



DISTRICT PLANNING SCHEME No. 2

Amendment No. 190

Planning and Development Act 2005

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 190

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

- a) Rezoning various lots within the Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 from 'Industrial Development' to 'Service Industrial' and 'General Industrial', as shown on the Scheme (Amendment) Map;
- b) Reclassifying Lot 912 (12) Accomplish Way, Gngangara (on DP: 404867) and Lot 911 (31) Supreme Loop, Gngangara (on DP: 404867) from Industrial Development Zone to 'Local Scheme Reserve – Parks and Recreation', as shown on the Scheme (Amendment) Map;
- c) Reclassifying Lot 904 (35) Supreme Loop, Gngangara (on DP: 400353) from General Industrial Zone to 'Local Scheme Reserve – Parks and Recreation', as shown on the Scheme (Amendment) Map;
- d) Reclassifying Lot 51 (1721) Ocean Reef Road, Gngangara (on DP: 57145) from 'No Zone' to 'Local Scheme Reserve – Public Use', as shown on the Scheme (Amendment) Map;
- e) Realigning the Restricted Use (2.3) boundary as shown on the Scheme (Amendment) Map to:
 - i. Incorporate various lots bounded by Boom Street, Accomplish Way, Forward Street and Fortitude Boulevard, Gngangara; and
 - ii. Exclude Lot 904 (35) Supreme Loop, Gngangara (on DP: 400353); and
- f) Amending Schedule 2 – Section 2 of District Planning Scheme No. 2 to delete all provisions pertaining to Item No. R3 and replacing those provisions with the following:

NO	STREET/ LOCALITY	PARTICULARS OF LAND	RESTRICTED USE AND CONDITIONS (WHERE APPLICABLE)
R3	2-3 59 Sydney Road Gngangara; 1701 Ocean Reef Road, Gngangara; and 139 Sydney Road, Gngangara	Lot 700 (on DP: 64625); portion Lot 50 (on DP: 57145); portion Lot 10 (on D: 83662)	'P' Uses – Auction Room Car Park Car Wash Dry Cleaning Premises Industry – General Industry – Light Landscape Supplies Laundry Motor Vehicle Repairs

				Salvage Yard Storage Yard Transport Depot Vehicle Sales/Hire Premises Warehouse Woodyard 'D' Uses – Bakery Caretaker's Dwelling Convenience Store Factory Unit Hire Service Lunch Bar Mast or Antenna Milk Depot Open Air Display Park Road House Service Station Smash Repair Station Telecommunications Infrastructure Trade Display Vehicle Wrecking
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Approval of the City of Wanneroo's Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 is to be revoked when this amendment is approved and takes effect.

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

- 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.
- An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.
- An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Date of Council Resolution 11 May 2021

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(Chief Executive Officer)

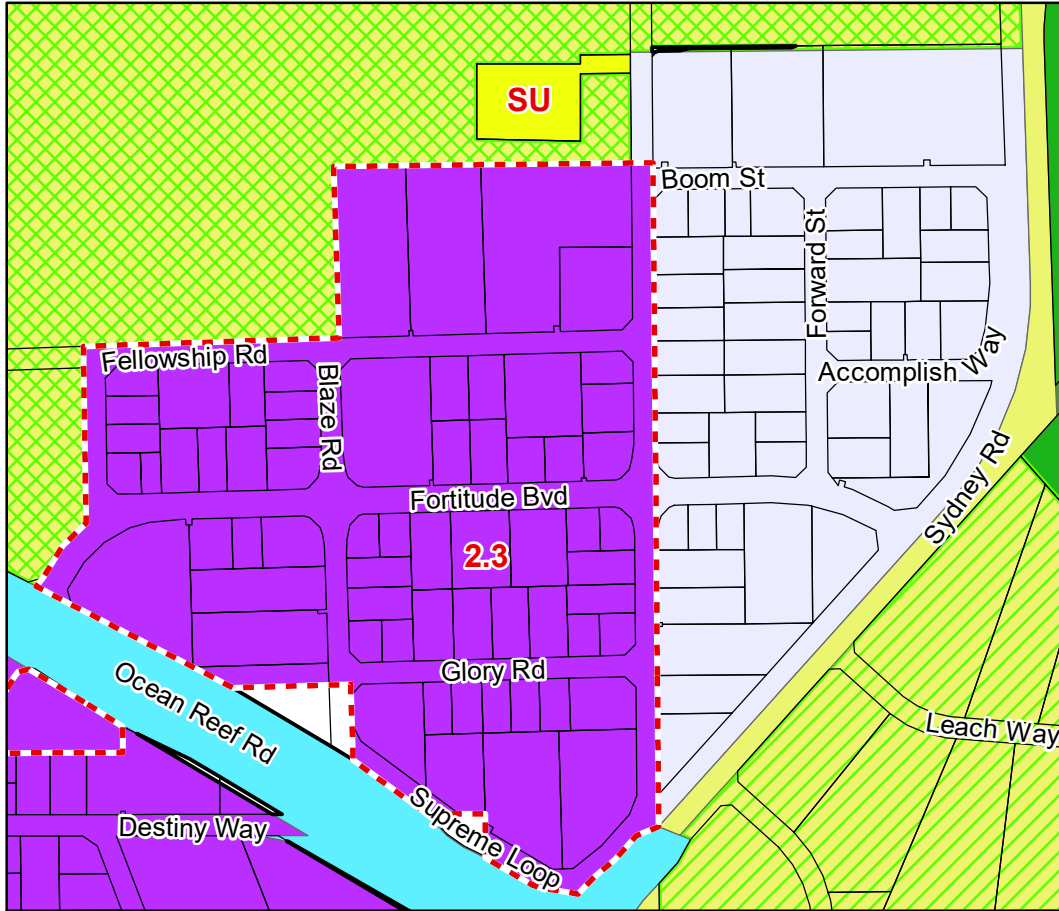
Dated this day of 20.....

CITY OF WANNEROO

DISTRICT PLANNING SCHEME No. 2

AMENDMENT No. 190

Normalisation of the Wangara Industrial Extension Area Structure Plan and DPS2



LEGEND

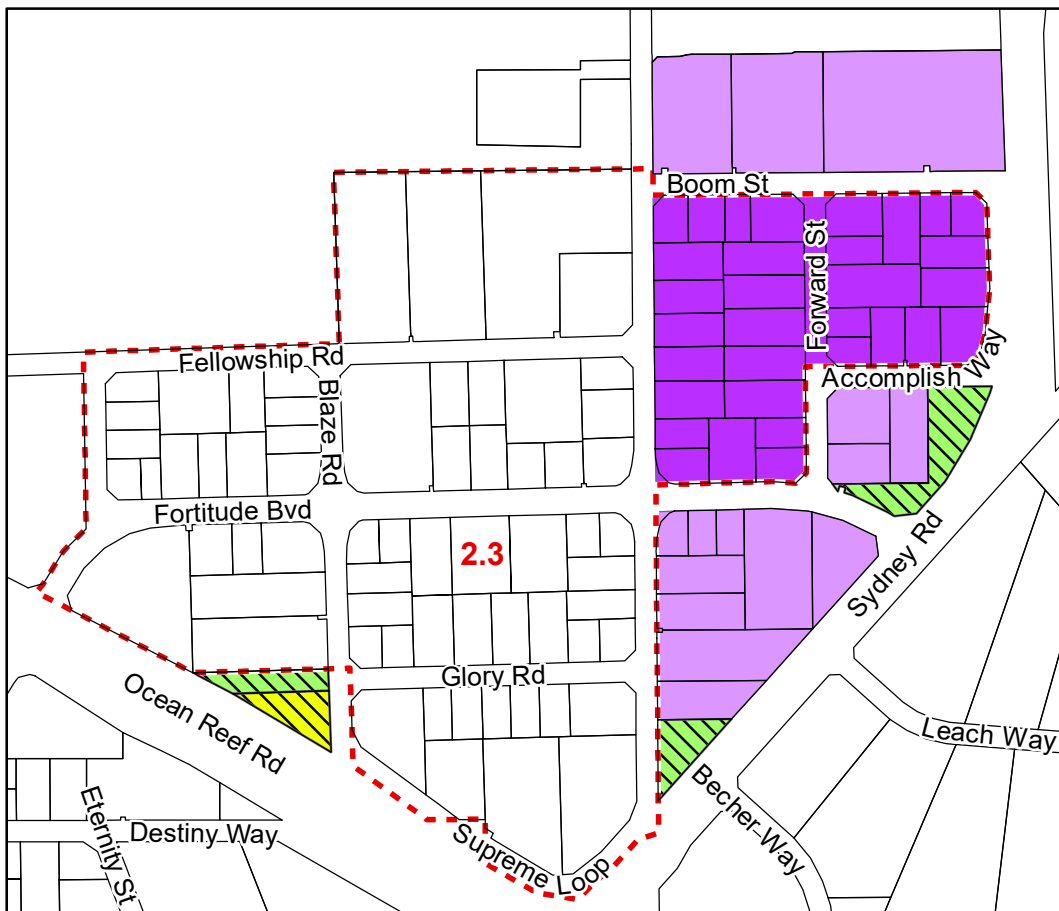
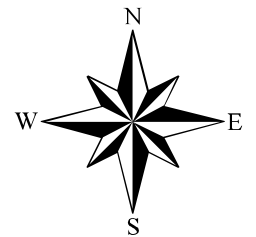
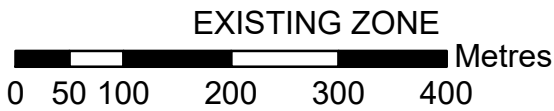
MRS RESERVE

