



DISTRICT PLANNING SCHEME No. 2

Amendment No. 149

Planning and Development Act 2005

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 149

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 9164 and portion of lot 9176 Flynn Drive, Banksia Grove from 'Special Residential' to 'Urban Development' and amending the scheme maps accordingly;**
2. **Modifying Schedule 14 – Special Residential Provisions, specifically with regards to 'SRes2' to correctly refer to the lot numbers that 'SRes2' is applicable to.**

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

1. **The amendment is consistent with a structure plan that has been approved under the scheme for the land to which the amendment relates.**

Dated this day of 20.....

.....
(Chief Executive Officer)

TEXT MODIFICATION PAGE

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

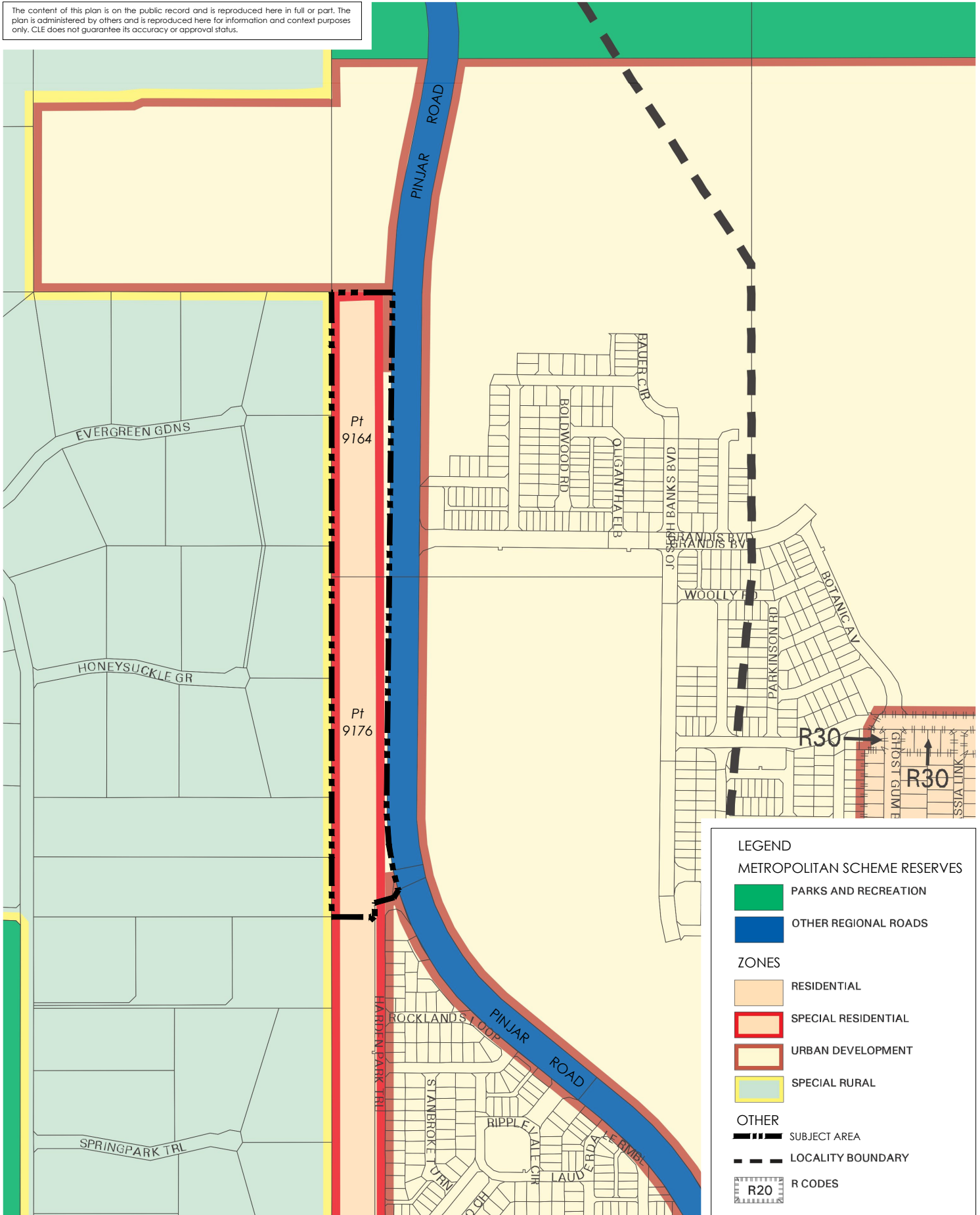
DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 149

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 9164 and portion of lot 9176 Flynn Drive, Banksia Grove from 'Special Residential' to 'Urban Development' and amending the scheme maps accordingly.**
- 2. Replacing the 'SRes2' provisions of Schedule 14 - Special Residential Provisions with the following table:**

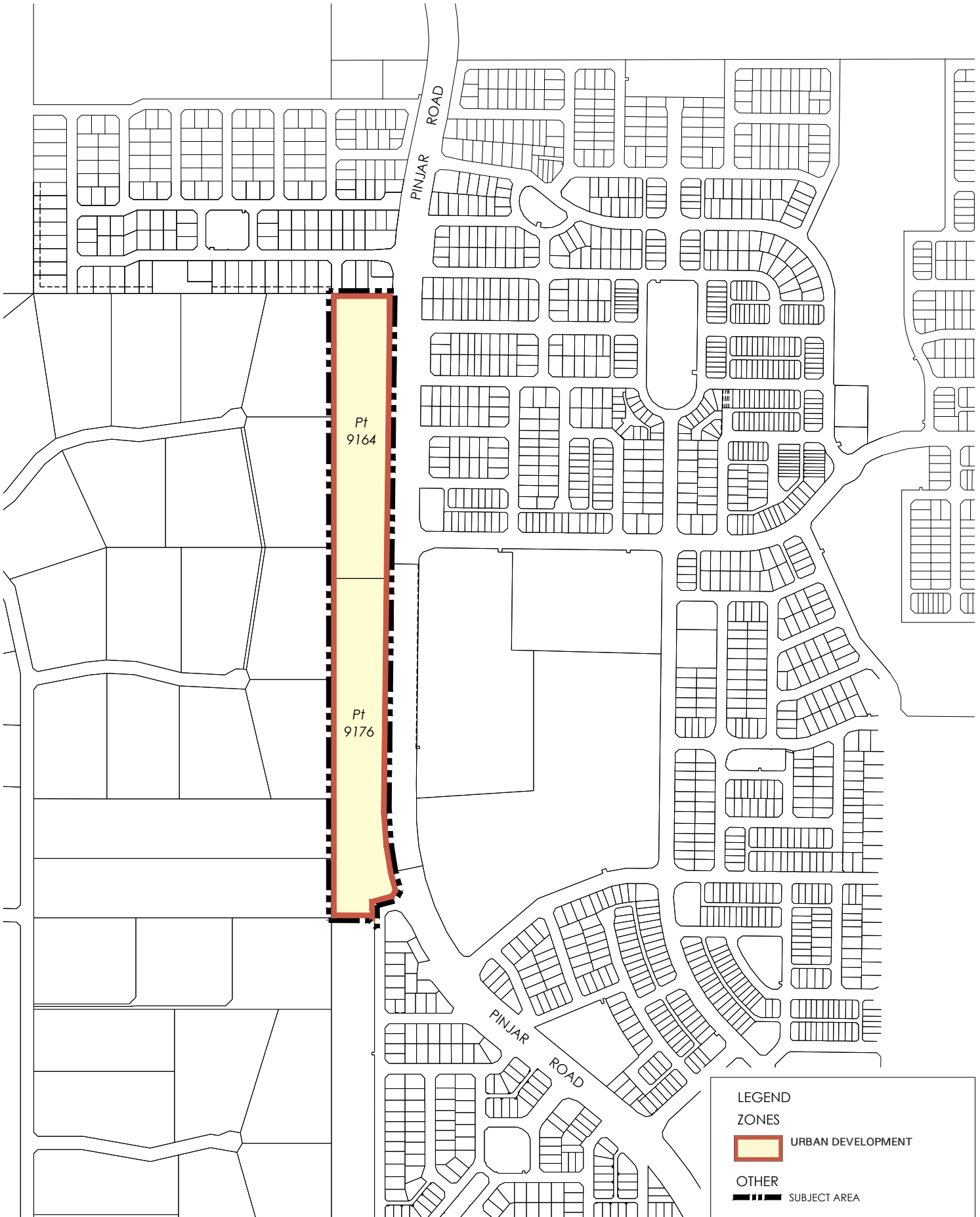
NO	DESCRIPTION OF LOCALITY	SPECIAL PROVISIONS
SRes2 2 (formerly SRP No. 3 under TPS1)	Lots 2111 – 2115 Carramar Road, lots 3186 – 3193 Golf Links Drive and portion of lot 9176 Flynn Drive, Carramar; And Lots 5001 – 5006 Peridot Turn, lots 70 – 78 Turquoise Loop and lot 398 – 401 Harbour Elbow, Banksia Grove.	1) Subdivision is restricted to a minimum lot size of 5000m ² in accordance with the Development Guide Plans for this zone and that all development shall be contained within the building envelopes as specified on these plans.

