



DISTRICT PLANNING SCHEME No. 2

Amendment No. 150

*Planning and Development Act 2005***RESOLUTION TO PREPARE AMENDMENT TO
LOCAL PLANNING SCHEME****CITY OF WANNEROO****DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 150**

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

1. Rezoning Lot 100 (25), Lot 6 (43), Lot 12462 (47), Lot 7 (53) and Lot 8 (61) Drovers Place, Wanneroo from 'Urban Development' to 'Special Use', as shown in **Attachment 1**.
2. Rezoning Lot 5 (33) Drovers Place, Wanneroo from 'Urban Development' to 'Residential R20', as shown in **Attachment 1**.
3. Rezoning Portion Lot 810 (1397), Lot 811 (1387), Lot 1 (1369), Lot 132 (1351) and Lot 11 (1349) Wanneroo Road, Wanneroo from 'Urban Development' to 'Business'; as shown in **Attachment 1**.
4. Removing the 'Urban Development' zoning on Lot 11 (1349) Wanneroo Road, Wanneroo, and reserving this land parcel as 'Public Use' for the purpose of drainage, as shown in **Attachment 1**.
5. Rezoning Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road, Wanneroo from 'Urban Development' to 'Special Use' as shown in **Attachment 1**.
6. Inserting the following into Schedule 2 – Section 1 (Clause 3.20) – Additional Uses:

NO.	STREET/ LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)
1-37	Wanneroo Road, Wanneroo	Portion Lot 810 (1397) and Lot 811 (1387)	<p>Growers Mart, Hire Service, Large Format Category/Theme Based Showroom, Market (Retail), Motor Vehicle Repairs, Retail Nursery, Shop and Storage Yard</p> <p>Conditions:</p> <p>a) The land use definitions for 'Growers Mart', 'Large Format Category/Theme Based Showroom' and 'Retail Nursery' are prescribed as follows:</p> <p>Growers Mart : means an area of land or buildings used for the wholesale distribution and retail sale of fresh food products through multiple contiguous tenancies.</p> <p>Large Format Category/Theme Based Showroom : means a premises wherein goods, which are otherwise excluded by the Showroom definition in Schedule 1, are displayed and may be offered for sale and hire, that:</p>

			<p>a) <i>Are not supermarkets or department stores, as defined in Schedule 1;</i></p> <p>b) <i>Are category/theme based retail outlets;</i></p> <p>c) <i>Due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and</i></p> <p>d) <i>Have a minimum gross floor area of 500m².</i></p> <p>Retail Nursery : means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental café.</p> <p>b) Conditions for the retail net lettable area for 'Shop' are prescribed as follows:</p> <p>Shop (on Lot 810 and Lot 811): Minimum retail NLA 200sqm per tenancy, maximum retail NLA 1500sqm per tenancy, maximum overall NLA 3000sqm across Lot 810 and Lot 811.</p>
1-38	Wanneroo Road, Wanneroo	Lot 1 (1369) and Lot 132 (1351)	<p>Large Format Category/Theme Based Showroom and Retail Nursery</p> <p>Condition:</p> <p>The land use definitions for 'Large Format Category/Theme Based Showroom' and 'Retail Nursery' are prescribed as follows:</p> <p>Large Format Category/Theme Based Showroom : means a premises wherein goods, which are otherwise excluded by the Showroom definition in Schedule 1, are displayed and may be offered for sale and hire, that:</p> <p>a) <i>Are not supermarkets or department stores, as defined in Schedule 1;</i></p> <p>b) <i>Are category/theme based retail outlets;</i></p> <p>c) <i>Due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and</i></p> <p>d) <i>Have a minimum gross floor area of 500m².</i></p>

			<p>Retail Nursery : means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental café.</p>
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7. Designating Lot 810 (1397) and Lot 811 (1387) Wanneroo Road, Wanneroo as Additional Use area '1-37' on the Scheme Map.
8. Designating Lot 1 (1369) and Lot 132 (1351) Wanneroo Road, Wanneroo as Additional Use area '1-38' on the Scheme Map, as shown in **Attachment 1**.
9. Inserting the following into Schedule 2 – Section 3 (Clause 3.22) – Special Use Zones.

NO.	STREET/ LOCALITY	PARTICULARS OF LAND	SPECIAL USE CONDITIONS (WHERE APPLICABLE)
2-6	Drovers Place, Wanneroo	Lot 6 (43), Lot 7 (53) and Lot 8 (61)	<p>The following land uses are discretionary ('D') on Lot 6, Lot 7 and Lot 8:</p> <ul style="list-style-type: none"> • Art Gallery • Education Establishment • Public Exhibition Facility • Restaurant <p>All other land uses shall be prohibited ('X').</p>
2-7	Drovers Place, Wanneroo	Lot 12462 (47)	<p>Development only in association with Fire and Emergency Services shall be permitted on Lot 12462. All other land uses shall be prohibited ('X').</p>
2-8	Drovers Place, Wanneroo	Lot 100 (25)	<p>The following land uses are discretionary ('D') on Lot 100:</p> <ul style="list-style-type: none"> • Holiday Village/Resort • Mast or Antenna • Private Recreation • Private Exhibition Facility • Reception Centre • Restaurant <p>All other land uses shall be prohibited ('X').</p>
2-9	Wanneroo Road, Wanneroo	Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297)	<p>Land use as per the Special Residential zone, with exception of the following which are not permitted ('X'):</p> <ul style="list-style-type: none"> • Cattery • Child Care Centre • Consulting Room

10. Designating Lot 6 (43), Lot 7 (53) and Lot 8 (61) Drovers Place, Wanneroo as Special Use area '2-6' on the Scheme Map, as shown in **Attachment 1**.
11. Designating Lot 12462 (47) Drovers Place, Wanneroo as Special Use area '2-7' on the Scheme Map, as shown in **Attachment 1**.
12. Designating Lot 100 (25) Drovers Place, Wanneroo as Special Use area '2-8' on the Scheme Map, as shown in **Attachment 1**.
13. Designating Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road, Wanneroo as Special Use area '2-9' on the Scheme Map, as shown in **Attachment 1**.
14. Inserting Clause 5.5.1.1 (b) in the Scheme as follows:

(b) Special Control Areas shown on the Scheme Map as SCA with a number and included in Schedule 19.
15. Amending the Scheme Map to identify all lots referred to in Items 1-5 above as 'SCA No. 1', as shown in **Attachment 1**.
16. Inserting a new Schedule 19 "Special Control Areas" in the Scheme as shown in **Attachment 2**.
17. Inserting a definition for the 'Costume Hire' land use in Schedule 1 of the Scheme as follows:

Costume Hire : means land or buildings used for the hire of clothing, and may include the display of some items of clothing.

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

Amendment No. 150 is considered to be a 'standard' amendment to the City of Wanneroo District Planning Scheme No. 2, as the amendment is consistent with a region planning scheme that applies to the scheme area (Metropolitan Region Scheme), and is not considered to align with the criteria applicable for 'basic' and 'complex' amendments, prescribed in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Dated this day of 20.....

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(Chief Executive Officer)

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 150

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:

1. Rezoning Lot 100 (25), Lot 6 (43), Lot 12462 (47), Lot 7 (53) and Lot 8 (61) Drivers Place, Wanneroo from 'Urban Development' to 'Special Use', as shown in **Attachment 1**.
2. Rezoning Lot 5 (33) Drivers Place, Wanneroo from 'Urban Development' to 'Residential R20', as shown in **Attachment 1**.
3. Rezoning Portion Lot 810 (1397), Lot 811 (1387), Lot 1 (1369), Lot 132 (1351) and Lot 11 (1349) Wanneroo Road, Wanneroo from 'Urban Development' to 'Business'; as shown in **Attachment 1**.
4. Removing the 'Urban Development' zoning on Lot 11 (1349) Wanneroo Road, Wanneroo, and reserving this land parcel as 'Public Use' for the purpose of drainage, as shown in **Attachment 1**.
5. Rezoning Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road, Wanneroo from 'Urban Development' to 'Special Use' as shown in **Attachment 1**.
6. Inserting the following into Schedule 2 – Section 1 (Clause 3.20) – Additional Uses:

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			<p>f) <i>Are category/theme based retail outlets;</i></p> <p>g) <i>Due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and</i></p> <p>h) <i>Have a minimum gross floor area of 500m².</i></p> <p>Retail Nursery : means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental café.</p> <p>d) Conditions for the retail net lettable area for 'Shop' are prescribed as follows:</p> <p>Shop (on Lot 810 and Lot 811): Minimum retail NLA 200sqm per tenancy, maximum retail NLA 1500sqm per tenancy, maximum overall NLA 3000sqm across Lot 810 and Lot 811.</p>
1-38	Wanneroo Road, Wanneroo	Lot 1 (1369) and Lot 132 (1351)	<p>Large Format Category/Theme Based Showroom and Retail Nursery</p> <p>Condition:</p> <p>The land use definitions for 'Large Format Category/Theme Based Showroom' and 'Retail Nursery' are prescribed as follows:</p> <p>Large Format Category/Theme Based Showroom : means a premises wherein goods, which are otherwise excluded by the Showroom definition in Schedule 1, are displayed and may be offered for sale and hire, that:</p> <p>e) <i>Are not supermarkets or department stores, as defined in Schedule 1;</i></p> <p>f) <i>Are category/theme based retail outlets;</i></p> <p>g) <i>Due to their nature are generally not appropriate to or cannot be accommodated in a commercial area; and</i></p> <p>h) <i>Have a minimum gross floor area of 500m².</i></p> <p>Retail Nursery : means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs,</p>

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7. Designating Lot 810 (1397) and Lot 811 (1387) Wanneroo Road, Wanneroo as Additional Use area '1-37' on the Scheme Map.
8. Designating Lot 1 (1369) and Lot 132 (1351) Wanneroo Road, Wanneroo as Additional Use area '1-38' on the Scheme Map, as shown in **Attachment 1**.
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2-7	Drovers Place, Wanneroo	Lot 12462 (47)	Development only in association with Fire and Emergency Services shall be permitted on Lot 12462. All other land uses shall be prohibited ('X').
2-8	Drovers Place, Wanneroo	Lot 100 (25)	The following land uses are discretionary ('D') on Lot 100: <ul style="list-style-type: none"> • Holiday Village/Resort • Mast or Antenna • Private Recreation • Private Exhibition Facility • Reception Centre • Restaurant <p>All other land uses shall be prohibited ('X').</p>
2-9	Wanneroo Road, Wanneroo	Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297)	Land use as per the Special Residential zone, with exception of the following which are not permitted ('X'): <ul style="list-style-type: none"> • Cattery • Child Care Centre • Consulting Room

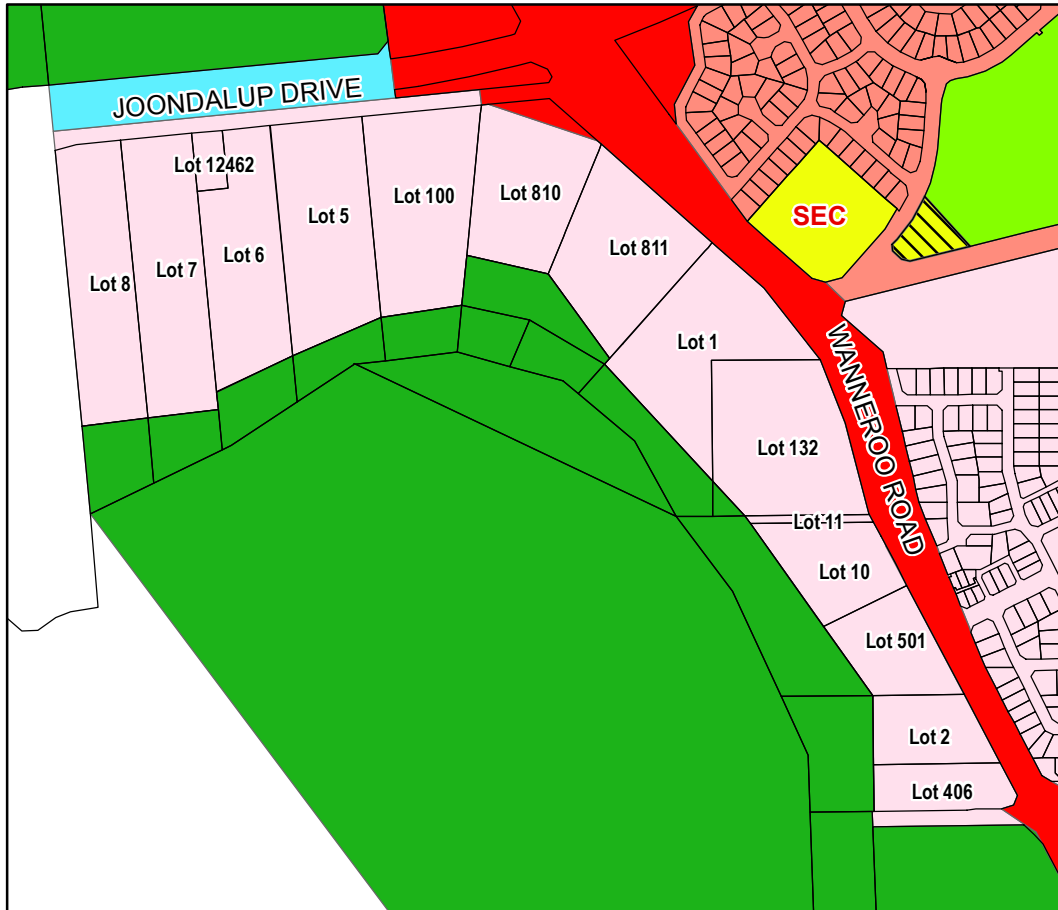
10. Designating Lot 6 (43), Lot 7 (53) and Lot 8 (61) Drovers Place, Wanneroo as Special Use area '2-6' on the Scheme Map, as shown in **Attachment 1**.

