



# **DISTRICT PLANNING SCHEME No. 2**

Amendment No. 159

*Planning and Development Act 2005*

**RESOLUTION TO PREPARE OR ADOPT\* AMENDMENT TO  
LOCAL PLANNING SCHEME**

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 159**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by rezoning Lot 354 (No. 25) Capilano Avenue, Yanchep from Public Use reserve to Urban Development zone in accordance with the Scheme (Amendment) Map.

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

This proposed amendment is considered to be consistent with the following criteria under Regulation 34 which describes a standard amendment as:

- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) *any other amendment that is not a complex or basic amendment.*

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

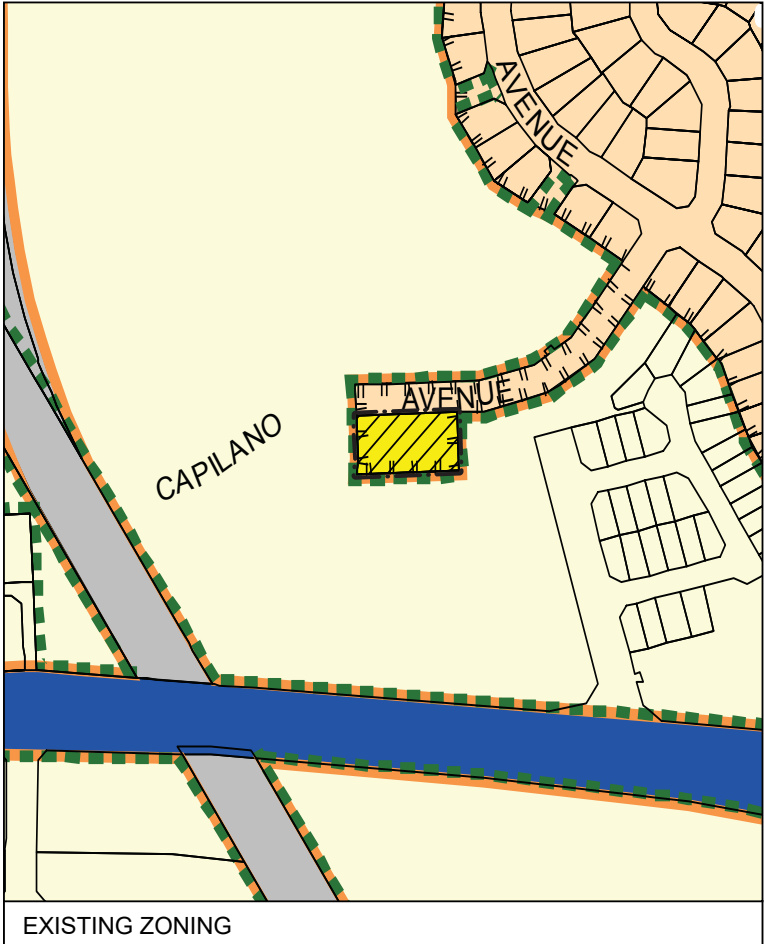
.....  
(Director, Planning & Sustainability)

**PLANNING AND DEVELOPMENT ACT 2005**

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 159**

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 rezoning Lot 354 (No. 25) Capilano Avenue, Yanchep from Public Use reserve to Urban Development zone in accordance with the Scheme (Amendment) Map.



