



Statutory Planning Committee

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

**Tuesday 10 April 2012
10.00 am**

**Level 2, Room 2.40
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 27 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 24 April 2012**

Statutory Planning Committee

Minutes
of ordinary meeting 7455
held on Tuesday 27 March 2012

Attendance

Members

Mr Gary Prattley
Mayor Carol Adams
Mr Henty Farrar
Mr Ian Holloway
Mr Eric Lumsden
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)
Local Government nominee
Regional Minister's nominee
Professional representative
Director General, Department of Planning
Community representative

Officers

Ms Kylie Beach
Ms Catherine Beamish
Ms Natalie Cox
Ms Regan Douglas
Mr Jason Gordon
Mr Mat Selby
Mr Mark Szabo

Department of Planning

Senior Planning Officer, Independent Planning Reviewer
Senior Planning Officer, Perth and Peel Planning
Senior Planning Officer, Independent Planning Reviewer
Senior Planning Officer, Perth and Peel Planning
Senior Planning Officer, Independent Planning Reviewer
Planning Director, Peel and Perth Planning
Planning Manager, Schemes and Amendments

Presenters

Mr Carl Askew
Mr Grant Brinklow
Mr Jon Burgess
Mr David Caddy
Mr Martin Flint
Mr Andrew Fowler-Tutt
Dr Garry Garside
Mr Terry George
Mr Clayton Higham
Mr Andrew Jackson
Mr Carl Lancaster
Mr Ross Leighton
Mr Linley Lutton
Cr Donald McKechnie
Mr Brad Mellen
Mr Kevin Morgan
Mrs Jenny Nunich
Mr Peter Nunich
Mrs Corinne Reside
Mr Ron Reside
Cr Margaret Thomas

Town of Cottesloe
Sandalford
Burgess Design Group
TPG Town Planning
Flint Moharich Solicitors
Shire of Kalamunda
Watersun Properties
Lloyd George Acoustic Engineers
Shire of Kalamunda
Town of Cottesloe
Lancaster Winery
Landowner
Town of Cottesloe
Shire of Kalamunda
Mellen Events
Town of Cottesloe
Landowner
Landowner
Settlers Rest Farmstay
Settlers Rest Farmstay
Development & Infrastructure Committee

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Mr Jack Walsh Town of Cottesloe
Mr Peter Webb Peter D Webb & Associates

Committee Support

Mr Luke Downes Committee Support Officer - Department of Planning

7455.1 Declaration of Opening

The Presiding Member declared the meeting open at 10.05 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

Moved to item 9.1

7455.2 Apologies

Ms Sue Burrows Nominee of the Director General, Department of Planning

7455.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7455.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Elizabeth Taylor	10.1	40	Impartiality

Ms Taylor elected to depart the meeting for item 10.1 and did not take part in discussion or voting on the item.

Resolved

Moved by Mr Holloway, seconded by Mr Lumsden

The motion was put and carried.

7455.5 Declaration of Due Consideration

No declarations were made.

The Committee agreed that the following items be approved en bloc:

- ***7455.9.4, 7455.9.5, 7455.9.10 and 7455.9.11***
- ***7455.10.2, 7455.10.3, 7455.10.5 and 7455.10.6***

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Resolved

Moved by Mr Holloway, seconded by Ms Taylor

Moved to item 7

7455.6 Deputations and Presentations

7455.6.1 **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**

Presenters Mr Brad Mellen, Mellen Events;
Mr Carl Lancaster, Lancaster Winery;
Mr Terry George, Lloyd George Acoustic Engineers

Mr Mellen and Mr Lancaster stated the positive impact the Lancaster Winery concert venue would have for the Swan Valley area.

Mr Mellen and Mr Lancaster's presentation has been placed on file.

7455.6.2 **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**

Presenters Mr Peter Webb, Peter D Webb & Associates;
Mr Grant Brinklow, Sandalford;
Mr Ron Reside, Settlers Rest Farmstay;
Mrs Corinne Reside, Dettlers Rest Farmstay;
Mr Jon Burgess, Burgess Design Group;
Mr Peter Nunich, landowner,
Mrs Jenny Nunich, landowner

Mr Webb expressed concerns that the proposed concert venue would pose major implications to local residents, the impact on local grape growing conditions and the effect concert events held at the venue would have to surrounding local businesses.

Mr Burgess' presentation has been placed on file.

Items were tabled and have been placed on file.

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7455.6.3 **Shire of Kalamunda Local Planning Scheme Amendment No. 18 - for Final Approval**

Presenters Cr Donald McKechnie, Shire of Kalamunda; Cr Margaret Thomas, Development & Infrastructure Committee; Mr Clayton Higham, Shire of Kalamunda; Mr Andrew Fowler-Tutt, Shire of Kalamunda; Mr Peter Webb, Peter D Webb & Associates; Mr Ross Leighton, landowner

THIS ITEM IS CONFIDENTIAL

7455.6.4 **Old Swanbourne Hospital Site Subdivision Application**

Presenters Mr David Caddy, TPG Town Planning; Mr Gary Garside, Watersun Properties; Mr Martin Flint, Flint Moharich Solicitors

Mr Caddy advised the Committee of his support for the Application and also noted his concern for Condition 13 of the report.

Mr Prattley, Mayor Adams and Ms Taylor left the meeting at 11.34 am and returned at 11.36 am

7455.6.5 **Town of Cottesloe - Local Planning Strategy and Local Planning Scheme No.3 - for Final Endorsement/Approval**

Presenters Mayor Kevin Morgan, Town of Cottesloe; Dr Linley Lutton, Town of Cottesloe; Cr Jack Walsh, Town of Cottesloe; Mr Carl Askew, Town of Cottesloe; Mr Andrew Jackson, Town of Cottesloe

THIS ITEM IS CONFIDENTIAL

Moved to item 9.2

7455.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

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7455.8 Confirmation of Minutes

7455.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 13 March 2012

Resolved

Moved by Mr Lumsden, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday 13 March 2012, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

Moved to item 6

7455.9 Reports

7455.9.1 Adoption Of Drovers Place Precinct Local Structure Plan No.80

File SPN/0125
Report Number SPC/145
Agenda Part C
Reporting Officer Senior Planning Officer: Schemes and Appeals

The item was deferred to the meeting of 10 April 2012 to allow further information to be provided by the City of Wanneroo.

Officer's 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

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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

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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

Resolved

Moved by Mr Lumsden, seconded by Mr Holloway

The item 9.1 – Adoption of Drovers Place Precinct Local Structure Plan No.80 was deferred to the meeting of 10 April 2012 to allow further information to be provided by the City of Wanneroo.

The motion was put and carried.

Moved to item 9.7

7455.9.2

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

File SPN/0334

Report Number SPC/146

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Agenda Part C
Reporting Officer Planning Manager - Metropolitan
Planning South West

Recommendation 3 to be amended to replace the word 'will' to 'should'.

Cities reply to CLE response to Plan A was tabled.

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, 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

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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;
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 Mr Lumsden, seconded by Mr Holloway

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*

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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*

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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 should successfully integrate with the existing urban character of Golden Bay and Secret Harbour.*

The motion was put and carried.

The votes were recorded as follows:-

For: Mr Prattley, Mayor Adams, Mr Holloway, Mr Lumsden and Ms Taylor

Against: Mr Farrar

7455.9.3

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

File 21-50177-2
Report Number SPC/147
Agenda Part C
Reporting Officer Planning Manager,
Metropolitan Planning North East

The item was deferred for an onsite inspection by the Commission to be completed prior to a decision being made by the Committee.

Officer's 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

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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

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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

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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

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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 low 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

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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.

Resolved

Moved by Mr Lumsden, seconded by Mr Holloway

The item 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 has been deferred for an onsite inspection by the Commission to be completed prior to a decision being made by the Committee.

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The motion was put and carried.

Moved to item 9.6

7455.9.4

Development: Food and Beverage Production (Bakery) and Exhibition Centre – Lot 36 West Swan Road, West Swan

File 21-50381-1
Report Number SPC/148
Agenda Part C
Reporting Officer Planning Manager,
Metropolitan Planning North East, Perth
and Peel Planning

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

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.*

The motion was put and carried.

7455.9.5

City Of Vincent Local Planning Policy 3.4.1- Ancillary Accommodation - Request for Approval

File TPS/0345/1
Report Number SPC/149

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Agenda Part D
Reporting Officer Planning Manager- Schemes, Strategies
and Amendments

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

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;*

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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.

The motion was put and carried.

7455.9.6

Department of Housing Mixed Use Development (Multiple Dwellings and Offices)

File 11-50084-1

Report Number SPC/150

Agenda Part P

Reporting Officer Delegated Officer,
Metropolitan and Peel Planning, Perth
and Peel Planning

Resolved

Moved by Ms Taylor, seconded by Mr Lumsden

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:*

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- (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*

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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*

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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*

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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*

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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*

The motion was put and carried.

Moved to item 9.8

7455.9.7

Subdivision of Lot 26 Riverview Place, Lot 27 The Coombe, Mosman Park

File 144722
Report Number SPC/151
Agenda Part G
Reporting Officer Manager Metropolitan Central

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The item was deferred to the meeting of 10 April 2012 to allow the Committee to consider additional information provided by the applicant before making a determination on the item.

Officer's 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)

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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.

Resolved

Moved by Mr Lumsden, seconded by Mr Holloway

The item 9.7 – Subdivision of Lot 26 Riverview Place, Lot 27 The Coombe, Mosman Park was deferred to the meeting of 10 April 2012 to allow the Committee to consider additional

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information provided by the applicant before making a determination on the item.

The motion was put and carried.

Moved to item 2

7455.9.8

Old Swanbourne Hospital Outline Development Plan

File DP/11/02097
Report Number SPC/152
Agenda Part G
Reporting Officer Director, Metropolitan Central

Resolved

Moved by Mayor Adams, seconded by Ms Taylor

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;*
- 3. advise the City of Nedlands and proponent accordingly, and provide a certified copy of the final Outline Development Plan document to each.*

The motion was put and carried.

7455.9.9

Old Swanbourne Hospital Site Subdivision Application

File 145074
Report Number SPC/153
Agenda Part G
Reporting Officer Planning Manager, Metropolitan Central

Mr Selby tabled an updated condition 13 and a new advice note 9 which was resolved.

Officer's Recommendations

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:

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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

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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

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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

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private open space, surface treatment of proposed walkways, proposed hedges, post boxes and any proposed street furniture.

Resolved

Moved by Mr Lumsden, seconded by Mayor Adams

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.*

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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*

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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 be prepared and implemented for use by pedestrians and cyclists to the satisfaction of the WAPC in consultation with the City of Nedlands and the Heritage Council*

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*

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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*

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proposed street furniture.

9. *In relation to the provision of public access, the future alignment and the appropriate method of protection needs to occur prior to the lodgement of the Department of Planning. Particular attention needs to be provided in relation to the provision of sustainable infrastructure at the development application stage.*

The motion was put and carried.

Moved to item 10.1

7455.9.10

Telecommunications Tower

File 34-50139-1
Report Number SPC/154
Agenda Part G
Reporting Officer Planning Manager Metropolitan North West

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

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.*

The motion was put and carried.

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7455.9.11 Subdivision of Lot 3 Gnangara Road, Wangara to Create Two Lots and Road Widening

File 145087
Report Number SPC/155
Agenda Part H
Reporting Officer A/Planning Manager, Metro North West

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

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)*

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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

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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

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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

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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.

The motion was put and carried.

7455.10 Confidential Items

7455.10.1 Shire of Kalamunda Local Planning Scheme Amendment No. 18 - for Final Approval

File TPS/0171/ V1 - 4
Report Number SPC/156
Agenda Part B
Reporting Officer Director, Operational Policy Coordination

THIS ITEM IS CONFIDENTIAL

Moved to item 10.4

7455.10.2 City of Fremantle Local Planning Scheme No.4 Amendment No.12 - for Final Approval

File TPS/0214/1
Report Number SPC/157
Agenda Part B
Reporting Officer Planning Manager - Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7455.10.3 City of Stirling - Local Planning Scheme No.3 Amendment No.3 - for Final Approval

File TPS/0565
Report Number SPC/158
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

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- 7455.10.4 Town of Cottesloe - Local Planning Strategy and Local Planning Scheme No.3 - for Final Endorsement/Approval**
File TPS/00412
Report Number SPC/159
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

Moved to item 11

- 7455.10.5 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**
File 08-50126-1 and 08-50127-1
Report Number SPC/160
Agenda Part D
Reporting Officer Planning Manager, Metropolitan Planning Central

THIS ITEM IS CONFIDENTIAL

- 7455.10.6 Shire of Lake Grace - Local Planning Strategy Amendment No.1 - for Consent To Advertise**
File 853/5/12/6PV2
Report Number SPC/161
Agenda Part E
Reporting Officer Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7455.11 General Business

Nil.

7455.12 Items for Consideration at a Future Meeting

Nil.

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7455.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 10 April 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.17 pm

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

INDEX OF REPORTS

Item	Description
9	REPORTS
C	SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS
	Adoption of Drovers Place Precinct Local Structure Plan No.80
	10 Dwellings for Aged and/or Dependant Persons at Lot 697 Hennessy Avenue Orelia
G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
	Subdivision of Lot 26 Riverview Place, Lot 27 The Coombe, Mosman Park
	Endorsement of Foreshore Management Plan. Scarborough Beach Urban Design Master Plan
	Endorsement of Dwellingup Structure Plan, Shire of Murray
10	CONFIDENTIAL REPORTS
C	SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS
	Proposed Subdivision: Lot 251 Victoria Road, Wattle Grove
E	MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS
	Shire of Chittering - Local Planning Scheme Amendment - for Final Approval

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 Sulphate 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 Sulphate 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;***

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 Sulphate 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.

Addendum to SPC Item 9.1
Adoption of Drovers Place Precinct Local Structure Plan No.80

1. Since the preparation of the Statutory Planning Committee (SPC) report, additional advice provided by the City of Wanneroo and objection raised by the owner of the local centre to the east of Drover's Place requires further investigation into the proposed additional uses.
2. The SPC report recommended the following additional uses: carwash, club (non-residential), dry cleaning premises, liquor store, mast or antennae, place of assembly, recreation centre, telecommunication infrastructure, and vehicular sales/hire premises.
3. On 6 March 2012, when Council considered Amendment 1 to LSP No.80 a number of uses were proposed to be introduced, including car wash, dry cleaning premises, hairdresser, liquor store, recreation centre and retail nursery. Council resolved to support, all the proposed uses, except hairdresser and liquor store.

The basis for the City's decision was that the proposed hairdresser and liquor store were shop/retail uses, and would contribute towards activating local centres and provide a typical activity centre land uses. As a result the uses were considered inconsistent with State Planning Policy No.4.2 'Activity Centres for Perth and Peel' (SPP 4.2).

4. The proponent's justification for the liquor store land use is to accommodate a 'large format' liquor store. The applicant contends that this use is suited to car-based development and that there is limited opportunity to locate such uses adjacent to existing activity centres and that in the future there will be sufficient demand from the large population growth in this catchment area to accommodate multiple liquor stores.
5. SPP 4.2 Appendix 1 - Interpretations, defines Shop/Retail as '*land use activities included in 'Planning land use category 5:Shop/retail' as defined by the Commission's Perth Land Use and Employment Survey (as amended from time to time).*' The PLUC codes were developed in the mid 1980's/early 1990's and have not been reviewed.
6. The State Administrative Tribunal (SAT) determined that the subject site was an 'out of centre development' in accordance with Section 5.6 of SPP 4.2. A number of uses, which are shop/retail have already been approved within the LSP area, including: retail nursery, growers mart, tearooms, local arts and crafts, restaurants/cafes.
7. An adjacent landowner raised some concern about support being given to a drive through food outlet and a liquor store in the LSP area advising in this regard that:

- i) the uses identified for the Central Precinct of the LSP are not consistent with its proposed objective 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.
 - ii) the local centre to the east of Wanneroo Road, approved under the East Wanneroo Cell No.1 LSP is a designated centre, zoned 'Commercial' with a floorspace limit of 1100m², is a more appropriate location for retail/shop uses.
 - iii) liquor stores in a large retail format are being developed more recently, and these are essentially on sites which are part of a designated centre, for example: Dan Murphy's on Wanneroo Road and Culloton Crescent in Balga, and on Marmion Avenue, Currambine.
8. The original officers report presented to SPC outlined that the:
- i) retail assessment forecasts prepared by Macroplan and submitted as part of the LSP indicated that the impacts on existing and proposed centres 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; and
 - ii) City of Wanneroo engaged GHD to review the proponents traffic report prepared by Transcore in respect to the new proposed land uses. GHD's review that the impact specifically attributable to the additional uses would have an insignificant impact on the operation of the access intersections on to Wanneroo Road and Joondalup Drive.



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



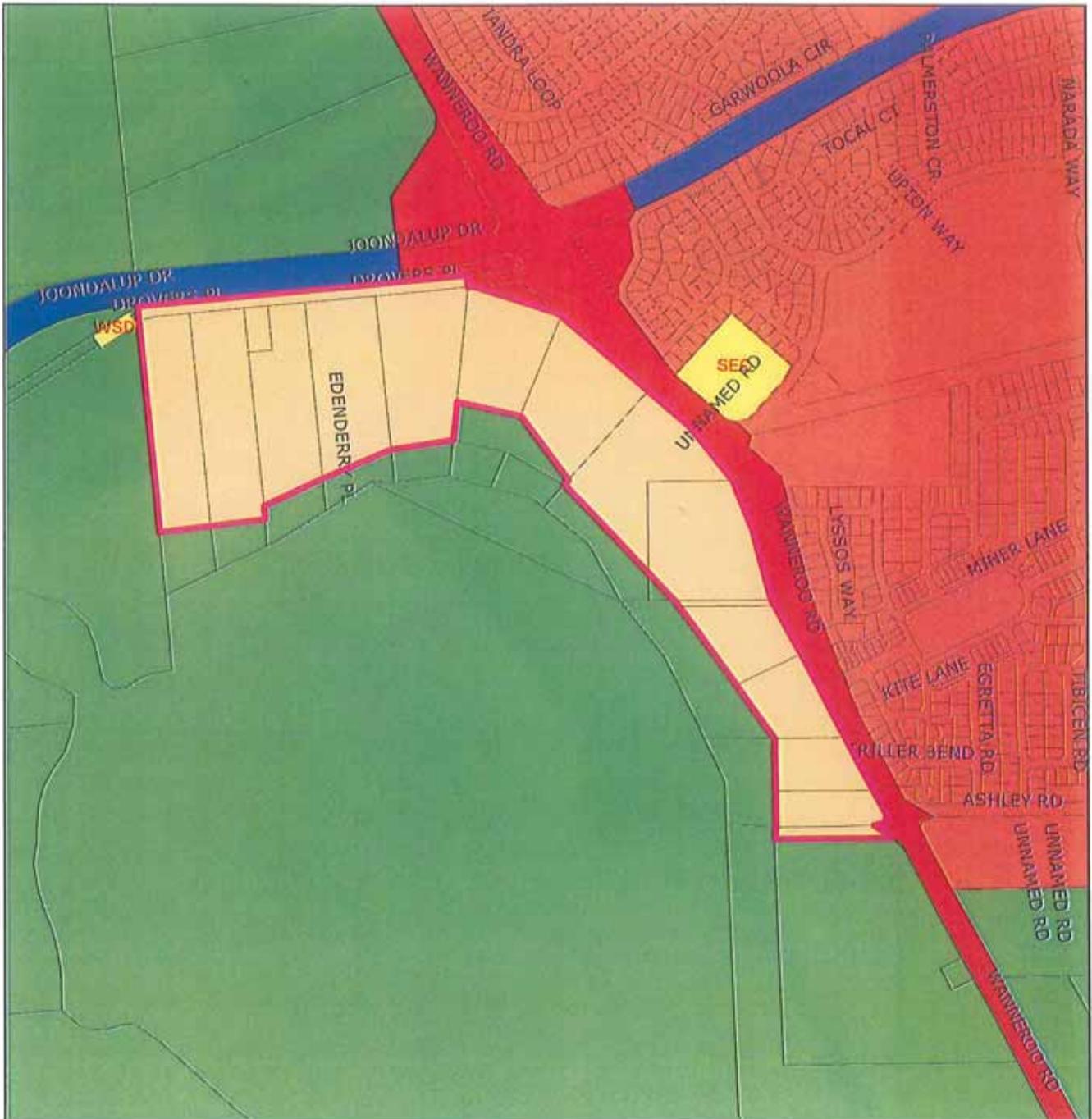
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PLAN 1
STRUCTURE PLAN
DROVERS PLACE PRECINCT
LOCAL STRUCTURE PLAN NO: 47



