



# **DISTRICT PLANNING SCHEME No. 2**

Amendment No.170

*Planning and Development Act 2005*

**RESOLUTION TO ADOPT AMENDMENT TO  
LOCAL PLANNING SCHEME**

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 170**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by Amendment No.170.

The proposed amendment will modify DPS2 by:

- a) Introducing an 'Additional Use' of 'Storage Yard' over Lot 31 (No.90) Rousset Road, Jandabup into Schedule 2 - Section 1 (Clause 3.20) - Additional Uses, as follows:

NO		STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)
A40	1-40	90 Rousset Road, Jandabup	Lot 31	Storage Yard  Condition:  To expire within 3 years of the date the subject land is gazetted 'Urban' under the Metropolitan Region Scheme.

- b) Amending the Scheme Map accordingly.

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

- An amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

Date of Council Resolution.....

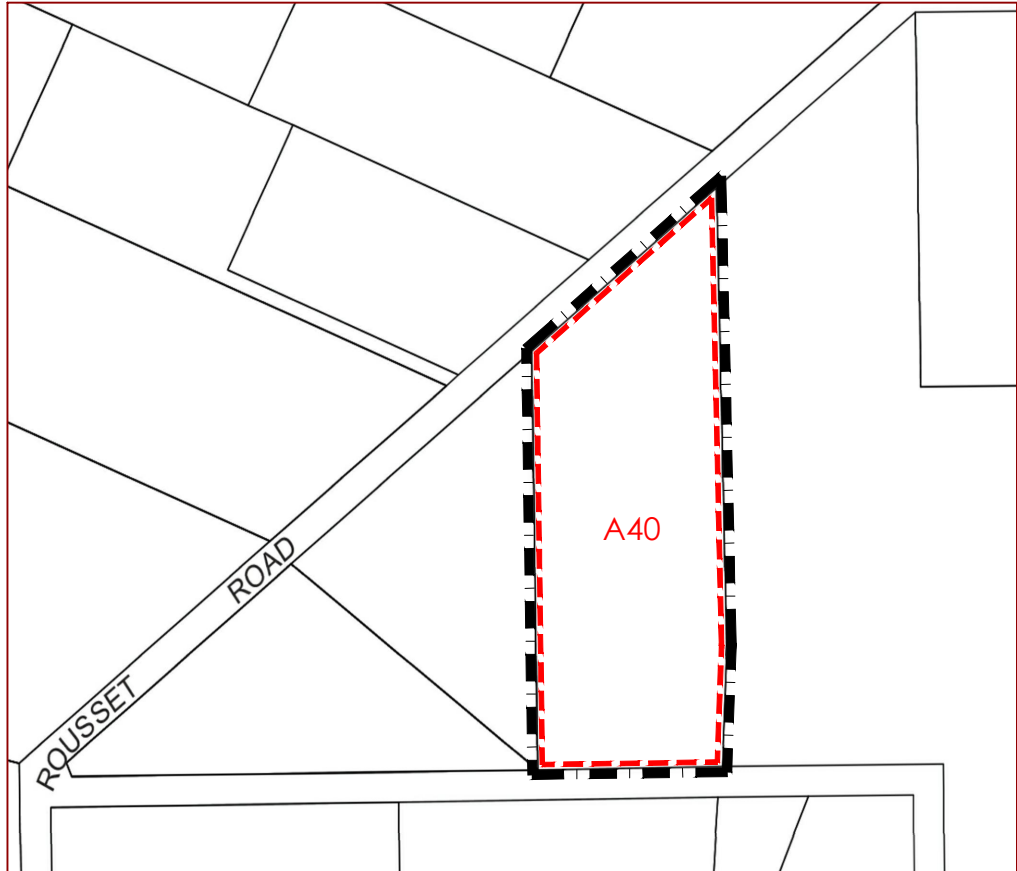
.....  
(Chief Executive Officer)

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



**EXISTING ZONING**

- LEGEND**
- REGION SCHEME RESERVES (MRS)**
- Parks and Recreation
- LOCAL SCHEME ZONES**
- Rural Resource
  - General Rural
- OTHER CATEGORIES**
- Locality Boundary



**PROPOSED ZONING**

- LEGEND**
- LOCAL SCHEME ZONES**
- General Rural
- OTHER CATEGORIES**
- A1 Additional Uses

**LEGEND**

- Subject Land

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**PLAN 1**



NORTH



SCALE 1:5,000 (A4)

**PROPOSED SCHEME AMENDMENT NO.170**  
**LOT 31 (NO.90) ROUSSET ROAD**  
**JANDABUP**

**CITY OF WANNEROO**  
**DISTRICT PLANNING SCHEME NO.2 - AMENDMENT NO. 170**  
**SCHEME AMENDMENT REPORT**

## **1.0 INTRODUCTION**

This proposed amendment to the City of Wanneroo District Planning Scheme No.2 (DPS2) seeks to apply an Additional Use of 'Storage Yard' over Lot 31 (No.90) Rousset Road, Jandabup (the subject site), by amending Schedule 2 - Section 1 (Clause 3.20) - Additional Uses of DPS2 and incorporating the relevant Additional Use on the Scheme Map (refer **Plan 1 - Proposed Scheme Amendment Plan**).

The purpose of this scheme amendment is to permit the use of a 'Storage Yard' on the subject site. This scheme amendment request has evolved from the City's Health and Compliance notice that the current use of the land is unauthorised. A 'Storage Yard' is an 'X' use which is not permitted in the 'General Rural' zone. Officers and Elected Members have recommended that a Scheme Amendment request be submitted to Council for consideration.

## **2.0 BACKGROUND**

### **Location**

The site is located within the suburb of Jandabup and is situated approximately 3.45km north east of the Wanneroo Town Centre. The site has frontage to Rousset Road to the north, a constructed rural standard, gazetted road (refer **Figure 1 – Location Plan**).

### **Site Area**

The subject site is a rural lot with a total area of 40,000m<sup>2</sup>. There is an existing dwelling and various outbuildings/sheds located on the site. The site is largely void of native vegetation and is currently used for storage of scaffolding materials, caravans, boats, cars, trailers, and containers (refer **Figure 2 – Aerial Photograph**).

### **Ownership**

The site is formally described as:

- Lot 31 on Diagram 70485 Certificate of Title Volume: 1742 Folio: 114

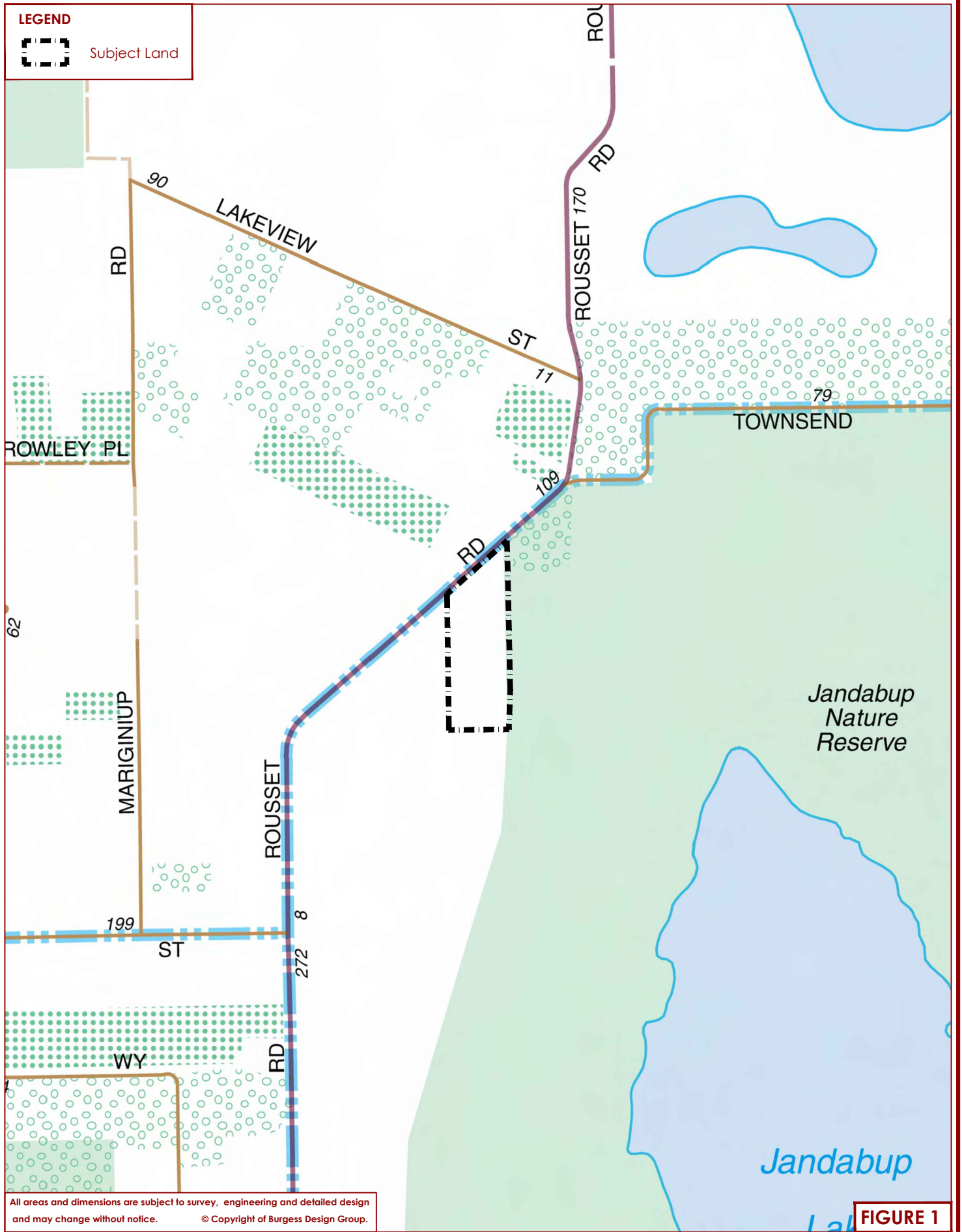
### **Proponent**

The proponents are Carol Swailes and Monty Shipman, the registered landowners of the subject site.

