



DISTRICT PLANNING SCHEME No. 2

Amendment No. 165

Planning and Development Act 2005

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 165

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

1. Deleting the existing text from Clause 3.5.1 and Clause 3.5.3 and replacing it with the following:

3.5.1 The objectives of the Mixed Use Zone are:

- (a) To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- (b) To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

2. Amending Table 1 (Clause 3.2 – The Zoning Table) by:

- (a) Modifying the permissibility of 'Convenience Store' from discretionary ('D') to not permitted ('X') in the Mixed Use Zone.
- (b) Modifying the permissibility of the following land uses from not permitted ('X') to discretionary ('D') in the Mixed Use Zone:
 - i. Amusement Facility/Parlour
 - ii. Dry-Cleaning Premises
 - iii. Laundromat
 - iv. Shop
 - v. Showroom
 - vi. Telecommunications Infrastructure
 - vii. Take-Away Food Outlet
- (c) Further to (b)(iv) above, showing the land use permissibility for Shop in the Mixed Use Zone as 'D¹'; and
- (d) Adding notation at the end of Table 1 as follows:

Notes:

1. Limited to a maximum net lettable area of 150m²

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

An amendment that is not addressed by any local planning strategy.

Date of Council Resolution.....

.....
(Chief Executive Officer)

Dated this day of 20.....

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 – AMENDMENT NO. 165

SCHEME AMENDMENT REPORT

Background on the Proposed Amendment

Mixed Use Zones in the City of Wanneroo (the City) – whether zoned in the City’s District Planning Scheme No. 2 (DPS 2) or designated in a structure plan – are located as shown on the plans included in **Appendix 1** of this Report.

The City of Wanneroo Corporate Business Plan 2018/19 – 2021/22 (CBP) defines four years of priorities, services, projects and actions the City will implement in order to realise the City’s Strategic Community Plan. Relevant to this Report, the CBP lists “*initiate scheme amendment to change Mixed Use Zones*” as an Annual Action. The strategic outcome, strategy, priority and action listed in the CBP relevant to this Report are outlined below:

Strategic Outcome:	2.1 – Local Jobs
Strategy:	2.1.1 – Develop strong economic hubs locally and near transport
Priority:	Ensure sufficient employment land which is serviced by good connectivity.
Annual Actions 2018/19:	Initiate scheme amendment to change mixed use zones.

At present, there are some Mixed Use Zoned areas of the City that are providing developments with a vertically integrated mix of land use (examples of which are provided in **Appendix 2** of this Report). However, the majority of areas zoned Mixed Use only provide single house or grouped dwelling development (i.e. no non-residential land uses), and have a built form indistinguishable from that found in a typical Residential zone (examples of which are provided in **Appendix 3** of this Report).

The City considers that any review or change to Mixed Use Zones should aim to improve land use mix and built form outcomes in the zone. The City desires the following outcomes being delivered in the Mixed Use Zone as part of its review:

- For Mixed Use Zones to provide a more unique and distinguishable land use and built form outcomes – compared to what can be delivered in the Residential or Commercial Zone;
- For Mixed Use zones to facilitate the development of a range of uses that will better contribute to economic growth in the City;
- Built form providing an effective transition between activity centres and residential areas;
- An increase of active uses on the street level of Mixed Use Zones, as outlined in the Mixed Use Zone model provision objectives discussed later in this Report;
- Better and increased integration of both residential and non-residential land use in the built form; and
- Buildings designed with an increased capability for use to be adapted over time to respond to generational change.

The City is undertaking a multi-faceted approach to address the issues it has with the Mixed Use Zone – including a DPS 2 amendment (subject to this report), the formulation of a new local planning policy and structure plan amendments.

The City's Administration has previously led a workshop with various stakeholders (including Department of Planning, Lands and Heritage officers) to introduce the City's review of the Mixed Use Zone, as well as to express the outcomes that the City wanted to achieve as part of the review. Feedback from the City's stakeholders has led to the City's current approach in reviewing the Mixed Use Zone in the multiple stages as outlined in this Report.

Detail of the City's Amendment Proposal and Mixed Use Zone Review

The City is considering undertaking its Mixed Use Zone review in three stages, being:

- Stage 1: Amendment to DPS 2;
- Stage 2: Preparation of Local Planning Policy; and
- Stage 3: Amendments to various structure plans.

It is Stage 1 – the DPS 2 amendment – which is subject to this Report. The City will be preparing the local planning policy and structure plan amendments in due course.

An overview of what all three stages entail is provided below:

Stage 1 – Amendment to DPS 2

This DPS 2 amendment is proposing two changes to DPS 2 as outlined below:

a) *Modify the objectives of the Mixed Use Zone*

As part of the review of the Mixed Use Zone, the City is proposing to modify the intent and objectives for the Mixed Use Zone in Clause 3.5 of DPS 2. The current wording in Clauses 3.5.1 and 3.5.3 of DPS 2 are as follows:

3.5.1 *The Mixed Use Zone is intended to accommodate a mixture of residential development with small scale businesses in a primarily residential scale environment. The predominant uses will be residential, office, consulting, dining and limited retail uses occupying the street frontage of lots.*

3.5.3 *The objectives of the Mixed Use Zone are to:*

- (a) *provide a diversity of land use and housing types;*
- (b) *allow appropriate businesses to locate and develop in close proximity to residential areas;*
- (c) *allow for services to be provided locally; and*
- (d) *provide high level of amenity.*

The City is proposing to replace the current DPS 2 Mixed Use Zone intent and objectives, with the objectives found in Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (model provisions). The Mixed Use Zone objectives from the model provisions are as follows:

- *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

b) *Changes to land use permissibility for non-residential development*

To coincide with proposed objective changes for the Mixed Use Zone, the City considered the need to also modify land use permissibility in the Mixed Use Zone to the extent as outlined below:

Land Use	<u>Current</u> Permissibility in the Mixed Use Zone	<u>Proposed</u> Permissibility in the Mixed Use Zone
Amusement Facility/Parlour	X	D
Convenience Store	D	X
Dry-Cleaning Premises	X	D
Laundromat	X	D
Shop	X	D*
Showroom	X	D
Telecommunications Infrastructure	X	D
Take-Away Food Outlet	X	D

*Limited to a maximum net lettable area of 150sqm.

