



AMENDMENT NO. 5

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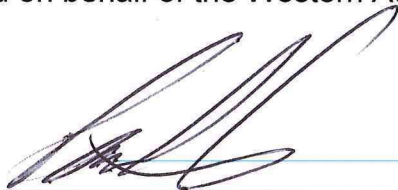
DROVERS PLACE PRECINCT

AGREED STRUCTURE PLAN NO. 80

**This Amendment to the Agreed Structure Plan is prepared under the provisions of
Part 9 of the City of Wanneroo District Planning Scheme No. 2**

IT IS CERTIFIED THAT AMENDMENT NO. 5 TO DROVERS PLACE
PRECINCT AGREED STRUCTURE PLAN NO.80 WAS APPROVED BY
RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING
COMMISSION ON: **5 AUGUST 2016**

Signed for and on behalf of the Western Australian Planning Commission



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

RECORD OF AMENDMENTS MADE TO THE DROVERS PLACE PRECINCT

AGREED STRUCTURE PLAN NO. 80

Amendment No.	Description of Amendment	Finally Endorsed Council	Finally Endorsed WAPC
Amendment 1	Amend table 'C' – Planning Requirements for the Central Precinct as follows:- <ul style="list-style-type: none"> • Introducing Hairdresser with a general training component and with a minimum area of 150m² (Lot 810); • Introducing Large Format Liquor Store with a minimum area of 950m² (lot 811); • Deleting Butcher, Bakery and Fishmonger. 	20 August 2013	22 October 2013
Amendment 2	t.b.a – in progress		
Amendment 3	Amend table 'C' – Planning Requirements for the Central Precinct as follows:- <ul style="list-style-type: none"> • Modifying the intent statement for the Central Precinct; • Adding 'Pharmacy' as a discretionary use; • Adding 'Medical Centre' as a permitted use. 		
Amendment 4	t.b.a – in progress		
Amendment 5	1. Amend objective (b) of Clause 7.0, General Objectives to read: <p align="center"><i>(b) For land within the Central Precinct, reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2;</i></p> 2. Substitute a new Table 'C' – Planning Requirements for the Central Precinct to implement the following changes:- <ul style="list-style-type: none"> • Assign the Business Zone in District Planning Scheme No. 2 to the Central Precinct; • Align the land use permissibility of the Central Precinct with the Business Zone in District Planning Scheme No. 2; • Add the definitions “large format category / theme based showroom”, “Retail Nursery” and “Growers Mart” for the Central Precinct; 		

	<ul style="list-style-type: none">• Identify a list of additional uses that may be contemplated in addition to the land use permissibility applicable to the Business Zone;• Modify and delete various provisions contained in Section 3 that are no longer applicable to the Business development intended for the Central Precinct. <p>3. Delete Table F – Infrastructure Provision.</p> <p>4. Amend the Structure Plan map by changing the zone of the Central Precinct from 'Special Use' to 'Business' zone.</p>		
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PART ONE: IMPLEMENTATION

AMENDMENT NO. 5 TO DROVERS PLACE PRECINCT AGREED STRUCTURE PLAN NO. 80

The City of Wanneroo, pursuant to Part 9 of District Planning Scheme No. 2, hereby amends the above Agreed Structure Plan by:

1. Deleting objective (b) of Clause 7.0 General Objectives and substituting with the following:

“(b) For land within the Central Precinct, reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2”.

2. Substituting an amended Table C Planning Requirements for the Central Precinct which, specifically, amends the existing Table as follows:

- a. Deleting Section 2.1 to 2.5 inclusive of Table C and substitute with the following:

2.1 Zoning

The Central Precinct is assigned as a Business Zone in District Planning Scheme No. 2 (DPS2).

2.2 Land Use Permissibility

In accordance with clause 9.8.3(a) of DPS2, the permissibility of land uses within the Central Precinct is to be in accordance with the Business Zone as specified in Table 1 of the Scheme. The land use definitions in Schedule 1 of the Scheme apply.

2.3 Definitions

Large format category / theme based showroom – Means premises wherein goods, which are otherwise excluded by the showroom definition under DPS2, are displayed and may be offered for sale or hire that:

- (a) are not a supermarket or department store;*
- (b) are a category / theme based retail outlet;*
- (c) due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and*
- (d) has a minimum gross floor area of 500m².*

Retail Nursery – Means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden décor and clothing for

gardening and may include associated outdoor leisure products and an incidental café.

Growers Mart – Means any land or buildings used for the wholesale distribution and retail sale of primary products including fruit and vegetables, meat, fish, bread.

2.4 Additional Uses

In addition to the uses listed as ‘P’ or ‘D’ uses in the Business Zone in Table 1 in DPS 2, the following uses are ‘D’ uses pursuant to clause 3.2.2 of DPS 2:

- Growers mart (Lots 810 and 811 Wanneroo Road only);*
- Retail nursery;*
- Large format category/theme based showroom;*
- Self-storage units (Lot 811 Wanneroo Road only).*

- c. Deleting Section 3.3 of Table C and replacing with the following:
“The bulk and scale of any future development shall have regard for preserving the views, significance and character of and visual relationship to Yellagonga Regional Park.”
 - d. Deleting Section 3.5 of Table C and renumbering the remainder of the section accordingly.
 - e. Deleting Section 3.10 of Table C and substituting it with the following:
“Building facades shall be of a high architectural standard utilising brick, masonry, concrete and glazing and include colour schemes sympathetic to the natural environment to the satisfaction of the City of Wanneroo.”
 - f. Deleting Section 3.11 and 3.12 of Table C.
3. Deleting Table F – Infrastructure Provision in its entirety.
 4. Amending the Structure Plan map as shown in Annexure “A”.

PART TWO: EXPLANATORY SECTION

DROVERS PLACE PRECINCT AGREED STRUCTURE PLAN No. 80

AMENDMENT NO. 5

1. Introduction

This request to amend the Drovers Place Precinct Agreed Structure Plan No. 80 (ASP No. 80) is made on behalf of the landowner of Lots 1 and 132 Wanneroo Road, being Lakewide Pty Ltd. Lots 1 and 132 are located within the Drovers Place Central Precinct.

This request proposes the following modifications to ASP No. 80:

1. Amend objective (b) of Clause 7.0, General Objectives to reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2.
2. Align the land use permissibility of the Central Precinct with the Business Zone in District Planning Scheme No. 2.
3. Add the definitions “Large Format Category / Theme Based Showroom”, “Retail Nursery” and “Growers Mart” relating to the Central Precinct.
4. Identify a list of additional uses that may be contemplated in addition to the land use permissibility applicable to the Business Zone.
5. Modify and delete various provisions contained in Section 3 that are no longer applicable to the Business development intended for the Central Precinct.
6. By agreement through the consent orders of the State Administrative Tribunal, delete Table F – Infrastructure Provision and remove reference to Table F throughout.
7. Amend the Structure Plan map by changing the zone of the Central Precinct from ‘Special Use’ to ‘Business’ zone.

The following report provides detailed information and justification in support of the proposed modifications.

2. Background

2.1 Agreed Structure Plan No. 80

The Drovers Place Precinct Agreed Structure Plan No. 80 (ASP No. 80) was adopted by Council on 23 August 2011 and was forwarded to the Western Australian Planning Commission (WAPC) for adoption and certification.

The WAPC adopted ASP No. 80 in July 2012 subject to a number of modifications in response to an application for review to the State Administrative Tribunal. In its letter to the City dated 10 July 2012 advising of the decision to adopt ASP No. 80, the WAPC advised *'that further investigation is to be undertaken by the City of Wanneroo into cost sharing for the provision of a signalised intersection at Clarkson Avenue'*.

To date, the City has not undertaken a review into the cost sharing arrangements relating to the provision of a signalised intersection at Clarkson Avenue and Wanneroo Road.

Currently, the general objectives of ASP No. 80 are to:

- (a) Guide subdivision and provide for a variety of appropriate land uses and development in the three distinct precincts, where proposals will have high exposure to Yellagonga Regional Park, Wanneroo Road, Drovers Place and Joondalup Drive;
- (b) Complement surrounding activity centres through provision of niche business uses reliant on highway exposure;
- (c) Facilitate adaptive built form that maintains a visual relationship with and provides pedestrian access to Yellagonga Regional Park; and
- (d) To protect and enhance the environmental, heritage, and landscape values of the Structure Plan area and adjacent regional park.

In addition to the above, ASP No. 80 also contains requirements relating to permissible land uses, development controls and information requirements to accompany future applications for subdivision and development approval.

2.2 Drovers Place Central Precinct Detailed Area Plan

The City, under its powers of delegated authority, adopted the Drovers Place Central Precinct Detailed Area Plan (DAP) on the 28 November 2013. The DAP establishes detailed provisions relating to building envelopes, permitted building heights, built form, earthworks, access and heritage requirements.

3. Site Details

This request relates to the Central Precinct, comprising Lots 810, 811, 1 and 132 Wanneroo Road, Wanneroo. The title particulars are provided in the table below:

Lot	Vol/Folio	Diagram	Land Area	Landowners
1	28/14A	7782	2.8009 ha	Lakewide Pty Ltd
132	1663/446	231049	3.4086 ha	Lakewide Pty Ltd
810	2613/1	42376	2.8009 ha	Goldrange Pty Ltd
811	2613/2	42376	2.9488 ha	Greenpark Asset Pty Ltd

Refer to Appendix A – Certificates of Title

4. Relevant Policy Context

4.1 State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2) sets out the broad requirements for the distribution, function, broad land use and urban design criteria for activity centres within the metropolitan area.

SPP 4.2 provides for ‘out of centre’ development to be located in designated centres, such as the Drover’s Place Central Precinct and lists the type of uses appropriate to these designated areas as including health, welfare, community services, entertainment, recreation, commercial and cultural facilities that are *‘likely to attract a significant number of employees or users and generate significant vehicle trips’*.

The Central precinct is considered to be an appropriate location for ‘out of centre’ development, given the existence of the Drovers markets and associated showroom floorspace already present within the precinct. Portion of the precinct is already acknowledged as an ‘out-of-centre’ precinct within the City’s Activity Centres Policy as outlined below.

In recognition of the sites strategic location along Wanneroo Road and acknowledging the existing provision of commercial land uses that generate a significant employment and vehicle trips, the Central Precinct represents a logical site to establish a new ‘Business’ precinct, generally in accordance with the Business zone as defined under the City’s District Planning Scheme No. 2.

4.2 Local Planning Policy 3.2 – Activity Centres Policy

The Drovers Place Central precinct has been recognised within the City’s *Local Planning Policy 3.2 – Activity Centres Policy* as accommodating ‘out of centre development’ as defined by *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP4.2).

