



## Statutory Planning Committee

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

**Tuesday 13 December 2011  
10.30 am**

**Level 2, Room 2.40  
One40 William Street  
Perth**



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

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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 –<br><i>Planning and Development Act 2005</i>                            | Term of office ends |
|---------------------|---|---------------------|
| Mr Gary Prattley    | Chairperson, WAPC<br>Schedule 2 clause 4(2)(a)  | 20/4/2013           |
| Ms Sue Burrows      | Nominee of the Director General,<br>Department of Planning<br>Schedule 2 clause 4(2)(b) | Ex-officio          |
| Ms Elizabeth Taylor | Community representative<br>Schedule 2 clause 4(2)(d)                                   | 1/2/2012            |
| Mr Ian Holloway     | Professions representative<br>Schedule 2 clause 4(2)(e)                                 | 1/2/2012            |
| Mayor Carol Adams   | Local Government representative<br>Schedule 2 clause 4(2)(f)                            | 1/2/2012            |
| Cr Corinne MacRae   | WAPC Nominee<br>Schedule 2 clause 4(2)(g)   | 1/2/2012            |
| Mr Henty Farrar     | Regional Minister nominee<br>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
4. Disclosure of interests
5. Declaration of due consideration
6. Deputations and presentations
  - 6.1 City of Stirling – Local Planning Scheme No. 3 Amendment No. 5 (City of Stirling)
  - 6.2 Review of WAPC Rural Policies – Post Advertising Brief (Cath Meaghan)
7. Announcements by the Chairperson of the board and communication from the WAPC
8. Confirmation of minutes of 22 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 | To be advised      |
| 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 24 January 2012

## Statutory Planning Committee

Minutes  
of ordinary meeting 7449  
held on Tuesday 22 November 2011

### Attendance

#### Members

|                     |   |
|---------------------|---|
| Ms Sue Burrows      | Nominee of the Director General, Department of Planning |
| Mr Henty Farrar     | Regional Minister's nominee                             |
| Mr Ian Holloway     | Professional representative (to 11.00 am)               |
| Cr Corinne MacRae   | WAPC nominee  |
| Ms Elizabeth Taylor | Community representative (Presiding Member)             |

#### Officers

|                    |   |
|--------------------|---|
| Ms Natalie Cox     | Senior Project Planner, Schemes and Appeals     |
| Mr Ian Douglass    | Senior Planning Officer Metro North East        |
| Mr Vince McMullen  | Director Policy Coordination and Development    |
| Mr Mark Szabo      | Planning Manager, Independent Planning Reviewer |
| Ms Marion Thompson | Urban Development Coordinator                   |
| Mr Peter Wood      | Senior Planning Officer Northern Regions        |

#### Observer

|                  |                              |
|------------------|------------------------------|
| Mr Brett Cammell | City of Fremantle (Item 6.1) |
|------------------|------------------------------|

#### Presenters

|                   |                              |
|-------------------|------------------------------|
| Dr Brad Pettitt   | City of Fremantle (Item 6.1) |
| Mr Philip St John | City of Fremantle (Item 6.1) |

#### Committee Support

|                      |  |
|----------------------|--|
| Ms Vicki Moore       | Committee Support Officer - Department of Planning |
| 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.

**Ms Burrows nominated Ms Taylor.  
Ms Taylor accepted the nomination.**

#### Resolved

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

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*That Ms Taylor preside over the meeting of Statutory Planning Committee in the absence of the presiding member.*

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

### **7449.1 Declaration of Opening**

The Presiding Member declared the meeting open at 10.00 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

### **7449.2 Apologies**

Nil.

### **7449.3 Members on Leave of Absence and Applications for Leave of Absence**

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

### **7449.4 Disclosure of Interests**

| <b>Member/Officer</b> | <b>Minute No.</b> | <b>Page No.</b> | <b>Nature of Interest</b> |
|-----------------------|-------------------|-----------------|---------------------------|
| Mr Henty Farrar       | 10.4              | 16              | Impartiality              |

**Resolved**

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

*In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agree that the member listed above, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on the item due to being a member of the Fremantle Society who has made a submission to the City in support of the Amendment.*

**The motion was put and carried.**

| <b>Member/Officer</b> | <b>Minute No.</b> | <b>Page No.</b> | <b>Nature of Interest</b> |
|-----------------------|-------------------|-----------------|---------------------------|
| Ms Sue Burrows        | 10.4              | 11              | Impartiality              |

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### Resolved

*In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agree that the member listed above, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on the item due to meetings with representatives of the City of Fremantle regarding the proposal.*

**The motion was put and carried.**

### 7449.5 Declaration of Due Consideration

No declarations were made.

### 7449.6 Deputations and Presentations

#### 7449.6.1 City of Fremantle Local Planning Scheme Amendment No. 46 – Small Secondary Dwellings

Presenter Dr Brad Pettitt  
Mr Philip St John

Dr Pettitt and Mr St John gave a powerpoint presentation on the City of Fremantle Local Planning Scheme Amendment No. 46. A copy of the presentation has been placed on file.

**Moved to item 9.1.**

### 7449.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Presiding Member commented that the Planning Institute of Australia Conference held in Mandurah had been very enjoyable.

**Moved to item 9.2.**

### 7449.8 Confirmation of Minutes

#### 7449.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 8 November 2011

**Resolved**

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

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*That the minutes of the Statutory Planning Committee meeting held on Tuesday 8 November 2011, be confirmed as a true and correct record of the proceedings.*

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

**Moved to Item 8.**

### **7449.9 Reports**

#### **7449.9.1 Status Report – R Codes Review**

File DP11/00411  
Report Number SPC/72  
Agenda Part A  
Reporting Officer Senior Planner, Policy Coordination and Development

Mr McMullen gave a powerpoint presentation. A copy has been placed on file.

There was some discussion about the relationship between this item and the Fremantle Amendment and it was agreed to firstly consider the Fremantle Amendment at item 10.4 before making a resolution to the R Codes Review.

**Moved to item 10.4.**

#### **Resolved**

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

*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).*

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

**Moved to item 8.1.**

#### **7449.9.2 Create 30 Residential Survey Strata Lot(s) and Common Property. Lot 350 Park Street, Henley Brook.**

File 96-11  
Report Number SPC/73  
Agenda Part C  
Reporting Officer A/ Planning Manager, Metropolitan Planning North East

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### Resolved

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

*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:*

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*(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*

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*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)*

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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*

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*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*

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*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.*

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

7449.9.3

### **Endorsement of Outline Development Plan - Lot 9508 Newport Drive, Dudley Park, City of Mandurah**

File SPN/0276  
Report Number SPC/74  
Agenda Part G  
Reporting Officer Planning Manager, Peel

#### **Resolved**

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

*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*

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*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.*

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

Moved to item 10.2.

### 7449.10 Confidential Items

#### 7449.10.1 City of Bayswater - Town Planning Scheme No. 24 Amendment No. 45 - For Final Approval

File TPS/0340/2  
Report Number SPC/75  
Agenda Part B  
Reporting Officer Planning Manager, Schemes and Amendments

**THIS ITEM IS CONFIDENTIAL.**

Moved to item 10.3.

#### 7449.10.2 City of Stirling - Local Planning Scheme No. 3 Amendment No. 5 – For Consent To Advertise

File TPS/0574/1  
Report Number SPC/76  
Agenda Part B  
Reporting Officer Manager- Schemes, Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL.**

Moved to item 10.1.

#### 7449.10.3 Town of Bassendean Local Planning Scheme No. 10 Amendment No. 4 - For Final Approval

File TPS/0515/1  
Report Number SPC/77  
Agenda Part B  
Reporting Officer Planning Manager- Schemes, Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL.**

Moved to item 10.5.

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### 7449.10.4 City of Fremantle - Local Planning Scheme No. 4 Amendment No. 46 - For Final Approval

File TPS/0541/1  
Report Number SPC/78  
Agenda Part B  
Reporting Officer Planning Manager, Schemes and  
Amendments

**Mr Farrar and Ms Burrows disclosed an interest.**

| Member     | Interest     |
|------------|--------------|
| Mr Farrar  | Impartiality |
| Ms Burrows | Impartiality |

**THIS ITEM IS CONFIDENTIAL.**

Moved to item 9.1.

### 7449.10.5 Shire of Christmas Island - Local Planning Strategy and Local Planning Scheme No. 2 - Consent To Advertise

File 853/13/3/2PV2  
Report Number SPC/79  
Agenda Part E  
Reporting Officer Senior Planning Officer

**THIS ITEM IS CONFIDENTIAL.**

### 7449.10.6 Shire of Cocos (Keeling) Islands - Local Planning Scheme Amendment No. 1 - Consent To Advertise

File TPS 0489/1  
Report Number SPC/80  
Agenda Part E  
Reporting Officer Senior Planning Officer

**THIS ITEM IS CONFIDENTIAL.**

### 7449.10.7 Town of Port Hedland - Local Planning Policy No. 11 - Consent to Vary Residential Design Codes

File TPS/0260/1  
Report Number SPC/81  
Agenda Part E  
Reporting Officer Senior Planning Officer

**THIS ITEM IS CONFIDENTIAL.**

### 7449.11 General Business

Nil.

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### 7449.12 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 CASA   | TBA                |

### 7449.13 Closure

The next ordinary meeting is scheduled for 10.00 am on Tuesday 13 December 2011.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.21 pm.

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

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

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- 10.5 SHIRE OF BEVERLEY TOWN PLANNING SCHEME NO. 2 - OMNIBUS AMENDMENT NO. 18 FOR FINAL APPROVAL
- 10.6 SHIRE OF KELLERBERRIN - LOCAL PLANNING SCHEME NO. 4 AND LOCAL PLANNING STRATEGY - CONSENT TO ADVERTISE
- 10.7 SHIRE OF RAVENSTHORPE - LOCAL PLANNING SCHEME NO.5 AMENDMENT 26 - FOR FINAL APPROVAL
- 10.8 SHIRE OF VICTORIA PLAINS- LOCAL PLANNING SCHEME NO. 5 AND LOCAL PLANNING STRATEGY -FOR FINAL APPROVAL

**G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA**

- 10.9 PROPOSED SINGLE DWELLING - LOT 1 (236) SOUTH STREET, FREMANTLE
- 10.10 PROPOSED SINGLE DWELLING - LOT 2 (238) SOUTH STREET, FREMANTLE
- 10.11 STATE ADMINISTRATIVE TRIBUNAL REVIEW: RECONSIDERATION OF REFUSAL TO ENDORSE DEPOSITED PLAN - LOT 573 QUARRY RAMBLE, EDGEWATER

**H SUBDIVISIONAL / SURVEY STRATA**

- 10.12 SUBDIVISION TO CREATE 6 LOT(S) FOR MOTEL/RESIDENTIAL PURPOSE. LOT 721 JAIMIESON STREET, RAVENSTHORPE

## ITEM NO: 9.1

### BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN - FINAL APPROVAL

|                           |  |
|---------------------------|--|
| <b>WAPC OR COMMITTEE:</b> | <b>Statutory Planning Committee</b>  |
| REPORTING AGENCY:         | Department of Planning   |
| REPORTING OFFICER:        | A/Director, Metropolitan South-East  |
| AUTHORISING OFFICER:      | A/Executive Director, Perth and Peel Planning  |
| AGENDA PART:              | C  |
| FILE NO:                  | SPN/0098   |
| DATE:                     | 30 November 2011   |
| ATTACHMENT(S):            | Attachment 1 – Location Plan<br>Attachment 2 – Byford Town Centre Local Structure Plan<br>Attachment 3 – Byford Town Centre Local Structure Plan Illustrating Modifications<br>Attachment 4 - Table of Modifications |

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to:*

- 1. approve the Byford Town Centre Local Structure Plan in accordance with Clause 5.18.3.10 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 subject to the following:**
  - a. Attachment 3 - Byford Town Centre Structure Plan Illustrating Modifications (plan dated 29 November 2011);**
  - b. Attachment 4 - Table of Modifications;**
- 2. notify the Shire of Serpentine Jarrahdale accordingly and require the modifications be made.**

#### SUMMARY:

- The Shire of Serpentine Jarrahdale (the Shire) seeks the Western Australian Planning Commission's (the Commission) consideration for final approval of the Byford Town Centre Local Structure Plan (LSP) (**Attachment 1 - Location Plan**, and **Attachment 2 – Byford Town Centre Local Structure Plan**). [Note - the Shire's Town Planning Scheme No. 2 requires approval of a structure plan and not endorsement as commonly required).

- The LSP aims to facilitate subdivision and development within the subject area to provide for retail, mixed use, commercial, residential and community development. The LSP area straddles Abernethy Road, Byford adjacent to the Perth to Bunbury railway.
- The main issues raised during the public advertising period related to the level of engagement with major landowners west of the railway. Other issues related to access to the existing Trotting Complex (rural residential), land uses and delivery of a future Town Centre. In addition, maintaining the rural character of the area, drainage, traffic, parking, the relocation of the train station, and a perceived conflict with the approved Byford District Structure Plan were also raised.
- It is recommended that the LSP be approved by the Commission, subject to modifications outlined in **Attachments 3 and 4**.

## BACKGROUND:

The Byford Town Centre Local Structure Plan (LSP) covers an area of approximately 78 hectares straddling Abernethy Road, Byford and is owned by a variety of landowners. The Shire has prepared the LSP in accordance with Town Planning Scheme No. 2. The Shire approved the LSP on 8 June 2010.

The LSP aims to create a new retail core and town square on the western side of the railway. The existing Byford town centre is located on the eastern side of the railway adjacent to South Western Highway. The new retail core and town centre will be situated over the land owned by the following entities:

Table 1 - Major landowners west of railway.

| Lot Number | Owner   |
|------------|---|
| 1          | Peet Limited  |
| 2          | LWP Property Group - recently acquired by Coles Group Limited |
| 4          | LWP Property Group  |
| 5          | Seaport Pty Ltd (Saracen Properties)                          |
| 15         | Gangemi Family  |

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

## LEGISLATION / STRATEGIC PLAN / POLICY:

|                       |  |
|-----------------------|--|
| <b>Legislation</b>    | <i>Shire of Serpentine Jarrahdale Town Planning Scheme No. 2</i> |
| Section:              | Clause 5.18 - Structure Plans                                    |
| <b>Strategic Plan</b> |  |
| Strategic Goal:       | Planning   |
| Outcomes:             | Effective Delivery of Integrated Plans                           |
| Strategies:           | Implement State and Regional Planning Priorities                 |

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## Policy

Number and / or Name: *Directions 2031 and Beyond: Spatial Framework for Perth and Peel* (COMMISSION 30 August 2010)  
*State Operational Policy 'Liveable Neighbourhoods'*  
*State Planning Policy 3 'Urban Growth and Settlement'*  
*State Planning Policy 4.2 'Activity Centres for Perth and Peel'*

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

## DETAILS:

The LSP area is bounded by Evans Way to the north, Warburton Court and 'The Glades' Subdivision boundary to the west, Mead Street to the south and South Western Highway to the east (several lots are also located on the eastern side of this road) (**Attachment 1 - Location Plan**). Existing uses over the site include a mixture of housing development, the existing small Town Centre, rural pursuits and the Perth to Bunbury railway.

The subject land is zoned 'Urban' and 'Urban Deferred' under the Metropolitan Region Scheme (MRS). The land is zoned 'Urban Development' under TPS No. 2.

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

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

In addition to land use outcomes, Part 3 of the BSP requires the preparation and adoption/approval of a local structure plan for each planning precinct. The BSP indicates this locality as being designated for 'Town Centre'. The LSP has been prepared to satisfy the requirements of Part 3 of the BSP and reflect the priority of the Town Centre designation.

The main aspects of the LSP are outlined below:

Table 2 - Summary of LSP

| Attribute   | Detail (based on modifications)   |
|---|---|
| Lot Yield<br>(approximate - anticipated R-Coding) | Total = 1147 (674 residential only, 473 mixed use of some description)  |
| Public Open Space                                 | 8.4 hectares<br>10.11%  |
| Retail land available                             | Retail - 8.9 hectares<br>Mixed Use - 4.6 hectares<br>Commercial - 4.7 hectares  |
| Drainage  | Multiple Use Corridors and overflow piping along San Simeon Boulevard road reserve (piping proposed as modification).   |
| Other   | The LSP aims to create a new retail core and town square on the western side of the railway. The existing Byford town square is located on the eastern side of the railway adjacent to South Western Highway. A new "Main Street" aims to integrate the old retail core with the new retail. The 'Main Street' will also serve a transition role between active retail/mixed use and residential needed to support the Town Centre. |

**GOVERNMENT AND CORPORATE IMPLICATIONS:**

The main implication to the State Government in relation to the LSP is that one of the main reasons for the establishment of the Town Centre in its proposed location is based on the eventual electrification of the railway south-wards from Armadale and the construction of a new railway station north of Abernethy Road. If a functioning railway station is built at Byford, then the overall efficiency and sustainability of the Town Centre will be ensured. This extension of the passenger railway to Byford and eventually to Mundijong should be a Government priority. According to the draft *Public Transport Plan for Perth in 2031*, the Byford and Mundijong railway extensions are shown as priorities for beyond 2031. In the Department of Planning's (DoP's) submission on the draft plan, it was noted that based on the growth proposed in this region, these railway stations should be included in the Stage 2 (2020-2031) infrastructure provision.

**CONSULTATION:**

**Consultation on Shire's LSP**

The Shire advertised the proposed LSP from 28 April to 12 May 2010. A total of 28 submissions were received and the main issues raised were:

- Interface between residential development and the Trotting Complex.
- Retail suitability and whether a Discount Department Store (DDS) was viable or not and what impact would such a use have on the proposed 'Main Street'.

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- Drainage and water management framework - issues over legitimacy and ability to provide for adequate water management without compromising the urban activation of a Town Centre.

As a result of the Shire's adoption of the LSP, the four major landowners west of the railway (as detailed in Table 1) met with officers of DoP to discuss various aspects of the Shire's LSP. These discussions resulted in the landowners requesting various modifications to the plan with supporting justification.

DoP officers undertook an assessment of the Shire's LSP and concluded that various modifications to the LSP were warranted. A set of modifications and an updated LSP map that indicatively illustrated the modifications were referred to the Shire for formal consultation in accordance with Clause 5.18.3.13 of TPS 2. These revised modifications are illustrated as **Attachment 3** and detailed in **Attachment 4**.

### **Consultation on Modifications**

The modifications to the LSP were referred to the Shire in May 2011. The Shire undertook an initial refer of the proposed modifications and resolved to undertake public consultation with the Byford community in accordance with Clause 5.18.3.14(a). This public consultation was conducted by Shire from 24 June 2011 to 8 July 2011. A total of 31 submissions were received and the main issues raised were:

- Interface issues with the Byford Trotting Complex.
- The size of DDS site given the relocation of the main north-south running MUC from the western side of San Simeon Boulevard to eastern side. This submission was made by the original landowners LWP Property Group and not Coles Group Limited.
- Drainage issues and the ability for the modified design to ensure compliance with water sensitive design principles and various maintenance issues.
- Landowner concerns over the land on the eastern side of South Western Highway being changed from having a 'Town Centre' designation to 'Mixed Use' designation.
- Landowner concerns (the Gangemi Family) over the land south of Abernethy Road. Concerns were raised over the core retail being located north of Abernethy Road along a new main street instead of locating it south of Abernethy Road. The Gangemi's proposed location of the retail core (including a DDS) would mean that Abernethy Road would be used a 'Main Street'.

The Shire considered the submissions received in the public consultation and subsequently provided formal comment back to the Commission on the revised modifications in August 2011. A full breakdown of the Shire's comments on each modification are detailed in **Attachment 4**.

Outstanding modifications and other aspects of the plan will be discussed in detail later in the report.

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## **OFFICER'S COMMENTS:**

### **Land Use Designations and Urban Cells**

The LSP proposed the following uses:

- Town Centre (retail core, mixed use R80)
- Mixed Use (lower level retail, mixed use R60)
- Commercial (office, showroom, incidental retail, no residential)
- Residential
- Public Purposes (High school)
- Public Open Space (including Multiple Use Corridors)

The modifications to the LSP illustrate that a shift in land uses and changes to some of the land use designations.

### **Site Layout**

Element 1 of *Liveable Neighbourhoods* (LN) and *Directions 2031 and Beyond* outlines that new urban areas should achieve a minimum gross density of 15 dwellings per hectare which, for this LSP area, will require some 1,550 dwellings. Furthermore, Element 1, R17 of LN specifies the following minimum densities for land within close proximity to town and neighbourhood centres:

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

The LSP seeks to implement residential densities ranging between R15 and R60 with the Town Centre providing for high density residential (R60-R80).

As shown in Table 2, the total anticipated dwelling yield at full build-out will be 1147. Although this is less than the required gross density under LN, it is anticipated that over time, the Town Centre will mature as the economic viability of the area grows and the conservative dwelling yield predicted for that area will increase, thus pushing the yield closer, if not over the required amount. Similar to other structure plans within the Byford area, the area possible for development is seriously impacted by the requirement to accommodate regional drainage flows through the provision of MUC's. These MUC's hinder the LSP's ability to traditionally meet the LN density requirements.

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

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## **Compliance with State Planning Policy No. 4.2 - Activity Centres for Perth and Peel (SPP 4.2)**

### Centre Context

The LSP aims to facilitate the development of the subject area into a District Centre as classified under *State Planning Policy No. 4.2 - Activity Centres for Perth and Peel* (SPP 4.2). The final LSP will act as an Activity Centre plan for the core retail uses.

The Shire's LSP complies with the elements of SPP 4.2. However, several issues relating to implementation, suitability of residential density and integration of the retail core with the associated residential development required further refinement. This refinement was undertaken by DoP officers and resulted in a number of suggested modifications to the plan.

The LSP (as modified) is also consistent with SPP 4.2 and aims to ensure the future sustainability of an urban cell with a growing population.

### Activity and Employment

The Town Centre and Mixed Use areas are located adjacent a proposed future railway station. The intention is to allow for staged development of the site to provide for local employment opportunities within the walkable catchment. There are also commercial opportunities on the periphery of the walkable catchment to the railway station.

The Shire submitted a concept plan with its LSP to inform potential land uses over the retail core. This concept plan originally indicated potential for two proposed supermarkets with sleeved retail. The Mixed Use areas also show sleeved retail in conjunction with residential uses. The plan did not indicate a Discount Department Store in the Town Centre.

As part of DoP's assessment of the LSP, officers undertook discussions with retail experts and the various potential operators being Woolworths Limited and Coles Group Limited. It was considered that sufficient demand exists within the Byford locality to accommodate a DDS along with two supermarkets at full build-out. Therefore several modifications have been made to allow the market to determine the suitability of providing a DDS. Since these discussions, Coles Group Limited have purchased land in the Town Centre and are working towards establishing a retail presence in Byford. It is anticipated that the first supermarket would be constructed by 2014 and a DDS by 2018. A second supermarket would be feasible as part of a full build-out of the Town Centre but would only be constructed after a larger core population is established in the Byford locality.

The LSP shows the Town Centre and Mixed Use areas on the plan as having a residential component with an R-Coding of R80. The inclusion of residential use is a key component to ensuring activation of the Town Centre and aids in planning for a future transit oriented development and eventual railway station. The plan shows a wide range of residential densities to the west of the Town Centre with a coding ranging from R15 to R60.

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Responding to the designation of Byford as a District Centre under *Directions 2031 and Beyond* and SPP4.2, the Shire's plan has included an Economic Impact Assessment prepared in the format of a retail demand analysis that predicts the Town Centre will support between 8,962m<sup>2</sup> and 15,538m<sup>2</sup> to 2031. SPP4.2 (Section 5.4) recommends that large format retail be sleeved with active building frontages and few blank walls and to include a town square or other form of public gathering space. These design aspects will be controlled through design guidelines that the Shire will prepare in liaison with the landowners and site operators.

Predicted population estimates for Byford show that a full-build out will provide for around 40,000 people. The Town Centre could grow past 2031 to provide for over 15,000m<sup>2</sup>, especially with provision of a passenger railway station. Table 3 of SPP4.2 requires a mix of land uses depending on the amount of retail floor space. The modified LSP complies with the requirements of SPP 4.2 relating to supporting residential and mixed use development in and around the Town Centre.

### Urban Form and Public Spaces

The key nodes proposed for the LSP are indicated as the town square, railway station and the entrance to the north-south "Main Street" along Abernethy Road.

The Public Open Space (POS) within the retail core is shown as a town square at the intersection of the east west street leading to the future railway station and the 'Main Street'. A small area of POS is located within the existing town centre east of the railway. The proposed K-12 private High School and proposed public High School have been identified to provide district level open space which will service 'The Glades' residential estate and the proposed Town Centre residents. The LSP also indicates that that passive recreation will be located within the various Multiple Use Corridors (MUCs) which are proposed to be located along San Simeon Boulevard.

### Resources Conservation

The LSP is supported by a Local Water Management Strategy (LWMS) and an Environmental Management Plan which address the issues of drainage, principles of *Better Urban Water Management*, threatened ecological communities, wetlands, groundwater, indigenous and local heritage.

Although not specifically addressing energy and water conservation, the LSP endorses robust and durable building design and site planning.

### Implementation

The LSP was based on a comprehensive consultation process that followed the requirements of TPS2 as well as continuing dialogue with DoP, the Department of Water (DoW) and the Department of Transport/Main Roads Western Australia (MRWA) and the landowners within the LSP area. The LSP is considered to achieve a good level of implementation and staging to ensure the ongoing sustainability of the centre.

The LSP contains the applicable statutory mechanisms through Part 1 for implementation of a District Centre.

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## **Movement Network**

### *Movement Consultation*

MRWA supports the LSP. The modifications proposed do not materially change the traffic situation within the Town Centre, however the Shire engaged GHD Pty Ltd (GHD) to undertake a review of the traffic implications from the modifications. The impacts of the modifications may be exacerbated due to revised traffic modelling that was undertaken by MRWA over the Byford locality.

The modifications may add to the potential impact that traffic will have on the surrounding road network. Nevertheless, the road network will be adequate to manage the increased traffic with modifications required to traffic movements (turning controls, controlled intersections etc) which will be refined at subdivision stage. Abernethy Road is an exception to this and will be discussed below.

### *Residential Movement*

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

The LSP proposes footpaths to be located within and adjacent to the MUCs to provide eastern access to the Town Centre. All neighbourhood streets are required to provide footpaths on both sides of road reserves. The pattern of streets in the residential area to the west of the Town Centre is indicative of a modified grid design.

### *Town Centre Movement and Integration*

Several modifications proposed by DoP relate to changing the alignment of San Simeon Boulevard and various roads within the residential area. These changes have been proposed to ensure that the roads from the Town Centre into the residential area have a greater permeability and reduce potential access through the Trotting Complex. The Shire has objected to these changes on the basis that the changing curve of San Simeon Boulevard will impact on the Town Centre land uses and that the new alignment of the east-west roads will reduce the 'vista' from the Trotting Complex to the Darling Scarp.

The core retail cell sizes within the Town Centre have been sized based on consultation with the respective landowner and proposed operators of the site. It is acknowledged that the cell sizes are less than traditional sizes and this topic will be discussed further below. The change in curve of San Simeon Boulevard will not impact on the sustainability of the Town Centre, but will ensure that an efficient 90 degree intersection of San Simeon Boulevard/'Main Street' will occur. The Shire's approved LSP did not accommodate such a traffic movement.

The issue relating to the reduced 'vista' from the Trotting Complex is one that needs to be understood in the context of providing a new Town Centre to support a fast-

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growing urban cell. Although integration with existing land uses are important, discussion with several owners within the Trotting Complex indicates that the preference is that the Trotting Complex continue to be internally focused. This is further emphasised by their desire to have a 80 metre buffer around the complex.

Given the elevation of the Darling Scarp, it is considered that irrespective of road layout, residents will continue to have a view of the scarp and enjoy the associated amenity.

The Shire's LSP provided a pedestrian access way (PAW) through to the Trotting Complex on the western boundary of the Town Centre. A modification proposed by DoP was to provide a notation on the plan that facilitates the PAW being used as a future road access into the Trotting Complex when (or if) needed. The Shire has objected to this modification and requested that this modification be deleted. On consideration of this, DoP officers agree that this modification should be deleted.

### Public Transport Movement

The LSP proposes the existing railway station located south of the Town Centre be moved north to a location adjacent the Town Centre. This is in response to the limited development opportunities surrounding the existing railway station and to realise synergies with the existing Town Centre. Until such time as the population of Byford warrants a passenger railway station, a high frequency bus interchange is proposed to be located adjacent to the Town Centre and future railway station site.

The GHD report included a parking assessment which concluded the need for 2,000 park and ride bays based on an ultimate service population of 92,000. Until the railway station is provided, it was concluded that the bus station would generate a need for between 50-100 car parking bays. These bays are to be provided on land east and west of the proposed bus station and through reciprocal access within the retail uses in future stages of development.

### Abernethy Road

The LSP area has frontage to one major road being Abernethy Road and will have indirect access onto South Western Highway. Abernethy Road will operate as a Neighbourhood Connector. As part of the increase in traffic along this roads, Abernethy Road is required to be widened to 30 metres. Consistent with the adjacent LSP for 'The Glades', all widening will be required from the southern side of Abernethy Road. This is due to the inability to take a widening contribution from much of the northern side due to the Trotting Complex. A 10 metre widening requirement has been imposed as a condition on all subdivisions abutting Abernethy Road within 'The Glades'.

### **Servicing Infrastructure**

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

- Open drainage in MUC's and POS;
- Several upgrades to the sewer mains located across the LSP area; and

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- Extension of the existing gas mains to provide all dwellings with a reticulated gas supply.

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

## **Drainage**

### Approach

The Shire's LSP has been prepared by following a vision and set of objectives that address a range of aspects, including drainage. This is outlined below:

*"...Drainage would be based on water sensitive urban design principles, with the fundamental component of this design being multiple-use corridors; providing for combined water quantity conveyance, water quality treatment, environmental protection and recreation"*

The Shire's LSP was supported by a LWMS prepared by GHD. This LWMS was based on MUCs running through Lot 5 Abernethy Road, under San Simeon Boulevard and along the western side of this road. This LWMS was supported by the Department of Water (DoW).

A number of the proposed modifications to the LSP affect drainage flows. In order to ascertain the level of impact that these modifications would have on the drainage, a revised LWMS was required to be prepared and integrated with the original LWMS. **Attachment 4** outlines a full breakdown of the modifications.

### Drainage Modifications

The following modifications have been proposed by DoP and were the subject of consultation with the Shire:

1. The proposed MUC running through the Town Centre parallel and adjacent to Abernethy Road be shifted north, no change to width.
2. The MUC running parallel with San Simeon Boulevard is to be shifted from the west side to the east side of the road (located on Lot 1 Abernethy Road).
3. The MUC to have an average width of 30 metres expanding to 50 metres at the northern section of the MUC (located on Lot 1 Abernethy Road).
4. Relocation and resizing of drainage detention areas within the MUC on Lot 1 Abernethy Road.

DoP requested that Peet Limited prepare a revised LWMS over their landholding (Lot 1 Abernethy Road). Peet Limited engaged drainage consultants, Emerson Stewart to undertake this work. This revised LWMS was to be reviewed by GHD and integrated with the original LWMS.

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DoW supports Emerson Stewart's LWMS and the integration with the original LWMS. Notwithstanding this, the Shire does not support the revised LWMS on the basis that it is based on the above modifications.

The outcome of the modifications above is that from a drainage perspective, there is adequate conveyance of all flow..

It is noted that the original LWMS based on the Shire's LSP and the Emerson Stewart/GHD combined LWMS both have been supported by DoW. Given this, discussion about the modifications should be focused around other environmental and built-form aspects and what impact they have on the overall planning outcome.

The Shire has objected to these modifications on the following basis:

- Lack of alignment with its vision and objectives.
- Use of sub-road culverts (piping)
- Reduced recreational use
- Flow rates and safety
- Cost and maintenance
- Developer Contribution Arrangement

These concerns raised by the Shire are discussed below.

*Drainage Modification 1 -* The proposed MUC running through the Town Centre parallel and adjacent to Abernethy Road be shifted north, no change to width.

The Shire's LSP proposed a MUC through Lot 5 Abernethy Road roughly cutting the lot in half. This alignment was chosen as it reflected the existing alignment of the current drainage corridor and the historical alignment of Beenyup Brook.

This modification is proposed to ensure that there was a consolidated cell of mixed use/commercial land uses as the Shire's LSP dissected the cell which resulted in a negative planning outcome. Given the proximity to the railway station, and its location along the north-south 'Main Street', a consolidated urban cell would be a better landmark entrance to the Town Centre from Abernethy Road. This benefit was considered to outweigh the need to follow the existing drainage and historical waterway alignment. The existing drain has superseded the original alignment of Beenyup Brook in any event.

The main change that this modification proposes is a re-alignment of the drain to the north and provide a road interface. No change to the width of the MUC is proposed.

*Drainage Modification 2 -* The MUC running parallel with San Simeon Boulevard is to be shifted from the west side to the east side of the road (located on Lot 1 Abernethy Road).

*Drainage Modification 3 -* The MUC to have an average width of 30 metres expanding out to 50 metres at the northern

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section of the MUC (located on Lot 1 Abernethy Road).

*Drainage Modification 4 -*

Relocation and resizing of drainage detention areas within the MUC on Lot 1 Abernethy Road.

The Shire's LSP proposed a MUC parallel with San Simeon Boulevard on the west side of the road. This MUC had an average width of 50 metres (50m to 70m). Areas of increased width were proposed to accommodate detention areas.

Drainage modifications 2, 3 and 4 above would move the MUC to the eastern side of Abernethy Road and reduce areas of the MUC to an average of 30 metres (up to 50 metres) and reduces the number of detention areas along the corridor. These modifications are proposed to allow a greater residential lot yield and thus a core population to support the Town Centre.

As part of the assessment of the Shire's LSP, DoP engaged with landowners and their technical experts. Emerson Stewart provided detailed comments over the flow rates and safety aspects proposed by the original LWMS.

The Australian Rainfall and Runoff (AR&R) Guidelines prepared by Engineers Australia state that a Safety Criterion of 0.4 m<sup>2</sup>/sec should be the maximum through any urban area. At this rate, a small infant could stand for a reasonable period of time in the MUC during a 1:100 year rainfall event. The Shire has supported a higher flow rate of 0.6 m<sup>2</sup>/sec. At this rate, an adult would not be able to endure the flows of a 1:100 year rainfall event. Given there is a discrepancy of what is considered acceptable, the Shire and Emerson Stewart met with DoW and also referred the issue to the Urban Development Institute of Australia. The outcome of these meetings was that there is no solid industry standard. However, it was noted that the Guidelines were the closest piece of work to a standard. As stated above, both Emerson Stewart's work and the Shire/GHD's work has been supported by DoW.

Having regard to the proposed location of the MUC adjacent to retail, residential and community uses, it was considered sensible to utilise the conservative flow rate of 0.4m<sup>2</sup>/sec in DoP's assessment. The effects of this flow rate will be discussed further below.

The modification for shifting the MUC to the eastern side of San Simeon Boulevard serves two main purposes. The first is to ensure that the area without activation along the 'Main Street' is minimal so that the integrity of the relationship between the residential and the Town Centre is upheld. Under the Shire's LSP, a width of 50 metres (up to 70 metres in areas) when combined with the proposed road reserve of San Simeon Boulevard being 30 metres would result in a non-active space of 80-100 metres in width in the middle of a proposed urban Town Centre. The proposed modifications aim to reduce this barrier down to 60-80 metres. The modified width is considered the best possible planning outcome given the drainage challenges in the locality.

The second purpose is to reduce the cell size of one of the core retail areas which has been identified by the landowner as being their preferred location for a Discount Department Store (DDS). This reduction is considered imperative to ensure that the

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DDS will not draw retail tenancies away from the 'Main Street' and into an internal mall. This has been a deliberate move to ensure the 'Main Street' has every opportunity to succeed. Coles Group Limited has been advised of the revised cell sizes and has indicated that an adequately sized DDS is able to be developed over the site whilst still ensuring activation of the 'Main Street'.

In order to accommodate this reduced MUC, the main outcome is that over-flow piping is required underneath San Simeon Boulevard. This piping is contrary to the Shire's vision for MUCs and the overall drainage approach as it is not considered reflective of the historical rural character of the locality. The Town Centre will be the major anchor for the entire Byford urban cell. In order to ensure adequate success of the Town Centre, a shift away from a rural setting is required in order to accommodate land uses to sustain this urban cell. The implication of this is that piping is required. The piping is proposed to carry 65% of flows during a 1:100 year rainfall event. Throughout the year, the 30 metre MUC will carry all other flows, and the piping will carry negligible flows. This will ensure the 'living stream' concept is upheld year-round, consistent with the Shire's overall vision.

The Shire has raised concerns with the piping on the basis that it will be an increased cost and ongoing maintenance burden to the Shire. It is important to note however that if no piping was to be used, then the MUC width would be approximately 100-120 metres wide based on the preferred flow rate of 0.4m<sup>2</sup>/sec. The Shire's width of 50-70 metres was based on a flow rate of 0.6m<sup>2</sup>/sec, which as discussed previously, would be dangerous in the middle of an urban corridor. Therefore, in order to continue with a 50-70 metre corridor, piping would be required for the Shire's design irrespective of the proposed modification to the eastern side.

One of the issues raised by the Shire in relation to the reduced MUC width is the incorporation of passive recreation within the corridor. It has been demonstrated by Emerson Stewart that footpaths and small break-out areas can be incorporated throughout the MUC to provide passive recreation. Further, as the MUC is positioned along a 30 metre road reserve (San Simeon Boulevard), much of the verge can be used to accommodate this civil infrastructure if the MUC is not considered wide enough. Pedestrian bridges across the MUC will ensure permeability from east to west. These bridges, combined with reeds and rocks will serve a nutrient stripping function whilst also disguising drop structures required to slow the flow rates down. Overall, the recreation function of the MUC will be compatible in the context of an urban Town Centre. Much of the detail relating to the public infrastructure and the location of various facilities will be refined on as part of the subdivision process. A full landscape plan will be required to demonstrate how the MUC will integrate with the Town Centre and the San Simeon Boulevard road reserve.

The issues raised in relation to maintenance and safety are management issues that can be refined over the next stages of planning. The proposed piping system of sub-road culvert systems are used throughout the metropolitan area such as Stockland's development in Wungong Urban Water Scheme.

The cost of piping needs to be weighted up against the cost of providing land for MUCs. That is, the cost of providing land for 30-50 metre MUCs and sub-road culverts would be approximately \$5 million to \$7.5 million. However, the cost of

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providing land to accommodate an MUC without piping at 100-120 metres wide (based on flow rate of 0.4m<sup>2</sup>/sec) would be approximately \$4.5 million to \$6 million (based on \$550,000 per hectare). The difference in these costs, over the total lifecycle cost of a project, is considered negligible.

The Shire has also questioned whether piping should be included in the draft Byford Developer Contribution Arrangement (DCA). It is considered premature to anticipate this. The Byford DCA has recently been advertised for public consultation. Irrespective of whether the piping or land for drainage is included in the final DCA, these modifications are considered to be the most appropriate planning outcome for an urban Town Centre. Avenues exist for the landowners and the Shire to consider its appropriateness for inclusion in the DCA. The DCA will then be referred to DoP for assessment against *State Planning Policy No. 3.6 - Development Contributions for Infrastructure*.

Although the Shire's comprehensive comments are noted, the modifications have been proposed to ensure a minimum standard of retail, mixed use, residential and community development to secure the ongoing sustainability of the Town Centre to support the entire Byford locality.

### **Public Open Space**

The LSP conforms with Element 4 of LN relating to POS provision. The LSP has taken into consideration deductions for restricted uses without exceeding the 20 percent of the minimum 10 percent POS requirement. Overall, the LSP proposes a total of 10.11% POS.

### **Environmental Considerations**

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

The LSP complies with the objectives of *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning* (SPP 5.4). Given the proximity of the Town Centre to South Western Highway and the Perth to Bunbury railway, subdivisions and developments may be required to demonstrate noise attenuation measures at future planning stages.

### **Detailed Area Plans (DAPs)**

DAPs, or equivalent (e.g. Local Planning Policy) will be required at a subdivision stage for the lots within the Town Centre retail area to ensure adequate built form outcomes. It is also likely that DAPs will be required for various residential lots where they are of smaller land size or located adjacent to San Simeon Boulevard, the Trotting Complex or POS.

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At the time of subdivision, DAPs can be required across the site to ensure adequate built-form outcomes. Part 1 - Operative Part of the LSP provides for the preparation and adoption of DAPs and the ability for the Shire to request them is provided.

**MODIFICATIONS:**

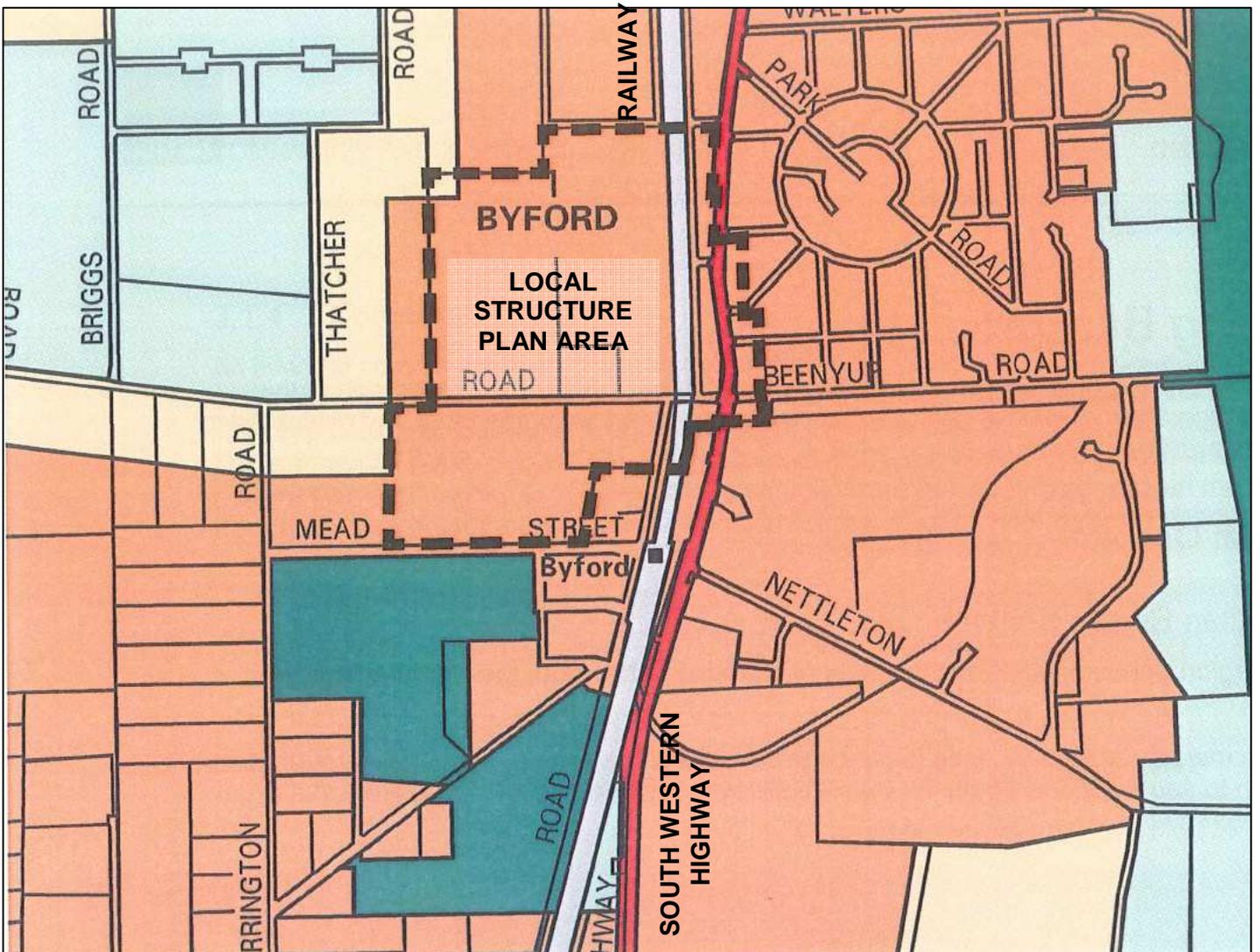
Modifications to the Shire's LSP map and report are outlined in **Attachment 4**. The modifications were referred to the Shire as part of the formal consultation under the Scheme. Although some of the proposed modifications were opposed by the Shire, these outstanding items have been subject to further justification and are considered appropriate to be accepted. **Attachment 3** (LSP map dated 29 November 2011) illustrates all of the modifications as referred to the Shire and recommended for approval by DoP.

**CONCLUSION:**

The LSP is consistent with Commission policies, *Liveable Neighbourhoods*, the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and orderly and proper planning. The Local Structure Plan as modified and illustrated on the Map dated 29 November 2011 (**Attachment 3**) is recommended for approval.

**ATTACHMENT 1**

**LOCATION PLAN**



**BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN**



**NORTH**

The Byford Town Centre site is located within the Shire of Serpentine-Jarrahdale, south east of the Perth CBD adjacent to the South Western Highway and Abernethy Road.

# BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN SHIRE OF SERPENTINE-JARRAHDALE



**LEGEND:**

- BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN BOUNDARY
- TOWN CENTRE (RETAIL CORE)
- TOWN CENTRE (MIXED-USE)
- COMMERCIAL
- HIGHWAY COMMERCIAL
- RESIDENTIAL R60
- RESIDENTIAL R30
- RESIDENTIAL R15
- PUBLIC AND COMMUNITY PURPOSES
- PUBLIC OPEN SPACE
- RESOURCE ENHANCEMENT WETLAND
- DETAILED AREA PLAN REQUIRED

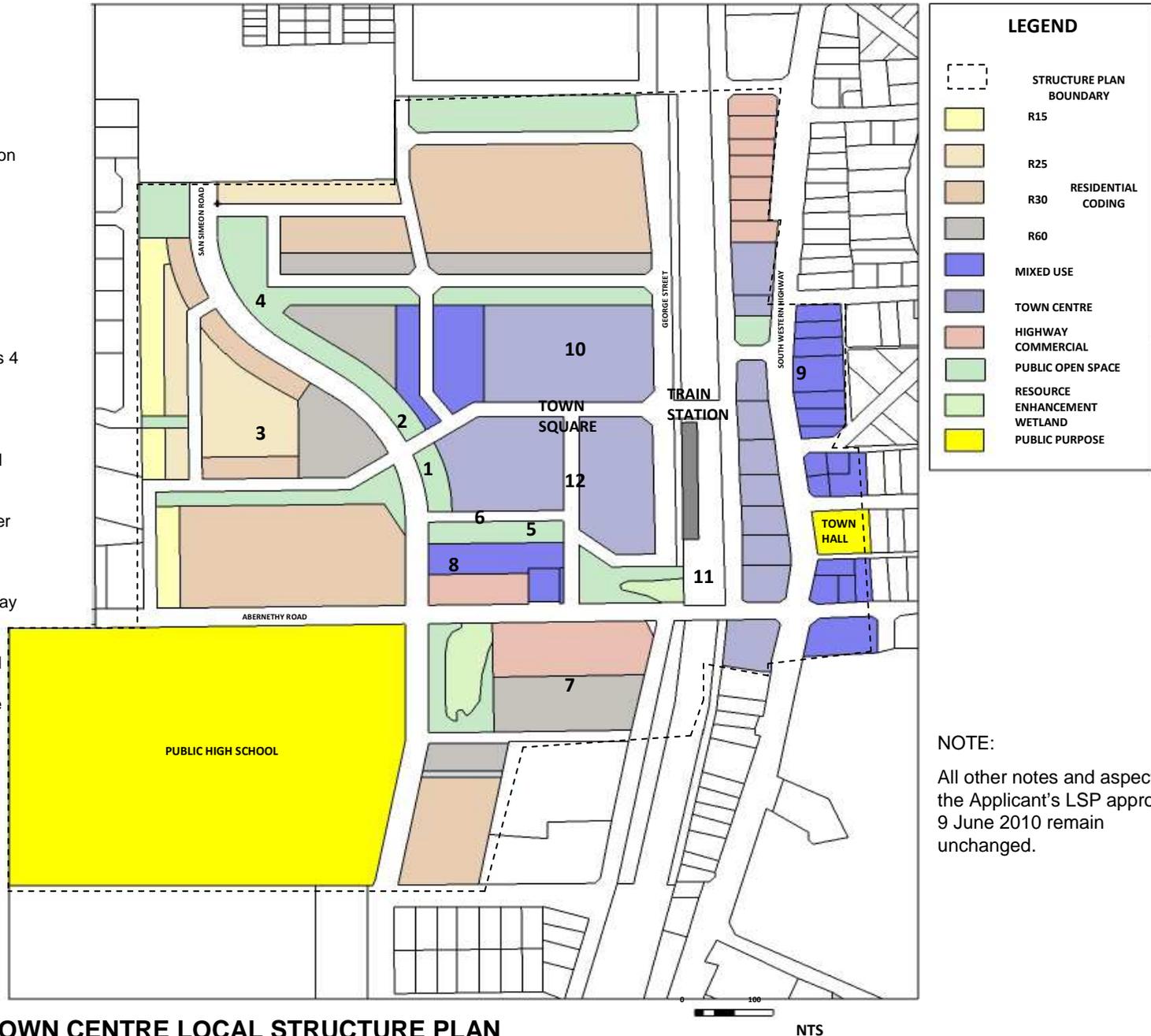
**NOTES:**

- 1** POTENTIAL RAILWAY CROSSING SUBJECT TO FURTHER INVESTIGATION
- 2** FUTURE TRAIN STATION LOCATION WITH BUS INTER CHANGE
- 3** AREA SUBJECT TO FURTHER INVESTIGATION BY SHIRE
- 4** TOWNSQUARE LOCATION. DETAIL DESIGN BY LAND-OWNER. THE TOWNSQUARE WILL HAVE A MINIMUM DIMENSION OF 25.0 BY 30.0 METRES.
- 5** WETLAND BUFFER ZONE TO BE RATIONALISED. APPROPRIATE INTERFACE TREATMENTS WITH WETLANDS TO BE IN PLACE
- 6** COMMUNITY FACILITY LOCATION. BUILT FORM TO ACT AS GATEWAY TO TOWN CENTRE
- 7** APPROPRIATE INTERFACE TREATMENT TO BE PROVIDED BETWEEN LOW DENSITY RESIDENTIAL DEVELOPMENT AND RURAL RESIDENTIAL LIVING WITHIN THE TROTTERING COMPLEX PRECINCT
- 8** NO EAST WEST VEHICULAR ACCESS. PEDESTRIAN ACCESS ONLY
- 9** NO VEHICULAR ACCESS PERMITTED FROM WAPURTON COURT. LOTS TO HAVE VEHICULAR ACCESS FROM INTERNAL ROAD
- 10** POSSIBLE PARK AND RIDE LOCATION

## MODIFICATIONS TO LOCAL STRUCTURE PLAN

1. Shift the MUC to the eastern side of San Simeon Road.
2. Shift MUC to the eastern side of San Simeon Road.
3. Increase mix of lot densities on Lots 1 & 2.
4. Average width of the MUC to be 30m.
5. The MUC shifted to the north of Lot 5 and Lots 4 & 5 designated mixed use and highway commercial respectively to provide for consolidated development areas.
6. The road reserve at the north of Lot 5 reduced to 14m.
7. A 50/50 split of commercial and residential over Lot 15 to provide for a larger format highway commercial/ showroom retail component.
8. Landholdings along the South Western Highway designated as Mixed Use.
9. The horizontal alignment of San Simeon Road has been show as a curved layout with intersections at a 90 degree angle in accordance with Main Road requirements.
10. The proposed east west road is eliminated.
11. Notation Required – “PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street”
12. Main Street reduced in width to 22.5m.

DATE: 29 November 2011



## MODIFICATIONS TO BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN

NTS

## TABLE OF MODIFICATIONS

### MODIFICATIONS TO LOCAL STRUCTURE PLAN MAP (AS PER MAP DATED 29 NOVEMBER 2011)

| # | Modification  | Description  | Shire's Comment on Modification<br>(Summary)   | Department of Planning Comment   | Final Modification |
|---|---|--|--|--|--------------------|
| 1 | Shift the MUC to the eastern side of San Simeon Road. | The proposed modifications shows the drainage corridor encroaching on the south west cell of the town centre zone.                         | <u>Objection</u><br>Based on impact on the Town Centre and the reduction in the detention basins.                | <u>Dismissed</u><br>Although reduced slightly in size by shifting the drainage corridor to the east of San Simeon Boulevard, the Town Centre cells are still adequate in size for development as envisaged.  | <u>No Change</u>   |
| 2 | Shift the MUC to the eastern side of San Simeon Road. | The proposed modifications shows the drainage corridor can be accommodated east of San Simeon Boulevard, maintaining a width of 30 metres. | <u>Objection</u><br>Based on impact on the Town Centre and the reduction in the detention basins.                | <u>Dismissed</u><br>The drainage swale as indicated on the Shire's plan significantly separates the residential component from the town centre, creating a boundary that will necessitate multiple cul-de-sacs for residential subdivision streets. With the swale moved to the east side of San Simeon Boulevard, the street layout for the residential areas allows for a legible street pattern. It also links the mixed use and town centre zones to POS and as such, enhances its usability. It also creates the opportunity to allow for a mix of densities as per <i>State Planning Policy 4.2 – Activity Centres for Perth and Peel</i> (SPP 4.2). | <u>No Change</u>   |
| 3 | Increase mix of lot densities on Lots 1 & 2           | The proposed modifications shows a mix of densities ranging from R15   | <u>Support</u><br>Subject to the requirement that DAPs are required over the lots abutting the Trotting Complex. | <u>Noted</u><br>Acknowledged that DAPs over the lots adjacent to the Trotting Complex are a responsible solution   | <u>No Change</u>   |

| # | Modification   | Description   | Shire's Comment on Modification (Summary)  | Department of Planning Comment   | Final Modification |
|---|--|---|--|--|--------------------|
|   |  | adjacent to the Trotting Complex to R60 closest to the town centre and a small mixed use area adjacent the town centre cells.   |  | that can be required at subdivision stage.   |                    |
| 4 | Average width of the MUC to be 30m.  | The proposed modifications shows the drainage corridor at a width of 30 metres width along San Simeon Boulevard and 30 metres width in residential cells on Lot 1 Abernethy Road. Some retention areas are also proposed to slow water as it moves to the north of the site. The modification aligns the drainage swale north of the town centre with the drainage swale above the R60 residential and mixed use cell on Lot 1. | <p><u>Objection</u><br/>Based on impact on the following:</p> <ul style="list-style-type: none"> <li>- drainage flow rates;</li> <li>- introduction of sub-road culverts;</li> <li>- safety;</li> <li>- reduced recreational use.</li> </ul> <p>The Introduction of sub-road culverts is objected to based on the following:</p> <ul style="list-style-type: none"> <li>- lack of alignment with vision and objectives;</li> <li>- reduced safety;</li> <li>- increased maintenance burden;</li> <li>- increased costs.</li> </ul> | <p><u>Dismissed</u><br/>A cross-sectional slope of 1 percent will not drain. A minimum slope of 2 percent is required and is standard practice. However, drainage advice indicates that a width of 30 metres, if the corridor is relocated to the east of San Simeon Boulevard, will be acceptable and feasible. The revised Local Water Management Strategy (LWMS) indicates that this can be accomplished and still maintain the function of the drainage swale within the multiple use design. The drainage swale indicated also includes several detention points and provides an area of POS close to the proposed residential areas.</p> <p>Additional information regarding this modification has been detailed in the WAPC report.</p> | <u>No Change</u>   |
| 5 | The MUC shifted to the north of Lot 5 and Lots 4 & 5 designated mixed use and highway commercial | The proposed modifications shows the drainage swale along the internal road, with a width of  | <p><u>Objection</u> - MUC shifted north</p> <p>Based on:</p> <ul style="list-style-type: none"> <li>- reduction in the size of the retail core.</li> </ul>   | <p><u>Dismissed</u><br/>The relocation of the MUC north is to ensure a consolidated urban cell along Abernethy Road to allow for a landmark entrance to the north-</p>   | <u>No Change</u>   |

| # | Modification   | Description  | Shire's Comment on Modification (Summary)  | Department of Planning Comment   | Final Modification |
|---|--|--|--|--|--------------------|
|   | respectively to provide for consolidated development areas.  | 30 metres at the northern boundary of Lot 5 Abernethy Road. The modification also proposes a Highway commercial and Mixed Use zoning over this site. | <p>- the alignment of the MUC will shift away from the current drain and original alignment of Beenyup Brook.</p> <p><u>Support</u> - Mixed Use on north of Lots 4 and 5 -</p> <p><u>Objection</u> - Highway commercial along Abernethy Road<br/>Based on:</p> <ul style="list-style-type: none"> <li>- inappropriateness of land uses along Abernethy Road (such as fast food).</li> <li>- Abernethy Road is not a Highway.</li> <li>- Highway Commercial will promote large-format, low intensity car-based commercial.</li> </ul> | <p>south Main Street. The Beenyup Brook integrity has already been compromised over time by the existing drain. A relocation north will not make material difference to the drainage function over the subject site.</p> <p><u>Noted.</u></p> <p><u>Dismissed</u><br/>The Shire's scheme does not currently contain a 'Commercial' zone. Highway Commercial was considered appropriate given its broadness of uses excluding shop and shopping centres. These uses should be focused within the Town Centre core. Further, the area designated Highway Commercial is too small to accommodate large-format as the majority of the site is designated Mixed Use (supported by the Shire).</p> |                    |
| 6 | The road reserve at the north of Lot 5 reduced to 14 metres. | The proposed modifications show the road adjacent the northern boundary of Lot 5 and reduced in width to 14 metres.                                  | <p><u>Objection</u><br/>A road reserve of 17 metres was identified to accommodate on-street car parking on both sides with adequate verges on both sides. 17 metres is consistent with LN</p>  | <p><u>Dismissed</u><br/>Liveable Neighbourhoods states that roads adjacent to public open space or similar may be reduced to 12 metres where verges are not required on both sides. In order to accommodate some verge and on-street parking, the road reserve is proposed at 14 metres. This is considered appropriate given this</p>   | <u>No Change</u>   |

| #   | Modification  | Description  | Shire's Comment on Modification (Summary)  | Department of Planning Comment  | Final Modification          |
|-----|---|--|--|---|-----------------------------|
|     |   |  |  | road will provide access to the 'back of house' for the proposed DDS.   |                             |
| 7   | A 50/50 split of commercial and residential to provide for a larger format Highway Commercial/ Showroom retail component.     | The proposed modifications shows Highway Commercial uses taking 50% of Lot 15 with the other 50% being designated for R60 residential use. | Highway Commercial designation - <u>Objection</u><br>Based on:<br>- inappropriateness of land uses along Abernethy Road (such as fast food).<br>- Abernethy Road is not a Highway.<br>- Highway Commercial will promote large-format, low intensity car-based commercial.<br><br>50/50 split of non-residential/R60 - <u>Support</u> | <u>Dismissed</u><br>The Shire's scheme does not currently contain a 'Commercial' zone. Highway Commercial was considered appropriate given its broadness of uses excluding shop and shopping centres. These uses should be focused within the Town Centre core.<br>Further, a Retail Sustainability Assessment was prepared for this site stating that there was scope to increase the retail presence on the site. As it was deemed inappropriate to place a supermarket or shopping centre on this site, the zone of Highway Commercial was proposed with extra non-residential uses.<br><br><u>Noted</u> | <u>No Change</u>            |
| 8   | Landholdings along South Western Highway designated as Mixed Use.   | The proposed modifications show the area east the existing Town Centre as Mixed Use.   | <u>Support</u>   | <u>Noted</u>  | <u>No Change</u>            |
| n/a | The access to Warburton Court within the Trotting Complex on the western boundary to be pedestrian only in short-medium term. | The proposed modifications show the east-west link with a 90 degrees intersection with San Simeon Boulevard and adjacent to the            | <u>Objection</u><br>The mention of future road access over a proposed pedestrian access way does not serve any planning purpose. Propose to delete this modification   | <u>Noted</u><br>Modification to be deleted.   | <u>Modification Deleted</u> |

| #   | Modification  | Description   | Shire's Comment on Modification (Summary)   | Department of Planning Comment  | Final Modification   |
|-----|---|---|---|---|--|
|     |   | drainage swale. It maintains the pedestrian link with Warburton Court at a width of 17 metres to provide for a future road link if deemed appropriate.  |   |   |  |
|     | The horizontal alignment of San Simeon Boulevard has been shown as a curved layout with intersections at a 90 degree angle in accordance with Main Road requirements. | The proposed modifications shows San Simeon Boulevard as a curved horizontal section through the residential area of the site with neighbourhood streets connecting with San Simeon Road at right angles. | <p><u>Objection</u> - Horizontal Alignment of San Simeon Boulevard<br/>Based on encroachment of new alignment on the proposed retail core due to the cumulative effect of the changed alignment of San Simeon Boulevard and the MUCs.</p> <p><u>Objection</u> - 90° Intersection to San Simeon Boulevard<br/>Based on the consideration that a 90 degree intersection is not required in that location.</p> | <p><u>Dismissed</u><br/>Curving San Simeon Road's horizontal section will not detract from the road's major function and may even add interest to the landscape, creating a more 'rural' feel. The curve may also serve to slow traffic through the site.</p> <p><u>Dismissed</u><br/>Intersections of neighbourhood connectors are to occur at right angles to major roads in site planning. The layout of the road reserves responds to this requirement to provide for sight distances and safe intersections.</p> |  |
| 10  | Proposed east west road is eliminated.  | The proposed modifications indicate no road corridor and splits the cell into 30 % Mixed Use and 70 % Town Centre.  | <u>Supported</u>  | <u>Noted.</u>   | <u>No Change</u>   |
| n/a | Parking for public transport to be located on PTA land adjacent to the  | The proposed modifications indicates park and ride facilities on  | <p><u>Support</u><br/>Provide for additional reference to Park and Ride within Section 1.20 and 6.6.5 of the LSP report.</p>  | <p><u>Noted</u><br/>Revised modification to be:<br/><i>"That additional text be inserted into Sections 1.20 and 6.6.5 of the</i></p>  | <p><u>Modification deleted from LSP Map</u></p> <p><u>New Modification to Report:</u><br/><i>"That additional text be inserted</i></p> |

| #   | Modification   | Description   | Shire's Comment on Modification (Summary)  | Department of Planning Comment   | Final Modification  |
|-----|--|---|--|--|---|
|     | station. Remainder of Park and Ride facilities to be located within Town Centre Developments.                      | partial private land and PTA land.  |  | <i>LSP, more explicitly making reference to the park and ride proposed for the PTA land."</i>  | <i>into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land."</i> |
| 11  | Notation Required – "PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street" | Notation stating: "PTA Reserve land is currently used for parking for the adjacent Supermarket on George Street." | <u>Support</u>   | <u>Noted.</u>  | <u>No Change</u>  |
| 12  | Main Street reduced in width to 22.5 metres.   | The proposed modifications propose a width of 22.5 metres for Main Street.  | <u>Objection</u><br>Based on Liveable Neighbourhoods given that 25 metres will ensure good form, function and built form.  | <u>Dismissed</u><br>The width of Main Street is considered in conjunction with the height of the street façade of buildings along the length of Main Street. In order to respond to a possible 3 storey facade, and to address the streetscape, the width of the street should be no more than 22.5 metres to create a sense of enclosure and provide for street trees to delineate the public/pedestrian realm.<br>A street width of 22.5 metres gives a pedestrian realm of 4 metres each side, with nib parking, bicycle way and two way traffic. | <u>No Change</u>  |
| n/a | N/A  | N/A   | <u>New Modification</u><br>That the high school site and annotation regarding community facilities co-location and a landmark built form outcome be retained on the LSP. | <u>Noted</u><br>No modification is required as the notation and all other aspects of the Applicant's LSP Map remain unchanged with the exception of the modifications outlined in this table.  | <u>No Modification Required</u>   |



## MODIFICATIONS TO LOCAL STRUCTURE PLAN REPORT

| Modification  | Ref         | Shire's Comment on Modification (Summary) | Department of Planning Comment in Response | Final Modification |
|---|-------------|---|--|--------------------|
| Delete all references in report to Network City and replace with <i>Directions 2031 and Beyond: metropolitan planning beyond the horizon</i> (August 2010).   | All         | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Delete all reference to SPP 4.2 – Metropolitan Centres Policy and replace with <i>SPP 4.2 – Activity Centres for Perth and Peel</i> (August 2010).  | All         | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Update all maps and figures based on the modifications by WAPC.   | All         | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Change sentence to:<br><ul style="list-style-type: none"> <li>• Create a mixed use, well defined Town Centre comprising of medium to high density residential and offering facilities of local and district value.</li> </ul>     | Pg 3, s1.8  | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Change sentence to:<br><ul style="list-style-type: none"> <li>• Provide a range of dwelling types, allowing for medium and high residential densities to create diversity and choice.</li> </ul>                                  | Pg 3, s1.8  | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Change sentence to:<br>A preferred R-coding of R80 is set for the Town Centre.  | Pg 4, s1.10 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Remove references to <i>SPP4.2 – Metropolitan Centres Policy Statement</i> and address the retail net lettable area recommendations for District Centres as outlined under <i>SPP 4.2 – Activity Centres for Perth and Peel</i> . | Pg 6, s1.17 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Modify the sentence to:<br>“...a Retail Demand Analysis was undertaken to inform an appropriate amount and distribution of retail NLA within the Byford Town Centre.”   | Pg 6, s1.17 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Change sentence to read:<br>“The Shire may impose conditions of development approval requiring noise attenuation in response to   | pg 8, s1.24 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |

| Modification  | Ref           | Shire's Comment on Modification (Summary)  | Department of Planning Comment in Response  | Final Modification  |
|---|---------------|--|---|---|
| the provisions of <i>State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i> (SPP 5.4). This may include the requirements for Precinct Development Area Plans to delineate areas affected by unacceptable noise levels on the site and specific methods of design to ameliorate the effects of noise on residential areas.” |               |  |   |   |
| Change the objective to: <ul style="list-style-type: none"> <li>“Provide a framework to achieve certain land use and development outcomes with defined precincts that includes appropriate development criteria for each precinct. Staging of development for these precincts should be clearly defined.”</li> </ul>  | Pg 13, s2.3   | <u>Support</u>   | <u>Noted</u>  | <u>No Change</u>  |
| Modify sentence as follows: <ul style="list-style-type: none"> <li>“Precinct Detailed Area Plans, along with development criteria are required for each precinct to ensure built form reflects rural character and respects environmental opportunities.”</li> </ul>  | Pg 28, s4.2.2 | <u>Objection</u><br>It is considered that the original wording of this clause is adequate and captures the intent of the Shire for the requirement of DAP's. The original wording is:<br><br>“...Detailed Area Plans are required for land abutting major distributor roads, public open space, reserves, multiple-use corridors and arterial roads to ensure the ensure built form reflects rural character of the area.” | <u>Noted</u><br>Original wording is considered acceptable and should remain.                                      | <u>Modification Deleted.</u>  |
| Update the table to reflect the removal of the 15,000m <sup>2</sup> of NLA cap.   | Pg 30, s4.2.2 | <u>Support</u><br>It is agreed that reference to the Metropolitan Centres Policy and the NLA cap of 15,000m <sup>2</sup> should be removed.  | <u>Noted</u><br>Accept that reference Metropolitan Centres Policy and NLA cap of 15,000m <sup>2</sup> be removed. | <u>No Change to original Modification</u><br>And<br><u>New Modification based on consultation with Shire:</u> |

| Modification   | Ref           | Shire's Comment on Modification (Summary)   | Department of Planning Comment in Response   | Final Modification   |
|--|---------------|---|--|--|
|  |               | However, in addition, it is necessary that explicit reference to the retail demand analysis and its key findings to a range of floor space be made. Further the NLA range should be used for guidance purposes and not viewed as any form of cap. | In addition, accept that this clause be modified to include the following statement: "Reference to the retail demand analysis and its key findings to a range of floor space be retained. Further the NLA range should be used for guidance purposes and not viewed as any form of cap." | Notation required stating: "Reference to the retail demand analysis and its key findings to a range of floor space be retained. Further the NLA range should be used for guidance purposes and not viewed as any form of cap." |
| Modify the sentence to:<br>"The DSP recommends a generic width of 50 metres to either side of key drainage lines. As a result, these areas have been identified as multiple-use corridors. However, variations in the MUC width are allowed subject to further assessment of drainage needs."                        | Pg 31, s4.2.2 | <u>Objection</u><br>On basis that the drainage modifications proposed over the LSP are not supported and therefore the text should not be modified either.  | <u>Dismissed</u><br>This modification is needed in order to allow for modifications to the MUC widths, as proposed in the WAPC modified LSP.   | <u>No Change</u>   |
| Modify the sentence to:<br>"A strong focus should be given to the development and upgrading of trail linkages between this site and nearby subdivision estates, and ensure it addresses the above objectives, without compromising the amenity and useability of the existing and expanded Byford Town Centre area." | Pg 32, s4.2.3 | <u>Support</u>  | <u>Noted</u>   | <u>No Change</u>   |
| Delete entire paragraphs relating to LPP17.  | Pg 33         | <u>Support</u>  | <u>Noted</u>   | <u>No Change</u>   |
| Modify the sentence to:<br>"As such, the Byford locality should have an emphasis on district level sport (indoor and outdoor), entertainment, professional services, health and medical services, shopping and tourism. These facilities should be co-located within the Town Centre, where possible."               | Pg 37, s4.3.2 | <u>Support</u>  | <u>Noted</u>   | <u>No Change</u>   |
| Modify sentence as follows:<br>"...reflects the DSP and assists in the implementation of the original green town vision of the South East  | Pg 38, s4.3.3 | <u>Support</u>  | <u>Noted</u>   | <u>No Change</u>   |