Stage 2 – Preparation of Local Planning Policy

This stage will involve the preparation of a new local planning policy to guide the delivery of desired built outcomes in the Mixed Use Zone. The City intends to commence the preparation of this local planning policy whilst the DPS 2 amendment is being processed by the City and the WAPC. The City is anticipating that a Mixed Use Zone local planning policy will detail guidance on the following:

- Building typologies and development requirements (e.g. minimum frontage, development height, floor-to-ceiling height, setbacks, access/entrances, etc); and
- Lot size and dimensions in the Mixed Use Zone (which would be applied at subdivision stage of the planning process), to maximise the opportunity for desired built form outcomes.

Stage 3 – Amendments to Various Structure Plans and Activity Centre Plans

The City will be reviewing various structure plans and activity centre plans to:

- Identify Mixed Use zoned land which may be rezoned to 'Residential', where further consideration has identified rezoning may be appropriate; and
- Resolve any inconsistencies or issues that may arise with the content of structure plans and activity centre plans, as a result of the DPS 2 amendment.

The City will consider undertaking this review of structure plans and activity centre plans following the Minister for Planning's decision on the DPS 2 amendment.

DPS 2 Amendment Type

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the criteria for the various types of local planning scheme amendments. The City's Council has resolved that this proposed amendment will be a 'complex amendment' in the context of the Regulations, as this amendment is not addressed by a local planning strategy.

Comment on the Proposed Amendment

Justification of Land Use Permissibility Changes

As discussed above, the City is proposing to modify the Mixed Use Zone objectives to align with the model provisions. Consideration therefore has also been made on the permissibility of various land uses in the Mixed Use Zone to ensure that they align with the model provision objectives (proposed objectives) of the Mixed Use Zone.

As there is not a major difference between the existing DPS 2 and the proposed objectives of the Mixed Use Zone, the City is not proposing extensive changes to land use permissibility. Changes to land use permissibility that the City is proposing are justified below:

- The **take-away food outlet** land use is currently not permitted ('X') in the Mixed Use Zone. Changing the permissibility of take-away food outlet land use to discretionary (or 'D') would align with the proposed objectives; as the proposed objectives allow for eating establishments in the Mixed Use Zone. Changing the take-away food outlet land use permissibility is further justified by the fact that the restaurant and lunch bar land uses (other types of premises where patrons can collect prepared food) are already permissible in the Mixed Use Zone.
- Laundromats and dry-cleaners could provide facilities to support residents within and outside a Mixed Use Zone. The City is proposing to change land permissibility to make **laundromat** and **dry-cleaning premises** as discretionary (or 'D') uses in the Mixed Use Zone. These land uses meet the proposed objective, as they are appropriate 'industrial' activities in which the nuisances on surrounding residents can be controlled and minimised.
- **Amusement facility/parlour** and **showroom** land uses are currently not permitted ('X') in the Mixed Use Zone. The City is proposing to change land use permissibility of these land uses to discretionary ('D'). The City considers that this change to land use permissibility aligns with the new proposed objective for the Mixed Use Zone, as it specifically mentions that the zone is to allow for showrooms and amusement centres.
- The **shop** land use is currently not permitted ('X') in the Mixed Use Zone. The City acknowledges that shops contained to an appropriate size and scale can activate the street level whilst providing a land use that is compatible in a Mixed Use Zone. The City considers that smaller forms of shops (i.e not major retailers or supermarkets) can potentially locate in Mixed Use Zones without compromising the Activity Centre hierarchy.

The City is therefore proposing that shop be made a discretionary (or 'D') land use, on the condition that the net lettable area (NLA) for a shop be limited to a maximum of 150m². A shop exceeding 150m² NLA would remain a non-permitted use ('X') in the Mixed Use Zone.

- The **convenience store** land use as defined in DPS 2 allows for the retail sale of convenience goods, and includes the sale of petrol. Currently, the convenience store is discretionary ('D') in the Mixed Use Zone. The City does not consider that this land use meets the proposed Mixed Use Zone objective, and that convenience stores can be incompatible with the mix of land uses that could exist in a Mixed Use Zone. As such, the City is proposing to make convenience store not permitted ('X') use in the Mixed Use Zone.

It is considered that convenience stores are better suited in Commercial, Business or Industrial zones, where they already are permissible under DPS 2. Changing the convenience store land use permissibility is further justified by the fact that the service station land use (another type of premises where customers can purchase petrol and incidental convenience goods) is already not permitted (or 'X') in the Mixed Use Zone.

State Planning Policy 5.2: Telecommunications Infrastructure (SPP 5.2) prescribes that when reviewing local planning schemes, telecommunications infrastructure should not be designated as a 'use not permitted' ('X') in any zone. In response to SPP 5.2, the City is proposing to make the **telecommunications infrastructure** land use discretionary (or 'D') in the Mixed Use Zone. Built form outcomes in respect to telecommunications infrastructure can already be considered through the application of other relevant provisions of SPP 5.2 as well as the City's Local Planning Policy 2.5: Telecommunications Infrastructure. Land use permissibility for telecommunications infrastructure in other DPS 2 zones where it is not permitted ('X') will be reviewed by the City at a later date.