It is acknowledged that the reference to ‘out of centre’ development within LPP 3.2 is made only in relation to Lots 810 and 811 on the basis that the out of centre development is already established on these lots. However, Lots 1 and 132 are recognised within ASP80 as forming part of the Central precinct with the same range of ‘out of centre’ uses as Lots 810 and 811 and on this basis we have made a separate request to the City to update LPP 3.2 to also refer to Lots 1 and 132 as being located within a precinct which is suitable to accommodate ‘out of centre’ development.

Furthermore, the Drovers Place Central Precinct is ultimately intended to share access onto Wanneroo Road, which will include reciprocal rights of access to service all development within the Central Precinct, and therefore the precinct development will share traffic and customer base.

LPP 3.2 expands on SPP4.2 and states the following in the ‘Purpose and Application’ section with respect to ‘out of centre’ development:

“That health, welfare, community services, entertainment, recreation, commercial and cultural facilities that attract a significant number of employees or users and/or generate significant vehicle trips cannot always be accommodated within or adjacent to activity centres within the Activity Centres Hierarchy. In these circumstances these uses should occur in out-of-centre developments as referred to in provision 5.6 of State Planning Policy 4.2.”

On the basis of the above, it is clear from the established policy context, that the additional commercial, business, health, community and cultural facilities proposed to be included within the Central precinct by way of this proposed amendment are appropriate in the context that the Central Precinct has been designated as an ‘out-of-centre’ precinct by LPP3.2.

5. Justification for Proposed Amendments

This request proposes the following modifications to ASP No. 80:

1. Amend objective (b) of Clause 7.0, General Objectives to reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2.
2. Align the land use permissibility of the Central Precinct with the Business Zone in District Planning Scheme No. 2.
3. Add the definitions “Large Format Category / Theme Based Showroom”, “Retail Nursery” and “Growers Mart” relating to the Central Precinct.
4. Identify a list of additional uses that may be contemplated in addition to the land use permissibility applicable to the Business Zone.
5. Modify and delete various provisions contained in Section 3 that are no longer applicable to the Business development intended for the Central Precinct.
6. By agreement through the consent orders of the State Administrative Tribunal, delete Table F – Infrastructure Provision in its entirety.
7. Amend the Structure Plan map by changing the zone of the Central Precinct from ‘Special Use’ to ‘Business’ zone.

Modifications 1 to 5 and 7 reflect the outcome of discussions undertaken between the City, the Western Australian Planning Commission and the Applicant of Amendment 5. Modification 6 relates to the Final Order of the State Administrative Tribunal handed down on the 22 June 2016 (Matter Number: DR 135/2016).

Proposal 1 – Amend General Objective

General objective (b) is proposed to be modified as follows:

“b) For land within the Central Precinct, reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2”.

The proposed modification seeks to remove the previous general objective which contained a reference to ‘niche business uses’, which previously has been difficult to apply in a practical sense due to the lack of clarity surrounding this term, and its application in assessing appropriate land uses for the precinct.

Instead it is proposed to replace this General Objective with a new objective that refers to the ‘Business’ zone within District Planning Scheme No. 2 (DPS2) so that the modified intent statement for the Central precinct can relate back to this general objective of the Structure Plan.

Proposal 2 – Align Land Use Permissibility with the Business Zone

It is proposed to delete Sections 2.1 to 2.3 of Table C and replace with the following to align zoning and land use permissibility with the Business zone of DPS2 as per the rationale provided above:

2.1 Zoning

The Central Precinct is assigned as a Business Zone in District Planning Scheme No. 2 (DPS2).

2.2 Land Use Permissibility

In accordance with clause 9.8.3(a) of DPS2, the permissibility of land uses within the Central Precinct is to be in accordance with the Business Zone as specified in Table 1 of the Scheme. The land use definitions in Schedule 1 of the Scheme apply.

This modification is consistent with the agreements reached with both the City and the Western Australian Planning Commission (WAPC) regarding the suite of uses which should

be permissible within the Central Precinct. The WAPC has formed the view that the land use permissibility for the Central precinct should be aligned with the Business zone under DPS2, in recognition of the precinct's intended business focus and in order to streamline and clarify the land use permissibility applicable to the precinct.

Proposal 3 – New Land Use Definitions

The amendment proposes to introduce new land use definitions for the Central precinct which are not currently defined under DPS2 or ASP80. The definitions for these land use classifications are as follows:

Large format category / theme based showroom – Means premises wherein goods, which are otherwise excluded by the showroom definition under DPS2, are displayed and may be offered for sale or hire that:

- (a) are not a supermarket or department store;*
- (b) are a category / theme based retail outlet;*
- (c) due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and*
- (d) has a minimum gross floor area of 500m².*

Retail Nursery – Means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden décor and clothing for gardening and may include associated outdoor leisure products and an incidental café.

Growers Mart – Means any land or buildings used for the wholesale distribution and retail sale of primary products including fruit and vegetables, meat, fish, bread.

Proposal 4 – Additional Land Uses

In addition to the land use permissibility applicable to the Business Zone under DPS2, there are a number of additional land uses that are deemed to be appropriate to the Central Precinct.

The additional land uses sought for the Central Precinct is explained below:

Applicable to whole of the Central Precinct	
Large format category / theme based showroom	This land use classification has been introduced to capture large format retail uses that are excluded from the specific definition of the Showroom land use contained within DPS2. The expanded definition excludes supermarkets and requires the retail land use to be in excess of 500m ² . This land use classification has been agreed to with the WAPC and is deemed consistent with the intent of the Business zone, which includes an intention that land within the Business zone be able to be used for <i>'retail and commercial businesses which require large areas such as ...category/theme-based retail outlets...which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.'</i>
Retail Nursery	Retail Nursery reflects the current status of Agreed Structure Plan No. 80 which identifies Retail Nursery as a discretionary use for the Central precinct.
Applicable to Lots 810 and 811 Wanneroo Road only	
Growers Mart	Growers Mart reflects the current status of Agreed Structure Plan No. 80 which identifies Growers Mart as a discretionary use applicable to Lots 810 and 811 only.
Applicable to Lot 811 Wanneroo Road only	
Self Storage Units	Self Storage Units reflects the current status of Agreed Structure Plan No. 80 which identifies Self Storage Units as a discretionary use applicable to Lot 811 only.

Proposal 5 – Modification to Section 3 of Table C

Minor modifications are proposed to Section 3 of Table C in order to ensure the development provisions accurately reflect the revised statement of intent for the Central Precinct.

Proposed amendments and summarised and explained in the following table:

Proposed Modification	Reason
Deleting Section 3.3 and replacing with the following: <i>“The bulk and scale of any future development shall have regard for preserving the views, significance and character of an visual relationship to Yellagonga Regional Park.”</i>	This proposed modification involves removing the building height limit of 6 metres from finished floor level as it would prevent a range of showroom and large format retail developments from occurring within the precinct, which is contrary to the intent of the precinct. There are an array of uses permissible within the Business zone which may require building heights of greater than 6 metres. In our view, the issue of height is better particularised at the Detailed Area Plan stage, when the impact of particular heights in particular locations of the site can be assessed.

<p>Deleting Section 3.5 and renumbering the remainder of the section accordingly.</p>	<p>This proposed modification seeks to delete the requirement for development proposals to be accompanied by an assessment which demonstrates that the proposed use/s will complement rather than compete with the viability of nearby activity centres.</p> <p>The reason for this is that it should not be necessary to justify land uses that are consistent with the range of land uses permissible under the Business zone as this zone has specifically been established to promote business/commercial uses that will not compete with the retail component of activity centres.</p> <p>There is no similar requirement within DPS2 for land which is zoned as Business zone through the zoning maps, rather than through an Agreed Structure Plan. Therefore, for it to be imposed in this case appears to be inequitable.</p>
<p>Deleting Section 3.10 and replacing with the following:</p> <p><i>“Building facades shall be of a high architectural standard utilizing brick, masonry, concrete and glazing and include colour schemes sympathetic to the natural environment to the satisfaction of the City of Wanneroo.”</i></p>	<p>This modification purely seeks to add the word ‘concrete’ after the word ‘masonry’ to allow for concrete / pre-cast concrete method of constructions appropriate to business / commercial land uses.</p>
<p>Deleting Section 3.11</p>	<p>This requirement is proposed to be deleted as it contemplates a temporary land use arrangement and/or a significant change in land use over time.</p> <p>It appears that this requirement may have been included on the contemplation of a transition of land uses within the Central Precinct over time.</p> <p>This proposed amendment seeks to resolve the intent for the Central precinct, being a business precinct for the long term, and therefore there is no longer a need for buildings to be able to be adaptable.</p>
<p>Deleting Section 3.12</p>	<p>This requirement is proposed to be deleted as it contemplates a temporary land use arrangement and/or a significant change in land use over time.</p> <p>It appears that this requirement may have been included on the contemplation of a transition of land uses within the Central Precinct over time. This proposed amendment seeks to resolve the intent for the Central precinct, being a business precinct for the long term, and therefore</p>

	there is no longer a need for buildings to be able to be adaptable.
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Proposal 6 – Deletion of Table F – Infrastructure Provision

It is proposed to delete Table F of ASP80 which contains provisions relating to cost sharing provisions for transport infrastructure. This amendment has been made by order of the State Administrative Tribunal in handing down its Final Order dated 22 June 2016 in relation to matter number DR 135/2016.

The consent orders are contained at Appendix C.

It is proposed that cost sharing arrangements will be dealt with via a separate Development Contribution Plan which will be enforceable through the City of Wanneroo's Local Planning Scheme.

The modifications described above are set out as per below (noted in red text).

AMENDED TEXT

Statutory Provisions

1.0 Structure Plan Area

The Drovers Place Precinct Structure Plan (“the Structure Plan”) shall apply to the area located within the “Structure Plan Boundary” as depicted on Plan 1 – Structure Plan.

2.0 Purpose

The purpose of the Structure Plan is to provide a planning framework for the structure plan area that is responsive to environmental features and facilitates a range of suitable development and land use options.

3.0 Interpretation

Unless otherwise specified in this Clause, the words and expressions used in the Structure Plan shall have the respective meanings given to them in the City of Wanneroo District Planning Scheme No. 2. In the interest of brevity, the following abbreviations are used in this Part 1:

City	The City of Wanneroo
DAP	Detailed Area Plan
Plan 1	Structure Plan Map
Scheme	The City of Wanneroo District Planning Scheme No. 2

4.0 Relationship with the Scheme

Pursuant to Clause 9.8 of the Scheme, the provisions, standards and requirements specified in the Structure Plan shall have the same force and effect as if they were a provision, standard or requirement of the Scheme. Subject to Clause 9.8.3 f) of the Scheme and Clause 8.1 of this structure plan, in the event of there being any inconsistency or conflict between the provisions, standards or requirements of the Scheme and provisions, standards or requirements of the Structure Plan, the provisions, standards or requirements of the Scheme shall prevail.

5.0 Structure Plan Content

Part 1 – Statutory Provisions

Part 1 includes Plan 1 to illustrate the planned development of individual precincts that make up the Structure Plan, and contains provisions, requirements, and standards that have effect as if included in the Scheme.