**LEGEND**

**REGION SCHEME RESERVES (MRS)**

- Other regional roads
- Railways

**LOCAL SCHEME RESERVES**

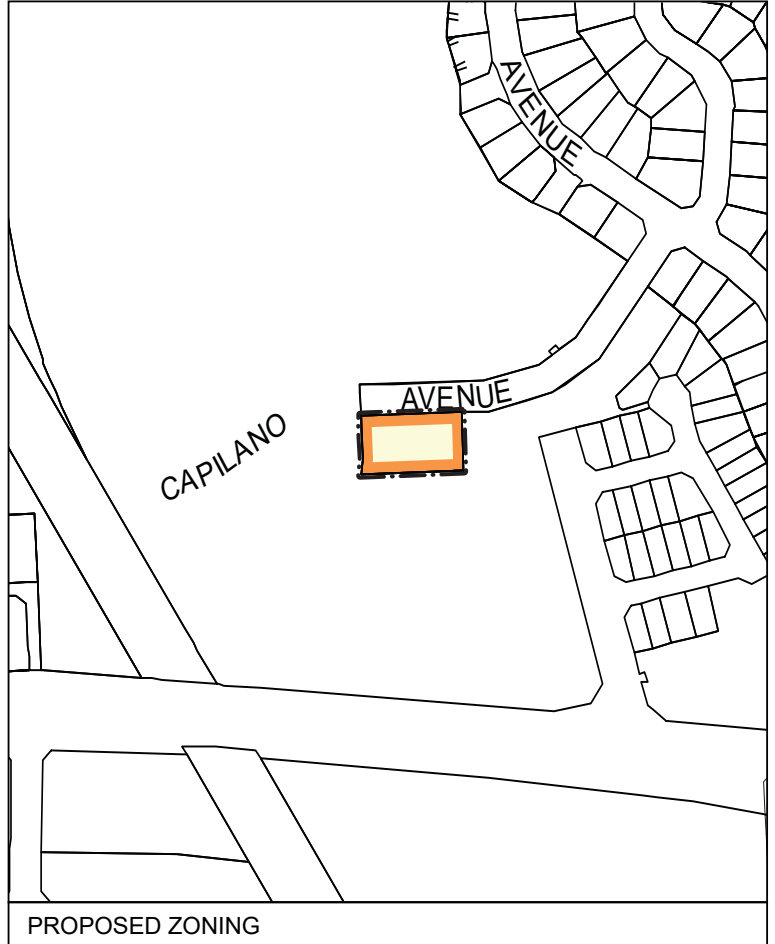
- Public use

**LOCAL SCHEME ZONES**

- Residential
- Urban development

**OTHER CATEGORIES**

- R20 R Codes
- EC1 Environmental condition area
- Amendment Area



**CITY OF WANNEROO**  
**DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 159**  
**SCHEME AMENDMENT REPORT**

The subject site is located within the suburb of Yanchep and is within the municipality of the City of Wanneroo (the City) and is subject to the provisions of the City’s Town Planning Scheme No. 2 (TPS2). The subject site is currently zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and is reserved ‘Public Use’, under the City’s TPS2.

The subject site has a total land area of 2,473m<sup>2</sup> and has previously contained a Water Corporation wastewater treatment plant, which has now been decommissioned.

The table below details the Certificate of Title details

Lot	Volume / Folio	Plan	Area	Registered Proprietors
354	1430/581	11497	2,473m <sup>2</sup>	Water Corporation

*Refer to Figure 1 – Location Plan*  
*Refer to Figure 2 – Aerial Plan*  
*Refer to Figure 3 – Site Plan*

Due to the potentially contaminating nature of the previous use of the site, a contaminated sites investigation has been undertaken by a Department of Environment Regulation (DER) accredited auditor, which has found the site to be free from contamination. The DER has recently endorsed the Auditor’s report and the site will be reclassified as Not Contaminated – Unrestricted Use.