Analysis of Existing DPS 2 Mixed Use Zones

DPS 2 only zones the following sites as 'Mixed Use':

- Lot 700 (52) Highclere Boulevard, Marangaroo;
- Lot 719 (10) Mindarie Drive, Quinns Rocks;
- Lot 20 (26) Jenolan Way, Merriwa;
- Lot 1839 (30) Hughie Edwards Drive, Merriwa;
- Various properties on Linto Way and Hillcrest Road, Alexander Heights; and
- Portion Lot 300 (32) Jenolan Way, Merriwa (Portion RAAFA Cambrai Retirement Village).

Profiling of each of the sites listed above (including photographs and description of land use) is provided for in **Appendix 4**. This amendment does not seek to change the zoning of any of the sites listed above.

Many more Mixed Use Zones are designated in the City's various structure plans and activity centre plans. As outlined above, Mixed Use Zones in structure plan and activity centre plan areas will be subject to the City's review at a later stage.

Employment Generation Implications

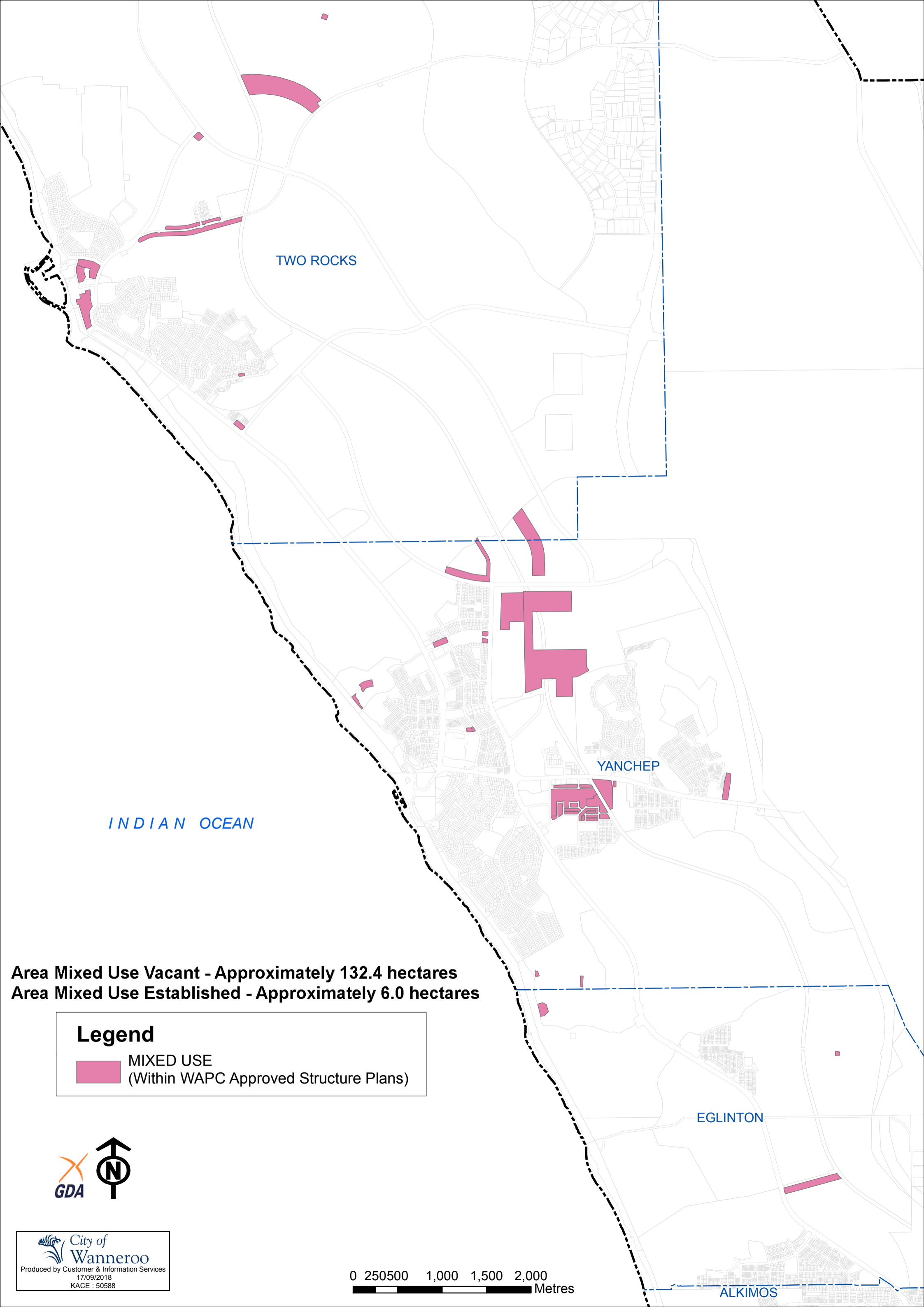
The WAPC has previously advised the City of the need for the City to increase employment self-sufficiency levels. A copy of that advice is included in **Appendix 5**. In preparing its advice, the WAPC identified a trend that Mixed Use Zoned land was being subdivided for residential purposes.

The City understands that this current trend is inhibitive in allowing for non-residential and employment generating land uses from establishing in the Mixed Use Zone. The City anticipates that the proposed multi-faceted approach in reviewing the Mixed Use Zone will assist in generating employment in this zone as outlined below:

- The amendment to DPS 2 will make additional non-residential land uses permissible, which could generate an increased level of employment within the zone.
- A local planning policy could provide guidance on building typologies and lot size which would better support and encourage the establishment of non-residential land uses into the built form.
- Review of structure plans and activity centre plans will also ensure that there is not an unacceptable loss of opportunities for employment generation in Mixed Use Zones.

