



Statutory Planning Committee

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

**Tuesday 23 August 2011
10.00 am**

**Level 2, Room 2.39
One40 William Street
Perth**



**Tony Evans
Secretary**

Statutory Planning Committee

Membership:

Member	Representation – <i>Planning and Development Act 2005</i>	Term of office ends
Mr Gary Prattley	Chairperson, WAPC Section 10(1)(a) or Schedule 2 clause 4 (2)(a)	20/4/2013
Mayor Carol Adams	Local Government representative 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 Sue Burrows	Nominee of the Director General, Department of Planning Schedule 2 clause 4 (2)(b)	Ex-officio
Cr Corinne MacRae	WAPC Nominee Schedule 2 clause 4 (2)(g)	1/2/2012
Ms Elizabeth Taylor	Community representative Schedule 2 clause 4 (2)(d)	1/2/2012
Vacant	Regional Minister nominee Schedule 2 clause 4 (2)(c) or Schedule 2 clause 4 (3)	

Quorum: Four

In accordance with the Western Australian Planning Commission (WAPC) Standing Orders 2009, 3.7 - Quorum for meetings:

- (2) A quorum for a meeting of a committee is at least 50% of the number of offices (whether vacant or not) of members of the committee.

Role:

Schedule 2(4)(4) of the *Planning and Development Act 2005*

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the statutory planning functions of the WAPC 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.

Delegated Authority

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.

- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.

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.

An “**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.

ORDER OF BUSINESS

1. Declaration of opening
2. Apologies
3. Members on leave of absence and applications for leave of absence
 - Mr Ian Holloway
4. Disclosure of interests
5. Declaration of due consideration
6. Deputations and presentations
7. Announcements by the Chairperson of the board and communication from the WAPC
8. Confirmation of minutes of 9 August 2011
9. Reports (see attached index of reports)
10. Confidential items (see attached index of reports)
11. General business
12. Items for consideration at a future meeting

Item No	Report	Request	Report Required by
7438	Directions 2031	Planning Director - 2031 to brief the Committee after WAPC/SPC workshop on 23 September 2011	Oct/Nov 2011
13. Closure - next meeting to be held on 13 September 2011

Statutory Planning Committee

Minutes
of ordinary meeting 7438
held on Tuesday 9 August 2011

Attendance

Members

Mr Gary Prattley
Mayor Carol Adams
Ms Sue Burrows

Mr Ian Holloway
Cr Corinne MacRae
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)
Local Government nominee
Nominee of the Director General, Department of
Planning
Professional representative
WAPC nominee
Community representative

Officers

Mr Jason Gordon
Ms Sharmila Parkar
Ms Sandie Watson

Department of Planning

Senior Planning Officer
A/Committee Secretary
A/Committee Secretary

Presenters

Mr Daniel Arndt
Mr Tyson Burkett
Ms Amanda Butterworth
Ms Andrea Humberstone
Ms Catherine Ide
Mr Nick Jones

City of Cockburn (Item 6.2 only)
Allerding & Associates (Item 6.1 only)
Allerding & Associates (Item 6.1 only)
Landowner (Item 6.1 only)
State Solicitor's Office (Item 10.5 only)
City of Cockburn (Item 6.2 only)

Committee Support

Ms Leah Carr Committee Secretary - Department of Planning

7438.1 Declaration of Opening

The Presiding Member declared the meeting open at 10.07 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7438.2 Apologies

Nil.

7438.3 Members on Leave of Absence and Applications for Leave of Absence

Mr Holloway has submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 23 August 2011.

Resolved

Moved by Cr MacRae , seconded by Mayor Adams

That the approval for a leave of absence be granted to Mr Holloway for the Statutory Planning Committee meeting to be held on 23 August 2011.

The motion was put and carried.

7438.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Sue Burrows	7438.10.5	9	Impartiality

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agree that the member listed above, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on Item 10.5 due to providing an overview of the issues to Greg Rowe and Associates in her role as Independent Planning Reviewer.

The motion was put and carried.

7438.5 Declaration of Due Consideration

No declarations were made.

7438.6 Deputations and Presentations

7438.6.1 SAT Review: Reconsideration of retrospective application for three grouped dwellings at Lot 1 Park Street, Henley Brook (refers to Item 10.1)

Presenter Ms Amanda Butterworth - Allerding & Associates

Ms Butterworth gave a Powerpoint presentation . A copy of the presentation has been placed on file.

7438.6.2 Proposed crushing and recycling facility - State Administrative Tribunal Review DR100 of 2011 (refers to Item 10.5)

Presenters Mr Daniel Arndt - City of Cockburn
Mr Nick Jones - City of Cockburn

Messrs Arndt and Jones addressed the Committee.

7438.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7438.8 Confirmation of Minutes

7438.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 26 July 2011

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Statutory Planning Committee resolves:

- 1. to amend the minutes to reflect that Item 7436.10.6 was moved by Mr Lumsden, seconded by Cr MacRae and not moved by Cr MacRae, seconded Ms Taylor.*
- 2. that the minutes of the Statutory Planning Committee meeting held on Tuesday 26 July 2011, as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

Moved to Item 10.1

7438.9 Reports

7438.9.1 Subdivision Application 144047- Subdivide Lot 1901 & 1902 Moonyoonooka - Narngulu Road and Lot 1903 Deepdale Road, Meru to create 4 lots

File 144047
Report Number SPC/16
Agenda Part H
Reporting Officer Senior Project Planner Central Regions

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

1. *approve the subdivision of Lots 1901 and 1902 Moonyoonooka - Narngulu Road and Lot 1903 Deepdale Road, Meru subject to the following Conditions and Advice Notes:*

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 transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
3. *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)*
4. *The land being graded and stabilised. (Local Government)*

5. *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)*
6. *Roads that have been designed to connect with existing or proposed roads abutting the subject land are to coordinate such that the road reserve location and width match and connect seamlessly. (Local Government).*
7. *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that "the lot is subject to noise impacts and restrictions relating to its proximity to the Geraldton Airport." (Local Government)*
8. *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)*

ADVICE NOTES

1. *The land is subject to the conditions of Schedule 3 in the City of Geraldton-Greenough Local Planning Scheme No. 5 (LPS 5) which requires the preparation and adoption of a local structure plan by the local government and its endorsement by the WAPC. It is noted*

that the structure plan is currently in draft. Finalisation of the structure plan will be required prior to any further subdivision.

- 2. With regard 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.*
- 3. 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.*
- 4. With regard to Condition 2, 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.*
- 5. With regard to Condition 3 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.*
- 6. Upon the 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 Water Corporation which will document the specific requirements for the proposed subdivision.*
- 7. Main Roads WA advises that if the triple road-train route along Arthur Road is to be retained:*
 - The intersections of Moonyoonooka - Narngulu Road with the proposed 'new road' and Arthur Road "south" should be designed to*

- *accommodate 53.5m road trains;*
 - *Ministerial approval will be required to incorporate the proposed new road and the portion of Moonyoonooka - Narngulu Road from the proposed 'new road' to Arthur Road "south," as a Road Train Route;*
 - *The portion of Moonyoonooka - Narngulu Road to be incorporated into the 53.5m Road Train Route shall be upgraded as necessary to accommodate 53.5m road trains.*
8. *The applicant shall make satisfactory arrangements for the closure of the existing portion of Arthur Road, road reserve within the subdivision.*
9. *The Commission's approval to the subdivision should not be construed as an approval to development on any of the lots proposed.*
10. *The Fire and Emergency Services Authority of Western Australia (FESA) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the following process should be initiated:*
- (a) do not disturb the site of the known or suspected UXO;*
 - (b) without disturbing the immediate vicinity, clearly mark the site of the*

UXO;

- (c) notify Police of the circumstances/ situation as quickly as possible; and*
- (d) maintain a presence near the site until advised to the contrary by a member of the Western Australian Police Service or Defence Forces.*

Further advice on this issue may be obtained by contacting the Unexploded Ordinance Unit, Fire and Emergency Services Authority of Western Australia.

2. advise Local Government to :

- (a) note that the requirement for the finalisation of a structure plan prior to subdivision as per Schedule 3 in the city of Geraldton-Greenough Local Planning Scheme No.5, is considered to prevail over other more 'generic' structure planning provisions included in LPS 5, namely clause 5.17.4.2.*
- (b) consider amending LPS 5 to reclassify land subject to this application and to be used for airport purposes, from General Industry (Restricted Uses) to Public Purpose (Airport) Reserve.*

The motion was put and carried.

Moved to Item 7438.10.2

7438.10 Confidential Items

- 7438.10.1 State Administrative Tribunal Review: reconsideration of retrospective application for three grouped dwellings at Lot 1 Park Street, Henley Brook**
- | | |
|-------------------|---|
| File | 21-50354-1 |
| Report Number | SPC/17 |
| Agenda Part | D |
| Reporting Officer | Senior Planning Officer Metro Planning North East |

THIS ITEM IS CONFIDENTIAL

Moved to Item 7438.10.5

**7438.10.2 City of Geraldton-Greenough Town Planning Scheme No.3
Amendment No.61 - For Consent to Advertise**

File TPS/0605/1
Report Number SPC/18
Agenda Part E
Reporting Officer Planning Manager Central Regions

THIS ITEM IS CONFIDENTIAL

Mayor Adams returned to the meeting at 11.31 am.

**7438.10.3 Shire of Northam Town Planning Scheme No.3 Amendment
No.25 - For Final Approval**

File TPS/0473/1
Report Number SPC/19
Agenda Part E
Reporting Officer Planning Manager, Southern Regions

THIS ITEM IS CONFIDENTIAL

**7438.10.4 Shire of Northam - Local Planning Scheme No.3
Amendment No.31 - For Final Approval**

File TPS/0490/1
Report Number SPC/20
Agenda Part E
Reporting Officer Planning Manager, Southern Regions

THIS ITEM IS CONFIDENTIAL

Moved to item 7438.11

**7438.10.5 Proposed Crushing and Recycling Facility - State
Administrative Tribunal Review DR100 of 2011**

File 23-50089-2
Report Number SPC/21
Agenda Part G
Reporting Officer Planning Manager Metropolitan South
West

Ms Burrows disclosed an interest.

Member	Nature of Interest
Ms Burrows	Impartiality

THIS ITEM IS CONFIDENTIAL

Mayor Adams left the meeting at 11.26 am.

Statutory Planning Committee

Minutes
of ordinary meeting 7438
held on Tuesday 9 August 2011

Moved to Item 7438.9.1

7438.11 General Business

- 7438.11.1 The Committee were advised that the Directions 2031 WAPC/SPC Workshop scheduled for 23 September 2011 will provide the update following release of *WA Tomorrow* but feedback from this Workshop would be given to the Committee later in 2011.

7438.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report by	Required
7438	Directions 2031	Planning Director - Directions 2031 to brief the Committee following the workshop held on 23 September 2011.	Oct / Nov 2011	

7438.13 Closure

The next ordinary meeting is scheduled for 10 am on 23 August 2011.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.32 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

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	H SUBDIVISIONAL/SURVEY STRATA
9.2	CREATE 83 SURVEY STRATA LOTS FOR RESIDENTIAL PURPOSE INCLUDING COMMON PROPERTY - AT PORTION OF LOT 511 GREAT NOTHERN HIGHWAY, NEWMAN
9.3	CREATE 61 SURVEY STRATA LOTS FOR STRATA RESIDENTIAL PURPOSE INCLUDING COMMON PROPERTY LOT 688 NEWMAN DRIVE, NEWMAN SHIRE OF EAST PILBARA
10	CONFIDENTIAL ITEMS
	B LOCAL PLANNING/REGIONAL SCHEMES / SCHEME AMENDMENTS
10.1	CITY OF MELVILLE LOCAL PLANNING SCHEME NO.6 - RESOLUTION TO RPEPARE A NEW SCHEME
10.2	CITY OF JOONDALUP DISTRICT PLANNING SCHEME NO.2 AMENDMENT NO.53 - FOR FINAL APPROVAL
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10.3	CITY OF BELMONT DRAFT LOCAL PLANNING SCHEME NO.15 - FOR FINAL APPROVAL
10.4	SHIRE OF NORTHAM REVIEW OF LOCAL PLANNING STRATEGY - ADDENDUM REPORT

10.5 SHIRE OF ESPERANCE LOCAL PLANNING SCHEME
AMENDMENT NO.7 - FOR CONSENT TO ADVERTISE

G DEVELOPMENTS /SUBDIVISIONAL/SURVEY STRATA

10.6 STATE ADMINISTRATIVE TRIBUNAL : ADOPTION OF ODP
AND DETERMINATION OF STAGE ONE 20 LOT
SUBDIVISION - AT LOT 1 JULIMAR ROAD, CHITTERING

ITEM NO: 9.1

SHIRE OF BODDINGTON LOCAL PLANNING SCHEME NO.3 - RESOLUTION TO PREPARE A NEW SCHEME

COMMITTEE:**Statutory Planning Committee**

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager - Peel
AUTHORISING OFFICER: A/Executive Director - Perth, Peel, Southwest
Planning & Strategy
AGENDA PART: D
FILE NO: 853/6/15/3 PV5
DATE: 8 August 2011
ATTACHMENT(S): 1. Council's resolution to prepare a new scheme
2. Proposed Scheme Area Map

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. acknowledge receipt of the Shire of Boddington's resolution to prepare a new Scheme;*
- 2. note and accept the extent of the Scheme area, the anticipated format of the Scheme and the objects and intentions of the Scheme.*

SUMMARY:

- The Boddington Shire Council has resolved to prepare a new local planning scheme - Local Planning Scheme No.3 (LPS3).
- The purpose and objective statements of LPS3 are considered to be appropriate.
- It is recommended that the Western Australian Planning Commission (WAPC) notes and accepts the proposal.

BACKGROUND:

The Shire of Boddington currently operates under Town Planning Scheme No.2, gazetted on 21 February 1997. The Shire wishes to modernise the statutory planning controls within the municipality, reflect current best practice with regard to land use planning and provide guidance for the future development of the municipality.