LEGEND



Subject Land



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FIGURE 1

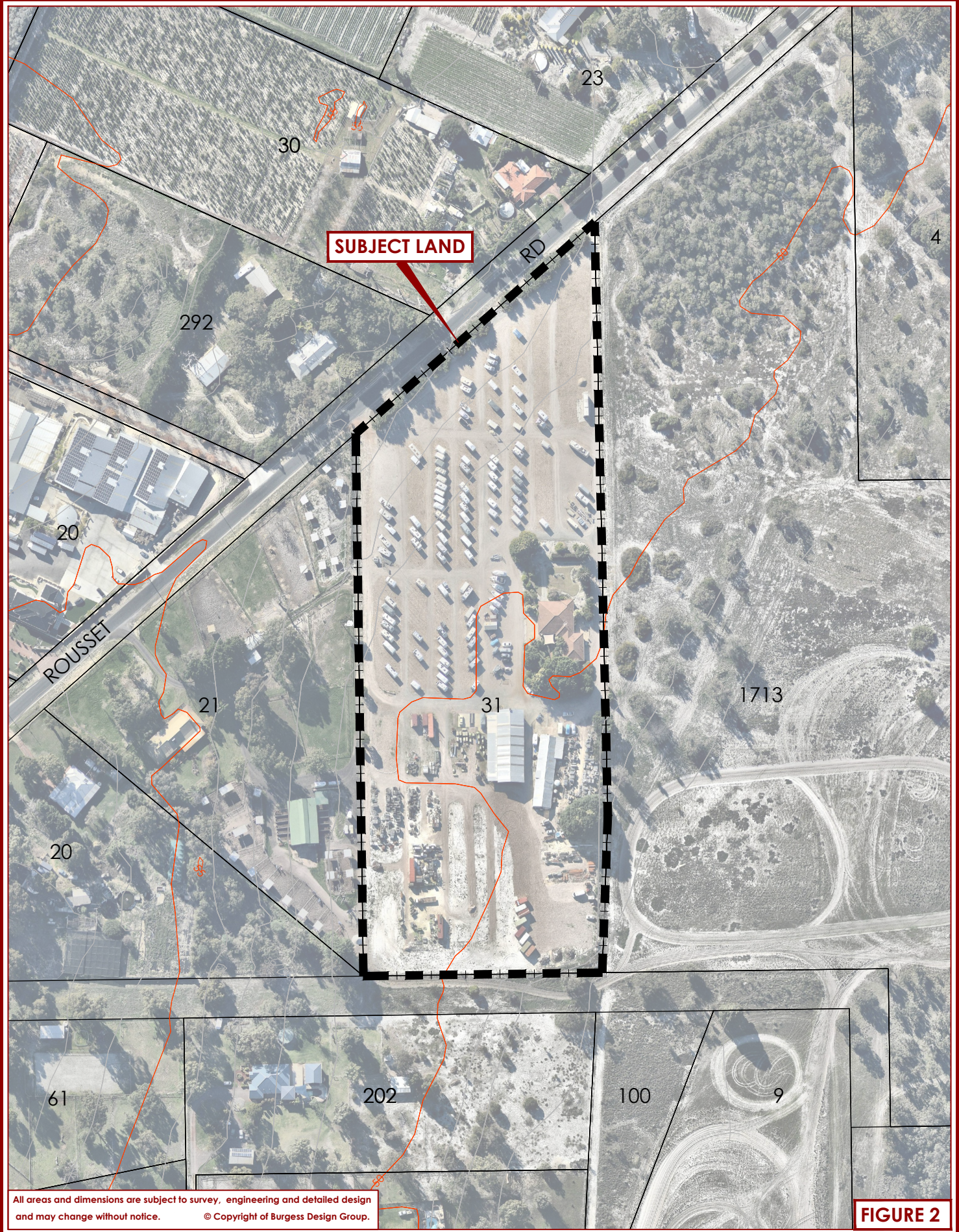


NORTH

0 50 100 150 200 250m

SCALE 1:10,000 (A4)

LOCATION PLAN  
LOT 31 (NO.90) ROUSSET ROAD  
JANDABUP



All areas and dimensions are subject to survey, engineering and detailed design and may change without notice. © Copyright of Burgess Design Group.

**FIGURE 2**



NORTH



SCALE 1:2,500 (A4)

**AERIAL PHOTOGRAPH  
LOT 31 (NO.90) ROUSSET ROAD  
JANDABUP**

## Site History/Previous Approvals

The subject site has historically been used for various land uses, including:

- 1988-2008: Wholesale Plant Nursery
- 2008-2018: Storage of Construction Formwork and Scaffolding (Eight owner/operators)
- 2016-2018: Storage of Caravans/Boats/Cars/Trailers and Containers

## Current & Surrounding Land uses

Surrounding land uses are predominantly rural and agricultural land uses, including; market gardens, turf farms, plant nurseries, and rural living lots.

The subject land is impacted by a 500m mushroom farm buffer, associated with Lot 20 (No.69) Rousset Road, Mariginiup. The current planning approval shall expire:

a) *Within 3 years of the date that:*

i. *land immediately adjacent to a 500 meter radius of the central point of 69 Rousset Road, Mariginiup (the Land) is gazetted 'Urban' under the MRS;*

ii. *the land is gazetted 'Urban' under the MRS*

*Whichever occurs first in time; or*

b) *Within 7 years of the date of this planning approval (17 December 2012),*

*Whichever is the later.*

## 3.0 STATE & REGIONAL PLANNING CONTEXT

### Planning and Development Act 2005

Section 75 of the *Planning and Development Act 2005* gives a City the power to amend its local planning scheme.

Pursuant to the Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed Amendment is a complex amendment as it is not addressed by any local planning strategy pursuant to Regulation 34 (b).

### Metropolitan Region Scheme

The subject site is zoned 'Urban Deferred' under the Metropolitan Region Scheme (MRS).

## City of Wanneroo District Planning Scheme No.2

The subject site is zoned 'General Rural' under the City of Wanneroo District Planning Scheme No.2 (DPS2) (refer **Figure 3 – DPS2 Map**).