11. Designating Lot 12462 (47) Drovers Place, Wanneroo as Special Use area '2-7' on the Scheme Map, as shown in **Attachment 1**.
12. Designating Lot 100 (25) Drovers Place, Wanneroo as Special Use area '2-8' on the Scheme Map, as shown in **Attachment 1**.
13. Designating Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road, Wanneroo as Special Use area '2-9' on the Scheme Map, as shown in **Attachment 1**.
14. Inserting Clause 5.5.1.1 (b) in the Scheme as follows:

(b) Special Control Areas shown on the Scheme Map as SCA with a number and included in Schedule 19.
15. Amending the Scheme Map to identify all lots referred to in Items 1-5 above as 'SCA No. 1', as shown in **Attachment 1**.
16. Inserting a new Schedule 19 "Special Control Areas" in the Scheme as shown in **Attachment 2**.
17. Inserting a definition for the 'Costume Hire' land use in Schedule 1 of the Scheme as follows:

Costume Hire : means land or buildings used for the hire of clothing, and may include the display of some items of clothing.

CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2 AMENDMENT No. 150



LEGEND

MRS RESERVE

- PUBLIC PURPOSE
- SEC - STATE ENERGY COMMISSION
- PARKS & RECREATION
- PRIMARY REGIONAL ROAD
- OTHER REGIONAL ROAD

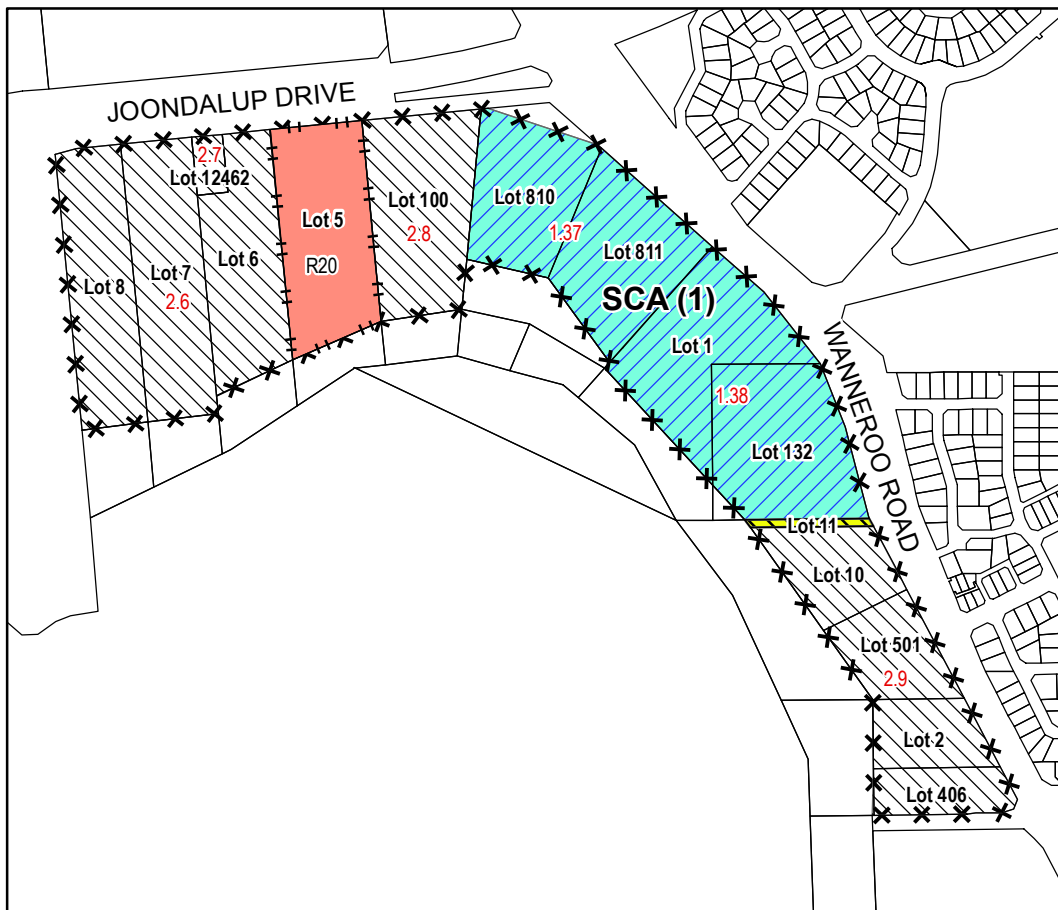
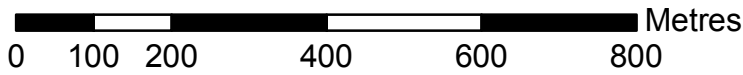
LOCAL SCHEME RESERVE

- PUBLIC USE

ZONE

- PRIVATE CLUBS & RECREATION
- RESIDENTIAL
- URBAN DEVELOPMENT

EXISTING ZONE



LEGEND

- 1.38 ADDITIONAL USE
- BUSINESS
- PUBLIC USE
- RESIDENTIAL (R20)
- SPECIAL CONTROL AREA SCA (1)
- 2.8 SPECIAL USE

Scheme (Amendment) Map

Attachment 2

**Proposed New Schedule 19 to DPS 2
(Item 16 relates)**

Refer Overleaf

Schedule 19 (Clause 5.5.1.1 (b)) – Special Control Areas

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
SCA 1	<p>Lot 100 (25), Lot 5 (33) Lot 6 (43), Lot 12462 (47), Lot 7 (53) and Lot 8 (61) Drovers Place, Wanneroo</p> <p>Portion Lot 810 (1397), Lot 811 (1387), Lot 1 (1369), Lot 132 (1351), Lot 11 (1349), Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road, Wanneroo</p>	<p>1.0 General Special Control Area Provisions</p> <p>The following provisions apply in this Special Control Area. Where any inconsistency arises between any Special Provision of this Schedule and the General Provisions of the Scheme, then the provision of this Schedule shall prevail to the extent of that inconsistency.</p> <p>1.1 Land Use Definitions</p> <p>In addition to the definitions prescribed in Schedule 1, the land use definitions for 'Growers Mart', 'Large Format Category/Theme Based Showroom' and 'Retail Nursery' provided in Schedule 2 – Section 1 (Additional Use numbers 1-37 and 1-38) shall also be read in conjunction with the provisions of this Special Control Area.</p> <p>1.2 Objectives of the Special Control Area</p> <p>The general objectives of this Special Control Area are as follows:</p> <ul style="list-style-type: none"> a) Guide subdivision and provide for a variety of appropriate land uses and development, where proposals will have high exposure to Yellagonga Regional Park, Wanneroo Road, Drovers Place and Joondalup Drive; b) Facilitate adaptive built form that maintains a visual relationship with and provides pedestrian access to Yellagonga Regional Park; c) To protect and enhance the environmental, heritage, and landscape values of the Special Control area and adjacent Yellagonga Regional Park; and <p>1.3 Local Development Plan Requirements</p> <p>1.3.1 Local development plans prepared for this Special Control Area shall be consistent with the objectives as outlined in Clause 1.2 of this Schedule.</p> <p>1.3.2 Subdivision and development of land within the Special Control Area shall be in accordance with local development plans approved by the local government pursuant to the General Provisions of the Scheme. The local government shall not accept a local development plan that is geographically smaller than:</p> <ul style="list-style-type: none"> • Special Control Area 1 (a) – the extent of which is prescribed in Clause 2.1 of this Schedule;

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<ul style="list-style-type: none"> • Special Control Area 1 (b) – the extent of which is prescribed in Clause 3.1 of this Schedule; and • Special Control Area 1 (c) – the extent of which is prescribed in Clause 4.1 of this Schedule; <p>1.3.3 The local government will not support subdivision or approve development within the Special Control Area in the absence of a local development plan, unless it is satisfied that:</p> <ul style="list-style-type: none"> a) The subdivision proposed is for the amalgamation of lots or part lots, or is for the consolidation of land for "superlot" purposes to facilitate land assembly for development. b) The development proposed is of a scale and permanence that will not prejudice the design of the local development plan, the timely provision of infrastructure and services to the area; or other development on land within and adjoining the Special Control Area. <p>1.3.4 Pursuant to the General Provisions of the Scheme, the local development plan shall be advertised to members of the public and government agencies in accordance with the General Provisions of this Scheme.</p> <p>1.3.5 In addition to any general matters required to be included within a local development plan under the General Provisions of this Scheme, local development plans for the Special Control Area shall illustrate, as a minimum, the following where applicable:</p> <ul style="list-style-type: none"> a) Detailed site analysis including topography, vegetation, tree survey, view corridors, and microclimate. The vegetation analysis and tree survey shall clearly identify and justify the extent of: <ul style="list-style-type: none"> i. Any clearing that is proposed during the subdivision and/or development stages; and ii. Vegetation that will be retained and managed at the subdivision and development stages. b) Final road alignments, open space, and indicative lot configuration; c) Cross section detail showing dimensions of pavement, parking, verge, paths, road reserve, and indicative landscaping;

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<ul style="list-style-type: none"> d) Footpaths and shared paths, linking with Yellagonga Regional Park; e) Special road treatments, such as shared spaces and pedestrian crossings; f) Integration of landscaping and public realm with Yellagonga Regional Park; g) Principles of landscape design; h) Maintenance of visual relationship with Yellagonga Regional Park; i) Permitted setbacks and heights; j) Built form envelopes showing mandatory and desirable active frontages, access locations, and main entries; k) Built form requirements relating to solar passive design, such as cross ventilation, shading, access to winter sun, etc; l) Residential and noise sensitive buildings to be designed in accordance with the values listed in relevant Australian Standards; m) Fencing; n) Signage; o) Earthworks plan with indicative design levels and likely extent of retaining walls; and p) Other requirements as provided in the Table included in Clause 1.7 of this Schedule. <p>1.4 Compatible-Use Wetland Buffers</p> <p>1.4.1 Areas designated as a compatible-use wetland buffer in the Plan included in this Schedule shall preclude development, however will allow low-impact uses, including:</p> <ul style="list-style-type: none"> (a) Water sensitive urban design best management practices; (b) Passive recreational facilities as deemed appropriate by the local government; (c) Amenity landscaping utilising locally native species; and (d) Other low-impact uses as deemed appropriate by the local government in consideration of the advice from relevant government agencies.

