

# Information Pack – February 2022

## **Amendment 172 to District Planning Scheme No. 2 Alignment with State Government 'Model Provisions' for Planning Schemes**

The City of Wanneroo is seeking community feedback on a proposed amendment to its District Planning Scheme No.2 (DPS2). Amendment No. 172 proposes changes to update and align the City's planning scheme with the State Government's template for planning schemes, known as 'model provisions'.

Under the [Planning & Development \(Local Planning Schemes\) Regulations 2015](#), all local governments in Western Australia are legally required to align their planning schemes with these model provisions when preparing new or amended schemes.

This information pack has been prepared to summarise the purpose, background and some frequently asked questions on this proposal and to assist you when making a submission.

### **KEY POINTS**

Amendment 172 to District Planning Scheme No.2 (DPS2) marks the first major milestone in the City's progress toward preparing a new planning scheme for Wanneroo.

If approved, this amendment would see the planning scheme changed to reflect the State Government's model provisions.

The model provisions are a template which all local governments must use when amending or preparing new planning schemes.

This would involve modifications to the planning scheme text and updates to the scheme maps.

As part of the changes, the planning scheme text and maps will be adjusted to reflect new scheme zones.

**To ensure that our scheme is aligned with the State Government's requirements, some existing zones and land uses within the City of Wanneroo's district planning scheme will change.**

## WHAT IS A SCHEME AMENDMENT?

Every local government in Western Australia has a local planning scheme which sets out how land can be used and developed to support current and future community needs. The planning scheme consists of two key documents:

1. The scheme **text**, which contains rules for development of land in the scheme area, and
2. The scheme **maps**, which shows the zoning and reservations of land within the City, along with other special uses and features.

From time to time, it is necessary to make changes to the local planning scheme. These changes are called scheme amendments. Scheme amendments allow the City to improve the function of the planning scheme and respond to changes in particular areas.

Amendments to the planning scheme can include modifications to the way land can be used, such as changing land from a 'Business' zone to a 'Service Commercial' zone. This is commonly called 'rezoning' and involves a change to the scheme maps. Other scheme amendments may make changes to how land can be developed, such as the height and location of buildings. More basic modifications to formatting and wording of planning schemes also require a scheme amendment.

Under State Government regulations, scheme amendments are classified as either 'basic', 'standard' or 'complex' in nature, based on a set of criteria. Each type of amendment has certain processing and public consultation timeframe requirements.

Given the number of modifications required to align our Scheme with the State Government's model provisions, we have classified Amendment No. 172 as a 'complex' amendment ensuring that we have the maximum amount of time permitted to consult with the community.

## WHAT IS THE SCHEME AMENDMENT PROCESS?

Once initiated by the City of Wanneroo Council, all scheme amendments are referred to the Environmental Protection Authority (EPA) to determine whether an environmental assessment of the proposal is required. The Western Australian Planning Commission (WAPC) also review the amendment documentation and instruct the City to make necessary modifications before undertaking public consultation on the proposal.

Most scheme amendments must be advertised for public comment. Community consultation is an essential part of the scheme amendment process and a legal requirement of the planning regulations for 'complex' amendments. The City will also refer the scheme amendment to relevant service authorities and government agencies for comment during the public consultation period.

After the advertising period, Council will consider all public submissions and decide whether the draft amendment should be endorsed as advertised, modified, or not approved. Regardless of Council's recommendation, the amendment is forwarded to the WAPC for final assessment and a decision from the Minister for Planning. If the Minister approves the amendment, the planning scheme is amended once the amendment is published in the Government Gazette. When this happens, the amendment officially forms part of our planning scheme.

## WHY ARE WE UNDERTAKING THIS AMENDMENT?

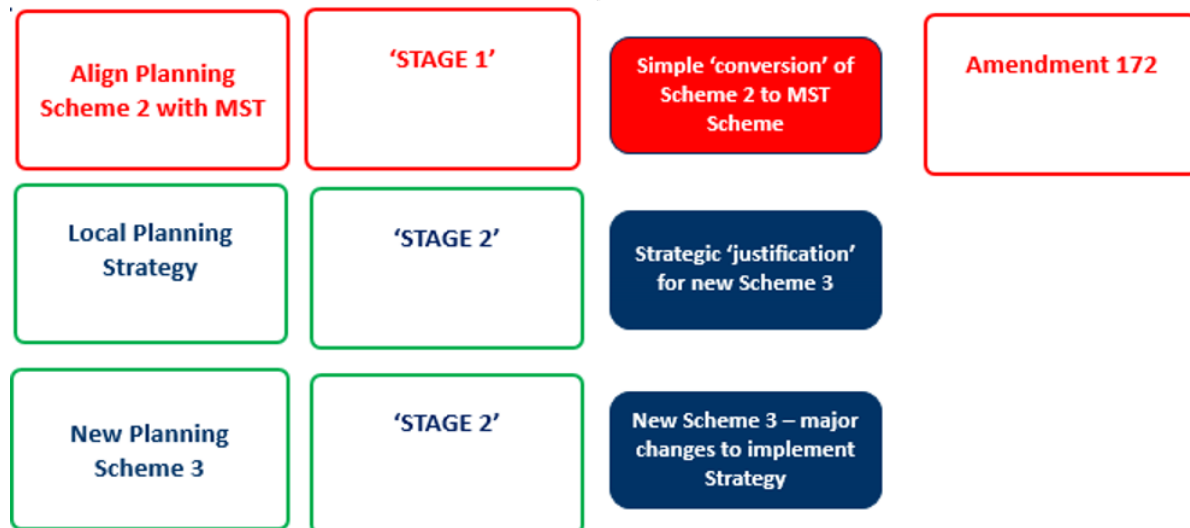
Amending DPS2 to align with the model provisions is the first major step we are taking toward developing a new Local Planning Scheme for Wanneroo. During a comprehensive review of our planning framework in 2017/18, the State Government provided direction to the City regarding a new planning scheme and strategy. (See 'Report of Review of District Planning Scheme No. 2 - City of Wanneroo').

The first significant milestone in this process is to align our scheme with the State Government's model provisions (see below). In undertaking this amendment, we have endeavoured to keep it as simple as possible to ensure compliance with State Government requirements, whilst making as few changes as possible to the content of the current planning scheme.

If this scheme amendment is approved by the Minister for Planning - who decides all planning scheme amendments - we will then commence work on preparing a new planning scheme for the City, to be known as **Local Planning Scheme No. 3 (LPS3)**. The new LPS3 will be heavily informed by our Local Planning Strategy, which is currently in development.

Both the local planning strategy and new planning scheme will be subject to extensive future community engagement. If you make a submission on this amendment, you will have the option to stay informed about future consultations relating to the Local Planning Strategy and new Local Planning Scheme.

A broad summary of the City's staged approach to planning reform is provided below:



## WHAT ARE THE MODEL PROVISIONS?

The model provisions are contained within the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#), a statutory document from the Western Australian Planning Commission (WAPC).

The model provisions are effectively a template which all local governments in Western Australia must use when creating or amending their local planning schemes. Standardisation of formatting, zones, and land use definitions is recommended where possible, to assist in simplifying the planning system, consistent with the State Government's planning reform agenda.

Under the *Planning & Development Act 2005*, local planning schemes must align with the model provisions, however variations to these can be approved at the discretion of the Minister for Planning.

## **WHAT CHANGES ARE PROPOSED AS PART OF AMENDMENT NO. 172?**

The amendment seeks to align the City's District Planning Scheme No. 2 with the model provisions. This consists of more than 100 individual modifications to our planning scheme text and maps. The vast majority of these changes are administrative in nature and do not impact the current rules in DPS2.

Changes proposed as part of this amendment include:

1. Restructuring the Scheme text into six parts and relocating all relevant clauses, sub-clauses, paragraphs and tables into these new parts.
2. Replacing relevant clauses with applicable sections of the model provisions.
3. Revising the Zoning Table – which contains land uses and their permissibility within each zone – to generally reflect the types of zones and land use classes of the model provisions.
4. Moving retained development requirements into Part 4 and schedules referred to in that part.
5. Moving the definitions into new Part 6, and replacing a number of definitions with corresponding model definitions.
6. Revising terminology and references throughout for consistency and readability.
7. Renaming and renumbering all scheme provisions and schedules.
8. Modifying the scheme maps to align with changes proposed to the Scheme text.
9. Various usability improvements to mapping, including designation of relevant residential design codes (R-Codes) for applicable properties.

Because the City is proposing to modify some parts of the model provisions, including retention of some existing zones and land uses, the amendment is classified as 'complex' under the Planning Regulations meaning it required a preliminary assessment from the WAPC and must be advertised for a period of 60 days.

## **WHAT ARE THE ZONING CHANGES PROPOSED AS PART OF THIS AMENDMENT?**

One of the key changes proposed as part of this amendment relates to zoning. The State Government has reduced the number of zones permitted within planning schemes in Western Australia. As such, the City has endeavoured to align our amended planning scheme with the standard zones provided for under the model provisions.

***Some properties will see their current zoning under the planning scheme change.***

A summary of the zoning changes proposed is outlined in the table below.

Individual fact sheets have also been prepared for the zones which are proposed to change. Fact sheets are available to download from [wanneroo.wa.gov.au/yoursay](http://wanneroo.wa.gov.au/yoursay)

**Summary of Proposed Zoning Changes – Amendment 172**

| <b>Existing Zone</b>     | <b>Proposed Zone (Amendment 172)</b>  | <b>Description of Change</b>   |
|--------------------------|---------------------------------------|--|
| Residential Zone         | Residential Zone                      | Zone retained.   |
| Special Residential Zone | Residential Zone                      | Zone deleted - existing provisions for Special Residential zone are provided for through a R-Coding of R2.5 or R5 (very low density) along with land use restrictions in the planning scheme text, to reflect the requirements of the current planning scheme. The State Government has released a position statement stating that they no longer support Special Residential Zones and requires these areas to be re-zoned accordingly by local government. This position statement can be viewed here: <a href="https://www.dplh.wa.gov.au/special-residential-zone">https://www.dplh.wa.gov.au/special-residential-zone</a> |
| Mixed Use Zone           | Mixed Use Zone                        | Zone retained.   |
| Commercial Zone          | Commercial OR Service Commercial Zone | Zone has been retained, however some sites not within designated 'activity centres' will change to Service Commercial Zone. 'Commercial' zones are generally intended for designated activity centres only under the model zone objectives.  |
| Business Zone            | Commercial OR Service Commercial Zone | Zone deleted. Will change to 'Commercial' or 'Service Commercial' generally depending on whether a site currently zoned for Business is located within a designated 'activity centre'.   |
| Marina Zone              | Special Use Zone                      | Zone deleted - to become a 'Special Use' zone with existing marina provisions retained under a new section in the revised planning scheme. Development within this area is to be in accordance with the approved Structure Plan for the marina.  |
| Special Use Zone         | Special Use Zone                      | Zone retained.   |
| General Rural Zone       | Rural Zone                            | Zone retained with minor naming change.  |
| Rural Resource Zone      | Rural Resource Zone                   | Zone retained.   |

|                                   |                                 |   |
|-----------------------------------|---------------------------------|---|
| Rural Community                   | Rural Residential Zone          | Zone replaced with Rural Residential Zone, as per the model provisions. This zone is no longer required as the subject land has already been subdivided and developed, making the existing planning scheme rules redundant. |
| Special Rural                     | Rural Residential Zone          | Zone deleted - to form part of the Rural Residential Zone, with applicable Special Rural provisions retained as part of the new zone.   |
| Landscape Enhancement Zone        | Landscape Enhancement Zone      | Zone retained.  |
| Private Clubs and Recreation Zone | Private Community Purposes Zone | Zone retained with minor naming change.   |
| Smart Growth Community Zone       | Smart Growth Community Zone     | Zone retained.  |
| Civic and Cultural Zone           | Civic and Community Reserve     | Zone proposed to change to a Reserve to align with model provisions. The intended land uses and objectives within this new reserve align with current scheme provisions.  |
| General Industrial Zone           | General Industry Zone           | Zone retained with minor naming change.   |
| Service Industrial Zone           | Light Industry Zone             | Zone retained with naming change.   |
| Urban Development Zone            | Urban Development Zone          | Zone retained.  |
| Industrial Development Zone       | Industrial Development Zone     | Zone retained.  |
| Centre Zone                       | Centre Zone                     | Zone retained.  |

## WHAT ARE THE LAND USE DEFINITION CHANGES PROPOSED?

This amendment will also result in changes to land use terms and definitions within our planning scheme. Standardisation of definitions is recommended by the State Government where possible, to assist in simplifying the planning system, consistent with the State's planning reform agenda. Where the City is proposing to maintain or modify definitions within the model provisions, a case must be put forward as to how such modifications reflect the local context and why they are necessary.

Where practicable, the permissibility of uses within their respective zones is not proposed to change as part of this amendment. However, some changes are proposed to reflect the new zone objectives.

