



Statutory Planning Committee

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

**Tuesday 22 November 2011
10.00 am**

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



**Noelene Jennings
Director, Governance and
People Services**

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 of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.

- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 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**
 - Mayor Adams and Mr Prattley have previously submitted a leave of absence for the meeting of 22 November 2011.
 - Mr Holloway has previously submitted a leave of absence for the meeting of 13 December 2011.
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 8 November 2011**
9. **Reports (see attached index of reports)**
10. **Confidential items (see attached index of reports)**
11. **General business**
12. **Items for consideration at a future meeting**

Item No	Report	Request	Report Required by
7438.11.1	Directions 2031	Planning Director - 2031 to brief the Committee after WAPC/SPC workshop on 3 October 2011	Oct/Nov 2011
7447.10.4	Shire of Northam LPS No. 3 Amendment 28	To defer pending receipt of information from CASA	To be advised
13. **Closure - next meeting to be held on 13 December 2011**

Statutory Planning Committee

Minutes
of ordinary meeting 7448
held on Tuesday 8 November 2011

Attendance

Members

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

Officers

Mr Ashley Randell
Mr Mat Selby

Department of Planning

Planning Manager Aboriginal Communities
Planning Director Metropolitan Planning Central

Presenters

Mr Michael Lurie	North Beach Investments Pty Ltd
Mr Darren Walsh	North Beach Investments Pty Ltd

Committee Support

Ms Christina Sanders	Committee Support Officer - Department of Planning
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7448.1 Declaration of Opening

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

7448.2 Apologies

Nil.

7448.3 Members on Leave of Absence and Applications for Leave of Absence

Mr Holloway submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 13 December 2011.

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Mr Prattley and Mayor Adams submitted applications for a leave of absence for the Statutory Planning Committee meeting scheduled for 22 November 2011.

Resolved

Moved by Ms Taylor, seconded by Cr MacRae

That the approval for a leave of absence be granted to Mr Holloway for the Statutory Planning Committee meeting to be held on 13 December 2011 and approval for a leave of absence be granted to Mr Prattley and Mayor Adams for the meeting to be held on 22 November 2011.

The motion was put and carried.

7448.4 Disclosure of Interests

Nil.

7448.5 Declaration of Due Consideration

No declarations were made.

7448.6 Deputations and Presentations

7448.6.1 **Lots 1, 11, 71 and 73 North Beach Road Gwelup**
Presenters Michael Lurie
 Darren Walsh

Mr Walsh outlined the consultation that had occurred with the City of Stirling and the Departments of Conservation and Health to resolve issues related to the project and requested that the Statutory Planning Committee make a favourable decision on this application.

Mr Lurie outlined the commercial implications that any delay approving this application would cause.

Moved to item 9.3.

7448.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

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7448.8 Confirmation of Minutes

7448.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 25 October 2011

Mayor Adams noted that, in item 744.6.1, "Mr Henty" should read "Mr Farrar".

She also drew attention to item 7447.10.4 and commented that this item had not been forwarded to the meeting of 8 November 2011 as stated in the Minutes.

Ms Burrows noted that the requested information had not yet been received from the Civil Aviation Safety Authority but would come to a future meeting of the SPC.

Resolved

Moved by Mayor Adams, seconded by Mr Holloway

- 1. To amend the minutes of the Statutory Planning Committee meeting of 25 October 2011 to read "Mr Farrar" in lieu of "Mr Henty".*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday 25 October 2011 as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

7448.9 Reports

7448.9.1 Clarification of Condition 1 of Development Approval for Lot 97 Adelaide Street Hazelmere (WAPC Ref: 21-50272-1)

File	21-50272-1
Report Number	SPC/65
Agenda Part	C
Reporting Officer	A/Planning Manager

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Resolved

Moved by Cr MacRae, seconded by Ms Taylor

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.*

The motion was put and carried.

7448.9.2

Approval of Eastport Marina Outline Development Plan and Modified Eastport Canals Outline Development Plan – City of Mandurah

File 808/6/13/23PV2
Report Number SPC/66
Agenda Part C
Reporting Planning Manager, Peel
Officer

Resolved

Moved by Ms Taylor, seconded by Cr MacRae

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*

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- 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.*

The motion was put and carried.

Mr Farrar voted against the item.

Moved to Item 9.5.

**7448.9.3 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**

File 140665
Report Number SPC/67
Agenda Part C
Reporting Director Planning - Metropolitan Central
Officer

Mr Farrar requested clarification in the officer's report which states that the City is of the view that the fill is not in accordance with the State government Guidelines.

Officer's 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.

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

That the Western Australian Planning Commission resolves:

1. *to note that, despite the City's views, the fill is in accordance with the State government Guidelines as evidenced by the*

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endorsement of the clearances by the Department of Health and the Department of Environment and Conservation;

2. *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 will be cleared, when the Deposited Plan 67672 is received.*

The motion was put and carried.

Moved to Item 7.

7448.9.4

Warmun Layout Plan 2 Amendment 3

File	057/01/01/25Pt4		
Report Number	SPC/68		
Agenda Part	D		
Reporting Officer	Planning Communities	Manager	Aboriginal

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

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

The motion was put and carried.

Moved to Item 11.

7448.9.5

Endorsement of Structure Plan - Kalgan Rural Village

File	SPN/0256/1	
Report Number	SPC/69	
Agenda Part	G	
Reporting Officer	A/Regional Manager	

An email was tabled from the Planning Manager Great Southern, explaining that City of Albany staff have expressed their concern with the statement in the report that City of Albany staff support the proposed modifications. It seems to imply that Council staff are supporting changes to the document outside of Council processes and without any delegated authority to do so.

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It was noted that there were a number of modifications that the City of Albany had not yet considered and the Council be advised and invited to comment on the modifications.

Officer's 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.

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

That the Western Australian Planning Commission resolves, in view of the number of modifications required, to defer consideration of this item until the City of Albany has had the opportunity to consider the modifications.

The motion was put and carried.

7448.9.6

Request for Reconsideration of Decision - Refusal of Subdivision Application, Lot 100 and 600 Hunton, Riverside Roads, Kalgan

File	140618
Report Number	SPC/70
Agenda Part	G
Reporting Officer	A/Planning Manager, Great Southern Region

Members discussed whether this item should also be deferred as it is linked to the Kalgan Village Structure Plan.

Officer's 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:

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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)

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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.

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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.

Resolved

Moved by Cr MacRae, seconded by Ms Taylor

That the Western Australian Planning Commission defers consideration of this item to seek advice whether there are any inconsistencies in this application with the modifications proposed in the Kalgan Rural Village Structure Plan.

The motion was put and carried.

7448.10 Confidential Items

7448.10.1 City of Albany - Local Planning Scheme No. 1 - For Consent to Advertise

File 853/5/21/3
Report Number SPC/71
Agenda Part E
Reporting Planning Manager
Officer

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THIS ITEM IS CONFIDENTIAL

Moved to Item 9.4.

7448.11 General Business

Nil.

7448.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7438.11.1	<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
7447.10.4	Shire of Northam – LPS No. 3 Amendment 28	To defer this item pending receipt of the information from the Civil Aviation Safety Authority.	Nov 2011

7448.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 22 November 2011.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.00 am.

PRESIDING MEMBER _____

DATE _____

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C	SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS
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G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.3	ENDORSEMENT OF OUTLINE DEVELOPMENT PLAN - LOT 9508 NEWPORT DRIVE, DUDLEY PARK, CITY OF MANDURAH
10	CONFIDENTIAL REPORTS
B	LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS
10.1	CITY OF BAYSWATER - TOWN PLANNING SCHEME NO.24 AMENDMENT NO.45 - FOR FINAL APPROVAL
10.2	CITY OF STIRLING - LOCAL PLANNING SCHEME NO.3 AMENDMENT NO.5 - FOR CONSENT TO ADVERTISE
10.3	TOWN OF BASSENDEAN LOCAL PLANNING SCHEME NO.10 AMENDMENT NO.4 - FOR FINAL APPROVAL
10.4	CITY OF FREMANTLE - LOCAL PLANNING SCHEME NO.4 AMENDMENT NO.46 - FOR FINAL APPROVAL

**E MINOR LOCAL OR REGIONAL PLANNING SCHEMES /
AMENDMENTS**

- 10.5 SHIRE OF CHRISTMAS ISLAND - LOCAL
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 PLANNING SCHEME NO. 2 - CONSENT TO
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 LOCAL PLANNING SCHEME AMENDMENT
 NO. 1 - CONSENT TO ADVERTISE
- 10.7 TOWN OF PORT HEDLAND - LOCAL
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 VARY RESIDENTIAL DESIGN CODES

ITEM NO: 9.1

STATUS REPORT – R CODES REVIEW

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planner, Policy Coordination and Development
AUTHORISING OFFICER: Acting Director, Policy Coordination and Development
AGENDA PART: A
FILE NO: DP11/00411
DATE: 9 November 2011
ATTACHMENT(S): 1. Consultation Summary 2011

RECOMMENDATION:

That the Western Australian Planning Commission resolves to note the progress of the review of State Planning Policy 3.1 - Residential Design Codes (R-Codes).

SUMMARY:

A major review of State Planning Policy 3.1 – Residential Design Codes ('R-Codes') commenced in late 2010. The review is currently in the later stages following an extensive public comment period from July – September 2011. This report outlines the progress of the review, in particular the outcome of the public comment period, in addition to the project plan for the R-Codes review from present to gazettal.

BACKGROUND:

In the report on the Department of Planning and Western Australian Planning Commission 2011 Client Satisfaction Survey, the usefulness of State Planning Policies was assessed according to satisfaction, dissatisfaction or neither. The following responses were recorded in 2008-2011 in relation to the R-Codes.

