

JINDEE INNOVATION PROJECT

SCHEME AMENDMENT REPORT PROPOSED AMENDMENT NO. 115 CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2







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PROJECT: Jindee Innovation Project
PREPARED FOR: City of Wanneroo
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PROPOSAL TO AMEND DISTRICT PLANNING SCHEME

1. LOCAL AUTHORITY City of Wanneroo
2. DESCRIPTION OF LOCAL PLANNING SCHEME: District Planning Scheme No 2
3. TYPE OF SCHEME District Planning Scheme
4. AMENDMENT NUMBER: 115
5. PROPOSAL
 1. Introducing a new section titled "Introduction" to the start of District Planning Scheme No. 2 (DPS 2), comprising Clauses 1.1 (Citation) to 1.13 (Requirements for Rezoning to Smart Growth Community), inclusive;
 2. Deleting the Table of Contents of DPS 2 and replacing it with the Division A – Table of Contents;
 3. Deleting Part 1 - Preliminary of DPS 2 (comprising Clauses 1.1 - 1.9 inclusive) and replacing it with revised text comprising Clauses 1.1 - 1.3 inclusive;
 4. Deleting Clauses 8.1 – Additional Powers of the Scheme, 8.5 – Compensation, 8.6 – Delegation of Development Control Powers, and Powers and Duties in Relation to Other Planning Functions and 8.8 – General Obligations of DPS 2;
 5. Deleting Schedule 6 of DPS 2 and renumbering Schedules 7 – 15 inclusive accordingly throughout DPS 2;
 6. Dividing DPS 2 into two divisions (A and B), with 'Division - A' comprising all of the existing DPS 2 text, including the revised Table of Contents and Part 1 referred to in 2. to 5. above, and 'Division - B' comprising the 'Division B Area' specific provisions;
 7. Deleting 'Additional Use Zone 1.26', 'Restricted Use Zone 2.1' and 'Restricted Use Zone 2.2' from Schedule 2 of the DPS 2;
 8. Deleting 'Jindalee Lot 10 on Plan 12465 (2469) Marmion Avenue 3000m2 NLA' from Schedule 3 of the DPS 2;
 9. Introducing a 'Division B Area' to the DPS 2 Map legend;
 10. Including Lot 10, Lot 11593 and portion of Lot 3054, Jindalee, as 'Division B Area';
 11. Introducing a new zone titled 'Smart Growth Community Zone' to the DPS 2 Map legend;
 12. Rezoning the portions of Lot 10 Marmion Avenue, Jindalee, zoned 'Urban Development', 'Commercial', 'Civic and Cultural', 'Business – Restricted Use 1.26', 'Additional Use 2.1' and 'Additional Use 2.2' to 'Smart Growth Community Zone';
 13. Zoning the unreserved portion of Lot 3054, Jindalee, 'Smart Growth Community Zone'.

1.0 PURPOSE OF AMENDMENT REPORT

The purpose of this Amendment Report is to explain the format and justification for proposed Amendment 115 to the City of Wanneroo District Planning Scheme No. 2 (DPS 2).

The Amendment introduces a separate regulatory planning framework to Lot 10, Lot 11593 and portion of Lot 3054 Jindalee (hereinafter referred to as 'Jindee') that will allow for the application of a transect-based code and ultimately the development of a diverse and innovative coastal community at Jindee.

In essence, the Amendment seeks to do this by performing the following changes:

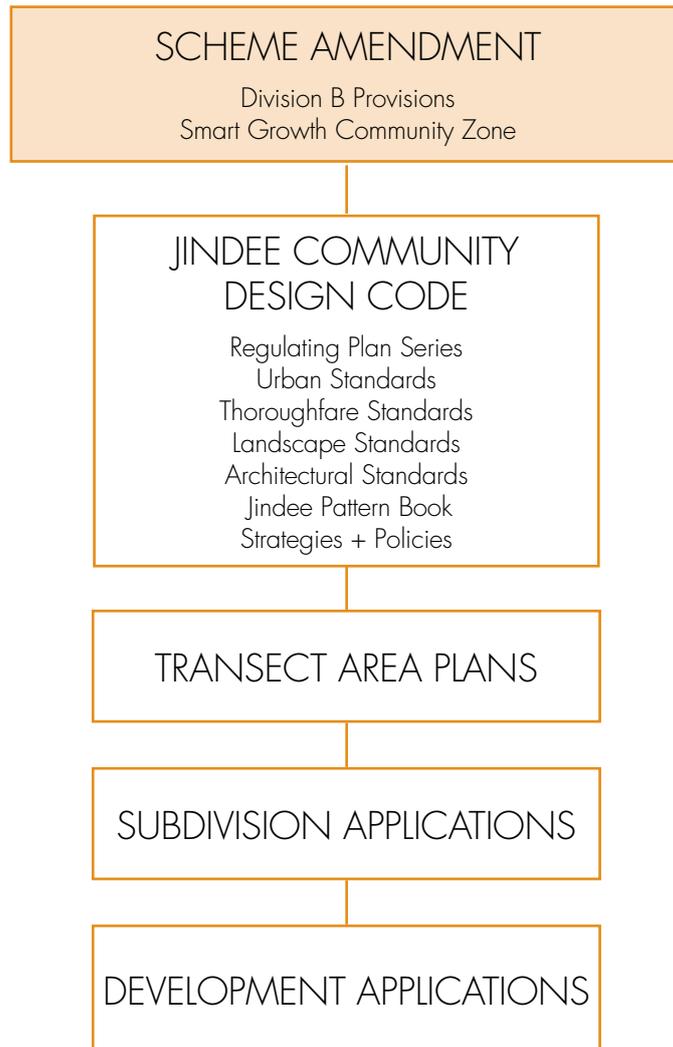
- Including Jindee within the 'Division B Area';
- Zoning the unreserved portion of Lot 10 and portion of Lot 3054 to 'Smart Growth Community';
- Introducing a new section titled "Introduction" to the start of District Planning Scheme No. 2;
- Dividing the remainder of the Scheme Text into Divisions A and B, where Division A contains the existing Scheme provisions that apply to the whole of the District, except Jindee, and Division B contains the regulatory framework for Jindee.

The Amendment heralds a new era in urban planning for the City of Wanneroo and Western Australia by introducing an innovative method of place-based planning and transect-based coding to reinvigorate a sense of place and urban vitality as an alternative to conventional suburban development.

The provisions inserted into the Scheme relate specifically to the new demonstration community to be developed at Jindee, which is planned to set a benchmark for site responsive coastal development in Western Australia and internationally.

The Amendment is the culmination of a substantial body of planning enquiry and research and demonstrates the commitment of the landowner, the City of Wanneroo and the Western Australian Planning Commission (WAPC) to develop a highly intuitive and site responsive design and development control framework for Jindee.

JINDEE REGULATORY PLANNING FRAMEWORK



2.0 INTRODUCTION

2.1 OVERVIEW

Jindee is an innovation project that will demonstrate an alternative approach to coastal planning, design and development.

The project vision for Jindee is to create a compact, walkable, mixed use village that captures the essence of coastal living in Western Australia as reflected in the successful established settlements of Cottesloe, Rottneest and Fremantle. The village is to have a close interaction with the beach and surrounding natural landscape and be a desirable and sustainable alternative to the homogenous urban sprawl prevailing along the Perth coastline.

Achieving this vision is dependent on maintaining a significant degree of design control over all elements of the built form, streets and landscape to generate a diverse series of human habitats ranging from the most natural through to the most urban. This design control is to be implemented using a calibrated version of the model SmartCode® transect-based design code.

The Amendment introduces a planning approvals framework and development controls into the City's DPS 2 to facilitate the implementation of this project in a manner that is true to the project vision, the terms of the Jindee Innovation Project and Smart Growth principles.

The Amendment will rezone Jindee to 'Smart Growth Community Zone' and create a separate Division B of the Scheme Text that allows for the application of a transect-based regulatory framework to Jindee.

The objectives of Division B are essentially to:

- a. introduce a regulatory framework specific to Jindee that for the preparation and adoption of a transect-based code to guide subsequent subdivision and development. The framework includes provisions relating to the preparation and adoption of the code, which is to be in the form of a Community Design Code (CDC) and Transect Area Plans (TAP);
- b. prescribe specific and non-negotiable development requirements for Jindee which require the force and effect of the Scheme and that support the creation of a diverse range of environments at Jindee from the most natural through to the most urban;
- c. establish approval processes for the development of Jindee land that are effective and efficient and reward compliance with the CDC and TAPs;
- d. facilitate the planning and development of Jindee in an integrated manner within the regional context using transect based coding; and
- e. address all other matters that are incidental to achieving the above objectives.

The existing planning and development provisions of DPS 2 that apply to other zones and reserves across the District are to be contained within 'Division A' of the Scheme Text and will not apply to Jindee. The only exception is the district distributor infrastructure contribution arrangements for Cells 1 to 4 of the Clarkson/Butler Planning District (Part 11 and Schedule 10), which will continue to apply to the Jindee landholding.

2.2 SMARTCODE®

SmartCode® is a model transect-based code developed by Duany Plater-Zyberk & Company, which is strongly grounded in the principles of Smart Growth. Whilst relatively new to Australia, SmartCode® has gathered significant momentum internationally for its ability to grow sustainable human habitats that feature:

- Housing choice;
- Walkability;
- A distinctive sense of place;
- Mix of land uses;
- Preserved open space, natural beauty and environmental areas; and
- Choice of access.

The generic standards of SmartCode® are to be calibrated to arrive at customised design standards that demonstrate a genuine reverence for the unique circumstances of a development project, including a community's vision, local culture and the physical characteristics of a site.

SmartCode® recognises that it is the physical form and not land use that is the most intrinsic and enduring characteristic of a community. The Code therefore sets out to coordinate all elements of the physical built environment to create a diverse series of environments ranging from the most urban to the most natural. These environments are arranged by SmartCode® into a series of Transect Zones

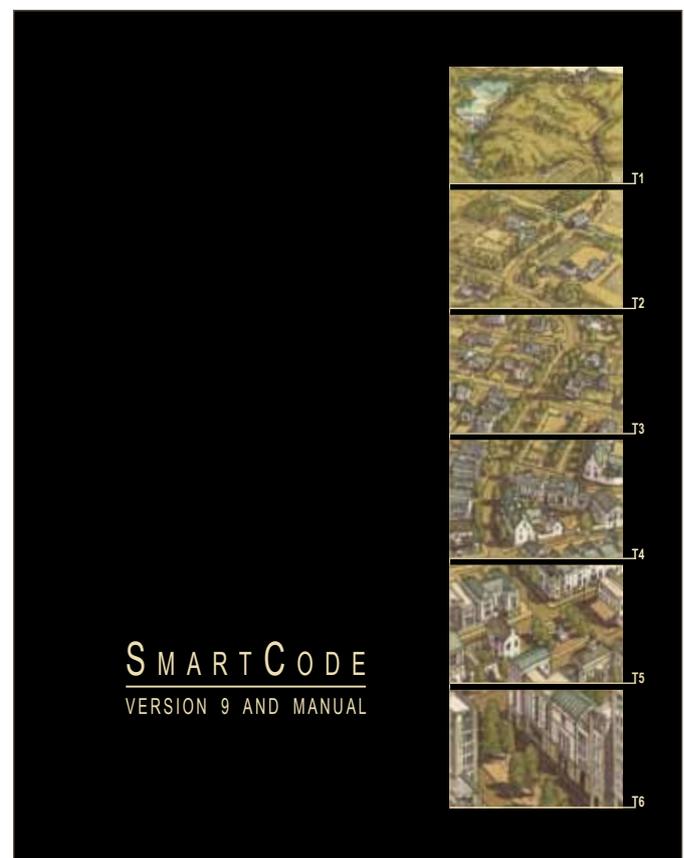
Within each Transect Zone the various elements of the built environment and landscape are carefully chosen, codified and combined to create distinctive environments. For instance, to create a highly urbanised Transect Zone, multi-storey apartment buildings, and a regular grid street pattern and street tree planting are appropriate design choices, whereas detached houses on large allotments, curvilinear streets and clustered planting are elements more suited to the natural Zones of the Transect.