A full description of the existing, modified and new land uses proposed within each zone as part of this amendment is also provided in separate Fact Sheets, available to download from [wanneroo.wa.gov.au/yoursay](http://wanneroo.wa.gov.au/yoursay)

## WILL THESE CHANGES IMPACT EXISTING APPROVED STRUCTURE PLANS?

Existing approved structure plans will continue to apply under the revised planning scheme. However, some zones and land use classes listed within some of our structure plans may no longer be applicable due to the changes proposed under this amendment. An example of this is the Business zone which, as mentioned above, is set to change to either a Commercial or Service Commercial zone depending on location. To address this issue, the City has included some additional provisions in Schedule 17 of the amendment to clarify how certain zones and land uses within structure plans are to be interpreted.

## TIMELINE

|                |  |
|----------------|--|
| ✓              | <b>Draft Amendment Prepared by City Staff</b><br><i>2019-2020</i>  |
| ✓              | <b>Council Endorses Amendment for Advertising</b><br><i>17 November 2020</i>   |
| ✓              | <b>Amendment Referred to WAPC for Preliminary Assessment</b><br><i>8 December 2020</i>   |
| ✓              | <b>Amendment Referred to Environmental Protection Authority (EPA)</b><br><i>22 December 2020</i>   |
| ✓              | <b>WAPC Requested Modifications Prior to Advertising</b><br><i>28 May 2021</i>   |
| ✓              | <b>Additional Modifications to Address Structure Plan Interpretation</b><br><i>21 January 2022</i>   |
| <b>Current</b> | <b>Formal Advertising Period</b><br><i>February – April 2022</i><br><br><i>‘Talk to a Planner’ Information Sessions – March 2022 – Refer Your Say Wanneroo website for dates and times</i> |
| <b>Future</b>  | <b>Responses Complied</b><br><i>April - June 2022</i>  |
|                | <b>Council Decision</b><br><i>Q2 2022</i>  |
|                | <b>Final Referral to WAPC</b><br><i>Q2 2022</i>  |
|                | <b>Ministerial Decision</b><br><i>TBC</i>  |
|                | <b>Amendment Gazetted</b><br><i>TBC</i>  |
| <b>Ongoing</b> | <b>Work Progresses on Local Planning Strategy and Local Planning Scheme No. 3</b>  |



## FIND OUT MORE

Documentation relating to this amendment, including the scheme amendment report and individual zone fact sheets, is available to view and download from [wanneroo.wa.gov.au/yoursay](http://wanneroo.wa.gov.au/yoursay). Hard copies of this information can be made available on request.

You can also contact the City's friendly Planning staff at any time between 8am and 5pm Monday to Friday to discuss any questions you might have.

In addition, drop-in Talk to a Planner sessions will be held where you can speak face-to-face with the City's Planning staff. Details for this session are available on Your Say Wanneroo.

In addition, these sessions will also provide you with the opportunity to learn more about our Local Planning Strategy (LPS), currently under development. Our strategy will set the land use planning direction for the entire City of Wanneroo over the next 15-20 years and will cover a range of topics including Built Form, Tourism, Environment, Coastal Management and Infrastructure, among many others. After Amendment 172, the LPS forms the next important step toward a new local planning scheme for Wanneroo.

***Please note these sessions are held in a relaxed format and will not feature any formal presentation from the City's staff.***

## SHARE YOUR THOUGHTS

Submissions can be made by 5pm, 29 April 2022, by one of the following methods:

**Online at: [wanneroo.wa.gov.au/yoursay](http://wanneroo.wa.gov.au/yoursay) (Preferred Method)**

**Via email to: [schemes@wanneroo.wa.gov.au](mailto:schemes@wanneroo.wa.gov.au)**

**Posted to the following address:**

City of Wanneroo  
Locked Bag 1  
Wanneroo WA 6946

All submissions received on the proposal will be reviewed by staff and reported to Council, who will make a recommendation on whether or not the amendment should be supported, revised further, or not supported. After this, Council's recommendation on the amendment will be referred to the Western Australian Planning Commission (WAPC) for final assessment and a decision by the Minister for Planning. If you make a submission on this amendment, you will be informed of any relevant Council meeting dates as well as the final decision from the Minister for Planning.

In addition, when making a submission you will have the option to stay informed about future consultations relating to the Local Planning Strategy and new local planning scheme.

If you have any questions, please contact the City's Strategic Land Use Planning team on 9405 5000 or email [enquiries@wanneroo.wa.gov.au](mailto:enquiries@wanneroo.wa.gov.au)