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<p data-bbox="703 275 1417 461">1.4.2 Any application for development or subdivision within or adjacent to the compatible use wetland buffer shall be supported by a Wetland Management Plan that incorporates the following to the satisfaction and specification of the local government:</p> <ul style="list-style-type: none"> <li data-bbox="799 495 1417 613">a) A concept plan showing the location of wetland compatible uses to be included within the buffer area, and those areas to be rehabilitated with native vegetation; <li data-bbox="799 647 1417 734">b) A re-vegetation plan to provide for the planting of native vegetation within the wetland buffer area. <li data-bbox="799 768 1166 799">c) Midge management plans; <li data-bbox="799 833 1398 864">d) Fertiliser and irrigation management plan; and <li data-bbox="799 898 1417 1193">e) Urban Water Management Plan demonstrating: <ul style="list-style-type: none"> <li data-bbox="831 954 1417 1041">i. Onsite retention and treatment of all stormwater up to the one year critical duration rainfall event; <li data-bbox="831 1043 1417 1104">ii. Attenuation of peak flows to pre-clearing levels; and <li data-bbox="831 1106 1417 1193">iii. The use of appropriate water sensitive urban design structural controls to achieve above design criteria. <p data-bbox="603 1227 1018 1258">1.5 High Groundwater Areas</p> <p data-bbox="703 1292 1417 1411">1.5.1 The local government shall not support subdivision or approve development on land that is shown as a 'High Groundwater Area' on the Plan included in this Schedule, unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li data-bbox="799 1444 1417 1653">a) Finished floor levels, without the use of a controlled groundwater level, can be achieved that have 1.2 metre separation from historical maximum groundwater levels and 0.5 metre separation from 100 Year Average Recurrence Interval (ARI) Top Water Level in flood storage areas; <li data-bbox="799 1686 1417 1774">b) The introduction of fill to achieve (a) will not present any interruption to flood water flows in the 100 Year ARI flood event; <li data-bbox="799 1807 1417 1895">c) The introduction of fill to achieve (a) will coordinate with natural levels at the common boundary with Yellagonga Regional Park; <li data-bbox="799 1928 1417 2045">d) Batters arising from introduced fill shall result in no retaining walls greater than one metre required, and that batters can be revegetated to prevent future erosion;

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<p>e) Fill introduced to the site shall be clean of Phytophthora dieback, weeds and accredited as such;</p> <p>f) All stormwater up to and including the 1 Year ARI critical duration event shall be infiltrated at source and not conveyed through the drainage network to infiltration areas in open space or drainage reserves;</p> <p>g) Stormwater leaving the development site shall not exceed pre-development flow rates. All post development stormwater shall be attenuated on the development site and off-line from overland flow paths.</p> <p>1.5.2 The conditions above shall be demonstrated to the local government in the form of Urban Water Management Plans that incorporate an indicative earthworking plan, indicative design levels and modelling of 100 year flood levels for Lake Joondalup; in addition to any requirement or guidance issued by the local government and/or relevant government agencies.</p> <p>1.5.3 Urban Water Management Plans shall be finalised by the applicant and endorsed by the local government through a condition of subdivision or development, issued prior to commencement of any site works.</p> <p>1.6 Traffic Infrastructure Upgrades</p> <p>1.6.1 For development/subdivision on Lot 1 and Lot 132 Wanneroo Road, the local government shall apply a condition of development approval, or recommend a condition of subdivision approval, whereby that subdivider/developer, in consultation with MRWA, design and construct a four-way signal controlled intersection at the junction of Clarkson Avenue and Wanneroo Road, as indicated on the Plan included in this Schedule to the specification and satisfaction of the local government. Appropriate cost sharing arrangements between landowners and any other authority or person will be the subject of a separate agreement.</p> <p>1.6.2 It shall be a condition of any subdivision or development approval for Lots 6, 7 and 8 that the subdivider/developer shall, in consultation with MRWA, design and construct a three-way signal controlled intersection linking Drivers Place to Joondalup Drive as indicated on the Plan included in this Schedule, to the satisfaction of the local government. Appropriate cost sharing arrangements with the owners of Lots 810 and</p>

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<p>811, and Lots 1 and 132 Wanneroo Rd, based on their respective contribution to traffic using the intersection, shall be the subject of a separate agreement.</p> <p>1.6.3 The local government may with respect to Lots 810 and 811, and Lots 1 and 132 Wanneroo Road:</p> <ul style="list-style-type: none"> a) Apply a condition of development approval, or recommend a condition of subdivision approval, which requires the owner to make an appropriate contribution to the cost of constructing the intersection referred to in Clause 1.6.2; or b) Refuse to approve any development application unless and until an appropriate cost sharing arrangement has been made for the cost of constructing the intersection referred to in Clause 1.6.2 above. <p>1.7 Planning Framework</p> <p>Prior to a local development plan, subdivision or development being supported in the Special Control Area, the local government will require the preparation and approval of the strategies, management plans and works specified in the 'Special Control Area No. 1 Table', included in this Schedule.</p>

Special Control Area No. 1 Table (Clause 1.7 of Schedule 19 Relates)

Issue	In Local Development Plan	With Lodgement of Subdivision/ Development Application	Subdivision/ Development Condition	During Development	Comment
MOVEMENT					
Traffic Reports	•		•		
Dual Use Path	•		•		The dual use path shall be designed and constructed: <ul style="list-style-type: none"> • To the specification and satisfaction of the local government, • Generally where shown on the Plan included in this Schedule; and • Be preserved within public land or an easement in gross in favour of the public.
ENVIRONMENT AND ECOLOGY					
Wetland Management		Only if required under Clause 1.4 of this Schedule	•	•	
Site Contamination			•		Prior to commencement of site works on Lot 5 Drovers Place and Lots 1, 10 and 132 Wanneroo Road, investigation for soil and groundwater contamination is to be carried out to the specifications of the relevant agencies. Any remediation works, including validation of remediation, is to be completed to the specifications of the relevant agencies prior to the commencement of any site works.

Special Control Area No. 1 Table (Clause 1.7 of Schedule 19 Relates)

Issue	In Local Development Plan	With Lodgement of Subdivision/ Development Application	Subdivision/ Development Condition	During Development	Comment
Acid Sulfate Soils			•	•	Acid sulfate soils investigations are required at the subdivision and development stages of the planning process. The submission of an acid sulfate soils self-assessment form and preparation of an acid sulfate soils management plan is required as a condition of subdivision and planning approval for proposals in moderate to high acid sulfate soil risk areas.
Urban Water Management	•	•		•	An Urban Water Management Plan is to be prepared to the specifications of the relevant government agencies. The Urban Water Management Plan should include construction of identified wastewater, stormwater and groundwater management systems. The Urban Water Management Plan once endorsed by the local government is to be implemented by the landowner.
Dieback Management Plan	•		•	•	The Dieback Management Plan shall include protocols and guidance to prevent construction works introducing dieback to Yellagonga Regional Park.
Fire Management Plan	•		•	•	

Special Control Area No. 1 Table (Clause 1.7 of Schedule 19 Relates)

Issue	In Local Development Plan	With Lodgement of Subdivision/ Development Application	Subdivision/ Development Condition	During Development	Comment
Midge Management Plan	•		•	•	The Midge Management Plan is to include control measures, provisions for signage to be maintained during lot sales, and notifications on title to warn of midge nuisance in the area.
Landscaping	•		•	•	Landscaping plans shall ensure that Yellagonga Regional Park is not adversely affected by weed invasion, fertilisers or the spread of dieback from their lots. Flora species known to be invasive or environmentally damaging are not to be used and only local native plants may be used for landscaping.
INFRASTRUCTURE					
Earthwork and Contours			•	•	Earthworks shall avoid the need to provide retaining walls greater than one metre in height, as well as providing for landscaping to soften the impact of retaining walls facing Yellagonga Regional Park.
Uniform Fencing			•	•	Uniform fencing adjacent to Yellagonga Regional Park and Wanneroo Road shall be provided to the satisfaction of the local government.

Special Control Area No. 1 Table (Clause 1.7 of Schedule 19 Relates)

Issue	In Local Development Plan	With Lodgement of Subdivision/ Development Application	Subdivision/ Development Condition	During Development	Comment
HERITAGE					
Ethnographic Survey			•	•	Site protocols shall be developed to manage archaeological sites or assets should they be identified.
Historical Buildings			•	•	Any development or subdivision likely to impact upon historical buildings shall be considered in accordance with the recommendations of the local government's Municipal Heritage Inventory or satisfactory equivalent.

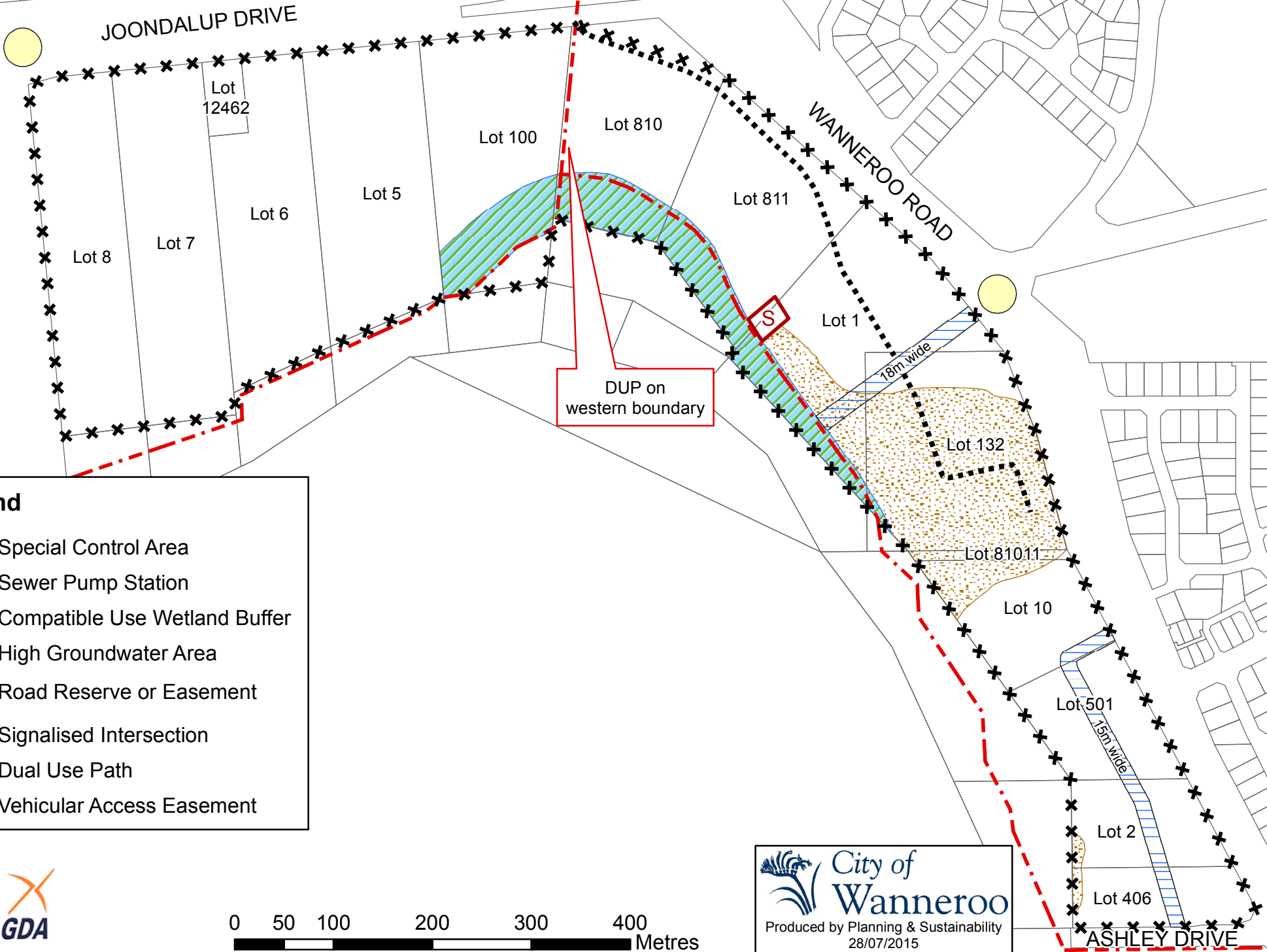
NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
SCA 1 (cont'd)		<p>2.0 Special Control Area Provisions – SCA No. 1 (a)</p> <p>2.1 Extent of Special Control Area 1 (a):</p> <p>Special Control Area 1 (a) incorporates the following lots:</p> <ul style="list-style-type: none"> • Lot 100 (25), Drovers Place, Wanneroo • Lot 5 (33) Drovers Place, Wanneroo • Lot 6 (43) Drovers Place, Wanneroo • Lot 12462 (47) Drovers Place, Wanneroo • Lot 7 (53) Drovers Place, Wanneroo • Lot 8 (61) Drovers Place, Wanneroo <p>2.2 Intent of Special Control Area 1 (a)</p> <p>The intent of Special Control Area 1 (a) is to provide for a diverse precinct of community education and private recreation uses that integrate with the environment of Yellagonga Regional Park.</p> <p>2.3 Development and Application Requirements</p> <p>2.3.1 The design of development adjacent to the Yellagonga Regional Park shall limit the visual impact of site levels, retaining walls, and fencing. Visually impermeable fencing and/or retaining walls above one metre in height shall be prohibited adjacent to Yellagonga Regional Park.</p> <p>2.3.2 Development shall be designed at a scale and level that would render it unobtrusive from the Yellagonga Regional Park boundary and shall be screened from the park by way of local native vegetation.</p> <p>2.3.3 A traffic impact assessment shall be prepared and submitted in consultation with surrounding landowners as part of any application for development approval submitted for an Education Establishment on Lots 6, 7 and 8 Drovers Place. Any proposal shall be advertised for public comment, prior to the issue of a development approval. The traffic assessment shall include consideration for the needs of the Department of Fire and Emergency Services building on Lot 12462 Drovers Place and accommodate a dedicated emergency access from Drovers Place onto Joondalup Drive.</p> <p>3.0 Special Control Area Provisions – SCA No. 1 (b)</p> <p>3.1 Extent of Special Control Area 1 (b):</p> <p>Special Control Area 1 (b) incorporates the following lots:</p> <ul style="list-style-type: none"> • Portion Lot 810 (1397) Wanneroo Road, Wanneroo • Lot 811 (1387) Wanneroo Road, Wanneroo

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<ul style="list-style-type: none"> • Lot 1 (1369) Wanneroo Road, Wanneroo • Lot 132 (1351) Wanneroo Road, Wanneroo • Lot 11 (1349) Wanneroo Road, Wanneroo <p>3.2 Intent of Special Control Area 1 (b)</p> <p>The intent of Special Control Area 1 (b) is as follows:</p> <p>a) The intent for the Business Zone as outlined in Clause 3.6.1 of this Scheme; and</p> <p>b) To provide a built form that respects and recognises the environment of Yellagonga Regional Park.</p> <p>3.3 Land Use Parameters</p> <p>3.3.1 The permissibility of 'Shop' is provisional on the parameters outlined in Schedule 2 – Section 1 (Additional Use number 1-37) of this Scheme.</p> <p>3.3.2 A use that is less than 10% of the floorspace of a use is permissible as part of that use (irrespective of its permissibility if considered as a separate use) provided it is ancillary and subordinate to the dominant use. The local government may exercise discretion and grant Planning Approval for ancillary and subordinate uses that exceed 10% of floor area, provided the local government is satisfied that the use is genuinely ancillary and subordinate to the dominant use.</p> <p>3.4 Development Requirements</p> <p>3.4.1 Development adjacent to the Yellagonga Regional Park shall coordinate with natural levels at the common boundary with Yellagonga Regional Park to minimise the visual impact of site levels, retaining walls, and fencing. Retaining walls above one metre in height shall be discouraged.</p> <p>3.4.2 The location and design of buildings, access ways and footpaths shall provide for view corridors to the Yellagonga Regional Park.</p> <p>3.4.3 The bulk and scale of any future development shall have regard for preserving the views, significance and character of and visual relationship to Yellagonga Regional Park.</p> <p>3.4.4 A connected vehicular access shall be provided at the time of subdivision or development, generally where shown on the Plan enclosed in this Schedule. The vehicular access shall then be preserved by an easement in gross in favour of the public at large.</p>

NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<p>3.4.5 The owner of Lot 1 Wanneroo Road shall provide vehicular access to the existing sewer pumping station and pressure main located along the northern boundary of the site. Any alternative arrangement for access will require the consent of the relevant parties in writing, prior to the local government approving any local development plan, or supporting any subdivision or development on Lot 1.</p> <p>3.4.6 Service areas shall be integrated within the development and designed to minimise any negative visual impacts along the interface with the Yellagonga Regional Park and Wanneroo Road. All service areas shall be appropriately screened from the public realm.</p> <p>3.4.7 Hardscape shall provide for reduction of impervious area to facilitate water sensitive design.</p> <p>3.4.8 Building façades shall be of a high architectural standard utilising brick, masonry, concrete and glazing and include colour schemes sympathetic to the natural environment.</p> <p>3.4.9 Buildings are to be designed to suit local climatic conditions, be energy efficient and designed to help reduce the risk and fear of crime.</p> <p>3.4.10 New buildings are to be of a quality of architectural design that is consistent with the role, setting and natural character of the Special Control Area.</p> <p>3.4.11 Buildings are to provide opportunities for passive surveillance and be sited to enable and encourage pedestrian access to Yellagonga Regional Park. This may include glazing and seating or alfresco areas to integrate development with the Yellagonga Regional Park.</p> <p>3.4.12 A minimum of eight percent of a site shall be provided as landscaping in addition to the Compatible-Use Wetland Buffer defined in the Plan included in this Schedule.</p> <p>4.0 Special Control Area Provisions – SCA No. 1 (c)</p> <p>4.1 Extent of Special Control Area 1 (c):</p> <p>Special Control Area 1 (c) incorporates the following lots:</p> <ul style="list-style-type: none"> • Lot 10 (1327) Wanneroo Road, Wanneroo • Lot 501 (1321) Wanneroo Road, Wanneroo • Lot 2 (1303) Wanneroo Road, Wanneroo • Lot 406 (1297) Wanneroo Road, Wanneroo

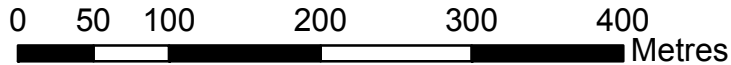
NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
		<p>4.2 Intent of Special Control Area 1 (c)</p> <p>The intent of Special Control Area 1 (c) is to provide for single dwellings in a natural landscape setting, whilst protecting adjacent natural assets.</p> <p>4.3 Subdivision and Development Provisions</p> <p>4.3.1 The minimum lot size shall not be less than 2,000sqm, and subdivision shall be in accordance with a certified local development plan.</p> <p>4.3.2 All lots shall be connected to a reticulated sewage system.</p> <p>4.3.3 With the exception of a suitable access driveway, development (including earthworks) shall be located within the building envelope identified on the approved local development plan.</p> <p>4.3.4 No vegetation shall be cleared or removed outside the building envelope, or that area used for an approved vehicular access, without the prior approval of the local government.</p> <p>4.3.5 Development shall be designed at a scale and level that would render it unobtrusive from the Yellagonga Regional Park boundary and shall be screened from the park by way of local native vegetation.</p> <p>4.4 Specific Local Development Plan Requirements</p> <p>In addition to any matters required to be included within a local development plan under the General Provisions of this Scheme and Clause 1.3.6 of this Schedule, a local development plan for Special Control Area 1 (c) shall illustrate the following:</p> <p>a) Building envelopes on lots to be created through subdivision, to a maximum area of 800sqm. Up to three building envelopes may be proposed on a single lot, provided the total land area of all envelopes does not exceed 800sqm.</p>

SPECIAL CONTROL AREA No.1



Legend

- ✕ ✕ ✕ Special Control Area
- S Sewer Pump Station
- Compatible Use Wetland Buffer
- High Groundwater Area
- Road Reserve or Easement
- Signalised Intersection
- - - - Dual Use Path
- Vehicular Access Easement



City of Wanneroo
 Produced by Planning & Sustainability
 28/07/2015

ASHLEY DRIVE

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 150

SCHEME AMENDMENT REPORT

Amendment No. 150 to District Planning Scheme No. 2

Explanatory Report



1. Introduction

1.1 Land Detail of Amendment Area

The location of the land parcels subject to Amendment No. 150 of the City's District Planning Scheme No. 2 (DPS 2) is outlined in the plan included in **Figure 1**. The property descriptions of the land subject to Amendment No. 150 are as follows:

- Lot 100 (25) Drovers Place, Wanneroo
- Lot 5 (33) Drovers Place, Wanneroo
- Lot 6 (43) Drovers Place, Wanneroo
- Lot 12462 (47) Drovers Place, Wanneroo
- Lot 7 (53) Drovers Place, Wanneroo
- Lot 8 (61) Drovers Place, Wanneroo
- Portion Lot 810 (1397) Wanneroo Road, Wanneroo
- Lot 811 (1387) Wanneroo Road, Wanneroo
- Lot 1 (1369) Wanneroo Road, Wanneroo
- Lot 132 (1351) Wanneroo Road, Wanneroo
- Lot 11 (1349) Wanneroo Road, Wanneroo
- Lot 10 (1327) Wanneroo Road, Wanneroo
- Lot 501 (1321) Wanneroo Road, Wanneroo
- Lot 2 (1303) Wanneroo Road, Wanneroo
- Lot 406 (1297) Wanneroo Road, Wanneroo

The land subject to the amendment is bounded by Wanneroo Road to the east, Ashley Road to the south, Joondalup Drive to the north and the Yellagonga Regional Park to the west. The description of the current uses being carried out on the land subject to the amendment are summarised in the subsections of Section 3.1 of this Report.

The subject land parcels are currently zoned 'Urban Development' under DPS 2 and 'Urban' under the Metropolitan Region Scheme.

1.2 Reason and Purpose for the Amendment No. 150 Proposal

The preparation of Amendment No. 150 was prompted by correspondence received from the Western Australian Planning Commission (WAPC) on 8 April 2015. In that correspondence, the WAPC requested the City consider initiating an amendment to District Planning Scheme No. 2, to normalise the zoning of the ASP 80 area under the local planning scheme (DPS 2).

The City of Wanneroo has prepared Amendment No. 150 to its District Planning Scheme No. 2 (DPS 2) to:

- Normalise the zoning of the land parcels within the existing City of Wanneroo Drovers Place Precinct Agreed Structure Plan No. 80 (ASP 80);
- Create a Special Control Area over the entire Amendment No. 150 area, as a mechanism to impose (and transfer into DPS 2) existing ASP 80 development standards and requirements; and
- Revoke the existing ASP 80 pursuant to DPS 2.

While this last point is not part of this proposed Scheme amendment as such, final approval of the Amendment No. 150 will render ASP 80 redundant. The revocation of ASP 80 should therefore be considered supplementary to the amendment.

Figure 1

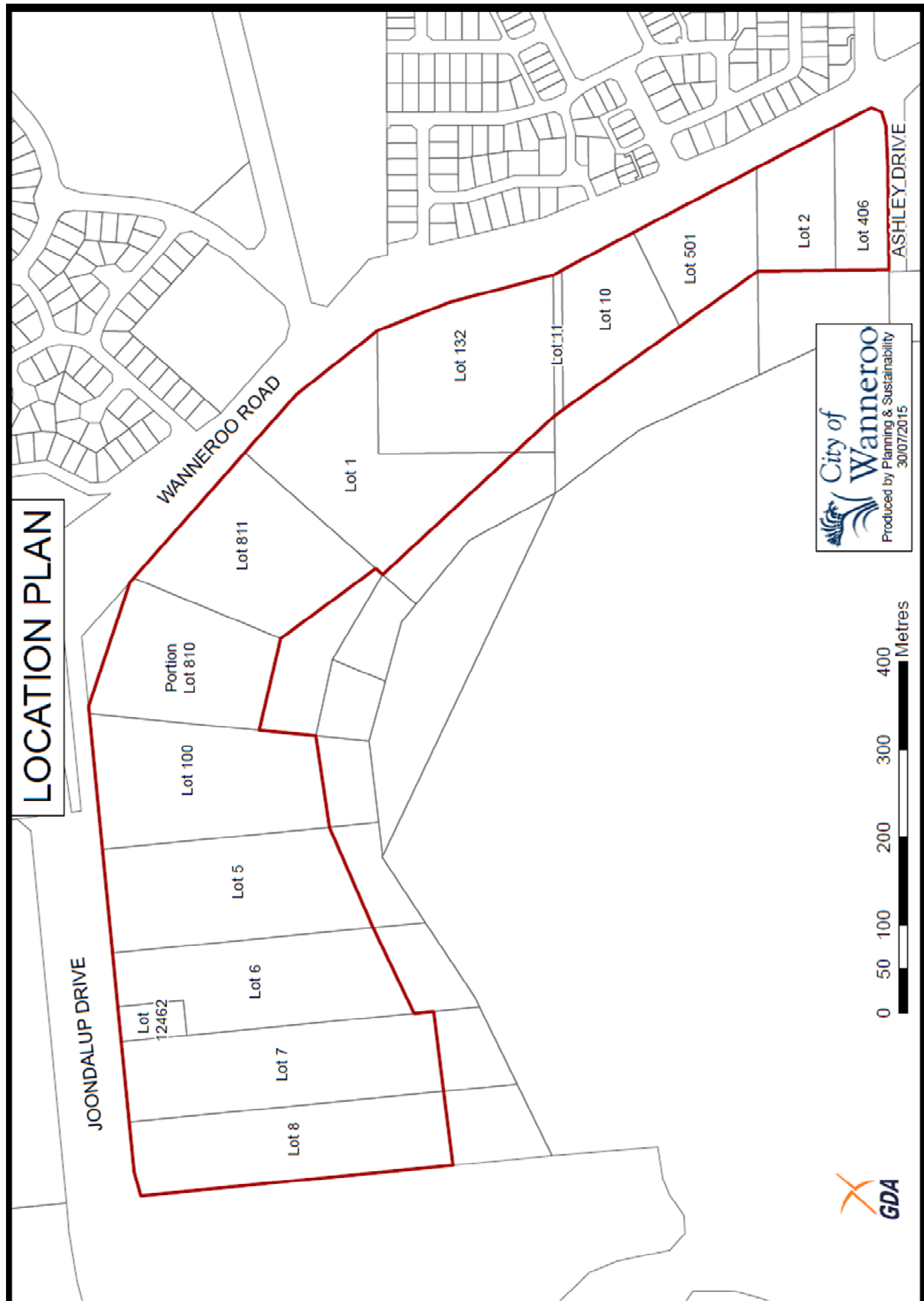
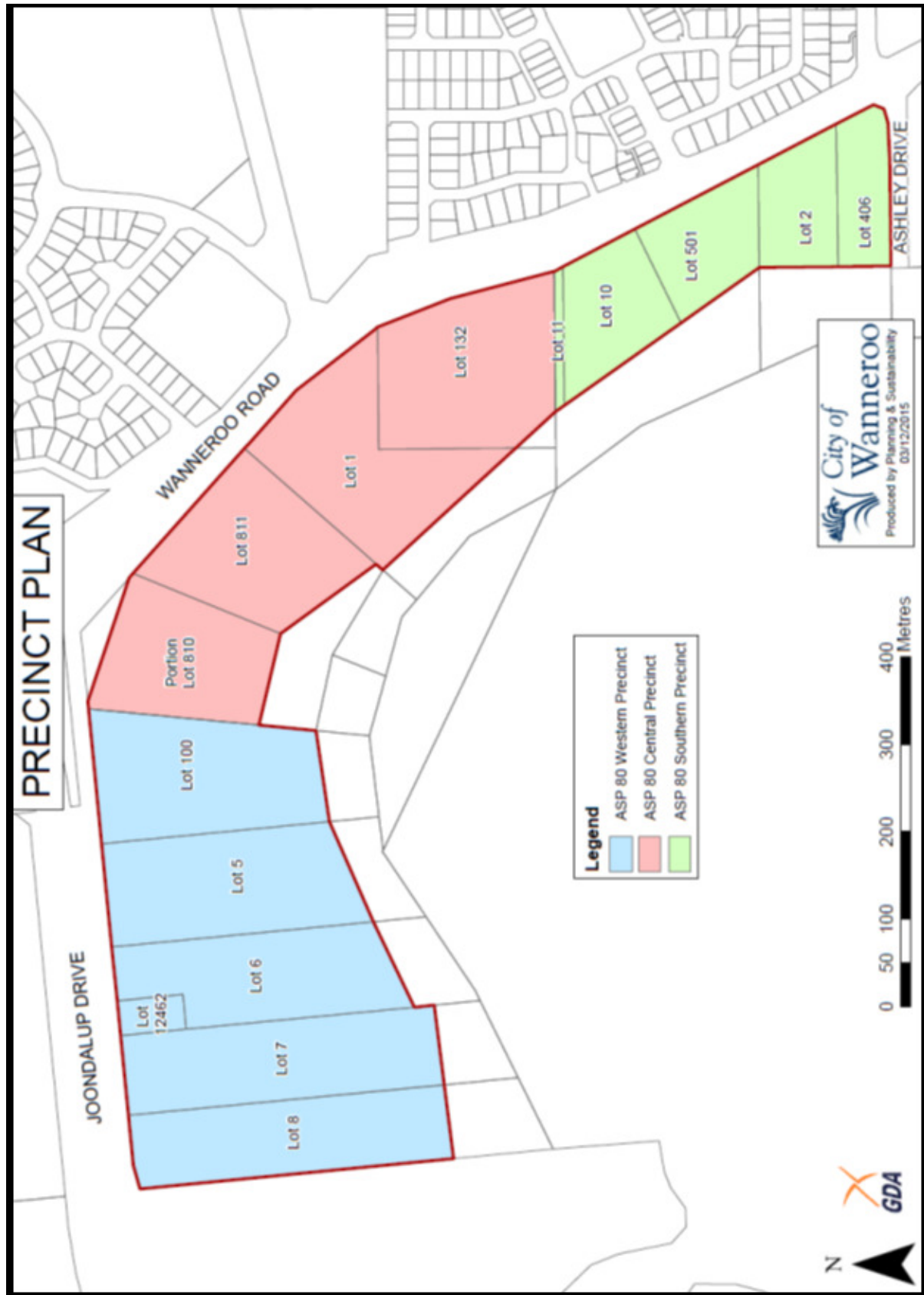


Figure 2



2. Background on Current Structure Plan and Recent Amendments

2.1 Adoption of Agreed Structure Plan No. 80

ASP 80 was adopted and agreed on 22 October 2013, and immediately superseded a preceding structure plan over the subject land (Structure Plan No. 47).

The formulation of ASP 80 was a result of a review of Structure Plan No. 47, driven by the WAPC and the City. The purpose of reviewing Structure Plan No. 47 was to consider land use permissibility, appropriate environmental controls, infrastructure provision and traffic management.

ASP 80 defines three precincts, each having their own land use permissibility and objectives. The key elements of the three precincts are outlined below:

- The Western Precinct recognises the existing aged person's development, recreational facilities and fire station. The ASP 80 objectives and provisions relating to the Western Precinct set out to accommodate discretionary uses associated with community, tourism, cultural, and educational activities; whilst ensuring that the visual amenity and natural environment of the adjacent Yellagonga Regional Park is not adversely impacted.
- The Central Precinct was depicted as a 'Special Use' zone and was initially intended to incorporate niche businesses. Planning of the Central Precinct sought to prohibit land uses that may compete with the planned activity centres in the locality, or which could adversely impact on the visual amenity and natural environment of the adjacent Yellagonga Regional Park.
- The Southern Precinct sets out the framework for the development of a 'special residential' area, providing for single dwellings in a natural landscape setting. Development provisions were proposed to manage impacts of development on Yellagonga Regional Park and to minimise the impact of midge nuisance on future residents.

The locations of the three precincts are depicted on the plan included as **Figure 2**. Amendment No. 150 seeks to retain the character and intent of each of the ASP 80 precincts as much as practicable.

2.2 Recent and Current Amendments to ASP 80

The City's Council has recently considered Amendment No. 2, Amendment No. 3, Amendment No. 4 and Amendment No. 5 to ASP 80. A summary of the following is provided for in the subsections below:

- The status of each of the ASP 80 amendments mentioned above;
- What each amendment to ASP 80 entails; and
- How the ASP 80 amendments influence and affect the preparation of this proposed DPS 2 amendment.

2.2.1 Considerations of Amendment No. 2 to ASP 80

Amendment No. 2 to ASP 80 was lodged with the intention to change the zoning on Lot 6 (43), Lot 7 (53) and Lot 8 (61) Drovers Place, Wanneroo from 'Special Use' to Residential (R20-R60). The intent of the amendment was for these lots to accommodate residential development – rather than an Education Establishment as was previously intended by the landowners.

Council considered Amendment No. 2 at its 26 May 2015 Council Meeting. At that meeting, Council resolved **not** to adopt the amendment for the following reasons:

- a) The proposed residential density is considered to be excessive in view of the environmental significance of Lake Joondalup and the Yellagonga Regional Park and ridge management issues associated with the area; and*
- b) The proposal is considered to generate excessive traffic that cannot be accommodated on the local road network and the arrangements for vehicle access are considered to be unsatisfactory.*

The applicant then requested that the matter be reconsidered by Council at its meeting of 21 July 2015. At that meeting, Council reaffirmed its previous decision from the 26 May 2015 Meeting.

The applicant did not express an interest to pursue their right to review of the matter at the State Administrative Tribunal (SAT). As such, the City does not consider that a conflict could arise between Council's decision not to adopt Amendment No. 2 and the initiation of Amendment No. 150 by Council.

2.2.2 Considerations of Amendment No. 3 to ASP 80

Amendment No. 3 to ASP 80 was lodged with the intention to change the land use permissibility of the 'Medical Centre' and 'Pharmacy' land uses on Lot 810 (1397) and Lot 811 (1387) Wanneroo Road, Wanneroo.

To accommodate the land use permissibility modifications, Amendment No. 3 also proposed to modify the Statement of Intent. The Statement of Intent that was initially proposed was derived from the language used in the City's Local Planning Policy 3.2: Activity Centres (LPP 3.2), to define 'out-of-centre' development.

Council at its 3 February 2015 meeting adopted Amendment No. 3; and resolved for the amendment to be forwarded to the WAPC for its consideration. On 7 April 2015, the WAPC advised Administration that it had adopted Amendment No. 3 subject to modifications. The modifications required:

- Make permissible the 'Medical Centre' and 'Pharmacy' land uses on not only Lot 810 and Lot 811, but also Lot 1 and Lot 132; and
- A modification to the Statement of Intent, to use the language derived for the Intent of the 'Business' zone, as specified in Clause 3.6.1 of DPS 2. This modification was required to coincide with a request from the WAPC to rezone the ASP 80 Central Precinct to Business – as outlined in Section 1.2 of this Report.

A revised amendment document was then prepared in light of the WAPC modifications, which was then adopted by Council at its meeting of 26 May 2015. Amendment No. 3 was then finally adopted and agreed on 16 July 2015.

The City does not consider that a conflict could arise between the final adoption of Amendment No. 3 and the initiation of Amendment No. 150 by Council.

2.2.3 Considerations of Amendment No. 4 to ASP 80

Amendment No. 4 to ASP 80 affects Lot 810 (1397) and Lot 811 (1387) Wanneroo Road, Wanneroo.

The amendment was initially considered by Council at its 14 October 2014 meeting. At that meeting, Council resolved to adopt Amendment No. 4 (subject to modifications), and for the amendment documentation to be forwarded to the WAPC for its determination. However, after Council's decision, the applicant exercised their rights to seek a review of Council's decision on Amendment No. 4 at the SAT.

The matter was reviewed through Mediation at the SAT, where it was agreed between the parties that a modified Amendment No. 4 would be prepared in a form that assumes adoption of the revised Amendment No. 5 proposal, and proposes modifications to ASP 80 beyond those contemplated in Amendment No. 5 (refer to discussions in Subsection 2.2.4 below). The revised amendment proposal could then be considered again by Council.

Council received (and advertised) a revised Amendment No. 4, which was then considered at its 10 November 2015 meeting pursuant to the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). At that meeting, Council resolved to recommend to the WAPC that it approve Amendment No. 4, subject to modifications. Council's resolution recommended that the WAPC approve the amendment incorporating the following changes to ASP 80:

1. Modifying the growers mart definition;
2. Adding the following land uses as discretionary ('D') uses on Lot 810 and Lot 811:
 - Hire service;
 - Market (retail);
 - Motor vehicle repairs;
 - Self-storage units; and
 - Shop (the parameters proposed for this use prescribe a minimum retail net lettable area (NLA) per tenancy of 200m², a maximum retail NLA per tenancy of 1500m² and a maximum overall NLA of 3000m²).
3. Inserting a provision on 'Ancillary and Subordinate Uses' in the Central Precinct; and
4. Inserting additional provisions allowing the City to seek a contribution from the landowner of Lot 810 and Lot 811, for the installation of traffic signals at the Drovers Place/Joondalup Drive intersection.

The changes to DPS 2 proposed through Amendment No. 150 align with Council's decision on Amendment No. 4 to ASP 80. The City understands that a decision from the WAPC on Amendment No. 4 is pending.

2.2.4 Considerations of Amendment No. 5 to ASP 80

Amendment No. 5 to ASP 80 effects Lot 810 (1397), Lot 811 (1387), Lot 1 (1369) and Lot 132 (1351) Wanneroo Road, Wanneroo (the ASP 80 Central Precinct).

The amendment was initially considered by Council at its 31 March 2015 Meeting. At that meeting, Council resolved to adopt Amendment No. 5 (subject to modifications), and for the amendment documentation to be forwarded to the WAPC for its determination. On 29 May 2015, the WAPC advised Administration that it had adopted Amendment No. 5 subject to modifications. The implications of the WAPC decision have resulted in the amendment proposal prescribing the following changes to ASP 80:

1. Amending the general objectives included in Clause 7.0 of the structure plan to better respond to the ongoing planning of the structure plan area;
2. Rezoning the land within the Central Precinct from 'Special Use' to 'Business'. This rezoning was to then be reflected in changes to the ASP 80 text and map;
3. Land use permissibility in the Central Precinct being consistent with that of the Business Zone under the City's District Planning Scheme No. 2 (DPS 2). However, the WAPC decision also allows for additional uses to be permissible in the Central Precinct which are typically prohibited in the Business Zone under DPS 2;
4. The introduction of a new land use titled 'Large Format Category/Theme Based Showroom';
5. The Statement of Intent for the Central Precinct being amended to align with the Intent for the 'Business' Zone, outlined in Clause 3.6.1 of DPS 2; and
6. The introduction of a requirement for the landowner of Lot 1 and Lot 132 to pursue cost sharing arrangements with other nearby landowners and other government authorities for the design and construction of a four-way signalised intersection at the intersection of Wanneroo Road and Clarkson Avenue.

As the applicant was required to redraft the amendment in light of the WAPC decision, the applicant has taken the opportunity to make additional changes that were not previously sought or considered by either Council or the WAPC. Those changes relate to the development provisions applicable for the Central Precinct outlined in Table C (Section 3) of ASP 80.

At its 13 October 2015 meeting, Council considered a version of Amendment No. 5 that has been prepared in light of modifications required by the WAPC as well as the modifications to the development provisions pursued by the applicant. At that meeting, Council resolved to adopt the amendment, subject to modifications. The changes to DPS 2 proposed through Amendment No. 150 align with Council's decision on Amendment No. 5 to ASP 80.

The City understands that a decision from the WAPC on Amendment No. 5 is pending.

3. Detail and Rationale of Amendment No. 150

3.1 Normalising the Zoning of Land

As outlined in Section 1.2 of this Report, the purpose of Amendment No. 150 to DPS 2 is to normalise the zoning of the land parcels currently situated within ASP 80. How Amendment No. 150 proposes to normalise the zoning of the land parcels is outlined in the subsections below.

3.1.1 Normalising Zoning of Lot 6, Lot 7 and Lot 8 Drovers Place

Lot 6 (43), Lot 7 (53) and Lot 8 (61) Drovers Place are currently vacant, and are zoned 'Special Use' in ASP 80. The structure plan makes specific reference to the following land uses being discretionary ('D') on the subject lots:

- Art gallery
- Education establishment
- Public exhibition facility
- Restaurant

Although Amendment No. 2 to ASP 80 sought to rezone Lot 6, Lot 7 and Lot 8 to 'Residential', this amendment was not adopted by Council. Therefore, it is considered appropriate for the land use permissibility proposed through Amendment No. 150 to DPS 2 to coincide with the land use permissibility currently prescribed in ASP 80 – rather than to coincide with the zoning proposed in Amendment No. 2 to ASP 80. Should the landowner wish to pursue a 'Residential' zoning of Lot 6, Lot 7 and Lot 8 after final adoption of Amendment No. 150; this should be done through a further amendment to DPS 2.

Amendment No. 150 to DPS 2 proposes to normalise the zoning of these land parcels, so that these lots are zoned 'Special Use' in DPS 2 – rather than in ASP 80. Additions to Schedule 2 – Section 3 of DPS 2 (relating to 'Special Use' zones) are also proposed through Amendment No. 150, to prescribe the land uses as listed above as permissible on these lots.

3.1.2 Normalising Zoning of Lot 12462 Drovers Place

The Department of Fire and Emergency Services currently operate a fire and rescue station on Lot 12462 (47) Drovers Place. Lot 12462 is currently zoned 'Special Use' in ASP 80, with ASP 80 prescribing 'fire and emergency services' as a permissible use on the site.

As this site is in the ownership of the Department of Fire and Emergency Services, it is considered appropriate to maintain the same land use permissibility on Lot 12462 through Amendment No. 150, as is currently applied in ASP 80. Amendment No. 150 to DPS 2 proposes to normalise the zoning, so that this lot is zoned 'Special Use' in DPS 2 – rather than in ASP 80. As such, additions to Schedule 2 – Section 3 of DPS 2 are proposed through Amendment No. 150, to prescribe 'development in association with fire and emergency services' as permissible use Lot 12462.

3.1.3 Normalising Zoning of Lot 5 Drovers Place

Lot 5 (33) Drovers Place currently contains the Regents Garden retirement village. Lot 5 is currently zoned Residential under ASP 80, with an assigned density coding of R20. Amendment No. 150 to DPS 2 proposes to normalise the zoning, so that this lot is zoned 'Residential R20' in DPS 2 – rather than in ASP 80.

3.1.4 Normalising Zoning of Lot 100 Drovers Place

Lot 100 (25) Drovers Place currently contains a miniature golf course (private recreation), a café (restaurant) and reception facilities. Lot 100 is currently zoned 'Special Use' in ASP 80, with ASP 80 prescribing the following land uses as discretionary ('D'):

- Holiday village/resort
- Mast or antenna
- Private recreation
- Private exhibition facility
- Reception centre
- Restaurant

As this site contains many of the land uses listed above, it is considered appropriate to maintain the same zoning and land use permissibility on Lot 100 through Amendment No. 150, as is currently applied in ASP 80.

Amendment No. 150 to DPS 2 proposes to normalise the zoning, so that this lot is zoned 'Special Use' in DPS 2 – rather than in ASP 80. Additions to Schedule 2 – Section 3 of DPS 2 are also proposed through Amendment No. 150, to prescribe the land uses as listed above as permissible on this lot.

3.1.5 Normalising Zoning of Lot 810, Lot 811, Lot 1 and Lot 132 Wanneroo Road

Lot 1 (1369) is currently vacant. Lot 132 (1351) Wanneroo Road currently contains a dwelling, which is identified as 'Ernie Chitty House' on the City's Municipal Heritage Inventory. Lot 810 (1397) and Lot 811 (1387) are substantially developed for commercial purposes. Development on Lot 810 and Lot 811 currently accommodates the following land uses:

- Self-storage units
- Recreation centre (gym, indoor children's playground and swim school)
- Retail nursery
- Restaurants
- Growers mart
- Offices
- Veterinary consulting rooms
- Showroom

There is also Planning Approval granted on Lot 810 and Lot 811 for the establishment of a 'large-format liquor store', medical centre, pharmacy, additional showrooms and a car wash.

The four lots mentioned above are currently zoned 'Special Use' under ASP 80. Table C (Section 2) of ASP 80 then prescribes a list of land uses that are permitted ('P') or discretionary ('D') on these lots. Amendments No. 4 and No. 5 to ASP 80 incorporate changes that will significantly alter the land uses that would be permissible on the four lots.

Consistent with what is being sought through the amendments to ASP 80, Amendment No. 150 proposes to:

- Rezone these lots to 'Business' under DPS 2. The rezoning would also result in land use permissibility being consistent with that of the 'Business' zone under DPS 2; and
- Further to the dot point above – also make permissible the following additional uses, which are currently or (through Amendments No. 4 and No. 5 to ASP 80) proposed to be permissible on the subject lots:
 - Growers mart (Lot 810 and Lot 811 only)
 - Hire service (Lot 810 and Lot 811 only)
 - Large format category/theme based showroom
 - Motor vehicle repairs (Lot 810 and Lot 811 only)
 - Retail nursery
 - Shop (Lot 810 and Lot 811 only)
 - Storage yard (Lot 810 and Lot 811 only)

The land uses of 'growers mart', 'large format category/theme based showroom' and 'retail nursery' are unique to ASP 80, and are not defined in Schedule 1 of DPS 2. As these uses are proposed to be 'Additional Uses' on Lot 810, Lot 811, Lot 1 and Lot 132, definitions for these land uses are proposed for DPS 2 through this amendment be included as 'Conditions' in the DPS 2 Additional Uses schedule (Schedule 2 – Section 1).

Amendment No. 4 proposes that the 'Shop' land use would be permissible on Lot 810 and Lot 811. Amendment No. 150 also proposes to include 'Shop' as an 'Additional Use' permissible on Lot 810 and Lot 811, subject to the floorspace parameters proposed (through this amendment) to be included in the Additional Use table (Schedule 2 – Section 1 of DPS 2).

3.1.6 Normalising Reservation of Lot 11 Wanneroo Road

Lot 11 (1349) is Crown Land used for the purpose of drainage, and therefore it is unlikely that this lot will be further developed in the short to medium term.

ASP 80 does not zone Lot 11, but does identify this site as a 'Main Roads Drainage Swale'. To correlate with the intended use for this lot as expressed in ASP 80, Amendment No. 150 proposes to reserve this lot through DPS 2 as a 'Public Use' site, for the purpose of drainage.

3.1.7 Normalising Zoning of Lot 10, Lot 501, Lot 2 and Lot 406 Wanneroo Road

Lot 10 (1327), Lot 501 (1321), Lot 2 (1303) and Lot 406 (1297) Wanneroo Road are currently used for rural-residential purposes. These lots are zoned 'Special Residential' under ASP 80.

Table 1 of DPS 2 outlines 'cattery', 'child care centre' and 'consulting room' as discretionary ('D') in the Special Residential Zone. However, ASP 80 makes specific reference that these land uses are prohibited on the lots referred to in this subsection.

To achieve the same land use permissibility through DPS 2 as currently prescribed in ASP 80, Amendment No. 150 proposes to:

- Zone these lots 'Special Use'; and

- Include a land use permissibility condition in Schedule 2 – Section 3 of DPS 2 as follows:

Land use as per the Special Residential zone, with exception of the following which are not permitted ('X'):

- *Cattery*
- *Child Care Centre*
- *Consulting Room*

3.2 Transfer of ASP 80 Text Provisions into DPS 2

3.2.1 Application of the Special Control Area

Amendment No. 150 proposes to designate a Special Control Area over all the land parcels currently situated in ASP 80. The Special Control Area proposed will act as a mechanism for specific provisions and requirements affecting the subject land parcels (provisions and requirements currently in ASP 80) to be enforced through DPS 2. The City's justification in proposing a Special Control Area over the amendment area is provided in Section 4.1 of this Report.