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DISTRICT PLANNING SCHEME No.2 (EXISTING)





DISTRICT PLANNING SCHEME No.2 (PROPOSED)



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
.....

CITY OF WANNEROO
DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 149
SCHEME AMENDMENT REPORT

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December 2015

TABLE OF CONTENTS

1.0 EXECUTIVE SUMMARY

- 1.1 Introduction**
- 1.2 Purpose**
- 1.3 Site Description**

2.0 PLANNING FRAMEWORK

- 2.1 Metropolitan Region Scheme**
- 2.2 District Planning Scheme No.2**
- 2.3 Banksia Grove Agreed Structure Plan No. 21A**

3.0 PLANNING JUSTIFICATION

- 3.1 Planning Framework**
- 3.2 Rural Interface**
- 3.3 Development Control**
 - 3.3.1 Setbacks*
- 3.4 Bushfire Protection**
- 3.5 Servicing**

4.0 CONCLUSION

FIGURES

Figure 1 – Site Plan

Figure 2 – MRS Zoning Plan

1.0 EXECUTIVE SUMMARY

1.1 Introduction

Banksia Grove is an established residential suburb in the northern suburbs of the Perth metropolitan area and is nearing its final stages of development. Banksia Grove is identified as 'Urban' under the Metropolitan Region Scheme (MRS) and is predominantly zoned 'Urban Development' under the City of Wanneroo's District Planning Scheme No.2 (DPS2). The portion of Banksia Grove that is zoned 'Urban Development' is covered by the Banksia Grove Agreed Structure Plan No. 21A (the Banksia Grove ASP) which has been adopted pursuant to clause 3.14.3 of DPS2 which requires the preparation of a structure plan over land zoned 'Urban Development'. In addition to the land zoned 'Urban Development', the ASP includes land on its western periphery that is zoned 'Special Residential' under DPS2. The ASP however, does not contain any specific development controls that relate to the 'Special Residential' zone in addition to those prescribed under DPS2.

At the time the Banksia Grove ASP was prepared, it was intended that this area of land would be rezoned from 'Special Residential' to 'Urban Development' as outlined in Part 1.6.2 of the original Banksia Grove LSP Part 2 – Explanatory Report. Consequently, the land was included within the Banksia Grove ASP however, a scheme amendment to facilitate the rezoning was not subsequently progressed.

1.2 Purpose

The purpose of this scheme amendment is to rezone lot 9164 and a portion of lot 9176 Flynn Drive, Banksia Grove (the land) from 'Special Residential' to 'Urban Development', consistent with the original intent for the land as outlined within the Part 2 Explanatory Section of the Banksia Grove ASP. The scheme amendment will in turn facilitate a modification to the Banksia Grove ASP to enable the land to be subdivided into residential lots of approximately 1,500m² in area.

Whilst not directly linked to the purpose of this scheme amendment, Schedule 14 – 'Special Residential Provisions' of DPS2 is also proposed to be amended with specific regards to 'SRes2' so that it correctly references the lots to which it applies. Given that the subject land will effectively be removed from the 'Special Residential' zone, it is considered prudent to update Schedule 14 accordingly.

1.3 Site Description

The area of land the subject of this amendment to DPS2 consists of lot 9164 and a portion of lot 9176 Flynn Drive, Banksia Grove, refer Figure 1 – Site Plan. The land is bound by Pinjar Road to the east (constructed) and Moort Rise to the west (unconstructed). The land to north is zoned 'Urban Development' whilst the land to the south is zoned 'Special Residential'.

The subject land is located on the western periphery of Banksia Grove between the main residential estate and the 'Special Rural' zoned land to the west, within the suburb of Carramar. It is understood that the land currently acts as a transitional area and interface between the urban-type densities of Banksia Grove and the larger (2 – 2.5ha) 'Special Rural' zoned lots within Carramar Estate.

Previous subdivision approvals have been issued over the subject land to create 5000m² lots in accordance with the current minimum lot area provisions of DPS2 (WAPC 146580 and WAPC 147352) which are due to expire on 14 February 2017 and 29 January 2018 respectively. The 5000m² lots are yet to be created.

2.0 PLANNING FRAMEWORK

2.1. Metropolitan Region Scheme

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) with the area to the east similarly zoned 'Urban' (refer Figure 2). The area abutting the western boundary within Carramar is zoned 'Rural' under the MRS.

This amendment to DPS2 to zone the subject land 'Urban Development' is entirely consistent with its 'Urban' zoning under the MRS and is a logic next step towards the land being developed for residential purposes at more appropriate densities, given the context of its location within the Banksia Grove ASP. The minimum lot area requirements that will be imposed as part of the concurrent Banksia Grove ASP amendment will assist to ensure that an appropriate interface is maintained with to the land to the west within Carramar, currently zoned Rural.

2.2 District Planning Scheme No.2

The land is currently zoned 'Special Residential' under DPS2 (the Scheme) and is specifically identified as 'SRes2' on the scheme map and schedule 14 of the Scheme.

The following general provisions apply to the 'Special Residential' zone pursuant to clause 3.19.3 of the Scheme:

- (a) Subdivision should be in accordance with the Development Guide Plan.*
- (b) A reticulated deep sewerage system will be required if, in the opinion of the relevant authorities, the land is considered not suitable for the long term, efficient on-site disposal of effluent.*
- (c) A reticulated water supply from the Water Corporation network shall be provided to each lot.*
- (d) Only one dwelling (a single house) shall be permitted on each lot.*

- (e) *No building shall be constructed closer than 15 metres to a street alignment, within 5 metres of a side boundary, or within 10 metres of the rear boundary of any lot. Where a lot has frontage to more than one street, the Council shall designate one such street as the frontage and may permit the construction of buildings to within 7.5 metre from the other street boundaries.*
- (f) *Except to the extent necessary for the construction of approved buildings and driveways, no land shall be cleared of vegetation without the prior written approval of the Council.*
- (g) *A person shall not without Planning Approval of the Council remove, cut down, or damage any mature tree on land within a Special Residential Zone including street verges.*
- (h) *The Council may, as a condition of any approval granted under general provisions (f) and (g) of this subclause, require the applicant to plant and/or maintain to its satisfaction mature trees and shrubs to promote the natural or other aesthetic setting of the area.*
- (i) *No cattle, goats, sheep, horses, bees or any other animal stipulated from time to time by the Council to be inappropriate to Special Residential Zones, shall be kept on any lot.*

Clause 3.19.4 of the Scheme states that:

Special Provisions relating to individual Special Residential Zones are set out in Schedule 14. In the case of any conflict the Special Provisions shall prevail over the general provisions of the Scheme.