	Satisfaction	Dissatisfaction	Neither
2008	68%	21%	12%
2009	64%	26%	10%
2010	65%	18%	17%
2011	64%	17%	19%

In 2008, the WAPC recognised the need to undertake a major review of the R-Codes, to investigate a wide range of both procedural and substantive issues

identified with the existing policy. The current review of the R-Codes follows on from the recent amendment to incorporate additional provisions for multiple dwelling developments, which was gazetted on the 22 November 2010. The following issues provided the starting point for the current review:

- Adjudication in matters of interpretation and dispute resolution;
- Subdivision controls which are dealt with or impinge the Codes;
- Local planning policies;
- Residential design trends
- Ecologically Sustainable Design (ESD) issues;
- Detailed Areas Plans which impinge Codes; and
- Design for Climate.

It was anticipated that in addition to the above, the following issues would be the subject of discussion and debate for all stakeholders involved in residential design and development within Western Australia:

- Changes to specific provisions, in particular those relating to overshadowing, privacy, ancillary accommodation and minimum parking requirements;
- Terminology changes and additional clarification of how to use the provisions;
- New codes approval flowchart and processes;
- Renaming detailed area plans as area specific plans and inclusion of these into the Codes policy framework, to clarify the relationship of the Codes to the subdivision process;
- The use, format and accessibility of local planning policies; and
- Proposed changes to the minimum site areas in R20 to R40 codings.

After a competitive tender process consultants were appointed in September 2010 to assist the WAPC in undertaking this review of the R-Codes. The timelines set out in the project management plan for this review indicate the review was to be completed by December 2011. For a number of reasons, including the extension of the public comment period by a month, gazettal and roll out of the policy is now likely to be in early 2012. Further details in respect to this are provided in the 'Details' section of this report below.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 3 – State Planning Policy

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

Number and / or Name:

State Planning Policy 3.1 – Residential Design Codes (R-Codes)

DETAILS:

The revised review program and timeframes are as follows:

Stage	Start Date	End Date
Background research and stakeholder workshops	Sept 2010	Dec 2010
Prepare consultation paper, revised R-Codes for WAPC and Minister's consideration	Jan 2011	April 2011
Advertising of the draft revised R-Codes and explanatory guidelines to major stakeholders and the public. Five workshops.	May 2011	July 2011
Review of submissions received	Oct 2011	Dec 2012
Presentation of final R-Codes and explanatory guidelines to WAPC	Feb 2012	Feb 2012
Seek endorsement from Minister followed by implementation of the new Codes	March 2012	March 2012

GOVERNMENT AND CORPORATE IMPLICATIONS:

The R-Codes are read into the majority of local planning schemes across Western Australia and are effective as a State Planning Policy through these local planning schemes. Reference to the R-Codes is also provided within the Model Scheme Text (Clause 5.2).

CONSULTATION:

In November 2010, as part of the initial discussions about the current operation of the R-Codes, nine workshops were arranged with key stakeholders. Ninety-five participants attended the workshops and provided input on a wide range of key objectives and issues that need to be addressed in the review.

A Technical Advisory Group ('TAG') was established in the preliminary stages of the review to provide professional, local government and development industry perspectives concerning the current operation of the R-Codes; to assist in the review of the R-Codes to ensure that the policy remains relevant and effective for residential development within WA; and to provide advice on possible improvements to the content and implementation of the R-Codes.

As an amendment to a State Planning Policy, formal public advertising of the R-Codes for at least 60 days is required in accordance with the section 28 of the *Planning and Development Act 2005*. The Minister announced the formal commencement of the public comment period on 1 July 2011 to 31 August 2011. This was subsequently extended to 30 September 2011 in order to ensure the process was an effective consultation exercise. During the consultation period, five public workshops were held in Belmont, Joondalup, Rockingham, Broome and Bunbury in addition to two internal workshops with Department of Planning staff members to provide further information on the draft policy. Attendance at these is outlined in the table below.

City of Belmont	84
City of Rockingham	32
City of Joondalup	60
Shire of Broome	31
Department of Planning Bunbury	40
Total	247 people

During the consultation period, 108 written submissions were received by the WAPC in regard to the draft advertised policy. A summary of these submissions is contained within Attachment 1 of this report.

Submissions received during the public comment period provided comments on a number of key procedural and substantive issues and proposals within the draft policy. Key issues raised across submissions included:

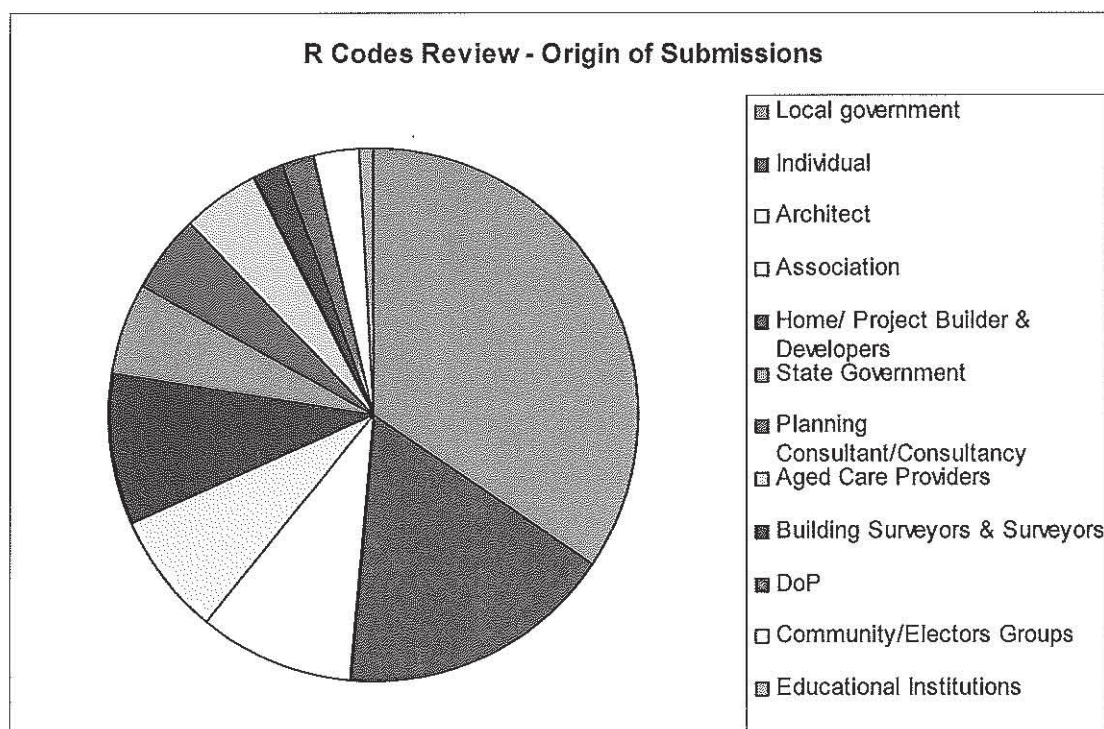
- Support for the terminology of ‘deemed-to-comply’ with less support for ‘design solution’ and alternative recommendations made;
- Some concerns regarding the proposed process, with particular regard to information requirements, and the judgement of merit by local government technical officers with some scepticism associated with the perception that technical officers take a conservatory and often inflexible approach to implementation of the R-Codes;
- Appeal for greater ability to vary deemed-to-comply provisions through local planning policies and area specific plans;
- General support for removal of subdivision control from the R-Codes, with some concern as to how that might affect grouped and multiple dwelling applications and built strata subdivision.
- Lesser support for built form based on lot size rather than coding;
- Aspirations for greater flexibility in floor area and minimum dwelling number for aged and dependant persons accommodation;
- Clarifications on privacy elements, particularly around the cone of vision setbacks and non-habitable rooms;
- Concerns that the definitions of open space would impact on current building practices and affect climate responsive design;
- Strong interest in climate responsive design policy to be developed by the WAPC.

OFFICER’S COMMENTS:

The purpose of this report is to provide the Statutory Planning Committee with an update on the outcome of the public comment period for the review and also inform the Committee of the stages remaining in the project plan. At the present time, the Department of Planning is working with the consultants in preparing a submissions report that carefully analyses and responds to the comments made within the 108 submissions. A meeting has been organised with the TAG in late November to receive additional feedback and guidance prior to the finalisation of the draft policy. Given the one month extension of the public comment period and number and extensive nature of the submissions received, the review and analysis is anticipated to go beyond the identified timeframes indicated in the project plan. The Department

is confident the recommended policy will be presented to the WAPC early in 2012. Following consideration by the WAPC meeting in 2012, the policy is expected to be forwarded to the Minister shortly after for consideration and final approval.

Attachment 2 - Residential Design Codes – Consultation Summary 2011



Submissions by Topic		
Issue/Topic	Number of comments	#
Provisions – Additional Dwellings	58	1
Process	51	2
Provisions – Open Space	39	3
Provisions – Visual Privacy	39	3
Provisions – Setbacks	38	4
Provisions – Access & Parking	37	5
Terminology	35	6
Removal of Subdivision Control	33	7
Provisions – Design for Climate	33	7
Provisions – Streetscape	32	8
Definitions	29	9
Provisions – Site Works	26	10
Local Planning Policies	24	11
ASP (DAP)	19	12
Provisions – Incidental Development	20	12
Figures	19	13
Provisions – Housing Density	16	13
Provisions – Table 1	16	14
Consultation	15	15
Training & Advice	13	16
Provisions – MUHC	12	16
Objectives	12	17
Other – ESD	8	18
Provisions – Building Height	5	19
Other – Building Act	2	20
Appendix	1	21

ITEM NO: 9.2

CREATE 30 RESIDENTIAL SURVEY STRATA LOT(S) AND COMMON PROPERTY. LOT 350 PARK STREET, HENLEY BROOK.