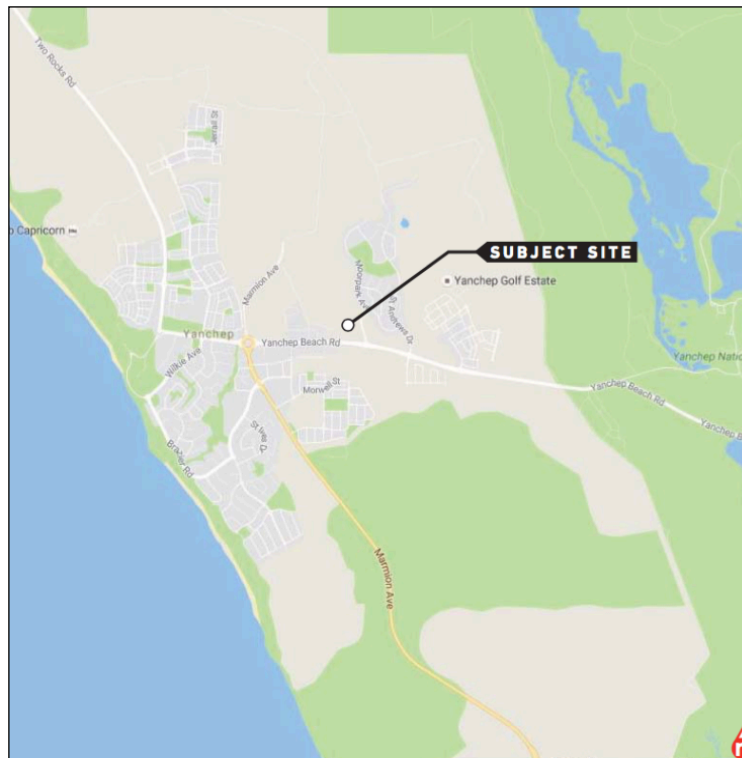


Figure 1 – Location Plan

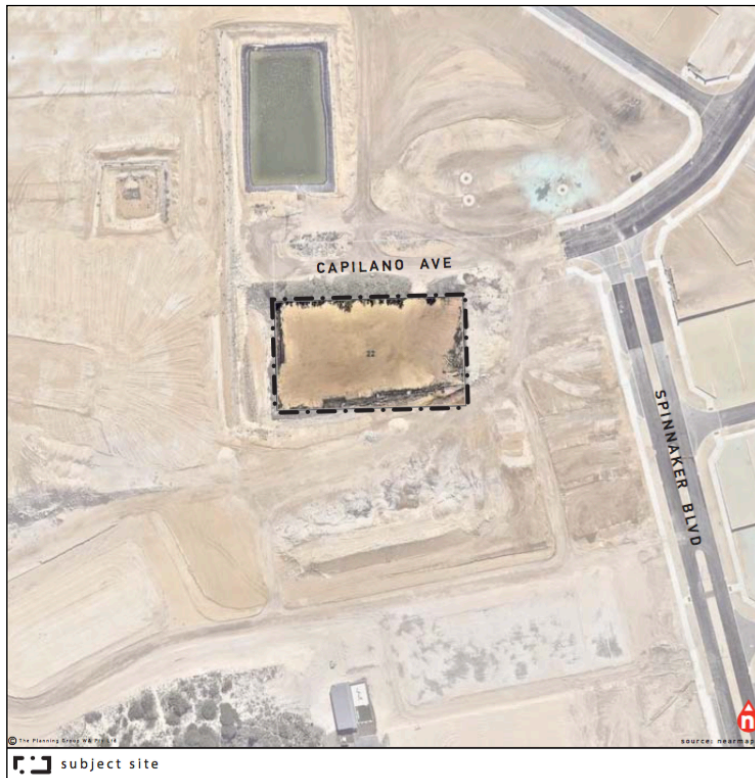


Figure 2 – Aerial Plan

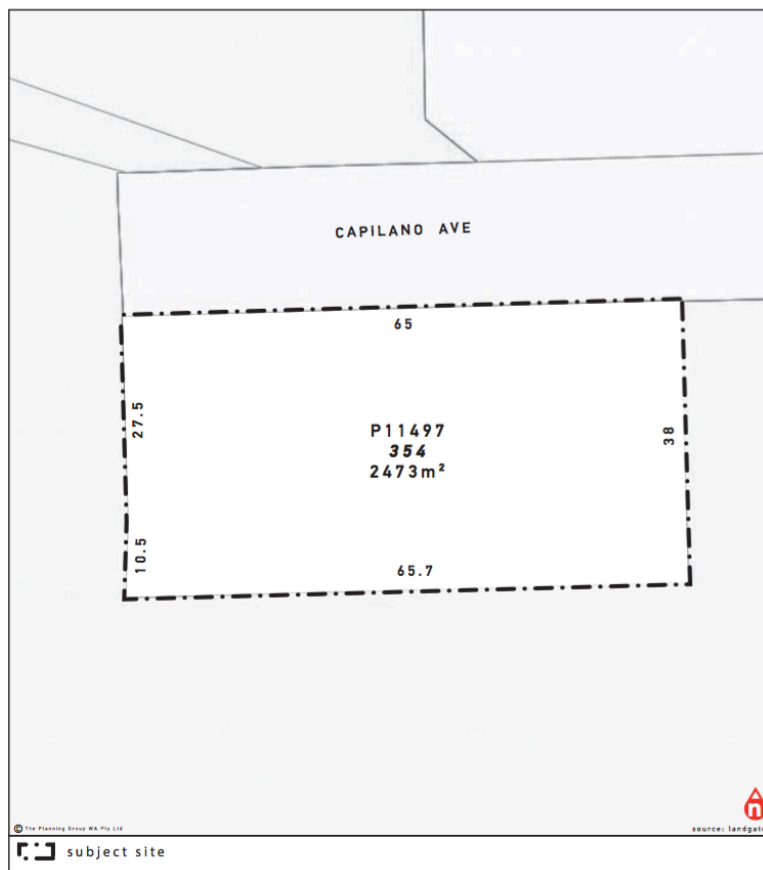


Figure 3 – Site Plan

Site Context

The subject site is located within close proximity to an existing residential development to the immediate east, which surrounds the Yanchep Sun City Country Club and the associated golf course.

