



Statutory Planning Committee

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

**Tuesday 27 March 2012
10.00 am**

**Level 2, Room 2.17
One40 William Street
Perth**



Noelene Jennings
Executive Director, Governance and People Services

Please convey apologies to Luke Downes on 655-19549 or email
luke.downes@planning.wa.gov.au

Statutory Planning Committee

Membership:

Member	Representation – <i>Planning and Development Act 2005</i>	Term of office ends
Mr Gary Prattley	Chairperson, WAPC Schedule 2 clause 4(2)(a)	20/4/2013
Ms Sue Burrows	Nominee of the Director General, Department of Planning Schedule 2 clause 4(2)(b)	16/4/2013
Mr Henty Farrar	Regional Minister nominee Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth Taylor	Community representative Schedule 2 clause 4(2)(d)	1/2/2012
Mr Ian Holloway	Professions representative Schedule 2 clause 4(2)(e)	1/2/2012
Mayor Carol Adams	Local Government representative Schedule 2 clause 4(2)(f)	1/2/2012
Vacant	WAPC Nominee Schedule 2 clause 4(2)(g)	

Quorum: 4

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

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

Role:

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

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the statutory planning functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Delegated Authority

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

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

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes of 13 March 2012**
- 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**
- 13. Closure - next meeting to be held on 10 April 2012**

Statutory Planning Committee

Minutes
of ordinary meeting 7454
held on Tuesday 13 March 2012

Attendance

Members

Mayor Carol Adams
Ms Sue Burrows

Mr Henty Farrar
Mr Ian Holloway
Ms Elizabeth Taylor

Local Government nominee
Nominee of the Director General, Department of
Planning
Regional Minister's nominee
Professional representative (arrived at 10.12 am)
Community representative (Presiding Member)

Officers

Ms Regan Douglas
Mr Eric Lumsden
Mr Wayne Zimmermann

Department of Planning
Senior Planning Officer, Perth and Peel Planning
Director General, Department of Planning
Planning Director, Perth and Peel Planning

Presenters

Mr Brett Ashby
Ms Jane Bennett
Mr Clive Garnham
Ms Claire Richards
Mr Grahame Searle

City of Rockingham
CLE Town Planning & Design
Wattle Grove Action Group
Greg Rowe and Associates
Director General, Department of Housing

Committee Support

Mr Luke Downes

Committee Support Officer - Department of Planning

7454.1 Declaration of Opening

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.

**Mayor Adams nominated Ms Taylor.
Ms Taylor accepted the nomination.**

Resolved

Moved by Ms Burrows, seconded by Mr Farrar

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That Ms Taylor preside over the meeting of the Statutory Planning Committee in the absence of the Presiding Member.

The motion was put and carried.

The Presiding Member declared the meeting open at 10.11 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7454.2 Apologies

Nil.

7454.3 Members on Leave of Absence and Applications for Leave of Absence

Mr Prattley had previously been granted leave of absence for the Statutory Planning Committee meeting scheduled for 13 March 2012.

7454.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Sue Burrows	7454.10.2	15	Impartiality
Ms Elizabeth Taylor	7454.10.2	15	Impartiality

7454.5 Declaration of Due Consideration

No declarations were made.

Moved to item 7

7454.6 Deputations and Presentations

7454.6.1

Golden Bay Structure Plan (SP) – Update to Endorsed Comprehensive Development Plan 1994

Presenter Mr Brett Ashby, City of Rockingham;
Mr Grahame Searle, Department of Housing;
Ms Jane Bennett, CLE Town Planning & Design

Mr Ashby on behalf of the City of Rockingham stated that the City refused to adopt the proposed structure plan. He stated that the proposal can be amended and better integrated with the adjoining areas with parties to submit an amended plan to the Statutory Planning Committee.

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Mr Searle expressed concern of the availability of land and also the affordability and diversity of stock. He stated that density was important regarding the location in order to increase affordability.

Ms Bennett's presentation has been placed on file.

Moved to item 9.1

7454.6.2

Shire of Kalamunda Local Planning Scheme Amendment No.18 – For Final Approval

Presenter Ms Claire Richards, Greg Rowe and Associates; Mr Clive Garnham, Wattle Grove Action Group; Mr Clive Vletter

THIS ITEM IS CONFIDENTIAL

Ms Burrows left the meeting at 11.26 am and returned at 11.35 am and hence Ms Burrows was absent for deputation item 6.2.

Moved to item 9.2

7454.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7454.8 Confirmation of Minutes

7454.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 28 February 2012

Resolved

Moved by Mr Farrar, seconded by Mr Holloway

- 1. That the minutes of the previous meeting be amended in relation to item 9.4 – East Fremantle Town Centre Mixed Use Development;*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday 28 February 2012, be confirmed as a true and correct record of the proceedings.*

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The motion was put and carried.

Moved to item 6.1

7454.9 Reports

7454.9.1

Golden Bay Structure Plan (SP) - Update to Endorsed Comprehensive Development Plan 1994

File SPN/0334
Report Number SPC/137
Agenda Part C
Reporting Officer Planning Manager - Metropolitan
Planning South West

The item was deferred to the meeting of 27 March 2012 to allow the parties to have further discussions on the density issues regarding the Structure Plan and to allow the City of Rockingham to table a spatial plan articulating the intent of the Council's position.

Ms Regan Douglas tabled copies of submission.

Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. approve the 'Golden Bay Structure Plan - Update to Endorsed CDP 1994' in accordance with Clause 4.2.6.10 of the City of Rockingham Town Planning Scheme No.2;
2. advise the City of Rockingham and the proponent of '1' above, and of the following:
 - Under the 'Dwelling Yield Estimates' on page 49 of the updated Structure Plan text, it should state that the dwelling yield estimates are based on an 'Urban' zoned site area of approximately 146 hectares;
 - The areas designated 'MRS Reserve Public Purposes Primary School/High School' on the Structure Plan spatial plan should be modified as follows:
 - 'Public Purposes - Primary School' for the primary school site; and
 - 'Development' for the extension to the Comet Bay College, inclusive of an appropriate note,

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as it is not yet reserved for 'Public Purposes - High School' under the Metropolitan Region Scheme;

- Further consideration should be given at the subdivision stage of planning to the appropriate development options (inclusive of roads) for the areas interfacing with the central Landscape Protection Area at Lot 3;
 - Table 4 (Public Open Space Schedule) in the Structure Plan text should include an additional note that relates to the 'Village Centre Non-Residential Area';
 - Consideration should be given at the subdivision stage of planning for the provision of footpaths on both sides of the roads throughout the updated Structure Plan area including within 400 metres of: the schools; areas of public open space including the foreshore reserve; and the edge of the neighbourhood centre;
 - Specific attention should be given to the fire management regime for the area adjacent to the eastern boundary where development will abut rural-residential land holdings. The Fire Management Plan must respond to the 'Bush Fire Protection Guidelines Edition 2, May 2010' and be approved by the City of Rockingham; and
3. advise the City that the Western Australian Planning Commission is satisfied that the 'Golden Bay Structure Plan - Update to Endorsed CDP 1994' responds adequately to the objectives of 'Liveable Neighbourhoods' in respect to density, generally, and, specifically, with regard to the provision of a wide range of lot sizes and a diversity of housing types. Moreover, the Western Australian Planning Commission is satisfied that the proposed densities and urban form is compatible with and will successfully integrate with the existing urban character of Golden Bay and Secret Harbour.

Resolved

Moved by Ms Burrows, seconded by Mayor Adams

The item 9.1 - Golden Bay Structure Plan (SP) - Update to Endorsed Comprehensive Development Plan 1994 was

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deferred to the meeting of 27 March 2012

The motion was put and carried.

Moved to item 6.2

7454.9.2

Endorsement of Nambeelup North Dandalup Local Rural Strategy

File DP/09/00098 & 801/6/16/18PV
Report Number SPC/138
Agenda Part C
Reporting Officer Planning Manager

Mr Cameron Bulstrode and Ms Andrea Lawson suggested an additional modification after modification 14 on Attachment 4 to read as follows:

“15. Section 3.2 being updated to reflect Council’s resolution of April 2010 to prepare an updated proposed draft Local Planning Strategy.”

Resolved

Moved by Mr Farrar, seconded by Mr Holloway

The Western Australian Planning Commission resolved to:

- 1. determine the submissions received on the draft Nambeelup North Dandalup Local Rural Strategy in accordance with the Schedule of Submissions (Attachment 3);*
- 2. endorse the Nambeelup North Dandalup Local Rural Strategy subject to the modifications outlined in the Schedule of Modifications (Attachment 4).*

The motion was put and carried.

Moved to item 10.3

7454.9.3

Reconsideration of Subdivision to Create 148 Lots for Residential/ Public Open Space Purpose - Lot 103 Brand Highway Wandina

File 144292
Report Number SPC/139
Agenda Part G

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Reporting Officer Planning Officer,
Central Regions Statutory and Strategic
Planning, Regional Planning And
Strategy

Resolved

Moved by Mr Farrar, seconded by Ms Burrows

That the Western Australian Planning Commission has, in reconsidering Condition 28 of the application for subdivision WAPC Ref: 144292 for Lot 103 Brand Highway Wandina, resolved:

1. *to retain Condition 28 in its current form:*
 28. *A solid boundary fence shall be erected on the boundary between Brand Highway and the adjacent lots. (MRWA)*
2. *amend Advice Note 10 to correct the reference to the Wandina (Seacrest) Structure Plan as follows:*
 10. *The shortfall of the 10% public open space requirement shall be provided by way of cash-in-lieu contribution to be expended upon Reserve 48610 (Derna Parade Recreational Reserve) shown upon the Wandina (Seacrest) Structure Plan (WAPC endorsed - January 2007).*
3. *include the following advice to the applicant:*

The requirement for a solid boundary fence along the Brand Highway is considered to be consistent with State Planning Policy 5.4 Road and Rail Transport Noise and Freight Consideration in Land Use Planning. A solid boundary fence is also considered to provide improved protection of the amenity of future residents and is consistent with the existing treatment of the Brand Highway/Residential

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Development interface.

The motion was put and carried.

7454.9.4

**State Administrative Tribunal Review:
Reconsideration of Refusal for Boundary Re-Alignment
at Lot 53 and Lot 1245 Dalry Road, Darlington**

File 144710
Report Number SPC/140
Agenda Part G
Reporting Officer Planning Manager, Perth and Peel
Planning

Resolved

Moved by Mr Holloway, seconded by Mayor Adams

That the Western Australian Planning Commission resolves pursuant to section 31 of the State Administrative Tribunal Act 2004, to reconsider its decision dated 27 October 2011 to refuse the subdivision application (WAPC 144710), (DR 414 of 2011) and has resolved to set aside its decision and approve the application in accordance with the modified plan dated stamped by the Department of Planning on 14 February 2012. The decision is valid for three years subject to the following conditions and advice:

1. *a 5 metre wide battleaxe access way being constructed and drained in accordance with the plan date stamped by the Department of Planning on 14 February 2012 (see attached) at the applicant/owner's cost to the specifications of the Shire of Mundaring and to the satisfaction of the Western Australian Planning Commission. (Local Government)*

2. *a Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on proposed Lot 101 advising of the existence of a restriction on the use of the land. Notice of this restriction to be*

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included on the Deposited Plan.

"No new development or the planting of vegetation (trees and shrubs) , except where necessary for retaining purposes, shall occur within:

- 1 metre of the south eastern boundary; and*
- within a 1.5 metre by 1.5 metre truncated area located at the junction of the adjoining battleaxe access leg and the effective area of Lot 102; to provide clear sightlines and vertical clearance for the adjoining battleaxe access way." (Local Government)*

- 3. any existing mature trees located within 1 metre of the south eastern boundary and within a 1.5 metre by 1.5 metre truncated area located at the junction of the adjoining battleaxe access leg and the effective area of Lot 102 are to removed to the specifications of the Shire of Mundaring and to the satisfaction of the Western Australian Planning Commission. (Local Government)*

The motion was put and carried.

7454.9.5

Proposed Subdivision to Create Two Lots - Lot 1 Great Eastern Highway, Greenmount

File 142621
Report Number SPC/141
Agenda Part H
Reporting Officer Planning Manager - Metro Planning North East

The members agreed to an amendment to condition 10 to read "pursuant to section 150 of the Planning and Development Act 2005, a restrictive covenant benefiting Main Roads Western Australia preventing motor vehicle access onto the Great Eastern Highway road reserve, except via a single shared vehicle crossover relating to the rights of access easement being lodged on the Certificates of the Title of proposed Lot 12, at the full expense of the applicant/owner. (Main Road Western Australia)"

Resolved

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Moved by Mr Farrar, seconded by Ms Burrows

That the Western Australian Planning Commission resolves to approve the subdivision of Lot 1 Great Eastern Highway, Greenmount subject to the following conditions:

CONDITION(S)

1. *arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lots shown on the approved plan of subdivision. (Western Power)*
2. *arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and equipment, located on or near the lots shown on the approved plan. (Western Power)*
3. *suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lots shown on the approved plan of subdivision. (Water Corporation)*
4. *suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
5. *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)*
6. *the land being filled and/or drained at the applicant/owner's cost to the satisfaction of the Western Australian Planning*

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

7. *an easement being registered on the deposited plan to provide rights of access over proposed Lot 11 in favour of proposed Lot 12 as depicted in the attached plan date stamped 24 December 2010 by the Department of Planning. (Local Government)*

8. *a Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:*

*"This lot is situated in the vicinity of Perth Airport, and is currently affected, or may in the future, be affected by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected properties, are available on request from the relevant local government offices."
(Western Australian Planning Commission)*

9. *a Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificate of Titles of the proposed lots advising of the existence of a hazard or other factor. Notice of this Notification is to be included on the Deposited Plan. The notification to state as follows:*

"This lot may be affected by noise associated with the operations of Great

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Eastern Highway and an existing truck arrestor bed. Therefore residential amenity may be the subject of impacts with regard to noise and vibration. As a result, there may be a need to incorporate appropriate features in the design and construction of residences to mitigate against any impacts." (Western Australian Planning Commission)

10. *pursuant to section 150 of the Planning and Development Act 2005, a restrictive covenant preventing motor vehicle access onto the Great Eastern Highway road reserve, except via a single shared vehicle crossover relating to the rights of access easement, benefiting Main Roads Western Australia being lodged on the Certificates of Title of proposed Lot 12, at the full expense of the applicant/owner. (Main Roads Western Australia)*

ADVICE

1. *With regard to Condition 1, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
2. *If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*
3. *Where the Water Corporation is the designated Utility Services Provider for the proposed subdivision relating to water, sewerage and/or drainage, the applicant/owner shall make satisfactory arrangements with the Corporation for the provision of the requisite services.*
4. *Where required, the applicant/owner shall provide service connections, make*

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financial arrangements, set aside land, grant easements, apply notices or other requirements, to protect existing and proposed Corporation assets to the satisfaction of the Water Corporation.

5. *Upon the receipt of a request from the applicant/owner, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.*
6. *The land the subject of this approval is affected by the Perth International and Domestic Airports. The Perth Airport Masterplan shows the land as being within the 25-30 Australian Noise Exposure Forecast contour.*
7. *With regard to Condition 9, the applicant/owner is advised to refer to the Implementation Guidelines for State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning with regard to quiet house design principles.*
8. *The applicant/owner is advised to liaise with the local government with regard to the identification and protection of any vegetation on-site.*

The motion was put and carried.

Mayor Adams left the meeting at 11.44 am and returned at 11.45 am.

7454.10 Confidential Items

7454.10.1

Shire Of Ravensthorpe - Local Planning Scheme No.5 Amendment 27 - for Final Approval

File TPS/0600
Report Number SPC/142
Agenda Part E
Reporting Officer Senior Planning Officer

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Ms Burrows and Ms Taylor left the meeting at 11.51 am.

**7454.10.2 Shire Of Kalamunda Local Planning Scheme
Amendment No. 18 - for Final Approval**

File TPS/0171/ V1 - 4
Report Number SPC/143
Agenda Part B
Reporting Officer Director Operational Policy
Coordination

THIS ITEM IS CONFIDENTIAL

Moved to item 11.1

Moved to item 11.2

**Ms Burrows and Ms Taylor returned at 12.04 pm and
hence were absent for item 10.2.**

**7454.10.3 Shire Of Murray - Local Planning Scheme Amendment
239 - Consent to Advertise**

File TPS/0682/1
Report Number SPC/144
Agenda Part E
Reporting Officer Planning Manager

THIS ITEM IS CONFIDENTIAL

Moved to item 9.3

7454.11 General Business

7454.11.1 Deputations to the Statutory Planning Committee

Mr Farrar raised the issue of deputations to the Statutory Planning Committee and was seeking clarification on the basis on which these deputations can be made. Mr Farrar noted that the Planning and Development Act 2005 states that a deputation can only be made if the deputation is based on a submission on a Region Scheme Amendment.

Moved to item 10.2

**Metropolitan Region Scheme and Local Scheme
Amendment Update**

Ms Taylor noted that the Metropolitan Region Scheme and Local Scheme Amendment Update had not been brought to

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the meeting and asked Ms Burrows if this could be brought to the meeting of 27 March 2012.

7454.12 Items for Consideration at a Future Meeting

Nil.

7454.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 27 March 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.07 pm.

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

INDEX OF REPORTS

Item	Description
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9.2	GOLDEN BAY STRUCTURE PLAN (SP) - UPDATE TO ENDORSED COMPREHENSIVE DEVELOPMENT PLAN 1994
9.3	LANCASTER WINERY CONCERT VENUE - LOTS 2,3 AND 200 WEST SWAN ROAD, WEST SWAN - APPROVAL SOUGHT TO HOST BETWEEN 4-6 CONCERT EVENTS EACH YEAR
9.4	DEVELOPMENT: FOOD AND BEVERAGE PRODUCTION (BAKERY) AND EXHIBITION CENTRE – LOT 36 WEST SWAN ROAD, WEST SWAN
D	GENERAL ITEMS / OTHER MATTERS
9.5	CITY OF VINCENT LOCAL PLANNING POLICY 3.4.1- ANCILLARY ACCOMMODATION- REQUEST FOR APPROVAL
G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.6	DEPARTMENT OF HOUSING MIXED USE DEVELOPMENT (MULTIPLE DWELLINGS AND OFFICES)
9.7	SUBDIVISION OF LOT 26 RIVERVIEW PLACE, LOT 27 THE COOMBE, MOSMAN PARK
9.8	OLD SWANBOURNE HOSPITAL OUTLINE DEVELOPMENT PLAN

9.9 OLD SWANBOURNE HOSPITAL SITE
SUBDIVISION APPLICATION

9.10 TELECOMMUNICATIONS TOWER

H SUBDIVISIONAL / SURVEY STRATA

9.11 SUBDIVISION OF LOT 3 GNANGARA
ROAD, WANGARA TO CREATE TWO LOTS
AND ROAD WIDENING

10 CONFIDENTIAL REPORTS

**B LOCAL OR REGIONAL PLANNING SCHEMES AND
AMENDMENTS**

10.1 SHIRE OF KALAMUNDA LOCAL PLANNING
SCHEME AMENDMENT NO. 18 - FOR
FINAL APPROVAL

10.2 CITY OF FREMANTLE LOCAL PLANNING
SCHEME NO.4 AMENDMENT NO.12 - FOR
FINAL APPROVAL.

10.3 CITY OF STIRLING - LOCAL PLANNING
SCHEME NO.3 AMENDMENT NO.3 - FOR
FINAL APPROVAL

10.4 TOWN OF COTTESLOE - LOCAL
PLANNING STRATEGY AND LOCAL
PLANNING SCHEME NO.3 - FOR FINAL
ENDORSEMENT/APPROVAL

D GENERAL ITEMS / OTHER MATTERS

10.5 STATE ADMINISTRATIVE TRIBUNAL
REVIEW: RECONSIDERATION OF DEEMED
REFUSAL OF DEVELOPMENT AT LOT 50
AND 51 JUTLAND PARADE, DALKEITH FOR
A GROUPED DWELLING AND ONE SINGLE
RESIDENTIAL DWELLING

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

10.6 SHIRE OF LAKE GRACE - LOCAL
PLANNING STRATEGY AMENDMENT NO.1
- FOR CONSENT TO ADVERTISE

ITEM NO: 9.1

ADOPTION OF DROVERS PLACE PRECINCT LOCAL STRUCTURE PLAN NO.80

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer: Schemes and Appeals
AUTHORISING OFFICER: Independent Planning Reviewer
AGENDA PART: C
FILE NO: SPN/0125
DATE: 13 March 2012
ATTACHMENT(S): Attachment 1: Drovers Place Precinct Local Structure Plan No.47.
Attachment 2: MRS & DPS Zoning Plans.
Attachment 3: Drovers Place Precinct Local Structure Plan No.80.
Attachment 4: Table C of Part 1 of the LSP.
Attachment 5: 2011 Aerial Photo.

REGION SCHEME ZONING: Urban Deferred
LOCAL GOVERNMENT: City of Wanneroo
LOCAL SCHEME ZONING: General Rural
LGA RECOMMENDATION(S): Adoption
REGION DESCRIPTOR: Perth Metropolitan North West
RECEIPT DATE: 14 September 2011
PROCESS DAYS: N/A
APPLICATION TYPE: Local Structure Plan
CADASTRAL REFERENCE: Land bounded by Yellagonga Regional Park, Neerabup National Park and Wanneroo Road.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. ***adopt the Drovers Place Precinct Local Structure Plan No.80, subject to the schedule of modifications as follows:***
 - ***Table C of Part 1 to include the following additional discretionary uses and any associated development provisions: car wash; club (non-residential); dry cleaning premises; liquor store; mast or***

antennae; place of assembly; recreation centre; telecommunications infrastructure; and vehicle sales/hire premises;

- *Table C of Part 1 to replace the discretionary uses of 'Plant Nursery with 'Retail Nursery'. In addition, the following definition of 'Retail Nursery' is to be included in Section 2.4 of Table C of Part 1: "Retail Nursery - means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees, and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental cafe";*
- *Table D of Part 1 to include the average lot size requirement of 3000m2 in the "Special Residential" zone in accordance with Clause 3.19.1 of the City's District Planning Scheme No.2;*
- *The "Site Contamination" section of Table E of Part 1 to read as follows: "Prior to commencement of site works on Lots 1, 10 and 132 Wanneroo Road and Lot 5 Drovers Place, investigation for soil and groundwater contamination is to be carried out to the specifications of the Department of Environment and Conservation. Any remediation works, including validation of remediation, is to be completed to the specifications of the Department of Environment and Conservation prior to the commencement of any site works";*
- *The "Urban Water Management" section of Table E of Part 1 to read as follows: "An Urban Water Management Plan is to be prepared prior to the commencement of site works to the specifications of the Department of Water. The approved Urban Water Management Plan is to be implemented by the landowner, including construction of identified wastewater, stormwater and groundwater management systems";*
- *The "Acid Sulfate Soils" section of Table E of Part 1 to read as follows: "Acid sulfate soils investigations are required at the subdivision and development stages of the planning process. The submission of an acid sulfate soils self-assessment form and preparation of an acid sulfate soils management plan is required as a condition of subdivision and development approval for proposals in moderate to high risk areas" in accordance with the WAPC's Planning Bulletin 64/2009 "Acid Sulfate Soils";*
- *Plan 1 to identify the 12 metre wide north-south local access road in the Southern Precinct from Ashley Road to Wanneroo Road with a width of 15 metres;*
- *Plan 1 to depict the Metropolitan Region Scheme "Primary Regional Roads" reserve affecting the Structure Plan area;*

- ***The "Conditions - Lots 6, 7 and 8 Drovers Place" section of Table B of Part 1 to include reference to FESA in terms of a traffic impact assessment being prepared and submitted to the specifications of the City, in consultation with FESA, as part of a development application for any educational establishment, advertised for public comment and referred to MRWA for comment prior to determination by the City;***
- 2. *advise the City of Wanneroo to submit a request to the Western Australian Planning Commission to revoke existing Drovers Place Precinct Local Structure Plan No.47 in accordance with Clause 9.7 of the City's District Planning Scheme No.2; and***

SUMMARY:

The revised Drovers Place Precinct Local Structure Plan (LSP) No.80 is a review of the existing Drovers Place Precinct LSP No.47 (**Attachment 1**) which was adopted and certified by the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC) on 14 August and 29 August 2007 respectively.

The revised LSP, in conjunction with submissions received during advertising of the LSP, proposes various additional uses in the Central Precinct. These additional uses are considered to be consistent with the 'out of centre' nature and characteristics of the Drovers Place Precinct which is afforded high exposure to Joondalup Drive and Wanneroo Road, caters predominantly for private motor vehicle usage and is not located within a walkable residential catchment.

Adoption of the revised LSP will enable the WAPC to consider lifting the "Urban Deferred" zoning of the Precinct under the MRS and concurrent Scheme Amendment No.82 to rezone the Precinct under the City's District Planning Scheme (DPS) No.2 from "General Rural" to "Urban Development".

BACKGROUND:

Revised LSP

The revised LSP was adopted by Council on 23 August 2011 and was forwarded to the Western Australian Planning Commission for adoption and certification on 8 September 2011. Part of Council's resolution to adopt the LSP included lifting the "Urban Deferred" zoning of the Drover's Place Precinct under the MRS and concurrently rezoning the Precinct under the City's DPS No.2 from "General Rural" to "Urban Development" under the provisions of the Section 126(3) of the Planning and Development Act 2005, as previously proposed by MRS Amendment 1155/57 and Amendment No.82 to the City's DPS No.2. (**Attachment 2**).

Council's resolution of 23 August 2011 further resolved not to initiate Amendment 4 to existing LSP No.47 which proposed the inclusion of some of these additional uses (car wash, hairdresser, liquor store, recreation centre, dry cleaning premises, laundromat, veterinary consulting rooms and veterinary hospital) in the "Restricted Business" Precinct on the grounds that it was considered unreasonable and inappropriate to entertain any amendments to LSP No.47, given that it was subject to review and replacement with LSP No.80. Amendment 4 was initially the subject of an

application for review with the State Administrative Tribunal (SAT) which resolved as part of the mediation hearing to require the applicant to submit a new amendment (Amendment 1) to the revised LSP No.80. On 6 March 2012, Council resolved that Amendment 1 was satisfactory, subject to modifications.

MRS Amendment 1155/57

MRS Amendment 1155/57 was initiated by the WAPC within the Drovers Place Precinct to rezone the LSP area from "Rural" to "Urban". This was modified to "Urban Deferred" prior to finalisation in February 2009 on the basis that a new LSP should be required addressing: access and drainage issues with regard to existing site constraints; Yellagonga Regional Park interface issues; developer contribution arrangements; and ultimate development potential with regard to existing land uses. It is considered that the revised LSP addresses these issues where applicable. It was further resolved by the WAPC that the Precinct could only be transferred to the "Urban" zone once a new LSP over the Precinct had been prepared and adopted by the City and the WAPC.

Access and drainage issues, Yellagonga Regional Park interface issues and ultimate development potential are addressed in Tables A - F of Part 1 of the LSP. In regard to the issue of developer contribution arrangements, the City advises that there is no shared infrastructure requirement for the LSP, with the exception of traffic signals. Individual traffic generating landowners (Lots 1 and 132 Wanneroo Road and Lots 6-8 Drovers Place) will be required to design and construct the traffic signals in accordance with Table F – Infrastructure Provisions of Part 1 of the LSP.

As the revised LSP is a review of existing LSP No.47, it is considered appropriate to note the WAPC's assessment of LSP No.47 in terms of developer contributions. The WAPC's assessment of existing LSP No.47 considered that developer contributions for servicing infrastructure, land infrastructure and administrative costs would be undertaken on an individual basis upon subdivision and/or development occurring. It was, therefore, considered that Part 1 of the existing LSP No.47 did not require developer contribution provisions.

Scheme Amendment No.82

Scheme Amendment No.82 to the City's DPS No.2 was received by the WAPC on 7 November 2007. This scheme amendment proposed to transfer the Drovers Place Precinct from the "General Rural" zone to the "Urban Development" zone under the provisions of the Section 126(3) of the Planning and Development Act 2005 concurrently with MRS Amendment 1155/57 to rezone the Drovers Place Precinct from "Rural" to "Urban". The scheme amendment remains outstanding until such time as MRS Amendment 1155/57 is finalised.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning.

Outcomes:

Effective Delivery of Integrated Plans.

Strategies: Implement State and Regional Planning Policies.

Policy

Number and / or Name: State Planning Policy 4.2: Activity Centres for Perth and Peel.
Better Urban Water Management Guidelines.
Planning for Bush Fire Protection.

DETAILS:

The revised LSP (**Attachment 3**) is a review of the existing Drovers Place Precinct LSP No.47. Adoption of the revised LSP will enable the WAPC to consider lifting the “Urban Deferred” zoning of the Precinct under the MRS and concurrent Scheme Amendment No.82 to rezone the Precinct under the City’s DPS No.2 from “General Rural” to “Urban Development”.

The general objectives of the revised LSP are to:

- * Guide subdivision and provide for a variety of appropriate land uses and development in the three distinct precincts, where proposals will have high exposure to Yellagonga Regional Park, Wanneroo Road, Drovers Place and Joondalup Drive;
- * Complement surrounding activity centres through provision of niche business uses reliant on highway exposure;
- * Facilitate adaptive built form that maintains a visual relationship with and provides pedestrian access to Yellagonga Regional Park; and
- * Protect and enhance the environmental, heritage and landscape values of the LSP area and adjacent Yellagonga Regional Park.

GOVERNMENT AND CORPORATE IMPLICATIONS:

It is considered that the Drovers Place Precinct is operating as an ‘existing type of centre’ although it was not an activity centre and had not formally been identified as a centre in State Planning Policy (SPP) 4.2 "Activity Centres for Perth and Peel". Drovers Place is considered to have extremely high visibility and is mainly utilised by customers accessing the centre by car. As part of the State Administrative Tribunal (SAT) hearing on Amendment No.1 to Drovers Place Precinct LSP No.47 (to include the land uses of showrooms and storage units on Lots 810 and 811 Wanneroo Road, Wanneroo to the permitted uses for the 'Restricted Use' Precinct), it was acknowledged that there may be potential for SPP 4.2 to address circumstances where ‘out of centre’ development may be acceptable. Given SAT’s decision to allow a maximum 5500m² of showroom floor space, in addition to current development approvals and operating land uses, it is considered appropriate that Drovers Place be classified as ‘out of centre’ development and reflected as such in SPP 4.2.

CONSULTATION:

The revised LSP was advertised for public comment for a period of 60 days which closed on 10 May 2011. The LSP was advertised by means of on-site signage, an advertisement in the local newspaper, on the City's website and in writing to all affected landowners and members of the public that had previously made a submission on the LSP. A total of 27 submissions were received. Submissions were received from State Government departments, servicing agencies and nearby landowners.

The main issues raised by landowners included:

- (a) Traffic impact and assessment of the proposed intersections at Joondalup Drive and Wanneroo Road.
- (b) Amenity impact.
- (c) The inclusion of additional land uses within the Western Precinct.
- (d) The inclusion of additional land uses within the Central Precinct.
- (e) The removal of previously supported additional land uses within the Central Precinct.

Issues (a) - (c) raised in the submissions are considered to have been addressed in the modified LSP or can be addressed at the subdivision and/or development stages.

Issue (d) raised in the submissions from landowners within the Central Precinct requests the inclusion of additional land uses to those already identified as discretionary uses in Table C of Part 1 of the LSP (**Attachment 4**). The City advises that it previously supported some of the additional uses requested but that this was overturned by Council.

In regard to the inclusion of additional land uses within the Central Precinct, the Department's Metropolitan Policy Branch advises the following:

- * These additional uses are generally consistent with the existing 'discretionary uses' in Part 1 of the LSP, will generally benefit from high exposure to Wanneroo Road and are generally compatible with the adjoining Yellagonga Regional Park. More importantly, these additional uses are not considered to significantly compromise the viability of nearby activity centres. The June 2010 Macroplan Retail Assessment reveals that the proposed retail showroom floor space will maximise the potential success and viability of the existing retail uses and create a more functional car-based retail centre for the community.
- * The State Administrative Tribunal's decision on Amendment No.1 to the existing Drovers Place Precinct LSP No.47 revealed that the planning experts agree Drovers Place is operating as an 'existing type of centre' although it was not an activity centre and had not formally been identified as a centre in SPP 4.2.. Drovers Place is considered to have extremely high visibility from Wanneroo Road and Joondalup Drive and is mainly utilised by customers accessing the centre by car. As part of the SAT hearing it was acknowledged that there may be potential for the policy framework to address circumstances where 'out of centre' development may be acceptable. Given SAT's decision to allow a maximum 5500m² of showroom floor space, in addition to current development approvals and operating land uses, it is considered appropriate that Drovers

Place be classified as 'out of centre' development and reflected as such in the policy framework.

- * It is considered that a proportion of the additional land uses proposed are inconsistent with the intent of the Central Precinct which is to provide for niche business and cultural uses that benefit from high exposure to Wanneroo Road but do not significantly compromise the viability of nearby activity centres and encourage a built form that respects and recognises the environment of the adjoining Yellagonga Regional Park. The inclusion of additional land uses which are considered to be more suitably located within activity centres that are serviced by high frequency public transport routes and do not rely as much upon the private motor vehicle for access is not supported.

It is, therefore, recommended that Table C of Part 1 of the LSP be modified to include the following additional discretionary uses and any associated development provisions: car wash; club (non-residential); dry cleaning premises; liquor store; mast or antennae; place of assembly; recreation centre; telecommunications infrastructure; and vehicle sales/hire premises.

Issue (e) supports the removal of previously supported additional land uses within the Central Precinct as these uses should be accommodated within the designated Local Centre on Lot 19 Clarkson Avenue, Tapping and not in the Drovers Place Precinct which is not an identified activity centre, therefore, inclusion of these uses would adversely impact on the activity centres hierarchy.

The inclusion of the additional uses is not considered to adversely impact upon the activity centres hierarchy in the surrounding locality as the June 2010 Macroplan Retail Assessment forecasts that the likely turnover impacts upon other centres will be minimal and the timing and staging of other centres will not be impacted to any degree of significance. In terms of the impacts of the retail showroom floor space on the existing and planned activity centres, SAT's decision on Amendment 1 noted that the impacts were insignificant at 7% which is well below the general industry accepted rule that an impact of less than 15% is acceptable before viability of the affected centres is threatened. Furthermore, additional information provided by Macroplan (November 2010 and October 2011) to the June 2010 Retail Assessment indicates that the possible replacement of showroom floor space with the additional uses will provide a greater level of service to the catchment, will increase competitive pricing and consumer choice, will not threaten the hierarchy of existing and planned centres in the surrounding locality and will not delay or preclude the ability of the designated activity centres to offer similar uses.

OFFICER'S COMMENTS:

Land Uses

Existing land uses within the LSP area include: rural residential, a fire station, equestrian, botanical golf and restaurant, aged care facility, grower's mart, retail nursery, showrooms and Yellagonga Regional Park. (**Attachment 5**). The ad hoc nature of development in this area reflects not only the environmental constraints posed by Lake Joondalup but development proposals determined at appeal.

The revised LSP Precincts, which reflect approved and existing land uses and objectives for each location, include:

- * Western Precinct – to provide a diverse precinct of community, education and private recreation uses that integrate with the environment of the adjoining Yellagonga Regional Park. The intent of the majority of this Precinct is to restrict development to education and low scale tourism uses such as tearooms, local arts and craft, art galleries, restaurants/cafes, holiday village, private recreation, public exhibition facility and reception centre. The remainder of this Precinct recognises the existing aged care facility, botanical golf and fire station uses.

- * Central Precinct – to provide for niche business and cultural uses that benefit from high exposure to Wanneroo Road but do not significantly compromise the viability of nearby activity centres and encourage a built form that respects and recognises the environment of the adjoining Yellagonga Regional Park. In this regard the City advises that there is a growing demand for certain types of business uses that are not suitably located within pedestrian based mixed-use activity centres, are based on car access and will benefit from exposure to Wanneroo Road and Joondalup Drive. Such types of business uses include smaller format showrooms. Development within this Precinct, therefore, will allow appropriate niche business uses that will benefit from the high exposure location and not affect the viability of planned activity centres. Those uses inappropriate to the environmental setting or that directly compete with activity centres will be prohibited. It is reasonable that small-scale business development that is not appropriate for sitting within walkable, mixed use activity centres in a built form setting that fits with the adjoining Yellagonga Regional Park be supported.

The revised LSP includes a definition of showroom in Table C - Central Precinct which is inconsistent with that in SPP 4.2. The City advises that the proposed definition reflects the current definition in existing LSP No.47 which was determined by SAT in the matter concerning Amendment 1 to LSP No.47.

The primary purpose of the SAT definition was to insert provisions restricting the type, size and/or location of showroom uses on Lots 810 and 811. SAT was concerned that the construction proposed by Amendment 1 could potentially facilitate the conversion of the entirety of the floor space on Lots 810 and 811 to showroom use and the possibility for a range of retailing activities, other than the sale of bulk goods, to be established within the centre. Table C of Part 1 of the revised LSP restricts the size and location of the showroom use to 5,500m² maximum NLA on Lots 810 and 811 and includes the SAT definition of showroom, as per the SAT decision on Amendment 1.

The revised LSP includes a 'plant nursery' land use in Table C - Central Precinct which is inconsistent with development approval issued by the City on 29 July 2008 for a 'retail nursery' land use on Lot 811.

It is, therefore, recommended that Section 2.4 of Table C of Part 1 be modified by replacing the 'plant nursery' use with 'retail nursery' and including a definition of 'retail nursery' consistent with the development approval issued by the City.

- * Southern Precinct – to provide for single dwellings in a natural landscape setting, whilst protecting adjacent natural assets of Yellagonga Regional Park. The intent of this Precinct is to restrict development to special residential uses with additional development provisions to effectively manage the impacts of special residential development on the adjoining Yellagonga Regional Park.

It is noted that Table D of Part 1 of the LSP requires a minimum lot size of 2000m² for subdivision within this Precinct which is inconsistent with Clause 3.19.1 of the City's DPS No.2. Clause 3.19.1 also refers to an average lot size requirement of 3000m² for subdivision within the "Special Residential" zone which is not reflected in Table D. It is, therefore, recommended that Table D be modified accordingly.

Road Network

The LSP area is located to the west and south west of the Wanneroo Road and Joondalup Drive intersection. Wanneroo Road and Joondalup Drive are reserved "Primary Regional Roads" and "Other Regional Roads" respectively under the MRS.

Internal Road Network -

Drovers Place is a local access road and acts as a service road to lots facing Joondalup Drive, including the Western and Central Precincts of the LSP area. The existing access to Joondalup Drive from Drovers Place is to be closed and a new three-way signalised intersection created at the western end of Drovers Place. A potential second access point to Joondalup Drive from Drovers Place could be created to the east of the existing access point in order to improve access to the Central Precinct, however, this would be limited to a 'left-in/left-out' intersection.

The foreshore access road in existing LSP No.47 has been replaced with a dual use path as the road cannot be constructed due to the location of the existing aged care facility, residential dwellings and associated outbuildings. WAPC policy generally advises that, where applicable, the foreshore reserve is to be separated from adjacent development in a way that provides a clear demarcation between public and private land and provides public and emergency access. The revised LSP proposes a dual use path as the demarcation between the public and private land and access ways through the LSP area to the foreshore reserve for public and emergency access. It is noted that the WAPC has previously been supportive of this approach for other LSPs such as the Lot 12 Jindalee LSP and Jindalee Coastal Village LSP.

A new east-west local access road is proposed by the LSP in the Central Precinct as an extension of Clarkson Avenue, Tapping. This will result in the creation of a four-way signalised intersection on Wanneroo Road and will become the primary access point into the Central Precinct. The existing access point to Wanneroo Road from Lot 811 in the Central Precinct would be limited to a 'left-in/left-out' intersection. It is noted that the landowners of Lots 1 and 132 Wanneroo Road have questioned the requirement to design and construct the signalised intersection from the Central Precinct to Wanneroo

Road given that the remainder of the Central Precinct and land to the east of Wanneroo Road, especially the proposed Local Centre on Lot 19 Clarkson Avenue, Tapping at the intersection of Wanneroo Road and Clarkson Avenue, will benefit from the signalised intersection.

In this regard the City advises the following:

- * neither existing LSP No.47 nor East Wanneroo Cell 1 LSP for the land to the east of Wanneroo Road depict traffic lights at this 'T' intersection;
- * the inclusion of traffic lights and the proposed 18 metre wide road reserve necessitating the traffic lights was at the request of the Central Precinct landowners to facilitate the expansion of the Central Precinct over Lots 1 and 132 Wanneroo Road as part of revised LSP No.80;
- * existing LSP No.47 depicts traffic lights at the Ashley Road/Wanneroo Road intersection which was to be at the landowner's cost, as per Section 8.2(s) of LSP No.47. In this regard the City notes that Main Roads WA (MRWA) has already spent money on providing corner truncations and the design and construction of this intersection which now may not be required as a result of the intersection redesign requested by the Central Precinct landowners;
- * the land within the East Wanneroo Cell 1 LSP area to the east of Wanneroo Road is predominantly developed and there is no opportunity to recoup contributions from these landowners. In addition, Lot 19 Clarkson Avenue, Tapping is not within the revised LSP No.80 area, therefore, any contribution mechanism cannot be enforced on this owner by the revised LSP No.80; and
- * a development application and supporting traffic assessment for the proposed Local Centre on Lot 19 Clarkson Avenue, Tapping has been submitted to the City. The assessment identifies the proposed Local Centre as functioning effectively without the need for traffic lights, in accordance with the East Wanneroo Cell 1 LSP;

The City's position is supported in this instance. It is noted that the remainder of the Central Precinct is currently serviced by a 'T' intersection with Wanneroo Road which will revert to a 'left-in/left-out' intersection when the signalised intersection is in place.

A new north-south local access road is proposed by the LSP in the Southern Precinct from Ashley Road to Wanneroo Road. Plan 1 of the LSP depicts this road with a reserve width of 12 metres.

The WAPC's Liveable Neighbourhoods Policy requires access streets to have a road reserve width ranging from 14.2 - 24 metres depending on the type of access street proposed. The existing Drivers Place Precinct LSP No.47 identifies a 15 metre wide access road running along the southern and western boundaries of the Special Residential precinct. It is, therefore, recommended that a modification be imposed requiring this road reserve to be identified on Plan 1 of the LSP with a width of 15 metres.

External Road Network -

In May 2011, the City became aware that the MRWA Traffic Modelling Section had recently recalculated its traffic forecasts for Joondalup Drive and Wanneroo Road for 2021 and 2031, which had the potential to impact upon the GHD Traffic Report prepared as part of the LSP. GHD's Traffic Report indicated that it was possible to achieve 'reasonable' operating conditions along Wanneroo Road and Joondalup Drive under the development scenario proposed by the LSP, however, the City considered that the Traffic Report should be updated to reflect the revised MRWA forecasts, particularly given that they included significant increases in traffic along the sections of Joondalup Drive and Wanneroo Road abutting the LSP area.

The revised MRWA forecasts revealed that by 2021, as a result of natural increases in regional traffic, Joondalup Drive west of Wanneroo Road will be carrying more than 56,000 vehicles per day (10,000 – 20,000 more than previously forecast) and Wanneroo Road south of Joondalup Drive will be carrying more than 45,000 vehicles per day (almost double the volume previously predicted). The need for MRWA to revise these traffic forecasts upwards for these sections of Joondalup Drive and Wanneroo Road abutting the LSP area is justified by the realisation that both these sections of road are currently carrying the approximate traffic volumes previously forecast by MRWA to be achieved by 2021.

As a result of the revised MRWA traffic forecasts for Joondalup Drive and Wanneroo Road, the City requested GHD to revise the Traffic Report. The City received the revised Traffic Report in July 2011 which includes analysis of the proposed Joondalup Drive/Wanneroo road intersection.

GHD has also provided supplementary information since preparing the revised Traffic Report which includes analysis of the proposed signalised intersection from Drivers Place to Joondalup Drive, analysis of widening Joondalup Drive and Wanneroo Road to three lanes in each direction and reducing the size of the proposed educational establishment to ease projected traffic conditions.

In considering the results of the revised Traffic Report and the supplementary information, Part 1 of the LSP identifies the educational establishment proposed for the Western precinct as a discretionary use. Furthermore, a traffic impact assessment is to be prepared and submitted as part of a development application for such an educational establishment, advertised for public comment and referred to MRWA for comment prior to the City determining the application. The traffic impact assessment shall include consideration for the needs of the FESA fire station on Lot 12462 and accommodate a dedicated emergency access from Drivers Place onto Joondalup Drive. In the event such a development application is refused by the City on the grounds of the traffic impact assessment, the LSP retains low-scale tourism related uses as discretionary uses which are already permitted by the existing Drivers Place Precinct LSP No.47. This will ensure that this portion of the Western Precinct is capable of being developed for purposes other than an educational establishment.

The proposed expansion of the Central Precinct provides the opportunity to install traffic signals (including a double right turn lane out of the Central Precinct) along Wanneroo Road, which will assist in the movement of traffic into and out of the Central Precinct. The revised Traffic Report notes that by 2021, Wanneroo Road will require an additional lane in each direction in order to achieve a reasonable level of service and by 2031 the level of service will again be unacceptable. The proposed traffic signals at the intersection with Clarkson Avenue is supported by the City on the basis that the level of service is currently unacceptable and because it will provide improved traffic circulation for existing uses within the Central Precinct. It will also benefit the residents of Tapping and improve traffic movements on the eastern side of Wanneroo Road, including traffic associated with the St. Stephens school, Tapping primary school and the future local centre located on the corner of Clarkson Avenue and Wanneroo Road.

Traffic Impact of Additional Uses -

SAT's decision on Amendment 1 to the existing LSP No.47 to include additional uses in the "Restricted Business" Precinct noted that the inclusion of further additional uses would have unknown traffic implications on the LSP area and surrounding road network.

The revised Transcore Traffic Reports submitted with the LSP and Amendment 1 to the LSP take into account the supported additional uses in addition to higher traffic generating uses which have not been recommended for inclusion. GHD's review (on behalf of the City) of the Transcore traffic modelling agrees that the impact specifically attributable to the additional uses would have an insignificant impact on the operation of the access intersections onto Wanneroo Road and Joondalup Drive and it was concluded that the Transcore report findings are acceptable. The supported additional uses are, therefore, considered to be addressed by the revised Traffic Reports and consistent with SAT's decision on Amendment 1 to existing LSP No.47.

Environmental Issues

The LSP area is dominated by Yellagonga Regional Park, including Lake Joondalup, and its associated environmental constraints. As such, the revised LSP includes a number of provisions which require relevant environmental management plans be prepared prior to rezoning, subdivision and/or development. The main environmental issues include:

Bush Forever Site No.299 -

Yellagonga Regional Park comprises Bush Forever Site No.299. Subdivision and development within the LSP area will be required to ensure the future protection of the Bush Forever site.

Part 2 of the LSP explains that future development within the LSP area will be planned to mitigate 'edge effects' and ensure that the Bush Forever vegetation is not adversely affected through indirect impacts such as weed invasion, spread of dieback and littering. In addition, flora species known to be invasive

or environmentally damaging shall not be used in any landscaping projects where they may spread into the Bush Forever site. This is further implemented in Tables A – E of Part 1 of the LSP.

Wetland Buffer -

Lake Joondalup is a Priority 1 Conservation Category Wetland and is protected under the Environmental Protection (Swan Coastal Lakes) Policy 1992. The Department of Environment and Conservation (DEC) and the Department's State Strategic Policy Branch recommend that a buffer of 50 metres be established around the wetland to ensure the wetland and its values are protected.

Plan 1 of Part 1 of the LSP identifies a 50 metre compatible use wetland buffer which partly impacts upon the LSP area. Furthermore, Part 1 of the LSP specifies that the compatible use wetland buffer generally precludes development, however, will allow for low-impact uses including:

- * Water sensitive urban design best management practices;
- * Passive recreational facilities as deemed appropriate by the City;
- * Amenity landscaping utilising locally native species; and
- * Other low-impact uses as deemed appropriate by the City in consideration of the advice of the DEC.

Part 1 of the LSP also requires that such development or subdivision within or adjacent to the compatible use wetland buffer be supported by a Wetland Management Plan which is to be prepared and implemented to the specification of the City and DEC as a condition of development or subdivision approval.

Groundwater -

Lake Joondalup is an expression of groundwater where the groundwater contours meet the land surface contours. The water level is seasonal, falling below ground level in a dry season, however, levels are also significantly influenced by surface water flows through stormwater drainage.

A potential area of high groundwater exists within the Central Precinct of the LSP area (Lots 1 and 132 Wanneroo Road). In this regard, Part 1 of the LSP includes provisions which require the following issues to be addressed:

- * Finished floor level separation from historical maximum groundwater levels and from 100 year ARI top water level in flood storage areas;
- * Introduction of fill not to interrupt the flood water flows in the 100 year ARI flood event.
- * Introduction of clean fill to co-ordinate with natural levels at the common boundary with Yellagonga Regional Park.
- * Batter height and revegetation potential to prevent future erosion arising from introduced fill.
- * Infiltration of stormwater at source.
- * Stormwater flow rates and attenuation.

These issues are to be addressed in the form of an Urban Water Management Plan which shall be prepared with subdivision and/or development applications and implemented as a condition of subdivision and/or development approval prior to the commencement of site works.

Midges -

Results of midge monitoring programs conducted by the Cities of Wanneroo, Joondalup and the DEC, in conjunction with Edith Cowan University, generally indicate that the northern portion of Lake Joondalup is most affected.

Planning measures to control and manage midge in the LSP area include retention of vegetation buffers and water sensitive urban design. The implications of midge on land uses are addressed by the LSP which proposes relatively low-intensity land uses and accommodates predominantly day-time operating hours rather than night-time when midge nuisance is at its highest. In this regard, Part 1 of the LSP requires the preparation and implementation of a Midge Management Plan as a condition of subdivision and/or development approval.

Soil and Groundwater Contamination -

Previous land uses within the LSP area for market gardening, horticulture, grazing and the keeping of horses necessitates that site investigations be undertaken to determine the extent and severity of soil and groundwater contamination prior to any development or subdivision occurring within the LSP area.

This is included as a provision of Part 1 of the LSP and requires that investigation for soil and groundwater contamination and completion of any remediation, including validation of remediation, is to be carried out to the specifications of the DEC as a condition of subdivision and/or development approval.

Acid Sulfate Soils -

A significant portion of the LSP area has a moderate to high acid sulfate soils disturbance risk occurring with 3 metres of the natural soil surface.

Part 1 of the revised LSP stipulates that preliminary acid sulfate soil investigations shall be undertaken as part of a detailed area plan for the relevant Precinct. Furthermore, should potential acid sulfate soils be identified, an acid sulfate soil management plan is required as a condition of subdivision approval with any disturbance of potential acid sulfate soils to be managed in accordance with the endorsed management plan.

Such an approach is inconsistent with the WAPC's Planning Bulletin 64/2009 "Acid Sulfate Soils" which specifies that acid sulfate soils site investigations are required at the subdivision and development stages of the planning process. In addition, while the guidelines encourage acid sulfate soils site

investigations prior to lodgement of subdivision or development applications so they can be taken into account in the design of proposals, the submission of an acid sulfate soils self-assessment form and preparation of an acid sulfate soils management plan is required as a condition of subdivision and development approval for proposals in moderate to high risk areas.

It is, therefore, recommended that Table E of Part 1 of the LSP be modified to reflect the requirements of Planning Bulletin 64/2009.

Local and Regional Public Open Space

The provision of public open space (POS) within the LSP area is not considered necessary due to:

- * the proximity of the LSP area to Yellagonga Regional Park to the south and west and to Neerabup National Park to the north which adequately provides for public recreation; and
- * the proposed land uses within the Precincts do not necessarily attract a POS requirement, being business, cultural, community, education, private recreation, special residential and residential (existing aged care facility) uses. Any subsequent rezoning of the Residential or Special Residential zones for any higher residential density may attract a POS provision in accordance with the WAPC's Development Control Policy 2.3 "POS in Residential Areas".

Notwithstanding, the 50 metre compatible use wetland buffer proposed by the LSP has the potential to allow for low-impact uses such as passive recreational facilities as deemed appropriate by the City in consultation with the DEC. This is reflected in Table A of Part 1 of the LSP.

Servicing Infrastructure

The main servicing infrastructure issues include:

Water Management -

The Department of Water's (DoW) submission on the LSP raised concerns about a Local Water Management Strategy (LWMS) not being prepared for the LSP. Furthermore, the DoW advises that the Urban Water Management Framework prepared by the City does not provide sufficient information on water management and cannot be considered to be a LWMS.

In this regard the City advises that it prepared an Urban Water Management Framework to provide guiding principles for landowners in the preparation of more detailed Urban Water Management Plans (UWMP), which are required prior to the subdivision or development of land within the LSP area. The City acknowledges that the WAPC's "Better Urban Water Management" document suggests that all new LSPs require an LWMS, however, the revised LSP is a review of existing LSP No.47. The City contends that the "Better Urban Water Management" document primarily focuses on new greenfield LSPs and considers that the incorporation of the Urban Water Management Framework

into Part 2 of the LSP is adequate to ensure that UWMPs can address the issues associated with urban water management.

The position of the City is supported in this instance as the revised LSP is a review of existing LSP No.47 which was adopted by the WAPC prior to the release of the WAPC's "Better Urban Water Management Guidelines" (October 2008) document. Development of the existing LSP No.47 area has substantially progressed and the City has further advised that changes to stormwater management policy since the adoption of LSP No.47 has made it extremely difficult to retrofit and implement new measures in the revised LSP area.

Water -

The Water Corporation's submission on the LSP raised concerns regarding access and protection of the wastewater pump station and the associated pressure main. Access to the sewer pump station located in Lot 1 Wanneroo Road is currently via a temporary access easement and was created as an interim measure until dedicated road access and frontage was provided as per the existing LSP No.47.

This is addressed as a provision in Table C of Part 1 of the LSP and requires Lot 1 Wanneroo Road to provide dedicated road access and frontage to the existing sewer pumping station and pressure main with any alternative arrangement for access requiring the approval of the Water Corporation.

Other servicing agencies generally advise that the LSP area can be adequately and raise no objection to the LSP.

Bushfire Planning

The WAPC's Planning for Bush Fire Protection Guidelines outlines a range of matters that need to be addressed at various stages of the planning process in order to provide an appropriate level of protection to life and property from bush fires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified. The Guidelines are intended to be used as a tool to ensure fire protection is integrated in the early stages of land development and apply to all levels of planning decisions and proposals which result in intensification of land use, including structure planning.

It is noted that Yellagonga Regional Park, comprising Bush Forever Site No.299, abuts the LSP area to the south and west. Table E of Part 1 of the LSP requires a Fire Management Plan to be prepared and implemented as a condition of subdivision/development approval.

FESA's submission on the LSP raised concerns regarding traffic build-up along Joondalup Drive and resultant increased response times, the use of Drovers Place as a thoroughfare for retail traffic and reviewing traffic modelling data to establish emergency vehicle egress.

These concerns are generally addressed in Part 1 of the LSP which requires a traffic impact assessment to be prepared and submitted as part of a development application for an educational establishment in the Western Precinct, advertised for public comment and referred to MRWA for comment prior to the City determining the application. The traffic impact assessment is to include consideration for the needs of the FESA fire station on Lot 12462 and accommodate a dedicated emergency access from Drovers Place onto Joondalup Drive.

In order to address FESA's concerns it is recommended that Table B of Part 1 be modified to include reference to FESA in terms of a traffic impact assessment being prepared and submitted to the specifications of the City, in consultation with FESA, as part of a development application for any educational establishment, advertised for public comment and referred to MRWA for comment prior to determination of the application by the City.

CONCLUSION:

MRS Amendment 1155/57 was initiated by the WAPC to rezone the Precinct from "Rural" to "Urban". This was modified to "Urban Deferred" prior to finalisation in February 2009 on the basis that a new LSP should be required addressing: access and drainage issues with regard to existing site constraints; Yellagonga Regional Park interface issues; developer contribution arrangements; and ultimate development potential with regard to existing land uses.

It is considered that the revised LSP addresses these issues where applicable.

It was further resolved by the WAPC that the Precinct could only be transferred to the "Urban" zone once a new LSP over the Precinct had been prepared and adopted by the City and the WAPC. Adoption of the proposed LSP will enable the WAPC to consider lifting the "Urban Deferred" zoning of the Precinct under the MRS and concurrent Scheme Amendment No.82 to rezone the Precinct under the City's DPS No.2 from "General Rural" to "Urban Development".

It is recommended that the WAPC resolve to adopt, subject to modifications, the revised LSP to guide rezoning, subdivision and development within the LSP area. The revised LSP will provide for a variety of appropriate land uses with high exposure to Wanneroo Road, Joondalup Drive and which are considered to be consistent with the 'out of centre' nature and characteristics of the Drovers Place Precinct which caters predominantly for private motor vehicle usage and is not located within a walkable residential catchment.



LEGEND

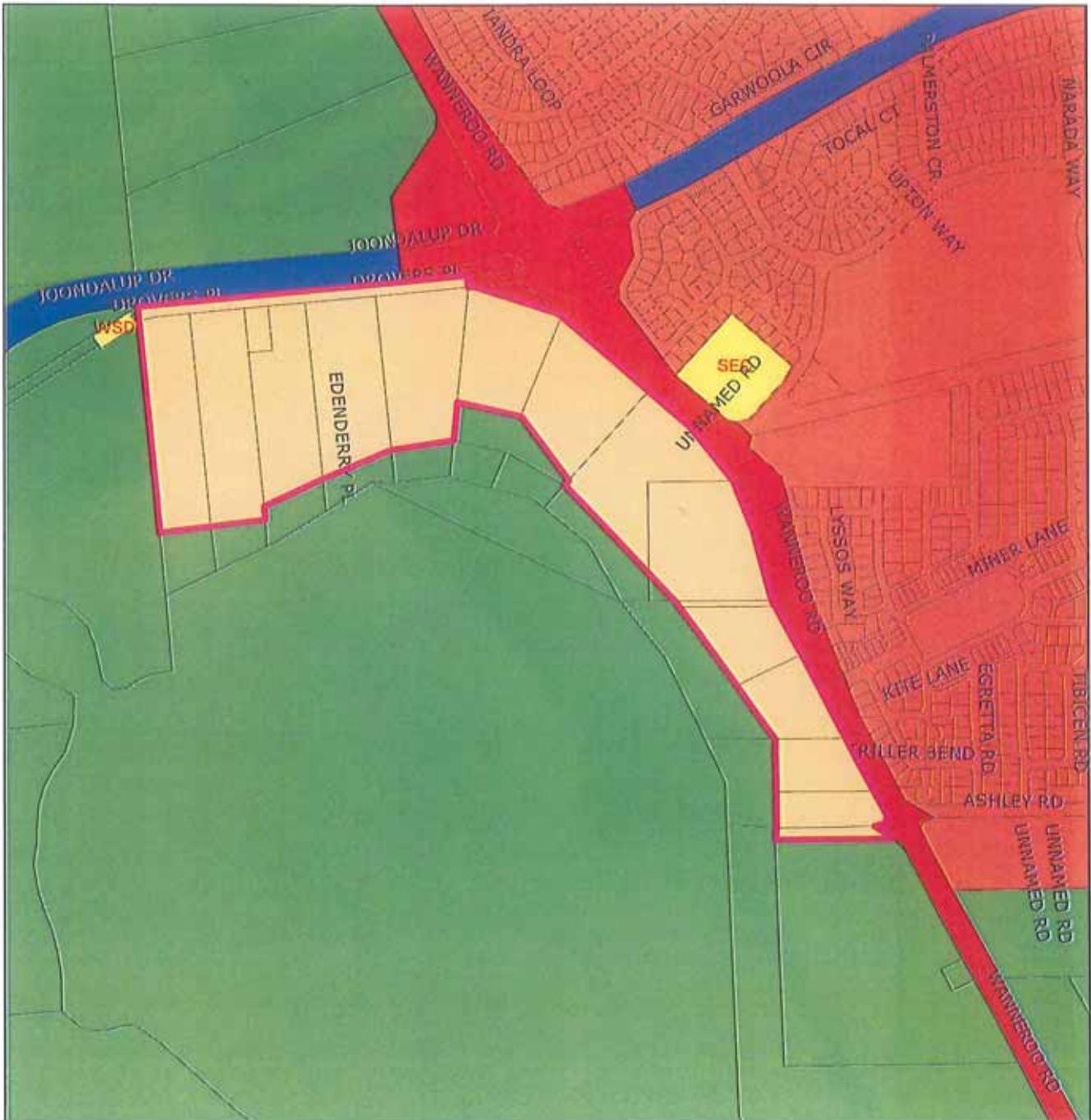
- Structure Plan Boundary
- Precinct Boundary
- Full Access Traffic Signals
- Restricted Access Left In / Right In / Left Out
- Full Access
- No Vehicle Access to Wanneroo Road
- Proposed Road
- 50m Dryland Buffer
- Area of Inundation & Subject to Future Investigation
- City of Wanneroo Locality Boundaries

STRUCTURE PLAN
DRIVERS PLACE PRECINCT
LOCAL STRUCTURE PLAN NO: 47



DATE: 28th March 2006

1005_StructurePlan_47.apr



- | | |
|------------------------|------------------------------|
| Cadastre | PP - STATE ENERGY COMMISSION |
| URBAN | PP - WATER AUTHORITY OF W A |
| URBAN DEFERRED | |
| PRIMARY REGIONAL ROADS | |
| OTHER REGIONAL ROADS | |
| PARKS & RECREATION | |

Scale 1:10,000
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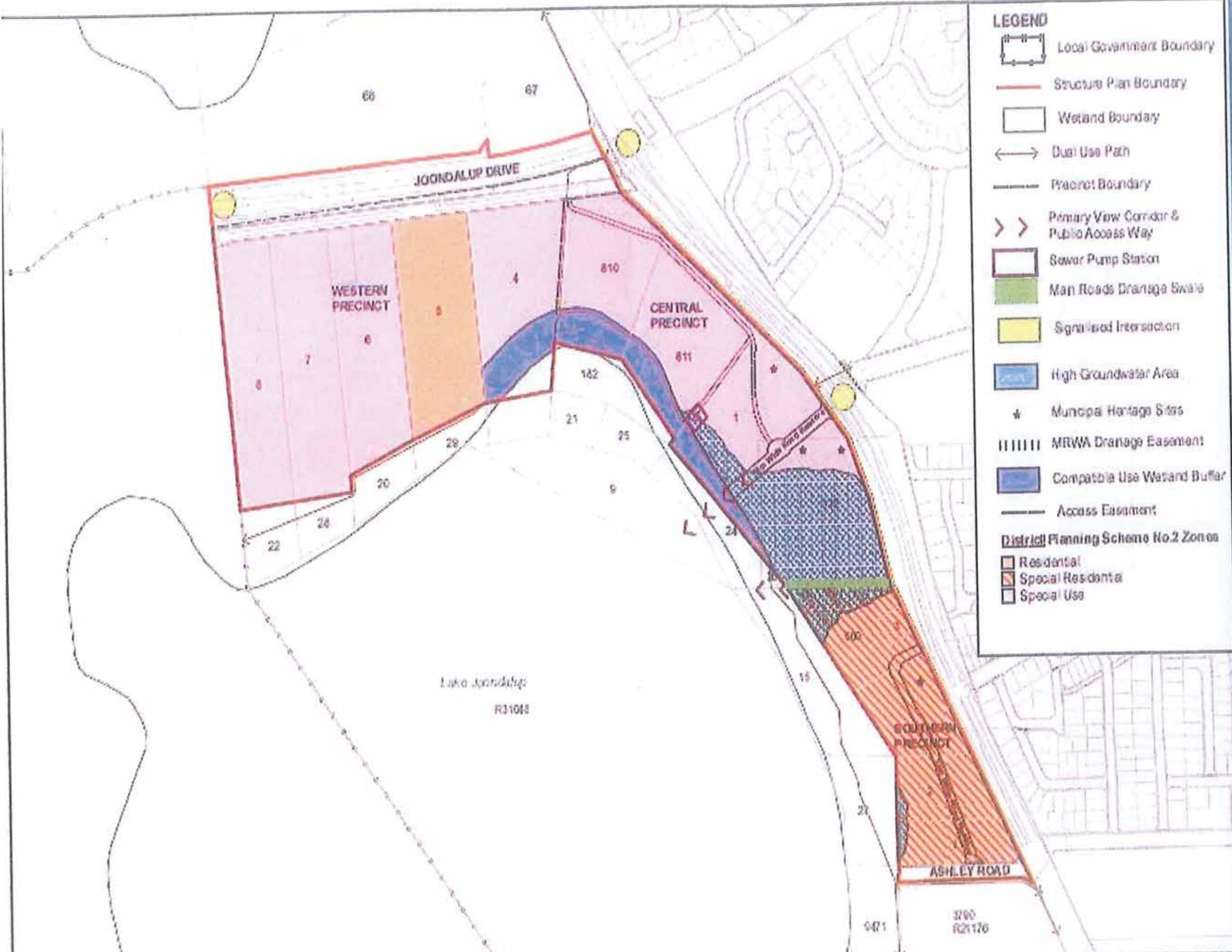
Prepared by: dcarter
Prepared for: DAVID CARTER
Date: Tuesday, November 29, 2011 14:43
Plot Identifier: P20111129_1443



Government of Western Australia
Department of Planning

DROVERS PLACE PRECINCT
LOCAL STRUCTURE PLAN No.80
MRS ZONING PLAN

DP INTERNAL USE ONLY



LEGEND

- Local Government Boundary
- Structure Plan Boundary
- Wetland Boundary
- Dual Use Path
- Precinct Boundary
- Primary View Corridor & Public Access Way
- Sewer Pump Station
- Man Roads Drainage Swale
- Signalled Intersection
- High Groundwater Area
- Municipal Heritage Sites
- MRWA Drainage Easement
- Compatible Use Wetland Buffer
- Access Easement

District Planning Scheme No.2 Zones

- Residential
- Special Residential
- Special Use

City of Wanneroo

TABLE C – PLANNING REQUIREMENTS FOR THE CENTRAL PRECINCT

1. Intent	1.1. The intent of the Central Precinct is to provide for niche business and cultural uses that benefit from high exposure to Wanneroo Road but do not significantly compromise the viability of nearby activity centres and encourage a built form that respects and recognises the environment of Yellagonga Regional Park
2. Zoning	<p>2.1. Special Use Zone –Discretionary ‘D’ uses within the Special Use Zone for Lots Lots 810, 811, 1 and 132 shall include:</p> <ul style="list-style-type: none"> • Art Gallery • Auction Room • Bakery • Butcher (Lots 810 and 811 only) • Car Park • Civic Building • Costume Hire • Drive –Through Food Outlet • Education Establishment (Lots 1 and 132 only) • Fish Monger (Lots 810 and 811 only) • Funeral Parlour • Growers Mart (Lots 810 and 811 only). • Hardware Store • Laundromat • Lunch Bar • Office • Park • Place of Worship (Lots 1 and 132 only) • Plant Nursery • Private Recreation • Reception Centre • Restaurant • Showroom – (Lots 810 and 811 Maximum NLA 5,500 m²) • Showroom – (Lots 1 and 132 Maximum NLA 11,500 m²) • Self Storage Units (Lot 811 only) • Veterinary Consulting Rooms • Veterinary Hospital • Warehouse <p>2.2. Self Storage Units shall be a Discretionary ‘D’ use for Lot 811 Wanneroo Road only.</p> <p>2.3. The maximum total combined floor space for Showroom (including Hardware Store) shall be as follows:</p> <ul style="list-style-type: none"> • Lots 810 and 811 – maximum NLA of 5,500 m² • Lots 1 and 132 - maximum NLA of 11,500 m²

2.4. Growers Mart – The Growers Mart land use shall be a Discretionary ‘D’ use for Lots 810 and 811 Wanneroo Road.

Growers Mart – means land or buildings used for the wholesale distribution or sale by retail of:

(a) fruit, vegetables, nuts, grains, beans and herbs which are in a raw, unprocessed and unrefined state ("raw products"), save for any minimal processing and packaging undertaken off the premises necessary to bring the raw products to market; and

(b) milk, cheese and yoghurt,

and may include the washing and further limited preparation or packaging of the raw products on the premises in order to make them suitable for sale, provided that any such preparation or packaging on the premises may not result in a new or different product. The use does not extend to the sale of cooked, refined, canned or processed goods (such as potato chips or other processed foods normally associated with a shop or take way food outlet) and excludes any use or activity that falls within the Scheme definitions of take away food outlet or restaurant, and the sale of any goods or products other than those expressly listed in this definition.

Showroom Definition – Means the land or premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping and sporting equipment, electrical light fitting, pet supplies, floor coverings, furnishings, furniture, household appliances (where such household appliances are not of a bulky nature, or otherwise permitted by this definition, the display of such household appliances is not to exceed 10% of the NLA of an individual showroom premises area), party supplies, hardware, or goods of a bulky nature but excludes open air displays.

2.5. All other uses shall be Prohibited ‘X’.

3. Development Provisions

- 3.1. Development adjacent to the Yellagonga Regional Park shall coordinate with natural levels at the common boundary with Yellagonga Regional Park to minimise the visual impact of site levels, retaining walls, and fencing to the satisfaction of the City of Wanneroo. Retaining walls above 1 metre in height shall be discouraged.
- 3.2. The location and design of buildings, access ways and footpaths shall provide for view corridors to the Yellagonga Regional Park.
- 3.3. The bulk and scale of any future development shall have regard for preserving the views, significance and character of and visual relationship to Yellagonga Regional Park. Building height shall not exceed 6 metres above finished floor level.
- 3.4. A connected access road shall be provided at the time of subdivision/development between the southern intersection of Wanneroo Road and Clarkson Avenue and Drovers Place, generally as shown on Plan 1. The applicant shall prepare and implement an easement in gross in favour of the public at large to specification and satisfaction of the City of Wanneroo.

Development
Provisions continued....

- 3.5. Development proposals shall be accompanied by an assessment undertaken by the proponent, which demonstrates to the satisfaction of the City of Wanneroo that the proposed uses will complement rather than compete with or compromise the viability of nearby activity centres.
- 3.6. The owner of Lot 1 Wanneroo Road shall provide dedicated road access and frontage to the existing sewer pumping station and pressure main located along the northern boundary of the site. Any alternative arrangement for access will require the consent of the Water Corporation in writing, prior to the City approving any Detailed Area Plan, or supporting any Subdivision or Development for the site.
- 3.7. Facilitated access across the site to the controlled access intersection between Drivers Place and Joondalup Drive, generally as shown on Plan 1, to be preserved by an easement in gross in favour of the public.
- 3.8. Service areas shall be integrated within the development and designed to minimise any negative visual impacts along the interface with the Yellagonga Regional Park and Wanneroo Road. All service areas are to be appropriately screened from the public realm to the satisfaction of the City of Wanneroo.
- 3.9. Hardscape shall provide for reduction of impervious area to facilitate water sensitive urban design.
- 3.10. Building facades shall be of a high architectural standard utilising brick, masonry and glazing and include colour schemes sympathetic to the natural environment to the satisfaction of the City of Wanneroo.
- 3.11. Buildings are to be designed to allow for adaptation and flexibility to facilitate changing use over time. Ensuring that the internal layout, method of construction, position of entrances and stairs allows for flexibility in use over time and enhance long term value to the satisfaction of the City of Wanneroo.
- 3.12. Buildings are to provide higher floor-to-ceiling heights to allow for alternative use of space and convenient routing of new services.
- 3.13. Buildings are to be designed to suit local climatic conditions, be energy efficient and designed to help reduce the risk and fear of crime.
- 3.14. New buildings are to be of a quality of architectural design that is consistent with the role, setting and natural character of the precinct.
- 3.15. Buildings are to provide opportunities for passive surveillance and be sited to enable and encourage pedestrian access to Yellagonga Regional Park. This may include glazing and seating or alfresco areas to integrate development with the Park, enabling the community to enjoy the natural setting.
- 3.16. A minimum of eight (8)% of the site shall be provided as landscaping in addition to the Compatible-Use Wetland Buffer defined in Plan 1.

4. Detailed Area Plan Requirements

4.1. In addition to the general requirements of Table A, a DAP for the Central Precinct may include to the satisfaction of the City:

- Floorspace allocation controls/restrictions
- Parking Controls
- Permitted building heights
- Built form and landscape concept requirements to be developed to ensure passive surveillance of the public realm (including Yellagonga Regional Park and Wanneroo Road), proposed car parking areas and promote the integration of the development with the Yellagonga Regional Reserve.
- Robust built form to facilitate adaptable use over time
- Interface between Business and Special Residential zones
- Opportunities to retain heritage buildings within development
- Opportunities to locate surface stormwater flows and areas suitable for stormwater infiltration
- Service area locations and access/egress arrangements.



Cadastre

2011 Metro Peel Aerial Photography

0 Scale 1:7,500 250 m

Prepared by: dcarter
Prepared for: DAVID CARTER
Date: Tuesday, March 20, 2012 10:17
Plot identifier: P20120320_1016



DP INTERNAL USE ONLY



Government of Western Australia
Department of Planning

DROVERS PLACE PRECINCT
LOCAL STRUCTURE PLAN NO.80
2011 AERIAL PHOTO

ITEM NO: 9.2

GOLDEN BAY STRUCTURE PLAN (SP) - UPDATE TO ENDORSED COMPREHENSIVE DEVELOPMENT PLAN 1994

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager - Metropolitan Planning South West
AUTHORISING OFFICER: Executive Director - Perth and Peel Planning
AGENDA PART: C
FILE NO: SPN/0334
DATE: 24 February 2012
ATTACHMENTS: 1. Location and Site Plans
2. Comprehensive Development Plan (CDP), 1994
3. Golden Bay Structure Plan (SP) - Update to
Endorsed CDP 1994
4. Response to Issues Raised in Public Consultation
5. MRS Plan
6. TPS 2 Plan
7. Consolidated Plan of Subdivision for Stage 1
8. Lot 3 - Golden Bay Master Plan Concept

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. approve the 'Golden Bay Structure Plan - Update to Endorsed CDP 1994' in accordance with Clause 4.2.6.10 of the City of Rockingham Town Planning Scheme No.2;**
- 2. advise the City of Rockingham and the proponent of '1' above, and of the following:**
 - Under the 'Dwelling Yield Estimates' on page 49 of the updated Structure Plan text, it should state that the dwelling yield estimates are based on an 'Urban' zoned site area of approximately 146 hectares;**
 - The areas designated 'MRS Reserve Public Purposes Primary School/High School' on the Structure Plan spatial plan should be modified as follows:**

- *'Public Purposes - Primary School' for the primary school site; and*
 - *'Development' for the extension to the Comet Bay College, inclusive of an appropriate note, as it is not yet reserved for 'Public Purposes - High School' under the Metropolitan Region Scheme;*
- *Further consideration should be given at the subdivision stage of planning to the appropriate development options (inclusive of roads) for the areas interfacing with the central Landscape Protection Area at Lot 3;*
 - *Table 4 (Public Open Space Schedule) in the Structure Plan text should include an additional note that relates to the 'Village Centre Non-Residential Area';*
 - *Consideration should be given at the subdivision stage of planning for the provision of footpaths on both sides of the roads throughout the updated Structure Plan area including within 400 metres of: the schools; areas of public open space including the foreshore reserve; and the edge of the neighbourhood centre;*
 - *Specific attention should be given to the fire management regime for the area adjacent to the eastern boundary where development will abut rural-residential land holdings. The Fire Management Plan must respond to the 'Bush Fire Protection Guidelines Edition 2, May 2010' and be approved by the City of Rockingham; and*
3. *advise the City that the Western Australian Planning Commission is satisfied that the 'Golden Bay Structure Plan - Update to Endorsed CDP 1994' responds adequately to the objectives of 'Liveable Neighbourhoods' in respect to density, generally, and, specifically, with regard to the provision of a wide range of lot sizes and a diversity of housing types. Moreover, the Western Australian Planning Commission is satisfied that the proposed densities and urban form is compatible with and will successfully integrate with the existing urban character of Golden Bay and Secret Harbour.*

SUMMARY:

- Golden Bay was opened for development in the 1960's as a coastal shack community and remains to this day only partially developed with over half of its coastal area being vacant land, a portion of which borders Secret Harbour to the north, which was developed in the 1990's (**Attachment A - Location and Site Plans**).
- In 1994, a Comprehensive Development Plan (CDP) was approved for the undeveloped portion of Golden Bay (**Attachment B - Comprehensive Development Plan**) which has not been implemented by the landowner, the Department of Housing. The CDP provides for, mainly, low density development (R20) with pockets of medium density development (R40) around areas of public open space.

- On March 19, 2010, the City of Rockingham (the City) approved a minor modification to the CDP. The Western Australian Planning Commission (WAPC) approved two subdivisions for the development of the modified area, known as Stage 1, in 2010 and 2011 (**Attachment G - Consolidated Plan of Subdivision**).
- In mid 2010, the proponent (which is the Department of Housing) submitted an update to CDP to the City (**Attachment C - Golden Bay Structure Plan (SP) - Update to Endorsed CDP 1994**).
- The updated SP provides a contemporary urban residential form and a range of residential densities to enable a diversity of housing types supported by a walkable high quality public realm including a neighbourhood centre, a coastal precinct, schools, public transport and areas of high amenity such as parks and the beach. The updated SP meets the target density of 15 dwellings per gross urban hectare prescribed in *Directions 2031* and, with 25 dwellings units per site hectare proposed, exceeds the suggested yield of 12 to 20 dwelling units per site hectare for standard lot layouts in *Liveable Neighbourhoods*.
- The City raised no objections to the proposed residential densities of the updated SP as part of its consideration for the advertisement of the updated SP, as required under the provisions the City of Rockingham Town Planning Scheme No. 2 (TPS 2).
- The advertising of the updated SP resulted in a considerable number of public submissions from individuals and the local resident's associations opposing the proposal mainly due to the proposed densities and a perceived lack of community facilities and services for the proposed increase in population.
- Notwithstanding its support for the advertising of the updated SP, the City, at its meeting of 13 December 2011, resolved not to adopt the updated SP citing "...that it is not consistent with the intent of *Liveable Neighbourhoods*, in that:
 - i) *The proposed density and interface of the development is inconsistent with the existing urban character and local identity of Golden Bay and Secret Harbour.*
 - ii) *The proposed broad scale application of medium density does not appropriately integrate with the prevailing context of the community."*
- Under the provisions of TPS 2, the WAPC is required to determine if the updated SP should be approved or refused.
- The City's report does not describe the urban character or the local identity of Golden Bay and Secret Harbour, nor does it consider the application of the high order objectives of *Liveable Neighbourhoods* relative to comprehensive development of the area.

- The character of Golden Bay is that of a community in the midst of the change from a remote metropolitan un-sewered beachside community with low density development into a recognised fully serviced residential suburb of double its land area within a rapidly growing metropolitan area in close proximity to the future Karnup train station. The character of its neighbouring community, Secret Harbour, reflects that of the planning and development context of the 1990's with predominantly low to medium density development configured around a golf course.
- The updated SP recognises the existing development in adjoining areas of Golden Bay and Secret Harbour by creating a transition area with the same density and front-loaded building form to ensure that the existing residential development will adjoin similar residential development as demonstrated in the Stage 1 development at Golden Bay that was supported by the City (**Attachment G - Consolidated Plan of Subdivision**).
- Furthermore, the updated SP is complementary to Golden Bay's evolving urban character as its existing low density development will be one of a variety of housing choices that will be integrated into a diverse and vibrant new community that reflects its enduring coastal and landscape character. As well, new residential development will be required to comply with estate Design Guidelines, as is the case in Secret Harbour, to ensure contemporary quality dwelling stock.
- Under the City's Development Contribution Plan (Amendment 114 to TPS 2), the Department of Housing will make a contribution towards community infrastructure in the order of \$5.98 million.
- It is recommended that the WAPC approve the 'Golden Bay Structure Plan - Update to Endorsed CDP 1994' in accordance with Clause 4.2.6.10 of the City of Rockingham Town Planning Scheme No.2 and advise the City of Rockingham of its approval.