Special Control Areas can already be designated and recognised under the provisions of DPS 2. However, the current DPS 2 provisions only allow recognition of Special Control Areas designated for the purpose of collecting development contributions. To achieve the outcome desired through this amendment, it was considered that the amendment needed to:

- a) Specify in DPS 2 that Special Control Areas can also be designated for the purpose of imposing specific development provisions and requirements for select land parcels;
- b) In the General Provisions of DPS 2 – refer to a new DPS 2 schedule that would accommodate the specific provisions and requirements for the type of Special Control Areas referred to in (a) above; and
- c) Introduce a new Schedule in DPS 2 to accommodate the Special Control Area provisions.

Through the new DPS 2 Schedule as proposed, Amendment No. 150 identifies three Special Control Area 'sub-areas' as follows:

Special Control Area 1 (a):

- Lot 100 (25), Drovers Place, Wanneroo
- Lot 5 (33) Drovers Place, Wanneroo
- Lot 6 (43) Drovers Place, Wanneroo
- Lot 12462 (47) Drovers Place, Wanneroo
- Lot 7 (53) Drovers Place, Wanneroo
- Lot 8 (61) Drovers Place, Wanneroo

Special Control Area 1 (b):

- Portion Lot 810 (1397) Wanneroo Road, Wanneroo
- Lot 811 (1387) Wanneroo Road, Wanneroo

- Lot 1 (1369) Wanneroo Road, Wanneroo
- Lot 132 (1351) Wanneroo Road, Wanneroo
- Lot 11 (1349) Wanneroo Road, Wanneroo

Special Control Area 1 (c):

- Lot 10 (1327) Wanneroo Road, Wanneroo
- Lot 501 (1321) Wanneroo Road, Wanneroo
- Lot 2 (1303) Wanneroo Road, Wanneroo
- Lot 406 (1297) Wanneroo Road, Wanneroo

The division of the Special Control Area corresponds to the three precincts currently identified in ASP 80. Special Control Area 1 (a) corresponds to the ASP 80 Western Precinct, Special Control Area 1 (b) corresponds to the ASP 80 Central Precinct and Special Control Area 1 (c) corresponds to the ASP 80 Southern Precinct. The new DPD 2 schedule is proposed to contain specific Statements of Intent and provisions for each 'sub-area', which are derived from the Statements of Intent and provisions pertaining to the three precincts as prescribed in ASP 80.

3.2.2 ASP 80 Objectives

Amendment No. 150 proposes to generally utilise the General Objectives currently prescribed in Clause 7.0 of ASP 80. These General Objectives – though modified for reasons as discussed in Section 4.2.1 of this Report – are proposed to be incorporated as Objectives for the Special Control Area, and be prescribed in the proposed new schedule of DPS 2.

3.2.3 Local Development Plan Requirements

Table A (Section 2) of ASP 80 contains specific requirements relating to the preparation, consideration and certification of detailed area plans. These provisions prescribe the following:

- The requirement for a detailed area plan to be prepared for each of the three identified precincts, generally prior to the commencement of subdivision or development;
- For a detailed area plan proposal to be advertised to the public and relevant government agencies prior to certification; and
- A list of the matters to be included on detailed area plans.

Amendment No. 150 proposes to incorporate the ASP 80 requirements for local development plans, and include those requirements into the proposed new schedule of DPS 2. Through what is proposed in Amendment No. 150, it is intended that the proposed new schedule of DPS 2 would then:

- Require local development plans to be prepared for each of the three Special Control Area 'sub-areas'. As is the case in ASP 80, a local development plan for each 'sub-area' would be required to be prepared and certified prior to the commencement of subdivision or development;
- Require a local development plan to be advertised to the public and relevant government agencies prior to approval; and

- A list of the matters to be included on local development plans, comparative to that included in ASP 80.

The Special Control Area provisions proposed for Amendment No. 150 make reference to 'local development plans' being approved, prior to further subdivision or development. Local development plans is a term applied in the *Planning and Development (Local Planning Schemes) Regulations 2015*, and replaces the term 'detailed area plan' that has previously been applied through DPS 2 and ASP 80.

3.2.4 Development Requirements in Compatible Use Wetland Buffers and High Groundwater Areas

Table A (Section 2) of ASP 80 contains specific provisions relating to development and subdivision on land identified within a 'compatible-use wetland buffer' and 'high groundwater areas'.

The provisions pertaining to 'compatible-use wetland buffer' prescribe the following:

- The types of development deemed appropriate in the buffer, and deemed to be 'low-impact' on the adjoining Yellagonga Regional Park; and
- The requirement for any development or subdivision proposal in the buffer to be accompanied by a Wetland Management Plan.

The provisions pertaining to 'high groundwater areas' prescribe the following:

- The minimum vertical separation required from finished floor levels of buildings to historical maximum groundwater levels;
- How stormwater in these areas should be collected; and
- Requirements pertaining to fill, retaining and battering in high groundwater areas.

It is proposed to incorporate the ASP 80 provisions pertaining to 'compatible-use wetland buffer' and 'high groundwater areas' into the proposed new schedule of DPS 2.

The extent of the 'compatible-use wetland buffer' and the 'high groundwater areas' are currently identified on the ASP 80 map. Amendment No. 150 proposes that the same extent of 'compatible-use wetland buffer' and 'high groundwater areas' be depicted on a plan to be included in the proposed new schedule of DPS 2.

3.2.5 Traffic Infrastructure Upgrades

A traffic study was commissioned by the City to consider whether the existing ASP 80 provisions relating to the design and construction of traffic signals at the Wanneroo Road/Clarkson Avenue and the Joondalup Drive/Drovers Place intersections were equitable on the landowners of Lot 810, Lot 811, Lot 1 & Lot 132 Wanneroo Road; as well as the landowner of Lots 6, 7 and 8 Drovers Place. The study prepared assumed that residential development would be undertaken on Lot 6, Lot 7 and Lot 8 (as was proposed in Amendment No. 2 to ASP 80) as the traffic study was commissioned prior to Council making a decision on that ASP 80 amendment.

What the traffic study concluded is that there should be an onus on the landowner of Lot 810 and Lot 811 to contribute to the design and construction of traffic signals at

the subject intersections, as development on these lots could generate a volume of traffic that would affect the timing and design of the proposed signalised intersections. Administration agrees that any such contribution should be proportionate to the traffic generated by **future** approved subdivision/development through the intersections, which could be identified at the time a proposal is lodged with the City.

A decision made on Amendment No. 5 by the WAPC in May 2015 (made independently from the traffic study), required modifications to the provisions prescribed in Table F (Section 5.1) of ASP 80 to the effect of the following:

“If business development of Lots 1 and 132 is proposed, in accordance with the structure plan, a condition of such development shall be that the subdivider/developer of Lots 1 and 132 Wanneroo Road, in consultation with MRWA, shall design and construct a four-way signal controlled intersection at the junction of Clarkson Avenue and Wanneroo Road, as indicated on Plan 1 to the specification and satisfaction of the City of Wanneroo. Appropriate cost sharing arrangements between landowners and any other authority or person will be the subject of a separate agreement.”

The conclusions of the traffic study align with the change to this clause, as it the provisions allow the landowner of Lot 1 and Lot 132 to engage with other landowners (such as the landowners of Lot 810 and Lot 811) for cost sharing arrangements. The provision outlined above is therefore adapted into Clause 1.6.1 of the new schedule, proposed in this DPS 2 amendment.

In regard to Drovers Place/Joondalup Drive intersection, it was also identified that the projected traffic generation resulting from the amendments to ASP 80 meant that it is not equitable on the land owner of Lot 6, Lot 7 and Lot 8 to incur the full cost of providing the new signalised intersection – as currently required under ASP 80. On considering the traffic study, it was concluded that the development on Lots 810 and 811, and Lots 1 and 132 Wanneroo Road could generate a significant portion of traffic using this intersection. As such, Council – through Amendment No. 4 and No. 5 to ASP 80 – supported modifications to Table F (Clause 5.2) of ASP 80 to enable the City to obtain an agreement with the landowners of Lots 810 and 811, and Lots 1 and 132 Wanneroo Road for cost sharing the design and construction of the traffic signals at the Drovers Place/Joondalup Drive intersection. Therefore, it was proposed to modify Table F (Clause 5.2) to the following:

It shall be a condition of any subdivision or development approval for Lots 6, 7 and 8 that the subdivider/developer shall, in consultation with MRWA, design and construct a three-way signal controlled intersection linking Drovers Place to Joondalup Drive as indicated on Plan 1, to the satisfaction of the City of Wanneroo. Appropriate cost sharing arrangements with the owners of Lots 810 and 811, and Lots 1 and 132 Wanneroo Road, based on their respective contribution to traffic using the intersection, shall be the subject of a separate agreement.

The provision outlined above is therefore adapted into Clause 1.6.2 of the new schedule, proposed in this DPS 2 amendment.

When considering Amendment No. 4 and No. 5, the City’s Administration recommended an additional provision stipulating **how** a financial contribution (or an agreement relating to financial contribution) could be obtained from the relevant landowners for the cost of the signalised intersections. That proposed additional provision is provided for below:

The City may with respect to Lots 810 and 811, and Lots 1 and 132 Wanneroo Road:

- *Apply a condition of development approval, or recommend a condition of subdivision approval, which requires the owner to make an appropriate contribution to the cost of constructing the intersection referred to in clause 5.2; or*
- *Refuse to approve any development application unless and until an appropriate cost sharing arrangement has been made for the cost of constructing the intersection referred to in clause 5.2.*

The provision outlined above is therefore adapted into Clause 1.6.3 of the new schedule, proposed in this DPS 2 amendment.

3.2.6 Management Plan Requirements

ASP 80 provides for a table (Table E) that outlines which stage of the planning process that management plans and other information is required to be lodged with the City. Amendment No. 150 seeks to include a similar table, which is proposed to be incorporated into a new proposed schedule of DPS 2.

There are some minor differences between Table E of ASP 80, and the table proposed to be included in the new schedule of DPS 2. Those differences are discussed further in Section 4.2.4 of this Report.

3.3 Costume Hire Land Use Definition

Although Amendment No. 5 to ASP 80 proposes a definition for the 'Costume Hire', there is currently no definition for this land use in Schedule 1 of DPS 2. Amendment No. 150 proposes to introduce the ASP 80 definition for this land use into Schedule 1 of DPS 2 – consistent with what was proposed through Amendment No. 5 to ASP 80. That definition is as follows:

Costume Hire : means an area of land or building used for the hire or sale of costumes.

The planning arguments for including a definition for the 'Costume Hire' land use in Schedule 1 of DPS 2 are provided in Section 4.3 of this Report.

4. Planning Justifications

4.1 Argument in Applying a Special Control Area

The idea of applying Special Control Area provisions on land within the ASP 80 was discussed between City and Department of Planning officers, at a meeting held on 3 June 2015. At that meeting, it was discussed that:

- The application of a Special Control Area needed to be argued and justified based on site characteristics; and
- The Special Control Area provisions should, where possible, avoid duplication with corresponding provisions outlined in the General Provisions of DPS 2.

The City responds to the above points in its arguments provided in the subsections below.

4.1.1 Special Control Area Site Characteristics

The City considers the application of a Special Control Area over all lots currently contained in ASP 80 can be justified, as the subject area has the following unique attributes not commonly found on other sites in the City of Wanneroo:

- The proposed Special Control Area is situated on (or abuts) an area of environmental significance – being Yellagonga Regional Park. Much of the site is also situated within a ‘compatible use wetland buffer’ and a ‘high groundwater area’ as outlined in ASP 80. It is considered by the City that the standard provisions in DPS 2 are inadequate in maintaining the environmental attributes of the surrounding area. Therefore, the imposition of a Special Control Area is necessary to utilise the ASP 80 provisions relating to environmental management;
- Given its location between the Yellagonga Regional Park and arterial roads (Wanneroo Road and Joondalup Drive), vehicular access into the area currently within ASP 80 is limited and constrained. It is considered that special controls for access provision need to be applied – and in particular, requirements for the design and construction of traffic signals at the Wanneroo Road/Clarkson Avenue and Drivers Place/Joondalup Drive intersections; and
- The subject area has fragmented ownership, and provides for a variety of land use activities, both current and planned. This is considered to add to the complexity to the planning of this area.