Pursuant to clause 3.16.1 *'the objectives of the General Rural Zone are to:*

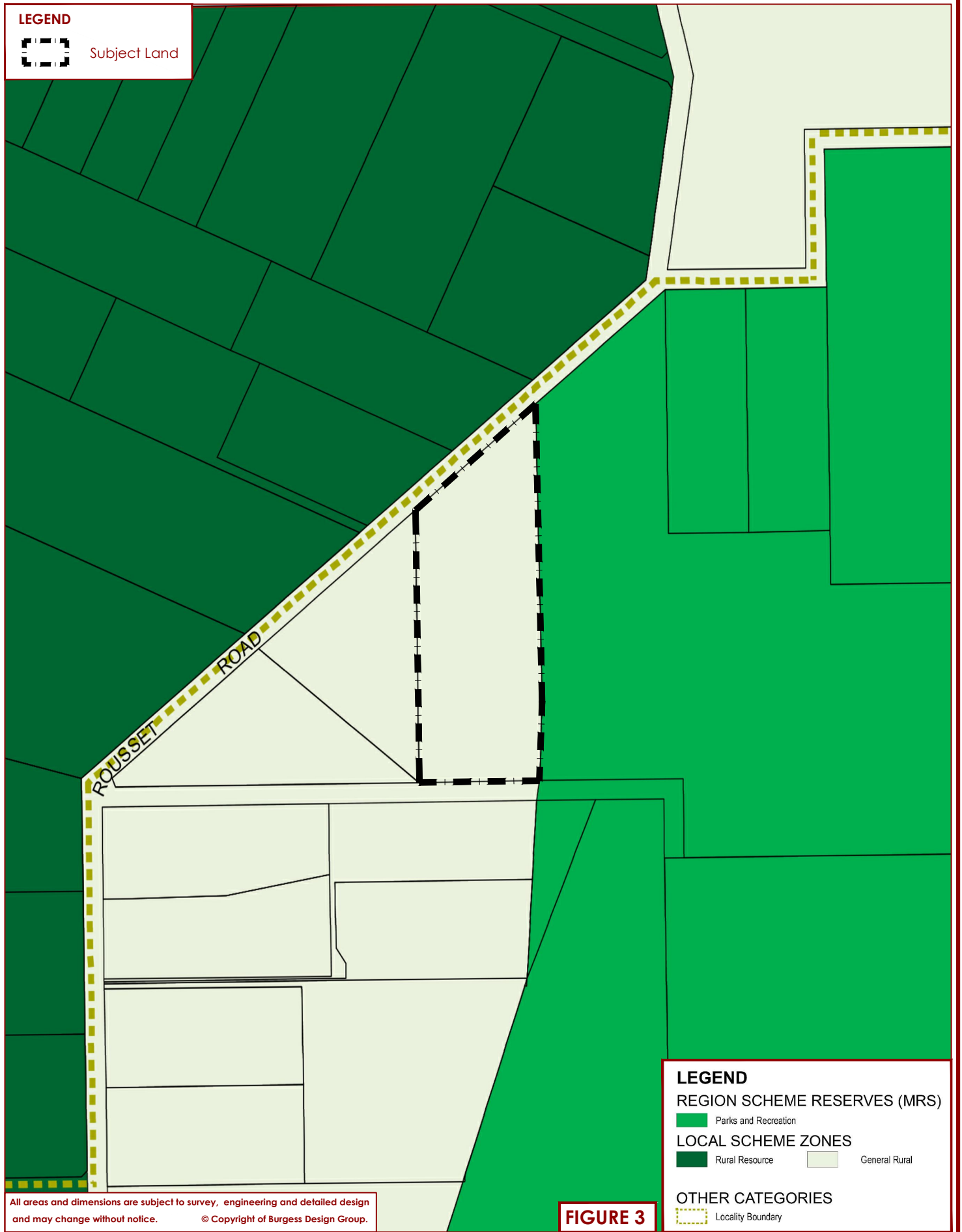
- a) accommodate agricultural, horticultural and equestrian activities;*
- b) maintain and enhance the rural character and amenity of the areas designated for rural use and to protect their ground water and environmental values.'*



**LEGEND**



Subject Land



All areas and dimensions are subject to survey, engineering and detailed design and may change without notice. © Copyright of Burgess Design Group.

