



**DISTRICT
PLANNING
SCHEME No. 2**

Amendment No. 144

Planning and Development Act 2005

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 144

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by zoning portion of Lot 10776 (34) Highclere Boulevard, Marangaroo (John Moloney Park) from 'Local Scheme Reserve – Parks and Recreation' to 'Civic and Cultural' as shown on the amendment map.

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

- a) The amendment is consistent with a region planning scheme that applies to the scheme area (Metropolitan Region Scheme);
- b) The amendment would have a minimal impact on land in the scheme area that is not the subject of the amendment; and
- c) The amendment 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*.

Date of Council Resolution.....

.....
(Chief Executive Officer)

Dated this day of 20.....

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 – AMENDMENT NO. 144

SCHEME AMENDMENT REPORT

Summary

The City of Wanneroo (the City) is seeking to amend District Planning Scheme No. 2 (DPS 2) by zoning a 326 square metre portion of Lot 10776 (34) Highclere Boulevard, Marangaroo (Crown Reserve 39479 – John Moloney Park) from 'Local Scheme Reserve – Parks and Recreation' to 'Civic and Cultural'. The extent of the proposed zoning is shown on the amendment map.

Background

John Moloney Park is 6.86 hectares in area, and contains facilities available to the public including car parking, a playground, cricket nets, a cricket/football oval and a baseball/softball field. The entire John Moloney Park is currently a 'Local Scheme Reserve – Parks and Recreation' under DPS 2.

Lot 825 is owned in Freehold by the City and adjoins John Moloney Park. Lot 825 is zoned 'Civic and Cultural' under DPS 2, and contains a building known as the Marangaroo Family Centre (MFC). The MFC site is currently leased, with the occupants also utilising the land on the portion of Crown Reserve adjoining Lot 825, which is subject to this amendment. The portion of Crown Reserve is utilised exclusively by the MFC occupants, and is surrounded by a chain mesh fence that prevents public access from the remainder of the Crown Reserve.

In a process separate yet relevant to this amendment, the City is seeking to excise this 326 square metre portion of John Moloney Park and amalgamate this land into Lot 825. The purpose of the excision of the Crown Reserve is so that all the MFC facilities are contained on one Freehold lot, owned by the City.

It was previously proposed that the City would offset the land that the City is seeking to excise, by offering to dispose a 199 square metre portion of Lot 825 to then be amalgamated into the Crown Reserve. However, the City will no longer be offsetting land as part of the excision of the portion of Crown Reserve.

This DPS 2 amendment proposes to apply a 'Civic and Cultural' zoning on the portion of John Moloney Park that the City is seeking to excise. The extent of the changes to the Scheme Map proposed in this amendment is demonstrated on the amendment map.

Comment

In late 2012, the City consulted with the (then) Department of Planning (DoP) on the proposal to excise land from John Moloney Park, for the purpose of amalgamating it into the MFC landholding. On 24 May 2013, the DoP provided the following comment:

- Expression of no objection in principle to the proposed excision of the portion of Crown Reserve 39479 and subsequent amalgamation into adjoining Lot 825; and

- Recommendation that the City of Wanneroo initiates an Amendment to DPS 2, to rezone the subject portion of land from a Public Recreation reserve to 'Civic and Cultural'.

A copy of the DoP's response is included as **Annexure 1**. In response to the recommendation from the DoP, the City has since prepared this DPS 2 amendment.

A significant matter to be considered as part of this request relates to the impact on the amount of public open space in the area that will remain, should the subject portion of John Moloney Park be amalgamated into adjoining Lot 825. The City considers that should the subject portion of John Moloney Park be zoned 'Civic and Cultural' and amalgamated into the adjoining Lot 825, there will be an insignificant change of public open space remaining in the locality.

The portion of John Moloney Park subject to this DPS 2 amendment contains facilities that are only currently available for the use of the occupants of the MFC. The remaining portion of John Moloney Park contains facilities such as a playground, a car park, a baseball/softball field, cricket pitch and cricket nets which will continue to be available to the public following a successful outcome of this amendment.

Conclusion

As discussed above, the amendment would coincide with the City's pursuit to excise Crown Land, for the purpose of amalgamating that land into an adjoining land parcel that the City owns in Freehold (Lot 825 Highclere Boulevard, Marangaroo). The amendment has been prepared by the City on the advice previously provided by the officers at the (then) Department of Planning.

The City of Wanneroo anticipates that the zoning of the amendment area to 'Civic and Cultural' zone would have a minimal effect on landowners in the Scheme area and users of the public open space on the Crown Reserve. As such, the amendment could be supported.

ANNEXURE 1



Government of Western Australia
Department of Planning

Your ref: 6157
Our ref: DP/13/00200
Enquiries: Elisabeth Tamouridou
Telephone: (08) 65519729

Neil Scanes
Property & Leasing Officer
City of Wanneroo
Locked Bag 1
Wanneroo, WA 6946

Dear Mr. Scanes

RE: PROPOSED EXCISION OF A PORTION OF CROWN RESERVE 39479

I refer to your letter to the Western Australian Planning Commission, dated 14 December 2012, regarding the proposed excision of a portion of Lot 10776 from Reserve 39479 (John Moloney Park), Marangaroo. I would like to apologise for the delay in replying to this letter.

The Department of Planning has considered the matter and raises no objection in principle to the proposed excision of land from the subject Reserve and amalgamation into the adjoining Lot (Lot 825).

Please be advised that a subdivision application is also required to be submitted to WAPC, for the proposed realignment of boundaries between Lot 10776 (Crown Reserve) and Lot 825 to be effected. It is further recommended that the City of Wanneroo initiate an Amendment to the City's District Planning Scheme No. 2 to rezone the subject portion of land from a Public Recreation reserve to Civic and Cultural.

Should you have any queries please contact Elisabeth Tamouridou on 6551 9729.

Yours sincerely

A handwritten signature in black ink, appearing to be 'E. Van Heyningen', written over a horizontal line.

Emille Van Heyningen
Planning Manager - Metropolitan Planning North West

24 May 2013

City of Wanneroo IM 31/5/2013

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 144

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 zoning portion of Lot 10776 (34) Highclere Boulevard, Marangaroo (John Moloney Park) from 'Local Scheme Reserve – Parks and Recreation' to 'Civic and Cultural' as shown on the amendment map.

This Standard Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the _____ day of _____ 20__ .

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the _____ day of _____ 20__ , proceed to advertise this amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for _____ by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the _____ day of _____ 20__ 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

WAPC RECOMMENDATION FOR APPROVAL

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

DATE

Approval Granted

.....
MINISTER FOR PLANNING

DATE