Appendix 1

Location of Mixed Use Zones in the City of Wanneroo



TWO ROCKS

YANCHEP


INDIAN OCEAN

EGLINTON

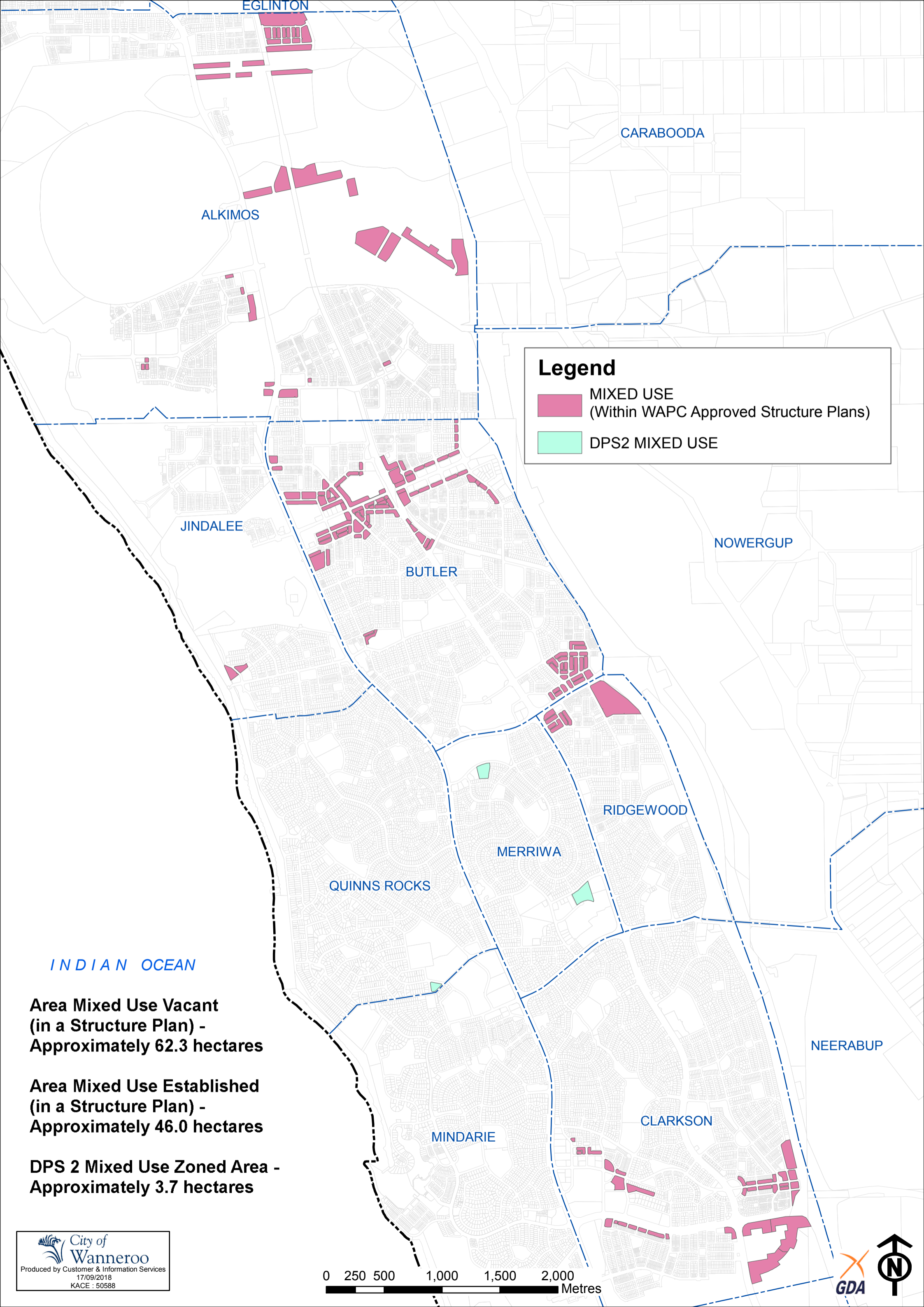
ALKIMOS

Area Mixed Use Vacant - Approximately 132.4 hectares
Area Mixed Use Established - Approximately 6.0 hectares

Legend

 MIXED USE
(Within WAPC Approved Structure Plans)





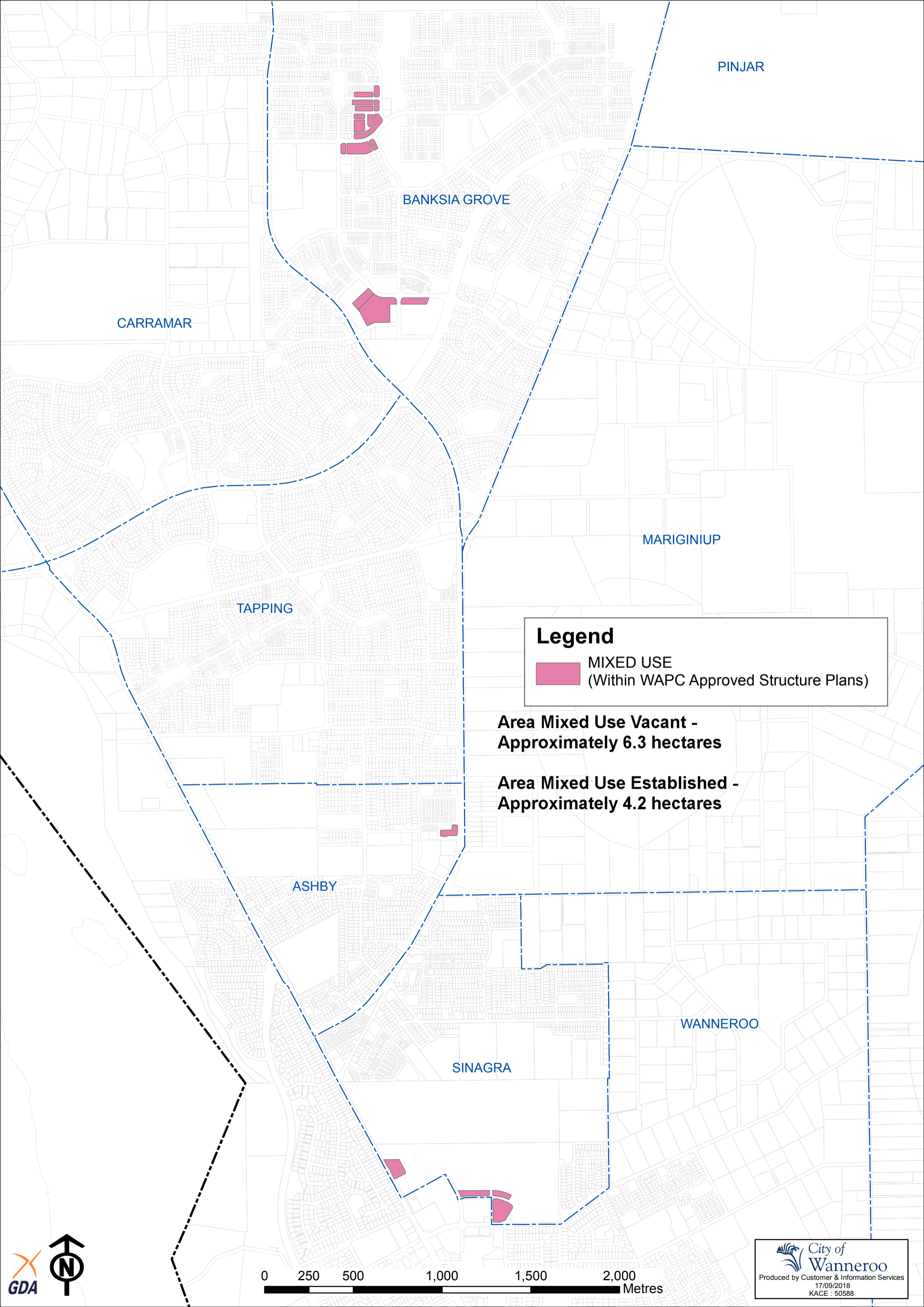
Legend

- MIXED USE
(Within WAPC Approved Structure Plans)
- DPS2 MIXED USE

**Area Mixed Use Vacant
(in a Structure Plan) -
Approximately 62.3 hectares**

**Area Mixed Use Established
(in a Structure Plan) -
Approximately 46.0 hectares**

**DPS 2 Mixed Use Zoned Area -
Approximately 3.7 hectares**



PINJAR

BANKSIA GROVE

CARRAMAR

MARIGINIUP

TAPPING

Legend

 MIXED USE
(Within WAPC Approved Structure Plans)

**Area Mixed Use Vacant -
Approximately 6.3 hectares**

**Area Mixed Use Established -
Approximately 4.2 hectares**

ASHBY

SINAGRA

WANNEROO



0 250 500 1,000 1,500 2,000 Metres

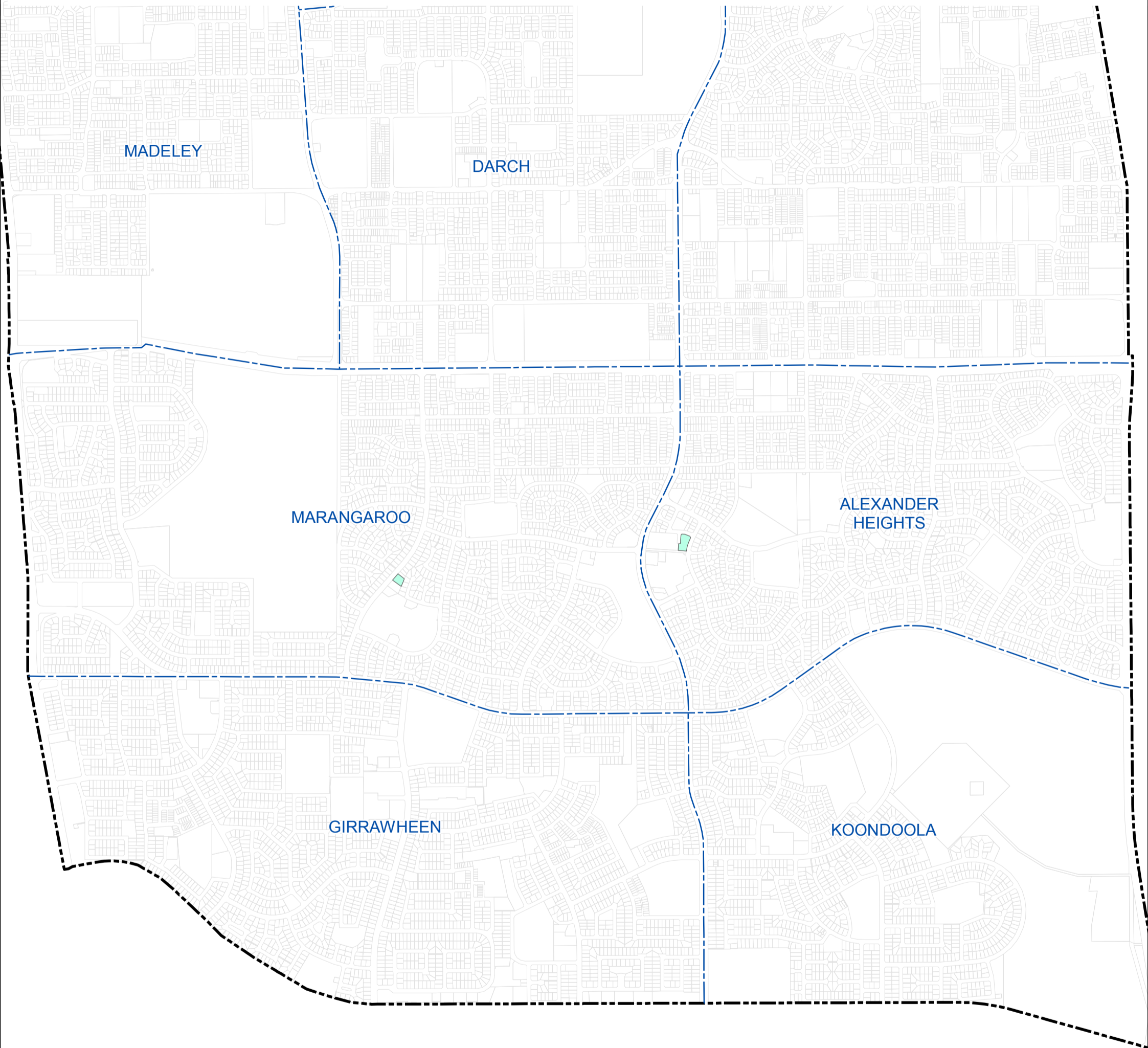
Grand Totals:

Structure Plan Mixed Use Zone Area (Vacant) - 201.0 hectares

Structure Plan Mixed Use Zone Area (Established) - 56.2 hectares

DPS 2 Mixed Use Zone Area - 4.2 hectares

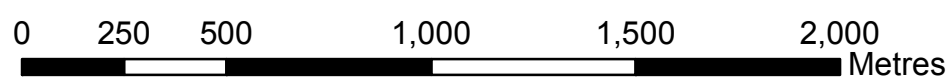
Total Mixed Use Zoned Area - 261.4 hectares



Legend

 DPS2 MIXED USE

DPS 2 Mixed Use Zone Area - 0.5 hectares



Appendix 2

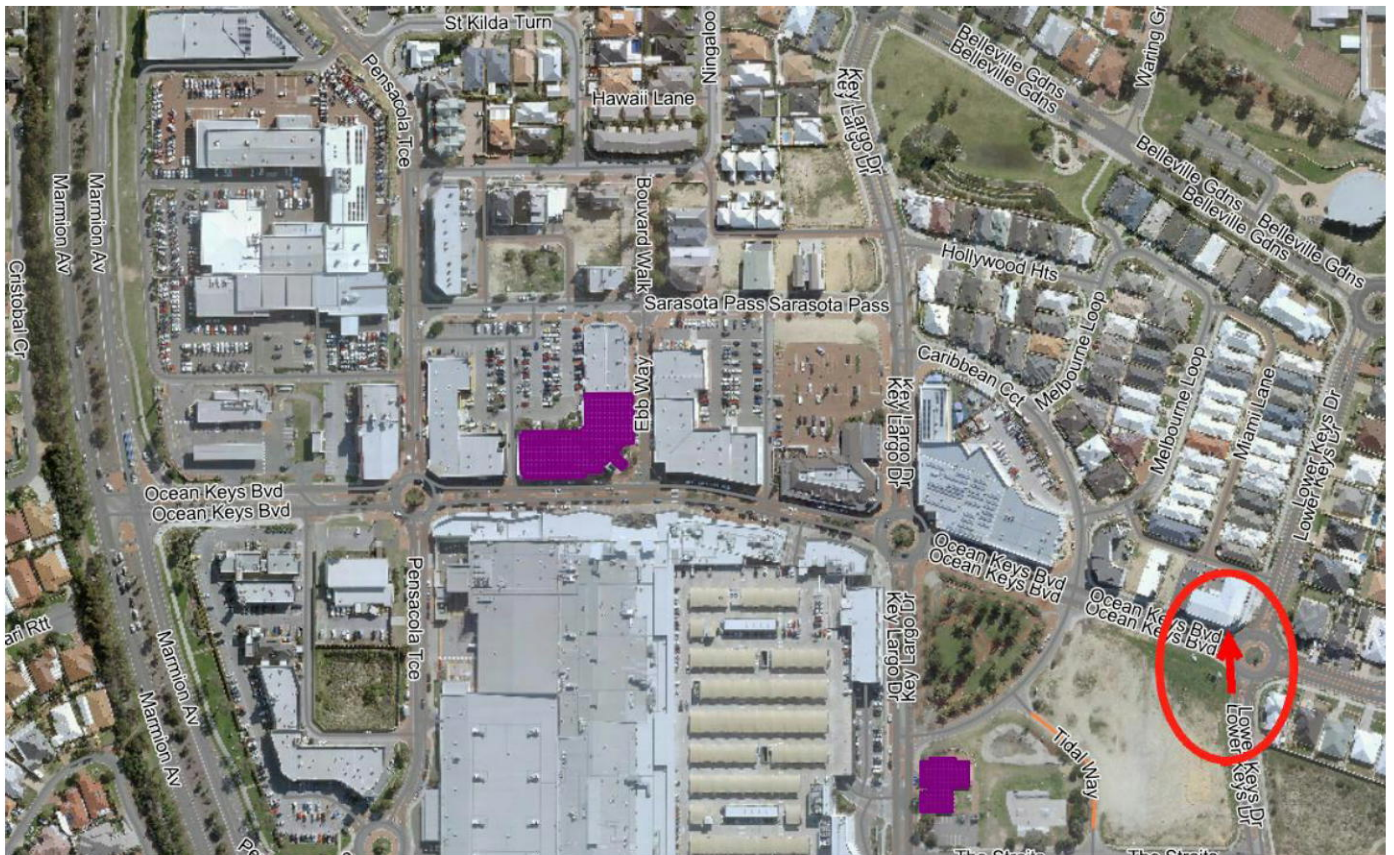
Photographs of
developments in the Mixed
Use Zone:

Examples of development
with vertically integrated mix
of land use

Example 1: Ocean Keys Boulevard, Clarkson (near Clarkson Interchange)



Example 2: Ocean Keys Boulevard (in Clarkson Activity Centre)



