



## Statutory Planning Committee

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

**Tuesday 8 November 2011**  
**10.00 am**

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



**Neil Thomson**  
**Secretary**

---

Please convey apologies to Christina Sanders on 655-19053 or email  
[christina.sanders@planning.wa.gov.au](mailto:christina.sanders@planning.wa.gov.au)

# 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.
- 2.19 Power to determine matters under Regional Interim Development Orders.

**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 25 October 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**

<b>Item No</b>	<b>Report</b>	<b>Request</b>	<b>Report Required by</b>
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 22 November 2011**

# **INDEX OF REPORTS**

<b>Item</b>	<b>Description</b>
<b>9</b>	<b>REPORTS</b>
	<b>C SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS</b>
9.1	CLARIFICATION OF CONDITION 1 OF DEVELOPMENT APPROVAL FOR LOT 97 ADELAIDE STREET HAZELMERE (WAPC REF: 21-50272-1)
9.2	APPROVAL OF EASTPORT MARINA OUTLINE DEVELOPMENT PLAN AND MODIFIED EASTPORT CANALS OUTLINE DEVELOPMENT PLAN – CITY OF MANDURAH
9.3	LOTS 1, 11, 71 AND 73 NORTH BEACH ROAD, GWELUP - APPLICATION TO WAPC TO DEEM LOCAL GOVERNMENT CONDITIONS COMPLIED WITH. DEPOSITED PLAN 67672 - STAGE 2
	<b>D GENERAL ITEMS / OTHER MATTERS</b>
9.4	WARMUN LAYOUT PLAN 2 AMENDMENT 3
	<b>G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA</b>
9.5	ENDORSEMENT OF STRUCTURE PLAN - KALGAN RURAL VILLAGE
9.6	REQUEST FOR RECONSIDERATION OF DECISION - REFUSAL OF SUBDIVISION APPLICATION, LOT 100 AND 600 HUNTON, RIVERSIDE ROADS, KALGAN
<b>10</b>	<b>CONFIDENTIAL REPORTS</b>
	<b>E MINOR LOCAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS</b>
10.1	CITY OF ALBANY - LOCAL PLANNING SCHEME NO. 1 - FOR CONSENT TO ADVERTISE

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

### **Attendance**

#### **Members**

Mayor Carol Adams	Local Government nominee
Ms Sue Burrows	Nominee of the Director General, Department of Planning
Mr Henty Farrar	Regional Minister's nominee
Mr Ian Holloway	Professional representative
Mr Eric Lumsden	Director General, Department of Planning (Presiding Member)
Cr Corinne MacRae	WAPC nominee (Presiding Member Item 9.6 only)

#### **Officers**

Mr Chris Bebich	Planning Manager, Murdoch Activity Centre
Ms Natalie Cox	A/g Planning Manager Schemes and Amendment
Mr Rob Cull	Senior Planner Metro Planning North East
Mr Chris Hair	Principal Urban Designer
Mr Mat Selby	Planning Director Metropolitan Planning Central
Mr Mark Szabo	A/g Director Schemes and Appeals
Mr Nick Welch	Senior Planning Officer Regional Planning and Strategy

#### **Presenters**

Mr Jeff Breen	Chief Executive Officer, Shire of Ashburton (Item 6.2)
Mr Len Buckeridge	Builder / Architect (Item 6.1)
Dr Mews	Owner (Item 6.1)
Mr Simon O'Hara	Statewest Surveying and Planning for Landowner (Item 6.3)
Mr Rob Paull	Planning Consultant Shire of Ashburton (Item 6.2)
Ms Gloria Posselt	Landowner (Item 6.3)
Mr Greg Rowe	Town Planning Consultant (Item 6.1)
Mr Ray Thomas	Landowner's Partner (Item 6.3)

#### **Committee Support**

Ms Christina Sanders	Committee Support Officer - Department of Planning
----------------------	--

Due to the absence of the Presiding Member and in accordance with clause 3.6 of the Standing Orders 2009, a member was chosen to preside over the meeting.

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

**Cr MacRae nominated Mr Lumsden.  
Mr Lumsden accepted the nomination.**

**Resolved**

***Moved by Cr MacRae, seconded by Mayor Adams***

*That Mr Lumsden preside over the meeting of the Statutory Planning Committee in the absence of the Presiding Member.*

***The motion was put and carried.***

### **7447.1 Declaration of Opening**

The Presiding Member declared the meeting open at 10.04 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

### **7447.2 Apologies**

Ms Elizabeth Taylor      Community representative

### **7447.3 Members on Leave of Absence and Applications for Leave of Absence**

Mr Prattley has submitted application for a leave of absence for the Statutory Planning Committee meeting scheduled for 25 October 2011.

***The motion was put and carried.***

### **7447.4 Disclosure of Interests**

Mr Lumsden advised that he had had a meeting with Mr Greg Rowe regarding the item relating to subdivision to create two lots for residential purpose – Lot 136 Brockman Avenue, Dalkeith (Item 10.7 in the Agenda papers). He noted that he would remain for the deputation on this item at item 6.1, but would leave the room during discussion and resolution of that item.

[Please note that Item 10.7 was incorrectly allocated as a Confidential item and has been moved to Item 9.6 in the Non-Confidential section.]

<b>Member/Officer</b>	<b>Minute No.</b>	<b>Page No.</b>	<b>Nature of Interest</b>
Ms Sue Burrows	9.6	13	Impartiality

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

Ms Burrows noted that she had provided administrative advice to the consultant as to which officer and section of the organisation would be dealing with the application for Lot 136 Brockman Avenue, Dalkeith.

### **Resolved**

**Moved by Mayor Adams, seconded by Cr MacRae**

*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.*

***The motion was put and carried.***

#### **7447.5 Declaration of Due Consideration**

No declarations were made.

#### **7447.6 Deputations and Presentations**

7447.6.1           **Subdivision to Create 2 Lot(s) for Residential Purpose - Lot 136 Brockman Avenue, Dalkeith**  
Presenters Mr Greg Rowe  
                         Dr Mews

Mr Rowe spoke on the town planning aspects relating to the above subdivision application and outlined the reasons he believes that the subdivision of Lot 136 Brockman Avenue, Dalkeith should be approved. He tabled additional documentation, a copy of which has been placed on file.

Dr Mews added her personal reasons for seeking the application for the subdivision.

**Mr Lumsden left the meeting at 10.19 am following the deputation.**

**Mr Henty nominated Cr MacRae as temporary Chair.  
Cr MacRae accepted the nomination.**

### **Resolved**

***Moved by Mr Farrar, seconded by Ms Burrows***

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

*That Cr MacRae preside over the meeting of the Statutory Planning Committee in the absence of the Presiding Member for Item 9.6 of the Agenda.*

**The motion was put and carried.**

**Moved to Item 9.6.**

7447.6.2      **Ashburton North Strategic Industrial Area (ANSIA) Structure Plan and Shire of Ashburton Amendment 10**  
Presenters   Mr Jeff Breen  
                  Mr Rob Paull

**Mr Lumsden returned at 10.32 am and resumed the Chair.**

Mr Jeff Breen and Mr Rob Paul gave a presentation on the ANSIA Structure Plan and Shire of Ashburton Amendment 10.

A copy of the presentation has been placed on file.

7447.6.3      **Shire of Northam Local Planning Scheme No. 3 Amendment No. 28 – For Final Approval**  
Presenters   Mr Simon O'Hara  
                  Ms Gloria Posselt  
                  Mr Ray Thomas

Ms Posselt gave a brief history of the property that has been in her family for a number of years and the impact that road developments have had on the land. She tabled four additional documents, copies of which have been placed on file.

Mr Thomas and Mr O'Hara provided further detail in support of the case for rezoning the land and against the recommended buffer.

Following questions from Committee Members, Mr O'Hara undertook to provide the response from the Civil Aviation Safety Authority regarding the required clear zones.

**7447.7 Announcements by the Chairperson of the Board and communication from the WAPC**

Nil.

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

### **7447.8 Confirmation of Minutes**

- 7447.8.1      **Minutes of the Statutory Planning Committee meeting held on Tuesday 11 October 2011**

#### **Resolved**

***Moved by Cr MacRae, seconded by Mayor Adams***

*That the minutes of the Statutory Planning Committee meeting held on Tuesday 11 October 2011, be confirmed as a true and correct record of the proceedings.*

***The motion was put and carried.***

### **7447.9 Reports**

- 7447.9.1      **Murdoch Activity Centre Main Street and Mixed Use Precinct Detailed Area Plan and Design Guidelines**  
File                  SPN/0277 & 755/02/17/0004P0003  
Report Number      SPC/53  
Agenda Part        A  
Reporting Officer   Planning Manager Murdoch Activity Centre

An amended recommendation was tabled and a copy has been placed on file, together with a copy of the powerpoint presentation prepared by Mr Bebich. Mr Bebich noted that the changed recommendation was required to remove outdated plans.

#### **Resolved**

***Moved by Mr Holloway, seconded by Cr MacRae***

*That the Western Australian Planning Commission resolves to endorse the:*

- (i)      *Murdoch Activity Centre Main Street and Mixed Use Precinct Design Guidelines: Background and Detailed Area Plan Report (October 2011) subject to removing text references to preliminary staging plans in Chapter 5 – Proposed Staging and Development – and*

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

*removing the preliminary  
staging plans in Appendix C;*

- (ii) *Murdoch Activity Centre Mixed  
Use Precinct and Main Street  
Design Guidelines (October  
2011);*

*to guide planning and development of the  
area.*

***The motion was put and carried.***

**7447.9.2**

### **Endorsement of Outline Development Plan – Lot 14 Murray River Drive, South Yunderup**

File SPN/0267/1  
Report Number SPC/54  
Agenda Part C  
Reporting Officer Planning Manager, Peel

#### **Officer's Recommendation**

That the Western Australian Planning Commission  
resolves to:

1. endorse a modified version of the Outline Development Plan for Lot 14 Murray River Drive, South Yunderup (plan no 2163-12G-01) dated 7 October 2011 (Attachment 4) subject to the following modification:
  - a) an additional provision being added to the Outline Development Plan identifying the requirement to prepare and implement a Mosquito Management Plan as a condition of subdivision approval to the satisfaction and specification of the Shire of Murray;
2. advise the Shire of Murray of its decision and further advise that the endorsed Outline Development Plan has been simplified to consist of a single annotated plan, rather than comprising numerous additional statutory provisions that need to be cross-referenced in a separate report.

#### **Resolved**

***Moved by Ms Burrows, seconded by Cr MacRae***

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

*That the Western Australian Planning Commission resolves to:*

1. endorse a modified version of the Outline Development Plan for Lot 14 Murray River Drive, South Yunderup (plan no 2163-12G-01) dated 7 October 2011 (Attachment 4) subject to the following modification:
  - a) an additional provision being added to the Outline Development Plan identifying the requirement to prepare and implement a Mosquito Management Plan as a condition of subdivision approval to the satisfaction and specification of the Shire of Murray;
  - b) an additional provision relating to cash in lieu be noted on the Outline Development Plan;
2. advise the Shire of Murray of its decision and further advise that the endorsed Outline Development Plan has been simplified to consist of a single annotated plan, rather than comprising numerous additional statutory provisions that need to be cross-referenced in a separate report.

***The motion was put and carried.***

**7447.9.3**

### **Endorsement of Caversham Local Structure Plan**

File	SPN/0202/1
Report Number	SPC/55
Agenda Part	C
Reporting Officer	Planning officer

### **Officer's Recommendation**

*That the Western Australian Planning Commission resolves to:*

1. endorse the Caversham Structure Plan, subject to the schedule of modifications as follows:

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

- Structure plan annotation 4 to be modified to refer to the current 500 metre buffer, measured from the windrow on site. Annotation 4(b) is not supported by the WAPC and is required to be deleted.
  - a) The proposed buffer to the Willorraine Poultry Farm on Lots 12 & 13 Bennett Street to be increased to 500 metres, measured from the cadastral boundary.
  - b) Structure plan annotation 6 to be modified to refer to the 500 metre buffer, measured from the cadastral boundary of the poultry farm. Annotation 6(b) is not supported by the WAPC and is required to be deleted.
  - c) The POS schedule depicted on the structure plan is to be removed. A POS schedule in accordance with Table 11 of Liveable Neighbourhoods is to be prepared and included in the text of the structure plan document.
  - d) The location and distribution of POS is to be reviewed. POS areas shown adjacent to the Reid Highway, and backing onto residential land are not supported due to poor access, amenity and functionality.
- The structure plan legend is to be modified to introduce a reference to the boundary of the 30 metre deep building envelope depicted on the transition lots.
- The deductions from the gross subdivisible area are to be modified as follows:
  - \* The area of the transition lots comprising the 30 metre deep building envelope is not supported as a deduction from the gross subdivisible area. The area of the transition lots outside the 30 metre deep building envelope is supported as a deduction from the gross subdivisible area.
  - \* The structure plan is to be annotated to state that if in future the area of the transition lots that is outside the 30 metre

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

building envelope becomes available for development, then a POS contribution will be required for this area of land.

- The areas of POS & drainage located adjacent to Waldeck Road (shown hatched on the structure plan) are not considered to perform any recreation function and are to be depicted only as drainage.
  - The proponent is to formalise the memorandum of understanding between the City of Swan and the Department of Education prior to the Western Australian Commission's final endorsement of the Caversham structure plan;
2. note the technical appendices accompanying the Caversham structure plan as supporting documents to guide the assessment of subdivision and development for this area;
  3. advise the City of Swan of its decision accordingly.

### **Resolved**

***Moved by Mr Holloway, seconded by Mayor Adams***

*That the Western Australian Planning Commission resolves to:*

1. *endorse the Caversham Structure Plan, subject to the schedule of modifications as follows:*

- *Structure plan annotation 4 to be modified to refer to the current 500 metre buffer, measured from the windrow on site. Annotation 4(b) is not supported by the WAPC and is required to be deleted.*
- a) *The proposed buffer to the Willorraine Poultry Farm on Lots 12 & 13 Bennett Street to be increased to 500 metres, measured from the cadastral boundary.*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

- b) *Structure plan annotation 6 to be modified to refer to the 500 metre buffer, measured from the cadastral boundary of the poultry farm. Annotation 6(b) is not supported by the WAPC and is required to be deleted.*
- c) *The POS schedule depicted on the structure plan is to be removed. A POS schedule in accordance with Table 11 of Liveable Neighbourhoods is to be prepared and included in the text of the structure plan document.*
- d) *The location and distribution of POS is to be reviewed. POS areas shown adjacent to the Reid Highway, and backing onto residential land are not supported due to poor access, amenity and functionality.*
  - *The structure plan legend is to be modified to introduce a reference to the boundary of the 30 metre deep building envelope depicted on the transition lots.*
  - *The deductions from the gross subdivisible area are to be modified as follows:*
    - \* *The area of the transition lots comprising the 30 metre deep building envelope is not supported as a deduction from the gross subdivisible area. The area of the transition lots outside the 30 metre deep building envelope is supported as a deduction from the gross subdivisible area.*
    - \* *The structure plan is to be annotated to state that if in*

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

*future the area of the transition lots that is outside the 30 metre building envelope becomes available for development, then a POS contribution will be required for this area of land.*

- *The areas of POS & drainage located adjacent to Waldeck Road (shown hatched on the structure plan) are not considered to perform any recreation function and are to be depicted only as drainage.*
  - *The proponent is to formalise the memorandum of understanding between the City of Swan and the Department of Education or provide letters of intent prior to the Western Australian Commission's final endorsement of the Caversham structure plan;*
2. *note the technical appendices accompanying the Caversham structure plan as supporting documents to guide the assessment of subdivision and development for this area;*
  3. *advise the City of Swan of its decision accordingly;*
  4. *in consideration of the Structure Plan the Committee notes with concern the visual impact of the fence, but notes the City of Swan supports the Structure Plan, so it should satisfy itself as to the visual impact.*

***The motion was put and carried.***

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

**7447.9.4**

### **Development Application for the Demolition of a Single Storey Dwelling and Construction of a Replacement Two Storey Dwelling - Lot 323 Starling Street Hamilton Hill**

File 23-50395-1  
Report Number SPC/56  
Agenda Part G  
Reporting Officer Planning Manager Metro Planning South West

#### **Resolved**

***Moved by Cr MacRae, seconded by Ms Burrows***

*That the Western Australian Planning Commission resolves to refuse the development application to demolish a single storey dwelling and construction of a replacement two storey dwelling at Lot 323 Starling Street Hamilton Hill for the following reasons:*

1. *the subject land is largely reserved 'Primary Regional Roads' (Roe Highway) in the Metropolitan Region Scheme. The proposed residential development is inconsistent with this reservation;*
2. *the proposed development is contrary to the orderly and proper planning for the Roe Highway Stage 9.*

***The motion was put and carried.***

**7447.9.5**

### **Endorsement of Ashburton North Strategic Industrial Area Structure Plan**

File TPS/0474  
Report Number SPC/57  
Agenda Part G  
Reporting Officer A/Director Northern Regions

#### **Resolved**

***Moved by Mr Farrar, seconded by Mr Holloway***

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

*That the Western Australian Planning Commission resolves to endorse the Ashburton North Strategic Industrial Area Structure Plan (ANSIA Structure Plan) as modified by the Shire of Ashburton.*

***The motion was put and carried.***

**Moved to item 10.1.**

**7447.9.6      Subdivision to Create 2 Lot(s) for Residential Purpose - Lot 136 Brockman Avenue, Dalkeith**  
File                  144461  
Report Number    SPC/64  
Agenda Part       H  
Reporting Officer      Planning Manager, Metropolitan Central

**Resolved**

***Moved by Cr MacRae, seconded by Mr Farrar***

*That the Western Australian Planning Commission resolves to refuse the application for subdivision of Lot 136 Brockman Avenue, Dalkeith for the following reasons:*

1. *the proposed subdivision does not comply with the City of Nedlands Town Planning Scheme No. 2 and WAPC DC Policy DC 2.2 (Residential Subdivision) by reason of the proposed minimum and average lot sizes being below the site area requirements under the R10 Residential Density Code that applies to the subject land;*
2. *approval to the proposed subdivision would set an undesirable precedent for subdivision of similar lots in the locality.*

***The motion was put and carried.***

**Mayor Adams voted against the motion.**

**Moved to Item 6.2.**

# Statutory Planning Committee

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

## 7447.10 Confidential Items

7447.10.1	<b>City of Cockburn - Town Planning Scheme No.3 Amendment No.83 - For Final Approval</b> File TPS/0242 Report Number SPC/58 Agenda Part B Reporting Officer A/Planning Manager, Schemes and Amendments
-----------	--

**THIS ITEM IS CONFIDENTIAL**

7447.10.2	<b>City of Nedlands - Town Planning Scheme No.2 Amendment No.192 - For Final Approval Following Readvertising</b> File TPS/0283 Report Number SPC/59 Agenda Part B Reporting Officer A/Planning Manager, Schemes and Amendments
-----------	---

**THIS ITEM IS CONFIDENTIAL**

7447.10.3	<b>City of Albany - Local Planning Scheme Amendment No 161 - For Final Approval</b> File TPS/0442/1 Report Number SPC/60 Agenda Part E Reporting Officer Planning Manager
-----------	---

**THIS ITEM IS CONFIDENTIAL**

7447.10.4	<b>Shire of Northam - Local Planning Scheme No 3 Amendment 28 For Final Approval</b> File TPS/0447/1 Report Number SPC/61 Agenda Part E Reporting Officer Director, Southern Regions
-----------	--

**THIS ITEM IS CONFIDENTIAL**

7447.10.5	<b>Shire of Ashburton Local Planning Scheme No. 7 - Local Planning Scheme Amendment No. 10 - For Final Approval</b> File TPS/0474 Report Number SPC/62 Agenda Part G Reporting Officer A/Director Northern Regions
-----------	--

**Statutory Planning Committee**

Minutes  
of ordinary meeting 7447  
held on Tuesday 25 October 2011

**THIS ITEM IS CONFIDENTIAL**

<b>7447.10.6</b>	<b>Endorsement of Local Structure Plan: Lot 510 and Pt Lot 511 Kurra Street, Newman</b>
File	388-11
Report Number	SPC/63
Agenda Part	H
Reporting Officer	Director Northern Regions

**THIS ITEM IS CONFIDENTIAL**

**7447.11 General Business**

Nil.

**7447.12 Items for Consideration at a Future Meeting**

<b>Item No</b>	<b>Report</b>	<b>Request</b>	<b>Report Required by</b>
7348	<i>Directions 2031</i>	Planning Director – <i>Directions 2031</i> to brief the Committee following the workshop held on 3 October 2011.	Oct / Nov 2011

**7447.13 Closure**

The next ordinary meeting is scheduled for 10.00 am on Tuesday 8 November 2011.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.11 pm.

**PRESIDING MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_



## ITEM NO: 9.1

### CLARIFICATION OF CONDITION 1 OF DEVELOPMENT APPROVAL FOR LOT 97 ADELAIDE STREET HAZELMERE (WAPC REF: 21-50272-1)

WAPC OR COMMITTEE:	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Planning Manager
AUTHORISING OFFICER:	A/Executive Director
AGENDA PART:	C
FILE NO:	21-50272-1
DATE:	26 October 2011
ATTACHMENT(S):	Attachment 1 - Development Site Plan Attachment 2 - Aerial Photograph
REGION SCHEME ZONING:	Rural Clause 32 No. 10 - Hazelmere Precinct and Adjacent Lands
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	General Rural
LGA RECOMMENDATION:	n/a
REGION DESCRIPTOR:	n/a
RECEIPT DATE:	n/a
PROCESS DAYS:	n/a
APPLICATION TYPE:	n/a
CADASTRAL REFERENCE:	LOT 97 ADELAIDE STREET, HAZELMERE

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves:*

- 1. that the 450 metre buffer between the proposed development and the poultry farm be accepted as meeting the requirements of Condition 1 of the WAPC Decision Letter dated 18 November 2009;*
- 2. the applicant and referral authorities be advised accordingly.*

#### SUMMARY:

- On 10 November 2009 the Western Australian Planning Commission (WAPC) resolved to conditionally approve the development of a Park Home Park consisting of 130 park homes and associated communal recreational facilities at Lot 97 Adelaide Street, Hazelmere.

- 
- Condition 1 of the approval relates to an odour buffer between the proposed Park Home Sites and a poultry farm on Lot 15 Midland Road, Hazelmere.
  - The applicant, G & G Corp Pty Ltd on behalf of Bronzewing Investments Pty Ltd has requested that the WAPC support a 450 metre odour buffer and has provided an odour study to support this request.
  - It is noted that there is an existing Park Home Park located between the proposed development and the poultry farm.
  - The City of Swan advises that there have been no complaints from residents to the north regarding odours from the poultry farm.
  - Based on the odour study and lack of resident complaints it is recommended a 450 metre buffer be accepted in this instance.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	<i>Planning and Development Act 2005</i>
Section:	162
<b>Strategic Plan</b>	
Strategic Goal:	Planning
Outcomes:	Effective Delivery of Integrated Plans
Strategies:	Implement State and Regional Planning priorities
<b>Policy</b>	
Number and / or Name:	<i>State Planning Policy No. 4.3 - poultry farms Policy Environmental Protection Authority's Guidance Note No. 3 Separation Distances Between Industrial and Sensitive Land Uses</i>

## **INTRODUCTION:**

On 10 November 2009 the WAPC resolved to conditionally approve the development of a Park Home Park consisting of 130 park homes and associated communal recreational facilities at Lot 97 Adelaide Street, Hazelmere (**Attachment 1** - Development Site Plan).

The proposed development is located 450 metres from existing, operating poultry farm sheds at Lot 15 Midland Road, Hazelmere to the north of the subject site (**Attachment 2** - Aerial Photography). There is an existing Park Home Park located between the proposed development and the poultry farm to the north.

Condition 1 of the WAPC's approval relates to an odour buffer between the proposed Park Home Sites and a poultry farm on Lot 15 Midland Road, Hazelmere and states:

*The applicant is to submit a plan to the satisfaction of the WAPC illustrating the 500 metre buffer from the nearest shed of the poultry farm on Lot 15*

---

*Midland Road, Hazelmere. The Park Home Sites affected by the 500 metre buffer are to be excluded from the development approval.*

*Alternatively, the applicant can prepare an Odour Impact Assessment, to the satisfaction of the Department of Environment and Conservation, to support a reduction of the 500 metre buffer in accordance with the Environmental Protection Authority's Guidance Note No. 3 Separation Distances Between Industrial and Sensitive Land Uses.*

The applicant has requested that the WAPC support a 450 metre odour buffer from the southernmost shed of the poultry farm to the proposed development and has submitted an odour study to support this request.

## **CONSULTATION:**

The City of Swan supports the proposal.

The Department of Environment and Conservation (DEC) advises that it would not be possible to demonstrate that future residents will not be exposed to nuisance odours. DEC advises that it is possible that offensive odours will occur and be detected at the Park Home Park and that there is a risk that future residents will complain. However, DEC cannot guarantee that no impacts will occur outside the reduced buffer zone. The DEC recommends that in considering the adequacy of a 440 metre separation distance [noting that the actual separation distance is 450 metres] that the WAPC consider whether there are impacts on existing residents.

## **COMMENTS:**

### *State Planning Policy No. 4.3 - poultry farms Policy*

The WAPC's State Planning Policy No. 4.3 - *poultry farms Policy* at 5.4.1 states the following in relation to proposals for residential and rural-residential development in the vicinity of poultry farms:

*"In consideration proposals for the zoning, subdivision and development of land for residential purposes (closer than 500 metres to any existing or approved poultry sheds) and rural-residential purposes (closer than 300 metres to any existing or approved poultry shed), the Commission and/or local government may require an assessment to show that the operation of the poultry farm will [not] adversely affect the amenity of the new residents in the proposed residential and rural-residential area."*

The assessment should include consideration of: the type of poultry farm and odours; odour impacts having regard to site specific condition; and the experiences of nearby residents.

---

Environmental Protection Authority's Guidance Statement No. 3 - Separation Distances Between Industrial and Sensitive Land Uses

The Environmental Protection Authority's Guidance Statement No. 3 - *Separation Distances Between Industrial and Sensitive Land Uses* in Appendix 1: *Separation Distances between Industrial and Sensitive Land Uses* sets a buffer distance of between 300 metres and 1000 metres for "Poultry industry", depending on size.

Odour Impact Assessment & Dispersion Modelling Study - December 2010

The applicant has provided an Odour Impact Assessment Study prepared by The Odour Unit (WA) and completed in December 2010. The field-based ambient odour assessments recommended an odour buffer of 300 metres from the corner of the southern most egg layer shed.

Clarification of Condition 1

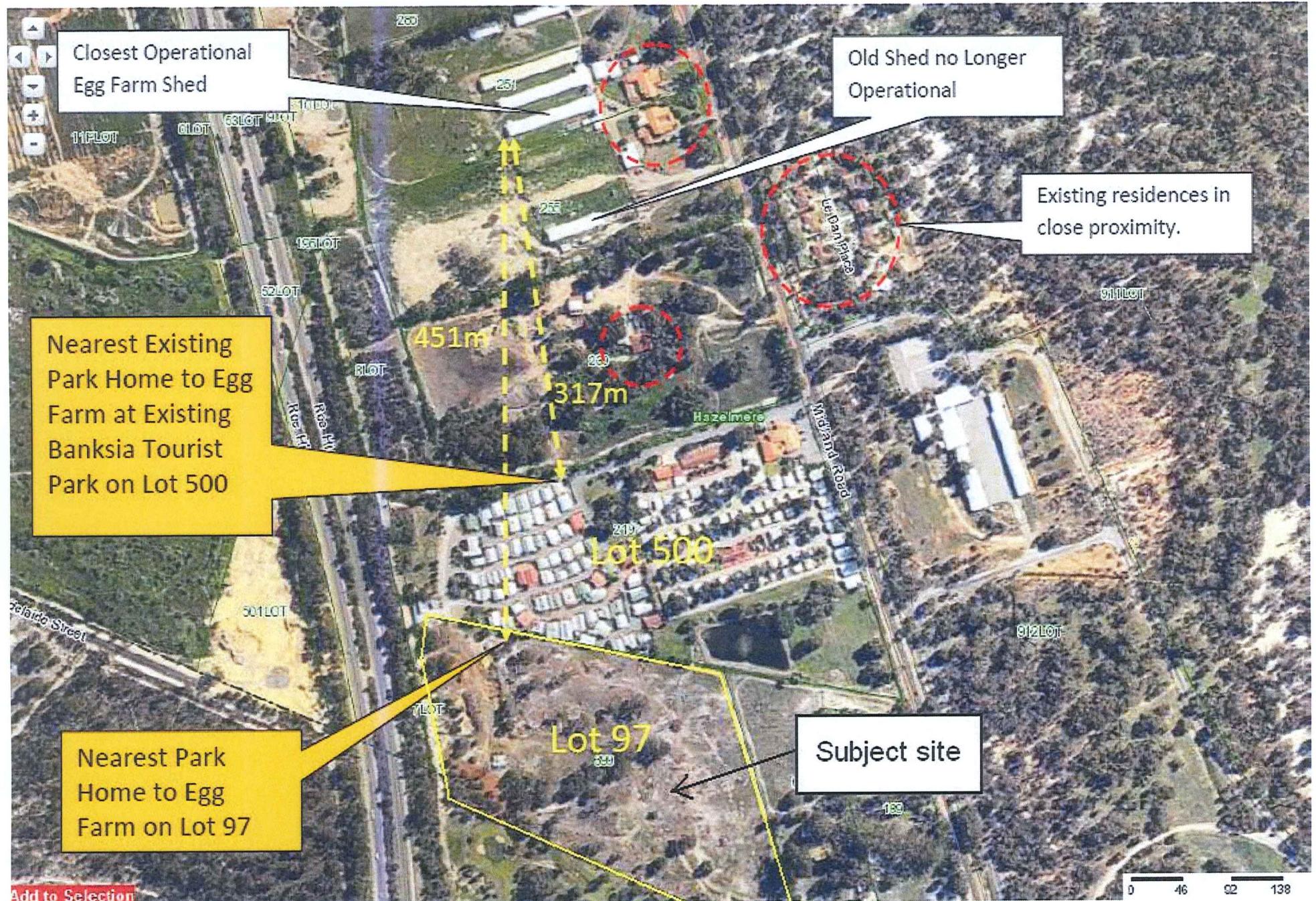
The WAPC's State Planning Policy No. 4.3 - *poultry farms Policy* (SPP 4.3) supports residential development closer than 500 metres to any existing poultry shed provided that an assessment shows that the operation of the poultry farm will not adversely affect the amenity of the new residents. A consideration of this assessment is the experiences of nearby residents based on the evidence of complaints. In this instance the City of Swan advises that there have been no local resident complaints relating to the operation of the poultry farm. Based on the odour assessment and lack of resident complaints, it is considered that development closer than 500 metres to any existing poultry shed can be supported, in this instance, in accordance with SPP 4.3.

The Environmental Protection Authority's Guidance Statement No. 3 - *Separation Distances Between Industrial and Sensitive Land Uses* provides for a buffer of between 300 metres and 1000 metres for "Poultry industry", depending on size. In this instance the existing poultry farm is a relatively small scale operation and it is considered that a buffer of 450 metres is consistent with the buffers provided for in Guidance Statement No. 3.

**CONCLUSION:**

Based on the results of the odour study, the lack of local resident complaints about the existing poultry farm, the existing park home development located between the poultry farm and the subject land, the requirements of the SPP 4.3 and the requirements of Guidance Statement No. 3, a 450 metre buffer between the nearest poultry shed and the proposed development is considered acceptable.







## ITEM NO: 9.2

### APPROVAL OF EASTPORT MARINA OUTLINE DEVELOPMENT PLAN AND MODIFIED EASTPORT CANALS OUTLINE DEVELOPMENT PLAN – CITY OF MANDURAH

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Peel
AUTHORISING OFFICER:	Director, Peel
AGENDA PART:	C
FILE NO:	808/6/13/23PV2
DATE:	21 October 2011
ATTACHMENT(S):	1 – Location Plan 2 – Site Plan 3 – Eastport Marina ODP 4 – Eastport Canals ODP 5 – Eastport Stage 5 ODP 6 – Eastport Marina ODP 8 June 2011 7 – Schedule of Submissions
REGION SCHEME ZONING:	Urban, Waterways Reserve
LOCAL GOVERNMENT:	City of Mandurah
LOCAL SCHEME ZONING:	Canal
LGA RECOMMENDATION:	Endorse with modifications (undertaken)
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	29 July 2011
PROCESS DAYS:	83
APPLICATION TYPE:	Outline Development Plan
CADASTRAL REFERENCE:	45 Rees Place Wannanup

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to:*

- 1. approve the modified Eastport Canals Outline Development Plan (plan no 10/380/001C) dated 29 June 2011 (Attachment 4);**
- 2. approve the Eastport Marina Outline Development Plan, subject to the following modifications:**

- 
- a) *The Marina tourism provisions and Typical Cross Section of the Eastport Marina ODP dated 8 June 2011 (Attachment 6) being reinstated on the ODP; and*
  - b) *an additional provision being added to the ODP identifying the requirement for all new buildings to be designed to be in keeping with the existing development within the marina to the satisfaction of the City of Mandurah;*

**3. advise the City of Mandurah of its decision accordingly.**

**SUMMARY:**

The key points relating to this report are as follows:

- The City of Mandurah seeks the Western Australian Planning Commission's approval of the Eastport Marina Outline Development Plan (ODP) for 45 Rees Place, Wannanup and modifications to the Eastport Canals ODP (**Attachment 1 – Location Plan, Attachment 2 – Site Plan**).
- The Eastport Marina ODP (**Attachment 3**) facilitates a minor increase in commercial development and establishes land use permissibility for the existing Eastport Marina. The site subject to the Eastport Marina ODP is outside of the area affected by the Eastport Canals ODP.
- The Eastport Canals ODP (**Attachment 4**) seeks to simplify the planning controls in Eastport by consolidating the Eastport Canal and Eastport Stage 5 ODPs and removing outdated ODP notes that relate to subdivision works already undertaken.
- 46 submissions were received during the public consultation period, generally relating to car parking, visual amenity and loss of privacy.
- It is recommended that the ODPs be approved subject to modifications. These modifications include the reinstatement of a tourism component (14 short-stay units) removed by Council in response to submissions received during the consultation process.

**BACKGROUND:**

In June 1996, the City of Mandurah issued a development approval for the Eastport Marina.

In August 2002, the WAPC approved the Eastport Canals ODP.

In December 2003, the WAPC approved Eastport Dry Lots (Stage 5) ODP.

In July 2008, the WAPC approved a revised Eastport Dry Lots ODP to introduce canals into Stage 5, subject to modifications (**Attachment 5 – Eastport Stage 5 ODP**). The modifications included increasing the density in Eastport Stage 5 to R50 and updating the ODP annotations to address issues relating to boat mooring and the timing of further design detail to be provided.

In November 2010, the City of Mandurah Council resolved to adopt the proposed modifications to the consolidated Eastport ODP that included Eastport marina for advertising purposes. The review of the planning framework in Eastport was triggered by a development application lodged by the lessee of the marina which proposed an increase in commercial development and 44 short-stay units within the Eastport Marina.

In April 2011, the City of Mandurah Council deferred consideration of the consolidated Eastport ODP to allow for further public consultation. Following the April Council meeting the consolidated Eastport ODP was split in to the Eastport Canals ODP and the Eastport Marina ODP. As part of the modifications the number of short-stay units proposed by the Eastport Marina ODP was reduced to 14.

In June 2011, the City of Mandurah Council resolved to adopt the modifications to the Eastport Canals ODP and the Eastport Marina ODP for final approval subject to the removal of the marina short-stay component of the Eastport Marina ODP. The required modification has been undertaken prior to the documents being referred to the WAPC. Council's decision to remove the short-stay units has been appealed to the State Administrative Tribunal.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	<i>Planning and Development Act 2005 City of Mandurah Town Planning Scheme No 3</i>
Section:	7.11.3.10
<b>Strategic Plan</b>	
Strategic Goal:	Planning
Outcomes:	Planned Local Communities developing a sense of place
Strategies:	Encouraging innovation in the design of communities
<b>Policy</b>	
Number and / or Name:	Planning Bulletin 83 – Planning for Tourism (PB83)

## DETAILS:

The subject site is located east of Old Coast Road, north of the Dawesville Channel and approximately 10.5 km south of the Mandurah city centre (**Attachment 1** – Location Plan). The two ODPs cover approximately 55.2 ha of land and canals zoned Canal under the Town Planning Scheme No3 (TPS3) and Urban under the Peel Region Scheme (PRS) (**Attachment 2** – Site Plan).

The City proposes the Eastport Marina ODP (**Attachment 3**) and the Eastport Canals ODP (**Attachment 4**) to provide development standards for these two areas within Eastport.

The Eastport Canals ODP

The Eastport Canals ODP was updated following a review of the existing Eastport and Eastport Stage 5 ODPs undertaken by the City planning officers. The revised ODP proposes to consolidate these ODPs. Notations relating to subdivision

---

requirements that have since been satisfied are proposed to be removed and notations that establish ongoing monitoring or management of the canal subdivision are proposed to be retained. Of the original 17 notations four have been retained, addressing the following aspects of development in Eastport:

- i) the permissibility of jetties;
- ii) maximum length of moored vessels;
- iii) a requirement for the ground level of lots abutting foreshore reserves to be developed one metre higher than the foreshore reserve; and
- iv) the requirement for the ongoing monitoring, reporting and remediation of water quality be subject to a deed of agreement with the City of Mandurah.

The Eastport Canals ODP has been reformatted to be consistent with planning documents recently approved by the City. As part of the reformatting descriptive notations identifying future facilities on the ODP including public car parking, shared paths and fishing platforms have been removed as these facilities have already been constructed.

### The Eastport Marina ODP

The Eastport Marina ODP has been prepared to establish the permissibility of land uses on the Canal zoned site in accordance with clause 4.11.1 of TPS3.

The Eastport Marina ODP establishes an area of approximately 1,250m<sup>2</sup> identified for commercial development with Convenience Store, Lunch Bar, Restaurant, Office and Shop all permitted uses as well as identifying the existing parking area and existing Regional Open Space reservations. This represents an increase of about 360 m<sup>2</sup> to the existing commercial development at the Eastport Marina.

The version of the ODP presented to Council for final approval in June 2011 (**Attachment 6**) included provision for the development of 14 short-stay units between the existing commercial development and the first boat pen gatehouse (approximate distance of 60 m). The proposed location for the short-stay accommodation is separated from the existing residential areas of Eastport by the marina boat pens and the public canal waterway creating a minimum separation distance of about 180 m.

The typical cross section of the short-stay accommodation provided on this version of the ODP illustrates that the proposed two storey units will be developed over the water to maintain existing car parking and access to the secure boat pens. The ODP establishes a building envelope that allows the short-stay development to extend a maximum of 8 m into the water way utilised for boat pens. The maximum building height is as per category 'B' in the Residential Design Codes (two storeys and 9 m to pitch of roof) from a minimum finished floor level of 2.7 m AHD.

Council resolved to remove these components of the Eastport Marina ODP, as discussed in further detail in the officer's comments section of this report.

### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The Department of Transport are the lessor of the Eastport Marina.

---

## **CONSULTATION:**

The Eastport Canals and Eastport Marina ODPs were advertised as a single consolidated ODP between 6 December 2010 and 17 January 2011 with 48 submissions received from 46 submitters including 35 objections. That version of the ODP included provision for a maximum of 44 short-stay units near the marina pens.

The consolidated Eastport ODP was presented to Council for final approval in April 2011. At this meeting Council resolved to defer consideration of the ODP to facilitate further consultation with the community due to the significant interest generated by the initial advertising period. Following the April Council meeting City officers divided the consolidated Eastport ODP in to the Eastport Canals ODP and the Eastport Marina ODP. The Eastport Marina ODP was modified to reduce the number of short-stay accommodation units from 44 to 14 in response to submissions. The Eastport Canals and Eastport Marina ODPs were presented to the community at a public information session in May 2011 which was attended by 50 community members. The two ODPs were not formally readvertised by the City however a further 14 submissions were received and presented to Council. As these submission were not received during the formal advertising period they are not incorporated in the Schedule of Submissions (**Attachment 7**).

The objections from the advertising period relate to the short-stay accommodation proposed in the Eastport Marina ODP and the potential impact a tourist development could have on visual amenity, privacy and nuisance created by noise. The adequacy of car parking supply at the subject site was also highlighted as a significant issue in submissions. The Schedule of Submissions includes a summary of the issues raised and the response prepared by Council officers for the report to Council together with DoP's comments.

## **OFFICER'S COMMENTS:**

### Short-Stay Accommodation

As mentioned earlier, Council removed the proposed short-stay component of the ODP in response to submissions received.

The area upon which short-stay development is proposed is not identified for tourism purposes in the City's endorsed Local Tourism Planning Strategy. However, the subject site exhibits qualities identified by PB83 including its unique location adjacent to the Dawesville Channel and Peel Inlet, accessibility, capacity for tourism development, proximity to amenities such as the nearby cafe and proximity to tourism activities such as recreational fishing.

The separation distance from existing residential development and the reduced number of units (14) proposed by the version of the Eastport Marina ODP prepared in June 2011 is considered to be sufficient to maintain appropriate levels of privacy and minimise impacts on amenity for existing residents in Eastport. Accordingly, Council's decision to remove the short-stay units from the ODP is not supported. It is recommended that the 14 short-stay units and associated provisions as presented to Council at the June meeting be incorporated back into the Marina ODP.

---

### Car parking

The Eastport marina provides 201 car parking bays and 157 car/trailer bays within the Eastport Marina ODP area. The table below illustrates the various parking requirements from the Department of Transport and TPS3 for the existing and proposed development within the ODP area.

<b>Development</b>	<b>Area/No.</b>	<b>Parking standards</b>	<b>No of Bays Required</b>
Boat Pens	180	0.3 - 0.6 per pen	54 -108
Existing Office	47m <sup>2</sup>	11 per 35 m <sup>2</sup> GLA	15
Existing Shop	127 m <sup>2</sup>	8 per 100 m <sup>2</sup> GLA	11
Existing Restaurant	120 seats	1 per 4 seats	30
Proposed Lunch Bar	59 m <sup>2</sup>	8 per 100 m <sup>2</sup> GLA	5
Proposed Shop	262 m <sup>2</sup>	8 per 100 m <sup>2</sup> GLA	21
Proposed Short-Stay Accommodation	14 Units	1 per unit	14
<b>TOTAL</b>			<b>150-204</b>

The existing and proposed uses require a total of between 150 and 204 standard car parking bays. The existing car parking bays are sufficient for the proposed uses, including the 14 short-stay units. The Department of Transport as the lessor of the Eastport Marina are satisfied that the parking facilities provided are in excess of the current requirements for the marina facilities on the subject site.

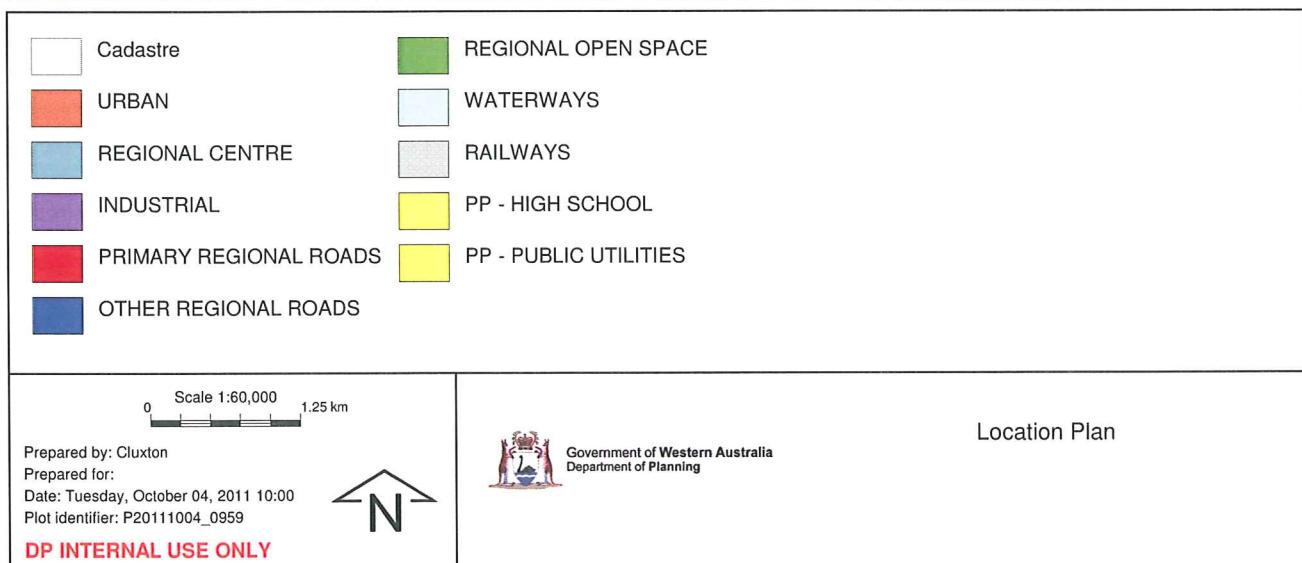
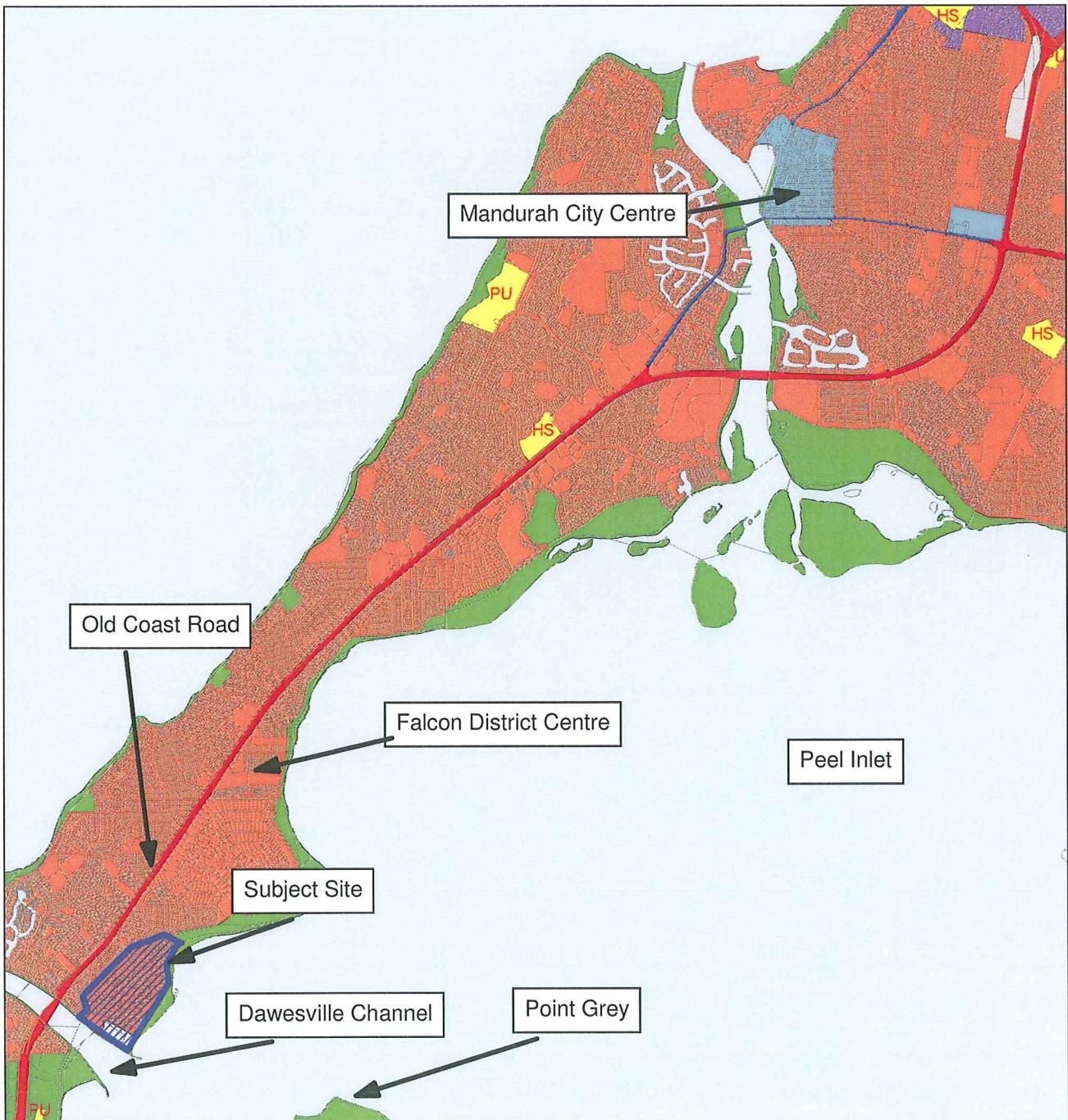
### Additional Modifications

It is recommended that an additional provision be added requiring all new buildings to be designed to be in keeping with the existing development at the Eastport Marina.

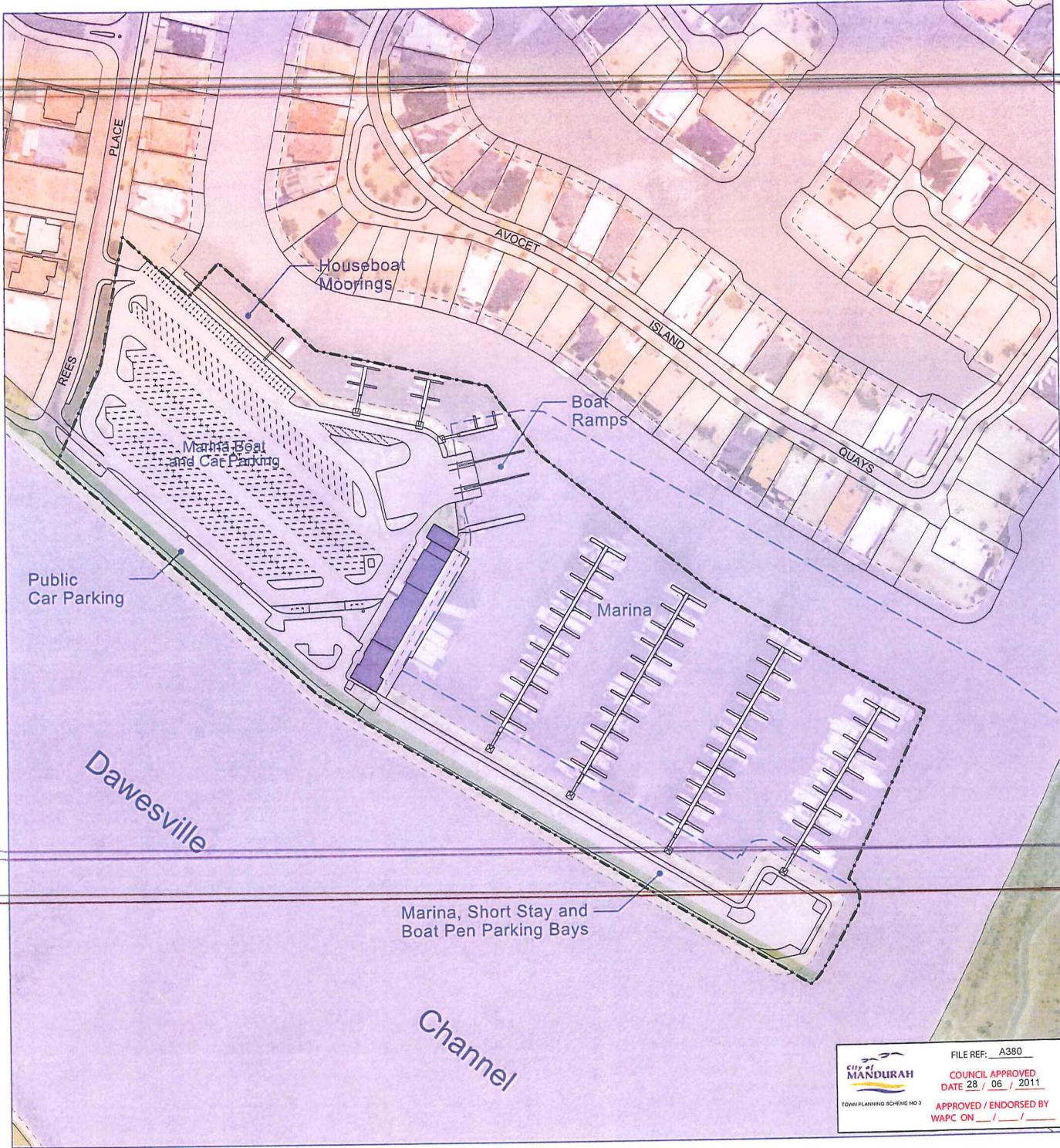
### Justification

The ODPs are supported, subject to modifications, for the following reasons:

- i) The site is well located relative the public infrastructure and natural amenity;
- ii) The ODP will facilitate a wider range of uses in the Eastport Marina; and
- iii) The ODP will facilitate more efficient use of existing infrastructure.







## Outline Development Plan Legend

## All Development

Uses: Marina (P)

defined as per Scheme 3 which states:

"means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and showrooms used in connection therewith"

Design: All materials and elevations of any new buildings shall be similar to existing marina buildings

Other: Legal agreement / easement required to ensure proposed boardwalk is accessible to public at all times

A Noise Management Plan and Waste Management Plan is required at the time of a development application being made

## Marina Commercial

Additional Uses: Convenience Store (P)  
Lunch Bar (P)  
Restaurant (P)  
Office (P)  
Shop (P)

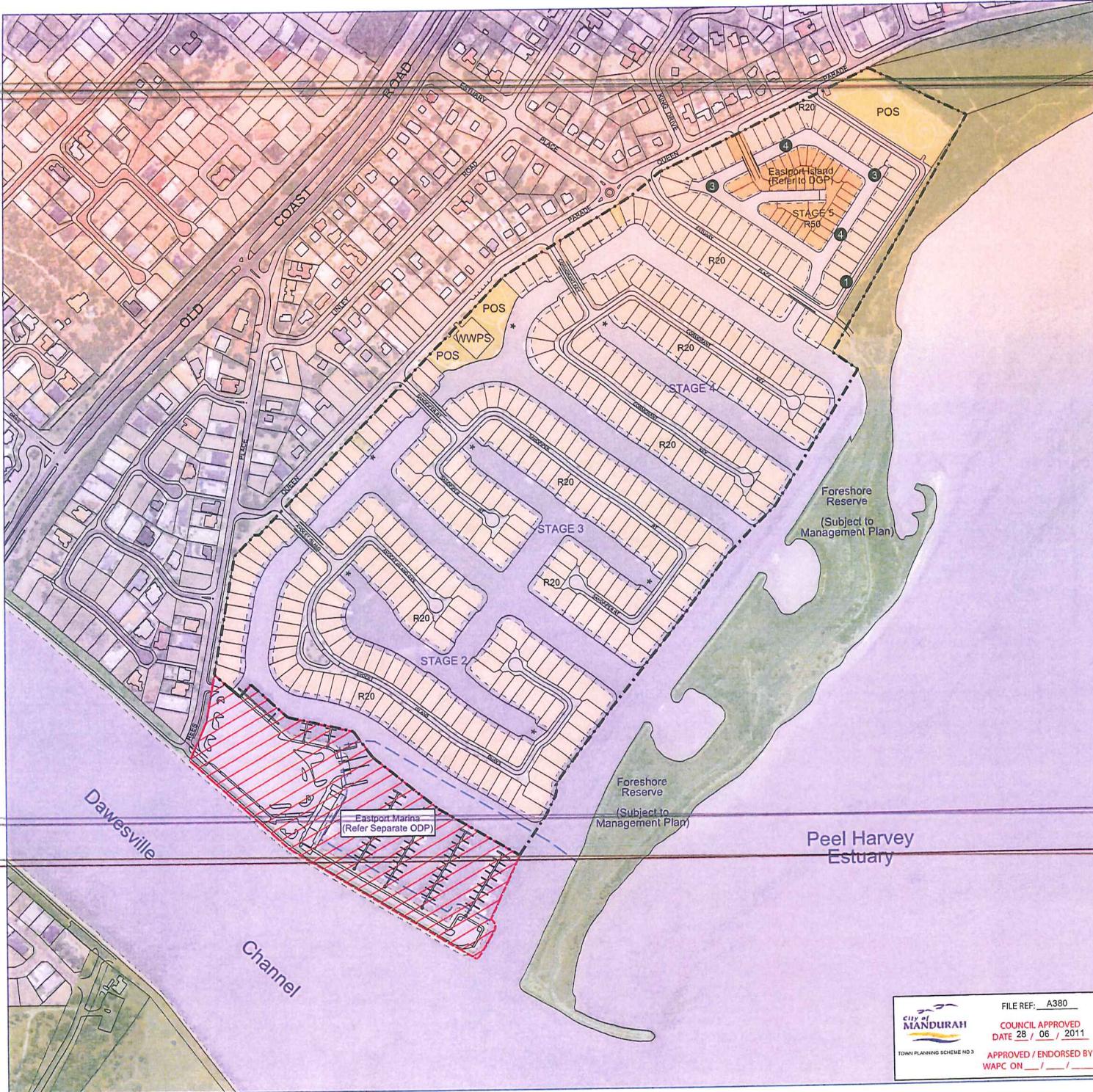
Marina Hard Stand and Parking

Regional Open Space

Existing PRS Waterways Reserve Boundary

Outline Development Plan Boundary





## Outline Development Plan Legend

- R20 Residential R20
- R50 Residential R50 (Subject to DGP)

Eastport Marina  
(Refer Separate ODP)

Regional Open Space

Local Open Space

Community Purpose Reserve  
(Waste Water Pump Station)

Existing PRS Waterways Reserve Boundary

\* Waterway Access Points

Outline Development Plan Boundary

## Outline Development Plan Notes

- ① The ground level of the lot abutting the Foreshore Reserve shall be at least 1 metre higher than ground level of the Foreshore Reserve. The provision of appropriate fencing to restrict direct access to the Foreshore Reserve from this property shall form a condition of any future subdivision approval within the 'Eastport Stage 5 ODP' area.
- ② Ongoing monitoring, reporting and remediation (if necessary) of water quality – as outlined in the 'Acid Sulfate Soils and Dewatering Management Plan' reviewed by the Contaminated Sites Branch of the Department of Environment and Conservation in May/June 2007 – shall be required to be undertaken at cost to the Developer and to the satisfaction of the Department of Environment and Conservation and the City of Mandurah, for a period of time to be determined in the Deed of Agreement.
- ③ The maximum length of any moored vessel in the waterway(s) constructed in the 'Stage 5' area shall not exceed 7.5 metres and a maximum width of any moored vessel shall not exceed 3 metres.
- ④ No jetties shall be permitted within the 'Stage 5' area, with the exception of those lots located on the southern side of Estuary Place.

FILE REF: A380

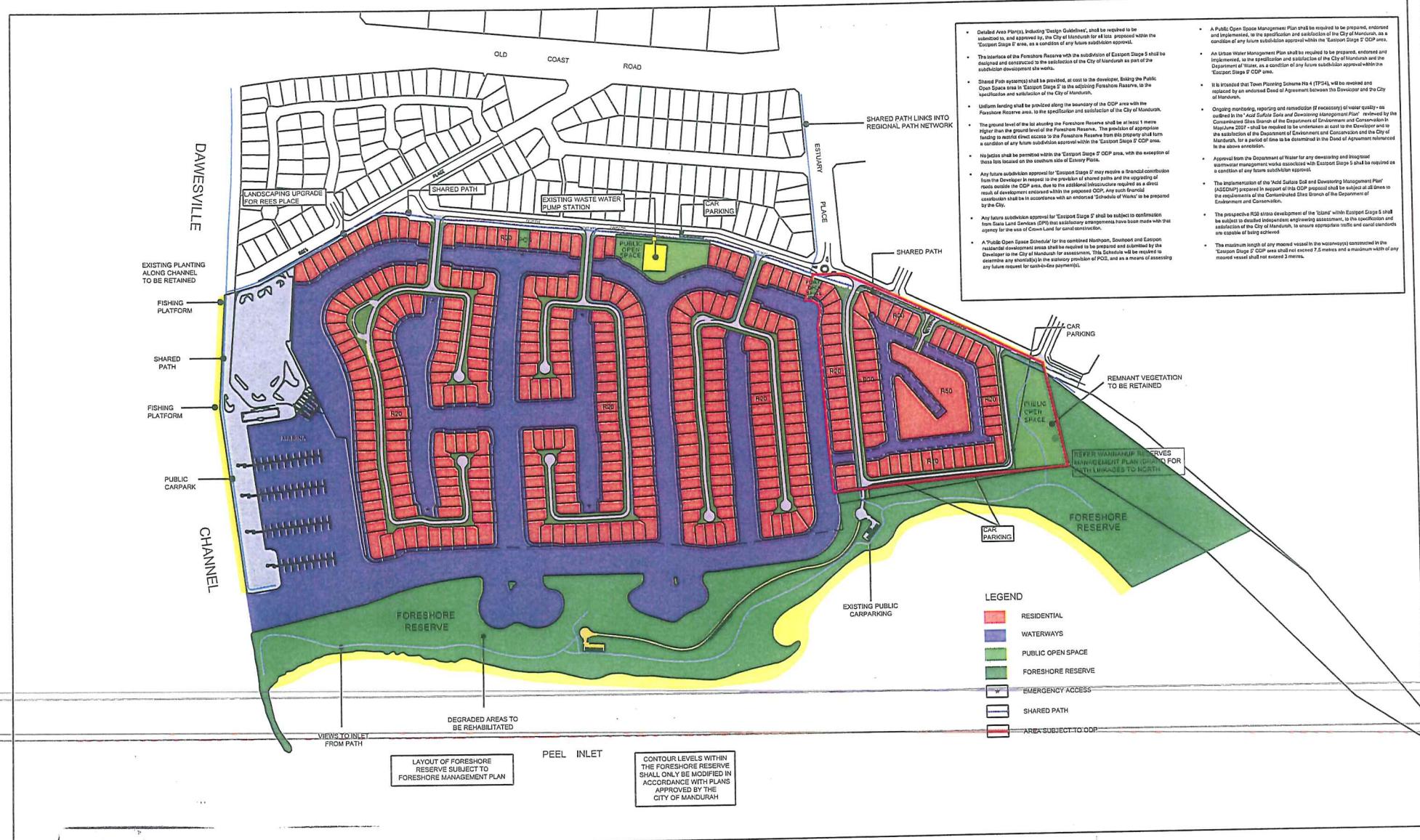
CITY OF MANDURAH  
TOWN PLANNING SCHEME NO 3

COUNCIL APPROVED  
DATE 28 / 06 / 2011

APPROVED / ENDORSED BY  
WAPC ON \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

0 50 100m  
29 June 2011 | 103800151C 1:2000 © A3





**APPROVED/ENDORSED  
BY THE WESTERN AUSTRALIAN PLANNING  
COMMISSION ON 9 JULY 2008.**



**eastport stage 5  
outline development plan  
port boulevard eastport precinct**

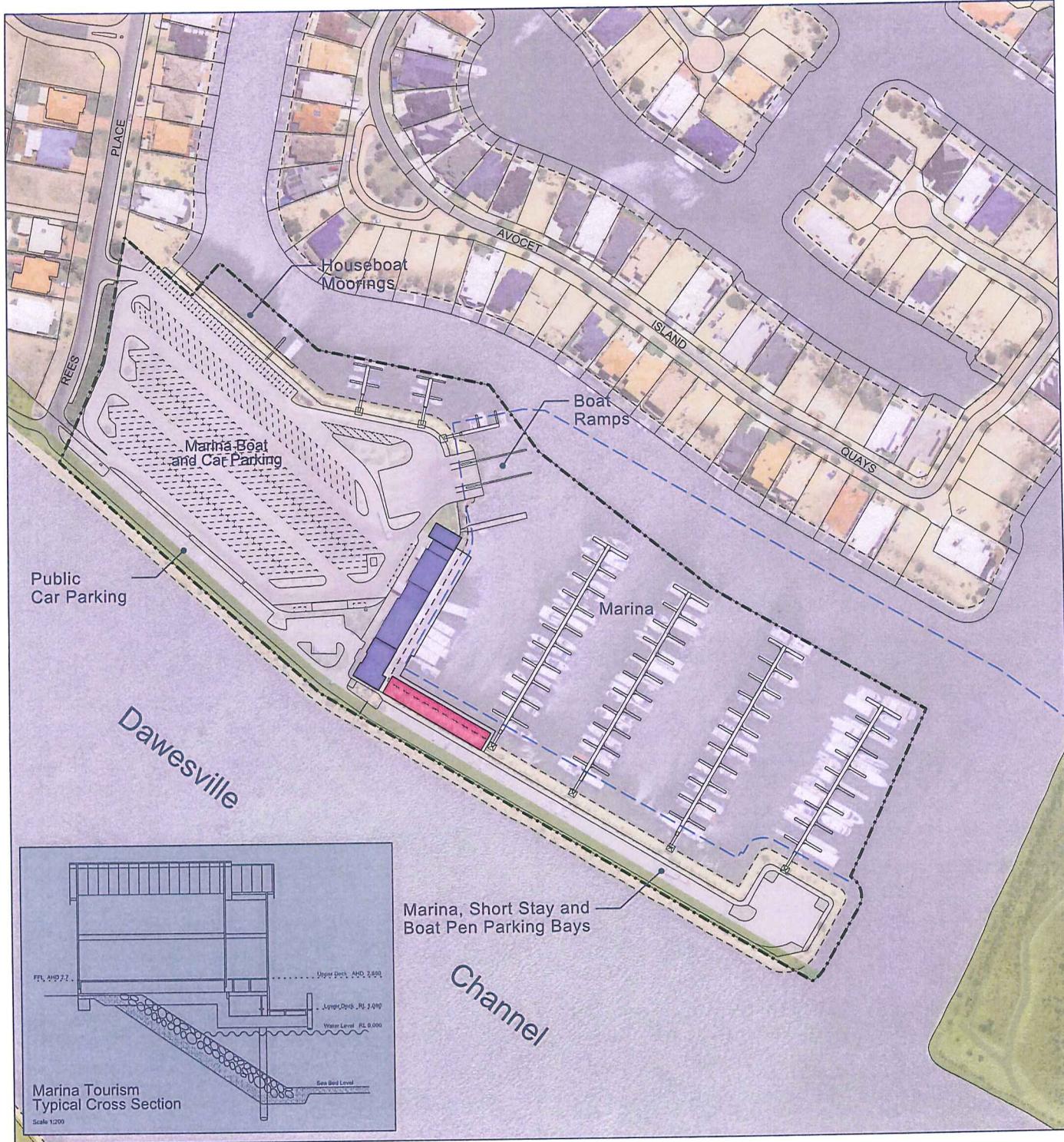
date 21 July 08 ref 3112 E  
scale 1:4000 @A2 rref 030801 stage 5  
designer C Richards drawn D McCulloch  
client

area 3,369 / NEWCASTLE AVENUE, NORTHBRIDGE, WESTERN AUSTRALIA 6000

RECEIVED FOR INFORMATION UNDER THE INFORMATION ACT  
10 AUGUST 2008  
NAME: [redacted]  
ADDRESS: [redacted]



**GREG ROWE  
AGENDA PAGE 43**



## Outline Development Plan Legend

## All Development

Uses: Marina (P)

defined as per Scheme 3 which states:

"means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and showrooms used in connection therewith"

**Design:** All materials and elevations of any new buildings shall be similar to existing marina buildings

Other: Legal agreement / easement required to ensure proposed boardwalk is accessible to public at all times

A Noise Management Plan and Waste Management Plan is required at the time of a development application being made

Marina Commercial

Additional Uses: Convenience Store (P)  
Lunch Bar (P)  
Restaurant (P)  
Office (P)  
Shop (P)

Marina Tourism

Additional Uses: Serviced Apartment (P)  
Chalet (P)

Scale: Maximum 14 short stay units

Height: As per 'Category B' of the R-Codes (total height 9.0m to ridge (two storeys) measured from minimum finished floor level of 2.7m AHD

Car Parking: 1 bay designated per unit

**Building Location:** Any buildings being a maximum distance of 8.0m from the top of the existing revetment wall

Any boardwalk being a maximum distance of 10.0m from the top of the existing revetment wall

- [White box] Marina Hard Stand and Parking
- [Light green box] Regional Open Space
- [Blue box] Existing PRS Waterways Reserve Boundary
- [Black dashed box] Outline Development Plan Boundary

**Schedule of Submissions**  
**Proposed Modification to the Eastport Canals ODP & Eastport Marina ODP**

No	Submitter	Summarised Submission	Council Officer Comment/Recommendation	WAPC Comment/Recommendation
1	WA Gas Networks Pty Ltd	No objection to the proposal.	Noted.	Noted.
2	Department of Water	No objection to the proposal.	Noted.	Noted.
3	Department of Transport	No objection to the proposal. As the applicant leases the marina from the Department of Transport, the Department reserves the right to comment on the ODP prior to submission to the WAPC.	Noted.	Noted.
4	Bronzewing Investments 219 Midland Road Hazelmere	<ul style="list-style-type: none"> <li>a. Support the proposal as it will promote vibrancy in and around the marina. This is consistent with State Planning Policy 4.2 – Activity Centres. Furthermore the City should consider increasing residential densities around the focal commercial centre of the marina.</li> <li>b. Council should impose conditions on any future development approvals that the applicant submits a certified geotechnical report including a dilapidation report detailing the structural conditions of existing properties on Avocet Island Quay.</li> <li>c. The proposed short-stay accommodation will attract other commercial activities resulting in noise, odour and inappropriate signage. This must be strictly controlled by Council.</li> <li>d. Council must ensure adequate provision of car parking.</li> </ul>	<ul style="list-style-type: none"> <li>a. Noted.</li> <li>b. Noted. This issue will be addressed at development application stage.</li> <li>c. Noted. These issues will be addressed at development application stage.</li> <li>d. Noted. A parking feasibility study was prepared by the applicant for the Department of Planning and identified 101 parking bays in the gated parking area near to the site for the proposed short-stay accommodation. 51 of these bays are designated for wet pen occupants with an excess of 50 bays in the area. Furthermore there are 130 bays in the main parking area of the marina. It is considered that there will be adequate parking for the proposed 14 short-stay accommodation units.</li> </ul>	<ul style="list-style-type: none"> <li>a. Noted. The scale of development contemplated by the modification to the Eastport Marina ODP is below that addressed in SPP4.2</li> <li>b. Dismiss. Geotechnical information would be considered at a development application stage in accordance with the City's standard practise. Information required as part of a complete development application will relate to the specific development and subject site.</li> <li>c. Dismiss. Agree with Council comments.</li> <li>d. Dismiss. A car parking audit/assessment was undertaken by the proponent for the Department of Transport as the Lessor of the Eastport Marina (not the Department of Planning as indicated in the Council Officer comment). This assessment identified that there is a total of 358 car and car/trailer bays within</li> </ul>

				the Marina ODP area. The ODP proposes to increase the commercial development on the subject site by approximately 321m <sup>2</sup> and 14 short-stay units. The number of bays on the site is in excess of the requirements of the Department of Transport for the boat ramp facility and wet pens on the site and the additional uses can be accommodated on site utilising the existing parking.
5	M Davison via e-mail	<ul style="list-style-type: none"> <li>a. Object to the proposal due to concerns of parking congestion as part of the car park has been caged off for long term hardstand boat storage.</li> <li>b. Object to the proposal due to increased traffic on Rees Place both during construction of the short-stay units and in the long term.</li> <li>c. Object to the proposal due to uncertainty of height restrictions on development.</li> <li>d. Object to the proposal due to concern if short-stay accommodation is unviable that the units may become permanent residential.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment - A parking feasibility study was prepared by the applicant for the Department of Planning and identified 101 parking bays in the gated parking area near to the site for the proposed short-stay accommodation. 51 of these bays are designated for wet pen occupants with an excess of 50 bays in the area. Furthermore there are 130 bays in the main parking area of the marina. It is considered that there will be adequate parking for the proposed 14 short-stay accommodation units.</li> <li>b. Comment - It is considered that the proposed 14 short-stay accommodation units will not result in a noticeable increase in traffic on Rees Place. The City imposes strict conditions in relation to construction management of all developments in order to minimise the negative impacts on resident's amenity during this time.</li> <li>c. Comment - It is recommended that additional provisions be included on the ODP to specify a maximum height of two storeys for future development.</li> <li>d. Comment - The City would only consider and therefore approve a proposal for short-stay accommodation as per the modified ODP.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 4d.</li> <li>b. Dismiss. Agree with Council comments.</li> <li>c. Dismiss. The version of the Eastport Marina ODP that is recommended for approval (Attachment 6) designates the maximum building height in accordance with Category B of the Residential Design Codes being two storeys (maximum wall height of 6 m and 9 m to top of a pitched roof). This design requirement is consistent with surrounding development.</li> <li>d. Dismiss. Agree with Council comments.</li> </ul>

		e. What guarantees will the developer and council give that access to marina pens and boat ramp will not be impacted during construction of the short-stay accommodation?	e. Noted. As a condition of planning approval the applicant will be required to ensure that access to marina pens and the boast ramp is not impacted through a Construction Management Plan to be provided prior to the issue of a building licence.	e. Noted. Agree with Council comments.
6	S Tegart 29 Avocet Island Quays Wannanup	a. Object to the proposal due to inadequate detail relating to the development plan.  b. The proposal will decrease property values in the area.	a. Comment - The proposed ODP is intended as a guide for future development within the area. Any proposed development is then subject to a full assessment through the development application process including consultation with neighbouring residents.  b. Comment - Property values are not a material planning consideration.	a. Dismiss. The development provisions and land use permissibility established by the Eastport Marina ODP are required to facilitate the preparation and consideration of a more detailed development application.  b. Dismiss. Agree with Council comments.
7	L G Cutland 33 Avocet Island Quays Wannanup	a. Object to the proposal due to inadequate detail relating to the development plan.  b. Object to the proposal due to the negative impact on visual amenity.  c. Object to the proposal due to the loss of privacy.  d. Object to the proposal due to the increased pollution and rubbish.	a. Comment – As per 6a.  b. Comment - It is recommended that additional provisions be included on the ODP to specify a maximum height of two storeys for future development together with the ODP requirement regarding the design of buildings needing to match existing marina buildings.  c. Comment - The proposed short-stay accommodation complies with the zoning of 'Canal' under the City's Town Planning Scheme No 3.  d. Comment - The applicant will be required to provide a Waste Management Plan, prior to the issue of a planning approval.	a. Dismiss. As per 6a  b. Dismiss. The proposed modification to the Eastport ODP includes provisions relating to the height, FFL and design of the development. The separation between the proposed two storey short-stay units and the existing dwellings in Eastport is a minimum of 180 m; this separation is considered sufficient enough to maintain the visual amenity of the existing residents.  c. Dismiss. The proposed units are located approximately 180m from the nearest dwelling. Between the existing residences and the site of the proposed short-stay units are the marina boat pens and a public canal waterway. This distance is sufficient to maintain the existing levels of privacy to residents.  d. Dismiss. The development of 14 short-stay units is not expected to result in significant increase in rubbish or pollution. As referred to in the Council comment the

	<p>e. Object to the proposal due to the increase in noise from the proposed short-stay accommodation.</p> <p>f. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>g. The proposal will decrease property values in the area.</p> <p>h. Object to the proposal due to the inadequacy of parking facilities.</p> <p>i. What approvals are necessary to construct dwellings over the water, given land owners of adjoining lots are constrained to a minimum of 2 metres from the canal wall?</p>	<p>e. Comment - The applicant will be required to provide a Noise Management Plan prior to the issue of a building licence.</p> <p>f. Comment -. The applicant has advised that strict requirements in regard to behaviour will be included in the lease of the short-stay accommodation.</p> <p>g. Comment - Property values are not a material planning consideration.</p> <p>h. Comment - A parking feasibility study was prepared by the applicant for the Department of Planning and identified 101 parking bays in the gated parking area near to the site for the proposed short-stay accommodation. 51 of these bays are designated for wet pen occupants with an excess of 50 bays in the area. Furthermore there are 130 bays in the main parking area of the marina. It is considered that there will be adequate parking for the proposed 14 short-stay accommodation units.</p> <p>i. Comment - The applicant is required to obtain a planning approval and a building licence prior to construction commencing. As part of these processes, the applicant will be required to demonstrate through the necessary engineering certifications that the wall is capable of supporting the proposal.</p>	<p>required waste management plan will address the disposal of waste from the site.</p> <p>e. Dismiss. The location of the proposed units is separated from the existing sites zoned residential by a minimum of approximately 180 m. This separation distance and the required noise management plan can address concerns related to increase in noise.</p> <p>f. Dismiss. Agree with Council comment.</p> <p>g. Dismiss. Agree with Council comment.</p> <p>h. Dismiss. As per 4d.</p> <p>i. Noted. The modification to the ODP establishes the land use permissibility this will facilitate a future development application that will be subject to the standard practices of the City.</p>
--	--	---	---

8	D & C Maskill 32 Avocet Quays Wannanup Island	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to the loss of privacy.</li> <li>c. Object to the proposal due to increased pollution and rubbish.</li> <li>d. Object to the proposal due to security issues associated with short-stay visitors.</li> <li>e. Object to the proposal due to increase in noise from the proposed accommodation.</li> <li>f. The short-stay units will lead to an increase in anti-social behaviour within the area.</li> <li>g. The proposal will decrease property values in the area.</li> <li>h. What approvals are necessary to construct dwellings over the water, given land owners of adjoining lots are constrained to a minimum of 2 metres from the canal wall?</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7c.</li> <li>c. Comment – as per 7d.</li> <li>d. Comment – As per 7f.</li> <li>e. Comment – As per 7e.</li> <li>f. The applicant has advised that strict requirements in regard to behaviour will be included in the lease of the short-stay accommodation.</li> <li>g. Comment – As per 7g.</li> <li>h. Comment – As per 7i.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7c.</li> <li>c. Dismiss. As per 7d.</li> <li>d. Dismiss. As per 7f.</li> <li>e. Dismiss. As per 7e.</li> <li>f. Dismiss. Agree with Council comment.</li> <li>g. Dismiss. Agree with Council comment.</li> <li>h. Noted. As per 7i</li> </ul>
9	S de Mouncey via e-mail	<ul style="list-style-type: none"> <li>a. Supportive of the proposal due to the opportunity for local firms to be awarded design, construction and related contracts.</li> <li>b. Supportive of the proposal due to ongoing employment opportunities for locals.</li> <li>c. Supportive of the proposal due to economic benefits for businesses within and surrounding the marina.</li> <li>d. Rare chance to have absolute waterfront accommodation for tourists.</li> <li>e. Supportive of the proposal due to creation of a social hub for local residents.</li> <li>f. Aesthetic improvements to the current site.</li> </ul>	<ul style="list-style-type: none"> <li>a. Noted.</li> <li>b. Noted.</li> <li>c. Noted.</li> <li>d. Noted.</li> <li>e. Noted.</li> <li>f. Noted.</li> </ul>	<ul style="list-style-type: none"> <li>a. Noted.</li> <li>b. Noted.</li> <li>c. Noted.</li> <li>d. Noted.</li> <li>e. Noted.</li> <li>f. Noted.</li> </ul>

		<p>g. Supportive of the proposal due to it creating a deterrent to any anti-social behaviour that may currently exist.</p> <p>h. Supportive of the proposal due to increased trade.</p>	<p>g. Noted.</p> <p>h. Noted.</p>	<p>g. Noted.</p> <p>h. Noted.</p>
10	R Bishop 80 Mandurah Terrace Mandurah	<p>a. Supportive of the proposal due to increased tourism potential.</p> <p>b. Supportive of the proposal due to increased trade.</p>	<p>a. Noted.</p> <p>b. Noted.</p>	<p>a. Noted.</p> <p>b. Noted.</p>
11	K & T Delane 45 Rees Place Wannanup	Supportive of the proposal due to increased trade.	Noted.	Noted.
12	RJ & JA Ashfield 28 Avocet Quays Wannanup	<p>a. Object to the proposal due to the negative impact on visual amenity.</p> <p>b. Object to the proposal due to the loss of privacy.</p> <p>c. Object to the proposal due to increased pollution and rubbish.</p> <p>d. Object to the proposal due to increase in noise from the proposed short-stay accommodation.</p> <p>e. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>f. The proposal will decrease property values in the area.</p> <p>g. Object to the proposal due to the inadequacy of parking facilities.</p> <p>h. What approvals are necessary to construct dwellings over the water, given land owners of adjoining lots are constrained to a minimum of 2 metres from the canal wall?</p>	<p>a. Comment – As per 7b.</p> <p>b. Comment – As per 7c.</p> <p>c. Comment – As per 7d.</p> <p>d. Comment – As per 7e.</p> <p>e. Comment – As per 7f.</p> <p>f. Comment – As per 7g.</p> <p>g. Comment – As per 7h.</p> <p>h. Comment – As per 7i.</p>	<p>a. Dismiss. As per 7b.</p> <p>b. Dismiss. As per 7c.</p> <p>c. Dismiss. As per 7d.</p> <p>d. Dismiss. As per 7e.</p> <p>e. Dismiss. As per 7f.</p> <p>f. Dismiss. As per 7g.</p> <p>g. Dismiss. As per 4d.</p> <p>h. Noted. As per 7i.</p>

12a	R & J Ashfield 28 Avocet Quays Wannanup	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to the loss of privacy.</li> <li>c. Object to the proposal due to increased pollution and rubbish.</li> <li>d. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>e. The proposal will decrease property values in the area.</li> <li>f. Object to the proposal due to the inadequacy of parking facilities.</li> <li>g. What approvals are necessary to construct dwellings over the water, given land owners of adjoining lots are constrained to a minimum of 2 metres from the canal wall?</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7c.</li> <li>c. Comment – As per 7d.</li> <li>d. Comment – As per 7e.</li> <li>e. Comment – As per 7g.</li> <li>f. Comment – As per 7h.</li> <li>g. Comment – As per 7i.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7c.</li> <li>c. Dismiss. As per 7d.</li> <li>d. Dismiss. As per 7e.</li> <li>e. Dismiss. As per 7g.</li> <li>f. Dismiss. As per 4d.</li> <li>g. Noted. As per 7i.</li> </ul>
13	I & K Johnson 3 Spoonbill Retreat Wannanup	<ul style="list-style-type: none"> <li>a. Object to the proposal to build high density short-term accommodation.</li> <li>b. Object to the proposal due to the likely impact on existing infrastructure and increased traffic.</li> <li>c. Object to the proposal due to increase in noise from the proposed short-stay accommodation.</li> <li>d. Object to the proposal due to security issues associated with short-stay visitors.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment - 14 short-stay accommodation units is not considered to be high density. It is recommended that additional provisions be included on the ODP to specify a maximum height of two storeys for future development together with the ODP requirement regarding the design of buildings needing to match existing marina buildings.</li> <li>b. Comment - It is considered that the proposed 14 short-stay accommodation units will not result in a noticeable increase in traffic and the existing infrastructure.</li> <li>c. Comment – As per 7e.</li> <li>d. Comment – As per 7f.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. Agree with Council Officer comment. The proposed development will not have setbacks to adjoining dwellings given the substantial separation between the subject site and the existing residential dwellings. Given the different style of development and location proposed it is reasonable to consider alternative building design.</li> <li>b. Dismiss. Agree with Council Officer Comment.</li> <li>c. Dismiss. As per 7e.</li> <li>d. Dismiss. As per 7f.</li> </ul>

		<p>e. Object to the proposal due to a negative environmental impact.</p> <p>f. Object to proposal due to inconsistent building setbacks relative to existing development through restrictive covenants.</p> <p>g. The proposal will decrease property values in the area.</p>	<p>e. Comment - As the marina exists, it is considered that the scale of the proposed 14 short-stay units will not have an adverse impact on the environment.</p> <p>f. Comment - Restrictive covenants are not approved or enforced by the City and are a matter between the landowner and the developer.</p> <p>g. Comment – As per 7g.</p>	<p>e. Dismiss. Agree with Council Officer comment.</p> <p>f. Dismiss. The subject site is on the Eastport Marina will not be subject to the same restrictive covenant as residential lots within Eastport. Given the different style of development and location proposed it is reasonable to consider alternative building design.</p> <p>g. Dismiss. As per 7g.</p>
14	D & R Unsworth 25 Avocet Quays Wannanup WA 6210	<p>a. Object to the proposal as there is not room to construct the proposed short-stay accommodation.</p> <p>b. Object to the proposal due to a negative environmental impact.</p> <p>c. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>d. Object to the proposal due to increased traffic.</p> <p>e. Object to the proposal due to the negative impact on visual amenity.</p>	<p>a. Comment - The proposed short-stay accommodation is to be constructed over the water subject to the necessary engineering certification for the wall. This will be assessed at development application stage.</p> <p>b. Comment – As per 13e.</p> <p>c. Comment – As per 7e.</p> <p>d. Comment – As per 13b.</p> <p>e. Comment – As per 7b.</p>	<p>a. Dismiss. Agree with Council comment. The existing car parking and access has been identified to be retained on the proposed ODP an detailed design prepared for the proposed units will be require to accommodate the existing access.</p> <p>b. Dismiss. As per 13e.</p> <p>c. Dismiss. As per 7e.</p> <p>d. Dismiss. As per 13b.</p> <p>e. Dismiss. As per 7b.</p>
15	B & A Milne 27 Rees Place Wannanup	<p>a. The proposal will decrease property values in the area.</p> <p>b. Object to the proposal as the existing house boats have a negative impact in regard to noise.</p> <p>c. Object to the proposal due to the inadequacy of parking facilities.</p> <p>d. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p>	<p>a. Comment – As per 7g.</p> <p>b. Noted. Officers will further investigate if complaints have been received in this regard.</p> <p>c. Comment – As per 7h.</p> <p>d. Comment – As per 7e.</p>	<p>a. Dismiss. As per 7g.</p> <p>b. Dismiss. Agree with Council Officer comment.</p> <p>c. Dismiss. As per 4d.</p> <p>d. Dismiss. As per 7e.</p>

		e. Object to the proposal due to the negative impact on visual amenity.	e. Comment – As per 7b.	e. Dismiss. As per 7b.
16	J & D Pronk 2 Gratitude Way Dawesville WA 6211	<p>a. Object to the proposal due to the limited building envelope, which would impact upon access.</p> <p>b. Object to the proposal due to the negative impact on visual amenity.</p> <p>c. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>d. Object to the proposal due to increased traffic.</p>	<p>a. Comment - The short-stay accommodation is proposed to be constructed over the water and will not impact on access.</p> <p>b. Comment – As per 7b.</p> <p>c. Comment – As per 7f.</p> <p>d. Comment – As per 13b.</p>	<p>a. Dismiss. Agree with Council comment. The existing car parking and access has been identified to be retained on the proposed ODP and detailed design prepared for the proposed units will be required to accommodate the existing access.</p> <p>b. Dismiss. As per 7b.</p> <p>c. Dismiss. As per 7f.</p> <p>d. Dismiss. As per 13b.</p>
17	G Ahrens & C Taveira 9 Calliance Way Dawesville WA 6211	<p>a. Object to the proposal due to the limited building envelope, which would impact upon access.</p> <p>b. Object to the proposal due to negative impact on visual amenity.</p> <p>c. Object to the proposal due to increased traffic and restricted parking.</p> <p>d. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>e. Object to the proposal due to security issues associated with short-stay visitors.</p>	<p>a. Comment – As per 16a.</p> <p>b. Comment – As per 7b.</p> <p>c. Comment – As per 7h.</p> <p>d. Comment – As per 7e.</p> <p>e. Comment – As per 7f.</p>	<p>a. Dismiss. As per 16a.</p> <p>b. Dismiss. As per 7b.</p> <p>c. Dismiss. As per 4d.</p> <p>d. Dismiss. As per 7e.</p> <p>e. Dismiss. As per 7f.</p>
18	T & S Flavel 3 Takari Crescent City Beach	<p>a. Object to the proposal due to the negative impact on visual amenity.</p> <p>b. Object to the proposal due to loss of privacy.</p> <p>c. Object to the proposal due to increased pollution and rubbish.</p> <p>d. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>e. Object to the proposal due to security issues associated with short-stay visitors.</p>	<p>a. Comment – As per 7b.</p> <p>b. Comment – As per 7c.</p> <p>c. Comment – As per 7d.</p> <p>d. Comment – As per 7e.</p> <p>e. Comment – As per 7f.</p>	<p>a. Dismiss. As per 7b.</p> <p>b. Dismiss. As per 7c</p> <p>c. Dismiss. As per 7d.</p> <p>d. Dismiss. As per 7e.</p> <p>e. Dismiss. As per 7f.</p>

		<p>f. The proposal will decrease property values in the area.</p> <p>g. Object to the proposal due to the inadequacy of parking facilities.</p> <p>h. What approvals are necessary to construct dwellings over the water, given land owners of adjoining lots are constrained to a minimum of 2 metres from the canal wall?</p>	<p>f. Comment – As per 7g.</p> <p>g. Comment – As per 7h.</p> <p>h. Comment – As per 7i.</p>	<p>f. Dismiss. As per 7g.</p> <p>g. Dismiss. As per 4d.</p> <p>h. Noted. As per 7i.</p>
19	P Hunstock 4 Wilderness Drive Dawesville WA 6211	<p>a. Object to the proposal due to increased noise.</p> <p>b. Object to the proposal due to the negative impact on visual amenity.</p> <p>c. The proposal will decrease property values in the area.</p>	<p>a. Comment – As per 7e.</p> <p>b. Comment – As per 7b.</p> <p>c. Comment – As per 7g.</p>	<p>a. Dismiss. As per 7e.</p> <p>b. Dismiss. As per 7b.</p> <p>c. Dismiss. As per 7g.</p>
20	A R Fury Birth A20 C/O Port Bouvard Marina 45 Rees Place Wannanup	<p>a. Object to the proposal due to the negative impact on visual amenity.</p> <p>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>c. Object to the proposal due to loss of privacy.</p> <p>d. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>e. Object to the proposal due to the inadequacy of parking facilities.</p>	<p>a. Comment – As per 7b.</p> <p>b. Comment – As per 7e.</p> <p>c. Comment – As per 7c.</p> <p>d. Comment – As per 7f.</p> <p>e. Comment – As per 7h.</p>	<p>a. Dismiss. As per 7b.</p> <p>b. Dismiss. As per 7e.</p> <p>c. Dismiss. As per 7c.</p> <p>d. Dismiss. As per 7f.</p> <p>e. Dismiss. As per 4d.</p>
21	S Challan Birth A28 PO Box 1227 Mandurah	<p>a. Object to the proposal due to the negative impact on visual amenity.</p> <p>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>c. Object to the proposal due to loss of privacy.</p> <p>d. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>e. Object to the proposal due to the inadequacy of parking facilities.</p>	<p>a. Comment – As per 7b.</p> <p>b. Comment – As per 7e.</p> <p>c. Comment – As per 7c.</p> <p>d. Comment – As per 7f.</p> <p>e. Comment – As per 7h.</p>	<p>a. Dismiss. As per 7b.</p> <p>b. Dismiss. As per 7e.</p> <p>c. Dismiss. As per 7c.</p> <p>d. Dismiss. As per 7f.</p> <p>e. Dismiss. As per 4d.</p>

22	R J & P H Bresland 4 Wheelwright Road Lesmurdie	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to loss of privacy.</li> <li>d. Object to the proposal due to security issues associated with short-stay visitors.</li> <li>e. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7c.</li> <li>d. Comment – As per 7f.</li> <li>e. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 7c.</li> <li>d. Dismiss. As per 7f.</li> <li>e. Dismiss. As per 4d.</li> </ul>
23	R Bresland Jnr 25 Sovereign Place Forrestfield	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to loss of privacy.</li> <li>d. Object to the proposal due to security issues associated with short-stay visitors.</li> <li>e. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7c.</li> <li>d. Comment – As per 7f.</li> <li>e. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>Dismiss. As per 7b.</li> <li>Dismiss. As per 7e.</li> <li>Dismiss. As per 7c.</li> <li>Dismiss. As per 7f.</li> <li>Dismiss. As per 7h.</li> </ul>
24	F J Rice 8 McPherson Street Menora	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to loss of privacy.</li> <li>d. Object to the proposal due to security issues associated with short-stay visitors.</li> <li>e. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7c.</li> <li>d. Comment – As per 7f.</li> <li>e. Comment - As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 7c.</li> <li>d. Dismiss. As per 7f.</li> <li>e. Dismiss. As per 4d.</li> </ul>
25	B Bresland 25 Sovereign Place Forrestfield	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> </ul>

		<p>c. Object to the proposal due to loss of privacy.</p> <p>d. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>e. Object to the proposal due to the inadequacy of parking facilities.</p>	<p>c. Comment – As per 7c.</p> <p>d. Comment – As per 7f.</p> <p>e. Comment - As per 7h.</p>	<p>c. Dismiss. As per 7c.</p> <p>d. Dismiss. As per 7f.</p> <p>e. Dismiss. As per 4d.</p>
26	O Cronk 45 Rees Place Wannanup	<p>a. Object to the proposal due to the negative impact on visual amenity.</p> <p>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>c. Object to the proposal due to loss of privacy.</p> <p>d. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>e. Object to the proposal due to the inadequacy of parking facilities.</p>	<p>a. Comment – As per 7b.</p> <p>b. Comment – As per 7e.</p> <p>c. Comment – As per 7c.</p> <p>d. Comment – As per 7f.</p> <p>e. Comment - As per 7h.</p>	<p>a. Dismiss. As per 7b.</p> <p>b. Dismiss. As per 7e.</p> <p>c. Dismiss. As per 7c.</p> <p>d. Dismiss. As per 7f.</p> <p>e. Dismiss. As per 4d.</p>
27	J Schaefer 4 Goldsworthy Loop Dawesville	<p>a. Object to the proposal due to the negative impact on visual amenity.</p> <p>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>c. Object to the proposal due to loss of privacy.</p> <p>d. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>e. Object to the proposal due to the inadequacy of parking facilities.</p>	<p>a. Comment – As per 7b.</p> <p>b. Comment – As per 7e.</p> <p>c. Comment – As per 7c.</p> <p>d. Comment – As per 7f.</p> <p>e. Comment - As per 7h.</p>	<p>a. Dismiss. As per 7b.</p> <p>b. Dismiss. As per 7e.</p> <p>c. Dismiss. As per 7c.</p> <p>d. Dismiss. As per 7f.</p> <p>e. Dismiss. As per 4d.</p>
28	B Mansfield 15 Gratitude Way Dawesville	<p>a. Object to the proposal due to the negative impact on visual amenity.</p> <p>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>c. Object to the proposal due to the inadequacy of parking facilities.</p>	<p>a. Comment – As per 7b.</p> <p>b. Comment – As per 7e.</p> <p>c. Comment – As per 7h.</p>	<p>a. Dismiss. As per 7b.</p> <p>b. Dismiss. As per 7e.</p> <p>c. Dismiss. As per 4d.</p>

29	A G & R J Thunder 17 Gratitude Way Dawesville	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 4d.</li> </ul>
30	E Butler 16 Moorburg Drive Dawesville	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 4d.</li> </ul>
31	P Banks 1 Enchantress Lane Dawesville	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 4d.</li> </ul>
32	R & J Yandle 8 Moorburg Drive Dawesville	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 4d.</li> </ul>
33	J Lodge 5 Moorburg Drive Dawesville	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 4d.</li> </ul>
34	L & M Krombas 234 Estuary Road Dawesville	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> </ul>

	<p>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>c. Object to the proposal due to height that development could be.</p> <p>d. Object to the proposal due to loss of privacy.</p> <p>e. Object to the proposal due to increased pollution and rubbish.</p> <p>f. Object to the proposal due to security issues associated with short-stay visitors.</p> <p>g. Object to the proposal due to the inadequacy of parking facilities.</p> <p>h. What approvals are necessary to construct dwellings over the water, given land owners of adjoining lots are constrained to a minimum of 2 metres from the canal wall?</p> <p>i. The marina should not be offering boat repairs and outboard/inboard services and boat wash downs.</p> <p>j. The area needs some beautification measures.</p>	<p>b. Comment – As per 7e.</p> <p>c. Comment - The marina has a residential density of R40 under the City's Town Planning Scheme No 3. The R40 zoning restricts the height to 12 metres to the top of a pitched roof.</p> <p>d. Comment – As per 7c.</p> <p>e. Comment – As per 7d.</p> <p>f. Comment - As per 7f.</p> <p>g. Comment – As per 7h.</p> <p>h. Comment – As per 7i.</p> <p>i. Comment - Boat owners have utilised the services of mobile marine repairers since the commencement of the marina. The applicant has no plans to lease a commercial tenancy to a boat repair business, however a change of use to a commercial tenancy would require planning approval from the City.</p> <p>j. Noted.</p>	<p>b. Dismiss. As per 7e.</p> <p>c. Dismiss. The version of the Eastport Marina ODP that is recommended for approval (Attachment 6) designates the maximum building height in accordance with Category B of the Residential Design Codes being two storeys (maximum wall height of 6 m and 9 m to top of a pitched roof). This design requirement is consistent with surrounding development.</p> <p>It is noted that the Council's officer comment is inconsistent with previous comments responding to submission 5c regarding the height of the proposed short-stay units.</p> <p>d. Dismiss. As per 7c.</p> <p>e. Dismiss. As per 7d.</p> <p>f. Dismiss. As per 7f.</p> <p>g. Dismiss. As per 4d.</p> <p>h. Dismiss As per 7i.</p> <p>i. Dismiss. Agree with Council Officer comment.</p> <p>j. Noted.</p>
--	---	--	--

35	M & T Harris 24 Avocet Island Quays Wannanup	Do not object to the proposal as extra retail and commercial business would create more visitors and lift the appeal of the marina.	Noted.	Noted.
36	Y & N Gowegati 22 Avocet Island Quays Wannanup	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to height that development could be.</li> <li>d. Object to the proposal due to loss of privacy.</li> <li>e. Object to the proposal due to increased pollution and rubbish.</li> <li>f. Object to the proposal due to security issues associated with short-stay visitors.</li> <li>g. Object to the proposal due to the inadequacy of parking facilities.</li> <li>h. What approvals are necessary to construct dwellings over the water, given land owners of adjoining lots are constrained to a minimum of 2 metres from the canal wall.</li> <li>i. The marina should not be offering boat repairs and outboard/inboard services and boat wash downs.</li> <li>j. The area needs some beautification measures.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 5c.</li> <li>d. Comment – As per 7c.</li> <li>e. Comment – As per 7d.</li> <li>f. Comment – As per 7f.</li> <li>g. Comment – As per 7h.</li> <li>h. Comment – As per 7i.</li> <li>i. Comment – As per 34i.</li> <li>j. Noted.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 5c.</li> <li>d. Dismiss. As per 7c.</li> <li>e. Dismiss. As per 7d.</li> <li>f. Dismiss. As per 7f.</li> <li>g. Dismiss. As per 4d.</li> <li>h. Dismiss. As per 7i.</li> <li>i. Dismiss. As per 34i.</li> <li>j. Noted.</li> </ul>
37	S Johnston 75 Avocet Island Quays Wannanup	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to the inadequacy of parking facilities.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment - As per 7e.</li> <li>c. Comment – As per 7h.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 4d.</li> </ul>
38	A Kenny 10 Moorburg Drive Wannanup	<ul style="list-style-type: none"> <li>a. Object to the proposal due to the negative impact on visual amenity.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7b.</li> <li>b. Comment – As per 7e.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7b.</li> <li>b. Dismiss. As per 7e.</li> </ul>

		c. Object to the proposal due to the inadequacy of parking facilities.	c. Comment – As per 7h.	c. Dismiss. As per 4d.
39	Greg Rowe & Associates Level 2, 69 Pinjarra Road Mandurah	<p>a. Object to the proposal due to the inadequacy of parking facilities.</p> <p>b. Object to the proposal due to the negative impact on visual amenity.</p> <p>c. Object to proposal due to inconsistent building setbacks relative to existing development.</p> <p>d. Object to the proposal due to increase in noise from proposed short-stay accommodation.</p> <p>e. Object to the proposal due to increased traffic.</p> <p>f. Object to the proposal due to a failure to comply with existing statutory and strategic documents.</p>	<p>a. Comment – As per 7h</p> <p>b. Comment – As per 7b</p> <p>c. Comment - As the proposed short-stay units are to be constructed over the water, the applicant has agreed to a Finished Floor Level of 2.7 metres AHD as per the Department of Water's recommendation in recognition of the potential to tidal surges and sea level rise in this area.</p> <p>d. Comment – As per 7e.</p> <p>e. Comment – As per 13b.</p> <p>f. Comment - The proposed short-stay accommodation complies with the zoning of 'Canal' Residential R40 under the City's Town Planning Scheme No 3 and the City's Local Tourism Planning Strategy.</p>	<p>a. Dismiss. As per 4d.</p> <p>b. Dismiss. As per 7b.</p> <p>c. Dismiss. The setbacks proposed for the short-stay units can be considered independently of existing development requirements for dwellings within Eastport. The subject site is separated from residential development and the marina wall is of different construction to the residential canal walls. These differences provide sufficient ground for the Council to consider different development standards for the short-stay units.</p> <p>d. Dismiss. As per 7e.</p> <p>e. Dismiss. As per 13b.</p> <p>f. Dismiss. The modification of the Eastport ODP will establish the statutory framework for the consideration of the proposed development. The City Tourism Planning Strategy does not preclude the consideration of additional tourism development on sites not specifically identified within the strategy.</p>
40	M Andrews 31 Rees Place Wannanup	<p>a. Object to the proposal due to the security issues associated with short-stay visitors.</p> <p>b. Object to the proposal due to the negative impact on visual amenity.</p>	<p>a. Comment – As per 7f.</p> <p>b. Comment – As per 7b.</p>	<p>a. Dismiss. As per 7f.</p> <p>b. Dismiss. As per 7b.</p>

41	C Puls 4 Wilderness Drive Dawesville	<ul style="list-style-type: none"> <li>a. Object to the proposal due to a failure to comply with existing zoning.</li> <li>b. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>c. Object to the proposal due to height that development could be.</li> <li>d. Object to the proposal due to the negative impact on visual amenity.</li> <li>e. The proposal will decrease property values in the area.</li> <li>f. Object to the proposal due to increased pollution and rubbish.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment - The proposed modifications to the ODP comply with the 'Canal' zoning under the City's Town Planning Scheme No 3.</li> <li>b. Comment – As per 7e.</li> <li>c. Comment – As per 5c.</li> <li>d. Comment – As per 7b.</li> <li>e. Comment – As per 7g.</li> <li>f. Comment – As per 7d.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 39f.</li> <li>b. Dismiss. As per 7e.</li> <li>c. Dismiss. As per 5c.</li> <li>d. Dismiss. As per 7b.</li> <li>e. Dismiss. As per 7g.</li> <li>f. Dismiss. As per 7d.</li> </ul>
42	EA & JA Rampellini 143 Darwin Terrace Dudley Park	<ul style="list-style-type: none"> <li>a. Object to the proposal due to loss of privacy.</li> <li>b. Object to the proposal due to the negative impact on visual amenity.</li> <li>c. Object to the proposal due to increased pollution and rubbish.</li> <li>d. Object to the proposal due to increase in noise from proposed short-stay accommodation.</li> <li>e. Object to the proposal due to security issues associated with short-stay visitors.</li> <li>f. Object to the proposal due to the inadequacy of parking facilities.</li> <li>g. Object to the proposal due to rules in regard to canal setback for permanent land owners differing from that of short-stay accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>a. Comment – As per 7c.</li> <li>b. Comment – As per 7b.</li> <li>c. Comment – As per 7d.</li> <li>d. Comment – As per 7e.</li> <li>e. Comment – As per 7f.</li> <li>f. Comment – As per 7h.</li> <li>g. Comment - The City's Town Planning Scheme No 3 specifies setback for residential lots adjacent to a canal. These would not apply to the proposed short-stay units however certification would be required to show the wall is capable of sustaining the development.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. As per 7c.</li> <li>b. Dismiss. As per 7b.</li> <li>c. Dismiss. As per 7d.</li> <li>d. Dismiss. As per 7e.</li> <li>e. Dismiss. As per 7f.</li> <li>f. Dismiss. As per 4d.</li> <li>g. Dismiss. Agree with Council Officer comment.</li> </ul>
43	W A Mills Director Port Bouvard Charters	Support the development as it will be make it more beneficial to our business as well as make it a more vibrant and attractive Marina.	Noted.	Noted.