This amendment has been prepared following a request by the WAPC to ‘normalise’ the zoning of the ASP 80 area. However, the implications of normalising the zoning would result in ASP 80 no longer having effect. The concern with that is this structure plan contains development provisions intended to respond to the site specific attributes of the site. The application of a Special Control Area will allow for the development provisions outlined in ASP 80 to be utilised, and be applied through DPS 2 when ASP 80 no longer has effect.

4.1.2 Duplication of Special Control Area Provisions

In preparing the Special Control Area provisions – derived from ASP 80 and inserted into the proposed new schedule of DPS 2 – the City has taken due care in ensuring that the Special Control Area provisions do not directly or indirectly duplicate the provisions in the existing parts of DPS 2. Examples of this are discussed further in Section 4.2, below.

4.2 Key Variances between ASP 80 and Amendment No. 150 Provisions

4.2.1 Changes to Objectives

The new schedule of DPS 2, as proposed through Amendment No. 150, is intended to outline the objectives of the Special Control Area – consistent with how Clause 7.0 of ASP 80 outlines the objectives of the structure plan area.

Although Amendment No. 150 utilises General Objective (a), (c) and (d) outlined in Clause 7.0 of ASP 80, it does not propose to utilise General Objective (b). General Objective (b) of ASP 80 is as follows:

Complement surrounding activity centres through provision of niche business uses reliant on highway exposure.

The reason why the City does not consider it appropriate to retain this objective is because the City considers the term ‘niche businesses’ (in the context of the objective) as ambiguous and difficult to apply in a planning context.

Through the considerations of Amendment No. 5 to ASP 80, the WAPC required that this objective be modified, so that it reads as follows:

Reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2.

In discussions between the City and Department of Planning in relation to Amendment No. 5, the City’s officers identified that this modification to the General Objectives would apply to the entire ASP 80 area, not just the land parcels that would be zoned ‘Business’ in ASP 80. In response, the Department has suggested that modification to the objective could be considered to make specific reference to land in the Central Precinct. An objective considered reasonable by the WAPC may read as follows:

For land within the Central Precinct, reflect the intent and land use permissibility of the Business zone in District Planning Scheme No. 2.

Through Amendment No. 150, the provisions proposed in the new DPS 2 schedule will prescribe the intent and land use permissibility for land currently in the ASP 80 Central Precinct. Therefore, this objective is not required to be included in the proposed new schedule, as provisions proposed for the same schedule are intended to achieve that objective.

4.2.2 Changes to Local Development Plan Requirements

A list of the matters to be included on local development plans is prescribed in Table A (Section 1) of ASP 80.

Deemed Provision 48 of DPS 2 does not – in the City’s opinion – sufficiently prescribe what should be included in local development plans required for this Special Control Area. Therefore, the City has imported the matters to be included for detailed area plans from ASP 80, and included those as matters to be included on local development plans prepared under the proposed new schedule of DPS 2.

Table A (Section 1) of ASP 80 currently prescribes the following as a matter to be included on a detailed area plan:

Detailed site analysis including topography, vegetation, tree survey, view corridors, and microclimate

However, the City considers it appropriate for a local development plan prepared for land in the Special Control Area to instead require the following:

Detailed site analysis including topography, vegetation, tree survey, view corridors, and microclimate. The vegetation analysis and tree survey shall clearly identify and justify the extent of:

- i) Any clearing that is proposed during the subdivision and/or development stages; and*
- ii) Vegetation that will be retained and managed at the subdivision and development stages.*

The above was formulated by the City’s Administration as a recommended modification to Amendment No. 2 to ASP 80, when it presented the matter to the City’s 26 May 2015 Council Meeting. Although Amendment No. 2 was not adopted by Council, the decision of Council was not particularly formed by their opinion of this recommended modification.

The City considers that subdivision and development in the Special Control Area would be better informed should this information be demonstrated on a local development plan – lodged prior to subdivision or development (refer to subsection 3.2.3 of this Report). The extent of vegetation to be retained and removed can then be agreed through the approval of the local development plan, and before further subdivision and development of the subject land.

To emulate matters to be included on a local development plan in the Southern Precinct of ASP 80, the new proposed schedule of DPS 2 prescribes that local development plans in Special Control Area 1 (c) include the designation of the following:

Building envelopes on lots to be created through subdivision, to a maximum area of 800sqm. Up to three building envelopes may be proposed on a single lot, provided the total land area of all envelopes does not exceed 800sqm.

The City considers it appropriate to include the above as a requirement on a local development plan. The ability to prescribe a maximum building envelope size and to fragment a building envelope would assist in the protection of the environmental attributes of the land in the Southern Precinct.

4.2.3 Reference to Government Departments

The ASP 80 provisions specifically refer to the name of government departments or agencies – such as the Department of Environment and Conservation or the Department of Water. However, references to specific government agencies in the Special Control Area provisions proposed for Amendment No. 150 have been minimalised.

The proposed Special Control Area provisions will require certain matters to be addressed to the satisfaction of the local government (the City) – rather than to the satisfaction of a government agency or department. The proposed Special Control Area provisions should not inhibit the City's satisfaction on certain matters being achieved through liaison with the relevant government agencies and departments when required.

4.2.4 Submission of Management Plans

The provisions of ASP 80 prescribe that the following management plans be provided at the subdivision or development stages:

- Fire Management Plan;
- Urban Water Management Plan;
- Dieback Management Plan;
- Landscaping Plan; and
- Midge Management Plan.

However, noting the submissions received through the advertising of Amendment No. 2 to ASP 80, the City considers that matters corresponding to the management plans listed above should be addressed prior to the lodgement of a subdivision or development application.

As prescribed in subsection 3.2.3 above, the provisions currently imposed in ASP 80 require a detailed area plan to be certified prior to the submission of an application for subdivision or development, so that a detailed area plan can be used to facilitate and inform subdivision design and/or development. The City considers subdivision and development within the proposed Special Control Area would be better informed should the lodgement of a local development plan be accompanied by these management plans, which can be agreed to on the approval of a local development plan.

Therefore, the table included in the proposed new schedule of DPS 2 (proposed through Amendment No. 150) outlines the abovementioned management plans be provided on submission of a local development plan. This varies Table E of ASP 80, which prescribes that these management plans be provided at the subdivision or development stages.

4.2.5 Changes to Development Requirements for SCA 1 (b)

Development requirements for the ASP 80 Central Precinct (proposed Special Control Area 1 (b)) are prescribed in Table C (Section 3) of ASP 80. These requirements pertain to the design of buildings, as well as the provision of parking, access and landscaping. Amendment No. 150 proposes to include these development requirements in the proposed new schedule of DPS 2.

The development provisions proposed to be included in the new schedule through Amendment No. 150 will vary the provisions currently in ASP 80 by way of the following:

- Consideration of what is proposed (and what Council recommends to the WAPC be adopted) through Amendment No. 4 and Amendment No. 5 to ASP 80;
- Minor editorial changes for the purpose of simplifying wording.

4.2.6 High Groundwater Areas

The provisions relating to 'High Groundwater Areas' proposed to be included in the new DPS 2 schedule are generally the same as the corresponding provisions prescribed in ASP 80.

The only exception can be found in the proposed Clause 1.5.2 of the new DPS 2 schedule. The corresponding provision in ASP 80 requires Urban Water Management Plans to be prepared in accordance with the requirements prescribed in the following documents:

- *The Drovers Place Water Management Framework (City of Wanneroo, 2009);* and
- *Urban Water Management Plans – Guidelines for Preparing Plans and for Complying with Subdivision Conditions (Department of Water 2008).*

The provisions proposed to be included in the new DPS 2 schedule have been worded in a manner that Urban Water Management Plans be prepared in accordance to relevant requirements or guidance issued by the City or government agency. It does not specifically reference the name of any document, as naming the documents in the provision may give an impression that the documents are incorporated into the Scheme. This impression may potentially result in statutory ramifications if the City or the Department of Water were ever to amend or replace the guidance documents referred to above.

4.3 Costume Hire Definition

The 'Costume Hire' land use definition is currently being sought as a modification to Table C (Section 2) of ASP 80 through that structure plan's Amendment No. 5. Amendment No. 150 of DPS 2 proposes to incorporate the same land use definition sought through Amendment No. 5 of ASP 80, into Schedule 1 of DPS 2.

Although 'Costume Hire' is not a land use referred to in the Model Scheme Text (Appendix B of the *Town Planning Regulations 1967*) the inclusion of a 'Costume Hire' land use definition in Schedule 1 of DPS 2 is considered by the City as justified, for the following reasons:

- Table 1 of DPS 2 currently prescribes the land use permissibility of 'Costume Hire'. A definition in Schedule 1 of DPS 2 would better inform the land use permissibility as outlined in Table 1 – and make clear what is (or is not) permissible in each zone in relation to carrying out costume hire activities; and
- It has been requested of the City to 'normalise' ASP 80. In response to that request, it was considered in the preparation of Amendment No. 150 that the definition of 'Costume Hire' (proposed for ASP 80) be utilised, and placed into DPS 2.

4.4 Revocation of ASP 80

The ASP 80 area is currently zoned 'Urban Development' under DPS 2. The proposed rezoning of subject land to 'Business', 'Residential' and 'Special Use' as well as the replication of the development control provisions from ASP 80 would result in this structure plan no longer being necessary; as DPS 2 would instead prescribe the relevant development control provisions and land use permissibility.

Should ASP 80 become redundant following final adoption of Amendment No. 150, the City's Council could consider requesting the WAPC revoke its approval of this structure plan. The WAPC has the ability to consider Council's request, and resolve to revoke ASP 80 pursuant to Deemed Provision 28 (4) of DPS 2. This Deemed Provision prescribes the following:

- (4) *The Commission may revoke its approval of a structure plan if the Commission considers that the structure plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.*

5. Conclusion

As outlined above, the City's preparation of Amendment No. 150 was prompted by correspondence received from the Western Australian Planning Commission (WAPC) on 8 April 2015. In that correspondence, the WAPC requested the City consider initiating an amendment to District Planning Scheme No. 2, to normalise the zoning of the ASP 80 area under the local planning scheme (DPS 2).

In response to that request, the City has prepared Amendment No. 150 to its DPS 2 to normalise the zoning of land parcels in ASP 80. The amendment effectively would transfer the same zoning and land permissibility prescribed for land parcels from ASP 80 into DPS 2. The zonings and land use permissibility proposed through Amendment No. 4 and No. 5 (and as supported by Council) have been proposed as zonings and land use permissibility in this DPS 2 amendment, on the assumption that what has been supported by Council will be adopted by the WAPC.

The City considers that the general provisions of DPS 2 are insufficient to protect the unique locational, traffic and environmental attributes and constraints of the land within ASP 80. As such, Amendment No. 150 proposes to impose a Special Control Area over the ASP 80 area, and to create the necessary framework to enforce locational-specific requirements through Special Control Area provisions in DPS 2.

Amendment No. 5 to ASP 80 proposes to introduce a definition of 'Costume Hire' into ASP 80, as it is not defined in Schedule 1 of DPS 2. Although 'Costume Hire' is not defined in DPS 2, its permissibility is prescribed in the DPS 2 Zoning Table. The City through Amendment No. 150 has taken the opportunity to remedy this issue, and proposes the addition of a 'Costume Hire' definition in Schedule 1 of DPS 2 – consistent with what was proposed through Amendment No. 5 to ASP 80.

If Amendment No. 150 were to be adopted by the Minister for Planning, that would render ASP 80 redundant, as the ASP 80 provisions would be transferred into DPS 2, and enacted through DPS 2. While Amendment No. 150 does not formally propose the revocation of ASP 80, the WAPC could consider the revocation following final adoption of Amendment No. 150.

Adopted by resolution of the Council of the City of Wanneroo at the Ordinary meeting of the Council held on the day of

.....
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

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

DATE

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE