanneroo Road, Ashby (on DP 39760); and
  - Lot 15428 (1132P) Wanneroo Road, Ashby (on DP 39760).
10. Rezoning Lot 76 (14) Blackberry Drive, Ashby and Lot 75 (30) Roccella Loop, Ashby (both on DP: 416131) from 'Urban Development' to 'Mixed Use (R80)' as shown on Scheme (Amendment) Map 6.
11. Rezoning the following land parcels from 'Urban Development' to 'Commercial' (R-AC4), as shown on Scheme (Amendment) Map 6:
  - Lot 9634 (10) Fomiatti Street, Ashby (on DP: 417598);
  - Lot 7 (2) Fomiatti Street, Ashby (on DP: 417598);
  - Lot 6 (6) Hollosy Way, Ashby (on DP: 411846);
  - Lot 5 (2) Hollosy Way, Ashby (on DP: 73157);
  - Lot 8 (131) Pinjar Road, Ashby (on DP: 410342); and
  - Lot 10 (141) Pinjar Road, Ashby (on DP: 417598).
12. Adding the following into Schedule 7 (Centre and Commercial Zones) of the Scheme text:

<b>Locality</b>	<b>Description of Centre and Commercial Zones</b>	<b>NLA (m<sup>2</sup>)</b>
ASHBY	Lot 9634 Fomiatti Street on DP: 417598 Lot 7 Fomiatti Street on DP: 417598 Lot 6 Hollosy Way on DP: 411846 Lot 5 Hollosy Way on DP: 73157 Lot 8 Pinjar Road on DP: 410342 Lot 10 Pinjar Road on DP: 417598	7100
TAPPING	Lot 700 Clarkson Avenue on DP: 418023	4300

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

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

Upon approval of Amendment No. 209 to District Planning Scheme No. 2:

- a) The City of Wanneroo's Ashby Neighbourhood Centre Agreed Structure Plan No. 77 is to be revoked; and
- b) The City of Wanneroo's East Wanneroo Cell 1 (Tapping and Ashby) Agreed Local Structure Plan No. 3 is to be amended to the extent as follows:
  - The 'Structure Plan' and the 'Zoning Plan' contained within Part 1 are to be amended as per the Structure Plan (Amendment) Maps.
  - Deleting the following text provided as a preamble:

*As provided for under the relevant 'Structure Plan' provisions of the scheme, this part of the Structure Plan has the same force and effect as if it was a provision, standard or requirement of the scheme.*
  - The text provisions and Schedule 1 in Section 3 (for Retail Floorspace) being deleted and replaced with the following:

*Retail floorspace (NLA) for the structure plan will be in accordance with the Scheme.*
  - The text provisions of Section 4.1 for the Residential Precinct contained prior to the 'Objectives' being deleted and replaced with the following:

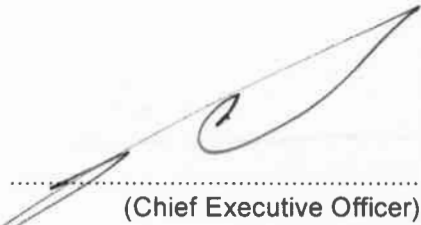
*This section relates to the 'Residential Precinct' where shown on Plan 2 (Zoning Plan). Unless otherwise identified on Plan 1 (Structure Plan), the residential density to apply in this precinct is R20.*

*In the context of this structure plan, the Residential Precinct does not relate to land which is zoned Residential under the Scheme.*

*The permissibility of uses in the 'Residential Precinct' is to be in accordance with the Residential Zone as specified under the Scheme. Rural development involving high-capital investment, offensive trades, mushroom farms and/or of a long term nature will not be supported. Other rural uses may be considered.*
  - The term 'General Rural' in the objectives for the Residential Precinct in Section 4.1 (a) being modified to 'Rural'.
  - The deletion of Section 4.1.1 (Subdivision and Development Requirements), Section 4.3 (Centre Zone), Section 4.5 (Commercial Zone), Section 4.6 (Mixed Use Zone), Section 4.7 (Civic and Cultural Zone) and Section 7 (Residential Design Code Variations) in their entirety from the structure plan text.

- Replacing references from 'Department of Environmental Protection' in Section 4.2 and Section 4.4 to 'Department of Water and Environmental Regulation'.
- The renumbering of Section 4.4 (Environmental Provisions) to Section 4.3.
- Replacing the references to 'Schedule 2' in Section 6 (Public Open Space (POS) Provision) to 'Schedule 1'.

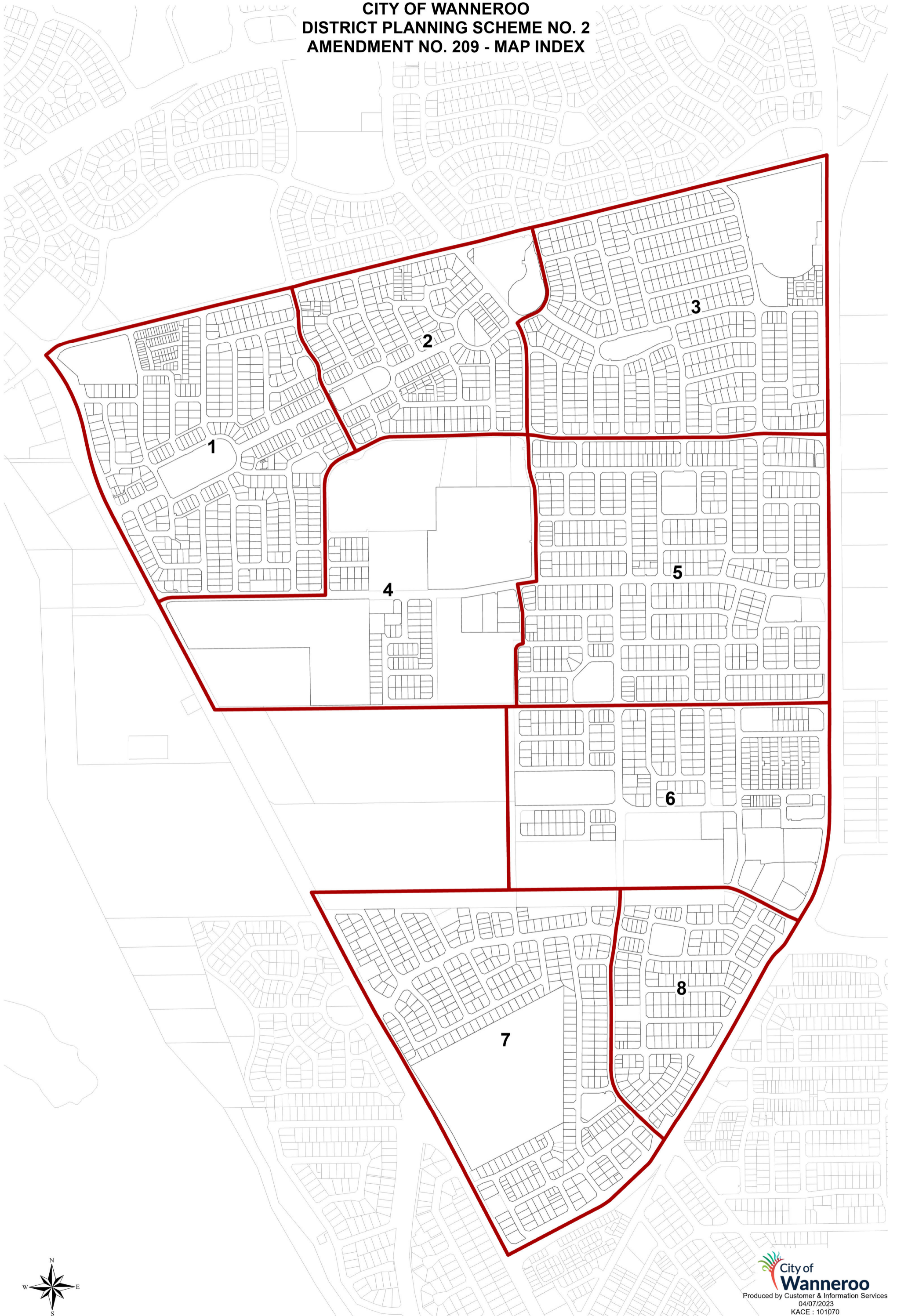
Date of Council Resolution: 15 August 2023



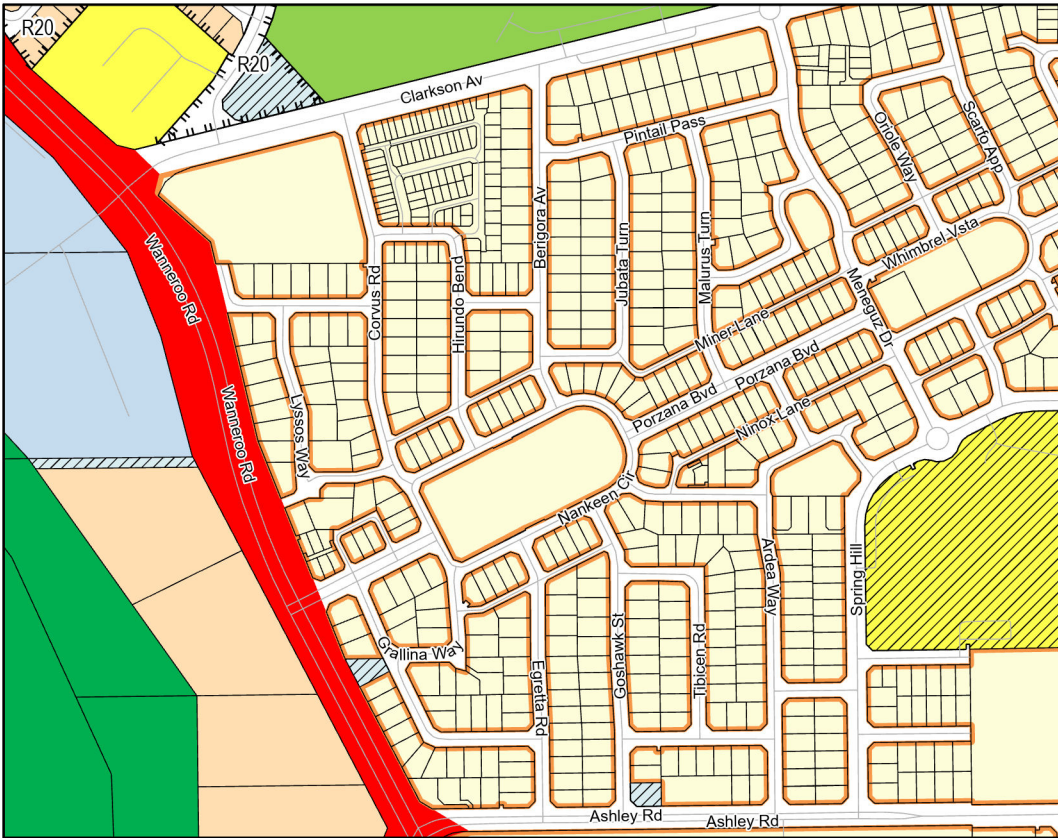
.....  
(Chief Executive Officer)

Dated this 24th day of August 2023.

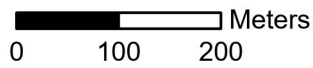
**CITY OF WANNEROO  
DISTRICT PLANNING SCHEME NO. 2  
AMENDMENT NO. 209 - MAP INDEX**



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209

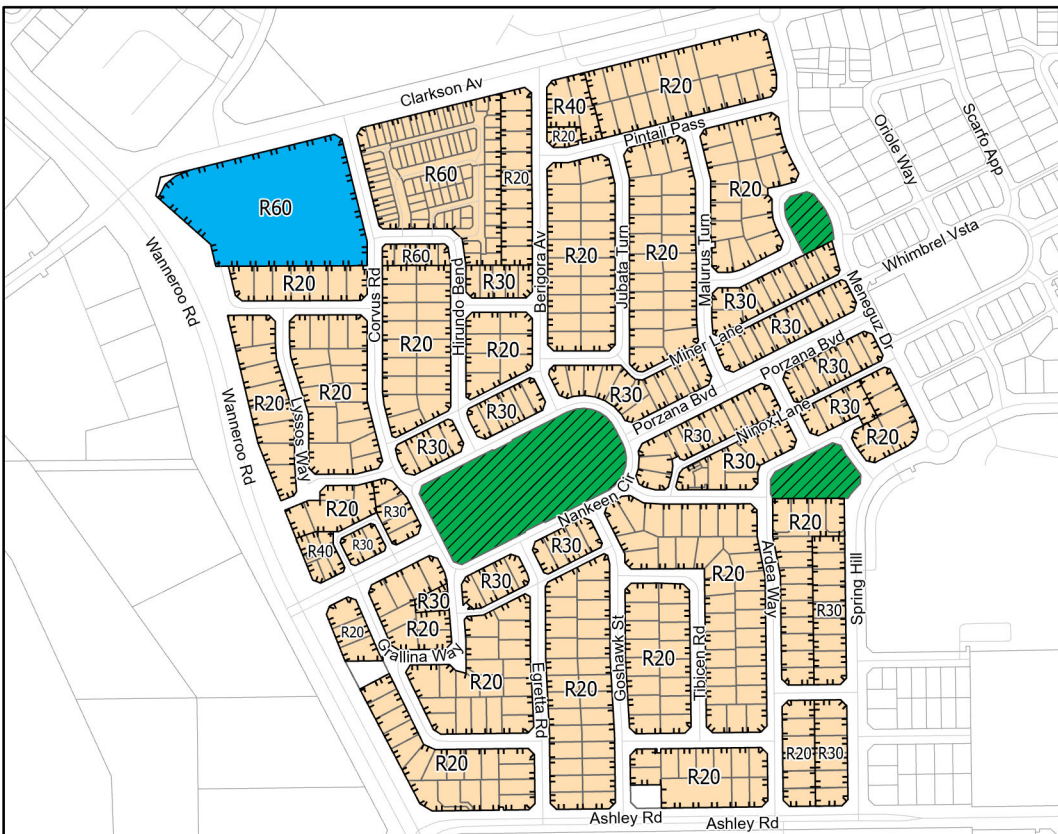


**EXISTING ZONE**



**LEGEND**

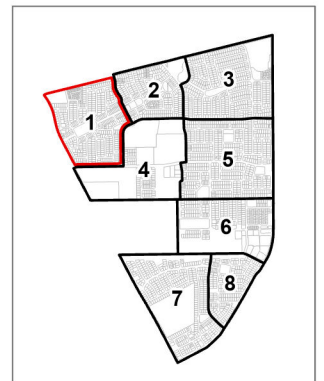
- R-CODE
- DPS2 ZONES & RESERVES**
- DRAINAGE & WATERWAYS
- PRIVATE COMMUNITY PURPOSES
- PUBLIC PURPOSES
- RESIDENTIAL
- SERVICE COMMERCIAL
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVES**
- PRIMARY REGIONAL ROADS
- PUBLIC PURPOSES
- PARKS & RECREATION



**SCHEME (AMENDMENT) MAP 1**

**LEGEND**

- R-CODE
- DPS2 ZONES**
- COMMERCIAL
- RESIDENTIAL
- LOCAL SCHEME RESERVES**
- PUBLIC OPEN SPACE
- LOCAL ROAD



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



EXISTING ZONE





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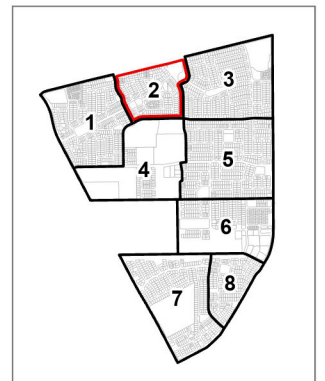
-  R-CODE
- DPS2 ZONES & RESERVES**
-  ENVIRONMENTAL CONSERVATION
-  PRIVATE COMMUNITY PURPOSES
-  PUBLIC PURPOSES
-  RESIDENTIAL
-  URBAN DEVELOPMENT
-  LOCAL ROAD



SCHEME (AMENDMENT) MAP 2

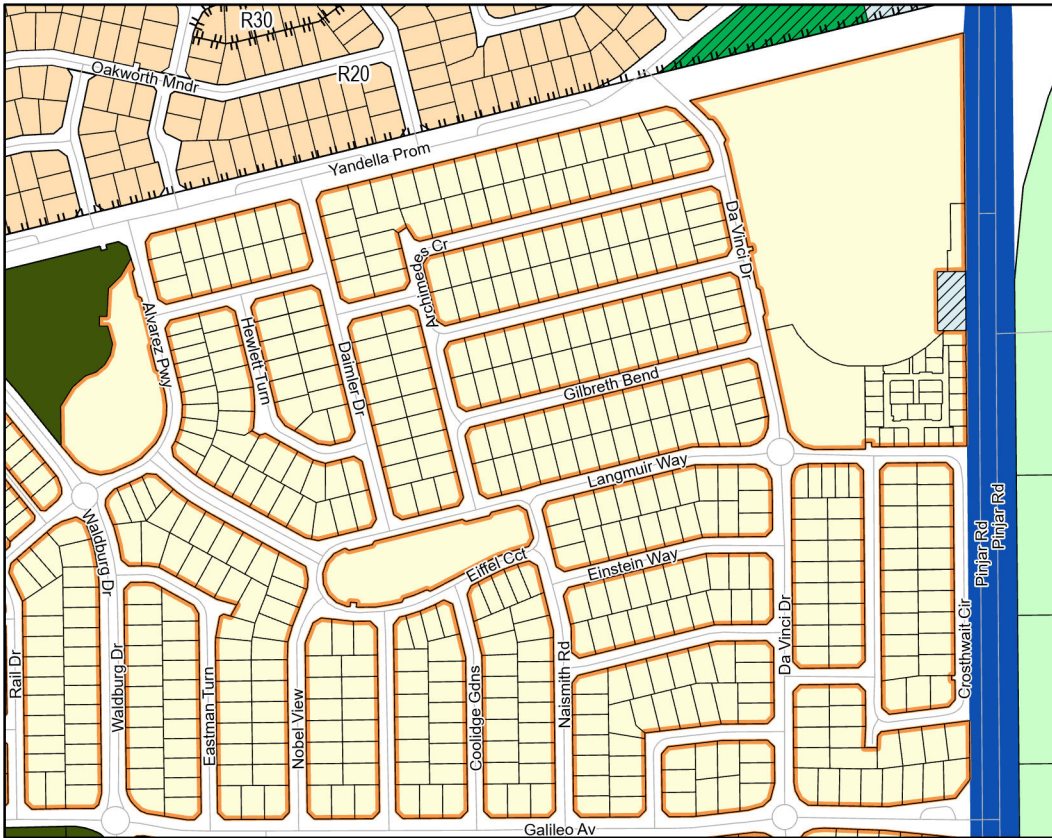
## LEGEND

-  R-CODE
- DPS2 ZONE**
-  RESIDENTIAL
- LOCAL SCHEME RESERVES**
-  PUBLIC OPEN SPACE
-  PUBLIC PURPOSES

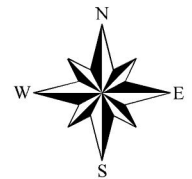
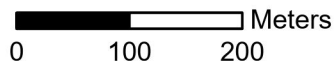




# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



**LEGEND**

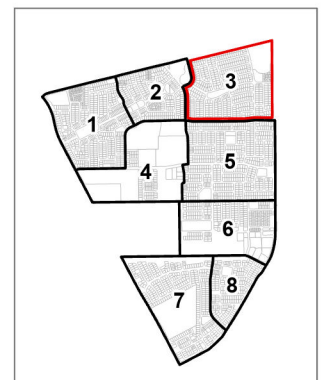
- R-CODE
- DPS2 ZONES & RESERVES**
- DRAINAGE & WATERWAYS
- ENVIRONMENTAL CONSERVATION
- PUBLIC OPEN SPACE
- RESIDENTIAL
- RURAL
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVE**
- OTHER REGIONAL ROADS



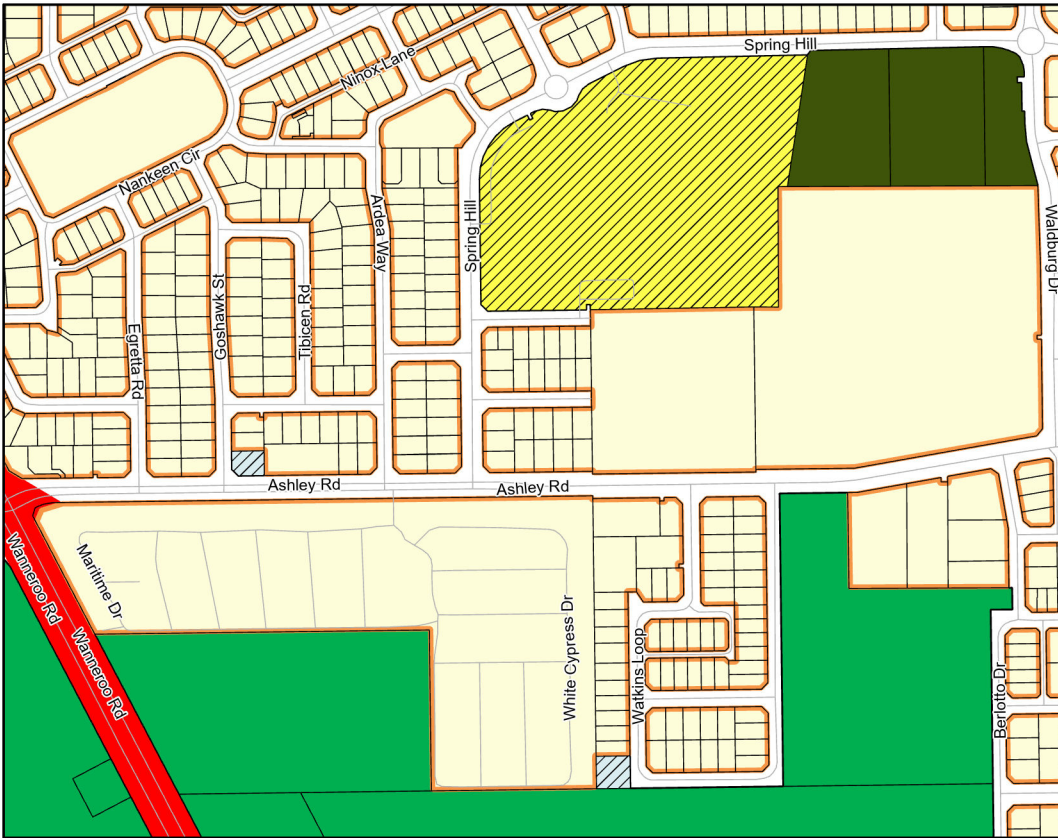
**SCHEME (AMENDMENT) MAP 3**

**LEGEND**

- R-CODE
- DPS2 ZONE**
- RESIDENTIAL
- LOCAL SCHEME RESERVES**
- PUBLIC OPEN SPACE
- DRAINAGE & WATERWAYS



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209

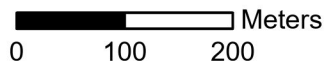


## LEGEND

### DPS2 ZONES & RESERVES

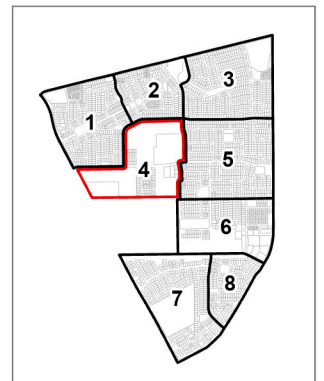
- DRAINAGE & WATERWAYS
  - ENVIRONMENTAL CONSERVATION
  - PUBLIC PURPOSES
  - URBAN DEVELOPMENT
  - LOCAL ROAD
- ### MRS RESERVES
- PRIMARY REGIONAL ROADS
  - PARKS & RECREATION

EXISTING ZONE



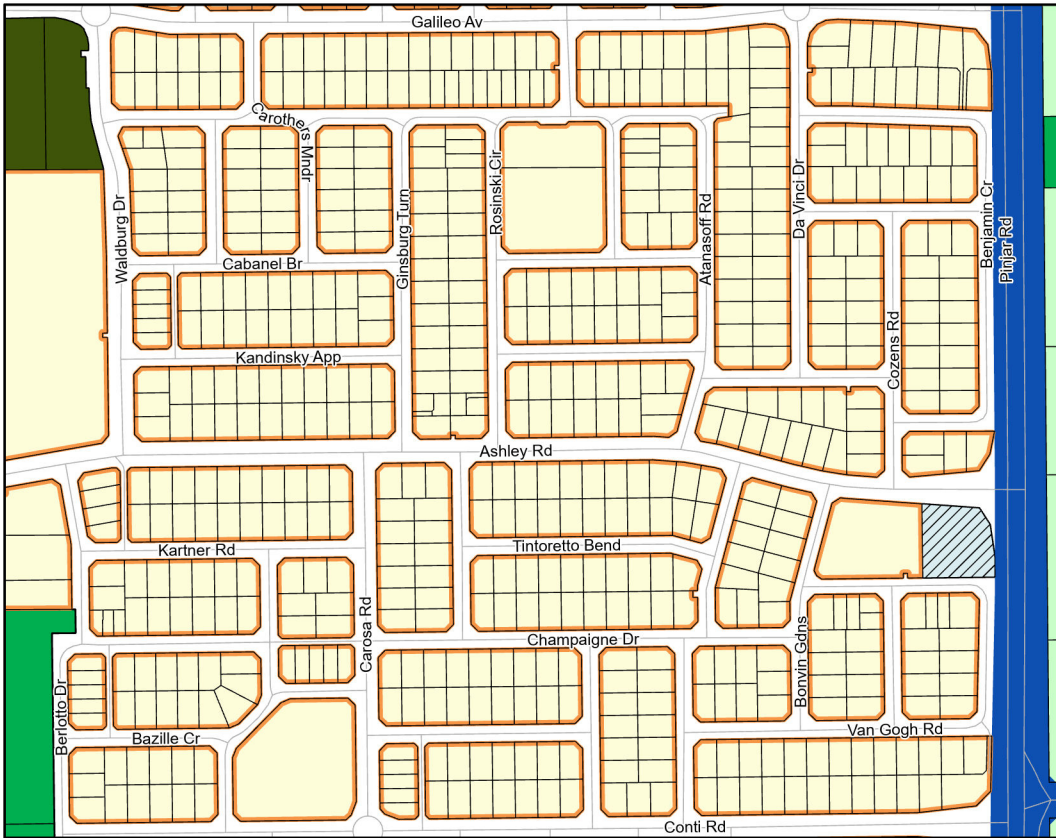
## LEGEND

- R-CODE
- ### DPS2 ZONES
- PRIVATE COMMUNITY PURPOSES
  - RESIDENTIAL
- ### LOCAL SCHEME RESERVES
- PUBLIC OPEN SPACE
  - CIVIC & COMMUNITY

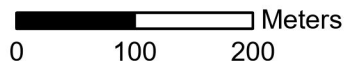


SCHEME (AMENDMENT) MAP 4

# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



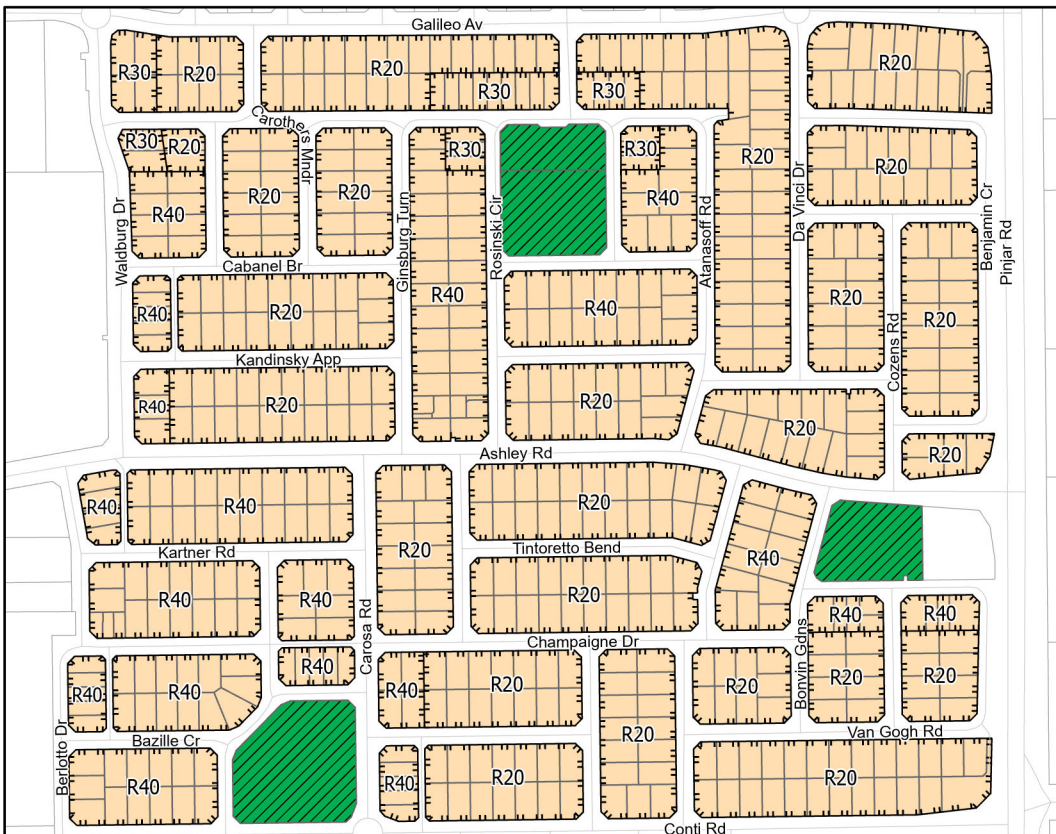
## LEGEND

### DPS2 ZONES & RESERVES

- DRAINAGE & WATERWAYS
- ENVIRONMENTAL CONSERVATION
- RURAL
- URBAN DEVELOPMENT
- LOCAL ROAD

### MRS RESERVES

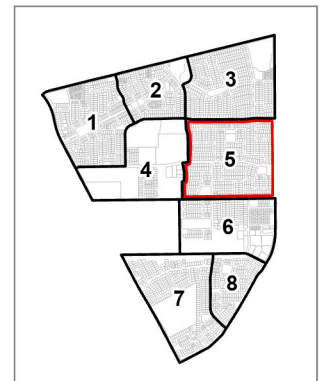
- OTHER REGIONAL ROADS
- PARKS & RECREATION



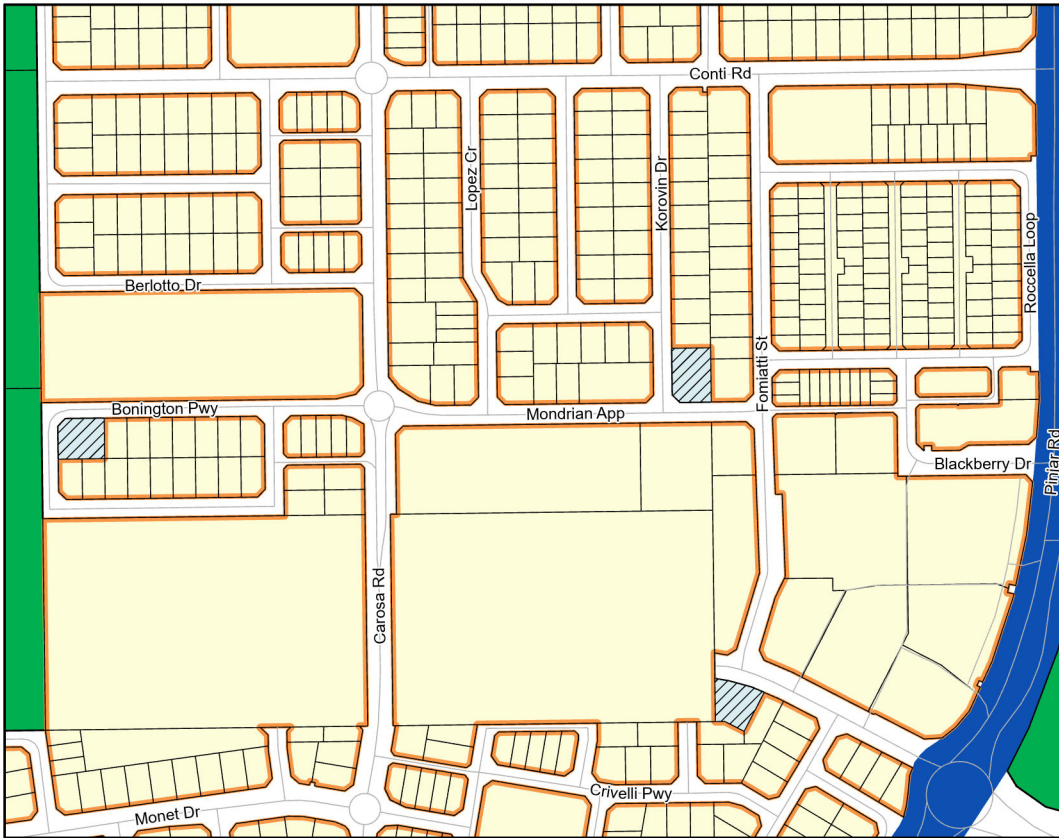
**SCHEME (AMENDMENT) MAP 5**

## LEGEND

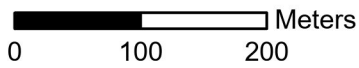
- R-CODE
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



**LEGEND**

**DPS2 ZONES & RESERVES**

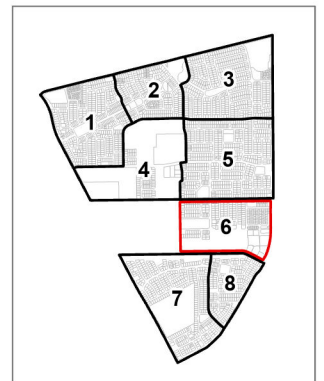
- DRAINAGE & WATERWAYS
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVES**
- OTHER REGIONAL ROADS
- PARKS & RECREATION



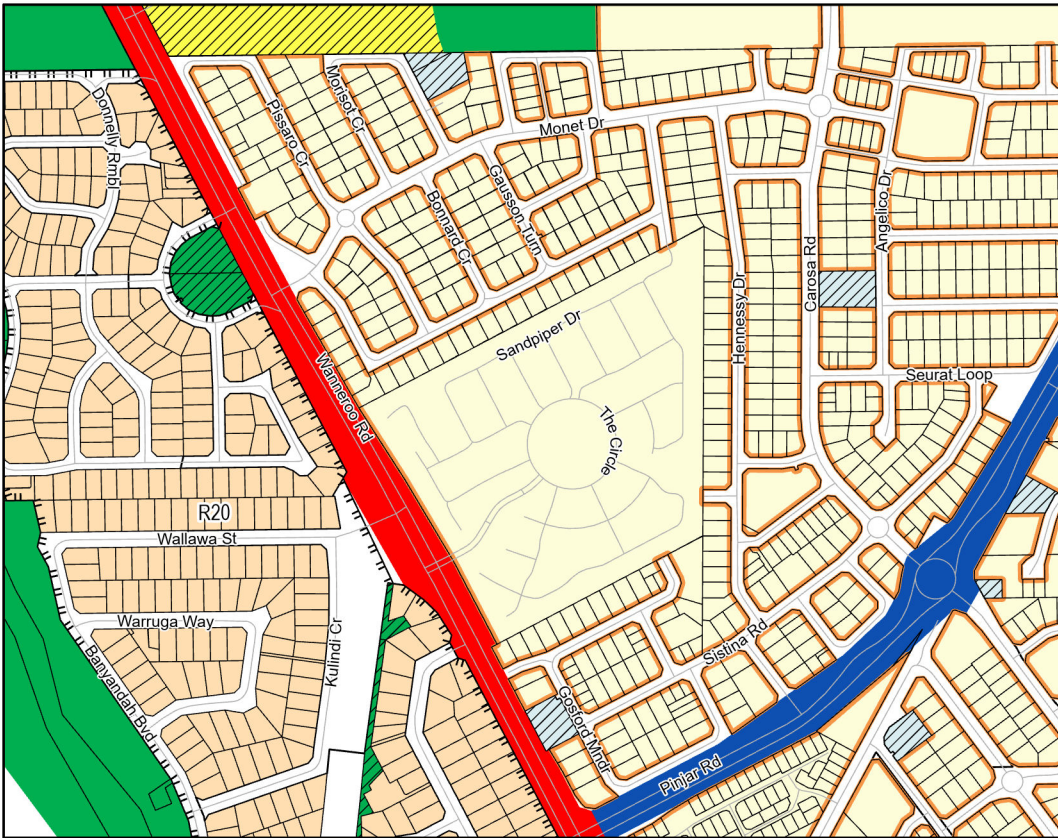
**SCHEME (AMENDMENT) MAP 6**

**LEGEND**

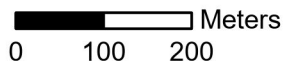
- R-CODE
- DPS2 ZONES**
- COMMERCIAL
- MIXED USE
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



**LEGEND**

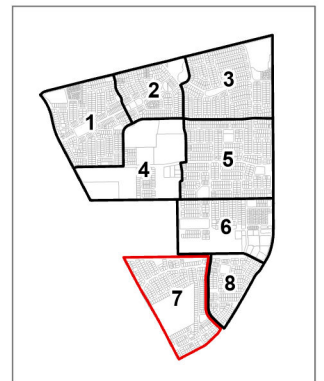
- R-CODE
- DPS2 ZONES & RESERVES**
- DRAINAGE & WATERWAYS
- PUBLIC OPEN SPACE
- PUBLIC PURPOSES
- RESIDENTIAL
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVES**
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- PARKS & RECREATION



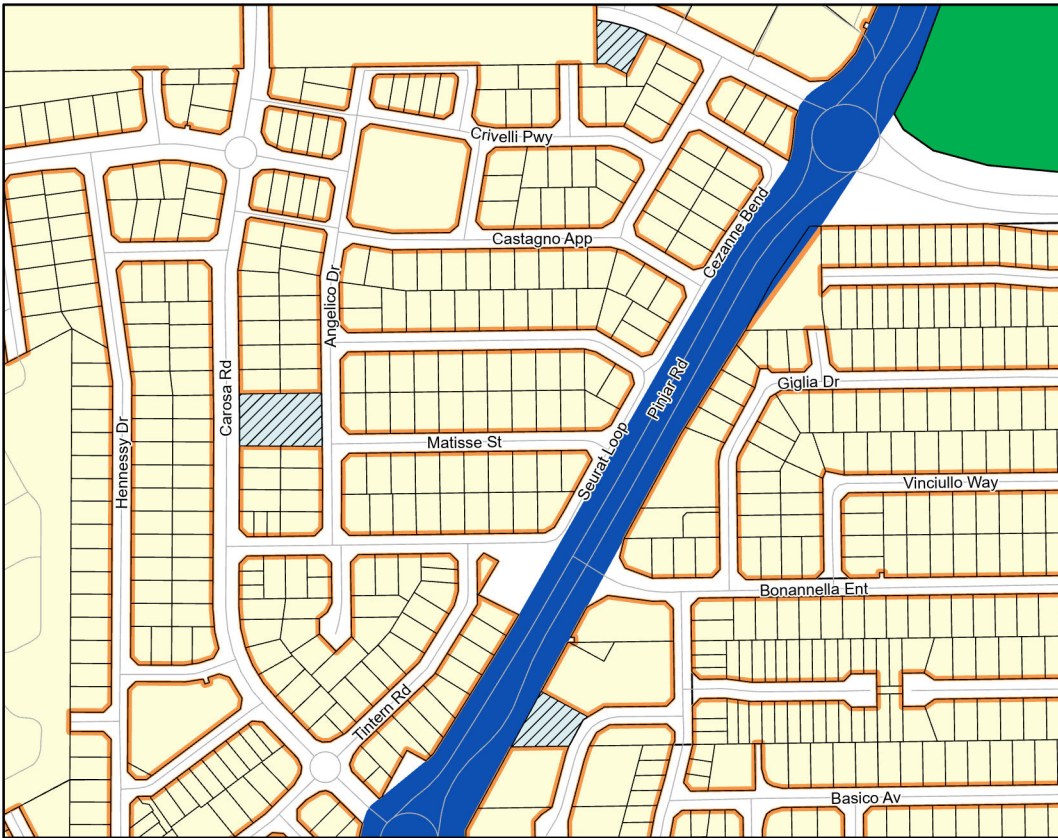
**SCHEME (AMENDMENT) MAP 7**

**LEGEND**

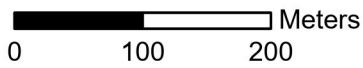
- R-CODE
- DPS2 ZONES**
- PRIVATE COMMUNITY PURPOSES
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



**LEGEND**

**DPS2 ZONES & RESERVES**

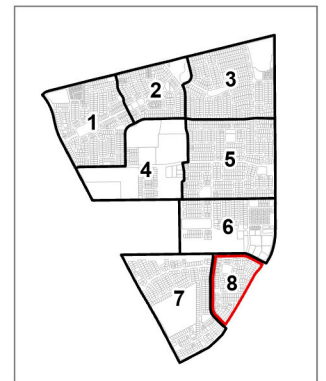
- DRAINAGE & WATERWAYS
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVES**
- OTHER REGIONAL ROADS
- PARKS & RECREATION



**SCHEME (AMENDMENT) MAP 8**

**LEGEND**

- R-CODE
- DPS2 ZONE**
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



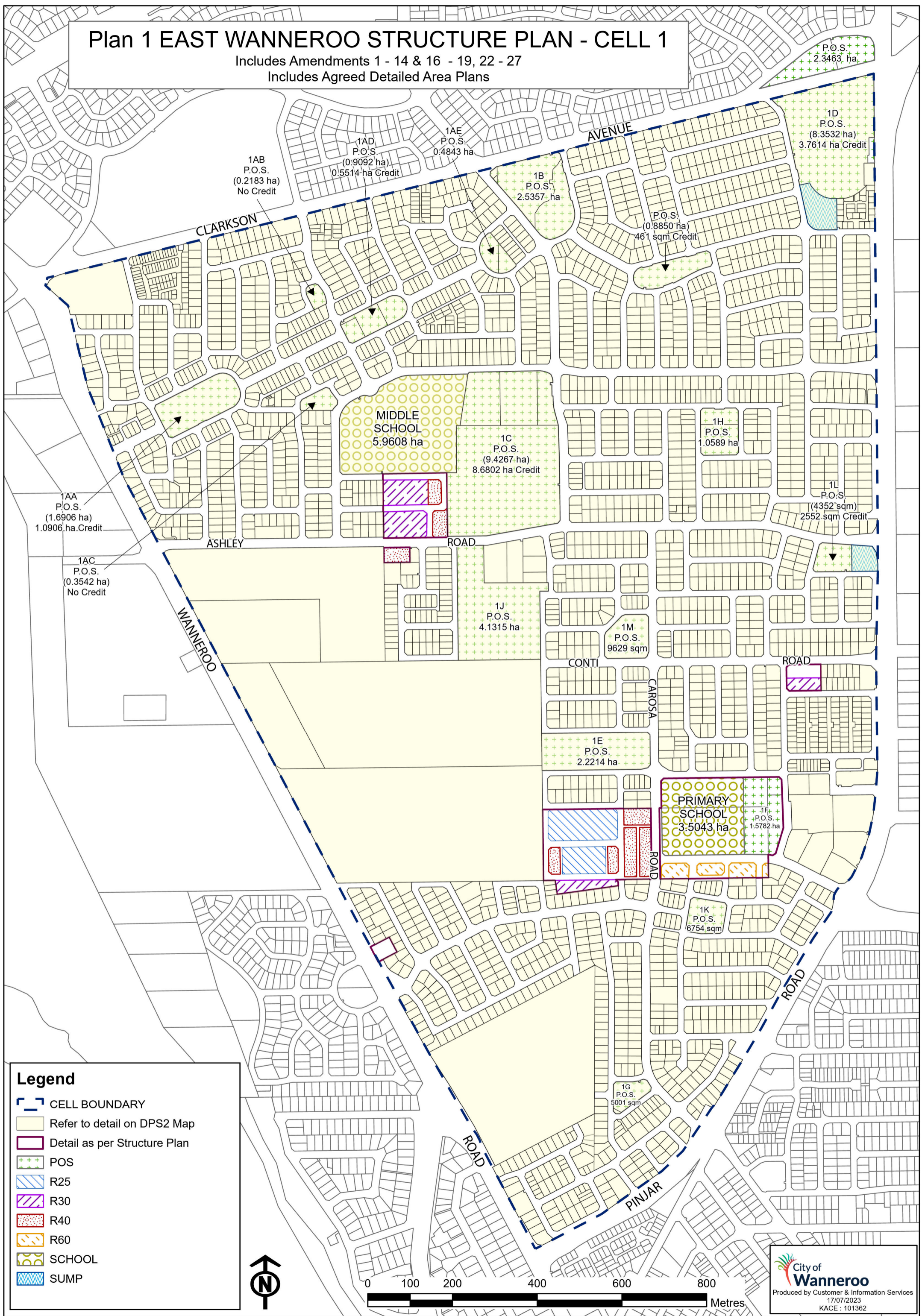


# **STRUCTURE PLAN (AMENDMENT) MAPS**

To support subsequent amendment to ASP 3 should Amendment No. 209 be approved

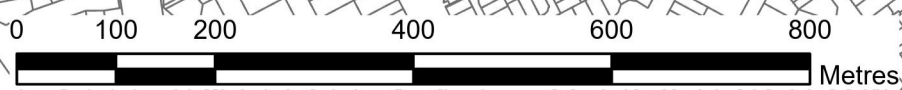
# Plan 1 EAST WANNEROO STRUCTURE PLAN - CELL 1

Includes Amendments 1 - 14 & 16 - 19, 22 - 27  
Includes Agreed Detailed Area Plans



## Legend

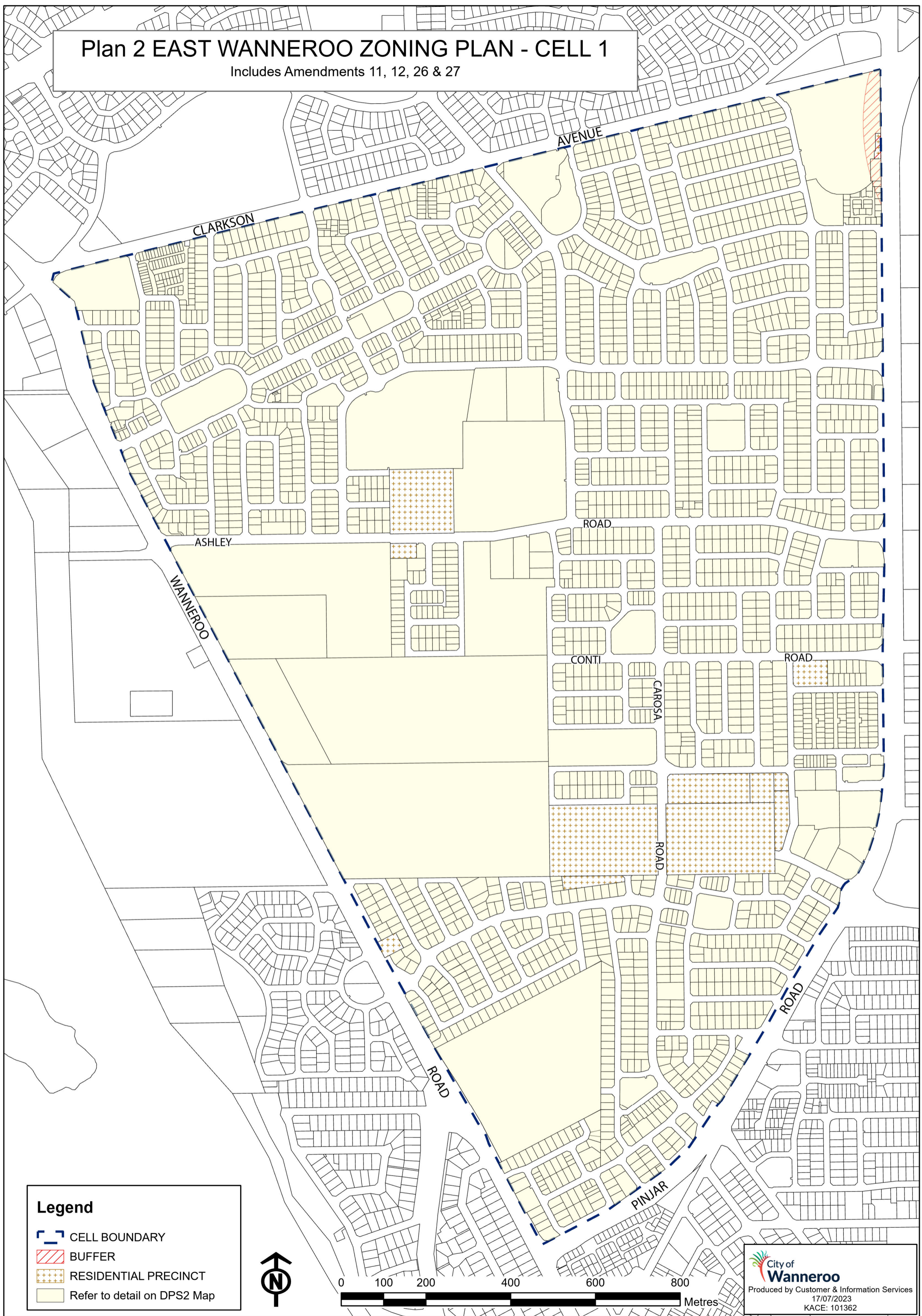
- CELL BOUNDARY
- Refer to detail on DPS2 Map
- Detail as per Structure Plan
- POS
- R25
- R30
- R40
- R60
- SCHOOL
- SUMP





# Plan 2 EAST WANNEROO ZONING PLAN - CELL 1

Includes Amendments 11, 12, 26 & 27



## Legend

- CELL BOUNDARY
- BUFFER
- RESIDENTIAL PRECINCT
- Refer to detail on DPS2 Map



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# **SCHEME AMENDMENT REPORT**

**AMENDMENT NO. 209  
TO DISTRICT PLANNING SCHEME NO. 2**

# 1.0 Introduction and Background

## 1.1 Site Description and Planning Framework over Amendment Area

The land subject to proposed Amendment No. 209 to DPS 2 (**Amendment No. 209**) is located in parts of the Tapping locality, as well as all of the Ashby locality (**subject area**). Amendment No. 209 affects land where the City of Wanneroo's (**the City**) East Wanneroo Cell 1 (Tapping and Ashby) Agreed Local Structure Plan No. 3 (**ASP 3**) and the Ashby Neighbourhood Centre Agreed Local Structure Plan No. 77 (**ASP 77**) currently apply. The total land area affected by ASP 3 and ASP 77 (being the subject area) is approximately 306 hectares.

ASP 3 was adopted by the Western Australian Planning Commission (**WAPC**) on 1 April 2005 to guide subdivision and development over the subject area. The current ASP 3 'structure plan' map is included in **Figure 1** and the ASP 3 'zoning plan' map is included as **Figure 2**. ASP 77 is a further structure plan specifically prepared for land parcels within the Ashby Neighbourhood Centre site and is situated within the area affected by ASP 3. ASP 77 was adopted in August 2011, with its specific purpose being to guide the development of that centre. The extent of land affected by ASP 77 in the ASP 3 area is shown on **Figure 1** and **Figure 2**.

The subject area is largely zoned Urban Development under DPS 2 as shown on the Scheme map extract provided in **Figure 3**. Local scheme reserves and Metropolitan Region Scheme (**MRS**) reservations located in the subject area are also shown in **Figure 3**.

The Urban Development zone is applied as an interim zone for developing areas, to form a basis for structure planning (such as ASP 3 and ASP 77) to be prepared. Once land is subdivided and becomes established, its zoning can undergo 'normalisation', meaning that the land can be rezoned from Urban Development to a 'permanent' zone (such as Residential or Commercial) depending on land use. The effect of a structure plan over a respective area could also be considered at that time, with the structure plan amended or revoked as the case requires.

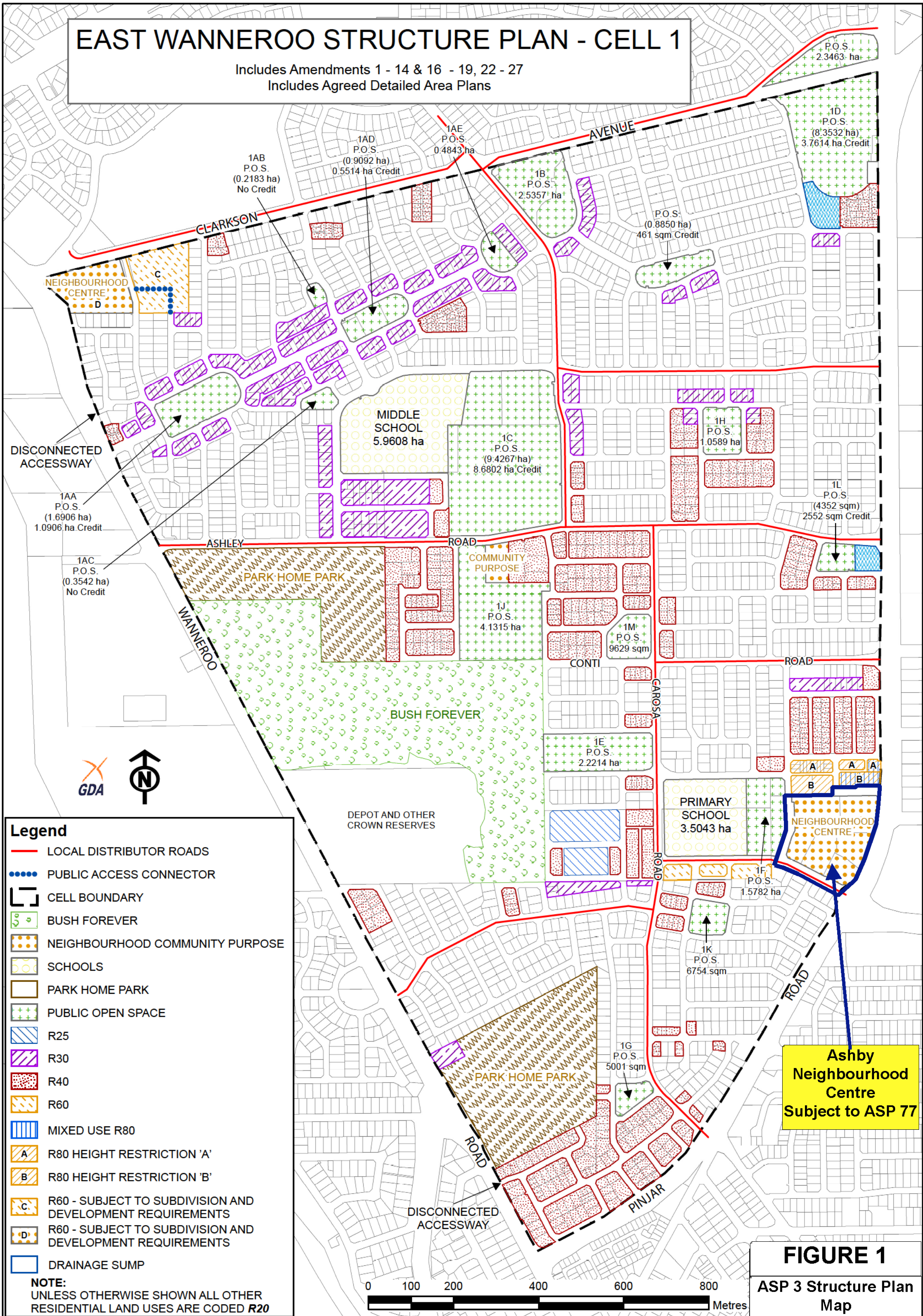
Amendment No. 209 proposes that the zoning over a significant portion of the subject area be normalised. ASP 3 will need to remain in place to provide the planning framework for the land in the subject area that is yet to be developed. The City is advocating for ASP 3 to be amended by the WAPC after Amendment No. 209 is approved, to the extent as detailed in this report.

The land subject to ASP 77 contains commercial development (shopping centre, child care centre, tavern, service stations), and is collectively referred to in this report as the **Ashby Neighbourhood Centre**. That land has a 'Commercial' zoning designation in ASP 77, including the one remaining lot (Lot 9634 Fomiatti Street, Ashby) which is vacant. The Metro Outer Joint Development Assessment Panel (**JDAP**) has approved a mixed-use development (shops, multiple dwellings, self-storage units) over Lot 9634. A subsequent approval granted by the City allows substantial commencement of this development to commence before or up to 29 March 2029.

The plan in **Figure 3** incorporates changes made through Amendment No. 172 to DPS 2 (**Amendment No. 172**), which was gazetted in May 2023. Amendment No. 172 was a major amendment to bring DPS 2 in line with the model provisions for local planning schemes (**model provisions**) provided in the *Planning and Development (Local Planning Schemes) Regulations 2015* (**Regulations**). It was not within the scope of Amendment No. 172 to normalise the zoning of land in established areas affected by structure plans.

# EAST WANNEROO STRUCTURE PLAN - CELL 1

Includes Amendments 1 - 14 & 16 - 19, 22 - 27  
Includes Agreed Detailed Area Plans



**Legend**

- LOCAL DISTRIBUTOR ROADS
- PUBLIC ACCESS CONNECTOR
- ▭ CELL BOUNDARY
- 🌳 BUSH FOREVER
- 🏘️ NEIGHBOURHOOD COMMUNITY PURPOSE
- 🎓 SCHOOLS
- 🌳 PARK HOME PARK
- 🌳 PUBLIC OPEN SPACE
- 🏠 R25
- 🏠 R30
- 🏠 R40
- 🏠 R60
- 🏠 MIXED USE R80
- 🏠 R80 HEIGHT RESTRICTION 'A'
- 🏠 R80 HEIGHT RESTRICTION 'B'
- 🏠 R60 - SUBJECT TO SUBDIVISION AND DEVELOPMENT REQUIREMENTS
- 🏠 R60 - SUBJECT TO SUBDIVISION AND DEVELOPMENT REQUIREMENTS
- 🏠 DRAINAGE SUMP

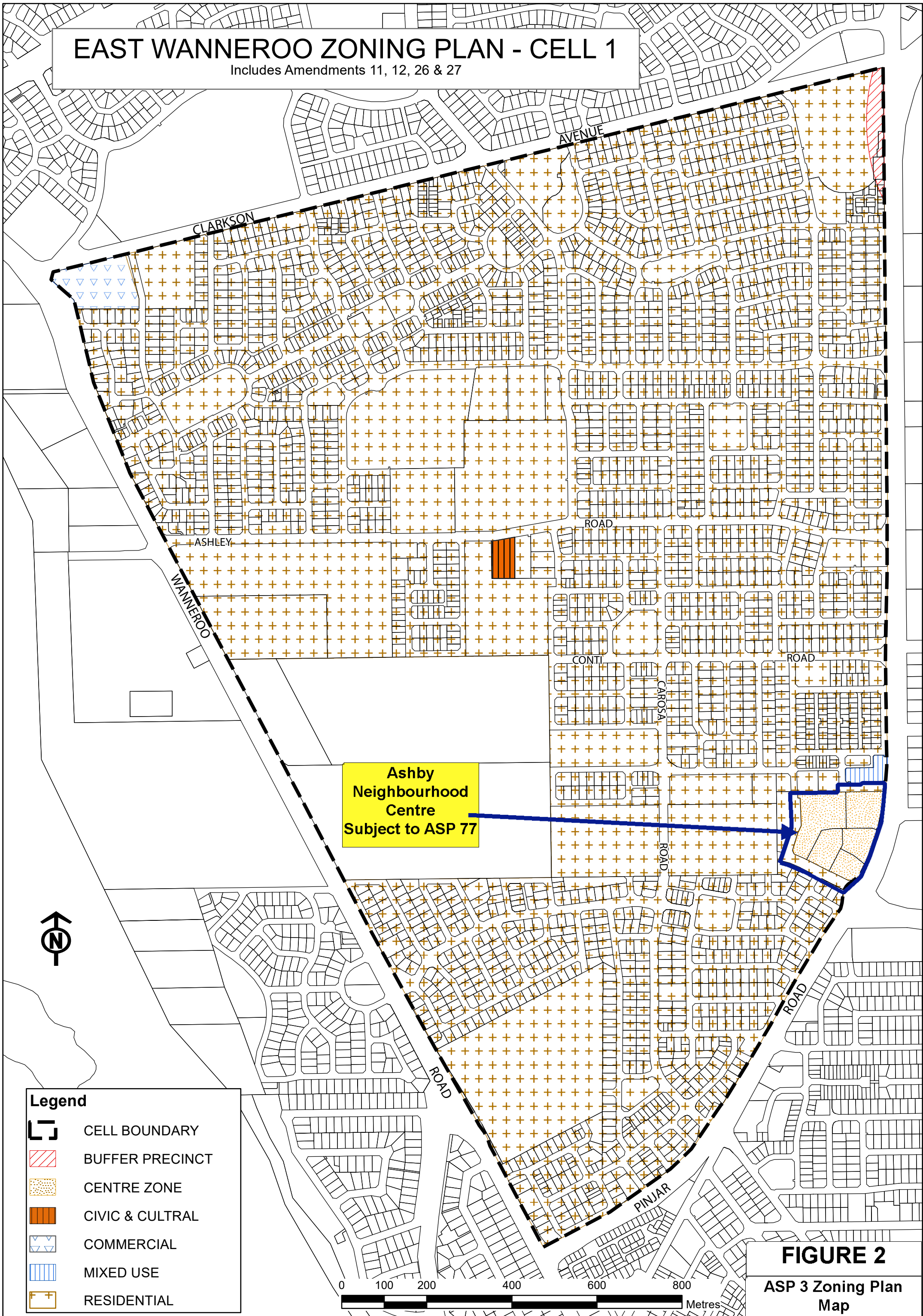
**NOTE:**  
UNLESS OTHERWISE SHOWN ALL OTHER RESIDENTIAL LAND USES ARE CODED **R20**

**Ashby Neighbourhood Centre Subject to ASP 77**

**FIGURE 1**  
ASP 3 Structure Plan Map

# EAST WANNEROO ZONING PLAN - CELL 1

Includes Amendments 11, 12, 26 & 27

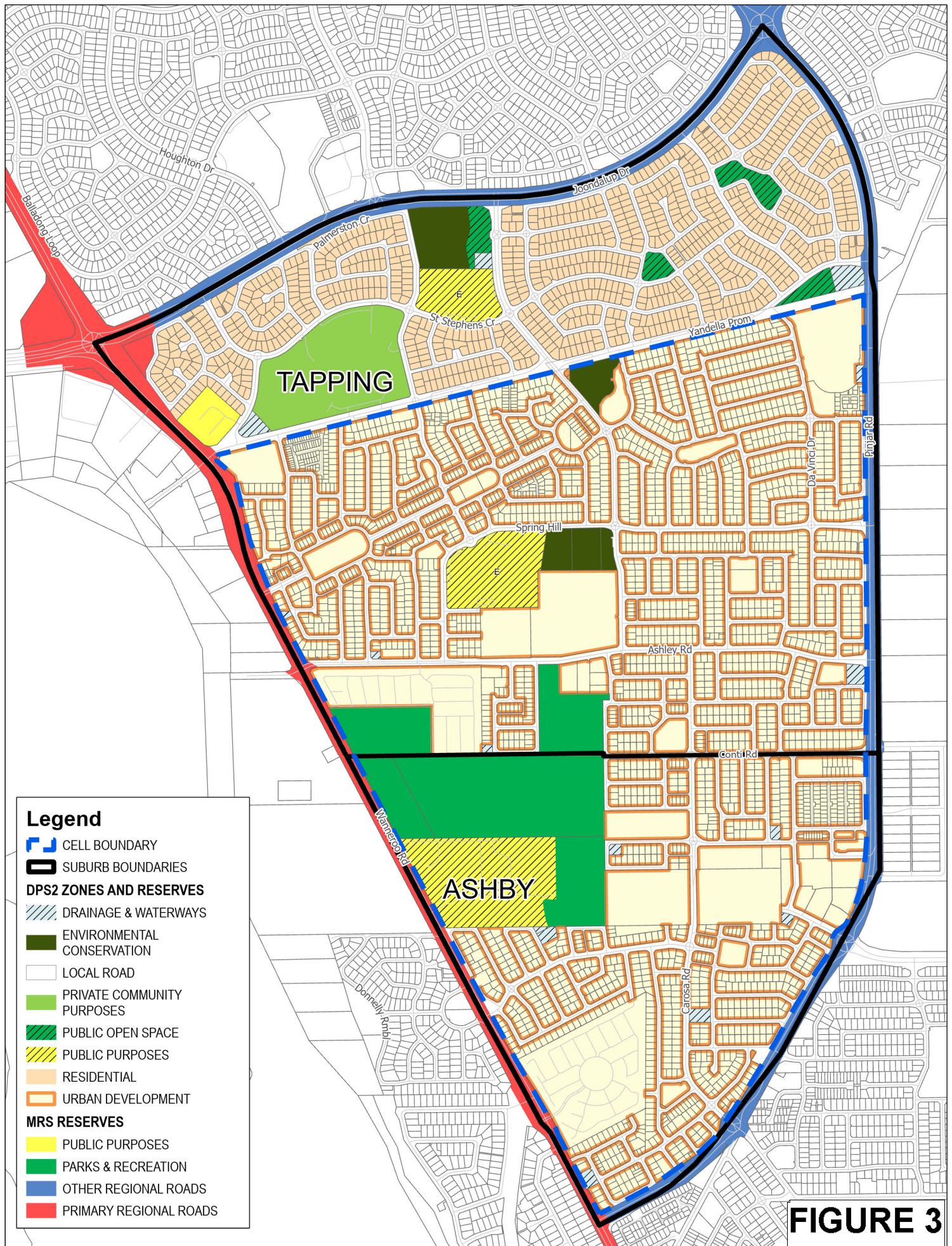


## Legend

- CELL BOUNDARY
- BUFFER PRECINCT
- CENTRE ZONE
- CIVIC & CULTURAL
- COMMERCIAL
- MIXED USE
- RESIDENTIAL

### FIGURE 2

ASP 3 Zoning Plan Map



0 250 500  
Meters

**CITY OF WANNEROO  
DISTRICT PLANNING SCHEME NO. 2 ZONES  
OVER TAPPING AND ASHBY**

## 1.2 Background to the City's Normalisation Process

The City is undertaking various initiatives prior to the preparation of a new Local Planning Scheme No. 3 (**LPS 3**).

To simplify the transition to LPS 3, the City has already aligned DPS 2 with the model provisions through Amendment No. 172. The City is also in the process of preparing a Local Planning Strategy which will inform LPS 3.

The normalisation process (in which Amendment No. 209 is a part of) also removes unnecessary layers of the planning framework and simplifies the formulation of new local planning scheme mapping. Normalising a significant portion of the ASP 3 area now will also simplify the future process in finalising and closing the contribution cell (Cell 1). A separate DPS 2 amendment (Amendment No. 208) is seeking to program the Cell 1 operation closure date for 30 June 2027.

The City has a further need to review the necessity of its 64 structure plans, as 52 of which (including ASP 3 and ASP 77) are due to expire in October 2025. The date of expiry is prescribed through the deemed provisions for local planning schemes (**deemed provisions**), contained in Schedule 2 of the Regulations. The City foresees administrative consequences could arise if a vast array of structure plans were left to expire in October 2025 without establishing a staged and controlled process to review and/or normalise structure plans. Therefore, Amendment No. 209 allows for the following to occur, which this report also informs:

- The revocation of ASP 77, the approval of which is set to expire on 19 October 2025; and
- The amendment to ASP 3, acknowledging that it may still need to be in place after its expiry in October 2025. This report also informs a request that will be made to the WAPC to consider an extension to its approval of ASP 3 (to 30 June 2027) to facilitate the subdivision of the remaining undeveloped land in the structure plan area.



## 2.0 Detail of the Amendment and the Subject Area

### 2.1 Amendment No. 209 Proposal

The full extent of what Amendment No. 209 entails as initiated by Council (including the Scheme (Amendment) Maps) is detailed in this document. The key features of Amendment No. 209 are summarised below:

- The rezoning of established residential lots from 'Urban Development' to 'Residential', with R-codings that generally correspond to those currently in the structure plans.
- Rezoning of the Ashby Neighbourhood Centre site – as well as a neighbourhood centre site at Lot 700 (2) Clarkson Avenue, Tapping (**Tapping Neighbourhood Centre**) from 'Urban Development' to 'Commercial'. Amendment No. 209 also seeks to transfer the same maximum retail net lettable area (**NLA**) prescribed in ASP 3 for these centres and place these into the relevant DPS 2 schedule.
- Applying the 'Mixed Use' (R80) zone over Lot 76 (14) Blackberry Drive and Lot 75 (30) Roccella Loop, Ashby, located immediately north of the Ashby Neighbourhood Centre.
- Applying a 'Civic and Community' Local Scheme Reserve over a community purpose site at Lot 1 (76) Ashley Road, Tapping, which is owned by the City in freehold.
- Applying a Private Community Purpose zone over two Park Home Park complexes in the subject area.
- The classifying of public open spaces and a drainage site in the subject area as 'Local Scheme Reserves', which did not occur through Amendment No. 172.