All subdivision and development shall be carried out in accordance with Plan 1 and the Part 1 Statutory provisions of the Structure Plan text.

Part 2 – Explanatory Report

Part 2 contains supporting information to clarify aspects of Part 1 and provide an indication of future planning for the Structure Plan area.

6.0 Operation

In accordance with clause 9.8.1 of the Scheme, the Structure Plan shall come into operation on the later date when it is either certified by the Western Australian Planning Commission pursuant to subclause 9.6.3 or adopted signed and sealed by the Council pursuant to subclause 9.6.5.

7.0 General Objectives

The general objectives of the Structure Plan are to:

- (a) Guide subdivision and provide for a variety of appropriate land uses and development in the three distinct precincts, where proposals will have a high exposure to Yellagonga Regional Park, Wanneroo Road, Drovers Place and Joondalup Drive;
- (b) For land within the Central Precinct, reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2;
- (c) Facilitate adaptive built form that maintains a visual relationship with and provides pedestrian access to Yellagonga Regional Park; and
- (d) To protect and enhance the environmental, heritage and landscape values of the Structure Plan area and adjacent regional park.

8.0 Tables

8.1 Tables A-E form part of the statutory provisions of the Structure Plan and prescribe the standards, requirements and prerequisites for subdivision and development in the corresponding precincts designated on Plan 1. Where any inconsistency arises between any provision of these Tables and a provision of the Scheme, then the provision of the Table shall prevail to the extent of that inconsistency and shall apply as an intended variation for the purposes of Clause 9.8.3(f) of the Scheme.

- 8.2 Table A – General Planning Requirements
Table B – Planning Requirements for the Western Precinct
Table C – Planning Requirements for the Central Precinct
Table D – Planning Requirements for the Southern Precinct
Table E – Planning Framework for Drovers Place

8.3 Prior to any subdivision or development being supported in the Central, Western or Southern Precincts, the City will require the preparation and approval of the strategies and plans specified in Table E at the corresponding stage.

Table A - General Planning Requirements

1. Detailed Plans	Area
	<p>1.1 Subdivision and development of land within the Structure Plan shall be in accordance with DAPs approved by the City pursuant to clause 9.14 of the Scheme. The City shall not accept a DAP that is geographically smaller than the area of a Precinct, as illustrated on Plan 1.</p> <p>1.2 The City will not support subdivision or approve development within the Structure Plan in the absence of a DAP, unless it is satisfied that:</p> <ul style="list-style-type: none"> (a) The subdivision proposed is for the amalgamation of lots or part lots, or is for the consolidation of land for “superlot” purposes to facilitate land assembly for

	<p>development.</p> <p>(b) The development proposed is of a scale and permanence that will not prejudice the design of the DAP, the timely provision of infrastructure and services to the areas; or other development in the Structure Plan area.</p> <p>1.3 Pursuant to Clause 9.14.4 of the scheme, DAP's will be advertised to members of the public and government agencies in accordance with the provisions of Part 6.7 of the scheme.</p> <p>1.4 In addition to any general matters required to be included within a DAP under Clause 9.14.2 of the Scheme and any specific matters required to be included under Tables A-E, a DAP shall illustrate the following things if they are applicable:</p> <ul style="list-style-type: none"> (a) Detailed site analysis including topography, vegetation, tree survey, view corridors, and microclimate; (b) Final road alignments, open space, and indicative lot configuration; (c) Streetscape details including cross sections showing dimensions of pavement, parking, verge, paths, road reserve, and indicative landscaping; (d) Footpaths and shared paths, linking with Yellagonga Regional Park; (e) Special road treatments, such as shared spaces and pedestrian crossings; (f) Integration of landscaping and public realm with Yellagonga Regional Park; (g) Maintenance of visual relationship with Yellagonga Regional Park; (h) Permitted setbacks; (i) Built form envelopes showing mandatory and desirable active frontages, access locations, and main entries; (j) Built form requirements relating to solar passive design, such as cross ventilation, shading, access to winter sun, etc; (k) Residential and noise sensitive buildings to be designed in accordance with the values listed in Australian Standard 2107 – Acoustics – Recommended design sound levels and reverberation times for building interiors. (l) Fencing; (m) Signage; (n) Any variations to the R-codes; (o) Earthworks plan with indicative design levels and likely extent of retaining walls; (p) Principles for landscaping design; (q) Other requirements as provided by Table E – Planning Framework.
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****Note the rest of Table A to remain as currently contained within Agreed Structure Plan No. 80***

Table C – Planning Requirements for the Central Precinct

<p>1. Intent</p>	<p>1.1 The intent of the Central Precinct is to accommodate warehouses, showrooms, trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme-based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.</p> <p>1.2 Development within the Central Precinct should provide a built form that respects and recognises the environment of Yellagonga Regional Park.</p>
<p>2. Zoning</p>	<p>2.1 Zoning The Central Precinct is assigned as a Business zone in District Planning Scheme No. 2 (DPS2).</p> <p>2.2 Land Use Permissibility In accordance with clause 9.8.3(a) of DPS2, the permissibility of land uses within the Central Precinct is to be in accordance with the Business Zone as specified in Table 1 of the Scheme. The land use definitions in Schedule 1 of the Scheme apply.</p> <p>2.3 Definitions <u>Large format category / theme based showroom</u> – Means premises wherein goods, which are otherwise excluded by the showroom definition under DPS2, are displayed and may be offered for sale or hire that: (a) are not a supermarket or department store; (b) are a category / theme based retail outlet; (c) due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and (d) has a minimum gross floor area of 500m².</p> <p><u>Retail Nursery</u> – Means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden décor and clothing for gardening and may include associated outdoor leisure products and an incidental café.</p> <p><u>Growers Mart</u> – Means any land or buildings used for the wholesale distribution and retail sale of primary products including fruit and vegetables, meat, fish, bread.</p> <p>2.4 Additional Uses In addition to the uses listed as ‘P’ or ‘D’ uses in the Business Zone in Table 1 of DPS 2, the following uses are ‘D’ uses pursuant to clause 3.2.2 of DPS 2:</p> <ul style="list-style-type: none"> • Growers mart (Lots 810 and 811 Wanneroo Road only); • Retail nursery; • Large format category/theme based showroom; • Self-storage units (Lot 811 Wanneroo Road only).
<p>3. Development</p>	<p>3.1 Development adjacent to the Yellagonga Regional Park</p>

<p>Provisions</p>	<p>shall coordinate with natural levels at the common boundary with Yellagonga Regional Park to minimize the visual impact of site levels, retaining walls, and fencing to the satisfaction of the City of Wanneroo. Retaining walls above 1 metre in height shall be discouraged.</p> <p>3.2 The location and design of buildings, access ways and footpaths shall provide for view corridors to the Yellagonga Regional Park.</p> <p>3.3 The bulk and scale of any future development shall have regard for preserving the views, significance and character of and visual relationship to Yellagonga Regional Park.</p> <p>3.4 A connected access road shall be provided at the time of subdivision/development between the southern intersection of Wanneroo Road and Clarkson Avenue and Drivers Place, generally as shown on Plan 1. The applicant shall prepare and implement an easement in gross in favour of the public at large to specification and satisfaction of the City of Wanneroo.</p> <p>3.5 The owner of Lot 1 Wanneroo Road shall provide dedicated road access and frontage to the existing sewer pumping station and pressure main located along the northern boundary of the site. Any alternative arrangement for access will require the consent of the Water Corporation in writing, prior to the City approving any Detailed Area Plan, or supporting any Subdivision or Development for the site.</p> <p>3.6 Facilitated access across the site to the controlled access intersection between Drivers Place and Joondalup Drive, generally as shown on Plan 1, to be preserved by an easement in gross in favour of the public.</p> <p>3.7 Service areas shall be integrated within the development and designed to minimise any negative visual impacts along the interface with the Yellagonga Regional Park and Wanneroo Road. All service areas are to be appropriately screened from the public realm to the satisfaction of the City of Wanneroo.</p> <p>3.8 Hardscape shall provide for reduction of impervious area to facilitate water sensitive urban design.</p> <p>3.9 Building facades shall be of a high architectural standard utilising brick, masonry, concrete and glazing and include colour schemes sympathetic to the natural environment to the satisfaction of the City of Wanneroo.</p> <p>3.10 New buildings are to be of a quality of architectural design that is consistent with the role, setting and natural character of the precinct.</p> <p>3.11 Buildings are to provide opportunities for passive surveillance and be sited to enable and encourage pedestrian access to Yellagonga Regional Park. This may include glazing and seating or alfresco areas to integrate development with the Park, enabling the community to enjoy the natural setting.</p> <p>3.12 A minimum of eight (8)% of the site shall be provided as landscaping in addition to the Compatible-Use Wetland Buffer defined in Plan 1.</p>
<p>4. Detailed Area Plan</p>	<p>4.1 In addition to the general requirements of Table A, a DAP</p>

Requirements	<p>for the Central Precinct may include to the satisfaction of the City:</p> <ul style="list-style-type: none">• Floorspace allocation controls/restrictions.• Parking Controls.• Permitted building heights.• Built form and landscape concept requirements to be developed to ensure passive surveillance of the public realm (including Yellagonga Regional Park and Wanneroo Road), proposed car parking areas and promote the integration of the development with the Yellagonga Regional Reserve.• Robust built form to facilitate adaptable use over time.• Interface between Business and Special Residential zones.• Opportunities to retain heritage buildings within development.• Opportunities to locate surface stormwater flows and areas suitable for stormwater infiltration.• Service area locations and access/egress arrangements.
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6. Conclusion

This request to amend the Drovers Place Precinct Agreed Structure Plan No. 80 is made on behalf of the landowners of Lots 1 and 132 Wanneroo Road, Wanneroo.

The proposed amendment generally seeks to introduce a range of modifications which would align the zoning and land use permissibility with the Business zone of District Planning Scheme No.2, in recognition of the precincts role in providing 'out of centre' business and commercial land uses that have the potential to generate substantial employment and traffic and which are reliant on the highway exposure of Wanneroo Road.

The amendment also seeks to introduce a number of additional uses specifically contemplated for the Central precinct that are not otherwise permitted within the Business zone of DPS2.

In addition, the amendment proposes deleting Table F – Infrastructure Provision in its entirety in response to a Final Order handed down by the State Administrative Tribunal.

It is considered that the proposed amendments are consistent with the established planning framework and on this basis it is respectfully requested that the City and Western Australian Planning Commission endorse the requested modifications.