The land immediately surrounding the subject site is predominantly undeveloped or is currently being developed for residential purposes in line with the approved Yanchep City Structure Plan. The Yanchep Central Shopping Centre is located approximately 800 metres south west of the subject site, which is identified as an emerging strategic metropolitan centre in the Western Australian Planning Commission's *State Planning Policy 4.2 – Activity Centres for Perth and Peel*.

With regard to the ultimate development outcome and land use configuration depicted by the Yanchep City Structure Plan, the subject site is considered to be well located, within close proximity to existing and proposed areas of public open space, shopping centres and other facilities and services. Within the wider locality, the subject site is located approximately 2 kilometres to Yanchep Beach and affords excellent connections to the wider surrounding metropolitan region through existing and planned transport infrastructure.

Due to the potentially contaminating nature of the previous use of the site, a contaminated sites investigation has been undertaken by a Department of Environment Regulation (DER) accredited auditor, which has found the site to be free from contamination. The DER has recently endorsed Auditor's report and the site will be reclassified as Not Contaminated – Unrestricted Use.

#### Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and is not subject to any clause 32 resolutions.

Refer to Figure 4 – Metropolitan Region Scheme Extract

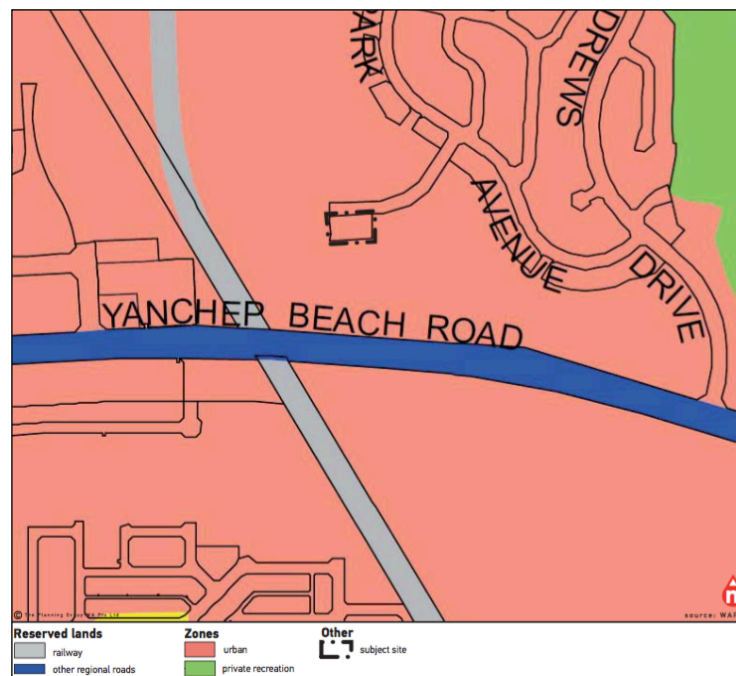


Figure 4 – Metropolitan Region Scheme Extract

## City of Wanneroo Town Planning Scheme No. 2

Under the City's TPS2 the subject site is reserved for 'Public Use'.