A full description on what Amendment No. 209 is proposing in respect to the land in the subject area is as follows:

Locations within the ASP 3 Area	Discussion of Proposal through Amendment No. 209 to DPS 2
Numerous residential lots shown on the Scheme (Amendment) Maps.	<p>These lots will be rezoned from 'Urban Development' to 'Residential' – and given R-coding that generally correspond to what is outlined in the structure plan.</p> <p>Minor differences between the R-Codings proposed for certain lots in Amendment No. 209, and what ASP 3 mapping is detailing, are explained further in Section 4.2 of this report.</p>
0.1m pedestrian accessway lots (or portions of 0.1m pedestrian accessway lots) adjoining the residential lots referred to above.	<p>These land parcels are also known as 'spite strips' and act to prevent vehicular access onto residential lots from adjoining roads.</p> <p>For consistency, Amendment No. 209 also proposes to zone these land parcels 'Residential' and apply R-codings consistent with the respective adjoining lot.</p>

Locations within the ASP 3 Area	Discussion of Proposal through Amendment No. 209 to DPS 2
<ul style="list-style-type: none"> <li>• Lot 307 (26) Nankeen Circle, Tapping (on DP: 42684);</li> <li>• Lot 1562 (16) Jaeger Bend, Tapping (on DP: 55647);</li> <li>• Lot 1499 (18) Pardalote Way, Tapping (on DP: 49196);</li> <li>• Lot 1638 (54) Whimbrel Vista, Tapping (on DP: 59291);</li> <li>• Lot 1635 (30) Whimbrel Vista, Tapping (on DP: 59291);</li> <li>• Lot 1637 (30) Whimbrel Vista, Tapping (on DP: 57859);</li> <li>• Lot 1739 (9) Ray Gardiner Vista, Tapping (on DP: 57859);</li> <li>• Lot 1845 (9) Ray Gardiner Vista, Tapping (on DP: 57859);</li> <li>• Lot 1788 (16) Alvarez Parkway, Tapping (on DP: 57859);</li> <li>• Lot 3001 (1) Alvarez Parkway, Tapping (on DP: 70748);</li> <li>• Lot 8009 (120) Waldburg Drive, Tapping (on DP: 67828);</li> <li>• Lot 708 (30) Eiffel Circuit, Tapping (on DP: 54592);</li> <li>• Lot 705 (11) Da Vinci Drive, Tapping (on DP: 46781);</li> <li>• Lot 710 (24) Rosinski Circle, Tapping (on DP: 54592);</li> <li>• Lot 8016 (24) Rosinski Circle, Tapping (on DP: 51233);</li> <li>• Lot 8014 (20) Bonvin Gardens, Tapping (on DP: 50650);</li> <li>• Lot 15602 (6) Provost Way, Tapping (on DP: 41377);</li> <li>• Lot 15601 (54) Carosa Road, Ashby (on DP: 41358);</li> <li>• Lot 295 (6) Elton Way, Ashby (on DP: 41692);</li> <li>• Lot 3000 (20) Taplow Parade, Ashby (on DP: 45436);</li> <li>• Lot 15219 (6) Crivelli Parkway, Ashby (on DP: 38824); and</li> <li>• Lot 296 (22) Tintern Road, Ashby (on DP: 41693).</li> </ul>	<p>The lots listed are Crown Land parcels having a public open space function, consistent with what is shown in the ASP 3 'structure plan' map. As a result, Amendment No. 209 proposes to classify these lots as 'Local Scheme Reserve – Public Open Space' in DPS 2.</p>
<p>Portion Lot 700 (2) Clarkson Avenue, Tapping (on DP: 418023)</p>	<p>Although there is a fast-food outlet situated in the northwestern corner of Lot 700, the remainder of the site remains vacant. Lot 700 is a Commercial zoned site under ASP 3. Amendment No. 209 proposes to:</p> <ul style="list-style-type: none"> <li>• Zone this lot 'Commercial', consistent with ASP 3;</li> <li>• Apply an R60 coding for reasons as discussed in Section 4.7 of this report; and</li> <li>• Apply a 4,300m<sup>2</sup> maximum retail NLA for this centre and insert this into Schedule 7 of DPS 2.</li> </ul>
<p>Portion of the Clarkson Avenue road reserve adjoining Lot 700 (2) Clarkson Avenue, Tapping</p>	<p>Through the approval of Amendment No. 172, most of the road reserves in the subject area were placed in the Local Scheme Reserve for 'local road'. However, a portion of the Clarkson Avenue road reserve remained in the Urban Development zone. Amendment No. 209 proposes to resolve this anomaly.</p>

Locations within the ASP 3 Area	Discussion of Proposal through Amendment No. 209 to DPS 2
Lot 1789 (59) Waldburg Drive, Tapping (on DP: 66558).	This lot is a Crown Land reserve for the purpose of 'communications'. Consistent with this, Amendment No. 209 proposes to impose the Local Scheme Reserve for 'public purposes' over Lot 1789, intended to support infrastructure for communications.
Lot 707 (31) Da Vinci Drive, Tapping (on DP: 44803).	<p>This Crown Land parcel has a drainage function. Although the recently approved Amendment No. 172 imposed the Local Scheme Reserve for drainage/waterways over most drainage sites in the ASP 3 area, this did not occur over Lot 707.</p> <p>Amendment No. 209 proposes to reclassify this lot from the 'Urban Development' zone to 'Local Scheme Reserve – Drainage/Waterways' to correspond with its use and purpose.</p>
Lot 712 (309) Pinjar Road, Tapping (on DP: 45447)	<p>Lot 712 is a freehold lot owned by the Water Corporation and is located adjoining a public open space.</p> <p>Therefore, it is considered appropriate that the land is not rezoned from Urban Development through Amendment No. 209. Future considerations for the zoning or reservation of this lot may be made when the City prepares LPS 3 or at some other time in the future (e.g. when the structure plan is revoked).</p>
<ul style="list-style-type: none"> <li>• Portion Lot 402 (48) Ashley Road, Tapping (DP: 64573); and</li> <li>• Lot 100 (1140) Wanneroo Road, Ashby (on DP: 39760).</li> </ul>	<p>These lots contain approved 'park home park' developments. Noting the existing development, Amendment No. 209 proposes to apply the Private Community Purpose zone over these lots.</p> <p>Further discussion on why the Private Community Purpose zoning was nominated for these lots, and why the Residential zone was not considered, is provided in Section 4.11 of this report.</p>
<ul style="list-style-type: none"> <li>• Lot 15427 (1144P) Wanneroo Road, Ashby (on DP: 39760); and</li> <li>• Lot 15428 (1132P) Wanneroo Road, Ashby (on DP: 39760).</li> </ul>	<p>These land parcels are spite strips which act to restrict access to Lot 100 (1140) Wanneroo Road, Ashby (see above).</p> <p>Consistent with what is proposed for Lot 100, Amendment No. 209 proposes to also apply the Private Community Purpose zone over these spite strip lots.</p>
Lot 1 (76) Ashley Road, Tapping (on DP: 69528)	<p>This lot supports a community purpose site and is owned by the City in freehold.</p> <p>ASP 3 designates a Civic and Cultural zoning over the subject site. However, the Civic and Cultural was removed from DPS 2 through the approval of Amendment No. 172 – and replaced with the 'Civic and Community' local scheme reserve type.</p> <p>Amendment No. 209 is therefore proposing to apply the local scheme reserve for 'Civic and Community' over this lot.</p>
<ul style="list-style-type: none"> <li>• Lot 75 (30) Roccella Loop, Ashby (on DP: 416131); and</li> <li>• Lot 76 (14) Blackberry Drive, Ashby (on DP: 416131)</li> </ul>	Consistent with what is prescribed in ASP 3, Amendment No. 209 proposes to apply the Mixed Use zone (and an R-Coding of R80) over these lots.

Locations within the ASP 3 Area	Discussion of Proposal through Amendment No. 209 to DPS 2
<ul style="list-style-type: none"> <li>• Lot 7 (2) Fomiatti Street, Ashby (on DP: 417598);</li> <li>• Lot 6 (6) Hollosy Way, Ashby (on DP: 411846);</li> <li>• Lot 5 (2) Hollosy Way, Ashby (on DP: 73157);</li> <li>• Lot 8 (131) Pinjar Road, Ashby (on DP: 410342); and</li> <li>• Lot 10 (141) Pinjar Road, Ashby (on DP: 417598).</li> </ul>	<p>These lots contain commercial development – being a child care centre (on Lot 7); car repair service station, shops, medical and veterinary centre (on Lot 6); refuelling service station (Lot 5); shops (on Lot 8) and Tavern (Lot 10).</p> <p>These lots are zoned Commercial under ASP 77. Amendment No. 209 proposes to:</p> <ul style="list-style-type: none"> <li>• Zone these lots 'Commercial', consistent with ASP 77;</li> <li>• Apply an R-AC4 coding for reasons as discussed in Section 4.8.3 of this report; and</li> <li>• Apply a 7,100m<sup>2</sup> maximum retail NLA for this centre and insert this into Schedule 7 of DPS 2.</li> </ul>
<p>Lot 9634 (10) Fomiatti Street, Ashby (on DP: 417598)</p>	<p>Lot 9634 is a vacant site within the Ashby Neighbourhood Centre.</p> <p>The JDAP previously approved a mixed use development (shops, multiple dwellings, self-storage units) over this lot. A subsequent approval allows substantial commencement of this development to be delayed until 29 March 2029.</p> <p>As with the remaining parts of the Ashby Neighbourhood Centre (refer above), Amendment No. 209 proposes to apply the Commercial zone and the R-AC4 R-coding. Similarly, the maximum retail NLA prescribed for the neighbourhood centre will also include this lot.</p>
<p>All other lots in the subject area.</p>	<p>No changes proposed in Amendment No. 209.</p>

## 2.2 Further Actions Required to ASP 3 and ASP 77

The City is seeking the WAPC's consideration to revoke its approval of ASP 77 and amending ASP 3 should the Minister for Planning grant final approval for Amendment No. 209 to DPS 2. To facilitate this, the Amendment No. 209 proposal includes a statement pursuant to Regulations 35A(a) and 35A(b) of the Regulations, which is included in the resolution at the commencement of this document.

Amendments recommended to the ASP 3 text are further detailed in a tracked change version of the structure plan document, provided in **Appendix 1**. Recommended modifications to the plans are provided in the Structure Plan (Amendment) Maps, enclosed in the resolution at the commencement of this document.

Further discussion on the City's reasoning to request the WAPC revoke ASP 77 and amend ASP 3 is provided in Section 5 and Section 6 of this report respectively.

## 2.3 DPS 2 Amendment Type

The City's Council (**Council**) has resolved that proposed Amendment No. 209 to DPS 2 meets the following criteria for 'Standard Amendments' in the context of Regulation 34 of 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; and*
- an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.*

### 3.0 Consultation

The amendment will be referred to the Environmental Protection Authority (EPA) pursuant to Section 81 and 82 of the *Planning and Development Act 2005*.

Further to the EPA referral process, Amendment No. 209 will also need to be referred to the Minister for Planning, for approval to advertise pursuant to Section 83A of the *Planning and Development Act 2005*. Under this section of the *Planning and Development Act 2005*, the Minister may:

- (a) Approve a proposed scheme amendment for advertising; or
- (b) Require the local government to modify the scheme amendment, and resubmit it to the Minister for further consideration; or
- (c) Refuse approval for the proposed amendment to be advertised. Should the Minister make this decision, the local government cannot proceed with the proposed amendment.

Following those referral processes, and as Council resolved for Amendment No. 209 to be a standard amendment, Amendment No. 209 will then be advertised for public comment for a period of 42 days. Advertising is to occur in the following manner, pursuant to Regulations 47 and 76A of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- A notice of the amendment published on the City's website – and upload the amendment documentation;
- Making a copy of the amendment document available for public inspection at a place within the district during normal business hours (City's Civic Centre);
- Publishing a notice in a newspaper circulating in the relevant locality;
- Notifying public authorities likely to be affected by the amendment; and
- Advertising 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 most affected by the DPS 2 amendment.

The process to prepare, amend and revoke structure plans is set out in the deemed provisions. The deemed provisions do not specifically outline the advertising process to revoke or amend structure plans after the Minister for Planning's approval of a local planning scheme amendment. However, when Amendment No. 209 is advertised, Administration can ensure that potential submitters are also made aware of the City's intentions to have ASP 77 revoked and ASP 3 amended.

## 4.0 Planning Comment on Amendment to DPS 2

### 4.1 Approval of Amendment No. 172 and Effect on Land in ASP 3

A Scheme map extract relative to the subject area is provided as **Figure 3** (in Section 1.1 of this report). **Figure 3** captures changes made to the Scheme map through Amendment No. 172.

Relevant to the subject area, the recent approval and gazettal of Amendment No. 172 resulted in the following modifications being made to the Scheme map:

Locations within the ASP 3 Area	Modifications made through Amendment No. 172
Road reserves within the Tapping and Ashby localities (excluding Wanneroo Road and Pinjar Road).	<p>Prior to the approval of Amendment No. 172, the road reserves generally had a zoning or reservation consistent with the adjoining land (typically the Urban Development zone within the subject area).</p> <p>However, Amendment No. 172 introduced a 'Local Road' local scheme reserve, which has now been applied over most gazetted roads in the subject area.</p>
<ul style="list-style-type: none"> <li>• Lot 3000 (37) Alvarez Parkway, Tapping (on DP: 70748);</li> <li>• Lot 1787 (80) Spring Hill, Tapping (on DP: 57859);</li> <li>• Lot 1846 (80) Spring Hill, Tapping (on DP: 57859); and</li> <li>• Lot 709 (80) Spring Hill, Tapping (on DP: 58158).</li> </ul>	<p>A 'Conservation' local scheme reserve was introduced through Amendment No. 109 to DPS 2, as gazetted in December 2015. That amendment also applied this local scheme reserve type over these lots.</p> <p>Amendment No. 172 then modified the naming convention of this reserve to 'Environmental Conservation', consistent with the model provisions.</p>
Various drainage sites within the Tapping and Ashby localities	<p>Amendment No. 172 to DPS 2 imposed Local Scheme Reserves for the purpose of 'Drainage/Waterways' over most of the drainage sites in the subject area (with exception of Lot 707 Da Vinci Drive, Tapping, as identified in Section 2.1 of this report).</p> <p>Prior to the approval of Amendment No. 172, all drainage sites in the subject area were zoned Urban Development.</p>
Lot 101 (50) Spring Hill, Tapping (on DP: 409072)	<p>This public primary school site was included within the Urban Development zone prior to the approval of Amendment No. 172.</p> <p>Since the approval of Amendment No. 172, this site is now within a local scheme reserves for public purposes (education).</p>
Portion Lot 12302 (1204) Wanneroo Road, Ashby (on DP: 218998)	<p>The western portion of Lot 12302 provides the City of Wanneroo's Operations Centre (Depot) and is within a local scheme reserve for 'public purposes'. The eastern portion of this lot is located within the MRS reservation for 'Parks and Recreation'.</p> <p>Prior to the approval of Amendment No. 172, western portion of Lot 12302 was within a local scheme reserve for 'public use'. The 'public use' reservation was modified to 'public purposes' through Amendment No. 172.</p>

Amendment No. 172 did not interfere with MRS 'Parks and Recreation' regional reservations which remain in place over land in the subject area.

The approval of Amendment No. 172 did not result in any material changes to the DPS 2 mapping in relation to the land affected by ASP 77.

#### **4.2 Differences between Amendment No. 209 and ASP 3**

Amendment No. 209 generally takes the zoning, reservation and R-codings from the ASP 3 'structure plan' and 'zoning plan' maps – and proposes to impose those into DPS 2. There are, however, some minor variances between what Amendment No. 209 is proposing and what ASP 3 details, which the City considers are justified.

In investigating the history and approvals of previous structure plan amendments, the City identified some errors on the ASP 3 maps. What has been identified is detail on the ASP 3 mapping that:

- Is different to what was approved through previous structure plan amendments; and
- Has been added to the ASP 3 mapping over time, which cannot be tied back to the initial adoption of ASP 3 or any subsequent amendment.

In this regard, Administration has prepared the Scheme (Amendment) Maps, in consideration to both what ASP 3 is currently showing and the intended outcomes of previous planning considerations.

Some variances between what is proposed in Amendment No. 209 and what is shown in ASP 3 are listed in **Appendix 2**. Further departures from ASP 3 that the Amendment No. 209 proposal is making are identified and explained further in the following sub-sections of this report.

The City did not identify any such errors in the ASP 77 mapping in respect to zoning. The zoning detail in ASP 77, therefore, was imposed into the Amendment No. 209 proposal. As discussed in Section 4.8.3 below, R-codings were not nominated in ASP 77.

#### **4.3 Rezoning of Spite Strips**

The subject area contains numerous pedestrian accessway 'spite strips' Most of the spite strips are only 0.1 metres in width, and act as a legal mechanism to restrict vehicular access onto lots from adjoining roads. Spite strips are no longer used to restrict access to lots, with specific provisions under the *Planning and Development Act 2005* now used to control access to lots.

Although small, narrow and seemingly insignificant, spite strips are separate Crown Land parcels that do exist in the subject area. All the spite strips in the subject area are also currently zoned Urban Development under DPS 2. Amendment No. 209 needs to specifically attend to these spite strips, to ensure there are not 'strips' of Urban Development zoned land remaining throughout the subject area as a result of this amendment.

Therefore, for consistency, Amendment No. 209 also proposes to rezone the spite strips from Urban Development to a zone and R-coding that corresponds with what this amendment is proposing for the respective adjoining land parcels.

#### **4.4 Crown Land Reserve – Lot 1789 (59) Waldburg Drive, Tapping**

In preparing Amendment No. 209, the City identified Lot 1789 (59) Waldburg Drive, Tapping as a Crown Reserve for the purpose of 'communications'. Lot 1789 is 100m<sup>2</sup> in area and is currently zoned Urban Development under DPS 2.

Lot 1789 is in proximity to other Crown Land parcels located in an area surrounded by Waldburg Drive, Alvarez Parkway and Yandella Promenade, Tapping. The remaining land parcels in this immediate area are either already reserved under DPS 2 for 'Environmental Conservation' – or are proposed to be reserved for the purpose of 'Public Open Space' through Amendment No. 209.

The ASP 3 structure plan map designates Lot 1789 (and surrounding Crown Land parcels) as public open space. However, Lot 1789 is small in size, inaccessible due to fencing and is located in close proximity to more useable public open space on nearby Lot 3001 Alvarez Parkway. Therefore, it is not considered that Lot 1789 will provide a beneficial public open space function for surrounding residents; and as such, the land should be reserved for public purposes through Amendment No. 209.

#### **4.5 Rationale in Retaining Urban Development Zoning on Relevant Lots**

Although Amendment No. 209 seeks to normalise the zoning, local scheme reservation and R-codings over much of the subject area, the City considered it appropriate to retain the Urban Development zoning on certain land parcels. The Urban Development zoning remains over the following parts of the subject area:

- Lot 712 (309) Pinjar Road, Tapping (a freehold Water Corporation site). The land is surrounded by existing and proposed local scheme reserves. As Lot 712 is owned in freehold, it was considered appropriate that this lot remain in the Urban Development zoning through Amendment No. 209, rather than being placed in a local scheme reserve. Future considerations for the zoning or reservation of this lot may be made when the City prepares LPS 3 or at some other time in the future (e.g. when the structure plan is revoked).
- Larger landholdings in the ASP 3 area (over 2,000m<sup>2</sup> in area) which may be capable of further residential subdivision and development. It is proposed that these landholdings remain in the Urban Development zone to allow ASP 3 to continue providing the zoning and R-coding of these sites for the following reasons:
  - The purpose of a standard structure plan (such as ASP 3), as outlined in the deemed provisions, is to plan for the coordination of future subdivision and zoning of an area of land. An Urban Development zoning in DPS 2 is ideal for ASP 3 to continue having effect over the larger landholdings.
  - Structure plans are more flexible planning instruments in their application than a local planning scheme. As opposed to provisions in a local planning scheme, structure plans are non-binding and are to be applied with 'due regard'; and
  - Amending provisions, zoning and R-codings provided in a structure plan is also a less costly and time-consuming process for landowners to pursue – compared to the process of undertaking equivalent amendments to a local planning scheme.
- Public open space Crown Land parcels in the vicinity of the Mondrian Approach and Fomiatti Street intersection, as it is not known how this land could integrate with future subdivision or development of land immediately to the west.



#### **4.6 Community Purpose Site – 76 Ashley Road, Tapping**

As outlined previously in this report, Lot 1 (76) Ashley Road, Tapping is a freehold lot in the City's ownership, intended for community purposes. Currently, there is a Scouts hall that is under construction on Lot 1. Scouts WA lease the site, on an agreement with the City approved by its Council at its 15 February 2022 meeting (CS12-02/22).

Lot 1 is currently zoned Urban Development under DPS 2. ASP 3 then designates the Civic and Cultural zoning over Lot 1, which has been in place since the WAPC approved Amendment No. 27 to ASP 3 in September 2019. Council had authorised the City's Administration to prepare Amendment No. 27 through a resolution made at its 27 March 2018 meeting (CS10-03/18).

With the lease in place over Lot 1, the commencement of development of the site and the preparation of Amendment No. 209 to DPS 2, it is now timely to consider modifying the Urban Development zone over the site. This modification will be influenced by the removal of the Civic and Cultural zone from DPS 2.

Amendment No. 172 replaced the Civic and Cultural zone with a 'Civic and Community' local scheme reserve. The objectives of this form of local scheme reserve is as follows:

- *To provide for a range of community facilities which are capable with surrounding development.*
- *To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged and other services by organisations involved in activities for community benefit.*

Through Amendment No. 209, the City considers that the Civic and Community local scheme reserve is appropriate to be applied over Lot 1 for the following reasons:

- The City owns Lot 1 in freehold, and can direct what community groups or activities can occur over the site into the longer term; and
- The occupant of the site (Scouts WA) is providing a community benefit, in line with the objectives of the Civic and Community local scheme reserve as outlined above.

#### **4.7 Tapping Neighbourhood Centre – Clarkson Avenue, Tapping**

ASP 3 provides the planning framework for a neighbourhood centre on Lot 700 (2) Clarkson Avenue, Tapping. The centre is located between the corners of Clarkson Avenue/Wanneroo Road and Clarkson Avenue/Corvus Road, Tapping. With the exception of one drive-through food outlet on the northwestern portion of the site, Lot 700 is predominantly vacant. In preparing Amendment No. 209, the City considered the Commercial zone designated over the land in ASP 3 was appropriate to transfer over into DPS 2.

The ASP 3 structure plan map does not show an R-coding designation over the site. On review of the history of ASP 3 since its adoption, an initial designation of R20 over Lot 700 was never subject to further amendment. In designating an R-coding for Lot 700, R20 was not considered appropriate, given the only form of residential development capable of approval in the Commercial zone under DPS 2 is 'multiple dwellings'.

As Lot 700 is zoned Commercial and is a neighbourhood centre site, the City considered that the land should be subject to an R-coding higher than R20. A higher R-Coding should support multiple dwelling development that would be viable for developers and attractive for residents – yet have a built form capable of integrating with the neighbourhood centre and

surrounding residential area. Amendment No. 209, therefore, proposes an R-coding of R60 over the Tapping Neighbourhood Centre, in consideration of the following:

- The primary controls in the Residential Design Codes (Volume 2. Table 2.1), which sets the scale of development based on R-coding. The primary controls for R60 (including building height and plot ratio) are considered to best compliment the existing surrounding residential development and future commercial development in the neighbourhood centre; and
- The R-coding of R60 would match what already applies to residential subdivision immediately east of the centre.

## **4.8 Ashby Neighbourhood Centre**

### **4.8.1 Proposed Zoning for Ashby Neighbourhood Centre**

The entirety of the Ashby Neighbourhood Centre is subject to ASP 77 – a specific and localised structure plan, separate to ASP 3, that guides development of that centre. ASP 77 designates a Commercial zone over the entire Ashby Neighbourhood Centre.

As outlined in Section 2.1 above, most of the lots in the Ashby Neighbourhood Centre provide established development with varying land uses which are all permissible in the Commercial zone under DPS 2. Therefore, it is considered appropriate for Amendment No. 209 to impose a Commercial zoning through DPS 2 over the Ashby Neighbourhood Centre.

The only vacant lot within the ASP 77 area is Lot 9634 (10) Fomiatti Street, Ashby. Development on this lot has been approved by the JDAP, elements of which are discussed in the sub-sections below. The City (under delegated authority) has extended the date (to 29 March 2029) in which substantial commencement of development (subject to JDAP's approval) must occur.

### **4.8.2 Consideration of Permissibility for Storage Land Use**

In October 2020, the JDAP approved a mixed use development on Lot 9634. The mixed use development comprised of the following:

- A six-storey mixed use building on the western portion of the lot, fronting Fomiatti Street, consisting of:
  - Seven commercial tenancies on the ground floor;
  - 51 apartments and the associated communal spaces on the upper floors;
  - A secured parking area accessed from Fomiatti Street, consisting of 70 car bays, five motorcycle bays and 26 bicycle racks; and
  - Associated landscaping and bin stores.
- A two-storey Commercial building on the eastern portion of the lot consisting of:
  - Seven two-storey commercial tenancies;
  - 65 on-site parking bays (61 bays located at-grade and four located within the undercroft); and
  - Associated landscaping and bin stores.

Self-storage units (and associated office) were proposed in the undercroft of the two storey commercial building; however, this did not form part of JDAP's October 2020 approval. A subsequent amended approval was granted by the JDAP in March 2021 for the self-storage units and associated office.

The self-storage units were a subject of contention at the JDAP. In presenting the JDAP, the City officers argued that the activity fell under a 'storage yard' definition that was previously in DPS 2. The approval of Amendment No. 172 merged the 'storage yard' and 'warehouse' land use definitions to create a new 'warehouse/storage' land use. The storage yard land use was not permitted (or 'X') in the Commercial zone, as is the 'warehouse/storage' land use since Amendment No. 172 was approved. However, the JDAP approved this use, for its reason as outlined below:

*The proposal is considered to be an appropriate component of the approved development and is considered acceptable having due regard to the objectives of the Structure Plan and in accordance with the provisions of District Planning Scheme No. 2 and the Planning and Development (Local Planning Scheme) Regulations 2015. The specific land use, whilst not permissible within the Commercial zone, referred to in the Structure Plan, is capable of approval under the Urban Development zoning of DPS2, which is the zoning presiding over the land, and is considered appropriate in this specific context. As outlined in the Responsibility Authority Report, the proposal raises no material amenity concerns in terms of its use or daily function.*

As self-storage would not be an appropriate land use in every Commercial zoned lot, it is not proposed to make 'warehouse/storage' permissible over the ASP 77 area through Amendment No. 209. It is also considered that a proliferation of self-storage premises on multiple lots that are currently subject to ASP 77 would erode the function of the Ashby Neighbourhood Centre – which is to provide retail and services to the surrounding residential area. Development approval granted by the JDAP over Lot 9634 still provides the owner of that lot an ability to commence development and carry out self-storage activities through the non-conforming use provisions of DPS 2.

#### **4.8.3 Residential Density Consideration for the Ashby Neighbourhood Centre**

ASP 77 did not assign an R-coding over the land in that structure plan area. In reporting to the JDAP on the mixed use development for Lot 9634 (refer Section 4.8.2 above), the City's officers referred to the primary controls for the R-AC4 R-coding in the Residential Design Codes (Volume 2). The R-AC4 R-coding is designed to be used in neighbourhood centres. Particular reference in the City's reporting to the JDAP was made to plot ratio and building height for the following reasons:

- The development on Lot 9634 had proposed a building height of six storeys, exceeding the maximum three storey height prescribed as an acceptable development standard for R-AC4 in Table 2.1 of the Residential Design Codes (Volume 2); and
- The development on Lot 9634 had proposed a plot ratio of 1.64, exceeding the maximum plot ratio of 1.2 prescribed as an acceptable development standard for R-AC4 in Table 2.1 of the Residential Design Codes (Volume 2).

In the City's reporting, it was acknowledged that although the mixed use building was proposed to a height and scale that exceeded an 'acceptable outcome' for a neighbourhood centre, the proposed bulk and scale still satisfied the relevant element objectives of the Residential Design Codes, and was appropriate.

However, a similar bulk and scale may not be appropriate for development on other lots in the Ashby Neighbourhood Centre. As such, primary controls should be set at the R-AC4 standard (for neighbourhood centres) as a default across the centre. Under JDAP's development approval granted for Lot 9634, building height to six storeys is still allowed, regardless of any R-Coding controls that are placed on the land through Amendment No. 209 to DPS 2.

## **4.9 Maximum Retail Net Lettable Area**

As already detailed in this report, Amendment No. 209 seeks to rezone the Tapping Neighbourhood Centre and the Ashby Neighbourhood Centre sites from 'Urban Development' to 'Commercial'. Schedule 6 (Item No. 1) of DPS 2 prescribes that all land contained in Commercial zones shall specify a maximum retail net lettable area (in Schedule 7) which relates to retail floor area.

Maximum retail NLA for these commercial developments is proposed to be incorporated into Schedule 7 of DPS 2 through Amendment No. 209. The maximum retail NLA proposed for each of the two centres is the same as that currently provided in ASP 3 and ASP 77.

The City acknowledges that at a State planning level, there may be a shift away from prescribing maximum retail NLA in a local planning scheme. However, based on current DPS 2 provisions, the City argues that maximum retail NLA for the Ashby and Tapping centres be inserted into Schedule 7 of DPS 2 – at least in the interim. Having a listing for maximum retail NLA in the City's local planning scheme in the long term could be subject to separate considerations during the formulation of LPS 3.

## **4.10 Mixed Use Zone**

The land now comprising of Lot 75 (30) Roccella Loop and Lot 76 (14) Blackberry Drive, Ashby was designated Mixed Use through Amendment No. 26 to ASP 3 (approved by the WAPC in February 2018). Prior to that, the land was designated Residential (R80) through Amendment No. 22 to ASP 3.

Lot 75 now contains approved multiple dwelling development. Although Lot 76 is currently vacant, the JDAP approved a medical centre and office development on this site in February 2019. The City has extended the time in which substantial commencement of this development can occur, until February 2025.

The current zoning and R-Coding designations from ASP 3 are proposed to be applied in DPS 2 through Amendment No. 209. The Mixed Use zone proposed is considered to be in an appropriate location, as it will be complimentary to the commercial development in the Ashby Neighbourhood Centre to the south. Similarly, mixed use development is capable of not causing a significant detriment to nearby residential development, if controlled through the development application process.

## **4.11 Park Home Parks**

The ASP 3 area contains two park home park complexes, located at Lot 402 (48) Ashley Road, Tapping and Lot 100 (1140) Wanneroo Road, Ashby. These land parcels are within the Residential Precinct as shown on the ASP 3 'zoning plan' map and labelled as 'Park Home Parks' on the ASP 3 'structure plan' map.

In preparing Amendment No. 209, the City considered applying either of the following in DPS 2 over the park home park sites:

- A Residential zone, as the park homes are dwellings in which persons occupy and live in. An R-coding of R30 would accompany the Residential zone, as there are approximately 30 park homes per hectare of park home park land on both sites; or
- The Private Community Purpose zone, acknowledging the form of residential development on the park home park sites is not typical of that found in a Residential zone. In applying this zone, there would be no density controls applied through an R-

Coding; but rather, density of park homes would be controlled through the development approval process.

Regardless of the zone that is applied over the park home park sites through Amendment No. 209, all development on these sites (even minor developments such as annexes and patios to park homes) require development approval. The land use permissibility of the 'park home park' land use in DPS 2 has strongly influenced the City's decision as to which zone should apply over these sites.

Under the DPS 2 zoning table, 'park home park' is a discretionary (or 'D') use in the Private Community Purpose Zone and discretionary subject to advertising (or 'A') in the Residential zone. If the Residential zone was applied through Amendment No. 209, this would mean that every development in the park home park complexes (including annexes and patios) would be subject to advertising under the deemed provisions, before approval could be given. If the park home park sites were in the Private Community Purpose zone, then advertising for such development could be waived.

Therefore, in light of the above, the City considered it more appropriate to apply the Private Community Purpose zone over Lot 402 and Lot 100.

#### **4.12 Bushfire Planning Considerations**

Although parts of the subject area are designated as 'bushfire prone' by the Fire and Emergency Services Commissioner, Amendment No. 209 is not supported by a bushfire management plan or other supporting bushfire documentation for the following reasons:

- The amendments proposed to DPS 2 do not seek to intensify or increase the development potential of lots already allowed (or capable of approval) under ASP 3 and ASP 77;
- What is proposed in Amendment No. 209 should not increase the threat of bushfire on existing residents;
- The areas subject to rezoning through Amendment No. 209 have already undergone structure planning and subdivision, where bushfire planning considerations should have been undertaken;
- The bushfire planning framework requires a Bushfire attack level (BAL) assessment or other information to be prepared to support future development proposals or subdivision in bushfire prone areas. This can still occur should Amendment No. 209 proceed; and
- Amendment No. 209 does not seek to change the alignment of the existing or proposed access roads that provide access to a bushfire for an emergency vehicle – or access out by residents evacuating.

#### **4.13 Impact on Developer Contributions and Future of ASP 3**

Amendment No. 209 (and the subsequent amendment to ASP 3) has been prepared to not interfere with the ability to collect or retain development contributions from owners within East Wanneroo Cell 1. The proposal does not seek to change the boundaries of the Cell, identify lots which are no longer part of the ASP 3 (and thereby the Cell), or modify Schedule 14 of DPS 2 which sets out the development contribution arrangements. The proposal therefore should have no effect on the developer contribution arrangements in place.

Similarly, the normalisation of the zoning of land affected by ASP 77 (and subsequent revocation of that structure plan) also should not affect the development contribution arrangements in place for Cell 1.

Separate to Amendment No. 209, Council at its 15 August 2023 meeting resolved to prepare Amendment No. 208 to DPS 2 (Amendment No. 208). The purpose of Amendment No. 208 is to introduce operational timeframes for each of the City's nine East Wanneroo developer contribution cells. Amendment No. 208 proposes an operation closure date of 30 June 2027 for Cell 1 (in which the subject area relates). In future, further consideration will be given for the appropriate management procedure for the formal closure of Cell 1, which may include the revocation of ASP 3. It is expected that Amendment No. 208 be advertised toward the end of 2023.

## 5.0 Rationale for the Revocation of ASP 77

### 5.1 Initial Adoption and Amendments to ASP 77

At the time that ASP 3 was adopted, it denoted one neighbourhood centre on Ashley Road, Tapping. Amendment No. 11 to ASP 3, approved in September 2008, moved this centre to where the Ashby Neighbourhood Centre is now located. Amendment No. 11 to ASP 3 also designated a 'Centre' zone for the Ashby Neighbourhood Centre land.

As per the ASP 3 provisions in place since its adoption, no subdivision or development was to commence or carried out in the Centre zone until a further structure plan over that land was prepared and adopted. In response, the Ashby Neighbourhood Centre Local Structure Plan No. 77 (ASP 77) was subsequently prepared to guide subdivision and development of the centre. ASP 77 was initially adopted in August 2011.

ASP 77 has been subject to one amendment, adopted by the WAPC in March 2013, which relates to the following:

- An increase to the maximum retail NLA from 4,600m<sup>2</sup> to 7,100m<sup>2</sup>. A corresponding amendment to ASP 3 (Amendment No. 20) was also approved in March 2013; and
- The deletion of a requirement that restricted non-retail uses from fronting Blackberry Drive.

### 5.2 Existing ASP 77 Provisions

Development criteria in ASP 77 have been in place since the structure plan was initially adopted by the WAPC in August 2011. At that time, it was common for structure plans to provide development criteria for lots created through subdivision.

Providing development criteria in 'standard' structure plans is now inconsistent with the deemed provisions, contained in the Regulations. Since the adoption of ASP 77, the deemed provisions have redefined structure plans, and created two structure plan classes – 'precinct structure plans' and 'standard structure plans'. The deemed provisions define 'precinct structure plans' and 'standard structure plans' as follows:

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

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

ASP 77 was not adopted as a 'precinct structure plan'; and therefore, the City considers it as a 'standard structure plan'. By referring to the definitions above, only a 'precinct structure plan' should have provisions relating to the development of land.

The existing provisions in ASP 77 predominantly guide the development of the neighbourhood centre, as analysed further by the City in the table included in **Appendix 3**.

The City does not consider it necessary to retain ASP 77 in a manner that it becomes a 'precinct structure plan'. As development on land affected by ASP 77 has either been completed or is subject to development approval, the development provisions in ASP 77 will need to be applied extensively in the future.

If alternative development to that approved were to be pursued for Lot 9634 (after ASP 77 is revoked), it can be guided by:

- The design elements incorporated into existing developments within the surrounding Commercial zone, for consistency;
- The provisions of the Residential Design Codes (Volume 2), particularly if the development is solely residential – or incorporates both commercial and residential elements (mixed use);
- The relevant provisions of Schedule 6 of DPS 2 that relate to development in the Commercial zone; and
- Feedback and advice from the City’s Design Review Panel, which was established after the initial adoption of ASP 77.

### **5.3 WAPC Considerations to Revoke ASP 77**

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

As a result, a statement has been included within the Amendment No. 209 proposal prescribing that the WAPC’s approval of ASP 77 will need to be revoked pursuant to Regulation 35A(a). Detail justifying the inclusion of such a statement regarding ASP 77 is included throughout this report.

The revocation of ASP 77 should then be undertaken by the WAPC pursuant to Clause 29A(1) of the deemed provisions, following the approval of Amendment No. 209.



## **6.0 Rationale of Recommended Modifications to ASP 3**

### **6.1 Modifications to Structure Plan Maps**

An approval of Amendment No. 209 would render much of the detail in the ASP 3 'structure plan' and 'zoning plan' maps redundant. Zoning, density and land use controls in DPS 2 over the areas to be normalised under Amendment No. 209 will have force and effect. The equivalent detail in ASP 3 over the same areas will become redundant, as structure plans are considered 'due regard' in their application pursuant to Clause 27 of the deemed provisions.

Following the approval of Amendment No. 209, subsequent amendments to the ASP 3 maps will need to be made to remove the redundant detail over the normalised areas. The extent of the amendments that the City is recommending to the ASP 3 maps is provided in the Structure Plan (Amendment) Maps, incorporated into the resolution detail at the start of this document.

### **6.2 Deletion of Redundant Provisions**

The subsequent amendment to ASP 3, which the Regulations allow to be made following the approval of Amendment No. 209, provides the opportunity to have various provisions removed from the structure plan. The provisions in question are either already redundant due to a range of factors that have occurred over time – or will be made redundant through the approval of Amendment No. 209.

The ASP 3 provisions which the City considers will be redundant at the time Amendment No. 209 is approved are outlined below:

- ASP 3 still provides the following as a preamble:

*As provided for under the relevant 'Structure Plan' provisions of the scheme, this part of the Structure Plan has the same force and effect as if it was a provision, standard or requirement of the scheme.*

At the time that ASP 3 was initially adopted, DPS 2 allowed structure plans to have force and effect of the Scheme. However, this changed on the gazettal of the Regulations in October 2015, with the deemed provisions for local planning schemes (contained in Schedule 2 of the Regulations) now classing structure plans as 'due regard' planning documents. As the statement in the preamble is inconsistent with current planning legislation, the City is recommending its deletion.

- Following the approval of Amendment No. 209, the subsequent amendment to ASP 3 should modify the maps to (in part) delete all depiction of the Centre, Commercial, Mixed Use and Civic and Cultural zones. The corresponding ASP 3 text relating to these zones would therefore be redundant and should be deleted.

Other modifications or deletions to the ASP 3 text are discussed further in the following sub-sections.

### **6.3 Maximum Retail NLA**

As outlined in Section 4.9, Amendment No. 209 proposes to insert maximum retail NLA for the Tapping and Ashby Neighbourhood Centres into Schedule 7 of DPS 2.

The provisions in Section 3 are proposed to be amended to indicate that maximum retail NLA will be in accordance the Scheme. It is not anticipated any further centres will be

established in the subject area. Therefore, a maximum retail NLA schedule in ASP 3 will become redundant and can be deleted.