Schedule 14 – Special Residential Provisions of the Scheme sets out the following specific provisions with regards to ‘SRes2’:

Subdivision is restricted to a minimum lot size of 5000m² in accordance with the Development Guide Plans for this zone and that all development shall be contained within the building envelopes as specified on these plans.

The proposed amendment will rezone the land ‘Urban Development’. Pursuant to clause 3.14.3 of DPS2 an Agreed Structure Plan is required to be prepared and adopted over land zoned ‘Urban Development’ prior to development or subdivision occurring. This amendment to DPS2 is therefore the first step in modifying the framework to facilitate subdivision of the land for lots of approximately 1,500m². Further detail regarding the zoning, R-Coding and development control provisions are required to be implemented as part of an amendment to the Banksia Grove ASP which has been lodged concurrently with this amendment to inform decision making and provide context for the rezoning.

The specific provisions that will be implemented as part of the amendment to the Banksia Grove ASP are discussed further in section 3.4 of this report.

2.3 Banksia Grove Agreed Structure Plan No. 21A

The Banksia Grove Agreed Structure Plan No. 21A is the operative planning framework over the portion of Banksia Grove zoned 'Urban Development' and includes the subject land. The Banksia Grove ASP assigns a 'Special Residential (SR2)' zoning to the land, consistent with DSP2. The Banksia Grove ASP however, does not contain any specific development controls that relate to the 'Special Residential' zone in addition to those prescribed under DPS2.

As stated in clause 1.6.2 of the Banksia Grove ASP Part 2 – Explanatory report, the land was included within the ASP area on the premise that it would be rezoned to 'Urban Development' as part of a subsequent scheme amendment process. This amendment to DPS2 fulfils this original intent for the land, establishing a zoning that will facilitate the ultimate intended development outcome.

3.0 PLANNING JUSTIFICATION

3.1 Planning Framework

This rezoning to 'Urban Development' does not automatically facilitate subdivision and development of the land into 1,500m² lots as proposed. Pursuant to clause 3.14.3 of DPS2, an Agreed Structure Plan is required to be prepared and adopted over land zoned 'Urban Development'. As previously stated, the land is already covered by an approved structure plan however, the zoning and density coding of the land under the Banksia Grove ASP do not differ from the existing scheme provisions. An amendment to the Banksia Grove ASP is also therefore required to be adopted in conjunction with this scheme amendment to allow for further subdivision of the land to 1,500m² lots. An amendment to the Banksia Grove ASP is being undertaken concurrently to inform this scheme amendment and facilitate a holistic and coordinated planning approach.

3.2 Rural Interface

The potential impact on the 'Special Rural' zoned lots to the west will be negligible, particularly given that the land abuts only 6 lots, two of which the dwellings are approximately 390m from the common boundary with the amendment land. Further, the Moort Rise road reserve which is currently unconstructed will serve to provide an interface and separation of 14 metres to the 'Special Rural' land.

The north-west portion of Banksia Grove which is coded R10-60 under Map 3 of the Banksia Grove ASP also abuts the Carramar Estate. This area has been subdivided into lots that are approximately 1,000m² in area that back on to the 'Special Rural' zoned lots. These lots have established a clear precedent and demonstrate that low density residential lots are an appropriate interface with 'Special Rural' land. The proposed 1,500m² lots provide a more appropriate interface to the Carramar Estate than the 1,000m² lots described above, given that they will be larger in area, and have a road between them and the 'Special Rural' zoned land.

3.3 Development Control

As previously stated, there are a number of specific development control provisions that are applicable to the subject land based on its previous 'Special Residential' zoning. To ensure continuity and that the desired built form for the land is maintained through the rezoning process, the amendment to the Banksia Grove ASP that is necessitated by this scheme amendment will include statutory development controls that are consistent with those under the existing 'Special Residential' zone. Whilst not technically forming part of this rezoning process, the structure plan amendment has been prepared and lodged concurrently with this scheme amendment to inform the amendment process and ensure a holistic and coordinated planning approach.