- PUBLIC PURPOSE
- SU - SPECIAL USES

- OTHER REGIONAL ROADS
- PARKS & RECREATION

ZONE

- GENERAL INDUSTRIAL
- GENERAL RURAL
- INDUSTRIAL DEVELOPMENT
- NO ZONE
- RURAL COMMUNITY
- SPECIAL RURAL
- 2.3 RESTRICTED USE



LEGEND

- GENERAL INDUSTRIAL
- PARKS & RECREATION
- PUBLIC USE
- SERVICE INDUSTRIAL
- 2.3 RESTRICTED USE

SCHEME (AMENDMENT) MAP

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 – AMENDMENT NO. 190

SCHEME AMENDMENT REPORT

1.0 Introduction and Background

The preparation and operation of the City of Wanneroo's structure plans is undertaken pursuant to the Deemed Provisions of the City's District Planning Scheme No. 2 (DPS 2). The Deemed Provisions of DPS 2 (**Deemed Provisions**) are provided through Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*. The Deemed Provisions define and set out the purpose of a structure plan as follows:

***structure plan** means a plan for the coordination of future subdivision and zoning of an area of land*

Many of the City's structure plans are necessary planning instruments to guide ongoing subdivision and zoning of land. However, the City has a growing number of structure plans that are either already or will shortly become redundant, as their subject areas are subdivided and built out.

The Western Australian planning framework intends that once a structure plan has achieved its purpose of guiding the zoning and subdivision of land, the land would be zoned under a local planning scheme (such as DPS 2) via a scheme amendment, a process referred to as 'normalising'. Considerations could also be made at that time for a structure plan to be entirely revoked, if it is no longer needed to serve its initial purpose to guide the subdivision and initial development of land.

The City of Wanneroo understands structure plans which were effective at the date of gazettal of the Regulations (19 October 2015) now automatically have an expiry date of October 2025. The City foresees administrative consequences if a vast array of structure plans were left to expire in October 2025 without establishing a more immediate, staged and controlled process to review and cease their operation. The normalisation of structure plan zonings into DPS 2 would also need to occur, as a process alongside structure plan revocation.

The City is currently undertaking various initiatives prior to the preparation of a new Local Planning Scheme No. 3 (LPS 3). The City's Council has resolved to prepare Amendment No. 172 to DPS 2, to align DPS 2 with the Model Provisions contained in the above-mentioned Regulations. This would then ease the future transition toward the future LPS 3. Amendment No. 172 has been 'prepared' by Council as a 'Complex' amendment in the content of the Regulations, but has not yet been advertised. Revoking structure plans and reviewing zoning of land in current structure plan areas also assists in the transition toward LPS 3.

The purpose of this Report is to primarily focus on an amendment to DPS 2 (Amendment No. 190) to normalise the zonings of the Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 (ASP 96). This Report is to be read as a Scheme Amendment Report, and also to inform WAPC's consideration in revoking ASP 96, should the City present such a request in due course.

2.0 Detail of the Amendment and the Subject Land

The City considers that ASP 96 is ready for revocation, as it has completed its function in guiding subdivision of its respective area.

The City acknowledges that structure plans can only be revoked by the WAPC. The City considers a request made to the WAPC to revoke ASP 96 is premature, and is deferring the submission of a request until such time that Council should support Amendment No. 190 TO DPS 2 (following advertising of that amendment).

A detailed discussion on the land affected by Amendment No. 190, as well as a review of the extent structure plan provisions have been acted upon, is provided below.

2.1 Land Affected by ASP 96

The ASP 96 area is located where shown on the Location Plan included within **Attachment 1** of this Report. The land affected by ASP 96 is approximately 42 hectares in area.

Before the approval of ASP 96, the land (now) affected by that structure plan was previously subject to an amendment to the Metropolitan Region Scheme (MRS). This MRS Amendment (1216/57) was approved by the Minister for Planning and gazetted on 30 March 2012, and rezoned the ASP 96 area from Rural to Industrial.

The approval of the above MRS amendment allowed the preparation of Amendment No. 123 to DPS 2, which was then adopted by the City's Council (for the purpose of advertising) in July 2012. It was subsequently advertised, assessed by the City and the WAPC, before being approved by the Minister for Planning on 9 April 2013. Relevant to the area ASP 96 now relates to, Amendment No. 123 to DPS 2 sought the following:

- a) Amendment No. 123 was prepared in a manner that required a subsequent structure plan to be prepared. ASP 96 was prepared and later approved in April 2014.
- b) Rezoning the western portion of the ASP 96 area (west of the easternmost alignment of Supreme Loop and southernmost alignment of Boom Street) from 'General Rural' to 'General Industrial'. This area included land parcels formerly known as Lot 700 Sydney Road, Gnangara, portion of Lot 50 Ocean Reef Road, Gnangara, and portions of adjoining local road reserves.
- c) Including 'Restricted Use and Conditions' for the land zoned 'General Industrial' referred to in (b) above. The proposed conditions required a structure plan to be prepared for this area (now ASP 96) prior to subdivision or development. The Restricted Uses allowed land uses in this area in accordance with the 'General Industrial' zone column of Table 1, except for uses which may be considered as detrimental to the rural areas to the north and north west.
- d) Rezoning the eastern portion of the ASP 96 area from 'General Rural' to 'Industrial Development'. No land use permissibilities are set out for the 'Industrial Development' zone through DPS 2. Rather, it was intended that a structure plan (ASP 96) be prepared to control zoning and land use permissibility for the eastern part of that structure plan's area. This approach was undertaken noting the proximity of this area from the Special Rural zoned land located to the east

Structure plan extracts and other information pertaining to ASP 96 (and its subject land) are included in **Attachment 1** of this Report. This attachment also reviews how the General Planning Requirements of ASP 96 have been met, and the consequences of revoking ASP 96 in respect to the content of those provisions.

As shown on the Scheme (Amendment) Map, Amendment No. 190 now proposes to rezone the eastern part of the ASP 96 area from 'Industrial Development' to 'General Industrial' and 'Service Industrial' (consistent with ASP 96), with the inclusion of Local Scheme Reserves for the purpose of Parks and Recreation (for public open space areas) and Public Use (for drainage sites).

Amendment No. 190 will also modify the Restricted Use provisions in DPS 2, so that provisions in DPS 2 encompass the land that currently has a General Industrial Zone designation in ASP 96.

Schedule 2 – Section 2 of DPS 2 (the Restricted Use provisions) currently contains written conditions in respect to the Restricted Uses capable of approval in the General Industrial Zone within the amendment area. The conditions are as follows:

- (i) *Subject to Clause 27 of the deemed provisions, no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in the 'Restricted Use' zone No. '2.3' until a single Structure Plan has been prepared and adopted under the provisions of Part 4 of the deemed provisions for the area defined as Lot 700 Sydney Road, Gnangara, portion of Lot 50 Ocean Reef Road, Gnangara zoned 'Restricted Use' No. '2.3'; and portion of Lot 10 Sydney Road, Gnangara, zoned 'Industrial Development'. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with a Structure Plan which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority.*
- (ii) *The local structure plan, subdivision and development must be in accordance with Western Australian Planning Commission's (WAPC) Planning for Bush Fire Protection Guidelines.*

Both conditions referred to above are considered redundant, particularly as subdivision has now occurred and bushfire planning requirements are now covered through State Planning Policy 3.7: Planning in Bushfire Prone Areas. Therefore, Amendment No. 190 to DPS 2 proposes to remove these conditions pertaining to the 'Restricted Uses' area.

