



**DISTRICT  
PLANNING  
SCHEME No. 2**

Amendment No. 179

*Planning and Development Act 2005*

**RESOLUTION TO ADOPT AMENDMENT TO  
LOCAL PLANNING SCHEME**

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 179**

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 Lots 1, 2, 7, 12, 13, 36, 37 & 38 Caporn Street, Wanneroo from 'Rural Resource' to 'Urban Development'; and
2. Modifying the Scheme Map accordingly;

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

1. The amendment seeks to the amend the scheme so that it is consistent with the Metropolitan Region Scheme.
2. The amendment is not a basic amendment.

Date of Council Resolution.....

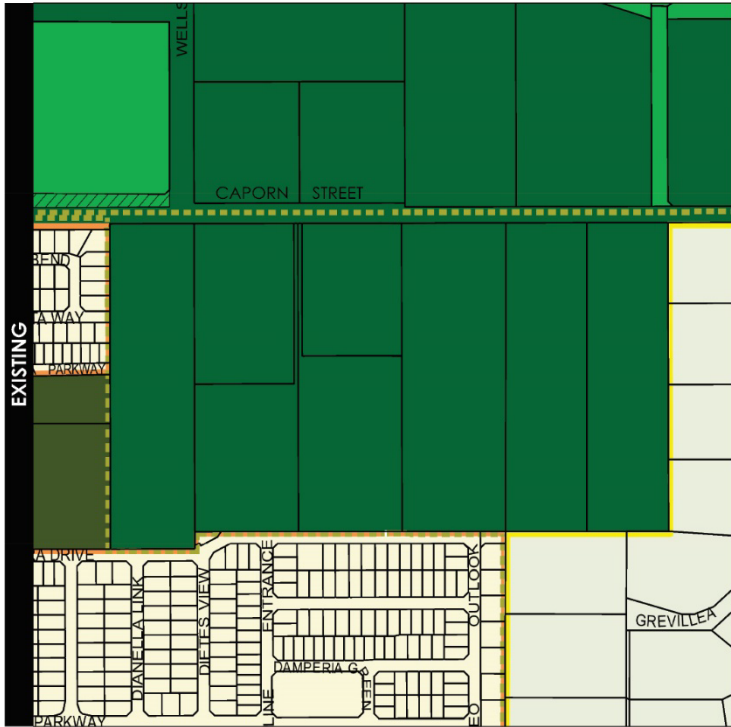
.....  
(Chief Executive Officer)

