



DISTRICT PLANNING SCHEME No. 2

Amendment No. 146

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF WANNEROO DISTRICT PLANNING SCHEME NO. 2 -

AMENDMENT NO. 146

Resolved that the local government pursuant to Section 72 of the *Planning and Development Act 2005*, amend the above local planning scheme by:

1. Inserting a new Clause 5.4.1.1 (b) immediately after Clause 5.4.1.1 (a) of the Scheme Text to provide for a new Special Control Area 1 (SCA1) to introduce special controls for land known as East Wanneroo Cell 9 (East Landsdale) and subject to Agreed Local Structure Plan No. 57 (LSP57);
2. Inserting a new Schedule 16 for the establishment of Special Control Area 1 (SCA1);
3. Amending the Scheme Maps by inserting SCA1 over the land subject to Agreed Local Structure Plan No. 57 and inserting appropriate references into the Legend.

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

- a) The amendment simply proposes to insert the provisions of agreed Local Structure Plan No 57 into the Scheme.
- b) Therefore the amendment is not considered complex.

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. 146

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. *Inserting a new Clause 5.4.1.1 (b) immediately after Clause 5.4.1.1 (a) of the Scheme Text as follows:*

(b) Special Control Areas shown on the Scheme Map as SCA with a number and included in Schedule 16.

2. *Inserting a new Schedule as follows:*

Schedule 16 Special Control Areas subject to Clause 5.4.1.1(b)

Ref No.	Street/Locality	Provisions
SCA1	Land bound by Gngara Road to the North, Alexander Drive to the East, Hepburn Avenue to the South and the eastern boundary of East Wanneroo Cell 5 as shown on the Scheme Map.	<p><u>Purpose</u></p> <p>To introduce very specific development requirements relating to new subdivision and/or development with the Special Control Area for East Landsdale which are to provide ongoing compatibility and minimise the risk of radio frequency emissions and interference to the operations at the Perth International Telecommunications Centre located on Lot 1 (620) Gngara Road Cullacabardee.</p> <p><u>Structure Plan</u></p> <ol style="list-style-type: none">1. Structure Plans adopted by Council over SCA1, are to include the following:<ol style="list-style-type: none">a) The structure plan will limit urban uses within the structure plan to:<ol style="list-style-type: none">i. a neighbourhood shopping centre, to be located at the intersection of Alexander Drive and Landsdale Road within a Commercial zone;ii. a neighbourhood shopping centre, to be located at the intersection of Alexander Drive and Gngara Road (Northern Neighbourhood Centre) within a Commercial zone or residential dwellings in the Residential Precinct;iii. a primary school(s) to be located in the eastern portion the SCA1 area (fronting Queensway) and to the south of SCA1 (fronting Kingsway) both identified as Civic/Cultural;iv. Residential dwellings within a Residential Precinct; and,v. Public Open Space;b) The structure plan is to provide for the subdivision of the SCA 1 area into lots with a predominantly north south orientation;c) The structure plan is to provide for the alignment of roads with a predominantly east west orientation;

		<p>d) Public open space being provided in accordance with the Public Open Space Schedule of Agreed Local Structure Plan No. 57.</p> <p>e) Provisions that demonstrate that residential subdivision and development density on restricted land will achieve a minimum average site area of no less than 500m² per dwelling across the SCA1 area.</p> <p>f) The further requirements as outlined in these Provisions.</p> <p>2. If there is any inconsistency between an operating structure plan and the SCA1 Provisions, the SCA1 provisions prevail.</p> <p><u>General Requirements</u></p> <p>3. Residential subdivision and development shall comply with a density such that a minimum average site area per dwelling shall not be less than 500m² across the SCA1 area.</p> <p>4. All uses within the Residential precinct other than the use classes:</p> <ul style="list-style-type: none"> i. Single House, ii. Grouped Dwelling, iii. Home Based Business Categories 1-3, iv. Schools, v. Public Open Space, vi. Drainage <p>are not permitted within SCA1.</p> <p>5. The base coding of R20/30 applies to SCA1, in accordance with the following provisions:</p> <ul style="list-style-type: none"> a) Base coding of R20 with a minimum average site area per dwelling of 500m². To the extent there is any inconsistency between site area per dwelling in these provisions and the Residential Design Codes, these provisions prevail. b) R30 may be provided in the following circumstances: <ul style="list-style-type: none"> • 400m from Commercial/Retail centres. • 250m from Public Open Space. • 250m from Bus Routes. <p>on the proviso that R30 development must still achieve the minimum average site area per dwelling of 500m² across the SCA1 area.</p> c) Compliance with the locational criteria and that the proposal complies with a maximum average site average of 500m² per dwelling across the SCA1 area. d) Where SCA1 is subject to an operating structure plan, an R Code Plan is to be submitted at the time of subdivision. This Plan will allocate residential density for the assessment of development applications. e) A landscape plan is to be prepared by landowners (at subdivision stage) and adopted by Council to establish evergreen vegetation within public open space and road reserves. The landscape plan shall include species identified for the relevant locality type in the Street Tree Master Plan adopted by Council. Wherever practical, Australian native vegetation should be used. <p><u>Development Requirements (Residential Zone)</u></p> <p>6. Provisions, standards and requirements for residential development are in accordance with those applicable to the Residential Zone as included in the City's District Planning Scheme No.2 (the Scheme) and the Residential Design Codes including those standards detailed in Table No.1 of the Residential Design Codes, unless otherwise provided below. The following SCA1 provisions take precedence over, and operate as variations to the relevant R- Code, and Scheme standards and are not subject to variation unless otherwise provided for:</p>
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		<p>a) Development of dwellings is to comply with the provisions of the Residential Design Codes unless otherwise provided within the SCA1 Provisions.</p> <p>b) As multiple dwellings are not permitted, all dwellings shall not be less than the minimum site area per dwelling permissible under Table 1 of the Residential Design Codes, noting that, notwithstanding relevant density code, the minimum average site area of 500m² per dwelling must be met across the SCA1 area.</p> <p>c) All buildings are to comply with Table 3 for Category B Buildings under Part 5.1.6 C6 Deemed to Comply Requirements of the Residential Design Codes being that:</p> <ol style="list-style-type: none"> for buildings with a roof above, the top of the external wall shall not exceed 6m above natural ground level, the top of an external wall with a concealed roof shall not exceed 7m above natural ground level; and the top of the pitched roof shall not exceed 9m above natural ground level; <p>d) outbuildings not constructed of brick which must not exceed 2.7m in height from natural ground level.</p> <p>e) To the extent permitted by the Building Code of Australia or Western Australian planning laws, double brick construction must be used for all external walls except:</p> <ul style="list-style-type: none"> Garages (for which single brick construction may be used); and Domestic sheds (for which materials other than brick may be used). <p>f) If all external walls are not double brick construction (except garages and domestic sheds), overlapping sisalation must be installed between the outer wall and abutting inner wall located on the eastern side of the building.</p> <p>g) All roofs (except roofs of garages and domestic sheds with dimensions less than 3m x 3m) must have a pitch of at least 10 degrees.</p> <p>h) All garages must not have a permanent opening on the eastern side; or on more than one side but, for avoidance of doubt, one of the 3 enclosed sides may include a garage door.</p> <p>i) Antennae connected to equipment that has transmit capabilities must not be installed without planning approval and such only be permitted with the prior written approval of Telstra Corporation Limited.</p> <p>j) The height of any domestic shed must not exceed 2.7m.</p> <p>k) Where practical, windows must be located on the northern and southern side of any residential dwellings.</p> <p>l) Where practical, kitchens must be located on the western side of any building of residential dwellings.</p> <p><u>Development Requirements (Commercial Zone)</u></p> <p>7. All development within the neighbourhood centres (Commercial Zone) is to comply with the following standards:</p> <ol style="list-style-type: none"> any eastern facing walls must be solid and without openings; the height of all buildings must not exceed 5.5 metres above finished ground levels; all roofs must have a pitch of at least 10 degrees; any car parking spaces must be located to the west of the neighbourhood centre and in the lee of the buildings; and, vehicle access is not permitted from Alexander Drive. <p>8. Variations to the eastern facing walls of buildings and parking may be permitted in the following circumstances:</p> <ol style="list-style-type: none"> A 3 metre wide landscape strip shall be provided on the lot, adjacent to the Alexander Drive frontage, to be
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		<p>planted with trees at a minimum of 7.5 metre intervals between the centre line of the trunk of each tree with the following species and planting sizes:</p> <ul style="list-style-type: none"> i. Common Sheoak - 200mm pot size; ii. Candle Banksia - 200mm pot size; iii. Holly Leaf Banksia - 200mm pot size; iv. Firewood Banksia - 200mm pot size; v. Marri - 200mm pot size; vi. Jarrah - 200mm pot size; vii. Coastal Blackbutt - 200mm pot size. <p>b) Not more than 1 row of car parking bays shall be provided between Alexander Drive landscaping and the future buildings, with a limited number of bays in a second row being allowed directly in front of the eastern elevation of each building that faces Alexander Drive.</p> <p>c) Other than carparking permitted above, carparking shall be located:</p> <ul style="list-style-type: none"> i. to the west of the buildings adjacent to Alexander Drive; and/or, ii. between the buildings; and/or iii. to the south of the buildings for the Southern Neighbourhood Centre and to the north for the Northern Neighbourhood Centre. <p>d) All glazing on the windows of the following building elevations shall be treated with RF shielding window film:</p> <ul style="list-style-type: none"> a. eastern elevation of all buildings fronting or directly facing Alexander Drive; b. the northern elevation of buildings fronting the road to the north of the Southern Neighbourhood Centre; c. the southern elevation of the Northern Neighbourhood Centre.
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3. Amending the Scheme Map accordingly.