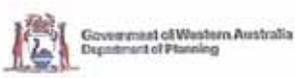
DATE: 28th March 2006



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

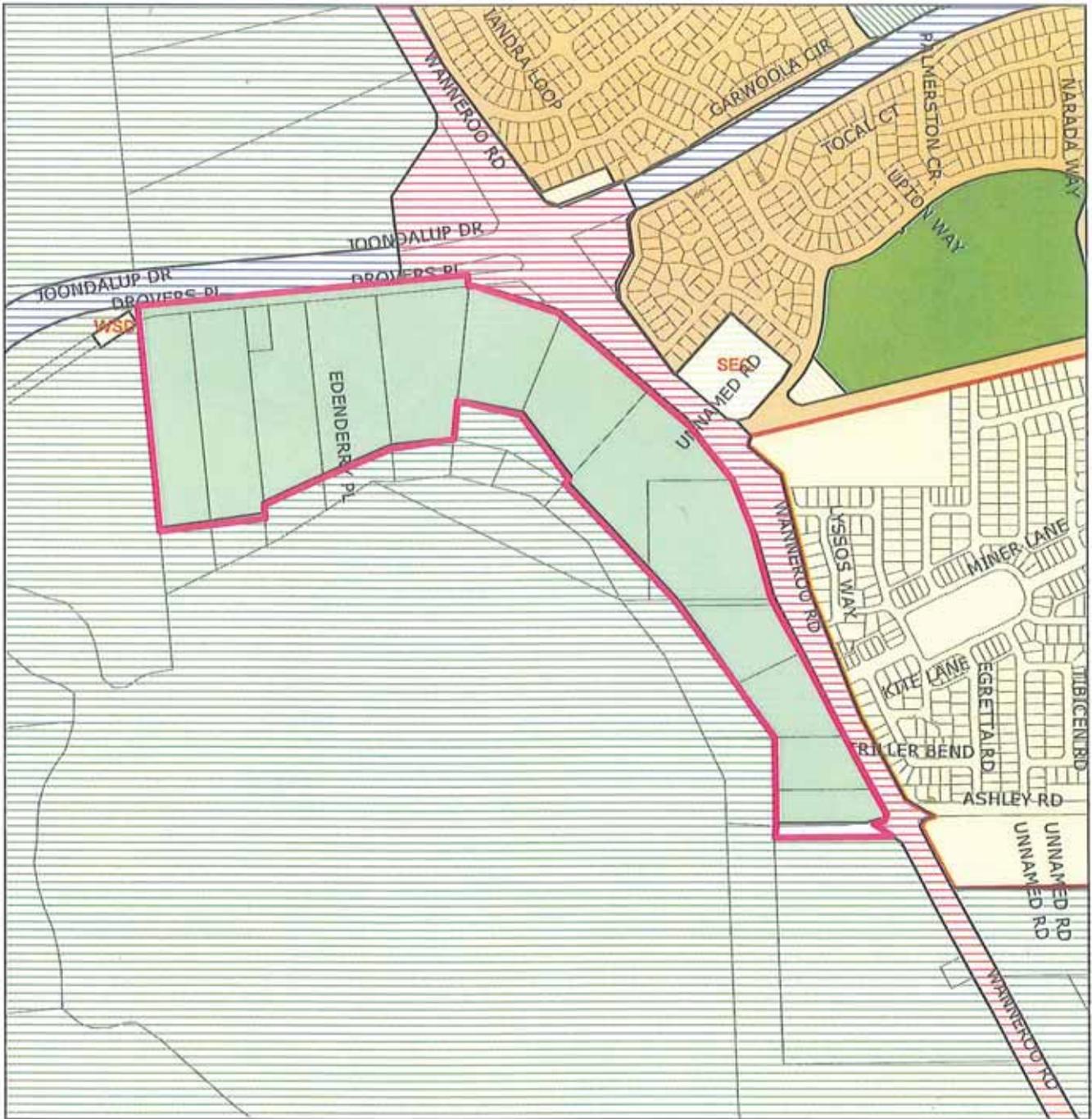
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Prepared by: dcarter
Prepared for: DAVID CARTER
Date: Tuesday, November 29, 2011 14:43
Plot Identifier: P20111129_1443



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

DP INTERNAL USE ONLY



	Cadastre		RESIDENTIAL		PUBLIC USE
	PRIMARY REGIONAL ROADS		URBAN DEVELOPMENT		CENTRE
	OTHER REGIONAL ROADS		PRIVATE CLUBS/RECREATION		GENERAL RURAL
	PARKS & RECREATION		GENERAL RURAL		PARKS AND RECREATION
	PP - STATE ENERGY COMMISSION				
	PP - WATER AUTHORITY OF W A				

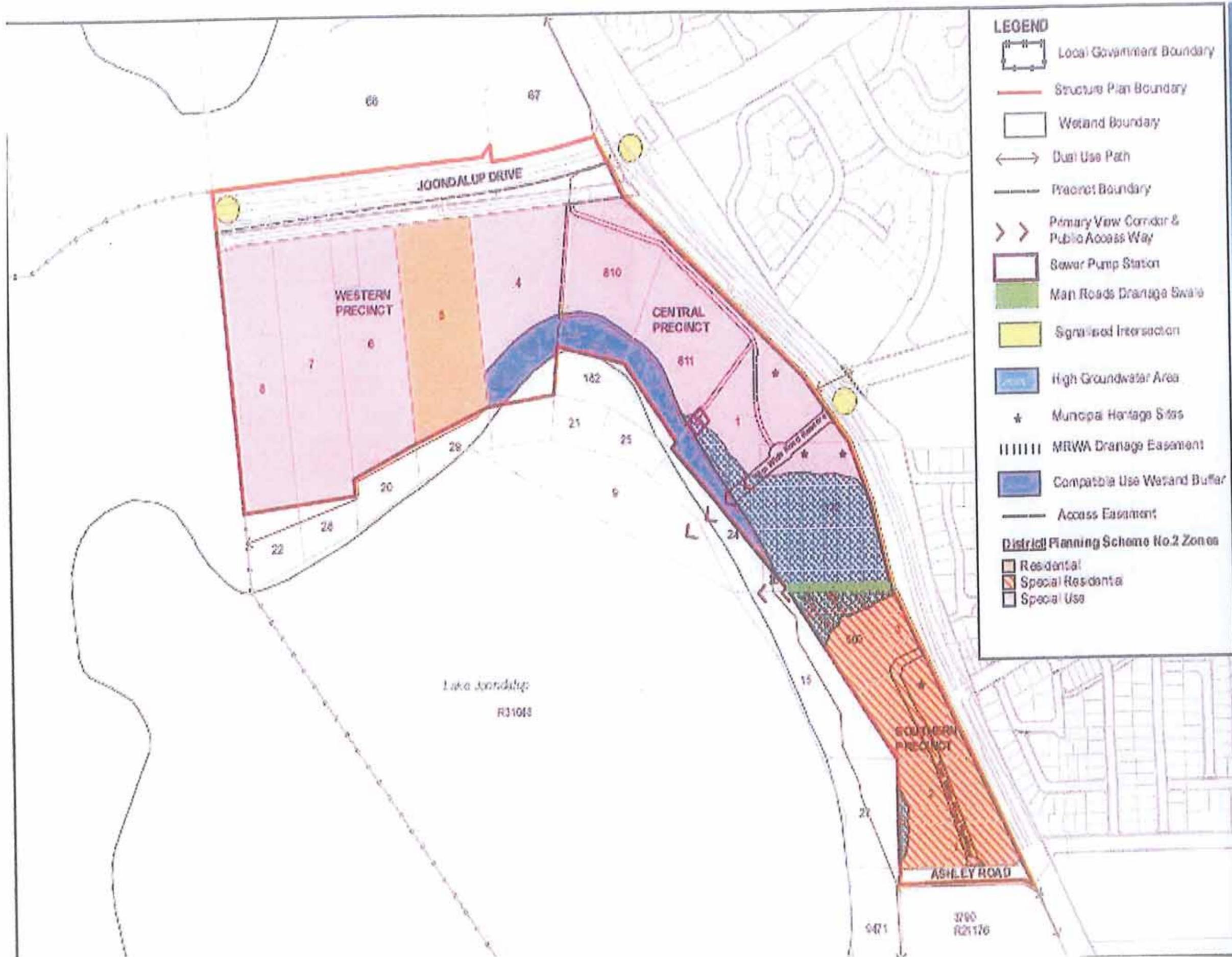
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Prepared by: dcarter
 Prepared for: DAVID CARTER
 Date: Tuesday, November 20, 2011 14:46
 Plot Identifier: P20111129_1446

DP INTERNAL USE ONLY



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



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 Drivers 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



Government of Western Australia
Department of Planning

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

DP INTERNAL USE ONLY

ITEM NO: 9.2

10 DWELLINGS FOR AGED AND/OR DEPENDANT PERSONS AT LOT 697 HENNESSY AVENUE ORELIA

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer Metropolitan South West
AUTHORISING OFFICER: A/Planning Manager Metropolitan South West
AGENDA PART: C
FILE NO: 26-50166-1
DATE: 29 March 2012
ATTACHMENT(S): A - Development Plans
B - Location Plan
C - Photos of Site
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: Town Of Kwinana
LOCAL SCHEME ZONING: Residential R12.5/R20
LGA RECOMMENDATION(S): Does Not Support
REGION DESCRIPTOR: Perth Metropolitan South West
RECEIPT DATE: 3 June 2011 (Amended Plans Received 19 January 2012)
PROCESS DAYS: 298
APPLICATION TYPE: Development
CADASTRAL REFERENCE: Lot 697 Hennessy Avenue Orelia

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve amended plans received 19 January 2012 for the development of 10 dwellings for aged and/or dependant persons at Lot 697 Hennessy Avenue, Orelia subject to the following condition and advice:

Condition

1. Stormwater being contained on site.

SUMMARY:

The Department of Housing seeks the approval of the Western Australian Planning Commission for the development of 10 dwellings for aged and/or dependant persons at Lot 697 Hennessy Avenue Orelia.

The Town of Kwinana does not support the submitted application as the communal open space is considered unnecessary and poorly designed.

The application is supported and conditional approval is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Part 10 Division 5 Section 162

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: Statement of Planning Policy No.3 Urban Growth and Settlement
Development Control Policy 1.2 - Development Control General Principles

INTRODUCTION:

The application is for the construction of ten 2 bedroom aged and/or dependant persons dwellings and a communal open space of 343m² with two visitor car parking spaces at Lot 697 Hennessy Avenue Orelia (**Attachment A** - Development Plans, date stamped 19 January 2012). The subject land is unimproved and vegetated with several mature trees.

The subject land is zoned 'Urban' in the Metropolitan Region Scheme (MRS) and 'Residential' in the Town of Kwinana Town Planning Scheme No. 2 (TPS) with a dual density coding of R12.5/R20 (**Attachment B** - Location plan).

The application has been forwarded to the WAPC for sole determination in accordance with the WAPC's Instrument of Delegation dated 19 December 2008 with regard to public works by a public authority on land zoned under the Metropolitan Region Scheme.

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.

CONSULTATION:

The Town of Kwinana does not support the application as it considers that the proposed communal open space is unnecessary and poorly designed (being too small to be effective, has limited overlooking and passive surveillance from surrounding dwellings). It is the Town's view that this open space should be removed

altogether or repositioned and reconfigured to locate the space in a more central location. The removal of the tuart tree is supported.

COMMENTS:

Purpose of Zoning/Dwelling Density

The subject land is afforded a low density dual coding of R12.5/R20. The Town has confirmed that in sewerred areas, as in this case, the proposal can be assessed against the R20 density coding.

Clause 6.1.3 A3(i) of the Residential Design Codes 2008 permits a variation to the minimum and average site area requirements for aged and/or dependant persons dwellings by up to one third. In this respect the minimum and average site area requirements for R20 density coded areas can be 293.4m² and 333.4m² respectively.

The subject land has a total area of 3354m² and using the concession provided for aged and/or dependant persons dwellings the site can potentially be developed for ten dwellings. The proposal is for ten dwellings and all dwellings have a curtilage that meet the required minimum site area being 293m². The proposal would result in an average site area of 335.4m² this being above the required site area of 333.4m².

Orderly and Proper Planning of the Locality

The WAPC's strategic planning documents State Planning Policy No.3 Urban Growth and Settlement and Directions 2031 promotes efficient and effective use of residential land through appropriate infill development. This form of infill development for public housing occupants constitutes compatible housing in density and form to surrounding residential properties. In this context the proposed development is consistent with orderly and proper planning.

Preservation of the Amenities of the Locality

The surrounding development is predominantly residential with the exception of the adjacent local park, Hennessy Park, to the east. The subject land has a 3 metre difference in land levels from Hennessy Avenue to Broughton Way. (**Attachment C - Photos of Site**).

The communal open space will be located off Broughton Way in between units 8 and 9 with units 2 and 3 to the rear. Due to the 'v' shape topography of the site it is submitted that it would be difficult to redesign the development to provide the communal space more centrally and which would be easily accessible to the future residents. Such a redesign may result in a development which does not respond as positively to the existing streetscape and the residential amenity. The proposed development responds to the site and the streetscape in the best way. The proposed layout design also makes best use of the site.

The proposal meets the principle objectives of DC Policy 1.2 Development Control General Principles in that it will result in:

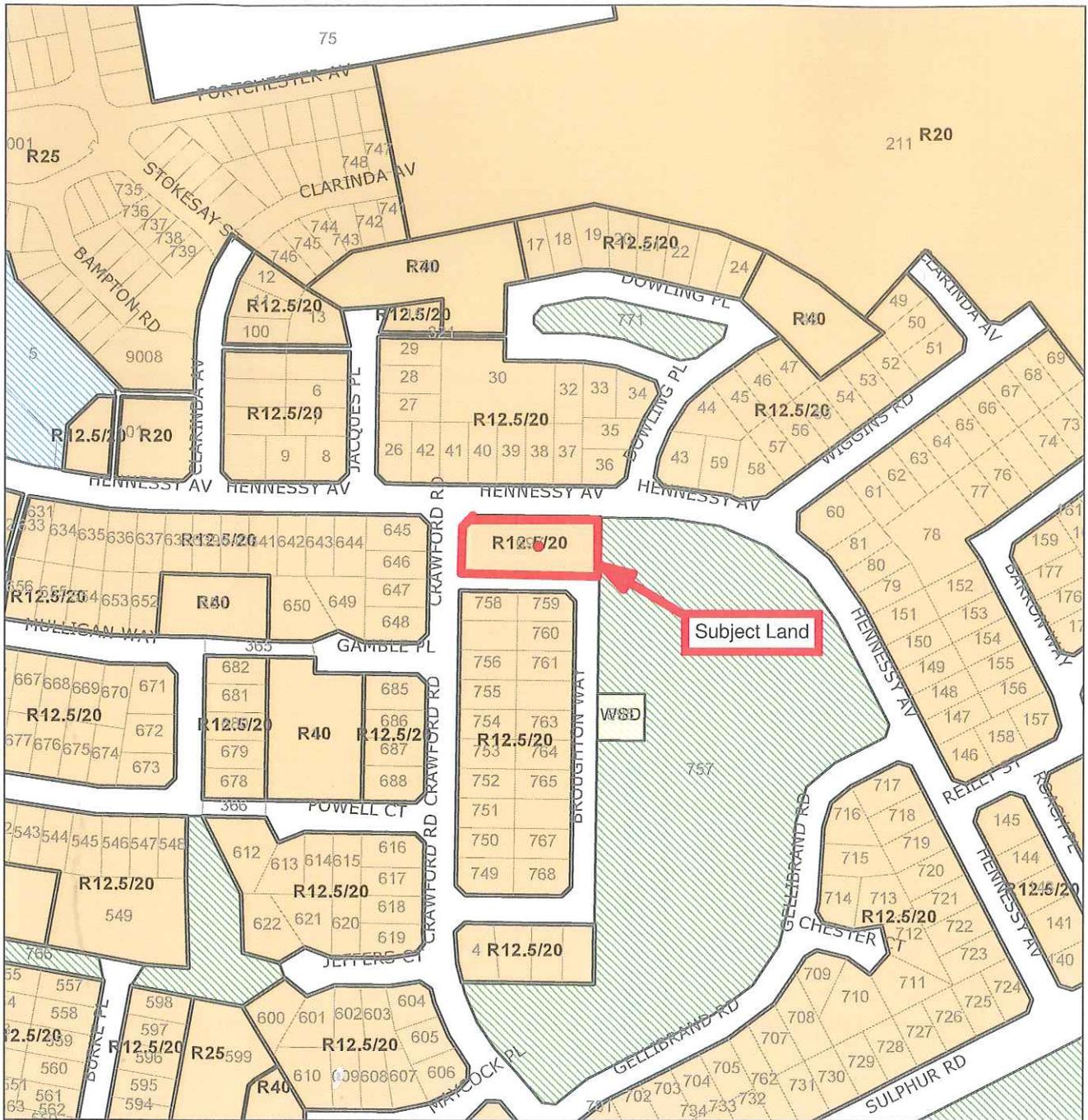
1. The dwellings being compatible in density and form;
2. The dwellings will all front the street consistent with the streetscape; and
3. The topography of the subject land is configured in a 'v' shape from Hennessy Avenue to the Broughton Way. This presents some challenges for the development of the site including the need for fill and retaining together with removal of trees and vegetation.

CONCLUSION:

The merits of the proposal can be summarised as follows:

1. effective use of a large presently undeveloped residential site;
2. all services are available;
3. provision of contemporary affordable aged and/or dependant housing in a location close to amenities and public transport; and
4. an appropriate streetscape outcome for the locality.

The proposed development is consistent with the existing zoning provisions, applicable WAPC planning instruments and the strategic planning for the area. The proposed development is supported and conditional approval is recommended.



-  Cadastre with Lot Numbers
-  TPS - R Code Boundaries
-  RESIDENTIAL
-  COMMERCIAL
-  PARK RECREATION & DRAINAGE
-  PUBLIC PURPOSES (WSD) - WATER SUPPLY SEWERAGE & DRAINAGE

Scale 1:3,826


Prepared by: fpagicroft
 Prepared for:
 Date: Tuesday, March 20, 2012 15:33
 Plot identifier: P20120320_1533



Government of Western Australia
 Department of Planning

WAPC 26-50166-1
 Lot 697 Hennessy Avenue Orelia

DP INTERNAL USE ONLY



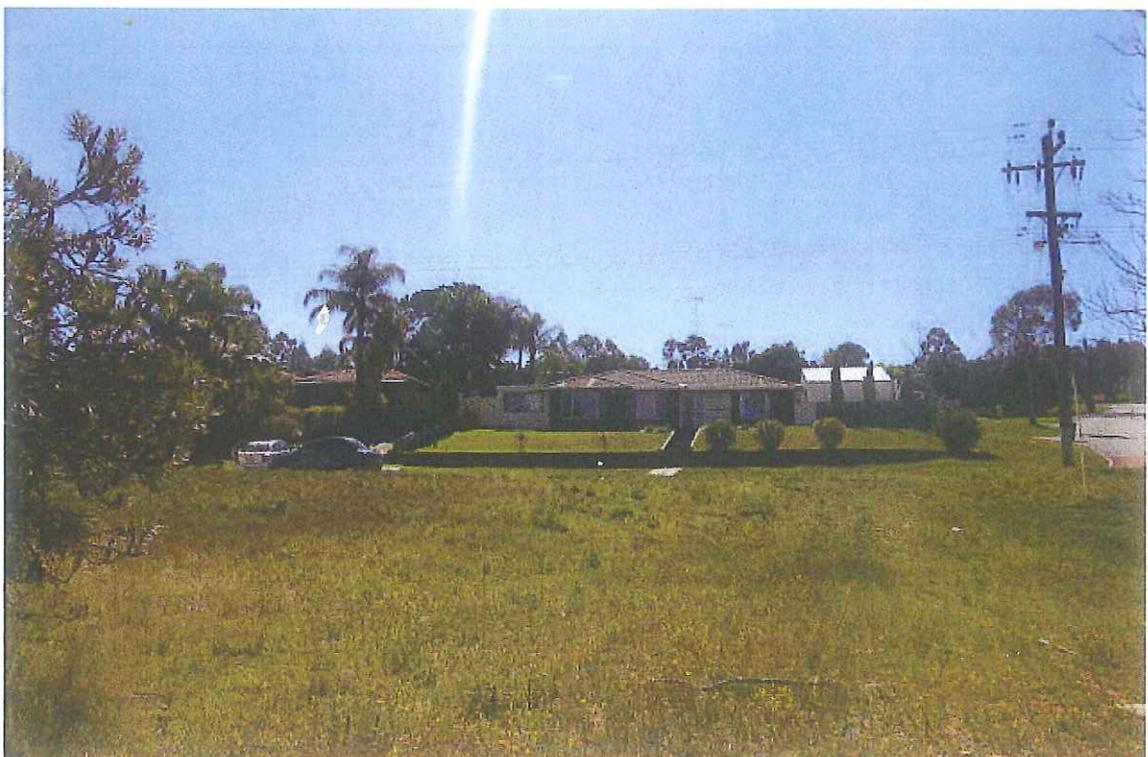
Bus shelter on Hennessy Avenue in front of subject land



Looking up Hennessy Avenue



Looking towards corner of Broughton Way from Hennessy Park



Looking towards Hennessy Avenue



Looking north east across subject land



Looking west along Broughton Way subject land on right



Subject Land showing existing vegetation



Hennesy Park from subject land

ITEM NO: 9.3

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

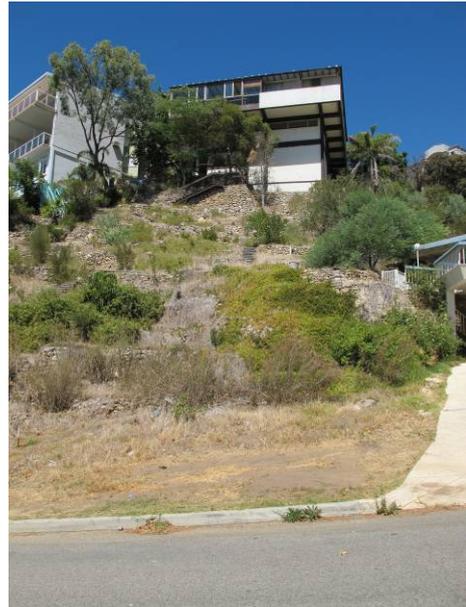


Photo 2: Looking at the site from The Coombe and Proposed Lot X



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

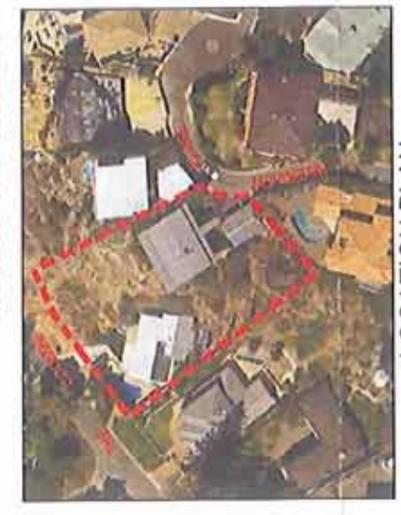
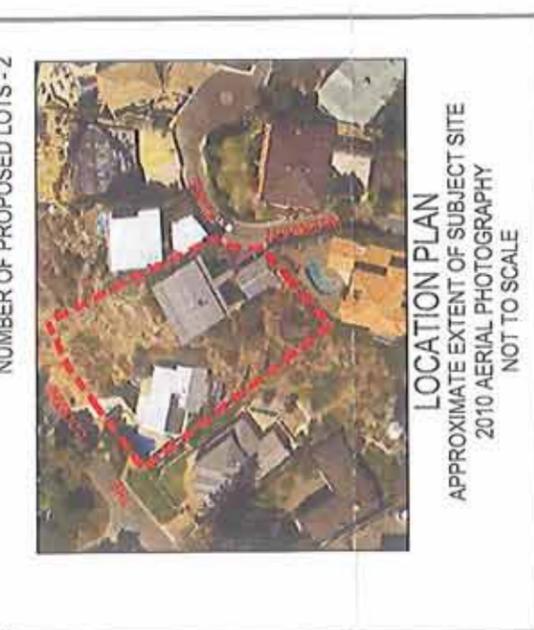
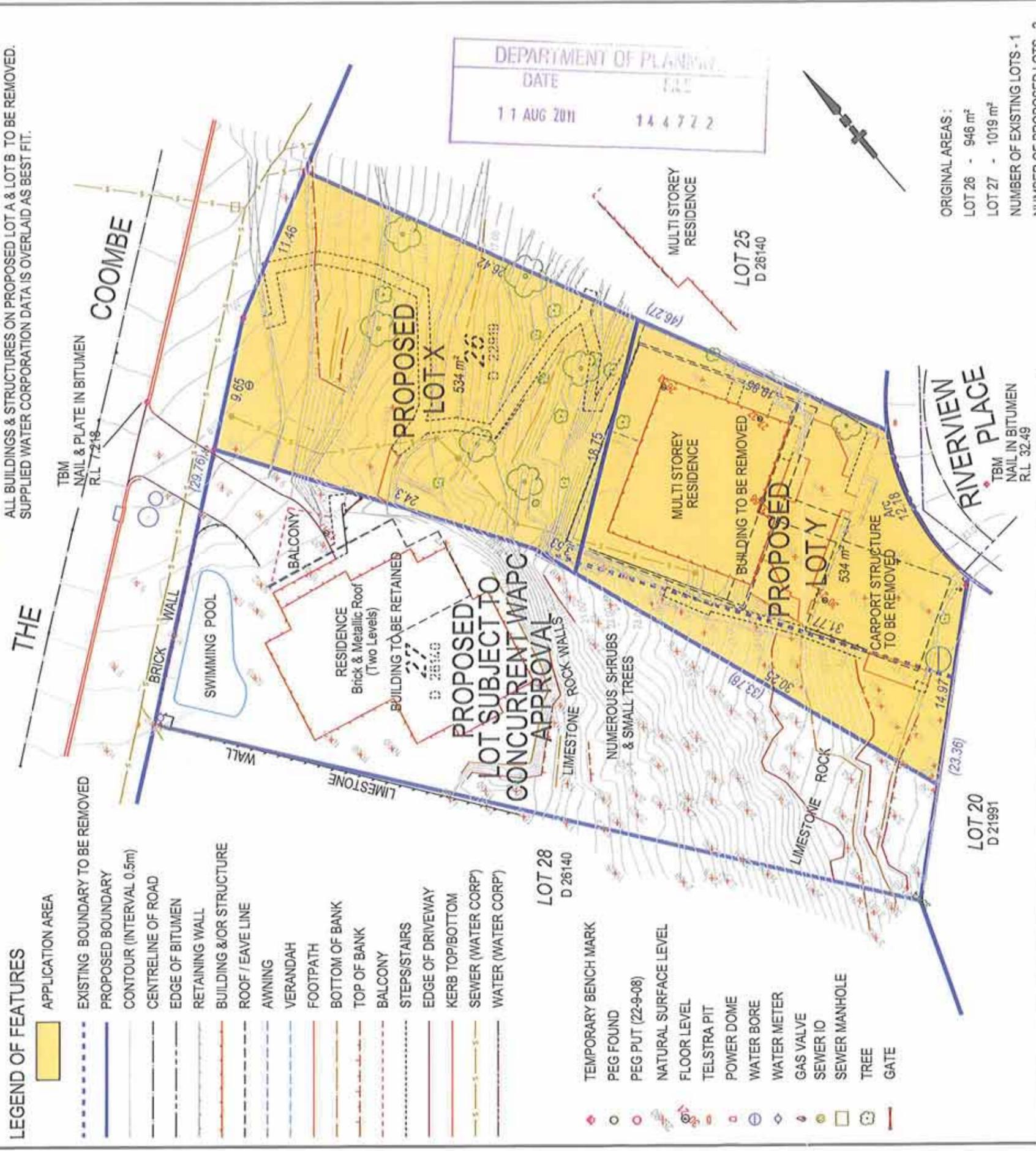
An additional consideration for applications such as this one is that a restrictive covenant must also be placed on the Certificate of Title with a stipulation that the land is to be used for aged or dependent persons' dwellings only. This approach is consistent with an application presented to the Statutory 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.



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

**PROPOSED FREEHOLD SUBDIVISION OF LOT 26 ON
D22919 - #2 RIVERVIEW PLACE
MOSMAN PARK
PETER BURNS**

Client **PETER BURNS**

SCALE (@ A3 SIZE)
1 : 300

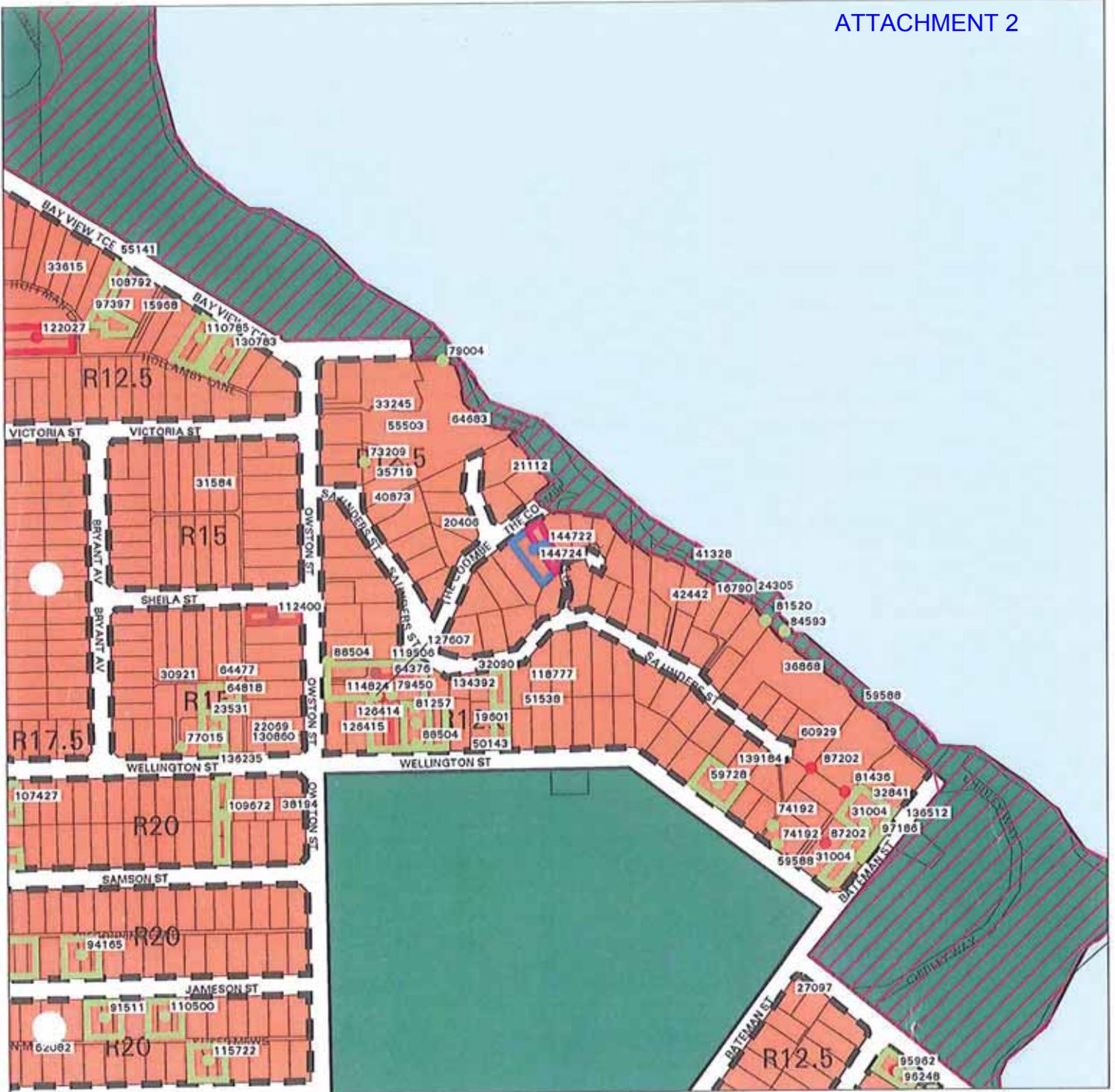
DATUM
HORIZONTAL - ASSUMED
VERTICAL - A.H.D.

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

FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION

ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION

SHEET	A3
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: 9.4

ENDORSEMENT OF FORESHORE MANAGEMENT PLAN. SCARBOROUGH BEACH URBAN DESIGN MASTER PLAN

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer
AUTHORISING OFFICER: Director, Metropolitan Central, Perth Peel Planning
AGENDA PART: G
FILE NO: DP/11/01792
DATE: 28 February 2012
ATTACHMENTS: Attachment 1 - Revised SBUDMP
Attachment 2 - Location and zoning map
Attachment 3 - Principal activity areas
REGION SCHEME ZONING: Parks and Recreation
LOCAL GOVERNMENT: City of Stirling
LOCAL SCHEME ZONING: Parks and Recreation
LGA RECOMMENDATION(S): Support
APPLICATION TYPE: Foreshore Management Plan
CADASTRAL REFERENCE: Indian Ocean, West Coast Highway, Reserve Street,
Brighton Beach, Brighton Road

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the revised Scarborough Beach Urban Design Master Plan dated July 2011 as recommended by the City of Stirling at the ordinary meeting of Council on 2 August 2011;*
- 2. advise the City of Stirling that a coastal hazard risk management and adaptation plan should be prepared in accordance with the requirements outlined in the draft revised State Planning Policy 2.6, sections 5.5, 5.7 and 5.11, Schedule One and Parts 4, 6 and 10 of the draft SPP 2.6 Guidelines, prior to the commencement of any development within any Parks and Recreation reserved land.*

SUMMARY:

The key points relating to this report are as follows:

- A foreshore management plan known as the revised 'Scarborough Beach Urban Design Master Plan' (SBUDMP) has been submitted by the City of Stirling for the endorsement of the Western Australian Planning Commission (WAPC).
- The foreshore management plan is proposed over a significant portion of the Scarborough beach foreshore and primarily addresses development of the regional public open space in this location (**Attachment 1** - Revised SBUDMP).
- WAPC endorsement of the subject SBUDMP is recommended as it will facilitate significant improvements to the Scarborough beach foreshore area which have the potential to significantly improve activity in the area.

BACKGROUND:

At the August 2011 ordinary meeting of Council, the City of Stirling adopted a revised version of the SBUDMP in response to community concerns regarding the development of the Scarborough foreshore area (prepared by Hassell Limited). The SBUDMP (originally adopted in 2005 by the Council) identifies works to the public realm, including road reservations that access the foreshore and improvements to the Scarborough Beach foreshore itself, which is reserved as regional 'Park and Recreation' under the Metropolitan Region Scheme (MRS).

The City of Stirling has already partially implemented the 2005 SBUDMP with the construction of the beach amphitheatre and some streetscape enhancements to The Esplanade and adjoining pedestrian areas.

Between 2009 and 2010 a review of the 2005 SBUDMP was undertaken to address the following objectives:

- Assess the impact of climate change and rising sea levels on existing and proposed infrastructure;
- Retention and upgrade of the existing Scarboro Surf Lifesaving Club (SSLC);
- Reduction of the capital cost of project implementation;
- Review of the vision and objectives with a focus on economic activation and place making;
- Review of traffic and pedestrian movement.

The SBUDMP is the culmination of the Scarborough Environs Area Strategy (SEAS), adopted by Council in September 2001. Prior implementation of the SEAS informed

the review of the City of Stirling's previous District Planning Scheme (DPS) No. 2 and led to the adoption of the SBUDMP and the formulation of specific planning controls to facilitate and guide development of private land holdings east of the Scarborough foreshore. These were introduced by Scheme Amendment Nos. 457 and 458 of DPS No. 2 and were incorporated into Local Planning Scheme No 3 which was gazetted in August 2010.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10 - Subdivision and Development Control

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned local communities developing a sense of place

Strategies:

Encourage innovation in the design of communities

Policy

Number and / or Name:

Directions 2031

Statement of Planning Policy - *State Coastal Planning Policy 2.6*

Development Control Policy 1.2 - *Development Control - General Principles*

Development Control Policy 5.3 - *Use of Land Reserved for Parks and Recreation and Regional Open Space*

DETAILS:

As well as 'Parks and Recreation' reserved land the study area the subject of the SBUDMP also includes 'Urban' zoned land under the MRS. The area is bounded by the Indian Ocean to the west, West Coast Highway to the east and extends north to Reserve Street and parkland near Brighton Beach and Brighton Road to the south (refer **Attachment 2** - Location and zoning map).

The cost of implementing the revised SBUDMP is estimated at \$53 million which represents a significant reduction to the \$68 million originally proposed by the 2005 plan.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The management plan is intended to provide the City of Stirling with guidance in the development of the regional Parks and Recreation reservation along the defined study area within the Scarborough beach foreshore.

The City of Stirling is presently seeking both Federal and State funding to assist its own capital works budget to progress the Master Plan to conclusion. Recent comments have been made in the media by the State Premier regarding the possibility of a redevelopment authority model applying over the general

Scarborough beachfront area. This will be a matter for further discussion between the State and City to ensure the plan is delivered.

CONSULTATION:

The City of Stirling advertised the revised SBUDMP for public comment during September 2010 and received a total of 162 submissions comprising of the following:

- 156 submissions were received from members of the public;
- 6 submissions were received from government agencies generally in favour of the proposal;
- 40% (64) of submissions supported the proposal and emphasised the need for revitalisation of the area;
- 27% (44) of submissions provided comments related to specific issues, mainly the maintenance of windsurfing and kite surfing;
- 31% (50) of submissions objected to certain aspects of the Master Plan such as relocation of the bus terminal, traffic and parking issues, skate park, planting of mature trees, relocation of the clock tower and extension of the surf club.

Several issues became apparent in City's assessment of the submissions from the various stakeholders:

- Creation of an attractive and safe pedestrian friendly environment;
- Encouragement of retail and commercial development that activates the street;
- The facilitation of convenient vehicle egress from Scarborough Beach Road West;
- Creation of an iconic 'gateway' to Scarborough Beach;
- Retention of the Rotary Clock Tower;
- Accommodation of the bus terminus in a location that encourages public transport use and minimises impact on the bus route and timetable;
- Reduction of negative impact on local residents.

These issues formed the brief for the review of the SBUDMP.

OFFICER'S COMMENTS:

Key Elements of the SBUDMP

A set of key elements were refined as a result of a review of the objectives of the revised SBUDMP. These are summarised as follows:

- Improvements to the intersection of the Scarborough Beach Road terminus to the Esplanade or 'west entry plaza'. This will involve upgrading the road reservations with tree planting and wider paths and provision for a bus terminus.
- Enhancement of the Esplanade to provide for improved legibility and permeability for pedestrians, cyclists, motorists travelling north-south. This will be achieved by the introduction of narrow traffic lanes, planted central medians, street trees, pedestrian crossings and on-street parallel parking, changed sequences on traffic lights at the intersection of The Esplanade and Scarborough Beach Road to assist in traffic calming and safe pedestrian thoroughfare.
- Introduction of an 'upper promenade', an elevated continuous pedestrian path and cycleway parallel to The Esplanade. There will be provision for street furniture, kiosks and temporary stalls within this zone;
- Introduction of a 'lower promenade' which will consist of boardwalks and beach access paths and incorporate seating, lookout points, planting, shade structures, showers and public toilets in key nodes.
- Establishment of a 'Surf Beach Park' in the northern parkland of the beach, primarily used by surfers. This will include outdoor showers, lawn areas, public toilets and a fitness circuit;
- Provision of a 'Family Beach and Park' which will include an interactive water feature, picnic areas with shelters, picnic facilities, barbeques, toilets and change rooms;
- Commercial and retail opportunities in existing community building appurtenant to the Scarboro Surf Club;
- Improvements along West Coast Highway, including tree planting, garden bed planting in the road median and verges and upgrading of existing footpaths;
- Streetscape improvements along Manning Street, Reserve Street and Brighton Road by road width reduction, widened footpaths, provision for cyclists; upgrading of street lights and street tree planting;
- Introduction of a commercial node in the vicinity of the existing amphitheatre and a second storey addition to the Scarboro Surf Lifesaving Club to address The Esplanade and assist in street-front activation.

Policy Context

There is no specific statutory planning process delineated in either the Planning and Development Act 2005 or in the MRS for the preparation and endorsement of foreshore management plans such as the SBUDMP. However the following strategic and policy statements provide the Commission with some direction to consider the planning merits of such proposals.

Directions 2031

Under Directions 2031, Scarborough is identified as a 'Metropolitan Attractor', which highlights its tourism destination significance, and is also recognised as a 'District' level Activity Centre. The SBUDMP is consistent with the strategic intent of Directions 2031 which identifies Scarborough's intended role as an international, interstate and regional tourist centre, a regional recreational beach, district service and retail centre, an entertainment hub and provider of short term and permanent accommodation. This information is also supported by Tourism Western Australia's (the State's tourism department) *Tourism Development Priorities - Perth 2010-2015* which earmarks the beachfront as a very high priority area with a need for rejuvenation to enhance tourism-related amenity of the coastline.

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

The proposal is in keeping with the objectives of SPP 2.6 which aims to protect, conserve and enhance coastal values, provision and access to public foreshore areas and identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, commercial and other activities.

Another objective of SPP 2.6 is to ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria. In this instance it is acknowledged that the assessment of the SBUDMP was undertaken in 2009. This precedes the WAPC draft revised SPP 2.6, which provide for a sea level rise value of 0.9m. Neither the SBUDMP nor its supporting technical appendices identify the sea level rise value utilised in determining the lines provided within possible scenarios for 2030, 2050, and 2070. It is assumed that 0.38m has been utilised as it is included in the 2003 version of SPP 2.6, however, the latest information and policy position is that 0.9m should be used.

In addition, the climate change scenarios in the supporting information to the SBUDMP only provide for a planning timeframe to 2070. The current and draft revised SPP2.6 stipulates a planning time frame of 100 years. Given the significance of the master plan, it should be based on the best available, comprehensive, accurate and up-to-date information and a precautionary approach. The documents should be updated to provide for the 100 year planning timeframe. It is recommended that should the WAPC be of a mind to endorse the proposal, advice should also accompany the Commission's resolution which suggests that a coastal hazard risk management and adaptation plan be prepared and follow the requirements of draft revised SPP2.6 and accompanying guidelines, prior to the commencement of development within any Parks and Recreation reserved land.

Development Control (DC) Policy 1.2 - Development Control - General Principles

The proposal is consistent with the objectives of DC Policy No. 1.2 in that it:

- Will enhance the use of the foreshore reservation and is in keeping with its purpose;
- Is consistent with relevant local scheme provisions ;
- Will improve vehicular and pedestrian connectivity between the foreshore area and the surrounding locality;
- Will enhance the level of activity of the foreshore area with the prospective introduction of small-scale commercial uses, and may add to local employment, and introduce further variety and choice;
- Endorsement of the proposal will promote efficiency in the planning and development process for the Scarborough regional foreshore area.

Development Control Policy 5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space

The proposal is keeping generally in keeping with DC Policy 5.3 in that its scale is compatible with the reservation of the subject land whilst also complementing the surrounding commercial uses which include restaurants, cafes, a supermarket, short-stay accommodation, hotel and taverns.

Clause 3.1 of DC Policy 5.3 – *Use of Land Reserved for Parks and Recreation* states that "...the use and development of land reserved for Parks and Recreation under the MRS shall be restricted to that which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes...". Clause 3.3 elaborates further by stating that commercial land uses that are ancillary to the predominant purpose of the reserve and are likely to enhance public access and enjoyment of the reserve may be supported.

Single storey commercial uses proposed in pavilions and existing buildings such as the community centre and surf club (such as cafe, restaurant, retail, kiosk, and museum uses) are proposed by the SBUDMP. These uses have the potential to add vitality to the Scarborough foreshore area. They will complement the existing picnic areas, amphitheatre and surf club uses on the reserve and will encourage further activity in the foreshore area. This is likely to attract more people which could in turn produce added benefits such as improved safety and surveillance in the area. These uses may have the added benefit of stimulating further activity in surrounding privately-owned commercial land holdings.

Local Planning Scheme (LPS) No. 3

Specific planning controls have been introduced with the gazettal of LPS No. 3. A special control area was created over the private land holdings within the study area known as the 'Special Beach Development Zone', in view of this locality being a significant tourism and recreation destination in the Metropolitan coastline. Amongst

a number of objectives, the special control area has been designated to enable a sound and coordinated strategy for the development of both public and private land to facilitate the creation of a safe and vibrant mixed use centre, based on 'main street' principles. To this end, the special control area has introduced various development controls including height limits, plot ratio requirements for non-residential development, mixed use, increased residential density to proposals which include short stay accommodation.

Community consultation for the City's recently adopted *Doubleview - Innaloo - Scarborough Local Area Plan* (January 2012) identified Scarborough entertainment and shopping precinct as the place that most needed improvement and an emphasis on tourist development.

The revised SBUDMP is consistent with and complements Council's operative scheme and local area planning by providing the City with a sound basis to develop public land within the Scarborough foreshore area.

Assessment of Proposal

Clause 30 of the MRS provides guidance into factors that the WAPC should regard in assessing development proposals. These include the purpose for which the land is zoned or reserved under the MRS, orderly and proper planning, and the preservation of the amenities of the locality. The revised SBUDMP contemplates construction of a number of structures and it would be appropriate to consider these factors in assessment of the proposal.

This reserve is used for both active and passive forms of recreation, as evidenced by the shared pedestrian and bicycle pathways, children's playground, picnic facilities, the existing surf club, amphitheatre and community hall.

Use of foreshore reserve

The revised SBUDMP identifies three distinct use patterns along the foreshore area. The northern portion of the Scarborough foreshore relates to surfing activities, the central area adjacent to the Scarborough Beach Road / The Esplanade intersection provides a tourist and events venue function and the southern portion is primarily for family oriented activities (refer **Attachment 3** – Principal Activity areas).

Movement network and car parking

The locality is well connected by roads, pedestrian cycle paths and which extend beyond the subject site, north and south along the coast and east towards Stirling regional centre and the central business district of Perth. West Coast Highway, reserved as a 'Primary Regional Road' under the MRS, is a four lane road which extends to a six lane road at the intersection with Scarborough Beach Road. Scarborough Beach Road is reserved as an 'Other Regional Road' under the MRS and is a four lane road, reducing to two lanes between West Coast Highway and the Esplanade. Reserve and Manning Streets and Brighton Road act as feeder streets in the locality, providing limited alternative access and exit points to West Coast Highway.

There are 1355 car bay available within the defined study area of the SBUDMP, which include public on-street parking, dedicated public and private car parks. The master plan has found the overall parking availability sufficient for the study area.

Economic activation and place making

The SBUDMP was informed by a 'place making report' which summarised investigations of the SEAS working group. This recommended the increase of commercial activity to bring added vitality to the area (such as cafes, other eating establishments, boutique breweries etc), the creation of a pedestrian friendly piazza near the Rotary clock tower and formation of a place 'brand' with multiple destinations and users, good public pedestrian access, reduced vehicular access and the integration of seasonal activities, events and programming of same. This report also identified the need for key community anchors north and south of the central tourist precinct and the provision of a museum within the core of the master plan area to act as a movement magnet. It also recommended the redevelopment of the Scarborough Beach Surf Life Saving Club to provide additional commercial areas that interface the Esplanade and better address the longer term needs of the club.

CONCLUSION:

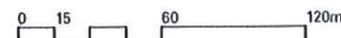
Scarborough Beach is a popular foreshore reserve for both passive and active recreational uses by both local neighbourhood residents as well as residents in the surrounding locality and the wider metropolitan area. It is also a popular tourist destination.

The proposal will assist to enhance the use and enjoyment of the surrounding foreshore reserve and thus will improve the amenity of the locality. The revised SBUDMP is considered consistent with orderly and proper planning.

It is considered that the revised SBUDMP provides a sound basis to guide future development of the regional Parks and Recreation reservation in the Scarborough foreshore area and it is recommended that this foreshore management plan is endorsed by the WAPC.



SCARBOROUGH BEACH_ URBAN DESIGN MASTER PLAN



LEGEND

- | | | | |
|--|--------------------------|---|--------------------------------|
| 1_Amphitheatre | 8_Cycle Path | 16_Playground | 23_Entry Smart Parking Signage |
| 2_Market Square & Clock Tower | 9_Surf Park | 17_Upgraded West Coast Highway | 24_Kite & Wind Surfing Area |
| 3_Cafe / Restaurant / Retail Pavilions | 10_Family Park | 18_Lower Promenade | 25_Brighton Kiosk |
| 4_Cafe / Restaurant / Retail Development | 11_Performance Space | 19_Upper Promenade | 26_Bus Lay-Over |
| 5_Surf Life Saving Club & Cafe / Restaurant / Retail | 12_Water Play Area | 20_Car Park | 27_Bus Pick Up Stand |
| 6_Emergency Vehicle Beach Access | 13_Changerooms & Toilets | 21_Possible Community Facility & Retail / Shops / Cafes | 28_Bus Set Down Stand |
| 7_Plaza | 14_The Esplanade | 22_Local Playground | 29_Taxi Stand |
| | 15_Beach Access | | |

Revision B

Date March 2010

Scale 1:1000@A0

Client City of Stirling

Project Name Scarborough Beach

Drawing SK-01



Cadastre with Street Address Number	TPS - Scheme Boundaries	PUBLIC OPEN SPACE
Cadastre with Lot Numbers	TPS - R Code Boundaries	PUBLIC USE
SPECIAL 10	PRIMARY REGIONAL ROADS	RESIDENTIAL
DEVELOPMENT CONTRIBUTION AREA	OTHER REGIONAL ROADS	SPECIAL BEACH DEVELOPMENT
SPECIAL CONTROL AREA	WATERWAYS	SPECIAL USE
SPECIAL USE AREA	PARKS & RECREATION	
TPS Additional Use	MIXED USE	

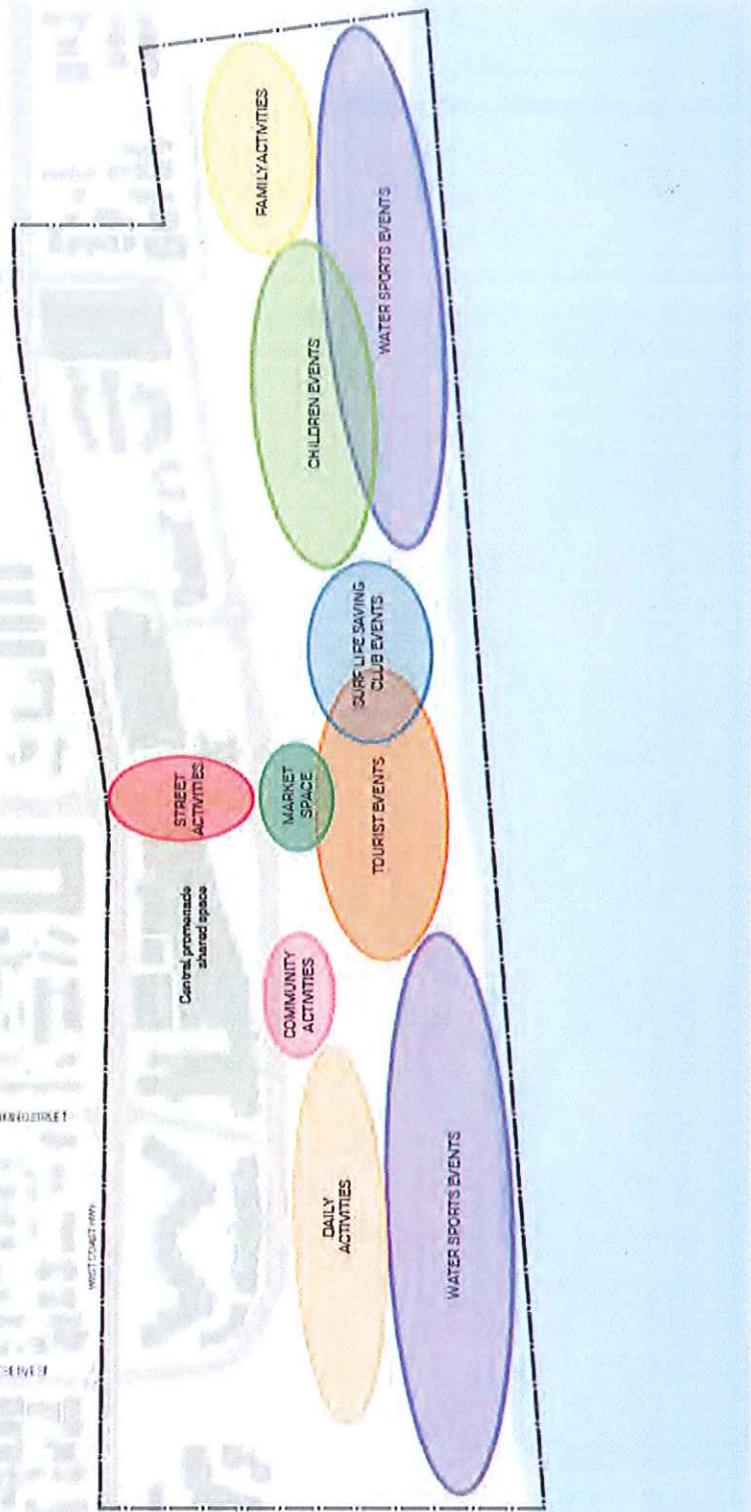
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Prepared by: vcoleman
 Prepared for: DP11/01792
 Date: Wednesday, March 14, 2012 09:42
 Plot identifier: P20120314_0941

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

SCARBOROUGH BEACH URBAN DESIGN
 MASTER PLAN



Principal activity areas.

ITEM NO: 9.5

ENDORSEMENT OF DWELLINGUP STRUCTURE PLAN, SHIRE OF MURRAY

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager
AUTHORISING OFFICER:	Executive Director
AGENDA PART:	G
FILE NO:	SPN/0051/3 and 801/6/16/4P
DATE:	March 2012
ATTACHMENT(S):	1 - Location Plan 2 - Dwellingup Structure Plan(DSP) endorsed by Council for advertising 3 - WAPC modifications 4 - DSP adopted by Council for final approval 5 - Schedule of Submissions 6 - Schedule of Modifications
REGION SCHEME ZONING:	Rural, Urban and Industrial
LOCAL GOVERNMENT:	Shire of Murray
LOCAL SCHEME ZONING:	Residential, Rural, Special Rural, Private Clubs and Institutions, Industrial
LGA RECOMMENDATION(S):	Endorse subject to modifications
REGION DESCRIPTOR:	Peel Region
RECEIPT DATE:	22 December 2011
PROCESS DAYS:	96
APPLICATION TYPE:	Structure Plan
CADASTRAL REFERENCE:	Multiple lots including Dwellingup townsite and surrounding rural hinterland east of the Darling Scarp and north of the Murray River.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions received on the Dwellingup Structure Plan in accordance with the Schedule of Submissions at Attachment 5 of this report;***
- 2. endorse the Dwellingup Structure Plan, subject to the schedule of modifications at Attachment 6 of this report.***

SUMMARY:

- The Murray Shire Council requests the Western Australian Planning Commission's (WAPC) endorsement of the Dwellingup Structure Plan (DSP).
- Forty submissions were received during the advertising period, generally relating to the proposed settlement pattern and development guidelines, land use compatibility, protection of mineral resources, infrastructure and fire risk considerations.
- Council endorsed the DSP subject to modifications including minor refinement of rural settlement precincts, inclusion of heritage and mining considerations, reflection of a Peel Region Scheme Special Control Area for water catchment protection and provision for a special use zoning to facilitate cluster housing development based around tourism and agriculture. Some of the recommended modifications have been reflected in the text and mapping forwarded by the Council for WAPC endorsement.
- It is recommended the DSP be approved subject to additional modifications.

BACKGROUND:

In February 1999, the WAPC endorsed the Dwellingup Structure Development Plan (DSDP-1999), which identifies various opportunities to accommodate residential expansion and rural lifestyle development, in addition to key tourism sites, industrial areas and a number of intensive agricultural precincts. A location plan is provided as **Attachment 1**.

The Council commenced a review of the DSDP-1999 in 2008 in response to the planned re-opening and expansion of the Boddington Goldmine, located approximately 25kms east of the study area.

In March 2010, the Council adopted the DSP for advertising purposes, subject to inclusion of additional land for rural settlement, and provision for a special use zoning to facilitate development of 'eco-village' cluster housing based around tourism and agricultural uses (**Attachment 2** – DSP endorsed by the Council for advertising).

In October 2010 the WAPC granted consent to advertise the DSP, subject to various modifications including the amount of land identified for rural settlement being reduced, references to the 'eco-village' concept being deleted, and the structure plan text being simplified. The plan depicting the WAPC's modifications is provided as **Attachment 3**.

The DSP is one of six structure plans and local rural strategies the Council is progressing to provide a suitable local strategic planning framework. It is intended that these strategies and structure plans will later be incorporated into a local planning strategy for the Shire.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: Planning & Development Act (2005)
Part 5 - Local Planning Schemes
Part 10 - Subdivision and Development Control

Strategic Plan

Strategic Goal: Planning
Outcomes: Planned Local Communities developing a sense of place
Strategies: Encourage innovation in the design of communities

Policy

Number and / or Name: State Planning Policy 2.4 - 'Basic Raw Materials'
State Planning Policy 2.5 - 'Agricultural and Rural Land Use Planning'
State Planning Policy 3 – 'Urban Growth and Settlement'
Peel Region Scheme - 'Strategic Minerals and Basic Raw Materials Policy'
Peel Region Scheme - 'Strategic Agricultural Resource Policy'
Development Control Policy 3.4 – 'Subdivision of Rural Land'.

DETAILS:

The study area incorporates the Dwellingup Townsite and surrounding rural hinterland east of the Darling Scarp and north of the Murray River, generally reflecting the spatial extent of the DSDP-1999, and the Dwellingup precinct boundaries identified in the Shire's Local Rural Strategy (1994). (**Attachment 1** - Location Plan).

The structure plan review was guided by a Technical Advisory Group (TAG) comprising representatives from the Shire of Murray, Department of Planning (DoP), Department of Environment and Conservation (DEC), Department of Agriculture and Food WA (DAFWA), Water Corporation, Main Roads WA (MRWA) and Peel Development Commission (PDC).

The DSP expands upon the growth opportunities in the DSDP-1999, including identification of 14 ha of land for long term residential expansion, an additional 225 ha for rural residential development, and a consolidated intensive agricultural precinct of approximately 620 ha.

The main structure plan map, as endorsed by Council for final approval is provided as **Attachment 4**. A complete version of the strategy document, as advertised, can be obtained in electronic format by contacting the WAPC Secretariat.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The DSP will assist in ensuring an adequate supply of developable land is available in Dwellingup, and will help to conserve land for agricultural purposes.

CONSULTATION:

In November 2010, the Council resolved to advertise two versions of the DSP, one depicting the rural settlement areas initially endorsed by Council in March 2010 (**Attachment 2**) and the other incorporating the modifications required by the WAPC in October 2010 (**Attachment 3**). This approach was intended to enable the community to appreciate the difference in local and State government perspectives regarding future growth opportunities in the study area.

Both versions of the DSP were advertised for public comment between February and April 2011, with a community forum held in Dwellingup on 15 March 2011. A total of forty submissions were received, including sixteen submissions from government and servicing agencies, and twenty three public submissions.

The issues raised are summarised at **Attachment 5**, together with the Council's and DoP's comments and recommendations.

OFFICER'S COMMENTS:

Policy Context

The previous report to Committee (October 2010) discussed the various WAPC policies that were considered in formulating the DSP, and the implications for the study area.

Bush Fire Risk

The DSP is supported by a strategic level bushfire hazard assessment in accordance with the principles outlined in *Planning for Bushfire Protection Edition 2 (WAPC, 2010)*. The assessment identifies areas of extreme bushfire hazard associated with State Forrest, which characterises the study area.

The structure plan responds to fire risk and limited fire fighting resources in the study area by promoting a compact and centralised settlement pattern, and requiring preparation of detailed bushfire risk assessment and management plans at subsequent stages in the planning process, demonstrating that appropriate measures can be implemented to allow development. This approach is supported by the Fire and Emergency Services Authority (FESA).

FESA have not raised any significant concerns with the DSP, and the specific comments provided by the agency are addressed in the schedule of submissions.

Settlement Considerations

Residential

The DSP (as advertised) identifies approximately 17 ha of land to accommodate residential growth of the townsite, generally reflecting the area identified in the DSDP-1999. It is estimated that these areas could yield in the order of 145 lots. The majority of the land is zoned 'Urban' in the Peel Region Scheme, with the exception of an area south of Dwellingup Primary School, which is currently reserved as 'State Forest'.

A submission from the Water Corporation advises that a portion of this State Forest reserve is developed with water supply headwork infrastructure, which requires a 100-metre buffer from residential development. This will reduce the amount of land potentially able to be considered for future residential purposes by about 2 ha, and reduce the estimated lot yield from 145 to about 130 lots.

The Water Corporation buffer is not expected to have a significant impact on residential expansion, having regard to the following factors:

- i) the DSP acknowledges that some of the land south of the primary school site may be needed for future expansion of the primary school facilities;
- ii) the precise amount of land to be excised from state forest may be different, and possibly greater than what is shown in the DSP, as determined through detailed planning investigations at the rezoning stage; and
- iii) an additional 14 ha of land is identified for long-term residential expansion north west of the town site, should this become necessary in the future.

The Council's recommendation to identify the Water Corporation buffer on the DSP is supported. The Water Corporation considers it unlikely that the buffer requirement will significantly increase as a result of plans to source the town water supply from South Dandalup dam.

Rural Residential

In granting consent to advertise the DSP, the WAPC required the amount of land identified for rural settlement by the Council at **Attachment 2** be reduced, as follows:

- i) the northern portion of Rural Residential Precinct 9 being modified to Intensive Agriculture, and the southern portion of Rural Residential Precinct 9 being retained as Rural Residential; and
- ii) the southern portion of Rural Residential Precinct 10 and all of Rural Residential Precinct 11 being modified to Rural, and the northern portion of Rural Residential Precinct 10 being retained as Rural Residential.

These modifications reduced the amount of land identified for rural settlement purposes from 510 ha to 300 ha.

As a result of matters raised in the submissions, the Council endorsed the following modifications to the rural residential precincts depicted in **Attachment 3**:

- i) Lots 1021 and 1022 Pinjarra Williams Road (adjacent to Rural Residential Precinct 9) being identified as rural residential rather than intensive agriculture (as shown on **Attachment 4**); and
- ii) the remaining northern portion of Rural Residential Precinct 10 being identified as rural rather than rural residential (as shown on **Attachment 4**).

The inclusion of Lots 1021 and 1022 Pinjarra Williams Road in Rural Residential Precinct 9 is supported on the basis that it represents a logical 'rounding off' of the rural settlement area.

The inclusion of Rural Residential Precinct 10 in the rural area is supported, having regard to servicing, fire risk, mineral resource and land use compatibility considerations.

Additional modifications to the structure plan text and mapping are recommended to:

- i) correctly reference the location and number of rural residential precincts;
- ii) identify a Public Drinking Water Source Protection Area (PDWSA) affecting Precinct 9; and
- iii) require preparation of a local water management strategy to support rezoning proposals.

Eco Village

The WAPC required reference to an eco-village concept be deleted from the DSP prior to advertising, based on the following concerns:

- i) the lack of specific location and development criteria for eco-villages in the DSP could lead to ad-hoc development and settlement within areas identified for rural or intensive agriculture purposes; and
- ii) the concept has similarities to a 'cluster farm', whereby rural land is held in common ownership through a strata titled arrangement and is farmed by residents occupying adjacent rural lifestyle lots. The Minister for Planning approved the rezoning of a property elsewhere in the Shire of Murray in order to facilitate development of a cluster farm for evaluative purposes. The local planning scheme provisions specify that the cluster farm zoning cannot be applied to any other site in the Shire until such time as the initial cluster farm is substantially developed, which has not yet occurred.

The Council retained provision for the eco-village concept in the DSP, to facilitate future economic development opportunities within the study area. Both the TAG and Council consider that the concept could potentially be accommodated in the DSP, if development were limited to the precincts identified as suitable for rural settlement. This position is supported having regard to the following factors:

- i) restricting potential eco-village development to the rural residential settlement precincts identified in the DSP will result in development being located in close proximity to townsite services and facilities, consistent with the intended settlement pattern;
- ii) maintaining a compact and centralized settlement pattern will limit the number of dwellings exposed to fire risk associated with state forest, and avoid undue limitations on emergency services;
- iii) the potential number and spatial extent of eco-villages will be reduced as a result of more stringent locational requirements;
- iv) eco-village development, if confined to rural residential settlement areas, will not compromise priority agricultural land and mineral resource areas; and
- v) the style and composition of eco-villages will likely differ from development in the cluster farm zone, having regard to existing lot sizes, the limited opportunities for land aggregation and localized considerations in the study area.

To provide clarity regarding the eco-village concept, the following modifications to the structure plan text are recommended:

- i) discussion relating to eco-villages being included as a sub-set of the rural residential land use category, however, specifying that such development will be considered under a 'Special Use' zoning;
- ii) the rural residential locational restriction being listed as a criterion;

- iii) inclusion of a requirement for preparation of a guide plan detailing major land use components, residential density, land tenure and management arrangements for common property areas and facilities; and
- iv) comments relating to Council having full discretion to endorse amendments to the local planning scheme for this purpose being deleted.

The owner of land south-east of the townsite expressed a desire to develop a 31 ha site straddling Pinjarra Williams Road for eco-village purposes, within the area originally identified as Rural Residential Precinct 11 on **Attachment 2**. This precinct is being retained in the rural area based on settlement pattern, servicing, fire risk and resource considerations. As a result, it is not considered appropriate for this site to be rezoned and/or developed for this purpose.

Agricultural Considerations

State Planning Policy 2.5 identifies 'Agricultural Priority Management Areas' surrounding Dwellingup Townsite, which are reflected in the Peel Region Scheme 'Strategic Agricultural Resource Policy' (PRS - SARP, 2002).

These areas were reviewed by the TAG, having regard to factors including vegetation cover, topography, soil capability and lot sizes. Resulting from this review, and further refinement of the rural settlement precincts detailed above, the DSP proposes a consolidated 'Intensive Agricultural' precinct of approximately 620 ha.

Based on the existing range of lot sizes within the Intensive Agricultural precincts, a minimum lot size of 10 ha is proposed. This increases the minimum lot size of 1 ha potentially able to be considered under the DSDP-1999. However, 10 ha is considered an appropriate size to retain some flexibility for landowners whilst allowing for continuation of a range of horticultural activities at both a hobby and/or commercial scale, and is supported by the Department of Agriculture and Food WA.

The revised intensive agricultural precincts identified in the DSP will inform a future review of the PRS SARP.

Mineral Considerations

Areas of Bauxite deposits occur throughout the study area, which are subject of a State Agreement Mining Lease with Alcoa World Alumina Australia. The Department of Mines and Petroleum (DMP) advise that higher-grade Bauxite deposits are concentrated north-east and south-east of the townsite.

Both the DMP and Alcoa raised concerns regarding rural settlement in proximity to resource deposits, due to the increased likelihood of land use conflict and potential sterilisation of resources. The concerns specifically relate to Rural Residential Precincts 1, 3, 5, 6 - 8 and 10 - 11, and formed part of the basis for the WAPC's decision to reduce the amount of land identified for rural settlement purposes at the consent to advertise stage of the structure plan review. In response to these concerns, Rural Residential settlement opportunities east of the townsite have been restricted, as discussed earlier in the report.

The DMP's comments regarding potential land use compatibility issues can be addressed through preparation of precinct plans for the rural settlement areas at

subsequent stages in the planning process. A minor modification to the precinct plan guidelines is recommended, to include mineral resources as a specific consideration.

The Department of State Development, along with DMP and Alcoa expressed support for townsite growth to occur in a north-westerly direction, to avoid areas containing higher-grade Bauxite deposits. The DSP identifies land west of the townsite to accommodate long-term residential expansion, and a future rural residential precinct. However, agricultural considerations and the limited amount of freehold land restrict the ability to facilitate any further growth in this direction.

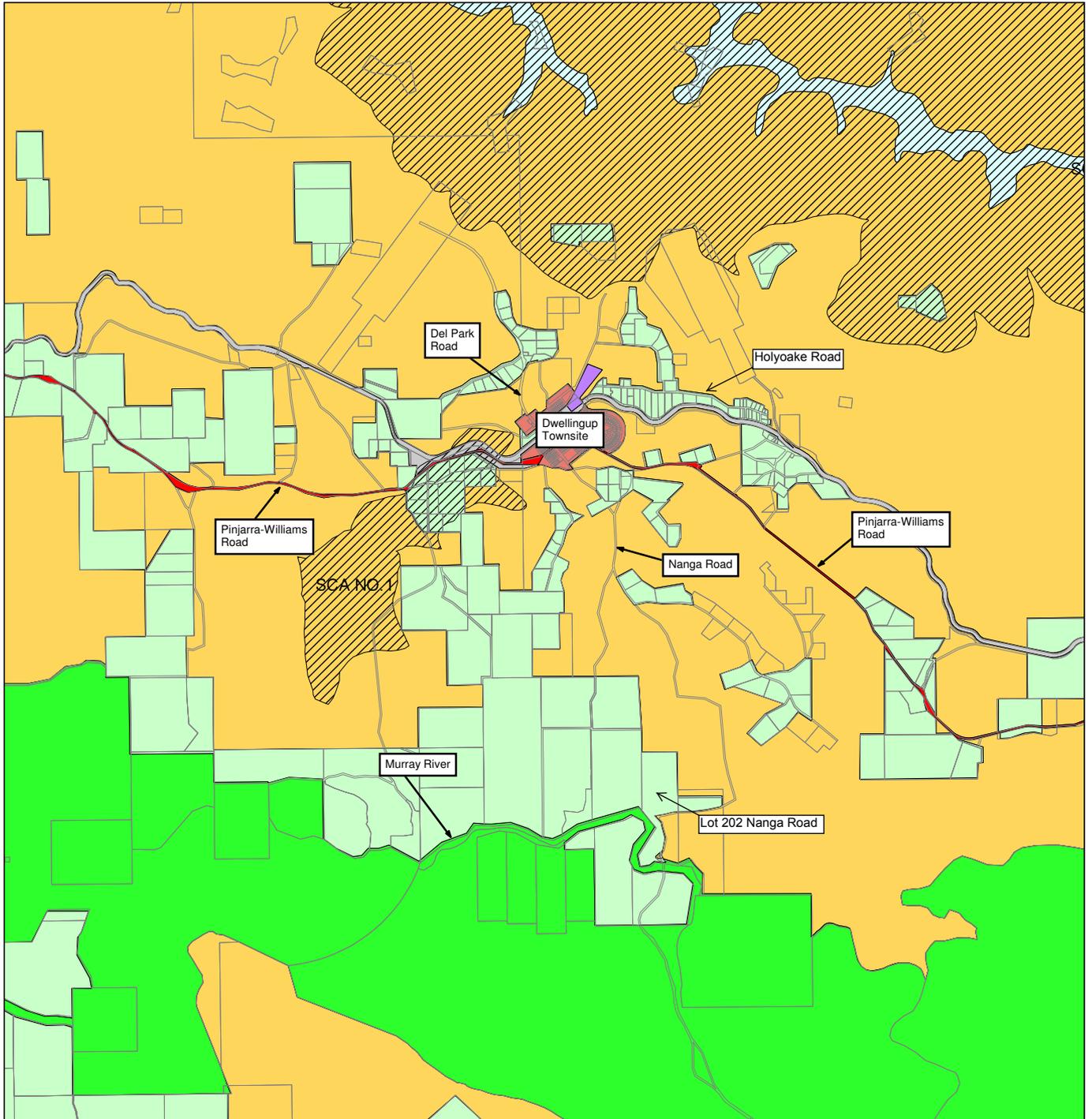
Other

In accordance with the WAPC's advice dated October 2010, the Council endorsed a consolidated version of the structure plan text prepared by the DoP in consultation with Council officers. Based on consideration of submissions received during advertising, and the Council's recommendations, the following textual modifications are recommended:

- i) reference to local planning scheme reserves under the 'Special Use' heading being deleted;
- ii) heritage sites within the study area, as identified in the Council's Heritage Inventory, and Council's heritage objectives as outlined in the relevant local planning policy, being acknowledged in the structure plan; and
- iii) the terminology used to describe the industrial precincts in the text and maps being made more consistent.

CONCLUSION:

It is considered that the DSP provides a sound basis to guide future rural land use and allow for some additional forms of rural settlement pending finalisation of the Shire's LPS. It is recommended that the DSP be endorsed by the WAPC, subject to the modifications outlined at **Attachment 6**.



SPC Dwellingup	PRIMARY REGIONAL ROADS
Cadastre with Lot Numbers	REGIONAL OPEN SPACE
PRS - Special Control Area 1	WATERWAYS
URBAN	RAILWAYS
INDUSTRIAL	STATE FORESTS
RURAL	

Scale 1:75,000
 0 2.5 km

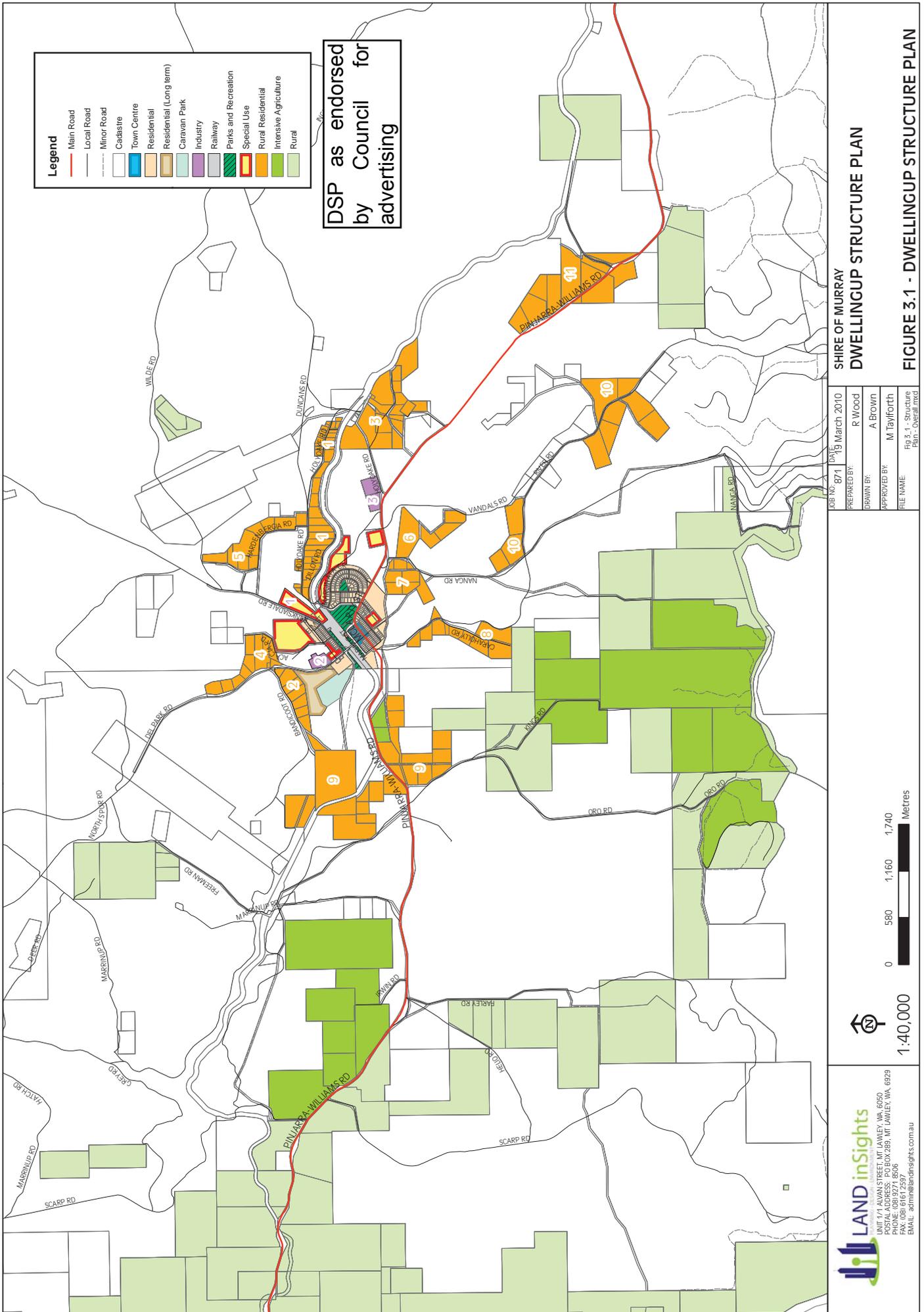
Prepared by: alawson
 Prepared for:
 Date: Tuesday, June 22, 2010 15:22
 Plot identifier: P20100622_1522

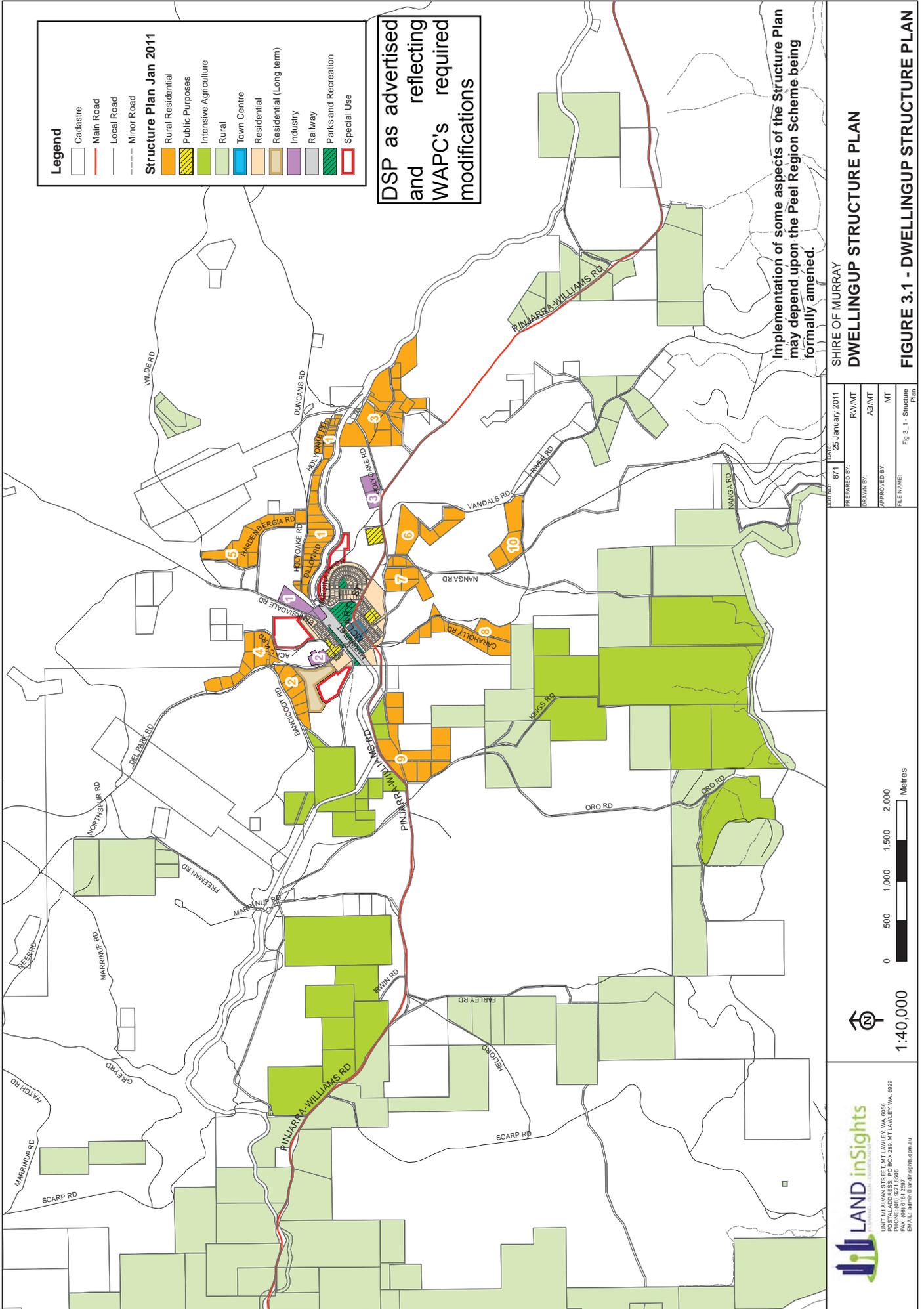
DP INTERNAL USE ONLY

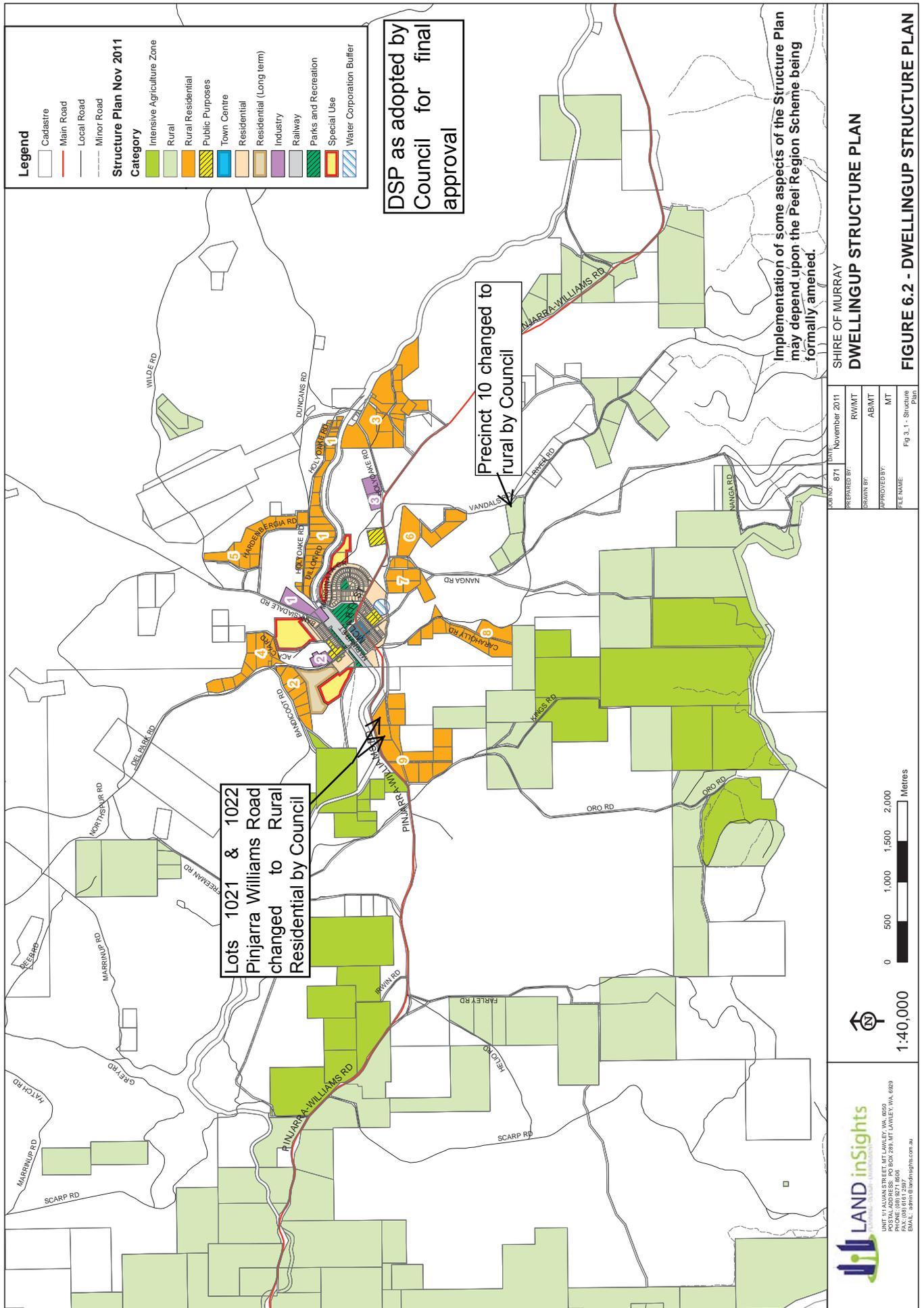
Government of Western Australia
 Department of Planning

Dwellingup Structure Plan
 Study Area

AGENDA PAGE 139







Schedule of Submissions - Dwellingup Structure Plan

No.	Summary of Submission	Council Comment and Recommendation <i>(information in italics has been added by the Department of Planning)</i>	DoP Comments and Recommendation
1.	At this point in time Telstra has no objection regarding the Structure Plan. Cannot comment further until more about the new NBN Co. is known.	Noted.	Noted. No further comment necessary.
2.	As the railway in Dwellingup is privately owned, the Public Transport Authority (PTA) does not wish to provide comment on the Structure Plan.	Noted but lack of public transport between Pinjarra and Dwellingup is an issue requiring longer term attention.	Noted. The PTA has confirmed that there are currently no plans to provide public transport between Pinjarra and Dwellingup, as the service would not be viable based on population numbers. This position may be reviewed in the future, subject to the service development guidelines established by the PTA.
3.	Concerned that noise wasn't mentioned in the Industrial Section of the Structure Plan. Queried ownership of Area G11.	<i>(Dismiss)</i> Noise impacts are dealt with under EPA and Health Legislation. Industrial Area 1 is leased from the Crown.	Dismiss. The structure plan specifies that future industrial use of site G11 will need to adequately consider appropriate separation distances to surrounding land uses, including residential development, to address offsite impacts from industrial uses, such as noise and odour.
	Where, in relation to their residence, is Area G13 to be located? Will it join Area G11 or G12.	Industrial area 3 is located adjacent to existing Waste Transfer Station off Holyoake Road.	No further comment necessary.
	Date Area G11 was made Industrial Area? They have not been consulted.	<i>(Noted)</i> Industrial area 1 was zoned Industry in TPS 4 in 1989 and the District Scheme was publicly advertised.	Noted. Further to Council's comments, the DSP reflects the existing industrial land use and zoning of the property in the local and regional planning schemes.

4.	<p>State Strategic Policy supports the identification of precincts and sites for tourism uses within a tourism planning strategy or tourism component of a local planning strategy; and to include a range of tourist zonings and the permissibility of land uses in each zone to be incorporated within the local planning scheme, to provide for a diverse tourism industry.</p>	<p>(Noted) Council's draft Local Planning Strategy makes reference to importance of Tourism activity to the Shire economy.</p> <p>Shire's Tourism Strategy adopted in 2009 recommends formulation of a Local Tourism Planning Strategy.</p> <p>Proposed TPS 5 to incorporate appropriate range of tourist uses.</p>	<p>Noted. The Local Planning Scheme (TPS4) does not include a 'Tourist' zone; therefore no specific sites have been identified for this purpose in the DSP. The majority of tourist uses within the study area are located in local or region scheme reserves, or have been identified as 'Special Use' in the DSP.</p> <p>TPS4 provides sufficient flexibility for tourist uses on rural zoned land without the need for further site specific zoning. The DSP recommends that Council's proposed Local Planning Strategy be expanded with reference to tourism development.</p>
5.	<p>**No further comment to add to previous input into the Structure Plan.</p>	<p>Noted.</p>	<p>Main Roads WA (MRWA) provided specific comments relating to a proposed eco-village development on Pinjarra Williams Road east of the townsite, raising concerns relating to sight lines, road speed and various other considerations.</p> <p>The site is not recommended for settlement purposes in the recommended final DSP.</p>
6.	<p>The proposed development is not within the Dampier to Bunbury Natural Gas Pipeline corridor boundaries.</p> <p>Seeks to take into account and abide by the restrictions relating to Setback Distances under Planning Bulletin 87. Referred to gas pipeline operators for the Parmelia Pipeline and/or Dampier to Bunbury Pipeline for comment and any technical requirements they may have.</p>	<p>Noted.</p> <p>Await possible further advice.</p>	<p>Noted. The study area is remote from gas pipelines.</p>
7.	<p>Agrees with Council's preferred Plan.</p>	<p>(No comment provided)</p>	<p>Dismiss. The WAPC does not support Council's preferred structure plan, and required modifications to this prior to advertising.</p>

	<p>In light of the serious bush fire risk to Dwellingup, would like to see urban perimeter clearance extended to be at least 50 metres beyond all lots.</p> <p>In particular would like to see the UCL 332 on the east side of Marginata Crescent cleared and the lots allocated ASAP.</p> <p>Dwellingup is a centre for intensive agriculture, but this aspect is going to be difficult to retain because of cost of production and problems retaining willing owners. Therefore these owners should have the option to have a tourist operation such as B&B included in their business.</p>	<p>(Noted) Fire control measures being addressed by LandCorp for the Residential precinct east of Marginata Crescent.</p> <p>(Noted) Landcorp Board supports progressing with 20 lot subdivision project and engaged consultants to undertake technical investigations to address planning, engineering and environmental survey work to have land construction ready by mid 2012.</p> <p>(Noted) Increased flexibility in land use controls supported to allow alternate tourist activities while still protecting lifestyle amenity. (No modifications required by Council.)</p>	<p>Noted. Any new residential development in areas mapped as being at risk of bush fire will be guided by the requirements of the WAPC's 'Planning for Bushfire Protection Guidelines' (2010).</p> <p>Noted. Development of Lot 332 Marginata Crescent at the eastern extent of the townsite, is being progressed by Landcorp under the Townsite Development Program.</p> <p>Noted. The DSP does not prevent development of rural land uses, such as tourist accommodation, within the Intensive Agricultural Precinct, provided that such uses and development are ancillary to the principle horticultural use of the land.</p>
8.	<p>Very much in favour of improvements being made to enable the growth of Dwellingup.</p> <p>The hotel is in need of refurbishment. There is nowhere to accommodate tourists and backpackers.</p> <p>Currently has a master plan for a resort.</p>	<p>Noted.</p> <p>(Noted) Budget backpackers accommodation being considered near Hotham Valley Railway station and Town oval. (No comment)</p>	<p>Noted.</p> <p>Noted. Refurbishment of the Dwellingup Hotel is a matter for the owners to pursue, noting that the building is heritage listed in TPS4 which will require Council's approval prior to development.</p> <p>Applications for additional tourist accommodation will be considered in accordance with the provisions of TPS4.</p>

9.	<p>Requests Council to review the land use classification to a more intensive form of residential use if some other residential areas are found to be not feasible to proceed with in the short to medium term - Special Residential type subdivision in the order of 2000m² to 1ha as distinct from 1-4ha Rural Residential development.</p> <p>Suggested review the plan after a five year period to reassess townsite growth options.</p>	<p>(<i>Noted</i>) Option of Special Residential development proposal worth exploring for subject property in the event other Urban investigation sites prove unviable. TAG recommends retention of land under current Rural Residential classification for Precinct 6.</p> <p>Rural residential zoning does attract a higher rating and increased land use restrictions.</p> <p>Rezoning of land would only proceed if majority of owners in the precinct agreed to support zoning change.</p> <p>(<i>Upheld</i>) Review of plan supported to monitor rate of growth.</p>	<p>Dismiss. The 12ha property is currently zoned 'Special Use' and is developed with a variety of outdoor pursuits. It is identified for potential rural residential purposes in the DSP, on the basis of its proximity to the townsite and essential services. The classification is consistent with local planning scheme Amendment 234 gazetted in mid 2010, which incorporates provision for a 3-lot subdivision of the site.</p> <p>Identification of the property for more intensive residential development is not warranted, as the DSP identifies sufficient land to cater for anticipated townsite growth for the next 10 - 15 years.</p> <p>Noted. The implementation section of the DSP recommends a regular review to ensure land release responds to population increase.</p>
10.	<p>Concerned if new zoning goes ahead that rates will rise and more restrictions for their properties.</p> <p>Strongly oppose new zoning. Their property is far too small to subdivide and the new zoning would be of no benefit to them.</p>	<p>(<i>Upheld</i>) Rates will rise with change of Zoning and additional land use control provisions will apply under the Scheme.</p> <p>Opposition to Rural Residential land use change noted.</p> <p>(<i>No modifications required by Council.</i>)</p>	<p>Noted. Agree with Council's comments. The property is identified for rural residential purposes, however, the DSP does not change the current rural zoning.</p> <p>Noted. The DSP identifies land along Holyoake Road, including the subject site, for rural residential purposes acknowledging existing land uses, and reflecting the DSDP-1999.</p> <p>Refer comments above relating to zoning. The DSP acknowledges that not all properties identified for rural residential purposes are capable of further subdivision as a result of existing lot sizes.</p>

11.	Would support a zoning which would allow subdividing under 10 acre property to one hectare lots for lifestyle, retreat and or tourist accommodation type usage.	<i>(Upheld)</i> TAG recommends Loc 1231 and 1230 be shown as Rural Residential/Lifestyle type development consistent with adjoining landholdings. <i>(Council modified the DSP by changing the classification of Lots 1230 and 1231 from 'Intensive Agriculture' to 'Rural Residential'.)</i>	Upheld (refer Attachment 4 for location). It is recommended that the two lots be identified for rural residential purposes consistent with surrounding lots south of Pinjarra Williams Road. The landowners support this modification (refer submission 29). A minor modification to the DSP text and mapping is recommended to reference the Dwellingrup Water Source Protection Area overlying this precinct, which may have implications for land use intensification.
12.	No objections subject to all developments complying with the provisions of the draft Country Sewerage Policy.	<i>(Noted)</i> On site sewer requirements to address separation distance from MGL and potential impacts on Dwellingrup Water Source catchment. <i>(No modifications required by Council.)</i>	Noted. The DSP acknowledges the draft Country Sewerage Policy, which has implications for residential lot sizes and lot yields in unsewered areas, such as Dwellingrup. Compliance with the relevant policy requirements will be assessed by the Shire at development stage. Noted.
13.	Consents to request to advertise.	<i>(Noted)</i> Structure plan has already been advertised.	Noted.
14.	Rezoning from Intensive Agriculture to Rural Residential is not supported in Precinct Area 9 North in a drying warming climate. Support is also not given to Intensive Farming Lots being able to be subdivided lower than 10 hectares as this would not be viable for Intensive Farming resulting in defacto Rural Residential. Also does not support the removal of Eco Village Style Cluster Housing from the DSP/TPS as this may not necessarily have a large application for this area, but including it provides for this	<i>(Upheld)</i> TAG meeting agrees to retain Precinct 9 north of Pinjarra Williams Road as Intensive Agriculture precinct. <i>(Upheld)</i> Reduction in lot sizes also not supported by Department of Agriculture & Food WA (DAFWA). TAG recommends retaining current 10ha minimum lot size criteria for Intensive Agriculture. <i>(Upheld)</i> TAG agree that Eco villages should be contained in set areas classified Rural Residential to allow for water supply servicing, emergency fire access and well-managed Fire control measures.	Upheld. Council's recommendation to retain an Intensive Agricultural Precinct north west of the townsite is consistent with the modifications required by the WAPC prior to advertising of the DSP. Upheld. Agree with Council's comments. Given the range of existing lot sizes within the intensive Agricultural precincts, a 10ha minimum lot size is considered to provide sufficient flexibility for landowners, and allow for continuation of horticultural activities. Upheld. The WAPC required the eco-village concept be deleted from the DSP due to concerns that such development could compromise both the proposed settlement pattern and priority agricultural land. Council resolved to retain provision for eco-village

	<p>possibility with all the other diverse ranges of opportunities.</p>	<p><i>(Council modified the DSP to include provision for eco-village development, although no specific sites have been identified for this purpose).</i></p>	<p>development in the DSP, but to limit this to precincts identified for rural settlement to address concerns raised by the WAPC.</p> <p>Council's position is supported, however, various modifications to the structure plan text are recommended, to more comprehensively address zoning, land use and development considerations.</p>
<p>15.</p>	<p>No objection to Revised Plan. Pleased to note that the Plans will be required to address 'areas of heritage/cultural value'. Would be valuable to note the expected outcomes for heritage places identified as well as making a general statement about the Shire's objectives regarding heritage places. Should be consistent with State Planning Policy 3.5, Historic Heritage Conservation.</p>	<p><i>(Upheld)</i> Report can be modified to reflect HCWA and Shire objectives in identifying certain sites. <i>(Council did not change the DSP text to reflect this modification).</i></p>	<p>Upheld. A minor modification to the DSP text is recommended to acknowledge heritage sites within the study area, as identified in the Council's Heritage Inventory, and Council's heritage objectives as outlined in the relevant local planning policy.</p>

<p>16. The property is not large enough for viable rural enterprise, yet would be perfect for smaller lifestyle / educational / caravan park enterprises.</p> <p>Concerned about the seeming omission of an education and lifestyle precinct in the area around Lot 202 bounded by Nanga Bush Camp, Scotch College block, Trinity College block and Baden Powell campsite. Would be an ideal Special Use area and was previously mentioned at a Town meeting in May 2009.</p> <p>Development of this area and other small areas within 8km of Dwellingup would bring benefits through attracting people to 'lifestyle lots', in turn benefiting tourism and small businesses in town.</p>	<p>(Noted) Suggested tourist type land uses have merit for this location to take advantage of river setting.</p> <p>(Noted) Idea of an Education lifestyle and Research precinct has merit but servicing and fire control measures of this isolated area may be problematic. Forrest Heritage Centre/School of Wood in the townsite was meant to provide an education training focus.</p> <p>(Dismiss) Areas close to the Murray River lend themselves to Tourist and short stay holiday recreation opportunities that can be pursued under current TPS provisions.</p>	<p>Noted (refer Attachment 1 for location). The property was identified for intensive agricultural purposes in the DSDP-1999. The DSP proposes a rural classification, recognizing site-specific limitations for agricultural uses including vegetation cover and topography. Tourist uses, including accommodation, are able to be considered in the rural zone in accordance with the provisions of TPS4.</p> <p>Dismiss. The activities on land surrounding Lot 202 Nanga Road occur under the 'Private Clubs and Institutions' and 'Rural' zones, or are contained within State Forrest. The DSP provides for future expansion of existing specialized educational facilities in the townsite, therefore an additional education precinct is unnecessary.</p> <p>Dismiss. The area is not considered suitable for rural settlement based on remoteness from the townsite and servicing infrastructure, and fire risk. Tourist uses, including accommodation, are able to be considered in the rural zone in accordance with the provisions of TPS4.</p>
<p>17. Pleased to note that precinct plans will be required to identify 'areas of heritage/cultural value'.</p> <p>It would be useful to include a general statement regarding the Shire of Murray's objectives in identifying such areas. (Page 19)</p>	<p>(No comment provided).</p> <p>(Upheld) Report can be modified to reflect Shire objectives. (Council did not change the DSP text to reflect this modification).</p>	<p>Noted.</p> <p>Upheld. A minor modification to the DSP text is recommended to acknowledge heritage sites within the study area, as identified in the Council's Heritage Inventory, and Council's heritage objectives as outlined in the relevant local planning policy.</p>

	<p>It is also assuring to note that Dwellingup's 'uniqueness' has been identified by residents as being equivalent to its 'heritage characteristics'. (Page 9)</p> <p>It is noted that the only building specifically identified in the Revised Structure Plan is the 'Dwellingup Community Hotel'. (Page 15) It would be useful to note the following additional places and precincts as having already been identified by the Shire of Murray as having cultural heritage value:</p> <ol style="list-style-type: none"> a. Bibbulman Track b. Nursing Post & Gates, Del Park Road c. Newton Street Precinct d. Marrinup Prisoner of War Camp, Forest Block No. 23 e. Pinjarra -Boddington Railway, Williams Road f. Town Well, Newton Street g. RSL Hall McLarty Street h. Marginata Crescent Precinct i. Dwellingup Police Station, McLarty Street <p>Please note that the above is not an exhaustive list of the cultural heritage places and precincts in Dwellingup, but simply those which are currently identified by the Shire of Murray.</p>	<p>(Noted) Important to retain that unique character.</p> <p>(Dismiss) Additional heritage places can be incorporated by reference to the Shire's Local Government Heritage Inventory (August 2011) with further review necessary of new sites not previously listed.</p>	<p>Noted.</p> <p>Dismiss. Agree with Council's comments. A minor modification to the DSP text is recommended.</p>
18.	<p>The proposal is located in an area of bush fire risk, warranting the preparation of a comprehensive Fire Management Plan to determine the level of risk and to</p>	<p>(Noted) Need for FMP acknowledged and designating whole of Structure plan area as Bush Fire prone under TPS warrants support. The issue of declaring fire prone</p>	<p>Noted. A strategic level bush fire hazard assessment has been undertaken for the study area, in accordance with <i>Planning for Bushfire Protection Edition 2 (WAPC, 2010)</i>.</p>

	<p>demonstrate the risk can be appropriately mitigated. The whole DSP area should be declared a bushfire prone area under the authority of the Shire's TPS.</p> <p>FESA recommends considering phasing development, aiming to complete the area closest to the townsite first to increase protection of the current town.</p> <p>Recommended area shown as pale green and green on the map together with Precincts 10 and 11 have their use restricted permanently to Agricultural uses, thus limiting the number of dwellings totally surrounded by permanent forest.</p>	<p>areas is subject of separate deliberations by a Working Group formed by Dept of Premier and Cabinet arising from the Keelty report.</p> <p>(Noted) Submission supported via TAG review. Rate of development also depends on landowner willingness to pursue zoning/land use changes and environmental constraints for land clearing being addressed.</p> <p>(Upheld in part) Retention of Precincts 10 and 11 as Rural land use classification supported by TAG with input from FESA.</p> <p>(Council modified the DSP to identify Rural Residential Precincts 10 and 11 for rural purposes).</p>	<p>The DSP requires preparation of detailed bushfire risk assessment and management plans at subsequent stages in the planning process, demonstrating that appropriate fire control measures can be implemented to allow development.</p> <p>Council has discretion to pursue declaration of bushfire prone areas under the provisions of the Local Government Act, if it wishes to do so.</p> <p>Noted. Agree with Council's comments. Areas identified as potentially suitable for Rural Residential development are located in close proximity to the townsite, to avoid limitations on emergency services associated with a more dispersed settlement pattern.</p> <p>Upheld in part. The WAPC required the southern portion of Precinct 10 and Precinct 11 to be identified as Rural prior to advertising. Council's decision to also change the northern portion of Precinct 10 to Rural is supported.</p>
19.	<p>Finds the DSP (Version 3, January 2011) a balanced and reasonable document and supports the conclusions and recommendations which identify the need for growth in the region and outline the means by which the growth can be achieved in a controlled fashion.</p> <p>Does not support the modified land-use version of the SP, in particular strongly opposed to conversion of land marked 'Rural' to 'Rural Residential' in Area 11 and the southern section of Area 10 on</p>	<p>Support noted.</p> <p>(Upheld) Precincts 10 and 11 reviewed by TAG and comments in submission are supported.</p>	<p>Noted.</p> <p>Upheld. The WAPC required the southern portion of Precinct 10 and Precinct 11 to be identified as Rural prior to advertising. Council's decision to also change the northern portion of Precinct 10 to Rural is supported.</p>

<p>River Road. Neither of these areas is within the 2km radius of the town centre that 'Rural Residential' lots are defined as being located.</p> <p>Also concerned about proposals to modify lot size within 'Intensive Agriculture' precinct, if this is contrary to recommendations within the Plan and / or government agencies.</p> <p>Supports the opposition to 'Cluster Farm' zoning expressed in the Structure Plan, in the medium term. Hopes the Shire's desire for Area 11 to be re-zoned to 'Rural Residential' is not being unduly influenced by property developers.</p> <p>Supports recommended regular 5 yearly reviews of the Structure Plan.</p> <p>(Requested his letter to be tabled at Council meeting)</p>	<p>(Upheld) Concern shared by DAFWA as being contrary to State Government Rural policy framework.</p> <p>(Dismiss) Council's desire to expand Rural residential precinct areas stems from doubt that landowners closer into town may not be willing to support more intensive land use activity or zoning change.</p> <p>(Council modified the DSP text to include provision for eco-village development, although no specific sites have been identified for this purpose).</p> <p>(Noted) Regular reviews of plan is acknowledged to take into account changing community attitudes.</p>	<p>Upheld. Council advised an intention to review the proposed 10-hectare minimum lot size in the intensive agriculture precinct during advertising of the DSP. However, as a result of further consultation with DAFWA, Council now supports the 10ha minimum lot size.</p> <p>Upheld in part. The WAPC required the eco-village concept be deleted from the DSP due to concerns that such development could compromise both the proposed settlement pattern and priority agricultural land. Council resolved to retain provision for eco-village development in the DSP, but to limit this to precincts identified for rural settlement to address concerns raised by the WAPC.</p> <p>Council's position is supported, however, various modifications to the structure plan text are recommended, to more comprehensively address zoning, landuse and development considerations. Precinct 11, straddling Pinjarra-Williams Road, has been indentified as rural in the DSP.</p> <p>Upheld. The implementation section of the DSP recommends a regular review to ensure land release responds to population increase.</p>
<p>20. <u>Structure Plan and Proposed Zonings recommended by WAPC:</u> Generally in full support, but requested area proposed for 'Rural Residential' in</p>	<p>Submission supported with conversion of these two properties to Rural Residential a logical change so as to avoid potential land use conflict with adjacent lifestyle pursuits.</p>	<p>Upheld. Council's comments regarding the potential for land use conflict to arise are noted, and it is recommended that the two lots be identified for rural residential purposes consistent with surrounding lots</p>

<p>Precinct 9 be amended to include Lots 1021 and 1022 on southern side of Pinjarra Williams Road (currently zoned 'Intensive Agriculture') thereby creating a land usage consistent with adjoining lots resulting in an increase to approx 54.6 ha.</p>	<p>Lots are currently zoned Rural under TPS 4 but identified as Intensive Agriculture in the Structure plan to reflect current orchard usage.</p>	<p>south of Pinjarra Williams Road. The landowners support this modification (refer submission 29). A minor modification to the DSP text is recommended to reference the Dwellingup Water Source Protection Area overlying this precinct, which may have implications for land use intensification.</p>
<p>To maintain those two lots as 'Intensive Agriculture' is incongruous with stated objectives adopted for the future planning and development of the community in Section 1.5 (pgs 2-3) of the DSP. Marginal horticultural land use close to the townsite should be discouraged particularly given the absence of a reliable and adequate water supply and the absence of any buffer zone from adjoining proposed rural residential lots.</p>	<p>Comments supported via TAG review.</p>	<p>Noted.</p>
<p>To amend Precinct 9 is consistent with objectives set out in Section 3.8 (pg 18) of the Plan. The owners of these lots have no objections.</p>	<p>Alteration of southern section Precinct 9 supported by TAG.</p>	<p>Noted.</p>
<p>The area identified for rezoning for 'Rural Residential' usage is adequate to meet any foreseeable demand and allow for rational and steady development of Dwellingup and surrounding region. Restriction for the time being of the rezoning of land to Rural Residential in the areas limited to within approx 1.5km from the townsite will facilitate measured growth with minimal impact on existing infrastructure requirements.</p>	<p>(Noted) Phasing of Rural Residential growth closer to town would have servicing advantages. TAG reviews extent and staging of Rural Residential precincts.</p>	<p>Noted.</p>

<p><u>Proposed Structure Plan endorsed by Council for advertising</u> Objects to adoption of the version endorsed by Council on following grounds:</p>	<p>(Upheld) TAG meeting reviews future use of Precinct 9 northern section in view of Alcoa and DoMP advice for Townsite growth preference in a westerly direction. Comments supported via TAG review.</p>	<p>Noted.</p>
<ul style="list-style-type: none"> • Lots to be included in the proposed extended Precinct 9 are largely isolated from similar farming activities and surrounded by State Forest providing a natural buffer zone from increased residential density. A compelling reason to retain the area's Intensive Agriculture classification with regard to fire management issues, visual and environmental qualities. Care should be taken with areas abutting the Marrinup Brook watercourse. 	<p>Retention of Northern Precinct 9 for Intensive Agriculture discussed with TAG in light of comments received from DoMP and DSD regarding preference for lifestyle development to be considered west and north west of town.</p>	<p>The DSP identifies sufficient land for future rural residential purposes, without the need for additional lifestyle development to the west or north west of the townsite, which would compromise Intensive Agricultural Precincts.</p>
<ul style="list-style-type: none"> • Objects to expansion of area proposed for Rural Residential to include those lots situated along River Road south east of Precinct 10 in the WAPC plan and lots to be included in Precinct 11 in the Council proposal. 	<p>(Upheld) Rural Residential precinct areas 10 and 11 subject of review by TAG with support for retention under a Rural classification.</p>	<p>Upheld. It is recommended that Precincts 10 and 11 be identified as rural, based on distance from the townsite, remoteness from servicing infrastructure and fire risk.</p>
<p>These lots are too remote to the townsite to be reasonably considered for Rural Residential usage at this time.</p>	<p>View supported by DSD, FESA and DAFWA.</p>	
<p>Lots proposed for Residential Rural in proposed extension to Precinct 9 are largely bounded by State Forest, thereby requiring careful consideration of fire and environmental issues.</p>	<p>Important issues that warrant close attention.</p>	

	(The writer offered to speak to these submissions at Council)	Note possible deputation attendance with approval from Chairperson of Planning Committee. <i>(Council modified the DSP to identify to identify Rural Residential Precincts 10 and 11 for rural purposes).</i>	
21.	Generally does not object, with one significant exception being the proposal to include State Forest 14 in the residential growth area. This area includes Water Corporation water supply headwork infrastructure (including storage tanks and chemical treatment capability which requires strict buffer application) serving the Dwellingup townsite. This constraint may render at least 40% of the site inappropriate for residential purposes. There is no integrated wastewater service available to the Dwellingup townsite or any early prospect of such infrastructure. Urban growth should be considered in terms of individual onsite sewage treatment and disposal to satisfy health and environmental constraints and requirements.	<i>(Upheld)</i> Buffer from Water supply infrastructure acknowledged and land should be designated as Public Purpose in the Structure plan and balance retained as State Forest. Water Corporation to be consulted on expected land requirements and buffers for storage facilities to ascertain remaining site development potential. On site wastewater treatment acknowledged for any development expansion with residential density aimed at larger lots (2,000m ² - 1ha) that satisfies health and environmental criteria.	Upheld in part. The DSP acknowledges that residential lot yields are dependant on a variety of factors, including the amount of land ultimately excised from state forest. Whilst the Water Corporation buffer will reduce the anticipated yield in this precinct, it is considered that the DSP identifies sufficient land to cater for long term townsite growth. Council's recommendation to identify the Water Corporation buffer is supported. However, given that the infrastructure is located within a state forest reserve, it is not considered necessary to classify the buffer as public purpose land. Noted. The DSP acknowledges the development constraints associated with the lack of reticulated sewer service.
22.	<u>Residential Expansion</u> : Doesn't see a need for further development of residential land. <u>Rural Residential Areas 1 – 11</u> : Agrees with WAPC endorsement. It is important	<i>(Noted)</i> Residential expansion is constrained by State Forest. <i>(Noted)</i> Community has expressed a desire to see gradual and controlled growth via	Dismiss. The DSP identifies land to accommodate future population increase in the study area over a 10 - 15 year period. Noted.

<p>that any development happens in a slow and controlled manner to maintain the small town feel that residents currently enjoy.</p>	<p>responses in community feedback forms.</p>	<p>Noted. Having regard to the range of existing lot sizes within the Intensive Agriculture precinct identified in the DSP, a 10 hectare minimum lot size is considered appropriate to retain some flexibility for landowners whilst allowing for continuation of a range of horticultural activities at both a hobby and/or commercial scale.</p>
<p><u>Agriculture Precinct Lot Sizes:</u> Agrees with WAPC endorsement. People don't want to live on small properties where they have views of their neighbours. Blocks should range from 5ha up.</p>	<p>(Noted) Lot size range within the Structure plan area reviewed by TAG representatives.</p>	<p>Noted. The DSP recommends the Shire's proposed Local Planning Strategy be expanded to address various matters relating to future growth of the tourist industry.</p>
<p><u>Tourist Related Activities:</u> Believes that tourism is ideal for residents and businesses and would increase cash flow into the town. Is important to keep the visitor centre open and suggested an events manager would generate additional revenue. Expects Shire funding to be evenly distributed to all towns in the Shire.</p>	<p>(Noted) Expansion of Tourism type uses is viewed as an important component of Dwellingup's future growth. Formulation of 10 year Financial plan provides framework for Council funding program for capital expenditure.</p>	<p>Administrative issues relating to visitor centre management and funding are beyond the scope of the DSP.</p>
<p><u>Town Centre:</u> Concerns about empty shops and restaurants along the main street. Old buildings need rejuvenation.</p>	<p>(Noted) Town Centre revitalization an important component of Shire plans.</p>	<p>Noted. The DSP proposes a consolidated town centre precinct, and recommends that an economic impact assessment be undertaken prior to any further zoning of land for commercial purposes.</p>
<p><u>Industrial Precincts:</u> Suggested residential expansion could be on the timber mill site and move industry out of the town.</p>	<p>(Dismiss) Site contamination issues may prevent mill site from being developed for Residential use. Light Industrial site earmarked east of town near waste transfer station.</p>	<p>Dismiss. The mill site is zoned industrial in the Peel Region Scheme in recognition of ongoing use for industrial purposes. Relocation of the mill site is unlikely given the established infrastructure in place. The DSP identifies the site for industrial purposes, noting that future industrial use of the site will need to adequately consider appropriate separation distances to surrounding land uses, including residential development.</p>

<p><u>Eco Village</u>: Agrees with the concept and angry it was not included in the WAPC Structure Plan due to Pinjarra Williams Road being a State freight road.</p> <p><u>General Observations:</u> Careful forethought and planning needed to preserve the character of Dwellingup. Need to develop the existing businesses and facilities to create a drawcard. There is potential for more events.</p>	<p>(Upheld) Council shares that concern and believes a cluster style housing concept has merit worth exploring further.</p> <p><i>(Council modified the DSP text to include provision for eco-village development, although no specific sites have been identified for this purpose).</i></p> <p>Comments noted</p>	<p>Upheld in part. The WAPC required the eco-village concept be deleted from the DSP due to concerns that such development had similarities to a Cluster Farm, which is a form of development that the Minister for planning has allowed on a trial basis only, elsewhere in the Shire. Also, the provisions relating to eco-villages in the draft DSP did not adequately address the spatial planning implications that such villages might have on the overall settlement pattern and priority agricultural land.</p> <p>Council resolved to retain provision for eco-village development in the DSP, but to limit this to precincts identified for rural settlement.</p> <p>Council's position is supported, however, various modifications to the structure plan text are recommended, to more comprehensively address zoning, landuse and development considerations, and to differentiate this form of development from a cluster farm.</p> <p>Noted.</p>
<p>23. The property is not large enough for viable rural enterprise, yet would be perfect for smaller lifestyle / educational / caravan park enterprises.</p> <p>Concerned about the seeming omission of an education and lifestyle precinct in the area around Lot 202 bounded by Nanga Bush Camp, Scotch College</p>	<p>Same comments apply as per submission 16</p> <p>Same comments apply as per submission 16</p>	<p>Refer comments at submission 16.</p>

	<p>block, Trinity College block and Baden Powell campsite. Would be an ideal Special Use area and was previously mentioned at a Town meeting in May 2009.</p> <p>Development of this area and other small areas within 8km of Dwellingup would bring benefits through attracting people to 'lifestyle lots', in turn benefiting tourism and small businesses in town.</p>	<p>Isolation of land from townsite would place pressure on Council to improve services. Economic benefits for tourism type uses not disputed but lifestyle lots would not offer the same returns.</p>	
24.	<p>Modifying zoning around the town to Rural Residential will enable expansion that should maintain the rural character and lifestyle choice.</p> <p>Interested in subdivision which is encouraged in the Structure Plan. It is in the best interests of the community to maintain the character of Dwellingup and to encourage tourism.</p> <p>Does not support expansion into State Forest which is a major attraction to residents.</p>	<p>Agreed, but productive food output is likely to decrease and lifestyle developments tend to add little economic value.</p> <p>Comment supported by many submissions.</p> <p>(Dismiss) Only possibility for larger scale Residential development is to excise land from State Forrest in a deal with DEC.</p>	<p>Noted. The DSP identifies rural settlement precincts within close proximity to the townsite, in order to promote a compact settlement pattern, address fire risk and servicing requirements and protect agricultural land elsewhere in the study area.</p> <p>Noted.</p> <p>Dismiss. Agree with Council's comments. The DSP acknowledges the need to identify sufficient land to cater for anticipated population growth, as well as protect the forest setting of the town.</p>
25.	<p><u>Rural residential expansion areas:</u> Would allow landholders opportunity to subdivide and permit more Rural Residential lots.</p> <p><u>Rural Residential Areas 1 – 11:</u> Expects land identified would need to pass some criteria before subdivision permitted ie road frontage, access to power, water availability and telecommunications.</p>	<p>Noted. Structure plan makes allowance for additional RR areas closer to town.</p> <p>(Noted) Further detailed studies would be necessary to prove up land capability and servicing.</p>	<p>Noted. Agree with Council's comments.</p> <p>Noted. The DSP includes criteria relating to subdivision of land for rural residential purposes, including preparation of precinct plans and connection to reticulated water where possible. Some modifications to the rural residential areas are</p>

	<p><u>Lot size range within Intensive Agriculture precincts:</u> People would need to be aware of their neighbours due to use of machinery, gas gun bird scatters, chemical spraying.</p> <p><u>Tourist Related Activities:</u> Firmly believes the future of Dwellingup lies in tourism related activities. More promotion needed.</p> <p><u>Size of Town Centre:</u> Needs population growth to retain teachers and police.</p> <p><u>Industrial Precincts:</u> There is a need for a light industrial precinct.</p> <p><u>Alternative lifestyle retreat development:</u> There is a need for people who seek an alternative lifestyle.</p> <p>There must be a permanent water supply.</p>	<p>(Noted) TAG reviews lot size range and land use implications.</p> <p>Agreed.</p> <p>(No comment provided)</p> <p>Light Industrial land need acknowledged and accommodated in Industrial precinct 3 adjacent to waste transfer station off Holyoake Road.</p> <p>(No comment provided)</p> <p>(Upheld) Water Corporation is progressing with project design work for pipeline connection of townsite with South Dandalup dam.</p> <p>TAG reviews future extent of RR and IA areas.</p> <p>DAFWA concerns discussed at TAG meeting.</p> <p>Case for Dwellingup to be considered as a</p>	<p>discussed in the officers report.</p> <p>Noted. The 10 ha minimum lot size recommended in the Intensive Agricultural precinct is expected to minimize potential for land use conflict compared to the DSDP-1999.</p> <p>Noted. The DSP recommends that Council's proposed Local Planning Strategy be expanded with reference to tourism development.</p> <p>Noted.</p> <p>Agree with Council's comments, noting that Industrial Precinct 3 requires rezoning under the local and regional planning schemes prior to development for industrial purposes.</p> <p>Noted. The DSP provides for a range of residential and rural settlement opportunities.</p> <p>Upheld. Provision for water supply to the townsite from the South Dandalup Dam is planned to occur in 2013.</p> <p>Noted.</p>
26.	<p>Supports the Plan as it balances rural residential development and tourist uses and activities while protecting important intensive agricultural land. Both versions of the Plan noted and comments provided on both:</p>		

	<p>1. <u>Intensive Agriculture</u>: Department of Agriculture and Food WA (DAFWA) supports the SP prepared by Land inSights as it includes provisions to minimize the impact of residential uses on intensive agriculture through the use of buffers and retains intensive agricultural land to the west and south of Dwellingup.</p> <p>2. <u>Rural Residential</u>: The additional area earmarked for RR effectively alienates land currently zoned for Intensive Agriculture which is considered to be of State significance. DAFWA does not support alternative structure plan adopted by Council as there already is a theoretical lot yield of 202 rural residential lots, as well as an abundance of small lots in the South West and no demonstrated demand for small lots for agricultural use. DAFWAs analysis indicates ongoing investment security for agriculture and associated industry production requires access to larger lots.</p> <p>3. <u>Rural</u>: Supports the intention in the SP to restrict fragmentation of Rural</p>	<p>unique area different from other agricultural areas in South West.</p> <p>Retention of 10 ha minimum lot sizes for Intensive Agriculture pursuits supported by TAG.</p> <p>(Noted) Current lot yield calculations are predicated on landowners willingness to develop land for smaller lifestyle blocks closer into town.</p> <p>(Council modified the DSP in terms of rural residential settlement areas).</p> <p>(No comment)</p>	<p>Upheld. The extent of rural settlement identified by Council was reduced by the WAPC, having regard to the need to preserve agricultural land.</p> <p>The intensive agricultural areas identified in the DSDP-1999 and reflected in the Peel Region Scheme 'Strategic Agricultural Resource Policy' were reviewed in conjunction with DAFWA. As a result, the DSP identifies a consolidated intensive agricultural precinct in the order of 620 ha. Given the range of existing lot sizes within the intensive Agricultural precincts, a 10ha minimum lot size is considered to provide sufficient flexibility for landowners, and allow for continuation of horticultural activities.</p> <p>Noted. The 40 ha minimum lot size for rural land reflects the Shire's WAPC endorsed Local Rural Strategy (1994).</p>
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	<p>zoned land but does not support 40ha min lot size due to agricultural trends for larger lot sizes and no demonstrated demand for small agricultural lots.</p>		<p>The DSP does not provide for subdivision of rural land beyond the 40 ha minimum for reasons including the increased potential for land use conflict, and variety of existing rural lot sizes within the study area.</p>
27.	<p>Comprised a compilation of comments from 25 Dwellingup residents canvassed. **Comments are summarised in separate <i>Attachments 1 & 2</i> (Shire of Murray Community Feedback Form and Dwellingup Springs Resident Feedback and Comments Forms). <i>(Note: These were attachments to the Council officer's report)</i></p>	<p>Residents Comments and Survey Feedback forms discussed at TAG meeting held on Sept 28, 2011. General support for managed controlled growth of town and improved services and infrastructure.</p>	<p>Noted. Additional consultation was undertaken by the proponent of an Eco Village concept for a site on Pinjarra Williams Road east of the townsite. The comments include a variety of responses to questions about employment creation, sustainable development, infrastructure and resource considerations and perceptions about how the town should grow.</p>
28.	<p>Project manager of the proposed Dwellingup Springs project. Advocates sustainable development through creation of a living environment within a predominantly edible and medicinal garden using permaculture principles. The additional precincts identified and supported by the Shire as suitable for rural residential development should be included in the final structure plan. A special purpose zoning be established within the text of the Proposed Structure Plan for 'Rural Eco Community' and 'Eco Tourist Special Use Sites' which allow the use of a survey strata subdivision.</p>	<p><i>(Noted) (There are)</i> Many other examples of eco housing projects with sustainable development principles that could be suited to Dwellingup. Concept requires more analysis as to its practical implementation and how it can be managed under Strata Titled system. <i>(Dismiss)</i> TAG meeting reviews these RR precinct areas and agrees that Precinct areas 10 and 11 should be retained as Rural. TAG supports Eco village concept able to be considered within areas classified for Rural Residential for ease of servicing and fire control. <i>(Council modified the DSP text to include provision for eco-village development, although no specific sites have been identified for this purpose).</i></p>	<p>The WAPC required the eco-village concept be deleted from the DSP due to concerns that such development could compromise both the proposed settlement pattern and priority agricultural land. Council resolved to retain provision for eco-village development in the DSP, but to limit this to precincts identified for rural settlement, to address concerns raised by the WAPC. Council's position is supported, however, various modifications to the structure plan text are recommended, to more comprehensively address zoning, land use and development considerations. Dismiss. Council's decision to abandon Rural Residential areas 10 and 11 and to slightly enlarge Rural Residential Precinct 9 is supported. Some revisions to the DSP text are recommended in relation to eco-villages as discussed in the response to submission 22.</p>

29.	<p>Would like their property to have the zoning changed from Rural Agricultural to Rural Residential so it can be subdivided.</p>	<p>TAG meeting supports this change for both these locations. <i>(Council upheld this modification).</i></p>	<p>Upheld. It is recommended that Lots 1021 & 1022 Pinjarra Williams Road be identified for rural residential purposes consistent with surrounding lots, to round off the settlement precinct south of Pinjarra Williams Road.</p> <p>A minor modification to the DSP text is recommended to reference the Dwellingup Water Source Protection Area overlying this precinct, which may have implications for land use intensification.</p> <p>Refer comments at submission 28.</p>
30.	<p>Support plan endorsed by Council including additional precincts for rural residential development and special purpose zoning. Dwellingup Springs proposal is sustainable development, creating employment and business opportunities.</p> <p>Additional precincts identified and supported by the Shire as suitable for Rural Residential should be included in the final structure plan.</p> <p>A special purpose zoning be established within the text of the Proposed Structure Plan for 'Rural Eco Community' and 'Eco Tourist Special Use Sites' which allows the use of a survey strata subdivision.</p>	<p><i>(Dismissed)</i> TAG representatives have reviewed additional RR precincts based on potential constraints and servicing issues.</p> <p>TAG meeting reviews additional RR areas.</p> <p><i>(Noted)</i> Appropriate zoning controls for alternate development concepts to be discussed with TAG.</p>	
31.	<p>Have concerns with where the proposal will lead in terms of possible subdivisions, future land use and the impact these will have on the area.</p> <p>Further concerns with water supply, fire risk, positioning of blocks and the provision of services, access to newly subdivided blocks and increased need for medical services</p>	<p>Structure plan is intended to provide guidance for such matters.</p> <p>Most of these matters are addressed at rezoning stage. Need for additional medical services to be reviewed in Shire of Murray Community Facilities & Services plan 2021.</p>	<p>Noted. The DSP identifies land along Holyoake Road, including the subject site, for rural residential purposes acknowledging existing land uses, and reflecting the DSDP-1999. The DSP includes criteria relating to subdivision of land for rural residential purposes, requiring preparation of precinct plans to address any potential impact on the surrounding area, as well as servicing, access and fire risk.</p>

32.	Supports the Dwellingup structure plan. The release of rural residential land will enable me to buy land and build in the area which I currently live and work rather than have to move away from the area.	Noted. Increasing employment self sufficiency within the Structure plan area is an important economic criteria.	Noted. The submission does not specify which version of the advertised DSP the comments relate to. However, the DSP incorporating WAPC modifications provides for a range of residential and rural settlement opportunities.
33.	Supports the structure plan for the town of Dwellingup and surrounding area. As the owner of a property which is earmarked for rural residential, the rezoning of this land will be a positive move for the town of Dwellingup. This land currently zoned Intensive Agriculture has no further use in any forms of agriculture or horticulture and will be best suited for redevelopment.	Noted. Subject land not currently zoned Intensive Agriculture but still Rural zone. Location of property needs verification.	Noted. The submission does not specify which version of the advertised DSP the comments relate to. Noted. The property is located in Rural Residential Precinct 9 south of Pinjarra Williams Road. Rezoning of specific landholdings is a matter for landowners to pursue in accordance with the recommendation of the DSP. A minor modification to the DSP text is recommended to reference the Dwellingup Water Source Protection Area overlying this precinct, which may have implications for land use intensification.

34.	<p>Concerns with:</p> <ol style="list-style-type: none"> Limited water supply issues in Area 10 for household use and fire fighting purposes. Fire management – many small lots will increase fire risk, cuts to DEC fire crews and an increase in demand on volunteer fire fighters. Infrastructure and service issues – deficits in rubbish service, gravel road maintenance, public transport and medical service. 	<p><i>(Upheld)</i> Limited Water supply is an important constraining factor for further development intensity.</p> <p><i>(Noted)</i> TAG meeting reviews fire control issues with input from FESA and DEC representatives.</p> <p>Shire's Technical Services branch raises similar concerns in terms of increased road construction and maintenance to service Rural Residential areas.</p> <p><i>(Council modified the DSP by identifying Rural Residential Precinct 10 for rural purposes).</i></p>	<p>Upheld. The WAPC required the DSP to be modified to identify this area for rural purposes due to concerns with, amongst other things, servicing and fire risk.</p> <p>Upheld. Areas identified as potentially suitable for Rural Residential development are located in close proximity to the townsites, to avoid limitations on emergency services associated with a more dispersed settlement pattern.</p> <p>Upheld. Servicing constraints were a consideration in identification of future settlement precincts in the study area.</p>
35.	<p>Supports revision of the Plan in principle, however perceive a significant risk in additional Rural Residential land within a bushfire prone area. Extreme caution and restraint is advised in identifying new areas for this purpose.</p>		<p>Upheld. Fire risk was a major consideration in identification of future settlement precincts in the study area. A strategic level bushfire hazard assessment has been undertaken for the study area, in accordance with <i>Planning for Bushfire Protection Edition 2 (WAPC, 2010)</i>. The DSP requires preparation of detailed bushfire risk assessment and management plans at subsequent stages in the planning process, demonstrating that appropriate measures can be implemented to allow development. This approach is supported by FESA.</p> <p>Areas identified as potentially suitable for Rural Residential development are located in close proximity to the townsites, to avoid limitations on emergency services associated with a more dispersed settlement pattern.</p>

36.	<p>Concerned about the seeming omission of an education and lifestyle precinct in the area around Lot 202 bounded by Nanga Bush Camp, Scotch College block, Trinity College block and Baden Powell campsite. Would be an ideal Special Use area and was previously mentioned at a Town meeting in May 2009.</p> <p>Development of this area and other small areas within 8km of Dwellingup would bring benefits through attracting people to 'lifestyle lots', in turn benefiting tourism and small businesses in town.</p>	Comments as per submissions 16 and 23	Refer comments at submission 16.
37.	<p>Concerns about potential impacts on bauxite reserves within their Mineral Lease 1SA. Future long term planning will see bauxite mining operations move to the regions east of Dwellingup as well as significant deposits to the north east and south east of the town.</p> <p>Increased residential activity will present potential conflict with mining. Bauxite mining in and around the townsite indefinitely deferred via an agreement reached in 1980.</p> <p>Supports the plan to increase housing density around Dwellingup in a north west or west direction.</p>	<p>(Noted) Mining impacts could have a significant impact on Townsite growth and lifestyle opportunities.</p> <p>Alcoa Conceptual Future Mine plan discussed at Dwellingup TAG meeting held Sept 28, 2011.</p> <p>Precincts 2, 4 and 9 and long term residential expansion to rear of Caravan Park would offer limited growth capacity to meet expected demands.</p>	<p>Upheld. The extent of resource deposits was an important consideration in identifying suitable land for potential future settlement, to avoid the potential for land use conflict and resource sterilization.</p> <p>The areas south east of the townsite which Council identified for rural settlement are recommended to be identified as rural, having regard to known resource deposits and other settlement considerations.</p> <p>Noted. The DSP identifies land west of the townsite to accommodate long-term residential expansion, and a future rural residential precinct. However, agricultural considerations and the limited amount of freehold land restrict the ability to facilitate any further growth in this direction.</p>

38.	<p>The Department of Water recommends that:</p> <ol style="list-style-type: none"> The Dwellingup Catchment Area should be referenced within the Dwellingup Structure Plan as a factor that requires consideration for any land use intensification. Restrictions pertaining to the Precinct 9 should be identified in the Plan, with further information regarding the potential future de-proclamation of the P2 PDWSA in the event of Dwellingup's water supply being connected to the South Dandalup Dam. The Plan should cite any future ODP to be supported by a Local Water management Strategy. 	<p>Agreed, Water source catchment area to be identified within Structure Plan report.</p> <p>(<i>Upheld</i>) Comments to be incorporated into Report text.</p> <p>(<i>Upheld</i>) Need for LWMS at ODP stage to be reflected in the report text. (<i>Council did not change the DSP text to reflect the above modifications</i>).</p>	<p>Upheld. A minor modification to the DSP text and mapping is recommended to reference the Dwellingup Water Source Protection Area overlying this precinct, which may have implications for land use intensification.</p> <p>Upheld.</p> <p>Upheld. It is recommended that the DSP be modified to this effect.</p>
39.	<p>The Geological Survey of Western Australia has assessed the Plan on behalf of DMP and has serious concerns with some of the proposed locations of Rural Residential areas as these could prevent access to bauxite resources.</p> <p>The entire Plan area is covered by State Agreement Mining Lease 1SA with Alcoa</p>	<p>(<i>Noted</i>) These concerns have been discussed in further detail with Alcoa Mine Planning Manager and Dwellingup TAG representatives. Alcoa has confirmed with Shire that bauxite mining unlikely to encroach closer into Town to affect areas 6, 7, 8, and 9 due to previous Agreement reached in 1980 to indefinitely defer mining in these areas.</p> <p>Agreed these precincts are existing developed mixture of lifestyle and orchard</p>	<p>Noted.</p> <p>Upheld in part. Rural Residential Precinct 3 was rezoned in 2008, however has not yet been subdivided</p>

<p>World Alumina Australia. Alcoa has advised DMP that there are significant bauxite deposits to the north east and south east of Dwellingup. DMP cannot support Rural Residential areas 11, 10, 8, 7, 6, and 3, as shown on the DSP endorsed by Council, because of their proximity to potential future mining.</p>	<p>type blocks.</p>	<p>for settlement. Rural Residential Precincts 6, 7 and 8 generally recognize existing lot sizes and land uses, facilitate limited additional subdivision and are in close proximity to townsite so are logical in terms of the settlement pattern. Having regard to servicing, fire risk and resource considerations, it is recommended that Rural Residential Precincts 10 and 11 south east of the townsite which Council identified for rural settlement be retained as rural.</p>
<p>Concerned about areas 1 and 5, but these appear to already be subdivided.</p>	<p>(Noted) There may be some potential for further subdivision of these north eastern RR precincts.</p>	<p>Rural Residential Precincts 1 and 5 generally recognize existing lot sizes and land uses, facilitate limited additional subdivision and are in close proximity to the townsite promoting a compact settlement pattern.</p>
<p>Until there is sufficient exploration drilling to determine the extent of bauxite resources in the areas to the north east and south east of the town these areas should not be developed with incompatible land uses.</p>	<p>(Noted) Implications of future bauxite mining to be carefully assessed. Possibility of 1980 Agreement to Indefinitely Defer Mining closer into town being reviewed in consult with Alcoa.</p>	<p>Noted. To reduce the potential for land use conflict and resource sterilization, areas containing potential resource deposits were taken into consideration when determining the recommended future settlement pattern.</p>
<p>Any expansion of rural residential areas in these directions is likely to impact on the areas Alcoa could mine in the future and to impact on the expectations of a peaceful rural setting for any additional people moving into the area. DoMP concurs with Alcoa that any expansion of the town should be focussed in a westerly and north westerly direction.</p>	<p>TAG agrees to retain Precinct areas 10 Nanga and River Roads and Precinct 11 Pinjarra Williams Road as Rural to avoid potential land use conflict with future mining operations and DEC priority burning plans.</p>	<p>Noted. The DSP identifies land west of the townsite to accommodate long-term residential expansion, and a future rural residential precinct. However, agricultural considerations and the limited amount of freehold land restrict the ability to facilitate any further growth in a north-west direction.</p>
<p>Noted that under Section 1.5 Objectives - point 5 - there is no mention of the listed land uses requiring compatibility with mining. DMP considers it is important that compatibility with mining</p>	<p>(Upheld) DSP report can be revised to incorporate uses compatible with mining activities.</p>	<p>The DSP text adopted by Council has been consolidated in accordance with instruction from the WAPC. The specific section referenced in the submission is no longer included.</p>

	<p>be included in the Structure Plan.</p> <p>As its role in administration of the Alumina Refinery agreement Act 1969, the Department raises concern it was not formally notified of the plan's public advertising.</p> <p>DSD does not support Rural Residential areas 3, 6, 7, 8, 10, 11 shown in Fig 3.1 as creating potential conflict with Alcoa's principal Mineral Lease and have a long term impact on the company's ability to fully optimize the bauxite resources in and around those areas.</p>	<p>Non referral of planning documents to DSD was an administrative error that has since been corrected.</p> <p>TAG recommends retaining Precinct areas 3 (existing zoned Rural Residential area) 6, 7, 8, within Rural Residential classification for ease of servicing. Precincts 10 and 11 recommended to be retained as Rural designation to avoid potential land use conflict with future mining. Alcoa advises the Shire its mining operations east of Dwellingup in the Holyoake region could be a day time mining operation (Monday-Friday) to minimize potential impact on townsite residents.</p> <p><i>(Council modified the DSP to identify Rural Residential Precincts 10 and 11 for rural purposes).</i></p>	<p>A minor modification to the precinct plan guidelines is recommended, to include mineral resources as a specific consideration in preparation of precinct plans for the rural settlement areas, to address land use compatibility issues.</p> <p>Noted.</p> <p>Upheld in part. Refer above comments.</p>
40.	<p>Supportive of Rural Residential expansion located west and north west of Town consistent with comments made by Alcoa and Dept of Mines and Petroleum.</p>	<p>(Dismiss) Western expansion of Rural Residential development opportunities only provides limited lot yield potential in Precincts 2, 4 and 9.</p>	<p>Noted. The DSP identifies land west of the townsite to accommodate long-term residential expansion, and a future rural residential precinct. However, agricultural considerations and the limited amount of freehold land restrict the ability to facilitate any further growth in this direction.</p>

ATTACHMENT 6

Dwellingup Structure Plan Schedule of Modifications

Note: Recommended modifications are based on the Structure Plan mapping and text endorsed by Council dated November 2011.

Rural Residential

- a) Correctly reference the location and number of rural residential precincts.
- b) Include reference to the Dwellingup Public Drinking Water Source Protection Area affecting Precinct 9, and identify this on Figure 6.2.
- c) Include requirement for preparation of a local water management strategy to support rezoning proposals.
- d) Include mineral resources as a specific consideration in preparation of precinct plans.

Eco village

- e) **Discussion relating to eco-villages being included as a sub-set of the rural residential land use category, however, specifying that such development will be considered under a 'Special Use' zoning framework.**
- e) **Eco villages being restricted to areas identified for rural settlement in the structure plan to be listed as a criterion.**
- f) **Inclusion of a requirement for preparation of a guide plan detailing major land use components and residential density, land tenure and management arrangements.**
- g) Comments relating to Council having full discretion to endorse amendments to the TPS for eco-villages being deleted.

Other

- h) Delete reference to local planning scheme reserves the 'Special Use' heading.
- i) Acknowledge heritage sites within the study area, as identified in the Shire's Heritage Inventory, and Council's heritage objectives as outlined in the relevant local planning policy.
- j) The terminology used to describe the industrial precincts in the text and maps being made more consistent.