Dated this ..... day of ..... 2

# CITY OF WANNEROO

## District Planning Scheme No.2

### Proposed Scheme Amendment No.179



#### LEGEND

##### REGION SCHEME RESERVES (MRS)

Parks and Recreation

##### LOCAL SCHEME RESERVES

Conservation

Parks and Recreation

##### LOCAL SCHEME ZONES

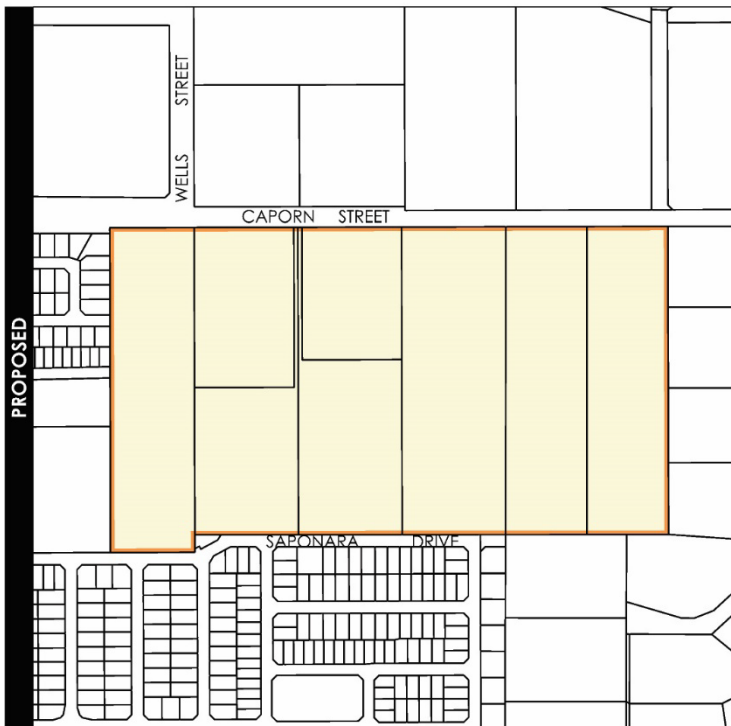
Rural Resource

Special Rural

Urban Development

##### OTHER CATEGORIES

Locality Boundary



#### LEGEND

##### LOCAL SCHEME ZONES

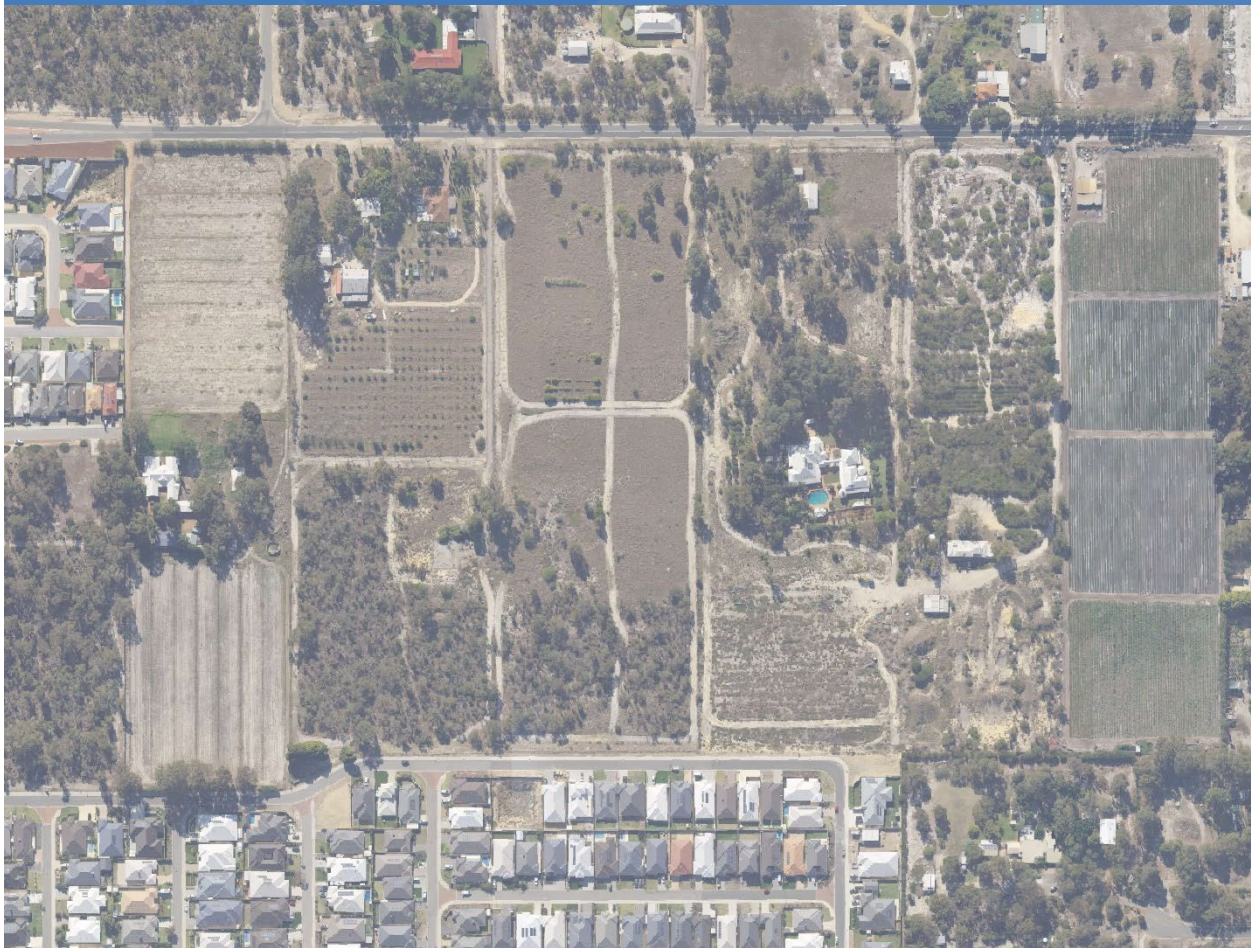
Urban Development



scale:  
1:10,000@A4  
plan:  
19/023/003  
date:  
30/10/2019

City of Wanneroo District Planning Scheme  
No. 2

# SCHEME AMENDMENT REQUEST



Prepared by **Taylor Burrell Barnett**  
Prepared for **Acumen Development Solutions on behalf of Vincent  
Road Developments Pty Ltd**





# 1 INTRODUCTION

## **REQUEST FOR AMENDMENT**

This Scheme Amendment report (the Amendment) has been prepared by Taylor Burrell Barnett in support of a proposal to rezone Lots 1, 2, 7, 12, 13, 36, 37 & 38 Caporn Street, Wanneroo (subject land) from Rural Resource to Urban Development under the City of Wanneroo's District Planning Scheme No. 2 (DPS2).

The purpose of the Amendment is to facilitate the future development and use of the land for residential purposes. Pursuant to the proposed Urban Development zoning, any future subdivision and development of the subject land will be guided by a future Structure Plan, prepared in accordance with Schedule 2, Part 4, clause 15 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The Structure Plan will provide for the orderly planning and development of the land in an integrated manner within the regional context, whilst enabling the planning to be flexible and responsive to changing circumstances throughout the development stages of the area. The proposed Amendment will bring the zoning of the land into conformity with its Urban zoning under the Metropolitan Region Scheme.

## 2 BACKGROUND

### LOCATION

The subject land is situated in East Wanneroo, an emerging urban area in the City of Wanneroo. Land to the south and west is predominantly built out with residential development, with the subject site and land further east comprising larger lots, occupied by a mix of rural-residential, market garden and commercial plant nursery uses.

The land is approximately 500m east of the Ashby Town Centre, 1.5km north of the Wanneroo Town Centre and 25km north of the Perth CBD.

### SITE DESCRIPTION & CONTEXT

The subject land comprises a mix of rural-residential properties, cleared and vacant land. Residential dwellings and associated structures are situated within some of the lots. Access to individual lots is currently gained by separate crossovers to Caporn Street to the north. The land also has frontage to Saponara Drive to the south.

The land essentially sits at the edge of Wanneroo's expanding urban front. The land is therefore surrounded by a mix of uses, with existing low to medium density residential estates abutting the site to the west and south, and rural-residential properties located to the north, east and south-east.

The land is surrounded by a mix of local and regional park reserves, including San Teodoro Park abutting the south-west corner of the site, Caporn Park immediately north, and Lake Mariginiup and Jandabup Nature Reserve both in close proximity to the site. These reserves serve dual recreation and conservation functions, with a number of them identified as Bush Forever sites.

### LEGAL DESCRIPTION & OWNERSHIP

The land subject to this Amendment comprises eight separate lots with an overall area of 26.561ha. The land and ownership details for the lots comprising the Amendment area are described in **Table 1**.

**Table 1 Legal Description**

Address	Lot	Plan/Diagram	Vol/Folio	Area (ha)	Landowner
48 Caporn Street	7	21467	1296/240	4.2058	Cosentino, Anthony Michael
60 Caporn Street	37	74522	1824/99	2.4437	Ding, Jillian Maree Lunder, Nancy Lavinia Crisafulli, Marilyn
68 Caporn Street	38	74522	1824/100	2.4439	Perron Developments Pty Ltd
70 Caporn Street	36	51488	1452/892	2.8660	Perron Developments Pty Ltd
76 Caporn Street	12	27581	1458/975	2.0231	Perron Developments Pty Ltd
88 Caporn Street	13	27581	1262/941	4.8997	James, Ian Russell
100 Caporn Street	1	41651	522/3A	3.8385	Quito Pty Ltd
110 Caporn Street	2	41651	1748/934	3.8403	Del Borrello, Michael Del Borrello, Antonio



# 3 STRATEGIC PLANNING FRAMEWORK

## **DIRECTIONS 2031 AND BEYOND**

Directions 2031 and Beyond (Directions 2031) is Western Australia's high-level spatial framework and strategic plan. The document provides a vision for future growth of the metropolitan Perth and Peel region, with the aim of achieving a pattern of growth which promotes a better balance between greenfield and infill development. A medium density 'Connected City' model is put forward as the preferred means to achieve a liveable, prosperous, accessible, sustainable and responsible city.

