

**PROPOSED AMENDMENT 183 TO DISTRICT PLANNING SCHEME NO. 2
INCORPORATING MODIFICATIONS TO ADDRESS EPA ADVICE**

1. Rezoning lots 10 and 11 Dundobar Road and lots 28 and 29 Belgrade Road, Wanneroo from Rural Resource to Urban Development, and amending the Scheme Map accordingly;
2. Inserting the following provisions in the appropriate location in Schedule A – Supplemental Provisions to the Deemed Provisions:

“Clause 69

- (3) The local government may grant development approval subject to a condition that a contribution to the provision of infrastructure related to the development be made at the time of granting development approval, in accordance with any approved Structure Plan relating to that land.”; and

3. Inserting the following provisions into the appropriate location in Part 5 – Special Controls of the Scheme:

**“5.5 LOTS 10 & 11 DUNDEBAR ROAD AND LOTS 28 & 29 BELGRADE ROAD,
WANNEROO**

- 5.5.1 A Local Development Plan to be approved prior to any subdivision and development occurring.
- 5.5.2 Local Development Plans prepared for this land shall include provisions relating to the retention and protection of fauna habitat and flora and vegetation values being incorporated into the design of future on-site development, in consultation with the Department of Biodiversity, Conservation and Attractions; and
- 5.5.3 Subdivision and development on this land is to be in accordance with the approved Local Development Plan.”



DISTRICT PLANNING SCHEME No. 2

Amendment No. 183

Planning and Development Act 2005

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

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 183

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 10 and 11 Dundobar Road and lots 28 and 29 Belgrade Road, Wanneroo from Rural Resource to Urban Development, and amending the Scheme Map accordingly;
2. Inserting the following in the appropriate location in Schedule A – Supplemental Provisions to the Deemed Provisions:

“Clause 69

- (3) The local government may grant development approval subject to a condition that a contribution to the provision of infrastructure related to the development be made at the time of granting of development approval, in accordance with any approved Structure Plan relating to that land.”

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

1. It is 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.

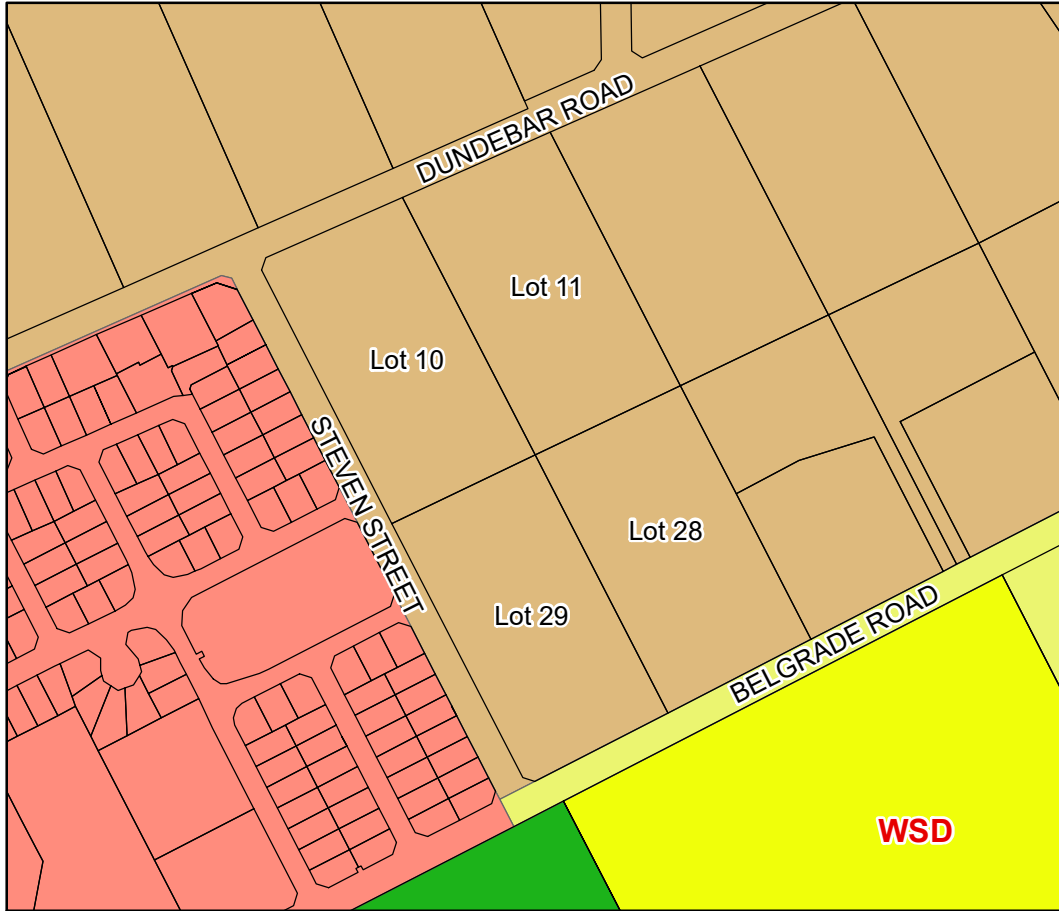
Date of Council Resolution: 30 June 2020

.....
(Chief Executive Officer)

Dated this day of 20.....

CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2 AMENDMENT No. 183

Lots 10 & 11 Wanneroo Road
Lots 28 & 29 Belgrade Road
Wanneroo



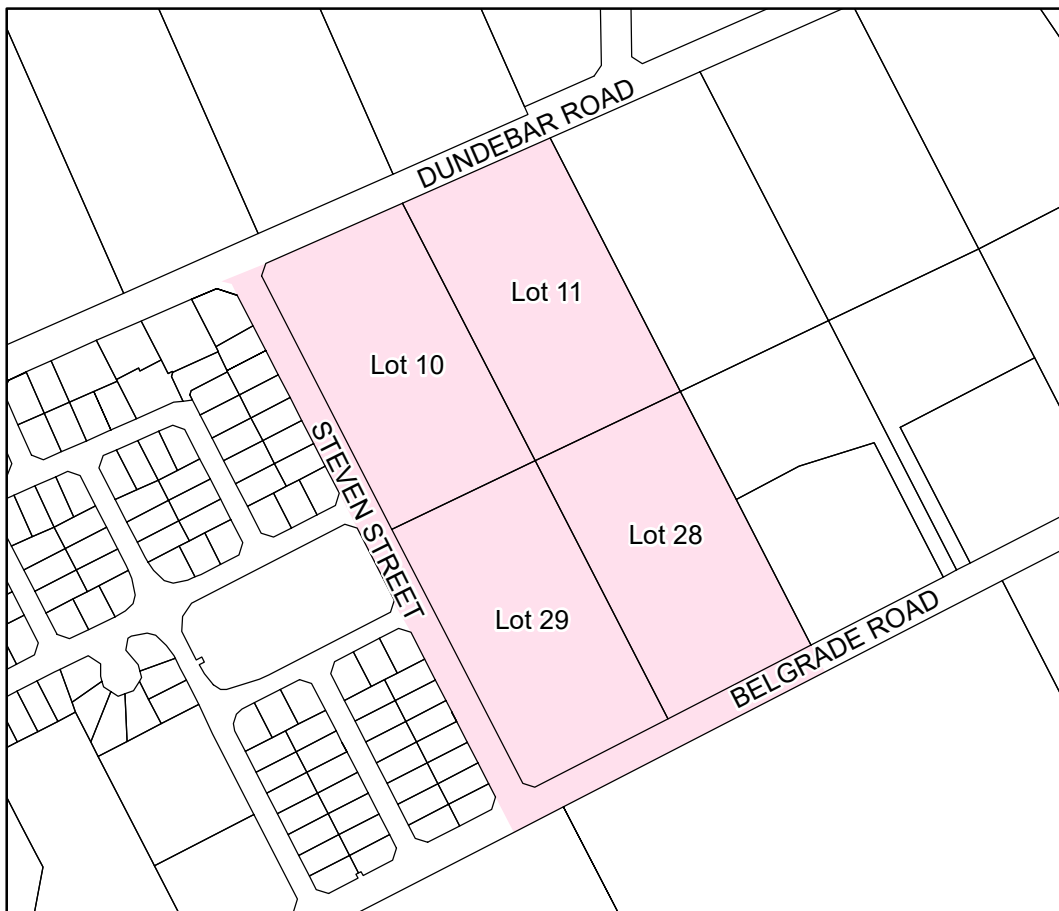
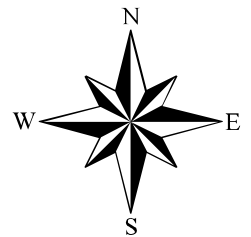
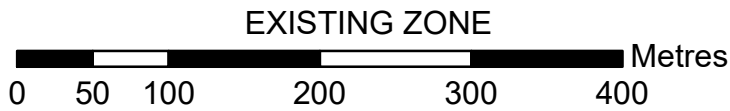
LEGEND

MRS RESERVE

- PUBLIC PURPOSE
- WSD - WATER AUTHORITY of WA
- PARKS & RECREATION

ZONE

- GENERAL RURAL
- RESIDENTIAL
- RURAL RESOURCE



LEGEND

- URBAN DEVELOPMENT

SCHEME (AMENDMENT) MAP

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 183

SCHEME AMENDMENT REPORT

Background

In May 2016, the Western Australian Planning Commission (WAPC) amended the Metropolitan Region Scheme (MRS) to rezone Lot 10 (190) and Lot 11 (196) Dundebur Road, and Lot 28 (11) and Lot 29 (109) Belgrade Road, Wanneroo from Rural to Urban Deferred. The subject land is located within the western part of the future East Wanneroo urban area, which is subject to the draft *East Wanneroo District Structure Plan* (DSP), wherein these lots are designated as Suburban Neighbourhood. The subject land has an area of approximately 8 ha.

On 6 September 2019, Element planning consultants requested the WAPC to lift the Urban Deferred zoning in the MRS of Lot 10 Dundebur Road and Lots 28 and 29 Belgrade Road. The application to the WAPC did not include Lot 11 Dundebur Road as the applicant advised that the parties involved in the proposal could not reach agreement with the owner to participate in the project. On 19 February 2020, the WAPC determined to lift deferment of all four Lots (including Lot 11 Dundebur Road), with a notice of this decision gazetted on 13 March 2020.

Detail

Under the provisions of the *Planning and Development Act 2005*, the City is required, within 90 days of the MRS amendment taking effect (i.e. by 11 June 2020), to resolve to prepare an amendment to DPS 2 to make the scheme consistent with the MRS Urban zoning. DPS 2 currently zones the subject land Rural Resource and this needs to be changed to a zoning consistent with the MRS Urban zoning. It is noted that the provisions of the Act do allow concurrent lifting of urban deferment and an amendment to the local planning scheme at the same time in certain circumstances, however in this case this was not done as it was considered by the WAPC that the outstanding issues of environmental considerations (i.e. giving the Department of Biodiversity, Conservation and Attractions an opportunity to comment on the vegetation on site) and the issue of developer contributions should be done as part of a separate amendment to DPS 2.

Element, on behalf of the owners, has requested Administration to progress the required DPS 2 amendment. Element has been advised that the form the amendment should take may be affected by the means used to facilitate a development contribution in respect to the proposed development. The WAPC decision relating to the lifting of deferment makes it clear that the expectation is that the proposed development should make a development contribution towards future infrastructure that will be required to support development in the future East Wanneroo urbanisation. The development contributions plan has not been prepared at this stage and will be completed as part of the future planning for the area and is likely to include the need to contribute towards community facilities, major road infrastructure and public open space.

If a voluntary agreement could have been entered into prior to initiation of a DPS 2 amendment, then a zoning which does not require the subsequent preparation of a local

structure plan (LSP) could have been considered. This was the preferred approach by the proponent and Administration as the preparation of a LSP for this small site is a longer and more convoluted process. In this regard, a provisional ('without prejudice') development contribution amount was estimated for discussion with the applicant, however an agreement in this regard could not be reached.

Due to the fact that a voluntary agreement cannot be entered into prior to initiating the DPS 2 amendment, it is considered that an Urban Development zoning is the most appropriate zoning, as this will require an LSP to be prepared. The LSP can set out the requirements for making development contributions through subdivision or development conditions, thereby introducing a 'trigger' and requirement for the payment of developer contributions. This is the same approach that has been used for the Caporn Street development (Amendment No. 179), that was approved by Council on 10 February 2020.

This is in line with the provisions of sub-clause 3.14.3 of DPS 2, that no subdivision or development should be commenced or carried out in the Urban Development zone until a structure plan has been prepared and approved by the WAPC. Given the fact that the subject lots are already zoned Urban under the MRS and the Act requires the DSP 2 to be amended to conform with the MRS, the issue of developer contributions will need to be addressed at the structure planning stage rather than through a formal developer contribution scheme being prepared for the East Wanneroo Area.

As the subject land consists of four lots only, which normally would not require the preparation of an LSP, the intent of the LSP in this instance is not to be overly detailed or complex, but to contain sufficient detail only to facilitate the subsequent planning changes including the making of developer contributions. At the subdivision approval stage the City will request a condition be imposed by the WAPC requiring payment of the contributions. A condition requiring a contribution will be consistent with the provisions proposed to be included in the structure plan to be approved by the WAPC.

The amendment also proposed to include into Schedule A – Supplementary provisions to the deemed provisions, sub-clause (3) relating to Clause 69 of the deemed provisions. Sub-clause (3) is intended to enable development contributions to be required at time of development approval, should no subdivision or amalgamation be involved.

TEXT MODIFICATION PAGE

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 183

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:

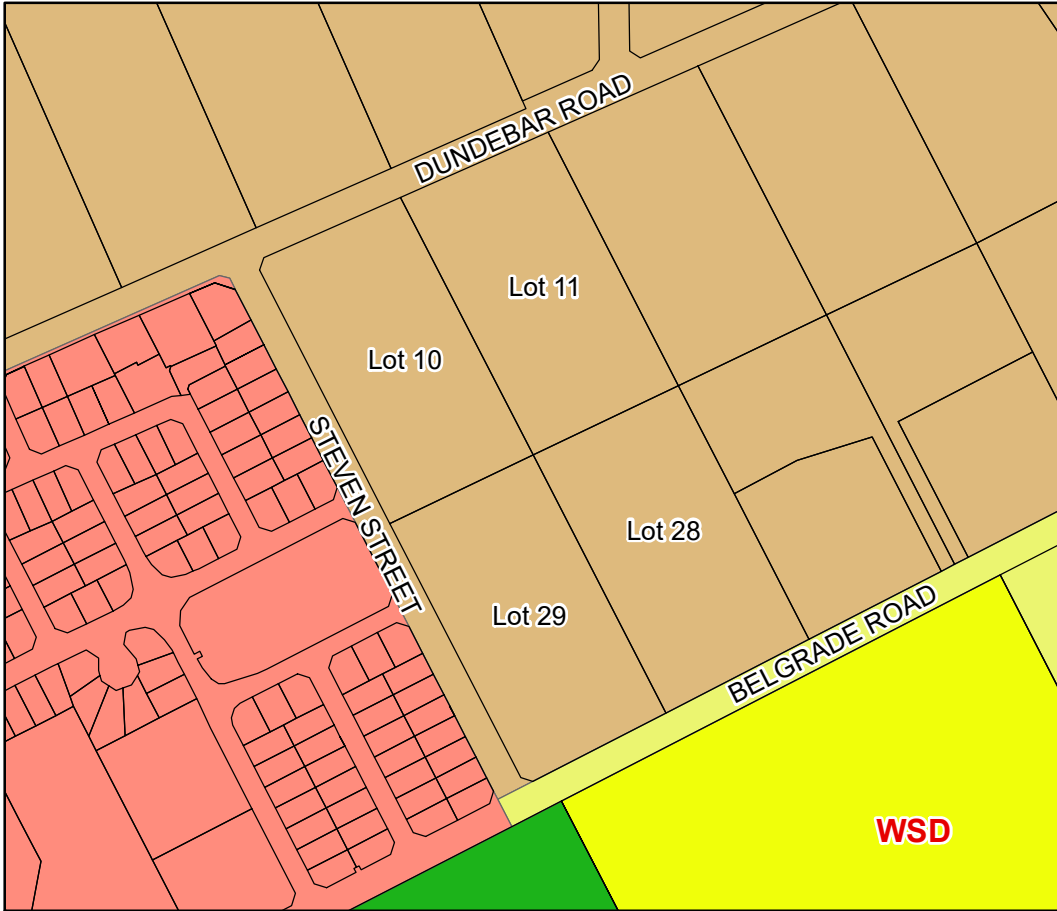
1. Rezoning Lots 10 and 11 Dundobar Road and Lots 28 and 29 Belgrade Road, Wanneroo from Rural Resource to Urban Development, and amending the Scheme Map accordingly;
2. Inserting the following in the appropriate location in Schedule A – Supplemental Provisions to the deemed provisions:

“Clause 69

- (3) The local government may grant development approval subject to a condition that a contribution to the provision of infrastructure related to the development be made at the time of granting of development approval, in accordance with any approved Structure Plan relating to that land.”

CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2 AMENDMENT No. 183

Lots 10 & 11 Wanneroo Road
Lots 28 & 29 Belgrade Road
Wanneroo



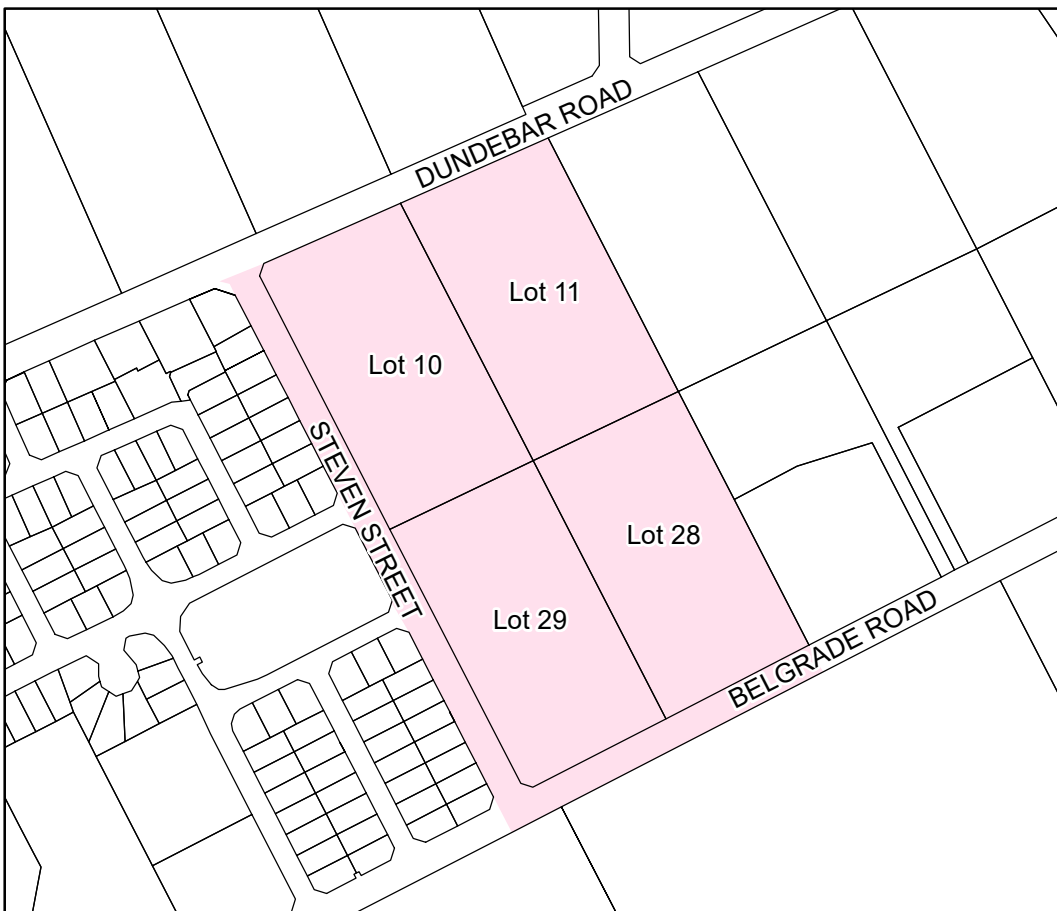
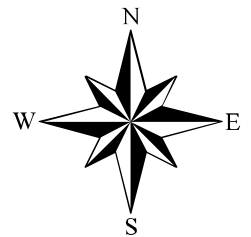
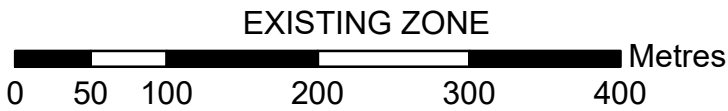
LEGEND

MRS RESERVE

- PUBLIC PURPOSE
- WSD - WATER AUTHORITY of WA
- PARKS & RECREATION

ZONE

- GENERAL RURAL
- RESIDENTIAL
- RURAL RESOURCE



LEGEND

- URBAN DEVELOPMENT

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 30th day of June 2020

.....
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 30th day of June 2020, proceed to advertise this amendment.

.....
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 _____ 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



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

Our Ref: CMS 17855
Enquiries: Renee Blandin, 6364 7259
Email: Renee.Blandin@dwer.wa.gov.au

Dear Mr Simms

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME	City of Wanneroo District Planning Scheme 2 Amendment 183
LOCATION	Lots 10 and 11 Dundobar Road and Lots 28 and 29 Belgrade Road Wanneroo
RESPONSIBLE AUTHORITY	City of Wanneroo
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chair's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R Hughes', is positioned above the printed name and title.

Dr Robert Hughes
Delegate of the Environmental Protection Authority
Director
EPA Services

21 February 2022

Encl. Chair's Determination
Scheme Advice and Recommendations



GOVERNMENT OF
WESTERN AUSTRALIA

S48A Referrals

Environmental Protection Authority

Title: City of Wanneroo District Planning Scheme 2 Amendment 183

Location: Lots 10 and 11 Dundebur Road and Lots 28 and 29 Belgrade Road Wanneroo

Description: Amendment 183 proposes to rezone Lots 10 and 11 Dundebur Road and Lots 28 and 29 Belgrade Road Wanneroo from Rural Resource to Urban Development and amend the scheme map accordingly. The amendment also proposed to include into Schedule A – Supplementary provisions to the deemed provisions, subclause (3) relating to Clause 69 of the deemed provisions. Subclause (3) is intended to enable development contributions to be required at time of development approval, should no subdivision or amalgamation be involved.

Ref ID: CMS17855

Date Received: 06/07/2020 **Date Sufficient Information Received:** 27/01/2022

Responsible Authority: City of Wanneroo Locked Bag 1 Wanneroo WA 6946

Contact: Cathrine Temple

Preliminary Environmental Factors: Flora and Vegetation and Terrestrial Fauna


Potential Significant Effects: Implementation of the scheme amendment may result in clearing of priority vegetation (Banksia Woodland of the Swan Coastal Plain), and habitat for threatened species of black cockatoo.

Management: Potential impacts can be managed through existing scheme provisions and planning controls. EPA advice is also provided to further manage environmental impacts, including recommendation for additional scheme provisions for retention of vegetation and fauna habitat. Future development applications may require a clearing permit under Part V of the EP Act.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)**

The EPA has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials: 

Date: 16 February 2022

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

City of Wanneroo District Planning Scheme 2 Amendment 183

**Location: Lots 10 and 11 Dundobar Road and Lots 28 and 29 Belgrade Road
Wanneroo**

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination published: xx February 2022

Summary

Amendment 183 proposes to rezone Lots 10 and 11 Dundobar Road and Lots 28 and 29 Belgrade Road Wanneroo from Rural Resource to Urban Development and amend the scheme map accordingly. The amendment also proposes to include into Schedule A – Supplementary provisions to the deemed provisions, subclause (3) relating to Clause 69 of the deemed provisions. Subclause (3) is intended to enable development contributions to be required at time of development approval, should no subdivision or amalgamation be involved.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the documentation provided by the City of Wanneroo. Having considered this matter, the following advice is provided.

Environmental factors

Having regard to EPA's *Statement of Environmental Principles, Factors and Objectives* (EPA 2021), the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna

Advice and recommendations regarding the environmental factors

The EPA has previously considered the Urban Deferred Metropolitan Region Scheme (MRS) zoning of the Amendment 183 area, through MRS Amendment 1308/41 (East Wanneroo). In its advice of 1 February 2016, the EPA advised that future local scheme amendments within the East Wanneroo area should contain specific mechanisms and provisions to adequately secure, protect and manage the environmental values and impacts to these values.

The amendment area contains 2.2 hectares (in two patches of 0.98 ha and 1.22 ha) of remnant native vegetation in 'Very Good' condition. The vegetation is representative of Banksia Woodlands of the Swan Coastal Plain and contains foraging habitat for threatened species of black cockatoo. Three *Eucalyptus marginata* trees within the amendment area have been identified as potential breeding trees. As initiated, the Amendment 183 does not contain any text/map provisions regarding management of the above values.

The EPA supports the City's proposed modification to Amendment 183 to include the following provisions in Part 5 (Special Controls of DPS 2), to address management of these values:

**5.5 LOTS 10 & 11 DUNDEBAR ROAD AND LOTS 28 & 29 BELGRADE ROAD,
WANNEROO**

5.5.1 A Local Development Plan to be approved prior to any subdivision and development occurring.

5.5.2 Local Development Plans prepared for this land shall include provisions relating to the retention and protection of fauna habitat and flora and vegetation values being incorporated into the design of future on-site development, in consultation with the Department of Biodiversity, Conservation and Attractions; and

5.5.3 Subdivision and development on this land is to be in accordance with the approved Local Development Plan.

It is recommended that the local development plan identify and retain potential breeding trees and a consolidated area (or areas) of native vegetation with a focus on areas that maximise retention of both black cockatoo foraging habitat and potential breeding habitat trees. Considerations for selection of the area(s) should also include habitat and vegetation quality, minimisation of impact from fire management requirements, shape to reduce edge effect and utilisation for passive recreation consistent with the proposed future retirement village development.

Future development applications within the amendment area may also require a clearing permit under Part V of the EP Act.

Conclusion

The EPA concludes that the implementation of the amendment can be managed to meet the EPA's environmental objectives for Flora and Vegetation and Terrestrial Fauna. Potential impacts can be adequately managed to meet the EPA's objectives through existing scheme provisions and planning controls. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation and Terrestrial Fauna, in particular the proposed modification of the scheme text to include further provisions.