## 6.4 Residential Precinct

The ASP 3 Residential Precinct is situated over the area shown on the 'zoning plan' map (refer **Figure 2** in Section 1.1 above). R-codings of land in the Residential Precinct are then outlined on the ASP 3 'structure plan' map, which is provided within **Figure 1** (in Section 1.1 above). As discussed in Section 6.1 above, both maps in ASP 3 are being modified to identify land where zoning will be normalised through Amendment No. 209.

In light of modifications to the ASP 3 maps, the text in Section 4.1 of the structure plan (relating to the Residential Precinct) also requires adjustment. The proposed text modifications will separate the ASP 3 Residential Precinct from the land proposed to be included in the DPS 2 Residential zone through Amendment No. 209. The modified text will stipulate that the Residential Precinct will not relate to the land zoned Residential in the Scheme. This will then mean that:

- The zoning, land use permissibility and R-coding of land rezoned to Residential through Amendment No. 209 will be provided through DPS 2 and not the structure plan; and
- ASP 3 will continue to guide zoning and R-coding over land which will remain in the Residential Precinct (i.e. land that will not be rezoned from Urban Development through Amendment No. 209).

The provisions in ASP 3 defining 'objectives' for any rural land uses in the Residential Precinct will continue to apply. Although the objectives will not materially change, reference to the 'General Rural' zone in Objective (a) will be modified to 'Rural' to reflect the naming change of that zone as approved through Amendment No. 172.

Section 4.1.1 of the ASP 3 text was introduced through Amendment No. 23 to the structure plan, to guide subdivision requirements and the need for a local development plan over land formerly comprising of Lot 1001 Clarkson Avenue, Tapping. The provisions in Section 4.1.1 are outlined below:

- a) Subdivision and/or development of Residential zoned land annotated as 'C' on the structure plan map shall create a public access connection between Corvus Road and Hirundo Bend as depicted approximately on the structure plan map, that completes the established urban layout, provides accessibility to the Neighbourhood Centre and enables development frontage for pedestrian amenity and surveillance."*
- b) Corvus Road shall be designed to provide for embayment parking, footpaths and street trees on both sides of the street.*
- c) Prior to development or at subdivision of Residential zoned land annotated as 'C' on the structure plan map, a Local Development Plan is to be prepared, in accordance with the provisions of the Scheme.*
- d) In addition to any general matters required to be included in a Local Development Plan under the Scheme, the Local Development Plan in regard to Residential zoned land annotated as 'C' on the structure plan map, is to specify an appropriate mix of building types and built forms and respective building heights, setbacks, orientation and scale, that achieve the following objectives:*
  - *activation of street frontages on Corvus Road, from the extension of Hirundo Bend on Corvus Road to Clarkson Avenue;*

- *integration with surrounding residential development and commercial development in the Neighbourhood centre;*
- *passive surveillance of public interfaces; and*
- *creation of a pedestrian friendly environment and a strong and identifiable sense of place.*

The above provisions are now redundant for the following reasons:

- The public access connection mentioned in (a) above has been completed through subdivision. This occurred by extending Hirundo Bend and aligning it so it forms an intersection with Corvus Road. Development frontage for pedestrian amenity and surveillance has been achieved through residential lot configuration.
- Corvus Road has been designed to provide embayment parking and trees on both sides of the street. However, a footpath has been constructed to one side of the street only (on the residential side). The need for a footpath on the opposite side of the street (adjoining Lot 700) may be considered through further subdivision or development considerations of that land.
- A local development plan (Local Development Plan No. 3 – Lot 1001 Clarkson Avenue, Tapping) has been prepared to guide residential development outcomes, in consideration of the objectives prescribed in Section 4.1.1 (d) of ASP 3.

## 6.5 Local Development Plans

The City has approved nine detailed area plans (**DAP's**) or local development plans (**LDP's**) on land within the subject area. DAP's and LDP's are effectively the same planning instrument, and therefore will be referred to as LDP's in this sub-section.

**Appendix 4** contains a table that provides the status of the LDP's situated on land affected by ASP 3; including the approval date, expiry date and detail contained within each plan. None of the LDP's relate to land affected by ASP 77.

Part 6 of the deemed provisions stipulates how LDP's function in the planning framework. Under Clause 57 of the deemed provisions, the approval of an LDP generally has effect for a period of ten years from when the local government approves the plan. Also, under the deemed provisions, an LDP that was approved before 19 October 2015 is taken to be approved on that day.

Seven of the nine LDP's are due to expire in October 2025, with the two remaining LDP's expiring before the end of 2028. Unless the City extends the approval period, the effect of the LDP's will lapse on expiry. Until such time that the LDP's expire, the deemed provisions allow the LDP's to operate with or without ASP 3 being in place.

Most of the lots affected by the LDP's expiring in October 2025 have been developed, and therefore they have become less relevant instruments in the City's planning framework. However, Clause 58 of the deemed provisions provides the following should the City consider revoking the LDP's:

*The local government must not revoke approval of a local development plan unless this Scheme is amended so that the development to which the plan relates is a non-conforming use.*

The above deemed provision does not assist the City in pursuing any revocation of the LDP's within the ASP 3 area at this time, as there are no non-conforming uses that exist on land parcels affected by LDP's. There are no other legal mechanisms to revoke the LDP's; and as such, the City considers that they must all remain in place until their expiry.

The two remaining LDP's within the ASP 3 area that expire after October 2025 relate to the Tapping Neighbourhood Centre site – and the R60 residential development on the former Lot 1001 Clarkson Avenue, Tapping. The residential development on the former Lot 1001 is almost completed, and therefore the LDP over that land is becoming less relevant. The Tapping Neighbourhood Centre site is still predominantly vacant; and therefore, the built form provisions on the LDP still have significant relevance as this site develops.

## 6.6 Detailed Area Plan – Ashby Village

One of the seven LDP's due to expire in October 2025 (Detailed Area Plan – Ashby Village) relates to an area subject to specific ASP 3 built form provisions. The Detailed Area Plan – Ashby Village is provided as **Figure 4** overleaf.

This DAP was approved by the City in December 2012, and guided residential development to an R40 and R60 standard across its relevant area. However, since the DAP was approved by the City, the land depicted as R60 on the DAP has been subject to the following amendments to ASP 3:

- Amendment No. 22 to ASP 3, approved by the WAPC in February 2015, which recoded the R60 areas within the DAP area to R80. The new R80 area was split into areas 'A' and 'B', which were then subject to separate boundary wall and overall building height requirements inserted into the structure plan; and
- Amendment No. 26 to ASP 3, approved by the WAPC in February 2018, which rezoned part of the R80 area from 'Residential' to 'Mixed Use'.

The areas shown as R40 on the DAP are now fully developed and were not affected by Amendment No. 22 or Amendment No. 26 to ASP 3.

As such, there are inconsistencies with the provisions of the Residential Design Codes (**R-Codes**), the DAP and Section 7 of ASP 3 in respect to open space and building heights. Further inconsistencies and confusion would arise once ASP 3 is amended (as proposed) to delete building height requirements. The differing open space and height requirements of the R-Codes, the DAP and ASP 3 are outlined in the table below:

Design Element	DAP Provision	ASP 3 Provision	R-Code (Volume 1) Provisions for R80 <i>(Provisions differ in Volume 2)</i>
Open Space	40% (min)	Not Prescribed	30% (min)
Boundary Wall Heights (ASP 3 Area 'A')	Two storeys	3.5 metres (max)	3.5 metres (max)
Boundary Wall Heights (ASP 3 Area 'B')	Not Prescribed	7.0 metres (max)	3.5 metres (max)
Building Wall Height (ASP 3 Area 'A')	Two storeys (min)	6.0 metres (max) (or 2 storeys)	7.0 metres (max)
Building Wall Height (ASP 3 Area 'B')	Three storeys (max)	9.0 metres (max) (or 3 storeys)	7.0 metres (max)

**SPECIAL PROVISIONS**

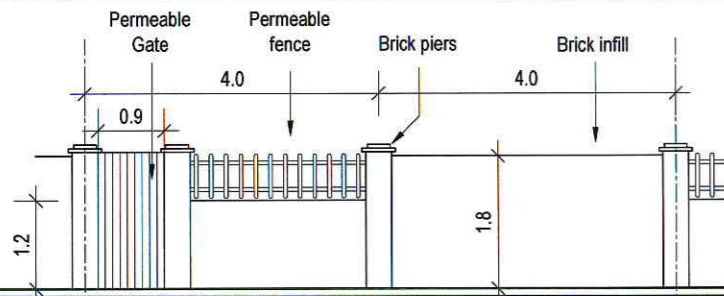
The requirements of the Residential Design Codes apply unless otherwise provided for below. The following standards represent variations to the Residential Design Codes and operate as Acceptable Development requirements.

R40 Lots	Variations
Minimum Open Space	40% subject to: <ul style="list-style-type: none"> <li>Provision of an outdoor living area (to the requirements of the R-Codes) located on the northern or eastern boundary, directly accessible from a habitable room.</li> <li>Any boundary wall to be built on the southernmost or westernmost side boundary to the standards of the R-Codes.</li> <li>Minimum 1.5m solar side setback to walls containing major openings. Where solar side boundary walls do not contain openings, a minimum nil setback is permitted to the northern boundary (with the exception of lots 20, 30, 55 and 65), in addition to any boundary wall/s which may be developed up to the southern boundary.</li> </ul>
Building Setbacks	<p><b>Lots 20, 30-39 &amp; 46-54</b> Minimum 3.0m, maximum 6.0m street setback (no average setback applicable).</p> <p><b>Lots 21, 23, 24, 26, 27, 29 &amp; 40-45</b></p> <ul style="list-style-type: none"> <li>Minimum 1.5m front setback.</li> <li>Garages to be setback 2.0m minimum.</li> <li>Minimum 2.0m setback to common property (no average setback applicable).</li> </ul> <p><b>Lots S1-S12 &amp; S15-S17</b></p> <ul style="list-style-type: none"> <li>Minimum private street setback to be 2.0m (no average setback applicable)</li> </ul> <p><b>Lots S13 &amp; S14</b></p> <ul style="list-style-type: none"> <li>Minimum private street setback to be 2.0m (no average setback applicable)</li> <li>Minimum setback from common property visitor parking area to be 1.0m. Nil setback to northern and southern boundaries with common property visitor parking areas. The 1.0m setback area is to be landscaped.</li> </ul> <p><b>All R40 Lots excluding Lot 111</b></p> <ul style="list-style-type: none"> <li>Nil setback to one side boundary permitted for full length of boundary excluding front &amp; rear setbacks.</li> </ul>

R60 Lots	Variations
Minimum Open Space	40% subject to: Provision of an outdoor area on northernmost or easternmost boundary. Area & dimensions as per R-Codes. For the purposes of calculating open space, any alfresco area open on at least one side shall count as open space.
Building Setbacks	<p><b>Lots 55-74</b> Ground Floor &amp; Upper Floor</p> <ul style="list-style-type: none"> <li>Nil setback to both side boundaries permitted.</li> </ul>
Building Heights	<p><b>Lots 55-74</b> Minimum 2 storeys development.</p> <p><b>Lots 75-77 &amp; 82-85</b> Maximum height of 3 storeys or 10.5m to top of external wall (whichever is the lesser).</p>

**TYPICAL FENCE DETAIL**

1:100



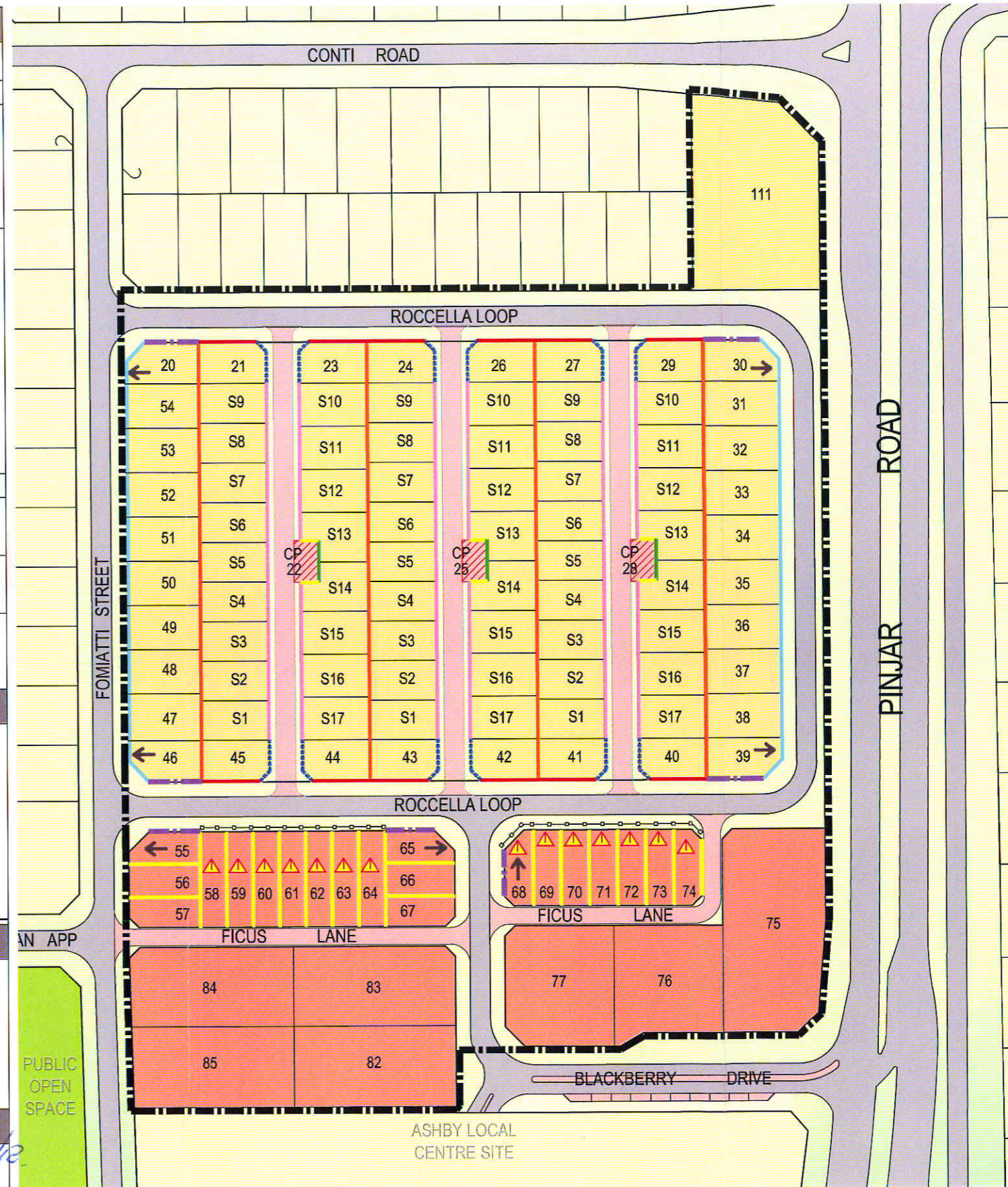
**LEGEND**

DAP border	Min 2.0m front setback. No averages apply	Fence required (Refer Detail)
Primary dwelling orientation	Min 1 major opening to a habitable room	Passive surveillance from upper floor to primary street
Min 3m front setback, max 6m setback, no averages apply	Min 2.0m setback. No averages apply	R40 Zoning
1m rear setback / side setback	Min 1.0m setback from visitor parking area to be landscaped.	R60 Zoning
Min 1.5m front setback. Garages to be setback 2.0m minimum. No averages apply. Main entrance to building from this frontage	Nil setback permitted	Common Property
	Visitor Parking in Common Property	

**ENDORSEMENT TABLE**

This Detailed Area Plan has been endorsed by Council under clause 9.14.3(a) of District Planning Scheme No. 2

Manager Planning Implementation: *[Signature]* Date: *14/12/12*  
City of Wanneroo



DETAILED AREA PLAN

ASHBY VILLAGE

SCALE 1:1,500 @ A3  
DATE 4 December 2012  
FILE 121204 2530 DAP.dwg  
REVISION 17/KG/Council Changes/04.12.12  
16/GW/WW-Add Endorsement Table/09.11.12  
15/KG/WW-Minor Changes/31.10.12

**FIGURE 4**



**PLANNING SOLUTIONS**

URBAN & REGIONAL  
PLANNING

PERTH  
A: 205 Fitzgerald Street, Perth WA 6000  
T: (08) 9227 7970  
F: (08) 9227 7971  
P: PO Box 8701 PERTH BC WA 6849

MELBOURNE  
A: Level 4, 395 Collins Street, Melbourne VIC 3000  
T: (03) 9999 1500  
F: (03) 9800 1477

E: admin@planningsolutions.com.au  
W: www.planningsolutions.com.au  
ACN 143 573 184 ABN 23 143 573 184  
Planning Solutions Austral Pty Ltd

The City intends to respond to the planning inconsistencies, and alleviate the confusion, by amending the DAP. Amendments to the DAP will be undertaken once Amendment No. 209 is approved and the subsequent amendment to ASP 3 is completed by the WAPC. At that time, it is anticipated that WAPC will have a clearer direction on the medium-density housing codes which were intended to be gazetted in September 2023, but are currently deferred indefinitely.

### **6.7 WAPC Consideration to Amend ASP 3**

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

As a result, a statement has been included within the Amendment No. 209 proposal prescribing that ASP 3 will need to be amended by the WAPC pursuant to Regulation 35A(b). Detail justifying the inclusion of such a statement regarding ASP 3, and the amendments proposed, is included throughout this report.

The amendment to ASP 3 should then be undertaken by the WAPC pursuant to Clause 29A(2) of the deemed provisions, following the approval of Amendment No. 209. Neither Clause 29A(2) of the deemed provisions, or Regulation 35A(b) limit the extent of the amendments to a structure can be undertaken in this instance. As documented in this report, the City considers the amendment to ASP 3 as an opportunity to resolve inconsistencies and remove redundant text from the structure plan, regardless of whether or not it directly relates to the elements of the Amendment No. 209 proposal.

### **6.8 Extension of the ASP 3 Approval Duration Period**

Under Clause 28 of the deemed provisions, a structure plan has effect for a period of ten years, unless another period of time is determined by the WAPC. For structure plans approved prior to 19 October 2015 (which ASP 3 was), the approval duration under the deemed provisions is set to expire on 19 October 2025.

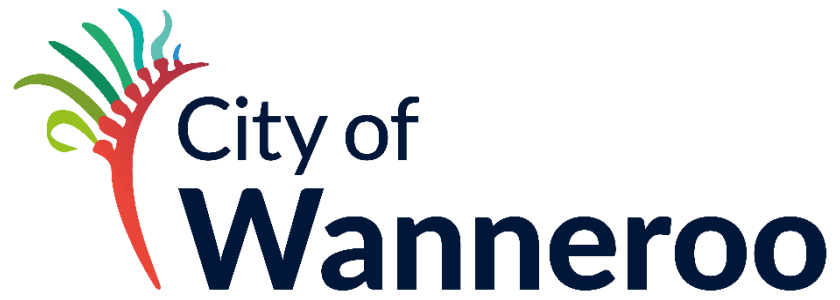
The deemed provisions outline the possibility for the duration of a structure plan to be extended. In this case, the City will seek the WAPC's approval for the approval duration of ASP 3 to be extended to 30 June 2027. This will allow additional time for the subdivision of the undeveloped areas to occur.

## 7.0 Conclusion

Amendment No. 209 to the City of Wanneroo District Planning Scheme No. 2 has been prepared as a 'standard' amendment in the context of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). Amendment No. 209 seeks to address and normalise the zoning and R-coding over established areas affected by the City's East Wanneroo Cell 1 (Tapping and Ashby) Agreed Local Structure Plan No. 3 (ASP 3) and Ashby Neighbourhood Centre Agreed Structure Plan No. 77 (ASP 77).

The Amendment No. 209 proposal also includes a statement, pursuant to the Regulations, which prompts the WAPC to amend ASP 3 and revoke ASP 77. Amendments the City is recommending to ASP 3 include modification to the structure plan maps to coincide with Amendment No. 209 – and to adjust the ASP 3 text to resolve inconsistencies and remove redundant text.

The City is hopeful that this Report assists the WAPC in explaining the purpose and detail of Amendment No. 209 (and subsequent amendment to ASP 3) – and assists in providing for a prompt and favourable consideration of what is proposed.



## **APPENDIX 1**

Track Change Version of ASP 3 Text



**AGREED STRUCTURE PLAN**

**EAST WANNEROO CELL 1**

**(TAPPING AND ASHBY)**

**(As Amended)**

**Structure Plan No. 3**

**This Structure Plan is prepared under the provisions of the City of Wanneroo  
Town Planning Scheme**

# PART 1 STATUTORY PLANNING SECTION

~~As provided for under the relevant 'Structure Plan' provisions of the scheme, this part of the Structure Plan has the same force and effect as if it was a provision, standard or requirement of the scheme.~~

## SUBJECT AREA

The Structure Plan area includes approximately 61 private landholdings comprising approximately 306 hectares (ha) and 6 crown reserves.

### 1. ZONES

Plan 1 : 'The Zoning Map'.

### 2. AGREED STRUCTURE PLAN

Plan 2 : The 'Agreed Structure Plan'.

### 3. RETAIL FLOORSPACE (NLA)

Retail floorspace (NLA) for the Structure Plan will be in accordance with the Scheme following Schedule 1.

#### **SCHEDULE 1: RETAIL FLOORSPACE PROVISION**

<b>NEIGHBOURHOOD CENTRE</b>	<b>MAXIMUM NET LETTABLE AREA (ROUNDED TO THE NEAREST 50 m<sup>2</sup>)</b>
<b>Lot 9608 Pinjar Road, Ashby</b>	<b>7100 m<sup>2</sup></b>
<b>Lot 19 Clarkson Avenue, Tapping</b>	<b>4300 m<sup>2</sup></b>

### 4. PROVISIONS

#### 4.1 RESIDENTIAL PRECINCT:

~~The permissibility of uses are to be in accordance with the Residential Zone as specified under the scheme. Rural development involving high capital investment, offensive trades, mushroom farms and/or of a long term nature will generally be discouraged. Other Rural uses may be considered. Unless otherwise identified on Plan 2 'The Local Structure Plan' the residential density to apply to this precinct is R20.~~

This section relates to the 'Residential Precinct' where shown on Plan 2 (Zoning Plan). Unless otherwise identified on Plan 1 (Structure Plan), the residential density to apply in this precinct is R20.

In the context of this structure plan, the Residential Precinct does not relate to land which is zoned Residential under the Scheme.

The permissibility of uses in the 'Residential Precinct' is to be in accordance with the Residential Zone as specified under the Scheme. Rural development involving high-capital investment, offensive trades, mushroom farms and/or of a long term nature will not be supported. Other rural uses may be considered.

#### Objective/s

To promote residential development whilst allowing for rural uses and development if it is considered that such uses will not compromise the intention to develop the precinct for residential purposes in the medium and longer term.

In assessing a rural use application within this precinct, consideration will be given to:

- a) referring the applicants to areas set aside for ~~General~~Rural under the scheme;
- b) imposing a time limit on the period for which the approved development may be carried out and the preparation and execution of a legal agreement, at the landowner/s expense, between the landowner/s and Council to the effect; and/or
- c) refusing the application if it is considered likely to prejudice the future planned use of the land;
- d) proximity of urban development to the subject land;
- e) the ability of the land to be used for residential purposes in the immediate future in light of servicing and other constraints;
- f) other appropriate factors.

#### **4.1.1 Subdivision and Development Requirements**

- ~~a) Subdivision and/or development of Residential zoned land annotated as 'C' on the structure plan map shall create a public access connection between Corvus Road and Hirundo Bend as depicted approximately on the structure plan map, that completes the established urban layout, provides accessibility to the Neighbourhood Centre and enables development frontage for pedestrian amenity and surveillance."~~
- ~~b) Corvus Road shall be designed to provide for embayment parking, footpaths and street trees on both sides of the street.~~
- ~~c) Prior to development or at subdivision of Residential zoned land annotated as 'C' on the structure plan map, a Local Development Plan is to be prepared, in accordance with the provisions of the Scheme.~~
- ~~d) In addition to any general matters required to be included in a Local Development Plan under the Scheme, the Local Development Plan in regard to Residential zoned land annotated as 'C' on the structure plan map, is to specify an appropriate mix of building types and built forms and respective building heights, setbacks, orientation and scale, that achieve the following objectives:
  - ~~activation of street frontages on Corvus Road, from the extension of Hirundo Bend on Corvus Road to Clarkson Avenue;~~
  - ~~integration with surrounding residential development and commercial development in the Neighbourhood centre;~~
  - ~~passive surveillance of public interfaces; and~~
  - ~~creation of a pedestrian friendly environment and a strong and identifiable sense of place.~~~~

#### **4.2 BUFFER PRECINCT:**

Based on the Western Australian Planning commission's Statement of Planning Policy No.5 – Poultry Farms, a 500 metre buffer precinct from the poultry sheds at Lot 39 Pinjar Road, Mariginiup is proposed.

Whilst it is generally intended that land uses within the Buffer Precinct will be guided by the Agreed Structure Plan, prior to the Council issuing a use or development approval, or, giving subdivision support to an application within the Buffer Precinct (i.e.; within 500 metres of the activity requiring the buffer measured from the boundary of the lot containing the activity or from a point determined by Council) the Agreed Structure Plan will need to be modified to remove the Buffer Precinct zoning and replace it with an appropriate zoning e.g., Residential Precinct. Such a modification will only be supported by Council if either:

- a) the activity requiring the buffer has ceased operating indefinitely; or
- b) the applicant can clearly demonstrate that the odour and/or other impacts associated with the activity can be ameliorated or do not impact on the land subject to the proposed modification to the satisfaction of Council, Western Australian Planning Commission (WAPC) and the Department of Water and Environmental Regulation.~~Protection (DEP).~~”

Consideration of Rural uses within the Buffer Precinct are the same as those in the Residential Precinct.

### **4.3 — CENTRE ZONE**

~~In accordance with the provisions of ‘the Centre Zone’ under the Scheme, no subdivision or development should be commenced or carried out in a Centre Zone until a Structure Plan for the land included in the Centre Zone has been prepared and adopted under the provisions of the Scheme. The permissibility of uses in the Centre Zone shall be determined in accordance with the provisions of the Agreed Structure Plan.~~

### **4.43 ENVIRONMENTAL PROVISIONS**

- a) Prior to undertaking any earthworks or development of the land, the landowners shall demonstrate to the satisfaction of the City of Wanneroo and the Western Australian Planning Commission that no land use activities which may have led to soil contamination/land pollution have occurred on the subject land, or, undertake a Soil Contamination Assessment of the land, at the landowners’ cost, to determine the presence or absence of soil contamination to the satisfaction of the Department of Water and Environmental Regulation.~~Protection~~
- b) Should any soil contamination be identified in the soil contamination assessment, a Site Remediation and Validation Report for the subject land shall be prepared at the landowners’ cost by the developer/subdivider and remediation works shall be undertaken at the landowners’ cost for all identified contamination and should be validated as being free of contamination above acceptance guidelines to the satisfaction of the Department of Water and Environmental Regulation.~~Protection~~, prior to undertaking any earthworks or development of the land.
- c) The subdivider/landowner shall demonstrate to the satisfaction of the City of Wanneroo and the Western Australian Planning Commission that surface water drainage within subject land will be disposed of in a manner that minimises the impacts on the nearby significant wetlands, including potential surface water contamination.
- d) At the subdivision stage the landowner shall review the existing geotechnical information and undertake further site investigation to confirm the nature and extent of karst landform within the subdivision/development application area. This review shall be completed to the requirements of the City of Wanneroo on advice from the Department of Water and Environmental Regulation.~~Protection~~—prior to the consideration of any subdivision/development application.

## **4.5 — COMMERCIAL ZONE**

### **Objective:**

To make provision for a Neighbourhood Centre that includes retail uses to service the daily needs of the community, and activates the street environment on Corvus Road and on the intersection of Corvus Road with Clarkson Avenue.

### **4.5.1 Subdivision and Development Requirements**

- a) Prior to development of the Neighbourhood Centre annotated as 'D' on the structure plan map, a Local Development Plan is to be prepared, in accordance with the provisions of the Scheme.
- b) In addition to any general matters required to be included in a Local Development Plan under the Scheme, the Local Development Plan in regard to the Neighbourhood Centre 'D', is to specify:
  - i) an appropriate mix of building types and built forms and respective building heights, setbacks, orientation and scale, that achieve the following objectives:
    - activation of street frontages on Corvus Road and on the intersection of Corvus Road with Clarkson Avenue;
    - integration with established and proposed residential development on Corvus Road;
    - passive surveillance of public interfaces/public spaces;
    - creation of a pedestrian friendly environment and a strong and identifiable sense of place;
  - ii) a plaza/civic space, as appropriate to the neighbourhood scale, and
  - iii) completion of the pedestrian movement network by providing a continuous pedestrian thoroughfare between Corvus Road and public transport stop(s) on Wanneroo Road, through the subject site.

## **4.6 — MIXED USE ZONE**

The permissibility of uses is to be in accordance with the Mixed Use Zone as specified under the Scheme.

### **Objectives**

The objectives of the Mixed Use Zone are to be in accordance with the objectives specified under Clause 3.5.3 of the Scheme.

### **Criteria**

Criteria to be satisfied in this zone are:

- a) The provisions of the Mixed Use Zone in the Scheme and of the relevant residential density provisions as indicated on Plan 2 'The Local Structure Plan' shall apply to this zone;
- b) Building heights are to be consistent with clause 7;

~~e) Vehicle access from Blackberry Drive is permitted for non-residential developments.~~

#### ~~4.7 CIVIC AND CULTURAL ZONE~~

~~The permissibility of uses is to be in accordance with the Civic and Cultural Zone as specified under the Scheme.~~

##### ~~Objectives~~

~~4.7.1 The objective of the Civic and Cultural Zone is to make specific provision for public facilities such as government offices, halls, theatres and art galleries.~~

~~4.7.2 Although many of the uses permitted in the Civic and Cultural Zone may be equally appropriate in the Centre Zone, it is provided as a separate zone to stand in its own right should the need arise.~~

#### **5. INFRASTRUCTURE CONTRIBUTIONS**

- a) The contributions to be made by an owner for the implementation of the Cell Works shall be determined in accordance with the scheme.
- b) Cell Costs shall be reviewed in accordance with the relevant Scheme provisions relating to the 'Revision of Cell Costs'.
- c) Current rate of contribution for Cell 1 and the associated breakdown of costs can be obtained from the City of Wanneroo.

## 6. PUBLIC OPEN SPACE (POS) PROVISION

The following Schedule 21 details the Public Open Space (POS), which is to be provided by landholders for each lot within Cell 1. The POS allocation reflects the distribution of POS on the Agreed Local Structure Plan for Cell 1.

### **SCHEDULE 2—1 PUBLIC OPEN SPACE (POS) PROVISION: CELL 1**

<b>Public Open Space</b>	<b>Lot No</b>	<b>Extent (ha)</b>
1AA	Cedarwoods Estate	1.0906
	<b>Sub Total</b>	<b>1.0906</b>
1AB	Cedarwoods Estate	0.7017
	<b>Sub Total</b>	<b>0.7017</b>
1B	Res 27294 (Extg)	0.8654
	Lot 2706 Pinjar Road	1.1848
	Lot 12 Clarkson Avenue	0.0374
	<b>Sub Total</b>	<b>2.0876</b>
1C	Lot 25 Ashley Road	
	Lot 2714 Ashley Road	5.7841
	Res 27294 (Extg)	1.0576
	Lot 2706 Pinjar Road	0.6267
	Lot 12 Clarkson Avenue	1.2118
	<b>Sub Total</b>	<b>8.6802</b>
1D	Lot 2706 Pinjar Road	3.9890
	<b>Sub Total</b>	<b>3.9890</b>
1E	Lot 500 Conti Road	2.2214
	<b>Sub Total</b>	<b>2.2214</b>
1F	Lot 20 Carosa Road	0.3944
	Lot 501 Conti Road	0.4440
	Lot 21 Carosa Road	0.6060
	Lot 18 Pinjar Road	0.1338
	<b>Sub Total</b>	<b>1.5782</b>
1G	Lot 25 Pinjar Road	0.0186
	Lot 24 Pinjar Road	0.3960
	Pt Lot 15 Pinjar Road	0.0855
	<b>Sub Total</b>	<b>0.5001</b>
1H	Lot 2706 Pinjar Road	0.4219
	Lots 1 & 2 Conti Road	0.6370
	<b>Sub Total</b>	<b>1.0589</b>
1J	Res 27071 (Extg)	3.7206
	Closed Road	0.4109
	<b>Sub Total</b>	<b>4.1315</b>
1K	Lot 1 Pinjar Road	0.6754
	<b>Sub Total</b>	<b>0.6754</b>
1L	Lot 4 Conti Road	0.2552
	<b>Sub Total</b>	<b>0.2552</b>
1M	Lot 2707 Conti Road	0.9629
	<b>Sub Total</b>	<b>0.9629</b>
Community Purpose Site	Lot 25 Ashley Road	0.5000
	<b>Sub Total</b>	<b>0.5000</b>
	<b>Total POS Provision</b>	<b>28.4327</b>

## ~~7. RESIDENTIAL DESIGN CODE VARIATIONS~~

~~In the R80 area designated 'A' on the structure plan map, development shall be a minimum of two storeys and a maximum of two storeys.~~

~~In the R80 area designated 'B' on the structure plan map, development shall be a maximum of three storeys.~~

~~In line with the above, Table 4 of the Residential Design Codes is hereby varied so that the requirements set out in Table 1 below constitute deemed-to-comply requirements within the Structure Plan area and which do not require neighbour consultation and planning approval.~~

~~TABLE 1 – RESIDENTIAL DESIGN CODE VARIATIONS~~

R-Code	Maximum Height (m)			Maximum height of walls built up to boundary (m)	
	Top of external wall	Top of external wall (concealed roof)	Top of pitched roof	Maximum height	Average
<del>80 (A)</del>	<del>6</del>	<del>7</del>	<del>9</del>	<del>3.5</del>	<del>3</del>
<del>80 (B)</del>	<del>9</del>	<del>10</del>	<del>12</del>	<del>7</del>	<del>6</del>





## **APPENDIX 2**

Variances Explained between  
Amendment No. 209 and ASP 3

## Justification of Variances between ASP 3 and Proposed Amendment No. 209 to DPS 2

Property Detail	Land Area (sqm)	ASP Map Showing?	IntraMaps Showing?	What it should be in ASP 3 and why?	Development on Property	Solution for Amendment No. 209 to DPS 2
Lot 700 (2) Clarkson Avenue, Tapping	18818	Neighbourhood Centre/ Commercial Zone	Commercial (R60)	Neighbourhood Centre/ Commercial Zone as per Amendment No. 12, 21 and 25.  No amendment imposed an R- Code over the land. Therefore, the site is technically coded R20 as per what is shown on the original ASP 3.	Drive-Through Food Outlet in northwestern corner. Remainder of the lot is vacant.	Apply the <b>Commercial (R60) Zone</b> as discussed in Section 4.7 of the Scheme Amendment Report.
Lot 295 (28) Lyssos Way, Tapping	722	Residential (R20)	Residential R20	Part Residential R20 and part Residential R30, as per the original approval of ASP 3 (refer to <b>Issue Maps 1</b> ).	Single House assessed as R20 (BA2009/4443)	Recognising what the density code should be, apply <b>Residential R20</b> as this density code covers a greater percentage of the site.
Lot 306 (1) Tadorna Entrance, Tapping (Now subdivided)	1523	Residential (R40)	Residential R40	Part Residential R20 and part Residential R40, as per the original approval of ASP 3 (refer to <b>Issue Maps 1</b> ).	Six Grouped Dwellings assessed as R40 (DA2006/234)	Recognising what the density code should be, apply <b>Residential R40</b> as this density code covers a greater percentage of the site.
Lot 414 (3) Pintail Pass, Tapping	607	Part Residential (R20) Part Residential (R40)	Residential R20 & R40	Part Residential R20 and part Residential R40, as per Amendment No. 3 to ASP 3 (refer to <b>Issue Maps 2</b> ).	Single House assessed as R20 (BA2007/2940)	Recognising what the density code should be, apply <b>Residential R40</b> as this density code covers a greater percentage of the site.
Lot 413 (5) Pintail Pass, Tapping	583	Residential (R20)	Residential R20		Single House assessed as R20 (BA2005/5872)	Recognising what the density code should be, apply <b>Residential R20</b> as this density code covers a greater percentage of the sites.
Lot 396 (46) Clarkson Avenue, Tapping	600				Single House. Unclear what density code development was assessed at.	
Lot 1477 (5) Meneguz Drive, Tapping (now subdivided)	1244	Residential (R40)	Residential R40	Part Residential R20 and part Residential R40, as per Amendment No. 3 to ASP 3 (refer to <b>Issue Maps 3</b> ).	Five Grouped Dwellings assessed as R40 (DA2009/106)	Recognising what the density code should be, apply <b>Residential R40</b> as this density code covers a greater percentage of the sites.
Lot 1461 (21) Oriole Way, Tapping (now subdivided)	1565				Five Grouped Dwellings assessed as R40 (DA2007/807)	
Lot 1451 (72) Clarkson Avenue, Tapping	659	Residential (R20)	Residential R20	Part Residential R20 and part Residential R40, as per Amendment No. 3 to ASP 3 (refer to <b>Issue Maps 3</b> ).	Single House assessed as R20 (BA2006/4417)	Recognising what the density code should be, apply <b>Residential R20</b> as this density code covers a greater percentage of the sites.
Lot 1452 (74) Clarkson Avenue, Tapping	763	Residential (R20)	Residential R20	Part Residential R20 and part Residential R40, as per Amendment No. 3 to ASP 3 (refer to <b>Issue Maps 3</b> ).	Single House assessed as R20 (BA2006/3243)	
Lot 1453 (76) Clarkson Avenue, Tapping	761	Residential (R20)	Residential R20	Part Residential R20 and part Residential R40, as per Amendment No. 3 to ASP 3 (refer to <b>Issue Maps 3</b> ).	Single House assessed as R20 (BA2008/5047)	

## Justification of Variances between ASP 3 and Proposed Amendment No. 209 to DPS 2

Property Detail	Land Area (sqm)	ASP Map Showing?	IntraMaps Showing?	What it should be in ASP 3 and why?	Development on Property	Solution for Amendment No. 209 to DPS 2
Lot 434 (14) Farnsworth Approach, Tapping	604	Residential (R20)	Residential R20	Part Residential R20 and part Residential R30, as per Amendment No. 2 to ASP 3 (refer to <b>Issue Maps 4</b> ).	Single House assessed as R20 (BA2007/4378)	Recognising what the density code should be, apply <b>Residential R20</b> as this density code covers a greater percentage of the sites.
Lot 419 (17) Coolidge Gardens, Tapping	662				Single House. Unclear what density code development was assessed at. (BA2013/4656)	
Lot 416 (47) Eiffel Circuit, Tapping	422	Residential (R30)	Residential R30		Single House assessed as R20 (BA2009/874)	Recognising what the density code should be, apply <b>Residential R30</b> as this density code covers a greater percentage of the site.
Lot 815 (125) Waldburg Drive, Tapping	550	Residential (R30)	Residential R30	Residential R40, as shown on the original ASP 3 maps. There have been no subsequent amendments to ASP 3 affecting these lots.	Single House. Unclear what density code development was assessed at. (BA2007/5995)	Apply <b>Residential R40</b> , as it was on the original ASP 3 mapping.
Lot 816 (123) Waldburg Drive, Tapping	559				Single House. Unclear what density code development was assessed at. (BA2007/4772)	
Lot 817 (121) Waldburg Drive, Tapping	566				Single House. Unclear what density code development was assessed at. (BA2008/928)	
Lot 815 (119) Waldburg Drive, Tapping	589				Single House. Unclear what density code development was assessed at. (BA2008/1352)	
Lot 819 (7) Backman Road, Tapping	584				Residential (R20)	
Lot 820 (5) Backman Road, Tapping	576	Single House assessed as R20 (BA2007/2621)				
Lot 821 (3) Backman Road, Tapping	576	Single House assessed as R20 (BA2007/3985)				
Lot 822 (1) Backman Road, Tapping	574	Single House. Unclear what density code development was assessed at. (BA2008/1622)				

## Justification of Variances between ASP 3 and Proposed Amendment No. 209 to DPS 2

Property Detail	Land Area (sqm)	ASP Map Showing?	IntraMaps Showing?	What it should be in ASP 3 and why?	Development on Property	Solution for Amendment No. 209 to DPS 2
Lot 576 (35) Ginsburg Turn, Tapping	386	Residential (R30)	Residential R30	Residential R20 as per Amendment No. 2 to ASP 3 (refer to <b>Issue Maps 5</b> ).	Single House. Unclear what density code development was assessed at. (BA2008/351)	There was no formal structure plan amendment process to apply R30 over these lots. However, lot sizes to an R30 standard have been created on the assumption that the detail on the ASP 3 mapping was correct.  Therefore, Amendment No. 209 should apply <b>Residential R30</b> over these lots.
Lot 575 (37) Ginsburg Turn, Tapping	378				Single House. Unclear what density code development was assessed at. (BA2008/211)	
Lot 550 (28) Ginsburg Turn, Tapping (now subdivided)	543	Residential (R40)	Residential (R40)	Residential R20 as per Amendment No. 2 to ASP 3 (refer to <b>Issue Maps 5</b> ).	Two Grouped Dwellings assessed as R40 (DA2008/496)	There was no formal structure plan amendment process to apply R40 over these lots. However, residential density to an R40 standard has been approved on the lots, on the assumption that the detail on the ASP 3 mapping was correct.  Therefore, Amendment No. 209 should apply <b>Residential R40</b> over these lots.  Given what the City (incorrectly) assumed the density coding was over these lots at the time that residential development was undertaken, Amendment No. 209 should apply <b>Residential R40</b> over these lots.
Lot 549 (26) Ginsburg Turn, Tapping (now subdivided)	549				Two Grouped Dwellings assessed as R40 (DA2009/709)	
Lot 588 (25) Atanasoff Road, Tapping	558				Single House assessed as R40 (BA2008/3175)	
Lot 587 (27) Atanasoff Road, Tapping	567				Single House assessed as R40 (BA2008/1711)	
Lot 842 (18) Ginsburg Turn, Tapping	608	Residential (R20)	Residential R20	Part Residential R20 and part Residential R40, as per the original ASP 3 mapping (refer to <b>Issue Maps 6</b> ). There have been no subsequent amendments to ASP 3 affecting these lots.	Single House assessed as R40 (BA2007/6116)	For continuity with immediately adjoining development to the north and south, Amendment No. 209 should apply <b>Residential R40</b> over these lots.
Lot 859 (19) Rosinski Circle, Tapping	608				Single House assessed as R40 (BA2007/4840)	
Lot 843 (16) Ginsburg Turn, Tapping	608	Residential (R40)	Residential (R40)		Single House. Unclear what density code development was assessed at. (BA2007/3414)	
Lot 858 (17) Rosinski Circle, Tapping	608				Two Grouped Dwellings assessed as R40 (DA2007/933)	
Lot 402 (48) Ashley Road, Tapping	82957	<b>Structure Plan Map:</b> Park Home Park <b>Zoning Plan Map:</b> Residential Precinct	Residential R20	Park Home Park/Residential Precinct as shown on the ASP 3 maps.	Approved as a Park Home Park development (with ancillary facilities) (DA2002/1593). Approval for additions granted thereafter.	Apply the Private Community Purpose Zone over this site, for reasons as outlined in Section 4.11 of the Scheme Amendment Report.

## Justification of Variances between ASP 3 and Proposed Amendment No. 209 to DPS 2

Property Detail	Land Area (sqm)	ASP Map Showing?	IntraMaps Showing?	What it should be in ASP 3 and why?	Development on Property	Solution for Amendment No. 209 to DPS 2
Lot 30 (54) Ashley Road, Tapping	2200	Residential R40	Residential R40	Part Residential R20 and part Residential R40, as per the original ASP 3 mapping (refer to <b>Issue Maps 7</b> ). There have been no subsequent amendments to ASP 3 affecting these lots.	Single house on site since the late 1960's.	Lot 30 is considered as a larger landholding capable of further development. As discussed in Section 4.5 of the Scheme Amendment Report, these landholdings are remaining in the Urban Development Zone.  Apply <b>Residential R40</b> over all the lots, so that there is consistency for all lots within the 'Watkins Loop subdivision'.
Lot 33 (22) Watkins Loop, Tapping (now subdivided)	2022				Eight Grouped Dwellings were approved (DA05/0927). However, the development only has seven dwellings.	
Lot 34 (20) Watkins Loop, Tapping	412				Single House assessed as R40 (BA2006/1616)	
Lot 35 (18) Watkins Loop, Tapping	435				Single House assessed as R40 (BA2006/2000)	
Lot 36 (16) Watkins Loop, Tapping (now subdivided)	457				Two Grouped Dwellings assessed as R40 (DA2007/500)	
Lot 84 (9) Watkins Loop, Tapping	496				Single House assessed as R40 (BA2006/2914)	
Lot 85 (1) Bloomer Lane, Tapping (now subdivided)	504				Two Grouped Dwellings assessed as R40 (DA2005/930)	
Lot 75 (69) Watkins Loop, Tapping	480				Single House assessed as R40 (BA2005/7529)	
Lot 74 (67) Watkins Loop, Tapping	492				Single House assessed as R40 (BA2005/6720)	
Lot 73 (65) Watkins Loop, Tapping	384				Single House assessed as R40 (BA2006/1924)	
Lot 62 (1) Jauffret Wy, Tapping	407				Single House assessed as R40 (BA2006/1731)	
Lot 63 (3) Jauffret Wy, Tapping	375				Single House assessed as R40 (BA2008/1958)	
Lot 64 (5) Jauffret Wy, Tapping	375				Single House assessed as R40 (BA2006/4694)	
Lot 65 (7) Jauffret Wy, Tapping	375				Single House assessed as R40 (BA2006/3042)	
Lot 66 (9) Jauffret Wy, Tapping	375				Single House assessed as R40 (BA2006/0532)	
Lot 67 (11) Jauffret Wy, Tapping	391				Single House assessed as R40 (BA2006/7139)	
Lot 68 (55) Watkins Loop, Tapping	486				Single House assessed as R40 (BA2006/2827)	

## Justification of Variances between ASP 3 and Proposed Amendment No. 209 to DPS 2

Property Detail	Land Area (sqm)	ASP Map Showing?	IntraMaps Showing?	What it should be in ASP 3 and why?	Development on Property	Solution for Amendment No. 209 to DPS 2
Lot 1 (76) Ashley Road, Tapping	5000	Community Purpose/ Civic and Cultural	Civic and Cultural	Community Purpose/ Civic and Cultural as per the approval of Amendment No. 27 to ASP 3.	Civic Building (Scouts Hall) under construction (DA2022/350)	Apply the <b>Local Scheme Reserve – Civic and Community</b> over the site, which is now the closest equivalent to the Civic and Cultural Zone since the approval of Amendment No. 172 to DPS 2.
Lot 634 (10) Titian Way, Tapping	441	Residential R40	Residential R40	Part Residential R20 and part Residential R40, as per the original ASP 3 mapping (refer to <b>Issue Maps 7</b> ). There have been no subsequent amendments to ASP 3 affecting these lots.	Single House assessed as R40 (BA2007/0742)	Recognising what the density code should be, apply <b>Residential R40</b> as this density code covers a greater percentage of the site.
Lot 635 (12) Titian Way, Tapping	467				Two Grouped Dwellings assessed as R40 (DA2007/1069)	
Lot 636 (14) Titian Way, Tapping	504				Single House. Unclear what density code development was assessed at. (BA2008/1734)	
Lot 637 (16) Titian Way, Tapping	514				Two Grouped Dwellings assessed as R40 (DA2008/727)	
Lot 905 (4) Champaigne Drive, Tapping	608	Residential R40	Residential R40	Part Residential R20 and part Residential R40, as per the original ASP 3 mapping (refer to <b>Issue Maps 8</b> ). There have been no subsequent amendments to ASP 3 affecting these lots.	Single House assessed as R40 (BA2006/1031)	Recognising what the density code should be, apply <b>Residential R40</b> as this density code covers a greater percentage of the site.
Lot 920 (3) Baglione Green, Tapping	608				Single House assessed as R20 (BA2006/409)	
Lot 8014 (20) Bonvin Gardens, Tapping	5519	Public open space	Residential R20	Part Public Open Space/ Residential R30/Drainage Sump as per the original ASP 3 mapping (refer to <b>Issue Maps 9</b> ). There have been no subsequent amendments to ASP 3 affecting these lots.	Public open space.	The sump site was placed in the Local Scheme Reserve for Drainage/Waterways through Amendment No. 172.  Lot 8014 is currently in the DPS 2 Urban Development Zone. Through Amendment No. 209, this parcel can be placed in a Local Scheme Reserve for public open space.  As both sites are Crown land, it would be inappropriate to impose a Residential (R30) zoning, as was indicated on the original ASP 3 maps.
Lot 8015 (42) Van Gogh Road, Tapping	3510	Drainage sump			Drainage sump.	

## Justification of Variances between ASP 3 and Proposed Amendment No. 209 to DPS 2

Property Detail	Land Area (sqm)	ASP Map Showing?	IntraMaps Showing?	What it should be in ASP 3 and why?	Development on Property	Solution for Amendment No. 209 to DPS 2
Lot 9634 (10) Fomiatti Street, Ashby	8605	Neighbourhood Centre in ASP 3; Commercial with no R-Code in ASP 77	Commercial (no R-code)	Neighbourhood Centre, to allow a Commercial Zone to be applied through ASP 77	Site is vacant. Mixed Use development approved by the JDAP in October 2020 (DA2020/694). Subsequent approvals issued by the City have extended the period for substantial commencement until 29 March 2029.	Apply the Commercial zoning with an R-Code of R-AC4.  The reason for the R-Coding nomination is discussed in detail in Section 4.8.3 of the Scheme Amendment Report.
Lot 7 (2) Fomiatti Street, Ashby	3305				Child Care Centre approved by JDAP on 31 October 2019 (DA2019/932).	
Lot 6 (6) Hollosy Way, Ashby	5337				Commercial development approved by JDAP on 16 October 2017 (DA2017/759). Approval subject to subsequent amendments.	
Lot 5 (2) Hollosy Way, Tapping	3790				Service Station approved by the JDAP on 14 March 2012 (DA2011/1208). Additions approved thereafter.	
Lot 8 (131) Pinjar Road, Ashby	5090				Supermarket and commercial tenancies approved by JDAP on 13 January 2016 (DA2019/21). Amendments approved thereafter.	
Lot 10 (141) Pinjar Road, Ashby	8152				Tavern approved by the JDAP on 14 March 2012 (DA2011/1208).	
Lot 100 (1140) Wanneroo Road, Ashby	108996	<b>Structure Plan Map:</b> Residential R30 (NW corner), Park Home Park (remainder of site). <b>Zoning Plan Map:</b> Residential Precinct	Residential (R20 & R30)	As shown on the ASP 3 maps.	Approved as a Park Home Park development (DA1999/1189). Approval for additions granted thereafter.	Apply the Private Community Purpose Zone over this site, for reasons as outlined in Section 4.11 of the Scheme Amendment Report.