3.3.1 Setbacks

The transitional role that the land currently plays between the medium density Banksia Grove and 'Special Rural' zoned portion of Carramar is acknowledged and will be maintained post this scheme amendment.

Clause 3.19.3 (e) of DPS2 prescribes a minimum front setback of 15m and a minimum rear setback of 10m for the 'Special Residential' Zone. To maintain continuity and the status quo with regards to streetscapes and views from adjoining properties, it is proposed to carry over these setbacks into the Part 1 Statutory Section of the Banksia Grove ASP.

The future residential lots will be required to face west with their primary frontage to Moort Rise and the 'Special Rural' zoned land beyond under the provisions of the Banksia Grove ASP as amended. This interface with the Carramar Estate is important in maintaining the development outcomes that the previous 'Special Residential' zone facilitated. A 15m minimum (no average) setback shall therefore apply to the primary street to maintain the rural setting that currently exists with regards to the Carramar Estate to the west. This will ensure that the general rural feel is maintained and that buildings are not highly visible from the adjoining properties thereby minimising the potential for conflict with established residents in Carramar.

A 10m building setback shall be maintained to the rear (Pinjar Road) boundary to minimise the impact on Pinjar Road and the residential land beyond. Although the interface with Pinjar Road and the medium density residential land to the east is considered less critical, an effort has been made to maintain the status quo and minimise the visual impact of the development of the land as viewed from Pinjar Road and established properties to the east. Further, the Part 1 Statutory Section of the Banksia Grove ASP will stipulate that no vehicle access is permitted to Pinjar Road which further assists to ensure that the existing streetscape is maintained and that access to the existing higher order road is consolidated and rationalised.

3.4 Bushfire Protection

A Fire Management Plan (FMP) was prepared by Bushfire Safety Consultants to support the previous subdivision of the land at 5000m² lots. The FMP concluded that, through the implementation of prescribed building protection zones as well as other fire safety measures, the fire risk could be managed to allow residential development.

It is anticipated a FMP will be required as a condition of subdivision approval for any future application to subdivide the land into 1500m² lots.

3.5 Servicing

It is expected that the future development sites will be serviced by extending the existing infrastructure within the Banksia Grove Estate south to the land via the Moort Rise road reserve. A requirement to connect to essential service infrastructure is expected to be imposed as a condition of any subsequent planning approval.

