




Statutory Planning Committee

Notice is hereby given that the next meeting of the Statutory Planning Committee will be held on:

**Tuesday 22 February 2011
10.00 am**

**5th Floor Conference Room, Albert Facey House,
469 Wellington Street, Perth**



**Tony Evans
Secretary**

Please convey apologies to Leah Carr on 9264 7789 or email
leah.carr@planning.wa.gov.au

Statutory Planning Committee

Membership:

Member	Representation	Term of office ends
Mr Gary Prattley	Chairman Section 10(1)(a) Schedule 2 clause 4 (2)(a)	20/4/2013
Cr Corinne MacRae	WAPC Nominee Schedule 2 clause 4 (2)(g)	1/2/2012
Mayor Carol Adams	Local Government nominee Schedule 2 clause 4 (2)(f)	1/2/2012
Mr Ian Holloway	Urban and regional planning representative Schedule 2 clause 4 (2)(e)	1/2/2012
Ms Elizabeth Taylor	Community representative Schedule 2 clause 4 (2) (d)	1/2/2012
Mr Bruce MacDonnell	Department of Planning nominee Schedule 2 clause 4 (2)(b)	Ex-officio
Vacant	Regional Minister nominee Schedule 2 clause 4 (2)(c)	

Quorum: 4

Role:

Schedule 2(4)(4)

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the statutory planning functions of the Commission under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

“**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

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Agenda

ordinary meeting

held on Tuesday, 22 February 2011

1 Declaration of Opening

2 Apologies

3 Members on Leave of Absence and Applications for Leave of Absence

4 Disclosure of Interests

5 Declaration of Due Consideration

6 Deputations and Presentations

6.1 Adoption of Byford Main Precinct - "the Glades" Local Structure Plan

Presenters: Mr Terrance Goff (Landowner - Orton Rd, Byford)
Mr Brad Gleeson (Director, Development Services at Shire of
Serpentine Jarrahdale)
Ms Samantha Thompson (Director, Taylor Burrell Barnett)

7 Announcements by the Chairperson of the Board and Communication from the WAPC

8 Confirmation of Minutes

8.1 Minutes of the Statutory Planning Committee meeting held on 8 February 2011

9 Reports

C – Subdivisions / Amalgamations

9.1 Proposed subdivision - Lots 31 and 325 Rupert Street, Subiaco
File 143020/1

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- 9.2 Adoption of Byford Main Precinct "The Glades" Local Structure Plan**
File: SPN/0112/1

D – General Items / Other Matters

- 9.3 Plantagenet Local Planning Strategy**
File DPI/09/02159/2

E – Minor Local Planning Schemes / Local Planning Scheme Amendments

- 9.4 Reconsideration of the Shire of Dandaragan Local Planning Strategy for Rural Land Use and Rural Settlement - Consent to Advertise**
File DP/09/00623/1

- 9.5 Shire of Wyndham East Kimberley Local Planning Strategy - Consent to Advertise**
File DP/10/00078/1

G – Developments / Subdivisional / Strata items

- 9.6 Development application for warehouse extension on Lot 32 Beard Street, Naval Base, Kwinana**
File 26/50064/5/1

10 Confidential Items

C – Subdivisions / Amalgamations (Officers i/n attendance)

- 10.1 Realignment of Garden Street (from Southern River Road to East of Passmore Street) - Design Concept and Proposed Other Regional Road Reservation Plans**
File 402/02/01/0225PV

- 10.2 Southern River Road Proposed Other Regional Road Reservation in the Metropolitan Region Scheme – Section from Ranford Road to Corfield Street - Design Concept and Road Reservation Plans**
File 402/02/01/0226PV

E – Minor Local Planning Schemes / Local Planning Scheme Amendments

- 10.3 City of Albany Town Planning Scheme No.3 Amendment No.287 - submitted for final approval**
File TPS/0204

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- 10.4 Shire of Plantagenet Local Planning Scheme No.3 Amendment No.52 - Consent to Advertise**
File TPS/0296

G – Developments / Subdivisional / Strata items

- 10.5 Shire of Murray - Nambeelup North Dandalup Local Rural Strategy - request for endorsement**
File 801/6/15/3PV (DP/09/00098/3)

11 General Business

12 Items for Consideration at a Future Meeting

Item No	Report	Request	Due
7394/10	Briefing on Directions 2031 and growth management strategies	The Planning Director Directions 2031 will brief the Committee meeting in March 2011.	8/3/11

13 Closure

The next ordinary meeting is scheduled for 10.00am on 8 March 2011

Statutory Planning Committee

Minutes

of ordinary meeting
Tuesday, 8 February 2011

Attendance

Members

Mr Gary Prattley (Presiding Member)
Mayor Carol Adams
Mr Ian Holloway
Mr Bruce Macdonnell
Cr Corinne MacRae
Ms Elizabeth Taylor

Officers	Position Title	Item No
Ms Kylie Beach	Senior Planning Officer	Item 10.2
Mr Ryan De Casale	Planner	Items 9.1 and 10.1
Mr Shau Chong	Planning Manager Metropolitan Planning North East	Item 9.4
Mr Ian Douglass	Senior Planning Officer	Item 10.3
Mr Jason Gordon	Senior Planning Officer	Item 10.4
Mr Mat Selby	Director, Metropolitan Planning Central	Items 9.4, 9.5 and 9.6
Mr Wayne Zimmerman	Planning Manager, Metropolitan Planning North East	Item 9.3

Observers

Ms Leah Carr Committee Support Officer

Committee Support

Simon Wood Committee Secretary

1 Declaration of Opening

The Presiding Member declared the meeting open at 10.02 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

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2 Apologies

Nil.

3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

4 Disclosure of Interests

Nil.

5 Declaration of Due Consideration

Nil.

6 Deputations and Presentations

Nil.

7 Announcements by the Chairperson without Discussion

Nil.

8 Confirmation of Minutes

8.1 Minutes of the Statutory Planning Committee meeting held on 25 January 2011

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on 25 January 2011 be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

9 Reports

B – Local Planning Schemes / Amendments (Officers in attendance)

9.1 Town of Claremont Local Planning Strategy - request for final endorsement

File TPS/0284/1

Resolved

Moved by Ms Taylor, seconded by Mr Macdonnell

That the Western Australian Planning Commission resolves to:

1. *certify the Local Planning Strategy for final endorsement subject to the following modifications to point E2 of the 'Enjoying' section of the implementation table;*

Position Statement

Context

Tools

E2 *The Town supports the protection and enhancement of the area's network of open spaces, including Lake Claremont, Swan River foreshore, parks, recreation grounds, playing fields, and children's play areas and other amenities.*

Directions 2031 – Green network

- *WESROC - Greening Strategy*
- *Implementation Plan*
- *Town of Claremont – Plan For the Future*
- *Town of Claremont - Lake Claremont Policy*

- *Scheme clause*
- *policy*

- *Retain local reserves for open space in the scheme and provide for continual improvement in their management;*
- *Any proposed development within the Swan River Trust's Riverpark and Development Control Area will be undertaken in collaboration with the Trust **"to ensure the protection and enhancement of the Riverpark and foreshore regarding the following issues:***
 - *the use of best practice water sensitive design initiatives for development;*
 - *the rehabilitation and conservation of the foreshore land within the Freshwater Bay reserve;*
 - *improving public access along the foreshore and resolving complex land administration issues relating to the private ownership of reserved Parks and Recreation*

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- foreshore land within the Freshwater Bay area;*
 - o conserving important river view-scapes;*
 - o that indigenous heritage issues relating to the Swan River and the Council be addressed; and*
 - o that climate change, specifically sea level rise and the potential impact upon the foreshore and existing infrastructure are addressed”;*
2. *advise the Council that the new Local Planning Scheme should demonstrate how the objectives and recommendations of the Strategy, particularly those relating to provision for increased and more diverse residential accommodation in the vicinity of major road and rail transport routes will be implemented.*

The motion was put and carried.

C – Subdivisions / Amalgamations (Officers in attendance)

9.2 Proposed subdivision of Lot 100 Wood Street, Chadwick File 143243

Resolved

Moved by Mayor Adams, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the proposed subdivision of Lot 100 Woods Street, Esperance, subject to the following conditions and advice:

CONDITIONS

1. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)*
2. *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal systems(s). (Local Government)*
3. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Local Government)*

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4. *Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*
5. *The land being filled and/or drained. (Local Government)*

ADVICE

1. *With regard to Condition 1 Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.*
2. *Approval for any on-site effluent disposal system(s) is required to be issued by the relevant authority prior to implementation. Generally, such system(s) are required to maintain a 2 metre vertical separation between the base of the system and the highest known ground water level or impermeable layer of bedrock, and a 100 metre horizontal separation from the nearest water body. Written confirmation of compliance with this condition should be obtained from the Local government on the advice of the Health Department.*
3. *Approval from the local government may be needed prior to the construction of vehicle crossovers.*
4. *The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.*
5. *The applicant is advised that pursuant to the Western Australian Planning Commission's Development Control Policy 4.1- Industrial Subdivision, development should be restricted to 'dry' industry in the absence of reticulated sewerage.*

The motion was put and carried.

9.3 Endorsement of West Swan East District Structure Plan
File SPN/0254

Resolved

Moved by Ms Taylor, seconded by Mayor Adams

That the Western Australian Planning Commission resolves to:

1. *endorse the West Swan East District Structure Plan (ODP 159) for the West Swan East locality as a basis for further detailed planning and a guide for the assessment of local structure plans, subject to the following modifications:*
 - 1.1 *modify Section 4.4 of the DSP report and the DSP to reflect the WAPC's resolution dated 12 January 2011, which reduces the mushroom farm buffer to 500m, with no change to the requirement for notifications on title for residential lots between 500-1000m, and to including the WAPC's requirements for further studies to be undertaken before it would consider any further reduction to the mushroom buffer;*
 - 1.2 *recognising that the LWMS has been completed for the DSP area and can be used to identify restricted and unrestricted open space associated with drainage, modify Table 4 - 'Public Open Space Size and Function' to incorporate Liveable Neighbourhoods Element 4 Table 11 and element R33 in order to more accurately inform the public open space tables to be prepared for Local Structure Plans;*
 - 1.3 *modify the DSP report as Table 4 - Public Open Space Size and Function (Page 24) and the table included in Figure 9 - Public Open Space Strategy refer to 15 public open space areas whereas Figure 8 - District Structure Plan and Figure 9 show 14 public open space areas;*
 - 1.4 *the public open space (POS) depicted adjacent to Reid Highway is not central to a walkable catchment and that although it is acknowledged that it is intended that some of this POS will serve a dual drainage function (and will also act*

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as a buffer to Reid Highway), the possibility of some of this POS being more centrally located to a walkable catchment is to be examined through the preparation of the local structure plans. The POS notation on the DSP is to be modified to recognise this;

1.5 modify the DSP report, including Appendix 3, to include the cross-section of Marshall Road depicting a central median and including the location of the high pressure gas pipeline and identifying the requirement to consider local access to this road further during the preparation of local structure plans. This will in part reflect the outcomes of the early land release subdivision application (WAPC Ref 141761);

1.6 It is noted that in section 3.10.4 of the Structure Plan report reference is made to District Distributor road classifications and this should be clarified and/or corrected to reflect the road hierarchy classifications in the Transport Impact Statement;

2. advise the City of Swan of its decision accordingly.

The motion was put and carried.

9.4 Lots 1, 11, 71 and 73 North Beach Road, Gwelup - application to endorse deposited plans - Stage 1

File 140665

Resolved

Moved by Ms Taylor, seconded by Cr MacRae

That the Western Australian Planning Commission resolves to:

- 1. endorse deposited plans 67646 and 67669;*
- 2. advise the City of Stirling, Department of Environment and Conservation (DEC) and the applicant as follows:*

The WAPC acknowledges advice from DEC that the proposed road reserves are suitable for this purpose subject to implementation of an

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appropriate On-going Site Management Plan (OSMP), the City of Stirling's responsibility in relation to care and management of the road reserves, and the expectation for the proponent to undertake adequate consultation with DEC and the City of Stirling in the course of preparing an OSMP. In this regard, it is expected that the parties will exercise due cooperation to finalise an appropriate OSMP.

The motion was put and carried.

G – Developments / Subdivisional / Strata items

9.5 Proposed development application for signage - Lot 12732 Roberts Road, Subiaco

File 12/277/30

It was noted that copies of the applicant's report to the City of Subiaco, the applicant's supplementary information, as well as the council's recommendation and report had been emailed to Statutory Planning Committee members.

Resolved

Moved by Mr Holloway, seconded by Mr Macdonnell

That the Western Australian Planning Commission resolves to approve the application for signage on Lot 12732 (No. 306-324) Roberts Road, Subiaco, subject to the following condition and advice:

CONDITION

- 1. This approval relates to the signage application package (rev 2) date-stamped 11 November 2010 and site plan, date-stamped 20 January 2011 by the Department of Planning, on behalf of the Western Australian Planning Commission, as attached.*

ADVICE

- 1. The applicant is advised that approval to this development may not negate the need to obtain a building/sign licence from the Local Government prior to the construction of works.*

The motion was put and carried.

**9.6 Request to grant consent to advertise the Old Swanbourne Hospital
Outline Development Plan, Lot 12040 Heritage Lane, Mt Claremont**
File DPI/09/02220/2

The Director Planning Metropolitan Central tabled a new plan dated 27 January 2011 (attachment 6) which replaced the plan dated 18 January 2011 (attachment 6).

Resolved

Moved by Ms Taylor, seconded by Mayor Adams

That the Western Australian Planning Commission resolves to:

1. *support advertising of the proposed Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, pursuant to Clause 3.8.5 of the City of Nedlands Town Planning Scheme No.2, subject to:*
 - 1.1 *the attached Schedule of Modifications; and*
 - 1.2 *the plan at Attachment 2, incorporating the annotations required of Modification 17 of the Schedule of Modifications, being adopted as the ODP Plan;*
2. *advise the City of Nedlands and proponent accordingly.*

The motion was put and carried.

H – Subdivisional / Survey Strata Items

9.7 Proposed subdivision of South Coast Highway, Nornalup
File 141722

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to:

1. *approve the proposed subdivision of Lots 18 and 26 South Coast Highway, Nornalup subject to the following conditions and advice:*

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CONDITIONS

1. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)*
2. *The 'Right of Way' shown on the approved plan being shown on the Deposited Plan as an easement in favour of "Lot 2" for the purposes of access. (WAPC)*
3. *The area subject to the access easement required under Condition 2 of this approval being constructed to a rural standard in accordance with Council's standard specifications. (Local Government)*

ADVICE

1. *In relation to Condition 1, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
2. *Also in relation to Condition 1, if an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*
3. *Main Roads WA (MRWA) have advised that no additional stormwater may enter the Main Roads drainage system from the proposed lots. MRWA also advise that existing access points from the land onto its road network (South Coast Highway) are unsafe due to road alignment and geometry. MRWA therefore prefer that access to both lots is via the existing rights of carriageway from McPherson Drive. Any proposal to change, upgrade or provide new or additional access points from the land onto South Coast Highway will require the prior approval of MRWA.*

2. *request that the Department of Planning's Infrastructure Planning & Coordination branch pursue discussions with Western Power in relation to the requirements for underground power and the provision of cost estimates.*

The motion was put and carried.

9.8 Reconsideration of proposed subdivision of Lot 73, Stone Street, Chidlow

File 141434

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to:

1. *modify Condition 6 of WAPC approval 141434 as follows:*

"A cul-de-sac head or other suitable vehicular turnaround facility being provided at the portion of Stone Street adjacent to the eastern boundary of proposed Lot 4 to the satisfaction of the local government. The cul-de-sac head or other suitable vehicular turnaround facility is to be designed and constructed at the applicant / owners cost and to the specification of the local government, including any requirements for fire access to other land in the adjoining locality; (Local Government) "

2. *modify the related Advice Note 4 as follows:*

"In regard to Condition 6, the applicant is advised to liaise with the Shire of Mundaring regarding the possibility of a temporary turnaround facility being provided as a satisfactory interim measure until the subdivision of the adjoining land to the east (Lot 315 Lilydale Road) occurs, resulting in the extension of Stone Street to its junction with Lilydale Road and removing the need for a cul de sac to be constructed;."

3. *delete Condition 10 and Advice Note 8 of WAPC approval 141434;*
4. *delete Condition 11 of WAPC approval 141434;*

5. *agree all other terms and conditions to remain as per the Commission's original decision dated 13 July 2010.*

The motion was put and carried.

9.9 Proposed subdivision of Lot 1 Gilba Plan, Maida Vale
File 143049

Resolved:

Moved by Ms Taylor, seconded by Mayor Adams

That the Western Australian Planning Commission resolves to approve subdivision application 143049 for Lot 1 Gilba Place, Maida Vale, subject to the following conditions:

CONDITIONS

1. *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)*
2. *All septic sewer systems including all tanks and pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be decommissioned, removed, filled with clean sand and compacted. (Local Government)*
3. *The battleaxe access way(s) being constructed and drained at the applicant/owner's cost to the specifications of the local government. (Local Government)*
4. *Stormwater being contained on-site, or connected to the local drainage system, after passing through an appropriate water quality improvement treatment device. (Local Government)*

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5. *Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*
6. *The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works. (Local Government)*
7. *The cul-de-sac heads being designed and constructed to the satisfaction of the local government. (Local Government)*
8. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)*
9. *Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)*
10. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*
11. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)*
12. *The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
13. *With regard to Condition 12 the specific location and area of land required is to be to the satisfaction of the WAPC on the advice of the local government and Western Power.*

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ADVICE

1. *The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.*
2. *Existing on-site effluent disposal system(s) are to be decommissioned in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974. A pump-out receipt from a licensed liquid waste contractor is to be provided to the local government as proof of decommissioning.*
3. *Approval from the local government may be needed prior to the construction of vehicle crossovers.*
4. *If there has been any land-fill, including back-filling, the geotechnical report is to include confirmation that the land has been sufficiently compacted.*
5. *With regard to Condition 7, the detailed plan is to address all relevant matters, including paving, manoeuvring spaces, lighting, fencing, planting and crossover location.*
6. *The applicant shall comply with the Environmental Protection Amendment Regulations (No. 2) 2000, whereby vegetation to be removed shall not be burnt on the site.*
7. *The applicant is advised that the Department of Environment has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for development sites. Further information on the guidelines can be obtained from the Department of Environment.*
8. *Clearing of native vegetation is prohibited, unless clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation, or is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of native vegetation Regulations).*

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9. *FESA advises that there is a Fire Hydrant on the boundary of the existing lot and that this must be maintained in a serviceable condition and kept clear for the use of fire services, during development of the lot. FESA also advise that the hydrant should remain in a serviceable condition for 12 months after the completion of subdivision. The applicant should contact FESA in this regard.*
10. *In relation to Conditions 8 to 10, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.*
11. *In relation to Condition 11, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
12. *If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*
13. *With regard to Condition 12 the specific location and area of land required is to be to the satisfaction of the WAPC on the advice of the local government and Western Power.*

The motion was put and carried.

10 Confidential Items

B – Local Planning Schemes / Amendments (Officers in attendance)

- 10.1 Town of East Fremantle Town Planning Scheme No.3 Amendment 8 - submitted for final approval**
File TPS/0262/1

THIS ITEM IS CONFIDENTIAL

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10.2 City of Cockburn Town Planning Scheme No.3 - Amendment 78 - submitted for final approval

File TPS/0228/1

THIS ITEM IS CONFIDENTIAL

D – General Items / Other Matters

10.3 Bosnian Islamic Mosque - Lot 21 Benara Road, Caversham - reconsideration

File 21/50328/1

THIS ITEM IS CONFIDENTIAL

10.4 State Administrative Tribunal review: consideration of subdivision to create 27 lots for residential purposes at Lot 2 Wokarena Road, Buller

File 142904

THIS ITEM IS CONFIDENTIAL

11 General Business

Nil.

12 Items for Consideration at a Future Meeting

Meeting Date	Report	Request	Due
7394/10 28 Sep 2010	Briefing on Directions 2031	Planning Director - Directions 2031 to brief members at the meeting scheduled for 8 March 2011	8/3/11

13 Closure

The next ordinary meeting is scheduled for 10.00am on Tuesday, 22 February 2011.

There being no further business before the Board, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.08 am.

CHAIRMAN _____

DATE _____



ITEM NO: 9.1

PROPOSED SUBDIVISION - LOTS 31 AND 325 (75) RUPERT STREET, SUBIACO

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer, Metropolitan Central
AUTHORISING OFFICER:	Director, Metropolitan Central
AGENDA PART:	C
FILE NO:	143020
DATE:	1 February 2010
ATTACHMENT(S):	1. Proposed Subdivision 2. Map of Area 3. Indicative Development Plans 4. Photos
REGION SCHEME ZONING:	MRS - Urban
LOCAL GOVERNMENT AREA:	City of Subiaco
LOCAL SCHEME ZONING:	Residential R20
RECEIPT DATE:	14 October 2010
PROCESS DAYS:	36
APPLICATION TYPE:	Subdivision
DESCRIPTION OF PROPOSAL:	Amalgamation and subdivision to create two uniform lots of 221m ²

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the amalgamation and proposed subdivision of Lots 31 and 325 (75) Rupert Street, Subiaco subject to the following conditions and advice notes:

CONDITIONS

- 1. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)***
 - 2. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)***
-

3. ***Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)***
4. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)***
5. ***All buildings, outbuildings and/or structures being demolished and materials removed from the proposed Lots 1 and 2 as shown on submitted plans date stamped 14 October 2010. (Local Government)***
6. ***The land being graded and stabilised. (Local Government)***

ADVICE

1. ***The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.***
 2. ***With regard to Conditions 1 and 2, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.***
 3. ***Upon receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.***
 4. ***With regard to Condition 4, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.***
 5. ***If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.***
 6. ***In respect of Condition 5, if any portion of the existing building is to be demolished to facilitate the proposed subdivision, a Planning Approval and/or Demolition Licence is to be obtained from the local government prior to the commencement of demolition works.***
-

- 7. The City of Subiaco has advised that:**
- 7.1 with respect of Condition 5, pending to and subsequent to, any demolition of existing improvements on the site, the site is to be kept secure and maintained to a reasonable standard.**
- 7.2 prior to the commencement of demolition, two copies of archival records are to be provided to the City and are to consist of:**
- 7.2.1 a site plan prepared at a scale of 1:200 showing the location of all structures on the lot which are to be demolished,**
- 7.2.2 photographs of all four elevations of the building, its interior and any special architectural features. These photographs are to appropriately labelled.**
- 7.2.3 available historical information on the building.**

SUMMARY:

This item is presented to the Statutory Planning Committee for determination as Officers do not have the delegation to approve the subject proposal, which seeks an R20 lot size variation beyond that envisaged by WAPC Policy and the Residential Planning Codes.

The subject application if approved will create two uniform lots that are not that dissimilar to the prevailing lot size in the locality and as shown by submitted development plans, these lots will be able to support development that will complement and have respect to the streetscape in terms of setback, access, scale and respect of heritage values.

The approval of the application will also rectify an historical anomaly which has resulted in the creation of an undersized lot and will result in two uniform lots being created and will accord with objectives and intent of the City of Subiaco Town Planning Scheme No. 4.

The current delegation provides the Planning Director and Planning Manager Metropolitan Central power to determine all applications to the WAPC under Part 10 of the Act where such determination is in accordance with predetermined policies (if any) of the WAPC.

INTRODUCTION

The Commission has received an application that proposes the amalgamation of two lots of 121m² and 321m² and re-subdivision to create two uniform residential lots of

221m² (**Attachment 1**). The existing dwelling that straddles both lots and all outbuildings are to be demolished as part of the subject application.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and Residential (R20) under the City of Subiaco Town Planning Scheme No 4 (TPS 4) (**Attachment 2**).

CONSULTATION

The City of Subiaco has recommended that the subject application be refused given that:

- a) The proposal is not consistent with Clause 41(1) or 41(2)(b), (c) and (f) of TPS4 as the proposed subdivision will be detrimental to the amenity of the neighbourhood, will result in disproportionate and excessive development and will not preserve the character of the existing housing stock,
- b) The proposed subdivision does not satisfy Performance Criteria 6.1.1 or 6.1.3 of the Residential Design Codes relating to minimum site area and lot frontage width,
- c) The proposal does not satisfy Clauses 6.1 and 6.3 of the City of Subiaco subdivision policy relating to lot frontage width and the creation of undersized lots.

The City of Subiaco has also advised that if the subject application is approved, standard conditions are to be applied to the proposal relating to demolition, ground stabilisation and request that the applicant provide historical information regarding the existing dwelling to the City.

The Water Corporation and Western Power have recommended standard servicing conditions be applied to the proposal.

The subject application was deferred to allow the applicant and the City of Subiaco to determine if a suitable development form could be established on the proposed lots. Indicative development plans were subsequently submitted to the City of Subiaco and the WAPC which show that the proposed lots are capable of being developed to an R20 standard (**Attachment 3**).

COMMENTS

Policy Context

The proposal does not comply with the minimum (440m² required, 221m² provided) nor the average (500m² required, 221m² provided) site area per dwelling as required by the R Codes for land zoned R20.

Under the provisions of Clause 6.1.3 of the Residential Design Codes (R-Codes), the WAPC may approve a 5% variation to the minimum and average lot sizes subject to

the adherence of performance criteria. The proposal exceeds this variation limit in the first instance as it proposes a 49% variation to the minimum lot size and a 55% variation to the average lot size for land coded R20.

The proposal also does not comply with the minimum frontage requirement (10m required, 6.7m achieved) of the R20 coding as specified in Column 6 of Table 1 of the R-Codes. A variation of 33% would be required to achieve the minimum R-Codes frontage requirement. WAPC Policy DC 2.2 - '*Residential Subdivision*' makes no allowance for a variation to the minimum frontage requirements specified in the R-Codes.

Planning Comment

The proposal seeks to realign the existing internal boundary between Lots 31 and 325 in order to achieve two equal sized residential lots of 221m² with frontages of 6.72m to Rupert Street. Lot 325 presently is not sufficient in width (i.e. 3.6m) and size (121m²) to enable the development of a single residential dwelling to an R20 standard.

Examination of the Rupert Street streetscape reveals (**Attachment 4**) that it is characterised by narrow lot frontages and small lots (typically 10m and 330m² respectively), reduced front setbacks, minimal crossovers and a predominance of single storey post war brick and tile dwellings with vehicular access gained mainly from rear dedicated roads. The lot sizes and the built form outcomes along Rupert Street therefore generally do not accord with the R20 provisions of the Residential Planning Codes.

The indicative development plans submitted by the applicant show that two, two storey single dwellings on the proposed lots which maintain the height and scale and general appearance of the adjoining properties. The plans also show that access to both lots will be provided from a rear dedicated road. The effect of the proposed development on the Rupert Street streetscape is therefore likely to be minimal.

The proposed application accords with the general intent of the City of Subiaco TPS4 and Council's subdivision policy given that it will allow the subject lots to be developed with respect to the amenity, density, access, scale and existing housing stock of the neighbourhood.

The proposal if approved will allow the development of additional infill development to be realised in the City of Subiaco which will contribute to the draft dwelling targets to the year 2031 as outlined in WAPC's draft central metropolitan Perth subregional strategy.

It is noted that the City of Subiaco is in the early stages of preparing its new Local Planning Strategy, which will include an update of the Subiaco Central Development Plan, 2006. This will result in a review of densities and mixed-use land development options for land in close proximity (such as the subject land) to the commercial development on Rokeby Road.

CONCLUSION

It is noted that the statutory framework and the delegation notice do not provide the controls for Officers to deal with the subject application, which seeks an R20 lot size variation beyond that envisaged by WAPC Policy and the Residential Planning Codes.

The subject application if approved will not create additional lots, but rather create two uniform lots that are not that dissimilar to the prevailing lot size in the locality.

The proposal generally accords with the intent and objectives of the City of Subiaco TPS4 and will not compromise the amenity of the residential neighbourhood surrounding the subject land in terms of effect on the streetscape, density, existing housing stock or access. The proposal if approved will rectify an historical anomaly which resulted in the creation of an undersized lot and will also allow the realisation of additional infill development with the central sub-region, which is in keeping with the aspirations of the draft central metropolitan Perth sub-regional strategy.

The Planning and Development Act, 2005 Clause 138 (3) (c) allows the WAPC to approve the proposal given that the conflict is minor in nature and generally accords with intent of the City of Subiaco TPS 4.





- Strata Titles - SSS
- Development Applications
- APPROVED
- DEFERRED
- APPROVED
- DEFERRED
- URBAN
- TPS - Scheme Boundaries
- Cadastral with Lot Numbers
- CIVIC AND CULTURAL PRECINCT
- ROKEBY ROAD SOUTH PRECINCT
- THE TRIANGLE PRECINCT
- WEST SUBIACO PRECINCT
- TPS Additional Use
- TPS - Scheme Boundaries
- TPS - R Code Boundaries
- COMMERCIAL/RESIDENTIAL
- RESIDENTIAL

Scale 1:1,349



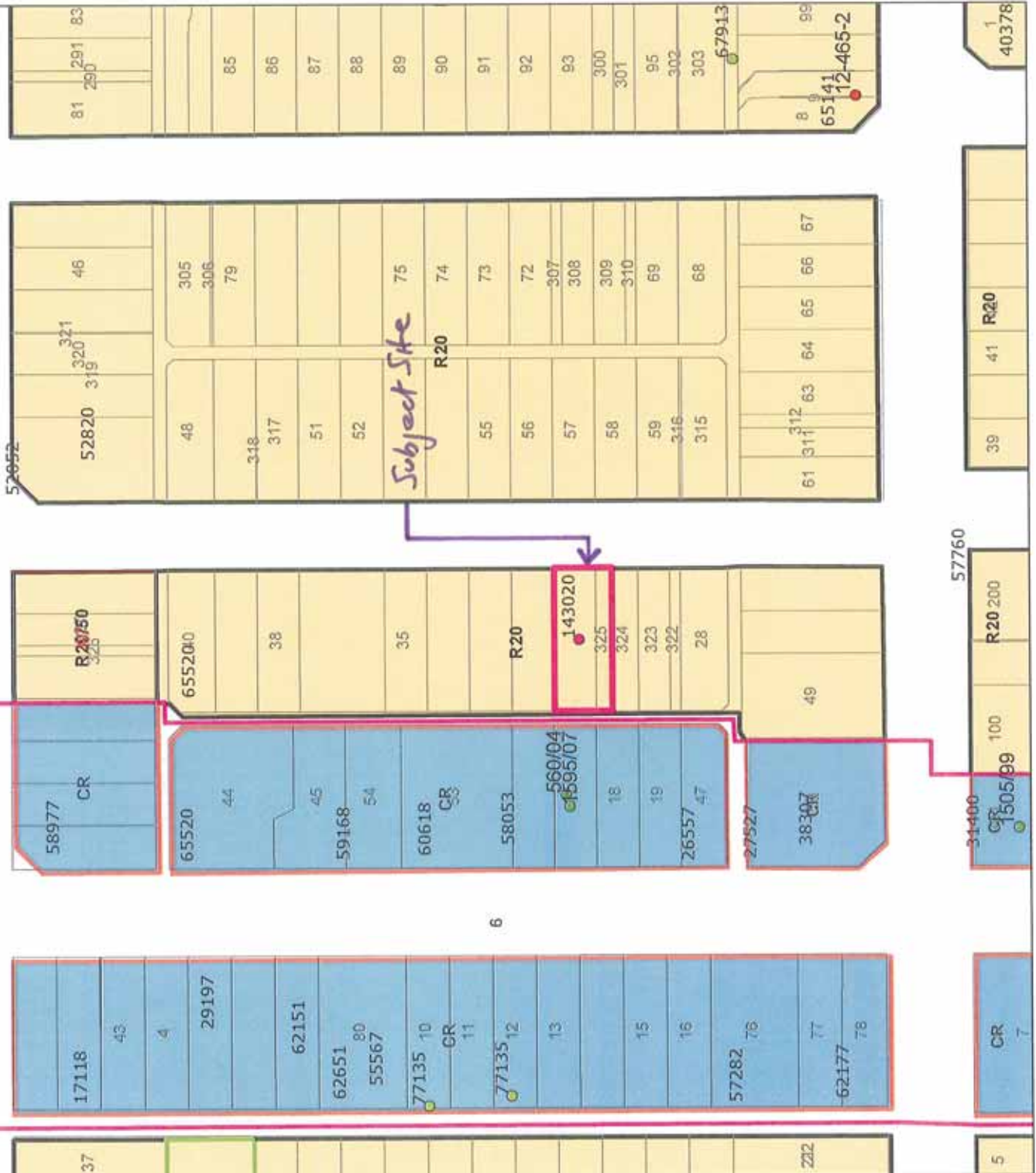
Prepared by: drayfor

Prepared for:

Date: Wednesday, February 09, 2011 13:18

Plot identifier: P20110209_1318

DP INTERNAL USE ONLY



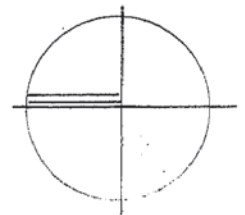
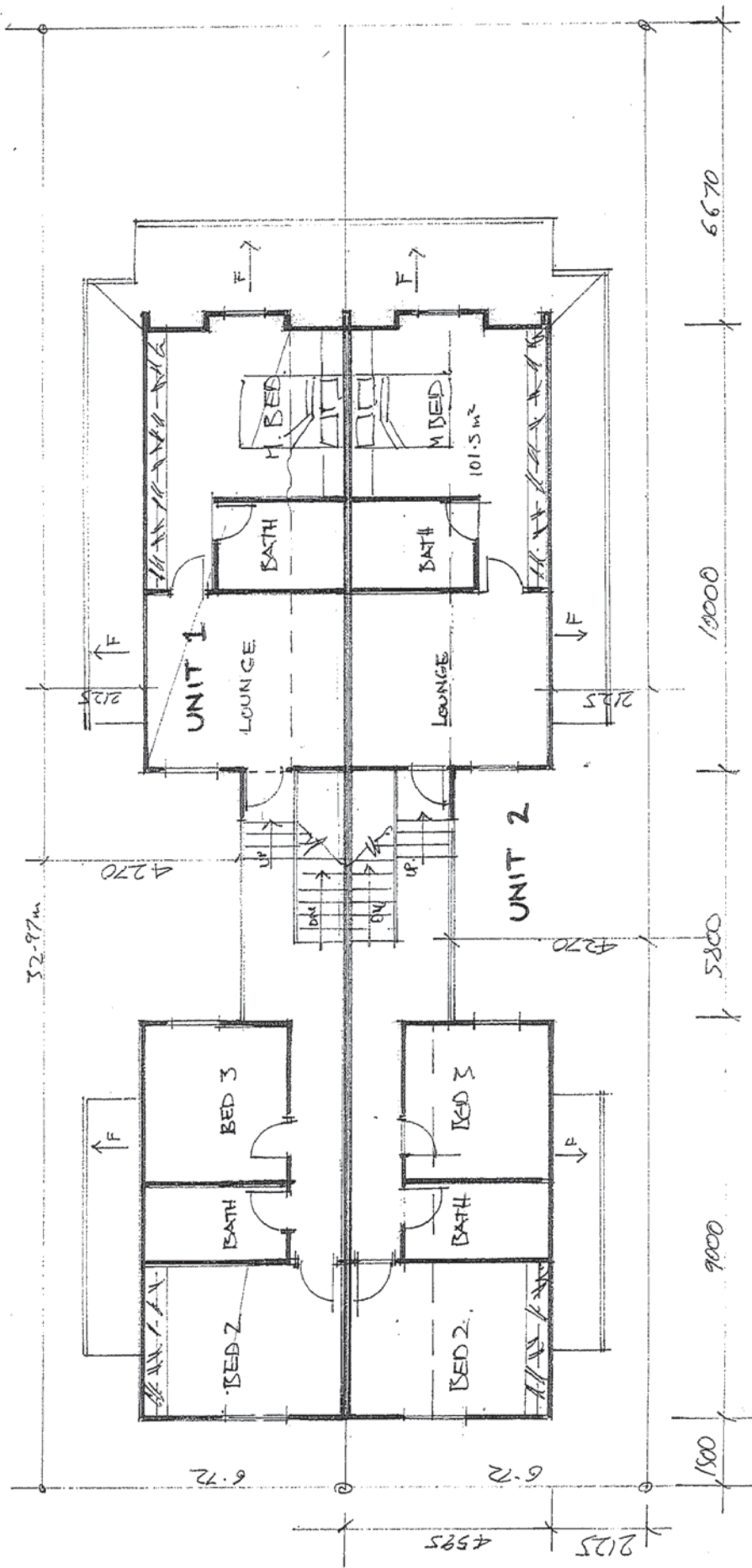


442-8_W

Proposed Residential Design for 75 Rupert Street Subiaco

JOHN KESTELARRETT PTY LTD
125 Brown St
East Perth

125 Brown St
EAST PERTH
WA 6004
Ph: (08) 9221 3288
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Mob: 0414 470 666
johnkestelearchitect@inet.net.au



Upper Floor Plan scale 1:100

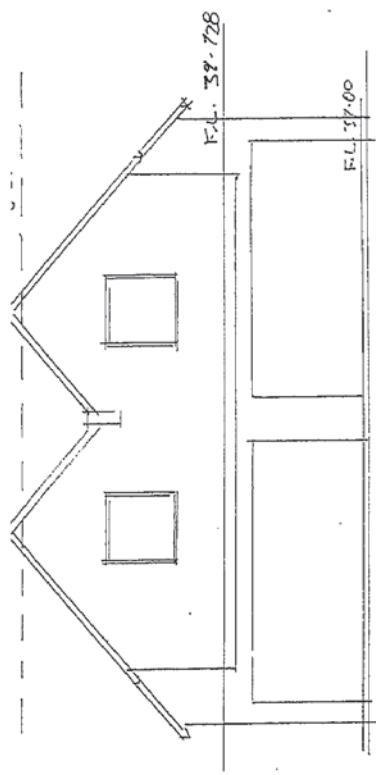
JOHN KESTEL ARCHITECT
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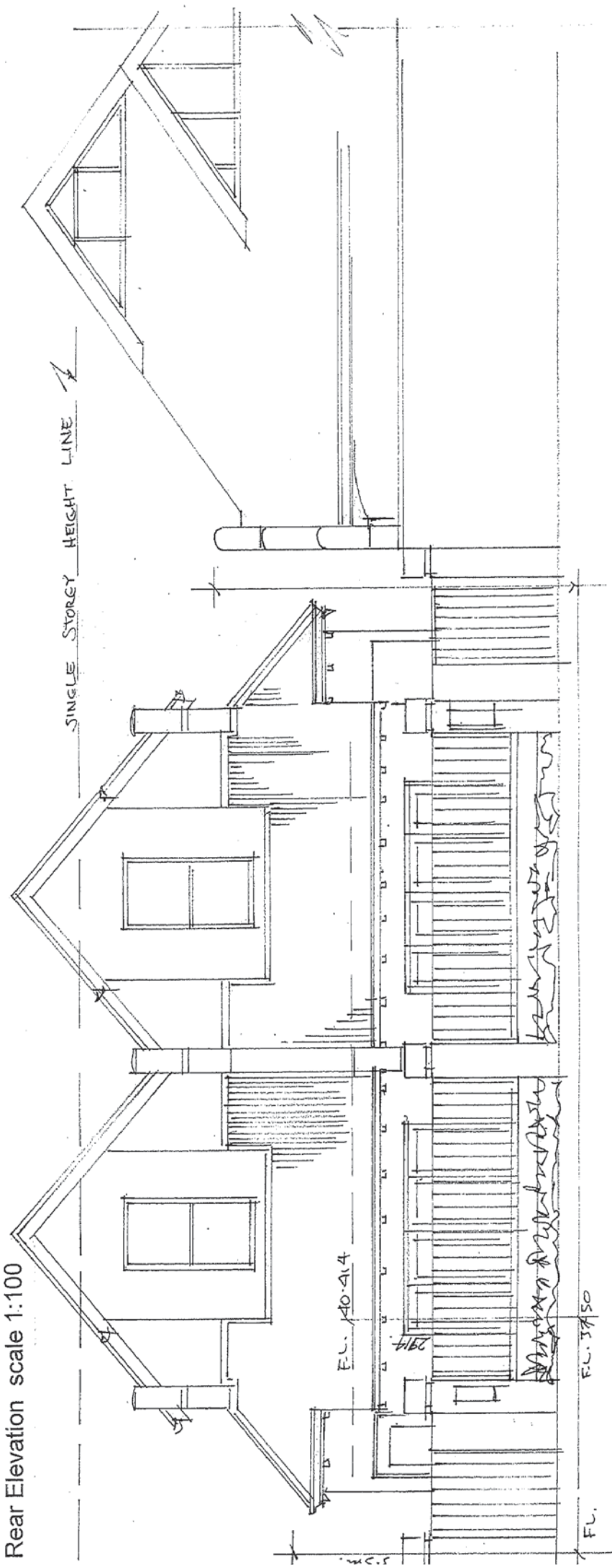
Proposed Residential Design for
75 Rupert Street Subiaco

**Proposed Residential Design for
75 Rupert Street Subiaco**

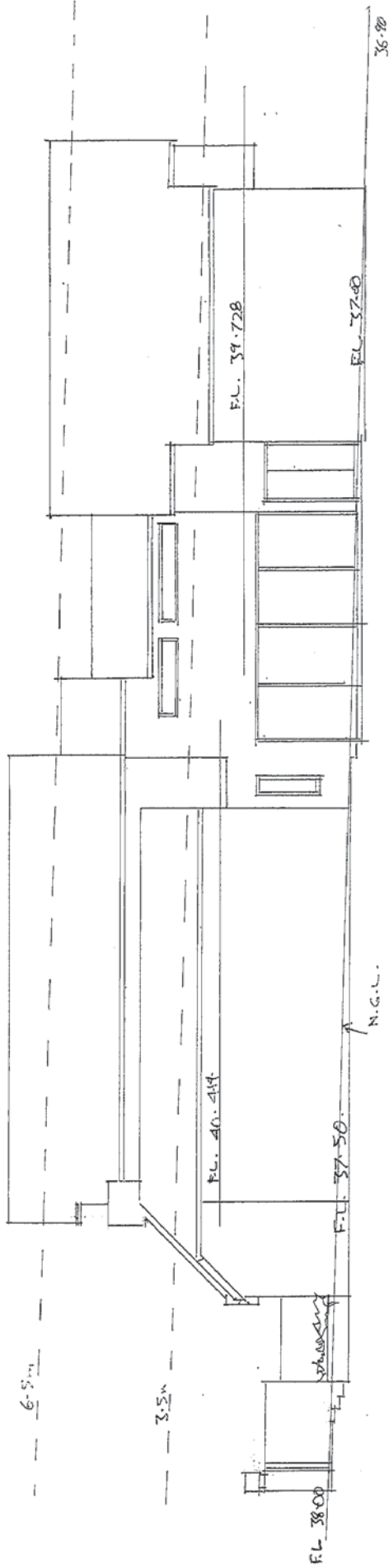
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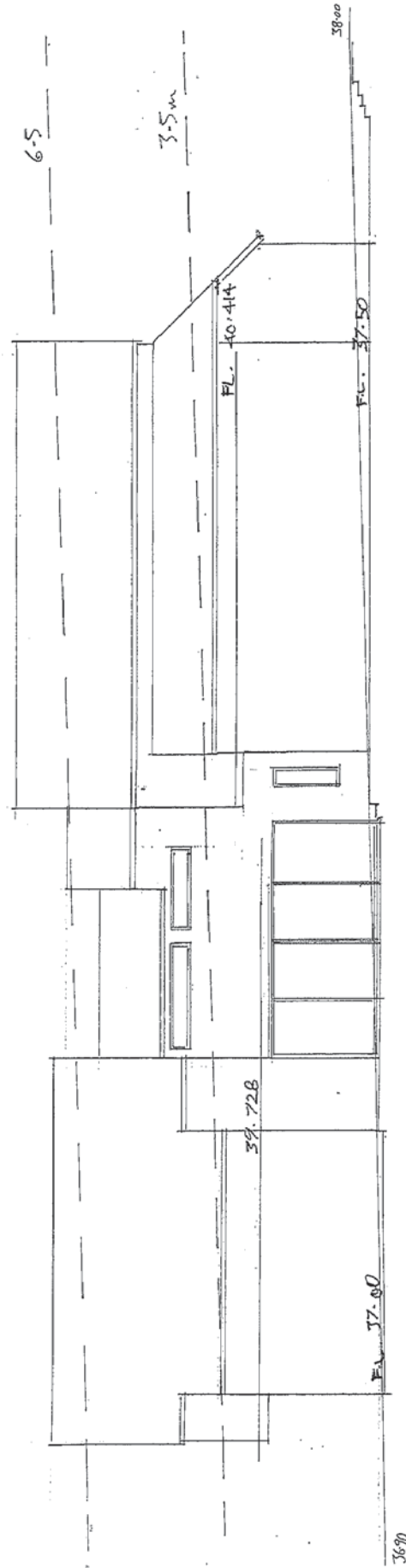
Rear Elevation scale 1:100



Proposed Street Elevation scale 1:50



North Elevation scale 1:100



South Elevation scale 1:100

JOHN KESTEL ARCHITECT
PTY. LTD.

Proposed Residential Design for
75 Rupert Street Subiaco

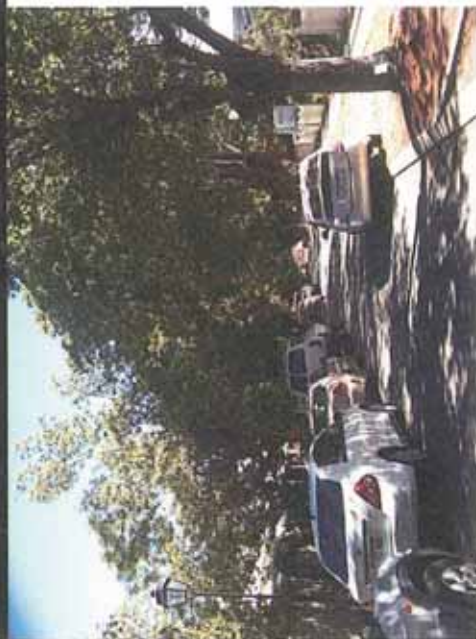
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johnkestelarchitect@inet.net.au



Streetscape



Subject Site



Streetscape



Typical housing stock



Two storey development in street



Adjoining Lot



ITEM NO: 9.2

ADOPTION OF BYFORD MAIN PRECINCT 'THE GLADES' LOCAL STRUCTURE PLAN

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Metropolitan South-East
AUTHORISING OFFICER:	Director Metropolitan South-East
AGENDA PART:	C
FILE NO:	SPN/0164/1
DATE:	10 February 2011
ATTACHMENT(S):	Attachment 1 – Location Plan (MRS) Attachment 2 – Byford Structure Plan (District Plan) Attachment 3 – Schedule of Modifications Attachment 4 – Draft Structure Plan October 2010 (for Adoption by WAPC)
LOCAL GOVERNMENT:	Shire of Serpentine Jarrahdale
LOCAL GOVERNMENT ZONING:	'Urban Development'
LOCAL GOVERNMENT DECISION:	Approval subject to modifications
REGION SCHEME ZONING:	'Urban', 'Urban Deferred', 'Primary Regional Road', 'Railways' and 'Parks and Recreation'
REGION DESCRIPTOR:	Metropolitan South-East

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. approve the Byford Main Precinct 'The Glades' Local Structure Plan and Local Structure Plan Map dated 15 October 2010 in accordance with Clause 5.18.3.10 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.***
- 2. approve the minor amendment to the Byford District Structure Plan to remove the notation over the land south of Orton Road to Cardup Brook being 'land subject to further study - planning to be finalised subject to resolution of alignment of Orton Road'***

SUMMARY:

The key points relating to this report are as follows:

- The Byford Main Precinct 'The Glades' Local Structure Plan (LSP) covers a major land holding owned by LWP Property Group Pty Ltd located on Abernethy Road, Byford.
- The LSP is the next level of planning from the Byford District Structure Plan.
- The LSP aims to achieve 3315 single dwellings, a village centre with a variety of retail and commercial uses and major educational facilities such as a primary school and a private primary and high school.
- The subject site is affected by various environmental constraints such as Cardup Brook and several Multiple Use Corridors (MUC's).

BACKGROUND:

The Byford Main Precinct 'The Glades' Local Structure Plan (LSP) is an area of land approximately 330 hectares in size located on Abernethy Road, Byford and is owned by LWP Property Group Pty Ltd (the Applicant). The Shire of Serpentine Jarrahdale (the 'Shire') resolved to adopt the LSP subject to modifications on 9 March 2010. The Structure Plan will facilitate the subdivision and development of residential lots, a town centre, community uses, open space and water management infrastructure in the Byford locality.

The LSP was forwarded to the Western Australian Planning Commission (the 'Commission') pursuant to Clause 5.18.3.10 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS No. 2) for approval.

KEY ELEMENTS OF THE PLAN

The subject land is zoned 'Urban' and 'Urban Deferred; and portions of the LSP area are reserved 'Primary Regional Road', 'Railways' and 'Parks and Recreation' under the Metropolitan Region Scheme (MRS). The land is zoned 'Urban Development' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS No. 2). A Location Plan is provided at **Attachment 1**.

Clause 5.18 of TPS 2 requires the preparation and approval of a Structure Plan prior to the Shire supporting subdivision, or approving development within the 'Urban Development' zone.

The Byford District Structure Plan (BSP) was approved by the Commission on 29 March 2005, and adopted by the Shire on 2 August 2005. The BSP allocates a variety of land uses within the area bound by Thomas Road to the north, Perth Hills and South Western Highway to the east, Cardup Siding Road to the south and Hopkinson Road (proposed Tonkin Highway extension) to the west. The BSP divides the land into various precincts and anticipates that the majority of residential development within the Structure Plan area will be low to medium density with pockets of higher density located around village centres. A copy of the BSP is provided at **Attachment 2**.

In addition to land use outcomes, Part 3 of the BSP requires the preparation and adoption/approval of a local structure plan for each planning precinct. The LSP has been prepared to satisfy the requirements of Part 3 of the BSP.

Minor amendments to the BSP are required having regard to this LSP relating to the removal of a 'further investigation' notation which covers the southern section of the LSP area. As the LSP process has involved considerable analysis, consideration and investigation, it is deemed appropriate to remove this notation from the BSP under the LSP process.

PLANNING CONTEXT:

Legislation

Shire of Serpentine Jarrahdale TPS No. 2

Section:

5.18 Structure Plans

Policy

Number and / or Name:

Directions 2031 and Beyond: Spatial Framework for Perth and Peel (WAPC 30 August 2010)
State Planning Policy 3 'Urban Growth and Settlement'
State Planning Policy 4.2 'Activity Centres for Perth and Peel'

The LSP was prepared having regard to State Planning Policies as listed above as well as overarching strategic documents such as the State Planning Strategy, the State Sustainability Strategy and the South East Structure Plan 1994. In addition, preparation was undertaken in accordance with the operative section of the Byford Structure Plan.

Directions 2031 and Beyond

The LSP addresses this planning framework by providing for:

- A coordinated approach to development that will allow for the integration of urban development with existing public transport to establish residential and employment nodes that will cater for community needs into the future; and
- Housing diversity and density as well as establishing a community derived vision and sense of place.

State Planning Policy 3 – Urban Growth and Settlement

The LSP addresses SPP3 by providing for:

- A sustainable and well-planned pattern of settlement within an urban zoned cell, providing for a wide variety of housing, employment, recreation and open space;
 - Building on an existing community with an established local economy and improving services and infrastructure to enhance the quality of life;
-

- Managing the growth of an urban zoned cell and responding to the social and economic needs of the community, recognising climatic, environmental, heritage and community values and constraints;
- Promoting the development of sustainable and liveable neighbourhoods that will reduce energy, water and travel demands in the Shire while ensuring safe and convenient access to employment and services by all modes, providing choice and affordability of housing and creating an identifiable sense of place; and
- Coordinating new development with the provision of appropriate infrastructure and services.

SPP 4.2 – Activity Centres for Perth and Peel

The LSP addresses SPP 4.2 by providing for:

- A hierarchy of distributed activity centres to meet different levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community;
- A long term and integrated approach to the development of economic and social infrastructure;
- Increased density and diversity of residential development, allowing for housing choice and land use efficiency;
- Development intensity and land use to support high-frequency public transport;
- Access to activity centres by a variety of modes of travel;
- A legible street network and quality public spaces; and
- Concentration of activities within designated activity centres to reduce reliance on car ownership.

SUBMISSIONS AND CONSULTATION:

The LSP was advertised for a period of 21 days per the requirements of Clause 6.3 of TPS No. 2. A total of 22 submissions were received (16 in support, 6 objections).

As part of the assessment process undertaken by the Department of Planning (DOP), a number of local residents met with Department officers to discuss their specific issues. Issues related to the positioning of the widened Orton Road reserve in particular. This is a topic which will be discussed in detail in the report.

As a result of Council's adoption of the LSP, the Applicant met with DOP to discuss various aspects of the Council's recommendation and associated modifications.

The Department reviewed all of the Shire's proposed modifications as part the assessment of the LSP. The Applicant provided various justification and as a result of further discussions, the Commission referred a set of revised modifications and an updated LSP map (dated 15 October 2010) to the Shire for formal consultation in accordance with Clause 5.18.3.13 of TPS 2. These revised modifications are detailed in **Attachment 3**.

At the Ordinary Council Meeting (OCM) of 20 December 2010, the Shire accepted the abovementioned revised modifications with the exception of the following:

- Reduction in the size of the Primary School site to 3.4 hectares.
- Removal of District Open Space south of Orton Road.

Overall general support for the LSP exists now between the Shire, Applicant and a majority of the community. The outstanding modifications will be discussed in detail below.

DISCUSSION:

Site and Site Context

The LSP area, which is 330 hectares in size, is bounded by Abernethy Road, Hopkinson Road (proposed Tonkin Highway extension), Cardup Brook and Soldiers Road. Surrounding development includes a mixture of housing development, rural living and rural recreation and the Byford Town Centre (subject to future structure planning).

Lot Layout

Element 1 of *Liveable Neighbourhoods* (LN) and the recently released *Directions 2031 and Beyond* outlines that new urban areas should achieve a minimum gross density of 15 dwellings per hectare. Furthermore, Element 1, R17 of LN specifies the following minimum densities for land within close proximity to town and neighbourhood centres:

- 30 to 40 dwellings per hectare for land within a 400 metre radius of a town centre; and
- 20 to 30 dwellings per hectare for lots within a 400 metre radius of neighbourhood centres.

The LSP seeks to implement residential densities ranging between R10 and R60 with a village centre which will likely have high density residential. In addition, the Applicant has prepared indicative lot calculations that demonstrate that the site can support the creation of approximately 3315 single residential dwellings (not including Village Centre area). Given the above, the LSP will achieve an average density of 10-12 dwellings/hectare.

Although this is less than the required gross density under LN, it is anticipated that the Village Centre area will provide a number of residential dwellings at the R80 density, which will ensure the gross density is just less than 15 dwellings per hectare. The proposed MUC's which are shown through the middle of the LSP area and which are required for drainage will also hinder the LSP's ability to traditionally meet the LN density requirements.

The proposed lot layout is based on a north-south east-west road grid to maximise solar access to the majority of lots across the LSP area, as required by Element 1, R18 of LN.

Movement Network

The street design (including pedestrian facilities) provides appropriate connections throughout the LSP area with the surrounding road network. The internal road network consists of access streets ranging between 12.5 metres (roads adjacent to POS) and 16 metres in width. The proposed road reserve widths are consistent with the requirements outlined in Table 4 of LN.

The LSP area has frontage to three major roads being Abernethy Road, Orton Road and the proposed Tonkin Highway (currently Hopkinson Road). Abernethy Road and Orton Road will operate as Neighbourhood Connectors and Tonkin Highway will operate as a Primary Regional Road. As part of the increase in traffic along these roads, Orton Road and Abernethy Road reservations are required to be widened to 30 metres. They are both currently both 20 metre road reservations.

The LSP has been referred to Main Roads WA (MRWA) and the Infrastructure Coordination and Planning (IPAC) branch at the Department of Planning. These organisations have both confirmed their support for the LSP on the basis of negotiation and refinement of the traffic situation over the time since lodgement.

At the time of each subdivision approval, a Transport Noise Assessment (TNA) will be needed in accordance with *State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. This TNA will be focused around the properties in close proximity to the proposed Tonkin Highway as the major road that will exceed 20,000 vehicles per day. Abernethy Road and Orton Road will only likely carry up to 15,000 vehicles per day.

Widening Requirements for Orton Rd – Hopkinson Road (Future Tonkin Highway Extension) to Warrington Road

As part of the Shire's adoption of the LSP, a modification was made which required 100% of the widening to Orton Road be taken from the southern side, being entirely on the Applicant's land holding. The Applicant had raised an issue with this stating that based on an equitable solution; half of the widening should be located to the north, and half to the south. This widening requirement has been the subject of significant community interest and was the focus of many of the submissions to the Shire.

The LSP originally lodged to the Shire for consideration indicated a 5 metre widening north and south of the existing Orton Road from Hopkinson Road to Warrington Road. This was proposed on the basis of equity. The Shire's position, as referred to the Commission was that 100% of the widening requirement be taken from the Applicant's land.

Several land owners north of Orton Road have been in constant contact with DOP and have outlined their concerns about sharing the widening in this area. The main issues relating to why road widening cannot occur north of Orton Road are:

- Proximity of the proposed property boundaries once widening occurs to existing houses;
 - Impact of the widening on existing trees and vegetation along the northern side of Orton Road.
-

- Impact of the widening on existing drainage and service infrastructure along the northern side.
- Ability for the road widening to be delivered given the fragmented land ownership along the northern side of Orton Road.

The landowners that objected to an equal widening distribution are located on the northern side of Orton Road. These properties are all included within the BSP and have the same potential for redevelopment as the Applicant's land holding. As part of the assessment of the impact of the widening of Orton Road on the existing structures on the northern side, a site survey was undertaken. The outcome of this survey was that in all instances, the proposed widening will not encroach on any existing structures and will still allow adequate setback from the proposed road reserve.

Given the fragmented land ownership, the redevelopment of the northern side of Orton Road will be in the medium term. This will coincide with the extension of Tonkin Highway, which will be a major contributor to an increase in traffic flows along Orton Road and thus the need for widening. In relation to the vegetation on the northern side, the majority of the trees referred to are in the existing road reserve and will be removed as part of any inevitable upgrade of Orton Road, irrespective of widening.

In relation to the service infrastructure and drainage along Orton Road, this infrastructure is required to be upgraded as part of the redevelopment of this entire locality under the BSP. A full re-servicing of infrastructure will be required over time. As the BSP is intended to be a long-term plan over approximately 15 years, it is expected that any widening of Orton Road will incorporate this upgrade at the time of widening.

The most fair and equitable measure is that the widening of Orton Road is accommodated evenly over the properties to the north and south at 5 metres each side.

The Shire has supported this revised modification.

Requirements for Extension of Orton Rd – East of Warrington Road

East of Warrington Road, Orton Road is proposed to be extended through private land eastward. The road alignment was proposed to continue from the existing alignment without any deviation and thus resulted in 25 metres of land being taken from other land owners and 5 metres being taken from the Applicant's land. The land owners east of Warrington Road have raised concerns over the equity of this arrangement and have requested a review of this situation.

Negotiations have occurred since the Shire's consideration of the LSP and have resulted in this alignment being amended to ensure that 15 metres be taken from the north and south properties, thus reflecting an equal land take in accordance with the other land owner's wishes.

As the northern properties will take longer to develop, the full 30 metres road reserve will be delivered in stages, with the Applicant ensuring that a single carriageway link will be constructed through the LSP area. This will then enable the road to be

expanded to the full double carriageway (30 metres road reserve) over time as the northern properties are developed.

The Shire has supported this revised modification.

Servicing Infrastructure

The LSP Report outlines that the following service upgrades are required to facilitate development in the LSP area over the lifecycle of the development area:

- Open drainage in MUC's and public open space (POS);
- Several upgrades to the sewer mains located across the LSP area; and
- Extension of the existing gas mains to provide all dwellings with a reticulated gas supply.

The proposed upgrades will be implemented via the imposition of appropriate conditions when land is subdivided.

Drainage and Storm Water Management

The Applicant commissioned JDA Consulting to prepare a Local Water Management System (LWMS) to support the LSP as per the requirements of the Department's *Better Urban Water Management* Policy. The LWMS proposes the use of open swales and sub-soil drainage solutions across the LSP area. The Department of Water approved the LWMS on 21 January 2010.

Public Open Space

The LSP conforms with the LN - Element 4 requirements for Public Open Space (POS). The LSP has taken into consideration deductions for non-residential uses without exceeding the 20 percent of the minimum 10 percent POS requirement. Overall, the LSP proposes a total of 13.18 percent POS, well in excess of the 10 percent requirement.

Notwithstanding these calculations, the Draft LSP as approved by the Shire originally showed a portion of District POS south of Orton Road. As a result of a negotiation between the Department of Education and Training (DET) and the Catholic Education Office, the land adjacent to the Public High School (8-12) and Private School (K-12) has been identified for community access and shared facilities as District POS. Given this, the Applicant has proposed that the District POS south of Orton Road be removed and replaced with additional lots.

The removal of the POS only results in a negligible reduction in the overall POS provided, still well above the 10 percent requirement.

The Shire considered this scenario at its December 2010 meeting and did not support this modification for the following reasons:

"Current and future active recreational facilities in the region are limited, and removal of the district open space ahead of a formal agreement between the Shire,

Department of Education and the Catholic Education Office to work towards shared facilities may risk an under provision of active open space in future.

Clause 5.18.4 of TPS 2 provides for Council to adopt a minor change to or departure from an approved structure plan where it does not materially alter the intent of the structure plan.

The District Open Space south of Orton Road should be retained, with a view to Council undertaking minor modifications to the LSP once approved to remove the District Open Space with the execution of a Joint Use Agreement with the Department of Education and the Catholic Education Office."

On assessment it has been determined that the original District POS was located in the middle of a residential area that would have caused excessive traffic congestion throughout the subdivision. The proposed co-located facility is located on Abernethy Road which will enable existing and new residents' to efficiently access the site.

The net result of shifting the District POS so that it co-exists with the two Schools is that an increased dwelling yield can be realised south of Orton Road. This is believed to be a positive outcome in the overall objective of the locality.

Due to the Shire raising these concerns, the DET and Catholic Education Office have provided recent letters of in-principle support that re-confirmed their commitment to allowing community access and sharing of facilities across the site. In addition, both organisations have confirmed that a MOU is being prepared and will be executed in the near future to formalise this arrangement.

It is recommended that the Commission accept the proposed outcome for the removal of the District POS as advanced by the Applicant.

Schools

The BSP indicates that one primary school is located within The Glades LSP area and a High School is located within the Town Centre LSP.

The proposed LSP complies with the requirements of the BSP and LN for distribution of schools based on dwelling yield. In addition, the Applicant has proposed the inclusion of a Private School (K-12) which is to be located adjacent to the High School within the Town Centre LSP. As mentioned above, the co-location of these facilities along Abernethy Road has provided an opportunity for the provision of more effective District POS.

As permitted within LN, the Applicant has proposed to co-locate POS facilities with the Primary School. LN requires the size of school sites to be 4 hectares with self contained playing fields or 3.5 hectares where co-located with shared playing fields. The Shire has objected to this reduction in size on the basis that:

"The reduction of the primary school site requires the reduction of a senior size playing field to a junior size, inconsistent with the site's designation and function as district open space in the Byford Structure Plan.

The co-location and sharing of playing fields with the high schools is only sufficient to offset the removal of the district open space south of Orton Road.

The reduction of the school site can only be supported if a senior size playing field is retained to act as district open space and service community sporting clubs and active recreational needs."

The Applicant has provided a draft subdivision design which is anticipated to be lodged on approval of the LSP that demonstrates a feasible land-distribution design adequate to satisfy DET's requirements for co-location of playing fields for a Senior Oval.

As this addresses the Shire's concerns, it is recommended that the proposed reduced primary school site be accepted by the WAPC.

Distribution of Local and Neighbourhood Centres

The original number of centres outlined in the BSP is nine. The breakdown of centres is eight Local Centres and one Neighbourhood Centre.

The revised LSP as submitted to the Commission proposes 4 Local Centres and one Neighbourhood Centre, representing a total of 5. The main departure from the BSP is the removal of centres from Abernethy Road.

Element 7 R14 specifies local neighbourhood centres should be provided within 400 metres to 500 metres of all lots. The majority of all lots will fall within this requirement with the remainder being located well within the 800m (10min walk) catchments

The Applicant provided justification for the reduction in the number of centres. This reduction has been considered by the Department and is considered appropriate given the preparation of a local structure plan for the Town Centre.

The Shire has now agreed with this revised modification.

Environmental Considerations

The subject site contains two drainage channels and Cardup Brook. The channels have been integrated within the LPS area as MUC's which will enable them to act as open swales surrounded by POS. Similar outcomes have been successful in the locality such as Redgum Brook, north of The Glades.

As the subject land was previously used for agricultural purposes (grazing of livestock and horticultural pursuits), several lots have been identified as having potential for contamination due to the potential use of pesticides or fertilizers on site. The Department of Environment and Conservation has advised that as part of future subdivision applications, investigation into previous pesticide use is required. This approach is consistent with standard Commission practice and is supported.

Fire Management

An outstanding item for the LSP at the time that the Shire considered the Draft LSP was the issue of a Fire Management Plan. The Applicant has sought a requirement for the inclusion of text into the LSP Report that a Fire Management Plan is to be prepared and implemented at the time of subdivision.

Detailed Area Plans (DAPs)

DAP's, or equivalent (e.g. Local Planning Policy) will be required at a subdivision stage for the following lots/areas:

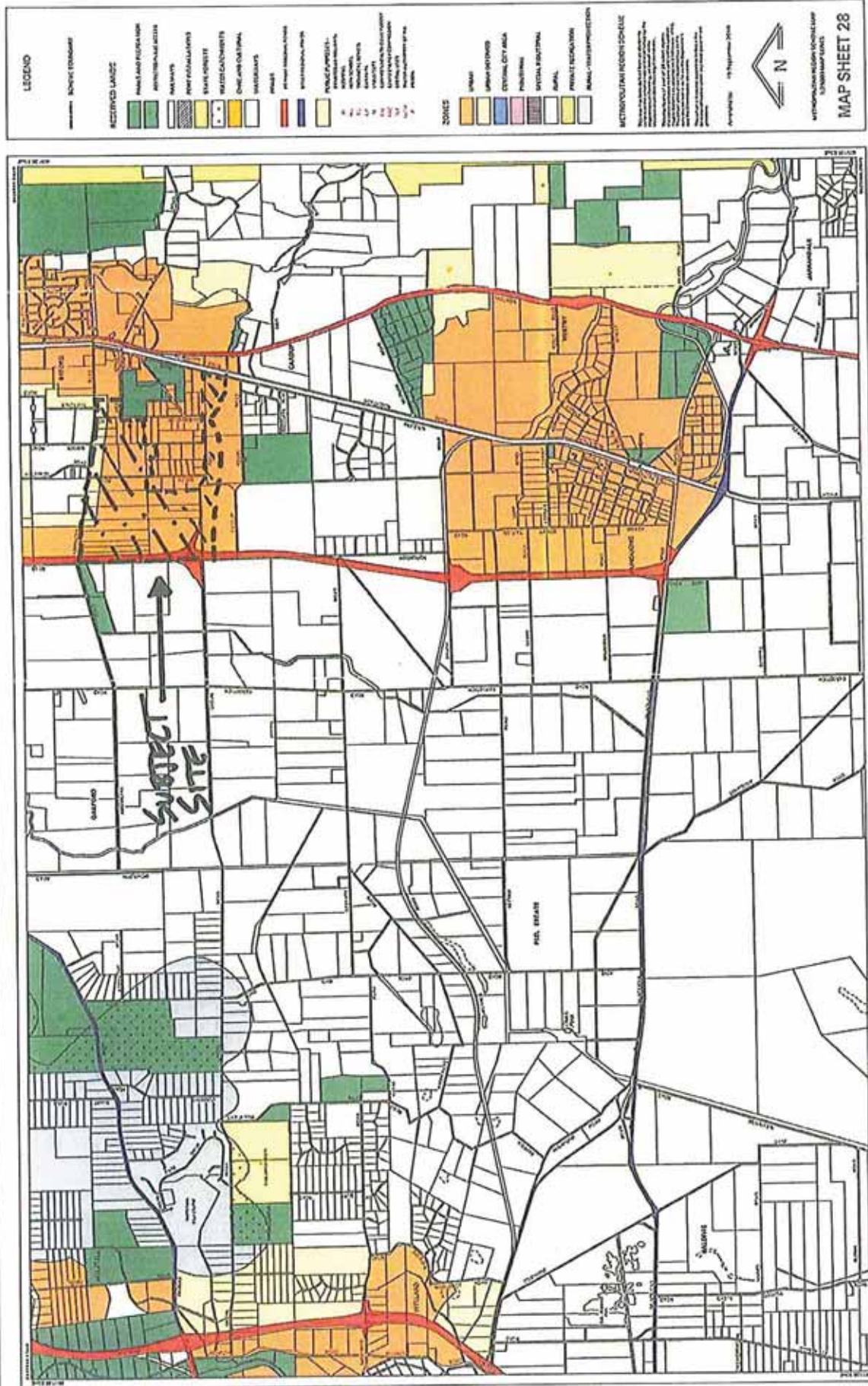
- The Glades Village Centre lots;
- Lots covered by the Brickwood Reserve Management Plan;
- Lots which accommodate vegetation to be retained.

MODIFICATIONS:

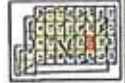
The modifications outlined in **Attachment 3** were referred to the Shire as part of the formal consultation under the Scheme. Although two of the proposed modifications were opposed by the Shire, these outstanding items have been subject to further justification and consideration and are considered appropriate to be accepted. The LSP dated 15 October 2010 illustrates all of the modifications as referred to the Shire and recommended for approval by the Department.

CONCLUSION:

The LSP is consistent with Commission policies, *Liveable Neighbourhoods*, the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and orderly and proper planning. It is recommended for approval in accordance with Local Structure Plan Map dated 15 October 2010 (**Attachment 4**).



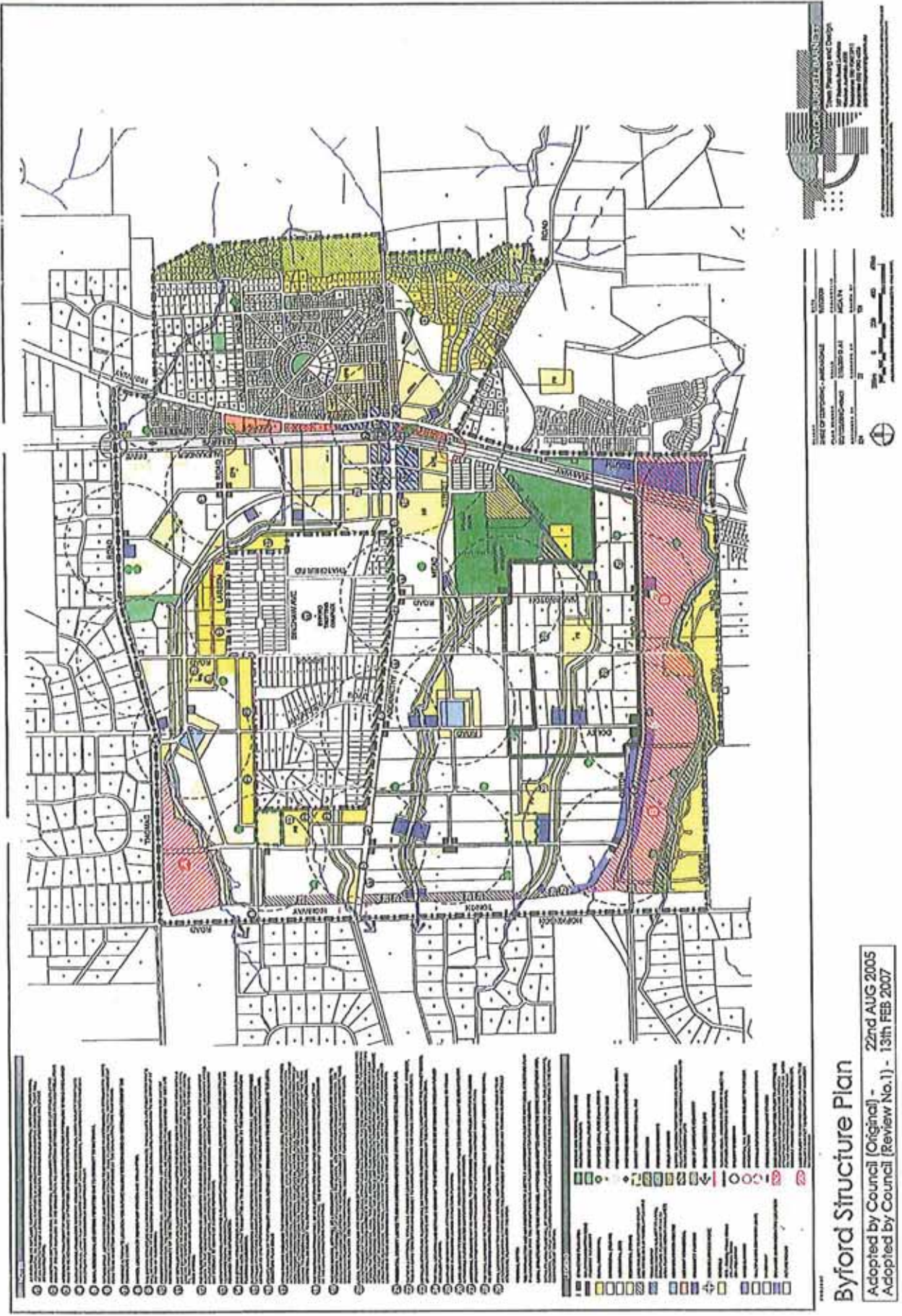
METROPOLITAN REGION SCHEME MAP



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Schedule of Modifications – The Glades Local Structure Plan – For Consultation with SJ Shire

Local Structure Plan Map Modifications	Details of proposed modification	WAPC Recommendation
1. Re-alignment of east-west access street to accommodate the proposed bus route, connecting the Glades and Byford West.	In order to create a more direct bus route and so as to avoid problematic bus turning movements, the east-west access street connecting Byford West through to Doley Road and the Glades Village Centre is to be straightened to remove any major staggers.	Modification appropriate for approval.
2. Reduction in the size of the Primary School site to 3.5ha.	Consistent with the requirements of Liveable Neighbourhoods, given the co-location with the Multiple Use Corridor (MUC) to the south and the ability for the school oval to be a shared facility, the proposed primary school site is to be reduced to 3.5ha. As required by the Department of Education and Training, a junior playing field should be provided so as to avoid restrictions on the built form required for the school, created by the previously proposed senior playing field.	Not included in Shire's original Schedule. Modification appropriate for approval. DET has supported this reduction.
3. Road layout and density coding changes in the eastern portion of the LSP, south of the most northern Multiple Use Corridor (MUC)	The applicant has sought a minor road layout re-configuration in this location to create a more efficient road pattern that results in a design that relates more strongly to the multiple use corridors (MUC). As a result of this, two R40 development sites have been identified immediately abutting the MUC. All other density codings remain in accordance with advertised Local Structure Plan.	Modification appropriate for approval. The road layout and coding changes are in accordance with the Amended Local Structure Plan Map (dated 15 October 2010).
4. Density coding change south of Mead Street, south of the proposed Private K-12 School Site.	The applicant has sought a reduction in the residential density in this location from R40 to R10 and R30. The lower R10 density is considered an appropriate transitional density between the Brickwood Reserve and the balance of the Glades, whilst the R30 portion may develop as either a grouped housing site or a child care centre, which is a discretionary use within a residential area.	Modification appropriate for approval. The density coding changes are in accordance with the Amended Local Structure Plan Map (dated 15 October 2010).

Local Structure Plan Map Modifications	Details of proposed modification	WAPC Recommendation
5. Rationalisation of various public open space areas and associated road layout modifications.	In order to reduce what is currently a significant over-provision of public open space within the Structure Plan area (16.48% public open space), a number of small portions of POS are proposed to be rationalised. The portions of POS identified for rationalization do not contain any existing vegetation considered worthy of retention (following assessment from LWP's Landscape Architect) or drainage storage areas. As a result of the reduction in size of these public open space areas, a number of minor road layout modifications are also required.	Modification appropriate for approval.
6. Removal of District Open Space south of Orton Road	Removed based on an agreement between the Catholic Education Office of WA and the Department of Education and Training. The agreement aims to locate district open space with the proposed Government High School and proposed Private K-12 School.	Not included in Shire's original Schedule. Modification appropriate for approval based on agreement and increased dwelling yield south of Orton Road.
7. Provision of additional note stipulating "Area may be subject to Water Corporation service corridor in the future." Note to be appropriately referenced on the plan.	As outlined within the Water Corporation's submission on the Local Structure Plan, there is likely to be a need for a service corridor within the Structure Plan area, adjacent the Tonkin Highway. The corridor is yet been defined and as such, it is considered appropriate that a notification stating the area may be required for a future service corridor be added to the Local Structure Plan map.	Modification appropriate for approval.
8. Provision of an additional note stipulating "Lots to be the subject of Detailed Area Plan(s) addressing amongst other items, fire management." Note to be appropriately referenced on	The Brickwood Reserve Management Plan identifies those areas noted on the Revised Local Structure Plan Map as being within the fire ember zone for the Brickwood Reserve bushland. Accordingly, it is considered appropriate that a Detailed Area Plan be prepared to ensure the adequate fire protection measures are incorporated into any development on these sites.	Modification appropriate for approval.

Local Structure Plan Map Modifications	Details of proposed modification	WAPC Recommendation
the plan.		
9. Modification to the legend under "Other" category to state "Area subject to Village Centre Local Planning Policy" replacing the wording "Area subject to Village Centre Detailed Area Plan."	The Shire considers that a Local Planning Policy (similar to that of the draft policy prepared for the Byford Town Centre) is a more comprehensive and flexible approach to providing guidance on matters of built form. Accordingly, the wording of the legend needs to be modified to reflect this change. Refer to OCM report for additional detail.	Modification appropriate for approval.
10. Orton Road – new notation on map and adjustment to map re alignment of road reserve	That a notation be placed on the LSP map stating that 'at the time of subdivision and engineering design, consideration will need to be given to the exact alignment, design and responsibilities for the construction of Orton Road and the establishment of the required road reservation' or similar. The alignment of Orton Road is also to be adjusted to depict an equal share of the road reserve.	<i>Modification not considered appropriate for approval – proposed Orton Road alignment in accordance with that shown on the LSP location.</i> <i>See attached sheet for justification.</i>
11. That the draft LSP Map be modified to include an annotation acknowledging that the Abernethy Road reserve will need to accommodate dual 1400mm water distribution trunk mains, a smaller diameter water distribution main and various reticulation mains.	The Water Corporation has requested these annotations be included on the LSP Map and Shire staff have no objection to this.	<i>Modification not considered appropriate for approval.</i> <i>This notation is not a LSP consideration and is relevant for inclusion as an Advice Note at the time of subdivision.</i>
12. Wastewater pump station	Change from a 50m x 50m site, with a 50 metre buffer, to an 80m x 90m site, with a 50m buffer	Modification appropriate for approval.
13. Inclusion of Nodes on	The original BSP showed a number of nodes along	Not included in Shire's

Local Structure Plan Map Modifications	Details of proposed modification	WAPC Recommendation
Abernethy Road.	Abernethy Road. It is requested that these nodes are included along this road as proposed to ensure adequate services for the new community.	<p>original Schedule.</p> <p><i>Modification not considered appropriate for approval.</i></p> <p><i>The proposed Town Centre and The Glades Village Centre will provide significant amounts of commercial and retail space. The inclusion of nodes along Abernethy Road will undermine the success of these centres without providing substantial gain to the residents who potentially will use them.</i></p>
<p>14. Part 1 – Statutory Section Modifications</p> <p>14.1 Section 5.2 of Part 1 being re-worded as follows: “The provisions, standards and requirements of this Zone are to be in accordance with those of an adopted Glades Village Centre Local Planning Policy, except where varied by a Detailed Area Plan approved by the Shire in accordance with Town Planning Scheme No. 2</p> <p>The maximum amount of retail floorspace permissible within the</p>	<p>A Local Planning Policy (similar to that of the draft policy prepared for the Byford Town Centre) is a more comprehensive and flexible approach to providing guidance on matters of detailed design. Accordingly, the wording within Part 1 needs to be a modified to reflect this change.</p>	<p>Modification appropriate for approval.</p>

Local Structure Plan Map Modifications	Details of proposed modification	WAPC Recommendation
Village Centre is 4,500m ² Net Lettable Area (NLA). The maximum amount of non-retail (Commercial) floor space is 2,500m ² NLA."		
14.2 Fire Management	Text to be inserted, outlining the requirement for a fire management plan to be prepared and thereafter implemented.	Modification appropriate for approval.
14.3 Noise Management	Text to be inserted, outlining the requirement for a noise management plan to be prepared and thereafter implemented.	Modification appropriate for approval.
14.4 Detailed Area Plans	Additional provisions are to be inserted which require DAPs to be prepared for lots which accommodate vegetation to be retained and for lots which but road reserves, where vegetation is to be retained.	Modification appropriate for approval.
14.5 Neighbourhood Nodes	That the draft LSP Statutory Section be modified to ensure that the neighbourhood nodes at the intersections of Orton and Doley Roads, Orton and Warrington Road and Orton and Soldiers Roads are reflective of the Byford DSP and LPP 19, ensuring an appropriate distribution of retail floor space between the LWP land and that within the Doley/Warrington Road Precinct.	Modification not considered appropriate for approval. <i>This notation is not required as the Shire has the ability to ensure adequate distribution of retail floor space at a development application stage. The LSP is currently well aligned with the intent of the BSP.</i>
14.6 Cats	Text to be inserted, requiring the following: "Inclusion in the statutory section -- part 1 of text that prohibits the keeping of cats within 300 metres from the outside perimeter of the Brickwood Reserve"	Modification not considered appropriate for approval.

Justification for Widening and Extension of Orton Road

Widening Requirements for Orton Rd – Hopkinson Road to Warrington Road

As part of the Shire's deliberations of the LSP, it was resolved that 100% of the widening to Orton Road is required to be taken from the south, being entirely on the Applicant's land holding. The Applicant has raised an issue with this stating that based on an equitable solution; half of the widening should be located to the north, and half to the south. This widening requirement (which is needed based on the increased traffic expected through the development) has been the subject of significant community interest and was the focus of many of the submissions.

Justification summarised from the Shire's OCM of 9 March 2010 is outlined below:

- Orton Road has been investigated over time through the preparation, approval and amendment of the BSP.
- Orton Road's original alignment would need to be amended to take into account significant vegetation, project costs and engineering design considerations associated with the extension of Orton Road.
- Widening should be taken from the southern side, being the Applicant's landholding to ensure that the widening is facilitated in the shorter term, and not be subject to delays based on a lack of structure planning for the northern landholdings.

In the LSP considered by the Shire, the original proposal indicated a 5m widening north and south of the existing Orton Road from Hopkinson Road to Warrington Road. This was proposed on the basis of equity. The Shire has outlined that it is its requirement that 100% of the road widening be taken from the Applicant's land. The land owners north of Orton Road have been in constant contact with the Department and have outlined their concerns about sharing the widening in this area. The main issue relating to why road widening cannot occur north of Orton Road relates to the following:

- Proximity of the proposed property boundaries once widening occurs;
- Impact of the widening on existing trees and vegetation along the northern side of Orton Road.
- Impact of the widening on existing drainage and service infrastructure along the northern side.
- Ability for the road widening to be delivered given the fragmented land ownership along the northern side of Orton Road.

In response to the above issues raised by the land owners, and the Shire, it is noted that these properties are included within the BSP which has the same potential for redevelopment as the Applicant's land holding. Given the fragmented land ownership, the redevelopment of the

northern side of Orton Road will be in the medium term. This will coincide with the extension of Tonkin Highway, which will be the main nexus for an increase in traffic flows along Orton Road. In relation to the vegetation on the northern side, the majority of the trees referred to are in the existing road reserve and will be removed as part of any upgrade of Orton Road, irrespective of widening.

In relation to the service infrastructure and drainage along Orton Road, this infrastructure is required to be upgrade as part of the redevelopment of this entire locality under the BSP. A full re-servicing of infrastructure will be required over time. As the BSP is intended to be a long-term plan over ~15 years, it is expected that any widening of Orton Road will incorporate this upgrade at certain point.

The most fair and equitable measure is that the widening of Orton Road is accommodated evenly over the properties to the north and south.

Requirements for Extension of Orton Rd – East of Warrington Road

East of Warrington Road, Orton Road will need to be extended through private land. The road alignment was proposed to continue in a true east-west orientation and thus resulted in 25 metre of land being taken from other land owners and 5 metres being taken from the Applicant's land. The land owners east of Warrington Road have raised significant concerns over the equity of this arrangement and have requested a review of this situation.

Negotiations have occurred since the Shire's consideration of the LSP and have resulted in this alignment being amended to ensure that 15.0 metre as been taken from the north and south properties, thus reflecting an equal land take.

As the northern properties will take longer to develop, the full 30 metre road reserve will be delivered in stages, with the Applicant ensuring that a single carriageway link will be constructed through the LSP area. This will then enable the road to be expanded to the full double carriageway (30 metre road reserve) over time as the northern properties are developed.



ITEM NO: 9.3

PLANTAGENET LOCAL PLANNING STRATEGY

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Acting Regional Manager (Albany), Southern Regions
AUTHORISING OFFICER:	Executive Director, Regional Planning and Strategy
AGENDA PART:	D
FILE NO:	DPI/09/02159/2
DATE:	22 February 2011
ATTACHMENT(S):	1. Original WAPC Decision and Modifications 2. Location of Existing and Proposed Rural Residential at Mount Barker 3. Rural Residential Designation at Lot 5102, Narrikup 4. Summaries of Meetings with MRWA and DAFWA
REGION SCHEME ZONING:	N/A
LOCAL SCHEME ZONING:	Various
RECEIPT DATE:	17 December 2010
PROCESS DAYS:	67
APPLICATION TYPE:	Local Planning Strategy
DESCRIPTION OF PROPOSAL:	Request for Consent to Advertise Modified LPS

RECOMMENDATION:

That the Western Australian Planning Commission resolves to grant consent to advertise the Plantagenet Local Planning Strategy subject to the following modifications being carried out prior to advertising:

- 1. The last two sentences of dot point three (3) in S8.1.3 of Appendix 1 being deleted and replaced with "Lot 500 within this planning unit is unsuitable for rural residential and/or rural smallholdings development. Rezoning, subdivision and/or development applications for such land uses on this lot will not be supported by Council"; and***
- 2. In S9 of Appendix 3, delete existing S9.1.3 and S9.1.5-9.1.8; re-number existing S9.1.4 to S9.1.3 and existing S9.1.9 to S9.1.4; and remove the 'rural residential' designation from Lot 5102 on the 'Narrikup Conceptual Structure Plan' map.***

SUMMARY

The WAPC considered the draft Plantagenet Local Planning Strategy (PLPS) in December 2009 and granted consent to advertise subject to modifications. A modified PLPS has been submitted to the WAPC for consent to advertise. The document is largely consistent with modifications to the original version that were required by the WAPC. There have however been some minor variations to some of the WAPC's required modifications; and one modification has not been carried out completely. It is recommended that the minor variations be accepted and consent to advertise the modified PLPS be granted, subject to two additional minor modifications being carried out so that the document is in accordance with the WAPC's previous decision.

BACKGROUND

In December 2009 the WAPC considered Plantagenet Shire's draft Local Planning Strategy (PLPS), which had been submitted as Town Planning Policy 18 (TPP 18). At that time the WAPC required the Shire to make changes to the document and advertise it for public inspection as a formal Local Planning Strategy, as opposed to a TPP.

The WAPC required only 10 modifications (**Attachment 1** refers), however these were broad in nature and would result in substantial changes to the document. As such, departmental officers have worked closely with the Shire assisting to interpret and clarify the required modifications so that they are carried out in accordance with WAPC requirements.

Plantagenet Shire Council resolved on 14 December 2010 to adopt the modified PLPS document and refer it to the WAPC for consent to advertise.

The modified PLPS that has been submitted is largely in accordance with the WAPC's required modifications, both in terms of format and content; and consistency with the relevant framework provided by the Commission's planning policies including the Lower Great Southern Strategy (LGSS), relevant State Planning Policies and the Local Planning Manual.

There have however been some minor variations to some of the WAPC's required modifications; and one modification has not been carried out completely. A discussion of these matters and associated recommendations are provided below.

OUTSTANDING MATTERS

Rural Residential Designations at Mount Barker

A component of modification 4 in **Attachment 1** was deletion of additional rural residential designations over and above those incorporated into PLPS from the Mount Barker Local Rural Strategy (LRS). The reasons for the WAPC's decision in this regard are summarised in **Attachment 1**.

In liaising with the Shire to complete this modification, discussions were held regarding interpretation of development provisions in the LRS. Namely, the Shire considered that a large area of planning unit 8 (P8) which the WAPC previously interpreted as available for rural residential development, was not suitable or available for this land use. On this basis the Shire considered that inclusion of two additional rural residential designations not previously supported by the WAPC was warranted. The existing P8 area and the proposed two new areas are shown in **Attachment 2**.

It was agreed that the two new areas sought to be included were better located for consideration of rural residential land use than the portion of P8. In addition, it was agreed that if the portion of P8 in question (over 1000Ha in area) was confirmed as unavailable then inclusion of these two new areas would likely result in an outcome that did not adversely impact on the WAPC's stated concerns with the additional proposed rural residential designations.

However, it was not agreed that the existing provisions relating to P8 precluded rural residential land use. Such development was acceptable under the existing provisions if it would not impact on horticultural land use in the planning unit. Parts of P8 have in fact already been rezoned to rural residential on the basis of these provisions.

Departmental officers advised that prior to recommending that the WAPC support the two additional rural residential designations as a variation to modification 4, the wording of provisions for P8 required modification to specifically preclude further rural residential development. This would be in keeping with the Shire's intentions for this precinct, given its interpretation of the current provisions. On this basis the Shire agreed to modify the relevant parts of PLPS accordingly.

Whilst the Shire has modified the relevant provisions they remain unspecific and only imply that the portion of P8 is likely to be unsuitable for rural residential development. It is recommended that a further modification is required to this section prior to PLPS being advertised with the two additional rural residential designations. It is recommended that the WAPC accept retention of the two additional areas in the advertised PLPS subject to this modification being completed.

Rural Residential Designation at Narrikup

A rural residential designation over Lot 5102 at Narrikup (shown on **Attachment 3**) was required to be deleted as part of modification 4. Reasons for this designation being removed include those stated in **Attachment 1**, as well as concerns raised by Main Roads WA (traffic conflict) and DAFWA (impacts on priority agricultural land) when PLPS was advertised as TPP 18.

When liaising with the Shire to complete this modification, concerns were raised by Shire officers that some of the WAPC's reasons for not supporting this designation were based on a misinterpretation of advice provided by MRWA and DAFWA. Specifically:

- a) The Shire did not agree that traffic conflict would arise between future development and the recently completed heavy vehicle bypass road separating Lot 5102 from Narrikup's existing developed area; and
- b) The Shire did not consider the land to be Priority Agricultural Land (PAL) and did not agree that designation of Lot 5102 as PAL in the Lower Great Southern Strategy (LGSS) was accurate.

It was agreed that further clarification should be sought on the above points from the relevant agencies. Meetings were held between officers of the Shire, DoP and senior officers from MRWA and DAFWA with the following outcomes:

- a) MRWA are broadly comfortable with the proposed designation given that suitable access control measures can be implemented, and that the bypass road is a local road and not a Main Roads road; and
- b) DAFWA, after considering a specific land capability report for Lot 5102, confirmed the PAL classification in the LGSS was correct. The land would be suitable for perennial horticulture and/or irrigated annual agriculture, with surrounding existing land uses also suggesting the general higher quality of agricultural land in the locality.

Summaries of the meetings are contained in **Attachment 4**.

Whilst the clarified position of MRWA indicates that potential traffic conflicts could be adequately managed, advice from DAFWA confirms that designation of the land for rural residential purposes would be contrary to the established planning framework of SPP 2.5 and the LGSS, which both oppose PAL being relinquished to rural residential forms of development. This adds further weight to the WAPC's initial reasons for not supporting the designation, confirming that Lot 5102 should not be designated for rural residential land uses.

It is therefore recommended that the WAPC reiterate its requirement that this designation be deleted from PLPS prior to the document being advertised.

Rural Residential Designations at Porongorups

A component of modification 4 in **Attachment 1** was deletion of additional rural residential designations over and above those incorporated into PLPS from the Porongorups Rural Strategy (PRS). This has been carried out by the Shire however in doing so, some of the previous PRS precinct boundaries have been varied. This has resulted in some precincts having additional development area and others having a reduced development area. On balance, the changes are minor and do not cause any concerns with respect to the WAPC's requirements for this component of modification 4. It is recommended that the WAPC notes and supports these minor variations.

As there are only two modifications recommended and these are minor in nature, it is also recommended that to expedite advertising of PLPS the WAPC advises the

Shire that re-submission of the document prior to advertising to confirm the two modifications have been carried out, will not be necessary.

CONCLUSION

The modified PLPS document is largely consistent with modifications that were required by the WAPC. There have been some minor variations to some of the WAPC's required modifications; and one modification has not been carried out completely. It is recommended that consent to advertise the modified PLPS be granted, subject to two additional minor modifications being carried out.



Our Ref: DPI/09/02159/1
 Your Ref
 Enquiries: Cath Meagan (9264 7985)

Chief Executive Officer
 Shire of Plantagenet
 PO Box 48
 MT BARKER WA 6324

ATTENTION: Peter Duncan

Dear Sir/Madam

**SHIRE OF PLANTAGENET LOCAL PLANNING STRATEGY SUBMITTED
 FOR CONSENT TO ADVERTISE**

I refer to the above matter. In this regard, the Western Australian Planning Commission has resolved to:

1. Advise that it is unable to endorse TPP 18 as the Shire's Local Planning Strategy for the reasons set out in the attached Scheduled of Modifications;
2. Advise that once the modifications in the attached schedule have been carried out to TPP 18 to the satisfaction of the WAPC, and the document has been adopted as the LPS by resolution of Council, the WAPC will grant consent to advertise the document as the Shire's draft Local Planning Strategy in accordance with Regulation 12B(l) of the *Town Planning Regulations* 1967. The draft PLPS is to be resubmitted to the Commission for review prior to advertising the draft PLPS.
3. Affirm its support for the Shire of Plantagenet Local Planning Scheme Amendment 44, subject to the insertion of scheme requirements that ensure major access and structural issues are addressed prior to subdivision.
4. The Schedule of Modifications is to be amended to include Amendment 44 land and to delete the Special Control Area for Kendenup.

Albert Facey House, 469 Wellington Street (cnr Forrest Place), Perth, Western Australia 6000
 Tel: (08) 9264 7777; Fax: (08) 9264 7566; TTY: (08) 9264 7535; Infoline: 1800 626 477
 e-mail: corporate@wapc.wa.gov.au; web address: <http://www.wapc.wa.gov.au>
 ABN 35 482 341 493



If you have any further queries, please do not hesitate to contact Cath Meaghan, Director, Southern Regions on 9264 7985

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Evans', with a stylized flourish at the end.

For Tony Evans
Secretary
Western Australian Planning Commission

17 December 2009

Plantagenet Town Planning Policy No. 18

Modifications Required Prior to Formal Advertising as Local Planning Strategy

No.	Modification	Reason
1	Remove reference within the document to it being a 'Town Planning Policy'.	WAPC will not endorse the LPS under the guise of a TPP. WAPC is agreeable to the 'TPP 18' document submitted being advertised as the LPS in accordance with Regulation 12B(1) of the <i>Town Planning Regulations 1967</i> once the modifications in this schedule have been satisfactorily completed and the modified document adopted by the Council as the Local Planning Strategy.
2	Carry out the following modifications from the list of 128 originally proposed by Council: 1 (subject to modification 9 of this schedule), 2-7, 9-24, 26, 28, 35-38, 43, 51-56, 62, 63, 66, 70-80, 83, 84, 87-92, 94, 96, 97, 99, 101, 103, 109, 111-113, 115, 116, 118, 121, 123, and 125-128.	These modifications are not objected to by WAPC.
3	Delete reference to subdivision of 'priority' and/or 'general' agricultural land, whether for intensive agriculture or other purposes. Replace with a clear disposition against subdivision of both priority and general agricultural land. Rural subdivision provisions retained in the document should be limited to and consistent with those currently contained within WAPC documents SPP 2.5 and DC 3.4.	Provisions relating to rural land (particularly intensive agricultural subdivision) will lead to widespread fragmentation of both priority and general agricultural areas. This will lead to reduced agricultural productivity with subsequent negative economic impacts; increased land use conflicts; and introduction of unrelated, incompatible land uses into priority agricultural areas. The rationale for these provisions is fundamentally flawed, as they appear to be based on outdated planning provisions used in the South West of WA which intended to allow for intensive agricultural pursuits but have since failed to achieve this outcome.
4	Delete rural residential, rural smallholdings and landscape protection designations additional to those in the existing Porongorups Rural Strategy and Mount Barker LRS (including the two specifically identified at Narrikup and Mount	Rural residential and rural smallholding areas additional to those identified in the LRS and PRS remains unjustified given existing take-up of these lots; and would lead to proliferation of this lot type in PL Shire at a time when current WAPC policy direction is to place

	Barker/Porongorups resulting from submissions).	tighter controls on expansion of rural living areas. Would lead to detrimental planning outcomes including dispersed (as opposed to nodal) rural settlement; impacts on productivity of nearby agricultural land through land use conflict; and expectations of a level of services unable to be provided due to distance from townsites.
5	Tie 4000m2 rural residential lots and landscape protection zone provisions to specific existing designated areas with rationale provided for their location.	4000m2 rural residential lots and landscape protection zones are not objected to in principle. Provisions relating to these land uses simply need to be clarified in the document and a clear rationale for the number, size and location of such areas provided.
6	Include provisions for growth of Rocky Gully and Narrikup townsites in accordance with the table attached to this schedule. Retain proposed rural residential/rural smallholdings designations at Kendenup in the 'general' or 'priority' agriculture designation as appropriate.	Provisions for Rocky Gully and Narrikup will encourage nodal, consolidated growth of townsites while still providing for a wider choice of housing type. Kendenup designations are not supported for reasons set out in the attached schedule.
7	Delete portions of the urban residential designation to the north of Mount Barker townsite on Albany Highway that are not part of current Amendment 44 to TPS No. 3, and retain these portions in the 'general agriculture' designation.	Full extent of designation is not supported by WAPC however support for the land to be rezoned via Amendment 44 is re-affirmed, subject to insertion of Scheme requirements that ensure major access and servicing issues are addressed prior to subdivision.
8	Include a land release prioritisation strategy to direct timing and priority of development for new and existing residential designations.	Document identifies significant development potential of existing zoned urban land as well as designating new areas for urban development adjacent to Mount Barker. It is logical and appropriate for the document to state which of these urban development areas are priority areas and which are preferred for longer term/future development. This should also be provided for the rural townsites.
9	When the document is split to form separate background and policy documents, ensure that all background information is contained within the proposed background document and that all policy statements/recommendations are	Separate background and policy documents are supported in principle. However WAPC notes that some policy information is contained in existing areas of the document containing background information, and vice versa. Revision of the document needs

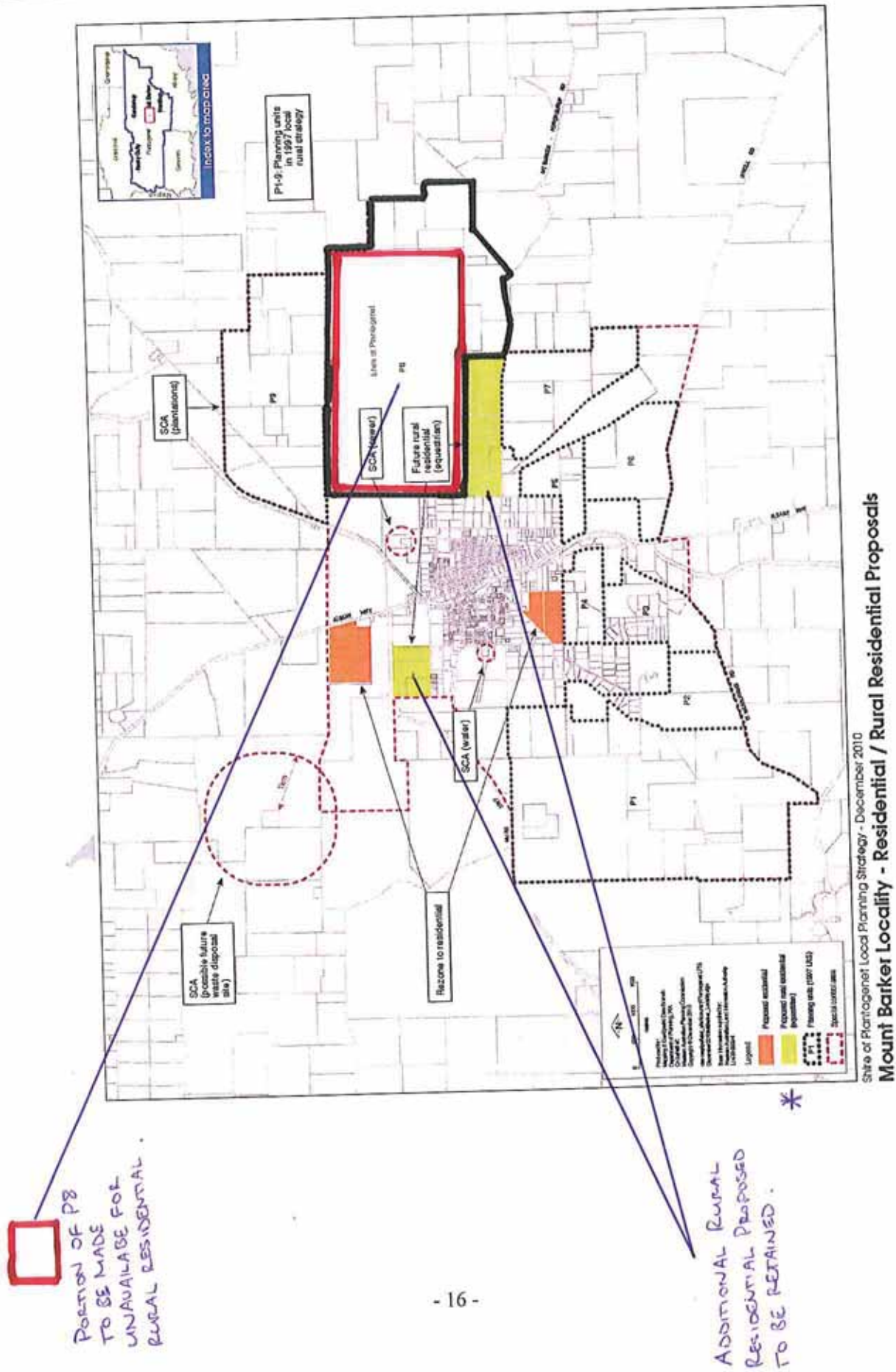
	contained in the policy document.	to ensure such provisions and/or information are appropriately located within their respective sections.
10	Remove sections within document that provide unnecessary detail not appropriate to be contained in a strategic document.	Document contains numerous sections with reproduce detail already contained in other active documents; the TPS; or which would be more appropriate in a local planning policy than in a strategic document.

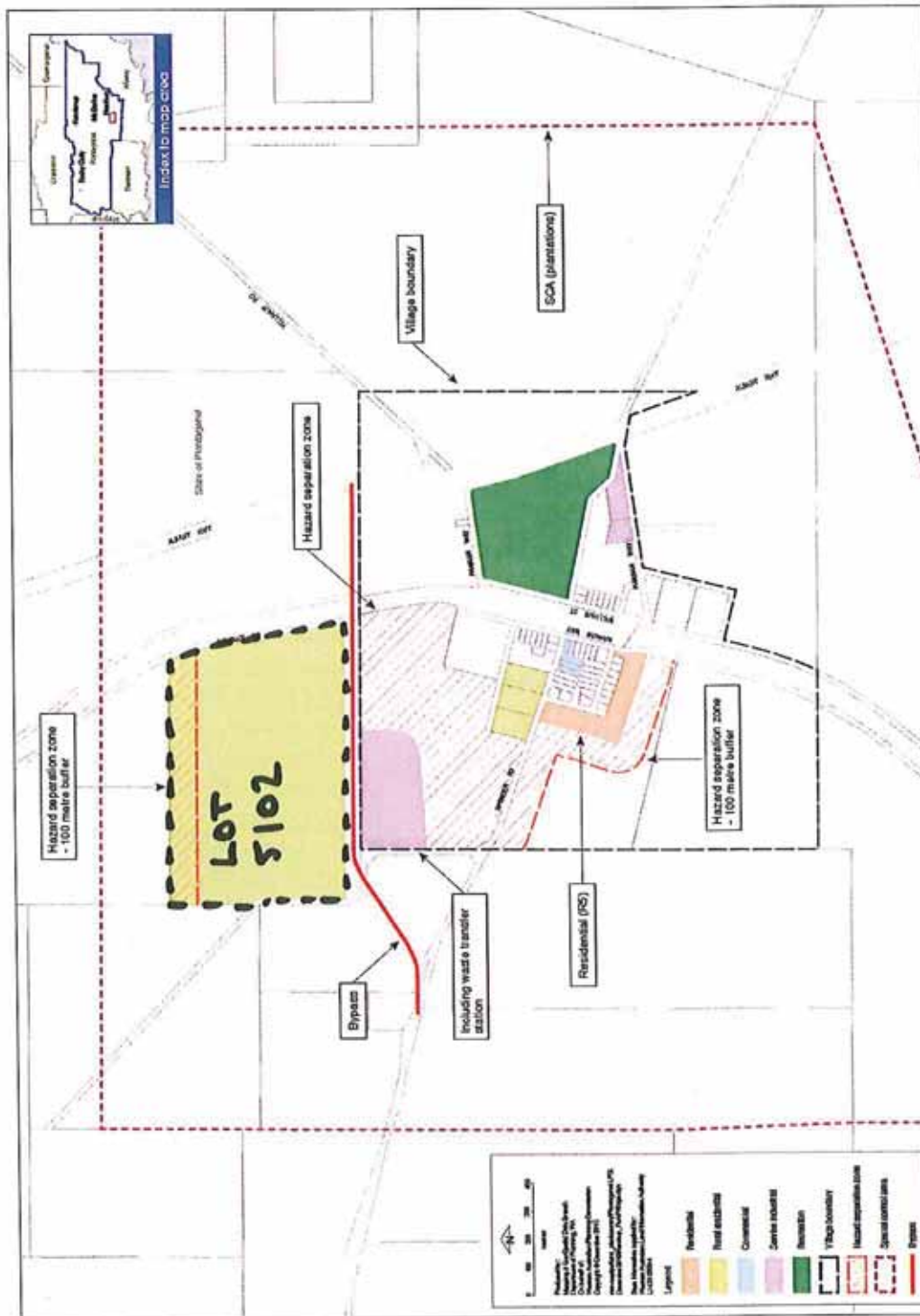
TPP 18 Rural Townsite Growth Scenarios - Additional Issues and Alternative Requirements

Townsite	Proposed Growth Scenario in TPP 18	Issues	Required New Provisions
Rocky Gully	Designate three areas for rural residential; one adjacent to existing townsite, two removed from existing townsite north of Muirs Highway	<p>Areas designated north of Muirs Highway not supported:</p> <p>a) Undermines consolidation of existing townsite (a stated objective of PLPS) by leaching of residential areas northward of logical townsite boundary;</p> <p>b) Will lead to issues of land use conflict - access of residents to townsite vs. function of Muirs Highway as heavy haulage route (MRWA objections received on this basis); and</p> <p>c) Rezoning of the land likely to be largely speculative - evident that demand for housing lots in locality is not high due to little or no release of existing townsite lots</p>	To provide greater housing/lot size choice consider area on southern side of Muirs Highway immediately adjacent to townsite only, subject to lot sizes being consistent with Special Residential (i.e. 1Ha maximum)
Narrikup	Designate two areas north and west of townsite for rural residential/rural smallholdings	<p>Designations not supported:</p> <p>a) Both sites are not contiguous with existing townsite and are located on cleared agricultural land, taking ag. land out of production and introducing potential land use conflict; and would undermine consolidation of existing townsite (a stated objective of PLPS) by leaching of residential areas north and west of logical townsite boundaries</p> <p>b) Northern site is located north of recently completed town bypass road, built specifically to remove conflict between</p>	To provide greater housing/lot size choice, investigate rezoning and subdivision of existing 3 x 1.2Ha rural zoned lots adjacent to townsite. These lots have existing dual road frontage and more intensive development in this area represents logical townsite growth

		<p>heavy haulage traffic and residential uses. Rezoning of site would negate purpose of bypass road and re-introduce land use conflict;</p> <p>c) Western site is a direct response to landowner submission proposing the development, with no other rationale provided for designation. This site is indistinguishable from other nearby sites in the vicinity and would encourage other purely speculative ag. land rezonings without strategic basis; and</p> <p>d) Other proposal for growth via urban residential expansion (1000m²-2000m² lots) contiguous with townsite is appropriate and logical for the townsite</p>	
Kendenup	Rezone approximately 1300 existing 4Ha - 80Ha rural lots to rural residential/rural smallholdings	<p>Blanket rezoning not supported:</p> <p>a) Ignores existing rural uses being carried out on the land and would fetter these ongoing uses (rezoning removes some rural use permissibilities);</p> <p>b) Area identified contains land parcels identified by DAFWA as containing priority agricultural land;</p> <p>c) Land area identified is approximately 17000Ha, this would be irreversibly removed from agricultural production;</p> <p>d) Intention to maintain existing number of lots is acknowledged, however the only basis for this is existing lot pattern. Does not respond to actual constraints such as land capability etc. and does not appear to have a grounding in any other land use planning principles. Given that lot sizes vary</p>	Retain area identified in the 'general' or 'priority' agriculture designation, as appropriate

		<p>greatly across the identified area challenges to this intention (in the form of subdivision proposals) are highly likely and unwanted intensification of lots will be difficult to resist based on this rationale alone; and</p> <p>e) Proposed boundary to zoning may also be challenged similar to manner described in (d) above, particularly between townsite and proposed rural residential area in the south east that is designated to remain rural</p>	
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Shire of Plantagenet Local Planning Strategy - December 2010
Narrikup Rural Village - Conceptual Structure Plan

MEETING SUMMARY
PLANTAGENET LOCAL PLANNING STRATEGY

Rural Residential Designation at Lot 5102 Spencer Road, Narrikup in PLPS

Peter Duncan (PL Shire), Tim Overheu (DAFWA), Georgina Folvig, Mark Jendrzejjczak (DoP Albany)

Discussions Regarding Lot 5102 Spencer Road:

Tim confirmed that the existing designation of Lot 5102 as priority agricultural land (PAL) in the LGSS was correct. The following points were provided:

- Land capability report for Amendment 52 (dealing with Lot 5102) confirmed the PAL classification of the land.
- Majority of the land would be suitable for perennial horticulture and/or irrigated annual agriculture.
- Remnant vegetation to the north and south would provide a suitable buffer for intensive agriculture.
- Presence of vineyards and plantations adjacent and to the west suggested general higher quality of agricultural land in the area.
- Existing direct access onto Spencer Road was beneficial as this was a prominent infrastructure feature for industry support.
- Preliminary groundwater studies indicated that Lot 5102 was located in an area of groundwater with low salinity.

**MEETING SUMMARY
PLANTAGENET LOCAL PLANNING STRATEGY**

Rural Residential Designation at Lot 5102 Spencer Road, Narrikup in PLPS

**Rob Stewart, Peter Duncan (PL Shire), Andrew Duffield (Main Roads WA),
Georgina Folvig, Mark Jendrzczak (DoP Albany)**

- Andrew reiterated the main points of MRWA's original submission, i.e. objection to the Narrikup designation was based on protection of the bypass road, minimising conflicts between local and heavy haulage traffic, ensuring efficient traffic flow, etc.

- MRWA recognised that Spencer Rd (bypass road) is a local road and not a MRWA road.

- MRWA agreed that traffic volume on the bypass road was likely to be low (approx. 200vpd) based on comparison figures provided by the Shire. However the function of the road was likely to be different to some of the other roads featured in the comparison. It was expected that a higher proportion of the 200vpd traffic would be heavy vehicles however this would be cyclical in nature.

- MRWA was broadly comfortable with the proposed Narrikup designation given that proposed revisions to the LPS flagged requirements for suitable access control measures from the development area onto the bypass road.

Note: Further clarification was provided by Andrew regarding dot point (3) above, at Peter's request. To clarify:

MRWA agree total traffic volumes will be low however there will be a high percentage of heavy vehicles in the traffic mix. MRWA do not agree that the examples given are all identical in function. Woogenellup Road is a freight route but is not the primary access route for a town and does not have residential development abutting. Beverley Road provides more of a primary access route to a rural village. The Link Road/George Street/Albany Ring Road proposal is quite different, in that it is a priority freight route with planning controls on adjacent developments to dissuade local/residential traffic, will be a 'control of access' highway and as such have strictly controlled access points.



ITEM NO: 9.4

SHIRE OF DANDARAGAN: LOCAL PLANNING STRATEGY FOR RURAL LAND USE AND RURAL SETTLEMENT RECONSIDERATION - CONSENT TO ADVERTISE

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Strategic, Southern Regions
AUTHORISING OFFICER:	Director, Southern Regions
AGENDA PART:	E
FILE NO:	DP/09/00623/1
DATE:	8 February 2011
ATTACHMENT(S):	Attachment 1: Schedule of modifications Attachment 2: Criteria for water provision Attachment 3: Dandaragan and Badgingarra LPS Attachment 4: Coastal Hinterland Planning Precincts
DETAILS:	Following certification of the draft LPS for advertising by the Commission, Council inserted additional text that requires reconsideration.
ADVERTISING:	n/a
SUBMISSIONS:	n/a
COUNCIL'S RESOLUTION:	To incorporate the additional text into the LPS prior to the Strategy being advertised.
ENVIRONMENTAL CONDITIONS SET & INCORPORATED:	n/a
MINISTERIALS RECEIVED:	Nil

RECOMMENDATION:

That the Western Australian Planning Commission resolves to certify that the Draft Shire of Dandaragan Local Planning Strategy Rural Land Use and Rural Settlement dated November 2010 is consistent with Regulation 12A of the Town Planning Regulations subject to the modifications outlined in the attached Schedule of Modifications being effected, and should be advertised for a minimum period of not less than 21 days.

SUMMARY:

- In September 2010, the WAPC certified the Shire of Dandaragan's draft LPS as being consistent with Regulation 12(A) and required that it be advertised subject to modifications.
- The modifications were satisfactorily effected.
- Subsequent to this and prior to advertising, Council inserted additional text primarily relating to rural living lots and again sought consent to advertise the amended document (dated November 2010).
- It is recommended that the additional text that relates to the provision of water for rural lots be modified to ensure consistency with SPP 2.5 and DC 3.4, that the alternative approach to the identification of land for rural residential areas in the vicinity of Dandaragan and Badgingarra be deleted and that the text relating to the use of rural sheds be retained.

DETAILS:

Insertion of additional text into the Shire of Dandaragan's Local Planning Strategy for Rural Land Use and Rural Settlement subsequent to WAPC certification for advertising.

The additional text sets out:

- criteria for water provision for rural living areas;
- criteria for the location of rural living areas;
- criteria for the release of additional rural living lots; and
- opposition to the use of sheds for temporary accommodation.

The additional text has been inserted at:

- Section 8.2.2.1 Precincts in Planning Unit 2 (PU2);
- Section 8.3 Rural Towns;
- Section 8.3.1 Dandaragan;
- Section 8.3.2 Badgingarra;
- Section 9.1 Provision of more rural living lots;
- Section 9.1.4 Planning responses;
- Section 9.9 Use of sheds for residential purposes;
- Section 9.11 Provision of water.

BACKGROUND:

The draft Shire of Dandaragan's Local Planning Strategy for Rural Land Use and Rural Settlement was originally submitted for consent to advertise in October 2009. An assessment of the document at that time identified matters requiring modification in order to accord with the Town Planning Regulations. The Department provided feedback to the Shire in January 2010 and the Shire made changes to the document in light of this advice. Council adopted a draft LPS on 27 May 2010 and forwarded the documentation to the Commission seeking consent to advertise.

On 14 September 2010, the WAPC certified that the draft LPS was consistent with Regulation 12(A) of the Town Planning Regulations subject to modifications and could be advertised. The modifications required by the WAPC were satisfactorily effected.

Subsequent to this and prior to advertising, Council resolved to insert additional text primarily relating to rural living lots into the LPS. Council is again seeking consent to advertise the amended document.

Only the additional text, inserted subsequent to WAPC endorsing the draft LPS for public advertising, is the subject of this report.

CONSULTATION:

The Shire of Dandaragan considered the amended LPS on 27 January 2011 and resolved to incorporate the additional text into the Strategy prior to it being advertised.

RELATION TO LEGISLATION:

Town Planning Regulations 1967, Clause/Section 12A and 12B

STRATEGIC CONTEXT:

The following policies have been taken into consideration when preparing this report:

- SPP 2.5 Agricultural and Rural Land Use;
- SPP 3 Urban Growth and Settlement;
- Development Control Policy 3.4 Subdivision of Rural Land;
- Review of SPP 2.5 and DC 3.4: The Commission (25 May 2010) resolved to release revised draft policies for public comment. The revised draft policies and the draft Dandaragan LPS are expected to be publicly advertised over a similar period and are therefore relevant to the assessment of the additional text.

OFFICER'S COMMENTS:

Provision of water to rural living lots

The draft LPS certified for advertising included seven factors (page 71) that would influence the number and size of rural living lots within an area identified as Coastal Hinterland Planning Unit 2 (PU2). The third factor refers to *what services are proposed to be provided*. Council have sought to add text that clarifies Council's requirements for the provision of water to rural living lots (**Attachment 2: Criteria for water provision**).

While these requirements acknowledge that rural living lots should comply with the provisions of SPP 2.5 and DC 3.4, additional criteria are set out to be considered by Council and the Commission where *a reticulated potable water supply is not practical*. These alternative water supply criteria largely reflect water policy measures for rural living within the revised draft state planning and development control policies, however they differ in a number of important respects:

- Dandaragan's alternative supply provisions apply to all rural living lots whereas the revised draft Commission policies apply only to new proposals for 10 lots or less or
-

for the subdivision of areas already identified for rural living in the Scheme where reticulated water supply is not available or planned;

- The alternate water supply option is considered feasible in areas where rainfall exceeds 500mm per annum whereas the WAPC revised draft policies indicate that this figure is 550mm per annum;
- The insertion into the scheme of a requirement for a 120 000 litre water tank *or minimum storage tank a (sic) 20 000 litres fed from an on-site dam or underground bore for domestic, land management and fire fighting purposes*. While the proposed calculation of roof catchment area and 120 000 tank size is consistent with the approach adopted in the current and proposed approach in DC 3.4, the sustainability and acceptability (by water and health agencies) of the alternative has not been demonstrated.

Given that Council have established a different position to the WAPC regarding water provision to rural living lots, it is recommended that the additional text on page 71 be deleted. The same text has been inserted elsewhere in the document and should similarly be deleted. If Council wish to provide further guidance on alternative water supplies within the draft LPS it is suggested that the text be modified to be consistent with the revised draft SPP 2.5 and DC 3.4. The suggested modifications are reflected in **Attachment 1: Schedule of Modifications**.

Opportunities for rural living lots in the vicinity of Dandaragan and Badgingarra

The draft LPS certified for advertising includes strategies for the rural towns of Badgingarra and Dandaragan (Section 8.3 Rural Towns) i.e:

- Future subdivision would be supported without requiring connection to deep sewerage subject to the Draft Country Sewerage Policy;
- The precincts identified for future residential and rural living within or adjacent to the townsites must be reviewed no later than after the release of an additional 100 lots; and
- When assessing proposals for rural living they should be located within or in reasonable proximity to the townsite consistent with location criteria in SPP 2.5 and DC 3.4. (inserted as a modification).

The precincts identifying areas where *Council will support rezoning and subdivision for residential and rural living uses within or adjacent to the townsites* of Dandaragan and Badgingarra are extensive (**Attachment 3: Dandaragan and Badgingarra LPS maps**). The grounds for creating these precincts are to offer flexible rural living opportunities without restricting development opportunities to the decisions of only a small number of landholders. A 100 lot limit is proposed to limit the extent of development within the precinct. The precincts focus on areas along main transport routes and around the townsites.

Council have sought to add text that requires *a graduation of lot sizes from 1-40 hectares progressively developed away from the town centre*. This additional strategy is supported.

Council have also sought to insert a rider that would apply should development within the identified rural living precincts *stall*. This rider would allow Council and the Commission to consider an alternative approach. The additional text (Section 8.3 page 77) reads:

However, should development stall or be significantly constrained by a 'Right to Farm' approach further consideration will be given to an alternative

approach providing continued demand can be demonstrated to the satisfaction of the Council and Western Australian Planning Commission.

The *alternative approach* is not explained other than demand should be demonstrated. It would override the strategies for rural towns within the draft LPS (that are consistent with the current and draft WAPC rural policies), would facilitate ad-hoc fragmentation of rural land and increase the risk of land use conflict with land currently used for primary production purposes. It is recommended that this additional text be deleted from the draft LPS.

Provision of more rural living lots

Section 9.1 establishes Council's support for the release of rural living lots in Planning Unit 2 Coastal Hinterland in addition to those areas already identified in the draft LPS, subject to satisfying all planning considerations. The assessment of these additional areas is deferred to the scheme amendment process that would require an analysis of development suitability and current demand activity.

The draft LPS states that demand for the provision of these additional rural lots is anecdotal and that a developer would be required to justify that sufficient demand exists to the satisfaction of the Commission. Council has inserted additional text that suggests sources of strong growth in demand i.e. the completion of Indian Ocean Drive, the potential for new energy projects in the area and increased mining and resource development. It is recommended that this additional text be supported.

In addition, Council have sought to insert text that establishes criteria for Council considering rezoning the broader areas generally identified in Figure 8 (**Attachment 4: Planning Precincts**):

Nevertheless, should during the life of this Strategy it become evident that the principal areas (precincts) identified for rural living (1-40ha) as outlined in Figures (sic) 8 prove insufficient, then the areas identified as 'Possible Future (long-term) Rural Living' will be considered for rezoning. However as a guide rezoning will not be initiated over these areas until at least 70% of the principal area proposed for rural living has been rezoned and subdivided to full potential or as otherwise determined between the Shire Council and the Western Australian Planning Commission.

Given the substantial amount of land already the subject of forward planning, it is highly unlikely that developments within these areas could be justified within the life of the LPS. The potential lot yield for the Cockleshell Precinct and East Cervantes Precinct is 498 rural living lots with additional lots available in the Ardross North and East Precincts. The identification of additional rural living areas should be considered within a future review of the LPS or if demand necessitates earlier action, through an amendment to the LPS. It is recommended that this text and similar additional text within Section 9.1.4 Strategy be deleted from the draft LPS and the text that was endorsed by the Commission restored.

Use of Sheds for Residential Purposes

Council have sought to include additional text in Section 9.9 that deals with the use of sheds for residential purposes. Council do not support the use of a shed on rural-living lots for temporary accommodation purposes. The use of an on-site caravan with appropriate facilities is preferred. Given that this is a local planning and development issue the insertion of the additional text is supported.

CONCLUSION:

The Shire of Dandaragan has requested that additional text be inserted into their draft LPS subsequent to WAPC certifying that the document was consistent with Regulation 12(A) of the Town Planning Regulations and should be advertised.

It is recommended that the WAPC certify the amended document dated November 2010 as being consistent with Regulation 12A subject to modifications outlined in Attachment 1. The modifications require that:

- the additional text relating to water provision for rural living lots be deleted or if Council wish to provide further guidance on alternative water supplies that the text be modified to be consistent with the revised draft SPP 2.5 and DC 3.4;
 - the additional text relating to an alternative approach to rural living developments in the vicinity of Dandaragan and Badgingarra be deleted; and
 - the additional text relating to rezoning of land for rural living outside of precincts in Planning Unit 2 be deleted.
-

**Shire of Dandaragan
Local Planning Strategy
Rural Land Use and Rural Settlement (Draft, November 2010)
Schedule of Modifications**

1. Deleting inserted additional text in Section 8.2.2.1 Precincts in Planning Unit 2 (PU2) page 71, that starts “It is accepted by Council that” and ends “potential shortfall in domestic water supplies”. Deleting this same or similar inserted additional text at:
 - Section 8.3 Rural Towns, Strategy, page 76/77;
 - Section 9.11 Provision of Water, page 107/108;
 - Section 9.11, Strategy, page 108.
2. Inserting (at Council’s discretion) the following text to replace text deleted in accordance with Modification (1).

It is accepted by Council that all rural living lots must be provided with power and water with due regard to the standards required in the relevant State policies (State Planning Policy 2.5 and Development Control Policy 3.4). Specifically, the Council will require rural living lots to be connected to a reticulated domestic water supply provided by a licensed water service provider, including water for fire fighting.

Where the local planning scheme includes existing rural living zones in areas where a reticulated water supply is not available or planned, or for proposals with 10 lots or less where a reticulated water supply is not available, Council and the Western Australian Planning Commission may consider an alternative domestic water supply (which includes water for fire fighting) where the supply is demonstrated and sustainable and supported by water and health agencies. Consideration is subject to:

- *The reliability of alternative water supplies to be confirmed by the applicant using suitable investigation and available models;*
- *The provision of domestic water via roof collection and rainwater tank as the sole alternative water supply is not considered a viable option in areas with rainfall less than 550mm per year;*
- *For areas with greater than 550mm per annum rainfall, the likely variability of rainfall events must be considered;*
- *Where rainfall is the sole source of domestic water, applicants must demonstrate appropriate arrangement to service the proposal should rainfall not be sufficient to provide a drinking water supply;*
- *Memorials being placed on title to advise prospective owners of a potential short fall in domestic water supply where necessary;*

- *Guidance from the Bureau of Meteorology, the Commonwealth Scientific and Industrial Research Organisation and Department of Water regarding future rainfall trends and future water availability.*

The method of calculating the minimum collection area required to service a rainwater tank would be based on the Department of Water's formula (Stormwater Management Manual of WA).

Collection area (m²) = Average Household Water Consumption (L) divided by (0.85X(local rainfall – 24mm))

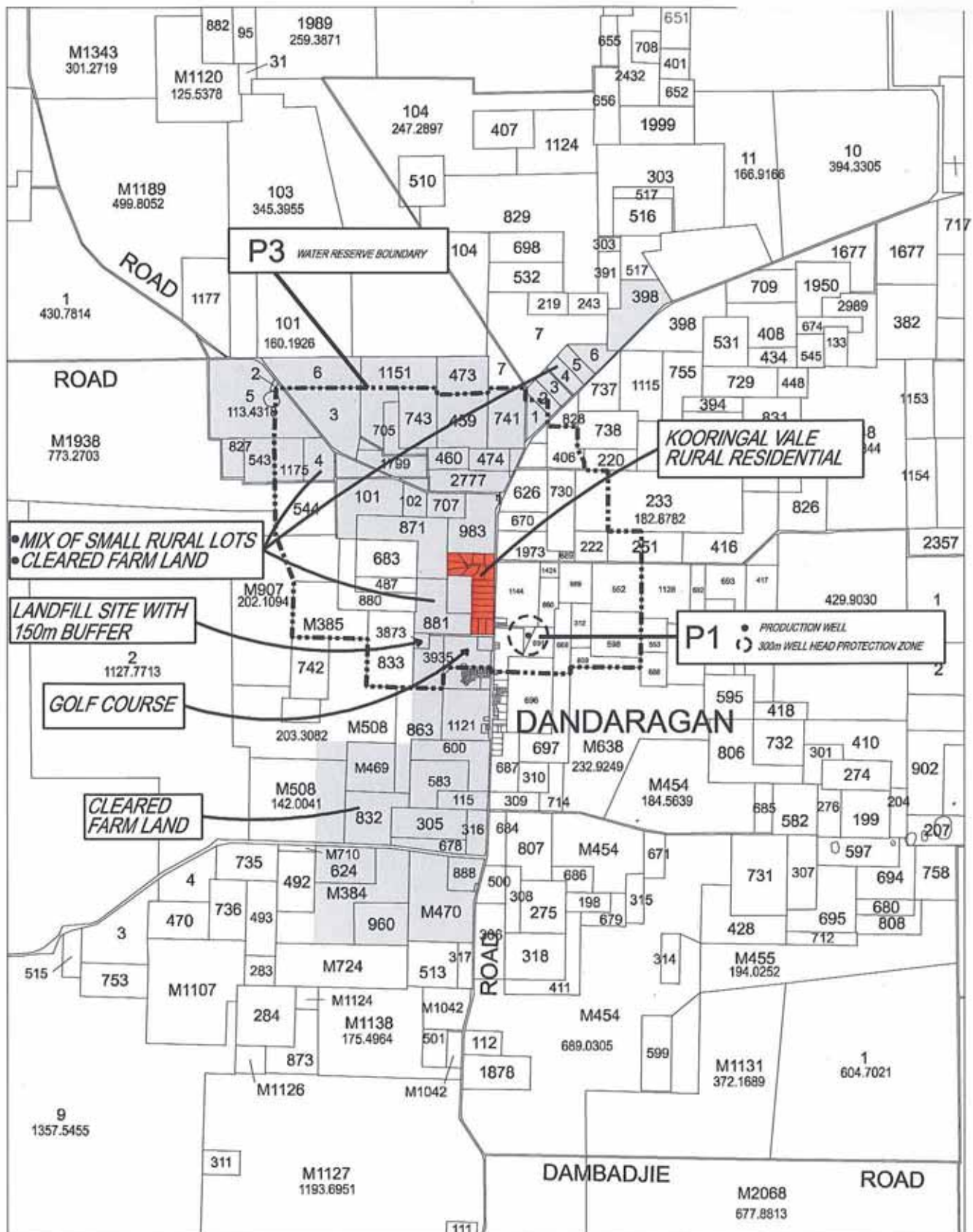
Other factors to be taken into consideration when considering the viability of rainwater as an alternative supply are the minimum tank size required and the average water consumption for rural residential properties.

3. Deleting inserted additional text in Section 8.3 Rural Towns, Strategy page 77, that starts “However, should development stall” and ends “to the satisfaction of the Council and Western Australian Planning Commission”. Deleting this same or similar text at:
 - Section 8.3.1 Dandaragan, Planning for growth of Dandaragan, Strategy page 79;
 - Section 8.3.2 Badgingarra, Planning for growth of Badgingarra, Strategy page 84.
4. Deleting inserted additional text in Section 9.1 Provision of more rural living lots page 94, that starts “Nevertheless, should during the life...” and ends “as otherwise determined between Shire Council and the Western Australian Planning Commission”. Deleting this same or similar text at:
 - Section 9.1.4 Planning Responses, Strategy page 96.

It is accepted by Council that all rural living lots must be provided with power and an adequate water supply with due regard to the standards required in the relevant State Policies (currently SPP 2.5 and DC 3.4). Specifically, the Council will require rural living lots to be connected to a reticulated potable water supply of an appropriate standard, as determined by the licence holder, where such a service is available and considered economically viable.

However, where in the opinion of the Council and the Western Australian Planning Commission a reticulated potable water supply is not practical based on substantiated evidence provided by the proponent, then an alternative sustainable potable water supply for domestic use and a separate water supply for land management and fire fighting purposes may be considered subject to:

- The land falling within an area that exceeds an annual average rainfall of 500mm in accordance with Bureau of Meteorology and the Commonwealth Scientific and Industrial Research Organisation data.
- The reliability of alternative water supplies in different localities can be confirmed by available models, which may include historic and projected rainfall, groundwater availability and formal advice from agencies or organisations responsible to the Minister for Water Resources.
- The inclusion of specific provisions as part of a scheme amendment to rezone land that reflect:
 - the method of calculating the minimum collection area required to service a rainwater tank based on the Department of Water formula outlined in the Stormwater Management Manual for WA.
 - a minimum rainwater tank storage for roof catchment of 120,000 litres or minimum storage tank a 20,000 litres fed from an on-site dam or under ground bore for domestic, land management and fire fighting purposes. This is to include the installation of a 50mm outlet with gate valve and male coupling located 300 mm up from the base of each tank to be clearly marked "Fire Brigade Connection Point".
 - A memorial being placed on individual titles at the time of subdivision to advise prospective owners of the potential shortfall in domestic water supplies.



LEGEND

DANDARAGAN



Council will support rezoning and subdivision for residential and rural living uses within or adjacent to the townsite, and for industry, composite mixed business or industry with residential uses where land proves suitable. (See Part 8.3)



EXISTING RURAL RESIDENTIAL ZONE - KOORINGAL VALE (18 LOTS)

P1 [Public Drinking Water Source Area
P3 [Priority Classification for Protection

FIGURE 10



Job Number: 1411
Date: 18 October 2010

Landvision Pty Ltd
Land Planning & Mapping Consultants
Suite 5, 18 Nicholson Road
Subiaco WA 6008
T 08 9388 8181
F 08 9388 8185
E enquiries@landvision.com.au

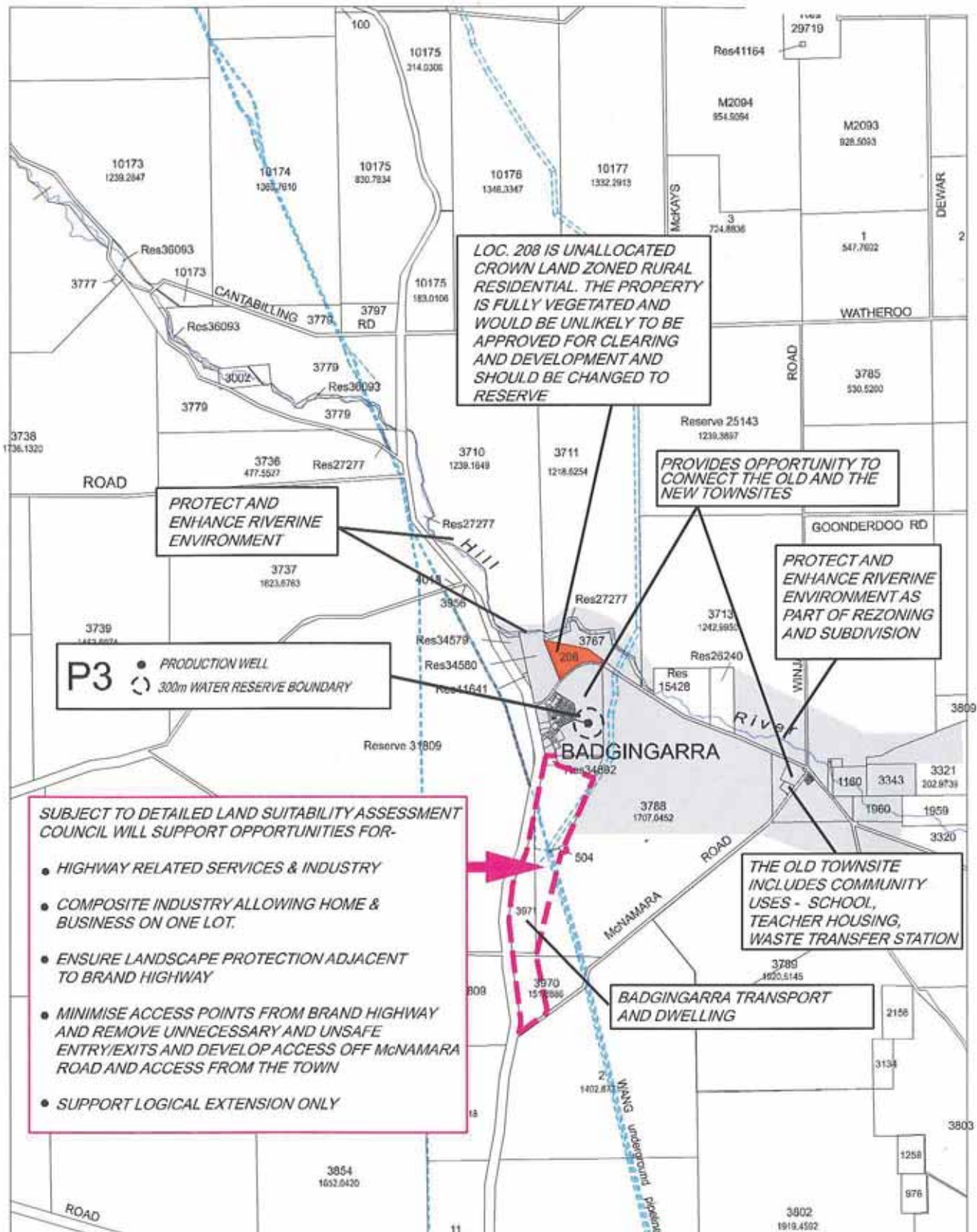
DANDARAGAN

LOCAL PLANNING STRATEGY
RURAL LAND USE AND RURAL SETTLEMENT

SCALE 1:80 000 (A4)

0 0.5 1 2KM





LEGEND

BADGINGARRA



Council will support rezoning and subdivision for residential and rural living uses within or adjacent to the townsite, and for industry, composite mixed business or industry with residential uses where land proves suitable. (See Part 8.3)



EXISTING RURAL RESIDENTIAL ZONE - NOT DEVELOPED

P3 [Public Drinking Water Source Area
Priority Classification for Protection

FIGURE 12



Job Number: 1411
Date: 15 October 2010
Landvision Pty Ltd
Land Planning & Mapping Consultants
Suite 5, 15 Nicholson Road
Subiaco WA 6008
T 08 9386 8181
F 08 9386 8185
E enquiries@landvision.com.au

BADGINGARRA
LOCAL PLANNING STRATEGY
RURAL LAND USE AND RURAL SETTLEMENT

SCALE 1:80 000 (A4)

0 0.5 1 2KM





ITEM NO: 9.5

SHIRE OF WYNDHAM EAST KIMBERLEY LOCAL PLANNING STRATEGY - CONSENT TO ADVERTISE

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Kimberley Planning
AUTHORISING OFFICER:	Executive Director Regional Planning and Strategy
AGENDA PART:	E
FILE NO:	DP/10/00078/1
DATE:	4 February 2011
ATTACHMENT(S):	1. Summary of Proposed Changes 2. Kununurra Strategic Land Use Plan (revised) 3. Wyndham Strategic Land Use Plan (revised)

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. approve the Shire of Wyndham East Kimberley Local Planning Strategy for advertising;*
- 2. advise the Shire of Wyndham East Kimberley that additional information is required to be included in the final document as outlined in the officer's comments in the this report.*

SUMMARY:

The key points relating to this report are as follows:

- The Shire of Wyndham East Kimberley (SWEK) has endorsed the partial review of the Local Planning Strategy (LPS) 2006 and seek consent of the WAPC to advertise the modified document.
 - The changes do not propose additional land in Kununurra for rural lifestyle pursuits, to that which is already identified in the 2006 Strategy. Additional land is proposed for Wyndham.
 - The 1 ha to 4 ha lot size for Rural Residential lots remain unchanged, however the revised Strategy proposes to delete the requirement for a 2 ha average.
-

- The 4 ha to 40 ha lot size for Rural Smallholding lots remains unchanged, however reference to an average lot size is proposed to be deleted.
- King Location 647 currently zoned Rural Small Holdings, is proposed to be identified as potentially suitable for Rural Residential development, dependant on whether the land is identified as Prime Agricultural Land. **(Refer to Attachment 1)**

BACKGROUND:

In the past, policy requirements for rural residential and rural smallholding development in Kununurra have been varied to maximise lot yields and to provide for better planning and environmental outcomes. In most cases the variations relate to minimum and average lot size requirements.

The revised Strategy aims to address the uncertainty of both proponents and Council surrounding appropriate lot sizes and development for rural lifestyle purposes.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Town Planning Regulations 1967

Clause 12A, 12B and 12C

Strategic Plan

Strategic Goal:

1. Building Relationships
2. Planning

Outcomes:

1. Excellence in Service
2. Planned Local Communities

Strategies:

1. Develop Connected and Accessible Communities

Policy

Number and / or Name:

SPP 2.5 Rural Land Use Planning
SPP 4 Urban Growth and Settlement
SPP 5.1 Land Use Planning within the Vicinity of the
Perth Airport

DETAILS:

The revised Strategy states that if agriculture is deemed to be unviable and the land is not Prime Agricultural Land, then rural residential development may be considered as a viable alternative (to rural smallholdings). Protection of Prime Agricultural Land is only one consideration when assessing the suitability of land for Rural Residential purposes. Other factors include locational characteristics, settlement hierarchy, sustainability, and environmental and landscape protection.

It is important that Department of Agriculture and Food determine whether the land should be retained as agricultural land through the consultation process. This will

enable the Shire to include this information within the Strategy and to give consideration of other relevant issues.

The Commission is willing to continue to support in principle, the development of lots less than 4 hectares without the provision of reticulated water. The Commission retains its right to reconsider this following advertising of the Strategy.

The revised Strategy contains no updated information on demand for rural lifestyle blocks, existing occupied and vacant lots, and potential lot yield for the five subject areas. This information will need to form part of the final Strategy;

The revised Strategy refers to, but does not provide discussion of the need to consider impact of smaller lots (1 hectare) on the river system or adjoining conservation/vegetated areas. It is important that comments are sought from Department of Water and Department of Environment and Conservation in this regard during the advertising period and form part of the final document.

The proposed additional rural residential lots at Wyndham adjoin the Wyndham airport and could potentially be within noise affected areas. Although SPP 5.1 - Land Use Planning within the Vicinity of the Perth Airport, relates only to Perth, the key objectives of the policy can be applied to regional airports. Modelling should be undertaken to demonstrate that dwellings will be located outside of the recommended Australian Noise Contour for airports. This information will be required to support the final Strategy.

The following is a summary of the changes proposed to the existing strategy:

- Section 5.2.1 Constraints and Opportunities for Rural Residential Land
The requirement for average lot sizes is replaced with a minimum lot size to achieve more flexibility.
 - Section 5.2.2 Structure Planning
A new section is included which outlines the process for Structure Plans for Rural Residential and Rural Smallholding zones;
 - Section 5.2.3 Existing Rural Residential Land
This section has been updated and explains current subdivision and development within Kununurra. In addition a new section has been included for Wyndham;
 - Section 5.2.6 Lot Size and Reticulated Water Supply
Additional justification provided for the inability of Rural Residential lots to connect to reticulated water;
 - Section 5.2.7 Future Rural Residential
Crossing Falls Road
Deleted reference to an average of 2 ha, retain lot sizes between 1 ha to 4 ha;
-

Lot 21 King Location 599 (Weero Road)

Deleted reference to an average of 4 ha, and retain lot sizes between 1 ha to 8 ha, stipulating that minimum 4ha is appropriate as buffer for lots abutting or adjoining horticultural activities.

Wyndham

New section proposes to expand the existing rural residential area within the six Mile locality, 4 km southeast of the townsite. Rural residential subdivision is proposed in the order of 1 to 4 ha. The land is currently zoned Aerodrome and forms portion of the Wyndham Airport. The Shire has determined that a significant portion of the airport land is surplus to requirements.

- Section 5.2.8 Future Small Rural Holdings
King Location 647

The site has recently been rezoned to Rural Small Holdings consistent with the current LPS. The LPS deletes reference to "the requirement for some 20 - 40 ha lots to ensure retention of horticultural uses and generally lot sizes not suitable for agriculture would range from 4 ha to 8 ha". This is replaced with lot sizes ranging from 4 ha to 8 ha and acknowledges there is scope to consider a future rezoning of the site for rural residential purposes.

- Section 5.2.9 Key Points

The areas identified for rural residential and rural small holdings remain the same as the current LPS. The requirement for an average lot size has been deleted. The revised LPS includes acknowledgement that King Location 647 can be considered for Rural Residential pending the determination of the viability of agriculture.

- Section 6.4 Rural Residential Development

Includes a minimum lot size of 1 ha for all rural residential development and a minimum lot size of 4 ha to be applied where a proposed rural residential subdivision abuts PAL, a horticultural land use, environmental areas and/or areas of landscape significance.

- Appendix C - Assessment of Potential Rural Living Locations

Includes a section on Wyndham.

- Figures 17C and 17E Kununurra Strategic Land Use Plan and Wyndham Strategy Land Use Plan

Changes included as detailed above (**refer to Attachments 2 and 3**).

GOVERNMENT AND CORPORATE IMPLICATIONS:

The proposed Local Planning Strategy is a key strategic planning document to ensure orderly and proper planning within the Shire of Wyndham East Kimberley.

CONSULTATION:

N/A

OFFICER'S COMMENTS:

Relevant State Planning Policies

SPP 2.5 - Agriculture and Rural Landuse Policy states that rural land use is generally the highest and best use of land zoned for rural purposes. As a subset of rural land, land with suitable soils, climate, water (rain or irrigation) and access to services is of state significance and is considered to be priority agricultural land (PAL). This land must be retained for food production purposes. Beyond its principle function for primary production, rural land is also required for public purposes, natural resource management and protection of landscapes and views.

To determine the appropriateness of Rural Residential as opposed to Rural Smallholdings on King Location 647, as well as suitability of land for agriculture, in accordance with SPP 3 - Urban Growth and Settlement, consideration also needs to be given to proximity to the townsite, retention and preservation of natural areas and ability to be serviced.

The site is a logical area to be considered for Rural Residential zoning as it is located 5 km from town and in the same vicinity as old Darwin Road and Crossing Falls Road proposed Rural Residential areas. Subject to comments from Department of Agriculture and Food and Department of Environment and Conservation, through the public consultation period, the proposal complies with SPP 3.

Prime Agricultural Land

The revised Strategy contains reference to PAL and specifically states that if agriculture is deemed to be unviable and the land not PAL, rural residential development may be considered as a viable alternative (to Rural Smallholdings). It is important that Department of Agriculture and Food determine whether the land should be retained as agricultural land through the consultation process. Once this has been determined it will provide more certainty in ascertaining the suitability of land for Rural Residential purposes, and reference to agricultural viability can be deleted from the Strategy.

Potable Water

The existing WAPC endorsed LPS 2006, provides discretion for the approval of lots less than 4 hectares in the absence of reticulated water. It is important in the Shire to provide a diversity of living choices, to encourage people to locate and to remain in the area. It is particularly important to provide housing in areas that take advantage of key natural assets, such as the river. It is recommended that these areas are able to develop without access to reticulated water only where alternative potable water sources (water tanks) can be demonstrated.

Demand Analysis

The revised LPS contains no updated information on demand for rural lifestyle blocks, existing occupied and vacant lots, and potential lot yield for the five subject areas. In work recently completed by LandCorp for the Kununurra townsite, it was stated that there remains 110 rural living lots, which are either on the market, or have yet to have titles released. This could indicate that there is no immediate need for additional rural lifestyle lots.

It is recommended that the Shire is advised that this information will be required to support the modified LPS upon request for final endorsement.

Adjoining Land Uses

The revised LPS refers to, but does not provide discussion of the need to consider impact of smaller lots (1 hectare) on the river system or adjoining conservation/vegetated areas. It is important that comments are sought from Department of Water and Department of Environment and Conservation in this regard during the advertising period.

The proposed additional rural residential lots at Wyndham adjoin the Wyndham airport and could potentially be within noise affected areas. Although SPP 5.1 - Land Use Planning within the Vicinity of the Perth Airport, relates only to Perth, the key objectives of the policy can be applied to regional airports. Modelling should be required which demonstrates that dwellings will be located outside of the recommended Australian Noise Contour for airports. It is recommended that the Shire is advised that this information will be required to support the modified LPS upon request for final endorsement.

Proposed Rural Residential

	Current Zone	Current LPS lot size requirements	Proposed changes	Potable Water	Distance to town	Locational characteristics	Key issues for lots less than 4ha
Lot 21 Weero Road (all subdivided)	Rural living	1 - 8 ha; Average 4ha	Rural Residential Minimum 1 ha	No	14 km	Some lots are adjoining agriculture, river or nature reserve	<ul style="list-style-type: none"> • No potable water • Impact on river & nature reserve
Lot 21 Crossing Falls (24 lot created)	Rural Residential + Conservation (Crown Reserve)	1 - 4 ha; Average 2 ha	Minimum 1 ha	No.	15 km	Proximity to river	<ul style="list-style-type: none"> • No potable water • Impact on river & adjoining reserve
Old Darwin Rd (3 lots - 2 remain unsubdivided)	Rural Smallholdings	4 - 8 ha + some 20 - 40 ha lots adjoining current horticultural activity Dependant on agricultural viability investigations may be considered for Rural Residential with minimum 1ha	No proposed changes	No.	6 km	Some agricultural activity	<ul style="list-style-type: none"> • No potable water • Impact on adjoining agricultural activities

	Current Zone	Current LPS lot size requirements	Proposed changes	Potable Water	Distance to town	Locational characteristics	Key issues for lots less than 4ha
King loc 647 (still to subd)	Rural Smallholdings	4 - 8 ha + some 20 - 40 ha lots adjoining current horticultural activity	Minimum 4 ha Dependant on agricultural viability investigations may be considered for Rural Residential with minimum 1 ha	No	9km	AgWA have advised that the land is not PAL. DEC have identified wetland areas & vegetation of significance	<ul style="list-style-type: none"> • No potable water • Protection of wetlands & vegetation
Wyndham	Airport	1 - 4 ha Average 2 ha	Extension to existing Rural Residential land. Minimum of 1 ha	No	5 km	Adjoins airport	<ul style="list-style-type: none"> • No reticulated water • Noise from airport

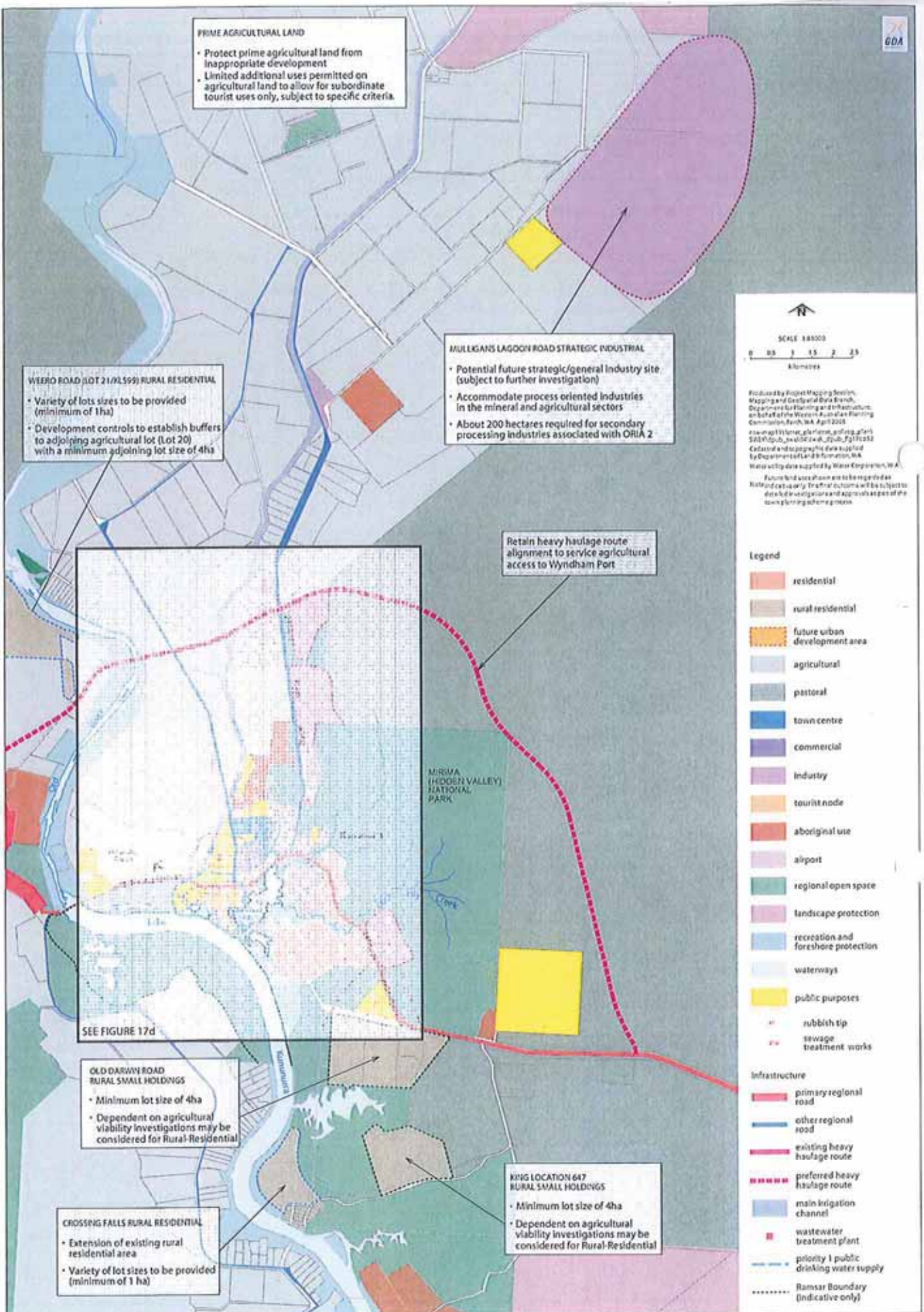


Figure 17c

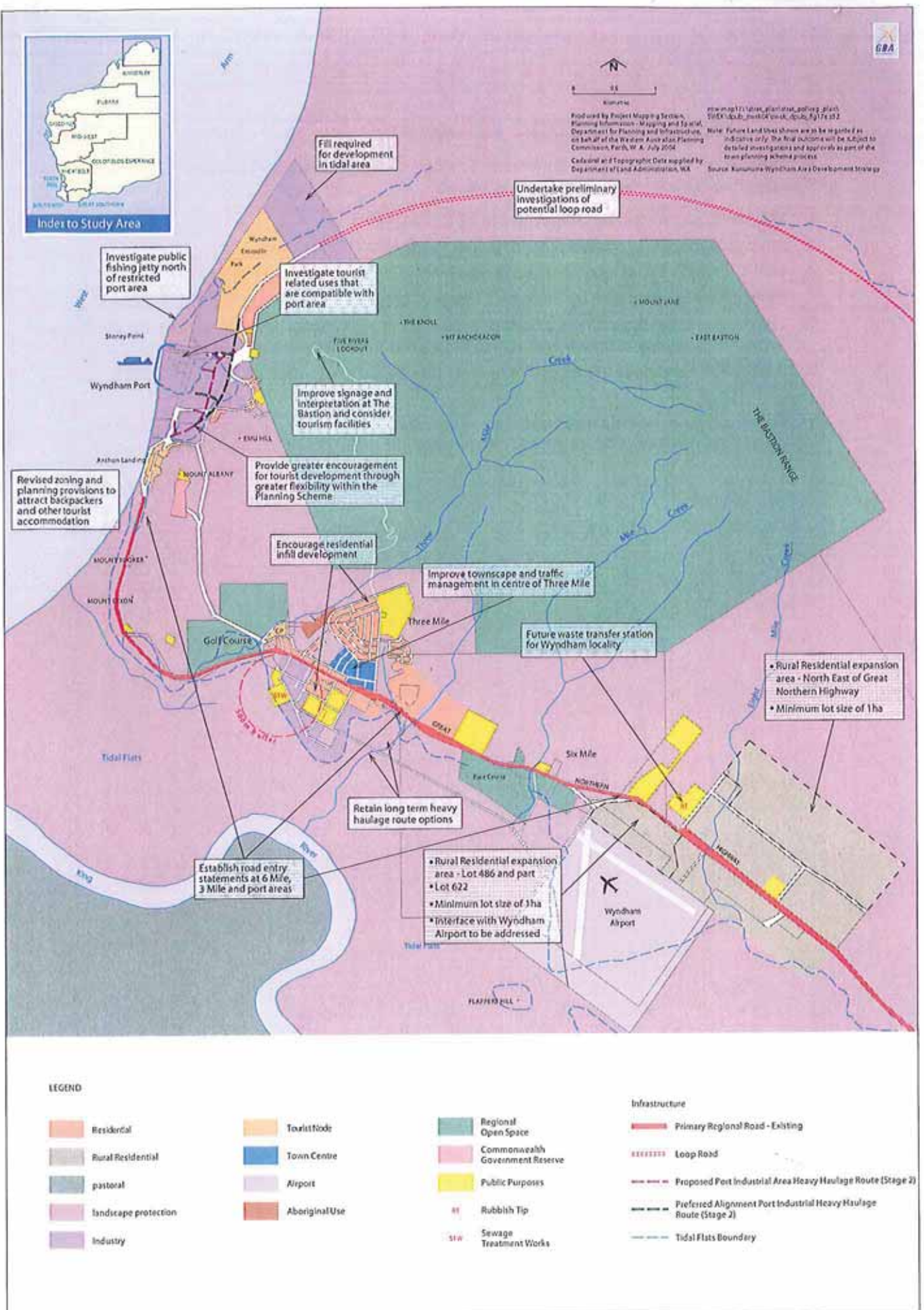


Figure 17e



ITEM NO: 9.6

DEVELOPMENT APPLICATION FOR WAREHOUSE EXTENSION ON LOT 32 BEARD STREET, NAVAL BASE, KWINANA

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning South West
AUTHORISING OFFICER:	A/Planning Director, Metropolitan Planning South West
AGENDA PART:	G
FILE NO:	26-50064-5
DATE:	22 February 2011
ATTACHMENT(S):	1 - Development Proposal 2 - Location and Zoning Plan 3 - Site Photographs
REGION SCHEME ZONING:	Industrial
LOCAL GOVERNMENT AREA:	Town of Kwinana
LOCAL SCHEME ZONING:	General Industry
RECEIPT DATE:	29 December 2010
PROCESS DAYS:	40
APPLICATION TYPE:	Development
DESCRIPTION OF PROPOSAL:	Warehouse extension

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve unconditionally the application for a warehouse extension on Lot 32 Beard Street, Naval Base Kwinana.

INTRODUCTION

An application has been made by BGC (Australia) Pty Ltd for the construction of a warehouse extension to the operational cement manufacturing and storage plant on Lot 32 Beard Street Naval Base Kwinana (**Attachment 1** - Development Proposal). The cost of the development is estimated to be \$534,650 and is due for completion in December 2011.

The subject land is zoned 'Industrial' under the Metropolitan Region Scheme (MRS) and 'General Industry' under the Town of Kwinana Town Planning Scheme No.2 (TPS2) (**Attachment 2** - Location and Zoning Plan).

The application has been referred to the Western Australian Planning Commission (WAPC) in accordance with Clause 32 of the MRS, Resolution No.46 which requires that development proposals exceeding \$250,000 within the Kwinana Industrial Area to be referred to the WAPC for determination.

In order for the development to proceed the applicant will need to secure the separate planning approvals of the WAPC (under the MRS) and the Town of Kwinana (under the TPS2).

The Town of Kwinana has refused the development application under TPS2 on the basis that the front set back of the warehouse extension does not comply with the scheme minimum setback provisions. In response the applicant has lodged an application for review (appeal) to the State Administrative Tribunal (SAT). The SAT has directed the parties to provide written submissions by 18 February and responses thereto by 25 February 2011.

Clause 30 of the MRS requires the WAPC to have regard to the following factors when determining a development application:

- *purpose for which the land is zoned or reserved under the MRS;*
- *orderly and proper planning of the locality; and*
- *preservation of the amenities of the locality.*

CONSULTATION

Town of Kwinana

The Town of Kwinana has cited the reason that it refused to grant planning approval under the TPS2 as its recommendation to the WAPC, that the WAPC refuse to grant planning approval under the MRS specifically:

- "the proposed front setback of the warehouse (*being 3 metres*) does not comply with the minimum 15 metres setback required under Clause 6.3.1 - Table 2 - Minimum Setbacks from boundaries of the Town of Kwinana Town Planning Scheme No.2. "

Department of Mines and Petroleum

No objection to the proposal.

Department of Environment and Conservation

No comments on this proposal.

Dampier Bunbury Natural Gas Pipeline

No objection to the proposal.

WA Gas Networks

No objection to the proposal.

COMMENTS

The proposed development is consistent with the industrial zoning and use of the land and merely represents an extension of existing development/uses on the site. In terms of the MRS the proposal does not raise any planning considerations relating to the orderly and proper planning and amenities of the locality.

The site specific setback issues raised by the Town of Kwinana will be concluded via the SAT process as to whether the applicant can secure planning approval under the TPS2.

CONCLUSION

The Western Australian Planning Commission resolves to approve unconditionally the application for a warehouse extension on Lot 32 Beard Street, Naval Base Kwinana.



LOT 32
SANDY

HOTEL BOUNDARY POSITION
 APPROXIMATE ONLY
 AIRLINE'S CONTRIBUTION

FILE COPY

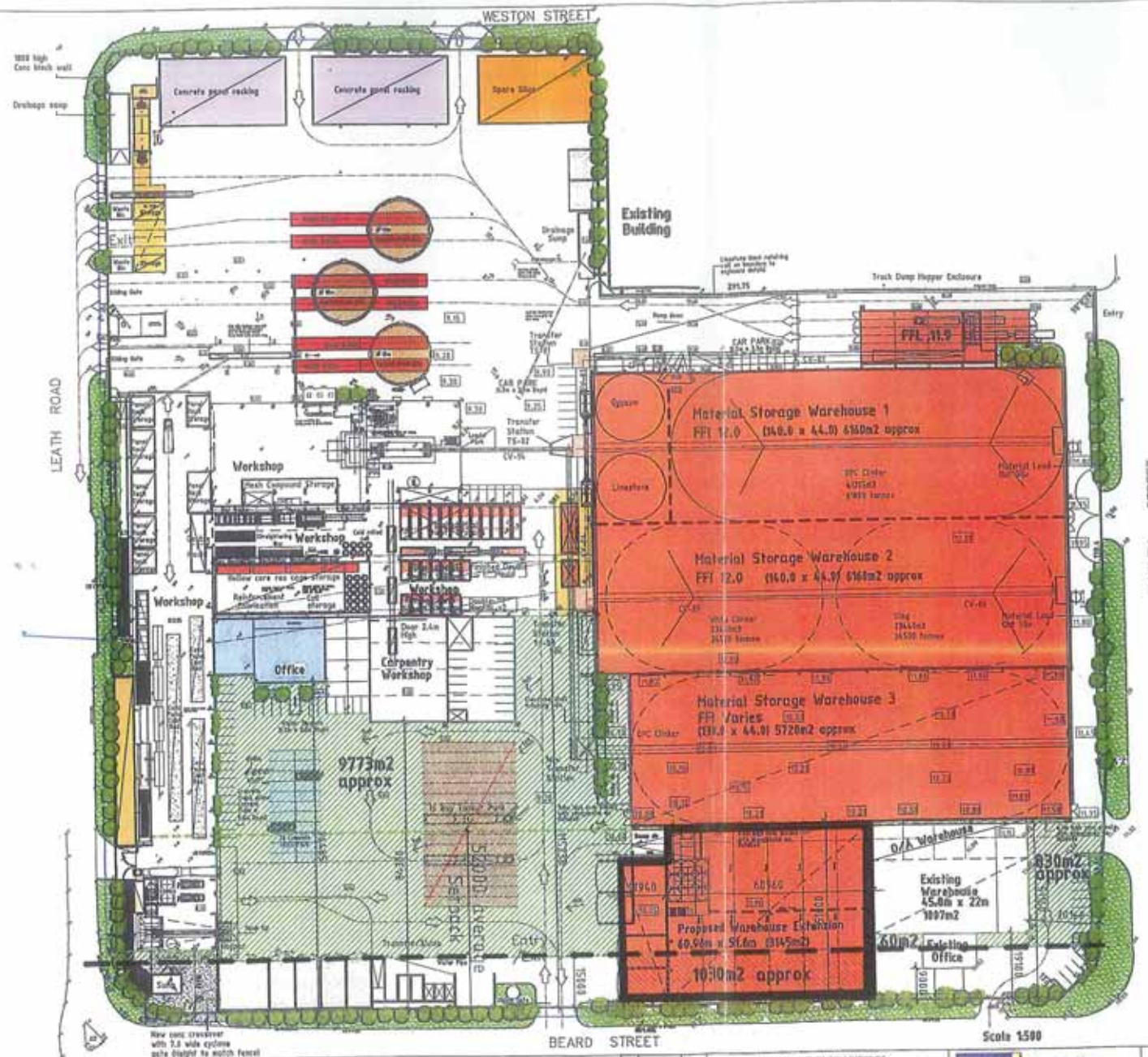
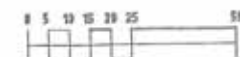
Total Area of possible development
behind 15m setback = 10663m²

Proposed Area of development in front
of 15m setback = 1030m² (is 10%)

--- LINE OF 15M
SETBACK

PROPOSED EXTENSION

Total Site Area :- 71268m2 approx



Scale 1500

ALL DIMENSIONS ARE IN MILLIMETRES.
DO NOT SCALE.


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BGC Australia
ABN 62 885 736 885

6/10 Mount Street
Perth WA 6000
Tel: (08) 9261 1000
Fax: (08) 9261 1001
E-mail: info@poc.com.au
<http://poc.com.au>

BGC Cement:-Bulk Handling, Kwinana
Site Plan

Lot 32 Leath Road and Beard Street Naval Base

DRAWN	HJC	DATE	April 2000		Job No.	1803	REV
CHKD		SCALE	1:500		B1	SK 01	
APP							

page 04/09 of 10					
	No.	DATE.	REV.		
DESCRIPTION, REVISION				DESCRIPTION, REVISION	No. DATE. REV.



Cadastre	OTHER REGIONAL ROADS	PP - SPECIAL USES
Redevelopment and Act Areas	WATERWAYS	PP - WATER AUTHORITY OF W A
URBAN	PARKS & RECREATION	
INDUSTRIAL	RAILWAYS	
RURAL	PP - HIGH SCHOOL	
PRIMARY REGIONAL ROADS	PP - TECHNICAL SCHOOL	

Scale 1:50,504
 0 1.25 km

Prepared by: fpagecroft
 Prepared for:
 Date: Friday, February 04, 2011 16:01
 Plot identifier: P20110204_1601

DP INTERNAL USE ONLY



Government of Western Australia
 Department of Planning

WAPC 26-50064-5
 MRS Zoning and Location Plan

West Elevation scale 1:500

Section Detail *Scale 1/8" = 1'-0"* *205-1*

South Elevation scale 1/500

All roof and wall flashings to provide a dust proof seal.

[illegible]

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 Fax: 080 9251 1091
 E-mail: bkc@bkc.com.au
<http://bkc.com.au>

BGC Cement:- Bulk Handling, Kwinana Elevations



BEARD STREET



EXTENSION TO BE LOCATED BEHIND TREES

EXISTING OFFICE BUILDING ADJACENT BEARD STREET