# ISSUE MAPS 1 – LYSSOS WAY AND NANKEEN CIRCLE, TAPPING



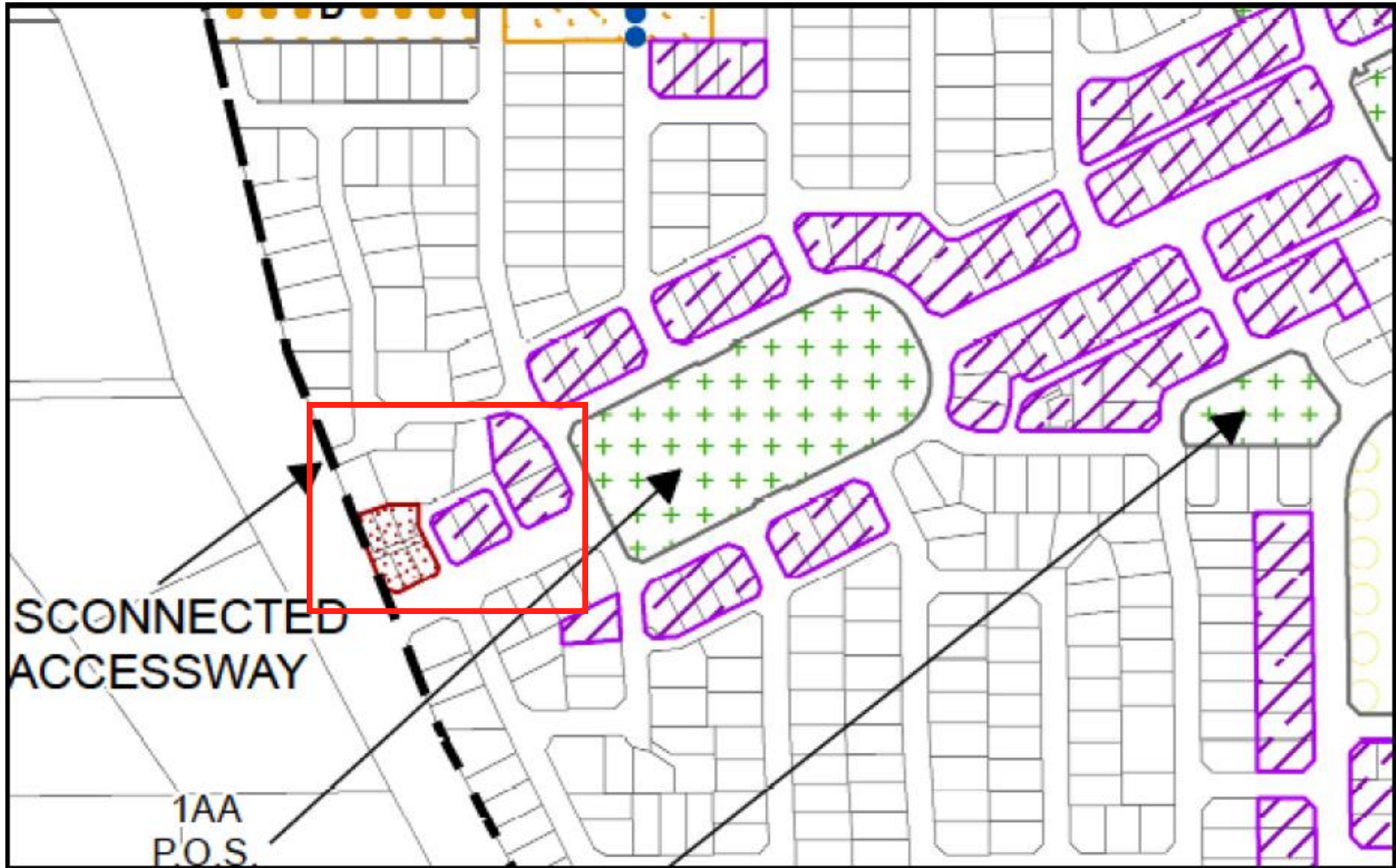
 Residential R20

 Residential R30

 Residential R40



# ISSUE MAPS 1 – LYSSOS WAY AND NANKEEN CIRCLE, TAPPING



Extract from Current ASP 3 Mapping

 Area of Focus

# ISSUE MAPS 1 – LYSSOS WAY AND NANKEEN CIRCLE, TAPPING



Extract from Original ASP 3 Mapping

 Area of Focus

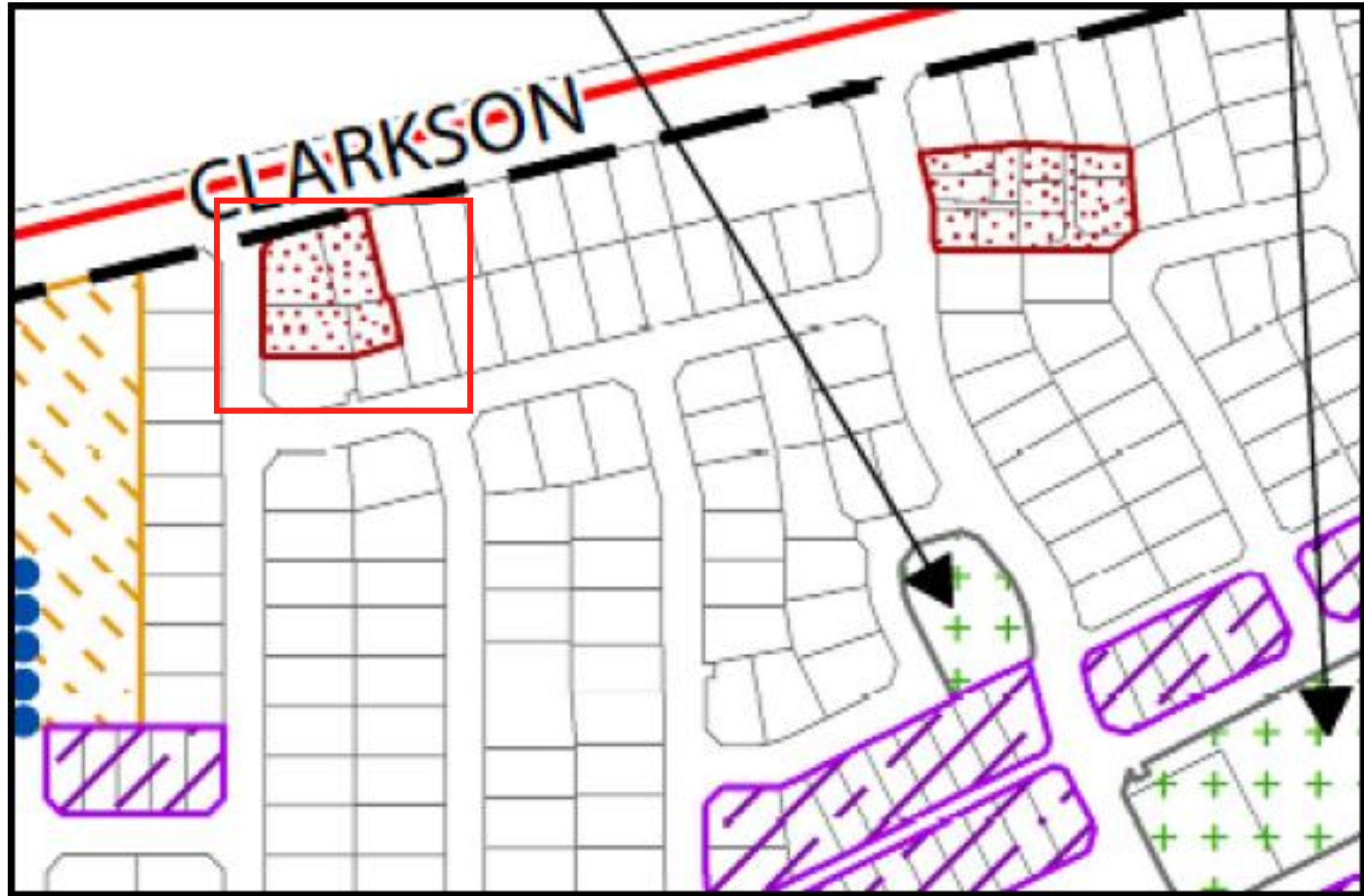
# ISSUE MAPS 2 – CLARKSON AVENUE AND PINTAIL PASS, TAPPING



 Residential R20

 Residential R40

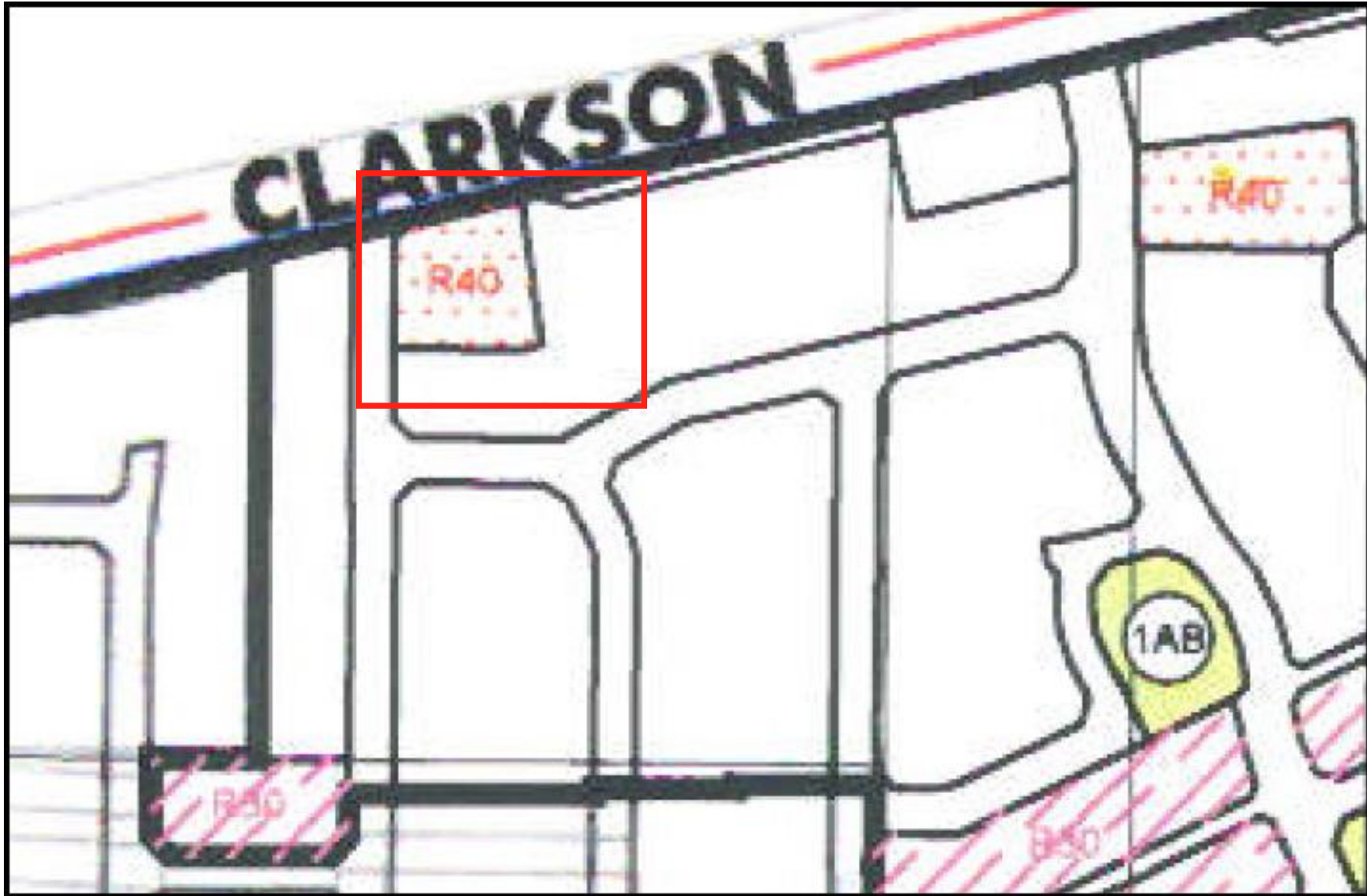
# ISSUE MAPS 2 – CLARKSON AVENUE AND PINTAIL PASS, TAPPING



Extract from Current ASP 3 Mapping

 Area of Focus

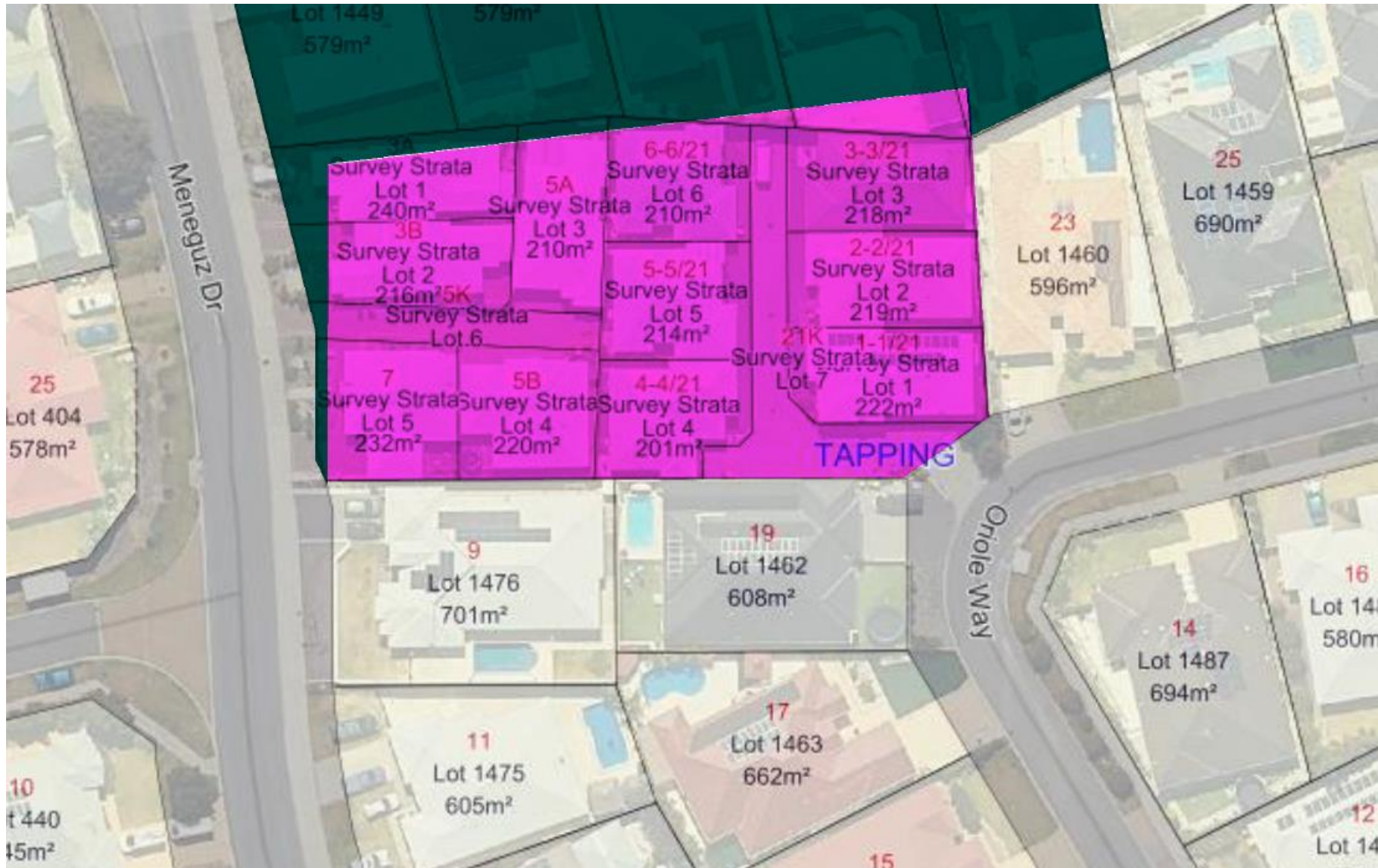
**ISSUE MAPS 2 – CLARKSON AVENUE AND PINTAIL PASS, TAPPING**



**Mapping Extract from Amendment No. 3 to ASP 3 as Approved**

 **Area of Focus**

# ISSUE MAPS 3 – MENEGUZ DRIVE AND ORIOLE WAY, TAPPING



Residential R20

Residential R40

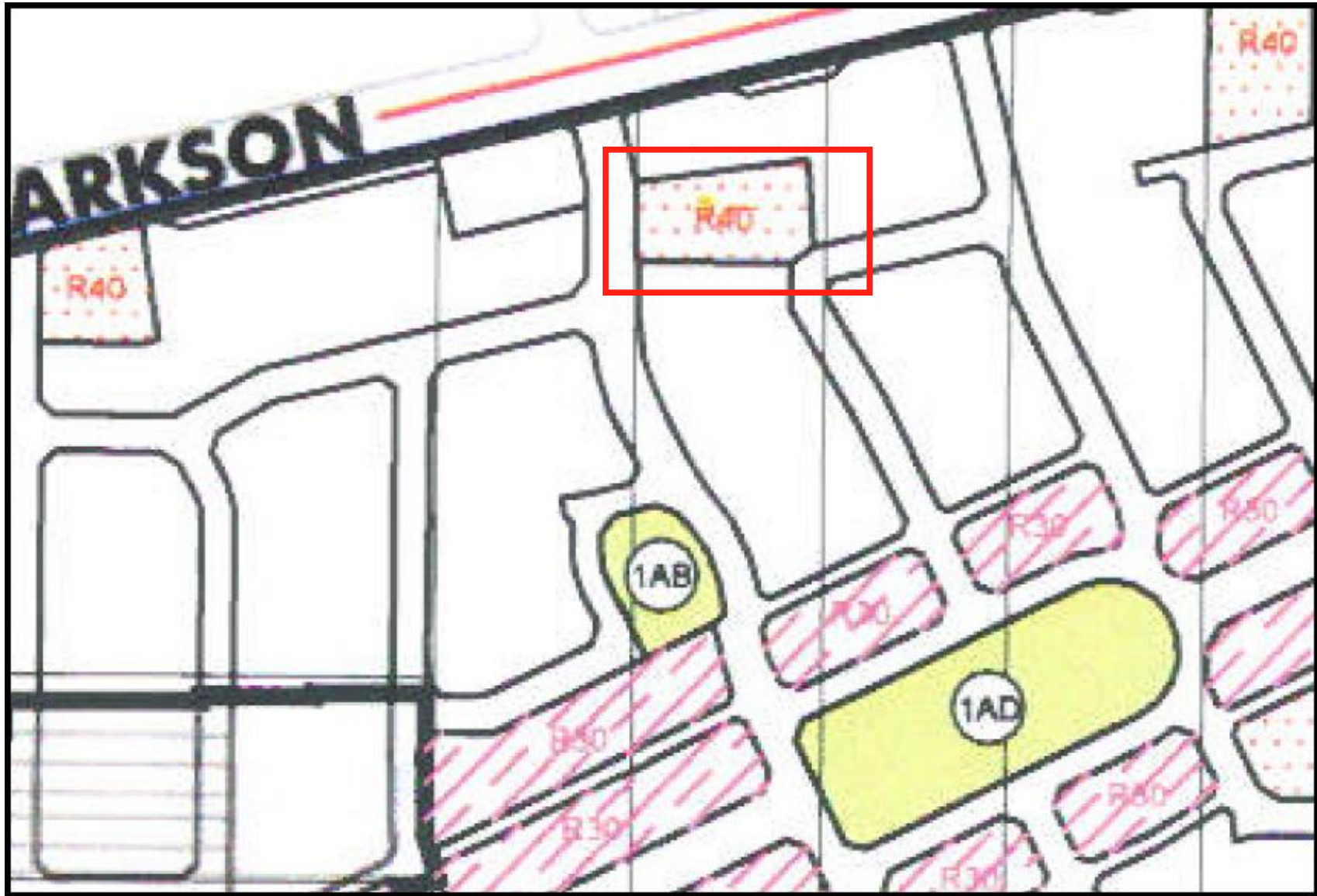
# ISSUE MAPS 3 – MENEGUZ DRIVE AND ORIOLE WAY, TAPPING



Extract from Current ASP 3 Mapping

 Area of Focus

# ISSUE MAPS 3 – MENEGUZ DRIVE AND ORIOLE WAY, TAPPING



Mapping Extract from Amendment No. 3 to ASP 3 as Approved

 Area of Focus

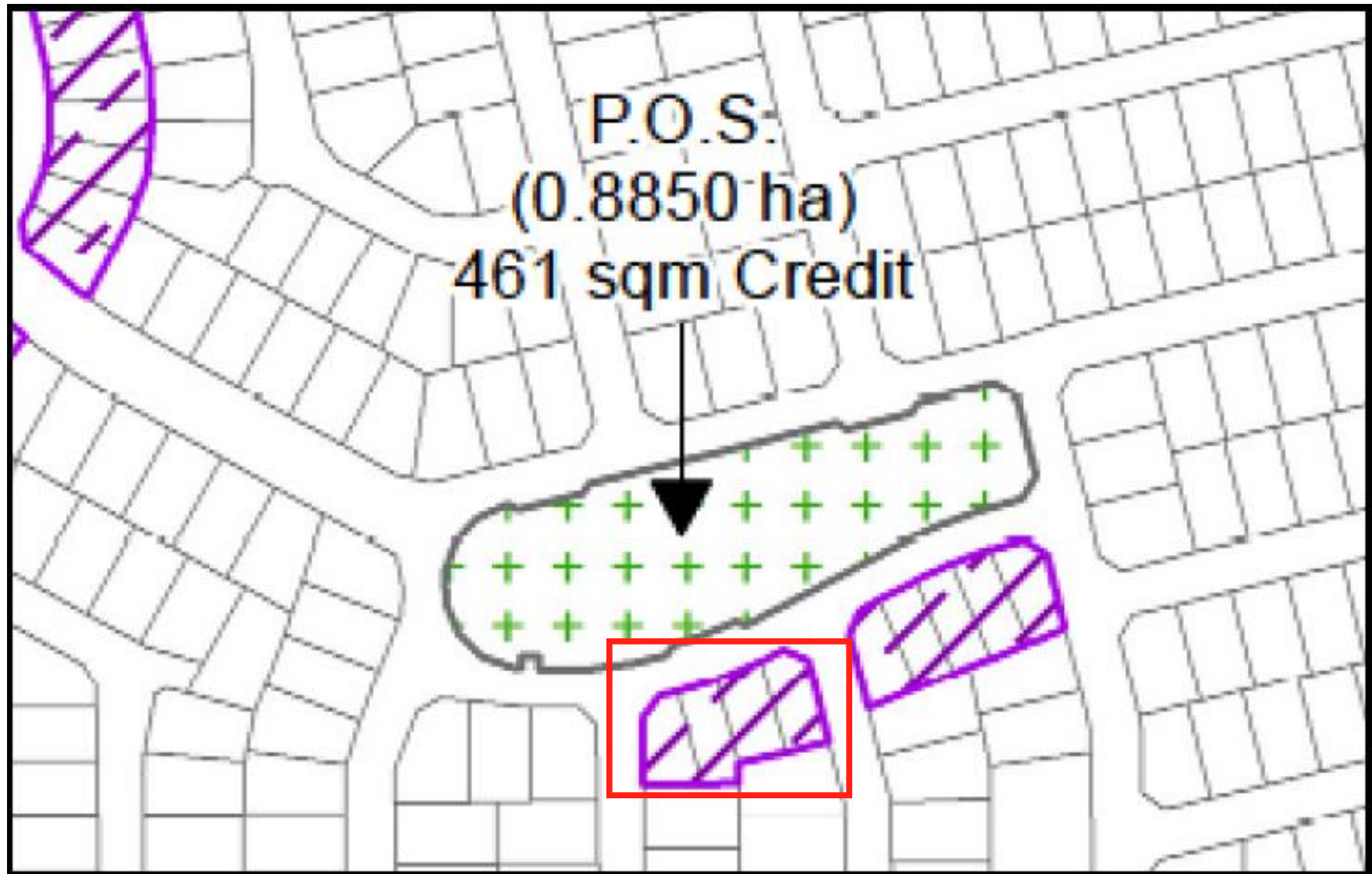


# ISSUE MAPS 4 – EIFFEL CIRCUIT, TAPPING



 Residential R30

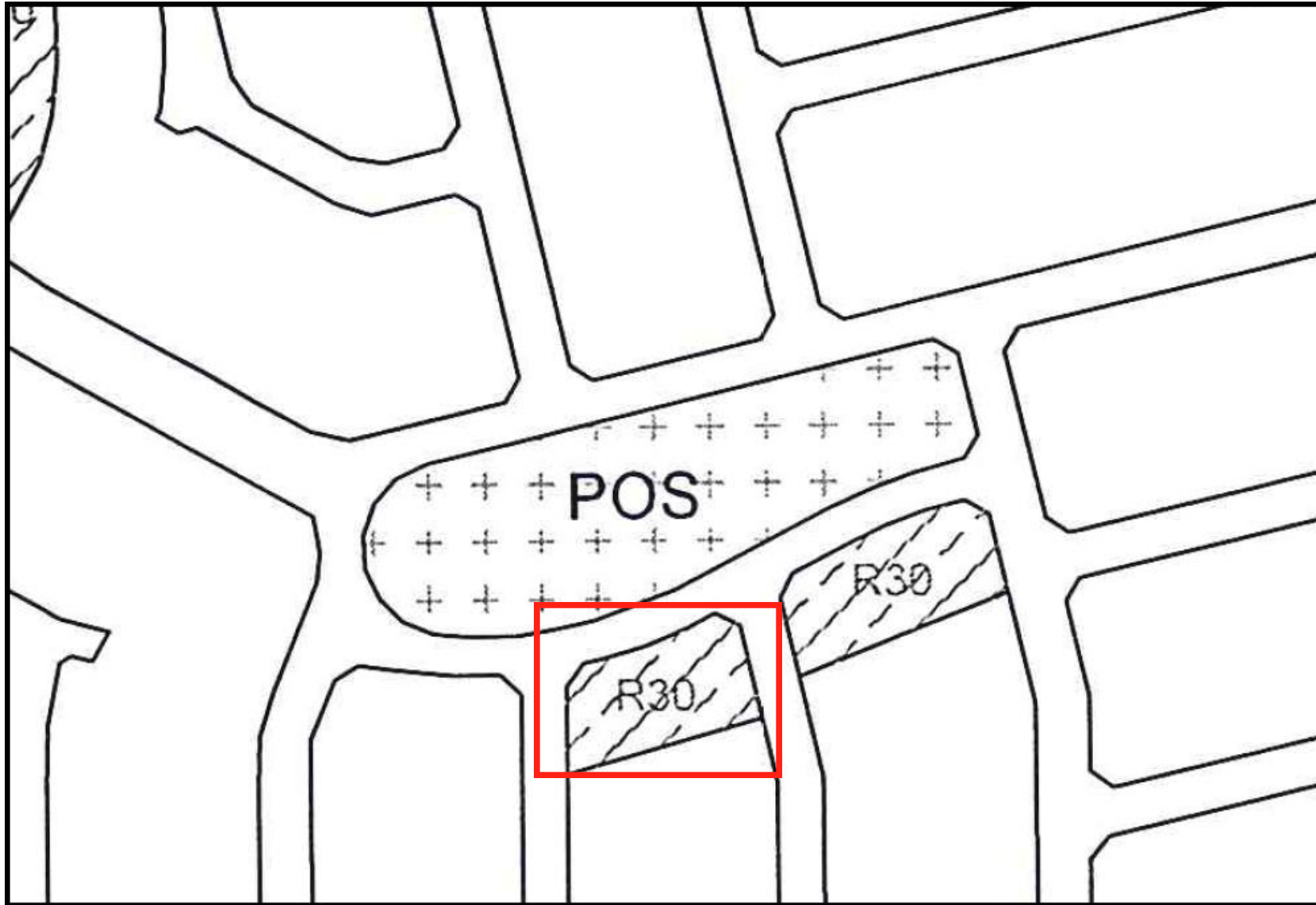
# ISSUE MAPS 4 – EIFFEL CIRCUIT, TAPPING