Six Transect Zones will define the Jindee community:

- Natural Reserve (T1);
- Natural Living (T2);
- Sub-Urban (T3);
- General Urban (T4);
- Urban Centre (T5); and
- Urban Core (T6).

Each Transect Zones will vary by its intensity, complexity and density of physical and social character, with the view to engendering immersive human environments for living, recreating and working.

The Division B provisions and the subsequent controls that are to apply to Jindee under the CDC and TAPs have their origins with SmartCode® and in this regard are highly prescriptive; guiding all aspects of the built environment and landscape within each of the six Transect Zones down to the finest design detail of the Transect.



2.3 PROJECT HISTORY

Prior to 1978, narrow foreshore reserves, approximately 40 metres wide, existed along most of the Burns Beach to Jindalee coast. A large lot of approximately 3,000 hectares was located adjacent to this foreshore reserve that was subdivided into superlots and zoned rural in the Metropolitan Region Scheme (MRS) in accordance with the recommendations of the 1977 report Planning Structure for the North West Corridor (MRPA). One of the superlots created was Lot 10 Marmion Avenue, Jindalee.

A Parks and Recreation reserve was added to the coastal foreshore adjacent to the superlots. This Parks and Recreation reserve represented a macro level response to the prevailing planning conditions and was defined by a straight survey line that did not reflect local topographical or environmental conditions (Hames Sharley 1992, Coastal Planning Study Burns Beach to Jindalee).

Jindalee was identified for urban development as early as 1992 in the North West Corridor Structure Plan, which provided a broad framework for the development of this corridor of Perth. The site was subsequently rezoned from 'Rural' to 'Urban' in the MRS in June 1993. To ensure consistency with the MRS Amendment, the land was also rezoned from 'Rural' to 'Residential Development', 'Commercial', 'Civic', 'Service Station' and 'Special Zone' under the City of Wanneroo Town Planning Scheme No. 1 (TPS 1) as part of Amendment 566 in May 1994. Amendment 566 to TPS No 1 also introduced into Schedule V of the Scheme a 3000m² retail floorspace allocation for Jindalee. The floorspace allocation was retained in the subsequent DPS No. 2.

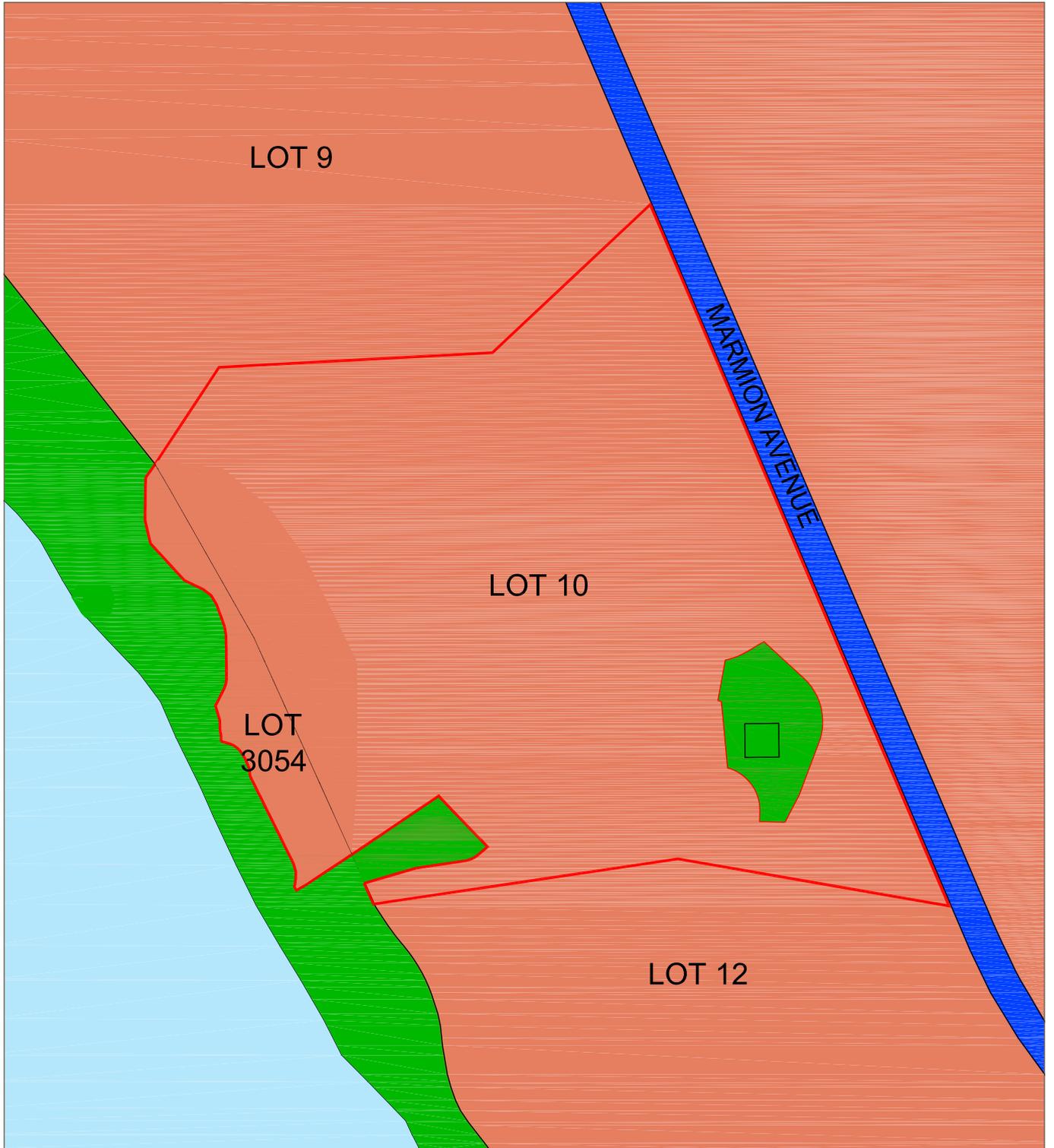
Since Amendment 566 there have been extensive on-site surveys, including flora, vegetation and fauna surveys and ethnographic surveys. There has also been considerable consultation with key stakeholder groups and analysis of precedent built form, streets and landscapes, within the established coastal settlements of Perth.

The more detailed design for Jindalee is the result of ten years of collaboration between the WAPC, Department of Planning, City of Wanneroo, Department of Environment and Conservation and an extensive team of local and international urban professionals, brought together to set a new benchmark for coastal development in Western Australia.

Important milestones that have led to the statutory implementation framework that is proposed to be introduced into the City's DPS No. 2 through this Amendment are described below.

1996 JINDALEE ENQUIRY BY DESIGN (EBD) WORKSHOP

This workshop by the then Ministry for Planning was the precursor to the Liveable Neighbourhoods Community Design Code (2000) and promoted a return to traditional planning principles, including interconnected streets, mixed use neighbourhoods and diversity of lot size and housing. Importantly, the workshop recognised development at Jindalee could occur closer to the coast than reflected by the MRS reservation and identified the potential for a land exchange between Lot 10 and Lot 3054 (owned in fee simple by the State Government). This concept was progressed via MRS Amendment 1152/41 (approved in January 2010), which enables this land swap to proceed.



MRS RESERVES + ZONES

RESERVED LANDS

 PARKS AND RECREATION

 WATERWAYS

ROADS

 OTHER REGIONAL ROADS

ZONES

 URBAN

 JINDEE INNOVATION PROJECT BOUNDARY

2002 JINDEE DESIGN CHARRETTE

The outcomes from the 1996 Jindee EbD workshop and, in particular, the concept of a coastal node with strong physical and visual connections with the regional beach was the impetus for Westminster Estates Pty Ltd to engage internationally renowned town planners and urban designers, Duany Plater-Zyberk & Company, to undertake a two week Charrette in collaboration with the local consultant team and key government agencies. The preferred concept design from the Charrette has since been subject to further analysis and refinement. The resulting final plan reflects the design that is to be implemented through this Scheme Amendment and through the Jindee transect-based code (being the CDC and TAPs).

2004 JINDEE IMPLEMENTATION AND DESIGN WORKSHOP

This workshop was convened by the WAPC, CoW and Westminster Estates Pty Ltd to develop a suitable regulatory framework to support the timely implementation of the Jindee design. Workshop participants, including the Department of Environment and Conservation, examined the benefits that could accrue from exchanging foreshore 'Parks and Recreation' reserved land for two consolidated parcels of 'Urban' zoned land located within Lot 10 attributed as having greater environmental significance. It was acknowledged at the workshop that the two parcels within Lot 10 would achieve a better environmental outcome if they were connected by a 'vegetated link', similar to that shown on the 2002 Charrette plan. The workshop established an agreed regulatory framework for implementation, which included the processing a MRS Amendment to facilitate the land exchange and Town Planning Scheme Amendment and structure planning considerations.

2007 JINDEE INNOVATION AGREEMENT

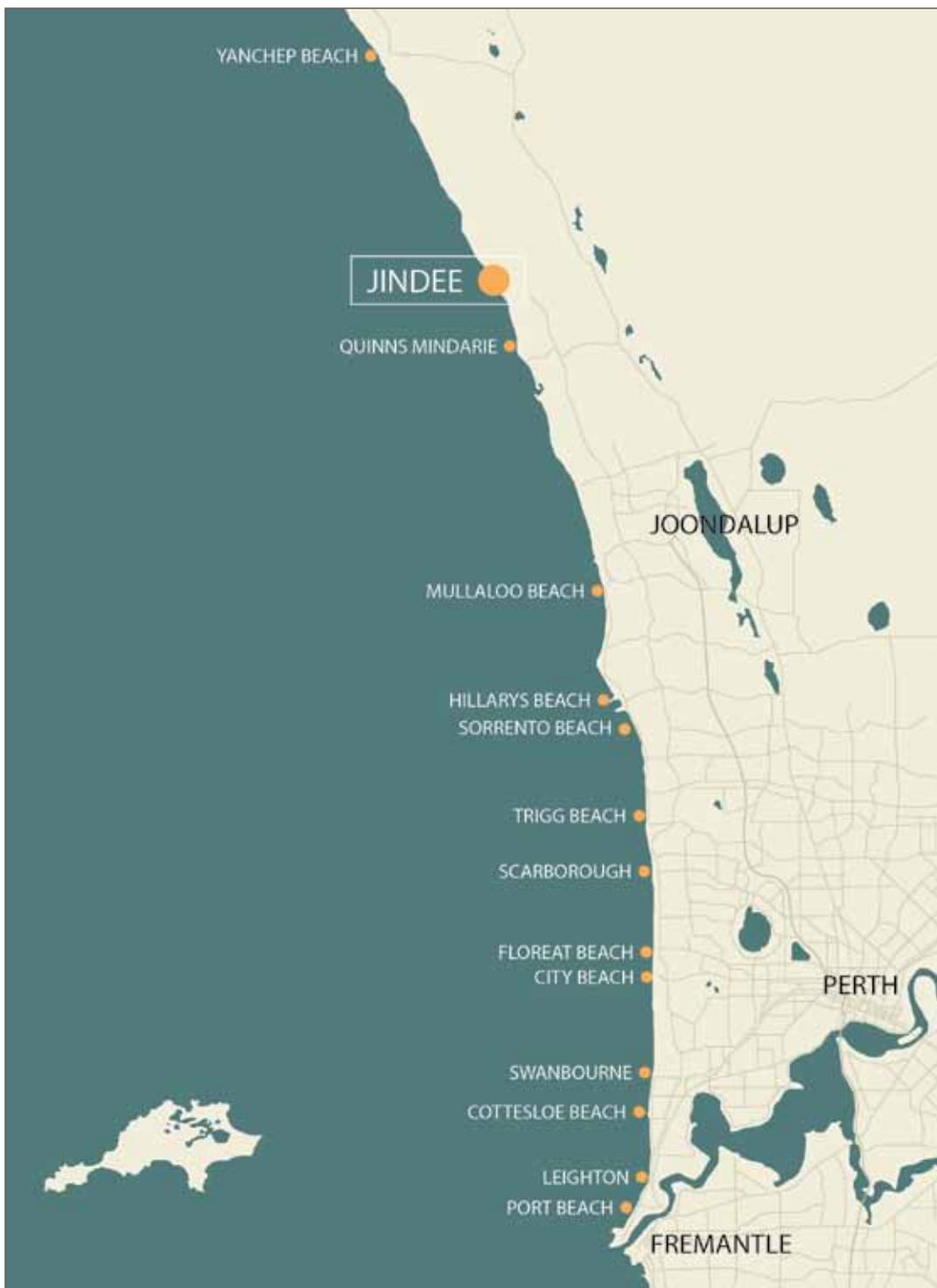
The Jindee Innovation Agreement was entered into by Westminster Estates Pty Ltd, the WAPC and the CoW in 2007 to facilitate the exchange of the foreshore land for land located within Lot 10. In addition to this land exchange, the Agreement sets out a framework for the parties to work collaboratively through the required statutory processes, including the MRS and TPS Amendments and structure planning requirements, to achieve shared stakeholder understanding of the project innovations and objectives and to accomplish the ultimate aim of creating a unique coastal village at Jindee that strikes a balance between human and natural habitats.