At its meeting of 15 March 2011 Council resolved to prepare a new local planning scheme for the municipality (**Attachment 1**).

Pursuant to Regulation 4 (6) of the *Town Planning Regulations 1967*, the WAPC is required to examine the abovementioned documentation, and notify the local government as soon as is reasonably practicable, of any adjustments it considers necessary to the Scheme Map Area and the objects and intentions of the Scheme.

The Shire has also resolved to review and prepare a new Local Planning Strategy (LPS) pursuant to regulation 12A of the *Town Planning Regulations 1967*. The Shire's current LPS was endorsed by WAPC in 2007.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: *Planning and Development Act 2005*

Section: Part 5 Local Planning Schemes

Legislation

Section: *Town Planning Regulations 1967*

Section: Regulation 4 (6)

Strategic Plan

Strategic Goal: Regulation

Outcomes: Effective, consistent and enforceable regulation

Strategies: Develop agreed standards aligned to national standards and legislation

Policy

Nil.

DETAILS:

The proposed Scheme Map Area is provided as (**Attachment 2**).

The Shire has outlined that the purposes of LPS3 are as follows:

- a) set out the Council's planning aims and intentions for the Scheme area;
- b) set aside land as reserves for public purposes;
- c) zone land within the Scheme area for the purposes defined in the Scheme;
- d) control and guide land use and development;
- e) set out procedures for the assessment and determination of planning applications;
- f) make provision for the administration and enforcement of the Scheme; and
- g) address other matters set out in Schedule 7 of the Planning Act.

The Shire has outlined that the objectives of LPS3 are as follows:

- a) encourage and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;
- b) promote sustainable development that integrates consideration of economic, social and environmental goals for the district;

- c) ensure there is sufficient supply of serviced and suitable land for housing, commercial and industrial activities, community facilities, recreation and open space;
- d) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
- e) ensure that conflicting land uses do not impact on current mining activities nor on areas identified as being prospective;
- f) maximise the local benefit of mining activities that occur within the District;
- g) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
- h) protect and enhance the environmental values and natural resources of the District and to promote ecologically sustainable land use and development;
- i) ensure development appropriately takes account of flooding, fire and other risks;
- j) maintain and protect valuable areas of agricultural production and conserve its non-urban character whilst accommodating other complementary rural activities;
- k) establish the primacy of the Boddington town centre as the commercial and cultural centre of the District;
- l) promote appropriately located and designed tourist development;
- m) encourage a better utilisation of existing infrastructure including the increased usage of sustainable energy sources;
- n) conserve existing local heritage;
- o) preserve and enhance the amenities of the District and to manage land uses so as to minimise conflicts between otherwise incompatible uses;
- p) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme Area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
- q) improve the management of the natural resources of the Scheme Area to the extent possible under the Scheme;
- r) the extent possible under the Scheme, conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme Area and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making;
- s) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values;
- t) improve the means of access into and around the District and to ensure the safe and convenient movement of people including pedestrians, cyclists and motorists;
- u) provide for the growth of settlements in a land use pattern which reduces pressure to convert good quality agricultural land to non-agricultural uses;
- v) ensure urban and rural-residential development are located and managed to:
 - (i) minimise impacts on rural land;
 - (ii) protect and enhance the rural landscape and environmental values;

- (iii) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals; and
- (iv) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the local government or servicing authorities in terms of upgrading or maintaining services;
- w) provide guidance and controls for possible future residential, special residential, commercial, industrial, rural and special rural development within the Shire of Boddington;
- x) assist in the effective implementation of State and region plans, strategies and policies; and
- y) adopt a set of local planning policies which will achieve the stated objectives.

The format of the Scheme text is intended to be based on the Model Scheme Text as provided in Appendix B in the *Town Planning Regulations 1967*.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Nil.

CONSULTATION:

Not applicable.

OFFICER'S COMMENTS:

The stated purposes of LPS3 are consistent with the Model Scheme Text and are supported.

The stated objectives of LPS3 are considered to be appropriate for the locality.

The proposed Scheme Area Map reflects the current municipal boundaries and no adjustments to this boundary are recommended.

It is Council's intention that the format of LPS3 will be based on the Model Scheme Text and this approach is supported.

Given that the Shire's recently endorsed LPS provides considerable opportunities for future urban expansion and future rural settlement, the Shire acknowledges that there is limited justification to extend the boundaries of these settlement areas.

Council has fulfilled the statutory requirements for initiating a new planning scheme.

CONCLUSION:

It is recommended that the Councils resolution to prepare a new local planning scheme be noted and accepted.

Planning and Development Act 2005 (As Amended)

**RESOLUTION DECIDING TO PREPARE
A LOCAL PLANNING SCHEME**

Lands Wholly within the District of the Local Government
Preparing the Scheme

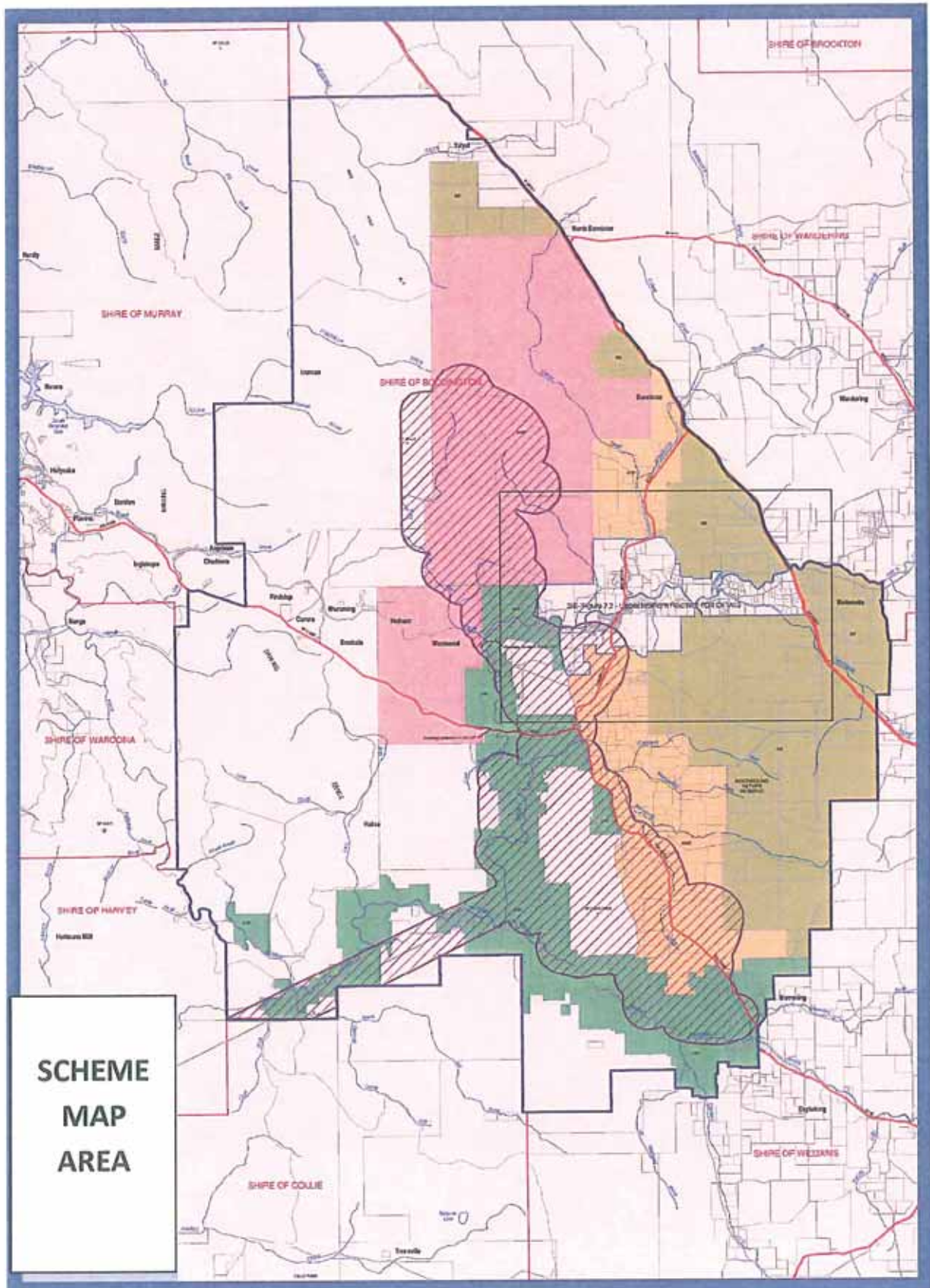
Shire of Boddington Local Planning Scheme No. 3

RESOLVED that the local government in pursuance of section 72 of the *Planning and Development Act 2005* (as amended), prepare the above Local Planning Scheme with reference to an area situate wholly within the Shire of Boddington and enclosed within the inner edge of the blue border on a plan now produced to the Council of the local government and marked and certified by Gary Sherry (Chief Executive Officer) under his hand dated the 28th March 2011 as "Scheme Area Map".

Dated this 28th day of March 2011



(Chief Executive Officer)




GARY SHERRY – CHIEF EXECUTIVE OFFICER

28th March 2011
DATE

ITEM NO: 9.2

CREATE 83 SURVEY STRATA LOTS FOR RESIDENTIAL PURPOSE INCLUDING COMMON PROPERTY - AT PORTION OF LOT 511 GREAT NOTHERN HIGHWAY, NEWMAN

WAPC OR COMMITTEE: STATUTORY PLANNING COMMITTEE

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Sr Planning Officer Regional Planning & Strategy
AUTHORISING OFFICER:	Executive Director Regional Planning & Strategy
AGENDA PART:	H
FILE NO:	326-11
DATE:	16th August 2011
ATTACHMENT(S):	<ol style="list-style-type: none">1. Approved Subdivision WAPC Ref 1312862. Approved Subdivision Plan: WAPC Ref 1438273. The Subject Subdivision Plan4. Zoning Plan5. Town Site Growth Plan6. East Newman Masterplan7. Residential Strata Concept Plan8. Modified East Newman Masterplan
REGION SCHEME ZONING:	
LOCAL GOVERNMENT:	Shire of East Pilbara
LOCAL SCHEME ZONING:	Residential
LGA RECOMMENDATION:	
REGION DESCRIPTOR:	Regional Northern (Perth Based)
RECEIPT DATE:	8th April 2011
PROCESS DAYS:	88
APPLICATION TYPE:	Survey Strata
DESCRIPTION OF PROPOSAL:	Create 83 Survey Strata Lot(S) For Residential Purpose Including Common Property.
CADASTRAL REFERENCE:	Great Northern Highway, Newman

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 511 Great Northern Highway in Newman 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. ***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 BHP Billiton to employ and implement appropriate electricity design specifications and standards and additional electricity network reinforcements. (BHP Billiton)***
4. ***The land being graded and stabilised. (Local Government)***
5. ***The land being filled and/or drained. (Local Government)***
6. ***The proposed subdivision shall not impact the existing drainage on and for Great Northern Highway. (Main Roads WA)***
7. ***Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan and a new Certificate of Title being issued. (WAPC)***
8. ***An Urban Water Management Plan to be prepared by the applicant to the satisfaction of the Western Australian Planning Commission. (Department of Water)***
9. ***The approved Urban Water Management Plan shall be implemented by the applicant to the satisfaction of the Western Australian Planning Commission. (Local Government)***
10. ***The creation of a reciprocal access easement over the proposed CP Lots 77-83 for the benefit of the Local Government specifying access rights. Notice of this easement(s) are to be included on the Deposited Plan.***
11. ***Easement(s) in accordance with sections 195 and 196 of the Land Administration Act 1997 for the benefit of the Local Government and the general public are to be placed on the Certificates of Title of the proposed Common Property Lots 74, 75 and 76 specifying access rights. Notice of this easement(s) are to be included on the Deposited Plan.***
12. ***A Management Statement being prepared and submitted for the WAPC's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to address the following matters in addition to the by-laws contained in Schedules 1 and 2 of that Act:***
 - ***Development or redevelopment on the survey strata lots is to comply with a development approval issued by the local government.***

- ***Amendment to or repeal of the above provision cannot be effected without the WAPC's agreement.***
- ***The development and ongoing maintenance of the proposed Common Property lots to the satisfaction of the local government. (Local Government)***

ADVICE

1. ***The Commission's approval to the subdivision should not be construed as an approval to the development of any of the lots proposed.***
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. ***With regard to Condition 3, the BHP Billiton advised that at present, its existing network infrastructure is unable to incorporate the electrical expansion and additional load required for the subject development. The applicant is advised to contact with BHP Billiton for advice.***
4. ***With regard to Condition 8, the Department of Water advises that the Urban Water (UWMP) Management Plan should contain a level of information that reflects the site constraints and risk to water resources and a commitment to implement the UWMP at subdivision. The principles identified in the UWMP should be consistent with the Better Urban Water Management document, Liveable Neighbourhoods (WAPC, 2007) and the Stormwater Management Manual for Western Australia (DoW 2004 - 2007) and include, but not be limited to:***
 - ***Management of water dependent ecosystems;***
 - ***Site investigations;***
 - ***Groundwater monitoring/modelling;***
 - ***Surface water modelling;***
 - ***Conservation and efficient use of drinking water; and***
 - ***Implementation at subdivision.***
5. ***With regard to Condition 10, a reciprocal access arrangement will enable the Council to access the internal accessways to provide services to the proposed development (i.e. picking up rubbish bins).***
6. ***With regard to Condition 12, the applicant is advised to liaise with the Local Government with regard to the detailed design and maintenance requirement on all the proposed common property lots, and any other matters as may be required by the Local Government to ensure the standards of design and amenity requirements are met. This may include, but is not limited to the following:***
 - ***The establishment of landscaping in accordance with an appropriate landscape plan;***

- *The ongoing management and maintenance of the open space and drainage areas;*
- *The ongoing management and maintenance of the internal accessways including verge treatments and street lighting.*

SUMMARY:

Although the provision of the open space for the subject proposal complies with the Commission's normal 10% requirement for subdivision applications, and the developer is prepared to cede the open space (including designated parklands and multi purpose parkland and drainage areas) to the Crown free of cost, the Shire does not support the open space being ceded due to the maintenance burden it would generate.

The recommendation therefore proposes to keep the proposed open space in private ownership with the registration of easements on title specifying access rights and the preparation of a Strata Management Statement to address the standards of design and amenity requirements.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Part 10, Section 135

Strategic Plan
Strategic Goal: Regulation

Outcomes: Effective, consistent and enforceable regulation

Strategies: Improve, streamline and simplify regulatory processes within a risk based framework

Policy
Name: State Planning Policy 3 - *Urban Growth and Settlement*;
State Planning Policy (SPP) 5.4 - *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*;
Development Control Policy 1.3 - *Strata Titles*;
Development Control Policy 2.3 - *Public Open Space in Residential Areas*;
Liveable Neighbourhoods.

INTRODUCTION

Lot 511 forms part of a previous subdivision approval (WAPC Ref 131286) issued by the Commission on 24 April 2007 (***Attachment 1 - Approved Subdivision WAPC Ref 131286***).

The approval of WAPC Ref 131286 indicates that Lot 511 is to be developed for single residential lots and grouped dwelling lots as well as a corner store. The subdivision plan shows that Lot 511 contains a substantial area of POS and drainage corridor.

However, Lot 511 has then been excised from the original subdivision approval of WAPC Ref 131286, and is now subject to the following subdivision applications:

WAPC Ref 143827

The Commission recently approved a subdivision application for Lot 511 Great Northern Highway to create three lots of 8.12ha (proposed Lot 1), 3.69ha (proposed Lot 2) and 2.74ha (proposed Lot 3) (***Attachment 2 - Approved Subdivision Plan: WAPC Ref 143827***).

WAPC Ref 326-11

The subject application WAPC Ref 326-11 seeks to further subdivide the 8.12ha lot (created by WAPC approval of 143827) into 73 survey strata lots ranging in area from 340m² to 630m² and 10 common property lots ranging in area from 375m² to 2.32ha. The proposed common property lots include 1.46ha internal accessways (proposed CP Lots 77 - 83) and 3.71ha communal open space including multi purpose drainage areas (proposed CP Lots 74 - 76). The subject land is currently vacant (***Attachment 3 - The Subject Subdivision Plan***).

The subject land is located in the eastern portion of the Newman townsite and is zoned "Residential" under the Shire of East Pilbara's Town Planning Scheme No. 4. The site is allocated a dual coding of R15/R40 (***Attachment 4 - Zoning Plan***).

CONSULTATION:

The Shire of East Pilbrara did not provide comments on the proposal within the 42 days statutory timeframe and within an extended timeframe beyond the 42 days. However, through Email correspondences, the Shire advised that it does not want the proposed open space to be ceded to the Crown due to the maintenance obligation. The Shire has no objections to a number of conditions recommended by the Department of Planning, which are considered applicable to the subject application.

Water Corporation raised no objection to the proposal and requested standard servicing conditions.

BHP Billiton (the power supplier in the Newman Townsite) raised no objection to the proposal and advised that BHP has been in consultation with the developer with regard to additional network reinforcements required.

The Department of Water (DoW) advised that the subject land is located within the Newman Water Reserve, which is classified as a Priority 3 (P3) Source Protection Area. DoW required the preparation and implementation of an Urban Water Management Plan.

Main Roads WA raised no objection to the proposal subject to the following conditions:

- No direct access to Great Northern Highway; and
- No impact on the existing drainage on and for Great Northern Highway.

The Department of Education and Training advised that it has no requirement for contributions towards a school site.

The Department of Environment and Conservation (DEC) provided advice with regard to the protection of native vegetation.

Fire and Emergency Services Authority (FESA) made no comments to the proposal within the statutory timeframe.

COMMENTS:

Newman Revitalisation Plan

In January 2011, the Commission endorsed the Newman Revitalisation Plan (NRP) as a guiding land use planning policy framework and strategic plan for Newman. The Town Site Growth Plan (the Growth Plan), which forms part of the adopted NRP, provides for strategies and actions to allow for more land release to house the future resident and business community (**Attachment 5 - Town Site Growth Plan**). The subject land is located within the area covered by the Growth Plan, and is proposed for "low density residential" development.

The subdivision application is considered to be consistent with the Growth Plan in facilitating residential development in accordance with a dual density coding of R15/R40 designated under the Shire's TPS 4.

The Local Planning Policy No.1 - East Newman Masterplan

A Masterplan for the 'Townsite Development of East Newman' was prepared by the applicant as part of the approval process for the subdivision application WAPC Ref 131286. The Masterplan shows how subdivision 131286 fits into the wider context of the Newman townsite. It also shows the street and dual use path network, as well as the relationship between the drainage reserves on site and those on the abutting areas. (**Attachment 6 - East Newman Masterplan**).

The Council adopted the Local Planning Policy No.1 - East Newman Masterplan in March 2009. The objective of the policy and Masterplan is to propose:

"the subdivision and development of the balance of the East Newman area into a quality housing estate complete with landscaped parks, road reserves and drainage areas."

Residential Strata Concept Plan

The proposed subdivision forms the first stage of a three (3) stage residential strata development on the subject land (**Attachment 7 - Residential Strata Concept Plan**).

In April 2011, the Council approved the first stage development application for bulk earthworks, 73 grouped dwellings and associated infrastructures on the subject land. The proposed subdivision layout is considered to be consistent with the development approval issued by the Shire.

The proposed accessways are shown as common property areas in the strata plan and will not be designated as public roads.

The applicant has made an application to the Shire to modify the Masterplan to more accurately reflect the design and nature of the approved strata development on the subject land (***Attachment 8 - Modified East Newman Masterplan***). At its meeting held on 15 April 2011, the Council resolved to amend the Policy No.1 - East Newman Masterplan in line with the provisions of the development approval for the subject land.

Zoning Requirements

Clause 5.7.1 of TPS 4 states:

"Where land has a dual density coding, the lower code shall prevail as the maximum permissible residential density for the land unless:

- (a) reticulated sewerage is or becomes available to the land or, where exemption from the requirement for deep sewerage is granted by the Council pursuant to the provisions of any Government Sewerage Policy; and*
- (b) development of the land in a manner consistent with the higher density code is in accordance with the Council's Residential Development Policy."*

As the proposal is consistent with the adopted East Newman Masterplan discussed above, and the proposed lots will be connected to sewerage, the application is assessed at the higher density coding. The proposed lots are consistent with the lot size requirements for the R40 code (minimum lot size of 200m², average lot size of 220m²) as established under the Table 1 of the *Residential Design Codes*.

Public Open Space

A total of 3.71ha communal open space (proposed CP lots 74, 75 and 76) is proposed including 1.56ha designated parklands (representing 19.26% of the total subdivision area) and 2.15ha multi purpose parkland with drainage function (representing 26.48% of the total subdivision area). The provision of the open space for the subject proposal exceeds the Commission's normal 10% requirement for subdivision applications.

Although the developer is prepared to cede the designated parklands and multi purpose parkland and drainage areas to the Crown free of cost, the Shire has advised that it does not support this area being ceded due to the maintenance burden it would generate. The Shire considers that the open space area should be kept in common private ownership and maintained by the strata management company as the proposal is for a strata development rather than a green title development. The Shire has required the developer to prepare a landscape strategy and plans for the entire development including all common property areas by way of a condition imposed in the Development Approval. The Council also required the landscaping (as shown on the approved landscape plan) to be installed and maintained to the satisfaction of the Shire.

Apart from the potential maintenance burden, the Shire did not provide any other planning justification that ceding the open spaces to Crown is unnecessary and would not benefit the wider community.

The Commission's Development Control Policy 2.3 (DC 2.3) - *Public Open Space in Residential Areas* requires that 10% of the gross subdivisible area be given up free of cost by the subdivider and vested in the Crown as a Reserve for Recreation. Element 4 - *Public Parkland of Liveable Neighbourhoods* sets out the same requirement.

DC 2.3 also advises that the Commission's general practice is that up to 100% of compensating basins may be credited towards the public open space requirement where the land is not subject to permanent inundation provided it is contoured, unfenced and fully useable for recreation purposes.

According to the East Newman Masterplan (both original and modified), the proposed open space areas are well located with easy access from the surrounding residential development. It also forms part of the drainage (drainage corridor) and dual use path network.

Although the location and area of the open space of the current application varies slightly from the previous subdivision approval, it is considered that the original intent of the East Newman Masterplan was to cede the land for the purpose of recreation and drainage function to benefit the wider community and general public. This intention was reflected by the previous subdivision approval of WAPC 131286, which required that the proposed POS and drainage corridor over the entire subdivision area (including Lot 511) be shown on the Deposited Plan as "Reserve for Recreation" and "Drainage Reserve" and vested in the Crown free of cost.

However, given the Shire does not support the ceding of open space in this case, keeping the proposed open space in private ownership would be an alternative option based on the following discussion:

- Impact on the overall open space provision for the Masterplan area

The Commission approved a subdivision application (WAPC Ref 144222), which forms the rest of the undeveloped land of the original subdivision application WAPC Ref 131286. Assessment of the WAPC 144222 indicates that 10% minimum public open space requirement can be achieved for the rest of the East Newman Townsite Masterplan area without including the open space areas proposed by the subject application. This indicates that keeping the open space in private ownership would not significantly impact on the overall open space provision for the Masterplan area.

- Legal access rights

If the open space remains in the private ownership, it will be necessary to restrict public access.

The Shire has advised that as the open space is not evenly distributed throughout the entire three stage strata development over Lot 511, a condition

needs to be imposed that ensures that all perspective strata owners of the overall development have legal access rights to all of the open space areas.

As the proposed open space areas are well located with easy access from the surrounding residential development, it is considered that it would be beneficial to the wider community if public access to the open space areas is permitted.

The applicant has suggested the registration on title of an easement in gross (on proposed CP Lots 74-76) for the benefit of the Shire and the general public specifying access rights. The Shire is supportive of this suggestion. On this basis, the following condition could be imposed:

Easement(s) in accordance with sections 195 and 196 of the Land Administration Act 1997 for the benefit of the Local Government and the general public are to be placed on the Certificates of Title of the proposed CP Lots 74, 75 and 76 specifying access rights. Notice of this easement(s) are to be included on the Deposited Plan.

With the permission of public access, the proposed open space will provide for the recreational needs of local residents and enhance the amenity of the development. This is consistent with the objective of DC 2.3.

- Development and ongoing maintenance of the open space

Clause 3.3.8 of the DC 1.3 indicates that the Commission may require the preparation of a management statement as a mechanism for introducing additional by-laws for a strata scheme. Management statements may be required as a condition where detailed ongoing management arrangements are required.

In this case, a strata management statement is considered appropriate to deal with the issue of the development and ongoing management of the proposed open space and drainage areas to ensure that the standards of design and amenity requirements are met. The following condition could be imposed:

Condition:

A Management Statement being prepared and submitted for the WAPC's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to address the following matters in addition to the by-laws contained in Schedules 1 and 2 of that Act:

- *Development or redevelopment on the survey strata lots is to comply with a development approval issued by the local government.*
- *Amendment to or repeal of the above provision cannot be effected without the WAPC's agreement.*

- *The development and ongoing maintenance of the proposed Common Property lots to the satisfaction of the local government. (Local Government)*

It is also considered necessary to impose an advice note to advise the applicant to liaise with the Shire with regard to the detailed design and maintenance requirements on the proposed common property areas including establishment and maintenance of the landscaping and drainage, verge treatments and street lighting etc.

Main Roads Comments

Main Roads advised that it has no objection to the proposal subject to the following conditions:

- Main Roads will not approve any direct access to or for the proposed development on Great Northern Highway.

As previously mentioned, the Commission recently approved a subdivision application (WAPC Ref 143827) to create the parent lot for the subject subdivision application. A condition was imposed for WAPC 143827 approval, which requires a restrictive covenant be placed on the Certificates of Title of the proposed lots preventing motor vehicle access onto Great Northern Highway. As such, no condition is recommended for the subject proposal.

- The proposed developed shall not impact the existing drainage on and for Great Northern Highway.

The applicant advised that the proposed development would not impact the existing drainage on Great Northern Highway, and a condition would be acceptable (to address Main Roads' concern).

Reciprocal Access Easement

The proposed accessways are shown as common property areas (CP Lots 77-83) in the strata plan, not public roads. This raises the question of reciprocal access rights over the proposed common driveways to benefit the Local Government for the provision of services (such as picking up rubbish bins). Although the Shire did not provide its comments on this matter, it is considered appropriate to impose the following condition:

The creation of a reciprocal access easement over the proposed CP Lots 77-83 for the benefit of the Local Government specifying access rights. Notice of this easement(s) are to be included on the Deposited Plan.

Noise Issues from the Great Northern Highway

As Lot 511 is abutting the Great Northern Highway, which is zoned as "Major Road", noise issues from the Great Northern Highway may need to be considered.

The applicant provided the following justifications to address this matter taking into consideration of the Commission's State Planning Policy (SPP) 5.4 - *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.

- Great Northern Highway, in the vicinity of the subject land generates a relatively low traffic volume based on the following traffic data sourced from Main Roads WA - Pilbara Region:

Great Northern Highway (North of Newman Drive - 1, 260 (May 2010)

Great Northern Highway (West of Marble Bar Road) - 2,132 (May 2010)

Great Northern Highway (East of Marble Bard Road) - 1,640 (May 2010)

- The proposed 30m minimum width multi-purpose drainage and open space corridor between the proposed residential development and Great Northern Highway provides an adequate buffer distance. The minimum distance between the Great Northern Highway road seal and the proposed survey strata lots is approximately 90m, and the maximum distance is approximately 150m. These separation distances, together with the proposed landscaping, provides an appropriate mitigation measure and satisfies Clause 5.6 - *Possible noise management and mitigation measures* of SPP 5.4.
- The previous subdivision approval for WAPC 131286 enabled Lot 511 to be subdivided into residential lots and did not raise the noise issue.

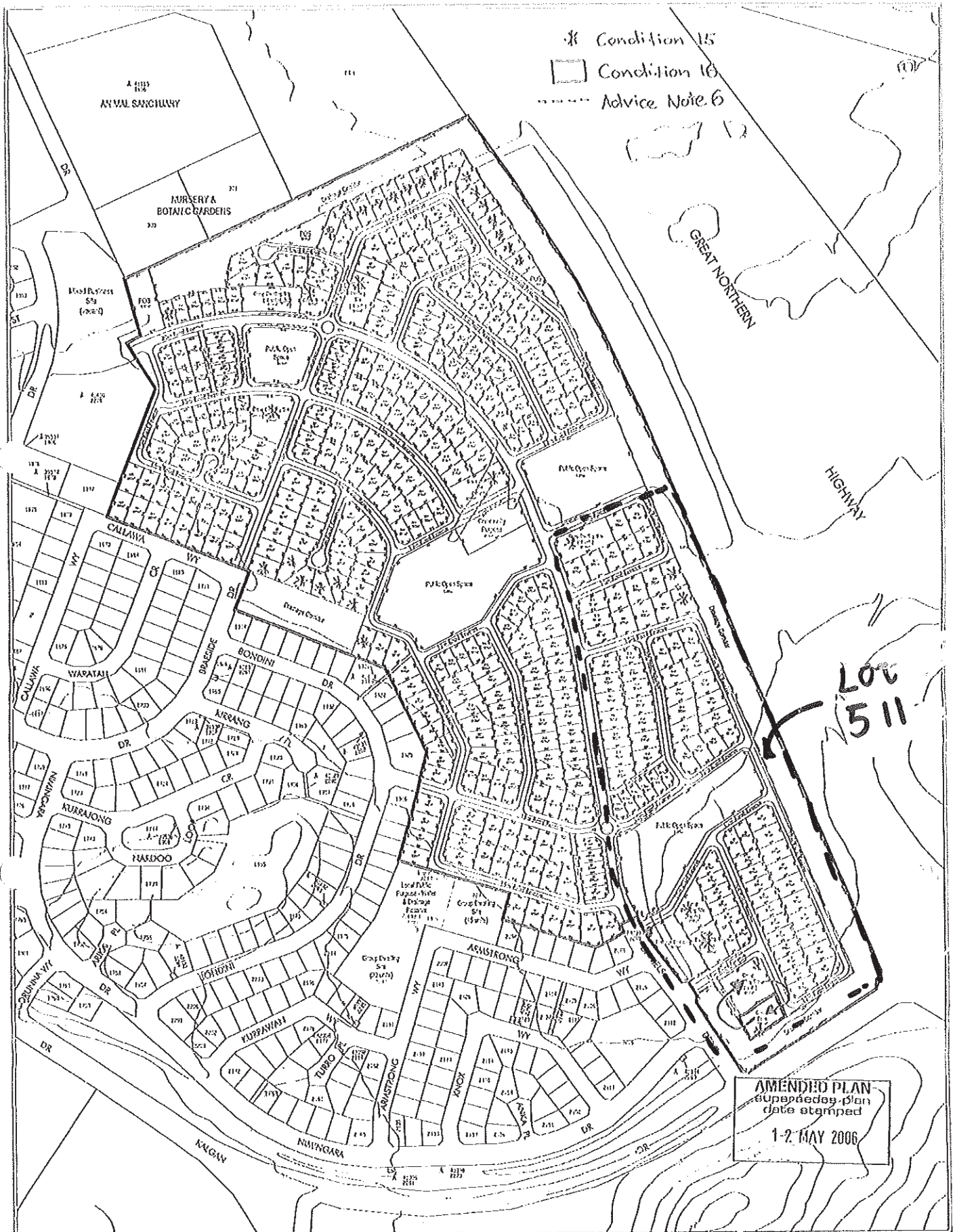
Advice has also been sought from the Department of Environment and Conservation (DEC) with regard to the noise issue. DEC did not provide comments on this matter. The justifications provided by the applicant is considered acceptable.

CONCLUSION

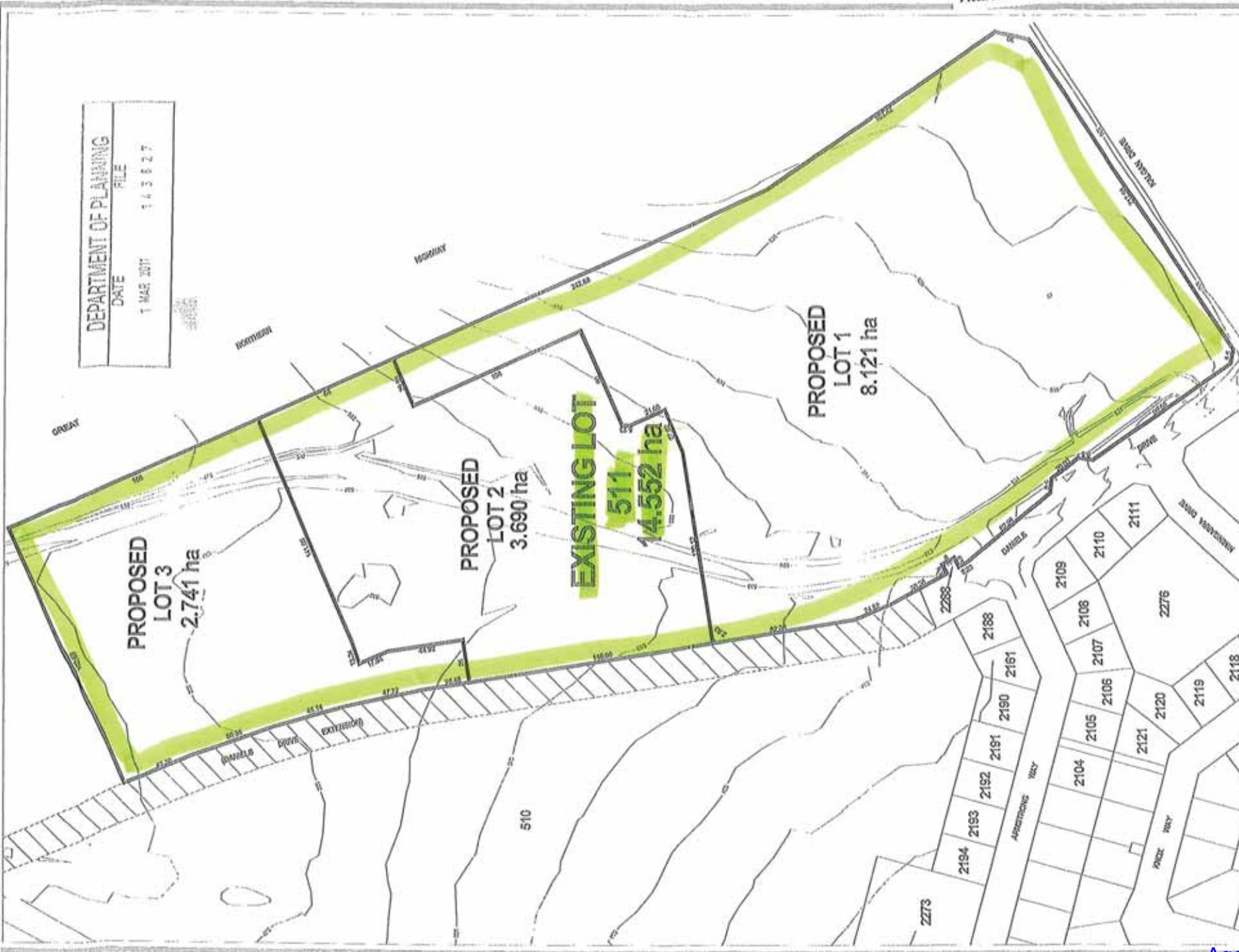
The proposal complies with the TPS 4 provisions and Residential Design Codes and is consistent with the Newman Revitalisation Plan and the Local Planning Policy No.1. No objections were received from the referral agencies.

Keeping the proposed open space in private ownership would be acceptable with the registration of easements on title specifying access rights and the preparation of a Strata Management Statement to address the standards of design and amenity requirements.

Based on the above, it is recommended that the proposed subdivision application be approved subject to the imposition of appropriate conditions.



DEPARTMENT OF PLANNING
DATE 1 MAR 2011
FILE 143827



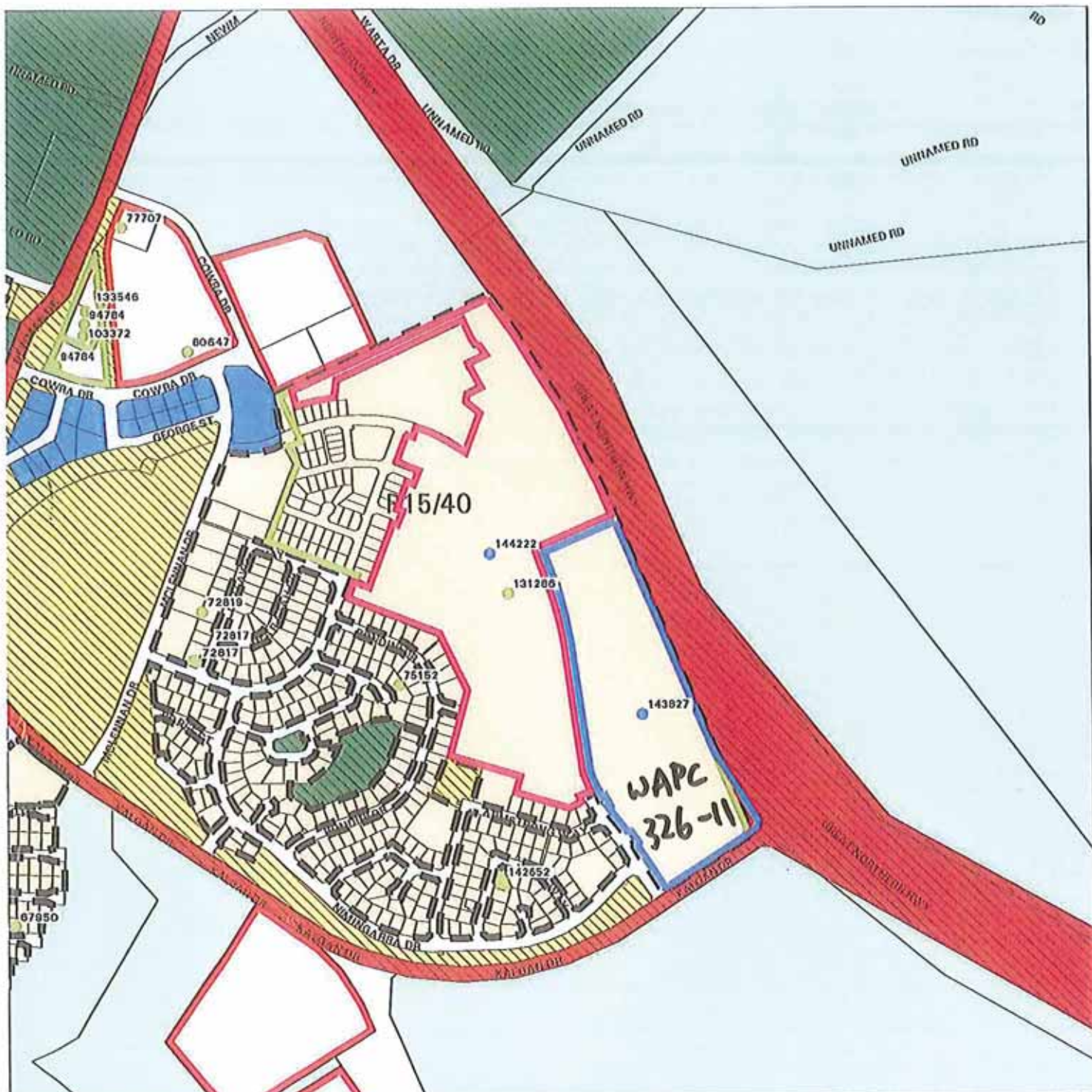
<p>PLAN 4 - PLAN OF PROPOSED SUBDIVISION</p> <p>FOR GRANDTOWN Pty Ltd Lot 511 Kelgan Dve, Newman</p>	
<p>LEGEND:</p> <p>Subject Land</p>	<p>Scale 1:2000 @ A0</p>

PROPOSED DEVELOPMENT SUMMARY	
PORTION OF LOT 511 TOTAL LAND AREA	8.121 ha
PROPOSED NUMBER OF SURVEY STRATA LOTS	73
TOTAL AREA OF SURVEY STRATA LOTS	2.945 ha
PROPOSED NUMBER OF COMMON PROPERTY LOTS	10
TOTAL AREA OF COMMON PROPERTY LOTS	5.1755 ha
TOTAL AREA OF COMMUNAL OPEN SPACE	3.714 ha
TOTAL AREA OF PROPOSED ACCESSWAYS	1.4615 ha



cp Lots 74-76: open space

DEPARTMENT OF PLANNING	
DATE	FILE
8 APR 2011	326-11

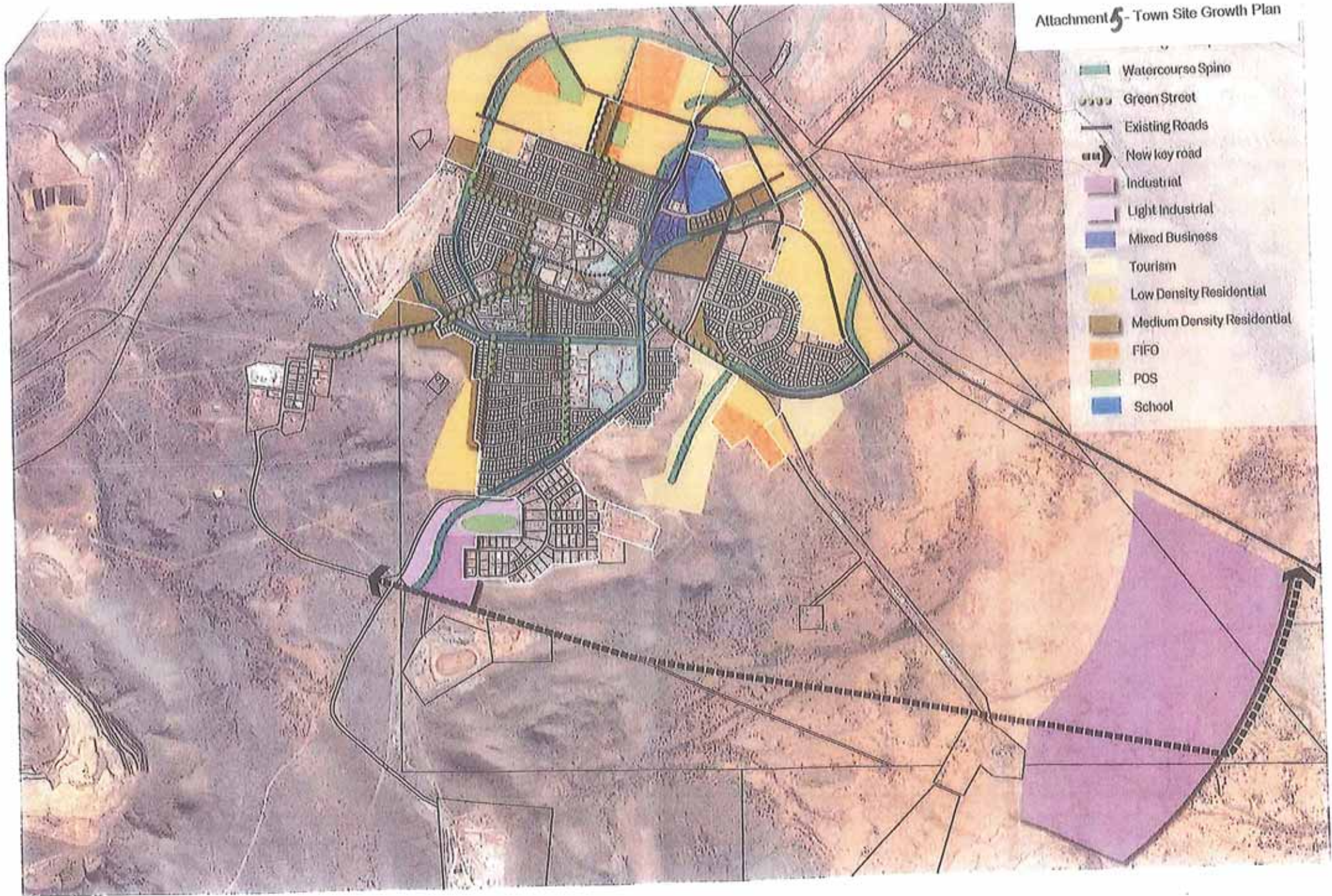


Subdivision Application 144222 (MGA ref 780968mE 61414865mN Zone 50)

This data is to be used for the processing of subdivision applications only.

- | | | | | | |
|--|-----------------------------|--|---------------------------------|--|-------------------------------------|
| | CADASTRAL BOUNDARY | | RURAL | | PUBLIC PURPOSES
TERTIARY COLLEGE |
| | WESTNET ENERGY GAS PIPELINE | | RECREATION | | PUBLIC PURPOSES
CIVIC PURPOSES |
| | OUTSTANDING | | LOCAL ROAD | | PUBLIC PURPOSES
DRAINAGE & WATER |
| | APPROVED | | SPECIAL USE | | RESIDENTIAL |
| | OUTSTANDING | | PUBLIC PURPOSES
FIRE STATION | | MIXED BUSINESS |
| | APPROVED | | | | |
| | R CODE BOUNDARY | | | | |
| | MAJOR ROAD | | | | |

133442S.cps



Town Site Growth Plan

Landscape Intent



The East Pilbara landscape consists of vast red spinifex plains with iconic mounds, flat top butts, weathered moose layered rock edges and ephemeral stony creek beds. Newman has a strong indigenous and European history that is uniquely tied to the land. The area also boasts the one of the largest single pit open cut iron ore mines in the world.

The drainage and public open space areas are to reflect 'country'. It would be proposed that iron ore relics and earth sculptures are revealed in collaboration with endemic pilbara planting, spinifex, wildflowers, local boulders, stone and gravels.

Sculpture relics, possibly parts of old mining equipment or large iron ore relics can be half buried into the red earth. Sculptures or land art design may reflect local indigenous culture or assume a local community reference.

Two large shade sail structures are to provide shelter for seating and passive recreation.

Site Location



Key

- Single Residential Lots (600m² - 900m²)
- Single Residential Lots (500m² - 600m²)
- Single Residential Lots (approx. 400m²)
- Community Purpose
- Group Dwelling Sites (G.D.S.)
- Possible Corner Store
- Dual Use Path
- Existing Power Line
- Dry Creek Bed (drainage)
- Public Open Space (POS) - Irrigated Lawn
- Feature Shade Sail Structures
- Mounding
- Local Boulders, Stone, Gravel
- Drainage Line
- Drainage Flow Direction

Indicative Plant List Schedule

Shady Street Trees

Street Trees - Tabebuia, Yellow Jacaranda, Neem Trees, Poinciana, African Tulip, Cottonwood, Bloodwoods

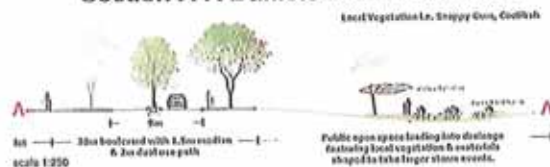
Xeric Shrubland Planting

Native Trees - Local Bloodwoods, Weeping Box, Coolibah, White & Mulga Trees - Acacias, Native Bauhinia, Cassia, Kurrajongs, Brille Or Snappy Gums, Desert Oak

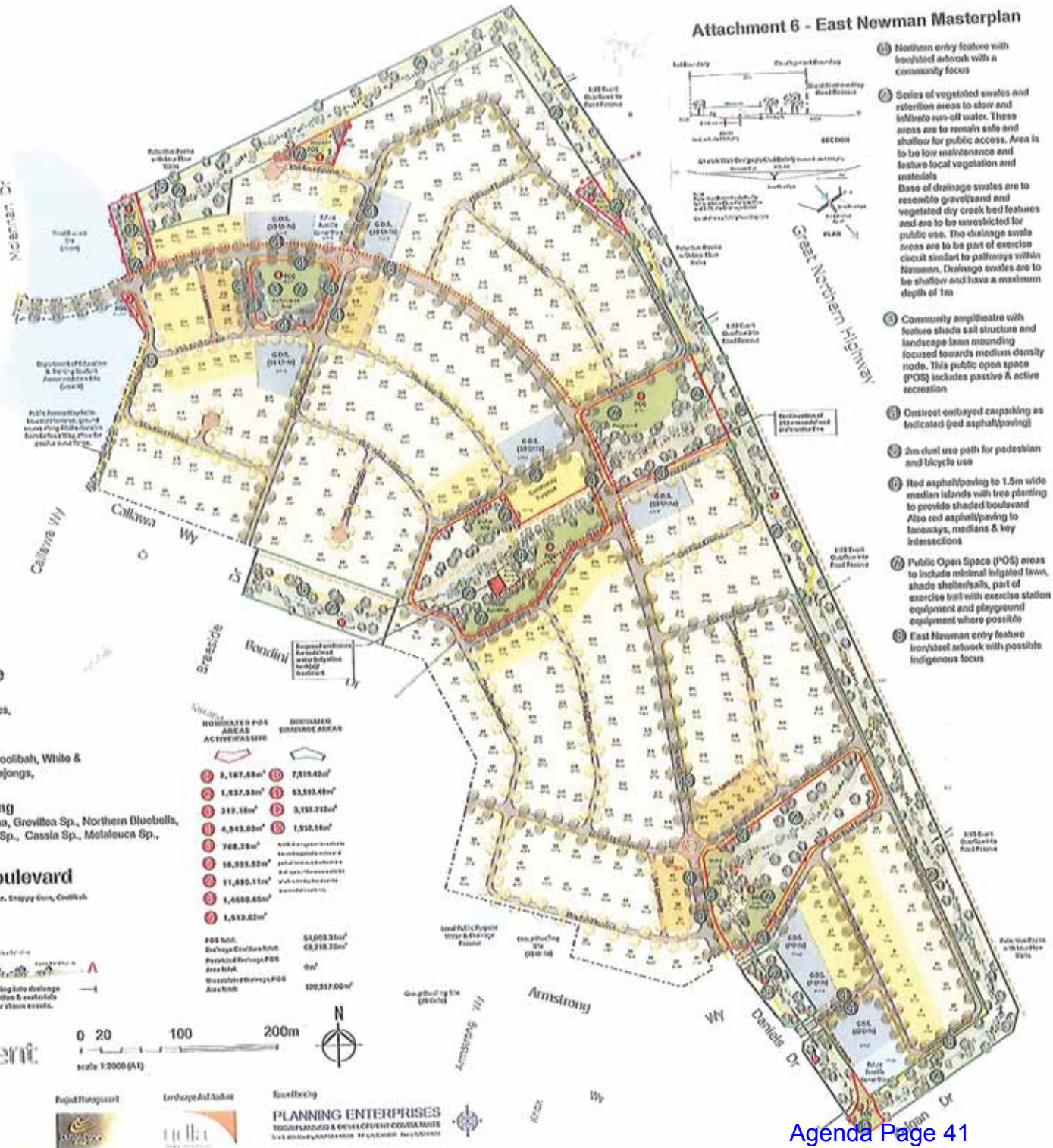
Dry Creek Bed And Feature Small Planting

Spinifex, Gregory's Wattle, Creeping Boobialla, Hilliana, Grovilea Sp., Northern Bluebell, Purple, Mulla-mullas, Stuart's Desert Pea, Callistemon Sp., Cassia Sp., Melaleuca Sp., Eremophila Sp.

Section A-A Daniels Drive Boulevard



Residential Development: East Newman Masterplan



Attachment 6 - East Newman Masterplan

- 1 Northern entry feature with landscaped artwork with a community focus
- 2 Series of vegetated swales and retention areas to slow and infiltrate run-off water. These areas are to remain safe and shallow for public access. Area is to be low maintenance and feature local vegetation and materials. Base of drainage swales are to resemble gravel/sand and vegetated dry creek bed features and are to be unrestricted for public use. The drainage swale areas are to be part of exercise circuit similar to pathways within Newman. Drainage swales are to be shallow and have a maximum depth of 1m
- 3 Community amphitheatre with feature shade sail structure and landscape lawn mounding focused towards medium density node. This public open space (POS) includes passive & active recreation
- 4 Onstreet embayed carparking as indicated (red asphalt/paving)
- 5 2m dual use path for pedestrian and bicycle use
- 6 Red asphalt/paving to 1.5m wide median islands with tree planting to provide shaded boulevard. Also red asphalt/paving to laneways, medians & key intersections
- 7 Public Open Space (POS) areas to include minimal irrigated lawn, shade shelter/sails, part of exercise trail with exercise station equipment and playground equipment where possible
- 8 East Newman entry feature iron/steel artwork with possible indigenous focus

DEVELOPMENT TABLE	
Gross Subject Land Area	14,257.1 m ²
Multiple Use Public Open Space & Drainage Areas	
Percentage of Gross Subject Land Area	4.56%
Total Access ways Length	3,291 m
Total Access ways Area	1,877.5 m ²
Percentage of Gross Subject Land Area	1.32%
Total visitor car parking spaces	125
Total Dwelling Yield	178
Projected No. of 3 bedroom Dwellings	12
Projected No. of 4 bedroom Dwellings	52
Gross Dwelling Density	12.5

1. Overall 3.4.3 of DC 3.3 provides for 100% coverage of drainage network for any development, consistent with and without respect to the calculation of public open space.

2. Gross Dwelling Density is the average number of dwellings per hectare of the total land area.



4 x 2 Dwellings
3 x 2 Dwellings

Stage One 73 Dwellings
Stage Two 61 Dwellings
Stage Three 44 Dwellings
Total Dwellings 178



RESIDENTIAL STRATA CONCEPT PLAN
P/L LOT 508 KALGAN DRIVE
NEWMAN TOWNSITE
for Grandtown Pty Ltd

Stage One
Stage Two
Stage Three

Subject Land

DATE: 10.02.2011
SCALE: 1:1000 @ A1

100
5000000

Landscape Intent

Site Location

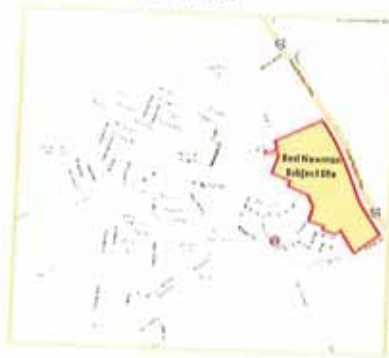


The East Pilbara landscape consists of vast red spilitox plains with iconic mounds, flat plains with weathered mallee top hills, weathered mallee and layered rock edges and layered creek beds, ephemeral stony creek beds, Newman has a strong Indigenous and European history that is uniquely tied to the land. The area also boasts the one of the largest single pit open cut iron ore mines in the world.

The drainage areas are to be open space "country". It would be proposed that iron ore relics and earth sculptures are revealed in collaboration with endemic pilbara planting, spinifex, wildflowers, local spinifex, wildflowers, local boulders, stone and gravel.

Sculpture relics, possibly parts of old mining equipment or of old iron ore relics can be buried into the red earth. Sculptures or land art design may reflect local Indigenous culture or assume a local community reference.

Two large shade sail structures are to provide shelter for seating and passive recreation.



Key

- Single Residential Lots (600m² - 900m²)
- Single Residential Lots (500m² - 600m²)
- Single Residential Lots (approx. 400m²)
- Community Purpose
- Group Dwelling Sites (G.D.S.)
- Possible Corner Store
- Dual Use Path
- Existing Power Line
- Dry Creek Bed (drainage)
- Public Open Space (POS) - Irrigated Lawn
- Feature Shade Sail Structures
- Mounding
- Local Boulders, Stone, Gravel
- Drainage Line
- Drainage Flow Direction

Indicative Plant List Schedule

Shady Street Trees

Street Trees - Tabebuia, Yellow Jacaranda, Neem Trees, Poinciana, African Tulip, Cottonwood, Bloodwoods

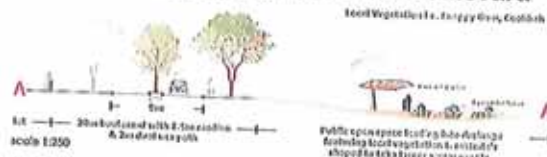
Xeric Shrubland Planting

Native Trees - Local Bloodwoods, Weeping Box, Coolibah, White & Mulga Trees - Acacias, Native Bauhinia, Cassia, Kunzea, Brille Or Snappy Gums, Desert Oak

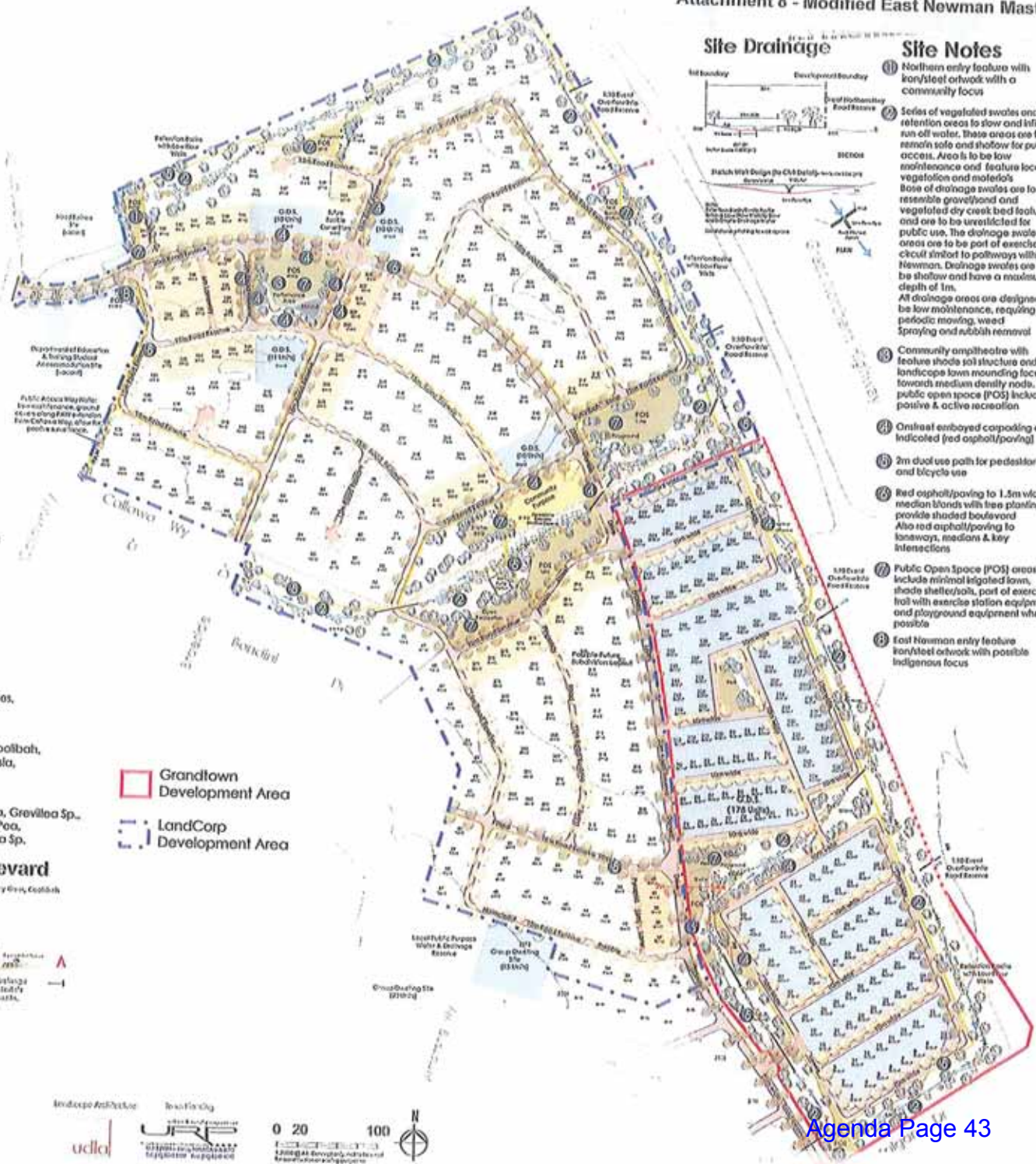
Dry Creek Bed And Feature Small Planting

Spinifex, Gregory's Wallie, Creeping Boobialla, Hiliana, Grevillea Sp., Northern Bluebell, Purple, Mulga-mulga, Shrub Desert Pop, Callistemon Sp., Cassia Sp., Melaleuca Sp., Eremophila Sp.

Section A-A Daniels Drive Boulevard



Shire of East Pilbara
Local Planning Policy 1 to 1
East Newman, Masterplan



Site Drainage



Site Notes

- 1 Northern entry feature with iron/steel artwork with a community focus
- 2 Series of vegetated swales and retention areas to slow and infiltrate run off water, these areas are to remain safe and shallow for public access. Area is to be low maintenance and feature local vegetation and mallee. Base of drainage swales are to resemble gravel/wood and vegetated dry creek bed features and are to be unrestricted for public use. The drainage swale areas are to be part of exercise circuit similar to pathways within Newman. Drainage swales are to be shallow and have a maximum depth of 1m.
- 3 All drainage areas are designed to be low maintenance, requiring periodic mowing, weed spraying and rubbish removal
- 4 Community amphitheatre with feature shade sail structure and landscape lawn mounding focused towards medium density node. This public open space (POS) includes positive & active recreation
- 5 Onsite embayed carparking as indicated (red asphalt/paving)
- 6 2m dual use path for pedestrian and bicycle use
- 7 Red asphalt/paving to 1.5m wide median bands with tree planting to provide shaded boulevard. Also red asphalt/paving to laneway, medians & key intersections
- 8 Public Open Space (POS) areas to include minimal irrigated lawn, shade shelter/sails, part of exercise trail with exercise station equipment and playground equipment where possible
- 9 East Newman entry feature iron/steel artwork with possible Indigenous focus

Landscape Architect

Local Planning



0 20 100



ITEM NO: 9.3

CREATE 61 SURVEY STRATA LOTS FOR STRATA RESIDENTIAL PURPOSE INCLUDING COMMON PROPERTY - LOT 688 NEWMAN DRIVE, NEWMAN SHIRE OF EAST PILBARA

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer Northern Regions
AUTHORISING OFFICER:	Executive Director Regional Planning & Strategy
AGENDA PART:	H
FILE NO:	279-11
DATE:	16th August 2011
ATTACHMENT(S):	1. Proposed Survey-Strata Subdivision; 2. TPS Zoning and Location; 3. Cut/Fill Depth Plan; 4. Drainage Management Plan; 5. Road Cross Sections; 6. Contaminated Site Location.
REGION SCHEME ZONING:	Abuts Unallocated Crown Land, Remnant Vegetation (Nlwa) , Ccs_Site_Id No. Abuts_1134 , Pdwsa - Priority 1 Area, Pdwsa - Priority 3 Area, Pdwsa - Water Reserves
LOCAL GOVERNMENT:	Shire of East Pilbara
LOCAL SCHEME ZONING:	Fronts Major Road, Abuts Community & Cultural Purposes, Special Use
LGA RECOMMENDATION:	Did Not Provide Recommendation
REGION DESCRIPTOR:	Regional Northern (Perth Based)
RECEIPT DATE:	25th March 2011
PROCESS DAYS:	89
APPLICATION TYPE:	Survey Strata
CADASTRAL REFERENCE:	Newman Drive, Newman

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 688 Newman Drive, Newman subject to the following Conditions and Advice Notes:

CONDITIONS:

1. The survey-strata plan being consistent with an Outline Development Plan for the site approved by the Shire of East Pilbara. (Local Government)
2. 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)
3. 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)
4. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of BHP Billiton for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (BHP Billiton)
5. The land being filled and/or drained. (Local Government)
6. The land being graded and stabilised. (Local Government)
7. 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)
8. An area(s) of land at least 10% of the gross subdivisible area, in a position to be agreed with the WAPC, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
9. A Management Statement being prepared and submitted for the WAPC's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to address the following matters in addition to the by-laws contained in Schedules 1 and 2 of that Act:
 - Development or redevelopment on the survey strata lots is to comply with a development approval issued by the local government;
 - The development and ongoing maintenance of the proposed Common Property lots to the satisfaction of the local government;
 - Amendment to or repeal of the above provision cannot be effected without the WAPC's agreement. (Local Government)

10. The creation of a reciprocal access easement over the proposed Common Property Lot 61 for the benefit of the Local Government specifying access rights. Notice of this easement(s) are to be included on the Deposited Plan.
11. Street lighting to be installed at the subdivider's cost. (Local Government)

ADVICE NOTES

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 2 and 3, 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. Regarding Condition 4, you are advised to contact BHP Billiton regarding their requirements.
4. Regarding Condition 5, drainage systems are to be designed and constructed consistent with the Storm-Water Management Manual for Western Australia (Department of Water).
5. The Department of Water provides the following advice:
 - The proposed survey-strata subdivision is located with the Newman Water Reserve and the area is currently classified as a Priority 3 (P3) Source Protection Area under the Priority Source Classification System. Residential subdivision is a conditional activity within P3 Source Protection Areas. Guidelines and notes are available to reduce the risk that associated activities pose to the Water Reserve, they are available from <http://drinkingwater.water.wa.gov.au>;
 - The proponent should ensure that best environmental design, construction and operational practices are followed. Vegetated buffers should be established from the infrastructure boundary to the top water level of any reservoirs, feeder streams and/or water source bore compounds; and
 - A buffer of at least 30 metres should be used in P3 areas from any infrastructure on the site, such as paved areas or waste treatment facilities, to any water source bore, in conjunction with other protective measures such as hazard reduction and containment, and monitoring and surveillance.
6. With regard to Condition 8, the WAPC hereby approves of a cash-in-lieu contribution in accordance with Section 153 of the *Planning and Development Act, 2005*.
7. Prior to commencement of site works, you are advised to contact the Department of Environment and Conservation's Contaminated Sites Branch

regarding the potential for soil and groundwater contamination within the application area.

8. With regard to Condition 9, the applicant is advised to liaise with the Local Government with regard to the detailed design and maintenance requirement on all the proposed common property lots, and any other matters as may be required by the Local Government to ensure the standards of design and amenity requirements are met. This may include, but is not limited to the following:
 - The establishment of landscaping in accordance with an appropriate landscape plan;
 - The ongoing management and maintenance of the open space and drainage areas; and
 - The ongoing management and maintenance of the internal accessways including verge treatments and street lighting.
9. With regard to Condition 10, a reciprocal access arrangement will enable the local government to access the internal accessways to provide services to the proposed development (for example, domestic waste removal).

SUMMARY:

This item is being presented to the Statutory Planning Committee because while the application is generally consistent with relevant policies, there are some questionable aspects of the proposed road design and lot configuration.

Also, this application is one of three large survey strata applications in Newman where the Shire of East Pilbara has granted planning approval for development of the subject site.

Earthworks have been substantially advanced in anticipation of the WAPC's approval to the survey strata application, and the opportunity to effect subdivision design outcomes pursuant to the WAPC's policies is constrained.

Should the WAPC not approve this application, or require changes to the proposed plan of subdivision, presumably there would be significant cost impacts to the proponent. The recommendation therefore proposes to vary the requirements of a number of the Commission's Development Control Policies and Liveable Neighbourhoods, with regard to road design and the configuration of open space.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*

Section: Part 10, Section 135

Strategic Plan

Strategic Goal: Regulation

Outcomes: Effective, consistent and enforceable regulation

Strategies: Improve, streamline and simplify regulatory processes within a risk based framework

Policy

Name: State Planning Policy 3 - Urban Growth and Settlement
Development Control Policy 1.3 - Strata Titles
Development Control Policy 2.6 - Residential Road Planning
Liveable Neighbourhoods

INTRODUCTION:

The application proposes the subdivision of Lot 688 Newman Drive, Newman (2.1723ha) to create 56 survey-strata lots ranging in area from 200m² to 798m². The application also proposes to create 5 common property lots that are intended to incorporate a 7 metre-wide accessway, communal (private) open space and land set aside for drainage purposes (**Attachment 1** - Proposed Survey-Strata Subdivision).

Lot 688 was formerly used as a drive-in cinema and is located west of the Newman town centre. The subject land is bound by the Newman Golf Course to the north and west, the BHP Eco Village (single persons' quarters) to the east.

Lot 688 is zoned 'Special Use Zone No 15' under the Shire of East Pilbara's Town Planning Scheme No. 4 (TPS 4) (**Attachment 2** - TPS Location and Zoning).

Pursuant to requirements for Special Use Zones under TPS 4 (Schedule 4), the proposed survey-strata subdivision is consistent with an Outline Development Plan (ODP) for the site that was approved by the Shire of East Pilbara Council at its Ordinary Meeting held 11 March 2011.

Prior to lodgement of this subdivision application, and in accordance with local government approvals, significant site works were undertaken by the landowner to grade and fill the site, and create the lot levels and surface water drainage system to support the proposed survey-strata (**Attachment 3** - Cut/Fill Depth Plan; and **Attachment 4** - Drainage Management Plan).

The town of Newman is experiencing significant population pressures due to fly in fly out workers and short-term contractors employed in the resources sector. The purpose of the application is to provide for additional residential development in response to the shortage of accommodation within Newman.

CONSULTATION:

The Shire of East Pilbara did not provide a referral response. However, local government officers raise no objections to the proposed survey strata subdivision. The proposed subdivision is also consistent with Planning Approvals granted by the Shire on 11 April 2011 (Shire Ref: P348/11) and 21 June 2011 (P387/11).

The Department of Water (DoW) raises no objections to the proposal and recommends, *inter alia*, that drainage systems be designed and constructed consistent with the Storm-Water Management Manual of Western Australia, to the local government's satisfaction. DoW advised that an Urban Water Management Plan is not required in this case. DoW also provides advice to the applicant regarding the site's location within a Priority 3 Source Protection Area within the Newman Water Reserve.

The Department of Environment and Conservation advises that native vegetation (including a number of significant species of flora and fauna) may be present on the proposed development site and the applicant will need to ensure that the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 are adhered to.

Other referral agencies raise no objections to the proposal.

COMMENTS:

Local Planning Context

The proposed subdivision accords with the Shire of East Pilbara's Local Planning Strategy, the Newman Revitalisation Strategy, and TPS 4.

Access

WAPC Policy DC 1.3 - Strata Titles (clause 3.3.4) requires the proposed common property accessway be assessed as a residential road under WAPC Policy DC 2.6 - Residential Road Planning. The proposed road reserve correlates with an 'Access Street D' or 'Small Town Centre Street' as defined in Liveable Neighbourhoods (Figures 22 and 23).

The applicant has provided a traffic assessment in support of the ODP for Lot 688. Review of the proposed accessway and traffic assessment reveals the following issues:

- 19m vehicles appear to “clip” three residential lots which could potentially result in damage to property and kerbing; and
- The proposed road reserve is non-compliant with WAPC Policy DC 2.6 (10m reserve required, 7m provided) and would not be sufficient to permit services to be incorporated into the verge area.

Notwithstanding the requirements of DC 1.3, it is recommended that the proposed common property lot (and associated accessway) not be assessed as a residential road under DC 2.6 for the following reasons:

- the applicant has demonstrated (**Attachment 5 - Road Cross Sections**) the proposed common property can accommodate a 5.4 metre-wide road pavement and minimum 1 metre-wide pedestrian footpath that provide for suitable access and services in accordance with local scheme requirements and the relevant provisions of the R Codes (clause 6.5.4: A4.4 and A4.5 and clause 6.5.5 A5.2);
- the applicant has demonstrated (via a traffic assessment) that the proposed common property accessway provides for safe vehicle and pedestrian access

to the proposed lots in accordance with Commission Policy DC 2.2 - Residential Subdivision (clause 3.7.2), Liveable Neighbourhoods (Element 2, Figure 11) and AusRoads standards (Figure 2.1); and

- the applicant has provided details showing the semi mountable curbing will be sufficiently modified and strengthened to allow for the safe turning of 19 metre articulated vehicles.

Public Open Space Contribution

No *Public Open Space* (POS) areas are proposed by this application.

This application proposes to provide *communal* (private) open space within common property lots 57, 58, 59, and 60. However, it is recommended that proposed common property lots 58, 59 and 60 not be credited towards any POS contribution for this application, as these lots are to be developed primarily for drainage purposes and are too small to function as useable space for general recreation purposes.

DC Policy 1.3 (clause 3.3.3) permits a maximum of 50% of the total POS contribution to be provided as communal open space, subject to that open space being useable and developed for general recreation purposes. The communal open space proposed within common property Lot 57 (1992m²) therefore provides the maximum (50%) POS contribution for this application.

The applicant has provided a landscaping concept plan for proposed Lot 57 which shows that lot being grassed with a number of trees, as well as a reticulation system to be installed around the periphery of the parkland. The recreation function will be achieved through provision of BBQ facilities in the south west and shaded benches along the north and south park boundaries.

It is recommended that the open space provided within Lot 57 be credited towards the POS contribution for this application, and that the Commission approve cash in lieu of the remaining POS contribution required.

Lots Abutting Open Space

The application proposes to create lots abutting the communal open space on three boundaries.

The ODP for the site provides for passive surveillance of the communal open space through requirement for lots abutting the open space to have visually permeable fencing and windows from habitable rooms facing the parkland. This arrangement accords with Liveable Neighbourhoods which allows for lots to directly abut a small park where there is sufficient passive surveillance (Element 4, R12).

Maintenance of Communal Open Space, Roads and Drainage

The application proposes to retain all on-site roads, open space, and drainage measures under private (communal) ownership, and the responsibility for ongoing maintenance of these common property lots will fall to the strata Body Corporate, rather than the local government.

It is expected that these common property lots be developed and maintained to the same standard as would be expected for conventional Freehold subdivision in accordance with WAPC policies.

Clause 3.3.8 of the DC 1.3 indicates that the Commission may require the preparation of a management statement as a mechanism for introducing additional by-laws for a strata scheme. Management statements may be required as a condition where detailed ongoing management arrangements are required.

In this case, a strata management statement is considered appropriate to deal with the issue of the development and ongoing management of the proposed open space and drainage areas to ensure that the standards of design and amenity requirements are met.

It is also recommended that an approval to this application be subject to the provision of street lighting in accordance with the Commission's policies.

Provision of Local Government Services

The proposed vehicle accessways are shown as common property areas (CP Lot 61) in the strata plan, not public roads. This raises the question of reciprocal access rights over the proposed common driveways to benefit the Local Government for the provision of services (such as picking up rubbish bins). Although the Shire did not provide its comments on this matter, it is considered appropriate to impose the following condition:

The creation of a reciprocal access easement over the proposed CP Lot 61 for the benefit of the Local Government specifying access rights. Notice of this easement(s) are to be included on the Deposited Plan.

Water Management

Subdivision within the site's designation as a Priority 3 (P3) Source Protection Area is conditional upon connection of the proposed lots to reticulated sewerage. As reticulated sewerage is available to the proposed lots, it is reasonable to impose a condition of subdivision approval being connection of proposed lots to a reticulated sewerage system in this case.

A standard drain and fill condition is recommended to ensure drainage systems are designed and constructed to the satisfaction of the local government, as requested by DoW.

Contaminated Sites

A small portion of subject Lot 688 directly abuts Lot 17 on Plan 241430 that is registered as a contaminated site on the DEC Contaminated Sites Register (**Attachment 6** - Contaminated Site Location). DEC's contaminated sites records note that hydrocarbon contamination affects the north western portion of Lot 17 (1078ha) where Mount Whaleback mine is situated, and recommends that analytical

testing of groundwater should be undertaken to confirm that it is suitable for its intended use.

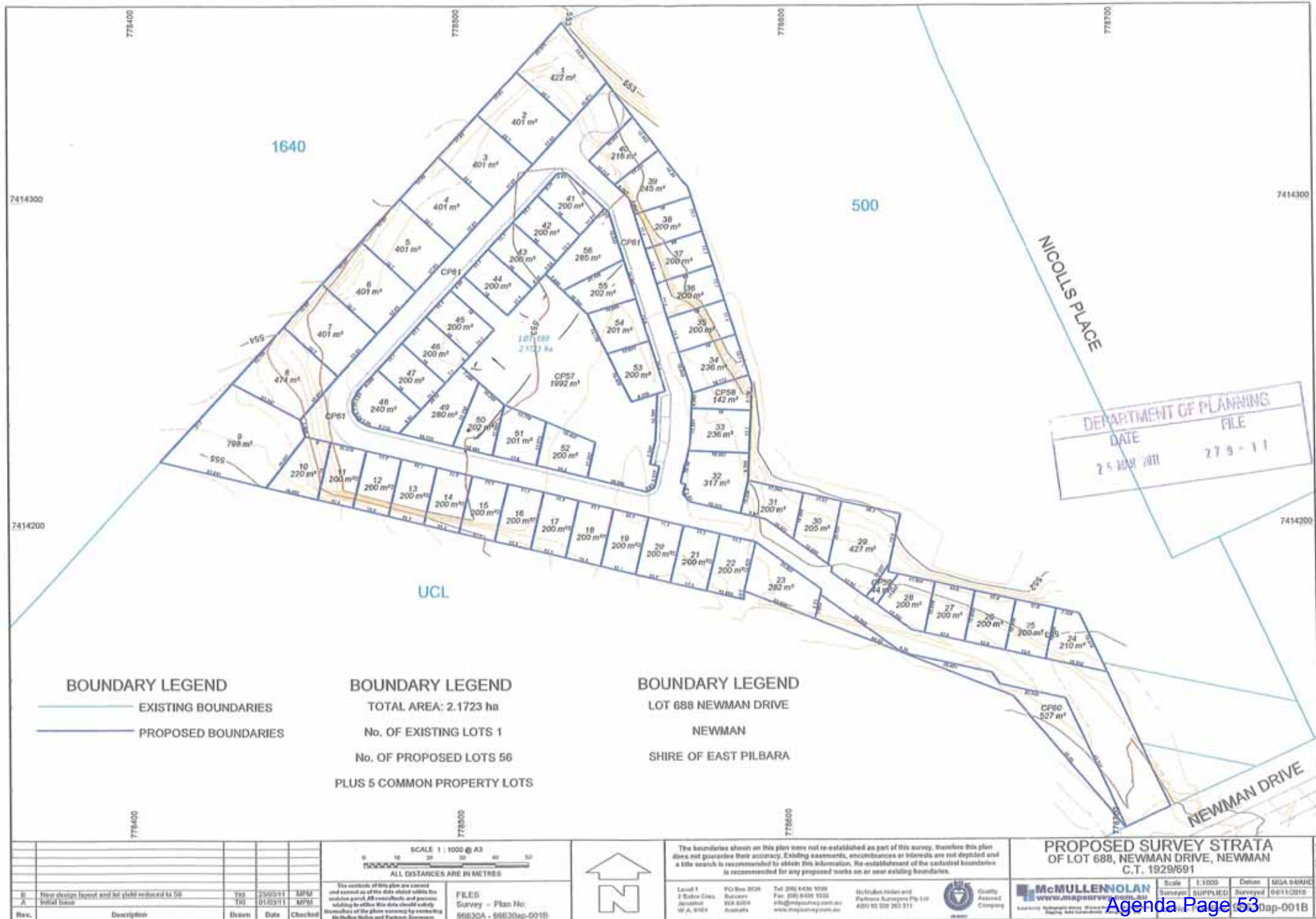
The ODP for Lot 688 also notes that it is unclear if any fuel leakage may have occurred during the use of that Lot as a drive-in cinema, which could impact soil quality and require remediation.

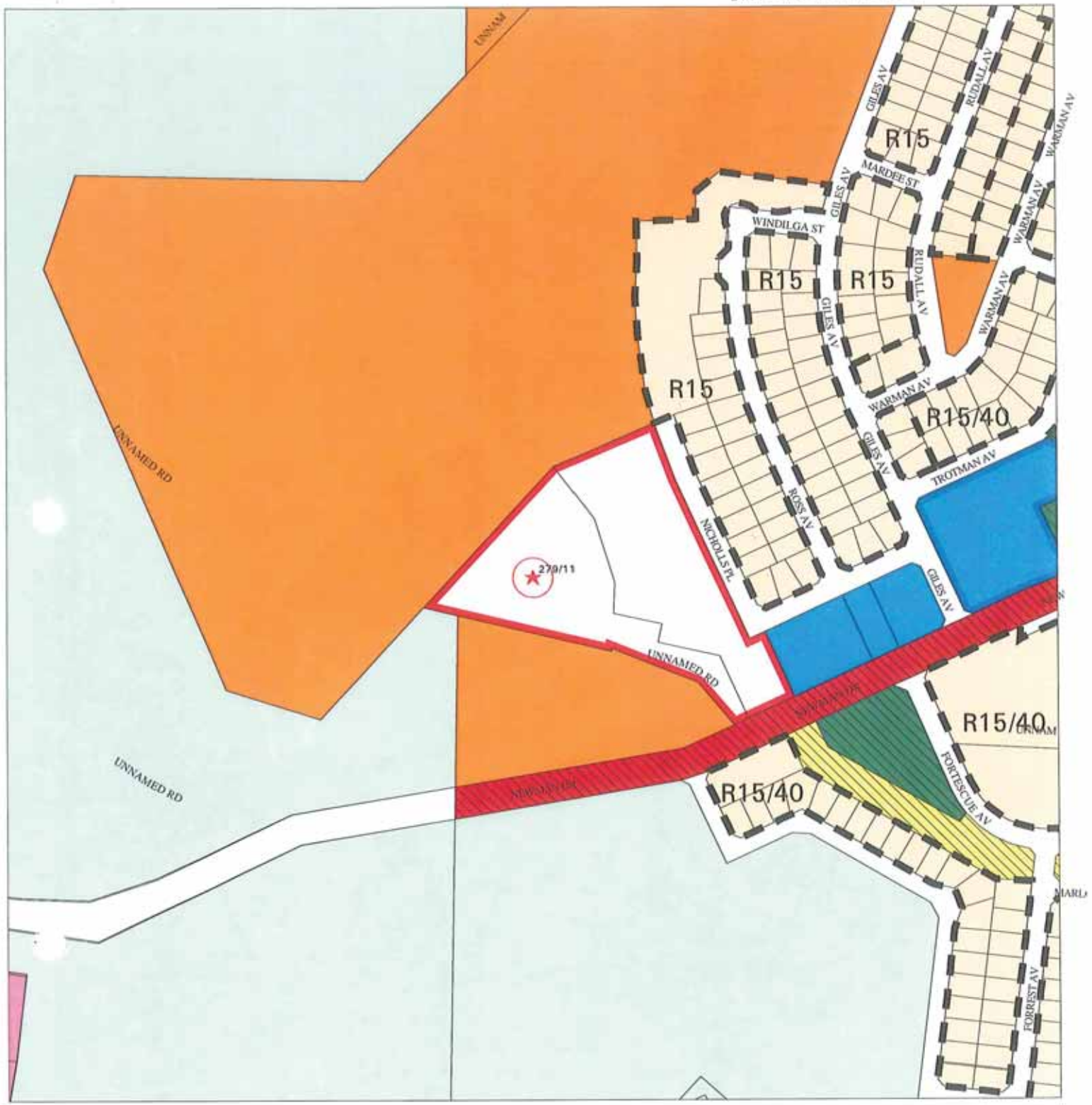
Advice has been sought from the Department of Environment and Conservation (DEC) with regard to potential soil/groundwater contamination of Lot 688. DEC did not provide comments on this matter.

Given Lot 688 is located a large distance away from the source of the contamination in Lot 17, and extensive site works have already been undertaken on the application area, it is recommended the future impact of potential soil/groundwater contamination on the subject site be managed by the inclusion of an advice note to the applicant.

CONCLUSION:

Conditional approval is recommended.





Strata Application 279/11 (MGA ref 778511mE 61414248mN Zone 50)

This data is to be used for the processing of subdivision applications only.

- | | |
|-------------------------------|----------------------------------|
| CADASTRAL BOUNDARY | SPECIAL USE |
| WESTNET ENERGY GAS PIPELINE | RECREATION |
| STRATA APPLICATION | TOWN CENTRE |
| R CODE BOUNDARY | MIXED BUSINESS |
| MAJOR ROAD | LOCAL ROAD |
| RURAL | PUBLIC PURPOSES DRAINAGE & WATER |
| COMMUNITY & CULTURAL PURPOSES | INDUSTRIAL |
| RESIDENTIAL | |

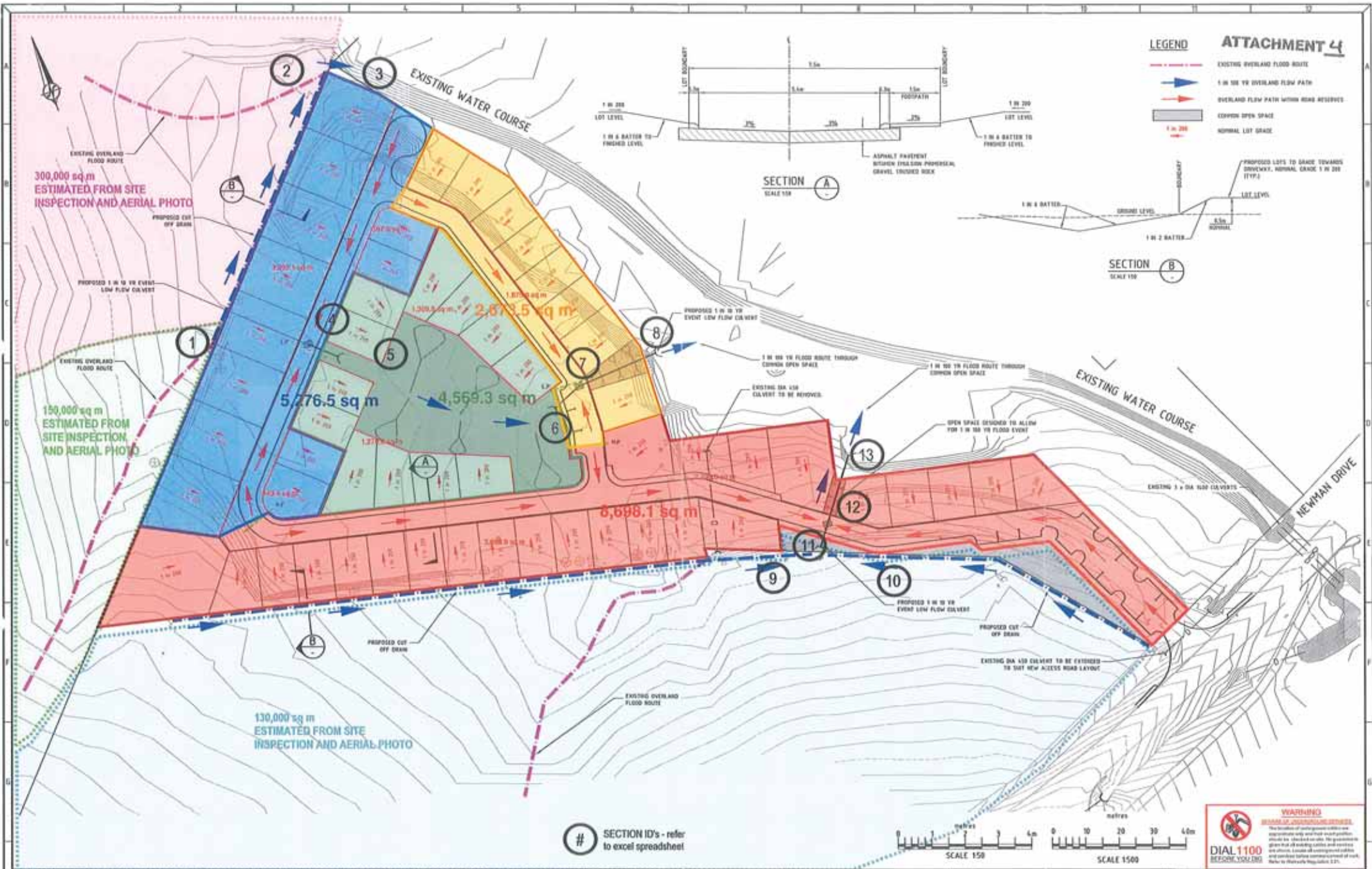
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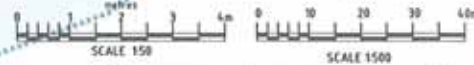
- EXISTING OVERLAND FLOOD ROUTE
- 1 IN 100 YR OVERLAND FLOW PATH
- OVERLAND FLOW PATH WITHIN ROAD RESERVES
- CORNER OPEN SPACE
- 1 IN 200
- NORMAL LOT GRADE

SECTION A
SCALE 100

SECTION B
SCALE 100



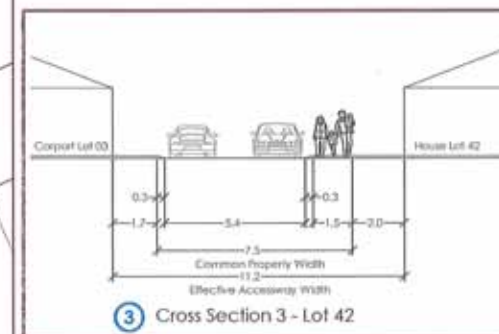
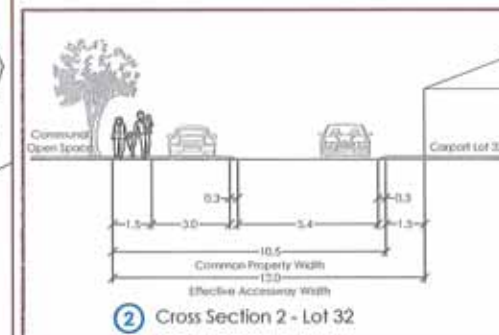
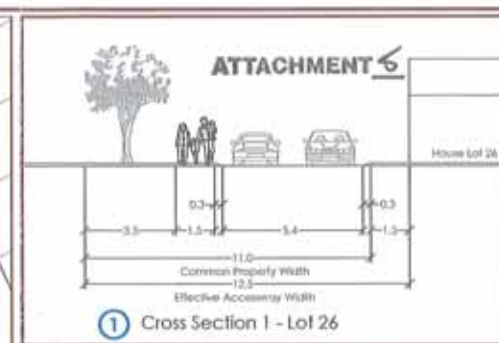
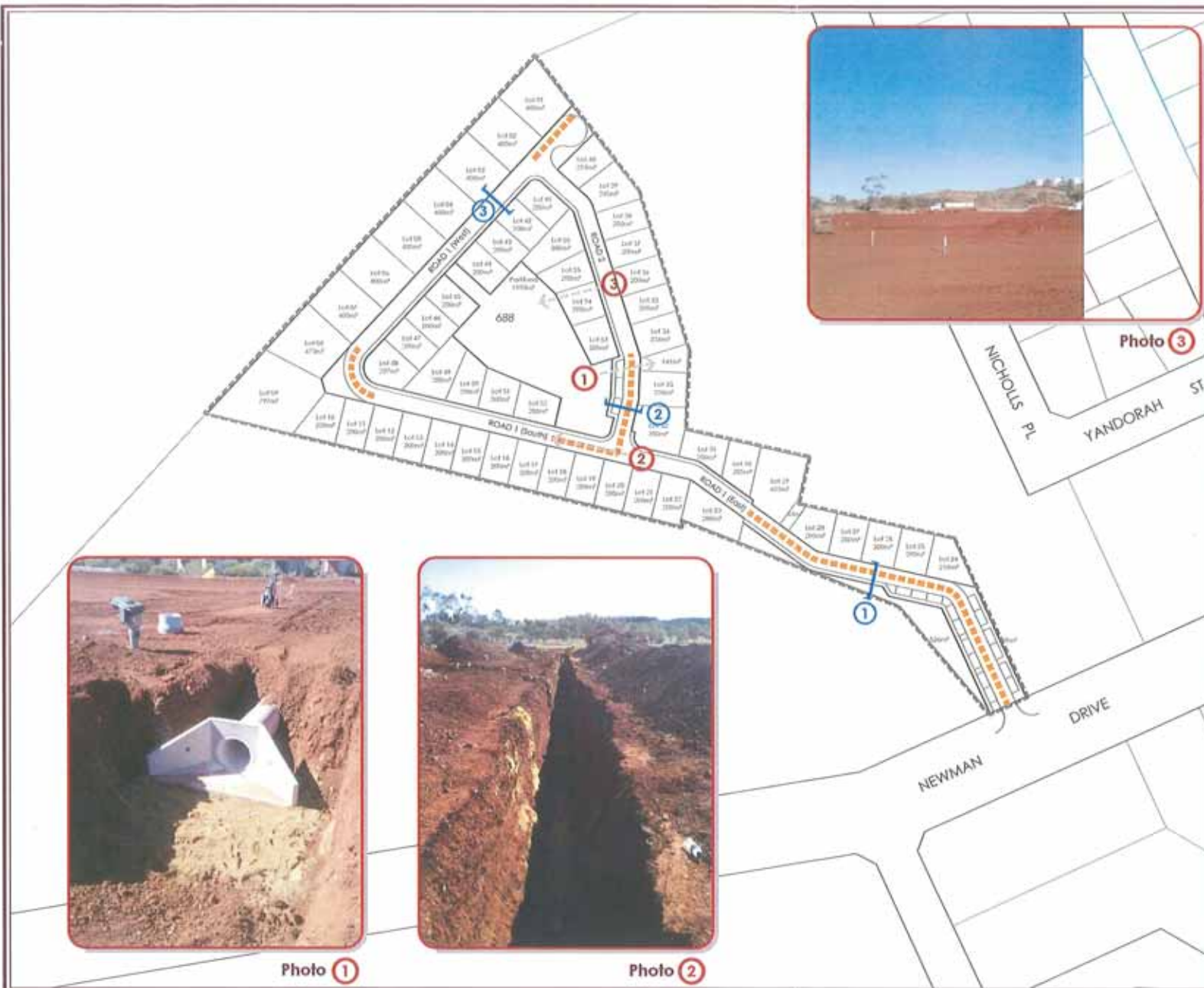
SECTION ID's - refer to excel spreadsheet



WARNING
BEFORE ANY CONSTRUCTION
The location of underground services are approximate only and not exact position. Should be checked on site. The proponent is given that all existing cables and services are shown. Locate all underground cables and services before commencing work. Refer to Water Utility Map 1001 02/11.

DIAL 1100
BEFORE YOU DIG

<p>DATE: 10/10/2023 REV: 001 DATE: 10/10/2023 BY: JDSi CHECKED: JDSi APPROVED: JDSi</p>	<p>DESIGNER: JDSi DRAWN: JDSi CHECKED: JDSi APPROVED: JDSi</p>	<p>CLIENT: MEGARA DEVELOPMENTS PROJECT: LOT 688 NEWMAN DRIVE SUBJECT: DRAINAGE MANAGEMENT PLAN</p>	<p>JDSi CONSULTING ENGINEERS 30/10/2023 10:10 AM 30/10/2023 10:10 AM</p>	<p>PROJECT: LOT 688 NEWMAN DRIVE SUBJECT: DRAINAGE MANAGEMENT PLAN</p>	<p>DATE: 10/10/2023 SCALE: AS SHOWN DRAWN: JDSi CHECKED: JDSi APPROVED: JDSi</p>	<p>DATE: 10/10/2023 SCALE: AS SHOWN DRAWN: JDSi CHECKED: JDSi APPROVED: JDSi</p>
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- LEGEND**
- Subdivision Application Boundary
 - Photo Number & Orientation
 - Cross Section Number
 - Extent/Direction of Cross Section
 - Area of Access Way < 10m Wide



burgess design group

PO Box 178 Northbridge WA 6903
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 Email: info@burgessdesigngroup.com.au

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Plan No: MED-RTW 2-01b Client: Megast Developments
 Date: 13.07.11 Planner: TD



NORTH

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**ROAD CROSS SECTIONS &
 EARTHWORKS PHOTOGRAPHS**
 Lot 688 Newman Drive, Newman

Agenda Page 57