DATED THIS _____ DAY OF _____ 2016

CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 146

SCHEME AMENDMENT REPORT

The purpose of this Amendment to the City of Wanneroo's District Planning Scheme No. 2 (**DPS2** or **Scheme**) is to include a Special Control Area (**SCA**). The purposes of the SCA is primarily to secure the already existing and adopted development and subdivision controls currently incorporated into the East Wanneroo Cell 9 – East Landsdale Local Structure Plan No. 57 (**LSP 57**). The Amendment involves the insertion of an SCA into the Scheme text, as well as the insertion of a new SCA Schedule to accommodate the specific subdivision and development provisions.

The amendment relates to the land known as Precinct 64 within the Urban Development zone bound by Gngara Road, Alexander Drive, and Hepburn Avenue and subject to LSP 57 (**the Site**).

The Western Australian planning framework recognises the need to protect against conflict between differing land uses. This has already been recognised in the context of the relationship between urban development in LSP 57 and the adjoining Perth International Telecommunications Centre (**PITC**).

The PITC provides telecommunication services of a State and National significance. These services include the Universal Service Obligation (**USO**) involving Maritime Safety, Telephony, remote area communications, telemetry, tracking command and monitoring of satellites and spacecraft as well as other global satellite communications.

The importance of the PITC is recognised through the USO and under agreements between ESA the Australian Government as well as agreements with other international agencies. These agreements are developed to ensure the continued provision of services for telecommunications and telemetry, tracking command and monitoring of satellites and to ensure those communications are not adversely affected. The PITC is susceptible to Radio Frequency Interference (**RFI**) which is generated by urban development and other sources and has the capacity to adversely affect the provision of telecommunication services.

It is appropriate and already accepted that the planning framework be utilised in this instance to protect the PITC's operations and assist in providing a compatible land use planning environment that will allow the PITC to co-exist with urban development in a mutually compatible way through the provision of targeted land use planning and development measures.

The proposed controls are not new, they reflect the already adopted controls under LSP 57 along with some new special controls specifically for commercial development that have been developed co-operatively between the City, WAPC and the Applicant for the largest commercial facility.