BACKGROUND:

The updated Golden Bay SP area measures approximately 155 hectares in area and is located approximately 50 kilometres south of the Perth CBD and 14 kilometres north of the Mandurah Town Centre. It comprises Lots 2 and 3 Warnbro Sound Road (**Attachment A - Location and Site Plans**) and borders existing residential development in Golden Bay as well as in Secret Harbour, on the north. To the east it is bounded by rural residential landholdings. In total, the SP area represents approximately half of the land area of the coastal portion of Golden Bay.

The existing CDP for the area (**Attachment B - Comprehensive Development Plan**), approved in 1994, does not respond to the WAPC's current planning policies nor reflect contemporary best practice planning principles. The CDP was the subject of a Public Environmental Review (PER). The environmental approval associated with the PER remains valid and operative.

The owner of the subject land, the Department of Housing, recently commissioned consultants to update the CDP. The updated SP (**Attachment C - Golden Bay Structure Plan (SP) - Update to Endorsed CDP 1994**) responds to the density targets prescribed in *Directions 2031* and the objectives of *Liveable Neighbourhoods* including those for community design.

On March 19, 2010, the City of Rockingham (the City) approved a 'minor' modification to the CDP that, under the provisions of TPS 2, did not require the approval of the WAPC. The modified area is shown as 'Stage 1' on the updated SP and is currently undergoing subdivision works required as part of WAPC subdivision approvals for 150 residential lots, an area of public open space and a primary school site (**Attachment G - Consolidated Plan of Subdivision**).

The City raised no objections to the proposed residential densities of the updated SP as part of its consideration for the advertisement of the updated SP, as required under the provisions the City of Rockingham Town Planning Scheme No. 2 (TPS 2).

The advertising of the updated SP to the public resulted in a considerable number of submissions from individuals and the local residents' associations opposing the proposal mainly due to the proposed densities and a perceived lack of community facilities and services for the proposed increase in population.

Notwithstanding its support for the advertising of the updated SP, the City, at its meeting of 13 December 2011, resolved not to adopt the updated SP citing: its inconsistency with the existing urban character and local identity of Golden Bay and Secret Harbour; and that the proposed densities do not integrate with the prevailing context of the community.

Further, the City invited the proponent to submit a revised SP that addressed the reasons for its resolution including its assertion that medium and high density housing should be limited to select locations within the updated SP area, as interpreted from *Liveable Neighbourhoods*, and that land outside these locations should be reconsidered for a density appropriate to the prevailing context of the locality (the City's assertion is discussed in detail in **Attachment D - Response to Issues Raised in Public Consultation**).

Under the provisions of TPS 2, the WAPC is required to determine if the updated SP should be approved or refused.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Planning and Development Act 2005 (as amended)</i>
Section:	Part 10
Strategic Plan	
Strategic Goal:	Planning Building Relationships
Outcomes:	Planned local communities and developing a sense of place.
Strategies:	Develop connected and accessible communities.

Encourage innovation in the design of our communities.
Identify key infrastructure and development frameworks.

Policy

Number and / or Name: SPP 2.6 State Coastal Planning Policy
SPP 2.0 Environment and Natural Resources Policy
Directions 2031
Outer Metropolitan Perth and Peel Sub-Regional Strategy
Liveable Neighbourhoods
Planning for Bushfire Protection Guidelines Edition 2

DETAILS:

The majority of the land that is the subject of the updated SP is zoned 'Urban' with the coastal portion reserved for 'Parks and Recreation' in the Metropolitan Region Scheme (MRS) (**Attachment E - MRS Plan**). To the east, the abutting land is zoned 'Rural' and, beyond that and within 600 metres at its closest, WAPC owned land is reserved for 'Railways' for the future Karnup passenger railway station.

In the City's TPS 2, the land is zoned 'Development' (**Attachment F - TPS 2 Plan**). The developed portions of Golden Bay that abut the updated SP area are zoned, at the coastal portion, 'Residential' with a residential density coding of R5/20 and, to the east, 'Special Residential'. The abutting area at Secret Harbour is zoned 'Residential', with a residential coding of R20/40/80 on the western side of Warnbro Sound Road and R20/40 on its eastern side.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Golden Bay is a priority State Government Project and will improve the communities access to secure, appropriate and affordable housing.

CONSULTATION:

Advertising was undertaken in accordance with the requirements of Clause 6.3.3 of TPS 2 and was extended from the original period of six weeks following a request from the community.

Submissions

The advertisement of the updated SP resulted in:

- 271 submissions from the public of which 28 were in support, 242 in opposition and one neutral; and
- A petition with 582 signatories objecting to the proposal.

The issues that were raised in response to the advertising are summarised in **Attachment D** together with the City's and the Department of Planning's comments and recommendations.

OFFICER'S COMMENTS:

STRUCTURE PLAN

Site characteristics

Existing Development - Golden Bay and Secret Harbour

The updated SP area comprises about half of the coastal portion of Golden Bay. The developed portion of coastal Golden Bay dates back to the early 1960's. Electricity was connected to it in the early 1970's when about 48 houses had been built. Further, as of 2010, approximately 830 dwellings existed in the area. Dwellings are a mix of modest holiday beach shacks and/or homes with relatively limited site coverage which are progressively being replaced by more substantial double brick dwellings with much greater site coverage as is currently allowed under the Residential Design Codes (R-Codes). These homes are set on streets of approximately 20 metres width with few footpaths and little street tree planting.

A community centre and a small commercial node lend a degree of focus to the area.

The developed portion of Golden Bay has yet to be connected to reticulated sewerage. Once connected, approximately 200 or a quarter of the existing lots are capable of further development.

At the northern boundary of the updated SP area is the Secret Harbour Estate, a planned community dating back to the early 1990's reflecting the planning context of that time with an ample provision of publicly accessible facilities including a golf course and a commercial centre (District Centre). Dwelling stock is of a contemporary quality and, predominantly, developed at a low density (R20) with some areas of medium density (R30 and R40) residential development around public open space and the commercial centre.

Environmental

Lot 2 has gently undulating topography and is covered with dense coastal vegetation. Stretching inland for about 1.3 km from the shoreline, it has significant environmental and heritage values in the foreshore area that will be protected including: a Southern Brown Bandicoot population; conservation category wetlands; a Threatened Ecological Community; and an historic aboriginal camping site.

Lot 3 is set on a parabolic dune ridge with horseshoe shaped dunes rising to about 24 metres AHD which have significant landscape value. Portions of the dunes have been protected as part of the environmental approval and designated as Landscape Protection Areas. A *Landscape Protection Management Plan*, endorsed as part of the 1994 CDP, details the management of these areas.

Configuration, density and mix of housing types

The updated SP recognises key elements of the endorsed 1994 CDP including prescribing similar densities at the interface with existing developed areas in Secret

Harbour and Golden Bay. It also retains movement linkages with existing developed areas as well as portions of the general high order road configuration

Lots 2 and 3 contrast in design due, in part, to topography. At Lot 3, where the topography is very undulating, single house residential development with density codings of R20 and R30 and grouped housing sites with residential density codings of R20 and R40 are set in and amongst the Landscape Protection Areas and other areas of public open space (**Attachment H - Lot 3-Golden Bay Master Plan Concept**) . All development is within about 200 metres of public open space.

At Lot 2, which is able to be more densely developed than Lot 3 with a variety of lot sizes and dwelling types, residential development is configured around a high quality public realm including a neighbourhood centre, the foreshore reserve and areas of public open space. Most residents of Lot 2 will be within walking distance (400 metres) of these elements.

The movement network is designed around a central east/west coastal boulevard which links the eastern and western sides of Warnbro Sound Avenue and, as well, the neighbourhood centre to the foreshore reserve and adjacent coastal residential precinct.

The general density of development is concentrated around the coastal boulevard and Warnbro Sound Avenue with it lessening at areas with steeper topography and at the interfaces with existing development at Golden Bay and Secret Harbour. To the south and the east of the coastal precinct, R60 density development is located opposite to R20 density development. This will allow for an area of two storey maisonettes (multiple dwellings) which resemble large two storey homes, rather than four single or two bedroom apartments. As built at Brighton in the northwest, such development sits comfortably opposite R20 single storey dwellings.

The updated SP area has the potential to yield approximately 1,700 to 1,800 lots or 2,200 dwellings units at densities between R5 and R80 with a wide variety of housing choices including single front-loaded lots, cottage lot housing, apartments and walk up maisonettes. The updated SP meets the target density of 15 dwellings per gross urban hectare for the 'connected city' scenario as expressed in the WAPC's *Directions 2031*. Approximately 25 dwelling units per site hectare are proposed which exceeds *Liveable Neighbourhoods'* suggested yield of 12 to 20 dwelling units per site hectare for standard lot layouts.

The proposed densities and urban form is compatible with and will successfully integrate with the existing urban residential character of Golden Bay and Secret Harbour as:

- New residential development will be required to comply with estate Design Guidelines, as it does in Secret Harbour, to ensure contemporary quality dwelling stock.
- The character of Golden Bay is that of a community in the midst of the change from a remote metropolitan un-sewered beachside community with low density development into a recognised fully serviced residential suburb of double its

land area within a rapidly growing metropolitan area in close proximity to the future Karnup train station.

- The updated SP recognises the existing development in adjoining areas of Golden Bay and Secret Harbour by creating a transition area with the same density and front-loaded building form to ensure that existing residential development adjoins similar residential development as demonstrated in the Stage 1 development at Golden Bay that was supported by the City (**Attachment G - Consolidated Plan of Subdivision**).

Overall, the projected dwelling yield and associated allocation of densities is consistent with relevant WAPC policies and appropriately integrates with the existing developed areas of Golden Bay and Secret Harbour.

Neighbourhood Centre and Coastal Precinct

The 1994 CDP identified two commercial nodes within the subject land being:

- 0.308ha for beach related Tourist / Leisure which could be restaurant, cafe, sports equipment / clothes and the sale of take away food stuffs near the foreshore; and
- 0.59ha for commercial / service station at the corner of Warnbro Sound Avenue and Dampier Drive.

The location and integration of these nodes, however, is not consistent with the surrounding urban fabric and warranted further assessment as part of the updated SP.

The inclusion of a neighbourhood centre as part of the updated SP at the corner of Warnbro Sound Avenue and the coastal boulevard reflects the outcomes of the retail assessment for the updated SP area and its surrounding locality. Some 3500m² of retail floor space has been prescribed by the assessment including a medium sized supermarket, specialty shops and small retail showrooms.

As well, the assessment identified the potential for a commercial node in close proximity to the Foreshore Reserve and the east/west coastal boulevard similar to the Tourist / Leisure node at the foreshore identified in the 1994 CDP.

The assessment was based on the total population forecast of 8,174 which includes existing and future residents. In this regard, the City deferred the determination of modifications to its Local Commercial Strategy in line with this population forecast until such time as the updated SP was modified to reduce density in context with the existing development. Such a reduction in density would be likely to impact the demand for retail floor space.

Commercial development at the neighbourhood centre, and potentially, at the coastal precinct is consistent with Objective 1 'Community Design' of *Liveable Neighbourhoods* as it will help to create a community that will be reasonably self-

contained on a local level and, as such, will assist in the lessening of non-renewable energy use and car dependence.

Accessibility

Consistent with *Liveable Neighbourhoods*, the updated SP creates a highly walkable area as:

- Approximately 75% of residential development in the Lot 2 area is within 400 metres of the edge of the neighbourhood centre;
- Almost all residential development is within 200 metres of public open space, a Landscape Protection area or the foreshore reserve; and
- Other than at a small pocket at the northwest corner of Lot 2, all residential development is within 400 metres of a bus service.

As well, all residential development is within 800 metres of the primary school other than at small areas in the north-western and south-eastern corners of the updated SP area.

Movement network

Roads

The updated SP utilises Warnbro Sound Avenue as the primary link between the subject land and the locality as identified in the 1994 CDP. Links with existing development in Golden Bay and the Secret Harbour Estate identified in the 1994 CDP are maintained. Potential links to the east and towards the area around the future Karnup Railway Station have been identified.

The key features of the updated road network include:

- A coastal boulevard that links the neighbourhood centre, community buildings, the primary and high schools and other key facilities on the east and west sides of Warnbro Sound Avenue. Its intersection with Warnbro Sound Avenue is signalled to ensure safe and direct access for all modes of transport. On the western side, the coastal boulevard is planned as a neighbourhood connector in a 25 metre road reserve, with street trees in a central median, which links the neighbourhood centre to the foreshore reserve and the coastal precinct.
- Two neighbourhood connectors that branch off the coastal boulevard and create a high order movement structure for the modified grid of access streets.
- Laneways including 'L' and 'H' pattern laneways that, while not favoured by the City as discussed in detail in **Attachment D - Response to Issues Raised in Public Consultation**, can assist, in special circumstances, to create appropriate urban design outcomes as shown on the Consolidated Plan of Subdivision for Stage 1 (**Attachment G**).

In contrast to the 1994 CDP that proposed a impermeable network of cul-de-sacs, an easily accessible, legible, robust and permeable road network is proposed that is consistent with *Liveable Neighbourhoods* and contemporary planning principles.

Public transport

The subject land will be well serviced with three north / south bus routes connecting to district and regional facilities and the future Karnup Railway Station.

Pedestrian and cyclist network

The updated SP provides for an improved pedestrian and cyclist network over that of the 1994 CDP and features:

- Shared pathways on all roads adjacent to school sites, on integrator arterials and on neighbourhood connector roads with a footpath on the opposite side;
- On street cycle lanes on the Integrator B and Neighbourhood Connector A roads;
- Footpaths to the visitor parking bays in the road reserve at laneway lots; and
- Footpaths of a minimum width of two metres on, at least, one side of all roads.

Liveable Neighbourhoods recommends that footpaths should be provided on both sides of the road, especially when providing a linkage to a school, centre or station. Given this, the proponent is to be advised to further consider the provision of footpaths on both sides of the road throughout the SP area at the subdivision stage of planning including within 400 metres of: the schools; public open space including the foreshore reserve; and the edge of the neighbourhood centre.

Public open space

Provision

Within the updated SP area, a total of 15.62 hectares of credited public open space (POS) equating to a total of 11.31% of the gross subdivisible area is proposed. The credited POS does not include the foreshore reserve, nor the proponent's funding for recent improvements to Rhonda Scarrott Reserve. As noted earlier, all residential development is within walking distance (400 metres) of POS (**Attachment C - Golden Bay Structure Plan - Update to Endorsed CDP 1994**).

Distribution and type

At Lot 2, POS areas 'J', 'K' and 'T' provide active POS and are of a size consistent with neighbourhood parks in *Liveable Neighbourhoods*. Taking into account the existing Rhonda Scarrott Reserve and the 2.64 hectares of POS that is shared with Comet Bay College, there will be ample area for active recreation pursuits. Opportunities for passive recreation are located at the foreshore reserve, in POS area 'I' as well as in portions of the more active oriented POS.

With regard to the proposed POS at Lot 2, the City recommended that POS 'J' and 'T' be amalgamated as it considers that the drainage function would compromise the usability of these open spaces. The City's recommendation is not supported as detailed in **Attachment D - Response to Issues Raised in Public Consultation** for a number of reasons including negative impacts on the overall POS distribution and design scheme for Lot 2.

At Lot 3, the Landscape Protection Areas dominate the provision of POS. The lower slopes will be modified so as to merge with residential development providing the opportunity for the creation of small parks. As well, POS 'R' and 'U' will be of a size and designed to provide opportunities for active recreation.

The City does not support the lack of a road interface between three proposed grouped housing sites and the central Landscape Protection Area at Lot 3 as it has concerns about the limited opportunity for visual surveillance of that POS (**Attachment H - Lot 3-Golden Bay Master Plan Concept**). The City's views are acknowledged as noted in **Attachment D- Response to Issues Raised in Public Consultation**. However, given that the design of development on steeply sloping sites abutting areas of POS is complex and can be dealt with in a variety of ways (not only a road interface), further detailed investigation by the proponent in consultation with the City at the subdivision stage of planning is warranted.

Foreshore Management Plan

A Foreshore Management Plan (version 6), inclusive of an assessment of coastal setbacks, has been prepared and is supported by the City and by the Department of Planning.

Fire Management

The updated SP indicates that, at the interface of residential development with the foreshore reserve and the Landscape Protection Areas, risks from fire hazards are lowered by the combination of: building protection zones; dwellings built in compliance with AS 3959-2009; and the planting of low fire risk plants. It, however, does not discuss the fire management regime at the interface with the rural residential landholdings on the eastern boundary.

As such, the proponent is to be advised that specific attention should be given to the fire management regime where development abuts the eastern boundary with a Fire Management Plan that responds to the WAPC's *Bush Fire Protection Guidelines Edition 2*, May 2010.

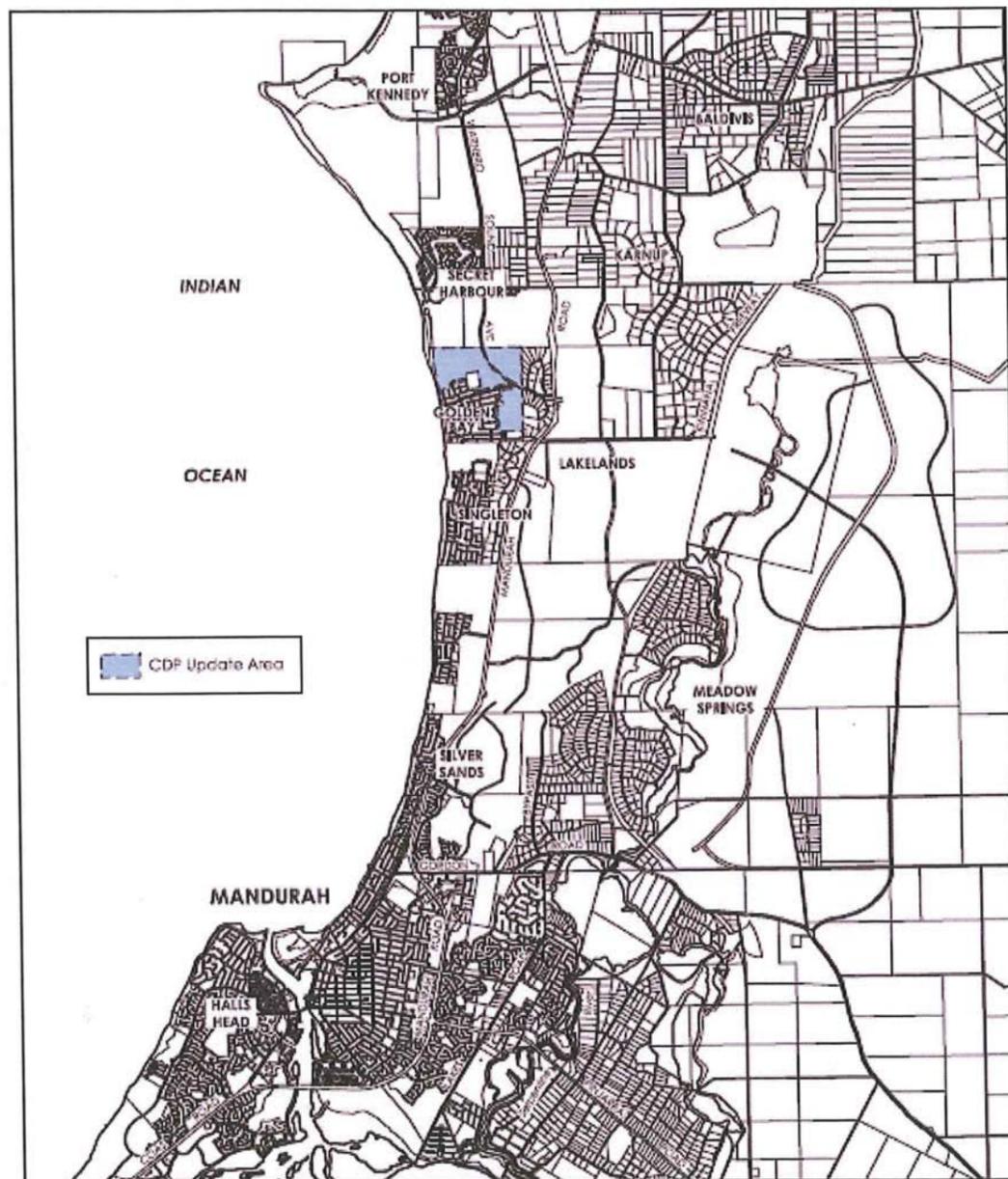
Urban Water Management

The Golden Bay Local Water Management Strategy, dated April 2011, was approved by the Department of Water on 23 May 2011.

CONCLUSION

The updated SP provides for a contemporary urban residential form and a range of residential densities to enable a diversity of housing types supported by a walkable high quality public realm including a neighbourhood centre, a coastal precinct, schools, public transport and areas of high amenity such as parks and the beach. The updated SP area will be relatively self-contained as it will have a sufficient population to support commercial activities, including small-businesses at the neighbourhood centre and, potentially the coastal precinct.

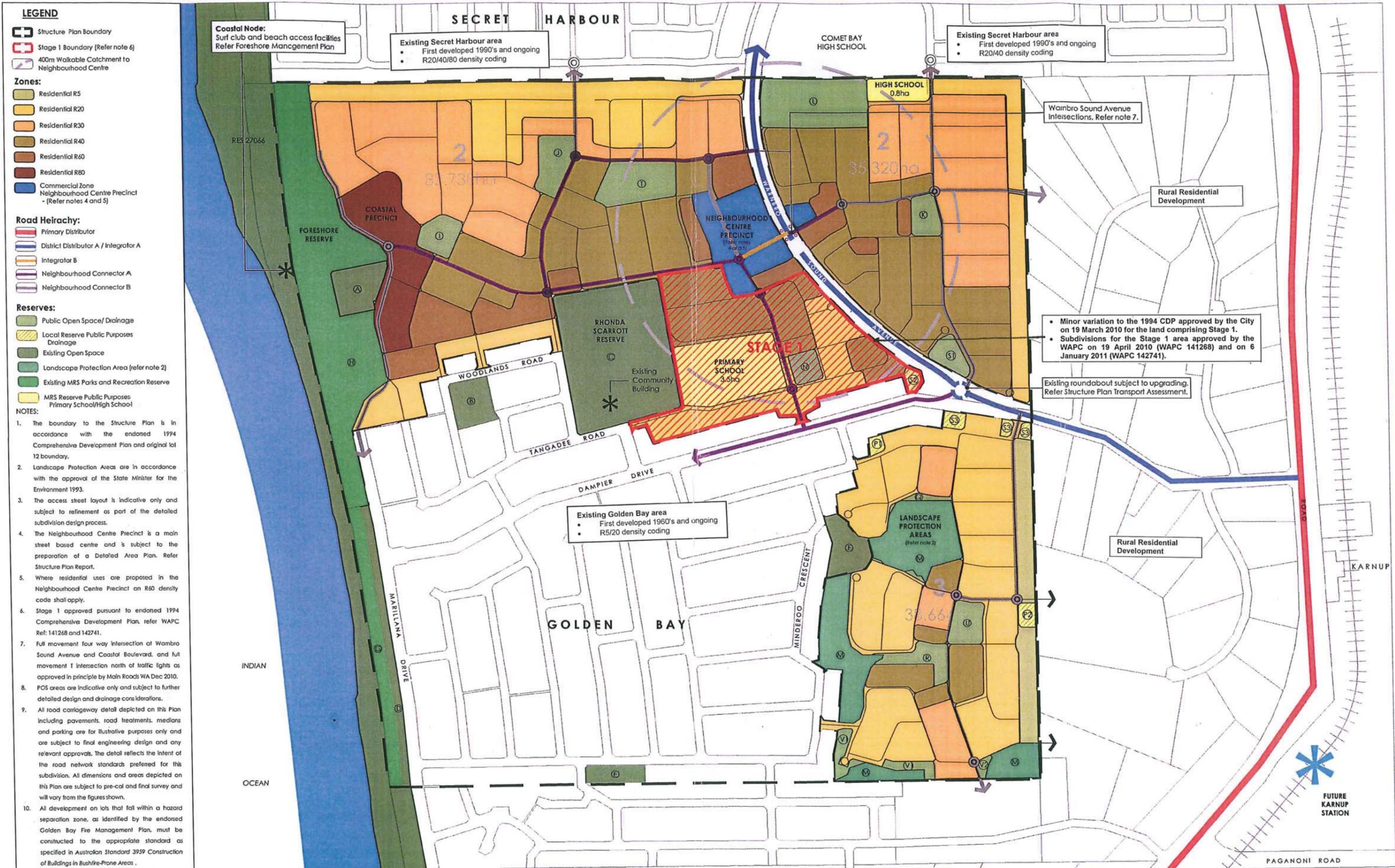
The updated SP responds appropriately to the WAPC's strategic planning and policy instruments. Given this, it is recommended that the WAPC approve the 'Golden Bay Structure Plan - Update to Endorsed CDP 1994' in accordance with Clause 4.2.6.10 of the City of Rockingham Town Planning Scheme No.2 and advise the City of Rockingham accordingly.



Location Plan
Plan No. 2187-99-01



Site Plan
Plan No.: 2187-01d



- LEGEND**
- Structure Plan Boundary
 - Stage 1 Boundary (Refer note 6)
 - 400m Walkable Catchment to Neighbourhood Centre
- Zones:**
- Residential R5
 - Residential R20
 - Residential R30
 - Residential R40
 - Residential R60
 - Residential R80
 - Commercial Zone
 - Neighbourhood Centre Precinct (Refer notes 4 and 5)
- Road Hierarchy:**
- Primary Distributor
 - District Distributor A / Integrator A
 - Integrator B
 - Neighbourhood Connector A
 - Neighbourhood Connector B
- Reserves:**
- Public Open Space/Drainage
 - Local Reserve Public Purposes Drainage
 - Existing Open Space
 - Landscape Protection Area (refer note 2)
 - Existing MRS Parks and Recreation Reserve
 - MRS Reserve Public Purposes Primary School/High School

- NOTES:**
1. The boundary to the Structure Plan is in accordance with the endorsed 1994 Comprehensive Development Plan and original lot 12 boundary.
 2. Landscape Protection Areas are in accordance with the approval of the State Minister for the Environment 1993.
 3. The access street layout is indicative only and subject to refinement as part of the detailed subdivision design process.
 4. The Neighbourhood Centre Precinct is a main street based centre and is subject to the preparation of a Detailed Area Plan. Refer Structure Plan Report.
 5. Where residential uses are proposed in the Neighbourhood Centre Precinct an R60 density code shall apply.
 6. Stage 1 approved pursuant to endorsed 1994 Comprehensive Development Plan, refer WAPC Ref: 141268 and 142741.
 7. Full movement four way intersection of Wambo Sound Avenue and Coastal Boulevard, and full movement T intersection north of traffic lights as approved in principle by Main Roads WA Dec 2010.
 8. POS areas are indicative only and subject to further detailed design and drainage considerations.
 9. All road carriageway detail depicted on this Plan including pavements, road treatments, medians and parking are for illustrative purposes only and are subject to final engineering design and any relevant approvals. The detail reflects the intent of the road network standards preferred for this subdivision. All dimensions and areas depicted on this Plan are subject to pre-cal and final survey and will vary from the figures shown.
 10. All development on lots that fall within a hazard separation zone, as identified by the endorsed Golden Bay Fire Management Plan, must be constructed to the appropriate standard as specified in Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas.

GOLDEN BAY STRUCTURE PLAN - UPDATE TO ENDORSED CDP 1994
 Lots 2 and 3 Wambo Sound Avenue, Golden Bay
 City of Rockingham

plan no: 2187-257A-01
 scale: 1:8000 @ A3
 date: 04.01.2012

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This plan is current to the revised date & subject to approval, survey & engineering detail. This plan remains the property of CLE ©

RESPONSE TO ISSUES RAISED IN PUBLIC CONSULTATION

The updated SP was advertised together with: the Golden Bay Foreshore Management Plan; and a modification to Planning Policy 6.3 - Local Commercial Strategy (to increase the Nett Lettable Area of the Golden Bay East Neighbourhood Centre consistent with that proposed in the updated SP). Advertising occurred from 01 July 2011 until 12 September 2011 for a total of ten weeks which was extended from the original period of six weeks following a request from the community.

Advertising was carried out in the following manner:

- Notification letters were sent to 2,297 neighbouring property owners, public authorities, the Golden Bay Progress Association and Secret Harbour Residents Association;
- Four large signs were erected on site in prominent locations;
- A notice was placed in the Weekend Courier on 01 and 08 July 2011 and again on 19 August 2011; and
- Copies of the Amendment documents were made available for inspection at the City's Administration Offices and placed on the City's website.

Submissions

Five submissions from public authorities and 271 from the public were made to the City. Of the 271 submissions from the public, 28 submissions were in support, 242 in opposition and one neutral. In addition, a petition with 582 signatories raised objections. The submissions of objection reference, in summary, inappropriate/excessive density and lack of community infrastructure to support the proposed density.

Government authorities:

- The Department of Education supports the updated SP as it accommodates a planned primary school in Golden Bay as well as the expansion of the Comet Bay College in adjoining Secret Harbour.
- The Department of Health supports the updated SP subject to it being connected to reticulated sewer consistent with the Government Sewerage Policy.
- Department of Indigenous Affairs confirms that an Aboriginal Heritage site comprising a camping site of some importance, which is mapped on the register of Aboriginal Sites, is located within an existing vested reserve abutting the foreshore. Further the Department recommended that surveys of the updated SP area be done prior to development to confirm that no additional sites exist on the subject land.

The City concurs and states that the subdivision stage of planning would be the appropriate time for such surveys to occur.

The City's recommendation is not supported as the entire updated SP area was subject to thorough ethnographic and archaeological surveys in 1990 which identified the above mentioned registered site.

- The Department of Water approved the Local Water Management Strategy on 23 May 2011 for the updated SP area.
- The Water Corporation has no objections to the updated SP but provided comments about technical matters regarding water efficiency and the servicing of the updated SP area with water and sewerage.

The Transport Assessment for the proposed updated SP was also referred to the Department of Planning's Infrastructure and Coordination Division (IPAC) for its comments. IPAC considers that the proposed roundabout at the intersection of Warnbro Sound Avenue at Dampier Drive posed a significant impediment to pedestrians and cyclists and that it should be reconsidered.

The proponent noted that the roundabout was an existing roundabout and, as such, the impediment to pedestrians was an existing one. Nevertheless, the proponent's assessment of the movement network associated with the updated SP found that the highest demand for pedestrian and cyclist movements in the updated SP area will not be around this intersection but further to the north and, generally, be between: Rhonda Scarott Reserve; the primary school; the Neighbourhood Centre along Warnbro Sound Avenue; and, the Comet Bay College.

As such, the roundabout at the intersection of Dampier Drive and Warnbro Sound Avenue is not considered to be a significant impediment to pedestrians and cyclists in the locality as most of that movement is located away from this intersection.

Given the above, no issues have been raised by Government authorities that would preclude the approval of the updated SP by the WAPC.

Public:

The issues raised in the public submissions, the City's response and the Department of Planning's comments are as follows.

1. Density

Submission: Proposed densities are too high and are inconsistent with existing Golden Bay and Secret Harbour densities.

City's comment:

The City acknowledges that the updated SP achieves the minimum density required by *Liveable Neighbourhoods* and of *Directions 2031* as below:

Proposed Density Summary		
Policy	Required Minimum Density	Density Proposed
<i>Directions 2031</i>	Minimum 15 dwellings per gross urban hectare	15 dwellings per gross urban hectare
<i>Liveable Neighbourhoods</i>	Minimum 12 to 20 dwellings per site hectare standard lot layouts	25 dwellings per site hectare
	Minimum of 20 to 30 dwellings per site hectare within 400m of a Neighbourhood Centre and 250m of a main bus route.	33 dwellings

It, however, argues against the proposed densities as follows.

Context of density and interface with existing development

The City maintains that: "*The integration and distribution of density as proposed on the Structure Plan is not considered to appropriately interface with the existing development and generally is provided out of context to the prevailing character of the area.*"

While it supports the staggered densities that increase central to the updated SP area, it considers that the substantial areas of R30 and R40 coded land provide for '*a different character of housing product*'.

Further, the City does recognise the transition of densities from the existing communities, but, once again argues that the transition is not considered to appropriately address the concern for integration.

In a strategic sense, the City acknowledges that it is appropriate to make best of use of available land for development but considers that "*...the site is not strategically located next to major public transport or regionally significant activity centres or employment nodes to warrant a broad scale application of medium density land.*" (medium density is a reference to R30 and above).

Location of density

The City acknowledges that *Liveable Neighbourhoods* encourages smaller residential lots and higher density housing in areas close to a Town or Neighbourhood Centre, near public transport stops, and in areas with high amenity, such as parks.

In this regard, the City considers that medium and high density housing should be limited to the following locations within the updated SP area

and that land outside these locations should be reconsidered for a density appropriate to the prevailing context of the locality (R5/20 density or lower):

- Land located within 400m of the proposed Neighbourhood Centre;
- Boulevard Land directly abutting the central 'Coastal Boulevard' and abutting Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
- Adjacent to local parks; and
- The Coastal Precinct.

Density near Bus Routes

The City maintains that the bus services currently being (and intended to be) provided to Golden Bay are low frequency local bus routes and that the "*... broad provision of medium density development to access these services is not considered to meet the intent of Liveable Neighbourhoods and it is considered inappropriate to broadly provide density within 250m of these low frequency services.*"

It considers that the provision of medium density development on Neighbourhood Connectors routes (such as the 'Coastal Boulevard' and the proposed north/south connections provided on the updated Structure Plan) intended to be serviced by a bus routes is considered a more logical approach, as it establishes a legible hierarchy of streets in the subdivision whilst providing a nexus with this service.

Conclusion

The City concluded by stating, in response to the public submissions asserting that the proposed densities are too high and inconsistent with the existing densities in Secret Harbour and Golden Bay that:

"The concern raised that the proposed densities are too high and inconsistent with existing communities, has a valid planning merit. It is agreed the application of medium density in the proposed Structure Plan does not appropriately integrate with the prevailing context of the area.

While it is recognised the proposed Structure Plan achieves the minimum density requirements of State Policy, the broad scale application of medium densities across the site does not integrate with the prevailing context of the locality, in terms of proximity to any major public transport, key employment nodes, and the transition of density to the existing communities. In this regard, the proposed Structure Plan is not considered to meet the intent of Liveable Neighbourhoods and is not considered appropriate."

Further, the City suggested that the updated SP area be robustly designed to be able to increase in density and land use over time so "...

development can appropriately integrate with the existing context of the area and absorb further development if deemed appropriate."

Given the above, the City did not support the density proposed on the updated SP and recommended it be re-designed in light of the comments made above.

Department of Planning's comment:

Context of density and interface with existing development

The City asserts that the proposed densities do not 'appropriately' interface with existing development and that the densities are out of context to the prevailing character of the area.

Interfaces

- Golden Bay Interface

With regard to an 'appropriate' interface with existing development, Residential R20 lots are proposed for the entire length of the interface of the updated SP area with the existing Golden Bay development other than at a single R40 grouped dwelling site at the eastern most end of that interface (at Warnbro Sound Avenue) consistent with the approved 1994 CDP.

The subdivision of Stage 1, which was supported by the City and approved by the WAPC (**Attachment G - Consolidated Plan of Subdivision for Stage 1**), and constitutes more than half of the interface of Lot 2 with the existing developed areas in Golden Bay, demonstrates an 'appropriate' interface with the existing Golden Bay development as:

- The R20 density code is the same density coding that Golden Bay will be when connected to reticulated sewer; and
- Dwellings will be single front loaded dwelling stock which is the same as the adjoining existing Golden Bay dwelling stock at the current time.

- Secret Harbour Interface

Residential R20 density is proposed abutting the entire length of the updated SP where adjoining existing development in Secret Harbour (which has a density coding of R20/40/80 to the west of Warnbro Sound Road and R20/40 to its east). Draft subdivision plans (**Attachment G - Consolidated Plan of Subdivision for Stage 1**) propose lots between 540m² and 570m² at the interface, similar to the sizes of the adjoining lots and allowing

for traditional front loaded single or double storey dwellings as found throughout Secret Harbour.

As well, and where possible, lots will be designed with rear boundaries lining up with existing lots to avoid each existing lot having more than one rear neighbours.

Given the above, the City's assertion that the proposed densities do not appropriately interface with existing development is not sustained.

Context of density to prevailing character of area

The City asserts that the proposed densities are generally out of context to the prevailing character of the area.

The City, however, does not define the character of Golden Bay or Secret Harbour in its report and compare that character to the proposed updated SP area. In this regard, density alone does not describe the character of a place. Building coverage, house size, the amount of diversity and greenery, and the quality of public and private spaces more fully inform the character of a place rather than 'density' alone.

Contrary to the assertion of the City, the updated SP recognises and is sympathetic to the existing (and very different characters) of Secret Harbour and Golden Bay, as discussed below.

- Golden Bay (coastal portion)

Golden Bay was opened for development in the 1960's but is only partially completed with over half of it comprising vacant land which is the subject of the updated SP. Its enduring character is linked to its coastal location area and its dramatic parabolic dune ridge.

With regards to its urban character, and according to the Golden Bay Progress Association, the area was opened up for development in 1964 and currently includes about 830 houses. The public realm is made up of wide streetscapes of approximately 20 metres width with few footpaths and little street tree planting. Areas of public open space have a casual and relaxed environment. The coastal community centre and a small commercial node lend a degree of focus to the area.

In the private realm, the lots are typically front loaded with areas of 800 – 900m² with the majority of existing dwellings built in the 1970's and 1980's. These early dwellings are modest holiday beach shacks and/or homes with relatively low site coverage which are being replaced by more substantial double brick

dwellings with much greater site coverage as currently allowed under the Residential Design Codes (R-Codes).

There is little diversity in dwelling types beyond the 'old' and the 'new', as the area is currently limited to a density of R5 under the R-Codes. This will change once lots are connected to reticulated sewer as over 200 lots, or about 25% of that existing, have the potential to be re-developed to a higher density with new dwelling types once connected to sewer.

The private realm of the existing Golden Bay community is in the midst of the change from a remote metropolitan un-sewered beachside community to a recognised fully serviced residential suburb of double its land area, within a rapidly growing metropolitan area, as signalled by the redevelopment of the older homes and the proposal for the development of the updated SP area.

Its existing urban character, with a half completed private realm in spatial terms, therefore, is one that is evolving, and, as such, not firmly set at this time. Nevertheless, the design of the proposed SP recognises the existing development in Golden Bay by creating a transition area, as discussed above, to ensure that existing residential development adjoins similar residential development.

Further, the existing development in Golden Bay will be an integral part of its evolving new urban fabric, as it represents one of a variety of housing choices, being low density development, that will help to create a diverse and vibrant new private realm within the Golden Bay community. Similar to existing development, the new portion of the suburb will have front loaded lots. And, as with the new dwellings in existing Golden Bay, site coverage will be as currently allowed under the R-Codes but with the added quality assurance of estate Design Guidelines as found in new planned community developments.

Residential development at the new Golden Bay will, however, be more structured than the existing community as it will be configured around a high quality public realm which includes a centrally located neighbourhood centre, a coastal precinct, key areas of public open space (including the existing Rhonda Scarrott reserve where the Department of Housing is funding improvements) and the associated movement network. The movement network will be distinguished by the ample provision of footpaths and street trees making a hospitable environment for pedestrians and enhancing the overall physical quality of the new community.

The proposed SP is, therefore, highly complementary to the evolving character of Golden Bay's private realm as its low

density development comprises one of a variety of housing choices that will be integrated into a diverse and vibrant new community. Inclusive of the new high quality public realm, the development of the proposed SP area will help to establish a firm and recognizable character for Golden Bay that reflects its enduring coastal and landscape character as well as contemporary planning principles and offers a wide choice of housing and lot products.

- Secret Harbour

Secret Harbour is a planned community dating back to the early 1990's reflecting the planning context of its time. In the private realm, a moderate variety of dwellings are provided including front-loaded R20 single homes (which dominate), R30 cottage products, R40 density living adjoining the District Centre and, as well, R80 at the coastal node which is similar to the proposed updated Structure Plan. All residential construction is regulated by estate Design Guidelines as well as by the R-Codes. As a result, Secret Harbour has relatively good quality double brick homes with site coverage consistent with the R-Codes.

Its public realm is distinguished by its golf course and its central boulevard, planted with mature trees such as Norfolk Island Pines, around which the suburb is configured. Local streets are about 15 metres wide with neighbourhood connectors at around 24 metres width. In this regard, the portion of Secret Harbour adjacent to the updated SP area is configured in a modified grid street network similar to the configuration of the abutting SP area. Footpaths are provided along one side of the neighbourhood connectors but only a few on access streets. While there are street trees on its central boulevard, few street trees have been provided on access streets in close proximity to the updated SP area.

Along with the golf course and its clubrooms, Secret Harbour has a wealth of facilities including well appointed public open space, a surf club, two primary schools, Comet Bay College and a community centre. Shopping can be accessed at the Secret Harbour Shopping Centre (classified as a 'District Centre' in WAPC policy) which has a Woolworths and about 20 speciality stores. Its coastal centre, however, has only one shop with the remaining lettable area vacant and boarded up.

Overall, Secret Harbour's character is of a well planned community reflecting the planning context of its time with an ample provision of publicly accessible facilities and predominantly low density dwelling stock of a high quality. Its lack of density, which makes some of its facilities beyond a walkable distance from many dwellings, as well as its lack of

footpaths and street trees, however, precludes ease of pedestrian access within the suburb.

The proposed updated SP recognises and complements the existing character of the private realm in Secret Harbour by means including the:

- Creation of a transition area by the prescription of an R20 density coding and the matching of most lot boundaries at the interface of the updated SP area and Golden Bay which will help to ensure that existing residential development adjoins similar residential development; and
- Requirement for new development to comply with estate Design Guidelines to ensure contemporary quality dwelling stock as found in Secret Harbour.

As with Secret Harbour, the design of the overall estate, including the public realm, will be guided by contemporary and accepted best practice planning principles as embodied in the suite of policies adopted by the WAPC over the past few years, including *Liveable Neighbourhoods* and *Directions 2031*, which both address sustainable living in Perth's growing metropolitan area.

Given the above the City's assertion that the proposed densities are generally out of context to the prevailing character of the area is not sustained.

Location of density

The City asserts that medium and high density housing should be limited to select locations within the updated SP area, as interpreted from *Liveable Neighbourhoods*, and that land outside these locations should be reconsidered for a density appropriate to the prevailing context of the locality.

The City has taken a relatively narrow view of *Liveable Neighbourhoods* by selecting particular portions of its 'Requirements' to justify limiting the development of the updated SP area while failing to recognise *Liveable Neighbourhoods*' broader 'Objectives'. In particular, the City fails to recognise that the updated SP meets 'Objective 1' for 'Community design' by creating a community that will minimise non-renewable energy use and car dependence, be reasonably self-contained on a local level and protect natural and cultural assets. It does this by providing a range of lot sizes to enable a diversity of housing types supported by a walkable high quality public realm including a neighbourhood centre, a coastal precinct, schools, ample public transport and areas of high amenity such as parks and the beach. As well, it will be relatively self-contained as it will have a sufficient population to support the commercial activities, including

small-businesses associated with the neighbourhood centre and the coastal precinct.

Given the above, the City's assertion that medium and higher density housing should be limited to select locations within the updated SP area and that land outside these locations should be reconsidered for a density appropriate to the prevailing context of the locality is not sustained.

Density near Bus Routes

The City maintains that the bus services currently being (and intended to be) provided to Golden Bay are low frequency local bus routes and that the "*... broad provision of medium density development to access these services is not considered to meet the intent of Liveable Neighbourhoods and it is considered inappropriate to broadly provide density within 250m of these low frequency services.*"

The provision of bus services and its relationship to the design of a community is but one issue to be considered in its design and the designation of appropriate densities. Nevertheless, the City has failed to recognise that the three bus routes through Golden Bay will, in time, connect to the future Karnup Railway Station (located about 600 metres at its closest point from Golden Bay) and that the service frequency will increase as the Karnup station comes on line and the Golden Bay estate and residential catchment to transport stops matures.

Given the above the City's assertion that medium density development should be limited within 250 metres of the intended bus routes is not sustained.

Submission: Proposed densities are incompatible with the existing 'Special Residential' zoned land to the east.

City's comment:

Contrary to the submission, the City supports the proposed R5 density coding interface with the existing 'Special Residential' land to the east as it is consistent with the CDP endorsed in 1994 as well being consistent with the use of R5, R10 and R12.5 coded land as a transition between the rural and urban environment in Singleton which abuts Golden Bay to the south.

Department of Planning's comment:

The City's comments are supported.

Submission: Multi Storey (High-Rise) Development should not be supported.

City's comment:

The City supports the proposed R80 coastal precinct as it believes it to be appropriately separated from the existing context of development in Golden Bay and Secret Harbour. It also cites that the development will provide opportunities for surveillance of the foreshore and that design controls can be employed through a Detailed Area Plan at subdivision stage to ensure the building bulk is managed and integrated into the existing and proposed residential area. Further, it notes that Secret Harbour provides similar R80 development sites opposite the foreshore which the City supported as a node of activity as part of its updated SP.

Department of Planning's comment:

The City's comments are supported insofar as the multi-storey development at the foreshore will assist in the viability of coastal precinct as a small activity node and, as well, that it will provide opportunities for surveillance of the foreshore which is relatively distant from residential development.

2. Infrastructure

Submission: Lack of existing infrastructure and facilities (public transport, police, schools, community facilities). Proposal will overload existing infrastructure and facilities.

City's comment:

The City acknowledged the concerns of the community with respect to the lack of State Government facilities and services within the area and made a commitment to advocate, wherever possible, for increased services to residents. In particular, it noted the following:

- Public Transport

The City acknowledged the commitment from the PTA for additional bus services to service the area.

- Schools

The City acknowledged that a Primary School site was approved within the subdivision application for the Stage 1 development of Golden Bay abutting Rhonda Scarrott Reserve (**Attachment G - Consolidated Plan of Subdivision for Stage 1**). It also cited that an extension to Comet Bay College is proposed as part of the updated SP pursuant to the requirements of the Department of Education.

- Community Facilities

The City cited that its adopted Community Infrastructure Plan makes provision for upgrades to facilities at Rhonda Scarrott Reserve. These upgrades to facilities will be provided from funds acquired as part of the City's Developer Contribution Scheme.

Given the above, the City did not generally support the representations regarding the perceived lack of infrastructure to support the proposed development of the updated SP area.

Department of Planning's comment:

The City's comments are supported.

Submission: More Public Open Space (POS) is required

City's comment:

The City acknowledged that the provision of POS satisfies the requirements of *Liveable Neighbourhoods*. It, however, notes two outstanding issues:

- There is a direct interface between the elevated POS (central Landscape Protection Area) at Lot 3 (south eastern portion of updated SP area) and three grouped housing sites which sit below the POS (Attachment H - Lot 3 - Golden Bay Master Plan Concept). Given this, the opportunity for visual surveillance of that POS is limited and, as such, a road interface is desirable.
- POS 'J' and 'T' are not supported in their proposed current configuration as it is considered the drainage function of these open spaces will compromise the usability of these parks. The City recommends that POS 'J' and 'T' be amalgamated.

Department of Planning's comment:

The City's comments are assessed as follows:

- With regard to the City's recommendation for a road interface between the POS (central Landscape Protection Area) and the three grouped housing sites at Lot 3:
 - The updated SP, at Note 9 states that all road carriageway detail is for illustrative purposes, only, thereby allowing for modifications to roads at later stages of planning; and
 - the design of development on steeply sloping sites abutting areas of POS is complex and can be dealt with by a variety of means and not only a road interface.

Given the above, the City's requirement for a road interface between the three grouped housing sites and areas of POS at Lot 3 requires further investigation and can be resolved at the subdivision stage of planning.

- With regard to the proposal to amalgamate POS 'J' and 'T':
 - The two reasonably sized areas of POS (7550m² and 1.351 hectares) are part of an overall POS distribution and design scheme for Lot 2 offering 'Neighbourhood Park' amenity on each side of a neighbourhood connector which allows for safe access for young residents on either side of the connector;
 - Amalgamation of the two areas on the eastern side of the neighbourhood connector would displace a portion of the residential area within the walkable catchment of the neighbourhood centre thus compromising the ability to maximise density surrounding the centre; and
 - The drainage areas will be refined at Urban Water Management Plan stage and could include other drainage management techniques not currently taken into consideration, such as verge and median swales as well as underground storage tanks to help to reduce the drainage areas in each of the POS areas.

Given the above, the proposal by the City to amalgamate POS 'J' and 'T' is not sustained.

Submission: Lack of Employment Opportunities

City's comment:

Contrary to the submission, the City notes that the proposed updated Structure Plan will provide employment opportunities including those associated with the proposed Neighbourhood Centre. Further, it cites that the proposed movement network and lot layout is appropriately designed to accommodate home based businesses.

Department of Planning's comment:

The City's comments are supported.

Submission: Sewer Connection to Golden Bay

City's comment:

City notes that the provision of sewer to the existing Golden Bay is the responsibility of the Water Corporation through its sewer infill program.

Department of Planning's comment:

Sewerage will be provided in accordance with the Water Corporation's program.

3. Impacts on Amenity

Submission: Proposed densities will have detrimental effect on amenity of existing community and laid back coastal lifestyle of Golden Bay will be detrimentally affected.

City's comment:

The City asserts that the integration of density as proposed on the updated Structure Plan does not appropriately interface with the existing development and is not consistent with the character of the area. Further it considers that if the proponent addresses the distribution of density as part of a revised Structure Plan, the concern regarding the impact to existing residents' amenity will be satisfactorily addressed.

Department of Planning's comment:

The City's assertion is not supported as per the Department's comments regarding the submission that asserts 'Proposed densities are too high and are inconsistent with existing Golden Bay and Secret Harbour densities'.

Submission: Increase crime rate, graffiti, vandalism associated with higher densities.

City's comment:

The City acknowledges that the design of the proposed updated Structure Plan provides an improved road and street block layout from the endorsed CDP to encourage passive surveillance provided from habitable spaces within dwellings.

It, however, does not favour 'H' and 'L' pattern laneways to provide garage access to dwellings as they provide limited opportunity for the passive surveillance of the laneway. Further, the City states that 'H' pattern laneways work best in locations of high density development and high amenity such as Subiaco. It, however, believes that in the context of this location and the Department of Housing's goal to provide affordable housing, it is unlikely upper floor surveillance of this space can be achieved because development is likely to be single storey in nature.

Department of Planning's comment:

Contrary to the City's assertion, 'L' pattern laneways do allow surveillance down both laneway legs from the adjoining streets and can provide an effective design solution in special circumstances. In this regard, the design of proposed Stage 3 (in Stage 1 of the overall development and as shown on **Attachment H - Consolidated Plan of Subdivision for Stage 1**) utilizes 'L' pattern laneways in an area along the north/south neighbourhood connector to avoid undesirable intersections onto the connector while maximizing density along a bus route. Also in proposed Stage 3, 'L' pattern laneways are utilized around the neighbourhood centre so as to avoid laneway intersections that would disrupt the main street built form. In both cases, the laneways are open to public surveillance.

Further, two sets of 'H' pattern laneways were approved as part of the first part of Stage 1 development (**Attachment H - Consolidated Plan of Subdivision for Stage 1**) so as to:

- Allow for an increased density adjoining the neighbourhood centre and primary school site;
- Allow for dwellings to overlook Rhonda Scarrott Reserve and the primary school, rather than siding on to these spaces and not addressing them;
- Avoid additional crossovers adjoining the neighbourhood centre, creating potential traffic management issues; and
- Facilitate a superior built form outcome along the Coastal Boulevard, avoiding garage doors or vehicle crossovers at the entry to Golden Bay.

These 'H' pattern laneways were discussed at length with the City and the WAPC and agreed to be an acceptable outcome given the specific circumstances. Further, a Detailed Area Plan (DAP) was prepared and approved by the City that requires a two-storey dwelling at the head of the central laneway leg with design aspects that maximise surveillance onto the laneway.

Only one 'H' pattern laneway is proposed for the next two stages of Stage 1 development. Located to the east of Warnbro Sound Avenue, it facilitates surveillance over the open space to the north, allows for dwellings to address the main east-west connector and assists in the maximizing of densities within the walkable catchment to the Neighbourhood centre. As with the other laneways, a DAP will be prepared to ensure second storey surveillance over the central laneway leg.

Given the above, the concerns of the City about 'H' and 'L' pattern laneways are not sustained.

Submission: Social housing ratio too high.

City's comment:

The City notes that the community has concerns regarding the ratio of public housing but acknowledges that land tenure is not a valid planning consideration. It also notes that the ratio of social housing is provided at the discretion of the Department of Housing.

Department of Planning's comment:

The City's comments are supported.

Submission: Impact on property values.

City's comment:

The City states that the potential impact to property values is not a valid planning consideration in the City's assessment of a proposed Structure Plan.

Department of Planning's comment:

The City's comments are supported.

4. Traffic

Submission: Increased congestion and impact of through traffic on existing communities.

City's comment:

The City supports the Traffic Model and Road Safety Audit provided as part of the updated Structure Plan report which demonstrates that the proposed and existing road network can appropriately accommodate the traffic generated from the updated Structure Plan area and that through traffic will have a negligible impact on the existing community.

Department of Planning's comment:

The City's comments are supported.

Submission: Noise and Pollution from Increased Traffic.

City's comment:

The City notes that the movement network is designed as a modified grid to disperse traffic within local streets consistent with *Liveable Neighbourhoods*. Further, it cites that the City's Engineering Services considers that the proposed traffic volumes are appropriate.

As such, it believes that the potential impact of noise and pollution is not likely to adversely impact the locality.

Department of Planning's comment:

The City's comments are supported.

5. Environmental

Submission: Loss of flora and fauna.

City's comment:

The City acknowledges that the relocation of the Southern Brown Bandicoot has been conducted to the satisfaction of the Department of Environment and Conservation reflecting the requirements of the Minister for the Environment's 'Statement that a proposal may be implemented' of January 1993. A submission, however, was made to the City which identified that there was a Southern Brown Bandicoot habitat behind properties on Minderoo Crescent (Lot 3), abutting a Landscape Protection Area.

Given this, the City recommended that the proponent conduct additional trapping to more accurately determine habitats of the Southern Brown Bandicoot within the Landscape Protection Area.

Department of Planning's comment:

The City has not recognised that it is the ongoing responsibility of the proponent, consistent with Condition 5-2 of the Minister for the Environment's 'Statement that a proposal may be implemented' for the updated SP area, to manage the population of the Southern Brown Bandicoot at Golden Bay as part of the ongoing development of the updated SP area. This management is in accordance with the proponent's assessment of the Bandicoot population that was done from a regional perspective, and approved in 1996, consistent with Condition 5-1 of the same approval.

For example, in Stage 1 and in close consultation with the DEC, the Southern Brown Bandicoots in that area were relocated to the Foreshore Reserve in accordance with the assessment.

As such, more trapping to assess the Bandicoot population is not warranted as it has already been done as part of the overall management regime for the Bandicoots in the updated SP area

consistent with the requirements of the Minister for the Environment's approval.

Submission: Impact on dunes.

City's comment:

The City acknowledges that the updated SP has been prepared in accordance with the endorsed CDP inclusive of the Landscape Protection Plan approved by the City in 1994 and, as such, reiterates its support of the Landscape Protection Plan.

Department of Planning's comment:

The City's comments are supported.

Submission: Impact on Foreshore reserve.

City's comment:

The City acknowledged a number of submissions related to the Foreshore Management Plan (FMP), which was submitted in accordance with the 1993 Ministerial Statement 297 issued by the Minister for the Environment, concluded that the FMP satisfactorily addressed all matters of the City's concern and, as such, resolved to support it.

Department of Planning's comment:

The City's comments are supported. Further, the Department of Planning has advised the Environmental Protection Authority of its support for the FMP.

6. Fire Management

Submission: Concerns regarding the fire risk on the eastern boundary of Lot 2 (rural residential landholdings).

City's comment:

The City stated that the Fire Management Plan outlined a 20m Building Protection Zone (BPZ) abutting the eastern boundary of the updated Structure Plan area and that no development can occur within this BPZ. It concluded, as a result, that it is unlikely lots abutting the eastern boundary of the updated Structure Plan area can be developed.

Department of Planning's comment:

The Fire Management Plan actually recommends a minimum of a 30 metre wide Building Protection Zone plus a 6 metre wide crushed limestone fire service access track at the boundary with the rural landholding to the east.

The Fire Management Plan concludes this matter by advising that the City and the proponent will need to agree on the treatment of this interface at the subdivision stage of planning.

The findings of the Fire Management Plan are supported as development at on the eastern side of the boundaries of updated SP area is unknown at this time. Even if it should be determined that the unmodified vegetation on the eastern boundary should remain for purposes such as visual landscape management, the street network of the proposed updated SP is robust enough to allow for larger lots on these boundaries to accommodate both development as well as a 30 metre wide Building Protection Zone and a 6 metre wide access track.

It is recommended that the proponent be advised that the fire management regime for the eastern boundary will need to respond to the *Bush Fire Protection Guidelines Edition 2*, May 2010 and must be approved by the City of Rockingham; and

Submission: The Fire Management Plan is a contradiction of the Landscape Management Plan.

City's comments:

The provision of fire access tracks, flame retardant native vegetation and dwellings being construction to an appropriate Bushfire Attack Level Standard (BAL) as outlined in Australian Standard 3959, are appropriately outlined within the Fire Management Plans submitted as a technical appendix to the updated Structure Plan.

Department of Planning's comment:

The City's comments are supported.

7. Process

Submission: Disappointed at the lack of community consultation undertaken with respect to Stage 1.

City's comment:

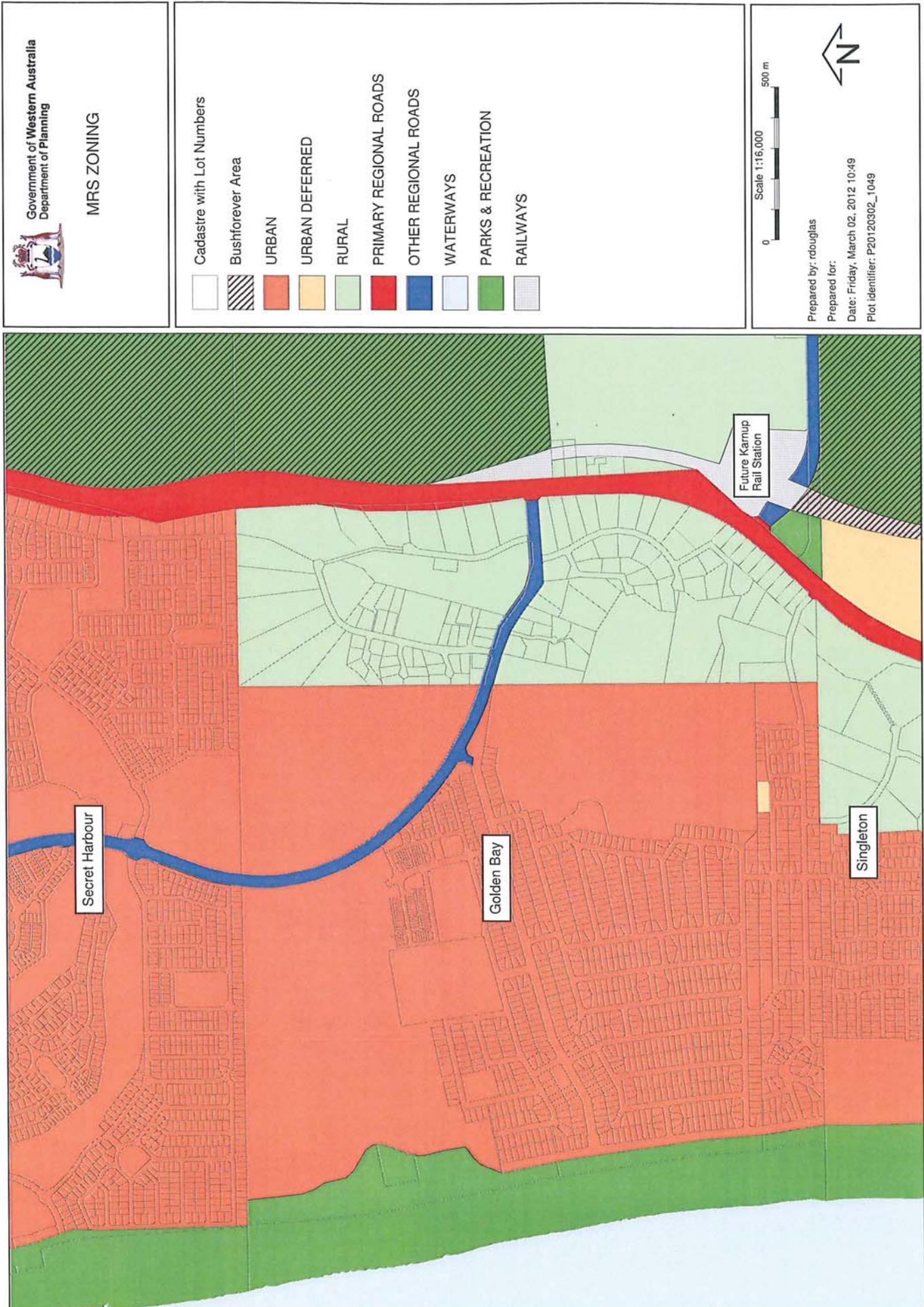
The City referred to its Town Planning Scheme which allows the Council to adopt a minor change or departure from a Structure Plan if, in the opinion of the Council, the change or departure does not

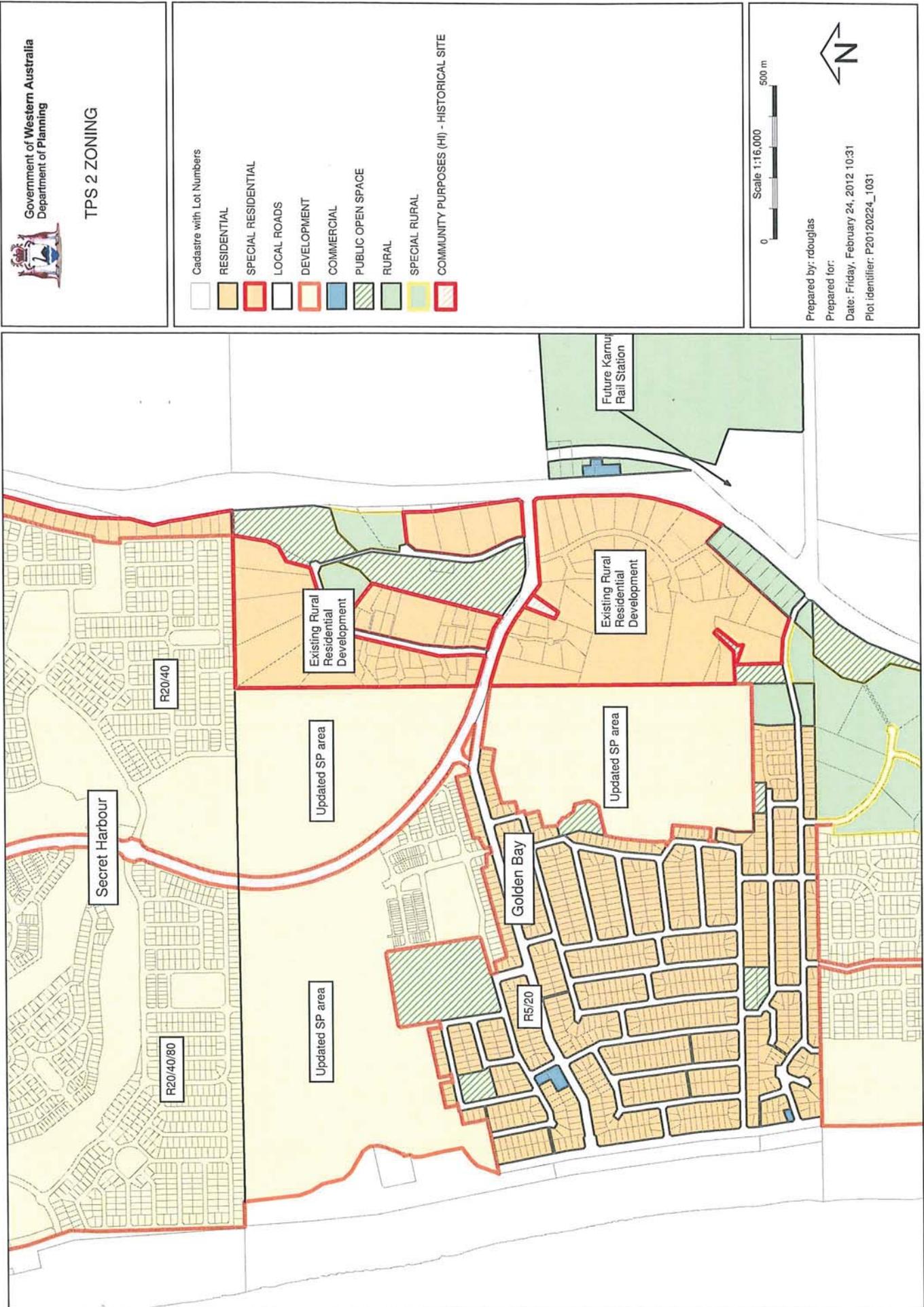
materially alter the intent of the Structure Plan. In this regard, the Stage 1 application was considered to be a minor change or departure from the endorsed CDP and was determined to not materially alter the intent of the Structure Plan and complied with the R-Coding under TPS 2.

The City concluded by noting that, following the City's approval, the minor modification to the Structure Plan was forwarded to the WAPC within 10 days of adopting the change, as required by TPS 2 and that the WAPC raised no objection to the City's approval.

Department of Planning's comment:

The City's comments are supported.







Lot 3 - Golden Bay Master Plan Concept
Indicative concept only, subject to review and refinement at subdivision stage

ITEM NO: 9.3

LANCASTER WINERY CONCERT VENUE - LOTS 2,3 AND 200 WEST SWAN ROAD, WEST SWAN - APPROVAL SOUGHT TO HOST BETWEEN 4-6 CONCERT EVENTS EACH YEAR

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER:	Director, Metropolitan Planning North East
AGENDA PART:	C
FILE NO:	21-50177-2
DATE:	15 March 2012
ATTACHMENT(S):	1 - Development Plans 2 - Aerial photograph 3 - Swan Valley Planning Act Plan 4 - Swan Valley Planning Committee decision sheet and explanation. 5 - Plan depicting position of temporary barrier to mitigate spray drift.
REGION SCHEME ZONING:	MRS: Rural, Heritage Area 02495 , Bush Forever Site 302, Swan River Trust, Swan Valley Planning Act, Acid Sulfate Soils High Risk Area, Geomorphic Wetland Conservation Management Buffer, Win Area
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Swan Valley Rural
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	20 April 2011
PROCESS DAYS:	57
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lots 2, 3 & 200 West Swan Road, West Swan

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for a proposed concert venue at Lancaster Winery at Lots 2,3 and 200 West Swan Road, West Swan subject to the following conditions:

CONDITIONS

- 1. This approval grants temporary planning approval for Lancaster Wines to host up to six (6) concerts/events per calendar year at Lots 2, 3 and 200 West Swan Road, West Swan, in accordance with the following conditions, for a time period limited to five (5) years from the date of this decision.**
- 2. This approval relates to the following plans and information:**

Development Application Report – March 2011, prepared by TPG Town Planning and Urban Design;

Development Application Drawings - (LW-SITE-02, LW-AR-02, Seating Plan Rev 09, LW-GRAD-03, LW-GRAD-03 (Air photo grading plan)) prepared by Michael Coate Golf Design and stamp dated by the Department of Planning 4 August 2011.
- 3. Prior to each event the applicant shall prepare the following documents, to be implemented during the events, to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission:**
 - * Traffic management plan;**
 - * Noise management plan to be prepared by a suitably qualified acoustic engineer;**
 - * Event management plan detailing on site and off site security/crowd control provisions, fire and safety and first aid;**
 - * Wastewater/effluent management plan;**
 - * Spray Drift plan; and**
 - * Dust Management Plan.**
- 4. Concert event hours shall be restricted to between 4.00pm and 11.00pm.**
- 5. The number of patrons attending an individual event shall not exceed 8,000.**
- 6. Prior to the commencement of any concerts, West Swan Road is to be upgraded to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission**
- 7. The owner of the Lancaster Wines Site shall ensure that the lease is maintained over Lot 3 for the benefit of the Lancaster Wines Site at all times and for so long as the Lancaster Wines Site is used for concerts or**

similar events and Lot 3 is required for access and parking, under the terms of this approval.

- 8. *Prior to each event an artificial barrier is to be erected along the western boundary of 5228 (Lot 2) West Swan Road to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.***
- 9. *All ablution facilities and generators shall be positioned a minimum of 100 metres from the edge of the Swan River.***
- 10. *No soil, building materials, rubbish or any other deleterious matter shall be allowed to enter the Wandoo Creek or the river as a result of events and earthworks on the site. Details of the proposed containment method to be installed during all events and earthworks shall be provided to the Trust for approval within two (2) months of the date of this approval.***
- 11. *All fill and topsoil used on site must be certified clean, uncontaminated and free of rubble (including weed and disease free). The Swan River Trust may request that this be demonstrated prior to fill being brought onto the site.***
- 12. *A Landscaping Plan for the for the creek line and swale structures shall be forwarded to the Swan River Trust for approval within two (2) months of the date of this approval.***
- 13. *The approved Landscaping Plan required under Condition 14 shall be completed within six (6) months of the approval of the plan.***
- 14. *All plant species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements. Information on appropriate species can be obtained from the Swan River Trust.***

ADVICE TO APPLICANT:

- 1. *All development must comply with the provisions of the City of Swan Local Planning Scheme No. 17, Health Regulations, Building Code of Australia, Public Building Regulations, and all other relevant Acts, Regulations and Local Laws. This includes the provision of access for people with disabilities in accordance with the Building Code of Australia.***
- 2. *In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989 a Building Licence application must be submitted to, and approved by the City's Principal Building Surveyor prior to any construction or earthworks commencing on site.***

3. ***Any additional development, which is not in accordance with the application the subject of this approval or any condition of approval, will require further approval.***
4. ***The applicant is required to obtain a 'non-complying event' noise approval (Regulation 18) for all events likely to result in noise emissions in contravention of the standard prescribed under regulation 7, of the Environmental Protection (Noise) Regulations 1997. Applications are to be received by the City not less than 60 days prior to the event. Regulation 18 approvals will only be issued when the Chief Executive Officer is satisfied in accordance with the provisions of the Regulations***
5. ***The applicant is required to obtain public building approval from the City's Health Service for each event. Applications are to be received by the City not less than 60 days prior to the event.***
6. ***The applicant is advised that the noise generated by activities on site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard.***
7. ***The City of Swan advises that it will not approve the issue of any approval pursuant to Regulation 18 of the Environmental Protection (Noise) Regulations 1997 to either Lancaster or Sandalford for events proposed to be held by them on the same date.***
8. ***The Department of Indigenous Affairs advises that all development is to be setback a minimum of 20 metres from the Wandoo Creek, and a minimum of 30 metres from the Swan River. Any development that is proposed to be closer than this will require the prior consent of the Minister for Indigenous Affairs under section 18 of the Aboriginal Heritage Act 1972. It is noted that the approved plans achieve these setbacks. Any proposals for development within these setbacks will require a separate application for approval to commence development.***
9. ***The Department of Indigenous Affairs advises that the applicant/owner is advised to brief all persons involved in site works and associated activities of their legal obligations with respect to the Aboriginal Heritage Act of WA (1972) prior to construction work.***
10. ***The Swan River Trust advises that the Landscaping Plan should address, but not be limited to the following:***
 - a) ***Landscape site plan including a list of the species to be used, their location and densities. Please note that all plan species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their lor fertiliser and water requirements.***
 - b) ***The retention of existing vegetation.***

- c) ***Plans showing site preparation and rock work.***
- d) ***Potential environmental impact of the proposed works.***
- e) ***Work schedule and site preparation details***
- f) ***Planting methods***
- g) ***Details of any chemicals to be used such as fertilisers and herbicides***
- h) ***Details of any fencing/screening to be implemented if applicable***
- i) ***Environmental objectives of the management plan***
- j) ***Performance indicators/criteria. For example, ANZECC water quality criteria, site specific criteria, vegetation diversity and/or density, Australian Standards.***
- k) ***Management actions for each stage of the project (design, construction, operation, closure) including responsibilities and schedules.***
- l) ***Monitoring and reporting plan for compliance with objectives and criteria; and***
- m) ***Contingency actions, including responses to complaints and trigger criteria.***

The proposed development is within a moderate to high acid sulphate soil risk area. The applicant should contact the Department of Environment and Conservation for advice prior to any excavation or soil disturbance as an acid sulphate soil investigation may be required.

11. ***The Department of Water advises that proposed development located outside the 100 year ARI floodway should achieve a minimum habitable floor level of 0.5 metres above the relevant 100 year ARI flood level.***
12. ***The spray drift plan is to include the requirement for a 40 metre setback between the spraying operations and the concert area and is to stipulate the circumstances in which a 40 metre setback is to apply, where spraying of pesticide or the like is likely to coincide with a concert event.***

SUMMARY:

- The application seeks approval for a concert venue for the purpose of hosting the 'A Day on the Green' (ADOTG) events at Lancaster Wines, West Swan. The proponent seeks approval to host between 4-6 concerts annually between the months of October and April. Concerts will commence in the late afternoon and conclude by 10.30pm. (refer **Attachment 1** - Development plans & **Attachment 2** - Aerial photograph)

- The main issue for consideration in this report is whether the proposal is consistent with the planning objectives for Area B under the Swan Valley Planning Act 1995. (SVP Act) and can be considered for support by the Western Australian Planning Commission (WAPC). Issues relating to the potential impact of the proposed concerts on adjacent viticultural practices and productivity, management of amenity impacts (traffic and noise) and potential land use conflict (spray drift) will be discussed further in the comments section of this report.
- The application does not address the time length of approval sought, however it is recommended that any approval be time limited to 5 years. This is consistent with the WAPC's approval of a similar application by Sandalford Wines in 2010. The applicant does not object to a time limited (5 year) approval being granted
- The proposal requires WAPC determination under the Metropolitan Region Scheme (MRS) as the property abuts waters (Swan River) within the Swan River Trust Development Control Area. The proposed development is classified as a 'Place of Assembly' under the City's Local Planning Scheme 17 (LPS 17) and is a discretionary 'D' use under the 'Swan Valley Rural' zoning. The subject land is located within Area B of the Swan Valley Planning Act 1995 (SVP Act). (**Attachment 3** - SVP Act plan)
- It is considered that potential impacts of the proposal on adjacent viticultural practices and productivity are unlikely to be significant, and that land use conflict, amenity and traffic can be adequately managed by imposition of appropriate development conditions. It is recommended that the WAPC support the proposal to hold up to 6 concerts/events in any one year for a 5 year time limited period, subject to conditions.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005
 Section: Strategic Goal 2: Planning

Strategic Plan
 Strategic Goal: Strategic Goal 2: Planning
 Outcomes: State-wide integrated Policy frameworks
 Strategies: Implement State and Regional Priorities

Policy
 Number and / or Name: State Planning Policy 2.5. Agricultural and Rural Land Use Planning.

BACKGROUND:

On 30 November 2011 the City of Swan Council considered a report that recommended the proposal be approved subject to conditions. However, Council resolved to recommend that the application be refused by the WAPC for the following reasons:

The proposal is not considered to be compatible with objective (d) applicable to the subject lots' Swan Valley Rural zoning by virtue of it not being considered to accord with the following objectives for Area B of the Swan Valley Planning Act 1995:

- i. Protection of viticulture (potential inability to reconcile spraying activities of adjoining viticultural properties with concert events);*
- ii. Encouragement of tourist facilities provided that they do not detract from the rural character of the area; and*
- iii. Discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area (where resultant traffic and noise are considered to have an adverse impact on the rural character of the locality).*

The recorded reason for changing the report recommendation was '*the proposed concert venue is not appropriate for the subject site and its location in close proximity to adjoining viticulture businesses would have a detrimental impact on their operation and is contrary to the objectives of the Swan Valley Planning Act*'.

On the 23 January 2012 the Swan Valley Planning Committee (SVPC) considered the proposal, however resolved to defer its decision to a special meeting of the SVPC on the 2 February 2012 in order to allow further time to consider the proposal within the context of the SVP Act and to formulate its final recommendation.

At the meeting held 2 February 2012 the SVPC resolved that the proposal contravened objectives 1, 2, 3, 4, 6 and 10 of Area B of the SVP Act and that it should not be approved. In addition, the SVPC provided a detailed explanation of its decision, which is discussed in the comments section below (**Attachment 4** - Swan Valley Planning Committee decision sheet and Explanation).

On the 28 September 2010 the WAPC granted development approval for Sandalford Wines, West Swan Road, Caversham to host up to 10 concert events per year for a period of 5 years. The approval included a condition limiting the number of patrons to 12,000 for each concert.

INTRODUCTION:

The application seeks approval to develop the subject lots for use as an outdoor concert venue to host the ADOTG event. The applicants propose to host up to six (6) concerts per annum between the months of October to April. In previous years ADOTG has been held at Sandalford Wines in the Swan Valley, however the event promoters have now sought to relocate the event to the Lancaster Wines property. ADOTG events are currently held at Kings Park and Botanic Gardens. The Swan Valley location will provide an alternate venue and location for events. Notably, the proposal, if approved, is unlikely to result in any significant increase in concert events within the locality.

The subject land comprises Lots 2 (5228), Lot 200 (5180) and a portion of Lot 3 (5080) West Swan Road, West Swan. Lots 2 and 200 are owned by Lancaster Wines. Lot 3 is owned by Claredon Developments P/L and is under lease to

Lancaster Wines. The site is located north of Reid Highway and is opposite the Margaret River Chocolate Factory. The Yahava Koffee Works outlet and the Penny Garden restaurant are located to the south of the subject land. The subject land and the immediately adjoining properties are currently used for viticulture.

The proposal involves site re-contouring and subsequent turfing to create an amphitheatre. Other physical works include a new hardstand 'back of house' area, as well as the construction of a 30m x 10m shed (for entry/ticket collection/security check purposes), which also contains a small 'box' office. New vehicle access (entry and exit) routes are also proposed, including a new road to the 'back of house' hardstand area.

The proposal also involves the removal of 7.6ha of diseased vines on Lots 2 and 3 for the provision of 2,992 unpaved car bays. Vine removal does not require planning approval under LPS17 or the MRS. The applicant advises that officers of the Department of Agriculture and Food WA, in consultation with the landowner of Lot 37, adjoining the southern boundary of Lot 3, have recommended that the diseased vines be removed. City of Swan officers are satisfied vine removal would occur independent of this proposal given their diseased state. The landowner has verbally advised Department of Planning officers that they will be undertaking planting of additional vines on their broader landholdings. As such it is not considered that there will be a net loss of area under vines in the locality.