The City has also noted an anomaly in DPS 2, in that a reserve for drainage located immediately outside the ASP 96 area (located at Lot 51 (1721) Ocean Reef Road, Gnangara) has no zone in DPS 2. To address this anomaly, and noting the existing land use, Amendment No. 190 to DPS 2 proposes to classify this land parcel as a Local Scheme Reserve for Public Use.

A full description on what Amendment No. 190 is proposing in respect to the land within (and in proximity to) the ASP 96 area is as follows:

Locations in respect to the ASP 96 Area	Discussion of Proposal through Amendment No. 190 to DPS 2
Industrial lots west of the easternmost alignment of Supreme Loop and southernmost alignment of Boom Street, Gnangara	<p>Although in the ASP 96 area, these lots are already zoned General Industrial in DPS 2. These lots are also subject to Restricted Use provisions (refer Attachment 1), imposed under Clause 3.21 (and Schedule 2 – Section 2) of DPS 2.</p> <p>The zoning and Restricted Use provisions affecting these lots is not proposed to change through Amendment No. 190.</p>

Locations in respect to the ASP 96 Area	Discussion of Proposal through Amendment No. 190 to DPS 2
Industrial lots in an area bounded by Boom Street, Accomplish Way, Forward Street and Fortitude Boulevard, Gngangara	<p>These lots are zoned 'Industrial Development' under DPS 2. ASP 96 then designates a General Industrial zoning over the land, subject to Restricted Uses – the same as applied over the western portion of the ASP 96 area (see above and Attachment 1).</p> <p>Amendment No. 190 proposes to rezone the land to 'General Industrial' under DPS 2, consistent with the zoning designation in ASP 96. To allow the revocation of ASP 96, an amendment to the DPS 2 map and Schedule 2 – Section 2 of DPS 2 will also occur to impose the Restricted Use provisions for these lots through DPS 2.</p>
<p>Industrial lots located:</p> <ul style="list-style-type: none"> • On the northern side of the easternmost alignment of Boom Street; • Between Forward Street, Accomplish Way Sydney Road and Fortitude Boulevard, Gngangara; and • Between Fortitude Boulevard, Supreme Loop and Sydney Road, Gngangara 	<p>These lots are zoned 'Industrial Development' under DPS 2. ASP 96 then designates a Service Industrial zoning over these land parcels.</p> <p>Amendment No. 190 proposes to rezone the land to 'Service Industrial' under DPS 2, consistent with the zoning designation in ASP 96.</p>
<p>The following public open space sites:</p> <ul style="list-style-type: none"> • Lot 912 (12) Accomplish Way, Gngangara (on DP: 404867) • Lot 911 (31) Supreme Loop, Gngangara (on DP: 404867) 	<p>These public open space areas are currently zoned Industrial Development under DPS 2 and proposed to be reserved as a Local Scheme Reserve – Parks and Recreation through Amendment No. 190.</p> <p>The ASP 96 map designates these sites as 'public open space (incorporating drainage)'. This is consistent with the current use of the land, being public open space which also provides for a drainage function.</p>
<p>Public open space located at Lot 904 (35) Supreme Loop, Gngangara (on DP: 400353)</p>	<p>This public open space area is currently zoned General Industrial under DPS 2 and proposed to be reserved as a Local Scheme Reserve – Parks and Recreation through Amendment No. 190.</p> <p>The ASP 96 map designates this site as 'public open space (incorporating drainage)'. This is consistent with the current use of the land, being public open space.</p> <p>This lot is also currently within the Restricted Uses area, applicable for the surrounding General Industrial Zone. In conjunction with imposing the Local Scheme Reserve – Parks and Recreation over this site, Amendment No. 190 proposes to shift the boundary of the Restricted Uses area, to exclude this lot.</p>
<p>Lot 51 (1721) Ocean Reef Road, Gngangara (located immediately outside the ASP 96 area)</p>	<p>This land currently has 'No Zone' under DPS 2, and is situated outside ASP 96. The land currently serves a drainage purpose.</p> <p>Amendment No. 190 proposes to impose the Local Schemes Reserve for Public Use, acknowledging the drainage function of this lot.</p>

2.2 Amendment Type

Recent DPS 2 amendments in relation to normalising structure plans have been prepared by the City as 'Basic Amendments'. This is due to the fact that those prior amendments have only involved amendments to the DPS 2 map that are consistent with the structure plan, rendering those amendments as meeting the following criteria for Basic Amendments as stipulated in the Regulations:

An amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all types that are outlined in the plan.

Amendment No. 190 however is not limited to just meeting the abovementioned criteria for a Basic Amendment. Amendment No. 190 is also proposing the following:

- Modifications to the DPS 2 text (in Schedule 2 – Section 2) in respect to Restricted Use provisions applicable for General Industrial Zoned land in the ASP 96 area;
- Modifications to the Restricted Uses boundary in DPS 2 to exclude Lot 904 (35) Supreme Loop, as the same amendment proposes to reclassify this land parcel from General Industrial to 'Local Scheme Reserve – Parks and Recreation' consistent with ASP 96; and
- To classify Lot 51 (1721) Ocean Reef Road, Gnangara in DPS 2 for the purpose of Local Scheme Reserve – Public Use, which currently has 'No Zone' in DPS 2. Lot 51 is located outside the ASP 96 area.

Therefore, the City considers what is proposed through Amendment No. 190 constitutes a 'Standard Amendment' in the context of the Regulations. The City considers that proposed Amendment No. 190 to DPS 2 meets the following criteria for 'Standard Amendments' outlined in the Regulations:

- *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.*

The underlying Region Scheme (MRS) zoning of the entire area affected by Amendment No. 190 is 'Industrial'. Amendment No. 190 proposes to apply the General Industrial Zone (subject to Restricted Uses) and the Service Industrial Zone over much of the subject area, consistent with the MRS. The Local Scheme Reserves for Parks and Recreation and Public Use proposed will function in a manner to support the surrounding industrial development, and is therefore considered to not be inconsistent with the MRS.

- *An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.*

What is proposed through Amendment No. 190 should not fundamentally alter the land use potential of the affected land. Therefore, it is not expected that Amendment No. 190 will result in any impact on land outside the affected area, than what the current planning framework provides.

- *An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

Amendment No. 190 to DPS 2 is not expected to result in any 'significant' environmental, social or economic impact on land in the DPS 2 area.

There is potentially some governance impact in applying zonings and reservations in DPS 2, instead of a structure plan, as Amendment No. 190 proposes. However, given that the Western Australian planning framework supports normalisation and revocation of structure plans to occur at an appropriate time, any governance impact resulting from Amendment No. 190 is unlikely to be 'significant'.

3.0 Consultation

Following Council's resolution to 'prepare' (or initiate) Amendment No. 190 to DPS 2, the amendment will need to be referred to the Environmental Protection Authority (EPA) pursuant to Section 81 of the *Planning and Development Act 2005*. The EPA will assess the environmental impacts of the proposal and to determine whether any formal environmental assessment is necessary.

Subject to the EPA not objecting to the City proceeding to advertise the amendment, the amendment will then be advertised for public comment for a period of at least 42 days. Advertising is to occur in the following manner, pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Publish a notice of the amendment on the City's website – and where practicable, upload the amendment documentation;
- Where appropriate, publish a notice in a newspaper circulating in the relevant locality;
- Notify public authorities likely to be affected by the amendment; and
- Advertise the amendment as directed by the WAPC and in any other way the local government considers appropriate.

In addition to the above, the City will write to landowners and occupiers of land that it considers could be affected by the DPS 2 amendment. Submissions received during the advertising period will be considered by the City pursuant to Regulation 50 of the abovementioned Regulations. A schedule of submissions will later be forwarded to the WAPC pursuant to Regulation 53(1)(a).

4.0 Planning Comment on the Proposal

As outlined previously, information and mapping from the City pertaining to the Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 (ASP 96), is included in **Attachment 1**. The information in the attachment provides aerial imagery, structure plan mapping and the City's review of how the structure plan provisions have been met.

The City has identified that subdivision has been completed on the land within the ASP 96 area; and as such, the structure plan could potentially be revoked.

Although there are still vacant land parcels in the ASP 96 area (created through subdivision), there are adequate controls through DPS 2, local development plans and relevant other planning documents to guide any remaining development. The structure plan no longer provides useful guidance for the development on lots created through subdivision, as demonstrated in the table included in **Attachment 1**.