Appendix 3

Photographs of
developments in the Mixed
Use Zone:
Single Houses and
Grouped Dwellings

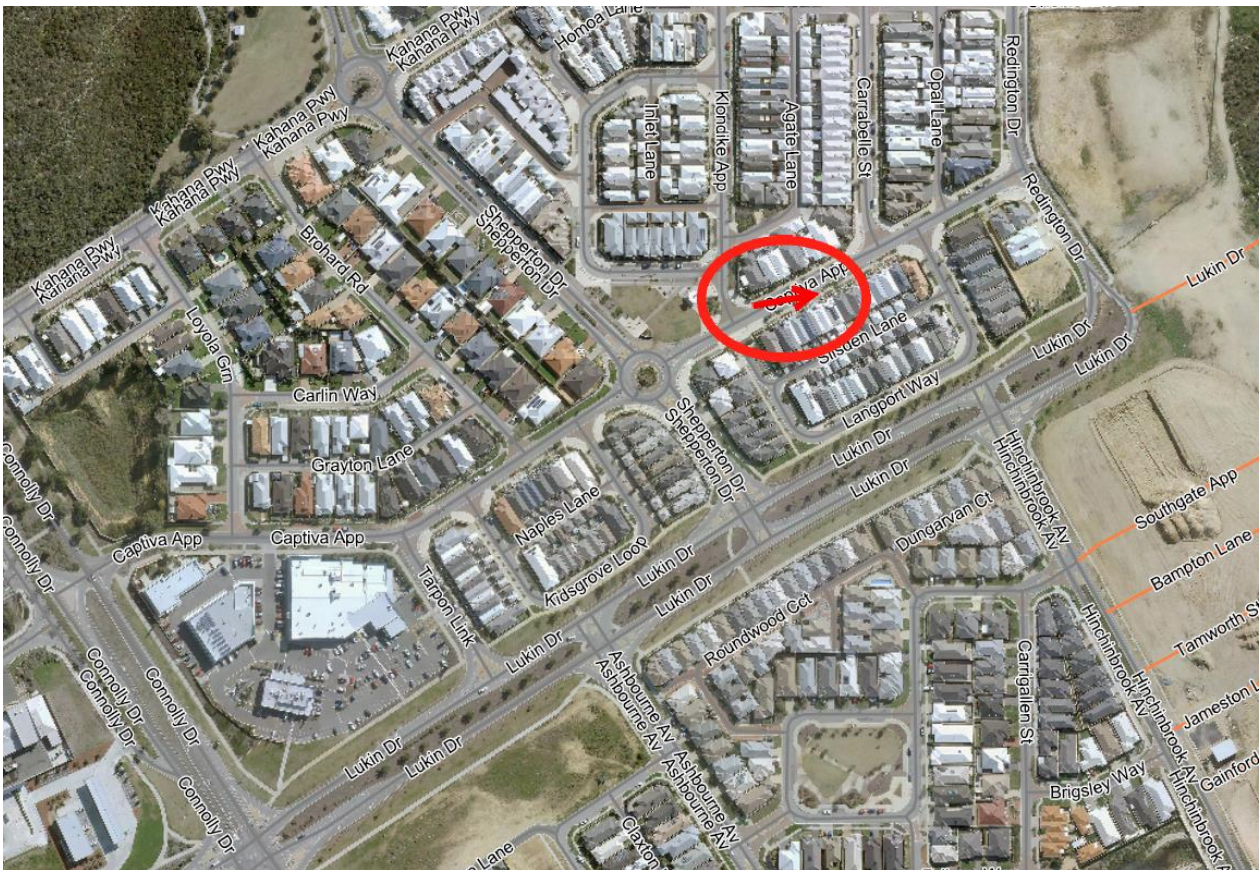
Example 1: Randstone Parade, Butler



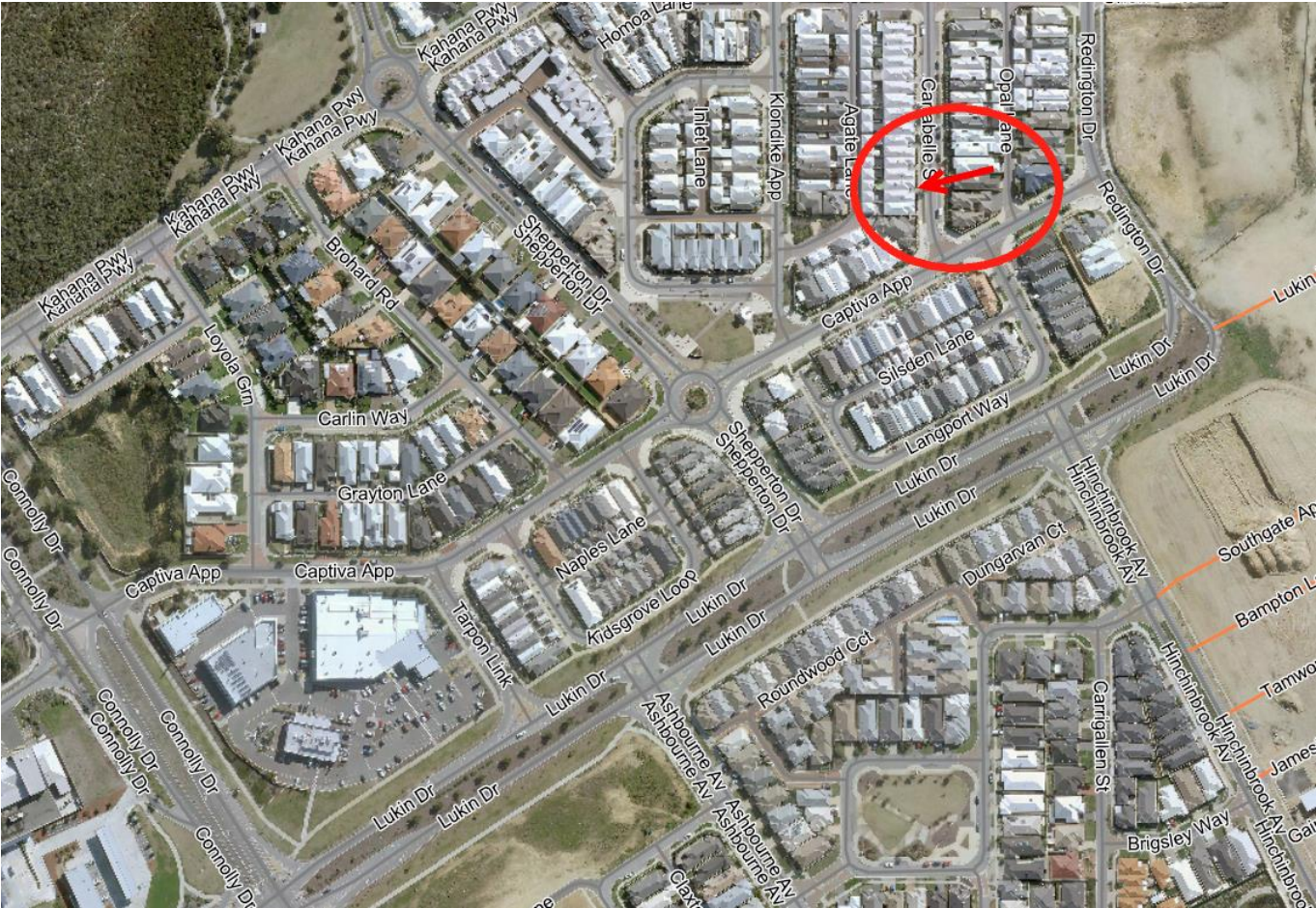
Example 2: Graceful Boulevard, Alkimos



Example 3: Captiva Approach, Butler



Example 4: Carabelle Street, Butler



Appendix 4

**Profiling of sites zoned
Mixed Use under the City's
District Planning Scheme
No. 2**

Lot 1 (52) Highclere Boulevard, Marangaroo



Net Land Area:	0.175 hectares
Current Uses	Medical Centre
Residential Uses on this Lot?	No

Various Properties at the Corner Linto Way and Hillcrest Road, Alexander Heights



Net Land Area:	0.324 hectares
Current Uses	Single House and Grouped Dwelling
Residential Uses on this Lot?	Yes

Lot 719 (10) Mindarie Drive, Quinns Rocks (now strata subdivided)



Net Land Area:	0.520 hectares
Current Uses	Medical Centre, Unlisted Use (Infant Health Centre), Child Care Centre
Residential Uses on this Lot?	No

Lot 20 (26) Jenolan Way, Merriwa



Net Land Area:	1.075 hectares
Current Uses	Place of Worship (Salvation Army)
Residential Uses on this Lot?	No

Portion Lot 300 (32) Jenolan Way, Merriwa



Net Land Area:	0.91 hectares (approx.)
Current Uses	Retirement Village
Residential Uses on this Lot?	Yes

Lot 1839 (30) Hughie Edwards Drive, Merriwa



Net Land Area:	1.200 hectares
Current Uses	Place of Worship (Church of Jesus Christ of Latter Day Saints)
Residential Uses on this Lot?	No

Appendix 5

**Correspondence from the
Western Australian
Planning Commission:
Advice to increase
employment self-sufficiency
levels**

Enquiries: Kym Petani 6551 9279
Our Ref: SPN/0012
Your Ref:

Mr Daniel Simms
Chief Executive Officer
City of Wanneroo
Locked Bag 1
WANNEROO WA 6946

Dear Mr Simms

Employment Generation within the Metropolitan North West Sub-Region

I refer to our recent meeting in which we discussed concerns in relation to employment generation within the Metropolitan North West sub-region and the need to protect future strategic employment areas.

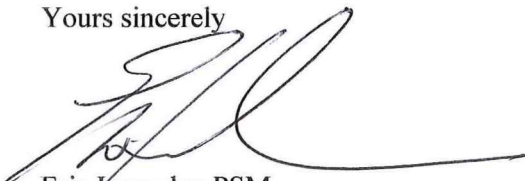
