



**DISTRICT
PLANNING
SCHEME No. 2**

Amendment No. 204

Planning and Development Act 2005

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 204

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

- a) Applying the R20 and R40 Residential Density Coding over various residential land parcels within the East Wanneroo Cell 3 (Wanneroo) Agreed Structure Plan No. 5 area, as shown on Scheme (Amendment) Map.
- b) Applying the R20 Residential Density Coding over the following 0.1m Pedestrian Accessway land parcels:
 - i. Lot 14705 (116P) Dundebur Road, Wanneroo (on: DP: 34830);
 - ii. Lot 21 (120P) Dundebur Road, Wanneroo (on DP: 29016);
 - iii. Lot 22 (122P) Dundebur Road, Wanneroo (on DP: 29016);
 - iv. Lot 14706 (128P) Dundebur Road, Wanneroo (on: DP: 34830);
 - v. Lot 15396 (146P) Dundebur Road, Wanneroo (on: DP: 38458);
 - vi. Lot 15395 (148P) Dundebur Road, Wanneroo (on: DP: 38458);
 - vii. Lot 14704 (8P) Burbanks Elbow, Wanneroo (on: DP: 34830);
 - viii. Lot 14701 (21P) Kurnalpi Turn, Wanneroo (on: DP: 34830);
 - ix. Lot 14702 (20P) Bonnievale Terrace, Wanneroo (on: DP: 34830);
 - x. Lot 14703 (19P) Bonnievale Terrace, Wanneroo (on: DP: 34830);
 - xi. Lot 2 (11P) Wyola Lane, Wanneroo (on DP: 29015); and
 - xii. Lot 1 (9P) Steven Street, Wanneroo (on DP: 29015).
- c) Applying the R40 Residential Density Coding over the 0.1m Pedestrian Accessway land parcel being Lot 3 (162P) Dundebur Road, Wanneroo (on DP: 29015).

Upon approval of Amendment No. 204 to District Planning Scheme No. 2, the City of Wanneroo's East Wanneroo Cell 3 (Wanneroo) Agreed Structure Plan No. 5 is to be amended by the Western Australian Planning Commission to the extent as follows:

- The plan contained within Part 1 is to be replaced with the Structure Plan (Amendment) Map.
- Deletion of the following text immediately under the 'Statutory Planning Section' heading:

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

- The text provisions of Section 3.1 for the Residential Precinct being deleted and replaced with the following:

Following the approval of Amendment No. 204 to District Planning Scheme No. 2, this structure plan was amended to no longer identify a Residential Precinct. Zoning, density codings and land use permissibility for all residential lots in the structure plan area are provided for in the Scheme.

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

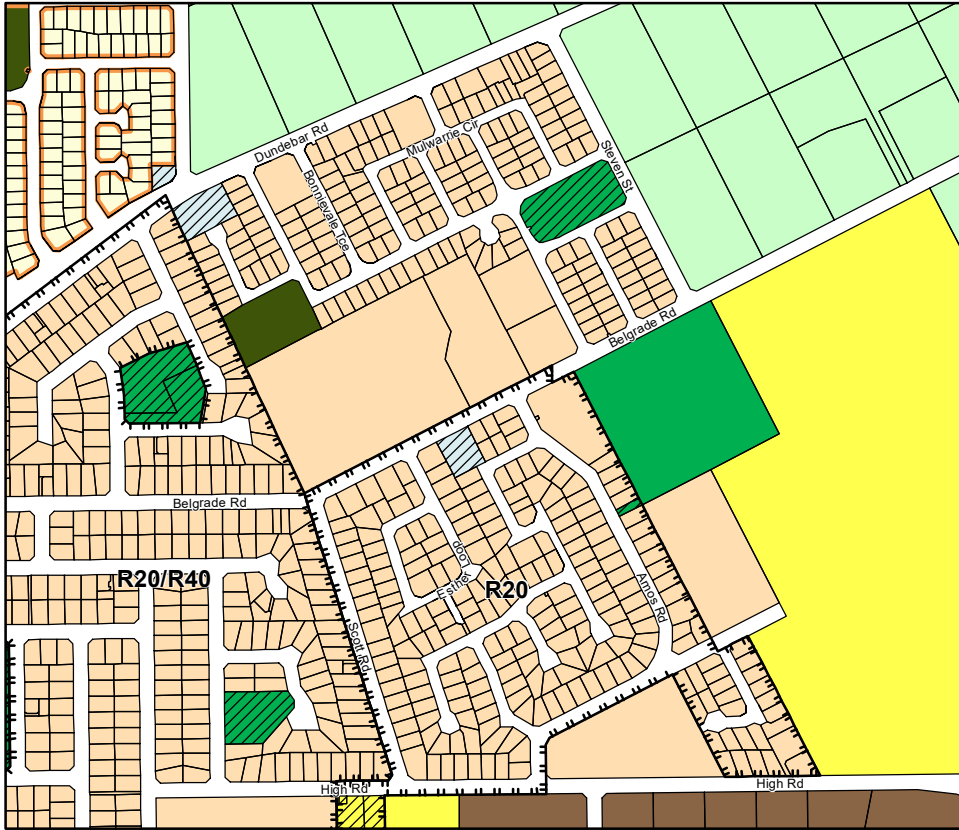
- an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment; and
- an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.

Date of Council Resolution: 12 June 2023

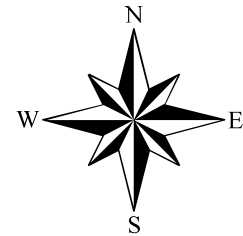
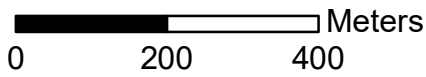
.....
(Chief Executive Officer)

Dated this day of 20.....

CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2 AMENDMENT NO. 204



EXISTING ZONE



LEGEND

R-CODE

DPS2 ZONES & RESERVES

- DRAINAGE & WATERWAYS
- ENVIRONMENTAL CONSERVATION
- PUBLIC OPEN SPACE
- PUBLIC PURPOSES
- RESIDENTIAL
- RURAL
- RURAL RESIDENTIAL
- URBAN DEVELOPMENT

MRS RESERVES

- PUBLIC PURPOSES
- REGIONAL PARKS & RECREATION

LEGEND

R-CODE



SCHEME (AMENDMENT) MAP

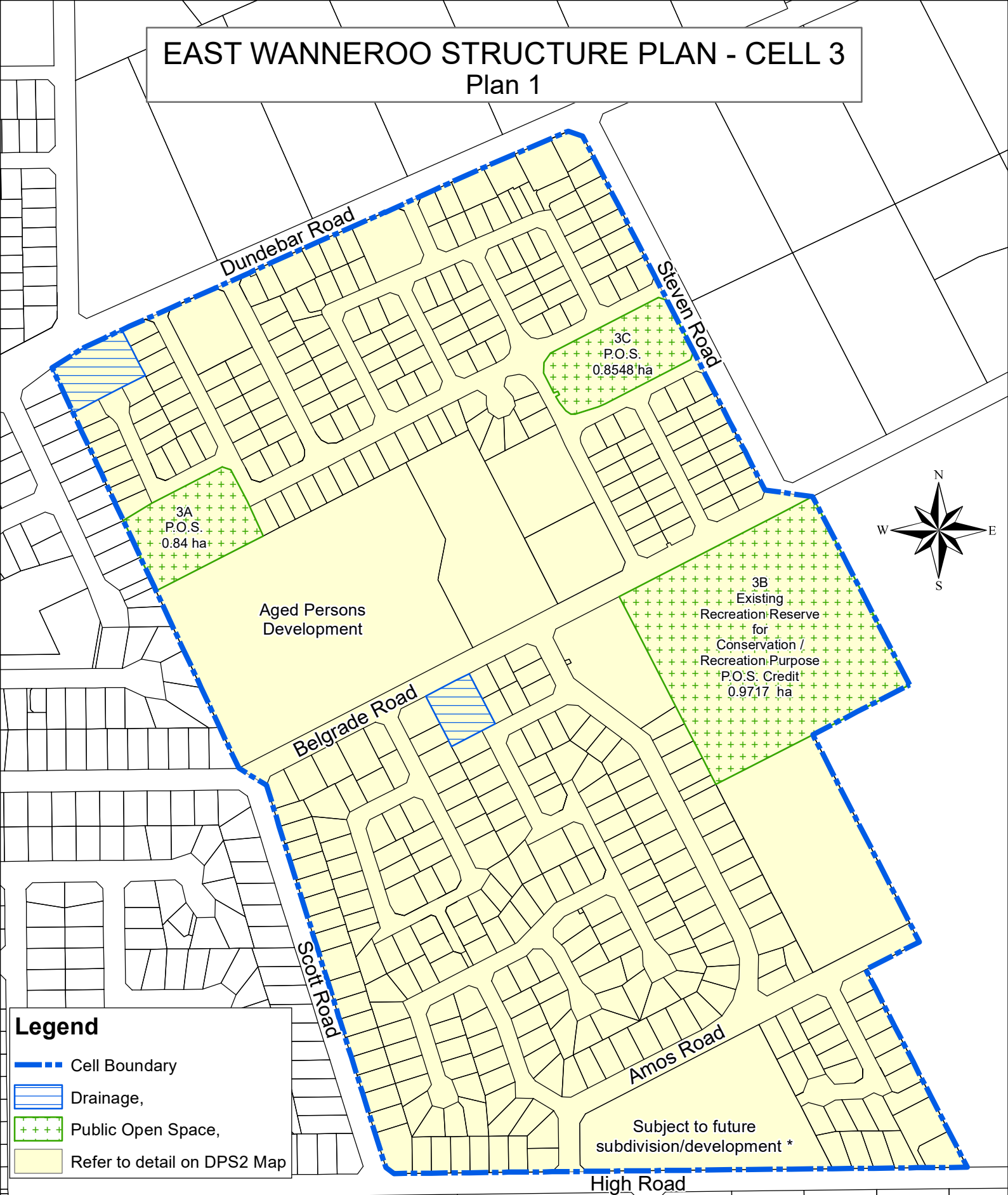


STRUCTURE PLAN (AMENDMENT) MAP

To support subsequent amendment to
ASP 5 should Amendment No. 204 be
approved

EAST WANNEROO STRUCTURE PLAN - CELL 3

Plan 1



*Subdivision/development of this site should provide for:
a) an appropriate street network for internal and external connectivity for local vehicle/pedestrian movement, which will enable development to address and front the existing and proposed streets; and
b) an appropriate interface with existing residential development, in accordance with Liveable Neighbourhoods.

0 50 100 200 Metres

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SCHEME AMENDMENT REPORT

**AMENDMENT NO. 204
TO DISTRICT PLANNING SCHEME NO. 2**

1.0 Introduction and Background

1.1 Site Description and Planning Framework over Amendment Area

The land subject to proposed Amendment No. 204 to District Planning Scheme No. 2 (**Amendment No. 204**) is located in the Wanneroo locality, and where shown in **Figure 1 (subject area)**.