| Modification   | Ref           | Shire's Comment on Modification (Summary) | Department of Planning Comment in Response | Final Modification |
|--|---------------|---|--|--------------------|
| Corridor while recognising recent planning provisions requiring more efficient and effective use of urban land as per <i>Directions 2031 and Beyond</i> .”   |               |   |  |                    |
| Modify this statement to:<br>“The Byford Town Centre is a mixed use destination comprising retail services, public spaces, community and educational facilities, commercial activity, residences, recreational amenities and tourist facilities – all integrated into a compact, diverse, interesting and dynamic place, reflective of the areas rural and cultural values.”                 | Pg 50, s6.1   | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Modify this statement to:<br>“It is expected that one third of the Town Centre Retail Core and 75 percent of the Town Centre Mixed Use Classification will include a residential component to meet the level of activity required to support Town Centre.”   | Pg 53, s6.3.1 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Modify the sentence to:<br>“Built form and function to support the creation of a sense of place, vibrancy and identity for the town centre.”   | Pg 54, s6.3.1 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Modify this sentence to:<br>“Shopping floor space requirements to be in accordance with SPP 4.2.”  | Pg 55, s6.3.1 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Modify the sentence as follows:<br><ul style="list-style-type: none"> <li>“To ensure effective spatial activation, a majority of the retail offer of the town centre, along with community, residential, office land uses, should be focussed upon a defined core in proximity to the proposed train station.”</li> </ul> Delete the last statement concerning the location of supermarkets. | Pg 55, s6.3.1 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |
| Delete this statement.   | Pg 55, s6.3.1 | <u>Support</u>                            | <u>Noted</u>                               | <u>No Change</u>   |

| Modification   | Ref           | Shire's Comment on Modification (Summary)   | Department of Planning Comment in Response | Final Modification  |
|--|---------------|---|--|---|
| Amend this sentence to: <ul style="list-style-type: none"> <li>“Home based businesses and drive through outlets to be located on the periphery of Town Centre and along South Western Highway. Where home based businesses can be supported in the town centre development area, then this should be encouraged.”</li> </ul> | Pg 56, s6.3.1 | <u>Support</u>  | <u>Noted</u>                               | <u>No Change</u>  |
| Modify the assumption to: <ul style="list-style-type: none"> <li>“The potential population calculation is based on trends for housing needs and household configurations.”</li> </ul> Update the potential dwelling and population table accordingly.  | Pg 57, s6.3.3 | <u>Support</u>  | <u>Noted</u>                               | <u>No Change</u>  |
| Update the table to reflect changes in the LSP. Remove the eastern Byford DAP area and High School area south of Abernethy Road.   | Pg 61, s6.3.6 | <u>Support</u>  | <u>Noted</u>                               | <u>No Change</u>  |
| Modify this sentence to state: “Parking requirements to reflect the recommendations in SPP 4.2.”   | Pg 67, s6.6.4 | <u>Support</u>  | <u>Noted</u>                               | <u>No Change</u>  |
| N/A  | Pg 67, s6.6.5 | <u>New Modification to Report:</u><br><i>“That additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.”</i> | <u>Noted</u>                               | <u>New Modification to Report:</u><br><i>“That additional text be inserted into Sections 1.20 and 6.6.5 of the LSP, more explicitly making reference to the park and ride proposed for the PTA land.”</i> |
| Modify this statement as follows: “Town centre development will benefit from the requirement for residential development to adhere to SPP 5.4 recommendations. Areas affected by noise issues shall be identified in precinct DAPs and development criteria shall recommend building design and noise attenuation methods.”  | Pg 68, s6.8   | <u>Support</u>  | <u>Noted</u>                               | <u>No Change</u>  |

| Modification  | Ref   | Shire's Comment on Modification (Summary)  | Department of Planning Comment in Response   | Final Modification |
|---|---|--|--|--------------------|
| Delete sentence.  | Pg 74, s7.5   | <u>Support</u>   | <u>Noted</u>   | <u>No Change</u>   |
| Update plan to reflect the proposed modifications.  | Appendix C – Movement Network Plan                              | <u>Support</u>   | <u>Noted</u>   | <u>No Change</u>   |
| Update LWMS to incorporate technical information and recommendations made in the revised LWMS for Lot 1 Abernethy Road prepared by Emerson Stuart dated March 2011 (Rev C). | Appendix D – Byford Town Centre Local Water Management Strategy | <u>Objection</u><br>On the basis that this modification proposes to align the LWMS with the modifications proposed to the LSP by the Department. | <u>Dismissed</u><br>Update required to ensure consistency with proposed modifications. | <u>No Change</u>   |
| Update transport and traffic analysis for Town Centre to include latest Main Roads WA traffic modelling for the Byford locality.  | Appendix F – Byford Town Centre Transport and Traffic Analysis  | <u>Support</u>   | <u>Noted</u>   | <u>No Change</u>   |

## ITEM NO: 9.2

### ENDORSEMENT OF NORTH DANDALUP STRUCTURE PLAN

|                       |  |
|-----------------------|--|
| <b>COMMITTEE:</b>     | <b>Statutory Planning Committee</b>  |
| REPORTING AGENCY:     | Department of Planning   |
| REPORTING OFFICER:    | Planning Manager, Peel   |
| AUTHORISING OFFICER:  | Director, Peel   |
| AGENDA PART:          | G  |
| FILE NO:              | SPN/0186/1   |
| DATE:                 | 30 November 2011   |
| ATTACHMENT(S):        | 1 – Location Plan<br>2 – Advertised North Dandalup Structure Plan<br>3 - Schedule of Submissions<br>4 - Recommended modified Structure Plan<br>5 - Recommended report text modifications |
| REGION SCHEME ZONING: | Urban and Rural  |
| LOCAL GOVERNMENT:     | Shire of Murray  |
| LOCAL SCHEME ZONING:  | Rural, Residential, Residential Development and Special Rural  |
| LGA RECOMMENDATION:   | Endorse subject to modifications   |
| REGION DESCRIPTOR:    | Peel   |
| RECEIPT DATE:         | 27 May 2011  |
| PROCESS DAYS:         | 186  |
| APPLICATION TYPE:     | Structure Plan   |
| CADASTRAL REFERENCE:  | Lot 101 Shanns Road and Lot A24 and portion Lot A25 South Western Highway, North Dandalup.   |

#### RECOMMENDATION:

*That the Western Australian Planning Committee resolves to:*

- 1. endorse the North Dandalup Structure Plan, as modified and dated 28 November 2011 and presented as Attachment 4 of this report, subject to the Structure Plan report text being modified as per the schedule of modifications presented at Attachment 5 of this report;*
- 2. advise the Shire of Murray of its decision accordingly.*

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## SUMMARY:

- The Murray Shire Council requests the Western Australian Planning Commission's (WAPC) endorsement of a structure plan for the North Dandalup townsite, located 15kms north east of Pinjarra. The Structure Plan seeks to facilitate urban rezoning of approximately 200 hectares of land (**Attachment 1** – Location Plan, **Attachment 2** – Advertised North Dandalup Structure Plan).
- The future urban area identified in the structure plan is consistent with the urban investigation area identified in the draft Outer Metropolitan Perth and Peel Sub-regional Strategy (WAPC, 2010).
- 15 submissions were received during the public advertising period, primarily relating to the location and amount of commercial development, the impact of future development on the amenity of the existing townsite, regional transport infrastructure requirements, servicing considerations and strategic mineral resource protection areas identified by the Department of Mines and Petroleum (DMP).
- Council endorsed the structure plan subject to modifications in regard to the impact of future regional transportation infrastructure on the project area and the location and extent of commercial development being refined through the local structure planning process.
- It is recommended a modified structure plan (**Attachment 4**) be approved, along with minor modifications to the supporting structure plan report text, which reflects the outcome of further consultations with Council officers and State government agencies.

## BACKGROUND:

In late 2010, the Council advertised the draft North Dandalup Structure Plan for public comment. Following the review of submissions and the preparation of a Drainage and Water Management Strategy, Council endorsed the structure plan subject to modifications. Following receipt of the Structure Plan, the Department of Planning (DoP) undertook further consultation with various State government agencies to address or clarify some issues relating to the structure plan.

The North Dandalup Structure Plan is one of six structure plans and local rural strategies the Council is progressing to provide a suitable local strategic planning framework. It is intended that these strategies and structure plans will later be incorporated into a local planning strategy for the Shire. The North Dandalup Structure Plan is consistent with the current broader sub-regional strategic planning proposals and can now be finalised.

In September 2010, the WAPC granted consent for the proposed Hills Landscape Rural Planning Precinct Plan to be advertised for public comment. This planning precinct is located east and south-east of the structure plan study area, and does not propose any additional settlement opportunities in proximity to North Dandalup. This precinct plan has been advertised and adopted by Council, and is anticipated to be presented to the WAPC for approval in early 2012.



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structure plan, it is anticipated this rezoning request will be considered by the WAPC in early 2012.

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

Further planning investigations and road design concept work will be required for the proposed deviation of Lakes Road and the associated railway crossing options. This work will be undertaken during the next couple of years, in conjunction with the work for the South Metropolitan Peel Structure Plan.

### **CONSULTATION:**

The structure plan was advertised for public comment from October to December 2010. Council also facilitated a community forum on 7 December 2010. A total of 15 submissions were received, including two objections from the local community and 10 submissions from government and servicing agencies. The issues raised are summarised at **Attachment 3**, together with Council's and the DoP's comments and recommendations.

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

Planning Context

#### Draft Outer Metropolitan Perth and Peel Sub-regional Strategy (OMPPSS)

The draft OMPPSS identifies an urban investigation area west of the North Dandalup townsite, which could yield an estimated 2,400 residential lots. The draft OMPPSS also identifies the potential deviation of the eastern end of Lakes Road, which forms the southern boundary of the urban investigation area.

The land identified for future urban expansion in the structure plan is consistent with the draft OMPPSS.

#### State Planning Policy 2.1 'Peel Harvey Coastal Plain Catchment Policy' (SPP 2.1)

It is intended the future urban area identified in the structure plan be connected to a reticulated sewerage service, consistent with the requirements of SPP 2.1. The provision of reticulated service is discussed in further detail below.

#### State Planning Policy 3 - 'Urban Growth and Settlement' (SPP 3)

The proposed urban expansion of the North Dandalup townsite is consistent with some of the main objectives of SPP 3, including building upon an existing community. Furthermore, the expansion of the townsite is consistent with current regional strategic planning proposals.

The future urban area can be serviced with essential infrastructure. Also, the townsite is in reasonable proximity to sources of employment such as Alcoa's Pinjarra Refinery and the planned Nambeelup industrial area, as well as the regional centres of Pinjarra and Mandurah.

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### State Planning Policy 5.4 - 'Road Transport Noise and Freight Considerations in Land Use Planning' (SPP5.4)

In accordance with SPP5.4, an acoustic assessment has been undertaken to evaluate the impact of noise from the Perth - Bunbury railway line and South Western Highway, as well as the proposed Lakes Road deviation, on the future urban area.

Any future Outline Development Plan (ODP) for the site will need to provide for a range of noise mitigation measures and interface treatments in proximity to regional transport routes, as recommended in the acoustic assessment, as well as addressing the impact of possible future grade separation of the Lakes Road deviation over the Perth - Bunbury railway.

### Shire of Murray Local Rural Strategy (1994) (LRS)

The LRS includes the subject land within Precinct 9 'North Dandalup' and identifies opportunities for special residential and rural residential development surrounding the existing townsite. The LRS is dated in this respect, as these forms of development would effectively restrict opportunities for urban expansion.

The LRS highlights the need for visual amenity controls for development of land abutting South Western Highway. This measure is supported and can be addressed through preparation of an ODP subsequent to rezoning under the PRS and local planning scheme.

### Shire of Murray Local Commercial Strategy (1994) (LCS)

The LCS designates North Dandalup as a local centre, and recommends a long-term commercial floor space of 600m<sup>2</sup> net lettable area to service the townsite and rural hinterland. The LCS did not envisage the extent of urban expansion now being proposed for the townsite, consequently the structure plan proposes to increase provision for retail and commercial development.

### Shire of Murray Draft Local Planning Strategy (2005) (LPS)

Council adopted its draft LPS in mid 2005, and subsequently endorsed a number of modifications to this. In respect of North Dandalup, the draft LPS identifies the townsite expansion area reflected in the structure plan, and designates an area of approximately 360ha as 'subject to further investigation' (for urban purposes) to the west of Lot 101 Shanns Road.

The draft LPS has not been presented to the WAPC due to the need to further progress key strategic planning projects, including the South Metropolitan Peel Structure Plan.

### Population and Density

The future urban area identified in the structure plan could facilitate the creation of approximately 2,470 residential lots. There is also some potential for residential infill in the existing townsite, subject to connection to a reticulated sewerage service.

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The distribution of residential density codings within the future urban area will be determined through preparation of an ODP subsequent to rezoning. It is expected that a range of lot sizes and housing types will be provided, including opportunities for higher densities around the local centres, schools, open space and possible long-term transit station.

### Servicing

The North Dandalup townsite is not currently serviced with a reticulated sewer system, and is remote from servicing infrastructure.

The Water Corporation advises it is feasible to extend the sewer system from the Pinjarra Waste Water Treatment Plant (WWTP) to service the proposed urban area, subject to the proponent addressing servicing constraints and funding the necessary works. The WWTP would need to be upgraded to service the proposed development, with around 2000 lots being the threshold considered viable for ongoing operation of the service. The area identified for urban development in the structure plan is expected to exceed this yield. The proponents are currently working with the Water Corporation to resolve technical issues, with a view to the Corporation being the service provider for the townsite.

It is recommended the structure plan text be modified to reflect the outcome of recent discussions with the Water Corporation regarding appropriate interim sewage disposal arrangements, until sufficient lots are developed for a reticulated sewer system to function effectively.

A major upgrade of water supply infrastructure will be required to service the future urban area, including the identification of a suitable site for a new storage tank. Planning for the upgrade will be progressed by the Water Corporation subsequent to the WAPC's determination of the structure plan, with the necessary upgrades to be funded by the developers.

A servicing report prepared by the proponents indicates that natural gas can be extended to the site from the Dampier to Bunbury Natural Gas Pipeline, located approximately 5kms to the west of the site. Provision of this service is at the discretion of the developer.

### Commercial

The structure plan identifies a local and a neighbourhood centre serving the catchments east and west of the railway respectively, located adjacent to community focal points. A submission suggesting the ultimate urban and rural population warrants identification of a small district centre is not supported for the following reasons:

- i) the household size figure and, therefore, ultimate population numbers utilised in the submission in support of district level floor space are overstated;
- ii) State Planning Policy 4.2 'Activity Centres for Perth and Peel' does not identify a district centre as being necessary for North Dandalup based on the

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- anticipated lot yield of the urban investigation area identified in the draft OMPPSS and reflected in the structure plan; and
- iii) there is some uncertainty regarding the future rural population west of the townsite, given the WAPC's deferral of the NNDLRS.

Council supports a submission requesting the local centre east of the railway be repositioned from within the urban cell as depicted on the advertised structure plan to a site adjacent to South Western Highway, subject to access being obtained via the local road network, to ensure its commercial viability. Main Roads WA (MRWA) raise no objection to this, subject to construction of an appropriate local road network and the relocation of existing passing lanes on South Western Highway. It is recommended the structure plan text be modified to provide scope for the precise location of the retail nodes to be determined through the ODP process.

### Transport

The structure plan identifies an additional vehicular crossing of the Perth – Bunbury railway associated with the proposed long-term deviation of Lakes Road. The deviation has been proposed as part of the sub-regional planning work so as to provide a suitable major east-west road link within the Peel region. The alignment of this Lakes Road deviation will become the southern boundary of the proposed urban area.

The Public Transport Authority (PTA) advises the rail crossing will need to be grade separated for safety reasons. The likely timeframe for construction of the deviation is unknown at this point, however, the possible need for long-term grade separation of the crossing is acknowledged by the relevant State government agencies. To highlight that both the deviation and rail crossing will be subject to further planning, appropriate text annotations have been included on the recommended modified structure plan (**Attachment 4**).

A number of options have been explored with relevant government agencies to address existing traffic issues on the residential eastern end of Lakes Road/South Street prior to construction of the main southern deviation. These include the potential relocation of the existing South Street rail crossing, in conjunction with a new local road, to form a four way intersection with Del Park Road. It is recommended that the structure plan be annotated to indicate that this option will be further investigated through the ODP process.

The structure plan identifies a potential new pedestrian crossing of the railway. This is supported to improve the connectivity of the future urban area, given the PTA's lack of support for an additional vehicular crossing. The PTA advises that for safety and useability the crossing will most likely need to be at grade, and wholly funded by the developer. The precise location of the crossing and associated developer contributions will be determined through the ODP process.

A possible future transit station has been indicatively shown on the structure plan. This transit station would replace an existing station platform located north of the South Street rail crossing. This possible future transit station is considered appropriate in the context of the intended long term growth pattern of the townsite.

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## Environmental

The Department of Water's (DoW) Murray Drainage and Water Management Plan (MDWMP) (June 2011) indicates that a small portion of the proposed future urban area is within the floodplain, associated with a tributary of the North Dandalup River. Small portions of the site are also susceptible to groundwater inundation during winter. Minor modifications to the structure plan text are recommended to reflect the outcomes of the finalised MDWMP.

In May 2011, the DoW endorsed a district water management strategy for the future urban area. This strategy demonstrated that the drainage and water management issues associated with such future urban development could be adequately addressed.

Two conservation category wetlands are situated within the future urban area. These are identified on the structure plan and can be adequately protected through determination of appropriate buffers at the ODP stage.

## Resource

An area of titanium zircon mineralisation occurs to the west of North Dandalup. The resource was identified in revised mapping released by the Department of Mines and Petroleum (DMP) in 2009, and as such is not identified in the Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy (2002). The mineralisation and associated buffer affect the western portion of Lot 101, and the south-western corner of Lot A24, which have been identified for future urban use.

DMP acknowledges the proposed townsite expansion, but advises that the mineral sands should be extracted prior to development of the affected land for urban purposes. The land is pre 1899 'mineral to owner' title, which means that the landowners' consent is required for the mineral sands to be extracted. The current landowners do not intend to pursue or allow the extraction of the mineral sands. Accordingly, it is expected that such land will be developed for urban purposes, without the mineral sands being extracted.

## Modifications

Following further consultation with Council and State government officers, as well as with the proponents of the future urban development, various modifications have been incorporated into a modified structure plan (**Attachment 4**). Some minor text changes are required to the structure plan report, which are listed in **Attachment 5**.

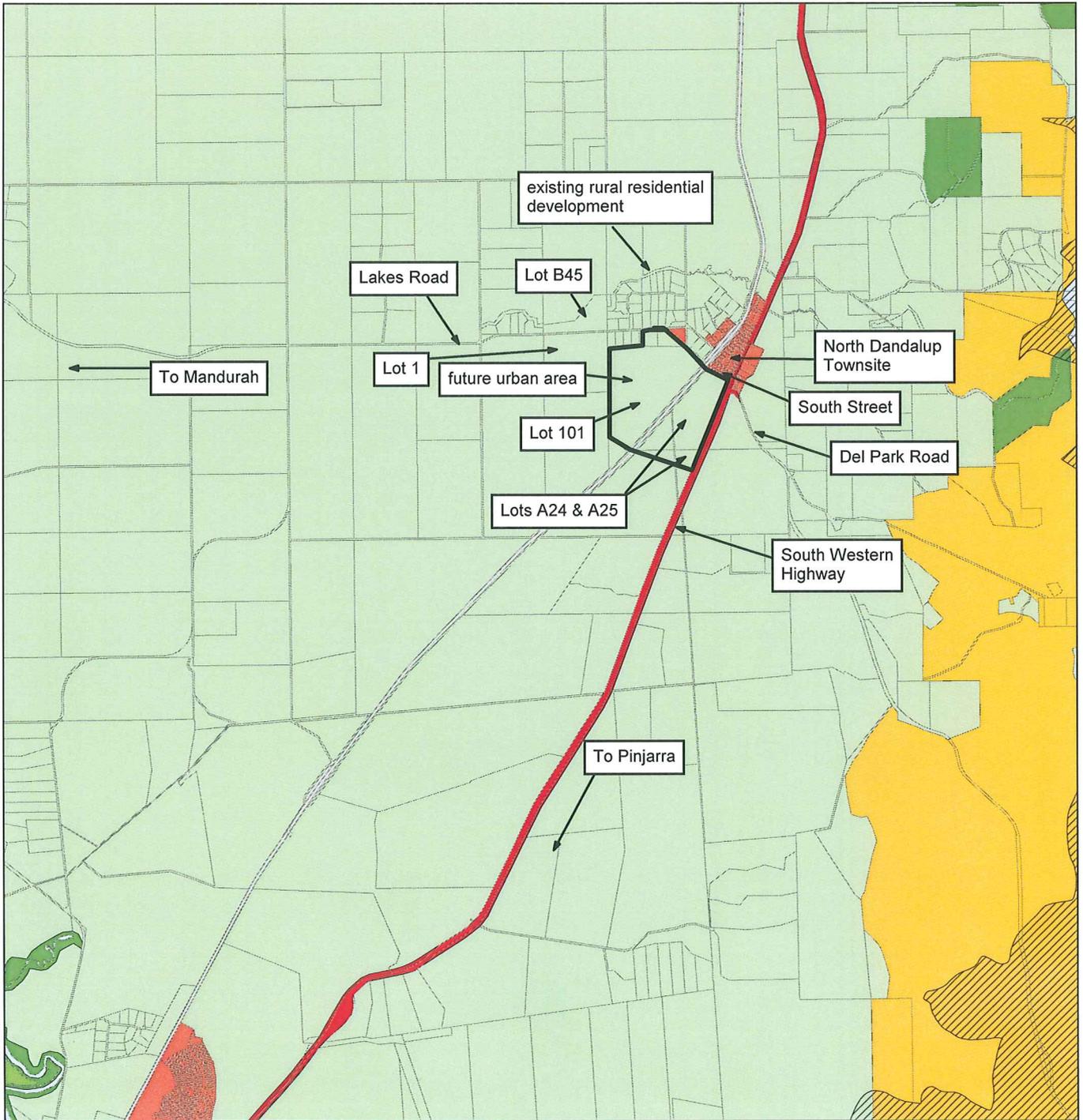
## Conclusion

The structure plan, as modified, is supported for the following reasons:

- (i) the future urban area identified in the structure plan is consistent with WAPC strategic planning;
- (ii) the future urban area is able to be serviced with essential infrastructure;
- (iii) the townsite is in reasonable proximity to employment activities; and

- 
- (iv) the structure plan will facilitate development of a wider range of dwelling types, providing for greater housing choice and diversity in the area.

# ATTACHMENT 1



|                                |                        |               |
|--------------------------------|------------------------|---------------|
| North Dandalup location plan 3 | PRIVATE RECREATION     | STATE FORESTS |
| ND SP 1                        | RURAL                  |               |
| North Dandalup SP              | PRIMARY REGIONAL ROADS |               |
| Cadastre                       | REGIONAL OPEN SPACE    |               |
| PRS - Special Control Area 1   | WATERWAYS              |               |
| URBAN                          | RAILWAYS               |               |

Scale 1:75,000  
 0 2.5 km

Prepared by: alawson  
 Prepared for:  
 Date: Wednesday, November 30, 2011 08:44  
 Plot identifier: P20111130\_0844

**DP INTERNAL USE ONLY**



North Dandalup  
 Location Plan



legend

Proposed

- FUTURE URBAN AREA
- PS PRIMARY SCHOOL
- RETAIL/COMMERCIAL
- POSSIBLE TRANSIT STATION
- OPEN SPACE
- PROPOSED INFILL SUBJECT TO SEWER

- PROPOSED INDICATIVE ROAD LINKS
- BUS ROUTES TO MANDURAH & PINNARRA EXISTING TOWNSITE
- DRAINAGE
- 100 YEAR FLOOD AREA
- MAPPED CONSERVATION CATEGORY WETLAND & 50M BUFFER
- BOOMGATE CONTROLLED LEVEL CROSSING

Existing

- PRIMARY REGIONAL ROAD RESERVATION
- RAILWAYS RESERVATION
- EXISTING URBAN
- EXISTING COMMERCIAL
- EXISTING RURAL RESIDENTIAL
- Other
- SUBJECT LAND

SCALE 1:12500@A3



figure 7

# North Dandalup Structure Plan

June 2010

**SHIRE OF MURRAY**  
**NORTH DANDALUP STRUCTURE PLAN**  
**SCHEDULE OF SUBMISSIONS**

| No. | Summary of Submission   | Council Comment and Recommendation  | Department of Planning Comment and Recommendation  |
|-----|---|---|--|
| 1   | <p>Proposed Structure Plan provides for two Neighbourhood centres. Given the existing and planned ultimate Urban and Rural Residential population catchment, proponent considers District level floorspace should be allocated to the urban expansion area.</p> <p>Based on an estimated lot yield of 2,469 lots and assumed household size of 2.9 for the urban expansion area, a total of 7,160 persons is proposed.</p> <p>North Dandalup Townsite has a sphere of influence as a rural service centre extending half way to Pinjarra and north to Serpentine Townsite. Assuming ultimate subdivision of rural residential in the North Dandalup / Nambeelup Local Rural Strategy, a rural population of 4,121 persons is expected. Submission contends this catchment population provides ample justification for development of a small District Centre. Two Neighbourhood centres should be identified in the Structure Plan based on population catchments either side of the Railway line with one of the centres (west of the railway line) being allocated the District level floorspace where the greatest proportion of population would be situated.</p> | <p>Current Activity Centre planning for Peel sub region does not identify District level floorspace for North Dandalup based on lower population estimates for the wider catchment than the proponent envisages.</p> <p>See comment above. Population and lot yield estimates appear high as Forecast id housing projections are based on 2.4 persons per household.</p> <p>The LRS is awaiting endorsement from WAPC so final population projections cannot be quantified with certainty. Population figures are likely to be substantially reduced due to reduction in Rural Residential areas and less persons per household (2.4).</p> <p>Shire is planning to review and update its Commercial Centres Strategy but at this stage, the current sub regional Activity Centre framework for Peel proposes District and higher order centres in the main Mandurah to Pinjarra Urban corridor.</p> | <p>Dismiss. Agree with Council's comments. State Planning Policy 4.2 does not identify the need for a District Centre in North Dandalup, based on the anticipated lot yield of the urban investigation area identified in the draft Outer Metropolitan Perth Peel sub-regional Strategy (OMPPSS).</p> <p>Dismiss. Agree with Council's comments, the household size indicator used by the proponent to justify allocation of district level floor space is overstated.</p> <p>Dismiss. Given the WAPC's deferral of the Nambeelup North Dandalup Local Rural Strategy (NNDLRS), there is some uncertainty regarding potential ultimate rural residential development and the potential population of the rural hinterland. However, based on the draft NNDLRS, the estimated combined rural and urban population would not warrant identification of district level floor space.</p> |

| No. | Summary of Submission  | Council Comment and Recommendation  | Department of Planning Comment and Recommendation  |
|-----|--|---|--|
|     | <p>Eastern Local Centre location in centre of Urban cell has little or no chance of economic viability due to lack of exposure to passing trade. Liveable Neighbourhoods elements indicates Local Centres should be integrated with arterial road and neighbourhood connector street network to optimize benefits from the movement economy. And no centre should be located in an area isolated from major streets. Final detailed floorspace allocation would be based on a retail study at the Local Structure Plan stage.</p> <p>Urban growth area extends a distance of 1485m from future Lakes Road deviation to the existing South Street/Lakes Road level crossing that represents a significant barrier to movement between the two proposed urban cells. Creation of a level crossing mid way along is recommended to create greater road connectivity between the Urban cells. Existing northern level crossing should be closed and reallocated to connect the proposed two Urban cells at approximately mid point.</p> <p>Lakes Road deviation will function as a regional road linkage with PTA favouring a grade separated crossing of the Rail line. The Deviation route is likely to be assigned "Other Regional Road" reserve status under the Peel Region Scheme to recognize its regional status role.</p> | <p>Commercial viability of eastern centre is a valid concern and submission is supported on basis of no direct access being permitted onto South Western Highway and all vehicular access being obtained to the Local Centre via the internal local collector road. Draft Structure plan to be modified to show eastern Local Centre repositioned adjacent to South Western Highway with notation of no direct vehicular access to Highway. Comment noted for more detailed analysis of floorspace requirements.</p> <p>Refer Submission from PTA. Approval from Railway authorities will be required for any rail crossings. Submission has merit that warrants further investigation in consult with Rail authorities</p> <p>Refer PTA submission comments.</p> <p>DoP to review function and ultimate reserve status of Lakes Road via Amendment to the Region Scheme.</p> | <p>Upheld in part. Main Roads WA have no objection to Council's recommendation relating to the repositioning of the eastern centre, subject to an appropriate local road network being in place. The proposed recommended modified structure plan now shows indicatively a neighbourhood centre near the South Western Highway. It is recommended that the structure plan text allow flexibility for the precise location and extent of commercial floorspace to be further refined through the Outline Development Plan (ODP) process.</p> <p>Dismiss. The Public Transport Authority (PTA) do not support an additional mid point vehicular rail crossing, therefore the structure plan identifies a possible pedestrian crossing to improve the connectivity of the future urban cells. It is considered that this pedestrian crossing will provide sufficient connectivity between the proposed two future urban areas either side of the railway line.</p> <p>Noted. Modifications to the structure plan are recommended, acknowledging the likely future grade separation of the Lakes Road deviation over the rail line. The precise alignment and land requirements for the future deviation of Lakes Road will be determined following further detailed investigations.</p> |

| No. | Summary of Submission   | Council Comment and Recommendation  | Department of Planning Comment and Recommendation  |
|-----|---|---|--|
| 2   | <p>Urgent consideration is requested to bring forward the timing for construction of the Lakes Road deviation to alleviate heavy haulage traffic using the existing Lakes Road/South Street route.</p> <p>Question whether future planning proposes realignment of Del Park Road to intersect with future Lakes Road deviation. Concerns raised with location of intersections and the deviation route close to an established farming property. Any proposals for road deviations need widespread consultation with community.</p> <p>Figure 7 alignment of Del Park Road is not accurate reflection of actual alignment south of existing truck stop.</p> | <p>Funding for Lakes Road Deviation construction and timing have not yet been determined. Traffic calming proposals may be required for the existing Lakes Road/South Street route.</p> <p>Current Structure Plan does not depict realignment of Del Park Road to connect with a Lakes Road deviation. Ultimate transport network to be reviewed in consultation with Main Roads WA and DoP for inclusion of reservations within Peel Region Scheme.</p> <p>Fig 7 to be modified to reflect current road alignment.</p> | <p>Dismiss. The construction of the Lakes Road Deviation is a long term road proposal. The structure plan has been modified and simplified to reflect that the development of the future urban area is not dependent upon the construction of the Lakes Road Deviation. There have been subsequent consultations between the proponents' consultants for the future urban area, MRWA, PTA, DoP and Council officers to confirm that any local road planning issues for the future urban areas can be addressed at the ODP stage.</p> <p>Noted. An option to be further investigated at the ODP stage includes a minor realignment of the existing Lakes Road, with an associated relocation of the existing railway crossing, to form a four way intersection with Del Park Road. This possible road proposal has been discussed with MRWA and Council officers. However, this proposal will be further investigated at the ODP stage. If it is determined that this road realignment has sufficient merit, then such a proposal will be subject to public consultation through the relevant ODP process.</p> <p>There would be a separate public consultation process for the proposed major Lakes Road Deviation, as part of any future Peel Region Scheme amendment process relating to the proposed reservation of the land for the required Deviation.</p> <p>Noted. Minor modification made to the structure plan as per Attachment 4.</p> |

| No. | Summary of Submission   | Council Comment and Recommendation   | Department of Planning Comment and Recommendation   |
|-----|---|--|---|
|     | <p>Disputes identification of two CCW wetlands in Fig 7.</p> <p>Questions at what stage schools become established.</p> <p>Reticulated sewer service for existing townsite not included in draft plan.</p> <p>Section on potable water supply is misleading in that only one tank supports the community at present. Nothing is mentioned for upgrading water supply in the draft plan.</p> <p>Request consideration for local centre to be relocated closer to South Western Highway.</p> <p>Question what facilitates North Dandalup as a unique gateway to the Shire.</p> <p>Seeks reassurance that power supply will be adequate in times of high demand.</p> | <p>Reclassification of wetlands are to be sought by the proponent and be subject of review by EPA.</p> <p>Two primary school sites identified in Structure Plan area will be set aside for public use as condition of subdivision approval and would not be constructed until population expansion of the urban area warrants establishment of new school facilities.</p> <p>Servicing of existing townsite to be taken up with Water Corporation separately.</p> <p>Water Corporation advice indicates the proposed development will effectively require replacement of all existing infrastructure other than current townsite reticulation.</p> <p>Proponent has sought relocation of commercial centre to take advantage of increased passing trade.</p> <p>Signage upgrades will be a key requirement for gateway promotion.</p> <p>Western Power to address service infrastructure improvements required at the subdivision stage.</p> | <p>The structure plan reflects mapped wetland boundaries. It is open to the proponent to request reclassification of the wetland(s) through the appropriate process.</p> <p>Agree with Council's comment. The existing primary school to the north of the townsite is sufficient to cater for current demand, and is likely to be retained in the long term.</p> <p>The structure plan does not propose to service the existing townsite with reticulated sewer, although the provision of this service to the future urban expansion areas may provide opportunity for it to be feasible to extend sewer services for infill subdivisions within the existing townsite.</p> <p>The structure plan report identifies that the current water storage facilities and distribution network will need to be upgraded by the developer to service the future urban area.</p> <p>Upheld in part. Refer response to comment at Submission 1 regarding the location of the local centre.</p> <p>This matter is not specifically relevant to the structure plan.</p> <p>Western Power's Network Capacity Mapping Tool indicates sufficient capacity exists for the foreseeable future.</p> |

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|     | <p>Under 4.9 Community Services, State Emergency Services do not exist in North Dandalup but a Volunteer Bush Fire Brigade service does.</p> <p>In regard to Rural Amenity, do not want mining in the area that will alter the rural aspect. Imperative that the Shire has a policy for Mining and Extractive Industries.</p>  | <p>Comment noted for report revision.</p> <p>Community concerns with mining impacts noted. Extractive Industry policy being reviewed by Shire's Planning branch.</p>  | <p>Agree with Council's comment.</p> <p>Noted. Detailed comment regarding mineralization within the structure plan area is provided at Submission 15.</p>   |
| 3   | <p>Suggests a more appropriate boundary for the proposed urban area would be defined by road boundaries incorporating Lakes Road and the Deviation route resulting in Lot 1 being included in the Structure Plan. At the very minimum, Lot 1 should be shown as future Urban Expansion.</p> <p>Lot B45 should be confirmed as Rural Residential to maintain consistency with land north of Lakes Road and adjoining to the west and east.</p> <p>Final version of the Structure Plan should include a statement confirming that urban and rural residential land use shall take priority over any mapped mineralisation.</p> | <p>Council had previously agreed to add this land to the draft Local Planning Strategy as an area for further Urban investigation as a logical western expansion of Townsite urban services.</p> <p>Council included this land in the North Dandalup Nambelup LRS as having Rural Residential potential.</p> <p>Council has previously recommended that the Mining plans should be subject of a more rigorous review by WAPC under the Peel Region Scheme Strategic Mineral Resource protection policy.</p> | <p>Dismiss. The structure plan boundaries reflect the urban investigation area identified in the draft OMPPSS, and extent of previous townsite structure planning investigations. The land immediately west of the structure plan study area, including Lots 1 and B45, was identified as rural in the draft NNDLRS. This may be further reviewed as part of the preparation of the South Metropolitan Peel Structure Plan and through assessment of Council's proposed Local Planning Strategy by the DoP.</p> <p>Dismiss. See above comment.</p> <p>Noted. Detailed comment regarding mineralization within the structure plan area is provided at Submission 15.</p> |

| No. | Summary of Submission  | Council Comment and Recommendation  | Department of Planning Comment and Recommendation  |
|-----|--|---|--|
|     | <p>Mapping of potential mineralisation areas should in no way constrain future use and development of those areas east of the Lakes Road/deviation alignment junction.</p>   | <p>Viability of mining such a low grade mineral deposit is questionable versus the adverse impact on the rural landscape amenity. Submission is supported as the basis of appropriate planning for expansion of the townsite in a westerly direction.</p>   | <p>Upheld in part. Detailed comment regarding mineralization within the structure plan area is provided at Submission 15.</p>  |
| 4   | <p>Purchased land in Coral Park estate with view to reside in a quiet rural town, not saturated by residential development.</p> <p>Strongly oppose such a large development with many other subdivisions not selling. What makes this proposal any different?</p> <p>With lack of public transport and no employment, submission questions type of land purchaser moving into area and what sort of scenarios will eventuate.</p> <p>Insufficient funds will be generated from lot sales to support streetscape maintenance, bus stations or medical centres and no infrastructure to support the residents.</p> | <p>Coral Park can still retain a low density character but Shire acknowledges that town will experience an increase in traffic and activity levels with expanded urbanization.</p> <p>Real estate market is in a trough but should pick up with reduction in affordable housing and land supply to generate a spike in the residential market.</p> <p>Residential lots will be marketed at first home buyers and other purchasers seeking a “tree change” still within close proximity of Perth Metro area and other inland settlements. Employment to be generated from Nambeelup Industrial precinct, West Pinjarra Industrial estates, Ravenswood District centre and Pinjarra Regional centre.</p> <p>These types of community facilities will not be constructed in early stages of development but will be phased in according to demand. A Development Contribution plan will be devised to be consistent with Shire’s Community Facilities &amp; Services plan and community facility provision commensurate with development uptake.</p> | <p>Noted. Agree with Council's comments, noting that the structure plan does not propose any further development in Coral Park Estate.</p> <p>Dismiss. There is currently limited opportunity for residential subdivision in North Dandalup due to the lack of reticulated sewer. The structure plan provides for staged long-term expansion of the townsite, and will increase housing choice and diversity in the area.</p> <p>Generally concur with Council's comments.</p> <p>Agree with Council's comments. The need for developer contributions will be addressed through local planning scheme amendment(s) and/or preparation of an ODP for the future urban area.</p> |

| No. | Summary of Submission  | Council Comment and Recommendation   | Department of Planning Comment and Recommendation   |
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|     | <p>Alteration of the development to a Rural Residential estate would be in keeping with visual and lifestyle attractiveness of the town. Every town should move forward but not just for the sake of increasing land values for individual owners.</p>   | <p>Creating more low density rural lifestyle development close to townsite infrastructure is not conducive to orderly planning and limits townsite growth opportunity potential.</p>   | <p>Agree with Council's comments. The draft NNDLRS identifies potential for some additional rural settlement to the west of the townsite, which will not constrain future urban land use.</p>   |
| 5   | <p>Objects to road link into South Street from proposed urban development as adversely impacting on South Street residents and owner's property directly opposite.</p> <p>Greater emphasis should be given to keeping the existing area a quiet rural haven.</p> <p>Propose that open space reserve on South Street be developed into a children's playground buffering the new urban estate from existing residents.</p> <p>Consideration should be given to redirecting this road link away from South Street and towards South Western Highway. Much higher priority should be placed on proposed Lakes Road deviation and greater consideration for existing residents amenity to be not affected by noise and traffic generated by vehicles accessing South Street.</p> | <p>Final location of road links can be determined at Local Structure plan stage.</p> <p>Deviation of Lakes Road should achieve reduction in through traffic.</p> <p>Comments noted and development of public open space reserves will be negotiated with the developer.</p> <p>Final road traffic network plan to be determined at Local Structure plan and subdivision stages. Lakes Road Deviation is an important regional road designed to alleviate heavy haulage traffic through the centre of Town.</p> | <p>Agree with Council's comment. Road network options to limit vehicle movement and impact on South Street will be further investigated through the ODP process. The recommended modified structure plan reflects this.</p> <p>Development of the future urban area identified on the structure plan will potentially facilitate improved amenity outcomes for the existing townsite through improved traffic management and/or possible Lakes Road realignment.</p> <p>Agree with Council's comment. To be resolved through subsequent planning process.</p> <p>Modifications to the structure plan are recommended to address existing traffic issues on Lakes Road prior to construction of the deviation, as depicted at Attachment 4.</p> <p>Options to be further investigated at ODP stage include minor realignment of the existing South Street rail crossing, in conjunction with a new local road, to form a four way intersection with Del Park Road.</p> |

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|-----|--|---|--|
| 6   | No information or comment provided by FESA at this time.   | Noted.  | Noted.   |
| 7   | <p>Urban expansion of North Dandalup considered to be premature as the Water Corporation does not advocate significant development remote from infrastructure fronts.</p> <p>No current waste water service provider licenced to service the Townsite or urban area defined by the draft Structure Plan.</p> <p>Provision of a reticulated sewer scheme for North Dandalup would involve pumped connection to Pinjarra Wastewater Treatment plant.</p> <p>Tankering of sewer flows anywhere near 2000 lots would not be considered reasonable for proper management of flow volumes, truck movements or public health impacts.</p> <p>Corporation does not condone tankering of wastewater as an ongoing operation. Any risk of slow down in development or lot releases stalled should result in urban expansion being deferred indefinitely.</p> | <p>Servicing report prepared by development proponent indicates subject land can be provided with reticulated sewer service via a piped extension from the Pinjarra WWTP funded by the developer.</p> <p>Service provider to be determined once more refined work has detailed the waste water treatment infrastructure servicing option best suited to the site.<br/>Refer comment above.</p> <p>Revised District Water Management Strategy to more clearly outline required service infrastructure upgrades, interim servicing measures and responsible service provider prior to final approval of the endorsed structure plan.</p> <p>Comments acknowledged and tankering would only be considered for low flow volumes as an interim arrangement.</p> <p>Development uptake or slow down in lot release is usually a matter for the developer and its marketing management to address.</p> | <p>Noted. The proposed expansion of the North Dandalup townsite is consistent with the draft OMPPSS. Subsequent correspondence from the Water Corporation acknowledges that a reticulated sewer service can be extended to the townsite, subject to technical issues being resolved. The proponents are currently working with the Water Corporation in this regard, with a view to the Corporation becoming the service provider.</p> <p>Agree with Council's comments. A modification to the structure plan text is recommended to address the concerns raised by the Water Corporation about interim sewage disposal, as per Attachment 5.</p> <p>Noted.</p> <p>Noted. There have been subsequent discussions between the proponent's consultants and Water Corporation regarding suitable interim/short-term servicing arrangements.</p> |

| No. | Summary of Submission  | Council Comment and Recommendation   | Department of Planning Comment and Recommendation  |
|-----|--|--|--|
|     | <p>All current water supply infrastructure at North Dandalup is designed to service the existing settlement size. Augmentation of supply would include a suitable site for a new tank/s along with supply main from the trunk main and distribution mains to the development. Choice of tank site is a significant matter as this will determine ability to serve the town from a ground tank or elevated supply or otherwise boosted.</p> | <p>Comments noted and water infrastructure upgrades will be factored into more detailed Local Water Management plan requirements.</p>  | <p>Noted. Planning for the upgrade of water supply infrastructure will be progressed by the Water Corporation subsequent to the WAPC's determination of the structure plan, with the necessary upgrades to be funded by the developers.</p>  |
| 8   | <p>MRWA advised that the proposed Lakes Road Deviation brings the intersection with South Western Highway into a conflict where current passing lanes exist. Changes to the lane configuration will be needed at the proponent's expense to accommodate the deviation.</p>   | <p>This potential traffic conflict can be reviewed at the Local Structure Plan and subdivision application stages and a notation can be placed on the Structure plan alerting the developer of the need to address this matter in detailed engineering design plans.</p> | <p>Noted. The recommended modified structure plan includes a notation highlighting the requirement for any local road connections onto the South Western Highway to be determined through the ODP process. The proposed Lakes Road Deviation will be a long term regional road proposal.</p> |
| 9   | <p>Department of Water (DoW) advised that in accordance with Better Urban Water Management (WAPC 2008) a District Structure Plan is required to be supported by a District Water Management Strategy DWMS.</p>   | <p>A DWMS has been prepared by the proponent's consultants. Council has resolved that the DWMS is to be prepared and lodged to satisfaction of Shire of Murray and DoW prior to final approval of the Structure Plan.</p>  | <p>Noted. In May 2011, the DoW endorsed a DWMS for the main future urban areas shown in the structure plan.</p>  |
| 10. | <p>Department of Regional Development and Lands, advised that the proposed development is not within the Dampier to Bunbury Natural Gas Pipeline corridor but a notice has been sent to the gas pipeline operators for comment on any technical requirements.</p>  | <p>Comment noted.</p>  | <p>Noted.</p>  |

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|-----|---|--|---|
| 11  | Telstra Corporation has no objections and advised that a major network extension will be required with the developer having to submit application as early as possible.   | Comment noted.   | Noted. This matter can be addressed at subsequent stages in the planning process.   |
| 12  | Department of Education advised that based upon lot yield proposed, two Primary School sites larger than normal 4ha would be required to satisfy expected student yield.  | Structure plan identifies two school sites and delineation of site areas to be determined at Local Structure plan/ODP stage.   | Agree with Council's comment. The identification of two additional primary school sites for the future urban area is based on retention of the existing North Dandalup primary school to service the rural hinterland.  |
| 13  | Department of Indigenous Affairs advised that examination of register indicates two known Aboriginal sites, one being the Dandalup River and the other a camp site alongside the river with an influence extending across a portion of the Coral Park estate.   | Both of these sites do not directly impact upon the proposed Urban expansion area.   | Agree with Council's comment.   |
| 14  | <p>The Public Transport Authority (PTA) has advised that a Transperth bus route through the area would connect North Dandalup to Mandurah via Pinjarra.</p> <p>Rail movements:<br/>Structure Plan area is bisected by the South West Main freight railway operation with 40 train movements per day. Population growth in Perth and the South West will result in a new container operation moving general freight and become a strategic freight rail network into the long term.</p> <p>PTA recommends consideration be given for the Structure Plan area east of railway to be reverted to low density Special Rural to avoid unsafe crossing of the rail.</p> | <p>Comment noted with need for further consult with PTA over funding this future bus link.</p> <p>Importance of freight route acknowledged but Council has previously expressed a desire to see the south west passenger rail route upgraded to improve connectivity of inland towns.</p> <p>A lower density Special Residential option was considered in the previous adopted Structure plan for this area but WAPC policy now prescribes higher density use adjoining major arterial and railway routes for more efficient transport access.</p> | <p>Noted. It is expected that bus services will not be provided in the short to medium term.</p> <p>The importance of the South West Main rail line for both freight purposes and passenger movement is noted.</p> <p>Dismiss. Special residential development is not an efficient use of land in this location. The development interface with the rail line, and opportunities for a pedestrian crossing will be addressed through preparation of an ODP.</p> |

| No. | Summary of Submission   | Council Comment and Recommendation  | Department of Planning Comment and Recommendation   |
|-----|---|---|---|
|     | <p>Extension of the Urban zone further west could be investigated to compensate for the lost area.</p> <p>Lakes Road Deviation route:<br/>Structure Plan provides for a dual carriageway with four lanes producing a significant volume of traffic generated outside of the subject area. With application of the Australian Level Crossing Assessment Model (ALCAM), it is almost certain that conflict between existing and future train movements and traffic on a four lane divided carriageway will result in need for grade separation using this assessment model.</p> <p>Structure Plan should therefore be amended to provide land for embankment approaches to the bridge or alternately the deviation road should be located further south away from the Urban zone.</p> | <p>Council has identified an area west of the current Urban node as a future additional Urban Investigation area in its draft Local Planning Strategy. In the event noise and traffic access issues cannot be satisfactorily resolved within the eastern Urban cell, then urbanisation can be extended westward.</p> <p>This matter requires further consult with DoP, Main Roads WA and Department of Transport. Impact of any grade separated bridge profile on the western and eastern Urban cells needs to be further examined as this may affect location of distributor roads that connect onto it.</p> <p>Revisions to the structure plan cannot be determined at this stage until further assessment of the bridge profile is carried out and land requirements assessed.</p> | <p>The urban expansion area shown in the structure plan is consistent with the draft OMPPSS. The land immediately west of the structure plan study area was identified as rural in the draft NNDLRS. This may be further reviewed as part of the preparation of the South Metropolitan Peel Structure Plan and through assessment of Council's proposed Local Planning Strategy by the DoP.</p> <p>The proponents of the future urban area have already had a noise assessment report prepared in respect to the railway line and proposed Lakes Road Deviation. The rail and road noise issues are not considered to be insurmountable. The noise issues can be addressed in further detail at the ODP stage.</p> <p>The likely timeframe for construction of the deviation is unknown at this point, however, the possible need for long term grade separation of the crossing is acknowledged by the relevant State government agencies. There has been subsequent consultation with MRWA, PTA and Council officers on the railway crossing issues. Modifications to the structure plan and text are recommended to highlight that the alignment and land requirements for the Deviation are subject to further planning investigations.</p> <p>See above.</p> |

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|     | <p>Main Roads WA and Department of Transport should be consulted on the ultimate need for a grade separated crossing due to the significant cost involved. If this is not achievable, consideration should be given to the impact of proposed urban development on the existing Lakes Road alignment and how this may be mitigated or minimised.</p> <p>Approval of the Railway authorities will be required for pedestrian crossings which will be at the cost of the developer. Pedestrian signalized crossing can be very expensive and estimated price should be obtained from WestNet Rail.</p> <p>Noise Impacts:<br/>State planning policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" specifies that noise impact must be addressed at the Structure Planning and Scheme Amendment stage.</p> | <p>DoP should be requested to take this up with relevant authorities. Cost of bridge crossing over railway (potentially \$30-40M) may prove too prohibitive.</p> <p>Developer would need to submit appropriate application to WestNet Rail for rail crossings.</p> <p>Transport Noise Assessment survey modeling should be carried out by appropriately qualified Acoustic consultant at the developers cost to address the SPP 5.4 noise criteria and PTA requirements.</p> | <p>Noted. There has been subsequent consultations with MRWA and PTA on road and rail issues. Consultations on these issues will continue through the rezoning and ODP processes.</p> <p>Noted. The location of a pedestrian railway crossing within the future urban area and the associated developer contributions will be determined through the rezoning and/or ODP process.</p> <p>Agree with Council's comments. An acoustic assessment has been undertaken by the proponent.</p> <p>The impact of noise from existing and proposed transport infrastructure on future residential development will be mitigated through a range of construction, separation and interface treatments which will be incorporated in a future ODP.</p> |
| 15  | <p>Department of Mines and Petroleum (DMP) advised that it is pleased that mapping, identifying titanium-zircon mineralisation and 500m separation area has been included in Fig 6 of draft plan.</p>  | <p>Mapping included at the direction of DoP.</p>   | <p>Mapping produced by DMP indicates an area of mineralisation and associated buffer affecting the western portion of Lot 101, and the south-western corner of Lot A24, which are the lots proposed for future urban use. However, the land is pre 1899 'mineral to owner' title, which means that the landowners' consent is required for the mineral sands to be extracted. The landowners have indicated that they do not support the extraction of the mineral sands. Accordingly, it is expected that such land will</p>   |

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|     | <p>Exploration is an ongoing process and these resources were discovered after the publication of the Peel Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy Map.</p> <p>Acknowledge need to expand North Dandalup townsite and required ultimate use of land in both the Strategic Mineral Resource Protection Area and the 500m separation area.</p> <p>In the interests of gaining maximum economic and social benefit to the community, as well as meeting long term accommodation needs, believe sequential land use should be encouraged.</p> <p>Department's strong preference for extraction of titanium-zircon mineralisation prior to urban development.</p> <p>Consideration should be given to staged approach to urban development in the structure plan wherein those areas closest to the resources are to be developed last.</p> | <p>Council has previously requested that this new resource mapping be reviewed under the PRS Strategic Minerals policy to examine the impacts on a sub regional planning basis instead of through local structure plan process.</p> <p>Comment noted.</p> <p>Council is of the strong view that consolidation of Townsite urban expansion should be given preference over mining as representing the highest and best use of the land.</p> <p>Affected land owners are likely to object to any mining activity and deny access for further exploration.</p> <p>First stage of Urban development is envisaged closer to town so staged subdivision program can be pursued to avoid any land use conflict.</p> | <p>be developed for urban purposes, without the mineral sands being extracted.</p> <p>Noted. See above comment.</p> <p>Noted.</p> <p>Noted. However, see above comment.</p> |

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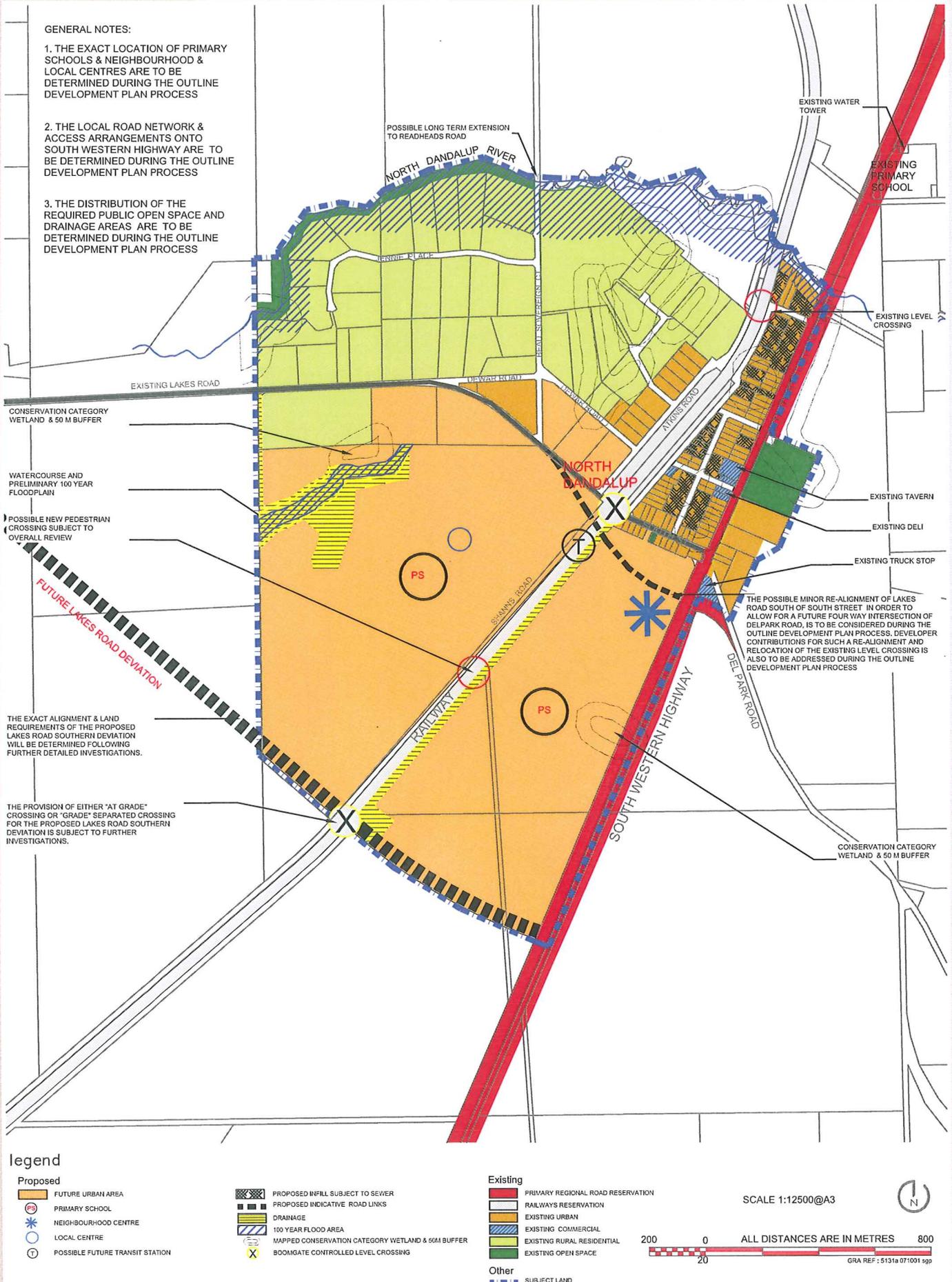


figure 7

# North Dandalup Structure Plan

Nov 2011

**North Dandalup Structure Plan  
Schedule of Modifications**

- a) Update section 2.1.1 of the structure plan report (and Figure 1) to reflect the finalised 'Directions 2031 and Beyond'.
- b) Include additional text in section 2.1.2 to explain that in August 2010 the WAPC resolved not to finalise the draft Southern Metropolitan and Peel sub-regional Structure Plan (WAPC, 2009) in its current form. Consequently, a new sub-regional structure plan project is underway, which will result in the preparation of the South Metropolitan Peel Structure Plan.
- c) Reword section 3.1.1 of the structure plan report to reflect the outcome of more recent discussions with the Water Corporation regarding appropriate interim sewage disposal arrangements, until sufficient lots are developed for a reticulated sewer system to function effectively.
- d) Reword section 3.2.2 of the structure plan report to reflect the finalised 'Murray Drainage and Water Management Plan' (Department of Water, June 2011).
- e) Reword section 4.5 paragraph 3 of the structure plan report to read 'Based on an estimated lot yield in the order of 3825'.
- f) Reword section 4.6 of the structure plan report to clarify the location and amount of retail and commercial floor space will be refined through the subsequent planning process.
- g) Reword section 4.8 paragraph 3 of the structure plan report to reflect the possible need for long term grade separation of the Lakes Road deviation over the rail line.
- h) Section 4.9 of the structure plan report replace the words 'State Emergency Service Facilities' with 'volunteer bush fire brigade'.

## ITEM NO: 9.3

### PROPOSED SURF LIFE SAVING CLUB & REVETMENT WALL: LOT 2723 ORESTES STREET, SAN REMO

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager  
AUTHORISING OFFICER: Planning Director  
AGENDA PART: G  
FILE NO: 613-125-1  
DATE: 8th November 2011  
ATTACHMENT(S): 1 - Location Plan  
2 - Aerial  
3 - Proposed revetment wall  
4 - Site Plan, Floor Plan and Elevations  
5 - Masterplan

REGION SCHEME ZONING: Regional Open Space  
LOCAL GOVERNMENT: City of Mandurah  
LOCAL SCHEME ZONING: Residential  
LGA RECOMMENDATION: Not Applicable  
REGION DESCRIPTOR: Peel  
RECEIPT DATE: 9th September 2011  
PROCESS DAYS: 56  
APPLICATION TYPE: Development  
DESCRIPTION OF PROPOSAL: Proposed Surf Life Saving Club Building & Revetment Wall.  
CADASTRAL REFERENCE: Lot 2723 Orestes Street, San Remo

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to approve the construction of a proposed surf life saving club facility and buried revetment wall at Lot 2723 Orestes Street, San Remo, subject to the following conditions:***

- 1. No development including fill, building materials, rubbish or any other deleterious matter shall be deposited on the foreshore reserve or allowed to enter the ocean as a result of the development to the specifications of the local government and to the satisfaction of the Western Australian Planning Commission;***

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**2. The site is to be revegetated using sustainable, coastal species of native vegetation to the satisfaction of the Western Australian Planning Commission.**

**SUMMARY:**

- The City of Mandurah seeks the approval of the Western Australian Planning Commission (WAPC) to construct a proposed surf life saving club and revetment wall (seawall) at Lot 2723 Orestes Street, San Remo.
- The applicant's coastal engineering advice recommends a revetment wall be constructed as a protective measure, having regard to long term coastal sea level rise.
- The proposed surf club is required as it will serve an important community function.
- It is recommended that the application be approved subject to conditions.

**BACKGROUND:**

The application is presented to the committee as the proposed surf club development does not achieve the required coastal setbacks under *State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6)*. In addition, SPP 2.6 (at xxii) states that physical structures to protect developments should be avoided where possible. This application includes a buried revetment wall to protect a proposed surf life saving club.

The Mandurah Surf Life Saving Club (MSLSC) has operated from a shed on the reserve since 2004 and attracts approximately 100 members. Its membership base is expected to grow in proportion with continuing development in the north of Mandurah.

In 2004 an assessment of six locations for the proposed surf life saving facilities was undertaken by the City of Mandurah (the City). Henson Street in Silver Sands and Eros Place in San Remo were short-listed as the most appropriate sites for evaluation.

In 2004 the City released an indicative masterplan for the Eros Reserve in San Remo for public comment. This process included community workshops, letter drops to residents within the locality and consultation with the Surf Life Saving WA, Mandurah Surf Life Saving Club (MSLSC) and Port Bouvard Surf Life Saving Club. Following consideration of submissions received, the City adopted the Eros Reserve San Remo Master Plan in 2005 (**Attachment 5** - Masterplan).

The City holds a Management Order for the reserve for Public Recreation which has provision to lease the subject land for the purpose of facilitating the development and management of a surf lifesaving club.

The nearest alternative surf club facilities are located to the south of Mandurah at Pyramids Beach, Dawesville and north at Secret Harbour in the City of Rockingham.

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## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section:

*Planning and Development Act 2005*

162 - Development Control

### 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:

Peel Region Scheme

SPP 2.6 - State Coastal Planning Policy

## INTRODUCTION:

The City seeks approval to construct a proposed surf life saving club building and a buried revetment wall (seawall) to protect the proposed building at Lot 2723 Orestes Street (Reserve 35553), San Remo (**Attachment 1** - Location Plan; **Attachment 2** - Aerial).

The works include surf life saving facilities, public ablutions, kiosk and a function area for hire by the public, 51 bay carpark on the north east of the site, vehicle access from Orestes Street, landscaping, dune recontouring and revegetation and beach access tracks.

Existing facilities on the reserve include a shed which is proposed to remain during the construction period, public ablutions, various playground facilities and a 45 bay carpark on the southern boundary of the site with access onto Eros Place (**Attachment 3** - Proposed Revetment Wall; **Attachment 4** - Site Plan, Floor Plan and Elevations; **Attachment 5** - Masterplan).

The current application differs from the masterplan in that the proposed surf club building is now proposed to be located slightly further south and east than shown on the masterplan. Also, vehicular service road access to the beach has been removed and the application now includes a buried revetment wall.

Excavation of the dunes and removal of vegetation is required to facilitate construction of the buried revetment wall.

The revetment wall is to be constructed with limestone and marry into the existing groyne. A buried retaining wall will separate the revetment wall from a vehicle access and hardstand area which forms part of the surf life saving club development.

Two fenced beach access tracks from the proposed surf life saving club building to the vegetation line on the foreshore will be constructed over the buried revetment wall and will be constructed from cement and road base.

---

**CONSULTATION:**

The Water Corporation and Western Power raise no objections to the application, subject to conditions.

The Department of Environment and Conservation raises no objection to the application.

The application and the related engineering advice has not been referred to the Department of Transport for comment as this is no longer standard procedure.

The San Remo Ratepayers Association provided a submission to the WAPC in 2010, prior to the receipt of the application, objecting to the City's consultation process, site selection criteria, development costs and potential liquor licence. Although the proposed floor plan and site plan differ from the masterplan, the nature of the development and the location of the building and parking areas are generally consistent with the masterplan. Accordingly, no further public consultation has been undertaken by the City or Department of Planning.

**COMMENT:**Peel Region Scheme

Planning approval is required as the site falls within the Regional Open Space reservation of the Peel Region Scheme (PRS).

Section 10 of the PRS states that the purposes of a Regional Open Space reservation is:

*To protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access.*

In this respect, the proposed revetment wall will enable development of a surf life saving club which, in turn, will facilitate ocean-front leisure uses and safer recreation at the beach. Public access to the beach and reserve is to be maintained.

The proposed development will have some impact on the existing landscape due to sand dunes being re-contoured, vegetation being removed and the proposed building will be partially visible. Currently, uncontrolled beach access in the Reserve is causing degradation of dune vegetation. Revegetation of the site and controlled access are proposed and these measures are supported.

State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6)

Section F.2 of SPP 2.6 states that development that benefits from protection of existing formal coastal protection systems will be determined on a case by case basis.

A rock groyne was constructed immediately south of the site in 2005 (WAPC Ref: 613-25-1) as part of the City's coastal management strategy. The groyne will provide some level of protection for the site and the proposed revetment wall is proposed as

---

additional protection in the event of shoreline recession. The shoreline is deemed stable since the introduction of the groyne.

SPP 2.6 requires a horizontal setback of 150m at this location; this being the sum of the default distances to allow for acute erosion, the historic trend and sea level rise. The proposed coastal setback for the proposed building face is (40m).

Schedule 1, Section G of SPP 2.6 allows some exemptions from the usual coastal setback requirement. However, none of these exemptions relate to this form of development (ie. the development lifespan exceeds 30 years; the development is not easily relocatable; the development is not for an industrial or commercial development dependent on a foreshore location; it is not a Department of Defence project; and it is not within a recognised coastal node).

### Engineering Advice

The City of Mandurah has obtained engineering advice from a coastal engineering consultant, (M P Rogers & Associates) based on a 50 year planning horizon, which is the expected life of the building. Having regard to the WAPC position statement for climate change impacts, which includes a 0.9 metre allowance for sea level rise to 2110, the consultant estimates that a reasonable sea level rise allowance over a 50 period would be 0.4 metres. Combining this figure with acute and historical erosion factors (as per SPP 2.6), the consultant estimates a total required setback to be 70 to 95 metres. A setback of this magnitude is not achievable at this location.

The advice indicates that since the construction of the existing groyne, the shoreline appears to be stable and no noticeable downdrift effects on the northern side of the groyne have occurred.

Further, the advice indicates the groyne will have a 'degree of influence' and that the historical erosion allowance of 35m on the northern side of the groyne could be reduced to a setback similar to development on the south side of the groyne.

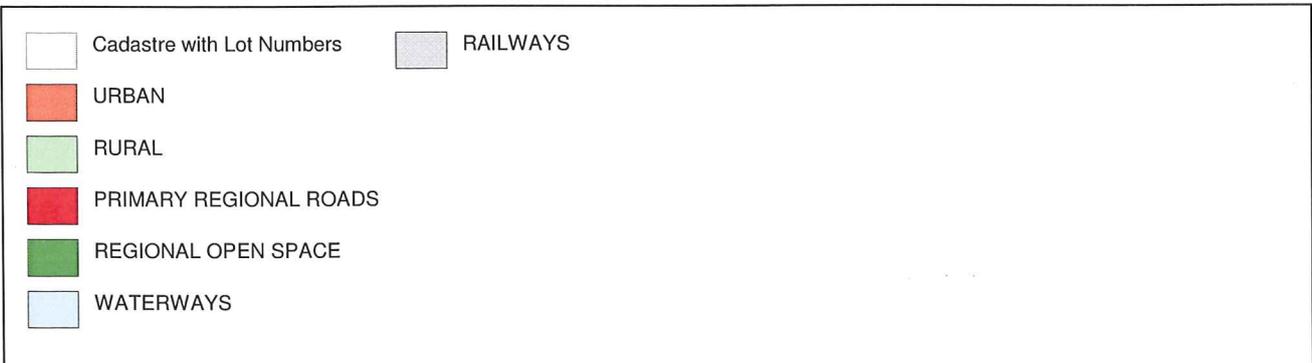
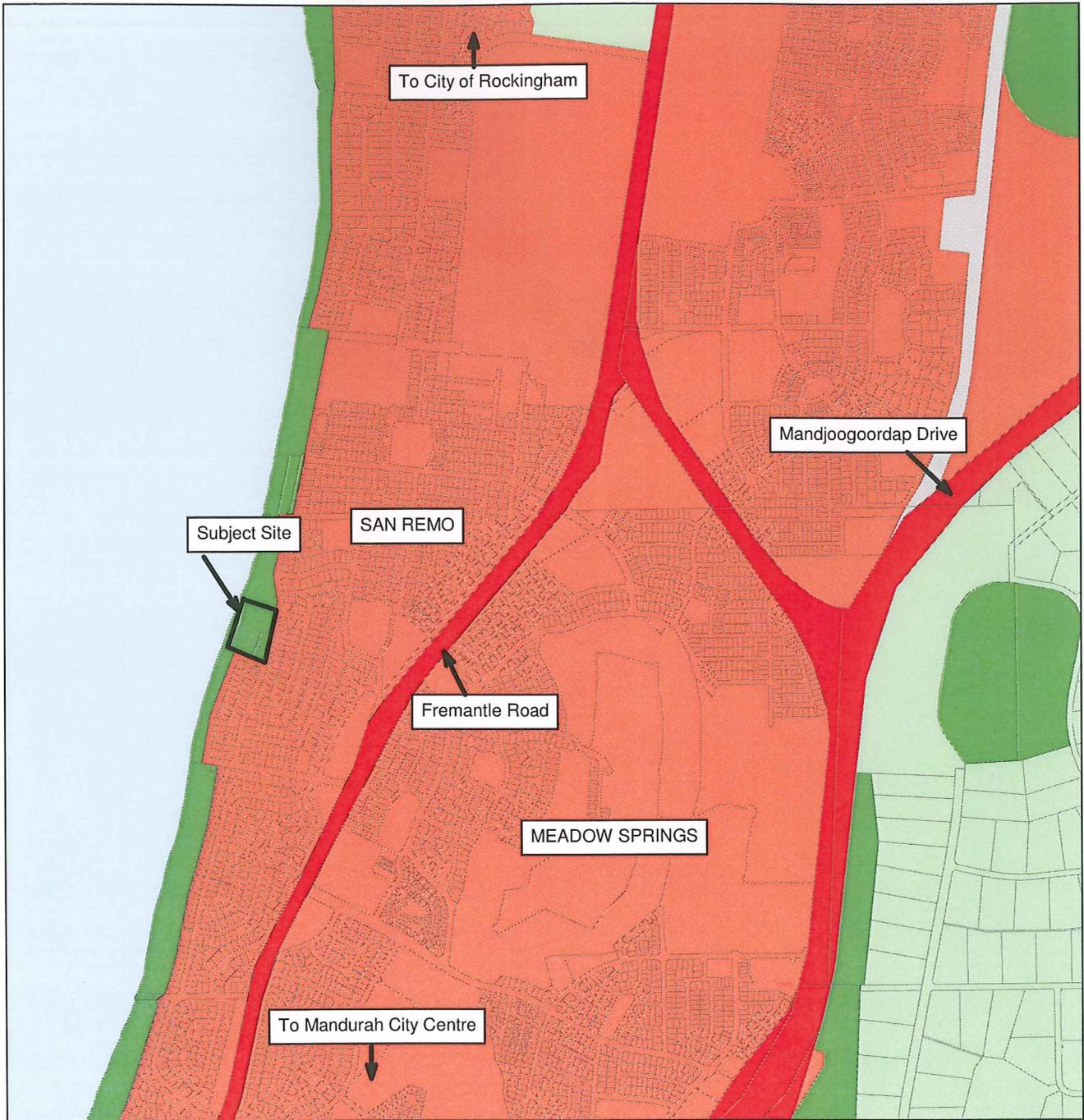
The hardstand on the seaward side of the proposed development is proposed at approximately 35m which is outside the immediate acute erosion zone and has a similar risk profile to residential development on Ormsby Terrace.

The advice suggests that a seawall be provided as a precautionary measure to prevent undermining of the proposed surf club in the event of the shoreline receding within the planning timeframe. Ongoing maintenance and sand renourishment may be required should the seawall be exposed.

Having regard to potential long term sea level rise, the revetment wall component of the application is supported.

### **CONCLUSION:**

The Application is recommended for approval, subject to conditions.



Scale 1:20,000  
 0 500 m

Prepared by: Iharris  
 Prepared for: 613-125-1  
 Date: Monday, November 07, 2011 16:46  
 Plot identifier: P20111107\_1646

**DP INTERNAL USE ONLY**

Government of Western Australia  
 Department of Planning

Regional Context  
 Proposed Surf Club



 Cadastre with Lot Numbers  
 2011 Metro South Aerial Photography

Scale 1:1,800  
 0 50 m

Prepared by: lharris  
 Prepared for: 613-125-1  
 Date: Tuesday, November 08, 2011 09:42  
 Plot identifier: P20111108\_0941



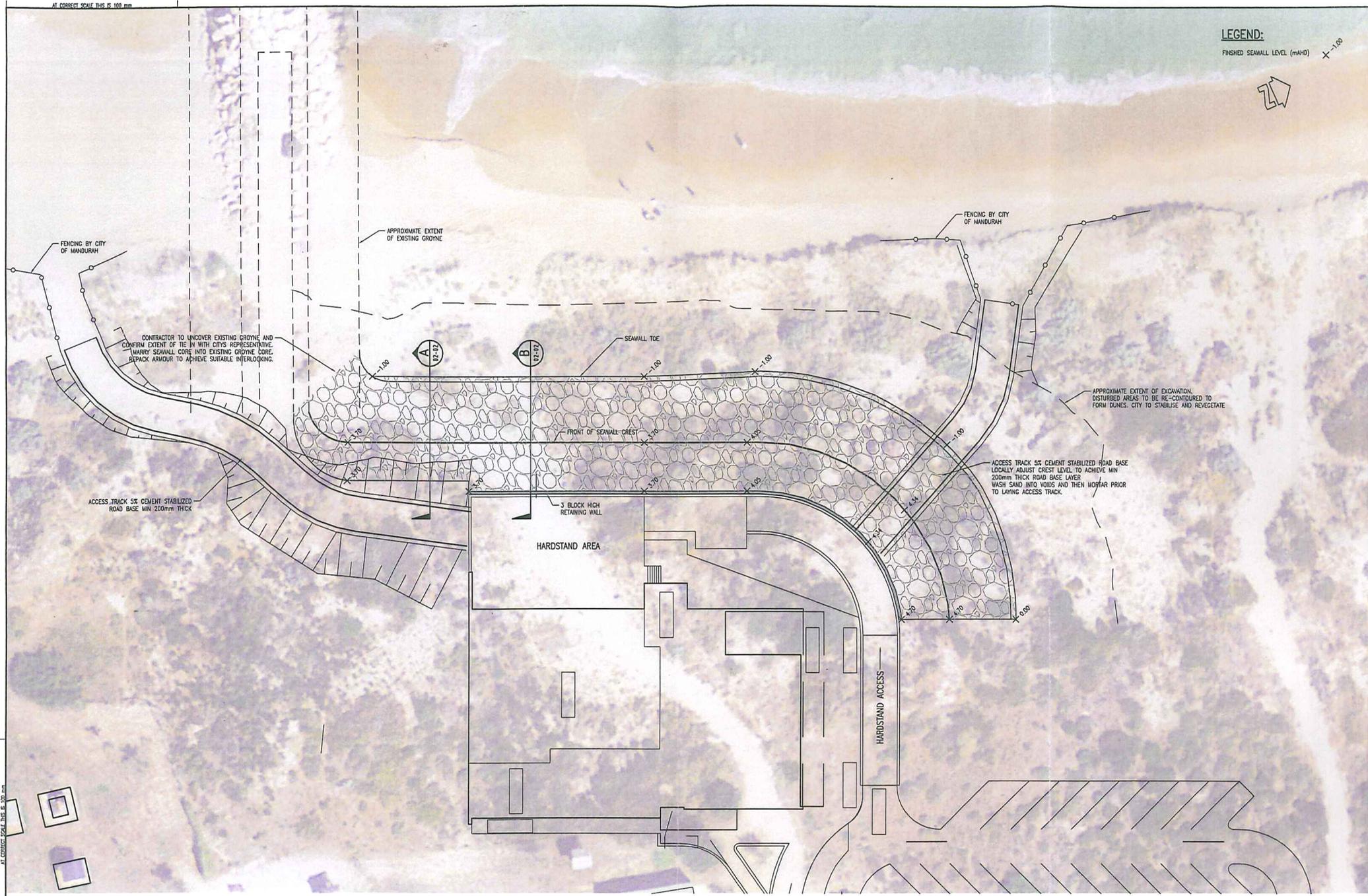
**DP INTERNAL USE ONLY**



Aerial  
 Proposed Surf Lifesaving Club  
 Orestes St, San Remo

**LEGEND:**

FINISHED SEAWALL LEVEL (mAHD) X-1.00



CAD: DB080201A

| REV | DATE    | APPROVED | AMENDMENT                       | REV | DATE | APPROVED | AMENDMENT |
|-----|---------|----------|---------------------------------|-----|------|----------|-----------|
| A   | 26.9.11 | DLO      | PRELIMINARY ISSUE FOR APPROVALS |     |      |          |           |

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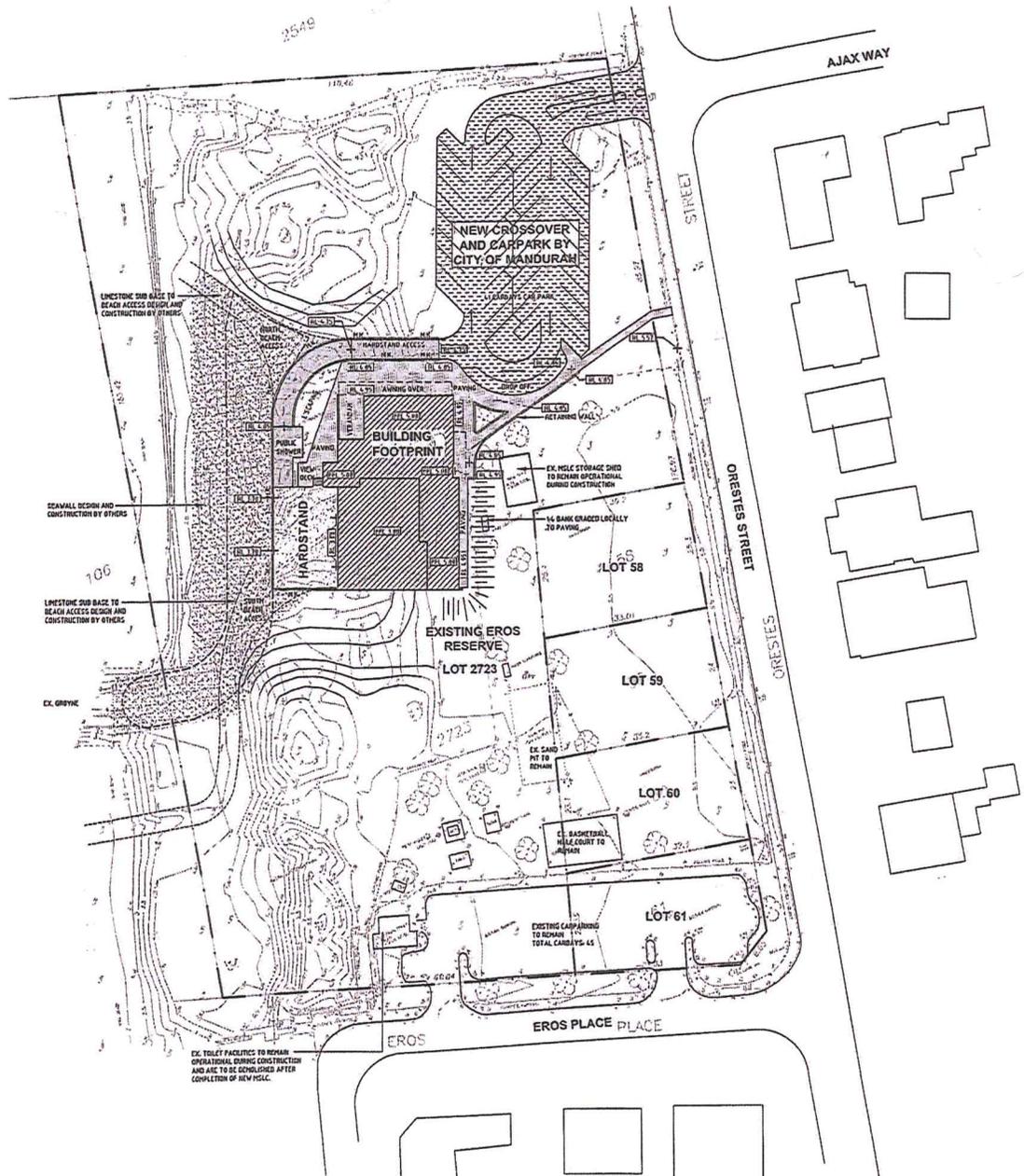
This plan is not to be used for construction unless issued as Rev 0 and signed below

|                                   |                              |          |
|-----------------------------------|------------------------------|----------|
| CLIENT<br><b>CITY OF MANDURAH</b> |                              |          |
| DESIGNED<br><b>D. OLSSON</b>      | CHECKED                      | APPROVED |
| DRAWN<br><b>T. VAN BEEM</b>       | DESIGNED<br><b>D. OLSSON</b> |          |

**m p rogers & associates pl**  
coastal and port engineers  
Unit 2, 133 Main Street  
Osborne Park, 6047  
Western Australia  
t: +61 8 9444 4045  
f: +61 8 9444 4341  
admin@coastalports.com.au

|   |      |            |
|---|------|------------|
| PROJECT<br><b>MANDURAH SLSC</b>               | REV  | A          |
| TITLE<br><b>LIMESTONE SEAWALL LAYOUT PLAN</b> | DATE | 0808-02-01 |
| SCALE   |      |            |

**AGENDA PAGE 24**



- LEGEND**
- NEW CARPARK WORKS - BY CITY OF MANDURAH
  - NEW BUILDING WORKS
  - NEW SEA WALL - NOT IN CONTRACT, WORKS TO BE CONCURRENTLY WITH BUILDING WORKS
  - NEW SEGMENTAL PAVING
  - NEW PAVED HARDSTAND - LIQUID LIMESTONE OR SIMILAR APPROVED
  - NEW PAVED ACCESS ROAD - PAVED OR COMPACTED LIMESTONE T.S.C.

MANDURAH SURF LIVES  
 MANDURAH OFFICE  
 06 SEP 2011

**SITE PLAN**  
 SCALE 1:500

|          |   |                |
|----------|---|----------------|
| 08.08.11 | E | LEGEND ADDED   |
| 27.07.11 | D | SITE REVISED 4 |
| 25.07.11 | C | SITE FEATURES  |
| 12.07.11 | B | ISSUE FOR CON  |
| 05.07.11 | A | ISSUE FOR CLM  |
| 23.06.11 | - | ISSUE FOR CLM  |
| 02.11    | - | ISSUE FOR CON  |

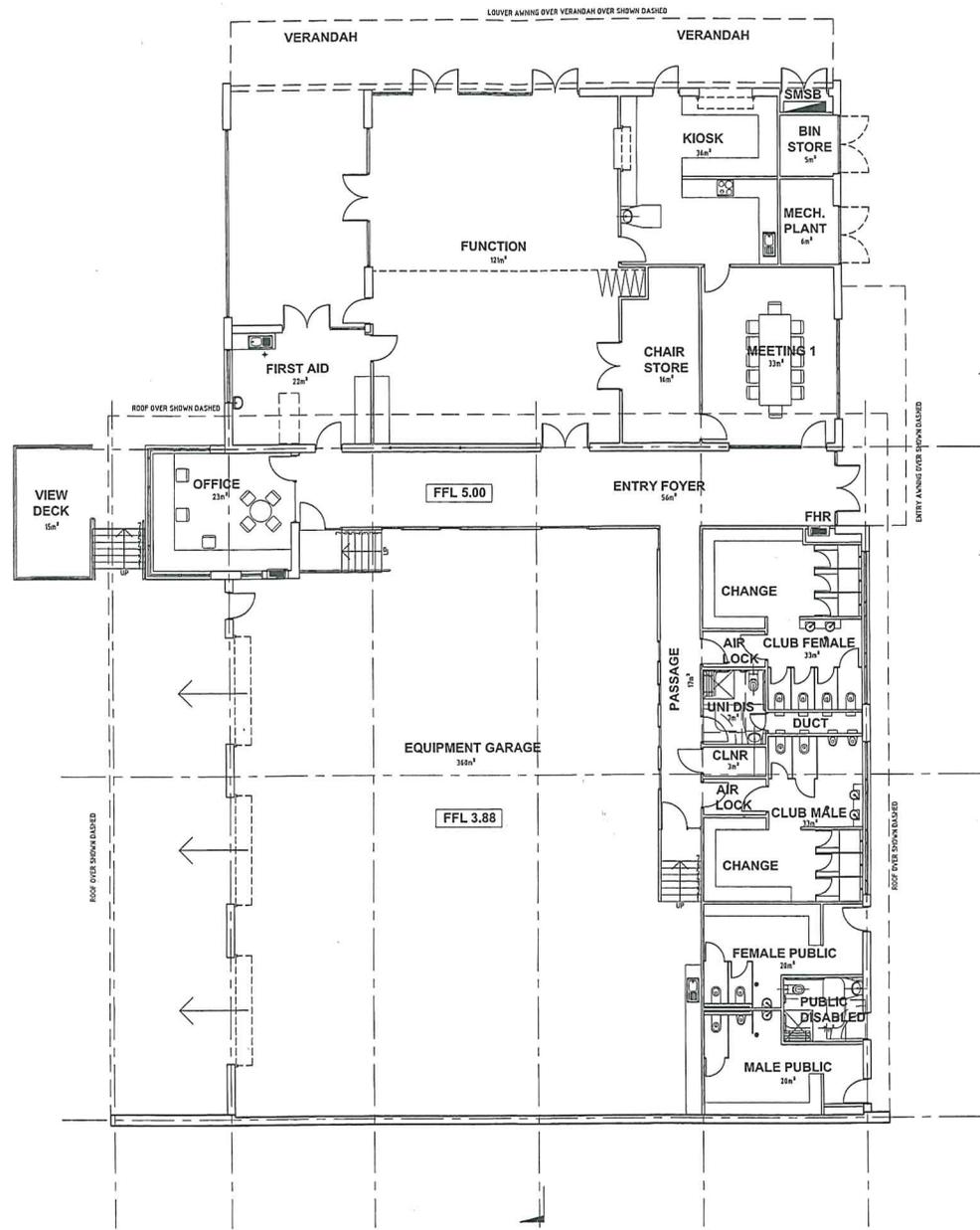


SIL Architecture Studio  
 Suite 11, 100 King Street Perth WA 6000  
 T 08 9224 5011 F 08 9224 5012  
 www.sil.com.au

PROJECT  
 MANDURAH SURF LIVES  
 LOT 2723 ORESTES STR

TITLE  
 SITE PLAN

03.08.11  
 1500 @ A1  
 11:00  
 12:00



DEPARTMENT OF PLANNING  
MANDURAH OFFICE  
06 SEP 2011



|          |     |                           |       |
|----------|-----|---------------------------|-------|
| 27.07.11 | D   | REVISED FLOOR PLAN        | PE    |
| 25.07.11 | C   | REVISED FLOOR PLAN        | PE    |
| 13.07.11 | B   | ISSUED TO CONSULTANTS     | PE    |
| 12.07.11 | A   | ISSUED TO CONSULTANTS     | PE    |
| 05.07.11 | C   | ISSUED FOR CLIENT COMMENT | PE    |
| DATE     | DR. | INCHARGE                  | CHECK |

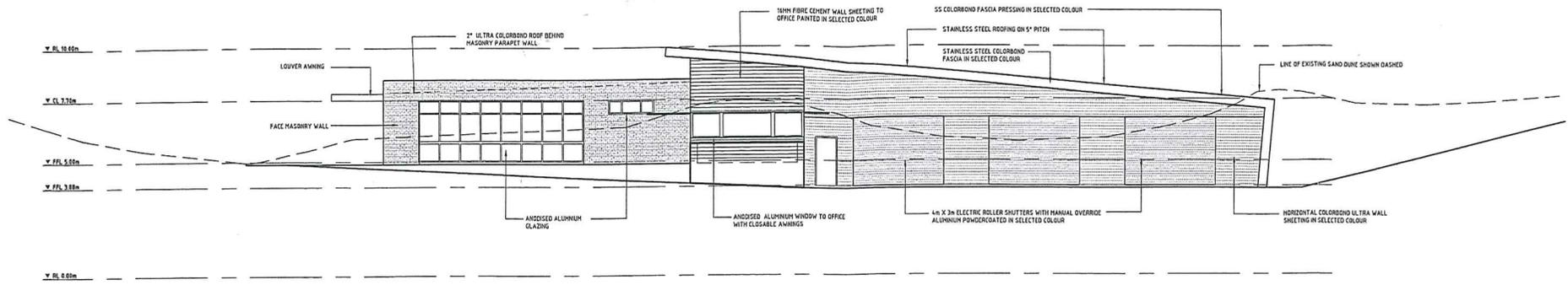
**site**

Site Architecture Studio.  
Suite 11 50 Wigg Street Perth 6000 WA  
T 08 9225 5611 F 08 9225 5482  
studio@sitearchitecture.com.au | www.sitearchitecture.com.au

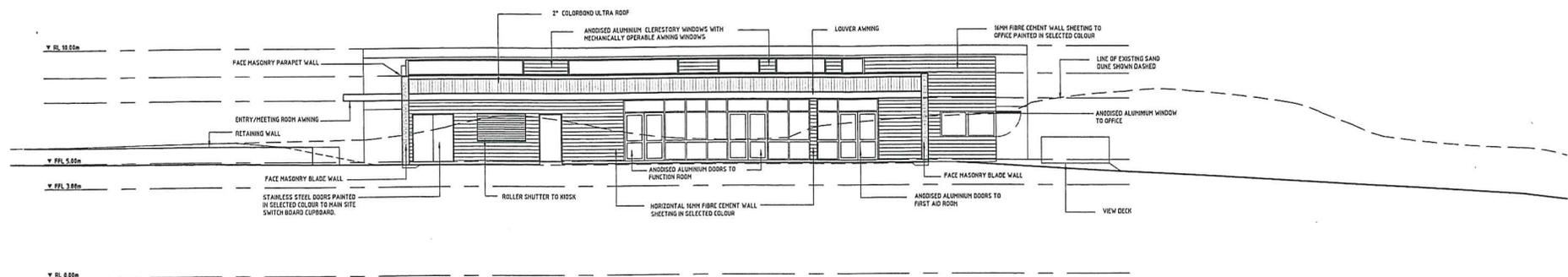
PROJECT  
MANDURAH SURF LIFESAVING CLUB  
LOT 2723 ORESTES STREET, SAN REMO

TITLE  
FLOOR PLAN

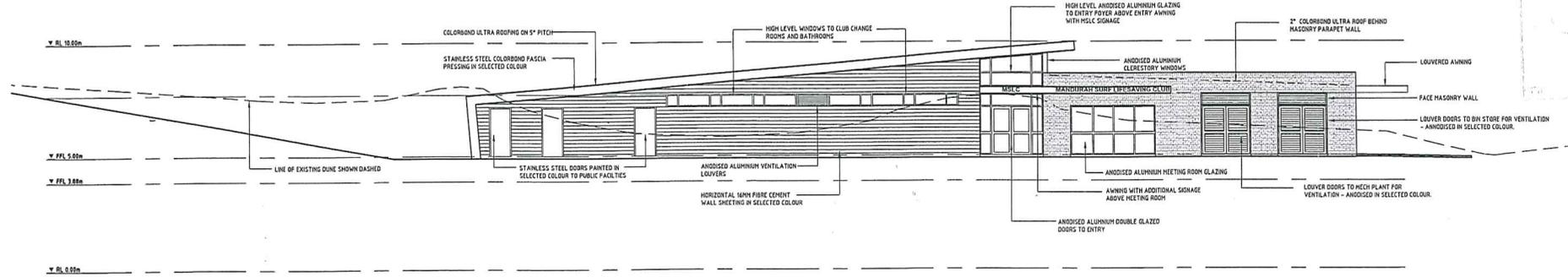
GROUND FLOOR PLAN  
SCALE 1:100



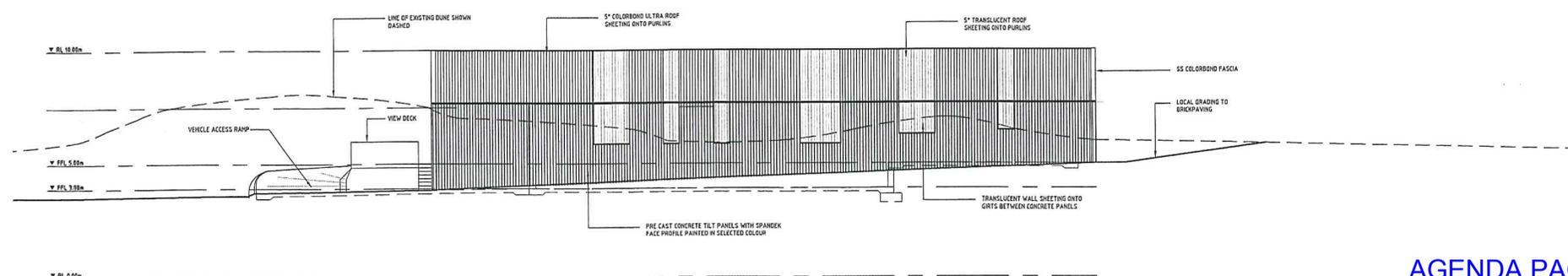
**WEST ELEVATION**  
SCALE 1:100



**NORTH ELEVATION**  
SCALE 1:100



**EAST ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100

9 SEP 2011



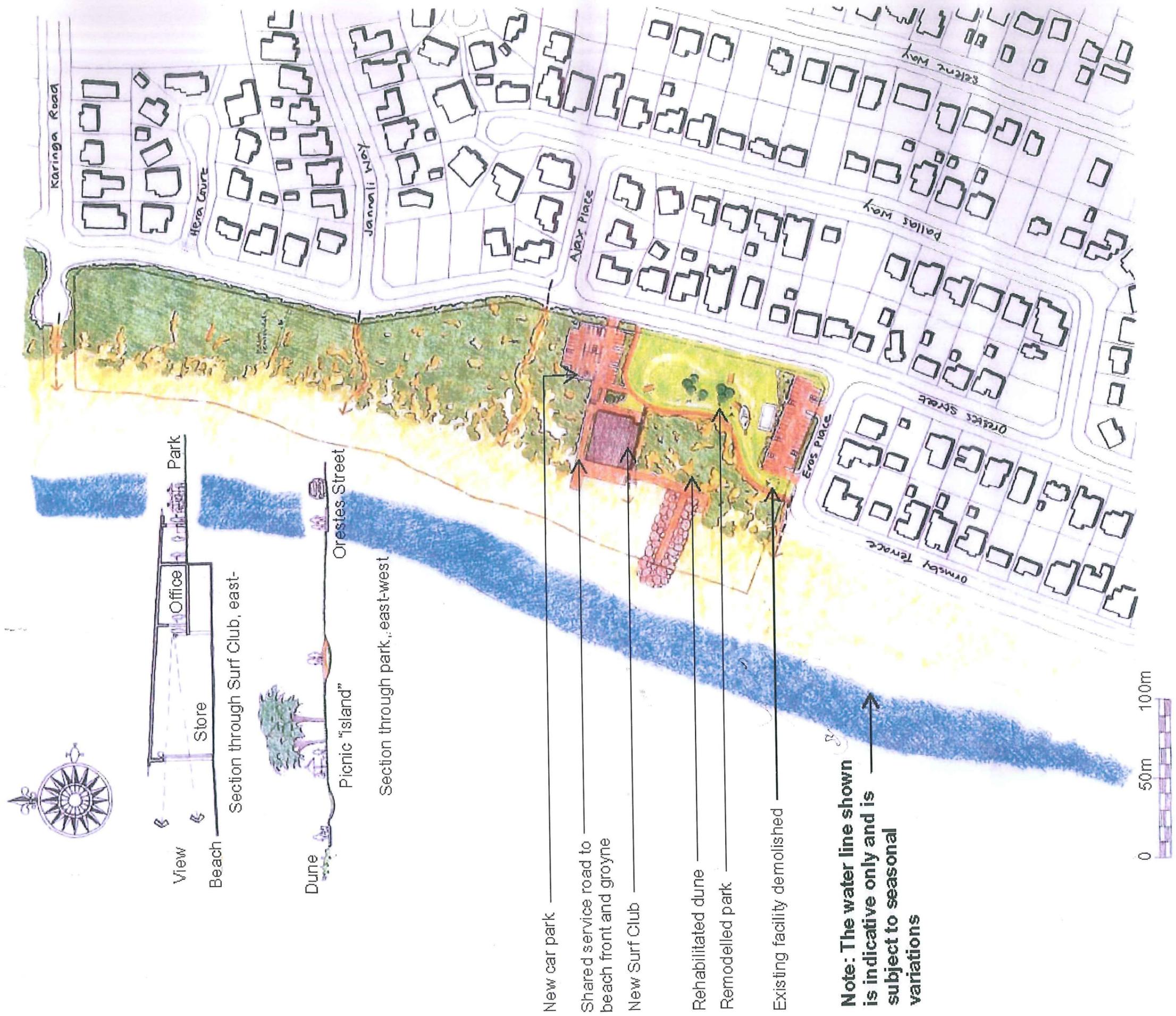
| DATE     | BY | DESCRIPTION           | STATUS |
|----------|----|-----------------------|--------|
| 03.08.11 | E  | UPDATED NOTES         | SH     |
| 26.07.11 | D  | REVISED ELEVATIONS    | SH     |
| 25.07.11 | C  | UPDATED ELEVATIONS    | SH     |
| 19.07.11 | B  | ISSUED TO CONSULTANTS | SH     |
| 12.07.11 | A  | ISSUED TO CONSULTANTS | SH     |
| 05.07.11 | -  | ISSUED TO CLIENT      | SH     |



Site Architecture Studio.  
Suite 11, 101 Fing Street Perth 6000 WA  
P 08 9420 5500 F 08 9420 3042  
mail@sitearchitect.com.au | www.sitearchitect.com.au

PROJECT  
MANDURAH SURF LIFESAVING CLUB  
LOT 2723 ORESTES STREET, SAN REMO

TITLE  
ELEVATIONS

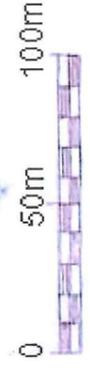


View  
 Beach  
 Office  
 Store  
 Section through Surf Club, east-west

Dune  
 Picnic "island"  
 Orestes Street  
 Section through park, east-west

New car park  
 Shared service road to beach front and groyne  
 New Surf Club  
 Rehabilitated dune  
 Remodelled park  
 Existing facility demolished

**Note: The water line shown is indicative only and is subject to seasonal variations**



## ITEM NO: 9.4

### SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS: LOT 107 GLOUCESTER ROAD, KALAMUNDA

|                           |  |
|---------------------------|--|
| <b>WAPC OR COMMITTEE:</b> | <b>Statutory Planning Committee</b>  |
| REPORTING AGENCY:         | Department of Planning   |
| REPORTING OFFICER:        | A/Planning Manager   |
| AUTHORISING OFFICER:      | Director   |
| AGENDA PART:              | H  |
| FILE NO:                  | 144503   |
| DATE:                     | 29 November 2011   |
| ATTACHMENT(S):            | ATTACHMENT 1: Subdivision Plan<br>ATTACHMENT 2: Location Plan & Subject Street Block |

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 107 Gloucester Road, Kalamunda into two lots for residential purposes subject to the following conditions and advice:*

#### CONDITIONS

- 1. The land being filled and/or drained. (Local Government)***
- 2. Stormwater being contained on-site, or connected to the local drainage system, after passing through an appropriate water quality improvement treatment device. (Local Government)***
- 3. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Local Government)***
- 4. The existing dwelling is to comply with the dwelling requirements of the Residential Design Codes. (Local Government)***
- 5. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)***
- 6. 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)***

- 
7. ***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)***
  8. ***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)***
  9. ***All buildings, outbuildings and/or structures being demolished and materials removed from proposed Lot 2. (Local Government)***

#### **ADVICE**

1. ***The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.***
2. ***With regard to Condition 4, the Shire of Kalamunda advises the applicant that the existing dwelling is to be provided with two car parking spaces.***
3. ***The applicant is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for development sites. Further information on the guidelines can be obtained from the Department of Environment and Conservation.***
4. ***The applicant is reminded of their obligations to comply with the Environmental Protection Amendment Regulations (No. 2) 2000, whereby vegetation is to be removed shall not be burnt on site.***
5. ***All material known of suspected to contain asbestos is to be removed and disposed of in accordance with the Environmental Protection (Controlled Waste) Regulations 2004 and the Health (Asbestos) Regulations 1993.***
6. ***With regard to Conditions 6 and 7, the 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.***
7. ***With regard to Condition 8, 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.***
8. ***If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the***

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***approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.***

- 9. *In respect of Condition 9, if any portion of the existing building is to be demolished to facilitate the proposed subdivision, a Planning Approval and/or Demolition Licence is to be obtained from the local government prior to the commencement of demolition works.***

**SUMMARY:**

This application proposes the subdivision of Lot 107 Gloucester Road, Kalamunda to create two residential lots in a battleaxe configuration. The application is referred to the Statutory Planning Committee (SPC) for determination as approval is recommended, however the proposal does not comply with the 'small infill' criteria of the Government Sewerage Policy and the Shire of Kalamunda and Department of Health have recommended refusal.

The WAPC (SPC) has previously approved a subdivision application for two residential lots within the subject street block (WAPC Ref: 135415). Further, the proposal meets the requirements of the R10 coding under the Residential Design Codes 2010 and the Shire of Kalamunda has confirmed that onsite effluent disposal can be achieved. It is recommended the application be approved subject to conditions.

**LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** *Planning and Development Act 2005*  
Section: 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 2.2 - Residential Subdivision  
- State Planning Policy 3.1 Residential Design Codes  
- Government Sewerage Policy - Perth Metropolitan Region

**INTRODUCTION:**

This application proposes to subdivide a 1974m<sup>2</sup> lot to create two lots of 926m<sup>2</sup> and 1048m<sup>2</sup> in a battleaxe configuration. An existing dwelling is to be retained within proposed Lot 1 whilst all outbuildings are to be demolished from proposed Lot 2. Access is gained via Gloucester Road, a dedicated and constructed road. **(Attachment 1)**

The subject site is zoned 'Residential R10' under the Shire of Kalamunda Local Planning Scheme No. 3 and 'Urban' under the Metropolitan Region Scheme. **(Attachment 2)**

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## CONSULTATION:

The Shire of Kalamunda has recommended refusal as the application does not comply with the small infill criteria of the Government Sewerage Policy *Perth Metropolitan Region* (GSP). The Shire has provided conditions of approval should the WAPC be of a mind to support the proposal, and has confirmed that on-site effluent disposal can be achieved.

Western Power and the Water Corporation have raised no objections to the proposal, subject to servicing conditions.

The Department of Health (DOH) do not support the proposal, advising that the proposed subdivision does not meet any criteria, including the small infill criteria, to warrant exemption from the mandatory sewer condition of the GSP and as such, recommends the application be refused.

## COMMENTS:

### Residential Design Codes 2010 (R-Codes)

The proposal complies with the minimum (875m<sup>2</sup> required, 926m<sup>2</sup> provided) lot area requirement of the R25 coding. However the proposal does not achieve the minimum average (1000m<sup>2</sup> required, 987m<sup>2</sup> provided) lot area requirement of the R10 coding of the R-Codes.

Clause 3.2.3 of WAPC Development Control Policy 2.2 '*Residential Subdivision*' (DC 2.2) provides for the WAPC to support variations to lot sizes the minimum site area requirements prescribed in Table 1 of the R-Codes where the following criteria are met:

- i) the minimum lot size variation only applies to one lot in the subdivision;*
- ii) the variation reduces the area of that one lot by no more than 5% of the minimum area specified in Table 1 or elsewhere in the R-Codes;*
- iii) the variation has been demonstrated by the applicant to have a particular beneficial outcome for the community, or the Commission forms the opinion that it will have a particular beneficial outcome for the community.*

Provision 6.1.3 P3.1 of the R-Codes expands on this and provides that the WAPC may approve the creation of a lot of a lesser minimum and/or average site area than that specified in table 1, provided that the proposed variation would meet the following criteria:

- i) be no more than five per cent less in area than that specified in table 1; and*
- ii) allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed.*

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The shortfall equates to 1.3% which is within the permitted 5% variation provisions of DC 2.2 and the R-Codes. Further, it is considered that the proposed subdivision is consistent with existing development and lot sizes in the area and it is recommended the minor lot size variation be supported in this instance.

Access to the proposed Lot 2 is achieved via a 4 metre wide battleaxe access leg. Clause 3.7.2 of DC 2.2 requires a minimum driveway width of 4 metres for battleaxe lots. The proposal accords with DC 2.2.

Further, the plan complies with the battleaxe requirements (925m<sup>2</sup> required, 926m<sup>2</sup> proposed), in accordance with Table 1 of the R-Codes, for single dwellings in a Residential R10 coding. The battleaxe lot also satisfies Element 6.1.2 of the Acceptable Development provisions of the R-Codes, which states that in the case of a rear battleaxe site, the access leg should contribute no more than 20% of the minimum lot area required. The proposal is consistent with this requirement.

#### Government Sewerage Policy Perth Metropolitan Region (GSP)

The GSP, adopted by the WAPC in March 1982 and revised in October 1995, applies throughout the Perth Metropolitan Region and with the exception of stated exemption under Clause 5.2 *Subdivision and Density Development in the Outer Metropolitan Area*, requires the provision of reticulated sewerage to all subdivision or density development. A key objective of the GSP which is applicable to this application states:

*"To provide flexibility in the control of subdivision or density development for which reticulated sewerage is unlikely to be available for some time."*

The subject site is located within the Outer Metropolitan Area, as defined within the GSP. Within the Outer Metropolitan Area, the GSP provides for subdivision without reticulated sewerage, subject to specified circumstances. In this instance, clause 5.2.1 'Small Infill' is applicable, which states that subdivision can be supported where:

- *Proposals for small infill subdivision or development do not have potential for the creation of more than four additional lots, dwellings or single residential equivalents respectively, in the immediate vicinity (generally interpreted as within the street block), so that the proposal completes rather than extends an existing pattern of subdivision or development; and*
- *Lot sizes and land use shall be consistent with the existing pattern of subdivision or development.*

The GSP, under Clause 5.2 does not clearly identify whether the four additional lots are inclusive of the additional lot proposed by the current subdivision application. However, in a recent State Administrative Tribunal (SAT) decision (WASAT 187, 2007) it was determined that the 'subdivision/development potential' be calculated without the number of lots being created by the subject application being included. The application has therefore been assessed in accordance with the direction provided by the SAT.

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The subject street block comprises a total of 65 lots. Of the 65 lots, three lots (Lots 58, 821 and 109) have the potential to be subdivided into two lots and one lot (Lot 83) has the potential to be subdivided to create three lots in accordance with the minimum and average lot requirements of the R10 coding under the R-Codes. The potential exists for the creation of five additional lots within the subject street block, being one more than permitted under the small infill criteria of the GSP.

On 16 October 2007, the WAPC refused an application for the creation of two lots of 893m<sup>2</sup> and 2440m<sup>2</sup> within the subject street block (WAPC Ref: 135415) as reticulated sewerage is unavailable in the area and the proposal did not meet the exemption requirements of the GSP. At its meeting of 5 August 2008, the WAPC (Statutory Planning Committee) considered a request for reconsideration, resolving to defer a decision pending:

- i) The determination of the minimum required lot size for sewerage connection under the GSP; and
- ii) The options for the installation of an Alternative Treatment Unit (ATU).

On 19 August 2008, the WAPC considered the further information provided and resolved to approve the application subject to conditions including investigations into the suitability of the site for the use of an Aerobic Treatment Unit.

In this instance, the Shire of Kalamunda's Health Department has confirmed that the subject site is capable of achieving onsite effluent disposal and no further investigation is required.

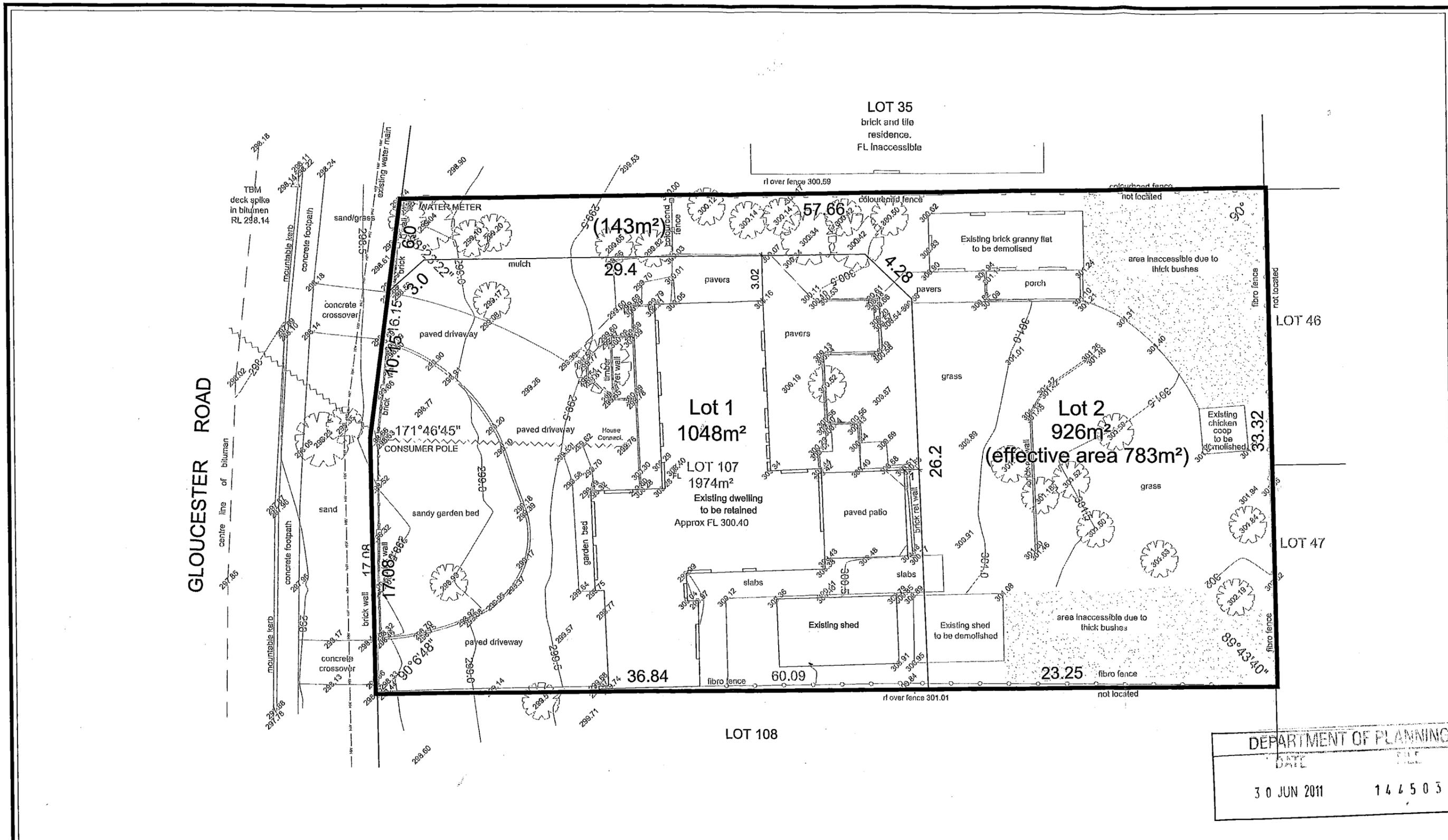
The application, while not meeting the small infill criteria of the GSP, is consistent with the objectives of the GSP by providing flexibility for further subdivision, where reticulated sewerage is not available for some time. Further, the WAPC has previously approved an application to create two lots within the subject street block (WAPC Ref: 135415).

## **CONCLUSION**

The application is referred to the SPC given that approval is recommended, however the proposal does not meet the small infill criteria of the Government Sewerage Policy as there is the potential to create more than four additional lots within the subject street block, and the Shire of Kalamunda and the Department of Health have recommended refusal.

It is recommended that the application be approved given:

- i) The subdivision is an efficient use of the land;
- ii) The proposed lots are consistent with the R10 coding under the R-Codes;
- iii) The Shire of Kalamunda's Health Department has confirmed that on-site effluent disposal can be achieved; and
- iv) A previous subdivision application for two residential lots has been approved within the subject street block (WAPC Ref: 135415).



DEPARTMENT OF PLANNING  
 DATE: 30 JUN 2011  
 FILE: 144503

0 2 4 6 8m  
 SCALE 1:250  
 ORIGINAL PLAN SIZE: A3

|   |                     |                 |
|---|---------------------|-----------------|
| Base Mapping Prepared<br>By The Land Division | DATE:<br>15.06.2011 | REF:<br>2378-11 |
|---|---------------------|-----------------|

**THE LAND DIVISION**  
 PLANNING | SURVEYING | DESIGN  
 PO Box 614, Welshpool WA 6986  
 T: 9353 6554 | F: 9353 6640 | M: 0417 917 262



LEGEND:  
 Subject Land.....

NOTE:  
 1. Areas and dimensions are subject to survey.  
 2. All improvements on proposed Lot 2 to be demolished.

**PROPOSED FREEHOLD  
 SUBDIVISION**

LOT 107 (No. 19) GLOUCESTER ROAD  
 KALAMUNDA  
 Shire of Kalamunda



|  |                           |  |                  |
|--|---------------------------|--|------------------|
|  | Cadastre with Lot Numbers |  | COMMERCIAL       |
|  | SPECIAL USE AREA          |  | LOCAL OPEN SPACE |
|  | TPS - Scheme Boundaries   |  | PUBLIC PURPOSES  |
|  | TPS - R Code Boundaries   |  | RESIDENTIAL      |
|  | OTHER REGIONAL ROADS      |  | SERVICE STATION  |
|  | PARKS & RECREATION        |  | SPECIAL USE      |

0 Scale 1:6,687 250 m

Prepared by: egroser  
 Prepared for:  
 Date: Wednesday, November 30, 2011 15:14  
 Plot identifier: P20111130\_1514

**DP INTERNAL USE ONLY**

Government of Western Australia  
Department of Planning

Attachment 2:  
 Location Plan  
 Subject Street Block