Extract from Current ASP 3 Mapping

 Area of Focus

# ISSUE MAPS 4 – EIFFEL CIRCUIT, TAPPING



Mapping Extract from Amendment No. 2 to ASP 3 as Approved

 Area of Focus

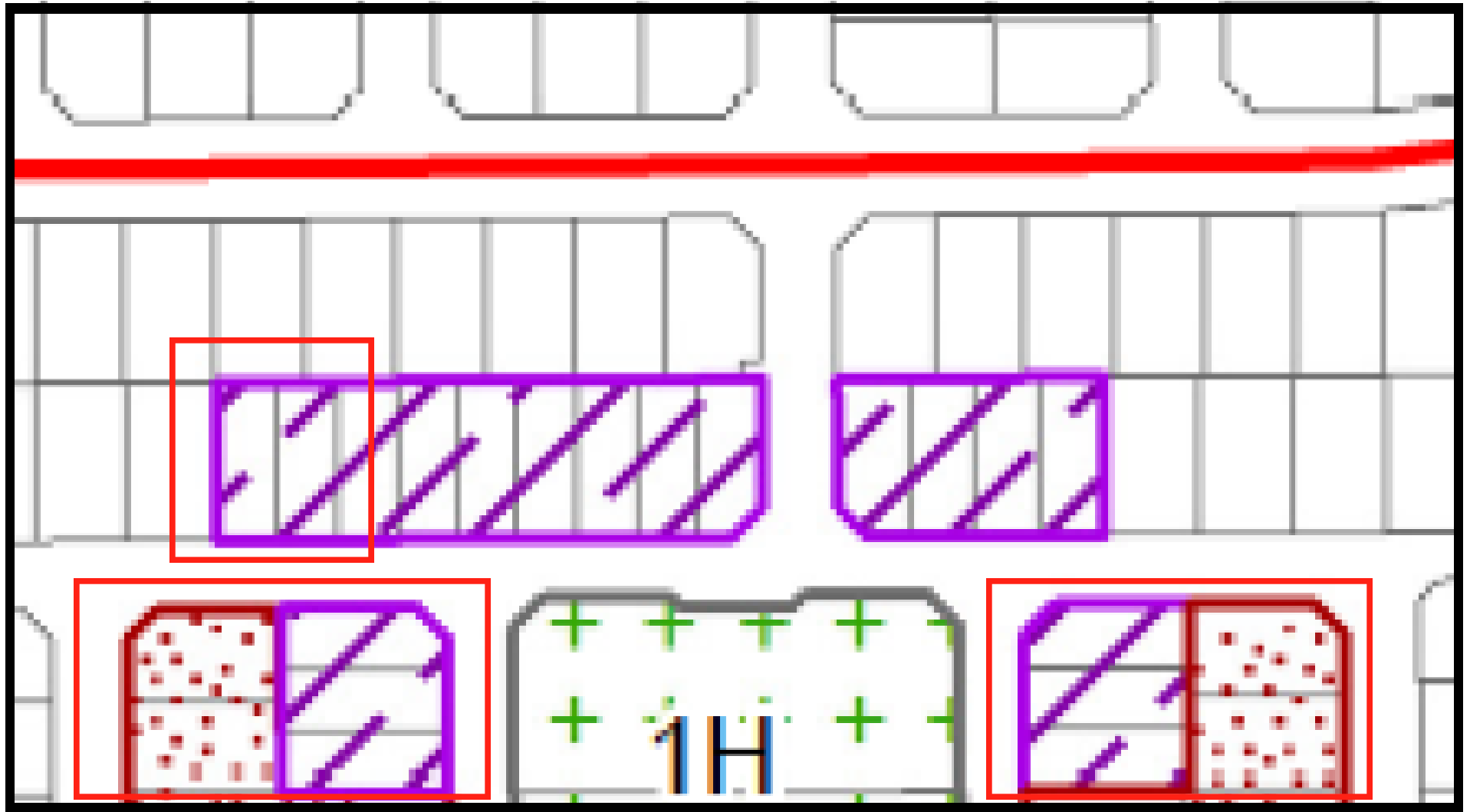
# ISSUE MAPS 5 – ROSINSKI CIRCLE NORTH, TAPPING




 Residential R20

 Residential R30

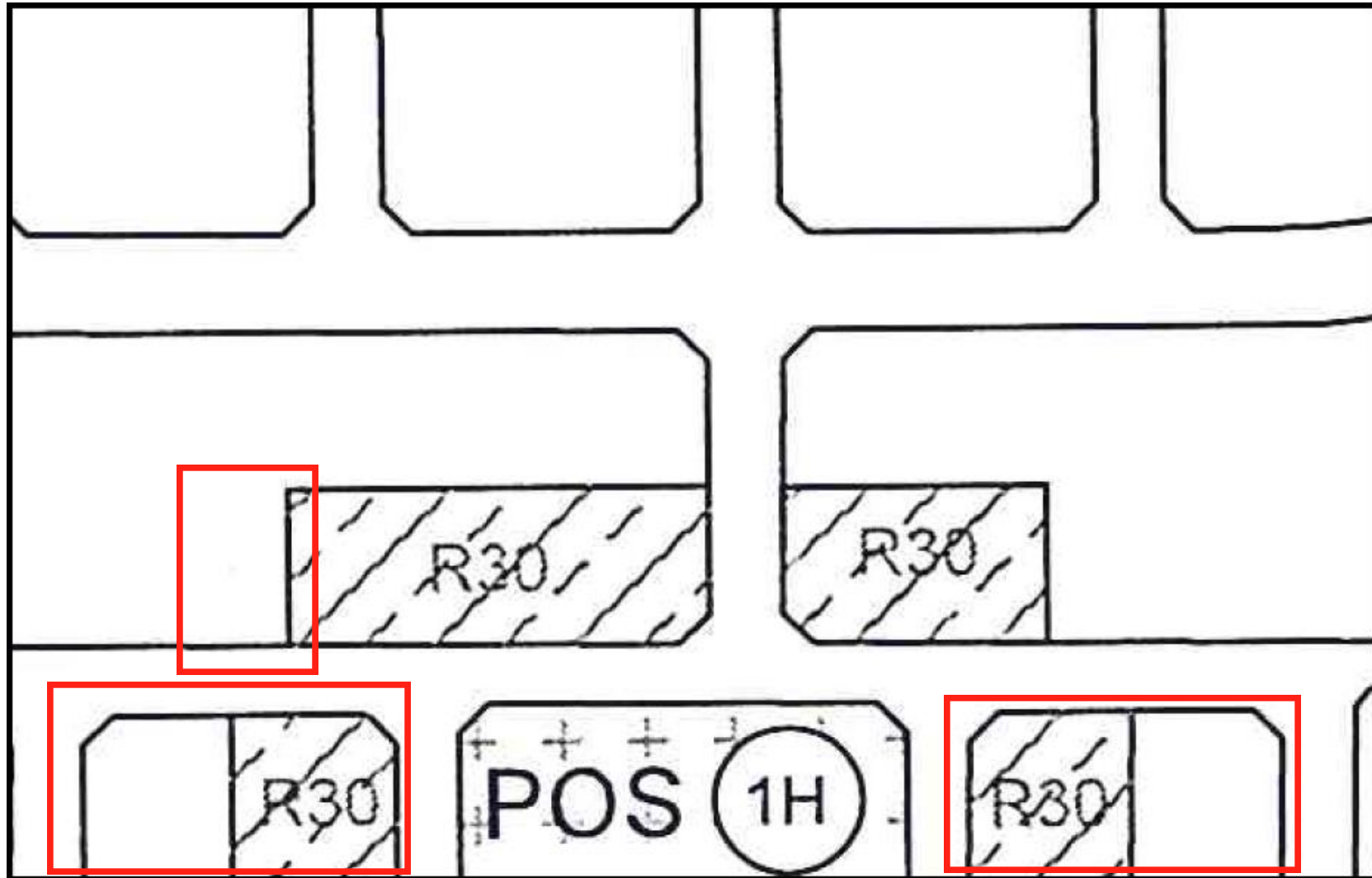
# ISSUE MAPS 5 – ROSINSKI CIRCLE NORTH, TAPPING



Extract from Current ASP 3 Mapping

 Area of Focus

# ISSUE MAPS 5 – ROSINSKI CIRCLE NORTH, TAPPING



Mapping Extract from Amendment No. 2 to ASP 3 as Approved

 Area of Focus

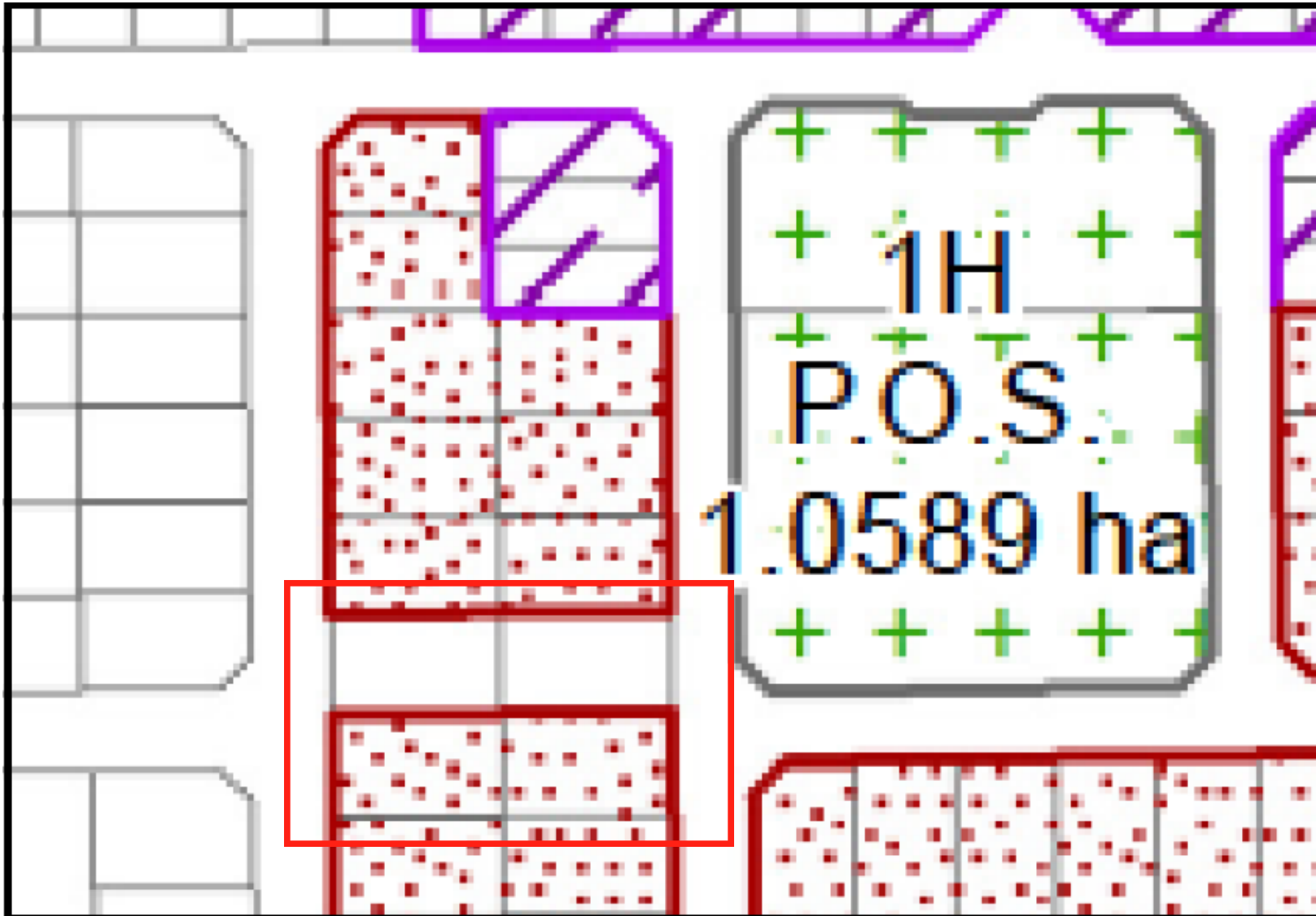
# ISSUE MAPS 6 – ROSINSKI CIRCLE SOUTH, TAPPING




 Residential R20

 Residential R40

ISSUE MAPS 6 – ROSINSKI CIRCLE SOUTH, TAPPING

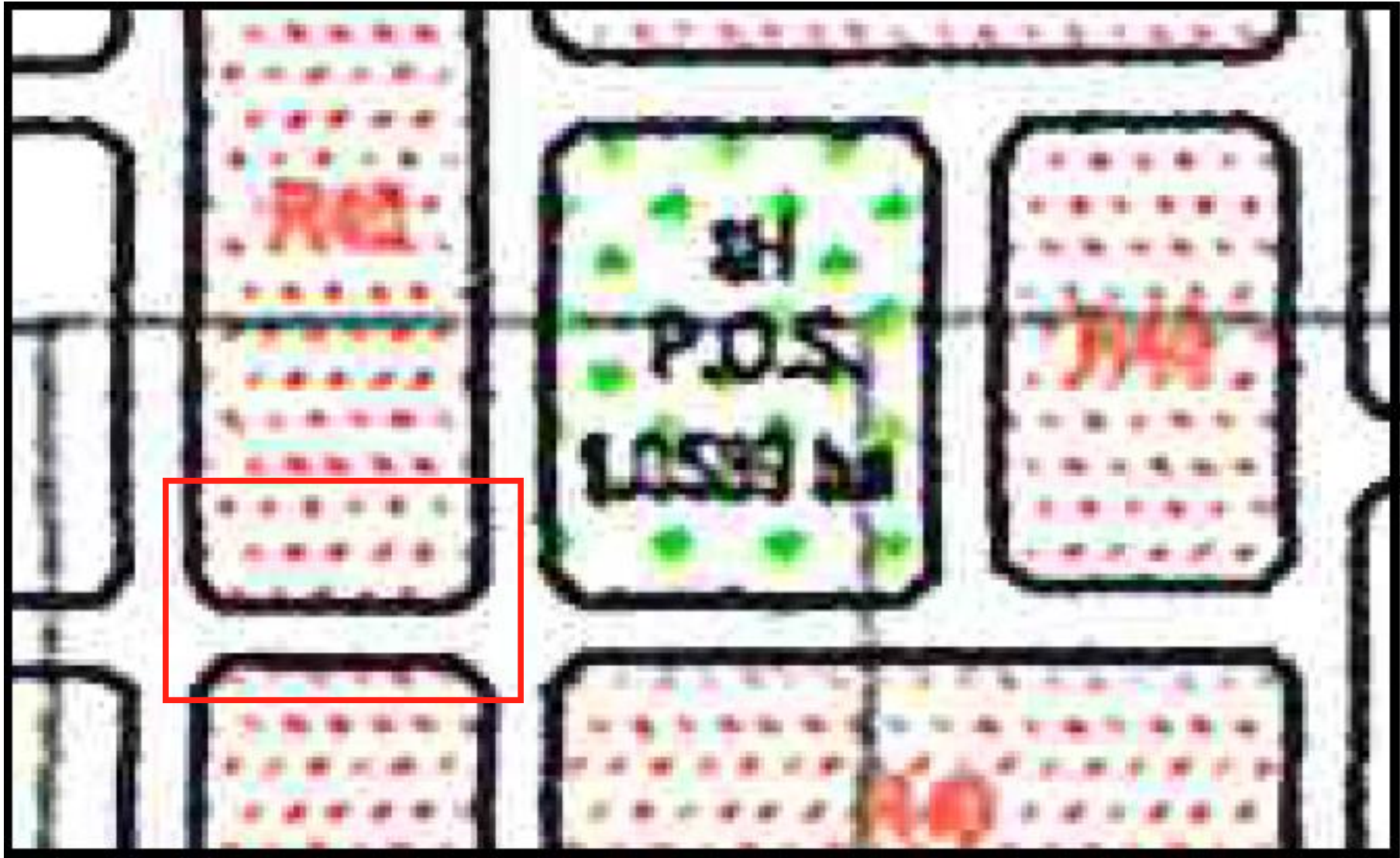


Extract from Current ASP 3 Mapping

 Area of Focus



# ISSUE MAPS 6 – ROSINSKI CIRCLE SOUTH, TAPPING



Mapping Extract from Amendment No. 3 to ASP 3 as Approved

 Area of Focus

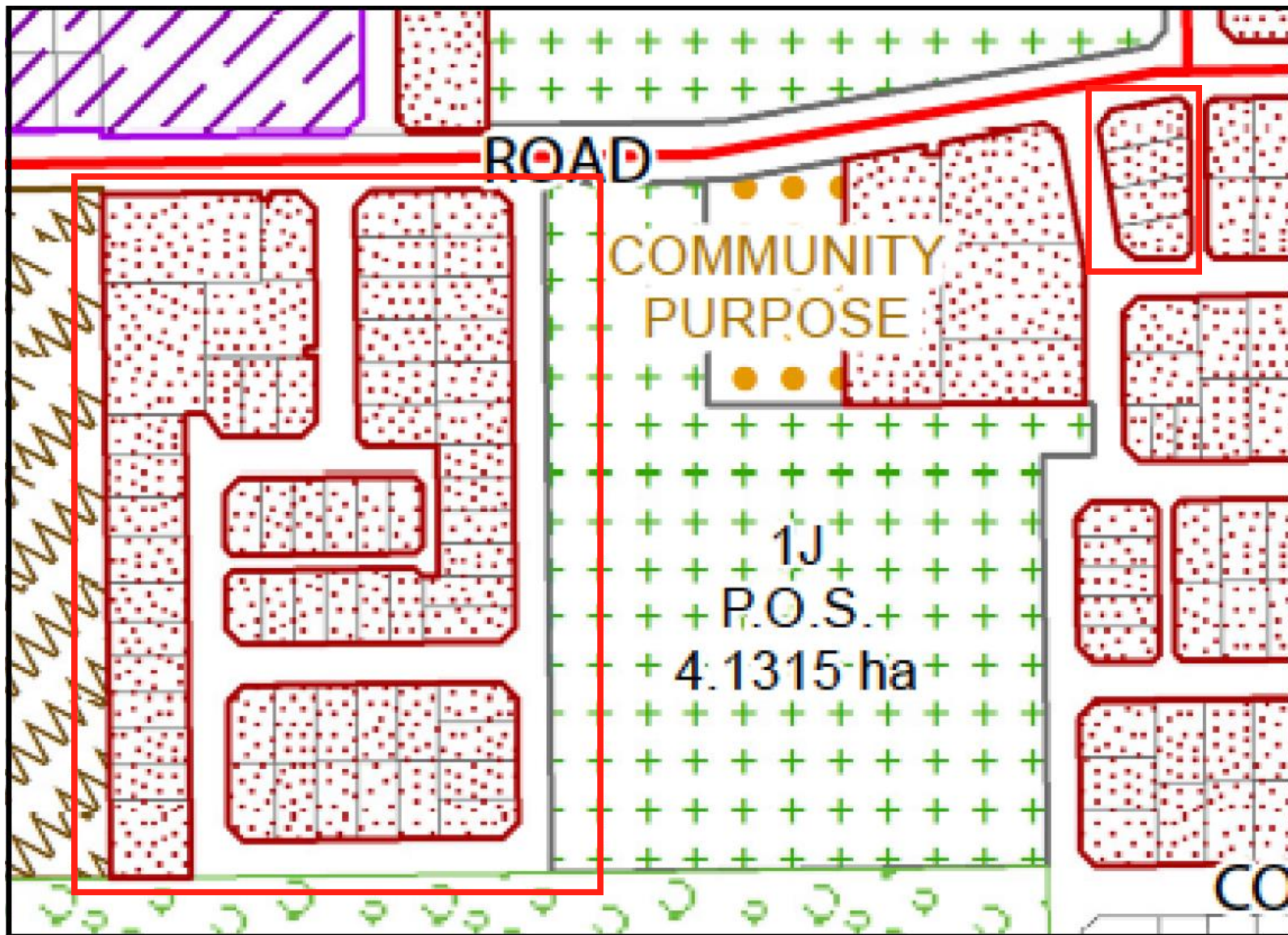
# ISSUE MAPS 7 – WATKINS LOOP AND TITIAN WAY, TAPPING



 Residential R20

 Residential R40

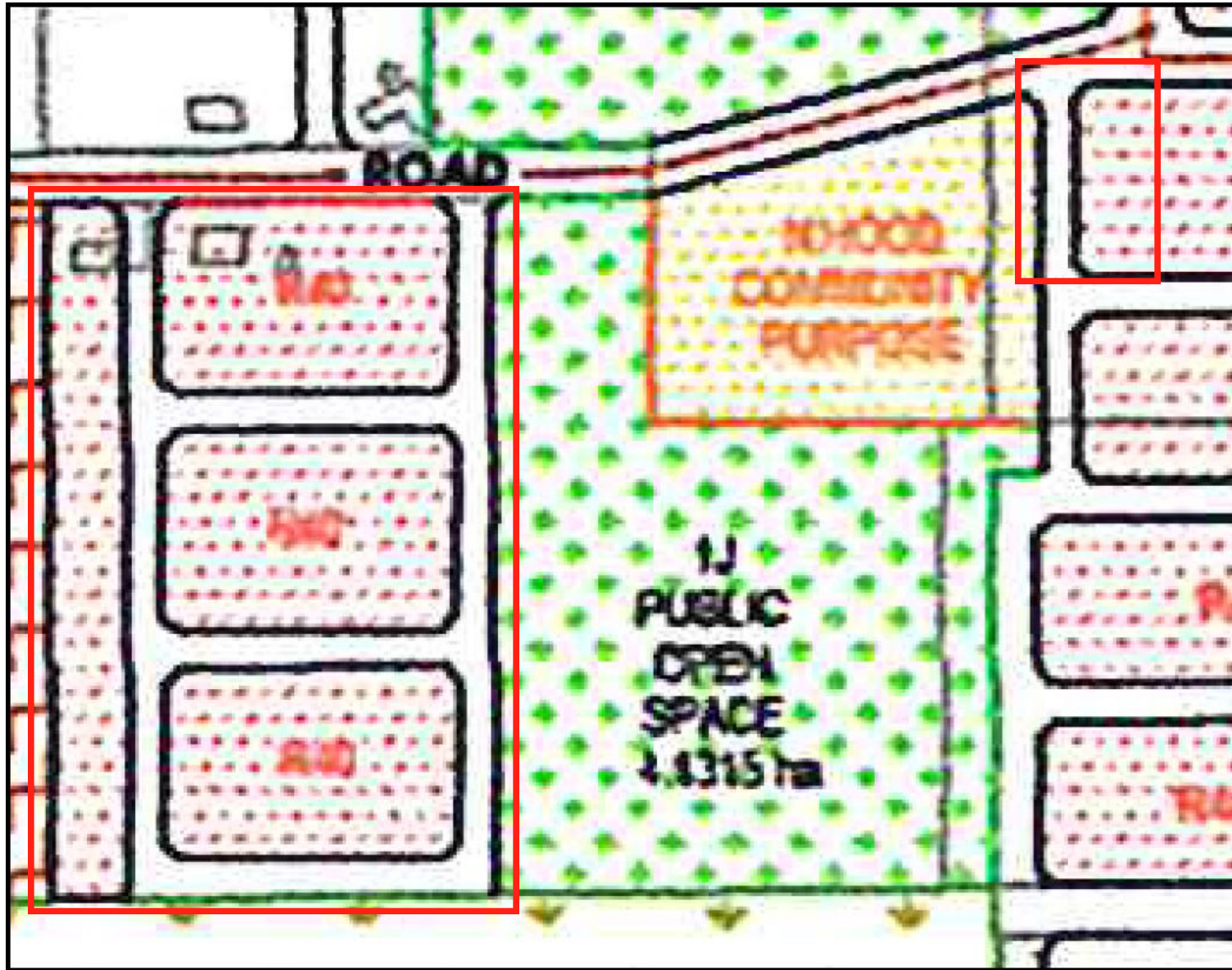
# ISSUE MAPS 7 – WATKINS LOOP AND TITIAN WAY, TAPPING



Extract from Current ASP 3 Mapping

 Area of Focus

**ISSUE MAPS 7 – WATKINS LOOP AND TITIAN WAY, TAPPING**



**Mapping Extract from Amendment No. 3 to ASP 3 as Approved**

 **Area of Focus**

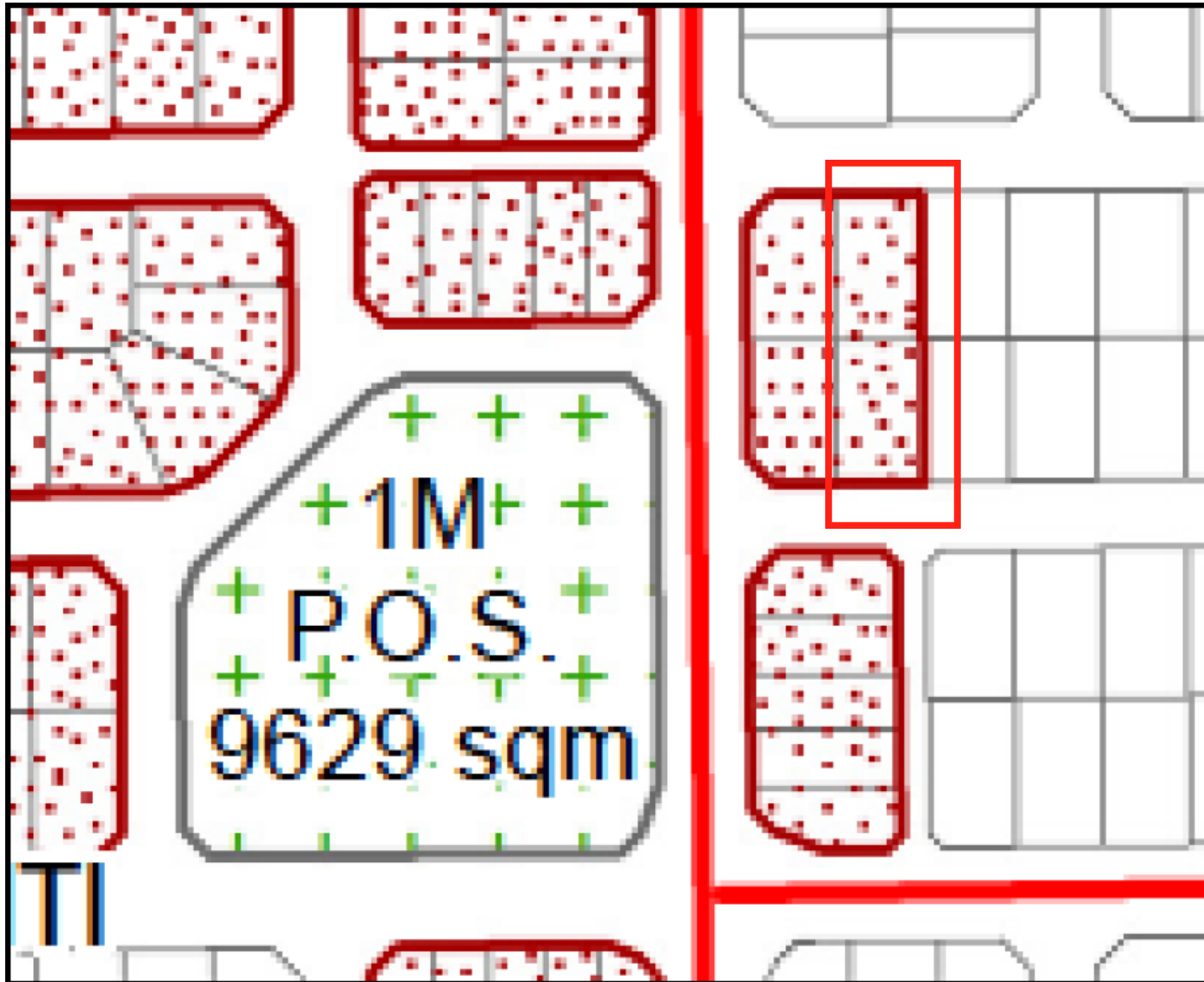
# ISSUE MAPS 8 – CHAMPAIGNE DRIVE AND BAGLIONE GREEN, TAPPING



 Residential R20

 Residential R40

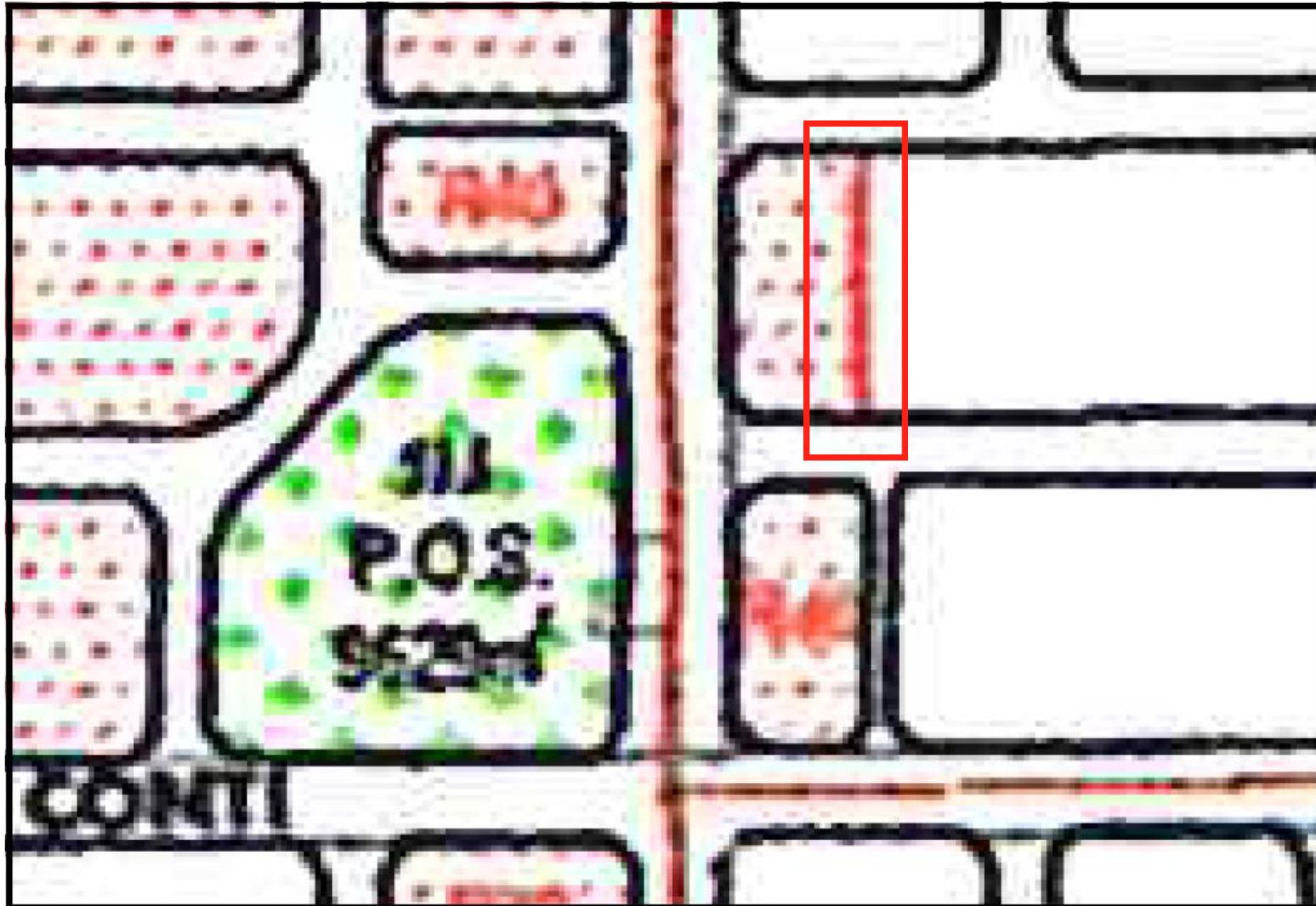
# ISSUE MAPS 8 – CHAMPAIGNE DRIVE AND BAGLIONE GREEN, TAPPING



Extract from Current ASP 3 Mapping

 Area of Focus

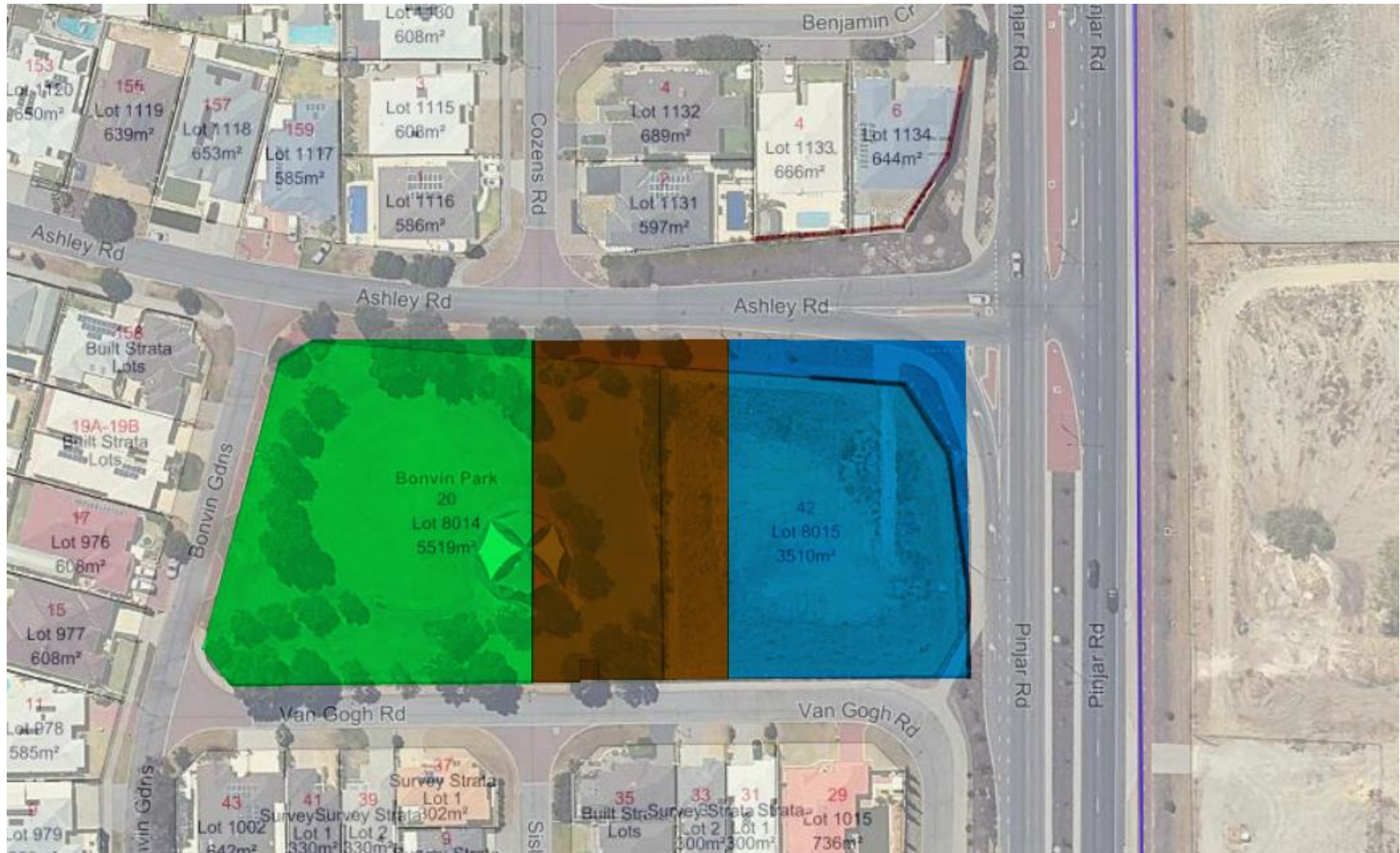
# ISSUE MAPS 8 – CHAMPAIGNE DRIVE AND BAGLIONE GREEN, TAPPING



Mapping Extract from Amendment No. 3 to ASP 3 as Approved

 Area of Focus

# ISSUE MAPS 9 – ASHLEY ROAD AND VAN GOGH ROAD, TAPPING



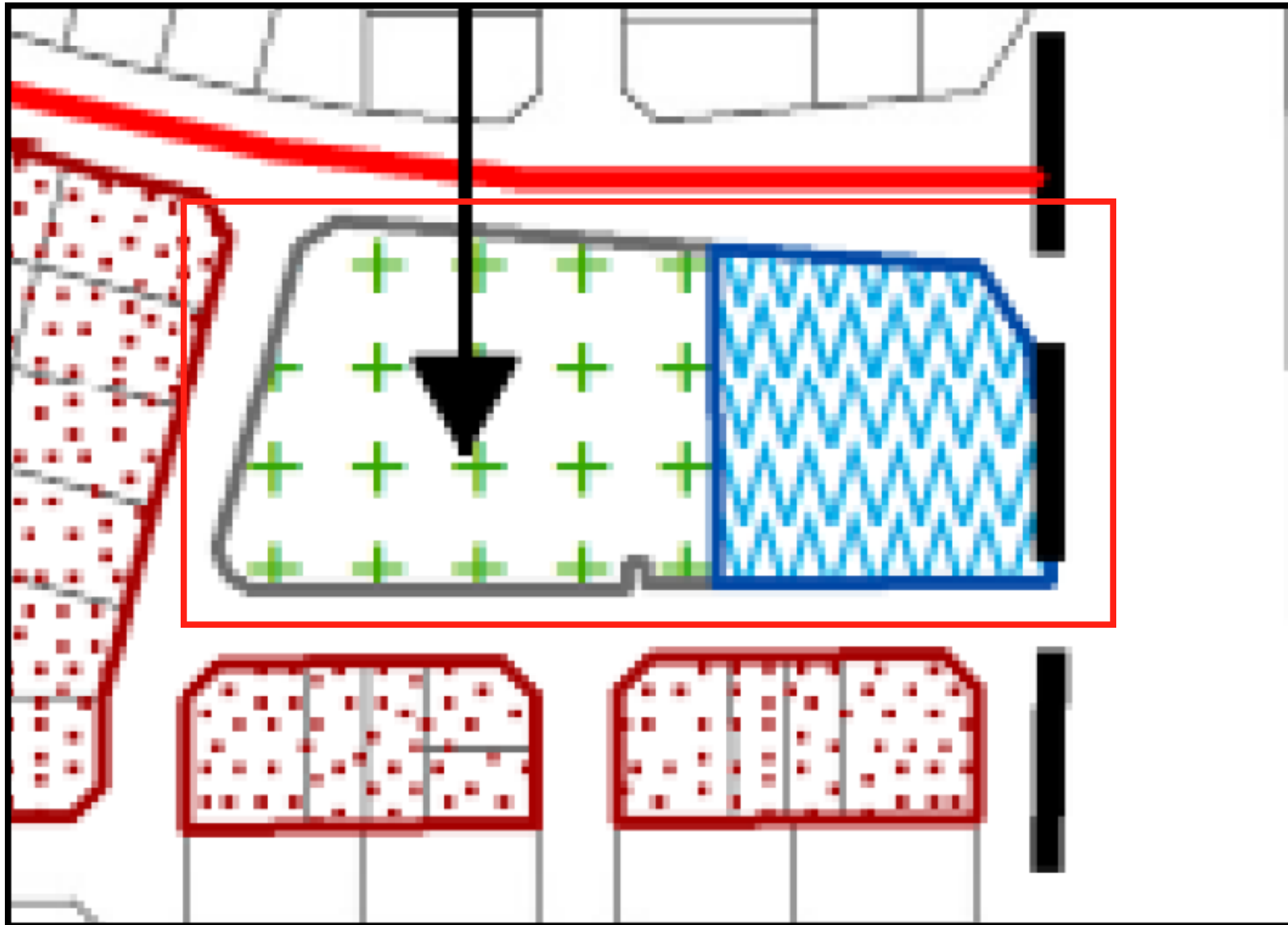
 Residential R30

 Sump

 Public Open Space



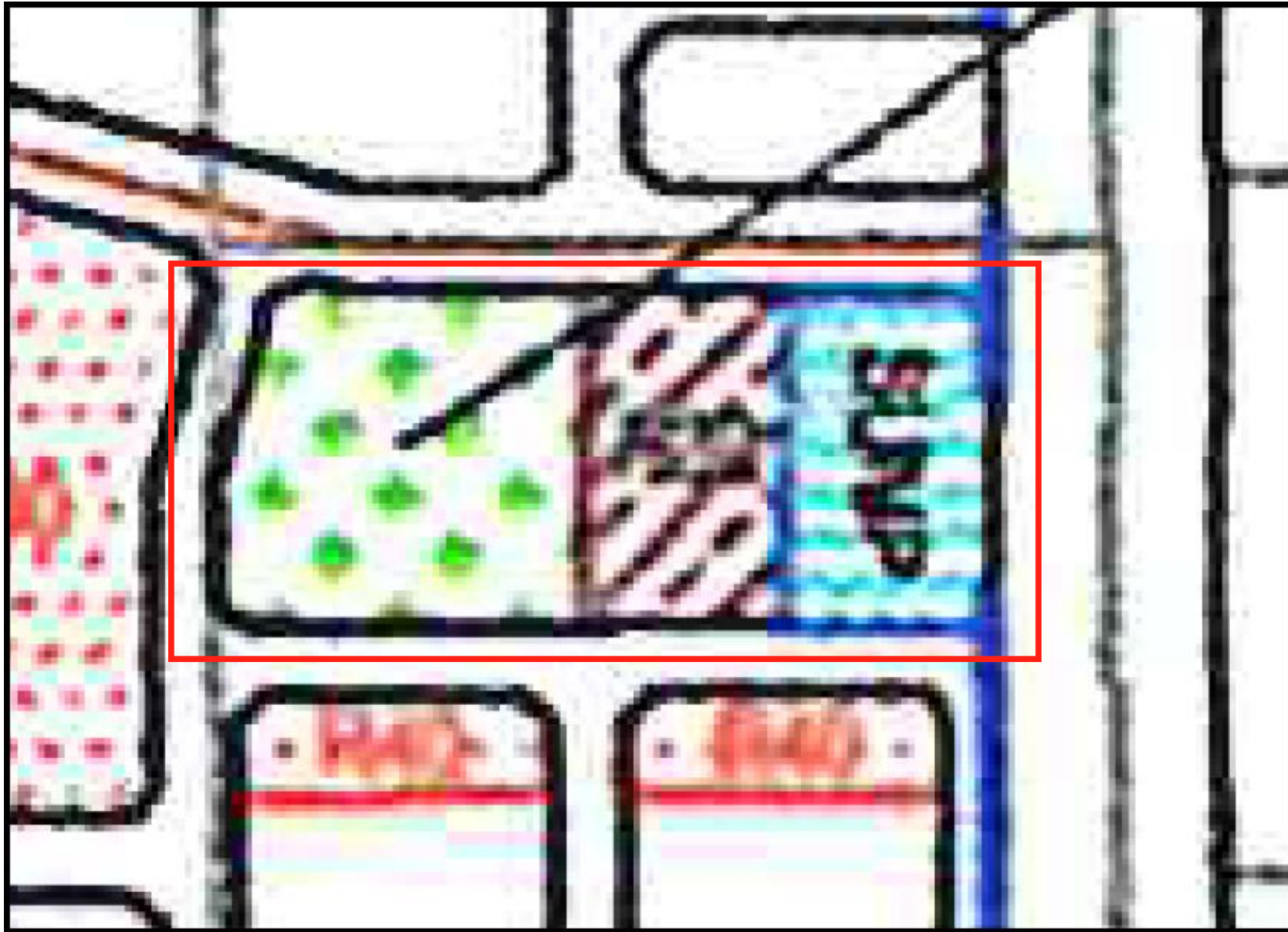
# ISSUE MAPS 9 – ASHLEY ROAD AND VAN GOGH ROAD, TAPPING



Extract from Current ASP 3 Mapping

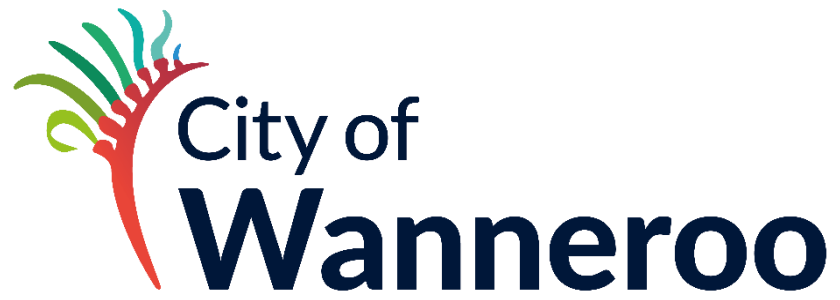
 Area of Focus

**ISSUE MAPS 9 – ASHLEY ROAD AND VAN GOGH ROAD, TAPPING**



**Mapping Extract from Amendment No. 3 to ASP 3 as Approved**

 **Area of Focus**



## **APPENDIX 3**

Review of ASP 77 Provisions

## Review of Structure Plan Provisions – Ashby Neighbourhood Centre Local Structure Plan No. 77

Structure Plan Provision	City Comment and Consideration on Provision
<b>Preamble</b>	
<p>Under the provisions of Clause 9.8 of the City of Wanneroo District Planning Scheme No. 2 (<b>DPS2</b>), this part of the Structure Plan has the same force and effect as a provision, requirement or standard of DPS2.</p>	<p>Prior to the gazettal of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)</i>, structure plans could have force and effect under DPS 2. However, Clause 9.8 of DPS 2, as referenced in the structure plan text, has since been removed.</p> <p>The Regulations now provide deemed provisions for local planning schemes (<b>deemed provisions</b>). Under the deemed provisions, decision-makers are to have due regard to structure plans, which now makes structure plans (including ASP 77) non-binding.</p>
<b>1.0 Subject Site</b>	
<p>The Agreed Structure Plan area comprises approximately 4 hectares, comprising Lot 9603 (131) Pinjar Road, Ashby, and adjacent road network.</p>	<p>Provision that outlines the extent of the ASP 77 area.</p>
<b>2.0 Agreed Structure Plan</b>	
<p>The Local Structure Plan Map outlines the planned pattern of development for the Structure Plan area. All development should be carried out in accordance with the principles outlined on the Local Structure Plan Map.</p> <p>The Local Zoning Plan comprises a 'Commercial' zone and road reserves as indicated on the Local Zoning Plan Map.</p>	<p>Considered as a provision that informs the operation of the structure plan.</p>
<b>3.0 Interpretations</b>	
<p>The words and expressions used in this Agreed Structure Plan shall have the respective meanings given to them in accordance with DPS2.</p>	<p>Considered as a provision that assists in interpreting the provisions in the structure plan.</p>

## Review of Structure Plan Provisions – Ashby Neighbourhood Centre Local Structure Plan No. 77

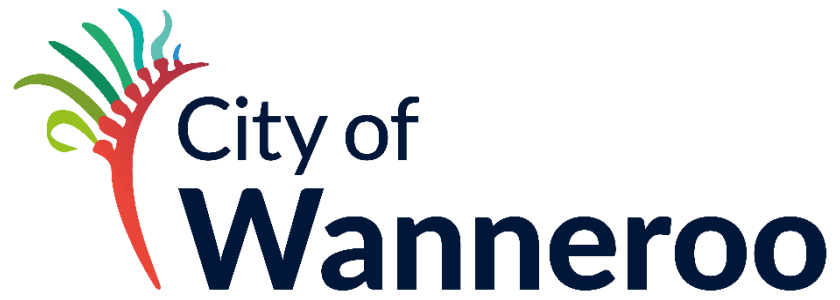
Structure Plan Provision	City Comment and Consideration on Provision
<b>4.0 Relationship with the Scheme</b>	
<p>In accordance with clause 9.8 of DPS2:</p> <p>(a) The provisions, standards and requirements specified under Part 1 of this Agreed Structure Plan shall have the same force and effect as if it were a provision, standard or requirement of DPS2.</p> <p>(b) In the event of there being any inconsistencies or conflict between the provisions, standards or requirements of DPS2 and the provisions, standards or requirements of this Agreed Structure Plan, then the provisions, standards or requirements of DPS2 shall prevail.</p>	<p>Prior to the gazettal of the Regulations, structure plans could have force and effect under DPS 2. However, Clause 9.8 of DPS 2, as referenced in the structure plan text, has since been removed.</p> <p>The Regulations now provide deemed provisions that prescribe that decision-makers are to have due regard to structure plans.</p> <p>As structure plans are not binding (considered due regard), and DPS 2 has force and effect, it is superfluous for ASP 77 to prescribe that DPS 2 would prevail over any inconsistencies that exist between DPS 2 and ASP 77.</p>
<b>5.0 General Provisions</b>	
<b>5.1 Commercial Zone</b>	
<b>5.1.1 Objectives</b>	
<p>The general objectives of the 'Commercial' zone shall be in accordance with those contained in DPS2 for the 'Commercial' Zone.</p>	<p>The objectives of the 'Commercial' zone in DPS 2 can continue to apply over the land subject to ASP 77, should the zoning of the land be normalised through Amendment No. 209.</p>
<b>5.1.2 Use Permissibility</b>	
<p>Land use permissibility within the 'Commercial' zone shall be accordance with the permitted uses of the 'Commercial' zone of DPS2.</p>	<p>Should the zoning of the land be normalised (to Commercial) and structure plan revoked, the Scheme will have binding provisions for land use permissibility over the land.</p>
<b>5.1.3 Retail Floorspace</b>	
<p>Subject also to the requirements of the East Wanneroo Cell 1 (Tapping and Ashby) Agreed Structure Plan, particularly insofar as floorspace allocation is concerned, the maximum retail floorspace limit for this Centre shall be 7,100m<sup>2</sup> NLA (rounded to the nearest 50m<sup>2</sup>).</p>	<p>The maximum retail floorspace of 7,100m<sup>2</sup> prescribed in this provision (as well as in ASP 3) can be imposed into Schedule 7 of DPS 2 through Amendment No. 209.</p>

## Review of Structure Plan Provisions – Ashby Neighbourhood Centre Local Structure Plan No. 77

Structure Plan Provision	City Comment and Consideration on Provision
<b>5.1.4 Road Widening</b>	
<p>Local roads abutting the subject site shall be widened as necessary to achieve the following reserve widths, as depicted in the Structure Plan.</p> <ul style="list-style-type: none"> <li>Hollosy Way – Width of 23.5m - 24.5m</li> <li>East-West Road – Width of 20.0m – 24.0m</li> <li>North-South Road – 17.5m – 20.4m</li> </ul>	<p>On review, the road reserves subject to the provisions have now been created to the following widths:</p> <ul style="list-style-type: none"> <li>Hollosy Way – 23.5m (west of Bocklin Road) to 24.5m (east of Bocklin Road)</li> <li>East-West Road (Blackberry Drive) – 20.0m (away from Pinjar Road) to 24.0m (close to Pinjar Road)</li> <li>North-South Road (Fomiatti Street) – 17.5m (adjoining Lot 7) to 20.4m (adjoining Lot 9634).</li> </ul>
<b>5.1.5 Provisions</b>	
<p>1. The building line adjacent to Hollosy Way, the (unnamed) North-South Road and (unnamed) East-West Road 'Main Streets' shall consist of a generally continuous façade with a nil street setback incorporating continuous awnings and/or colonnades, and may only be broken for minor incursions associated with the following:</p> <ul style="list-style-type: none"> <li>Pedestrian access</li> <li>Vehicle driveway access and parking as nominated on the Structure Plan</li> <li>Other uses or features deemed appropriate by Council</li> </ul>	<p>All land parcels within the ASP 77 area (with exception of Lot 9634) are developed. In considering applications for the development on these lots, the City would either have been bound by ASP 77 (before October 2015) or had due regard to the structure plan provisions (after October 2015).</p> <p>Lot 9634 is a vacant site but is subject to an approval for a mixed use development issued by the Metro Outer JDAP on 21 October 2020. The City granted approval in July 2023 to extend the period in which development can substantially commence on Lot 9634 – to 29 March 2029.</p>
<p>2. The width of the awning shall have a minimum of 2.0 metres projecting over the road reserve, with minimum 2.75 metres ground clearance.</p>	<p>Therefore, these structure plan provisions will no longer need to be in place to guide development of the centre.</p>
<p>3. Building setbacks to Pinjar Road shall be in accordance with the provisions of DPS2.</p>	
<p>4. Signage within 'Main Streets' shall not project above a building parapet or an eave line unless treated as an architectural feature.</p>	
<p>5. Any signage above pedestrian areas shall have a minimum clear headway of 2.75 metres.</p>	
<p>6. An Easement in Gross is to be placed on the Certificate/s of Title for the lot/s comprising the Structure Plan area, providing for reciprocal rights of carriageway and access to parking within the Structure Plan area.</p>	

## Review of Structure Plan Provisions – Ashby Neighbourhood Centre Local Structure Plan No. 77

Structure Plan Provision	City Comment and Consideration on Provision
7. Shade trees within public carparks shall be planted at the rate of one tree to every four cars and shall be protected from damage by vehicles.	All land parcels within the ASP 77 area (with exception of Lot 9634) are developed. In considering applications for the development on these lots, the City would either have been bound by ASP 77 (before October 2015) or had due regard to the structure plan provisions (after October 2015).  Lot 9634 is a vacant site but is subject to an approval for a mixed use development issued by the Metro Outer JDAP on 21 October 2020. The City granted approval in July 2023 to extend the period in which development can substantially commence on Lot 9634 – to 29 March 2029.  Therefore, these structure plan provisions will no longer need to be in place to guide development of the centre.
8. Service areas, bin and material storage areas and services such as air conditioners, compressors and other machinery, shall be located to the rear of the building line, or where conditions dictate and to the satisfaction of Council, shall be located away from public areas and screened from view from streets and public areas by an enclosure in the style and material of the building.	
9. All buildings fronting public roads shall be designed to incorporate active frontages and to minimise blank facades to street.	
<b>5.1.6 Indigenous Heritage Value</b>	
There are no sites currently mapped on the Register of Aboriginal Sites. Notwithstanding, the applicant is required to comply with any obligation which may arise pursuant to the <i>Aboriginal Heritage Act 1972 (WA)</i> in respect to archaeological or ethnographic heritage connected with the subject land.	Even after the zoning of the land is normalised and ASP 77 is revoked, landowners and applicants are still required to comply with any obligation which may arise pursuant to the new <i>Aboriginal Cultural Heritage Act 2021</i> .



## **APPENDIX 4**

Review of Local Development Plans in  
ASP 3 Area



LDP Name and CM reference	Approval Date (Current Version)	Expiry Date	No. of lots	% of lots dev?	R-Code	LDP refer to RMD?	LDP Vary R-Codes?	Variations to R-Codes	Other Provisions on LDP	Other Notes	Stage 2 R-Code/ RMD Inv?	Consider Expiry Impact?
Detailed Area Plan No. 1 – Kestrels Stage 1	19 Apr 2007	19 Oct 2025	41	100%	R20 R30	NO	YES	<ul style="list-style-type: none"> <li>Setbacks for front, rear, garage and side/solar.</li> <li>Boundary wall projection beyond front façade of dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>Preferred garage locations</li> <li>Depiction of building envelopes</li> <li>Maximum garage size.</li> </ul>		NO	NO
Detailed Area Plan No. 1 – Kestrels Stages 5A & 5B	19 Apr 2007	19 Oct 2025	43	100%	R30	NO	YES	<ul style="list-style-type: none"> <li>Setbacks for front, rear, garage and side/solar.</li> <li>Boundary wall projection beyond front façade of dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>Preferred garage locations</li> <li>Depiction of building envelopes</li> <li>Maximum garage size.</li> </ul>		NO	NO
Detailed Area Plan – Stage 6A the Kestrels	3 Oct 2008	19 Oct 2025	23	100%	R30	NO	YES	<ul style="list-style-type: none"> <li>Open space</li> <li>Setbacks for front, rear, secondary street, garage and side/solar.</li> <li>Boundary wall provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Uniform fencing</li> <li>Access restriction</li> <li>Preferred and designated garage locations</li> <li>Depiction of building envelopes</li> </ul>	Amends a DAP that was approved on 11 January 2008	NO	NO
Detailed Area Plan – Stage 8 the Kestrels	27 July 2009	19 Oct 2025	14	100%	R30	NO	YES	<ul style="list-style-type: none"> <li>Open space</li> <li>Setbacks for front, rear, secondary street, POS, garage and side/solar.</li> <li>Boundary wall provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Uniform fencing</li> <li>Access restriction</li> <li>Designated garage locations</li> <li>Depiction of building envelopes</li> </ul>		NO	NO
Detailed Area Plan – Ashby Village	14 Dec 2012	19 Oct 2025	102 +CP	87%	R40 R60 R80	NO	YES	<ul style="list-style-type: none"> <li>Open space subject to OLA design and boundary wall alignment and side setback</li> <li>Dwelling and garage setbacks to the front and common property</li> <li>Boundary walls</li> <li>Building height (for R60 and R80 lots)</li> <li>Passive surveillance from upper floor to street for R60</li> </ul>	<ul style="list-style-type: none"> <li>Fencing detail</li> <li>Visitor parking</li> </ul>	R80 coded areas (being Lots 75 and 76) are zoned Mixed Use in ASP 3. The remainder of the LDP area is zoned Residential.	YES (for R60)	NO
Detailed Area Plan No. 4 – Lots 1558 & 1559 Ardea Way and Lots 1560 & 1561 Spring Hill	24 Sept 2007	19 Oct 2025	4	100%	R20	NO	YES	<ul style="list-style-type: none"> <li>Setbacks for street, POS and garage.</li> <li>Open space</li> <li>OLA location</li> <li>Orientation to adjoining POS.</li> </ul>	<ul style="list-style-type: none"> <li>Uniform fencing</li> <li>Required garage locations</li> <li>Retaining walls provided by vendor</li> </ul>		NO	NO
Detailed Area Plan No. 1 – Lot 9017 (17) Lautrec Loop, Ashby	20 Jan 2015	19 Oct 2025	3	100%	R30	NO	NO	Nil	Bushfire protection and BAL ratings	Prepared as a condition of subdivision.	NO	NO

LDP Name and CM reference	Approval Date (Current Version)	Expiry Date	No. of lots	% of lots dev?	R-Code	LDP refer to RMD?	LDP Vary R-Codes?	Variations to R-Codes	Other Provisions on LDP	Other Notes	Stage 2 R-Code/ RMD Inv?	Consider Expiry Impact?
Local Development Plan – Wanneroo Road and Clarkson Avenue, Tapping	16 Mar 2018	16 Mar 2028	1	See Notes	N/A	NO	NO	Nil	<ul style="list-style-type: none"> <li>• Building aspect to adjoining roads</li> <li>• Service areas to be screened from view from public</li> <li>• Building setbacks</li> <li>• Vehicle and pedestrian movement network through LDP area</li> <li>• Landscaping</li> <li>• Public plaza</li> <li>• Building form</li> <li>• Landmark features</li> </ul>	<ul style="list-style-type: none"> <li>• Zoned Commercial in ASP 3, with no R-Code designated.</li> <li>• Only northwestern corner developed. Remainder of the site is vacant.</li> </ul>	NO	NO
Local Development Plan – Lot 1001 Clarkson Avenue, Tapping	2 Nov 2018	2 Nov 2028	83 +CP	94%	R60	NO	YES	<ul style="list-style-type: none"> <li>• Building orientation</li> <li>• Permeable fencing</li> <li>• Porch/verandah/balcony setbacks and widths</li> <li>• Building on boundary</li> <li>• Mandatory two storey development</li> <li>• No privacy provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Building setback to sewer easement</li> <li>• Building envelope</li> <li>• Pedestrian paths'On0street parking</li> <li>• Entry statement signage</li> <li>• Indicative pedestrian point</li> <li>• Private and public movement network.</li> </ul>		YES	NO

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## PLANNING AND DEVELOPMENT ACT 2005

### CITY OF WANNEROO

#### DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 209

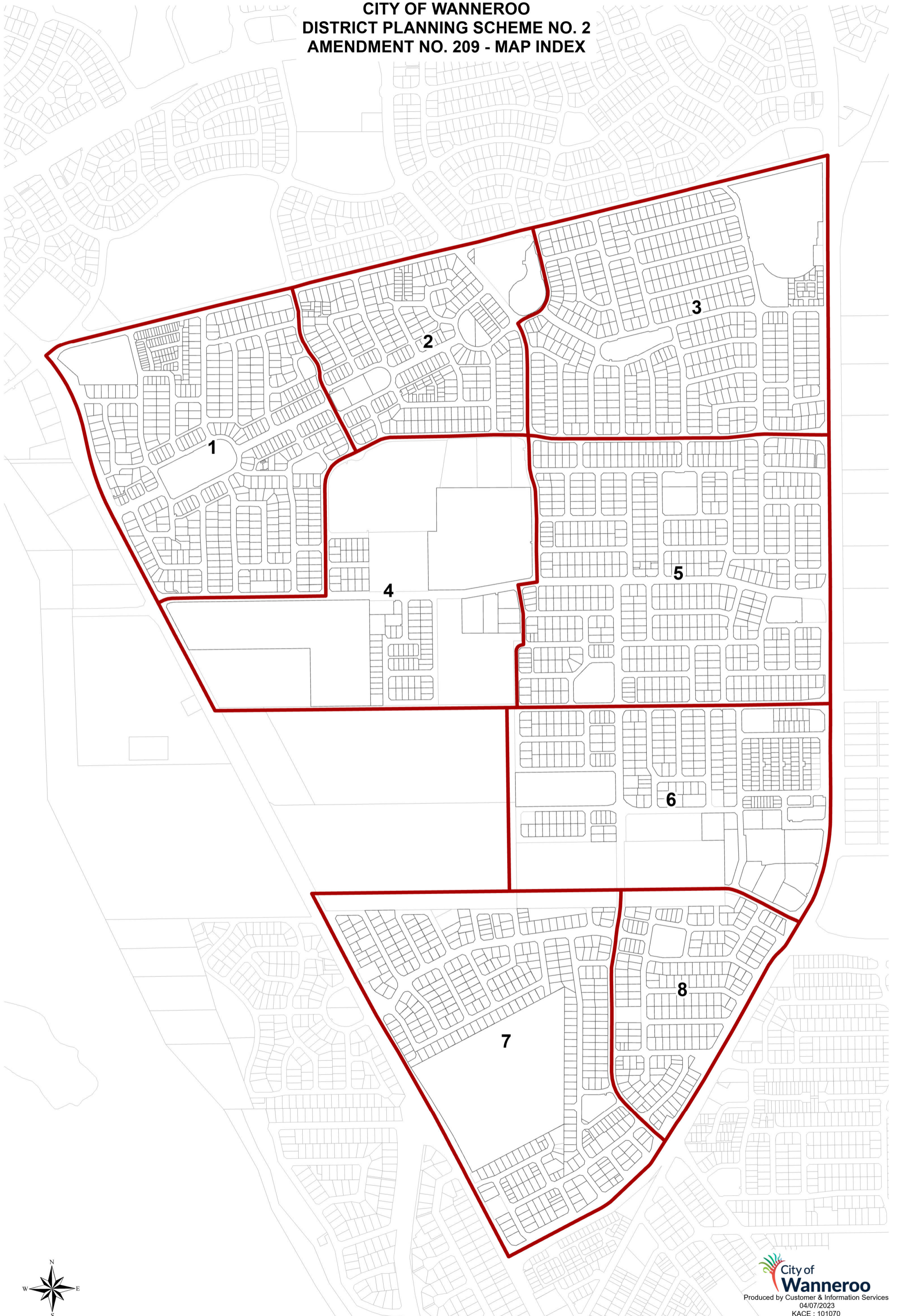
The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Rezoning various lots affected by the East Wanneroo Cell 1 (Tapping and Ashby) Agreed Local Structure Plan No. 3 located in the Tapping and Ashby localities from 'Urban Development' to 'Residential' (R20, R30, R40, R60 and R80), as shown on all Scheme (Amendment) Maps
2. Rezoning all 0.1m pedestrian accessway lots (or portions of 0.1m pedestrian accessway lots) adjoining the land subject to (1) above to Residential, and to assign a density code for the 0.1m pedestrian accessway lots that correspond with what this amendment proposes for the adjoining residential lot.
3. Reclassifying the following land parcels from the 'Urban Development' zone to 'Local Scheme Reserve – Public Open Space', as shown on various Scheme (Amendment) Maps:
  - Lot 307 (26) Nankeen Circle, Tapping (on DP: 42684);
  - Lot 1562 (16) Jaeger Bend, Tapping (on DP: 55647);
  - Lot 1499 (18) Pardalote Way, Tapping (on DP: 49196);
  - Lot 1638 (54) Whimbrel Vista, Tapping (on DP: 59291);
  - Lot 1635 (30) Whimbrel Vista, Tapping (on DP: 59291);
  - Lot 1637 (30) Whimbrel Vista, Tapping (on DP: 57859);
  - Lot 1739 (9) Ray Gardiner Vista, Tapping (on DP: 57859);
  - Lot 1845 (9) Ray Gardiner Vista, Tapping (on DP: 57859);
  - Lot 1788 (16) Alvarez Parkway, Tapping (on DP: 57859);
  - Lot 3001 (1) Alvarez Parkway, Tapping (on DP: 70748);
  - Lot 8009 (120) Waldburg Drive, Tapping (on DP: 67828);
  - Lot 708 (30) Eiffel Circuit, Tapping (on DP: 54592);
  - Lot 705 (11) Da Vinci Drive, Tapping (on DP: 46781);
  - Lot 710 (24) Rosinski Circle, Tapping (on DP: 54592);
  - Lot 8016 (24) Rosinski Circle, Tapping (on DP: 51233);
  - Lot 8014 (20) Bonvin Gardens, Tapping (on DP: 50650);
  - Lot 15602 (6) Provost Way, Tapping (on DP: 41377);
  - Lot 15601 (54) Carosa Road, Ashby (on DP: 41358);
  - Lot 295 (6) Elton Way, Ashby (on DP: 41692);
  - Lot 3000 (20) Taplow Parade, Ashby (on DP: 45436);
  - Lot 15219 (6) Crivelli Parkway, Ashby (on DP: 38824); and
  - Lot 296 (22) Tintern Road, Ashby (on DP: 41693).
4. Rezoning Lot 700 (2) Clarkson Avenue, Tapping (on DP: 418023) from 'Urban Development' to 'Commercial' (R60), as shown on Scheme (Amendment) Map 1.
5. Reclassifying a portion of the Clarkson Avenue road reserve adjoining Lot 700 (2) Clarkson Avenue, Tapping (on DP: 418023) from 'Urban Development' zone to 'Local Scheme Reserve – Local Road', as shown on Scheme (Amendment) Map 1.

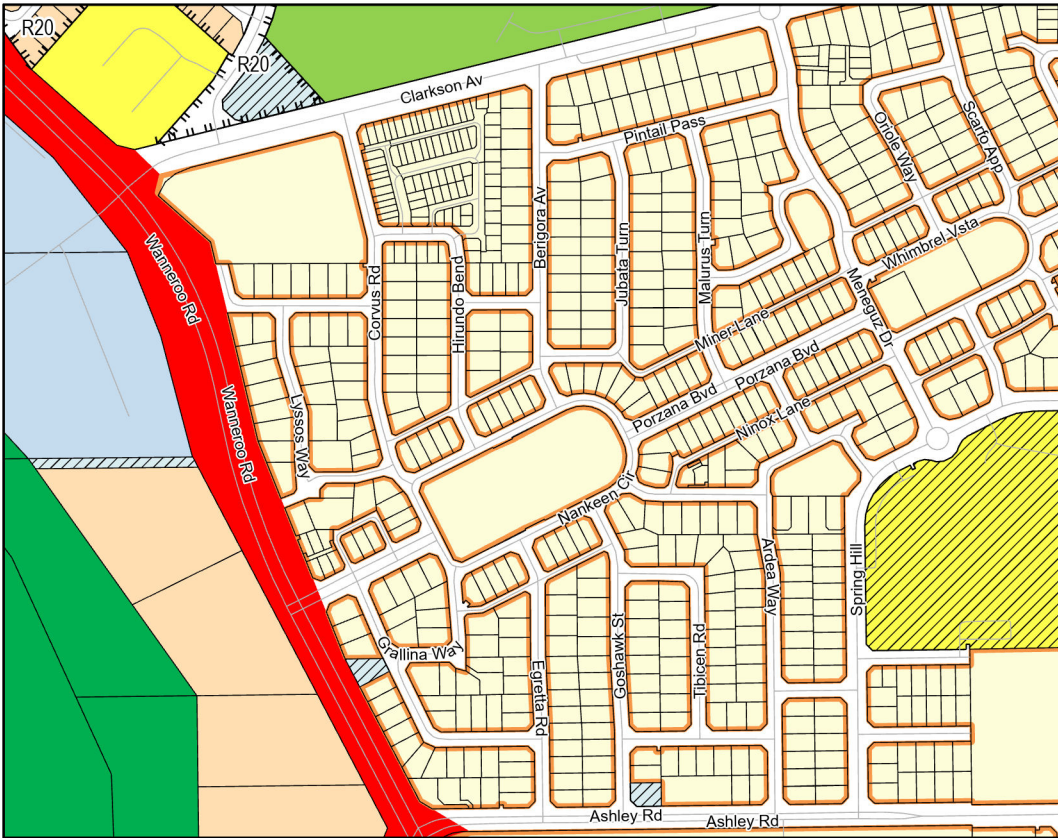
6. Reclassifying Lot 1789 (59) Waldburg Drive, Tapping (on DP: 66558) from the 'Urban Development' zone to 'Local Scheme Reserve – Public Purposes', as shown on Scheme (Amendment) Map 2.
7. Reclassifying Lot 707 (31) Da Vinci Drive, Tapping (on DP: 44803) from the 'Urban Development' zone to 'Local Scheme Reserve – Drainage/Waterway', as shown on Scheme (Amendment) Map 3.
8. Reclassifying Lot 1 (76) Ashley Road, Tapping (on DP: 69528) from the 'Urban Development' zone to 'Local Scheme Reserve – Civic and Community', as shown on Scheme (Amendment) Map 4.
9. Rezoning the following lots from 'Urban Development' to 'Private Community Purpose', as shown on Scheme (Amendment) Maps 4 and 7:
  - Portion Lot 402 (48) Ashley Road, Tapping (on DP: 64573);
  - Lot 100 (1140) Wanneroo Road, Ashby (on DP: 39760);
  - Lot 15427 (1144P) Wanneroo Road, Ashby (on DP 39760); and
  - Lot 15428 (1132P) Wanneroo Road, Ashby (on DP 39760).
10. Rezoning Lot 76 (14) Blackberry Drive, Ashby and Lot 75 (30) Roccella Loop, Ashby (both on DP: 416131) from 'Urban Development' to 'Mixed Use (R80)' as shown on Scheme (Amendment) Map 6.
11. Rezoning the following land parcels from 'Urban Development' to 'Commercial' (R-AC4), as shown on Scheme (Amendment) Map 6:
  - Lot 9634 (10) Fomiatti Street, Ashby (on DP: 417598);
  - Lot 7 (2) Fomiatti Street, Ashby (on DP: 417598);
  - Lot 6 (6) Hollosy Way, Ashby (on DP: 411846);
  - Lot 5 (2) Hollosy Way, Ashby (on DP: 73157);
  - Lot 8 (131) Pinjar Road, Ashby (on DP: 410342); and
  - Lot 10 (141) Pinjar Road, Ashby (on DP: 417598).
12. Adding the following into Schedule 7 (Centre and Commercial Zones) of the Scheme text:

<b>Locality</b>	<b>Description of Centre and Commercial Zones</b>	<b>NLA (m<sup>2</sup>)</b>
ASHBY	Lot 9634 Fomiatti Street on DP: 417598 Lot 7 Fomiatti Street on DP: 417598 Lot 6 Hollosy Way on DP: 411846 Lot 5 Hollosy Way on DP: 73157 Lot 8 Pinjar Road on DP: 410342 Lot 10 Pinjar Road on DP: 417598	7100
TAPPING	Lot 700 Clarkson Avenue on DP: 418023	4300

**CITY OF WANNEROO  
DISTRICT PLANNING SCHEME NO. 2  
AMENDMENT NO. 209 - MAP INDEX**



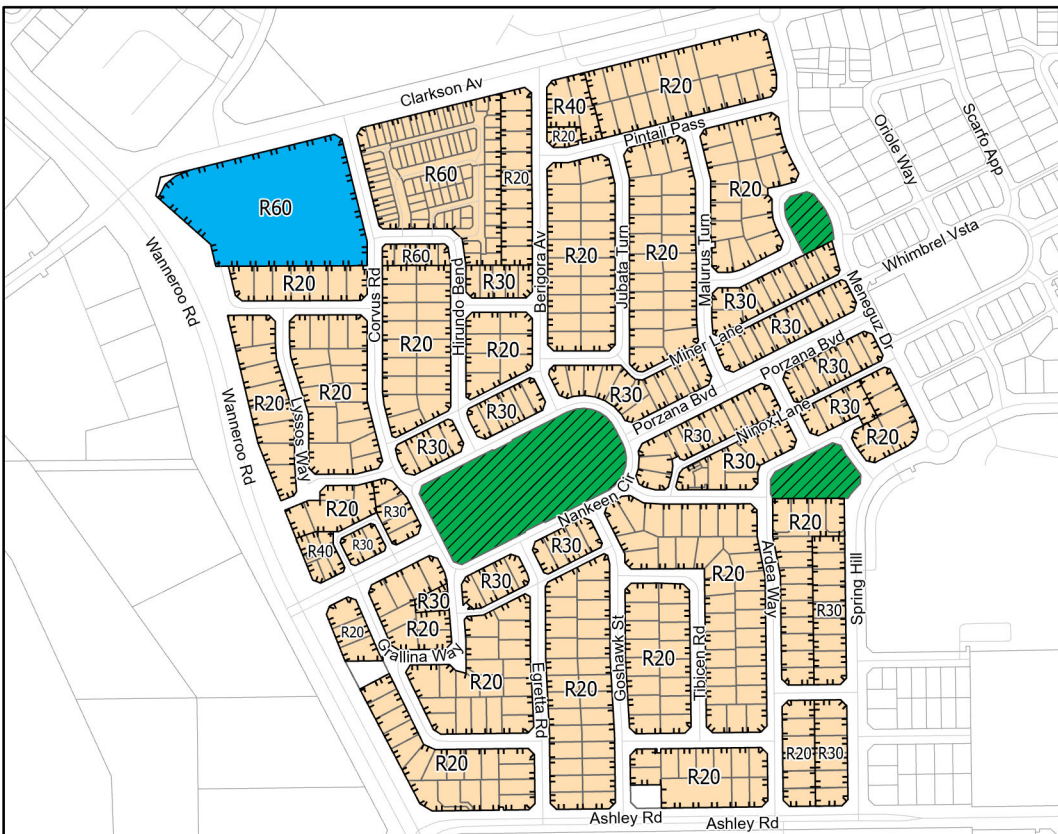
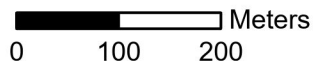
# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209








## LEGEND

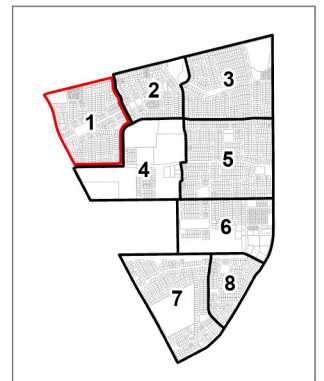
-  R-CODE
- DPS2 ZONES & RESERVES**
-  DRAINAGE & WATERWAYS
-  PRIVATE COMMUNITY PURPOSES
-  PUBLIC PURPOSES
-  RESIDENTIAL
-  SERVICE COMMERCIAL
-  URBAN DEVELOPMENT
-  LOCAL ROAD
- MRS RESERVES**
-  PRIMARY REGIONAL ROADS
-  PUBLIC PURPOSES
-  PARKS & RECREATION

**EXISTING ZONE**



## LEGEND

-  R-CODE
- DPS2 ZONES**
-  COMMERCIAL
-  RESIDENTIAL
- LOCAL SCHEME RESERVES**
-  PUBLIC OPEN SPACE
-  LOCAL ROAD



**SCHEME (AMENDMENT) MAP 1**

# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



EXISTING ZONE

### LEGEND

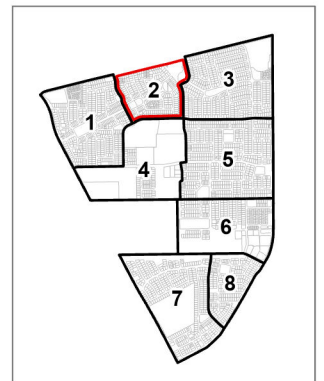
- R-CODE
- DPS2 ZONES & RESERVES**
- ENVIRONMENTAL CONSERVATION
- PRIVATE COMMUNITY PURPOSES
- PUBLIC PURPOSES
- RESIDENTIAL
- URBAN DEVELOPMENT
- LOCAL ROAD



SCHEME (AMENDMENT) MAP 2

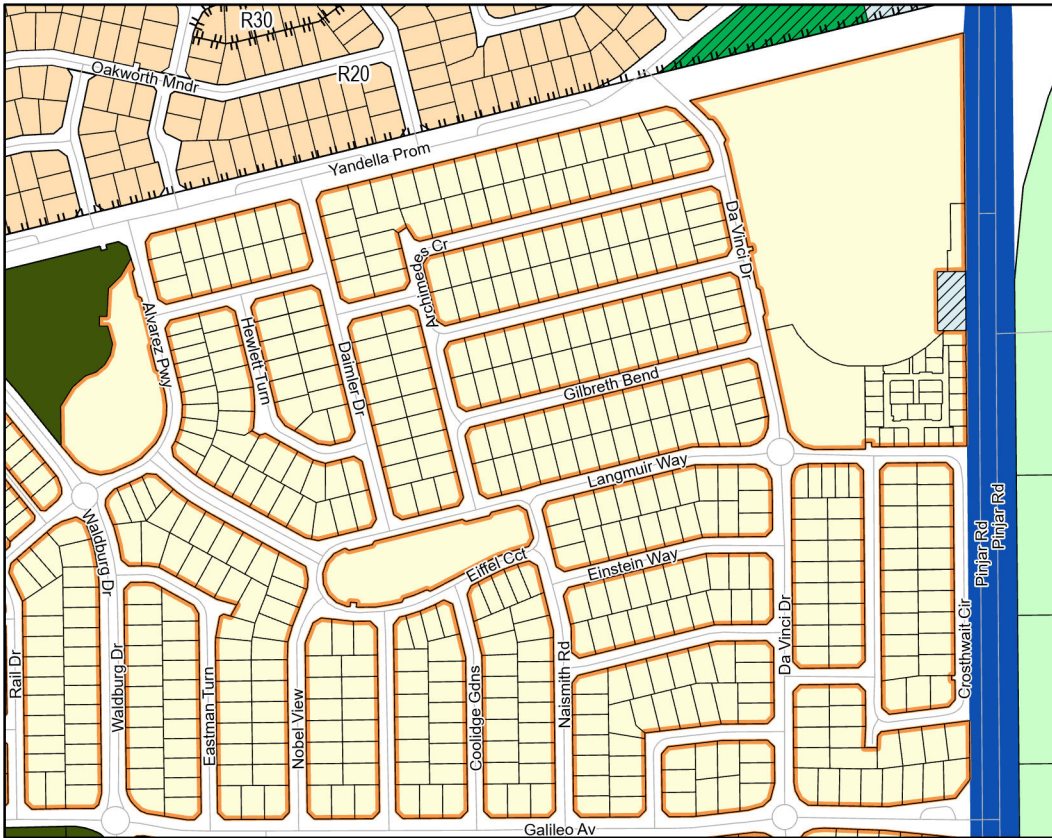
### LEGEND

- R-CODE
- DPS2 ZONE**
- RESIDENTIAL
- LOCAL SCHEME RESERVES**
- PUBLIC OPEN SPACE
- PUBLIC PURPOSES

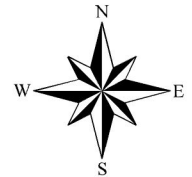
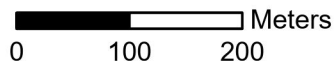




# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



### LEGEND

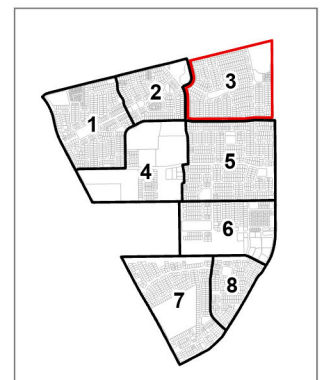
- R-CODE
- DPS2 ZONES & RESERVES**
- DRAINAGE & WATERWAYS
- ENVIRONMENTAL CONSERVATION
- PUBLIC OPEN SPACE
- RESIDENTIAL
- RURAL
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVE**
- OTHER REGIONAL ROADS



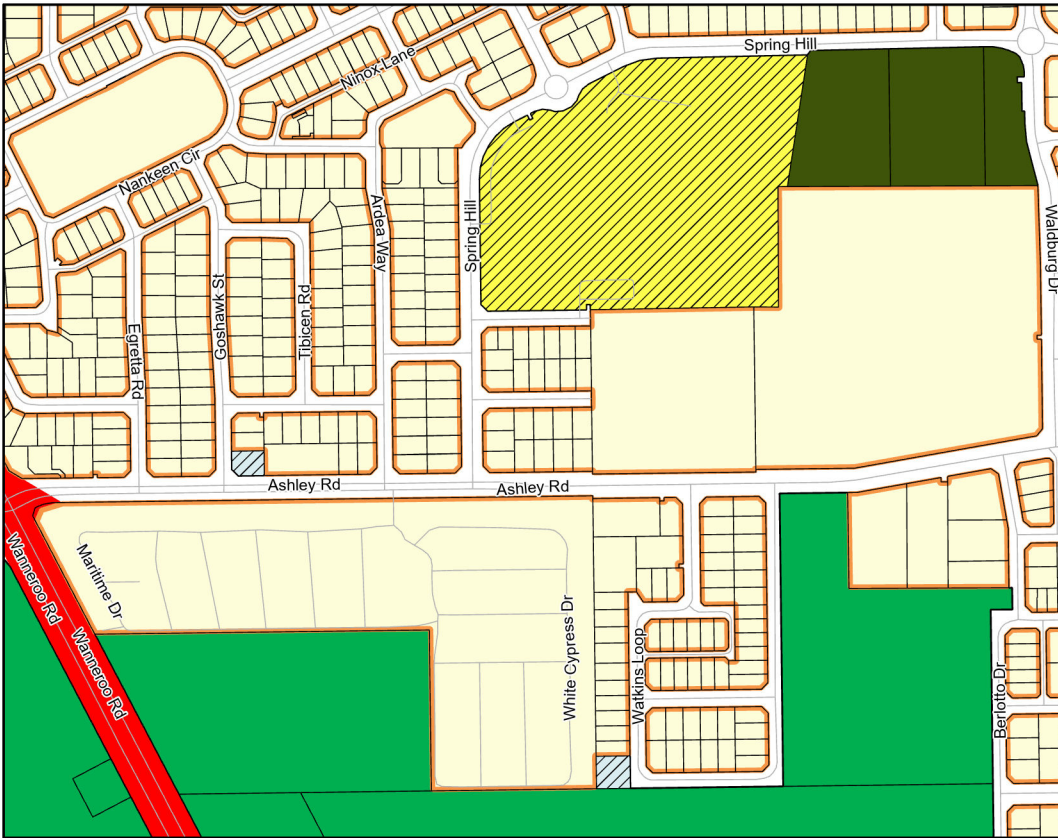
**SCHEME (AMENDMENT) MAP 3**

### LEGEND

- R-CODE
- DPS2 ZONE**
- RESIDENTIAL
- LOCAL SCHEME RESERVES**
- PUBLIC OPEN SPACE
- DRAINAGE & WATERWAYS



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209

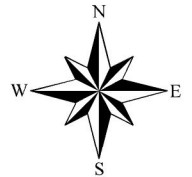
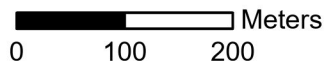


## LEGEND

### DPS2 ZONES & RESERVES

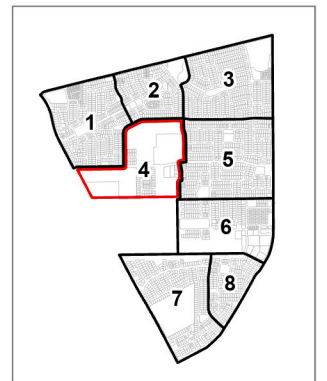
- DRAINAGE & WATERWAYS
  - ENVIRONMENTAL CONSERVATION
  - PUBLIC PURPOSES
  - URBAN DEVELOPMENT
  - LOCAL ROAD
- ### MRS RESERVES
- PRIMARY REGIONAL ROADS
  - PARKS & RECREATION

EXISTING ZONE



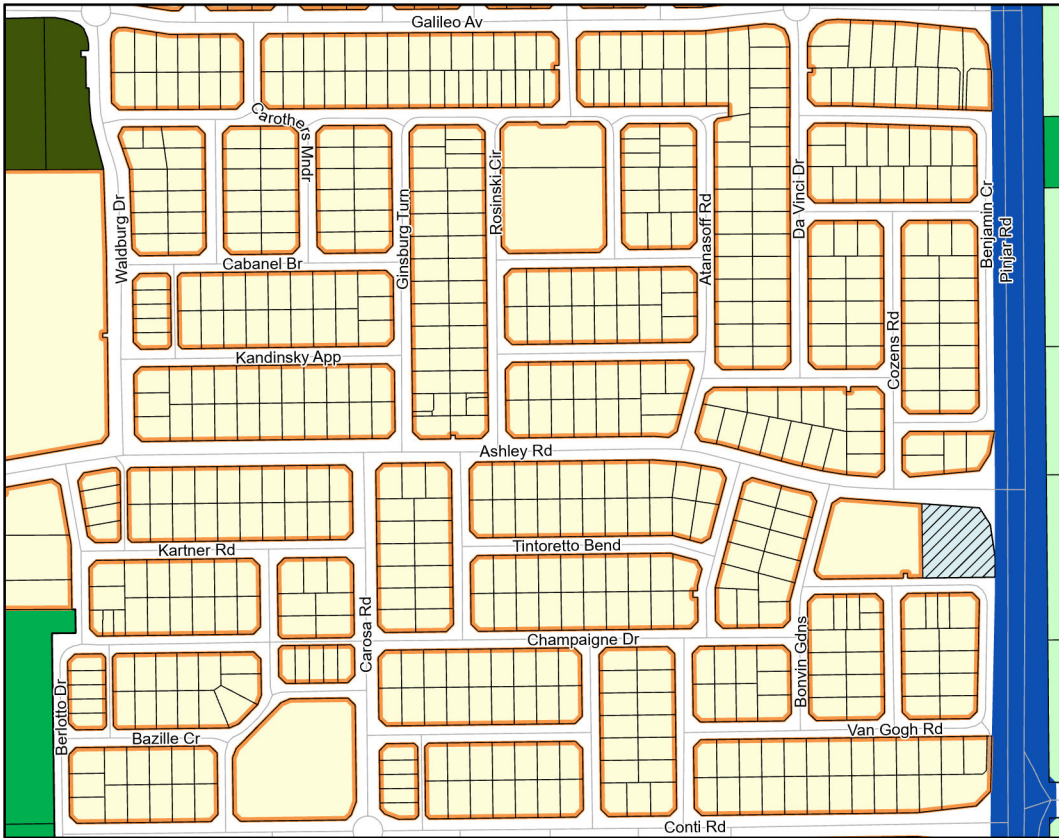
## LEGEND

- R-CODE
- ### DPS2 ZONES
- PRIVATE COMMUNITY PURPOSES
  - RESIDENTIAL
- ### LOCAL SCHEME RESERVES
- PUBLIC OPEN SPACE
  - CIVIC & COMMUNITY

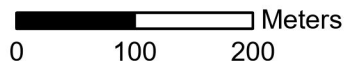


SCHEME (AMENDMENT) MAP 4

# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



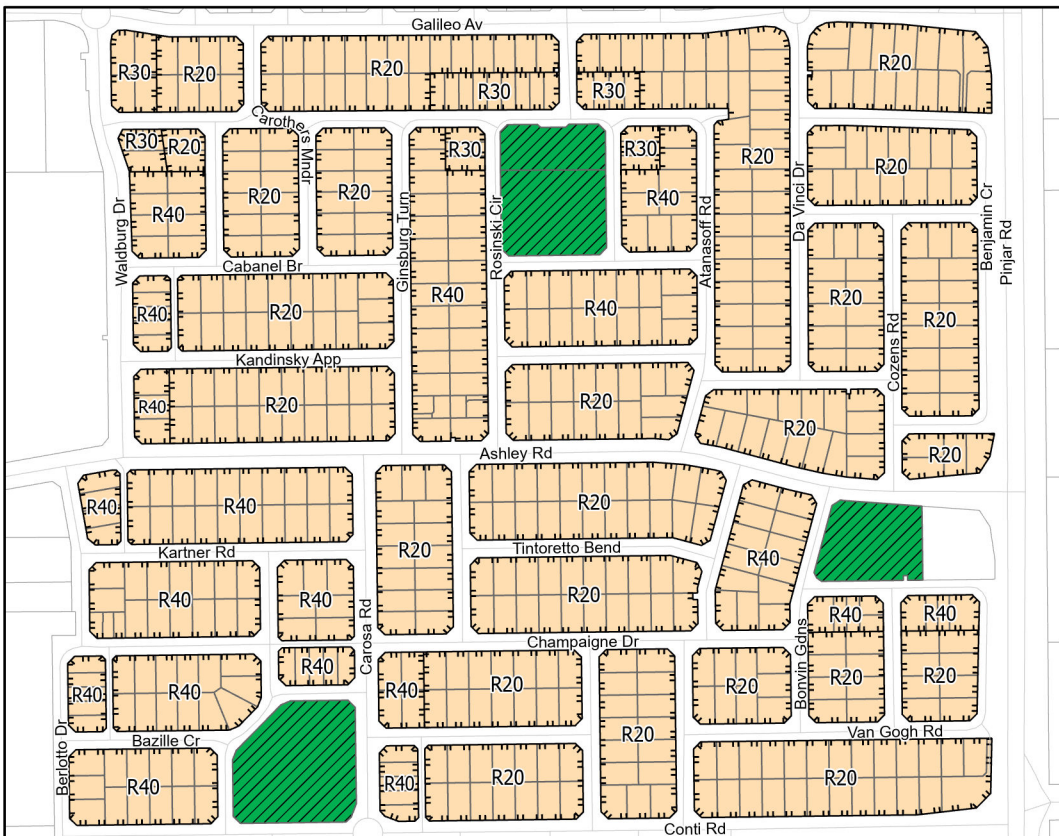
**LEGEND**

**DPS2 ZONES & RESERVES**

- DRAINAGE & WATERWAYS
- ENVIRONMENTAL CONSERVATION
- RURAL
- URBAN DEVELOPMENT
- LOCAL ROAD

**MRS RESERVES**

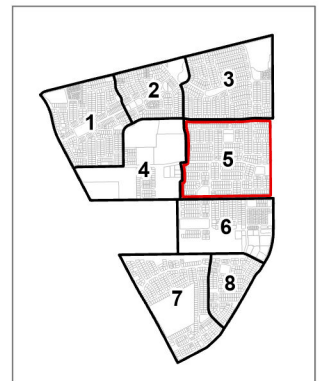
- OTHER REGIONAL ROADS
- PARKS & RECREATION



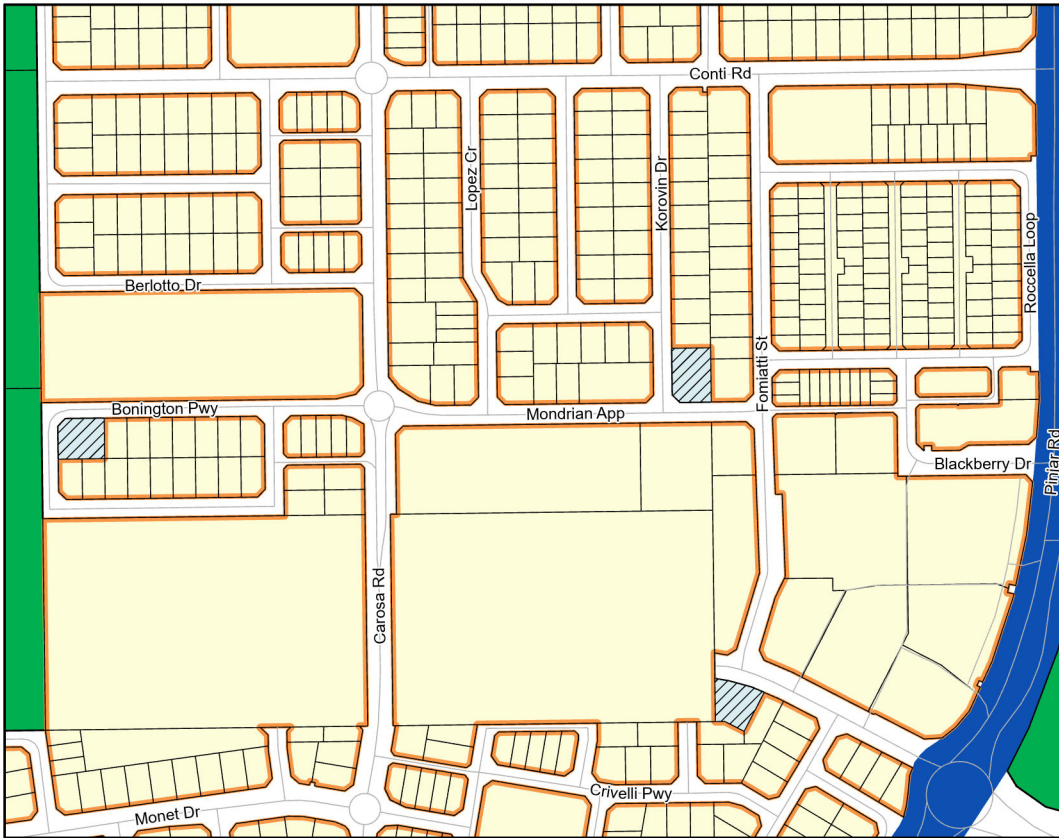
**SCHEME (AMENDMENT) MAP 5**

**LEGEND**

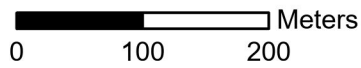
- R-CODE
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



EXISTING ZONE



## LEGEND

### DPS2 ZONES & RESERVES

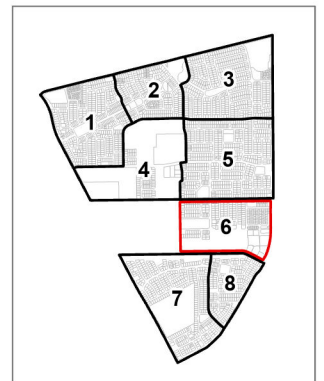
- DRAINAGE & WATERWAYS
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVES**
- OTHER REGIONAL ROADS
- PARKS & RECREATION



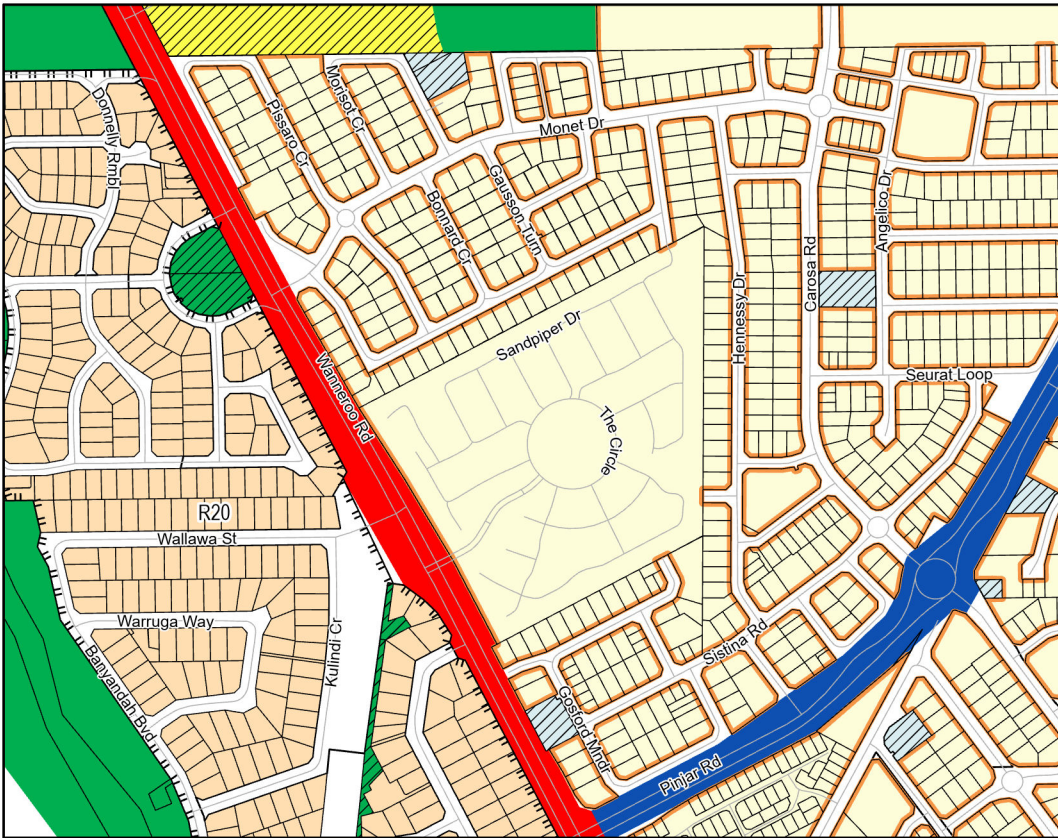
SCHEME (AMENDMENT) MAP 6

## LEGEND

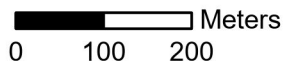
- R-CODE
- DPS2 ZONES**
- COMMERCIAL
- MIXED USE
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



**LEGEND**

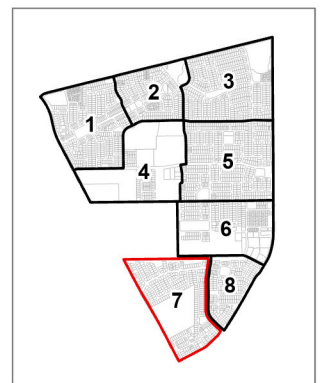
- R-CODE
- DPS2 ZONES & RESERVES**
- DRAINAGE & WATERWAYS
- PUBLIC OPEN SPACE
- PUBLIC PURPOSES
- RESIDENTIAL
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVES**
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- PARKS & RECREATION



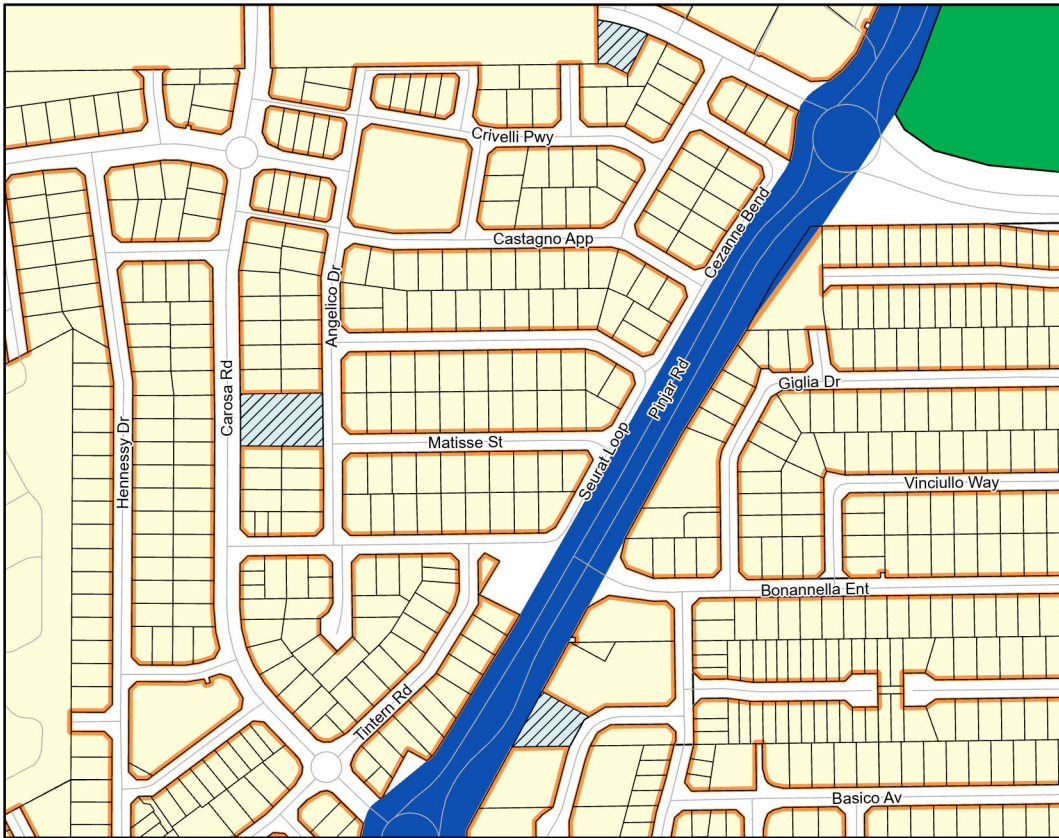
**SCHEME (AMENDMENT) MAP 7**

**LEGEND**

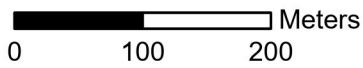
- R-CODE
- DPS2 ZONES**
- PRIVATE COMMUNITY PURPOSES
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



# CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 AMENDMENT NO. 209



**EXISTING ZONE**



**LEGEND**

**DPS2 ZONES & RESERVES**

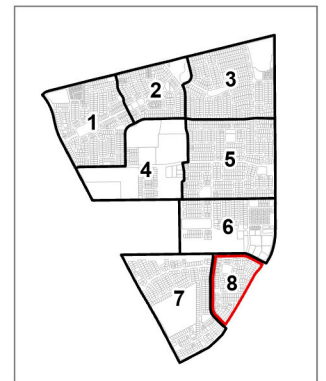
- DRAINAGE & WATERWAYS
- URBAN DEVELOPMENT
- LOCAL ROAD
- MRS RESERVES**
- OTHER REGIONAL ROADS
- PARKS & RECREATION



**SCHEME (AMENDMENT) MAP 8**

**LEGEND**

- R-CODE
- DPS2 ZONE**
- RESIDENTIAL
- LOCAL SCHEME RESERVE**
- PUBLIC OPEN SPACE



**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 August, 2023

.....  
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 August, 2023, 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

DATE .....