APPENDIX A
Certificates of Title

WESTERN



AUSTRALIA

REGISTER NUMBER 1/P7782	
DUPLICATE EDITION 4	DATE DUPLICATE ISSUED 18/8/2007

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

VOLUME
28

FOLIO
14A

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

REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 1 ON PLAN 7782

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

LAKEWIDE PTY LTD OF 312 OXFORD STREET, LEEDERVILLE

(T K289917) REGISTERED 1 AUGUST 2007

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

1. TITLE EXCLUDES THE LAND SHOWN ON DIAGRAM 56993.
2. TITLE EXCLUDES THE LAND SHOWN ON DIAGRAM 64903.
3. K127722 EASEMENT BURDEN FOR PIPELINE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 53856 REGISTERED 20.3.2007.
4. *L241916 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 25.2.2010.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

Lot as described in the land description may be a lot or location.

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

STATEMENTS:

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

SKETCH OF LAND: 28-14A (1/P7782).
PREVIOUS TITLE: 1276-81.
PROPERTY STREET ADDRESS: 1369 WANNEROO RD, WANNEROO.
LOCAL GOVERNMENT AREA: CITY OF WANNEROO.

NOTE 1: K026292 DEPOSITED PLAN 53856 LODGED FOR EASEMENT PURPOSES ONLY
NOTE 2: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING L241916

WESTERN



AUSTRALIA

REGISTER NUMBER 132/DP231049	
DUPLICATE EDITION 2	DATE DUPLICATE ISSUED 24/4/2007

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

VOLUME **1663** FOLIO **446**

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

REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 132 ON DEPOSITED PLAN 231049

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

LAKEWIDE PTY LTD OF 312 OXFORD STREET, LEEDERVILLE
(T K016428) REGISTERED 8 DECEMBER 2006

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

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE.
2. TITLE EXCLUDES THE LAND SHOWN ON DIAGRAM 64902.
3. *L243847 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 26.2.2010.

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

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

STATEMENTS:

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

SKETCH OF LAND: 1663-446 (132/DP231049).
PREVIOUS TITLE: 1081-433.
PROPERTY STREET ADDRESS: 1351 WANNEROO RD, WANNEROO.
LOCAL GOVERNMENT AREA: CITY OF WANNEROO.

- NOTE 1: A000001A LAND PARCEL IDENTIFIER OF SWAN LOCATION 132 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 132 ON DEPOSITED PLAN 231049 ON 11-JUL-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
- NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.
- NOTE 3: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING L243847

WESTERN



AUSTRALIA

REGISTER NUMBER 810/DP42376	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

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

VOLUME
2613

FOLIO
1

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

REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 810 ON DEPOSITED PLAN 42376

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

GOLDRANGE PTY LTD OF PO BOX 1026, WANGARA

(AF J567792) REGISTERED 29 DECEMBER 2005

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

1. *J567793 MORTGAGE TO BANK OF WESTERN AUSTRALIA LTD REGISTERED 29.12.2005.
2. *K621752 EASEMENT TO CITY OF WANNEROO FOR PUBLIC ACCESS PURPOSES. SEE SKETCH ON DEPOSITED PLAN 58054 REGISTERED 30.6.2008.

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

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

STATEMENTS:

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

SKETCH OF LAND: DP42376.
PREVIOUS TITLE: 1532-91.
PROPERTY STREET ADDRESS: 1397 WANNEROO RD, WANNEROO.
LOCAL GOVERNMENT AREA: CITY OF WANNEROO.

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING J567793

NOTE 2: M416623 SECTION 138D TLA APPLIES TO CAVEAT L638707

WESTERN



AUSTRALIA

REGISTER NUMBER 811/DP42376	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 9/1/2006

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

VOLUME
2613

FOLIO
2

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

REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 811 ON DEPOSITED PLAN 42376

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

GREENPARK ASSET PTY LTD OF POST OFFICE BOX 1026, WANGARA
(T K274738) REGISTERED 19 JULY 2007

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

1. *K274739 MORTGAGE TO BANK OF WESTERN AUSTRALIA LTD REGISTERED 19.7.2007.
2. *K636324 EASEMENT TO CITY OF WANNEROO FOR MOTOR VEHICLE CARPARKING AND VEHICULAR ACCESSWAYS. SEE SKETCH ON DEPOSITED PLAN 58055 REGISTERED 30.6.2008.