A corresponding amendment to DPS 2 is required to firstly complete the normalisation of the ASP 96 area, which would facilitate the revocation of this structure plan. The City has therefore prepared Amendment No. 190 to DPS 2, which proposes to apply zonings and local scheme reserves into DPS 2 over the ASP 96 area (refer Scheme Amendment Map).

The Regulations (Regulation 35A) make provision for when an amendment to a local planning scheme affects a structure plan area, the amendment must include a statement that when the amendment takes effect:

- (a) the approval of the structure plan is to be revoked; or
- (b) the structure plan is to be amended in accordance with the statement; or
- (c) the approval of the structure plan is not affected.

In this case, and in light of the Regulations, the Amendment No. 190 proposal includes a statement that on its approval, the WAPC's approval of ASP 96 will be revoked.

To undertake the normalisation and revocation in an orderly manner, the WAPC would only be able to consider the revocation of ASP 96 should the Minister for Planning first approve Amendment No. 190 to DPS 2, and a formal request being made by the City. Pursuant to Clause 28(3) and Clause 29A(1) of the Deemed Provisions, it is the WAPC that may revoke its approval of a structure plan. In other words, the City has no ability to revoke structure plans, but rather must request the WAPC undertake that process. Such a request will be considered following advertising of Amendment No. 190.

4.1 Consideration of Amendment No. 172 to DPS 2

The assessment and processing of Amendment No. 190 is running ahead of Amendment No. 172. As outlined above, the purpose of Amendment No. 172 (separate to the DPS 2 amendment subject to this Report) is to align DPS 2 more broadly with the Model Provisions contained in the Regulations.

It is not the purpose of Amendment No. 172 to normalise or significantly alter the zoning of structure plan areas. For example, Amendment No. 172 proposes to retain the Industrial Development Zone in the eastern part of ASP 96, does not propose to alter the Restricted Uses boundary or apply reservations under DPS 2 for the public open spaces or drainage, as Amendment No. 190 proposes.

Amendment No. 172 does propose to introduce a new form of local scheme reserve for 'drainage', which is not yet in DPS 2. There is one drainage site in the area affected by

Amendment No. 190. Should the creation of 'drainage' Local Scheme Reserve be approved through Amendment No. 172, it would occur well after Amendment No. 190 is considered and determined. As an interim measure, and to allow the structure plan normalising to proceed, the City has proposed that the drainage site in the area affected by Amendment No. 190 be reserved for 'Public Use' under DPS 2.

To address any misalignments between Amendment No. 172 and Amendment No. 190 (and any other relevant amendment to DPS 2), the following component has been added to the Amendment No. 172 proposal:

Replacing the current Scheme Map and Residential Density Code Maps with the Scheme Map tabled at the meeting of Council held on, annotated as being such map by the City of Wanneroo, Director Planning and Sustainability, subject to the new Scheme Map being modified immediately prior to final approval of the Amendment by the Minister for Planning, to incorporate any amendments to the current Scheme Map and Residential Density Code Maps which may be gazetted but not included in the new Scheme Map.

This means that any other amendments to DPS 2 that are approved but not reflected in Amendment No. 172 will need to be incorporated into that amendment prior to its approval. The City will be monitoring the process of the various amendments that will proceed whilst Amendment No. 172 is being considered, and continue to liaise with Department of Planning, Lands and Heritage officers to ensure the approval processes run smoothly.

5.0 Conclusion

The purpose of Amendment No. 190 is to normalise the zonings and reserves in DPS 2 for the areas affected by the Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 (ASP 96). The amendment also resolves an anomaly pertaining to the 'No Zoning' applicable over land immediately adjoining ASP 96.

The City is aware that the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes that current structure plans approved or adopted before October 2015 will expire in October 2025. Leaving structure plans to expire without revocation, or normalising the zonings of structure plan areas under DPS 2, will have significant administrative consequences on the City. The City considers that avoiding such consequences requires it to act by way of preparing amendments to DPS 2 and normalise established structure plan areas more immediately where possible.

Undertaking the revocation and normalisation of structure plans also assists in the preparation of LPS 3, a new Local Planning Scheme for the City of Wanneroo. LPS 3 will be prepared following the approval of Amendment No. 172 to DPS 2, a substantial amendment being undertaken by the City to align DPS 2 with the Model Provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This local planning scheme amendment is part of a series of multiple DPS 2 amendments that will be prepared in order to support normalisation and revocation of structure plans. The City intends to continue preparing similar amendments to its local planning scheme over the coming years.

ATTACHMENT 1

**INFORMATION RELATING TO
STRUCTURE PLANNING AND
LAND AFFECTED BY ASP 96**

Wangara Industrial Extension Area Local Structure Plan No. 96

PART 1

City of Wanneroo



August 2012

(Amended July 2013 to reflect WAPC resolution)