The subject land is located within the north-west sub-region as identified by Directions 2031, which is expected to supply 167,400 dwellings under the adopted 'Connected City' scenario, with the City of Wanneroo contributing 141,700 dwellings through the development of greenfield sites.

The proposal to rezone the land to make it available for urban development, providing for a structure plan to facilitate the provision of a range of housing and lot product within the site, will ultimately contribute towards the City's dwelling target under Directions 2031.

## **PERTH AND PEEL @ 3.5MILLION**

To accommodate the expected population of 3.5 million within the Perth and Peel regions by 2050, the *Perth and Peel @ 3.5million* land use planning and infrastructure frameworks have been released by the State Government. This strategic suite of documents is comprised of four detailed land use planning and infrastructure frameworks for the Central, North-West, North-East and South Metropolitan Peel sub-regions. Relevant to the proposed Amendment is the North-West sub-regional planning framework (as detailed further below).

The frameworks build upon the principles of *Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon* and are key instruments for achieving a more consolidated urban form that will reduce dependence upon new urban greenfields developments to accommodate the anticipated population growth by increasing residential density and urban infill targets.

To achieve a more consolidated city, the documents set an average residential density target of 15 dwellings per gross urban zoned hectare and an urban infill target of 47 percent within the Perth and Peel regions. Development targets are set for each sub-region, with a total infill target (at 2050) of 48,590 dwellings set for the North-West sub-region.

## **NORTH-WEST SUB-REGIONAL PLANNING FRAMEWORK**

The North-West sub-region comprises the cities of Joondalup and Wanneroo. The sub-regional planning framework sets out proposals to achieve the range of objectives set out in the overarching *Perth and Peel @ 3.5 million* document, establishing a long-term, integrated planning framework for land use and infrastructure to guide future growth across the sub-region.

To accommodate the projected population growth and to protect lifestyle values into the future, new approaches to planning and development will be required, focussed on creating a connected city, which is liveable, prosperous and collaborative, linking metropolitan hubs with priority transport proposals. The frameworks provide guidance for the preparation of amendments to local planning schemes, and the staging and sequencing of urban development to inform public investment in regional community, social and service infrastructure. For the City of Wanneroo specifically, an urban infill dwelling target of 27,920 is set, with an estimated population of 61,430.



The framework identifies the subject land as 'Urban Deferred Undeveloped', differing from the broader East Wanneroo cell which is identified as 'Urban Expansion', requiring further detailed planning to be undertaken before future urban development can occur. Staging for the urban development of the broader East Wanneroo cell (inclusive of the subject land) is expected to occur in the medium-term between 2022-2031.

The rezoning of the subject land will allow for development to occur in a sequential manner as a logical extension to the existing development front, ensuring an adequate supply of land is continuously available. This will allow for the commencement of development to occur in the timeframe anticipated by the sub-regional framework. The proposed Amendment is therefore entirely consistent with the North-West sub-regional planning framework.

## DRAFT EAST WANNEROO DISTRICT STRUCTURE PLAN

The Draft East Wanneroo District Structure Plan (DSP) was released by the Western Australian Planning Commission (WAPC) for comment in September 2019. The DSP will give effect to the strategic land use direction established in the North-west Sub-regional Planning Framework.

The draft DSP identifies the subject land as Suburban Neighbourhood, with Caporn Street as a Neighbourhood Connector. Suburban neighbourhoods are to achieve an average density of 15 dwellings per hectare, with single houses being the predominant built form. The land forms part of Precinct 6 – Edgar Griffiths Park, with a dwelling target of 3,500 and described as *"a suburban neighbourhood, the focal point of which is the character area surrounding Edgar Griffiths Park"*. The western edge of the precinct (including the subject land), is to respond to the planning outcomes identified for the Sinagra and Wanneroo Town Centre Structure Plans.

It is identified that a number of changes to the existing planning framework need to be put in place before land within the DSP area may be subdivided and developed, with the status of planning for the subject land summarised as follows.

Process	Status
<b>District Level Processes</b>	
District Structure Plan	Complete
MRS Amendments	Complete
District Development Contributions Scheme	To be addressed through landowner agreements at the structure plan stage
<b>Precinct Level Processes</b>	
Lifting of Urban Deferment	Complete
Local Structure Plan	To be progressed following initiation of scheme amendment
Local Scheme Amendment (zoning)	In progress
Local Development Contributions Scheme	To be addressed through landowner agreements
<b>Subdivision and Development</b>	To be progressed following local structure plan approval

The draft DSP requires all district level process be completed prior to the formal commencement of any precinct level process, and encourages processes to be undertaken in parallel or concurrently where possible, in line with the principles of orderly and proper planning.

This amendment seeks to progress the planning for the subject land in line with the draft DSP.

# 4 STATUTORY PLANNING FRAMEWORK

## **PLANNING AND DEVELOPMENT ACT 2005**

Where the WAPC amends a region scheme to include land in an Urban zone, the WAPC may concurrently amend the local government scheme to a development zone (or equivalent), as provided for by s126 (3) of the *Planning and Development Act 2005*, requiring a local structure plan to be approved prior to subdivision approval. In this case, the transfer of the land from the Urban Deferred zone to the Urban zone occurred on 14 February 2018, but no concurrent amendment took place to the City of Wanneroo District Planning Scheme No. 2, rendering the local scheme zoning inconsistent with the MRS.

In accordance with s124(3) of the *Planning and Development Act 2005*, when a region scheme is amended, as occurred on 20 March 2018 in respect to the subject land, a local planning scheme must be made consistent with the Region Scheme via an amendment which is to be initiated by the local government within 90 days.

## **PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015**

Part 5 of the Regulations deals with amending a local planning scheme, and sets out three streams of amendment, being complex, standard or basic.

The proposed Amendment seeks to rezone the subject site from Rural Resource to Urban Development, to align with the recent Urban rezoning of the land under the MRS. On this basis, the Amendment is considered to fall under the standard stream as defined under the Regulations, being an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment.

## **METROPOLITAN REGION SCHEME**

The subject site is zoned Urban under the Metropolitan Region Scheme (MRS).

The land was subject to MRS Amendment No. 1338/27 (gazetted 20 March 2018) which transferred the land from the Urban Deferred zone to the Urban zone under Clause 27 of the MRS. This provided for the land to form an extension to the Urban zoned land immediately abutting the site to the west and south-west. The land to the north, east and south-east within the broader East Wanneroo cell remains within the Urban Deferred zone.

The land is surrounded by pockets of land reserved Parks and Recreation and identified as Bush Forever under the MRS, including the more significant areas containing Mariginiup Lake and Jandabup Lake.

This Scheme Amendment seeks to bring the zoning of the land under the City's DPS2 into conformity with its Urban zoning under the MRS.

## DISTRICT PLANNING SCHEME NO. 2

The subject land is currently zoned Rural Resource under the City's DPS2. The objectives of the Rural Resource zone are to:

- a) *Protect from incompatible uses or subdivision, intensive agriculture, horticultural and animal husbandry areas with the best prospects for continued or expanded use;*
- b) *Protect from incompatible uses or subdivision basic raw materials priority areas and basic raw materials key extraction areas.*

Clause 3.17.2 sets out a range of additional matters to be considered in applications for subdivision or development approval within the Rural Resource zone.

The current zoning is inconsistent with the MRS Urban zoning. The proposed Amendment will rezone the land to Urban Development consistent with the MRS Urban zoning. In accordance with clause 3.14.3 of DPS2, no subdivision or development is to be carried out within the Urban Development zone until a Structure Plan has been prepared and adopted under the provisions of Part 4 of the deemed provisions of the Regulations. This Amendment therefore initiates the process of modifying the local planning framework to facilitate the future subdivision and development of the land for residential purposes.

The Structure Plan will provide further detail regarding the zoning, residential densities and any development control provisions applicable to the subject land. It is anticipated that the Structure Plan will be processed and assessed concurrently with this Amendment to provide the relevant agencies with guidance on the ultimate development outcome intended to occur following the proposed rezoning.

## LOCAL PLANNING POLICY 5.3 – EAST WANNEROO

The City's Local Planning Policy 5.3 – East Wanneroo (LPP5.3) provides guidance on the consideration of planning proposals for urban or similar development within the East Wanneroo area. The policy was recently updated in April 2019 to take into account the decisions made by the State government in respect to how the planning of the East Wanneroo area should be progressed.

LPP5.3 sets out a range of pre-requisite requirements to support planning proposals in East Wanneroo. With respect to any application to amend the City's DPS2 to facilitate the development of the land for urban purposes, the land must first have been zoned Urban under the MRS, and the pre-requisites of cl. 1.1 of the policy having been satisfied. The MRS rezoning occurred via MRS Amendment 1338/27 which transferred the land from the Urban Deferred to the Urban zone. Consideration of the pre-requisites under cl. 1.1 is provided below.

Pre-requisite	Status
a) A DSP and associated supporting studies have been prepared and approved by the relevant approval agencies	Complete
b) The MRS has been amended to reserve any regional reserves identified as required by the DSP for the subject land;	Complete
c) A Development Contribution Plan is in place to facilitate development contributions for regional and district-level infrastructure; and	To be addressed through landowner agreements at structure plan stage
d) Where relevant, sand extraction has been completed in adjacent areas, where such extraction would otherwise have unacceptable impacts on development of the subject land.	Not applicable

The relevant pre-requisites are considered to have been addressed, or measures put in place to ensure they are addressed prior to subdivision and development of the land. The rezoning of the land under DPS2 is therefore considered appropriate and warrants the City's support.

## 5 PROPOSED SCHEME AMENDMENT

It is requested the City initiate an amendment to DPS2 to rezone Lots 1, 2, 7, 12, 13, 36, 37 & 38 Caporn Street, Wanneroo from Rural Resource to Urban Development. The proposed rezoning under DPS2 allows for the future planning for the land to be progressed by way of a Structure Plan.

The rezoning will bring the City's DPS2 into consistency with the MRS. In accordance with Part 9, Section 124(3) of the *Planning and Development Act 2005*, if a region planning scheme is inconsistent with a local planning scheme, the local government is required to resolve to prepare an amendment which renders the local planning scheme consistent with the region planning scheme. This is to occur no later than 90 days after the day on which the region planning scheme has effect. MRS Amendment 1338/27 came into effect when it was gazetted on 20 March 2018, meaning the City ought to have resolved to prepare an amendment to DPS2 by 18 June 2018. The City is therefore in breach of this requirement, and it is recommended the City initiate this amendment without delay to comply with its responsibilities under the *Planning and Development Act 2005*.

Under clause 3.14.3 of DPS2 and clause 27 of the deemed provisions of the Regulations, no subdivision or development is to be commenced or carried out in the Urban Development zone until a Structure Plan has been prepared and adopted under the provisions of Part 4 of the deemed provisions. The objectives of the Urban Development zone are to:

- a) *Designate land for future urban development;*
- b) *Provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive structure planning process;*
- c) *Enable planning to be flexible and responsive to changing circumstances throughout the developmental stages of the area.*

A Structure Plan is therefore required as a precursor to any future subdivision or development of the land. The Structure Plan will address relevant considerations such as interface to surrounding properties, development staging, public open space allocation, servicing and any other requirements under the applicable planning framework.

## 6 CONCLUSION

This amendment to DPS2 to rezone the land from Rural Resource to Urban Development will bring the zoning of the land under DPS2 into conformity with its Urban zoning under the MRS. The Urban Development zone provides for a Structure Plan to be prepared to guide the future subdivision and development of the land. The intended residential development of the land is consistent with vision established under the higher-level strategic planning framework, including the recently released draft East Wanneroo DSP.

This amendment will ensure the City complies with its requirements under the *Planning and Development Act 2005*, and should be initiated as a matter of priority on this basis.

**PLANNING AND DEVELOPMENT ACT 2005**

**CITY OF WANNEROO**

**DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 179**

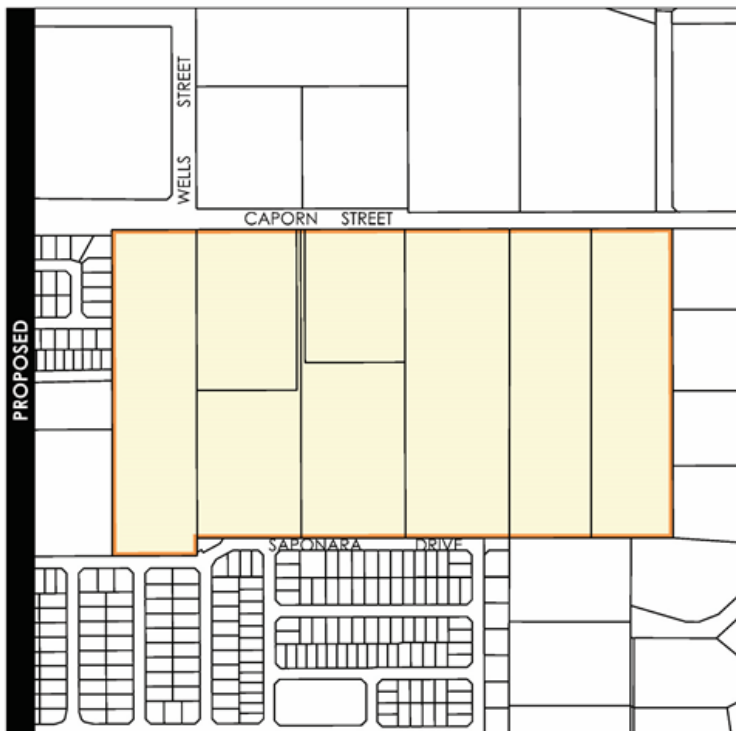
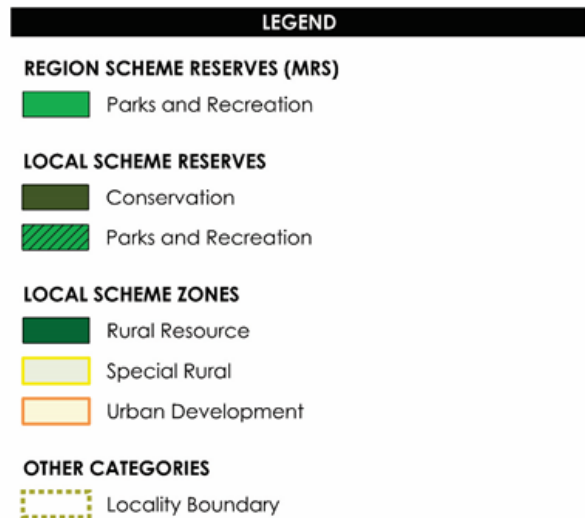
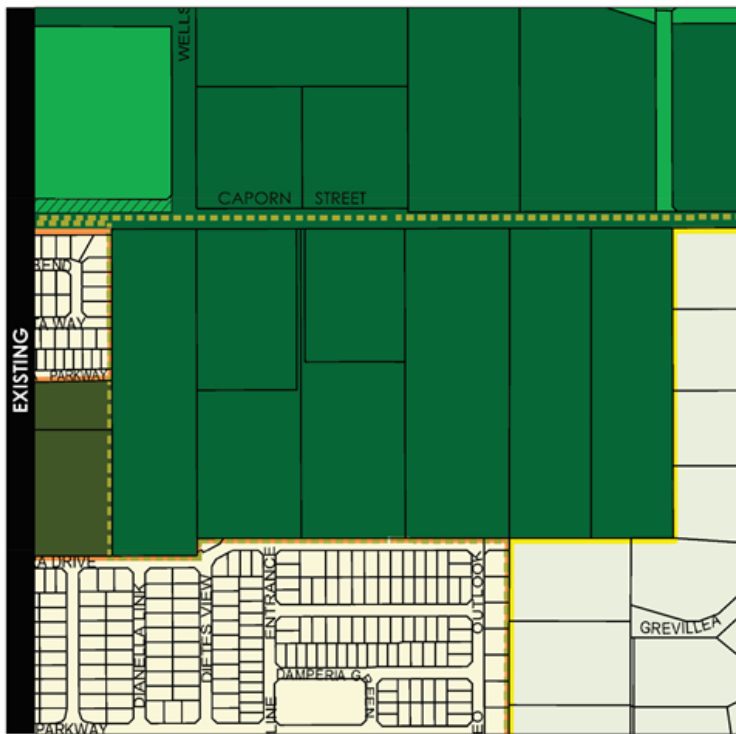
The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Rezoning Lots 1, 2, 7, 12, 13, 36, 37 & 38 Caporn Street, Wanneroo from 'Rural Resource' to 'Urban Development'; and
2. Modifying the Scheme Map accordingly.

# CITY OF WANNEROO

## District Planning Scheme No.2

### Proposed Scheme Amendment No.179



SCALE:  
1:10,000@A4  
plan  
19/023/003  
date  
30/10/2019



**COUNCIL ADOPTION**

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 [number] day of [month], 20[year]

.....  
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 [number] day of [month], 20[year], 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 TRANSPORT; PLANNING

DATE .....