



DISTRICT PLANNING SCHEME No. 2

Amendment No. 195

Planning and Development Act 2005

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 195

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by inserting a new clause 3.5.3 under Part 3 – Zones as follows:-

'3.5.3 The minimum lot size in a Mixed Use zone shall be 300m².'

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

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve; and
- b) any other amendment that is not a complex or basic amendment.

Date of Council Resolution: 15 June 2021

.....
(Chief Executive Officer)

Dated this day of 20.....

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 195

SCHEME AMENDMENT REPORT

1.0 Introduction and Background

The City of Wanneroo has undertaken a review of areas zoned Mixed Use under its District Planning Scheme No. 2 (DPS 2). The review was undertaken because the City had recognised that many of the City's Mixed Use zones were not being developed as intended. In many cases, Mixed Use zones were only being developed with single houses or grouped dwellings, which does not meet the objective of the zone for integrated developments with a mix of land uses.

In recognition of this, the City initiated amendment No. 165 to DPS 2 with the intention of modifying the objectives and land use permissibility for the Mixed Use zones. The change to the objectives was to align to those in the model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the modifications to the land use permissibility was to coincide with the objectives of the zone. The amendment also originally sought to limit the size of shops so as not to compromise Activity Centres. In addition to the amendment, the City also undertook to continue a broader review of the Mixed Use zone by undertaking:

- The preparation of a Local Planning Policy to guide the delivery of desired built form outcomes; and
- A review of the location and provisions relating to Mixed Uses Zones contained in various Structure Plans.

Amendment No. 165 to DPS 2 was subsequently approved by the Minister for Planning and details were published in the *Gazette* on 3 December 2019. In approving the amendment, the Minister excluded the proposal to introduce a floor size limit. The Western Australian Planning Commission (**WAPC**) in advising the City of the Ministers decision, advised that the City may wish to consider preparing a Local Planning Policy that addresses the preference for size and scale restrictions.

The City has now prepared and adopted (at the Council meeting held on 15 June 2021) a Local Planning Policy No. 4.27: Mixed Use Zones, which sets out to provide guidance and direction for the consideration of development within the Mixed Use Zone in terms of built form. The initial draft of the policy sought to introduce floor size limits and minimum lot size provisions.

During public consultation for the draft Local Planning Policy, the Department of Planning, Lands and Heritage made a submission. The submission raised three matters, two of those were recommendations to strengthen and provide greater clarity as to the intention and wording of the Policy, and these were incorporated into the adopted Policy. One matter of concern related to the proposed provision for a minimum lot size. The DPLH did not object to the provision for a minimum lot size, but identified that in order to have statutory weight, such a provision would need to be included in DPS 2.

The provision was retained in the Policy, but in response to the submission by the DPLH, the City has now resolved to prepare Amendment No. 195 to give effect to the inclusion of a provision in DPS 2 to introduce a minimum lot size in Mixed Use Zones of 300m².

A review of Mixed Use zones in various Structure Plans has been commenced and is ongoing.

2.0 Detail of the Amendment

The intent of introducing a minimum lot size is to protect Mixed Use Zones from being subdivided into small lots to be used for Single House development only, which may preclude other uses in the future. Once subdivided into smaller lots in separate ownership, it is unlikely that they will be able to be consolidated into the larger lots required to support mixed land uses. The City has undertaken some research on the appropriate minimum lot size and has identified a number of examples in the City of Wanneroo where lot sizes of approximately 300m² have been developed with integrated mixed uses. These lots accommodate both non-residential and residential uses with space for some car parking on site.

Lots of 300m² are the smallest that are considered sufficient to enable residential development, non-residential development or mixed use development to be accommodated. Therefore, even if lots are developed exclusively for residential purposes, the minimum lot size of 300m² will not preclude their redevelopment in the future for a range of non-residential or mixed use development.

3.0 Consultation

Following Council's resolution to prepare Amendment No. 195 to DPS 2 the Amendment will 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 proposed Amendment and to determine whether any formal environmental assessment is necessary.

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

- Published on the website of the City;
- Displayed at the City's Civic Centre; and
- Published in a newspaper circulating in the locality of the City.

4.0 Planning Comment

As noted, an outcome of the preparation of the Policy, it was concluded that DPS 2 be amended by inserting a provision to limit the minimum lot size in a Mixed Use zone to 300m². The inclusion of such a provision will assist in preventing the subdivision of lots to the extent that they may not be capable of accommodating non-residential or mixed uses and thereby not achieving the objectives of the Mixed Use zone.

5.0 Conclusion

The purpose of Amendment No. 195 is to limit the minimum lot size in Mixed Use zones in order to enable lots to be developed for a range of residential, non-residential or mixed uses which will in turn assist in achieving the objectives of the Mixed Use zone which were modified to align to those in the model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 195

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:

inserting a new clause 3.5.3 under Part 3 – Zones as follows:-

‘3.5.3 The minimum lot size in a Mixed Use zone shall be 300m².’

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 15th day of June, 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 15th day of June, 2021, proceed to advertise this amendment.

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MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for _____ by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the _____ day of 20 _____, and the Common Seal of the City of Wanneroo was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

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

DATE

Approval Granted

.....
MINISTER FOR PLANNING

DATE