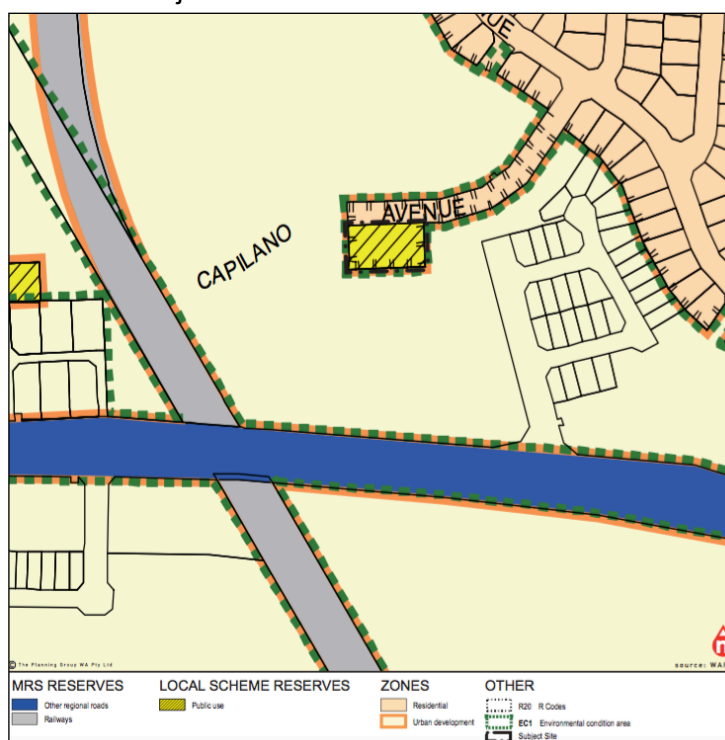


Figure 5 – Town Planning Scheme No. 2 Extract

## Yanchep City Structure Plan

The Yanchep City Structure Plan (the structure plan) was adopted in 2013 and provides a detailed design of the area, consistent with the overarching Yanchep-Two Rocks District Structure Plan and sets out a broad range of land use designation and transport connections.

The subject site is not included within the structure plan area and therefore has no designated land use under the structure plan. However, clause 6.1 of the structure plan includes a specific provision that limits development from occurring due to the wastewater treatment plant located at the subject site as follows:

*‘6.1 No subdivision and/or development is permitted on land located within 350 metres of the Wastewater Treatment Plant, as depicted on Plan 1, until such time as:*

- a) the Wastewater Treatment Plant has been decommissioned; or*
- b) the applicant can clearly demonstrate that the odour and/or other impacts associated with the activity can be ameliorated or do not impact on the land, to the satisfaction of the City of Wanneroo and the Water Corporation.’*

*Refer to Figure 6 – Yanchep City Structure Plan Extract*

In 2015, the wastewater treatment plant was removed from the subject site and appropriately decommissioned. Subsequently, development has occurred in the immediate surrounding locality post decommissioning as a result of clause 6.1 as outlined above no longer being of relevance.



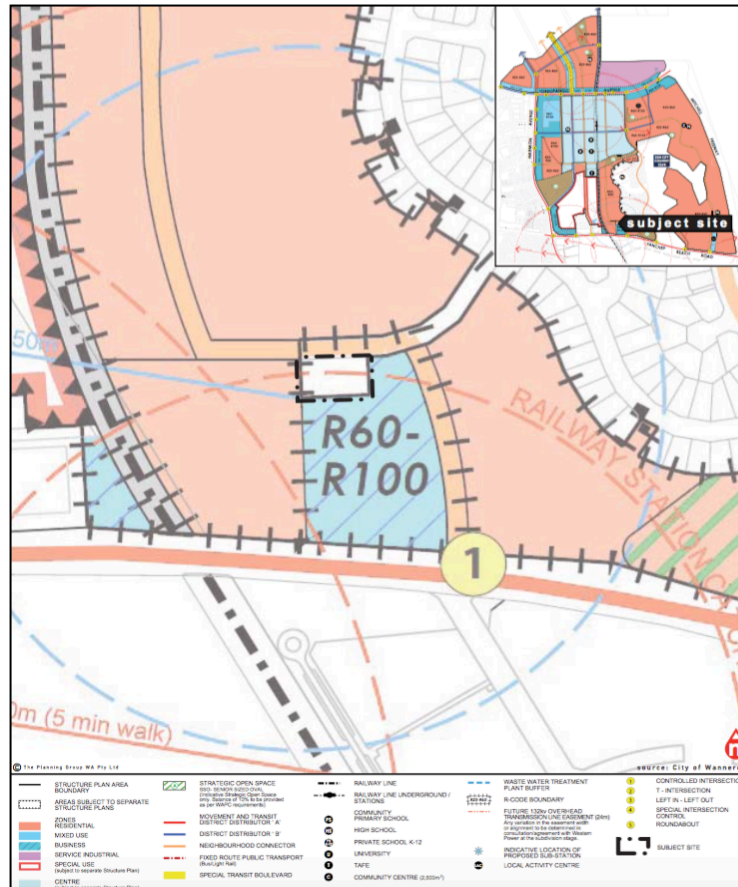
The subject site is bound by a road to the immediate north, which is depicted on the structure plan map as being a neighbourhood connector road. The land immediately south of the subject site is zoned 'Business' and prescribed a residential density of R60 – R100. The structure plan outlines the development intent of the business zone as follows:

*'A Business zoning has been applied in strategic locations across the Structure Plan area, particularly on significant road linkages, transit-ways, and in the vicinity of other complementary uses including Mixed Use, Service Industrial and the Special Use – Yanchep Enterprise Park zone, which transition well into business uses. Business is a flexible classification, which accommodates a variety of business types, from office and retail through to service commercial uses.*

*Residential uses will also be permitted in the Business zone, as none of the uses permitted in this zone are incompatible with inner urban residential development. However, employment-generating uses are intended to dominate, particularly at street-level.'*

The structure plan specifies that the provisions, standards and requirements of the business zone are to be in accordance with the City's TPS2. The structure plan also specifies a number of uses that are permitted and/or not permitted, which is additional to the City's TPS2 requirements.

Residential zoned land surrounds the subject site and is prescribed a density coding of R20 – R60. This area of residential zoned land extends north from the subject site and is bound by the existing residential development to the east and the future proposed railway alignment to the west, which traverses through an area of land zoned 'centre' and which is subject to further structure planning.



Refer to Figure 6 – Yanchep City Structure Plan Extract

## Proposed Scheme Amendment

The intent of this letter is to request the City to initiate a Scheme Amendment to TPS2 to reclassify the subject site from its current 'Public Use' reservation to the 'Urban Development' zone. The proposed zoning will allow for the subject site to be incorporated into the surrounding area by a prospective purchaser in accordance with the Yanchep City Structure Plan.

The proposed rezoning will allow the Water Corporation to dispose of the subject site, which has been deemed surplus to Water Corporation requirements. In this regard, the existing wastewater treatment plant has already been decommissioned and has allowed for the immediately surrounding area to be developed for its intended purpose, unconstrained by the associated nuisance at the subject site and clause 6.1 of the structure plan.

The proposed zoning is considered to be entirely appropriate to the subject site and is consistent with the purpose of the 'Urban Development' zone as outlined under the City's TPS2, which is outlined as follows:

*The purpose of the Urban Development Zone is to provide for the orderly planning and development of larger areas of land in an integrated manner within a regional context whilst retaining flexibility to review planning with changing circumstances.*

Whilst the subject site is not a large area of land, the proposed 'urban development' zoning will ensure that a prospective purchaser of the subject site is provided with a degree of flexibility in determining the ultimate land use to be pursued at the subject site. This will allow for the subject site to be developed for urban purposes, having regard to orderly and proper planning principles whilst allowing a flexible planning framework to adequately allow for the subject site to respond to changing circumstances throughout the development stages of the area.

## Summary

This letter has been prepared by TPG + Place Match on behalf of the Water Corporation to request the City of Wanneroo to reclassify No. 25 Capilano Avenue, Yanchep from being reserved under TPS2 for 'Public Use' to the 'Urban Development' zone.

The proposed request is justified given that the proposal will allow for the Water Corporation to dispose of the subject site, which is deemed surplus to the Water Corporation's requirements. The proposed 'Urban Development' zoning will adequately allow for a prospective purchaser to request the City to include the subject site within the Yanchep City Structure Plan area or be developed for a purpose that is consistent with the intent of the structure plan as part of subsequent planning processes.

In summary, the proposal:

- Represents a logical rezoning to allow for the subject site to be developed for its ultimate purpose, consistent with the structure plan as adopted by the City;
- Represents orderly and proper planning of the site through maximising the efficient use of land that is no longer required for the purposes of wastewater treatment; and
- Will enable the most appropriate use for the site and allow surplus Water Corporation owned land to be utilised for an appropriate development in the future.

Based on the above, it is respectfully requested that the City of Wanneroo initiate this request to reclassify the subject site from 'Public Use' to 'Urban Development'

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

.....  
DIRECTOR, PLANNING & SUSTAINABILITY

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

.....  
DIRECTOR, PLANNING & SUSTAINABILITY

Recommended/Submitted for final approval

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

DATE .....

Final Approval Granted

.....  
MINISTER FOR PLANNING

DATE .....