One of the critical challenges facing the North West sub-region is the need to increase the employment self-sufficiency level, particularly as the North-West sub-region is projected to experience continued strong population growth. There is a need to focus on planning mechanisms which will ensure the protection of strategic employment areas from subdivision and development that could prejudice future employment opportunities.

In particular, these mechanisms should coordinate land use permissibilities, densities and employment types within the sub-region and ensure the physical barriers associated with the land identified for employment purposes, including road and rail crossings, are appropriately planned for and support employment generating activity.

What is of concern is the increasing trend to subdivide and develop land, identified in local structure plans as Mixed use and Commercial, for residential purposes. On an incremental and accumulative basis, this has the ability to significantly compromise the delivery of future employment within the sub-region.

The Western Australian Planning Commission is looking for the support of the City of Wanneroo in ensuring that planning frameworks adequately protect the delivery of future employment within the sub-region and I look forward to working with the City in progressing this matter.

Yours sincerely



Eric Lumsden PSM
Chairman
Western Australian Planning Commission

19/12/2014

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 165

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:

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- (d) Adding notation at the end of Table 1 as follows:

Notes:

1. Limited to a maximum net lettable area of 150m²

COUNCIL PREPARATION

This Complex Amendment was prepared by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 11th day of December, 2018.

.....
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 11th day of December, 2018, proceed to advertise this amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for [support with/without modification or not support](#) by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the [\[number\]](#) day of [\[month\]](#), 20[\[year\]](#), 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, LANDS AND
HERITAGE

DATE