All physical improvements required for each event will be brought onto the site prior to each event and then removed following the concert, except in instances where concerts are to be held on concurrent weekends. Two entry points are proposed from West Swan Road with the entry point to the north being restricted to coaches and VIP vehicles while both access points will be used for vehicles to exit the property after an event.

The proposed venue will have a maximum capacity of 8,000 people. Lots 2 and 200 will be developed primarily for access into and out of the venue and for the development of the amphitheatre, stage and seating area. Adjoining Lot 3, which forms part of the application area, is proposed to be leased to Lancaster Winery for the purposes of concert patron parking. Lancaster Wines will continue to operate as a winery in conjunction with the concert venue.

The application is supported by a risk management plan, concert noise modelling report and event traffic management plan.

The proposed use is considered a 'Place of Assembly' land use class under LPS 17. 'Place of Assembly' is a discretionary use in the Swan Valley Rural zone. The City of Swan has previously supported a similar application to host concert events at Sandalford Wines, which is also on land zoned Swan Valley Rural, under the 'Place of Assembly' land use class.

CONSULTATION:

The City of Swan Council considered the application at its meeting held on 30 November 2011. At that meeting the Council resolved, against the recommendation of the reporting planning officer, to not support the proposal for reasons relating to:

potential land use conflict with adjacent vineyards and the proposal being in conflict with the objectives of the SVP Act. These issues are discussed in further detail in the comments section of this report.

The application was subject to two public advertising processes conducted by the City of Swan. The first occurred for a period of 21 days from 5 May 2011. Written notification was sent to 42 properties within a 500 metre radius of the lots subject to the proposal, a sign erected onsite and advertisements placed in the local newspaper. A total of 3,635 submissions were received, 3,462 non-objections (comprising a petition of 2943 signatures and 519 individual submissions) and 173 objections (comprising a petition of 103 signatures and 70 individual submissions).

The second public advertising process was undertaken for 191 properties that were considered by the City to fall within modelled noise contours that would result from the proposed concerts at Lancaster Wines, and the existing concerts at Sandalford. The second advertising process was undertaken to help the City officers establish the level of support or opposition as set out under Regulation.18 of the *Environmental Protection (Noise) Regulations 1997*. Of the 191 surveyed properties, 69 surveys were completed and returned to the City. Of these responses, 34 respondents specifically objected based on noise. Three non objectors also raised concerns regarding traffic.

The main objections raised in submissions relate to:

- Land use conflict
- Traffic and noise/amenity impacts
- Management of the proposed use and site constraints
- Compliance with SVP Act Area B objectives

These issues are discussed below in the comments section of this report.

Main Roads Western Australia (MRWA) did not raise any objections to the proposal, subject to a traffic management plan being submitted to MRWA prior to each event.

Department of Environment and Conservation (DEC) did not raise any objections to the proposal, however advised that based on a concert noise modelling report submitted by the applicant, it was likely that noise levels would exceed the prescribed standard Environmental Protection (Noise) Regulations 1997 at nearby residences. In this case the event promoter will be required prior to each concert to apply and obtain approval of a non complying event from the City of Swan.

The Department of Water (DoW) and the Department of Health did not raise any objections to the proposal.

The Swan River Trust raises no objections to the proposal subject to conditions.

An assessment has indicated that the traffic report submitted by the applicant demonstrated that traffic, parking, and pedestrian safety issues have been adequately addressed.

The Department of Indigenous Affairs (DIA) advise that the subject land is affected by registered site (3536) (Swan River). A minor tributary of the Swan River, the Wandoo Creek, flows through the north eastern corner of lot 200, and is in close proximity to the proposed temporary back of house facilities. DIA advise that any alteration of land within 20 metres of Wandoo Creek will require the prior consent in accordance with the Aboriginal Heritage Act 1972. As a result of this advice the applicant has agreed to move the back of house facilities to ensure a 20 metre setback is achieved. The applicant has subsequently provided modified plans depicting this increased setback.

The SVPC resolved that the proposal contravened objectives 1, 2, 3, 4, 6 and 10 of Area B of the SVP Act and that it should not be approved. In addition, the SVPC provided a detailed explanation of its decision, which is discussed in the comments section below.

COMMENTS:

The City of Swan Council resolved to recommend to the WAPC that the application be refused for reasons including,

- The proposed development not being compatible with the objectives of Area B of the SVP Act relating to the protection of viticulture (potential inability to reconcile spraying activities of adjoining viticultural properties with concert events);
- Encouragement of tourist facilities provided that they do not detract from the rural character of the area; and
- Discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area (where resultant traffic and noise are considered to have an adverse impact on the rural character of the locality; and
- The proposed concert venue is not appropriate for the subject site and its location in close proximity to adjoining viticulture businesses would have a detrimental impact on their operation and is contrary to the objectives of the SVP Act.

The following comments are made in relation to the issues raised in submissions to and reasons for refusal of the City of Swan.

Sandalford Wines & Lancaster Wines - total number of events per year & potential for co-incidence of events

Sandalford Wines currently has approval to host up to 10 concert events per year. The relevant WAPC approval was granted on 28 September 2010 for a period of 5 years. Should the current application be approved, this would result in approval for a

total 16 concert events being held annually between Sandalford Wines and Lancaster Wines within the locality. The applicant has advised that this possibility is highly unlikely to occur, however, for a range of reasons including:

- Promoters of each venue will seek to maximise their potential for ticket sales by ensuring that only one event is held on any particular date.
- The number of ADOTG events hosted at Sandalford Wines in previous years is between 5-7; Sandalford Wines has never hosted 10 concert events in one year.
- ADOTG concerts proposed to be hosted at Lancaster Wines were originally held at Sandalford Wines, thus there may be a reduction in the number of events hosted at Sandalford Wines.
- The Perth Arena is planned to open in late 2012 and will be managed by AEG OGDEN (AEG), a major international entertainment company. It is likely that for commercial reasons concerts currently promoted by AEG and held outdoors, will be moved into the Perth Arena, thus resulting in a net reduction of outdoor concerts.

The information provided by the applicant has been reviewed and it is considered unlikely that in the event the subject proposal is approved, there would be a significant increase in the number of events hosted in the Swan Valley between Sandalford Wines and Lancaster Wines

Traffic

The applicant has submitted a Transport Assessment which concludes that the proposal is acceptable subject to a range of measures being implemented to minimise disruption to and improve access, egress and traffic flows. These measures are detailed below. In addition, a traffic management plan would be required to the specifications of the City of Swan prior to each event to optimise the management of traffic entering and leaving the venue.

The Transport Assessment notes that West Swan Road has a nominal traffic capacity of 15,000 vehicles per day. Presently, this road handles approximately 14,000 vehicles per day and based on a recent traffic count (October 2011) 10,000 per day on a Saturday. The proposed concert venue will result in an additional 5,000 trips on days when events are held. Should such events be held on a Saturday evening the traffic count on West Swan Road would increase to approximately 15,000 vehicles which is the estimated capacity of West Swan Road.

Access to and egress from the site onto West Swan Road will be via two accessways within the subject land. The City of Swan has conducted an analysis which modelled the impact of projected traffic volumes on signalised intersections resulting from concerts at both Sandalford Wines, and Lancaster Wines. This analysis showed that the average delay for traffic travelling on West Swan Road would be 12 minutes for concerts held at Lancaster Wines, and 22 minutes for concerts held at Sandalford Wines. These results were forwarded to MRWA who reviewed the modelling and

advised that queue lengths could effectively be managed through the individual Traffic Management Plans.

The applicant has agreed to implement the following recommendations of the Transport Assessment

- Localised road widening on West Swan Road abutting the site;
- Two entry and exit points to the venue using existing driveways and crossovers;
- The presence of traffic controllers to prevent patrons leaving the venue via local side streets;
- Concert promotion will encourage public transport and shuttle bus options; and
- Traffic controllers employed to implement agreed, audited and approved traffic management and parking plans for each and every event.

Conditions to this effect are recommended. As noted, MRWA supports the proposed development subject to a Traffic Management Plan being required prior to each event.

Having regard to the above comments, it is considered that the proposed transport and traffic management arrangements have been adequately addressed by the applicant and can be managed through conditions of development approval.

Noise

As noted, prior to each event, the applicant will be required to obtain a Regulation 18 (Environmental Protection (Noise) Regulations) approval from the City of Swan to exceed the prescribed standards relating to noise levels. This was also the approach taken with Sandalford in their approval for 10 concert events per year.

Security Risk & Management

The applicants have submitted a risk management plan as part of the application which addresses key issues such as littering, anti-social behaviour, vandalism, criminal activity, and alcohol and drug affected people.

This report is considered to sufficiently address community concerns and with the proper ongoing monitoring these concerns can be adequately managed to ensure the impact these events will have on nearby properties is minimal.

Swan Valley Planning Act (1995)

General Planning Objectives.

The general planning objectives for the Swan Valley under section 6 of the SVP Act are the encouragement of the traditional agricultural and other productive uses of the area that compliment its rural character, the protection of the environment and the character of the area and the promotion of tourism that compliments the rural character of the Swan Valley.

In this instance, a large area (7.6ha) of vines on the subject land will be removed to provide parking for concert attendees. Notwithstanding that these vines will be removed due to disease, for at least the term of any approval this area will remain essentially a grassed paddock and will not be put to productive rural uses consistent with the SVP Act. In addition, whilst it could be argued that winery concerts are a widely accepted use in rural areas, and are considered complimentary to the primary 'winery' land use, due to the scale of the proposed events (8,000 attendees), it is possible that the amenity of surrounding residences in the rural area will be impacted during concert events.

The Department of Planning (DoP), the Swan Valley Planning Committee and the City of Swan are working cooperatively to develop a strategic land use plan for the Swan Valley, and to develop policies that will enable officers of the City of Swan and DoP to conduct a more objective assessment of a development proposal against the planning objectives under the SVP Act. Although no objection is raised regarding the proposed land use, at this time no guidelines or policy has been developed which would enable the size and scale of a proposed development to be objectively assessed against the objectives of the SVP Act.

Swan Valley Planning Committee - Explanation of decision

Following is a summary and discussion of the explanation provided by the SVPC of its recommendation to not support the proposed development. As noted, the SVPC advises that the proposal contravenes objectives 1, 2, 3, 4, 6 and 10 of the SVP Act.

The relevant Area B objectives applicable to the proposal are as follows:

- Objective 1.** The protection of viticulture.
- Objective 2.** The provision of water for viticulture and horticulture and the discouragement of activities that have high water demands
- Objective 3.** The encouragement of tourist facilities provided that they do not detract from the rural character of the area.
- Objective 4.** The encouragement of traditional activities of the Swan Valley and industries associated viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area.
- Objective 6.** The compatibility of design, siting and landscaping with the character of the area.

Objective 7. The discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area.

Objective 10. The avoidance of overstocking, of activities causing pollution or degradation of the environment and of any other land management practices detrimental to the amenity of the area.

State Planning Policy No. 2.5 *Agricultural and Rural land Use Planning* (SPP 2.5)

The SVPC refers to SPP 2.5 within the explanation of its decision.

SPP 2.5 states that ..."planning powers should be used to protect productive agricultural land from those development activities or influences that lead to its alienation of diminished productivity, while always accepting the need for land for expanding urban areas and other uses of State significance."

SPP 2.5 identifies the Swan Valley as a "Priority Agriculture Zone", that is, an agricultural area of State or regional significance. The Department of Agriculture identifies the subject land as having a high land capability for both vines and for annual horticulture.

SPP 2.5 includes recommended provisions for land zoned 'Priority Agriculture' under local planning schemes which are designed to protect agricultural land, and provide for a range of other uses, including tourist based uses, subject to these uses being incidental to the primary agricultural use of the land, and their impact on the agricultural use being minimised.

Accordingly, the SVPC considers that priority is given to the protection and encouragement of viticulture. Restrictive impacts of tourism on viticulture and horticulture should be minimised and tourism services/facilities should not detract from the rural character or amenity of the Swan Valley.

It is acknowledged that the proposal will result in the removal of a substantial area of vines to provide for concert parking. However, the time limited nature of any approval would mean that the cleared land would not be 'sterilised' permanently, and could be returned to productive viticulture at some future time. Further, the application is for only up to 6 concert events per year, and that virtually all of the concert equipment and structures are temporary, that the impact on the Priority Agriculture land is minimal.

The Protection of Viticulture

The proposal involves the removal of 7.6ha of diseased vines. The SVPC has been advised that the vines on Lot 3 are of the Shiraz variety and have not been attended to over the last 4 years as this variety is not profitable. As a result the vines have become subject to seasonal infestation of powdery mildew and downy mildew. The recommendation for their removal was a result of a complaint from the landowner of adjoining Lot 37 to the south that the infections of the vines could be transmitted to his vineyard. Removal of vines does not require planning approval from the City of Swan. The SVPC considers the removal of vines contrary to Area B objective 1.

The Lancaster Winery operation will continue on site, and there is potential for additional planting on the broader Lancaster Wines landholding within the Swan Valley. As a part of the commercial arrangement with the concert promoter, only Lancaster wines will be sold during concert events. The proposal to pursue a larger scale commercial venture on site other than wholly viticulture should not in itself be grounds to refuse the application, so long as the impacts of the proposed development on adjacent vineyards and residences can be adequately mitigated and managed. This issue is discussed below.

The removal of diseased vines is not considered to be inconsistent with objective 1 of Area B

It is considered that the proposed concert events will support, and be complimentary to the primary agriculture land use. A time limited approval preserves the possibility of the land being returned to wholly viticultural use in future. Considering this, and the limited number of concerts per year, it is considered the proposal is generally consistent with Objective 1.

Restrictive Impacts on Viticulture Practice

The primary matter for consideration is the potential conflict caused by spraying of vines on adjacent lots affecting concert patrons. Lots 1, 9 and 37 directly abut the subject land and are under permanent cultivation for table grapes. Depending on seasonal conditions spraying of vines may be carried out intermittently between September to May. Some spraying equipment discharges a plume which may have a diameter of 6 metres. The *Environmental Guidelines for Vineyards 2011* recommended a vegetated buffer of trees and shrubs to minimise the impact of spraying, at least 40 metres wide with 20 metres planted with trees. There are currently no vegetated buffers between the subject land and Lots 1 and 9. On concert days when spraying is to occur the applicant proposes to erect a temporary artificial barrier of 50% porosity and height of 1.8m along the western boundary of Lot 2. No barrier is proposed between the southern barrier and adjoining Lot 37. The SVPC considers that this barrier is inadequate and that conflict arising from spraying, even though the probability may be low, is real.

The SVPC also raises the issue of the potential civil liability of adjoining owners for injurious affect (financial, physical, health impacts) of spraying upon persons associated with the concerts held at the venue. The liability of grape growers is untested but is of concern to the industry.

Other impacts relate to odour and dust from standard viticultural practices, and noise and light from machinery used at night, and the resultant possibility of complaints (environmental nuisance, noise pollution) by the subject landowner, or concert promoter under the *Environmental Protection Act*. Again the SVPC notes that the probability of complaint and prosecution is small, but considers it is real and as a result at variance with Area B planning objectives 1 and 3.

In response, the applicant advises that abutting vineyard operators may need to spray vines at night, potentially at the same time concerts are being held. However it is considered unlikely that such conflict will occur for the following reasons:

- The application only seeks approval for up to 6 concerts per year between October to April.
- No spraying of vines occurs post harvest (February - April) once all fruit has been picked, thus further minimising the times during the year when conflict may occur; and
- A common boundary with an adjoining landowner only exists for approximately 100 metres, with Lot 9 West Swan Road to the north west.

In respect of adjoining Lot 37 to the south, which abuts the proposed car parking area, an officer of the City of Swan advises that the Department of Health does not consider spray drift to be a public health issue in areas used for car parking. Accordingly, the main area of concern relates to Lots 1 and 9 which abut the north-western boundary of subject Lot 2 and are in proximity to the concert amphitheatre. The City officers in the report to Council advised that spray drift can be mitigated by a temporary artificial barrier being erected. The barrier would be required on event days at times of the year when spraying may occur. This approach is based on research undertaken in South Australia which confirmed the efficiency of artificial barriers matches that of natural barriers in capturing spray drift. In this regard the City of Swan Council and WAPC has recently supported the permanent use of an artificial barrier (50% porosity) on residential zoned land in Caversham where this land abuts operational vineyards on West Swan Road within the Swan Valley Planning Act area (Area B).

In this instance the temporary barrier would be erected along the western boundary of Lot 2 (5228) West Swan Road, abutting the eastern edge of adjoining Lots 1 and 9. A gap in the barrier for the access track to cross is permitted for access to the back of stage area. The artificial barrier would be required to be constructed with a porosity of 50% and a height of 1.8 metres unless otherwise required by the City's Health Services. The artificial barrier would be required to be positioned as proposed on the applicant's site plan (**Attachment 5** – Proposed location of artificial barrier). If spraying is undertaken by neighbouring properties at the same time as a concert event, the event organiser and property owner will be required to provide an additional buffer distance for the period of spraying so as that the overall buffer is not less than 40 metres. The proposed access track may form part of the required buffer.

In addition, the applicant has engaged a specialist consultant to prepare an analysis of the potential impact of the proposed concert venue on the spraying operations of the adjacent table grape growers to the west of the proposed development (Lots 1 and 9). A copy of this report can be provided to the Statutory Planning Committee on request. The purpose of the report is to detail the potential impact on spraying operations for table grape production to the west (Lots 1 & 2) of the proposed concert venue. The report considers three key factors including: the operator's legal responsibilities in relation to spraying operations, weather requirements for spraying particular products; and historical weather data as a guide to potential impact on spraying operations. The report also considers the application of both scheduled (poisonous) products and unscheduled products.

The report makes a number of findings, including:

- On nights where conditions are suitable for pesticide application and a concert were to be conducted, there would be no impact on the application of unscheduled products to the table grapes to the west of the proposed concert area.
- There would also be no impact on spraying operations for any other products when the wind is away from the proposed concert area (which occurs on approximately 50% of the time on nights suitable for spraying)
- The only potential impact on spraying operations would be when a scheduled product needed to be applied during a concert event, and the wind direction is towards the concert area. In such instances the blocks adjacent to the boundary of Lot 2 would have to be sprayed outside the scheduled concert hours.
- The scheduled products which may be affected include some insecticides and fungicides, and the application and efficacy of these would not significantly impacted by a delay in spraying of up to 12 hours.
- There should be no impact on the efficacy of any product applied to the table grapes as a result of concerts being conducted.

In summary, the applicant has seriously considered the impact of the proposed concert venue development on the spraying operations of adjacent vineyards. This is notwithstanding that the legal liability to contain all spray products within lot boundaries remains with the landowner on whose land vines are being sprayed. The applicant has agreed mitigation measures (artificial barrier) with the City of Swan officers in consultation with the Department of Health, and has commissioned specialist advice in response to concerns raised by the City of Swan Council and SVPC. Based on the information provided it is very unlikely that the proposed concerts will impact upon the spraying operations of adjacent vineyards. Accordingly, it is considered the proposal is generally consistent with Objectives 1 and 3 of the SVP Act.

Detrimental Impact on Productivity

The SVPC considers that dust raised by vehicles driven across the unsealed car parking area which accumulates on grapes, in particular table grapes, adversely affects their marketability. The water used to settle dust will be sourced from existing licensed bores on the subject lots. The SVPC consider that the diversion of water allocations away from viticulture is detrimental to the viticulture industry and should be discouraged. The proposed use of water in this manner is contrary to the intention of Area B planning objective 2.

In response, this concern is acknowledged. The City of Swan has recommended that a condition be imposed for a dust management plan to be prepared and approved by the City prior to any event.

Rural character of the Swan Valley

A central consideration of the SVP Act is the protection and maintenance of the Valley's rural character. Area B planning objectives 3, 4, 6 and 10 require that due consideration be given to the protection of rural character. Area B planning objective 7 discourages land uses that are incompatible with the rural character and traditional agricultural activities of Area B. In addition, the purpose and intent of the Swan Valley Rural zone is to promote the area primarily as a horticultural, recreational, tourism and landscape resource with areas containing high quality horticultural soils receiving special attention. The SVPC consider that the application jeopardises high quality agricultural soils by changing a portion of the subject land to car park; and that the application detracts from the rural character and amenity of the area by the production of dust, noise and other pollutants.

As noted, in September 2010 the WAPC granted a 5 year approval for Sandalford to hold up to 10 concert events per year. Concert events have also been held over a number of years at other venues in the Swan Valley, including Houghton Wines and Belviour Estate, with many other wineries hosting smaller concerts or featuring live music as part of their regular marketing promotions. Accordingly, it is considered that concert events are a land use that a visitor to the Swan Valley would expect to experience in such a rural tourism precinct. Questions of size and scale, and the resultant impact on rural character are difficult to assess objectively; as noted above, at this time no guidelines or policy has been finalised which would enable the size or scale of a proposed development to be objectively assessed against the objectives of the SVP Act.

In addition, Lancaster Wines is situated in what could be considered a recognised tourism precinct being in close proximity to the Margaret River Chocolate Factory and Yahava Koffee. This location is arguably preferable to other similar establishments which are surrounded by extensive areas of operational vineyards, and a much greater number of residences. For example, the applicant advises that there are approximately 200 residences within a 1km radius of Sandalford Wines, compared to approximately 20 residences within a 1km radius of Lancaster Wines.

Impacts relating to traffic management and amenity are noted. It is considered that though the imposition of relevant development conditions and statutory regulations (noise), that traffic, parking and noise impacts can be managed in a manner that minimises the impact on the rural character of the area. Prior to each event the applicant will prepare a traffic management plan, a noise management plan, an event management plan, dust management plan and a wastewater management plan to the specification of the City of Swan.

Following consideration of the above discussion, and having regard to the previous approval granted to Sandalford Wines, it is considered that the proposal is generally consistent with the Area B objectives 3, 4, 6 and 10 and is unlikely to significantly impact on the rural character and traditional agricultural activities of the area.

Concert venues in the Swan Valley

The SVPC has provided details of some other venues in the Swan Valley that host concert events. Sandalford Wines (47ha in area) has approval to host up to 10 concerts per year for up to 12,000 patrons at each concert. Belvoir (40ha in area) hosts concerts for up to 4,500 patrons. The amenity impact of concerts held at

Sandalford and Belvoir is considered to be minimised due to the relative size of the host properties. Further, the SVPC notes that the Lancaster Wines operation on the subject site consists of only cellar door sales from a 'outdoor tasting shed', with the Lancaster wine being produced off-site by an independent winemaker. The SVPC notes that comparisons between Sandalford Wines and Lancaster are not directly relevant; however the following comments are pertinent. Sandalford Wines has a substantial winery operation and vineyard on site and the concert area is flanked by vines that are within the Sandalford landholding. Belvoir does not have any vines on site, however Belvoir is a long established function centre with a developed amphitheatre. The amphitheatre is approximately 500m metres from the Belvoir Homestead and approximately 900 metres from Great Northern Highway. The nearest residences are on the opposite bank of the river.

Due to the size of Sandalford, the distance from adjoining vineyards, the location of the vines, the winery and the concert venue, Sandalford effectively has its own buffer and is able to manage the impacts of spraying on site. The SVPC contends that the proposed development is not consistent with Area B objective 6, and is inappropriate in terms of scale and impact.

In response, the size of the subject land relative to the proposed number of concert patrons is acknowledged. However, as noted Lancaster Wines is within a recognised tourism precinct and is not in proximity to density development. Concert events are to be held during the evening on a temporary stage with a dome backdrop. The concert area is situated in the north eastern corner of Lot 200 which is adjacent to the river. This structure including all seating, stage, marquees, shelters, temporary toilets and lighting equipment will be dismantled and removed from site following each event, with the exception of times when concerts are proposed over concurrent weekends. As noted above, issues of size and scale are difficult to assess objectively; no guidelines or policy has been developed which would enable the scale of a proposed development to be objectively assessed against the objectives of the SVP Act.

Timeframe for Approval

Consistent with the WAPC development approval issued to Sandalford Wines in 2010, it is recommended that any approval be limited to 5 years. Accordingly, it is considered the proposal to host up to 6 concert events each year for 5 years will have a minimal impact on the character of the area.

CONCLUSION

The proposed development is generally consistent with the Area B objectives under the Swan Valley Planning Act. It is not disputed that the proposal will involve some amenity impact in the immediate locality on days on which a concert is being held. However impacts relating to amenity and traffic can be adequately managed by imposition of appropriate development conditions. The issue of spray drift and potential impact of the proposed concerts on spraying operations on adjoining vineyards has been investigated by the proponent. An artificial barrier will be erected on concert days when spraying is to occur. The research undertaken by the proponent's consultant indicates that there should be no impact on spraying operations as a result of concerts being held, and that even where a 12 hour delay occurred to spraying due to a concert, there should be no impact on the efficacy of any product applied to the table grapes.

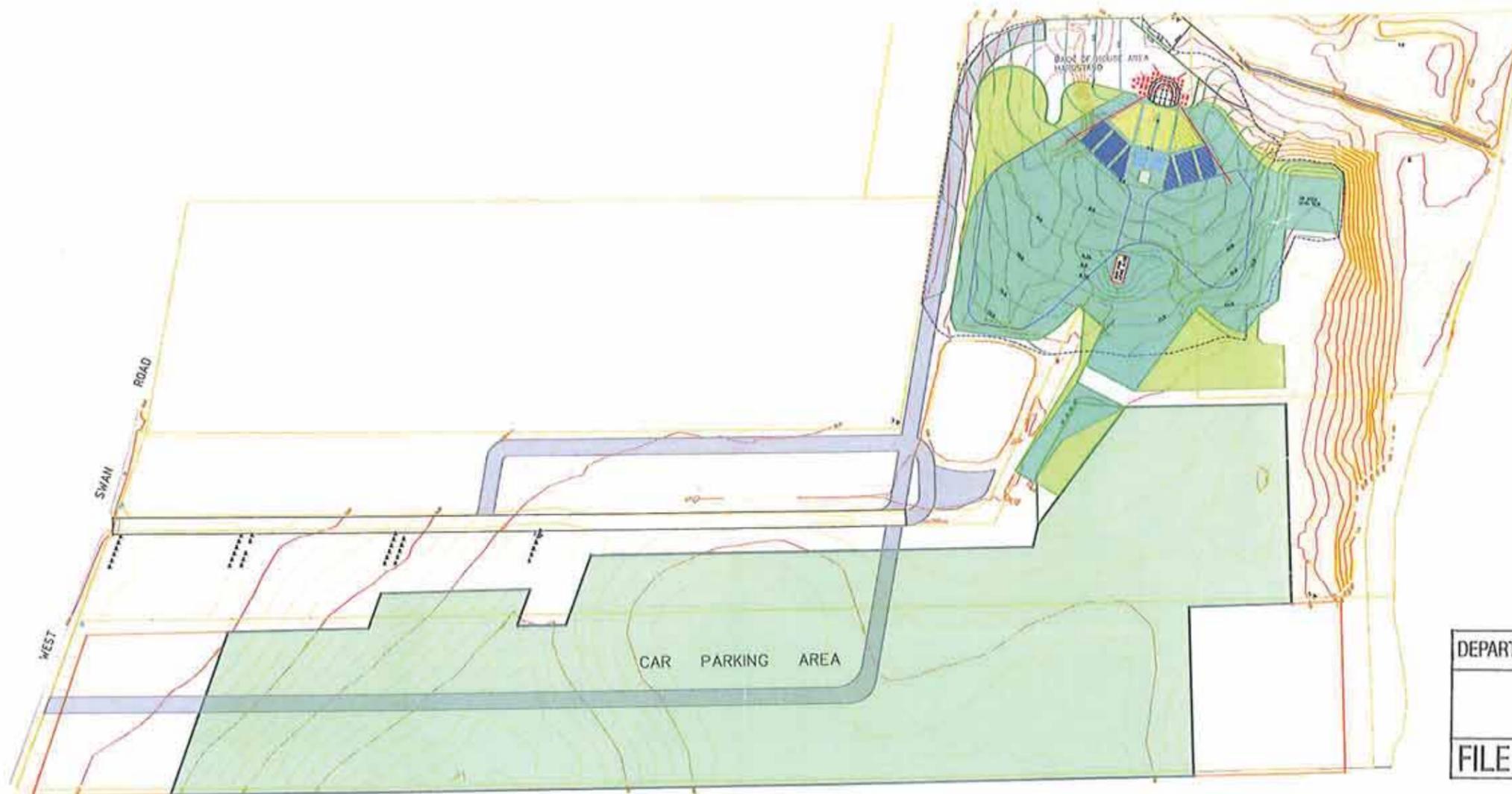
Issues of the size and scale of the proposed development cannot be objectively assessed in the absence of clear criteria under the SVP Act. A time limited 5 year approval will enable the City of Swan to monitor the impacts and management of the concerts, and will provide time for the SVPC, the City of Swan and the WAPC to finalise its strategic plan for the Valley and develop objective criteria against which a future development proposal may be assessed. If nuisance is recognised and recorded within the 5 year approval time limit, re-approvals are unlikely to be granted.

It is recommended that the application be approved for 5 years (from the date of approval) subject to conditions.

LANCASTER WINERY CONCERT VENUE

WEST SWAN

WESTERN AUSTRALIA



DEPARTMENT OF PLANNING
4 AUG 2011
FILE 21-50177-2



20 100 200
 scale : 1: 2000 metres
 date : 6 July 2011
 dwg No: LW-SITE-02

OVERALL SITE LAYOUT PLAN

LANCASTER WINERY CONCERT VENUE

WEST SWAN

WESTERN AUSTRALIA



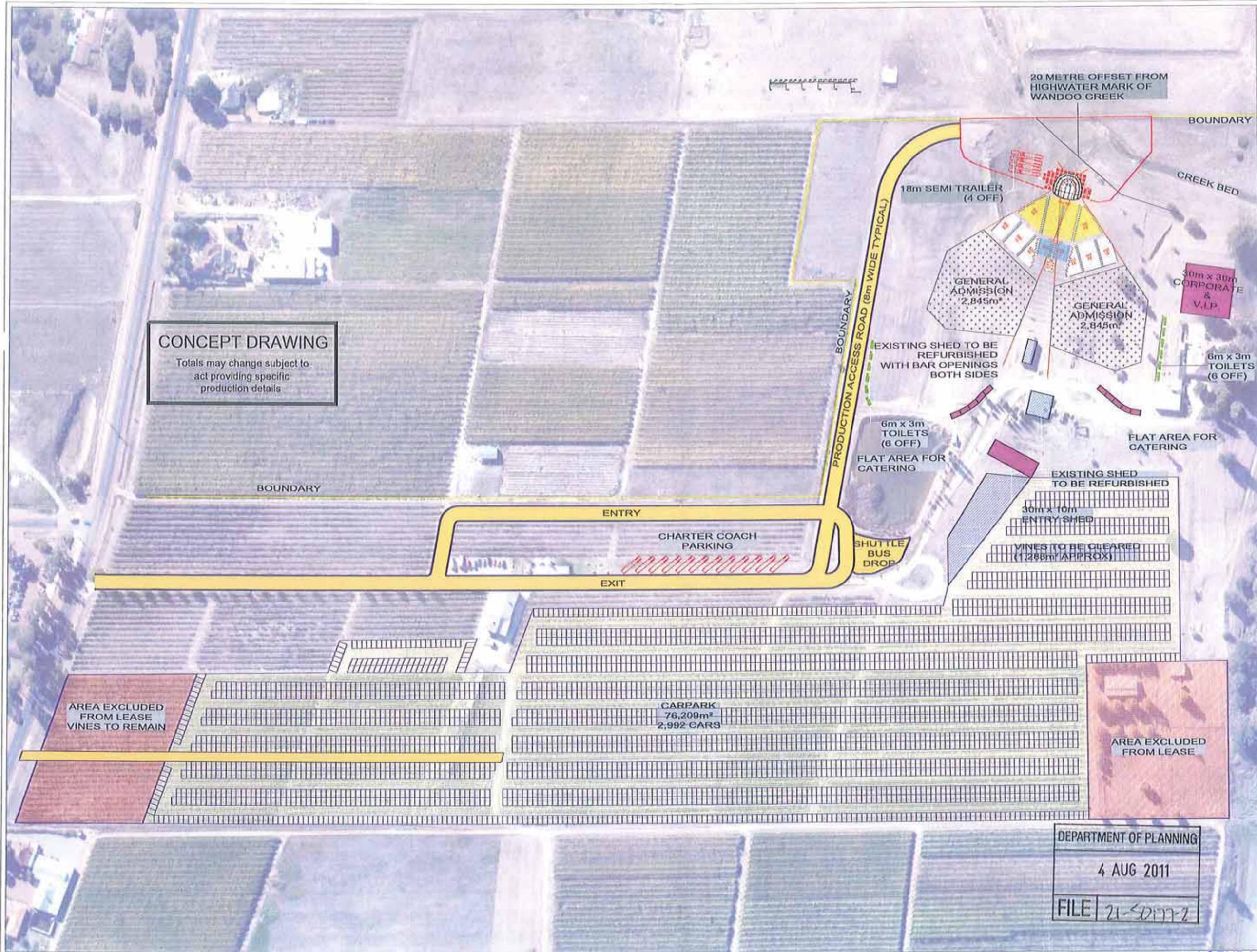
DEPARTMENT OF PLANNING
4 AUG 2011
FILE 21-50177-2

 **MICHAEL COATE**
GOLF DESIGN
100/1011 South Beach Rd, Perth, Western Australia
Tel: (08) 9437 0000
www.michaelcoategolf.com.au

5 25 50
scale : 1: 500 metres
date : 6 July 2011
dwg No: LW-AR-02

Area of Turf under Irrigation: 29,191 m²
Area of Solid Turf to be Laid: 21,621 m²
Area of Back of House: 2,574 m²
Area of Proposed Roads: 11,054 m²

AREAS OF TURFGRASS, ROADS & HARDSTAND



CONCEPT DRAWING
 Totals may change subject to act providing specific production details

Total Seats on Ground
3,324

Total GA
4,740
 Based on 1.2 sqm per Person

Note:
 This plan is for Discussion Purposes ONLY. It is not intended to sell tickets from.
 Plan is subject to Approval by the Venue and all the Relevant Authorities.

AREA EXCLUDED FROM LEASE VINES TO REMAIN

CARPARK
 76,209m²
 2,992 CARS

AREA EXCLUDED FROM LEASE

DEPARTMENT OF PLANNING
 4 AUG 2011
 FILE 21-50177-2

Project: 500m x 1m BTB
 Lancaster Winery
 Western Australia
 Drawing:
Seating Plan
 Date: 6.7.11
 Revision: 09
 Scale: 1:1000 @ A1 Size

LANCASTER WINERY CONCERT VENUE

WEST SWAN

WESTERN AUSTRALIA

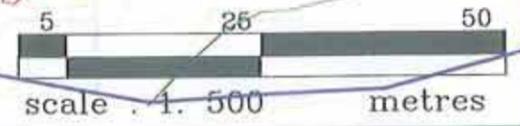
No modifications to the embankment are to occur due to requirements of the Department for Indigenous Affairs

VIP AREA
LEVEL 12.0

BAR PAD
LEVEL 9.125

DEPARTMENT OF PLANNING
4 AUG 2011
FILE 21-S/177-2

VENUE GRADING PLAN



date : 8 July 2011
dwg No: LW-GRAD-03

LANCASTER WINERY CONCERT VENUE

WEST SWAN

WESTERN AUSTRALIA

20m
No modifications to the embankment are to occur due to requirements of the Department for Indigenous Affairs

VIP AREA
LEVEL 12.0

BAR PAD
LEVEL 9.125

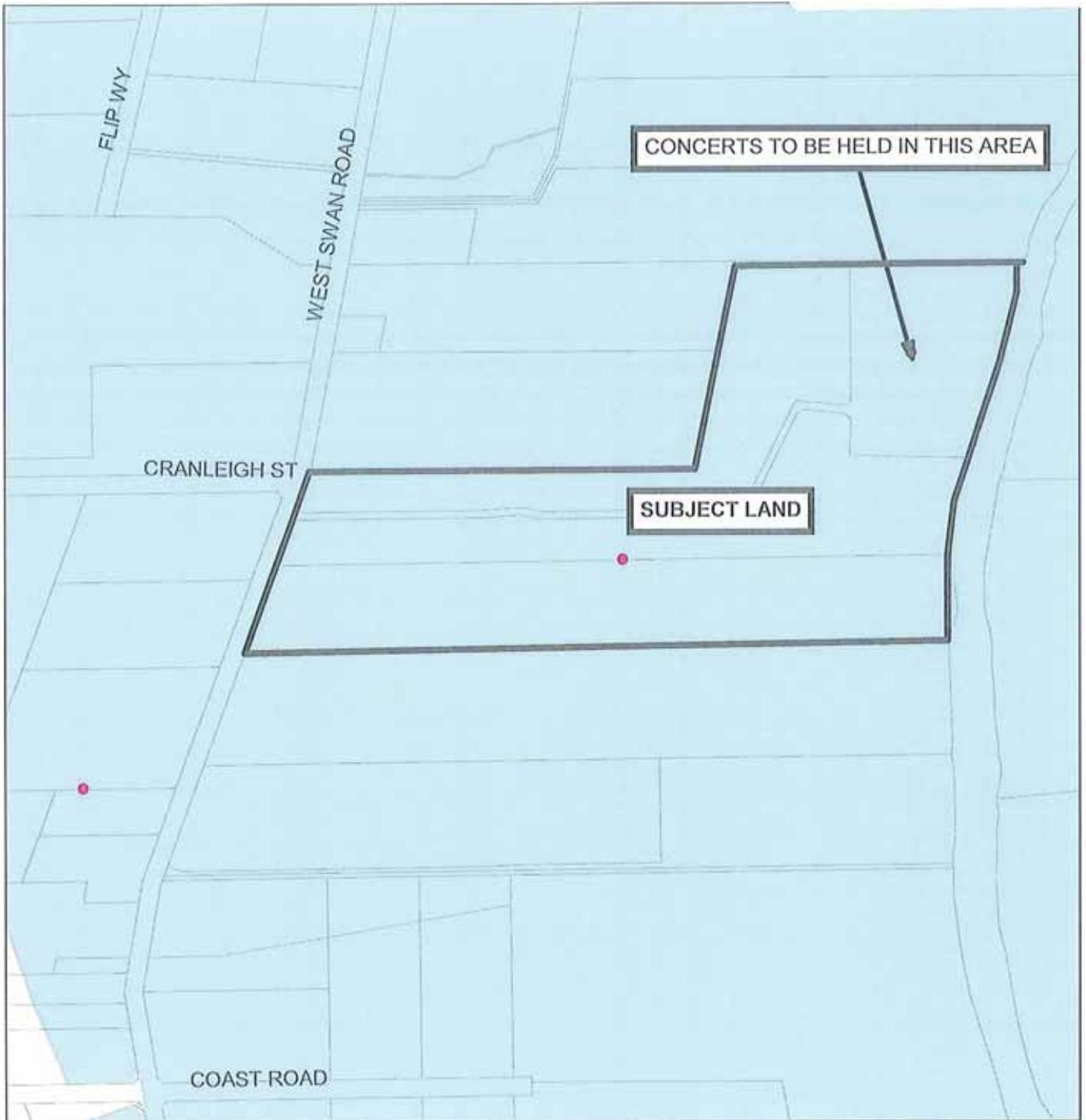
DEPARTMENT OF PLANNING
4 AUG 2011
FILE 21-50177-2

MICHAEL COATE
ARCHITECTURAL DESIGN

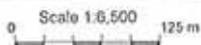
scale : 1 : 500 metres

date : 8 July 2011
dwg No: LW-GRAD-03

VENUE GRADING PLAN



-  Cadastre with Lot Numbers
-  Area B - Primary Production Area



Prepared by: rcull
Prepared for:
Date: Thursday, March 15, 2012 09:58
Plot identifier: P20120315_0958



Government of Western Australia
Department of Planning

DP INTERNAL USE ONLY



DECISION SHEET

Record of Advice Given or Report Made

Swan Valley Planning Committee

Record of advice given in accordance with Section 24 (1) and (2) of the *Swan Valley Planning Act 1995*

195.9.1 Proposed Outdoor Concert Venue At Lancaster Winery

File 21-50177-2
Report Number SVPC/85
Reporting Officer Senior Planning Officer

The committee does not support the recommendation as it contravenes with planning objectives 1, 2, 3, 4, 6 and 10 of Area B of the Swan Valley Planning Act 1995 and clauses 3 and 4 of paragraph 5.2.1 of the Statement of Planning 2.5. It is not compatible with the rural character and amenity of the area and, in accordance with Planning Objective 7, should be discouraged.

The Committee, therefore, resolves to recommend that the development application not be approved.

Officer's Recommendation

That the Swan Valley Planning Committee resolves to support the proposed development of an outdoor concert venue at Lancaster Wines subject to the Western Australian Planning Commission (WAPC) and the City of Swan imposing relevant conditions to manage impacts relating to traffic, noise, amenity and potential land use conflict with adjacent vineyards.

Resolved

Moved by Ms Taylor seconded by Mr Vuleta

The proposed outdoor concert venue at Lancaster Wines contravenes with planning objectives 1, 2, 3, 4, 6 and 10 of Area B of the Swan Valley Planning Act 1995 and clauses 3 and 4 of paragraph 5.2.1 of the Statement of Planning Policy 2.5. It is not compatible with the rural character and amenity of the area and, in

DECISION (CONT.)

accordance with Planning Objective 7, should be discouraged.

The Swan Valley Planning Committee recommends that the development application not be approved.

The motion was put and carried.

**This decision sheet has been forwarded to you as the officer responsible for the report.
It is your responsibility to commence any action required in relation to this decision including contacting any other officer who may need to action it.**

AUTHORISED OFFICER: Dominic White
DATE OF DECISION: 02 February 2012

EXPLANATION

The principal issue to be decided by the Swan Valley Planning Committee (the Committee) is whether the proposal for a 'place of assembly' to be used as an outdoor concert venue meets the planning objectives for Area B of the *Swan Valley Planning Act, 1995* (the Act).

The question of whether the application for concerts should be approved is not within the purview of the Swan Valley Planning Committee. It is a matter for decision by the City of Swan and the WA Planning Commission. The Committee's brief is restricted to planning issues.

The pertinent planning objectives for Area B as described in s.8 of the Act are:

1. The protection of viticulture;
2. The provision of water for viticulture and horticulture and the discouragement of activities that have high water demands;
3. The encouragement of tourist facilities provided that they do not detract from the rural character of the area;
4. The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area;
6. The compatibility of design, siting and landscaping with the character of the area;
7. The discouragement of uses that are incompatible with the rural character and traditional agricultural activities of that area; and
10. The avoidance of overstocking, of activities causing pollution or degradation of the environment and of any other land management practices detrimental to the amenity of the area.

The general planning objectives for the Swan Valley as described in s.6 of the Act, also are pertinent:

The general planning objectives of the Swan Valley are the encouragement of the traditional agricultural and other productive uses of the area that complement its rural character, the protection of the environment and character of the area, the reduction of nutrient levels in the Swan River and the promotion of tourism that complements the rural character of the area.

Those objectives must be read with the Policy Measures for a Priority Agricultural Zone as recommended in the *Statement of Planning Policy No.2.5, (previously No.11), Agricultural and Rural Land Use Planning* (Government Gazette, Tuesday 12 March 2002, No 42). The government's stated general objective of that policy regarding productive agricultural land is that 'the exercise of planning powers should be used to protect such land from those development activities or influences that lead to its alienation or diminished productivity, while always accepting the need for land for expanding urban areas and other uses of State significance.' (Government Gazette, 12 March 2002, No 42, section 2, p. 1009)

The Policy is focused upon the long-term protection and support for agriculture. It identifies the Swan Valley as a "Priority Agriculture Zone", that is, an agricultural area of State or regional significance. The Department of Agriculture identifies the majority of the application site as having high land capability for both vines and for annual horticulture. (Department of Agriculture, Soil Landscape Mapping, November 2009)

Amongst other provisions for local planning schemes recommended for Priority Agricultural Zones by *Planning Policy No.2.5 (previously No.11)*, the following are directly relevant to the Swan Valley:

- (ii) In the "Priority Agricultural" zone the following land uses should be permitted: agriculture-intensive, agriculture-extensive and a single dwelling. The following should be discretionary uses: animal husbandry-intensive, industry-rural, industry-extractive and farm worker's accommodation.
- (iii) The town planning scheme should make provisions to minimize the impact of adjoining uses on the "Priority Agriculture" zone that may restrict or conflict with the continued use for agriculture.
- (iv) Town Planning scheme provisions may be appropriate within the "Priority Agriculture" zone to allow small farm stay, chalets, and bed and breakfast, where they are incidental uses to the primary agricultural use of the land. All impacts associated with these tourist activities must be contained on site. (para 5.2.1, p.1011)

Those principles are reflected in the permitted, discretionary and authorised land uses in the Swan Valley Rural Zone of the City of Swan *Local Planning Scheme No. 17* (Gazetted: 18 February 2008).

When read together, the general planning objectives for the Swan Valley, the specific planning objectives for Area B, the guidelines for Priority Agricultural Zones under *Statement of Planning Policy No.2.5 (previously No.11)*, and Local

Planning Scheme 17, indicate the following principles as relevant considerations for the assessment of the proposed outdoor concert venue at Lancaster Winery:

- Priority is given to the protection and encouragement of the traditional agricultural activities of the Swan Valley, notably viticulture;
- Restrictive impacts of tourism amenities and services upon viticulture and horticulture are to be minimized; and
- Facilities or services for tourism should not detract from the rural character or the amenity of the Swan Valley.

Development proposals which offend against these principles should be discouraged.

THE PROTECTION OF VITICULTURE

The proposal requires the removal of 7.6 hectares of vines on Lot 3 for the provision of 2,992 unpaved car bays. The applicant contends that the vines are diseased and, on the recommendation of the Department of Food and Agriculture, must be removed. A further unspecified area of vines will be removed on Lot 2 for the provision of transit bus parking and internal roads for vehicular access to and egress from the concert venue and a 'back of the house' hardstand area. The applicant contends that these vines also are diseased.

The Committee has been advised that the vines on Lot 3 are of the shiraz variety, grafted onto existing old stock by the current owner some 7 years ago. In the past four years, these vines have not been attended to because shiraz grape production is unprofitable. The vines have been subject to seasonal infestations of powdery mildew and downy mildew. The recommendation for their removal was at the complaint of the adjoining landowner of Lot 37 that fungal infections of the vines on Lot 3 could be transmitted to his vineyard, and that he would prefer that the vines be removed than to have them untended and infecting his vines.

The Committee observes that both fungal infestations, powdery and downy mildew, are readily controlled by appropriate canopy management and the application of fungicidal sprays before and during infestation.

The removal of vines does not require planning approval. Their removal, particularly for the purpose of providing internal roads and parking for a concert venue, is unfortunate, but at the sole discretion of the landholder.

Even though the removal of vines is contrary to Planning Objective 1, the Committee can only bring their concerns to notice.

RESTRICTIVE IMPACTS UPON VITICULTURE

✧ Restrictive impacts between the proposed outdoor concert venue and vineyards in the vicinity may be considered as of two kinds; those which inhibit standard viticulture practice, and those which have direct and detrimental impact upon productivity.

Viticulture Practice

The applicant proposes that the primary matter for consideration is potential conflict caused by spraying affecting concert goers. He contends that will be unlikely because of the timing of concerts (held on four to six Saturday or Sunday evenings between October and April), and that a common boundary exists only with Lot 9 West Swan Roads.

The Committee observes:

- a. That the proposed concert venue and parking area has common boundaries with Lot 37 to the South and lots 1 and 9 to the North and West;
- b. Lots 1, 9 and 37 are under permanent cultivation for table grapes, and are among the most productive in the Swan Valley;
- c. Depending upon seasonal conditions, spraying vines with pesticides, fungicides or other specific-purpose chemicals may be carried out intermittently from September until May.
- d. Growers spray their crops when necessary, not always at their own convenience or forward planning, regardless of time of day;
- e. Commonly used sprayers in Swan Valley vineyards (*Turbo Miser* and *Air Blaster*) discharge a plume which may have a diameter of at least six metres, depending upon purpose and type of chemical used;
- f. The recommended vegetative buffer zone of trees and shrubs around or within vineyards to minimize the impact of spraying should be at least 40 metres wide with 20 metres planted with trees. (*Environmental Guidelines for Vineyards 2011*, p.21)

There are no vegetative buffer zones between the subject Lot 2 and the adjoining Lots 1 and 9. Productive vines abut the boundaries of all three lots. At present, lot 3 has 7.6 hectares of neglected vines which are to be replaced by the unpaved car park. Productive vines on Lot 37 abut the proposed car park.

The applicant proposes to erect a temporary artificial barrier with a porosity of 50% and a height of 1.8 metres along the western boundary of Lot 2 abutting the eastern boundaries of Lots 1 and 9. No treatment is suggested between the southern boundary of Lot 3 and the northern boundary of Lot 37.

The Committee contends that the artificial barrier proposed is inadequate and conflict arising from spraying, even though the probability may be low, is real.

Conflict between the concert venue and adjoining vineyards exposes growers to injunctions against spraying during specified periods before and during and after concerts. Even the possibility of such conflict inhibits the willingness of growers to pursue standard viticulture practices essential to the prosperity of their enterprises.

An untested concern is the civil liability of adjoining growers for injurious affect of spraying upon persons associated with concerts held at the venue. It is possible that litigation may be initiated by the venue owner, the concert promoter or concert-goers for injurious financial, physical or health impacts. The liability of growers for accidental impacts is untested, but of concern to the industry.

Other potential nuisances are odour and dust from standard viticulture practices and noise and light from machinery used at night. Noise from tractors, sprayers and other equipment used in viticulture is loud, constant, and unavoidable. It also can be intrusive and pervasive upon adjoining properties. Similarly, fugitive light from agricultural machinery used at night can, under prescribed circumstances, be deemed an environmental nuisance,

Prosecution against offending grape growers can be initiated on the complaint of any 3 or more persons occupying premises affected by noise pollution. An authorized officer may issue abatement notices upon offending grape growers and, in the event of their not complying, may seize their equipment.
(*Environmental Protection Act, 1986*, ss. 80 and 81A)

Standard viticulture practices are not environmental nuisances until there are complainants against them. An outdoor concert venue in the locality proposed and in such close proximity to productive vineyards opens a potential for complaint and the conversion of standard viticulture practice into environmental nuisance.

Again the probability of complaint and prosecution might be small, but it is real.

Potential negative impacts of the proposed outdoor concert upon vineyards in the locality are at variance with Planning Objectives 1 and 3.

Productivity and Water Allocation

Dust raised by vehicles driven across bare ground in close proximity to vineyards, in this instance the unpaved car park immediately adjoining Lot 37 and internal roads adjoining lots 1 and 9, and accumulating on grapes, in particular table grapes, has an adverse affect upon their marketability.

The applicant acknowledges that there is a likely impact of dust raised by vehicular traffic within the venue upon adjoining vineyards, and suggests this will be ameliorated by growth of natural grasses and watering unsealed access roads to the car park as part of a management plan of conditional development approval.

The applicant advises that the water to be used to settle dust will be sourced from an existing licensed allocation across the subject Lots 2, 3 and 200. The proposed hard-turfed amphitheatre comprising 29,919m² also will be irrigated from the same licensed water allocation. The Committee has concern about that strategy.

Planning Objective 2 requires the provision of water for viticulture and horticulture and the discouragement of other activities that have high water demands. That is compounded by the over-allocation of water from the Gnangara Mound and the Department of Water's 'use-it-or-lose-it' policy directed at reducing the allocation for viticulture in the Swan Valley by 20%.

Any diversion of water allocations from viticulture to other uses is detrimental to the viticulture industry across the whole of the Swan Valley, and, in accordance with Planning Objective 2, should be discouraged.

The proposed diversion of water allocated for viticulture to other uses on the subject lots is contrary to the intention of Planning Object 2.

THE RURAL CHARACTER OF THE SWAN VALLEY

The Swan Valley is designated a priority agriculture zone by statute, public policy and local planning regulations. Traditional agricultural activities, notably viticulture and horticulture, are afforded priority by each of those measures.

A central consideration of the Act is the protection and maintenance of the Valley's rural character. Different emphases are afforded that objective in each of the planning areas A, B and C. Whereas Area A is focused on rural character that is aligned with residential use, and Area C is focused on the establishment of a wide range of agricultural activities that are compatible with the rural character of the area, Area B is the priority viticulture and horticulture area of the Swan Valley. Planning Objectives 3, 4, 6 and 10 for Area B require that due consideration be given to the protection of its rural character. Planning Objective

7 discourages land uses that are incompatible with the rural character and traditional agricultural activities of Area B.

Reference to rural character is a reference to the identity of the Swan Valley and

- comprises a visual landscape that is compatible with viticulture in particular, and
- has regard to its current and historical land use configuration, physical characteristics, environmental and heritage values.

Those principles are reinforced by the City of Swan policy for building and development standards in the Swan Valley Rural Zone (i.e. Area B of the Act). The application site is located within the Swan Valley Rural Zone. The objective of this policy is to "ensure that the development of land within rural areas is consistent with the principles of proper and orderly planning and furthers the objectives of the relevant zone." (City of Swan, POL-TP-126, section 1, p.1) This City of Swan policy amplifies the development conditions applicable to the Swan Valley Rural Zone and states, "The purpose and intent of the Swan Valley Rural Zone is to promote the area primarily as a horticultural, recreational, tourism and landscape resource, with areas containing high quality horticultural soils and high quality plastic clays receiving special attention".

Having regard to the purpose and intent of the zone, the policy requires the application of the following guidelines when dealing with applications for approval to commence development or otherwise planning for development within the zone:

- "a) The Council shall not approve of any development where, in its opinion, such development would:
 - (i) conflict with the planning objectives of Area B as specified in the Swan Valley Planning Act
 - (ii) jeopardize high quality horticultural soils:"and
 - (iv) detract from the rural character and amenity of the area; or
 - (v) cause any nuisance by the production of noise, dust, smell, or other pollutants." (City of Swan, POL-TP-126, section 2.9, p. 10)

It is contended that the Lancaster application fails on each of the above criteria as follows:

- The application jeopardizes high quality agricultural soils changing its use from agriculture (viticulture) production to car park in support of the proposed use "Place of Assembly";
- The application detracts from the rural character and amenity of the area by the development of the proposed site and the holding of large outdoor concerts which will cause a nuisance to existing residents and patrons by the production of noise, dust and other pollutants (viz. visual intrusion from

the concert related activities including lights from the concert venue and potentially 3,000 vehicles at night).

The large scale of the proposed use has the potential to detract from the purpose and intent of the zone and is not compatible with the rural character of the locality.

CONCERT VENUES IN THE SWAN VALLEY

Several outdoor concert venues already exist in the Swan Valley Area B. The largest of them, Sandalford, caters for audiences of up to 12,000 people. When the Swan Valley Planning Committee considered the development application for a 'Place of Assembly' on 22 June 2009, it did not support the proposal. Sandalford had hosted a number of concerts under special approval for 10 years before it was granted planning approval as a 'Place of Assembly' after appeal to the State Administrative Tribunal.

The Belvoir Amphitheatre caters for audiences of up to 4,500 and is associated with a reception centre which preceded the Swan Valley Planning Act. Other venues, such as Houghton and Upper Reach, cater for much smaller audiences of occasional visitors, or as musical entertainment during special events like 'Spring in the Valley'.

The applicant draws comparisons between the proposal for Lancaster Wines and the existing venue at Sandalford. The differences are instructive:

Venue	Lot Size	Maximum Audience	Concerts per Year
Lancaster	21 hectares	8,000	6
Sandalford	47 hectares	12,000	10
Belvoir	40 hectares	4,500	10

Belvoir is not a vineyard, but has productive vineyards near its southern boundary. It is an historic property with a homestead built shortly after the establishment of the Swan River Colony. The concert venue is a developed amphitheatre which runs down to the left bank of the Swan River and is located the behind the reception centre. The amphitheatre is separated by distances of approximately 500 metres from Belvoir Homestead to North and 900 metres from Great Northern Highway to the East. The nearest residences are located on the opposite bank of the river. When noise levels are anticipated to exceed prescribed standards, concerts may be conducted only with approval from the City of Swan under Regulation 18 (Environmental Protection (Noise) Regulations).

Sandalford is one of the larger commercial wineries in the Swan Valley. It has a long-established vineyard, but the primary land use is a winery with an ancillary restaurant. Ten hectares of vines were removed to make room for a temporary car park, but the majority of the land not used for the winery, restaurant and concert venue is under well maintained vines. The bulk of juice used in wine production on site is sourced from the company's Margaret River vineyards.

Lancaster Wines is a vineyard with cellar door sales from what its promotional material presents as an 'outdoor tasting shed'. There are neighbouring vineyards producing table grapes located on the southern, northern, part of the western boundaries and Houghton Wines on the opposite bank of the Swan River. The company's wines are produced off-site by an independent wine maker and bottled under the Lancaster Wines label. The western portion of Lot 2 fronting West Swan Road is under well-maintained vines. The eastern portion of Lot 2 and Lot 200, together comprising the site of the proposed concert venue, contain only remnant vines. The site of the concert venue is almost wholly situated below the 7 metre contour running down to the right bank of the Swan River and forms part of the flood-fringe of the 100-year flood plain of the Swan River. It is subject to inundation during exceptional flood events.

Comparisons between Sandalford and Lancaster are not directly relevant to the Committee's deliberations, but were raised in the development application and in oral presentation by the proponents to the Committee at its meeting on January 23 and must be addressed. Such comparison does not favour the Lancaster proposal.

The pertinent different land use of the existing concert venue at Sandalford and that proposed for Lancaster relate to the relative sizes of the host properties; management of spraying and noise; impacts upon adjoining properties; and their compatibility of design, siting and landscaping with the character of the area.

- The Sandalford venue located in the south-eastern corner of the property behind the winery and restaurant has not diminished the primary viticulture activities on the property; the Lancaster venue takes up more than half of the property as well as the bulk of the adjoining Lot 3 to be developed as a car park, and will diminish significantly the current viticulture enterprise.
- Sandalford vineyard, winery, restaurant and concert venue are owned by a family company who can exercise maximum control over conflicting operations between concerts and viticulture practices; Lancaster Wines and the proposed concert venue also will be owned by a single company, but because of the size of the property and the proximity of adjoining vineyards, Lancaster has no direct control over conflict between concerts and neighbouring viticulture activities.
- Neither Sandalford nor Lancaster can manage noise pollution from concerts. Under conditions where excess noise is anticipated, they will be

able to operate only under regulatory approval. That is a matter for decision by the City of Swan, but the Committee observes here that noise pollution from concert performances does not enhance the ambience of the Valley.

Because of the size of the property, distance from adjoining vineyards, the location of vines, the winery and the concert venue, Sandalford effectively has its own buffer zone and is able to manage impacts of spraying on site; as discussed above, spraying on adjoining vineyards is problematic for the Lancaster concert venue and for offending landowners.

- The concert venue at Sandalford is a naturally occurring grassed amphitheatre. No additional construction was required to accommodate the concert venue. Other facilities at Sandalford have been developed to a high standard; the restaurant and winery reception area are of a rustic style construction which complements the rural character of the locality; hardstand areas are red oxide bitumen and are screened by well maintained landscaping.

The development proposal for Lancaster Wines requires the following works:

- site-recontouring and subsequent turfing to create an amphitheatre;
- a new hardstand 'back of house' area;
- construction of a 30m x 10 m shed (for entry/ticket collection/security check purposes), which also contains a small 'box' office; and
- new vehicle access (entry and exit) routes, including a new road to the 'back of house' hardstand area.

The development proposal offers limited specifications for these works and their compatibility with the rural character of the area cannot be judged.

The Committee has insufficient information to judge whether the design of proposed new buildings and ancillary constructions for the concert venue meet the requirements of compatibility with the character and amenity of the area, but the scale and location of the proposed venue is not consistent with planning objective 6.

CONCLUSION

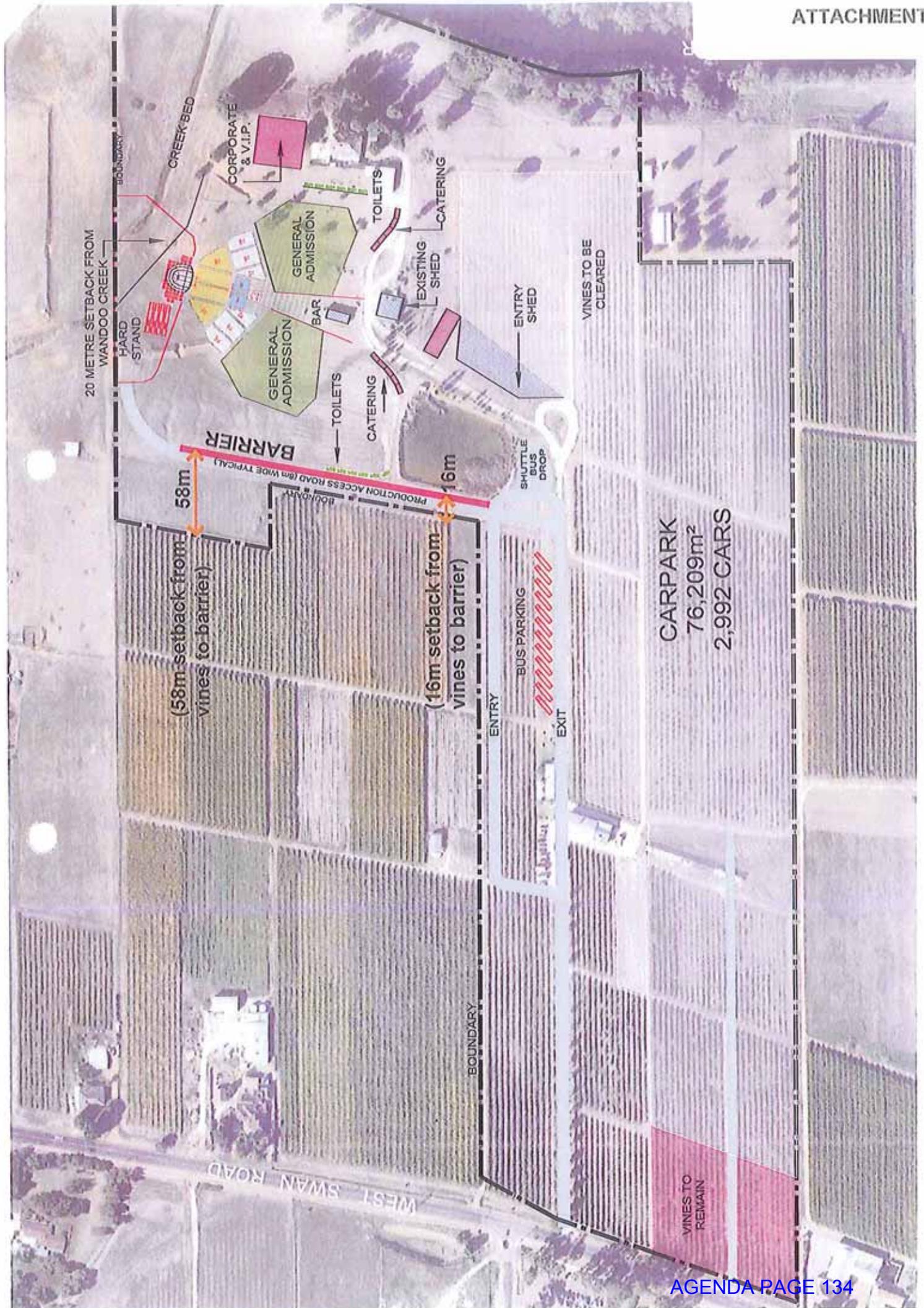
The Swan Valley Planning Committee supports the 'vertical integration' of other land uses with viticulture and particularly tourist facilities as outlined in planning objective 3 for Area B:

- "3. The encouragement of tourist facilities provided that they do not detract from the rural character of the area."

The test for such proposals could be scale and impact. Scale could be determined when the tourist facility becomes the dominant use either in its physical expression or its economic impact relative to the base land use of agriculture.

Impact can be considered where the tourist facility has a detrimental effect on viticulture both within and without the property and has adverse external impacts in terms of traffic, noise, amenity and the like.

The current proposal is considered as inappropriate both in scale and impact.



CARPARK
76,209m²
2,992 CARS

(58m setback from
vines to barrier)

(16m setback from
vines to barrier)

VINES TO
REMAIN

VINES TO BE
CLEARED

20 METRE SETBACK FROM
WANDOO CREEK

ITEM NO: 9.4

DEVELOPMENT: FOOD AND BEVERAGE PRODUCTION (BAKERY) AND EXHIBITION CENTRE – LOT 36 WEST SWAN ROAD, WEST SWAN

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning North East, Perth and Peel Planning
AUTHORISING OFFICER:	Director, North East , Perth and Peel Planning
AGENDA PART:	C
FILE NO:	21-50381-1
DATE:	21 March 2012
ATTACHMENT(S):	1. Proposed Development Plans 2. Location Plan/Zoning Map 3. Original Proposed Development 4. Previous SVPC Resolution
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Swan Valley Rural
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	West Swan
RECEIPT DATE:	25 October 2011
PROCESS DAYS:	106
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 36 West Swan Road, West Swan

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the application for the proposed development on Lot 36 West Swan Road, West Swan for the following reasons:

REASON(S):

1. The proposed development is inconsistent with the objectives of Area B of the *Swan Valley Planning Act 1995*.

2. The land is zoned 'Rural' in the Metropolitan Region Scheme and 'Swan Valley Rural' within the City of Swan Local Planning Scheme No.17. The proposed development is contrary to the intent of the rural zoning which is to preserve the rural character and landscape of the area.
3. Approval of the proposal would create a precedent for the introduction of retail developments contrary to the objectives of the *Swan Valley Planning Act 1995* and inconsistent with the rural character of the area.

SUMMARY:

The application seeks approval to develop a cafe/bakery and associated exhibition centre on Lot 36 West Swan Road, West Swan which is located within Area 'B' of the *Swan Valley Planning Act 1995*. The application is not supported by the Swan Valley Planning Committee, however, is supported by the City of Swan. The application is considered to be inconsistent with the objectives of the *Swan Valley Planning Act 1995* for Area 'B' and the objectives of the City of Swan Local Planning Scheme No.17 for the 'Swan Valley Rural' zone. It is recommended the application be refused.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Swan Valley Planning Act 1995</i>
	<i>Metropolitan Region Scheme</i>
Section:	<i>Swan Valley Planning Act 1995 - Section 8</i>
	<i>Metropolitan Region Scheme Text - Part IV subclause 30B(5)</i>

Strategic Plan	
Strategic Goal:	Planning
Outcomes:	Planned Local Communities Developing a Sense of Place
Strategies:	Encourage innovation in the design of our communities

Policy

Number and / or Name: -

INTRODUCTION:

The application seeks approval to develop a single story building consisting of a cafe/bakery and exhibition centre, and associated car parking and access (**Attachment 1** - Proposed Development Plans). The bakery is intended to sell its produce to the public in addition to supplying the proposed cafe.

The subject land is zoned 'Rural' under the Metropolitan Region Scheme and 'Swan Valley Rural' under the City of Swan Local Planning Scheme No.17 and is located within 'Area B' of the *Swan Valley Planning Act (SVP Act)* (**Attachment 2** - Local Planning Scheme). There is currently a single dwelling and associated outbuildings located on the subject land. The portion of the lot proposed to be developed is currently vacant.

The application referred to the Western Australian Planning Commission (the Commission) included a revised development proposal. The original proposal is attached for reference (**Attachment 3** - Original Development Plans).

The application has been referred to the Commission (WAPC) for determination in accordance with subclause 30B (5) of the Metropolitan Region Scheme as a result of conflicting recommendations from the City of Swan and the Swan Valley Planning Committee. The application has been referred to the Statutory Planning Committee in accordance with the notice of delegation, as the recommendation to refuse the application varies from the City of Swan recommendation.

CONSULTATION:

The City of Swan resolved to support the application subject to conditions at its 17 August 2011 Ordinary Meeting.

The initial proposal was referred to the Swan Valley Planning Committee (SVPC) by the City of Swan. At its 28 March 2011 meeting the SVPC resolved to not support the proposal (**Attachment 4** - Swan Valley Planning Committee Decision Sheet) for the following reasons:

- A) *compatibility of the design;*
- B) *siting and landscaping with the character of the area;*
- C) *the impact the new bakery and exhibition centre will have on the viticulture activity within the area;*
- D) *the impact the modifications will have on the rural character of the area;*
- E) *no traffic study has occurred (a school crossing is five metres away); and*
- F) *objectives of the Act was to support retail in Herne Hill.*

Subsequent to the SVPC providing a resolution, the proposal was amended to address the issues raised concerning the design of the development. The modified application was not re-referred to the SVPC as the issues relating to compliance with the SVP Act remained unchanged.

The application was referred to the Department of Water which has no objection to the proposal.

PLANNING ASSESSMENT

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

The City of Swan LPS No.17 states the objectives for the 'Swan Valley Rural Zone' are to:

- (a) *promote the core area of the Swan Valley primarily as a horticultural, recreational, tourism and landscape resource;*
- (b) *provide for limited rural living within the Swan Valley, subject to locational, design and landscaping requirements to enhance the character and amenity of the valley and to ensure compatibility with productive rural activities;*

- (c) *recognise the occurrence of high quality horticultural soils and scarce plastic clays and to protect these resources from development which would jeopardise their current and future use;*
- (d) *ensure that the development and use of land accords with the planning objectives for Area B as specified in the Swan Valley Planning Act 1995.*

As discussed in the following section, the application is considered inconsistent with objective (d) of the 'Swan Valley Rural Zone'.

Swan Valley Planning Act 1995

The subject land is located within Area 'B' of the *SVP Act* and is not considered to comply with the objectives of the *SVP Act*. The proposal has been assessed against the relevant objectives as listed below:

1. The protection of viticulture.
2. The provision of water for viticulture and horticulture and the discouragement of other activities that have high water demands.
3. The encouragement of tourist facilities provided that they do not detract from the rural character of the area.
4. The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they area compatible with the rural character of the area.
5. The encouragement of the consolidation of retail and community facilities at Herne Hill, Caversham and West Swan.
- 5A. The limited expansion of existing retail and community facilities at Herne Hill, Caversham and West Swan where such facilities are required to service the local community an will not detract from the rural character of the area.
6. The compatibility of design, siting and landscaping with the character of the area.
7. The discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area.

The site does not currently contain any viticultural activities, however, the proposal requires the utilisation of vacant land. A significant portion of the site will remain vacant should the proponent seek to pursue viticultural activities in the future. The proposal does not impact upon any existing viticultural or horticultural activities but would potentially limit the expansion of any future viticultural or horticultural activities. The proposed development does not constitute uses which would create high water demands and therefore would not be impacting upon water provision for viticulture and horticulture.

The uses proposed by the application are not associated with viticulture but are intended by the applicant to provide a tourist attraction by way of an exhibition space and a supporting service industry for the provision of food and beverages. However, the proposal has not been demonstrated to be linked to any rural or agricultural land use traditionally associated with the Swan Valley. The proposed use is essentially generic and is not considered to provide a unique contribution to the rural character of the area. It is acknowledged that there are a number of other existing establishments within the Swan Valley which incorporate art galleries and cafes. In

some cases such uses compliment and support the viticulture industry within the Swan Valley. Further development of this nature should actively contribute to the rural character of the Swan Valley in order to protect the objectives of the *SVP Act*.

The proposed development is anticipated to serve primarily as a retail facility, despite proposing to incorporate exhibition facilities. The majority of the proposed floor space is to be occupied by the cafe/bakery and the remaining portion would essentially exist as a vacant tenancy. Accordingly, the proposal is considered to constitute retail development for which the location, being outside of Herne Hill, Caversham and West Swan, would be inconsistent with the objectives for Area 'B' of the *SVP Act*.

The revised design of the proposal has sought to provide development aesthetically compatible with the surrounding locality and preserve the rural amenity with regard to the building design. However, the siting of the proposed building is located in a prominent location at the intersection of West Swan Road and Coast Road. While some screening is proposed through the use of landscaping, it is unlikely a level of screening would be provided to allow the development to be shielded from the road as it would be contrary to the ability to attract passing trade. Subsequently, any development would result in a significant impact on the local amenity.

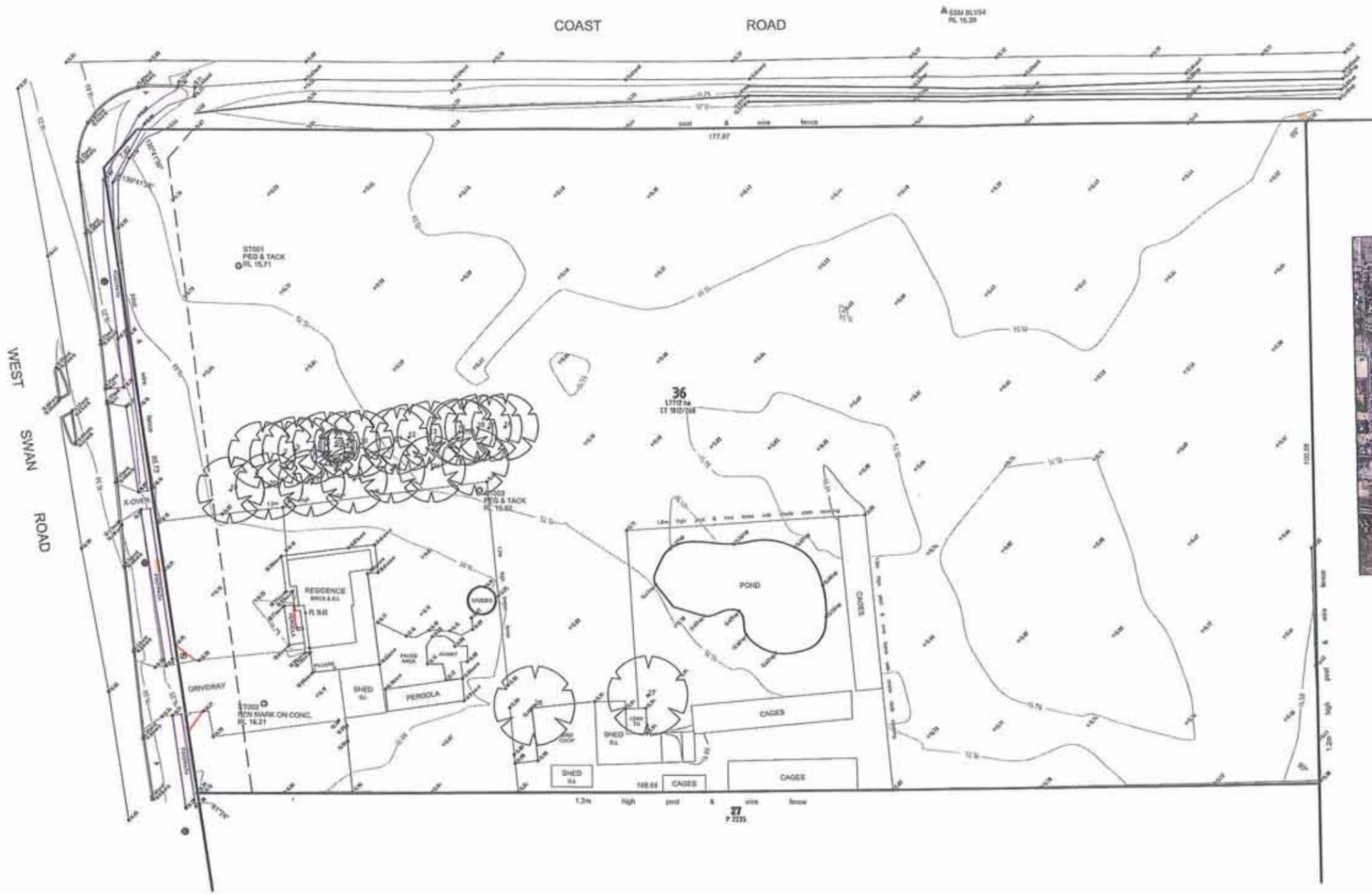
The proposed uses are listed as discretionary 'D' under the City of Swan Local Planning Scheme No.17. The City has supported the proposal, thus on the issue of land use in the context of the local scheme, the proposal is considered compliant. However, in light of the above points, the proposal is not considered to comply with the *SVP Act* and therefore not considered to comply with the objectives of the TPS No.17 for the 'Swan Valley Rural Zone'.

Approval of the application would create and contribute towards a precedent for the ongoing proliferation of retail / non-rural development within the Swan Valley which is not tied to the traditional rural and agricultural character of the Swan Valley.

CONCLUSION:

The application is considered incompatible with the *Swan Valley Planning Act 1995* and the objectives of the City of Swan Local Planning Scheme No.17. Accordingly, it is recommended the application be refused on these grounds.