**FIGURE 3**

**LEGEND**

REGION SCHEME RESERVES (MRS)

Parks and Recreation

LOCAL SCHEME ZONES

Rural Resource

General Rural

OTHER CATEGORIES

Locality Boundary



NORTH

0 50 75 100 150

SCALE 1:5,000 (A4)

**DISTRICT PLANNING SCHEME NO.2  
LOT 31 (NO.90) ROUSSET ROAD  
JANDABUP**

## 4.0 CURRENT OPERATIONS

Details on the current operations are provided below for consideration. A separate development application will be prepared if the proposed Scheme Amendment is approved.

Existing operations provide for the storage of:

- Caravans/Motor homes/Camper trailers;
- Boats;
- Cars;
- Trailers;
- Containers; and,
- Formwork/scaffold.

### Access point

Access to the site is via Rousset Road. A main gate is located on the North/West corner of the site.

### Operational times/days

Operational hours are between 6:00am and 6:00pm, seven (7) days a week.

### Types and number of vehicles

The following type and number of vehicles, on average, will be stored on site:

- Caravans/Motor homes/Camper trailers: >200
- Boats: >10
- Cars: > 12
- Trailers: > 8
- Containers: 7 (to be reduced to 5)

A maximum of 400 vehicles are expected to be onsite at any given time.

### Vehicle movements

Average vehicle movements per day are 15 - 20. Most vehicle movements are mainly owners checking on their vehicles and construction persons delivering and returning formwork/scaffold to the site.

Truck movements associated with the formwork/scaffold business are minimal given that the equipment remains at the building site for an extended period of time, typically months, with approximately two (2) out and return trips, a total of four (4) vehicle movements per day.

Vehicle movements are generally consistent with the type and volume of traffic one would expect in a rural/horticultural area, particularly given some of the other non-residential land uses that can be considered, and approved, within the zone (including Industry – Extractive, Industry – Rural, Market Garden Sales, and Piggery).

### Lighting details

- Eleven (11) 80-100w 12V LED flood lights
- Two (2) 180w LED flood lights
- An additional 3-4 flood lights are proposed at the rear of the site.

All lighting can be assessed by the City at development application stage.

## **5.0 PROPOSED AMENDMENT**

The proposed amendment will modify DPS2 by introducing an 'Additional Use' of 'Storage Yard' over Lot 31 (No.90) Rousset Road, Jandabup into Schedule 2 - Section 1 (Clause 3.20) - Additional Uses, and amending the Scheme Map accordingly.

DPS2 defines a 'Storage Yard' as follows:

*A **Storage Yard**: 'means any land or buildings used for the storage of goods, equipment, plant or materials.'*

### **Planning Justification**

Under the provisions of DPS2 the existing business is considered to constitute a 'Storage Yard' which is an 'X' use in the 'General Rural' zone. The proposed Scheme Amendment for an 'Additional Use' of 'Storage Yard' will allow the City to consider a planning application for a 'Storage Yard' on the site.

### District and Local Structure Planning

The proposed 'Additional Use – Storage Yard' is not considered to prejudice future planning given that a time limited approval can be included as a condition of development approval.

The planning process for the East Wanneroo Structure Plan area is extensive and complex. Prior to lifting of Urban Deferment a District Structure Plan (DSP) will be required for the EWSP area. The Department of Planning, Lands and Heritage (DPLH) has commenced preparation of the East Wanneroo District Structure Plan. The DSP is likely to show:

- Regional public transport and road network connections;
- High Schools;
- District Centres;
- Urban/residential areas; and
- Regional Public Open Space.

A draft copy of the District Structure Plan is expected to be available for public comment mid-2019. Following advertising the DSP is likely to take at least 1 year to be approved with a Local Structure Plan to follow thereafter.

It is expected that the DSP will divide the East Wanneroo area into smaller LSP cells. The location of the subject site, being the farthest from the existing urban front, and the limited capacity of existing services, will delay the ultimate urban development of the site.

The preparation and approval of a Local Structure Plan is likely to take between 2-3 years, given that water monitoring for two (2) winters and a spring survey will be required to accompany the Structure Plan. As such, urban development is unlikely to commence within the next 5 years.

