



Statutory Planning Committee

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

**Tuesday 11 October 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 Schedule 2 clause 4(2)(a)	20/4/2013
Ms Sue Burrows	Nominee of the Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex-officio
Ms Elizabeth Taylor	Community representative Schedule 2 clause 4(2)(d)	1/2/2012
Mr Ian Holloway	Professions representative Schedule 2 clause 4(2)(e)	1/2/2012
Mayor Carol Adams	Local Government representative Schedule 2 clause 4(2)(f)	1/2/2012
Cr Corinne MacRae	WAPC Nominee Schedule 2 clause 4(2)(g)	1/2/2012
Mr Henty Farrar	Regional Minister nominee Schedule 2 clause 4(3)	26/9/2013

Quorum: 4

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 if 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
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 27 September 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 3 October 2011	Oct/Nov 2011

13. Closure - next meeting to be held on 25 October 2011

Statutory Planning Committee

Minutes
of ordinary meeting 7445
held on Tuesday 27 September 2011

Attendance

Members

Mr Gary Prattley	WAPC Chairman (Presiding Member)
Mayor Carol Adams	Local Government nominee
Ms Sue Burrows	Nominee of the Director General, Department of Planning
Mr Ian Holloway	Professional representative
Cr Corinne MacRae	WAPC nominee
Ms Elizabeth Taylor	Community representative

Officers

	Department of Planning
Ms Sarah Cosstick	Principal Planning Officer Metro Planning North
Mr Rob Cull	A/Planning Manager Metro Planning North

Committee Support

Ms Leah Carr	Committee Secretary - Department of Planning
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7445.1 Declaration of Opening

The Presiding Member declared the meeting open at 10.08 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7445.2 Apologies

Nil.

7445.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7445.4 Disclosure of Interests

Member	Minute No.	Page No.	Nature of Interest
Cr Corinne MacRae	9.7	22	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 the item due to being a City of Swan employee.

The motion was put and carried.

7445.5 Declaration of Due Consideration

No declarations were made.

7445.6 Deputations and Presentations

Nil.

7445.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7445.8 Confirmation of Minutes

7445.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 13 September 2011

Resolved

Moved by Mayor Adams, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on Tuesday 13 September 2011, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7445.9 Reports

7445.9.1 Aboriginal settlements guideline 1 – layout plans

File DP / 09 00113
Report Number SPC/38
Agenda Part A
Reporting Officer Planning Manager Aboriginal
Communities

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to endorse the Aboriginal Settlements Guideline 1 - Layout Plans in accordance with State Planning Policy 3.2 Aboriginal Settlements.

The motion was put and carried.

7445.9.2 Aboriginal settlement layout plans - for endorsement

File DP/09/00171/1
Report Number SPC/39
Agenda Part D
Reporting Officer Manager Planning Aboriginal
Communities

Resolved

Moved by Ms Taylor, seconded by Mayor Adams

That the Western Australian Planning Commission resolves to endorse the Aboriginal settlement Layout Plans and Layout Plan amendments for:

1. *Wijilawarrim Layout Plan 1*
2. *Yirrallelm Layout Plan 1*
3. *Jimbilum Layout Plan 1*
4. *Munthamar Layout Plan 1*
5. *Mud Springs layout Plan 1*
6. *Woolergerberleng Layout Plan 1*
7. *Four Mile Layout Plan 1*
8. *Ngunulum Layout Plan 1*
9. *Yiyili Layout Plan 2*

10. *Bidan Layout Plan 1*
11. *Koongie Park Layout Plan 2*
12. *Ardyaloon Layout Plan 2 Amendments 3 and 4*
13. *Bayulu Layout Plan 1 Amendment 1*
14. *Bungardi Layout Plan 1 Amendment 1*
15. *Burawa Layout Plan 1 Amendment 1*
16. *Lundja Layout Plan 1 Amendment 3*
17. *Joy Springs Layout Plan 1 Amendment 1*
18. *Yungnora Layout Plan 2 Amendment 1*
19. *Jarlmadangah Burru Layout Plan 2
Amendment 1*

The motion was put and carried.

7445.9.3 Subdivision to create 20 lots and public open space for residential purposes - lot 35 Osmond Street, Kenwick

File 139039
Report Number SPC/40
Agenda Part C
Reporting Officer A/Director - Metropolitan South East

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to endorse a deposited plan in accordance with the amended plan date-stamped 10 August 2011 once the conditions and advice set out below have been fulfilled:

CONDITIONS:

Roads / Footpaths

1. *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the Applicant/Owner's cost. As an alternative the Western Australian Planning Commission 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 Western Australian Planning Commission confirming that the works will be completed within a reasonable period as agreed by the Western Australian Planning Commission. (Local Government)*
2. *Arrangements being made with the Local Government for the upgrading and/or construction of Osmond Street to an urban standard where it abuts the application area. (Local Government)*
 3. *Street corners within the subdivision are to be truncated as required by Liveable Neighbourhoods to the satisfaction of the Western Australian Planning Commission. (Local Government)*
 4. *Traffic management devices and intersection treatments are to be located, designed and constructed to the satisfaction of the Western Australian Planning Commission. (Local Government)*
 5. *Shared use path(s) being provided to the specifications of the Local Government to the satisfaction of the Western Australian Planning Commission. (Local Government)*
 6. *Footpaths being designed and constructed to the satisfaction of the Western Australian Planning Commission. (Local Government)*

Site Works

7. *All buildings, outbuildings and/or structures being demolished and materials removed from the proposed lots. (Local Government)*
8. *The Applicant/Owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of subdivision works. (Local Government)*
9. *The land being filled and/or drained at the Applicant/Owner's cost to the satisfaction of the*

Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)

10. *The land being graded and stabilised.
(Local Government)*
11. *Prior to the commencement of site works, construction drawings are to be submitted to, and accepted by the Local Government to the satisfaction of the Western Australian Planning Commission. (Local Government)*

Servicing

12. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lots shown on the approved plan of subdivision. (Water Corporation)*
13. *Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
14. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*
15. *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 lots shown on the approved plan of subdivision. (Western Power)*
16. *The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure.
(Western Power)*

Detailed Area Plans

17. *Detailed Area Plans are to be prepared and approved for the proposed lots.
(Local Government)*
18. *Arrangements shall be made to the satisfaction of the Western Australian Planning Commission to ensure prospective purchasers are made aware of the Detailed Area Plans relating to the proposed lots.
(Local Government)*

Miscellaneous

19. *Street lighting being provided to the satisfaction of the Western Australian Planning Commission. (Local Government)*
20. *Prior to the commencement of site works, an Urban Water Management Plan is to be approved to the satisfaction of the Western Australian Planning Commission.
(Local Government)*
21. *The Urban Water Management Plan (as amended from time to time) required by Condition 20 is to be implemented as part of subdivisional works to the satisfaction of the Western Australian Planning Commission.
(Local Government)*
22. *A Public Open Space Management Plan being prepared and implemented for Lot 35 Osmond Street to the satisfaction of the Western Australian Planning Commission.
(Local Government)*
23. *A Wetland Management Plan is to be prepared prior to the commencement of site works and implemented to the satisfaction of the Western Australian Planning Commission.
(Local Government)*
24. *An Acid Sulfate Soils Self-Assessment Form and, if required as a result of the self-assessment, an Acid Sulfate Soils Report and an Acid Sulfate Soils Management Plan shall be submitted to and approved by the Department of Environment and Conservation*

before any site works are commenced. Where an Acid Sulfate Soils Management Plan is required to be submitted, all site works shall be carried out in accordance with the approved management plan. (Department of Environment and Conservation)

ADVICE:

1. *In respect of Condition 7, if any portion of the existing building is to be demolished to facilitate the proposed subdivision, a Demolition Licence is to be obtained from the Local Government prior to the commencement of demolition works.*
2. *Where required, the Applicant/Owner shall provide service connections, make financial arrangements, set aside land, grant easements, apply notices or other requirements, to protect existing and proposed Corporation assets to the satisfaction of the Water Corporation.*
3. *Upon the receipt of a request from the Applicant/Owner, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.*
4. *With regard to Condition 15, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
5. *If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*
6. *With regard to Condition 16 the specific location and area of land required is to be to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power.*

7. *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 Ordnance Unit, Fire and Emergency Services Authority of Western Australia.

The motion was put and carried.

7445.9.4 Subdivision - lots 124 & 210 Suffolk Street & lot 90 Arthur Street, Caversham

File 143287
Report Number SPC/41
Agenda Part C
Reporting Officer A/Director Metropolitan Planning North East

Resolved

Moved by Mr Holloway, seconded by Cr MacRae

That the Western Australian Planning Commission resolves to approve the subdivision of Lots 124 & 201 Suffolk Street, Caversham and Lot 90 Arthur Street, Caversham subject to the following conditions and advice notes:

CONDITIONS:

Roads and Paths

1. *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the subdivider's cost. (Local Government)*
2. *Arthur Street being widened by a minimum width of 2.50 metres in accordance with the approved plan of subdivision (attached) and transferred to the Crown free of cost. (Local Government)*
3. *Suffolk Street being widened by a minimum width of 0.850 metres in accordance with the approved plan of subdivision and transferred to the Crown free of cost. (Local Government)*
4. *Satisfactory arrangements being made with the City of Swan for the construction of one carriageway, to a rural standard, to connect Suffolk Street with the existing Patricia Street, west of the proposed Lord Street extension. The design and construction of the Suffolk Street connection to a rural standard shall accommodate the proposed future intersection to the Lord Street extension. (Local Government)*
5. *Satisfactory arrangements being made with the City of Swan for the construction and upgrading/drainage of Suffolk Street between the intersection of Arthur Street to the north western corner of the application area to an urban standard, including street lighting, embayment parking (as required) and a dual use path and the provision of a roundabout at the intersection of Arthur and Patricia Streets. (Local Government)*

6. *Satisfactory arrangements being made with the City of Swan for the construction and upgrading/drainage of Arthur Street between the intersection of Suffolk Street to the south eastern corner of the application area to an urban standard, including street lighting, embayment parking (as required) and a dual use path. (Local Government)*
7. *Street corners within the subdivision being truncated to the specification of the City of Swan to the satisfaction of the Western Australian Planning Commission. (Local Government)*
8. *Those subdivisional roads that are proposed to be extended to facilitate future approvals are to be provided with a temporary turnaround area designed and constructed to the satisfaction of the City of Swan. (Local Government)*
9. *The proposed 7.2 metre wide carriageway adjacent to proposed lots 19-21 is to be increased to a minimum width of 7.4 metres. (Local Government)*
10. *Street lighting being provided along all subdivisional roads. (Local Government)*
11. *Footpaths being constructed on one side of each subdivisional road by the subdivider to the specifications of the City of Swan. (Local Government)*

Urban Water Management

12. *The approved Urban Water Management Plan shall be implemented by the landowner, including construction of the identified stormwater and groundwater management systems. (Local Government)*

Works

13. *Prior to the commencement of subdivision works the subject of this approval, detailed engineering drawings for such shall be approved by the City of Swan. (Local Government)*

14. *The land being graded and stabilised.
(Local Government)*
15. *The land being filled and/or drained at the subdividers cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being shown on the Deposited Plan and granted free of cost.
(Local Government)*
16. *The subdivider is to prepare and submit comprehensive geotechnical reports certifying that the land is physically capable of development and that filling or backfilling has been adequately compacted.
(Local Government)*

Servicing

17. *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)*
18. *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)*
19. *The provision of easements for existing or future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body.
(Water Corporation)*
20. *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)*
21. *The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure.
(Western Power)*

Contributions

22. *Satisfactory arrangements being made with the City of Swan for the subdivider to contribute to common service and community infrastructure within the Caversham Development Contribution Plan area to the satisfaction of the Western Australian Planning Commission. (Local Government)*
23. *Satisfactory arrangements being made with the Department of Education and Training for the provision of land, free of cost to the Crown, for a primary school site. (Department of Education and Training)*

Miscellaneous

24. *The applicant/owner is to register on the title of each lot created, a restrictive covenant under section 129BA of the Transfer of Land Act 1893 for the benefit of the City of Swan indicating that the land is subject to the following restrictions:*
- a) *The land use controls applicable to land zoned "Residential" as detailed in Part 4 (including zoning table) of the City of Swan Local Planning Scheme No. 17;*
 - b) *For Lots 1-7, the development standards applicable to an R30 coding in the Residential Design Codes of Western Australia; and*
 - c) *For Lots 8-24, the development standards applicable to an R20 coding in the Residential Design Codes of Western Australia. (Local Government)*
25. *Detailed Area Plans are required for Lots 1-7 addressing future development including setbacks, pedestrian and vehicular access, development orientation and garage locations. (Local Government)*
26. *Satisfactory arrangements shall be made with the City of Swan to ensure that prospective purchasers of Lots 1-7 are made aware of the*

*Detailed Area Plan relating to their
development. (Local Government)*

27. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of each of the proposed residential lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows:*

"This lot is in proximity to an existing mushroom farm located at Lot 52 Victoria Road, West Swan and may be adversely affected by odour emissions from that land use." (Local Government)

28. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of each of the proposed residential lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows:*

"This lot is in proximity to rural zoned land and may be adversely affected by noise, dust and odour from existing and future agricultural land uses in the Swan Valley." (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 Condition 1, the City of Swan advises the applicant/owner that a streetscape plan is to be submitted to the satisfaction of the City of Swan identifying verge and median treatments, prior to the implementation of works, including:*
 - i) *tree and plant species,*

- ii) tree and plant quantities,*
- iii) tree and plant location,*
- iv) reticulation details (if any),*
- v) hard landscaping type, materials, location and quantity, and*
- vi) street furniture type, materials, location and quantity.*

The verge and median treatments, as depicted on the approved streetscape plan, are to be implemented to the satisfaction of the City of Swan, at the developer's cost.

- 3. The City of Swan advises applicant that notifications are to be prepared by the City's solicitors to the specifications of the City of Swan. The applicant is advised to liaise with the City of Swan.*
- 4. With regard to Conditions 17-19, 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.*
- 5. With regard to Condition 20, 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.*
- 6. 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.*
- 7. With regard to Condition 21 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.*
- 8. In respect to Condition 24, it is noted that the 129BA restrictive covenant will not required if the Western Australian Planning Commission has endorsed the Caversham Structure Plan*

*which will give effect to zoning under the City of
Swan Local Planning Scheme No. 17.*

The motion was put and carried.

Moved to item 7445.9.7

**7445.9.5 Create 2 survey strata lots - lot 1 Elizabeth Street,
Mandurah**

File 636-11
Report Number SPC/42
Agenda Part C
Reporting Officer Planning Manager Peel Region

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

*That the Western Australian Planning Commission
resolves to approve the application for subdivision
of one lot into two survey strata lots for residential
purposes at Lot 1 Elizabeth Street, Mandurah,
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. *The provision of easements for existing or future
water, sewerage and/or drainage infrastructure
as may be required by the Water Corporation
being granted free of cost to that body. (Water
Corporation)*
4. *A Notification, pursuant to Section 165 of the
Planning and Development Act 2005 is to be
placed on the Certificates of Title of the
proposed lot(s) advising of the existence of a
hazard or other factor. Notice of this notification
is to be included on the Deposited Plan. The*

notification to state as follows:

"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases."

5. *The battleaxe accessway(s) being constructed to a limestone standard at the applicant/owner's cost to the specifications of the local government. (Local Government).*

ADVICE:

1. *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.*

The motion was put and carried.

7445.9.6 Subdivision to create 60 lots for industrial purpose - lot 301 Broome Road, Broome

File 144228
Report Number SPC/43
Agenda Part C
Reporting Officer Planning Officer Northern Regions

Resolved

Moved by Ms Taylor, seconded by Cr MacRae

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 301 Broome Road, Broome, subject to the following conditions and advice:

CONDITIONS:

1. *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. (Local Government)*

2. *Street corners within the subdivision are to be truncated to the standard truncation of 14 metres. (Local Government)*
3. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lots 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 Horizon Power for the provision of an underground electricity supply service to the lots shown on the approved plan of subdivision. (Horizon Power)*
5. *Such padmount sites as may be required by Horizon Power being transferred free of cost to Horizon Power, with the locations of the sites being to the satisfaction of the local authority. (Horizon Power)*
6. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the provision of suitable easements for existing and/or future equipment. (Horizon Power)*
7. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and equipment, located on or near the lots shown on the approved plan. (Horizon Power)*
8. *The preparation and approval of a Local Water Management Strategy to the satisfaction of the Western Australian Planning Commission. (Department of Water)*
9. *The preparation and approval of an Local Water Management Plan consistent with an approved Local Water Management Strategy prior to development. (Department of Water)*

10. *Preparation of an Environmental Management Plan to address potential environmental issues including drainage and management of run off into Roebuck Bay and Dampier Creek. (Department of Environment and Conservation)*
11. *The land is to be provided with an adequate outlet drainage system at the applicant/owner's cost. (Local Government)*
12. *The area marked 'POS and drainage reserve' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be 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. (Local Government)*
13. *Drainage easements as may be required by the local government for drainage infrastructure being shown on the Deposited Plan as such and granted free of cost and vested in that Authority under Section 167 of the Planning and Development Act, 2005. (Local Government)*
14. *The land being graded and stabilised. (Local Government)*
15. *The finished ground levels at the boundaries of the lots the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)*
16. *The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works. (Local Government)*
17. *The land being filled and/or drained. (Local Government)*
18. *Private drainage easements to be applied to any interlot drainage. (Local Government)*

19. *Preparation and implementation of a Weed Management Plan. (Local Government)*
20. *Preparation and implementation of a Fire Management Plan. (Local Government)*
21. *A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:*

*"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Shire of Broome will be required to service any new development on each lot."
(Local Government)*

22. *Road access and intersection design to Broome Highway to be to the specification of Main Roads WA and to the satisfaction of the Western Australian Planning Commission. (Main Roads WA)*
23. *Stormwater should be detained in compensating/detention basin(s) on the land the subject of this approval before discharge into external drainage system or natural streams or waterways.*

ADVICE:

1. *With regard to Condition 6, Horizon Power advise that a 150m x 150m easement is required to be zoned "Substation/Power Station Site" with principal frontage off Broome Road.*
2. *Regarding Conditions 8 and 9 the Local Water Management Strategy and Urban Water Management Plan are to be approved prior to groundbreaking activities.*
3. *Regarding Conditions 15 and 17, the Shire of Broome will consider allowing the retention of vegetation on new lots and limiting earthworks*

associated with the subdivision to road reserves and drainage reserves provided its drainage requirements are met.

- 4. Regarding Condition 21, unless otherwise approved, developments on the approved lots should be restricted to those of a "dry industry" type i.e. developments with limited daily wastewater output.*
- 5. The Department of Water advises that the proposed development is located within the Broome groundwater area which is proclaimed under the Rights in Water and Irrigation Act 1914. License are required for the construction of monitoring or production bores, dewatering sumps/trenches and the taking of groundwater. Information regarding licensing requirements can be obtained from the DoW's Kununurra office by telephoning 9166 4117.*
- 6. The Water Corporation advises that the existing water reticulation network does not have the capacity to adequately supply development in this area. Initial stages of a development in this area will require prefunding of permanent works or the provision of temporary works.*
- 7. The Department of Environment and Conservation advises that any clearing of native vegetation will need to take into consideration the requirements of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Subdivision approval does not constitute development approval, which is separately required.*
- 8. The Shire of Broome advises that further consideration on the location of the commercial activity and service station is required, and that Council supports the future development of a waste water treatment plant that accepts sewerage from industrial properties in Broome so that reliance on septic tanks may be phased out.*
- 9. No storm water shall be discharged onto Broome Highway without approval of MainRoads.*

10. *Regarding Condition 23, the compensating/detention basin(s) should incorporate the use of nutrient stripping vegetation and be designed to have nutrient stripping functions and wildlife habitat values.*

The motion was put and carried.

Moved to Item 7445.10.1

7445.9.7 Early land release framework - Swan Urban Growth Corridor

File 801/2/21/23
Report Number SPC/44
Agenda Part C
Reporting Officer A/Planning Manager Metropolitan
Planning North East

Cr MacRae disclosed an interest.

Member	Nature of Disclosure
Cr MacRae	Impartiality

Resolved

Moved by Ms Taylor, seconded by Ms Burrows

That the Western Australian Planning Commission resolves to:

- 1. note that the early land release criteria adopted by the WAPC on 18 December 2007 has provided for first stage subdivision approval within the localities of Albion, West Swan East and Caversham, collectively comprising the Swan Urban Growth Corridor, prior to district and local structure planning being finalised;*
- 2. note that the intention of the criteria was to provide for limited (up to 10%) subdivision within each individual structure plan area and that this has now been met;*
- 3. rescind the early land release criteria as a framework for the consideration of applications within Albion, West Swan East and Caversham, and support the consideration of future applications within the context of the City of Swan Local Planning Scheme and the*

*associated local structure planning
requirements.*

The motion was put and carried.

Moved to Item 7445. 9.5

7445.10 Confidential Items

7445.10.1 Town of Port Hedland local planning strategy - for consent to advertise

File DP/11/01927
Report Number SPC/45
Agenda Part E
Reporting Officer Director Northern Regions

THIS ITEM IS CONFIDENTIAL

7445.10.2 Shire of Chittering local planning scheme no.6 amendment no.44 - for final approval

File TPS/0553/1
Report Number SPC/46
Agenda Part E
Reporting Officer Planning Manager Southern Regions

THIS ITEM IS CONFIDENTIAL

7445.11 General Business

Nil.

7445.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7438	Directions 2031	Planning Director - Directions 2031 to brief the Committee following the workshop held on 3 October 2011.	Oct/Nov 2011

7445.13 Closure

The next ordinary meeting is scheduled for 10 am on 11 October 2011.

Statutory Planning Committee

Minutes
of ordinary meeting 7445
held on Tuesday 27 September 2011

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.52 am.

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

INDEX OF REPORTS

Item	Description
9	REPORTS
C	SUBDIVISIONAL / STRATA ITEMS /DEVELOPMENTS –
9.1	PROPOSED SUBDIVISION - LOTS 2 & 9004 ARTHUR ST AND LOT 9003 SUFFOLK STREET CAVERSHAM
G	DEVELOPMENTS /SUBDIVISIONAL/SURVEY STRATA
9.2	SUBDIVISION TO CREATE FOUR (4) LOTS ZONED RESIDENTIAL DEVELOPMENT - FRENCHMAN BAY ROAD, BIG GROVE, ALBANY
10.	CONFIDENTIAL REPORTS
E	LOCAL PLANNING SCHEMES
10.1	SHIRE OF PINGELLY LOCAL PLANNING SCHEME NO 3 AMENDMENT 1 - FOR FINAL APPROVAL
10.2	SHIRE OF DALWALLINU LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME NO. 2 – FOR CONSENT TO ADVERTISE
10.3	SHIRE OF MOUNT MARSHALL LOCAL PLANNING SCHEME NO. 3 AND LOCAL PLANNING STRATEGY - FOR CONSENT TO ADVERTISE

ITEM NO: 9.1

PROPOSED SUBDIVISION - LOTS 2 & 9004 ARTHUR ST AND LOT 9003 SUFFOLK STREET CAVERSHAM

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Metropolitan Planning North East
AUTHORISING OFFICER:	A/ED Perth and Peel Planning
AGENDA PART:	C
FILE NO:	144593
DATE:	22 September 2011
ATTACHMENT(S):	1. Plan of Subdivision 2. Location Plan/Scheme Map 3. Endorsed Caversham North Local Structure Plan 4. Extract of Odour Report - Conclusions and Recommendations
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Residential Development
LGA RECOMMENDATION:	Conditional Approval
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	18 July 2011
PROCESS DAYS:	66
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lots 2 and 9004 Arthur Street and Lot 9003 Suffolk Street Caversham

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the application for subdivision of Lots 2 and 9004 Arthur Street and Lot 9003 Suffolk Street Caversham for the following reasons:

- 1. The proposed subdivision is inconsistent with the requirements of State Planning Policy No. 4.1 State Industrial Buffers Policy and the Environmental Protection Authority Guidance Statement No. 3 Separation Distances Between Industrial and Sensitive Land Uses as it proposes residential subdivision within the approved 500 metre buffer to an existing mushroom farm.***

In this regard the scientific study provided by the applicant in support of a reduction of the buffer to the mushroom farm to 400 metres has not demonstrated to the satisfaction of the Department of Environment and Conservation and the WAPC that prospective owners of the proposed lots within 400 metres of the mushroom farm will not be adversely affected by the operation of the mushroom farm.

- 2. The proposed subdivision for residential purposes is within an area affected by a buffer to an existing mushroom farm which would adversely impact on the amenity of the prospective purchasers of the lots and be contrary to orderly and proper planning of the area.***
- 3. The proposed subdivision is inconsistent with the WAPC Development Control Policies No 1.1 and 2.2 , provisions of State Planning Policy No.1 and contrary to the City of Swan Local Planning Scheme No.17, by reason that the proposed subdivision conflicts with the endorsed Caversham North Local Structure Plan as it proposes the subdivision of land for residential purposes within the area identified in the Structure Plan as the buffer to an existing mushroom farm.***
- 4. Approval to the subdivision would set an undesirable precedent for the further subdivision of surrounding lots within the approved mushroom farm buffer.***

SUMMARY:

The application proposes subdivision to create 26 residential lots within the vicinity of an existing mushroom farm located at Lot 52 Victoria Road, West Swan. The Statutory Planning Committee has previously considered the issue of the buffer to the mushroom farm and resolved on 12 January 2011 to reduce the buffer to 500m. The proposed lots are within the buffer area and the applicant is seeking the WAPC's support for a reduction in the buffer to 400m. Based on the advice provided by the Department of Environment and Conservation, there is insufficient evidence to demonstrate that a reduction in the buffer distance from 500m (consistent with EPA Guidance Statement No. 3) to 400m will not result in adverse impacts in relation to odour experienced by future residents of the lots. As such it is recommended that the subdivision application and the resultant reduced buffer to the mushroom farm not be supported.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10 - Subdivision and development control

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Planned Local Communities developing a sense of place

Strategies: Implement State and Regional Planning priorities
Develop connected and accessible communities
Encourage innovation in the design of our communities

Policy

Number and / or Name: State Planning Policy No. 4.1 *State Industrial Buffers Policy*
Liveable Neighbourhoods
DC 1.1 *Subdivision of Land - General Principles*
EPA Guidance Statement No. 3 *Separation distances between industrial and sensitive land uses*

INTRODUCTION:

The application seeks approval to amalgamate three lots and re-subdivide to create:

- 26 residential lots of 430m² to 1001m²; and
- 3 balance lots of 1.1012ha, 1.1651ha and 3.5745ha. (**Attachment 1** - Plan of Subdivision)

The subject land is zoned 'Urban' within the Metropolitan Region Scheme (MRS) and 'Residential Development' within the City of Swan Local Planning Scheme No. 17 (LPS 17). The subject land abuts land reserved for 'Primary Regional Roads' within the MRS, associated with Reid Highway and its intersection with Arthur Street. The proposed lots are within 400m to 500m of an existing mushroom farm located on Lot 52 Victoria Road West Swan. (**Attachment 2** - Location Plan/Scheme Map)

Within the 'Residential Development' zone of the City of Swan LPS 17, subdivision and development is required to be generally in accordance with any structure plan that applies to the land. The subject land is located within the Caversham North Local Structure Plan (LSP), which was endorsed by the Western Australian Planning Commission (WAPC) on the 12 January 2011. (**Attachment 3** - Endorsed Caversham North Local Structure Plan)

CONSULTATION:

The City of Swan has recommended conditional approval of the proposed subdivision, subject to the WAPC's endorsement of a reduced mushroom farm buffer of 400 metres or less. The City has not provided a recommendation in relation to the proposed reduction in the buffer.

The Department of Environment and Conservation (DEC) has provided advice in relation to the *Odour Impact & Dispersion Modelling Assessment of Mushroom Compost Manufacturing* report submitted with the application. The DEC advice will be discussed in further detail below, however, DEC does not support the reduction in the mushroom farm buffer below the minimum recommended within the Environmental Protection Authority (EPA) Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* (minimum of 500m and maximum of 1000m generic buffers).

All other referral authorities raise no objections.

COMMENTS:

Caversham North Local Structure Plan

The subject land is located within the Caversham North LSP, endorsed by the WAPC on 12 January 2011. The proposal is generally consistent with the endorsed LSP with the exception of the issue of residential development within the mushroom farm buffer.

The endorsed LSP includes an *Interim 650m Mushroom Farm Buffer*, with all of the proposed lots falling within this buffer area. With regard to the buffer the LSP states:

"The 650m interim buffer shall prevent further subdivision until:

- An endorsed technical odour study determines that this buffer may be removed, reduced and/or propose appropriate mitigation measures to the satisfaction of the DEC, or;*
- Until the mushroom farm's non-conforming use rights have been extinguished.*

An endorsed technical odour study should then be incorporated into the local structure plan in accordance with the scheme's provisions on modifying structure plans."

The buffer issue will be discussed further in the next section below. The applicant has not submitted a request to modify the buffer within the LSP as required, however, given the current DEC advice not supporting a reduction to the buffer, the Department of Planning (DoP) has not pursued this with the applicant.

Mushroom Farm Buffer

The West Swan (East) mushroom farm is located at Lot 52 Victoria Road, West Swan on land zoned 'Urban' within the MRS and located within the *Swan Urban Growth Corridor - Sub-Regional Structure Plan* area. The mushroom farm was approved by the City of Swan on 22 September 1992, prior to the land being zoned for urban purposes. A condition of this approval was that the infrastructure associated with production *"to be no larger than 2,070m²"*. Previous advice from the City of Swan confirmed that the current farm is less than that, at approximately 700m². The development, in accordance with the 1992 approval, is considered *substantially commenced* and as such the mushroom farm owner could expand operations in line with this existing approval. This could impact on the frequency of composting, and therefore, frequency of odour emissions as a result.

The mushroom farm and the need for an associated odour buffer was recognised during the preparation of the *Swan Urban Growth Corridor - Sub-Regional Structure Plan*. The farm's location together with minimum and maximum generic buffers (500m - 1000m) is depicted on the constraints mapping within the plan.

These generic buffers reflect the EPA Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* for mushroom farms producing compost on site, with the determinant of the size (within 500 - 1000m) dependent on the size of the mushroom farm. Odour from the mushroom farm is associated with compost production which is the medium used to grow mushrooms.

The WAPC has considered the issue of the mushroom farm and associated buffer requirements several times in recent years, resolving in 2009 as part of a State Administrative Tribunal mediation process to support residential development outside of a 650m interim buffer to the mushroom farm. On 12 January 2011 the WAPC further considered the matter and resolved to advise the landowners and City of Swan that:

- "a) *it has formally considered the further information provided by the landowner/developer group in support of a reduction to the 650m West Swan (East) mushroom farm buffer and feedback from the Department of Environment and Conservation and has resolved to reduce the buffer to 500m; and*
- b) *it is prepared to reconsider buffer distances once odour impacts can be ascertained on new residents living in close proximity to the 500m buffer, or alternatively, when a suitable scientific study to the specifications of the Department of Environment and Conservation is carried out and there is adequate demonstration that there will not be unreasonable amenity impacts on any new residents if allowed within the 500 metre buffer."*

The report to the WAPC considered that the 500m buffer distance represents a reasonable buffer distance based on the maximum size to which the mushroom farm can increase under its existing approval.

The proponent has submitted a report titled *Odour Impact and Dispersion Modelling Assessment of Mushroom Compost Manufacturing* prepared by The Odour Unit (TOU) in support of the proposed subdivision of land for residential purposes within 400m of the mushroom farm. The study period of the report was over one composting cycle and based on current farm practices/production. (**Attachment 4** - Extract of Odour Report - Conclusions and Recommendations)

The report states that the projections from the model and the field observations have determined that malodour is observed up to a distance of nominally 400 metres south, west and south-west of the farm, consistent with the uncovering and turning (of compost) processes at the farm. The report finds that:

"Given the worst 11 hours were assessed it is unlikely that sustained malodour impacts would occur beyond 400m from the farm over a typical year, and that up to a distance of 200m a higher risk of high level impacts may prevail...the covering of the windrow, once turned, provides a suitable level of odour abatement within a distance nominally 400m south, west and south-west of the farm."

The report was reviewed by the DEC Air Quality Management branch (AQMB) with the advice provided summarised below:

- *DEC does not support the use of limited odour and modelling assessments for determination of separation distances between the West Swan Mushroom Farm and sensitive receptors as these studies are a qualitative assessment and not appropriate for a quantitative assessment of buffer distances.*
- *A wide range of potential operating conditions have now been examined all of them with uncertainties that prevent any modification of the previous AQMB's advice.*

-
- *As previously advised, the buffer distance should not be less than the minimum recommendation of the EPA Guidance Statement No. 3 for this activity (Mushroom Farm), i.e. 500 metres. The generic distances are based on the experience of environmental officers built up over a number of years and are a good indication of reasonable effective separation distances. As such the generic separation distances should be weighted more heavily than any short term measurement or assessment.*
 - *AQMB can only advise regarding the technical competency of the study and cannot provide a determination of separation distances.*
 - *Odour modelling has significant uncertainty and does not allow for the precise definition of a land use buffer, nor does the modelling provide a line for which odours are experienced on one side of the contour but not on the other.*
 - *Field odour assessments are usually undertaken over a very limited time frame and are a poor indicator of longer term impacts.*
 - *AQMB advises that there are some minor issues relating to the odour measurement methodology (both source and field measurements) and the modelling assessment of the report, but have not provided any comment on these issues as they do not impact on AQMB's conclusions regarding the buffer definition.*
 - *The report does not provide any recommendation regarding a buffer reduction to 400 metres.*
 - *A DEC officer observed the composting process and TOU in the field for most of the windrow turning days except for the final day (Day 18).*
 - *For most of the days the windrow was turned, the wind was shifting frequently raising problems with assessing the potential odour impacts.*
 - *From Day 1 to Day 13, odours from the windrow turning process were experienced at a low frequency and low intensity at distances up to 400m from the source.*
 - *On day 15, the DEC officer experienced repeated odorous "whiffs" during turning processes at distances between 400 and 530m from the source. TOU were not present on the day 15 turning.*
 - *Composting processes during the odour and modelling assessment did not proceed as expected due to poor quality manure and straw that were provided to the operator at the time, as well as difficulties with maintaining appropriate moisture levels within the windrow. The operator had to add more water than usual and the process was extended. The resulting compost was low-grade due to these issues and it is expected that the odour emissions would have been more limited than emissions from normal compost.*
 - *Therefore, a worst case scenario with lower and constant wind under similar atmospheric stability and more normal compost composition may create more continuous detectable odours at similar levels or higher for any average person located at a distance of 400m to 530m from the source for the duration of the turning operation.*

The DEC AQMB has also advised that it cannot provide buffer determinations for urban land development subdivision proposals near industry or other air pollution sources, with the primary reference for minimum separation distances being EPA Guidance Statement No. 3. Officers from the DoP have been liaising with the DEC in attempt to resolve this issue, with the DoP and WAPC relying on the specialist advice of the DEC in relation to proposals to vary buffer distances. To date this issue has not been resolved.

However, in this instance, based on the advice provided by the DEC, there is insufficient evidence to demonstrate that a reduction in the buffer distance from 500m (consistent with EPA Guidance Statement No. 3) to 400m will not result in adverse impacts in relation to odour experienced by residents. As such it is recommended that the reduced buffer, and the subdivision proposal as a result, not be supported.

State Planning Policy 4.1 *State Industrial Buffer Policy*

State Planning Policy 4.1 (SPP 4.1) applies to buffer requirements for a number of 'industrial' uses, including rural industry. The objectives of SPP 4.1 include:

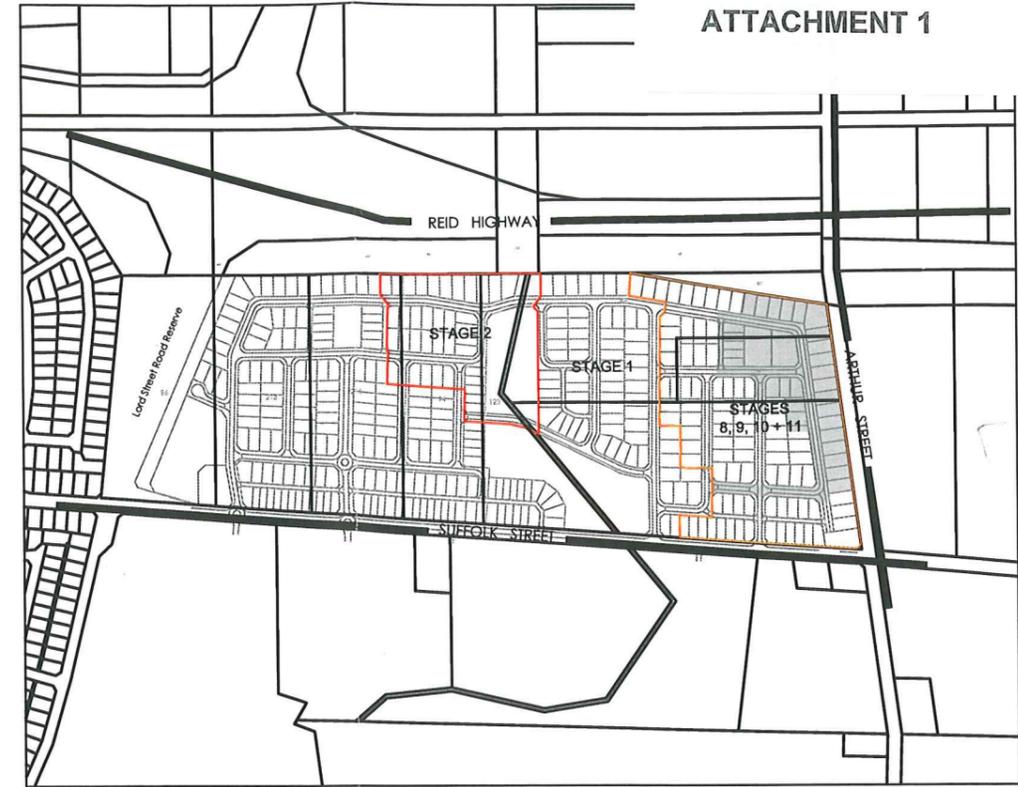
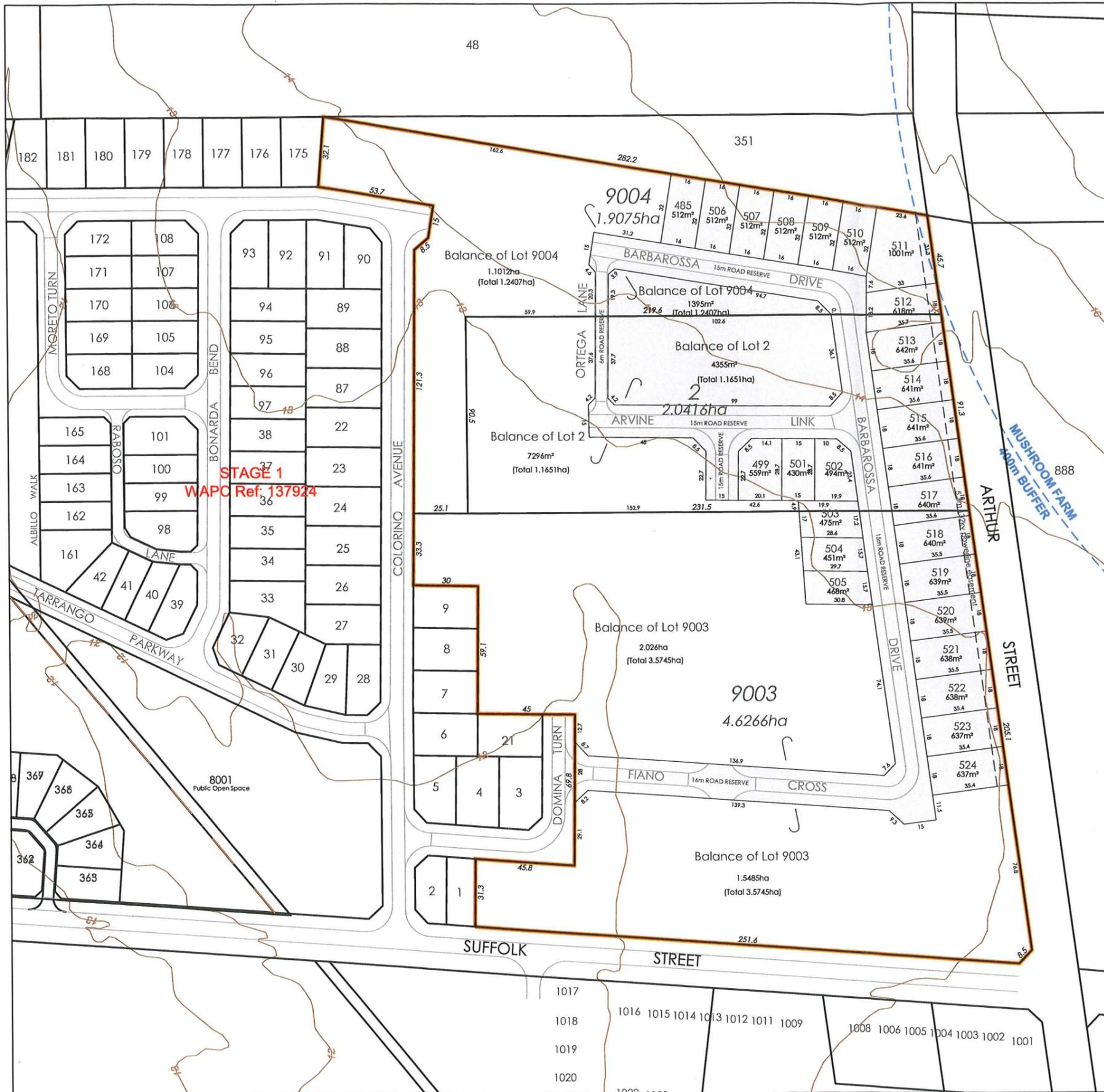
- "(2) *to protect industry, infrastructure and special uses from the encroachment of incompatible land uses.*
- (3) *To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses.*"

The principles of SPP 4.1 include that "*once an off-site buffer is defined, the boundary should not be varied unless justified in a scientifically based study*". In this regard, the DEC has not supported the study submitted as demonstrating that the 500m buffer to the existing mushroom farm should be reduced to 400m.

SPP 4.1 recognises that the criteria for odour needs to be developed further by the Environmental Protection Authority, industry and planning authorities to provide a more scientific approach for the definition and protection of buffer areas. Based on the recent advice from the DEC, this issue has not been resolved.

CONCLUSION:

The proposal is inconsistent with the buffer distances specified within EPA Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* and the endorsed *Caversham North LSP*. Based on the advice provided by the DEC, the evidence provided by the applicant is insufficient to demonstrate that a reduction in the buffer distance from 500m (consistent with EPA Guidance Statement No. 3) to 400m will not result in adverse impacts in relation to odour experienced by residents. It is, therefore, recommended that the proposed subdivision be refused.



LOCATION PLAN 1:10,000 @ A3

No. EXISTING LOTS	3
No. BALANCE LOTS	3
LOT YIELD	
RESIDENTIAL	
R10	1
R20	22
R25	3
TOTAL PROPOSED RESIDENTIAL	26

	SUBJECT LAND
	APPLICATION AREA
	PROPOSED LOT BOUNDARY
	EXISTING LOT BOUNDARY
	INDICATIVE ROAD PAVEMENT
	CONTOURS
	INTERIM 400m MUSHROOM FARM BUFFER

DEPARTMENT OF PLANNING
 FILE
 DATE
 1 8 JUL 2011
 1 4 7 5 9 3

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 Western Australia 6004 AUSTRALIA
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 www.robertsday.com.au

QUBE
 PROPERTY GROUP PTY LTD

AERIAL PHOTOGRAPHY
 Source: n/a
 Date: n/a
 Accuracy: n/a

CADASTRAL INFORMATION:
 Source: Landgate WA
 Date: n/a
 Accuracy: +/- 10mm
 Projection: MGA 94



I	MODIFICATIONS TO TABLE	110713	MS	RD
H	PROPOSED SUBDIVISION PLAN	110711	SJ	RD
REV	DESCRIPTION	YYMMDD	DRAWN	APPR'D

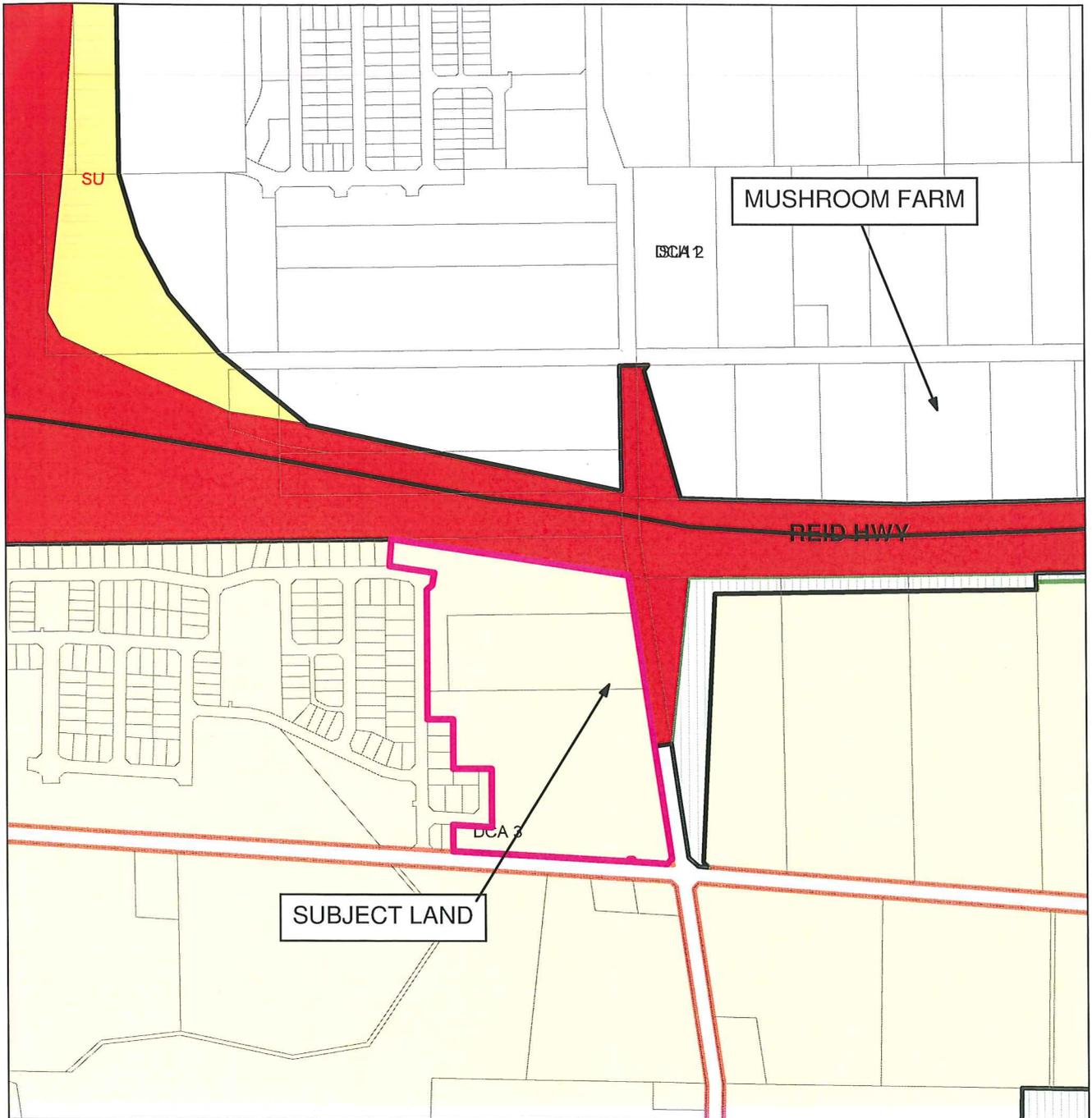
CLIENT
 QUBE PROPERTY
 PROJECT
 CAVERSHAM

PROPOSED SUBDIVISION PLAN
 Lots 2, 9003 and 9004 Arthur and Suffolk Streets
 Caversham

PRELIMINARY
NOTE: ISSUED FOR DESIGN INTENT ONLY. ALL AREAS AND DIMENSIONS ARE SUBJECT TO DETAIL DESIGN AND SURVEY.

0 metres 20 40 60 80 100
 SCALE 1:2000 SHEET A3

REFERENCE NUMBER	DRAWING NUMBER	ISSUE
QUB CAV	UD1 415	1



	Cadastre		PRIMARY REGIONAL ROADS
	Townsites		PP - SPECIAL USES
	DEVELOPMENT CONTRIBUTION AREA BOUNDARY		RESIDENTIAL DEVELOPMENT
	SPECIAL USE AREA		SPECIAL USE
	MUNICIPAL BOUNDARY		SWAN VALLEY RURAL
	TPS - Scheme Boundaries		

Scale 1:7,083
 0 ————— 250 m

Prepared by: scosstick
 Prepared for: SPC
 Date: Thursday, September 22, 2011 14:04
 Plot identifier: P20110922_1404

DP INTERNAL USE ONLY

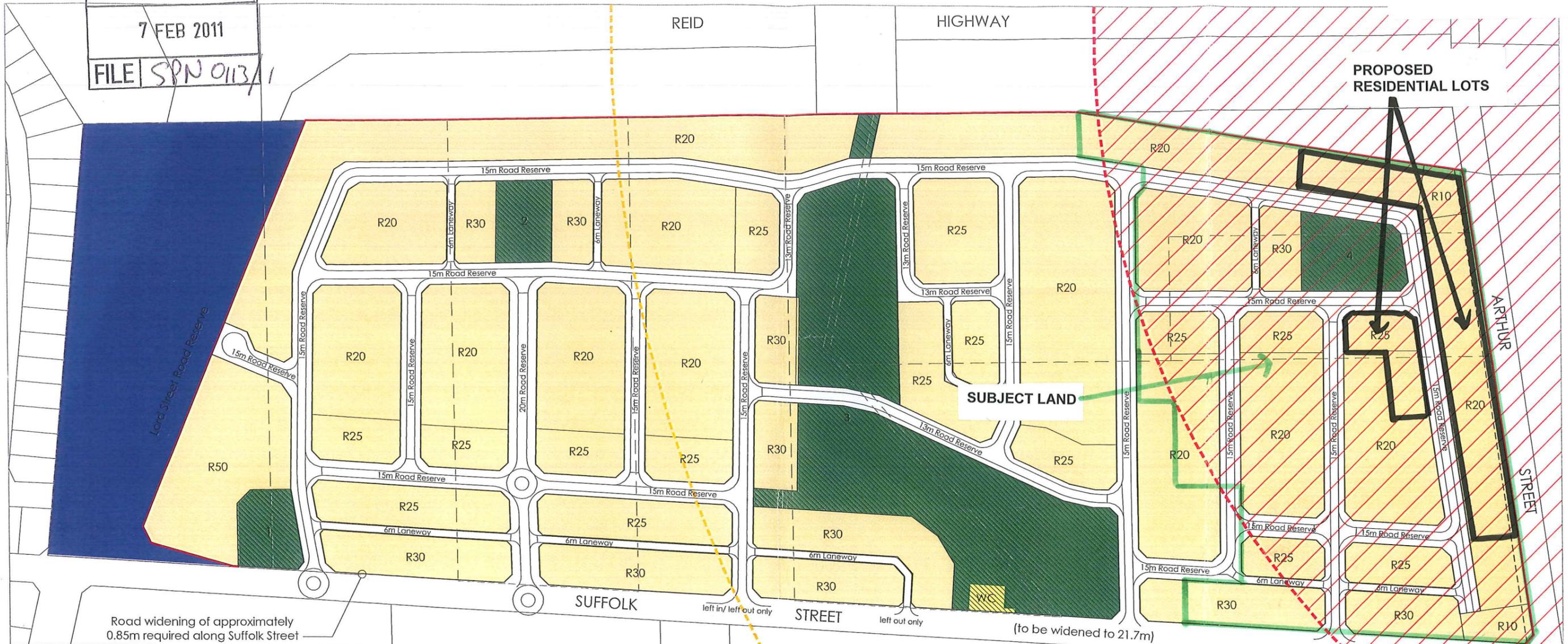
Government of Western Australia
 Department of Planning

Attachment 2
 Location Plan/Scheme Map

DEPARTMENT OF PLANNING

7 FEB 2011

FILE SPN 0113/1



Legend

- Interim 650m Mushroom Farm Buffer
- Interim 1000m Mushroom Farm Notification Area
- Approximate 132Kv Powerline Easement
- 2.4m High Acoustic Wall

Local Scheme Reserves

- Local Road
- Public Purposes (Temporary Sewer Pump Location)
- Recreation

Metropolitan Region Scheme Reserves

- Other Regional Roads

Zones

- Residential

Other

- RCodes

Public Open Space Provision

POS	Function	Area
1	POS/Drainage	0.2429ha
2	POS	0.2398ha
3	POS/Drainage	3.0152ha
4	POS	0.3935ha

Estimated Residential Lot Yield

R10	2
R20	220
R25	99
R30	91
R50	1
Total	413

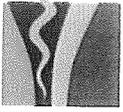
Notes

- The Caversham North Local Structure Plan has been prepared in accordance with Part 5A of Local Planning Scheme No. 17. The Local Structure Plan is to be used to guide subdivision and development of the subject land. Land use permissibility within the Local Structure Plan area is to be determined by using the zones and reserves identified on the Local Structure Plan and assessing them against the permissibility's in the Zoning Table within Local Planning Scheme No. 17.
 - Completion of Suffolk Street west of Arthur Street to connect to the roundabout intersection with Bennett Street be constructed before or at subdivision clearance of deposited plan that generates the 250th lot (unit of equivalent demand). This will be constructed to a boulevard treatment as the Figure 6.1: Suffolk Street Cross Section in Appendix 13 to the western boundary of the Caversham DCA. Landowners will be required to contribute to the Suffolk Street extension and its intersection treatment proposed with Lord Street to secure these payments a deed of agreement shall be entered into by landowners within 28 days after approval of the Structure Plan for advertising or within 14 days after a Deed in common form capable of being executed is sent to the landowner, whichever is the later in order to satisfy CI 5A.2.7.3 of LPS17 in the absence of an approved DCP.
 - Although the Caversham North Structure Plan area contributes to the need for Lord Street between the Reid Highway and Benara Road, the development itself is not of sufficient size to warrant construction. The trigger for construction will be determined as part of the wider process of determining the proposed Caversham Structure Plan and Development Contribution Plan. Landowners will be required to contribute to the Lord Street extension and to secure these payments a deed of agreement shall be entered into by landowners within 28 days after approval of the Structure Plan for advertising or within 14 days after a Deed in common form capable of being executed is sent to the landowner, whichever is the later in order to satisfy CI 5A.2.7.3 of LPS17 in the absence of an approved DCP.
 - A right-turn pocket at the intersection of West Swan Road and Suffolk Street to be constructed to Type CHR standards as defined in Austroads' Guide for Traffic Engineering Practice: Part 5 - Intersections at Grade (including lighting to the Australian standard) be constructed before or at subdivision clearance of deposited plan that generates lots outside the Early Release Area. The trigger for construction of the ultimate arrangement at this intersection will be determined as part of the wider process of determining the proposed Caversham Structure Plan and Development Contribution Plan. Landowners will be required to contribute to the West Swan Road/Suffolk Street intersection and to secure these payments a deed of agreement shall be entered into by landowners within 28 days after approval of the Structure Plan for advertising or within 14 days after a Deed in common form capable of being executed is sent to the landowner, whichever is the later in order to satisfy CI 5A.2.7.3 of LPS17 in the absence of an approved DCP.
 - A right-turn pocket at the intersection of West Swan Road and Arthur Street to be constructed to Type CHR standards as defined in Austroads' Guide for Traffic Engineering Practice: Part 5 - Intersections at Grade (including lighting to the Australian standard) be constructed before or at subdivision clearance of deposited plan that generates lots outside the Early Release Area. The trigger for construction of the ultimate arrangement at this intersection will be determined as part of the wider process of determining the proposed Caversham Structure Plan and Development Contribution Plan. Landowners will be required to contribute to the West Swan Road/Arthur Street intersection and to secure these payments a deed of agreement shall be entered into by landowners within 28 days after approval of the Structure Plan for advertising or within 14 days after a Deed in common form capable of being executed is sent to the landowner, whichever is the later in order to satisfy CI 5A.2.7.3 of LPS17 in the absence of an approved DCP.
 - At the commencement of development outside the Early Release Area (106 lots) Suffolk Street is to be upgraded to a rural standard from the intersection of Suffolk Street and Arthur Street through to West Swan Road, with a carriageway width of 7.4 metres. This upgrade can only be viewed as an interim solution, for which an offset would only be appropriate under the proposed Development Contribution Plan if the extant works are able to form part of the final road treatment. The trigger for upgrading Suffolk St to urban standard, between Arthur St and West Swan Road, will be determined as part of the wider process of determining the proposed Caversham Structure Plan and Development Contribution Plan. Landowners will be required to contribute to the ultimate Suffolk Street upgrade and to secure these payments a deed of agreement shall be entered into by landowners within 28 days after approval of the Structure Plan for advertising or within 14 days after a Deed in common form capable of being executed is sent to the landowner, whichever is the later in order to satisfy CI 5A.2.7.3 of LPS17 in the absence of an approved DCP.
 - The trigger for construction of the community facilities will be determined as part of the wider process of determining the proposed Caversham Structure Plan and Development Contribution Plan. Landowners will be required to contribute to development of the proposed community facilities and to secure these payments a deed of agreement shall be entered into by landowners within 28 days after approval of the Structure Plan for advertising or within 14 days after a Deed in common form capable of being executed is sent to the landowner, whichever is the later in order to satisfy CI 5A.2.7.3 of LPS17 in the absence of an approved DCP.
 - The trigger for construction of the shared use oval will be determined as part of the wider process of determining the proposed Caversham Structure Plan and Development Contribution Plan. Landowners will be required to contribute to development of the proposed oval and to secure these payments a deed of agreement shall be entered into by landowners within 28 days after approval of the Structure Plan for advertising or within 14 days after a Deed in common form capable of being executed is sent to the landowner, whichever is the later in order to satisfy CI 5A.2.7.3 of LPS17 in the absence of an approved DCP.
8. The following notification will be placed on the Certificates of Title of all lots created within the Caversham North Local Structure Plan:
- Notice: This lot is situated in the vicinity of major transport corridors. Residential amenity may be affected by noise from current or future traffic activity within these corridors. As a result, there may be a need to incorporate appropriate features in the design and construction of buildings to mitigate against any noise impacts, with special consideration given to noise attenuation measures for two storey dwellings. Further information about quiet house design standards for traffic noise affected property is available on request from the City of Swan.*



Local Structure Plan
Caversham North
City of Swan

ISSUE DESCRIPTION	DATE	BY	FOR	PROJECT	DRAWING NUMBER	REV	CLIENT
H Convert PAW to Recreation	11/02/11	SJ	RD	CAVERSHAM	UD1 403	H	robertsday
G Added notes	10/02/11	SJ	RD	CAVERSHAM	UD1 403	H	robertsday
F Removal of PAW's	10/02/11	LI	LI	CAVERSHAM	UD1 403	H	robertsday
E Notes and estate wall added	10/02/11	SS	RD	CAVERSHAM	UD1 403	H	robertsday
D Developer Contribution Triggers	10/02/11	EG	RD	CAVERSHAM	UD1 403	H	robertsday
C Proposed easement, modify lots & pos areas	09/12/10	EG	RD	CAVERSHAM	UD1 403	H	robertsday



8 CONCLUSIONS & RECOMMENDATIONS

The current activity at West Australian Mushrooms involves the construction of a windrow using wheat/straw and chicken manure/litter. The windrow at construction is 50m in length. As the windrow undergoes composting, the length of the windrow pile decreases, thereby decreasing the area available for malodour production. However, malodour production increases as the composting process peaks at around Days 9 – 13.

Once the windrow is constructed it is immediately turned twice and then covered with a plastic impermeable sheet. The ends of the windrow (approximately 5m² of surface area or less) are not covered to allow ambient air to pass through the windrow (aeration). This is crucial to the composting process in discouraging the proliferation of anaerobic microbes of which produce significantly heightened malodour. On Days 5, 9, 11, 13 and 15 (or in this case Day 18 also) the windrow is uncovered and turned. This process takes approximately 1 hour. The windrow is then re-covered.

The composting process in windrows is such that the centre of the windrow itself it as the greatest temperature. The 'flow' of air within the windrow is drawn from all sides and ends, and in effect creates a 'chimney' into the centre of the windrow. Since the windrow is covered the heightened malodour at the centre is instantaneously released when the cover is removed, as is the combined malodour of the windrow when it is turned. The 'leakage' of malodour from a properly covered windrow is minimal. TOU expressed this leakage as a baseline odour which represented 5% of the largest measured odour emissions rate from the windrow.

Given the shape of a windrow, long and narrow, the odour plume released is also narrow and depends entirely on ambient wind speed and direction.

The modelling projections may be overstated in terms of sustained odour impacts over time simply because the percentile needs to be applied to the actual hours of operation. There are potentially 5 batches of compost currently produced at the farm.



No more can be produced based on the farms current procedures and throughputs. With 5 batches at a maximum of 18 days per batch, the total hours of operation are 2,160. The 99.5th percentile of 2,160 hours represents the worst 11 hours annually.

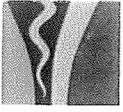
The impacts projected from the modelling are based on the instantaneous emissions during windrow turning and the sustained odour emissions from the covered windrow. These emissions occur over a maximum of five composting cycles annually.

The projections from the model and the field observations have determined that malodour is observed up to a distance of nominally 400metres south, west and south-west of the farm (refer **Blue Contour in Figure 6.1**). These malodours are consistent with the uncovering and turning processes at the farm. The model projections have also included a baseline odour emission from the static windrow pile which is included within this 400metre observation distance.

Odour impacts south of the farm are less likely to impact sensitive receptor locations due in part to the lower frequency of prevailing winds from the due north.

This study could not capture those meteorological events where air dispersion is excessively poor when undertaking the field based ambient odour intensity assessments. These conditions occur around the cooler months, under low strength winds and often during the late evening or early morning pre-dawn periods. Under these conditions the ambient air is still and allows an odour to 'pool' above its source. When a slight gust occurs, the odour pooled is 'pushed' along the ground and often sustains itself when the gust dissipates. As such an odour plume can simply 'move' rather than disperse. The meteorological file used (ca94-b) is considered representative of a poor year for dispersion and as such the modelling has considered poor dispersive conditions where the field assessments could not.

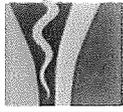
Under the current practices at the farm it is the opinion of TOU that the instantaneous odour released from the windrow turning is not a sustained odour impact. The turning of the windrow liberates malodour within a time period of 40 minutes. Within this



turning period the odour release is more often significantly greater in temperature than ambient conditions and therefore much of the plume has thermal buoyancy. Additionally, if every compost pile is turned for a total of seven hours over each batch, and there are 5 batches annually under current operations, then the total hours for turning annually are 35. If we assume that turning could take place between the hours of 6AM – 9PM (15 hours daily), then annually there are 5,475 hours annually that these turning odours can impact. Out of these 5,475 hours, turning is spread over 35 hours annually which represents less than 1% for potential odour impacts from the turning process. As such the likelihood of odour impacts from the transient process of windrow turning is extremely low and therefore acceptable. Nonetheless, the turning process can be better managed by utilising the best dispersive conditions throughout the day to ensure optimum dispersion of any odours released.

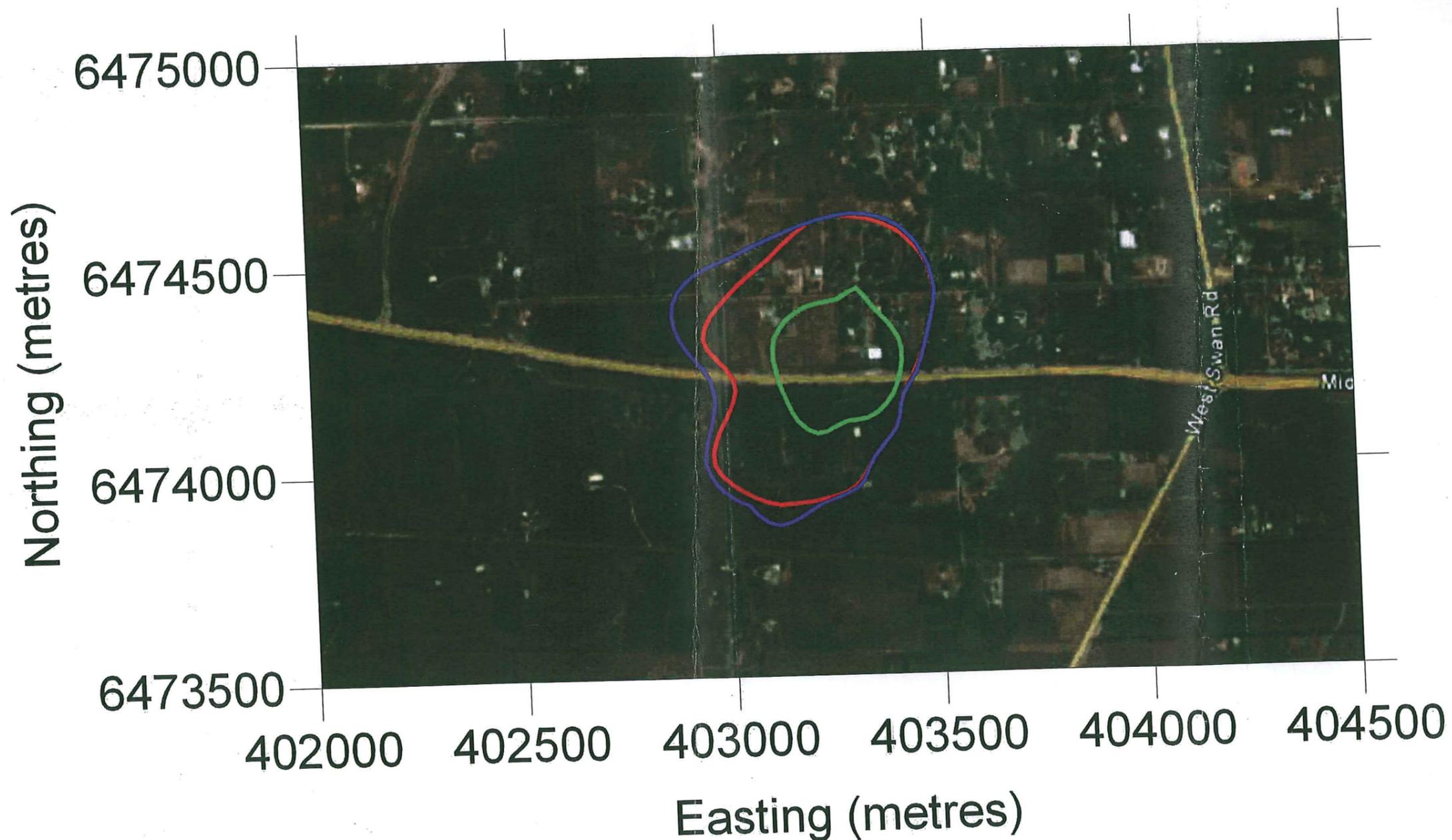
The practice of uncovering, turning and re-covering the windrows represents an extremely small level of exposure for malodour impacts. It is unlikely that odour generated from such a transient activity (up to four hours a day for seven non-consecutive days over a fifteen-eighteen day cycle) would evoke a level of amenity impact that would be deemed excessive. However, any activity where the windrow is not covered properly and immediately after turning would increase the likelihood of decreased amenity on off-site sensitive receptors. Continued diligence in the active management practices at the farm would ensure a high level of protection from malodour.

Given the worst 11 hours were assessed it is unlikely that sustained malodour impacts would occur beyond 400m from the farm over a typical year, and that up to a distance of 200m a higher risk of high level impacts may prevail. These high level impacts are aligned only with the turning timeframe of the windrow of which is less than 1% annually as are any impacts from the uncovered and turned windrow. Conclusively, the covering of the windrow, once turned, provides a suitable level of odour abatement within a distance of nominally 400m south, west and south-west of the farm.



The incidence of odour impacts depends entirely on the consistent covering of the windrow and general housekeeping at the site. During the study period TOU was of the opinion that the site was in general relatively well kept, however, the time taken to re-cover the windrow after turning appeared to be longer than was necessary. Ensuring the windrow is covered as soon as possible will ensure optimal odour abatement ensues.

Mitigation practices to effectively remove or negate malodour generation are possible at the farm. Such technologies could encompass the use of a large shed where the windrow was manufactured and turned and the air within the shed extracted to a stand-by biofilter. The shed itself may only need be nominally 4m in height x 5m width and the length of the hardstand (50m). The shed could have industrial plastic curtains as the doorway and the total volume of air within the shed would therefore be 1,000m³. At two air changes per hour the biofilter would need only be 15m² or less. This type of technology applied would provide a significant level of odour mitigation on top of the basic practices already undertaken.



Blue Contour = Cumulative impacts from both the Turning of the Windrow and the Static Windrow pile @ 2.5ou (worst 11th hour)
Red Contour = Static Windrow (prior to and after turning and including baseline odours) @ 2.5ou (worst 11th hour)
Green Contour = Cumulative impacts from both the Turning of the Windrow and the Static Windrow pile @ 8ou (worst 3rd hour)

Figure 6.1: Ausplume Modelling Projections for both the Static Windrow pile & Turning of Windrow.

ITEM NO: 9.2

SUBDIVISION TO CREATE FOUR (4) LOTS ZONED RESIDENTIAL DEVELOPMENT - FRENCHMAN BAY ROAD, BIG GROVE, ALBANY

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Regional Manager Great Southern
AUTHORISED BY:	Executive Director Regional Planning and Strategy
AGENDA PART:	G
FILE NO:	138740
DATE:	29 August 2011
ATTACHMENT(S):	1. Amended Subdivision Plan 2. Zoning Plan 3. Draft ODP 4. Aerial photo of locality 5. Future Resubdivision plan
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	City of Albany
LOCAL SCHEME ZONING:	Residential Development
LGA RECOMMENDATION:	Does not support proposal
REGION DESCRIPTOR:	N/A
RECEIPT DATE:	17 October 2008
PROCESS DAYS:	more than 90
APPLICATION TYPE:	Reconsideration of a subdivision to create three (3) lots to retain existing dwellings and one (1) balance lot for future urban development.
CADASTRAL REFERENCE:	Lot 20 Frenchman Bay Road, Big Grove

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the reconsideration of the subdivision application for Lots 20, 21 and 110 Frenchman Bay Road, Big Grove, in accordance with the plan date-stamped 2 March 2010 subject to the following conditions:

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 lots 1, 2 and 3 as shown on the approved plan of subdivision. (Western Power).**
- 2. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of suitable easements under Section 167 of the Planning and Development Act 2005 for existing and/or future distribution (<33,000 Volt) electricity network infrastructure. (Western Power).**
- 3. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and equipment, located on or near the lots shown on the approved plan. (Western Power).**
- 4. The foreshore reserve as shown on the plan of subdivision 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, and such land to be ceded free of cost and without any payment of compensation by the Crown. The precise width and alignment of the additional foreshore reserve to be determined by the Local Authority in consultation with the Department of Water. (Local Government).**
- 5. All right(s)-of-way within the subdivision, together with right-of-way being extended to the western boundary of proposed Lot 9000, to follow the alignment of the Neighbourhood Connector in the Big Grove Outline Development Plan being shown on the Deposited Plan and vested in the Crown under Section 152 of the Planning and Development Act 2005, and all such land is to be ceded free of cost and without payment of compensation by the Crown. The alignment of the right-of-way is to be agreed between the subdivider and the Local Authority, in consultation with the Department of Environment and Conservation.(Local Government).**
- 6. Access easements in favour of lots 1, 2 and 3 over lot 9000 to be shown on the Deposited Plan (WAPC).**
- 7. All buildings, outbuildings and/or structures being demolished and materials removed from the proposed foreshore reserve adjacent to proposed Lot 3. (Local Government)**
- 8. 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 lots 1, 2 and 3 advising that:**

"This lot contains buildings that are situated within the proposed foreshore reserve as shown in the Big Grove Outline Development Plan (ODP). Upon further subdivision or development of the lot the final foreshore reserve as

shown on the Western Australian Planning Commission endorsed ODP shall be ceded free of cost to the Crown, and any existing buildings or structures within the foreshore reserve shall be removed at this time."
(WAPC)

- 9. 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 lots 1, 2 and 3 advising that that:**

"Further subdivision or development of the lot will not be supported without direct road frontage to a fully constructed public road, with full urban services (including reticulated sewer, reticulated water and underground power) being provide to the lot". (WAPC).

- 10. 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 lots 1, 2 and 3 advising as follows:**

VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.
(WAPC).

- 11. The Applicants entering into a Deed with the City of Albany at the cost of the Applicants by which the Applicants covenant in a form which runs with the land restricting the development of dwellings, dwelling extensions or ancillary buildings requiring planning approval within the future foreshore reserve as delineated in an ODP over proposed Lots 1, 2 and 3. Notice of this restriction is to be placed on the Deposited Plan. (Local Government).**

ADVICE

- 1. 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.**
- 2. The purpose of Condition 2, is to ensure that any existing or proposed development does not interfere with any existing and/or proposed Western Power assets. The applicant is advised to contact Western Power for further information and advice regarding easement requirements. All costs associated with the registration of easements are to be borne by the applicant.**
- 3. With regard to Condition 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. The City of Albany advise that if any portion of the existing building is to be demolished to facilitate the proposed subdivision, a Demolition Licence is**

to be obtained from the local government prior to the commencement of demolition works.

ADVICE TO LOCAL GOVERNMENT AND APPLICANT

1. To minimize the clearing of any vegetation, the demarcation of the foreshore reserve through any remnant vegetation shall be via bollarding or other similar methods rather than fencing.

SUMMARY:

WAPC refused an application to create three (3) housing lots each containing an existing dwelling, and a balance lot for later urban residential development in Big Grove, Albany. Big Grove is a locality adjacent to Princess Royal Harbour in Albany identified for future urban development. The refusal was made on the basis that the subject land was not appropriately zoned Residential Development and the Big Grove Outline Development Plan (ODP) had not been sufficiently progressed. Therefore, the proposal could prejudice planned subdivision of the subject land and locality.

The subject land has been subsequently zoned Residential Development and the Council has recently adopted the draft ODP and forwarded to the Commission for endorsement.

An amended subdivision plan submitted as part of the application for reconsideration is considered acceptable on the basis that:

- the proposal does not prejudice future planned subdivision of the subject land or the locality;
- The proposal is consistent with the principles of SPP 2.6 State Coastal Planning Policy;
- a widened foreshore reserve can be provided via the 2 staged approach provided for in the draft ODP; and
- an appropriate level of services and access can be provided to the proposed three large housing lots.

Conditional approval is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Regulation

Outcomes:

Effective, consistent and enforceable regulation

Strategies:

Simplify regulatory processes within a risk based framework

Policy

Number and / or Name:

State Planning Policy 2.6 State Coastal Planning Policy

INTRODUCTION:

The application to create four (4) freehold lots from three (3) parent lots was refused on 18 March 2009 on the basis that:

- "1. *The proposal represents and unplanned breakdown of landholdings which would be detrimental to future comprehensively planned residential development in the locality, by reason that:*
 - a) *Determination of the appropriate foreshore reserve width on Princess Royal Harbour and its ceding is subject to the rezoning process and the preparation of the Big Grove Outline Development Plan.*
 - b) *Road layouts, lot densities, and the provision of public open space, water supply, drainage and deep sewer need to be synthesised through the structure planning process.*
2. *The subdivision would effectively create quasi rural residential lots. Creation of these lots will constrain and compromise future planning for infrastructure and realisation of the urban form and density in the locality.*
3. *Approval of the application would be an undesirable precedent for further subdivision in the locality to create quasi rural residential lots that would be detrimental to future comprehensively planned residential development through the Big Grove Outline Development Plan.*
4. *Approval of the subdivision would result in the creation of a lot(or lots) not having frontage to a constructed and gazetted road.*
5. *The proposed subdivision does not comply with Development Control Policy 1.1. Subdivision of Land in that suitable arrangements regarding infrastructure provision have not been made with the relevant service providers."*

A request for reconsideration was lodged, with an amended plan subsequently lodged in March 2010. The total site area is 20.0653 ha. The proposed lots are now 1.0668 ha, 1.15 ha, 2.28 ha and 15.0185 ha in area. Additional foreshore reserve is now also proposed which will provide public access and connectivity along the foreshore (Attachment 1).

The subject land was rezoned from Rural to Residential Development under the City of Albany, Town Planning Scheme No. 3 Amendment No. 284 which was gazetted in 29 June 2010 (Attachment 2).

The preparation and adoption of an Outline Development Plan (ODP) is a pre-requisite for Council's support of a subdivision in the Residential Development Zone. The City of Albany adopted the draft Big Grove ODP and forwarded to the Commission for endorsement on 16 August 2011 (Attachment 3). The applicants agreed to defer consideration of the proposal by WAPC following adoption of the ODP by Council.

The intent of the application is to assemble land for future urban development by excising three (3) lots containing the existing residences for return to the vendors to satisfy the conditions of sale which occurred in 2007. The three (3) lots would ultimately be redeveloped as part of the urbanisation of Big Grove.

The locality of Big Grove is characterised by existing dwellings of good quality on existing lots approx 4 -10 ha (Attachment 4).

Access to the existing dwellings on Lots 20, 21 and 110 is currently by way of individual driveways from Frenchman Bay Road. It is proposed to provide a 5m wide Right of Way (ROW) created under Section 152 of the P&D Act, commencing from Frenchman Bay Road and aligned with a future subdivision road as shown on a draft Big Grove ODP to provide lawful legal access. The current driveways are to remain in use through easement agreements between current property owners and the owners of the larger balance lot. Once subdivision of the balance land occurs the easements will be extinguished, accesses to Frenchman's Bay Road will be closed, and the ROW widened and converted to a new road.

The three (3) existing dwellings are not proposed to be connected to reticulated water or deep sewer until development of the balance land extends the infrastructure to the Big Grove locality thus enabling the larger balance lot, and the lots with the existing dwellings to be redeveloped.

CONSULTATION:

Water Corporation supports the proposal, subject to the provision of a suitable water supply service. It advises that the existing water reticulation network does not have the capacity to adequately supply development in this area. Initial stages of development in this area may require pre-funding of permanent works.

Western Power supports the proposal subject to the provision of underground electricity supply to the proposed lots, easements, and removal, relocation and/or replacement of electricity supply infrastructure.

The Department of Health has no objection to the proposal.

The City of Albany did not support the proposed subdivision until an outline development plan was prepared and approved by Council and endorsed by the WAPC. It advised that should WAPC support the proposal, conditions should be imposed which relate to crossovers and verges, construction and drainage of access ways, and increasing the areas of the smaller lots by adjusting the southern lot boundaries so that they follow the proposed road alignment as per the draft ODP not vesting the proposed ROW to Council.

The Department of Water (DoW) does not support the proposal as the proposed "interim" foreshore reserve does not address the biophysical characteristics of the site. The boundary of the 'interim ' reserve traverses an area of vegetation that the draft ODP seeks to protect and will not facilitate public access, should this be required. DoW recommended that a foreshore

reserve consistent with the draft ODP be provided, however should an interim foreshore be provided they request that minor modification be made to the interim reserve that will allow for better protection of the foreshore vegetation and safer access through the reserve. DoW advise that it would be able to assist with the re-surveying of the foreshore reserve to achieve this.

The Department of Industry and Resources has no objection to the proposal.

Department of Regional Development and Lands has no comment to make on the proposal.

The Department of Environment and Conservation has no objection to the application. It further advises that the alignment of future road reserves is not certain as negotiations regarding public open space for conservation purposes have not concluded and allowance should be made for the future road shoulders, adjoining verge and any additional fire protection measures to all be located within Lot 110. This is because adjoining Lot 1 to the east is to form part of a conservation linkage between Frenchman Bay Road/Tornidirrup National Park and the proposed future foreshore reserve.

COMMENTS

The Big Grove locality is characterised by numerous existing dwellings on existing lots of approx 4 -10 ha. Due to the presence of these existing houses, the draft ODP provides for a two stage process to acquire the foreshore reservation shown on the draft ODP. The initial stage is to require the foreshore reserve adjacent to existing houses when they are retained on lots of an adequate size to facilitate future redevelopment, which the draft ODP sets at 1ha minimum. The final foreshore reserve width is then required when the lots with existing houses are further subdivided with any remaining buildings or structures in the foreshore area removed.

The WAPC may consider requiring the total width of the foreshore reserve to be ceded as part of this application, which would require the removal of the three existing dwellings on the land. Such a requirement would ensure all land within the 100year planning time frame is ceded to the Crown initially, however it is likely the subdivision would not be progressed as such a condition would defeat the purpose of the subdivision i.e. excise off the existing houses.

The draft ODP proposes that the foreshore width be the same as the width required for physical processes under SPP 2.6 which is calculated by the proponents to be approximately 79m to 89m. The width of the current foreshore reserve varies, however is a minimum of approximately 50m in most areas. SPP 2.9 Water Resources states that a 30m buffer is required for protection of the environmental values of a waterway and 50m for an estuary, however no width is suggested for harbours. Neither a 30m nor 50m environmental buffer has been included into the calculations of the proposed foreshore width in the draft ODP, it being based solely on the width required to address physical processes.

The draft ODP is also silent on an appropriate strategy to address the existing houses which are within the 100year physical processes setback. The existing house on proposed lot 3 will be the first to be impacted by a reduced environmental buffer and a reduced physical processes setback, it being set back approximately 20m from the existing shoreline. These impacts will occur over time on both the existing houses, and those set back landward of the 100 year physical processes boundary.

The draft ODP has been in preparation over a number of years with the width of the land required to accommodate coastal processes over 100 years initially calculated using a 0.38m sea level rise value.

In September 2010 the State government adopted a level of 0.9m for anticipated sea level rise over the next 100 years. The developers were advised to consider using the 0.9m level in Sept 2009.

The site should be considered as a greenfields site under SPP 2.6 and a level of 0.9m for sea level rise should apply to the draft ODP not 0.38m as currently included in the draft ODP.

DoT's Coastal Infrastructure branch has advised that the additional sea level rise would translate to a 52m increase in the width of the set back from that currently shown on the draft ODP. The additional 52m setback has been shown on a sketch of the future development of lots 1, 2 and 3 provided by the applicants (Attachment 5). An additional 50m for an environmental buffer has also been shown.

In August 2011 the proponents submitted a revised assessment of the coastal processes setback using a methodology specific to the site (sheltered harbour waters as opposed to high energy coast) indicating that the previous setback can accommodate a sea level rise of 0.9m. DoT are yet to comment on this revised assessment.

Proposed lots 1, 2 and 3 therefore provide for land able to be developed for urban residential purposes in the future, using either the additional 52m setback for coastal processes or the revised assessment with no additional setback, plus an additional 50m for environmental buffer if required. The proposed lots also provide for land outside the 100 year planning timeframe should the owners of the lots wish to establish a dwelling outside the 100 year planning time frame to reduce the risk associated with inhabiting the existing dwelling.

The subdivision of itself therefore does not alter the level of risk from coastal processes to the existing houses. Conditions of subdivision will restrict any further development of the land within the future foreshore reserve area, require the final foreshore reserve area to be granted free of cost upon further subdivision of the lots, require full urban infrastructure upon further subdivision of the lots, and notify land owners that the land is within a coastal processes area anticipated to be impacted by erosion and inundation in the next 100 years. The subdivision is therefore in accordance with the principles of SPP 2.6.

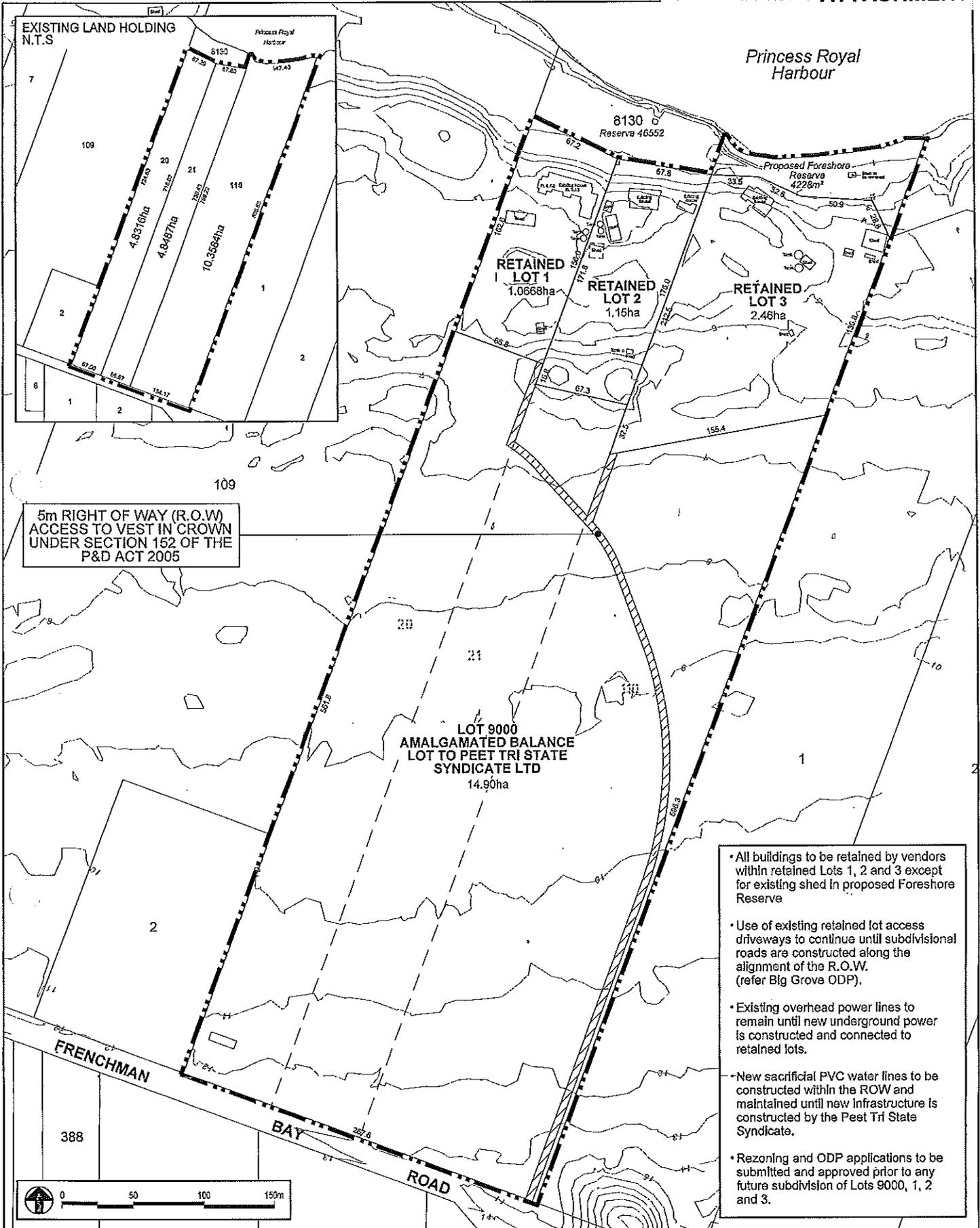
Notwithstanding DC 1.1 which requires a minimum area of 20ha for superlots, the draft ODP recognises the existing dwellings in the locality. The draft ODP provides a mechanism for their retention by requiring them to be retained on lots of adequate size that will facilitate redevelopment at a later date. The draft ODP proposes that a 1 ha minimum lot size will provide adequate incentive for future redevelopment of these lots. The lots are above the 1 ha proposed in the draft ODP.

The City of Albany suggests that the boundaries of the housing lots be adjusted to extend to the proposed public ROW. Extension of the southern boundaries of lots 1 and 2 to the ROW alignment will provide additional area to be redeveloped at a later date. Lot 3, due to its proposed area of 2.4 ha would not need to be extended to the ROW boundary. Extension of the lot boundaries to increase their area and therefore their development potential is seen as unnecessary as each lot contains an area of land suited to redevelopment above the 100 year planning timeframe thereby facilitating its redevelopment.

The alignment of the neighbourhood connectors and access streets have been established in the draft ODP. The ROW follows the alignment of a neighbourhood connector which need not change even if the draft ODP is modified in recognition of the 0.9m sea level rise. The ROW however should be extended to the western boundary of proposed Lot 9000 to allow for services to be provided to the land to the west. In the east, the exact alignment of the ROW is to be agreed between the subdivider and the Local Authority in consultation with the Department of Environment and Conservation as the future alignment abuts high value vegetation in the east which is to be retained. The request by the City of Albany for the ROW to be constructed is not supported as it is contrary to the intent of the ROW and at 5m in width would not provide practical access to either the lots nor the land to the west.

It is considered acceptable that the existing houses on site water supply and effluent disposal systems remain until such time as proposed lots 1, 2 and 3 are further developed. This is on the basis that these lots will be connected to reticulated water and sewer upon redevelopment in the future.

Although the draft Big Grove ODP has not been finally endorsed by the WAPC the proposal is considered acceptable as it is consistent with the principles of SPP 2.6, provides for additional foreshore reserve, and does not constrain the future subdivision of the land nor provision of full urban infrastructure to the land. Approval with conditions is recommended. The applicant is agreeable to all proposed conditions.



5m RIGHT OF WAY (R.O.W) ACCESS TO VEST IN CROWN UNDER SECTION 152 OF THE P&D ACT 2005

- All buildings to be retained by vendors within retained Lots 1, 2 and 3 except for existing shed in proposed Foreshore Reserve
- Use of existing retained lot access driveways to continue until subdivisional roads are constructed along the alignment of the R.O.W. (refer Big Grove ODP).
- Existing overhead power lines to remain until new underground power is constructed and connected to retained lots.
- New sacrificial PVC water lines to be constructed within the ROW and maintained until new infrastructure is constructed by the Peet Tri State Syndicate.
- Rezoning and ODP applications to be submitted and approved prior to any future subdivision of Lots 9000, 1, 2 and 3.

--- Application Boundary

AMENDED PLAN RETAINED LOT SUBDIVISION APPLICATION

Lots 20, 21 & 110 Frenchman Bay Road, BIG GROVE

Base data supplied by Harley Survey Group

Projection MGA Zone 60

Areas and dimensions shown are subject to final survey calculations. All cartways are shown for illustrative purposes only and are subject to detailed engineering design.

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DEPARTMENT OF PLANNING
ALBANY OFFICE
02 MAR 2010
FILE 138740

PEET Tri State Syndicate Ltd : CLIENT
12,500@A3 : SCALE
22 February 2010 : DATE
3066_1-3-001.dgn : PLAN No
- : REVISION
M.Z. : PLANNER
R.F. : DRAWN
N.T. : CHECKED

RPS koltasz smith
TOWN PLANNING PROJECT MANAGEMENT URBAN DESIGN DEVELOPMENT CONSULTING
141 Borewood Road, BUNNACRUI, TASMANIA 7245
PO Box 127 BURNWOOD WA 6100 Email: rps@rpsksm.com.au



- | | |
|------------------------------------|---------------------------------------|
| Cadastre with Lot Numbers | PUBLIC PURPOSES |
| Cadastre | PARKS AND RECREATION |
| RESIDENTIAL DEVELOPMENT | PARKS AND RECREATION (R) - RESTRICTED |
| MOTEL (M) | IMPORTANT REGIONAL ROADS |
| SPECIAL SITES (CVP) - CARAVAN PARK | OCEAN |
| RURAL | |

Scale 1:9,065
 0 250 m

Prepared by: adeutschmann
 Prepared for: Department of Planning
 Date: Thursday, May 05, 2011 16:21
 Plot identifier: P20110505_1621



Government of Western Australia
 Department of Planning

Zoning/Localities Plan

DP INTERNAL USE ONLY

OUTLINE DEVELOPMENT PLAN (O.D.P.)

Big Grove, ALBANY

LEGEND

- Outline Development Plan Boundary
- Land Use:**
 - Low Density Residential (R10)
 - Low Density Residential (R20)
 - Medium Density Residential (R30)
 - Medium Density Residential (R40)
 - Village Centre - (Refer to Detailed Area Plan)
 - Mixed Use R30
 - Primary School
 - Rural Residential
 - Tourism
 - Fire Protection
- Open Space:**
 - Public Open Space
 - Foreshore Reserve
 - POS / Drainage
 - Existing Parks and Recreation Reserve Boundary (as shown on TPS maps)
 - NSD - Historical Setback Datum
 - Original Physical Processes Setback (M.P. Rogers)
 - Physical Process and Foreshore Reserve Setback Required by the Department of Planning (M.P. Rogers / Coffey)
- Infrastructure:**
 - Neighbourhood Connector
 - Access Street
- Other:**
 - South Coast Water Reserve - Priority 2 Protection Area
 - Existing Buildings / Houses
 - Dual Use Path (2m wide) - Indicative alignment only - refer to Foreshore Management Plan
 - Foreshore Node
 - Detailed Area Plan (DAP) for lots adjoining POS / Foreshore Reserve (permeable fencing, habitable room orientation etc)

FIGURE 9

1:4,000@A1 1:17,500@A3 : SCALE
 27 May 2010 : DATE
 3066-4-009L.dgn : PLAN No
 I : REVISION
 N.T : CHECKED

Base data supplied by Herley Curvey Grl

Aerial Photography Dated March 2007 (Latest available 1 Projection)

Areas and dimensions shown are subject to final survey
 All cartageways are shown for illustrative purposes only a to detailed engine

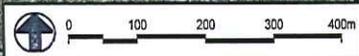
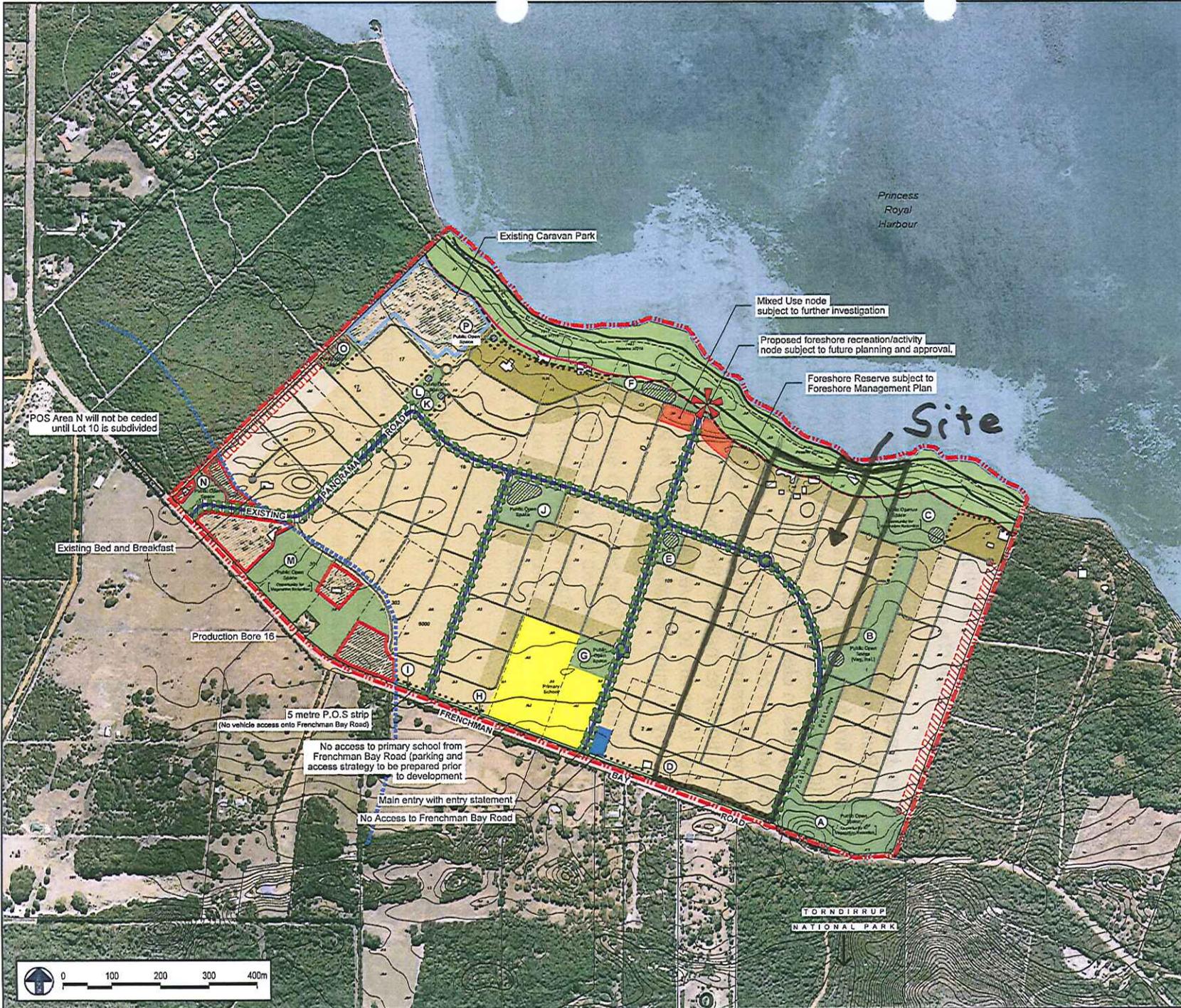
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**CHAPPEL
 LAMBE
 EVERE**

AGENDA PAGE 58

ATTACHMENT 3





Government of Western Australia
Department of Planning

 Cadastre

 Country

2007 Albany Townsite Aerial Photography

Scale 1:6,177


Prepared by: spetersen

Prepared for:

Date: Monday, June 27, 2011 09:30

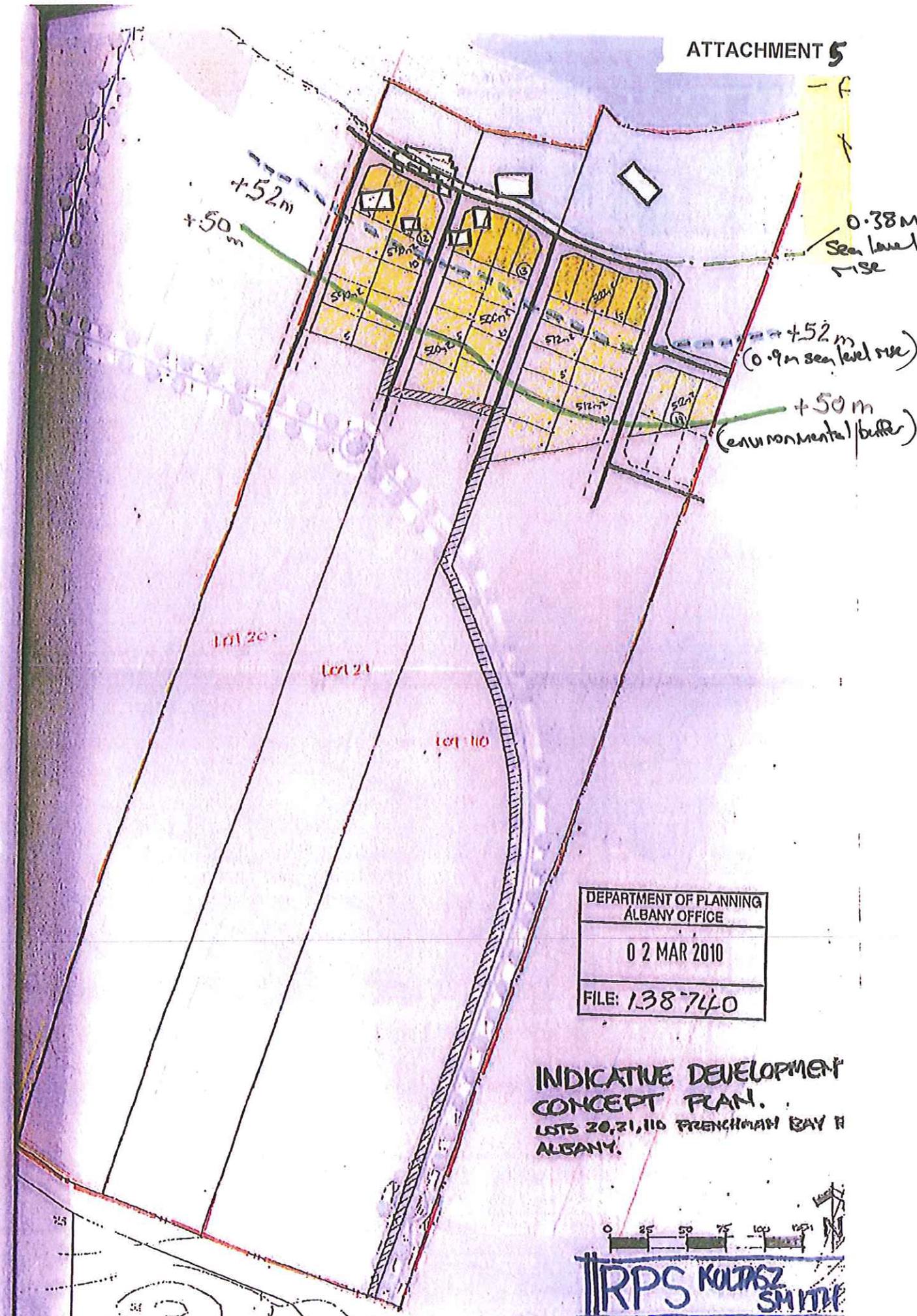
Plot identifier: P20110627_0924



DP INTERNAL USE ONLY

AGENDA PAGE 59

ATTACHMENT 4



DEPARTMENT OF PLANNING ALBANY OFFICE
0 2 MAR 2010
FILE: 138740

**INDICATIVE DEVELOPMENT
CONCEPT PLAN.**
LOTS 20, 21, 110 FRENCHMAN BAY W
ALBANY.

0 25 50 75 100 125

**RPS KULASZ
SMITH**

AGENDA PAGE 60

ITEM NO: 9.3

TEMPORARY AT-GRADE CAR PARK FOR QEII MEDICAL CENTRE.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager
AUTHORISING OFFICER:	Planning Director
AGENDA PART:	G
FILE NO:	08-50042-3
DATE:	4th October 2011
ATTACHMENT(S):	1. Locality Plan, 2. Proposed Development Plan, 3. WAPC Resolution 2007 & QEIMC Access and Structure Plan, 4. Concept Development Area Plan
REGION SCHEME ZONING:	Public Purpose - Hospital
LOCAL GOVERNMENT:	City of Nedlands
LOCAL SCHEME ZONING:	Public Purpose - Hospital
LGA RECOMMENDATION:	Refusal
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	6th December 2010
PROCESS DAYS:	71
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Monash Avenue, Nedlands

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed development of a temporary at-grade car park at the QE II Medical Centre - Lots 8699 and 9075 Monash Avenue, Nedlands subject to the following condition(s) and advice:

- 1. The development to be carried out within the area shown on the plan date stamped 5 October 2011 by the Department of Planning on behalf of the Western Australian Planning Commission (with additional modification by Departmental staff as depicted in Attachment 4). (Copy Attached)***
- 2. The temporary car park is to operate for a maximum period of five (5) years from the date of this approval.***
- 3. A construction management plan is to be prepared and implemented by the applicant to the specification of the City of Nedlands and the***

satisfaction of the Western Australian Planning Commission prior to the commencement of site works.

- 4. A survey is to be undertaken to determine the presence of any potential breeding hollows which may be utilised by the Carnaby's Cockatoo to the specification of the Department of Environment and Conservation and the satisfaction of the Western Australian Planning Commission prior to the commencement of site works.**
- 5. Mature trees, in particular Banksia and Allocasuarina, are to be retained where possible through the development of the temporary car park to the specification of the Department of Environment and Conservation and the satisfaction of the Western Australian Planning Commission.**

ADVICE TO APPLICANT

- 1. The proposed development is to comply with all relevant Acts and Regulations.**
- 2. The Environmental Protection Authority advises that there is a preference for the vegetation to be retained on site to be relocated from the southern portion of the site fronting Monash Avenue, where the vegetation is mapped as Degraded to Completely Degraded, to the northern portion of the site where the vegetation is of a higher condition rating.**
- 3. With regards to Condition 4, the proponent is reminded of its own relevant obligations under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.**
- 4. An Acid Sulfate Soils Self-Assessment Form and, if required as a result of the self-assessment, an Acid Sulfate Soils Report and an Acid Sulfate Soils Management Plan shall be submitted to and approved by the Department of Environment and Conservation before the development is commenced. Where an Acid Sulfate Soils Management Plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.**

The "Acid Sulfate Soils Self-Assessment Form" can be downloaded from the Western Australian Planning Commission's website at: www.wapc.wa.gov.au/Applications/Subdivision+and+application/default.aspx

The "Acid Sulfate Soils Self-Assessment Form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulfate Soils" guideline. This guideline can be downloaded from the Department of Environment and Conservation's website at: www.dec.wa.gov.au/management-and-protection/acid-sulfate-soils/guidelines.html

SUMMARY:

The key points relating to this report are as follows:

- Development Application is for a new temporary at-grade car park at the Queen Elizabeth II Medical Centre (QEII MC) site, between the Crawford Lodge and the UWA Medical Library adjacent to Monash Avenue.
- The proposal is required to facilitate the planned expansion of the site in accordance with State Government health reform “ Reid Report” ;
- Proposal generally complies with adopted QEII MC Access and Structure Plan and is consistent with QEII MC Masterplan;
- The proposal was referred to the EPA by a third party (local resident) under section 38 of the Environmental Protection Act 1986 ('the EP Act'), with a request for formal assessment. The Minister for Environment, through the appeals process, has determined the proposal be treated as "Not Assessed Public Advice Given".
- The EPA expects the relevant decision making authorities to consider and implement information relating to the retention of mature trees onsite and specific to the Carnaby's Cockatoo through the development application process.
- The City of Nedlands initially recommended refusal to the proposal on the basis of its prematurity with regards to environmental investigations, recommending that the WAPC not make a decision until an independent environmental survey has been undertaken that addresses the City's concerns. Notwithstanding, the City provided conditions should the WAPC see fit to approve the application.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005

Metropolitan Region Scheme

Queen Elizabeth II Medical Centre Act 1966

Section:

Planning and Development Act – Section 5 and 6

MRS – Clause 16 and Clause 30

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Planned Local Communities developing a sense of place

Strategies:

Implement State and Regional Planning priorities

Identify key Infrastructure and Development Projects

Policy

Number and / or Name:

INTRODUCTION:

This report is presented to the Statutory Planning Committee for determination as officers do not have delegation to deal with the application (recommendation is "significantly at variance" with the recommendations made by the City of Nedlands).

The development application proposes the construction of a temporary at-grade car park accommodating 328 car bays at the Queen Elizabeth II Medical Centre (QEIIMC) site, between the Crawford Lodge and the UWA Medical Library adjacent to Monash Avenue.

The site of the proposed temporary at-grade car park was identified by the WAPC in its June 2007 Resolution on the QEIIMC Access and Structure Plan, as a potential development site. The WAPC, in that resolution, advised that "the retention of Crawford Lodge and the adjacent remnant bushland in the core of this high accessibility activity centre would represent a lost opportunity." The QEIIMC Trust was accordingly invited to explore opportunities for the site, and commissioned GHD to undertake an environmental investigation in October 2010 to support the use of that site for short term temporary car parking.

The proposal forms part of the redevelopment of the QEIIMC site in accordance with the State Government Health Reform (Reid Report), the QEIIMC Access and Structure Plan and the QEIIMC Masterplan. Redevelopment of the site also includes the construction of a multi-deck car park on Winthrop Avenue, a new Children's Hospital and a new Central Energy Plant on the western side of the QEIIMC site.

During construction of the proposed multi-deck car park and the new Children's Hospital (approved by the WAPC in April 2011 and September 2011 respectively), a significant number of existing at-grade car bays will be removed. To maintain the function and operation of the medical centre during the construction phase of the redevelopment, alternative temporary parking solutions (inclusive of the subject proposal) are being sought.

The subject land is reserved "Public Purpose - Hospital" under the Metropolitan Region Scheme (MRS) and the same pursuant to the City of Nedlands' Town Planning Scheme No. 2 (**Attachment 1: Locality Plan**). Given the reservation of the subject site, the WAPC's approval is required.

CONSULTATION:

At its meeting of 22 February 2011, the City of Nedlands' Council made the following recommendation:

- "1. *Recommends refusal to the Western Australian Planning Commission (WAPC) for the proposed 328 bay at-grade carpark at Reserve 33244 (QEII Medical Centre), Nedlands in accordance with the application dated 11 November 2010, on the grounds that:*
 - i. there is insufficient information regarding the environmental impact associated with the clearing of the existing bushland;*
 - ii. there is a lack of evidential proof that there are no protected and/or significant species located within the existing bushland;*

-
- iii. *the Environmental Protection Authority (EPA) assessment has not been completed;*
 - iv. *there is insufficient information regarding the site meeting the requirements defined in the Environmental Protection and Biodiversity Act 1999 (EPBC Act);*
2. *That the WAPC does not make a decision until an independent environmental survey conducted during spring has been undertaken at the site that addresses and answers the queries identified above;*
 3. *Should the WAPC see fit to approve the application despite the lack of evidential information relating to the significance of the flora and the fauna, then Council recommends the approval should be subject to the following conditions:..."*

The Department of Environment and Conservation, Department of Mines and Petroleum, Department of Water and WA Gas Networks raise no objection to the proposal.

The development application was referred to the EPA by a third party (local resident) under section 38 of the Environmental Protection Act 1986 ('the EP Act'), with a request for formal assessment. The EPA determined that the site did not merit formal assessment. Subsequently, community members lodged appeals with the Environmental Appeals Convenor against the EPA's decision to not formally assess the site. The Minister for Environment has dismissed the appeals and determined the proposal be treated as "Not Assessed Public Advice Given", with advice and recommendations forwarded on to the WAPC for its implementation through the development application process.

COMMENTS:

The MRS (Clause 30) requires the WAPC to have regard to the following factors when determining a Development Application:

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

Proposal Details

The proposed at-grade temporary car park application submitted to the WAPC is for:

- The accommodation of 328 car bays;
- The use of the car park only by staff currently parking within the QEIIMC site;
- Access to the car park solely from Banksia Street (via existing boom gates), internal to the QEIIMC site, with no direct access to Monash Avenue and accordingly no adverse impact on traffic on either Monash or Winthrop Avenue;
- The retention of an 18.5m vegetated setback from Monash Avenue; and
- Light poles of 2.5m in height and a finished bitumen surface incorporating on-site drainage. (**Attachment 2:** Proposed Development Plan)

The application has been lodged on behalf of the QEIIMC Trust and is located within Lot 9075 on Crown Title 3121/246. The QEII site is an 'A' Class Reserve (No. 33244) for the purpose of a medical centre. Development, control and management of this reserve is vested in the QEIIMC Trust under Section 13(1) of the Queen Elizabeth II Medical Centre Act 1966.

Background

The development of the temporary at-grade car park is being undertaken in the context of the following:

- **Reid Report**

The proposed at-grade temporary car park is to be developed in the context of the overall redevelopment of the QEII site in accordance with the 2004 State Government report, "A Healthy Future for Western Australians", (the "Reid Report").

- **Queen Elizabeth II Medical Centre Access and Structure Plan**

The site of the proposed temporary at-grade car park was identified by the WAPC in its June 2007 Resolution on the QEIIMC Access and Structure Plan, as a potential development site. The WAPC, in that resolution, requested that in preparing a staging and implementation plan, consideration should be given to notional intensified development over the Crawford Lodge and remnant bushland. Further, the WAPC advised that "the retention of Crawford Lodge and the adjacent remnant bushland in the core of this high accessibility activity centre would represent a lost opportunity." (**Attachment 3: WAPC Resolution 2007 & QEIIMC Access and Structure Plan**)

The QEIIMC Trust was accordingly invited to explore opportunities for the site, and commissioned GHD to undertake an environmental investigation in October 2010 to support the use of that site for short term temporary car parking.

Environmental Investigation

The environmental investigation undertaken by GHD in October 2010 identified that:

- Vegetation within the study area is considered to be moderately diverse (a total of 91 plant taxa, comprising 62 native species and 29 introduced species);
- The vegetation condition identified in the survey ranged from Good to Completely Degraded;
- No threatened Ecological or priority Ecological Communities were recorded within the study area;
- No Declared Rare Fauna was recorded within the study area;
- A significant proportion of the survey area has been severely impacted by exotic species (weeds) and other disturbances;
- One vegetation type was recorded - Open forest to low woodland of *Allocasuarina fraseriana*, *Banksia attenuate*, *Banksia menziesii* and *Eucalyptus marginata* over *Acacia saligna* and *Xanthorrhoe*; and

-
- Two flora species of conservation significance were recorded - *Dodonaea hackettiana* (P4) and *Jacksonia sericea* (P4) (although both are considered conservation significant species by the DEC, they are well represented on the Swan Coastal Plain and are not offered any formal protection under current WA environmental legislation).

ENVIRONMENTAL PROTECTION AUTHORITY (EPA) ASSESSMENT

The City of Nedlands advised the WAPC that it was required to advertise the application to surrounding residents for a period of 21 days. Through this process, a local resident referred the development application to the EPA under section 38 of the EP Act, with a request for formal assessment of the site.

The EPA, in a letter dated 14 March 2011, advised that it had assessed the subject proposal and resolved not to subject the application to the environmental impact assessment process and subsequent setting out of formal conditions by the Minister for Environment under Part IV of the EP Act. Community members then lodged appeals with the Environment Appeals Convenor against the EPA's decision not to formally assess the site.

Under section 39A(7) of the EP Act, the Office of the EPA has provided public advice in a letter dated 18 July 2011 that the Minister for Environment has dismissed the appeals against the EPA's determination that the proposal be treated as *Not Assessed - Public Advice Given*. The advice provided includes an expectation by EPA for the relevant decision making authorities to consider and implement the advice provided in its recommendation through the approvals process.

- **Clearing of Native Vegetation**

The EPA notes that whilst the proposal involves the clearing of native vegetation, the DEC has advised it of the applicant's exemption from the requirement to obtain a clearing permit under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* due to vegetation clearance being less than 1ha in area.

- **Carnaby's Cockatoo**

The EPA also notes that the site may provide a feeding habitat for the Carnaby's Black Cockatoo and accordingly requires a survey to be undertaken to determine the presence of any potential breeding hollows which may be utilised by the Carnaby's Cockatoo. The Carnaby's Black Cockatoo is listed under Schedule 1 of the *Western Australian Wildlife Conservation Act 1950* as fauna that is rare or likely to become extinct, "endangered" under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) and is ranked as endangered by the Threatened Species Consultative Committee. The proponent would therefore be required to satisfy its own obligations in accordance with the requirements of the EPBC Act.

- **Retention of Mature trees**

The site is located to the south of a potentially regionally significant bushland/wetland linkage in Bush Forever and is recognised as forming part of a regional greenway,

between Kings Park and Bold Park, important for avifauna. In view of the above, the EPA recommends that mature trees, in particular Banksia and Allocasuarina, be retained where possible through the development of the temporary carpark and through any future development of the site.

Finally, the EPA notes that a small section of vegetation fronting Monash Avenue is proposed to be retained (depicted on the proposed development plans as part of the 18.5m vegetated setback). This vegetation is mapped as Degraded to Completely Degraded condition. EPA advises that it would be preferable to relocate the vegetation to be retained within the northern portion of the site where the vegetation is of a higher condition rating.

In accordance with the EPA's advice above, it is recommended that the WAPC impose conditions for mature trees (in particular Banksia and Allocasuarina) to be retained where possible and for a survey to be undertaken to determine the presence of any potential breeding hollows which may be used by the Carnaby's Cockatoo with the proponent to satisfy its own relevant obligations under the EPBC Act. An advice note pertaining to a preference for retention of vegetation within the northern portion of the site is also recommended. The conditions will need to be cleared by the DEC.

Officer Comment

Subsequent to the above advice from the EPA, the applicant engaged a consultant to undertake a survey to locate the mature trees (and particularly Banksia and Allocasuarina) on the site and also to determine any potential breeding hollows that could be used by the Carnaby's Cockatoo. As a result of the works conducted to date, the applicant has forwarded a concept development area plan to the WAPC, and which Departmental staff have additionally modified for further clarity (at **Attachment 4**). The result of the requirements of the EPA is a reduction in the area of vegetation to be cleared. It is recommended that the WAPC's approval be based on the concept plan at Attachment 4 which has received preliminary support from the DEC and which will need to be to its specification and to the WAPC's satisfaction.

QEII MEDICAL CENTRE TEMPORARY PARKING AND IMPLEMENTATION STRATEGY

At conclusion, a total of 5350 car bays (including 150 exempt ambulance and drop-off bays) will be provided on site, as identified in the SKM Demand Analysis Report prepared for the site. This figure was supported by the WAPC as part of its consideration and support for the multi-deck car park proposal approved in April 2011.

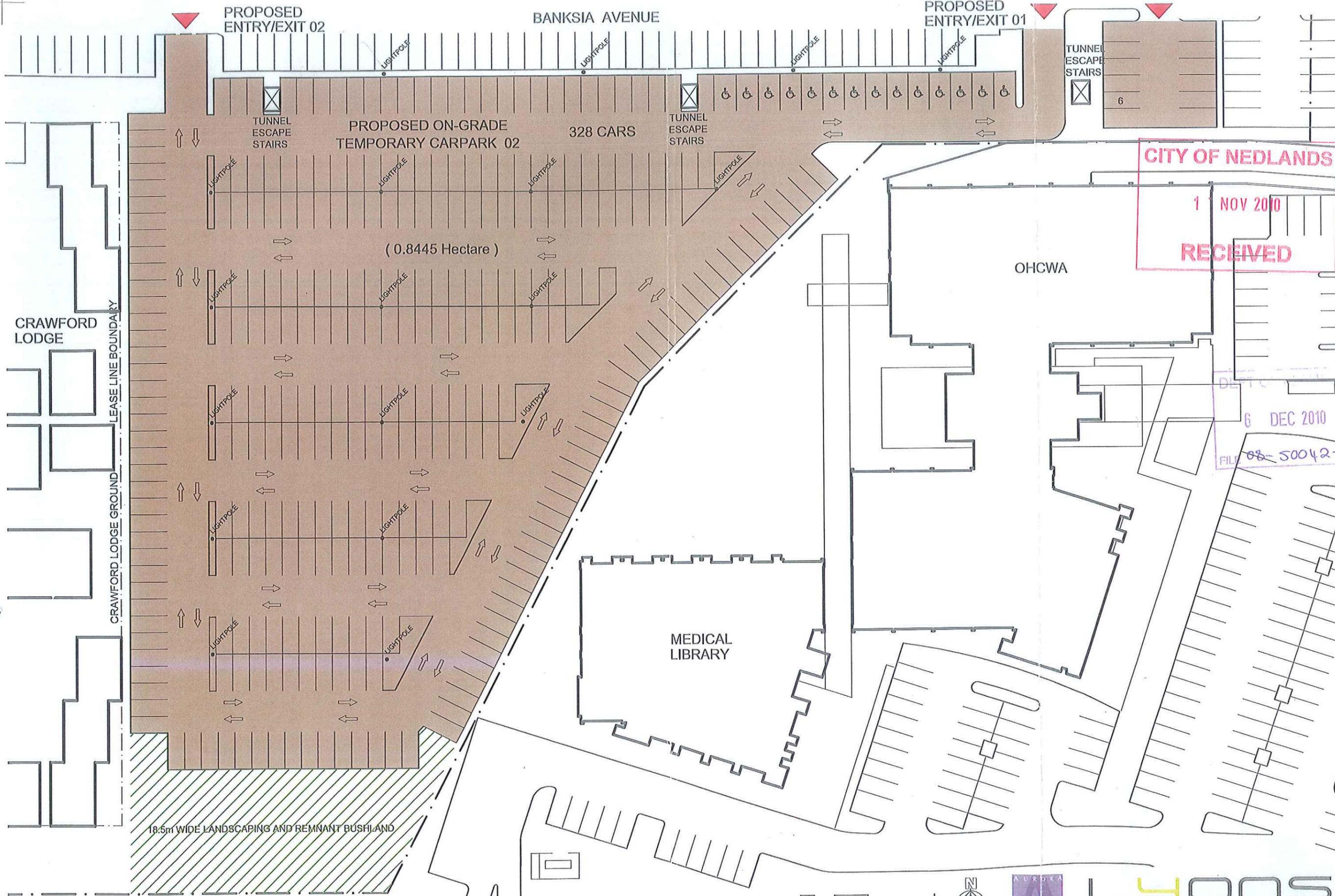
The proposal forms a crucial component of provision of temporary parking to maintain the identified baseline need of a total of 3034 car bays for staff and visitor/patient parking during the construction phase in the redevelopment of the QEII MC site between 2010 and 2015.

CONCLUSION:

The proposed temporary at-grade car park is considered necessary to allow for the relocation of parking bays during construction of the proposed multi-deck car park and the new Children's Hospital. The concept detailed plan that proposes retention of

appropriate vegetation in accordance with EPA requirements is considered to be consistent with the orderly and proper planning of the locality.

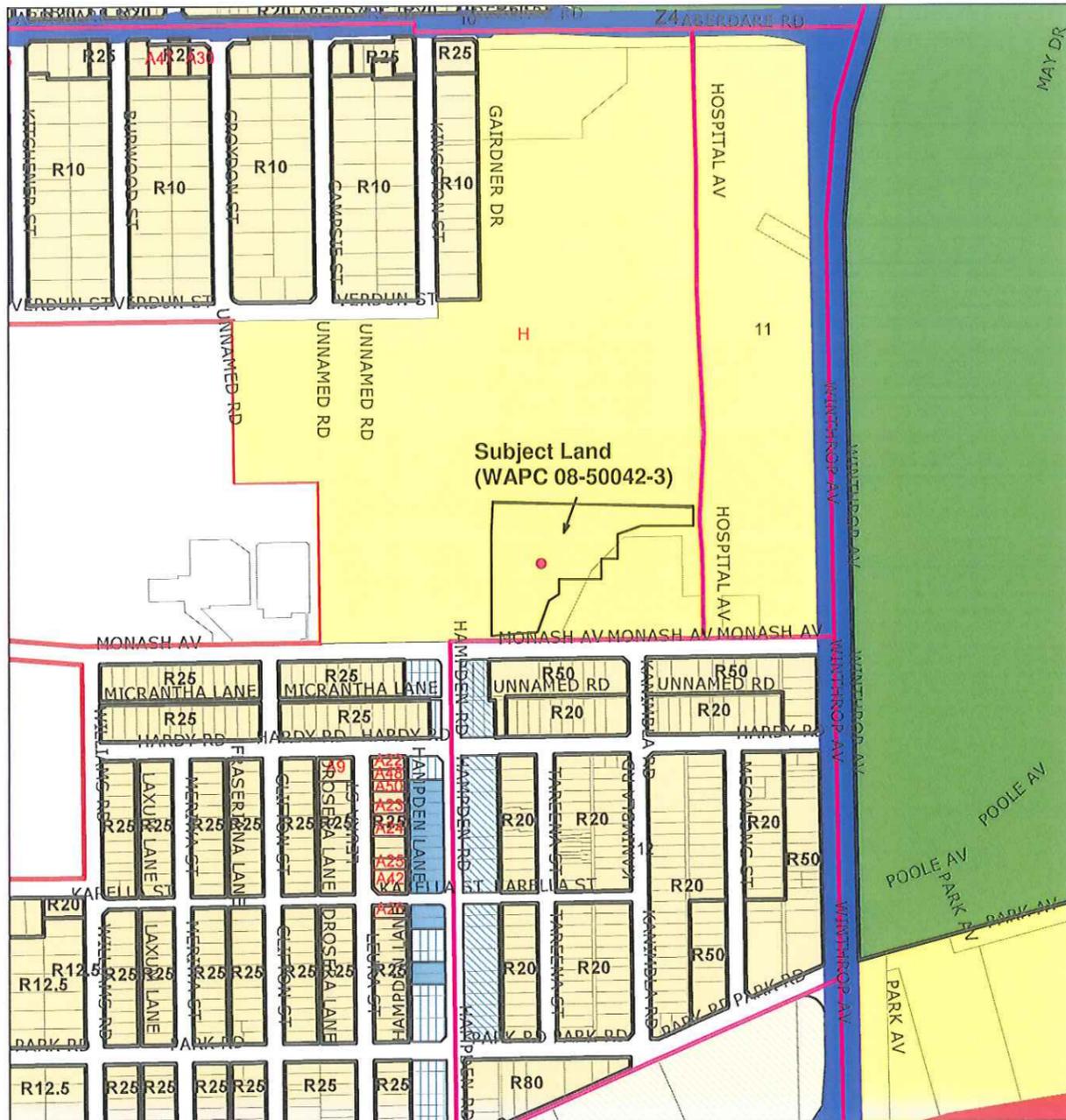
Given the above, it is recommended that conditional approval be granted.



QEII - temporary carpark 02

scale 1:500 @ A3 - 02.11.10





Cadastre with Lot Numbers	TPS - Scheme Boundaries	OFFICE
RESIDENTIAL DESIGN GUIDELINES AND DAP APPENDIX V	TPS - R Code Boundaries	PUBLIC PURPOSES
HOLLYWOOD PRECINCT	PRIMARY REGIONAL ROADS	RESIDENTIAL
PRECINCTS-MATILDA BAY	OTHER REGIONAL ROADS	RETAIL SHOPPING
QUEEN ELIZABETH II MEDICAL CENTRE PRECINCT	PARKS & RECREATION	SPECIAL USE
SHENTON PARK PRECINCT	PP - HOSPITAL	
UNIVERSITY PRECINCT	PP - UNIVERSITY	
TPS Additional Use	NEIGHBOURHOOD MIXED USE	

Scale 1:6,474 0 125 m

Prepared by: achhabra
 Prepared for:
 Date: Wednesday, October 05, 2011 17:34
 Plot Identifier: P20111005_1733

Government of Western Australia
Department of Planning

Locality Plan

DP INTERNAL USE ONLY



Statutory Planning Committee

Record

of meeting 7226/07

held on Tuesday 19 June 2007

Extract of Minutes relating to QEII Medical Centre Access and Structure Plan.

8 A - Policy (officers in attendance)

8.1	Subject	City of Nedlands Queen Elizabeth II Medical Centre Access and Structure Plan Winthrop, Crawley and Monash Avenue, Nedlands
	File Officer	755-2-20-2 David Igglesden

That the Western Australian Planning Commission resolve to:

1. Adopt in principle the Queen Elizabeth II Medical Centre Access and Structure Plan Report dated 9th February 2007 (including figure 20) as a guide to future planning and development of the Queen Elizabeth II Medical Centre precinct, noting that:

- a) the recommendations on page 9 will need to be reviewed as they are superseded; and
- b) the boundaries of the City of Nedlands proposed redevelopment precinct in figure 7 -- Network City Context page 31 need to be corrected.

2. Advise the Queen Elizabeth Medical Centre Trust, the Department of Health and other relevant stakeholders that the Commission considers that without the required bus services the planned expansion of the QEII Medical Centre site would not be acceptable on planning, transport and sustainability grounds. Accordingly the WAPC strongly supports the development of an all of Government capital and recurrent funding arrangement for the implementation of the University of Western Australia / QEII Medical Centre / Hollywood Private Hospital Public Transport Master Plan including the bus priority capital works, bus purchases and recurrent bus operational costs.

3. Request the Department of Health prepare a staging and implementation plan to address:

- The key anticipated development stages and how each of the site, access and parking upgrades relates to those stages.
- The new internal road links along Banksia and Caledonia Streets.
- On site bus facilities required for the implementation of the Public Transport Master Plan.
- Upgrading and or construction of intersections with perimeter roads.
- Staging of upgrades to perimeter roads and cost sharing as per the DPI prepared schedule dated 24th May 2007 (Attachment 1) or an alternative agreed with the relevant stakeholders.

- Traffic impact assessments and relevant additional details resulting from the Master Planning process.
- Internal and perimeter pedestrian and cycle links.

The staging plan should show how the progressive development of the site will relate to the achievement of the objectives of the Travel Plan.

4. Request that in preparing a staging and implementation plan consideration should be given to the following matters:

- A relocated secondary transit stop on the extension of Hampden Road to improve accessibility to Hampden Road activities and Hollywood Private Hospital.
- Building facades fronting Winthrop Avenue as substantially occupied buildings, not decked car parks.
- Deletion of any reference to a possible alternative rail alignment skirting the site.
- Deletion of any north south road connection from Monash Avenue to Verdun Street unless the concept is first negotiated and agreed with the City of Nedlands in consultation with the community.
- The road link between the new main entrance from Winthrop Avenue and Hospital Avenue being severed for general traffic (where it crosses the transit route).
- Some form of development between the Western Power sub station and Monash Avenue to assist with visual and pedestrian amenity.
- Notional intensified development over the Crawford Lodge and remnant bushland.

The Commission considers that in the medium to long term, the retention of the Crawford Lodge and remnant bushland in the core of this high accessibility activity centre would represent a lost opportunity. Accordingly the Trust is invited to explore opportunities for relocating the Crawford lodge, possibly with a land swap with Hollywood Private Hospital, at the planning stage.

5. Request that on the completion of a heritage assessment of Block A it be forwarded to the Heritage Council.

6. Adopt the Mode Split Agreement with the Health Department that creates a permanent maximum limit to staff parking for all activities on the QEII Medical Centre Structure Plan area of 4,280 bays for a 1,200 bed facility and staff parking of 4,400 bays for a 1,500 or larger bed facility.

7. Endorse the Travel Plan as a basis for determination of future development applications in the entire Access and Structure Plan area particularly in respect to parking provision and management.

8. Advise the City of Nedlands and Hollywood Private Hospital that the Commission is aware of the maximum limit of 1,800 car parking spaces in the approved site structure plan. The Commission would wish to be consulted on any proposal which would lead to a total number of car parking spaces exceeding 1,800 bays. The Commission further would be minded to introduce a clause 32 resolution requiring any development exceeding 1,800 bays to be referred to the Commission for its determination.

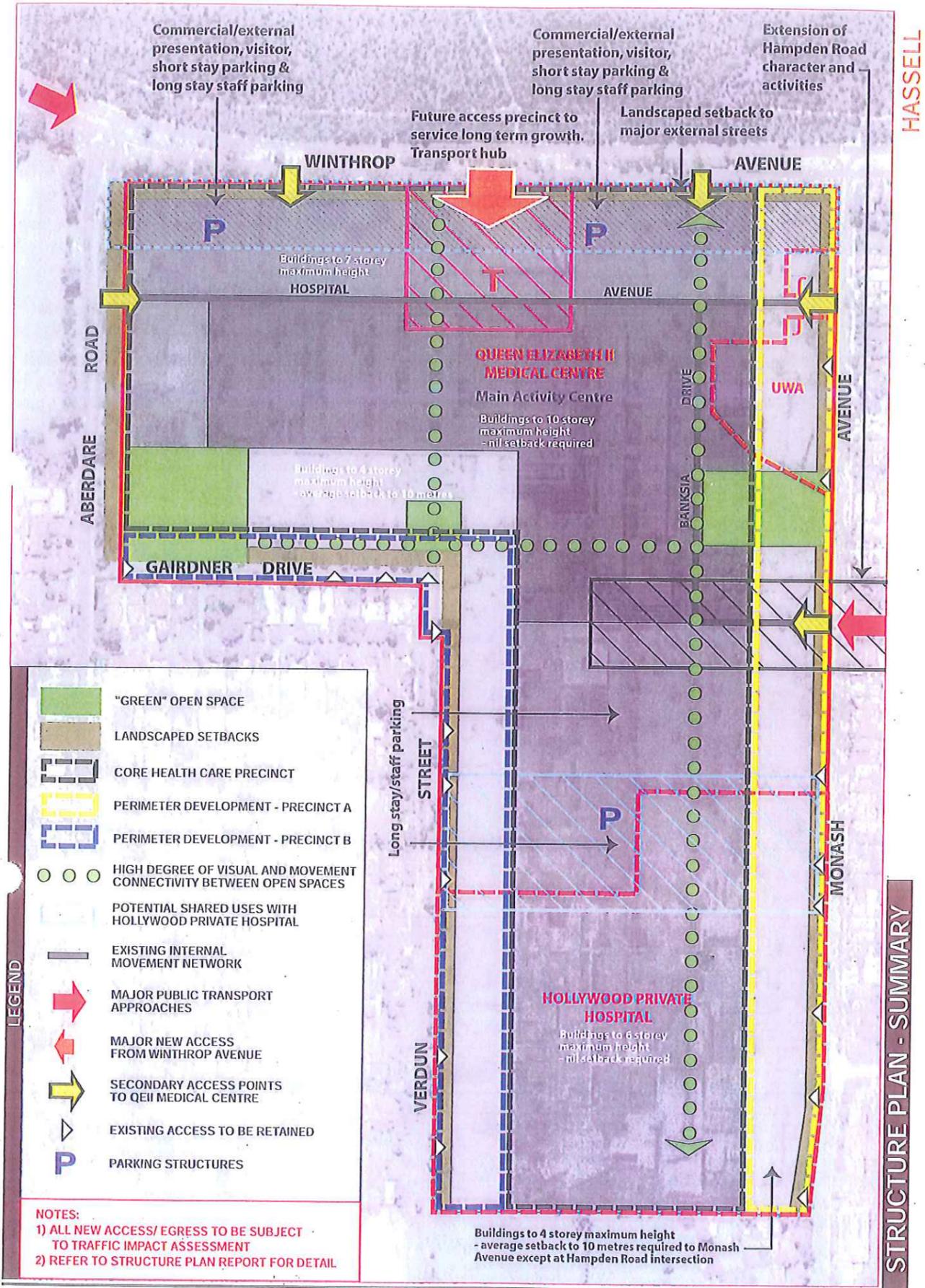
9. Seek confirmation from the QEII Medical Centre Trust that it will promptly pursue amendments to the Queen Elizabeth II Medical Centre Act 1966, and associated regulations, to facilitate implementation of the Access and Structure Plan and Travel Plan over all areas under its control.

10. Request that the Department of Health:

- a. release into the public domain the Access and Structure Plan documentation as submitted, together with the WAPC's resolution and;
- b. write to those that made submissions advising them of the Department's responses.

11. Remind Department of Health of its obligation to construct the car parking required as a condition of the planning approval dated 23rd December 2004 for stage 1 of the State Cancer Centre.

12. Thank David Igglesden for his contributions in setting up and progressing the Access and Structure Plan and other Department of Health related matters.



QE II MEDICAL CENTRE STRUCTURE PLAN

STRUCTURE PLAN - SUMMARY



SCALE @ A3
 PPA0232
 1st FEBRUARY 2007
 \17\1070201 R\port\Sum_STP_V2.dwg

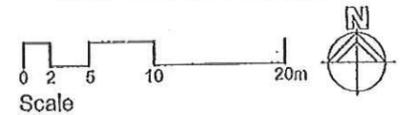
BANKSIA AVENUE



DEPARTMENT OF PLANNING
 5 OCT 2017
 FILE 08-501742-3

QEII - temporary carpark 02
 scale 1:500 @ A3 - 02.11.10

* Final area to be determined through survey



L ONS
 ARCHITECTS

PLAN B2
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