DEPARTMENT OF PLANNING
 10 NOV 2011
 FILE 21-50381-1



locality plan
not to scale

LEGEND

— BOUNDARY	○ CONTROL STATION
— BUILDING	△ STANDARD SURVEY MARK
— ROOFOVER	• FLOOR LEVEL
— FENCE	• SPOT HEIGHT
— BRICK WALL	⊗ TREE
— EDGE OF KERB	⊕ POWER POLE
— ROAD SEAL	⊖ TELSTRA PIT
— ROAD CENTRELINE	⊙ WATER METER
— DRAIN TOP	⊖ SIGN
— DRAIN BOTTOM	
— FOOTPATH	
— CONTOUR (0.25m INTERVAL)	

feature survey site plan
scale 1:500

REV	ISSUE DESCRIPTION	DATE	NOTES
A	ISSUE FOR DISCUSSION	21/06/11	
B	ISSUE DEVELOPMENT APPROVAL	11/07/11	

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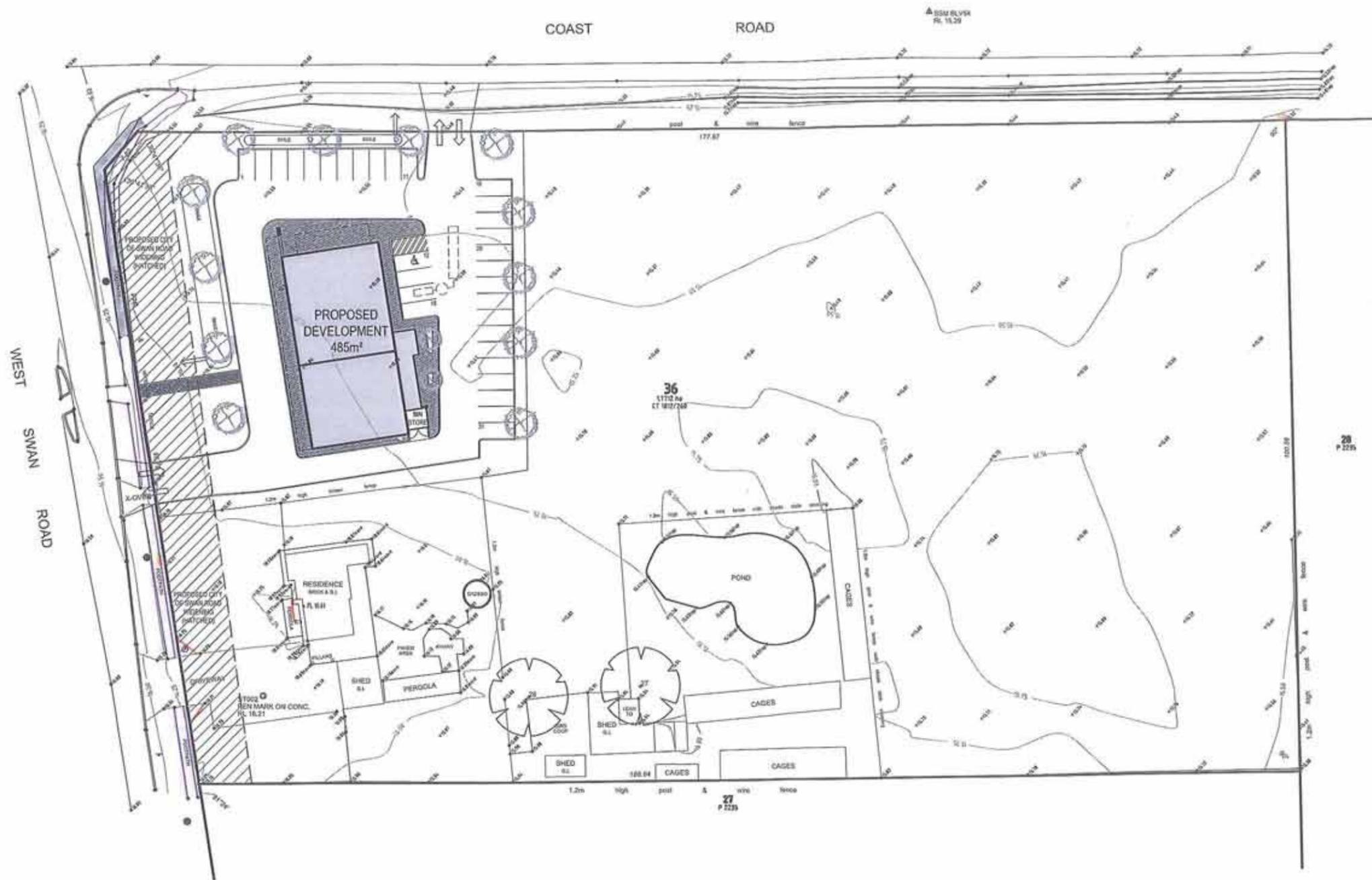
PROJECT:
**WEST SWAN COMMERCIAL DEVELOPMENT
 FOR MATERA CONSTRUCTION**
 LOT 36 (4430) WEST SWAN ROAD, WEST SWAN



TLD DESIGN

DRAWING:
FEATURE SURVEY SITE PLAN

DATE: 22/01/2011 DRAWN: TD JOB No. DRAWING No. ISSUE
 SCALE: 1:500 (A2) CHECKED: TD 10-12 DA2.1 B



overall site plan
scale 1:500

- LEGEND**
- BOUNDARY
 - BUILDING
 - ROOFOVER
 - FENCE
 - BRICK WALL
 - EDGE OF KERB
 - ROAD SEAL
 - ROAD CENTRELINE
 - DRAIN TOP
 - DRAIN BOTTOM
 - FOOTPATH
 - CONTOUR (0.25M INTERVAL)
 - CONTROL STATION
 - △ STANDARD SURVEY MARK
 - +R FLOOR LEVEL
 - SPOT HEIGHT
 - ⊕ TREE
 - ⊕ POWER POLE
 - ⊕ TELSTRA PIT
 - ⊕ WATER METER
 - ⊕ SIGN


MIDLAND SURVEY SERVICES
 ACN 105 274 226 ABN 52 105 274 226
 LAND AND ENGINEERING SURVEYORS
 3 Victoria Street Midland Western Australia 6056
 Telephone : (08) 9374 7777 Fax : (08) 9374 7799
 Email : survey@midlandsurveys.com.au
 Website : www.midlandsurveys.com.au

REV	ISSUE DESCRIPTION	DATE	NOTES
A	ISSUE FOR DISCUSSION	21/06/11	
B	ISSUE DEVELOPMENT APPROVAL	11/07/11	

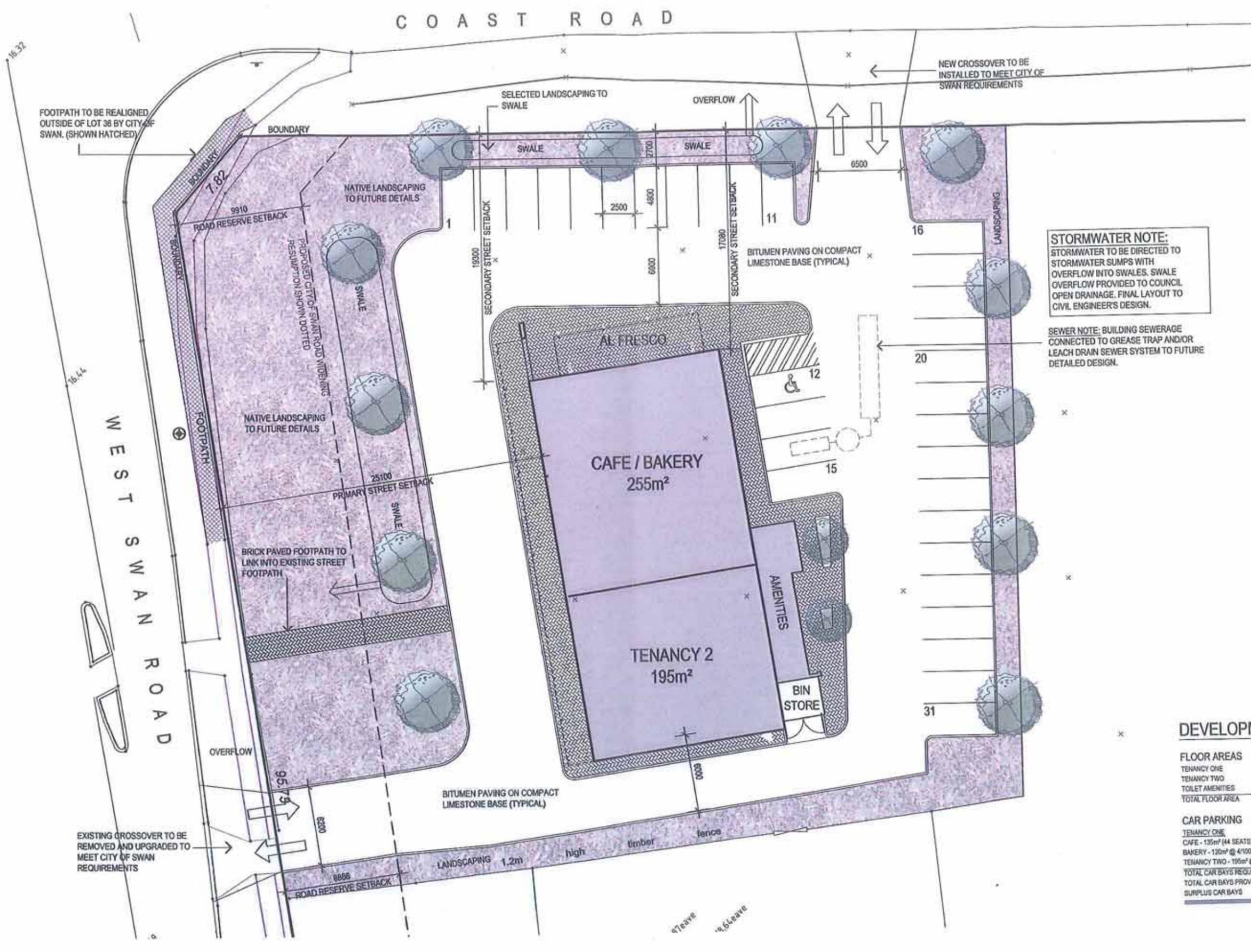
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PROJECT:
WEST SWAN COMMERCIAL DEVELOPMENT FOR MATERA CONSTRUCTION
 LOT 36 (4430) WEST SWAN ROAD, WEST SWAN



DRAWING: PROPOSED OVERALL SITE PLAN
 DATE: 22/01/2011
 SCALE: 1:500

TLD DESIGN
 DRAWN: TD
 CHECKED: TD
 JOB No: 10-12
 DRAWING No: DA2.2
 ISSUE: B



STORMWATER NOTE:
 STORMWATER TO BE DIRECTED TO STORMWATER SUMPS WITH OVERFLOW INTO SWALES. SWALE OVERFLOW PROVIDED TO COUNCIL OPEN DRAINAGE. FINAL LAYOUT TO CIVIL ENGINEER'S DESIGN.

SEWER NOTE: BUILDING SEWERAGE CONNECTED TO GREASE TRAP AND/OR LEACH DRAIN SEWER SYSTEM TO FUTURE DETAILED DESIGN.

DEVELOPMENT SUMMARY

FLOOR AREAS	
TENANCY ONE	255m ²
TENANCY TWO	195m ²
TOILET AMENITIES	36m ²
TOTAL FLOOR AREA	486m²
CAR PARKING	
TENANCY ONE	
CAFE - 135m ² (44 SEATS) @ 1/4 SEATS	11 BAYS
BAKERY - 120m ² @ 4/100m ²	5 BAYS
TENANCY TWO - 195m ² @ 4/100m ² (SHOWROOM)	8 BAYS
TOTAL CAR BAYS REQUIRED	24 BAYS
TOTAL CAR BAYS PROVIDED	31 BAYS
SURPLUS CAR BAYS	7 BAYS

part site plan
 scale 1:200

REV	ISSUE DESCRIPTION	DATE	NOTES
A	ISSUE FOR DISCUSSION	21/06/11	
B	ISSUE DEVELOPMENT APPROVAL	11/07/11	

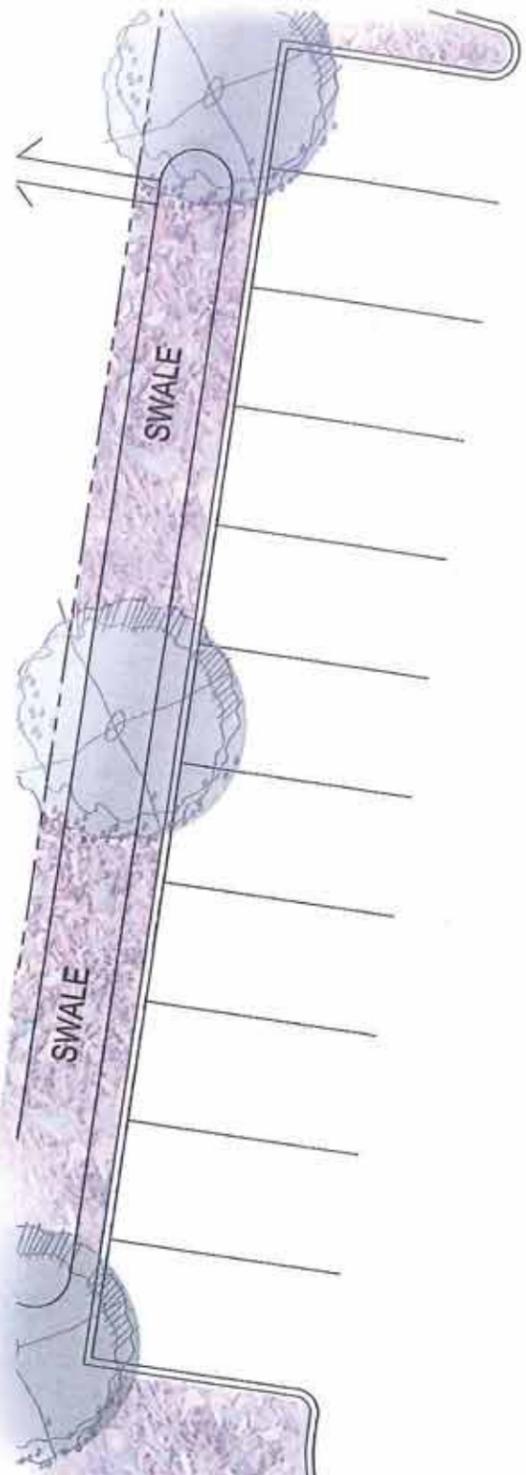
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PROJECT:
WEST SWAN COMMERCIAL DEVELOPMENT FOR MATERA CONSTRUCTION
 LOT 36 (443) WEST SWAN ROAD, WEST SWAN



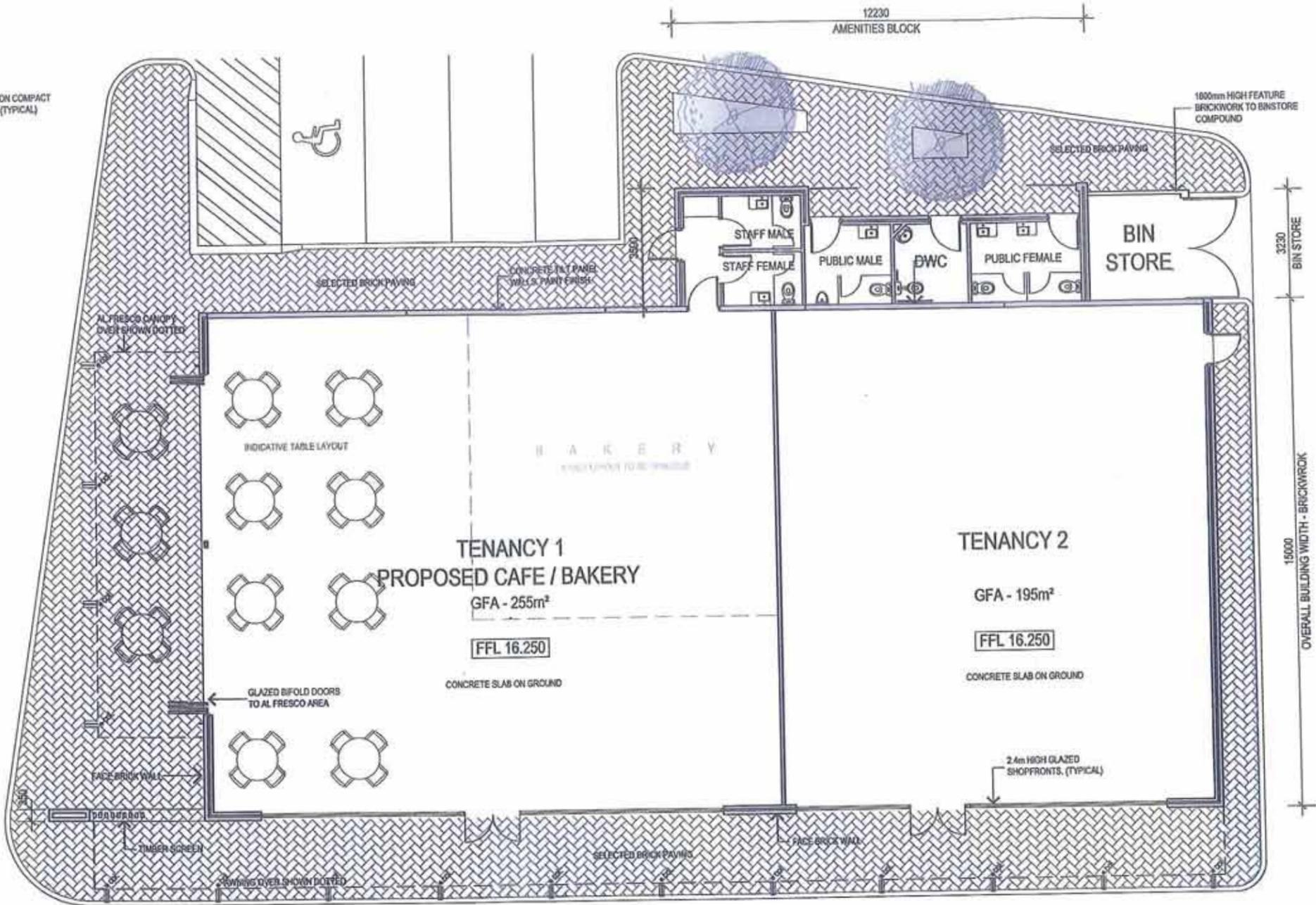
DRAWING: PROPOSED PART SITE PLAN
 DATE: 22/01/2011
 SCALE: 1:200
 DRAWN: TD
 CHECKED: TD
 JOB No. 10-12
 DRAWING No. DA2.3

TLD DESIGN
 ISSUE B



BITUMEN PAVING ON COMPACT LIMESTONE BASE (TYPICAL)

1800
10080
3120



1000mm HIGH FEATURE BRICKWORK TO BINSTORE COMPOUND

3230
15000
OVERALL BUILDING WIDTH - BRICKWORK

1190 3370 1670 13550 2150 12380 250
BRICK SCREEN / OPENING BRICK CLEAR GLAZED SHOPFRONT BRICKWALL CLEAR GLAZED SHOPFRONT
30000
OVERALL BUILDING LENGTH

proposed floor plan
scale 1:100

SWALE

SWALE

REV	ISSUE DESCRIPTION	DATE	NOTES
A	ISSUE FOR DISCUSSION	21/06/11	
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PROJECT:
WEST SWAN COMMERCIAL DEVELOPMENT FOR MATERA CONSTRUCTION
LOT 36 (430) WEST SWAN ROAD, WEST SWAN

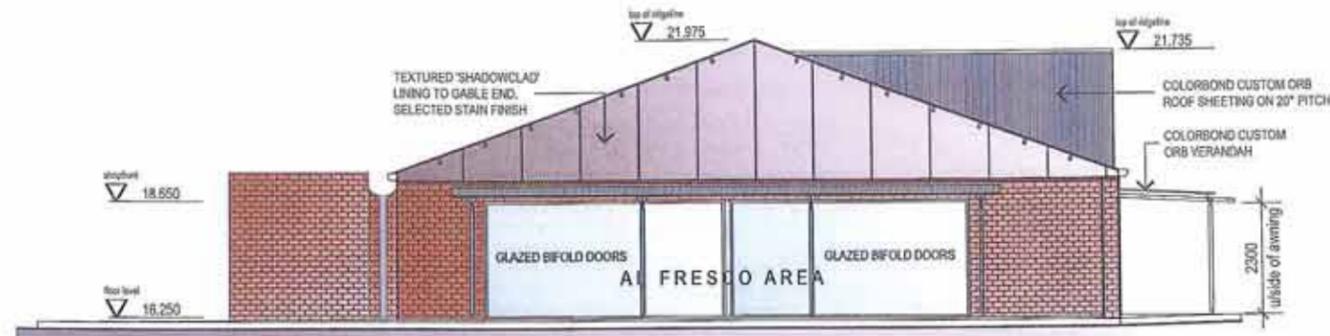


DRAWING:
PROPOSED FLOOR SITE PLAN

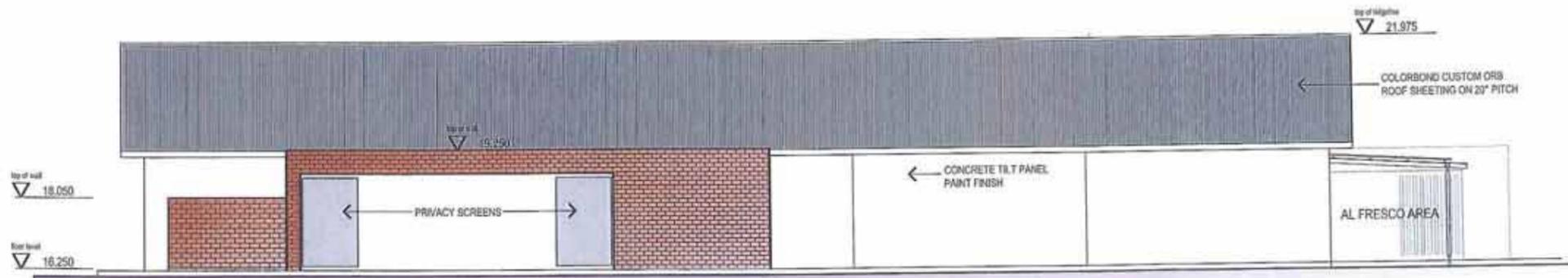
TLD DESIGN
DATE: 22/01/2011 DRAWN: TD JOB No. 10-12 DRAWING No. DA2.4 ISSUE B
SCALE: 1:100 (A2) CHECKED: TD



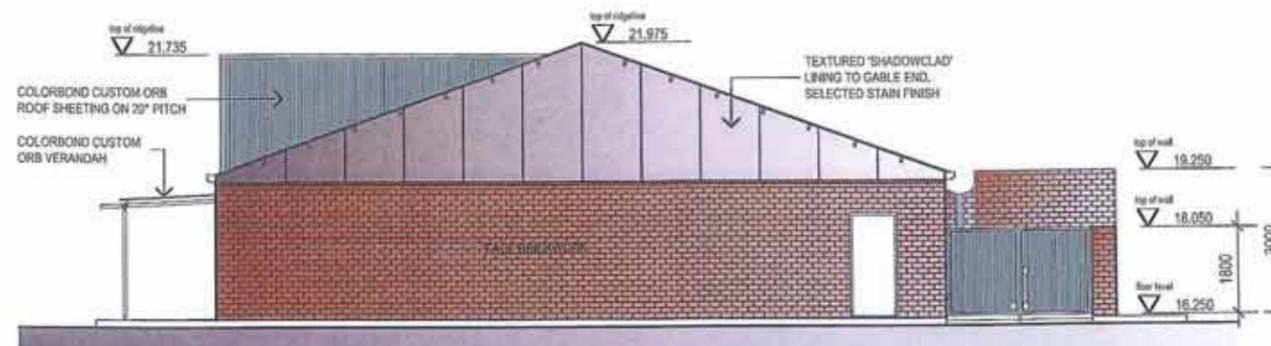
western elevation (west swan road)
scale 1:100



northern elevation (coast road)
scale 1:100



eastern elevation
scale 1:100



southern elevation
scale 1:100



north west view



north west view



south west view

REV	ISSUE DESCRIPTION	DATE	NOTES
A	ISSUE FOR DISCUSSION	21/06/11	
B	ISSUE DEVELOPMENT APPROVAL	11/07/11	

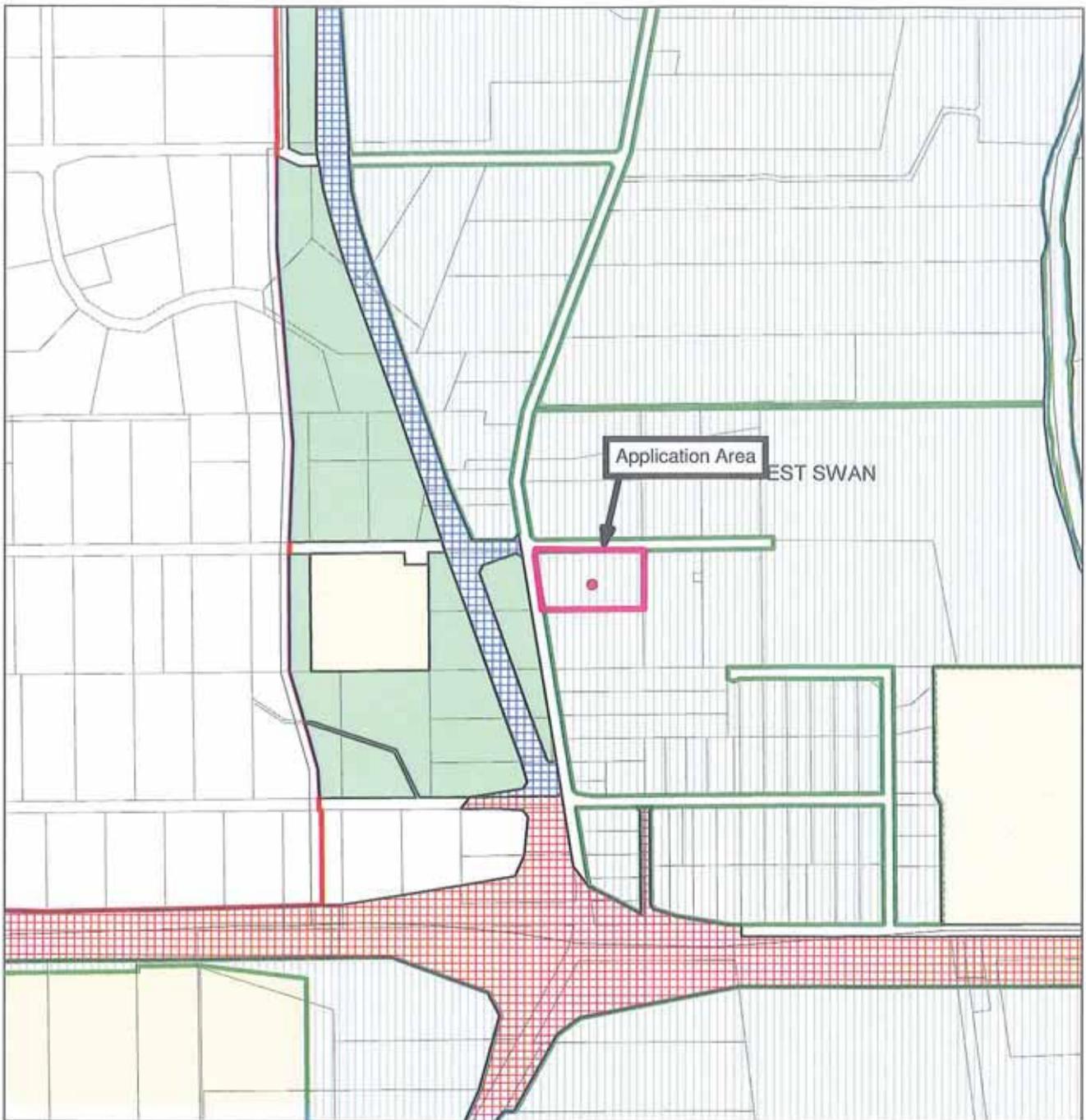
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PROJECT:
WEST SWAN COMMERCIAL DEVELOPMENT
FOR MATERA CONSTRUCTION
LOT 36 (4430) WEST SWAN ROAD, WEST SWAN

TLD DESIGN

DRAWING: PROPOSED ELEVATIONS DATE: 22/01/2011 DRAWN: TD JOB No: 1642 DRAWING No: PA25 ISSUE: B

SCALE: 1:100 (B) A2) CHECKED: AG



- | | |
|------------------------|-------------------------|
| Suburbs | OTHER REGIONAL ROADS |
| Cadastre | GENERAL RURAL |
| PRIMARY REGIONAL ROADS | PUBLIC PURPOSES |
| OTHER REGIONAL ROADS | RESIDENTIAL DEVELOPMENT |
| WATERWAYS | SPECIAL USE |
| PRIMARY REGIONAL ROADS | SWAN VALLEY RURAL |

Scale 1:10,152 250 m

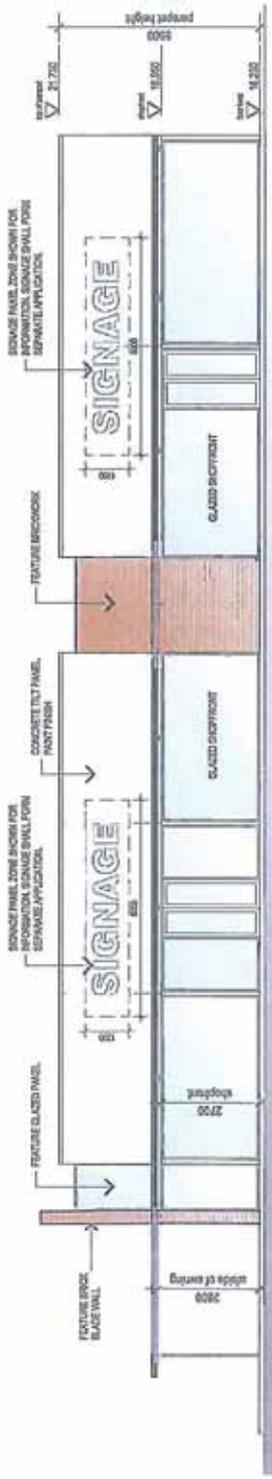
Prepared by: mpiggott
 Prepared for: Swan Valley Planning Committee
 Date: Wednesday, December 07, 2011 09:13
 Plot identifier: P20111207_0913



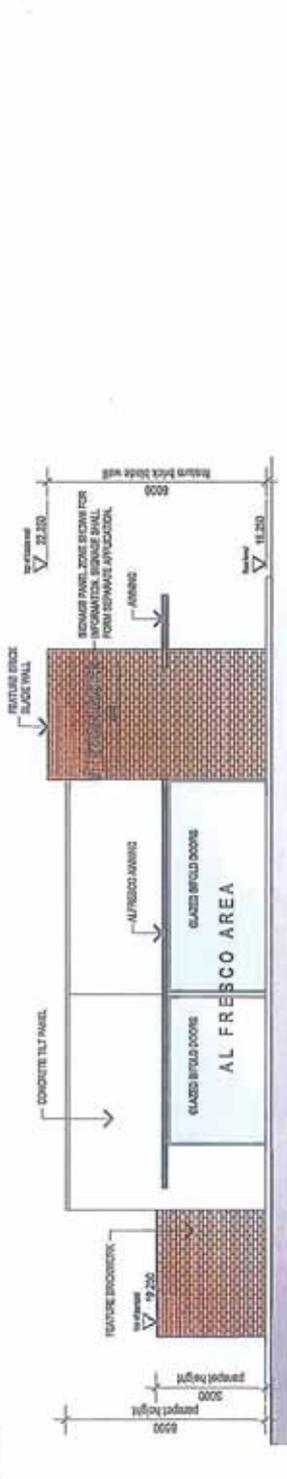
Government of Western Australia
 Department of Planning

Development Application
 Lot 36 West Swan Road, West Swan
 Local Planning Scheme

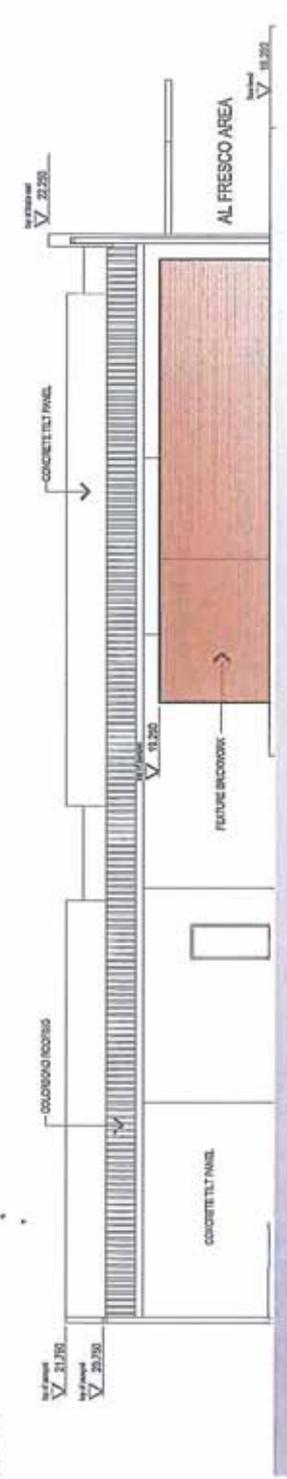
DP INTERNAL USE ONLY



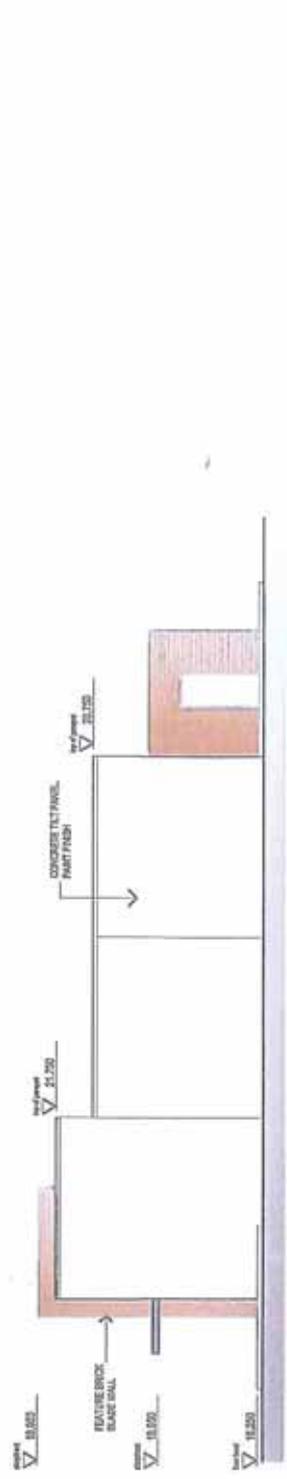
western elevation (west swan road)
scale 1:100



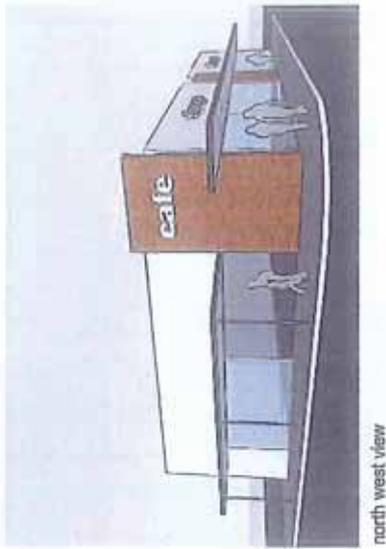
northern elevation (coast road)
scale 1:100



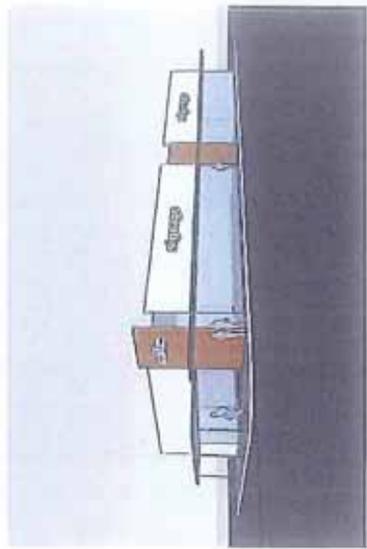
eastern elevation
scale 1:100



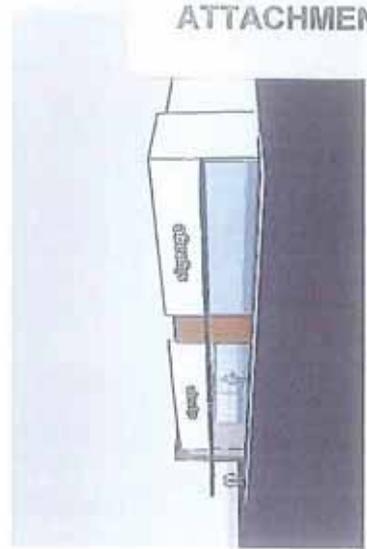
southern elevation
scale 1:100



north west view



north west view



south west view

PROPOSED ELEVATIONS

DATE: 20/07/2011
SCALE: 1:200
DRAWN TO: 10-12
SUBMITTED TO: DA1.5

TLD DE

PROJECT: WEST SWAN COMMERCIAL DEVELOPMENT FOR MATERA CONSTRUCTION
LOT 19 (AND WEST SWAN ROAD, WEST SWAN)

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REV: 01
DATE: 20/07/2011
SCALE: 1:200
FOR DEVELOPMENT APPROVAL



Government of Western Australia
Department of Planning

DECISION SHEET

Swan Valley Planning Committee

Record of advice given in accordance with Section 24 (1) and (2) of the *Swan Valley Planning Act 1995*

186.9.3 **Food and Beverage Production (Bakery) and Exhibition Centre - Lot 36 (4430) West Swan Road, West Swan**
 File DA-107/2011
 Report Number SVPC/61
 Reporting Officer Shannon O'Loughlin

Officer's Recommendation

That the Swan Valley Planning Committee resolves to advise the City of Swan that the proposed Bakery and Art Gallery on the subject lot is compatible with the relevant Planning Objectives of Area B of the Swan Valley Planning Act 1995.

Resolved

Moved by Ms Taylor, seconded by Mr Vuleta

That the Swan Valley Planning Committee resolves to advise the City of Swan that the proposed Bakery and Art Gallery on the subject lot Lot 36 (4430) West Swan Road West Swan, is not compatible with the Planning Objectives of Area B of the Swan Valley Planning Act 1995:

Section 8 of the Swan Valley Planning Act specifies the planning objectives for any proposed development in Area B as follows:

- 1. The protection of viticulture.*
- 2. The provision of water for viticulture and horticulture and the discouragement of other activities that have high water demands.*
- 3. The encouragement of tourist facilities provided that they do not detract from the rural character of the*

AUTHORISED OFFICER: Wendy Willey
 DATE OF DECISION: 28 March 2011

DECISION (CONT.)

area.

4. *The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area.*
5. *The encouragement of the consolidation of retail and community facilities at Herne Hill, Caversham and West Swan.*
- 5A. *The limited expansion of existing retail and community facilities at Herne Hill, Caversham and West Swan where such facilities are required to service the local community and will not detract from the rural character of the area.*
6. *The compatibility of design, siting and landscaping with the character of the area.*
7. *The discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area.*
8. *The extraction of basic raw materials so far as it is compatible with the character and amenity of the area and subject to the rehabilitation of the affected land.*
9. *The subdivision into lots of less than 4 hectares only where this is consistent with the objectives set out in this section.*
10. *The avoidance of overstocking, of activities causing pollution or degradation of the environment and of any other land management practices detrimental to the amenity of the area.*

Refusal is recommended as follows:

- A) *compatibility of the design;*
- B) *siting and landscaping with the character of the area;*
- *C) *the impact the new bakery and exhibition centre will have on the viticulture activity within the area;*
- D) *the impact the modifications will have on the rural character of the area;*
- E) *no traffic study has occurred (a school crossing is*



AUTHORISED OFFICER: Wendy Willey

DATE OF DECISION: 28 March 2011

DECISION (CONT.)

five metres away); and
F) objectives of the Act was to support retail in Herne Hill.

The motion was put and carried.

This decision sheet has been forwarded to you as the officer responsible for the report. It is your responsibility to commence any action required in relation to this decision including contacting any other officer who may need to action it.

AUTHORISED OFFICER: Wendy Willey
DATE OF DECISION: 28 March 2011

ITEM NO: 9.5

CITY OF VINCENT LOCAL PLANNING POLICY 3.4.1- ANCILLARY ACCOMMODATION- REQUEST FOR APPROVAL

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager- Schemes, Strategies and
Amendments
AUTHORISING OFFICER: Director- Schemes and Appeals
AGENDA PART: D
FILE NO: TPS/0345/1
DATE: 13 February
ATTACHMENT(S): 1. Existing Ancillary Accommodation Policy
2. Proposed Ancillary Accommodation Policy

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. ***refuse to grant approval to the City of Vincent Planning and Building Policy No.3.4.1 - Ancillary Accommodation as the Western Australian Planning Commission considers that proposed variations to the Residential Design-Codes (R-Codes) requirements for ancillary accommodation should:***
 - (i) ***await the outcome of the review of the R-Codes; and***
 - (ii) ***if the City chooses to pursue any proposed variations to the revised R-Codes provisions for ancillary accommodation, these variations should be implemented by an amendment to the local planning scheme rather than a local planning policy.***
2. ***advises the City that it is acknowledged that through the proposed policy the City has taken a proactive approach to facilitating a diversity of housing stock and a step towards addressing housing affordability. Current state planning initiatives support the approach of the City to allow non-familial occupation of ancillary accommodation, however, given this is a significant departure from the current approach of the R-Codes and a departure from the acceptable developments standards***

envisaged by the R-Codes review, it is considered more appropriately dealt with through an amendment to the City's local planning scheme.

Furthermore, is noted that an amendment would be required to the City's Scheme in any event to implement the proposed policy due to inconsistencies in the proposed policy definition and the R-Codes definition of ancillary accommodation. Currently, by virtue of clauses 7(4) and 47(9) of Town Planning Scheme No.1, the R-Codes definition of ancillary accommodation would apply. This definition refers to occupation of ancillary accommodation by family members of the main dwelling and this inconsistency may leave the policy open to challenge.

SUMMARY:

- The City of Vincent seeks the Western Australian Planning Commission's (WAPC) approval to modifications to its Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation.
- The WAPC's approval is required as the proposed modifications represent variations to the Residential Design Codes (R-Codes) definitions and acceptable development criteria which are not permitted to be varied without the WAPC's approval.
- It is considered that the City should await the review of the R-Codes currently being undertaken and then pursue any proposed variations through an amendment to its local planning scheme, rather than through a local planning policy.
- It is recommended that the WAPC refuse to grant approval to the policy.

BACKGROUND:

The City of Vincent has a Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation and is seeking the Western Australian Planning Commission's (WAPC) approval to proposed modifications to this policy.

The Residential Design Codes (R-Codes) (State Planning Policy 3.1) permit local governments to prepare local planning policies that vary or replace 10 specific 'acceptable development standards' within the R-Codes. Other standards within the R-Codes may be varied subject to the WAPC granting its consent (Clause 5.3.2), providing it can be demonstrated that there is a specific need to a particular region that warrants such a variation.

The proposed policy seeks to provide alternative provisions to the R-Codes, in regard to ancillary accommodation.

The R-Codes define ancillary accommodation (commonly known as 'granny flats') as "*Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling*".

The current R-Codes acceptable development provisions for such development are:

- The sole occupant or occupants are members of the family occupying the main dwelling;
- The lot is not less than 450m² in area;
- The open space requirements of the R-Codes are met;
- The ancillary accommodation has a maximum floor area of 60m²; and
- One additional car parking bay is provided.

Noting that an applicant may seek a performance-based assessment and this might result in the approval of ancillary accommodation which varies from the above, however, occupancy would still be restricted to a family member due to the definition.

The City is seeking the WAPC's approval of those elements of its modified policy that require its approval.

It is noted that the Minister recently granted approval to an amendment to the City of Fremantle Local Planning Scheme No. 4 to introduce provisions relating to small secondary dwellings (ancillary accommodation) including allowing non-familial occupation and modifications to the acceptable development criteria of the R-Codes (Amendment No.46). However, this was through a scheme amendment and also contained a 5 year sunset clause. In that case, the amendment was seen as a "test case" and a trial of the wider application of small secondary dwellings or similar across the state. At that time it was noted that regularisation with the Model Scheme Text review and the R-Codes could occur at a later stage when the 5 year trial period expired.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation N/A.
Section: N/A.

Strategic Plan
Strategic Goal: Regulation
Outcomes: Effective, consistent and enforceable regulation
Community compliance and acceptance
Strategies: Develop agreed standards aligned to national standards and legislation

Policy
Number and / or Name: State Planning Policy 3.1 'Residential Design Codes'
Directions 2031 and Beyond
Draft Central Metropolitan Perth Sub-Regional Strategy

DETAILS:

The City adopted its current Planning and Building Policy 3.4.1 'Ancillary Accommodation' on 14 July 2009. The policy provides guidelines for this type of development to ensure minimal impact on adjoining properties and to provide housing diversity and affordable housing opportunities within the City. The policy provisions specify a maximum floorspace of 70m² (R-Codes specify 60m²) per

structure, the requirement for 1 car bay and do not restrict the occupancy of the accommodation to family members of the main dwelling (**Attachment 1- Existing Ancillary Accommodation Policy** and **Attachment 2- Proposed Ancillary Accommodation Policy**). The City has been applying its policy in assessing applications for ancillary accommodation within the City.

The City's proposed modifications are as follows:

- to introduce minimum facilities which are required for development to be considered 'self contained' and therefore meet the City's policy definition of ancillary accommodation. These requirements are bedroom and living space, a kitchen area, and a bathroom.
- Lowering the minimum site area of a lot in which ancillary accommodation is proposed to 400m²;
- Exclusions to floor area calculations;
- Increasing the allowable area of ancillary accommodation on upper floors above a garage to 50m²;
- Provisions relating to the height of ancillary accommodation structures;
- Access requirements where ancillary accommodation is to be built above a garage or a main dwelling;
- Specifying that ancillary accommodation may be used by persons other than members of the family of the main dwelling if clothes washing facilities are also provided and if there is compliance with either a class 1 or class 2 building requirements of the National Construction Code Series;
- Requirements for Section 70A notification stating that the City will not issue residential parking permit to occupiers of the dwelling (except if additional bay is provided), no more than two occupants and occupation by family members of main dwelling (unless minimum facilities including clothes washing facility is provided).

The City is seeking the Commissions approval to the following modifications to the policy:

- A provisions stating that occupation of ancillary accommodation by persons other than members of the family of the main dwelling may be permitted in certain instances;
- Decreasing the minimum lot area in which an ancillary accommodation structure can be development to 400m²;
- A maximum floor space of 70m²; and
- The option of providing one parking bay or a Notification on Title stating that the City will not issue a parking permit to the occupiers of the main dwelling and the ancillary accommodation.

The City considers that the other proposed modifications to the policy relate to requirements that are *additional* to R-Codes requirements, rather than variations to these requirements, and therefore they do not need WAPC approval.

GOVERNMENT AND CORPORATE IMPLICATIONS:

- The proposal to consider allowing ancillary accommodation to be used by non-family members was proposed in the WAPC's Directions 2031 and Beyond, and the Central Metropolitan Perth Subregional Strategy.
- Optimising the use of ancillary dwellings is one of the key planning reforms in the Department of Housing's State Affordable Housing Strategy.

CONSULTATION:

The City advises it has not yet advertised the policy, but is waiting for the WAPC's comments.

OFFICER'S COMMENTS:

The proposed policy specifies that ancillary accommodation may be used by persons other than members of the family of the main dwelling. This is at variance with the acceptable development provisions at Clause 6.11.1A1(i) of the R-Codes which specifically state that the sole occupant or occupants are members of the family of the occupiers of the main dwelling.

It is also noted that the definition of ancillary accommodation contained in the policy is inconsistent with the R-Codes definition, although the City has not requested the WAPC's approval of this definition.

The policy definition is:

"self contained living accommodation on the same lot as a single house that may be attached or detached from the single house however cannot be the subject of a separate green title or survey strata lot."

The City's Scheme does not contain a definition of ancillary accommodation. However, clause 7(4) of the scheme states that *'where a word or a term is defined in the Residential Planning Codes then, notwithstanding anything else in this Scheme, that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes'*.

The R-Codes definition of ancillary accommodation is as follows:

"Self contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling."

Aside from the issue of the appropriateness of non-familial occupation of ancillary accommodation which will be discussed later in this report, there are technical issues with the inconsistency of these definitions.

The Scheme provisions prevail over any local planning policy by virtue of Clause 47 (9) of the Scheme which states: *"A planning policy prepared under this part of the Scheme shall be consistent with the Scheme text and where any inconsistencies arise, the provisions of the Scheme text shall prevail."* Accordingly, although the

local planning policy contains a definition different to the R-Codes definition, it is the R-Codes definition that would prevail- regardless of whether or not the WAPC supports or grants approval to a policy that contains a modified definition.

In order to actually apply a different definition of ancillary accommodation that does not include reference to occupation of the accommodation by family members of the main dwelling, this would require an amendment to the R-Codes definition. Or alternatively, modification to the Scheme provisions to state that the Scheme definition prevails, together with the inclusion of a modified definition in the Scheme.

Furthermore, the phrase *'however cannot be the subject of a separate green title or survey strata lot'* in the policy definition is considered to be superfluous as the remainder of the definition already defines the accommodation as being *'on the same lot as a single house'*.

With respect to the substantive issue of ancillary accommodation being occupied by non-family members of the main dwelling, this was proposed in the WAPC's Directions 2031 and Beyond, and the Central Metropolitan Perth Sub-regional Strategy. The R-Codes review also incorporates proposed changes to the current ancillary dwelling provisions. Consultation on the R-Codes review was recently completed and it is anticipated that the review will be finalised by mid 2012.

The R-Codes review proposes to introduce a new 'Supplementary Dwelling' element in the R-Codes. The intent of this element is to more clearly differentiate this type of housing from the previous "Ancillary Accommodation" which suggests the use is ancillary to the main dwelling. To encourage diversity in accommodation types, and to provide a means for residents to live in proximity but with autonomy, the R-Codes will provide for supplementary accommodation. This is essentially an independent additional dwelling, which may or may not be physically attached, but is on the same lot as a single house. The restriction to occupation by family members of the main dwelling will no longer be included.

The proposed policy is consistent with this approach.

However, the policy also proposes variations from the existing and proposed acceptable development or 'deemed to comply' criteria of the R-Codes.

(i) Minimum Lot Size:

The policy proposes to decrease the minimum lot area in which an ancillary accommodation structure can be developed to 400m². This is at variance with Clause 6.11.1A1(ii) of the R-Codes which specifies a minimum lot area of 450m². This minimum lot area is not proposed to be changed under the review of the R-Codes.

Given the small size lots within the City, the City considers that 400m² is an approximate average lot size and this variation would allow for several more opportunities for ancillary accommodation development and housing diversity more generally.

(ii) Maximum floor space

A maximum floor space of 70m² is proposed. This is at variance with the maximum floor space of 60m² set out in Clause 6.11.1a1(iv) of the R-Codes however is consistent with the R-Codes review which also looks at increasing the maximum floor space to 70m².

The R-Codes review undertook a review of dwelling size for supplementary accommodation across Australia which revealed a general dwelling area of between 60m² and 80m². It was considered that an increase from the existing provision was appropriate in the Codes; however, the existing dwelling size is limited by the Government Sewerage Policy, currently under review. It should be noted that whilst The R-Codes review proposes to limit the size to 70m², however the Government Sewerage Policy- Perth Metropolitan Region, through the Department of Health, limits supplementary dwellings to 60m². This is as the result of consideration of the size of wastewater systems otherwise required for single houses. The proposed R-Codes recognise that this policy exists, whilst allowing for the increase in development standard at such time as this Policy is reviewed (it is currently under review and was due for completion by the end of 2011).

(iii) Parking

The option of providing one parking bay or a Notification on Title stating that the City will not issue a parking permit to the occupiers of the main dwelling and the ancillary accommodation. This is at variance with Clause 6.11.1A1(v) of the R-codes which require one additional car space to be provided for ancillary accommodation.

The City considers this will provide options for land owners and result in greater number of opportunities for ancillary accommodation development.

There is a need to be mindful of the "pros and cons" of granting approval to locality specific standards versus being dealt with via State wide standards contained with the R-Codes. Whilst uniformity in provisions is preferred for the reasons of facilitating ready implementation and ongoing administration, it is considered that the variations to the R-Codes proposed by the City may be reasonable for the local circumstances in the City of Vincent.

However, the method by which the City has chosen to apply these variations is not considered appropriate, particularly considering the stage of the R-Codes review. There is a need to consider the planning mechanism for implementing these standards, that is, whether through scheme provisions or policy. Allowing non-familial occupation of ancillary accommodation and the proposed modifications to the acceptable development criteria represent significant modifications to the existing approach in the R-Codes and in this instance it is considered more appropriate for these variations to be pursued through an amendment to the City's planning scheme rather than through a local planning policy. Furthermore, it is noted that an amendment to the Scheme would be required in any case in order to remove inconsistencies with the proposed definition as discussed above. A local planning policy may still be prepared and operate to provide guidance of design criteria for example, but not allow for a variation to the R-Codes or the Scheme.

Whilst it is noted that the WAPC and the Minister recently supported a similar proposal in a Scheme amendment in the City of Fremantle that was supported as a test case and should not be read as general support for similar proposals such as this to precede the finalisation of the R-Codes review.

In considering all of the above information, it is recommended that the WAPC not approve the City of Vincent's Local Planning Policy.

It is recommended that the City of Vincent be advised that the WAPC considers such proposed variations to the R-Codes requirements for ancillary accommodation should:

1. await the outcome of the review of the R-Codes; and
2. if the City chooses to pursue any proposed variations to the R-Codes provisions for ancillary accommodation the City should initiate an amendment to the local planning scheme to implement these variations rather than a local planning policy.

Alternatively, should the WAPC choose to support the R-Code variations then it is recommended that the City be advised of the following:

"In supporting the proposed policy the WAPC notes that an amendment to Town Planning Scheme No. 1 would be required to be submitted for consideration in order to implement the policy due to inconsistencies in the proposed policy definition and the R-Codes definition of ancillary accommodation. Currently, by virtue of clauses 7(4) and 47(9) of Town Planning Scheme No.1, the R-Codes definition of ancillary accommodation would apply. This definition refers to occupation of ancillary accommodation by family members of the main dwelling and this inconsistency may leave the policy open to challenge."

POLICY NO: 3.4.1**ANCILLARY ACCOMMODATION****OBJECTIVES**

- 1) To detail guidelines for the development of ancillary accommodation and its structure provided for under the provisions of the Residential Design Codes.
- 2) To ensure that the development of ancillary accommodation and its structure conforms with the existing scale and character of the locality.
- 3) To minimise the impact of the ancillary accommodation and its structure on adjacent properties.
- 4) To provide housing diversity and affordable housing opportunities within the Town of Vincent.

POLICY STATEMENT

- 1) For the Purpose of this policy, Ancillary Accommodation is defined as "self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house however cannot be the subject of a separate green title or survey strata lot."
- 2) Proposals for ancillary accommodation and its structure are to be of a type compatible with the aims of the Town of Vincent for the area and should be in compliance with the following provisions:
 - i) the total area of the ancillary accommodation structure is not to exceed 70 square metres;
 - ii) where the ancillary accommodation structure is proposed to be built above a garage, carport and/or the like structures:
 - (a) the total area of the ancillary accommodation structure is not to exceed 35 square metres; and
 - (b) there is not to be any form of access between the garage, carport and/or the like structures, and the ancillary accommodation structure;
 - iii) the external walls of the ancillary accommodation structure, including the external walls of the garage, carport and/or the like structure that it is proposed to be built above, is to be a maximum total height of five (5) metres;

- iv) the roof area of the ancillary accommodation structure is not to be used for habitable purposes; and
 - v) appropriate design features is to be incorporated into the ancillary accommodation structure, including varying setbacks, roof pitches/form and finishes, and appropriate screening to ensure that the amenity of the area and adjacent neighbours' privacy are not unduly affected.
- 3) An Ancillary Accommodation structure is not to be occupied by any more than two (2) occupiers.
 - 4) Where approval has been granted by the Town of Vincent for ancillary accommodation and its structure, a minimum of one car parking space in addition to the spaces required for the main dwelling is to be provided; or a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors or prospective proprietors that the Town of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/single house and/or ancillary accommodation at the cost of the applicant/owner.



Figure 1: Example of an Ancillary Accommodation in the Town of Vincent

POLICY NO: 3.4.1

ANCILLARY ACCOMMODATION**OBJECTIVES**

- 1) To detail guidelines for the development of an Ancillary Accommodation and its structure provided for under the provisions of the Residential Design Codes and the National Construction Code Series.
- 2) To ensure that the development of an Ancillary Accommodation structure conforms with the existing scale and character of the locality.
- 3) To minimise the impact of the Ancillary Accommodation structure on adjacent properties.
- 4) To provide housing diversity and affordable housing opportunities within the City of Vincent.

POLICY STATEMENT

- 1) For the Purpose of this policy, Ancillary Accommodation is defined as *“self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house however cannot be the subject of a separate green title or survey strata lot.”*

The minimum facilities required to consider the development as ‘self contained’ are:

- i) A bedroom and living space either in the same room or separate rooms; and
- ii) A kitchen area that includes a kitchen sink, an oven and a stove; and
- iii) A bathroom that includes a bath or shower, a toilet and a washbasin.

If one or more of the above facilities are not provided, the development is not considered as an Ancillary Accommodation structure, and is not subject to the requirements of this Policy.

- 2) Proposals for an Ancillary Accommodation structure are to be of a type compatible with the aims of the City of Vincent and should be in compliance with the following provisions:
 - i) Lot Area

The subject lot in which the Ancillary Accommodation is proposed is required to be a minimum of 400 square metres;

ii) Floor Area

- a) The total floor area of the ancillary accommodation structure is not to exceed 70 square metres. The total floor area excludes the area used exclusively for parking and verandahs/patios/balconies open on at least two sides; or
- b) Where the ancillary accommodation structure is proposed to be built wholly or partly above a garage, carport, outbuilding and/or the like structures, the total area of the ancillary accommodation structure on the upper floor is not to exceed 50 square metres. The total floor area excludes the area used exclusively for parking and verandahs/patios/balconies open on at least two sides;

iii) Building Height

- a) For a pitch roof development –

The external walls of the ancillary accommodation structure, including the external walls of the garage, carport and/or the like structure that it is proposed to be built above, is to be a maximum total height of five (5) metres above the natural ground level; and

The overall height of the pitch is to be a maximum of seven (7) metres above the natural ground level; or

- b) For a concealed roof development –

The external walls of the ancillary accommodation structure, including the external walls of the garage, carport and/or the like structure that it is proposed to be built above, is to be a maximum total height of six (6) metres above the natural ground level;

iv) Car Parking

A minimum of one site car parking bay in addition to the car bays required for the main dwelling is to be provided; OR

A Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors or prospective proprietors that the City of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/single house and/or ancillary accommodation at the cost of the applicant/owner;

v) Access

- a) If the Ancillary Accommodation structure is proposed to be built above a garage, carport and/or the like structure, internal or external access may be permitted;

- b) If the Ancillary Accommodation structure is proposed to be built above the main dwelling, internal stair access is required to be provided from the respective ground floor; and
- vi) Other
 - a) Appropriate design features is to be incorporated into the Ancillary Accommodation structure, including varying setbacks, roof pitches/form and finishes, and appropriate screening to ensure that the amenity of the area and adjacent neighbours' privacy are not unduly affected;
 - b) The Ancillary Accommodation structure is not to be occupied by any more than two (2) occupiers.
- 3) To provide housing diversity and affordable housing options in the City of Vincent, the Ancillary Accommodation structure may be used by persons other than members of the family of the main dwelling, in the following instances:
 - i) The Ancillary Accommodation structure provides the minimum facilities as stated in clause 1 as well as a clothes washing facility that comprises of at least one wash trough and a space in the same room for a washing machine; and
 - ii) the Ancillary Accommodation structure complies with either the class 1 or a class 2 building requirements of the National Construction Code Series.

Note: If an Ancillary Accommodation is built above the main dwelling, the Ancillary Accommodation must be used by members of the family.

4) Section 70A Notification

The following condition requiring a Section 70A Transfer of Land Act 1893 Notification shall be imposed, where Planning Approval has been granted by the City of Vincent for an Ancillary Accommodation structure:

A Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the Ancillary Accommodation structure on the land:

- i) *The Ancillary Accommodation structure shall not be occupied by any more than two (2) occupiers;*
- ii) *The City of Vincent will not issue a residential car parking permit to any owner or occupier of the ancillary accommodation; and*

- iii) *The ancillary accommodation structure is to be occupied by a member or members of the family of the occupier of the main dwelling.*

This notification shall be prepared and registered by the City's Solicitors or other Solicitors agreed upon by the City at the cost of the applicant/owner.

The City will not apply clause (ii) of the condition if at least one additional car bay has been provided and will not apply clause (iii) where it is demonstrated that the requirements of clause 3 of this policy has been achieved.



Figure 1: Example of an Ancillary Accommodation in the City of Vincent

ITEM NO: 9.6

DEPARTMENT OF HOUSING MIXED USE DEVELOPMENT (MULTIPLE DWELLINGS AND OFFICES)

WAPC OR COMMITTEE

Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Delegated Officer,
Metropolitan and Peel Planning, Perth and Peel
Planning
AUTHORISING OFFICER: Delegated Officer,
Metropolitan and Peel Planning, Perth and Peel
Planning
AGENDA PART: P
FILE NO: 11-50084-1
DATE: 15 March 2012
ATTACHMENT(S): Attachment 1 Location Plan.pdf,
Attachment 2 SK1b.pdf, SK2b.pdf & SK3b.pdf,
Attachment 3 View 3D east along Downey
Drive.pdf, View 3D west along Downey Drive.pdf,
Attachment 4 Council Minutes.pdf,,
REGION SCHEME ZONING: MRS: URBAN, CCS SITE ID NO. ABUTS 3134
ABUTS 5487
LOCAL GOVERNMENT: City of South Perth
LOCAL SCHEME ZONING: Highway Commercial
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Perth Metro Central
RECEIPT DATE: 23 May 2011
PROCESS DAYS: 297
APPLICATION TYPE: Development
DESCRIPTION OF PROPOSAL: 6 Multiple Dwellings And Offices.
CADASTRAL REFERENCE: Downey Drive, Manning

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for a mixed use development comprising 6 multiple dwellings and an office complex) within a three storey building on Lot 407 (No. 4) Downey Drive, Manning in accordance with Site Plan SK1b, Floor Plans SK2b and Elevations SK3b, subject to the following conditions:

- (1) Prior to the issue of a Building Licence revised drawings shall be submitted to the satisfaction of Council to incorporate the following measures to prevent overlooking of the adjoining property from the Apartment 5 first floor kitchen window and the western side of the Apartment 7 first floor balcony by either:**

 - (a) increasing the sill height to 1600mm above the floor level; OR**
 - (b) the use of glass blocks or fixed obscure glass; OR**
 - (c) reducing the size of the window(s) to less than 1.0 sq. metre in aggregate; or**
 - (d) the provision of effective screening as defined in Council Policy P350.08 "Visual Privacy"; or**
 - (e) the deletion of the relevant openings in accordance with the visual privacy requirements of the Residential Design Codes of WA.**

- (2) The following information to be submitted to the satisfaction of the Council prior to the issue of a Building Licence:**

 - (a) demonstration that Lot 407 has been subdivided and new titles have been issued;**
 - (b) details of the proposed colours of the external materials. The selected colours shall demonstrate compatibility with neighbouring buildings;**
 - (c) details of the surface of the boundary wall(s) to the Office and Apartments visible from the street, on the western side of the lot and the First Floor support columns visible from the street, on the eastern side of the lot, to demonstrate the finish will match the external walls of the building(s) on the development site;**
 - (d) details of the surface of the boundary wall(s) to the Office, Apartments and Stores not visible from the street, on the western side of the lot and the Stores not visible from the street, on the eastern side of the lot to demonstrate compatibility with the external walls of the neighbour's dwelling;**
 - (e) construction details of any brick or masonry fences;**
 - (f) engineering drawings detailing any required filling or excavation of the site;**
 - (g) demonstrated compliance with the Acceptable Development standard 6.4.5 (Landscaping Requirements) and 6.5.5 A5.2 (Pedestrian Access) of the R-Codes, with regard to lighting to pathways, communal areas and car parking areas to the satisfaction of Council.**

- (3) A landscaping plan to be submitted, approved and fully implemented to the satisfaction of the Council prior to the occupation or use of the land and buildings in accordance with Clause 6.14 of Council's Town Planning Scheme No. 6. The landscaping plan shall include the outstanding landscaping and at least one tree not less than 3.0 metres in height (at the time of planting) within the street setback area or elsewhere on the site and to be maintained in good condition thereafter.**

- (4) The car parking bays to be allocated to occupancies in the following manner on the approved strata plan:**

 - (a) Residential dwellings - One bay per dwelling and 2 additional bays (8 bays total);**
 - (b) Non-residential tenancies - 5 bays; and**

- (c) Common visitor parking - 2 bays.**
- (5) No structure or obstruction is permitted within a 600mm overhang for car parking Bays 7 to 11 inclusive in order to comply with Australian Standard AS2890 Part 2 "Off-Street Parking".**
 - (6) The car parking bays shall be marked and maintained on site as indicated on the approved site plan in accordance with Clause 6.3(10)(c) of Town Planning Scheme No. 6 to the satisfaction of Council.**
 - (7) The designated visitor parking bays shall be clearly identified on site by means of a sign bearing the words "Visitors' Parking Only" in accordance with the requirements of clause 6.3 (11) of Town Planning Scheme No. 6 and to the satisfaction of Council.**
 - (8) The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the Council.**
 - (9) A new crossover to the site shall be constructed in accordance with the approved drawings and Council specification SP30 and without altering the verge levels at the front property boundary.**
 - (10) All fencing, visual privacy screens and/or obscure glass panels to major openings and/or active habitable spaces shown on the plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently to the satisfaction of Council.**
 - (11) Fencing forward of the building line to be visually permeable above 1.2 metres with the exception of fencing, letterboxes, bin enclosures etc that are within 1.5 metres of any access way (where it meets a street alignment) and that are required to be a maximum height of 0.75 metres in accordance with Council Policy 350.7 and to the satisfaction of Council.**
 - (12) End of trip facilities to be provided for the office complex and to comprise 4 secure clothes lockers in accordance with Clause 6.4 (5) of Council's Town Planning Scheme No. 6 and to the satisfaction of Council.**
 - (13) The rubbish storage area shall be located and screened from view from all of the residential units and from the street and to be enclosed with a gate to the satisfaction of Council.**
 - (14) All external clothes drying facilities, external fixtures and plumbing fittings to external walls (including air-conditioners) shall be screened from view from the street and any public place.**
 - (15) All stormwater and subsoil water shall be retained on site and discharged into soak wells to the satisfaction of Council.**

- (16) Prior to the occupation of the buildings the applicant to demonstrate compliance with Council's Policy P399 that requires proposed buildings to be surveyed to demonstrate compliance with the approval.**
- (17) The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of planning approval.**

ADVICE TO APPLICANT

- (1) This planning approval is not an authorisation to commence construction. A building licence must be obtained from Council's Building Services department prior to commencing any work of a structural nature.**
- (2) In order to place or store materials on the verge, a "Licence to Place or Store Materials on the Verge" is required to be applied for and granted prior to the commencement of construction.**
- (3) In relation to Condition No. 1 and No. 2 additional information and revised drawings are to be submitted with Council prior to the issue of a Building Licence. In order to avoid delays in obtaining a building licence the applicant is recommended to commence the related processes at the earliest opportunity.**
- (4) In relation to Condition No. 2d the written agreement of the adjoining property owner with regard to the preferred finish of the surface of the boundary wall (or sufficient evidence to the City that written correspondence from the applicant was not responded to within 14 days) shall be provided to the Council prior to the issue of a Building Licence.**
- (5) Issues relating to dividing fences are civil matters between the respective parties / landowners and are controlled by the Dividing Fences Act 1961 which includes certain rights and responsibilities.**
- (6) Where minor variations are sought at the Building Licence stage from an approved set of plans, a formal request for a variation to the planning approval is to be sought by the Applicant, in accordance with Council policy P689.**
- (7) No street trees in Council's verge area shall be removed, pruned or disturbed in any way and no planting of synthetic turf within the verge area.**
- (8) In relation to Condition No. 9 the application plans identify that the proposed crossover will interfere with a street tree situated within the road reserve. The Applicant is required to pay a sum of \$1435.50 for the cost of removing and replacing this property as detailed in a tax invoice that will be issued by the City, prior to the collection of a building licence**

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan

Strategic Goal: Strategic Goal 2: Planning
Outcomes: Planned Local Communities developing a sense of place
Strategies: Encourage innovation in the design of our communities

Policy

Compliance: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

SUMMARY:

The Department of Housing has submitted an application which proposes to build a mixed use development at Lot 407 (No. 4) Downey Drive, Manning (Attachment 1) for, primarily, public housing purposes which comprises the following:

- A mixed use development consisting of 6 multiple dwellings and an office complex;
- A two storey building with a mezzanine floor with car-parking and storage areas (for residential use); and
- A combination of family and single bedroom dwellings located above the ground level parking.

The application has been forwarded to the Western Australian Planning Commission (WAPC) by the City of South Perth for its sole determination in accordance with the Commission's current Notice of Delegation dated 19 December 2008 with regard to public works by a public authority on land zoned under the Metropolitan Region Scheme.

The Council has recommended that the application be refused and this is contrary to the Officer's report, which recommended that the application be conditionally approved.

This report recommends that Conditional Approval be granted in accordance with the City of South Perth Officer's report (Attachment 4).

INTRODUCTION:

1. The City of South Perth (the City) has referred a development application to the Western Australian Planning Commission (WAPC) for determination. The application proposes the construction of a three storey (two storey plus a mezzanine floor) mixed use development which comprises 6 one and two bedroom apartments on the upper level plus office suites and a residential foyer on the ground level at Lot 407 Downey Drive, Manning (Attachments 2 & Attachment 3). The application has been referred to the WAPC because the site is owned by the Department of Housing and the proposed development is a

public work that requires approval by the WAPC under the Metropolitan Region Scheme (MRS).

2. The subject land is zoned 'Highway Commercial' with a Residential Density Coding of R80 under the City's Town Planning Scheme No. 6 and 'Urban' under the MRS.
3. The site has frontage to Downey Drive which borders the site to the south, is located adjacent to an approved three storey mixed use development to the west (Lot 408 Downey Drive) and a two storey residential development to the east.
4. The Council has not supported the Application and has recommended to the WAPC that the application be refused for reasons that will be outlined in the Consultation section of this report.

CONSULTATION:

Public Consultation

The City of South Perth advertised the subject application for public comment and received 8 submissions with 7 of these opposing the application. The WAPC did not undertake any additional public consultation.

Consultation with other Agencies or Consultants

The WAPC referred the application to the Department of Water and the Department of Environment and Conservation on 13 January 2012 for a 21 day referral period. Both Departments responded with no comments on the proposal.

Consultation with City of South Perth

The application was considered by the South Perth City Council at its meeting of 22 November 2011 wherein a report recommending conditional approval was presented for determination (Attachment 4). The report included a detailed assessment of the application and detailed how the application had been assessed and on what grounds the recommendation for approval had been made.

In summary, the report presented to Council outlined the following points in favour of the application:

- The proposed 'Office' and 'Multiple Dwellings' use classes are classified as "D" (discretionary) uses in the zoning table of Council's Town Planning Scheme No. 6 (TPS No.6). In considering the discretionary uses, it is noted that the application area adjoins residential and non-residential uses, in a location with a residential and non-residential streetscape and that accordingly the use classes are assessed as complying with zoning table.
- Council has recently approved a similar development on the adjoining Lot 408 (No. 2 Downey Drive) which comprises a mixed use development that will be constructed at a similar density and scale as the subject application. As such the proposed development of Lot 407 Downey Drive will form part of an integrated development with Lot 408 Downey Drive and Lot 409 Ley Street, which abuts both Lots 407 and 408 Downey Drive.

- The proposed building height complies with the building height limit for the site (7.0 metres) and the section of wall in proposed Apartment 4 which extends to 7.48 metres is not assessed as a structural wall but rather as an architectural feature (for aesthetic reasons) and has been supported by the City Officers.
- The proposed plot ratio of 0.81 exceeds the requirements of TPS No. 6 which restricts the maximum permissible plot ratio to 0.50 however is assessed by the City Officers to satisfy the discretionary powers under Clause 7.8.1 of TPS No. 6.
- The provision of 15 car bays is assessed by City Officers as being adequate and satisfying the requirements of Clause 6.3.4 and 7.8.1 of TPS No. 6 and Clause 7.3.3 of the R-Codes based on the utilisation of reciprocal parking between the residential and office components.
- The proposed 4.2 metre wide access leg is assessed by the City as being sufficient to provide 2 way access to the proposed car park (that forms part of the development application) on the basis that the adjoining 1.5 metre wide path is to be constructed at the same level as the vehicle access way and can be used to allow vehicles to pass if required.
- The street setback of the proposed building is assessed as satisfying the Scheme requirements on the basis of the development to the west, which has been approved with the same setback to Downey Drive as is proposed and on the basis of the increased setback of the eastern part of the upper floor to Downey Drive which will reflect the greater setbacks of the adjoining residential development to the east.
- The boundary setbacks are assessed as complying with the Scheme requirements and the reduced setback of 0.5 metres to the western boundary is assessed as being acceptable based on the adjoining site being a car park (which will not be impacted by the reduced setback).
- The proposed boundary walls will not have an adverse impact on the amenity of neighbouring properties.
- The application has been assessed as only partially complying with the visual privacy and screening requirements of the R-Codes however City Officers recommend a condition to require additional screening to the kitchen window of Apartment 5 and the balcony of Apartment 7 which will ensure that visual privacy and screening requirements have been satisfied.
- The application provides for 11.2% of the site as a landscaping area in lieu of the requirement to provide 15% of the site for landscaping however City Officers assess that the provision of landscaping is adequate on the basis that landscaping is proposed to be provided in front of the building and surrounding the uncovered portion of the car park, which will contribute to the aesthetic quality of the development.

The report that was presented to the Council also assessed the public submissions that were received during the consultation period and which predominantly objected to the proposed development. The Officer's report concluded that the submissions should either be noted or not upheld. A summary of the submissions and the City Officer response is detailed in Attachment. 4.

The Council at its meeting of the 22 November 2011 resolved to refuse the application for the following reasons:

- i. *The design does not provide a sufficient transition between the commercial precinct of Ley Street and the adjoining residential development along Downey Drive.*
- ii. *The bulk and scale of the development is emphasised further due to the proposed setbacks not providing for a scaling down to the east. Further Clause 5.1.4 of TPS No. 6 also provides Council the means to require a greater setback for a common boundary. Council believes a greater setback should be provided along the development's eastern boundary to lessen the overpowering effect it will have on adjoining properties.*
- iii. *A 62% plot ratio variation is required. Council advises that the rationale for granting a plot ratio variation for the adjoining Lot 408 Downey Drive should not be reflected in the consideration of this application.*
- iv. *Council is not satisfied that the proposed number of car bays provided will be sufficient to the peak parking demand for different uses on the development site and believes that the application is not consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality.*
- v. *The group of properties designated as 'Site D' in Council's TPS No. 6 were provided with an R80 zoning more than 10 years ago to assist in the revitalisation of the commercial precinct and to encourage urban renewal. The Council feels that no further bonus to what the present R80 zoning has to offer is justified.*

A response to Council's reasons for refusal is provided below.

COMMENTS:

The application propose a mixed use development comprising offices and multiple dwellings at Lot 407 Downey Drive, Manning and has been supported by the Officers of the City of Perth and recommended to Council for Approval. Council did not support the officer recommendation and has resolved to refuse the application for the reasons outlined above. To determine the application an assessment of the proposal against the relevant statutory regulations will be made as well as an overall assessment of the application in respect to Council's reasons for refusal.

Metropolitan Region Scheme

Clause 30 of the MRS requires the Commission to have regard to the following factor when determining a development application:

- (i) the purpose for which the land is zoned or reserved in the MRS;
- (ii) the orderly and proper planning of the locality; and
- (iii) the preservation of the amenities of the locality.

In accordance with the requirements of the MRS the application has been referred to the WAPC for determination. The proposed development being mixed use offices and residential apartments is appropriate for the purpose for which the land is zoned being 'Urban' and the development is not considered to propose land uses, density or a bulk and scale that would impact on the orderly and proper planning of the locality or the preservation of the amenities of the locality.

Planning and Development Act 2005

With regard to works by the Crown, Section 6 (2) of the *Planning and Development Act 2005* states that the right to undertake such works are to be exercised with regard to:

- "(a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and*
- (b) the orderly and proper planning, and the preservation of the amenity, of that locality at that time."*

The land is appropriately zoned under Council's Town Planning Scheme and the proposed land uses are permissible under the Scheme and will be discussed in greater detail in the following section of this report.

State Planning Policy 4.2 Activity Centres for Perth and Peel

The application aims to facilitate the development of the subject site for mixed uses to compliment and enhance the adjoining Ley Street Neighbourhood Centre as classified under State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP 4.2). The application proposes a mix of land uses that are suited to a Neighbourhood Centre including office tenancies and residential apartments and will not compete with the surrounding established hierarchy of activity centres. Rather it is considered that the inclusion of offices and residential apartments will assist in adding to the robustness of the centre.

It is assessed that the application satisfies the requirements of SPP No. 4.2.

City of South Perth Planning Requirements

The proposed land uses of Mixed Development, Office and Multiple Dwellings are classified as a "D" (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6, subject to the requirements of Clause 5.4(4)(b) which states the following:

- "(b) None of the land comprised in Lot 407 may be used for the purposes of:*
- (i) Non-residential development;*
 - (ii) Mixed Development;*
 - (iii) Grouped Dwellings; or*
 - (iv) Multiple dwellings;*
- Unless such use is part of an integrated development comprising all of the lots comprised in Site D."*

Site D comprises Lots 407 and 408 Downey Drive and Lot 409 Ley Street. Lot 407 has recently been approved for a 3 storey mixed used development that will integrate with the proposed development of Lot 408 Downey Drive. Lot 409 Ley Street is an existing commercial development with frontage and access to Ley Street and as such is not integrated with the existing and proposed developments but is assessed as being integrated by means of similar land uses.

In summary it is assessed that the site adjoins residential and non-residential land uses, in a location with a residential and non-residential streetscape and accordingly the use is regarded as complying with Table 1 of the Scheme.

Density requirements and Plot Ratio

Council determined that the proposed plot ratio of 0.81 (which exceeds the permissible plot ratio of 0.5) will impact on the amenity of the locality.

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed plot ratio if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed plot ratio be approved as the applicant has satisfied the City in relation to the following requirements of that clause:

- (a) *Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct, or upon the likely future development of the precinct; and*
- (c) *The proposed development meets the objectives for the City and for the precinct in which the land is situated, as specified in the precinct plan for that precinct.*

The proposed plot ratio of 0.81 (651 sq. metres) accords with the R80 density requirements of the R-Codes. In addition to this the proposed plot ratio is consistent with the recently approved development at No. 2 Downey Drive where Council has supported a plot ratio of 1.088. Council has also approved plot ratio variations for recently approved non-residential and mixed use developments in Precinct 12-Manning (which incorporates the subject site) and have granted variations ranging from 0.78 to 1.088 (118% variation) in the locality.

The proposed plot ratio variation has been assessed taking into consideration the potential impacts upon amenity and the streetscape. In assessing this variation, firstly it should be acknowledged that there are contrasting planning controls for non-residential and residential developments in the Highway Commercial zone. Whilst non-residential developments have a plot ratio control of 0.5, a residential development is permitted to build a plot ratio of 1.0. This serves to indicate that a plot ratio in the order of 1.0 will be compatible with the amenity of the locality.

The character of "Highway Commercial" streetscapes on the west and south boundaries (in the immediate vicinity) is consistent with the proposal. Ley Street is a busy local distributor with existing single-storey commercial buildings dominating its character on both sides. The building immediately to the north of the site is a recently constructed two-storey commercial building of the same scale as that proposed in this application.

Based on the above and the R-Codes permitting a Multiple Dwelling development with a plot ratio of 1.00 on the site and in the locality, the proposed plot ratio of 0.81 is seen to be acceptable.

Parking requirements

The Council determined that the proposed number of car bays will not provide sufficient parking during peak periods and that the development would not be consistent with orderly and proper planning of the precinct and the preservation of the amenity of the locality.

The application proposes 15 standard car spaces.

With regard to residential parking, under Part 7.2 Mixed Use Development Requirements of the R-Codes, a minimum of one car parking space per unit is required where the required on-site parking for other users (being the commercial use in this case) is available outside normal business hours. No visitor parking is required.

The proposed development would be able to utilise reciprocal parking between the residential and Office components. City officers are of the view that where a residential development is built independently or within a Mixed Development, there is no marked difference that should require additional visitor bays. Furthermore, a residential development within a Mixed Development has the benefit of additional bays belonging to the non-residential Office use which will be vacant in the evenings, as well as on the weekends. In this instance, City officers support the 2 visitor parking bays (bays 1 and 2) being shared between the residential and Office uses. The reciprocal use of these 2 bays is considered sufficient to cater for the 2 car bay variation.

In this instance, City officers consider that the proposed car parking on-site is adequate and subject to the recommended conditions; Council should support the proposal.

It is assessed that parking requirements for the residential component have been met and given an adjustment for the close proximity of the site to public transport and the potential reciprocal use of some parking bays, the number of parking bays provided is acceptable.

Amenity of locality

The site has a frontage to Downey Drive to the south, located adjacent to vacant land to the west (the single storey single house has been demolished), a two storey Mixed Development consisting of Shops and Offices to the north-west, a single storey service station to the north, one and two storey single houses to the east, and is opposite a single storey Senior Citizens'.

Downey Drive features original and new housing stock, and the Manning Senior Citizens Centre opposite the site. The applicant has been in consultation with the City regarding a proposed mixed development at 4 Downey Drive, and it is anticipated that this development would be of a similar scale to that proposed in this application. It is considered that the bulk and scale of the development is consistent with existing development in the Highway Commercial zone of this locality.

To assist in evaluating the implications of the amendment to the policy, the applicant has submitted two diagrams (ATTACHMENT 3) illustrating the potential built form on the proposed development and the recently approved development at No. 2 Downey Drive.

It is assessed that the height of the building accords with the requirements of Council's TPS No. 6 and that the proposed building height will fit comfortably with the approved 3 storey mixed use development to the west (No. 2 Downey Drive). It is further assessed that the proposed 3 storey building will also fit comfortably with the adjoining 2 storey development on the land zoned 'Residential R20' and whilst

marginally higher than this building will not dwarf the adjoining residential development along Downey Drive and is not considered to adversely affect the amenity of the locality.

Transition from Highway Commercial R80 to adjoining R20

The applicants advise that the application has been designed to provide R20 setbacks along the eastern boundary to provide a compatible interface with the adjoining residential development.

The applicants have further advised that the plans have been amended to increase the front setback of the proposed front units to provide a transition between the allowable zero setbacks and the 6 metre setback on the adjoining residential property.

The application proposes to locate the access way to the development along the eastern boundary of the site, which will provide a further separation between the site and the adjoining residential lots and which will assist in providing sufficient transition between the commercial precinct of Ley Street/Downey Drive and the residential development along Downey Drive.

Bulk and Scale of the Development

Council determined that the bulk and scale of the subject development was further emphasised due to the proposed front and side setbacks not providing for a scaling down to the east and that a greater setback should be provided along the eastern boundary to lessen the overpowering effect on the adjoining residential properties.

It is assessed that the proposed development complies with the height requirements established in Council's TPS and that the height is not dissimilar to the adjoining approved three storey mixed use development and the residential development to the east. In addition to this, the building is setback at varying distances from the eastern boundary ranging from 4.7 metres at ground level to 1.5 metres at the first level and 10 metres to the mezzanine level and satisfies the setback requirements of the R-Codes and are assessed to be satisfactory.

CONCLUSION:

The application proposes to construct a three storey (2 storey plus mezzanine) mixed use development at Lot 407 Downey Drive, Manning. The application has been supported by City of South Perth Council Officers however Council has overturned the Officer recommendation and resolved to recommend to the WAPC that the application be refused. The application has been assessed and it is determined that the application proposes land uses and a density of development that is acceptable and compatible with surrounding development for the following reasons:

1. The proposed land uses are compatible with the intent of the 'Urban' zoning under the MRS and the 'Residential/Commercial' zoning under the City of South Perth Town Planning Scheme No. 6.
2. Council has recently (May 2011) approved a similar development on the adjoining site (Lot 408 Downey Drive) which provides for a greater density of

development and proposes a plot ratio well in excess of the Scheme and R-Code requirements for Multiple Dwellings in a R80 coded area.

3. Council's reasons for refusal have been assessed against the relevant statutory requirements including the R-Codes and Council's TPS No. 6 and it is assessed that Council's reasons for refusal are not warranted and are not consistent with approvals issued for similar developments in the locality. The discretions that are sought are considered to be minor and in keeping with other variations granted in the locality.
4. The proposal will provide for a mixed use development which will provide affordable housing opportunities as well as local employment opportunities adjoining/integrating with a neighbourhood centre in a locality that is well serviced by public transport.

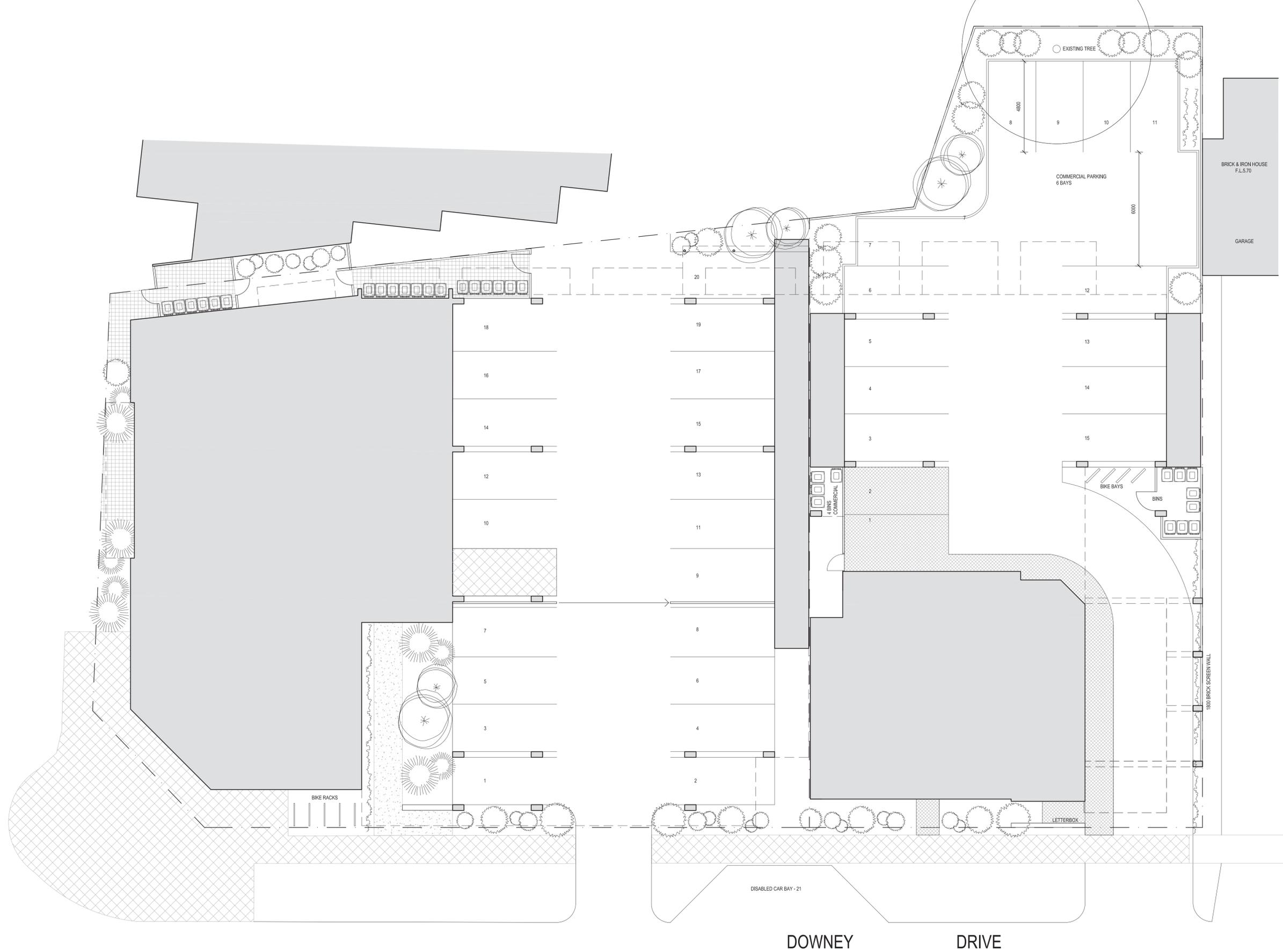
The application is recommended for approval subject to Conditions which have been recommended by the City of South Perth.



Development Application 11-50084-1 (MGA ref 392777mE 6457614mN Zone 50)

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

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|--|-----------------------------|--|-----------------------------------|
| | PRIMARY REGIONAL ROADS | | PUBLIC PURPOSES
TELSTRA |
| | OTHER REGIONAL ROADS | | PUBLIC ASSEMBLY |
| | CADASTRAL BOUNDARY | | HIGHWAY COMMERCIAL |
| | WESTNET ENERGY GAS PIPELINE | | PUBLIC PURPOSES
PRIMARY SCHOOL |
| | DEVELOPMENT APPLICATION | | NEIGHBOURHOOD CENTRE COMMERCIAL |
| | R CODE BOUNDARY | | PRIVATE INSTITUTION |
| | PARKS AND RECREATION | | LOCAL ROADS |
| | RESIDENTIAL | | |

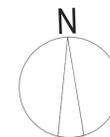


PETER JODRELL
ARCHITECT



TIDUE NOMINEES PTY LTD AS TRUSTEE FOR THE JODRELL FAMILY TRUST TRADING AS PETER JODRELL ARCHITECT ACN NO. 008 971 177

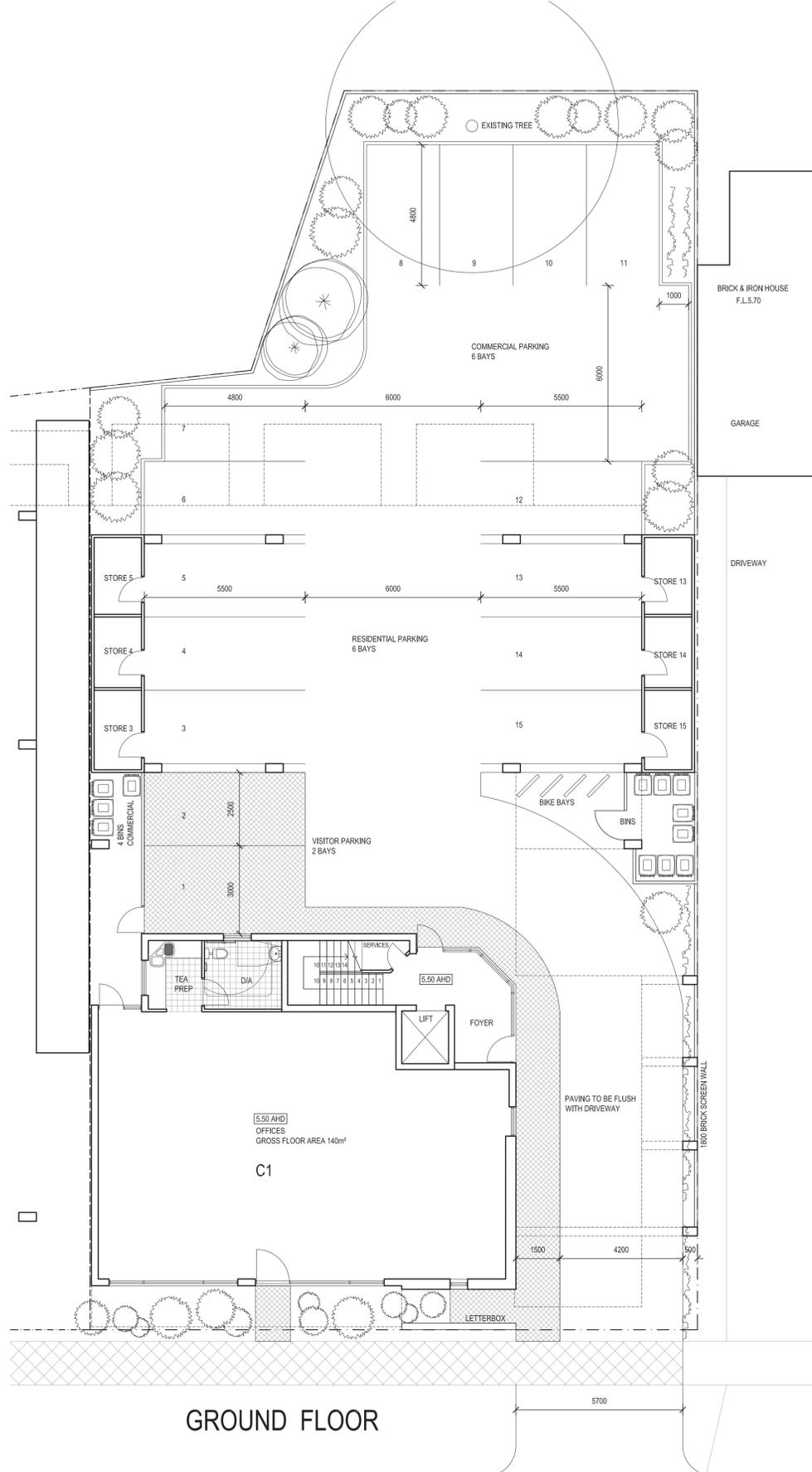
Suite 10, 25 Foss Street, Palmyra, Western Australia, 6157
Telephone (08) 9319 1911 Facsimile (08) 9438 1377
Email: info@peterjodrell.com
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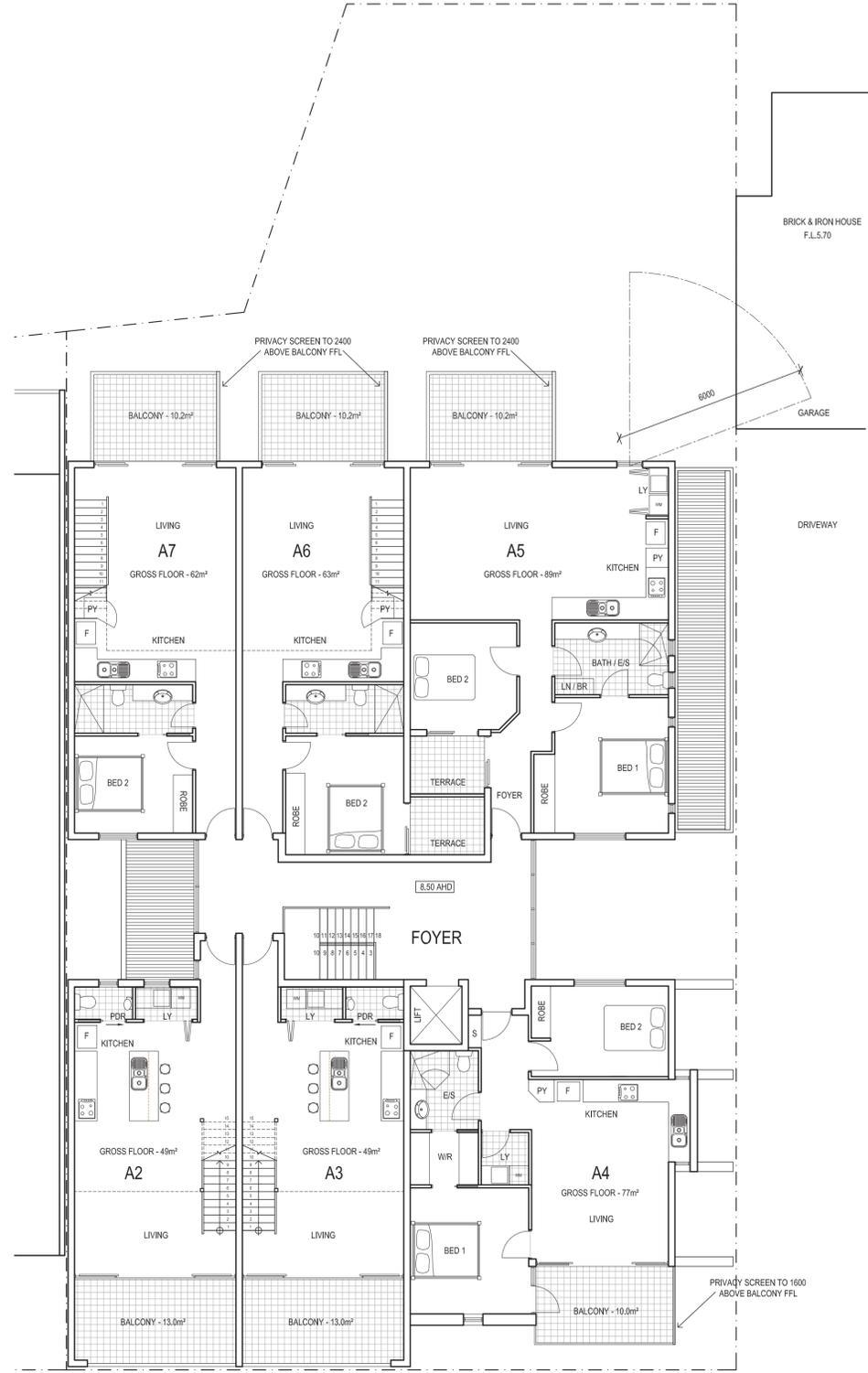
LOT 407, DOWNEY DRV, COMO
1 OFFICE & 6 APARTMENTS
SITE PLAN - 1:100

SK1b

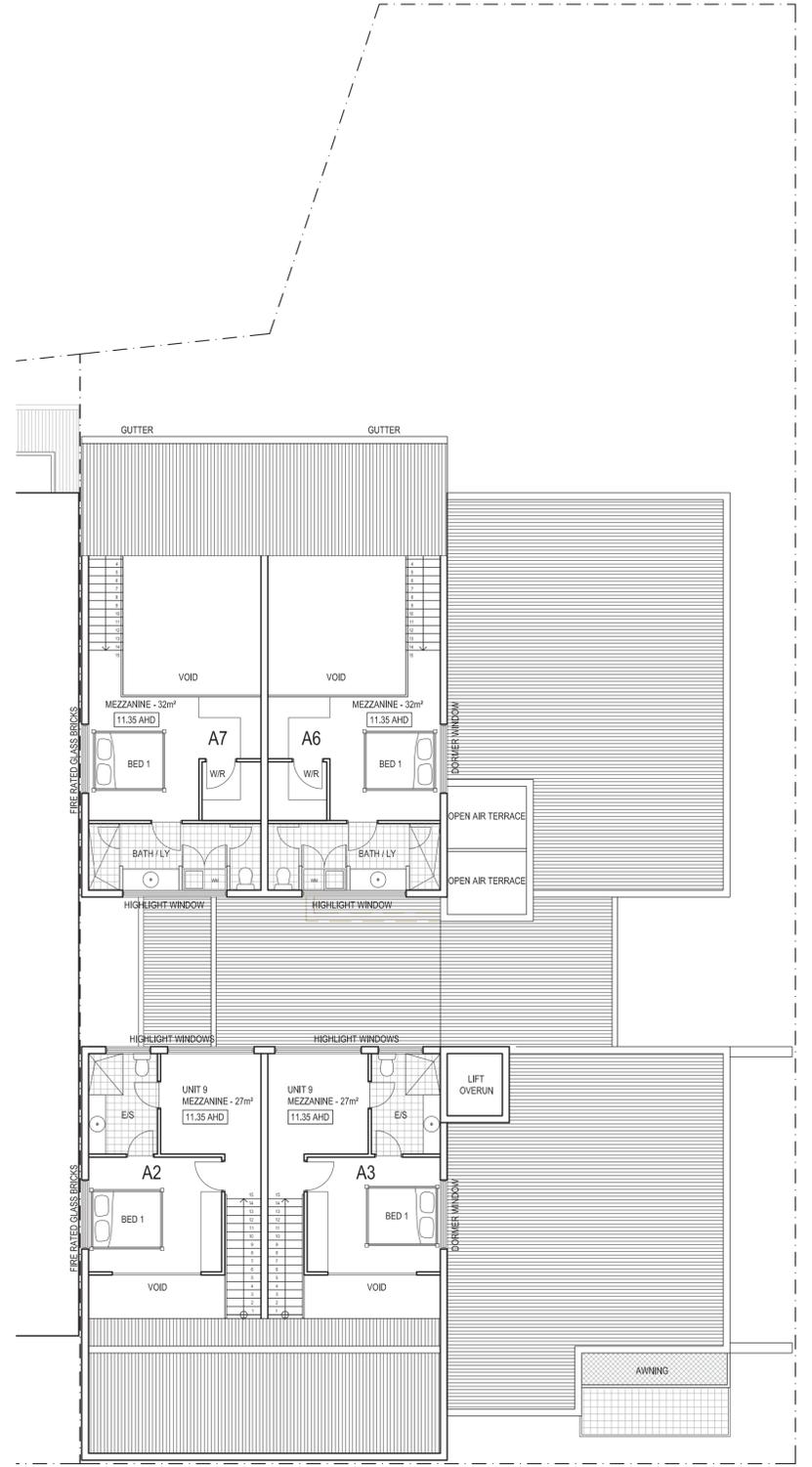
JOB # 1011



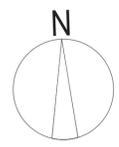
GROUND FLOOR

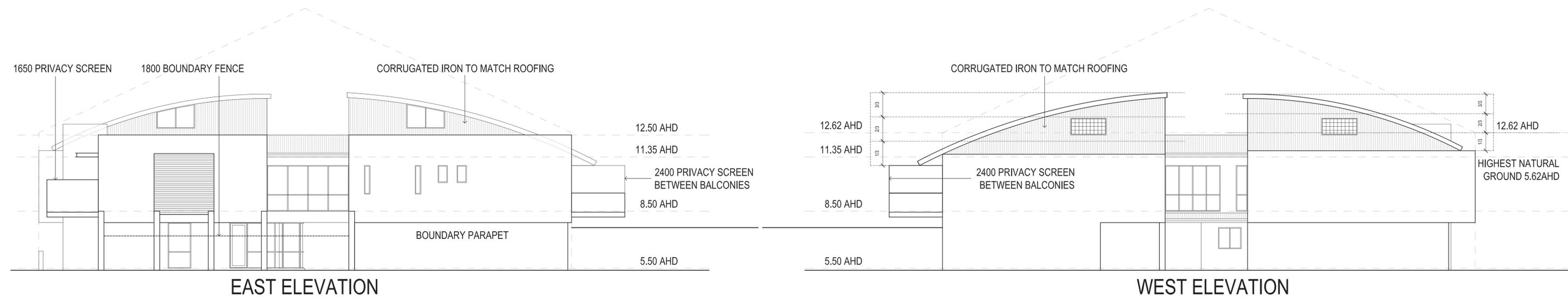
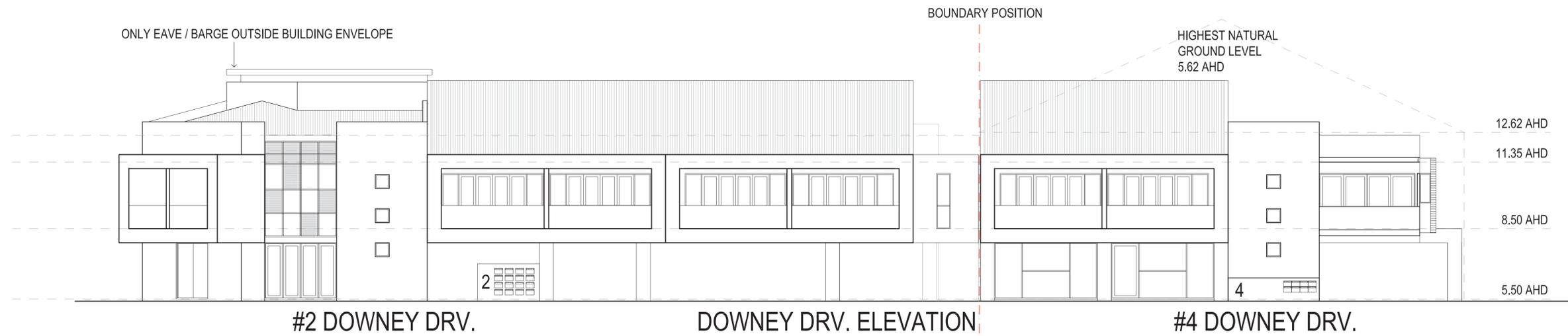


FIRST FLOOR



MEZZANINE FLOOR





PETER JODRELL
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LOT 407, DOWNEY DRV, COMO
1 OFFICE & 6 APARTMENTS
ELEVATIONS - 1:100

SK3b

JOB # 1011



ATTACHMENT 3 - 3D VIEW OF PROPOSED DEVELOPMENT AND ABUTTING RESIDENTIAL DEVELOPMENT



This report includes the following attachments:

- | | |
|--|---|
| Confidential Attachment 10.3.4(a) | Plans of the proposal. |
| Attachment 10.3.4(b) | 3-dimensional images of the proposal. |
| Attachment 10.3.4(c) | Site photographs. |
| Attachment 10.3.4(d) | Applicant's supporting report. |
| Confidential Attachment 10.3.4(e) | Neighbours' submissions. |
| Attachment 10.3.4(f) | Minutes of the Special Electors' Meeting. |

The location of the development site is shown below:



The owners of Lots 408 and 407 Downey Drive have conditional approval from the Western Australian Planning Commission to realign the boundary between these properties. The development site for this application is proposed Lot 411, as shown in *Confidential Attachment 10.3.4(a)*.

In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the delegation:

2. **Major developments**

- (a) *Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the City;*
- (c) *Development of the kind referred to in Items (a) and (b) above, but which, in the opinion of the delegated officer, is contentious or is of significant community interest.*

6. **Amenity impact**

In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.

7. **Neighbour comments**

In considering any application, the assigned delegate shall fully consider any comments made by any affected landowner or occupier before determining the application.

Lot 407 is currently owned by the Department of Housing. The proposed development is a public work that requires planning approval under the Metropolitan Region Scheme. Council does not have delegation from the Western Australian Planning Commission to determine planning applications involving the development of public housing. Council's recommendation will be sent to the Commission for their determination.

Comment

(a) Background

In April 2011, the City received an application for 6 Multiple Dwellings and an Office in a three storey building on Lot 407 (No. 4) Downey Drive, Manning (the site). The application has been referred to the Western Australian Planning Commission for determination. The Commission will determine the application following receipt of Council's recommendation.

This application was originally referred to the September 2011 Council meeting. However, due to the community concerns expressed during deputations at the Agenda Briefing held on 20 September 2011, the applicant and the owner (Department of Housing) requested that this application be withdrawn from the agenda to allow for further discussions with Council and the community. The applicant submitted revised plans shortly afterwards, which are presented in *Confidential Attachment 10.3.4(a)*.

In response to a petition received on 19 September 2011, a Special Electors' Meeting was held on 24 October 2011. Officers of the Department of Housing were present to address occupancy matters raised by members of the public. The minutes of this meeting are included as **Attachment 10.3.4(f)**. Following the Special Electors' Meeting, one submission was received by the City. The applicant also submitted additional drawings that are 3-dimensional images in **Attachment 10.3.4(b)**.

(b) Existing development on the subject site

The subject site is located at Lot 407 (No. 4) Downey Drive, Manning (the site). The existing development on the site currently features land use of "Single House", being a single storey residence, as depicted in the site photographs in **Attachment 10.3.4(c)**.

(c) Description of the surrounding locality

The site has a frontage to Downey Drive to the south, located adjacent to vacant land to the west (the single storey single house has been demolished), a two storey Mixed Development consisting of Shops and Offices to the north-west, a single storey service station to the north, one and two storey single houses to the east, and is opposite a single storey Senior Citizens' Centre, as seen in **Figure 1** below:

- **Fencing**

- All fencing in the front setback area is compliant with the visually permeable requirements of City Policy P350.07 "Fencing and Retaining Walls". A 1.8 metre high brick wall is proposed on the eastern boundary of the site, as requested by Clause 5.4(4)(e)(vii) of TPS6.

(f) **Land use**

The proposed land uses of Mixed Development, Office and Multiple Dwellings are classified as a "D" (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6, subject to the requirements of Clause 5.4(4)(b). In considering this discretionary use, it is observed that the site adjoins residential and non-residential land uses, in a location with a residential and non-residential streetscape. Accordingly, the use is regarded as complying with Table 1 of the Scheme.

The development site forms part of "Site D", in accordance with Clause 5.4(4) of TPS6, which states:

- (a) *In this subclause, "Site D" means all the land comprised in:*
 - (i) *Lot 409 (No. 56) Ley Street, Como ("Lot 409");*
 - (ii) *Lot 408 (No. 2) Downey Drive corner Ley Street, Como ("Lot 408"); and*
 - (iii) *Lot 407 (No. 4) Downey Drive, Manning ("Lot 407").*
- (b) *None of the land comprised in Lot 407 may be used for the purposes of:*
 - (i) *Non-residential development;*
 - (ii) *Mixed Development;*
 - (iii) *Grouped Dwellings; or*
 - (iv) *Multiple Dwellings;**unless such use is part of an integrated development encompassing all of the lots comprised in Site D.*

City officers consider that this development forms part on an integrated development, as the design of the proposed development on Lot 407 is similar to the design of the approved proposed building on Lot 408, as indicated on **Confidential Attachment 10.3.4(a)**, which was considered by Council to form part of an integrated development with Lot 409. Accordingly, the use is regarded as complying with Clause 5.4(4)(b) of TPS6.

(g) **Building height**

The building generally complies with the building height limit for the site, being 7.0 metres (12.62m AHD). The proposed building height is 6.88 metres (12.50m AHD), measured to the top of the main wall of the first floor of the building. The following external walls of the building are proposed to be constructed above the 7.0 metre horizontal plane and the notional 25 degree hip roof shape:

1. Apartment 4 and 7 western boundary wall - Second / mezzanine level (maximum 14.50m AHD); and
2. Apartment 4 Bedroom 1 southern and eastern walls (13.10m AHD) .

City officers recommended to the applicant that Item 1, the mezzanine level be redesigned to relocate the rooms to the centre of the building to fit within the 25 degree roof envelope; and for Item 2, the wall be reduced in height to the 7.0 metre horizontal plane.

In response to Item 1, the applicant provided plans that proposed windows and the installation of cladding on the western boundary wall above the 7.0 metre horizontal plane to match the material of the roof. The applicant has expressed the following opinion:

- *Windows are incorporated into corrugated steel clad dormer windows for these Bedroom 1 / bathrooms to the western boundary in accordance with the TPS6 requirements.*
- *This site is being developed in conjunction with the 2 adjoining lots as an integrated proposal as and such we are attempting to marry our roof forms in with the existing buildings at 56 Ley Street, which has a clear curved roof shape. In addition, the owners of 2 Downey Drive have advised their consent to the way this integration has been handled.*
- *The upper two-thirds of the second / mezzanine level gable roof does not exceed the 7.0 metre horizontal plane.*
- *We believe that our Downey Drive elevation complies with the City's 7.0 metre height requirements. It aligns exactly with the previously approved 2 Downey Drive. Council should view this wall as a minor projection.*

City officers consider that the western boundary wall (Item 1) is now compliant with the building height limit. The applicant has shown on the western elevation plan that the lower one-third of the metal cladding does not exceed the 7.0 metre horizontal plane. The upper two-thirds of the vertical height of a gable, where the gable forms a vertical extension of the external wall, is permitted to project above the building height limit, in accordance with Clause 6.2(1)(b)(v)(B) of TPS6. City officers are of the view that the curved metal cladding wall can be considered a gable, for the purposes of calculating the building height limit. In addition, City officers note that the proposed western boundary wall would not have a detrimental impact to the street or the adjoining property, as the design of the proposed development has been influenced by the design of the approved building at 2 Downey Drive.

In relation to Item 2, City officers calculated the Apartment 4 wall to exceed the building height limit by 0.48 metres (equivalent to approximately 6 courses of bricks). The portion that exceeds the permitted building height is not a structural wall, but an architectural feature that is an extension of the Bedroom 1 wall below. The extension above the roof line is for aesthetic reasons. Noting the dimensions and location of this 0.48 metre high feature wall, officers consider that it does not have any adverse amenity impact on the streetscape or on the adjoining properties. Even though such a feature has not been specifically identified as a minor projection in Clause 6.2 of TPS6, the words in the specific subclause being, "*minor projections ... including, but without in any way restricting the generality of this provision, such structures as vertical glass planes within the roof structure, dormer and saw-tooth windows, and chimneys.*", it seems to fit in with the definition. Based upon this explanation, officers recommend to Council that this architectural feature be approved.

(h) Plot ratio

In accordance with TPS6, the maximum permissible plot ratio is 0.50 (403.5 sq. metres). This requirement can be varied by the Council. The proposed plot ratio is 0.81 (651 sq. metres). Therefore, the proposed development does not comply with the plot ratio element of the Scheme. The plot ratio of the Office component is 0.15 (120 sq. metres) and the plot ratio of the Multiple Dwellings component is 0.66 (531 sq. metres). If the development was solely residential and assessed using Table 4 of the R-Codes, the maximum permissible plot ratio would be 1.00 (807 sq. metres).

Council discretion - Clause 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed plot ratio if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed plot ratio be approved as the applicant has satisfied the City in relation to the following requirements of that clause:

- (a) *Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct, or upon the likely future development of the precinct; and*
- (c) *The proposed development meets the objectives for the City and for the precinct in which the land is situated, as specified in the precinct plan for that precinct.*

Council has approved plot ratio variations for recently approved non-residential developments in Precinct 12 "Manning".

Site	Permissible in TPS6	Approved	Variation
56 Ley Street (2007)	0.50	0.49	No variation
2 Downey Drive (2011)	0.50	1.088	0.588 (118%)
16 Bradshaw Crescent (2011)	0.75	0.78	0.03 (4%)
4 Downey Drive (2011)	0.50	0.81 (proposed)	0.31 (62%)

Noting that the R-Codes permit a Multiple Dwelling development with a plot ratio of 1.00 on this site, the proposed plot ratio of 0.81 is seen to be acceptable.

In this instance, it is considered that the proposal complies with the discretionary clause and is therefore supported by the City.

(i) Car parking

In relation to the non-residential use (offices) component of the proposed mixed development, Table 6 of TPS6 requires 7 bays. The development proposes 7 bays, hence complies with the TPS6 provisions.

In relation to the residential use (multiple dwellings) component of the mixed development, Table 6 of TPS6 requires 14 bays, being 12 for the occupiers and 2 for the visitors. On the other hand, R-Codes 2010 require 10 bays for these multiple dwellings.

This difference of 4 bay requirement arises due to the fact that when the TPS6 came into operation in 2003, its car parking provisions for multiple dwellings were kept consistent with the provisions of the operative R-Codes 2002. However, these provisions have been subsequently modified in the R-Codes 2010, specifically in relation to multiple dwellings proposed on medium and high density codes lots. While Table 6 of TPS6 requires two bays for every multiple dwelling, Clause 7.3.3 of R-Codes 2010 requires between 0.75 and 1.5 car parking bays per dwelling, depending upon the dwelling size and its proximity to a train station or high frequency bus routes. To ensure consistency with the current car parking requirements of the R-Codes, multiple dwellings are assessed in accordance with the R-Codes 2010, and TPS6 provisions are used to calculate car parking requirements for non-residential developments.

Accordingly, in light of the requirement of 10 bays for the multiple dwellings, the development proposed 8 bays. Effectively, there is a shortfall of 2 car parking bays for the entire development.

Land Use	Bays Required	Bays Proposed	Variation
Office (TPS6)	7	7	0
Multiple Dwellings (R-Codes 2010)	7.5 occupier (rounded to 8) + 1.5 visitor (rounded to 2)		-2
Total	17	15	-2

Council discretion - Clause 6.3.4

Council has discretionary power under Clause 6.3.4 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking not be approved as the applicant has not satisfied the City in relation to the following requirements of that clause:

- (a) *Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site.*

Council discretion - Clause 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking not be approved as the applicant has not satisfied the City in relation to the following requirements of that clause:

- (a) *Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct, or upon the likely future development of the precinct; and*
- (c) *The proposed development meets the objectives for the City and for the precinct in which the land is situated, as specified in the precinct plan for that precinct.*

As a response to the above subclause, the applicant submits the opinion that the development will generate a need for 15 bays to be provided (7.5 bays for Multiple Dwelling occupiers, 1.5 bays for Multiple Dwelling visitors and 7 bays for the Office), with 15 bays being provided on-site, and one additional disabled parking bay to be provided on Downey Drive to be shared with the approved development at 2 Downey Drive.

Council has approved car parking bay variations for recently approved non-residential developments in Precinct 12 "Manning", as indicated in the table below. Council have required some developers to pay for the construction cost of street parking bays where a variation to on-site car parking has been granted.

Site	Permissible in TPS6	Approved / Proposed		Variation (on-site bays)
		Site	Street	
56 Ley Street (2007)	25	20	0	5 (20%)
2 Downey Drive (2011)	34 (16+18 : Table 6) 31 (16+15 : R-Codes)	20	3	14 (41%) 11 (35%)
16 Bradshaw Crescent (2011)	63	38	9	25 (40%)
4 Downey Drive (2011)	17	15	0	2 (12%)

Clause 6.3(5)(b) cash-in-lieu of car parking bays can be utilised in this instance, if additional car parking bays are provided within the street reserve, or other land near the development site.

Council discretion - Clause 7.3.3 P3

The applicant has satisfied Performance Criteria 7.3.3 P3 of the R-Codes, as outlined below:

Adequate car and bicycle parking provided on-site in accordance with projected need related to:

- *The type, number and size of dwellings;*
- *The availability of on-street and other off-site parking; and*
- *The location of the proposed development in relation to public transport and other facilities.*

In mixed use development, in addition to the above:

- *Parking areas associated with the retail / commercial uses are clearly separated and delineated from residential parking.*

Comments from the neighbours objecting to discretion being exercised to vary the car parking requirements have been received (see "Neighbour consultation").

The proposed development would be able to utilise reciprocal parking between the residential and Office components. City officers are of the view that where a residential development is built independently or within a Mixed Development, there is no marked difference that should require additional visitor bays. Furthermore, a residential development within a Mixed Development has the benefit of additional bays belonging to the non-residential Office use which will be vacant in the evenings, as well as on the weekends. In this instance, City officers support the 2 visitor parking bays (bays 1 and 2) being shared between the residential and Office uses. The reciprocal use of these 2 bays is considered sufficient to cater for the 2 car bay variation.

In this instance, City officers consider that the proposed car parking on-site is adequate and subject to the recommended conditions; Council should support the proposal.

(j) Car parking bay dimensions and vehicle movements

Car parking bays 1 to 6 inclusive and 12 to 15 inclusive, comply with the minimum dimensions required by Schedule 5 of TPS6. Bays 7 to 11 inclusive, do not comply with the minimum depth of 5.5 metres as the proposed parking bay depth is 4.8 metres. The Manager, Engineering Infrastructure has provided comments on the proposed car parking layout, discussed further in the "Comments" section. In summary, the proposed dimensions of bays 7 to 11 inclusive should be acceptable with Australian Standard AS2890.

Considering comments received from the Manager, Engineering Infrastructure and officer's preference to retain the landscaping, City officers are prepared to support the proposed dimensions for bays 7 to 11 inclusive, with an overhang of 600mm at the front end, subject to there being no structure or obstruction within the landscaped area that would prevent the overhang.

City officers support the provision of a 4.2 metre driveway to provide 2-way access to the car park, as required by Clause 7.3.5.A5.3 of the R-Codes, as the adjoining 1.5 metre wide path is to be constructed at the same level and can be used to allow vehicles to pass if required.

(k) Street setback - Ground and first floor, south

The prescribed minimum street setback is not defined for this site as Table 5 of TPS6 does not apply to this site. The proposed setbacks (from west to east) are 1.5 and 1.3 metres for the ground floor, 2.8, 1.3, 3.2 and 6.1 metres for first floor external walls, and 0.1 and 0.8 metres for the first floor balconies. Therefore, the proposed development complies with Table 3 of TPS6.

The street setback of the building is considered to meet the requirements of Clause 5.1(4) and 7.5(n) of TPS6. The street setback on the western side of the site is the same as the approved development at 2 Downey Drive. The external walls of the building are set back further from the street, being 3.2 and 6.1 metres on the eastern side of the site (Apartment 4) to reflect the greater street setbacks required by the adjoining properties zoned Residential R20.

(l) Wall Setback - ground and first floor, north, Apartment 5-7

The proposed wall setbacks generally comply, however the western part of the northern walls and balconies are set back a minimum of 4.0 metres and 1.3 metres respectively from the boundary in lieu of 4.5 metres. Therefore, the proposed development does not comply with Table 3 of TPS6.

Noting that the northern adjoining property has no residential land uses on-site and is located adjacent to a car park, in this instance, City officers support discretion being granted in accordance with Clause 7.8 of TPS6. Therefore, it is considered that the proposal complies.

(m) Boundary wall - Ground floor, east, stores and first floor support columns

Under City Policy P350.02, the boundary walls have been found to not have an adverse effect on neighbouring amenity when assessed against the following "amenity test" referred to in this element of the Council policy. City officers note the following:

- Minor effect on the existing streetscape character, being 4 support columns that are 3.1 metres in height and 0.3 metres in width and the large setback from the street of the store boundary wall;
- Minor outlook from the front of the adjoining dwelling and garden (6 Downey Drive) forward of the proposed support columns' parapet wall as the neighbouring residence is separated by a 4.0 metre wide driveway access leg;
- Minor outlook from the front of the adjoining dwelling (6A Downey Drive) forward of the proposed support columns' parapet wall due to the large setback of the front habitable rooms of the neighbouring residence and the 2.5 metre wall height;
- No overshadowing of adjoining habitable room windows or outdoor living areas;
- No impact of bulk on adjoining outdoor living areas; and
- Comments from the neighbours have been received (see section "Neighbour consultation").

In this instance, it is considered that the proposal complies with the Council policy, and is therefore supported by the City.

(n) **Visual privacy setback - first and second floor**

The required minimum visual privacy setback for bedrooms and studies is 4.5 metres, 6.0 metres for other habitable rooms, and 7.5 metres for balconies. All active habitable spaces meet the minimum visual privacy setbacks, or have effective privacy screening installed, except for the Apartment 2 Bedroom 1 window facing west, the Apartment 5 kitchen window facing north-east, the Apartment 7 balcony facing west, the Apartment 7 Bedroom 1 window facing west, and the Apartment 7 Bedroom 2 window facing south-west. Therefore, the proposed development does not comply with the visual privacy element of the R-Codes.

Council discretion - Clause 7.4.1 P1

The applicant has not satisfied the visual privacy Performance Criteria 7.4.1 P1 of the R-Codes or City Policy P350.08 "Visual Privacy". Assessment of the proposal against those criteria reveals the following:

- The Apartment 2 and 7 Bedroom windows do not overlook any sensitive areas of the proposed development at 2 Downey Drive;
- The Apartment 5 kitchen window overlooks sensitive areas of the single house at 6A Downey Drive, being the rear garden and outdoor living area; and
- The Apartment 7 balcony overlooks sensitive areas of the proposed development at 2 Downey Drive, being the balconies of the Multiple Dwellings on the northern side of the building.

In this instance, it is considered that the proposal does not comply with the performance criteria and is therefore not supported by the City. However, a condition is recommended to install effective screening to the Apartment 5 kitchen window and the western side of the Apartment 7 balcony, demonstrate compliance and thereby rectify this matter. The applicant has since advised in writing to City officers that the required screening will be installed.

(o) **Landscaping**

The required minimum landscaping area is 121 sq. metres (15 percent), and the proposed landscaping area is 90.3 sq. metres (11.2 percent). Therefore, the proposed development does not comply with the landscaping requirements of Table 3 of TPS6.

Council discretion - Clause 7.8.1

Council has discretionary power under Clause 7.8.1 of TPS6 to approve the proposed landscaping if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed landscaping be approved as the applicant has satisfied the City in relation to the following requirements of that clause:

- (a) *Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the precinct, or upon the likely future development of the precinct; and*
- (c) *The proposed development meets the objectives for the City and for the precinct in which the land is situated, as specified in the precinct plan for that precinct.*

Council discretion - Clause 5.1(5)

In addition, Clause 5.1(5) of TPS6 permits a variation of landscaping, “if the developer provides outstanding landscaping in accordance with the provisions of Clause 6.14(1)...”:

- (a) Such landscaping shall be designed, developed and completed to a standard considered by Council to be outstanding;
- (b) Such landscaping shall comprise planting and at least one of the following decorative features:
 - (i) rockeries;
 - (ii) water features;
 - (iii) sculpture or other urban artwork; or
 - (iv) other decorative features considered by Council to enhance the visual quality of the streetscape;
- (c) Such landscaping shall not:
 - (i) be paved other than for vehicular or pedestrian access; or
 - (ii) form part of a private courtyard;
- (d) Such landscaping shall occupy the portion of the site between the primary street boundary and the principal building on that site; and
- (e) No fencing of any kind shall be erected between such landscaping and the primary street boundary. However, Council may permit appropriate fencing forward of the proposed building along the side boundaries of the site.

Council has approved landscaping variations for recently approved non-residential developments in Precinct 12 “Manning”, as indicated in the table below:

Site	Permissible in TPS6	Approved	Variation
56 Ley Street (2007)	15%	Compliant	No variation
2 Downey Drive (2011)	15%	Compliant	No variation
16 Bradshaw Crescent (2011) (includes outstanding landscaping)	15%	9.5%	5.5%
4 Downey Drive (2011)	15%	11.2% (proposed)	3.8%

City officers are of the opinion that the provision of landscaping on the site is adequate, as landscaping is provided in front of the building and surrounding the uncovered portion of the car park. Standard conditions requiring a landscaping plan to be approved by the City and for the provision of outstanding landscaping are recommended.

In this instance, it is considered that the proposal complies with the discretionary clause and is therefore supported by the City, subject to the provision of outstanding landscaping.

(p) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 1.6 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) Maintain the City's predominantly residential character and amenity;
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;

- (d) *Establish a community identity and "sense of community", both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
 - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) *the preservation of the amenity of the locality;*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

(q) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6

In considering the application, Council is required to have due regard to and may impose conditions with respect to matters listed in Clause 7.5 of TPS6 which are, in the opinion of Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *The objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) *The provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme;*
- (i) *The preservation of the amenity of the locality;*
- (j) *All aspects of design of any proposed development including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (m) *The need for new or replacement boundary fencing, having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;*
- (n) *The extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *Whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;*
- (t) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *Whether adequate provision has been made for access by disabled persons;*

- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates, and whether any trees or other vegetation on the land should be preserved;*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4; and*
- (x) *Any other planning considerations which Council considers relevant.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(a) Design Advisory Consultants' comments

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in June 2011. The proposal was favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
The Advisory Architects observed that the proposed development demonstrated built form compatibility with the recently approved Mixed Development at No. 2 Downey Drive, and the existing development at No. 56 Ley Street.	No comment.	City officers consider that the proposal is an integrated development, as required by Clause 5.4(4)(b) of TPS6. The comment is UPHELD .
The Architects recommended that the orientation of the parking bays proposed towards the rear of the development site be amended by aligning bay numbers 7 to 11 along the eastern boundary. As a result of this reconfiguration, the parking bays will achieve compliance with the bay dimensions prescribed under TPS6, and improve the manoeuvrability of vehicles while exiting these bays.	The rear parking bay layouts have been adjusted and brought into compliance with City requirements. An additional bay has also been included.	City officers supported these comments on the car park design and advised the applicant accordingly. The revised plans generally comply with TPS6 requirements and considering comments on these revised plans received from the Manager, Engineering Infrastructure advising that the car park meets the requirements of the Australian Standards, the car park design is considered to be compliant. The comment is NOTED .
The Architects also referred to the requirement for a disabled car parking bay that will apply to this development, in accordance with the disability standards contained within the Building Codes of Australia.	The requirements under AS1428 indicate that one disabled bay is required for up to 50 commercial bays. We believe that the on-street bay we have provided in the vicinity of the common boundary with 2 Downey Drive is sufficient for both sites.	The City has no planning requirements for the provision of disabled car parking. This matter will be assessed at the building licence stage. Building Services have advised that a disabled parking bay will be required to be provided on-site for both 2 and 4 Downey Drive. The comment is UPHELD .

DAG Comments	Applicant's Response	Officer Comment
Some minor inconsistency between the proposed plan and elevation drawings were identified which will need to be attended to in the amended drawings.	These matters have been attended to.	City officers have observed that inconsistencies have been resolved with amended plans submitted to the City. The comment is NOTED .
In order to see the true extent of elevations that will be visible from the street, the Architects recommended that elevations of the recently approved development at No. 2 Downey Drive be superimposed on the elevation drawings of the proposed development.	Composite elevations have already been lodged.	The City has been provided plans showing the northern and Downey Drive elevations of 2 and 4 Downey Drive. Superimposed elevations of No. 2 on the No. 4 side elevation plans are not required by the City. The comment is NOT UPHELD .

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Design Advisory Consultants.

(b) Neighbour consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 "Consultation for Planning Proposals". Under the "Area 2" consultation method, individual property owners, occupiers and / or strata bodies at Nos. 2, 3, 6, 6A, 8A, 8B, 10, 10A, 12, 15, 16, 17, 18, 19 and 20 Downey Drive, No. 1 Jarman Avenue, Nos. 1/56, 2/56, 3/56, 4/56 and 61 Ley Street and Nos. 1/71, 2/71, 3/71, 4/71, 5/71 and 73 Manning Road were invited to inspect the plans and to submit comments during a minimum 21-day period. In addition, one sign was placed on-site inviting comment from any other interested person.

Following the Special Electors' Meeting, one submission was received by the City. The submitter has been notified of this Council meeting and planning related comments have been included in the table below.

During the advertising period, a total of 44 consultation notices were sent and 8 submissions were received; one in favour and 7 against the proposal. Two additional submissions from new submitters were received at or after the time the application was originally referred to Council. The comments of the submitters, together with officer responses are summarised below:

During the advertising period, a total of 44 consultation notices were sent and 8 submissions were received; one in favour and 7 against the proposal. Two additional submissions from new submitters were received at or after the time the application was originally referred to Council. The comments of the submitters, together with officer responses are summarised below:

Submitters' Comments	#	Officer Response
No commercial premises on Downey Drive.	7	The site has a Highway Commercial zoning. Though the Office land use is discretionary on this site, City officers do not consider that it will have a significant detrimental impact to the adjoining residences as the building is unlikely to operate outside of standard business hours. The comment is NOT UPHELD .
Three storey building is not in keeping with the neighbourhood.	7	The building height is not a discretionary matter. Three storey buildings can be built within the 7.0 metre building height limit. The comment is NOT UPHELD .
Occupancy - Department of Housing.	6	The Department of Housing's ownership of the property has no impact on the City officers' assessment of the application or recommendation. The apartments are defined as Multiple Dwellings, regardless of public or private ownership. The comment is NOT UPHELD .
Traffic - Adverse impacts (Volume, noise, pedestrian impact).	5	The R80 density coding permits higher density development and the site is located within a commercial area. The traffic impact from the Office is likely to be limited to standard business hours. The comment is NOTED .
Development is not integrated with No. 2 Downey Drive - TPS6 5.4(4).	4	City officers consider that this development is integrated with 2 Downey Drive and 56 Ley Street. Specifically, the design of the building is similar to the proposed adjoining development at 2 Downey Drive which has previously been approved by Council. The comment is NOT UPHELD .
Oppose building setback less than 6.0 metres from the street, as per adjoining R20.	4	The setback of the building steps back towards the east of the site to provide a transition between the approved setback at 2 Downey Drive and the existing setback of buildings from No. 6 onwards. City officers consider that the building is compliant with Clause 5.1(4) of TPS6. The comment is NOTED .
Oppose building setback less than Table 2a/2b from the eastern boundary.	4	The main building is compliant with the minimum acceptable development setback from the eastern boundary, as listed in Table 2a and 2b of the R-Codes. City officers consider that the boundary wall adjacent to the adjoining battleaxe driveway leg will not have a significant detrimental impact to the eastern adjoining properties. The comment is NOTED .
Precedent of No. 2 approval influencing No. 4 assessment.	4	This development has been designed to be integrated with the approved building at 2 Downey Drive. The impact of this development on the approved building has been considered during the planning assessment. This application has been assessed independently of 2 Downey Drive, and City officers are not recommending that discretion be exercised on the basis that it was exercised by Council previously. The comment is NOTED .
Excessive plot ratio - Incompatible with adjacent residential.	4	This building is compliant with the plot ratio if assessed using the R-Codes. A two storey single house on the site with at least 50% open

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		space could have a similar or greater plot ratio calculation as the proposed building. The building is considered to be sufficiently compatible with the neighbouring single houses in this regard. The comment is NOT UPHELD .
Car parking bays do not meet minimum dimensions.	4	City officers have noted that some of car parking bays do not meet the minimum dimensions required by Schedule 5 of TPS6. However, all bays are compliant with the Australian Standard. The comment is NOTED .
Oppose design of the building.	4	The design of the building is similar to the proposed adjoining development at 2 Downey Drive which has previously been approved by Council. The comment is NOT UPHELD .
Incorrect address (Site is located in Manning, not Como).	4	The suburb boundary between Como and Manning is located between 2 and 4 Downey Drive. Though the incorrect suburb is listed on the plans for Lot 407, this matter does not affect the assessment or determination of this application. The correct address will be listed on the Notice of Determination. The comment is NOTED .
Overlooking of neighbouring residential properties.	4	Generally, the building meets the minimum acceptable development setbacks for visual privacy from active habitable spaces or has screening installed to prevent overlooking. City officers are recommending screening to also be installed where the building is not compliant with the performance criteria provisions. The comment is NOTED .
High density development - Adverse impacts.	2	The site has been zoned in the Scheme to allow this type of development. The extent of discretion recommended to be exercised by Council is not considered by City officers to have a significant detrimental impact to the adjoining properties. The comment is NOT UPHELD .
Loss of privacy.	1	The provision of addition privacy screening is recommended to comply with the R-Codes. City officers do not consider that this development will have a significant detrimental impact to the general privacy of the occupiers of the adjoining residential properties. The comment is NOTED .
Overshadowing of neighbouring residence.	1	The adjoining residences are located to the north-east and east of the proposed building. The proposed building will mainly cast shadow to the south of the site and will have a minimal impact upon the solar access available to adjoining residential properties. The comment is NOT UPHELD .
Non-residential uses, e.g. café, operating late at night - People gathering.	1	The Office is unlikely to operate and impact adjoining residences outside of standard business hours. The comment is NOT UPHELD .
Cumulative impacts of Nos. 2 and 4 Downey Drive.	1	This application has been assessed independently of 2 Downey Drive, though the cumulative impacts have been considered by City officers where discretion is being requested. The comment is NOTED .

Support development; western boundary wall OK.	1	The comment is UPHELD .
Details of the development have not been fully explained to the community - The development's impact cannot be determined.	1	A Special Electors' Meeting has since been held to provide the community with further information about the proposed development and occupancy of the building. The comment is NOTED .
Existing high density residential development in Ley Street - More high density development is not required in Manning.	1	This site has a R80 density coding in TPS6 and the proposal reflects the density of development permitted on this site. The comment is NOT UPHELD .
No notification of the proposed developments received from the Council.	1	This application required Area 2 consultation as the site has a R80 density coding and is adjacent to properties zoned Residential R20. Council Policy P301 requires the City to post a consultation letter to property owners and occupiers within 150 metres of the site on the same street. A sign was also placed on-site in May 2011, inviting comments from people who did not receive a letter. The comment is NOT UPHELD .
Council has a conflict of interest - Additional rates collected from high density developments.	1	The City officer assessment and recommendation is based on the statutory requirements of TPS6, the R-Codes and Council's local planning policies. The potential rates raised from a proposed development does not form part of a planning assessment. The comment is NOT UPHELD .

- Refers to the number of submissions received

A copy of the neighbours' submissions has been provided in *Confidential Attachment 10.3.4(e)*. The minutes of the Special Electors' Meeting held on 24 October 2011 have been provided in *Attachment 10.3.4(f)*. At this meeting, members of the community raised issues regarding affordable housing in general and the proposed development, including the ownership and occupancy of the apartments, traffic, landscaping, street and boundary setbacks and plot ratio.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic arising from the proposal. His comments on the originally submitted plans are as follows:

- *Layout and design of on-site parking OK.*
- *Conditions required for detention and disposal of stormwater; no change to verge or footpath level; all works with the street to be completed by Engineering except for the crossover; new crossover to City requirements (SP30).*
- *Support widening the street pavement by 1.5m rather than providing the disabled car bay and can move the line markings and increase payment on the opposite side if required to retain street trees. Would provide 3 car bays including one disabled (ramps required for kerbing) and easier to use the street sweeper and other maintenance.*

The following comments are made in response to amendments to the car parking layout, as presented to Council in September, and street parking opportunities to cater for a shortfall of on-site car parking. The comments relevant to the plans currently presented to Council are listed below:

- *The previous comment relating to disabled parking on road may have been voided by a recent change to the Codes as advised by the project architect. Engineering Infrastructure has not confirmed the Code change. The advice received indicates that the on-street bay needs to increase significantly in width unless it was constructed abutting a paved path or similar. The obvious treatment is an embayed parking bay. The previously suggested treatment of widening the road pavement between the proposed crossings to Nos. 2 and 4 Downey Drive is no longer an option.*
- *Engineering will support the construction of an embayed disability parking area subject to satisfactory arrangements being made with City Environment regarding any street tree impacted by the work. The architect is to liaise with Engineering Infrastructure regarding the materials of construction and the final design of the embayed area, and will require a Traffic Management Plan be prepared for the works occurring in the street.*
- *On-site parking bays 7 to 11 are all less than 5.5 metres in length. The standard bay module in TPS6 is 5.5 metres by 2.5 metres. Australian Standard AS2890 Part 2 "Off-Street Parking" allows for a parking bay to have an overhang of up to 600mm subject to there being no structure or obstruction that would prevent the overhang. From the plan submitted, the area in front of bays 7 to 11 is either proposed as paving or landscaping. Bays 7 to 11 at nominally 4.8 metres in length with 600mm overhang should be acceptable considering the overall length of the B85 vehicle is 4910mm, and 5200mm for the B99 vehicle.*
- *There is no opportunity to provide an "additional" parking bay in Downey Drive without widening the south side of the existing road pavement. The widening cannot take the form of an embayed area and would be required to extend from the crossing to the public parking station to a point adjacent to the traffic island.*
- *The extent of public parking opportunities within the street for public use is limited by the number of crossings, the extent of kerbside space between crossings and the statutory / regulatory restrictions. Overall, for kerbside space to be used as offset for a development, there must be a net gain in the available parking in the street.*
- *Currently there are no signed parking restrictions in this section of the street, although parking adjacent to the traffic island at Ley Street and the "lead in" line marking (in Downey Drive) is not permitted under the Road Traffic Code. (No parking adjacent to an "obstruction" unless there is a minimum of 3.0 metres between the obstruction and the parked vehicle). The current position is that one vehicle could park legally on the south side of Downey Drive (between the public car park and the traffic island). By increasing the pavement width by nominally 1.4 metres, the number of formal bays can be increased to four, i.e. a net increase of 3 bays. Anything less than the above widening could not be supported by Engineering Infrastructure. Subject to formal design, an estimate to affect the construction works, including flush kerbing to formalise the on-street parking would be \$40,000 for 4 bays, i.e. \$10,000 per bay. Additionally, based upon the land cost figures used in a recently approved planning application referred to the August 2011 Council meeting, the cost of land per bay has been calculated as \$21,000.*
- *With right-angled parking, the minimum area per bay would be 21.25 sq. metres. The land and construction cost per bay would be \$24,750.*

In view of the above-stated right angled car parking proposal and associated costs of land and construction of \$24,750 per bay, the total cost payable by the owner / applicant will be \$49,500. City officers have not recommended the applicant pay for construction of parking bays in Downey Drive as it is considered that sufficient car parking is provided on-site.

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Manager, Engineering Infrastructure.

(d) Other City Departments

Comments were invited from Environmental Health, City Environment and Building Services sections of the City's administration.

The Environmental Health section provided comments with respect to bins, noise, kitchens, laundries and toilets. This section raises no objections and has advised that the bin storage area and location are adequate, while recommending standard conditions and important notes for noise, sanitary and laundry facilities.

The City Landscapes Officer, City Environment section provided comments with respect to the removal of street trees for the construction of the proposed crossover and street parking. This section raises no objections and has provided the following comments:

- *The street trees are in good condition and the tops have been pruned for power lines.*
- *Remove the 2 trees and replace in a reserve at owner's cost, as per City Policy P350.05 Clauses 8(b), 8(g) and 9.*

The cost of street tree removal and replanting for 2 trees is \$1,435.50. Standard conditions are recommended to address this matter.

The Team Leader, Building Services had no comments to make on the proposal at this stage. However, if approved, the proposal will be the subject of a building licence application which will be thoroughly examined at a later stage. It was indicated that the windows on the western boundary wall would not be compliant with the Building Code of Australia.

Accordingly, planning conditions and / or important notes are recommended to respond to the comments from the above officers.

(e) External agencies

The application has been referred to the Department of Planning for determination. The department has not provided the City with any comments on this proposal. The Western Australian Planning Commission will determine this application following receipt of the Council's recommendation.

Policy and Legislative Implications

Comments have been provided elsewhere in this report in relation to the various provisions of the Scheme, R-Codes and Council policies where relevant.

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan which is expressed in the following terms: *Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.*

Sustainability Implications

Noting the proximity of the subject Highway Commercial lot to Manning Road, as well as to the surrounding high density non-residential developments, the applicant has successfully designed a building that compliments the streetscape. Even though all balconies do not have access to the northern sunlight, they are of a reasonably large size thus providing the required balance between indoor and outdoor activities for each of the dwellings. The Mixed Development is observed to be sustainable as it provides active surveillance of the street during various times of the day and night, promoting a sense of safety and security amongst the community.

Conclusion

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions. However, provided that all conditions are applied as recommended, it is considered that the application should be conditionally approved.

OFFICER RECOMMENDATION ITEM 10.3.4

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, that Council endorses the City's recommendation which will be forwarded to the Western Australian Planning Commission for determination.

Council recommends to the Western Australian Planning Commission that this application for planning approval for a Mixed Development (6 Multiple Dwellings and Office) in a three storey building on Lot 407 (No. 4) Downey Drive, Manning, **be approved** subject to:

(b) Standard Conditions

427	Colours and materials - Details	386	End of trip facilities - 4 lockers
578	New titles prior to BL	025	Verge storage licence
415	Street tree - Fee yet to be paid (\$1,435.50)	470	Retaining walls - If required
340A	Parapet walls - Finish from street	471	Retaining walls - Timing
340B	Parapet walls - Finish from neighbour	455	Dividing fences - Standards
508	Landscaping approved and completed	456	Dividing fences - Timing
513	Outstanding landscaping details	625	Sightlines for drivers
510	Landscaping plan - Private tree	416	Street tree - Not to be removed
210	Screening - Permanent	377	Screening - Clothes drying
030	Final clearance requirements	515	Lighting - Communal areas
390	Crossover - Standards	550	Plumbing hidden
393	Verge and kerbing works	445	Stormwater infrastructure
352	Car bays - Marked and visible	560	Rubbish storage area screened
353	Visitor bays - Marked and visible	650	Inspection (final) required
354	Car bays - Maintained	660	Expiry of approval

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
- (A) Measures designed to prevent overlooking of the adjoining property from the Apartment 5 first floor kitchen window and the western side of the Apartment 7 first floor balcony by either:
- (1) increasing the sill height to 1600mm above the floor level; OR
 - (2) the use of glass blocks or fixed obscure glass; OR
 - (3) reducing the size of the window(s) to less than 1.0 sq. metre in aggregate; OR
 - (4) the provision of effective screening as defined in Council Policy P350.08 "Visual Privacy"; OR
 - (5) the deletion of the relevant openings.
- in accordance with the visual privacy requirements of the Residential Design Codes of WA.
- (ii) No structure or obstruction is permitted within a 600mm overhang for car parking Bays 7 to 11 inclusive, which would prevent the overhang, to comply with Australian Standard AS2890 Part 2 "Off-Street Parking".
- (iii) The car parking bays shall be allocated to occupancies in the following manner on the approved strata plan:
- (A) Residential dwellings - One bay per dwelling and 2 additional bays (8 bays total);
 - (B) Non-residential tenancies - 5 bays; and
 - (C) Common visitor parking - 2 bays.

(c) Standard Advice Notes

700A	Building licence required	762	Landscaping - Plan required
705	Revised drawings required	766	Landscaping - General standards
706	Applicant to resolve issues	709	Masonry fences require BA
708	Boundary wall surface finish process	790	Minor variations - Seek approval
715	Subdivision procedure	795B	Appeal rights - Council decision
725	Fences note - Comply with that Act		

(d) Specific Advice Notes

The applicant is advised to liaise with the City's Environmental Health department for their specific requirements to be addressed.

(e) Council's Advice Notes to the Western Australian Planning Commission

- (i) The power conferred by Clause 7.8(1) of the City of South Perth Town Planning Scheme No. 6 (Discretion to Permit Variations from Scheme Provisions) shall not be exercised by the Council with respect to:
- (A) Building height limits referred to in Clause 6.2; and
 - (B) Development requirements for certain lots referred to in Clause 5.4 in accordance with Clause 7.8(2) of the City of South Perth Town Planning Scheme No. 6.
- (ii) Where the Commission includes any conditions of approval recommended by the Council in the Notice of Determination and the Council's recommended condition is subject of an appeal to the State Administrative Tribunal, City officers are available to assist the Commission during the appeal process.

Footnote	A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
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OFFICER RECOMMENDATION

The Mayor called for a mover of the officer recommendation at Item 10.3.4. The officer recommendation Lapsed.

MOTION

Moved Cr Cala, Sec Cr Howat

That pursuant to the provisions of the City of South Perth Town Planning Scheme No 6 and the Metropolitan Region Scheme, that Council **does not endorse** the City Officer's recommendation.

Council recommends to the Western Australian Planning Commission that this application for planning approval for a Mixed Development (6 Multiple Dwellings and Office) in a three storey building on Lot 407 (No 4) Downey Drive, Manning, **be refused**.

MEMBER COMMENTS FOR / AGAINST MOTION - POINTS OF CLARIFICATION

Cr Cala Opening for the Motion

- proposal Referred to Council because in the opinion of the delegated officer:
 - (i) It is likely to have a **significant impact** on the City;
 - (ii) May have been contentious or is of **significant** community interest;
 - (iii) There was **significant doubt** in the assessing officer's mind about the impact this proposal might have on the general amenity of an area.
- While the development conforms to the requirements of TPS 6 and forms part of an integrated development with Lot 409 (No. 56) Ley Street and Lot 408 (No.2) Downey Drive, too much emphasis has been placed on this objective at the expense of the need to be also sympathetic in scale to the adjoining residences along Downey Drive, especially No. 6. The design does not provide a sufficient transition between the commercial precinct of Ley Street and the adjoining residential along Downey Drive
- bulk and scale of the development is emphasised further due to the proposed setbacks not providing for a scaling down to the east. The eastern most dwelling on Downey Drive needs to be setback close to that of the adjoining property; that is in the order of 6 Metres.
- Clause 5.1.4 of TPS 6 also provides the Council the means to require a greater setback than is shown in Table 3 for a common boundary, where it sees a need to protect the amenity of the adjoining land. Whilst the development meets the height limit requirements along its eastern boundary, a greater setback would help to lessen the overpowering effect it will have to the properties adjoining.
- rationale for granting No. 2 Downey Drive a plot ratio variation of 118% should not be reflected in No. 4., which requires a 62% variation. The permissible plot ratio for No. 4 Downey Drive is 0.5 , while the proposed is 0.81.
- even though the R-Codes allows a plot ratio of 1.00 should the development application have been for Multiple Dwellings only, this is only an academic figure as it is unlikely that with the requirements of parking, setbacks and height restrictions; the building in its present form could have gained any more advantage in regard to the number of dwellings, without providing basement parking. The permissible plot ratio of any development may not be achievable because of the other requirements of parking, setbacks, height and other associated planning issues. Because the plot ratio is significantly over (62%) as a mixed development this has lead to all the other significant issues under consideration.
- car parking is inadequate and even with proposed concessions suggested there is still the requirement to find another car bay off site; as a shared disabled bay with no. 2 on Downey Drive. Council is not satisfied that the proposed number of car bays provided will be sufficient to the peak parking demand for different uses on the development site and believes that approval would not be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality.

- the group of properties designated as “Site D” in TPS 6. were provided with a R80 zoning more than ten years ago as a way to assist in the revitalisation of the commercial precinct and to encourage urban renewal. Good quality homes are now being built as more families are seeing what the area has to offer. It is felt that no further bonus to what the present R80 zoning has to offer is justified.
- the assessment and recommendation of the Report are a judgement call, but it is believed they do not fully take into consideration the significant impact the development will have on the amenity of the residences adjoining and in its near vicinity, in regard to Scale and Bulk, and the amount of on-site parking provided
- ask Councillors make a judgement and support Alternative Motion

Cr Howat for the Motion

- together with other Councillors / local residents pleased to see there is finally a plan to remove the dilapidated Homeswest building and replace it with a decent structure
- agree with comments by Cr Cala - there are compelling planning reasons for rejecting the officer recommendation
- proposed development, if allowed to proceed without significant modification is likely to have a detrimental effect on the residences in proximity with respect to bulk / scale as well as parking
- property is rated R80 - hence adequate opportunity for the design of the building to incorporate generous saleable space in the form of apartments and commercial outlets - hence surprised the developer has requested significant concessions
- believe some revisions of the plan to comply with the relevant coding regulations will provide a more appropriate transition in scale/bulk from proposed building at No. 2 Downey Drive to the relatively new residential property at No. 6 Downey Drive - the consequence will likely be a structure that is more in keeping with the neighbourhood and in turn allay some of the major concerns local residents have about the development
- support the Motion

Mayor Doherty point of clarification -reference page 64 of the Agenda, in particular part (e) of the officer recommendation - if we support the refusal Motion what are the next steps that could happen?

Director Development and Community Services responded that the Council Recommendation will go to the Western Australian Planning Commission. The WAPC will then make a determination. Either way the applicant will have the Right-of-Appeal to SAT against the WAPC decision.

Cr Trent point of clarification - the proposed zoning of the site is R80, what is the zoning of No. 6 Downey Drive?

Director Development and Community Services replied R20.

Cr Trent for the Motion

- application is R80 / next door is R20 a residential property
- we need to blend into our TPS to provide a more appropriate transition so it is not such a jolt between a proposed R80 development and a next door residential home
- support the alternative motion

COUNCIL DECISION ITEM 10.3.4

The Mayor Put the Motion

That pursuant to the provisions of the City of South Perth Town Planning Scheme No 6 and the Metropolitan Region Scheme, that Council **does not endorse** the City Officer's recommendation.

Council recommends to the Western Australian Planning Commission that this application for planning approval for a Mixed Development (6 Multiple Dwellings and Office) in a three storey building on Lot 407 (No 4) Downey Drive, Manning, **be refused**.

CARRIED (8/2)

Reason for Change

Council were of the view the proposal will have significant impact on the general amenity of the residential area.

Note: Cr Hawkins-Zeeb returned to the Council Chamber at 8.23pm; and
Manager Planning Services retired from the Meeting at 8.23pm

10.3.5 Proposed 3-Storey Mixed Development Comprising Multiple Dwellings, Consulting Rooms, Shop and Office. Lots 390 (No. 3) and 391 (No. 5) Barker Avenue, Como.

COUNCIL DECISION ITEM 10.3.5

At the written request of the applicant, Item 10.3.5 was withdrawn from consideration at the November 2011 Council Meeting.

10.4 STRATEGIC DIRECTION 4: PLACES
Nil

10.5 STRATEGIC DIRECTION 5: TRANSPORT
Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE

10.6.1 Monthly Financial Management Accounts - October 2011

Location:	City of South Perth
Applicant:	Council
File Ref:	FM/301
Date:	8 November 2011
Author:	Michael J Kent, Director Financial and Information Services
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

ITEM NO: 9.7

SUBDIVISION OF LOT 26 RIVERVIEW PLACE, LOT 27 THE COOMBE, MOSMAN PARK

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Metropolitan Central
AUTHORISING OFFICER:	Director Metropolitan Central
AGENDA PART:	G
FILE NO:	144722
DATE:	18 January 2012
ATTACHMENT(S):	1. Subdivision Plan 2. Zoning Plan 3. Local Context Plan
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Town of Mosman Park
LOCAL SCHEME ZONING:	Residential R12.5
LGA RECOMMENDATION(S):	Support
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	11th August 2011
PROCESS DAYS:	216 (as at 13 March 2012)
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 26 Riverview Place and Lot 27 The Coombe, Mosman Park

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the subdivision of Lot 26 Riverview Place, Mosman Park subject to the following 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.***
- 2. Dwellings being constructed to plate height on proposed Lots X and Y, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010, prior to the approval of the Deposited Plan by the WAPC. (Local Government)***
- 3. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of***

the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to bind the owner, their heirs and successors in title to the requirement that at least one occupant is disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person.

- 4. 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)***
- 5. 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)***
- 6. 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)***

Advice:

- 1. In order to fulfil Condition 2, the applicant must first obtain development approval for the development of an aged or dependent persons' dwelling on each of the approved lot(s), in accordance with clause 6.11.2 of the Residential Design Codes 2010.***
- 2. 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.***
- 3. With regard to Conditions 4 and 5, 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. Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.***
- 5. With regard to Condition 6, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.***
- 6. If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.***

SUMMARY:

The application is to subdivide a residential lot into two lots. The applicant wishes to vary the minimum and average site area requirements specified in Table 1 of the Residential Design Codes 2010 (R-Codes) by up to one third in accordance with the provisions for aged persons dwellings, and that the discretion should be exercised in the circumstances of this case to permit the proposed minimum and average site areas.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

Strategic Plan
Strategic Goal: Strategic Goal 2: Planning
Strategic Goal 3: Regulation

Outcomes:
Strategies:

Policy
Number and / or Name: State Planning Policy 3.1 - Residential Design Codes

INTRODUCTION:

The subject site (Lot 26) has frontage to both The Coombe and Riverview Place, with vehicular access provided from Riverview Place. Lot 27 currently takes access from The Coombe and each lot contains one dwelling. A previous application to amalgamate a portion of Lot 27 with Lot 26 in order to achieve the lot area requirement for aged persons' dwellings has been given conditional subdivision approval. This application proposes to subdivide the amalgamated Lot 26 of 1068m² into two green title lots of 534m² each. The intention is for each lot to be developed for an 'Aged Persons' Dwelling' (**Attachment 1: Subdivision Plan**). The dwelling on Lot 26 is proposed to be demolished. Access to proposed lot X will be taken from The Coombe and proposed Lot Y will be taken from Riverview Place.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and 'Residential' with a density coding of R12.5 under the Town of Mosman Park's Town Planning Scheme No. 2 (TPS2). 'Aged Persons' Housing' is listed as an 'AA' use on land zoned 'Residential' under the TPS2 and consequently the use is not permitted unless approval is granted by the Council (**Attachment 2: Zoning Plan**).

The subject land is surrounded by predominantly low density residential development. The Mosman Heights shopping centre is located at the intersection of Wellington and Manning Streets, approximately 600 metres to the south west of the subject site, and The Coombe Reserve is located approximately 75 metres to the north east of the subject site. The Victoria Street railway station is located approximately 2 kilometres to the west of the subject site. Existing bus stops along Owston Street are located approximately 400 metres walking distance from the subject site (**Attachment 3: Local Context Plan**).



Photo 1: Current Dwelling at 2 Riverview Place and site of Proposed Lot Y



Photo 2: Looking at the site from The Coombe and Proposed Lot X



Photo 3: Looking up Riverview Place from Proposed Lot Y



Photo 4: Looking down The Coombe towards Proposed Lot X

CONSULTATION:

The Town of Mosman Park Council has considered the proposal on two occasions.

On 25 October 2011 the Council resolved to defer the matter to be presented again to the next Regulatory Services Committee meeting, at the request of the applicant. The Planning Officer recommendation was for refusal of the application on the grounds that the proposal does not comply with the Performance Criteria relating to aged or dependent persons dwellings of the R-Codes with regard to proximity to public transport and convenience shopping and having due regard to the topography of the locality in which the site is located.

Council, at its meeting held on 22 November 2011, resolved to defer the matter to be presented again to the next Regulatory Services Committee Meeting to consider legal advice submitted by the applicant.

On 13 December 2011, Council resolved to advise the WAPC that the application is not supported as the application does not comply with the minimum site area requirements as specified in Table 1 of the Residential Design Codes. The Officers report states that the proposal does not satisfy the Performance Criteria or Acceptable Development Standards of the R-Codes with regard to Aged or Dependent Persons Dwellings and therefore cannot be supported.

At its meeting on 28 February 2012 Council resolved to rescind its 13 December resolution of non support and now support the application.

Western Power and the Water Corporation raise no objection to the proposal subject to standard servicing conditions. The Department of Water and Department of Environment and Conservation raise no objection to the proposal.

COMMENTS:

This application is presented to the SPC as no similar applications have previously been made in the Metropolitan Central area, where:

- the subdivision application is to utilise the one-third density bonus applicable to aged or dependent persons dwellings under the performance criteria of the R-Codes;
- the subdivision application is for green title lots; and
- no development approval has been given by the local authority.

Residential Design Codes

The R12.5 density code has a minimum and average lot size requirement of 700m² and 800m² respectively according to Table 1 of the R-Codes. As noted earlier, the area of the site is 1068m². Therefore, the proposed average site area is 534m², and proposed minimum site area is 534m². Therefore, the proposal does not comply with these requirements and represents a variation of 24% and 33% respectively.

Clause 6.1.3 A3(i) and 6.11.2 - Special Provisions of the R-Codes

The application seeks variations to the minimum and average lot size requirements in accordance with Clause 6.1.3 paragraph A3 of the R-Codes. Under this clause the minimum and average site area set out in Table 1 for the R-Code applying to the site may be reduced by up to one third in accordance with Section 6.11.2, for the purposes of an aged or dependent persons dwelling or a single bedroom dwelling.

The terms 'aged person' and 'dependent person' are defined in Appendix 1 of the Codes to mean 'a person who is aged 55 years or over' and 'a person with a recognised form of disability requiring special accommodation provisions for independent living or special care'.

Section 6.11 of the Codes is entitled 'Special Purpose Dwelling Requirements'. It identifies three kinds of special purpose dwellings, including 'aged or dependent

persons' dwellings'. The stated objective of the special purpose dwellings' requirements is *'to ensure that dwellings for special needs can be provided within normal residential areas'*. The special purpose dwellings requirements for aged or dependent persons' dwellings are set out in cl 6.11.2.

Paragraph P2 of cl 6.11.2 provides the 'Performance Criteria' as follows:

'Dwellings that accommodate the special needs of aged or dependent persons and which:

- *are designed to meet the needs of aged or dependent persons;*
- *are located in proximity to public transport and convenience shopping;*
- *have due regard to the topography of the locality in which the site is located;*
and
- *satisfy a demand for aged or dependent persons' accommodation.'*

Paragraph A2 of cl 6.11.2 lists the acceptable development criteria, which illustrate one way of meeting the performance criteria. The proposal would be unable to satisfy the Acceptable Development criteria as they require, amongst other things, a minimum of five dwellings in a single development. The applicant has chosen the Performance Criteria for the assessment of this application. The Explanatory Guidelines of the R-Codes states that given that the acceptable development provisions illustrate only one way of meeting the corresponding performance criteria, the use of an acceptable development provision as a yardstick or evaluation standard during a performance criteria assessment is generally not appropriate.

Assessment of Proposed Subdivision Against the R-Codes

Applying the variations under Clause 6.1.3 A3 of the R-Codes, the minimum and average site area requirement for R12.5 is reduced to 466m² and 533m² respectively. The proposed subdivision complies with these requirements.

The four Performance Criteria of Clause 6.11.2 are considered below.

Designed To Meet The Needs Of Aged Or Dependent Persons

The applicant has provided plans for the design of the proposed dwellings, however a development / planning approval from the Local Government has not been sought or obtained.

Previous applications seeking the one third density bonus applicable to aged persons accommodation that have been considered by the WAPC have obtained development approval from the Local Government prior to determination (including an application presented to the Statutory Planning Committee in 2008 for the creation of green title lots utilising the aged or dependent persons' dwelling density bonus - WAPC Reference 136003). This would demonstrate that the application is able to comply with this performance criterion. Additionally, as the one third density bonus applicable to aged persons' accommodation relates to development, to ensure that aged persons' dwellings are developed consistent with the provisions of the R-Codes and taking into account the special needs of prospective occupants, it is usually preferred by the Commission that a density bonus only be applied where the location

and design of aged persons' housing has been fully investigated and supported by the Local Government through a development approval.

Preliminary Assessment of Draft Plans

As the applicant has not sought development approval, a preliminary assessment of the provided plans has been undertaken, using the majority of the acceptable development criteria from the R-Codes as an indication of the type of standards required. The plans demonstrate the ability to comply with many of the requirements of dwellings that are designed to meet the needs of aged or dependent persons, such as an accessible path of travel from the car parking area, level entry front door, wide corridors and doors and a wheelchair accessible parking space.

The dwellings that are proposed are both multi level (three and four floors) due to the topography of the site, however a lift has been incorporated to provide an alternative to stair access. The proposed dwellings are relatively large (providing two double bedrooms each as well as a carers bedroom and multiple living areas and bathrooms) however it is the stated objective of the applicant that they wish to be able to have children and grandchildren or houseguests to stay, and the space for ongoing 'work from home activities', and it is therefore accepted that a large dwelling size is not necessarily unacceptable. On the other hand, the size of the dwellings may give rise to maintenance problems as aged persons become less independent through the process of ageing. On balance, it is considered that it would be possible for the applicant to obtain development approval for dwellings on these lots which are designed to meet the needs of aged or dependent persons.

Imposition of an Appropriate Condition

As development approval has not been sought from in order to demonstrate compliance with this criterion, a condition could be imposed to require the applicant to obtain it. However, it is actually the construction of aged persons' dwellings consistent with an appropriate development approval that is crucial to ensure that the proposed subdivision is based on a bona fide case. Therefore, the usual approach in this situation where subdivision is dependent on the built form, is to impose a plate height condition, to ensure that that the land is developed for it's intended purpose. Therefore a plate height condition should be imposed. This would require the applicant to first obtain appropriate development approval in order to fulfil the condition to build the dwellings to plate height.

Since the development on the land is integral to the granting of a one third density bonus, a plate height condition must be imposed, otherwise conditional subdivision approval should not be granted, as the proposal has not demonstrated compliance with the performance criteria relating to aged or dependent persons dwellings of the R-Codes. Should this condition for any reason not be imposed, then the rationale behind the granting of conditional approval will not have been met and the proposal would become unacceptable.

Located In Proximity To Public Transport And Convenience Shopping

The applicant has stated that two bus stops are located approximately 300 metres from the subject site and that Mosman Heights Shopping Centre (which includes a

supermarket, pharmacy and post office) is approximately 600 metres away. A train station linking the area to Perth City and Fremantle is located approximately 2 kilometres away.

It should be noted however that the distances provided by the applicant relate to 'as the crow flies' distances and that to walk or drive to the locations the following distances apply:

- For proposed Lot X which would take access from The Coombe, the nearest bus stop is 400 metres away and the closest shop is 1 kilometre away.
- For proposed Lot Y which would take access from Riverview Place, the nearest bus stop is 500 metres away and the nearest shop is 1.1 kilometres away.

The area also has some steep terrain and therefore this would make walking more difficult than the same distances in a flat area. Both Riverview Place and The Coombe are not level streets. Photo 3 and Photo 4 on page 4 of this report depict the nature of the terrain of the immediate area.

In the Town of Mosman Park report to Council, the officer's opinion is that proximity should be to a high frequency bus route, and therefore they consider that this performance criterion can not be met.

The applicant has provided information to state that live in carers, family members, friends and taxis can also be utilised to provide transport to future residents. Additionally, motorised mobility vehicles are suggested as a realistic transport option for those individuals that do not drive. The applicant also provides information on the increasing uptake and ease of use of internet grocery shopping and communication. It is accepted that these options exist, and that future residents may well make use of these, especially in an affluent area such as Mosman Park, however it is considered that these options are always available to any people in any location and that the intent of the performance criterion in this case is to ensure that aged and dependent persons dwellings are located within a reasonable distance of public transport and shops so that residents are not isolated from the opportunity to use these services.

No clear definition or guidance of how close the public transport and shops should be is given in the R-Codes, however it is considered that the subject site is located in relative proximity to public transport and convenience shopping, in that these services are not located far from the subject site, and that it would be possible for the residents to walk to access them. Therefore it is considered that this performance criterion is able to be met.

Have Due Regard To The Topography Of The Locality In Which The Site Is Located

The Town of Mosman Park acknowledges in their report to Council of 25 October 2011 that *'the proposed dwellings are designed appropriately to take into account the sites steep topography'* (sic).

Despite this, the conclusion has then been reached that the proposal has not given due regard to the locality in which the site is located, and that *'as the surrounding locality is very steep in nature, the Lot is unsuitable and the application has not satisfied the performance criteria'* (sic).

However, it is clear that the R-Codes contemplate the development of aged or dependent persons dwellings in areas of atypical topography, as the performance criterion requires that dwellings give due regard to the topography of the locality in which the site is located.

The proposed plans depict an accessible and level entry into each dwelling, and lifts provide vertical circulation to every level. Varied areas of level recreational space and garden are also depicted on the proposed plans.

However, as the fulfilment of this performance criterion relies on the development of appropriately designed dwellings, as for the first performance criterion, it is considered that development approval for the proposed dwellings is required, before subdivision should occur.

Satisfy A Demand For Aged Or Dependent Persons' Accommodation

It is generally recognised that there is a scarcity of aged persons accommodation in the wider community due to an ageing population, and that therefore the proposal could be determined to meet this performance criterion, in that it would satisfy a demand for aged or dependent persons' accommodation.

The Town of Mosman Park in their 25 October 2011 consideration of the proposal is in agreement that this performance criterion is met.

Explanatory Guidelines

The Explanatory Guidelines of the R-Codes elaborate that the intention of the aged or dependent persons dwellings provision is to encourage the development of small-scale specialised housing in local communities, as an alternative to larger scale, relatively segregated complexes. They go on to state:

'To prevent these concessions from being abused - for example as a back door way of increasing density for standard housing without re-coding an area, the concessions are subject to four constraints:

- * there is a limit on the size of such dwellings;*
- * they must be purpose-designed;*
- * there is a minimum of five dwellings in a single development; and*
- * they are subject to a legal agreement to restrict occupancy.'*

However, three of these four constraints: the limit on size, minimum number of dwellings, and legal agreement requirement, are included only in the Acceptable Development provisions of the R-Codes, and are not included in the Performance Criteria method of assessment. This is somewhat inconsistent with another part of the R-Codes that clearly states that the acceptable development provisions provide only one way of meeting the performance criteria, and that an applicant is able to select the performance criteria as the sole method of assessment if they wish.

To give these points consideration regardless of this fact, the following points are made:

- The size of the dwellings is not referenced in the performance criteria. In this case, it is considered that a development approval is required to be obtained and this will ensure that the appropriately designed dwellings which are designed to meet the needs of aged or dependent persons are able to be provided. The applicant has provided information stating that: *'not every "over 55" wishes to live in a small place which would mean having to sell all of their furniture, not having adequate space to entertain, or the room for a home office / study where they could continue work or business pursuits'*. This is accepted and in addition, older people may also wish to have room to accommodate adult children and their families when they wish to stay, as well as other house guests and carers.
- The proposal is to accommodate two aged persons' dwellings. This will not provide a community of aged persons in proximity as five or more dwellings co-located would, however it is not considered that a larger number of dwellings is necessary to meet the performance criteria under which the application is assessed. It is however accepted that there may well be advantages in co-location with other people sharing similar circumstances, in particular peer support and companionship.
- The applicant has indicated a willingness to sign a legal agreement to restrict occupancy and it is proposed that this is included as a condition of development approval by the Council.

Other Planning Considerations

An additional consideration for applications such as this one is that a restrictive covenant must also be placed on the Certificate of Title with a stipulation that the land is to be used for aged or dependent persons' dwellings only. This approach is consistent with an application presented to the Statutory Planning Committee in 2008 for the creation of green title lots utilising the aged or dependent persons' dwelling density bonus (WAPC Reference 136003). A restrictive covenant was similarly required as a condition of the approval for a proposal which sought to utilise the one third density bonus for the creation of a lot for a single bedroom dwelling (WAPC Reference 127250).

The SPC should also note that should this application be granted conditional approval, this may set a precedent and encourage similar applications to be made.

CONCLUSION:

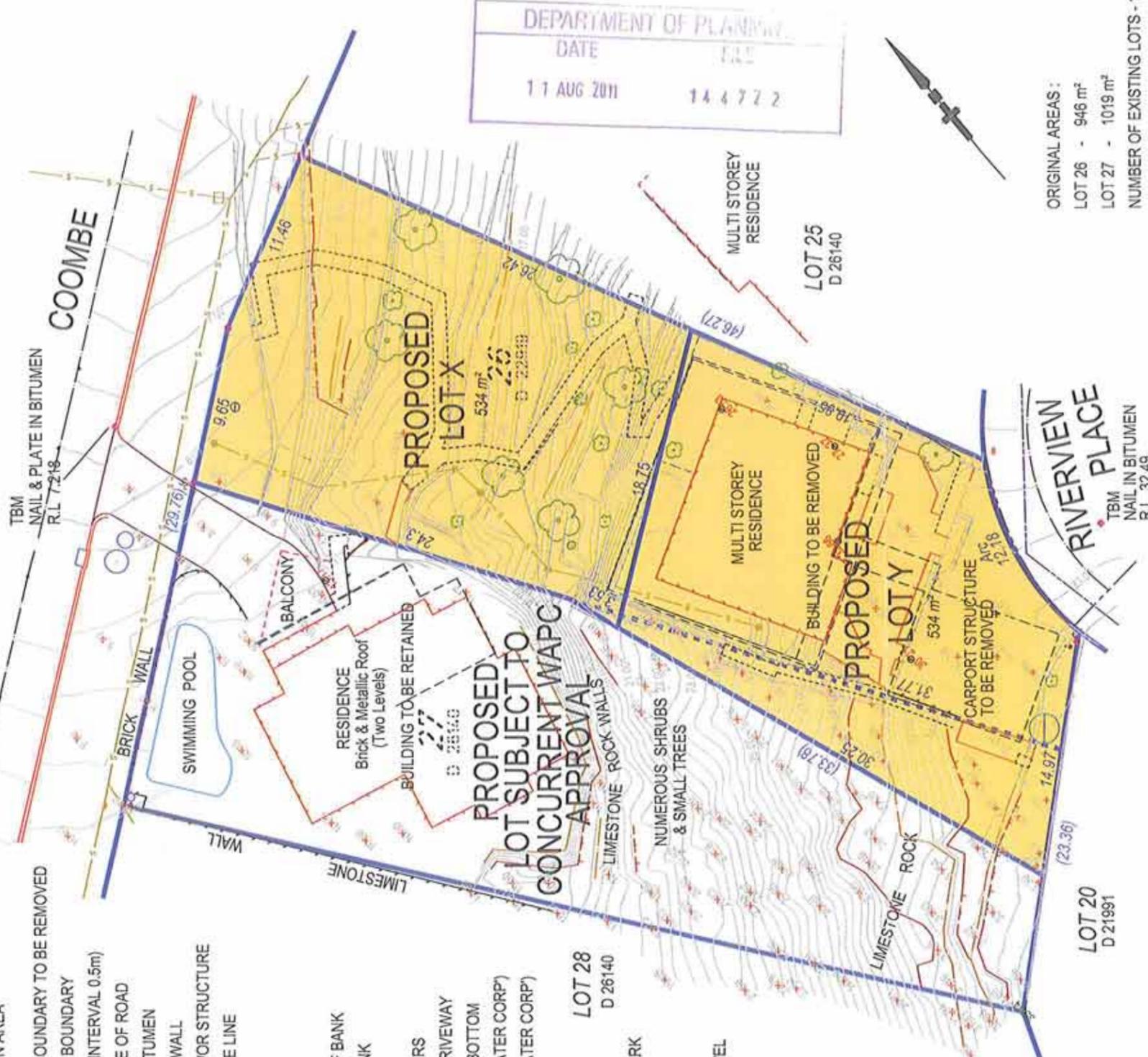
The proposal complies with the lot size requirements for aged persons' accommodation on land zoned R12.5, and is judged to be able to meet the performance criteria necessary to obtain this density bonus, subject to the fulfilment of the proposed conditions. The proposal is consistent with Western Australian Planning Commission policy, the Residential Design Codes (2010), and the Town of Mosman Park Planning Scheme No. 2. Accordingly, the proposal is recommended for conditional approval.

ALL BUILDINGS & STRUCTURES ON PROPOSED LOT A & LOT B TO BE REMOVED.
SUPPLIED WATER CORPORATION DATA IS OVERLAID AS BEST FIT.

LEGEND OF FEATURES

- APPLICATION AREA
- EXISTING BOUNDARY TO BE REMOVED
- PROPOSED BOUNDARY
- CONTOUR (INTERVAL 0.5m)
- CENTRELINE OF ROAD
- EDGE OF BITUMEN
- RETAINING WALL
- BUILDING & OR STRUCTURE
- ROOF / EAVE LINE
- AWNING
- VERANDAH
- FOOTPATH
- BOTTOM OF BANK
- TOP OF BANK
- BALCONY
- STEPS/STAIRS
- EDGE OF DRIVEWAY
- KERB TOP/BOTTOM
- SEWER (WATER CORP)
- WATER (WATER CORP)

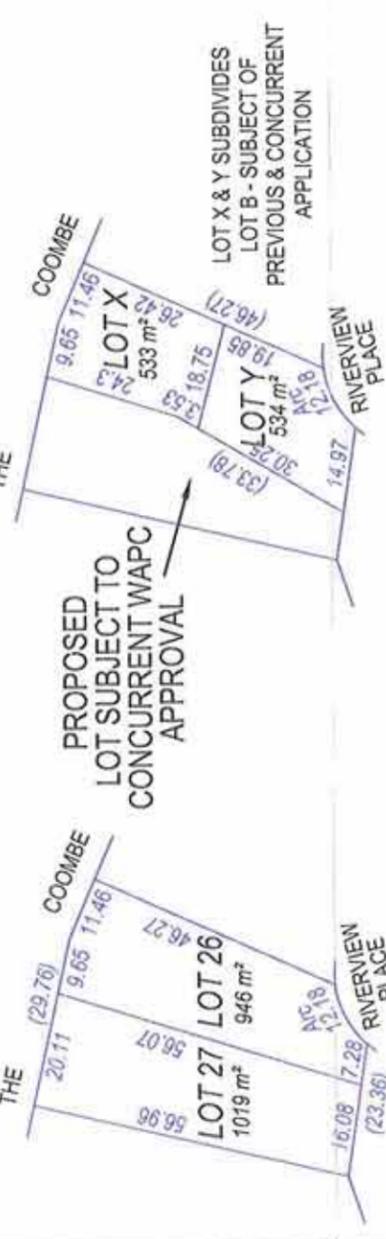
- TEMPORARY BENCH MARK
- PEG FOUND
- PEG PUT (22-9-08)
- NATURAL SURFACE LEVEL
- FLOOR LEVEL
- TELSTRA PIT
- POWER DOME
- WATER BORE
- WATER METER
- GAS VALVE
- SEWER IO
- SEWER MANHOLE
- TREE
- GATE



DEPARTMENT OF PLANNING
DATE 11 AUG 2011 FILE 144772



ORIGINAL AREAS:
LOT 26 - 946 m²
LOT 27 - 1019 m²
NUMBER OF EXISTING LOTS - 1
NUMBER OF PROPOSED LOTS - 2



CURRENT LOT LAYOUT:
NOT TO SCALE



LOCATION PLAN
APPROXIMATE EXTENT OF SUBJECT SITE
2010 AERIAL PHOTOGRAPHY
NOT TO SCALE

SCALE (@ A3 SIZE)
1 : 300

All distances in metres unless stated otherwise

THE BOUNDARIES WERE NOT RE-ESTABLISHED AS PART OF THIS SURVEY THEREFORE THIS PLAN DOES NOT GUARANTEE THEIR ACCURACY EXISTING BOUNDARY DIMENSIONS AND LOT AREAS TAKEN FROM LANDGATE RECORD D22919 & D26140

DATUM
HORIZONTAL - ASSUMED
VERTICAL - A.H.D.

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PROPOSED FREEHOLD SUBDIVISION OF LOT 26 ON
D22919 - #2 RIVERVIEW PLACE
MOSMAN PARK
PETER BURNS

Brown McAllister Surveyors
Licensed Surveyors | Land Development & Strata Consultants | Engineering Surveyors
Email: admin@brownmcallister.com.au Tel: (08) 9386 9688
43 Broadway, Nedlands, Western Australia, 6009 Fax: (08) 9386 9677

FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION	SHEET	A3
ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION	SURVEYED	P. HILLE - 04/04/2011
	FIELD NOTES	Digital Data
	DRAWN	M.J. MacDONALD - 13/04/2011
	CHECKED	
	REFERENCE	08153-4SK_rev1

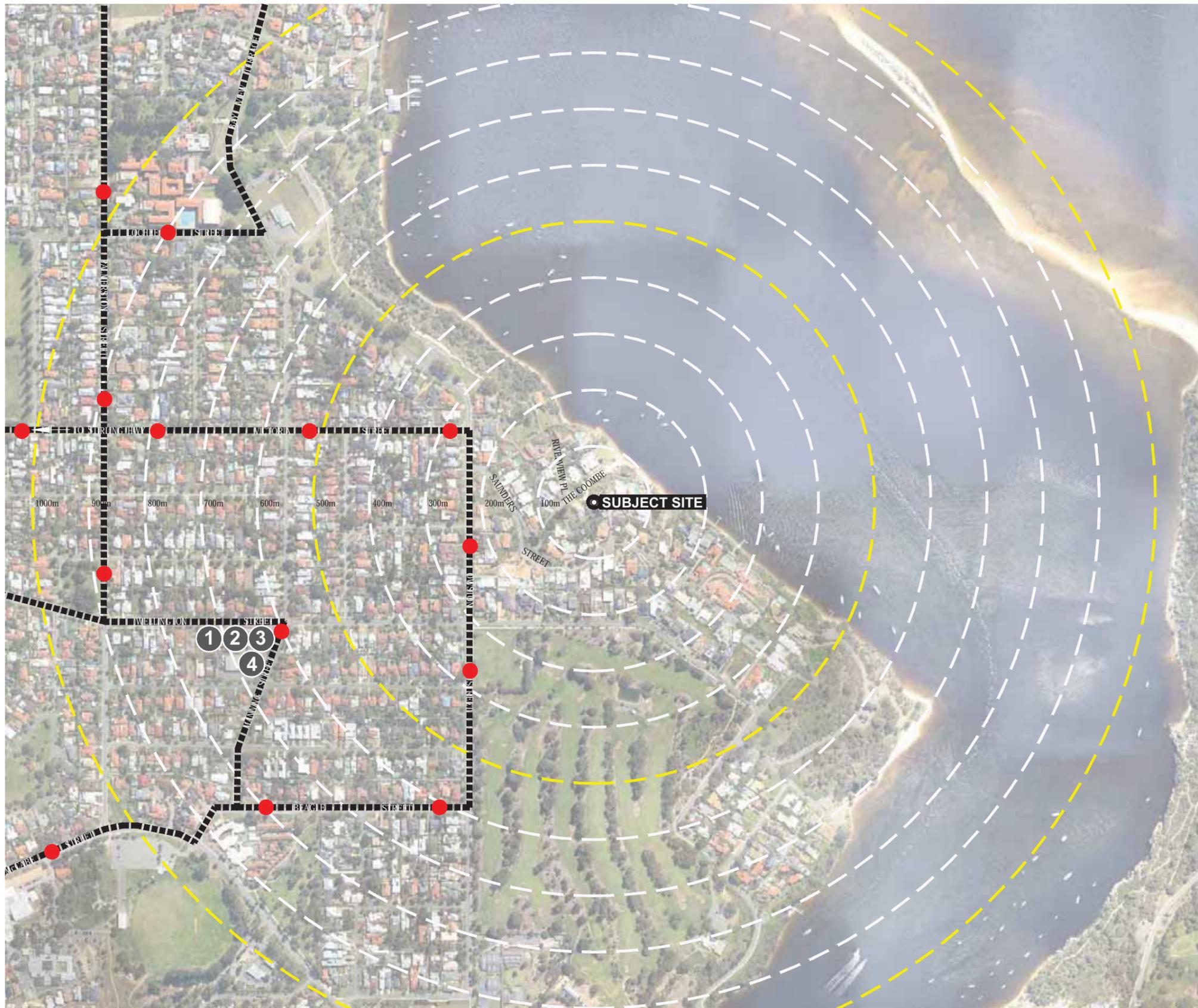


Subdivision Application 144722 (MGA ref 384361mE 6457422mN Zone 50)

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

- | | |
|-----------------------------|-----------------|
| WATERWAYS | REFUSED |
| PARKS & RECREATION | OUTSTANDING |
| CADASTRAL BOUNDARY | APPROVED |
| WESTNET ENERGY GAS PIPELINE | CANCELLED |
| BUSH FOREVER 2000 SITES | REFUSED |
| OUTSTANDING | R CODE BOUNDARY |
| APPROVED | RESIDENTIAL |
| CANCELLED | |

134485S.eps



LEGEND

- Bus Route
- Bus Stop
- 500m radius from site
- 1** Australia Post Office
- 2** Mosman Heights Liquor Store
- 3** Mosman Park IGA
- 4** Mosman Park Pharmacy

LOCAL CONTEXT PLAN

LOT 26 (2) RIVERVIEW PLACE & 27 (8) THE COOMBE
 MOSMAN PARK
 WESTERN AUSTRALIA

SCALE 1:7,500 @ A3
 DATE 1 November 2011
 FILE 111101 2693 Plan.dwg
 REVISION 2/GW/WW amends/01.11.2011
 1/GW/First Draft/26.10.2011



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 BASEPLAN SOURCE: NEARMAPS ONLINE

ITEM NO: 9.8

OLD SWANBOURNE HOSPITAL OUTLINE DEVELOPMENT PLAN

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Director, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central
AGENDA PART: G
FILE NO: DP/11/02097
DATE: 25 January 2011
ATTACHMENT(S):
1. Amended Schedule of Modifications
2. Old Swanbourne Hospital Outline Development Plan March 2012

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the amended Schedule of Modifications at Attachment 1;*
- 2. endorse the final Old Swanbourne Hospital Outline Development Plan document dated March 2012 at Attachment 2; and*
- 3. advise the City of Nedlands and proponent accordingly, and provide a certified copy of the final Outline Development Plan document to each.*

SUMMARY:

In July 2011, SPC previously considered the Old Swanbourne Hospital Outline Development Plan and granted Final Approval subject to modifications. During further discussions it has come to light that further residual amendments are required in order to give full effect to the Commission's position. An amended schedule of modifications is presented to the SPC for endorsement. A final Outline Development Plan (ODP) document has been prepared for endorsement by the SPC.

BACKGROUND:

The ODP for the Old Swanbourne Hospital site has undergone a full process in accordance with the City of Nedlands Town Planning Scheme and was most recently presented for final approval to the SPC in July 2011.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 5, Local Planning Schemes

Strategic Plan

Strategic Goal:

Outcomes:

Strategies:

2. Planning

- Effective Delivery of Integrated Plans
- Planned Local Communities
- Develop integrated infrastructure and land use plans for the State
- Implement State and Regional Planning Priorities
- Developing a sense of place
- Encourage innovation in the design of our communities

Policy

Number and / or Name:

SPP1 - State Planning Framework

SPP3 - Urban Growth and Settlement

SPP3.5 - Historic Heritage Conservation

DETAILS:

The ODP relates to the Old Swanbourne Hospital Precinct in Mount Claremont in the City of Nedlands.

GOVERNMENT AND CORPORATE IMPLICATIONS:

N/A

CONSULTATION:

N/A

OFFICER'S COMMENTS:

There is a need to resolve an administrative error which has come to the attention of the Commission.

The Commission has sought the advice of the State Solicitors Office with regard to the resolution of the error and is carrying out their advice accordingly, including presenting this report.

Essentially, a finalised version of the Old Swanbourne Hospital ODP, with all errors corrected, is presented here for endorsement by SPC.

On 26 July 2011, the Statutory Planning Committee (SPC) endorsed the draft ODP so as to become the Final ODP pursuant to clause 3.8.7 of the City of Nedlands Town Planning Scheme No. 2 (TPS2).

The report to the SPC on the draft ODP was detailed and lengthy and comprised four important components (although there were in fact 9 attachments). The key components were the report to the SPC including a range of recommendations for adoption, and Attachments 3, 5 and 9.

Attachment 3 was a schedule of submissions which is a table outlining the issues arising from advertising and the City's and Department's various positions on those issues. Recommendation 3 of the SPC report was that the Commission endorse Attachment 3.

Attachment 5 was the base document from which the required amendments are to be undertaken.

Attachment 9 was the schedule of modifications required to Attachment 5. Recommendation 1 of the SPC report is that final approval is granted subject to the modifications in Attachment 9.

Following the SPC meeting, the landowner undertook the changes that it understood to be required and forwarded these back to the Commission for final approval. This document was signed by a delegate of the Commission.

However the City of Nedlands, having carefully reviewed Attachment 5, insists that there are further amendments required to the ODP (some 12 in total) to fully reflect Attachment 5.

The content of the ODP which remains in dispute falls into two broad categories:

- (a) *Redundant and irrelevant text.* This includes drafting and style matters which are of no real consequence. For example the City want to insert words at various places to repeat what the ODP plans make clear. The Commission considers these to be repetitious and unnecessary. There are also some matters which are redundant. For example, references in Attachment 5 to possible subdivisions of the north and south wings are, the Commission considers, no longer needed as the subdivisions have already occurred; and
- (b) *Contentious text / issues* where the Commission and the City fundamentally disagree. For example, the residual reference in Attachment 5 to Circular Drive being created as a public road is one which the Commission does not agree with. The last point in Attachment 3 deals precisely with this issue and the Department outlines that: 'It is not considered appropriate to include this provision'.

In drafting the Schedule of Modifications presented to the July 2011 meeting of the SPC and the complexity associated with the documents, this resulted in inconsistencies between the Final ODP and Attachment 5 and has not articulated fully the position of the Commission. This is apparent because the issues are dealt with in Attachment 3 where the Commission clearly reaches a different view on the issue than the City. The Commission endorsed Attachment 3 which set out the positions of the City and the Department and explained why the City's views were not supported. The problem is that Attachment 9 did not deal with every issue over which there was disagreement with the City.

The final matter is an issue that has arisen since the Final ODP was signed. Five instances have been identified in the signed ODP where the modifications requested in Attachment 9 have not been carried out correctly. These need to be carried out, and therefore the signed ODP updated.

In terms of resolving the situation with regard to the drafting anomalies that have become apparent, it is clear that there has been an administrative type error in the final editing of the Endorsed ODP. The schedule of modifications attached to the SPC report was not as complete as it needed to be and resulted in some residual elements of Attachment 5 remaining, and being in conflict with the Commission's position in a number of respects.

The advice we have received is that the Commission has capacity to put a report back to the SPC to clarify that the schedule of modifications attached to the SPC report in July 2011 was not as complete as it was required to be to give effect to the Commission's position.

It is noted that the ODP has not yet been acted upon by the landowner. The ODP does not change in any material way that will affect any planning the landowner has done.

A subdivision application at the Old Swanbourne Hospital Site is currently being considered by the Commission and this will be presented to SPC during this meeting of 27 March 2012 at a later point on the agenda.

CONCLUSION:

The Commission has prepared the attached Schedule of Modifications for endorsement by the SPC, as well as a Final ODP for endorsement by the Commission, which will resolve this situation. The Final ODP will then be signed by a delegate of the Commission and forwarded to the landowner and the City. This will provide clarity for planning purposes going forward.

Attachment 1
AMENDED SCHEDULE OF MODIFICATIONS:
OLD SWANBOURNE HOSPITAL OUTLINE DEVELOPMENT PLAN

These modifications refer to the ODP text submitted to the WAPC by the City of Nedlands in September 2010 and that was included at Attachment 5 of the Report to SPC in July 2011 seeking Final Approval.

The parts in grey text are additions to the previous modifications and show where they have been amended.

GENERAL

1. Remove the Land Classification Plan from the ODP documentation.
2. Replace all references to the “dual use path” in the Outline Development Plan with “shared access path”.

PART 1 - STATUTORY PLANNING

OUTLINE DEVELOPMENT PLAN AREA

3. Add after the text “John XXIII College”: “borders the site to the east, and”.

DETAILED AREA PLANS

4. The following text is to be added:

“The DAP for the Heritage Buildings is to be prepared to the satisfaction of the WAPC on the advice of the City of Nedlands and the Heritage Council of WA.”

GUIDING PRINCIPLES AND DEVELOPMENT PARAMETERS

GENERAL PROVISIONS

5. In the "Heritage" section, the following text is to be inserted:

"All existing heritage buildings on the site are required to be retained and conserved in situ, given their inclusion on the State Register.

To ensure that the visual prominence of the Heritage Buildings is protected and retained, view corridors to and from the heritage buildings must not be interfered with, so that the profile of the buildings when viewed at close range or from a distance remains unchanged.

Circular Drive and the tree to the immediate north along with the trees along the northern boundary and along Heritage Lane have been identified as having heritage significance and are required to be retained. The detailed landscaping plan is required to identify those trees on site and any other existing trees that will be retained, and indicate measures to protect those trees during and after construction.

The development and conservation of the heritage buildings are to be to the satisfaction of the Heritage Council of Western Australia."

6. In the "Public and Private Open Space" section, the existing text is to be deleted and replaced with the following:

"A total contribution of 2482m² of Public Open Space is to be provided for the site as part of the subdivision approvals granted in 2010 for the northern and southern subdivision wings.

All Public Open Space shall be ceded free of cost to the Crown under Section 152 of the Planning and Development Act 2005, with the intention that the land will become a reserve for which the City will have care, control and management.

All Public Open Space must be landscaped to a high standard to protect and enhance the profile of Montgomery Hall and existing viewing corridors, in accordance with plans approved by the City.

The Public Open Space is to provide for pedestrian/cycle access, and landscaping, lighting and public art, and may incorporate things such as a playground.

No parking shall be permitted in this area.

A landscape plan for the Heritage Buildings area including the Public Open Space located to the west of Montgomery Hall, must be prepared in consultation with the City and the Heritage Council of WA as part of the Detailed Area Plan stage. The landscaping plan is to be prepared to the satisfaction of the WAPC. The approved landscaping plan is to be implemented by the Developer to the satisfaction of the City as a condition of development approval.

The landscape plan must indicate what treatments (e.g. plantings, "hard" landscaping) are proposed for the curtilage areas, any private open space areas within the site, and for road verges bounding the site. The verge planting for Abbey Gardens must be such that it prevents parking within the road verge.

High quality open space treatments are required, commensurate with the quality of the redevelopment of the heritage buildings. An indication of the type of landscaping considered appropriate to elements of the site are included overleaf."

REFER TO FIGURE 4 - PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL

7. In the "Vehicle Movement" section:
 - (i) The first sentence is to be replaced with "Vehicle access is to be provided across the Precinct along the routes shown on the ODP."
 - (ii) Delete 'There shall be no link between Heritage Lane through the site to the North or South Wings which would enable vehicular access to or from Heritage Lane or from any other existing public road.'
 - (iii) Delete 'An additional vehicle access point shall be provided from Heritage Land south of Circular Drive. The access points shall be developed as public right of way and in a finish approved by the City.'
 - (iv) Delete: 'Except unless otherwise provided in this ODP there shall be no vehicle access to or from the site via St John's Wood Boulevard, Abbey Gardens, Heritage Lane or Hamilton Gardens.'
 - (v) Delete "Service vehicles are only permitted to access the Precinct via Abbey Gardens" and replace with "Service vehicles servicing Montgomery Hall may use Abbey Gardens to access only Montgomery Hall. Service vehicle parking bays may be provided adjacent to Montgomery Hall. The use of these bays is to be regulated."
 - (vi) Delete 'Should the 2010 subdivision approval of the southern wing not be implemented then access to any future residential lots shall be as per the Development Plan i.e. from Heritage Lane via a vehicular public right of way (4 Lots) and the remainder being serviced from Charles Land and / or Hamilton Gardens.'
 - (vii) Delete "The proposed vehicle access to the Southern Subdivision Wing will also limit traffic movement along Hamilton Gardens which was previously raised as a concern by existing residents on Hamilton Gardens."
8. In the Circular Drive section, delete: 'Circular Drive shall not be less than 725m² and is to be created as a public road.'

9. In the "Parking" section, the existing text is to be deleted and replaced with the following:

"All car parking requirements for all future residents and their visitors shall be provided on the site. As far as possible parking shall be provided out of sight such as undercroft parking or at-grade, under the covered way adjacent to the Stores and around Circular Drive.

At grade parking shall not be covered unless it is provided in an area where the roof cover has already been provided.

Parking demand will need to be calculated at the development application stage once the proposed use and design of the site has been finalised."

10. In the "Curtilage" section:

- (i) Delete the first sentence.
- (ii) Replace "The curtilage may include a 3.0m wide dual use path. Refer to FIGURE 7 – INDICATIVE DUAL USE PATH CROSS SECTION" with "The curtilage is to include a 3.0m wide shared access path. Refer to FIGURE 7 – SHARED ACCESS PATH CROSS SECTION".
- (iii) Delete the paragraph 'The full extent of the curtilage areas..... limited parking'.
- (iv) Delete the following text, from 'No above ground structures..... and management.'

11. Insert a "Public Access" section, with the following text:

"Pedestrian and cyclist access will be provided across the Precinct generally along the routes shown on the ODP. The pathways will be created via an easement for public access or the creation of a Public Access Way (PAW).

The shared paths should provide for pedestrian and cyclist access through the site and to allow public enjoyment of the heritage buildings.

Shared access paths shall be constructed in coloured aggregate to blend into the heritage character of the site and soften the visual impact of the paths. The developer will be required to landscape the accessways and include street furniture in appropriate locations.

All shared access paths on site must be separate from vehicle access and shall integrate with the existing pedestrian network.

The detailed design and placement of the shared access paths will be addressed as part of the detailed landscaping plan required as part of the Detailed Area Plan (DAP) for the Heritage Buildings area.”

12. Delete the whole 'General' section containing three paragraphs that is after the section 'Public Access' and before the heading 'Specific Provisions'.

SPECIFIC PROVISIONS

13. Insert “and have been supported by the City of Nedlands at its meeting of 22 June 2010 as shown below:” at the end of the existing text.

DESIGN GUIDELINES

Section 3: Specific Development Requirements

- (i) *Northern subdivision wing design guidelines (6 lot residential subdivision)*

14. Include text relating to Vehicle Access and Orientation that was in advertised version of the ODP.
15. Include Southern subdivision wing design guidelines (8 lot residential subdivision) that was in advertised version of the ODP.

Section 4: General Design Requirements

16. Insert “Mandatory Provisions” to the title.
17. Insert a “Lot Levels” provision, below the “Eave Requirements”, with the following text:

“Lot levels shall not be altered except in relation to the finished floor level of the ground floor slab which shall not be increased by more than 300mm from the relative lot levels depicted on the respective detailed area plan.”

18. In the “Fences” provision, insert the following text:

“The developer shall provide open style fencing on all boundaries facing the heritage building, and abutting areas of public open space, unless otherwise specified in these guidelines. The maximum height of these fences shall be in accordance with the requirements for front fences as specified in the Residential Design Codes. The maximum height of the solid portion of the fences and any other structure (letterbox etc) shall not exceed 500mm.

All rear fences shall be 1.8m maximum height. Rear fencing shall be setback 1.5m from the road reserve boundary adjacent to the bin pad location as depicted for each property on the detailed area plans.

Side and rear fencing shall be constructed in materials, colours and style to match and complement the dwelling.”

19. The text after the “Waste Management” provision is to be modified as shown in Attachment 5, until the section ‘Residential Dwellings’. The text in this section is to read:

“The number of dwellings to be accommodated in the existing heritage buildings will be determined at the development application stage.”

20. The text in the ‘New Courtyard Building’ section is to read:

“A new building may be constructed in the heritage buildings courtyard, limited in height so that the building should not be visible over the roofline of the existing heritage buildings forming the central courtyard from any point on the perimeter of the site. The scale of the buildings should be consistent with the scale of the existing heritage buildings that form the courtyard. The design of the new courtyard building is to be to the satisfaction of the Heritage Council of Western Australia in consultation with the City of Nedlands.”

PART 2 – EXPLANATORY REPORT

OUTLINE DEVELOPMENT PLAN OUTLINE

PUBLIC OPEN SPACE

21. Delete the sentence “The final amount of the site to be ceded free as Public Open Space is to be determined through negotiations with the Western Australian Planning Commission, the City of Nedlands and the landowner.”

ODP PLAN

22. The ODP Plan to be used as the basis for these modifications is provided at Attachment 2.
23. Redesign the yellow arrow at the north of Montgomery Hall to show one access point to the proposed parking area, which branches off to provide access for service vehicles to the Montgomery Hall undercroft area.
24. Provide the following annotations on the Plan, linked to the relevant portion(s) of that Plan:

"North Wing

- See ODP text for information.

Heritage Buildings and East Wing

- Provide access to the site for cyclists and pedestrians.
- A landscape plan is to be prepared in consultation with the City of Nedlands and the Heritage Council of WA, to the satisfaction of the WAPC, as part of the Detailed Area Plan stage. The landscape plan is to show detailed design of pathways and landscaping treatments.

Circular Drive

- Protect view corridor to and from the Administration Building.
- Design to be sensitive to the heritage character of the building i.e. coloured pavement, minimum carriageway width, landscaping.
- Visitor parking to be located on the outer edge of Circular Drive.

Public Access

- A high level of public access within the site shall be maintained. Shared access paths are to be provided across the site and shall integrate with the existing pedestrian and cycle network established beyond the site.

South Wing

- See ODP text for information.

Existing Hospital Buildings

- Conversion to Residential.
- Possible cafe, Arts/Community uses.
- Possible parking in or under the courtyard.
- Possible residential building in the courtyard.

Montgomery Hall

- Retain heritage values.
- Possible uses: a private community use e.g. real tennis, cafe, meeting rooms, museum or rhythmic gymnastics.

- Use of Montgomery Hall needs to have regard to parking and traffic volumes, noise levels and heritage values of the building.
- Montgomery Hall is not to be used for residential purposes.
- Access to Montgomery Hall undercroft for service access only.
- Heritage Council does not support the removal of the arch or stage within Montgomery Hall.
- Two (2) courtyard areas of 110m² each may be provided north and south of Montgomery Hall.
- The interior of Montgomery Hall is of considerable significance and should not be subdivided into smaller spaces.
- Area between POS and Montgomery Hall can be sensitively landscaped to allow for car parking, to be designed and constructed in such a way as to have minimal impact on the aesthetic qualities of the heritage buildings, to the satisfaction of the Heritage Council of WA.

Public Open Space (West Wing)

- Landscaping of the POS to the west of Montgomery Hall to protect and enhance the profile of Montgomery Hall and existing view corridors.
- Maintain and enhance pedestrian/cycle access.
- No parking shall be permitted in this area.
- Landscaping plan to be prepared as part of the Detailed Area Plan stage in consultation with the City and approved by the City for implementation by the Developer prior to vesting.

New Courtyard Building

- A new building may be constructed in the heritage buildings courtyard, limited in height so that the building should not be visible over the roofline of the existing heritage buildings forming the central courtyard from any point on the perimeter of the site.

Curtilage

- Curtilage shall be retained for providing public access across the site, retaining conservation values of the buildings, and for visual separation between heritage buildings and other development."

OLD SWANBOURNE HOSPITAL PRECINCT

OUTLINE DEVELOPMENT PLAN

MARCH 2012

**OLD SWANBOURNE HOSPITAL
OUTLINE DEVELOPMENT PLAN**

***This Outline Development Plan is prepared under the provisions of
Clause 3.8 of the City of Nedlands Town Planning Scheme No. 2***

CERTIFICATION OF OUTLINE DEVELOPMENT PLAN

***Certified that this Outline Development Plan was adopted by
resolution of the Western Australian Planning Commission on 26
July 2011 and endorsed on 27 March 2012***

.....
***being an officer of the Commission duly authorised by the
Commission pursuant to section 24 of the Planning and
Development Act 2005.***

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EXECUTIVE SUMMARY

This Outline Development Plan (ODP) is a revised document that incorporates the decision of the Western Australian Planning Commission (WAPC) made on 26 July 2011 from the ODP that has been prepared by TPG Town Planning & Urban Design on behalf of the Swanbourne Estate Development Pty Ltd to enable the redevelopment of the Old Swanbourne Hospital Precinct (the Precinct).

The ODP sets out appropriate guidelines for the future development and subdivision of the Precinct. It aims to facilitate high quality infill development that remains cognisant of existing heritage values on a landmark site. The ODP also makes provision for Public Open Space, indicative residential densities, vehicular and pedestrian access and general development parameters.

The ODP contains general development provisions that are intended to inform a set of Detailed Area Plans (DAPs) which are to be created for three (3) character areas; the Northern Subdivision Wing, the Southern Subdivision Wing and the Heritage Buildings.

These DAPs incorporate detailed design and development parameters for each individual area which will assist in the assessment of future development applications in the Precinct.

The ODP has been prepared in consultation with:

- Advice from the Heritage Council of Western Australia (HCWA) and the City of Nedlands;
- The City of Nedlands Town Planning Scheme No. 2; (TPS2)
- The Taylor Burrell Barnett Town Planning & Design (TBB) Development Plan 03/016/012A dated October 2005;
- The Local Planning Policy: Old Swanbourne Hospital Precinct (May 2008);
- The revised Conservation Plan and Heritage Agreement pertaining to the Precinct.

PART 1: STATUTORY PLANNING

OUTLINE DEVELOPMENT PLAN AREA

This ODP relates to the Old Swanbourne Hospital Precinct as depicted in Figure 1 – Structure Plan Area. The study area is hereafter referred to as the Precinct.

REFER TO FIGURE 1: ODP AREA

The Old Swanbourne Hospital Precinct comprises the former Swanbourne Hospital estate in Mount Claremont in the City of Nedlands. The Precinct is found 7 kilometres from the Perth City Centre and 3 kilometres from the coastline.

John XXIII College borders the site to the east, and Graylands Hospital and the Industrial Rehabilitation Division are found approximately one kilometre east of the site. The site is approximately 700 metres from the Mount Claremont shopping centre and is well-serviced by local public open space including Hamilton Park, Mooro Park, Pine Tree Park and Mount Claremont Oval. Lake Claremont and the Lake Claremont Golf Course are also located two kilometres south of the site whilst the Cottesloe Golf Club is located a similar distance to the west.

REFER TO FIGURE 2: AERIAL PHOTOGRAPH ODP AREA

RELATIONSHIP WITH THE SCHEME

As provided for under the provisions of the City of Nedlands Town Planning Scheme No. 2 (TPS2), Part 1 of the ODP has the same force and effect as a provision, standard or requirement of TPS2. In the event of any inconsistency or conflict between the provisions, standards and requirements of TPS2 and the provisions, standards and requirements of this ODP, then those contained within TPS2 shall prevail.

INTERPRETATION

The words and expressions used in this ODP shall have the respective meanings given to them in TPS2, or where not defined in TPS2, as set out hereunder. The context of the use of any term will be given weight in interpreting its meaning.

OPERATION DATE

In accordance with Clause 3.8.7 of TPS2, this ODP shall come into operation when it is fully endorsed by the Town Planning Board, now the Western Australian Planning Commission (WAPC).

FIGURE 1 - ODP AREA

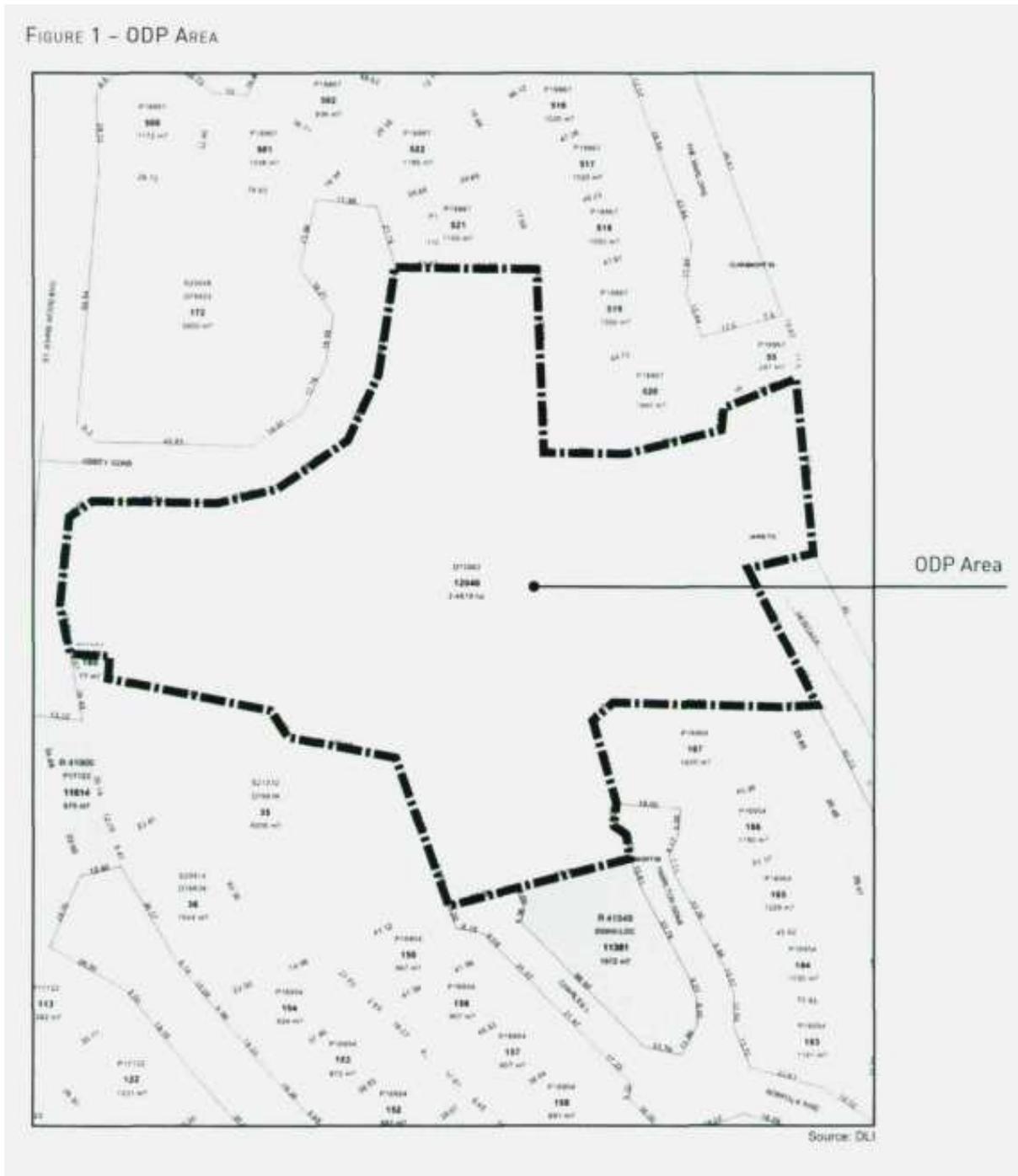


FIGURE 2 - AERIAL PHOTOGRAPH ODP AREA



GENERAL PROVISIONS

The ODP (Figure 3) details the future pattern of development intended for the Precinct. It sets out indicative land uses, residential densities and general development parameters for the Precinct as well as the allocation of Public Open Space (POS), and makes provision for pedestrian and vehicular access. Development is to be carried out in accordance with the principles detailed in this document, and the ODP.

REFER TO FIGURE 3: SWANBOURNE HOSPITAL PRECINCT ODP AND APPENDIX B

DETAILED AREA PLANS

The Precinct has been divided into three (3) distinct character areas for which individual agreed Detailed Area Plans (DAP) are to be prepared in order to ensure co-ordinated and orderly planning and development.

These character areas are defined as the Northern Subdivision Wing, the Southern Subdivision Wing and the Heritage Buildings. The Heritage Buildings is the largest of the character areas and is located between the subdivision wings.

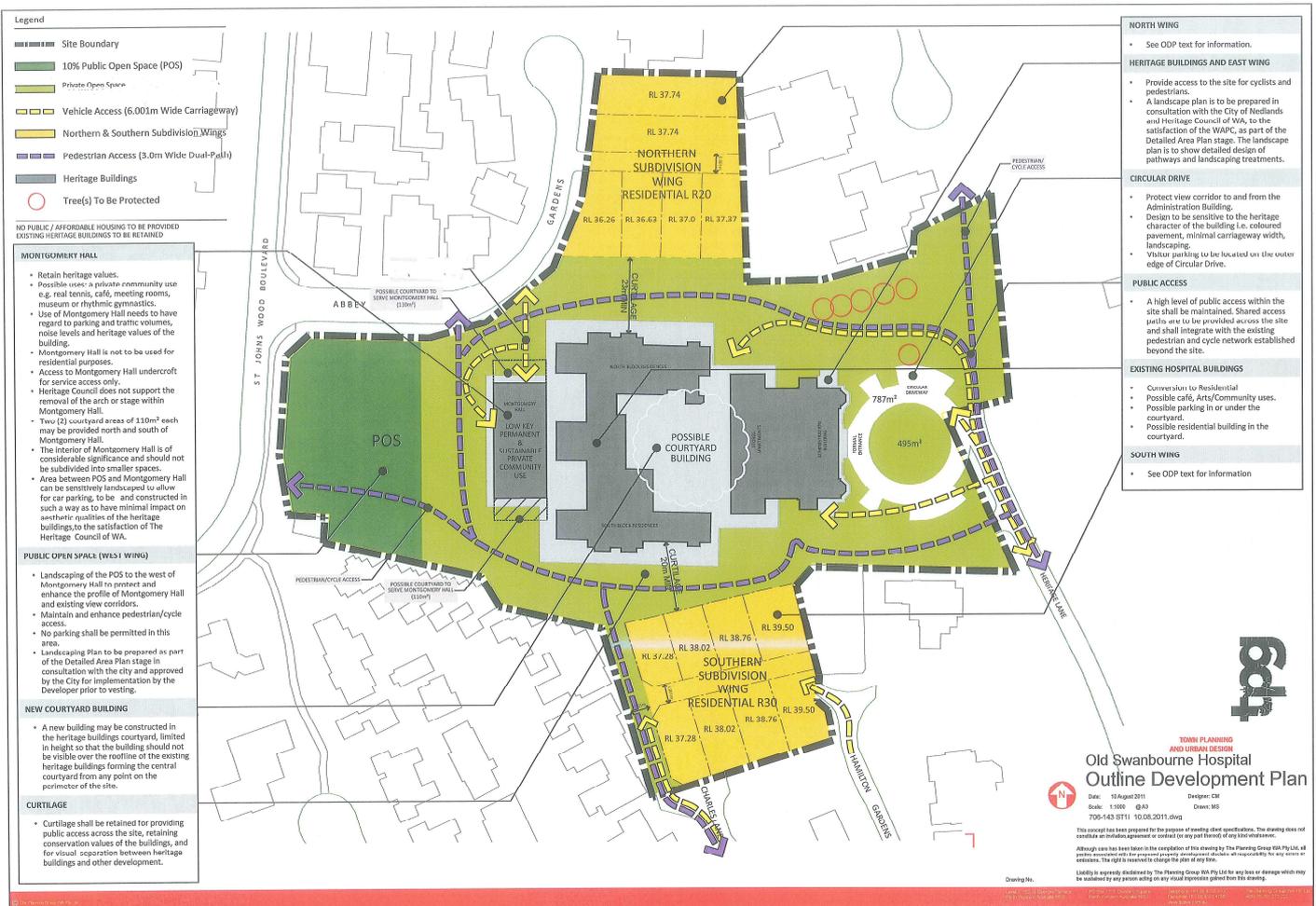
Development of the character areas should be carried out in accordance with a DAP.

The agreed DAPs will include detailed design guidelines for the assessment of future development applications, however a DAP may modify the application of any statutory part of the ODP where the modification is in keeping with the general intent of the explanatory section of the ODP.

The DAPs for the Northern and Southern Subdivision Wings are to be submitted for Council's consideration as part of the conditions of subdivision approval imposed by the Western Australian Planning Commission (WAPC) on 24 February 2010.

The DAP for the Heritage Buildings is to be prepared to the satisfaction of the WAPC on the advice of the City of Nedlands and the Heritage Council of WA.

FIGURE 3 - SWANBOURNE HOSPITAL PRECINCT ODP



GUIDING PRINCIPLES AND DEVELOPMENT PARAMETERS

The ODP incorporates the following guiding principles and general development parameters for the Precinct.

GENERAL PROVISIONS

Land Uses	No public or affordable housing is to be provided.
Built Form	<p>Existing Heritage Buildings are to be retained.</p> <p>The style of new development is to respect the existing heritage building character but not mimic the heritage style.</p>
Heritage	<p>The Council and Department for Planning are to have regard to the Revised Conservation Plan, Heritage Agreement and advice from the Heritage Council of Western Australia when assessing proposed DAPs and development or subdivision applications.</p> <p>All existing heritage buildings on the site are required to be retained and conserved in situ, given their inclusion on the State Register.</p> <p>To ensure that the visual prominence of the Heritage Buildings is protected and retained, view corridors to and from the heritage buildings must not be interfered with, so that the profile of the buildings when viewed at close range or from a distance remains unchanged.</p> <p>Circular Drive and the tree to the immediate north along with the trees along the northern boundary and along Heritage Lane have been identified as having heritage significance and are required to be retained. The detailed landscaping plan is required to identify these trees on site and any other existing trees that will be retained, and indicate measures to protect these trees during and after construction.</p> <p>The development and conservation of the heritage buildings are to be to the satisfaction of the Heritage Council of Western Australia.</p>
Public and Private Open Space	<p>A total contribution of 2482 m² of Public Open Space is to be provided as part of the subdivision approvals granted in 2010 for the northern and southern subdivision wings.</p> <p>All Public Open Space shall be ceded free of cost to the Crown under Section 152 of the <i>Planning and Development Act 2005</i> with the intention that the land will become a reserve for which the City will have care, control and management.</p> <p>All Public Open space must be landscaped to a high standard to protect and enhance the profile of Montgomery Hall and existing view corridors in accordance with plans approved by the City.</p> <p>The Public Open Space is to provide for pedestrian/cycle access and landscaping, lighting and public art and may incorporate things such as a playground.</p> <p>No parking shall be permitted in this area.</p> <p>A landscape plan for the Heritage Buildings area including the Public Open Space located to the west of Montgomery Hall must be prepared in consultation with the City and the Heritage Council of WA as part of the Detailed Area Plan stage. The landscaping plan is to be prepared to the satisfaction of the WAPC. The approved</p>

	<p>detailed landscaping plan is to be implemented by the Developer to the satisfaction of the City as a condition of development approval.</p> <p>The landscape plan must indicate what treatments (i.e. plantings, “hard” landscaping) are proposed for the curtilage areas, any private open space areas within the site, and for road verges bounding the site. The verge planting for Abbey Gardens must be such that it prevents parking within the road verge.</p> <p>High quality open space treatments are required, commensurate with the quality of the redevelopment of the heritage buildings. An indication of the type of landscaping considered appropriate to elements of the site are included overleaf.</p> <p>REFER FIGURE 4 – PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL</p>
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FIGURE 4, 5 & 6

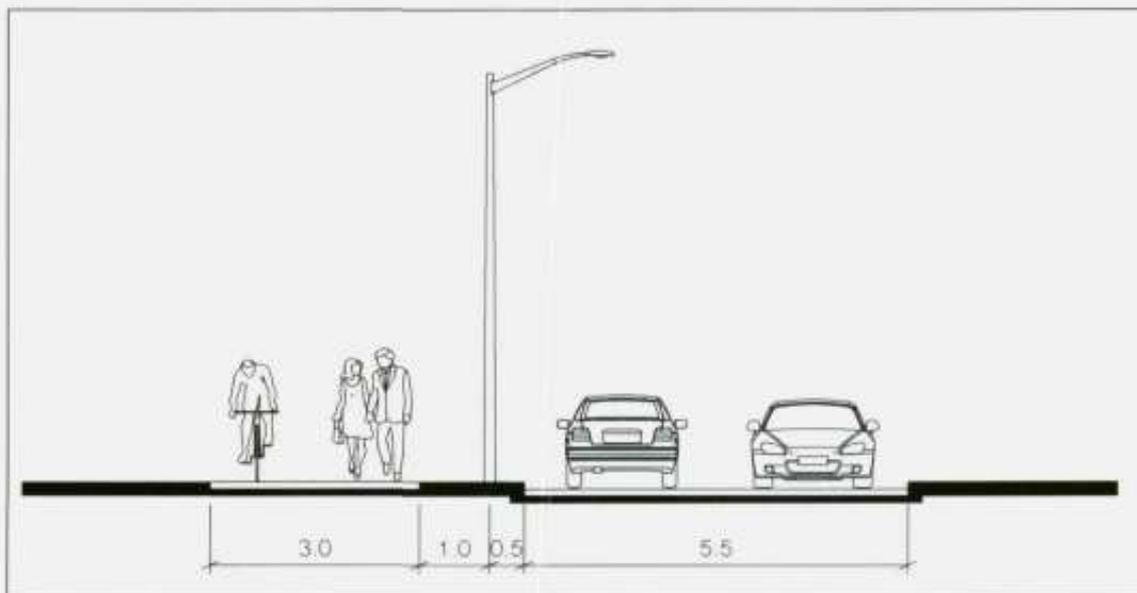
FIGURE 4 - PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL



FIGURE 5 - PRIVATE OPEN SPACE: NORTH EAST WING



FIGURE 6 - INDICATIVE CROSS STREET SECTION



<p>Vehicle Movement</p>	<p>Vehicle access is to be provided across the Precinct along the routes shown on the ODP.</p> <p>Carriageways are to maintain a minimum width of 6.0 m.</p> <p>REFER TO FIGURE 6 – INDICATIVE CROSS STREET SECTION</p> <p>The road reserves located within the Northern and Southern Subdivision Wings will be created as dedicated road reserves with a width of 6.0 m.</p> <p>Principal vehicle access to the Precinct is to be provided along Heritage Lane.</p> <p>Service vehicles servicing Montgomery Hall may use Abbey Gardens to access only Montgomery Hall. Service vehicle parking bays may be provided adjacent to Montgomery Hall. The use of these bays is to be regulated.</p> <p>Vehicle Access to the Subdivision Wings</p> <p>Vehicle access to the Northern Subdivision Wing is to be provided via Abbey Gardens.</p> <p>Vehicle access to the Southern Subdivision Wing is to be provided via Charles Lane and Hamilton Gardens. Access to Lot 6 will be provided by Hamilton Gardens whilst access to the remaining lots will be provided via Charles Lane and the 6.0 m road reserve.</p> <p>Vehicle access to the Northern and Southern Subdivision Wings will ensure that the majority of the subdivision lots can be rear loaded. This means that where possible, future dwellings can be oriented towards the heritage buildings and curtilage, without the interference of garages and carports. This arrangement provides an opportunity for passive surveillance of the curtilage and reduces the potential for vehicle congestion and vehicles and pedestrian conflict.</p>
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<p>Circular Drive</p>	<p>Views to and from the Administration Building are to be protected. The design is to be sensitive to the heritage character of the building i.e. coloured pavement, minimal carriageway width and landscaping.</p> <p>Visitor parking is located on the outer edge of the Circular Drive.</p>
<p>Parking</p>	<p>All car parking requirements for all future residents and their visitors shall be provided on the site. As far as possible parking shall be provided out of sight such as undercroft parking or at-grade, under the covered way adjacent to the Stores and around the Circular Drive.</p> <p>At-grade parking shall not be covered unless it is provided in an area where roof cover has already been provided.</p> <p>Parking demand will need to be calculated at the development application stage once the proposed use and design has been finalised.</p>
<p>Curtilage</p>	<p>As indicated on the ODP, the curtilage is to maintain a width of 23 m between the Northern Subdivision Wing and the existing heritage buildings, and a width of 20 m between the Southern Subdivision Wing and the existing heritage buildings. The treatment of the curtilage will be addressed via development and landscaping plans at the development application stage.</p> <p>The curtilage is to include a 3.0 m wide shared access path. – Refer to FIGURE 7-SHARED ACCESS PATH CROSS SECTION.</p> <div data-bbox="384 1032 1243 1496" data-label="Diagram"> <p>FIGURE 7 -INDICATIVE DUAL USE PATH CROSS SECTION</p> </div>
<p>Public Access</p>	<p>Pedestrian and cyclist access will be provided across the Precinct generally along the routes shown on the ODP. The pathways will be created via an easement for public access or the creation of a Public Access Way (PAW).</p> <p>The shared paths should provide for pedestrian and cyclist access through the site and to allow public enjoyment of the heritage buildings.</p> <p>Shared-access paths should be constructed in coloured aggregate to blend into the heritage character of the site and soften the visual impact of the paths. The developer will be required to landscape the access ways and include street furniture in appropriate locations.</p> <p>All shared access paths on site must be separate from vehicle access and shall integrate with the existing pedestrian network.</p>

	<p>The detailed design and placement of the shared access paths will be addressed as part of the detailed landscaping plan required as part of the Detailed Area Plan (DAP) for the Heritage Buildings area.</p>
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SPECIFIC PROVISIONS

The ODP incorporates the following specific principles and development parameters for the individual character areas.

DAPs are also required for each area prior to the approval of individual development applications.

The DAPs for the Northern and Southern Subdivision Wings will take the form of Design Guidelines. The Design Guidelines are required as a condition of subdivision approval as imposed by the WAPC on 24 February 2010 and have been supported by the City of Nedlands at its meeting of 22 June 2010 as shown below:

SECTION 1: INTRODUCTION

Located in one of Perth's most attractive and established suburbs, the Old Swanbourne Hospital in Mount Claremont offers a unique opportunity for an exceptional residential community. These design guidelines have been carefully prepared to maximise the benefits for future residents.

Context

Three components make up the Old Swanbourne Hospital site; the existing hospital buildings and grounds at the centre of the site, and the Northern and Southern subdivision wings. Each component is subject to the preparation of a Detailed Area Plan (DAP). These design guidelines support the DAPs prepared for the Northern and Southern Subdivision wings. A copy of the DAPs for the Northern and Southern Subdivision wings are attached to these design guidelines.

The lots subject to these guidelines form an integral part of the overall development of the Swanbourne Hospital Precincts redevelopment, which incorporated the existing hospital buildings, and the Northern and Southern Subdivision wings which are to be subdivided into six (6) and eight (8) lots residential lots respectively.

The existing hospital building and grounds have recognised heritage values. The redevelopment of the central Swanbourne of the site will be guided by the Swanbourne Hospital Conservation Area Conservation Plan dated October 2005 (the Conservation Plan) and by discussion with the City of Nedlands and the Heritage Council of Western Australia (HCWA).

Relationship to the City of Nedlands Town Planning Scheme No. 2

Part Five of the General Provisions of the City of Nedlands Town Planning Scheme No. 2 (TPS2) enables the Council to prepare and implement policies specific to land identified in the scheme map.

These guidelines support the Outline Development Plan (ODP) and DAPs prepared for the Old Swanbourne Hospital and have been prepared having regard to the Development Plan and the City of Nedlands' Local Planning Policy for the Old Swanbourne Hospital site.

In determining application for planning approval, the council will utilise these guidelines as the primary assessment criteria to be exercised in conjunction with the provisions of TPS2 and Residential Design Codes. The provisions of TPS2 and Residential Design Codes will apply where these design guidelines are silent. All development should comply with these design guidelines and any departures from these provisions will require full and substantial justification.

Planning Approval Process

TPS2 requires that an Outline Development Plan must be approved for these lots before the City can grant Planning Approval. In the absence of an Outline Development Plan having been approved, these lots cannot be developed.

TPS2 requires that planning approval be obtained from the City of Nedlands prior to development occurring on the individual lots. Architectural drawings (plans and elevations) or any proposed development should be submitted to the City of Nedlands with an application for Planning Approval.

The usual Local Government Planning, Building and health By-laws remain in force and any required licences must be obtained from the City of Nedlands.

It is strongly recommended that the prospective landowners and / or their architect or designer, liaise with the city of Nedlands at the earliest stage of design development to discuss proposals. Purchasers are also encouraged to liaise with neighbouring property owners prior to submitting an application for Planning Approval having particular regard to potential impact associated with parapet walls, boundary fencing, location of private open space and balconies should be discussed. Proposed designs may be submitted to the developer for endorsement of the design intent prior to lodging an application for Planning Approval with the City of Nedlands.

The City of Nedlands will assess each application on its merit having regard to the relevant provision of these guidelines, TPS2, R-Codes and local planning policies. Applications for Planning Approval will also be referred to the heritage Council for comment to ensure compliance with the Heritage Agreement and the Conservation Plan which relate to the site. Non compliant applications may be approved if in the opinion of Council, the application satisfied the objectives of the design guidelines, TPS2, R-Codes or relevant Local Planning Policy.

Planning applications are to be submitted in the format as required by the City of Nedlands. All costs associated with applications for Planning Approval will be borne by the applicant.

SECTION 2: OBJECTIVES

These design guidelines aim to establish best practice parameters within which quality housing may be developed. Future development will sit comfortably amongst the existing surrounding residences, having due respect for the heritage values of the Swanbourne Hospital buildings and grounds. Indicative elevations of future developments in the Northern and Southern Subdivision Wings are attached to this document.

SECTION 3: SPECIFIC DEVELOPMENT REQUIREMENTS

(i) Northern subdivision wing design guidelines (6 lot residential subdivision)

The provisions of the R-Codes apply to the development of the Northern Subdivision Wing unless otherwise varied by these design guidelines.

Dwelling Type Permitted:	Single House
Residential Coding:	R20
Open Space Requirement:	40 %
Site Coverage:	60 %
Minimum Outdoor Living:	30 m ²
Relative Lot Levels:	As per the Northern Subdivision Wing Detailed Area Plan.
Minimum Setbacks:	
Front Setback:	4 m pursuant to the R-Codes.
Rear Setback:	As per R codes
Side Setback:	A nil setback is permitted and encouraged along the site boundary as indicated on the Northern Subdivision Wing Detailed Area Plan. Nil setbacks are to be measured in accordance with R-Codes. All other setbacks are to be in accordance with R-Codes.
Garage/Carport	To be located along common lot boundaries, and as per the Northern Subdivision Wing Detailed Area Plan. Garage/carport to be set back 1.5 m from road reserve.
Vehicle Access:	For Lots 3 to 7 vehicle access to garages and carports are to be accessed by the 6.0m road reserve. Vehicle access to Lot 2 is provided from Abbey Gardens and the provisions of the RCodes relating to garages and carports apply.

Orientation: Lots 2 & 3 shall address Abbey Gardens as the primary frontage. Lots 4 to 7 shall address the heritage buildings as primary frontage.

Lot 4 shall also address Abbey Gardens as the secondary frontage whereby the same architectural treatment to the front façade (windows, awnings, gables, materials) is to be used within the first 4 m of the secondary frontage.

(ii) Southern subdivision wing design guidelines (8 lot residential subdivision)

Dwelling Type Permitted: Single House
Residential Coding: R30
Open Space Requirement: 40 %
Site Coverage: 60 %
Minimum Outdoor Living: 30 m²
Relative Lot Levels: As per the Southern Subdivision Wing Detailed Area Plan.
Minimum Setbacks:
 Front Setback: 4 m pursuant to the RCodes.
 Rear Setback: As per RCodes
 Side Setback: A nil setback is permitted and encouraged along the site boundary as indicated on the Southern Subdivision Wing Detailed Area Plan. Nil setbacks are to be measured in accordance with RCodes. All other setbacks are to be in accordance with RCodes.

Garage/Carport: To be located along common lot boundaries, and as per the Southern Subdivision Detailed Area Plan. Garage/carport to be set back 1.5 m from road reserve.

Vehicle access: All lots are to be rear loaded. Garages and carports to be accessed by the 6.0 m wide access way.

Orientation: Lots 2 to 5 shall address the heritage buildings as primary frontage. Lots 6, 7 and 8 shall address the Public Open Space. Lot 9 shall address Charles Lane.

SECTION 4:GENERAL DESIGN REQUIREMENTS: MANDATORY PROVISIONS

Site planning: Amalgamation or subdivision of lots is not permitted.

Setbacks shall be in accordance with the RCodes unless otherwise specified elsewhere in this document.

Where a front fence, letterbox and gate are provided by the Developer, houses should be designed to allow convenient access to the front door from this gate. Relocation or amendment of the front fence or gate will not be permitted.

Dwelling type: A single residential dwelling and associated outbuildings is permitted on each Lot.

Eave requirements: A minimum eave requirement of at least 750 mm also applies.

Lot levels: Lot levels shall not to be altered except in relation to the finished floor level of the ground floor slab which shall not be increased by more than 300 mm from the relative lot levels depicted on the respective detailed area plan.

- Building height:** Building height shall be in accordance with the City's Town Planning Scheme except for the Northern Lots 4,5,6 & 7 and Southern Lots 2,3,4 & 5 where the building height shall be two storeys.
- Building form:** Min roof pitch of 30° and max roof pitch of 34°. Roof pitch on Northern Lots 4,5,6 & 7 and Southern Lots 2,3,4 & 5 shall be 35°. Tinted or reflective glazing will not be permitted along the front and rear elevations of dwellings. Minimum 2 covered car bays provided per lot.
- Roofscape:** It is intended that the principal portion of the roof shall be pitched to a central ridgeline. The roof must have a minimum pitch of 30° and a maximum pitch of 34°. The use of appropriately proportioned dormer windows, chimneys and skylights may be used to add further interest and to break down the perceived bulk of the dwelling.
- The use of verandas, loggia and pergola elements is encouraged for climate control appropriate to the West Australian environment.
- Roofs may be constructed of:
- Terracotta tiles;
 - Colorbond finished corrugated metal roof sheet (colours: Jasper, Paperbark, Dune, Shale Grey, Windspray Woodland Grey, Bushland or Ironstone) or similar approved; or
 - Zinalume finish roof sheeting will not be permitted unless applicants can demonstrate that their development will not cause problems with glare and reflectivity impacting on neighbouring lots.
- Overshadowing:** All development shall comply with the overshadowing requirements of the R-Codes.
- Visual Privacy:** All development shall comply with the visual privacy requirements of the R-Codes.
- It is recommended that a minimum of two courtyard spaces be provided for each lot with a minimum depth of 4 m, and clothes drying.
- Materials:** The materials and colours of a dwelling shall convey a contemporary aesthetic, whilst acknowledging the existing palette established by the Old Swanbourne Hospital buildings and the surrounding residences. Architectural richness is encouraged through the use of a variety of high quality materials and colours such as:
- Painted rendered masonry Pre-cast or in-situ concrete.
 - Feature stone as approved.
 - Feature brickwork as approved.
 - Maxi-sized (i.e. Austral Double Decker) or limestone coloured bricks. Concrete blocks as approved.
 - Recycled, plantation or sustainable harvested timber.
 - Steel elements and details.
- The use of alternative materials will be considered on their

merits for each individual application.

All visible areas of parapet walls must be finished to the standard of the remainder of the house. Particular attention shall be paid to areas of wall that will be visible to neighbouring properties.

Windows:

Tinted or reflective glass is not permitted in areas facing publicly accessible areas. Windows shall have a vertical proportion and strongly expressed mullions providing visual interest. Expressed sills and lintels are encouraged.

Fences:

Fences, letterboxes and gates fronting the Old Swanbourne Hospital buildings will be provided by the Developer and are not to be altered.

The developer shall provide open style fencing on all boundaries facing the heritage building, and abutting areas of public open space, unless otherwise specified in these guidelines. The maximum height of these fences shall be in accordance with the requirements for front fences as specified in the R-Codes. The maximum height of the solid portion of the fences and any other structure (letterbox etc) shall not exceed 500 mm.

All rear fences shall be 1.8 m maximum height. Rear fencing shall be setback 1.5 m from the road reserve boundary adjacent to the bin pad location as depicted for each property on the detailed area plans.

Side and rear fencing shall be constructed in materials, colours and style to match and complement the dwelling.

Vehicle Accommodation:

A carport or garage capable of housing two vehicles is required to be constructed for each dwelling. With the exception of Lot 2 in the Northern Subdivision Wing, all vehicle accommodation is to be accessed from the road reserves with a 1.5 m setback to allow for adequate manoeuvring space. Garages are to be fitted with approved garage doors with a maximum width of 6.25 m.

Services:

All air conditioners, pipes, conduits, clothes drying areas, hot water storage tanks and such items shall be concealed on the lot, and shall not be visible from publicly accessible areas.

TV antennae, satellite dishes and radio masts shall not be seen from a Primary Street. These items should be located where they are not visible from publicly accessible areas.

Waste management:

A 1.5 m x 1.5 m bin pad shall be constructed at the location depicted for each lot on the detailed area plans. The bin pad shall be constructed in the same materials as the pavement adjacent to the bin pad. Bins are to be placed on the designated bin pad for collection as depicted for each lot on the respective detailed area plans. Provision shall be made for the storage of green waste, recycling and general waste bins to be stored on non-collection days on-site and out of view of any public place.

SECTION 5: GENERAL DESIGN REQUIREMENTS: ADVICE NOTES

Site Planning:

Particular care should be taken in the design of each dwelling to ensure that visually sensitive areas of adjoining properties (as part of this subdivision and existing adjacent) are not overlooked. This can be achieved through the careful location and design of openings and outdoor living areas to upper floor levels.

Architectural Character:

The scale of dwellings should not compete with the bulk of the Old Swanbourne Hospital buildings, but rather should take their cues from adjacent residences.

Housing forms should be of a domestic nature with simple but well proportioned façade elements. Specifically, façade elements should have a strong relationship to each other through common proportions and common horizontal and vertical alignments without becoming too repetitive and symmetrical.

The dwelling should be articulated through sills and lintels and through projecting and recessed sections of facade. Balconies should be open and lightweight but preferably not sheet glass. Tinted or reflective glass is not permitted on any visible elevation.

The intent is to reflect aspects of contemporary Australian housing styles and lifestyles incorporating design features that sit comfortably within the existing streetscape and heritage context.

Examples of appropriate housing design intended to guide the design of new dwellings are attached to these design guidelines.

Contextual and design aspects to be taken into consideration include:

- The heritage buildings;
- The parkland setting;
- Topography;
- Microclimate;
- Views and vistas;
- Orientation and ability to provide “eyes on the street” for passive surveillance of publicly accessible areas; and
- Access by pedestrians and vehicles.

Houses should have features such verandahs, pergolas, balconies etc. to improve their energy efficiency and to provide visual interest to facades.

Entries shall be oriented to the primary boundary towards the Swanbourne Hospital buildings, Abbey Gardens or Public Open Space and Charles Lane as applicable.

Houses should be designed with habitable rooms oriented towards publicly accessible areas to provide passive surveillance. Corner lots are assumed to have dual frontage and will be required to present a high standard of façade treatment to address both these boundaries.

Elevations:

Dwellings shall be designed such that all visible frontages are

formally addressed. Elevations facing the Old Swanbourne Hospital shall be of the quality of the dwelling's major elevations. "Back of house" elements such as air conditioners and clothes drying areas should not be visible from publicly accessible areas.

Front Gardens:

Front gardens should be simple, featuring low level water-wise plants and turf. Small deciduous trees are encouraged to ameliorate the harsh summer sun and allow winter sun to access living rooms and private open space.

Internal Open Space:

The West Australian climate allows for outdoor living areas to be utilised almost year-round, making it essential that these spaces are functional and relate well to the dwelling and have appropriate daylight access and privacy.

Solar Access and Energy Efficient Design:

Solar access and energy efficient design is encouraged. The planning configuration of individual houses, relationship to open space and design of the various building elements should respond to solar access and control considerations by allowing direct sun penetration to main living areas in winter months whilst controlling sun penetration over the summer period. Cross ventilation to passively cool the dwelling and reduce reliance on mechanical cooling should be achieved by the considered location of openings and internal flow paths.

The relevant provisions of the RCodes apply in respect of designing for climate requirements.

Building elements such as roof overhangs, awnings and canopies, verandas, pergola structures, external blinds and the orientation and siting of openings should be effectively utilised to achieve Building Code of Australian requirements. The use of landscape elements such as the placement of deciduous trees and shrubs may also contribute significantly to solar efficiency.

If a solar hot water system is installed, it should be located to receive sufficient solar gain, preferably on a north facing roof or a secondary west facing roof. Where the preferred north or secondary west facing roof is visible from the public domain, a split solar hot water system should be installed, with the storage tank located on the ground or within the roof space i.e. not visible from the public domain. The solar panels should integrate with the roof, be frameless and mounted flush with the roof.

Major household appliances should achieve a minimum 4 star rating and mechanical heating and cooling a 5 star rating.

Water management:

It is important to consider the water permeability of the landscape on your Lot, in light of the 60 % allowable site coverage. Segmented or permeable pavers and open decking shall be installed in outdoor living areas to allow water to be absorbed on site.

The impact on the local water table depth, salinity of the soil can be minimised including predominantly indigenous or native species of plant in your garden. These plants minimise watering and feeding and, together with mulching, soil conditioning and appropriate waterwise irrigation (sub-surface drip irrigation or

similar), moisture and nutrients in the soil can be retained and water conserved.

A minimum 2500 litre rainwater tank is encouraged to capture runoff from dwelling rooves and associated outbuildings. Tanks should not be visible from publicly accessible areas.

Treated grey water may be used to assist with the irrigation of any planting in outdoor areas, subject to the approval of the City of Nedlands.

Owners are encouraged to install water efficient fixtures (for example taps, shower heads and toilets) that have achieved a minimum AAA rating.

<u>Heritage Buildings</u>	<i>(a) Montgomery Hall</i>
Land Use	<p>Montgomery Hall may be used for a private community use such as real tennis, café, meeting rooms, museum or rhythmic gymnastics, subject to sufficient parking being available on site.</p> <p>Any future use or development of Montgomery Hall must be considered in the context of other uses proposed for the site with particular regard to parking and traffic volumes, hours of use, noise levels and the heritage values of the building.</p> <p>The land immediately south and north of Montgomery Hall may be used as a courtyard for uses associated with Montgomery Hall, provided full public access to these areas and to the exterior of the building remains unobstructed.</p> <p>Public access to the exterior of the Montgomery Hall building shall be maintained.</p> <p>Montgomery Hall shall not be used for residential purposes.</p> <p>The interior volume of the hall is of considerable significance and should not be subdivided into smaller spaces.</p> <p>All parking for and vehicular access to Montgomery Hall must be provided within the site.</p> <p>The undercroft of the building may be utilised for service vehicle parking or other compatible uses (such as meeting rooms, cafe, etc).</p>
Maintenance	<p>The ongoing costs of maintaining Montgomery Hall will be managed by the Residents Association, which will include the future strata owners and freehold landowners. Members of the Resident's Association will contribute a nominal levy into a sinking fund that will be set aside for the ongoing maintenance and upkeep of Montgomery Hall. This requirement is proposed to be integrated into the strata company by laws and the title of each subsequent lot in the precinct shall be endorsed to the effect that each owner is aware of the ongoing obligation for the continual upkeep of Montgomery Hall.</p>
	<i>(b) Existing hospital Buildings</i>
Land Use	<p>The existing Heritage buildings are to be converted for use as residential or retirement housing, or an assisted care facility. The reuse of the buildings may under certain circumstances also accommodate a possible café, art/community</p>

	<p>uses, as long as amenity and car parking considerations are addressed adequately.</p> <p>Possible reuse of the Administration Building and Covered Way may include residential, retirement housing, home-based business, commercial, mixed use, consulting rooms and professional offices. The Covered Way may be used for vehicle parking or courtyard space.</p> <p>Development of the Stores Building needs to be sensitive to the heritage values of the building, with to retaining the volume of the space.</p> <p>Development of the 'covered way' area will need to be handled sensitively from a heritage perspective.</p>
Residential Dwellings	The number of dwellings to be accommodated in the existing heritage buildings will be determined at the development application stage.
New Courtyard Building	A new building may be constructed in the heritage buildings courtyard limited in height so that the building should not be visible over the roofline of the existing heritage building from any point on the perimeter of the site. The scale of the buildings should be consistent with the scale of the existing heritage buildings that form the courtyard. The design of the new courtyard building is to be to the satisfaction of the heritage Council of Western Australia in consultation with the City of Nedlands.

PART 2: EXPLANATORY REPORT

INTRODUCTION

TPG Town Planning and Urban Design (TPG) were commissioned by the Swanbourne Estate Development Pty Ltd to prepare an Outline Development Plan (ODP) to guide the future redevelopment and subdivision in the Old Swanbourne Hospital Precinct (the Precinct).

The ODP supports the high quality redevelopment of the Precinct that respects the existing heritage buildings. This section of the report provides information as required under clause 3.8 of the City of Nedlands Town Planning Scheme No. 2 (TPS2).

The ODP has been prepared to:

- Enable the sustainable and sensitive conservation of the heritage values in the Precinct;
- Identify appropriate new uses and establish over-arching development provisions to guide new development;
- Maintain the cultural and recreation importance of the precinct to the local community; and
- Ensure that the reuse and redevelopment of the Precinct does not adversely impact the amenity of the surrounding development.

The ODP is informed by the advice from the Heritage Council of Western Australia, the provisions of the City of Nedlands Town Planning Scheme No. 2 (TPS2), the Taylor Burrell Barnett Development Plan 03/06/012A dated October 2005 and the Local Planning Policy: Old Swanbourne Hospital Precinct (May 2008), in addition to the revised Conservation Plan and Heritage Agreement.

BACKGROUND

Historically, the Precinct accommodated the Claremont Hospital for the Insane which subsequently became the Swanbourne Hospital for the mentally ill. In 1986 the hospital was closed and in 1987 the surrounding land was subdivided for residential purposes. The Precinct remained vacant and unused since its closure and the ongoing vacancy has contributed to extensive vandalism.

In 1991, the State Government elected to dispose of the site in accordance with the Government Heritage Property Disposal process since neither the State Government nor the City of Nedlands was interested in retaining the site for public purposes.

In 2003, the Department of Housing and Works appointed Taylor Burrell Barnett (TBB) to undertake a study of the Precinct that included public consultation. The study produced a development plan (03/016/012A dated October 2005), which indicated the future land use and development potential for the site. The study also produced draft design guidelines and precinct policy provisions, which were to be adopted as a local planning policy for the Precinct. The development plan, draft policy provisions and design guidelines were used to support Amendment No. 158 which rezoned the Precinct for future redevelopment.

The amendment was gazetted in October 2005 and the site was sold through a tender process in January 2006 to the current landowner.

SITE DESCRIPTION AND LOCATION

LOCATION

The Old Swanbourne Hospital Precinct comprises the former Swanbourne Hospital estate in Mount Claremont in the City of Nedlands. The Precinct is found 7 kilometres from the Perth City Centre and 3 kilometres from the coastline.

John XXIII College, Graylands Hospital and the Industrial Rehabilitation Division are found approximately one kilometre east of the site. The site is approximately 700 metres from the Mount Claremont shopping centre and is well-serviced by local public open space including Hamilton Park, Mooro Park, Pine Tree Park and Mount Claremont Oval. Lake Claremont and the Lake Claremont

Golf Course are also located two kilometres south of the site whilst the Cottesloe Golf Club is located a similar distance to the west.

Refer to figure 8: location plan

THE SUBJECT LAND

The Precinct is bounded by Lot 35 St Johns Wood Boulevard, St Johns Wood Boulevard and Abbey Gardens to the west, Charles Lane, Lot 11381 (Reserve R41549) to the south, Lot 167, Heritage Lane, Lot 520, Lot 519 and The Marlows to the east, and Lot 521 to the north.

REFER TO FIGURE 9: SITE PLAN

SITE CONTEXT

The hospital buildings represent the structural elements of the Precinct and are regarded as having significant cultural heritage value. The buildings include the Administration Building, the Stores, the Female and Male Attendants Blocks, the Kitchen, Montgomery Hall, the Covered Way and the Courtyard.

REFER TO FIGURE 10: HOSPITAL BUILDINGS

The buildings are located at the core of the Precinct and are surrounded by an expansive area of open space being the former hospital grounds and Montgomery Hall, which is paved and grassed. The Precinct is also bound by the Circular Drive and Formal Entrance on the eastern extent of the site. The Northern and Southern Subdivision Wings surround the hospital buildings to the north and south and are currently vacant.

FIGURE 8

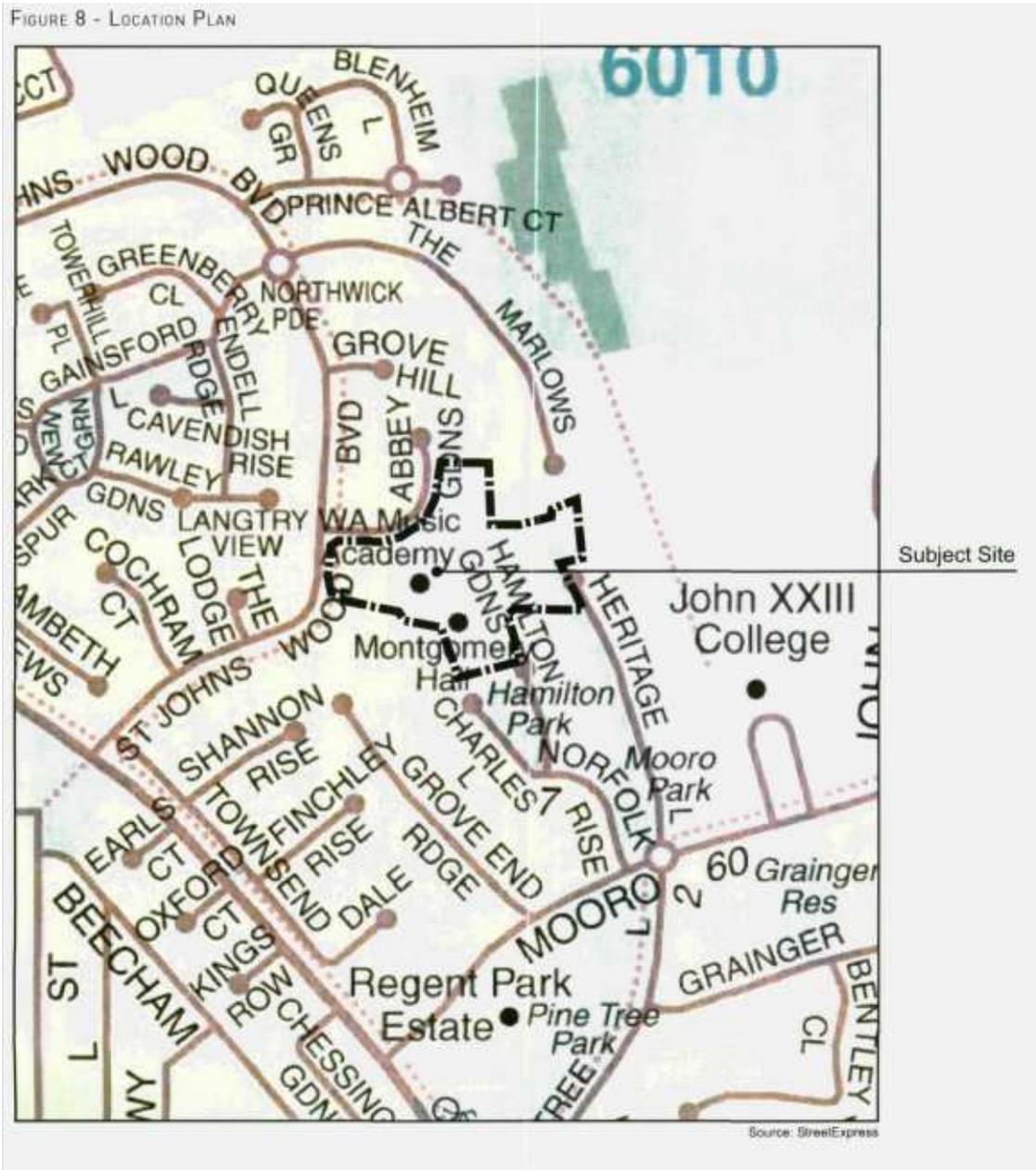
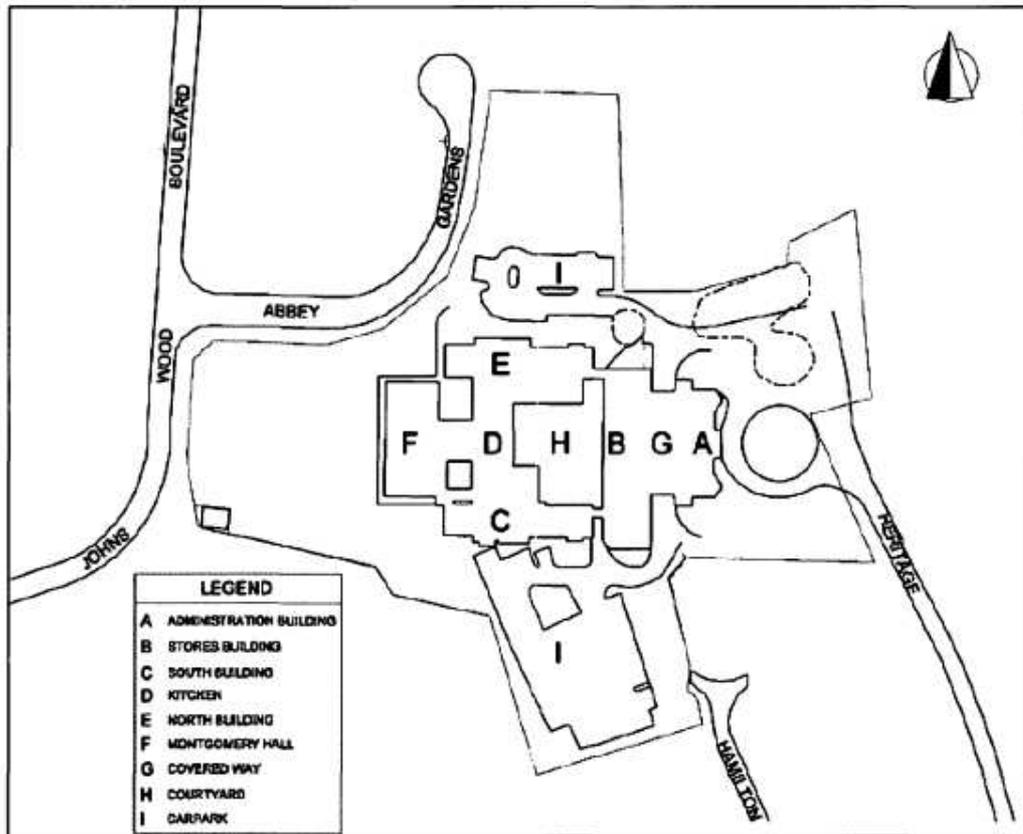


FIGURE 10

FIGURE 10 - HOSPITAL BUILDINGS



SITE DETAILS

The Precinct comprises Lot 12040 which is owned by The Swanbourne Estate Development Pty Ltd as trustee for The Swanbourne Estate Development Joint Venture. Lot 12040 includes the Northern and Southern Subdivision Wings, the hospital buildings and the surrounding open space. The following table provides the property details of the subject land.

Lot	Street	Volume or Folio	Diagram No.	Land Area	Landowner
12040	St Johns Wood Boulevard	2121/149	75983	2.48ha	The Swanbourne Estate Development Pty Ltd

A copy of the Certificate of Title is included as Appendix A.

Lot 12040 is affected by a memorial in accordance with the *Heritage of Western Australia Act 1990*. The memorial was lodged by HCWA in 1994 whereby the land described as the Swanbourne Hospital Conservation Area (formerly Lot 171 on Diagram 75983, now Lot 12040) was entered onto the Register of Heritage Places, pursuant to Division 2 of Part 5 of the *Heritage of Western Australia Act 1990*.

The Administration Building, Montgomery Hall, the Male Attendants Block, Female Attendants Block, Kitchen and Store are regarded as being of cultural heritage significance since they represent the remnant core of the original Claremont Hospital for the Insane (subsequently known as Swanbourne Hospital). The hospital buildings were the State's largest institution for the care of mentally ill throughout most of the twentieth century.

SURROUNDING LAND USES

The Precinct is set contextually within a broader residential area to the west, north and south. Existing residential development ranges in style from a majority of single lot development that has a mix of one and two storey houses to duplex style and retirement residences.

PLANNING FRAMEWORK

METROPOLITAN REGION SCHEME

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS).

Refer to figure 11: MRS map

CITY OF NEDLANDS TOWN PLANNING SCHEME No. 2 (TPS2)

The Precinct is located within the City of Nedlands and zoned 'Development' under TPS2. It is considered a place of natural beauty and entered as item 3 in Appendix II of TPS2 "Conservation and Preservation of Place of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest."

Refer to figure 12 - TPS2 map

Clause 5.15 of TPS2 specifies the requirements affecting the development of the Precinct including:

- Prior to Council considering any application for subdivision and/or development of the site, a suitable and sustainable low key adaptive use for Montgomery Hall shall be identified;
- Council shall require subdivision and development to be generally in accordance with the Development Plan No. 03/16/12A dated July 2005, annexed to Local Planning Policy: Old Swanbourne Hospital Precinct;
- Council shall require subdivision and development to have regard to and be generally consistent with Local Planning Policy: Old Swanbourne Hospital Precinct;

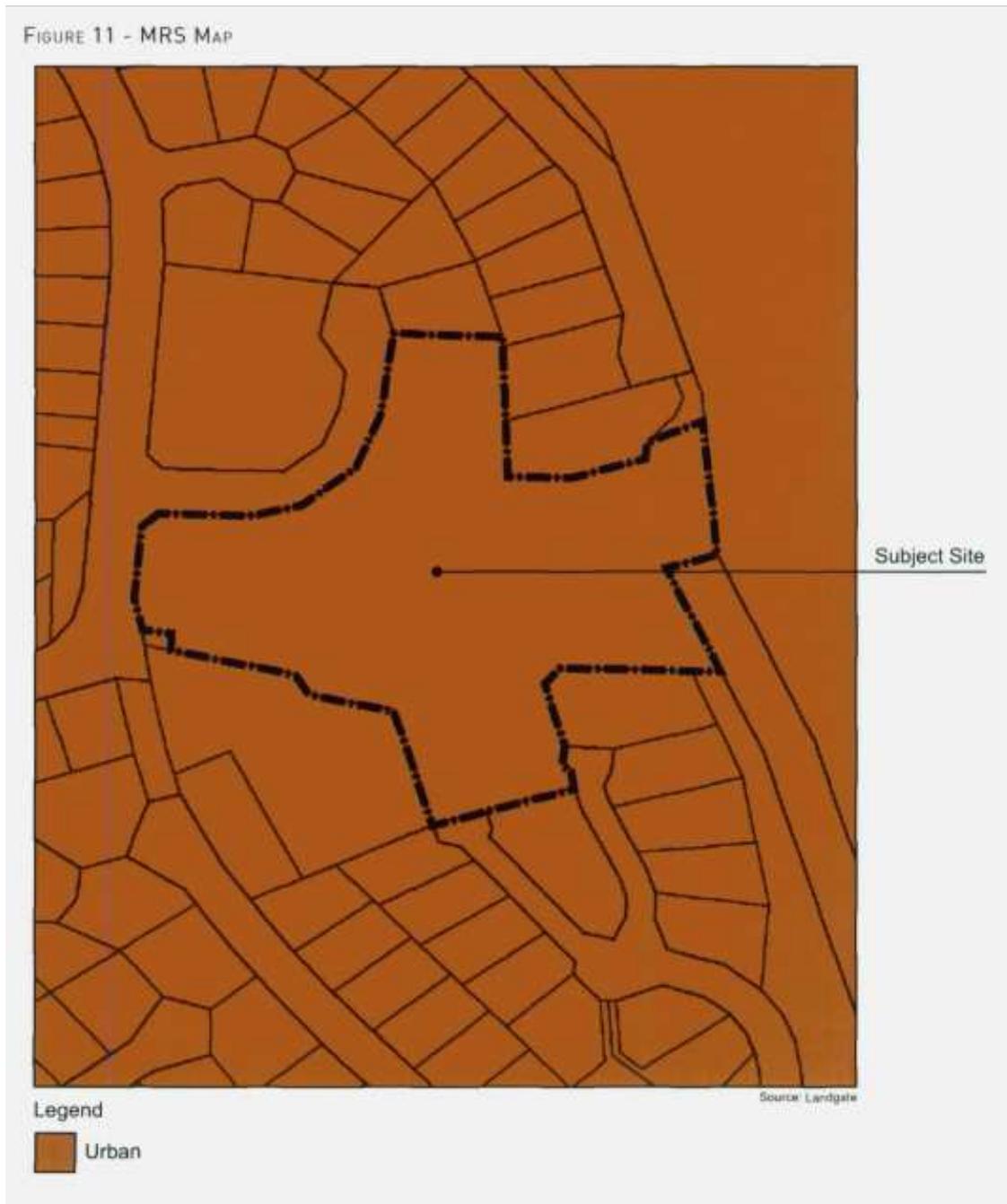
- Notwithstanding the provisions of Table 1: Use Class Table and in accordance with the Development Plan referred to in 5.15(a), the following uses are 'AA' or discretionary uses:
 - Caretakers Dwelling
 - Home business
 - Car park
 - Home occupation
 - Civic Building
 - Medical Centre
 - Club Premises
 - Office: General
 - Consulting room(s)
 - Office: Professional
 - Dwelling House: Single
 - Recreation: Private
 - Dwelling House: Grouped
 - Recreation: Public
 - Dwelling House: Multiple
 - Residential Building
 - Educational Establishment
 - Restaurant

All other uses are 'X' or not permitted uses.

- Prior to Council considering any application for subdivision and/or development onsite, in accordance with clause 3.8 of the Scheme, the applicant shall submit an Outline Development Plan (ODP) for the approval of the Council, in consultation with the HCWA;

- Prior to Council considering any application for subdivision and/or development on the site, a revised Conservation Plan for the site shall be completed to the satisfaction of the HCWA in accordance with the Government Heritage Property Disposal Process; and
- Any application for subdivision and/or development shall have due regard for the revised Conservation Plan for the site and shall demonstrate the conservation of the existing heritage buildings to the satisfaction of the HCWA.

FIGURE 11



Clause 3.8 of TPS2 deals with land that is zoned “Development” on the Scheme Map. Subclause 3.8.2 requires that development of land that is zoned “Development” shall make application to the Council for approval in accordance with Part 6 and shall submit with the application, an overall concept plan for the land in the Development Zone or such part thereof as the Council shall require.

The Outline Development Plan shall show:

- The topography of the area;
- The existing major road systems;
- The location and width of proposed roads;
- The approximate location and quantity of shopping, civic and public facilities proposed;
- The approximate location of the recreation and open space area proposed;
- The population and residential densities proposed including the spatial location of appropriate Residential Planning Code densities;
- The basic layout of a sewerage system;
- The layout of comprehensive drainage, both land and stormwater;
- Landholdings adjacent to or in the vicinity of the area the subject of the application;
- The development proposed, the method of carrying out the development and the projected times of completion of each stage of development; and
- Such other information as shall be required by the Council.

Under subclauses 3.8.3 to 3.8.7 of TPS2, if the ODP is approved by Council in principle it is to be submitted to the Town Planning Board (the Board). If the Board also approves the plan in principle, it is to be advertised for a minimum period of 21 days for public comment. Submissions received during advertising are to be considered by Council and after consultation with the applicant, the ODP may be amended.

Council may decide not to proceed with the ODP or may submit it to the Board together with objections and a request that the Board adopt the plan as the basis for the approval of subdivision and development applications for the area covered by the plan.

STATE PLANNING POLICIES

The ODP is cognisant of a number of key State planning policies and strategies.

STATE PLANNING STRATEGY

The State Planning Strategy incorporates the following key principles relevant to the redevelopment of the Precinct:

- To protect and enhance the key natural and cultural assets of the State and deliver to all Western Australians a high quality of life which is based on sound environmentally sustainable principles;
- To respond to social changes and facilitate the creation of vibrant, accessible, safe and self-reliant communities; and
- To facilitate strategic development by ensuring land use, transport and public utilities are mutually supportive.

The ODP will implement strategic development objectives by establishing new uses for the Precinct that will enable the conservation of significant heritage values. The ODP will facilitate development that provides diverse residential and a limited number of non residential options in proximity to the coast and other community assets that will improve the local amenity.

NETWORK CITY: COMMUNITY PLANNING STRATEGY (WAPC)

Network City is a strategy prepared to guide the future form and function of the Perth Metropolitan and Peel Regions. It embodies a metropolitan land use and transport strategy through a whole-of-

Government approach to the provision of services and a commitment to partnership with local government in planning with communities.

The key elements of Network City relevant to the LSP include:

- Consolidating residential development in existing areas and directing urban expansion into designated growth areas which are, or will be, well serviced by employment and public transport;
- Giving priority to infill development in established urban areas, particularly through urban regeneration and intensification of development on under-utilised urban land, whilst respecting neighbourhood character;
- Locating higher residential densities in locations accessible to transport and services, such as in and around the CBD, regional and district centres and activity corridors; and
- Developing an integrated land use and transport network which reduces car dependence and broadens travel options, makes it easier for people to use public transport or walk/cycle to their destinations.

The ODP will serve to implement the strategies and objectives of Network City by encouraging more effective use of urban land by revitalising under utilised urban land whilst respecting the neighbourhood character.

LIVEABLE NEIGHBOURHOODS (2007)

The Liveable Neighbourhoods principles apply to the preparation and review of regional, district and local structure plans for new urban areas, local structure plans for new subdivisions and in planning for the revitalisation or redevelopment of existing areas.

These principles include:

- A sense of community, strong local identity and sense of place in neighbourhoods and towns;
- Active street frontages with buildings facing streets to improve personal safety through increased surveillance and activity;
- A variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services;
- Subdivision and housing types which can adapt to changing needs and accommodate gradual intensification; and
- The protection of key environmental areas and the incorporation of significant cultural and environmental features of a site into the design of an area with an integrated approach to the design of open space and urban water management.

The proposed ODP serves to implement the above requirements of Liveable Neighbourhoods 2007 by particularly establishing an overarching framework for future development subdivision on the site.

SPP 3.5 HISTORIC HERITAGE CONSERVATION (2007)

The policy notes that heritage conservation and sustainable economic development should be seen as complementary rather than conflicting objectives. Adaptation of buildings for new uses is seen as the key to conservation of heritage places that no longer serve their original function, and will often require imagination and flexibility. Exercising effective controls over land use, density and plot ratios through town planning schemes and other planning controls is an important practical way to attain heritage conservation outcomes.

Development control principles should be applied to planning applications concerning places that are entered in a heritage list, a place or area entered in the state register or a heritage area designated pursuant to a local planning scheme. The weight given to heritage as a consideration will vary depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.

In regard to alterations, extensions or change of use affecting a heritage place, development should involve the least possible change to the significant fabric. Alterations and additions should not detract from the significance of a heritage place and should be compatible with the setting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it. Sympathetic adaptation and change of use should be supported where the conservation and protection of a heritage place requires a change of use to ensure a reasonable beneficial use. Development should accord with local planning policies relating to heritage.

Demolition of a State heritage place is rarely appropriate and should require the strongest justification. It is noted however that there will be circumstances where demolition is justified although the onus rests with the applicant to provide a clear justification for this. Consideration of a demolition proposal should be based on the significance of the building or place, the feasibility of restoring or adapting it, or incorporating it into new development, the extent to which the community would benefit from the proposed redevelopment and any local planning policies relating to the demolition of heritage places.

Development within a heritage area should complement the heritage significance of the area as identified in a local planning policy. Respectful design should give special consideration to the setting, scale, architectural style, and form, materials and finishes of the proposed development in relation to its neighbours without copying historic detailing or decoration. Buildings that make positive contributions should be retained and any new buildings erected in heritage areas should be designed and sited in a way that respects and complements the heritage significance of the area. New construction that is imaginative, well designed and harmonious should not be discouraged.

LOCAL PLANNING POLICIES AND STRATEGIES

TAYLOR BURRELL BARNETT STUDY

In 2003 TBB was appointed by the Department of Housing and Works (DHW) to undertake a study of the former Swanbourne Hospital site. The study resulted in the preparation of the 2005 TBB Development Plan, which indicated future land use and development of the site. The plan was created to support an application to rezone the site under Amendment No. 158 and give greater development certainty to a future purchaser of the site.

The Study also produced draft policy provisions and design guidelines. The draft policy provisions were created as general provisions and specific provisions relating to the existing hospital buildings, Montgomery Hall, Administration Buildings, West Wing, East Wing, Northern Wing and Southern Wing. The draft provisions were later revised in 2008 and adopted as the Local Planning Policy: Old Swanbourne Hospital Precinct.

LOCAL PLANNING POLICY: OLD SWANBOURNE HOSPITAL PRECINCT

Under clause 5.15.3 of TPS2, all development is to have regard to and be generally consistent with Local Planning Policy: Old Swanbourne Hospital Precinct. The latest version of the Local Planning Policy was adopted by the Council in May 2008 and is based on the recommended draft policy provisions prepared as part of the earlier TBB Study.

The Local Planning Policy for the Precinct include a set of general provisions that deal with the heritage buildings, public access, vehicular access, parking, agreements, landscaping, subdivision, public open space, curtilage and other elements.

The Local Planning Policy also sets out specific provisions that concern the use and development, landscaping, parking and curtilage and new building issues for the existing buildings, as well as the use, landscaping parking and public access for Montgomery Hall. Specific provisions also deal with the use, curtilage and covered way for the Administration Building, and well as the use, landscaping, public access, and other issues related to the east and west wings. Specific provisions have also been prepared for the north and south wing in respect of use, public access, parking, height and levels, fencing, landscaping and agreements.

The general and specific requirements of the Local Planning Policy have been incorporated into the proposed ODP.

CONTEXT AND ANALYSIS

TOPOGRAPHY

The Precinct has an undulating topography. It rises from 29 metres on the western site boundary to 40 metres at the Administration Building. In the east, the topography rises steeply from Heritage Lane towards the Circular Drive, as well as both north and south of the roundabout at the eastern entrance. The Northern Subdivision Wing has a gentle northerly rise of approximately 1.5 metres. The Southern Subdivision Wing falls gently to the west by 2.5 metres.

EXISTING VEHICLE ACCESS

Vehicles access to the site can be taken from Heritage Lane, Abbey Gardens, Hamilton Gardens and Charles Lane. Heritage Lane provides access to the formal entrance on the eastern side of the Precinct and under the TBB Development Plan, Heritage Lane is to be retained as the principle means of vehicle access. Abbey Gardens is to provide access to Montgomery Hall.

SOCIAL INTEGRATION

The Precinct exists as an important piece of infrastructure in the local community. Aside from its historical significance as the State's principle hospital for the mentally ill, the site has important recreation values for the surrounding residential area. Since being vacated in the late 1980s, the Precinct has gradually deteriorated through constant vandalism. Set in a primarily residential environment, the redevelopment and conservation of the heritage buildings will revitalise and inject new life into the Precinct. Redevelopment will also contribute to a stronger community identity and through design strategies, create an interactive neighbourhood space.

PHYSICAL CONNECTIONS

The built structures on the site have a significant cultural and social history and future development needs to respect and respond appropriately to the heritage integrity of the Site. Heritage considerations for future development are outlined below.

HERITAGE CONSIDERATIONS

OLD SWANBOURNE HOSPITAL CONSERVATION PLAN OR HERITAGE AGREEMENT

The Precinct is listed on the State Register of Heritage Places as the Old Swanbourne Hospital Conservation Area, whereby aside from the buildings, the roads, trees and spaces between the buildings are also protected.

The former Swanbourne Hospital is considered significant for the following reasons:

- The buildings that remain on the Swanbourne Hospital site are the remnant core of the Claremont Hospital for the Insane constructed in 1904;
- The hospital was Western Australia's largest institution for the care of the mentally ill throughout most of the 20th century;
- The buildings have a landmark quality, occupying a prominent site and are visually dominant from the surrounding areas including the formal grandeur of the Administration Building on the eastern side of the site, with its limestone and brick façade and Donnybrook stone portico; and
- The site contains the following elements of considerable significance: the Administration Building (1904), Montgomery Hall (1904), Male Attendant's Block (1904), Female Attendant's Block (1904 and 1912), Kitchen (1904), Store (1904), Covered Way (1906) between the Administration Building and the Store, and the formal space to the east of the Administration

Building including the circular drive, circular planted bed, the Eucalyptus Clodocalyx and Port Jackson Fig on the northern side of the site.

TPS2 requires development to be in accordance with a Government Heritage Property Disposal Process which includes the requirement for a Conservation Plan and Heritage Agreement for the site, prior to the commencement of development. All development applications are also required to be referred to the HCWA for consideration as part of the statutory approval process.

A Conservation Plan for the site was completed in 1994 and an updated schedule of works was completed in 2001. A Heritage Agreement was signed in 2005 and the Conservation Plan was updated in 2005. The Conservation Plan identifies the following 'Future Use' and 'Physical Conservation' policies:

Future Use and Development:	<ul style="list-style-type: none"> • Future uses that do not require major adaptation of significant buildings and site area are appropriate. These could include commercial, residential or community uses; and • Montgomery Hall should be used for a purpose that allows some public access. Use as a theatre or other entertainment or performance venue, or for meetings is desirable.
Plantings and Landscape Features:	<ul style="list-style-type: none"> • Significant buildings on the Swanbourne Hospital Conservation Area site should be retained and conserved in accordance with the place specific policies included in the Conservation Plan; • The significant buildings in the Swanbourne Hospital Conservation Area should not be extended; • The open areas of the Administration Building and west of Montgomery Hall should be retained and no new buildings should be constructed in these spaces; • Views of Montgomery Hall from the west and the Administration Building from the east should not be obstructed; • Generally surface treatments including bitumen and concrete pavers are not of particular heritage significance and may be retained or altered as required. Bitumen adjacent to the Administration Building requires repair. Although not of particular heritage significance, concrete slabs suit the scale of the former institutional buildings and are appropriate for pathways around the building; • Where they remain extant, the original stone edging to planted beds should be retained. In some areas stone edging has been reinstated (south of the South Block) and is appropriate to the significance of the place. Where concrete edging has been used this may be retained or replaced with stone. Consider in particular replacing the concrete edging to the circular bed east of the Administration Building with stone; and • Where possible, mature trees associated with the original Claremont Hospital for the Insane should be retained. In particular retain the mature Port Jackson Fig and Eucalyptus Clodocalyx north of the Administration Building.

Courtyard:	<ul style="list-style-type: none"> • The Courtyard should be retained as open space. If new structures are required, these should comprise shelters or pavilions only and should be relatively small structures no larger than the former meat store, no longer extant but shown on 1904 plans of the area. The Courtyard could be landscaped provided the landscape treatment was designed in a manner compatible with the heritage value of the adjacent buildings; and • The remnant Covered Ways between the Store and the South and North Blocks could be retained or photographed and removed.
Retaining Walls and Steps:	<ul style="list-style-type: none"> • Retain and conserve without alteration the limestone retaining walls south and north of the Administration Building. The concrete steps immediately north of the Administration Building are also original and should be retained and conserved; • Limestone walls adjacent to Montgomery Hall are recent and may be retained, removed, or replaced as required. While not of heritage significance, they are appropriate to the site. Any new walls should be of similar limestone construction; • Other than the steps north of the Administration Building, steps may be retained removed or replaced as required; and • Brick retaining walls may be retained or replaced as required.
Covered Walkway:	<ul style="list-style-type: none"> • The steel framed awning over the covered walkway east of Montgomery Hall dates from the 1950s refurbishment. It is recommended that it be removed and left either open or replaced with a covered walkway reflecting the detail of the original walkways of the site. Alternatively a contemporary awning that interprets the form of the original walkway may be considered; • The Covered Walkway between the Administration Building and the Store is original and should be retained and conserved. Any timbers that require replacement should be replaced with material of the same dimensions and species and finished to match the remainder of the structure. The wired glass is original. Replace broken sections with clear laminated glass and retain a section of the original wired lass for interpretative purposes. Contemporary wired glass is not the same quality as the original and need not be used in the restoration of the roof. The detail of the gable ends at the north and south of the structure should be retained and the structure should not be extended; and • If the roof sheeting requires replacement, short sheets of galvanised iron should be used.
Toilet Blocks:	<ul style="list-style-type: none"> • The two brick toilet blocks east of Montgomery Hall may be retained or removed. If they are removed the courtyard areas in which they are located should be landscaped. Consideration should be given to creating herb gardens in these areas as they were originally associated with the Kitchen.
Lights:	<ul style="list-style-type: none"> • Floodlighting of the building is not of heritage significance, but enhances the buildings at night it is recommended that floodlights be retained in any redevelopment of the site if possible.
Roads and Car parks:	<ul style="list-style-type: none"> • Access to the Swanbourne Hospital Conservation Area site from Heritage Lane should be retained as the primary access to the place in any future adaptive reuse or redevelopment of the place; and

- | | |
|--|--|
| | <ul style="list-style-type: none">• The circular driveway and circular planted bed east of the Administration Building should be retained and conserved in any redevelopment of the place. |
|--|--|

OUTLINE DEVELOPMENT PLAN OUTLINE

The ODP includes the whole of Lot 12040, which can be characterised as three distinct areas; the Northern Subdivision Wing, the Southern Subdivision Wing and the Existing Heritage Buildings. Whilst this ODP sets out the general development provisions for the ODP area, detailed development parameters will be provided via a set of DAPs including design guidelines, which address each of the character areas. The DAPs are to be approved prior to the approval of development applications. The DAP for the Northern and Southern Subdivision Wing is to be approved as a condition of a subdivision approval imposed by the WAPC on the 24 February 2010.

The key aspects of the ODP area discussed below in detail.

PUBLIC OPEN SPACE

The ODP cedes a minimum of 10 % of the site area as Public Open Space. The land ceded as Public Open Space is to be vested in the City of Nedlands.

MOVEMENT SYSTEMS

VEHICLE ACCESS

Vehicle access is provided generally in a manner that is consistent with the TBB Development Plan. Primary vehicular access to the Precinct is provided via Heritage Lane with service access to Montgomery Hall from Abbey Gardens. Access to the Northern Subdivision Wing is provided via Abbey Gardens and the 6.0 m road reserve. Access to the Southern Subdivision Wing is provided via Hamilton Gardens for Lot 6, and from the 6.0 m road reserve via Charles Lane for remaining lots. The road reserves created within the subdivision wings are to be dedicated road reserves.

PEDESTRIAN ACCESS

Pedestrian access is provided generally in a manner that is consistent with the TBB Development Plan. It may be facilitated via a three (3) metre wide shared access path that will provide a high level of public access through the site.

The shared access path will provide a link from Heritage Lane to the Northern Subdivision Wing, Montgomery Hall, the Southern Subdivision Wing and the circular driveway. The shared access path will also connect to the existing residential area on St Johns Boulevard and Abbey Gardens, Charles Lane, Heritage Lane and the adjoining land to the north east.

The proposed shared access path is to be constructed in coloured aggregate to blend into the heritage character of the site and soften the visual impact

Private pedestrian access is also to be maintained through the 'Covered Way' which may be utilized as car parking that remains sensitive to the heritage values of the Covered Way.

PUBLIC TRANSPORT

Bus services (Route: 27 between East Perth - Claremont Train Station and Route: 28 between East Perth - Claremont Station deviating at Floreat Forum Shopping Centre) provide public transport access to the surrounding centres (Claremont and Floreat Shopping Centre and Claremont Train Station which provides links to Fremantle, Subiaco and Perth). These bus routes also provide access to Swanbourne Beach. The bus stops are accessed from The Marlows located to the north west of the Precinct.

LAND USE

The land uses proposed for the Precinct are consistent with the provisions of the TBB Development Plan.

Montgomery Hall is to be utilised for a sustainable, low key private community use which will enable the Southern Subdivision Wing to be developed for residential uses.

The Existing Hospital Buildings may be converted into residential or retirement housing or an assisted care facility. They may also incorporate a possible café or arts/community facility as well as consulting rooms and a hospital medical facility. A new building may be located in the existing courtyard.

The Administration Building and Covered Way may be redeveloped for residential, retirement housing, home based business, commercial, mixed use, consulting rooms and professional offices with parking or courtyards along the Covered Way.

The Northern and Southern Subdivision Wings may be developed for residential purposes to a density of R20 and R30 in accordance with the approved subdivision plans.

A portion of the site as evidenced on the ODP is to be ceded as Public Open Space and vested in the City of Nedlands.

RELATIONSHIP TO ADJOINING LAND

The redevelopment of the Precinct is to respond appropriately to its mainly residential surrounds. The proposed densities represent a median position between the existing R50 and R12.5 densities that abut the site. The uses proposed for the adaptation of the existing buildings are complementary to the residential character of the locality. The proposed pedestrian and vehicle access makes use of existing road connections and provides a high level of connectivity throughout the site.

URBAN DESIGN

Details of the ultimate design of the Precinct are to be determined through DAPs for the Northern and Southern Subdivision Wings and the heritage buildings. The DAPs which are to be informed by the general principles embodied in this ODP, are to be adopted prior to the approval of development applications and are to respect the heritage character and qualities of the Precinct. The DAPs will include specific guidelines that articulate the development requirements appropriate to each character area.

The layout of the subdivision wings have nevertheless been indicatively designed to address the heritage buildings at the core of the Precinct. This orientation towards the heritage buildings and their visual curtilage will create an interactive, intimate space which fosters a sense of community and residential neighbourhood.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Whilst the Precinct appears reasonably attractive, safe and well utilised for recreation by surrounding properties, the Precinct has been a constant target for vandalism. Given the extended period of vacancy and relative deterioration of the heritage buildings the site could become a host to antisocial behaviour.

The proposed ODP reinforces CPTED principles since it creates well defined legible and visible public spaces and maintains a capacity to separate areas for pedestrian and vehicle access. The orientation of lots in the Northern and Southern Subdivision Wings which addresses the heritage buildings, ensures good passive surveillance and interaction between the different character areas.

CONCLUSION

TPG was commissioned to prepare an ODP to guide the future redevelopment and subdivision in the Old Swanbourne Hospital Precinct.

The ODP supports the high quality redevelopment of the Precinct in line with clause 3.8 of the City of Nedlands TPS2.

The ODP sets out the broad development parameters based on heritage advice, the revised conservation plan, the recommendations resulting from the TBB study and TPS2 provisions. In acknowledging the work undertaken in regard to the site, this ODP seeks to conserve the cultural and recreation amenity of the Precinct to the local community whilst establishing a way forward for sustainable adaptation.

APPENDIX A: CERTIFICATE OF TITLE

6041

Page 1 (of 2 pages) 2121-149

Simareadad - Copy for Clerk Only

WESTERN



AUSTRALIA

BOOKS FOR NUMBER 12040/D75983	
DUPLICATE SECTION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2121** FOLIO **149**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

RG Roberts
REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 12040 ON DIAGRAM 75983

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

SWANBOURNE ESTATE DEVELOPMENT PTY LTD OF 461 SCARBOROUGH BEACH ROAD, OSBORNE PARK
(T J699620) REGISTERED 12 APRIL 2006

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- *G667946 MEMORIAL HERITAGE OF WESTERN AUSTRALIA ACT 1990. LODGED 18.12.1997.
- *J699422 MEMORIAL HERITAGE OF WESTERN AUSTRALIA ACT 1990. LODGED 12.4.2006.
- *J699621 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD REGISTERED 12.4.2006.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 2121-149.
 PREVIOUS TITLE: This Title.
 PROPERTY STREET ADDRESS: LOT 12040 ST JOHNS WOOD BVD, MOUNT CLAREMONT.
 LOCAL GOVERNMENT AREA: CITY OF NEDLANDS.

- NOTE 1: A000001A LAND PARCEL IDENTIFIER OF SWAN LOCATION 12040 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 12040 ON FREEHOLD TITLE DIAGRAM 75983 ON 28-SEP-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
- NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.
- NOTE 3: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING J699621

DLI COPY OF ORIGINAL NOT TO SCALE Mon Aug 28 12:25:09 2006 JOB 26909380

FOR ENCUMBRANCES AND OTHER MATTERS AFFECTING THE LAND SEE SECOND SCHEDULE

DLI COPY OF ORIGINAL NOT TO SCALE Mon Aug 28 12:25:09 2006 JOB 26909380

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION

DLI COPY OF ORIGINAL NOT TO SCALE Mon Aug 28 12:25:09 2006 JOB 26909380

Page 2 of 2 pages)

FIRST SCHEDULE
 Area and measurements on this Plan
 have been measured, and a peg has
 been placed at each corner of the allotment.

Superseded - Copy for Sketch Only

Scale: 1:2500
 Survey: LTD D/L/7983
 Date: 28/10/84



NOTE: EILING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT.
 ENTRIES NOT ALLED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

SECOND SCHEDULE		NOTE: EILING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT ALLED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.									
INSTRUMENT NUMBER	PARTICULARS	REGISTERED	THE	SEAL	INITIALS	CANCELLATION	NUMBER	REGISTERED ON LODGED	SEAL	INITIALS	
Memorial	6667946 Heritage of Western Australia Act 1990. Lodged 18.12.97 at 15.35 hrs.										

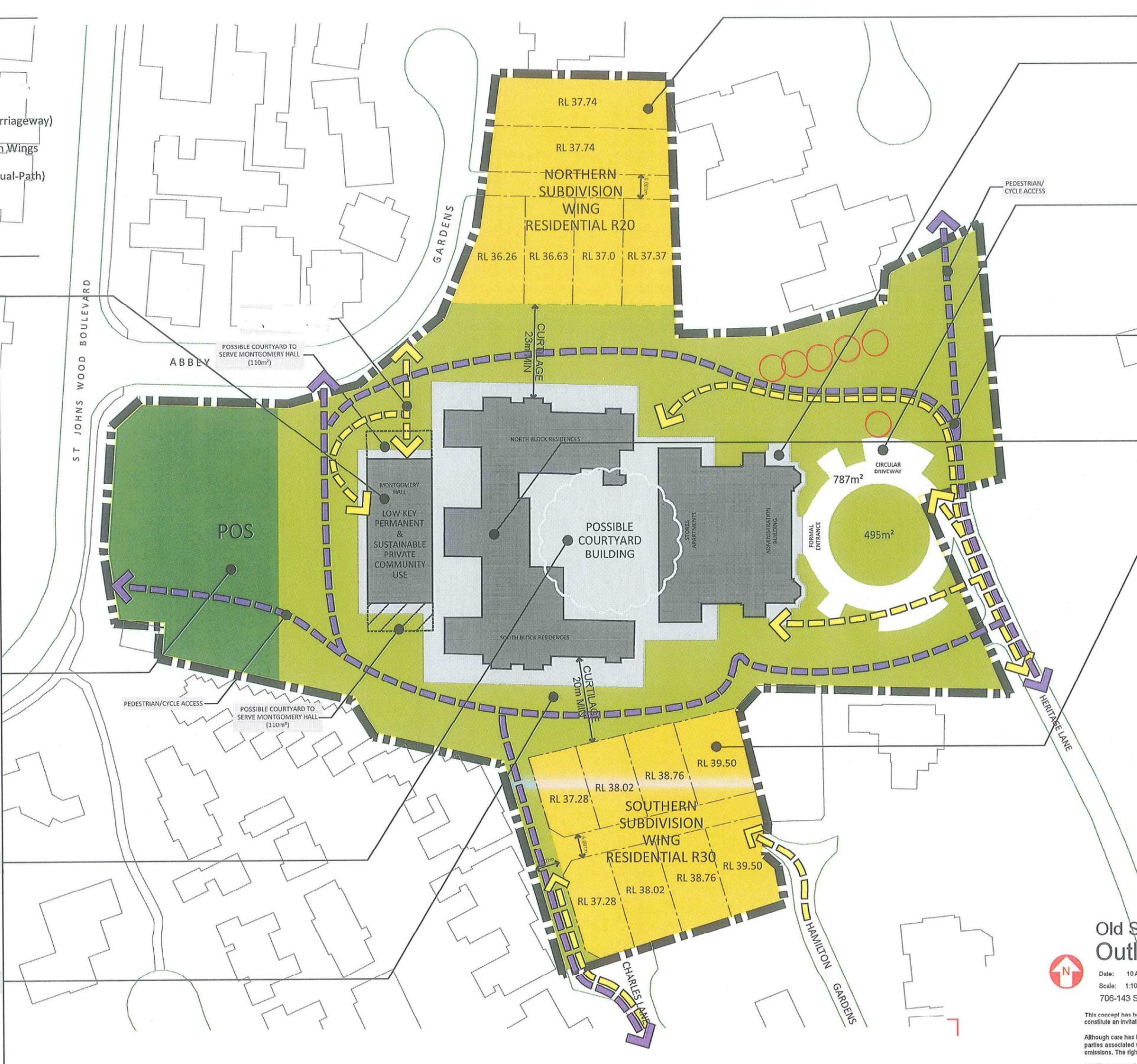
CERTIFICATE OF TITLE VOL 2121 149

APPENDIX B: OUTLINE DEVELOPMENT PLAN

- Legend**
- Site Boundary
 - 10% Public Open Space (POS)
 - Private Open Space
 - Vehicle Access (6.001m Wide Carriageway)
 - Northern & Southern Subdivision Wings
 - Pedestrian Access (3.0m Wide Dual-Path)
 - Heritage Buildings
 - Tree(s) To Be Protected

NO PUBLIC / AFFORDABLE HOUSING TO BE PROVIDED
EXISTING HERITAGE BUILDINGS TO BE RETAINED

- MONTGOMERY HALL**
- Retain heritage values.
 - Possible uses: a private community use e.g. real tennis, café, meeting rooms, museum or rhythmic gymnastics.
 - Use of Montgomery Hall needs to have regard to parking and traffic volumes, noise levels and heritage values of the building.
 - Montgomery Hall is not to be used for residential purposes.
 - Access to Montgomery Hall undercroft for service access only.
 - Heritage Council does not support the removal of the arch or stage within Montgomery Hall.
 - Two (2) courtyard areas of 110m² each may be provided north and south of Montgomery Hall.
 - The interior of Montgomery Hall is of considerable significance and should not be subdivided into smaller spaces.
 - Area between POS and Montgomery Hall can be sensitively landscaped to allow for car parking, to be and constructed in such a way as to have minimal impact on aesthetic qualities of the heritage buildings, to the satisfaction of The Heritage Council of WA.
- PUBLIC OPEN SPACE (WEST WING)**
- Landscaping of the POS to the west of Montgomery Hall to protect and enhance the profile of Montgomery Hall and existing view corridors.
 - Maintain and enhance pedestrian/cycle access.
 - No parking shall be permitted in this area.
 - Landscaping Plan to be prepared as part of the Detailed Area Plan stage in consultation with the city and approved by the City for implementation by the Developer prior to vesting.
- NEW COURTYARD BUILDING**
- A new building may be constructed in the heritage buildings courtyard, limited in height so that the building should not be visible over the roofline of the existing heritage buildings forming the central courtyard from any point on the perimeter of the site.
- CURTILAGE**
- Curtilage shall be retained for providing public access across the site, retaining conservation values of the buildings, and for visual separation between heritage buildings and other development.



- NORTH WING**
- See ODP text for information.
- HERITAGE BUILDINGS AND EAST WING**
- Provide access to the site for cyclists and pedestrians.
 - A landscape plan is to be prepared in consultation with the City of Nedlands and Heritage Council of WA, to the satisfaction of the WAPC, as part of the Detailed Area Plan stage. The landscape plan is to show detailed design of pathways and landscaping treatments.
- CIRCULAR DRIVE**
- Protect view corridor to and from the Administration Building.
 - Design to be sensitive to the heritage character of the building i.e. coloured pavement, minimal carriageway width, landscaping.
 - Visitor parking to be located on the outer edge of Circular Drive.
- PUBLIC ACCESS**
- A high level of public access within the site shall be maintained. Shared access paths are to be provided across the site and shall integrate with the existing pedestrian and cycle network established beyond the site.
- EXISTING HOSPITAL BUILDINGS**
- Conversion to Residential
 - Possible café, Arts/Community uses.
 - Possible parking in or under the courtyard.
 - Possible residential building in the courtyard.
- SOUTH WING**
- See ODP text for information.

TPG

TOWN PLANNING AND URBAN DESIGN

Old Swanbourne Hospital Outline Development Plan

Date: 10 August 2011 Designer: CM
Scale: 1:1000 @ A3 Drawn: MS
706-143 ST11 10.08.2011.dwg

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AGENDA PAGE 280

ITEM NO: 9.9

OLD SWANBOURNE HOSPITAL SITE SUBDIVISION APPLICATION

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager, Metropolitan Central
AUTHORISING OFFICER: Planning Director, Metropolitan Central
AGENDA PART: G
FILE NO: 145074
DATE: 6 February 2012
ATTACHMENT(S): A. Plan of Subdivision
B. Location Plan
C. Outline Development Plan
D. Proposed Easement

REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: City of Nedlands
LOCAL SCHEME ZONING: Development
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Metropolitan Central
RECEIPT DATE: 19 October 2011
PROCESS DAYS: 110 days (as at 6 February 2012)
APPLICATION TYPE: Subdivision
CADASTRAL REFERENCE: Lot 12040 St Johns Wood Boulevard, Mount
Claremont

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the subdivision of Lot 12040 St John's Wood Boulevard, Mount Claremont subject to the following conditions:

- 1. The Detailed Area Plan for the Heritage Buildings character area, as required by the Outline Development Plan, is to be prepared to the satisfaction of the WAPC in consultation with the City of Nedlands and Heritage Council of WA.***
- 2. An easement shall be created which allows vehicle access over proposed lot 3 in favour of proposed lot 2 so that vehicle access to lot 2***

can be provided from Heritage Lane, in accordance with the access arrangements shown in the Outline Development Plan for the site.

- 3. A revised and updated Heritage Agreement shall be finalised and executed. The agreement is to be updated to reflect the current condition of the buildings and provide for a co-ordinated approach to built form, maintenance and landscape to ensure the integrated precinct qualities of the place are maintained.*
- 4. A plan showing the location of services and how they will be provided to service the proposed lots (in accordance with the requirements of the servicing agencies, but not compromising the heritage values of the site) is to be submitted to and approved by the WAPC in consultation with the Heritage Council of Western Australia.*
- 5. A plan showing how the proposed lots will demonstrate compliance with the Building Code of Australia requirements at the subdivision boundaries is to be submitted and approved by the WAPC in consultation with the Heritage Council of Western Australia, in order to demonstrate that the impact of the required changes will not have an adverse impact on the heritage values of the buildings.*
- 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 so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)*
- 8. 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)*
- 9. 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)*
- 10. The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
- 11. Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan and a new Certificate of Title being issued.*
- 12. Stormwater being contained on-site, or connected to the local drainage system, after passing through an appropriate water quality improvement treatment device. (Local Government)*

13. ***A Public Access Plan to achieve public access through the site for pedestrians and cyclists, in accordance with the provisions of the Outline Development Plan, is to be prepared and implemented to the satisfaction of the WAPC in consultation with the City of Nedlands and Heritage Council of Western Australia.***

Advice

1. ***With regard to Conditions 6, 7 and 8, 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.***
2. ***Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.***
3. ***With regard to Condition 9, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.***
4. ***If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.***
5. ***With regard to Condition 10, 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.***
6. ***Openings within the existing buildings are to be protected in accordance with part C3.2 of the Building Code of Australia.***
7. ***The existing buildings are to achieve the required Fire Resistance Levels as stipulated in specification C1.1 of the Building Code of Australia relevant to the type of Construction.***
8. ***With regard to Condition 1, as a minimum the Detailed Area Plan shall show the following:***
 - i. ***details of any development proposals;***
 - ii. ***proposed uses;***
 - iii. ***total intensity of proposed development (expressed as the number of proposed dwellings for residential uses and development standards as outlined in Town Planning Scheme No. 2 for non-residential uses);***
 - iv. ***location of all proposed parking facilities so all the parking needs from the three proposed lots are met on each individual site;***
 - v. ***vehicle access and vehicle movement arrangements;***

- vi. *all pedestrian/bicycle access ways which will form the basis of access easements throughout the site that are intended to facilitate east/west movement through the site, and appreciation of the historic buildings;*
- vii. *all areas proposed to be used for public and private open space; and*
- viii. *landscaping plans that show proposed soft and hard landscaping of all proposed public and private open space, surface treatment of proposed walkways, proposed hedges, post boxes and any proposed street furniture.*

SUMMARY:

The subdivision of the central part of the Old Swanbourne Hospital site containing the heritage buildings is proposed. The main issues relate to:

- the preservation of the heritage buildings and how subdivision and the creation of lot boundaries may negatively impact the building fabric; and
- how the public access and coordinated development of the site as required by the Outline Development Plan for the site will be achieved.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Planning and Development Act 2005
Section: Section 135

Strategic Plan
Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy
Number and / or Name: Development Control Policy 1.1 - Subdivision of Land

INTRODUCTION:

The subject site comprises a single lot totalling 2.48 hectares. The process to subdivide the site to remove the northern and southern portions is currently being undertaken, and has been approved by the Western Australian Planning Commission subject to conditions. These subdivisions will result in the creation of Lot 416, which is the subject of this subdivision application (and shall be referred to as the subject site from this point onwards). The application proposes the further subdivision of Lot 416 St John's Wood Boulevard, into three lots of 3,327m², 5,632m² and 7,830m² (**Attachment A - Plan of Subdivision**).

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Development' under the City of Nedlands Planning Scheme No. 2 (TPS 2) (**Attachment B – Location Plan**).

CONSULTATION:

The City of Nedlands Council has advised the Commission that it does not support the proposed subdivision as per the Ordinary Council Meeting held on 13 December 2011, where it resolved not to support the proposed subdivision for the following reasons:

- (a) *The subdivision cannot legally be approved in the absence of a Council adopted Outline Development Plan (ODP);*
- (b) *The subdivision is contrary to orderly and proper planning of the area as it prevents coordinated development;*
- (c) *The proposed layout causes the following issues:*
 - (i) *It is not logical particularly the interrelationship between lots 2 and 3.*
 - (ii) *Pedestrian Access: It will threaten the delivery of a pedestrian access in an east / west direction across the site, which had been identified as being significant for the amenity of the existing residents of the area as required by Town Planning Scheme No. 2.*
 - (iii) *Landscaped setting: It will not be possible to deliver the park-like landscaped setting for the historic buildings which will undermine the heritage value of the site as required by Town Planning Scheme No. 2.*
 - (iv) *Vehicle Access, Lots 1 & 2: The proposed vehicle access to lots 1 and 2 which has been limited to Abbey Gardens only is not acceptable for the following reasons:*
 - (1) *The concept derives from existing planning for the area (development plan and Local Planning Scheme, which are the product of extensive public consultation) which stipulates that vehicle access be primarily from Heritage Lane with no access from Abbey Gardens except for service vehicles for Montgomery Hall.*
 - (2) *Additional traffic volumes generated by proposed uses on Lots 1 and 2 may be inappropriate for the surrounding residential streets like Abbey Gardens and St John's Wood Boulevard.*
 - (v) *Parking:*
 - Lot 1: Being segregated it would not be possible for a future Montgomery Hall use to rely on any of the other parcels of land to assist with car parking, which current planning requires to be provided on the southern wing or elsewhere on the areas that are now proposed lots 2 and 3.*
 - Lot 2: Very limited area is available for on-site parking on Lot 2 given that the building for proposed Lot 2 extends boundary to boundary.*
 - (vi) *Heritage Values: The introduction of new boundary lines will require demolition of existing heritage fabric, for the boundary between Lot 1 and 2, and alterations to the existing buildings to meet fire requirements and will diminish the heritage values of the historic buildings.*

- (vii) *Stormwater: Each site would be required to retain its own stormwater on site, which has already proved to be difficult with the construction of the lots in the northern wing, and be a challenge particularly for proposed lot 2.*

The City of Nedlands has provided proposed conditions, recognising the WAPC may wish to approve the subdivision proposal. All recommended conditions have been assessed and where considered fair, reasonable and relevant, they have been imposed.

The Heritage Council of Western Australia (HCWA) considered the matter on the 9 December 2011 and resolved that it did not support the application for the following reasons:

- (a) *Separate ownership / management of each of the new lots would make it difficult, if not impossible, to achieve a coordinated high quality heritage outcome for the place.*
- (b) *The high likelihood of an adverse impact on the significant fabric of the place due to the requirements of the Building Codes of Australia on lot boundaries.*

The HCWA then again considered the matter on 10 February 2010 upon a request from the owner of the site. The Heritage Council resolved to advise that the proposed subdivision is supported in-principle, to allow the owner certainty when discussing development options with potential joint venture partners. However, in order for the Heritage Council to provide formal support for the subdivision, the following conditions must be met to the satisfaction of the Heritage Council:

- (a) *Design Guidelines for the place shall be prepared.*
- (b) *A revised and updated Heritage Agreement shall be finalised and executed prior to subdivision. The agreement is to be updated to reflect the current condition of the buildings and provide for a co-ordinated approach to built form, maintenance and landscape to ensure the integrated precinct qualities of the place are maintained.*
- (c) *Information of the location of services and compliance with BCA requirements at the subdivision boundaries.*

Western Power and Water Corporation raise no objections to the proposal subject to the imposition of standard servicing conditions.

The Department of Water raise no objection to the proposal.

The Department of Health raise no objection to the proposal subject to a sewer condition being applied.

BACKGROUND:

Outline Development Plan

The City of Nedlands Town Planning Scheme at Clause 5.15.5 states that prior to Council considering any application for subdivision and / or development on the Old

Swanbourne Hospital site, the applicant shall submit an Outline Development Plan (ODP) for the approval of the Council, in consultation with the Heritage Council of Western Australia.

An ODP for the site was given Final Approval by the Statutory Planning Committee (SPC) in July 2011. A report clarifying the final ODP and presenting a copy of the ODP to the SPC was considered on the agenda at this meeting prior to the consideration of this application, where the final ODP document was endorsed by the SPC.

The Commission has received legal advice from the State Solicitors Office that the ODP is to be considered operative for the purposes of TPS2.

The City of Nedlands are to consider the ODP at an upcoming meeting. Regardless of the outcome of the City of Nedlands Council meeting, the SPC are not precluded from granting conditional subdivision approval to this application should they wish to.

The ODP Plan is included at **Attachment C**.

Supporting Information Provided by Applicant - Reasons for Proposed Subdivision

The applicant has provided a covering letter which provides details of the reasons for the application to subdivide, including:

- 'The subdivision will result in the administration building, main hospital building and Montgomery Hall being located on individual lots to enable redevelopment to be undertaken in a staged manner'; and
- 'It is proposed that each of these redevelopment projects will be vested in separate entities and hence it is necessary to subdivide the subject site. It would not be appropriate for a single strata body to manage the community, residential and commercial components, which would create an overly complex system that can easily be mitigated through the proposed subdivision'.

Heritage

The Swanbourne Hospital was listed on the State Register of Heritage Places (Database No. 3228, Swanbourne Hospital Conservation Area) on 6 March 1992. The place is listed on the City of Nedlands Municipal Heritage Inventory, with a category A listing and is also on the Conservation and Preservation of Places of Natural Beauty and Historical Buildings and Objects of Historical or Scientific Interest, which is afforded protection under the City of Nedlands Town Planning Scheme No. 2.

As outlined in the HCWA's Registration Documentation, the Statement of Significance for the place is as follows:

- the buildings remaining on the Swanbourne Hospital site are the remnant core of the original Claremont Hospital for the Insane, constructed in 1904;
- the buildings are associated with Western Australia's largest institution for the care of the mentally ill throughout most of the twentieth century;
- the buildings, occupying a prominent site, are a landmark;

- the buildings display a high degree of aesthetic quality, in particular the formal grandeur of the Administrative Block on the eastern side of the site, with its limestone and brick facade and Donnybrook stone portico;
- the site contains the following elements of considerable significance: the Administration Block (1904), Montgomery Hall (1904), Male Attendants Block (1904), Female Attendants Block (1904 and 1912), Kitchen (1904), Store (1904), Covered Way between the Administration Block and the Store (1906), and the formal space to the east of the Administration Block, including the driveway, circular planted bed and the Eucalyptus Clodocalyx on the northern side of the site.

Supporting Information Provided by Applicant - Heritage Impact Statement

The applicant has prepared a Heritage Impact Statement (HIS) and has submitted this to the HCWA and WAPC in support of the application.

The HIS lists the following aspects of the proposal which respect or enhance the heritage significance of the place or area:

- The redevelopment of the site has been stalled and as a result the significant buildings have been left uninhabited and subject to vandalism. The subdivision is intended to facilitate the much-needed adaptation and conservation of the heritage buildings for community, residential and commercial uses as outlined in the Outline Development Plan, in a staged manner suited to the intended use.
- The proposed subdivision has ensured that each heritage building is maintained in an appropriate setting.
- The subdivision is in accordance with the Site Planning Policies (Policy Nos. 8.1 to 8.4) of the Swanbourne Hospital Conservation Area Conservation Plan, prepared by the Heritage and Conservation Professionals in 2005. It is also in accordance with the 'General Provision - Heritage' of the Outline Development Plan as the heritage buildings will remain in situ and their visual prominence and view lines will be maintained.

The HIS lists the following aspects of the proposal that could detrimentally impact on the heritage significance of the place, with the reasons explained and the measures to be taken to minimise impacts:

- It is not clear whether the eaves of the central hospital buildings are contained wholly within proposed Lot 2. It is recommended that the lots to be created include the extent of the entire building, inclusive of eaves.
- The subdivision into three separate lots will change the ownership / management structure of the place. To ensure a holistic approach is maintained in future conservation and adaptation works it is recommended that a Heritage Agreement be implemented for each of the proposed lots. The Heritage Agreements should focus on the specific requirements of the heritage buildings and their settings contained within each lot.

The applicant has not provided information on the above points raised by the HIS, or shown how the proposed subdivision will not detrimentally impact on the heritage

significance of the place. These two points are similar to those raised by HCWA who require further information before they will formally support the subdivision.

COMMENTS:

Planning Considerations

Further Advice from HCWA

The HCWA have clarified that with regard to the third point in their advice, they wish the applicant to demonstrate that the subdivision requirement of service provision to each lot will not disturb the buildings to the extent that it may negatively impact the heritage fabric of the buildings and the heritage qualities of the place. They have expressed concern that trenches which may be required to provide service connections for each lot may have the potential to impact the heritage values of the buildings, particularly for proposed Lot 2, which is largely covered by buildings.

Further, the introduction of boundary lines creates requirements under the Building Code of Australia (BCA) for fire resistance measures to be installed and may involve demolition or alteration of existing heritage fabric of the buildings in order to meet the requirements of the BCA. As this detail is unknown at this stage the HCWA have requested further information to enable this to be planned in consultation with them to achieve this as sensitively as possible, in order to preserve the heritage fabric of the buildings.

The ODP requires the Department of Planning to have regard to the Revised Conservation Plan, Heritage Agreement and advice from the HCWA when assessing proposed DAPs and development or subdivision applications. Additionally, Section 137 of the *Planning and Development Act 2005* requires the Commission to have regard to any advice received by the Heritage Council. Therefore, it is considered that based on the advice provided from the Heritage Council, if the Commission is of the mind to approve the application for subdivision, appropriate conditions relating to the three points raised should be imposed.

Coordinated Development

The ODP divides the Site into three detailed area planning units being: (i) the northern subdivision wing; (ii) the southern subdivision wing; and (iii) the heritage buildings.

The ODP includes no specific provisions relating to subdivision of the heritage buildings into separate lots as proposed by the current application. As the ODP is silent on matters of subdivision, one interpretation is that the ODP is neutral and does not encourage or prohibit subdivision applications and that any application should be considered on its merits. On the other hand, it could also be said that the ODP manifests an intention, by its silence, that the site will be developed in an overall coordinated fashion, not in a piecemeal fashion with different heritage buildings in different ownership. As mentioned above, the ODP treats the heritage buildings as a single detailed area planning unit.

The Commission was not expecting that the central part of the site would be proposed to be subdivided. However, as an application has been made, it must be considered accordingly. The main planning concern rests upon the issue of maintaining a high level of public access through the site as required by the ODP. It is anticipated that establishing and maintaining public access through the site will be made more difficult by fragmentation of the site, as different owners will have different timeframes for development. It is possible that the development of proposed Lot 1 containing Montgomery Hall would be much later than the rest of the site as it has been identified as being less commercially viable.

The City has identified similar concerns in their consultation response recommending refusal. These include:

- (i) that the subdivision is contrary to orderly and proper planning of the area as it prevents coordinated development; and
- (ii) that it will threaten delivery of a pedestrian access route in an east-west direction across the site.

The ODP requires a Detailed Area Plan (DAP) to be prepared for the each of the character areas in order to ensure coordinated and orderly planning and development. The Heritage Buildings is the largest of the three character areas and is located between the subdivision wings. The ODP states that development of the character areas should be carried out in accordance with a DAP.

DAP's for the Northern and Southern Subdivision Wings have been prepared as part of the conditions of subdivision approval imposed by the WAPC in February 2010 and these take the form of design guidelines. The DAP for the Heritage Buildings is to be prepared to the satisfaction of the WAPC on the advice of the City of Nedlands and the HCWA. Should the WAPC approve this subdivision application, a DAP is therefore required to be prepared and approved by the WAPC before development can take place on any of the proposed lots, and development must be carried out in accordance with the DAP. The detailed design and placement of the shared access paths will be addressed as part of the detailed landscaping plan required as part of the DAP for the Heritage Buildings area. Therefore, as each lot is developed it shall be in accordance with the DAP for the area. However, the issue remains that if subdivided, each lot would have the potential to have a different owner, and therefore it would be possible, for example, for the central part of the site to remain undeveloped, and that access paths would not yet be 'triggered' to be created across this part of the site.

While the potential fragmentation of ownership of the site may adversely impact the orderly and proper redevelopment of the site, it may also assist in the redevelopment of the site by creating parcels of land which can be developed in a staged manner.

It is recommended that a condition be imposed to require the Detailed Area Plan for the Heritage Buildings area to be prepared.

Vehicular Access

Proposed Lot 2 has direct frontage access to only Abbey Gardens. The ODP does not allow for vehicular access to proposed Lot 2 from Abbey Gardens. Therefore, the applicant has indicated that a vehicle access easement can be imposed over

proposed lot 3 in favour of proposed lot 2 so that vehicle access to proposed lot 2 can be provided from Heritage Lane. This route of access is shown on the ODP and therefore it is considered acceptable. A plan is included at **Attachment D** that details the proposed vehicle access easement and the requirement to provide this should form a condition of subdivision should the Commission approve the application.

Local Planning Policy: Old Swanbourne Hospital Precinct

Under clause 5.15.3 of TPS2, all development is to have regard to and be generally consistent with Local Planning Policy: Old Swanbourne Hospital Precinct. The latest version of the Local Planning Policy was adopted by the Council in May 2008. The objectives of the policy include ensuring public access through the site in perpetuity.

Issues Raised by the City

To address the remaining reasons for refusal that form the City's consultation response, the following information is provided:

- The City has stated that subdivision cannot legally be approved by the City in the absence of a Council adopted ODP. However, the Commission has given Final Approval to an ODP and this is considered operative for the Commission's purposes.
- The City has stated that it will not be possible to deliver the park-like landscaped setting for the historic buildings which will undermine the heritage value of the site. It is accepted that the potential fragmentation of ownership of the site that could occur if subdivided may make it more difficult to achieve this planning outcome.
- The City has stated that the proposed subdivision occurred would segregate Montgomery Hall so that it would not be possible for a future use to rely on any of the other parcels of land to assist with car parking. The point that Montgomery Hall will not be able to rely on the other land parcels is legitimate, however the ODP allows for limited parking to be provided in the area between the Public Open Space and Montgomery Hall.
- The City also raises concern over the limited area available for on site parking for Lot 2 given that the existing building covers the majority of the area of proposed Lot 2. This concern is also legitimate however it may be possible to provide basement parking for this lot.
- The City has raised a concern of the ability of proposed Lot 2 to retain it's own stormwater on site. This is proposed as a condition of subdivision approval and therefore it must be dealt with appropriately before subdivision could occur.

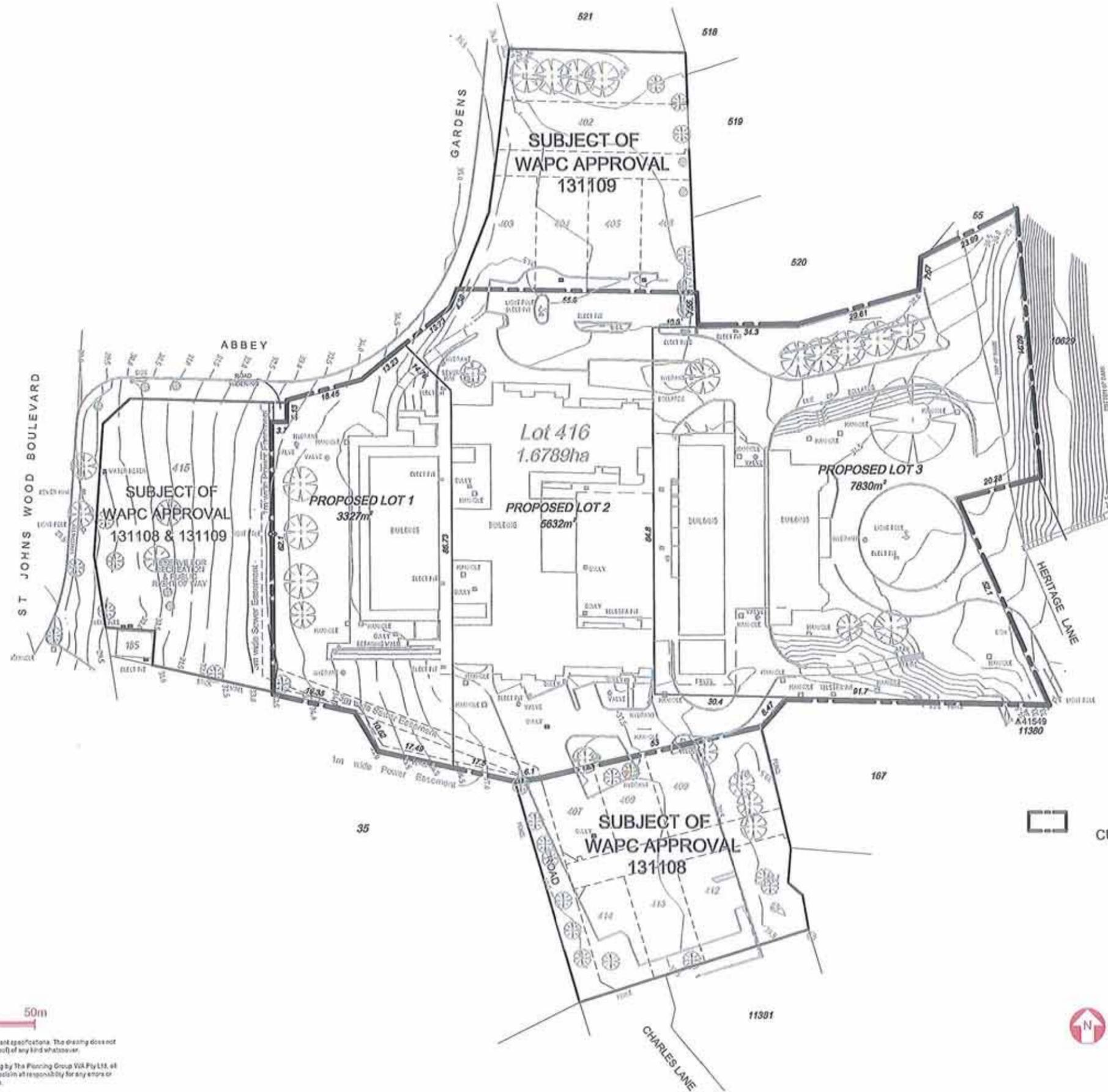
CONCLUSION:

It is considered that whilst the subdivision of the site has the potential to make it more difficult to:

- (i) achieve a high quality heritage outcome for the place; and
- (ii) coordinate development across the site;

these matters can be conditioned so that they are appropriately dealt with prior to the creation of the lots.

Therefore the application is recommended for approval subject to conditions.



DEPARTMENT OF PLANNING
 DATE: 15 OCT 2011
 FILE: 145074

 AREA SUBJECT OF CURRENT APPLICATION

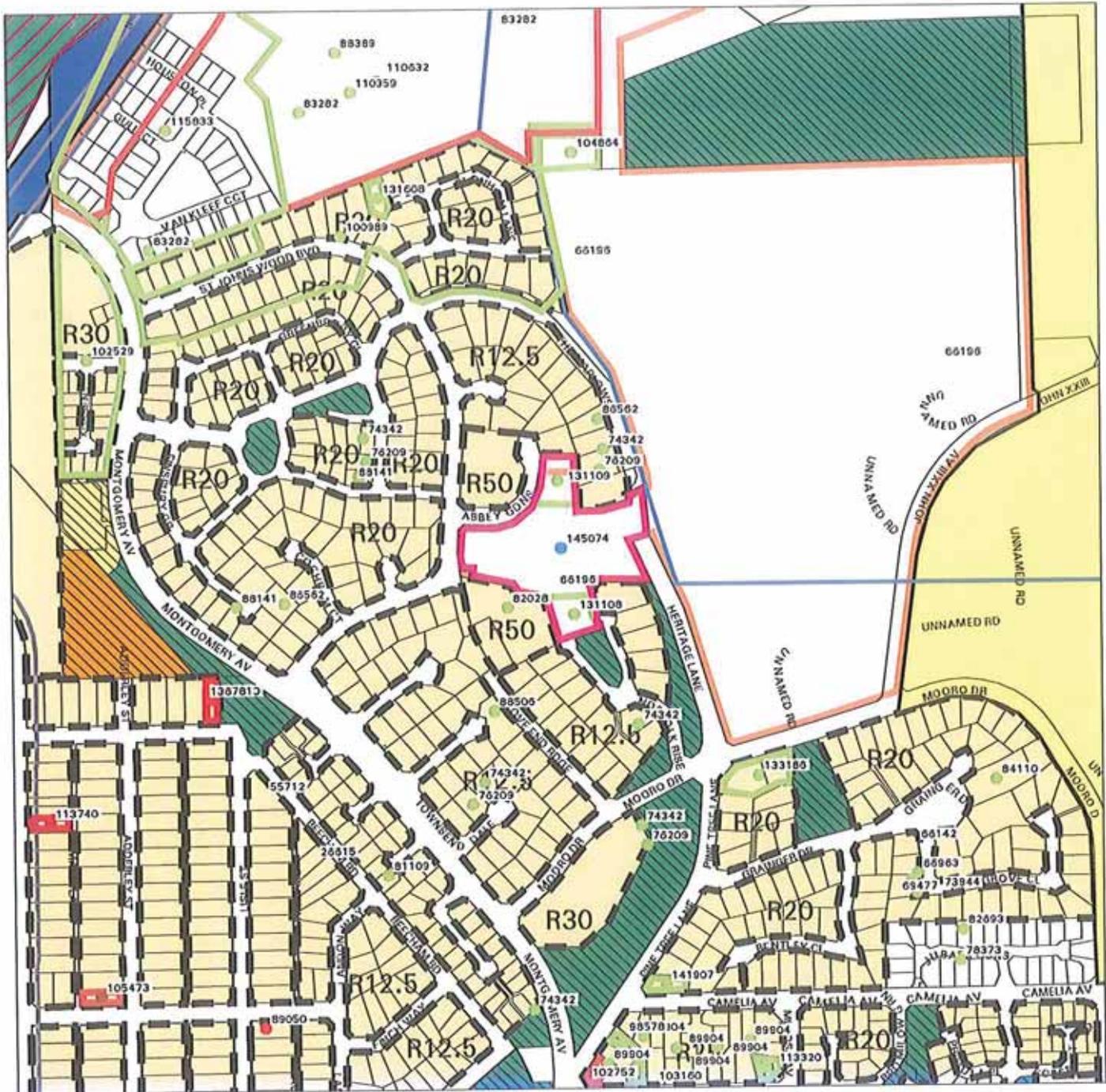
0 25 50m

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 Liability is expressly disclaimed by The Planning Group WA Pty Ltd for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing.

 Old Swanbourne Hospital
 Proposed Subdivision of Lot 416
 Abbey Gardens, Mount Claremont
 Date: 18-10-2011 Designer: DC
 Scale: 1:1000 @ A3 Drawn: TC
 Drawing file: 712-110-1 SU subdivision.dwg



Land Use Planning Division
 Planning Group WA Pty Ltd
 1100 Hay Street, Perth WA 6000
 Tel: (08) 9447 1000
 Fax: (08) 9447 1001
 Email: info@planning.wa.gov.au



Subdivision Application 145074 (MGA ref 384916mE 6463287mN Zone 50)

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

- | | | |
|-----------------------------------|-----------------|------------------------------------|
| OTHER REGIONAL ROADS | APPROVED | NO ZONE |
| PARKS & RECREATION | CANCELLED | RESIDENTIAL |
| PP - HOSPITAL | REFUSED | DEVELOPMENT |
| CADASTRAL BOUNDARY | OUTSTANDING | RECREATION |
| WESTNET ENERGY GAS PIPELINE | APPROVED | RESIDENTIAL PUBLIC PURPOSES SCHOOL |
| WASTEWATER TREATMENT PLANT BUFFER | CANCELLED | MUNICIPAL PURPOSES |
| BUSH FOREVER 2000 SITES | REFUSED | |
| OUTSTANDING | R CODE BOUNDARY | |

135252S.eps

Alt. B

Legend

- Site Boundary
- 10% Public Open Space (POS)
- Private Open Space (POS) subject to negotiation with WAPC & City of Nedlands
- Vehicle Access (6.001m Wide Carriageway)
- Northern & Southern Subdivision Wings
- Pedestrian Access (3.0m Wide Dual-Path)
- Heritage Buildings
- Tree(s) To Be Protected

NO PUBLIC / AFFORDABLE HOUSING TO BE PROVIDED
EXISTING HERITAGE BUILDINGS TO BE RETAINED

MONTGOMERY HALL

- Retain heritage values.
- Possible uses: a private community use e.g. real tennis, café, meeting rooms, museum or rhythmic gymnastics.
- Use of Montgomery Hall needs to have regard to parking and traffic volumes, noise levels and heritage values of the building.
- Montgomery Hall is not to be used for residential purposes.
- Access to Montgomery Hall undercroft for service access only.
- Heritage Council does not support the removal of the arch or stage within Montgomery Hall.
- Two (2) courtyard areas of 110m² each may be provided north and south of Montgomery Hall.
- The interior of Montgomery Hall is of considerable significance and should not be subdivided into smaller spaces.
- Area between POS and Montgomery Hall can be sensitively landscaped to allow for car parking, to be and constructed in such a way as to have minimal impact on aesthetic qualities of the heritage buildings, to the satisfaction of The Heritage Council of WA.