The designation of land within LSP 57 as a SCA would allow a range of specially created planning controls to be implemented through incorporation into the Scheme. A particular value of Special Control Areas is that they allow the capacity to control the permissibility of particular uses in zones and residential density, over and above the normal zoning requirements.

The importance of the PITC has already been recognised by both the City of Wanneroo and the State government through the adoption of the LSP 57 Structure Plan. The controls under that Structure Plan are fundamental to the ongoing compatibility between urban development and the PITC. Accordingly, those controls should be afforded appropriate weight. At present, those controls have only been affected by way of the Local Structure Plan provisions under the City of Wanneroo's TPS2. It should also be noted that the use of Structure Plans is intended only as a temporary planning control designed to facilitate the initial construction and development phases of residential areas. In this case, whilst LSP57 has only recently been adopted by the Council and the WAPC, much of the area has already been subdivided and/or developed in accordance with LSP57.

The need for planning controls in this instance are required in perpetuity, not just in the initial development and construction phases and need to remain when redevelopment occurs in the area. In that regard, it is considered that any controls implemented under the structure plan need to also be supplemented by additional and complementary controls under a SCA for when the Structure Plan concurs its ordinary purpose and falls away.

With currently only low level urban activity in the adjoining areas the PITC has been able to fulfil its high level obligations without the need for further and additional planning controls. However it has become clear through attempts to modify the fundamental planning requirements involved in density within LSP 57 that more rigorous and certain controls are necessary to provide certainty for the landowners within Precinct 64 and the PITC alike. Increases in the density of development upsets the cooperative relationship between the PITC and urban development and results in significant increases in radio frequency emissions which may threaten the operations of the PITC and jeopardise its ability to meet its international and national statutory obligations, as well as community expectations in relation to telecommunications and telemetry.

Radio frequency emissions are generated from a number of sources, including manmade sources related to urban development and residential usage. The extreme sensitivity of PITC equipment makes it “vulnerable” to interference from a wide range of household and related equipment, including small apparently “innocuous” household devices. Such risk will be increased substantially if further urbanisation is permitted within Precinct 64 beyond that permissible under LSP 57, and without appropriate development controls

It is a matter of significant local, regional, State and National importance that the concerns in relation to urban development at Precinct 64 and the resultant interference with the operations of PITC are recognised and addressed to provide certainty and clarity for suitable development and so that urban development and the PITC can co-exist in a mutually compatible way.

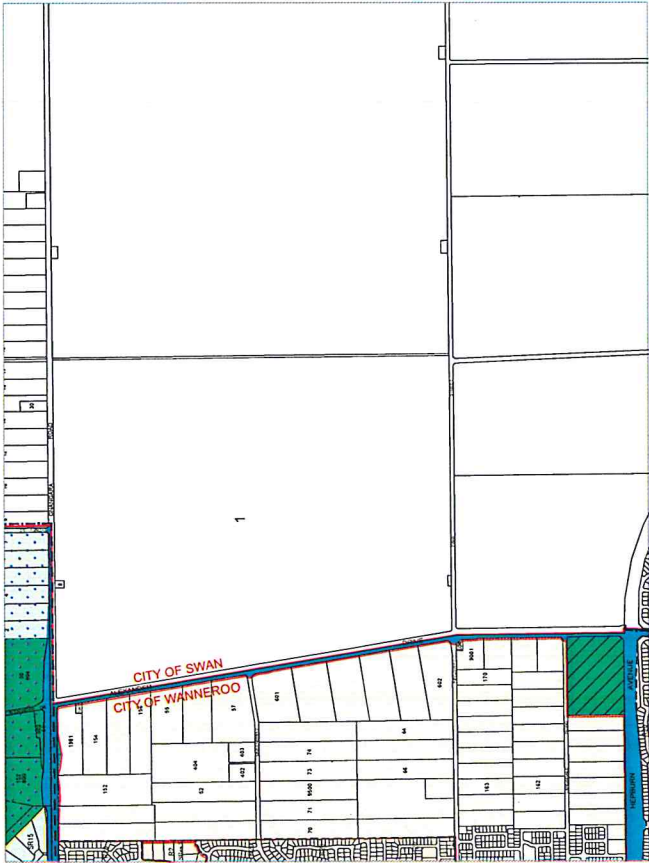
By introducing a SCA to the area subject of LSP57 it will ensure that those provisions of LSP57 can remain in perpetuity and will ensure that any amendment to those provisions is considered in full through a scheme amendment process. This will ensure that the provisions of LSP57 are not eroded over time that may arise from local structure plan amendments seeking to change the zoning or development controls of the land.