The landowners wish to continue operating their storage business until such a time as the land can be sold for urban development uses. The business is the only income for the existing landowners.

#### Impacts on amenity

The proposed Scheme Amendment to facilitate the ultimate development of a Storage Yard will not adversely affect the amenity of the area. The existing trees in the verge of Rousset Road partially screen the storage yard from the road, and land to the north, and reduce visual and noise impacts.

The impacts of light spill and noise on the surrounding properties are considered to be minimal. The site abuts Lot 802 (No.100) Rousset Road, Jandabup to the east. Lot 802 is vacant and thus not impacted by existing operations. The site abuts Lot 21 (No.68) Rousset Road to the west. The potential impact of light spill on Lot 21 is considered to be minor as the dwelling is sited near the western boundary, away from the subject site, and existing landscape vegetation partly screens the existing operations. At development application stage the City can assess the lighting details. If there are any concerns from adjoining neighbours, the lighting design can be modified.

It is noted however, that the existing neighbouring properties are generally supportive of the existing business operations on the site.

#### Mushroom farm buffer

Urban development cannot occur on the subject site until such a time that a Local Structure Plan is approved and the mushroom farm ceases operation. The proposed storage yard is considered to be an interim land use that should be permitted until a time that Urban development can occur. A time limited approval can be imposed as a condition of development approval (in accordance with Deemed Provisions Schedule 2 Part 9 Clause 72). In this regard, the proposed Scheme Amendment includes a provision that states that the City may impose a condition to limit the period of time for which development approval is granted.

### **Other Considerations**

The storage yard provides an important and economical service to residents within the City of Wanneroo that are unable to park recreational vehicles on their properties. There is currently no alternative storage option within the City of Wanneroo. With smaller lot sizes in most new residential estates, the storage of vehicles on-site is either not physically possible or prohibited by the planning scheme. As such, the Scheme Amendment is expected to facilitate the approval of a storage yard that is currently providing a valuable service to the community.

### Industrial zoned land

It is noted that under DPS2 a 'Storage Yard' is permitted (P) in the 'General Industrial' zone, and discretionary (D) in the 'Service Industrial' zone. However, it is not financially viable to establish a similar business within these industrial zones. The cost to purchase or lease industrial land is substantial as the existing operation requires a significant amount of land to store recreational vehicles. As such, it is difficult to set up a similar business within the industrial zone, and provide a service at an affordable rate.

### Site conditions

The landowners are unable to operate as a nursery or use the land for any rural and/or horticultural pursuit given that it has been extensively cleared and they do not have a current water licence. Additionally, Jandabup Lake (a Conservation Category Wetland) and its associated buffer further restricts the activities that are permitted on site. In this regard, there are limited uses that are currently feasible.

## **6.0 CONCLUSION**

The Scheme Amendment proposes to insert an 'Additional Use' of 'Storage Yard' over Lot 31 (No.90) Rousset Road, Jandabup into Schedule 2 - Section 1 (Clause 3.20) - Additional Uses, and incorporating the relevant zoning on the Scheme Map.

The Scheme Amendment is proposed to ultimately facilitate the approval of the storage yard that is currently operating on site. The storage yard is considered to be an essential service for local residents as there are currently no alternative storage locations within the City of Wanneroo.

In light of the above, we respectfully request the City's favourable assessment of our proposed scheme amendment at its earliest possible convenience.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 170

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

- a) Introducing an 'Additional Use' of 'Storage Yard' over Lot 31 (No.90) Rousset Road, Jandabup into Schedule 2 - Section 1 (Clause 3.20) - Additional Uses, as follows:

NO		STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)
A40	1-40	90 Rousset Road, Jandabup	Lot 31	Storage Yard  Condition:  To expire within 3 years of the date the subject land is gazetted 'Urban' under the Metropolitan Region Scheme.

- b) Amending the Scheme Map accordingly.

**COUNCIL ADOPTION**

This Complex Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 5 day of February, 2019

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RESOLUTION TO ADVERTISE**

By resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 5 day of February, 2019, proceed to advertise this amendment.

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDATION**

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

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**WAPC RECOMMENDATION FOR APPROVAL**

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

DATE .....

Approval Granted

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

DATE .....