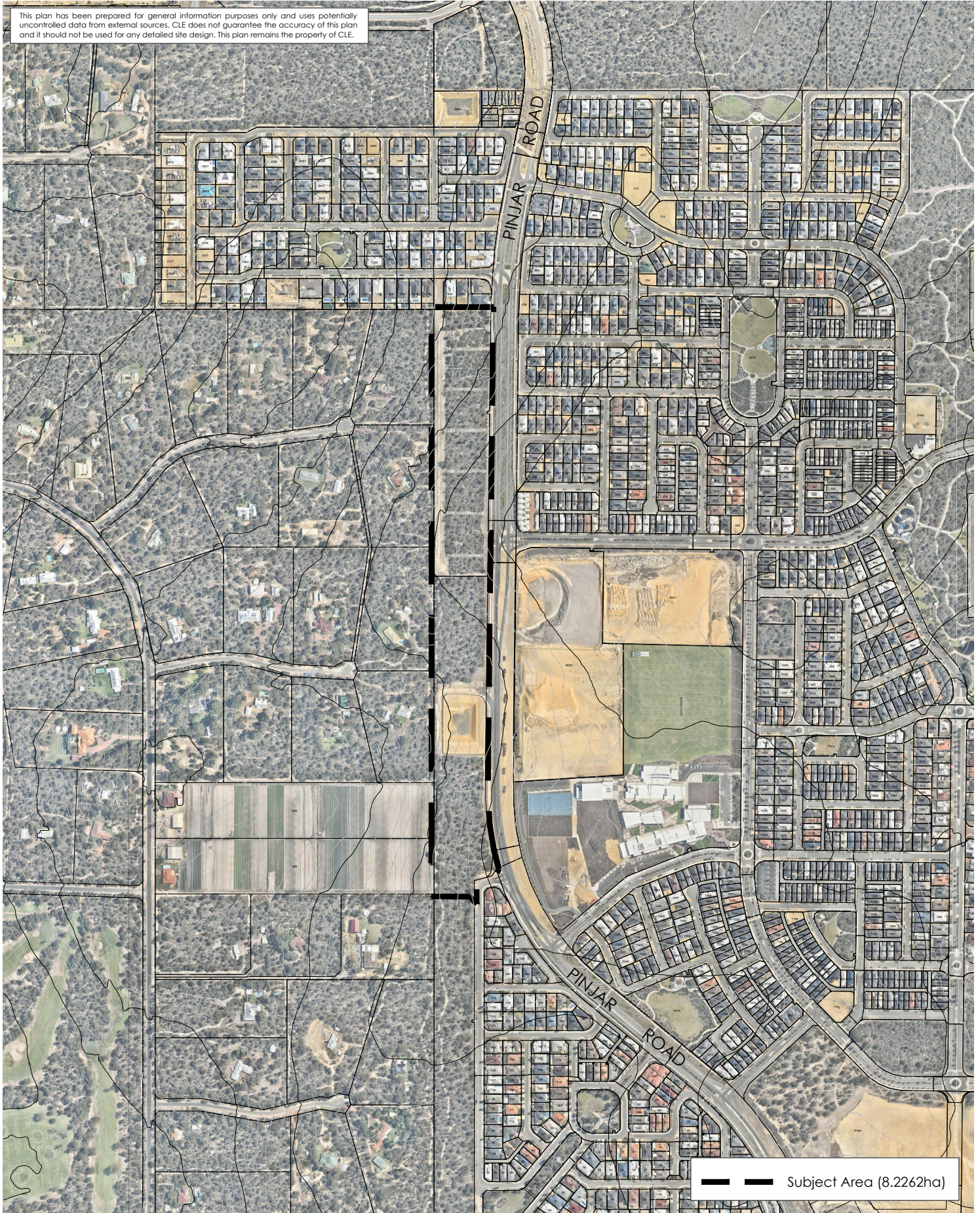
It is the developer's intent to earthwork the development sites once subdivision approval has been obtained and prior to the sale of any lots. Vegetation will be retained where possible except where necessary to facilitate these earthworks and the requirements for bushfire mitigation.

4.0 CONCLUSION

This amendment to DPS2 to rezone the land from 'Special Residential' to 'Urban Development' will ultimately allow for the land to be developed at a more appropriate density, making subdivision of the land viable for the project. The rezoning will provide the foundation for a subsequent amendment to the Banksia Grove ASP which will apply more detailed development and subdivision standards to assist in maintaining the 'status quo' with regards to the built-form outcomes that the previous DPS2 zoning facilitated. This will maintain an appropriate interface and transitional area between the urban-type densities of Banksia Grove and the 'Special Rural' zoned land within the Carramar Estate, assisting to minimise potential concerns with adjoining property owners as well as achieve the original development objectives for the land.