2010 MRS AMENDMENT

Approval of MRS Amendment 1152/41 in 2010 has resulted in the transfer of a portion of the coastal Parks and Recreation reserve to the Urban zone (being portion of Lot 3054) and the reservation of ecologically significant inland areas within Lot 10 to Parks and Recreation. The Amendment also sets the scene for the realisation of the land exchange that was initially envisaged at the 1996 Enquiry by Design Workshop. This is an important project milestone that, together with the comprehensive design controls proposed through this Amendment and the Jindee code, will facilitate the development of a coastal village at Jindee with strong physical and visual links with the coastline and the conservation of inland areas with valued biodiversity. This Amendment proposal reflects the outcomes of the MRS Amendment.

2.4 SITE DESCRIPTION

- The legal description of the Jindee land is:
- Lot 10 Marmion Avenue, Jindalee being portion of Swan Location 1370 of Plan 12465, Volume 1508, Folio 908;
- Lot 11593 on Diagram 90531, Volume 3051, Folio 396; and
- Part Lot 3054 on Deposited Plan 47953, Volume 2611, Folio 665.





———— JINDEE INNOVATION PROJECT BOUNDARY

AERIAL PHOTO OF JINDEE (MAY 2010)

Jindee is located approximately 37km north-west of the Perth Central Business District, 14 kilometres north of the Joondalup Strategic Regional Centre, and one kilometre west of the future Brighton Train station. The land has approximately 800 metres of frontage to the Indian Ocean, a portion of which is a designated regional beach. Principal access to the site is via Marmion Avenue, which is currently constructed for the full frontage of Lot 10.

The current owner, Westminster Estates Pty Ltd, purchased Lot 10 in 1978. Westminster Estates Pty Ltd is part of, and managed by, Estates Development Company (EDC). Westminster Estates is in the process of acquiring the Urban zoned portion of Lot 3054 from the State Government and will ultimately amalgamate this land with Lot 10 in accordance with the Jindee Innovation Agreement. The two areas within Lot 10 that were recently reserved to Parks and Recreation will concurrently be transferred to the Crown.

2.5 STATUTORY PLANNING CONTEXT

LIVEABLE NEIGHBOURHOODS

Liveable Neighbourhoods (LN) Edition 3 (WAPC 2007) has made significant progress in facilitating the development of community structures based on time-tested Traditional Neighbourhood Design (TND) principles. However, LN deals mostly with the design and layout of subdivision and urban structure and does not consider, in detail, the desired built form, architecture, thoroughfare character or associated landscaping. The result is that the built form is generally left to the landowner to determine, whilst the related elements of the thoroughfare, landscape and civic space design remains the responsibility of the developer and/or the local government. This arrangement can result in a disconnect between the various elements of the built environment and landscape. The CDC and TAPs will effectively take the place of LN in regulating those elements of design that are necessary to implement a transect-base code and achieve the Jindee vision.

RESIDENTIAL DESIGN CODES

The Scheme Amendment exempts Jindee from complying with the Residential Design Codes. This is necessary to allow a transect-based approach to be applied through the CDC and TAPs. The CDC and TAPs will introduce detailed and prescriptive controls that address all aspects of the built form, architecture and landscape as they relate to each Transect Zone and the desired character of Jindee. This will entail a significantly higher level of design control and coordination than available through the Residential Design Codes.

3.0 TRANSECT-BASED CODE: AN ALTERNATIVE REGULATORY FRAMEWORK

3.1 RATIONALE FOR TRANSECT-BASED CODE

Leading up to World War Two, neighbourhoods across Perth were predominantly compact, walkable and mixed use in response to the limitations of the economic and technological circumstances of their time. However, over the last 70 years, with widespread car ownership and inflexible zoning ordinances, there has been a notable shift to a homogenous pattern of suburban growth spread along our freeways and into the urban bushland. This has resulted in monoculture suburbs with low density housing, car oriented retailing (shopping centres, big box retail, drive-through take-away), extensive land-take for car parking, and suburbs designed for cars and not walking and cycling.

This Amendment, and its proposal to apply a transect-based code to regulate development at Jindee, introduces new possibilities to achieve an alternative urban outcome by attacking the problem at the point of decisive impact – the intersection of law and design.

Transect-based coding envisages a very different physical outcome to suburban sprawl; a physical outcome coordinated at all scales - the region, the community, the block and the building. By focusing on the built environment and fine-grain design detail, transect-based coding has the demonstrable capacity to produce neighbourhoods that successfully embrace the best qualities of traditional neighbourhoods, including diversity of the built form, quality architecture, mix of uses and walkability, whilst also responding to the challenges of modern life, including those concerning the environment, changing household compositions and the rapid pace of technological change.

For Jindee and other new communities, transect-based coding also represents possibilities to devise design standards that control all aspects of the built environment and landscape to generate diverse environments geared to the character of each Transect Zone.

To harness the full potential presented by transect-based coding, the Scheme Amendment proposes to dissolve Jindee from the requirement to comply with many conventional development and planning controls, including conventional zoning, the Residential Design Codes and controls heavily steeped in land use control. The Division B provisions, which will include the requirement for a comprehensive and multi-layered transect-based code to regulate all development forms at Jindee, will substitute these controls. The Scheme requires that this code be in the form of the CDC, which is to cover all of Jindee, and the TAPs, which are to address multiple lots or a prescribed precinct and contain more detailed, site-specific design controls. This framework, wherein each tier builds on the preceding to offer an increasingly fine-grain level of detail, will provide the necessary design stewardship to implement the place qualities underpinning the Jindee vision.

3.2 QUALITIES OF THE TRANSECT-BASED CODE

The Scheme Amendment will introduce a regulatory foundation for the Transect and associated zones and reserves, and allow the introduction of a transect-based code over Jindee. Transect-based codes are different to the conventional structure plan approach covered by Model Scheme Text provisions in that they are:

- Transect based;
- Contain fine grain and highly prescriptive design controls for a predictable built form outcome;
- Integrate planning, architectural, engineering and landscape considerations;

Are highly attuned to achieving implementation of the project vision. The following principles will define the Jindee transect-based code as it is embodied in the CDC and TAPs. The Division B Scheme provisions are geared to facilitating this approach.

Vision Centred – the standards of the Jindee transect-based code shall bind private and public interests to the shared vision for Jindee that was established through the various design forums and workshops which have ensued since the 1996 Jindalee Enquiry by Design Workshop.

Precise – the transect-based code shall be prescriptive, predictable and detailed. Design controls for civic space, landscaping, buildings and streets shall be prescribed using metrics that nominate acceptable ranges. These controls shall be aimed at achieving predictable growth and development outcomes that support the Jindee vision.

Diverse – the transect-based code shall promote environmental and cultural diversity by using the Transect as the organising principle for the creation of a range of habitats of varying complexity, scale and intensity; ranging from the most natural to the most urban.

Place-based – the Jindee code shall be specific to the site and setting and have regard to the project vision and the objectives and expectations of government, the community and other stakeholders.

Binding – the development controls of the transect-based code, as expressed in the CDC and TAPs, are to be prescriptive and obligatory, rather than guidelines that are optional. The standards will include unambiguous development controls that give clear development direction and reward adherence to the community vision they represent. It is expected that the flow-on effect will be streamlined approval processes for conforming subdivision and development applications.

Integrated – the transect-based code shall integrate the design process across the design related disciplines, including landscape, engineering, planning and architecture, to achieve a coordinated design response for each Transect Zone and Jindee generally.

Adjustable – the effectiveness of the code in achieving the Jindee vision shall be monitored. Where necessary the code will be designed to allow adjustments to be made at the margins of each Transect Zone to accommodate the evolving nature of the project, with known and understood impacts on the community.

Viable – the code shall facilitate economic opportunity for the local Jindee community by allowing diverse investment and business development opportunities.

3.3 APPLICATION OF SMARTCODE[®] TO JINDEE

While the SmartCode[®] transect-based code contains provisions that relate to the regional scale of planning and infill development projects, the provisions to be introduced through this Amendment, are limited to those necessary to deliver a new community at Jindee.

They include provisions that introduce an alternative regulatory planning approvals framework for Jindee. This framework requires the Jindee transect-based code to be in the form of a CDC with standards pertaining to the design of thoroughfares, buildings and civic spaces within each Transect Zone. These standards are to be further refined by the TAPs, which are to apply to multiple lots or defined precincts within Jindee and, like the CDC, are to receive their head of power from the Scheme.

The Division B provisions also include specific development controls and standards for Jindee. These provisions are elevated for inclusion in the Scheme so they can be given the full force and effect of the Scheme and are less susceptible to modification. In a notable departure from current practice, these development controls extend beyond town planning considerations, to also encompass engineering, landscape, environmental and architectural disciplines. By adopting a holistic approach, the Jindee code can coordinate all elements of the built environment in a way that upholds the Jindee vision.

Importantly, the Jindee Scheme provisions are deliberately confined to Division B to enable the transect-based code regulatory approach to be applied to Jindee without impact other developments across the City.

The possibility of integrating the transect-based code provisions into the City of Wanneroo's DPS without creating separate Divisions A and B was comprehensively explored, however, was found to be untenable without compromising both the legibility of existing Scheme provisions and the intent and principles of transect-based coding. In particular, it was found that the regulatory controls that are needed to introduce a code that is concerned predominantly with physical design outcomes, would be at odds with the structure and content of the existing Scheme provisions, which mostly relate to conventional zoning practices geared to control land use.

4.0 JINDEE VISION AND OBJECTIVES

4.1 VISION

The vision for Jindee is to create a community lifestyle and coastal village premised on close interaction with the surrounding beach and natural landscape.

The project will provide a diversity of housing types and higher densities than found elsewhere in the district.

Priority will be given to pedestrians and cyclists.

Jindee will be a focus for community life and have an intricately crafted structure of well connected spaces.

Jindee will have a distinctive sense of place, firmly grounded in its natural ecology and designed according to the principles of timeless urbanism, resulting in the organic evolution of a community, which will ultimately achieve the ideal balance between human and natural habitats.





Detached housing typical of T2 & T3 Zones



Detached housing typical of T2 + T3 Zones



Terrace housing typical of T4 Zone



Mixed use buildings typical of T5 Zone

4.2 JINDEE OBJECTIVES

- This Amendment and the development controls that will apply to Jindee through the CDC and TAPs, aim to achieve the following outcomes:
- conservation of significant natural and visual characteristics of the site through preservation of topography, vegetation, view corridors / vistas and other defining elements of the natural landscape within the regional open space areas and larger lots; passive surveillance through well designed thoroughfares, buildings and civic spaces;
- enhanced access to the beach and marine environment;
- Provision of a wide diversity of sustainable housing including smaller, compact housing to meet declining household size, housing for lifestyle choice and housing that addresses affordability;
- adherence to sustainable practices in built form, landscape and engineering works to reduce reliance on non-renewable resources and maintain biodiversity; creation of a diverse range of civic spaces and public gathering places in locations that can be easily accessed and that reinforce community identity; promotion of walking as a healthy lifestyle choice by minimising vehicular traffic, providing shaded streets and walkways and providing ordinary activities of daily life within walking distance of most houses;
- a mixed use coastal village and civic precinct that provides a centre in proximity to residents and a destination for others;
- a high quality of construction, building and landscaping in both the public and private domains;
- a flexible urban structure and built form that has the capacity to accommodate change of land use and intensity as the Jindee community matures over time;
- a sustainable community that achieves social advancement, environmental protection and economic prosperity.

5.0 SCHEME AMENDMENT MAP

The Scheme Amendment Map includes Jindee within the 'Division B Area', defined by a dotted line. Division B Scheme provisions are to apply to this area.

The Amendment Map also applies a new 'Smart Growth Community Zone' to the areas of Jindee that are currently zoned for urban development. The Smart Growth Community Zone applies only to Jindee to facilitate implementation of this demonstration project and the associated innovations inherent in a transect-based approach to design and development control.

Any future proponent contemplating the extension of a similar zoning over their site, would need to satisfy the criteria set out under Clause 1.13 of the Introduction to DPS 2 before Council would consider initiating an amendment to allow this. This criteria requires, among other things, that the proponent has held a design Charrette to develop a Visioning Master Plan that satisfies the requirements of Schedule 1B of Division B of the Scheme and that the subject land is of sufficient size to justify a transect-based code approach.

Clause 1.13, together with the decision to apply a separate zoning and related Scheme provisions specific to Jindee, will serve to ensure a precedent is not created that can be misappropriated.

6.0 DIVISION B SCHEME TEXT

6.1 INTRODUCTION

Division B of the Scheme contains provisions to enable the realisation of the Jindee project vision and objectives. Some of these provisions are prescriptive by way of development controls specific to Jindee, whilst others regulate the processes for the preparation and approval of the Jindee transect-based code, which will be in the format of the CDC and TAPs. In essence, Division B does the following:

- establishes the framework for the Transect and the six Transect Zones;
- introduces development controls for each Transect Zone that address the design of buildings, thoroughfares and landscape;
- sets out the procedures and processes for the preparation and adoption of the CDC and TAPs;
- outlines the approval process for development within the 'Smart Growth Community Zone';
- integrates engineering, planning, architectural and landscape controls; and
- sets out the responsibilities of the Design Panel.

With regard to this last point, the Design Panel is to comprise representation from the Council, Department of Planning and Westminster Estates. Its primary function is to provide a consistent reference group for the Council to call upon for advice in relation to significant planning / development proposals affecting Jindee.

6.2 EXPLANATORY: PARTS 1 - 9

A description of each of the Parts that appear within Division B is provided below.

PART 1 PRELIMINARY

Part 1 contains introductory provisions common to most schemes, to establish the administrative and legal framework for the operation of Division B. This part includes a description of the Division B Area; the purpose, aims and objectives of Division B; clauses to revoke Division A provisions; and interpretation clauses.

In relation to the interpretation clauses, the terms that are defined in Schedule 2B (Definitions), appear in Division B commencing with a capital letter. This is to identify which terms have definitions and is consistent with SmartCode® and legal practice.

PART 2 TRANSECT

Part 2 introduces the Transect to Jindee as providing the means for differentiating between the character and intensity of urban environments within the Jindee community. The Transect Zones of the Transect are to be applied to order the Jindee environment into a continuum of urban intensity ranging from the most natural to the most urban conditions. The Zones are to adopt the character descriptions contained in Table 2B of the Scheme (subclause 2.2.2) and apply the urban design requirements of Table 3B, unless other requirements are provided for in the CDC (subclause 2.2.3).

Part 2 recognises the following six Transect Zones, together with a Special District Zone and Civic Reserves:

Natural Reserve T1: refers to the natural environment to be created and preserved within the two MRS Parks and Recreation reserves.

Natural Living T2: includes residential uses located within a naturalistic setting. Lots are larger and vegetation is protected outside of building envelopes; housing has generous setbacks; roads are able to be freeform with no kerbing and open swales to take run off; street trees are naturalistic and planted in clumps; pedestrian access is provided in meandering paths rather than footpaths adjacent to roads; and road radii are larger.

Sub Urban T3: is most reflective of conventional residential subdivision. Streets are predominantly straight with rollover kerbing; street trees are planted in rows and equal distance apart; and open space is provided as parks with more greenscape and plantings.

General Urban T4: forms a transition between Sub Urban (T3) and Urban Centre (T5) and may contain some density housing and limited retail (i.e. corner shop). In the T4 Zone, streets are likely to be straight and serviced by lanes to reduce crossovers; footpaths are wider and kerbing upright; housing may be attached with reduced setbacks; and kerb radii is tight to slow traffic and to create the urban character.

Urban Centre T5: is focussed around the foreshore and contains higher density, mixed commercial, entertainment and residential development. Frontages are aligned; roads are fully kerbed and lanes provide alternative access; open spaces feature more hardscape; and road radii is tight.

Urban Core T6: comprises the highway commercial development fronting Marmion Avenue that is part of the Brighton Town (District) Centre, reflecting higher intensity and density of mixed use activity.

Special District Zone (SD): may be assigned to a specific area(s) of Jindee that by its intrinsic size, function or configuration cannot conform to the requirements of a Transect Zone or a combination of Zones.

Civic Reserves: are to be dedicated for public use and may be allocated for Civic Space, public car parking or Civic Buildings. Many of the Civic Spaces will be reserved for local open space and drainage.

The Scheme requires that the Transect Zones be assigned and mapped on the Regulating Plan Series contained in the CDC and that development within Jindee be in accordance with the applicable Transect Zone and associated design controls specified in the Scheme, CDC and TAPs.

Indicative Jindee design showing Transect Zones which will be prepared for the CDC (may be subject to change)

TRANSECT ZONES + RESERVES

-  T-6 Urban Core
-  T-5 Urban Centre
-  T-4 General Urban
-  T-3 Sub-Urban
-  T-2 Natural Living
-  T-1 Natural Reserve
-  Civic Reserve



PART 3 JINDEE REGULATORY FRAMEWORK

Part 3 sets out the regulatory planning framework for Jindee. The framework requires approval of a CDC and TAPs in advance of subdivision and development.

The framework is intentionally designed to enable design controls to be reviewed, refined and supplemented at each successive tier of the approvals process. In this way each approval is to build on the level of detail approved in the previous process, so as to maintain a degree of flexibility to accommodate necessary changes brought about by a deepening understanding of the site and market conditions.

The Scheme stipulates the CDC as the document that is to provide the overarching transect-based code provisions for design and development control. The CDC is to form the basis for subsequent regulatory processes, in particular the TAPs, and is to address the requirements set out under Part 3 and Schedule 3B of Division B. These include the following:

- Regulating Plan Series: a series of plans that assign Transect Zones, civic spaces (including open space calculations) and thoroughfares to Jindee, as well as establishes building typology zones and assigns mandatory/recommended design controls to sites using a Control Plan where a particular design response is warranted (subclauses 3.2.6 – 3.2.8).
- Urban Standards: regulate the building types permissible within the private lots of each Transect Zone and specify design standards for each of these building types.

The permissible building types of the Urban Standards are to vary according to Transect Zone and are to be accompanied by standards relating to the size and dimensions of lots, building setbacks, building

configurations, frontage types, encroachments, building heights, parking placement and open space requirements. The Urban Standards shall be consistent with the development control provisions set out in Part 4 of Division B. Final Urban Standards for the building types as they are to apply to a specific lot(s) are to be resolved through the TAPs.

- Thoroughfare Standards: assign thoroughfare types to the movement network and specify design standards for each thoroughfare type that respond to vehicular and pedestrian/cyclist access requirements and desired design character. They include specifications relating to streets, footpaths and landscaping and are to be calibrated to the Transect Zones. The Standards are also to be consistent with the controls set out in Part 4 of Division B.
- Landscape Standards: assign civic space types to the open space network and specify landscape standards for the public realm that are designed to support the diversity of environments of the T1 – T6 Zones.
- Architectural Standards: provide detailed design requirements for building types including specifications for the materials and configurations required for walls, roofs, openings and attachments. These design standards are to respond to climate and vernacular building traditions by drawing upon existing revered examples from the Perth metropolitan region.
- Pattern Book: includes detailed standards that further expand upon the requirements of the Urban, Thoroughfare, Landscape and Architectural Standards and are designed to achieve the physical design characteristics intended for Jindee.

The Architectural Standards and Pattern Book are to be included in the CDC for completeness of the project vision, however they do not require Council approval and the standards contained within these documents are to be regulated by the Proponent. It is envisaged this will occur through developer covenants or a similar mechanism (subclauses 3.4.2 and 3.5.2).

The Scheme requires that TAPs provide more detailed design and development controls for defined precincts within Jindee. They are to refine the CDC requirements and coordinate the relevant Urban, Architectural, Thoroughfare and Landscape Standards of the CDC as they relate to multiple lots. Schedule 4B sets out the matters that may be addressed through the TAPs (subclauses 3.6.1 – 3.6.3).

Subdivision and development applications represent the final tier of the approvals framework and are to generally accord with the CDC and relevant TAP. It is anticipated that by resolving most of the design detail up-front through the CDC and TAPs, applicants of conforming subdivision and development proposals will be able to proceed with a high degree of certainty and benefit from reduced approvals timeframes (clauses 3.7 and 3.8).

Detailed Scheme provisions concerning the approval processes for the CDC, TAPs, subdivision and development are set out under Part V of Division B.

PART 4 JINDEE DEVELOPMENT CONTROLS AND STANDARDS

Part 4 sets out the design parameters for important spheres of development control that are to be reflected in and implemented through the CDC and TAPs. An overview of these parameters follows.

CAR PARKING

The car parking provisions aim to promote a flexible approach to the provision of car parking by allowing alternative arrangements to the usual requirement that car parking be contained within lots and calculated on a lot-by-lot basis.

Under the Scheme the method for calculating required car parking varies, depending on whether a lot is located inside or outside a designated Car Parking Precinct.

For lots located outside a designated Car Parking Precinct. The required car parking is to be calculated by applying the Base Car Parking Requirement standards of Table 14B. Parking within the Thoroughfare adjacent to a lot, may be used to satisfy the lot's car parking requirements. Council may agree to these standards being varied in the following ways:

Reciprocal Car Parking Arrangements: Base Car Parking Requirements may be reduced where there is reciprocity between two land uses. Car parking reciprocity standards are given in Schedule 5B. If there is more than two land uses, the reciprocity provisions are to apply to the land uses that would generate the largest parking requirement if the Table 13B standards were applied. The third and any additional land uses on the lot are to comply with the Table 14B standards (refer subclauses 4.2.3 – 4.2.5).

Variations to Base Car Parking requirements: Council may agree to the Base Car Parking Requirements of Table 14B being varied subject to being satisfied that the varied standard will maintain an adequate supply of car parking to support the related use and/or development (refer subclauses 4.2.6, 4.2.7).

The Scheme requires Car Parking Strategies be prepared for land located within designated Parking Precincts. The Parking Precincts are to be defined in the CDC and are likely to include the three main mixed use areas, namely the coastal precinct (T5), the central boulevard precinct (T4) and the Marmion Avenue precinct (T6).

Each Car Parking Strategy is to adopt a Shared Parking Ratio(s) for the associated Parking Precinct. The Shared Parking Ratio(s) is to be derived from the Base Parking Standards of Table 14B, but adjusted to reflect the availability of off-site parking and reciprocity of car parking between land uses (recognising that different uses within the same Precinct generate peak demand or parking at different times of the day).

The Scheme states that under an approved Parking Strategy, a Shared Parking Ratio may be applied to calculate the required parking for residential development/use or a separate parking standard may be applied that is based on the Table 14B Base Parking Standards (subclause 4.2.13).

Subclause 4.2.16 states that subject to adequate justification from the Proponent, the Council may consider for inclusion in a Car Parking Strategy provisions for the transfer of car parking between lots within the same parking precinct. This would allow the Strategy to introduce provisions to allow a lot with a car parking surplus to trade car parking to a lot located in the same precinct with a car parking deficit.

The Scheme requires that a Car Parking Strategy form part of the CDC either at the time the CDC is first approved or added at a later time through a Minor Modification to the CDC (refer subclause 4.2.18, clause 5.9).

Car Parking Strategies are to be reviewed in accordance with the timeframe and method for review set out in the approved Car Parking Strategy (subclause 4.2.19). Key items that would be considered in a review include the extent to which actual land uses match the land use profile underpinning the Car Parking Strategy and the effectiveness of the adopted car parking standards in meeting car parking demand (i.e. through car parking utilisation surveys). Council may require that the Proponent arrange public notice of a Car Parking Strategy review, where it has the potential to impact on a landholding(s) (subclause 4.2.20)

Division B also includes cash-in-lieu of parking provisions that may be applied at Council's discretion where it is satisfied there is, or will be, adequate provision of car parking to service a proposed use/development and the cash-in-lieu funds can be used to finance additional off-site parking bays. Subclauses 4.2.23 – 4.2.24 allows the Council to accept deferment of a cash-in-lieu payment for up to three years. The intent of this clause is to provide some flexibility where a car parking shortage is not an immediate issue, recognising that a cash-in-lieu requirement can be a major barrier to the entry of small operator businesses.

FUNCTIONAL INTENSITY

Clause 4.3 requires that the CDC apply Table 4B of the Scheme – Functional Intensity Table, to regulate the range and intensity of uses for which an approved Building Type may be dedicated and for prescribing car parking standards to support building function and intensity of use.

The Functional Intensity Table includes the functional groups of Residential, Lodging, Office, Retail, Industry and Civic/Education. The varying intensity of use and associated car parking requirements of each functional group are described under the Restricted, Limited and Open categories.

A Restricted, Limited or Open category will be assigned to each of the functional group categories for each building type in the Urban Standards of the CDC to regulate the intensity of use to which the building may be dedicated and its associated car parking requirements. These car parking requirements correlate with the Base Parking Standards set out under Table 14B. Buildings that are located within designated car parking precincts are to be exempt from the Table 4B and Table 14B requirements and will be subject to separate car parking standards.

LAND USE

Clause 4.4 – ‘Land Use’ addresses land use in a manner consistent with the spirit of transect-based coding and its endeavour to control physical built outcomes above land use and preference for mixed use neighbourhoods. In this regard the controls are significantly more flexible and less prescriptive than the land use controls that ordinarily apply to conventional zones.

The provisions require that a Land Use Table be included in the CDC to regulate the land uses and functions that may be approved within the Transect Zones and Civic Reserves of Jindree (subclause 4.4.1). Uses may be either classified as Permitted (“P” symbol), Discretionary (“D” symbol) or Not Permitted (“X” symbol) within each Transect Zone and Civic Reserve category.

Uses that are not listed in the table may be approved if Council is satisfied the use is consistent with the objectives of that Transect Zone or Civic Reserve. As with all change of use applications, these applications are to be certified by the Town Architect before being lodged with Council. In considering such proposals, Council may elect to first advertise the proposal for public comment (subclauses 4.4.4b).

TAPs may refine the CDC Land Use Table by: further limiting the range of “P” and “D” uses that may occur on a Lot(s); by changing a “P” use to a “D” use or a “D” use to a “P” use; or by adding a land use that is not listed in the CDC Land Use Table and assigning to that use a “P”, “D” or “X” classification (refer Schedule 9B – Transect Area Plan: Schedule of Permissible Variations to Community Design Code). Importantly, TAPs are not able to convert an “X” use to a “P” use - this degree of change would require a modification to the CDC.

RETAIL FLOORSPACE

Clause 4.5 ‘Allocation of Retail Floorspace’ limits retail development within Jindree to a maximum Net Lettable Area of 3,000m² except where Council considers that the retail activities constitute Tourist/Visitor Related Retailing (as defined in Schedule 2B) or a retail needs assessment has been undertaken that demonstrates, to the satisfaction of the Council, demand for a larger retail floorspace allocation.

Schedule 3 of the current DPS 2 sets retail floorspace caps for all Commercial and Centre zones within the City of Wanneroo.

The 3,000m² retail floorspace cap applied to Jindree under clause 4.5 of Division B reflects the current 3,000m² allocated to Jindalee in Schedule 3 of DPS 2. As part of its forthcoming review of DPS 2, the Council is expected to revisit Schedule 3 with the view to achieving consistency with the WAPC’s State Planning Policy 4.2 – Activity Centres for Perth and Peel. This may involve removing floorspace caps from DPS 2 altogether and relegating floorspace limits, where warranted, to structure plans and/or local planning policy. In the interim and in the interests of consistency with other commercial and centre zones of the City, Division B retains the 3,000m² retail floorspace cap for Jindree.

CONTROL OF ADVERTISING

The design, maintenance and positioning of advertising will have a significant visual impact and is to be carefully controlled in a way that supports the Jindree vision. Accordingly, clause 4.6 of the Scheme requires the Proponent to prepare a Strategy for the Control of Advertisements that is to form part of the CDC and is to address the requirements of Schedule 6B, including the following elements:

- Advertising approval: the requirements for obtaining approval for a sign;
- Advertising placement: criteria to guide acceptable locations for different types of signage;
- Wayfinding: guidance for the placement and design of directional signs that link people to destinations;
- Advertising designs: controls to address the preferred dimensions, style, graphics, colour and illumination of the various types of signs;
- Maintenance: minimum maintenance requirements;
- Enforcement: provision to deal with any contraventions to the Strategy.
- The Strategy is to either form part of the CDC at the time the CDC is first approved or added at a latter time through a minor modification to the CDC.

ENVIRONMENTAL CONDITIONS

This is a standard clause to allow inclusion of any Environmental Conditions into a schedule to the scheme if this is deemed to be warranted through the EPA's assessment.

ENVIRONMENTAL REQUIREMENTS - PROTECTED NATURAL LIVING AREA

The provisions of clause 4.8 emanate from the Environmental Protection Authority advice on MRS Amendment 1152/41 that involved the transfer of the Jindee foreshore land to the Urban zone and offsetting this with two inland Parks and Recreation (P&R) reserved areas.

The EPA had resolved that this MRS Amendment should not be assessed under the Environmental Protection Act 1986, however gave advice and recommendations. As part of this advice, the EPA stated the following:

"The EPA supports the Metropolitan Region Scheme Amendment 1152/41 on the basis that the two areas of P&R reserve are being provided to offset the area of foreshore P&R (Bush Forever site 397) proposed to be zoned Urban. The two P&R reserves will be linked with native vegetation retained on private lots. The linkage is to ensure that the ecological function of the eastern portion of the P&R is retained. Without the vegetated linkage the EPA does not consider the proposed P&R to be an adequate offset for the reduced foreshore reserve."

It is understood that an important function of this vegetated linkage is to support the movement of small reptiles between the coastal P&R reserve through to the inland P&R reserve (Trig Point).

In its advice, the EPA resolved to defer the issue of the vegetated linkage between the foreshore and inland Parks and Recreation reservations to ensure that an adequate mechanism is instituted during later stages of planning to retain and protect the vegetation in this location.

Clause 4.8 of Division B introduces provisions to ensure that this vegetated linkage is maintained between the two P&R reserves. The area between the reserves is to be included in the southern portion of the T2 Transect, which is referred to as the 'Protected Natural Living Area' and comprises approximately 12.5 hectares.

This area will feature larger lots and be subject to the following environmental requirements of the Scheme:

- development of private lots to be contained within 'building envelopes' and 'building zones' (refer to Schedule 2B for term definitions);
- building envelopes not to occupy more than 30% of the 'Land Area' of the Protected Natural Living Area. 'Land Area' is defined as the 'Protected Natural Living Area' less Thoroughfare reserves and Civic Spaces.
- no disturbance to remnant vegetation to occur outside building envelopes, building zones, thoroughfare reserves and civic spaces; and
- any required permanent boundary fencing to be detailed in the TAPs and be designed to allow for the passage of reptiles between the two Regional Open Space areas.

These provisions are to be reflected and implemented through the CDC and TAPs.

Further discussion of MRS Amendment deferred environmental consideration and the role of the Protected Natural Living Area in addressing this issue is provided in the Environmental Assessment Report (RPS, 2011) submitted under Appendix A.

TRANSITIONING PROVISIONS

Clause 4.9 responds to the idiosyncrasies of transect planning by recognising that the maturation of a community to its full development potential occurs over many years. Accordingly, this provision accommodates Interim Development within Transect Zones 4, 5 and 6, whereby a TAP may permit development on a lot within a Transect Zone that complies with the standards applicable to the next lower level of the Transect. For example if a TAP allows Interim Development in a T5 Zone, then the form of development would need to satisfy to the Coding requirements of the T4 Zone.

For the Transitioning Provisions to be supported by the Council, the Proponent of the TAP must demonstrate that the Interim Development would not preclude future development from occurring that complies with the relevant requirements of the Transect Zone assigned to that land in the CDC.

Similarly, any subdivision approved under the Interim Development provisions of a TAP must not prejudice future development from occurring that complies with the Transect Zone assigned to that land in the CDC.

SPECIAL REQUIREMENTS OF CDC AND/OR TAPs

Clause 4.10 - Special Requirements of CDC and TAPs, stipulates that, in addition to the requirements of Schedules 3B and 4B, the CDC and TAPs are to include the information detailed in Column 1 of Table 1B and satisfy the 'Special Requirements' listed under Column 2 this table. Many of these standards make reference to Tables 2B - 14B of Division B of the Scheme, which include design standards, mostly sourced from SmartCode® and calibrated to Jindee.

The provisions set out under Table 1B and in the remaining Division B series of tables (Tables 2B – 14B) include those design controls that are regarded as integral and non-negotiable to the Jindee vision. They in effect create the parameters for the formulation of more specific controls that are to be introduced through the CDC and TAPs.

The standards of Table 1B are organised under subheadings that relate to the Urban Standards, Thoroughfare Standards, Landscape Standards, Civic Space/Buildings and Control Plan elements of the CDC.

The key provisions are summarised under Section 6.3 – Division B Tables (Table 1B) and are concerned foremost with controlling those aspects of design that impact on the public realm.

PART 5 APPROVAL PROCESSES

Part 5 sets out the approval processes for the CDC, TAPs, subdivision applications and development applications. The processes are depicted in the flow chart diagrams under Appendix B.

The approval processes framework is designed to allocate approval responsibilities to the appropriate level of authority for the type of decision being made.

COMMUNITY DESIGN CODE

The process for approval of the CDC, in essence, involves the following:

1. Proponent prepares CDC and submits proposal with the CoW and WAPC (subclause 5.1.3);
2. Council considers CDC proposal for consent to advertise within 21 days.
3. Proponent may request statement from Design Panel on CDC, which is to be provided within 28-days of the request (subclauses 5.1.5 & 5.1.6);
4. Proponent, upon receipt of CDC Statement, may withdraw the CDC from assessment and modify the CDC and re-lodge with the Design Panel for a further Statement (5.1.8);
5. Proponent/ Council to arrange public notice of CDC proposal (42 day period) (5.2);
6. The Council and Commission to assess CDC proposal concurrently to allow its determination by Council and the Commission in close succession (5.3.1);
7. Following close of submission period, Council to review all submissions received, prepare a Summary of Submissions and Issues paper and forwards within

- 14 days the paper to the Commission, Proponent and Design Panel (5.3.2 and 5.3.3);
8. Commission and Proponent respond to the Summary of Submissions and Issues paper and forward copy of their response to Design Panel (5.3.4 and 5.3.5).
 9. Design Panel to consider the Summary of Submissions and Issues and the Commission's and Proponent's responses and form a position on the Summary of Submission and Issues. The objective of this step is for the parties to jointly consider the submission issues and, to the extent possible, agree on appropriate responses to the matters raised (5.3.6 and 5.3.7);
 10. Council to determine CDC within 42 days of receiving Design Panel response to Summary of Submissions and Issues and resolve to approve the CDC with or without conditions or refuse the CDC (5.4.1 – 5.4.5);
 11. Commission to determine CDC within 42 days of Council's decision and resolve to approve the CDC with or without conditions or refuse the CDC (5.5.1 – 5.5.5);
 12. Clause 5.6 allows the Proponent to request the Council's or Commission's reconsideration of a condition(s) or refusal decision;
 13. If Council/Commission fails to determine the CDC or reconsideration request within the prescribed timeframes, the Proponent has a right of appeal (subclauses 5.4.7, 5.5.7, 5.6.8, 5.6.16);
 14. Proponent can appeal Council's and/or the Commission's decision on the CDC pursuant to Clauses 5.4.6, 5.5.6 and 8.4;
 15. Subclause 5.1.2 allows the CDC to be progressed in accordance with the above processes and approved by the Council and/or the Commission, prior to but subject to the gazettal of Amendment 115. This is to accommodate the concurrent processing of the Scheme Amendment and CDC.

Clause 5.8 addresses modifications to the approved CDC. Modifications may be classified as either 'minor' or 'major'. Before being submitted with the Council, a proposed modification to the CDC is to be submitted with the Design Panel.

The Panel is to prepare a Statement advising whether the proposed variation constitutes a minor or major modification (subclause 5.8.5). Council is to have regard to this

Statement but is able to form a contrary opinion on whether a proposed modification is minor or major.

A minor modification is to be determined by the Council within 28 days of lodgement. Appeal rights exist if the Council fails to make a decision within the prescribed timeframe or against a Council decision (subclause 5.9.5). Major modifications are to be determined in the same way as the CDC.

Clause 5.11 nominates changes to the CDC, which may occur without a modification to the CDC. These include changes to the Architectural Standards, the Pattern Book (which are both to be regulated by the Proponent) and a review of the Car Parking Strategy that necessitates a change to that Strategy.

Clause 5.12.2 stipulates that the provisions of the CDC (other than the Architectural Standards and Pattern Book) are to have the same force and effect as if they were Scheme provisions and for the standards and requirements applicable to Transect Zones and reserves under Division B to apply to the same extent to the areas having corresponding designations under the CDC.

Clause 5.12.3 allows the CDC to vary any standard or requirement of Division B by way of a clear statement of intent that is to be included in the CDC.

Clause 5.12.4 stipulates that any inconsistency between the approved CDC and Scheme is to be decided in favour of the CDC.

TRANSECT AREA PLANS

TAPs are to provide more detailed design and development controls for multiple lots or defined precincts within Jindee. They are to refine the CDC requirements and coordinate the relevant Urban, Architectural, Thoroughfare and Landscape Standards of the CDC as they relate to the TAP land. It is intended that TAPs will correspond with project staging, resulting in the Proponent progressing one to two TAP proposals annually.

The approval process for TAPs involves the following steps:

1. TAP prepared by the Proponent;
2. Prior to lodgement of the TAP with Council, the Proponent may seek a statement from the Design Panel on the TAP. The Statement is to certify if the TAP is 'compliant' or 'non-compliant' with the CDC (5.13.3 & 5.13.6);
3. A compliant TAP is a TAP that conforms to the adopted CDC or includes a variation to the CDC that conforms to the range of permissible variations defined in Schedule 9B or allowed for by the CDC (5.13.4 and 5.13.5);
4. A non-compliant TAP is not to be approved by the Council and requires a Minor or Major Modification to the CDC (5.13.7);
5. Council is to determine a TAP within 21 days of lodgement having due regard to any Design Panel Statement and resolve to approve the TAP with or without conditions, refuse the TAP, or refuse to accept the TAP's characterisation as a compliant TAP and assign the TAP as non-compliant, requiring a Minor or Major Modification to the CDC (5.14.2);
6. Clause 5.15 allows the Proponent to request Council's reconsideration of its decision on a TAP;
7. The Proponent can appeal Council's decision on the TAP and a right of appeal exists if Council fails to determine the TAP or reconsideration request within the prescribed timeframes;
8. Clause 5.16 addresses proposed modifications to approved TAPs and requires that the Council determine them in the same manner as the TAP;
9. Clause 5.17.1 requires that the Commission, when considering an application for subdivision, require the application be generally in accordance with the CDC and TAP as they relate to the subject land.
10. Subclause 5.17.2 requires that Council provide the Commission with a recommendation on a subdivision referral and a copy of the Transect Area Plan relating to the subject land, within 42 days of receiving a referred subdivision application;
11. 5.17.3 states Council will not recommend approval of a subdivision application unless it has a TAP for that land and the subdivision is generally in accordance with that TAP;
12. The Commission's approval of a subdivision is to constitute endorsement of the relevant TAP, with or without modification, as it relates to that subdivision. On the contrary, the Commission's refusal of a subdivision application is to constitute refusal of the TAP as it relates to the subdivision;
13. Any modification that is required as result of the Commission's decision on a related subdivision application is to be undertaken by the Proponent and endorsed by the City;
14. Subclause 5.19.2 states that in the event of any inconsistency between an approved TAP and Division B of the Scheme or the CDC, the approved TAP is to prevail. This reflects the ongoing refinement of the Code standards that will occur through the design process as the Proponent acquires a deepening understanding of the project and market conditions
15. Subclause 5.13.2 allows a TAP to be progressed in accordance with the above processes and approved by the Council and/or the Commission prior to and subject to gazettal of Amendment 115. This is to accommodate the concurrent processing of the Scheme Amendment, CDC and TAP.
16. Approved TAPs are to be certified by the Council or Commission and included in a Schedule to the Council and Commission copy of the CDC, which will be published in a format to allow for such future additions.

DEVELOPMENT APPROVAL

Development applications (DAs) represent the final tier of the approvals framework and are to generally accord with the CDC and relevant TAP. It is anticipated that by resolving most of the design detail upfront through the CDC and TAPs, applicants of conforming development applications will be able to proceed with a high degree of certainty, and benefit from reduced approvals timeframe.

The process for the determination of all DAs (with the exception of applications for development of Civic Reserves and Buildings, applications requiring Commission determination under the MRS or applications for an Advertisement) are to be dealt with as follows:

1. DAs to be made on the form submitted in Schedule 10B. This form differs to the standard MRS Form 1, in requiring additional information that is specific to the Jindee project (5.23.1);
2. DA to be certified as 'compliant', 'variant' or 'non-compliant' by the Town Architect prior to being determined by Council (using the Jindee DA Certification Template in Schedule 11B);
3. Compliant DAs are those that are compliant, with or without modification, with the CDC and applicable TAP. Variant DAs are development proposals that depart from, but are in keeping with the spirit and intent of the CDC and relevant TAP. Non-compliant DAs are developments that do not comply with the CDC and TAP and are to be refused (5.24.2). Different approval processes apply to Compliant, Variant and Non-Compliant DA types;
4. In making a decision on a DA, the Council is to have due regard to the CDC, relevant TAP, relevant Council Policy and the Town Architect Certification;
5. Council is to determine a compliant DA within 28 days of lodgement and may approve the application with/without conditions; determine the DA as a Variant DA in which case the approval requirements of such application are to apply; determine the DA as Non-compliant and refuse the application (5.26.2);
6. The Council may require a variant DA be advertised where the proposed variation to the relevant TAP has the potential to impact on an adjoining landholding. Council may approve a Variant DA with/without conditions or refuse the Variant DA (5.27.3);
7. Non-compliant DAs may also be determined under Council delegation within 14 days of lodgement and are to be refused (5.28.1);
8. If the Council fails to determine a Compliant, Variant or Non-compliant DA within the prescribed timeframe, the owner/applicant has a right of appeal.;
9. An owner/applicant aggrieved by a Council decision on a DA also has a right of appeal to SAT;
10. DAs for Civic Reserves and Civic Buildings (whether located within or outside a Civic Reserve) are to be determined in accordance with clause 5.29. It is

necessary for the Scheme to make this distinction, as these classes of development will not be regulated by the Urban Standards of the CDC and therefore are not able to be certified as compliant, variant and non-compliant. The Scheme requires that the Council determine these applications having regard to the matters set out under 5.29.4, which includes regard to a statement prepared by the Town Architect on the proposal.

11. Council is to refer DAs requiring Commission approval under the MRS, to the Commission for determination. As part of this referral process, the Council is to forward any comments received from the Town Architect and its own comments to the Commission to be considered in the determination (clause 5.31).

In relation to the appeal provisions, the Scheme requires the responsible authority to notify the Proponent of any appeal proceeding brought in relation to the determination of a DA (refer 5.26.5, 5.27.6, 5.28.5, 5.29.9). This requirement is to ensure the Proponent is given the opportunity to apply to the State Administrative Tribunal to be joined as a party to such appeal proceeding, recognising the Proponent is a critical agent in managing Jindee and ensuring consistency in adherence to the project vision (refer to related subclause 8.6.5).

Clause 5.21 allows the Council to adopt a Local Policy to exempt certain development types from requiring Council Approval. The Scheme has purposely not sought to exempt developments from approval requirements and to defer this matter to future policy, recognising the difficulties at this stage of foreseeing what types of developments could be exempted without potentially compromising the physical design outcomes of Jindee.

Clause 5.33 states that a change of use of land is to constitute development. Furthermore, where a development approval is for the carrying out of building or other works on land, the approval is also to be for the use of that land as referred to in the application or normally associated with the building or other work.

Clause 5.34 enables Council to approve or recommend approval of certain classes of subdivision and development applications prior to approval of the CDC and corresponding TAP.

This provision is similar to the existing clause 9.11 of the DPS 2 that allows Council to consider a development application before a structure plan has been adopted, subject to having regard to certain considerations. As with clause 9.11, it is intended for Clause 5.34 to only be exercised in exceptional circumstances.

PART 6 RESERVES

This part allows Jindee land to be included in MRS Reserves and Local Reserves. Land within MRS Reserves is to be subject to the provisions of the MRS and Planning and Development Act (as amended). Local Reserves are to be identified in the CDC and TAPs. Development and Use of Local Reserves is to be in accordance with the approved CDC and TAPs and satisfy the procedures set out under clause 5.31.

PART 7 ADMINISTRATIVE FRAMEWORK

JINDEE DESIGN PANEL

The purpose of clause 7.1 is to inaugurate an administrative body that is specifically designed to meet the requirements of the Jindee project and, in particular, a transect based code regulatory framework. Importantly, this includes the need for a consistent representative group to consider the Jindee CDC, TAPs and other significant proposals so that a shared understanding of the Jindee project, its vision, technical requirements and approval processes is maintained.

This administrative body is to be in the form of a Design Panel, which is to have the following representation:

- Proponent;
- City of Wanneroo;
- WAPC;
- Town Planner (appointed by Proponent);
- Town Architect (appointed by Proponent).

Clause 7.1.1 sets out of the functions of the Design Panel, which are to include:

- represent the interests of the member groups in the consideration of the CDC, TAPs, DAs and other significant Jindee proposals;
- ensure consistency between the CDC, TAPs, subdivisions and DAs;
- review the respective positions of the Council, WAPC and Proponent on submissions received during the public notice period for the CDC and other significant proposals; and
- reconcile, to the extent possible, any incongruities between the respective positions of the member groups on planning proposals concerning Jindee.

In all of these functions, the Panel is to have an advisory role and is not to be held responsible for the determination of Jindee related proposals.

In terms of the quantity of applications before the Design Panel, there will be one CDC proposal covering the whole of the Division B Area and around two TAPs annually that correspond with development stages. This volume of proposals is expected to generate approximately two Design Panel meetings annually, once the project is underway.

The Design Panel's functions will primarily be concerned with the consideration of the CDC and TAPs, which will establish the regulatory framework and technical guidelines for subsequent subdivision and development. By ensuring that the CDC and TAPs are thoroughly assessed and address the expectations of all stakeholders, a streamlined approvals process can ensue for complying subdivisions and developments.

The Scheme requires that a Terms of Reference be prepared for the Design Panel that is to cover administrative responsibilities, meeting arrangements, functions/ delegations of responsibilities, decision making procedures and quorum criteria, reporting arrangements and a procedure for disbandment of the Panel once its functions are satisfied (refer 7.1.4).

LOCAL POLICIES

The provisions concerning local policies acknowledge that application of the calibrated SmartCode® transect-based code to Jindee will supplant many of the Council's existing local policies adopted either under the provision of the Local Government Act, 1995 or Scheme.

Accordingly, the Scheme states that Council's local policies, adopted pursuant to the Local Government Act, 1995 or Scheme, shall not apply to Jindee unless otherwise stated in the adopted Local Policy. This would involve an omnibus amendment to the Council's local policies to apply those relevant policies to the Jindee project.

The Scheme provisions regarding local policies also state that the provisions of a local policy are subordinate to the provisions of a Scheme, the CDC or a TAP. Therefore, in the event of any inconsistencies, the provisions of the Scheme, CDC or TAP are to prevail. Furthermore, the provisions state that the Council is to have due regard to the relevant provisions of a local policy applicable to Jindee, however that these provisions are not binding.

The process for making and amending a local policy are set out under subclauses 7.2.5 – 7.2.9 and subclause 7.2.10 enables rescission of local policies.

ROLE OF PROPONENT

Clause 7.3 is a sunset clause to enable Westminster Estates Pty Ltd role as Proponent to cease at an appropriate time. Westminster Estates Pty Ltd envisages that its role as Proponent would terminate close to completion of the project to ensure the vision is preserved and successfully implemented. At such time, any outstanding responsibilities attached to the role of Proponent under Division B of the Scheme would revert to the Council.

PART 8 ENFORCEMENT & APPEALS

This Part includes provisions that are relatively standard, concerning amenity, unkempt land, illegal development, entry to premises, offences and appeals. The provisions are derived from existing DPS 2 provisions, and are included in Part 8 to have application to Jindee. The appeal clause (clause 8.4) is also mostly standard, with the exception of subclause 8.4.5.

Subclause 8.4.5 requires that, in the event the Proponent applies to the SAT to be joined as a party to an appeal, that the Council or the Commission (as the case may

be), in providing any advice on that request to the SAT, have regard to the nature of the transect-based code for Jindee, which relies heavily for its success on the ongoing involvement of the Proponent. This clause recognises the unique qualities of this innovation project and that the depth of knowledge and expertise held by the Proponent on the code, project vision and site conditions, may assist SAT in attaining an adequate level of project understanding and in reasonably determine an appeal.

PART 9 DISTRICT DISTRIBUTOR ROAD INFRASTRUCTURE ARRANGEMENTS

This is the only Part of the Scheme to refer to the existing Scheme provisions within proposed Division A of the Scheme Text. The Part consists of one clause (Clause 9.1), which requires the provisions of Part 11 and Schedule 10 of Division A concerning Cell 1 contributions towards the funding of district distributor road infrastructure continue to apply to Jindee.

6.3 DIVISION B TABLES

SmartCode® is a model development ordinance template used for planning and urban design that primarily addresses the physical form of building and community. As a model ordinance, the SmartCode® standards are intended to be locally calibrated by coding the specific outcomes desired of a particular place to enable implementation of a project vision. This allows a customised approach to be applied to a site, rather than the one-size-fits all conventional approach.

Most of the tables appended to Division B have been calibrated from SmartCode® to regulate development outcomes at Jindee in a way that responds to the project vision, Transect Zone character and stakeholder objectives. They address the elements that make up the urban environment, including streets, landscape and built form.

The calibrated Tables will be used to establish baseline standards that will be reflected and refined in the standards of the CDC and TAPs. Scheme clauses, contained mostly within Part 4 – ‘Jindee Development Controls and Standards’ of Division B, make reference, where appropriate, to the standards and descriptions contained within these tables.

Importantly those tables with standards that address built form do not apply to Civic Buildings, which are specialised in nature and may adopt quite varied design responses depending on their location and function. A description and explanation of each of the tables is provided below.

TABLE 1B – TRANSECT ZONE DESCRIPTIONS

Table 1B – Special Requirements of CDC and TAPs nominates specific requirements that are to be addressed by the CDC and TAPs. These requirements are organised under subheadings that relate to the Urban Standards, Thoroughfare Standards, Landscape Standards, Civic Space/Buildings and Control Plan elements of the CDC and TAPs and are summarised below. Unlike the other tables, Table 1B is not derived from SmartCode®, but is included to regulate standards and requirements specific to Jindee.

1. URBAN STANDARDS

1.1 PERMISSIBLE BUILDING TYPES:

- Building Types within the T2-T6 Zones to accord with the Transect in which they are located
- One Principal Building and one Outbuilding may be located on each lot within the T3 – T6 Zones

1.2 BUILDING DISPOSITIONS:

- Building dispositions (setbacks) to conform with Table 11B, with the exception of the Protected Natural Living Area of the T2 Zone which shall conform with designated building envelopes Building facades shall be built along a minimum percentage of the frontage width at setback as generally illustrated in Tables 7B and 11B (with greater build out applying in the higher T-Zones)
- The Principal Entrance to buildings in the T5 and T6 Zones should be on the frontage line unless otherwise provided for in the CDC or TAPs

1.3 BUILDING HEIGHTS:

- Building heights to be measured in storey and to conform with Tables 3B and 10B TAPs may include provision for a maximum building height specified in the CDC to be increased for specific design elements
- Buildings in the T5 and T6 Zones with a residential function on the ground level shall distinguish between the private and public realms by having a ground finished floor level elevated above the adjacent footpath

1.4 PRIVATE FRONTAGES

- Private Frontages within the T2-T6 zones to generally accord with Tables 3B and 9B
- Encroachments, including verandas, balconies, bay windows, stoops, lightwells and decks, may occur into the Private Frontage area (front setback) of the Building Type
- Encroachments of a Private Frontage, including single and multiple storey verandas, gallery frontages, arcade frontages and shopfront frontages may occur into the public realm by the provision of air rights granted to the owner or rights of way at ground level granted to the Council

1.5 BUILDING COVERAGE

- Maximum building coverage shall accord with Table 3B
- The habitable areas of Accessory Units within a Principal Building or Outbuilding may not exceed the area provide for in the CDC or TAPs

1.6 SCREENING OF LOADING/SERVICE AREAS

- Loading and service areas to be identified on TAPs and to be provided with adequate screening that is consistent with adjoining building facades or, where this is not possible, by a streetscreen

1.7 CAR PARKING LOCATIONS

- Parking within the T2-T6 Zones to be accessed from rear lanes where available unless otherwise provided for in an approved TAP. Open car parking areas within the T2 – T6 Zones to be masked from the public realm by a building or streetscreen
- Urban Standard to specify the 'layers' (as defined in Table 13B), where car parking and garages shall be located for each building type and be consistent with the parameters set out under 1.7

1.8 DENSITIES

- Building densities to be controlled through a combination of the Transect Zones, permissible Building Types, maximum site coverage, car parking requirements, height limits and building setbacks

2. THOROUGHFARE STANDARDS

2.1 DESIGN OF THOROUGHFARE NETWORK

- Thoroughfares to form a network and connect to adjacent sites
- Culs-de-sac only to be used to accommodate specific site conditions

2.2. THOROUGHFARE DESIGN STANDARDS

- Thoroughfares to be designed in the context of the urban form and desired design speed of the Transect Zone through which they pass

2.3 STANDARDS FOR VEHICLE AND PARKING LANE WIDTHS

- Standard for vehicle and parking lanes may vary between thoroughfares and shall accord with Tables 5B and 6B

2.4 STANDARDS FOR PEDESTRIAN & CYCLIST ACCESS

- Thoroughfare network to include a comprehensive network for pedestrian and cyclist access. Street trees and shade structure to be incorporated into design to provide shade to footpaths. Design speeds to be controlled to reflect the character of a thoroughfare and its quality and safety for pedestrians/cyclists
- Design speeds to be controlled through a combination of design elements including reserve widths, lane widths, thoroughfare alignments, tree alignments and spacing, building heights, street parking and intersection frequency
- Thoroughfare standards may employ design techniques to incite slow design speed that enable vehicles, cyclist and pedestrians to safely share access lanes

2.5 DESIGN OF PUBLIC FRONTAGES

- Public Frontages of thoroughfare types to conform generally to Tables 7B and 8B which assign public frontage types to Transect Zones.

2.6 THOROUGHFARE PLANTING AND LIGHTING

- Thoroughfare planting and lighting to complement the character of the thoroughfare type

3. LANDSCAPING

3.1 LANDSCAPING STANDARDS

- Provision of landscaping at Jindee to conform to the landscaping standards contained in the CDC and refined in the TAPs
- Landscaping Standards to generally conform with Tables 2B, 7B, 8B and 12B
- Standards to contain a tree species list that consists of native and exotic durable species tolerant of soil compaction
- Standards may include requirements for the private realm

4. CIVIC SPACES AND BUILDINGS

4.1 DESIGN AND LOCATION OF CIVIC SPACES

- Other than ROS areas, open space areas to be assigned as Civic Space in the CDC Regulating Plan Series
- A diversity of Civic Space Types to be provided consistent with typologies described in Table 12B
- Civic Space types to be located to complement the character of the adjacent Transect Zones
- Each Civic Space to have a minimum 50% of its perimeter fronting a thoroughfare. The 'playground' civic space typology may have a lesser thoroughfare frontage as illustrated in Table 12B

4.2 ADEQUATE PROVISION OF CIVIC SPACE

- Consistent with SmartCode®, a minimum area of 10% of the total urbanised area (T3 – T6 Zones) of each pedestrian shed shall be allocated for civic space and reserved for public recreation
- The CDC may identify certain well design thoroughfares that can constitute up to 25% of the total civic space requirement
- Civic building sites may be considered as part of the total civic space contribution
- As a SmartCode® derived transect-based code, these civic space standards are to replace the usual WAPC method for the calculation of public open space provision as set out under Liveable Neighbourhoods, Edition 3 (LN3).
- Whilst the provisions of SmartCode® are similar to LN3 in encouraging a range of open space types, the Code requirements go further than LN3 in recognising the suitability of different Civic Space types according to urban context and in particular, urban intensity. In this regard SmartCode® requires a wide range of Civic Space types to be designed and located to complement the level of urban intensity of the adjacent Transect Zone(s).
- SmartCode® also allows certain thoroughfares to contribute up to 25% of the total Civic Space requirement. This is to encourage thoroughfares to function as an integral part of the public realm; providing safe, attractive and comfortable environments for cycling and walking.

4.3 LOCATION OF CIVIC BUILDINGS

- Civic buildings are encouraged within or collocated with civic spaces and at the axial termination of significant thoroughfares
- The Jindee primary school site to be identified on the CDC in the southeast corner of the Jindee. This is consistent with the location identified in the Jindee Primary School Local Structure Plan, which has undergone advertising and is being considered by the Council for final approval

4.4 CIVIC BUILDING DESIGN

- Civic building design to reflect the role of these buildings as more significant than other building types at Jindee and be of the highest standard of architectural quality
- Civic buildings are not coded in the CDC / TAPs, but are to be negotiated on their merit with the Town Architect and approved by the CoW

5. CONTROL PLAN

The Control Plan is to form part of the Regulating Plan Series of the CDC and is to require certain design responses for specific locations. 5.1 sets out matters to be regulated by the Control Plan. They include:

Locations where a Shopfront Frontage Type (refer Table 9B) is recommended/mandatory along the footpath level of a private frontage

- Locations where a permanent cover is recommended/mandatory over part or all of a designated section of footpath
- Locations where an Arcade Frontage type (refer Table 9B) is recommended/mandatory
- Locations where encroachments into the public frontage may be permitted (including stairs, lightwells, balconies and bay windows)
- Locations where a Coordinated Frontage Designation is to apply to require the coordination of the public and private frontage of a development as a single coherent landscape and paving design unit
- Terminated Vista locations that require a particular architectural or landscape design response
- Locations where a cross-block passage designation is to apply which requires a reservation for pedestrian access between buildings and/or lots
- The percentage of clear glass and proportions and locations of openings required on the façade of a building
- Restrictions on the location and interface treatments of loading docks and service areas

TABLE 2B – SUMMARY OF DEVELOPMENT PROVISIONS

Table 2B provides a general description of the character for each of the T1 – T6 Transect Zones. There is also provision for a Special District, which is defined as an area that by its intrinsic function, disposition or configuration cannot or should not conform to one or more of the Transect Zones. Standards and controls for development within a Special District are to be established through the CDC and refined in TAPs.