PUBLIC OPEN SPACE (WEST WING)

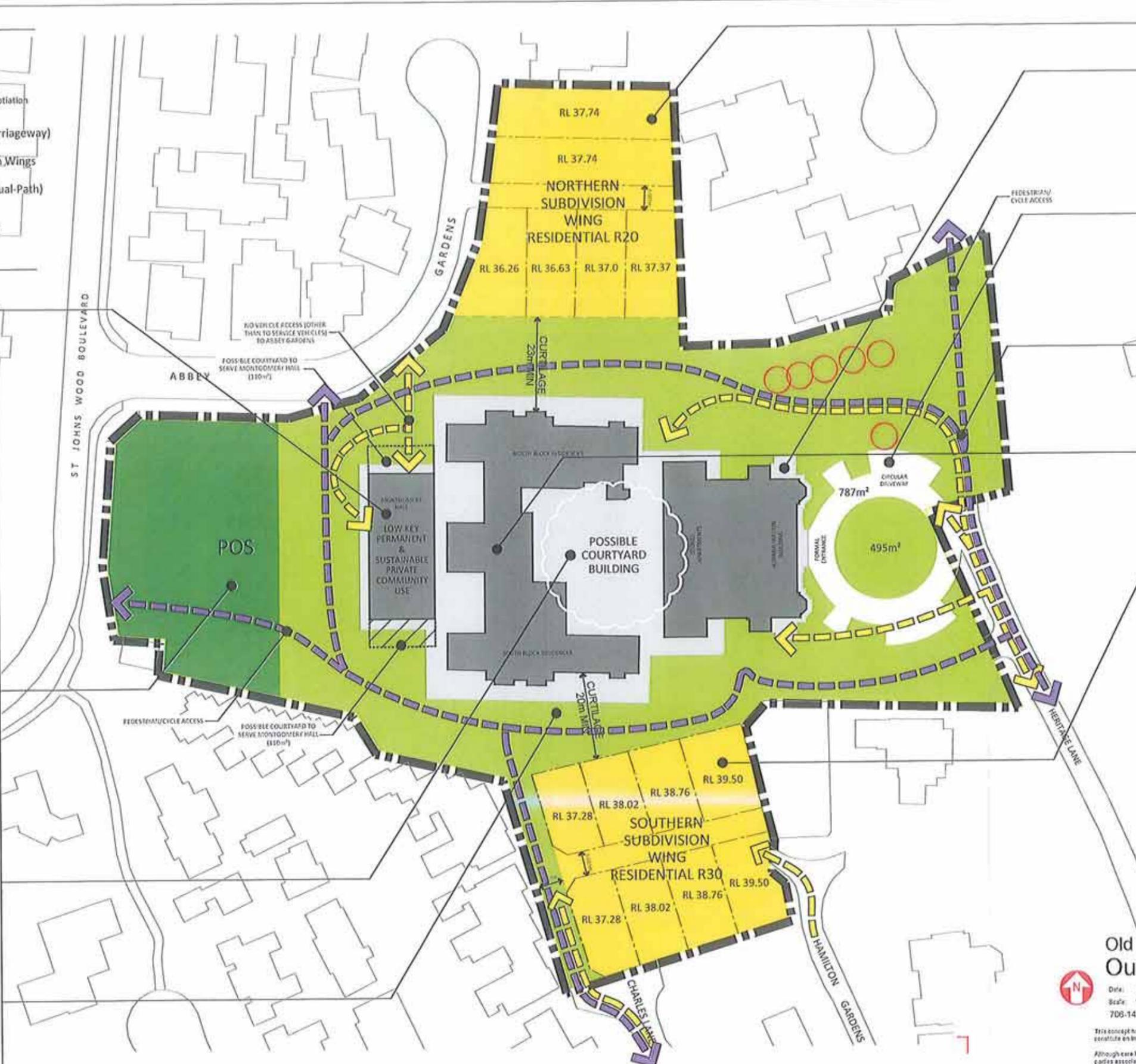
- Landscaping of the POS to the west of Montgomery Hall to protect and enhance the profile of Montgomery Hall and existing view corridors.
- Maintain and enhance pedestrian/cycle access.
- No parking shall be permitted in this area.
- Landscaping Plan to be prepared as part of the Detailed Area Plan stage in consultation with the city and approved by the City for implementation by the Developer prior to vesting.

NEW COURTYARD BUILDING

- A new building may be constructed in the heritage buildings courtyard, limited in height so that the building should not be visible over the roofline of the existing heritage buildings forming the central courtyard from any point on the perimeter of the site.

CURTILAGE

- Curtilage shall be retained for providing public access across the site, retaining conservation values of the buildings, and for visual separation between heritage buildings and other development.



- NORTH WING**
 - See ODP text for information.
- HERITAGE BUILDINGS AND EAST WING**
 - Provide access to the site for cyclists and pedestrians.
 - A landscape plan is to be prepared in consultation with the City of Nedlands and Heritage Council of WA, to the satisfaction of the WAPC, as part of the Detailed Area Plan stage. The landscape plan is to show detailed design of pathways and landscaping treatments.
- CIRCULAR DRIVE**
 - Protect view corridor to and from the Administration Building.
 - Design to be sensitive to the heritage character of the building i.e. coloured pavement, minimal carriageway width, landscaping.
 - Visitor parking to be located on the outer edge of Circular Drive.
- PUBLIC ACCESS**
 - A high level of public access within the site shall be maintained. Shared access paths are to be provided across the site and shall integrate with the existing pedestrian and cycle network established beyond the site.
- EXISTING HOSPITAL BUILDINGS**
 - Conversion to Residential
 - Possible café, Arts/Community uses.
 - Possible parking in or under the courtyard.
 - Possible residential building in the courtyard.
- SOUTH WING**
 - See ODP text for information



TOWN PLANNING AND URBAN DESIGN
Old Swanbourne Hospital
Outline Development Plan

Date: 10 August 2011 Designer: CM
Scale: 1:1000 QA: Drawn: MS
706-143 ST11 10.08.2011.dwg



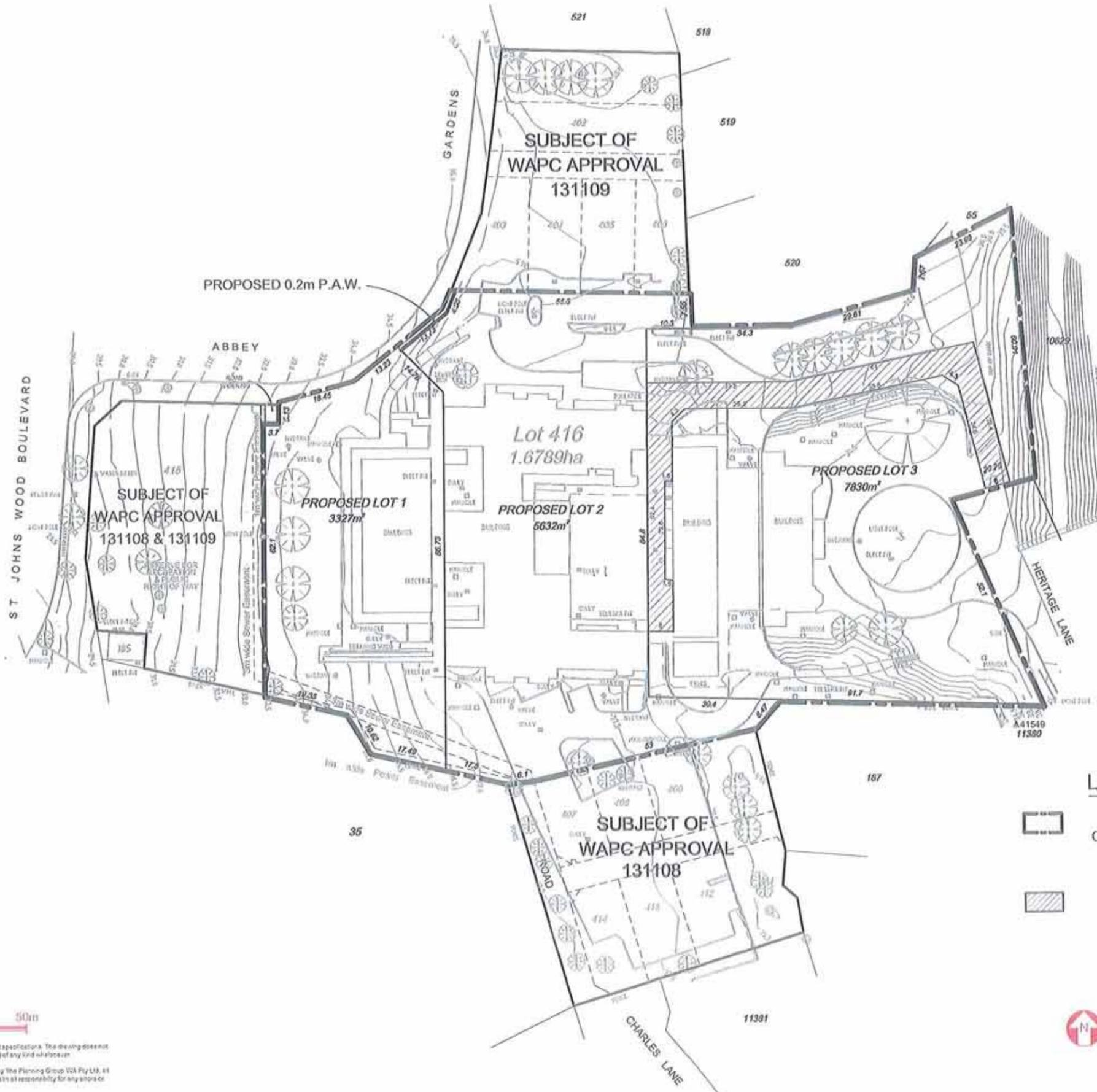
This concept has been prepared for the purpose of meeting stated specifications. The drawings do not constitute an invitation, agreement or contract for any particular work of any kind whatsoever.

Although care has been taken in the completion of this drawing by The Planning Group WA Pty Ltd, all parties associated with the proposed property development disclaim all responsibility for any errors or omissions. The rights reserved to change the plan at any time.

Liability is expressly disclaimed by The Planning Group WA Pty Ltd for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing.

Drawing No. PO Box 11111, Perth WA 6001 PO Box 11111, Perth WA 6001 PO Box 11111, Perth WA 6001 PO Box 11111, Perth WA 6001

Handwritten initials: AH, C.



LEGEND

-  AREA SUBJECT OF CURRENT APPLICATION
- 
-  RECIPROCAL RIGHTS OF CARRIAGEWAY EASEMENT (6m WIDE)
BENEFIT LOT 2
BURDEN LOT 3



This concept has been prepared for the purpose of meeting client specifications. The drawing does not constitute an invitation, agreement or contract for any part thereof of any kind whatsoever.

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Liability is expressly disclaimed by the Planning Group WA Pty Ltd for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing.



Old Swanbourne Hospital
Proposed Subdivision of Lot 416
Abbey Gardens, Mount Claremont

Date: 11-11-2011 Designer: DC
Scale: 1:1000 @ A3 Drawn: TC
Drawing No: 712-110-1 SU subdivision.dwg



A.H.D.

ITEM NO: 9.10

TELECOMMUNICATIONS TOWER

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Metropolitan North West
AUTHORISING OFFICER:	Director Metropolitan North West
AGENDA PART:	G
FILE NO:	34-50139-1
DATE:	14 March 2012
ATTACHMENTS:	1) Development Plans 2) Metropolitan Region Scheme 3) Photo Montages 4) Cockburn Station Telecommunications Tower
REGION SCHEME ZONING:	Railways Reservation
LOCAL GOVERNMENT:	City of Joondalup
LOCAL SCHEME ZONING:	Railways Reservation
LGA RECOMMENDATION:	Support
REGION DESCRIPTOR:	Perth Metro North West
RECEIPT DATE:	5 December 2011
PROCESS DAYS:	55
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 11889 Currambine Blvd, Currambine

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development of the proposed Telecommunications Tower at Lot 11889 Currambine Boulevard, Currambine subject to the following condition and advice:

CONDITION

- 1. This approval relates to the plans titled Site Location and Access, Site Layout and Site Elevation date stamped 22 February 2012 by the Department of Planning (copy attached).***

ADVICE

- 1. All development must comply with the provisions of all relevant Acts, Regulations and Local Laws.***

SUMMARY:

An application has been received for a telecommunications tower to be erected within the Currambine Railway Station Park and Ride area. The key issues are;

- the effect on the amenity of residential areas adjacent to the station; and
- the need for enhanced telecommunications in the area.

The application is referred to the Statutory Planning Committee for determination as the proposal would have visual impact as viewed from nearby residential areas and is inconsistent with the purpose of the Railways reservation. The proposal meets the telecommunication needs of the community and minimises visual impact, therefore, approval is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
Part 10, Division 5, Section 162

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning priorities

Policy

State Planning Policy 5.2 *Telecommunications Infrastructure*

INTRODUCTION:

The Proposed Development

The application proposes a 39.5m high telecommunications tower (incorporating a 35m monopole, a 4.5m top mounted antenna and a side mounted antennae above 30m) and a ground level equipment shelter. (**Attachment 1 – Development Plans**).

The proposed development would be located wholly within a 25.1m² site leased from the Public Transport Authority (PTA). The subject site is fenced and adjacent to a PTA service building and public toilet block.

Location and Zoning

Currambine Railway Station is located at the end of the Mitchell Freeway approximately 20km North of the Perth CBD. The proposed development is situated adjacent to the Mitchell Freeway at the Burns Beach Road interchange and is within the Railways reservation of the Metropolitan Region Scheme (MRS) (**Attachment 2 – Metropolitan Region Scheme**).

The application has been forwarded to the WAPC for its sole determination in accordance with Clause 13 of the MRS as it is a proposal to undertake development

on reserved land under the MRS and is not permitted development in accordance with clause 16 of the MRS.

Clause 30 (1) of the MRS requires the WAPC to have regard to the following factors when determining a development application:

- (i) the purpose for which the land is zoned or reserved under the MRS;
- (ii) the orderly and proper planning of the locality; and
- (iii) the preservation of the amenities of the locality.

Telecommunication Coverage

The applicant states that the purpose of the development is to deliver improved depth of coverage and service quality to the Currambine and Kinross areas. In particular the tower is required to add capacity to the telecommunications network to accommodate smart-phone technology. The applicant has advised alternative sites were considered within commercial and industrial areas, however other sites were unsuitable due to the unwillingness of private landowners to lease their land for telecommunications infrastructure.

CONSULTATION:

The application was advertised by the City of Joondalup for a period of 30 days beginning on 29 September 2011. 71 submissions were received, 60 of these objected to the proposed development. Concerns related to:

- real estate value;
- visual amenity;
- proximity to the train station; and
- long term effects of electromagnetic emission (EME).

The City of Joondalup considered these submissions and resolved to support the application unconditionally.

The Department of Water and Main Roads Western Australia raised no objections.

The PTA advised that the proposed development would not affect the operation of the station and requested a condition relating to the lease arrangement for the tower site.

COMMENTS:

State Planning Policy 5.2 Telecommunications Infrastructure (SPP 5.2)

SPP 5.2 applies to the development of land for telecommunications facilities throughout Western Australia and provides for telecommunications facilities to be:

“Designed and sited to minimise potential adverse impacts on the character and amenity of the local environment, in particular prominent landscape features, general views in the locality and individual significant views.”

Further, the WAPC's *Guidelines for the Location, Siting and Design of Telecommunications Infrastructure* (Guidelines) provides further detailed guidance to meet the objectives of SPP 5.2.

The key principles outlined in the Guidelines include:

- Co location with other infrastructure;
- Integration with buildings and structures;
- Non intrusive design, including colouration appropriate to the background; and
- Landscaping to reduce visual impact.

The applicant has provided photo montages (**Attachment 3 – Photo montages**) which illustrate the visibility of the telecommunications tower from nearby residences, public open space and Currambine Railway Station. It is evident that the visual amenity of existing residences and views from public open space would be altered with the erection of the telecommunications tower in the proposed location. The visual impact from the Currambine Railway Station is less altered as the current views are characterised by infrastructure associated with the station.

The proposed development, however, attempts to minimise the effect on the amenity of the area by the co location of the tower with rail infrastructure. The monopole is proposed to be grey in colour, similar to existing street lights in the area and has been designed to be compact so as to minimise visual intrusiveness. Existing landscaping at the base of the monopole would soften the visual impact. These design measures are consistent with the WAPC Guidelines and minimise visual impact in accordance with SPP 5.2.

WAPC has previously approved telecommunications infrastructure adjacent to railway stations, in proximity to residential areas. For example a 29m high telecommunications tower was approved at the Cockburn Railway Station approximately 170m from future residential areas (WAPC Ref 23-50315-1) (**Attachment 4 – Cockburn Station Telecommunications Tower**). The proposal was found to be generally compatible with the visual appearance of the area and consistent with existing infrastructure. Similar principles can be applied to this proposal.

Network Capacity

SPP 5.2 provides for telecommunications facilities to serve the telecommunication needs of the community. Changes in communication technology, in particular smart-phone technology, have resulted in increased usage of network infrastructure and corresponding impact on the capacity of that infrastructure. The proposed development provides for this change in technology and would provide surrounding communities with fast and reliable communications services.

Electromagnetic Emissions (EME)

The maximum exposure to EME would be at Lot 48 Paddington Way, approximately 80m from the subject site. The applicant has submitted predicted EME levels which indicate emissions at Lot 48 would be within exposure limits set by the Australian Radiation and Nuclear Safety Agency.

Furthermore all telecommunication carriers are to comply with the Australian Communication and Media Authority *Radio communication (Electromagnetic Radiation – Human Exposure) Standard 2003*.

PTA Conditions

The PTA's referral response recommended the imposition of a condition relating to the leasing arrangements for the proposed telecommunications tower. As the leasing process is separate to this development application and the PTA supports the use of the site for telecommunications infrastructure, it is recommended that the condition not be imposed.

CONCLUSION:

The proposed development addresses the requirements of Clause 30(1) of the MRS as follows:

- i) While the development is inconsistent with the purpose of the Railways reservation it is consistent with relevant WAPC Policy and Guidelines relating to telecommunications infrastructure and will not impact on the operation of the Currambine Railway Station.
- ii) The proposed development is consistent with the relevant WAPC policy and guidelines established for telecommunications infrastructure, therefore represents orderly and proper planning for the locality.
- iii) The proposed development will alter the amenity of existing residences however has been designed and sited to minimise this impact.

The proposed development is consistent with the relevant WAPC policy for telecommunications infrastructure and provides for the telecommunication needs of the community. It is, therefore, recommended that that application be approved.

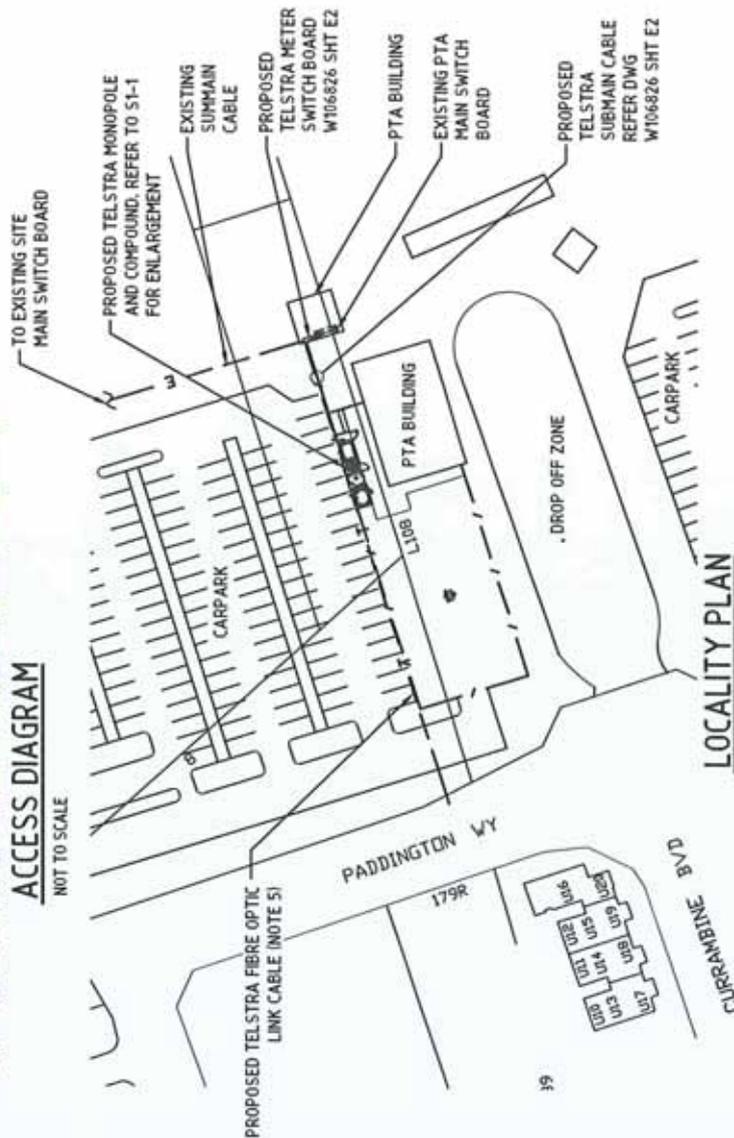
NOTES:-

1. ALL ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. FOR EME SIGNS NOTED THUS #X REFER TO 005486 FOR DETAILS.
3. UNDERGROUND SERVICES SHOWN ARE APPROXIMATE ONLY. LOCATE ALL UNDERGROUND SERVICES PRIOR TO ANY EXCAVATION WORK.
4. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.



RFNSA SITE 6028004
- CURRAMBINE NORTH

ACCESS DIAGRAM
NOT TO SCALE



SITE REFERENCE POINT (CENTRE OF MONOPOLE) DERIVED FROM GOOGLE		EXAM APPO	DATE	DS
LATITUDE (S)	-31.724796 (GDA 94)	BD	20.04.11	1
LONGITUDE (E)	115.749240 (GDA 94)	AAS	20.09.11	2

DEPARTMENT OF PLANNING
22 FEB 2012
FILE 34-50139-1

PRELIMINARY

Telstra		DWG NO.	W106826	SHT NO.	6
MOBILE NETWORK SITE 259477		CURRAMBINE NORTH			
SITE LOCATION AND ACCESS		PTA RAILWAY STATION - CURRAMBINE			

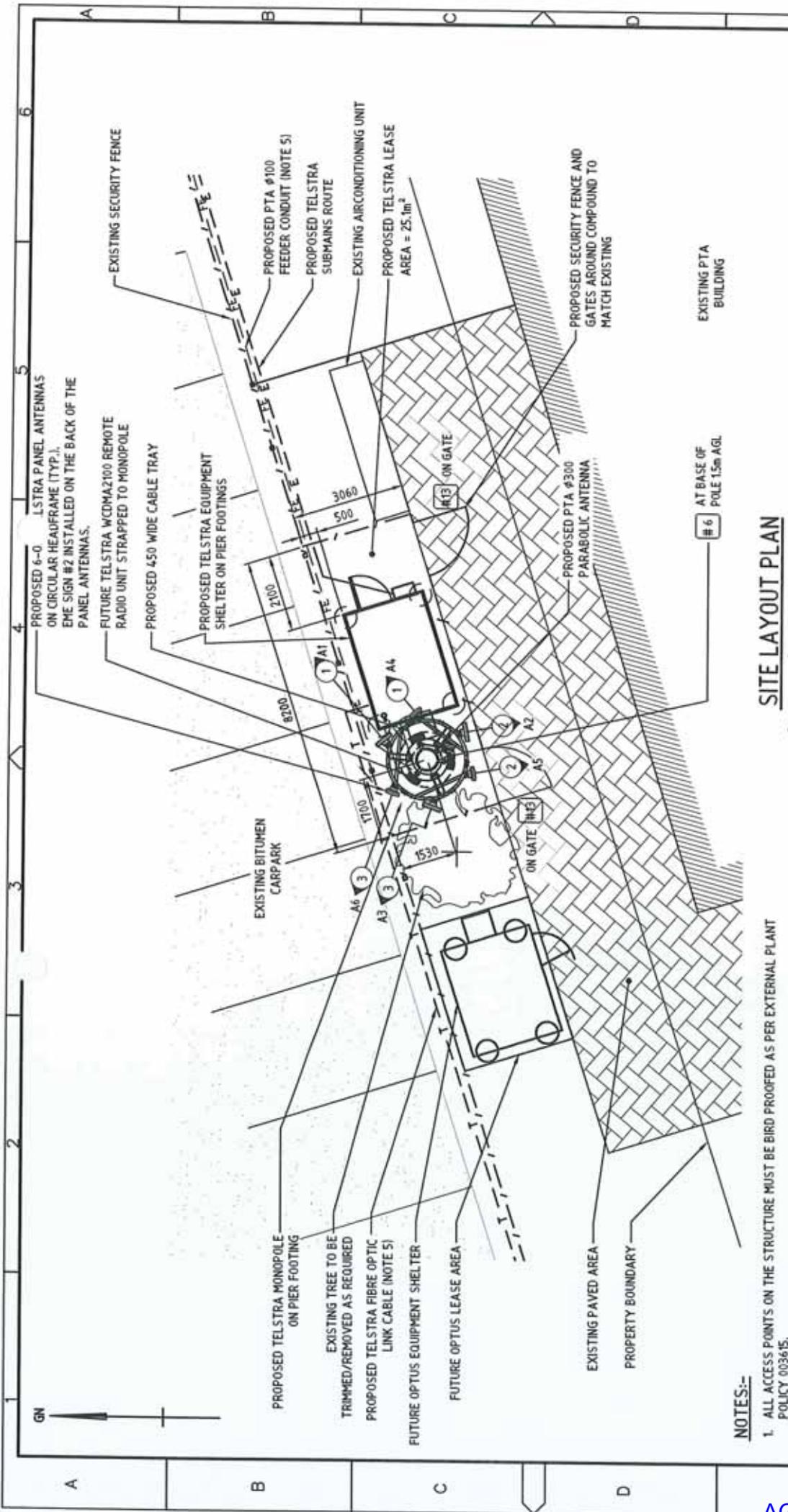
ORDER	DRAWN	CHKD	AMENDMENT	ISSUED FOR APPROVAL	DATE
01	ON	ON	70255807W2	BD	20.04.11
02	ON	ON	ADDED ELECTRICAL NOTES 70255807W2	AAS	20.09.11

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Aurecon Australia Pty Ltd
Level 1, Commerce City Centre
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Western Australia 6000
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Fax: +61 8 9231 1001
www.aurecon.com.au



LOCALITY PLAN





NOTES:-

1. ALL ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. FOR EME SIGNS NOTED THIS [X] REFER TO 005486 FOR DETAILS.
3. UNDERGROUND SERVICES SHOWN ARE APPROXIMATE ONLY. LOCATE ALL UNDERGROUND SERVICES PRIOR TO ANY EXCAVATION WORK.
4. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
5. FINAL LOCATION OF POWER ROUTE AND FIBRE LINK CABLE SUBJECT TO TELSTRA, PROPERTY OWNER REQUIREMENTS.

SITE LAYOUT PLAN



1 : 100

PRELIMINARY

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
MAN/BLP	CB	CH	ISSUED FOR APPROVAL 7025507W02	BD	BD	21.04.11	1
MAN/BLP	DJC	CH	REVISED PTA ANTENNA 7025507W02	AAS	AAS	31.05.11	2
MAN/BLP	DJC	CH	ADDED WCDMA2100 ANTENNAS 70255107W02	AAS	AAS	26.09.11	3
MAN/BLP	CB	CB	HEADFRAME CHANGED 70255107W02	AAS	AAS	13.02.12	4

SITE REFERENCE POINT (CENTRE OF MONOPOLE) DERIVED FROM GOOGLE	
LATITUDE (S)	-31.724706 (GDA 94)
LONGITUDE (E)	115.749240 (GDA 94)

DEPARTMENT OF PLANNING

22 FEB 2012

FILED 34-50139-1

NEXT NETWORK

AGENDA PAGE 302

TELSTRA ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE AND SIZE H x W x D	ANTENNA STATUS	ANTENNA HEIGHT C/L A.G.L.	ANTENNA BEARING (°T)	SECTOR NO. AND SYSTEM
A1	ARGUS 2CPX208R-V1 PANEL 2091 x 504 x 118	PROPOSED	33.7m	050°	S1: WCDMA850 S1: WCDMA850 S4: WCDMA850 S4: WCDMA850
A2	ARGUS 2CPX208R-V1 PANEL 2091 x 504 x 118	PROPOSED	33.7m	170°	S2: WCDMA850 S2: WCDMA850 S5: WCDMA850 S5: WCDMA850
A3	ARGUS 2CPX208R-V1 PANEL 2091 x 504 x 118	PROPOSED	33.7m	290°	S3: WCDMA850 S3: WCDMA850 S6: WCDMA850 S6: WCDMA850
A4	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	33.7m	050°	S1: FUTURE WCDMA2100 S4: FUTURE WCDMA2100
A5	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	33.7m	170°	S2: FUTURE WCDMA2100 S5: FUTURE WCDMA2100
A6	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	33.7m	290°	S3: FUTURE WCDMA2100 S6: FUTURE WCDMA2100
A7	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	36.0m	050°	S1: FUTURE S4: FUTURE
A8	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	36.0m	170°	S2: FUTURE S5: FUTURE
A9	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	36.0m	290°	S3: FUTURE S6: FUTURE
A10	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	38.6m	050°	S1: FUTURE S4: FUTURE
A11	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	38.6m	170°	S2: FUTURE S5: FUTURE
A12	ARGUS 2NPX210R-V1 PANEL 1330 x 370 x 120	FUTURE	38.6m	290°	S3: FUTURE S6: FUTURE
A13	ANDREW VHLPX1-38 #300 SOLID PARABOLIC	PROPOSED	12.0m	106°	PTA RADIO LINK

NOTES:-

- ALL ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
- FOR EME SIGNS NOTATED REFER TO 005486 FOR DETAILS.
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PRELIMINARY

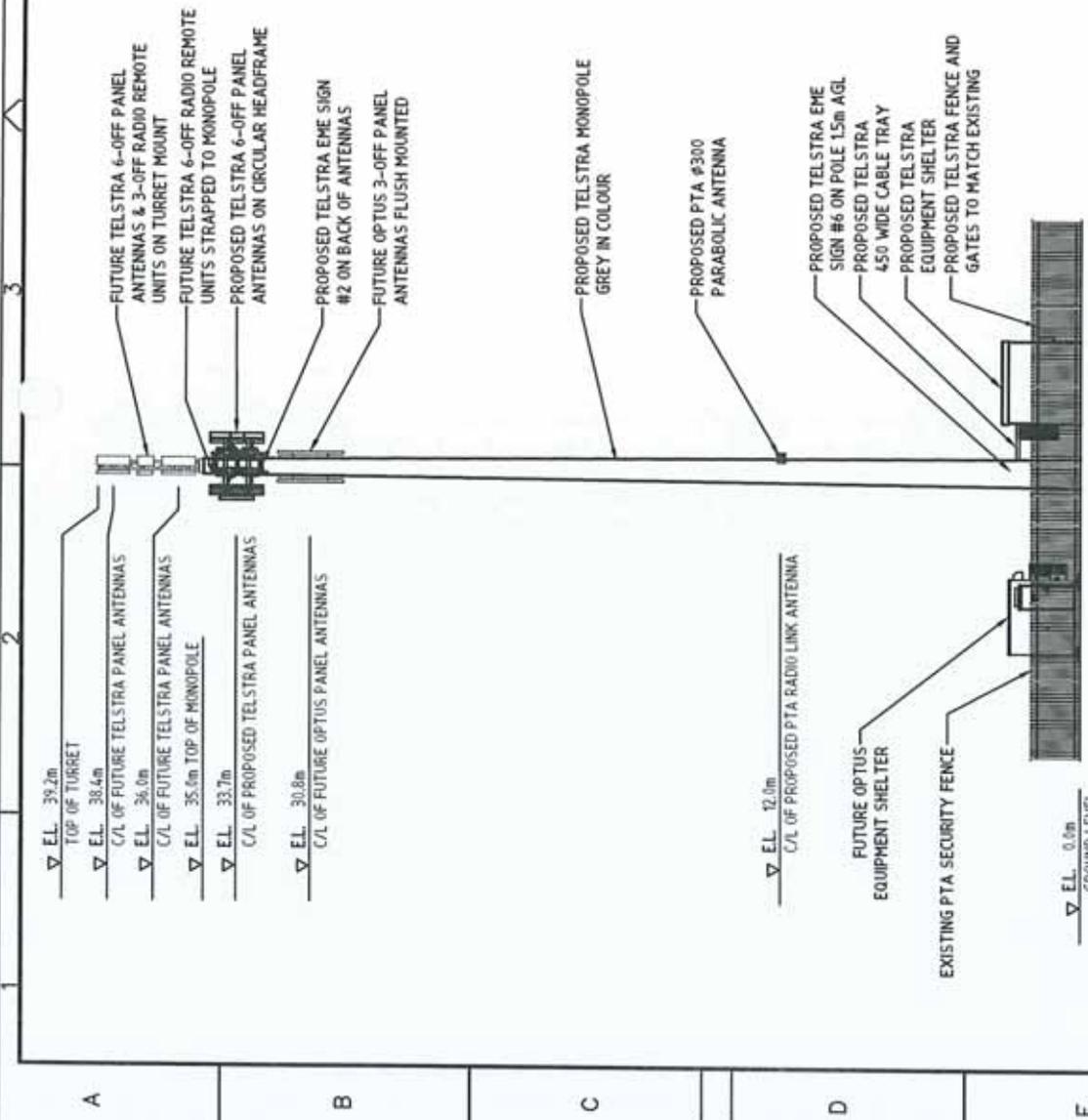
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPRD	DATE	ISS
MAINTENANCE	CB	CH	ISSUED FOR APPROVAL 7025518TW2	BO	BO	21.04.11	1
MAINTENANCE	DX	CH	ADDED PTA ANTENNA TO TABLE 7025518TW2	AAS	AAS	31.05.11	2
MAINTENANCE	DX	CH	ADDED WCDMA2100 ANTENNAS 7025518TW2	AAS	AAS	20.09.11	3
MAINTENANCE	CB	CB	HEADERFRAME CHANGED 7025518TW2			01.02.12	4

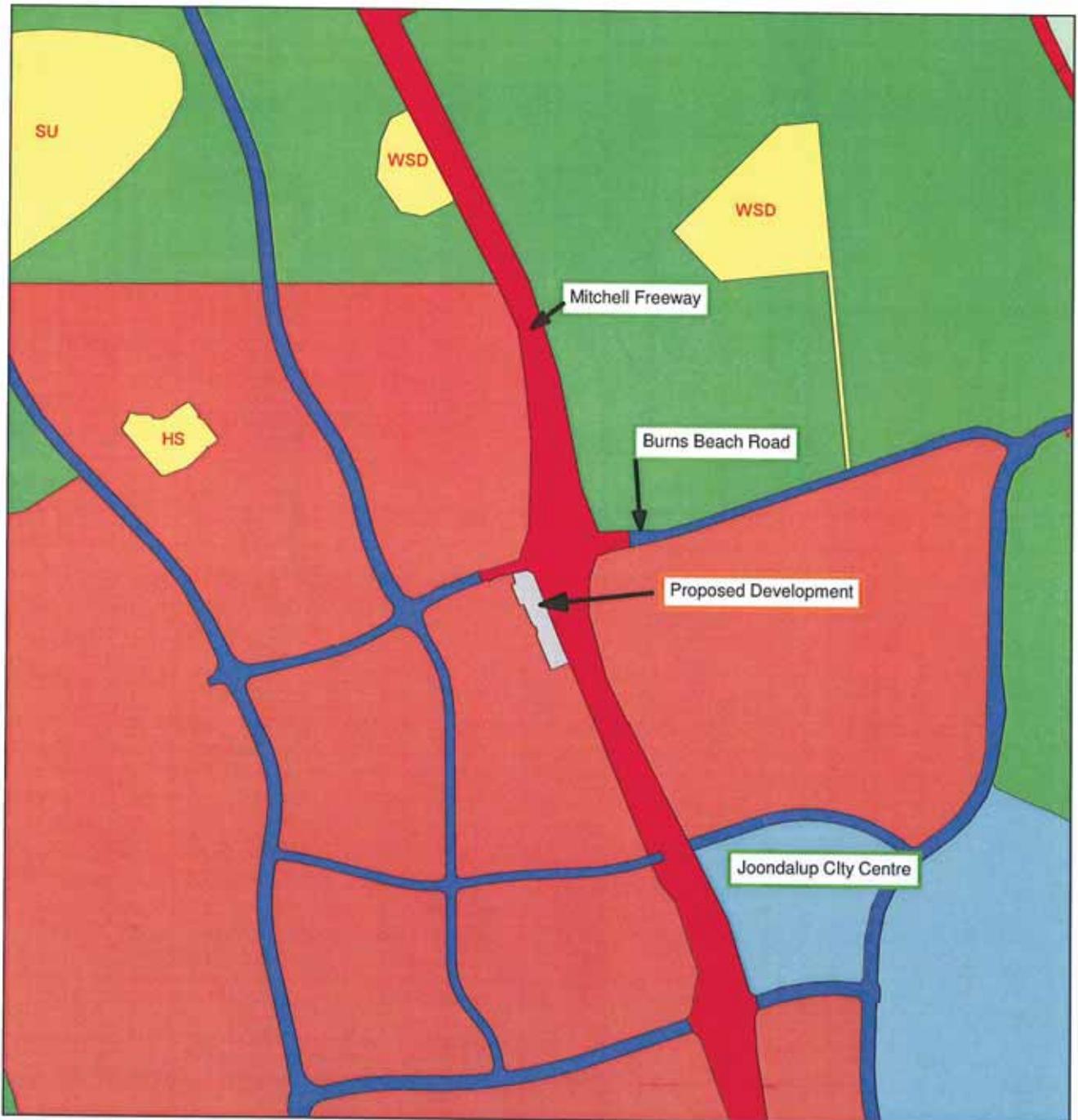
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DEPARTMENT OF PLANNING
 22 FEB 2012
 FILE 34-50139-1

NEXT NETWORK

PTA RAILWAY STATION - CURRAMBINE
 SITE ELEVATION
 W106826
 SHIT NO. 6





34501391	PARKS & RECREATION
URBAN	RAILWAYS
CENTRAL CITY AREA	PP - HIGH SCHOOL
RURAL	PP - SPECIAL USES
PRIMARY REGIONAL ROADS	PP - WATER AUTHORITY OF W A
OTHER REGIONAL ROADS	

Scale 1:25,000
0 500 m

Prepared by: jlapinski
Prepared for:
Date: Thursday, January 12, 2012 11:57
Plot Identifier: P20120112_1157



Location and Zoning Plan

DP INTERNAL USE ONLY

PROPOSED TELECOMMUNICATIONS INSTALL, CURRAMBINE NORTH

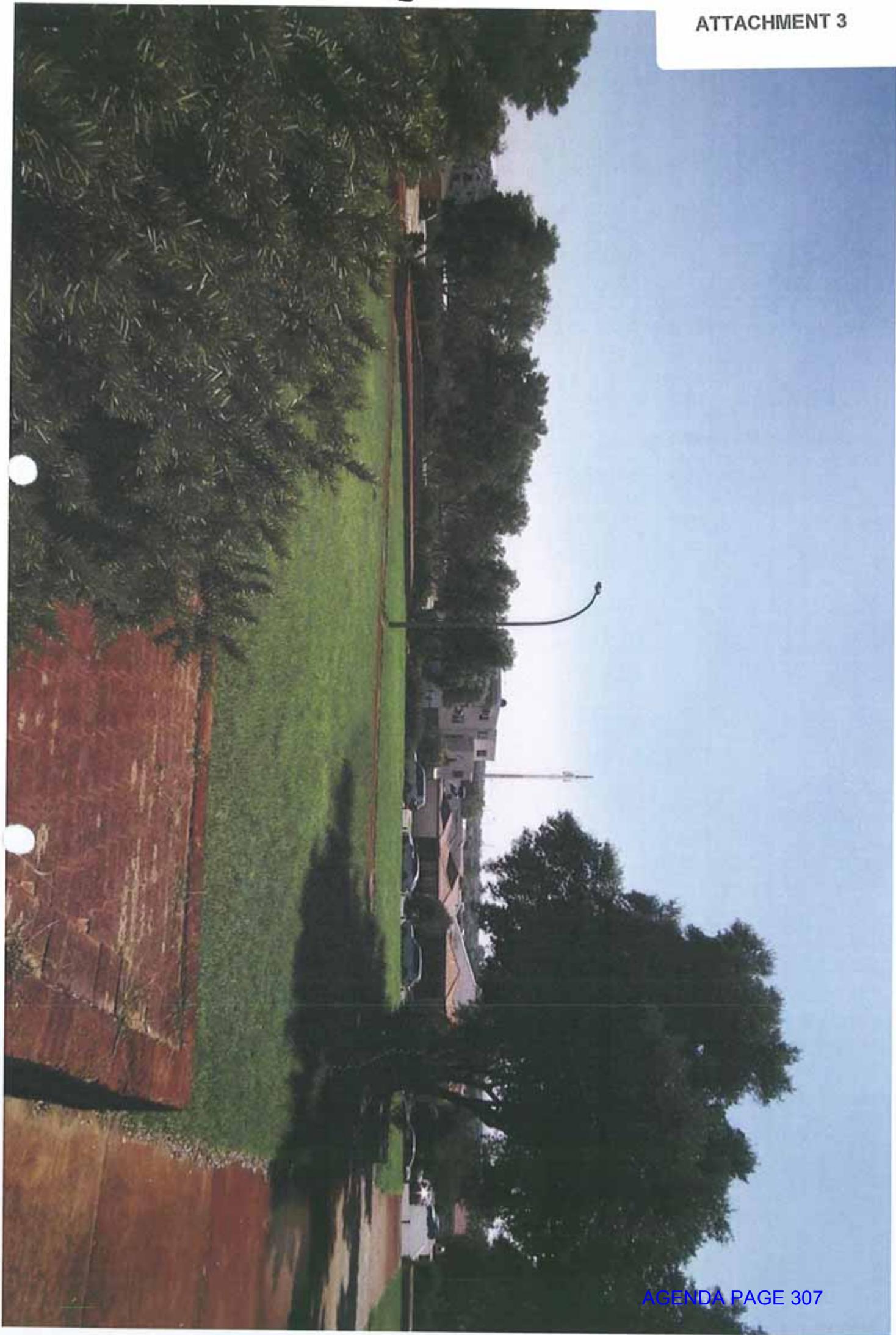


LEGEND:

★ = Location of proposed telecommunications install.

☞ = Location and Direction that photograph was taken









VIEW LOOKING NORTH WEST



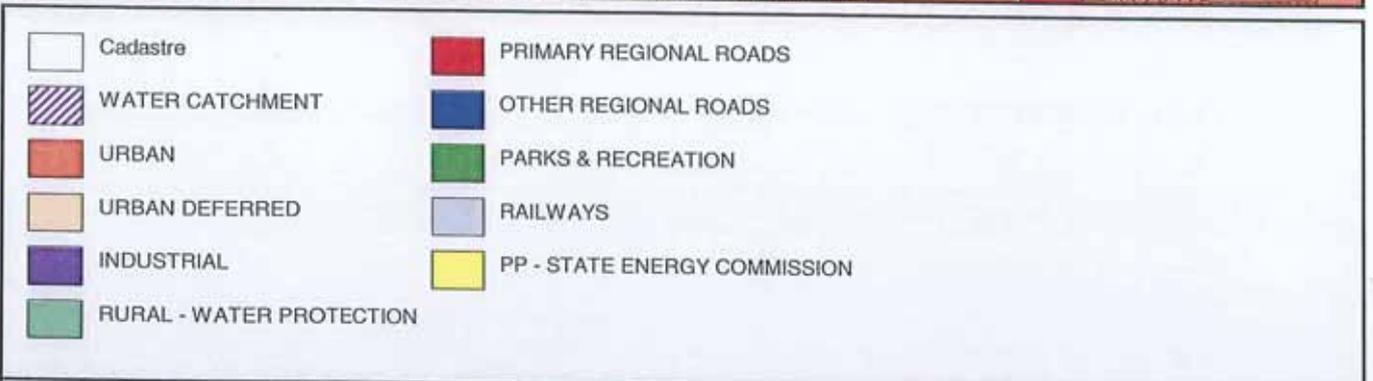
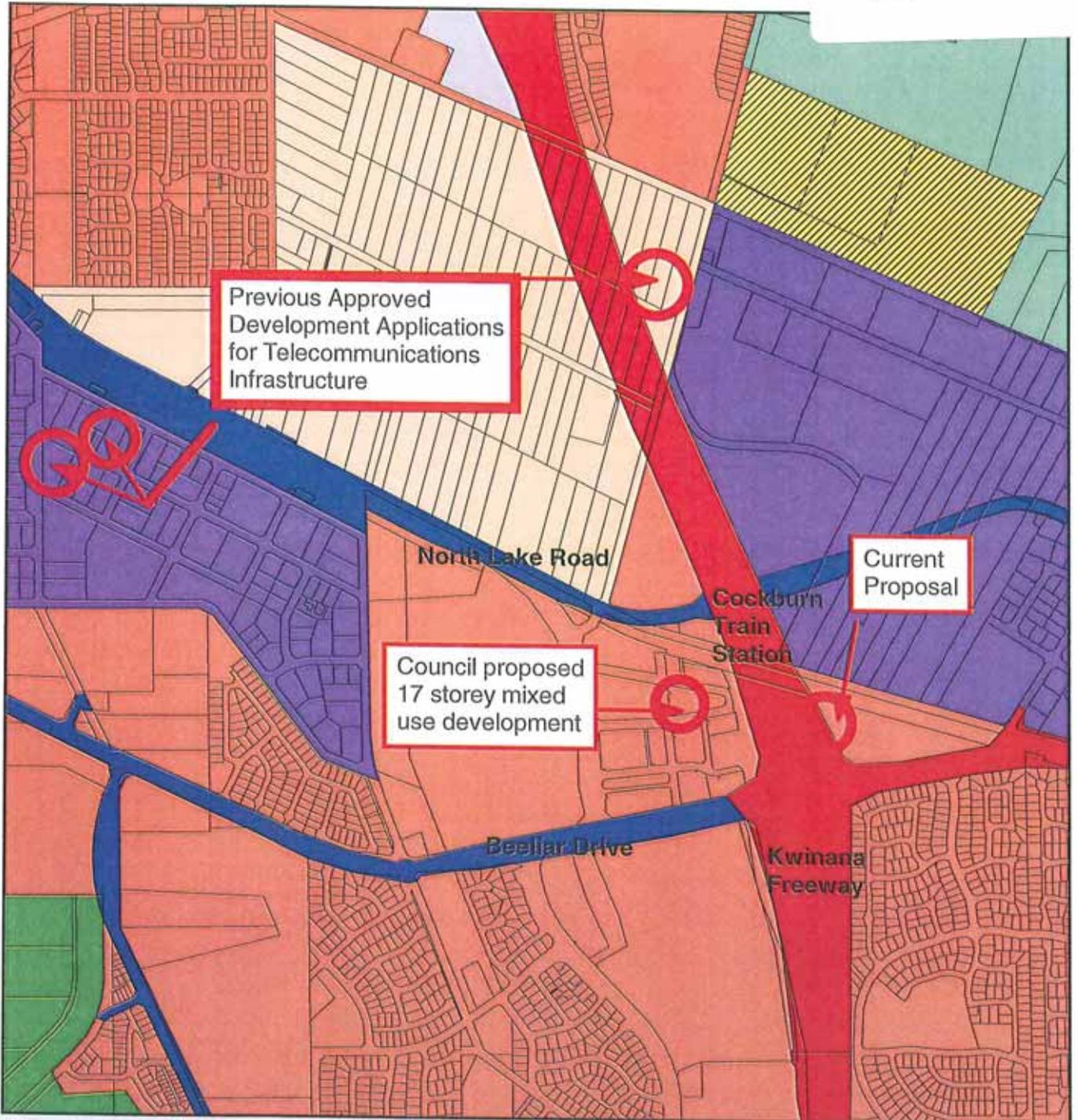
PROPOSED POLE, ANTENNA & SHELTER INSTALLATION

PHOTO MONTAGE
SITE 86078: ATWELL

Adjacent to Reserve 27950
Off Knock Place
Jandakot WA 6164

Montage by D&D Advertising (08) 9245 9101

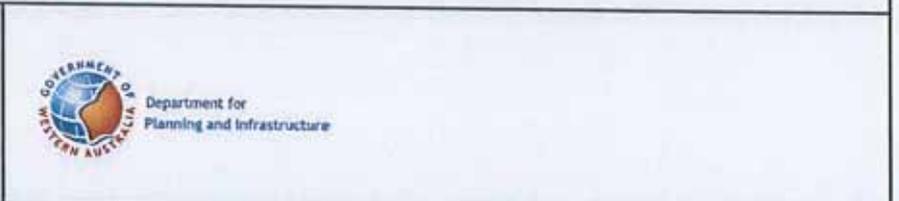
DEPARTMENT FOR PLANNING
AND INFRASTRUCTURE
24 JUN 2003
2-50351



Scale 1:13,918
 0 500 m

Prepared by: jbarla
 Prepared for:
 Date: Wednesday, September 24, 2008 11:20
 Plot identifier: P20080924_1120

DPI INTERNAL USE ONLY



ITEM NO: 9.11

SUBDIVISION OF LOT 3 GNANGARA ROAD, WANGARA TO CREATE TWO LOTS AND ROAD WIDENING

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Planning Manager, Metro North West
AUTHORISING OFFICER:	Acting Director, Metro Planning North West
AGENDA PART:	H
FILE NO:	145087
DATE:	15 March 2012
ATTACHMENT(S):	1: Subdivision Plan 2: Locality/Zoning Map 3. Deposited Plan 4: MRS Amendment 5: Agreed Structure Plan No. 10 6. Rural Small Holdings Policy Study Map 7. Surrounding Lot Sizes Plan
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Wanneroo
LOCAL SCHEME ZONING:	General Rural
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Metro North West
RECEIPT DATE:	21 October 2011
PROCESS DAYS:	88
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 3 (329) Gnangara Road, Wangara

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 3 Gnangara Road, Wangara as shown on the plan date-stamped 21 October 2011. This decision is valid for three years subject to the following condition(s) and advice:

Conditions:

- 1. An Acid Sulfate Soils Self-Assessment Form and, if required as a result of the self-assessment, an Acid Sulfate Soils Report and an Acid Sulfate Soils Management Plan shall be submitted to and approved by the Department of Environment and Conservation before any site works are commenced. Where an Acid Sulfate Soils Management Plan is required***

to be submitted, all site works shall be carried out in accordance with the approved management plan. (DEC)

- 2. 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)**
- 3. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)**
- 4. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that prior to development a geotechnical report is required to demonstrate that the site is suitable for on-site effluent disposal. (Local Government)**
- 5. A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:**

"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."

Advice:

- 1. The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.**
- 2. In relation to Condition 1, an "Acid Sulfate Soils Self-Assessment Form" can be downloaded from the Western Australian Planning Commission's website at:
www.wapc.wa.gov.au/Applications/Subdivision+and+application/default.aspx**

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

3. ***With regard to Condition 2, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.***
4. ***If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.***
5. ***With regard to Condition 3, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.***
6. ***The Department of Health advises as follows:***
 - (a) ***The geotechnical report referred to in Condition 4, should include the following information:***
 - (i) ***Soil profile to a depth of at least 2.0 metre.***
 - (ii) ***Soil permeability***
 - (iii) ***Water table encountered to a depth of 2.0 metres***
 - (iv) ***Site topography and any other features such as rock outcrops and water courses.***

A site specific geotechnical report of the site under late winter conditions (July/August) will need to be submitted.
 - (b) ***The proponent/s work with the City of Wanneroo and ratepayers in the region to ensure effective mosquito management is further developed and adequately funded for the locality; and***
 - (c) ***The proponent/s to ensure that proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:***
 - (i) ***Changes to topography resulting from earthworks (e.g. the installation of pipelines or roads) must prevent run-off from creating surface ponding; and***
 - (ii) ***Water tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding. If this cannot be achieved, regular monitoring for mosquito larvae and treatment with larvicide is required.***
7. ***The WAPC notes that when taking into account the areas of land excised from the parent lot for drainage and road widening purposes, as***

indicated on Deposited Plan 69322, its approval of this subdivision application will result in lots of less than 4 hectares in area being created. Although, the WAPC is not supportive of the creation of undersized 'Rural' zoned lots, (in this case 'Rural' zoned under the Metropolitan Region Scheme and 'General Rural' zoned under the City of Wanneroo District Planning Scheme No. 2), having regard to the specific circumstances which applied to this particular subdivision application, including consideration of Amendment 1216/57 which proposes to rezone the subject site and surrounding land from 'Rural' to 'Industrial' under the Metropolitan Region Scheme, the WAPC was willing to support the application. The WAPC's approval of the application should not, however, be construed as a precedent for its approval of future applications for subdivision which would result in the creation of undersized 'Rural' zoned lots.

SUMMARY:

The key points relating to this report are as follows:

- The submitted subdivision plan indicates the subdivision of one lot of 8.5053ha (Lot 3 Gnangara Road) to create two lots of 4.1643ha each and a road widening lot of 0.1767ha.
- The Deposited Plan which applies to the subject land indicates that a drainage reserve lot comprising an area of 2700m² and a road widening lot comprising an area of 4610m² have both been excised from the parent lot, reducing the overall area of the parent lot to 7.7739ha. In effect, the resulting areas of the proposed two lots will be approximately 3.88 ha, this being inconsistent with the 4ha minimum lot size requirement for 'Rural' zoned lots as required by the City's Local Planning Policy 'Subdivision of Rural Zoned Land' (July 2000), and the WAPC's 'Rural Small Holdings Policy Study' (September 1977). It is on this basis that the application has been referred to the Statutory Planning Committee for determination.
- The site is affected by Metropolitan Region Scheme (MRS) Amendment 1216/57 which proposes to rezone approximately 80.95ha of land in Wangara from the 'Rural' zone to the 'Industrial' zone under the MRS. The MRS amendment has been advertised and subsequently adopted by the WAPC and it is therefore considered to be a 'seriously entertained planning proposal'. Having regard to the specific circumstances which apply to the application, it is considered that there is sufficient justification to support the proposed subdivision. Therefore, it is recommended that the application is approved.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: Planning and Development Act 2005
Planning and Development Act - Part 10

Strategic Plan

Strategic Goal: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Develop integrated infrastructure and land use planning for the State

Policy

Number and / or Name: Rural Small-Holdings Policy Study
Statement of Planning Policy No. 11 - Agricultural and Rural Land Use Planning
Planning Policy Development Control Policy 3.4 - Subdivision of Rural Land

INTRODUCTION:

The application proposes to subdivide Lot 3 Gnangara Road, Wangara to create two lots of 4.1643ha each and a road widening lot of 0.1767ha (**Attachment 1** - Subdivision Plan).

The subject land is zoned 'Rural' under the MRS and "General Rural' under the City of Wanneroo District Planning Scheme No. 2 (DPS 2) (**Attachment 2** - Locality/Zoning Map). In addition, the southern boundary of the site abuts Gnangara Road which is reserved as an 'Other Regional Road' under the MRS.

Deposited Plan (DP 69322)

DP 69322 which applies to the subject land, endorsed subsequent to the lodgement of the application, identifies that a drainage reserve lot comprising an area of 2700m² (Lot 501) and a road widening lot comprising an area of 4610m² have both been excised from the subject land, reducing the area from 8.5053ha to 7.7739ha (**Attachment 3** - Deposited Plan).

Metropolitan Region Scheme Amendment 1216/57

The site is affected by MRS Amendment 1216/57 which proposes to rezone approximately 80.95ha of land in Wangara from the 'Rural' zone to the 'Industrial' zone under the MRS (**Attachment 4** - MRS Amendment). The proposed MRS amendment represents an extension of the existing Wangara industrial precinct in accordance with the WAPC's Industrial Land Strategy. The amendment was advertised from 30 August 2011 to 4 November 2011. On 28 February 2012, the WAPC resolved to adopt the amendment and to submit it to the Minister for Planning with a recommendation of approval. The amendment is currently awaiting final approval by the Minister for Planning. Given that the proposed MRS amendment has been advertised and subsequently adopted by the WAPC, it is considered to be a 'seriously entertained planning proposal'.

CONSULTATION:

The City of Wanneroo does not support the application for the following reasons:

1. MRS Amendment 1216/57 is in progress and has not been finalised.
2. The subject land forms part of a large area, which requires comprehensive planning (including agreement to an overall road pattern, the allocation of land for drainage and other public uses, provision for essential infrastructure and equitable arrangements for developer contributions), and approval of the subdivision application would be premature and prejudice the overall planning of the area.

The Department of Planning's Infrastructure Planning and Coordination (IPaC) branch raises no objection to the proposal on regional transport grounds.

Western Power and the Water Corporation raise no objections to the application subject to the imposition of standard servicing conditions.

Main Roads Western Australia, the Department of Environment and Conservation, the Department of Health and the Department of Mines and Petroleum raise no objections to the application.

COMMENTS:

Cell 8 Agreed Structure Plan No. 10

The subject land is located within the Cell 8 Agreed Structure Plan (ASP) No. 10 area (**Attachment 5** - ASP 10). The subject land is identified as an 'Area Subject To Further Detailed Planning'; it includes a drainage sump on the southern boundary adjacent to Gngangara Road and is affected by a wetland.

The proposal seeks to create two regular shaped lots each of approximately 4ha in area and both achieving gazetted road frontage. As part of the MRS amendment, a draft ASP was prepared for the area, which indicates that the proposed subdivision would have not adversely affect the future structure planning of the area. Notwithstanding the City's recommendation for refusal, it is considered that approval of the proposed subdivision would not prejudice the future planning of the area.

Lot Sizes

The subject land is currently zoned 'General Rural' under DPS 2. DPS 2 does not set a minimum site area requirement for 'General Rural' zoned lots. However, Clause 4.20 of DPS 2 states that the Council may establish policies outlining minimum lot dimensions for specific types of development where it considers it prudent to so. In this regard the City's Local Planning Policy - '*Subdivision of Rural Zoned Land*' (July 2000), states that in lands south of Neaves Road (which includes the subject site), which are zoned 'General Rural' under DPS 2 and 'Rural' under the MRS, the Council shall only support subdivision where each lot yielded by the proposed subdivision contains a minimum area of 4 hectares.

It is also relevant to take into consideration, the WAPC's *Rural Small Holdings Policy Study* (Policy Study) which was adopted by the WAPC (at the time the Town Planning Board of Western Australia and the Perth Metropolitan Region Planning Authority) in 1980. The Policy is identified in Statement of Planning Policy No. 1 (State Planning Framework Policy) as a 'strategic policy' which forms part of the State Planning Framework. The Policy Study relates to the subdivision of land and its use and development in rural areas. One of the recommendations specified in the Policy Study states that *"except in special circumstances the market garden areas of Wanneroo, Spearwood, Wattleup and Rockingham be controlled for subdivision on the basis of the lot sizes shown on Map 15 (4, 8 and 20 hectares depending on location)."* In this regard, Map 15 of the Policy Study indicates a suggested minimum lot size of 4ha for the general area in which the subject land is located (**Attachment 6 - Rural Small Holdings Policy Study Map**).

Although the submitted subdivision plan indicates two lots of 4.1643ha each, when taking into account the land set aside as separate lots for road widening and drainage as indicated on DP 69322, the parent lot has been reduced to an area of 7.7739ha. In effect, the resulting areas of the proposed lots will be approximately 3.88 ha each, this being inconsistent with the 4ha minimum lot size requirement for 'Rural' zoned lots as required by the City's Local Planning Policy and the Policy Study.

Notwithstanding the above, the proposed lot sizes can be supported on the following basis:

- The subject site and surrounding land is currently in the final stages of being re-zoned from 'Rural' to 'Industrial' as part of MRS Amendment 1216/57. Once the MRS amendment has been finalised, the subject land will be re-zoned under the City's DPS 2 to be consistent with the prevailing MRS 'Industrial' zoning. In this regard, it is noted that the City's DPS 2 does not specify a minimum lot size requirement in respect of 'General Industrial' zoned land.
- The reduction in lot sizes takes into account the areas of land which have been set aside for drainage and road widening purposes. The subject land would have accommodated two lots of over 4ha in size given that the former parent lot (Lot 3 Gngara Road) had an overall area of 8.5053ha. The reduction represents a 3% variation to the required minimum lot size. The lots can still be used for General Rural purposes.
- There are a number of 'General Rural' zoned lots within the immediate vicinity of the site which are under 4ha in area as indicated at **Attachment 7**. The sizes of the proposed lots would be consistent with the prevailing sizes in the locality.

Having regard to the above circumstances which apply to the application, it is considered that the approval of proposed subdivision would not set a precedent for the creation of undersized rural lots in the locality and the wider surrounding area.

Road Widening and Access

The subject land abuts Gngangara Road which is reserved as a Category 2 'Other Regional Road' (ORR) under the MRS. The Department's IPaC branch advises that there is a land requirement affecting the subject lot, namely a road-widening reservation of 5 to 7m in width. This road widening requirement has been accounted for on the submitted plan of subdivision. Furthermore, DP 69322 indicates that a separate lot has already been created for road widening purposes. The extent of land set aside for road widening is in excess of that required by the WAPC for the widening of Gngangara Road.

The Department's IPaC branch advises that only one access from Gngangara Rd should be allowed on the proposed Lot 1, and access to the proposed Lot 2 should be only from Sydney Road as required by the WAPC's Regional Roads (Vehicular Access) Policy D.C. 5.1 which seeks to minimise the number of new crossovers onto regional roads. Although IPaC's advice is noted, the issue of access to the proposed lots will be considered as part of the future structure planning for the area which will have to be undertaken prior to any industrial development occurring on the subject land. Should any General Rural development be proposed on the subject land, the implications of an additional crossover onto Gngangara Road are considered to be minimal and in any case, this can be appropriately considered through the development control process. On the above basis, it is not considered necessary in this instance to recommend a condition restricting access to the proposed lots from Gngangara Road.

Wetlands

The ASP identifies a 'Wetland' affecting a large portion of the subject land, this being mapped as an 'Environmental Priority Protection' (EPP) 'Multiple Use' category wetland by the Environmental Protection Authority. The Department of Environment and Conservation (DEC) conducted an assessment of the EPP wetland situated on the subject land as part of its assessment of MRS Amendment 1216/57 and found that the wetland had few native plants and exhibited no significant wetland function. The DEC further advised that the wetland was assessed as a seasonal wetland depression, with limited hydrological connection to other wetland systems and no significant biodiversity conservation values. The DEC's assessment also confirmed the management category classification as 'Multiple Use', which is the lowest conservation value category. Given the DEC's assessment undertaken in response to the MRS amendment, it is considered that the approval of the proposed subdivision would not have an adverse impact on the wetland function.

Acid Sulphate Soils

The subject land has an area of high to moderate risk of acid sulphate soils. It is recommended that the standard condition relating to acid sulphate soils be imposed.

Servicing

The servicing authorities have requested standard conditions requiring water reticulation and an underground electricity supply service to be made available to the proposed lots. It is recommended that these conditions be imposed as they relate to essential servicing for the proposed lots irrespective of whether they are to accommodate future General Rural development or General Industrial development.

The Department of Health advises that the proposal meets the large lot criteria to warrant consideration for exemption from the mandatory sewer conditions of the Government Sewerage Policy - Perth Metropolitan Region. The Department of Health has however, advised that as the site is a low lying area subject to inundation during winter, a geotechnical report is required to demonstrate that the on-site disposal of wastewater is achievable on the proposed lots. Therefore it is recommended that appropriate conditions be imposed to ensure that notifications are placed on the Certificates of Title of the proposed lots advising that the lots do not have reticulated sewerage and that on-site effluent disposal will be required to service any development on each lot and that prior to development, a geotechnical report is required to demonstrate that the site is suitable for on-site effluent disposal. The City has advised that it is supportive of the imposition of these conditions.

CONCLUSION:

The resultant sizes of the proposed lots are inconsistent with the City's Local Planning Policy '*Subdivision of Rural Zoned Land*' and the State's '*Rural Small Holdings Policy Study*' which both require a minimum lot size of 4ha. When taking into consideration the circumstances which apply to this particular application, however, it is considered that there is sufficient justification to support the proposed subdivision and that the approval of the proposed subdivision would not prejudice the future planning of the area. Accordingly, it is recommended that the application be approved subject to conditions.

SUBDIVISION SUMMARY	
Existing lot 3	area 8.5053ha
Proposed Lot 1	area 4.1643ha
Proposed Lot 2	area 4.1643ha
Proposed road widening	area 0.1767ha

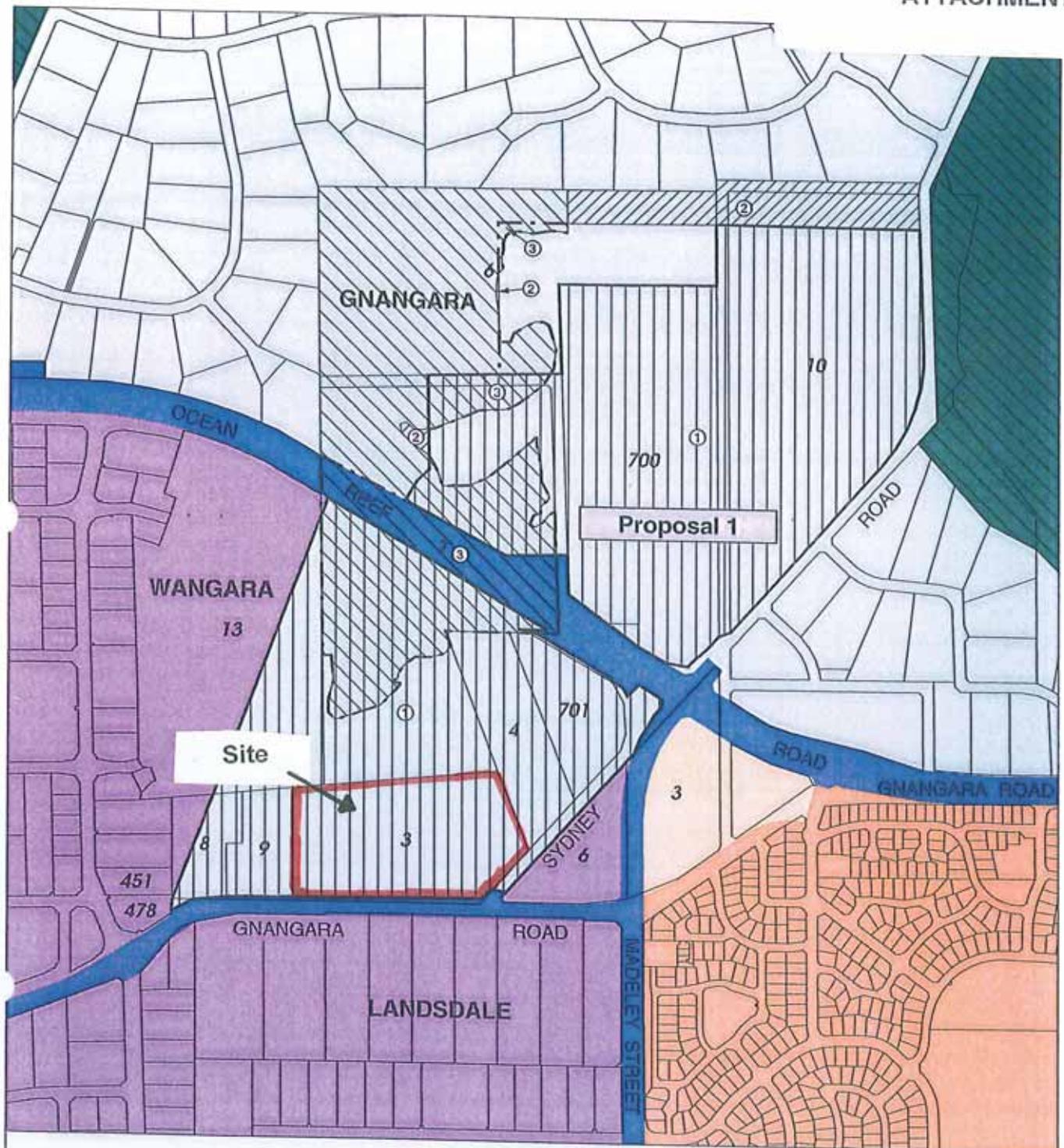


OCTOBER 2011
 Scale 1:2000 @
 Client: GRUBELJ
 THE LAND DIVISION
 Planning & Resources | 1661
 155 MAIN STREET,
 DOBBORNE PARK WA 61
 T: 9344 3939 F: 93
 3310 M: 04199332

possible road widening
 1767m²
 for future acquisition

PROPOSED GREEN TITLE SUBDIVISION OF LOT 3 ON DIAGRAM 18378
 329 GNANGARA ROAD, WANGARA
 CT Vol 503 Fol 110A, Vol 503 Fol 112A
 (SHARE TITLES)

Note: Dimensions and areas
 are subject to survey WAPC
 approval and Titles Office
 examination



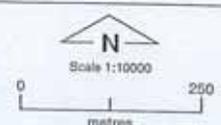
Wangara Industrial Precinct - proposed minor amendment
as advertised

28 June 2011

Figure 1

Proposed:		Existing:		Legend	
	industrial zone		urban zone		parks and recreation reservation
	Bush Forever Area addition		rural zone		other regional roads reservation
	Bush Forever area removal		urban deferred zone		Bush Forever area
			industrial zone		

25576v1_1.8g
14 Jun 2011
Produced by Mapping & GeoSpatial Data Branch, Department of Planning, Perth WA
On behalf of the Western Australian Planning Commission.
Base information supplied by Western Australian Land Information Authority LI 430-2009-4



Not to Scale



AMENDED DATE : 6th June 2006
 COMMENT : Includes Amendments 1 and 2

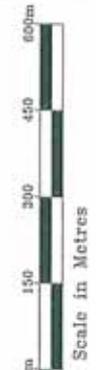
PLAN 1 : Agreed Local Structure Plan

CELL 8

City of Wanneroo



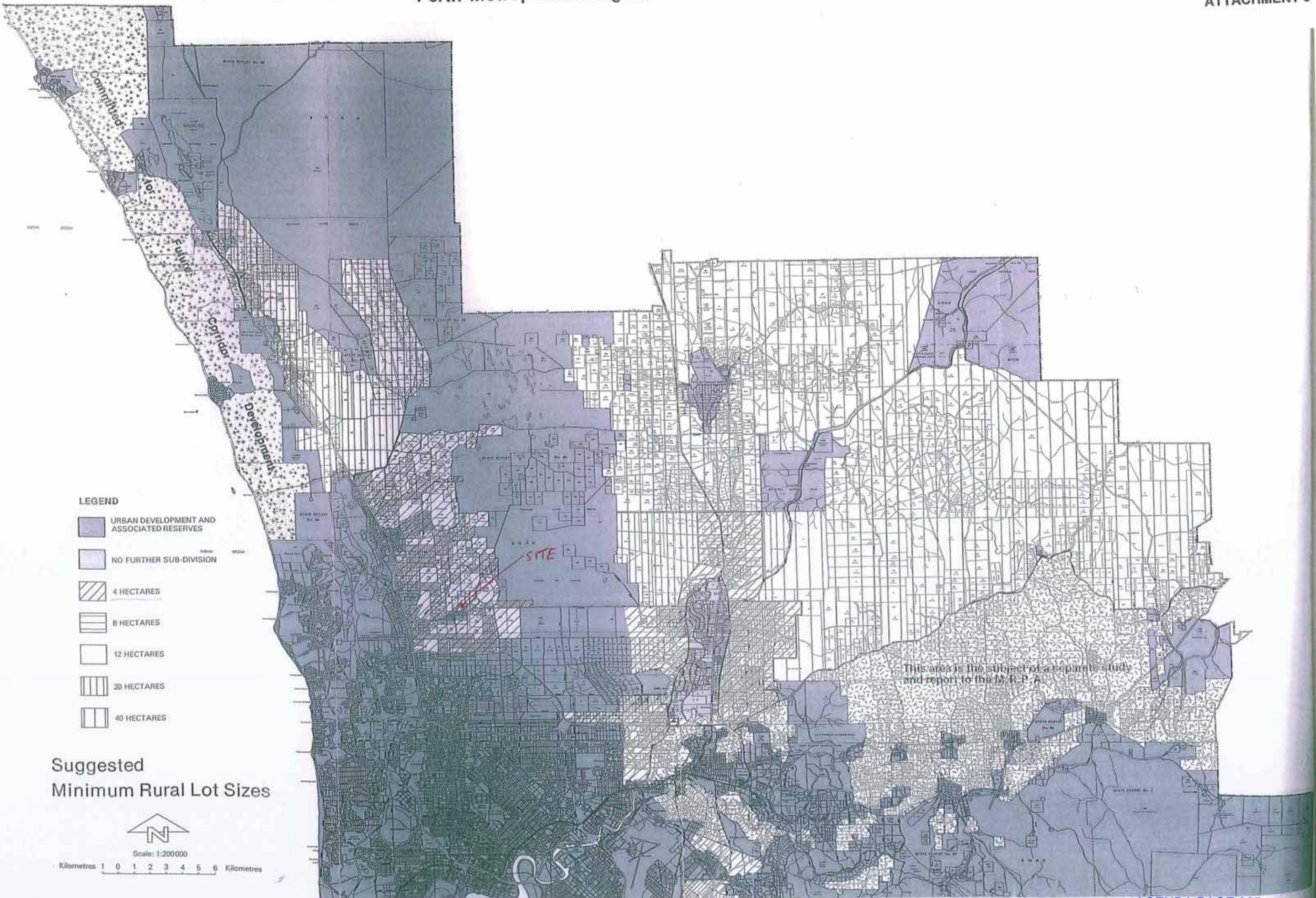
DEPARTMENT OF PLANNING
 DATE 23 OCT 2011
 FILE 145087



LEGEND

- CELL BOUNDARY
- 25m ROAD RESERVE
- DRAINAGE DUMP
- BUSH FOREVER
- WETLANDS





LEGEND

- URBAN DEVELOPMENT AND ASSOCIATED RESERVES
- NO FURTHER SUB-DIVISION
- 4 HECTARES
- 8 HECTARES
- 12 HECTARES
- 20 HECTARES
- 40 HECTARES

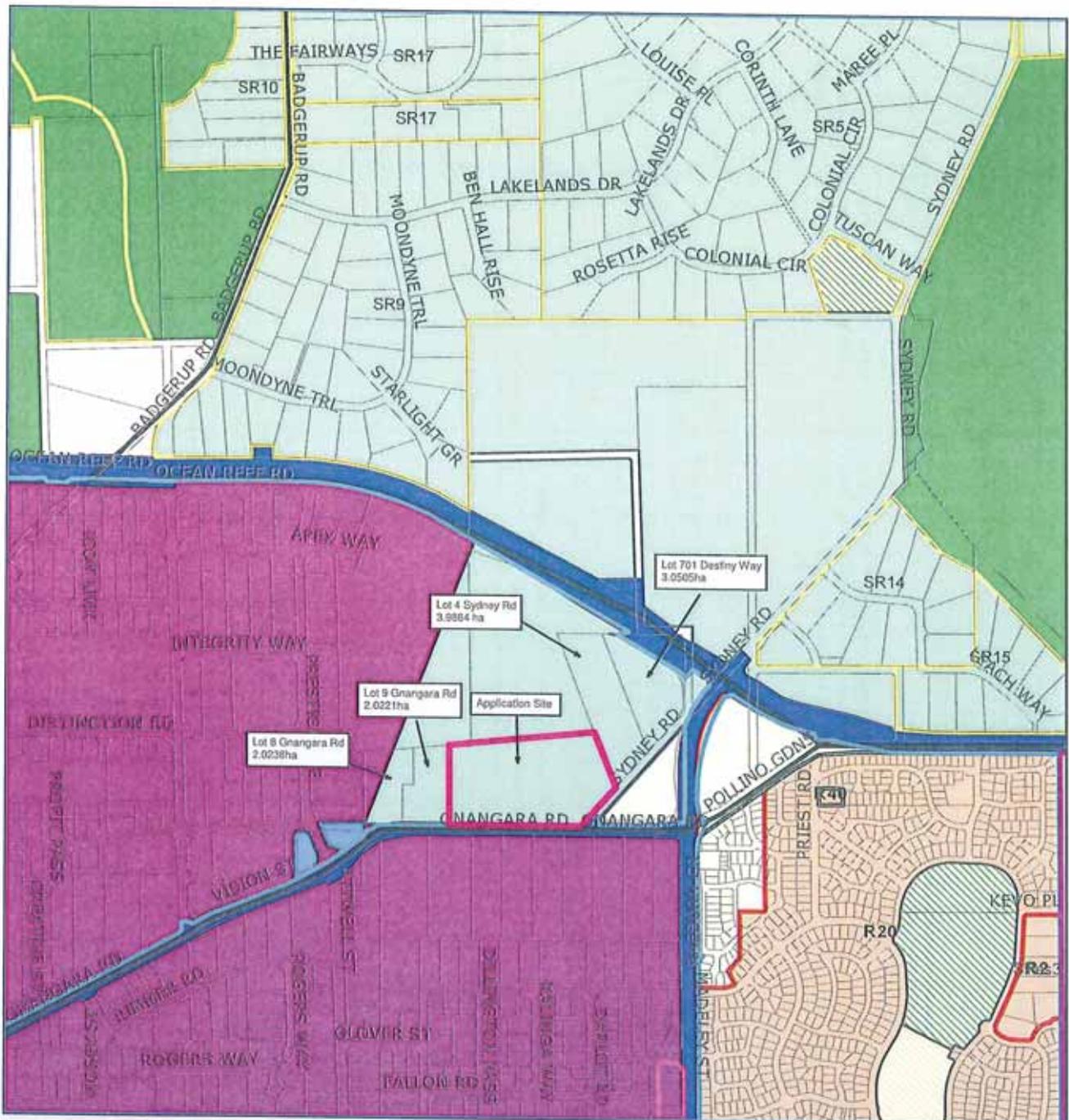
Suggested Minimum Rural Lot Sizes



Scale: 1:200000

Kilometres 1 0 1 2 3 4 5 6 Kilometres

This area is the subject of a separate study and report to the M.R.P.A.



Endorsed By WAPC	SPECIAL RESIDENTIAL AREA	CENTRE	RURAL RESOURCE
Endorsed By WAPC	SPECIAL RURAL AREA	GENERAL INDUSTRIAL	SPECIAL RESIDENTIAL
Adopted by Local Government	LOCALITY BOUNDARY	GENERAL RURAL	SPECIAL RURAL
Draft/Outstanding	TPS - Scheme Boundaries	INDUSTRIAL DEVELOPMENT	URBAN DEVELOPMENT
Cadastre with Lot Numbers	TPS - R Code Boundaries	PARKS AND RECREATION	
Cadastre	OTHER REGIONAL ROADS	PUBLIC USE	
SPECIAL 10	PARKS & RECREATION	RESIDENTIAL	

Scale 1:14,822
 0 500 m

Prepared by: acook
 Prepared for:
 Date: Friday, March 09, 2012 10:08
 Plot Identifier: P20120309_1008

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

WAPC Ref: 145087
 Surrounding Lot Sizes