44	Kim De Lacy 18 Queen Parade Wannanup	Support the development as it will encourage employment opportunities and tourism, more activity and people to visit the area.	Noted.	Noted.
45	Brian Rob Pen B24	Support the development as it is a positive step forward and will enhance general security in the area. The area will be more active and the marina will become even more enjoyable.	Noted.	Noted.
46	Robert Palmero 10 Avocet island Quays Wannanup	<p>a. Support the development as it will bring in business to the area supporting shops and restaurants.</p> <p>b. It will also add atmosphere and bring life to the area, adding value to the properties in the area.</p> <p>c. Restrictions that should be added are:</p> <ul style="list-style-type: none"> <li>i) Lower than existing buildings</li> <li>ii) Colours chosen by residents</li> <li>iii) Chalets to look trendy and not cheap</li> <li>iv) Landscaping to be organised</li> <li>v) Rules and regulations to be implement to keep out hoons and late partying</li> <li>vi) Security to patrol Marina and Chalets</li> <li>vii) Long term swipe gates to prevent public access to main area of car park after late hours.</li> </ul>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. A further development application will be required to be submitted in which such detail will be considered. The applicant has advised that strict requirements in regard to behaviour will be included in the lease of the short-stay accommodation.</p>	<p>Noted.</p> <p>Noted.</p> <p>Dismiss. The ODP advertised requires the short-stay units to be designed to be consistent with the existing commercial development. The ODP does not consider the creation of a secure parking area for the public marina.</p>



## ITEM NO: 9.3

### **LOTS 1, 11, 71 AND 73 NORTH BEACH ROAD, GWELUP - APPLICATION TO WAPC TO DEEM LOCAL GOVERNMENT CONDITIONS COMPLIED WITH. DEPOSITED PLAN 67672 - STAGE 2**

**WAPC OR COMMITTEE:** **Statutory Planning Committee**

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Director Planning - Metropolitan Central  
AUTHORISING OFFICER: A/Executive Director PPP  
AGENDA PART: C  
FILE NO: 140665  
DATE: 25th October 2011  
ATTACHMENT(S): 1 - Location Plan  
2 - WAPC approval, 10 December 2009  
3 - Deposited Plan 67672

#### **RECOMMENDATION:**

***That the Western Australian Planning Commission resolves to determine that the Local Government Conditions associated with the subdivision approval WAPC ref 140665 Lots 1, 11, 71 and 73 North Beach Road, Gwelup, when Deposited Plan 67672 is received.***

#### **SUMMARY:**

The Western Australian Planning Commission (WAPC) has been requested to endorse a Deposited Plan for Stage 2 of the Erindale Grove proposal, which represents 39 residential lots, road reserves and public open space for Lots 1, 11, 71 and 73 North Beach Road, Gwelup in the City of Stirling (The City) (**Attachments 1 to 3**). The WAPC is required to endorse deposited plans under section 145(4) of the Planning and Development Act 2005 (the Act).

The City has not provided clearances for local government conditions due to the existence of asbestos containing material (ACM) within the subject site, and the view that it would be unacceptably burdened by an Ongoing Site Management Plan (OSMP) related to management of the road reserves and public open space.

The proponent is in the process of securing all the necessary clearances. The City of Stirling is meeting on Tuesday 8th November 2011, to consider granting clearance to the proposal.

---

The Department of Environment and Conservation (DEC) has reviewed investigation, remediation and validation of the affected land in consultation with the Department of Health (DOH) under the Contaminated Sites Act 2003, and agreed that the subject land is suitable for the intended uses.

It is recommended that WAPC endorse deposited plan 67672.

## **BACKGROUND:**

Conditional approval was issued on 12 October 2005 for subdivision of Lots 1, 11, 71 and 73 North Beach Road, Gwelup to create 62 residential lots, public open space areas, and road reserves (WAPC Ref - 128441).

The subdivision was constructed, but as some clearances were not submitted within the required 4 year timeframe, the subdivision approval expired. Accordingly, the current application was submitted, and conditional approval was issued on 10 December 2009 (WAPC Ref - 140665). Condition 29 in the WAPC approval for the subdivision states:

*"Prior to commencement of site works, investigation for soil and groundwater contamination is to be carried out to the specifications of the Department of Environment. (DEC)"*

In February 2010, the DOP became aware that the subject site was affected by asbestos containing material (ACM), and that it had been remediated to the satisfaction of the DEC in consultation with DOH in accordance with the Contaminated Sites Act 2003 (classified "Remediated for restricted use" on 22 February 2010).

The proponent in order to satisfy the requirements of DEC for Stages One has undertaken the necessary site works, with Stage One works verified with a Mandatory Audit Report (MAR) from an independent auditor.

The City initially cleared all of the conditions for Stage One, but then changed its position to withhold clearances on Stage One, with that deposited plan being cleared by SPC in February 2011.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	<i>Planning and Development Act</i>
Section:	Section 145 (4) - Approving Diagram or Plan of Survey
<b>Strategic Plan</b>	
Strategic Goal:	Regulation
Outcomes:	Effectively, consistent and enforceable regulation
Strategies:	Improve, streamline and simplify regulatory processes within a risk based framework

---

## **Policy**

Number and / or Name: Department of Health - Guidelines for the Assessment Remediation and Management of Asbestos Contaminated Sites in WA

### **DETAILS:**

#### Asbestos Contaminated Sites (ACM)

Over the last 18 months, the Department of Planning has been working with the proponent, the local government and other relevant state agencies to facilitate an outcome which minimises the risk for future residents of the area.

The local government has been consistent in not supporting the clearance of the subdivision, despite the application being consistent with state policies and guidelines. The method of dealing with ACM has been well documented and this issue has been managed by placing a geotextile barrier between validated fill and soil that has ACM material. The level of validated fill above the barrier was initially 0.5 metres, but in order to reduce the risk when undertaking site works a negotiated outcome was agreed to by the parties to raise the finished floor levels of the residential blocks by 0.5 metres, making the depth to the barrier 1.0 metres. This will enable most of the site works to be undertaken in the construction of residential buildings to avoid penetration of the geotextile barrier.

As part of the DEC conditions, an Ongoing Site Management Plan (OSMP) has been prepared for Stage 2, which informs how the area will be managed into the future. Council has not been willing to sign off on this document, even though this plan (in draft form) has been agreed to by the relevant State government agencies (DEC and the Department of Health - DH). Additionally the Mandatory Audit Report ( MAR) has been prepared and will be submitted to DEC for clearance.

As part of the OSMP, procedures will be put in place to give a point of reference for future landowners and the information relevant from the OSMP will be placed on DEC's website to make it publically available for all landowners and interested parties. Dial before you Dig will also have all of the relevant management information.

#### Public Open Space (POS)

Stage 2 proposes that the Public Open Space (POS) areas that have been created will be handed over to the City. The POS areas also contain substantial areas of the City's drainage infrastructure (drainage basins). These POS areas are also affected by the presence of ACM, generally ranging between 0.5m and 1.0 metres below the surface. The City's does not agree that this depth to ACM is in accordance with the State government Guidelines, but the DH has provided advice that this is acceptable in these circumstances. The role of the POS in this area is to provide passive areas and will be heavily vegetated (once fully grown), therefore further mitigating the risk to future residents. The OSMP outlines procedures for dealing with ACM material.

---

## Road Reserve

The road reserves are also affected by ACM, however, the area(s) most likely to be disturbed, will be the service corridors, which has validated fill above and below the actual services. The road reserve verges have 1.0 metre of validated material over soil that may contain ACM, however, given the nature of these areas, disturbance over time is likely to be minimal.

The City's officers have verbally advised that should the WAPC clear the conditions then they will accept management of the POS and Road Reserves.

## **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The management of ACM material has been raised as an issue by the community, which may lead to heightened discussion into the future.

## **CONSULTATION:**

As part of the process of advancing the OSMP and the appropriate level of fill, consultation has occurred with the City, DEC, DH and the proponent. A facilitator was used for one of the meetings held in August 2011 with agreed actions and outcomes.

## **OFFICER'S COMMENTS:**

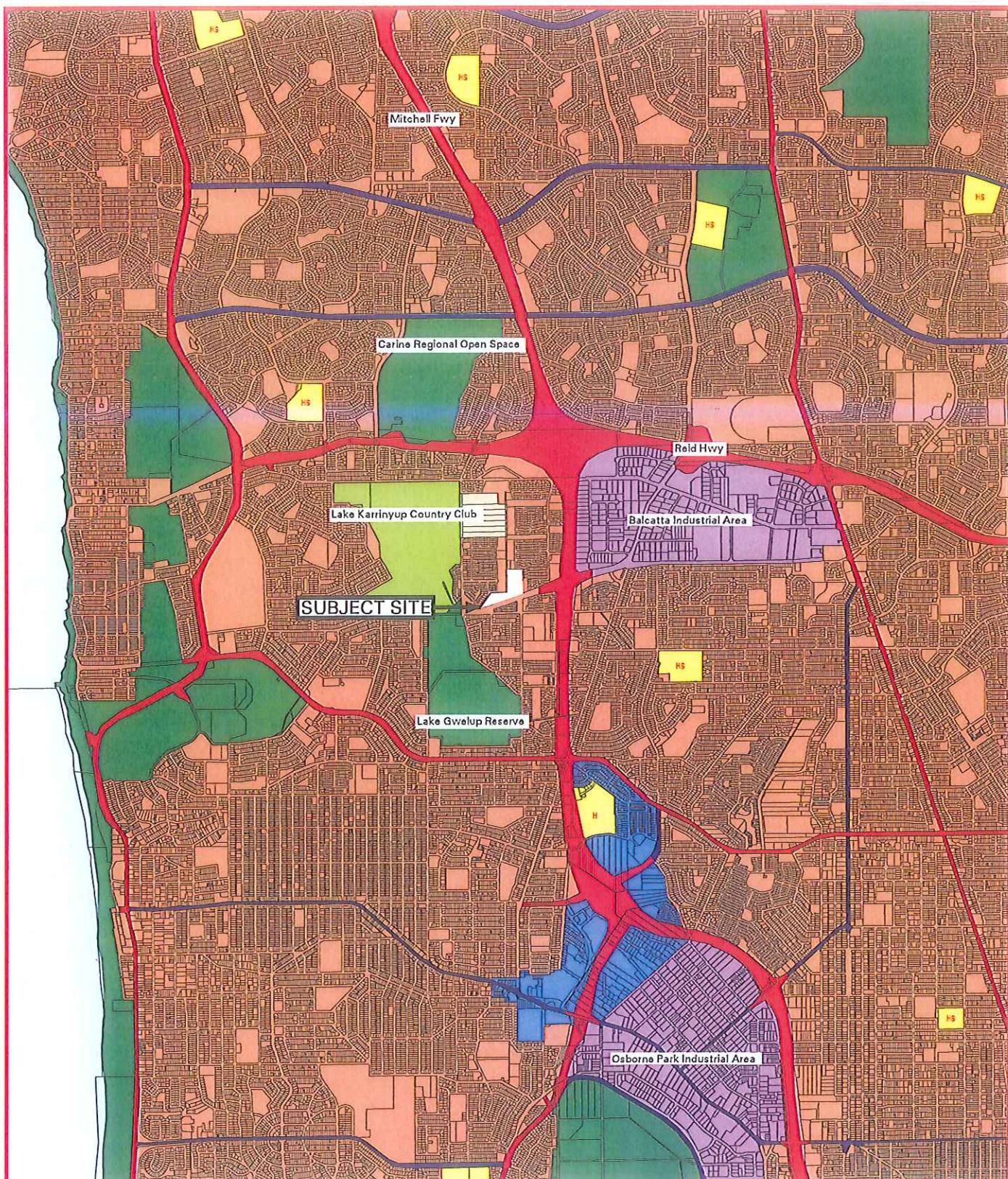
Council officers in their current recommendation to the Council (Council is responsible for clearing conditions 1 - 13 and 16 - 20), are not supportive of clearing the relevant conditions as a result of environmental reasons and non accordance with DH Guidelines for ACM. It is acknowledged that notwithstanding the Council's opposition to the proposal, vesting of the road reserves and POS will place a obligation on it to be responsible for the care and management of these areas.

Environmental clearance and all other necessary clearances will be provided by the applicant prior to the deposited plan being signed off. DEC will designate the lots "Remediated for Restricted Use".

Section 145(4) of the Act requires the SPC to be satisfied that a deposited plan is in accordance with the approved plan of subdivision and conditions relevant to the stage of subdivision have been complied with, before endorsing its approval on the deposited plan.

In terms of the first part of the section of the Act, the subdivision layout shown on the deposited plan 67672, is consistent with the approved subdivision.

The proponent is on a tight timeline to deliver titles in early December 2011, hence the need to present the matter to SPC prior to Council's consideration. At the meeting of SPC, the Department's Officer will provide an update of the advice that Council's Planning Committee will be providing to Council.



## Location Plan 140665

✓ Cadastre	OTHER REGIONAL ROADS
URBAN	WATERWAYS
URBAN DEFERRED	PARKS & RECREATION
CENTRAL CITY AREA	PP - HOSPITAL
INDUSTRIAL	
PRIVATE RECREATION	
	PRIMARY REGIONAL ROADS

DP INTERNAL USE ONLY

Prepared By:

Prepared For:

Map Ident: plot110125\_1

Date: 25 Jan 2011

Scale 1:50000



Your Ref :  
 Enquiries : Andrew Cook (Ph 9264 7610)

Roberts Day  
 G P O Box 6369  
 EAST PERTH WA 6892

**Approval Subject To Condition(s)  
 Freehold (Green Title) Subdivision**

Application No : 140665

***Planning and Development Act 2005***

Applicant	: Roberts Day G P O Box 6369 EAST PERTH WA 6892
Owner	: North Beach Investments Pty Ltd Level 2, 41-47 Colin Street WEST PERTH WA 6005
Application Receipt	: 22 September 2009

Lot number	: 1, 11, 71, 73, 800
Location	: -
Diagram/Plan	: Diagram 7996, 65076, 65077 DP 60819 Plan 3318
C/T Volume/Folio	: 1638/613, 1073/279, 1672/803, 1672/801, 2720/875
Street Address	: North Beach Road, Gwelup
Local Government	: City of Stirling

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 22 September 2009 (copy attached) once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 10 December 2013 or this approval no longer will remain valid.



### Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

### Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

### Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

### Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.



If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S) 71- 62566 .

1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
2. The applicant/owner is to provide a geotechnical report certifying that all unsuitable material has been removed from the site and that backfilling has been carried out and tested to ensure the area is suitable for normal building constructions without additional ground stabilisations, and must provide site classification of each lot in compliance with the relevant Australian Standards. (Local Government)
3. The land being filled and/or drained. (Local Government)
4. The land being graded and stabilised. (Local Government)
5. Arrangements being made with the local government for the upgrading and/or construction of Erindale/North Beach Road. (Local Government)
6. A roundabout being constructed at the corner of Carenup Avenue and Jodrell Road to the specification of the City of Stirling. (Local Government)
7. 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)

8. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres. (Local Government)
9. The cul-de-sac heads being designed and constructed to the specifications of the local government. (Local Government)
10. A footbridge being constructed across the existing drain reserve to link to the new access road onto Erindale Road and to be to the specification of the City of Stirling. (Local Government)
11. Street lighting to current Western Power Design Standards being installed on all new subdivisional roads. (Local Government)
12. The dual use footpath as shown on the attached plan being constructed. (Local Government)
13. A Site Management Plan being prepared, approved and implemented prior to any works commencing on site. (Local Government)
14. The proposed reserve(s) shown on the approved 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*, such land to be ceded free of cost and without any payment of compensation by the Crown.
15. The subdivision being consistent with the Core Area as depicted on the Carenup Swamp Outline Development Plan. (Local Government)
16. Road, drainage and verge upgrades being provided for the Erindale Road/North Beach Road street frontages to the specification of the City of Stirling. (Local Government)
17. Uniform fencing along the boundaries of all of the proposed lots abutting North Beach Road and Erindale Road are to be constructed. (Local Government)
18. Appropriate fencing being provided for the drainage reserve to the specification of the City of Stirling. (Local Government)
19. The drainage reserve on the northern boundary of the subject land being closed to the specification of the City of Stirling. (Local Government)
20. No lot being less than 440m<sup>2</sup> in area. (Local Government)
21. 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) ✓
22. 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) ✓

23. 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) ✓
24. 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) ✓
25. The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power) ✓
26. Prior to commencement of site works, investigation for soil and groundwater contamination is to be carried out to the specifications of the Department of Environment and Conservation. (Department of Environment and Conservation) ✓
27. An integrated urban water management plan is to be prepared and implemented as part of the subdivisional works. (Department of Water)

#### ADVICE

1. The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.
2. In respect of Condition 1, the applicant is advised that detailed engineering drawings of the road reserves, as depicted on the approved plan, will need to be provided to demonstrate that the road reserves are able to accommodate the services, verge parking, large canopy street trees and footpaths. If the detailed engineering drawings do not demonstrate this, the WAPC may require the road reserves to be widened in order to achieve accommodation of the above.
3. In respect of Conditions 1 and 6, the City of Stirling advise that:
  - (i) construction of subdivisional roads is to include line marking and signage to Main Roads WA standards;
  - (ii) the road carriageway for Carenup Avenue is to be a minimum of 7.4 metres in width, except where the road reserve width is 12 metres, and;
  - (iii) all other road carriageways are to be a minimum of 6.0 metres in width.
4. In respect of Condition 3, the City of Stirling advises that filling material should consist of clean uncontaminated sand free of any organic material. In this regard the subdivider is advised to liaise with the City of Stirling.
5. In respect of Condition 5, the upgrading is to consist of a median-protected right turn wide enough to allow stacking, and a left slip lane. The applicant is advised to liaise with the City of Stirling in this regard.

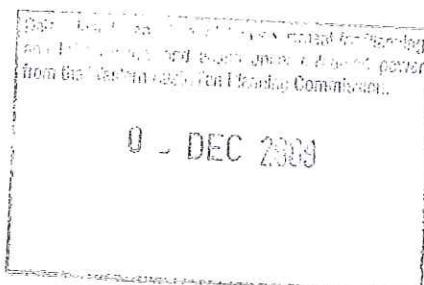
6. In respect of Condition 13, the applicant is advised that the Site Management Plan is to include the following:
  - (i) Noise Control: Submission of a Noise Management Plan to the City of Stirling for approval in accordance with the Environmental Protection (Noise) Regulations 1997, Reg 13 - Construction Sites
  - (ii) Dust Control: Submission of an Air Quality Management Plan using the Department of Environmental Protection, "Guidelines for the Prevention of Dust and Smoke Pollution from Land Development Sites"
  - (iii) Public Access Roads: Details of arrangements for road sweeping to ensure access roads are kept free of soil material dropped from heavy haulage materials.
7. With regard to Condition 14, provisions of Section 153 of the *Planning and Development Act 2005* provide that arrangements can be made, subject to further approval of the WAPC, for a cash-in-lieu contribution by the applicant/owner to the local government.
8. The applicant is advised that subdivisional works are to be in full compliance with all relevant sections for this type of work as specified in the City of Stirling's "Requirements for Subdivision Development."
9. In respect of Condition 17, the City of Stirling advises that the fence along North Beach Road/Erindale Road frontage is to be treated with anti-sacrificial coating. You are advised to liaise with the City of Stirling in this regard.
10. With regard to Conditions 21 to 23, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.
11. The Water Corporation wishes to advise that upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.
12. With regard to Condition 24, 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.
13. 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.
14. With regard to Condition 25, 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.

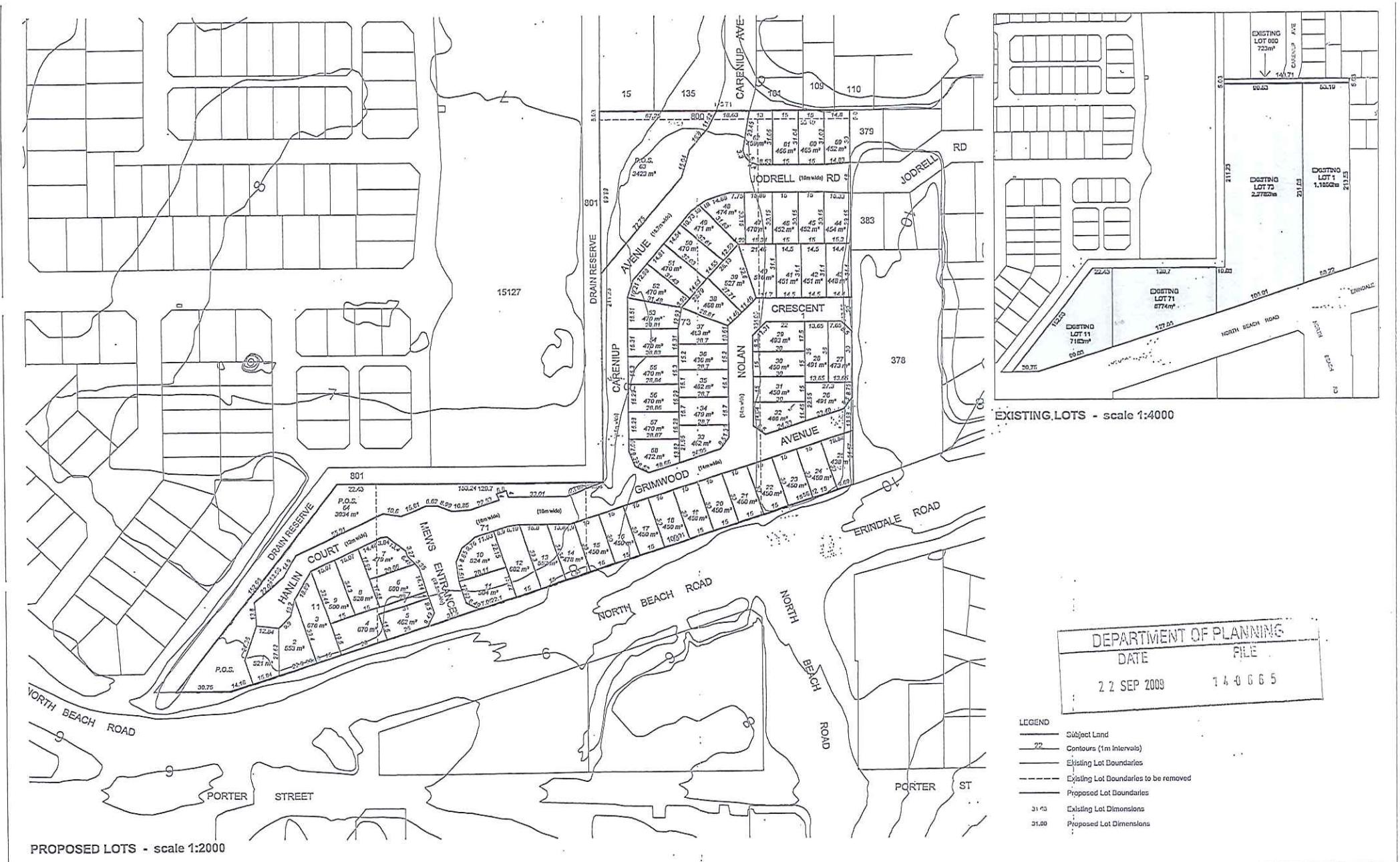


15. In respect of Condition No 27, the Department of Water advises that the plan should be consistent with any local precinct stormwater management plan and Liveable Neighbourhoods, as well as with the guidelines contained in the "Stormwater Management Manual for Western Australia"(Department of Water, 2004).
16. WestNet Energy wishes to advise that gas infrastructure exists throughout the development site. Anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure before any works begin.

A handwritten signature in black ink, appearing to read "Tony Evans".

Tony Evans  
Secretary  
Western Australian Planning Commission  
10 December 2009





## Proposed Subdivision Plan

Lots 1, 11, 71 & 73 North Beach Road and Lot 800 Carenup Avenue, Gwelup

City of Stirling

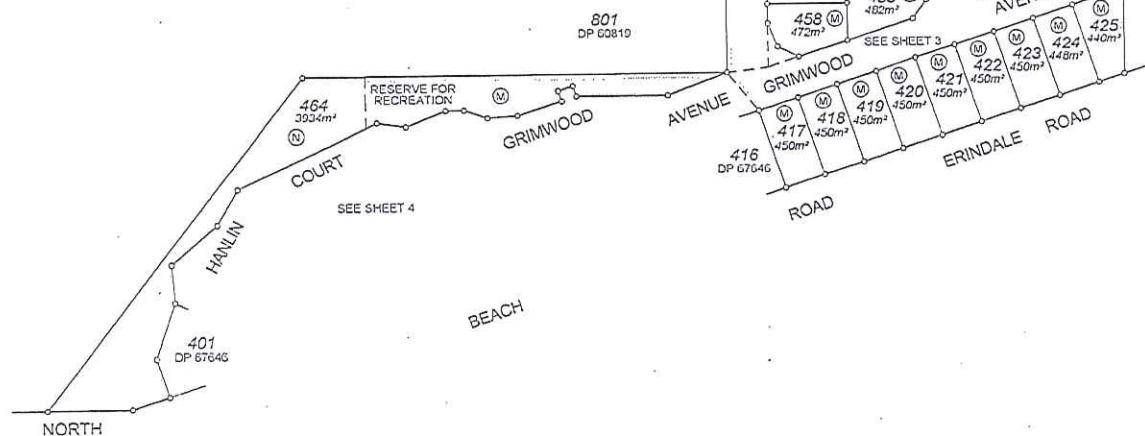
A Subdivision Date 03/09/19 Issue Description 0 NH 0 40 80m

DRAWING NUMBER SUB 04 REFERENCE NUMBER PRE GWE REV A

SCALE 1:2000 SHEET NO 1

VER.	AMENDMENT	AUTHORISED BY	DATE
✓ v s			

SURVEY CARRIED OUT UNDER REGULATION  
26A SPECIAL SURVEY AREA GUIDELINES  
SEE SHEETS 5 & 6 FOR SURVEY  
INFORMATION



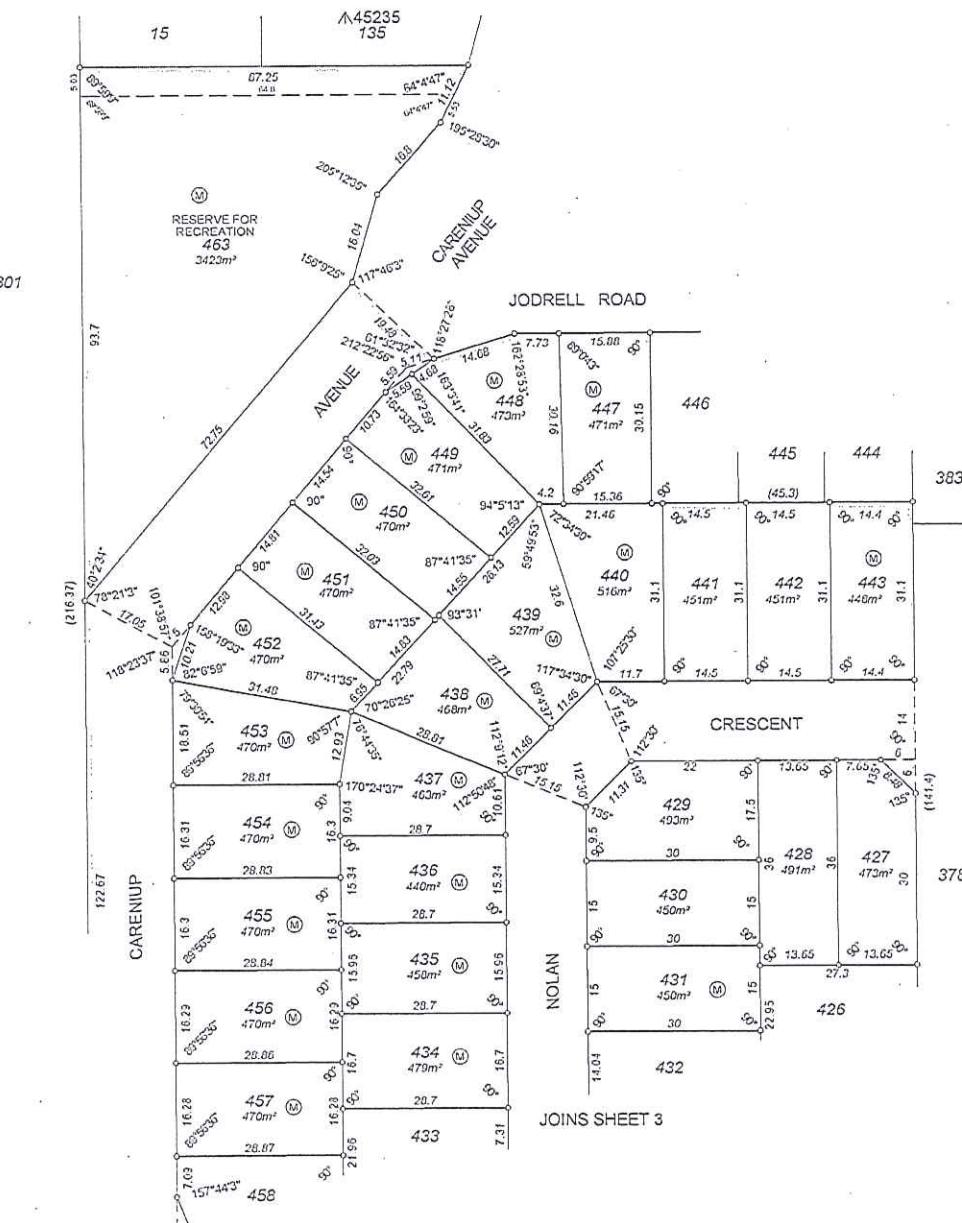
INTERESTS AND NOTIFICATIONS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(M)	MEMORIAL	CONTAMINATED SITES ACT 2003	DOC. L240302	LOTS 417-426, 431-440, 443, 447-458, 463 & 464	DEPARTMENT OF CONSERVATION AND ENVIRONMENT	
(N)	MEMORIAL	CONTAMINATED SITES ACT 2003	DOC. L240303	LOTS 464	DEPARTMENT OF CONSERVATION AND ENVIRONMENT	
LOTS 463 & 464	RESERVE FOR RECREATION	VESTS IN THE CROWN UNDER SIC 152 OF THE P & D ACT	THIS PLAN			

TYPE	FREEHOLD		
PURPOSE	SUBDIVISION		
PLAN OF			
<b>LOTS 417-443, 447-458, 463, 464 &amp; ROADS</b>			
DISTRICT	SWAN		SSA YES/NO
TOWNSITE			FORMER TENURE
FILE			LOT 0501
LOCAL AUTHORITY			ON DP 67669
CITY OF STIRLING			CIT 2772-705
LOCALITY	GWELLUP		FIELD BOOK
INDEX	LN		
	BC34 (2) 09.54		94466
SCALE: 1:1250 @ A2			
ALL DISTANCES ARE IN METRES			
SARAH LYONS' CERTIFICATE - Reg 54		SURVEYOR'S CERTIFICATE - Compiled	
<b>1. GEOFF LOCKHART</b> <i>Surveyor certifying that this plan is accurate and is in correct representation of the ground.</i> (a) * Calculations from measurements (b) * Calculations from plans (c) * Calculations from other plans and that it complies with the relevant written laws in relation to which it is issued.		Surveyor certifying that the compiled plan (a) is in correct and accurate representation of the ground and is in accordance with law. (b) is in accordance with the relevant written laws in relation to which it is issued.	
 Surveyor Geoff Lockhart		 Surveyor [Signature]	
SURVEY FIRM			
<b>JBA SURVEYS</b>			
LODGED	TYPE OF VALUATION	APPROVED BY	
DATE	PER AUMT	WESTERN AUSTRALIAN PLANNING COMMISSION	
FEES PAID	LEGAL EVIDENCE	FAC	
ASSESS NO.	BUREAU CERTIFIED COPYRIGHT LIC	140665	
DEPOSITOR'S DEALINGS			
SUBJECT TO			
FOR INSPECTION OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER			
APPROVED REG 26A (4)			
INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER			
 <b>Landgate</b> Western Australian Land Information Authority			
DEPOSITED PLAN			
<b>67672</b>			
SHEET	1	OF	6
		VERSION	1

Our Ref: 5810 67672.CSI

AGENDA PAGE 76

FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1



JOINS SHEET 3

Our Ref: 5810 67672.CSD

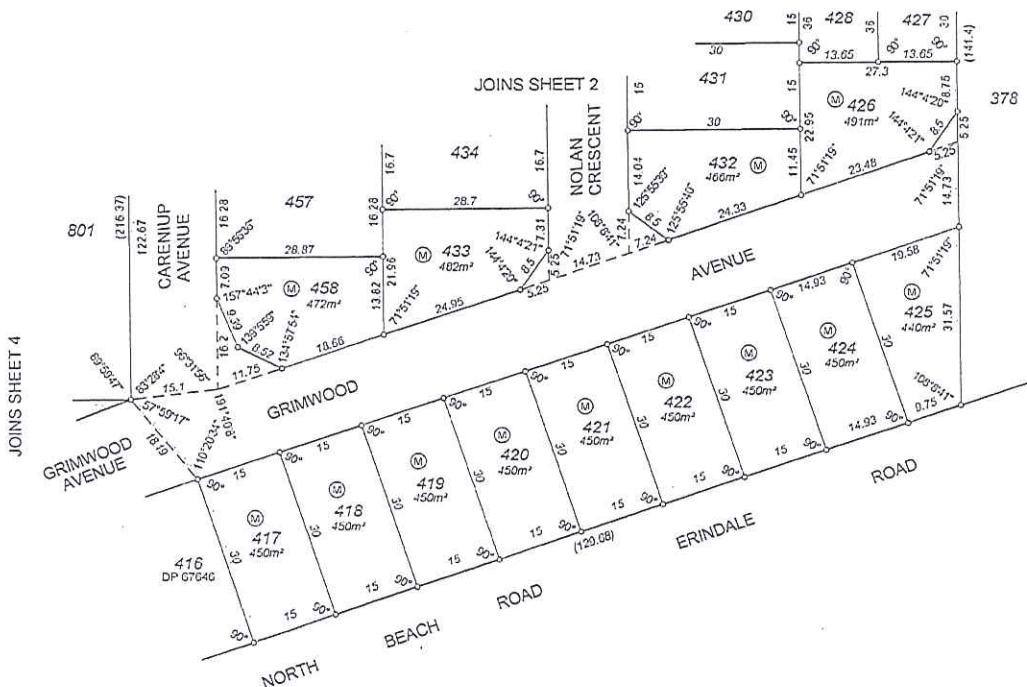
SCALE: 1:600 @ A2		0	6	12	18	24	30
ALL DISTANCES ARE IN METRES							
Licensed Surveyor	Date						
APPROVED BY							
WESTERN AUSTRALIAN PLANNING COMMISSION							
FILE 140005							
Delegated Under S.16 P & D Act 2005		DATE					
SHEET 2 OF 6							
VERSION 1							

Landgate  
Western Australian Land Information Authority  
DEPOSITED PLAN  
**67672**



120 Pepple Ave, Salter Point WA 6152  
Ph: 08 9511 7100 Fax: 08 9511 7100  
email: admin@jbsurveys.com.au  
web: www.jbsurveys.com.au

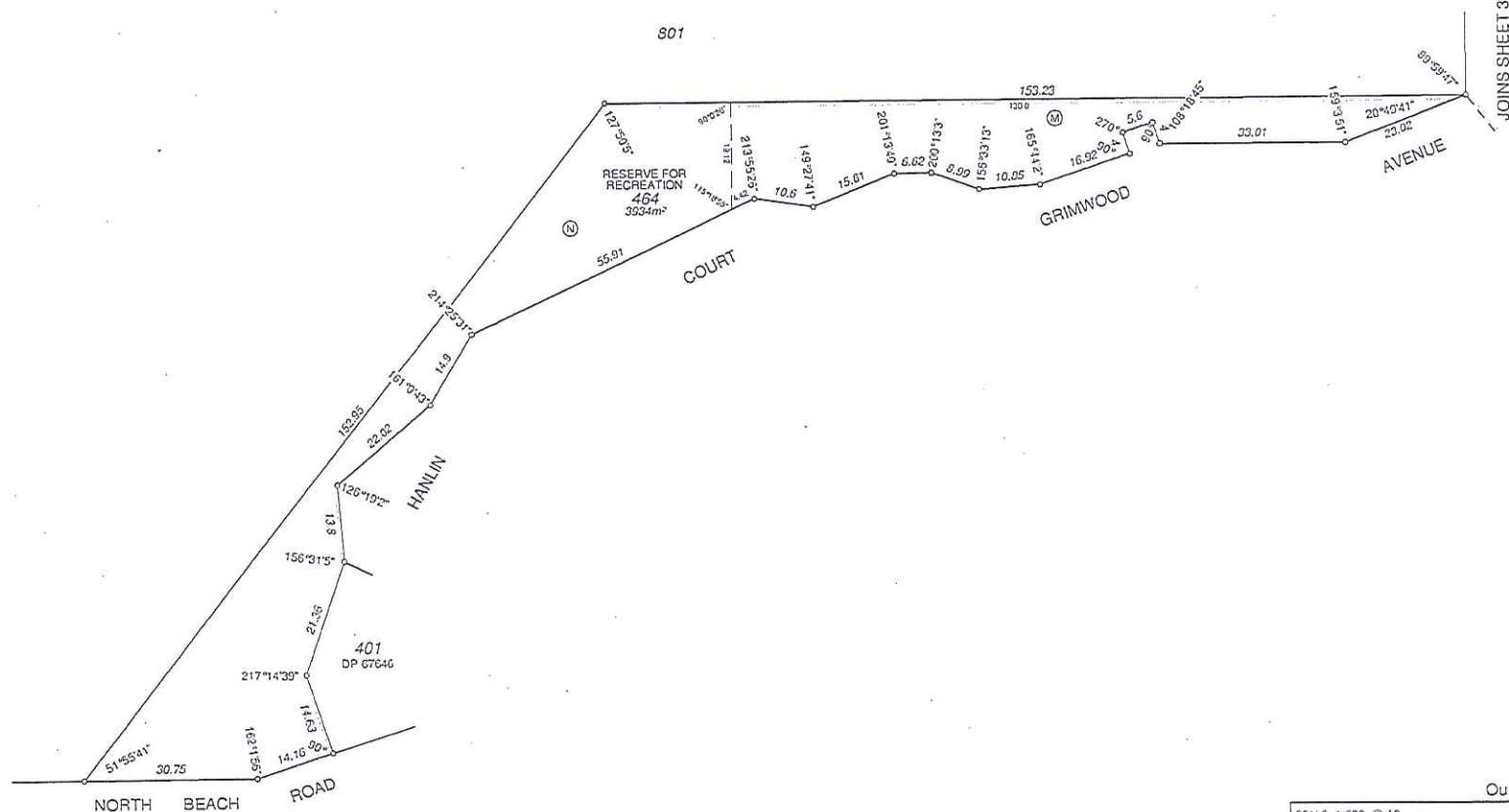
FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1



12B Poplar Ave, Salter Point WA 6152  
Ph: 9450 7188 Fax: 9450 7199  
email: admin@basurveys.com.au  
web: [www.basurveys.com.au](http://www.basurveys.com.au)

SCALE: 1:600 @ A2		Our Ref: 5810 67672.CSD						
ALL DISTANCES ARE IN METRES		0	6	12	18	24	30	
Licensed Surveyor		Date						
APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION								
FILE 140665								
Delegated Under S.16 P & D Act 2005				DATE				
SHEET 3 OF 6		VERSION 1						
<b>Landgate</b> Western Australian Land Information Authority								
DEPOSITED PLAN								
<b>67672</b>								

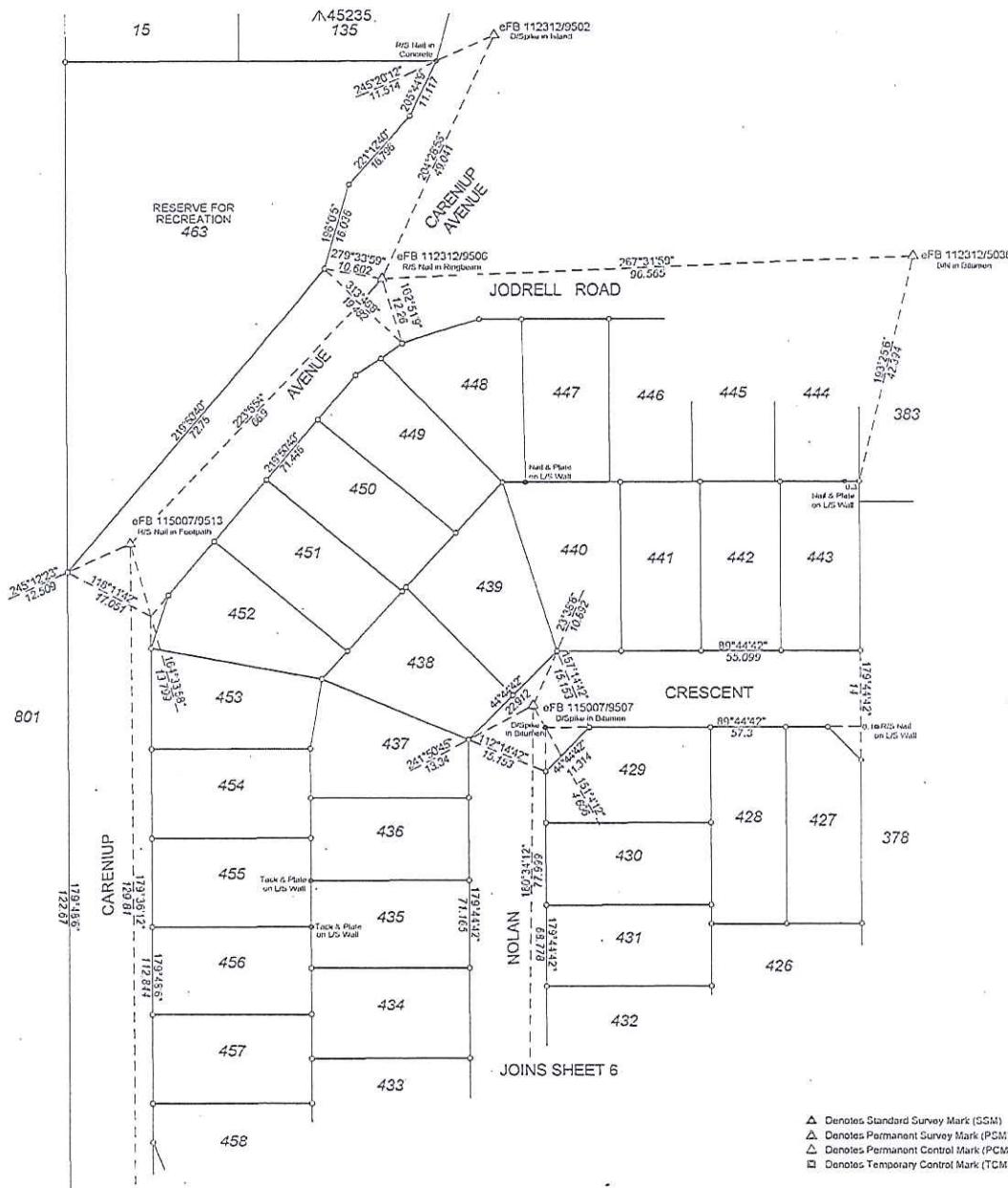
FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1



120 Poplar Ave, Sailor Point WA 6152  
Ph: 9450 7188 Fax: 9450 7199  
email: admin@hbassurveys.com.au  
web: www.hbassurveys.com.au

SCALE: 1:1000 @ A2		SHEET NO. 5010 57672.C55					
ALL DISTANCES ARE IN METRES		0 6 12 18 24 30					
 Licensed Surveyor		 <b>APPROVED BY</b> <b>WESTERN AUSTRALIAN PLANNING COMMISSION</b>					
		Data					
FILE	140GGS						
Delegated Under S 16 P 2 D Act 2005		DATE					
SHEET	4	OF	6	VERSION	1		
<b>Landgate</b>							
Western Australian Land Information Authority							
<b>DEPOSITED PLAN</b>							
<b>67672</b>							

FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1



ALL BEARINGS AND DISTANCES ON THIS SHEET  
ARE THE RESULT OF LEAST SQUARES  
ADJUSTMENTS CARRIED OUT ON RAW FIELD  
OBSERVATIONS.

**SURVEY INFORMATION ONLY  
FINAL SURVEY SHEET.**

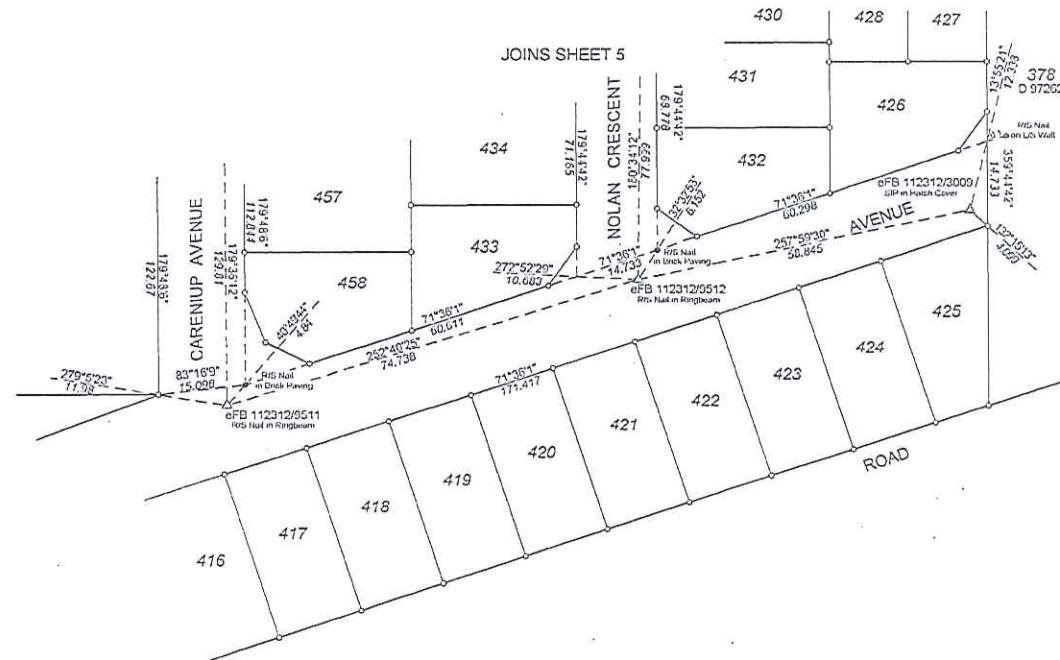
Our Ref: 5810 eFB115007.CSD

SCALE 1:6000 @ A2		ALL DISTANCES ARE IN METRES					
		0	6	12	18	24	30
 Licensed Surveyor							
		APPROVED BY					
		WESTERN AUSTRALIAN PLANNING COMMISSION					
FILE NO. 14CGG5		DATE					
Dated/signed Under S.15 P.L.D Act 2005		DATE					
SHEET 5 OF 6		VERSION 1					
 <b>Landgate</b> Western Australian Land Information Authority							
DEPOSITED PLAN							
							

FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1

ALL BEARINGS AND DISTANCES ON THIS SHEET  
ARE THE RESULT OF LEAST SQUARES  
ADJUSTMENTS CARRIED OUT ON RAW FIELD  
OBSERVATIONS.

SURVEY INFORMATION ONLY  
FINAL SURVEY SHEET.





## ITEM NO: 9.4

### WARMUN LAYOUT PLAN 2 AMENDMENT 3

**WAPC OR COMMITTEE:**

**Statutory Planning Committee**

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager Aboriginal Communities  
AUTHORISING OFFICER: A/Executive Director, Regional Planning and Strategy  
AGENDA PART: D  
FILE NO: 057/01/01/25Pt4  
DATE: 21 October 2011  
ATTACHMENT(S): Warmun Layout Plan 2 Amendment 3

**RECOMMENDATION:**

*That the Western Australian Planning Commission resolves to endorse the Warmun Layout Plan 2 Amendment 3.*

**SUMMARY:**

On 13-14 March 2011 Warmun experienced a severe flood that substantially damaged buildings and infrastructure, resulting in the evacuation of the majority of residents.

The Warmun Layout Plan 2 Amendment 3 has been prepared to assist in reconstruction efforts. Amendment 3 permits an appropriate, efficient and practical rebuild of the community and has been endorsed by:

- Warmun Community (Turkey Creek) Inc - 27 September 2011
- Shire of Halls Creek - 20 October 2011

**BACKGROUND:**

The Department's Planning for Aboriginal Communities Project (PACP), in partnership with the Kimberley Development Commission, has recently completed preparation of the Warmun Layout Plan 2 Amendment 3.

In accordance with State Planning Policy 3.2 – Aboriginal Settlements (SPP3.2) the WAPC is required to endorse amendments to Layout Plans where they are consistent with the provisions of that policy.

---

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

### **Legislation**

Section: *Planning and Development Act 2005*

Part 3 – State Planning Policies

### **Strategic Plan**

Strategic Goal: Planning

Outcomes: Effective Delivery of Integrated Plans

Strategies: Develop integrated infrastructure and land use plans for the State.

### **Policy**

- State Planning Policy 3.2 Aboriginal Settlements:
- To provide for the recognition of Aboriginal settlements through local planning scheme and strategies.
  - To collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

## **DETAILS:**

Warmun is an Aboriginal settlement in the East Kimberley, approximately 200km south of Kununurra. An estimated 370 people live at Warmun.

On 13 and 14 March 2011 Turkey Creek was in flood, severely affecting Warmun. The flood damaged houses, essential services, community uses, enterprises and infrastructure. As a result of the flood Warmun approximately 340 residents, were evacuated to Kununurra and Halls Creek.

On 21 March 2011 Cabinet established the *Warmun Aboriginal Community Re-establishment Taskforce* to re-establish the “Warmun Aboriginal Community at Warmun”. The Taskforce requested that the Department provide a town planning service to support the re-establishment of Warmun.

Since that time the Department of Planning, in partnership with the Kimberley Development Commission, has provided a town planning service supporting the Taskforce. The outcome is the Warmun Community Layout Plan 2 Amendment 3.

Warmun is adjacent to the Turkey Creek. Although rainfall has been recorded at Warmun since 1890 a comprehensive flood risk study was not prepared until after the March 2011 flood. The March 2011 flood was of a magnitude not experienced since the establishment of a settlement on that site in the 1890s.

A comprehensive technical assessment of the flood event was carried out by the Department of Water in April-May 2011. That flood study has substantially informed the preparation of Amendment 3.

Responses to flood risk evident in the layout proposed by Amendment 3 include:

- Deletion of residential areas in high flood risk areas.
- Establishment of residential areas on low flood risk areas.
- Deletion of all land uses other than open space and recreation within what now may be identified as the flood flow area.

- 
- Referring to the minimum finished habitable floor levels specified in the Department of Water's flood study.

Section 4 of Amendment 3 provides a planning, land use, building and flood emergency response for Warmun, adopted from research and advice provided by the Department of Water.

Amendment 3 has been endorsed by:

- Warmun Community (Turkey Creek) Inc - 27 September 2011
- Shire of Halls Creek - 20 October 2011

## **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The majority of works to implement Amendment 3 are complete or are underway.

The Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) establishes the financial basis for the Australian Government to assist the State in the recovery of communities impacted by natural disasters. Critical to the allocation of resources to the recovery of Warmun, is a plan that shows strong commitment to risk management and development in accordance with the known flood hazard. The Commonwealth will not contribute funds on a recovery effort that places private, State and community infrastructure and assets back at the same level of risk that existed before the March 2011 flood.

Amendment 3 is recognised as the vital governance that enables proper and reasonable response to the prevailing flood hazard and as such its endorsement is required prior to any release of WANDRRA funds.

## **CONSULTATION:**

Preparation of Amendment 3 has included substantial consultation with a range of agencies, authorities and non-government organisations, including: the Departments of Housing, Water, Indigenous Affairs, Regional Development and Lands, Education, and Health; Warmun Community (Turkey Creek) Inc; Kimberley Land Council, and; the Shire of Halls Creek.

The majority of consultation was undertaken by Kununurra-based Kimberley Development Commission staff. The methods and outcomes of the consultation process undertaken was commendably sensitive, thorough and effective.

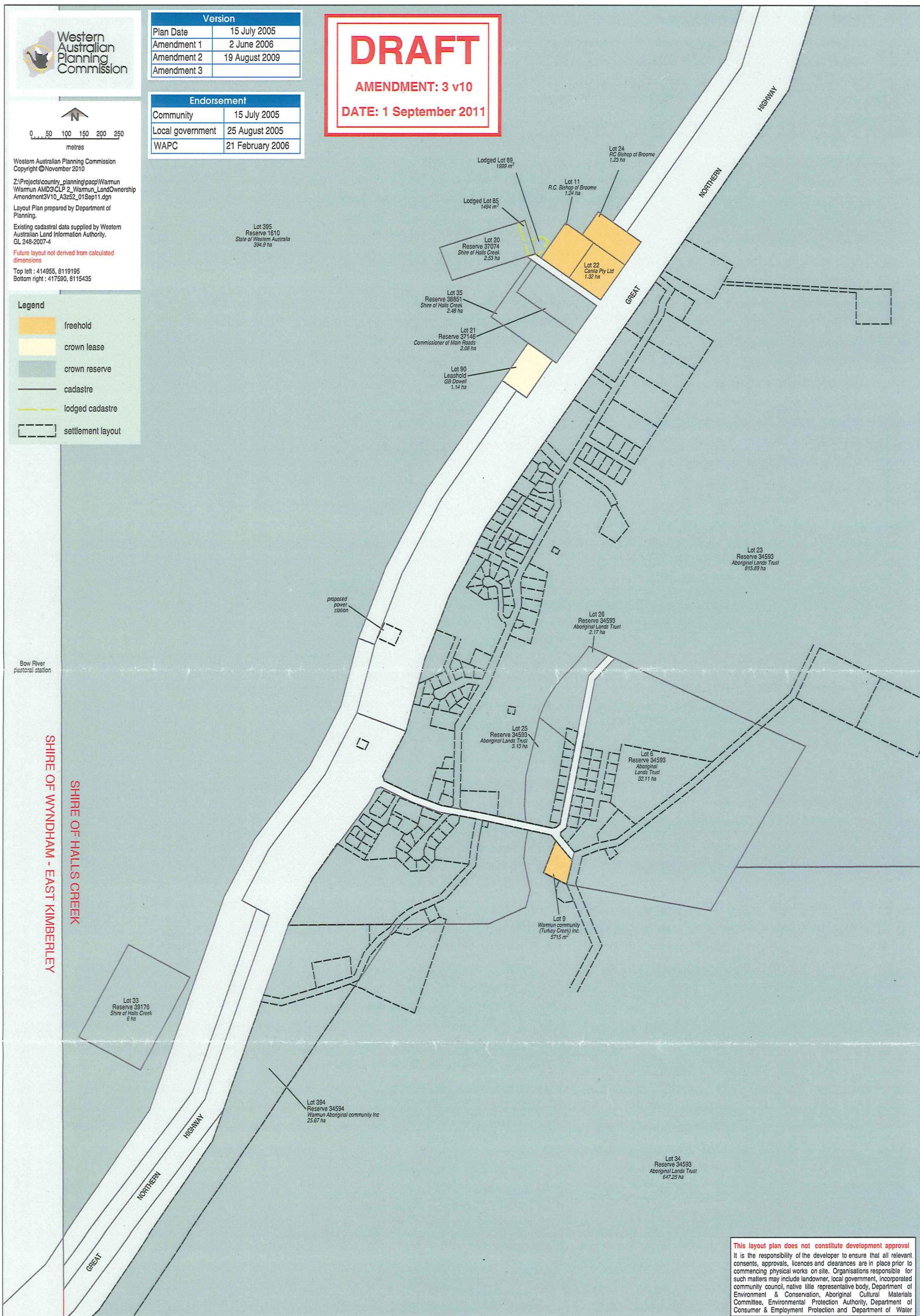
## **OFFICER'S COMMENTS:**

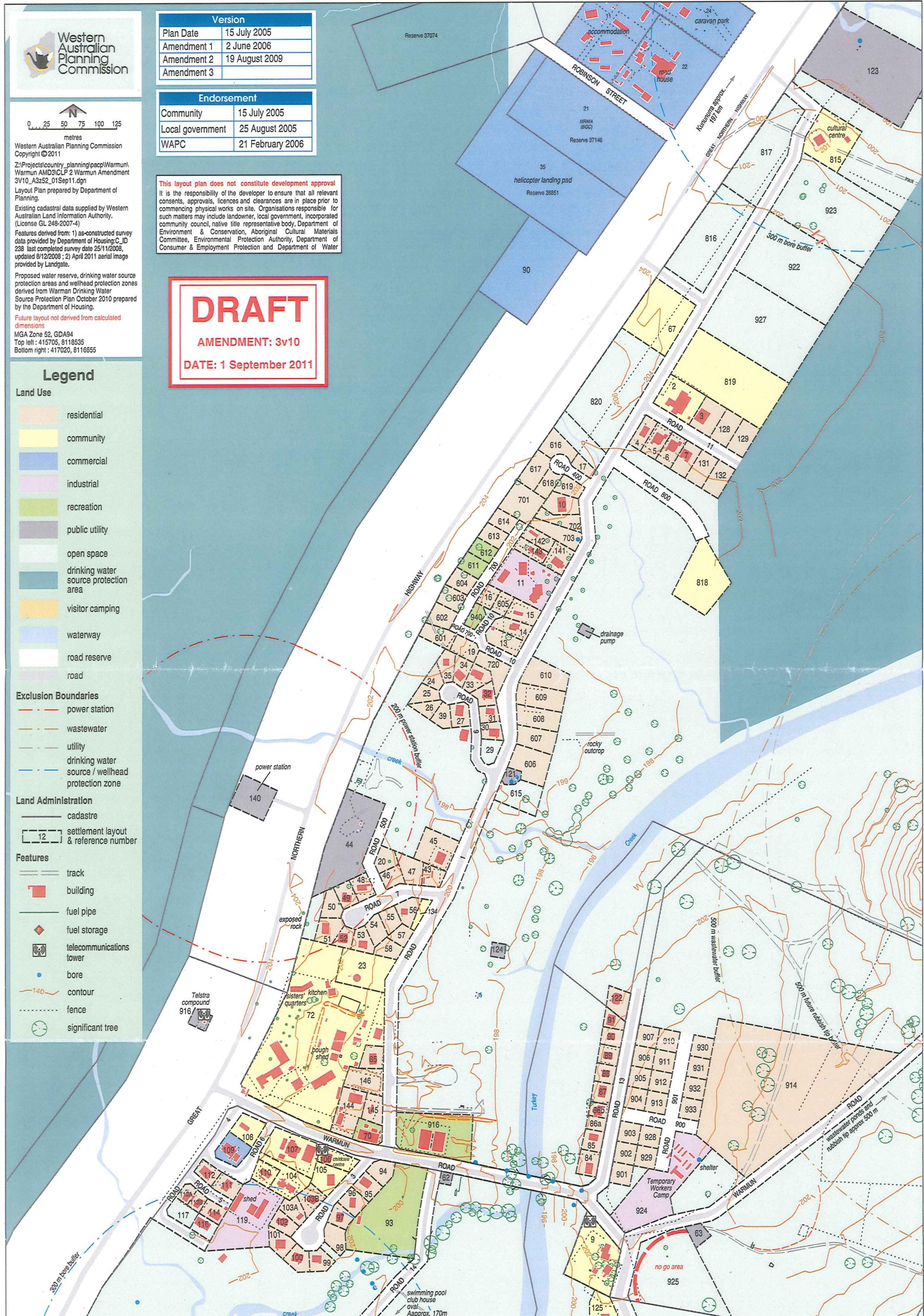
Amendment 3 is consistent with SPP3.2. It has been endorsed by the Warmun Community (Turkey Creek) Inc and the Shire of Halls Creek.

Amendment 3 provides for the orderly and coordinated redevelopment of Warmun, permitting an appropriate, efficient and practical rebuild of the settlement.











## ITEM NO: 9.5

### ENDORSEMENT OF STRUCTURE PLAN - KALGAN RURAL VILLAGE

**WAPC OR COMMITTEE:** **Statutory Planning Committee**

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Regional Manager
AUTHORISING OFFICER:	A/Executive Director
AGENDA PART:	G
FILE NO:	SPN/0256/1
DATE:	21 October 2011
ATTACHMENT(S):	<ul style="list-style-type: none"><li>1. Locality Plan</li><li>2. Structure Plan Adopted by Council</li><li>3. Schedule of Submissions</li><li>4. Schedule of Modifications</li></ul>
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	City of Albany
LOCAL SCHEME ZONING:	Rural Village
LGA RECOMMENDATION:	Adopt for Final Approval, With Modifications
REGION DESCRIPTOR:	Kalגן
RECEIPT DATE:	24 June 2011
PROCESS DAYS:	
APPLICATION TYPE:	
CADASTRAL REFERENCE:	

**RECOMMENDATION:**

***That the Western Australian Planning Commission resolves to:***

- 1. endorse the Structure Plan for Kalgan Rural Village once the modifications detailed in the attached schedule have been completed.***
- 2. advise the City of Albany of its decision accordingly.***

**SUMMARY:**

The key points relating to this report are as follows:

- The locality of Kalgan, in the City of Albany, has recently been rezoned to the Rural Village zone in order to guide and facilitate development of the area as a rural village consistent with its designation in Albany's Local Planning Strategy (ALPS).

- 
- The zoning requires a Structure Plan prior to subdivision and development within the zone being supported. On this basis the Kalgan Rural Village Structure Plan (KSP) has been adopted by the City and submitted for WAPC endorsement.
  - Recommended modifications have been discussed with senior Planning staff at the City, who are generally supportive. On this basis, endorsement of the KSP subject to modifications is recommended.

## **BACKGROUND:**

The subject land is Kalgan, located approximately 20km north east of Albany City centre on South Coast Highway and adjacent to the Kalgan River (**Attachment 1**). The subject area is approximately 190Ha, consisting of approximately 50 lots. The topography is variable including steep slopes and low-lying areas; perennial and intermittent tributaries to the Kalgan River; and the presence of remnant native vegetation particularly associated with the Kalgan River, its tributaries and within road reserves.

Land uses in Kalgan are predominantly residential, with a mix of rural uses on land surrounding the central townsite. Rural uses present include grazing and intensive enterprises such as vineyards and horticulture. Being an historic townsite there is also a shop (currently not operating) and a hall, located on Crown Land in the centre of the townsite. The locality is highly valued for its character, amenity, natural environment and rich Indigenous and European cultural heritage.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

### **Legislation**

Section:

### **Strategic Plan**

Strategic Goal:	Regulation
Outcomes:	Effective, consistent and enforceable regulation
Strategies:	Improve, streamline and simplify regulatory processes within a risk based framework

### **Policy**

Number and / or Name:	Lower Great Southern Strategy Albany Local Planning Strategy City of Albany TPS 3 SPP2 Environment and Natural Resources SPP3 Urban Growth and Settlement
-----------------------	---

## **DETAILS:**

The Lower Great Southern Strategy (LGSS) supports identification and development of existing rural townsites in the region. Albany's Local Planning Strategy (ALPS) identifies the land as suitable for rural village development. Recent Amendment 290 to Albany TPS 3 introduced the Rural Village zone and relevant provisions into the Scheme, as well as zoning the subject land to this zone.

---

TPS 3 requires that a Structure Plan be prepared and endorsed by Council and the WAPC, prior to subdivision and development occurring within the Rural Village zone. Preparation and endorsement of the KSP will allow for subdivision and development on the subject land to be supported where it is in accordance with the provisions of the Plan and Scheme.

The KSP was adopted by Albany City Council on 21 June 2011 and has now been submitted to the WAPC for endorsement (**Attachment 2**).

### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

Establishment of a guide for future development and subdivision.

### **CONSULTATION:**

Seventeen submissions were received by the local government in relation to the KSP. There were two submissions of objection; six not objecting but raising significant concerns; and nine of no objection or support.

The schedule of submissions (**Attachment 3**) contains comments and issues raised by agencies and the public. The local government's response and the WAPC's recommended response to the submissions are included in the attachment, however in summary:

- Submissions raising in-principle objections to subdivision and/or development in the Rural Village should be dismissed, as there is a strategic and statutory framework in place that specifically provides for Rural Village development to occur;
- Submissions raising concerns in regard to aspects of KSP are recognised and have been adequately dealt with through modifications adopted by the local government; or will be adequately addressed via further modifications as discussed below; and
- Submissions of support or no objection have been noted.

### **OFFICER'S COMMENTS:**

The KSP is consistent with the strategic policy framework outlined above. Subject to modifications, the ODP will also be consistent with the WAPC policy framework and the statutory requirements of TPS 3.

Modifications required by the local government as a result of agency and public submissions are generally supported. However it is considered that further modifications are also required in order to meet the objectives of the zone as set out in the Scheme; enhance the function of the Structure Plan document given that it will be used as the primary planning tool for subdivision and development of the land and is directed by the Scheme to perform a largely statutory function; and ensure that issues raised in submissions by agencies and the public are suitably addressed. Recommended modifications (including incorporation of supported local government modifications) are contained in **Attachment 4** however in summary;

- 
- Minor text modifications are recommended within the background sections of the document for consistency and clarification purposes;
  - It is recommended that the provisions contained in Section 10 of the document are modified to read as proper development provisions rather than 'recommended actions', in order to provide clarification of development requirements;
  - The provisions for specific precincts are brought forward to the statutory section of the document and modified to more clearly set out the subdivision and development requirements of specific areas, as well as more clearly establish the link between the precinct provisions and general development requirements;
  - Current references to subdivision and/or development outside the zoned area are deleted, as these areas remain in the Rural zone and are not subject to the Structure Plan provisions;
  - Additional information is to be included in the Structure Plan document, as this information is necessary to guide subdivision and development in the area (Modifications 14 and 15 refer); and
  - Various maps and figures are updated to reflect the above modifications.

The modifications in **Attachment 4**, particularly those recommended for Section 10 of the document, appear substantial. However, although the modifications re-word and re-arrange the content of this Section, the provisions remain consistent with the matters referred to by the existing 'recommended actions'. The modifications simply convert the existing recommended actions to read as statutory provisions, which is necessary for effective implementation of the KSP. The revisions will provide the required level of control and guidance of land use and subdivision, and therefore ensure objectives of the Structure Plan and Rural Village zone are achieved. They do not significantly alter the intent or requirements of the version of the Structure Plan adopted by the local government following advertising.

The recommended modifications in **Attachment 4** have been discussed with senior Planning staff from the local government, who agree with the above comments and have advised that the modifications are supported. There is one exception, being the local government's preference to retain an indicative area for inclusion into the Rural Village zone by way of a future Scheme Amendment (shown in **Attachment 2**). However it is recommended that the WAPC supports deletion of this area as:

- The original rezoning application provided strong evidence that the current zoning footprint is suitable on grounds of landscape features. The area proposed for future inclusion is topographically separate from the Rural Village zoned area as it is located on the other side of a vegetated ridgeline. The connectivity of this portion to the Village area is weak and it is more closely associated with the surrounding rural area;
- Further justification has not been provided to indicate inclusion of the area has merit on planning grounds. It has been argued that the additional area is required in order to enable future road access to existing zoned areas however it is not agreed that this is the case, with subdivision of these areas still considered achievable; and
- While future rezoning applications to expand the Rural Village may be initiated by the local government, it is undesirable to single out particular areas for potential future inclusion into the zone through the Structure Plan. If variation

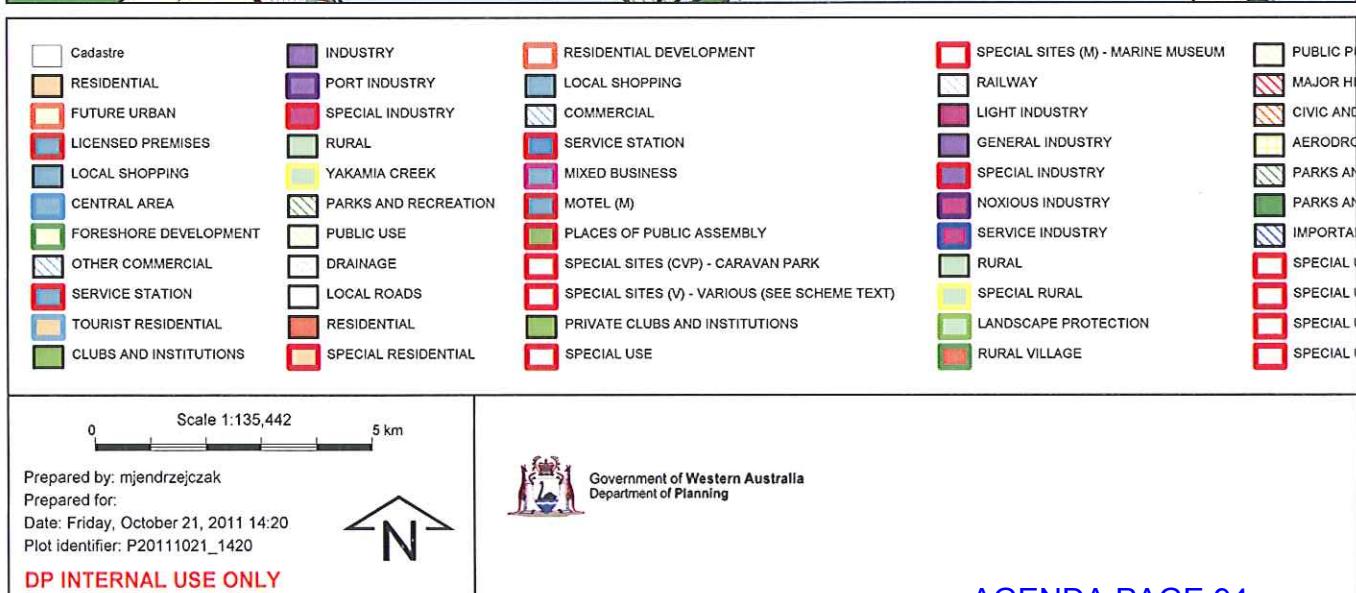
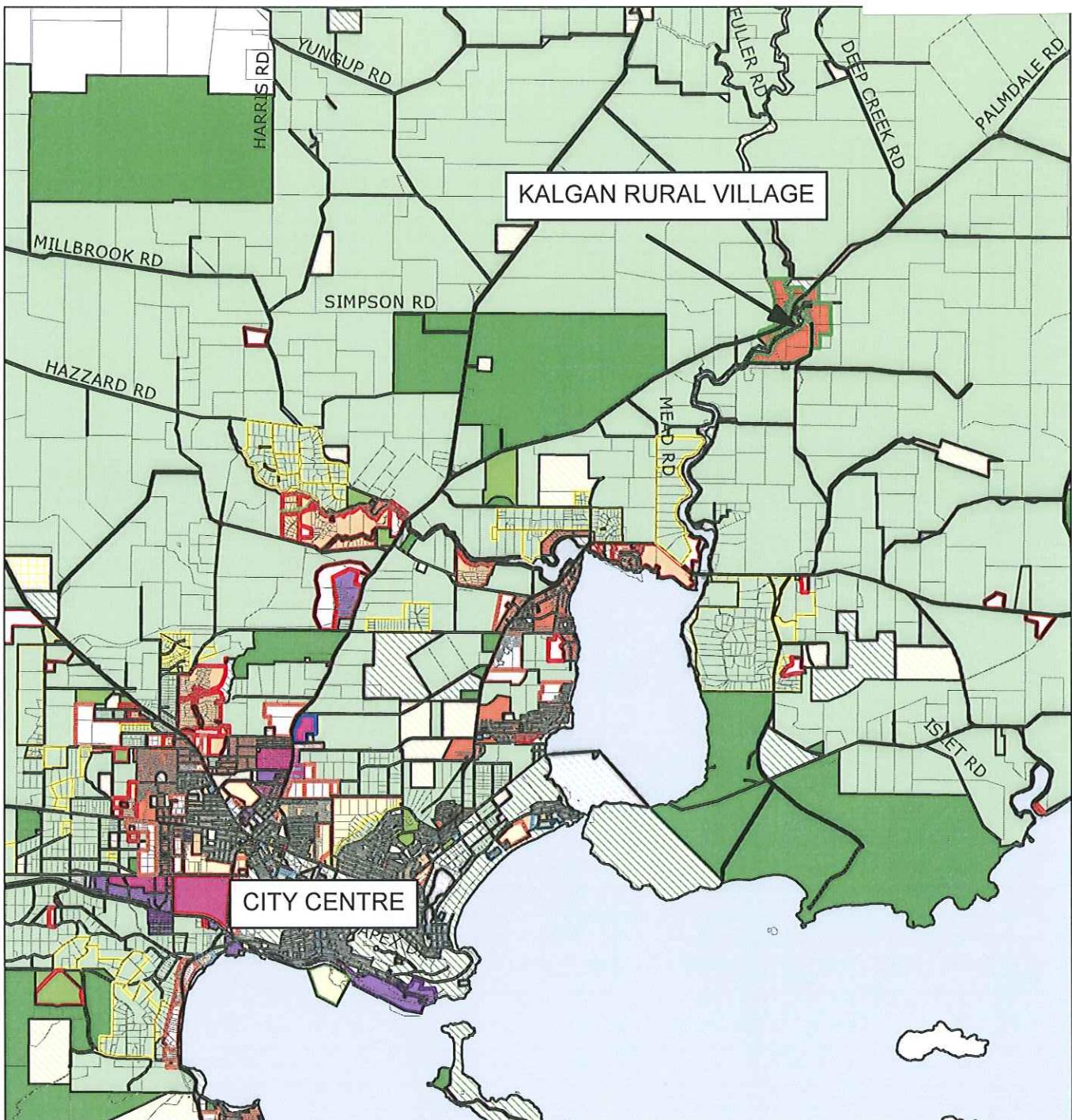
---

to the zoning boundaries is to be considered, it is orderly and proper to do so on a wider basis. In addition, it is not appropriate to pre-empt future zoning decisions through a Structure Plan as the document does not have a strategic land use designation function.

Local government officers have also requested that a general modification be included for the local government to clarify use permissibility within the various precincts of the Structure Plan area, instead of stipulating these directly at this point. This approach is supported, as the Scheme provisions provide for this clarification to be made in individual Structure Plans. As this is likely to require further consultation with the local government and potentially the wider public, it is recommended that the use permissibilities be established in a separate Local Planning Policy or similar. This will allow for the required level of consultation to be made in regard to this particular matter without the need to re-advertise the entire Structure Plan prior to endorsement.

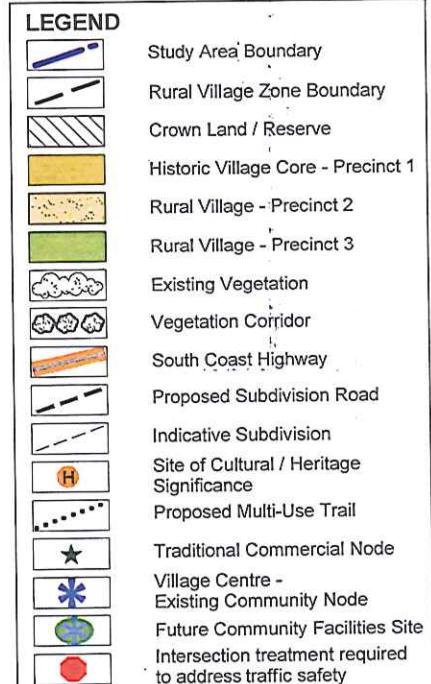
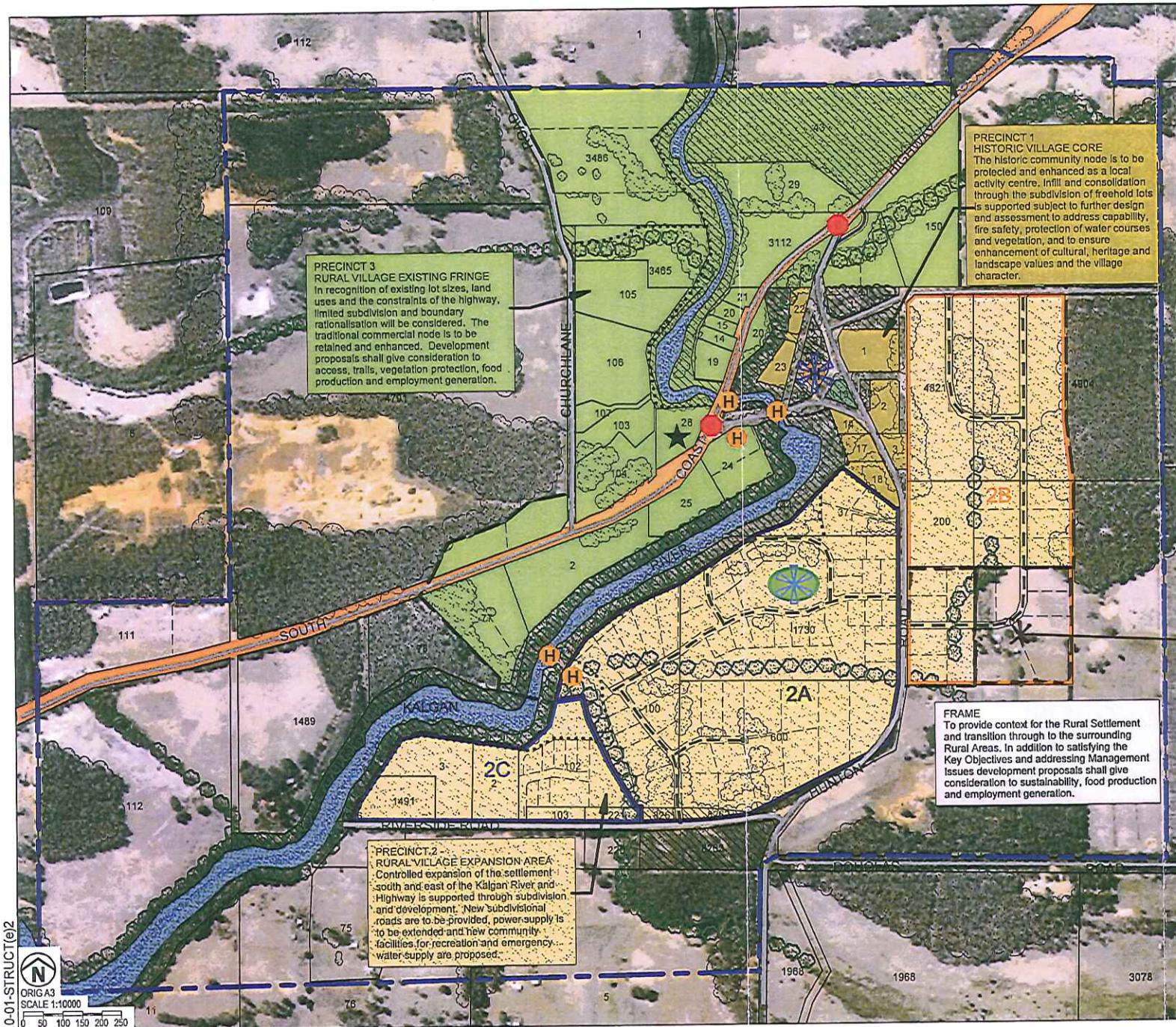
### **CONCLUSION:**

The Structure Plan is in accordance with the relevant strategic planning framework and will be in accordance with the local statutory framework, subject to appropriate modifications being made. It is recommended that the ODP be endorsed by the WAPC, subject to the modifications contained in **Attachment 4** being completed.



# KALGAN RURAL VILLAGE STRUCTURE PLAN

Kalgan, City of Albany



AYTON BAESI PLANNING  
11 Duke St  
Albany WA  
Ph 9842 2304 Fax 9841 9522  
**AGENDA PAGE 95**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**KALGAN RURAL VILLAGE STRUCTURE PLAN**  
**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
1	Water Corporation PO Box 915 ALBANY WA 6331	<p>No objections.</p> <p>All of the land contained within this development proposal is outside the Water Corporation's Water and Wastewater Operating License Areas and as such neither of the Corporation's water or wastewater services are available. Each lot will be required to be self-sufficient with respect to the provision of potable water and on-site effluent disposal.</p>	The submission is noted.	Note.
2	Western Power Locked Bag 2520 PERTH WA 6001	No objections.	The submission is noted.	Note.
3	Department of Water PO Box 525 ALBANY WA 6331	<ul style="list-style-type: none"> <li>• The Dept of Water (DoW) supports the designation of waterways protection on the structure plan. Buffer widths will be determined at the time of subdivision, on an individual basis after site inspection and a bio-physical assessment of the waterway.</li> <li>• The (DoW) is satisfied that the water management issues of the area have been addressed in Section 7 of the planning report. Additional, more detailed information and design may be required at subdivision stage, depending on the scale of development.</li> <li>• Given the low density of the proposed development and the information provided in the planning report, the DoW is satisfied that the ODP area is capable of supporting the proposed land uses. Some sites in the ODP identified as having some physical constraints to development will require more detailed assessment at the time of the subdivision.</li> <li>• The DoW supports the requirement for self supply of potable water.</li> </ul>	The submission is noted.	Note.
4	Department of	DEC acknowledge that previous advice provided has now	The submission is noted.	Note.

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
	Environment and Conservation 120 Albany Highway ALBANY WA 6330	<p>been addressed and incorporated into the current ODP, however they advise that the following aspects still appear to be understated:</p> <ul style="list-style-type: none"> <li>• <b>Weeds:</b> There is a risk from weed incursion, in particular Sydney Golden Wattle. There is no mention of the <i>Pinus radiata</i> removal programme along the Kalgan River, which has been co-sponsored by the City.</li> <li>• <b>Cockatoos:</b> The Kalgan area is important for various threatened cockatoo species; Baudin's Black Cockatoo, Carnaby's Black Cockatoo and the Red-Tailed Black Cockatoo. These birds use native vegetation for roosting and feeding.</li> <li>• <b>Bush Fire Protection:</b> In areas where residual native vegetation occurs, the fire protection building standards for new housing may need to be increased to a higher classification level in order to reduce the width of hazard separation zones (HSZ). Routine 5-7 year burning cycles in a HSZ will result in vegetation change and deterioration of conservation values over time.</li> </ul>	<p><u>Comment:</u></p> <p>As land is subdivided, additional foreshore reserves will be ceded to the City of Albany, which will manage the land in conjunction with community conservation groups.</p> <p>Large stands of remnant vegetation will be preserved throughout the ODP area, revegetation will be undertaken to create new ecological linkages and additional foreshore reserves will be ceded to the City of Albany as land is subdivided. These measures should ensure that many of the habitats used by Black Cockatoos are preserved.</p> <p>While a broad Fire Management Plan has been included with the ODP report (Appendix B), it does not look at detailed fire management measures, as the final subdivisional layout has not yet been determined. More detailed fire management planning can be undertaken and suitable controls implemented at the subdivision and development stages.</p>	<p>Modifications have been recommended to strengthen requirements for flora and fauna investigations being undertaken at subdivision/development stage; and protection and preservation of identified remnant vegetation within the Structure Plan area.</p> <p>Modifications have also been recommended to incorporate additional information into the broad Fire Management Plan; and ensure that individual FMP's lodged with subdivision proposals provide further detail where necessary.</p>
5	Fire and Emergency Services Authority 5 Hercules Crescent CENTENNIAL PARK	FESA expects that the methodology included in the <i>Planning for Bushfire Protection</i> document is applied to the subject development.	The submission is noted.  See submission 4 above.	Note.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**KALGAN RURAL VILLAGE STRUCTURE PLAN**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
	WA 6330			
6	Heritage Council of WA PO Box 6201 EAST PERTH WA 6892	<p>The Heritage Council has no objections to the proposal and provide the following comments:</p> <ul style="list-style-type: none"> <li>• They support the recommended actions relating to heritage.</li> <li>• The proposal identifies places of heritage significance within the Kalgan Town Site and notes that 'the historic community node is to be protected and enhanced as a local activity centre'.</li> <li>• State Planning Policy 3.5, Historic Heritage Conservation, offers clear guidance on planning for heritage places and should be noted as a policy driver for the plan.</li> </ul>	<p>The submission is noted.</p>	<p>Note.</p>
7	Department of Indigenous Affairs PO Box 5091 ALBANY WA 6332	<p>The DIA has provided the following heritage comments and advises that it does not have authority to give approval on proposals.</p> <p>Given the cultural and archaeological significance of this area, the local Noongar community encourage further archaeological investigation of this important Aboriginal heritage area, in direct consultation with the Noongar community.</p> <p>Specific comments are that:</p> <ul style="list-style-type: none"> <li>• Clause 9.1 should include protection of the area's heritage values (Aboriginal and European)</li> <li>• Non deleterious work, management work (including environmental management work) within a site can be carried out under the less onerous Regulation 10 process.</li> <li>• Recommendation that the Structure Plan be reviewed by the Albany Heritage Reference Group Aboriginal Community and the Southwest Land and Sea Council.</li> </ul>	<p>The submission is upheld.</p> <p><u>Modification required:</u></p> <p>Clause 9.1 of the ODP report shall be modified to include the following additional aim:</p> <p><i>"To protect the heritage values, both Aboriginal and European, of the area".</i></p> <p><u>Comment:</u></p> <p>It is agreed that due to the Aboriginal and European heritage significance around the Kalgan townsite area, it would be valuable to include the protection of the area's heritage values as an aim of the ODP under Clause 9.1.</p>	<p>Uphold in part:</p> <p>Modifications have been recommended to ensure referral of all subdivision applications to DIA.</p> <p>Further consultation with Heritage reference group and SWLSC not considered necessary at this point due to opportunities for comment by agencies and the public having been provided via the advertising process; and requirements for all subdivision proposals to be referred to DIA.</p>

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
			<p>The draft modified Precinct guidelines that have been provided by the proponent following the public advertising process and community meeting on 9 February 2011 includes the following statement as a key objective of the ODP:</p> <p><i>"Recognise, Protect and Enhance the rich and diverse Natural and Cultural Heritage of Kalgan. Proposals to comply with Aboriginal Heritage Act, SPP 3.5, applicable State and Local Policies and referral to relevant agencies".</i></p>	
8	Main Roads WA PO Box 503 ALBANY WA 6330	<p>Main Roads are opposed to the proposed Outline Development Plan and state:</p> <ul style="list-style-type: none"> <li>• Any costs associated with improving State Assets as a result of the development should be paid for by the proponent, and should be at no cost to Main Roads.</li> <li>• An increase in residential density north of South Coast Highway will inevitably result in increased traffic conflict between local residents and heavy vehicles, increased community road safety concerns and diminished effectiveness of South Coast Highway as a priority heavy haulage route. The development would also be affected by traffic noise and vibration.</li> <li>• If the Townsite is extended to the south and east, issues would include the Hunton Road and Wheeldon Road intersections with South Coast Highway; improvements would be required to the Kalgan River Bridge, including pedestrian facilities; and, safe vehicle access into the local shop would be required.</li> <li>• The lack of passing opportunities available to traffic on</li> </ul>	<p>The submission is upheld.</p> <p><u>Modifications required:</u></p> <ol style="list-style-type: none"> <li>1. The draft Traffic Solutions Plan shall be modified by: <ul style="list-style-type: none"> <li>• Deleting the 'Long Term' section under the 'Village' notations;</li> <li>• Deleting the 'Long Term' section under the 'South Coast Highway' notations; and</li> <li>• Deleting the notation proposing "New Signage 'To Kalgan Village' include road name (Wheeldon) on side road symbol".</li> </ul> </li> <li>2. The draft Traffic Solutions Plan (subject to modification) and the draft Realignment Plan for Hunton Road shall be incorporated</li> </ol>	<p>Uphold in part:</p> <p>While MRWA's objection to the proposal is not supported in principle, some of the issues raised are valid. Council's recommendations in this regard are generally supported as they will address some matters raised, however additional modifications are also recommended to deal with matters of traffic conflict and road upgrades.</p>

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended Response	WAPC
		<p>South Coast Highway between the Kalgan Townsite and Albany has already been raised as an area of concern.</p> <ul style="list-style-type: none"> <li>Main Roads has no intention of reducing the speed limits on South Coast highway as this would diminish the effectiveness of the highway as a priority heavy haulage route and increase costs to industry.</li> </ul>	<p>into the ODP documentation and the ODP updated to reflect the recommendations of these supporting plans.</p> <p><u>Comment:</u></p> <p>Main Roads' comments are acknowledged and further discussions have taken place to address these concerns. A draft Traffic Solutions Plan has been submitted in support of the ODP documentation and incorporates various recommendations based on feedback from Main Roads and the City of Albany.</p> <p>The ODP documentation identifies limited subdivision potential to the north of South Coast Highway, subject to land capability and limited access opportunities to the highway.</p> <p>The draft Traffic Solutions Plan has identified the need to substantially upgrade the intersections of Wheeldon Road and Hunton Road with South Coast Highway. It is proposed to reduce the Wheeldon Road intersection to a left in/right out arrangement in the short-term and likely close the intersection to motor vehicles in the longer term. Realignment of the Hunton Road intersection, by approximately 60m to the north, allowing</p>		

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended Response	WAPC
			<p>for significant improvements to geometry and sightlines has been proposed and would be implemented concurrently with subdivision of land to the south of the highway.</p> <p>It is acknowledged in the draft Traffic Solutions Plan that there is no direct pedestrian access to the local shop and that the vehicle access points are not capable of upgrade. However, it should be noted that the shop site is identified in the ODP documentation as the 'Traditional Commercial Node'. This designation is silent on long-term options and does not preclude the possibility of identifying a new shop site in future.</p> <p>The draft Traffic Solutions Plan acknowledges the importance of South Coast Highway as a road haulage route and does not seek to reduce the speed limit on the highway through the Kalgan townsite.</p> <p>Main Roads have reviewed the draft Traffic Solutions plan and the proposed realignment for Hunton Road and have confirmed that they would be able to support the proposed ODP on the strength of these additional supporting documents, subject to the deletion of the 'Long Term'</p>		

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
			proposals under the 'Village' and 'South Coast' Highway notations and the deletion of the notation proposing "New Signage 'To Kalgan Village' include road name (Wheelton) on side road symbol".	
9	Department of Regional Development and Lands – Lands Division PO Box 1575 MIDLAND WA 6936	No objections.	The submission is noted.	Note.
10	Ms A Dixon 45528 South Coast Highway KALGAN WA 6330	<ul style="list-style-type: none"> <li>• Ms Dixon refers to her letter to Council dated 16 March 2008 in which she sought inclusion in the proposed Kalgan Rural Village Structure Plan group application being prepared by Ayton Baesjou Planning for approval to subdivide.</li> <li>• Ms Dixon originally proposed lots no smaller than one acre but now seeks subdivision approval for lots no smaller than two acres. The rationale is that properties larger than two acres have the potential to impact on people's retirement plans, pensions and benefits.</li> <li>• Whilst aware that her property is not within the current townsite, as shown on the maps, the five properties to the west of her property were subdivided from one block that was purchased at the same time as her property.</li> <li>• In her opinion, houses on 4 or 5 blocks, with some facing on to South Coast Hwy, would complement the existing houses, provide lifestyle for potential purchasers and increase the value of her property should she decide to sell.</li> </ul>	<p>The submission is noted.</p> <p><u>Comment:</u></p> <p>45528 South Coast Highway is included within Precinct 3 of the ODP. Any application for subdivision would be considered on its individual merits, with particular consideration given to land capability and the ability to provide safe access to South Coast Highway, to the satisfaction of Main Roads WA.</p>	Note. Land falls within Precinct 3 which provides for limited subdivision to occur, subject to certain criteria being met.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**KALGAN RURAL VILLAGE STRUCTURE PLAN**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
		<ul style="list-style-type: none"> <li>Landgate maps and proposals are included to support her application for subdivision.</li> </ul>		
11	Mr & Mrs J Bird 64 Lillburne Road DUNCRAIG WA 6023  Owner of: 60 Riverside Road KALGAN WA 6330	Supportive of the proposal but concerned about the increase in red dust generated by more traffic using Riverside Drive and the subsequent impact on health, residue on their house roof, runoff into their rainwater tank and shadowing on solar panels. Recommends sealing of the road.	<p>The submission is noted.</p> <p><u>Comment:</u></p> <p>60 Riverside Road lies within Precinct 2 of the ODP, which will support the bulk of subdivision and development within the townsite. There would be a requirement to seal Riverside Road prior to subdivision of the adjoining land.</p>	<p>Uphold.</p> <p>Modifications have been recommended to ensure road upgrades occur as a result of subdivision/development approval.</p>
12	Mr R Varden 210 Varden Street KALGOORLIE WA 6430  Owner of: 60/70 Churchlane Road KALGAN WA 6330	<p>Mr Varden has no objection to the proposed plan but has the following concerns:</p> <ul style="list-style-type: none"> <li>The proposed multi-use trail passing through Lot 3465 (70 Churchlane Road) will cause damage to the flora and fauna, raises possible security and insurance issues and would lead to disruption of privacy and his animals and pets.</li> <li>Where will the proposed multi-use trail along the river be located, what security risk will it pose and will there be a need to put in a new fence at additional cost to him? In addition the riverbank is in delicate condition and further traffic will add to that damage and be detrimental to flora and fauna.</li> <li>In relation to the Gazetted Townsite, the boundary of Precinct 1 cuts through his property (Lot 105) rather than following the boundary of their property, as it does on adjoining properties. Their property is split into Precinct 1 and 3 – how will this affect rates, further use of the land and future regulations/rules imposed on the townsite? Recommends adjusting the boundary of the plan so that</li> </ul>	<p>The submission is noted.</p> <p><u>Comment:</u></p> <p>The proposed multi-use trails are shown indicatively on the ODP as a long term goal and would only be required at time of subdivision, when they would be ceded to the City of Albany as reserve land. Until such time there would be no development and no impact on private land holdings.</p> <p>Any multi-use trail along the riverbank would be similar to the Luke Pen walk and fenced off from private property. If this takes place, appropriate fencing will be required as a condition of subdivision.</p> <p>The Gazetted Townsite boundary cuts through Lot 105 (60) Churchlane Road,</p>	<p>Uphold in part.</p> <p>Modifications have been recommended to clarify location and alignment of multi-use trails, in order to ensure they are within local reserves (not private property) and managed appropriately.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**KALGAN RURAL VILLAGE STRUCTURE PLAN**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
		all of Lot 105 falls within Precinct 3.	which is a historic anomaly. However, the Precinct boundaries set out in the ODP do not. 60/70 Churchlane Road is entirely contained within Precinct 3, as set out in the ODP.	
13	Mr & Mrs M Reeves Via e-mail  Owners of: 45724 South Coast Highway KALGAN WA 6330	Generally supportive of some subdivision within the Kalgan area but raised the following concerns regarding this ODP: <ul style="list-style-type: none"> <li>• Inappropriate high density, which would have an impact on the values of the river, the foreshore reserve and the local character sense of place of Kalgan.</li> <li>• The low land capability of the area of high density development on the west side of Hunton Road and the north side of Riverside Road would not support the proposed number of blocks on Lots 1730, 100, 102 &amp; 600.</li> <li>• These lots would not have sewerage or water supply and due to the waterlogging of this area, it would be difficult to appropriately treat waste water on site.</li> <li>• Larger size lots would provide more opportunity for employment generation, food production, waste water treatment, water collection and reduce the impacts on the Kalgan River and its foreshore.</li> <li>• Traffic issues that currently exist would be increased by such a high density development and would cause danger on the two single lane bridges.</li> <li>• The 90 km/h speed limit through the Kalgan townsite is already considered to be too fast.</li> <li>• Local non-vehicle trails to encourage walking and cycling within the community should be included. These could act as firebreaks and fire access tracks.</li> <li>• Local recreation and foreshore protection, including increased width of the foreshore reserve. The proposed</li> </ul>	<p>Submission Upheld in part.</p> <p><u>Modifications required:</u></p> <ol style="list-style-type: none"> <li>1. Refer Submission 8 in relation to traffic issues.</li> <li>2. Modify the designation on the ODP for the oval to 'Future Community Facilities Site'.</li> </ol> <p><u>Comment:</u></p> <p>The majority of lots created under the provisions of the ODP will range in size from 2000-5000m<sup>2</sup>, which is generally considered low density development. In addition, the Albany Local Planning Strategy (ALPS) only supports the development of up to 100 lots within the townsite.</p> <p>An extensive land capability study has been undertaken over much of the subject land, particularly the area to the west of Hunton Road and the north of Riverside Road, which demonstrates that there is</p>	<p>Uphold in part:</p> <p>While the Structure Plan in its current form does make reference to the matters raised, modifications are recommended to strengthen provisions relating to traffic, pedestrian trails, foreshore and vegetation protection, and site suitability for effluent disposal.</p> <p>It has also been recommended that the current location of the 'community facilities' site be clarified as nominal only, given the agreed potential site constraints of the current location.</p> <p>It is not agreed that the development density provided for in the Structure Plan is inappropriate as minimum lot sizes provided for are consistent with a low density residential form, and actual lot sizes will be</p>

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
		oval is not supported.	<p>adequate land capability to support subdivision and accommodate on-site effluent disposal. However, final lot sizes and layout will be determined on the basis of detailed land capability investigations and stormwater drainage requirements.</p> <p>Under the 'Rural Village' zoning, a number of land uses can be considered, which will provide opportunities for employment generation and food production. The larger (circa 4000m<sup>2</sup>) lots within Precinct 2 should be able to accommodate many of these uses, as would the lots in Precinct 3. Waste water treatment will be by means of on-site systems, while stormwater drainage will be managed within the development, prior to discharge into watercourses. Water collection for drinking supplies can be accommodated on all lots.</p> <p>The potential problems that could be created by additional traffic volumes will be mitigated by improved access to and from South Coast Highway. Following discussions with Main Roads WA, it is likely that in time, the intersection of Wheeldon Road and South Coast Highway will be closed and the intersection of Hunton Road and South Coast Highway will be realigned approximately 60m to the north and substantially upgraded. Bridge</p>	directed by land capability.

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
			<p>upgrades could also be considered at this time.</p> <p>It is proposed to reduce the speed limit to 40km/h through the centre of the townsite to reduce traffic hazard.</p> <p>An indicative pedestrian trail network has been included within the ODP and would be incorporated into foreshore reserves ceded to the City of Albany as subdivision takes place.</p> <p>See comment above regarding foreshore reserves. The proposed oval has been superseded by a 'Future Community Facilities Site' in the draft modified ODP. This could be used for a number of different community purposes, whether a sports ground, relocation of the community hall or fire shed, or an entirely new community facility.</p>	
14	Mr & Mrs A Glass 55 Hunton Road KALGAN WA 6330	<p>Although not against the development Mr &amp; Mrs Glass are concerned that:</p> <ul style="list-style-type: none"> <li>• There has been no consultation with residents in formulating this structure plan proposal.</li> <li>• The proposal is too dense.</li> <li>• The proposed roads marked on Mr Andrews' property should have been deleted as he is no longer involved.</li> <li>• The land designated as an oval is very water logged and would not be used.</li> <li>• Main Roads have stated they do not support the</li> </ul>	<p>See submission 13 above.</p> <p><u>Comment:</u></p> <p>It was the understanding of City of Albany staff that the proponent had engaged with the local community in preparing the ODP through community meetings. In addition, the public advertising period provides the local community with an opportunity to view</p>	<p>Uphold in part:</p> <p>See comments for submission 8 and 13 above relating to roads, density, land capability and vegetation protection.</p> <p>Regarding community consultation, Council's response is agreed with.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**KALGAN RURAL VILLAGE STRUCTURE PLAN**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
		<p>development and would not be upgrading bridges or roads. Who is going to?</p> <ul style="list-style-type: none"> <li>• No wildlife corridors have been included in the plans. The Kalgan area is home to the endangered Ringtail Possum and a wide range of other fauna.</li> <li>• Insufficient public comment period and inappropriate timing over Christmas/New Year.</li> </ul>	<p>the plan and provide feedback, raise concerns, etc. A community meeting was also held on 9 February 2011 to give residents a further chance to air their views and ask questions about the proposal.</p> <p>The majority of lots created under the provisions of the ODP will range in size from 2000-5000m<sup>2</sup>, which is generally considered low density development. In addition, the Albany Local Planning Strategy (ALPS) only supports the development of up to 100 lots within the townsite.</p> <p>Although Mr. Andrews may no longer wish to develop his land (85-87 Hunton Road), it has been rezoned to the 'Rural Village' zone and must be included within the ODP. The subdivisional roads shown on the plan should be treated as indicative at this stage.</p> <p>The proposed oval has been superseded by a 'Future Community Facilities Site' in the draft modified ODP. This could be used for a number of different community purposes, whether a sports ground, relocation of the community hall or fire shed, or an entirely new community facility.</p> <p>Following further discussions with Main</p>	

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
			<p>Roads and the development of the draft Traffic Solutions Plan and proposed realignment of Hunton Road, they have withdrawn their objection to the proposals. A contributions plan will be developed, which will allow the City to take contributions from developers as the subdivide land to fund the necessary improvements to local infrastructure.</p> <p>Although not specifically detailed on the plan as 'wildlife corridors', a number of vegetation corridors have been set out in the ODP, which will function as ecological linkages between the foreshores of the Kalgan River and Chelgiup Creek and stands of remnant native vegetation across the townsite.</p> <p>An ODP is typically advertised for a period of 28 days. However, in this instance, the advertising period was extended to 42 days, on account of the Christmas and New Year period.</p>	
15	Kalgan Settlers' Association Inc 45724 South Coast Highway KALGAN WA 6330	<ul style="list-style-type: none"> <li>Due to insufficient public comment period and inappropriate timing over Christmas/New Year, request made to extend the deadline for submissions until after the Community Meeting on 9<sup>th</sup> Feb 2011.</li> <li>There has been no community consultation or involvement in the development of the structure plan. Two community workshops held in 2008 were prior to rezoning and did not provide the opportunity to discuss</li> </ul>	<p>See submission 13 above.</p> <p><u>Comment:</u></p> <p>A meeting was held with the Kalgan Settlers' Association on 9 February 2011. The meeting was well attended. It was advised at the meeting that the City would</p>	<p>Uphold in part:</p> <p>See comments for submission 8 and 13 above relating to roads, density, land capability and vegetation protection.</p> <p>Regarding community</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**KALGAN RURAL VILLAGE STRUCTURE PLAN**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
		<p>detailed structure plans.</p> <p>Community concerns to be noted:</p> <ul style="list-style-type: none"> <li>• Increased traffic volume.</li> <li>• The current bridges are under-engineered to cope with extra traffic.</li> <li>• Traffic generation study to be undertaken.</li> <li>• Potential acid sulphate soils</li> <li>• Potential impact of development on adjacent river.</li> <li>• The Structure Plan should be consistent with community visions, retain existing avenue of trees on local roads and incorporate pedestrian access across the Kalgan River South Coast Highway Bridge.</li> <li>• There is an opportunity to consolidate reserves and unmade roads, with the community involved in discussion.</li> </ul>	<p>accept a late submission, if there was anything further that they wanted to add to their earlier submission. However, no further submissions have been received.</p> <p>The draft Traffic Solutions Plan details a number of proposed improvements to local roads infrastructure to cope with additional traffic, including the recommended imposition of a 40km/h speed limit in the centre of the townsite, realignment of the Hunton Road/South Coast Highway intersection and partial or complete closure of the Wheeldon Road/South Coast Highway intersection. It should also be noted that gravel roads, such as Riverside Road, would be sealed as subdivision of adjoining land takes place.</p> <p>An extensive land capability study has been undertaken over much of the subject land, particularly the area to the west of Hunton Road and the north of Riverside Road, which has identified a low risk of acid sulphate soils. Further detailed land capability investigations will be required in some areas prior to subdivision.</p> <p>In terms of likely impacts on the Kalgan River, the Department of Water are the competent authority who have reviewed the ODP documentation and are satisfied</p>	consultation, Council's response is agreed with.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

**KALGAN RURAL VILLAGE STRUCTURE PLAN**

**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
			<p>with the proposals.</p> <p>The ODP is intended to provide a broad framework for the development of the Kalgan townsite, but the City will remain mindful of the community's vision.</p>	
16	Mr F R Douglas 26 Riverside Road KALGAN WA 6330	<p>As one of the property owners and developers of the proposal, Mr Douglas puts forward the following comments;</p> <ul style="list-style-type: none"> <li>• The structure plan endorsed by Council in December is the best plan that could be produced to satisfy the property owners, Planners and Departments. This is confirmed in the Landform Research study.</li> <li>• Significant delays have been caused over the years in the process of rezoning and preparing this Structure Plan, which has resulted in several land owners incurring extra costs. Mr Douglas hopes there will be no further delays.</li> <li>• An indigenous name will be used for the subdivision road once heritage subdivision approval has been granted by DPI.</li> </ul>	<p>The submission is noted.</p>	Note.
17	Mrs C Salmon PO Box 385 ALBANY WA 6331  Owner of: 36 Churchlane Road KALGAN WA 6330	<p>Mrs Salmon strenuously opposes the multi-use walking trail proposed for the western shoreline of the river, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Unavoidable destruction of the native vegetation which hangs on precariously along the river bank.</li> <li>• Unavoidable destruction of native breeding grounds for ducks, ibis, shags and many other forms of bird life.</li> <li>• Introduction of unwanted weeds/grass secondary to the necessity of keeping the native vegetation down to maintain the trail.</li> <li>• Major reduction in the security of the entire waterfront and loss of privacy for residents who purchased their</li> </ul>	<p>The submission is noted.</p> <p><u>Comment:</u></p> <p>The proposed multi-use trails are shown indicatively on the ODP as a long term goal and would only be required at time of subdivision, when they would be ceded to the City of Albany as reserve land. Until such time there would be no development and no impact on private land holdings.</p>	<p>Uphold in part:</p> <p>Modifications have been recommended for revision of the proposed multi-use trails, including removal of new trails from within Precinct 3 (in which the land owner is located). Other trails proposed to be retained are governed by provisions ensuring their location and management minimises impacts</p>

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## KALGAN RURAL VILLAGE STRUCTURE PLAN

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Council Comment and Recommendation	Recommended WAPC Response
		<p>properties for this reason.</p> <ul style="list-style-type: none"> <li>• Disruption, noise and litter that may result from members of the public using the area.</li> <li>• Significant monetary devaluation of her property.</li> </ul>	<p>Any multi-use trail along the riverbank would be similar to the Luke Pen walk and fenced off from private property. If this takes place, appropriate fencing will be required as a condition of subdivision, to ensure the security of the waterfront.</p> <p>Any land ceded to the City of Albany as reserves would be managed by the City, in conjunction with local community conservation groups, which should ensure the continued conservation of habitats and the flora and fauna that inhabit them.</p> <p>Any effect that the proposal may have on the value of adjoining land, whether positive or negative is not a valid planning consideration.</p>	on the environment and adjacent freehold lots.

**CITY OF ALBANY**  
**Kalgan Rural Village Structure Plan**  
**Schedule of Modifications**

No.	Modification	Reason
<b>Sections 1-9 of Document</b>		
1.	Delete references to lot sizes below 2000m2.	Lots below this size not generally supported in the structure plan area. Any allowances for lesser sized lots will be contained in the subdivision and development provisions in Section 10 of the document (see modification 9 below).
2.	Delete references to 'frame', 'study area', transition of subdivision/development between structure plan area and surrounding rural zone etc.	This area is not subject to the Rural Village zone and the provisions of the Rural zone apply. The study area and frame were used as context to establish the original zoning boundaries and as such are not relevant to the Structure Plan.
3.	Delete references to strategic framework (ALPS, LGSS) providing for 'rural living' developments.	Framework provides for 'rural village' development, which is considered a different development form to 'rural living'.
4.	Delete references to fill being an acceptable measure to achieve separation distance for onsite effluent disposal.	Filling of sites to achieve minimum groundwater separation distances is disallowed by the Country Sewerage Policy.
5.	In S8, reword to clarify that while MRWA are the responsible authority for main roads this does not preclude developer contributions for upgrades where warranted.	Developer contributions toward upgrade of Main Roads' infrastructure may be warranted in the future if a suitable contributions framework is in place; the Structure Plan should not preclude this occurring where appropriate.
6.	In S8.4, delete broad statements that existing land capability demonstrates onsite effluent disposal is achievable.	Land capability studies carried out thus far do not comprehensively demonstrate onsite effluent is achievable; alludes to fill being required to achieve separation distances/servicing in some areas and, as above, this is not acceptable. Land requiring further testing will be clarified on Figure

		3 (see modification 11 below).
7.	Delete S9.1 broad aims.	These will be covered by objectives of the zone and specific precinct aims in section 10 of the document (see modification 9 below).
8.	Delete S9.2 design guidelines.	Detailed design guidelines will be contained in a dedicated section of the Structure Plan document and relate to specific Precincts and land uses (see modification 14 below).
<b>Section 10 of Document</b>		
9.	<p>Rename as '10. Structure Plan - Subdivision and Development Provisions'.</p> <p>Insert '10.1 Introduction' after heading.</p> <p>In S10.1 insert TPS objectives from S3.1.21 of the Scheme before existing paragraph 3 which lists the aims and objectives of the structure plan.</p> <p>In S10.1 re-word first sentence of paragraph 3 to "In order to conserve the village character of Kalgan and meet the Scheme objectives for the Rural Village zone, the structure plan has the following aims and objectives:"...</p> <p>In S10.1 mention that the structure plan is divided into specific land use precincts that have particular aims, objectives and land use provisions.</p> <p>In S10.1 make reference to the zoning table in TPS 3. Include statement that land use permissibility (apart from Single House and Single Bedroom Dwelling) is largely discretionary and Council will determine whether to support discretionary land uses within the structure plan area taking into account the aims and objectives of the TPS, the provisions of S10 and more particularly the specific land use provisions for various precincts within the structure plan area (contained in S10.3) which describe the land uses Council will/will not support within specific precincts.</p> <p>Delete existing heading 10.2.</p> <p>Insert new heading '10.2 General Provisions'</p> <p>In S10.2:</p>	<p>This is the statutory part of the Structure Plan. Revisions will provide the required level of control and guidance of land use and subdivision, and therefore ensure objectives of the Structure Plan and Rural Village zone are achieved.</p> <p>Scheme provisions for the Rural Village zone direct Structure Plans for the Rural Villages to act in a largely statutory manner, given the number and variety of rural villages in the City and the need for individual Structure Plans to adequately deal with site specific matters.</p> <p>These modifications convert the existing 'recommended actions' in the document to development provisions, in order to achieve the statutory function of the Structure Plan.</p> <p>Clarification of land use permissibility in the individual Precincts is necessary in accordance with 3.13B of the Scheme, and in order to meet the objectives and intent of the zone and Structure Plan. It is understood that Council will consider which land uses it considers appropriate in each Precinct in consultation with the community, and advise the WAPC of its preferences accordingly.</p>

	<p>Include introductory statement: "The following provisions apply to all subdivision and/or development proposals in the Kalgan Rural Village Structure Plan area."</p> <p>Followed by: "Precinct-specific provisions, contained in S10.3 of this Structure Plan, also apply to subdivision and/or development proposals in the Kalgan Rural Village, in addition to the over-arching provisions below. Where a discrepancy between the provisions of S10.2 and S10.3 exists, the precinct-specific provisions of S10.3 shall take precedence."</p> <p>Keep explanatory text relating to specific matters (modified accordingly as per required mods for Sections 1-9) however restructure specific provisions (currently 'recommended actions') relating to the matters to read as statutory provisions as follows:</p> <p><b>Re-number to 10.2.1 Heritage and incorporate existing 10.1.2 and 10.2.1</b></p> <ul style="list-style-type: none"> <li>a) All subdivision proposals within Kalgan Rural Village shall be referred to the Department of Indigenous Affairs for comment.</li> <li>b) Subdivision and/or development proposals within designated European Heritage areas as shown on Figure 1 shall be referred to the Heritage Council of WA for comment.</li> <li>c) Approval to subdivide or develop land within Kalgan Rural Village may be subject to conditions relating to heritage matters including but not limited to ethnographic surveys; preparation and implementation of heritage conservation plans; retention, protection and/or refurbishment of areas, buildings and/or other structures of heritage value; and/or ceding of land for construction of heritage/multi-use trails as shown on Figure 1 and referred to elsewhere in this Section.</li> <li>d) All site works, development and/or refurbishments of the Kalgan Community Hall shall have regard to the aims and objectives of this structure plan, the natural and cultural heritage of the Place, the requirements of the Aboriginal Heritage Act, Heritage of Western Australia Act and other relevant legislation.</li> </ul> <p><b>Re-number to 10.2.2 Fire Management and incorporate existing 10.2.2 and 10.4</b></p> <ul style="list-style-type: none"> <li>a) Fire management plans (FMP's) shall be prepared and lodged with all individual applications</li> </ul>	
--	---	--

	<p>for subdivision. This requirement may be waived if sufficient justification is provided at application lodgement stage, and the relevant authority agrees, that the fire hazard is sufficiently minimal for an individual FMP not to be required.</p> <ul style="list-style-type: none"> <li>b) Individual FMP's shall address particulars relative to individual proposals, but also reflect and incorporate the relevant components of the FMP contained in this Structure Plan.</li> <li>c) FMP's lodged with subdivision applications shall be in accordance with the relevant bushfire protection guidelines at the time of application.</li> <li>d) Notwithstanding 10.3.2(c), new subdivision/development shall be located so as not to require any clearing of remnant or foreshore vegetation for fire hazard reduction purposes and this shall be demonstrated through the FMP.</li> <li>e) Approval to subdivide or develop land within Kalgan Rural Village may be subject to conditions relating to fire safety matters including but not limited to installation of strategic firebreaks and water supplies for fire fighting; carrying out of relevant developer responsibilities of the FMP contained in this Structure Plan; construction of buildings in accordance with the relevant Australian Standard; and notifications on lot titles advising of fire safety/management measures that may be required.</li> </ul> <p><b>Re-number to 10.2.3 Roads and Transport Infrastructure and incorporate existing 10.2.4 and 10.5</b></p> <ul style="list-style-type: none"> <li>a) Approval to subdivide and/or develop land within Kalgan Rural Village shall be subject to ceding of land for construction and/or road widening purposes, including implementation of pedestrian/dual use paths as shown on Figure 2 (roads and access plan); and/or payment of pro-rata contributions toward construction/augmentation of the Kalgan Rural Village road network as shown on Figure 2.</li> <li>b) New subdivisional roads shall be sited and designed having regard to the heritage, floristic, environmental, character and amenity values of Kalgan Rural Village, without compromising road safety or stormwater drainage. Such measures may include but not be limited to traffic calming features; reduced pavement widths and/or alternative pavement materials; and alignment of pavement and services to avoid vegetation and/or visual impacts.</li> </ul>	
--	--	--

	<p><b>10.2.4 Pedestrian Access and Movement Networks</b></p> <p>a) Approval to subdivide land within Kalgan Rural Village shall be subject to ceding of land for construction of heritage/multi-use trails as shown on Figure 1 and referred to elsewhere in this Section.</p> <p><b>10.2.5 Effluent Disposal and Geotechnical Assessments</b></p> <p>a) Subdivision and development within Kalgan Rural Village shall meet the relevant lot size and effluent disposal requirements of the draft Country Sewerage Policy, as well as any other relevant provisions of the Town Planning Scheme relating to onsite effluent disposal.</p> <p>b) Late winter land capability/geotechnical assessments for onsite effluent disposal shall be prepared and lodged with all applications for subdivision and/or development. This requirement may be waived if sufficient justification is provided at application lodgement stage, and the relevant authority agrees, that there is sufficient certainty regarding onsite effluent disposal for a specific land capability assessment not to be required.</p> <p>c) Approval to subdivide and/or develop land within Kalgan Rural Village shall, where appropriate, be subject to conditions including but not limited to preparation of geotechnical reports to demonstrate site suitability for development; and installation of Alternative Treatment Units (ATU's) or notifications on lot titles advising of the need to install ATU's.</p> <p><b>10.2.6 Biodiversity and Remnant Vegetation</b></p> <p>a) Planting, establishment, maintenance and suitable protection of vegetation corridors as shown on Figure 1 shall be required as a condition of subdivision and/or development approval on those lots containing identified vegetation corridors.</p> <p>b) Areas of existing vegetation as shown on Figure 1 are identified as having natural, biodiversity, fauna corridor, landscape and/or visual amenity values. Fencing, maintenance and suitable protection of these areas shall be required as a condition of subdivision and/or development approval on those lots containing existing vegetation.</p> <p>c) The relevant authority may impose, as a condition of subdivision and/or development approval, limitations to or prohibition of the keeping of stock and/or domestic pets, where this</p>
--	---

	<p>is determined by the relevant authority to be necessary.</p> <p><b>10.2.7 Waterways</b></p> <ul style="list-style-type: none"> <li>a) Applications for subdivision and/or development of land within Kalgan Rural Village, where the land abuts or contains a creek line or waterway, shall be accompanied by a detailed flood study delineating the Q100 flood level. This requirement may be waived if sufficient justification is provided at application lodgement stage, and the relevant authority agrees, that the Q100 flood level has already been identified and/or will not otherwise impact on the land subject of the application.</li> <li>b) An Urban Water Management Plan (UWMP) shall be prepared in accordance with the relevant urban water management guidelines at the time of application, and lodged with all individual applications for subdivision and/or development. Implementation of the UWMP shall be a condition of subdivision.</li> <li>c) Ceding of land for establishment and/or increase of areas of foreshore reserve shall be required as a condition of subdivision for those lots abutting or containing waterways, wetlands and/or existing foreshore areas. The area of land to be ceded shall be determined by the relevant authority.</li> <li>d) Areas of land ceded under 10.3.7(c) may require fencing and rehabilitation as a condition of subdivision and/or development approval, where this is determined by the relevant authority to be necessary.</li> <li>e) In addition and/or as an alternative to 10.3.7(c), as appropriate, establishment, maintenance, rehabilitation and suitable protection of creek line protection areas shall be required as a condition of subdivision and/or development approval on those lots containing creek and/or drainage lines as shown on Figure 1.</li> <li>f) All new development and onsite effluent disposal systems within Kalgan Rural Village shall be set back from creek lines, waterways and wetland areas as required under the relevant legislation.</li> <li>g) Subdivision proposals incorporating new lot boundaries or fences across creek lines, waterways and/or wetland areas will not be supported.</li> </ul>	
--	---	--

	<p><b>10.2.8 Landscape, Character and Visual Amenity</b></p> <ul style="list-style-type: none"> <li>a) Approval to subdivide and/or develop land within Kalgan Rural Village shall be subject to conditions ensuring that the relevant Visual Impact Criteria and Precinct Design Guidelines as set out in Appendix C of this Structure Plan, have been or are able to be complied with.</li> <li>b) Application may be made for variation to the relevant Visual Impact Criteria and Precinct Design Guidelines at subdivision and/or development stage if a specific visual impact assessment lodged at this stage demonstrates that such variation(s) will not undermine the landscape, village character and amenity values of Kalgan Rural Village; or conflict with any precinct-specific siting or design guidelines that may apply.</li> </ul> <p><b>10.2.9 Infrastructure and Servicing</b></p> <ul style="list-style-type: none"> <li>a) Disposal and management of stormwater shall be carried out through implementation of UWMP's as required in S10.3.7 of this Structure Plan.</li> <li>b) Disposal and management of effluent shall be carried out in accordance with the provisions and requirements of S10.3.5 of this Structure Plan.</li> <li>c) Approval to subdivide and/or develop land within Kalgan Rural Village shall be subject to underground reticulated electricity connections being provided. This provision may be varied for lots or development that, at the time of application being made, are serviced with a demonstrated reliable alternative source of electricity generation. If such alternative measures are used, notifications on title shall be required advising future owners of this alternative service method.</li> <li>d) Applications for subdivision shall be accompanied by detailed calculations demonstrating that water supply by roof catchment and onsite storage will be sufficient to provide a reliable water supply to the land use and/or development proposed. Approval to subdivide land within Kalgan Rural Village shall be subject to notifications on title advising that a reticulated scheme water supply is unavailable and an alternative method of supply is required.</li> </ul> <p><b>10.2.10 Community and Recreation Facilities and Open Space</b></p>
--	--

	<p>a) Figure 1 shows a nominal central area for establishment of community and recreation facilities within Public Open Space (POS). Such an area shall be acquired by the Local Government through the subdivision process and reserved for recreation purposes, with the specific size and location of land to be determined at subdivision stage.</p> <p>b) Unless land is ceded in accordance with 10.2.10(a), cash contributions shall be paid to the Local Government for the purpose of developing/maintaining POS and for compensating developers who have ceded a proportionally higher amount of land.</p> <p>c) When taking cash contributions under 10.2.10(b), the Local Government may take into account the provisions of any endorsed local planning policy relating to this matter.</p> <p><b>PRECINCT PLAN</b></p> <ul style="list-style-type: none"> <li>• Bring forward to become new section '10.3 Provisions for Specific Precincts'</li> <li>• Remove all reference to 'frame' area.</li> <li>• Delete current general section titled 'Kalgan Rural Village Structure Plan'; all this is covered by general background info in document as well as S10 provisions.</li> <li>• Replace existing precinct provisions with the following:</li> </ul> <p><b>10.3 Provisions for Specific Precincts</b></p> <p><b>10.3.1 Introduction</b></p> <p>a) In order to achieve the objectives of this Structure Plan, the Kalgan Rural Village is divided into precincts. The specific provisions applicable to individual precincts apply in addition to the provisions of Section 10. Where Section 10 and this Section both deal with a particular matter, and a discrepancy exists between the provisions of Section 10 and this Section in relation to the particular matter, the precinct-specific provisions of this Section shall take precedence.</p> <p>b) In addition to conditions relating to the matters required to be addressed under Section 10 of this Structure Plan, approval to subdivide and/or develop land within Kalgan rural Village may be subject to other relevant conditions in order to achieve the specific aims and objectives of the individual Precincts.</p>	
--	---	--

	<p><b>10.3.2 Precinct 1 - Historic Village Core</b></p> <p><b><u>10.3.2.1 Aims and Objectives</u></b></p> <ul style="list-style-type: none"> <li>a) To recognise, protect and enhance the Indigenous and European cultural heritage assets and values of the Precinct.</li> <li>b) To encourage development and/or land uses that complement the heritage assets and values of the Precinct; and discourage development and/or land uses that detract from these assets and values.</li> <li>c) To retain Kalgan Community Hall as a focal point of the Precinct and enhance interpretive information at the Hall site.</li> </ul> <p><b><u>10.3.2.2 Subdivision</u></b></p> <ul style="list-style-type: none"> <li>a) The minimum size of lots created by subdivision in Precinct 1 shall be 2000m2.</li> <li>b) Notwithstanding 10.3.2.2(a), subdivision within Precinct 1 in accordance with the R20 Residential Design Code may be entertained subject to reticulated sewerage connections being provided; or an existing approved limited effluent scheme being in place to service the proposed lots.</li> </ul> <p><b><u>10.3.2.3 Development and Land Use</u></b></p> <ul style="list-style-type: none"> <li>a) Development standards within Precinct 1 are to be consistent with the R5 standards of the Residential Design Codes.</li> <li>b) If subdivision in accordance with 10.3.2.2(b) occurs, the development standards are to be consistent with the R20 standards of the Residential Design Codes.</li> <li>c) When considering an application for use and/or development of land within Precinct 1, the Local Government will, in order to meet the objectives of this Structure Plan, generally not support the following discretionary uses:</li> </ul>
--	--

	<p><b>10.3.3 Precinct 2 - Rural Village</b></p> <p><b>Precinct 2A - Village Centre</b></p> <p><b><u>10.3.3.1 Aims and Objectives</u></b></p> <ul style="list-style-type: none"> <li>a) To facilitate development of a consolidated local activity centre around the historic village core in which town/village centre land uses predominate.</li> <li>b) To ensure residential development within the Precinct occurs in a complementary manner to town/village centre land uses and does not undermine or detract from development of the village centre.</li> <li>c) To encourage development and/or land uses that enhance the function of the Precinct as a village centre; and discourage development and/or land uses that detract from this function.</li> </ul> <p><b><u>10.3.3.2 Subdivision</u></b></p> <ul style="list-style-type: none"> <li>a) The provisions of this section apply to subdivision proposals that are adjacent to the boundary of Precinct 1 as demarcated on Figure 1; and/or adjacent to lots that have previously been created under these provisions.</li> <li>b) The minimum size of lots created by subdivision in Precinct 2A shall be 2000m<sup>2</sup>.</li> <li>c) Notwithstanding 10.3.3.2(a), the minimum size of lots within Precinct 2A created by subdivision may be 1000m<sup>2</sup>, subject to late winter land capability/geotechnical assessments for onsite effluent disposal being prepared and lodged with all such applications for subdivision; and these demonstrating that onsite effluent disposal is achievable in accordance with the draft Country Sewerage Policy as well as any other relevant provisions of the Town Planning Scheme.</li> <li>d) Once the total number of lots below 2000m<sup>2</sup> within Precincts 1 and 2 reaches 100 (including any lots of this size that existed at the time of this Structure Plan being endorsed by the WAPC), further subdivision within Precinct 2 under these provisions will not be supported and the subdivision provisions of Precinct 2B shall apply.</li> </ul>	
--	--	--

	<p><u>10.3.3.3 Development and Land Use</u></p> <p>c) Development standards in Precinct 2A are to be consistent with the R5 standards of the Residential Design Codes for lots created in accordance with S10.3.3.2(b); and the R10 standards of the Residential Design Codes for lots created in accordance with S10.3.3.2(c).</p> <p>b) Other than for a Shop, Restaurant, or Tavern, approval of land uses not excluded by 10.3.3.3 (c) shall not be granted unless a residential land use already exists on the lot the subject of the application.</p> <p>c) When considering an application for use and/or development of land within Precinct 2A, the Local Government will, in order to meet the objectives of this Structure Plan, generally not support the following discretionary uses:</p> <p><b>Precinct 2B - Village Area 1</b></p> <p><u>10.3.3.4 Aims and Objectives</u></p> <p>a) To preserve the existing character and amenity of residential development and land use within Kalgan Rural Village.</p> <p>b) To facilitate establishment of residential and other complementary land uses within the Precinct.</p> <p>c) To effectively manage land uses that would impact negatively on existing and future residential development within the Precinct.</p> <p>d) To encourage, where appropriate, provision of alternative services and infrastructure for residential and other developments where these can be demonstrated as reliable, sustainable and environmentally acceptable.</p> <p><u>10.3.3.5 Subdivision</u></p> <p>a) The minimum size of lots created by subdivision in Precinct 2B shall be 4000m2.</p>
--	---

	<p><b><u>10.3.3.6 Development and Land Use</u></b></p> <ul style="list-style-type: none"> <li>a) Development standards within Precinct 2B are to be consistent with the R2.5 standards of the Residential Design Codes.</li> <li>b) Applications for non-residential land use and/or development shall be accompanied by a site specific assessment specifying buffer distances required to accommodate the land use. This requirement may be waived if sufficient justification is provided at application lodgement stage, and the relevant authority agrees, that such an assessment is not required.</li> <li>c) When considering an application for use and/or development of land within Precinct 2B, the Local Government will, in order to meet the objectives of this Structure Plan, not support development and/or land uses where necessary buffer distances required under the relevant guidelines and/or legislation (or an alternative buffer distance based on a site specific assessment and accepted by the Local Government) would not be contained wholly within the subject land.</li> <li>d) Where a non-residential land use and/or development has been approved this shall, wherever possible, be designed, sited and/or screened appropriately in order to minimise impacts on the residential character and amenity of the Precinct.</li> </ul> <p><b>10.3.4 Precinct 3 - Village Area 2</b></p> <p><b><u>10.3.4.1 Aims and Objectives</u></b></p> <ul style="list-style-type: none"> <li>a) To minimise creation of additional lots within the Precinct.</li> <li>b) To encourage development of existing lots for the purposes provided for under the Rural Village zone, particularly those land uses that would generate employment opportunities, whilst minimising and managing potential conflicts between land uses.</li> <li>c) To minimise detrimental impacts of subdivision and/or development on South Coast Highway.</li> </ul> <p><b><u>10.3.4.2 Subdivision</u></b></p>	
--	--	--

	<p>a) Subdivision of land shall not be approved in Precinct 3 except where:</p> <ul style="list-style-type: none"> <li>i) It is a realignment of existing lot boundaries with no additional lots being created, and meets the relevant objectives and provisions of this Structure Plan; OR</li> <li>ii) It is subdivision of a lot that existed at the time of this Structure Plan being endorsed by the WAPC; and</li> <li>iii) Only one additional lot will be created; and</li> <li>iv) The purpose of the subdivision is to excise an existing approved land use other than only a Single House and/or Single Bedroom Dwelling, that accords with the development provisions of Precinct 3; and</li> <li>v) The lot containing the existing land use is sufficiently sized to contain the use, as well as contain any required buffer distances within the lot; and</li> <li>vi) The balance lot is sufficiently sized to accommodate the land uses that may be entertained by the Local Government within Precinct 3, as set out in S10.3.4.3; and</li> <li>vii) Access arrangements onto South Coast Highway are resolved to the satisfaction of Main Roads WA, the Local Government and the WAPC; and</li> <li>viii) The proposed subdivision meets all other relevant objectives and provisions of this Structure Plan.</li> </ul> <p><b><u>10.3.4.3 Development and Land Use</u></b></p> <ul style="list-style-type: none"> <li>a) Applications for non-residential land use and/or development shall be accompanied by a site specific assessment specifying buffer distances required to accommodate the land use. This requirement may be waived if sufficient justification is provided at application lodgement stage, and the relevant authority agrees, that such an assessment is not required.</li> <li>b) When considering an application for use and/or development of land within Precinct 3, the Local Government will, in order to meet the objectives of this Structure Plan, not support development and/or land uses where necessary buffer distances required under the relevant EPA guidelines and/or legislation (or an alternative buffer distance based on a site specific assessment and accepted by the Local government) would not be contained wholly within the subject land.</li> <li>c) Where a non-residential land use and/or development has been approved this shall,</li> </ul>	
--	---	--

	<p>wherever possible, be designed, sited and/or screened appropriately in order to minimise impacts on existing residences within the Precinct.</p> <p>d) Approval of sensitive land uses (as defined under the relevant EPA guidelines) within Precinct 3 shall be subject to the Local Government being satisfied that the sensitive land use will not fetter or constrain the ongoing use of land elsewhere in Precinct 3 for existing approved purposes. Approval of sensitive land uses may be subject to conditions requiring works and/or design to minimise such impacts; and/or notifications on lot titles advising of existing land uses elsewhere in the precinct that may impact on the sensitive land use.</p> <p>e) Approval of land use and/or development within Precinct 3 shall be subject to the Local Government, in consultation with Main Roads WA, being satisfied that detrimental impacts on South Coast Highway have been avoided or minimised. Approval may be subject to conditions that sufficiently address and/or resolve any identified impacts on South Coast Highway.</p>	
<b>Structure Plan Map</b>		
10.	<p>Revise so that the Structure Plan Map shows only:</p> <ul style="list-style-type: none"> <li>• Precinct boundaries</li> <li>• Extent of zoned area</li> <li>• Existing vegetation</li> <li>• Vegetation corridors to be established</li> <li>• Rivers, creek lines and wetland areas</li> <li>• Heritage areas</li> <li>• Existing roads, recreation and other reserves.</li> <li>• Multi-use trails as part of, or following alignment of, existing and new reserves</li> <li>• Strategic firebreaks as per structure plan level FMP</li> <li>• Location of community facilities/recreation area clarified as 'nominal only' due to lack of certainty that area is suitable (may be restricted by inundation etc.)</li> </ul> <p>To be deleted from Structure Plan map:</p> <ul style="list-style-type: none"> <li>• Frame area and other references to this area</li> </ul>	<p>Items to be shown correspond to, and provide reference for, subdivision and development provisions in S10.</p> <p>Frame area is not subject to the Rural Village zone and the provisions of the Rural zone apply.</p> <p>Future road and lot pattern not justified at this point in time; eventual lot/road pattern likely to change as a result of other mods; and proposed pattern currently extends outside structure plan area which is currently unable to be implemented.</p> <p>Indicative zoning of additional area not supported as:</p> <ul style="list-style-type: none"> <li>• Original rezoning amendment provided strong evidence that the current zoning</li> </ul>

	<ul style="list-style-type: none"> <li>Existing text boxes (replace with notes in a single box/legend referring to S10 provisions)</li> <li>Lot/subdivision/unconstructed road pattern</li> <li>Additional portion of lot to be zoned</li> <li>Multi-use trails that are currently shown in freehold lots; and those north of the Highway in Precinct 3</li> <li>Indicative staging.</li> </ul> <p>Number this plan as Figure 1 and move forward in document to sit between Sections 10 and 11.</p>	<ul style="list-style-type: none"> <li>footprint is appropriate</li> <li>It is not agreed that inclusion of the additional area is necessary in order to enable future road access to existing zoned areas</li> <li>It is inappropriate to pre-empt future zoning decisions through a Structure Plan as the document does not have a strategic land use designation function</li> </ul> <p>Multi-use trails in freehold lots raises significant management and liability concerns. New trails network in Precinct 3 will be difficult to achieve due to limited subdivision opportunities in this Precinct; and will have comparatively low value due to concentration of population growth in areas south of the Highway. Opportunity remains to have trails established in existing foreshore reserves if appropriate.</p>
<b>Other Maps, Figures and Appendices</b>		
11.	<p>Refine 'Capability Assessment Areas' map to reflect that areas previously referred to as able to be filled to achieve onsite effluent disposal, will be subject to further late winter site testing.</p> <p>Number this plan as Figure 3 and move forward in document to sit between Sections 10 and 11.</p>	<p>To clarify requirements; and to ensure that the requisite testing is carried out and requirements are met prior to subdivision occurring.</p>
12.	<p>Re-title 'Preliminary Local Traffic Plan' to 'Roads and Access Plan' and revise as follows;</p> <ul style="list-style-type: none"> <li>Delete references to listed requirements being short, medium or long term.</li> <li>Include further clarification of road and intersection upgrading requirements (i.e. widening or closure of reserves, pavement upgrades, turning treatments, pedestrian and dual use paths) based on envisaged traffic volumes and current agreements with road authorities.</li> <li>Include reference to S10.2.3 (contributions toward upgrades shown on plan).</li> <li>Delete reference to matters unable to be achieved through subdivision/development (eg increased police patrols).</li> <li>Delete unconstructed/future road network.</li> </ul>	<p>Time frames for implementation of works, taking of contributions etc. will be determined at the time of subdivision/development based on need and nexus.</p> <p>Clarification of upgrade and contribution requirements provides certainty to developers and Council.</p> <p>Inappropriate to refer on this plan to matters unable to be achieved through the</p>

	<ul style="list-style-type: none"> <li>• Delete SC1.</li> <li>• Revise current 'notations and advice' to be consistent with the above and with modifications to S10 required above.</li> </ul> <p>Number this plan as Figure 2 and move forward in document to sit between Sections 10 and 11.</p>	<p>subdivision/development process.</p> <p>Deletion of future road network is consistent with requirements for Structure Plan Map (Figure 1) and for same reasons.</p> <p>SC1 not supported by Council or MRWA.</p>
13.	<p>Revise Appendix B Fire Management Plan to show development exclusion areas, Structure Plan level strategic firebreaks etc. Text of FMP to reflect/correspond with fire provisions to be inserted into S10, in particular setting out developer responsibilities to provide individual FMP's where required.</p> <p>Place a copy of the revised Map contained in the FMP in the Structure Plan document; this to sit between Sections 10 and 11, and number as Figure 4.</p>	To clarify fire management requirements and for ease of reference.
<b>Other Information to be Included in Document</b>		
14.	<p>Include 'Visual Impact Criteria and Precinct Design Guidelines' as Appendix C. Should be a broad visual landscape assessment showing high/medium/low visual impact areas, together with provisions relating to siting of development. Design guidelines are to be provided for each precinct based on their respective objectives and intended land uses.</p>	Appropriate to include visual impact assessment and design guidelines in the Structure Plan document in order to guide subdivision and development; and ensure that proposals do not compromise the stated objective of retaining the existing character and amenity of the area.
15.	Council to consider including an 'application lodgement checklist' or similar as an Appendix.	Would be a beneficial quick reference guide to inform applicants of matters to be addressed when subdividing/developing in Kalgan Rural Village both in general terms and within each particular Precinct.
16.	Council to consider formulation of a Local Planning Policy that clarifies the general use permissibility within the Zoning Table of the Scheme, within individual Precincts. Ideally this would clarify which of the discretionary uses listed in the Zoning Table that Council will/will not support within individual precincts.	Will provide guidance to Council when assessing individual land use/development applications and ensure the objectives and intent of the Structure Plan, and its individual precincts, are achieved.



## ITEM NO: 9.6

### REQUEST FOR RECONSIDERATION OF DECISION - REFUSAL OF SUBDIVISION APPLICATION, LOT 100 AND 600 HUNTON, RIVERSIDE ROADS, KALGAN

WAPC OR COMMITTEE:

**Statutory Planning Committee**

REPORTING AGENCY:

Department of Planning

REPORTING OFFICER:

A/Planning Manager, Great Southern Region

AUTHORISING OFFICER:

A/Executive Director, Regional Planning and Strategy

AGENDA PART:

G

FILE NO:

140618

DATE:

24 October 2011

ATTACHMENT(S):

1. Plan of Subdivision and Original Report

REGION SCHEME ZONING:

N/A

LOCAL GOVERNMENT:

Albany

LOCAL SCHEME ZONING:

Rural Village

LGA RECOMMENDATION:

Conditional Approval

REGION DESCRIPTOR:

Kalgan

RECEIPT DATE:

22 September 2010

PROCESS DAYS:

Request for Reconsideration

APPLICATION TYPE:

Lot 100 and 600 Riverside Road, Kalgan

CADASTRAL REFERENCE:

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to approve under reconsideration, pursuant to S144 of the Planning and Development Act 2005, the proposed subdivision of Lots 100 and 600 Riverside and Hunton Road, Kalgan, into three lots subject to the following conditions and advice:*

#### Conditions:

1. *Modification of the subdivisional boundary to include the full extent of the creek line a minimum of 15 metres from the top of the stream bank and all existing riparian vegetation within Lot A, as indicated in red on the attached plan and in consultation with the Department of Water. (Local Government)*
  
2. *The land being filled and/or drained at the subdivider's cost and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)*

- 
3. *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 and to the specifications of the local government. (Local Government)*
  4. *Street corners within the subdivision are to be truncated to the standard truncation of 9 metres. (Local Government)*
  5. *The temporary cul-de-sac head being designed, constructed and drained to the specifications of the local government. (Local Government)*
  6. *Uniform fencing along the boundaries identified in red on the attached plan to be constructed to the specifications of the local government in consultation with the Department of Environment and Conservation and the Department of Water. (Local Government)*
  7. *Arrangements being made for the provision of stock proof fencing around the area of remnant vegetation in the south east sector of Lot B adjoining the subdivisional road. (Department of Environment and Conservation)*
  8. *Arrangements being made to the satisfaction of the Western Australian Planning Commission for the preparation and implementation of a foreshore management plan for Baudin's Creek to the specifications of the Department of Water. (Department of Water)*
  9. *Arrangements being made for the preparation of a conservation plan by a qualified heritage professional in accordance with the recommendations of the National Trust of Australia (WA) Heritage Assessment and in consultation with the Heritage Council of Western Australia and satisfactory completion of any urgent conservation works identified in that plan. (Local Government)*
  10. *Arrangements being made to the satisfaction of the Western Australian Planning Commission, prior to commencement of any site works, for consultation with the Department of Indigenous Affairs to ensure that activities on the site are consistent with the provisions of the Aboriginal Heritage Act 1972 and sensitive to nearby Registered Aboriginal Heritage sites. (Department of Indigenous Affairs)*
  11. *Arrangements being made to the satisfaction of the Western Australian Planning commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)*
  12. *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/or equipment located on or near the lots shown on the approved plan. (Western Power)*

**Advice:**

1. *Condition 3 - The City of Albany have advised that, given the creation of a single lot is proposed and the fact that Riverside Road is constructed to gravel standard, a similar standard of construction is envisaged for the subdivisional road in the interim. However, upon further subdivision of the land or should a development application be considered to create the museum, the internal subdivisional road would need to be upgraded to a sealed condition. Contribution to the upgrading of Riverside Road may also apply.*
2. *The Department of Environment and Conservation advises that pine trees that have spread or which continue to spread from the subject land into the adjoining Kalgan River foreshore and the remnant vegetation in the Baudin Creek riparian zone, should be removed and continue to be removed from within the subject land to assist ongoing protection and recovery of native vegetation.*
3. *In relation to condition 11, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
4. *Also in relation to Condition 11, 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.*

**Approval to the application should not be construed as support for the 'Baudin Museum' proposal by the WAPC or any subdivision referral agency.**

**SUMMARY:**

- The application is for subdivision of two lots at Kalgan, City of Albany, into three lots, as depicted on **Attachment 1**. The application was previously refused by the WAPC.
- The proposal is located in the Rural Village zone which requires prior endorsement of a Structure Plan before subdivision. Kalgan Structure Plan (KSP) has been submitted to the WAPC for endorsement and the subdivision proposal is generally in accordance with the KSP. Reconsideration of the WAPC's decision has been applied for on this basis.
- A report on the KSP is also on this SPC agenda with the recommendation being that it is endorsed, subject to modifications. Subject to the WAPC endorsing the KSP as per the recommendation, the original reasons for refusing this subdivision application fall away. On this basis it is recommended that the proposal can now be supported subject to conditions.

---

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation**

Section: Part 10, Section 135

*Planning and Development Act 2005*

**Strategic Plan**

Strategic Goal:

Regulation

Outcomes:

Effective, consistent and enforceable regulation

Strategies:

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

**Policy**

Number and / or Name:

DC 3.4 'Subdivision of Rural Land'

Kalgan Rural Village Structure Plan (KSP)

**BACKGROUND:**

An application to subdivide two lots on Riverside and Hunton Road, Kalgan into three lots for Heritage purposes was refused by the WAPC in August 2010 for the following reasons:

1. *As Lot 100 was created against the Commission's previous approval to application no. 120484, which was approved in accordance with Clause 4.7 - 'Conservation of heritage buildings and places' of WAPC policy DC 3.4 on the basis of the heritage value of Douglas House, the provision for subdivision under this clause has been exhausted.*
2. *The proposal is contrary to the provisions for the Rural Village zone approved by the Minister for Planning via Amendment No. 290 to the City of Albany's Town Planning Scheme No. 3, which require all subdivision and development of land within the Rural Village zone to be carried out in accordance with a Structure Plan adopted by the Local Government and endorsed by the WAPC.*

A copy of the proposal and the original Departmental report is included at **Attachment 1**.

Reconsideration has been requested of the WAPC's decision, with the applicant requesting that the reconsideration be made at the time of the adopted Kalgan Structure Plan (KSP) being considered by the WAPC.

A report dealing with the KSP is present on the current SPC agenda, and recommends that the KSP is endorsed by the WAPC subject to modifications.

**CONSULTATION:**

The request for reconsideration was not referred to any agencies, as it had previously been confirmed that all agencies were supportive of the proposal in its original form. Given that the refusal was not predicated on matters raised in agency advice and the request for reconsideration does not propose any variation to the

---

originally submitted proposal, additional referrals were not considered to be warranted in this instance.

**COMMENTS:**

City of Albany TPS 3 provisions for the Rural Village zone require an endorsed Structure Plan to be in place prior to subdivision within the zone. At the time of first consideration of this proposal the KSP had not been sufficiently progressed to warrant its consideration under the KSP provisions. The original refusal reasons reflect this situation by recognising that the requirements of the zone were not complied with and the heritage subdivision provisions in DC 3.4 could not be further utilised.

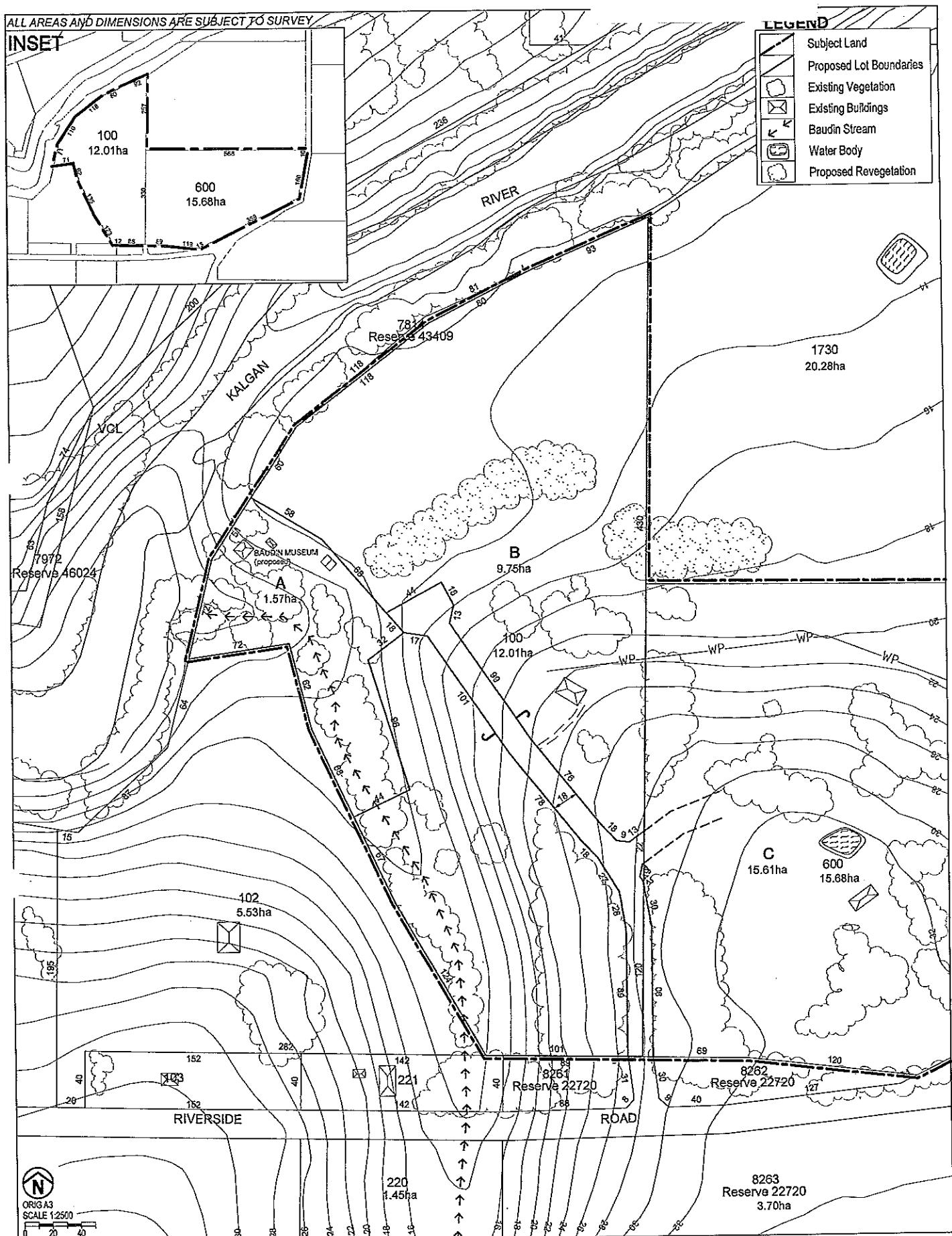
In June 2011 the City of Albany submitted the adopted KSP to WAPC for endorsement. A report on the KSP is concurrent on this SPC agenda and recommends that the WAPC endorse the KSP, subject to modifications. On this basis it is recommended that the proposal can now be supported, subject to the same conditions as recommended in the original Departmental report.

The proposed KSP modifications do not materially affect the subdivision application, and recommended conditions of subdivision approval will ensure that the proposal meets the objectives and other requirements of the KSP.

**CONCLUSION:**

On the basis of the above, it is recommended that the application now be supported subject to conditions.

# ATTACHMENT 1



# **SSS APPLICATION PLANNERS REPORT**

## **COUNTRY GT SOUTHERN**

---

**FILE NUMBER :** 140618

**AGENDA ITEM :** H

**LGA ZONING:**

CITY OF ALBANY

Rural,Fronts Important Regional Roads,Abuts Parks And Recreation,Abuts Public Purposes

**SUBJECT:**

RESIDENTIAL AND PROPOSED MUSEUM ON HERITAGE SITE, Lots 100,600, , Lot 100 RIVERSIDE ROAD, KALGAN. SUBDIVISION to create 3 lot(s) for RESIDENTIAL AND PROPOSED MUSEUM ON HERITAGE SITE purpose.

**RECEIPT DATE:** 15 September 2009 **PROCESS DAYS :** 332

**LGA COMMITTEE NOTES:**

Conditional Approval

- ATTACHMENTS:**
1. Locality Plan .
  2. Aerial Photo
  3. Douglas House
  4. Plan of Subdivision
  5. Previous Subdivision Report
  6. Amendment No. 290 - Proposed Zoning
  7. Modified Plan of Subdivision
  8. Indicative Structure Plan

**SUMMARY AND RECOMMENDATION**

*The application proposes the subdivision of Rural zoned lot into 2 lots measuring 1.57 hectares and 9.75 hectares, based on the cultural heritage significance of a dwelling on the smaller lot and a proposed museum within the dwelling . The parent lot was created in 2004 as the result of a previous subdivision approval based on the heritage provisions in the WAPC's Policy DC 3.4 - Subdivision of Rural Land.*

*The proposal clearly does not fit into any of the categories of subdivision in WAPC Policy DC 3.4 - Subdivision of Rural Land that are not considered fragmentation of rural land.*

*The land has been identified and is in the final stage of zoning to the Rural Village zone for closer settlement. Scheme provisions will require subdivision to be in accordance with an endorsed structure plan but a structure plan has not been endorsed for the land. However, the application is supported by the local government and the risk that the proposal would conflict with or compromise the final structure plan design is low. The risk of precedent for approval to subdivision prior to finalisation of a structure plan remains but the recognised heritage values of the site may offset this to some degree.*

*The WAPC's guidance is sought regarding determination of this application and both reasons for refusal and conditions of approval are attached.*

## **NOTE TO COMMITTEE:**

### **BACKGROUND**

1. The subject land is located on the eastern bank of the Kalgan River, about 20 kilometres north east of Albany and just over 200 metres south west of the Kalgan townsite. (ATTACHMENT 1) The northern and central sections of the property have been cleared for pasture. A vegetated creekline, known as Baudin's Creek, flows along the western boundary into the Kalgan River and there are significant stands of remnant vegetation in the south east corner of the lot and surrounding a dwelling on the eastern boundary. (ATTACHMENT 2) A second historic stone cottage, known as "Douglas House", is located near the Kalgan River bank. (ATTACHMENT 3) The land is within 200 metres of a registered Aboriginal Heritage site on the western bank of the Kalgan River, which has yielded the oldest radiocarbon dating of human presence in the Albany area. (ATTACHMENT 2)
2. The application proposes the creation of 2 rural lots measuring 1.57 hectares (Lot A) and 9.75 hectares (Lot B) and a subdivisional road. (ATTACHMENT 4) Lot A will encompass "Douglas House". Lot B will include the other dwelling and be divided by the subdivisional road, a portion of which will be excised from adjoining land to the east. The applicant has sought to justify the subdivision based on the heritage conservation of 'Douglas House' and its proposed conversion into the 'Baudin Museum.'
3. The parent lot was created under the WAPC's approval to subdivision application # 120484. (ATTACHMENT 5) The application was approved in accordance with Clause 4.7 - 'Conservation of heritage buildings and places' of WAPC Policy DC 3.4 - Subdivision of Rural Land, based on the heritage value of 'Douglas House'.
4. The land is zoned Rural under the City of Albany's Town Planning Scheme No. 3. However, subject to modifications, the Minister has recently granted final approval to Amendment No. 290 to TPS 3. Amendment 290 will include the subject land, within a new 'Rural Village' zone and introduce Scheme provisions for the zone. The Rural Village zone will extend from and include the Kalgan townsite to the north. (ATTACHMENT 6)

### **CONSULTATION**

5. The City of Albany initially opposed the current application because, although the previous application had been approved on heritage grounds, neither a heritage assessment nor conservation plan had been prepared for the place. In addition, the City did not support the dissection of Baudin's Creek by the proposed boundary to Lot A.
6. On the basis of a subsequent Heritage Assessment undertaken by the National Trust, the City is prepared to support the proposal, subject to the subdividing boundary being modified to include the full length of Baudin's Creek (ATTACHMENT 7) into Lot A and other standard conditions.
7. The Heritage Council of Western Australia did not object to the proposal. HCWA noted that Douglas House is not included in State Register of Heritage Places, although it is part of the Council's Assessment Programme.

8. The Western Australian Museum raised several issues of concern with the concept of converting Douglas House into the 'Baudin Museum'. These included:
  - No indication as to who would manage the museum
  - No reference to a business plan
  - The suitability of Douglas House for conversion to the standard required to exhibit original Baudin artefacts, which are likely to be extremely fragile
  - No indication of consultation with local Noongar people or consideration regarding surrounding Aboriginal Heritage sites, particularly the Minang fishtraps about 500 metres upstream, which are a kestones in Baudin's commentary on the river.
9. The Department of Indigenous Affairs confirmed that the land is in close proximity to a number of Registered Aboriginal heritage sites and recommends that all Aboriginal Heritage issues are appropriately addressed before approval of the application. DIA recommended that the applicant/owner consult with Traditional Owners from the area to seek their views on the development.
10. The Department of Environment and Conservation had no objection to the proposal, subject to a condition requiring the fencing of vegetation along Baudin's Creek and in the south east corner of the land. DEC also provided extensive advice regarding the importance of the remnant native vegetation to 3 species of cockatoo that are either Endangered or Vulnerable Fauna and the desirability of removing exotic pine trees in the area.
11. The Department of Water also did not support dissection of the creekline and considered that Baudin's Creek needs to be contained within a single lot. DoW also noted that bank de-stabilisation has occurred and that bank erosion should be addressed as a condition of subdivision.
12. Other referral agencies have raised no objections to the proposal, subject to standard conditions.

## DISCUSSION

### Subdivision for Heritage Conservation

13. The subsequent Heritage Assessment by the National Trust has confirmed the cultural heritage significance of Douglas House. The assessment recommends preparation and implementation of a Conservation Plan as soon as possible and notes that an Interpretation Plan incorporating a management plan would be necessary to progress the development of the proposed museum.
14. Pursuant to Clause 4.7 - 'Conservation of heritage buildings and places' of WAPC Policy DC 3.4:  
*Lots may be created to facilitate the conservation of a heritage building or place provided that:*
  - (a) *the building, object or place is listed in the State Register of Heritage Places, on the heritage list in the local planning scheme, or has been assessed by a recognised heritage consultant as warranting heritage protection;*
  - (b) *the subdivision is supported by the local government;*

- (c) *the local government and landowner enter into a legal agreement, binding on successive owners in title, to ensure the conservation of the heritage place and to limit the use of the newly created lot and place; and*
  - (d) *the allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of neighbouring uses.*
15. The proposal is consistent with the provision for conservation of heritage buildings and places in DC 3.4. However, as detailed in paragraph 3, the parent lot to the current application was created under the WAPC's previous approval of application #120484. The approval was granted in accordance with Clause 4.7, based on the heritage value of 'Douglas House' and included advice to the applicant that no further subdivision of Lot A will be supported on the basis of the heritage significance of Douglas House. It is therefore considered that the applicant/owner has exhausted provision for subdivision under this clause.

#### **Subdivision for Public Utilities and ancillary uses**

16. Clause 4.4 - 'Public Utilities and ancillary uses' of DC 3.4 provides for *new lots for existing or proposed specific non-rural land uses* including 'recreation facilities'. It could be argued that the 'Baudin Museum' would qualify as a 'recreation facility'. A Deed of Charitable Trust has been set up but, with the landowner as a director of the trustee company. However, as reflected in advice from the WA Museum and particularly given the absence of any business plan or museum management plan, the 'Baudin Museum' proposal can only be considered preliminary at this time.

#### **Rural Village Zoning**

17. Clause 3.1 of DC 3.4 enunciates the WAPC's general policy requirement for closer settlement in rural areas, which is that this *should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision*. As detailed in paragraph 4, Amendment No. 290 to TPS 3 includes the land within the 'Rural Village' zone surrounding the Kalgan townsite and the amendment has been granted final approval subject to modifications. The amendment is based on the identification of the Kalgan townsite for closer settlement in the Lower Great Southern Strategy and the Albany Local Planning Strategy.
18. One of the required modifications to Amendment 290 is, however, to include the following provision relating to the 'Rural Village' zone:  
*All subdivision and development of land within the Rural Village zone shall be carried out in accordance with a Structure Plan adopted by the Local Government and endorsed by the WAPC.*  
A further modification requires the removal of an indicative structure plan (ATTACHMENT 8) included in the amendment document. The plan was considered pre-emptive, having little value as a development tool and there were concerns that its inclusion could give the perception of support by WAPC and other agencies.
19. In supporting final approval to Amendment 290, the WAPC provided the City of Albany with a list of considerations to be taken into account when developing a Structure Plan for the Kalgan Rural Village zone. These considerations included identification and protection of heritage places (both

Indigenous and European) and the incorporation of these into community facilities, where appropriate.

20. Given the status of Amendment No. 290, it could be argued that the proposal technically complies with Clause 3.1 of DC 3.4, except for the requirement for subdivision to be in accordance with an endorsed structure plan.
21. The indicative structure plan did designate the subject land as a heritage site and the proposed subdivisional road reflects that in the plan. (ATTACHMENT 8) These elements were not areas of concern in the indicative structure plan and, given the constraint of Baudin Creek, it is unlikely that the location of this road would be altered in the final structure plan. Similarly, subject to the inclusion of the full length of Baudin Creek into Lot A, the configuration of this lot would also not change.

#### CONCLUSION

22. The proposal clearly does not fit into any of the categories of subdivision in DC 3.4 that are not considered fragmentation of rural land. However, the land has been identified and is in the final stage of zoning for closer settlement. Although a structure plan has not been endorsed for the land, the risk that the proposal would conflict with or compromise the final structure plan design is low. The risk of precedent for approval to subdivision prior to finalisation of a structure plan remains but the recognised heritage values, together with conditions of subdivision that seek to incorporate protection of the natural, European and Indigenous values of the site, may offset this to some degree.
23. The WAPC's guidance is sought regarding determination of this application and both reasons for refusal and conditions of approval are attached.

#### RECOMMENDATION:

#### APPROVAL

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 15 September 2009 and modified in red as per the attached plan once the condition(s) set out have been fulfilled.

This decision is valid for three years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by [INSERT DATE HERE ->] ??? or this approval no longer will remain valid.

#### Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the

applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

### **Right to apply for a review - 28 days**

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

### **Deposited plan**

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

### **Condition(s)**

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated

agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S)

1. **Electricity provision**
2. **Electricity infrastructure removal / relocation**
3. Modification of the subdivisional boundary to include the full extent of the creekline a minimum of 15 metres from the top of the stream bank and all existing riparian vegetation within Lot A, as indicated in red on the attached plan and in consultation with the Department of Water. (Local Government)
4. The land being filled and/or drained at the subdivider's cost and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)
5. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost and to the specifications of the local government. (Local Government)
6. Street corners within the subdivision are to be truncated to the standard truncation of 9 metres. (Local Government)
7. The temporary cul-de-sac head being designed, constructed and drained to the specifications of the local government. (Local Government)
8. Uniform fencing along the boundaries identified in red on the attached plan to be constructed to the specifications of the local government in consultation with the Department of Environment and Conservation and the Department of Water. (Local Government)

9. Arrangements being made for the provision of stock proof fencing around the area of remnant vegetation in the south east sector of Lot B adjoining the subdivisional road. (Department of Environment and Conservation)
10. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the preparation and implementation of a foreshore management plan for Baudin's Creek to the specifications of the Department of Water. (Department of Water)
11. Arrangements being made for the preparation of a conservation plan by a qualified heritage professional in accordance with the recommendations of the National Trust of Australia (WA) Heritage Assessment and in consultation with the Heritage Council of Western Australia and satisfactory completion of any urgent conservation works identified in that plan. (Local Government)
12. Arrangements being made to the satisfaction of the Western Australian Planning Commission, prior to commencement of any site works, for consultation with the Department of Indigenous Affairs to ensure that activities on the site are consistent with the provisions of the Aboriginal Heritage Act 1972 and sensitive to nearby Registered Aboriginal Heritage sites. (Department of Indigenous Affairs)

#### ADVICE

1. **Electricity - One connection per lot; advice (WP)**
2. Condition 4 - The City of Albany have advised that, given the creation of a single lot is proposed and the fact that Riverside Road is constructed to gravel standard, a similar standard of construction is envisaged for the subdivisional road in the interim. However, upon further subdivision of the land or should a development application be considered to create the museum, the internal subdivisional road would need to be upgraded to a sealed condition. Contribution to the upgrading of Riverside Road may also apply.
3. The Department of Environment and Conservation advises that pine trees that have spread or which continue to spread into the adjoining Kalgan River foreshore and the remnant vegetation in the Baudin Creek riparian zone should be removed and continue to be removed to assist ongoing protection and recovery of native vegetation.

#### ADVICE TO APPLICANT AND LOCAL GOVERNMENT

The WAPC will not support further subdivision of Lot A as shown on the approved plan of subdivision. A clear notation to this effect should be incorporated into the Kalgan Rural Village Structure Plan.

**Approval to the application should not be construed as support for the 'Baudin Museum' proposal by the WAPC or any subdivision referral agency.**

## **REFUSAL**

The Western Australian Planning Commission has considered the application referred to in accordance with the plan date-stamped [INSERT DATE HERE ->] ??? and has resolved that the application be refused for the reason(s) set out.

### **Reconsideration - 28 days**

Under section 144(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

### **Right to apply for a review - 28 days**

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

### **Reason(s)**

The WAPC's reason(s) for refusal are:

1. As Lot 100 was created against the Commission's previous approval to application no. 120484, which was approved in accordance with Clause 4.7 - 'Conservation of heritage buildings and places' of WAPC Policy DC 3.4 on the basis of the heritage value of Douglas House, the provision for subdivision under this clause has been exhausted.
2. The proposal is contrary to the provisions for the Rural Village zone approved by the Minister for Planning via Amendment No. 290 to the City of Albany's Town Planning Scheme No., which require all subdivision and development of land within the Rural Village zone shall be carried out in accordance with a Structure Plan adopted by the Local Government and endorsed by the WAPC.

RESOLVED THAT IN THE INTERESTS  
OF THE STATUTORY PLANNING  
COMMITTEE MEETING

24 AUG 2010

MOVED: MR HOLLOWAY  
SECONDED: CLA MACRAE

THE COMMITTEE RESOLVED  
TO ~~ADOPT THE OPTION~~  
TO REFUSE THE APPLICATION  
FOR THE REASONS SET OUT  
IN THE AGENDA PAGE 142