TABLE 3B – SUMMARY OF DEVELOPMENT PROVISIONS

Is a summary of the key regulatory controls and metrics that will apply to Jindee, including those that appear in the other tables and those that will be included in the CDC and TAPs.

TABLE 4B – FUNCTIONAL INTENSITY

The Functional Intensity Table categorises the range and intensity of uses to which a building may be dedicated.

Parking requirements are correlated to the functional intensity, which is classified as either ‘Restricted’, ‘Limited’ or ‘Open’. In this way, the parking required to support a function and the parking available to a site determine the intensity of use on a site. Buildings located in designated Parking Precincts are exempt from these requirements.

The Functional Groups are: Residential, Lodging, Office, Retail, Industry and Civic/Education.

The Urban Standards shall assign to each Building Type a ‘Restricted’, ‘Limited’ or ‘Open’ intensity classification to the above described Functional Groups. For example, the Urban Standards could prescribe the following functional intensity classifications to the ‘Terrace House’ Building Type.

TERRACE HOUSE BUILDING FUNCTION	
FUNCTION	INTENSITY
Residential	Limited
Lodging	Limited
Office	Restricted
Retail	Limited
Industry	Restricted
Civic/Education	By approval

- All buildings at Jindee (other than Civic Buildings) will be approved as one of the specific Building Types provided for in the Urban Standards.
- The classification of either Limited, Restricted or Open and associated car parking standards that apply to the Functional Groups of each Building Type in the Urban Standards are consistent with the Car Parking standards applicable under Table 14B.

TABLE 5B – VEHICULAR LANE DIMENSIONS

Tables i and ii of Table 5B assign parking and travel lane widths to Transect Zones. The average daily traffic and design speed are the determinants for the recommended widths for travel and parking lanes. Table iii establishes required turn radius and kerb return radius having regard to the lane widths and parking within the exiting and entering roads. A key objective is to minimise kerb radius where practical, particularly in the higher T-Zones, acknowledging that large kerb radii enable vehicles to navigate corners faster, whereas tight kerb radii reduce turning vehicle speeds and the distance pedestrians must walk to cross a street. Table 5B also includes the parameters and methodology for intersection design.

TABLE 6B – VEHICULAR LANE & PARKING ASSEMBLIES

Table 6B establishes vehicular lane and car parking arrangements and assigns these to appropriate Transect Zones. These typologies include a range of permutations involving no parking, yield parking, parking one side (parallel), parking both sides (parallel), parking both sides (diagonal) and parking access from within one way and two way movement streets. The assemblies are based on traffic numbers (VPD), pedestrian crossing times and design speeds.

TABLE 7B – PUBLIC FRONTAGES - GENERAL

The Public Frontage is the section of road reserve between the private lot line and the edge of the vehicular lanes. It includes elements such as footpaths, landscaping, lighting, kerbing and parking and makes a significant contribution to the character of the public realm. In certain locations, elements of the building facades, such as awnings, and colonnaded arcades, may encroach into the public frontage zone, which is supported by scheme provisions. This table nominates Public Frontage typology responses to different thoroughfare types and relates these to appropriate Transect Zones.

Each Public Frontage type contains a description of the desired character and arrangement of specific design elements including drainage treatment, path character, street tree arrangement, kerbing and extent of build-out.

By selecting frontages compatible with Transect and applying a holistic approach to the assembly of private and public frontages, the Table aims to generate public realms within Jindee of distinctive and immersive character.

TABLE 8B – PUBLIC FRONTAGES – SPECIFIC

This table builds upon Table 7B and illustrates the desired arrangement and dimension of all public frontage elements – kerbs, footpaths and planters street trees - relative to Thoroughfare types and Transect Zones. The table also makes provision for landscaping species and lighting design to be calibrated to Jindee in the CDC and TAPs.

TABLE 9B – PRIVATE FRONTAGES

The Private Frontages table regulates the layer between the building and the frontage lot line and is a principal urban component (together with Thoroughfare designs) that affects the pedestrian experience along the Thoroughfare. The Private Frontage Types range in character from natural to urban. This is achieved through a combination of the various design elements including depth of frontage setback and architectural elements such as fences, stairs, verandahs, galleries and colonnades.

Eight frontage types are nominated, namely: Common Yard, Verandah & Fence, Terrace, Forecourt, Stoop/Bay Window, Shopfront, Gallery and Arcade. Each Private Frontage type contains a description of the desired character and arrangement of specific design elements and is assigned to appropriate Transect Zones.

For instance, the Common Yard frontage, incorporating a deep setback, front garden and unfenced front yard, is compatible with the lower T2-T3 Zones whereas the Arcade Frontage, featuring a colonnade that overlaps the footpath with habitable spaces above is suited to the T5-T6 Zones.

TABLE 10B – BUILDING CONFIGURATION

This Table shows building configurations for different building heights and relates these to Transect Zone. The illustrated configurations will be further calibrated for the purpose of the Jindee CDC and TAPs.

TABLE 11B – BUILDING DISPOSITION

This table illustrates the approximate location of a building relative to lot boundaries, establishing suitable basic building dispositions for each Transect Zone namely – Edgeyard, Sideyard, Rearyard, Courtyard and No-Yard. The extent to which a building's disposition completes the frontage contributes to the urbanity of the streetscape. Accordingly, the Rearyard, Courtyard and No-Yard building dispositions, which extend across the full frontage, are nominated for the higher T-Zones.

The Building Disposition options of this Table will not apply to the southern T2 Zone. Rather, as required by clause 4.7, buildings within this area are to be confined to Building Envelopes that are defined through the TAPs and designed to maximise vegetation retention; creating a vegetated link between the P&R reserves.

TABLE 12B – CIVIC SPACE STANDARDS

Table 12B illustrates and describes the Civic Space types that may be supported and assigns these to Transect Zones. The nominated types reflect the spectrum of environments that will be created at Jindee, ranging from the more natural and organic spaces of the lower transects through to more ordered urban spaces of the higher Transect Zones. The objective is to design spaces that meet community expectations and are compatible with the character and density of the surrounding built environment.

TABLE 13B – DEFINITIONS ILLUSTRATED

This Table contains a number of diagrams to illustrate the meaning of terms used in the Scheme Text and that will also be employed in the CDC and TAPs.

TABLE 14B – BASE PARKING STANDARDS

This table contains base car parking standards that are to apply to areas outside the nominated car parking precincts. The standards are derived from the Functional Intensity Table (Table 4B).

Application of the correct Table 14B standard to a building use is to be determined by the approved building type and which of the categories of 'Restricted', 'Limited' or 'Open' applies to the building functions that can occur within that building type under the Urban Standards of the CDC.

6.4 DIVISION B SCHEDULES

SCHEDULE 1B – CHARRETTE PROCESS

Relates to clause 1.10 of Section A of the Scheme and describes the requirements of the Charrette Process. The Charrette is a collaborative process that occurs over a succession of days and is used to develop a visioning master plan and vision for the subsequent planning processes of a Smart Growth Community.

Undertaking a Charrette is one of several criteria listed under clause 1.10 that must be satisfied before Council is to consider rezoning any additional land within the District to 'Smart Growth Community'. Clause 1.10 and Schedule 1B recognise the importance of the collaborative design process in arriving at a calibrated transect-based code that responds to the local and contextual conditions of a site and the aspirations of a community and other stakeholders.

SCHEDULE 2B – DEFINITIONS

Contains the Scheme definitions for Division B. All terms defined in Schedule 2B are capitalised in the Division B text.

SCHEDULE 3B – FORM AND CONTENT OF CDC

Sets out the principles that are to guide the preparation of the Jindee CDC and the content to be included in the Code.

SCHEDULE 4B – FORM AND CONTENT OF SMART GROWTH COMMUNITY TRANSECT AREA PLANS

Describes the format of TAPs and outlines the design matters that may be addressed through the TAPs.

SCHEDULE 5B – RECIPROCAL SHARED CAR PARKING

Stipulates reciprocal car parking percentages that are to apply to the Base Car Parking requirements of Table 13B for land outside the Car Parking Precincts. These standards are to be applied to lots with two land uses. As prescribed in subclause 4.2.5, for a lot with three or more uses, the required car parking is to be calculated using the reciprocal uses percentages applied to the two uses that require the most car parking bays had the base car parking standards been applied.

SCHEDULE 6B – STRATEGY FOR CONTROL OF ADVERTISING

Sets out the requirements to be addressed in the Strategy for Control of Advertisements for Jindee that is to form part of the CDC. Advertising is required to address the requirement of this Strategy (relates to clause 4.6).

SCHEDULE 7B – PUBLIC NOTICE REQUIREMENTS

Includes a table that sets out the minimum public notice requirements by application type. These requirements are to be carried out by the Proponent or Applicant of proposal. A Standard Public Notice Template is also provided in this Schedule.

SCHEDULE 8B – ENVIRONMENTAL REQUIREMENTS

Identifies the southern T2 land area to which the provisions of clause 4.7 relate. The area is to encompass approximately 12.5ha and is shown indicatively to allow for any future design refinements.

SCHEDULE 9B – COMPLIANT TRANSECT AREA PLAN: SCHEDULE OF PERMISSIBLE VARIATIONS TO COMMUNITY DESIGN CODE

Sets out the variations to the CDC that may be approved as part of a Compliant TAP. Changes that are not accommodated under this Table require a minor or major modification to the CDC.

SCHEDULE 10B – DIVISION B AREA DEVELOPMENT APPLICATION FORM

Provides a template for the Jindee Development Application. The application form requires additional information to the usual MRS Form 1 Application, including details of the proposed Building Type (which in turn dictates certain development standards including those relating to building function and car parking) and any variations proposed to the relevant design standards.

SCHEDULE 11B – TAP DEVELOPMENT APPLICATION CERTIFICATION

Provides a template for the Town Architect Development Application Certification form. The form requires a description of the proposal, applicant and landholding details and sections for the Town Architect to certify a development as either 'Compliant', 'Variant' or 'Non-compliant'.

7.0 CONCLUSION

This Amendment introduces planning and development provisions into the City of Wanneroo District Planning Scheme No 2 (DPS No 2) to facilitate the delivery of a benchmark coastal community at Jindee that is consistent with the project vision and the principles of SmartGrowth. The objective is to achieve significant advancements in environmental responsive urban design with a built form outcome that respectfully responds to the landscape and ecological qualities of the Jindee coastal environment.

The proposed Scheme Amendment provisions and the rezoning of the land to Smart Growth Community Zone creates a unique regulatory framework for Jindee, underpinned by a transect-based code driven approach to planning and design that supports the project vision.

The Division B provisions, inclusive of the requirement to prepare more detailed planning controls in the form of a Jindee CDC and TAPs prior to development and subdivision, will create prescriptive controls calibrated from the SmartCode® model ordinance. These controls will guide and coordinate all aspects of the built environment and landscape within six Transect Zones ranging from the most natural through to the most urban, resulting in diverse human habitat.

The net outcome of the proposed Amendment will be to facilitate the development of a unique coastal node where the urban form compliments the natural attributes of the site and reflects the urban design principles successfully incorporated into the established and highly revered coastal communities of Cottesloe, Fremantle and Rottnest, but with a contemporary take.

APPENDIX A: ENVIRONMENTAL REPORT

APPENDIX B: APPROVAL PROCESS





day