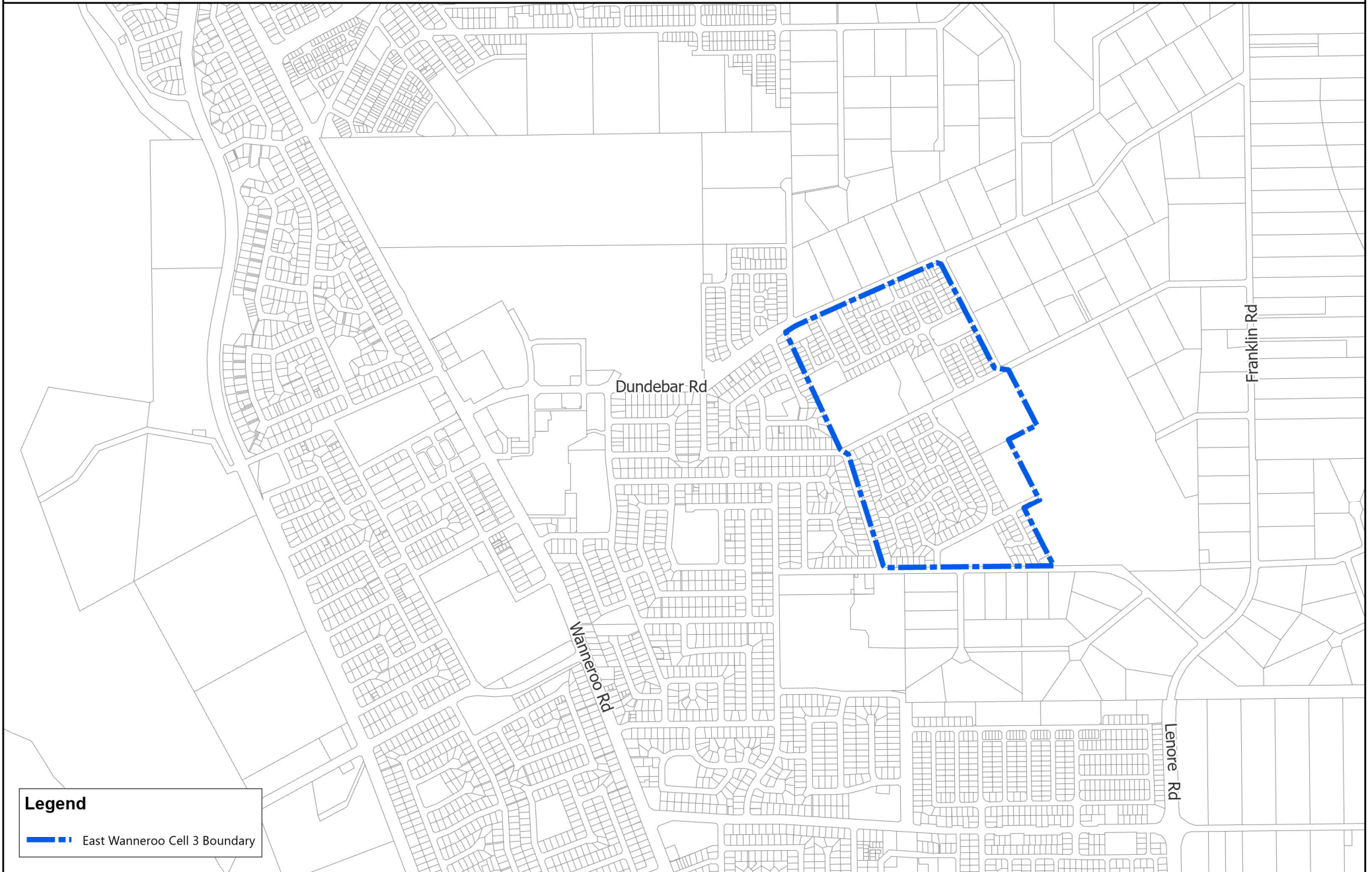
The City's East Wanneroo Cell 3 (Wanneroo) Agreed Structure Plan No. 5 (**ASP 5**) was adopted in January 2001 to guide subdivision and development over the subject area. The ASP 5 map is included as **Figure 2**.

The subject area is also zoned under DPS 2 as shown on the plan included in **Figure 3**. The subject area is already largely zoned Residential under DPS 2. However, only some residential lots in the subject area currently have a residential density code (or R-Code) of R20 under DPS 2. This means that there some Residential zoned lots in the subject area which have no R-Code under the Scheme. This differs from what is shown on the ASP 5 map (refer **Figure 2**), which applies R-Codes of R20 and R40 over residential land parcels across the entire subject area.

The plan in **Figure 3** incorporates the recently gazetted Amendment No. 172 to DPS 2. Amendment No. 172 was a major amendment to align DPS 2 with model provisions for local planning schemes (**model provisions**) provided in the *Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations)*. That amendment was not designed to resolve any inconsistencies that may exist between DPS 2 and ASP 5 with respect to the R-Codes applying to residential land.

Amendment No. 204 sets out to address the inconsistencies in R-Codes between DPS 2 and ASP 5.

