



DISTRICT PLANNING SCHEME No. 2

Amendment No. 102

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 102

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the District Planning Scheme No. 2 by introducing additional provisions in Part 10 and Schedule 9 of the District Planning Scheme No. 2 applicable to East Wanneroo Cell 9 – East Landsdale.

Dated this day of 2012

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CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 102

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 Part 10 and Schedule 9 of the above local planning scheme relating to East Wanneroo Cell 9 – East Landsdale as follows:

Part 10

a) subclause 9.12.7 be amended to replace the integer '8' with '9';

b) subclause 10.5.2(a) be amended as follows:

Public Open Space shall include:

a) all community purpose sites except in Cell 9;

c) second sentence of sub clause 10.6.2 be reworded as follows:

“This will be calculated by determining the number of hectares in the Area of a Cell and multiplying that area by 9 in the case of Cells 1 to 6 and multiplying that area by 13 in the case of Cell 9.”

d) subclause 10.6.3 be amended to redefine variables 'B(1)' and 'D' of the formulae to calculate the Infrastructure Cost Per Lot as follows:

“B(1) = in the case of Cells 1 to 6 the lots produced at the rate of 9 lots per hectare for the Area equivalent of the land holding of an owner, and in the case of Cell 9 at the rate of 13 lots per hectare for the Area equivalent of the land holding of an owner; and

D = in the case of Cells 1 to 6 the number of lots to be produced to achieve 9 lots per hectare for the Area equivalent of the unsubdivided balance area of a Cell, and in the case of Cell 9 the number of lots to be produced to achieve 13 lots per hectare for the Area equivalent of the unsubdivided balance area of that Cell.”; and

e) the last sentence of subclause 10.6.4(a) be deleted and replaced with the following sentences:

“This shall be calculated by Council by dividing the total area of the lot by 450m² to derive a lot potential for the lot in Cells 1 – 6. In case of Cell 9 this shall be calculated by dividing the total area of the lot by 500m² to derive a lot potential for the lots in that Cell.”

Schedule 9

f) Subclause 2.6 to be re-worded as follows:

In the case of Cell 9, the development of public open space areas to a basic standard as proposed in the East Wanneroo Cell 9 – East Landsdale Agreed Local Structure Plan No. 57;

g)To include the following provisions in Clause 3 under Cell 9:

The cost of acquiring 100% of the designated wetland core of the ‘Conservation Category Wetland’ located on Lots 72, 73 and 74 Queensway and of the ‘Resource Enhancement Wetland’ located on Lots 55 and 56 Alexander Drive, at the rate of 20% of the englobo land value for the contribution area, as determined under the provisions of Part 10 of the Scheme.”

The cost of acquisition of the land for buffer and landscaping of the buffer along the eastern boundary abutting Alexander Drive.

Community Purpose Site:

- **The acquisition of land for the 5000m² Community Purpose site;**
- **Design and construction of a Community Centre on the Community Purpose site.**

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SCHEME AMENDMENT REPORT

“East Wanneroo Planning and Developer Contributions Arrangements – Cells 1 to 9” are included in Part 10 of District Planning Scheme No. 2 (DPS 2).

Schedule 9 lists the ‘General Cell Works’ such as the acquisition of land for any arterial road and public open space (POS) areas applicable to Cells 1 - 9 and the Specific Cell Works such as the cost of constructing an ‘arterial road’ (Alexander Drive, Gngangara Road and Hepburn Avenue in case of Cell 9) applicable to a specific Cell. The Cell costs are shared among the developers of Cell 1 – 9 by making payments at the development stage.

This report discusses the amendments to the relevant sections of Part 10 to address the issues relating to Cell 9 and to include additional Specific Cell Works in Schedule 9 applicable to Cell 9.

1. Determination of Potential Lots

Subclause 10.6.4(a) of DPS 2 states as follows:

“ where land is identified by Council as having potential or the capability of being developed for grouped housing development or for any other non-public land uses, the Infrastructure Cost per lot will be charged on the basis that the lot has residential subdivision potential at R20 density at the time that lot is created. This shall be calculated by Council by dividing the total area of the lot by 450m² to derive a lot potential for the lot”.

This provision was based on the previous Residential Design Codes (R Codes), which stipulated an average site area of 450m² for areas coded R20.

The current R Codes, while retaining an average site area of 450m² in the case of grouped dwellings in areas coded R20 as at 4 October 2002, prescribes an average site area of 500m² in areas coded R20 after 4 October 2002. The draft LSP 57 makes provision for a base density coding of R20 across the LSP area and therefore an average site area of 500m² would apply to all residential lots created within Cell 9. In the case of Cells 1 – 6 where grouped dwelling areas are coded R20, as they were coded R20 as at 4 October 2002, the average site area of 450m² would still be applicable. Having regard to the above matter, it is recommended that the last sentence of subclause 10.6.4(a) be amended as follows:

“This shall be calculated by Council by dividing the total area of the lot by 450m² to derive a lot potential for the lot in Cells 1 – 6. In the case of Cell 9, this shall be calculated by dividing the total area of the lot by 500m² to derive a lot potential for the lots in that Cell.”

2. Basic Standard of POS Development

The draft East Wanneroo Cell 9 – East Landsdale Local Structure Plan No. 57 (LSP 57) makes provision for 14 POS areas including two conservation POS areas containing wetlands (refer **Attachment 1**). The POS schedule of draft LSP 57 listing all the 14 POS

areas and their extent in area including the associated credits for the wetlands is shown in **Attachment 2**. The City of Wanneroo Local Planning Policy 4.3 – Public Open Space (LPP 4.3) stipulates the minimum and optional ('over provision') standards for the development of Public Open Space (POS) areas (refer **Attachment 3**).

According to the provisions of LPP 4.3 (Schedule 4):

- a POS area less than 5,000m² is a pocket park;
- a POS area between 5000m² and 1 hectare (ha) is a local park; and
- a POS area between 1 and 7 ha is a neighbourhood park.

Neighbourhood parks also include conservation POS areas containing wetlands. Based on these classifications:

- POS areas 5, 6, 13 and 14 are pocket parks;
- POS areas 7, 8, 9 and 11 are local parks; and
- POS areas 1, 2, 3, 4, 10 and 12 are Neighbourhood parks. Of these, POS areas 1, 2 and 10 are passive parks, POS area 12 is an active park and POS areas 3 and 4 are conservation parks.

The need for the basic standard of public open space development is necessary, but rather than doing so in DPS 2, it is considered more appropriate to instead deal with this matter by incorporating those standards in draft LSP 57 for the following reason:

- Clause 11 of the statutory section of draft LSP 57 deals with POS provisions. This clause can be elaborated to define the basic standard of development of the POS areas through an amendment to the draft LSP 57. Administration is currently dealing with this matter separately and a report will be submitted to Council as soon as possible.

As DPS 2 has the 'head of power' to require the developers to make a contribution for the City to implement the Cell Works, it is recommended that subclause 2.6 of Schedule 9 of DPS 2 be amended as follows:

"In the case of Cell 9, the development of public open space areas to a basic standard as set out in the East Wanneroo Cell 9 – East Landsdale Agreed Local Structure Plan No. 57."

3. Compensating Wetland Cores

East Wanneroo Cell 9 contains two wetlands - a CCW on Lots 72, 73 and 74 Queensway and a REW on Lots 55 and 56, Alexander Drive. During the public comment period on draft LSP 57, some submitters advised that the wetland cores should also be compensated.

The City of Wanneroo Local Planning Policy 4.1 – Wetlands states as follows:

"11.1 Land identified in planning proposals for protection as a wetland shall be ceded free of cost unless a developer contribution arrangement is in place for acquisition of that land as a shared cost in accordance with the following provision:

- a) *For the wetland – the cost of acquiring 100% of the designated wetland, at the rate of 20% of the englobo land value for the contribution area, as determined by a licensed valuer."*

The wetland in the policy refers to the 'wetland core'. Based on the above policy provision, it is considered appropriate to prescribe a new Cell Work for Cell 9 relating to 'compensating the respective landowners for the wetland core', with a suitable provision being included in DPS 2.

It is therefore recommended to amend Schedule 9 of DPS 2 by including the following provision in 'Clause 3 – Specific Cell Works' under Cell 9:

"The cost of acquiring 100% of the designated wetland core of the 'Conservation Category Wetland' located on Lots 72, 73 and 74 Queensway and of the 'Resource Enhancement Wetland' located on Lots 55 and 56 Alexander Drive, at the rate of 20% of the englobo land value for the contribution area, as determined under the provisions of Part 10 of the Scheme."

4. Wetland Management Plan

During the public comment period some submitters advised that the preparation and implementation of a Wetland Management Plan for the Conservation Category Wetland and Resource Enhancement Wetland areas in Cell 9 should be a Cell Work. In LPP 4.3, a POS area wherein a wetland is located is classified as a conservation POS. The preparation and implementation of a conservation POS will be dealt with as part of the proposed amendment to draft LSP 57.

5. Estimated Lot Yield

Subclause 10.6.2 states as follows:

"Council will, for the purposes of apportioning Cell costs to owners of Cells 1 – 6 and 9, make an estimate of the lot yield for each cell called the "Estimated Lot Yield" (ELY). This will be calculated by determining the number of hectares in the Area of a Cell and multiplying that area by 9."

The "Area of a Cell" is prescribed by clause 10.4 of DPS 2 and represents the total geographical area of the Cell (in this case 215 ha) minus the area of land required for certain public purposes. For Cell 9 the resultant calculation equates to 190.53 ha, which based on 9 lots per ha could yield 1,715 lots. However, this calculation is not an accurate representation of the true number of lots that can be created within Cell 9, because the "Area of a Cell" prescribed by DPS 2 does not take into account the full range of deductions that need to be subtracted from the total cell area to arrive at the developable area of that cell. Furthermore, the Scheme's assumption of a lot yield of 9 lots per hectare is too conservative based on conventional lot sizes. For example, a lot yield of 9 lots per ha equates to an average lot size of 650m² whereas East Wanneroo Cells 1 – 6 have actually yielded more than 12 lots per ha because the majority of lots created area less than 650m² in area.

If all of the true un-developable areas (such as local roads, public primary school and wetland cores) are deducted from the total area of Cell 9 (215 ha), the resultant developable area is actually 120.9 ha. And, based on the average 500m² lot size prescribed by LSP 57, this developable area could yield 2,418 lots. If this estimated lot yield (ELY) is then divided by the "Area of the Cell", as required by DPS 2 (being 190.53 ha), the resultant average lot yield for Cell 9 will be 12.69 lots. On this basis, it is recommended that an average lot yield of 13 lots per hectare be applied to Cell 9, instead of the 9 lots per ha currently applied by clause 10.6.2 of DPS 2. Therefore, that clause is proposed to be reworded as follows:

“This will be calculated by determining the number of hectares in the Area of a Cell and multiplying that area by 9 in the case of Cells 1 to 6 and multiplying that area by 13 in the case of Cell 9.”

6. Calculation of Infrastructure Cost Per Lot

Subclause 10.6.3, reproduced below, provides the methodology to calculate the ICPL, which is calculated by first deriving the ‘Net Cell Cost’ and then dividing the ‘Net Cell Cost’ by the subdivision potential of the balance of the “Area of a Cell” remaining un-subdivided.

“10.6.3 The contribution to be made by each owner of land within a Cell to the implementation of the Cell Works for that Cell (to the extent that the land relates to Cells 1 to 6 and 9) shall be an Infrastructure Cost, based on an Infrastructure Cost Per Lot which is to be calculated by the Council in the following manner:

(a) The Infrastructure Cost Per Lot is determined by first deriving the Net Cell Cost:

(i) $A - B = C$

Where:

A = gross cost of Cell Works being the total of fixed actual and estimated future costs which will be based on costs estimated no more than 12 months in advance. Such estimates shall be based on an average for each Cell cost and recognise all factors affecting the development of the relevant Cell and associated constraints the Council will encounter in the provision of the Cell Works. This shall include (but not be limited to) variable market conditions and the nexus between the time frame of development and provision of Cell Works

B = payments made to date by owners of land who subdivide or develop land within a Cell calculated on the basis of whichever is the lesser of:

(1) the lots produced at the rate of 9 lots per hectare for the Area equivalent of the land holding of an owner; or

(2) the actual number of lots produced by the land holding of an owner;

C = Net Cell Costs;

and then dividing the Net Cell Cost by the subdivision potential of the balance of the Area of a Cell remaining unsubdivided.

(ii) $C \div D = E$

Where:

D = the number of lots to be produced to achieve 9 lots per hectare for the Area equivalent of the unsubdivided balance area of a Cell;

E = the Infrastructure Cost Per Lot.

(b) The Infrastructure Cost payable by each owner of land in Cells 1 to 6 and 9 inclusive is calculated by multiplying the number of lots produced by the Infrastructure Cost Per Lot.

(c) Infrastructure Costs shall not be payable for land that is used for government school sites.”

Variable ‘B (1)’ in the first formula, and variable ‘D’ in the second formula, refer to “lots produced at the rate of 9 lots per hectare”. Having proposed 13 lots per ha in the case of Cell 9, it is recommended that the above mentioned variables be amended as follows:

“B(1) = in the case of Cells 1 to 6 the lots produced at the rate of 9 lots per hectare for the Area equivalent of the land holding of an owner, and in the case of Cell 9 at the rate of 13 lots per hectare for the Area equivalent of the land holding of an owner, and

D = in the case of Cells 1 to 6 the number of lots to be produced to achieve 9 lots per hectare for the Area equivalent of the unsubdivided balance area of a Cell, and in the case of Cell 9 the number of lots to be produced to achieve 13 lots per hectare for the Area equivalent of the unsubdivided balance area of that Cell.”

7. Alexander Drive Buffer

Cell 9 is situated adjacent to Telstra’s ‘Perth International Telecommunication Centre’ (PITC) located at the south-eastern corner of Gnangara Road and Alexander Drive. Telstra entered into a Deed of Agreement dated 19 September 2007 with Stockland (a major developer in East Landsdale) to maintain an average site area of 500m² for each residential lot throughout Cell 9 and limit the number of lots, which in Telstra’s view would ensure that the proposed development would have minimal impact on the PITC facilities.

As the developers and landowners in Cell 9 are now subdividing their land and achieving an average lot area of 500m², it is considered necessary to calculate the lot yield per hectare for Cell 9 and to amend subclause 10.6.2 accordingly.

As per the provisions of the draft LSP 57, to address the Telstra requirement to ensure that the proposed development would have minimal impact on PITC facilities, a landscaped buffer is proposed along the western boundary of Alexander Drive. This will also increase visual amenity and reduce noise disturbance to adjoining residential areas.

It is recommended that the cost of acquiring the land for the buffer and landscaping the buffer be included as a Cell Work. It is therefore proposed that Schedule 9 of DPS 2 be amended to include the following as a Specific Cell Work in Cell 9.

“The cost of acquiring land for the buffer and landscaping the buffer along the eastern boundary of the East Wanneroo Cell 9 abutting Alexander Drive.”

It is noted that developers subdividing land abutting Alexander Drive have made provision for this buffer as required.

8. Community Purpose Site

a) Subclause 10.5.2(a)

The LSP 57 makes provision for a 5000m² Community Purpose Site (CP) within the Centre Zone proposed at the south-western corner of Alexander Drive and Landsdale. Although subclause 10.5.2(a) of DPS 2 states that POS shall include the CP site, in regard to Cell 9, it was not included as part of the POS as demonstrated in the POS schedule contained in **Attachment 2**. Hence it is recommended that subclause 10.5.2(a) be amended as follows:

10.5.2 Public Open Space shall include:

a) All community purpose sites except in Cell 9; and,

b) Cell Work

The draft LSP 57 proposes the acquisition of the CP site as a Cell Work. The WAPC's State Planning Policy 3.6 on Development Contributions for Infrastructure states that local governments can seek contributions for the capital cost of community infrastructure which is defined as *'the structures and facilities which help communities and neighbourhoods to function effectively, including community centres, libraries and cultural facilities'*. Considering this provision, it is recommended that the following works be included as Specific Cell Works for Cell 9 in schedule 9 of DPS 2:

"The acquisition of land for the 5000m² Community Purpose site;

Design and construction of a Community Centre on the Community Purpose site."

9. Subclause 9.12.7

Subclause 9.12.3 states that *if the Council or Commission makes a determination or decision or imposes a requirement in respect of a Structure Plan or Detailed Area Plan and the proponent and any landowner within the structure plan area is dissatisfied, the proponent and/or landowner may appeal to the State Administrative Tribunal against the decision, determination, or requirement.*

Subclause 9.12.7 states that *the provisions of subclause 9.12.3 apply to all structure plans with the exception of structure plans for East Wanneroo Cells 1 – 8 where subject to clause 10.1 appeal rights will only apply to the proponent of a structure plan.*

Amendment 25 to DPS 2 rezoned Cell 9 to Urban Development and made necessary modifications to Part 10 and Schedule 9 to make reference to matters relating to Cell 9 (Item PD01-04/05). However, an amendment to subclause 9.12.7 to include Cell 9 was inadvertently omitted. Hence it is recommended that Subclause 9.12.7 be amended to delete the integer '8' and to replace it with '9'.

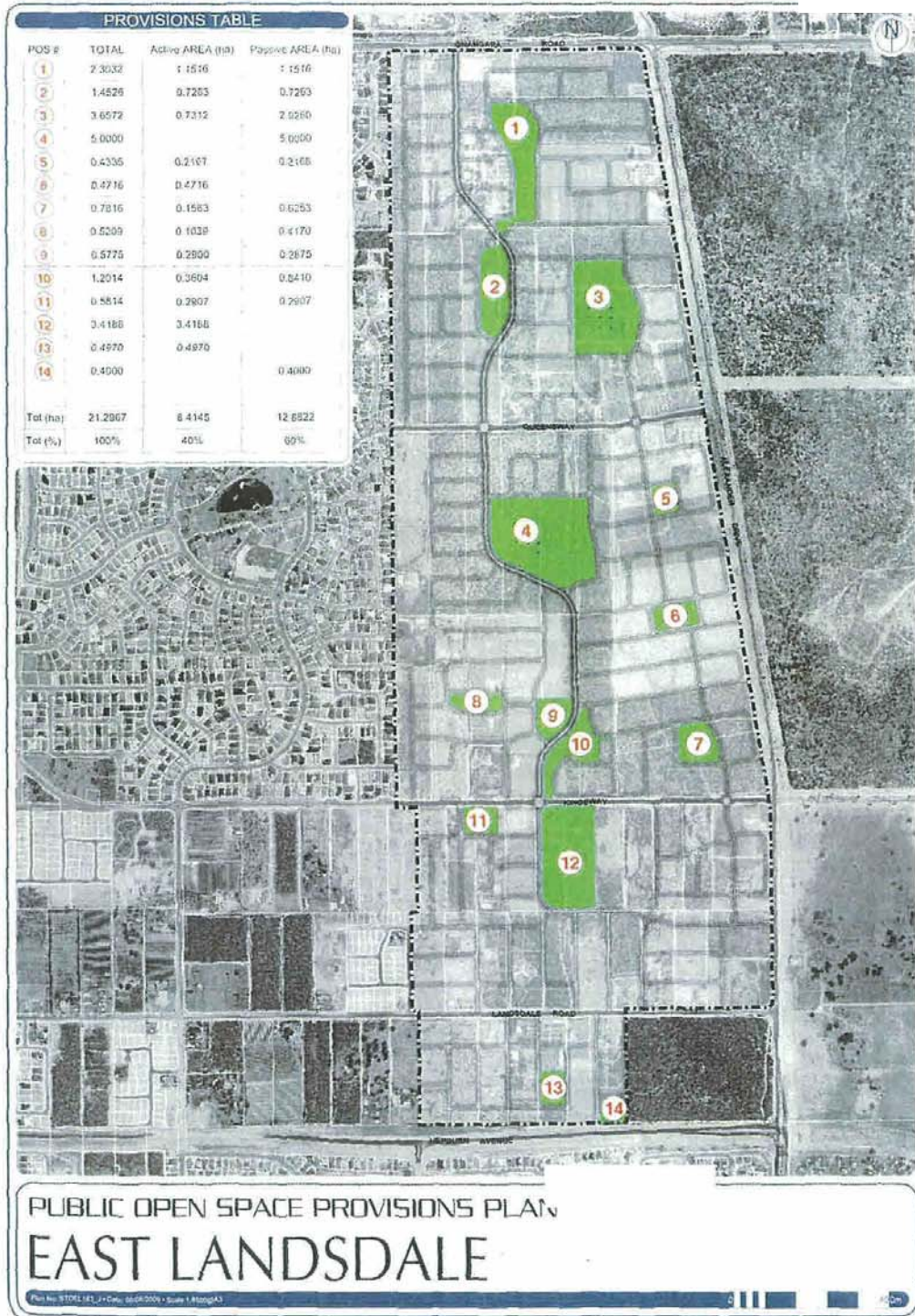


Figure 23: POS Provision

11.0 PUBLIC OPEN SPACE SCHEDULE

A minimum of 10% of the total site at full development is to be set aside as public open space (POS) in accordance with *Liveable Neighbourhoods* requirements and the following POS Schedule:

POS	Lot	Area	POS Area	Credited Area	Total Credited Area
1	152	6900		6900	
	154	5000		5000	
	155	6015		6015	
	156	4917		4917	
	404	200	23032	200	23032
2	52	10026		10026	
	404	4500	14526	4500	14526
3	55	6901		6901	
		2170	9071	2170	100% Credit (wetland buffer)
	56	14688		14688	100% Credit (wetland buffer)
		2283		2283	
		6029	23000	0	No Credit (wetland core)
	57	4500	4500	4500	30542
4	72	1370		1370	
		2930	4300	2930	100% Credit (wetland buffer)
	73	1226		1226	
		4494		0	No Credit (wetland core)
		11380	17100	11380	100% Credit (wetland buffer)
	74	7952		7952	100% Credit (wetland buffer)
	685		0	No Credit (wetland core)	
	12163	20800	12163		
	75	7800	7800	7800	44821
5	58	2271		2271	
	59	2064	4335	2064	4335
6	60	4716	4716	4716	4716
7	62	2435		2435	
	602	5381	7816	5381	7816
8	670	5209	5209	5209	5209
9	66	1403		1403	
	65	4372	5775	4372	5775
10	65	6587		6587	
	64	5427	12014	5427	12014
11	128	2021		2021	
	163	3793	5814	3793	5814
12	165	14498		14498	
	166	19690	34188	19690	34188
13	150	4970	4970	4970	4970
14	152	4000	4000	4000	4000
POS:			21.2966	Credited:	20.1758

Schedule 8

MINIMUM DEVELOPMENT REQUIREMENTS †

TYPE OF POS (as per hierarchy)	MINIMUM DEVELOPMENT REQUIRED		OVER PROVISION**
	All POS (All items required)	Dependent on Function (Select as required)	Optional
Local	<ul style="list-style-type: none"> • Earthworks and retaining required • Vegetation retention • Park Furniture 	<ul style="list-style-type: none"> • Waterwise landscaping • Native revegetation • Garden beds • Hydrozoned irrigation w/ bore licence • Natural turf • Internal circulation paths • Children's playspace • Bollards ***** 	<ul style="list-style-type: none"> • Basketball/netball ring & hardstand (up to ½ court size) • Sports goals • Artificial / Synthetic turf**** • Public Art ***
Neighbourhood Passive	<ul style="list-style-type: none"> • Earthworks and retaining as required • Pedestrian / cycle paths (external) • Vegetation retention where possible • Native revegetation • Park Furniture 	<ul style="list-style-type: none"> • Natural turf • Hydrozoned irrigation w/ bore licence • Internal circulation paths • Security lighting • Children's playspace • Garden beds • Bollards ***** 	<ul style="list-style-type: none"> • Basketball/netball ring & hardstand (up to ½ court size) • Sports goals • BMX tracks • BBQs • Drink fountain • Artificial / Synthetic turf**** • Public Art ***
Neighbourhood Active	<ul style="list-style-type: none"> • Earthworks and retaining as required • Pedestrian / cycle paths (external) • Hydrozoned irrigation w/ bore licence • Natural turf • Security lighting • Vegetation retention where possible • Bollards • Park Furniture 	<ul style="list-style-type: none"> • Basketball/netball ring & hardstand (up to ½ court size) • Sports goals • Children's playspace • Exercise equipment • Cricket nets • Central cricket wickets • Internal circulation paths • Drink fountain • Artificial / Synthetic turf **** • Garden beds • Toilets • Carparking 	<ul style="list-style-type: none"> • Hard courts (tennis, netball) • Bocce courts • Floodlighting • Skate Park • Public Art *** • BBQs
District Active	<ul style="list-style-type: none"> • Earthworks as required • Vegetation retention • Pedestrian / Cycle Paths (around perimeter of POS) • Hydrozoned irrigation w/ 	<ul style="list-style-type: none"> • Car Parking • Children's playspace • Exercise equipment • Basketball/netball ring & hardstand (up to ½ court 	<ul style="list-style-type: none"> • Hard courts (tennis, netball) • Bocce courts • Floodlighting • Toilets

Adopted by resolution of the Council of the City of Wanneroo at the Ordinary meeting of the Council held on the twenty sixth day of June 2012

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of Wanneroo at the meeting of the Council held on the _____ day of _____ 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

Recommended/Submitted for final approval

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DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE