# **EAST WANNEROO CELL 6 AGREED LOCAL STRUCTURE PLAN** (AS AMENDED) Structure Plan No. 8 This Structure Plan was prepared under the Provisions of the City of Wanneroo District Planning Scheme No. 2

13/10797[v3]

#### **ENDORSEMENT PAGE**

This structure plan is prepared under the provisions of the City of Wanneroo District Planning Scheme No. 2.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

#### **19 OCTOBER 2004**

In accordance with Schedule 2, Part 4, Clause 28 (2) and refer to Part 1, 2. (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015.* 

Date of Expiry: 19 OCTOBER 2030

### Record of Amendments made to the Agreed Cell 6 Structure Plan

Amendment No.	•		WAPC Adopted	
1	Recode portion of Part Lot 2 Wanneroo Road from R20 to R40	3.09.02	19.10.04	
3	Lots 31 and 32 Landsdale Road – Recode portion from R20 to R40	24.09.02	19.10.04	
4	Lots 45 to 49 Wanneroo Road/Lots 51 and 52 Susan Road – POS Relocation, Road Variation and Recoding From R20 To R30/R40	13.04.04	19.10.04	
5	Lots 32, 33 and 34 Kingsway – POS Relocation, Road Variation and Recode Portion From R20 to R30	7.07.04	19.10.04	
6	Lot 50 Gnangara Road – Rezone Portion of Site from Special Zone (AU) - Medical Centre Pharmacy and Professional Office to Residential R40	01.07.04	19.10.04	
7	Lot 20 Kingsway – Recode from R20 to R40	28.06.04	19.10.04	
9	Recodes portion of Lots 76 & 77 Susan Road, Madeley from R20 to R40	19.4.05	4.7.05	
	Removes Buffer precinct on Zoning Plan & related Buffer precinct provisions for poultry farms on Lots 23 Kingsway, Landsdale & Lot 45 Wanneroo Road, Madeley			
10	Recodes proposed Lots 20 & 21 Susan Road, Madeley from R20 to R30	28.6.05	18.10.05	
11	Recodes portions of Lot 38 Landsdale Road, Darch from R20 to R25 and R40	13.12.05	3.3.06	
12	Rezones a portion of Lot 50 (10) Gnangara Road, Madeley from Special Zone (AU) – Medical Centre, Pharmacy, Professional Office to Residential R20	28.10.05	23.1.06	
13	Reinstates the R25 density coding and Residential 'base' zoning for Loc 2375 Wanneroo Road, Madeley	3.11.05	13.12.05	
14	Recodes proposed Lots 618 Cooper Street, 630 & 654 Olivedale Road, Madeley from Residential R20 to R40	18.10.05	23.1.06	
15	Recodes portions of Lots 72 & 73 Cooper Street, Madeley from R20 to R30	9.2.06	2.5.06	
16	Recodes a portion of Lot 9001 and Lot 3 Kingsway, Darch from R20 to R40 and recodes the remaining portion of Lot 9001 and Lot 3 Kingsway, Darch and Lot 29 Landsdale Road, Darch from R20 to R30	24.10.06	11.12.06	
18	Recodes portions of Lots 30, 31, 32 & 39 Landsdale Road, Darch from R20 to R25, R30 & R40	10.10.06	29.12.06	
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Amendment No.	Description of Amendment	Council Adopted	WAPC Adopted
19	Recodes various lots within Lots 4, 14, 15, 11061 & 14600 Gnangara Road, Wangara from R20 to R40 and relocates a small portion of public open space	21.11.06	29.12.06
21	Recodes Lots 654 & 655 Cvitan Bend, Madeley from R20 to R30	19.9.06	29.12.06
20	Recodes Lots 935, 936 & 957-960 Wicklow Circle, Darch from R20 to R40 and Lot 978 Kingsway, Madeley, Lot 952 Westport Parade and Lot 954 Wicklow Circle, Darch from R20 to R30	21.11.06	11.10.07
22	Recodes Lot 9500 Matlock Heights, Darch from R20 to R40 and adopts a Local Development Plan and appropriate provisions into the Implementation Section for this Lot.	26.6.07	11.10.07
23	Recodes Lot 573 Kingsway, Darch from R20 to R40	26.6.07	11.10.07
24	Recodes various proposed lots within Lot 80 (156) Gnangara Road, Madeley from R20 to R30 and from R20 to R40	15.3.07	11.10.07
28	Recodes Lots 2, 6 & 7 Gnangara Road, Madeley from R20 to R40	25.10.07	21.4.07
26	Rezones Lot 101 & Lot 300 Kingsway, Darch to Private Clubs/Recreation zone	25.10.07	21.4.08
25	Recodes Lot 749 (11) Bolton Way, Darch from R20 to R25	11.2.07	30.6.08
27	Recodes Lot 401 (59) Kingsway, Madeley from R20 to R40	11.12.07	30.6.08
30	Replaces the Mirrabooka Avenue/Tony Martin Way left-in/left-out intersection with a cul-de-sac at the end of Tony Martin Way	26.2.08	30.6.08
33	Recodes Lots 1021 to 1023 and 9502 Vandia Pass, Lot 1010 Bethwyn Circuit and Lot 1009 Glenesk Street Madeley from R20 and R40 to R30	20.7.09	17.11.09
34	Recodes Lots 829 and 830 Oakdene Drive, Madeley from R30 to R40	29.6.10	31.8.10
35	Recodes Lot 501 Skeit Road, Darch from R20 to R40	15.11.11	11.4.12
38	Recodes Lot 9023 Cheltondale Drive, Madeley from Residential R20 to Residential R30 and deletes the proposed east west road through the site.	10.12.13	17.2.14
37	Recodes Lot 170 (69) Kingsway, Madeley from R25 to R40.	4.3.14	22.5.14
39	Recodes Lot 13 Gnangara Road, Madeley from R20 to R40	26.2.14	19.5.14

Amendment No.	Description of Amendment	Council Adopted	WAPC Adopted
40	<ul> <li>Recodes a portion of Lot 100 Wanneroo Road, Madeley from R20 to R40;</li> <li>Recodes a portion of Lot 100 Wanneroo Road, Madeley from R20 to R50; and</li> <li>Realigns the public road on Lot 100 Wanneroo Road, Madeley</li> </ul>	21.3.14	27.6.14
36	Recodes Lots 1013, 1014, portion of Lot 9025 Bethwyn Circuit, Madeley from R20 to R40 as well as recoding portion of Lot 9025 Bethwyn Circuit and portion of Lot 81 Cooper Street, Madeley from R20 to R30  Modifies the proposed road pattern within Lot 81 Cooper Street	31.3.15	7.7.15
41	Applying the R-MD standards to various lots	<b>WAPC Ac</b> 14.5.	•
	designated Residential R25 and R40 as outlined on the structure plan map dated 20 August 2015.  2. Inserting the following new provision into Part 1:  4.1.1 R-MD Codes  The City of Wanneroo's Local Planning Policy 4.19: Medium-Density Housing Standards (R-MD) sets out acceptable variations to the deemed-to-comply provisions of the R-Codes for lots coded R25 - R60. The variations set out in LPP 4.19 apply to all lots designated R-MD on ASP No. 8 and thereby constitutes acceptable development within the Structure Plan area.  3. Undertake the following administrative changes to Part One to closer align the structure plan with the Planning and Development (Local Planning Schemes) Regulations 2015 and the WAPC's Structure Plan Framework and its Framework for Local Development Plans (August 2015):  a) Replace any reference to 'Part 1 - Statutory Planning Section' with 'Part One - Implementation' and omit any references to 'statutory' from Part 1;		
	<ul> <li>b) Removal of the following from the Part 1 text:  "As provided for under relevant 'Structure Plan provisions of the scheme, this part of the Structure Plan has the same force and effect as if it was a provision, standard or requirement of the scheme."</li> <li>c) All references to 'Detailed Area Plan(s)' or 'DAP(s)' to be replaced with 'Local Development Plan(s)' or 'LDP(s)'.</li> </ul>		

Amendment No.	Description of Amendment	WAPC Adopted
43	Rezones Lot 2 Driver Road, Darch to Residential; recodes portions of Lot 2 Driver Road, Darch; amends the criteria relating to setbacks of the 'Residential' and 'Business Precinct' interface and revises the indicative road layout.	17.2.21
42	Amends the zoning and coding of Lots 1 & 2374 Wanneroo Road, Madeley from 'Residential R25' to 'Special Use (Showroom)' and 'Residential R40 & R60' and revises the indicative road layout accordingly.  Inserts new Section 4.6 – Special Use Zone into Part 1 Inserts new Section 4.7 – Development and Subdivision of Lots 1 & 2374 Wanneroo Road, Madeley into Part 1	26.7.21
44	<ol> <li>Update the Zoning Plan to remove the Landfill         Precinct from Lot 1 Furniss Road Darch, and identify         the land south of the Business Precinct, to Residential         Precinct;</li> <li>Remove 'Landfill Precinct' from the legend of the         Zoning Plan;</li> <li>Delete Clause 4.2 'Landfill Precinct' and replace with         'Lot 1 Driver Road, Darch 'Subdivisional         Requirements' to allow for a geotechnical assessment,         site remediation and re-classification for residential         use; and</li> <li>Revise the road layout and add drainage basin         locations.</li> </ol>	14.6.22

#### PART 1

#### **IMPLEMENTATION SECTION**

#### **Subject Area**

The original Structure Plan area included approximately 156 private landholdings comprising approximately 598 hectares (ha) and 6 crown reserves.

#### 1. ZONES

Plan 1: 'The Zoning Map'.

#### 2. LOCAL STRUCTURE PLAN

Plan 2: The 'Local Structure Plan'.

#### 3. RETAIL FLOORSPACE (NLA)

Retail floorspace (NLA) for the Structure Plan will be in accordance with the following Schedule 1.

#### SCHEDULE 1: RETAIL FLOORSPACE PROVISION

NEIGHBOURHOOD CENTRE	MAXIMUM NET LETTABLE AREA (ROUNDED TO THE NEAREST 50m²)	
Cell 6 Neighbourhood Centre(west)	1250 m²	
Cell 6 Neighbourhood Centre (east)	3550 m²	

#### 4. PROVISIONS

#### 4.1 RESIDENTIAL PRECINCT:

The permissibility of uses are to be in accordance with the Residential Zone as specified under the scheme. Rural development involving high capital investment, offensive trades, mushroom farms and/or of a long-term nature will generally be discouraged. Other Rural uses may be considered.

Unless otherwise identified on 'The Local Structure Plan' the residential density to apply to this precinct is R20.

#### Objective/s

To promote residential development whilst allowing for rural uses and development if it is considered that such uses will not compromise the intention to develop the precinct for residential purposes in the medium and longer term.

In assessing a rural use application within this precinct, consideration will be given to:

- a) referring the applicants to areas set aside for General Rural under the scheme;
- b) imposing a time limit on the period for which the approved development may be carried out and the preparation and execution of a legal agreement, at the landowner/s expense, between the landowner/s and Council to the effect; and/or
- c) refusing the application if it is considered likely to prejudice the future planned use of the land;
- d) proximity of urban development to the subject land;
- e) the ability of the land to be used for residential purposes in the immediate future in light of servicing and other constraints;
- f) other appropriate factors.

#### 4.1.1 R-MD CODES

The City of Wanneroo's Local Planning Policy 4.19: Medium-Density Housing Standards (R-MD) sets out acceptable variations to the deemed-to-comply provisions of the R-Codes for lots coded R25 - R60. The variations set out in LPP 4.19 apply to all lots designated R-MD on ASP No. 8 and thereby constitutes acceptable development within the Structure Plan area.

#### 4.1.2 SETBACK TO BUSINESS PRECINCT

The rear setback for all residential lots abutting the Business Precinct shall be 10m.

#### 4.1.3 WATER MANAGEMENT

Prior to the lodgement of a subdivision or a development application, the applicant shall obtain approval for a Local Water Management Strategy, successfully demonstrating availability of water source for the on-going maintenance of the public open space, from the City of Wanneroo; and an Urban Water Management Plan shall be the subject of a condition of subdivision or development approval.

#### 4.2 LOT 1 DRIVER ROAD, DARCH - SUBDIVISIONAL REQUIREMENTS

a) A geotechnical assessment and associated remediation plan for Lot 1 Driver Road, Darch is to be prepared at the cessation of the landfill operations at the site associated with the current DWER licence L6832/1997/14 (version 14) and any amendment thereto and is to be submitted to the City, to the City's satisfaction as a condition of subdivision approval prior to any earthworks occurring on site.

- b) All earthworks are to be undertaken in accordance with the approved Remediation Plan to the City's satisfaction.
- c) The site is to be re-classified under the Contaminated Sites Act 2003 suitable for residential and business development prior to clearance of the subdivision to the satisfaction of City in consultation with DWER.

#### 4.3 BUSINESS PRECINCT

The permissibility of land uses and general provisions for this zone are the same as those that apply to the Business Zone in the scheme except where indicated to the contrary by the following special provisions.

#### **Objective**

The Business Precinct is a transitional land use precinct providing a buffer between the largely incompatible land uses of the General Industrial Zone situated north of Furniss Road and the Residential Precinct to the south of the Business Precinct. It is intended that development compatible with the Residential Precinct will be encouraged within the Business Precinct and that a high level of amenity will be maintained.

#### Criteria:

- a) the minimum lot size shall be 1500 m<sup>2</sup> with a minimum lot depth of 50 metres;
- b) all Business Precinct development shall provide a nil rear setback;
- c) vehicular access will be permitted from Furniss Road only;
- d) all lighting shall be positioned to face away from the proposed residential areas (at the rear) so that no direct light is visible from those properties;
- e) unless otherwise determined by Council, hours of operation will be between 7am to 7pm.
- the scheme includes a number of "P" and "D" uses for the Business Zone that are considered to be in conflict with the objectives of this precinct, and therefore, are not considered to provide an acceptable interface with the residential area. Such uses shall not be permitted unless it can be demonstrated that the likelihood of any conflicts or concerns can be ameliorated to the satisfaction of Council.

The following Table 1 identifies land uses that are not considered appropriate and should be excluded from this Business Precinct:

Table 1 - Non Permitted Uses within the Business Precinct		
Amusement Facility/Parlour	Laundry	
Auction Room;	Night Club	
Bakery;	Place of Assembly	
Car Wash	Place of Worship	
Cinema	Private Recreation	
Club Non-Residential	Reception Centre	
Drive-Through Food Outlet	Restaurant	
Dry Cleaning Premises	Road House	
Hall, Church	Service Station	
Hall, Public Dance, Concert	Take away Fast Food	
Hospital Private Inc. "C" Class	Tavern	
Hospital Public	Theatre	
Laundrette	Veterinary Hospital	

#### 4.4 SPECIAL ZONES – ADDITIONAL USES

Not withstanding anything contained in the Zoning Table, the land specified in Schedule 2 may only be used for the specific use or the uses that are listed in addition to any uses permissible in the zone in which the land is situated.

#### SCHEDULE 2 - SPECIAL ZONE (ADDITIONAL USES)

No.	Location	Additional Use
1.	Portion of Lot 50 Gnangara Road Madeley	Medical Centre, Pharmacy, Professional Office
2.	Location 2375 Wanneroo Road Madeley	Medical Centre, Pharmacy, Professional Office

#### 4.5 CENTRE ZONE

In accordance with the provisions of 'The Centre Zone' under the Scheme, no subdivision or development should be commenced or carried out in a Centre Zone until a Structure Plan has been prepared and adopted under the provisions of the Scheme. The permissibility of uses in the Centre Zone shall be determined in accordance with the provisions of the Agreed Structure Plan.

#### 4.6 SPECIAL USE ZONE

No person shall use any land or any structure or buildings on land in a Special Use Zone except for the purpose set out against that land in Schedule 3 and subject to compliance with any conditions set out in Schedule 3 with respect to that land.

SCHEDULE 3 – SPECIAL USE ZONE				
NO.	Street/Location	Particulars Of Land	Special Use Conditions (Where Applicable)	
1	Lot 1 and 2374 Wanneroo Road, Madeley	The following land use is Discretionary 'D':  • Showroom	<ol> <li>Conditions:         <ol> <li>The maximum Gross Floor Area of the Showroom(s) should not exceed 2150m² unless approved by the Local Government.</li> <li>Access from Wanneroo Road subject to Main Roads WA approval.</li> <li>Siting of the Showroom(s), car parking area and the Pedestrian Access Way to accord with the Concept Development Plan (Plan 3).</li> </ol> </li> <li>The rear setback area (abutting the Residential Precinct) as required in the City of Wanneroo District Planning Scheme No.2 is to be landscaped.</li> <li>Provision of an 8-metre wide Pedestrian Access Way along the southern boundary.</li> <li>The building and any fencing shall provide for passive surveillance of the Pedestrian Access Way.</li> </ol>	

# 4.7 DEVELOPMENT AND SUBDIVISION OF LOTS 1 & 2374 WANNEROO ROAD, MADELEY

- 4.7.1 Development and/or subdivision applications should be consistent with the Concept Development Plan (Plan 3).
- 4.7.2 Prior to the commencement of the residential development on Lots 1 & 2374 Wanneroo Road, Madeley a Local Development Plan shall be prepared and approved by the Local Government to address the following:
  - passive surveillance of the Pedestrian Access Way; and
  - quiet house design to address noise from Wanneroo Road.
- 4.7.3 The purpose of the Pedestrian Access Way is to provide a pedestrian link between the residential development and high frequency public transport services along Wanneroo Road. The indicative location and width of the Pedestrian Access Way is depicted in the Concept Development Plan (Plan 3). At the time of subdivision, the Pedestrian Access Way should be set aside on a separate lot and ceded free of cost under Section 152 of the Planning and Development Act 2005. The Pedestrian Access Way should be constructed prior to occupation of the adjoining residential development and is it be designed in accordance with the Designing Out Crime Planning Guidelines 2006 and Reducing Crime and Anti-Social Behaviour Pedestrian Access Ways Planning Guidelines 2009.

#### 5. ENVIRONMENTAL PROVISIONS

- a) Prior to undertaking any earthworks or development of the land, the landowners shall demonstrate to the satisfaction of the City of Wanneroo and the Western Australian Planning Commission that nursery or market garden uses have not occurred on the subject land, or, undertake a Soil Contamination Assessment of the land, at the landowners' cost, to determine the presence or absence of soil contamination to the satisfaction of the Department of Environmental Protection.
- b) Should any soil contamination be identified in the soil contamination assessment, a Site Remediation and Validation Report for the subject land shall be prepared at the landowners' cost by the developer/subdivider and remediation works shall be undertaken at the landowners' cost for all identified contamination and should be validated as being free of contamination above acceptance guidelines to the satisfaction of the Department of Environmental Protection, prior to undertaking any earthworks or development of the land.
- c) The subdivider/landowner shall demonstrate to the satisfaction of the City of Wanneroo and the Western Australian Planning Commission that surface water drainage within subject land will be disposed of in a manner that minimises the impacts on the nearby significant wetlands, including potential surface water contamination.
- d) Where the subdivision of land is proposed on Lot 2 Driver Road, Darch, the WAPC will consider the need for any appropriate measures to preserve the ongoing amenity of uses on Lot 2, including but not limited to, separation requirements and staging as part of the subdivision application assessment in consultation with the Department of Water and Environmental Regulation and the City of Wanneroo.

#### 6. INFRASTRUCTURE CONTRIBUTIONS

- a) The contributions to be made by an owner for the implementation of the Cell Works shall be determined in accordance with the scheme.
- b) Cell Costs shall be reviewed in accordance with the relevant Scheme provisions relating to the 'Revision of Cell Costs'.
- c) Current rate of contribution for Cell 6 and the associated breakdown of costs can be obtained from the City of Wanneroo.

#### 7. LOCAL DEVELOPMENT PLAN

Plan 3 the Local Development Plan (LDP) outlines the planned pattern of subdivision or development of Lot 9500 (17) Matlock Heights, Darch. All subdivision and development should be carried out in accordance with the LDP.

#### 7.1 SPECIAL PROVISION

7.1.1 All dwellings, with respect to crossover location, garage location and building setbacks, shall be designed in accordance with the layout, as shown in the LDP.

## 8. LOCAL DEVELOPMENT PLAN – RESIDENTIAL PRECINCT AND BUSINESS PRECINCT INTERFACE

A Local Development Plan shall be prepared for all lots at the interface of the Residential Precinct and the Business Precinct and is to include setbacks and building heights.

#### **PUBLIC OPEN SPACE (POS) PROVISION**

The following Schedule 4 details the Public Open Space (POS) which is to be provided by landholders for each lot within Cell 6. The POS allocation reflects the distribution of POS on the Agreed Local Structure Plan for Cell 6.

## **SCHEDULE 4**

Public Open Space	Lot No		Area
(hectares)			(ha)
6A	Lot 4 Gnangara Road		0.1317
	Lot 332 Parri Road		0.2154
	Gnangara Road Reserve		0.9201
	Res 27340 (3.5900 ha)		2.2887
	Lot 84 Gnangara Road		0.7694
	Lot77 Susan Road		0.6755
		Sub-total	5.0008
	Res 24881		4.0520
	Lot 69 Cooper Street		0.4012
	Lot 65 Russell Road		1.1000
		Sub-total	5.5532
6C	Lot 2 Cooper Street		0.8043
		Sub-total	0.8043
6D	Lot 45 Wanneroo Road		0.0942
	Lot 46 Wanneroo Road		0.1141
	Lot 53 Susan Road		0.0710
	Lot 54 Susan Road		0.1707
		Sub-total	0.4500
6E	Part Lot 1 Wanneroo Road		0.5262
	Part Lot 2 Wanneroo Road		0.3723
		Sub-total	0.8985
6F	Lot 11 Kingsway		1.0467
	Lot 12 Kingsway		1.0133
		Sub-total	2.0600
6G	Lot 8 Kingsway		0.2682
	Lot 9 Kingsway		0.3000
		Sub-total	0.5682
6H	Part Loc 1571 Russell Road (east)		3.9812
		Sub-total	3.9812
61	Part Loc 1571 Russell Road (west)		0.8617
		Sub-total	0.8617
6J	Lot 500 Driver Road		1.5908
		Sub-total	1.5908
6K	Lot 29 Kingsway		
	Lot 28 Kingsway		
	Lot 27 Kingsway		

Public Open Space (hectares)	Lot No		Area (ha)
(	Lot 26 Kingsway		
		Sub-total	2.7488
6L	Part Lot 1571 Russell Road (east)		1.9808
	Part Lot 1585 Russell Road		0.1000
		Sub-total	2.0808
6M	Loc 1441 Driver Road Footnote 1		4.8142
		Sub-total	4.8142
6N	Lot 33 Kingsway		0.6095
		Sub-total	0.6095
6O	Lot 31 Landsdale Road		0.2770
	Lot 32 Landsdale Road		0.7790
	Lot 33 Landsdale Road		0.3010
		Sub-total	1.3570
6P	Lot 11 Kingsway		0.1206
	Lot 12 Kingsway		0.2731
	Lot 13 Kingsway		0.2670
	Lot 14 Kingsway Lot 47 Landsdale Road		0.1116
	Lot 47 Landsdale Road		0.4537 0.9933
	Lot 49 Landsdale Road		0.9933
	Lot 50 Landsdale Road		0.4182
	Lot do Lanadalo Road	Sub-total	3.6307
6Q	Lot 40 Landsdale Road		0.2220
	Lot 41 Landsdale Road		0.2220
		Sub-total	0.4440
 6R	Res 24794		8.6255
		Sub-total	8.6255
Community Purpose Site	Lots 24 & 25 Kingsway (east)		0.5000
		Sub-total	0.5000
	TOTAL		46.5793

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<sup>&</sup>lt;sup>1</sup> The landowner acknowledges and agrees that the City will not clear the conditions of subdivision for the creation of POS 6M (District Open Space) until such time as the landowner can satisfy the City that POS 6M site is classified by the Department of Water and Environmental Regulation as suitable for Public Open Space and there is no ongoing management plan obligations (contamination monitoring or mitigation measures) to the satisfaction of the City.