FIGURES

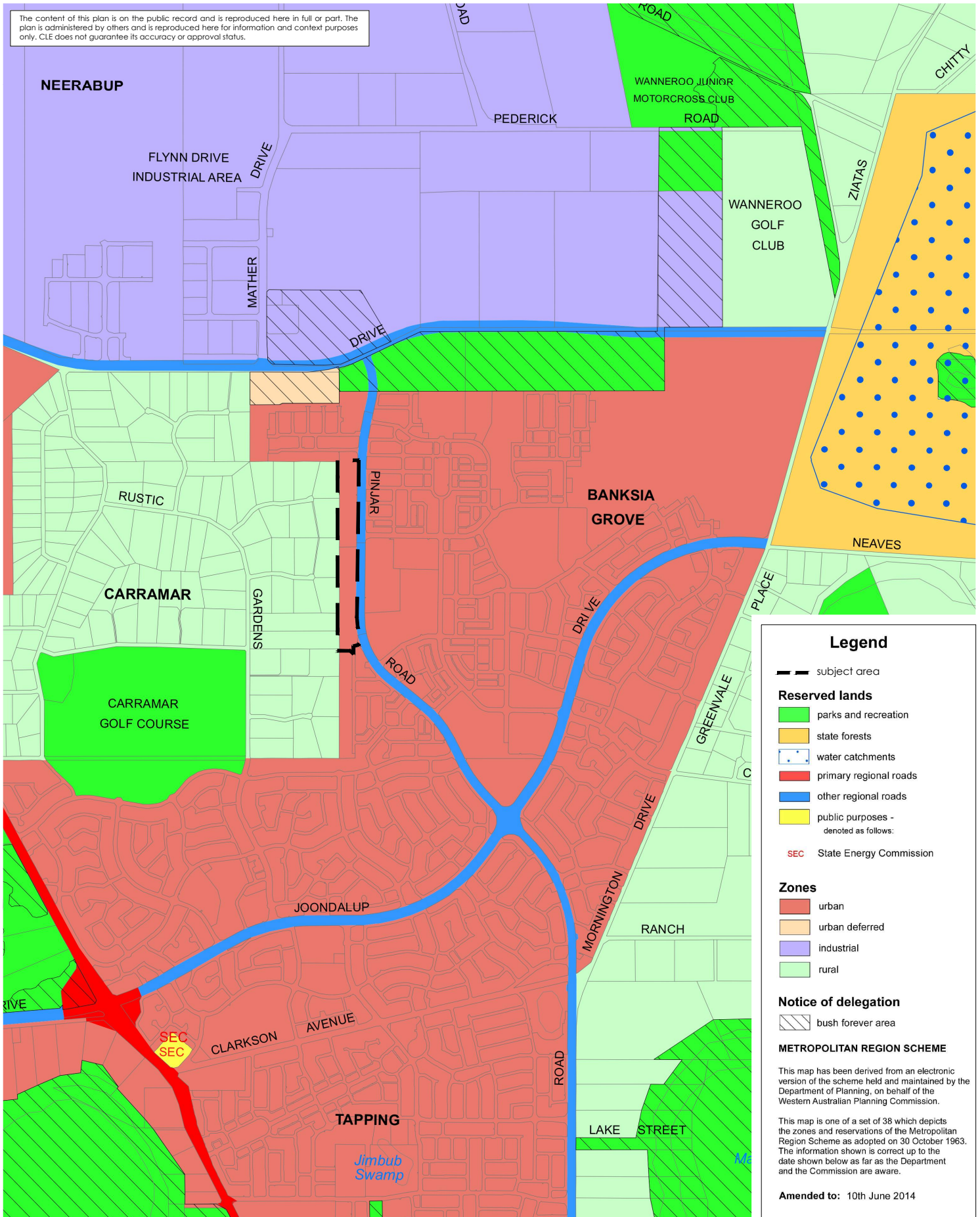
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— — Subject Area (8.2262ha)



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Legend

- subject area
- Reserved lands**
 - parks and recreation
 - state forests
 - water catchments
 - primary regional roads
 - other regional roads
 - public purposes - denoted as follows:
 - SEC State Energy Commission
- Zones**
 - urban
 - urban deferred
 - industrial
 - rural
- Notice of delegation**
 - bush forever area
- METROPOLITAN REGION SCHEME**

This map has been derived from an electronic version of the scheme held and maintained by the Department of Planning, on behalf of the Western Australian Planning Commission.

This map is one of a set of 38 which depicts the zones and reservations of the Metropolitan Region Scheme as adopted on 30 October 1963. The information shown is correct up to the date shown below as far as the Department and the Commission are aware.

Amended to: 10th June 2014