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/ Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER:	A/ Executive Director, Perth and Peel Planning C
AGENDA PART:	C
FILE NO:	96-11
DATE:	9th November 2011
ATTACHMENT(S):	1- Survey Strata Plan 2- Modified Survey Strata Plan 3- Zoning Plan 4- Albion District Structure Plan 5- Option Plans
REGION SCHEME ZONING:	MRS: Urban
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Special Use
LGA RECOMMENDATION:	Conditional Approval
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	7th February 2011
PROCESS DAYS:	238
APPLICATION TYPE:	Survey Strata
DESCRIPTION OF PROPOSAL:	Create 30 Residential Survey Strata Lots And Common property.
CADASTRAL REFERENCE:	Lot 350 Park Street, Henley Brook

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve Survey Strata application 96-11 to create 30 Residential Survey Strata Lots and common property at Lots 349 and 350, Park Street, Henley Brook subject to the following conditions and advice to applicant and referral authorities:

CONDITIONS

1. *Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan (pursuant to WAPC Ref: 137969) and a new Certificate of Title being issued. (WAPC)*
2. *The approved survey strata plan is to be modified to accord with the plan stamp dated by the Department of Planning 26 October 2011 (attached) to the satisfaction of the Western Australian Planning Commission. (WAPC)*
3. *The applicant is to provide a plan demonstrating that the land over the Parmelia Gas Pipeline to be used as communal open space within the proposed survey strata is useable and can be developed for general recreation purposes to the specification of the APA Group and to the satisfaction of the Western Australian Planning Commission. (APA Group)*
4. *A Management Statement being prepared and submitted for the WAPC's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:*
 - (i) Development or redevelopment on the survey strata lots is to comply with a development approval issued by the local government.*
 - (ii) Amendment to or repeal of the above provision cannot be effected without the WAPC's agreement. (Local Government)*
 - (iii) The provision of a detailed plan and management arrangements for the management and maintenance of the communal open space within the strata development, and use restrictions to the specification of the APA Group. (WAPC)*
5. *Street corners within the subdivision being truncated to the specification of the City of Swan to the satisfaction of the Western Australian Planning Commission. (Local Government)*
6. *The land being graded and stabilised. (Local Government)*
7. *The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)*
8. *The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works. (Local Government)*

-
9. ***The common property accessway(s) being constructed and drained at the applicant/owner's cost to the specifications of the local government. (Local Government)***
 10. ***With respect to the Parmelia Gas Pipeline, the following requirements apply, to the specifications of the pipeline owners/operators and the satisfaction of the Western Australian Planning Commission:***
 - (a) ***A Pipeline Protection Plan must be prepared that details the precautions taken and processes used to implement the relevant actions in the Henley Brook Summary of Risk Assessments Reports dated 30 May 2007 prior to commencement of subdivision works; and***
 - (b) ***All measures contained in the Pipeline Protection Plan must be implemented.***

(APA Group)
 11. ***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)***
 12. ***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)***
 13. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an electricity supply service to the survey strata lot(s) shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C (Schedule 9A) of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals that include common property) via a portion of the common property suitable for consumer mains. (Western Power)***
 14. ***The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)***

ADVICE

1. ***The Commission's approval to the subdivision should not be construed as an approval to development on any of the lots proposed.***
2. ***The City of Swan advises:***
 - a) ***The geotechnical report is to consider soil conditions and have particular regard to the existing and proposed site classification (AS2870), groundwater table and stormwater disposal for roof runoff.***

-
- b) *Dust control to be in accordance with the Environmental Protection Authority's Guidelines for Assessment and Control of Dust and Wind Borne Material for Land Development Sites.*
3. *With regard to Conditions 11 and 12 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.*
 4. *With regard to Condition 13, Western Power only provides one point of supply per freehold (green title) lot and requires that any existing overhead distribution mains in the street and consumer services within property boundaries must be converted to underground.*
 5. *If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*
 6. *With regard to Condition 14, 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.*
 7. *The landowner is advised that in supporting this application, the WAPC took into consideration the previous freehold subdivision approval over the land issued, subject to conditions, under Orders of the State Administrative Tribunal (SAT) on 8 January 2010 (WAPC Ref: 137969). This approval does not represent support for any further applications for survey strata proposals incorporating gas pipeline easements.*

ADVICE TO REFERRAL AUTHORITIES

City of Swan

The WAPC has not imposed conditions on this approval as sought by the City of Swan relating to road construction and the provision of uniform fencing as conditions relating to these matters have been previously imposed on the freehold subdivision approval relating to the land (WAPC 137969).

Department of Education (DoE)

In regard to the DoE's request that a condition be imposed on this survey strata approval requiring pro-rata contributions towards a school site within the locality. The WAPC advises that such a condition was imposed on freehold subdivision approval (WAPC 137969, 8 January 2010) which relates to the subject land.

A condition (1) has been imposed on WAPC 96-11 requiring the subject land to be created as a freehold lot prior to the endorsement of an appropriate form for the creation of the subject strata lots. Creating the freehold lot pursuant to

WAPC 137969 will require the landowner to clear the education contributions condition imposed on that approval.

The WAPC considers it inappropriate to impose any further education contribution condition on 96-11 and advises DoE to ensure that they secure any necessary contributions at the time of clearance of the relevant condition imposed on WAPC 137969.

SUMMARY:

The application proposes the subdivision of Lots 349 and 350 Park Street, Henley Brook to create 30 residential survey strata lots of between 288m² and 400m². Common property areas are proposed which include access roads and the Parmelia Gas Pipeline Easement. The Dampier to Bunbury Gas Pipeline Easement is situated in close proximity and to the east of the subject application boundary.

The land subject of the application was approved as a 'Residential R30' lot ('Lot 105') pursuant to subdivision application WAPC 137969. Land affected by the Parmelia Gas Pipeline Easement within proposed Lot 105 was identified as 'private open space'. This approval was issued, subject to conditions, under consent orders of the State Administrative Tribunal (SAT) on 8 January 2010 and under 'Early Release Subdivision Criteria'.

Although the freehold subdivision approval gives consent to private open space, this has been credited towards the public open space (POS) requirement for proposed Lot 105. WAPC Policy DC 1.3 *Strata Titles* states that the WAPC may allow such POS credits provided that the open space is useable and can be developed for general recreation purposes. The private open space approved under WAPC 137969 is constrained given the existence of the Parmelia Gas Pipeline, which could restrict its development and use and disadvantage the future occupiers of the strata development. Notably, the applicant has not cleared Condition 7 of WAPC 137969 and has not demonstrated that the communal open space is useable and that it can be developed for general recreation purposes.

The application is referred to the SPC for determination given that the landowner is yet to demonstrate that the communal open space within the survey strata affected by the pipeline easement is useable for recreation purposes. Notwithstanding, given the previous SAT decision, it is recommended that survey strata application 96-11 be approved subject to conditions requiring this matter to be addressed and that support for the subject application should not be viewed as setting a precedent for future strata applications over gas pipeline easements. All future applications of this nature will be considered on their merits.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

P and D Act Part 10 (S 162)

Strategic Plan

Strategic Goal:

Planning.

Outcomes: Effective Delivery of Integrated Plans.
Strategies: Implement State and Regional Planning priorities.

Policy

Number and / or Name: - WAPC Policy No. DC 1.3 - Strata Titles
- WAPC Policy No. DC 2.2 - Residential Subdivision
- State Planning Policy 3.1 Residential Design Codes

INTRODUCTION

The application proposes the subdivision of Lots 349 and 350 Park Street, Henley Brook to create 30 residential survey strata lots of between 288m² and 400m². Common property areas are proposed which include access roads and the Parmelia Gas Pipeline Easement (**Attachment 1** - Amended Subdivision Plan). The applicant has provided a modified plan to address a number of matters raised by the Department of Planning including lot numbering and visitor parking (**Attachment 2**).

The subject land is zoned Urban under the Metropolitan Region Scheme (MRS) and Special Use under the City of Swan Local Planning Scheme No. 17 (LPS 17) (**Attachment 3** - Zoning Plan).

The subject land is located in close proximity to the Dampier Bunbury Gas Pipeline and is bisected by the Parmelia Gas Pipeline. The land is identified as "Gas Pipeline Residential Conditional Area" within the Albion District Structure Plan (ADSP) which was endorsed by the WAPC on 15 December 2009 (**Attachment 4**). Under the ADSP, the land is identified within a local structure planning area (LSP3). LSP3 is yet to be submitted to the WAPC for preliminary comments.

The land subject of the application was approved as a 'Residential R30' lot ('Lot 105') pursuant to subdivision application WAPC 137969. The land affected by the Parmelia Gas Pipeline Easement within this lot was identified as 'Private Open Space' on the plan of subdivision. This approval was issued, subject to conditions, under consent orders of the State Administrative Tribunal (SAT) on 8 January 2010 as part of the WAPC 'Early Release Subdivision Criteria' for the Swan Urban Growth Corridor. To date the applicant has not pursued endorsement of a deposited plan relating to WAPC 137969.

The SAT proceedings involved a lengthy mediation process involving the landowner, the City of Swan, and the Department of Planning on behalf of the WAPC. The WAPC's ultimate position to support the application at SAT was subject to consideration by the SPC.

WAPC 137969 raised a number of matters including prematurity of the proposals in the absence of an endorsed Structure Plan, and the City of Swan's resolution not to accept POS vesting of the gas pipeline easement. As stated above, and after consideration of a number of options (**Attachment 5**), one of the outcomes of the SAT proceedings was that the Parmelia Gas Pipeline Easement within the freehold subdivision (within proposed Lot 105) was supported as 'Private Open Space'. This is subject to a condition which states:

"7. The proposed public open space reserve(s) shown on the attached plan 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.

It is acknowledged that the WAPC has accepted up to 50 per cent of the 10 per cent public open space required for proposed Lot 105 to be provided as communal open space within the proposed survey strata lot, to ensure the integration of the pipeline corridor into the urban fabric in this instance and subject to the open space being useable and developed for general recreation purposes....." (underlined for emphasis).

Given the constraints on the development of land within the Parmelia Gas Pipeline Easement the approval effectively gives consent to restricted private open space which is credited as POS.

CONSULTATION

The City of Swan recommends conditional approval of the application.

The Water Corporation, Western Power and the Department of Education support the proposal subject to conditions.

The Department of Environment and Conservation (DEC), Department of Water, Department of Mines and Petroleum and ATCO Gas raise no objection to the proposal.

The application proposes to create a common property area over the Parmelia Gas Pipeline easement. The APA Pipeline Group, which is responsible for the management of the Gas Pipeline, raise no objection to the application subject to the imposition of a condition requiring a Pipeline Protection Plan (PPP) to be prepared and implemented. The PPP will require, along with other mitigation measures that the pipeline easement is fenced off from the residential lots. Imposition of such a condition is consistent with the Commission's approach under WAPC 137969.

The Dampier Bunbury Pipeline group (DBP) and the Department of Regional Development and Lands (DRDL) raise no objection to the application given that the proposals do not directly impact upon the Dampier to Bunbury Gas Pipeline (DBPG). It is noted that recent discussions with DRDL have indicated that the provision of private open space (common property) over the pipeline easement is not supported in relation to the DBGP. This will need to be considered as part of any future application that includes the DBGP easement.

COMMENTS

City of Swan Local Planning Scheme No. 17 (LPS17)

The subject land is identified within a Special Use zone (SU10 'Albion') in LPS17 where under Clause 4.7.2:

"A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land."

Schedule 4 (10) of LPS17 sets out the objectives for the planning of Albion and requires subdivision and development to be subject to:

" the preparation and approval of a District Structure Plan, Local Structure Plan(s) and Detailed Area Plans. The District Structure Plan shall demonstrate integration with the district context."

The endorsed ADSP identifies the subject land as being within the "Gas Pipeline Residential Conditional Area" where residential uses are provided for subject to a Quantitative Risk Assessment (QRA) relating to the gas pipeline being carried out. The relevant authority (APA Pipeline Group) have confirmed that a QRA has been carried out and it does not oppose residential development within the Conditional Area. Residential densities within this zone should be set through a local structure plan. Although LSP3 has not been progressed, the subject land benefits from an earlier subdivision approval which was assessed under the Swan Urban Growth Corridor 'Early Land Release Framework' endorsed by the WAPC and City of Swan. This framework provided for limited subdivision ahead of structure planning, providing a number of criteria intended to ensure orderly and proper planning were met. The approved plan under the previous freehold subdivision identifies that the land is to be developed for residential purposes at a density code of R30. The subject application is consistent with the earlier freehold subdivision approval.

Lot Configuration and Sizes

The proposed lot sizes are consistent with the minimum (270m² required, 288m² provided) and average (300m² required, 323m² provided) lot size requirements of the R30 code.

Private Open Space

Although the freehold subdivision approval gives consent to private open space, this has been credited towards the public open space (POS) requirement for proposed Lot 105. WAPC Policy DC 1.3 *Strata Titles* states that the WAPC may allow such POS credits provided that the open space is useable and can be developed for general recreation purposes. The private open space approved under WAPC 137969 is constrained given the existence of the Parmelia Gas Pipeline, which could restrict its development and use and disadvantage the future occupiers of the strata development. Notably, the applicant has not cleared Condition 7 of WAPC 137969 and has not demonstrated that the communal open space is useable and that it can be developed for general recreation purposes.

Access

The common property accessway / road reserves shown on the survey strata plan are proposed at 7.2 metres in width. Provisions governing the requirements for accessways within survey stratas are set out in a number of policies:

i) **WAPC Policy No. DC 1.3 - Strata Titles** Clause 3.3.4 (e) requires that Accessways for survey stratas, in excess of six dwellings, should be designed in accordance with WAPC Development Control Policy 2.6 *Residential Road Planning*.

ii) **WAPC DC Policy 2.6 Residential Road Planning**. Clause 3.4.3 of DC 2.6 seeks road reserve widths of between 10-14.5 metres.

The applicant has provided a plan indicating cross sections of road reserves, visitor parking and turning capacity within the road layout and a plan and correspondence from the City of Swan confirming support for the proposed road widths and design. On this basis it is recommended that the proposed road widths be supported.

Education Contributions

A condition was imposed on WAPC 137969 requiring a contribution from the landowner towards the cost of a primary school site within the locality. It is considered inappropriate to impose such a condition on any subsequent survey strata approval, as sought by Department of Education, given that any contribution should be secured when the landowner seeks clearance of the condition under the earlier freehold approval. The Department of Education will be advised to ensure that it secures any necessary education contributions at that time.

Planning Bulletin No. 87

The Parmelia gas pipeline easement is incorporated within the application boundary (as common property). The proposed residential lots are located outside of the easement. The Commission's *Planning Bulletin 87 - High Pressure Gas Transmission Pipeline in the Perth Metropolitan Region* (PB 87) identifies that for the Parmelia Gas Pipeline (south of Caversham) the pipeline setback distance from the edge of the easement is to be 65 metres for residential uses. Development can only take place within this setback distance where the developer has completed a Qualitative Risk Assessment (QRA) and prepared a Pipeline Protection Plan (PPP) that has determined the required mitigation methods to best reduce the risk of a pipeline rupture. A QRA has been prepared and supported by the pipeline operator. It is considered appropriate to impose a condition, consistent with WAPC 137969, requiring a PPP to be carried out and any mitigation measures to be implemented.

In addition it is considered appropriate to impose a condition requiring the applicant to demonstrate that the communal open space within the survey strata and over the Parmelia gas pipeline easement, will be useable and developed for recreational purposes. The on-going management of the communal open space will be the subject of a condition under the Strata Management Statement.

CONCLUSION

Although the current freehold subdivision approval relating to the land gives consent to private open space, this has been credited towards the public open space (POS) requirement for proposed Lot 105. WAPC Policy DC 1.3 *Strata Titles* states that the WAPC may allow such POS credits provided that the open space is useable and can

be developed for general recreation purposes. The private open space approved under WAPC 137969 is constrained given the existence of the Parmelia Gas Pipeline, which could restrict its development and use and disadvantage the future occupiers of the strata development. Notably, the applicant has not cleared Condition 7 of WAPC 137969 and has not demonstrated that the communal open space is useable and that it can be developed for general recreation purposes.

Notwithstanding the above, the proposal is consistent with the endorsed ADSP and no planning objections have been raised. In addition the application is consistent with a previous SAT approval relating to the subject land to which some weight can be attached. It is, therefore, recommended that the application be approved subject to conditions

It is also recommended that the applicant be advised that approval should not be viewed as setting a precedent for future strata applications over gas pipeline easements. All future applications of this nature will be considered on their merits.

DAMPIER

Internal utilities hub

GAS

Bin collection pads

The site plan shows Lot 349 (20.2874ha) and Lot 350 (20.2773ha). Lot 349 is divided into a 'Balance Lot 349' of 17.04ha and a 'Balance Lot 350' of 8.50ha. Lot 350 is divided into a 'Balance Lot 350' of 8.50ha and a 'Balance Lot 349' of 17.04ha. The plan includes a 'PARK' area, a 'STREET', and a 'WAPC' (Western Australian Planning Commission) area. A 'Ref: 136114' is indicated. The plan also shows a 'WAPC Ref: 137969' and a 'WAPC Ref: 137969'.

Reserve

Pedestrian access only

PUBLIC OPEN SPACE

4016m²

Internal utilities hub 16m Road Reserve

DEPARTMENT OF PLANNING
10 AUG 2011
FILE 96-11

LEGEND

 Strata Lot Area
 Application Area
 Approved Subdivision
 Common Property

DATE	No.	ACTIVITY - REVISION DESCRIPTION	DES	DRN	CHK'D	APP'D
24.01.11	B	Update to show entire development area	SB	FC	JA	JA
02.02.11	C	Revised common property areas	SB	SB	JA	JA
4.4.11	D	Amend strata lot area	FC	FC	JA	JA
5.4.11	E	Alter common property roads to 6m	DCD	DCD	JA	JA
11.05.11	F	Alert internal road widths to 7.2m	DCD	DCD		

PROJECT	LOT 349 & 350 PARK STREET, HENLEY BROOK
DRAWING FILE	STRATA LOT SUBDIVISION LOTS 438 AND 439
PRINCIPAL	TERRANOVIS PTY. LTD.

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CONSULTING ENGINEERS
TOWN PLANNERS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
BUILDING DESIGN

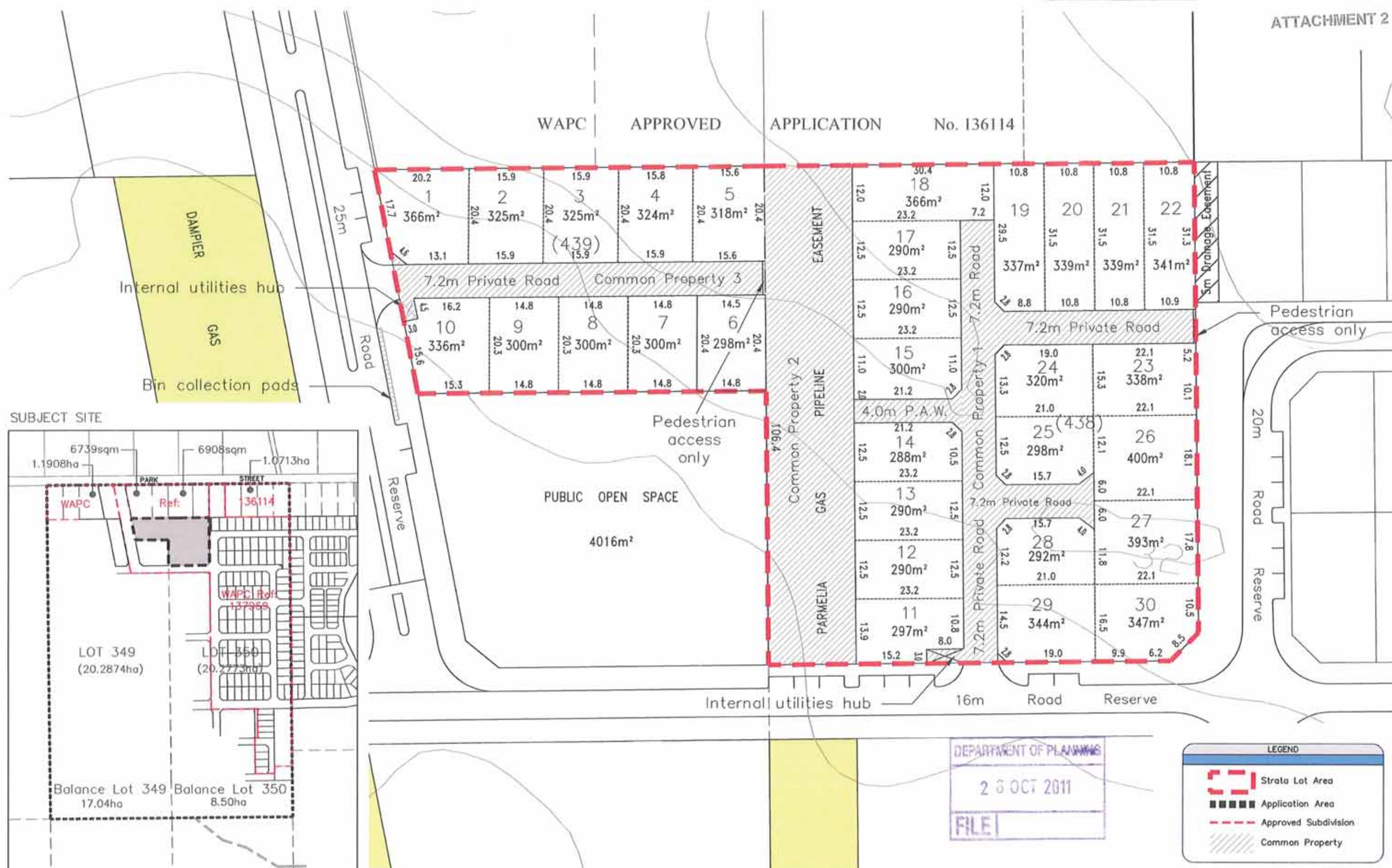
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Date	24.01.11	Scale	1:750
Designed	SB	Checked	JA
Drawn	SB	Approved	JA
Local Authority		Sheet	Of
City of Swan		1	1
Project - Phase - Plan Number			Revision
P5044 SK52			1

ORIGINAL A3

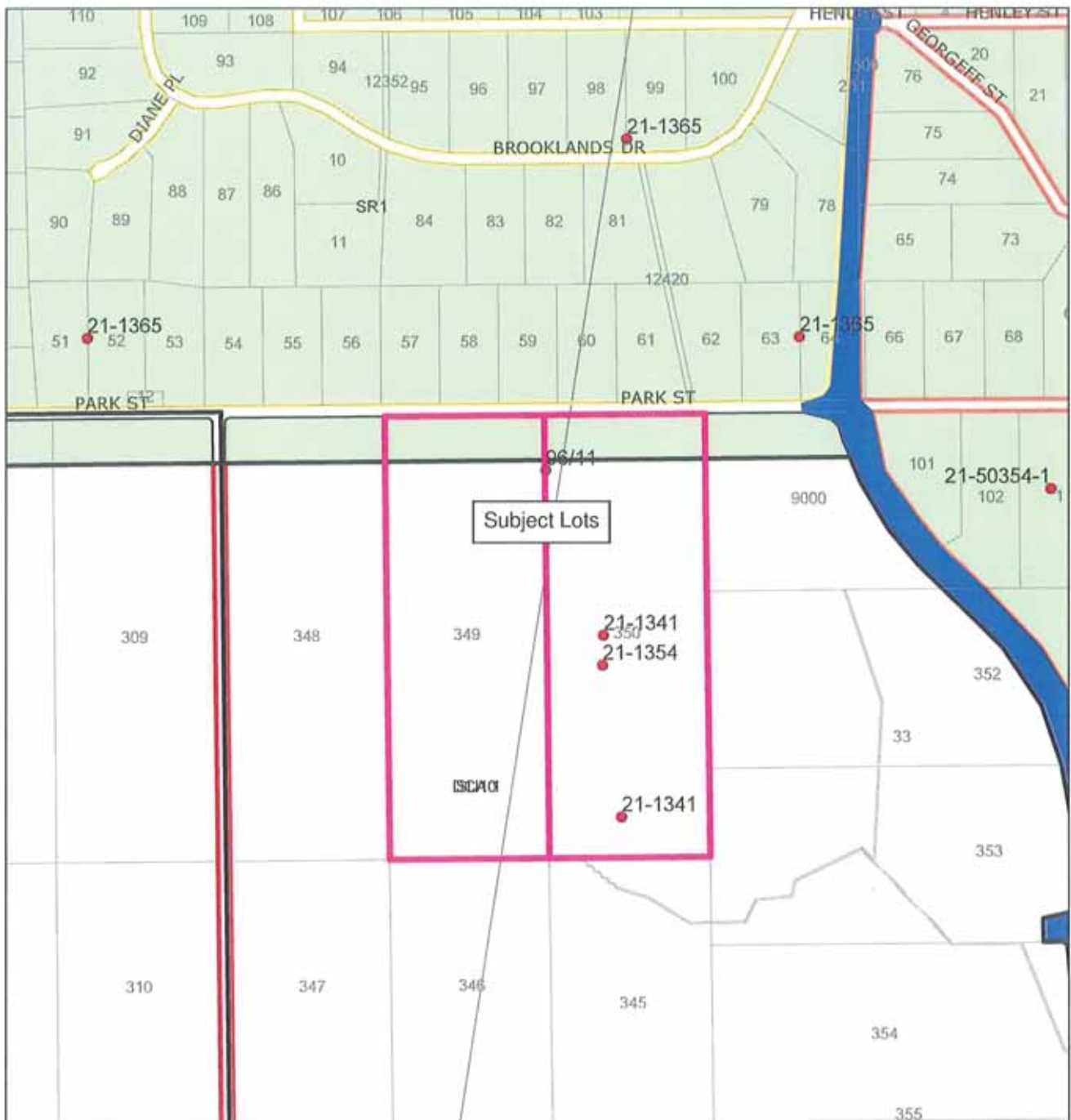
WAPC APPROVED APPLICATION No. 136114



DATE	No.	ACTIVITY - REVISION DESCRIPTION	DES	DRN	CHK'D	APP'D
25.10.11	B	Update to show entire development area	SB	FC	JA	JA
02.02.11	C	Revised common property areas	SB	SB	JA	JA
4.4.11	D	Amend strata lot area	FC	FC	JA	JA
5.4.11	E	Alter common property roads to 6m	DCD	DCD	JA	JA
11.05.11	F	Alter internal road widths to 7.2m	DCD	DCD		
24.10.11	G	Additional visitor parking added	SB	SB	JA	JA

PROJECT LOT 349 & 350 PARK STREET, HENLEY BROOK
DRAWING TITLE STRATA LOT SUBDIVISION LOTS 438 AND 439
PRINCIPAL TERRANOVIS PTY. LTD.

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- | | | |
|--|---------------------------|-----------------|
| ● Strata Titles - SSS | □ SPECIAL RURAL AREA | □ SPECIAL RURAL |
| ● Development Applications - SSS | □ MUNICIPAL BOUNDARY | □ SPECIAL USE |
| □ Cadastre with Lot Numbers | □ TPS - Scheme Boundaries | |
| □ Townsites | ■ OTHER REGIONAL ROADS | |
| □ DEVELOPMENT CONTRIBUTION AREA BOUNDARY | □ GENERAL RURAL | |
| □ SPECIAL USE AREA | □ RURAL RESIDENTIAL | |

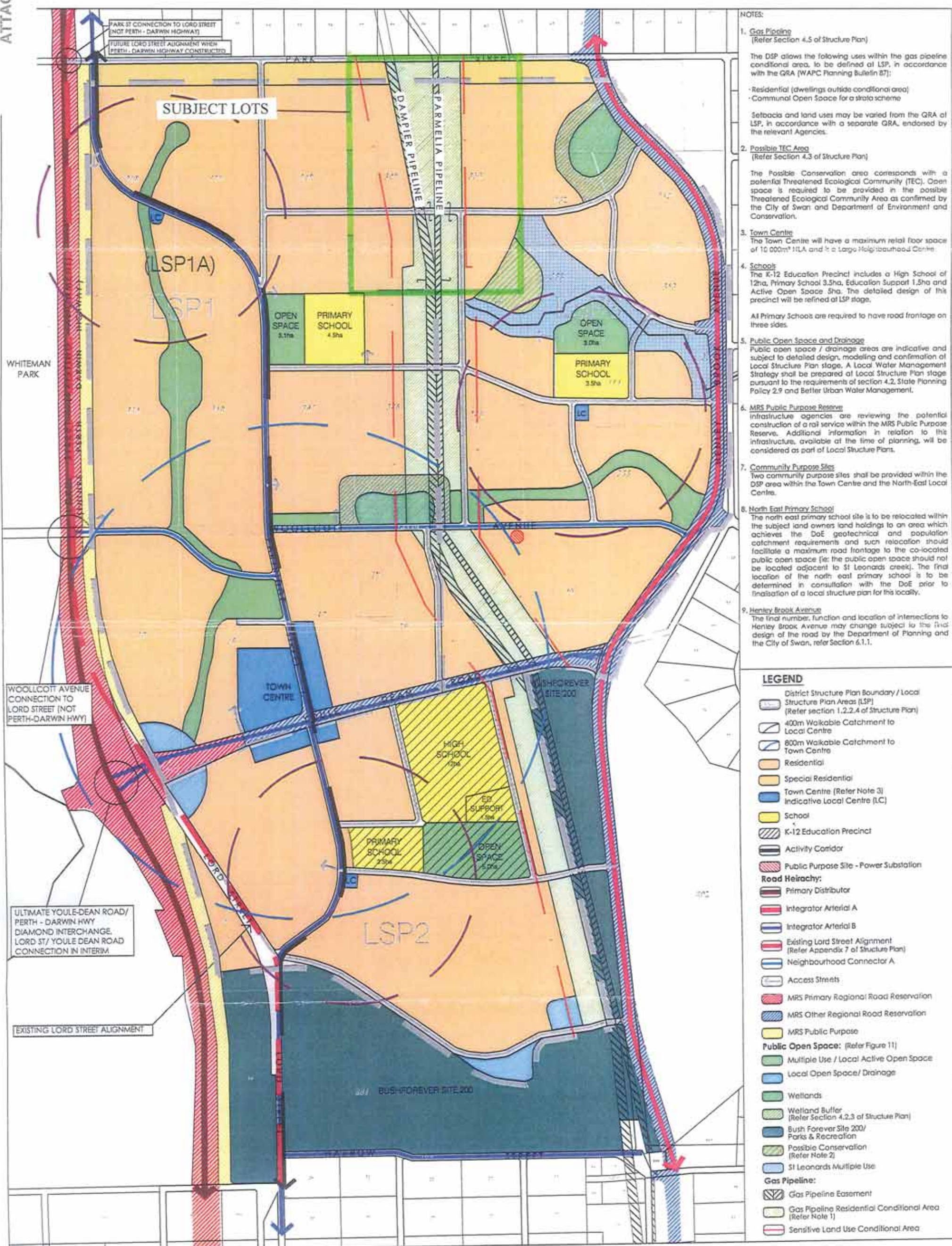
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Prepared by: idouglass
Prepared for:
Date: Thursday, November 10, 2011 10:12
Plot identifier: P20111110_1012

DP INTERNAL USE ONLY



Government of Western Australia
Department of Planning



ALBION DISTRICT STRUCTURE PLAN
FIGURE 8



PROJECT **LOTS 349 AND 350 PARK STREET, HENLEY BROOK**

DRAWING TITLE **STRATA SUBDIVISION DESIGN - OPTION 1**

PRINCIPAL **SPM PROJECT MARKETING PTY LTD**

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DATE	No.	ACTIVITY - REVISION DESCRIPTION	DES	DRN	CHKD	APPR
24.04.09	A	Revise Strata Lots and Open Space	AKT	AKT	JA	JA

Cardno

CONSULTING ENGINEERS
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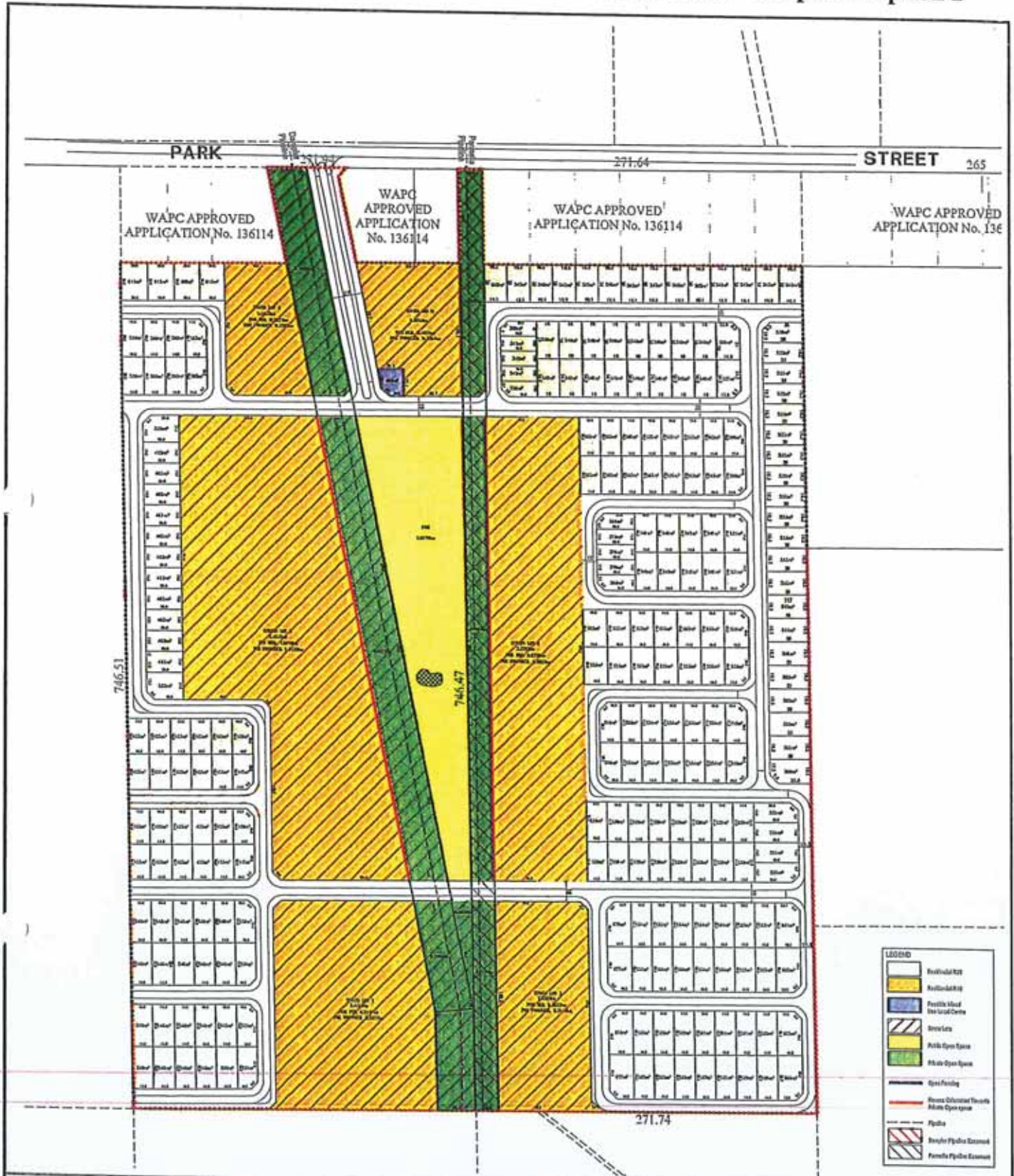
Date 23.04.09 Scale 1:5000

Designed DCO Checked

Drawn DCO Approved

Local Authority CITY OF SWAN Sheet 1 of 1

Project - Phase - Plan Number P5044 SK45 Revision A





PROJECT	LOTS 349 AND 350 PARK STREET, HENLEY BROOK
DRAWING TITLE	SUBDIVISION DESIGN - CONCEPT 3A
PRINCIPAL	SPM PROJECT MARKETING PTY LTD

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DATE	No.	ACTIVITY - REVISION DESCRIPTION	DES	DRH	CHCD	APP
24.04.09	A	Revise Strata Lots and Open Space	AKT	AKT	JA	JA
31.05.09	B	Revise Open Space and Strata Lots	AKT	AKT		
28.06.09	C	Prepare POS Tables - Update Linework	AKT	AKT	AKT	AKT
16.08.09	D	Revise Plan to Show Early Release Area	AKT	AKT	AKT	AKT
16.08.09	E	Revise Layout Per Mediation Discussion	AKT	AKT	JA	JA
24.08.09	F	Add Regional Roadway Network	AKT	AKT		



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Date	25.04.09	Scale	1:1000
Designed DCD		Checked	JA
Drawn DCD		Approved	JA
Local Authority		Sheet	Of
CITY OF SWAN		1	1
Project - Phase - Plan Number			Revision
P5044	SK45		F

ITEM NO: 9.3

ENDORSEMENT OF OUTLINE DEVELOPMENT PLAN - LOT 9508 NEWPORT DRIVE, DUDLEY PARK, 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:	G
FILE NO:	SPN/0276
DATE:	October 2011
ATTACHMENT(S):	1 - Location Plan 2 - ODP 3 - Schedule of Submissions
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Mandurah
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION:	Approved with modifications
REGION DESCRIPTOR:	Peel Region
RECEIPT DATE:	2011
PROCESS DAYS:	92
APPLICATION TYPE:	Request for endorsement of Outline Development Plan
CADASTRAL REFERENCE:	Lot 9508 Newport Drive, Coodanup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. endorse the Outline Development Plan for Lot 9508 Newport Drive, Dudley Park, subject to the following modifications:

a) the following notations being included on the ODP:

- (i) 'Detailed Area Plans being prepared at subdivision stage for the lots abutting the pedestrian accessway';***
- (ii) 'Intersections with Wanjeep Street being designed in a manner to limit adverse impact on existing residential properties';***

-
- (iii) *'At the relevant stage of subdivision or development, the applicant is to prepare and implement a Wildlife Protection Management Plan'; and*
- (iv) *'The Federal government has determined that this proposal constitutes a 'controlled action' and requires approval under the Environment Protection and Biodiversity Conservation Act'.*

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

SUMMARY:

The key points relating to this report are as follows:

- The City of Mandurah requests the Western Australian Planning Commission's (WAPC) approval of an Outline Development Plan (ODP) for a 22.8 hectare site on the western side of Wanjeep Street in Dudley Park (**Attachment 1** – Location Plan).
- The ODP proposes residential development, with density codings ranging between R20 and R30 (**Attachment 2** – ODP).
- Five submissions were received during advertising, expressing concerns regarding the proposed residential densities, location of intersections and traffic management.
- The City of Mandurah (the Council) endorsed the ODP subject to a minor modification relating to the treatment of intersections with Wanjeep Street. The modification has not yet been undertaken.
- It is recommended that the ODP be approved, subject to minor modifications.

BACKGROUND:

In January 2009, the WAPC approved subdivision of the site into 264 residential lots (WAPC ref 138231). This represented renewal of the balance of an earlier 392 lot approval for the Dudley Park Estate (WAPC ref 127069). A primary school site and 10 per cent public open space contribution identified on the previously approved plans of subdivision for the estate have been ceded to the relevant government agencies.

In June 2010, Amendment 111 to Town Planning Scheme No.3 was gazetted, rezoning the site from 'Residential R12.5/20 and 17.5' to 'Urban Development', requiring preparation of an ODP prior to development.

In May 2011, Council endorsed the ODP for final approval, however, inadvertently overlooked a submission received during the advertising period. Accordingly, Council reconsidered the ODP and additional submission in August 2011, resolving to adopt the ODP for final approval subject to inclusion of a notation regarding intersection design and treatment.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005

City of Mandurah TPS No. 3

Section:

7.11.3.10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned Local Communities developing a sense of place

Strategies:

Encourage innovation in the design of our communities

Policy

Number and / or Name:

Directions 2031 and Beyond

State Planning Policy 3 - 'Urban Growth and Settlement'

DETAILS:

The ODP adopted by Council proposes residential development, with densities ranging between R20 – R25, and R30 adjacent to community focal points. The anticipated lot yield for the site is approximately 325 lots.

The local planning scheme (LPS) requires preparation of an ODP prior to subdivision or development within the 'Urban Development' zone, addressing, inter alia, major land uses, subdivision and development standards.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Nil.

CONSULTATION:

The ODP was advertised for public comment during February and March 2011, with five submissions received. The issues raised are presented at **Attachment 3**, together with Council's and the Department of Planning's (DoP's) comments.

OFFICER'S COMMENTS:

Residential Density and Layout

The R20 – R30 density range proposed by the ODP is consistent with existing development surrounding the site, which comprises a mixture of R17.5, R12.5/20 and R25. The ODP represents a slight increase in yield compared with the current subdivision approval, which is appropriate given the proximity of the site to amenities including schools and public open space, and is expected to achieve a minimum density of 15 dwellings per hectare, allowing for roads. The provisions of the Residential Design Codes are sufficient to address a submission expressing concern about the impact of increased density on the amenity and privacy of existing dwellings close to the site.

The proposed layout improves vehicular and pedestrian access and permeability, compared to the current subdivision approval (WAPC ref 138231). A small public open space area of approximately 200m² is proposed to facilitate pedestrian movement between a cul-de-sac head and the continuation of Sharperton Meander. The design of the accessway is consistent with the principles of Development Control Policy 2.6 - *Residential Road Planning*, and will provide a visual link with the open space immediately east of the site. In order to ensure an appropriate development outcome, it is recommended that a notation be added to the ODP advising that Detailed Area Plans will be required at subdivision stage for the lots abutting the accessway.

Traffic

Three submissions expressed concern about the safety of proposed intersections with Wanjeep Street, and the potential impact on established dwellings opposite these intersections. Two of the submissions relate to an intersection that is identified on current and historical subdivision approvals for the site, and the third submission relates to an additional intersection incorporated to improve the permeability of the site.

To address the concerns, Council recommended inclusion of an ODP notation requiring intersections with Wanjeep Street to be designed in a manner to limit any adverse impact on existing residential properties. This modification has not yet been undertaken.

Modifications to the design to relocate or limit the number of intersections would compromise the connectivity and permeability of the road network, as a result of the shape of the site and existing development considerations to the south. Council's recommendation to include a notation on the ODP regarding intersection design is therefore supported, and it is expected that the safety concerns will be addressed through a combination of minor design changes and/or traffic treatments at subdivision stage.

Other

The Commonwealth government has determined that development of the site is a 'controlled action', requiring approval under the *Environment Protection and Biodiversity Conservation Act*. The proponent is currently preparing a response relating to the impact of development on potential Black Cockatoo foraging and nesting sites. It is recommended that a notation be included on the ODP highlighting the requirement for approval to be obtained under Commonwealth legislation.

Although sufficient open space has been provided in the locality as a result of earlier subdivision (WAPC ref 127069 and 114412), a small public open space area is proposed to facilitate pedestrian movement through the site.

Given that the subject site contains remnant vegetation, an ODP notation requiring preparation of a wildlife management protection plan at subdivision stage is recommended.

Modifications

The following modifications are recommended:

- a) Notations being added to the ODP regarding:
 - (i) preparation of Detailed Area Plans for the lots abutting the pedestrian accessway;
 - (ii) the requirement for approval to be obtained under Commonwealth legislation;
 - (iii) intersections with Wanjeep Street being designed in a manner to limit adverse impact on existing residential properties; and
 - (iv) preparation of a wildlife management protection plan at subdivision stage.

The City and the applicant support the recommended modifications.

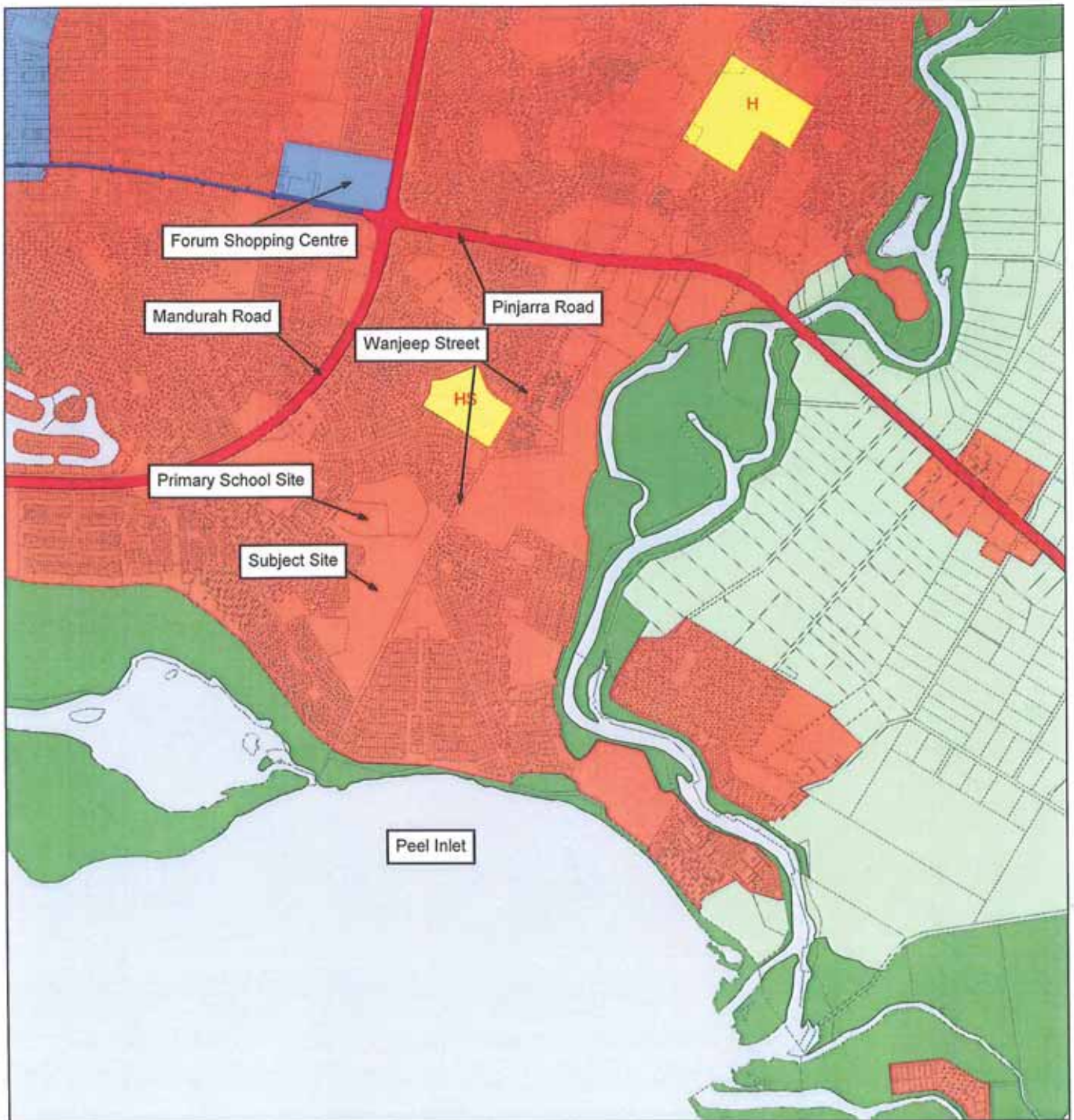
Justification

The ODP is supported for the following reasons:

- (i) The ODP will facilitate development of a wider range of dwelling types, providing for greater housing choice and diversity in the area; and
- (ii) The proposal is consistent with State Government Policy direction relating to more efficient use of appropriately located and serviced urban land.

CONCLUSION:

It is recommended that the ODP be approved subject to the modifications outlined in the recommendation.



Lot 9508 Newport	OTHER REGIONAL ROADS
Cadastre	REGIONAL OPEN SPACE
URBAN	WATERWAYS
REGIONAL CENTRE	RAILWAYS
RURAL	PP - HOSPITAL
PRIMARY REGIONAL ROADS	PP - HIGH SCHOOL

Scale 1:30,000
0 0.5 km

Prepared by: alawson
Prepared for:
Date: Thursday, October 20, 2011 10:54
Plot Identifier: P20111020_1054

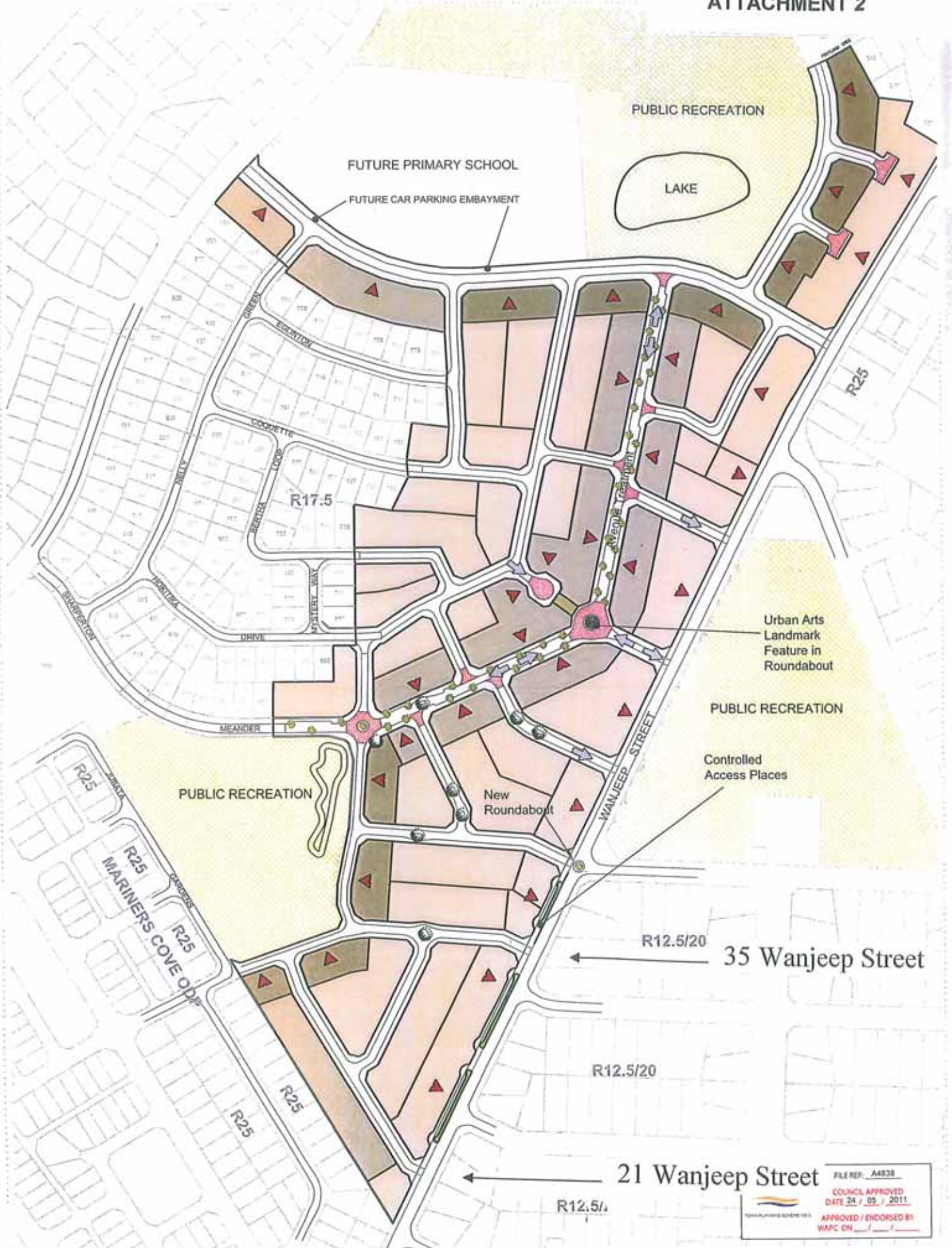
DP INTERNAL USE ONLY





Government of Western Australia
Department of Planning

Lot 9508 Newport Drive
Dudley Park
Location Plan



CITY OF MANDURAH

OUTLINE DEVELOPMENT PLAN - LOT 9508 NEWPORT DRIVE, DUDLEY PARK

SCHEDULE OF SUBMISSIONS

	Submission (Summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
1.	<p>Concerned with the proposal for the following reasons:</p> <p>a. Additional density impacting on amenity and privacy. Development should be limited to single storey and single residence.</p> <p>b. Concerns for modified road layout from that envisaged though sales documents.</p> <p>c. Concerns for children's safety</p>	<p>a. Not Supported - amenity and privacy will be protected through the Residential Design Codes. These Codes provide protection of neighbouring amenity through maximum building heights and imposing minimum setbacks. The provisions of the Residential Design Codes for height and privacy setbacks are consistent with the proposed and existing density codes.</p> <p>b. Noted – However, the proposed layout presents a more permeable arrangement in line with contemporary planning techniques.</p> <p>c. Not Supported – Locating higher densities adjacent to amenities such as public open space, schools, shops and</p>	<p>a. Dismiss. Agree with Council's comments.</p> <p>b. Dismiss. Agree with Council's comments.</p> <p>c. Dismiss. Agree with Council's</p>

	with additional density abutting a school site.	transport nodes is considered appropriate and consistent with contemporary planning techniques.	comments. The increase in density from R17.5 in the current subdivision approval to R25 and R30 opposite the school will not significantly increase the number of dwellings to the point where road safety becomes an issue.
2.	<p>Concerned with the proposed ODP on the following grounds:</p> <p>a. The proposed layout results in a street terminating at Wanjeep Street in a 'T' junction. Concerned that a car may travel through the intersection into the house as recently happened in Mandurah.</p>	<p>a. Not Supported – The street layout for that particular portion of the ODP area is identical to that approved through the existing subdivision.</p> <p>The proposed intersection in question is not in direct alignment with 21 Wanjeep Street.</p> <p>Traffic treatments will be included at subdivision stage.</p>	<p>a. Noted. The ODP modifies the southern-most intersection location compared to the current subdivision approval, offsetting it along the property boundary rather than directly opposite the existing dwelling at 21 Wanjeep Street. An ODP notation is recommended requiring intersections to be designed to limit the impact on residences, which, combined with appropriate traffic treatment at subdivision stage is expected to resolve the issue.</p>
3.	Concerned with the proposed ODP on the following grounds:		

	<p>a. Concerned with the alignment of the intersection proposed and that its location may result in the potential for a car to travel through the intersection and into houses.</p>	<p>a. Not Supported - The street layout for that particular portion of the ODP area is identical to that approved through the existing subdivision.</p> <p>The proposed intersection in question is not in direct alignment with 21 Wanjeep Street.</p> <p>Traffic treatments will be included at subdivision stage.</p>	<p>a. Refer comment at 2 above.</p>
4.	<p>Support the development but outline the following concerns:</p> <p>a. Concern for safety and amenity with proposed intersection.</p> <p>b. Wanjeep Street is dangerous and requires traffic calming.</p>	<p>a. Noted – Detailed traffic treatments will be considered at subdivision stage.</p> <p>b. Noted – While not material to the ODP, traffic calming measures may be required on Wanjeep Street at subdivision stage</p>	<p>a. Noted. The ODP indicates a road terminating opposite 35 Wanjeep Street. An ODP notation is recommended requiring intersections to be designed to limit the impact on residences, which, combined with appropriate traffic treatment at subdivision stage is expected to resolve the issue.</p> <p>b. Noted. Traffic management on local roads is a matter to be addressed by local government as necessary.</p>

5.	<p>Have the following concerns with the proposal:</p> <p>a. Concerns for the population of red tailed cockatoos in the area.</p> <p>b. Concerned that the future residents will use Jubata Gardens and Ashinga Trail as traffic routes and suggest implementing chicanes and speed humps.</p>	<p>a. Noted.</p> <p>b. Noted – Detailed traffic treatments will be considered at subdivision stage.</p>	<p>a. Noted. A modification to the ODP is recommended highlighting the requirement for approval to be obtained under commonwealth legislation.</p> <p>b. Noted. This is considered unlikely as Wanjeep Street is a more direct route south to the estuary, however traffic management measures can be addressed by local government if considered necessary.</p>
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