

# City of Wanneroo District Planning Scheme No. 2 Amendment No. 143

March 2015





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***CITY OF WANNEROO  
DISTRICT PLANNING SCHEME No. 2  
AMENDMENT No. 143***

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File No: .....

Part of Agenda: .....

## MINISTER FOR PLANNING

### Proposal to amend a Local 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. Serial No. of Amendment: **143**
5. Proposal: To include Additional Use 1-36 to Portion of Lots 43 and 44 Wanneroo, Neerabup to facilitate more flexibility in temporary land use and development, and amending the Scheme Map accordingly.

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**City of Wanneroo**  
**District Planning Scheme No. 2**  
**Amendment No. 143**

**RESOLVED** that the Council, pursuant to Section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Showing the western portion of Lot 43 and Lot 44 Wanneroo Road, Neerabup (approximate area 1.8773 hectares) as 'Additional Use' on the Scheme Map;
2. Including the following in Schedule 2 – Section 1 (Clause 3.20) – Additional Uses of District Planning Scheme No. 2:

**SCHEDULE 2 – SECTION 1 (CLAUSE 3.20) – ADDITIONAL USES**

| No.  | STREET/LOCALITY            | PARTICULARS OF LAND                         | ADDITIONAL USE AND CONDITIONS<br>(WHERE APPLICABLE)   |
|------|----------------------------|---|---|
| 1-36 | Wanneroo Road,<br>Neerabup | Portion of Lot 43; and<br>Portion of Lot 44 | <p><b>Motor Vehicle Repairs</b><br/> <b>Office</b><br/> <b>Storage Yard</b><br/> <b>Transport Depot</b></p> <p>Conditions:</p> <ol style="list-style-type: none"> <li>1. The additional use shall be limited to the following:<br/> <p><b>Motor Vehicle Repairs</b>, that does not occupy an area greater than 250m<sup>2</sup>.</p> <p><b>Office</b>, employing a maximum of four persons and otherwise complies with paragraphs (a) – (c) and (e) – (j) inclusive of the <i>Home Business – Category 3</i> definition in Schedule 1 of the Scheme.</p> </li> <li>2. Duration of Planning Approval: <ol style="list-style-type: none"> <li>(a) A planning approval for the above-listed uses and developments shall be limited to a period of 5 years from the date of gazettal of these additional uses.</li> <li>(b) A renewal of planning approval for the above-listed uses may be granted for a period not to exceed 5 years, following the expiration at the 5 year approval referred to in 2(a), unless the renewal in a particular case is expressed to be for a shorter period.</li> <li>(c) A separate application for Planning Approval is required to be submitted for consideration and determination by the City prior to the continuation of the</li> </ol> </li> </ol> |

| No. | STREET/LOCALITY | PARTICULARS OF LAND | ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)   |
|-----|-----------------|---------------------|--|
|     |                 |                     | <p>Additional Uses. Administration will give due regard to the following, when considering a further 5 year approval for the Additional Uses:</p> <ul style="list-style-type: none"> <li>• The amenity of the locality;</li> <li>• The requirements of orderly and proper planning;</li> <li>• The appropriateness of the continuation of the Additional Uses within the General Rural zone;</li> <li>• Comments from surrounding landowners;</li> <li>• Traffic impacts;</li> <li>• Dust; and</li> <li>• Any other matters required to be given consideration under DPS 2.</li> </ul> |

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

.....  
Chief Executive Officer





# AMENDMENT REPORT



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Amendment Report

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## 1 INTRODUCTION

This Scheme Amendment report (the ‘amendment’) has been prepared by Taylor Burrell Barnett in support of a proposal to introduce ‘Additional Use’ provisions into Schedule 2 – Section 1 of the City of Wanneroo’s *District Planning Scheme No. 2* (DPS2), for a portion of Lots 43 and 44 Wanneroo Road, Neerabup.

The amendment report is in support of the continuation of various land uses and activities on the subject lots that have been in operation for a significant number of years. The purpose and intent is to provide for the nature of existing uses to be introduced as ‘Additional Uses’ in the City’s DPS2 and will address a compliance issue between existing land uses and permissibility within the ‘General Rural’ zone.

The proposed amendment would enable the City to consider a Planning Application for retrospective approval for the existing uses including motor vehicle repairs, office, storage yard and transport depot. The balance of the land outside of the proposed ‘Additional Use’ area is expected to continue operating in accordance with the General Rural zone - i.e. for market gardening and other rural uses.

The proposed amendment respects the intentions of the broader area, to retain its rural character and amenity, and proposes the use of conditions within the Additional Use schedule for the scale of these uses and their temporary operation on the subject sites. It is, however, recognised that the site is located adjacent to a number of other commercial activities that place a different perspective on the ‘rural landscape’ as it applies to the immediate environs of the site.

In addition, the fact that the uses to be included in the amendment have actually existed on the site for many years, without causing sufficient concern to warrant action by the City in the past would suggest that the real impact of the uses has been negligible.

The amendment is intended to facilitate the continuation of the existing activities for a five year period with a five year option of extension, whilst ensuring the amenity and rural character of the locality, as it relates to this particular area, will be maintained.

## 2 BACKGROUND

### 2.1 LOCATION

The land subject to this amendment consists of portions of Lots 43 and 44 Wanneroo Road, Neerabup (the ‘subject lots’). The subject lots are located at the intersection of Hester Avenue and Wanneroo Road (refer to **Figure 1**). Hester Avenue provides district connectivity through to the North-West Corridor via Marmion Avenue. Wanneroo Road provides regional north-south connectivity to the City of Wanneroo, and the Perth Metropolitan Region generally.

The subject lots are bounded by Wanneroo Road to the west, Lot 602 Wanneroo Road to the north (single house and rural uses), to the south by Lot 4 Wanneroo Road (Puma service station) and Lot 27 Wanneroo Road (Mirco Hardware and Rural Supplies showroom/warehouse and rural uses), and Lake Neerabup to the east.

The subject lots are situated approximately 30km north of the Perth GPO and approximately 1km east of the future Mitchell Freeway extension.

## 2.2 SITE DESCRIPTION

The majority of the land area of Lots 43 and 44 Wanneroo Road is actively used for market gardens, as illustrated by the aerial photograph in **Figure 2**. The front portions of the subject lots have been developed for a single house, office (within the dwelling), outbuildings, motor vehicle repairs (within an outbuilding), storage yard and transport depot.

The western edge of the lots is slightly elevated above Wanneroo Road and gently falls eastwards towards Lake Neerabup.

The truck parking and transport depot activities have been operating for approximately twenty years, and the users of the facility are heavily reliant on its ongoing operation. Under the previous Town Planning Scheme No 1, the subject land was zoned Rural, under which a transport depot was a discretionary use. With the gazettal of the DPS2 on 6 July 2001, the zoning was changed to General Rural under which a Transport Depot was classified as a prohibited use.

While the use existed prior to the introduction of DPS2, it had not been formally approved by the City, and therefore did not have non-conforming use rights.

The legal description, ownership, and land use of the subject lots are summarised below:

| Lot No. | Certificate of Title | Status   | Proprietors                          | Land Use   |
|---------|----------------------|----------|--------------------------------------|--|
| 43      | 1489-808             | Freehold | Woolgrove, J. C.<br>Woolgrove, D. P. | Storage Yard<br>Rural Use / Market Gardens<br>Single House<br>Office |
| 44      | 1489-809             | Freehold | Woolgrove, J. C.<br>Woolgrove, D. P. | Rural Use / Market Gardens<br>Transport Depot<br>Storage Yard        |

Copies of the Certificates of Title are included in **Appendix A**.

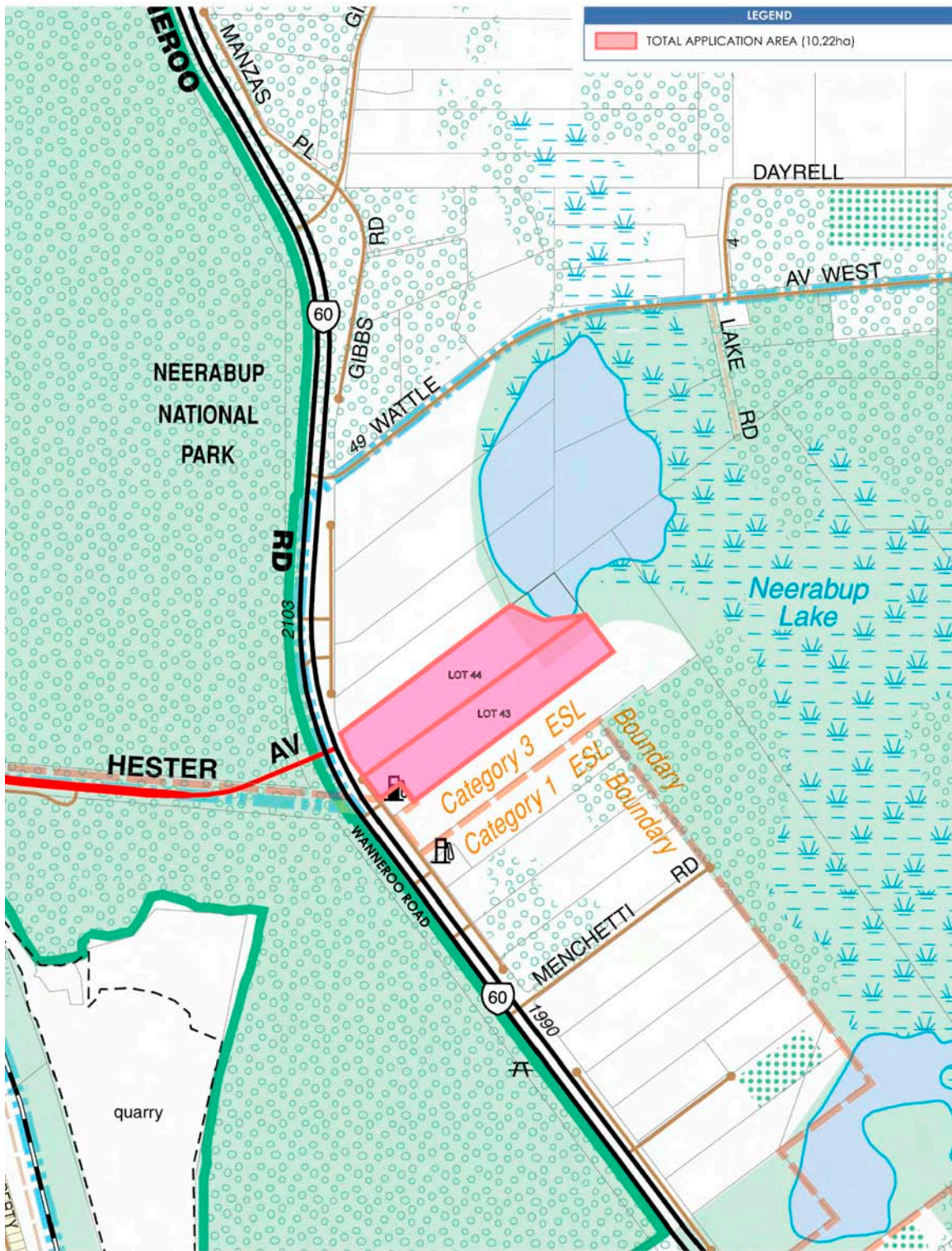


Figure 1 Location Plan



Figure 2 Aerial Photograph

## 2.3 SURROUNDING LAND USES

### 2.3.1 REGIONAL CONTEXT

The subject lots are within an area bounded by Lake Neerabup to the east, Neerabup National Park and Wanneroo Road to the west, and existing freehold lots to the north and south.

Lake Neerabup is part of a Bush Forever site, which is reflected on the Metropolitan Region Scheme (MRS) under the 'Parks and Recreation' reserve and Bush Forever Delegation Area. A Crown Reserve adjoining the eastern boundary of Lot 43 is managed by the City of Wanneroo, forming part of the Bush Forever site.

The land further east of Lake Neerabup is subject to the Agreed Structure Plan No. 17 Neerabup Industrial Area (ASP17). The ASP17 was adopted, endorsed in 2008 and amended in 2011. It identifies land for general industry and service industry, with a business precinct.

Land further south of Flynn Drive is subject to the Agreed Structure Plan No. 61 Lots 1 & 2 Flynn Drive, Carramar (ASP61). The ASP61 identifies land for rural residential sized lots of approximately 2,000 square metres, with bridle tracks and public open space (including equestrian fields).

Land to the west of Wanneroo Road is within Bush Forever site 383 – Neerabup National Park, Lake Nowergup (Neerabup) Nature Reserve and adjacent bushland (DEC 2012). The Bush Forever site is managed by the Department of Parks and Wildlife (DPaW).

### 2.3.2 LOCAL CONTEXT

The subject lots are situated in proximity to a range of other non-rural land uses. For context, the following land uses have been observed (*note: interpretation of land uses as per the land use table in DPS2 may differ to those uses officially described on planning approvals granted for the developments by the City*).

| Lot No.                             | Street Address     | Observed Land Use   |
|-------------------------------------|--------------------|---|
| <b>Lots North of Lots 43 and 44</b> |                    |   |
| 601                                 | 2092 Wanneroo Road | Single House<br>Rural Use<br>Hire Service / Storage Yard<br>Landscape Supplies / Open Air Display / Plant Nursery |
| 602                                 | 2082 Wanneroo Road | Single House<br>Rural Use   |
| <b>Lots South of Lots 43 and 44</b> |                    |   |
| 4                                   | 2056 Wanneroo Road | Service Station   |
| 27                                  | 2048 Wanneroo Road | Showroom / Warehouse (Additional Use No. 1-29)<br>Rural Use   |
| 28                                  | 2042 Wanneroo Road | Single House<br>Rural Use   |
| 42                                  | 2038 Wanneroo Road | Service Station (Additional Use No. 1-4)  |



| Lot No.                            | Street Address                    | Observed Land Use   |
|------------------------------------|-----------------------------------|---|
| <b>Lots East of Lots 43 and 44</b> |                                   |   |
| 12227 & 9804                       | Reserve 35348, 2070 Wanneroo Road | Public Recreation/Resource Enhancement Sumpland (managed by City of Wanneroo) |
| 700                                | 500 Flynn Drive                   | Vacant/Undeveloped/Resource Enhancement Sumpland (owned by LandCorp)          |

## 2.4 MOVEMENT NETWORK

Wanneroo Road is constructed as a dual carriageway. An existing service road provides access for the subject lots, as well as the various other commercial activities, to the regional road network. The service road runs parallel to the dual carriageway from Lot 44 at the northern extent to Lot 31 Menchetti Road at the southern extent. The service road has three T-intersections, each providing northbound and southbound access to Wanneroo Road.

The Wanneroo Road - Hester Avenue intersection is controlled with traffic signals. This enables the coordination of traffic movement and provides gaps in traffic which assists with the safe movement of motorists entering or exiting the service road onto Wanneroo Road.

This is particularly pertinent for the Transport Depot use. Given the operations of the Transport Depot have occurred over the last 20 years, it can be reasonably argued that the legitimisation of the land uses, as proposed by this amendment, will not create any additional traffic issues along Wanneroo Road. The road network has been well designed and there are three intersections servicing nine lots in total. The existing land uses will maintain their access from the service road, and there will be no additional traffic movement generated by this proposed amendment.

## 2.5 SERVICING

Existing services are available to Lots 43 and 44. No additional servicing requirements are identified.

## 3 PLANNING CONTEXT

### 3.1 STATE PLANNING POLICIES

Several SPPs have been considered in regards to this amendment request as discussed below.

#### 3.1.1 SPP 2.4 – BASIC RAW MATERIALS

The subject lots are not identified by SPP 2.4 to be within priority resource locations or basic raw materials extraction areas. The subject lots are distant from extraction areas, are not impacted upon by extraction areas, and the Additional Uses are not considered to be sensitive development.

#### 3.1.2 SPP 2.5 – LAND USE PLANNING IN RURAL AREAS

The subject lots are not identified to be on priority agricultural land. The proposed Additional Uses are not considered to create land use conflicts with existing rural uses or other additional uses in proximity to the subject lots.

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### 3.1.3 SPP 3 – URBAN GROWTH AND SETTLEMENT

SPP 3, amongst other things, seeks to minimise potential for conflict with incompatible activities associated with productive rural uses or natural resource management. Whilst these matters have previously been addressed above, the land is identified for the longer-term change over time towards more rural community purposes as discussed in **section 3.4.2**.

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### 3.1.4 DRAFT SPP 3.7 – PLANNING FOR BUSHFIRE RISK MANAGEMENT

As of May 2014 the new draft SPP 3.7 *Planning for Bushfire Risk Management* has been advertised, which seeks to assist in reducing the risk of bushfire to people, property and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development and other planning decisions proposed in bushfire-prone areas. Guidelines have also been advertised but not yet implementable.

Firebreaks of 3 metres are provided for the subject lots. Firebreaks are also provided by DPaW around the reserves on the western side of Wanneroo Road. Wanneroo Road itself is 100m wide. As such, the amendment is for land that is considered to be greater than 100 metres from bushfire-prone vegetation in Neerabup National Park. This Amendment does not propose to facilitate intensified settlement or development which could be impacted by bushfire.

## 3.2 METROPOLITAN REGION SCHEME

The land is predominately zoned 'Rural' under the MRS. Eastern portions of Lots 43 and 44 are classified as 'Parks and Recreation' and are subject to Bush Forever, forming part of the MRS parks and recreation reserve for Lake Neerabup. Wanneroo Road and the service road are classified as 'Primary Regional Roads'.

The freehold lots north and south of Lots 43 and 44 are zoned 'Rural'.

## 3.3 CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2

The City's DPS2, gazetted on 6 July 2001, zones the land 'General Rural' and sets the statutory parameters for development. Noting the gazettal of DPS2 on 6 July 2001, the previous Town Planning Scheme No. 1 (TPS1) zoned Lots 43 and 44 'Rural'.

In June 2001, the landowners wrote to the Mayor of Wanneroo regarding the approval of truck parking at the subject lots. The Mayor's correspondence dated 17 July 2001 indicated that under the previous TPS1, a Transport Depot was a discretionary use in the 'Rural' zone; however, with the gazettal of DPS2 on 6 July 2001, a Transport Depot was changed to a use not permitted in the 'General Rural' zone. The Mayor's correspondence suggested, among other things, that *"the only option for you to proceed with the operation of a transport depot is to seek an amendment to the Town Planning Scheme which would allow the operation to be considered as a development proposal."*

Under the current DPS2, the objectives for 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.*

The City must have regard to the objectives of the 'General Rural' zone and any local rural strategy adopted by the Council and the Western Australian Planning Commission. At this time, no local rural strategy has been adopted by the Council and Commission; however, Local Planning Policy 3.7 *Interim Local Rural Strategy* has been adopted by the City under DPS2 (refer **section 3.4.2**) and was used for guiding the preparation of the 'General Rural' and 'Rural Resource' zones during the drafting of DPS2.

A typical approach for providing flexibility in the DPS2 for particular land is through the Additional Use zone. Six lots in proximity to the Lots 43 and 44 have additional uses, as follows:

- A2 – No. 1964 Wanneroo Road – Sale of birds, bird seed and associated bird accessories.
- A3 – No. 1976 Wanneroo Road – Sale of wildflower & wildflower seeds, nuts and cones; sale of gift-packed quarantined native plants; sale of arts and crafts made from wildflowers and native plants; sale of souvenirs featuring wildflowers and native plants; sale of light refreshments.
- A4 – No. 2038 Wanneroo Road – Hardware Store / Automotive Repairs / Service Station.
- A18 – Lot 32 Menchetti Road – Rural Store not exceeding 100m<sup>2</sup>.
- A24 – No. 1890 Wanneroo Road – Treating, processing and packing of apiary products.
- A29 – Portion of Lot 27 Wanneroo Road – Sale of vegetable and flower seeds; Sale of stockfeed; Sale of fertiliser, fungicides and insecticides; Sale and repair of farm machinery, farming implements and irrigation equipment; Showroom and hardware area for the display and sale of items related to the agricultural industry, with a maximum area open to the public of 2,000 square metres; Warehouse for storage of the above items (not open to the public for sale of goods).

## 3.4 LOCAL PLANNING POLICIES

### 3.4.1 LPP 3.4 – SMART GROWTH LOCAL PLANNING POLICY

The City's LPP *Smart Growth* enables the principles and strategies of the *Smart Growth Strategy* to be applied to proposals. The *Smart Growth Strategy* examines opportunities for long term economic health by supporting opportunities that enhance industry growth and promote job creation within the region (CoW 2005, 36), by:

- Building on local industry strengths and opportunities – identifying opportunities for local industry development; supporting new and existing business in the City; promoting commercial and industrial areas within the City; and
- Promoting investment consistent with strategic vision – facilitate and encourage regional industry; advance the development of industrial and commercial areas within the City.

Historically this proposal has reflected an industry demand in terms of providing facilities and services, particularly for the logistics industry through the parking of trucks and other vehicles, and small-scale or incidental motor vehicle repairs.

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### 3.4.2 LPP 3.7 – INTERIM LOCAL RURAL STRATEGY

The City's LPP 3.7 *Interim Local Rural Strategy* (LRS) was prepared in 2000 and identifies the subject land within the Planning Policy Area No. 5 'Area Generally Situated Between Wanneroo Road and Lake Neerabup'. The LRS supports limited development of uses that are compatible with the rural nature of that area and favours proposals which include retain or introduce additional natural vegetation.

As mentioned in **section 3.3** six lots in the immediate vicinity have Additional Uses, suggesting that the City would consider where appropriate the limited expansion of land use permissibility within the context of the 'General Rural' zone. The portions of Lots 43 and 44 subject to the proposed Additional Uses do not encroach on existing rural uses. Further, the portions subject to the Additional Use have been developed and operating for many years.

The LRS recommends special consideration for land visible from Wanneroo Road. The lots are elevated above the road on a small ridge. This is beneficial as the elevation change removes clear lines of sight from Wanneroo Road to the areas of the lots that are used for the Additional Uses. The views of the remaining rural uses are also limited from Wanneroo Road due to topography. The frontage of the lots may, however, be improved through landscaping and tree planting adjacent to Wanneroo Road.

The LRS considers an eventual transition of the area to a 'Rural Community' zoning in the longer term. The purpose of the 'Rural Community' zone in DPS2 is coordinate rural residential development. This proposed amendment does not prejudice the policy position that a 'Rural Community' zone may be the ultimate zoning for this area. The Additional Uses are proposed for existing development.

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### 3.4.3 LPP 4.1 – WETLANDS

The LPP 4.1 *Wetlands* aims to protect and manage the environmental attributes of wetlands and to ensure the value of wetlands is recognised.

Lake Neerabup is described as a sumpland resource enhancement (WA Atlas, refer **Figure 3**). It is noted that Lake Neerabup is generally contained within the Parks and Recreation reserve under the MRS, east of the subject lots, although a small portion of the lots are reserved under the MRS. The Scheme Amendment request concerns portions of the subject lots that are some distance from the sumpland. It is considered that an appropriate separation distance of approximately 350-550 metres has historically been established.



## 4 PROPOSED AMENDMENT

### 4.1 GENERAL PURPOSE OF AMENDMENT

The intent of the amendment is to retain the base 'General Rural' zone and allow existing development to continue operating as Additional Uses. The introduction of the Additional Uses will be the first step in seeking retrospective planning approval as a means of addressing compliance issues raised by the City.

As outlined in **section 2.2**, the front of Lot 44 is primarily used by truck drivers for standing or parking of vehicles, and associated storage of materials on both of the subject lots. A Motor Vehicle Repair land use operates from an outbuilding on Lot 43, which provides some services to trucks that utilise Lot 44. Also on Lot 43 is a small office that is operated by the landowners.

Overall, the development and use on the subject lots have existed for many years and have operated without complaints or issues being reported (until now) to the City of Wanneroo. In accordance with the definitions of the Scheme, the land uses proposed for introducing as Additional Uses are Transport Depot, Storage Yard, Motor Vehicle Repairs and Office.

### 4.2 PROPOSED ADDITIONAL USES

#### 4.2.1 TRANSPORT DEPOT

Transport Depots can be suitable in rural areas or peripheral locations where there is reasonable access to major roads or the freight network. Vehicles stored at the Transport Depot may include trucks, commercial vehicles and truck drivers' personal vehicles. A Transport Depot may consist of hardstand or cleared area for parking of vehicles, fencing for security, buildings for carrying out motor vehicle repairs, and storage. Further, the DPS2 definition also contemplates some maintenance, repair and refuelling of vehicles that are stored at the Transport Depot.

It is understood that access to the subject lots was improved by the City of Wanneroo as part of previous road upgrade works for Wanneroo Road. It is understood that the City also made use of the transport depot at Lot 44 for temporary storage of its own plant and equipment during that time.

Clearly, the existence of these uses has been known to the City for a considerable time. The lack of any past action by the City and the lack of complaints over the duration of time of the operations suggest that the land uses on Lots 43 and 44 have not created nuisance factors for surrounding landowners.

Should it be deemed appropriate, the Transport Depot could be altered to ensure setbacks to Wanneroo Road and to adjacent Lot 602 are maintained and/or improved, to reduce visibility. Notwithstanding the requirement for firebreaks, additional landscaping and revegetation particularly along Wanneroo Road could assist in softening the appearance of the development. This, however, would be subject to subsequent retrospective development applications being submitted.

#### 4.2.2 STORAGE YARD

Storage Yards can be a suitable land use within a rural area. Storage Yards have a role in a range of rural, agricultural and industrial activities. All of these purposes can be commonly found within rural areas. From a planning perspective, the key considerations for a Storage Yard would be the suitable screening of materials, equipment and other items stored; and maintaining the streetscape amenity and rural character of the locality.

The area of Lot 43 used for a Storage Yard is generally setback 58 metres from the slip road boundary. The area is behind the service station on No. 2056 Wanneroo Road and the double-storey single house on Lot 43. From Wanneroo Road, the Storage Yard is also at a slightly lower level than the service station and single house, which are more prominently positioned on the ridge. Some remnant trees on-site also provide for some softening to the appearance of the development. In this regard, the Storage Yard is not considered to impact upon the rural amenity of the location and would be consistent with the objectives of the zone.

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#### 4.2.3 OFFICE

An Office use operates from the first floor of the existing single house. The size of the office is limited to the internal first floor area of the single house. Historically, the office was used by residents of the single house, which would therefore classify the use as a Home Business; however this changed when the owners moved out of the house but continued to use the office space. Currently the resident of the house is not an employee, and it is therefore necessary to classify the use as an Office.

The office is an administrative component of a business that operates elsewhere and does not contribute towards traffic generation. It operates with a similar level of impact as a Home Office, with limited need for clients or other personnel to visit.

For clarity in DPS2, it is proposed that Office be an additional use with stringent conditions addressing the number of staff and floorspace area, to ensure that the use remains more consistent with a Home Business – Category 3 equivalent (which is a D discretionary use in the General Rural zone). It is suggested that the Additional Use conditions treat the office in the same context as a Home Business – Category 3, whereby it could be controlled through similar limitations such as:

- employing a maximum of four persons;
- it does not entail the retail sale, outdoor display or hire of goods of any nature;
- it does not detract from the residential appearance of the dwelling house or domestic outbuilding; and
- it will not result in a substantial increase in the amount of vehicular traffic in the vicinity.

The land use, when constrained in such a manner, is considered to not impact upon the rural character of the area and will not pose any impacts on neighbouring landowners or adjoining land uses.

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#### 4.2.4 MOTOR VEHICLE REPAIRS

The Motor Vehicle Repairs use is somewhat related to the Transport Depot. Trucks parked at the Transport Depot may have some repairs and maintenance undertaken within one-half of an outbuilding on Lot 43. In this regard, the Motor Vehicle Repairs land use can be considered to be a component of the Transport Depot, yet is separately incidental to the Transport Depot on Lot 44. It is not proposed that it would operate as a completely unrelated Motor Vehicle Repairs business.

In order to limit the extent of this land use, it is proposed that a maximum area of 250 square metres be applied to minimise the extent of this land use operating. This area would be calculated to include the one-half of the outbuilding on Lot 43.

## 4.3 PLANNING CONSIDERATIONS

Given the development outcomes envisaged for the land, it is considered prudent that the Additional Uses are effectively controlled by the Scheme Text.

### 4.3.1 IMPACT ON THE ENVIRONMENT

The subject lots are generally clear of remnant vegetation due to the historical use of the land for rural uses/market gardens, a dwelling and outbuildings, and truck parking and storage over the past twenty years.

Due to the nature of the existing uses and development, no further clearing of remnant vegetation is required or proposed. Whilst clearing for maintaining firebreaks would be ongoing as required, there are some opportunities for tree planting or revegetation to provide some screening along Wanneroo Road. The use of suitable native species could contribute to an improved streetscape, having regard to the nearby Bush Forever sites and interface to Neerabup National Park.

The Additional Uses are situated approximately 350-550 metres west of the land reserved for Lake Neerabup. There would not be environmental impacts upon the lake associated with the Additional Uses.

### 4.3.2 IMPACT ON RURAL CHARACTER AND AMENITY

The character of the subject lots has been long established both by the market gardens/rural uses on-site, and the many years of truck parking operations. However, the rural character and amenity of the locality more generally has been altered by other non-rural uses that have been introduced in proximity to the subject lots, such as the service stations and Mirco showroom/warehouse.

The end result of the amendment is not likely to have any additional impact on the existing character, as it would merely facilitate the continuation of existing uses.

A number of advertisements are erected along the frontage of Lot 44, as this is understandably a highly visible location at the Hester Avenue intersection. As a means of addressing compliance issues raised by the City, it is likely that non-site specific signage will be removed.

### 4.3.3 AD HOC FRAGMENTATION OF LAND

As stated in the City's LRS the locality is anticipated to ultimately transition towards rural residential development. Any progress towards this change would be dependent on several factors including development pressure, landowner motivation and coordination, and state/local government support. In the shorter-term, the City has supported various additional uses along this part of Wanneroo Road.

This Amendment seeks to address compliance issues for existing land uses and development, without compromising the potential for the locality to be considered for future transition towards rural community.

Accordingly, this amendment does not constitute ad hoc fragmentation of rural land, but rather presents an opportunity to complement existing and approved development. The existing development is considered to capitalise on a better use of land that otherwise has limited rural or agricultural value due to its developed nature.



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#### 4.3.4 POTENTIAL FOR LAND USE CONFLICT

At Lot 602 Wanneroo Road to the north, a single house is adjacent to the existing Transport Depot. The Transport Depot is a long established activity that generates some noise from vehicles. The extent of noise emissions would likely be limited to vehicles entering and exiting the Transport Depot (likely to only occur once per day per vehicle) which has occurred over many years. The closest trucks would be approximately 8 metres or more from the single house, and drive in to and out of the Transport Depot from the south.

Noise received at the single house is likely to be moderated due to its proximity to Wanneroo Road. Potentially as traffic noise from Wanneroo Road is likely to continue to increase over time, the degree of noise associated with the Transport Depot is not considered to be an issue.

It is considered that the duration of activity over time, the traffic noise from Wanneroo Road, and the distance of vehicles from the single house would indicate that any level of noise emissions would not result in a land use conflict.

The land uses at Lot 43 are not considered to result in a land use conflict with the adjacent service station or showroom/warehouse.

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#### 4.3.5 PRECEDENT FOR ADDITIONAL USES

It is understood that some of the additional uses in proximity to the subject lots have been introduced after the establishment of the uses on the subject lots. The City has previously permitted additional uses in proximity to the subject lots, refer **section 3.3**, which are relatively consistent or comparable in scale and visual appearance to the proposed Additional Uses. There are two service stations and a large showroom/warehouse immediately south of Lot 43. A plant nursery / landscape supplies business is permitted as an Additional Use provided further south from the subject lots.

Given that the City has previously considered these Additional Uses in the context of what other uses were established in the location, it is reasonable to permit the continuation of the land uses on the subject lots.

The land uses and development at the site have been beneficial to truck drivers and other users who have relied on the subject lots for making a living. The existing land use and development on the subject lots have been operating for at least twenty years without issue or complaint from the immediate neighbours. The landowners have previously sought the City's advice on how to ensure that existing development is legitimised, with advice being to submit a Scheme Amendment Request.

The land uses do not encroach onto land that is otherwise considered valuable for rural or agricultural uses or basic raw materials. The subject lots are within a stretch of other non-rural land uses, which have been accommodated through the inclusion of Additional Uses in DPS2.

The topography of the land means that the land uses are largely obscured from view from Wanneroo Road. In turn, the character of the area will not be affected by the continuation of the land uses. Future transition of the area as recommended in the City's LRS isn't prejudiced by the continuation of the land uses.

This amendment will facilitate the statutory framework to permit the continuation of development on the subject lots for a set time period. Based on the information provided in this report, the Council of the City of Wanneroo resolved to initiate the amendment to District Planning Scheme No. 2 at its Ordinary Council Meeting held on 3 March 2015.

# PLANNING AND DEVELOPMENT ACT 2005

## City of Wanneroo District Planning Scheme No. 2 Amendment No. 143

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 Town Planning Scheme by:

1. Showing the western portion of Lot 43 and Lot 44 Wanneroo Road, Neerabup (approximate area 1.8773 hectares) as 'Additional Use' on the Scheme Map;
2. Including the following in Section 1 of Schedule 2 of District Planning Scheme No. 2:

### SCHEDULE 2 – SECTION 1 (CLAUSE 3.20) – ADDITIONAL USES

| No.  | STREET/LOCALITY         | PARTICULARS OF LAND                      | ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)  |
|------|-------------------------|--|---|
| 1-36 | Wanneroo Road, Neerabup | Portion of Lot 43; and Portion of Lot 44 | <p><b>Motor Vehicle Repairs Office</b></p> <p><b>Storage Yard</b></p> <p><b>Transport Depot</b></p> <p>Conditions:</p> <ol style="list-style-type: none"> <li>1. The additional use shall be limited to the following: <ul style="list-style-type: none"> <li><b>Motor Vehicle Repairs</b>, that does not occupy an area greater than 250m<sup>2</sup>.</li> <li><b>Office</b>, employing a maximum of four persons and otherwise complies with paragraphs (a) – (c) and (e) – (j) inclusive of the <i>Home Business – Category 3</i> definition in Schedule 1 of the Scheme.</li> </ul> </li> <li>2. Duration of Planning Approval: <ol style="list-style-type: none"> <li>(a) A planning approval for the above-listed uses and developments shall be limited to a period of 5 years from the date of gazettal of these additional uses.</li> <li>(b) A renewal of planning approval for the above-listed uses may be granted for a period not to exceed 5 years, following the expiration at the 5 year approval referred to in 2(a), unless the renewal in a particular case is expressed to be for a shorter period.</li> <li>(c) A separate application for Planning Approval is required to be submitted for consideration and determination by the City prior to the continuation of the Additional Uses. Administration will give due regard to the following, when</li> </ol> </li> </ol> |

| No. | STREET/LOCALITY | PARTICULARS OF LAND | ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)   |
|-----|-----------------|---------------------|--|
|     |                 |                     | <p>considering a further 5 year approval for the Additional Uses:</p> <ul style="list-style-type: none"> <li>• The amenity of the locality;</li> <li>• The requirements of orderly and proper planning;</li> <li>• The appropriateness of the continuation of the Additional Uses within the General Rural zone;</li> <li>• Comments from surrounding landowners;</li> <li>• Traffic impacts;</li> <li>• Dust; and</li> <li>• Any other matters required to be given consideration under DPS 2.</li> </ul> |

**ADOPTION**

Adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the ..... day of ..... 20....

.....  
Mayor

.....  
Chief Executive Officer



# CITY OF WANNEROO

## District Planning Scheme No.2

### Amendment No. 143



#### LEGEND

##### METROPOLITAN REGION SCHEME RESERVES

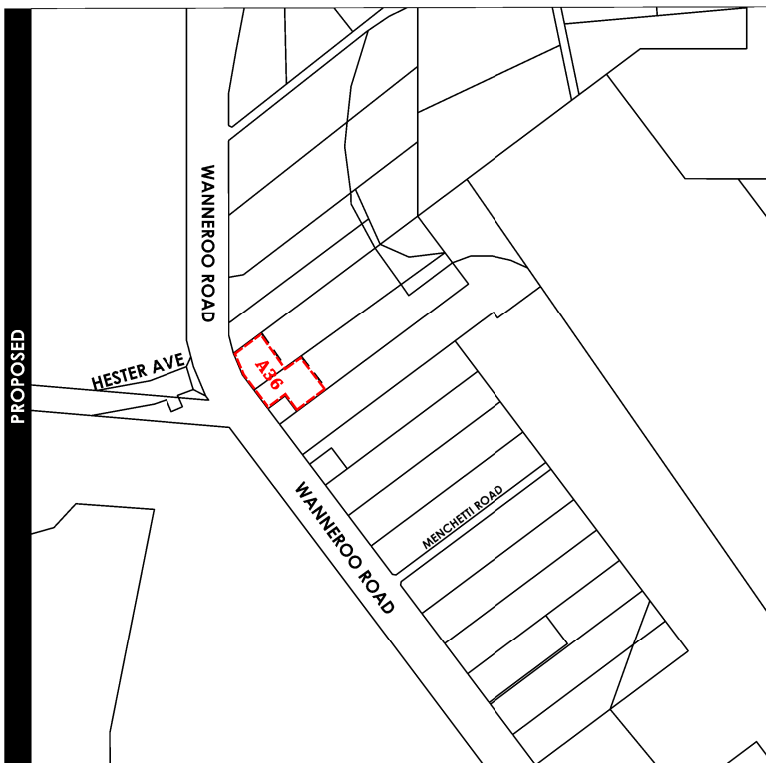
- PARKS AND RECREATION
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS

##### ZONES

- GENERAL RURAL
- RURAL RESOURCE

##### OTHER

- A29 ADDITIONAL USES



#### LEGEND

##### OTHER

- A36 ADDITIONAL USES

scale: \_\_\_\_\_  
 NTS  
 plan: T4/026/003A  
 date: 12/03/2015





**FINAL APPROVAL**

Adopted for final approval by resolution of the Council of the City of Wanneroo at the ..... Meeting of the Council held on the ..... day of ..... 20.... and the Common Seal of the City 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**

.....  
Delegated under S.16 of PD Act 2005

.....  
Date

**Final Approval Granted**

.....  
Minister for Planning

.....  
Date



APPENDIX A  
CERTIFICATES OF TITLE

WESTERN



AUSTRALIA

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| REGISTER NUMBER<br><b>43/D53227</b> |                                     |
| DUPLICATE EDITION<br><b>N/A</b>     | DATE DUPLICATE ISSUED<br><b>N/A</b> |

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

VOLUME  
**1489**

FOLIO  
**808**

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



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 43 ON DIAGRAM 53227

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

JOHN CHRISTIAN WOOLGROVE  
DIANNE PATRICIA WOOLGROVE  
BOTH OF 8 FRASER ROAD, QUINNS ROCK  
AS JOINT TENANTS

(T G249953 ) REGISTERED 9 AUGUST 1996

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

- G249954 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 9.8.1996.

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

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

**STATEMENTS:**

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

SKETCH OF LAND: 1489-808 (43/D53227).  
PREVIOUS TITLE: 409-83A.  
PROPERTY STREET ADDRESS: 2060 WANNEROO RD, NEERABUP.  
LOCAL GOVERNMENT AREA: CITY OF WANNEROO.

WESTERN



AUSTRALIA

|                                     |  |
|-------------------------------------|--|
| REGISTER NUMBER<br><b>44/D53227</b> |  |
| DUPLICATE EDITION<br><b>1</b>       | DATE DUPLICATE ISSUED<br><b>5/2/2005</b> |

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

VOLUME  
**1489**

FOLIO  
**809**

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

REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 44 ON DIAGRAM 53227

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

JOHN CHRISTIAN WOOLGROVE  
DIANNE PATRICIA WOOLGROVE  
BOTH OF 8 FRASER ROAD, QUINNS ROCKS  
AS JOINT TENANTS

(T J162020 ) REGISTERED 25 JANUARY 2005

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

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

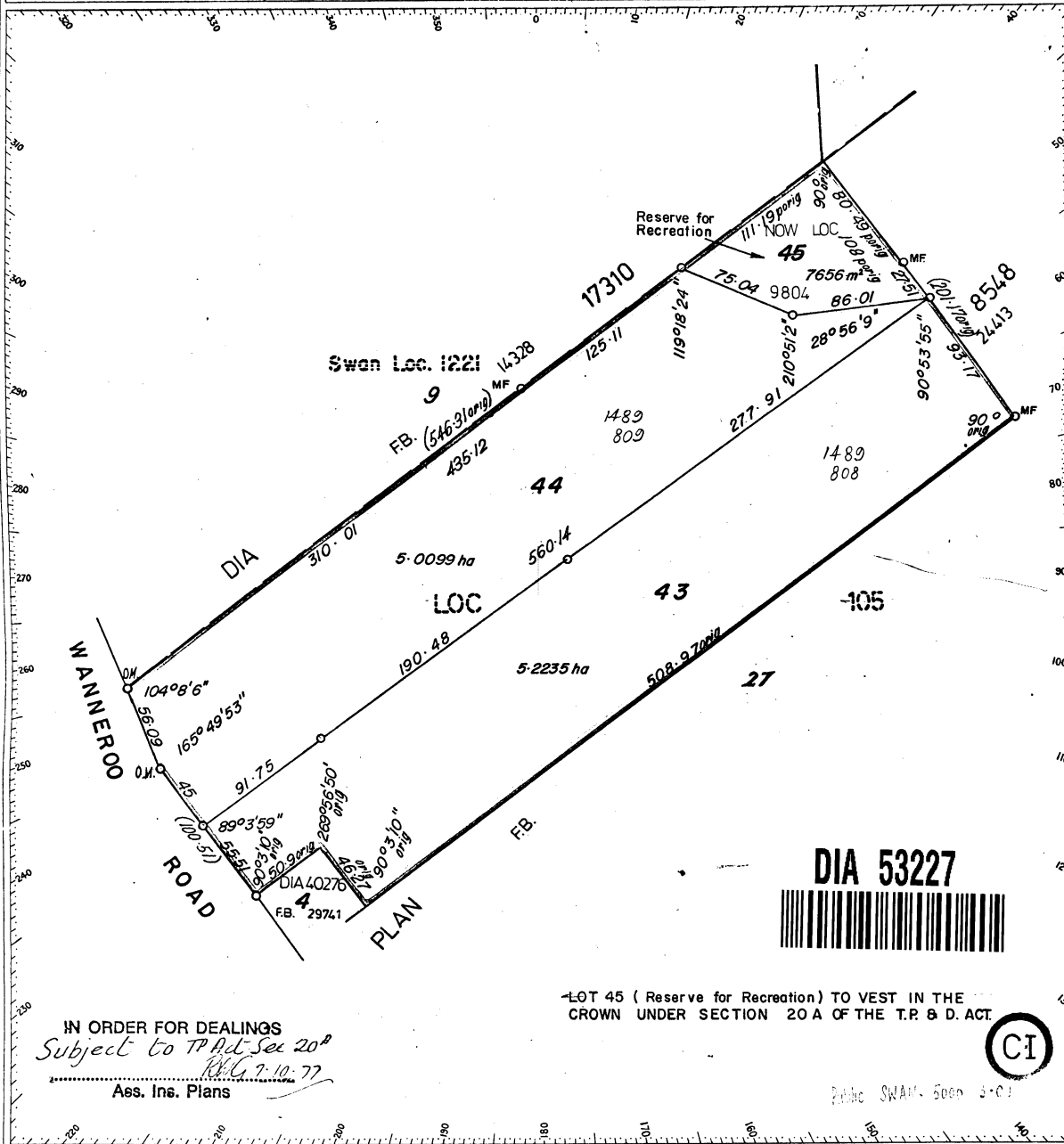
-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

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

SKETCH OF LAND: 1489-809 (44/D53227).  
PREVIOUS TITLE: 409-83A.  
PROPERTY STREET ADDRESS: 2066 WANNEROO RD, NEERABUP.  
LOCAL GOVERNMENT AREA: CITY OF WANNEROO.

| Town or District. | Number of Lot or Location. | Field Book. | Scale                               | Certificate in which Land is Vested. | Area                    |
|-------------------|----------------------------|-------------|-------------------------------------|--------------------------------------|-------------------------|
| PERTHSHIRE        | PT LOT 3 OF LOC. 105       | 39520       | 1:3000<br><i>Chains to one inch</i> | Vol. 409.. Fol. 83A..                | <i>10.999 ha total.</i> |



IN ORDER FOR DEALINGS  
 Subject to TP Act Sec 20<sup>a</sup>  
 Ass. Ins. Plans

LOT 45 (Reserve for Recreation) TO VEST IN THE CROWN UNDER SECTION 20 A OF THE T.P. & D. ACT



PLATE SWAN 5000 3-01

|   |  |   |  |
|---|--|---|--|
| <p><b>CERTIFICATE</b></p> <p>I hereby certify that this survey was performed by me personally (or under my own personal supervision, inspection and field check) in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations, 1961.</p> <p><i>A. G. D.</i><br/>     Licensed Surveyor.</p> <p>Date <u>28 JUNE 1977</u> V1608</p> |  | <p>Approved by Town Planning Board</p> <p>FILE <u>38133</u><br/> <u>LOC 105</u><br/> <u>29 AUG 1977</u></p> <p>D.W.G. No. <u>        </u> COPY No. <u>        </u></p> <p>Date <u>        </u></p> <p><i>David Carr</i><br/>     Chairman</p> |  |
| <p>Approved</p> <p><b>APPROVED</b><br/>     Inspector of Plans and Surveys</p> <p>Examined <u>J. Gourlay 7/96</u> Date <u>21-12-77</u></p>  | <p>On</p> <p>Plan <u>        </u><br/>     Diagram <u>15494</u><br/>     Index Plan <u>SWAN 5000.03.07</u></p> | <p>Registered</p> <p><u>        </u> / <u>        </u> / <u>        </u></p>  | <p>Diagram No.</p> <p><b>53227</b></p> |

48571/6/75-2M-L/271

See Plan 8548

MCKIMMIE, JAMIESON & PARTNERS PTY. LTD,  
 LICENSED SURVEYORS