LOCATION OF EAST WANNEROO CELL 3 STRUCTURE PLAN AREA



Legend

— East Wanneroo Cell 3 Boundary

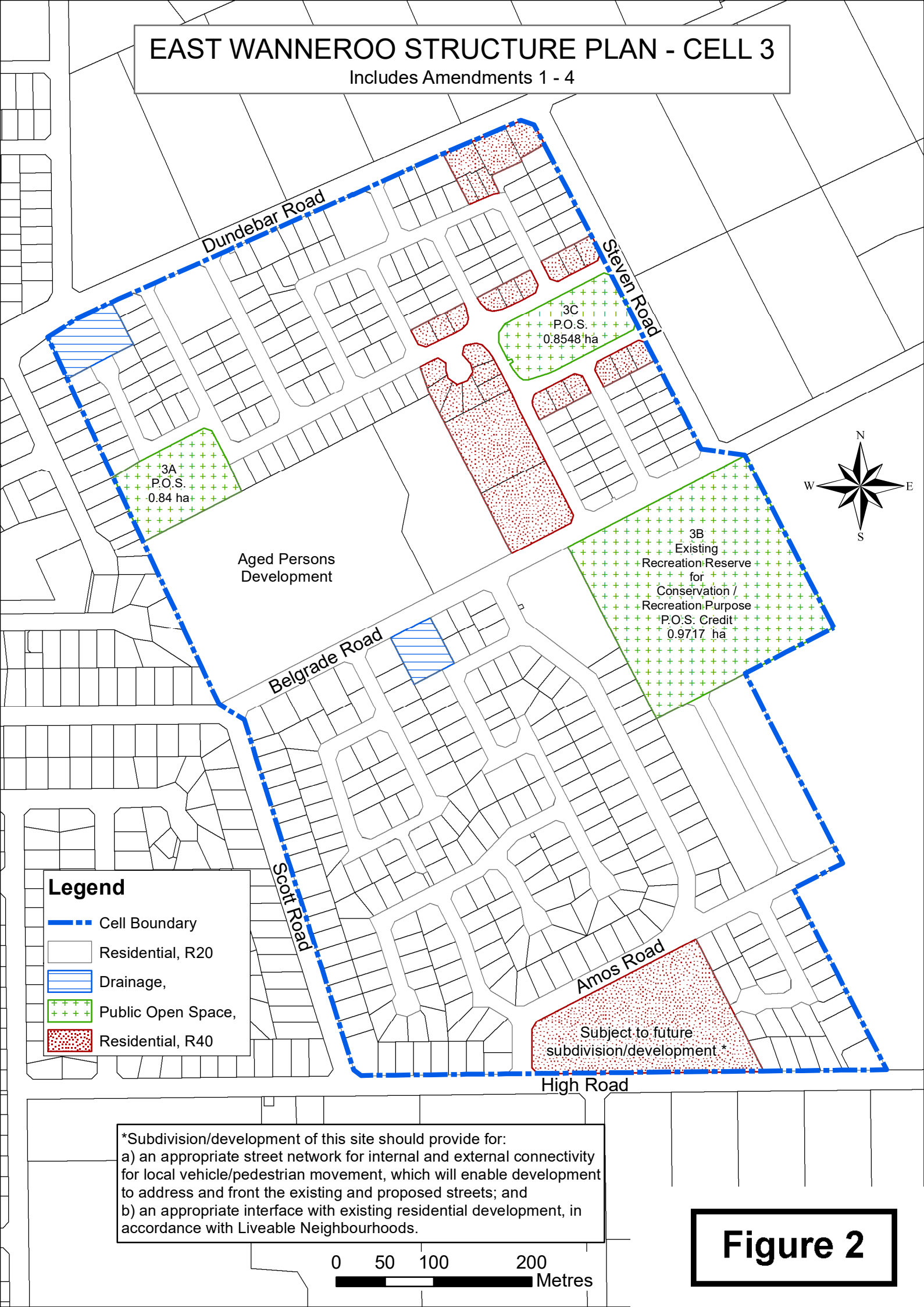


0 0.5 1 Kilometers






Figure 1

EAST WANNEROO STRUCTURE PLAN - CELL 3

Includes Amendments 1 - 4



Legend

-  Cell Boundary
-  Residential, R20
-  Drainage,
-  Public Open Space,
-  Residential, R40

*Subdivision/development of this site should provide for:
 a) an appropriate street network for internal and external connectivity for local vehicle/pedestrian movement, which will enable development to address and front the existing and proposed streets; and
 b) an appropriate interface with existing residential development, in accordance with Liveable Neighbourhoods.

0 50 100 200
 Metres

Figure 2

1.2 Background to the City's Normalisation Process

The City is undertaking various initiatives prior to the preparation of a new Local Planning Scheme No. 3 (**LPS 3**). To simplify the transition to LPS 3, the City has aligned DPS 2 with the model provisions through Amendment No. 172.

Reviewing and normalising zoning of land in current structure plan areas also streamlines the transition toward LPS 3. The term "normalising" refers here to the process of converting the zonings and provisions from structure plans (particularly in established areas) into zonings and provisions within DPS 2. This is done via amendments to DPS 2 to introduce those zones and provisions – followed by amendment or revocation of the respective structure plan. This process also removes unnecessary layers of the planning framework and simplifies the extent of changes to the local planning scheme that need to be considered when preparing LPS 3.

Although the land affected by ASP 5 is already zoned in DPS 2, there is still a need to review the R-Codes that apply over the subject area due to the inconsistencies outlined in Section 1.1 above.

The City has a further need to review the necessity of its 64 structure plans, as 52 of which (including ASP 5) are due to expire in October 2025. The date of expiry is prescribed through the deemed provisions for local planning schemes (**deemed provisions**), contained in Schedule 2 of the Regulations. The City foresees administrative consequences could arise if a vast array of structure plans were left to expire in October 2025 without establishing a staged and controlled process to review and/or normalise structure plans.

This report also informs the City's request to the WAPC to consider an extension of the ASP 5 approved duration period for a further five years (to October 2030) to allow the subdivision of the remaining undeveloped land within the structure plan.

2.0 Detail of the Amendment and the Subject Land

2.1 Land Affected by ASP 5

The total land area affected by ASP 5 (being the subject area) is approximately 50 hectares and is located where shown in **Figure 1**. ASP 5 has been subject to four amendments, the most recent being approved by the WAPC in March 2021. ASP 5 ultimately guided the creation of lots and reserves through subdivision within the subject area, which Amendment No. 204 relates.

As shown on the Scheme (Amendment) Map, Amendment No. 204 proposes to apply R-Codes for Residential zoned lots in a manner consistent with ASP 5. A full description on what Amendment No. 204 is proposing in respect to the land in the ASP 5 area is as follows:

| Locations within the ASP 5 Area | Discussion of Proposal through Amendment No. 204 to DPS 2 |
|--|--|
| <ul style="list-style-type: none"> • All residential lots within the ASP 5 area situated north of Belgrade Road; • Lot 63 (37) Anna Place, Wanneroo (on P: 8238); and • Lot 68 (71) High Road, Wanneroo (on P: 8238). | <p>These lots are zoned Residential under DPS 2; however, the scheme does not apply R-Code over these lots. Amendment No. 172, as recently approved, did not nominate R-Codes over this zoned land.</p> <p>ASP 5 does, however, apply R-Codes of R20 and R40 over these lots. Amendment No. 204 seeks to correct the inconsistency by applying R20 and R40 in DPS 2 as assigned over these lots through ASP 5.</p> |
| <ul style="list-style-type: none"> • Lot 3 (162P) Dundobar Road, Wanneroo (DP: 29015) • Lot 14705 (116P) Dundobar Road, Wanneroo (on: DP: 34830); • Lot 21 (120P) Dundobar Road, Wanneroo (on DP: 29016); • Lot 22 (122P) Dundobar Road, Wanneroo (on DP: 29016); • Lot 14706 (128P) Dundobar Road, Wanneroo (on: DP: 34830); • Lot 15396 (146P) Dundobar Road, Wanneroo (on: DP: 38458); • Lot 15395 (148P) Dundobar Road, Wanneroo (on: DP: 38458); • Lot 14704 (8P) Burbanks Elbow, Wanneroo (on: DP: 34830); • Lot 14701 (21P) Kurnalpi Turn, Wanneroo (on: DP: 34830); • Lot 14702 (20P) Bonnievale Terrace, Wanneroo (on: DP: 34830); • Lot 14703 (19P) Bonnievale Terrace, Wanneroo (on: DP: 34830); • Lot 2 (11P) Wyola Lane, Wanneroo (on DP: 29015); and • Lot 1 (9P) Steven Street, Wanneroo (on DP: 29015). | <p>These land parcels are 0.1 metre wide pedestrian accessways (PAW's). These land parcels are also known as 'spite strips' and act to prevent vehicular access onto residential lots from adjoining roads.</p> <p>So as to be consistent with what is proposed for the adjoining lots, Amendment No. 204 also proposes to apply either the R20 or R20 density code over these land parcels.</p> |
| <p>All other lots in the ASP 5</p> | <p>Amendment No. 204 proposes no change to DPS 2 in respect to all other lots in ASP 5.</p> |

2.3 Amendments Required to ASP 5

Should Amendment No. 204 be approved by the Minister for Planning, amendments to ASP 5 will need to be undertaken pursuant to Clause 29(A)(2) of the deemed provisions.

The WAPC will need to also consider amendments to ASP 5 mapping to indicate that the residential zoning, local scheme reservation and R-Codes of most of the structure plan area has been incorporated into DPS 2. The ASP 5 mapping will be amended to what is shown in the Structure Plan (Amendment) Map included in this document.

Similarly, consideration should be made to remove redundant text, and amend text, from ASP 5 in light of the changes proposed through Amendment No. 204 and to the structure plan map.

To facilitate the amendments to the structure plan, Amendment No. 204 to DPS 2 includes the following statement, pursuant to Regulation 35A(b) of the Regulations:

Upon approval of Amendment No. 204 to District Planning Scheme No. 2, the City of Wanneroo's East Wanneroo Cell 3 (Wanneroo) Agreed Structure Plan No. 5 is to be amended by the Western Australian Planning Commission to the extent as follows:

- *The plan contained within Part 1 is to be replaced with the Structure Plan (Amendment) Map.*
- *Deletion of the following text immediately under the 'Statutory Planning Section' heading:*

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

- *The text provisions of Section 3.1 for the Residential Precinct being deleted and replaced with the following:*

Following the approval of Amendment No. 204 to District Planning Scheme No. 2, this structure plan was amended to no longer identify a Residential Precinct. Zoning, density codings and land use permissibility for all residential lots in the structure plan area are provided for in the Scheme.

A demonstration of the ASP 5 text changes the City is recommending the WAPC consider is provided in **Appendix 1**.

2.4 DPS 2 Amendment Type

The City's Council (**Council**) has resolved that proposed Amendment No. 204 to DPS 2 meets the following criteria for 'Standard Amendments' in the context of Regulation 34 of the Regulations:

- an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment; and*
- an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*

3.0 Consultation

As Council resolved for Amendment No. 204 to be a standard amendment, the amendment was referred to the Environmental Protection Authority (EPA) pursuant to Section 81 and 82 of the *Planning and Development Act 2005*.

Following that referral process, Amendment No. 204 to DPS 2 will then be advertised for public comment for a period of 42 days. Advertising is to occur in the following manner, pursuant to Regulations 47 and 76A of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Publish a notice of the amendment on the City's website – and upload the amendment documentation;
- Make a copy of the amendment document available for public inspection at a place within the district during normal business hours (City's Civic Centre);
- Where appropriate, publish a notice in a newspaper circulating in the relevant locality;
- Notify public authorities likely to be affected by the amendment; and
- Advertise the amendment as directed by the WAPC and in any other way the local government considers appropriate.

In addition to the above, the City will write to landowners and occupiers of land that it considers could be most affected by the DPS 2 amendment. This includes the landowners of four large land parcels that the City has identified as having the potential for further subdivision.

The deemed provisions do not outline a procedure to undertake consultation regarding the WAPC's amendment to ASP 5 required after the Minister's approval of Amendment No. 204. However, when Amendment No. 204 to DPS 2 is advertised, the City will ensure that potential submitters are made aware the intentions to also have ASP 5 amended by the WAPC.

4.0 Planning Comment Relative to the Proposal

Further planning comment to justify what is proposed through Amendment No. 204, and the subsequent amendment required to ASP 5, is provided below:

4.1 Reason for Amendment No. 204 to DPS 2

At the time that ASP 5 was adopted and DPS 2 was gazetted in 2001, both ASP 5 and DPS 2 had legal binding status under planning law. At that time, DPS 2 zoned most of the subject area 'Residential', and applied the R20 R-Code over the land that currently has this coding (refer **Figure 3** in Part 1 of this report). The R20 and R40 R-Codes prescribed through ASP 5 over the remaining area (with DPS 2 not applying an R-Code) was previously not problematic, as the structure plan had the same force and effect of DPS 2.

However, since the gazettal of the Regulations in October 2015, R-Codes in a structure plan (ASP 5) no longer have the same force and effect as they do in a local planning scheme (DPS 2). The R-Codes in a structure plan are now subject to potential variations which are not possible to apply if the R-Codes were prescribed in DPS 2 as proposed.

Amendment No. 204 was prepared by the City's Council at its 12 June 2023 Ordinary Council Meeting to address inconsistencies with the zoning and R-Code detail between DPS 2 and ASP 5. Amendment No. 204 will ensure that the R-Codes of land as set out in ASP 5 are placed into DPS 2.

4.2 Approval of Amendment No. 172 and Effect on Land in ASP 5

The recent approval and gazettal of Amendment No. 172 has resulted in the following modifications being made to the DPS 2 mapping, affecting the subject area:

| Locations within the ASP 5 Area | Modifications made through Amendment No. 172 |
|---|--|
| Lot 14744 (112) Dundobar Road, Wanneroo | This site was reclassified from 'Residential' Zone (no density code) to 'Local Schemes Reserve – Drainage/Waterway'. |
| Lot 12046 (8) Joel Way, Wanneroo (on P: 19480) | This site was reclassified from 'Residential' Zone (R20) to 'Local Schemes Reserve – Drainage/Waterway'. |
| Lot 189 (27) Gidgi Way, Wanneroo (on DP: 29015) | This site was reclassified from 'Residential' Zone (no density code) to 'Local Schemes Reserve – Public Open Space'. |

4.3 Impact on Developer Contributions and Future of ASP 5

Proposed Amendment No. 204 (and the subsequent amendment to ASP 5) has been prepared to not interfere with the ability to collect or retain development contributions from owners within East Wanneroo Cell 3. The proposal does not seek to change the boundaries of the Cell, identify lots which are no longer part of the ASP 5 (and thereby the Cell), or modify Schedule 14 of DPS 2 which sets out the developer contribution arrangements. The proposal therefore has no effect on the developer contribution arrangements in place.

The City is monitoring the Cells with the intention of closing the Cells in the future. The future closure of East Wanneroo Cell 3 could coincide with the subject area becoming completely built out and ASP 5 being revoked.

4.4 WAPC Consideration of Amendments to ASP 5

The City is expecting amendments to ASP 5 to be undertaken by the WAPC following the Minister's approval of Amendment No. 204.

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

- (a) the approval of the structure plan is to be revoked; or
- (b) the structure plan is to be amended in accordance with the statement; or
- (c) the approval of the structure plan is not affected.

As a result, a statement within the Amendment No. 204 proposal has been included prescribing that an amendment to ASP 5 will need to be undertaken pursuant to Regulation 35A(b). More detail pertaining to that statement and the amendment recommended be made to ASP 5 is included in Section 2.3 of this report.

The amendment should then be undertaken by the WAPC pursuant to Clause 29A(2) of the deemed provisions.

4.5 Rationale of Recommended ASP 5 Text Amendments

The City's rationale for the structure plan text to be amended is provided below:

- At the start of the 'Statutory Planning Section', to delete text prescribing that ASP 5 has the same force and effect of the scheme. At the time that the structure plan was prepared in 2001, DPS 2 allowed structure plans to have the same force and effect of the scheme, and therefore the introduction of this text was justified. However, pursuant to the Regulations gazetted in October 2015, structure plans are now considered 'due regard' documents that no longer have force and effect of the scheme. The subject text that remains in ASP 5 is no longer aligned with planning legislation and should be deleted.
- The rewording of Section 3.1 relating to land that ASP 5 designates as 'Residential Precinct'. The text changes that are recommended effectively remove the 'Residential Precinct' from the structure plan; given lots with, or are capable of, residential development is already zoned Residential in DPS 2.

Currently, provisions in the structure plan facilitate rural activities on residential land, which are not permitted in the Residential Zone in DPS 2. These structure plan provisions are therefore considered redundant and are recommended to be deleted given the Scheme provisions take precedent over ASP 5.

4.6 Extension of the ASP 5 Approval Duration Period

Under Clause 28 of the deemed provisions, a structure plan has effect for a period of ten years, unless another period of time is determined by the WAPC. For structure plans approved prior to 19 October 2015 (which ASP 5 was), the approval duration under the deemed provisions is set to expire on 19 October 2025.

The deemed provisions outline the possibility for the duration of a structure plan to be extended. In this case, the City will seek the WAPC's approval for the approval duration of ASP 5 to be extended by a further five years, to 19 October 2030. This will allow additional time for the subdivision of the undeveloped areas to occur.

5.0 Conclusion

Amendment No. 204 has been prepared as a 'standard' amendment in the context of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Amendment No. 204 seeks to address inconsistencies between DPS 2 and ASP 5, particularly in respect to R-Coding of Residential zoned land.

The Amendment No. 204 proposal also utilises provisions from the Regulations, by including a statement prompting a subsequent amendment to ASP 5 to be undertaken by the WAPC. The amendments to ASP 5 are recommended to modify the text to coincide with Amendment No. 204 and the Regulations and adjust the ASP 5 map to identify the areas in which zoning, reservation or R-Code detail is provided through DPS 2.

The City is hopeful that this Report assists the WAPC in explaining the purpose and detail of Amendment No. 204 (and subsequent amendment to ASP 5) – and assists in providing for a prompt and favourable consideration of what is proposed.



APPENDIX 1

Extent of text modification required
through amendment to ASP 5

AGREED STRUCTURE PLAN
EAST WANNEROO CELL 3
(WANNEROO)
(AS AMENDED)

Agreed Structure Plan No. 5
Adopted: 3 January 2001

**This Structure Plan is prepared under the provisions of the City of
Wanneroo District Planning Scheme No.2**

This structure plan is prepared under the provisions of the City of Wanneroo District Planning Scheme No. 3.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS ADOPTED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

03 January 2001

In accordance with Schedule 2, Part 4, Clause 28 (2) and refer to Part 1, 2. (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Date of Expiry: 19 October 2025

**Record of Amendments made to the Agreed Structure Plan
East Wanneroo Cell 3.**

| Amendment No. | Description of Amendment | Council Adopted | WAPC Adopted |
|----------------------|--|------------------------|---------------------|
| 1 | Relocates the eastern public open space to front Steven Street | 11.6.02 | 22.8.02 |
| 2 | Recodes Lot 81 Dundobar Road, Wanneroo from R20 to R40 | 2.5.06 | 10.7.06 |
| 3 | Recodes Lot 165 (83) Belgrade Road, Wanneroo from Residential R20 to Residential R40 | 22.9.09 | 19.11.09 |
| 4 | Recodes Lot 68 (71) High Road, Wanneroo from R20 to R40; deleting the proposed road layout; and inserting a textual provision for the future subdivision/ development of the site. | N/A | 29.03.21 |

PART 1

STATUTORY PLANNING SECTION

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

Subject Area

The Structure Plan area includes approximately 12 private landholdings comprising approximately 50 hectares (ha) and 1 Crown Reserve.

1. AGREED LOCAL STRUCTURE PLAN

The 'Agreed Local Structure Plan'.

2. RETAIL FLOORSPACE (NLA)

The Cell 3 Local Structure plan does not propose any retail floorspace within the Cell, with the exception of the corner store on Lot 65 (48) Belgrade Road which has been approved by Council in accordance with Amendment 690 to Council's Town Planning Scheme No.1.

3. PROVISIONS

3.1 RESIDENTIAL PRECINCT:

Following the approval of Amendment No. 204 to District Planning Scheme No. 2, this structure plan was amended to no longer identify a Residential Precinct. Zoning, density codings and land use permissibility for all residential lots in the structure plan area are provided for in the Scheme.

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

Objectives

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

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

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

3.2 ENVIRONMENTAL PROVISIONS

- a) Prior to undertaking any earthworks or development of the land, the landowners of Lots 4 to 9 Dundobar Road and Lots 30 and 31 Belgrade Road shall undertake a Soil Contamination Assessment of the land, at the landowners' cost, to determine the presence or absence of soil contamination to the satisfaction of the Department of Environmental Protection.
- b) Should any soil contamination be identified in the soil contamination assessment, a Site Remediation and Validation Report for the subject land shall be prepared at the landowners' cost by the developer/subdivider and remediation works shall be undertaken at the landowners' cost for all identified contamination and should be validated as being free of contamination above acceptance guidelines to the satisfaction of the Department of Environmental Protection, prior to undertaking any earthworks or development of the land.
- c) A road reserve shall be provided along the northern boundary of Lot 63 Anna Place abutting Crown Reserve 25489 and the developer or subdivider shall prepare a Vegetation Management Plan to ensure that the regionally significant vegetation on Crown Reserve 25489 is not detrimentally affected by the development or subdivision of the land, prior to the Commission granting subdivision approval for the land or the Local Government granting approval to commence development for the land.
- d) The subdivider/landowner shall complete any works required by the Vegetation Management Plan to the satisfaction of the Commission, prior to requesting the Local Government's clearance to any subdivision approval conditions, submission of any Diagram or Plan of Survey to the Commission for consideration for endorsement or the issue of a building licence by the Local Government, whichever is the earliest.

4. INFRASTRUCTURE CONTRIBUTIONS

- a) The contributions to be made by an owner for the implementation of the Cell Works shall be determined in accordance with the Scheme.
- b) Cell Costs shall be reviewed in accordance with the relevant Scheme provisions relating to the 'Revision of Cell Costs'.
- c) Current rate of contribution for Cell 3 and the associated breakdown of costs can be obtained from the City of Wanneroo Administration.

5. PUBLIC OPEN SPACE (POS) PROVISION

The following Schedule 3 details the Public Open Space (POS) which is to be provided by landholders for each lot within Cell 3. The POS allocation reflects the distribution of POS on the Agreed Local Structure Plan for Cell 3.

SCHEDULE 3 - PUBLIC OPEN SPACE (POS) PROVISION

| Public Open Space (hectares) | Lot No. | Area (ha) |
|---------------------------------|----------------------|---------------|
| 3A | Lot 4 Dundebur Road | 0.6085 |
| | Lot 5 Dundebur Road | 0.2315 |
| | Sub total | 0.8400 |
| 3B | Res 25489 Credit | 0.9717 |
| | Sub total | 0.9717 |
| 3C now identified as Lot 189 | Lot 7 Dundebur Road | 0.0653 |
| | Lot 8 Dundebur Road | 0.2885 |
| | Lot 9 Dundebur Road | 0.0917 |
| | Lot 30 Belgrade Road | 0.1255 |
| | Lot 31 Belgrade Road | 0.2838 |
| | Sub total | 0.8548 |
| | TOTAL | 2.6665 |

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PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 204

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) Applying the R20 and R40 Residential Density Coding over various residential land parcels within the East Wanneroo Cell 3 (Wanneroo) Agreed Structure Plan No. 5 area, as shown on Scheme (Amendment) Map.
- b) Applying the R20 Residential Density Coding over the following 0.1m Pedestrian Accessway land parcels:
 - i. Lot 14705 (116P) Dundebur Road, Wanneroo (on: DP: 34830);
 - ii. Lot 21 (120P) Dundebur Road, Wanneroo (on DP: 29016);
 - iii. Lot 22 (122P) Dundebur Road, Wanneroo (on DP: 29016);
 - iv. Lot 14706 (128P) Dundebur Road, Wanneroo (on: DP: 34830);
 - v. Lot 15396 (146P) Dundebur Road, Wanneroo (on: DP: 38458);
 - vi. Lot 15395 (148P) Dundebur Road, Wanneroo (on: DP: 38458);
 - vii. Lot 14704 (8P) Burbanks Elbow, Wanneroo (on: DP: 34830);
 - viii. Lot 14701 (21P) Kurnalpi Turn, Wanneroo (on: DP: 34830);
 - ix. Lot 14702 (20P) Bonnievale Terrace, Wanneroo (on: DP: 34830);
 - x. Lot 14703 (19P) Bonnievale Terrace, Wanneroo (on: DP: 34830);
 - xi. Lot 2 (11P) Wyola Lane, Wanneroo (on DP: 29015); and
 - xii. Lot 1 (9P) Steven Street, Wanneroo (on DP: 29015).
- c) Applying the R40 Residential Density Coding over the 0.1m Pedestrian Accessway land parcel being Lot 3 (162P) Dundebur Road, Wanneroo (on DP: 29015).

Upon approval of Amendment No. 204 to District Planning Scheme No. 2, the City of Wanneroo's East Wanneroo Cell 3 (Wanneroo) Agreed Structure Plan No. 5 is to be amended by the Western Australian Planning Commission to the extent as follows:

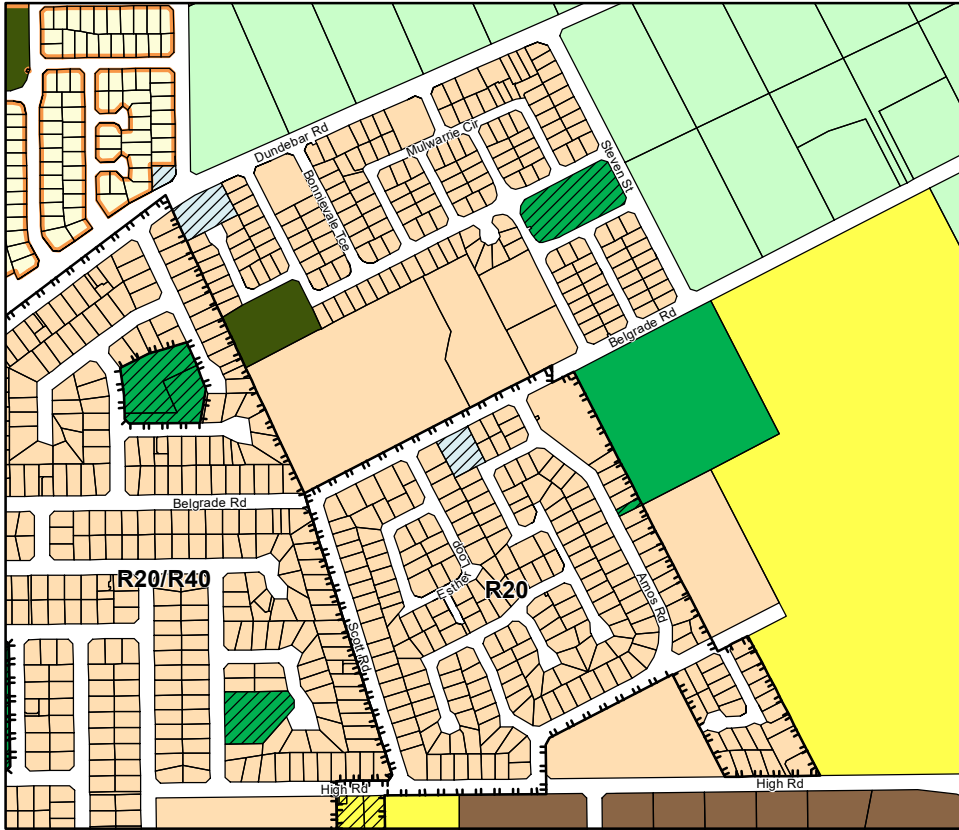
- The plan contained within Part 1 is to be replaced with the Structure Plan (Amendment) Map.
- Deletion of the following text immediately under the 'Statutory Planning Section' heading:

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

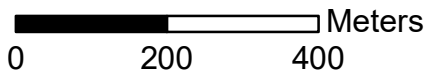
- The text provisions of Section 3.1 for the Residential Precinct being deleted and replaced with the following:

Following the approval of Amendment No. 204 to District Planning Scheme No. 2, this structure plan was amended to no longer identify a Residential Precinct. Zoning, density codings and land use permissibility for all residential lots in the structure plan area are provided for in the Scheme.

CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2 AMENDMENT NO. 204



EXISTING ZONE



LEGEND

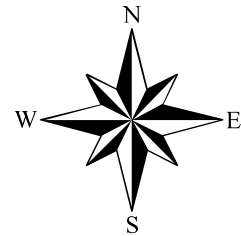
R-CODE

DPS2 ZONES & RESERVES

- DRAINAGE & WATERWAYS
- ENVIRONMENTAL CONSERVATION
- PUBLIC OPEN SPACE
- PUBLIC PURPOSES
- RESIDENTIAL
- RURAL
- RURAL RESIDENTIAL
- URBAN DEVELOPMENT

MRS RESERVES

- PUBLIC PURPOSES
- REGIONAL PARKS & RECREATION



SCHEME (AMENDMENT) MAP

LEGEND

R-CODE

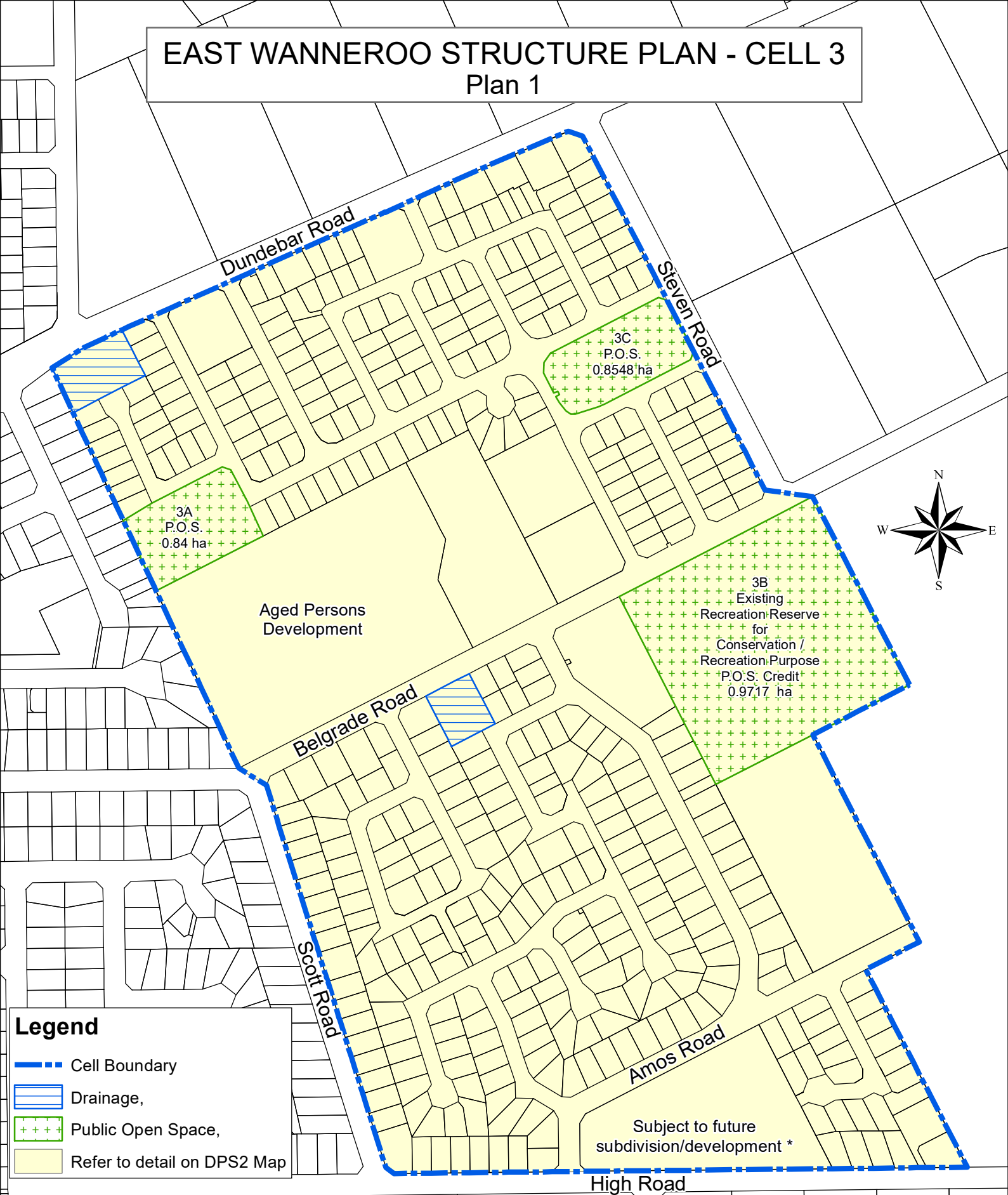


STRUCTURE PLAN (AMENDMENT) MAP

To support subsequent amendment to ASP 5 should Amendment No. 204 be approved

EAST WANNEROO STRUCTURE PLAN - CELL 3

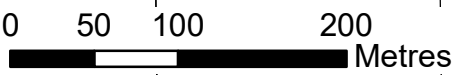
Plan 1



Legend

- Cell Boundary
- Drainage,
- Public Open Space,
- Refer to detail on DPS2 Map

*Subdivision/development of this site should provide for:
a) an appropriate street network for internal and external connectivity for local vehicle/pedestrian movement, which will enable development to address and front the existing and proposed streets; and
b) an appropriate interface with existing residential development, in accordance with Liveable Neighbourhoods.



COUNCIL ADOPTION

This Standard Amendment was prepared by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 12th day of June, 2023.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 12th day of June, 2023, proceed to advertise this amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

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

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

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

DATE

Approval Granted

.....
MINISTER FOR PLANNING

DATE