



DISTRICT PLANNING SCHEME No. 2

Amendment No. 203

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*Planning and Development Act 2005***RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME****CITY OF WANNEROO****DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 203**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by allowing 'Office' as an Additional Use on No. 7 Prindiville Drive, Wangara and amend Schedule 2 of District Planning Scheme No. 2 as follows:

NO		STREET/ LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)
A44	1-44	7 Prindiville Drive, Wangara	Lot 247 on Diagram 52481	Office ('D' use)

and amending the Scheme Map accordingly;

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

It is an amendment that is not addressed by any local planning strategy.

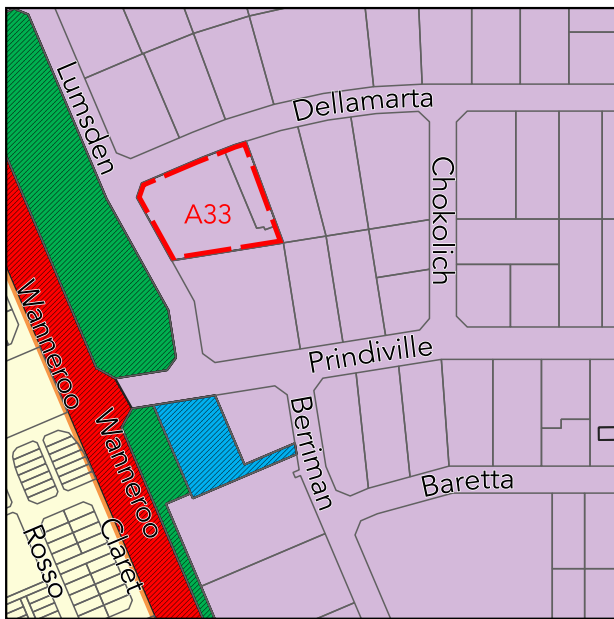
Date of Council Resolution: 12 April 2022

.....
(Chief Executive Officer)

Dated this 7th day of June 2022

City of Wanneroo
DISTRICT PLANNING SCHEME No. 2
Amendment No. 203

EXISTING ZONE



LEGEND

METROPOLITAN REGION SCHEME (MRS) RESERVES

Primary regional roads

DISTRICT PLANNING SCHEME No. 2 ZONES

Business

Parks and recreation

Service industrial

Urban development

Additional use

PROPOSED ZONE

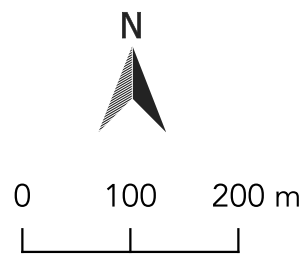
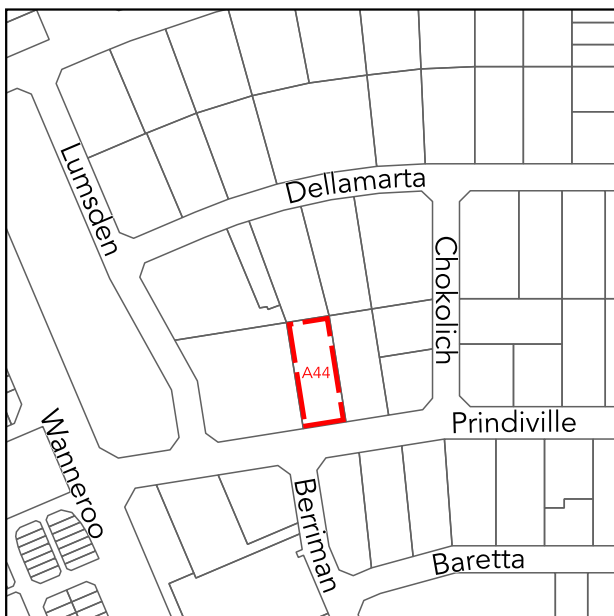


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SCHEME AMENDMENT REPORT

1 INTRODUCTION

The purpose of this Amendment to the City of Wanneroo District Planning Scheme No. 2 (DPS 2) is to include 'Office' as an additional use for the land described as Lot 247 on Deposited Plan 52481 (No. 7) Prindiville Drive, Wangara.

The use of the land for 'Office' purposes dates back to when the building was first constructed. However, Offices are currently an 'X' (not permitted) use in the Service Industrial Zone under DPS 2.

The Amendment originally sought to include 'Office' as an additional use for the land described at Strata Lot 2 on Strata Plan 29951, whose proprietors initiated this amendment. However, the City of Wanneroo Council, pursuant to Regulation 37(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), expanded the amendment to include the parent lot to rationalise the remaining unlawful office uses at the subject land. This report has been updated to reflect Council's adjustment to the approach. However, some components of this report continue to draw on specific circumstances related to Strata Lot 2 to justify the amendment.

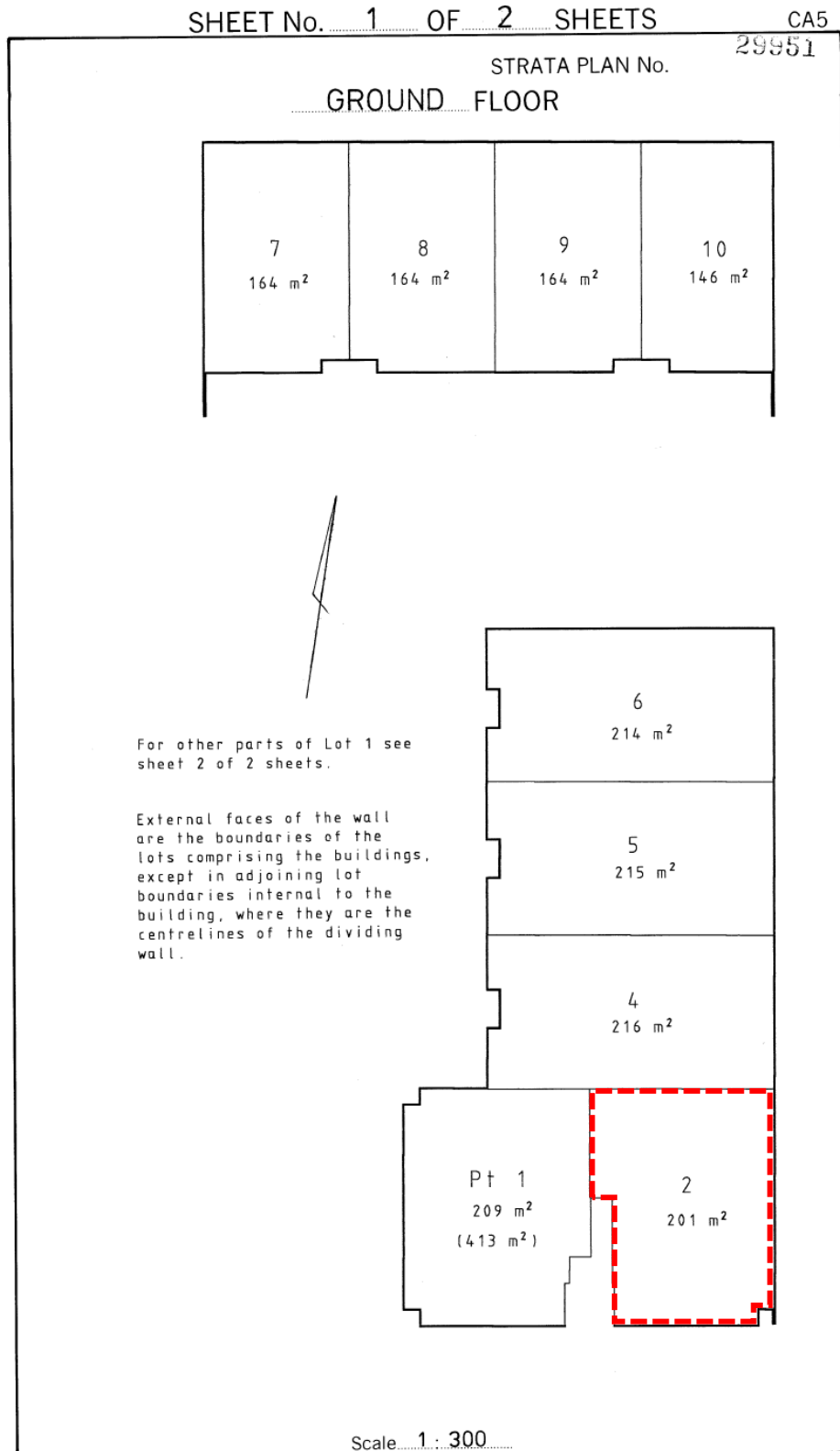
Strata Lot 2 on Strata Plan 29951 has been vacant and on the market for several years, partly because, notwithstanding its historical use and fit-out as an office, it cannot lawfully be used for that purpose at present. Although the property was originally approved as a showroom, it cannot practicably be used for that purpose, given physical constraints such as its single entry/egress via stairs, absence of loading/unloading space, and insufficient ceiling height to accommodate storage and display of bulky items.

This report sets out the relevant background, analysis of the planning framework and planning rationale to afford this land additional use rights for 'Office', given its long-standing use as offices, location and exposure to Wanneroo Road and absence of any impact on the amenity of the area.

2 BACKGROUND

2.1 LOCATION & OWNERSHIP

Lot 247 (No. 7) Prindville Drive comprises two buildings, car parking and is strata titled into 10 Strata Lots with common property on Strata Plan 29951 (Volume 2061 Folio 589). The proprietors of Strata Lot 2 engaged the services of LK Advisory to prepare and submit this amendment to facilitate the lawful use of the land as an Office after discovering that Offices are not permitted in the Service Industrial Zone. Strata Lot 2 fronts the primary street and is demarcated by a broken red line in Figure 1 & Figure 2 below.



41445/6/85-1M-S/7658
Figure 1 - Strata Plan 29951



Figure 2 – Strata Lot No. 2 (broken red line)

Strata Lot No. 2 is a partitioned office comprising approximately 122.3m² office space, 13.6m² reception area and 43.7m² staff amenities; refer to Figure 3 and the site photographs in Table 1. The site photos show that the entire property is already fitted-out with all necessary partitioning, networking capabilities and a server box to operate an office. Accordingly, the property only requires minor cosmetic adjustments before occupancy, such as new floor coverings and paint.

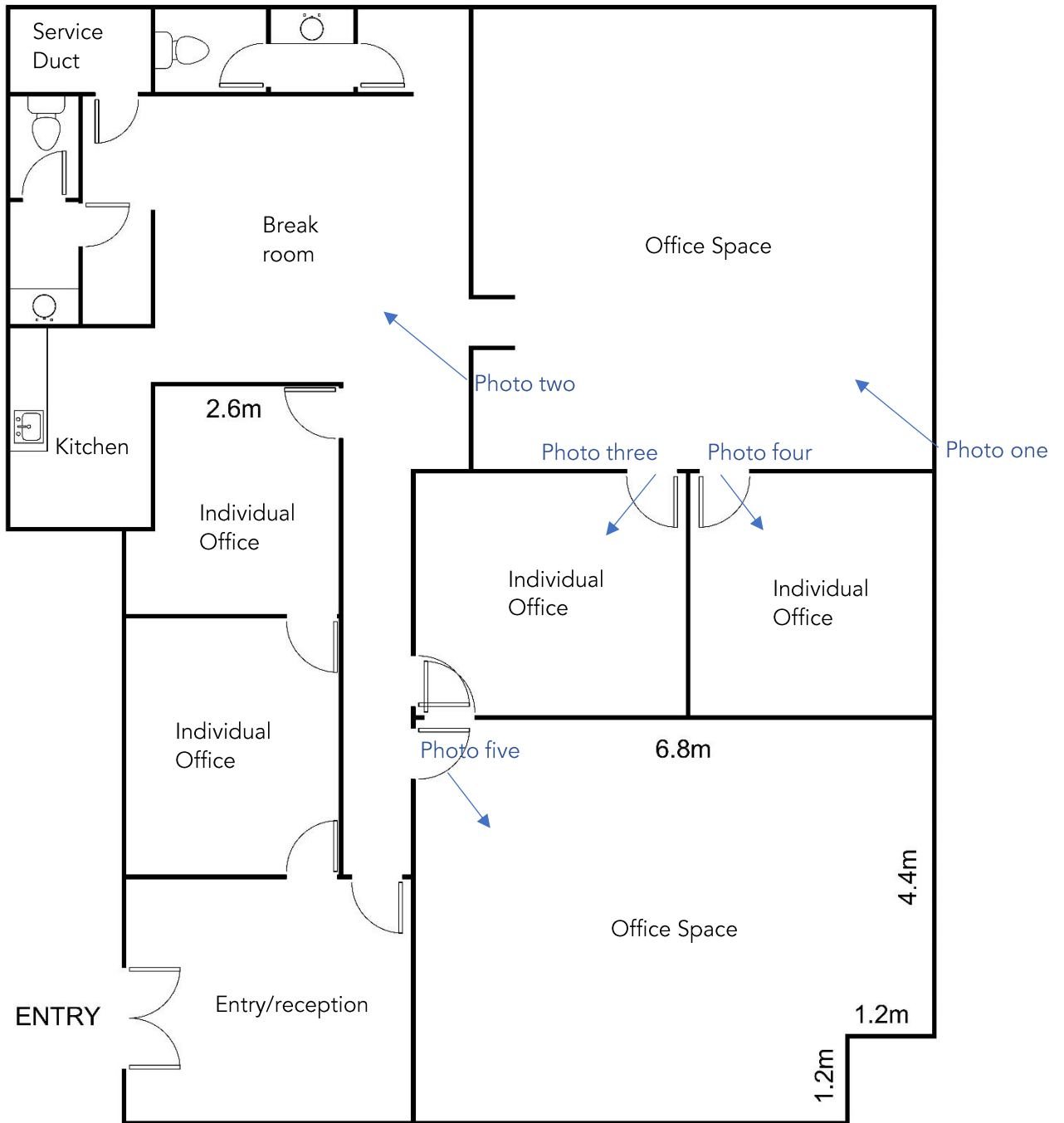


Figure 3 - Current Floor Plan (not to scale)

Table 1 - Site Photos

Photo one



Photo two



Photo three



Photo four



Photo five



Strata Lot 2 (the subject premises) is owned by James Thomas Turnbull of 8 Wishart Street, Gwelup in $\frac{1}{4}$ share and EPOX PTY LTD of 6 Oakapple Drive, Duncraig in $\frac{3}{4}$ share as tenants in common. A copy of the Certificate of Title of provided at Attachment 1.

LK Advisory acts on behalf of JG and RM Hancock Pty Ltd, which operates a small business real estate agency (Realty Force WA) and is conditionally contracted to purchase the premises. The vendor has provided LK Advisory with written authorisation to lodge this scheme amendment request on their behalf; refer to Attachment 2.

No. 7 Prindiville Drive, Wangara:

- Is 3,982m² in area, 99.56m deep, 40m wide and subdivided into 10 built strata lots with common property, as shown in Figure 1 (earlier) and Figure 4 (over page); and
- Comprises two buildings that occupy approximately 44% of the site in aggregate. The 'front' building, located towards Prindiville Drive, is approximately 1,100m² in area and incorporates a distinct two-storey office building of approximately 432m² facing the street (refer to Figure 2 and Figure 4). The 'rear' single-storey building on the northern property boundary comprises approximately 670m².

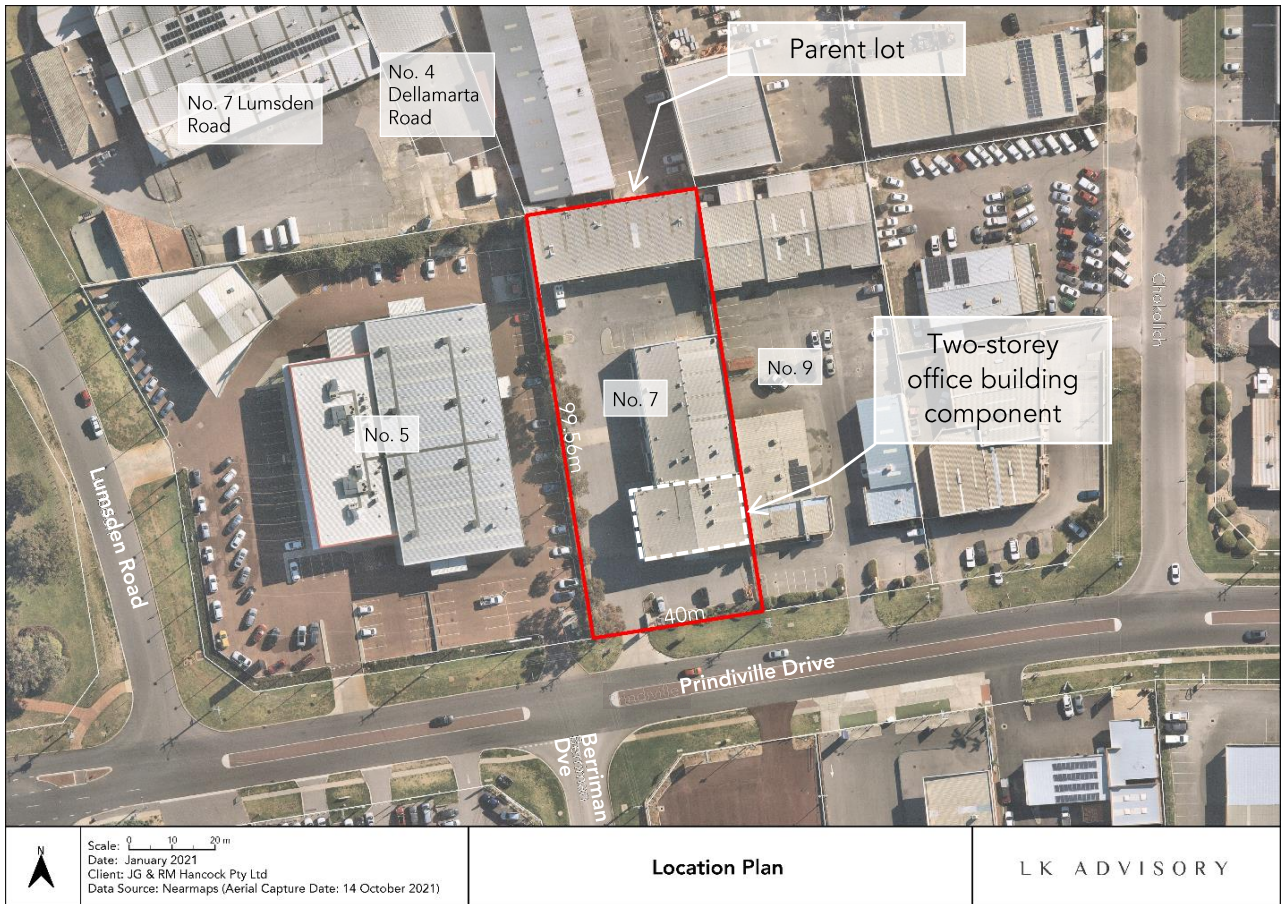


Figure 4 - Site and context characteristics

On 28 October 1994, the City of Wanneroo granted Development Approval (Reference: 30/4935 - Figure 5) for 11 Strata Titled 'Showrooms' on the subject site, ranging from 148.5m² to 214m² in area. However, Strata Plan 29951 dated 22 August 1995 indicates the original units 1 and 2 were combined to create a single 403m² two-storey lot, resulting in a total of 10 strata lots, ranging between 146m² to 403m².

There is parking for 70 vehicles on the subject site; nine to the primary street, 37 to the western side of the property, and a further 24 between the two buildings toward the rear of the site (see Figure 5).

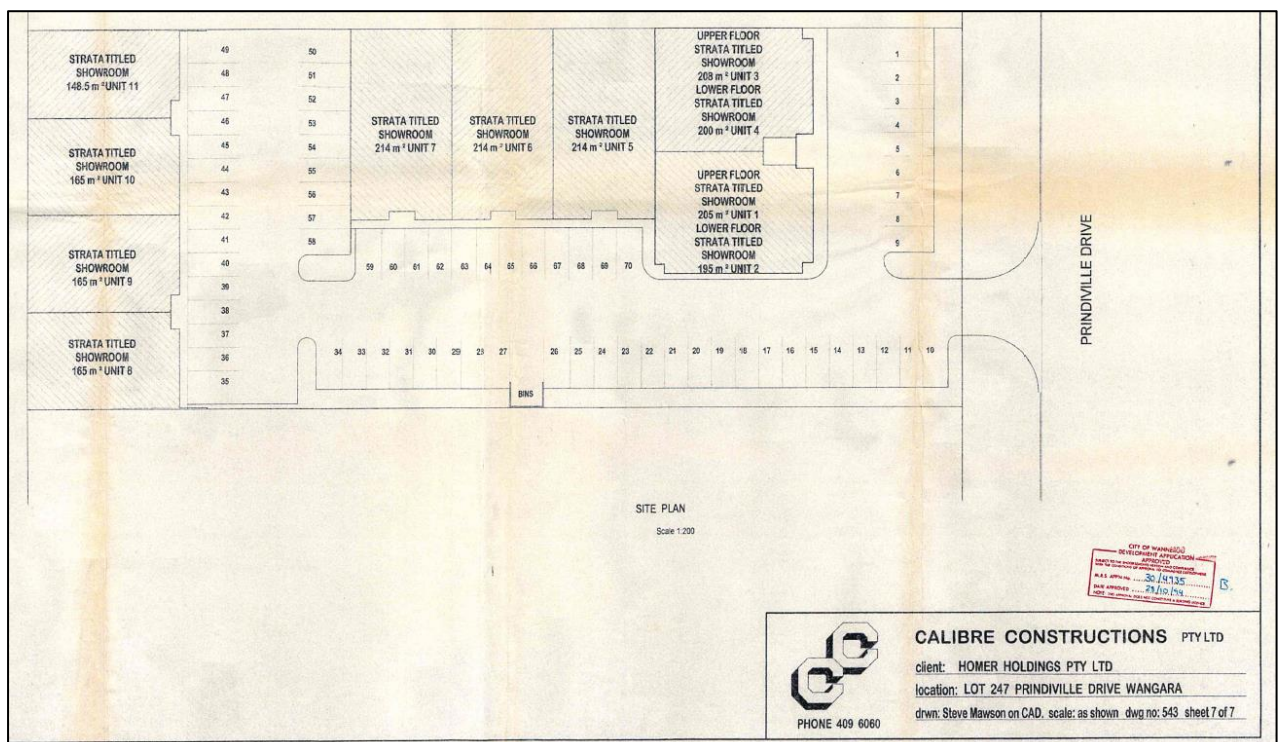


Figure 5 - Development Approval dated 21 October 1994

Notwithstanding its original approval as a Showroom, the two-storey building at the front of the site appears to have been designed, built, and predominantly used as offices, potentially since its construction in 1995. At the time of approval, an office was a discretionary use (permitted subject to Council approval) in the subject zone under the City's former planning scheme (Shire of Wanneroo Town Planning Scheme No. 1). Therefore, it would have been reasonable to expect the development to accommodate offices and other non-Showroom uses depending on market demand at the time.

The real estate advertisement for Strata Lot 2 (the subject of this amendment) states:

"Prominent Street Front Unit - Located on busy Prindiville Drive, this affordable office represents a fantastic opportunity for a buyer or tenant to secure a prime position in the Wangara Industrial Precinct. Property Highlights: 201sqm partitioned office space"*

Throughout 2018, 2019 and 2020, Strata Lot 1 (the two-storey lot) was marketed for sale as Offices/Showroom/Boardroom and eventually sold on 8 March 2021. That strata lot is currently occupied by businesses forming part of the Choice Group.

Strata Lot 3, which is located above Strata Lot 2, is operated as a clinical psychology practice and is currently listed for sale as an 'Office' (204m²).

Several other tenancies on the property accommodate businesses operating as offices, including those towards the rear whose layout and construction are more suited to a showroom/warehouse use.

The specific businesses currently operating on the property, together with their associated land-use classification under DPS 2 and historical real estate marketing, are provided in Table 2 below. This demonstrates that Office land uses are an integral component of the commercial activities being harmoniously conducted from the property.

Table 2 - Current Land Uses No. 7 Prindiville Drive, Wangara

Strata Lot	Business	Land use classification	DPS 2 Land Use Permissibility	Historical Real Estate Marketing
1	The Choice Group	Office	X	Office/Showroom/Boardroom
2	Vacant	Office	X	Office
3	Wangara Psychology Services	Consulting Rooms/Medical Centre	X	Office
4	Lamp Lighter Ministries INC	Office	X	Office
5	Building Ethics	Office	X	Office
6	Natural Water Solutions	Warehouse	P	Shop & Retail
7	GSR Laser Tools	Showroom	P	No data
8 & 9	Exceed Consulting	Office	X	No data
10	Vacant	Office Warehouse	X	Office/warehouse

2.2 SITE CONTEXT & CHARACTERISTICS

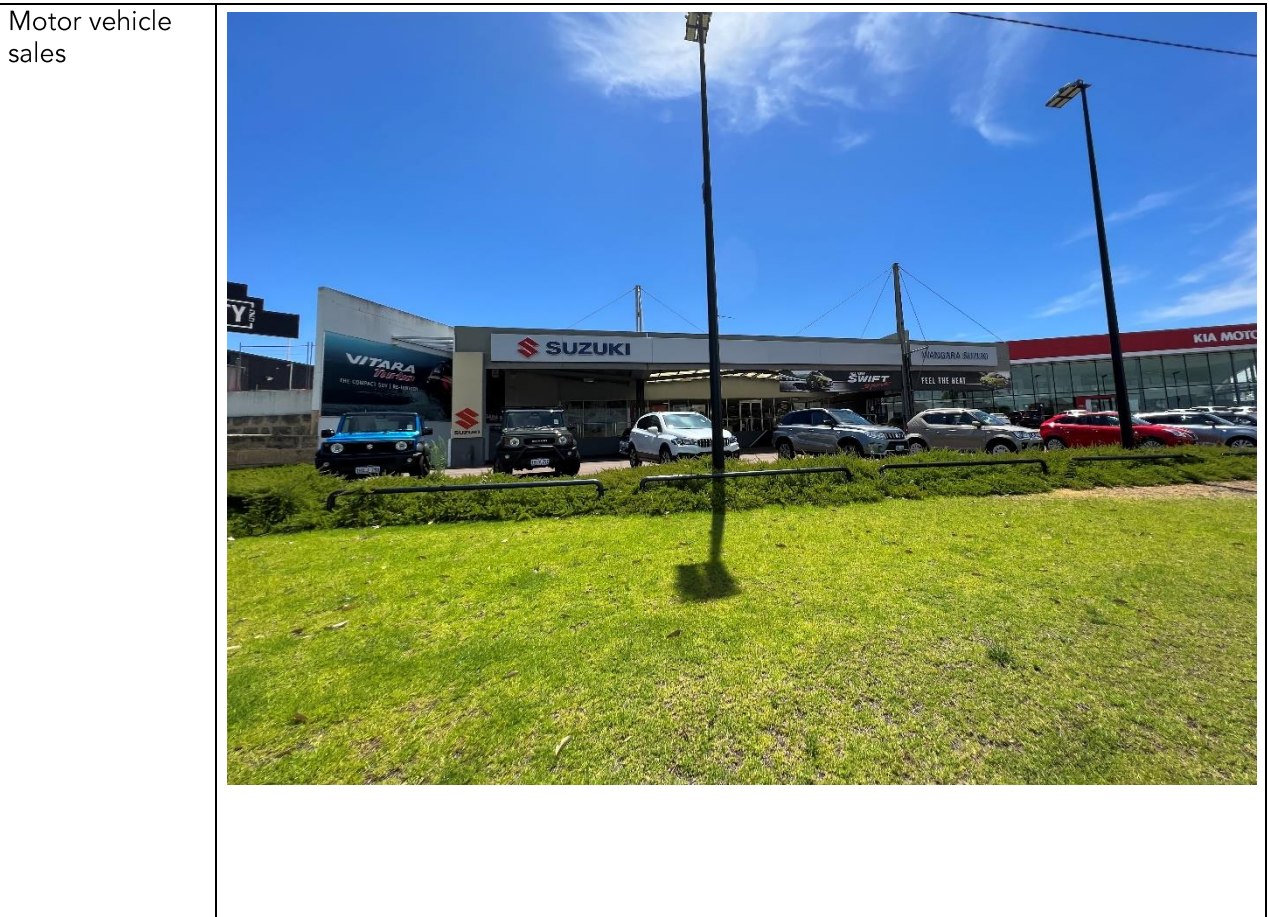
The parent lot is 99.56m deep (north-south), 40m wide (east-west), and slopes downward from east to west, towards Lumsden Road. The edge of the property boundary is 173m from the intersection of Prindiville Drive and Wanneroo Road (see Figure 6).

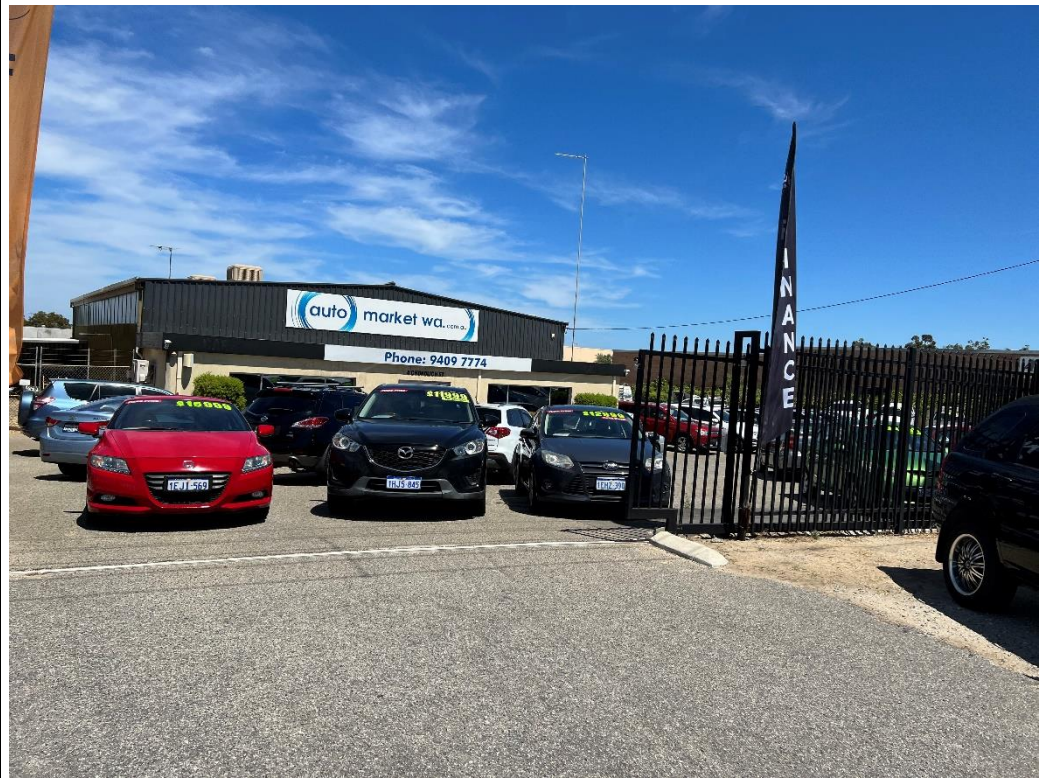


Figure 6 – Location Plan and Contours

The street block comprises a diverse mix of land uses that currently coexist without conflict, as illustrated in Table 3 below.

Table 3 - Local Land Uses





Motor vehicle service and repairs





Motor Vehicle
Accessory Sales



Place of
Worship



Consulting
Rooms/
Medical Centre/
Allied Health
providers



Manufacturing



Child Play Centre



Offices



Showroom and Office



Lunch Bar



In 2007, the City granted conditional planning approval for alterations to an existing church and for Showrooms/Warehouse with incidental offices at No. 7 Lumsden Road and No. 4 Dellamarta Road (formerly Lots 243 and 244 Dellamarta Road, Wangara), as shown in Figure 4, located immediately northwest of the subject site. Notably, that approval was subject to the following condition:

"the office shall be incidental to the predominant use, being the Place of Public Worship, and shall not be used for office activities unrelated to the approved uses"

Subsequently, however, at its meeting on 18 November 2008, the City of Wanneroo Council initiated Scheme Amendment No. 89 to DPS 2, to include 'Office' as an additional use on Lots 243 and 244 Dellamarta Road. Scheme Amendment No. 89 was subsequently approved by the Minister for Planning and published in the government gazette on 29 May 2009, allowing offices to operate independently of other development on the site.

3 SERVICING

The parent lot and each strata unit on the property already has access to all necessary services and infrastructure, including reticulated water and sewer, underground power, gas, and telecommunications.

4 PLANNING FRAMEWORK

4.1 REGIONAL PLANNING CONTEXT

4.1.1 Metropolitan Region Scheme

The Subject Land is zoned "Industrial" under the Metropolitan Region Scheme (MRS), as shown in Figure 7 below.

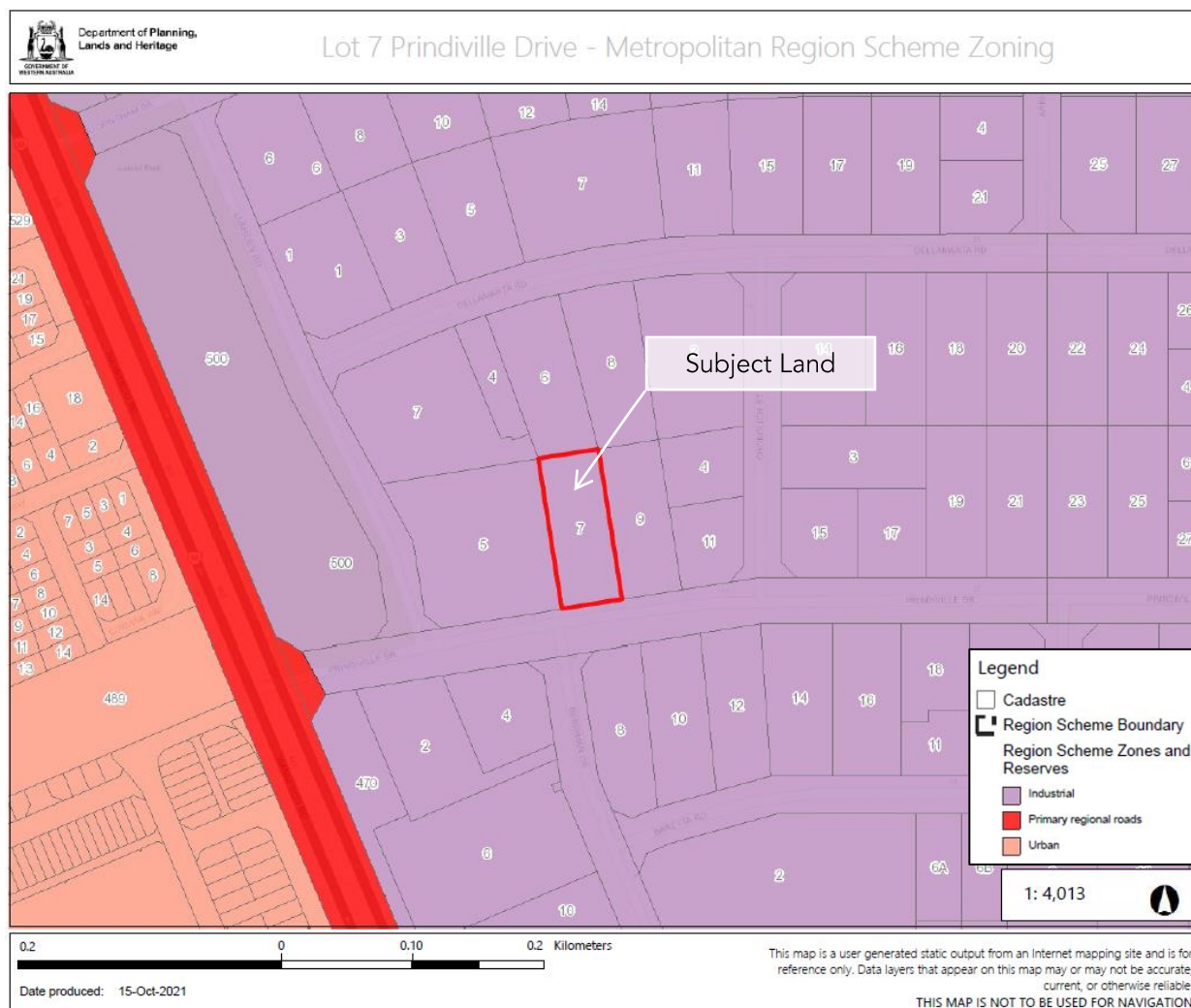


Figure 7 – Metropolitan Region Scheme – Local Context Plan

The subject land is located within the broader Wangara Industrial Precinct, comprising around 700 hectares of industrial zoned land, as shown in the broken black line in Figure 8 below. The Precinct is a regionally significant source of employment, services, manufacturing and industry for the City of Wanneroo and the Perth Metropolitan Region.

According to 2016 census data, there are at least 14,969 workers in the Wangara Industrial area (not including industrial land north of Gnangara Road), most of which operate in manufacturing, construction and retail trade¹. However, 1,747 or near 12% are in industries that operate in a typically 'office' environment, including financial and insurance services, professional, scientific and technical services, real estate agencies, administrative and support services, public administration and safety, education and training and health care and social assistance¹. This data indicates that despite being an 'X' use, offices are widespread within the Wangara Industrial Precinct and form an integral component of its economic and employment mix.

¹Source: Australian Bureau of Statistics, Census of Population and Housing 2016. Compiled and presented in economy.id by .id

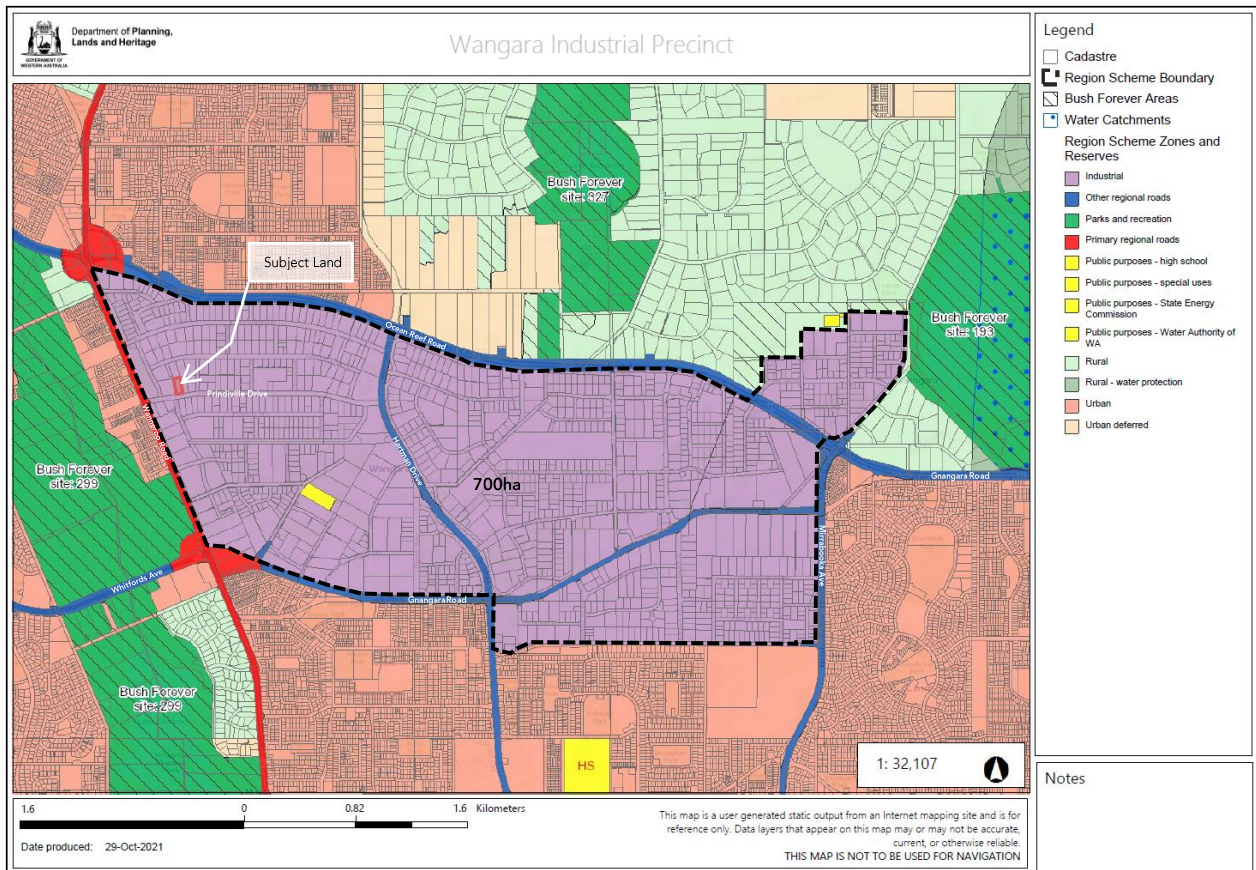


Figure 8 – Metropolitan Region Scheme – Regional Context Plan

4.1.2 Perth and Peel@3.5million

The Perth and Peel@3.5million North-West Sub-Regional Planning Framework 2018 (Framework) aims to achieve a more consolidated urban form, reduce dependence on urban greenfield development and accommodate anticipated population growth by increasing residential density and urban infill development targets. In addition, and relevantly to this Amendment, the framework sets out proposals to 'strengthen key activity and employment nodes to meet the future needs of industry, commerce and the community'.

4.1.2.1 Section 3.3 Economy and Employment

In this section, the stated objective of the framework is:

"To promote employment opportunities and increase the number of people who live and work within the sub-region with a focus on attracting strategic economic and employment land uses within strategic metropolitan centres and key industrial centres, while maximising use of existing and proposed infrastructure."

Perth Metropolitan strategic planning documents have long promoted the need for employment opportunities closer to where people live. The North-West sub-region, in particular, continues to experience some of the highest population growth rates in the State. Accordingly, more than ever, there is a need to support the growth and diversification of local jobs within the City of Wanneroo.

The Small Business Development Corporation (SBDC) established the Small Business Friendly Local Governments Initiative to recognise Local Government Authorities committed to supporting small businesses in their area.

The City of Wanneroo is a signatory to the Small Business Friendly Local Government Charter, demonstrating a commitment to work with, and support small businesses by:

- Offering enhanced service;
- Reducing red tape;
- Making on-time payments;
- Having a process in place to handle disputes; and

- Introducing other activities to improve the operating environment for small businesses in their area.

In the Small Business Development Corporation's promotional video for the City of Wanneroo's involvement in the Small Business Friendly Approvals Program, the City's Chief Executive Officer, Mr Daniel Simms, states:

"Our biggest challenge is creating local jobs, so small business is a driving force for local jobs, and whatever we can do as a Council to enable businesses to choose to either set up in the City of Wanneroo or expand in the City of Wanneroo will only help us meet our employment targets."

Critical to creating local jobs is supporting a diverse mix of land uses within existing employment centres and taking action in response to market forces and indicators. For instance, if offices are a widespread and desirable land use within parts of the Wangara industrial precinct, then consideration should be given to how this vital component of the land use mix can be accommodated to address current and future needs.

According to the Department of Environment, Land, Water and Planning in Victoria, between 2016 and 2031, an additional 10 million square meters of commercial floor space will be required across metropolitan Melbourne to support projected demand, and 70% of that is anticipated to be required for office uses to keep up with the ongoing expansion of the knowledge economy².

Assuming a similar pattern of demand applies to metropolitan Perth, there will likely be an increasing need to accommodate office space in industrial/commercial zoned areas close to residential populations, as is already the case in Osborne Park and Balcatta, where offices are a 'D' (discretionary) use in the 'Industrial' zone.

Wangara is already strategically surrounded by a residential population, and this will only increase as planning and development progress under the East Wanneroo District Structure Plan (August 2021).

The East Wanneroo District Structure Plan depicts Urban Expansion throughout the Rural zoned land north of Ocean Reef Road, opposite the Wangara Industrial Area, with residential development in these precincts earmarked to occur in the first stage of urbanisation, from 2021 – 2031.

4.1.3 State Planning Policies

The Environmental Protection Authority (EPA) Guideline for the Assessment of Separation Distances between Industrial and Sensitive Land Uses provides practical context and information around managing the spatial relationship between sensitive and industrial uses.

4.1.3.1 EPA Guidance Statement No. 3 (GS3) – Separation Distances Between Industrial and Sensitive Land Uses

EPA Guidance Statements provide advice to proponents, responsible authorities, stakeholders and the public about the minimum requirements expected by the EPA when considering any proposal, Scheme or scheme amendment.

GS3 addresses the need to manage noise and air emissions between industrial and sensitive land uses. While individual industrial developments must take all reasonable and practical measures to prevent or minimise emissions from their premises, it is not always possible to avoid adverse impacts beyond property boundaries. Generally, the impact of emissions decreases with increasing distance from the emission source. Therefore, in some cases, a buffer distance may be required.

While this amendment does not concern or facilitate industrial land uses within a buffer distance of sensitive land use, GS3 does provide commentary on the definition of a sensitive land use.

² Department of Environment, Land, Water and Planning – Melbourne Industrial and Commercial Land Use Plan (2020), https://www.planning.vic.gov.au/_data/assets/pdf_file/0023/461723/MICLUP-FINAL-20042020-WEB-Part-A.pdf

GS3 identifies the following land uses as being potentially sensitive to emissions from industry:

- Residential developments;
- Hospitals;
- Hotels;
- Motels;
- Hostels;
- Caravan Parks;
- Schools;
- Nursing Homes;
- Child Care Facilities;
- Shopping Centres;
- Playgrounds; and
- Some public buildings.

GS3 further elaborates that some commercial, institutional and industrial land uses that require a *"high level of amenity or are sensitive to particular emission types"* may be considered sensitive land uses. These may include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities.

The proposed and existing office uses cannot be considered a sensitive land use because:

- GS3 demonstrates that offices can coexist with the broadest possible range of land uses, including sensitive residential and high care aged care facilities and light commercial/industrial areas, as they are low impact and exhibit low to no sensitivity to other activities;
- There are no known or notable emissions generated from other properties in the 'Service Industrial' or 'General Industrial' Zones that would affect the use of the premises as an office; and
- The proposed office use does not require a different or higher level of amenity than already exists on-site, which is evident in the locality.

4.2 LOCAL PLANNING CONTEXT

4.2.1 Economic Development Strategy 2016 – 2021

The City of Wanneroo Economic Development Strategy 2016 – 2021 (EDS) identifies several local economic challenges, as illustrated in Figure 9.

Key Economic Challenges in the City of Wanneroo

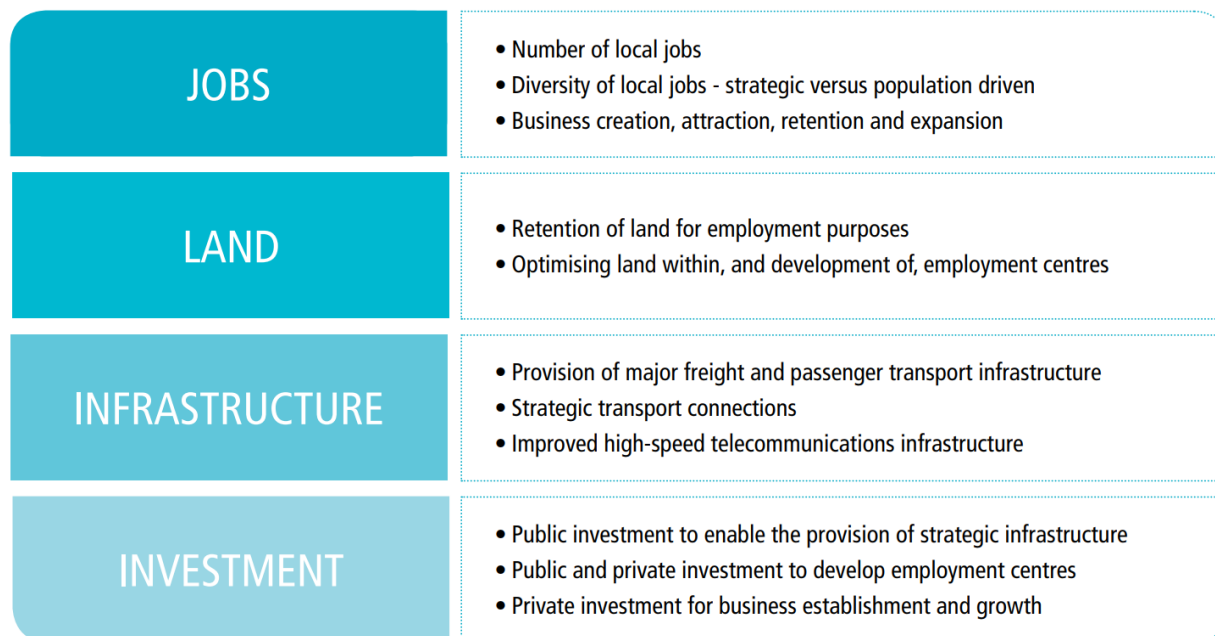


Figure 9 - City of Wanneroo Key Economic Challenges

Relevantly, the EDS promotes diversification of the City's economic base and increasing opportunities for residents to work locally, alleviating traffic congestion and other pressures, and supporting a balanced lifestyle of economic and social activity – in line with the Perth and Peel@3.5million Framework. According to the EDS, the City aims to achieve this by proactively developing and engaging in partnerships, advocacy, and investment and ensuring it facilitates a supportive and efficient enabling environment (our emphasis added).

Support for this Scheme Amendment will contribute to achieving the aims of the EDS by enabling our clients to invest in growing their small business in the City of Wanneroo, taking advantage of the subject land's strategic location, suitability, and accessibility.

4.2.2 District Planning Scheme No. 2

The subject land is zoned "Service Industrial" under DPS 2, as shown in Figure 10 below. Several other properties in the area enjoy additional use rights, including two which permit the 'Office' land use.

Other nearby land is zoned "Business" under DPS 2, within which 'Office' is a 'P' (Permitted) use that is exempt from the need for development approval pursuant to Schedule 2, cl. 61(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

On ground and in person, there is no discernible distinction between Wangara's "Service Industrial" and "Business" zones, despite the difference in land use permissibility between these zones. This results in the current situation whereby an 'Office' can freely occupy one property without the need for any development approval at all but is prohibited from occupying another abutting or nearby property due only to a difference in zoning, and not to any physical difference in their characteristics, appearance, and function.

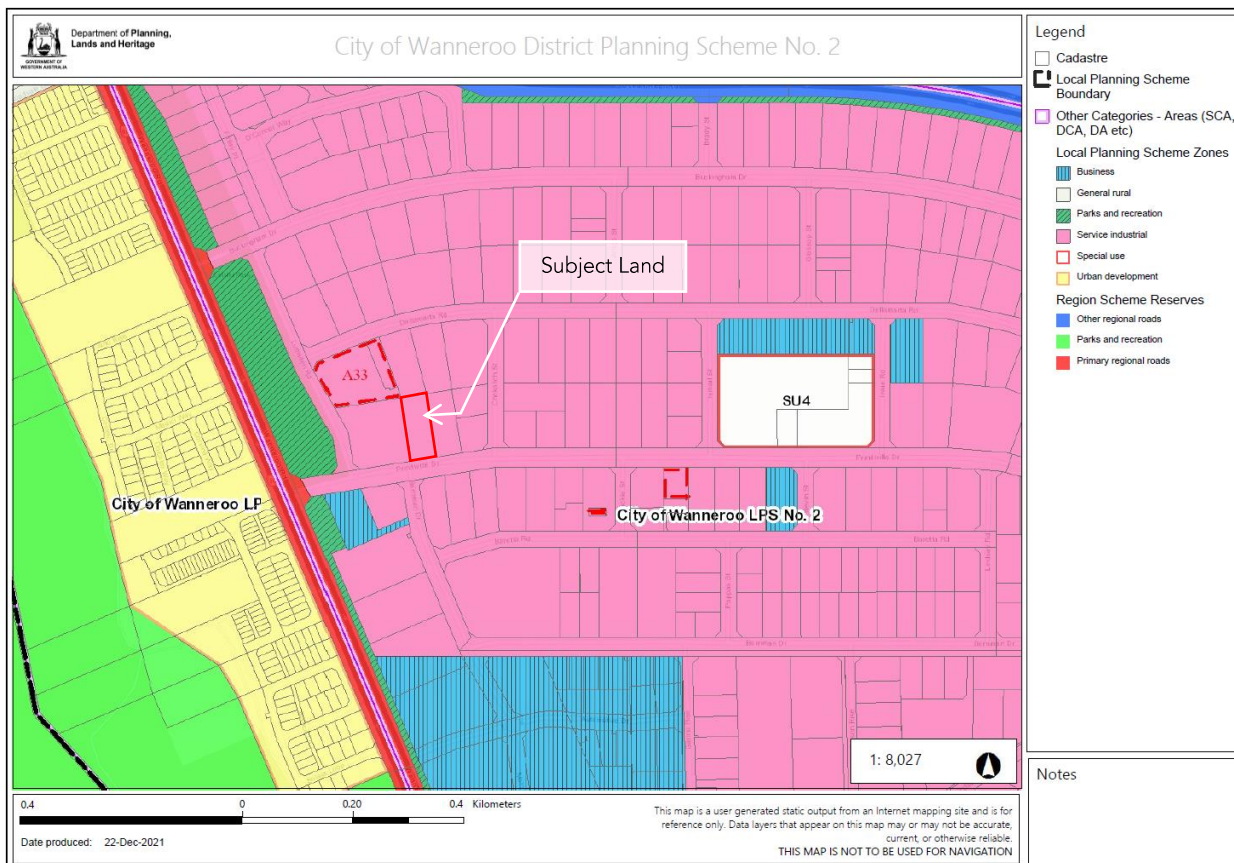


Figure 10 - City of Wanneroo District Planning Scheme No. 2 Map

DPS 2 sets out the purpose and objectives of the Service Industrial zone as follows:

"3.12 THE SERVICE INDUSTRIAL ZONE

- 3.12.1 *The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial, Business and General Industrial Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.*
- 3.12.2 *The objectives of the Service Industrial Zone are to:*
- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
 - (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas."*

The Service Industrial zone differs from the General Industrial zone by facilitating a wide range of business, industrial and recreational developments that will not be obtrusive or detrimental to the local amenity. In addition, objective (a) (above) explicitly aims to accommodate 'complementary business services' (our emphasis added) that would not detrimentally affect the amenity of surrounding areas.

Offices, by their very nature, are complementary business services that contribute to the effective and efficient operation of other businesses. Examples of established office uses occurring throughout Wangara and servicing other businesses within and beyond the industrial area, include but are not limited to:

- Professional consulting services;
- Accounting and financial services;
- Legal services;
- IT providers;
- Human resource and recruitment services;

- Insurance brokers; and
- Real estate agencies.

This is evidenced by the industry workforce data referenced in section 4.1.1, whereby the above sectors combine to represent approximately 12% of the workers in the broader Wangara Industrial Area.

Notwithstanding that many offices already operate within the 'Service Industrial' and 'General Industrial' zones in Wangara, offices are currently a prohibited ('X') use in the 'Service Industrial' zone under the Zoning Table of DPS 2.

An office is defined as follows in Schedule 1 (Part 2) of DPS 2 –

"office: means any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on-site, and does not include consulting rooms or medical centres."

Once the review of DPS 2 has concluded and a new District Planning Scheme adopted, the following definition from Schedule 1 (Model Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) is expected to apply instead of the above definition.

"office: means premises used for administration, clerical, technical, professional or similar business activities."

Under the provisions of DPS 2, car parking requirements for offices are calculated based on one bay per 30m² of Net Lettable Area (NLA), which includes various deductions for shared spaces, lobbies and plant rooms. On the other hand, car parking requirements for showrooms are calculated based on one bay per 30m² of Gross Floor Area (GFA), which means the same as 'floor area' under the Building Code of Australia, and has no such deductions. Therefore, the car parking requirements for offices will always be the same or less than car parking requirements for a showroom.

4.2.3 Local Planning Policies

The City adopted Local Planning Policy 4.41: Compliance on 17 February 2021 to establish a consistent, transparent, and integrated approach for planning and building compliance.

Clause 3.0 of the Policy sets out the various circumstances in which the City may decide not to take compliance action, which include the following:

- "(a) On the balance of issues, it is not within the public interest to do so;*
- (h) The non-compliance has been in existence for a substantial period of time and has had no apparent adverse impact on the amenity, health or safety of the adjoining properties, the streetscape, the locality or the natural environment, and the land use, development or building work pose no potential risk to the public or the natural environment."*

Relative to these criteria, existing offices within the Wangara area bear no impact on the amenity, health or safety of adjoining properties, the streetscape, the locality or the natural environment. Furthermore, the land use, development and building pose no risk to the public or the natural environment. Accordingly, we believe it would not be in the public interest to take compliance action against an occupier for using a premises as an office in these circumstances.

Before the gazettal of DPS 2, offices were entirely lawful when most of this locality was developed under the City's former planning scheme. Accordingly, it is logical that many offices established at that time may remain and continue to operate; some may even benefit from formal recognition of non-conforming use rights. However, even if non-conforming use rights cannot be confirmed, we consider it would be entirely unnecessary for the City to pursue compliance action against office operators in Wangara, as this category of land use has existed for several decades and is widespread throughout the area.

Further to the above, there is significant strategic planning merit in accommodating offices within the Service Commercial zone, as many businesses operating under the definition of an office play an integral part in the economic 'ecosystem' of the area by servicing other industry sectors. Additionally, including

offices in the mix of permitted land uses in the Service Industrial zone provides a logical transition between less intensive commercial/light industrial uses located in the western area of Wangara adjacent to Wanneroo Road and the more intensive General Industrial zoned area to the east, beyond Hartman Drive.

5 PROPOSAL

5.1 OVERVIEW OF SCHEME AMENDMENT

This scheme amendment proposes to introduce "Office" as an Additional Use for the land described as Lot 247 (No. 7) Prindiville Drive, Wangara.

5.1.1 Offices in the Wangara Industrial Area

Our research conservatively indicates that at least 33 offices and consulting/medical businesses are currently operating in the 'Service Industrial' zone in the locality of the subject site, seemingly without issue or impact on surrounding land uses. Figure 11 below illustrates the geographic distribution of these uses, with 'heat mapping' revealing the clustering of these uses in the area bound by Wanneroo Road, Ocean Reef Road, Hartman Drive and Berriman Drive. This mapping identifies the highest concentration of these uses occurring on the site subject of this scheme amendment.

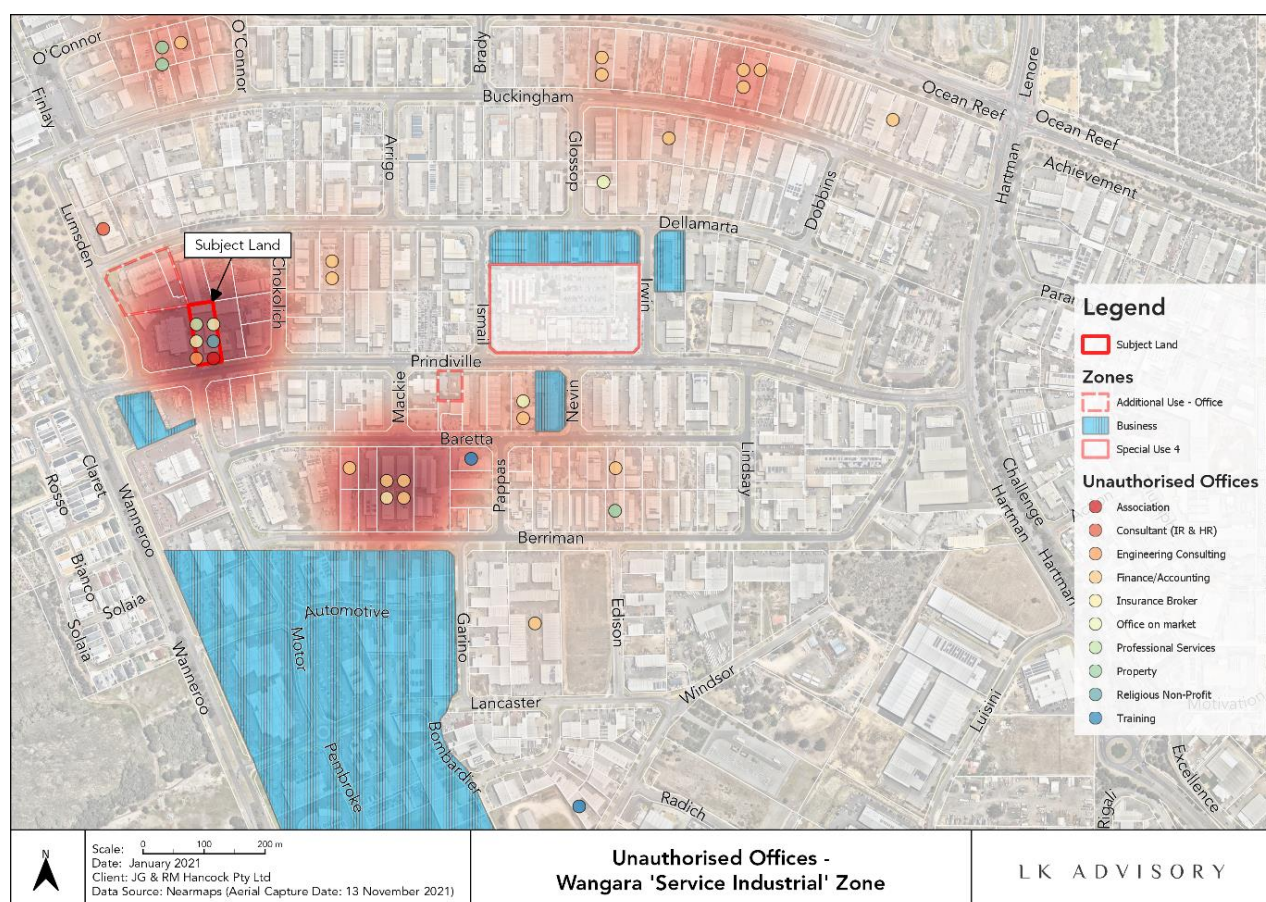


Figure 11 – Existing Offices and Consulting Rooms

5.1.2 Former Planning Framework

Under the former Shire of Wanneroo Town Planning Scheme No. 1 (TPS 1), the land bound by Ocean Reef Road, Hartman Drive, Wanneroo Road and the proposed Gnaragara Road realignment was zoned 'Composite Business and Light Industrial' in which an 'Office' was a discretionary land use. This explains why so many properties that were developed at that time still accommodate office (and related) land uses, despite those uses now being prohibited under DPS 2

The zoning of this area changed to 'Service Industrial' when DPS 2 was gazetted on 6 July 2001, at which time 'Office' became an 'X' (Not Permitted) use. According to Item PD01-11/04 from the City's Ordinary Council Meeting on 2 November 2004, this change to the 'Office' land use permissibility occurred to prevent further (our emphasis added) commercialisation of this area and encourage offices to establish in Commercial, Business and Mixed-Use Centres. We interpret this to mean that the pre-existing distribution of offices throughout Wangara was acceptable to continue.

Historical aerial images demonstrate the area (including the subject land) was almost entirely developed before DPS 2 took effect (see Figure 12). In addition, the presence of vehicles on the subject land in Figure

13 proves the premises was constructed and occupied before DPS 2 took effect, meaning office uses could have freely occupied the property at the time.

This Amendment will guarantee that the existing office use of Strata Lot 2 can continue operating, as it has done since early 2012. The Amendment can be supported because it simply permits a long-established use to continue. Its operation cannot be considered 'detrimental' to the amenity of the surrounding area as there is no evidence to suggest this has been or could be the case.

In item PD18-07/08 of the City's Ordinary Council Meeting on 29 July 2008, the City supported a similar amendment for Lots 243 and 244 Dellamarta Road, Wangara based on consistency with the Centres Strategy at the time, which recommended that Mixed and Business Uses be facilitated on land with exposure to Wanneroo Road. The land subject of this Amendment enjoys similar exposure and access to Wanneroo Road.



Figure 12 - 24 February 2000 Aerial Photo (Source: Landgate)



Figure 13 - 24 February 2000 Aerial Image of Subject Land (Source: Landgate)

5.2 SCHEME AMENDMENT CLASSIFICATION

This scheme amendment is classified as a "complex amendment" under Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the amendment is not addressed by any Local Planning Strategy.

6 PLANNING JUSTIFICATION

The planning justification for this proposal, as outlined in this report, can be summarised as follows:

1. The proposed amendment is consistent with the principles of orderly and proper planning. It permits a long-established land use to continue that is consistent with the objectives of the Service Industrial Zone.
2. Offices are already widespread and commonplace in the Wangara Industrial Area, without any evidence of this land use having an adverse impact on the amenity of the area. Under the City's development compliance policy, it is unlikely (and unnecessary) that any compliance action would be taken to remove these land uses from Wangara.
3. Offices make a vital economic and employment contribution to the area and provide a vital service that supports the various businesses operating within Wangara's Service Industrial and General Industrial zones.
4. There is no risk that the amendment would cause any adverse environmental, social or economic impacts on other land or land uses in the Scheme Area.
5. Offices are ideally suited to this location with excellent access and exposure to Wanneroo Road and Prindiville Drive, and close proximity to the East Wanneroo urban expansion areas.
6. The subject premises cannot practicably be used for any purpose other than an office, due to its design and construction. This is the case for the entire 'front' building on the subject land, which has and continues to accommodate only office-based uses.
7. Strata Lot 1 on the subject land enjoys non-conforming use rights and has been continuously used as an office since 1996. It is, therefore, reasonable to expect this use will continue for the foreseeable future. Therefore, the use of Strata Lot 2 for office purposes will be entirely consistent with this adjacent land use.
8. This Scheme Amendment is consistent with the City's Economic Development Strategy. It will support investment and growth in small businesses and diversify the local economy and employment opportunities.
9. The Amendment is consistent with applicable State Planning Policies and the State's strategic planning framework. It facilitates the diversification of business and employment within the City of Wanneroo and supports greater employment self-sufficiency.
10. Support for the Amendment is consistent with the City's commitment to the SBDC's Small Business Friendly Local Government Initiative and charter.
11. The 'Office' use proposed by this Scheme Amendment for Strata Lot 2 does not constitute a 'sensitive land use' and will not affect or be affected by any other nearby land uses.
12. Under the provisions of DPS 2, offices require less car parking than showrooms.

7 CONCLUSION

This Scheme Amendment proposes to introduce 'Office' as an additional use for the land described as Lot 247 on Deposited Plan 52481 (No. 7) Prindiville Drive, Wangara.

The subject land was developed at a time when 'Office' was a discretionary use under the (then) Shire of Wanneroo Town Planning Scheme No. 1. Consequently, office-based uses have historically occupied the 'front' building on the property since its construction. This is likely the case because the design, development and fit-out of the 'front' building does not lend itself to use by any other non-office activities.

Offices are widespread in Wangara and are a vital part of the economic and employment 'ecosystem' that services other businesses within and beyond the Wangara Industrial Area, with offices often occupying premises that cannot be used for industrial activities and which would otherwise remain vacant.

The 'Office' use proposed by this Scheme Amendment is a long-established use on the premises and of the subject premises and will have no adverse impact on any other land uses in the area. It is therefore respectfully requested that this Scheme Amendment be supported.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 203

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. Allowing 'Office' as an Additional Use on No. 7 Prindiville Drive, Wangara and amending Schedule 2 of District Planning Scheme No. 2 as follows:

NO		STREET/ LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)
A44	1-44	7 Prindiville Drive, Wangara	Lot 247 on Diagram 52481	Office ('D' use)

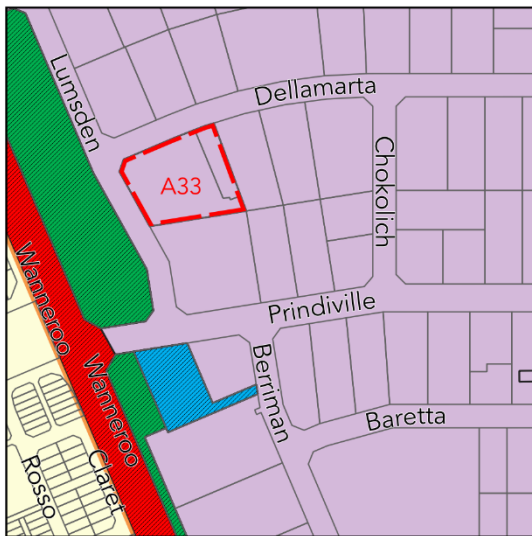
2. Amending the Scheme Map accordingly;

City of Wanneroo

DISTRICT PLANNING SCHEME No. 2

Amendment No. 203

EXISTING ZONE





LEGEND


METROPOLITAN REGION SCHEME (MRS) RESERVES

Primary regional roads 

DISTRICT PLANNING SCHEME No. 2 ZONES

Business 

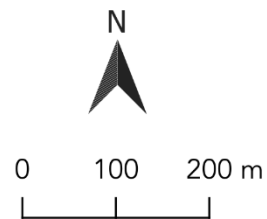
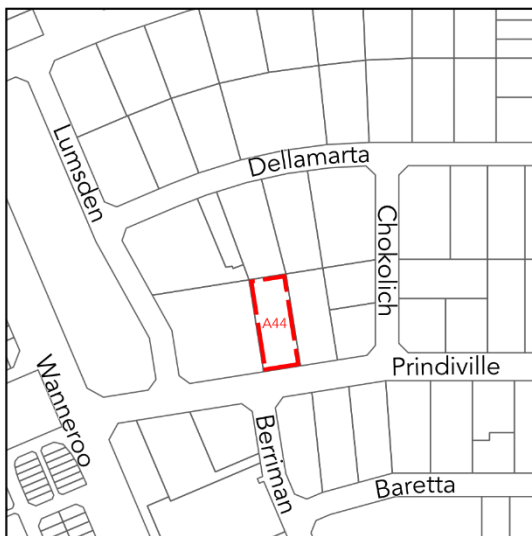
Parks and recreation 

Service industrial 

Urban development 

Additional use 

PROPOSED ZONE



COUNCIL ADOPTION

This Complex Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 12th day of April 2022

.....
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 12th day of April 2022, 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

DATE