Extract of DPS2 Map - Existing ASP 96 Area and Surrounds

S/R 05

Legend

ASP Area

- ASP 96
- ADDITIONAL USE
- RES

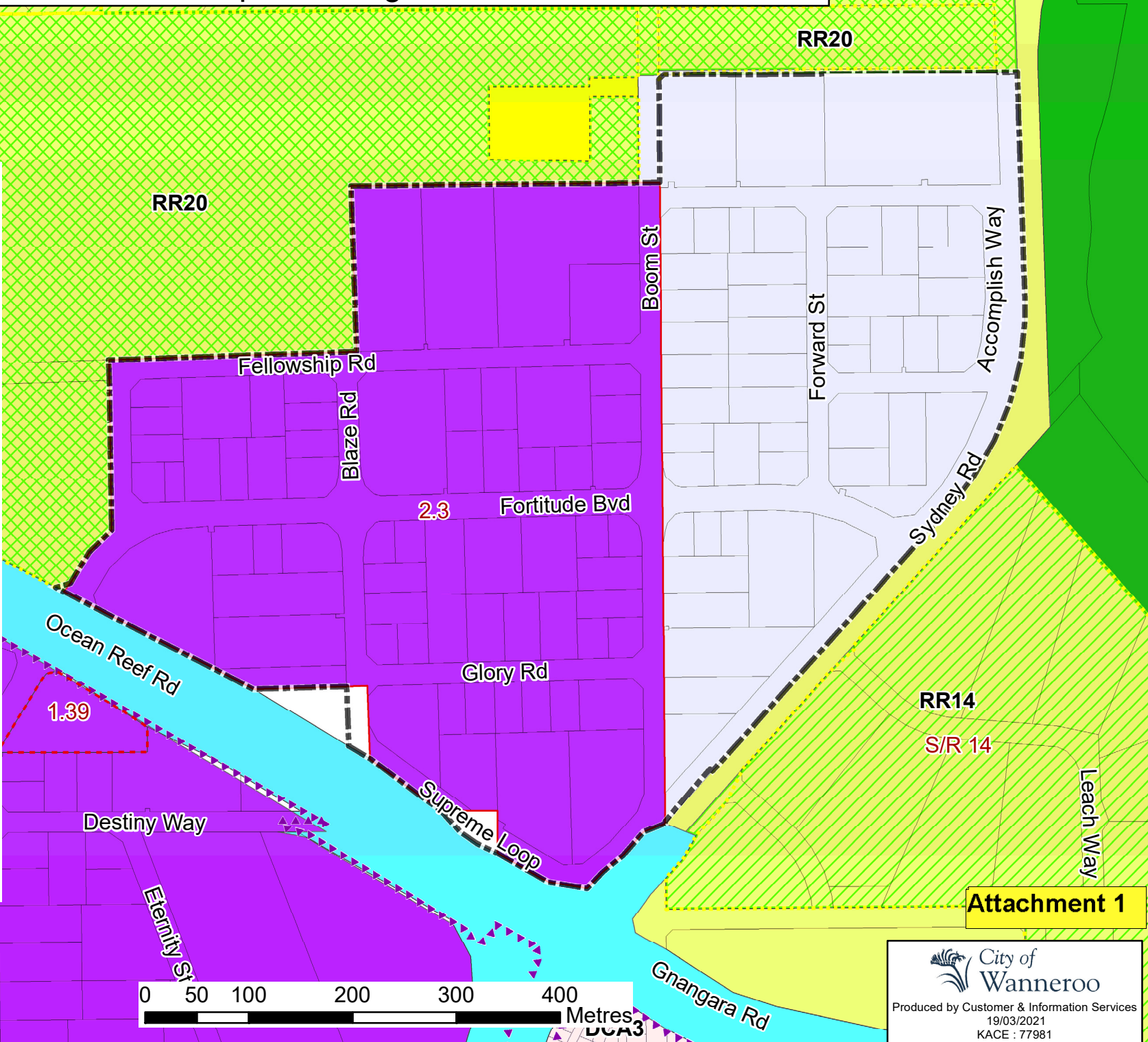
Other Categories

- Development Contribution Area
- Rural Residential

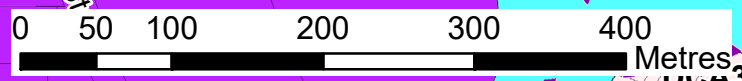
DPS2

Zone

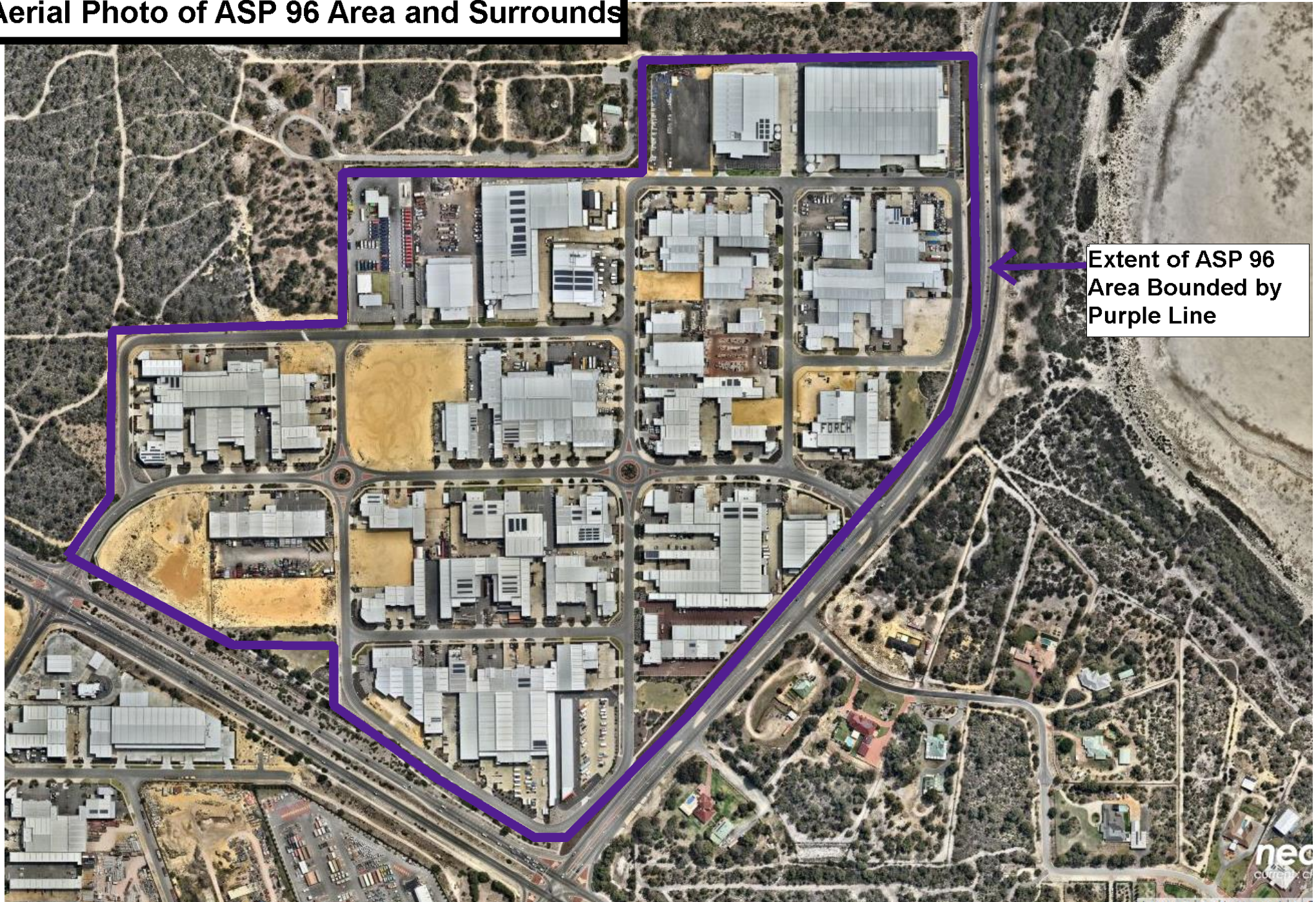
- CONSERVATION
- GENERAL INDUSTRIAL
- GENERAL RURAL
- INDUSTRIAL DEVELOPMENT
- NO ZONE
- OTHER REGIONAL ROADS
- PUBLIC PURPOSES - MRS
- REGIONAL PARKS & RECREATION
- RURAL COMMUNITY
- SPECIAL RURAL
- URBAN DEVELOPMENT



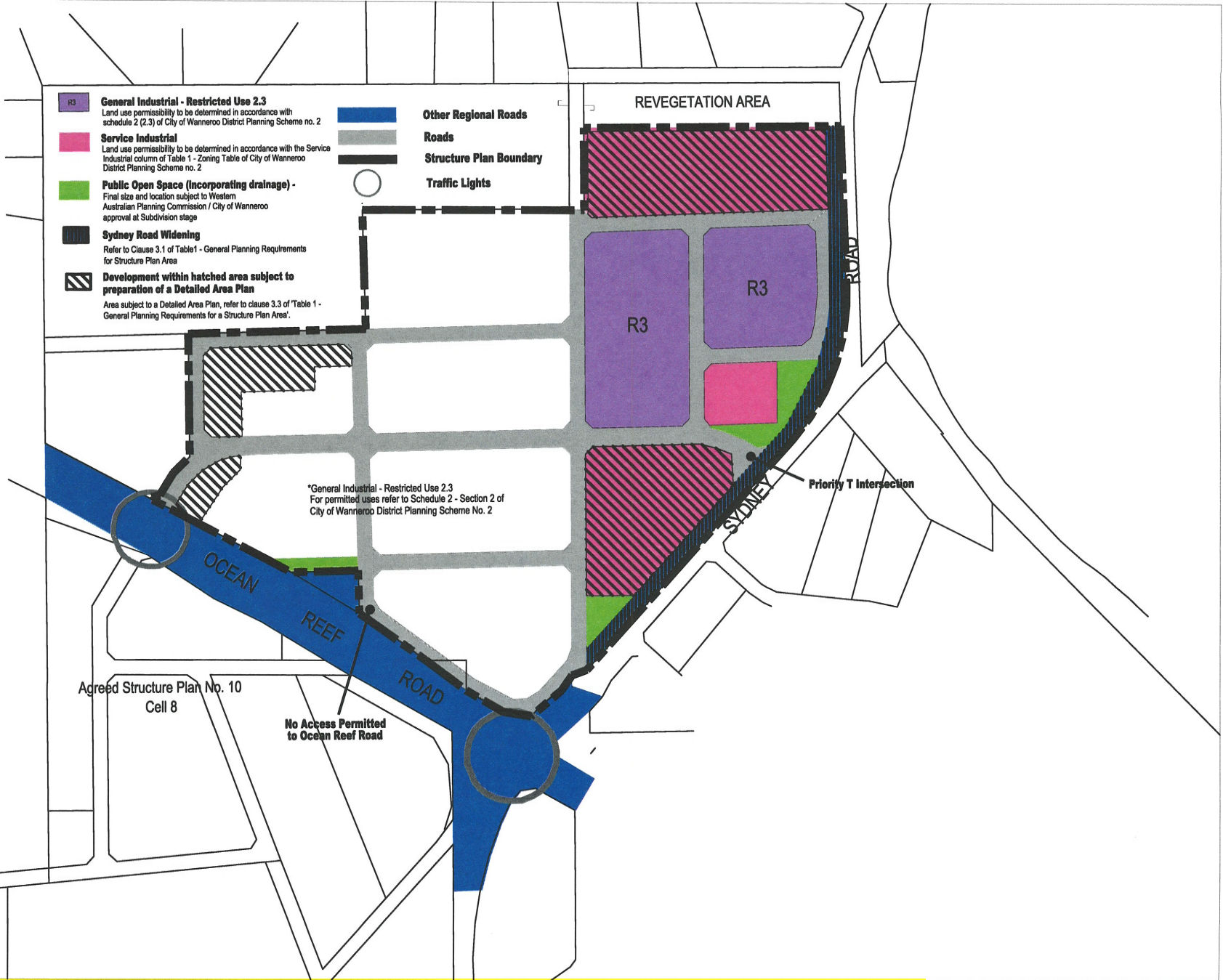
Attachment 1



Aerial Photo of ASP 96 Area and Surrounds



Extent of ASP 96 Area Bounded by Purple Line



- R3 General Industrial - Restricted Use 2.3**
Land use permissibility to be determined in accordance with schedule 2 (2.3) of City of Wanneroo District Planning Scheme no. 2
- Service Industrial**
Land use permissibility to be determined in accordance with the Service Industrial column of Table 1 - Zoning Table of City of Wanneroo District Planning Scheme no. 2
- Public Open Space (Incorporating drainage) -**
Final size and location subject to Western Australian Planning Commission / City of Wanneroo approval at Subdivision stage
- Sydney Road Widening**
Refer to Clause 3.1 of Table 1 - General Planning Requirements for Structure Plan Area
- Development within hatched area subject to preparation of a Detailed Area Plan**
Area subject to a Detailed Area Plan, refer to clause 3.3 of 'Table 1 - General Planning Requirements for a Structure Plan Area'.

- Other Regional Roads**
- Roads**
- Structure Plan Boundary**
- Traffic Lights**

*General Industrial - Restricted Use 2.3
For permitted uses refer to Schedule 2 - Section 2 of City of Wanneroo District Planning Scheme No. 2

Agreed Structure Plan No. 10
Cell 8

No Access Permitted to Ocean Reef Road

WANGARA INDUSTRIAL EXTENSION AREA LOCAL STRUCTURE PLAN (PLAN A)

Lots 10, 50 and 700 Sydney Road, Gngalara
City of Wanneroo



DISCLAIMER: AREA SUBJECT TO APPLICATION. CARRIAGEWAYS DIAGRAMMATIC ONLY. ALL AREAS AND DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FUTHER SURVEY ENGINEERING AND DETAIL DESIGN.

date 18.11.10 | scale at A3 1:5000 | ref Wang Ind Ex LSP v2 | revised 15.07

Attachment 1

Review of Structure Plan Provisions – Wangara Industrial Extension Area Agreed Local Structure Plan No. 96

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 96
2.0 Subdivision and Development	
<p>2.1 The Structure Plan Map (Plan A) and Tables 1 and 2 form part of the statutory provisions of the Structure Plan and prescribe the standards, requirements and prerequisites for subdivision and development within the Structure Plan area.</p> <p>Table 1 – General Planning Requirements for Structure Plan Areas Table 2 – Documents to be Provided as Part of Subdivision.</p>	<p>Such provisions will no longer have effect in the event that the land affected by ASP 96 is normalised, and that structure plan is revoked.</p>
<p>2.2 The Structure Plan Map (Plan A) prescribes zones and restricted use areas within Lot 10, as well as indicative locations of Public Open Space / drainage sites within the overall Structure Plan area. The zones, including the specific landuse permissibility's designated under this structure plan, apply to the land within it as if the zones were incorporated in the Scheme.</p>	<p>The Structure Plan Map does identify the features as outlined in the written structure plan provision. Any revocation of ASP 96 – and a corresponding normalisation process – would need to consider how the land will be zoned (and land use permissibility be applied) under DPS 2 going forward.</p>
2.3 Land Use Permissibility	
<p>(a) Land use permissibility within areas designated as R3 is to be in accordance with Schedule 2 – Section 2 (2.3) of the Scheme.</p>	<p>The central and western portions of ASP 96 are already zoned General Industrial under DPS 2, subject to a restricted list of land uses being permissible as outlined in Schedule 2 – Section 2 (2.3) of DPS 2.</p> <p>This ASP 96 provision relates to a portion of former Lot 10 Sydney Road (in the eastern part of the ASP 96 area), limiting land use permissibility in the ASP 96 General Industrial Zone to the same as that applicable for the central and western parts of ASP 96.</p> <p>In normalising the land subject to this provision of ASP 96 – and should ASP 96 revoked – the land could be zoned General Industrial under DPS 2. Schedule 2 – Section 2 (2.3) of DPS 2 would then be updated to list portion of former Lot 10 Sydney Road, as land subject to Restricted Uses Provisions.</p>
<p>(b) Land use permissibility with areas zoned Service Industrial is to be in accordance with the Service Industrial column of Table 1 – Zoning Table of the Scheme.</p>	<p>The Service Industrial Zone in ASP 96 is situated on portions of what was Lot 10 Sydney Road. Should ASP 96 be revoked, the Service Industrial Zoned areas in ASP 96 would first need to be normalised through a DPS 2 amendment. Should normalisation and revocation of ASP 96 occur, there are adequate provisions already in DPS 2 to enforce the Service Industrial Zone land use permissibility on that land.</p>

Review of Structure Plan Provisions – Wangara Industrial Extension Area Agreed Local Structure Plan No. 96

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 96
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Table 1 – General Planning Requirements for Structure Plan Area

1. Structure Plan Map	
1.1 Subdivision and development of land shall be in accordance with the Structure Plan Map (Plan A).	The subdivision layout is consistent with what is shown on Plan A of ASP 96.
2. Public Open Space	
2.1 A minimum of two percent of the subdivisible area shall be provided as Public Open Space for public recreation, which may also serve a drainage purpose. The location of Public Open Space shall be generally in accordance with Structure Plan Map (Plan A).	<p>Of the 42 hectares of subdividable land in the ASP 96 area, two percent of that area (for public open space) equates to 8,400sqm.</p> <p>On review of the public open space provided, there are three parcels provided generally in the locations shown in the ASP 96 structure plan map (Plan A). Collectively, these parcels have a total area of just over 1 hectare, exceeding the minimum public open space requirement in ASP 96.</p>
3.0 General Subdivision and Development Requirements	
3.1 Prior to the subdivision or development of Lot 10 Sydney Road for industrial purposes, arrangements shall be made to the satisfaction of the City of Wanneroo and Department of Planning for the widening and construction of Sydney Road as a dual carriageway adjacent to the eastern boundary of the Structure Plan Area; including interface treatment for lots directly abutting Sydney Road.	The widening of Sydney Road (and an accompanying Legal Agreement) was a condition of subdivision of the former Lot 10. A 20m road widening is thereafter shown on the Deposited Plan of subdivision, and agreement entered into. The City later 'cleared' the subdivision of Lot 10, including the conditions requiring the road widening.
3.2 Direct vehicular access from subdivided lots to Ocean Reef Road and Sydney Road shall not be permitted.	<p>With exception of Lot 3 (45) Boom Street, all lots directly adjoining Ocean Reef Road and Sydney Road have restrictions of access imposed on those road boundaries. Development on occupied lots are adhering to the restriction of access in place.</p> <p>Lot 3 has established industrial development that does not gain access from Sydney Road, thereby meeting this structure plan provision.</p>

Review of Structure Plan Provisions – Wangara Industrial Extension Area Agreed Local Structure Plan No. 96

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 96
<p>3.3 Detailed Area Plans (DAPs) are to be prepared over the areas stipulated as such on the Structure Plan Map (Plan A), pursuant to Clause 9.14.1 of the Scheme and prior to subdivision or development of the affected lands.</p>	<p>Local Development Plans (formerly Detailed Area Plans) have been prepared over all areas identified on the structure plan map.</p> <p>An additional LDP has been prepared for three lots on Supreme Loop, to control built form and landscaping to maintain sightlines around sharp bends on this road. The LDP was prepared in response to a requirement imposed through a condition of subdivision approval.</p> <p>The LDP's will remain in place should ASP 96 be revoked.</p>
<p>3.3 (a) The DAP prepared over the northern portion of Lot 50 Ocean Reef Road and the northern portion of Lot 10 Sydney Road shall specifically address bushfire mitigation measures for development in accordance with the Western Australian Planning Commission's Planning for Bushfire Protection Guidelines, as amended.</p>	<p>In response to this provision, the following Local Development Plans have been prepared:</p> <ul style="list-style-type: none"> • DAP No. 1 – Fortitude Boulevard and Fellowship Road, Gnangara (northern portion of former Lot 50 – now subdivided); and • LDP No. 4 – Wangara Industrial Extension Area (Stage 4) (northern portion of Lot 10 Sydney Road, Gnangara – now subdivided). <p>DAP No. 1 includes specific provisions regarding landscaping in the front setback and the storage of items in the street setback area. The front of the industrial lots affected by this DAP face bushfire-prone vegetation. The provisions were reviewed and accepted by DFES prior to the approval of the DAP. Four of the eight lots affected by the LDP still remain vacant.</p> <p>LDP No. 4 identifies an Asset Protection Zone (APZ) for bushfire, and stipulates that no building should occur in the APZ without a bushfire assessment being undertaken. The LDP addresses bushfire mitigation measures imposed at subdivision, and consistent with a Bushfire Management Plan prepared.</p> <p>Both Local Development Plans have therefore addressed this ASP 96 requirement.</p> <p>The operation of the two Local Development Plans is not dependent on ASP 96 remaining effective. Therefore, the LDP's can remain in place even should ASP 96 be revoked.</p>

Review of Structure Plan Provisions – Wangara Industrial Extension Area Agreed Local Structure Plan No. 96

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 96
<p>3.3 (b) The DAP prepared over southern portion of Lot 10 Sydney Road shall specifically address the interface of development on lots which directly abut Sydney Road, to ensure building orientation, setbacks, signage locations and other appropriate standards address the amenity of the existing 'Special Rural' zoned properties to the immediate east of the Structure Plan Area.</p>	<p>In response to this provision, DAP No. 3 – Wangara Industrial Extension Area (Stage 4) has been prepared over the southern portion of what was formerly Lot 10 Sydney Road, Wangara.</p> <p>DAP No. 3 provides the following in respect to the ASP 96 provisions:</p> <ul style="list-style-type: none"> • <i>For the purposes of Clause 4.7.2 of the Scheme, the secondary street boundary for Lots 414, 415, 421 & 422 shall be Sydney Road, in which case a 3m minimum setback applies.</i> • <i>For Lots 414, 415, 421 and 422, lot boundary fencing proposed adjacent to Sydney Road shall be solid colorbond grey ridge, at a minimum height of 1.8m No signage shall be affixed to the fencing.</i> • <i>To avoid blank facades for Lots 414, 415 and 422, walls facing Sydney Road shall incorporate articulated building design with the inclusion of different colours, materials and/or textures.</i> <p>Development on the three lots has been undertaken in accordance with the LDP provisions referred to above, as outlined below:</p> <ul style="list-style-type: none"> • Setbacks to the Sydney Road boundary provided at a minimum of 3.0m. • The Colorbond Grey Ridge colour has been discontinued; however, the boundary fencing along the Sydney Road boundary is of a grey colour; and • Building articulation by way of colour, materials and textures satisfactorily meet the LDP provision. <p>The Local Development Plan, and the existing built form, therefore address this ASP 96 requirement.</p> <p>The operation of the Local Development Plan is not dependent on ASP 96 remaining effective; and therefore, the LDP can remain in place even should ASP 96 be revoked.</p>

Review of Structure Plan Provisions – Wangara Industrial Extension Area Agreed Local Structure Plan No. 96

Structure Plan Provision	Review on Provision being Satisfied or Met & Impact of Provision being Deleted through Revocation of ASP 96
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Table 2 – Documents to be Provided as Part of Subdivision

The documents listed within Table 2 shall be prepared to the satisfaction of the relevant authority and accompany subdivision or clearance of subdivision conditions applications, as applicable within the 'approval stage' column.			
Documentation	Approval Stage	Approving Authority	
Urban Water Management Plan	Subdivision Clearance (condition of subdivision)	City of Wanneroo	As required under conditions of subdivision approval, Urban Water Management Plans (UWMP's) were prepared by Emerge Associates for each of the subdivision stages undertaken in the ASP 96 area. Conditions requiring the UWMP's were 'cleared' by the City during subdivision clearance stage.
Public Open Space Schedule	As part of subdivision application	City of Wanneroo	Although none of the subdivision proposals lodged provided a public open space schedule, relevant subdivisions clearly identified the proposed location of open space that was to be provided. Public open space proposed through subdivision was consistent with what was shown on the ASP 96 Map.
Sydney Road dual carriageway widening and construction requirements	Subdivision Clearance for subdivision of Lot 10 (condition of subdivision)	City of Wanneroo	The widening of Sydney Road (and an accompanying Legal Agreement) was a condition of subdivision of the former Lot 10. A 20m road widening is thereafter shown on the Deposited Plan of subdivision, and agreement entered into. The City later 'cleared' the subdivision of Lot 10, including the conditions requiring road widening.
Detailed Area Plans (refer Clause 4.3 of Table 1)	Subdivision Clearance (condition of subdivision)	City of Wanneroo	Detailed Area Plans – or Local Development Plans as they are now called – were prepared in response to subdivision conditions imposed. Subdivision conditions which required the preparation of Local Development Plans were 'cleared' by the City during subdivision clearance stage.
Fire Management Plan	Subdivision Clearance for subdivision of Lot 50 (condition of subdivision)	City of Wanneroo/ Department of Fire and Emergency Services	The provision of a Fire Management Plan was a condition of subdivision imposed by the WAPC over Lot 50 Ocean Reef Road. This condition was then later 'cleared' by the City at subdivision clearance stage. A Fire Management Plan was also required as a condition of subdivision of Lot 10 Sydney Road (located in the eastern part of the ASP 96 area). This condition was also later 'cleared' by the City during subdivision clearance stage.

Land Use Permissibility in the General Industrial Zone

Under Table 1 of DPS 2 in Normal Circumstances	Restricted Uses Permissible in the ASP 96 Area under Schedule 2 – Section 2 of DPS 2
Permitted (or 'P') Uses	
Auction Room Car Park Car Wash Dry-Cleaning Premises Fuel Depot Industry – General Industry – Light Landscape Supplies Laundry Milk Depot Motor Vehicle Repairs Salvage Yard Storage Yard Transport Depot Vehicle Sales/Hire Premises Warehouse Woodyard	Auction Room Car Park Car Wash Dry Cleaning Premises Industry – General Industry – Light Landscape Supplies Laundry Motor Vehicle Repairs Salvage Yard Storage Yard Transport Depot Vehicle Sales/Hire Premises Warehouse Woodyard
Discretionary (or 'D') Uses	
Abattoir Bakery Caretakers Dwelling Concrete Batching Plant Convenience Store Factory Unit Hire Service Industry – Extractive Industry – Hazardous Industry – Rural Lunch Bar Mast or Antenna Open Air Display Park Roadhouse Service Station Smash Repair Station Telecommunications Infrastructure Trade Display Vehicle Wrecking	Bakery Caretaker's Dwelling Convenience Store Factory Unit Hire Service Lunch Bar Mast or Antenna Milk Depot Open Air Display Park Road House Service Station Smash Repair Station Telecommunications Infrastructure Trade Display Vehicle Wrecking

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 – AMENDMENT NO. 190

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:

- a) Rezoning various lots within the Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 from 'Industrial Development' to 'Service Industrial' and 'General Industrial', as shown on the Scheme (Amendment) Map;
- b) Reclassifying Lot 912 (12) Accomplish Way, Gnangara (on DP: 404867) and Lot 911 (31) Supreme Loop, Gnangara (on DP: 404867) from Industrial Development Zone to 'Local Scheme Reserve – Parks and Recreation', as shown on the Scheme (Amendment) Map;
- c) Reclassifying Lot 904 (35) Supreme Loop, Gnangara (on DP: 400353) from General Industrial Zone to 'Local Scheme Reserve – Parks and Recreation', as shown on the Scheme (Amendment) Map;
- d) Reclassifying Lot 51 (1721) Ocean Reef Road, Gnangara (on DP: 57145) from 'No Zone' to 'Local Scheme Reserve – Public Use', as shown on the Scheme (Amendment) Map;
- e) Realigning the Restricted Use (2.3) boundary as shown on the Scheme (Amendment) Map to:
 - i. Incorporate various lots bounded by Boom Street, Accomplish Way, Forward Street and Fortitude Boulevard, Gnangara; and
 - ii. Exclude Lot 904 (35) Supreme Loop, Gnangara (on DP: 400353); and
- f) Amending Schedule 2 – Section 2 of District Planning Scheme No. 2 to delete all provisions pertaining to Item No. R3 and replacing those provisions with the following:

NO		STREET/ LOCALITY	PARTICULARS OF LAND	RESTRICTED USE AND CONDITIONS (WHERE APPLICABLE)
R3	2-3	59 Sydney Road Gnangara; 1701 Ocean Reef Road, Gnangara; and 139 Sydney Road, Gnangara	Lot 700 (on DP: 64625); portion Lot 50 (on DP: 57145); portion Lot 10 (on D: 83662)	'P' Uses – Auction Room Car Park Car Wash Dry Cleaning Premises Industry – General Industry – Light Landscape Supplies Laundry Motor Vehicle Repairs Salvage Yard Storage Yard Transport Depot

				Vehicle Sales/Hire Premises Warehouse Woodyard 'D' Uses – Bakery Caretaker's Dwelling Convenience Store Factory Unit Hire Service Lunch Bar Mast or Antenna Milk Depot Open Air Display Park Road House Service Station Smash Repair Station Telecommunications Infrastructure Trade Display Vehicle Wrecking
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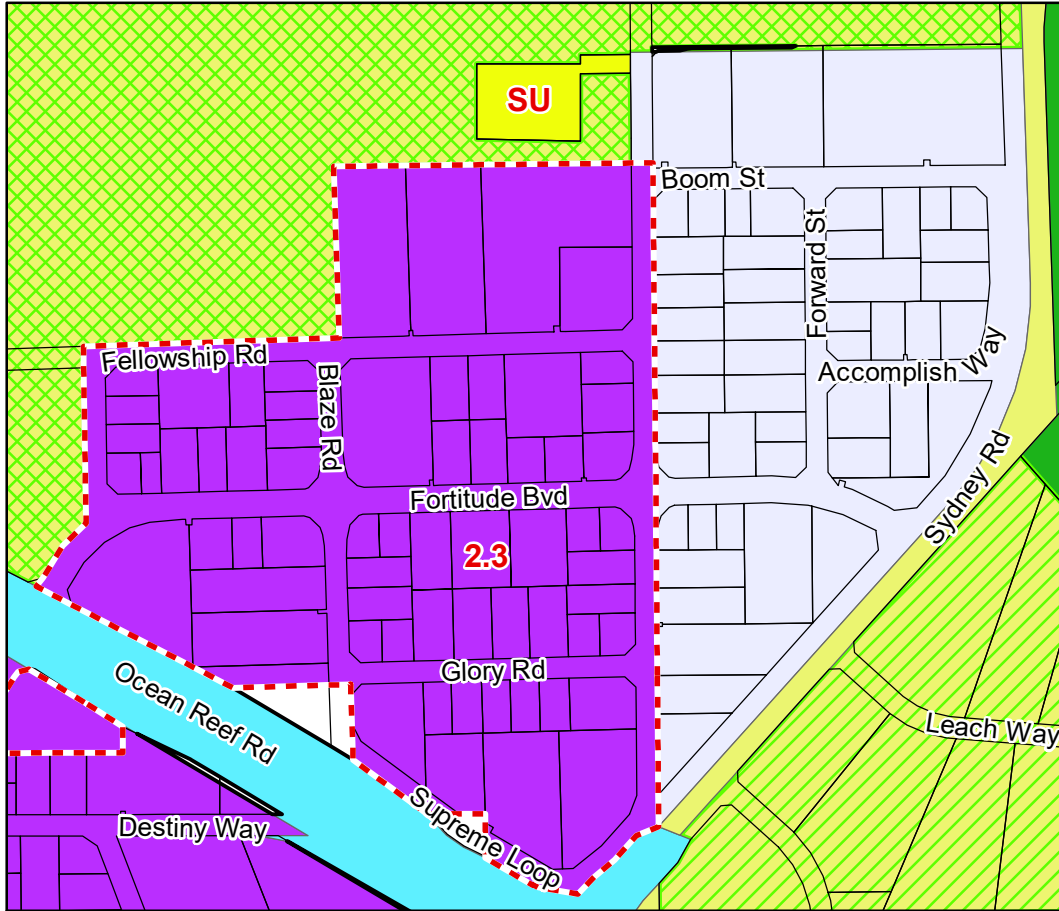
Approval of the City of Wanneroo's Wangara Industrial Extension Area Agreed Local Structure Plan No. 96 is to be revoked when this amendment is approved and takes effect.

CITY OF WANNEROO

DISTRICT PLANNING SCHEME No. 2

AMENDMENT No. 190

Normalisation of the Wangara Industrial Extension Area Structure Plan and DPS2



LEGEND

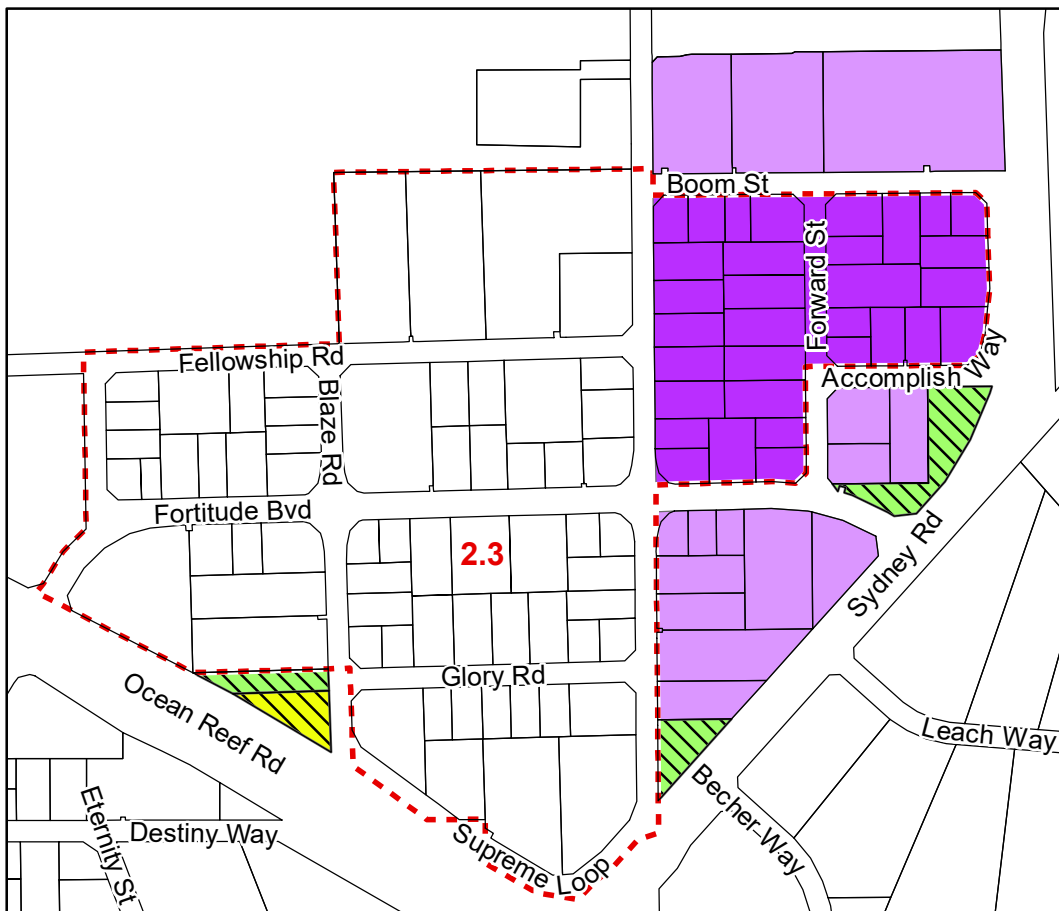
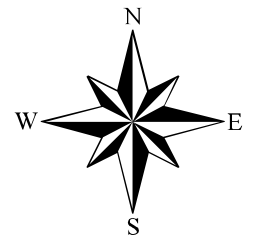
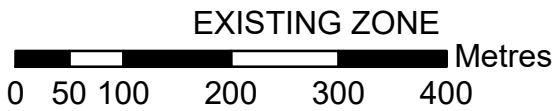
MRS RESERVE

- PUBLIC PURPOSE
- SU - SPECIAL USES

- OTHER REGIONAL ROADS
- PARKS & RECREATION

ZONE

- GENERAL INDUSTRIAL
- GENERAL RURAL
- INDUSTRIAL DEVELOPMENT
- NO ZONE
- RURAL COMMUNITY
- SPECIAL RURAL
- 2.3 RESTRICTED USE



LEGEND

- GENERAL INDUSTRIAL
- PARKS & RECREATION
- PUBLIC USE
- SERVICE INDUSTRIAL
- 2.3 RESTRICTED USE

SCHEME (AMENDMENT) MAP

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 11th day of May 2021.

.....
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 May 2021, 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