Council’s Scheme does not currently contain the necessary provisions to allow it to create SCAs. The amendment therefore seeks to introduce enabling provisions of a SCA into the Scheme.

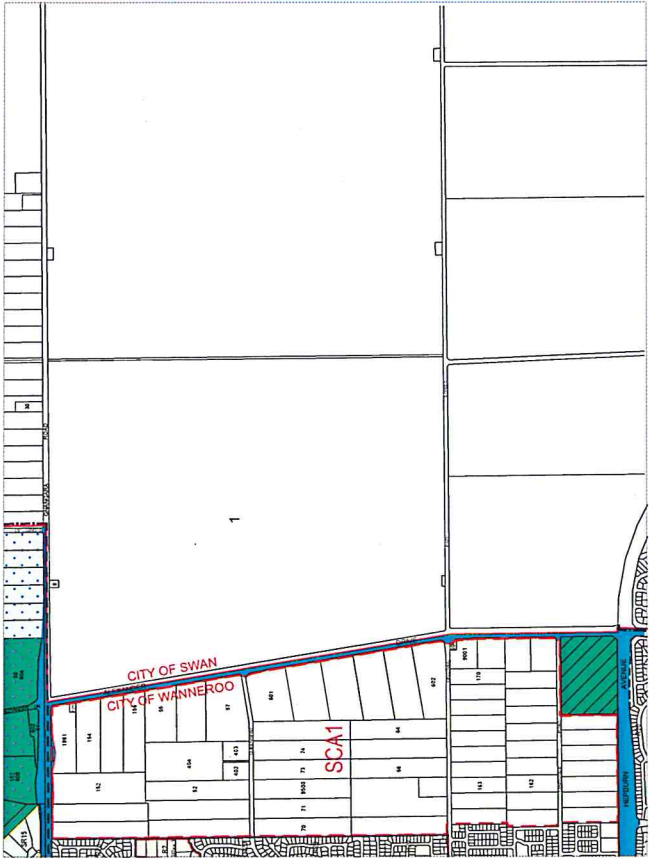
In addition, the following addresses matters that have been added into the amendment:

1. Under Schedule 16 for SCA1, Clause 2 has been added to reflect the provisions of Regulation 27 of the Deemed Provisions of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* that a decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.
2. Under Schedule 16 for SCA, Clause 5e) has been included which requires the provision of a landscape plan to establish evergreen vegetation. This provision is included as mature evergreen trees between development in the area subject of SCA1 and the Perth International Telecommunications Centre (PITC) can assist to reduce the potential for radio frequency emissions from the SCA1 area to effect operations at the PITC.

**ANNEXURE 1 –
SCHEME AMENDMENT PLAN**



Existing Zoning



Proposed Zoning



CITY OF WANNEROO- DISTRICT PLANNING SCHEME No. 2

AMENDMENT No. 146

PROPOSED REZONING

LOT 1 GNANGARA ROAD
CULLACABARDEE
CITY OF WANNEROO



SCALE: 1:20 000
ORIGINAL PLAN SIZE: A3

JOB CODE:
TEL CL9 GE
DATE:
07.08.2014



Allering & Associates
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and Subdivision Designers

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

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MAYOR

.....
CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of
Wanneroo at the meeting of the Council held on
the day of and the Common Seal of
the City of Wanneroo was hereunto affixed by the authority
of a resolution of the Council in the presence of:

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MAYOR

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for final approval

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DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE