

# LOCAL PLANNING SCHEME NO.3 AMENDMENT REQUEST

LOTS 28 (No. 67) AND 36 (No. 95) WOODVALE DRIVE,  
WOODVALE

CITY OF JOONDALUP

31 March 2023



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File reference:	230214RLGA_Scheme Amendment Report v1

Revision:	Date:	Description:	Author:	Reviewer:
0	14/02/23	First draft	Z MacDonald	J Burgess
1	31/03/23	Final draft	Z MacDonald	J Burgess

# TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>6</b>
1.1	SITE DETAILS.....	6
1.2	PROPONENT .....	7
1.3	SURROUNDING LAND USES AND DEVELOPMENT .....	7
<b>2.</b>	<b>PLANNING FRAMEWORK .....</b>	<b>10</b>
2.1	PLANNING AND DEVELOPMENT ACT 2005 .....	10
2.2	METROPOLITAN REGION SCHEME .....	10
2.3	CITY OF JOONDALUP LOCAL PLANNING SCHEME NO.3 .....	11
2.4	LOCAL PLANNING POLICIES.....	11
<b>3.</b>	<b>AMENDMENT PROPOSAL .....</b>	<b>15</b>
3.1	RATIONALE FOR AMENDMENT .....	15
<b>4.</b>	<b>ENVIRONMENTAL CONSIDERATIONS .....</b>	<b>16</b>
<b>5.</b>	<b>TRANSPORT IMPACT ASSESSMENT .....</b>	<b>19</b>
<b>6.</b>	<b>BUSHFIRE MANAGEMENT PLAN.....</b>	<b>20</b>
<b>7.</b>	<b>SERVICING .....</b>	<b>22</b>
<b>8.</b>	<b>CONCLUSION .....</b>	<b>23</b>

## LIST OF PLANS

Plan 1 Proposed Scheme Amendment Map

## LIST OF FIGURES

Figure 1 Location Plan  
Figure 2 Aerial Photograph  
Figure 3 Metropolitan Region Scheme Map  
Figure 4 City of Joondalup Local Planning Scheme No.3 Map  
Figure 5 Concept Plan

## LIST OF APPENDICES

Appendix 1 Certificates of Title  
Appendix 2 Environmental Assessment Report  
Appendix 3 Transport Impact Assessment  
Appendix 4 Bushfire Management Plan  
Appendix 5 Servicing Report

*Planning and Development Act 2005*

RESOLUTION TO ADOPT AMENDMENT TO LOCAL  
PLANNING SCHEME

CITY OF JOONDALUP LOCAL PLANNING SCHEME NO.3

AMENDMENT NO. \_\_\_\_

RESOLVED that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- Rezoning a portion of Lot 28 (No. 67) and a portion of Lot 36 (No. 95) Woodvale Drive, Woodvale from 'Private Community Purposes' and 'Rural' to 'Residential' with a density coding of R30;
- Modifying the Scheme Map accordingly.

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

- 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.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2023

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(Chief Executive Officer)

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PLAN 1 SCHEME AMENDMENT MAP

# 1. INTRODUCTION

This amendment to the *City of Joondalup Local Planning Scheme No.3* proposes to rezone a portion of Lot 28 (No. 67) and a portion of Lot 36 (No. 95) Woodvale Drive, Woodvale (the subject "site" or "land") from 'Private Community Purposes' and 'Rural' to 'Residential' with a density coding of R30. This Scheme Amendment is intended to facilitate the preparation, assessment and ultimate determination of a Subdivision Application over the subject land to ensure consistency between the land use of the site and adjacent development.

Pursuant to the *Planning and Development Act 2005* the City is required to initiate an amendment to the *City of Joondalup Local Planning Scheme No.3* to rezone the land, in order to make the classification of the land under LPS3 consistent with the classification of the land under the Metropolitan Region Scheme (MRS).

This amendment follows MRS Amendment 1339/57 (North-East and North-West Districts Omnibus 2), which rezoned the site from 'Rural' to 'Urban' to facilitate the coordination of infill development over the site.

The following report provides an overview of the site characteristics, local context and provides the rationale for the proposed Scheme Amendment.

## 1.1 SITE DETAILS

### 1.1.1 LEGAL DESCRIPTION

The subject land encompasses a total land area of 4.3648ha and abuts the east side of Woodvale Drive to the north of Waterview Drive.

The subject land is described as:

- Lot 28 on Diagram 2615, Certificate of Title Volume 1755 Folio 754;
- Lot 36 on Diagram 32799, Certificate of Title Volume 134 Folio 149A; and,
- Lot 36 on Diagram 32799, Certificate of Title Volume 1486 Folio 128.

Copies of the Certificates of Title can be found attached in **Appendix 1 – Certificates of Title**.

## 1.2 PROPONENT

This amendment has been prepared on behalf of the respective landowners, being various members of the Duffy family (Lot 36) and Woodvale Baptist Church (Lot 28).

### 1.2.1 LOCATION AND SITE PARTICULARS

The subject site is located in the suburb of Woodvale, approximately 19 kilometres north of the Perth Central Business District, and approximately 6 kilometres south of the Joondalup City Centre (refer **Figure 1 - Location Plan**).

The subject land is bound by residential development to the south, Woodvale Drive to the west, the Woodvale Baptist Church to the north, and Yellagonga Regional Park to the east.

The subject land comprises two (2) large residential dwellings and various outbuildings and structures on Lot 36. The subject land also includes a small portion of Lot 28 located behind (south of) the Woodvale Baptist Church.

## 1.3 SURROUNDING LAND USES AND DEVELOPMENT

The subject land is located directly opposite a large area of Public Open Space (POS) being Yellagonga Regional Park.

Waterview Drive is to the south of the site and comprises lots largely ranging from 450m<sup>2</sup> – 780m<sup>2</sup> in area, with a base coding of R20-R40. To the north of the site, is Woodvale Baptist Church, zoned Private Community Purposes. The Church and its associated improvements will remain on the balance portion of Lot 28. To the west of the site, is Woodvale Secondary College, and beyond that, west of Timberlane Drive, is further residential development that has a base coding of R20 (refer **Figure 2 - Aerial Photograph**).

Other surrounding land uses and facilities include:

- Timberlane Park and Hall (approximately 320m south-west of the site);
- Woodvale Boulevard Shopping Centre (approximately 1.09km south-west of the site).





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FIGURE 1 - LOCATION PLAN

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FIGURE 2 - AERIAL PHOTOGRAPH

## 2. PLANNING FRAMEWORK

### 2.1 PLANNING AND DEVELOPMENT ACT 2005

Section 124 of the *Planning and Development Act 2005* requires that the City resolve to amend its local planning scheme within 90 days of a region scheme amendment coming into effect, in order to make its local planning scheme consistent with the region scheme. As such, the proposed amendment is consistent with the requirements of the planning framework.

### 2.2 METROPOLITAN REGION SCHEME

The majority of the subject land is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS). Part of Lot 36 is reserved as 'Parks and Recreation', and is mapped as Bush Forever Site 299, which contains a Conservation Category Wetland and is within the Yellagonga Regional Park.

As part of its submission on the North-East and North-West District Omnibus 2 MRS Amendment 1339/57, the City of Joondalup stated as follows:

*"The City of Joondalup advises that Lots 28 & 36 Woodvale Drive are the last remaining Rural zoned properties within the City and that this designation is no longer appropriate in the context of surrounding residential land uses. The City has requested that the lots are rezoned to Urban to facilitate future development consistent with the urban nature of the locality. The proposal is located in a Bushfire Prone Area and the proponent will therefore be required to demonstrate compliance with the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas prior to finalisation."*

MRS Amendment 1339/57 was finalised and the subject land zoned 'Urban' under the Metropolitan Region Scheme. Lot 28 was subsequently rezoned to 'Private Community Purposes' for the Woodvale Baptist Church, leaving Lot 36 as the only lot within the City zoned 'Rural' under Local Planning Scheme No. 3.

## 2.3 CITY OF JOONDALUP LOCAL PLANNING SCHEME NO.3

The western portion of Lot 36 is zoned 'Rural' under the *City of Joondalup Local Planning Scheme No.3* (LPS3), with the eastern portion reserved as 'Parks and Recreation.' That portion of the subject land within Lot 28 is zoned 'Private Community Purposes'.

### 2.3.1 PREVIOUS SCHEME AMENDMENT

In 2016 as part of Council's consideration of the draft *City of Joondalup Local Planning Scheme No.3*, the site was proposed to be rezoned from 'Rural' to 'Residential R25'. The site, however, was not able to be advertised and amended at the time given the inconsistency with the MRS. As such, at the City's Ordinary Meeting of Council on 16 February 2016 a motion was put and carried to –

*'Requests the Western Australian Planning Commission to include Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale, in a future omnibus amendment to the Metropolitan Region Scheme to rezone these lots from 'Rural' to 'Urban'.*

As described in 2.2 above, MRS Omnibus Amendment 1339/57 rezoned Lots 28 & 36 to 'Urban' under the Metropolitan Region Scheme.

## 2.4 LOCAL PLANNING POLICIES

### 2.4.1 CITY OF JOONDALUP LOCAL PLANNING STRATEGY

The Scheme Amendment is considered to be consistent with the City of Joondalup's Local Planning Strategy (2014). The Local Planning Strategy sets out various actions in Section 4.2.2 'Actions' related to housing, including implementing the recommendations of the Local Housing Strategy. Two of the Actions most relevant to the subject land include:

*"As part of the District Planning Scheme review process, develop provisions for large opportunity sites which sets a minimum 'target' density in line with government policy. The requirements will apply to large opportunity sites across the whole City with the exception of the Joondalup City Centre."*

*"As part of a future omnibus amendment to the Metropolitan Region Scheme, consider rezoning the two rural lots to 'Urban'. Once this has occurred, rezone the two remaining rural lots under the District Planning Scheme No. 2 to a suitable zone such as 'Residential' to reflect the surrounding residential land uses."*

The subject land was initially identified in the Local Housing Strategy, and subsequently in Section 4.12 of the Local Planning Strategy, which provides the following comment with regard to the site:

*"There are two lots within the City which are zoned 'rural' under the Metropolitan Region Scheme and the District Planning Scheme No. 2. Both lots are located within the suburb of Woodvale near Ocean Reef Road. One of these lots is owned by the Woodvale Baptist Church and currently used as a place of worship, place of assembly and caretaker's dwelling."*

*"The other lot contains a horse track and associated buildings. The land surrounding these rural lots is zoned as residential and has been developed. Due to this, it is recommended that the rural lots be rezoned to reflect the surrounding residential uses."*

*"The rural zoning is no longer appropriate for these lots in the context of the surrounding residential land uses."*

In this regard, the Amendment is not only considered to be consistent with the City's Local Planning Strategy, it proposes to implement its recommendations with regard to the subject land.

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FIGURE 3 - METROPOLITAN REGION SCHEME MAP

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FIGURE 4 - LOCAL PLANNING SCHEME No 3 MAP

### 3. AMENDMENT PROPOSAL

This Scheme Amendment proposes to rezone a portion of Lot 28 (No.67) and a portion of Lot 36 (No.95) Woodvale Drive, Woodvale from 'Rural' and 'Private Community Purposes' to 'Residential' with a density coding of R30 under *the City of Joondalup Local Planning Scheme No.3* (LPS3).

The Scheme Amendment Map is included herewith at **Plan 1**.

#### 3.1 RATIONALE FOR AMENDMENT

The *Planning and Development Act 2005* requires the City to initiate an amendment to the *City of Joondalup Local Planning Scheme No.3* to rezone the land, in order to make the classification of the land under LPS3 consistent with the classification of the land under the MRS.

Lot 36 is now the last remaining 'Rural' zoned lot within Woodvale and this designation is no longer appropriate in the context of surrounding residential land uses, as confirmed in the City's own Local Planning Strategy.

The proposed density coding of R30 reflects orderly and proper planning given that it will facilitate additional residential development within an established residential area that can be adequately serviced by public transport, community facilities and public open space. The subject land is located adjacent to Yellagonga Regional Park, a Local Distributor Road (being Woodvale Drive), and Woodvale Secondary College. The site is also situated in close proximity to Wanneroo Road (a classified Primary Regional Road) and Ocean Reef Road (a classified Other Regional Road), both of which provide good regional access to and from the subject land.

This amendment proposes to incorporate a portion of Lot 28 to facilitate a more logical and coordinated approach to subdivision and development. The proposal will allow for that portion of Lot 28, surplus to the needs of the Woodvale Baptist Church, to be developed for residential purposes.



## 4. ENVIRONMENTAL CONSIDERATIONS

An 'Environmental Assessment Report' has been prepared by project environmental consultant PGV Environmental and is attached at **Appendix 2**.

The report was prepared to describe the environmental values of the site and to assess the potential environmental impacts of the proposed development. The Scope for the report included:

- Database searches;
- Analysis of physical characteristics;
- Description of historical, recent and present land uses;
- A Reconnaissance Flora and Vegetation Survey;
- A Basic Fauna Survey; and,
- A review of relevant policies and legislation

In summary, the Environmental Assessment Report found:

- The site is not registered as a contaminated site and the past and present land uses are not considered constraints to development;
- Surrounding land use does not pose a constraint to the proposed urban development;
- The geology and soils on the site do not pose a risk to development. Acid Sulphate Soils in the central section may need to be investigated when the extent of earthworks and servicing are known;
- The Urban zoned portion of the site contains some remnant native trees in a parkland cleared setting with no native understorey species;
- The absence of a native understorey means that no Threatened or Priority flora species is likely to occur on the site;
- The remnant trees are mostly Marri, with some Tuart and Jarrah. The vegetation in the Urban portion is rated as being in Completely Degraded condition;
- The vegetation does not meet the definition of any Threatened or Priority Ecological Communities;
- The native trees on the site provide 0.615ha of potential foraging habitat for Black Cockatoos although no evidence of foraging on site was observed. The site contains 20 Marri, Jarrah and Tuart trees that meet the definition of breeding habitat. No actual breeding occurs on the site as none of the trees has any hollows large enough for Black Cockatoos to breed in;

- The site contains a portion of Wallubuenup Swamp which is a Conservation Category wetland. PGV Environmental consider the boundary of the mapped wetland is reasonably accurate and does not recommend any changes;
- The interface between the wetland and the trees on the higher western portion of the site contains about 30m of chaotic landform with some small high points and some low-lying depressions that are wet in winter/spring;
- The undulating nature of the wetland interface means that in its current form a 50m wetland buffer is recommended between the wetland boundary and the proposed dwellings. The 50m will allow landscaping of the more uniform landform in the western part of the wetland buffer to be usable POS for the public;
- A Wetland Management Plan is recommended to be prepared as a condition of subdivision;
- Stormwater drainage infrastructure is not normally allowed to be located in the buffer of a CCW. Some overflow of larger events may be supported by the agencies; and,
- The site does not contain any Aboriginal Heritage Sites or sites of other heritage.

The Concept Plan prepared for the site (refer **Figure 5**) addresses a number of the elements outlined above, including:

- Maintaining the current Conservation Category Wetland (CCW) wetland boundary;
- Providing a 50m buffer to the CCW boundary;
- Providing additional Public Open Space (POS) outside the 50m buffer (which can then contain both useable space for public activities as well as drainage infrastructure); and,
- A hard-edge road interface to the POS/wetland land uses which will also link to existing development to the south of the site (via an extension of Waterview Drive).

PGV Environmental considers the proposed residential development of the 'Urban' portion of the subject land can be done without any significant impact on environmental matters.

PGV Environmental also recommends a Commonwealth EPBC Act referral to be undertaken in parallel with the scheme amendment process. Given the minor nature of proposed clearing and the lack of breeding hollows on site, the report considers the referral would highly likely not require a full assessment.

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FIGURE 5 – CONCEPT PLAN

## 5. TRANSPORT IMPACT ASSESSMENT

A Transport Impact Assessment (TIA) prepared by Stantec in accordance with the Western Australian Planning Commission (WAPC) *Transport Impact Assessment Guidelines Volume 2* is attached at **Appendix 3**.

The TIA referenced a Concept Plan which was prepared for inclusion in the TIA report at Figure 2-3 in order to provide some high-level commentary on potential traffic movement from the site. The Concept Plan is also attached herewith at **Figure 5**.

The TIA provides the following key conclusions:

- The site is expected to generate 28 trips during the AM peak hour and 38 trips during the PM peak hour. This low-level traffic generation will not have a detrimental impact on the safety or operation of Woodvale Drive or the surrounding road network.
- Analysis of the proposed intersections has been undertaken using SIDRA software and the result of analysis shows that the proposed intersections will operate satisfactorily.
- The site has access to public transport services with bus stops 'Woodvale Dr before Waterview Dr (Stop ID: 18499)', and 'Woodvale Dr after Waterview Dr (Stop ID: 18496)' being serviced by Bus Routes 466 and 467 (Whitfords Station to Joondalup Station). During both the AM and PM peaks the service frequencies vary between 15-30 minutes. Outside of the AM and PM peaks, the bus services run approximately every 30 minutes.

Overall, the TIA concluded that the traffic impacts associated with the proposed Scheme Amendment and future residential subdivision will be minimal on the internal and external transport network.

## 6. BUSHFIRE MANAGEMENT PLAN

A small portion of Lot 36 is within a designated bushfire prone area, triggering the application of *State Planning Policy 3.7: Planning in Bushfire Prone Areas* and appurtenant *Guidelines for Planning in Bushfire Prone Areas*.

A Bushfire Management Plan (BMP) has been prepared by Bushfire Prone Planning for the site and can be found at **Appendix 4**. The Bushfire Management Plan assessed the capacity of the proposed Scheme Amendment and future residential subdivision to implement and maintain the required 'acceptable' solutions or its capacity to satisfy the SPP 3.7 intent through the justified application of additional bushfire protection measures as supportable 'alternative' solutions.

The BMP sets out the following response to the bushfire protection criteria:

- Location

The land subject to the Scheme Amendment is within an area identified as moderate or low bushfire hazard level that will be subject to a BAL classification not higher than BAL-19 (the majority of lots are BAL-12.5) upon future subdivision and the completion of development.

This will be achieved through the application of appropriate building design, bushfire construction requirements and the ongoing maintenance of the Asset Protection Zone (APZ). Any future development will ensure buildings will not be impacted by consequential fire with no combustible materials used, stored or accumulated within the APZ.

- Siting and design

The final definition of APZs will be dealt with at a subsequent development stage (subdivision). Post-development – all remaining vegetation (if any) will be managed and maintained to a low threat state in perpetuity. Appropriate separation around future development may be required to be incorporated into design at future planning stages.

- Vehicular access

Perimeter roads will be implemented as part of the development, providing a suitable interface to the adjacent parkland areas and giving dual access to future lots. These will be further defined at the later Subdivision stage of development.

- Water

Hydrants are located on Woodvale Drive in front of Lot 36 and at 200m intervals along Woodvale Drive. Reticulated water for firefighting can be provided at the subdivision and/or development application stage.

The BMP concludes that the bushfire risk is acceptable and manageable, and therefore bushfire risk will not impede the Scheme Amendment and future development of the site.

## 7. SERVICING

A Servicing Report prepared by Development Engineering Consultants has been prepared to demonstrate that the site can be developed for residential and commercial purposes. A summary of the report is provided below.

### Power

- Sufficient power supply exists in the area to supply the development. A high and low voltage aerial power line is located along the western verge of Woodvale Drive and the abutting urban development along Waterview Drive is serviced by underground power.

### Water Supply

- At present there is a 150mm Water Corporation reticulation water main located along the eastern verge of Woodvale Drive abutting the site and extended to the Woodvale Baptist Church on the northern boundary of the site. A 100mm Water Corporation water main is located in Waterview Drive extending to the south-east corner of the site.
- These are sufficient to supply the subject land and will be linked as part of the development.

### Gas

- ATCO Gas mains are installed in this area, with a 100mm medium pressure main located on the western verge of Woodvale Drive, and also an 80mm main is located in Waterview Drive to the end of the existing roadway at the south-east corner of the site.
- It is expected that reticulated gas services will be extended into this development by ATCO in the normal way, with trenching done by the developer.

Refer **Appendix 5** for complete report.

## 8. CONCLUSION

The rezoning of a portion of Lot 28 (No. 67) and a portion of Lot 36 (No. 95) Woodvale Drive, Woodvale from 'Private Community Purposes' and 'Rural' to 'Residential' with a density coding of R30 under LPS3, is considered appropriate given the existing urban context and local character. This proposed Scheme Amendment also ensures consistency with the 'Urban' zoning under the *Metropolitan Region Scheme*.

The Scheme Amendment provides an opportunity for infill development, and is also consistent with the City's planning framework; including its Local Planning Strategy.

The technical reports included in the Appendices herein also confirm the suitability of the subject land for the rezoning and future development, as proposed.