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

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

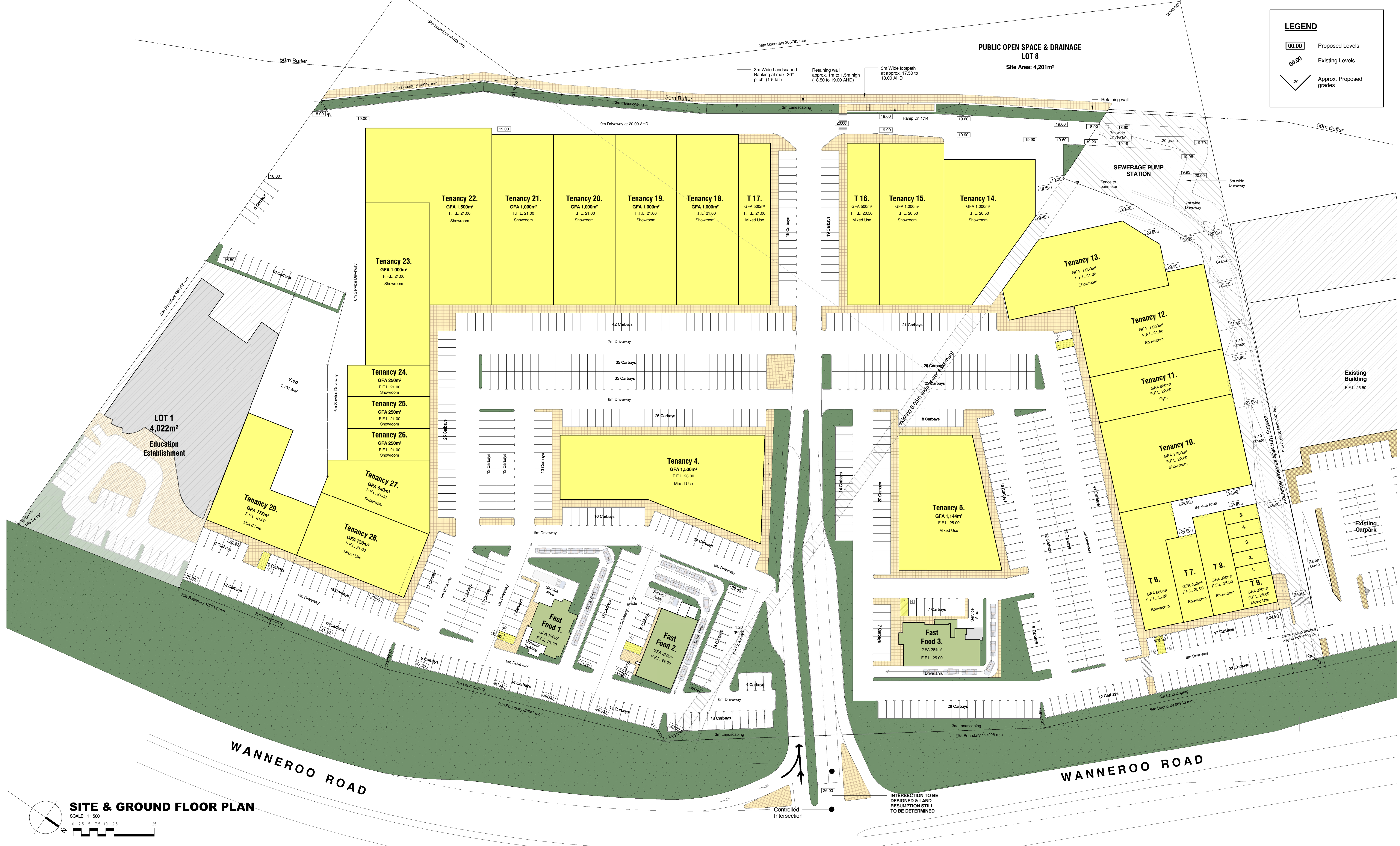
STATEMENTS:

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

SKETCH OF LAND: DP42376.
PREVIOUS TITLE: 1639-852.
PROPERTY STREET ADDRESS: 1387 WANNEROO RD, WANNEROO.
LOCAL GOVERNMENT AREA: CITY OF WANNEROO.

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING K274739

APPENDIX B
Preliminary Development Plan



SITE & GROUND FLOOR PLAN

SCALE: 1:500
0 2.5 5 7.5 10 12.5 25

COMPOSITE SITE CRITERIA

1. Site Area	62,712m²
2. Landscaping (8% of site required)	5,019m²
a. Hard	5,040m ²
b. Soft	4,500m ²
Total	9,540m² (15.2% of site)
3. Floor Areas	
a. T1 - T3 : Fast Foods	734m ² @ 1/15 30 cars
b. T4,5,16-17 : Mixed Use	3,644m ² @ 1/30 126.7 cars
c. T6 - T27 : Showroom	13,000m ² @ 1/30 433.3 cars
d. Warehouse	2,000m ² @ 1/50 40.0 cars
e. T9 : Mixed Use	330m ² 16 cars
f. T11 : Gym	600m ² 40pppl @ 1/4ppl 10 cars
g. T28 : Mixed Use	750m ² 40 cars
h. T29 : Mixed Use	2,581.5m ² 33 cars
Total	23,639.5m² 742.8cars
4. Car Parking	
a. Cars Required	743 cars
b. Cars Provided	809 cars
i) On Grade	780 cars
ii) Drive Thru	29 cars

PROPOSED COMMERCIAL DEVELOPMENT

LOCATION : Wanneroo & Clarkson Avenue, Tapping WA 6065

FOR : VEND PROPERTY

PROJECT No 7666
SKETCH No SK013
SHEET No 3
SCALE As indicated @ B1
DATE sep 2014



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Member Australian Institute of Architects

APPENDIX C
State Administrative Tribunal Final Order

Jurisdiction:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Application:	Review of decision not to approve the structure plan
Parties:	Lakewide Pty Ltd (Applicant) Western Australian Planning Commission (Respondent)
Matter Number:	DR 135/2016
Application Lodged:	5 May 2016
Date of Decision:	22 June 2016 (decision on documents)
Decision of:	Senior Member Maurice Spillane
Outcome:	Final Order

1. The application for review is allowed.
2. The respondent's decision of 6 April 2016 is varied in part by amending the Schedule of Modifications required by the respondent to Amendment No. 5 to Drovers Place Structure Plan No. 80 deleting the response to City modification 6 and replacing it with the following:

"Does not support the modification 6 to amendment clause 5.1 and 5.2 and include an extra clause 5.2 in Table F - Infrastructure Provision. The following modifications are instead required:

- (a) At clause 8.1, deleting the words "Tables A - F" and replacing them with the words "Tables A - E";
- (b) At clause 8.2, deleting the words "Table F - Infrastructure Provision";
- (c) At clause 1.4 of Table A, deleting the words "Tables A - F" and replacing them with the words "Tables A - E"; and
- (d) deleting in its entirety "Table F - Infrastructure Provision."

